

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on November 3, 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); and Walter J. Mabe (Shenandoah District); also present were 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; Todd Jones, Director of Technology; Caitlin Jordan, Senior Assistant County Attorney; Gerry Maiatico, Fire Marshal; Jane Meadows, Human Resources Director; Joe Petty, Planning Director; Matt Robertson, Finance Director; Sherry Sours, Commissioner of the Revenue; and Emily M. Ciarrocchi, Deputy Clerk of the Board

Absent: Delores R. Oates (North River District)

Adoption of Agenda

Mr. Carter requested the removal of item H-1 on the Consent Agenda (Approval of 2022 Board Meeting Schedule) to allow time for the newly elected Board of Supervisors members to review the proposed schedule and suggest any changes.

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

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

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:

- Graded and applied stone on various non-hard surfaced roads and will continue this month
- Completed secondary mowing and started primary mowing; will complete primary mowing this month weather permitting
- Performed skin patching on various routes and conducted winter dry runs (inspecting and prepping our snow equipment for the winter season)
- Will be performing shoulder repairs and cutting brush on various routes throughout the County this month

Board Concerns:

- Will be using contractor brush crew to address sight distance issues on Route 340 South
- Waiting on pipe flushing crew to finish up and address Thompson Hollow Road
- Have received funds to replace culverts that continually wash out on Ridings Chapel Road (Route 735) with box culvert; expect to do it next spring/summer
- VDOT is behind with some of the paint refresh. Their equipment is broken down, and they are having issues with getting parts. Their contractor is already full with previous commitments.
- Contractor starting today on paving for Browntown Road (Route 649); it should take about three days, and the construction will take place during the middle of the day when the temperatures are higher (1.1 miles from Route 340)

Supervisor Carter appreciated VDOT replacing the guard rails on Dismal Hollow Road and asked when the improvements to Happy Creek Road are expected to be completed. Mr. Carter responded the contractor is on schedule to complete by December. There was an issue on the Manassas Run Road side of the project, but he will double check with the contractor.

Mrs. Cullers reiterated the concerns she voiced in October about low-hanging trees and branches along Browntown Road damaging travel trailers. She also asked about the discussion they had previously about a flashing yellow left turn light for the left turn from Route 340 onto Browntown Road, and Mr. Carter said the traffic analysis team reported the intersection did not lend itself to a flashing yellow light because of the width of the road and traffic counts. She said some of her constituents had raised concerns about people driving recklessly on Browntown Road and asked if rumble strips could be placed on the double yellow line. Mr. Carter said VDOT does not typically install rumble strips on secondary roads, and there probably would not be funding for it.

Public Comment Period (60 Minute Time Limit)

Brian Wilkinson, 4838 Gooney Manor Loop, presented a petition regarding cell phone coverage and internet service in southern Warren County to the Board members. He is a 25-year resident of Warren County and wants to improve phone service and broadband access in the area. He acknowledged the expansive broadband initiative being undertaken by Board but wants this problem to receive sustained attention along with continued focus and commitment on achieving concrete goals.

J. Paul Balserak, 5305 Gooney Manor Loop, thanked Mr. Wilkinson for taking the lead on this initiative and reiterated his concerns about the lack of phone coverage in the southern areas of the County, especially considering he has asthma and has had violent reactions to yellow jacket stings in the past. There are even times when the CenturyLink landline service is unavailable, and he is not sure why it is taking so long to get decent service to the area.

There were no further presentations from the public.

Report – Virginia Cooperative Extension Office – Stacy Swain

Stacy Swain, 4-H Program Educator, presented the Virginia Cooperative Extension report to the Board, highlighting the following points:

- Organized and facilitated the 2021 Northern Virginia Regional Wool Pool with nineteen (19) producers shipping 92 bags of raw wool
- Conducted Agricultural Damage assessment for drought related damages in Clarke, Frederick, and Warren counties due to drought conditions combined with high temperatures
- Collaborated with Old Dominion Livestock Producers, Virginia Department of Agriculture and Consumer Services, and the Winchester Livestock Exchange to conduct State Graded Sheep and Goat Sales on July 12th with 38 area producers participating with 654 sheep and 245 goats
- Continued to host its Improving Farm Profitability through Grazing Management (Graze 300) program
- Continued invasive species education, outreach, and management for the spotted lanternfly (SLF)
- Hosted four sessions on Virtual Super Pantry Financial Lessons
- Conducted pressure canning testing due to the increased interest in individuals canning their own food
- Developed and distributed monthly state-wide newsletter *Buzz, Body & Bites*; its content includes current news and trends related to nutrition and wellness, a recipe, an exercise, and a puzzle
- Conducted Free Market Fridays providing residents fresh produce from community garden and nutrition educational materials
- Was able to hold the overnight 4-H summer camp again this year with COVID-19 pandemic restrictions in place; there were 156 participants, 46% of which were from Warren County
- Hosted the “Summer Fun in the Sun” day camp with 20 youth participants
- Organized the Youth Quality Care of Animals program that twenty-seven (27) youth attended from across Virginia
- Held the Warren County Fair 4-H Livestock Shows and Auction where twenty-two (22) 4-H members participated, and forty-three (43) animals were sold at the auction for a grand total of over \$74,600

Report – Warren County Public Schools – Dr. Chris Ballenger

Dr. Ballenger was not in attendance.

Reports – Board Members, County Administrator, Interim County Attorney

Mr. Carter congratulated all the candidates who ran for a position in the 2021 Elections and further congratulated those who were elected; Mr. Fox echoed Mr. Carter's sentiments, as did Mr. Mabe.

Mrs. Cullers reported the following:

- Requested prayers for Mrs. Oates and her family during a difficult time
- Also congratulated the individuals who ran for office and those who were elected during the 2021 Elections
- Being a resident of southern Warren County, she understands the ongoing broadband and service needs; the Board is actively pursuing a regional, multi-million-dollar expansion project with All Points Broadband and hopes for the Governor to make the project funding announcement in December
- Thanked the Front Royal-Warren County Chamber of Commerce for putting on the Candidate Forum on October 20th for those running for office
- Attended a Leadership Conference on October 23rd hosted by the Department of Fire and Rescue Services on Perspectives on Servant Leadership
- Handed out candy on Main Street for Halloween along with Town Vice Mayor Lori Cockrell and Town Manager Steven Hicks

Dr. Daley reported the following:

- Invited Michelle Ross, Director of Samuels Public Library, to deliver a presentation on the proposed amphitheater at the Library; Ms. Ross reported the Library has received permission from the Warren County School Board to use a portion of the Ressie Jeffries Elementary School property for this project, and they have adjusted the design of the amphitheater to include a wall behind the stage to block the view of the Library's dumpsters.
- Invited Matt Robertson, Finance Director, to speak about the hiring of the new Deputy Finance Director, and Mr. Robertson announced Alisa Scott had accepted this position and will start on Monday, November 15th.
- Invited Mike Berry, Public Works Director, to provide information on the United Way's Day of Caring, which is on Friday, November 5th; the County will have a team of volunteers assisting the United Way, and they will be focusing on local non-profit organizations that need assistance on small projects.
- Dr. Daley reminded the Board of the Front Royal-Warren County Airport Capital Improvement Plan (CIP) meeting on Thursday, November 4th at 7:00 PM in the Government Center.

- Invited Missy Henry and Gerry Maiatico from the Department of Fire and Rescue Services to provide a report; Fire Marshal Maiatico spoke about two initiatives currently underway within the Department: Camping for Hunger and the annual Boot Drive. The Department is challenging all the fire stations to a friendly competition to see which station can bring in the most canned and non-perishable goods for The River 95.3's Camping for Hunger campaign in support of C-CAP. Also, the Department will be holding its Boot Drive on Saturday, November 6th from 9:00 AM – 2:00 PM at two locations – the Riverton Commons Shopping Center and the entrance to Skyline Drive. The funds and unwrapped presents from this drive help ensure local families have a memorable Christmas. The Department works with Warren County Public Schools on an application process for children and families.
- Fire Marshal Maiatico also reported the Department has been conducting training exercises throughout this week at the house located at 8897 Winchester Road, which is slated to be torn down for the construction of an enclosed storage facility; the exercises will culminate in a controlled burn of the house on Saturday, November 6th
- Invited Todd Jones, Director of Technology, to introduce new Information Technology (IT) staff, and Mr. Jones introduced Sam Cheshire as the new Technology Systems Technician who started on Monday, November 1st. He comes from Frederick County and will focus mainly on desktop support.
- Dr. Daley said he has been advised by the Commonwealth of Virginia that the County will be receiving designated tourism funds through the American Rescue Plan Act (ARPA) totaling approximately \$170,000. Grants and Special Projects Coordinator Lisa Salomon is working with Deputy County Administrator Taryn Logan and Discover Front Royal on fund utilization.
- Would like to schedule an Advance for the Board with the new members recently elected; this Advance would be held on November 30th at 3:00 PM with just the Board members and December 1st also at 3:00 PM with the Board and senior staff.

Consent Agenda

- ~~1. Approval of 2022 Board Meeting Schedule – Ed Daley~~
2. Adjustment of County Sponsored Insurance Benefits Waiting Period – Jane Meadows
3. Request to Adopt a Resolution Approving the County's Participation in the Proposed Settlement of Opioid-Related Claims – Jason Ham
4. Vehicle Purchase for the Shenandoah Farms Sanitary District – Mike Berry/Michael Coffelt
5. Use of Courthouse Grounds for the Veterans Day Presentation, American Legion Post 53 – Adjutant David Kaplan/Emily Ciarrocchi
6. Use of Courthouse Grounds for a Nativity Scene, Little Chapel Baptist Church – Emily Ciarrocchi

7. Use of Courthouse Grounds for Holiday Panels, Shenandoah Area Secular Humanists – Waller Wilson/Emily Ciarrocchi
8. Adoption of Network Administrator Job Description and Grade Placement – Jane Meadows/Todd Jones
9. Approval of UKG (Ultimate Kronos Group) for Semi-Monthly Payroll Processing – Jane Meadows/Matt Robertson
10. Authorization to Advertise for Public Hearing – Ordinance to Amend and Re-Ordain Chapter 160, Article XIX of the Warren County Code, “Transient Occupancy Tax” – Caitlin Jordan
11. Authorization to Advertise for Public Hearing – Ordinance to Add and Ordain Section 30-7 of the Warren County Code to add a one-time Bonus for Compensation Board-Funded Sheriff and Sheriff’s Deputies in FY 2021-2022 – Ed Daley
12. Authorization to Advertise for Public Hearing – Ordinance to Add and Ordain Section 30-8 of the Warren County Code to add a one-time Bonus for Non-Compensation Board-Funded Sheriff’s Deputies in FY 2021-2022 – Ed Daley
13. Authorization to Advertise for Public Hearing – Additional Appropriation of CARES Act and State Grant Funding to Warren County Public Schools – Ed Daley/Dr. Chris Ballenger

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

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY’S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Warren County, Virginia (the “County”) by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the County’s various departments and agencies; and

WHEREAS, the County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the County; and

WHEREAS, the County has filed suit against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed the County; and

WHEREAS, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

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

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Warren, Virginia, this 3rd day of November, 2021, approves of the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Property Owners of Shenandoah Farms Contractual Request – Mike Berry/Ralph Rinaldi

Mr. Berry reported Ralph Rinaldi, the Chairman of the Property Owners of Shenandoah Farms (POSF) Board, has submitted a letter to the Board of Supervisors requesting assistance in the 6% share that POSF must pay on behalf of Clarke County residents who reside within the Shenandoah Farms subdivision. Per the contract with Warren County, POSF must pay 6% of its budgeted income back to Warren County each quarter, and these payments total \$1,325.51 each quarter. Due to the budget increasing slightly, the payments will now have to be increased to \$1,648 each quarter to cover the costs of Clarke County residents. With diminished income and the increase in payments, POSF is not able to meet these terms. Per the agreement with Warren County, POSF can ask the Board of Supervisors for a supplemental appropriation to complete the 6% share, which was the purpose of Mr. Rinaldi's letter.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors authorized the provision of 6% share assistance to the Property Owners of Shenandoah Farms (POSF); in lieu of additional appropriation in Contract Service payment to the POSF, the Board of Supervisors will not require Property Owners of Shenandoah Farms to return the 6% Clarke County portion, currently estimated at \$1325.51 per quarter. In future years, the funding request and determination will be made as part of the official budget cycle:

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

Closed Session – Virginia Freedom of Information Act

On a motion by Mr. Fox, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”), the Town of Front Royal, the *EDA vs. Jennifer McDonald, et al.*, the *Town of Front Royal vs. the EDA, et al.*, the *EDA vs. the Town of Front Royal*, other potential claims and litigation relating to other possible liabilities of the EDA, the recovery of EDA funds and assets, and the outstanding indebtedness of the EDA.

The Board also entered into a closed meeting under the provisions of Section 2.2-3711(A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice, such legal matter being redistricting:

Carter, Aye; Cullers, Aye; Mabe, Aye; Fox, 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)(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:

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

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

Dr. Daley reported the County has received information from the State for redistricting, which was delayed due to the Census figures being delayed. He should be able to provide preliminary information to the Board of Supervisors by the end of November, with an authorization to advertise for public hearing item to come before the Board in December. Each magisterial district must be within 5% population to one another, and since the last

census, there has been an approximate 10% increase in the overall population of Warren County.

Adjournment

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