

At a Closed Meeting and Work Session of the Board of Supervisors of Warren County held in the Warren County Government Center on November 06, 2024, at 5:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Jerome K. Butler, Vice Chair (Happy Creek District); Victoria L. Cook, (Fork District); Richard A. Jamieson, (North River District); John W. Stanmeyer, (Shenandoah District), also, Jane Meadows, Deputy County Administrator; Jason J. Ham, County Attorney; Edwin C. Daley, County Administrator

At 6:00 PM, on a motion by Mr. Butler, seconded by Mr. Stanmeyer, and the following vote, the Board entered into a closed meeting under Sections 2.2-3711(A)(7) and (A)(8) for the purpose of consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding specific legal matters requiring such advice. The subject matters are 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, County of Rockingham v. unknown heirs of Frances Rexrode, et als.*, 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, bank actions and potential actions related to the same, the Forbearance and Support Agreements, and a grant from the Virginia Department of Transportation to the EDA and funding for the same.

Additionally, the Board entered into a closed meeting Section 2.2-3711(A)(8) for the purpose of the provision of legal advice regarding specific legal matters requiring such advice. The subject matters are the providing of library services, matters related to the Shenandoah Shores Sanitary District water rates, the Tourism Committee, and matters related to agritourism and CUP 2024-09-03 for a Campground.

Additionally, the Board entered into a closed meeting under Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act for the purpose of the discussion, consideration or interviews of specific proposed appointees. The subject matter is appointment of candidates to a to be formed tourism committee.

Lastly, the Board entered into a closed meeting under Sections 2.2-3711(A)(8) and (A)(29) for the purpose of the discussion of the award of a public contract involving the expenditure of public funds and the discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and the provision of legal advice regarding specific legal matters requiring such advice. The subject matter is an Agreement with Page County for landfill services.

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

At 6:55 PM, on a motion by Mr. Butler, seconded by Dr. Jamieson, 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 Sections 2.2-3711(A)(1), (7), (8) and (29) 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.

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

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on November 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); Richard A. Jamieson, (North River District); John W. Stanmeyer, (Shenandoah District), also, Jason J. Ham, County Attorney; Edwin C. Daley, County Administrator; Jane Meadows, Deputy County Administrator; Chase Lenz, Zoning Administrator; Matt Wendling, Planning Director; Mike Berry, Public Works Director; Zachary Henderson, Deputy Clerk to the Board of Supervisors

Call to Order:

Ms. Cullers called the meeting to order at 7:00 PM

Adoption of the Agenda:

Mr. Butler stated that he would like to add item K-13 (Citizen Appointment - Richard Runyon to the Warren County Tourism Committee) and item K-14 (Citizen Appointment - Katie Tewell to the Warren County Tourism Committee) to the agenda.

On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the Board adopted the agenda as amended.

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

Introduction of the new VDOT District Superintendent:

Mr. Ed Carter from VDOT updated the Board on various projects throughout the County including pipe replacement on various roads, mowing, grading etc. Additionally, he introduced the new VDOT Superintendent, Cody Ryman. This comes on the retirement of the former Superintendent, Dean Schoenberg.

Ms. Cullers and Sheriff Cline then recognized Ms. Gabby LaValley for her recent work for the Sheriff's Office Communications Office.

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

- Tony Carter – provided context on the recent comments made by the Board regarding Samuel's Library and the prior Boards decision to purchase the old library location instead of leasing it out.
- Kesley Lawrence – voiced her support of Samuel's Public Library and questioned the Board's motive of finances as to why the library is being scrutinized further.
- Linda McDonough – spoke on behalf of a fellow constituent whom she believes qualifies to no longer pay real-estate tax due to her advanced age, and further questioned the difference between a fee and a tax for the Sanitary Districts.

Board Reports:

- **Mr. Stanmeyer reported the following:**
 - Addressed Ms. McDonough's comments regarding tax versus fees and that he will get some legal details for her and work with the SFSDAC for other options.
 - Introduced Mr. Berry who provided the Board with a drone video of the nearly complete Old Oak Road project.
- **Mr. Butler reported the following:**
 - Attended an appreciation event for Mr. Marlow who started Marlow Motors and was moved by the attendance there.
- **Ms. Cullers reported the following:**
 - Congratulated the Poll workers and the winners of the recent local elections
 - On October 23rd – Attended a Joint School and County Building Committee Meeting
 - On October 28th – Attended a breakfast with Dr. Daley at Laurel Ridge sponsored by their workforce apartment.
 - On November 1st – the Youth Center had their ribbon cutting and Ms. Cullers thanked Ms. Meadows for her work on that.
 - Recognized two individuals from Fire and Rescue, Lieutenant John Gaither, and Lieutenant Rick Farrall
- **Dr. Jamieson did not have a report.**
- **Ms. Cook reported the following:**
 - Thanked Mr. Butler for answering her questions regarding the recent Airport Commission meeting.

- Stated that the Senior Center is near completion and that the Seniors have moved in and thanked everyone involved in its creation.
- **Dr. Daley reported the following:**
 - Reminded the Board of their work session on November 12th at 5:00 PM leading to a joint work session with the Planning Commission starting at 7:00 PM.
- **Mr. Ham reported the following:**
 - No Report

Approval of Minutes – October 15th, 2024.

On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the Board approved the minutes for October 15th, 2024.

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

7:30 Public Hearings

CUP 2024-09-01 – Jennifer Wynn (Beau Whiteman & Jerry Morant) for a Short-Term Tourist Rental

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental on behalf of the current owners who purchased the property in September of 2021. The owners would like to make the property available for short-term lodging for tourists and visitors of the Warren County area. The applicant will serve as the local property manager by helping to oversee property maintenance, cleaning, and the booking of rental requests.

Ms. Cullers opened the Public Hearing and the applicant, Jennifer Wynn, spoke on behalf of the CUP and emphasized that the individual who wrote a letter of non-support was not a neighbor and did not live on the same part of the road.

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

Ms. Cook motioned to deny the CUP but there was no second and the motion failed.

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

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

CUP 2024-09-02 – Balachander Rajasekaran 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 this past August. 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 and cleaning.

Ms. Cullers opened the Public Hearing and Jay Newell spoke on behalf of the application voicing his support.

Mr. Stanmeyer expressed a growing concern regarding the amount of Short-Term Tourist Rentals that have come across the Board this year and suggested creating a committee that will work on this topic to create a vision on the ideal number the County should have. There were no additional comments from the public or Board and the hearing was then closed.

On a motion by Mr. Stanmeyer, seconded by Mr. Butler, and the following vote, the Board approved the conditional use permit request of Balachander Rajasekaran for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

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

CUP 2024-09-03 – South Fork Riverside Campground LLC for a Campground

Mr. Wendling stated that the applicant is requesting a conditional use permit for a commercial campground for 100 camp sites for motorized recreational vehicles, campers and tent camping. The existing barn will be renovated and converted into an office for campground check-in and management and general store to provide goods and materials for campground guests. They propose constructing two sanitary facilities and installing a drain field in the areas as shown in the general concept plan. The majority of the land will continue to be farmed and used for agricultural purposes such as making hay and forest management areas.

The property owner states in their statement of justification that their intent is to preserve as much natural landscape as possible and implement sustainable practices for waste management and water conservation. The

area designated for camping will be accessed through the farm pasture via an existing variable width access easement and dust-free road. The location of the camping areas will be within the Special Flood Hazard Area Floodzone "A," which is directly adjacent to the river. This area has been designed so there will be free flow of traffic in and around the campground to be accessed by the existing road, which shall be improved as part of the development of the campground. They are proposing to provide canoe, kayak and tubing rentals and livery services as an accessory use to the campground and requesting this be allowed under this conditional use permit.

A concept plan has been submitted and will be subject to revision based on comments from agencies and the Planning Commission. A proposal for future expansions of the facility for a pool, indoor recreation facility, and restaurant/snack bar is included in the notes but not shown on the concept plan will require an additional conditional use permit for a Commercial Outdoor Recreation Operation

Additionally, Mr. Wendling stated that on Monday, November 4th, the Planning Department received a letter from the representative's attorney stating that this falls within an agritourism land use, and upon consultation with the County Attorney, it was determined that it was best to move forward with the public hearing.

Ms. Cullers opened the public hearing and the property owner, Gary Wayland, spoke on behalf of the Conditional Use Permit and emphasized his interest in agritourism, hydroponics, certain farm animals etc. with the ultimate goal of combining the campsite with the agritourism.

Mr. Wayland then introduced Sean Newman who is acting as a consultant and member of the LLC seeking the application who offered his assistance should the Board have any questions.

Mr. Butler asked what sort of agricultural activity has been done there in the past. Mr. Wayland stated that it was a variety of animals such as pigs, ducks, chickens, quail, pigeons etc. and that it is mostly cows at the present time.

Mr. Andrew Stokes spoke to the Board on behalf of the proposed campground, voicing his support and stating that it will be the best use of that property.

Mr. Ham stated, for clarity in regard to the different options for a motion, the first motion is what is recommended by the Planning Commission, however, the second motion is what is requested by the applicants because it reduces the setback and increases the length of stay.

Ms. Cook stated that she went out to the property and emphasized the benefit that it will bring to the County with its proximity to the Airport.

Ms. Cullers asked where the specific campsites will be in correlation with the agritourism, and how far they will be from nearby residence. Mr. Wayland stated that he has a fence that runs along the line there and that it would be for the campsites, and there will be no animals near that location.

Dr. Jamieson asked for clarification as to what is specifically being asked for with the second motion and if that is contrary to what is in the body of the document. Mr. Ham stated that there is no contrary to it but it is modified to have a setback of either 75 to 100 feet depending on the location instead of 150 feet, and also 30 days for a maximum time limit instead of 14.

On a motion by Ms. Cook, seconded by Dr. Jamieson, and the following vote, the Board tabled this item until November 19th, 2024.

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

New Business:

Ms. Cook stated that she would like to remove items K9 – K14 for discussion.

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

• **Consent Agenda**

1. Contract Renewal – Adams-Nelson & Associates for Broker Services
2. Conditional Use Permit Modification - CUP2023-08-01 (Short-Term Tourist Rental) - Renee Grebe & Matthew Iden (Kyrnheim, LLC)
3. 444 Baugh, LLC - Request for Public Sewer & Water from Town for Industrial Zoned Property
4. Patrick Leahy Bulletproof Vest Partnership - BVP Grant
5. Authorization to Advertise for Public Hearing - Lease Agreement - Warren County Sunfish
6. Contract Renewal - Racey Engineering, PLLC for Professional Services
7. Contract Renewal - Frederick Andreae, Architects for Architectural Services
8. Contract Renewal - Moseley Architects for Professional Services
9. Citizen Appointment - Shelly Cook to the Warren County Tourism Committee (**removed for discussion**)
10. Citizen Appointment - Zach Henderson to the Warren County Tourism Committee (**removed for discussion**)
11. Citizen Appointment - Julie Van Jaarsveld to the Warren County Tourism Committee (**removed for discussion**)
12. Citizen Appointment - Joseph Petty to the Warren County Tourism Committee (**removed for discussion**)
13. Citizen Appointment - Richard Runyon to the Warren County Tourism Committee (**removed for discussion**)
14. Citizen Appointment - Katie Tewell to the Warren County Tourism Committee (**removed for discussion**)
15. OAA Grant Submission - Raymond E. Santmyers Student Union and Activity Center

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

Items K.9 – K.14 – Citizen Appointments to the Warren County Tourism Committee

Ms. Cook stated that the reason why she is pulling these items into the community that the County is establishing a committee of six citizens that will help the County better itself with tourism, and there will be a work session where they will come with their vision and a path forward.

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved Consent Items K.9 through K.14

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

Adjournment:

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the meeting adjourned at 9:02 PM

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