

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on January 4, 2022 at 10:00 AM.

Present: Cheryl L. Cullers, Chair (South River District); Delores R. Oates, Vice Chair (North River District); Vicky L. Cook (Fork District); Jerome K. Butler (Happy Creek District); and Walter J. Mabe (Shenandoah District); also present Edwin C. Daley, County Administrator; Jason J. Ham, Interim County Attorney; David Beahm, Building Official; Mike Berry, Public Works Director; James Bonzano, Fire Chief; Mark Butler, Sheriff; 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; Alisa Scott, Deputy Finance Director; Carol Tobin, Voter Registrar; Emily M. Ciarrocchi, Deputy Clerk of the Board; and Roger Bianchini, Royal Examiner

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

As Acting Chairman, Dr. Daley opened the meeting and led the Pledge of Allegiance.

Election of Officers

1. Chairman

Dr. Daley opened the floor for nominations for Chairman of the Board of Supervisors for 2022.

Mrs. Oates made a motion to nominate Cheryl Cullers as Chair of the Board for 2022, and there were no further nominations.

The Board closed nominations for Chair by unanimous consent, and the motion to elect Cheryl Cullers as Chair for 2022 was also approved by unanimous consent.

2. Vice Chairman

Dr. Daley opened the floor for nominations for Vice Chair of the Board of Supervisors for 2022.

Mrs. Cook made a motion to nominate Delores Oates as Vice Chair of the Board for 2022, and there were no further nominations.

The Board closed nominations for Vice Chair by unanimous consent, and the motion to elect Delores Oates as Vice Chair for 2022 was also approved by unanimous consent.

Adoption of Agenda – Additions or Deletions

Dr. Daley requested the addition of an item to the closed session for the discussion of acquisition of real property for a public use.

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

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

Public Comment Period (60 Minute Time Limit)

Edwin Wright, 4151 Gooney Manor Loop, presented the Board members with a packet of documentation related to road safety along Gooney Manor Loop and response times for Emergency Medical Services (EMS) units in Browntown. He is an applicant for four (4) upcoming conditional use permits off Gooney Manor Loop, and these road and safety concerns have been brought to the forefront through his application process.

Matt Tederick, 21 Edgewood Street, reminded the Board of his public comments at the December 14, 2021 meeting and said he was dismayed that there was not an item on this agenda regarding an investigation into clandestine operations of Mr. Mabe when Mr. Mabe was considering running for Mayor of the Town of Front Royal. Mrs. Cullers stopped Mr. Tederick at this time, quoting the following section from the Board of Supervisors Policy and Procedures: "The Board will not tolerate personal attacks by anyone on any of the participants in the proceedings." Mr. Tederick stopped his comments and said the Board would be "hearing from someone soon".

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:

- Performed grading operations on Panhandle, Steed and Bowman Hollow Roads; will continue on other non-hard surfaced routes this month as needed
- Used the remote slope mower at various locations and conducted brush cutting on various routes; will continue with the brush cutting using the buzz-bar attachment on various routes this month
- Conducted ditching operations on Catlett Mountain Road and will continue at other locations this month
- Will be replacing two drainage pipes on Pomeroy and one on Richardson Road this month, weather permitting

- Collected 30 bags of trash on several routes and prepped “for hire” equipment for the upcoming snow event, which VDOT is currently working on

Board Issues:

- Flashing warning lights on Route 55 at High Knob – Traffic engineering is currently working on the specifications and applicability for this location.
- Chair’s request for documentation on Morgan Ford Bridge Project – Expect to have it in the next couple of weeks.

Mrs. Cook asked if there was a comprehensive list that had all the ongoing and planned projects through VDOT, and Mr. Carter said there was such a list on the VDOT website and that he would email her the link.

Report – Warren County Public Schools – Dr. Chris Ballenger

Dr. Chris Ballenger, Superintendent of Warren County Public Schools (WCPS), reported WCPS has completed its first semester, and students are reacclimating to a structured school setting. WCPS continues to strive to provide a safe learning environment, but some challenges they are facing include student attendance and staffing shortages, along with fatigue and stress. WCPS completed a restructuring of the reading and math programs and are seeing positive changes through remediation and one-on-one tutoring sessions. Staff are preparing for the possibility of school closures due to staffing shortages, especially with the resurgence of the new Omicron variant of the Coronavirus. School administration sent out information to staff and parents on January 3rd letting them know of enhanced cleaning measures and warning them of the possibility of school closures. Until such time as schools may be closed, WCPS will continue to focus on individualized student attention and supporting staff.

Mrs. Oates mentioned a social emotional learning program called Second Step and said she would like to look at the curriculum. Dr. Ballenger said a few schools in the system have been using this program for several years, and he would gladly send the curriculum to her.

Mrs. Cullers asked if there would still be a virtual component if schools were forced to close, and Dr. Ballenger confirmed there would be. She then asked about virtual learning on snow days, and he replied there is some flexibility for that. The Virginia Department of Education only allows ten (10) virtual days per year, and school systems must apply for waiver of additional days to exceed ten. Administration has been working with staff on how to switch from in-person to virtual on any given day.

Mrs. Oates asked if there were any specific schools with current staffing shortages, and Dr. Ballenger responded most are managing with the number of teachers they currently have. Some schools are fully staffed, and others are only short one or two teacher positions.

Mr. Mabe asked how many staff members and students were out currently due to the pandemic, and Dr. Ballenger reported four (4) students and eight (8) staff out due to positive tests along with forty (40) students and five (5) staff out in quarantine due to potential exposures. WCPS is following the guidelines established by the Centers for Disease Control and Prevention (CDC) of a five-day quarantine. Mrs. Cullers wondered if the students would be considered absent on quarantine days, and Dr. Ballenger said students are considered “virtual present” during quarantine. Students work with their classroom teacher(s) during those five days and setup remediation meetings when they return in-person.

Mr. Mabe wanted to know how recruitment was going for the current vacancies, and Dr. Ballenger said WCPS continually reaches out to local colleges and universities for recruitment. All localities across the country are competing for teachers in their classrooms, and WCPS is also currently engaged in writing grants to help with staffing for bus drivers with either a sign-on or retention bonus. Additionally, WCPS has been hiring away from its substitute and instructional assistant systems to bring in staff as full-time teachers.

Mr. Mabe wanted to be sure no children in the school system were going hungry, and Dr. Ballenger said the Federal government making breakfast and lunch free for every student has been a positive. WCPS has restarted its Backpack Program for providing food over the weekend, and there are contingencies in place in case a school is forced to shut down.

Reports – Board Members, County Administrator, Interim County Attorney

Mrs. Oates reported the following:

- Wished everyone a Happy New Year
- Has been working on tourism efforts and commented that the Town and County are damaging themselves by throwing arrows at one another and causing negative press; the community is blessed with resources of beautiful parks and a gorgeous river, she encouraged citizens to speak positively about the community, speak kindly to strangers, and help their neighbors

Mr. Mabe reported the following:

- Attended the swearing-in ceremony for newly elected officials on December 20th
- Attended the Shenandoah Shores Property Owners Association (POA) meeting on January 3rd for the swearing-in of the new POA board

Mrs. Cook reported the following:

- She is honored to serve in Warren County and looks forward to working with everyone and making sure the County is doing positive things

Mr. Butler reported the following:

- Wished everyone a Happy New Year and is honored to be on the Board of Supervisors

- Urged the Board and citizens to take an approach called “appreciative inquiry”; rather than looking at things the Board/community does wrong and how to fix them, instead look at things the Board/community does right and how to replicate them

Mrs. Cullers reported the following:

- Also wished everyone a Happy New Year and thanked the convenience site attendants for working through the holidays
- Thanked the Public Works and Parks and Recreation staff for working to make the roads safe during the recent snow event and hoped first responders would stay safe and healthy

Dr. Daley reported the following:

- Welcomed new and returning Board members to the new year
- Commended Deputy Clerk Emily Ciarrocchi for celebrating her five-year anniversary with Warren County on January 3, 2022
- Thanked staff of the Public Works and Parks and Recreation Departments for staying on top of the snow event on January 3rd
- Commented on the amount of trash left by citizens at the County convenience sites on Christmas Day, even though the sites were closed, which left a mess for the site attendants who came the next day
- Reminded the Board of its meeting with the Town to discuss tourism on Thursday, January 6th at 6:00 PM, its Advance with senior staff on January 19th at 3:00 PM, and its joint Advance with Town Council on January 22nd beginning at 9:00 AM at the Front Royal Golf Club
- Work has started in earnest on the FY 2022-2023 budget, and he and Finance Director Matt Robertson will be meeting with Department Heads and Constitutional Officers beginning this week on initial budget requests; budget work sessions with partner agencies will start the first week of February
- Provided the Board members with a copy of the latest Town newsletter, which outlines the beginning of the Town’s Building Inspections program; the County will continue to handle erosion and sediment control permits until the Town is certified by the State

Mrs. Oates said she would like to schedule a work session to come up with solutions for the overwhelming amount of trash being dropped off at the County convenience sites. Dr. Daley said the work session could be held prior to the special meeting on January 11th or the regular meeting on January 18th. Mrs. Cullers asked if additional powers of enforcement for the Warren County Sheriff’s Office could be incorporated into this work session, and Dr. Daley confirmed it could.

Unfinished Business – Warren County Public Schools (WCPS) Request to Transfer \$63,650 from Contingency Reserves to Instruction for the FY 2021-2022 Budget – Dr. Chris Ballenger

Dr. Ballenger reported the Warren County School Board has requested the transfer of \$63,650 from line #69000 (Contingency Reserves) to line #61000 (Instruction) within the approved FY 2021-2022 budget for Warren County Public Schools. When the original FY 2021-2022 budget was approved, \$150,859 was placed in Contingency Reserves in order to allow flexibility within the budget should an unexpected expense occur. At this time, enrollment of English as a Second Language (ESL) students has increased to the point that an additional ESL teacher is required.

There was extensive discussion regarding the future balance of and need for Contingency funds, the need for the funds, the need for an additional ESL teacher, and the services provided by the current ESL teachers and instructional assistants.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors transferred funds in the amount of \$63,650 from the “Contingency Reserves” category of the FY 2021-2022 budget for Warren County Public Schools to the “Instruction” category of the FY 2021-2022 budget for WCPS:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

Consent Agenda

1. Removed for further discussion
2. Removed for further discussion
3. Removed for further discussion
4. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-11-03, Joshua Branson for a Guesthouse Located off Buck Mountain Road and Identified on Tax Map 37 as Lot 56
5. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-11-04, Gillian Greenfield and Richard Butcher for a Short-Term Tourist Rental Located at 1043 Riverview Shores Drive and Identified on Tax Map 13C, Section 4, Block 4, Lot 602
6. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-11-06, Terry Hartson for a Short-Term Tourist Rental Located at 1538 Riverview Shores Drive and Identified on Tax Map 13C, Section 4, Block 6, Lot 1044 – Joe Petty
7. Coyote Bounties – Matthew Presley (2) – \$50.00 Each – Animal Control

Dr. Daley requested the removal of items 1, 2, and 3 for further discussion.

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the Consent Agenda as amended with the removal of items 1, 2, and 3 for further discussion:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

Establishment of the Warren County Finance/Audit Committee, the Warren County Technology Review Committee, and the Warren County/Warren County Public Schools Liaison Committee

Dr. Daley said the intent of these proposed Committees is to get the Board members additional working knowledge of what staff is doing. The Committees would not have any specific authority but would rather be hosts for conversations similar to the Building Committee or Solid Waste Committee. The Finance/Audit Committee would bring in individuals from the private sector for additional comments and recommendations on County practices, and Finance Director Matt Robertson is working on who those individuals will be. The Technology Review Committee would be an internal end-users committee, and the Liaison Committee for WCPS is based on what Mrs. Cullers discovered Chesterfield County, Virginia was doing at the annual Virginia Association of Counties conference.

Mrs. Oates noted there had historically been a representative from the Board of Supervisors on the Building Committee for the Warren County School Board and would like to see this representative reappointed. Dr. Daley thinks this suggestion would be a perfect topic for the first WCPS Liaison Committee meeting.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the establishment of the Warren County Finance/Audit Committee, the Warren County Technology Review Committee, and the Warren County/Warren County Public Schools Liaison Committee and further adopted the bylaws for the Finance/Audit Committee as proposed:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

Authorization to Advertise for Public Hearing – Ordinance Options to Change the Election District and Precinct Boundaries for the County of Warren – Joe Petty/Jason Ham

Jason Ham, Interim County Attorney, reported the two options are very similar mathematically, and staff needs direction from the Board on which option is preferred. Once that is determined, staff would move forward with finalizing the language in the ordinance for the public notice and hearing. Joe Petty, Planning Director, said the only two Magisterial Districts with proposed changes are Happy Creek and Shenandoah.

Mrs. Oates asked Mr. Petty for his professional opinion on which option would be better for the County and why. Mr. Petty replied that Option 1 makes the most sense

geographically, being clearly defined along Morgan Ford and Howellsville Roads. It also includes Apple Mountain West with the rest of the Apple Mountain subdivision. Option 2 would remove a portion of the Shenandoah Farms subdivision from the Shenandoah Magisterial District, carving out parts of an existing neighborhood. Either option would see voters travelling to the Linden precinct, which in turn will lower voter numbers at the Youth Center polling location and prevent the need for future redistricting.

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors authorized the advertisement of the proposed ordinance for Option 1 for a public hearing:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

Request – Meeting Policy and Procedures and Public Hearing Guidelines – Ed Daley

Mr. Ham reviewed the proposed minor changes to the Meeting Policy and Procedures as compared to those adopted for 2021.

Mr. Mabe asked if there was any chance the packets could be done sooner than the Friday before the meeting, and Dr. Daley said Deputy Clerk Emily Ciarrocchi would be giving a presentation during the work session after this meeting on a proposed electronic packet solution, which would help with the timeliness of packets.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors adopted the Meeting Policy and Procedures and Public Hearing Guidelines documents as proposed for 2022:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

Closed Session – Virginia Freedom of Information Act

Dr. Daley requested the Board of Supervisors add the performance of the County Administrator to the Personnel closed meeting under Section 2.2-3711(A)(1).

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board 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, or resignation of a specific public officer of the public body; he further moved that discussion be limited to the Warren County Planning Commission, the Social Services Advisory Board, and the County Administrator.

The Board also entered into a closed meeting under the provisions of Section 2.2-3711(A)(3) of the Virginia Freedom of Information Act for the discussion or consideration of the acquisition or disposition of real properties for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of

the public body; he further moved that discussion be limited to one property located in the North River Magisterial District within the limits of the Town of Front Royal and one property located in the North River Magisterial District outside the limits of the Town of Front Royal.

Finally, the Board 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:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board 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)(3), (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:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors reappointed Robert Myers and Hugh Henry to the Warren County Planning Commission for four-year terms representing the Happy Creek and Fork Magisterial Districts, respectively, ending December 31, 2025:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors reappointed Lorraine Brandon to the Social Services Advisory Board representing the South River Magisterial District for a four-year term ending December 31, 2025:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

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

Adjournment

Mrs. Cullers adjourned the meeting at 1:17 PM.