

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on January 18, 2022 at 7:00 PM.

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; Jordan Bowman, Legal Counsel; Todd Jones, Director of Technology; Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Emily M. Ciarrocchi, Deputy Clerk of the Board

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

Adoption of Agenda – Additions or Deletions

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors adopted the agenda as amended with the addition of the following two Additional New Business items: Consideration of the County requesting the extension of water and sewer services to tax parcels 4-41, 12-6, 12-6E, and 12-9 and a Citizen Appointment to the Social Services Advisory Board:

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

Public Comment Period (60 Minute Time Limit)

Matt Tederick, 21 Edgewood Street, stated since he was cut off from speaking the last time he came before the Board due to his comments being interpreted as personal attacks, he said he would be thanking people during his comment time instead. He said he is thankful for his attorney providing him with legal counsel regarding his rights and also thanked Mrs. Cullers for preventing him from speaking at the last Board meeting. He is thankful for Stevi Hubbard and Kristen Nelson for their courage to go public and expose what allegedly transpired between Mr. Mabe and Town Planning Commission member Darryl Merchant. He also thanked reporters Roger Bianchini and Norma Jean Shaw with the Royal Examiner as well as the Northern Virginia Daily for not asking the tough questions about a Board of Supervisors member who obtained what was supposed to be a confidential report. Mr. Tederick then thanked the Board for not being transparent and not holding Mr. Mabe accountable and said the members' silence condones what allegedly occurred. He concluded by asking Mr. Mabe to state on the record what he did and urging the Board to hold him accountable for his actions.

There were no further presentations from the public.

Reports – Board Members, County Administrator, Interim County Attorney

Mrs. Oates reported the following:

- She is thankful to live in Warren County and for the people who step up to help each other, such as the citizens who helped shovel out their neighbors with the recent snowfall; she is also thankful for the beauty of the community and for her fellow Board members who maintain professionalism despite being verbally attacked

Mr. Butler reported the following:

- He and Mrs. Cook attended the Front Royal/Warren County Airport Commission and the Winchester Regional Airport Authority meetings on January 13th

Mrs. Cook had nothing to report.

Mr. Mabe reported the following:

- Attended the Shenandoah Shores Property Owners Association meeting on January 3rd
- Visited Cedar Creek and Belle Grove National Historical Park on January 10th regarding the upcoming conditional use permit application by Travis Dodson for an Commercial Outdoor Recreation Operation
- Attended the Planning Commission meeting on January 12th

Mrs. Cullers reported the following:

- Recognized National Law Enforcement Appreciation Day on January 9th and extended a “thank you” to all law enforcement personnel
- Thanked Public Works staff, Parks and Recreation maintenance staff, and Solid Waste staff for working through the recent snowfall
- With more winter weather forecasted this week, she urged people to be prepared and try to stay home, if possible
- Asked for patience, understanding, and kindness at solid waste convenience sites because citizens are not treating staff with respect; the Board is working on solutions for the increasing amounts of waste and would appreciate patience
- A free COVID-19 testing site has been setup in the gymnasium at the Health and Human Services Complex from 1:00 PM – 3:00 PM on Wednesday, January 19th, Wednesday, January 26th, and Wednesday, February 2nd

Dr. Daley reported the following:

- Because of recent and forecasted upcoming winter weather as well as increased COVID-19 case concerns, the Advance with the Board of Supervisors and County staff scheduled for January 19th and the Advance with the Board and Town Council scheduled for January 22nd have been cancelled and will be rescheduled at a later date

- Revenue Updates for December

Sales Tax

2021	2020	Difference
\$471,988.53	\$414,795.60	\$57,192.93 (13.79%)

Year-to-Date

Meals Tax	\$1,126,569.62
Lodging Tax	\$321,641.77
Business License Tax	\$1,094,916.43

- Wayfinding Signage – VDOT is reviewing the final sign locations and the revised Traffic Engineering (TE). Public Works has been assisting in staking out the proposed locations.

- Shenandoah Valley Rail Trail – The Department of Conservation and Recreation (DCR) has released the final feasibility study for the linear park.
<https://rga.lis.virginia.gov/Published/2021/RD844/PDF>

- Building Inspections Statistics for December

New Home Starts

County	Town	Total	December 2020
10	0	10	12

Permits Issued

2021	2020	Difference
194	187	7 (3.61%)

Inspections Completed

2021	2020	Difference
990	1,052	-62 (-6.26%)

- Parks and Recreation

- Current/Upcoming Programs and Activities:

- The Youth Boys' Basketball League (7-14 years) began on December 4, 2021, through February 12, 2022.
- The Tiny Tykes Basketball League games are scheduled to begin on Sunday, January 16, 2022, through February 27, 2022.
- Basic Pistol Shooting Class: This course deals with the basic knowledge, skills, and attitude necessary for owning and handling a firearm safely. Students will firearm parts and operation, ammunition, gun safety, Virginia laws regarding firearms, and shooting fundamentals. This class satisfies all requirements for Virginia Concealed Carry Permit.
- Ballet I: Participants will learn the basic structure of ballet along with building block movements that are the cornerstone of every dancer's vocabulary.

- Park Facility Projects:
 - Community Shelter Project Update: The concrete floor (32' x 54') will be poured within two (2) weeks weather permitting. Projected completion 30 – 60 days.
 - Story Walk Reading Project Update: The grand opening was held on Saturday, January 8, 2022, from 1:00 PM – 3:00 PM in Eastham Park. Approximately sixty (60) participants were in attendance.
 - Mr. Lenz thanked Brad Kresge and the park crew for their hard work in completing the plowing, clearing, and clean-up of all County facilities in a timely manner.
- Department of Social Services – In the month of December, DSS received:
 - 117 SNAP Applications
 - 139 Medicaid Applications
 - 24 TANF Applications
 - 11 Child Care Applications

On the Services side, for the month of December, DSS received:

 - 58 CPS referrals
 - 17 APS referrals

Services rendered:

 - Through the Community Development Block Grant Motel voucher program, the Department assisted 41 people and spent \$8,171.39.
 - The Department has used \$1,345.40 from the Ministerial Fund
 - Provided food to 19 individuals
 - Provided \$60 of gas cards

Job development:

 - New client/referrals in December – 7
 - Total clients – 4
 - Clients actively participating in job search in December – 5
 - Jobs offered/accepted – 2

Thermal Shelter:

 - Housed 28 individuals from December 11th through 31st, 22 men and 6 women

State/Federal:

 - The Virginia State Minimum Wage increased from \$9.50 per hour to \$11.00 per hour on January 1, 2022- Department of Fire and Rescue Services
 - The Department is in the process of development of the CY-2021 Annual Report which will highlight a 25% increase in calls for service across the response system. Special thanks to the men and women of the Department for meeting the challenges accompanied with this drastic increase.

- Staff continues to develop the Strategic Plan and Needs Assessment for the Department. A working copy of the document will be presented and discussed with the Fire Chiefs Advisory Staff and BOS throughout the development phase.
- The Department continues development of a comprehensive FY 2022-2023 Budget Request which maintains fiscal accountability to the taxpayer while meeting the needs of the response system. This budget will support the three priorities of the Department: 1) safety through effective staffing, 2) equipment/apparatus replacement, and 3) safe facilities.
- Captain Kevin Catlett recently completed the Advanced Practice Paramedic Program and Flight paramedic Program. Keep up the great work Captain Catlett!
- Planning and Development
 - Tourism Committee – The Governor has allocated ARPA funds to Warren County. as follows: Shenandoah Valley Rail Trail product development; Visitor Center Upgrades, and Visitor Event Development.
 - Development Review Committee – The Development Review Committee did not meet in December; its next meeting will be held on January 26, 2022, at 10:00 AM.
- Commercial/Industrial Projects – Work continues on the following projects:
 - The new Warren Memorial Hospital maintains a Temporary Certificate of Occupancy (TCO) until Department of Environmental Quality (DEQ) provides their approval. MRI suite has been completed.
 - Equus Warehouse facility – The site work continues and building permits have been approved. Tilt-Up walls have been completed and the exterior fire line is underway.
 - Review for Erosion and Sediment Control (ESC) for storage facilities on 340/522 has begun and DEQ is reviewing concurrently. No Building plans have been submitted.
 - New trucking facility will begin shortly on Winner’s Court with its approval having been issued.

Appropriations and Transfers

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for January 2022:

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

APPROPRIATIONS

Fire and Rescue	To appropriate the 2021 SHSP Grant into Cost Recovery account	\$9,800
Sheriff	To appropriate VACORP checks to pay for vehicle repairs	\$2,436

TRANSFERS

Treasurer	Purchase of shredder to replace current shredder that no longer works	\$6,000
Sheriff (Skyline Training)	Transfer from General fund to cover expenses for new carpet, wood flooring, hallway, and classrooms	\$20,000

Approval of Accounts

On a motion by Mr. Mabe, seconded by Mr. Butler, and by the following vote, the Board of Supervisors approved the list of January 2022 accounts as presented:

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

Consent Agenda

1. 2022 Board and Committee Assignments – Ed Daley
2. Refund Request for Elias & Son Plumbing LLC – Sherry Sours
3. Refund Request for Michael A Manuel Trucking Inc. and Michael A Manuel – Sherry Sours
4. Removed for further discussion
5. Coyote Bounties – \$50.00 Each – Animal Control
 - a. Gary White (1)
 - b. Michael Mitchell (2)

Mrs. Cook requested to pull item 4 for further discussion.

On a motion by Mrs. Oates, seconded by Mr. Butler, and by the following vote, the Board of Supervisors approved the Consent Agenda as amended with the removal of item 4 for further discussion:

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

Job Description and Salary Placement for Media Services Specialist – Todd Jones

Mrs. Cook made a motion to refer this item to the Technology Review Committee for further discussion, which Mrs. Oates seconded for further discussion.

Mrs. Oates asked who was on the Committee and when the next meeting is scheduled to happen. Dr. Daley responded Mrs. Cook was appointed as the Board of Supervisors representative on the Committee with other Board members rotating as needed/desired.

Todd Jones, Director of Technology, stated the Technology Review Committee was not intended to be a body that provided advisory opinions to the Board but rather as a users' committee to make sure the people who use the systems have everything they need from a technology standpoint. The first meeting is on January 20th at 10:00 AM, and Mr. Jones plans to hold Committee meetings on the third Thursday of every month.

Mr. Mabe seconded the proposed motion to refer for approval, which passed by the following vote:

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

Due to it not yet being the advertised time for the public hearings, the Board of Supervisors unanimously agreed to reorder the agenda to consider the two items added as Additional New Business at this time.

Consideration of County Requesting Water and Sewer Services

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors requested for the Town of Front Royal to extend and provide water and sewer services to Warren County tax parcels 4-41, 12-6, 12-6E, and 12-9 for commercial and industrial uses, further clarifying that this motion does not provide any zoning approval and use of these tax parcels for commercial and industrial purposes is subject to the County's Zoning Ordinance and consideration by the Board, if necessary, of a rezoning request in the future:

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

Citizen Appointment to the Social Services Advisory Board

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors appointed Robert Cullers to the Social Services Advisory Board representing the North River Magisterial District to fill an unexpired four-year term ending December 31, 2023:

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

At this time, Mrs. Cullers recessed the meeting for five minutes until the public hearings, which were not scheduled to begin until 7:30 PM.

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 – Matt Wendling

Matt Wendling, Deputy Planning Director, reported the applicant is requesting a conditional use permit for a guesthouse. He is requesting this use in order to construct a principal dwelling for his brother and other family members, the guesthouse would be a secondary dwelling to be used by the applicant and family part time. The property is 123+ acres and was purchased in 2019, and the owners, Mr. Branson and his brother, plan to have a family subdivision submitted to the County once the property meets the County's subdivision requirement of being owned for five years. They plan to place the guesthouse in a location that allows for the subdivision to be approved when that time comes. They understand the guesthouse is for non-commercial use and not to be used for full-time occupancy and will be used for family and friends and not as a short-term tourist rental. This will allow for the applicant to have a place to stay when he is in town, and when his mother and relatives come to visit his brother's family who will be full-time residents.

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

1. The guesthouse shall not be used for full-time occupancy.
2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system.
4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that this is a non-commercial guesthouse and the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months.
5. After the approval by the County and recordation of a family subdivision of the guesthouse lot this conditional use permit shall become null and void.

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 Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Joshua Branson for a Guesthouse with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The guesthouse shall not be used for full-time occupancy.
2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.

3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system.
4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that this is a non-commercial guesthouse and the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months.
5. After the approval by the County and recordation of a family subdivision of the guesthouse lot this conditional use permit shall become null and void.

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 – Matt Wendling

Mr. Wendling reported the applicants are requesting a conditional use permit for a short-term tourist rental for rental of the single-family dwelling on riverfront property for less than thirty days. The applicants have stated they plan to follow a thorough pre-qualification and verification process prior to renting to prospective guests. They feel that this land-use benefits the County in tourism and in providing housing for visitors to the community. They have included an extensive list of house rules in their statement of justification which will also be included in the property management plan. They plan to be the full-time property managers and will have a cleaning service team maintain the property between rentals. The applicants are experienced in the operation and ownership of short-term tourist rentals.

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

1. The applicants shall comply with all Warren County Health Department and 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 applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Gillian Greenfield and Richard Butcher introduced themselves as the applicants for this permit and referred the Board members to the property maintenance plan included in the Board packets.

Mr. Butler said the comments received from the Shenandoah Shores Property Owners Association (POA) indicate the POA Board would prefer to not have this application, nor Mr. Hartson's application, approved; he asked what the implications would be if this application was approved. Ms. Greenfield said her attorneys have reviewed and addressed the covenants of Shenandoah Shores, and short-term rentals are not disallowed as long as they are approved by the Board of Supervisors.

Mrs. Cullers asked if the applicants have had any issues or received any negative comments regarding their conditional use permit that was approved in September 2021. Ms. Greenfield replied that they have received no complaints from any neighbors regarding this or any short-term rental they manage.

Mrs. Cullers opened the public hearing.

Terry Hartson, 1538 Riverview Shores Drive, said he is in favor of what Ms. Greenfield and Mr. Butcher are doing. They have made significant improvements to the neighborhood by fixing up these properties, and he wished them luck on their rentals.

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

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the conditional use permit request of Gillian Greenfield and Richard Butcher for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicants shall comply with all Warren County Health Department and 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 applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants 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.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

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

Joe Petty, Planning Director, reported the applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area as the property is ideal for tourism given its access to the Shenandoah River. The owner/applicant currently lives in Warren County and plans to clean and maintain the property in between reservations.

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 and 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/drinking 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Terry Hartson introduced himself and opened himself up for questions from the Board.

Mrs. Cullers opened the public hearing.

Gillian Greenfield, 1466 Riverview Shores Drive, said she is in support of this application and would like to see Mr. Hartson succeed.

Richard Butcher, 1069 Riverview Shores Drive, said he is behind Mr. Hartson 100% and would love to see the Board approve this conditional use permit application.

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

Mr. Butler said with the County's proximity to Washington, D.C., he likes to see the increase in short-term rentals.

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Terry Hartson for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant shall comply with all Warren County Health Department and 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/drinking 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Adjournment

Mrs. Cullers adjourned the meeting at 7:54 PM.