

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on June 4th, 2024, at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Victoria L. Cook, (Fork District); John W. Stanmeyer (Shenandoah District), and Richard A. Jamieson (North River District) also, Dr. Edwin Daley, County Administrator; Jason Ham, County Attorney; Jane Meadows, Deputy County Administrator; Mike Berry, Public Works Director; Alisa Scott, Finance Director; Dan Lenz, Director of Parks and Recreation, Zach Henderson, Deputy Clerk of the Board

Absent: Jerome K. Butler, Vice Chair (Happy Creek District)

Call to Order:

Ms. Cullers called the meeting to order at 7:03 PM

Adoption of the Agenda:

On a motion by Ms. Cook, seconded by Mr. Stanmeyer, and the following vote, the Board adopted the agenda as presented.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Public Comment: *(The following is a list of citizens who spoke during the Public Comment Period)*

Matthew Perdie: spoke critically about the tax rates and emphasized the lack of transparency in the School's Budget and urged for their reduced budget.

Anne Miranda: spoke critically of the recent tax increase and the impact it will have on citizens and emphasized the need to reverse the increase for the next fiscal year.

Board Reports:

Mr. Stanmeyer reported the following:

- *No report*

Ms. Cullers reported the following:

- Attended a Lake Front Royal POA meeting on May 30th.
- Attended the fifth-year anniversary for Battleground Fitness
- Acknowledged and recognized EMS Appreciation Week, which was the week prior.
- Addressed a post on Social Media regarding the shutdown of a Boat Landing at the Front Royal Country Club emphasized that it is only temporary for the construction of the redundant water line.

Dr. Jamieson reported the following:

- Met with the Project Manager for the Shenandoah Rail Trail and emphasized the competing interest that wishes to maintain rail service and offer a trail option, and also encouraged people to learn about the trail plan and the benefits it will bring to all Counties and Towns that will be involved.

Ms. Cook reported the following:

- Attended a Special Meeting of the Finance/Audit Committee and reviewed the School Board operations, capital improvement, and Fiscal Year Transactions.
- Attended the RSW Finance and Committee meeting for the first time.

Dr. Daley reported the following:

- Acknowledged Ms. Cook as the newly elected Chair of the Regional Jail Board.
- Turned it over to Mr. Wendling who spoke to the Board inviting them to the Joseph Warren Celebration and the 250th anniversary on Monday, June 10th.
- Commented on the collaboration between Public Works and Parks regarding a grant received from the Virginia Outdoors Association to construct a new outdoor fitness station at Burrell Brooks Park.

Jason reported the following:

- *No Report*

Approval of Minutes:

On a motion by Ms. Cook, seconded by Mr. Stanmeyer, and the following vote, the Board approved the minutes for May 7th, 2024, and May 21st, 2024.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Public Hearings:

Front Royal Little League Agreement for use of Little League Complex Agreement:

Ms. Meadows stated that the County met with all of the teams to re-do their lease since the lease that was originally proposed in April was confusing, this new lease conveys the accurate intentions.

Ms. Cullers opened the public hearing but there were no comments from the Public or Board and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board approved the Agreement with the Front Royal Little League for use of the Little League Complex.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

CUP2024-04-01 - Andres Barkil-Oteo - A request for a conditional use permit for a Short-Term Tourist Rental:

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in April of 2024. The owner would like to make the property available for short-term lodging for tourists and visitors of the Warren County area. The applicant will retain a local property manager to help oversee maintenance, cleaning, and the booking of rental requests. Mr. Lenz emphasized that The Planning Commission stated they were not comfortable waiving the setback requirement due to the proximity of the neighboring dwelling with a separation of only 35 feet between dwellings. The applicant has since obtained a letter of support from the individual who is currently going through the process of purchasing the neighboring property.

Ms. Cullers opened the public hearing and the applicant spoke regarding his application stating that it will largely be used as a second home and occasionally a short-term rental.

On a motion for approval by Mr. Stanmeyer, seconded by Dr. Jamieson, and the following vote, the Board vote ended in a tie resulting in the Conditional Use Permit being denied.

Ms. Cook, No; Dr. Jamieson, Aye; Ms. Cullers, No; Mr. Stanmeyer, Aye

CUP2024-04-02 - Fred & Christine Andreae (Lynx Properties, LLC) - A request for a conditional use permit for a Short-Term Tourist Rental.

Mr. Lenz stated that applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in April of 2006. The owners would like to make their property available for short-term lodging for weekenders looking for an escape from their lives in crowded urban areas. The property will be managed by a local property manager, who will oversee maintenance, cleaning, and the booking of rental requests.

Ms. Cullers opened the Public Hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board approved the conditional use permit request of Fred & Christine Andreae (Lynx Properties, LLC) for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

CUP2024-04-03 - Pennoni, Inc. - Green Pearl Hospitality, LLC request for a Hotel with a Maximum Height of 55':

Mr. Wendling stated that The property is located at (0) Hospitality Drive in Front Royal, VA, and identified on tax map 12J as lot 2. The property is located in the North River Magisterial District. The subject property is located in part in the Highway Corridor Overlay District adjacent to the Marriot hotel off Shadows Drive and Hospitality Drive. The applicant plans to develop a hotel/motel as a by-right use but the County Zoning Ordinance section §180-13.G ordinance requires that any structure above the maximum height of 40' that is allowed in the Commercial zoning district must have a conditional use permit. The proposed hotel/motel is designed to be 53' and the applicant is asking for an additional 2' as a buffer for a total height of 55'.

Ms. Cullers opened the public hearing, and a representative of the applicant spoke on behalf of the Conditional Use Permit and stated that he is available for questions should the Board have them.

Mr. Stanmeyer asked about the illuminated logos that will be on both sides of the building, and if any of them will be directly facing residents. The representative stated that he did not have a specific answer but was confident that any requirements could be accommodated.

Dr. Daley stated that the Board could make that one of the conditions for the permit, and Mr. Ham emphasized that they could, but the language would have to be vague given that some illuminated signage is legally required. However, the Board could include language such as, "no large advertising or other unnecessary signs facing the homeowners."

There were no further comments from the Board or public and the hearing was then closed.

On a motion by Mr. Stanmeyer, seconded by Ms. Cook, and the following vote, the Board approved the conditional use permit request of Pennoni, Inc. - Green Pearl Hospitality LLC - Ketan Pathak for a building height in excess of 40 feet with the conditions as recommended by the Planning Commission and staff and with the additional condition that no large or unnecessary illuminated signs be placed facing adjoining homeowners.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

CUP2024-04-04 - William Johnson - A request for a conditional use permit for a Short-Term Tourist Rental

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in August of 2023. The applicant would like to make the property available for short-term lodging for visitors seeking to experience Warren County. The property will be managed by a local property manager, Thomas Chancey, who will oversee maintenance, cleaning, and the booking of rental requests.

Ms. Cullers opened the public hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board approved the conditional use permit request of William Johnson for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Z2024-04-01 - Campground - Michaun Pierre - A request to amend Chapter 180 of the Warren County Code to amend §180-8C to add definitions for Camping Unit and Tent, to modify the existing definitions of Commercial Campground

and Commercial Camping, and to repeal the existing definitions of Unit Space, Vacation Camp, Day, and Vacation Camp, Overnight, to amend §180-210 to modify the listed Commercial Campground use and to repeal the listed Vacation Camp, Day/Overnight use in the Agricultural District Regulations, to amend §180-270 to modify the listed Commercial Campground use in the Commercial District Regulations, to amend §180-41 to modify the existing supplementary regulations for Commercial Campgrounds, and to amend §180-57 to repeal the existing supplementary regulations for Vacation Camp, Day or Overnight.

Mr. Lenz stated that this amendment is being requested by a property owner who intends to apply for a conditional use permit for a campground to establish a tent only commercial campground with fewer than 10 campsites on a property. The current definition for commercial campground only includes recreational vehicle parks and certain supplementary regulations are arguably more appropriate for a recreational vehicle park. The current definition of commercial campground also requires a minimum of 10 camping unit spaces and the existing definitions of commercial camping and commercial campground.

Ms. Cullers opened the public hearing and clarified that these conditions and amendments apply to permanent campgrounds and not temporary campgrounds. There were no additional comments from the Board or public and the hearing was then closed.

On a motion by Ms. Cook, seconded by Dr. Jamieson, and the following vote, the Board approved the proposed amendment.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Z2024-04-02 - Zoning District Regulations - Warren County Planning Staff - A request to amend Chapter 180 of the Warren County Code to amend §180-21 to make Public Schools permissible only by Conditional Use Permit in the Agricultural (A) District, to amend §180-25 to make Store/Dwelling Combination and Library permissible only by Conditional Use Permit in the Village Residential (VR) District, to amend §180-26 to add Church as a use permissible only by Conditional Use Permit in the Suburban Residential (SR) District, and to amend §180-28 to add Church as a use permitted by right in the Industrial (I) District.

Mr. Lenz stated that the zoning text amendment was initiated by the county attorney after review of the current district regulations under the warren county zoning ordinance.

Ms. Cullers opened the public hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Mr. Stanmeyer, and the following vote, the Board approved the proposed amendment.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

New Business:

Consent Agenda:

1. Authorization to Advertise Proposed Lease with Shenandoah Area Agency on Aging, Inc.
2. Authorization to Advertise for Public Hearing - Z2024-05-01 - Storage of Cars, Boats and RV's - Pennoni, Inc. - Robert & Vivian Lake - A request to amend Chapter 180 of the Warren County Code to amend §180-8C to add a definition for Storage of Cars, Boats and Recreational Vehicles, to amend §180-21D to add Storage of Cars, Boats and Recreational Vehicles as a use allowed by conditional use permit in the Agricultural zoning district, and to enact §180-56.5 to add supplementary regulations for Storage of Cars, Boats and Recreational Vehicles.
3. Authorization to Advertise for Public Hearing - CUP2024-05-01 - Pennoni, Inc. - Robert & Vivian Lake - A request for a conditional use permit for Storage of Cars, Boats and Recreational Vehicles.

The property is located at 3434 Guard Hill Road and identified on tax map 12, as lot 41-1. The property is zoned Agricultural (A) and located in the North River Magisterial District.

4. Authorization to Advertise for Public Hearing - Z2024-05-02 - Rural Resort Center - Jennifer Wynn - A request to amend Chapter 180 of the Warren County Code to amend §180-8C to add a definition for Rural Resort Center and to amend the existing definition for Lodging Unit, to amend §180-21D to add Rural Resort Center as a use allowed by conditional use permit in the Agricultural zoning district, and to enact §180-55.4 to add supplementary regulations for Rural Resort Center.
5. Authorization to Advertise for Public Hearing - R2024-05-01 - Turker Investments, LLC - Greenway Engineering - A request to amend the Warren County Zoning Map to rezone a 5.0-acre parcel from Agricultural (A) to Commercial (C). The property is located at the corner of Cabin Ct. and Rte. 340-522N and identified on tax map 12 as lot 33. The property is located in the North River Magisterial District and the proposed land-uses are for mixed commercial. The future land use zoning map in the Comprehensive Plan identifies the parcel for Commercial (C) zoning.
6. Authorization to Advertise for Public Hearing - SV2024-05-01 - Subdivision Variance - Samuel & Margaret Smith - A request for a variance from Warren County Code §155-3.B(1)(b) of the Subdivision Ordinance to allow the voluntary transfer of a proposed family subdivision lot to an immediate family member within the required five (5) years of having held fee simple title to the property. The property is located at (0) Coe Drive and identified on tax map 19, as lot 120D. The property is zoned Agricultural (A) and located in the Sam-Mag Properties subdivision adjacent to the Twin Oaks Mobile Home Park in the North River Magisterial District.
7. Award of Contract - United Bank
8. Authorization to Advertise for Public Hearing - Termination Procedures for CUP2023-04-02
9. Linden VFD Dissolution, Creation of Warren County Fire Company #4, and Changes to Code
10. Contract - General Excavation, Inc. Renewal of Annual Term Contract
11. New Road Naming Request for properties off of Winchester Road
12. Award Recommendation for the purchase of ballot scanning equipment for Elections with FY25 funds.
13. FY24 – Byrne Justice/Assistance Grant – Public Safety-Based Programs-Community Policing and Youth Engagement
14. FY24 – Byrne Justice/Assistance Grant – LE Equipment **(removed for discussion)**
15. Pending - Amendment to WC Handbook Section 5.9 - Supplemental Pay Plan (Canine Handler) **(removed for discussion)**
16. Pending - Amendment to WC Handbook Section 6.11 Accrued Paid Leave **(removed for discussion)**
17. Approval of the Schematic List of Classes Effective 7.01.2024
18. Approval of the Salary Scale July 2024
19. FY25 - DCJS SRO Continuation Grant
20. Festival Permit Request for the 2024 Homesteaders of America Conference
21. Citizen Appointment – Walter Mabe to the Social Services Advisory Board, Shenandoah District
22. Amendment - Authorization for Employee Physicals
23. Authorization to Advertise - Increased Transfer Station Gate Fees
24. Emergency Purchase - Generator Replacement for Browntown Substation

On Dr. Daley's suggestion, Ms. Cullers removed items #14, #15, and #16 for discussion.

On a motion by Dr. Jamieson, seconded by Mr. Stanmeyer, and the following vote, the Board approved the consent agenda as amended.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

FY24 - Byrne Justice/Assistance Grant - LE Equipment:

Ms. Meadows stated that when the agenda item was originally submitted, it was for 8 units with a 5-year service plan. However, the grant did not cover that with the terms so a revision to what was being covered was needed. Now it is for 12 units and the County replaced the extended service which lowered the price, and therefore the County match is slightly under \$24,000 and will come from the same line item as originally proposed.

On a motion by Dr. Jamieson, seconded by Ms. Cook and the following vote, the Board approved the acceptance of the Byrne/Justice Assistance Grant and the transfer/allocation of \$24,208.50 from 3-1-13010-1.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Amendment to WC Handbook Section 5.9 - Supplemental Pay Plan (Canine Handler):

Ms. Meadows stated that with this item, the County has provided the Board with two options. The first option is that Canine Handlers receive an hour of pay on each of their days off, and the second option is a flat rate or stipend that each handler would be given for handling a dog.

On a motion by Ms. Cook, seconded by Dr. Jamieson, and the following vote, the Board adopted Option B for the supplemental pay for Canine Handlers.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Amendment to WC Handbook Section 6.11 Accrued Paid Leave:

Ms. Meadows stated that while legal was reviewing the amendment, a typo was noticed in the section in addition to what was published. The typo is located in the sick leave policy with the word "disease" missing from the policy to allow staff to use sick time should they get something contagious. Furthermore, annual leave with pay may not be granted before it is accrued unless approved by the County Administrator, removing the "extenuating circumstances" language.

On a motion by Ms. Cook, seconded by Mr. Stanmeyer, and the following vote, the Board adopted the amendment to the WC Handbook, Section 6.11 Accrued Paid Leave with a retroactive effective date of April 1, 2024.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Memorandum of Agreement - County of Warren, PHI Health, LLC, and Rivermont VFD:

Mr. Maiatico stated that the Memorandum of Agreement with the County, PHI, and Rivermont VFD, states that PHI Health is going to replace the living quarters trailer at the Airport. This process will involve a contractor removing the current trailer and taking delivery of a new trailer unit, it's set up, and outfit etc. During that time Rivermont VFD will partner with them to temporarily relocate their staff to ensure continued operations.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board authorized the County Administrator to enter into the memorandum of agreement between the County of Warren, PHI, LLC, and the Rivermont VFD for the temporary housing of PHI Health, LLC at the Rivermont VFD Facility.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye

Adjournment:

On a motion by Ms. Cook, seconded by Dr. Jamieson, and the following vote, the meeting adjourned at 8:15 PM

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Stanmeyer, Aye