

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 17, 2021 at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Archie A. Fox, Vice Chairman (Fork District); Walter J. Mabe (Shenandoah District); and Delores R. Oates (North River District); also present Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; David Beahm, Building Official; Mike Berry, Public Works Director; Michael Coffelt, Sanitary District Manager; Rick Farrall, Emergency Coordinator; Caitlin Jordan, Senior Assistant County Attorney; Dan Lenz, Director of Parks and Recreation; Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Emily Ciarrocchi, Deputy Clerk of the Board

Absent: Tony F. Carter (Happy Creek District)

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

Adoption of Agenda – Additions or Deletions

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

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

Public Comment Period (60 Minute Time Limit)

Craig Anderson, 110 Sunset Lane, wanted the Board to recognize and resist the suicide of America and the rest of western civilization. He wondered why only western civilization needed diversity and said the “trained Marxists” of the Black Lives Matter (BLM) organization are calling for the disruption of the nuclear family. He wants to do something similar to what the Mayor of Washington, D.C. did. Instead of writing “Black Lives Matter” on the street, he would like to see “No Communists” written on Main Street in Town along with renaming the plaza with the gazebo as “No Communists Square”. He would also like to make and sell t-shirts saying, “BLM Go Home”.

Hugh Henry, 175 Hugh Henry Lane, presented a petition to the Board from residents in the Fork District who travel Route 619 (Rivermont Drive). The signers want to make sure the Virginia Department of Transportation (VDOT) fulfills its promise to improve the pavement on Route 619. Not only this, but the signers have requested the road to be paved with asphalt and not tar-and-chip. Excessive amounts of tar on the road causes the road to be slick and makes it difficult to control vehicles; Mr. Henry recounted the story of a recent motorcycle accident where it was stated that the motorcycle crashed simply due to the road conditions. He urged the Board to follow-up with VDOT and to ensure the repairs are done correctly.

Jeanne Anderson, 7 Tee Court, believes it is time for the Board and the County to construct new policies of acceptable notice to the public. People perceive corruption when they are not included in decision making, and she wants to see changes made to the communication from the Board. She wants a review of policy for all departments to address acceptable and timely notice to the public in a logical manner. She also requested a forensic audit of the November 3, 2020 election.

Lynda McDonough, 1205 High Top Road, is very concerned that the United States government has been taken over. She recently watched a cyber synopsis by Mike Lindell on the November 3, 2020 election that showed things were amiss, even in Warren County. The Board needs to conduct a forensic audit for the November 3rd election, and she does not care how much money it would cost. This is about more than money; it is about the freedoms and rights of County citizens. She then read an excerpt from the Declaration of Independence, focusing on how the phrase is written, "*consent of the governed*" and not, "*dictated to the governed*". She told the Board members to stop listening to normal television and to instead conduct their own research online about Coronavirus and the pandemic. The Coronavirus vaccine is not actually a vaccine; it is a bioweapon. Citizens have been too asleep to recognize it, but now, more of them are waking up and need to be taken seriously. The fact that you are not required to take the vaccine if you work at the White House, the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), or the World Health Organization (WHO) should be an indicator.

There were no further presentations from the public.

Reports – Board Members

Mr. Fox had nothing to report.

Mr. Mabe reported the following:

- Attended the Shenandoah Shores Property Owners Association meeting last week
- Attended the Property Owners of Shenandoah Farms meeting on August 14th
- Attended the Blue Mountain Homeowners Association meeting on August 15th
- Attended the Teacher and Support Staff of the Year luncheon put on by Warren County Public Schools on August 16th and thanked all teachers for doing what they do

Mrs. Oates reported the following:

- Wished all students in Warren County Public Schools a happy first day of school
- Invited the Board members to the drug prevention parenting seminar being hosted by the Drug Prevention Committee, in conjunction with Warren County Public Schools, on August 24th at 6:00 PM at Warren County High School

Mrs. Cullers reported the following:

- Attended the new teacher luncheon at the Chamber of Commerce on August 4th
- Attended the Airport Commission meeting on August 4th
- Hosted the Community Table through the South Warren Ruritan Club on August 5th
- Completed Certified Supervisor training through the Virginia Association of Counties on August 6th
- Attended the livestock night at the Warren County Fair and saw her first truck pull
- Met with National Forest representatives, Department of Wildlife Resources representatives, and County staff at the Bentonville Boat Landing; the County has a grant for this landing but needs to work on the design
- Attended the Teacher and Support Staff of the Year luncheon put on by Warren County Public Schools on August 16th where the IT Department for the school system was recognized for their support of the County during its IT crash earlier this year
- Read a letter from Donna Settle with the Front Royal Cardinals baseball team thanking Marcus Burke, John Tierney, the Park Rangers, and Brad Kresge with the Parks and Recreation Department's Maintenance Division for their support and hard work over the 2021 baseball season

Public Hearing – Ordinance to Amend and Re-Ordain Section 172-37.2 of the Warren County Code – Caitlin Jordan

Caitlin Jordan, Senior Assistant County Attorney, reported Section 46.2-755 of the Code of Virginia authorizes localities to “levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers”. However, the Virginia Code prohibits localities from imposing a vehicle license tax or fee that is greater than the annual or one-year fee imposed by the Commonwealth for specific license plates. Specifically, the Virginia Code waives fees for the following specific license plates:

1. Persons awarded the Purple Heart and their unmarried surviving spouses (see Virginia Code Section 46.2-742).
2. Persons awarded the Medal of Honor and their unmarried surviving spouses (see Virginia Code Section 46.2-745).
3. Persons awarded the Navy and Marine Corps Medal and their unmarried surviving spouses (see Virginia Code Section 46.2-745.1).
4. Former prisoners of war and their unmarried surviving spouses (see Virginia Code Section 46.2-746).
5. Members of the National Guard units shall only be charged one-half of the fee (see Virginia Code Section 46.2-744).

Additionally, Section 46.2-752 of the Code of Virginia lists several various vehicles that the localities may elect to exempt from the tax, which includes vehicles owned by disabled veterans and their unmarried surviving spouse.

On September 18, 2018, the Board of Supervisors approved the addition of Section 172-37.2 to the Warren County Code, which enumerates several exemptions from the County's vehicle license tax. However, Section 172-37.2 does not currently include the exemption for persons awarded the Navy and Marine Corps medal with a special license plate issued by Virginia Code Section 46.2-745.1. Additionally, the current language of Section 172-37.2 needs to be modified regarding the exemption for antique motor vehicles pursuant to Virginia Code Section 46.2-730 as well as the current language regarding "un-married surviving spouses". The County Attorney's office has drafted the proposed amendment to Warren County Code Section 172-37.2 to address these issues.

Mrs. Oates wanted clarification as to what exemptions the County currently provides. Ms. Jordan stated the County currently provides exemptions for those who have special license plates and are exempt from vehicle license tax, but the list currently in the Warren County Code is not complete. The proposed amendments are to match the Virginia State Code as well as provide a catch-all phrase for any future amendments to the State Code.

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. Fox, and by the following vote, the Board of Supervisors adopted the ordinance to amend and re-ordain Section 172-37.2 of the Warren County Code (Other exemptions) to comply with the Virginia State Code:

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

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 172-37.2 OF THE
WARREN COUNTY CODE

BE IT ORDAINED BY THE Warren County Board of Supervisors that Section 172-37.2 of the Warren County Code (Other exemptions) be amended and re-ordained as follows:

Chapter 172: Vehicles and Traffic

§ 172-37.2 Other exemptions.
[Added 9-18-2018]

- A. The County Treasurer shall issue a license decal or sticker without charging a license tax for one motor vehicle which is regularly used by:
- (1) A disabled veteran, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-739, Code of Virginia 1950, as amended;
 - (2) A person, ~~or their un-remarried surviving spouse,~~ who has been awarded the Purple Heart, **or their un-remarried surviving spouse,** and such vehicle bears a special license plate issued in accordance with § 46.2-742, Code of Virginia 1950, as amended;

- (3) A person, ~~or their un-remarried surviving spouse,~~ who has been awarded the Medal of Honor, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-745, Code of Virginia 1950, as amended;
 - (4) A person, ~~or their un-remarried surviving spouse,~~ who has been a prisoner of war, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-746, Code of Virginia 1950, as amended;
 - (5) A person who has been awarded the Navy Marine Corps Medal, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-745.1, Code of Virginia 1950, as amended;
 - (6) An active National Guard member whose vehicle bears a National Guard license plate issued pursuant to § 46.2-744, Code of Virginia 1950, as amended, or a retired member of the National Guard whose vehicle bears a license plate issued pursuant to § 46.2-746.5, Code of Virginia 1950, as amended; or
 - (7) A person who is otherwise exempt from annual registration fees imposed by the Commonwealth of Virginia.
- ~~B. The annual license tax for active Virginia National Guard members whose vehicles bear a Virginia National Guard license plate issued pursuant to § 46.2-744, Code of Virginia 1950, as amended, shall be 1/2 the fee prescribed in § 46.2-694, Code of Virginia 1950, as amended, unless the plates bear reserved numbers or letters, in which case there is no discount on the annual license tax.~~
- B. The County Treasurer shall issue a license decal or sticker without charging a license tax for antique motor vehicles and antique trailers in accordance with § 46.2-730, Code of Virginia 1950, as amended. **A license decal or sticker shall be issued for antique motor vehicles and antique trailers as follows:**
- (1) If the antique motor vehicle or antique trailer is not being used for general transportation purposes as set forth in § 46.2-730(D), Code of Virginia 1950, as amended, one license decal or sticker shall be issued by charging the owner the annual license tax. All subsequent license decals issued to the same owner of the antique motor vehicles and antique trailers shall be issued without charging a license tax.
 - (2) If the antique motor vehicle or antique trailer is being used for general transportation purposes as set forth in § 46.2-730(F), Code of Virginia 1950, as amended, a license decal or sticker shall be issued by charging the owner the annual license tax.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is ~~lined through~~.

Language proposed to be added is underlined.

Public Hearing – Ordinance to Vacate an Unimproved Right-of-Way in the Sealock Subdivision – Joe Petty

Joe Petty, Planning Director, reported the applicant, Allen Walters, currently owns both lots 3 and 4 and is requesting the right-of-way vacation to make the property become more conforming with the Warren County Zoning Ordinance. Prior to Mr. Walters owning the property, the drainfield serving lot 5 was installed within the right-of-way; then an accessory structure was constructed in the platted cul-de-sac. The proposed vacation would dedicate a drainfield easement for lot 5 and locate the accessory structure within the property boundaries. The right-of-way vacation would not hinder current or future access to any lots, though it would require an address change for lot 5 (currently 14 Sloan Court).

Mrs. Cullers opened the public hearing. 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 adopted the proposed ordinance vacating the fifty-foot platted right-of-way as shown on the survey by Preston Humphreys dated July 1, 2021, located in the Sealock Subdivision in Front Royal, pursuant to Section 15.2-2272 of the Code of Virginia:

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

**AN ORDINANCE TO VACATE THE EXISTING FIFTY-FOOT-WIDE UNIMPROVED
RIGHT-OF-WAY BETWEEN TAX MAP NUMBER 39A, LOTS 1A1, 3, 4 AND 5 IN THE
SEALOCK SUBDIVISION IN FRONT ROYAL, PURSUANT TO
SECTION 15.2-2272 OF THE CODE OF VIRGINIA**

WHEREAS, the owner(s) of current tax map number 39A, lots 1A1, 3, 4, and 5 has requested the Board of Supervisors vacate existing right-of-way 0.2264 acres in size, located in and recorded in Deed Book 169 Page 375; and WHEREAS, after proper advertisement thereof, pursuant to Sections 15.2-2272 and 15.2-2204 of the Code of Virginia, the Board of Supervisors has conducted a public hearing to consider the vacation of the existing right-of-way and has determined that it is in the best interest of Warren County to vacate the said right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that, pursuant to Section 15.2-2272 of the Code of Virginia, and upon the request of the owner(s) of the property affected, the existing right-of-way 0.2264 acres in size, recorded in Deed Book 169 Page 375 and as shown on the attached plat entitled "BOUNDARY LINE ADJUSTMENTS AND DRAINFIELD EASEMENT ON SLOAN COURT, SOUTH RIVER MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA" dated July 1, 2021, prepared by Preston M. Humphreys, is hereby vacated.

**THIS ORDINANCE SHALL BE EFFECTIVE THIRTY-ONE DAYS AFTER ADOPTION IF NOT
APPEALED BY ANY INTERESTED PERSON BEFORE SUCH DATE**

Upon recordation of this Ordinance, fee simple title to the centerline of the alleys hereby vacated shall transfer and vest with the owners of the abutting properties, pursuant to the terms of Section 15.2-2274 of the Code of Virginia (1950), as amended.

Public Hearing – Modification of Conditional Use Permit 2003-05-03, ELP Riverton, LLC to Add Uses to Pre-Approved Retail List – Joe Petty

Mr. Petty reported the applicant is requesting that the pre-approved list of retail uses be amended to add several allowed uses related to alternative nicotine products. The Riverton Commons shopping center having a pre-approved list of allowed uses is unique; Crooked Run shopping center (just across Route 340/522) allows uses related to alternative nicotine products by-right. The pre-approved list was last updated in 2014 to allow for the construction and operation of the Valley Health urgent care facility. The applicant is requesting the following uses be added to the pre-approved list:

1. Alternative nicotine and related products/accessories
2. Nicotine vapor and related products/accessories
3. Cannabidiol (CBD) and related products/accessories
4. Kratom and related products/accessories
5. Tobacco and related products/accessories
6. Hemp and related products/accessories
7. Non-nicotine vapor and related products/accessories
8. Smoking pipes and related products/accessories
9. Electronic cigarettes and related products/accessories

Mr. Mabe asked if this modification would enable the Walmart or the Chinese restaurant to have the right to sell these products, and Mr. Petty responded the list is intended for principal retail uses. However, technically those stores would have the right to sell these products.

Mrs. Oates reiterated Mr. Petty's previous comments on how the Target shopping center right across the street (Crooked Run shopping center) does not have these stipulations, so CBD and alternative nicotine products can be sold by-right.

Mrs. Cullers opened the public hearing.

Gretchen Brill, 65 Riverton Commons Plaza, introduced herself as the Director of the urgent care facilities in the Riverton Commons shopping center and, on behalf of Valley Health, voiced her opposition for this request for sale of cannabis and tobacco related products. Valley Health intentionally placed their facilities in this shopping center because of the family-friendly profile of the location and ease of access. There are already numerous CBD and alternative nicotine product shops within the Town of Front Royal, and this sort of

vendor in close proximity to healthcare offices is in direct conflict with the mission of Valley Health.

Stephen Pettler from the law firm of Harrison and Johnston introduced himself as the legal representative for ELP Riverton, LLC. The only reason this request is before the Board of Supervisors is because, as Mr. Petty previously stated, the property is unique. Every other shopping center in the County is allowed to sell these products by-right. If it were for any other property zoned Commercial (C), all they would have to do is file for a business license. If the Board denies this modification request, the Board would be treating the tenants of this shopping center differently than all other commercial properties in the County. He encouraged the Board to not focus so much on the CBD and hemp products, which are non-intoxicating, but rather on what is fair for businesses in the County.

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

Mrs. Oates wanted to know whether approving this modification request would open the door for permitting a marijuana dispensary in the shopping center in the future. Jason Ham, counsel, said he was unsure and deferred the question to the applicant's representative. Mr. Pettler believes marijuana dispensaries would be separately regulated facilities similar to an ABC store, only privately owned and operated. There is a different permitting process to sell intoxicating cannabis products (containing THC), and Mr. Pettler affirmed this modification request was not intended to be a way to allow to sell intoxicating products. The uses list being requested is an industry standard list for a tobacco and vape shop.

Mr. Petty stated the Planning Department researched the potential for marijuana dispensaries when the legislation was originally passed. This modification request would not include that type of intoxicating product, and if the businesses in Riverton Commons wanted to sell such a product, they would have to come back before the Board and request to modify the pre-approved list of uses.

Mr. Fox noted there was already a tobacco and vape business in the Riverton Commons shopping center, and Mr. Petty confirmed the Planning Department was aware of this business and had sent them a cease-and-desist letter. They are currently selling these products without the knowledge that permission was needed.

Mr. Mabe said he would feel more comfortable being assured this would not allow the sale of THC, and Mr. Ham pointed out that the legal representative of the applicant and the Planning Director had already repeatedly said it would not be allowed.

Mr. Fox made a motion to approve the modification request of ELP Riverton, LLC, but following extensive discussion amongst the Board, Planning Director, and legal counsel regarding THC, Mr. Fox withdrew his motion.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the modification request of ELP Riverton, LLC for conditional use permit #2003-05-03 to add the requested uses to the pre-approved list for the Riverton Commons Shopping Center as listed below and further prohibited the sale of intoxicating Tetrahydrocannabinol (THC) and related products:

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

1. Alternative nicotine and related products/accessories
2. Nicotine vapor and related products/accessories
3. Cannabidiol (CBD) and related products/accessories
4. Kratom and related products/accessories
5. Tobacco and related products/accessories
6. Hemp and related products/accessories
7. Non-nicotine vapor and related products/accessories
8. Smoking pipes and related products/accessories
9. Electronic cigarettes and related products/accessories

Public Hearing – Conditional Use Permit 2021-06-01, John Suh for a Short-Term Tourist Rental – Matt Wendling

Matt Wendling, Deputy Planning Director, reported the applicant is requesting a conditional use permit for a short-term tourist rental for rental of the single-family dwelling for less than thirty days. In the statement of justification, the Mr. Suh states requests to operate a short-term tourist rental to offset his expenses for his single-family dwelling. He plans to live in the dwelling full-time but will rent it when he is out of town. He states there is sufficient parking for three vehicles. The property is located off a private road, and this subdivision does not have a Property Owners or Homeowners Association.

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 as determined according to the Health Department operational permit for a two-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be services every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.
5. The shooting of firearms and hunting shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) shall be prohibited.

Mrs. Cullers opened the public hearing. 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 John Suh 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

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 as determined according to the Health Department operational permit for a two-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be services every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.
5. The shooting of firearms and hunting shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) shall be prohibited.

Public Hearing – Conditional Use Permit 2021-06-02, Neal Sutliff for a Short-Term Tourist Rental – Matt Wendling

Mr. Wendling reported applicant is requesting a conditional use permit for a Short-term Tourist Rental to rent the single-family dwelling for less than thirty days to offset his expenses for construction of a new structure. The demolished “cabin” was derelict, and Mr. Sutliff decided to replace it with a new structure to improve the property. His intent is to use it for both a weekend retreat for his family and as a short-term tourist rental due to its

proximity to local tourist destinations and family friendly activities. The property is listed as being owned by NJS Land, LLC, of which the applicant is a member and manager as stated in his application. He plans to complete construction by August 2021 as it is currently under construction. He is currently researching local companies or individuals that can be retained as a property manager to oversee the use.

Mr. Wendling noted the Skyland Community Corporation submitted a letter of concern regarding this proposed rental property and is requesting the Board deny the application. Other nearby and adjacent property owners have also submitted letters and emails requesting denial of this application.

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 as determined according to the Health Department operational permit for a three-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.

Mrs. Cullers opened the public hearing.

Shannon Barker, 1754 Khyber Pass Road, is worried because there is little evidence of Mr. Sutliff having a vested interest in living at the property. As a nearby property owner, she and her husband are concerned about the maintenance and upkeep of this proposed rental. The property manager would have very little control over the behavior of the renters, and she would rather see a stable neighbor at the property. She would like someone to own and live at the property rather than have a revolving door of unpredictable neighbors.

Neal Sutliff, applicant, said the property manager he is looking to hire currently oversees several other local rentals. He has also been researching cleaning companies in the area and will be installing a fence line for hard separation between adjacent owners and this property.

Melissa Halko, 261 Sunset Village, asked if conditional use permits are transferrable, and at the allowance of the Chair, Mr. Wendling responded yes, they are transferrable if they

remain active. If the permit goes inactive for a two-year time period, it will expire. Ms. Halko said she asked this question because the property is currently listed for sale.

Mr. Sutliff returned to the podium and confirmed the property is currently listed for sale. Even with the home being under construction, he was approached with unsolicited offers, which prompted him to list the property to see what other offers he may receive. Some of the offers are contingent on short-term tourist rental approval, and there is a possibility that he may sell.

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

Mrs. Oates commented that if she was his neighbor, she would want to know who owns the property and who will be renting it out. She would want to know exactly who would be responsible for the management and maintenance of the property, and considering the unsure nature of the future ownership of the property, she would be unable to support the current application.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors denied the conditional use permit request of Neal Sutliff for a short-term tourist rental due to opposition from surrounding property owners and, due to the property being listed For Sale, uncertainty regarding future ownership of the property:

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

Public Hearing – Conditional Use Permit 2021-06-05, Mountaintop the Church at Skyline for a Private School – Joe Petty

Mr. Petty reported applicant is requesting a conditional use permit (CUP) for a Private School. The church was constructed in 1992 and does not have a CUP as the use was permitted by-right in the Agricultural District prior to the adoption of the current ordinance on August 19, 1992. The Warren County Code currently lists “Private School” as a use that may be permitted upon issuance of a CUP by the Board of Supervisors. As a response to the many challenges parents and students faced during the COVID-19 pandemic in 2020, the church began a private school and were unaware of the CUP requirements. The school would operate from August to May, Monday through Friday, 8:00 AM to 3:30 PM, and would accommodate thirty (30) or fewer students. This application does not expand/change the existing use of the church, and the Planning Department will not be requesting any conditions specific to the church use.

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

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Health Department, Warren County Building Inspections, Warren County

Zoning, Virginia Statewide Fire Prevention Code, and any other local, state, and federal regulations and requirements.

2. The maximum number of occupants shall not exceed thirty, or as determined by the Warren County Health Department.
3. The applicant shall have the well water tested annually, and a copy of the results shall be submitted to the Planning Department.
4. A waiver to the required paved parking spaces shall be granted given the existing parking lot. At least one handicap parking space shall be hard surfaced and striped within one year of permit approval in accordance with the Warren County Zoning Ordinance.

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. Fox, and by the following vote, the Board of Supervisors approved the conditional use permit request of Mountaintop the Church at Skyline for a Private School with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Health Department, Warren County Building Inspections, Warren County Zoning, Virginia Statewide Fire Prevention Code, and any other local, state, and federal regulations and requirements.
2. The maximum number of occupants shall not exceed thirty, or as determined by the Warren County Health Department.
3. The applicant shall have the well water tested annually, and a copy of the results shall be submitted to the Planning Department.
4. A waiver to the required paved parking spaces shall be granted given the existing parking lot. At least one handicap parking space shall be hard surfaced and striped within one year of permit approval in accordance with the Warren County Zoning Ordinance.

Public Hearing – Conditional Use Permit 2021-06-06, Melissa Halko for a Short-Term Tourist Rental – Matt Wendling

Mr. Wendling reported the applicant is requesting a conditional use permit for a short-term tourist rental to rent the single-family dwelling for fewer than thirty days to offset her expenses for this second home. Ms. Halko is an experienced manager of short-term tourist rentals and owns one in Luray. She has home improvement and maintenance service contacts that will be assisting her to manage the property. She expects to rent the property

from six to nine months out of the year depending on the season and plans to market it to people who want to visit and enjoy the natural resources and attractions the County has to offer.

Mr. Wendling noted there was a letter sent from the developer of the property stating to their knowledge, there are no rental or AirBnB restrictions in Junewood Estates and/or Cooks Riverside. Additionally, a letter requesting denial of the application was sent by the adjacent property owner.

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 as determined according to the Health Department operational permit for a three-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.

Mrs. Cullers opened the public hearing. 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 Melissa Halko for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

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 as determined according to the Health Department operational permit for a three-bedroom dwelling.

3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.

Public Hearing – Conditional Use Permit 2021-06-07, Ken Colton/KLC & CO, LLC for the Storage of Cars, Boats, and Recreational Vehicles – Joe Petty

Mr. Petty reported the applicant is requesting a conditional use permit for storage of cars, boats, and recreational vehicles (RVs). The property is located on Winners Court in the North River Magisterial District. The proposed facility will have enclosed storage buildings, which is a by-right use for properties zoned Industrial (I), and have an area for outdoor storage of vehicles. The project is not within the highway corridor overlay district, though it must meet the supplemental regulations for enclosed storage and landscaping.

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

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County prior to the issuance of a building permit.
3. The area on the property for the storage of cars, boats, and recreational vehicles (RVs) shall be adequately landscaped and screened as required in Warren County Code Section 180-49.1.
4. All vehicles shall have valid tags and inspections while stored on the site.

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. Fox, and by the following vote, the Board of Supervisors approved the conditional use permit request of Ken Colton for the storage of cars, boats, and recreational vehicles with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County prior to the issuance of a building permit.
3. The area on the property for the storage of cars, boats, and recreational vehicles (RVs) shall be adequately landscaped and screened as required in Warren County Code Section 180-49.1.
4. All vehicles shall have valid tags and inspections while stored on the site.

Reports (Continued) – County Administrator

Dr. Daley reported the following:

- Invited Rick Farrall, Emergency Coordinator, to speak about the Delta variant of the Coronavirus. Mr. Farrall reported there has been an increase of cases in the County and in the region, and according to the Virginia Department of Health, most of the State is experiencing a high transmission rate of this variant. He is recommending the County reinstate the precautions it was doing before: masks for County employees when outside their workspace, Plexiglass barriers, social distancing measures and masks during meetings, etc. If the County sees a spike in cases, it will likely be in the next couple of weeks, considering Warren County Public Schools had its first day today, and both Randolph Macon Academy and Christendom College begin next week. He has been working with Valley Health on establishing a community testing site and is currently looking for a potential place to host the site.
- Received the engagement letter and the preliminary letter to the governing body from Robinson, Farmer, Cox Associates, the County's auditing firm.
- Spoke with and received an email from Don Hindman about the proposed Shenandoah Rail Trail; Miller, Long and Associates in Roanoke will be completing an appraisal of the Norfolk Southern rail corridor, which will cost approximately \$60,000, and Mr. Hindman is requesting each of the three localities contribute \$15,000 for this appraisal, with the remaining \$15,000 to come from private sources. Dr. Daley stated consideration of the appropriation of this \$15,000 will be on the Board's agenda for the September 7th meeting.
- Reminded the Board of the Building Committee meeting on August 19th at 2:00 PM, the Solid Waste Committee meeting on August 25th, and the Town/County Liaison Committee meeting on September 16th.
- Coronavirus Update – The Coronavirus remains a significant health concern, given the resurgence of the "Delta" variant. Given the County's 38% vaccination rate, and "moderate" level of community transmission, everyone must continue to maintain a commonsense approach to mitigating any future impacts of the virus. Citizens and

employees who did not receive the vaccination can contact their Primary Care Manager, the Health Department, or most of the local pharmacies, to receive the COVID-19 vaccination.

- Revenue Updates for July

Sales Tax

2021	2020	Difference
\$449,060.99	\$441,318.47	\$7,742.52 (1.75%)

Year-to-Date

Meals Tax	\$575,461.23
Lodging Tax	\$132,548.81
Business License Tax	\$1,047,141.60

- Wayfinding Signage – The County and Town are working together on the trailblazing signage. Staff expects the County signs to be here in the next few weeks. The County Public Works Department has staked the sign locations, and staff will be meeting with the local VDOT residency to review these locations.
- Tourism Committee – Jones Lang Lasalle Americas, Inc. (JLL) continues to perform joint tourism services for the Town and County. They host bi-weekly meetings with the Joint Tourism Committee. They are monitoring the metrics for the current marketing campaigns and updating the Committee.
- Development Review Committee – The Development Review Committee for July 28, 2021 was cancelled due to office scheduling. The Committee will meet again on August 25, 2021.
- Appalachian Trail Connector Update – During a work session with the Board on August 3, 2021, it was recommended to put the project on hold. Mr. Petty has since been in communication with the Virginia Department of Transportation to schedule a meeting to discuss various options for the Appalachian Trail Connector.
- Shenandoah Valley Rail Trail – The Department of Conservation and Recreation held a webinar update on July 21, 2021, to learn about a rail-trail feasibility study in Rockingham, Shenandoah, and Warren Counties. DCR is evaluating the conversion of an inactive Norfolk-Southern railroad segment into a 48.5-mile multiuse recreational rail-trail in the Shenandoah Valley. The replay of the webinar is available at <https://www.dcr.virginia.gov/recreational-planning/shen-rail-trail>.
- Building Inspections for July

New Home Starts Year-to-Date

County	Town	Total	Total for 2020
23	1	24	24

Permits Issued Year-to-Date

2021	2020	Difference
265	239	26 (10%)

Inspections Completed Year-to-Date

2021	2020	Difference
986	1,227	241 (-19.6%)

This time last year, the Department was performing many more hospital inspections, and projects are moving slower currently due to material delays.

- Parks and Recreation
 - Current/Upcoming Programs and Activities:
 - Skyline and Warren County Middle Schools Girls Basketball Camp: August 14, 2021, Skyline Middle School, 9:00 a.m. - 2:00 p.m., Students in grades 6-8
 - Basic Pistol Shooting Class: Session I: Saturday, August 21, 2021; Session II: Saturday, October 16, 2021; and Session III: Saturday, November 13, 2021
 - Youth Volleyball Program: 5-week co-ed volleyball program; Sundays, September 21, 2021 through October 10, 2021
 - Ballet I Class: Session I: Tuesdays, September 7 through October 19, 2021 (no class on October 5, 2021); Session II: Tuesdays, October 26 through November 30, 2021
 - Additional Fall programs and activities will be posted on the Warren County Website and Facebook page this week.
 - Administration
 - Warren County Splash Pad closed due to Town of Front Royal water restrictions that began on July 27th.
 - Park Facility Projects
 - Park staff installed a memorial bench in Eastham Park on August 10th.
 - Mr. Joe Brogan, Brogan Surveying forwarded the completed survey for the basketball court area to County staff and LPDA on July 30th. Once approved, LPDA will begin the Design Development and the Construction Drawings.
 - Caitlin Jordan, Senior Assistant County Attorney, has prepared and forwarded a skatepark repair contract to the contractor for the completion of repairs to the Skyline Soccerplex skatepark bowl.
 - Elkay Retrofit Bottle Filling Station Kits were installed at the Youth Center, the Health and Human Services Complex gym and the Community Center.
- Department of Social Services – In the month of July, DSS received:
 - 108 SNAP Applications
 - 111 Medicaid Applications
 - 23 TANF Applications
 - 9 Child Care Applications
 - 1,459 Phone calls
 - 817 Lobby clients

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

- 47 CPS referrals
- 21 APS referrals

Services rendered:

- \$445.65 spent from Ministerial Fund for housing and clothing
- One Stop Resource Center every Wednesday
- July – three food giveaways – two on Wednesday evenings, one on Saturday. All very successful
- Working with People, Inc., and other stakeholders on returning Sexual Assault services to Warren County
- Facilitated donation of a Cow to Reaching Out Now for the meal program
- Helping to facilitate with other stakeholders, the implementation of Virginia Cares (through People, Inc.) in Warren County
- Received the following donations:
 - School supplies to distribute from a group of Methodist Churches
 - Virginia Hills Church is collecting backpacks/lunch bags (filled with Elementary School Supplies) for distribution

The Job Fair last week was a rousing success. Here is some basic information the Department gathered from the participants:

- 32 vendors, the majority of which heard about the job fair through word of mouth and Facebook
- 37 job seekers documented, but the Department believes the actual number was around 50, the majority of which heard about the job fair through word of mouth and Facebook
- At least 8-10 job seekers were offered employment at the job fair and another 5-10 had follow up appointments with different vendors
- One job seeker stated he received three different job offers and chose the one which allowed him to start last Friday

The majority of the feedback the Department received was overwhelmingly positive, and they have a few notes on how the job fair can be improved next time.

- Department of Fire and Rescue Services

- 2021 Volunteer Fire Academy started this past week with 12 students in attendance.
- Staff continues to evaluate our Advanced Life Support (ALS) Provider and examine the need for staffing each station to the ALS Level.
- Staff continues to evaluate COVID and the Delta Variant – Updates to response and PPE Procedures underway.
- Station 6 Building Enhancements underway, staff has found multiple issues and safety concerns. Items being forwarded to the WC Building Committee.
- Grants still pending:
 - FY-2020 SAFER Grant for 18 staff positions

- FY-2020 AFG Countywide PPE
- DHS Swiftwater PPE – 18 sets
- Training Center Fire Incident- awaiting insurance review of loss estimates.
- Added Apparatus and Vehicle Replacement to the CIP Document Request.
- PT Firefighter/Medic Ryan Ropolla added to full-time status to fill vacancy created by employee relocation out of state.
- Rivermont Fire Station – The project continues to progress towards formal completion in the next few weeks. The final payment to the contractor was made this month, and warranty items will continue to be addressed, as appropriate. They are waiting on final approval from the Department of Environmental Quality (DEQ) to obtain the final certificate of occupancy.
- Commercial/Industrial Projects – Work continues on the following projects:
 - The new Warren Memorial Hospital maintains a Temporary Certificate of Occupancy (TCO) for the entire building until both the Town of Front Royal and Department of Environmental Quality (DEQ) provide their approvals.
 - Equus Warehouse facility – The site work continues, and the building applications have started to be submitted. The contractor has indicated that they are ready to start construction soon.

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 August 2021:

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

APPROPRIATIONS

92000-7112	LCI Services	\$125.00
71030-7011	Park Development	\$5,838.00
71020-5450	Front Royal Golf Course Cart Lease	\$2,007.50

TRANSFERS

<u>FROM:</u>	Special Projects	Sheriff's Office Animal Control Vehicle	(\$2,253.89)
<u>TO:</u>	35010-7005	Sheriff's Office Animal Control Vehicle	\$2,253.89
<u>FROM:</u>	23080-0003	Clerk of Court	(\$32,289.00)
<u>TO:</u>	23080-3001	Clerk of Court	\$32,289.00
<u>FROM:</u>	23080-3001	Clerk of Court	(\$23,084.00)
	23080-3001	Clerk of Court	(\$9,205.00)

<u>TO:</u>	21060-3005	Clerk of Court	\$23,084.00
	21060-7007	Clerk of Court	\$9,205.00
<u>FROM:</u>	21060-3005	Clerk of Court	(\$3,365.26)
<u>TO:</u>	21060-5201	Clerk of Court	\$1,112.84
	21060-7007	Clerk of Court	\$1,497.07
	21060-8001	Clerk of Court	\$755.35
<u>FROM:</u>	21060-3005	Clerk of Court	(\$1,944.00)
	21060-3005	Clerk of Court	(\$8,401.00)
	21060-7001	Clerk of Court	(\$200.00)
	21060-7001	Clerk of Court	(\$2,537.07)
<u>TO:</u>	21060-7007	Clerk of Court	\$1,944.00
	21060-7007	Clerk of Court	\$8,401.00
	21060-7007	Clerk of Court	\$200.00
	21060-7007	Clerk of Court	\$2,537.07
<u>FROM:</u>	General Fund	Skyline Training Academy	(\$25,099.47)
	31900 - 3005	Contractual Services	(\$1,500.00)
	31900 - 5101	Electrical Services	(\$985.69)
	31900 - 5102	Heating Services	(\$1,549.85)
	31900 - 5406	Motor Fuel and Lube	(\$690.02)
<u>TO:</u>	31900 - 7005	Motor Vehicle Purchases	\$25,099.47
	31900 - 3002	Professional Services - Other	\$500.00
	31900 - 3004	Repairs and Maintenance	\$1,463.40
	31900 - 3010	Maintenance/Service Contracts	\$626.61
	31900 - 5203	Telecommunications	\$1,107.85
	31900 - 7001	Capital Improvement	\$732.00
	31900 - 7010	Improvements and Betterments	\$295.70

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 August 2021 accounts as presented:

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

Check Numbers 297632 to 297884

Total: \$800,837.54

Approval of Minutes

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

- Regular Meeting of May 18, 2021
- Special Meeting of May 25, 2021 at 5:00 PM

- Special Meeting of May 25, 2021 at 7:00 PM
- Regular Meeting of June 1, 2021
- Regular Meeting of June 15, 2021
- Regular Meeting of July 20, 2021
- Regular Meeting of August 3, 2021

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

Consent Agenda

1. Adoption of Technology Systems Technician Job Description and Grade Placement – Taryn Logan
2. Removed for further discussion
3. Contract with Just Tech for New Xerox Copier – Dan Lenz
4. Resolution Regarding 426 Baugh Drive – Ed Daley/Jason Ham
5. Resolution, Authorization, and Approval for the Execution of the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding – Jason Ham

Mrs. Oates requested the removal of item 2 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 item 2 for further discussion:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY REGARDING 426 BAUGH DRIVE, FRONT ROYAL

WHEREAS, on January 16, 2018, the Board of Supervisors of the County of Warren, Virginia (the “Board”) passed a resolution entitled “Resolution of the Board of Supervisors of Warren County to Approve and Support the Acquisition by the Economic Development Authority of Property and Improvements at 426 Baugh Drive from Westrock, LLC” (the “Prior Resolution”); and

WHEREAS, the Prior Resolution provided that Warren County, Virginia (the “County”) agreed to support the purchase of property and improvements located at 426 Baugh Drive, Front Royal Virginia (the “Property”) by the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”) through funding the debt service on the Property; and

WHEREAS, the Prior resolution stated that the EDA would purchase the Property “for the purpose of attracting one or more industrial users to purchase and/or lease all or portions of the Property”; and

WHEREAS, on June 1, 2021, the EDA entered into a lease with Sysco Corporation (the “Lease”), which Lease provides funds to the EDA that exceed the debt service on the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Warren, Virginia hereby repeals the portion of the Prior Resolution that provides support for the debt service regarding the Property to the EDA. In the event that the Lease is terminated or not renewed, the Board shall consider any future request of the EDA to provide debt service assistance regarding the Property during the time period that the Property remains unsold and has not been leased. The County Administrator and his designees are authorized to take such further actions as are reasonably necessary to carry out the terms and intent of this Resolution.

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY, VIRGINIA
AUTHORIZING THE EXECUTION OF VIRGINIA ABATEMENT FUND AND SETTLEMENT
ALLOCATION MEMORANDUM OF UNDERSTANDING

WHEREAS, the County of Warren, through their elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, the County of Warren and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same;

WHEREAS, in order to advance their common interests, the County of Warren and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries;

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County approve the proposed memorandum of understanding; and

WHEREAS, the County Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel.

NOW, THEREFORE, BE IT RESOLVED by the County of Warren, assembled on this day at which a quorum is present, that the County of Warren hereby authorizes and approves, or confirms authorization and approval, of the Virginia Abatement Fund and Settlement

Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit "A", and directs the County Administrator or the County Attorney to execute and enter into such Memorandum of Understanding on behalf of the County of Warren.

Adoption of Deputy Public Works Director Job Description and Grade Placement – Taryn Logan

Mrs. Oates said she pulled this item because she wanted to confirm the funding for the position, especially since the salary range for the position is so broad. She wants to discuss the actual target salary range and potential budgetary impacts.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors postponed further discussion on this item to the work session on September 7, 2021:

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

Adjournment

Mrs. Cullers adjourned the meeting at 9:14 PM.