

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on May 4, 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; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; Mike Berry, Public Works Director; Mark Butler, Sheriff; Michael Coffelt, Sanitary District Manager; Shelley Hayes, Senior Office Associate; and Alex Bridges, Northern Virginia Daily

Adoption of Agenda

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

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

Presentation – Resolutions of Appreciation for Information Technology (IT) Support

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the proposed resolutions of appreciation for the Warren County Public Schools Department of Information Technology and the Frederick County Department of Information Technology:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY IN APPRECIATION OF INFORMATION TECHNOLOGY SUPPORT SERVICES

WHEREAS, the County of Warren, like many other localities around the country, was the victim of a cybersecurity incident in March 2021; and

WHEREAS, it was necessary to assess the impact of the incident and work with law enforcement and the cyber insurance provider; and

WHEREAS, a cybersecurity forensics team was engaged to investigate this incident as well as system, network, and software engineers to restore services, bolster cybersecurity, and build out the County's information technology (IT) infrastructure; and

WHEREAS, Warren County had a limited amount of staff available to complete this work; and

WHEREAS, this team was supplemented by staff from the Frederick County Department of Information Technology who volunteered their time for Warren County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Warren, Virginia extends its sincere gratitude and appreciation to Scott Varner, Patrick Fly, Samuel Cheshire, Andrew Farrar, Jose Trujillo and Harry Gilford from the Frederick County Department of Information Technology for the time they each volunteered and the expertise they provided to assist a neighboring jurisdiction.

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY IN APPRECIATION OF INFORMATION TECHNOLOGY SUPPORT SERVICES

WHEREAS, the County of Warren, like many other localities around the country, was the victim of a cybersecurity incident in March 2021; and

WHEREAS, Tim Grant and his staff quickly took action to manage the potential effects stemming from the incident and began working with law enforcement and the County's cyber insurance provider; and

WHEREAS, a cybersecurity forensics team was engaged to investigate this incident as well as system, network, and software engineers to restore services, bolster cybersecurity, and build out the County's information technology (IT) infrastructure; and

WHEREAS, this team was supplemented by staff from the Warren County Public Schools Department of Information Technology; and

WHEREAS, the staff from the Warren County Public Schools Department of Information Technology has worked tirelessly for two months to restore and upgrade the information technology services of Warren County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Warren, Virginia extends its sincere appreciation to Tim Grant, Chris German, and Jesse Budd from the Warren County Public Schools Department of Information Technology for their time and dedication; and

BE IT FURTHER RESOLVED that the Board of Supervisors also appreciates the continuing hard work of these individuals to restore complete functionality to all County employees, including the migration of County servers to a cloud-based system.

Public Comment Period (60 Minute Time Limit)

Pat Payne, 196 Jonathan Road, Linden, added her thanks to the IT staff for their response to the server issues with the County. She also noted her dismay that the rezoning request of Dudding Commercial Development, LLC, is slated to be reconsidered. She does not

believe that a commercial development at the bottom of Apple Mountain, specifically a gas station that offers a chance of groundwater pollution, is a good use of the property. The increase to the County revenue will not be positively impacted as much as the Board thinks it will by this development. She is also concerned that the proposed Sheetz will not only impact the amount of water available for the residents on the mountain, but the traffic associated with the development may also affect the response times of emergency personnel.

There were no further presentations from the public.

Report – Virginia Department of Transportation – Ed Carter

Ed Carter, Residency Administrator with the Virginia Department of Transportation (VDOT), presented the following report to the Board:

Maintenance:

- Completed sweeping the bridges and intersections of build up from winter operations
- Demobilized and cleaned up snow removal equipment. Graded and applied stone to various non-hard surfaced roads and will continue in May
- Repaired potholes on various routes and asphalt repaired failed areas along Route 522 North; will continue with asphalt patching this month
- Cleaned up downed trees and debris along various routes and will continue with tree trimming this month
- Will be doing shoulder repairs at various locations and begin the first cycle of mowing
- Will be bringing in a contractor for pipe flushing operations on clogged pipes and begin the first round of ditching operations
- GEI will be replacing a pipe and repairing a soft spot on Route 340
- Picked up litter bags collected by RSW Regional Jail crews and will continue to collect bags gathered this month

Board Issues:

- Happy Creek Road project is beginning construction, and some flagging operations will be necessary, which could cause some minor delays. The road will not be closed until school is out, and buses will be given priority during flagging operations.
- Proposed school parking area on Apple Manor Drive is in limbo because of extended Limited Access Right of Way.
- Traffic Engineering is studying a proposed remarking of Route 340 at Rivermont Drive (Route 619).

Supervisor Carter asked about the timeframe for completing the commuter parking lot on Route 55 across from The Apple House, and Mr. Carter said he did not know but that he would find out. Supervisor Carter also noted the recent high winds in the County had knocked down some trees, and Mr. Carter replied that VDOT has crews going around now to remove the trees that have fallen in VDOT right-of-way. However, VDOT cannot remove fallen trees or branches from utility lines due to liability concerns with the power and cable companies.

Mrs. Oates asked who citizens should call if they see a tree that may soon fall on a power line, and Mr. Carter said VDOT could go out to check the area. If the tree is still upright and on VDOT right-of-way but looks like it may fall onto a power line, one of their contractors can remove it, but if it has already fallen on the line, the utility company would need to be called.

Mrs. Cullers said a few of her constituents were wondering if a pedestrian sign could be placed on Gooney Manor Loop due to the number of people walking along the road, and Mr. Carter responded that VDOT receives this type of request quite often. He noted, with respect, that VDOT does not build roads for people to walk on; they try to provide pedestrian paths where appropriate that are off the roadway. He is hesitant to put pedestrian warning signs on roadways because it often gives pedestrians a false sense of security.

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

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

- For the Agricultural and Natural Resources division: facilitated the 2021 Commercial Pesticide Applicator Recertification Program, which was online this year; continued to work on raising public awareness about the Spotted Lanternfly invasive species; and worked on the State Beef Quality Assurance program and Youth for the Quality Care of Animals certification program
- For the Family and Consumer Sciences division: continued providing “Coping with a Money Crunch” webinars; provided Quick Money Chats volunteer training; and developed a monthly statewide newsletter called “Buzz, Body & Bites” that provides news and trends related to nutrition and wellness
- For the 4-H Youth Development division: conducted a virtual 4-H camp in January that had 31 youths participate; hosted a virtual Skyline Stockman’s Contest; and is working on planning the 4-H camp for this summer, which will hopefully be in person

Mrs. Cullers asked if Corey Childs, Extension Agent, could deliver a presentation to the Board on the Spotted Lanternfly, and Ms. Swain said she would relay the request to Mr. Childs.

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

Mr. Carter reported the following:

- Asked if Mike Berry, Public Works Director, was contacted regarding the sludge concerns at the Transfer Station before or after Dr. Daley contacted the Sheriff, and Dr. Daley responded he reached out to them both simultaneously; he said he and the public expect a full accounting of this occurrence

Mr. Fox reported the following:

- Attended a Sanitary District Advisory Committee meeting recently

Mr. Mabe reported the following:

- Visited the Chamber of Commerce and discussed County and Town awareness on a variety of issues
- Attended virtual training for two days through the Virginia Association of Counties
- Attended the Broadband Committee meeting on April 29th

Mrs. Oates reported the following:

- Attended an expansion ribbon cutting at Auto Care Clinic on April 22nd where Bill, the owner, was very complimentary of his experience with the Building Inspections and Planning Departments throughout the expansion process
- Commended Sheriff Butler on a recent article in the Washington Post regarding Sheriff's Deputies and nurses distributing vaccines to homebound seniors
- Joint Tourism Committee continues to meet and move forward with several campaigns

Mrs. Cullers reported the following:

- Attended the Broadband Committee meeting on April 29th and welcomed new member Vicky Cook, who has experience with grant writing
- Attended the Fire Chiefs Committee meeting and encouraged citizens to volunteer with their local fire station
- Participated in active shooter training at the new Warren Memorial Hospital and thanked Rick Farrall for his efforts in coordinating and conducting that training
- Wished all the moms in the community a Happy Mother's Day

Dr. Daley reported the following:

- Will have an update on meals and lodging tax revenues at the May 18th meeting, and he is pleased to report that this past month is the largest month on record for meals tax revenues

- The 2023 General Reassessment begins on July 1st, and two potential firms will be presenting to the Board at the work session on May 11th
- Still working on resolving all the server and technology issues
- There is still an excess amount of trash and debris being discarded at convenience sites after hours, and Mr. Berry will be in communication with the Sheriff's Office regarding this matter

Consent Agenda

1. Appropriation Resolution for FY 2021-2022 – Keith McLiverty/Ed Daley
2. Removed for further discussion
3. Festival Permit Request of the Homesteaders of America – Joe Petty
4. Resolution Regarding Old Dominion Court Services – Kim Chmura/Emily Ciarrocchi
5. Request to Approve a Grant from the Virginia Department of Aviation – Caitlin Jordan
6. ~~Amended Agreement for the Use of Federal CARES Coronavirus Relief Funds between the County of Warren and Town of Front Royal (Municipal Utility Relief Program) – Rick Farrall/Caitlin Jordan~~ *Postponed to the regular meeting of June 1, 2021*
7. Road Naming Request – Access Road off Gooney Manor Loop as “Present Way” – Emma Rusnak
8. Road Naming Request – Access Road off Gooney Manor Loop as “Woodlands Lane” – Emma Rusnak
9. Conditional Use Permit 2011-05-02, Modification Request to Change the Name from “Todd and Heather Lupton” to “Nichole Buckholtz and Andy Crafton” – Matt Wendling
10. Authorization to Advertise for Public Hearing – R2021-03-01, Michael and Barbara Olsen to Amend the Warren County Zoning Map and Rezone Approximately Thirty (30) +/- acres from Residential One (R-1) to Agricultural (A) – Taryn Logan
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-01, Kevin and Shannon Melton for a Short-Term Tourist Rental – Joe Petty
12. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-03, John and Anna Carpenter for a Short-Term Tourist Rental – Matt Wendling
13. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-04, Front Royal Self Storage, LLC for an Enclosed Storage Facility – Taryn Logan
14. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-05, Front Royal Self Storage, LLC for the Storage of Cars, Boats, and Recreational Vehicles – Taryn Logan
15. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-03-06, Jacob Foltz for a Commercial Repair Garage in Combination with a Single-Family Dwelling – Joe Petty

Dr. Daley requested the removal and postponement of item 6 due to the Amended Agreement not being the correct version, and Mrs. Cullers requested the removal of item 2 for further discussion.

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

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

APPROPRIATION RESOLUTION FOR FY 2021-2022

BE IT RESOLVED by the Board of Supervisors of the County of Warren, Virginia (the "Board") that the following appropriations be, and the same hereby are made for the period July 1, 2021 through June 30, 2022 from the funds and for the functions or purposes indicated; provided, however, that if anticipated and budgeted state or federal funds are reduced, that these appropriations shall be reduced a like amount in those categories for which the state or federal funds are designated, and, provided that if local revenues do not reach anticipated levels the Board of Supervisors may reduce the appropriations listed below;

BE IT FURTHER RESOLVED by the Board that the appropriations to the school board are appropriated by and to the major classifications in accordance with Code of Virginia Sections 22.1-94 and 22.1-115, and that such funds must be spent in accordance with such major classifications unless otherwise authorized by the Board.

GENERAL FUND, SCHOOL OPERATING FUND, AND SCHOOL CAFETERIA FUND:

Board of Supervisors	\$	78,220	(P)	
		100,780	(O)	
				\$ 179,000
County Administration	\$	470,766	(P)	
		27,734	(O)	
		1,500	(C)	
				\$ 500,000
Human Resources	\$	150,900	(P)	
		19,000	(O)	
		0	(C)	
				\$ 169,900
County Attorney	\$	146,444	(P)	
		197,556	(O)	
		0	(C)	
				\$ 344,000

Commissioner of the Revenue	\$	708,647	(P)	
		39,950	(O)	
		28,403	(C)	
				\$ 777,000

Reassessment	\$	50,000	(O)	
				\$ 50,000

Treasurer	\$	463,750	(P)	
		99,400	(O)	
		2,850	(C)	
				\$ 566,000

Finance and Purchasing	\$	500,404	(P)	
		13,256	(O)	
		4,340	(C)	
				\$ 518,000

Elections	\$	259,009	(P)	
		109,841	(O)	
		22,150	(C)	
				\$ 391,000

JUDICIAL ADMINISTRATION				
Circuit Court	\$	63,650	(P)	
		900	(O)	
		850	(C)	
				\$ 65,400

General District Court	\$	19,300	(O)	
		5,000	(C)	
				\$ 24,300

Magistrates	\$	5,400	(O)	
		400	(C)	
				\$ 5,800

Juvenile and Domestic Court	\$	8,500	(O)	
		10,500	(C)	
				\$ 19,000

Clerk of Circuit Court	\$	564,280	(P)	
		67,132	(O)	
		7,188	(C)	
				\$ 638,600

Law Library	\$	44,763	(P)	
		9,537	(O)	
				\$ 54,300

Commonwealth's Attorney	\$	1,076,900	(P)	
		26,300	(O)	
		2,000	(C)	
				\$ 1,105,200

PUBLIC SAFETY				
Sheriff's Office	\$	4,094,198	(P)	
		583,470	(O)	
		275,332	(C)	
				\$ 4,953,000

E-911 System	\$	504,273	(P)	
		149,017	(O)	
		99,710	(C)	
				\$ 753,000

School Resource	\$	766,400	(P)	
		400	(O)	
				\$ 766,800

Volunteer Fire and Rescue		940,000		\$ 940,000 (O)
---------------------------	--	---------	--	----------------

Court Services	\$	976,124	(P)	
		21,176	(O)	
		1,000	(C)	
				\$ 998,300

Probation	\$	0	(P)	
		41,000	(O)	
				\$ 41,000

Building Inspections	\$	529,550	(P)	
		86,950	(O)	
		1,500	(C)	
				\$ 618,000

Animal Control	\$	276,088	(P)	
		382,712	(O)	
		47,000	(C)	
				\$ 705,800

Medical Examiner	1,000	\$	1,000	(O)
------------------	-------	----	-------	-----

Fire and Rescue Department	\$	4,048,538	(P)	
		227,462	(O)	
		100,000	(C)	
				\$ 4,376,000

Cost Recovery	\$	900,000	(O)	
				\$ 900,000

PUBLIC WORKS				
Public Works/Sanitary Districts	\$	342,149	(P)	
		38,051	(O)	
		48,000	(C)	
				\$ 428,200

Streets and Highways	\$	6,000	(P)	
		14,000	(O)	
				\$ 20,000

Refuse Collection	\$	336,477	(P)	
		666,023	(O)	
		9,500	(C)	
				\$ 1,012,000

Refuse Disposal	\$	288,708	(P)	
		2,530,292	(O)	
		61,000	(C)	
				\$ 2,880,000

General Services	\$	573,857	(P)	
		753,200	(O)	
		68,943	(C)	
				\$ 1,396,000

HEALTH AND WELFARE				
Health		382,412		\$ 382,412 (O)

Social Services		5,045,779		\$ 5,045,779 (O)
-----------------	--	-----------	--	------------------

Other Social Services		142,500		\$ 142,500 (O)
-----------------------	--	---------	--	----------------

Children's Services Act	\$	73,593	(P)	
		1,711,407	(O)	
				\$ 1,785,000

EDUCATION				
Public Schools				
Instruction	\$	48,947,371	(O)	
Administration, Attendance, and Health		2,836,279	(O)	
Pupil Transportation		2,818,962	(O)	
Operations and Maintenance		6,627,383	(O)	
Debt Service and Fund Transfers		614,253	(O)	
Technology		1,949,722	(O)	
Contingency Reserves		150,859	(O)	
				\$ 63,944,829

Public Schools - School Food Services and Other Noninstructional Operations (Cafeteria Fund)				\$ 2,896,000 (O)
--	--	--	--	------------------

REGIONAL PARTNERSHIPS				
Lord Fairfax Community College		41,368	\$	41,368

Northwestern Community Services		342,746	\$	342,746
---------------------------------	--	---------	----	---------

Juvenile Detention Facility		344,769	\$	344,769
-----------------------------	--	---------	----	---------

RSW Regional Jail		3,464,967	\$	3,464,967
-------------------	--	-----------	----	-----------

PARKS, RECREATION AND CULTURAL				
Parks and Recreation	\$	1,785,627	(P)	
		630,850	(O)	
		69,623	(C)	
				\$ 2,486,100

Library Museum Cultural Enrichment		1,018,100	\$	1,018,100 (O)
------------------------------------	--	-----------	----	---------------

COMMUNITY DEVELOPMENT				
Planning and Zoning Administration	\$	402,185	(P)	
		61,315	(O)	
		9,500	(C)	
				\$ \$473,000

Economic Development		3,197,500	\$	3,197,500 (O)
----------------------	--	-----------	----	---------------

Front Royal/Warren County Airport	\$	21,000	(P)	
		127,535	(O)	
		71,465	(C)	
				\$ 220,000

Environmental Management	18,500	\$	18,500	(O)
VPI Extension Service	\$ 113,105	(P)		
	7,895	(O)		
			\$ 121,000	
Non-Departmental	\$ 756,300	(P)		
	1,127,700	(O)		
			\$ 1,884,000	
CAPITAL OUTLAY			\$ 2,779,408	
TRANSFER TO DEBT SERVICE			\$ 11,846,251	
GRAND TOTAL			\$ 128,630,829	

Blue Mountain Sanitary District	\$	153,665	(O)
Cedarville Heights Sanitary District	\$	12,500	(O)
High Knob Sanitary District	\$	385,478	(O)
Lake Front Royal Sanitary District	\$	137,053	(O)
Linden Heights Sanitary District	\$	29,963	(O)
Osprey Lane Sanitary District	\$	9,180	(O)
Riverside Sanitary District	\$	3,480	(O)
Shangri-La Sanitary District	\$	9,144	(O)
Shannon Woods Sanitary District	\$	3,906	(O)
Shenandoah Farms Sanitary District	\$	811,834	(O)
Shenandoah Shores Sanitary District	\$	277,000	(O)
Skyland Estates Sanitary District	\$	235,511	(O)
South River Estates Sanitary District	\$	17,689	(O)
Wildcat Drive Sanitary District	\$	14,940	(O)

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY PROVIDING FOR
THE IMPLEMENTATION OF THE COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR
LOCAL RESPONSIBLE OFFENDERS, THE PRETRIAL SERVICES ACT, AND THE
ESTABLISHMENT OF THE OLD DOMINION COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (Section 9.1-173 et seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (Section 19.2-152.2 et seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

WHEREAS, Sections 9.1-174 and 19.2-152.2 of the Code of Virginia require counties and cities approved for a jail project pursuant to Section 53.1-82.1 to develop and establish services in accordance with both Acts; and

WHEREAS, Sections 9.1-178 and 19.2-152.5 of the Code of Virginia require that each county and city establishing and operating local community-based probation and pretrial services establish a Community Criminal Justice Board, and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

THEREFORE, BE IT RESOLVED by the Warren County Board of Supervisors that the County of Warren jointly agrees with the Counties of Clarke, Page, and Frederick and the City of Winchester to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act with, pursuant to Section 9.1-183, the County of Frederick acting as the administrator and fiscal agent on behalf of the participating localities.

BE IT FURTHER RESOLVED that the County of Warren establishes the Old Dominion Community Criminal Justice Board; that said board shall fulfill its responsibilities pursuant to Section 9.1-180; and shall be composed of the following members, pursuant to Section 9.1-178 of the Code of Virginia.

- One representative of the governing bodies of each participating jurisdiction,
- A circuit court judge representing the 26th Judicial Circuit(s) as agreed upon by the judge of said circuit,
- A judge of general district court, representing the 26th Judicial District(s) as agreed upon by said judges of the district,
- A judge of the juvenile and domestic relations district court representing the 26th Judicial District(s) as agreed upon by the said judges of the district,
- The Chief Magistrate,
- A Commonwealth's Attorney representing all the Commonwealth's Attorneys of the participating jurisdictions,
- A public defender where available in the participating localities and/or an attorney experienced in the defense of criminal matters who are current members of the Virginia State Bar,
- A sheriff or, where available, the regional jail administrator responsible for jail(s) serving the jurisdictions involved in local pretrial and community-based probation services,
- A Chief of Police or a Sheriff in a jurisdiction not served by a police department to represent all law enforcement agencies of the participating jurisdictions,
- A Community Services Board Administrator representing all agencies providing such services to participating jurisdictions, and
- A representative of local adult education representing all agencies providing such services to participating jurisdictions.

BE IT FURTHER RESOLVED that this resolution supersedes and replaces all prior resolutions approve by the locality relating to the establishment of required services and the formation of the Old Dominion Community Criminal Justice Board; and

BE IT FINALLY RESOLVED that the County of Warren appoints the Commonwealth's Attorney as its governing body representative to begin May 4, 2021 and extend until further amendment.

Approval of Health and Dental Insurance Rates – Ed Daley/Ed White

Mrs. Cullers wanted to be clear about the equity between the offerings provided by United and what County employees currently have with Anthem. Ed White with McGriff Insurance confirmed the providers and rates are much the same with both United and Anthem. They performed an apples-to-apples benefit comparison to make sure the proposed insurance carrier matched the current benefits of Anthem. There was additional discussion regarding the costs of generic versus specialty medications under the new insurance provider.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved United Healthcare as the County's health and dental insurance carrier at the rates presented for FY 2021-2022:

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

Authorization to Advertise for Public Hearing – Reconsideration of Rezoning Request R2020-10-01 for Dudding Commercial Development, LLC – Tony Carter

Mr. Carter asked if there had been a date slated for this public hearing, and Taryn Logan, Deputy County Administrator, replied staff was considering Tuesday, May 25, 2021 as the proposed date.

Mrs. Oates wanted to be sure this request was being reconsidered within the proper timeframe, and Jason Ham, Interim County Attorney, confirmed any member who votes on the prevailing side of a motion may bring the motion back for reconsideration once per calendar year.

Mr. Mabe asked what had changed since the original public hearing in February for Mr. Carter to want the request to be reconsidered. Mr. Carter said he wanted to revisit it primarily because of the bus stop concerns for the residents of Apple Mountain.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors authorized staff to advertise for a public hearing at 7:00 PM on Tuesday, May 25, 2021 so that the Board of Supervisors may hear comments from members of the public

regarding Rezoning Request R2020-10-01 for Dudding Commercial Development, LLC, prior to the possible reconsideration of such Rezoning Request by the Board:

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

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 Warren County Planning Commission.

The Board also 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 and FOIA:

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

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

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

Additional New Business (if needed)

Mrs. Oates asked that the Board schedule a work session to consider and discuss rescheduling the regular morning meetings of the Board on the first Tuesday of each month to the evening at 7:00 PM instead.

Adjournment

Mrs. Cullers adjourned the meeting at 10:45 AM.