

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 16, 2021 at 7:00 PM.

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; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; David Beahm, Building Official; Mike Berry, Public Works Director; James Bonzano, Fire Chief; Michael Coffelt, Sanitary District Manager; Rick Farrall, Emergency Coordinator; Caitlin Jordan, Senior Assistant County Attorney; Gerry Maiatico, Fire Marshal; Keith McLiverty, Finance Director; Joe Petty, Zoning Administrator; and Emily Ciarrocchi, Deputy Clerk of the Board

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

Adoption of Agenda – Additions or Deletions

Mr. Ham requested the addition of an item to the closed session under Section 2.2-3711(A)(4) of the Code of Virginia for the protection of the privacy of individuals in personal matters not related to public business.

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

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

Adoption of Resolutions re: Special Recognition of Captain Wayne D. Dodson and Captain Richard M. Fletcher

On a motion by Mr. Mabe, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors adopted the proposed resolutions honoring Captain Wayne D. Dodson and Captain Richard M. Fletcher for their years of service to the Front Royal/Warren County community with the Department of Fire and Rescue Services:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY HONORING WAYNE D. DODSON, FIRE/RESCUE CAPTAIN

WHEREAS *Wayne D. Dodson* was hired as one of the first Firefighter Paramedics of the Warren County Department of Fire and Rescue Services on October 1, 1998; and

WHEREAS *Wayne D. Dodson* served in the position of Training Officer and was responsible for the training and education of our community's career and volunteer firefighters and future leaders of our organization; and

WHEREAS *Wayne D. Dodson* served at the rank of Captain and fostered an environment that supported 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 *Wayne D. Dodson* has announced his retirement as Captain of the Department of Fire and Rescue Services, effective April 1, 2021.

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

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors holds *Wayne D. Dodson* 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 the citizens of Warren County; and

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors and the Department of Fire and Rescue Services extend to *Wayne D. Dodson* their 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 affirm that *Wayne D. Dodson* is worthy of receiving the Department of Fire and Rescue Services' highest award and hereby confer the Distinguished Service Award upon *Captain Dodson*.

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY HONORING
RICHARD M. FLETCHER, FIRE/RESCUE CAPTAIN

WHEREAS *Richard M. Fletcher* was hired as one of the first Firefighter Paramedics of the Warren County Department of Fire and Rescue Services on October 10, 2000; and

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

WHEREAS *Richard M. Fletcher* served at the rank of Captain and fostered an environment that supported 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 M. Fletcher* has announced his retirement as Captain of the Department of Fire and Rescue Services, effective April 1, 2021.

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

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors holds *Richard M. Fletcher* 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 the citizens of Warren County; and

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors and the Department of Fire and Rescue Services extend to *Richard M. Fletcher* their 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 affirm that *Richard M. Fletcher* is worthy of receiving the Department of Fire and Rescue Services' highest award and hereby confer the Distinguished Service Award upon *Captain Fletcher*.

Public Comment Period (60 Minute Time Limit)

Tiny Tang and Jisun Bae delivered a presentation on forced organ harvesting in China, primarily on practitioners of Falun Gong. They thanked the Board of Supervisors for placing a resolution regarding forced organ harvesting on the agenda for consideration.

Tim Ratigan, 6079 Stonewall Jackson Highway, encouraged the Board to oppose the new House Bill 1280, also known as the George Floyd Fair Policing Act of 2021. Under this Bill, if passed, law enforcement officers will lose qualifying immunity, which will open them up to frivolous lawsuits. The last thing officers need to be concerned about while they are doing their jobs is if they are going to be sued, and he asked the Board to send a resolution to the Virginia General Assembly and the United States Senate standing firmly against the entirety of House Resolution 1280. He does not think law enforcement officers should have to battle lawmakers to do their jobs or invest in additional insurance to do their jobs.

Michael Sean Williams, 1405 Jefferson Avenue, former public school teacher, voiced his dismay that E. Wilson Morrison (EWM) Elementary School, which is now 80 years old, is the only school in the County that does not have a designated gymnasium. EWM serves the

poorest children in the community, and they are unfortunately being treated like the poorest children in the community. The Board cannot afford *not* to rectify this situation, and as the School Board is about to submit its budget proposal, he wanted to draw attention to the two line items for renovations to the existing elementary school as well as construction of a second building. He offered suggestions of individuals whose names would bring honor to the newly renovated and constructed sections of EWM.

There were no further presentations from the public.

Public Hearing – Marlow and Silek Investments, LLC for the Amendment of Proffers (R2004-09-01, R2005-12-01, R2006-05-01, and R2007-05-01) – Taryn Logan

Taryn Logan, Deputy County Administrator, reported at its meeting on December 21, 2004, the Board of Supervisors approved Marlow Investments, LLC's request to rezone and change the zoning map classification of the property identified on tax map 12B, section 2, block 5, as lots 16, 20, and 23; section 2, block 6, as lots 5 and 22; section 2, block 7, as lots 32, 33, 34, and 37; and a portion of right-of-way of "Gore Avenue" (Emerald Lane). The property was rezoned to Commercial (C), and the proposed use of the property was for a shopping center. The total property assembled by the applicant for the shopping center is a total of 7.619 acres. The lots have been consolidated and the new tax map number is 12B, section 1, block 1, as lot 1.

There are four sets of proffers for this development because land was acquired at different times and subsequently rezoned at different times, as well as a conditional use permit for a shopping center with various conditions that was approved by the Board. The applicant proffered to dedicate the 60 feet of right-of-way for the connector road at the time of final site plan approval. Other transportation improvements included: access/egress plan to serve neighboring properties to the north and south; dedication of all right-of-way along the property frontage with Old Hill and Dale Road to ensure adequate road connection between Route 340/522 and the future collector road; north and south bound turn lanes on Route 340/522; right-of-way along the entire frontage on Route 340/522 for a third through lane; and more.

Marlow and Silek Investments, LLC, are requesting all four of their proffer statements be amended to allow the use of "Enclosed Storage with the Storage of Recreational Vehicles and Cars". Their proffer statements restrict the use of the property to seven uses which include: Auto sales and auto parts, general retailing and wholesaling, office, restaurant, convenience, hotel or motel, and personal service establishment such as barbershop, laundry or financial institution. They have sold a three-acre part of this property to an enclosed storage business. The RV and car storage would need to be completely screened from view of Route 340/522 according to the County's highway overlay district ordinance.

They are also requesting to amend the approved proffers for R2004-09-01 to reduce the width of right-of-way dedication for the future planned north-south connector road. At the time of the rezoning in 2004, they proffered sixty (60) feet in width along the rear of their

property line. They are requesting to reduce that width to thirty (30) feet to allow more room for development. Mrs. Logan asked their surveyor to show a rendering of the proposed right-of-way in accordance with the County's Corridor Transportation Plan because she wanted to ensure the reduction in right-of-way is still beneficial to the planned roadway and meets the intent of the County's plan. She voiced her appreciation for the cooperation of the developer to complete roadway improvements along the frontage of their property along Route 340/522, which was in accordance with the proffers. This proposed connector road has been on the County's plans for twenty years, and the County has received right-of-way from other developers for the purpose of constructing this road, so staff wants to ensure any right-of-way reduction can still serve this purpose.

Mrs. Cullers opened the public hearing.

David Crump, attorney for Marlow and Silek Investments, LLC, said the investors who have purchased the back three-acre parcel are interested in constructing enclosed storage units on the land. With all three acres of usable space needed for the units, the 60 feet of right-of-way constrains their ability to have three usable acres. Without a reduction in right-of-way, it will be difficult for Marlow and Silek to market the parcels for development.

John Marlow, 1770 John Marshall Highway, thanked the Board for its consideration of these proffer amendments and asked the Board to approve the proposed amendments.

Thomas Mercuro of Woodsboro, Maryland, representing the Crooked Run West and North developments, said he hopes the Board will find a way to allow Mr. Marlow to capture the value he seeks for his property.

Edward Murphy, 8009 Wolf Trap Road, Dunn Loring, introduced himself as the manager of the Crooked Run Shopping Center and Crooked Run West. He believes decreasing the right-of-way will crush the planning they have done up to this point for the connector road. Crooked Run, LLC developed the property with the understanding there would be a four-lane divided highway to serve as a connector road to alleviate traffic volumes on Route 350/522. According to the proffers, the road will be constructed at their cost, and there is dedicated land among other easements to the development of this proposed connector. A four-lane road has always been contemplated, and he does not think this request to reduce the right-of-way from sixty (60) feet to thirty (30) seems reasonable for the future developments that have been contemplated. For the preservation of the Master Plan for this area, he asked the Board to carefully consider this application and know the potential future impacts.

There being no further comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors tabled the proffer amendment requests of Marlow and Silek Investments, LLC, until the regular meeting of April 20, 2021 to allow time to review

potential implications of the proffer amendments to the surrounding properties and future commercial development in the area:

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

Public Hearing – Modification Request for Conditional Use Permit 84-03-01, Shenandoah Valley Golf Club for a 27 Hole Golf Course and Related Facilities to add Canoe/Kayak/Tube Rentals – Matt Wendling

Joe Petty, Zoning Administrator, reported Shenandoah Valley Golf Club was originally issued conditional use permit (CUP) #84-03-01 for a (commercial) guesthouse. The golf course was constructed in 1963 prior to the County's adoption of their zoning ordinance in 1973, so was determined to be "grandfathered". In September 1999, the golf club owners requested a modification to the existing CUP to renovate and expand their banquet hall kitchen, restroom facilities, clubhouse cart barn, maintenance building, and golf course and for change of use for the guesthouse to a three-bedroom Bed & Breakfast for lodging.

The current owner Richard L. Runyon, Jr. is requesting to add canoe, kayak, and tubing rentals in order to diversify the services and outdoor recreational activities the Shenandoah Valley Golf Club has to offer to both tourists and to residents of Warren County. The golf club will offer canoe transport services to Morgan Ford Bridge and Farms Riverview Road boat landings as well as Berry's Boat Ramp off Route 50 in Clarke County. The existing barn will be used to store and maintain their inventory, and their hard-surfaced parking lot has sufficient overflow areas to accommodate the additional use for both customer parking and a transport vehicle.

The property is located at 134 Golf Club Circle and identified on tax map #13, as parcel 47 is zoned Agricultural (A) and in the Shenandoah Magisterial District. Warren County Code Section 180-21(D)(2) identifies "Canoeing, boating, and fishing equipment rental and sales" as a use allowed by conditional use permit. It is staff's opinion the request is not of such a nature that it should be treated as a new application due to it being a commercial outdoor recreational land-use that does not require expansion of the facilities currently used for the golf course. It is staff's opinion that the request is a "material change" as defined in Section 180-63(G), which is why this is before the Board through a public hearing.

Mrs. Cullers opened the public hearing.

Richard Runyon, Jr., applicant, stated with the downturn in the wedding and golf businesses due to the COVID-19 pandemic, the golf club industry, including Shenandoah Valley, is suffering heavy losses. A lot of other resorts offer kayaking and canoeing at their facilities, and Shenandoah Valley is trying to add amenities to the club to stay in business.

Mrs. Cullers noted being a good steward to the river is important, and Mr. Runyon replied while this would be new territory for them, he wants to continue the tradition of distinguished history of the oldest 18-hole golf course in the County, though it now has 27

holes. Any food included for the rentals would be served in biodegradable receptacles, and each vessel will have its own mesh trash bag. He wants to be sure the river areas will be in better condition when they leave than when they arrive.

There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the request to modify Conditional Use Permit #84-93-01 of Shenandoah Valley Golf Club to add the use for Canoe, Kayak, Tubing Rentals and Transport Services to the existing uses on the permit (listed below):

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

1. List of permitted uses to include: 27-hole golf course and related facilities (clubhouse, car sheds); a three bedroom bed-and-breakfast; and canoe, kayak, and tubing rentals and transport services.
2. Applicant shall comply with all Virginia Department of Transportation and Warren County Health Department requirements and regulations.

Public Hearing – Conditional Use Permit 2021-01-01, Justin and Felicia Katzovitz for a Short-Term Tourist Rental – Matt Wendling

Mr. Petty reported this property was recently purchased by the applicants to use as a second home for a vacation residence for their own use and a possibly as a short-term tourist rental. They are requesting this permit to offset the costs of the property such as mortgage, insurance, and maintenance. They mention in their statement of justification they plan to market the property to tourists looking for access to outdoor recreational activities. This property has direct access to Liberty Hall Road (Route 622) which is a state road and is not part of a Property Owners' or Homeowners' Association. This portion of the state road is gravel but maintained by the Virginia Department of Transportation (VDOT) to just past the subject property. This short-term tourist dwelling, located at 1253 Liberty Hall Road and identified on tax map 44, as lot 70B, meets the setback requirements to the closest adjacent single-family dwelling which is 188 feet to the west. That dwelling is abandoned, and the property is for sale.

Mr. Petty noted there were some concerns raised during the Planning Commission public hearing about traffic and the existing conditions of the state-maintained road, and the Planning Department will be in conversations with VDOT regarding potential improvements to the road whether this permit is approved or not.

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 requirements and regulations and the maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three (3) bedroom dwelling.
2. 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.

Mrs. Cullers opened the public hearing.

Justin Katzovitz, applicant, said they will be using local property manager for daily needs/requirements but will also be active themselves in the property. They want to be sure any potential renters would be aware of the gravel road leading to the property, so there would be a notice included in the property management plan to go slow and be careful on the single-lane road.

Mr. Fox asked if there was enough width on the road for cars to pass one another, and Mr. Katzovitz noted there was enough space in front of some of the driveways to pass safely. There is an open request with VDOT to look at the road, which is currently single-lane, and Mrs. Cullers agreed that VDOT needs to be brought into discussions with potential improvements to this road.

Mr. Mabe asked if the well water has already been tested with results submitted to the Health Department, and Mr. Petty replied that the water would not be tested until the permit is approved. The Planning Department does not wish to put an undue burden on the applicants prior to the permit being approved, but the applicants will not receive their Certificate of Zoning until the test has been submitted.

There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Fox, seconded by Mr. Carter, and by the following vote, the Board of Supervisors tabled the conditional use permit application of Justin and Felicia Katzovitz until the regular meeting of April 20, 2021 in order for the Board to receive additional information about potential improvements to the condition of Liberty Hall Road:

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

Public Hearing – Conditional Use Permit 2021-01-02, John and Sheila Kirkpatrick for a Guesthouse – Matt Wendling

Mr. Petty reported the applicants are requesting a conditional use permit for a guesthouse; the property is located on Red Hille Way and identified on tax map 44, as lot 24C. They are requesting this use to construct a one-bedroom cabin on the lot prior to the construction of their permanent single-family dwelling on the lot. They plan to live in the

cabin temporarily since they currently live in Yorktown, Virginia and desire to relocate and oversee the construction of the main dwelling. They plan to utilize the cabin for family and friends who visit them once they receive a Certificate of Occupancy for the primary dwelling.

A preliminary site plan has been submitted for the property showing locations of both dwellings, and the applicants are working with an on-site soil evaluator for best locations for septic systems. They understand the guesthouse is for noncommercial use and not to be used for full-time occupancy after they move into the principal structure.

The Planning Commission forwarded this application to the Board 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.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of John and Sheila Kirkpatrick for a Guesthouse with the conditions as recommended by the Planning Commission and staff and listed below:

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

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.

Public Hearing – Conditional Use Permit 2021-01-03, Carl and Jennifer Ey for a Short-Term Tourist Rental – Joe Petty

Mr. Petty reported the applicants are requesting a conditional use permit for a Short-Term Tourist Rental; the property is located at 1406 Panhandle Road and identified on tax map 35, as lot 5-1. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area. The owners currently live in Alexandria, Virginia and will have the home professionally cleaned and maintained in between reservations. They have years of experience owning/operating short-term rentals in the Shenandoah Valley area.

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, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants 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 the calendar year.

Mrs. Cullers opened the public hearing.

Carl Ey, applicant, stated he and his wife are in agreement with the six person occupancy at this time and further reported they will have a local cleaner and local manager for the property.

There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the conditional use permit request of Carl and Jennifer Ey for a Short-term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants 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 the calendar year.

Public Hearing – Conditional Use Permit 2021-01-04, Carl and Jennifer Ey for a Short-Term Tourist Rental – Joe Petty

Mr. Petty reported the Eys are requesting a second conditional use permit for Short-Term Tourist Rental for the property just north of the previously approved conditional use permit. The property is located at 1408 Panhandle Road and identified on tax map 35, as lot 5B-1. It is part of 63 acres of contiguous land and will have the same property management plan, property manager, and restrictions. Current tax records show a two-bedroom dwelling, which is why the permit is limited to four-person occupancy, but if the occupancy is determined to be less, the permit will be adjusted to comply with the Health Department determination.

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, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four (4) as determined according to the Health Department.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants 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 the calendar year.

Mrs. Cullers opened the public hearing.

Mr. Ey returned and stated he has been in discussions with the Health Department regarding occupancy and will be bringing out a septic engineer to figure out where the septic system is later this week.

There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Fox, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Carl and Jennifer Ey for a Short-term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four (4) as determined according to the Health Department.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants 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 the calendar year.

Warren County Planning Commission 2020 Annual Report – Taryn Logan

Mrs. Logan presented the Warren County Planning Commission 2020 Annual Report to the Board and provided an overview of the work completed by the Commission and staff over the course of the year.

Mrs. Cullers thanked Mrs. Logan and the staff of the Planning Department for all the work they have done over the past year.

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the Annual Report of the Warren County Planning Commission for the year 2020:

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

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

Mr. Carter reported the following:

- Noted the packet for this meeting is roughly 600 pages and wanted the Board to consider the implementation of an electronic packet
- There were two significant structure fires in the past week, and he thanked the first responders to these events

Mrs. Oates had nothing to report.

Mr. Fox had nothing to report.

Mr. Mabe had nothing to report.

Mrs. Cullers reported the following:

- Wished Mrs. Oates a “Happy Birthday”
- The tree on a cable near KOA Road has finally been cut off the wire
- Judged 4-H presentations on March 13th
- Attended the open house for the newly relocated Blue Ridge Hospice thrift store

Dr. Daley reported the following:

- Coronavirus Update – County staff continue to monitor the situation and take the necessary precautions, and the County is still in the Governor’s “Phase Three” of Virginia’s “Path Forward”.

The COVID-19 vaccination process continues in Warren County. Valley Health, in partnership with the Lord Fairfax Health District and the County, is working to provide the vaccine locally. There is a well-established process to efficiently distribute the vaccine, when available. The limiting factor in this process is the availability of the vaccine locally. The County is receiving its “fair share” of the vaccine, however, there is a national supply chain shortage that is affecting all localities.

To date, County healthcare providers and first responders, as well as school teachers, childcare workers, and corrections staff have been afforded the opportunity to receive the vaccination. Those who are age 65 and older have also begun to receive the vaccine. The Virginia Department of Health recently approved the vaccine for Food and Agriculture, Manufacturing, U.S. Postal Service workers, Public Transit workers, Grocery Store workers, and local Officials needed to maintain continuity of government. As more doses of the vaccine become available, they will be distributed in accordance with CDC and the Virginia Department of Health guidance. Please check the County and Valley Health website for current information regarding the availability of the vaccine. Additionally, CVS and Walgreens are providing the vaccine to local congregate living facilities. To date, all of these facilities have either begun receiving the vaccination, including vaccinating the inmates at RSW Regional Jail.

Regarding the CARES Act, the first and second round fund reimbursement to the Town is complete, for receipts received. Staff is in the process of accruing the Town’s receipts for the Municipal Utility assistance fund. Finally, County staff is in the process of compiling the appropriate documentation and closing out the associated County CARES Act accounts. The County continues to report to the Department of Accounts as directed, and staff is optimistic to complete an associated external audit by this spring.

Finally, it appears that many Virginia localities will receive additional CARES Act funds. Details to follow.

- Coronavirus Vulnerable Revenue – For the month of February, the County’s share of local sales tax revenue was \$488,940.92. This amount is up \$59,002.29 (13.7%) over the \$429,938.63 collected in February 2020.

The year-to-date (YTD) collections total for Lodging Tax is \$16,885.04, the YTD collections total for Business License Tax is \$535,531.94, and the YTD collections total for Meals Tax is \$70,505.87.

- Tourism Committee – Jones Lang Lasalle Americas, Inc. (JLL), the contractor selected by the Town and County to perform joint tourism services, held a meeting with the Joint Tourism Committee on March 3rd to update the Committee on the goals moving forward. JLL has been meeting with Town, County and Committee representatives gathering information and moving the process forward.
- Wayfinding Signage – The County and Town are working together on the trailblazing signage. Nine bids have been received for the project. The Board will be considering a Memorandum of Agreement with the Town at their meeting on March 16th for the Front Royal/Warren County Wayfinding Signs Award.
- Development Review Committee – The Development Review Committee met on February 24, 2021. The Committee discussed County projects including:
 - Conditional Use Permits received for Short-Term Tourist Rentals
 - A proposed Enclosed Storage Facility on Winchester Road.
 - A proposed Commercial Repair Garage in the Fork District.

The Committee also discussed Town projects including:

- A proposed O’Reilly Auto Parts store to be located on South Street.
- A proposed expansion to Twin Rivers Campground.
- A proposed Starbucks in Gateway Plaza.

The Committee will meet again on March 24, 2021.

- Building Inspections – In review of the new construction for 2021, there were a total of thirteen (13) new home starts through February 28th. Of that number, two were located in Town limits and the remaining eleven outside of Town limits. As a comparison, in 2020 there were a total of ten (10) new home starts.

The growth rate is well below the 2-3% maximum outlined in the Warren County Comprehensive Plan, but is above the 0.59% average experienced since January 1, 2009.

In February, the permits trended slightly lower with 172 permits issued as compared to February 2020 with only 179 (-3.8%) but the total number of inspections were slightly higher from 859 to 917 (6.7%).

- Parks and Recreation

- Youth Spring 2021 Recreation Organization Lease Agreements: Caitlin Jordan, Senior Assistant County Attorney drafted 2021 spring lease agreements for the Warren County Girl's Little League Softball Association for the use of the Chimney Field Park Softball Complex, the Front Royal Soccer Association for the use of the Skyline Soccerplex Soccer Complex, and the Front Royal Rippers Lacrosse for the use of the Warren County Health & Human Services Complex football field on March 4th and 5th.
- Dance Fitness Activity: This class is for all fitness levels and anyone who is looking to have fun dancing to a variety of music styles from hip hop to swing to salsa, all while EXERCISING! This class will be held on Tuesdays, March 9, 2021 through March 30, 2021 from 6:30 PM - 7:30 PM at the Warren County Community Center, located at 538 Villa Avenue, Front Royal, Virginia 22630. Participants must be 16 years of age or older, and dancers of all skill levels are welcome. Minimum of four (4) participants needed to hold the class, with a maximum of twelve (12) participants. The cost is \$20.00. Registration deadline is March 7, 2021. COVID-19 capacity and guidelines will be followed. For more information regarding class instruction, please email zumba.lizi@gmail.com.
- Pictures with the Easter Bunny: Come join the staff of Warren County Parks and Recreation and get your picture taken with the Easter Bunny! Pictures will be taken and printed on site; upon departure you will be given an Easter box that contains Easter crafts and Holiday inspired treats. This event is intended for children under 10 years old, and they must be accompanied by an adult. \$10.00 per person; includes Easter box and picture. Event is limited to fifty (50) participants; pre-registration is recommended. COVID-19 capacity and guidelines will be followed. Pictures with the Easter Bunny will be on held Sunday, March 28, 2021 from 2:00 PM - 4:00 PM at the Warren County Community Center, located at 538 Villa Avenue, Front Royal, Virginia 22630.
- Dutch Master Daffodil Bulbs Planting Project: The Beautification of Front Royal Committee purchased 100 Dutch Master Daffodil bulbs, which are good for naturalizing, in honor of the Garden Club of Virginia's Centennial. The Committee's intent per Louise LaBarca, current member of the Front Royal Garden Club, was to donate them to the community. Their vision was to plant these Daffodil bulbs along the Royal Shenandoah Greenway Eastham Trail #2 at Skyline High School. They requested the support of the Parks and Recreation Department for this project with help identifying where the best place would be for the bulbs to be planted along the trail as well as help planting the bulbs. The Committee's hope was that Department staff would help the garden club with this project and that in the 2021 spring when the Daffodils are blooming, they can possibly make this part of the Earth Day celebration.

Mr. Lenz spoke to Brad Kresge, Maintenance Supervisor, about the project, and they both agreed Park staff would be happy to assist with the planting of the 100 Daffodil bulbs along the Royal Shenandoah Greenway Eastham Trail #2 near Skyline High School adjacent to Skyline Vista Drive. Ms. LaBarca thanked the Department for its support over the years, and she was looking forward to working with the Department again.

Park staff met with Lisa Schwartz, Beautification Committee of Front Royal President on January 28th and planted 100 Dutch Master Daffodil bulbs along the Royal Shenandoah Greenway Eastham Trail #2. Warren County Parks and Recreation Department fully supports these projects for the betterment of the community.

Park Facility Projects:

- Alan Munson, Lee Cockrell, and Public Works staff assisted with the removal and prep work for proposed 82' sidewalk replacement at the Community Center on March 3rd. The concrete was poured and brushed on March 4th. The project has been completed.
- Mr. Munson and Mr. Cockrell transported (Future Shower Trailer) trailer from Little League Complex and to Park Maintenance Shop on February 16th. They also prepared a materials list to purchase for the commencement of the shower project in the near future on February 17th. Robert Hupman inspected the trailer. The Rotary Club of Front Royal is donating funds for the project. Once the shower is completed, it will be utilized first at the thermal shelter then will be used by the Sheriff's Office and the Department of Fire and Rescue Services, upon request of Dr. Daley.
- Mr. Munson, Mr. Cockrell, and Park staff completed adding new shingles to the shelter at Chimney Field Park (Senior Center Shelter) on February 24th and 25th. Park staff transported the old roof materials to the Warren County Transfer Station in Bentonville on February 26th. All County shelters have been re-shingled with architectural shingles.
- Park staff assembled three picnic tables for the Thompson Kiss 'N Ride Park shelter on March 1st, and Mr. Munson and Mr. Cockrell installed the three picnic tables in the shelter on March 5th.
- Department of Social Services – In the month of February, DSS received:
 - 91 SNAP Applications
 - 100 Medicaid Applications
 - 16 TANF Applications
 - 7 Child Care Applications
 - 35 Crisis Applications
 - 637 walk-in clients

On the Services side, in the month of February, DSS received:

- 40 CPS referrals
- 23 APS referrals

The last night of the Thermal Shelter will be April 30th. The nightly count has consistently been between 20-25 people. In the month of February, the Shelter housed a total of 46 people with 14 of them new to the Shelter.

- Department of Fire and Rescue Services
 - Fire Chief Bonzano continues to meet with career and volunteer leadership and rank/file members to begin needs assessment of the Department. Multiple committees formed to evaluate various areas of the delivery system.
 - Radio System Upgrade Project is ongoing with equipment delivered and awaiting installations. Staff continues to work with vendor to schedule installations and staff/responder training.
 - FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant application submitted for eighteen (18) full-time staff positions to staff Fortsmouth and Shenandoah Shores Stations as well as increase of staffing at Front Royal Station.
 - Training Center Fire Incident – Continuing to evaluate damages and determine impacts to Department. Staff working with insurance vendor to determine replacement cost.
- Rivermont Fire Station – Final “punch list” items are being addressed with Mr. Farrall; the contractor is optimistic to complete remaining work by the end of next month. The final furniture delivery should be complete by mid-April.
- 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.
 - Equus Warehouse facility – Recently re-submitted site plans to DEQ, the County, and the Town for review.

Appropriations and Transfers

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for March 2021:

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

APPROPRIATIONS

31900-5410	Skyline Academy - Uniform Reimbursement	\$4,253.96
31900-3005	Skyline Academy - Contractual Services	\$8,400.00
31900-3005	Skyline Academy - Contractual Services	\$600
31900-7010	Skyline Academy - Improvements and Betterments	\$500
92000-7112	HHS Complex	\$125.00

TRANSFERS

FROM:	Special Projects	Parks and Rec - Bing Crosby	\$19,000
TO:	71010-5431	Parks and Rec - Security System	\$19,000
FROM:	Special Projects	Parks and Rec - General	\$5,000
TO:	71030-7001	Parks and Rec Machinery and Equipment	\$5,000
FROM:	33000-1003	Court Services Part Time	\$20,000
TO:	33000-7007	Sheriff's Office	\$10,000
	31020-7007	Sheriff's Office	\$10,000

Approval of Accounts

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the list of March 2021 accounts:

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

Check Numbers 295617 to 295892

Total: \$1,606,675.65

Approval of Minutes

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting of March 2, 2021:

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

Consent Agenda

1. Adoption of a Resolution Proclaiming March as National Red Cross Month – Sunora Wilbar/Emily Ciarrocchi
2. Removed for further discussion
3. Approval of Salary for Assistant Commonwealth's Attorney – John Bell
4. Removed for further discussion
5. Removed for further discussion
6. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-02, Raymond Ditto for a Short-Term Tourist Rental – Joe Petty
7. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-07, Frank O'Reilly for a Short-Term Tourist Rental – Matt Wendling

8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-08, Frank O'Reilly for a Short-Term Tourist Rental – Matt Wendling
9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-09, Frank O'Reilly for a Short-Term Tourist Rental – Matt Wendling
10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-10, Frank O'Reilly for a Short-Term Tourist Rental – Matt Wendling
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-11, George Lombardi for Private Use Camping – Matt Wendling
12. Coyote Bounty – Michael Mitchell (1) – \$50.00 Each – Animal Control

Mr. Carter requested the removal of item 2 for further discussion, and Mr. Mabe requested the removal of items 4 and 5 for further discussion.

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 2, 4, and 5 for further discussion:

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

Adoption of a Resolution to Educate Warren County Residents and the Medical Community on the Risks of Traveling to China for Organ Transplant – Tony Carter

At the request of Mr. Carter, Mrs. Ciarrocchi read the proposed resolution in its entirety into the record.

On a motion by Mr. Carter, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors adopted the proposed resolution regarding the education of Warren County residents and the medical community on the risks of traveling to China for organ transplant:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY TO EDUCATE WARREN COUNTY RESIDENTS AND THE MEDICAL COMMUNITY ON THE RISKS OF TRAVELING TO CHINA FOR ORGAN TRANSPLANT IN LIGHT OF RECENT REPORTS OF STATE-SPONSORED ORGAN HARVESTING FROM PRISONERS OF CONSCIENCE

WHEREAS, extensive and credible reports have revealed mass killing of prisoners of conscience in the People's Republic of China, primarily practitioners of the Chinese spiritual practice of Falun Gong, but also other religious and ethnic minority groups, in order to obtain organs for transplants; and

WHEREAS, The China Tribunal, an independent tribunal sitting in London chaired by Sir Geoffrey Nice QC, who was a prosecutor at the international criminal tribunal for the

former Yugoslavia, concluded on June 18, 2019, in a unanimous determination at the end of its yearlong hearings, that the killing of detainees in China for organ transplants is continuing and victims include imprisoned followers of the Falun Gong movement; and

WHEREAS, the 2017 Freedom House report, “The Battle for China’s Spirit”, states that “available evidence suggests that forced extraction of organs from Falun Gong detainees for sale in transplant operations has occurred on a large scale and may be continuing”; and

WHEREAS, an investigative report published in June 2016 by human rights attorney David Matas, former Canadian Secretary of State for Asia-Pacific, David Kilgour, and journalist Ethan Gutmann, estimated that China is performing transplants at a rate amounting to “an industrial-scale, state-directed organ transplantation system, controlled through national policies and funding, and implicating both the military and civilian healthcare systems”, as Kilgour described these practices in his speech to the European Parliament in 2016; and

WHEREAS, Falun Gong, a spiritual practice involving meditative “qigong” exercises and centered on the values of truthfulness, compassion, and forbearance, became immensely popular in China in the late 1990s with multiple estimates placing the number of practitioners at upwards of seventy million (70,000,000); and

WHEREAS, in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong. Hundreds of thousands of Falun Gong practitioners have been detained extralegally in Chinese reeducation-through-labor camps, detention centers, and prisons, where physical and mental torture is common.

WHEREAS, in June 2016, the United States House of Representatives unanimously passed House Resolution 343, condemning the systemic, state-sanctioned organ harvesting from practitioners of Falun Gong and other prisoners of conscience; and

WHEREAS, there has been little media coverage of this problem yet dozens of Warren citizens petitioned the Warren Board of Supervisors to take up this matter, and

WHEREAS, Warren residents should be fully informed of the organ source in China before they make the decision to engage in organ transplant tourism in China and Warren County Board should assist in raising awareness in this regard.

NOW THEREFORE, BE IT RESOLVED BY the Warren County Board of Supervisors, that the residents and the medical community servicing Warren and the immediate region be informed about the risks or travel to China for organ transplants to help prevent local citizens from becoming accomplices in state-sponsored forced organ harvesting from prisoners of conscience; and will provide copies of this resolution to the Governor of Virginia and Virginia Department of Health.

Request to Purchase a 2021 Ford Explorer for the Building Inspections Department – David Beahm/Request to Purchase a 2021 Ford Explorer for the Planning Department – Taryn Logan

Mr. Mabe stated he had pulled these items to receive more information about the reasoning for needing new vehicles. As the Board is drawing closer to the adoption of the FY 2021-2022 budget, he would like these proposed funds to be available if the Board needs to do anything drastic.

Mrs. Oates and Dr. Daley both noted the proposed funding for these vehicles is slated to come out of the current FY 2020-2021 budget and are not anticipated to be included in next year's budget. This money is in the Special Projects fund reserved for those departments, and the Board simply needs to transfer the monies from Special Projects to the General Fund in the current budget year.

On a motion by Mr. Mabe, seconded by Mr. Carter, and by the following vote, the Board of Supervisors postponed this item to its regular meeting of April 6, 2021:

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

Memorandum of Agreement with Town of Front Royal – Front Royal/Warren County Wayfinding Signs Award – Taryn Logan

Mrs. Logan reported in December 2018, Warren County and the Town of Front Royal contracted with Frazier Associates to design a Wayfinding Sign System for the community. The components of the contract were: information gathering, schematic design, sign system programming and existing sign removal catalog, and construction intent documents. The goals of a community wayfinding sign program are to promote tourism and to provide directional guidance to these important destinations in the community.

The wayfinding sign program was a priority of the County and Town when the joint Town/County Tourism Committee was formed in 2017. In 2019, the list of destinations was completed, the signs were designed, and the development of construction documents began in accordance with VDOT's community wayfinding manual. In 2020, the plans were submitted to VDOT for review, which have since been approved. Staff will be working with VDOT throughout the installation process to ensure compliance with their regulations.

At this time, the Town has bid the trailblazing signs and received nine responses. The County's cost for the eighteen (18) trailblazing signs located in the County will be \$84,900, and the Town's cost for their thirty-seven (37) trailblazing signs located in the Town will be \$149,500. The Town has budgeted \$104,000 from the Community Development Block Grant for the wayfinding signs, and their deadline to use the grant funding is quickly approaching.

The proposed Memorandum of Agreement with the Town for the Wayfinding Signs Award lists the responsibilities for the Town and County. Working with one contractor for

the signs will allow the fabrication of the signs to be cohesive. The County began collecting an additional 3% transient occupancy tax in FY 2017-2018, and, per state and local codes, this tax must be spent for tourism purposes. In the County's Special Projects budget for Tourism, funds have been set aside for this wayfinding sign project over the past several years. The County's cost of \$84,900 is proposed to come from this Special Projects fund.

At the work session on March 9, 2021, Mrs. Logan presented the details of the proposed wayfinding signage program, which only includes the trailblazing signs at this time. Staff hopes to work towards the fabrication of the gateway signs at a later date to complete the entire wayfinding project.

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors authorized the Chair of the Board of Supervisors and the County Administrator to execute an agreement between Warren County and the Town of Front Royal for the Front Royal/Warren County Wayfinding Signs Award:

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

Approval of the FY 2019-2020 Audit – Keith McLiverty

Keith McLiverty, Finance Director, reported Michael Lupton, CPA, with Robinson, Farmer, Cox Associates, the County's auditing firm, presented the audit for FY 2019-2020 at the work session on March 9, 2021. At this time, staff is requesting this audit be approved as it was presented.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the FY 2019-2020 audit as presented:

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

Request – Adoption of a Resolution Authorizing the Issuance of School Refunding Bonds – Ted Cole, Davenport & Company

Ted Cole with Davenport & Company, the County's financial advisors, reminded the Board that at its regular meeting on March 2, 2021, they had discussed a potential refunding opportunity related to the Series 2014 school bonds through the Virginia Public School Authority (VPSA) spring 2021 bond sale. The proposed resolution will authorize the issuance of a general obligation school bond of the County of Warren, Virginia, to be sold to the VPSA and provide for the form and details thereof.

There was discussion on the level to be set for the percentage of net present value savings, and it was decided to set the level at four percent (4%).

On a motion by Mrs. Oates, seconded by Mr. Carter, and by the following vote, the Board of Supervisors adopted the proposed resolution authorizing the issuance of a general obligation school bond of the County of Warren, Virginia, to be sold to the Virginia Public School Authority and providing for the form and details thereof, with an amendment to change the aggregate net present value debt service savings to not less than four percent (4%):

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

RESOLUTION OF THE WARREN COUNTY BOARD OF SUPERVISORS AUTHORIZING THE
ISSUANCE OF A GENERAL OBLIGATION SCHOOL REFUNDING BOND OF THE COUNTY OF
WARREN, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND
PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Warren, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$24,000,000 and to issue its general obligation school refunding bond (as more specifically defined below, the "Local School Bond") for the purpose of refinancing all or a portion of the County's outstanding unrefunded \$42,440,000 General Obligation School Financing Bond, Series 2014 (the "Refunded Bonds") issued to finance a new middle school in the County plus other capital improvements and related equipment for school facilities, all of which constitute capital projects for public school purposes and paying the costs of issuance of the Local School Bond (the "Project");

WHEREAS, no public hearing or request from the School Board of the County is required in connection with the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2643, Code of Virginia 1950, as amended (the "Virginia Code") as it refunds existing county obligations thereunder;

WHEREAS, Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the calendar year 2021 (the "VPSA Bonds");

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate an amount requested (or such other amount as may be requested by the County and permitted by VPSA, the "Proceeds Requested") from VPSA in connection with the sale of the Local School Bond of an amount sufficient to refinance the Project subject to the parameters established in paragraph 4 hereof, and an amount sufficient to finance the costs of issuance of the Local School Bond;

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration of such factors as the amortization schedule the County has requested for the Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WARREN, VIRGINIA:

1. Authorization of Local School Bond and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school refunding bond in an aggregate principal amount not to exceed \$24,000,000 (the "Local School Bond") for the purpose of refinancing the Project. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Local School Bond. The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount of the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 95% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them (each a "Delegate") and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved, with such completions, insertions, omissions and changes not inconsistent with this Resolution as may be approved by the County officer executing the Bond Sale Agreement.

3. Details of the Local School Bond. The Local School Bond shall be dated 16 days prior to the date of its issuance and delivery or such other date designated by VPSA; shall be designated "General Obligation School Refunding Bond, Series 2021 []"; shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning January 15, 2022 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution.

4. Interest Rates and Principal Installments. Each Delegate is hereby authorized and directed to accept the interest rates on the Local School Bond established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over

the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that (a) each Delegate is hereby authorized and directed to select the particular portion or portions of the Refunded Bonds (if any) to be refunded and direct VPSA to provide a Proceeds Requested that achieves the refunding of the selected portion or portions (if any) provided that the refunding of the Refunded Bonds selected shall result in an aggregate net present value debt service savings of not less than four percent (4.00%) of the par amount of the Refunded Bonds to be refunded and (b) the Local School Bond shall not mature later than June 30, 2040. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall not exceed 30 years from the date of the issuance and delivery of the Local School Bond. The execution and delivery of the Local School Bond as described in paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of the Local School Bond by the Delegate as authorized by this Resolution. Each Delegate is hereby authorized and directed to cause the redemption proceedings, including the giving of redemption notices to the holder of the Refunded Bonds shall be done pursuant to the terms of the Refunded Bonds (or otherwise as agreed to by the holder).

5. Form of the Local School Bond. The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal, premium, if any, and interest on the Local School Bond shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Local School Bond.

(c) The County Administrator is authorized to designate a Bond Registrar and Paying Agent for the Local School Bond. The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar and Paying Agent for the Local School Bond. The County shall give prompt notice to VPSA of the appointment of any successor Bond Registrar and Paying Agent.

7. Prepayment or Redemption. Unless otherwise directed by VPSA, the Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2031, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2031, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2032, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2032, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2031, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Local School Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2031 through July 14, 2032	101%
July 15, 2032 through July 14, 2033	100½
July 15, 2033 and thereafter	100

Provided, however, that the Principal Installments of the Local School Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

If VPSA refunds the VPSA Bonds in the future and such refunding causes the Local School Bond to be deemed refunded, the prepayment or redemption of the Local School Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund the Local School Bond.

8. Execution of the Local School Bond. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, premium, if any, and the interest on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Local School Bond as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate and Tax Compliance Agreement. The Chairman of the Board, the County Administrator and such other officer or officers of the County or the School Board as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the VPSA Bonds issued as tax-exempt. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the VPSA Bonds issued as tax-exempt will remain excludable from gross income for federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix D to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 4 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Bond Sale Agreement).

13. Refunding. The Board hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA Bonds issued to purchase the Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each of the Delegates is authorized to execute and deliver to VPSA such allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of the Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk to the Board of Supervisors is authorized to affix the County's seal on any such documents and attest or countersign the same.

14. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

15. Election to Proceed under Public Finance Act. In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

16. Further Actions. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.

17. Effective Date. This Resolution shall take effect immediately.

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Oates, seconded by Mr. Mabe, 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 Economic Development Authority Board of Directors and the Warren County Parks and Recreation Commission.

She also moved that the Board enter into a closed meeting under the provisions of Section 2.2-3711(A)(4) of the Virginia Freedom of Information Act for the protection of the privacy of individuals in personal matters not related to public business, and under the provisions of Section 2.2-3711(A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel regarding the provision of legal advice related to the same:

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

On a motion by Mrs. Oates, 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)(1), (A)(4), 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:

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

Adjournment

Mrs. Cullers adjourned the meeting at 10:31 PM.