

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 7, 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; James Bonzano, Chief of Fire and Rescue Services; Mark Butler, Sheriff; Michael Coffelt, Deputy Public Works Director; Brian Foley, Deputy Emergency Manager; Chase Lenz, Zoning Administrator; Gerry Maiatico, Assistant Fire Chief; Jane Meadows, Human Resources Director; Alisa Scott, Finance Director; and Emily Ciarrocchi, Deputy Clerk of the Board

Closed Session – Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act

On a motion by Mr. Mabe, seconded by Mrs. Cullers, 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, or resignation of a specific public officer of the public body specifically in regard to the Warren County Board of Building Code Appeals, the Warren County Board of Zoning Appeals, the Board of Directors for the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia, and the Shenandoah Farms Sanitary District Advisory Committee:

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

On a motion by Mrs. Cullers, seconded by Mrs. Oates, 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 Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body:

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

Pastor Randy DeSantis 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

Mrs. Cullers requested the removal of item K (Implementation of a County-Wide Hiring Freeze), and Finance Director Alisa Scott requested the addition of an item for the Emergency Award Recommendation to Lantz Construction Company for Pool House Repairs.

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

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

Public Comment Period (60 Minute Time Limit)

Dennis David, 305 Kendall Court, reminded the Board of his comments from the last time he spoke at a meeting regarding the overwhelming number of delinquent real estate taxpayers listed on the County's website. He and his wife worked to total the amounts on the latest spreadsheet from the Treasurer's Office, and the amount came to over \$2 million, with accounts dating back to 2003. He spoke with Treasurer Jamie Spiker about the delinquent taxpayers list, and she indicated her office does not have enough staff to adequately address collections of these delinquent taxes. He urged the Board to consider approving Ms. Spiker's request for an additional staff member in her office for the FY 2023-2024 budget.

Wells Bill, resident on Rocky Lane, said he and his wife received the new assessment on their home in mid-January and were shocked, dismayed, and alarmed at the valuation. They met with the assessor on January 23rd, who agreed the valuation should be reduced and said they would be provided with a new assessment. His wife is legally blind, and they are both over 60 years old. Federal tax form 1040-SR tax form allows him to check a box because of his age and to check a box for his wife due to her blindness and commented how the description of "elderly and certain disabled persons" on the County's real estate tax exemption form is deceptively inaccurate. He listed several differences between the requirements for tax relief with the Federal government versus what the County Commissioner of the Revenue's Office requires and wondered why so little consideration is given for tax relief for elderly or disabled individuals in Warren County. He and his wife own their home outright with no loans or credit card debt, and due to their frugal philosophy, they have succeeded in setting aside a nest egg for emergencies or retirement. He wondered why they are being punished for doing the right thing.

There were no further presentations from the public.

Report from the Virginia Department of Transportation – Ed Carter

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

Maintenance:

- Performed shoulder repairs on Route 638 (Blue Mountain Road) and Route 522/340 (Winchester Road); continuing to perform shoulder repairs on other routes this month

- Cut brush on Route 658 (Rockland Road), Route 699 (Cedar Crest Lane), and Route 609 (Ritenour Hollow Road); will continue with brush cutting operations this month on various other routes including Route 613 (Bentonville Road)
- Used a combination of RSW and VDOT forces to collect 173 bags of litter along Route 340 (Stonewall Jackson Highway), Route 619 (Rivermont Drive), and Route 613 (Bentonville Road); will be using contractors this month to continue with litter pickup on various routes
- Conducted grading operations on various stabilized roads and will continue this month along with pothole patching
- Mobilized for several weather events

Board Issues:

- Browntown Road – Traffic Engineering has submitted their report for the systemic safety recommendations. VDOT is beginning this week to install the delineators and signage changes and are waiting for materials to come in for the chevrons. Still waiting on a price for the centerline reflectors.
- Route 55 at High Knob – No change
- Concrete Median, Route 340/522 and Country Club Drive – Waiting on weather to paint and add reflective pearls and delineators.
- Secondary Six-Year Plan – Need to schedule a work session with the Board sometime this month.

Mrs. Oates voiced her appreciation of the brush cutting efforts along Ritenour Hollow Road and asked what work is being performed along the west side of Route 522 North. Mr. Carter replied VDOT is not performing any work in that area and speculated it may be for the placement of fiber, as there are over 150 permits active in the residency right now for the placement of fiber utilities.

Mr. Butler mentioned the lack of update regarding the High Knob intersection on Route 55 (John Marshall Highway), and Mr. Carter responded the Commonwealth Transportation Board will be voting on potential funding in June 2023. If approved, the funding to begin the design work would not be available for another five to six years.

Mrs. Cullers asked about the status of installing reflector tabs along the double yellow line on Browntown Road, and Mr. Carter said VDOT is in the process of receiving pricing information and estimates for how much this work will cost.

Mrs. Cook asked if he was ready to begin discussions regarding the County's Secondary Six-Year Plan, and Mr. Carter responded he was not quite ready yet. VDOT is still waiting on the figures for anticipated funding but expects to receive them any day.

Reports – Board Members, County Administrator, County Attorney

Mr. Butler had nothing to report.

Mrs. Cullers reported the following:

- Congratulated the players of various Skyline High School athletic teams, including the boys' basketball team, the wrestling team, and girls' indoor track and field
- Attended the joint Town/County Transportation Subcommittee meeting on March 1st
- Noted the passing of Warren County Sheriff's Office employee and former Front Royal Chief of Police Richard Furr

Mrs. Oates reported the following:

- Was given a tour of the local Blue Ridge Meats processing plant, which she found educational and exciting
- Attended the Drug Court Advisory Committee meeting on February 28th
- Also attended the joint Town/County Transportation Subcommittee meeting on March 1st
- At its meeting on February 27th, the Front Royal Town Council voted to terminate the joint tourism agreement with the County; she hopes the Town will work cooperatively with the County to move forward and explore joint tourism opportunities

Mr. Mabe reported the following:

- Attended the Front Royal/Warren County Economic Development Authority meeting on February 28th
- Working through requests from County Departments/Offices for the FY 2023-2024 budget, the latest work session being held on March 2nd
- Met with the Property Owners of Shenandoah Farms on March 6th and had an open discussion on moving forward with Sanitary District, which he thought was productive and informative
- Has seen a tremendous uptick in emails about upcoming rezoning requests and potential developments in the County and voiced his appreciation of the civic engagement

Mrs. Cook reported the following:

- In the process of reviewing County Departments/Offices budget requests for FY 2023-2024
- Attended the Front Royal/Warren County Airport Commission meeting on March 1st
- Wanted citizens to know that the delinquent real estate tax list is on her radar

Dr. Daley reported the following:

- Reminded the Board of its upcoming budget work session at 5:00 PM on Thursday, March 9th where they will discuss the Public Works Department, the Asset Replacement Fund, the Capital Improvement Plan (CIP) Fund, and the Finance and Purchasing Department
- The first round of appeals for the 2023 General Reassessment is complete, and 1,110 appeals were heard by the assessors. Of those, 881 (80%) resulted in an assessment being reduced, and letters will be sent out within the next two weeks with the revised assessments for these properties. He then invited Fred Pearson with Pearson's Appraisal Service to review the assessment process for a home, which is mainly based on a review of 2022 sales in the area. The next round of appeals will be through the Board of Supervisors-appointed Board of Equalization.

Approval of Minutes

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting on February 21, 2023 with the amendment of Mrs. Oates suggesting a virtual meeting for VDOT representatives, not Mrs. Cullers:

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

Consent Agenda

1. Amended 2023 Board and Committee Assignments - Ed Daley
2. Approval of Compensation for Members of the Board of Equalization - Sherry Sours
3. Citizen Appointment to the Warren County Parks and Recreation Commission - Emily Ciarrocchi
4. Removed for further discussion
5. Sole Source Award Recommendation: Plymovent Vehicle Exhaust Removal System - Alisa Scott/James Bonzano
6. Memorandum of Understanding between Warren County Fire and Rescue and George Watts Hill, III for Amateur Radio - Brian Foley
7. Modification Request for Conditional Use Permit 2008-08-01, Shannon McCartney for a Commercial Riding Stable - Chase Lenz
8. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-01-01, Dominik Golczewski for a Short-Term Tourist Rental - Chase Lenz

9. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-01-03 Vitaliy Hayda & Oleksandr Mokrohuz for a Short-Term Tourist Rental - Matt Wendling
10. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-01-04, Thomas Ryan for a Short-Term Tourist Rental - Chase Lenz
11. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-01-05, David Bediz for a Short-term Tourist Rental - Matt Wendling
12. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-01-06, Nathan L. Phenicie for a Short-Term Tourist Rental - Chase Lenz
13. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-01-07, Kari Meyer for a Short-Term Tourist Rental - Chase Lenz
14. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-01-08, Matthew Williams & Jay Gilbert for a Short-Term Tourist Rental - Chase Lenz
15. Authorization to Advertise for Public Hearing - Zoning Text Amendment 2023-03-02, Ordinance to Amend Warren County Code Sections 180-8 and 180-55.2 Regarding Rural Events Facilities - Chase Lenz
16. Authorization to Advertise for Public Hearing - R2022-10-01, Rushmark Rockland Road LLC, Request to Rezone Certain Parcels from Commercial and Residential One to Industrial - Matt Wendling
17. Authorization to Advertise for a Public Hearing - CP2022-10-01- Rushmark Rockland Road LLC, Request to Amend the Comprehensive Plan Future Land Use Map from Commercial and Residential One to Industrial - Matt Wendling
18. Authorization to Advertise for a Public Hearing - Conditional Use Permit 2022-10-01, Rushmark Rockland Road LLC for a Building in Excess of 50,000 sq. ft. Located in the Route 340/522 Highway Corridor Overlay District - Matt Wendling

Dr. Daley requested the removal of item 4 for further discussion.

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:

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

Citizen Appointments to the Front Royal/Warren County Economic Development Authority Board of Directors – Ed Daley

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors appoint the following individuals to the Front Royal/Warren County Economic Development Authority:

- Hayden Ashworth to fill an unexpired term ending February 28, 2025
- JD Walter to fill an unexpired term ending February 28, 2026
- Robert MacDougall to a four-year term ending February 28, 2027
- Bruce Townshend to a four-year term ending February 28, 2027

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

Award Recommendation for Old Oak IV Precast Box Culverts – Alisa Scott/Mike Berry

Alisa Scott, Finance Director, reported the Finance and Purchasing Department received a request from the Public Works Department to issue a solicitation for precast box culverts for Old Oak IV. The procurement method used was competitive sealed bidding. An Invitation for Bids (IFB) was issued in accordance with the Virginia Public Procurement Act (VPPA) and one (1) bid was received. After reviewing the bid from Eastern Vault Co., Inc. for \$695,583.00, the Finance Director has determined the bid is both the lowest and responsive, and Eastern Vault is a responsible bidder. Ms. Scott provided a memorandum dated November 17, 2022 in which the Board of Supervisors noted its support of the continuation of funding for Old Oak Lane, Phase IV, construction. Staff recommends the Board approve the award to Eastern Vault for the precast box culverts in accordance with the IFB specifications. Upon receipt of a Purchase Order, Eastern Vault will deliver the precast box culverts within six (6) months.

Mrs. Cullers asked if this was VDOT's recommendation for what is best for the project, and Public Works Director Mike Berry confirmed the County has been working with VDOT throughout the engineering process for this project. Dr. Daley noted the decision to go with these precast box culverts was due to input from VDOT and the Corps of Engineers, and Mrs. Cullers wanted to highlight that this is what the experts were recommending, not an arbitrary decision made by the County.

On a motion by Mrs. Cullers, seconded by Mr. Butler, and by the following vote, the Board of Supervisors authorized the County Administrator to approve the purchase order to Eastern Vault for delivery of the precast box culverts for \$695,583.00 on behalf of the Shenandoah Farms Sanitary District:

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

~~Implementation of a County-Wide Hiring Freeze – Cheryl Cullers~~

Emergency Award Recommendation to Lantz Construction Company for Pool House Repairs – Alisa Scott

Mrs. Scott reported on March 1, 2023, the Finance and Purchasing Department was notified of a potential safety hazard at the pool house which houses chemicals used to treat pool

water. After reviewing internal staff reports of onsite visits, pictures, and understanding the overall status of the pool house, Ms. Scott is recommending an emergency procurement determination.

From the Virginia Public Procurement Act, “In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.”

The initial cost estimate is \$93,500.00 from Lantz Construction. This notice shall be posted on the Department of General Services’ central electronic procurement website as soon as is practicable.

Mr. Butler asked how the Public Works Department was made aware of this issue, and Mr. Berry said it was brought to his attention. Donna Shackelford, Operations Manager for Buildings, presented various pricing options for repairs to the Building Committee, but due to the condition of the structure, many contractors did not want to get involved with the structure. There were also follow-up meetings with the Building Official and Fire Marshal for inspection purposes, and it was concluded that safety concerns deemed this project necessary to be addressed immediately. Mr. Butler then asked if this was a patch fix or a repair that would prevent similar damage from happening in the future, and Mr. Berry replied the repairs will both fix the current issues and will help to prevent them the future.

Mrs. Cook asked where the funding for this project would come from in the current budget, and Ms. Scott responded the funding would be taken from the Capital Improvement Plan fund under the Contingency line item for buildings.

On a motion by Mrs. Cullers, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors authorized the County Administrator to approve the purchase order to Lantz Construction Company for the successful repairs to the pool house in the amount of \$93,500:

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

Adjournment

Mrs. Cook adjourned the meeting at 8:17 PM.