

At a special meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 22, 2022 at 5:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Delores R. Oates, Vice Chair (North River District); Vicky L. Cook (Fork District); and Walter J. Mabe (Shenandoah District); also present Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Jason Ham, Interim County Attorney; Mike Berry, Public Works Director; Michael Coffelt, Sanitary District Manager; Caitlin Jordan, Senior Assistant County Attorney; Joe Petty, Director of Economic Development/Interim Planning Director; Matt Robertson, Finance Director; Alisa Scott, Deputy Finance Director; Matt Wendling, Deputy Planning Director; Emily Ciarrocchi, Deputy Clerk of the Board; and Roger Bianchini, Royal Examiner

Absent: Jerome K. Butler (Happy Creek District)

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Cook, seconded by Mrs. Oates, 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, the outstanding indebtedness of the EDA, *One Team Flight LLC, et al vs. Cass Aviation LLC, et al*, and airport matters.

The Board also 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 related to water and sewer services, tourism development, FOIA matters, and the enforcement of the building code:

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

On a motion by Mr. Mabe, seconded by Mrs. Cook, 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:

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

The work session began at 6:00 PM, and the special meeting resumed at 7:00 PM.

Authorization to Advertise for Public Hearing – Proposed Budget for Fiscal Year 2022-2023 and 2022 Tax Rates – Matt Robertson/Ed Daley

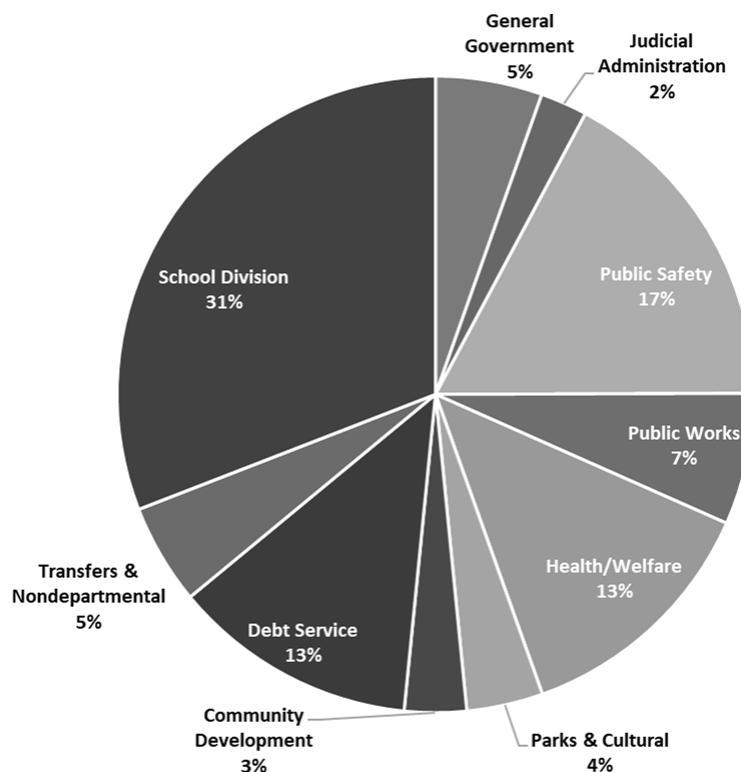
Matt Robertson, Finance Director, reported the proposed FY 2022-2023 budget and tax rates for 2022 are based on the same tax rates as calendar year 2021 with no increases.

The advertisement would also include the budgets, tax rates, and rates of charge for the Sanitary Districts as proposed by the HOAs/POAs/Advisory Boards/Committees. Mr. Robertson then delivered a brief presentation overviewing the proposed FY 2022-2023 budget.

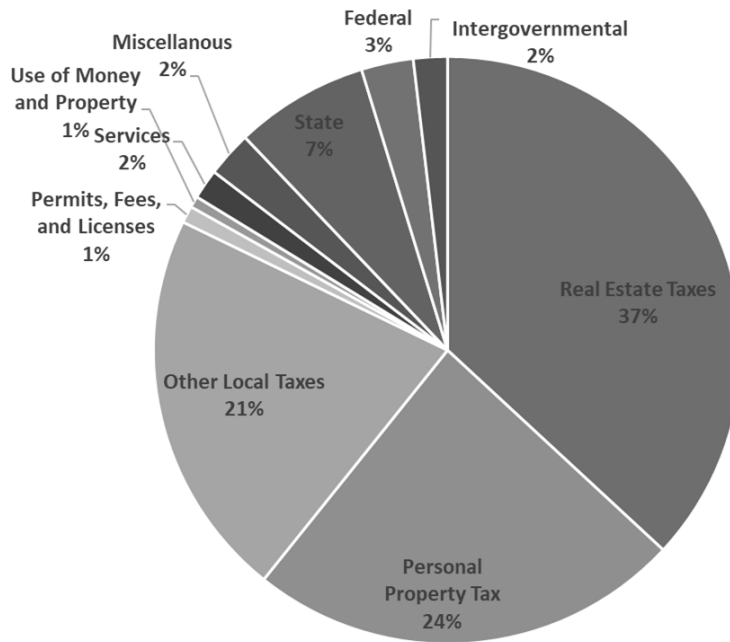
Budget Highlights:

- Real estate and personal property tax rates remain flat
- Limited the General Fund increase to 1.57%
- New, detailed Capital Improvement Plan
- Creation of an Asset Replacement Fund
- Funding for the Information Technology Department
- Significant investment into Public Safety personnel
- Funding for the creation of a Regional Drug Court

General Fund Expenditures:



General Fund Revenue:



Real Estate / Manufactured Home	\$0.655
Personal Property	
Tangible Personal Property	\$4.00
Volunteer Fire and Rescue Squad	\$2.00
Office Furniture, Fixtures and Equipment	\$4.00
Machinery and Tools	\$2.05
Contract Carrier	\$2.05
Aircraft	\$0.75

Revenue Changes:

- Approximate \$3.2 million increase in General Property Taxes, due mostly to Real Estate and Personal Property valuation increases
- Currently reviewing options to lower valuation of personal property to lower tax bills
- Decrease of about \$200,000 in Revenue from Use of Money and Property due to declining interest rates
- Loss of State Revenue is due to Revenue Sharing Projects being moved to Capital Improvement Fund
- Use of Fund Balance decreasing from \$1.5 million to \$1.1 million

Personnel:

- A total of fourteen (14) additional full-time employees (FTE) are proposed in the FY 2022-2023 Budget
 - 6 new FTE in Fire and Rescue Services
 - 5 new FTE in Sheriff's Office
 - 1 new FTE in Information Technology Department

- 1 new FTE at Front Royal-Warren County Airport
- 0.5 new FTE in Children's Services Act (CSA) Office
- 0.5 new FTE in Commonwealth's Attorney's Office
- The proposed budget also projects a 5% cost of living adjustment (COLA) increase for all staff estimated at \$700,000
- VRS and Health Insurance increases are projected at about \$500,000

Capital Improvement Plan:

- A Total of \$14,839,853 is proposed in FY 2022-2023
 - \$8.5 million in School Division projects
 - \$3.4 million in Fire and Rescue Services projects
 - \$1.7 million in Public Works projects
 - \$1.2 million in Parks and Recreation projects
- Of the \$14.8 million total, all but \$1.2 million will be funded through
 - Grants – \$6.2 million
 - Special Projects Funding – \$3.3 million
 - Debt – \$3 million – subject to carryover process
 - Prior Year Fund Balance – \$1 million

Asset Replacement Program:

- A total of \$2,792,150 is proposed in Fiscal Year 2022-2023
 - \$1,263,100 in Sheriff's Office
 - \$800,000 in Fire and Rescue
 - \$410,000 in Information Technology
 - \$163,550 in General Administration
 - \$100,000 in Public Works/Refuse
 - \$86,000 in Parks and Recreation
- Of the \$2.8 million, approximately \$1 million will be funded through Special Projects Funds

Debt Service:

- The proposed FY 2022-2023 budget necessitates the creation of a Debt Service department to separate it from Capital Improvement funding
- Debt payments of approximately \$11.1 million are expected
 - Principal – \$7.8 million
 - Interest – \$3.3 million
- Debt service accounts for approximately 12.6% of the FY 22-23 Proposed Budget
 - School-related debt – \$10.3 million
 - County-related debt – \$800,000

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors authorized the advertisement of the proposed FY 2022-2023 budget with the same tax rates as 2022 with no increases and the sanitary district tax rates and budgets as proposed by the Sanitary District HOAs/POAs/Advisory Boards for a public hearing to be held on April 12, 2022:

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

Resolution Dedicating Right-of-Way for the Norfolk Southern Railway Grade Separated Bridge Overpass – Taryn Logan

Taryn Logan, Deputy County Administrator, reported in 2016, the Board of Supervisors began discussions with VDOT and the Virginia Inland Port to seek funds to build and design a right-of-way for a bridge over the railroad crossing at Rockland Road. The Board of Supervisors has adopted several resolutions in recent years supporting a grade separation bridge overpass for Rockland Road over the Norfolk Southern Railway. The Board has worked with VDOT and the Virginia Inland Port over the years to address the issues stemming from the railroad being blocked. Rockland Road serves as the primary means of access for several industries, Rockland Park, several golf courses, the Rockland community, which includes the village and dozens of residential subdivisions. The grade separated railroad crossing is shown on the County's 2035 Transportation Plan which was approved by the Board of Supervisors on November 20, 2012.

In December 2018, the Virginia Inland Port was awarded \$15.5 million from the U.S. Department of Transportation's Better Utilizing Investment to Leverage Development (BUILD) Grant to help ease traffic in and out of the port as well as decrease traffic around the port. The grant will establish three new loading tracks, extend the current rail tracks, purchase two new carriers and build a new highway bridge grade separation.

The preliminary plans for a grade separated crossing were presented at a public hearing held by VDOT on June 21, 2021. The right-of-way proposed to be dedicated is equal to approximately 1.515 acres. At this time, VDOT is requesting the right-of-way be donated from the County for this project. This would be the County's contribution to the project. VDOT representatives have explained to staff that the cost of the project is approximately \$27 million. The federal grant will cover \$15.5 million and VDOT is responsible for the remainder of the funding. Construction is proposed to start in late 2023.

Mr. Mabe wondered if this property could be used in another way or sold for a different use, and Mrs. Logan responded the bridge project is the greatest potential for the property at this time.

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors adopted the proposed Resolution agreeing to the dedication of right-of-way for the proposed Rockland Road Grade Separated Bridge Overpass:

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

**RESOLUTION RE: ROCKLAND ROAD – DEDICATION OF RIGHT-OF-WAY FOR THE
NORFOLK SOUTHERN RAILWAY GRADE SEPARATED BRIDGE OVERPASS**

WHEREAS, Rockland Road, Virginia Route 658, currently serves as the primary means of access for several industries, the Rockland Park, several golf courses, and the Rockland Community, which includes the village itself and dozens of residential subdivisions in northeastern Warren County; and

WHEREAS, Rockland Road is often blocked by trains on the Norfolk Southern railway tracks, and it has been confirmed some of these traffic blockages have lasted well over one hour in time, resulting in safety hazards, significant delays, and cost to residents, business and industry traffic, school buses, and emergency services apparatus; and

WHEREAS, the closest detour route from the Rockland Road railway crossing to avoid these delays is 7.0 miles and takes on average an additional 10 – 12 minutes of travel time; and

WHEREAS, the majority of trains which block traffic on Rockland Road are serving the adjacent Virginia Inland Port facility; and

WHEREAS, the Virginia Port Authority is committed to resolving this significant issue and was awarded a \$15.5 million Better Utilizing Investment to Leverage Development (BUILD) Grant through the U. S. Department of Transportation to fund the design, right-of-way acquisition, and construction of a grade separated bridge overpass on Rockland Road at the Norfolk Southern railway crossing; and

WHEREAS, the Virginia Department of Transportation has estimated the cost to design, acquire right-of-way, and construct a grade separated bridge overpass on Rockland Road to be \$26,522,847; and

WHEREAS, this Board understands the importance of addressing this significant safety issue and inconvenience to Warren County residents, business and industry traffic, school buses, and emergency services apparatus; and

WHEREAS, the Rockland Road crossing of the Norfolk Southern railway is identified to be improved with a grade separated bridge overpass on the Virginia Department of Transportation's 2035 Front Royal Area Transportation Plan; and

WHEREAS, the Virginia Department of Transportation has requested that the County donate ±1.525 acres of land for right-of-way and the necessary construction easements for the development of this project on the County's property identified on tax map number 12I, section 2, as lot 11 and tax map 12, as lot 60B (Rockland Park property).

NOW, THEREFORE, BE IT RESOLVED, this Board fully supports the efforts of this project and agrees to dedicate the ±1.525 acres of land for right-of-way and the necessary construction easements needed for this project to occur.

Resolution in Support of US Bike Route 211 – Joe Petty

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors tabled further consideration of this item to the regular meeting on April 5, 2022:

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

Memorandum of Agreement with the Town of Front Royal for Destination Marketing Organization Services Provided by Discover Front Royal – Alisa Scott

Alisa Scott, Deputy Finance Director, reported since June 21, 1993, the Town had been responsible for funding the Visitor's Center and tourism for the community as the vast majority of beneficiaries were located inside the limits of the Town. In 2017, due to significant growth outside of the Town's limits, the County adopted an ordinance that increased the transient occupancy tax from two percent (2%) to five percent (5%).

The County and Town entered into a Memorandum of Agreement that established the Front Royal-Warren County Joint Tourism Advisory, investing additional resources into branding and marketing the community as a destination, and to enhance the many amenities in the community. The Town and County appointed the Advisory Committee to advise, assist, support, and advocate for tourism policies, program, and activities to market and promote Front Royal-Warren County and its environs, and to serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended.

The Town and County amended the Advisory Committee's name to "Front Royal Warren County Joint Tourism Committee," and entered into a new Memorandum of Agreement to establish an eleven (11) member committee defining the working relationship between the Town and County for the conduct of work of the Joint Tourism Program. Further the Town and County contributed financially to a Destination Marketing Organization, to provide visitor services, marketing and advertising for the community, research, and more. The Destination Marketing Organization was mutually selected to provide oversight for strategic planning and budgeting as well as a partner liaison from a Request For Proposals issued and subsequently contracted by the Town in accordance with the Virginia Public Procurement Act.

A new Front Royal-Warren County Joint Tourism Agreement with the Town of Front Royal follows for the anticipated creation of "Discover Front Royal", a 501C6 non-profit organization. Discover Front Royal shall become the Destination Marketing Organization of Front Royal and Warren County and serve as the sole tourism authority.

Dr. Daley noted the following proposed amendments to the agreement:

- Section I, paragraph 4, line 4, "...authority for the Parties. **Prior to any tourism expenditures outside of this agreement, the Town or County shall consult with Discover Front Royal.**"

- Section III, The Town of Front Royal shall: subsection 2, line 2, “...as part of their respective budget process **and paid quarterly**”
- Section III, The County of Warren, Virginia shall: subsection 2, line 2, “...as part of their respective budget process **and paid quarterly**”

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the Front Royal-Warren County Joint Tourism Agreement with the amendments as presented by Dr. Daley and further authorized the Chair and County Administrator to execute the agreement on behalf of Warren County:

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

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

Matt Wendling, Deputy Planning Director, reported the applicants purchased this property in March 2021 and are using the home as a second residence and would like to also rent it as a short-term tourist rental. The dwelling is unique in that the guest suite is attached via a covered and enclosed breezeway that was permitted by the County. The applicants state that this bedroom/guest suite will be used as the primary rental unit of the dwelling. They state they do plan to stay in the principal area of the dwelling while guests stay in the addition. They do plan to manage the rental themselves including the maintenance but are currently researching local property management companies and will retain one in case of emergencies during their guests’ stays and to assist in the cleaning and managing of the rental.

This proposed short-term tourist rental meets the required setbacks at 351 feet away from the nearest dwelling. He noted the Thunderbird Farms Property Owners Association sent out a survey asking whether or not residents wanted short-term tourist rentals to be allowed in Thunderbird Farms and received 25 responses against rental, 12 responses in favor of rentals, and one neutral response. These responses were regarding short-term rentals in general and not directed towards this specific application.

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 six as determined according to the Health Department conditional operational permit for a three-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.
7. The property shall be used only as a single-family dwelling and shall only be rented to one set of guests at any one time.

Jennifer Anderson introduced herself as a co-applicant for this permit and thanked the Planning Department for its assistance and insight during the application process. This is a second home for her family and includes a main residence with a one-bedroom suite attached by a breezeway.

Mrs. Cook permit commented on the maximum number of occupants being six while the space slated to be rented is only one-bedroom suite. Mr. Wendling replied the six-person limit is for the entire home inclusive of the suite. Ms. Anderson said they had applied for the most expansive rental possibility in case they change their mind in the future and desire to rent out the entire home and taking into consideration that the permit carries with the property.

Mrs. Cullers opened the public hearing.

Eric Peterson, 1215 Stoney Bottom Road, introduced himself as the President of the Thunderbird Farms Property Owners Association. He came to voice the POA's opposition to the permit and said this application process has been the impetus for the POA to seek to amend its covenants to disallow short-term tourist rentals within the boundaries of the community.

There being no further 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 Jennifer Anderson and Christopher Olszewski 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

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 six as determined according to the Health Department conditional operational permit for a three-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.
7. The property shall be used only as a single-family dwelling and shall only be rented to one set of guests at any one time.

Adjournment

Mrs. Cullers adjourned the meeting at 8:12 PM.