

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 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); also present Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; Mike Berry, Public Works Director; Mark Butler, Sheriff; Michael Coffelt, Sanitary District Manager; Caitlin Jordan, Senior Assistant County Attorney; Jon Martz, Director of Social Services; Matt Robertson, Finance Director; Alisa Scott, Deputy Finance Director; and Emily M. Ciarrocchi, Deputy Clerk of the Board

Absent: Walter J. Mabe (Shenandoah District)

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 Mrs. Cook, and by the following vote, the Board of Supervisors adopted the agenda as amended with the addition of “as well as Building Code and FOIA matters” to the closed meeting motion for Section 2.2-3711(A)(8) and the addition of Consent Agenda item G-17 for Adoption of a Resolution Requesting Water and Sewer Services:

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:

- Have been conducting grading operations on stabilized roads and applying stone as weather and conditions allowed; will be continuing this month
- Mobilized for some weather events but not to the extent from January
- Potholes have been frequent with the extreme temperature swings, and VDOT continues to address those as they arise

- Continued with brush and tree trimming on Route 340 South to open up sight distance in the passing zones and along Browntown Road and Guard Hill Road; will continue along various other routes in March
- Will also be installing some pipes on various routes in March, weather permitting

Board Issues:

- Completed scaling operations along Route 340 South between the refuse site and the KOA campground last week utilizing a For Hire contractor as VDOT still does not have a District-wide contract in place
- Completed taking speed samples on Panhandle Road as requested by Supervisor Cook. Results indicate that there is no speeding issue as 85% of the drivers were traveling at 31 MPH in the statutory limit of 35 MPH. A copy of the results was shared with the Warren County Sheriff's Office

Mr. Carter also reported there is a common area next to Cedar Creek Bridge off Route 11 that has nefarious activities often going on, and VDOT was asked to install a gate to help prevent public access. They installed this gate and provided a code for the people who need access, and Sheriff Butler commended VDOT on their work on this multi-jurisdictional effort.

Reports – Board Members, County Administrator, Interim County Attorney

Mr. Butler had nothing to report.

Mrs. Cook reported the following:

- Reminded citizens of the current openings for local boards and committees, including the Front Royal-Warren County Airport Commission, the Economic Development Authority Board of Directors, and the newly formed Warren County Finance/Audit Committee

Mrs. Oates reported the following:

- Recognized today, March 1st, as Mask Liberation Day as millions of people across the country are releasing their masks with the COVID-19 pandemic-related mandate over
- Parks and Recreation is co-sponsoring a Hoops and Slices event on March 12th from 6:00 PM – 9:00 PM for all area high school students in grades 9-12; this event will have an open gym for basketball and free Melting Pot pizza with a DJ providing music
- Attended the Board of Supervisors/Warren County School Board (BOS/WCPS) Liaison Committee meeting on February 24th and discussed capital improvements and a number of budget issues; a subcommittee for budget review was formed with two members of the School Board along with Mrs. Oates and Mrs. Cook
- There will be a Drug Prevention Committee meeting on Thursday, March 10th at 5:00 PM followed by a presentation at 6:30 PM to the Board and the Town Council on the proposed establishment of a local Drug Court

- Read a prepared statement regarding the matters recently brought before the Board by County resident Matt Tederick stating the matters have been forwarded to a number of authorities, and the Board cannot provide further comments until the investigation is complete

Mrs. Cullers reported the following:

- Attended the State Corporation Commission (SCC) hearing on February 23rd regarding CenturyLink service and thanked Todd Jones and Sheriff Butler for providing her with reference materials for her comments; according to Rappahannock County Supervisor Debbie Donehey, a CenturyLink representative has been assigned to Warren County, and Mrs. Cullers said she looks forward to working with CenturyLink for solutions to the existing problems
- Attended a Workforce Consortium meeting on February 24th in Harrisonburg and listened to a presentation that gave many good ideas on workforce initiatives
- Also attended the BOS/WCPS Liaison Committee meeting on February 24th and looks forward to continuing to work collaboratively with the School Board
- Recognized today, March 1st, as the first day of Women's History Month and spoke about her great-grandmother, grandmother, and the many inspirational female teachers she had over the years

Dr. Daley reported the following:

- Reminded the Board of the upcoming meetings over the next six weeks:
 - Budget work session this afternoon, March 1st
 - Building Committee meeting on Thursday, March 3rd at 2:00 PM
 - Town/County Liaison Committee meeting on Thursday, March 3rd at 6:00 PM
 - Joint budget work session with Warren County Public Schools on Tuesday, March 8th at 5:30 PM
 - Joint work session with Town Council on Thursday, March 10th at 6:30 PM to receive a presentation from the Drug Prevention Committee about the creation of a local Drug Court
 - Regular Board meeting on Tuesday, March 15th at 7:00 PM
 - Special meeting on Tuesday, March 22nd at 7:00 PM to authorize the advertisement of the proposed FY 2022-2023 budget and to conduct one public hearing
 - Regular Board meeting on Tuesday, April 5th at 9:00 AM
 - Special meeting on Tuesday, April 12th at 7:00 PM to hold a public hearing on the proposed FY 2022-2023 budget
 - Regular Board meeting on Tuesday, April 19th at 7:00 PM where the adoption of the proposed FY 2022-2023 budget will be considered

Mr. Ham requested the Board amend the agenda for an addition of "and a claim regarding the Airport" to the closed meeting motion for Sections 2.2-3711(A)(7) and (A)(8).

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors amended the agenda for the addition of “and a claim regarding the Airport” to the closed meeting motion for Sections 2.2-3711(A)(7) and (A)(8):

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

Mrs. Oates said she had read an article yesterday regarding a settlement that had been reached in the opioid litigation and asked Mr. Ham if he knew how the settlement funds would be distributed to localities. Mr. Ham replied while his office is not actively working on the opioid litigation, preliminary numbers show that Warren County will be receiving approximately \$1.5 million. The funds should come in as early as April and will be paid over the course of the next ten (10) years.

Approval of Minutes

On a motion by Mrs. Oates, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting of February 15, 2022:

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

Consent Agenda

1. Removed for further discussion
2. Proclamation Recognizing National Procurement Month and Professional Buyer's Day – Alisa Scott
3. Additional Funding Request of the Humane Society of Warren County – Matt Robertson
4. Citizen Appointment to the Shannon Woods Sanitary District Advisory Committee – Michael Coffelt
5. Use of Courthouse Grounds for the Sexual Assault Awareness Teal Ribbon Campaign, The Laurel Center – Rachel Bollinger/Emily Ciarrocchi
6. Use of Courthouse Grounds for the Domestic Violence Awareness Purple Ribbon Campaign, The Phoenix Project – Melanie Stull/Emily Ciarrocchi
7. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-01, Aaron Hike for a Short-Term Tourist Rental Located off Pineview Drive and Identified on Tax Map 21B, Section 3, Block 6, as Lot U – Matt Wendling
8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-02, Jana and Aaron Bricco for a Short-Term Tourist Rental Located at 179 Cliff Road and Identified on Tax Map 24A, Section 28A, as Lot 323 – Matt Wendling

9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-03, Rachel Ward and Simon Booth for a Short-Term Tourist Rental Located at 627 Vesey Drive and Identified on Tax Map 7A, Section 1, as Lot 120A – Matt Wendling
10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-04, Karen Thomson for a Short-Term Tourist Rental Located at 535 Sunset Village Road and Identified on Tax Map 27D, Section 1, Block 53, as Lot 3A – Joe Petty
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-05, Michael Ney for a Short-Term Tourist Rental Located at 207 Riverview Shores Drive and Identified on Tax Map 13C, Section 1, Block S, as Lot 15A – Chase Lenz
12. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-06, Alvand Khoshgavar for a Short-Term Tourist Rental Located at 668 Old Dam Road and Identified on Tax Map 13A, Section 5, as Lot 6 – Joe Petty
13. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-07, Jennifer Anderson and Christopher Olszewski for a Short-Term Tourist Rental Located at 1240 Downing Farm Road and Identified on Tax Map 36C, Section 2, Block 4, as Lot 48 – Matt Wendling
14. Authorization to Advertise for Public Hearing – Z2021-10-02, Ordinance to Amend and Re-Ordain Sections 180-8 and 180-16 of the Warren County Code re: Floodplain Overlay District – Matt Wendling
15. Authorization to Advertise for Public Hearing – Z2022-01-01, Ordinance to Amend and Re-Ordain Chapter 180 (Zoning) of the Warren County Code re: Family Day Home – Matt Wendling
16. Coyote Bounties – Marcia Breeden (3) – \$50.00 Each – Animal Control
17. Resolution Requesting Water and Sewer Services

Mrs. Cullers requested the removal of item 1 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:

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

PROCLAMATION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY RECOGNIZING NATIONAL PROCUREMENT MONTH AND PROFESSIONAL BUYER'S DAY

WHEREAS, the Public Procurement Profession plays a significant role in the efficiency and efficacy of both government and private business; and

WHEREAS, in addition to the purchase of goods and services, procurement professionals add value to the organization by performing such functions as executing, implementing, and administering contracts, developing strategic procurement initiatives, and cultivating working relationships with the vending community and other departments within the organization; and

WHEREAS, public procurement professionals in Warren County and in other public and private organizations have tremendous influence on the economic conditions in the United States, with accumulative purchasing power running into the billions of dollars; and

WHEREAS, the public procurement professionals in Warren County are committed to providing high-caliber, strategic, logistical and operational support of all departments within Warren County; and

WHEREAS, the public procurement professionals in Warren County recognize, support and practice the Public Procurement Values and Guiding Principles of Accountability, Ethics, Impartiality, Professionalism, Service, and Transparency, established by NIGP - The Institute for Public Procurement (NIGP) as fundamental tenets of the Public Procurement Profession; and

WHEREAS, NIGP has proclaimed the month of March as Procurement Month to further expand the awareness of the public procurement professional's value within an organization to governmental officials, the general public, private businesses and corporate leaders.

NOW, THEREFORE, BE IT RESOLVED THAT, the Warren County Board of Supervisors does hereby recognize the Public Procurement Profession for its impact within business, industry, and government, and proclaim the month of March 2022 as

PROCUREMENT MONTH

and recognize the individual contribution of public procurement professionals proclaiming March 10, 2022, as

PROFESSIONAL BUYER'S DAY

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY REQUESTING THAT THE TOWN OF FRONT ROYAL, VIRGINIA PROVIDE WATER AND SEWER SERVICES TO CERTAIN OUT-OF-TOWN LOTS

WHEREAS, the Town of Front Royal, Virginia (the "Town") provides certain water and sewer services to some out-of-Town residents; and

WHEREAS, the County wants to request that the Town provide water and sewer services to Warren County tax parcels 4-41, 12-6, 12-6E and 12-9 for commercial and industrial uses.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Warren, Virginia hereby requests that the Town of Front Royal 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. This Resolution 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 of Supervisors, if necessary, of a rezoning request in the future.

Donation of Two (2) Warren County Sheriff's Office Vehicles to Warren County Public Schools – Alisa Scott/Sheriff Mark Butler

Mrs. Cullers wanted to be sure the transfer of these vehicles was as transparent a process as possible. Sheriff Butler reported these two Animal Control vehicles do not meet the new standards, which is why they are requesting this transfer to a department that can utilize them.

On a motion by Mrs. Oates, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors authorized the transfer of two (2) 2013 Ford F-150 vehicles with VINs ending in 0196 and 9491 to the Warren County School Board and further authorized the County Administrator to sign over the titles of these vehicles to the Warren County School Board:

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

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Oates, seconded by Mrs. Cook, 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; she further moved that discussion be limited to the Front Royal-Warren County Economic Development Board of Directors and the Northwestern Community Services Board.

The Board also entered into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) 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 a claim regarding the Front Royal-Warren County Airport.

Finally, the Board entered into a closed meeting under the provisions of Section 2.2-3711(A)(8) for consultation with legal counsel for the provision of legal advice regarding intergovernmental agreements as well as Building Code and FOIA matters:

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

On a motion by Mrs. Oates, 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)(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:

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

Mr. Butler left the meeting at approximately 11:50 AM.

On a motion by Mrs. Oates, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors amended the agenda to add a citizen appointment to the Economic Development Authority (EDA) Board of Directors and further reappointed Marjorie Martin to the EDA Board of Directors for a four-year term beginning March 1, 2022 and ending February 28, 2026:

Oates, Aye; Cullers, Aye; Cook, Aye

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

Adjournment

Mrs. Cullers adjourned the meeting at 11:56 AM.