

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on September 6, 2022 at 9:00 AM.

Present: Cheryl L. Cullers, Chair (South River District); Delores R. Oates, Vice Chair (North River District); Jerome K. Butler (Happy Creek 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; James Bonzano, Chief of Fire and Rescue Services; Mark Butler, Sheriff; Michael Coffelt, Sanitary District Manager; Todd Jones, Director of Technology; Caitlin Jordan, Senior Assistant County Attorney; Dan Lenz, Parks and Recreation Director; Jane Meadows, Human Resources Director; Matt Robertson, Finance Director; Alisa Scott, Deputy Finance Director; and Shelley Hayes, Senior Office Associate

Pastor James Boyette opened the meeting with a prayer.

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

Adoption of Agenda – Additions or Deletions

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

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

Public Comment Period (60 Minute Time Limit)

Tony Carter, 33 Keyser Wood Lane, said he had read an article about the recent Board discussion surrounding the dam in Shenandoah Farms. As a past Board member, he recalled that the County received the loan from Virginia Municipal League (VML) because it only provided loans to municipalities. The County acted as the vehicle or mechanism for the Property Owners of Shenandoah Farms (POSF) to receive the loan. He then invited the public and Board members to the Warren Heritage Society's event on Saturday, September 24th when the Society will be offering guided tours of Bel Air house on Happy Creek Road, one of the oldest masonry houses built in Warren County.

Matthew (*last name unintelligible*), McDonalds Farm Road, said he had been going through old Sanitary District Manager reports to the POSF. He questioned why, if the ownership of and responsibilities for maintenance of the dam were transferred from POSF to the County, the annual fees of approximately \$36,000 come out of the Shenandoah Farms Sanitary District budget. At the allowance of the Chair, Dr. Daley responded that the State required the County to have technical ownership of the dam so it could be insured and receive State funding, but the dam was always considered a Shenandoah Farms facility.

There were no further comments from the public.

Report on the Regional Broadband Initiative – Brandon Davis

Brandon Davis, Executive Director of the Northern Shenandoah Valley Regional Commission (NSVRC), gave an overview of the recent history of the fiber deployment initiative in Augusta, Clarke, Fauquier, Frederick, Page, Rappahannock, Rockingham, and Warren Counties. All contract documents for this project have been executed as of July 2022, and the Virginia Department of Housing and Community Development (DHCD) awarding nearly \$97 million in grant funding makes this the largest broadband project in Virginia history as well as the largest grant ever awarded to a regional commission. Approximately 3,700 miles of fiber are slated to be laid over the next three years by the internet service provider All Points Broadband (APB). With partnerships between APB, Shenandoah Valley Electric Cooperative (SVEC), Rappahannock Electric Cooperative (REC), and Dominion Energy, the total investment into this project is over \$140 million. The grant funding will be via reimbursement; once a section of work is complete, the NSVRC will petition for reimbursement from the State, at which point the State will evaluate whether or not the work has been completed in accordance with the program design and the executed agreements. If the section passes evaluation, the funds will be distributed to the NSVRC, which will in turn be passed through to APB.

Fiber construction/installation is scheduled to begin during the second quarter of 2023 (April-June) and will continue through the end of July 2025. Currently, the partners are working on low level project design and the pole attachment make-ready process.

Kyle Rosner with All Points Broadband then delivered a presentation overviewing the Warren County portion of the regional project. 215 miles of distribution fiber and 60 miles of middle mile fiber provided by REC will make broadband available to 2,110 homes in currently unserved locations. The anticipated timeline of the project is as follows:

- Commencement of low-level design – July-September 2022
- Fiber construction begins – April-June 2023
- Commencement of customer installations in completed fiber distribution areas (FDAs) – October-December 2023
- Substantial completion of network – July-September 2025

The objective is to complete the entire project within the contract period of 36 months, and potential customers will be notified approximately ninety (90) days in advance of serviceability within each FDA. APB is offering a \$30 per month discount to any household that qualifies for the Affordable Connectivity Program (ACP) through the Federal Communications Commission (FCC) and encouraged citizens to visit fiber.allpointsbroadband.com to preregister for service and signup for updates on the project.

Mr. Rosner stated APB will provide monthly reporting in three categories of milestones: miles released from low level design (ready to go for construction), miles constructed, and serviceable units passed (how many homes can receive service); no State or local funds are released to APB until the work is completed to the agreed-upon standards.

Report from the Lord Fairfax Soil and Water Conservation District – Richard Hoover

Richard Hoover, Director and Chairman of the Board for the Lord Fairfax Soil and Water Conservation District (LFSWCD) Board of Directors, expressed his appreciation for the enhanced financial support received from Warren County for FY 2022-2023. The LFSWCD is a key player in the effort to clean up the Chesapeake Bay before the December 2025 deadline imposed by the State. For FY 2022-2023, there was a near doubling of the requested budget compared to last year, and with the additional funding, the LFSWCD expanded its staff from five (5) to seven (7) Conservation Specialists. Mr. Hoover then introduced Supervising Conservation Specialist Dana Gochenour who provided the Board with an update on the work currently underway in Warren County, including several stream fencing projects.

Report from the 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:

- Replaced pipes on Route 601 (Pomeroy Road)
- Completed 50% of secondary mowing and will complete 100% this month and begin primary routes
- Graded and applied stone to stabilized roads as needed and will continue this month
- Cleaned up tree and brush debris on various routes and will be addressing brush around signs this month
- Completed Rural Rustic project on Rocky Hollow Road and will be completing box culvert placement on Route 725 (Bowman Hollow Road)
- Will be performing skin patching and asphalt patching on various routes
- Will be conducting ditching operations on Route 340 and repairing shoulders on various other routes throughout the County

Board Issues:

- In the process of adding the Board's priority roads to the Secondary Six Year Plan for the last two years.
- Trying a new type of reflector for the nose of the concrete median at Route 340/522 and Country Club Road.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors temporarily recessed the regular meeting in order to consider item A of the work session (Presentation of the Northwestern Community Services Board):

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

Northwestern Community Services Board (NWCSB) Performance Contract – Katie Heritage

Mike Elwell, Executive Director of NWCSB, introduced himself and Greg Gutmeir, Chief Financial Officer, to the Board and delivered a presentation on the proposed FY 2023 Performance Contract, highlighting the following points:

- NWCSB was established in 1974 and serves the Counties of Clarke, Frederick, Page, Shenandoah, and Warren along with the City of Winchester with approximately 250 employees and an annual budget of \$22 million
- Services provided include, but are not limited to, case management, 24-hour emergency/crisis intervention and hospital prescreening, psychiatric medication management, and the Program for Assertive Community Treatment (PACT)
- Have seen an increase in total clients served from 5,386 in FY 2015 to 7,372 in FY 2022 (37%); the number of Warren County clients served has increased from 953 in FY 2017 to 1,505 in FY 2022 (58%)
- Funded through various sources including client billing (46.27%), State funds (40.21%), locality revenue (6.67%), Federal funds (4.05%), and grants/miscellaneous revenue (2.8%)
- Majority of expenditures is for salaries and benefits (71%) followed by physician fees (8%), facility costs (6%), client rent and utilities (6%), contractual services (4%), equipment and supplies (2%), and “Other” (3%)

Mr. Butler left the meeting at approximately 10:40 AM.

Reports – Board Members, County Administrator, County Attorney

Mrs. Cook reported the following:

- The Front Royal/Warren County Airport Commission has created an Events subcommittee and scheduled an event on October 8th called Wings and Wheels
- Attended the Warren County Sheriff’s Office Community Advertisement Council, comprised of citizens and law enforcement with the goal to share information and strengthen relationship between community and law enforcement

Mr. Mabe reported the following:

- Attended meetings of the Economic Development Authority Board of Directors, the RSW Regional Jail Authority Board, the Shenandoah Farms Sanitary District Advisory Committee, and various constituents

Mrs. Oates reported the following:

- Attended a meeting of the Board of Supervisors/School Board Finance Subcommittee to discuss capital improvement projects and moving forward with a two-year budget plan to better anticipate revenues and expenses

- Attended an Advance on September 1st with the Chair and Vice Chair of the Warren County School Board and key Warren County Public Schools staff
- Is working with Dr. Ballenger to establish a Government Day in the spring where students could come and do a mock meeting to participate in local government
- Helped the Destination Marketing Organization (DMO) Discover Front Royal recruit interviewees for the Tourism Director position
- Also attended the RSW Regional Jail Authority Board meeting

Mrs. Cullers reported the following:

- Traveled to the Frederick County Sheriff's Office on August 26th to learn about vehicle procurement for law enforcement
- Attended a meeting with the Parks and Recreation Department on August 29th to discuss the reorganization of the department and the combining of the two administration offices to one location at the Community Center
- Attended a meeting with Fire and Rescue staff on August 31st to learn discuss an incentive program and how staff is working with the volunteers to update the program to ensure fair distribution of incentive to career and volunteer personnel
- Also attended the September 1st Advance with the School Board and looks forward to future collaborations
- Is working with Mike Chandler, instructor through the Virginia Association of Counties, on scheduling a Citizens Academy for residents to learn about Planning and Zoning and Local Government in general

Dr. Daley reported the following:

- Invited Todd Jones, Director of Technology, to introduce Paul Barber, the new Technology Systems Technician in the Department of Information Technology
- Next Tuesday, September 13th, will be a Board of Supervisors Strategic Advance to look forward to the goals and vision for the next twelve months

Consent Agenda

1. Citizen Appointment to the Social Services Advisory Board – Jon Martz
2. Refund Request, Erroneous Tax Assessment of Jeremiah & Inga Perkins – Sherry Sours
3. Refund Request, Erroneous Tax Assessment of Thomas Breed & Joan Lynch – Sherry Sours
4. Additional Appropriation Request of Warren County Public Schools from the Virginia Preschool Initiative (VPI) Program – Dr. Chris Ballenger
5. Additional Appropriation Request of Warren County Public Schools for Replacement of Internal Network Equipment – Dr. Chris Ballenger

6. Addition of Budget Analyst Position, Job Description and Grade Placement – Jane Meadows/Matt Robertson
7. Department of Fire and Rescue Services Pay Structure Modification Request – Jane Meadows/Chief James Bonzano
8. *Removed for further discussion*
9. Approval of Purchase Order for Wayfinding Signage Installation Services through GEI – Taryn Logan/Alisa Scott
10. Class C Subdivision Bond Release for Blue Ridge Shadows, Phase 2, D.R. Horton, Inc. – Taryn Logan
11. Authorization to Advertise for Public Hearing – Lease of County-Owned Property Located at 229 Stokes Airport Road, Front Royal – Alisa Scott
12. Authorization to Advertise for Public Hearing – Lease of County-Owned Property Located at 136 Hillidge Street, Apartment 2, Front Royal – Alisa Scott
13. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-07-01, Michelle Moriarty for a Short-Term Tourist Rental – Chase Lenz
14. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-07-03, Kendra Hansen, Kathryn Stuart, Simon Sarver, and Michael Cherubin for a Short-Term Tourist Rental – Chase Lenz
15. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-07-04, CAZA Legacy, LLC for a Short-Term Tourist Rental – Matt Wendling
16. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-07-05, Matthew Williams and Jay Gilbert for a Short-Term Tourist Rental – Chase Lenz
17. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-07-06, Matthew Williams and Jay Gilbert for a Short-Term Tourist Rental – Chase Lenz
18. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-07-07, Thomas Pigeon for a Short-Term Tourist Rental – Matt Wendling
19. *Removed for further discussion*

Mrs. Cook requested the removal of item 19 for further discussion, and Mrs. Cullers requested the removal of item 8.

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 with the removal of items 8 and 19 for further discussion:

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

Authorization to Advertise for Public Hearing – Z2022-05-01, Ordinance to Amend and Re-Ordain Warren County Code Sections 180-8 and 180-28 and to Add and Ordain Sections 180-28.1 and 180-43.3 re: Light Industrial (LI) Zoning District and Data Centers – Matt Wendling

Mrs. Cook stated she pulled this item to ask whether any of the current Industrial (I) zoned properties would need to be rezoned to Light Industrial (LI). Matt Wendling, Planning Director, responded that specific to Data Centers, because it is a listed use in both zoning districts, no rezoning would be necessary. If the subject property is within any other zoning district and wants to house a Data Center, an application would need to be submitted requesting a rezoning to Light Industrial (LI). If a proposed use was more applicable to the Light Industrial (LI) zoning district, an owner/applicant could apply to rezone the subject property from Industrial (I) to Light Industrial (LI). Any rezoning would necessitate a meeting with Planning Department staff as well as public hearings at the Planning Commission and Board of Supervisors levels.

Mrs. Cook also noted the Planning Commission had not yet voted on this item recommending approval or denial of the proposed amendments. Mr. Wendling said there were only three members present at the Planning Commission's public hearing for this text amendment, and due to the Chairman recusing himself from the vote because of a potential conflict of interest, there was not a majority of the Planning Commission to have a vote.

Mrs. Cullers indicated her concerns with the proposed inclusion of allowing a Data Center by-right in both the Industrial (I) and Light Industrial (LI) zoning districts. Dr. Daley made the suggestion of postponing consideration of this item for one month to allow the Planning Commission to meet and make its recommendation on the proposed text amendments.

On a motion by Mrs. Oates, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors postponed further consideration of this item for one month pending a final recommendation from the Planning Commission:

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

Use of Raymond E. Santmyers Youth Center for the Warren County Public Schools Elements Program for the 2022-2023 School Year – Caitlin Jordan/Dan Lenz

Mrs. Cullers stated she pulled this item because the Elements Program having classrooms in the Youth Center seems counter to the County's plans to return the building to an actual center for the youth in the community. Dr. Daley noted there was a thirty-day written notice of termination clause in the lease agreement. Caitlin Jordan, Senior Assistant County Attorney, said this lease agreement would allow the Elements Program to continue using the Youth Center until more concrete plans are in place for the redevelopment of the building.

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved and authorized the County Administrator to execute the lease of the

Raymond E. Santmyers Youth Center facility for use by the Warren County School Board Elements Program for the term of August 1, 2022 to June 2, 2023:

Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, 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 I move the Board enter 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 Warren County Planning Commission, the Board of Building Code Appeals, and the Shenandoah Area Agency on Aging.

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 acquisition of real property for a public purpose, such property being located in the Happy Creek 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.

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 probable litigation and the provision of legal advice regarding the challenge of a tax assessment by Shenandoah Realty Holdings, LLC regarding property located at 1000 North Shenandoah Avenue, Front Royal Virginia, tax map 20A5 3 A, and the Warren County Code related to the refund of erroneous assessments, the abolition of a sanitary district, and the Voluntary Settlement Agreement with the Town of Front Royal:

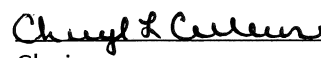
Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board 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:

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

Adjournment

Mrs. Cullers adjourned the meeting at approximately 11:30 AM.


Chair