

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on February 21, 2023 at 6:00 PM.

Present: Victoria L. Cook, Chair (Fork District); Cheryl L. Cullers, Vice Chair (South River District); Jerome K. Butler (Happy Creek District); Walter J. Mabe (Shenandoah District); and Delores R. Oates (North River District); also present Edwin C. Daley, County Administrator; Jason J. Ham, County Attorney; Taryn G. Logan, Deputy County Administrator; Mike Berry, Public Works Director; Mark Butler, Sheriff; Michael Coffelt, Deputy Public Works Director; Dan Lenz, Parks and Recreation Director; Jon Martz, Director of Social Services; Alisa Scott, Finance Director; and Emily Ciarrocchi, Deputy Clerk of the Board

Closed Session – Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act

On a motion by Mrs. Cullers, seconded by Mr. Butler, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”), the Town of Front Royal, the *EDA vs. Jennifer McDonald, et al.*, the *Town of Front Royal vs. the EDA, et al.*, the *EDA vs. the Town of Front Royal*, other potential claims and litigation relating to other possible liabilities of the EDA, the recovery of EDA funds and assets, and the outstanding indebtedness of the EDA as well as FOIA matters related to meetings of the public body and the procedure for the removal of proffers:

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

On a motion by Mrs. Cullers, 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)(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:

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

Reverend Larry Johnson 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 Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors adopted the agenda as presented:

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

Resolution of Appreciation Honoring Ronald G. Harvey – Dan Lenz

Dan Lenz, Director of Parks and Recreation, presented the Resolution of Appreciation to Ron Harvey after reading it into the record.

On a motion by Mrs. Cullers, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors adopted the proposed resolution honoring Ronald G. Harvey, Warren County Parks and Recreation Commission At-Large Director, for his years of service upon his retirement:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY HONORING RONALD G. HARVEY, WARREN COUNTY PARKS AND RECREATION COMMISSION AT-LARGE DIRECTOR

WHEREAS Ronald G. Harvey was appointed to the Warren County Front Royal Recreation Association in November 1969 and was appointed the first Warren County Parks and Recreation Commission At-Large Director on March 1, 2004; and

WHEREAS Ronald G. Harvey, through both his character and performance, has significantly contributed to the advancement of the Parks and Recreation Commission vision of Warren County; and

WHEREAS Ronald G. Harvey established a long-standing popular youth tennis lessons and tournaments program for over 40 years enabling the youth to learn and appreciate the benefits of the sport of tennis in Warren County; and

WHEREAS Ronald G. Harvey assisted the Parks and Recreation Department staff with supplying input on the operation, planning and maintenance of the park system and made recommendations on facilities, budgets, scheduling, user fees and set regulations, providing the Board of Supervisors and the community have a clear understanding in the present status and future plans of the park system so that future budgets, facilities planning can be a knowledgeable part of Warren County Board of Supervisors overall Parks and Recreation master plan; and

WHEREAS Ronald G. Harvey has announced his retirement as Warren County Parks and Recreation Commission At-Large Director, effective January 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Warren County Board of Supervisors expresses its sincere appreciation to Ronald G. Harvey for the outstanding leadership and service which he has unselfishly given on behalf of the citizens of Warren County for the past fifty-three years; and

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors holds Ronald G. Harvey in the highest esteem as an honorable member of the Warren County Parks and Recreation Commission who has repeatedly demonstrated his commitment to Warren County; and

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors extends to Ronald G. Harvey its deep personal appreciation and sincere gratitude for his dedicated efforts on behalf of the community for the benefit of all its citizens; and

BE IT FINALLY RESOLVED that the Warren County Board of Supervisors and the Department of Parks and Recreation affirms that Ronald G. Harvey is worthy of receiving the Department of Parks and Recreation's highest award and hereby confers the Distinguished Service Award upon Ronald G. Harvey.

Public Comment Period (60 Minute Time Limit)

There were no presentations from the public.

Report from the Virginia Department of Transportation – Ed Carter

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

Maintenance:

- Conducted shoulder repairs on various primary and secondary routes and will continue this month
- Performed grading operations and stone application on various non-hard surfaced roads and will continue this month as needed
- Continued with brush cutting operations on various routes and will continue this month
- Responded to pothole complaints and performed litter pick up; have scheduled additional litter pick up this month
- Mobilized for several weather events

Board Issues:

- Browntown Road – Met with citizens group on January 9th and rode the route with Traffic Engineering on January 11th. VDOT will be implementing some of the systemic recommendations as soon as they receive the final report from Traffic Engineering, sometime in the next 30 days.
- Route 55 (John Marshall Highway) at High Knob – Safety is still working on the design for the preemptive warning lights for turning vehicles. Expect to have the final design in time for installation this year.
- Concrete Median at Route 522/Club House Road – Reflective cover did not last. Traffic Engineering suggested paint with reflective pearls as the next option.
- Secondary Six-Year Plan – Genmod access is expected shortly. Mr. Carter will be asking for an in-person meeting with the Board to discuss within the next 30 days.

Mrs. Cullers asked if a representative from VDOT would be attending the Board meetings again, like they have in the past, and Dr. Daley said Mr. Carter and Mr. Smith with VDOT have indicated they are unable to attend evening meetings of the Board. Mrs. Cullers asked Dr. Daley to reach out and ask if they would reconsider attending in-person, and Mrs. Oates suggested they could attend virtually through Microsoft Teams.

Report from the Warren County Department of Social Services – Jon Martz

Jon Martz, Director of Social Services, delivered a presentation to the Board on the winding down of the public health emergency due to the Coronavirus (COVID-19) and highlighted the following points:

- As of March 1, 2023, Federal Regulations will be lifted, and households will resume receiving allotments based on income NOT the current maximum level.
 - There are currently over 2,000 households with over 5,000 people receiving SNAP in Warren County
- As of April 1, 2023, States must re-determine coverage for all Medicaid members over a 12-month period. All Virginians receiving Medicaid will have to complete a Redetermination application that will be sent to them automatically. The Federal Government estimates up to 20% of current Medicaid enrollees will not be eligible to continue in the program post-pandemic.
 - There are currently 10,086 residents in Warren County receiving Medicaid. Up to 2,000 residents could lose Medicaid coverage over the next year.
- As of January 1, 2023, childcare copayments were reinstated using a sliding fee scale based on the Federal Poverty Level.

Report from the Virginia Cooperative Extension Office – Corey Childs

Corey Childs, Extension Agent, submitted the October – December 2022 quarterly report of the Virginia Cooperative Extension Office to the Board.

Reports – Board Members, County Administrator, County Attorney

Mr. Butler reported the following:

- Met with constituents about the needed improvements to the intersection on Route 55 (John Marshall Highway)
- Attended the kickoff meeting for the Moms for Liberty group on Sunday, February 19th

Mrs. Cullers reported the following:

- Attended the Joint Town/County Transportation Subcommittee meeting with Mrs. Oates and Town Council members Amber Morris and Josh Ingram; they were joined by Town Planning Commission Vice Chair Connie Marshner and began working on strategies and determining potential stakeholders
- Met with the Browntown community group, as she does monthly to review concerns
- Attended the Rivermont Volunteer Fire Department's award ceremony
- Reiterated concerns about uncovered loads and trash along the roads in the South River District; reminded residents to cover their loads and of the free cargo net that is available through the Anti-Litter Council
- Followed up on her request for a work session with the Airport Commission to discuss the Front Royal-Warren County Airport

Mrs. Oates reported the following:

- Working with counsel to establish a process to unencumber the Blue Ridge Shadows Homeowners Association from its existing proffers
- Also attended the Joint Transportation Subcommittee meeting where they are focusing particularly on an access solution for the Shenandoah Shores community
- Attended the Tourism Board meeting and is pleased to report that Discover Front Royal has been awarded its 501c6 designation
- Drug Court Advisory Group continues to work on the process to be approved by the Supreme Court of Virginia, hopeful to have its first docket in Fall 2023
- The Board has held all its FY 2023-2024 budget work sessions with partner agencies and is now meeting with Department Heads and Constitutional Officers on their proposed budgets

Mr. Mabe reported the following:

- Met with community members about the Thermal Shelter
- Sat in an Economic Development Authority (EDA) budget discussion with staff and found it to be informative
- Attended a virtual coffee event through the Chamber of Commerce

Mrs. Cook reported the following:

- Echoed Mrs. Oates' report regarding the budget work sessions the Board has been working through
- The County has established a Department Policy and Review Committee, which is chaired by Mrs. Cullers

Dr. Daley reported the following:

- Reminded the Board about the following upcoming meeting schedule:
 - Thursday, February 23rd at 5:00 PM – Departmental budget work session
 - Tuesday, February 28th at 5:00 PM – Will receive presentation from the auditor on the FY 2021-2022 audit, followed by the regular public hearings meeting at 6:00 PM
 - Thursday, March 2nd at 5:00 PM – Departmental budget work session
 - Tuesday, March 7th at 7:00 PM – Will include on the agenda the authorization of expenditures for the Department of Fire and Rescue Services for Personal Protective Equipment (PPE) and Emergency Medical Services (EMS) supplies
 - Thursday, March 9th at 5:30 PM – Budget work session with the School Board on the proposed budget for Warren County Public Schools
 - Tuesday, March 14th at 6:00 PM – Work session to discuss the tabled Private Use Camping conditional use permit, short-term tourist rental guidelines, and the definition for a Rural Events Facility
 - Tuesday, March 21st at 7:00 PM – Anticipates the Board will have a preliminary figure for the equalized real estate tax rate and will begin discussions on tax relief for senior citizens
 - Thursday, March 23rd is the last budget work session date, if needed
 - Tuesday, March 28th at 6:00 PM – Regular public hearings meeting
- Building Inspections Statistics for January

New Home Starts			
County	Town	Total	# in January 2022
8	1	9	11

Permits Issued		
2023	2022	Difference
193	168	25 (12.95%)

Inspections Completed

2023	2022	Difference
863	820	43 (4.98%)

- Parks and Recreation

- Ronald G. Harvey, the Parks and Recreation Commission At-Large Director, Harvey announced his retirement from the Commission in January, the County is honoring his decades of dedication and service to youth athletics. Mr. Harvey will be given recognition by Resolution, for over 50 years of service at the February 21, 2023, Board of Supervisors meeting.
- Planning for Spring events and partnership events is well underway, beginning with the April 8th Easter Egg Hunt and partnership with Samuels Public Library. The department will assist with contests, giveaways, and games, providing pool punch passes and program vouchers for some golden egg prizes.
- Staff has been recruiting in the local public high schools for lifeguards and other summer positions and will begin visiting local private schools. The Department has partnered with RMA for the use of their indoor pool for certifications and has begun the certification process for four lifeguards through this program.

- Department of Social Services – In the month of January, DSS received:

- 145 SNAP Applications
- 89 Medicaid Applications
- 22 TANF Applications
- 21 Child Care Applications
- 1,124 Lobby Visits
- 1,192 Phone Calls

- On the Services side, for the month of January, DSS received:

- 79 CPS referrals
- 24 APS referrals
- Used \$709.87 from the Ministerial Fund
- Took in \$4,737.53 to the Ministerial Fund
- Provided food to 22 individuals
- 117 EBT cards given

- Job development:

- New client/referrals in January – 9
- Total clients to-date – 127
- Total businesses contacted to-date – 86

- Department of Fire and Rescue Services

- On January 23, at 9:30 am, WCFR Sustained a Line of Duty Death (LODD) of Fortsmouth Volunteer Fire and Rescue District Chief Larry “Homer” Cross. On behalf

of the Cross Family and the Department, Thank you to the County Administration and the Board of Supervisors for their support through this difficult situation.

- The Department has committed to assisting the Fortsmouth Station with 24/7 staffing through the end of the month of February. Department Leadership will work with County Administration and the Board of Supervisors in determining the next steps to assist the Fortsmouth Station.
- Department Leadership, County HR, and the LODD Team will be completing an After-Action Review to evaluate our response and actions in response to the LODD of Chief Cross. This will determine needed changes in response objectives, policy, and/or procedures moving forward.
- Virginia's 4:00 PM Burn Law took effect 2/15 – Responders are already noting an increase in wildland fire, contributing a lack of moisture this winter, leaving ground cover fuels dry and vulnerable.
- Firefighter/Paramedic Camden Whitacre has successfully completed his Flight Paramedic Certification which will prove beneficial in our EMS Program, Congratulations Camden!
- Staff continues to evaluate the status of our Fire and EMS Response Vehicle Fleet and determine the impacts of the significant delays in the production of the 5 ambulance vehicles and 2 fire trucks on order.
- Staff continues to develop an outline for the Fire and Rescue System Strategic Planning Process which will include an independent review of station locations, facilities, staffing, etc.
- Lieutenant Christopher Ramey (Rivermont) and Firefighter Jeremy Greenbacker (Rivermont volunteer and WCFR Part-time) recently graduated from the Virginia Fire Officer Academy. Congratulations Chris and Jeremy!
- Captain Anthony Maiatico, Firefighter Lisa Wilbanks and Firefighter Ryan Ropella recently achieved the designation of Peer Fitness Trainer through the Fit-2-Thrive Program. They will soon begin to review the Departments health and fitness profile compiled at the conclusion of the NFPA Annual Physicals and begin to work with each member to improve our Department's Health and Wellness.
- Staff from the Office of the Emergency Management Completed an Emergency Management presentation on Emergency Preparedness Grace Fellowship Church Senior Moments Group and the Warren County Senior Center on Heart Health.
- The Office of Emergency Management met with Smithsonian Conservation Biology Institute to set up Ultrapotent Exposure Training.
- Tourism Committee – The Destination Marketing Tourism Board has formally been established. The Tourism Board meets again on March 16th. Discover Front Royal, Inc., has officially received its 501c6 nonprofit designation. Their attorney is continuing to work with the Town's attorney on a revised MOA.

- Development Review Committee – The Development Review Committee met on January 25, 2023 and discussed the following projects:
 - Discussion of County Projects
 - Planning Commission/BOS Applications
 - Regulations for Short-term Tourist Rentals; County and Town, Post-approval process
 - Short-Term Tourist Rentals Application (18) – CUPs in process includes new applications for February 8, 2023 meeting.
 - Two Modifications to CUPs for Private Use Camping and Commercial Campground
 - Gunsmithing Services (1) – CUP in Agricultural Zoning District
 - Rezoning – Rushmark Rockland LLC – Commercial/R-1 to Industrial – Cedarville LLC parcels in Corridor & CUP for >50K sq. ft. in Bldg. in Highway Corridor Overlay District their application is now complete and submitted for agency comments and the Planning Commission will review for Authorization to Advertise at their December 14th meeting.
 - Upcoming Rezoning for Shenandoah Club Properties – required agency comments.
 - Update on ongoing projects
 - Sheetz Site Plan Review (Linden) –Sheetz submitted site plan with latest revisions- Building, E&S and Zoning Permits have been submitted and currently under review. Staff has reached out to John Eidberger and he will attending the February 22nd meeting virtually with other Sheetz personnel.
 - Discussion of Town Projects
 - Rezoning Request for Heptad-Swan Estates – Planning Commission Public Hearing on Dec. 21st – 335 homes total with single-family and two-dwelling attached, proffers for a 3½ acre park site dedication. PRD site plan not submitted yet.
 - Randolph-Macon Academy – Faculty and Staff Townhouse Project – PC Public Hearing Nov. 30th, the decision was postponed at that meeting.
 - NVR Saddle Crest Planned Residential Development – Town – PC Public Hearing Dec. 21st
 - Town Data Center Text Amendment and Comp Plan – Still on hold.
 - Route 340/522 Corridor Projects
 - Front Royal Self-Storage – 8897 Winchester Rd. Building & Zoning Permit issued; Pre-Con meeting done.
 - 9700 Court LLC, Self-Storage Site Plan Review – Marlow & Silek Property - Rt. 340/522 Corridor – Agency comments have been submitted back to applicant.

- Interchange, Phase II – moving ahead with construction, meeting on Dec. 6 with owner, General Contractor and Project Manager was informative.
- Terra Site Constructors – Pre-Construction meeting completed – Permits issued; construction has commenced.
- Michael Manuel Trucking Facility – Nearly constructed and working on inside of the building, a temporary CO will be issued in order to get them in the building.

The Committee will meet again on February 22, 2023 at 10:00 AM.

- Commercial/Industrial Projects – Work continues on the following projects:
 - Interchange warehouse (340/522 and Toray Drive) continues to progress with all aspects of the construction. Meetings to discuss Temporary Occupancy continuing.
 - Equus Warehouse facility – Resubmission has been made that changed the entire layout of the office areas.
 - Storage facility on 340/522 (east side) continues site work is currently at a standstill due to rock. Building construction continues to progress.
 - Storage facility on 340/522 (west side) Erosion & Sediment Control Plans have been reviewed and comments sent out. Stormwater Plans are being reviewed by DEQ.
 - Sheetz in Linden has one outstanding to address on the Erosion & Sediment Control Plans and Stormwater Plans have comments from DEQ. Building plans have been reviewed are approved.
 - Timberworks Expansion - Facility on the corner of Fairgrounds Rd. and Winners Ct. has acquired property directly beside their current location.

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 February 2023:

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

Department/Fund	Transfer/Apppr.	Description	Amount
DJJ – 26 th District CSU	Transfer	Move funds from Mobile Radio to Office Supplies	\$720
Planning and Zoning	Appropriation	Litter Control Grant	\$7,159

Approval of Accounts

Mrs. Cullers voiced her concerns with the lack of detailed descriptions on expenditures, particularly for employee/departamental p-cards, as well as the purchase of Premium gas for

County vehicles and machinery instead of Unleaded gas, for which the County has a contract with Mansfield.

On a motion by Mr. Butler, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the list of February 2023 accounts as presented:

Butler, Aye; Cullers, No; Cook, Aye; Oates, Aye; Mabe, 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 public hearings meeting on January 24, 2023 and its regular meeting on February 7, 2023 as presented:

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

Consent Agenda

1. Citizen Reappointment to the Community Criminal Justice Board – Emily Ciarrocchi
2. Citizen Reappointments to the Warren County Parks and Recreation Commission – Emily Ciarrocchi
3. Representative Reappointments to the Front Royal/Warren County Joint Tow Board – Emily Ciarrocchi
4. Resolution Approving the County's Participation in the Proposed Settlement of Opioid-Related Claims – Jason Ham
5. Additional Appropriation Request of Warren County Public Schools – Ed Daley/Dr. Chris Ballenger
6. Request from Samuels Public Library – Approval of Interior Alterations – Taryn Logan

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

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY APPROVING THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Warren County, Virginia by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Warren County's various departments and agencies; and

WHEREAS, Warren County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Warren County; and

WHEREAS, Warren County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Warren County; and

WHEREAS, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Warren County, Virginia, this 21st day of February 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities; and

BE IT FINALLY RESOLVED that the Board of Supervisors of Warren County, Virginia hereby directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Adjournment

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