

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on April 5, 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); Walter J. Mabe (Shenandoah District); also present Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; Todd Jones, Director of Technology; Joe Petty, Director of Economic Development/Interim Planning Director; Matt Robertson, Finance Director; Shelley Hayes, Senior Office Associate; and Alex Bridges, Northern Virginia Daily

Absent: Jerome K. Butler (Happy Creek 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 Mr. Mabe, and by the following vote, the Board of Supervisors adopted the agenda as amended with the addition of an item to the closed meeting under 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 Economic Development Authority matters:

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

Public Comment Period (60 Minute Time Limit)

Melissa Chappell-White, 140 Dogwood Farm Road, said there has been a lot of misunderstanding about whether or not the Shenandoah Farms Sanitary District has a Property Owners Association (POA). This matter was, in fact, decided in a 1995 legal case (*Matlack v. Property Owners of Shenandoah Farms, Inc.* [POSF]) where it was determined that POSF is not legally a POA and does not meet the requirements of the Code of Virginia to be a POA, which means POSF has none of the rights, duties, or authorities of a POA under the laws of Virginia. This is why the Shenandoah Farms Sanitary District was created in 1996 to legally establish a Sanitary District fee and collect funds to improve the roads in the community.

Tony Carter, 33 Keyser Wood Lane, said he had spoken with Larry Johnson about the resolutions passed by the Board in September 2021 in support of naming the bridge over the north fork of the Shenandoah River as the “General Daniel Morgan Memorial Bridge” and the bridge over the south fork of the River as the “Major General Dr. Joseph Warren Memorial Bridge”. Mr. Johnson was wondering where the Virginia Department of Transportation (VDOT) was in the renaming process, so Mr. Carter had reached out to VDOT and determined they were wondering why the County wanted to change the names of the bridges again. In May 2016, the Board adopted a resolution requesting the newly constructed bridge over the south fork be named the “Veterans’ Memorial Bridge”. This request was approved by the

Commonwealth Transportation Board in July 2017, and Mr. Carter said while Mr. Johnson made a compelling case for renaming the bridge, the Board should revisit the reasons for this naming in 2016 and keep the original name.

There were no further presentations from the public.

Report – Virginia Department of Transportation

Matt Smith, Assistant Resident Engineer with VDOT, presented the following monthly report to the Board:

Maintenance:

- Mobilized for snow event
- Graded and applied stone to various stabilized roads throughout the County and will continue this month as weather improves
- Performed brush cutting on various roads and used new buzz saw on Guard Hill Road and hauled away 84 truckloads of brush
- Swept the bridges over the North and South Forks and will continue with remaining bridges this month
- Used contract forces to pick up litter on primary and secondary routes; picked up 2,586 bags of litter and RSW Regional Jail inmates picked up an additional 168 bags
- Repaired potholes on primary and secondary routes and will continue this month as they arise
- Plan to install some pipes on various routes and begin skin and asphalt patching in preparation for resurfacing

Board Issues:

- Verified repainting to be done on Howellsville Road and intersection of Route 340/522 and Country Club Road
- Received draft of Secondary Six-Year Plan; need to schedule a work session with the Board to review

Reports – Board Members, County Administrator, Interim County Attorney

Mrs. Cook reported the following:

- Attended security training conducted by the County's IT Department
- Attended the Economic Development Authority meeting on March 25th
- Attended the Front Royal-Warren County Airport Commission meeting on March 31st

- Attended the Rivermont Fire Station's Easter breakfast on Saturday, April 2nd as well as the opening ceremonies for the Warren County Girls Little League Softball
- Received concerns from parents of students April 4th parents reaching out to School Board with concerns about inappropriate library books at WCPS middle and high schools, alarming to her, she and Mrs. Cullers went to library to see if they were shelved and they were, had conversation with principals of both high schools, once concerns were raised the schools pulled them off the shelves, parents have opportunity to lodge complaint about book(s) for a review by the school system, thanked parents for bringing awareness to the Board

Mr. Mabe spoke about taking constituent concerns and comments to heart and how much of a learning experience his time on the Board has been thus far. He and the other Board members try hard every day to make the community better.

Mrs. Oates reported the following:

- Attended the Habitat for Humanity's clam roast fundraiser on March 25th
- Attended the Fire and Rescue volunteer graduation ceremony on March 23rd

Mrs. Cullers reported the following:

- Also attended the Fire and Rescue volunteer graduation on March 23rd and recognized the six graduates of the program: Bethany Bauserman, Jonathan Buehler, Taylor Corathers, Kiersten Kennedy, Dylan Martin, and Jeffery Monti
- Attended a Farm Bureau dinner meeting on March 30th where there was a discussion and presentation about regional solar utilities; she asked the presenter to do another presentation for Warren County, which has been scheduled for Tuesday, April 26th at 6:00 PM
- Also attended the Rivermont Fire Station's Easter breakfast on Saturday, April 2nd as well as the opening ceremonies for the Warren County Girls Little League Softball
- The Chamber of Commerce will be hosting the first Valor Awards presentation on April 21st
- Recognized National Vietnam War Veterans Day, which was on March 29th

Dr. Daley reported the following:

- The Board will have a special meeting on Tuesday, April 12th beginning at 7:00 PM, and before the meeting at 6:00 PM there will be a joint closed session with Town Council
- Invited Finance Director Matt Robertson to deliver a presentation on personal property taxes
 - In 1998, the Commonwealth of Virginia initiated a five-year plan to eliminate car taxes completely by 2003. In 2001, the legislature stopped the plan early and capped at 70% for the 2002 tax year. In 2004, the legislature changed the cap from a percentage to a hard total number they would provide to localities.

Because it is a hard cap number, as vehicle valuations rise the state percentage of what they subsidize drops every year.

- Originally, the intention was for the state to pay 100% of vehicle taxes. After the hard cap in 2002, taxpayer subsidy was to be 70% of the first \$20,000 in value. The subsidy now accounts for 30-35% in most localities as the state refuses to increase taxpayer assistance as was the original intention in 1998.
- In Warren County, the assistance for taxpayers has been:
 - Tax Year 2019 - 39%
 - Tax Year 2020 - 36%
 - Tax Year 2021 - 35%
 - Projected Tax Year 2022 with no change - 31%

<u>Number of Vehicles</u>	<u>% of Total</u>	<u>Valuation Change</u>
254	0.65%	Increased +\$10,000
2,223	5.67%	Increased \$6,000 - \$9,999
14,274	36.43%	Increased \$1,000 - \$5,999
7,802	19.91%	Increased less than \$1,000
628	1.60%	No change
14,000	35.73%	Decreased in value

Unfinished Business – Resolution in Support of US Bike Route 211 – Joe Petty

Joe Petty, Director of Economic Development/Interim Planning Director, reported the American Association of State Highway and Transportation Officials (AASHTO) has designated a bicycle route corridor through Virginia to be developed as USBR 211. Warren County lies within that corridor and the proposed route has investigated the proposed route and found it to be suitable for bicycle tourists. This project is part of a national effort (through AASHTO) to expand the US Bicycle Route system and is being led by VDOT, Shenandoah Valley Bicycle Coalition, Virginia Bicycle Federation, and the Adventure Cycling Association; they are seeking support for designating USBR 211 through Warren County.

Bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists. Warren County can benefit from this opportunity both economically and from the health and environmental related benefits of encouraging bicycle travel in our region. There is nearly 18,000 miles that are currently established in 31 states and Washington D.C. The proposed route for USBR 211 will provide a benefit to Warren County and having the route mapped and signed, would promote bicycle tourism in our area.

If the resolution is approved, it shall be sent with a letter to VDOT expressing our support for the route. As of March 14th, four of the nine agencies along the route have submitted resolutions of support (Strasburg, Woodstock, Shenandoah County, and New Market). At a special meeting on March 22nd, the Board tabled consideration of this resolution pending feedback from the public.

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors tabled this proposed resolution indefinitely:

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

Consent Agenda

1. Representative and Alternate Appointments to the Community Policy and Management Team – Jessica Amankrah
2. Law Enforcement Representative Appointments to the Community Policy and Management Team – Jessica Amankrah
3. Award for Firm Fixed Pricing on Aggregates – Alisa Scott
4. Removed for further discussion
5. ~~Authorization to Advertise for Public Hearing – Ordinance to Amend and Re-Ordain Chapter 38 (Procurement) of the Warren County Code – Alisa Scott Pulled for work session discussion~~
6. ~~Authorization to Advertise for Public Hearing – Ordinance to Add and Ordain Chapter 39, Warren County Guidelines Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 – Alisa Scott Pulled for work session discussion~~
7. Authorization to Advertise for Public Hearing – SV2022-02-01, Robert and Crystal Dolan Variance Request for Warren County Code Section 155-3(B)(1)(b)[2] to Allow the Voluntary Transfer of a Proposed Subdivided Lot to an Immediate Family Member
8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-02-01, Emilia Simeonova and Sergei Kulaev for a Short-Term Tourist Rental Located at 5462 Browntown Road and Identified on Tax Map 28, as Lot 76
9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-02-02, Jerry Lang, Jr., for a Short-Term Tourist Rental Located at 468 Lands Run Road and Identified on Tax Map 45, as Lot 4
10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-02-03, Nicolas Webster and Morgan McCabe for a Short-Term Tourist Rental Located at 203 Mossy Rock Way and Identified on Tax Map 24B, Section 1, Block 21, as Lot 625
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-02-04, Pratick Patel for a Short-Term Tourist Rental Located at 368 Freeze Road and Identified on Tax Map 23C, Section 2, Block 2, as Lot 193
12. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-02-05, Michael and Judith Albarelli for a Short-Term Tourist Rental Located at 740 Broad Run Road and Identified on Tax Map 44, as Lot 38D

Mrs. Oates requested the removal of item 4 for further discussion as well as the removal of items 5 and 6 for further discussion during the work session following the regular meeting.

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

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

Revisions to the 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 during its special meeting of March 22, 2022, the Board reached a consensus to approve the Agreement with the Town of Front Royal for Destination Marketing Organization Services Provided by Discover Front Royal as amended. During its regular meeting of March 28, 2022, the Front Royal Town Council reached a consensus to approve the Joint Tourism Agreement with Warren County as amended. The minimal differences between the approved documents are as follows:

1. The Town did not agree to remove the following from section I. Purpose, “In partnership with the Town of Front Royal’s Special event Policies and Procedures, special events categorized as a “Community Gathering” or “Community”, may be hosted by the Parties. Notwithstanding anything else in this Agreement, the Town and County may conduct tourism activities outside of this Agreement.”
2. The Town revised section II. Obligations, The Town of Front Royal shall: “...provided that such funding amount to be provided by the Town for the fiscal year starting July 1, 2022 and ending June 30, 2023 shall be \$200,000 with an additional appropriation by the County for \$200,000 so that total funding of \$400,000 shall be provided.”

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

Mabe, Aye; Cook, No; Cullers, Aye; Oates, Aye

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)(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, specifically in regard to the Northwestern Community Services Board.

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 the Shenandoah Farms Sanitary District.

Finally, the Board 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, and the outstanding indebtedness of the EDA:

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 Section 2.2-3711(A)(1) 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

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors appointed Kerry “Kahle” Magalis to the Northwestern Community Services Board to fill an unexpired three-year term ending on December 31, 2025:

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 12:55 PM.