

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 2, 2022 at 9:00 AM.

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

Absent: Jerome K. Butler (Happy Creek District)

Prior to the start of the meeting, Reverend Larry Johnson opened the morning with a prayer.

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

Adoption of Agenda – Additions or Deletions

Mrs. Cullers requested the removal of item L (Public Hearing for an Ordinance to Add and Ordain Section 30-9 of the Warren County Code) from the agenda and the addition of closed meeting discussions under Sections 2.2-3711(A)(3) of the Virginia Freedom of Information Act for the disposition of publicly held real property and Section 2.2-3711(A)(7) for the provision of legal advice pertaining to actual or probable litigation. Mrs. Oates further requested the addition of a closed meeting discussion under Section 2.2-3711(A)(1).

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

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

Public Comment Period (60 Minute Time Limit)

There were no comments from the public.

Presentation on County Investment Portfolio – Michael Snow

Michael Snow, Senior Portfolio Manager, provided an overview of the County's reserve funds and how they are being invested in accordance with the stringent guidelines of the Virginia Investment of Public Funds Act. He also noted County funds are not invested in corporate bonds of any kind due to the risk factors associated.

Report – Virginia Department of Transportation – Ed Carter

Ed Carter, Residency Administrator with the Virginia Department of Transportation (VDOT), presented the following monthly report to the Board:

Maintenance:

- Work completed
 - Performed grading and stone application on various stabilized roads throughout the County
 - Completed mowing on secondary routes and used the slope mower on various routes
 - Conducted skin patching, ditching and shoulder repair operations on various routes in the County
 - Repaired Rocky Hollow Road, Acorn Hill Road, Rivermont Drive, and Lower Valley Road after flash flooding events in June and July
 - Performed brush cutting on Route 55 East
 - Used pipe flusher on various routes
- Planned work
 - Begin/complete mowing of all primary routes and start second mowing of secondary routes
 - Continue with grading and stone application of various stabilized roads
 - Cut brush around signs throughout the County

Board Issues:

- Complete Rural Rustic this month with State forces on the remainder of Rocky Hollow Road that was funded
- Portion of Howellsville Road has been resurfaced and restriped; remainder is scheduled for this construction season
- Bridge crew will begin replacement of pipes with box culvert on Route 735 (Bowman Hollow Road) this month
- Box culvert replacement on Route 649 (Browntown Road) is waiting on CenturyLink for utility relocation
 - NOTE: CenturyLink has changed ownership. VDOT has new contacts who have been more responsive. VDOT has been dealing with them on removing trees from their lines on several routes
- Now able to input future Rural Rustic projects the Board wants VDOT to identify in the last years of the Secondary Six-Year Plan. They will need some guidance from the Board as the project estimates exceed the available funds

Report – Virginia Cooperative Extension Office – Corey Childs

Corey Childs, Extension Agent, presented the April-June 2022 quarterly report to the Board and highlighted the following points:

- Collaborated on and facilitated the Commercial Pesticide Applicator Recertification Program
- Planned and organized the Shepherds Symposium and also co-taught the “Inquisitive Shepherd – Sheep and Goat” class
- Assisted 28 local producers with on-farm diagnostic work; this past spring was unseasonably cold and wet, which caused delays for a lot of plantings and impacts to the agricultural community. This in turn has made produce prices highly volatile, for livestock particularly, and has increased the possibility of shortages for commodity crops
- Worked with the Warren Master Gardener volunteer staff to respond to 22 requests from local home and property owners requesting recommendations relating to insect identification, plant identification, and ornamental disease control
- The invasive species known as Gypsy Moth is seeing a resurgence in the area for the first time in over ten years
- The 4H Center hosted 220 children for its summer camp in July
- The annual Warren County Fair is going on this week, August 1st through 5th

Report – Warren County Department of Social Services – Jon Martz

Jon Martz, Director of Social Services, introduced Adult Protective Services (APS) Supervisor Lucy Riffey who provided an overview of the Department’s APS program. APS receives and investigates reports of abuse, neglect, and exploitation of adults 60 years of age or older and incapacitated adults aged 18 or older. If protective services are needed and accepted by the individual, local APS workers may arrange for a wide variety of health, housing, social, and legal services to stop the mistreatment or prevent further mistreatment. Services offered may include home-based care, transportation, adult day services, adult foster care, nutrition services, and legal intervention in order to protect the adult. Services may also be arranged for individuals in emergencies who lack the capacity to consent to services. In 2021, 320 APS reports were received by the Department with 263 deemed to be valid and 144 substantiated. To-date in 2022, the Department has received 183 APS reports with 156 deemed to be valid and 108 substantiated.

The Adult Services Program assists adults with an impairment who need services or support to enhance self-sufficiency and improve their quality of life. Services offered include:

- Home-based services (companion, chore, or homemaker)
- Long-Term Care Services and Support (LTSS) Screenings
- Assisted Living Facility (ALF) assessments and reassessments
- Review of annual guardian reports
- Adult foster care (provided by local option)

These services are provided by the Department and are designed to help adults remain as independent as possible, preferably in their own home. The goal is to strengthen appropriate family and social supports and reduce the need for institutional placement.

Examples of adults who may need APS include adults who may need home-based services, such as companion care and individuals who request a screening for Medicaid-funded long-term services and supports, of which the Department has completed 170 Community Based Screenings so far in 2022. These screenings are conducted by an APS worker and a public health nurse from the local health department in the individual's home to determine if they are eligible for Medicaid waiver services that would allow them to receive personal care assistance in the home provided by a home health agency to assist with bathing, dressing, toileting, eating, feeding, light housekeeping, and meal preparation or for a nursing facility placement.

Adults who may qualify for a Medicaid Auxiliary Grant and need assessment for assisted living facility placement; the Department has completed five assisted living assessments in 2022 year with two facility placements. The Department currently has ongoing adult service cases on three individuals who reside at Woods Cove and need annual reassessments completed to maintain the Medicaid Auxiliary Grant. The Department also assists adults who need and request services to avoid institutionalization; the Department currently has four ongoing adult service cases to assist individuals with contacting Northwestern Community Services for mental health services.

All individuals who are appointed guardian of an incapacitated adult must file a report within four months and then annually after that to the local Department of Social Services where the individual resides. These reports contain information on the individual's physical, mental, social, and psychiatric status for the reporting period. The Department is responsible for reviewing the annual report of the incapacitated individual for any APS concerns and filing it with the appointing circuit court. Currently the Department monitors 93 guardianship cases of incapacitated individuals residing in the Town of Front Royal and Warren County.

Reports – Board Members, County Administrator, County Attorney

Mrs. Cook reported she and Mrs. Oates attended the joint School Board/Board of Supervisors Finance Liaison Committee meeting on August 1st. The Committee discussed a proposed Memorandum of Understanding (MOU) between the two Boards that would establish guidelines for fund requests, appropriations, and capital improvements, among other items. She said the draft MOU will be presented to the Board as a whole during an upcoming work session.

Mr. Mabe reported the following:

- Attended the second meeting of the Shenandoah Farms Sanitary District Advisory Committee on July 25th and stated the Advisory Committee is doing a good job so far
- Met with a developer last week regarding proposed housing in the County

- Attended the Development Review Committee meeting on July 27th as well as a meeting of the joint School Board/Board of Supervisors Capital Improvements Liaison Committee and is working on a report for the full Board

Mrs. Oates reported the following:

- Attended the Town/County Liaison Committee meeting on July 21st and observed that the Town and County are making progress in the way they are working together
- Invited everyone to attend the National Night Out event at the gazebo on Main Street this evening, August 2nd, beginning at 6:00 PM; in addition to many other vendors, the Drug Prevention Committee will be there, handing out information about the established Drug Court and information to parents about the dangers of fentanyl
- Visited the Warren County Fair on August 1st

Mrs. Cullers reported the following:

- Also attended the Town/County Liaison Committee meeting on July 21st
- Attended the New Teacher Luncheon put on by the Chamber of Commerce on July 26th and complimented Jeff Hinson with Rappahannock Electric Cooperative for assisting with putting on that event
- Also attended the Development Review Committee meeting on July 27th
- Attended the Fire Chiefs' Advisory Committee meeting on July 27th
- Attended the contractors' meeting on July 27th

Dr. Daley reported the following:

- Stated the intention of the Development Review Committee is to bring together Town and County staff, representatives from utility companies, and VDOT to discuss the ongoing and upcoming development projects in the community; he encouraged attendance for these meetings for those who want to attend for that purpose, not for those who want to go off on tangents unrelated to development
- Renovations at the Health and Human Services Complex for the Senior Center space are moving along, and having the Senior Center at the Complex where the Department of Social Services is will improve coordination with APS programs
- Reminded the Board of the work session on Tuesday, August 9th at 6:00 PM with discussions on the WCPS capital improvements program, the draft MOU with WCPS for operations and funding, the request from the Shenandoah Farms Sanitary District Advisory Committee to cancel the Old Oak Lane revenue sharing projects with VDOT, the Department of Fire and Rescue Services' certification program and its relation to compensation, and the request of the Economic Development Authority Board of Directors' request for meeting attendance compensation
- Complimented one of the County's convenience site attendants – Ernie Tugman – for going above and beyond with customer service at the Route 522 convenience site

Mrs. Oates wondered if the County could reach out to the area's Master Gardener program regarding the ongoing concerns with landscaping at County schools. In the past

they have volunteered to conduct beautification operations in the area, and maybe a collaboration can be discussed with them.

Approval of Minutes

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting on July 19, 2022 and its special meeting on July 26, 2022:

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

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

Joe Petty, Director of Economic Development, 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 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.

Mr. Petty noted seven of the nine jurisdictions along the route in Virginia have submitted resolutions of support; Augusta County is the southernmost locality and has denied the adoption of a resolution, and Warren County is the final locality considering a resolution of support. Since the last Board of Supervisors meeting where this resolution was discussed (June 28th), he has been researching potential liability concerns voiced by the Board members. He reached out to counsel who have confirmed that, should the Board adopt this resolution of support, the County would not be held liable for any bicycle accident that may occur along USBR 211.

Mrs. Cook said she is still concerned about someone suing the County if the Board adopts this resolution in support and an accident occurs along the route. Jason Ham, County Attorney, responded that the County is protected by sovereign immunity, which is a powerful immunity that could only be countered by gross negligence. Any petitioner/filer would need to present the most extreme facts to attempt to win a liability case. Mr. Petty also noted that in 1998, the Board of Supervisors adopted a resolution in support of the community being designated as the Canoe Capital of Virginia, which is a similar designation as this proposal. The users of the Shenandoah River, and the cyclists on the roads, have a level of personal responsibility they must accept.

On a motion by Mrs. Cook, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors denied the proposed resolution of support:

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

Consent Agenda

1. Transfers Request of Warren County Public Schools – Dr. Chris Ballenger
2. Removed for further discussion
3. Resolution Proposing the Addition of Streets to the VDOT Secondary Street System (Blue Ridge Shadows Subdivision, Phase 2) – Taryn Logan
4. Removed for further discussion
5. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-01, Joseph Muniz for a Short-Term Tourist Rental – Matt Wendling
6. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-02, Yulia Svetlichnaya for a Short-Term Tourist Rental – Chase Lenz
7. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-03, Thomas Cho for a Short-Term Tourist Rental – Chase Lenz
8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-04, Andrew Sickles for a Short-Term Tourist Rental – Chase Lenz
9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-05, Jennifer Harp for a Short-Term Tourist Rental – Matt Wendling
10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-06, Lyndsey DePalma and Amanda Shipe for a Short-Term Tourist Rental – Chase Lenz
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-07, John Clarke for a Short-Term Tourist Rental – Chase Lenz
12. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-08, Royal Oak Estates, LLC (Larry Himelright) for a Cluster Housing Development – Matt Wendling
13. Authorization to Advertise for Public Hearing – Z2022-06-01 – Cole and Danielle Haase for an Ordinance to Amend and Re-Ordain Sections 180-8 and 180-43 of the Warren County Code re: Commercial Outdoor Recreational Operation – Matt Wendling
14. Removed for further discussion

Mrs. Cook requested the removal of item 2 for further discussion, Mrs. Cullers requested the removal of item 4, and Dr. Daley requested the removal of item 14. Dr. Daley also asked the Board to confirm the date of the public hearings for Tuesday, August 23rd at 6:00 PM, which Mrs. Cullers confirmed.

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 with items 2, 4, and 14 removed for further discussion:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY

WHEREAS, the Edinburg Residency Office of the Virginia Department of Transportation (VDOT) recommends that the street referenced in this Board's resolution be added to the secondary system of state highways as a no cost pursuant to Sections 33.2-705 and 33.2-334 of the Code of Virginia as well as the VDOT Secondary Street Requirements, because the street(s) meets current minimum standards, the condition of the existing hard surface is serviceable, and currently serves the Blue Ridge Shadows Subdivision; and

WHEREAS, the Edinburg Residency Office of VDOT confirms that no Department funds are required to improve the streets described on the attached additions form AM-4.3 to meet current minimum design or maintenance standards of VDOT. The street has provided continuous public service since its establishment in 2006.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described on the attached Form AM-4.3 to the secondary system of state highways, pursuant to Sections 33.2-705 and 33.2-334 of the Code of Virginia; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way as described on the attached form AM-4.3 and any necessary easements for cuts, fills, and drainage, as required; and

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Mrs. Cook noted she had mistakenly removed the wrong item from the consent agenda for discussion and made a motion to reconsider item 1 (Transfers Request of Warren County Public Schools), which was seconded by Mr. Mabe and approved by the following vote:

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

Reconsideration of Transfers Request of Warren County Public Schools – Dr. Chris Ballenger

Mrs. Cook said she had meant to pull this item from the consent agenda to learn the reasons behind why Warren County Public Schools (WCPS) went overbudget in these categories. Rob Ballentine, WCPS Finance Director, explained that the overspending in Category 62000 (Administration, Attendance, and Health) was due to combining two Central Office positions into one Assistant Superintendent for Instruction position and relocated from Instruction to Administration along with an Administrative Assistant position for this Assistant Superintendent.

The overage in Category 64000 (Operations and Maintenance) was mainly due to an increase in the cost of the custodial services contract that was not reflected in the WCPS

budget; the overage in Category 67000 (Debt Service and Transfers) was due to not calculating the bank's service charge on a bond payment into the WCPS budget; and the overage in Category 68000 (Technology) was due to unexpected maintenance on the WCPS fiber optic internet cables.

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the request of the Warren County School Board for FY 2021-2022 to transfer \$330,344 from Category 61000 and \$87,209 from Category 69000 to Category 62000 in the amount of \$325,000, to Category 64000 in the amount of \$75,000, to Category 67000 in the amount of \$7,553, and to Category 68000 in the amount of \$10,000:

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

Additional Transfer Request of Warren County Public Schools – Dr. Chris Ballenger

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the request of the Warren County School Board for FY 2022-2023 to transfer \$64,179 from Category 64000 to Category 67000 in the amount of \$64,179 for the payment of the bond with US Bank:

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

Cooperative Contract Award for Four (4) Vehicle Replacements for the Warren County Sheriff's Office – Alisa Scott/Sheriff Mark Butler

Mrs. Cullers pulled this item from the consent agenda because she was curious how the Sheriff came to the decision of purchasing Chevrolet Tahoes instead of Ford Explorers, which are the vehicles the Sheriff's Office has purchased in the past. She asked if the Sheriff had done a cost comparison between the two vehicle models, and Alisa Scott, Deputy Finance Director, responded that a price comparison had not been done. This is a unique situation with this specific purchase because the dealership has these Tahoes available on the lot right now; to purchase Ford Explorers would cause a delay in the Sheriff's Office receiving the vehicles.

Mrs. Cullers said based on her research, the 2022 Tahoe gets up to 14 city miles per gallon (mpg) on an approximately 24-gallon tank while an Explorer gets up to 20 city mpg on an approximately 20-gallon tank. With gas prices the way they are, there is a cost difference in the Tahoe's 336 miles per tank versus the Explorer's 400 miles per tank. She is not comfortable voting on this purchase until there is a price and specifications comparison completed.

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors tabled consideration of this item until September:

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

Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-06-09, Cole and Danielle Haase for a Commercial Outdoor Recreational Operation – Matt Wendling

Dr. Daley said the Board has requested that the public hearing for this conditional use permit request be pushed until the public hearings date in September (the 27th) to make sure Mrs. Cook, the Supervisor for where this operation is proposed to be located, can attend this public hearing. The postponement of this public hearing is acceptable to the applicants.

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors tabled the request to authorize for advertisement of a public hearing the proposed conditional use permit request for a Commercial Outdoor Recreation Operation until agency comments are received and moved this public hearing request to September 27th at 6:00 PM:

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

~~Public Hearing – Ordinance to Add and Ordain Section 30-9 of the Warren County Code to Add a One-Time Incentive Pay for Advanced Level Providers with the Department of Fire and Rescue Services in FY 2021-2022 – Jane Meadows~~

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Oates, seconded by Mrs. Cook, and by the following vote, the Board enter into a closed meeting under the provisions of Section 2.2-3711(A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel, such matter being delinquent real estate taxes.

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 where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, such real property being located in the North River Magisterial District outside the limits of the Town of Front Royal.

The Board further 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 litigation and the provision of legal advice regarding the case of *Karen Susan Adams, et als, v. Judge W. Dale Houff, et als*.

Finally, the Board entered into a closed meeting under the provisions of Section 2.2-3711(A)(1) to discuss the appointment of members to the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”) Board of Directors:

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

Adjournment

Mrs. Cullers adjourned the meeting at 1:12 PM.

Cheryl L. Cullers
Chair