

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on November 16, 2022 at 6:00 PM.

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; James Bonzano, Chief of Fire and Rescue Services; Michael Coffelt, Deputy Public Works Director; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Gerry Maiatico, Fire Marshal; Joe Petty, Director of Economic Development; Matt Robertson, Finance Director; Alisa Scott, Deputy Finance Director; Matt Wendling, Planning Director; and Emily Ciarrocchi, Deputy Clerk of the Board

Absent: Jerome K. Butler (Happy Creek District)

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors 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, and resignation of a specific public officer of the public body specifically in regard to the Shenandoah Farms Sanitary District Advisory Committee, the Warren County Board of Assessors, and the Front Royal-Warren County Economic Development Authority Board of Directors.

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 property located in the Fork Magisterial District outside the limits of the Town of Front Royal as well as *Jaden C. Walter and Tori L. Walter v. Board of Supervisors of Warren County, Virginia*.

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:

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 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:

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

Pastor Steve Guizar 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 amended with the addition of an item for the reconsideration of the appointment of a Board of Assessors:

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

Public Comment Period (60 Minute Time Limit)

Lieutenant Austin Cucciardo with the Department of Fire and Rescue Services presented Certificates of Recognition to Parker McGann and Carson Richardson for their quick responses and lifesaving efforts to another member of the community on November 4, 2022 at Skyline High School.

John Cermak, 75 Patty Tract Lane, spoke in opposition to the conditional use permit request of Jeffrey Taylor, which is on the agenda as an Unfinished Business item. Mr. Taylor's past performance of noncompliance does not lead Mr. Cermak to believe there will be a following of rules and regulations if the permit is approved.

Kathleen George, 126 Walker Farm Drive, said with the lack of funding for the Property Owners of Shenandoah Farms, Inc. (POSF) by the County, POSF no longer has funds to care for and maintain its common properties. There are over 2,000 homes in the Shenandoah Farms subdivision, which is the largest geographic subdivision in the Commonwealth of Virginia, and the common properties are important to the residents. She asked the Board not to forget the maintenance of the subdivision's common properties when considering the FY 2023-2024 budget request of the Shenandoah Farms Sanitary District Advisory Committee for the subdivision.

Joe Andrews, 735 Megeath Farm Lane, said he does not live in the Shenandoah Farms Sanitary District but does not agree with the County being in the Public Works business for private subdivisions. The Board chose to appoint its own Advisory Committee for the Sanitary District that it does not listen to, and he said the Public Works staff who are acting as intermediaries

between the Board and the Advisory Committee are stonewalling and feeding misinformation to the Board. He wants the Board to completely get rid of sanitary districts as it has no business telling people in a private subdivision how to spend their own subdivision's money.

Sarah Saber, 90 Reid Drive, said she has wasted her time being involved as a member of the Shenandoah Farms Sanitary District Advisory Committee. She has received nothing but blatant unwillingness and uncooperativeness from all five Board of Supervisors members and alleged misuse of Sanitary District funds and insinuated embezzlement by County staff. Her comments devolved into personal attacks of the Board members, and she was asked to cease her comments and leave the podium.

There were no further comments from the public.

Reports – Board Members, County Administrator, County Attorney

Mrs. Cook had nothing to report.

Mr. Mabe had nothing to report.

Mrs. Oates reported the following:

- Attended two events on Veterans Day, including one at the American Legion Post 53

Mrs. Cullers reported the following:

- Had a meeting with convenience site staff on November 2nd and voiced her appreciation of their work
- Attended a recent Lake Front Royal Property Owners Association meeting
- Served approximately 160 meals through the Ruritan Club
- Was in attendance at the Skyline High School football game where Parker and Carson helped their fellow community member
- Participated in the Fire and Rescue Services' Boot Drive event on November 5th, followed by the fundraiser spaghetti dinner at Company #2
- Attended an event held by the Lord Fairfax Soil and Water Conservation District where the Atwood family was recognized for Best Land Practices
- Also attended the American Legion Post 53 Veterans Day ceremony

Dr. Daley reported the following:

- Reminded the Board of the dedication ceremony for the new North and South Fork bridge signs taking place at Riverton United Methodist Church beginning at 2:00 PM on Saturday, November 19th

- There will be a work session beginning at 6:00 PM on Tuesday, November 29th, and on Tuesday, December 6th beginning at 5:00 PM, the Board will meet with its facilitators to finish up its Strategic Visioning
- The County is assisting the Salvation Army with its Red Kettle Campaign this year, and on three Fridays in December, County staff will be ringing the bell in the Royal Plaza shopping center
- Building Inspections Statistics for October

New Home Starts

County	Town	Total	# in October 2021
10	1	11	9

Permits Issued

2022	2021	Difference
240	199	41 (17.08%)

Inspections Completed

2022	2021	Difference
932	1,092	-160 (-17.17%)

- Parks and Recreation
 - Office and Recreation staff are preparing for the Winter 2023 programs and have completed RecPro re-training on online registration, document uploads, team coordination, game scheduling, mass emailing capabilities, and are excited to offer these new features for all programs.
 - Public Works Technicians have winterized all closed facilities for the winter season. L&B Portable Restrooms have placed the units in the completed parks.
- Department of Social Services – In the month of October, DSS received:
 - 147 SNAP Applications
 - 102 Medicaid Applications
 - 24 TANF Applications
 - 15 Child Care Applications
 - 140 Fuel Applications
 - 1,145 Lobby Visits
 - 1,484 Phone Calls
- On the Services side, for the month of October, DSS received:
 - 49 CPS referrals
 - 31 APS referrals
 - Used \$1,414.45 from the Ministerial Fund
 - Took in \$1,367.99 to the Ministerial Fund
 - Provided food to 15 individuals
 - 112 EBT cards given

- Job development:
 - New client/referrals in October – 7
 - Total clients to-date – 101
 - Total businesses contacted to-date – 74
- Department of Fire and Rescue Services
 - Personnel recently responded to a commercial fire at the McDonald's Restaurant located at 9846 Winchester Road. Based on the magnitude of the incident and the need for additional manpower, additional resources were called from Middletown, Stephens City, and Strasburg.
 - Staff participated in National Fire Prevention Week and Fire Prevention Month. Over 400 smoke alarms were installed throughout the community in an effort to ensure every home in the community is protected by a working smoke alarm.
 - Staff, family, and friends participated in the Department's annual Christmas Families Boot Drive to support efforts to provide Christmas to low-income or hardship families. Over \$11,000 was raised in this event!
 - The Department has challenged its friends at the Warren County Government Center to collect non-perishable food items for The River 95.3's Camping for Hunger Program. GOOD LUCK!
 - Staff transfers begin this month in an attempt to distribute advanced life support providers across the system in all staffed stations. Special thanks to the staff for making this commitment and appropriate moves to support this initiative.
 - Captain Maiatico has been accepted to the National Fire Academy – Advanced Planning Program this month.
 - Staff prepared to conduct appropriate fire and life safety messaging for the upcoming Thanksgiving Holiday with an emphasis on cooking safety.
- Tourism Committee – The Destination Marketing Tourism Board has formally been established. The Board of Supervisors adopted a Memorandum of Agreement (MOA) between the Town, County, and Discover Front Royal. The Town has not yet adopted an MOA with Discover Front Royal. The Tourism Board meets again on November 17th.
- Development Review Committee – The Development Review Committee met on October 26, 2022 and discussed the following projects:
 - Discussion of County Projects
 - Planning Commission/BOS Applications
 - Light Industrial (LI) zoning district and Data Center – Text Amendment/ Conditional Use Permit (CUP) – Postponement by the Board of Supervisors for additional information on Data Center impacts to community and for a work session.

- Private Use Camping (1) – CUP decision postponed for additional information
 - Short-Term Tourist Rentals (9) – CUPs in process, includes new applications
 - Commercial Repair Garage (1) – CUP in process
 - Rezoning (1) – Residential One (R-1) to Agricultural (A) – W.P. Associates (Ray Pennington, III), Blue Ridge Reserves Subdivision
 - Rezoning – Rushmark Rockland, LLC – Commercial (C)/Residential One (R-1) to Industrial – Cedarville, LLC parcels in Corridor and CUP for >50,000 square foot in building in Highway Corridor Overlay District; their application has not been deemed complete by County staff. Still waiting on Community and Environmental Impact Statements and revised General Development Plan.
- Update on ongoing projects
 - Sheetz Site Plan Review (Linden) – Sheetz submitted site plan with latest revisions; Building, Erosion and Sediment Control (ESC), and Zoning permits have been submitted and currently under review.
 - 9700 Court LLC, Self-Storage Site Plan Review – Marlow and Silek Property along Route 340/522 Corridor; agency comments have been submitted to the applicant.
 - Christendom College Madonna Hall Expansion/Christ the King Piazza Site Plan review completed and waiting on lighting plans and parking for Madonna Hall expansions.
- Discussion of Town Projects
 - Three Right-of-Way Vacation – Town Planning and Zoning is working on process and adjacent property owners will be notified of requests.
 - Randolph-Macon Academy – Faculty and Staff Townhouse Project; application has not been completed, and no official survey or development plans have been submitted.
 - Rezoning request for HEPTAD-Swan Estates – 335 homes total with single-family and two-dwelling attached, proffers for a 3½ acre park site dedication. PRD site plan not submitted yet, discussed possibility of a location for a fire station.
 - Saddle Crest Concept Plan for Planned Residential Development – Tom Sayre property off Shenandoah Shores Road just past railroad crossing. County is putting together a fiscal impact model for the development, no proffers have been submitted. Road infrastructure and railroad flyover were discussed as part of project approval.
- Route 340/522 Corridor Projects
 - Front Royal Self-Storage – Zoning Permit issued, and they are under site excavation.

- Equus Warehouse Facility – needs Department of Environmental Quality (DEQ) sign-off and needs landscaping for stormwater sign-off for site preparation, revised site plans have been submitted for review by Building Inspections and Planning departments.
- Interchange, Phase II – moving ahead with construction
- Terra Site Constructors – Pre-construction meeting completed; building permit in process
- Hahn Transportation (Country Club Road) – additional vehicle storage lot for Front Royal Ford – Development Plan comments submitted back to Greenway Engineering and Planning staff is waiting on revised site plan from engineer.
- TimberWorks – Fencing and Land Clearing for Construction Storage Yard – site plan reviewed; ESC and DEQ request for comments have been set out, and zoning has reviewed fencing plans and location.
- Michael Manuel Trucking Facility – Nearly constructed and working on inside of the building, a temporary Certificate of Occupancy will be issued in order to get them in the building.

The Committee will meet again on November 30, 2022 at 10:00 AM.

- Commercial/Industrial Projects – Work continues on the following projects:
 - Interchange warehouse (Route 340/522 and Toray Drive) continues to progress with all aspects of the construction.
 - Equus Warehouse facility – Review continues as questions about the new work continue to come as recently as November 8th.
 - Storage facility on Route 340/522 (east side) continues site work and new amendments continue to come in.
 - New trucking facility on Winners Court is continuing with work and is getting very close to being able to be occupied.
 - Storage facility on Route 340/522 (west side) ESC plans have been reviewed and comments sent out. Stormwater Plans are being reviewed by DEQ.
 - Sheetz in Linden has again resubmitted Erosion and Sediment Control Plans along with Stormwater plans to DEQ. Building plans continue to be reviewed.
 - Timberworks Expansion – Facility on the corner of Fairgrounds Road and Winners Court has acquired property directly beside their current location. Comments have been sent out for ESC and Stormwater.

Public Hearing – R2022-09-01, Rezoning Request of W.P. Associates (Ray Pennington, III) from Residential One (R-1) to Agricultural (A) for Properties Identified on Tax Map 23K as Lots 2, 3, and 4 – Matt Wendling

Matt Wendling, Planning Director, reported the applicant is requesting to amend the Warren County Zoning Map and rezone 614.14 acres from Residential One (R-1) to Agricultural (A). The properties are located off Reynolds Drive, Switchback Road, Elseas Farm Road, and High

Top Road in Linden, Virginia, and identified on tax map 23K, as lots 2, 3, and 4. The properties are part of the Blue Ridge Reserves subdivision and are included in a conservation easement that was accepted by the County in 2012. The individual acreages for the three lots are 225 acres for lot 2, 97.232 acres for lot 3, and 290 acres for lot 4. The subdivision consisted of a total of 640 +/- acres with 741 previously platted parcels.

The applicant is proposing the rezoning to allow for agricultural/forestral land uses and the construction of buildings that conform to the Agricultural (A) zoning district for the large lots that are also consistent with and conforming to uses and development allowed by the conservation easement. In May 2021, the Board of Supervisors granted a request to Michael and Barbara Olsen to rezone lot 1 of Blue Ridge Reserves subdivision from Residential One (R-1) to Agricultural (A), which is a 30-acre parcel that was included in the conservation easement for similar reasons. The Olsens requested the rezoning specifically to build a 40' x 60' pole barn that exceeded the height limit on a property zoned Residential One (R-1).

The Agricultural (A) District is intended, "...for areas where general agricultural pursuits are practiced, where low density residential developments may be situated without degrading the environment and where expanses of open spaces best exist for parks, playgrounds, game preserves and similar uses."

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Ray Pennington, applicant, stated when the deed of conservation easement was approved, it referenced the ability to perform agricultural pursuits, which he realized he cannot do while the properties are still zoned Residential One (R-1).

Mrs. Cullers opened the public hearing.

Kathleen Mancini, 1085 High Top Road, read a portion of the comments she had submitted to the Board prior to the meeting: "I know you consider going from residential zoning to agriculture zoning to be 'down-zoning' – but it is only down-zoning when it comes to density. It is not down-zoning when it comes to noise, height of structures, environmental contaminants, or when considering impact on contaminating or running dry well water. It is not down-zoning in regard to use of large equipment or agri-commercial traffic.

"I've heard the argument that there is a conservational easement that was put in place because the owner of the property was so concerned about protecting the environment, and therefore would not do anything with this property that would be bad for the environment. But concern for the environment and the aggressive logging the current owner has been doing for years on this land are at counter-purposes. We all know the real reason for the lot consolidation was to significantly reduce taxes paid on this property. (738 lots X \$350 taxes per lot = \$258,300.00 annually) The property owner saved hundreds of thousands of dollars in taxes annually while tearing down a massive number of trees for profit. I don't buy the argument that

this land will only be used in the spirit of a conservational easement, or with any thought to protecting the environment or to the harm to adjacent property owners. The impact that it can have on the lives of MANY homeowners that live adjacent to these 600 acres is not one of 'down-zoning'.

"There is also an issue of egress that has not been addressed. My understanding is that when the lot consolidation happened, Switchback Road went from county control to private ownership. Switchback Road provided the only alternate for egress for High Top Road. Without that egress, High Top Road is a closed loop. This a safety risk for all residents on High Top Road, Freeze Road, and Crossway Road. No rezoning should be done regarding this property without addressing this very concerning egress issue.

"30 nearby acres were recently rezoned from residential to agriculture. It has ruined the quality of life for an adjacent homeowner. It has so negatively affected his family's life that he was outside the planning meeting with a protest sign because no one at the county has been able to address his ongoing issues since the adjoining property was rezoned agricultural. I don't want to see ALL the adjacent residents of these 600 acres having their quality of life so deteriorated that they need to have protest signs outside of county meetings.

"What is the upside to the county and the adjacent homeowners that could possibly offset all the potential down sides to this rezoning? I don't see any upside in any of the arguments that have been presented so far to counteract the negative effects of this rezoning."

There being no further comments from the public, Mrs. Cullers closed the public hearing.

Mrs. Oates noted that this request and public hearing are basically to correct an oversight from when the conservation easement was accepted and established.

Mrs. Cullers commented that there are specific guidelines in place should the owner of land zoned Agricultural begin logging operations, and Mr. Wendling confirmed that plans for any timbering pursuits would be given to the Department of Forestry for review to ensure compliance with the conservation easement. He further noted the protection of the stream running through one of the parcels is already addressed in the conservation easement, and any changes the owner would want to make to the easement must be brought before the Board of Supervisors for consideration.

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors, finding that the requested rezoning is appropriate for the public necessity and is good zoning practice, approved the applicant's request to rezone and change the zoning map classification of the property, identified on tax map 23K, lots 2, 3, and 4 from Residential One (R-1) to Agricultural (A):

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

Public Hearing – Conditional Use Permit 2022-09-01, Ryan Wesley Eshelman for Combination of a Single-Family Dwelling Unit and a Commercial Repair Garage and Wrecking Service Located at 1034 Rivermont Drive and Identified on Tax Map 27 as Lot 20C – Matt Wendling

Mr. Wendling reported the applicant is requesting a conditional use permit for a commercial auto repair garage which is located adjacent to his single-family dwelling on the same property. The property was formerly used as a commercial garage by the applicant's father, Mark Eshelman who was issued a conditional use permit in October 1987. His father closed the business in 2009, and the permit has since expired. The applicant will be using the existing 36' x 50' garage shop for repair and will use the existing sign, parking will be along the driveway to the shop on either side. He states that hours of operation will be Monday through Friday, 8:00 AM to 5:00 PM, and that his wife will be the only other employee of the business as an office manager and bookkeeper. All parts and materials related to the auto repair business will be stored inside the garage and storage containers for fluids will be adequately labeled.

Mr. Wendling stated the Planning Department received a phone call from one adjacent property owner (Shelly Cook) who indicated she had no concerns with the application.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Ryan Eshelman, applicant, stated the entrance to the subject property now meets the Virginia Department of Transportation entrance requirements. He also noted he is no longer requesting a wrecking service as part of this application.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Ryan Wesley Eshelman for a Commercial Repair Garage in conjunction with a Single-Family Dwelling with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. No more than twelve (12) cars will be stored and awaiting repair at any one time.
2. No inoperable vehicles shall be stored on the property for more than thirty (30) days.
3. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
4. Solid waste material shall be disposed of properly and shall be kept in an enclosed structure no more than fourteen (14) days.

5. There shall be no parking of vehicles on the drain field or conveyance line of the septic system.
6. The applicant shall be in conformance with the requirements of Section 180-42 of the Warren County Zoning Ordinance regarding commercial repair garages.
7. No more than two (2) employees shall be associated with the operation which includes the owner of the property as the manager.
8. The hours of operation shall be Monday through Friday from 8:00 AM – 5:00 PM and closed on Saturday and Sunday.
9. The sale of vehicles is prohibited on the property.
10. All associated materials such as oil, gas, cleaning fluids, freon and anti-freeze from the operation of the garage shall be stored within a fully enclosed building in containers that are labeled and approved by the Warren County Fire Marshal.
11. The applicant is requesting a waiver for the pre-existing sign size of 16' square feet, the sign shall not be increased in size.

Public Hearing – Conditional Use Permit 2022-09-02, Cindy DuVall for a Short-Term Tourist Rental Located at 197 Marissa Court and Identified on Tax Map 15, as Lot 26F2 – Chase Lenz

Chase Lenz, Zoning Administrator, reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in December 2014. The applicant would like to make the basement space of her dwelling available for short-term lodging for visitors of the Warren County area. While residing in the main section of the dwelling, the owner will manage the property personally with assistance from a local professional service for garbage disposal. Breakfast will not be served to guests.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the conditional use permit request of Cindy DuVall for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant shall comply with all Warren County Health Department, 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 operation permit for a three-bedroom dwelling.
3. The applicant 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 applicant 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 on the state and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.
8. The applicant shall apply for the required building and zoning permits for the finishing of the basement and the permits shall be finalized prior to issuance of a Certificate of Zoning by the Planning Department.

Public Hearing – Conditional Use Permit 2022-09-03, Jay Newell for Private Use Camping (Non-Commercial) Located off Avalon Drive and Identified on Tax Map 20C, Section 1, Block 2, as Lot 20 – Chase Lenz

Mr. Lenz reported the applicant is requesting a conditional use permit for Private Use Camping on a lot in the Shenandoah River Estates subdivision which is located in the Special Flood Hazard Area (SFHA). The applicant purchased the vacant lot in February 2013, and the lot is mostly cleared with a wooded portion toward the rear of the property near the Shenandoah River. The applicant currently uses the property for storage of outdoor and recreational equipment. This conditional use permit would allow the owner to erect a single accessory structure up to 200 square feet in size for storage of recreational and property maintenance equipment upon issuance of a building permit.

Mr. Lenz stated the Planning Department issued a Notice of Violation in August 2021, and Mr. Newell resolved the violation by moving the camper off the property. Further letters of concern prompted a site visit to the property, but after a site visit on October 15th, everything appears to be in compliance.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Jay Newell, applicant, stated he has lived in Warren County since 1969 and has seen at least eight flood events. He assured the Board he knows the signs of an impending flood and will remove his items in that event.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Jay Newell for Private Use Camping (Non-Commercial) with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant shall comply with all Warren County Health Department regulations and requirements.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Any development, structure or fencing shall require a building and zoning permit.
4. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

Appropriations and Transfers

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the appropriations and transfers as presented and shown below for November 2022:

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

Department/Fund	Transfer/Appr.	Description	Amount
Cost Recovery	Transfer	To set aside funding for position until funding mechanism is determined	\$20,000
Cost Recovery	Transfer	To set aside funding for position until funding mechanism is determined	\$20,000

Approval of Accounts

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the list of November 2022 accounts as presented:

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

Approval of Minutes

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the minutes of its special meeting on October 25, 2022 and of its regular meetings on October 18, 2022 and November 1, 2022:

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

Unfinished Business – 2023 Board of Supervisors Meeting Schedule – Ed Daley

Dr. Daley reported the Board had indicated its approval of a 2023 meeting schedule at the November 6th regular meeting but did not specify whether Option 1 or Option 2 had been approved.

Mrs. Oates asked if an Option 3 could be considered, which would encompass the added fourth Tuesday meeting noted in Option 2 but change the regular 9:00 AM meeting on the first Tuesday to a 7:00 PM meeting. She requested this change due to her and Mr. Butler having full-time jobs, which makes all-day meetings beginning at 9:00 AM difficult to attend.

On a motion by Mrs. Oates, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors adopted the proposed meeting schedule for 2023 with the addition of a fourth Tuesday meeting at 6:00 PM each month, except for December, to hear all public hearings for the month and changing the 9:00 AM first Tuesday meetings to 7:00 PM evening meetings:

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

Unfinished Business – Conditional Use Permit 2022-08-07, Jeffrey Steven Taylor for Private Use Camping (Non-Commercial) Located off Howellsville Road and Identified on Tax Map 15H, Section 5, Lots 10 & 11 – Matt Wendling

Mr. Wendling reported at the October 25, 2022 Board of Supervisors meeting, the public hearing on this application was held, and after some discussion the Board decided to postpone further consideration of the application until staff could determine if an electrical permit could be issued without the conditional use permit. The Planning Department has determined that Mr. Taylor would be able to apply for and receive an electrical permit without an approved conditional use permit but would not be able to build an accessory structure.

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors denied the conditional use permit request of Jeffrey Steven Taylor for Private Use Camping:

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

Consent Agenda

1. Central Telephone Company Refund Request – Sherry Sours
2. Norfolk and Western Railway Company Refund Request – Sherry Sours
3. Sprint Spectrum Realty Co LLC Refund Request – Sherry Sours
4. Adoption of a Resolution Seeking Justice for the Citizens of Warren County – Jason Ham
5. Award for Bentonville Transfer Station Office – Alisa Scott
6. Warren County Memorandum of Agreement Regarding Repairs, Alterations, and Improvements to Station #4 – Caitlin Jordan
7. Amendment to a Local Incentive Grant Agreement – Joe Petty
8. Approval of Rental Policy for the Front Royal/Warren County Airport Terminal – Caitlin Jordan
9. Approval to Pay Outstanding Loan Amount on VML/VACo Commercial Paper Billing Loan – Ed Daley
10. VDOT Revenue Sharing Road Update and Funding Commitment – Mike Berry
11. Cancellation of VDOT Revenue Sharing Rural Addition Projects Blue Valley Road, Phase I, and Tulip Poplar Drive, Phase I, and Grove Farm Road – Mike Berry
12. Shenandoah Farms Sanitary District Internal Capital Improvement Projects – Mike Berry

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

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY SEEKING JUSTICE FOR THE CITIZENS OF WARREN COUNTY AGAINST ALL THOSE WHO HAVE TAKEN EDA FUNDS OR PROPERTY

WHEREAS, Jennifer R. McDonald (“McDonald”) was the Executive Director of the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”); and

WHEREAS, the mission of the EDA is to strengthen the industrial tax base of our community, to foster a friendly business environment, to bring our commuting workforce home to work, and to create living wage jobs for our residents; and

WHEREAS, McDonald held a position of public trust as the Executive Director of the EDA;
and

WHEREAS, instead of supporting the mission of the EDA, from at least 2016 until 2018, McDonald, along with various others, engaged in a variety of schemes to unlawfully take millions of dollars in money and property from the EDA for her own personal benefit and the benefit of those who assisted her; and

WHEREAS, the EDA has brought multiple lawsuits against McDonald and others in an attempt to recover assets and property of the EDA; and

WHEREAS, a nine-million-dollar judgement has been entered against McDonald that is not dischargeable in bankruptcy; and

WHEREAS, McDonald remains a free citizen and is not incarcerated; and

WHEREAS, the Board is concerned that a plea agreement will be reached that does not provide the full measure of justice that is appropriate given the damage that McDonald has done to the EDA, Warren County, and its citizens; and

WHEREAS, a Warren County jury has found that Truc Curt Tran ("Tran") committed conversion and is indebted to the EDA for \$1,499,986, plus prejudgment interest; and

WHEREAS, Tran remains a free citizen, is not incarcerated, and no criminal prosecution has ever been commenced against him; and

WHEREAS, a Warren County jury has found that April Petty ("Petty") committed fraud and conversion and is indebted to the EDA for \$125,000; and

WHEREAS, Petty remains a free citizen, is not incarcerated, and no criminal prosecution has ever been commenced against her; and

WHEREAS, a Warren County jury has found that Donald F. Poe ("Poe") committed fraud, conspiracy, and conversion, is indebted to the EDA for \$409,812.40, and has awarded additional damages against Poe of \$25,000 for conspiracy, \$75,000 for punitive damages, and prejudgment interest; and

WHEREAS, Poe remains a free citizen, is not incarcerated, and no criminal prosecution has ever been commenced against him; and

WHEREAS, a Warren County jury has found that William Lambert ("Lambert") committed fraud, conspiracy, and conversion, is indebted to the EDA for \$11,062.49, and has awarded additional damages against Lambert of \$172,500 for punitive damages, and prejudgment interest; and

WHEREAS, Lambert remains a free citizen, is not incarcerated, and no criminal prosecution has ever been commenced against him; and

WHEREAS, a Warren County jury has found that Samuel D. North, Jennifer McDonald's husband, ("North") committed fraud, conspiracy, and conversion, is indebted to the EDA for \$110,000 and has awarded additional damages against North of \$350,000 for punitive damages, and prejudgment interest; and

WHEREAS, North remains a free citizen, is not incarcerated, and no criminal prosecution has ever been commenced against him; and

WHEREAS, other individuals have assisted McDonald by engaging in a variety of schemes to unlawfully take millions of dollars in money and property from the EDA for their own personal benefit; and

WHEREAS, nobody other than McDonald has been criminally prosecuted; and

WHEREAS, despite obtaining judgments which, including interest and judgments against corporate entities, exceed \$24,000,000, collection efforts have obtained only a small portion of the losses that have been sustained because of the spending of EDA funds by the perpetrators and the difficulty in collecting from debtors; and

WHEREAS, Warren County has spent in excess of \$6,000,000 in taxpayer funds for legal and other expenses in obtaining such judgments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WARREN COUNTY AS FOLLOWS:

1. The Board requests that criminal prosecutions be instituted as soon as possible against all parties who have taken EDA funds or property.
2. The Board urges the U.S. Attorney to prosecute McDonald to the fullest extent that the law allows, and not to enter into a plea agreement whose terms do not reflect the severity of the conduct and resulting damage to the EDA, Warren County and its citizens.
3. The Board authorizes and directs the County Administrator to transmit a copy of this resolution to U.S. Attorney for the Western District of Virginia Christopher R. Kavanaugh, Commonwealth's Attorney John S. Bell, Congressman Benjamin L. Cline, Senator Mark R. Warner, Senator Timothy M. Kaine, State Senator Mark D. Obenshain, Delegate C. Todd Gilbert, Delegate William D. Wiley, Delegate Michael J. Webert, and all local media.

Additional New Business

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors appointed Pearson's Appraisal Service, Inc., to perform the next General Assessment, per Va. Code Section 58.1-3275(i), and that no Board of Assessors be constituted:

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

Adjournment

Mrs. Cullers adjourned the meeting at 8:44 PM.