

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on July 16, 2024, at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Jerome K. Butler, Vice Chair (Happy Creek District); Victoria L. Cook, (Fork 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, Director of Public Works; Chase Lenz, Zoning Administrator; Brian Foley, Cost Recovery; Zach Henderson, Deputy Clerk of the Board

Present Online: John W. Stanmeyer, (Shenandoah District)

Call to Order:

Ms. Cullers called the meeting to order at 7:00 PM with a moment of silence. Mr. Stanmeyer stated that he is participating remotely due to a family vacation.

Adoption of the Agenda:

Ms. Cullers stated that she would like to add a Declaration of Local Emergency to Additional New Business, and a Citizen Appointment to the Economic Development Authority. Dr. Daley then asked the Board to delete the appropriations and transfers and that they would be included in August.

On a motion by Mr. Butler, seconded by Ms. Cook, and the following vote, the Board approved the agenda as amended.

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

Public Comment Period: *(below is a list of citizens who spoke at the public comment period)*

- **Craig Tabor** – requested an update for the ongoing Old Oak projects and would like access to the Sanitary Districts Budgets.
- **John Jenkins** – voiced his concerns about the proposed firing range, emphasizing the negative impact on the citizens and their safety, and emphasized alternate locations and the Board's upcoming decisions.
- **Cameron Williams** – voiced his concerns about the proposed Cigarette Tax and urged the Board to reconsider, emphasizing the increased taxes and the financial difficulties of citizens.

Mr. Stanmeyer reported the following:

- Commented on the Old Oak Road projects, stating that early October is the scheduled due date.

Mr. Butler reported the following:

- Attended the Warren County Fire and Rescue Parade
- Attended a training put on by the Airport Commission on airplanes and their maintenance.
- Visited the proposed firing range location with the Sheriff

Ms. Cullers reported the following:

- Attended the Browntown Community Center meeting on July 8th
- Met with families and VDOT on their concerns about the Seven Pools and Shenandoah National Park
- Rode in the Warren County Fire and Rescue Parade
- Attended the Planning Commission meeting on July 10th
- Was invited to throw the first pitch at the Front Royal Cardinals Baseball game on July 12th but decided to allow her grandson to pitch instead.

Dr. Jamieson reported the following:

- Attended the Warren County Fire and Rescue Parade and pulled one of the floats.

Ms. Cook reported the following:

- No Report given

Dr. Daley reported the following:

- Reminded the Board that there will be a Town/County Liaison meeting in the Council Chamber at 6:00 PM on July 23rd.

Mr. Ham reported the following:

- No Report given

Appropriations and Transfers:

Stricken from the agenda

Approval of Accounts:

Ms. Cook stated that the Expenditure report is close to less than 30% on where it is supposed to be and acknowledged that the Finance Department included General Fund notes that she looks at as variance reports to the provided numbers, and she will be addressing these with the Finance Department as well.

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved the Accounts as presented.

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

Approval of Minutes – June 25th, 2024:

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved the minutes for June 25th, 2024, as presented.

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

Public Hearings:

Termination Procedures for CUP2023-04-02 - Roman Semenov:

Mr. Lenz stated that this Conditional use permit 2023-04-02 for a short-term tourist rental at 259 Cashmere Court was approved and issued by the Board of Supervisors on July 18, 2023. Since that date, Planning staff has received a total of 8 separate incident reports from the Warren County Sheriff's Office for the subject property, 5 of which document separate violations of Warren County Code §180-56.4C, which restricts the parking of vehicles in or along rights-of-way for short-term tourist rentals. The incident reports were requested by Planning staff on Monday, February 26, 2024, upon receipt of a complaint for which the complainant indicated the Sheriff's Office was contacted. Planning staff immediately contacted the applicant and encouraged them to take measures to enforce the parking restrictions to resolve this issue. Planning staff received the final incident report dated April 27, 2024, confirming a fifth violation of Code §180-56.4C. Upon receipt of the final incident report, Planning staff initiated conditional use termination procedures. Attached is the required notice of termination procedures letter issued to the applicant on April 29, 2024.

Code §180-63H(2)(c) lists repeated violations of other provisions in the Code of Warren County as a reason for which the Board of Supervisors may terminate an active conditional use permit. The complete Code §180-63H regarding procedures for termination of a conditional use is included below. As the Zoning Administrator, it is my opinion that the Board of Supervisors should terminate conditional use permit 2023-04-02 for repeated violations of Warren County Code §180-56.4C.

Ms. Cullers opened the public hearing, and the applicant, Scott Frost, spoke to the Board and stated that the summary that the Board was given does not align with their own and emphasized that they were not notified of by the Planning Department or the Sheriff's Office of any infractions until February 26th of this year. Additionally, per their phone records, neighbors had not reached out to them as well and they have proactively taken steps to prevent people from parking in the street.

Mr. Jean-Marc Curel spoke to the Board in favor of termination, emphasizing that his driveway has been blocked on multiple occasions and the applicants have known about this issue for approximately a year. Additionally, the property manager could not be contacted, and voiced his concerns about the recent Planning Commission meeting and was not allowed to defend himself.

Gary Smullen spoke to the Board in favor of termination, emphasizing that when the applicants first proposed the Conditional Use at one of their Skyland Estates Community Meetings, they were informed by the applicants that they will be living there full time, only to find out that they live in DC. He further expressed concerns about the steepness of their driveway and the width of Cashmere Court in general.

Roman Semenov spoke to the Board in defense of his application, stating that he has not received any contact or complaints from anyone until February and also questioned the validity of the complaints themselves.

There were no additional comments from the public and the hearing was then closed.

Dr. Jamieson commented that he is concerned that the previous Zoning Inspector did not leave a good document trail and emphasized that a proper policy and procedure needs to be created and recognized for these situations, and further stated that in terms of a Short-Term Tourist Rental, the neighboring properties have paramount consideration.

Mr. Ham suggested that the item be tabled indefinitely but emphasized that the item can be brought back in front of the Board at any time.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board tabled the revocation of the permit.

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

New Business:

Consent Agenda:

1. Representative Appointments to the Community Policy and Management Team for Warren County Public Schools
2. Social Media Archiving Subscription services (ArchiveSocial)
3. FOIA Management Software (NextRequest) through CivicPlus
4. Finance Department Accounting Technician III Job Description and Grade
5. Authorization to Advertise for a Public Hearing - Ordinance to add to the Warren County Code Article XXIV in Chapter 160 to impose a Cigarette Tax.
6. Authorization to Advertise - Shenandoah Shores Sanitary District Water Rate Increase

Ms. Cook stated that she would like to remove items #2 and #3 for discussion.

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved the Consent Agenda as amended.

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

J.2. Social Media Archiving Subscription services (ArchiveSocial)

Ms. Cook asked what the functionality of the subscription was, as well as what the Social Media Archiving is. Ms. Meadows stated the County has 11 different social media accounts (Facebook, Instagram, LinkedIn etc.) and this software will capture everything posted and commented on for FOIA purposes and the County is legally required to retain.

Ms. Cook then stated that whenever there is a new system or a module to an I.T. system, it has always come to a Work Session that would explain the need to the Board of Supervisors. Ms. Meadows stated in response that the process initially began in September 2023 and went through the regular procurement process with the Finance team and all County FOIA Officers. While looking at Civic Plus and two other vendors it was determined that Archive Social is the best one to move forward with. Furthermore, it was originally on an agenda in 2023 but it was not approved for the FY 24 budget and has now been added to the County Attorney budget for FY 2025 and was presented to the Board as part of their budget request.

Ms. Cook then commented that moving forward with software acquisitions, the Board have a work session prior to approval, or it go through the I.T. Committee where a Board member is present to understand the software.

On a motion by Ms. Cook, seconded by Dr. Jamieson, and the following vote, the Board tabled this item until a demonstration can be given.

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

F3 – FOIA Management Software (Next Request):

Ms. Cook stated that she would like to see the capability and functionality of this as well, and therefore would also like this to be tabled until a demonstration can be done.

On a motion by Ms. Cook, seconded by Dr. Jamieson, and the following vote, the Board tabled this item until a demonstration can be given.

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

Conditional Use Permit Modification - CUP2022-05-06 (Short-Term Tourist Rental) - Hunter Hughes & Rinku Sinha:

Mr. Lenz stated that Hunter Hughes and Rinku Sinha, owners of 289 Heim-Jones Road, are requesting a modification to condition #4 of their conditional use permits (see attached Conditional Use Permit #2022-05-06) to change the language from "The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department." to "The applicants shall have the septic system serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department."

The existing language was used as a standard condition placed on conditional use permits for short-term tourist rentals prior to the most recent update to the short-term tourist rental ordinance in early 2024.

During the ordinance amendment process, Planning staff also reviewed the standards conditions placed on short-term tourist rental conditional use permits and found that for properties served by conventional septic systems, the Health Department comments received for these applications only recommend the conventional septic system be serviced every 3 to 5 years. Applicants have also identified the required annual inspection to be a source of financial hardship as well as confusion for applicants and licensed inspectors trying to determine what type of inspection is required.

On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the Board approved the request to modify condition #4 of Conditional Use Permit 2022-05-06 for a short-term tourist rental as requested by the applicants and recommended by staff.

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

Resolution to Endorse Highway Safety Projects relating to the FY2026-2031 VDOT SMART SCALE Six-Year Highway Improvement Program:

Mr. Berry reminded the Board of the presentation from VDOT at the recent work session that discussed updates to the applications for the Warren County Smart Scale, and Highway/Intersection projects, and now the Board must pass a Resolution to move forward with the application and accepting projects. Those projects being Route 55 West Strasburg Road, US-340-522, and I-66 at exit 6, as well as the Country Club Road and Caroline Drive Roundabout Improvements.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board approved the request to pass the resolution to support the application for the inclusion of Warren County in the Virginia Department of Transportation's FY2026 - 2031 SMART SCALE Six-year Highway Improvement Program with the SMART SCALE project applications as noted in the resolution.

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

Declaration of Local Emergency – Drought Resolution:

Mr. Foley stated that the County is still in a D-2 severe drought that is affecting 100% of the County, meaning that fire frequency increases, hay and pasture supplies are low, cattle is weaned early, and producers are feeding livestock supplemental hay etc. Mandatory water restrictions have been implemented as well. Furthermore, according to the rain gauge in the Town of Front Royal, in May the County received 5.2 inches of rain, in June the County received 1.48 inches of rain, and thus far in July the County has received a 10th of an inch.

On a motion by Mr. Butler, seconded by Ms. Cook, and the following vote, the Board passed the Resolution of Consent to the Declaration of Local Emergency

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

Citizen Appointment – Robert Cullers to the Economic Development Authority:

Ms. Cullers stated that due to her distant relation to the applicant, she did not participate in the interview process and will abstain from the vote.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board appointed Robert Cullers to the EDA Board for a term to expire on February 28th, 2025.

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

Adjournment:

On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the meeting was adjourned at 8:35 PM.

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