

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 15, 2017 at 7:00 PM.

Present: Linda P. Glavis, Chair (South River District); Tony F. Carter, Vice-Chair (Happy Creek District); Archie A. Fox (Fork District); Daniel J. Murray, Jr. (North River District); and Thomas H. Sayre (Shenandoah District); also present Douglas P. Stanley, County Administrator; Robert B. Childress, Deputy County Administrator; Dan N. Whitten, County Attorney; Andre T. Fletcher, Finance Director; Taryn G. Logan, Planning Director; David C. Beahm, Building Official; Mark Robinson, Deputy Building Official; Matt Wendling, Planner; Emily A. Mounce, Deputy Clerk of the Board; Tim Ratigan, Warren County Report; Alex Bridges, Northern Virginia Daily; Norma Jean Shaw, Royal Examiner; and Josh Gully, Warren Sentinel

Absent: None

Adoption of Agenda - Additions or Deletions

Mr. Stanley made note of the new draft ordinance amendment for Item I-5-b.

On a motion by Mr. Murray, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the agenda as amended:

Aye: Carter, Fox, Glavis, Murray, Sayre

Public Presentations - Public Presentation time is intended as an opportunity for the public to give input on relevant issues and not intended as a question and answer period

There were no presentations from the public.

Reports - Board Members, County Administrator, County Attorney

Mr. Sayre reported the following:

- Attended the ribbon cutting for the Warren County Fair on August 8th

- Attended a volleyball fundraiser on August 11th at Front Royal Christian School
- Met with Jennifer McDonald and Greg Drescher to discuss his reservations about the Workforce Housing project
- Extended his sympathies to the Clark family who lost their house in a recent fire

Mr. Fox had nothing to report.

Mrs. Glavis reported the following:

- Attended the Community Policy and Management Team meeting on August 15th and reported a new member from the Virginia Department of Health, Dr. Colin Greene

Mr. Murray reported the following:

- Met with Mr. Stanley and a few developers to discuss Crooked Run West
- Attended the ribbon cutting for the Warren County Fair on August 8th
- Met with the owner of Sly Fox Golf Course, who is looking to make the course more community-oriented
- Discussed the vision of the future for Backroom Brewery with owner Billie Clifton
- Fielded several calls and complaints about the "hot rodders" on Reliance Road
- Attended the Chamber of Commerce mixer on August 15th

Mr. Carter reported the following:

- Attended the ribbon cutting for the Warren County Fair on August 8th
- Noted that August 15th was the first day of school for Warren County Public Schools and the official opening of the new Warren County Middle School
- Mentioned that the Workforce Housing project will hopefully come to fruition soon with the EDA announcing the developer for the project
- Invited the public to attend the upcoming Virginia Air Show on August 26th

Mr. Stanley reported the following:

- Introduced Mark Robinson, the County's new Deputy Building Official

- Congratulated County employees who participated in Waggin' for Dragons fundraising event for the Humane Society of Warren County on a Second Place finish in the boat race
- Front Royal Golf Course - The County has advertised an RFP for management of the Front Royal Golf Course. A copy of the RFP is available on the County's website, and responses are due on August 31st
- Development Review Committee - The Development Review Committee met on July 26th and discussed projects in the County including:
 - Proposed Contractor's Storage Yard (Walker and Brugh)
 - The Marriott TownePlace Suite Project
 - 340/522 Revenue Sharing Project Bid

The Committee also discussed Town projects including:

- Café Amore on Main Street
- Happy Creek Coffee & Tea (beside movie theater)
- Try Thai Restaurant
- Brew Pub (name to be announced)
- B&G Goods Building Restaurant (name to be announced)
- Afton Inn application
- West Main Street lighting
- IT Federal Project Update

The Committee will meet again on August 23rd.

- Shenandoah Farms and Lake Front Royal Sanitary Districts - The County is out to bid for snow removal services for the upcoming winter season. County and sanitary district staff have also been called in to deal with the recent heavy precipitation events over the last several weeks
- Library Ad-Hoc Committee - The committee for looking at Library operations held its second meeting on July 10, 2017. The committee anticipates having recommendations to the Board this fall. Its next meeting is scheduled for August 21st
- Reassessment - The County's reassessment firm, Wingate, will start field work for the 2019 General Reassessment in September
- Youth Center and Community Center Roofs - Work continues on the replacement of the Youth Center and Community Center roofs. Both projects should be completed by October. Once the Youth Center Roof has been replaced, the ceiling grid/tiles will be replaced

- 2nd Middle School - The project is complete. The ribbon cutting was held on July 31st, and the school opened this morning, August 15th, with the rest of the system for the first day of school
- Ressie Jeffries Elementary School - The building addition and roof project is 91% complete, and the site work project is 95% complete
 - Playground Project - County staff is working with Landscape Architect to finalize plans. It is anticipated that site work will commence in the next two weeks. Phases I and II of the project should be completed during the fall of 2017. Thanks to a \$5,000 donation and a five-year, \$25,000 donation match, Phases III and IV will be fully funded if the school can raise another \$25,000-\$30,000
- Rivermont Fire Station - Moseley Architects is working on two conceptual design options for the facility. The survey and associated topo of the property have been completed by the surveyor. The permit application to expand the existing airport sewage system has been approved by the Health Department. The Building Committee will meet in September to discuss this project
- Leach Run Parkway - The project is complete, and a ribbon cutting ceremony was held on June 26th. The engineer is currently working with the contractor on remaining punch list items including the permanent establishment of grass
- VDOT/Totten Lane Turn Lane Project - The project has been completed at last
- VDOT/Marlow-Silek Revenue Sharing Project - The project will widen a portion of Route 340/522 South from the crossover in front of Shenandoah Motors to the Crooked Run Boulevard entrance by adding a 3rd lane and right turn lane. The project will also extend the left turn lane for the crossover. The EDA received four bids for the project last week, and they are currently under review. Target completion date is mid-November
- VDOT/Morgan Ford Bridge - The project is approximately 38% complete based on earnings and remains on schedule for completion in June 2018. The contractor has completed constructing all substructures including both abutments and MSE walls. They are currently working on grading the southern approach and beams are expected to be delivered the last week of August. The contractor has begun installing a temporary work bridge that will provide

construction access over the river in order to set the precast box beams and place the concrete deck

- VDOT/South Fork Bridge - The project is approximately 86% complete and still on schedule for completion in December 2017. The Contractor is working on Stage II of the new bridge. This stage will widen the structure and provide two additional lanes, a bike lane and sidewalk to the west. Stage II deck pours are complete, and there are three deck closure pours remaining that will connect the Stage I deck with Stage II deck. The Stage II bridge sidewalk is just over halfway complete and concrete railing has been installed for about one-third of the length of the bridge. The contractor is continuing grading work on Route 55
- Route 340/522 Trolley Project - Service to the corridor and LFCC started on July 31st. County staff has been blanketing the corridor with flyers and brochures to advertise the new service and will continue to do so over the next several weeks

Mr. Fox asked what the estimated construction time was for the tar and chipping of Blue Mountain Road. Mr. Stanley responded that, weather permitting, it would take five days.

Mr. Sayre commented that he had received a call of concern regarding a man's young daughter who rode Bus 50 to school but rode home on Bus 52. Mr. Stanley stated that because of the new staggered school start times, there might be different buses in the morning versus the afternoon. He encouraged the parent to call the School Transportation Office and to give the school system a few days to work out kinks in the new start times and bus schedules.

Mrs. Glavis asked how parents dropping off their children reacted to the new traffic pattern at Ressie Jeffries Elementary School. Mr. Stanley replied that the drop-off went well.

Mr. Whitten distributed his written report to the Board.

Approval of Minutes - Regular Meeting of August 1, 2017

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting of August 1, 2017:

Aye: Carter, Fox, Glavis, Murray, Sayre

Approval of Minutes - Work Session of August 1, 2017

On a motion by Mr. Murray, seconded by Mr. Carter, and by the following vote, the Board of Supervisors approved the minutes of its work session of August 1, 2017:

Aye: Carter, Fox, Glavis, Murray, Sayre

Additional Appropriations and Transfers

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below:

Aye: Carter, Fox, Glavis, Murray, Sayre

ADDITIONAL APPROPRIATIONS

31020-1002	Sheriff's Department - Compensation Overtime	784.47
32000-5627	Volunteer Fire and Rescue - Fire & Rescue-Contingency	2,300.00
35050-1008	Fire and Rescue Department - Compensation Firemen/EMTs	223,777.81
35060-7007	Cost Recovery - Computer Equipment & Software	2,134.93
81060-5407	Front Royal/Warren County Airport - Repairs and Maintenance	3,040.00
81060-5407	Front Royal/Warren County Airport - Repairs and Maintenance	2,082.69
81060-8833	Front Royal/Warren County Airport - Grant-Obstruction Removal/Lights	21,261.50
81060-8833	Front Royal/Warren County Airport - Grant-Obstruction Removal/Lights	71,757.17
81060-8833	Front Royal/Warren County Airport - Grant-Obstruction Removal/Lights	65,858.63
81060-8833	Front Royal/Warren County Airport - Grant-Obstruction Removal/Lights	1,327.72
81060-8833	Front Royal/Warren County Airport - Grant-Obstruction Removal/Lights	49,914.42
81065-5502	Airshow Expenditures - Entertainment	4,680.40
91000-5607	Route 340/522 Trolley	7,000.00
92000-7059	Capital Outlay - School Capital Improvements	65,928.03
92000-7061	Capital Outlay - Fishnet Property	5,000.00
92000-7112	Capital Outlay - Health & Human Services Complex	(161,679.96)
92000-7120	Capital Outlay - 2016 QECC Bonds	123,620.36
92000-7120	Capital Outlay - 2016 QECC Bonds	55,957.43
92000-7313	Capital Outlay - Rev. Sharing - Old Oak Lane Ph. III	46,505.64

TRANSFERS

<u>FROM:</u>	12040-5899	County Attorney - Unclassified	(1.00)
<u>TO:</u>	12040-1006	County Attorney - Legal Secretary	1.00
<u>FROM:</u>	12090-5408	Comm. of Revenue - Operation of Motor Vehicles	(46.04)
<u>TO:</u>	12090-5401	Comm. of Revenue - Office Supplies	46.04
<u>FROM:</u>	12150-1001	Finance and Purchasing - Comp Finance & Purchasing Officer	(20,000.00)
<u>TO:</u>		Special Projects	20,000.00
<u>FROM:</u>	12150-1004	Finance and Purchasing - Compensation Deputy Finance Dir.	(792.61)
<u>TO:</u>	12150-5203	Finance and Purchasing - Telephone	5.07
	12150-5401	Finance and Purchasing - Office Supplies	697.40
	12150-5504	Finance and Purchasing - Travel	90.14
<u>FROM:</u>	13000-1010	Elections - Compensation Election Officials	(40,000.00)
	13000-1006	Elections - Compensation Assistant Registrar	(10,000.00)
<u>TO:</u>		Special Projects	50,000.00
<u>FROM:</u>	34010-3002	Building Inspections - Computer Program Mods	(189.00)
<u>TO:</u>	34010-5408	Building Inspections - Operation of Motor Vehicles	170.00
	34010-5899	Building Inspections - Unclassified	19.00
<u>FROM:</u>	41020-1003	Streets and Highways - Compensation Part-time Help	(4,854.72)
<u>TO:</u>		Special Projects	4,854.72
<u>FROM:</u>	42030-3011	Refuse Collection - Refuse Compactor Service	(20,350.54)
	42030-1003	Refuse Collection - Compensation Part-time Operator	(9,854.34)
	42030-7005	Refuse Collection - Motor Vehicles	(5,627.66)
	42030-5899	Refuse Collection - Unclassified and Site Improvements	(2,401.92)
	42030-5305	Refuse Collection - Auto Insurance	(534.75)
	42030-5101	Refuse Collection - Electric Service	(175.64)
	42030-5101	Refuse Collection - Electric Service	(167.36)
<u>TO:</u>	42030-3012	Refuse Collection - Recycling Expenses	20,350.54
	42030-3012	Refuse Collection - Recycling Expenses	9,854.34
	42030-3012	Refuse Collection - Recycling Expenses	5,627.66
	42030-3012	Refuse Collection - Recycling Expenses	2,401.92
	42030-5203	Refuse Collection - Telephone	534.75
	42030-5203	Refuse Collection - Telephone	175.64
	42030-5410	Refuse Collection - Uniforms	167.36
<u>FROM:</u>	42030-5408	Refuse Collection - Operation of Motor Vehicles	(1,207.39)
<u>TO:</u>	42030-5410	Refuse Collection - Uniforms	1,207.39

<u>FROM:</u>	42035-2001	Refuse Collection/Trans. Station - FICA	(1,447.37)
	42035-2011	Refuse Collection/Trans. Station - Workers' Compensation	(1,180.00)
	42035-5305	Refuse Collection/Trans. Station - Auto Insurance	(750.00)
	42035-5408	Refuse Collection/Trans. Station - Operation of Motor Vehicles	(145.20)
	42035-3011	Refuse Collection/Trans. Station - Refuse Compactor Service	(437.78)
<u>TO:</u>	42035-3012	Refuse Collection/Trans. Station - Recycling Expenses	3,960.35
<u>FROM:</u>	42035-5101	Refuse Collection/Trans. Station - Electric Service	(1,000.00)
<u>TO:</u>		Special Projects	1,000.00
<u>FROM:</u>	42040-1002	Refuse Disposal - Compensation Overtime	(5,000.00)
<u>TO:</u>	42040-1000	Refuse Disposal - Solid Waste Operations Manager	0.04
	42040-1001	Refuse Disposal - Compensation Operator	599.41
	42040-1004	Refuse Disposal - Compensation Supervisor	3,273.39
	42040-2005	Refuse Disposal - Hospital Medical	175.82
	42040-2002	Refuse Disposal - VRS	20.19
	42040-2006	Refuse Disposal - Group Insurance	3.28
	42040-3013	Refuse Disposal - Hauling and Disposal	927.87
<u>FROM:</u>	42040-1003	Refuse Disposal - Compensation Part-time Help	(10,715.50)
	42040-1005	Refuse Disposal - Fulltime Scale House Operator	(24,084.14)
	42040-2001	Refuse Disposal - FICA	(2,491.95)
	42040-2008	Refuse Disposal - Hybrid Disability	(30.64)
	42040-2011	Refuse Disposal - Workers' Compensation	(7,958.00)
	42040-3002	Refuse Disposal - Engineering Services	(33,731.59)
	42040-3014	Refuse Disposal - Waste Water Disposal	(1,148.60)
<u>TO:</u>	42040-3013	Refuse Disposal - Hauling and Disposal	79,011.82
	42040-3016	Refuse Disposal - Tire Disposal	1,148.60
<u>FROM:</u>	42040-3002	Refuse Disposal - Engineering Services	(50,000.00)
<u>TO:</u>		Special Projects	50,000.00
<u>FROM:</u>	42040-5101	Refuse Disposal - Electric	(598.99)
<u>TO:</u>	42040-5203	Refuse Disposal - Telephone	373.22
	42040-5899	Refuse Disposal - Unclassified	225.77
<u>FROM:</u>	42040-5415	Refuse Disposal - Operation of Machinery	(21,802.89)
<u>TO:</u>		Special Projects	21,802.89
<u>FROM:</u>	42040-7024	Refuse Disposal - Landfill Capital Repair Project	(12,291.66)
<u>TO:</u>		Special Projects	12,291.66
<u>FROM:</u>	42040-7025	Refuse Disposal - Site Improvements - Capital	(75,000.00)
<u>TO:</u>		Special Projects	75,000.00

<u>FROM:</u>	42040-7026	Refuse Disposal - Transfer Station Maint. Building	(100,000.00)
<u>TO:</u>		Special Projects	100,000.00
<u>FROM:</u>	71010-5403	Parks & Rec. Administration - Beverages	(7,000.00)
	71010-1002	Parks & Rec. Administration - Compensation Overtime	(1,031.00)
	71010-5206	Parks & Rec. Administration - Credit Card Fee	(172.00)
<u>TO:</u>	71010-3005	Parks & Rec. Administration - Maintenance Service Contract	700.00
	71010-3007	Parks & Rec. Administration - Advertising	2,765.00
	71010-5203	Parks & Rec. Administration - Telephone	3,200.00
	71010-5308	Parks & Rec. Administration - Accidental Injury Insurance	335.00
	71010-2005	Parks & Rec. Administration - Hospital Medical	1,031.00
	71010-5504	Parks & Rec. Administration - Travel and Training	172.00
<u>FROM:</u>	71010-7007	Parks & Rec. Administration - Computer Equipment	(1,145.00)
<u>TO:</u>		Special Projects	1,145.00
<u>FROM:</u>	71030-1003	Parks & Rec. Maintenance - Compensation Part-time	(22,440.00)
<u>TO:</u>		Special Projects	22,440.00
<u>FROM:</u>	71030-7011	Parks & Rec. Maintenance - Park Development	(3,275.00)
	71030-5406	Parks & Rec. Maintenance - Chemicals	(523.00)
	71030-1003	Parks & Rec. Maintenance - Compensation Part-time	(14,775.00)
<u>TO:</u>	71030-7013	Parks & Rec. Maintenance - Recreation Facilities	3,798.00
	71030-1001	Parks & Rec. Maintenance - Compensation	7,203.00
	71030-1002	Parks & Rec. Maintenance - Compensation Overtime	6,275.00
	71030-2002	Parks & Rec. Maintenance - VRS	700.00
	71030-2006	Parks & Rec. Maintenance - Group Insurance	87.00
	71030-2008	Parks & Rec. Maintenance - Hybrid Disability	510.00
<u>FROM:</u>	71030-7011	Parks & Rec. Maintenance - Park Development	(9,000.00)
<u>TO:</u>		Special Projects	9,000.00
<u>FROM:</u>	71050-1001	Front Royal Golf Club - Compensation	(19,765.00)
	71050-5204	Front Royal Golf Club - Security Systems	(420.00)
	71050-5403	Front Royal Golf Club - Beverages	(1,330.00)
	71050-5406	Front Royal Golf Club - Chemical Supplies	(3,000.00)
	71050-3005	Front Royal Golf Club - Service Contracts/Cart Lease & Serv.	(250.00)
<u>TO:</u>	71050-1002	Front Royal Golf Club - Compensation Overtime	2,020.00
	71050-1003	Front Royal Golf Club - Compensation Part-time	11,515.00
	71050-5407	Front Royal Golf Club - Repairs & Maintenance	5,420.00
	71050-5401	Front Royal Golf Club - Office Supplies	1,330.00
	71050-5413	Front Royal Golf Club - Operating Supplies	3,250.00
	71050-5302	Front Royal Golf Club - Liability Insurance	1,230.00

<u>FROM:</u>	71050-5404	Front Royal Golf Club - Pro Shop	(1,190.00)
<u>TO:</u>	71050-3005	Front Royal Golf Club - Service Contracts/Cart Lease & Serv.	160.00
	71050-5402	Front Royal Golf Club - Food Supplies	630.00
	71050-5405	Front Royal Golf Club - Janitorial Supplies	400.00
<u>FROM:</u>	81010-8010	Purchase of Development Rights Program	(65,250.00)
	81010-3009	Planning and Zoning Admin. - Planning Assistance	(3,700.00)
	81010-3007	Planning and Zoning Admin. - Advertising	(900.00)
<u>TO:</u>	81010-5203	Planning and Zoning Admin. - Telephone	100.00
	81010-1008	Planning and Zoning Admin. - Comp - GIS Coordinator Special Projects	4,500.00 65,250.00
<u>FROM:</u>	91000-5899	Non-Departmental - Reserve For Contingencies	(20,000.00)
	53090-5621	Other Social Services - Help With Housing	(15,000.00)
<u>TO:</u>		Special Projects	35,000.00
<u>FROM:</u>	91000-5899	Non-Departmental - Reserve For Contingencies	(2,559.70)
<u>TO:</u>	12020-3002	County Administration - Professional Services	700.00
	12020-5201	County Administration - Postage	82.38
	12020-5203	County Administration - Telephone	11.84
	12020-5401	County Administration - Office Supplies	208.72
	12020-5408	County Administration - Operation of Motor Vehicles	834.10
	12020-5411	County Administration - Books and Subscriptions	41.00
	12020-5501	County Administration - Travel and Training	425.80
	12020-5899	County Administration - Unclassified	45.27
	12020-7013	County Administration - Contingency	210.59
<u>FROM:</u>	91000-5899	Non-Departmental - Reserve For Contingencies	(3,275.49)
	12040-2001	County Attorney - FICA	(6,053.57)
<u>TO:</u>	11010-3002	Board of Supervisors - Professional Services	6,053.57
	11010-3007	Board of Supervisors - Advertising	1,148.88
	11010-5504	Board of Supervisors - Travel	664.37
	11010-5850	Board of Supervisors - Employee Service Awards	497.30
	11010-5851	Board of Supervisors - Public Officials Reception	964.94
<u>FROM:</u>	91000-5899	Non-Departmental - Reserve For Contingencies	(100.00)
<u>TO:</u>	12110-5899	Reassessment - Misc. Supplies	100.00
<u>FROM:</u>	91000-5899	Non-Departmental - Reserve For Contingencies	(15.00)
<u>TO:</u>	81050-5604	Economic Development - Chamber of Commerce	15.00
<u>FROM:</u>	92000-7059	Capital Outlay - School Capital Improvements	(65,928.03)
<u>TO:</u>	92000-7119	Capital Outlay - Ressie Jeffries	65,928.03
<u>FROM:</u>		Special Projects	(23,252.82)
<u>TO:</u>	92000-7025	Capital Outlay - Revenue Sharing	23,252.82

<u>FROM:</u>	Special Projects	(398,250.42)
<u>TO:</u>	92000-7309 Capital Outlay - Rev. Sharing - Pine Ridge Rd Ph. I	169,655.15
	92000-7312 Capital Outlay - Rev. Sharing - Fellows Dr. Ph. III	80,855.91
	92000-7314 Capital Outlay - Rev. Sharing - Copenhagen Road	68,113.84
	92000-7315 Capital Outlay - Rev. Sharing - Western Ln, Ph. I	56,571.85
	92000-7316 Capital Outlay - Rev. Sharing - Shangri-La Road	12,839.00
	92000-7318 Capital Outlay - Tomahawk Way, Phase II	2,230.00
	92000-7319 Capital Outlay - Farmview Rd	7,984.67
<u>FROM:</u>	School Construction Fund	(117,961.00)
<u>TO:</u>	School Operating Fund	117,961.00
<u>FROM:</u>	Social Services Fund	(7,500.00)
<u>TO:</u>	Special Projects	7,500.00
<u>FROM:</u>	Social Services Fund	(2,153.00)
<u>TO:</u>	53000-1010 Social Services - Compensation Social Services Board	2,000.00
	53000-2001 Social Services - FICA	153.00
<u>FROM:</u>	Transfer from Shenandoah Farms	(23,252.82)
<u>TO:</u>	92000-7313 Capital Outlay - Rev. Sharing - Old Oak Ln. Ph. III	23,252.82

Approval of Accounts

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the list of accounts:

Aye: Carter, Fox, Glavis, Murray, Sayre

Check Numbers 275995 through 276426 Total: \$1,475,753.57

Unfinished Business - Discussion - Conditional Use Permit 2017-04-02, Michael Gibson for Commercial Kennel - Taryn Logan

Taryn Logan, Planning Director, reminded the Board that a public hearing was held at the June 20, 2017 meeting on this matter and action was postponed until this meeting. Ms. Logan noted that, after a joint meeting with Mr. Gibson, his affected neighbors, and the Planning Department, staff of the Planning Department added Condition #16: "The current exercise area as shown on the attached map dated August 15, 2017 shall not be expanded any closer to the west or south property lines. If the applicant chooses to expand this area to the north or east property lines, all required setbacks must be met."

Additionally, Ms. Logan stated that Condition #7 would be amended to reflect more accurate measurements: "A waiver on the property line setback shall be granted due to the existing house being located 80' within the required 100' setback and due to the animal exercise area being located within 177' of adjacent dwellings and within 9' of the western property line."

Mr. Sayre wanted to clarify that according to the Warren County Zoning Ordinance, a dwelling is supposed to be 100 feet from the property line but this specific home is only 80 feet away. Ms. Logan confirmed that a waiver is in place due to Mr. Gibson's dwelling being 80 feet away from the nearest property line when it should be 100 feet away and 177 feet away from the nearest adjacent dwelling when it should be 200 feet.

Mr. Murray asked if the dogs that need licenses, those over the age of four months, have been licensed. Mr. Gibson responded that he has not purchased any licenses but he intends to and further stated that he was unaware that he needed to purchase licenses. Members of the Board noted that the requirement to purchase licenses was clearly written in Condition #11 and in the commercial kennel section of the Warren County Code.

Mr. Sayre asked if Mr. Gibson had submitted vaccination records for dogs four months of age or older to the Planning Department in compliance with Condition #12. Ms. Logan replied that Mr. Gibson is waiting on a quote from his veterinarian.

Mr. Murray asked how often the County would inspect the business and associated kennels. Ms. Logan responded that typically, inspections are performed annually. Matt Wendling, Planner II, further stated that an inspection is conducted if a complaint is made.

Mrs. Glavis questioned what recourse the County would have should Mr. Gibson be unable to acquire the necessary dog licenses. Ms. Logan assured the Board that the Planning Department would follow up to make sure the applicant is in compliance with the conditions as listed before directing him to the Commissioner of the Revenue's office for the issuance of a business license.

Mr. Murray asked if the Board could add a condition stating a deadline by which Mr. Gibson would need to be in compliance, which included proper licensing and finding homes for the additional dogs. Mr. Whitten replied that language could be added to the motion that would allow the permit to be revoked if not in compliance within a certain time frame or would have the

permit be reviewed by the Board for compliance after a certain amount of time. Mr. Whitten asked Mr. Gibson about multiple dogs being kept in the same kennel. Mr. Gibson responded that it was a temporary housing situation with two litter mates being kept in the same kennel; he further stated that each Great Dane has its own kennel.

Mr. Carter wanted to confirm that the neighbors were satisfied with the conditions of this permit. Ms. Logan and the neighbors confirmed they were in support.

On a motion by Mr. Murray with major reservations, seconded by Mr. Sayre, and by the following vote, the Board of Supervisors approved the conditional use permit request of Michael Gibson with the conditions as listed below with the addition of Condition #17 to state, "All the conditions of this permit shall be met within thirty (30) days of approval by the Warren County Board of Supervisors (September 14, 2017) or the conditional use permit shall be revoked." The Board further approved the amendment of Condition #7 to reflect the accurate measurements on the referenced map and to state, "A waiver on the property line setback shall be granted due to the existing house being located 80' within the required 100' setback and due to the animal exercise area being located within 177' of adjacent dwellings and within 9' of the western property line."

Sayre, Aye; Fox, Nay; Glavis, Aye; Murray, Aye; Carter, Aye

1. The applicant shall be limited to twenty (20) adult dogs six months of age or older.
2. No breeding shall take place until the number of dogs is in compliance with Condition #1, and breeding shall be limited to Great Danes.
3. The applicant shall comply with Warren County Code Sections 180-8 and 180-48.2 for a Commercial Kennel.
4. The existing landscape buffer shall remain in place and screening to the western property line using a 6' fence shall be installed.
5. The applicant shall install window air conditioning units in the garage prior to issuing the Certificate of Zoning, and a safe and adequate heating system shall be installed within six months of the permit approval.
6. Any accessory structures that are built on the property to house the applicant's dogs shall receive Planning staff approval prior to construction and meet the required setbacks of Section 180-48.2.
7. A waiver on the property line setback shall be granted due to the existing house being located 80' within the required

- 100' setback and due to the animal exercise area being located within 177' of adjacent dwellings and within 9' of the western property line.
8. All animal waste related to the kennel shall be disposed of properly by double-bagging, placed in an approved solid waste container and removed by professional waste management company twice a month.
 9. The applicant shall allow staff of the Planning Department and Sheriff's Office to inspect the property during scheduled and unscheduled site visits for compliance.
 10. The applicant shall obtain and maintain a business license for the breeding operation once the permit is deemed in compliance and a change of use by the Building Inspections department has been issued.
 11. Dog licenses shall be issued for dogs over four (4) months of age as required by Warren County Code Section 66-17.
 12. Rabies shots shall be given to all dogs at four (4) months of age and copies of vaccination records shall be provided to Planning Department staff or Animal Control Officer on request.
 13. The kennel shall meet all additional requirements of the Warren County's Building Inspections Department, Health Department, Fire and Rescue Department and Sheriff's Office (Animal Control).
 14. The applicant shall provide the Fire and Rescue Department with primary and secondary point of contact information for their dispatch center and a gate code combination or Knox Box Rapid Entry System for keyed access to property.
 15. Household smoke alarm units shall be installed in both the dwelling and garage.
 16. The current exercise area as shown on the attached map dated August 15, 2017 shall not be expanded any closer to the west or south property lines. If the applicant chooses to expand this area to the north or east property lines, all required setbacks must be met.
 17. All the conditions of this permit shall be met within thirty (30) days of approval by the Warren County Board of Supervisors (September 14, 2017) or the conditional use permit shall be revoked.

Consent Agenda

1. Amendment to Front Royal-Warren County Airport Commission By-Laws to Change Minimum Number of Commission Members - Dan Whitten/Bob Childress
2. Virginia Department of Transportation Subdivision Street Addition Request - 0.16 Mile Waterhouse Lane, Eagles Landing Subdivision - Bob Childress

3. Award of Contract - Dominion Laydown Area - Brandy Rosser
4. Conditional Use Permit 94-05-03 - Modification to Change Name from Fishnet Ministries, Inc. to Fishnet Ministries Church - Taryn Logan
5. Authorization to Advertise for Public Hearing - Dan Whitten
 - a. Ordinance to Ordain Section 66-6.1 of the Warren County Code to Authorize Tethering for Dogs and Other Canines Meeting Certain Requirements and Prohibit Certain Tethering Practices for Dogs and Other Canines
 - b. Ordinance to Amend and Re-ordain Section 160-2 of the Warren County Code to Add Tasting Room Equipment for Farm Wineries to the List of Farm Equipment Exempt from Taxation
 - c. Ordinance to Ordain Sections 172-46 through 172-61 of the Warren County Code to Create the Front Royal-Warren County Joint Towing Board
 - d. Ordinance to Amend and Re-ordain Section 180-60 (Enforcement) and Section 180-68 (Violations and Penalties) to Amend the Notice Requirements for Zoning Violations
 - e. Ordinance to Amend and Re-ordain Section 180-62 (Variances) of the Warren County Code to Allow for an Extension on a Decision on a Variance by the Board of Zoning Appeals

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented:

Aye: Carter, Fox, Glavis, Murray, Sayre

Public Hearing - Conditional Use Permit 2017-06-01, Samuel and Sally Adams for Private Use Camping - Matt Wendling

Mr. Wendling reported that Samuel and Sally Adams have owned this 1.526 acres property, located on Farms Riverview Road, since 2006 and are now interested in camping on it along with additional recreation pursuits. The permit would allow for the applicants to install an accessory structure for storage of maintenance and/or recreational equipment. The Planning Commission recommended approval of the conditional use permit with the following conditions:

1. The campers are to be kept in road worthy condition with valid tags and inspection decals.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Campers shall be on site fewer than 180 consecutive calendar days in any one year for recreational use of the property.
4. The applicant shall comply with all Warren County Health Department regulations and requirements.
5. No more than two (2) major recreational vehicles, as defined by Section 180-10(B)(1) of the Warren County Zoning Ordinance, or tents shall be parked, stored, or used on any lot or combination of contiguous lots under the ownership of one (1) property owner.
6. This permit shall be reviewed by the Warren County Planning Staff annually for compliance.
7. The applicant shall comply with Section 180-40.1 of the Warren County Zoning Ordinance regarding non-commercial camping (Private Use Camping).
8. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles prior to a predicted flood event.
9. The applicant shall contact and apply to VDOT for the appropriate permits for providing access to the property off State Road Route 690.

Mrs. Glavis asked Mr. Wendling if a cap of no more than 180 consecutive days is standard for private use camping permits, and Mr. Wendling responded that the limit is trying to prevent people from living in the flood plain in temporary, recreational vehicles.

Mr. Fox asked Mr. Wendling to clarify Condition# 9. Mr. Wendling stated that the applicants would need to contact the Virginia Department of Transportation to identify what construction materials and other requirements are necessary for the entrance to the land.

Sally Adams, co-applicant for this conditional use permit, expressed to the Board that she felt insulted by this process and the insinuation that she and her husband are not good Samaritans of their land. She stated that they have been paying taxes on the property since purchasing it in 2006 and have never used it before. She concluded by stating that she and her husband simply want to enjoy their land.

Mrs. Glavis opened the public hearing. There was no input from the public. Mrs. Glavis closed the public hearing.

On a motion by Mr. Murray, seconded by Mr. Sayre, and by the following vote, the Board of Supervisors approved the conditional use permit request of Samuel and Sally Adams for private use (non-commercial) camping with the conditions as listed below:

Aye: Carter, Fox, Glavis, Murray, Sayre

1. The campers are to be kept in road worthy condition with valid tags and inspection decals.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Campers shall be on site fewer than 180 consecutive calendar days in any one year for recreational use of the property.
4. The applicant shall comply with all Warren County Health Department regulations and requirements.
5. No more than two (2) major recreational vehicles, as defined by Section 180-10(B)(1) of the Warren County Zoning Ordinance, or tents shall be parked, stored, or used on any lot or combination of contiguous lots under the ownership of one (1) property owner.
6. This permit shall be reviewed by the Warren County Planning Staff annually for compliance.
7. The applicant shall comply with Section 180-40.1 of the Warren County Zoning Ordinance regarding non-commercial camping (Private Use Camping).
8. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles prior to a predicted flood event.
9. The applicant shall contact and apply to VDOT for the appropriate permits for providing access to the property off State Road Route 690.

Public Hearing - Ordinance to Amend and Re-Ordain Section 66-14.1 of the Warren County Code re: Dangerous Dogs - Dan Whitten

Mr. Whitten reported that the General Assembly recently amended Section 3.2-6540 of the Code of Virginia, and the proposed amendments to the Warren County Code reflect these recent changes. The proposed amendments create an exemption when

an investigating officer finds that the injury to a person from a dog is minor and would also allow a court to use good cause as a reason to determine that a dog is not dangerous. Additionally, the proposed amendments authorize the court to order the owner to pay reasonable expenses incurred in caring for dangerous or vicious dogs.

Mr. Sayre asked if this ordinance would target breeds that are considered to be more aggressive, and Mr. Whitten replied that the ordinance is not breed specific and states: "...no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed.."

Mrs. Glavis opened the public hearing. There was no input from the public. Mrs. Glavis closed the public hearing.

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the proposed amendments to Section 66-14.1 of the Warren County Code to amend the definition of a dangerous dog and further authorized the court to award expenses for caring for a dangerous or vicious dog.

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 66-14.1 OF THE
WARREN COUNTY CODE TO AMEND THE DEFINITION OF A DANGEROUS DOG
AND TO AUTHORIZE THE COURT TO AWARD EXPENSES FOR CARING FOR A
DANGEROUS OR VICIOUS DOG

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 66-14.1 of the Warren County Code (Dangerous Dogs and Vicious Dogs) be amended and re-ordained as follows:

CHAPTER 66. ANIMALS

Article II. General Restrictions on Dogs

§ 66-14.1. Dangerous dogs and vicious dogs.

A. Definitions.

- (1) As used in this section, the following terms shall have the meanings indicated:

DANGEROUS DOG

- (a) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a ~~person or~~ companion animal that is a dog or cat, or killed a companion

animal that is a dog or cat. ~~However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous.~~ **A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law enforcement officer or animal control officer finds that:**

- [1] ~~If no~~ **No** serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite,
- [2] ~~If both~~ **Both** animals are owned by the same person, **or**
- [3] ~~If such~~ **Such** attack ~~occurs~~ **occurred** on the property of the attacking or biting dog's owner or custodian, ~~or.~~
- [4] ~~For other good cause as determined by the court.~~

(b) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting in only a scratch, abrasion or other minor injury.

(c) ~~(b)~~ No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

(d) ~~(c)~~ No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, **or for other good cause,** that the dog is not dangerous or a threat to the community.

VICIOUS DOG

A canine or canine crossbreed that has:

- (a) Killed a person;
- (b) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious

impairment of health or serious impairment of a bodily function; or

- (c) Continued to exhibit the behavior that resulted in a previous finding by a court or on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.
- (2) Notwithstanding the definitions above, no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or provoking, tormenting or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times. No police dog, that was engaged in the performance of its duties as such at the time of the acts complained of, shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property shall be found to be a dangerous dog or a vicious dog.

B. Procedures for determining a dog to be dangerous or vicious.

- (1) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall may apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer or owner shall securely confine the animal in a humane manner until such time as evidence shall be heard and a verdict rendered. **If the animal control officer**

determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal.

- (2) The court, upon finding the animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous or vicious dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner.
- (3) The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The commonwealth shall be required to prove its case beyond a reasonable doubt.

C. Disposition of dangerous or vicious dogs.

- (1) Vicious dogs. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.2-6562 of the Code of Virginia.
- (2) Dangerous dogs.
 - (a) If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section.
 - (b) The owner of any animal found to be a dangerous dog shall, within 30 45 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or Treasurer for a fee of \$150, in addition to other fees that may be authorized by law. All certificates or renewals thereof required to be obtained under this section shall only be issued to a person 18 years of age or older who presents satisfactory evidence that the animal has been neutered or spayed. All certificates or renewals

thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, that covers animal bites. The insurance policy shall contain a provision requiring that the County be named as an additional insured party for the purpose of the County being notified by the insurance company of any cancellation, termination or expiration of the policy. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of \$100,000. The local animal control officer or Treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be updated and renewed by January 31 of each year, until such dog is deceased for a fee of \$85 and in the same manner as the initial certificate was obtained. The animal control officer shall post initial registration information and any updates on the Virginia Dangerous Dog Registry. The County shall submit to the State Veterinarian by January 31 of each year \$90 for each dangerous dog it initially registered and \$25 for each dangerous dog for which it renewed registration in the prior calendar year. Animal control authorities shall be empowered to make whatever reasonable inquiries and inspections are necessary to ensure compliance with the provisions of this section.

- (c) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, ~~and;~~ (ii) that the animal has been neutered or spayed; and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and

the animal has been permanently identified ~~by means of a tattoo on the inside thigh~~ or by electronic implantation.

- (d) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (e) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (f) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal is loose or unconfined; or bites a person or attacks another animal; or is sold, given away or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved. If the dangerous dog is sold, given away, or has been moved to a different address, the previous owner will provide local animal control authorities with the name, address and telephone number of the new owner, who must also comply with the requirements of this section.
- (g) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor. Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to Virginia Code § 3.2-6562 or (ii) grant the owner up to 30 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been

verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to Virginia Code § 3.2-6562.

Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a: Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

- (3) Fees; training. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § 3.2-6556 of the Code of Virginia.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is ~~lined through~~.

Language proposed to be added is underlined.

Closed Meeting - Section 2.2-3711.A.1 of the Virginia Freedom of Information Act - Personnel Matters RE: Appointment to the Front Royal-Warren County Economic Development Authority

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Section 2.2-3711.A.1 of the Virginia Freedom of Information Act for the discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, or resignation of a specific public officer of the public body:

Sayre, Aye; Fox, Aye; Glavis, Aye; Murray, Aye; Carter, Aye

On a motion by Mr. Carter, seconded by Mr. Sayre, and by the following vote, the Board of Supervisors acknowledged that only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711.A.1 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:

Sayre, Aye; Fox, Aye; Glavis, Aye; Murray, Aye; Carter, Aye

On a motion by Mr. Carter, seconded by Mr. Sayre, and by the following vote, the Board of Supervisors appointed Alexander Blanton to the Front Royal-Warren County Economic Development Authority for an unexpired four-year term ending February 28, 2021:

Sayre, Aye; Fox, Aye; Glavis, Aye; Murray, Aye; Carter, Aye

There were no further motions made as a result of this closed session.

Adjournment

Mrs. Glavis adjourned the meeting.