

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 15, 2023, at 7:00 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, Dr. Edwin C. Daley, County Administrator; Jason Ham, County Attorney; Alisa Scott, Finance Director; Joe Petty, Director of Economic Development & Tourism; Chase Lenz, Zoning Administrator; Matt Wendling, Planning Director; Captain Charles Brogan, Sheriff's Department; Zach Henderson, Deputy Clerk of the Board

Closed Session at 5:30 PM

On a motion by Mr. Mabe, seconded by Ms. Oates, and the following vote, the Board entered into a closed meeting under the provisions of Section 2.2-3711(A)(8), consultation with legal counsel employed by the public body regarding specific legal matters requiring the provision of legal advice by such counsel, such legal matters being the Samuel's Library Funding Agreement, and zoning ordinances applicability to County properties.

And further moved the Board enter 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, the outstanding indebtedness of the EDA and potential bank actions related to the same.

Mr. Mabe, Aye; Ms. Oates, Aye; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye

Call to Order – 7:00 PM

At 7:00 PM on a motion made by Ms. Oates, seconded by Mr. Mabe, and 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 Section 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.

Mr. Mabe, Aye; Ms. Oates, Aye; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye

Ms. Cook opened the meeting with a prayer from Pastor Robert Roberson.

Adoption of the Agenda:

On a motion made by Ms. Cullers, seconded by Ms. Oates, and the following vote, the Board approved the agenda as amended to consider the request of the Shenandoah club properties LLC to reschedule the public hearing set for August 22nd, 2023, regarding their application to rezone property from agricultural to suburban residential and commercial. and that the CUP Public Hearing be moved to the first item of business at this meeting.

Mr. Butler, No; Ms. Cullers, Aye; Ms. Cook, Aye; Ms. Oates, Aye; Mr. Mabe, Aye

Public Hearing - Conditional Use Permit 2023-05-06, Erica Baker & Richard Case for a Short-Term Tourist Rental:

Mr. Lenz stated that there have been no changes since the prior public hearing where this item was tabled due to improper advertising. The applicant has provided a property management plan and meets the setbacks. The dwelling is approved for a maximum of four occupants and there are no changes in the recommended conditions from the first public hearing.

Ms. Cook opened the public hearing, and the applicant thanked the Board for their consideration.

Tracie Lane spoke on behalf of the CUP and thanked the Board for adhering to the existing zoning plans when it comes to Short Term Tourist Rentals.

On a motion made by Ms. Oates, seconded by Ms. Cullers, and the following vote, the Board approved the Conditional Use Permit request of Erica Baker and Richard Case for a short-term tourist rental with conditions as recommended by the Planning Commission and staff.

Mr. Mabe, Aye; Ms. Oates, Aye; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye

Public Comment Period:

Below is a list of citizens who spoke to the Board of Supervisors in support of Samuel's Public Library, and their funding, content etc.:

- Kathleen Mancini
- Kathy Stride
- Liam Stewart
- Cameron Hubbard
- Jackie Masella
- Stevi Hubbard
- Kelsey Lawrence
- Charles Stewart
- Tina Johnson
- Sarah Downs
- Kris Nelson

Below is a list of citizens who spoke to the Board of Supervisors expressing concerns about Samuel's Public Library, and their funding, content etc.:

- Vanessa Lostracco
- Hugh Owen
- Maria O' Brian

Below is a list of citizens who spoke to the Board of Supervisors on individual matters not pertaining to Samuel's Public Library:

- Mark Egger – Voiced his concerns regarding transgender ideology and terminology and gender.
- Naomi Egger – Voiced her concerns about her freedoms of speech being violated when she was not permitted to share a video for her comment period.
- John Lundberg – Voiced his support of Vicky Cook and her accomplishments.
- Tracie Lane – Asked for a response from the Board pertaining to a letter she sent regarding Venus Branch Mailboxes that were constructed.
- Connor Trevor – Spoke on the essentials of recognizing free speech and expression and the importance of diversity.
- Marlene Lundberg - Voiced her support of Vicky Cook and her accomplishments.

Board Reports:

- Mr. Butler reported the following:
 - *No report*
- Ms. Cullers reported the following:

- Attended the WCPS Congregation on August 4th.
- Attended a Teacher Recognition Dinner
- Attended a Building Committee Meeting on August 10th.
- Attended a ribbon cutting for “Downtown Blends” which is a new business on Main Street.
- Spoke about the new traffic pattern on 340 Southbound.
- Reminded the public that August 19th Rivermont Fire Department is hosting a Spaghetti Fundraiser dinner.
- Reminded the public on August 31st the Warren Coalition is recognizing International Overdose Awareness Day.
- Ms. Oates reported the following:
 - Gave a shout out to North Warren VFD who attended a birthday party recently to show kids what it’s like to be a firefighter.
 - Attended the Warren County Fair and thanked those involved.
 - Gave an additional shout out to the new operators of “Downtown Blends” on Main Street.
 - Spoke about the Drug Court in response to Overdose Awareness
- Mr. Mabe reported the following:
 - Met with constituents on Monday via meetings, email, and phone.
 - Attended the Planning Commission Meeting
 - Also attended the Teacher recognition Dinner.
 - Spent time in Roanoke for his 40th Wedding Anniversary
- Ms. Cook reported the following:
 - Attended a meeting of the Finance Audit Committee and look to improve internal controls.
- Dr. Daley reported the following:
 - Reminded the Board about the Fire Department Promotional Ceremony next Wednesday at Skyline High School.
 - Reminded the Board that he County Attorney has a draft Agreement renewal for Samuel’s Public Library and will be forwarded in the next few days.
- Mr. Ham reported the following:
 - *No report*

Appropriations and Transfers:

Ms. Cullers asked if the E-911 transfer of \$118K was taken out. Ms. Scott and Dr. Daley requested that it should be removed from the agenda packet.

Ms. Cook asked for clarification on the EDA transfer and if that pertained to the FRWCEDA or the Economic Development County Department. Mr. Petty stated that this transfer was for the FRWCEDA.

Ms. Cullers asked if the \$216,000K is appropriating into the General Fund then to transfer to the Sheriff’s Department for whatever it is needed for later or is this for something specific. Ms. Scott stated that this is a supplemental appropriation that would increase the budget for the Grant Expenses Line item, knowing that the Grant has been approved and the County will be reimbursed upon its expenditures submitted for the grant, and is for the Flock System Cameras.

Ms. Oates commented that in the previous work session, the entire \$216,000 was not appropriated and was originally slated to be approximately \$50,000, and asked if the extra money has been appropriated yet. Ms. Scott stated that it has not, and this request is specifically for the supplemental appropriation and the expenditure is over \$50,000 which requires Board approval. The additional expenses are less than \$50,000 individually and Ms. Scott thought it best to provide a more holistic picture of what exactly the Grant is being used for. Furthermore, the full breakdown of the \$216,000 is listed in the Flock System Agenda item.

Mr. Brogan explained that the grant is broken down between supplies and equipment. The supplies are what is presented on the Sheriff's Office letterhead, and in terms of equipment, the grant asks for the Flock System, and for camera upgrades for the Interview Room.

Dr. Daley suggested that the Board could approve the appropriation of \$50,150 now, and also approve the Flock System item when it comes up on the agenda. Then from there, work up an actual line-item budget for the remaining \$160,000.

On a motion made by Ms. Cullers, seconded by Mr. Mabe, and the following vote, the Board approved the purchase of the Flock Group for \$50,150 on behalf of Warren County, removed E-911 appropriation amount of \$118,000, and appropriated \$159,311.78 for the other expenditures.

Mr. Mabe, Aye; Ms. Oates, No; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye

Approval of Accounts:

Ms. Scott stated that the Finance Department has been looking at various vendors to replace the current financial system that the County utilizes, however it will most likely be an additional 2-years before any decision is made.

Ms. Cook asked about the Expenditure Report and specifically what caused the overage of \$1.7M in the Economic Development Authority's Budget. Mr. Petty stated that at the end of the previous fiscal year there was an appropriation for an overage in legal fees and coverage of revenue that did not come in from loan payments.

On a motion made by Mr. Butler, seconded by Mr. Mabe, and the following vote, the Board approved the Accounts:

Mr. Butler, Aye; Ms. Cullers, No; Ms. Cook, Aye; Ms. Oates, Aye; Mr. Mabe, Aye

Approval of Minutes:

On a motion by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board approved the Meeting Minutes for June 13th, June 27th, and July 18th, 2023:

Mr. Mabe, Aye; Ms. Oates, Aye; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye

Consent Agenda:

Ms. Oates asked for item 4 to be removed for discussion and Dr. Daley suggested that item 1 be removed completely so that more information can be gathered as it is going through a re-bid process.

1. Award Recommendations Senior Center Phase III **(removed from the agenda)**
2. Citizen Appointment - Front Royal/Warren County Joint Tow Board
3. Citizen Appointment - James Wells, Laurel Ridge Community College Board
4. Flock Safety ALPR Cameras and Solution Sheriff's Department **(removed for discussion)**
5. Representative Appointments to the Community Policy and Management Team for Northwestern Community Services Board and Warren County Sheriff's Office.

On a motion made by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board accepted the consent agenda with removing number 1 and pulling number 4 for discussion:

Mr. Butler, Aye; Ms. Cullers, No; Ms. Cook, Aye; Ms. Oates, Aye; Mr. Mabe, Aye

Flock Safety ALPR Cameras and Solution Sheriff's Department:

Ms. Oates stated that she is principally opposed to cameras that take pictures of the vehicles but not the individuals making it impossible for people to address their accusers. She further stated that she originally thought the grant money

was for cameras in the investigation room or body cameras, and not for cameras placed strategically over the community to take photos of license plates.

Mr. Butler stated that based on his understanding, the Flock System is only intended to check license plates if the vehicle is reported stolen or reported in an incident, and not intended to catch potential wrongdoing.

Mr. Brogan stated that it pulls off the National Database of NCIC, therefore they are vehicles that have already been reported stolen or in connection with a missing person etc. If a vehicle comes through the system, then a notification will be sent to the Sheriff's Department to be investigated immediately.

Ms. Oates asked where the data that is collected goes and who keeps it. Mr. Brogan stated that the data is kept for 30 days and is stored in a data bank and shared with law enforcement agencies that are also a part of the system.

On a motion made by Mr. Butler, seconded by Mr. Mabe, and the following vote, the Board authorized the Chair and County Administrator, either of whom may act to execute all necessary documents that have been approved by the County Attorney or the Assistant County Attorney.

Mr. Mabe, Aye; Ms. Oates, Aye; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye

Prior to the next item, Ms. Cook announced that Christian Downes has been appointed to the Front Royal – Warren County Joint Tow Board, James Wells has been appointed to the Laurel Ridge Community College Board, and Denise Acker of Northwestern Community Services and Jeremiah Lang of the Warren County Sheriff's Office have been appointed to the Community Policy and Management Team.

Agreement – Economic Development Authority:

Mr. Petty stated that the current EDA property on 400 Kendrick Lane is not being utilized for their offices but have a lot of documents that are currently stored there. There is a tenant who is interested in the property and the idea is to now move those documents to a new location so that the property can then be leased. Furthermore, the EDA email services is at its end of life and this new agreement would allow their future email services to be moved under the County as well.

Ms. Cook asked how these new services will impact the budget since the County pays for their services already. Dr. Daley explained that once the documents are removed out of Kendrick Lane, and a new tenant has moved in, that will generate some income that will both pay utilities and reduce what the County pays the EDA.

On a motion made by Ms. Cullers, seconded by Mr. Mabe, and the following vote, the Board approved the agreement regarding County support of authority operations and authorized the Chair and County Administrator to execute all necessary documents that have been approved by the County Attorney or the Assistant County Attorney.

Mr. Butler, Aye; Ms. Cullers, No; Ms. Cook, Aye; Ms. Oates, Aye; Mr. Mabe, Aye

Additional New Business (Request of the Shenandoah club properties LLC to reschedule the public hearing set for August 22nd, 2023, regarding their application to resume property from agricultural to suburban residential and commercial):

Dr. Daley stated that the applicant has requested an additional 90 days for the public hearing from August 22nd to November 28th and this should be considered as an Authorization to Advertise.

Mr. Wendling stated that there will be a concerned effort to let the public know of this new date given that the item is highly contentious.

Ms. Cullers stated that a 3-month extension is too long and recommended 2-months citing the current feedback from the public and the approaching holidays.

Ms. Cook asked what their reasons were for the request. Mr. Wendling stated, quoting from correspondence, "to allow an opportunity for the applicant to provide additional information to respond to comments received."

On a motion made by Ms. Cullers, seconded by Mr. Butler, and the following vote, the Board moved that the public hearing currently scheduled for August 22nd, 2023, regarding the Shenandoah Club Properties LLC application to rezone the property from agricultural to suburban, residential, and commercial. be rescheduled for October 24th at 6:00pm.

Mr. Mabe, Aye; Ms. Oates, Aye; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye

Adjournment:

On a motion made by Ms. Oates, seconded by Mr. Mabe and the following vote, the meeting adjourned at 9:27PM

Mr. Mabe, Aye; Ms. Oates, Aye; Ms. Cook, Aye; Ms. Cullers, Aye; Mr. Butler, Aye