

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 06, 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); John W. Stanmeyer, (Shenandoah District), also, Jordan Bowman, County Attorney; Jane Meadows, Deputy County Administrator; Alisa Scott, Finance Director; Mike Berry, Director of Public Works; Chase Lenz, Zoning Administrator; Zach Henderson, Deputy Clerk of the Board

Absent: Richard A. Jamieson (North River District)

Call to order:

Ms. Cullers called the meeting to order at 7:00 PM with a moment of silence.

Adoption of the Agenda:

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

Ms. Cook, 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)*

- John Jenkins – voiced his concerns about the proposed firing range, emphasizing that he is still waiting for DEQ comments and questioned the Sheriff's attempts to properly investigate other locations.
- Anne Miranda – voiced her concerns about the car and property tax and emphasized the importance of keeping it fresh in the County's memory for the following tax season.
- Jeff Baggary - – voiced his concerns about the proposed firing range, emphasizing a decibel recording done by his son as well as the structural integrity of the range itself.
- John Swenson – voiced his concerns about the proposed firing range, emphasizing the potential hazards with lead poisoning and other contaminants and commented on the possible legal actions.
- David Brotman - voiced his concerns about the proposed firing range and urged the Board to give all necessary attention and resources to ensure that all concerns are properly addressed.

Mr. Butler reported the following:

- Attended the Hero's on the River event the previous weekend at the Front Royal – Warren County Airport and emphasized the growing potential of the Airport itself.
- Stated that the Winchester Airport had a windfall that is expected to bring additional business to the area and will become the largest maintenance facility for a new SR-22 Aircraft

Ms. Cullers reported the following:

- On July 18th, participated in the Social Services Advisory meeting and emphasized that a representative from the Happy Creek District is still needed.
- On July 14th, attended a Fire Chief meeting with Mr. Stanmeyer at the Chester Gap Fire Department.
- On July 26th, attended an EDA meeting at the Government Center
- On July 30th, attended a reception to welcome new teachers to the County
- On August 2nd, participated in "Coffee and Conversations" with Ms. Meadows at On Cue.
- On August 5th, attended a meeting with Reaching Out Now at the Youth Center
- Reminded the public that School starts on August 13th and urged people to use caution when driving in the mornings.
- Reminded the public that the burn ban is still in effect.

Mr. Stanmeyer reported the following:

- *No report given*

Ms. Cook reported the following:

- *No report given*

Ms. Meadows reported the following:

- *No report given*

Mr. Bowman reported the following:

- *No report given*

Approval of Minutes:

On a motion by Mr. Stanmeyer, seconded by Mr. Butler, and the following vote, the Board approved the minutes for July 2nd and July 16th as presented.

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

Unfinished Business:

Social Media Archiving Subscription services (Archive-Social):

On a motion by Mr. Butler, seconded by Mr. Stanmeyer, and the following vote, the Board approved the subscription of Archive-Social through Civic-Plus and that the County Administrator be authorized to execute all necessary documents that have been approved by the County Attorney.

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

FOIA Management Software (Next-Request) through Civic-Plus:

On a motion by Mr. Butler, seconded by Mr. Stanmeyer, and the following vote, the Board approved the subscription of Next-Request through Civic-Plus and that the County Administrator is authorized to execute all necessary documents that have been approved by the County Attorney.

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

New Business:

Consent Agenda:

1. Approval of the FAA Grant
2. Authorization to Advertise for Public Hearing - CUP2024-07-01 - Jonathan DeHart - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 345 Donna Court and identified on tax map 15D, section 2, block 5, as lot 281. The property is zoned Residential-One (R-1) and is located in the Shenandoah Farms - Riverview subdivision in the Shenandoah Magisterial District.

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

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

Public Hearings:

Lease with Shenandoah Area Agency on Aging, Inc:

Ms. Meadows stated that the County would like to lease the 15th street property to the Shenandoah Area Agency on Aging and asked the Board to hold the public hearing but table the vote until it can be presented at a work session.

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 Mr. Butler, seconded by Mr. Stanmeyer, and the following vote, the motion was tabled until the Board has been given a chance to look at the lease in greater depth.

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

Public Hearing - CUP2024-06-01 - Kyler Yancey, Lindsey Wiley & Elmer Smith (Alicia D. Fridgen) - A request for a conditional use permit for a Home Enterprise.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a home enterprise to operate a small-scale bakery business out of an accessory building on the subject property. The accessory kitchen will serve as the base of operations for a home business consisting of preparing baked goods such as cookies, brownies and donuts and delivering the baked goods to individuals, businesses, and churches in the Warren County area. With the operation including delivery, the home enterprise will not be open to the public and onsite customers will be restricted. The applicants have also indicated they do not plan to install any signage to preserve the residential appearance of the property.

Ms. Cullers opened the public hearing and the applicant, Kyler Yancey, spoke on behalf of the CUP stating that they have been extensively communicating with the community and have received no pushback and overall have been very supportive. There were no additional comments from the Board or public and the hearing was then closed.

Mr. Butler asked if there would be an increase in traffic, Mr. Lenz stated that condition #5 should mitigate that as it is exclusively a delivery-based business, and the only additional vehicles would come from staff members.

On a motion by Ms. Cook, seconded by Mr. Stanmeyer, and the following vote, the Board approved the conditional use permit request of Kyler Yancey, Lindsey Wiley, and Elmer Smith (Alicia D. Fridgen) for a home enterprise with the conditions as recommended by the Planning Commission and staff.

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

Ordinance to add to the Warren County Code Article XXIV in Chapter 160 to impose a Cigarette Tax:

Ms. Scott stated that at the July 9th, 2024, Work Session, the Board of Supervisor's was presented with an ordinance to add to the Warren County Code Article XXIV in Chapter 160 to impose a Cigarette Tax. The tax upon the sale of cigarettes within the County is at a rate of \$0.02 for each cigarette sold or used. The tax payable for each cigarette sold or used shall be paid once. The tax levied and imposed by this article shall be in addition to all other taxes of every kind levied and imposed by any other ordinance or law.

This agenda item is to hold a public hearing to add an ordinance to the Warren County Code Article XXIV in Chapter 160 to impose a cigarette tax and present a small change to the ordinance presented by the County Attorney. The addition is as follows: "This Ordinance shall be effective upon adoption; however, the tax imposed, prohibitions, and penalties shall not be effective until January 1, 2025."

Ms. Cullers opened the public hearing and Ms. Cook asked if there was an estimate on the revenue that could be brought in. Ms. Scott stated that the numbers would vary widely and currently there is no estimate that could be reliable enough. Ms. Cook then asked about surrounding localities, and Ms. Scott stated that, per the Northern Virginia Tax Board, a rough estimate would be between \$200,000 to \$600,000. Mr. Butler asked if this also applied to cigars and vape, and Ms. Scott stated that it does not apply to vape due to a recent legislation that was dropped to allow taxation for vape but did not go through.

Mr. Bowman stated that the ordinance cross referenced a definition in the state code that defines cigarette as anything that contains nicotine that is rolled in a paper substance, and therefore would include cigars.

Mr. Butler then commented that he is in support of the tax as it may give the County an opportunity to lower taxes in other areas, and that the people who are affected by the Cigarette tax are only those who purchase them. There were no additional comments from the public or Board and the hearing was then closed.

Mr. Stanmeyer expressed his concern about this tax hitting the lower economic class including people who are medically uninsured and/or have lower incomes etc.

On a motion by Ms. Cook, seconded by Mr. Butler, and the following vote, the Board tabled the Ordinance to adopt a new Article Twenty-Four within Chapter 160 of the Warren County Code to impose a Cigarette Tax until August 20th, 2024.

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

Shenandoah Shores Sanitary District Water Rate Increase:

Mr. Berry stated that The Shenandoah Shores Property Owner's Association has voted to approve an increase on water rates for Shenandoah Shores residents for fiscal year 2024-2025. As you will recall the Board of Supervisors approved an increase of rates on May 21, 2024. After further consultation with Shenandoah Shores, a clerical error occurred and the rates approved on May 21, 2024, were incorrect.

The new rates should be as follows:

1. For all consumption and use up to 16,000 gallons per quarter as metered at the individual connection: \$120.12
2. For all consumption and use of at least 16,001 gallons but not exceeding 26,000 gallons per quarter as metered at the individual connection there shall be a surcharge of \$.0091 per gallon consumed and used.
3. For all consumption and use above 26,001 gallons per quarter as metered at the individual connection there shall be a surcharge of \$.010.

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 Mr. Stanmeyer, seconded by Ms. Cook, and the following vote, the Board approved the Ordinance amendment for Warren County Code Section 179-19 as advertised.

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

Sale of Real Estate - 2.9 acres on Criser Rd:

Ms. Meadows stated that a proposed buyer, Most Reverend Michael F. Burbidge, Bishop of the Catholic Diocese of Arlington, Virginia and His Successors in Office, has tendered a contract to purchase the 2.9-acre vacant parcel on Criser Rd. for the current assessed value of \$67,400. The contract proposed a \$10,000 deposit and a 150-day "Feasibility Period", in which at the Purchaser's expense, any inspections it deems advisable with respect to the Property. The contract provides that the settlement shall be no later than 30 days after the expiration of the Feasibility Period, Extended Feasibility Period, or at such a later date as the parties may mutually agree.

The County purchased the property on January 28, 2005, along with an additional 96-acre parcel for \$1,900,000. The conveyance of any interest in land owned by the County requires a public hearing.

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 Mr. Butler, seconded by Ms. Cook, and the following vote, the Board approved the sale and conveyance of the vacant 2.9 acre parcel located off Criser Rd., to Most Reverend Michael F. Burbidge, Bishop of the Catholic Diocese of Arlington, Virginia and His Successors in Office for the sum of \$67,400, and further to ratify the County Administrator's signing the contract, and the Chair's and/or County Administrator's signing of the deed and all other closing documents for the sale.

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

Adjournment:

On a motion by Mr. Stanmeyer, seconded by Ms. Cook, and the following vote, the meeting was adjourned at 8:00 PM.