

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on February 1, 2022 at 9:00 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; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; Mike Berry, Public Works Director; Michael Coffelt, Sanitary District Manager; James Bonzano, Fire Chief; Todd Jones, Director of Technology; Caitlin Jordan, Senior Assistant County Attorney; Gerry Maiatico, Fire Marshal; Joe Petty, Planning Director; Matt Robertson, Finance Director; Alisa Scott, Deputy Finance Director; Emily M. Ciarrocchi, Deputy Clerk of the Board; and Roger Bianchini, Royal Examiner

Supervisor Butler participated in this meeting remotely via Microsoft Teams due to testing positive for the Coronavirus (COVID-19) and being instructed to quarantine.

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 “and FOIA matters” to the closed meeting motion for Sections 2.2-3711(A)(7) and (A)(8):

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

Public Comment Period (60 Minute Time Limit)

There were no 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:

- The month of January has been primarily spent addressing weather events and repairing potholes; will continue to address potholes as they arise. The extreme freezing/thawing is creating a significant amount on roadways
- Handled several downed trees as a result of the storms and plan to do brush removal on Route 340 south using contractors and Route 649 using State forces
- Will be installing some pipes on various roads and grading stabilized roads, weather permitting

- Given the current weather cycle, VDOT could be addressing weather events well into February

Board Issues:

- Chairman's request for Morgan Ford documentation will be fulfilled as soon as VDOT gets out of the current weather cycle.
- Meeting on Secondary Six-Year Plan - They do not expect to have the revised budget figures before sometime in March. Mr. Carter can meet at any time to discuss the process, but Finance is currently working on revenues and forecasts, and the data is not yet available.

Mr. Carter then told the Board that, sadly, VDOT lost a crew member earlier this morning on Interstate 81 northbound. The crew member was driving the highway work zone crash truck while other members were setting up cones to establish a work zone on the interstate when the truck was rear-ended by a tractor trailer.

Report – Virginia Cooperative Extension Office – Corey Childs

Corey Childs, Extension Agent, presented the Virginia Cooperative Extension report to the Board, and highlighted the following points:

- Co-facilitated the online and in-person Pesticide License Recertification courses where 118 individuals received pest management training and recertification
- Continues to monitor another invasive species, this one impacting the beef cattle industry, known as the Asian Long-horned Tick; it was first reported in Virginia in 2017 and was found in the County in early 2018
- Provided the Ensuring Safe Drinking Water well water testing program where 212 households had their water tested
- Started a new program in the fall for Learning Kits, which was very successful
- Held the annual 4-H Achievement Banquet for fifty (50) 4-H members and special guests
- Recent winter weather events and sub-freezing temperatures are affecting the agricultural world, and the price of feed and fertilizer are increasing
- Continued to provide the Money Management classes, which saw an increase in participation due recent inflation
- Informed the Board of the recent loss of Tammy Henry, the longtime secretary for the Extension Office, who passed away from cancer in January

Mr. Mabe asked how many young people were served through 4-H, and Mr. Childs said there were two answers to his question. Approximately 230 youth are enrolled 4-H members and participate in year-round programs and clubs, and between 400-500 youth, while not considered members, are impacted annually by one-time programs, like the summer camp.

Report – Warren County Department of Social Services – Jon Martz

Jon Martz, Director of Social Services, stated the Department had received its annual Client Cross Program Locality Yearly Analysis report from the Virginia Case Management System for FY 2020-2021. Clients served by eligibility programs continued to rise, with 5,370 receiving Supplemental Nutrition Assistance Program (SNAP) benefits, 295 receiving Temporary Assistance for Needy Families (TANF) benefits, and 10,091 receiving Medicaid benefits, for a total of 10,643 non-duplicated clients served by benefits through the Department in FY 2020-2021.

According to the 2020 ALICE (Asset Limited, Income Constrained, Employed) Report from the United Way, approximately one-third of the County's population is at or below the poverty level or one bill away from needing benefit services from the Department. 1,351 households (or 9% of the population) are below the poverty level, and 3,415 households (or 24% of the population) are considered ALICE households, working families struggling to meet basic living needs.

Mr. Martz reported in FY 2020-2021, the Department had seventeen (17) children in foster care, and six (6) children found their permanent homes and were adopted out of the foster care system. There were a total of 899 Child Protective Services (CPS) referrals made and 186 Adult Protective Services (APS) referrals made.

The Department is funded 43% by State dollars, 55% by Federal dollars, and 2% from the locality. Of the funds received by the Department, 96.4% is put back into the community through benefit programs, and 3.6% is spent on operations/administration.

Mr. Mabe asked how the Department was faring from a staffing perspective, and Mr. Martz stated as of earlier this morning, there is one vacancy. A foster care worker accepted a position with a neighboring locality, but he reminded the Board that one year ago, the Department had more vacancies than employees. The County has helped tremendously by making sure the Department received pay increases to allow them to compete with neighboring localities, and the Department's cooperation with the County's Administration and Board of Supervisors is key to looking desirable to candidates.

Mrs. Cook wondered if the funding from the State and Federal governments remains constant from year to year, and Mr. Martz replied that while services continue, the number of clients utilizing the services continue to increase, which in turn means the funds from the State and Federal government will also continue to increase. She then asked if Department staffing is adequate for the existing volume of work, which Mr. Martz said was a complicated question. For the number of cases the Department currently has, the staffing is adequate, but he is looking to expand the types of services provided to citizens, such as opening an employment center. Currently, Warren County is the only Department in the northern region of Virginia that has its own Job Developer position.

Mrs. Oates asked if there was anything else that could be done to reduce the number of County citizens receiving benefits or being provided services through the Department. Mr. Martz said the Department has provided parenting classes to try to prevent situations where

CPS or APS would be called, and the State recently started Families First in-home prevention services. The Department also works with the Virginia Cooperative Extension Office to provide clients with money management classes. He said the main goal of the Department is to help clients break the cycle of relying on benefits; education provides this opportunity, and the Department is in the business of providing opportunities. Mrs. Oates suggested the possibility of the Department working with faith-based organizations on parenting classes in the future.

Reports – Board Members, County Administrator, Interim County Attorney

Mrs. Oates reported the following:

- Met with Dr. Chris Ballenger, Superintendent of Warren County Public Schools (WCPS), on January 27th to discuss opportunities to get students outside the walls of the schools and back into activities and programs in the community; one outcome of this meeting was the plan to reinstate/reboot Local Government Day where students in civic or related classes could come and be a government representative or employee for a day
- Attended the tourism meeting on January 26th and thanked Alisa Scott, Deputy Finance Director, for her work on the proposed Memorandum of Agreement to be used with the soon-to-be-formed Joint Tourism Board with the Town
- Highlighted the citizens of the County who organized themselves and collected donations of toys and gift cards for the children in Kentucky who lost their homes to tornados the week before Christmas; these volunteers filled up a trailer and drove it to Kentucky

Mr. Butler had nothing to report.

Mrs. Cook reported the following:

- Attended the first meeting of the Technology Review Committee on January 20th and was encouraged to see the positive dialogue among the participants
- Attended two open houses for the Second Step curriculum at Warren County Middle School and Ressie Jeffries Elementary School on January 26th and thanked staff for hosting these open houses and sharing materials related to the curriculum
- Attended the Samuels Public Library board meeting on January 20th and noted the Library is partnering with Valley Health to be a distribution point for free COVID-19 home tests; the Library is also preparing for its A Taste for Books event
- Interviewed two citizens interested in being appointed to the Front Royal-Warren County Airport Commission with Dr. Daley and Mr. Butler on January 31st
- There are two vacancies on the Economic Development Authority (EDA) Board of Directors and encouraged interested citizens to submit a citizen appointment application if interested in being considered for appointment

Mr. Mabe reported the following:

- Thanked all the Town and County staff for their work on removing snow during the January winter weather events
- Attended the Samuels Public Library board meeting on January 20th
- Attended the Development Review Committee meeting on January 26th
- Attended the RSW Regional Jail meetings on January 27th
- Attended the Social Services Advisory Board meeting on January 20th

Mrs. Cullers reported the following:

- Thanked staff who worked during snow events and emergency services personnel
- Extended her sympathy to the families of the four young men who were involved in the recent boating accident in Chincoteague Bay

Dr. Daley reported the following:

- Reminded the Board of its budget work session at 1:00 PM, which is a continuation of presentations from partner agencies, as well as the budget work session on February 8th beginning at 9:00 AM with all County Departments and Constitutional Offices
- At the last Board meeting, he reported the proposed FY 2022-2023 budget was \$1,200,000 out of balance, but following a recent meeting with Dr. Ballenger, the budget is now \$1,800,000 away from being balanced
- Announced the appointment of Planning Director Joe Petty as the County's new Director of Economic Development effective today, February 1st, and the subsequent appointment of Deputy Zoning Administrator Chase Lenz as Zoning Administrator

Approval of Minutes

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following votes, the Board of Supervisors approved the minutes of its regular meeting of December 14, 2021:

Aye: Cullers, Mabe, Oates

Abstain: Butler, Cook

And its regular meeting of January 4, 2022:

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

Consent Agenda

1. Refund Request for UPS Ground Freight Inc – Sherry Sours
2. Acceptance of Dedication of 0.4845 Acre and Deed of Quitclaim from Adam and Shawn Huddleston – Joe Petty

3. Representative Appointment to the Community Policy and Management Team for the Northwestern Community Services Board – Jessica Amankrah
4. Representative Appointment to the Community Policy and Management Team for the Lord Fairfax Health District – Jessica Amankrah
5. Removed for further discussion
6. Annual Term Contract with Syntax Communications, Inc., for IT Networking and Infrastructure Services ending May 1, 2022 – Alisa Scott/Todd Jones
7. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-11-01, Katherine Stallings for a Short-Term Tourist Rental Located at 377 Brandy Road and Identified on Tax Map 22C as Lot 69 – Matt Wendling
8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-11-02, Dennis Flynn for a Short-Term Tourist Rental Located at 484 Creek Road and Identified on Tax Map 39C, Block B, as Lot 27 – Matt Wendling
9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-11-05, David Kondner for a Short-Term Tourist Rental Located at 153 Beckwith Drive and Identified on Tax Map 21B, Section 1, Block 1, as Lot R – Joe Petty
10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-11-07, Danielle and David Kibiloski for a Bed-and-Breakfast Located at 990 Hillandale Road and Identified on Tax Map 30C, Section 1, Block 5, as Lot 50 – Matt Wendling
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-12-02, John Lavoie for a Short-Term Tourist Rental Located at 1196 Old Oak Lane and Identified on Tax Map 7A, Section 4, as Lot 15 – Matt Wendling
12. Coyote Bounties – \$50.00 Each – Animal Control
 - a. Richard Colton (1)
 - b. Eugene Keckley, Jr. (2)

Mrs. Cullers requested the removal of item 5 for further discussion.

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

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

Purchase of One (1) Bobcat Compact Track Loader for the Public Works Department – Alisa Scott/Mike Berry

Mrs. Cullers pulled this item because she wanted to know if this piece of equipment was replacing one currently in use or if it was an addition to the fleet. Mike Berry, Public Works Director, said this would be a new piece of equipment; the Department does not have a Bobcat and instead rents one annually for road maintenance and snow removal.

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the purchase of one Bobcat Compact Track Loader from Clark Equipment Company doing business as Bobcat Company per the Commonwealth of Virginia's cooperative pricing in the amount of \$67,423.34 on behalf of Warren County:

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

Purchase of One (1) 2023 Pierce Enforcer Pumper and Budget Transfer – Alisa Scott/Chief James Bonzano

Alisa Scott, Deputy Finance Director, reported the Finance Department received a request from the Department of Fire and Rescue Services to review a cooperative contract and additionally solicited quotes that supported the purchase of one (1) 2023 Pierce Pumper.

Section 2.2-4604 of the Virginia Public Procurement Act authorizes the County to cooperatively contract with the Houston-Galveston Area Council (HGAC). HGAC competitively solicits goods and services which the County can procure directly from the awarded vendor. Contract F12-19, Fire Service Apparatus (All Types) was awarded to Atlantic Emergency Solutions. In addition, Fire and Rescue personnel sought additional quotes to ensure the HGAC contract was the lowest bid and met all required specifications.

Fire Chief James Bonzano stated the Department of Fire and Rescue Services empaneled a career and volunteer responder workgroup to design a countywide specification for a fire apparatus. The three primary goals of this workgroup were to 1) design a versatile apparatus to meet the various demographic and terrain of the community, 2) increase the wellbeing of County responders through Safety and Protection Features, and 3) design a unit that can serve in multiple functions to reduce the apparatus inventory in the countywide fleet.

The workgroup has custom designed a 2023 Pierce Enforcer Pumper. The pumper/tanker has a Cummins 500 HP engine with an Allison 3000 transmission. It has an overall length of 31'8" and is 9'10" tall. It is equipped to carry six (6) firefighters and travel at a maximum of 62 MPH, in accordance with the National Fire Protection Association (NFPA) 1901 standard. The pumper is equipped to carry 1,500 gallons of water and has a pump capable of pumping at 1,500 gallons per minute. Pierce Manufacturing offers extraordinary safety equipment to protect the firefighters while riding the apparatus. This proposed vehicle meets all NFPA requirements and has built-in safety features not currently available throughout the current fleet.

Ms. Scott stated the Department has reviewed the HGAC pricing and additionally solicited quotes. Staff recommends the Board approve the Atlantic Emergency Solutions purchase for one (1) 2023 Pierce Pumper. Any additional equipment and attachments will be competitively procured separately. Upon receipt of a Purchase Order, Atlantic will perform the work to deliver one (1) 2023 Pierce Pumper within eighteen (18) months.

Funding for this purchase is available in the Special Projects fund. The Board is requested to approve an FY 2022 interfund budget transfer in the amount of \$727,328, which includes a \$13,000 discount when \$500,000 is paid by July 31, 2022.

Dr. Daley commented how this request was the most important vote the Board would take today. The Department currently has ten (10) pieces of major equipment that need to be replaced immediately; they are working with what they have, but they need upgraded equipment. The Department has been borrowing from other localities to help supplement their apparatus needs.

Mrs. Oates asked if there would be a set-aside fund setup for equipment and apparatus replacements for the Department similar to the bus fund for Warren County Public Schools. Ms. Scott replied the County has established a new capital asset replacement program with the assistance of the Virginia Municipal League/Virginia Association of Counties (VML/VACo). This program is tied to the overall debt management plan for the County.

Chief Bonzano stated a needs assessment was completed of the Department that highlighted needs for personnel, equipment and emergency apparatus, and facilities; he and the other Department leadership are trying to prioritize within these needs. A large contingent of the current apparatus, especially suppression equipment, is volunteer-owned, and instead of having the various volunteer stations replace their own equipment, he is looking at a system-wide approach to replacement.

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors authorized the interfund budget transfer of \$727,328 from Special Projects to the General Fund and further authorized the County Administrator to approve the purchase of one 2023 Pierce Pumper per the Houston-Galveston Area Council contract pricing in the amount of \$727,328 on behalf of Warren County:

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

Economic Development Authority Support Agreement Modification – Ed Daley/Jason Ham

Jason Ham, Interim County Attorney, reported on October 19, 2021, the Board of Supervisors approved a Support Agreement providing its moral obligation for the monthly debt service for FY 2021-2022 only for the EDA's loan. Much of this debt service has now been paid as FY 2021-2022 is well underway.

This matter is before the Board of Supervisors for additional approval because the Support Agreement has been modified to allow the County to be reimbursed by the EDA for attorney's fees and other litigation costs expended on behalf of the EDA from litigation recoveries. The change is in Section 7 of the Support Agreement, which incorporates by reference Section 8.16 of the Loan Agreement.

Section 8.16 of the Loan Agreement gives the County the right to be reimbursed up to \$2,500,000 from such recoveries and provides that amounts over \$2,500,000 will be split 50/50 between the County and the lender, with the lender's portion being used to reduce the EDA's debt. There are various carve outs that allow the County to be reimbursed without splitting funds with the lender. Examples are amounts that are recovered in the EDA v. TLC Settlements, et als, case and amounts recovered in the counterclaim against the Town of Front Royal in the case brought against the EDA by the Town.

With the adoption of the modifications to the Support Agreement, the County will have an agreement with the EDA and the lender to allow the County to be reimbursed for its support to the EDA in payment of legal fees and other litigation expenses.

Mr. Mabe made a motion to approve the proposed Support Agreement, which was seconded by Mrs. Cook for further discussion. Following additional questions posed by Mrs. Oates, it was the recommendation of counsel to discuss this matter in closed session. Mr. Mabe subsequently withdrew his motion to approve the proposed Support Agreement.

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board 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 of real property for a public purpose, such property being located in the Fork Magisterial District outside the limits of the Town of Front Royal, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

The Board also entered into a closed meeting under the provisions of Section 2.2-3711(A)(3) for the discussion or consideration of the disposition of publicly held real property, such property being located in the South River Magisterial District within the limits of the Town of Front Royal, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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, the outstanding indebtedness of the EDA, and FOIA matters:

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 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:

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

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors authorized the County Administrator to execute the Support Agreement as presented:

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 12:28 PM.