At a regular meeting of the Board of Supervisors of the County of Warren held in the Warren County Government Center on July 21, 2015 at 7:00 p.m.

Present: Richard H. Traczyk, Chairman (Shenandoah District); Linda P. Glavis, Vice-Chairman (South River District); Tony F. Carter (Happy Creek District); Archie A. Fox (Fork District); Daniel J. Murray, Jr. (North River District); also Douglas P. Stanley, County Administrator; Blair D. Mitchell, County Attorney; Robert B. Childress, Deputy County Administrator; Kathleen Dellinger, Finance Director; Taryn G. Logan, Planning Director; David Beahm, Building Official; Dan N. Whitten, Assistant County Attorney; Matt Wendling, Planner; Janice C. Standridge, Deputy Clerk of the Board; Alex Bridges, Northern Virginia Daily; Tim Rattigan, Warren County Report; and Anne Elgin, Warren Sentinel

Absent: None

Adoption of Agenda - Additions or Deletions

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

Aye: Carter, Fox, Glavis, Murray, Traczyk

Public Presentations - Public Presentations are limited to issues that are not the subject of a public hearing. It is intended as an opportunity for the public to give input on relevant issues and not intended as a question and answer period.

Mr. Ralph Rinaldi, 4725 Howellsville Road, stated that the Chairman of the Property Owners of Shenandoah Farms (POSF) requested that he update the Board of Supervisors on the Clarke County Sanitary District petition that the POSF Board submitted. They had received all necessary signatures that were qualified by the Clarke County Voter Registrar. The request was scheduled in court for October 19 during which time the public could speak for or against the request.

Mr. Joey Longmire, 67 Walker Avenue, requested that 50-75
acres be dedicated for an ATV motor cross park for the community.

Reports – Board Members, County Administrator, County Attorney

Mr. Fox reported the following:

- He attended the Town/County Liaison Committee meeting on July 16.
- He attended the recent Samuel’s Public Library Board meeting.
- He attended the recent Building Committee meeting during which they discussed the following:
  - Warren County Government Center parking lot striping had been completed.
  - Renovations to the offices of the Warren County Treasurer and Commissioner of the Revenue for safety improvements including the installation of bullet resistant glass were proceeding in a timely fashion.
  - Warren County Courthouse roof repairs and HVAC joint project were proceeding.
  - The scope of the improvements to the former Warren County Jail for use as holding cells for the Courthouse had been reduced resulting in a reduction in cost.
  - The parking lot project at the Warren County Health and Human Services Complex was expected to be completed in approximately one month.
  - The roofs on the Warren County Senior Center and Warren County Community Center were in need of repair.
  - A potable water system had been installed at the Warren County Solid Waste Transfer Station in Bentonville.
  - The Rockledge and Cooley refuse sites had been improved.
  - The Front Royal Waste Treatment Plant was being upgraded and included the upgrade of the septage receiving station to improve the acceptance of septage from within the County.
  - Upgrades to the Front Royal–Warren County Airport facilities continued.
  - An engineering report was prepared for the Rivermont Fire Station and he suggested the Board discuss it during a future work session.

Mrs. Glavis reported the following:

- She attended a fund-raiser breakfast on July 11 at the South Warren Fire Department that benefited the Warren
County Humane Society. She understood they raised over $1,000.

- She was pleased with the repaving of the Route 340 convenience site.
- She drove over Gooney Manor Bridge on July 20.
- She attended the Warren County Youth Advisory Committee meeting on July 21, 2015.
- She attended the Community Policy and Management Team meeting on July 21, 2015.

Mr. Traczyk reported the following:

- He rode in the Front Royal Firemen’s parade for one last time the previous week.
- He attended the July 16 Front Royal Golf Club Advisory Committee meeting during which they discussed the following:
  - Promoting the golf club, including the dragon race which was scheduled for August 8. The proceeds would go to the Humane Society. The golf club would open foot golf (soccer) on the golf course. Score cards were printed and the course was approved.
  - He attended the Town/County Liaison Committee meeting on July 16.
  - He attended the Building Committee meeting and the critical issue was Company 2 and its path forward.

Mr. Murray reported the following:

- He attended the ribbon cutting for Blake & Company.
- He attended the ribbon cutting at Commonwealth Assisted Living. Ms. Fern Perry, 100 year old veteran, was the guest speaker.
- He attended the Economic Development Authority meeting.
- He attended the Elks family 4th of July celebration.
- He attended the Region 6 legislative meeting in Shenandoah County dealing with Department of Environmental Quality filings, stormwater runoff, etc. Senator Obenshain and Delegate Gilbert were present.
- He attended the Front Royal Firemen’s parade.
- He attended the breakfast at Company 10 on July 18.
- C & C Ice Cream celebrated Ice Cream Week with unusual flavors.
- He thanked all the responders who came to the fire at the VFW and encouraged the public to participate in
fundraisers.

Mr. Carter welcomed Mr. Traczyk to ride in future parades.

Mr. Stanley introduced Kathleen Dellinger, the County’s new Finance Director who joined the County July 1. Mr. Stanley provided the Board background information on Ms. Dellinger’s employment and special interests. On behalf of the Board, Mr. Traczyk welcomed Ms. Dellinger.

Mr. Stanley reported the following:

- **Development Review Committee** - The Development Review Committee met on June 24. The Committee discussed several projects in the County including: the proposed agricultural events center on Strasburg Road, an expansion of the Toray Plant, renovations to the Limeton United Methodist Church, an expansion of Shenandoah Valley Moving and Storage, and pending projects in the Riverton Commons Shopping Center. The Committee discussed several projects in the Town including: a proposed business in the old Standard Supply building, a proposed office building on Shenandoah Avenue, a restaurant in the old Second Chance building on Main Street, Tractor Supply in the old K-Mart building, and Sweet Crust Bakery. The Committee will meet again on July 22.

- **Building Inspections** - Building permit activity for new homes increased slightly in 2015. The total for the year to-date was 55 new home starts, compared to 45 for the first six months of 2014 and 42 for the same period in 2013. Of this total, 8 were located within the Town limits. The total number of permits for FY 2014-2015 increased slightly from 2,097 to 2,158 in addition to the total inspections that also increased from 7,521 to 7,533.

- **Rockland Historic District** - A follow up public hearing on the proposed Rockland Historic District will be held at the Rockland Community Church on August 11, 2015 at 6:00 p.m.

- **Toray Plastics** - The Warren County Planning Commission, at its meeting on July 8, approved a site plan for Toray Plastics for an 11,211 square foot addition to their manufacturing facility. Toray will add approximately 18 jobs with the expansion.

- **Leach Run Parkway** - On June 18 the EDA received a total of 5 bids. The apparent low bid was 60% over the $8,000,000 construction budget so the project was being value engineered to evaluate options to proceed.
• 2nd Middle School – Bids were received on June 11 and it appeared the low bid was within budget. The School Board Building Committee met June 17 to discuss the bids and recommended alternate #2 to include the bump out stage in lieu of the hybrid auditorium option. The School Board will consider awarding the apparent low bid to Shockey at their meeting on June 25. The facility should be ready to open for the 2017-2018 school year.

• Shenandoah Farms Sanitary District – The County began work on the Old Oak Phase II and Phase III revenue sharing/rural addition projects on June 2. Staff anticipated the projects being completed the first week of August. Staff also planned on improving portions of Drummer Hill Road to state standards to turn over to VDOT this fall. With the recent rain, they were trying to repair sections of road as needed.

• Compactor Site Paving – Repaving of the Cooley (Route 522) and Rockledge (Route 340 South) compactor sites was completed in June. He commended Mr. Childress and Mr. Berry for their oversight of the projects.

• VDOT Funding – The Commonwealth Transportation Board (CTB) approved the Blue Mountain Road and Crooked Run Boulevard revenue sharing projects and the Copenhaver Road and Western Lane (Phase I) revenue sharing/rural addition projects at the requested funding amounts. The CTB also approved the County’s request of $193,748 in High Volume Roadway funding to continue the hard-surfacing of Oregon Hollow to Khyber Pass using the rural rustic program. The County received $186,147 in funding for Phase I of the Appalachian Trail connector trail along Route 522 South, which represented 50% of the County’s request. Staff will apply for the remaining amount in the next grant funding cycle.

• Gooney Manor Loop Bridge Replacement – As of July 20, the Virginia Department of Transportation closed Route 631 (Gooney Manor Loop) approximately 2.4 Miles South of Route 632 (Fetchett Road) to replace a drainage pipe with a box culvert. The estimated project completion date was July 31, 2015 weather permitting.

• PSB Cell Antennae – Verizon was placing a cell antenna on the PSB communications tower, which should improve cell service on the southern end of Town for Verizon customers.

• Dragon Boat Race – The County would have a team of employees and the team boat name was Blue Bayou. Donations to support the Warren County Human Society were welcomed.
Mr. Mitchell reported the following:

- His office collected over $2,300 in delinquent tax accounts and about $150 in EDA loan repayments.
- Several weeks ago the County closed on the transfer of 27 +/- acres from the EDA to the County, transfer of that 27 plus an additional 5 +/- acres from the County to the School Board for the new middle school site, and transfer of 107 +/- acre ESA property from the School Board to the County.
- The Assistant County Attorney had been working on a number of contracts.
- His office was working with the Offices of the Sheriff and Commonwealth’s Attorney to research the use of body cameras, e.g. activation, storage, etc.
- Upon serving civil papers to some individuals, a Sheriff’s Deputy found about 30 stolen street signs that had been recovered by these individuals. The signs were now in possession of the County. His office was working with the Offices of the Sheriff and Commonwealth’s Attorney to determine if any prosecution may result in restitution to the County for the cost of replacement of those signs.
- The next EDA monthly meeting was scheduled for July 24, 2015.

Approval of Minutes

1. Regular Meeting of June 16, 2015
2. Work Session of June 16, 2015

On a motion by Mrs. Glavis, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting of June 16, 2015 as written:

Aye: Carter, Fox, Glavis, Murray, Traczyk

On a motion by Mrs. Glavis, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the minutes of its work session of June 16, 2015 as written:

Ayes: Carter, Fox, Glavis, Murray, Traczyk

Additional Appropriations and Transfers
On a motion by Mrs. Glavis, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the attached additional appropriations and transfers:

Aye: Carter, Fox, Glavis, Murray, Traczyk

Approval of Accounts

On a motion by Mrs. Glavis, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the list of accounts:

Aye: Carter, Fox, Glavis, Murray, Traczyk

Checks: 264876-265292 Total: $2,646,092.90

Consent Agenda

1. Amendment to Policy for Naming of County Parks and Recreation Facilities – Dan Whitten
2. Extension of Lease of County Property to Town of Front Royal for Front Royal Police Department – Dan Whitten
3. Purchase of Three Kubota Zero-turn Mowers for Parks & Recreation Maintenance Department, Front Royal Golf Club, and Solid Waste Department – Dan Whitten
4. Purchase of Two Trucks for Parks & Recreation Department – Dan Whitten
5. Warren County Health & Human Services Complex – Department of Social Services Furniture & Design Services – Brandy Rosser
6. Festival Permit – Skyline Wings & Wheels September 12, 2015 @ FR/WC Airport – Kenneth Thurman/Bob Childress
7. Festival Permit & Use of Eastham Park for Town of Front Royal’s Riverfest 2015 – Steve Burke – Dan Whitten
9. Erroneous Assessment – $2,002 to Element Transportation Asset Trust for 2015 Personal Property Taxes – Commissioner of the Revenue’s Office, Sherry Sours
10. Reclassification of One Deputy Commissioner of the Revenue Position – Jodi Spittler
11. Proclamation to Designate September 1, 2015 as Kiwanis Club of Front Royal Day in Warren County – Wayne Barber, Front Royal Kiwanis Club – Doug Stanley
12. Authorization to Advertise for Public Hearing

b. Proposed Ordinance to Amend and Re-ordain Section 180-8 (Definitions) and Section 180-21(B) (Agricultural District) and Ordain Section 180-44.1 (Distillery) of the Warren County Code to Allow a Distillery as a Use Permitted by Right in an Agricultural District – Dan Whitten

c. Modification of Conditional Use Permit 2012-04-02 issued to Dian Schmiedicke to amend Condition 1 to Increase the Number of Occupants from a Maximum of 24 to a Maximum of 49 – Matt Wendling

d. Proposed Ordinance to amend Warren County Code Chapter 88, Sections 88-2 through 88-8 to Create an Enterprise Zone around Royal Phoenix and Portions of Royal Village and Viscose City Subdivisions and to provide for Economic Incentives to help attract New Businesses to the County – Blair Mitchell

e. 2015-04-02 Benjamin McMahon – Conditional Use Permit for Short-term Tourist Rental (retroactively) – Taryn Logan

f. 2015-05-01 Barbara Mellott – Conditional Use Permit for Private Use Camping (retroactively) – Matt Wendling

g. 2015-05-02 David Swann – Conditional Use Permit for Private Use Camping (retroactively) – Matt Wendling

On a motion by Mrs. Glavis, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the above consent agenda items as presented:

Aye: Carter, Fox, Glavis, Murray, Traczyk

Request – Part-time Recruiting and Retention Officer for Department of Fire & Rescue Services – Richard Mabie

Mr. Richard E. Mabie, Chief of the Department of Fire and Rescue Services, noted that prior to five years ago most of the recruiting and retention activities were handled by the individual fire companies. Five years ago the Department of Fire and Rescue Services decided to assume that responsibility. The department had been working over the past five years with the Recruiting and Retention Committee, comprised of career and
volunteer members and managed by a volunteer coordinators position. This position, like those of the volunteer fire and EMS responders, was facing the growing challenge of available time. As a result, the Recruitment and Retention Committee recommended that a position to serve in the capacity of the Recruitment and Retention Officer be funded. This position would be in the Fire Chief’s Office and chair the committee, and would be funded with Cost-Recovery Funds.

Mr. Mabie introduced Ms. Alicia Perko, Recruitment and Retention Coordinator. He explained that volunteers did not have the time to serve in this capacity and Ms. Perko could no longer act as their volunteer coordinator.

Mr. Mabie pointed out that the Fire Chief’s staff unanimously supported the position at a June 2 staff meeting.

Mrs. Glavis asked how the job description was developed. Mr. Mabie said he had not presented this request to the Human Services Manager yet, but if approved by the Board it would be reviewed by Springsted. The proposed description was developed by the Recruiting and Retention Committee. His department would provide office space and staff. His department had a spare vehicle that would be assigned for this person’s use. He requested approximately $20,000 ($12,000 for salary and $8,000 for overhead), which would include radio broadcasts, press releases, brochures, etc.

Mr. Fox asked if the Chief would have concerns if the Board approved the position on a one-year trial basis. Mr. Mabie said he had no concerns and a provision was included in his proposal for the volunteer chiefs to review at the end of one year and make a recommendation to the committee.

Mr. Carter suggested that should the Board approve the position, that the Board be updated periodically. He felt that one year may not be long enough to determine if the creation of this position actually impacted the retention and recruitment of volunteers.

Mrs. Glavis asked how many stations were represented at the June 2 staff meeting. Mr. Mabie recalled that one station was not represented.

Mr. Murray said he understood the difficulties in recruitment and retention. He asked if the Board members would be invited to the Chiefs’ meeting when they review the
effectiveness of the position at the end of the one-year trial period. Mr. Mabie said if that was the Board’s desire, he would welcome them to attend. Mr. Murray suggested quarterly reviews. He said he would support this request.

Mr. Murray made a motion, seconded by Mr. Carter, that the Board of Supervisors approve the creation of a part-time Recruiting and Retention Officer in the Fire and Rescue Department at an estimated cost of $20,000 a year ($12,000 salary and $8,000 overhead) to be allocated from the Cost Recovery Program.

Mrs. Glavis said she had some concerns considering budget constraints and what the Board was facing with the fire departments. She felt they needed more firefighters and she was not sure how effective the proposed position would be. She felt that it was a job for management to recruit. She felt the $20,000 could be used to place part-time paid positions in the fire departments where they were needed.

Mr. Carter asked what other areas were doing for recruiting volunteers. He understood that at one time Winchester/Frederick County had a full-time staff person responsible for recruitment and retention. He asked how effective these positions were in other areas.

Ms. Alicia Perko said she had worked with adjacent counties and some in southern Virginia. These localities had to create a position devoted to recruitment and retention. She emphasized that the biggest challenge was to get the word out to the public. She added that Stafford County nearly doubled the number of their volunteers after creating a position dedicated to recruitment and retention.

The motion was approved by the following vote:

Carter, aye; Fox, nay; Glavis, nay; Murray, aye; Traczyk, aye

Public Hearing – 2015-04-02 Benjamin McMahon – Conditional Use Permit for Short-term Tourist Rental – Taryn Logan/Matt Wendling

Mr. Wendling stated that Benjamin McMahon applied for a conditional use permit for a short-term tourist rental on property located at 4918 and 4920 Strasburg Road in the North River District. The 39.70 +/- acre property was identified on Tax Map 10 as Parcel 99 and zoned Agricultural (A). Mr. McMahon
also submitted a conditional use permit application for an agricultural events center, which would come before the Board at its August 18 meeting. This request was just for the short-term tourist rental application. The applicant’s statement of justification provided that most of the events would be secondary to simply renting out this property for private getaways or retreats for less than 30 days per rental.

Mr. Wendling reviewed some of the short-term tourist rental regulations outlined in the County Code, e.g. required zoning inspection, occupancy limitation, parking, marking of property boundaries, building inspection and health department requirements.

Mr. Wendling noted that a property management plan had been submitted to the Planning Department. He noted that the property was not located within a HOA. A land-line will be required to be provided for use by guests. A copy of the noise ordinance will be made available at the short-term tourist rental.

Mr. Wendling outlined major comments solicited from various departments:

- **VDOT** - Existing entrance did not meet minimum safety requirements and any entrance installed would be required to meet VDOT’s commercial standards.

- **Fire Marshal** - Vegetation within the property along the entrance and driveway should be trimmed to adequately allow ingress and egress for emergency vehicles. The use of the barn should be evaluated by an engineer prior to use by guests to ensure it meets Virginia Building Code and Virginia Statewide Fire Prevention Code. The house should be equipped with life-safety devices, e.g. smoke detectors and carbon monoxide detectors.

- **Health Department** - The existing sewage systems were installed in 1971 for a 3 bedroom house and 2 bedroom cottage, which allowed 10 occupants. The sewage system had issues with a large maple tree. The system should be inspected. The applicant had not yet contacted the Health Department. The wells should be tested for bacterial and chemical contamination.

- **Building Inspections** - The applicant needs to obtain building and electrical permits to upgrade the structure to meet the requirements for a transient boarding facility.

Mr. Wendling mentioned the applicant held a wedding on July 11 and had two weddings scheduled for September 12 and 19. They
were sent a notice of violation to cease and desist advertising for wedding events, wedding receptions, etc. immediately.

Mr. Wendling stated that if the Board approved the application, staff recommended the following conditions:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The maximum number of occupants for the short-term tourist rental use for the house shall not exceed six (6) and the maximum number of occupants for the cottage shall not exceed four (4) as determined according to the Health Department permit.
3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department.
4. The property shall be in compliance with Section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals and Section 180-32.1 for agricultural event centers.
5. The applicant shall register with the Commissioner of the Revenue’s Office for transient tax purposes.
6. The applicant shall have the septic system inspected annually and a copy of the results shall be submitted to the Planning Department and the septic system shall be pumped every five years as recommended by the Health Department.
7. Based on recommendations by Fire Marshal Gerry Maiatico, the barn, accessory structure shall be posted with off-limits signage for guest until it has met requirements for occupancy by the Warren County Fire Marshal and Warren County Building Official.

Mrs. Glavis noted that the applicant’s Letter of Intent stipulated that the applicants intended to purchase the property and she asked if the property was owned by the applicant. Mr. McMahon said the property was owned by the applicant’s corporation. Mrs. Glavis asked if the Health Department suggestions would be covered by the conditions of the permit. Mr. Wendling said Walter Bailey of the Health Department indicated to him that he had not heard from the applicants regarding existing drainfields and wells. Mr. Wendling said these issues will have to be addressed prior to the issuance of a Zoning Permit for the short-term tourist rental use.
Mr. Stanley clarified that the public hearing was for the short-term tourist rental and not the agricultural events center so those speaking during the public hearing should address the short-term tourist rental only.

Mr. Traczyk opened the public hearing.

Mr. Joshua Peterson, 194 Oxbow Drive, Strasburg, and Mr. Ben McMahon, 16 Fox Chase Drive, Front Royal, introduced themselves as the applicants. Mr. Peterson said they received a letter from Mr. Wendling on Tuesday. Mr. Peterson said that Mrs. Logan told him that since they owned the property, they could hold a wedding provided they did not receive compensation for it. The weddings that were currently scheduled were for either friends or family. He pointed out that they had not marketed or advertised. Mr. McMahon stated they had not advertised at all and had no intent to do so.

Mr. David Barrette, 20 Meadow View Lane, Strasburg, said he was about 200 yards from the applicant’s property. He said small business was the backbone of any county’s economy. He had been a small business owner for about ten years. He supported small business. He understood that the Board tentatively granted the owners of the property temporary ability to host short-term tourist rentals under Statute 180-56.4 and advised the owners of the property to, “file a property management plan demonstrating how the short-term tourist will be managed and how impacts to neighboring properties will be minimized.” He said the plan had been submitted, but it did not address lighting, noise, or traffic. It did address guns, which was a problem again the previous weekend. During the last session, they were not granted permission to hold weddings or large events and just two weeks ago, they held a wedding. He emphasized that the applicants were told they could not have any events larger than ten people. Last weekend, they were shooting into the lake because he recognized the sound it made. He presented an advertisement for the Appaloosa Festival at this address. He understood that had been changed. The advertisement said there was canoeing within a mile and the area within a mile was private property. He stated that when VDOT presented its five-year plan, they stated that Bucks Mill and Richardson Road were going to “get roped.” He said Bucks Mill and Richardson Road had been on the plan since the 1980’s and they had been waiting since that time to have the road black-topped. With the additional traffic for the proposed use, the current schedule for improvements in 2020-23 was not soon enough. He said for the County to continue to apply all that gravel had to be
costly. He hoped the Board would take into consideration that the applicants continued to do what they were asked not to do.

Mr. Gavin Bourjaily, 228 Signal View Road, Strasburg, provided a packet of information to the Board. He said Waterlick was a quiet community consisting of farms and single-family homes. He did not have an issue with short-term tourist rentals, but he did have concern about the plans for the property. Having both short-term tourist rentals and possibly an ag center did not go “hand in hand.” Short-term tourist rental was usually an opportunity for the property owners to rent their home for short time frames when they were not residing in it. This was not the case for this property. Mr. McMahon also applied for an ag event conditional use permit at the Mint House that will be presented to the Board at a later meeting. If this conditional use permit is denied what would prevent Mr. McMahon or others from renting the Mint House for a short-term rental to an outside coordinator. He asked if the permit will allow them to have their own event, e.g. wedding reception, festivals, or other events. He asked how many events one could have at no charge and over what time line. He noted that there were no less than 15 homes in less than 1,200 feet from the main house that already felt the effects, some less than 125 feet from this residence. He asked what traffic issues will be created if sight distance was already an issue. He asked if VDOT’s concerns had been addressed. He asked the Board to deny the request. If the Board considered approving the request, he asked that the Board table action until these issues were addressed. He asked that the Board hold additional public hearings for all changes made to the application.

Mr. Robert Adanitsch, 9017 Stonewall Jackson Highway, Front Royal, said he had the privilege to live next to a short-term tourist rental known as Hot Tub Heaven for six years. During that time he never had a problem with the tenant. He presented a photo of the property showing the boundaries and distance from the areas of the house to adjacent houses which ranged from 917 fee to 970 feet from either the barn or the main house. He did not feel the short-term tourist rental would impact those homes. He felt that if the Board tabled this request, it would eliminate their revenue for the rest of the year. He asked the Board not to table action again. He added that a gun could be discharged on a 40-acre agriculturally zoned property. He asked the Board to approve the request.
Mr. Barrette said the gun fire occurred near the pond. A red hawk and vultures were shot and buckshot landed on the porch of a neighboring house and the red hawk landed in his yard.

Mr. Hugh Fesperman, 476 Richardson Road, adjacent property owner, said he felt the applicant misrepresented himself when he said he owned property at 4918 Strasburg Road. Property records showed this property being owned by Steven Lee of Woodville, Virginia. He added that Mr. McMahon was owner of B.S.M. Properties, which was a property management company. He said there had been shooting of protected wildlife on this property. During the Planning Commission public hearing Mr. Peterson said he was unaware of the shooting so how could the Board be assured that he would manage the property responsibly. Events had been held on the property without proper approval or permits. The July 11 festivities could be heard after 11:00 p.m. The weddings at the Mint House scheduled for September were advertised on the Internet. On July 2, the Planning and Zoning Department reviewed a statement that the applicant had decided to withdraw concerts and music festivals from his request. On July 8 Mr. Peterson repeated this information to the zoning committee, but as of July 21 the applicant continued to advertise a big music festival for September 5 and 6, 2015 at the Mint House address. He said he could not believe that the applicant will abide by the guidelines and conditions set forth by the Board when the applicant had already shown disregard for proper procedures and the law. He understood a property caretaker lived in the cottage full-time. He felt that holding a wedding on business property even for a friend or family member was conducting business. He presented a petition of opposition to the Board.

Ms. Colleen Fier, 1612 Edgemont Avenue, said she had known the applicants for some time and she attended several events at Mint House. She did not feel anything unusual occurred and did not affect the neighbors. She did not feel pushing small business out of the area was a good idea. She felt the Board should encourage small business to build the economy.

Mr. Frank O’Reilly, 2973 Shenandoah Shores Road, spoke in support of the application. He said he liked the applicants and they were very entrepreneurial guys who were trying to do some interesting things. He said anything that helped produce income and reduce the tax burden was a very good thing. Short-term tourist rentals were brilliant for Warren County. He said this was a residential use according to the Supreme Court of Virginia and he felt the regulations in place were onerous and inhibiting
something the Board should encourage. The County would collect lodging tax, visitors would support local businesses. Short-term tourist rental with a national park and national forest right at its door step was a “no-brainer.” He felt that the opinions of the neighbors was a huge fear factor. Placing these homes in long-term rentals would invite school-age children and the schools were the biggest portion of the County budget. He felt that a vacation rental was like a rental on steroids, everyone received a huge benefit, the County, shops, restaurants, property owner, etc. He felt this was a property rights issue. He said the Board deprived someone the right to use their property as a residential use when the Supreme Court said it was a residential use. He said he hoped the Board approved the request.

Mr. William Bunning, 9135 Stonewall Jackson Highway, co-founder of Skyline Ranch Resort, said that as a resident Mr. McMahon could have a wedding on his property with his friends and Mr. Bunning could do the same thing at his home. He said this was a high tourist area and was sought after all over the world. All the applicant was providing was a place for people to come and enjoy the beauty of the County and share it with the rest of the world. He heard shooting all the time on his neighbor’s property, but that was his neighbor’s right. He noted that people renting the short-term tourist rental would add to the economy. He asked the Board to approve the request.

Mr. Robert MacDougall, 329 Jamestown Road, Front Royal, said he felt what the applicant was doing was a wonderful thing. He felt the applicant would maintain the beauty and dignity of the property and provide an opportunity for more people to enjoy this area. He felt it would showcase the best of what this area has. He noted the County’s letterhead had printed on it “Front Royal-Warren County, Rivers of Opportunity-Mountains of Success” and said this request was a wonderful opportunity. This was an ideal opportunity for someone to visit this area and enjoy some peace and quiet. He felt the Board should be facilitating across the County more opportunities for small businesses like this. He said there had been no advertising. Someone else stating they were having their wedding on this property was not advertising or marketing on behalf of the Mint House.

Mr. Ben Ferri, 271 Paw Paw Drive, said he knew the applicants and he felt their intentions are honorable and were not to disturb or disrupt their neighbors. He felt their intention was to promote and facilitate positive growth in the community. He said he was also involved in small business in
this area and felt it was good for this area. He felt the area was under-developed and this was a good opportunity for small business. He asked the Board to approve the request.

Mr. Craig Spiering, 1212 Windsor Court, said he ran a successful business from his home for the last eight years. He said he knew Mr. Peterson and Mr. McMahon for about sixteen years and had worked with each of them in multiple capacities during that time. He felt they were both responsible and upstanding members of the community. They had integrity, strong moral character, were honest, hard-working, and cared about the community. He had every confidence that any business conducted by them in this area would be done in the same conscientious and respectful manner in which he always seen them. They would growing the local business community and preserve Warren County’s unique historical character. He asked the Board to approve the request.

Mr. Mike Foeckler, 2827 Shenandoah Shores Road, spoke in favor of the permit request. He did not feel what was being proposed would destroy the beauty and simplicity of the area. The applicant was not proposing a subdivision. He felt approval of the short-term tourist rental would celebrate the beauty and history of this area and enable others outside this area to enjoy it as well. It would bring welcomed tax revenue to the County. He knew both gentlemen and felt they were both ethical and trustworthy. He felt the issues would be addressed in a professional manner. He understood the Planning Commission reviewed the application, visited the property, and unanimously recommended that this application be approved and he agreed with their recommendation.

Ms. Sharon Longmire, 361 Richardson Road, Strasburg, said the applicant was not the owner of record in the County. She said the elevation of the property was considerably higher than nearly every other home in the area, which would make it difficult to shoot anything off the property without shooting onto other property. Whether or not someone paid for the reception on July 11, it was not the applicant’s residence and this was for someone outside their family. The bride for the wedding scheduled for September 19 emailed Ms. Longmire that she paid for use of the Mint House. She pointed out that the applicant did have a Website www.minthouse1842.com where one could have a conversation about planning a wedding. She asked if VDOT’s concerns regarding egress and ingress applied to the short-term rental. If there was an accident, she asked who would be liable. She said everyone was downstream from the Mint
House and she was concerned about the septic. She said they reported the shootings and killing of protected birds and nothing was done by the Sheriff’s Office or Game Warden. She said they already had a problem with enforcement of conditional use permits in their area. One had not complied for more than ten years and the other had not complied for two. She asked what the timeframe was for compliance. She asked if they were permitted to operate until they did comply. She said all the people who spoke in favor of the request did not live anywhere near the property. She said everyone who was adjacent to the property or was located within one half a mile was against this request.

Mr. Cliff Jewell, 84 Meadow View Lane, said it was refreshing to see the number of young people being entrepreneurial. He felt this was being taken out of context. He did not feel anyone was against bringing small business to the area; it was rules were rules. He felt everyone would be fine with the request once the applicant complied with the requirements. He felt the issue was the applicant was conducting business before things were in place and that was the big issue. He said he was against it at this moment. To say that tabling action would stress them; part of doing business was following the rules.

Ms. Ireta Hallman, 598 Bucks Mill Road, said she was opposed to the request because it was difficult coming out of Bucks Mill Road towards Front Royal already. She said they did not need any more traffic. She said Bucks Mill Road and Richardson Road were gravel roads. She said all the people she knew who lived in that area did not want this there.

Ms. Katherine Leonard, 1019 Meadow Court, Front Royal, said she knew Mr. Peterson and Mr. McMahon and she felt both were law-abiding men. She said Mr. McMahon was one of ten children and had fourteen nieces and nephews. She was married here, but they were unable to find a short-term tourist rental in Warren County for out-of-town family, so they rented in Luray. Her husband was a Front Royal Police officer and their baby was Vivian Leonard.

Ms. Harriet Harrison, 106 Vango Terrace, Winchester, said she had been a resident of Front Royal for many years. She said Mr. McMahon was a very honest person. She understood neighbors’ concerns, but she felt that once everything was in place, Mr. McMahon would ensure everything was done correctly. One of her employees rented from Mr. McMahon for a year without any
problems. She felt more business in the County would benefit the community. She felt the Board should seriously consider the request.

Mr. David Leonard, 1019 Meadow Lane, Front Royal, said through his interaction with the public as a law enforcement officer, rarely did anyone say they were here to visit the Town or County; they were passing through on their way to another location. He felt short-term tourist rentals would increase tourism.

Mr. Tom Sayre, 35 Shenandoah Shores Road, said he knew the McMahon family and they were a huge family in this area and were well respected. He noted that he had his daughter’s wedding reception in Page County. He felt there was a huge need for short-term tourist rentals in this area and this was a wonderful opportunity for the community. He felt they were good entrepreneurs.

Ms. Shelby Fesperman, 476 Richardson Road, said this was not a popularity contest; this was based on the facts. She asked the Board to consider the facts, not the applicants’ popularity. She said she was against the request.

Mr. Clint Pierpoint, 183 Powell Lane, said he used to live near the applicant’s property and for years he watched this property deteriorate. He felt what they were doing to put the property to good use was wonderful. He felt the concerned neighbors should meet with Mr. McMahon, because he felt they could resolve their issues.

Mr. Pete Bole, 162 Lakes Valley Road, said he was against the short-term tourist rental at this point. He stated that a lot of good things were said about the applicants and it was a great opportunity, but he felt the rules had to be considered first. He asked that the Board address the shooting if it approved the request. Weddings for a large family provides a loophole for a great number of weddings and would increase traffic significantly during these events. He felt it was wrong to shoot the birds. He asked that the applicants be required to comply with the rules and regulations before the Board acted on their request.

Mr. Wendling interjected that Steven James Lee was listed on the tax records as the current property owner and 4918 Strasburg Road was listed as his address. Mr. McMahon noted that Steven James Lee was one of his business partners.
Mr. Peterson said he allowed some friends to use the property three months ago and they shot some buzzards. They had not had an incident since. He noted that the property was well known in Warren County, particularly for fishing in the lake. They continually asked people who were fishing in their lake to finish fishing and leave. Signs were installed asking people not to fish at their lake. If someone fired a gun, it was not him or his business partners. Ben and he were trying to start a business to provide for themselves and their families and to provide a great venue for people. He felt it was one of the most beautiful properties in the County and they were not considering changing it. They were checking into placing the property into a conservation easement to preserve its integrity.

There was no further input from the public. Mr. Traczyk closed the public hearing.

Mr. Carter understood that if the Board approved this request at this time, the applicant would have to comply with all the conditions and other requirements before they received the permit, e.g. septic, well. Mr. Wendling said that staff would perform a zoning review for compliance with all the conditions, requirements, and regulations. He pointed out that the septic system just needed an inspection and the wells needed to be tested. A zoning permit allowing for the short-term tourist rental would not be issued until the property was brought into compliance.

Inasmuch as the applicant was limited to ten persons at one time, Mr. Carter understood that he could not hold a wedding event until the other permit (agricultural event center) was issued. Mr. Wendling said that was correct.

Mr. Traczyk asked if it would be appropriate to table action until these issues were resolved. Mr. Wendling said if the Board tabled action, staff may be able to obtain from VDOT and the Health Department what the applicant needed in terms of the short-term tourist rental separately. The request for comments were for both the short-term tourist rental and the agricultural events center.

Mr. Carter asked if the applicant would be able to continue with the short-term tourist rental if the Board tabled action for any length of time. Mr. Mitchell said the applicant should not have any short-term tourist rental activity on site until this request was approved.
In response to an inquiry from Mr. Carter, Mr. Wendling felt the major issue would be VDOT’s requirements for the entrance for just the short-term tourist rental and the Health Department requirements for the septic system and wells. He felt these issues could be addressed within 30-60 days.

If the Board voted at this time, Mr. Carter said he would be inclined to vote against it, so he would rather table action for sixty days.

Mr. Carter made a motion, seconded by Mrs. Glavis, to table action on this request for sixty days or longer if necessary.

Mr. Murray said he received several calls about the discharge of firearms and fireworks which could start fires. He asked they those issues be restricted. Mr. Wendling said they could draft additional conditions to address those issues. Mr. Murray felt that would help with the concerns of the community.

Mr. Carter inquired if additional conditions would be more restrictive and require another public hearing. Mr. Mitchell said the specific purpose of a conditional use permit was to control issues such as noise, dust, smoke, and other offensive things so another public hearing would not be necessary.

In response to inquiries from Mr. Fox, Mr. Wendling explained that Mr. McMahon was the actual applicant. When he initially made application for the conditional use permit in 2014, the property was owned by the Rooney family. Mr. McMahon resubmitted an application in 2015 and at time he had addressed purchasing the property. Mr. Mitchell clarified that the Board could approve a conditional use permit to someone other than the property owner, but the Board should receive the owner’s permission. He added that both the applicant and property owner should be notified of noncompliance.

The motion was approved by the following vote:

Carter, aye; Fox, aye; Glavis, aye; Murray, aye; Traczyk, aye

Mr. Traczyk called a ten-minute recess. Mr. Traczyk called the meeting back to order.
Mr. Wendling stated that Barbara Mellott applied for a conditional use permit for private use camping on property located on Farms Riverview Road in Shenandoah Farms in the Shenandoah District. The property was identified on Tax Map 15D, Section 1, Block 3 as Parcel 6 in the Special Flood Hazard Area (Zone AE), contained 0.545 +/- acres, and zoned Residential One (R-1).

The Planning Commission forwarded the application to the Board recommending approval 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 only.
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) party.
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 noncommercial camping (Private Use Camping).
8. The applicant shall post property with a lot number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles during a flood event.
9. A copy of the contract for the port-a-john shall be submitted annually to the Planning Department.
10. The applicant shall have the tree that leans on the utility line at her property entrance removed by the local utility company or a private contractor.

Mr. Traczyk opened the public hearing. There was no input from the public. Mr. Traczyk closed the public hearing.
On a motion by Mr. Murray, seconded by Mrs. Glavis, and by the following vote, the Board of Supervisors approved the conditional use permit request of Barbara B. Mellott for private use camping (noncommercial) with the conditions as recommended by the Planning Commission and staff:

Aye: Carter, Fox, Glavis, Murray, Traczyk

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 only.
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) party.
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 noncommercial camping (Private Use Camping).
8. The applicant shall post property with a lot number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles during a flood event.
9. A copy of the contract for the port-a-john shall be submitted annually to the Planning Department.
10. The applicant shall have the tree that leans on the utility line at her property entrance removed by the local utility company or a private contractor.

Public Hearing – 2015-05-02 David Swann – Conditional Use Permit for Private Use Camping – Matt Wendling

Mr. Wendling stated that David Swann made application for a conditional use permit for private use camping on property located on Farms Riverview Road in Shenandoah Farms in the Shenandoah District. The property was identified on Tax Map 15D, Section 1, Block 3 as Parcel 28 in the Special Flood Hazard
Area (Zone AE) and partially within the floodway, contained 0.891 +/- acres, and was zoned Residential One (R-1).

The Planning Commission forwarded the application to the Board recommending approval 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 only.
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) party.
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 noncommercial camping (Private Use Camping).
8. The applicant shall post property with a lot number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles during a flood event.
9. A copy of the contract for the port-a-john shall be submitted annually to the Planning Department.

Mr. Traczyk opened the public hearing. There was no input from the public. Mr. Traczyk closed the public hearing.

On a motion by Mr. Fox, seconded by Mrs. Glavis, and by the vote, the Board of Supervisors approved the conditional use permit request of David P. Swann for private use camping with the conditions as recommended by the Planning Commission and staff as shown below:

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 only.

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) party.

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 noncommercial camping (Private Use Camping).

8. The applicant shall post property with a lot number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles during a flood event.

9. A copy of the contract for the port-a-john shall be submitted annually to the Planning Department.

Public Hearing – Z2015-05-01 – Warren County Planning Commission - Amend and Re-ordain Section 180-8 (Definitions) and Section 180-21(B) (Agricultural District) and Ordain Section 180-44.1 (Distillery) of the Warren County Code to Add Definition for Distillery; to Allow a Distillery as a Use permitted By-right in an Agricultural (A) Zoning District; and to Add Supplemental Regulations for a Distillery – Dan Whitten

Mr. Whitten stated that an amendment to the Virginia Code that went into effect July 1, 2015 allowed distilleries as a by-right use on land zoned agricultural provided agricultural products used in the production were grown on the farm. There currently were no distilleries in Warren County, but they were in neighboring counties. The Virginia Code amendment also provided that usual and customary activities and events at such distilleries shall be permitted unless there is a substantial impact on the health, safety or welfare of the public.
The proposed amendments would add a definition for “distillery” limiting the establishment to manufacturing 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, and the establishment must be located on a farm growing agricultural products used by the establishment for the production of alcoholic beverages other than wine or beer. In addition, a distillery would now be a use allowed by-right in an agricultural district. Further, supplement regulations would be added to the County Code to limit the distillery to 10 seats; to limit the hours of operation from 9:00 a.m. to 5:00 p.m.; to ensure the distillery is adjacent to a state maintained road; to limit the floor area square footage to 3,000 square feet; and to require zoning, Building Inspections, Health Department, ABC, and VDOT approval.

The Planning Commission forwarded the request to the Board recommending approval.

Mr. Murray asked if the limit of 36,000 gallons was comparable to other distilleries. Mr. Whitten said the limit of 36,000 gallons was provided by state code. Mr. Murray inquired about the hours of operation. Mr. Whitten said the hours of operation were proposed by the Planning Commission and/or staff and could be changed in the future. Mr. Murray said he did not think people would visit a distillery so early. Mrs. Glavis asked if the proposed hours were comparable to winery hours. Mr. Whitten said winery hours were usually 11:00 a.m. to 6:00 p.m. He added that the facility could be toured without a tasting.

Mr. Traczyk opened the public hearing. There was no further input from the public. Mr. Traczyk closed the public hearing.

Finding that the proposed amendments to Sections 180-8, 180-21(B), and 180-44.1 of the Warren County Code are required and are appropriate for the public necessity, convenience, and general welfare, and are good zoning practice, Mr. Murray made a motion that the Board of Supervisors approve the proposed amendments. The motion was seconded by Mrs. Glavis and approved by the following vote:

Aye: Carter, Fox, Glavis, Murray, Traczyk

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTIONS 180-8 AND 180-21(B) OF THE WARREN COUNTY CODE AND TO ORDAIN SECTION 180-44.1 OF THE WARREN COUNTY CODE TO ADD A
DEFINITION FOR A DISTILLERY; TO ALLOW A DISTILLERY AS A USE PERMITTED BY RIGHT IN AN AGRICULTURAL DISTRICT; AND TO ADD SUPPLEMENTAL REGULATIONS FOR A DISTILLERY

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 180-8 of the Warren County Code (Definitions) and Section 180-21(B) of the Warren County Code (Agricultural District) be amended and re-ordained and that Section 180-44.1 of the Warren County Code (Distillery) be ordained as follows:

CHAPTER 180. ZONING.

ARTICLE II. Application

§ 180-8. Definitions

DISTILLERY – An establishment that manufactures no more than 36,000 gallons of alcoholic beverages other than beer or wine per calendar year and which is located on a farm growing agricultural products used by establishment for the production of alcoholic beverages other than beer or wine. This use must comply with the supplemental regulations found in § 180-44.1 of this chapter.

ARTICLE IV. District Regulations.

§ 180-21. Agricultural (A) District

B. Uses permitted by right. In addition to agricultural pursuits, any one of the following uses is permitted by right on each lot or on each tract or combination tracts in the Agricultural District:

(1) Single-family dwelling.

(2) Class A, manufactured home dwelling.

(3) Noncommercial park or playground.

(4) Noncommercial fairground.

(5) Game preserve or conservation area.

(6) Municipal sanitary landfills and solid waste collection facilities established and operated by the Board of Supervisors.
(7) (Reserved)[1] [1]:Editor's Note: Former Subsection B(7), Public utility poles, lines, transformers, pipes, meters and other facilities not servicing the residents of the County, was repealed 12-17-1996.

(8) Class B, manufactured home dwelling. [Added 3-21-1995]

(9) Public schools. [Added 6-6-1995]


(11) Private use camping. [Added 1-16-1996]

(12) Farm winery. [Added 5-19-2009]

(13) Residential facility. [Added 7-20-2010]

(14) Short-term tourist rental on properties of more than five acres in size. [Added 4-17-2012]

(15) Microbrewery

(16) Distillery

§ 180-44.1. Distillery.

A. Agricultural products which are used by the Distillery in the manufacture of its alcoholic beverages other than beer and wine are grown on the farm.

B. The Distillery shall be limited to 10 seats.

C. The hours of operation for the Distillery shall be between 9:00 a.m. and 5:00 p.m.

D. The Distillery shall be located on a lot or parcel adjacent to a state-maintained road.

E. The Distillery shall have no more than 3,000 square feet of floor area, for the production and packaging of alcoholic beverages other than beer or wine for retail sale and for the tasting or consumption of alcoholic beverages other than beer or wine.

F. The operation shall be in compliance with all Virginia
Department of Health and Virginia Department of Transportation regulations and requirements.

G. The Distillery shall receive approval and meet the requirements of the Warren County Building Inspections Department.

H. The Distillery shall be in compliance with all Alcohol Beverage Control laws and regulations.

I. The Distillery is subject to the requirements of Warren County Code § 180-65 regarding permits.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through.
Language proposed to be added is underlined.

Public Hearing – Proposed Ordinance to Ordain Section 12-5 of the Warren County Code to Impose a $5 Fee in each Criminal and Traffic Case in the District and Circuit Court as Part of the Costs in which the Defendant is Charged with a Violation of any Statute or Ordinance – Dan Whitten

Mr. Whitten noted that the Virginia Code authorized counties to adopt an ordinance to impose up to a $5 fee to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The Sheriff’s Office has requested this system in the next year or two. The $5 fee would be imposed as part of the costs in each criminal and traffic case in the district and circuit court in which the defendant is charged with a violation of any Virginia statute or County ordinance. The ordinance would not go into effect until August 1, 2015 to give the clerk of each court time to update the system.

Mr. Whitten understood that all localities that adopted the ordinance charged the maximum of $5.

Mr. Traczyk opened the public hearing. There was no further input from the public. Mr. Traczyk closed the public hearing.

On a motion by Mrs. Glavis, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the proposed Section 12-5 of the Warren County Code as shown below:
AN ORDINANCE TO ORDAIN SECTION 12-5 OF THE WARREN COUNTY CODE TO IMPOSE A $5 FEE IN EACH CRIMINAL AND TRAFFIC CASE IN THE DISTRICT AND CIRCUIT COURT AS PART OF THE COSTS IN WHICH THE DEFENDANT IS CHARGED WITH A VIOLATION OF ANY STATUTE OR ORDINANCE. THE ASSESSMENT SHALL BE USED SOLELY TO FUND AN ELECTRONIC SUMMONS SYSTEM IN ACCORDANCE WITH VIRGINIA CODE SECTON 17.1-279.1.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 12-5 of the Warren County Code (Assessment for Electronic Summons System) be ordained as follows:

CHAPTER 12. CRIMINAL AND TRAFFIC CASES

§ 12-5. Assessment for Electronic Summons System

Effective August 1, 2015 and thereafter, there is hereby imposed, in addition to any other fees prescribed by law, the sum of $5 in each criminal and traffic case in which the defendant is convicted of a violation of any statute of the Commonwealth or any ordinance of the County filed in the general district court and the circuit court. The clerk of court in which the action is filed shall collect the assessment and remit it to the County Treasurer. The County Treasurer, subject to appropriation by the Board of Supervisors, shall disburse such funds in accordance with Virginia Code §17.1-279.1. The assessment shall be used solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

THIS ORDINANCE SHALL BE EFFECTIVE ON AUGUST 1, 2015

Language proposed to be deleted is lined through.
Language proposed to be added is underlined.

Festival Permit – Appaloosa Festival at Front Royal-Warren County Airport on September 5 & 6, 2015 – Terrence McKeeghan, Appaloosa Festival, LLC – Bob Childress

Mr. Childress noted that an application for a festival permit had been received from Terrence McKeeghan of Appaloosa Festival, LLC to hold a festival on September 5 and 6, 2015 at the Front Royal-Warren County Airport.
Mr. Childress worked with the applicant to evaluate the requested use of the airport and potential impacts to airport operations. He requested feedback from the Virginia Department of Transportation, Sheriff’s Office, Department of Fire and Rescue, and Health Department on the proposed event. He received questions and concerns from the Airport Manager, which he provided to the applicant. He noted that the airport could potentially realize revenue from such an event. Due to concerns raised by the Health Department, the applicant withdrew camping from the event. If approved by the Board, the applicant would be required to enter into an agreement with the County to cover the use of the airport. He pointed out that the weekend of September 5 and 6 was the weekend prior to the Air Show event at the airport. Mr. Childress added that the applicant offered $2 per festival attendee and $2 per car parked on airport grounds or a minimum of $5,000 for use of the airport property for the weekend. The applicant anticipated approximately 3,000 attendees per day and 1,000 vehicles.

Mrs. Glavis asked how many parking spaces there were at the airport. Mr. Childress said there were 35 stripped spaces at the terminal and in the past the Air Show used adjacent property it leased for the event. The hours on Saturday would be 10:00 a.m. to 11:00 p.m. and on Sunday 10:00 a.m. to 10:00 p.m. The applicant would set up September 4 and cleanup would take place on September 6.

Mr. Terrence McKeegan, 311 South Royal Street, Alexandria, and Mr. Alex Fedoryka, 204 Salem Avenue, Front Royal, provided the following information in response to inquiries from the Board:

- The general admission of $16 to $40 per day – Different prices for different tiers. Anyone under the age of 13 would be free. It was their intent to make the festival a family friendly event. Reduction for college students with college identification.
- They estimated about 3,000 people total for both days, which would be comparable to numbers during previous air shows.
- They had a paid staff of about fifteen and about 100 volunteers so they would have a substantial crew to clean up Sunday night and Monday morning.
- They would set up north of the two runways, in the area used for the Air Show. There would be a fence between the festival and the taxiway/runway.
• In the event of heavy rains, they had ample tar mats to accommodate all the stages.
• They would request VDOT to close Stokes Airport Road and they would run shuttles from two nearby campgrounds to the airport.
• They would cease any operations at the airport.

Mr. Murray felt it would be much easier for the Appaloosa Music Festival to be held at the fairgrounds. It provided ample parking and an amphitheater. He pointed out that all the airport hangars had been leased. He was not sure the VDA would approve flights while a festival was taking place. He asked if they submitted a business plan to the Airport Manager. He asked if they had applied for an ABC license. He was concerned about safe operations and over-extending the Airport Manager. He asked if the festival would impede operation of the emergency medical rescue, whose staff slept at the airport. He asked who would pay the Airport Manager’s salary. He asked if the applicant had talked to local residents about the festival.

Mr. McKeegan commented that the residents already lived next to an airport that had a fair amount of noise. He said that 11:00 p.m. was their absolute cut-off when everything would be closed down. Any expense for the Airport Manager, Sheriff’s Office, Fire Department, etc. would be incurred by the festival. They already discussed issues related to the ICU unit (helicopter) with airport staff. They were awaiting final determination by ABC on the area for sale and consumption of alcohol. They recognized that the airport will be operating as usual. They did not feel they had time to make application for another venue. They originally planned to have the festival at the Mint House, but the Mint House was closed so they decided to hold the festival in an area with the necessary infrastructure. They had been planning the event for several months. They recognized that if they did not receive the permit, the festival would not take place.

Mr. Carter said Rockland Park would be an ideal venue for future festivals. He supported the event, but had concerns about the location.

Mr. Murray asked if the applicant had approached the Airport Commission with this request. Mr. McKeegan said they had been in contact with Mr. Childress, Mr. Ken Thurman, and Mr. Reggie Cassagnol, but not the entire commission.

Mr. Childress pointed out that he did not receive a copy of
the festival permit application until July 15 or 16. He knew the applicant had discussed this request with Airport Commission Chairman Ken Thurman. The Airport Commission had not had a formal meeting during that timeframe.

Mr. Thurman said he had shared the information with some of the other commission members. He felt this was a plus in terms of long-term growth for the airport. He felt this was an opportunity for the airport to generate additional revenue. This year the Air Show would be a wings and wheels event and in previous years they had a USO Show. He had discussed the festival with the Airport Manager who did not feel this would impact airport operations or AirCare’s operation. They could open the RMA hangar area as well as the maintenance hangar if needed. They also had large tents at the airport.

Mr. Murray asked if staff had discussed the festival with the Airport Manager. Mr. Childress said that he had and Mr. Cassagnol felt this would be a potential revenue generator for the airport. He also expressed his concerns in a memorandum. Mr. Thurman interjected that Mr. Cassagnol indicated to him just before this meeting that he did not think the memorandum would impact the decision to have the festival at the airport and he was surprised that anyone would take his comments as being negative. He outlined concerns that he thought were already being addressed by the applicant.

Mr. Traczyk asked if Mr. Thurman felt it would be appropriate to hold the festival at the airport and Mr. Thurman said that he felt it would be appropriate. He felt it would a great festival for the airport and a long-term addition to what they do for Air Show week at the airport and it would be a money-maker for the airport. He added that the applicant’s proposal stipulated that they would cover all costs associated with the festival, e.g. set up, tear down, Sheriff’s Office, etc. He added that two local campgrounds would be filled for this event and attendees would spend money elsewhere in the County.

Mrs. Glavis asked about the residents around the airport. Mr. Thurman commented that there were 32 acres of trees north of the airport, which would serve as a noise buffer. He pointed out that this was easy-going Irish and blue-grass type music, not a rock festival. There were very few residents on the south side of the airport. Mr. McKeegan said they could invite neighbors to the festival at no cost. They did not use amplifiers with acoustic instruments, but they would have a PA
Mr. Fedoryka noted that they had hosted their own festivals and held over 1,200 performances. They studied the art of holding festivals. He said their sound system would be aimed at the trees to the north to address the noise issue. They were interested in making this a long-term venture and something people loved to attend. He added that it was not in their best interest to make the neighbors angry their first time here.

Mr. Murray asked if the applicant had contacted Critter Sitter. Mr. Fedoryka said that they were working with Mr. Bill Bunning on Skyline Ranch and he was aware of the proposed festival. He also said the pets may enjoy the festival because they watched television.

Mr. Carter made a motion that the Board of Supervisors deny this request because of the concerns about the impact to operations at the airport having two back-to-back events at the airport. Mr. Fox seconded the motion.

Mr. Fox said he was concerned about the process. He would have preferred that the applicant contact the Airport Commission as well as the neighbors and possibly hold a public hearing.

Mr. Carter felt this would be a great event, but he did not feel the airport was the correct venue. He agreed that the fairgrounds would adequately accommodate a festival. Rockland would be an ideal venue for future events. He felt that an event at the airport would place a burden on County staff getting ready for another event the following weekend.

Carter, aye; Fox, aye; Glavis, aye; Murray, aye; Traczyk, nay

There was further discussion about holding the festival at the fairgrounds. Mr. McKeegan explained that he would prefer a location with more charm.

Mr. McKeegan felt Skyline Ranch was a possibility. Mr. Carter said he would consider a festival at Skyline Ranch. Mr. Murray said he would support having the festival at Skyline Ranch Resort.

Mr. McKeegan stated that his roots were here and he wanted to bring something great to this area.
Request – Memorandum of Understanding with the Town for the Development and Operation of Public Recreational Facilities at Catlett Mountain Park – Blair Mitchell

Mr. Mitchell noted that Warren County and the Town of Front Royal were co-owners of a 13.4479-acre property that was used more than forty years ago as an unregulated public dump, known as the Catlett Mountain landfill site. The site was cleaned up by the County and Town by removal of debris and dumped materials, and the construction of storm water drainage facilities to channel water runoff through and away from the site in a way to prevent both erosion and the leaching of buried substances. The site was ready for re-use, which would deter any re-establishment of dumping.

County and Town staff, working with recreational consultant Land Planning and Development Associates, prepared a Concept Plan for the establishment of a walking path, hiking trails, a tot lot playground, a picnic shelter, a mountain bike skills course, a rectangular practice field, and a parking lot to serve the site and to keep some parts of the property inaccessible, in order to prevent negative uses. The Town has asked that the County enter into a Memorandum of Understanding (MOU) to clarify that the County, at its costs, will develop and operate the site as the Catlett Mountain Park.

Under the terms of the proposed MOU, the County would develop and operate the Park as shown on the Concept Plan, would provide the Town with quarterly reports about the use and maintenance of the Park, would allow Town staff to inspect the Park at reasonable times, and would indemnify the Town against any claims related to the use of the Park, to the extent authorized under Virginia law. The Town already approved and signed the MOU.

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the Memorandum of Understanding with the Town of Front Royal for the development and operation of recreational facilities at the former Catlett Mountain landfill site:

Aye: Carter, Fox, Glavis, Murray, Traczyk

Mr. Carter noted that future use of the site would become the responsibility of the County and the County’s liability. He understood that both parties would be responsible for any harmful substance found in the landfill. Mr. Mitchell said that
Closed Meeting – Virginia Freedom of Information Act

1. Section 2.2-3711.A.3 – Acquisition of Real Property for Public Purposes

2. Section 2.2-3711.A.7 – Legal Matter Requiring Advice by Legal Counsel re: Route 340/522 North Corridor Agreement

On a motion by Mrs. Glavis and by the following vote, the Board of Supervisors went into closed meeting pursuant to Section 2.2-3711.A.3 of the Virginia Freedom of Information Act to discuss the possible acquisition of real property for public purposes and pursuant to Section 2.2-3711.A.7 to discuss a legal matter requiring advice by legal counsel regarding the Route 340/522 North Corridor Agreement:

Carter, aye; Fox, aye; Glavis, aye; Murray, aye; Traczyk, aye

At the conclusion of the closed meeting, Mr. Traczyk called the meeting back to order.

On a motion by Mrs. Glavis and by the following vote, the Board of Supervisors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under this chapter 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:

Carter, aye; Fox, aye; Glavis, aye; Murray, aye; Traczyk, aye

Mr. Carter made a motion, seconded by Mr. Murray, that the Board of Supervisors offer an MOU to the Town to settle the Route 522 Corridor pilot fees issue to provide the equivalent of 30% of the meals tax and 5% of the lodging tax collected in the Route 340/522 Corridor and to include the Crooked Run West property in the annexation immunity area so long as it does not demand more than 40,000 gallons per day as edited by the County Attorney.

Mr. Carter felt this was long-time coming and he hoped the Town would accept the County’s offer so they could move on. He felt this would be for the betterment of the community. He felt that the County worked very well with the Town. If the Town accepted the offer, he expected to receive some interest from
two prospective businesses and maybe more.

Mr. Traczyk agreed. He said there had been rumors that the Town and County did not have a good working relationship, but he did not feel that was true. He said this was just one issue of controversy to both bodies.

The motion was approved by the following vote:

Carter, aye; Fox, aye; Glavis, aye; Murray, aye; Traczyk, aye

Adjournment

Mr. Traczyk adjourned the meeting.