

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on November 21, 2023, at 7:00 PM.

Present: Victoria L. Cook, Chair (Fork District); Cheryl L. Cullers, Vice Chair (South River District); Delores R. Oates (North River District), Walter J. Mabe (Shenandoah District); Jerome K. Butler (Happy Creek District); also, Dr. Edwin Daley, County Administrator; Jason Ham, County Attorney; Jane Meadows, Deputy County Administrator; Matt Wendling, Planning Director; Joe Petty, Economic Development Director, Zach Henderson, Deputy Clerk of the Board

Call to Order

Ms. Cook called the meeting to order at 7:02 PM with a prayer from Roger Vorous.

Adoption of the Agenda:

On a motion by Ms. Cullers, seconded by Mr. Mabe, and the following vote, the Board approved the agenda as presented with the addition of authorization to advertise the lease of Raymond E. Saint Myers Youth Center located at 200 East 8th Street in Front Royal Virginia, to Reaching Out Now Incorporated to the Consent Agenda as Item #24.

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

Public Comment Period:

- James Fox – Voiced his concerns of the overpass issues that are being faced on Rockland Road – 658, citing questions on Emergency vehicles getting across the railroad track, the width of the road, and construction challenges.
- Jack LaRoche – spoke as a representative of Cedarville Heights and voiced his support for the project but also expressed his concerns for the potential road closures and their length and suggested alternative methods for emergency response vehicles.
- David Johnson – also spoke as a representative of Cedarville Heights and expressed concerns about communication with Station 10, stating that they had no knowledge of the upcoming project. However, was later informed that there would be an emergency crossing in the event of an ambulance or fire etc.
- Rodney Singhas – also spoke as a representative of Cedarville Heights and voiced similar concerns as the other speakers but emphasized potential delays due to the upcoming winter and weather forecast predicting snow and possible safety hazards.
- An unidentified individual spoke to the Board regarding issues he and his wife had while attempting to vote emphasizing the ‘verbal aggression’ they experienced from the individuals in tents and urged for more ‘decorum and restraint’ moving forward.

Board Reports:

- Mr. Butler reported the following:
 - Attended a meeting of the Finance and Audit Committee
 - Visited the Winchester Airport to update them on activities at the Airport in Front Royal.
- Ms. Cullers reported the following:
 - On November 9th – Attended the annual awards ceremony for the Lord Fairfax Soil and Water Conservation District.
 - From November 12th – 14th – Attended the VACO Conference in Bathe County.

- On November 15th, attended a Building Committee meeting that focused on the Youth Center and Senior Center and various repair projects.
- On November 16th – attended an emergency meeting at the Airport to continue discussions with stakeholders, businesses etc.
- On November 16th – attended a meeting of the Northern Shenandoah Regional Commission meeting.
- On November 16th – attended a fundraiser sponsored by the Humane Society
- Ms. Oates reported the following:
 - Spoke regarding the VDOT project on Rockland Road and stated that the Public Hearing is online and there is also a webpage with links that contain all relevant information and descriptions of the project and plans.
- Mr. Mabe reported the following:
 - Mr. Mabe did not have a report but stated that he had a successful eye operation.
- Ms. Cook reported the following:
 - Reminded everyone that on December 9th the Airport will be hosting a Christmas Dinner and Reindeer Games.
 - Also attended the Finance Committee meeting and they are continuing discussion on fiscal policies and emphasized that all meeting agendas and minutes are on the Finance Home Page on the County Website.
 - Spoke about the new upcoming Budget Software called Clear Gov.
 - Attended a Library Trustees meeting and emphasized their full funding and that they exceeded their unrestricted donations.
- Dr. Daley reported the following:
 - Congratulated Ms. Oates on her election, as well as Ms. Cullers and the new Board Members, Richard Jamieson and John Stanmeyer,
 - Reminded the Board about the upcoming Public Hearings as well as a Regular meeting on the 12th and Work Sessions on the 5th and the 19th.
 - Reminded the Board and public that the swearing-in ceremony for elected officials will be on the 18th at 4:00 PM at the Courthouse.
- Mr. Ham reported the following:
 - *No report*

Approval of Accounts:

On a motion by Mr. Mabe, seconded by Ms. Oates, and the following vote, the Board approved the accounts as presented.

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

Appropriations and Transfers:

Ms. Cook asked about the appropriation of \$446K from the Town of Front Royal for Debt Service. Dr. Daley stated that this is Debt Service incurred for Leach Run Parkway.

On a motion made by Mr. Butler, seconded by Mr. Mabe, and the following vote, the Board approved the appropriations and transfers as presented.

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

Approval of Minutes - 9.19.23, 10.03.23, 10.17.23

On a motion by Ms. Oates, seconded by Mr. Mabe and the following vote, the Board approved the minutes as presented.

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

Unfinished Business – Z2023-08-04 – Family Subdivisions – Code Section 180-21.E

Mr. Wendling stated that this request is being made by County Staff in order to meet the need and for additional options for housing for families who live and work in Warren County. This request provides a solution to property owners of Warren County who have lived and owned their properties for more than five years, to have an additional two lots for family members who plan to stay in the County for five or more years. Once this subdivision has been approved, it also allows for parents to remain in their homes or build smaller homes on a new lot and allow their immediate family member to purchase a home they may have grown up in and providing housing for both existing and future needs of families into the County without losing the rural character of the community.

Mr. Wendling then addressed Ms. Cook's concerns from the previous Public Hearing regarding the differences between State and County Codes on time limits of ownership and eligibility. Per Litten and Sipe LLP, the five-year period of ownership requirement with respect to family subdivisions is a reasonable requirement imposed by Warren County under the authority of Virginia state code 15.2-2244(C) and was therefore legal. In terms of Warren County Code, planning staff found that it was adopted to the subdivision ordinance on December 2nd, 1991, to build provisions for Family Subdivisions required under State Code.

On a motion by Ms. Oates, seconded by Mr. Mabe, and the following vote, the Board approved the proposed amendment.

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

Unfinished Business – Z2023-08-05 – Definition of Family Subdivisions – Code Section 155-3(B)(1)(b)

Mr. Wendling stated that County staff have seen an increase in property owners in Residential-1 Subdivisions. This ordinance will allow County staff to only accept family subdivision requests for agricultural lots which meet the subdivision and zoning requirements and regulations.

On a motion by Mr. Mabe, seconded by Ms. Oates, and the following vote, the Board approved the proposed amendment.

Mr. Butler, Aye; Mrs. Cullers, Abstain; Mrs. Cook, Aye; Mrs. Oates, Aye; Mr. Mabe, Aye

Consent Agenda:

1. Contract Renewal - Adams-Nelson & Associates for Broker Services
2. Contract Renewal - LaBella Associates for Engineering Services
3. Contract Renewal - Land Planning and Design Associates for Professional Services
4. Contract Renewal - Moseley Architects for Professional Services
5. Contract Renewal - Racey Engineering for Professional Services
6. Authorization to Advertise for Public Hearing - R2023-09-01 - Comprehensive Plan Amendment -
1. Future Land Use Map - Jennifer Wynn (Riverside Parcel 1 LLC)

7. Authorization to Advertise for Public Hearing - R2023-09-01 - Rezoning - Jennifer Wynn
8. Authorization to Advertise for Public Hearing - CUP2023-09-01 - Douglas Salzman
9. Authorization to Advertise for Public Hearing - CUP2023-09-02 - Fox & Slate Investments, LLC
10. Authorization to Advertise for Public Hearing - CUP2023-09-03 - Adam Graziano
11. Authorization to Advertise for Public Hearing - CUP2023-09-05 - Vesta Property Management
12. Authorization to Advertise for Public Hearing - CUP2023-09-06 - Vesta Property Management
13. Authorization to Advertise R2023-07-01 – Slate Run Farm, LLC - Rezoning A to I and C
14. Authorization to Advertise - CUP2023-09-04 - Richard & Jennifer Jamieson
15. Authorization to Advertise - Lease Agreement - Front Royal Little League use of Champs 53 Field
16. Authorization to Advertise Proposed Lease Agreement - Warren County Community Health
17. Shenandoah Area Secular Humanists - Courthouse Lawn Display
18. 2024 Pay and Holiday Calendar
19. Letter of Support - Silent Falcon Incentive Agreement **(Removed for Discussion)**
20. Representative Appointments to the Community Policy and Management Team for Parent Representative and Private Provider Representative
21. Updated Alternate Appointments to the Community Policy and Management Team
22. Letter of Support - Virginia 250 State Tourism Program - Matt Wendling
23. Resolution - Acceptance of a Parcel of Land containing 26.604 Acres, approximately, from Frederick S. Andreae
24. Authorization to Advertise Lease of the Raymond E. Saint Myers Youth Center to Reaching Out Now Inc. **(Added with Agenda Approval)**

Ms. Cullers stated that she would like item #19 to be pulled for discussion. On a motion by Mrs. Oates, seconded by Mr. Mabe, and the following vote, the Board approved the Consent agenda as amended.

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

Letter of Support – Silent Falcon Incentive Agreement:

Mr. Petty stated that this is a letter of support from the Board of Supervisors supporting Silent Falcon's request for an extension to their opportunity fund Grant through VDEP, stipulating that they would be putting approximately \$6M in capitol and 249 jobs. This extension will be good for 15 months.

Ms. Cullers stated that she cannot vote in favor of this because she does not have confidence that they will be able to meet expectations, citing their prior rational of COVID-19 winding down etc.

Ms. Oates asked about Capex and who pays for the drone, its batteries, vehicles, equipment etc. Mr. Petty stated that Silent Falcon pays for their equipment, however any vehicle or computer can be claimed through personal property, and emphasized the data that will be on the computers.

Mr. Butler asked about the infrastructure and if they will have the ability to properly expand given the limitations of their current establishment. Mr. Petty stated that they are trying to find a good location that will house everyone, and possibly expand at the airport as needed within the hangars that they currently use. Mr. Petty then emphasized that it can currently be prorated if the target dates are not met by the end of the performance date.

Mr. Mabe asked what approximate percentage was completed when compared to their original plan. Mr. Petty did not have the exact numbers on hand but stated that out of 249 jobs, 27 were filled and some of

them were part time. Furthermore, the risk is entirely on Silent Falcon and the County is not obligated to pay them anything if these expectations are not met, and there is minimal risk to the County.

On a motion by Ms. Oates, seconded by Mr. Butler, and the following vote, the Board forwarded the letter to VDEP on behalf of Silent Falcon to award them a Grant extension.

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

Resolution for Realignment of Private Access Easement for James Michel:

Mr. Wendling stated that that the Planning Department received the request to realign a 50-foot-wide platted access easement within the Woodland Springs Subdivision in the North River Magisterial District. The applicant, Mr. Michel, is requesting this easement be realigned closely back to the original location which converges with the neighboring properties, lots 4 and 21 to the West. This change would allow Mr. Michel to utilize more of the property for the construction of a dwelling and septic system and relocate the existing easement from the center of the property.

On a motion by Ms. Oates, seconded by Ms. Cullers, and the following vote, the Board approved the attached resolution allowing for the realignment of the 50-foot platted private access easement as shown on the survey by Brogan Land Surveying dated August 7th, 2023 located in the Woodland Spring Subdivision in the North River magisterial district.

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

Tom Lockhart Conservation Easement:

Mr. Wendling stated that this request is for an acceptance of the deeded gift of an easement for purposes of conservation for Tax Map 41, parcel 4 in the South River Magisterial District.

The property consists of approximately 37.4 acres, and one parcel identified on tax map 41 as lot for adjoining the Stinson River Farm, Massanutten Riverview subdivision and land now and formerly owned by Jeffrey and Sharon Vaught, formerly Hockman. Together with a right of way is contained therein for access to 340 south Stonewall Jackson highway.

On a motion by Ms. Cullers, seconded by Mr. Mabe, and the following vote, the Board accepted the deed of gift of easement from Thomas J Lockhart conveying a conservation and open space easement consisting of 37.4 acres, more or less located in the South River managerial district and identified on tax map 41 as parcel 4 contingent upon the deeded being signed by all necessary parties.

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

Senior Center Phase 3

Ms. Meadows stated that in August the Board had a work session where the bid for phase, and following that, she returned to the health department for the final inspection completion of the senior center. Following a second bidding process, Ms. Meadows recommended the award go to Key Construction for \$89,559, compared to the prior bid discussed that was \$135,000. However, this is still overbudget by approximately \$61,000 and therefore funding will need to be transferred from the building repair fund in order to complete the full project.

Mr. Mabe asked how many bids in total were put out, and Ms. Meadows stated that there were 6 people who came to the pre-bid meeting but only 2 turned in actual bids.

Ms. Cook asked if the target completion date was still the end of this year. Ms. Meadows stated that once the bid is awarded, they would need to start within 30 days and have 90 days to complete.

On a motion by Mr. Butler, seconded by Ms. Cullers, and the following vote, the Board approved the transfer and appropriation of \$935.97 from the Building Repair Reserve capital budget line item to the Senior Center Capital Budget line item for \$61,465.15 and awarded the Senior Center Phase3 kitchen hood upgrades to Key Construction services incorporated in the amount of \$89,599; and further authorized the Chair and County Administrator, either of whom may act to execute all necessary documents that have been approved by the County Attorney.

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

Adjournment:

On a motion by Ms. Oates, seconded by Mr. Mabe, and the following vote, the meeting was adjourned at 8:22 PM.

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