Adoption of Agenda - Additions or Deletions

Mr. Stanley asked that the Board add to the consent agenda a request for authorization to use $3,000 from the Warren County Educational Foundation Scholarship for one 2016 scholarship and a request for a resolution to honor and recognize the 90th anniversary of the Rotary Club of Front Royal.

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

Aye: Carter, Fox, Glavis, Murray, Sayre

Adoption & Presentation of Resolution Honoring VACo Executive Director Jim Campbell

Mr. Stanley read the following resolution honoring Jim Campbell:

WHEREAS James D. “Jim” Campbell has served with distinction as the Executive Director of the Virginia Association of Counties (VACo) since November 14, 1990, and announced his retirement effective June 30, 2016, and
WHEREAS, Jim Campbell has served VACo and its 94 member counties with distinction assisting counties, disseminating information, and advocating on behalf of the interests of the counties, and

WHEREAS, Jim Campbell has demonstrated exceptional leadership, dedication and integrity in the management of VACo for the past 26 years, and

WHEREAS, Jim Campbell previously served as the Director of Intergovernmental Affairs for the Virginia Municipal League, part-time Executive Secretary for the State Fire Chiefs Association of Virginia, Management Assistance Supervisor for the Virginia Department of Housing and Community Development and several local government positions during his career, and

WHEREAS, in one of these positions Jim Campbell served as the Warren County Planning and Zoning Administrator from January 15, 1975 to December 2, 1975.

NOW, THEREFORE, BE IT RESOLVED that the Warren County Board of Supervisors hereby congratulates and commends Jim Campbell upon his retiring as Executive Director of the Virginia Association of Counties after 26 years of dedicated service to the 95 counties of the Commonwealth of Virginia, and

BE IT FINALLY RESOLVED that the Warren County Board of Supervisors extends to James D. “Jim” Campbell deep personal appreciation and sincere gratitude for his dedicated efforts in advocating on behalf of Warren County for the benefit of all our citizens.

On a motion by Mr. Murray, seconded by Mr. Sayre, and by the following vote, the Board of Supervisors adopted the resolution shown above:

Aye: Carter, Fox, Glavis, Murray, Sayre

Mr. Stanley presented Mr. Campbell with a basket of memorabilia from Warren County and a hat from Rappahannock County.

Mr. Stanley introduced Ms. Brenda Garton, Frederick County Administrator, and Mary Beth Price, Shenandoah County Administrator. Ms. Garton noted that Mr. Campbell and his staff at the Virginia Association of Counties (VACo) had always been available to assist her personally and professionally. She
congratulated Mr. Campbell for years of wonderful service and presented him with a token of appreciation. Ms. Price thanked Mr. Campbell for his service and assistance and she presented him with mementos from Shenandoah County.

Mrs. Glavis presented Mr. Campbell with the resolution.

Mr. Campbell thanked everyone for the resolution and the gifts. He noted that 41 years ago Warren County allowed him to start his career in local government administration. He was hired by Bill O’Brian to serve as Warren County’s Planning and Zoning Administrator. He said it had been a pleasure serving Virginia’s counties in his career.

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.

There were no presentations from the public.

Reports – Board Members, County Administrator, County Attorney

Mr. Sayre reported the following:

- He attended the Front Royal-Warren County Chamber of Commerce annual awards dinner on May 5. He highlighted that evening’s activities.
- He attended the Samuels Library Board meeting on May 9. He made note of the Library’s recent fund-raiser, “A Taste for Mysteries.”
- He attended the Chamber of Commerce’s legislative breakfast on May 12. Senator Mark Obenshain and Delegates Todd Gilbert, Chris Collins, and Michael Webert were present. He discussed the need for funding for local infrastructure.
- He attended the J&DR District Court license ceremony for new drivers with one of his daughters on May 12.
- On May 15 he met with Delegate Chris Collins at a Middletown function hosted by the Middletown mayor.

Mr. Fox reported that he attended the Building Safety Month event hosted by the Building Inspections Department.
Mrs. Glavis reported the following:

- On May 5 she attended the Warren County Youth Advisory Board (WCYAB) meeting and they continued to work on a strategic plan to serve the youth and families in Warren County. A survey was sent to the schools and to-date they received an approximate 40% response. The WCYAB will evaluate the results of the survey to help identify needs and plan remedies.
- She attended the Community Policy Management Team (CPMT) meeting on May 5. CPMT will be audited on June 27 by the Office of Children’s Services.

Mr. Murray reported the following:

- He had been working on the Freedom Festival of Virginia for the veterans.
- He attended his grandson’s graduation from Temple University.
- He went on a cruise with his wife for their 49th wedding anniversary.

Mr. Stanley reported the following:

- **Board Goals List** - Board members completed scoring the proposed list of goals for 2016. The items will be placed on the June 7 work session for discussion prior to final consideration by the Board.
- **Development Review Committee** - The Development Review Committee met on April 27 and discussed projects in the County including a proposed building addition to the Toray facility, an addition to Limeton Church, and the site plan for the proposed Marriott Hotel and projects in the Town including a site plan for a proposed solar farm, opening of the Element Restaurant on Main Street, parking lot improvements to United Bank, and the proposed workforce housing development on Royal Lane. The committee will meet again May 25.
- **Community Profile** - He thanked Matt Wendling, Cindy Kokernak, and Taryn Logan for their efforts in developing a community profile for use on the County website. The profile provided a 13-page snapshot description of the community.
- **2nd Middle School** - Despite the recent wet weather, the contractor was making good progress and the project was approximately 25% complete with 99% of the building footers
having been poured, 60% of the slab on-grade, sheeting and shoring for site retaining walls completed, and underground plumbing 80% complete. All masonry bearing walls in Area A were complete and bearing walls in Areas B and D were progressing. Steel erection for Areas A and B was scheduled for mid-May. The school should be open for the 2017-2018 school year.

- **Ressie Jeffries Elementary School** - The site plan for the proposed parking lot improvements will be on the Town Planning Commission’s May 18 agenda. The plans for the addition and roof replacement were scheduled to be bid in the next several weeks.

- **Eastham Trail/Phase III** - Kickin’ Asphalt was near completion. Over the next several weeks they will replace the guardrail and install pedestrian crossing signals at Criser Road and Skyline Vista Drive. The project was anticipated to be completed by June 15, 2016 weather permitting.

- **Shenandoah Farms Boat Landing** - Final environmental permits from the Department of Environmental Quality were received. Construction will begin next week and should be completed by June 30.

Relative to the construction of the second middle school, Mr. Fox was concerned about compacting soil conditions due to heavy rainfall. Mr. Stanley said Triad Engineering, who was performing third-party inspections on the project, and the Building Inspections Department were cognizant of the soil conditions and soil was not being placed in wet areas. He said that the weather forecast for next week appeared to be better.

Mr. Sayre stated that there was an issue regarding wiring going across the Morgan Ford Bridge. Mr. Stanley said he had attended a meeting on April 24 with the Virginia Marine Resources Commission where they issued a permit to string a temporary fiber-optic cable across the river. The latest issue was the river was up and they were unable to place poles in order to string the cable.

Mr. Whitten reported the following:

- His office would go to closing on the DSS building located on Warren Avenue on May 18. The County would net approximately $643,000, which will help cover some of the costs for the renovation of the Warren County Health and Human Services Complex.
• A sale of properties for delinquent taxes took place at the Courthouse. Approximately 30 bidders participated. He was impressed with the amount bid on the properties. He felt it was successful.

Approval of Minutes

1. Regular Meeting of May 3, 2016
2. Work Session of May 3, 2016

Mr. Sayre made the following correction to page 4 of the minutes of the Board’s regular meeting of May 3, 2016:

“Mr. Sayre asked if VDOT had contemplated a tunnel under the railroad crossing. Mr. Ed Carter indicated that a tunnel could be more expensive.”

On a motion by Mr. Sayre, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting of May 3, 2016 as amended:

Aye: Carter, Fox, Glavis, Murray, Sayre

On a motion by Mr. Fox, seconded by Mr. Sayre, and by the following vote, the Board of Supervisors approved the minutes of its work session of May 3, 2016 as written:

Aye: Carter, Fox, Glavis, Murray, Sayre

Additional Appropriations and Transfers

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

Aye: Carter, Fox, Glavis, Murray, Sayre

ADDITIONAL APPROPRIATIONS

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<tr>
<th>Code</th>
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<td>Board of Supervisors-Public Officials Liability Ins to Board of Supervisors-Employee Service Awards</td>
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<td>11010-5851</td>
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Interest/Fitness

FROM 71030-7013 Parks & Rec. Maintenance-Recreation Facilities (19,769.00)
TO Special Projects 19,769.00

FROM 81060-5407 Front Royal/Warren County Airport-Repairs and Maintenance (4,500.00)
TO 81060-3010 Front Royal/Warren County Airport-Equipment Services Contracts 2,280.00
81060-5203 Front Royal/Warren County Airport-Telephone 678.48
81060-5405 Front Royal/Warren County Airport-Supplies 219.47
81060-5408 Front Royal/Warren County Airport-Operation of Vehicles 902.24
81060-5898 Front Royal/Warren County Airport-Waste Disposal 419.81

FROM 91000-5899 Non-Departmental-Reserve For Contingencies (6,966.00)
TO 31020-7009 Sheriff's Department-Police Equipment 6,966.00

FROM Special Projects (25,000.00)
TO 92000-7013 Capital Outlay-County Office Space 25,000.00

FROM Special Projects (12,000.00)
12020-5401 County Administration-Office Supplies (1,000.00)
12020-5501 County Administration-Travel and Training (1,500.00)
12020-7013 County Administration-Contingency (535.00)
TO 12020-1010 County Administration-Grants and Special Projects Coord. 10,000.00
12020-3002 County Administration-Professional Services 2,000.00
12020-5305 County Administration-Auto Insurance 535.00
12020-7007 County Administration-Computer Equipment 2,500.00

FROM Special Projects (32,769.00)
TO 71030-7013 Parks & Rec. Maintenance-Recreation Facilities 32,769.00
Approval of Accounts

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

Aye: Carter, Fox, Glavis, Murray, Sayre

Checks: 269266-26930  Total: $976,692.71

Consent Agenda

1. Reclassification of CSA Coordinator Position - Jodi Spittler
2. Resolution re: VRS Member Contributions by Salary Reduction - Jodi Spittler
3. Acceptance of Deed of Dedication of Storm Drainage Easement from Dale Orlowske & Nancy Winn - Dan Whitten
7. Automatic Aid Agreement for Chester Gap VFC 9 - Richard Mabie
8. Resolution of Support for Renaming of South Fork Bridge to Veterans Memorial Bridge - Richard Crawford/Doug Stanley
9. Authorization to Advertise for Public Hearing - Proposed License Agreement between County & InfraSource Construction to use County-owned Property off Country Club Road - Dan Whitten
10. Coyote Bounties - $50 Each - Animal Control
   a. Tristan James Pennifill
   b. Debra Gay Haw
11. Resolution re: $3,000 Warren County Educational Foundation Scholarship - Doug Stanley
12. Resolution re: 90th Anniversary of Front Royal Rotary Club - Doug Stanley

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

Aye: Carter, Fox, Glavis, Murray, Sayre
Mrs. Glavis called a four-minute recess. Mrs. Glavis called the meeting back to order.

Public Hearing - Proposed 2016 Sanitary District Tax Rate of $385 per Lot and Fiscal Year 2016-2017 Budget in the amount of $9,143.75 for Shangri-La Sanitary District - Doug Stanley

Mr. Stanley noted that the Circuit Court issued an order formally establishing the Shangri-La Sanitary District that included 25 lots, two of which were not part of the original subdivision. The Shangri-La Property Owners’ Association proposed the creation of a sanitary district in order to pay its share (estimated at $59,354.50 plus any utility relocation costs) of a revenue sharing project for the improvement of a .15 mile portion of Shangri-La Road in the amount of $237,418. Staff worked with Garrett Miller, Shangri-La Property Owners Association President, to develop a management agreement, proposed budget, and proposed tax rate. The management agreement was approved by the Board of Supervisors at its May 3, 2016 meeting. A tax rate of $385 per lot was proposed for tax year 2016 and a budget of $9,143.75. Approving a tax rate at this time would enable the Treasurer’s Office to mail a supplemental bill with 50% of the rate due on June 5, the tax payment deadline.

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

On a motion by Mr. Sayre, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the proposed 2016 sanitary district tax rate of $385 per lot and the proposed FY 2016-2017 budget in the amount of $9,143.75.

Aye: Carter, Fox, Glavis, Murray, Sayre

Public Hearing - Proposed FY 2016-2017 Shenandoah Farms Capital Improvement Plan - Bob Childress

Mr. Childress provided background on the County assuming maintenance responsibilities for the 42+ mile road system and two dams in the Shenandoah Farms Sanitary District in 2010. In 2012 the Board approved a comprehensive road and drainage study to identify needed improvements. Staff then developed a Capital Improvement Plan (CIP) to help guide infrastructure improvements
and upgrades throughout the sanitary district, which was approved by the Board in 2013.

Mr. Childress commented that the CIP was reviewed and updated annually to ensure it continued to meet the needs of the Shenandoah Farms Sanitary District. Old Oak Lane (Phases II & III) Rural Addition/Revenue Sharing projects as well as two internal projects, the construction of cul-de-sacs at the ends of Honey Farm Lane and Jennings Farm Court had been completed and removed from the proposed CIP and the following new projects added: Rural Addition/Revenue Sharing projects on the last phase of Old Oak Lane and portion of Lake Drive, construction of turn-abouts at the ends of Mountain Laurel Lane and the south end of Gary Lane.

The POSF Board was involved as an advisory group throughout the development and revision process and the draft FY 2016/17 CIP was presented to the POSF Board’s Road Committee in March 2016 for review. He met with the POSF Board on April 21, 2016 for final input and consideration. The draft CIP was approved by the POSF Advisory Board.

The proposed FY 2016/17 Shenandoah Farms Sanitary District CIP included a total of twenty projects at a total estimated cost of $6,163,256. There were 10 proposed Rural Addition projects which will be funded jointly through VDOT’s Revenue Sharing Program at (50%), the County (25%), and Sanitary District (25%). The 10 other internal projects would be funded through the Sanitary District budget and other sources. The CIP as presented was not fully funded, but approximately $468,700 was set aside in reserves as a result of FY 2010/11 through 2014/15 budget surpluses and other revenues that could be applied to the CIP projects.

In response to inquiries from Mr. Fox, Mr. Childress explained that the timeframe to complete the 10 rural addition projects would depend on funding. With the approximate $468,000 in available funding, he expected to construct 6 of the rural addition projects this summer and have the roads taken into the secondary system before next winter. Straight line drawings, environmental clearances, surveys, and preliminary engineering had completed on a number of the projects. Mr. Childress commented that Pine Ridge Drive, Copenhaver Road, and a portion of Western will provide a paved road to the south end of Old Oak Lane. The north end of Old Oak Lane was paved to its intersection with Venice Branch. Approximately one mile of road between the two intersections at Western Lane and Venice Branch
remained to be paved. Those sections were included in the CIP. He would probably apply for funding to construct Phase IV from Venice Branch to the intersection with Old Oregon and that project would probably be constructed in the next 2 to 3 years. Relative to the necessary right-of-way for these projects, Mr. Childress noted that there was a 50-foot public right-of-way dedicated on the majority of roads that were accepted by VDOT.

Mrs. Glavis opened the public hearing.

Mr. Willie Surface, 560 Youngs Drive, POSF Board member, said the POSF Board was in favor of the proposed CIP as improvements to the roads would benefit the community.

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

On a motion by Mr. Fox, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the proposed FY 2016/2017 Shenandoah Farms Sanitary District Capital Improvement Plan as presented:

Aye: Carter, Fox, Glavis, Murray, Sayre

Public Hearing - 2016-03-01 Eugene H. Hisey, Jr. - Conditional Use Permit for Gunsmithing/Repair/Sales Shop in conjunction with a Single-family Dwelling - Taryn Logan

Mrs. Logan noted that Eugene Hisey applied for a conditional use permit for a gunsmithing/repair/sales shop in conjunction with a single-family dwelling. The property was located at 41 River Manor Drive, identified on Tax Map 11H, Section 1 as Lot 2, zoned Agricultural, and contained approximately 5 acres. The applicant’s business would provide repair, modification, customization, and restoration of firearms; building custom firearms, selling and buying firearms, appraising firearms, and retail sale of gun parts, related items, and ammunition. An existing backstop of earthen material will be used for test firing.

The Planning Commission forwarded the application to the Board of Supervisors recommending approval with the following conditions:
1. The applicant shall comply with all Virginia Department of Transportation, Warren County Sheriff’s Office, and any other applicable state and federal regulations and requirements.
2. The hours of operation will be weekdays between 9:00 a.m. to 7:00 p.m. and Saturdays between 9:00 a.m. to 12:00 p.m. and on a by-appointment basis only.
3. The target range shall be in a location approved by the Sheriff’s Office with sufficient earthen material to prevent ricochets and shall not be for public access.
4. The guns/gun parts shall be secured in a manner acceptable to the Warren County Sheriff’s Office.
5. All material associated with the proposed use shall be stored completely inside the applicant’s home.
6. Waste materials and cleaning patches and rags related to the business shall be disposed of properly and stored in containers and in a location approved by the Warren County Fire Marshal.

Mr. Fox inquired if the Sheriff’s Office had approved the target range (condition 3). Mrs. Logan stated that the Sheriff’s Office had approved it. The Planning Commission and staff made a site visit and there was a lot of vacant land suitable for a target range.

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 Eugene Hisey, Jr. for a gunsmithing/repair/sales shop in conjunction with a single-family dwelling with the conditions recommended by the Planning Commission (shown below):

Aye: Carter, Fox, Glavis, Murray, Sayre

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Sheriff’s Office, and any other applicable state and federal regulations and requirements.
2. The hours of operation will be weekdays between 9:00 a.m. to 7:00 p.m. and Saturdays between 9:00 a.m. to 12:00 p.m. and on a by-appointment basis only.
3. The target range shall be in a location approved by the Sheriff’s Office with sufficient earthen material to prevent ricochets and shall not be for public access.
4. The guns/gun parts shall be secured in a manner acceptable to the Warren County Sheriff’s Office.
5. All material associated with the proposed use shall be stored completely inside the applicant’s home.

6. Waste materials and cleaning patches and rags related to the business shall be disposed of properly and stored in containers and in a location approved by the Warren County Fire Marshal.

Public Hearing - Z2016-04-01 Warren County Planning Commission - Proposed Ordinance to Amend Section 180 of the Warren County Code (Zoning Ordinance) re: Mobile Food Establishment - Taryn Logan

Mrs. Logan noted that the Planning Commission proposed an ordinance to modify Section 180 of the Warren County Code to add a definition of mobile food establishment, to add mobile food establishment as a use permitted by-right and as an accessory use permitted by-right in the Commercial Zoning District, to add mobile food establishment as an accessory use permitted by-right in the Industrial Zoning District, to add mobile food establishment on County-owned parks and recreation facilities as a use permitted as an accessory use in the Agricultural Zoning District, and to add supplementary regulations for mobile food establishments. In response to a number of requests and inquiries regarding the use of food trucks in the County, planning staff drafted an ordinance for mobile food establishments. The Planning Commission held a public hearing on the proposed ordinance and recommended approval. Mrs. Logan noted that she had reviewed the proposed ordinance with the Board of Supervisors in a work session.

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

Finding that the proposed zoning ordinance amendments are required and 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 Mr. Fox and approved by the following vote:

Aye: Carter, Fox, Glavis, Murray, Sayre

AN ORDINANCE TO AMEND CHAPTER 180 OF THE WARREN COUNTY CODE (ZONING ORDINANCE) TO ADD A DEFINITION OF "MOBILE FOOD ESTABLISHMENT"; TO ADD "MOBILE FOOD ESTABLISHMENT" AS A USE BY-RIGHT AND AS AN ACCESSORY USE PERMITTED BY-RIGHT IN THE COMMERCIAL (C) ZONING DISTRICT; TO ADD "MOBILE FOOD ESTABLISHMENT AS AN ACCESSORY USE IN THE INDUSTRIAL (I) ZONING
DISTRICT; TO ADD "MOBILE FOOD ESTABLISHMENT ON COUNTY OWNED PARKS AND RECREATION FACILITIES" AS A USE PERMITTED AS AN ACCESSORY USE IN THE AGRICULTURAL (A) ZONING DISTRICT; AND TO ADD SUPPLEMENTARY REGULATIONS FOR "MOBILE FOOD ESTABLISHMENTS".

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that the Warren County Code (Zoning Ordinance) be amended as follows:

Amend Section 180-8 (C) by adding the following definitions:

Mobile Food Establishment: A readily movable motorized vehicle or towed vehicle designed and equipped for the preparation, service and/or sale of food. The units are considered to be portable and temporary by definition and not permanent fixtures to a specific property. This is a general term which includes mobile food units such as food trucks, pushcarts, concession trailers and any other mobile unit that would be considered as providing mobile food vending services.

Section 180-21 be amended by adding the following use:

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

(8) Mobile Food Establishment on County owned Parks and Recreation facilities.

Section 180-27 be amended by adding the following uses:

B. Uses permitted by right.

(33) Mobile Food Establishment.

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

(4) Mobile Food Establishment.

Section 180-28 be amended by adding the following uses:

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

(5) Mobile Food Establishment.
Section 180 be amended by adding the following supplemental regulations:

§ 180-49.5. Mobile Food Establishment.

Mobile food establishments shall be subject to certain requirements as set forth below:

(A) Mobile food establishments on private property or in shopping centers must have written authorization from the owner or property management representative prior to the application being accepted by the Planning Department.

(B) If the mobile food establishment is being operated in conjunction with a festival, the festival permit issued by the Board of Supervisors will serve as approval for that function.

(C) The mobile food establishment applicant shall submit a site plan for each unimproved property showing ingress and egress to the location, parking spaces, lighting, setbacks to highway and adjacent zoning districts with their application request.

(D) No mobile food establishment will be authorized to operate on a public street or right-of-way, on unimproved parking surfaces, or in locations not approved by the County for this use.

(E) All mobile food establishments shall meet the requirements of the Warren County Building Inspections Department, the Fire and Rescue Department, the Virginia Department of Transportation, and the Warren County Health Department. The applicant shall have written approval from each of these agencies prior to beginning operation of the mobile food establishment.

(F) Mobile food establishments will be limited to the sale of food and non-alcoholic drinks.

(G) Mobile vending unit generators may be used if they are setback a minimum of seventy-five (75) feet from any adjacent residential property.
(H) Portable tables and chairs are permitted in conjunction with the mobile food establishment and shall be located within twenty (20) feet of the mobile unit.

(I) No required parking spaces within a shopping center or business facility shall be used for the mobile food establishment business and the establishment shall not block ingress/egress to parking areas, drive aisles/lanes, fire lanes or sidewalks within an approved shopping center.

(J) No vendor shall remain on any one site for more than seventy-two (72) consecutive hours.

(K) All mobile food establishments must be issued a zoning permit by the Planning Department prior to the operation of such use on public or private property.

(L) Mobile food establishments are allowed on County Parks facilities by issuance of a zoning permit by the Planning Department and a permit by the Parks and Recreation Department.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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


Mrs. Logan noted that Section 15.2-2239 of the Code of Virginia assigned the responsibility for capital outlay programs to the local planning commissions. The State Code provided that the local commission may, and at the direction of the governing body, prepare and revise an annual capital improvement program based on the comprehensive plan of the county or municipality for a period not to exceed the ensuing five years.

Mrs. Logan stated that in November 2015 County departments and agencies submitted lists of capital projects to begin the update of the County’s Capital Improvement Plan. The plan was intended as a guide to assist the Board of Supervisors in the development of the County’s budget and was last updated for the FY 2014/2015 year.
Mrs. Logan commented that the Planning Commission evaluated and prioritized the requests. Following a public hearing, the Planning Commission forwarded the proposed plan to the Board recommending approval.

Mrs. Glavis opened the public hearing.

Mr. Allen Ris, 99 Powell Lane, spoke on behalf of Charles Prince. As a volunteer of Rivermont since 1992, Chief of EMS, and President, Mr. Prince was deeply concerned that Rivermont’s building and budget would give out before the County constructed a new fire house. Page 21 of the proposed Capital Improvement Plan proposed $2 million for the construction of a new fire house over fiscal years 2017 and 2018. The County’s original estimated construction cost was $2.5 million to $3 million. Mr. Prince was concerned about where and how the additional $500,000 to $1 million in funding would be acquired.

Mr. Ris stated that heavy timber bracing was erected in mid-2015 to shore up the failing block retaining wall of Station 2, which was intended to sustain the current building for two years while a new station was constructed according to the County’s Building Official. The bracing already showed signs of separation from the wall. He asked if the County was committed to a two-year construction time-line.

Mr. Ris noted a number of issues with the existing station including a deteriorating roof, the water system was partially shut down due to system corrosion and mold, the reoccurrence of black mold, crumbling asphalt driveway, and inadequate ventilation system to vent carcinogenic diesel exhaust fumes.

He said Warren County assigned two career staff to Rivermont for 48 to 60 hours per week. He felt the County was obligated to provide these career employees with sanitary, safe, and adequately equipped facilities. Rivermont had no separate men’s and women’s restrooms or sleeping quarters.

Mr. Ris pointed out that Richard Mabie, Chief of Fire and Rescue Services, stated last year that structural deficiencies at Company 2 were not new and issues were raised twenty years ago. He said Mr. Prince asked that the Board remember the Springsted Study from 7 years ago that recommended replacement of the Rivermont facility within 5 years. He said Mr. Prince’s concern was that delay would be a continuing theme with this project.
Mr. Ris mentioned that Rivermont VFD’s income stream continued to be significantly impaired since the second floor meeting hall was condemned in 2015 and would remain so until a new structure with meeting hall facilities was available. Fixed funding from the County, anticipated fundraising, and grants fell short of Rivermont VFD’s operating budget and Rivermont VFD had no additional funding to cover unforeseen repairs or equipment needs.

Mr. Ris continued to say that Mr. Prince understood that a new station would be County property and felt this was a community project for a community need, not just something to appease needy volunteers.

Mr. Ris also noted Rivermont VFD’s location, service support areas, approximate number of persons and homes within their first due response area, and number of calls. Mr. Prince said Rivermont VFD looked to the County for leadership to provide necessary funding in order for Rivermont VFD to provide fire/EMS service to the community.

Mr. Ris mentioned a recent newspaper article regarding the criteria used by the Planning Commission when considering projects to be added to the CIP, which included “improved public health and safety and the population it served.” He added that approximately 60 of the CIP projects had been completed, including courthouse renovations and a number of school projects. Mr. Prince felt that the Board’s funding priorities appeared to be disproportionate and asked that the Board acknowledge that community health and safety were core priorities, affirm that Warren County Fire and Rescue was an essential priority component of community health and safety, demonstrate a tangible commitment to public health and safety by committing adequate resources to Warren County Fire and Rescue, and proceed with a new fire house in Rivermont in the near future as a core priority.

Mr. Shawn Graber, employee of Fire & Rescue Services, noted that due to the lack of structure integrity, the second floor was condemned and the lost revenue resulted in considerable financial strain. He said staff worked diligently to abate the mold issue, but the mold issue reoccurred. A new station for Rivermont was currently priority #6 on the CIP and Rivermont would greatly appreciate the Board try to fund that project over the next 18 to 24 months.

There was no further input from the public. Mrs. Glavis closed the public hearing.
Mr. Fox said he was concerned about the priority listing. He would prefer that the Board review it again in work session prior to taking action.

Mr. Fox made a motion that the Board of Supervisors postpone action for further discussion in a work session. Mr. Sayre seconded the motion.

Mr. Stanley commented that the Board could discuss it further at its June 7 work session and take action at its June 21 meeting.

Mr. Carter felt the Board members were all in agreement that Rivermont VFD was a top priority. He said that the location of a new station for Rivermont VFD was another issue and the location had yet to be determined. He said the Board was committed to moving it up the priority list as much as possible. He asked for an update on the status of this project.

Mr. Stanley said that the Building Committee directed staff to work with Moseley to develop a contract for the design of a new building. The focus at this time was developing a contract for Ressie Jeffries Elementary School in order to begin a roof replacement during the summer. Mr. Childress was researching information on the package septic system for the airport to determine if it would accommodate the additional usage of the Rivermont VFD. That issue needed to be resolved so they could identify a definite site. Mr. Stanley said staff planned to design the facility this year and next and bid the project in 2017. No money or projects were included in the FY 2016/2017 budget, but they could still potentially construct the station in FY 2017/2018. He pointed out that projects were not necessarily limited to the amount of funding outlined in the Capital Improvement Plan. The $2 million outlined in the CIP would provide a building similar to the North Warren VFD station based on an estimate from the contractor. The cost would depend not only on the site of the structure, but also on the degree of site work. Staff was of the understanding that the site would be donated, which would allow them to move forward.

Mr. Carter added that a site would need to be identified before a site plan could be prepared. Mr. Stanley said that was correct.

The motion was approved by the following vote:

Mr. Whitten noted that each year the County readopted the Virginia motor vehicle laws to incorporate any changes into the County Code. This would permit the Sheriff’s deputies to write traffic violations on County summons and fines assessed would be paid to the County rather than to the state.

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. Fox, and by the following vote, the Board of Supervisors approved the proposed re-adoption of Warren County Code Chapter 172, Section 172-1, Adoption of State Law, to re-adopt and incorporate by reference into the County Code the motor vehicle traffic laws of the Commonwealth of Virginia:

Aye: Carter, Fox, Glavis, Murray, Sayre

AN ORDINANCE TO RE-ORDAIN SECTION 172-1 OF THE WARREN COUNTY CODE TO RE-ADOPT VIRGINIA MOTOR VEHICLE TRAFFIC LAWS FOR TRAFFIC VIOLATIONS WITHIN WARREN COUNTY

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that the motor traffic laws of the Commonwealth of Virginia be re-adopted and incorporated by reference into the Warren County Code by the re-adoption of Section 172-1 of the Warren County Code reading as follows:

CHAPTER 172. VEHICLES AND TRAFFIC

ARTICLE I. General Restrictions and Regulations


A. Pursuant to the authority of § 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of
the laws of the state contained in Title 46.2 and in Title 18.2, Chapter 7, Article 2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the County, are hereby adopted and incorporated herein by reference and made applicable within the County. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this article as fully as though set forth at length herein, and it shall be unlawful for any person within the County to violate or fail, neglect or refuse to comply with any provisions of Title 46.2 or of Title 18.2, Chapter 7, Article 2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provisions or required hereby exceed the penalty imposed for a similar offense under Title 46.2 or under Title 18.2, Chapter 7, Article 2, Code of Virginia.

B. This section shall not apply within the corporate limits of the Town of Front Royal.

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 Amend and Re-ordain Section 160-16 of the Warren County Code to Increase the Maximum Gross Combined Income to $35,000 for Grandfathered Persons under the Tax Exemption Program for the Elderly and Disabled – Dan Whitten

Mr. Whitten noted that the proposed amendment would increase the maximum gross combined income to $35,000 for grandfathered persons in the tax exemption program for the elderly and disabled. The current maximum gross combined income for grandfathered persons was $26,500 if the person was over 65 or certified as permanently and totally disabled or $30,000 if the person was over 70. In 2014 the Board of Supervisors amended Section 160-14 of the Warren County Code to increase the maximum gross combined income to $35,000. However, a sliding scale was
put in place where a person was only entitled to a full exemption if his/her gross combined income was $20,000 or less. The Commissioner of Revenue requested that the proposed amendment be effective January 1, 2015.

Mrs. Glavis opened the public hearing.

Ms. Marilyn Lott, 105 West 18th Street, said there were a lot of people right on the edge of needing a little help and sometimes a little tax break was all it took. She was concerned that the gross income did not allow for that portion of Social Security that paid for Medicare and the taxpayer never sees. She asked that the gross income be increased to include the amount paid for Medicare. She noted that the elderly had to pay for services such as laundry. She stated that National Low Income Housing Center allowed a 30% set-aside for rent or mortgage payment. She said that could be a consideration. She said it was absolutely essential that people be able to live in Warren County and that they owed it to their senior citizens to allow them to live comfortably.

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

On a motion by Mr. Fox, seconded by Mr. Sayre, and by the following vote, the Board of Supervisors approved the proposed amendments to Section 160-16 of the Warren County Code to increase the maximum gross combined income to $35,000 for grandfathered persons under the tax exemption program for the elderly and disabled to be effective January 1, 2015:

Aye: Carter, Fox, Glavis, Murray, Sayre

AN ORDINANCE TO AMEND AND RE-ORDAIN
SECTION 160-16 OF THE WARREN COUNTY CODE
TO INCREASE THE MAXIMUM GROSS COMBINED INCOME
TO $35,000 FOR GRANDFATHERED PERSONS
UNDER THE TAX EXEMPTION PROGRAM
FOR THE ELDERLY AND DISABLED

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 160-16 of the Warren County Code (Grandfathering of persons qualifying for the exemption) be amended and re-ordained as follows:

§ 160-16. Grandfathering of persons qualifying for the exemption
Any person who qualified for the exemption on or before January 1, 2014 shall be grandfathered and shall be entitled to a full exemption of all real estate or personal property tax liability, as applicable, on the dwelling and land on which it is situated, up to a maximum of five acres. If either the person’s gross combined income exceeds $35,000 on or after January 1, 2015 or the person’s net combined financial worth, detailed in §160-14 of the Warren County Code, exceeds the limits that existed on January 1, 2014, such person shall not qualify for the full exemption and will only qualify for the percentage exemption, detailed in §160-17 of the Warren County Code.

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 Repeal Section 133-9 of the Warren County Code which Bans the Distribution of Handbills, Solicitation of Contributions, and the Sale of Merchandise or Services on the Highway – Dan Whitten

Mr. Whitten noted that in June 2010, the Board of Supervisors adopted Section 133-9 of the Warren County Code which banned the solicitation of contributions on the highway. The main concern was the intersection of Country Club Road and Route 522 at Riverton Commons. At the time there was an exemption for Warren County Fire and Rescue and all independent fire and rescue companies who conducted boot drives at that location.

On February 24, 2015, the federal Court of Appeals for the Fourth Circuit, in Reynolds v. Middleton, invalidated a Henrico County, Virginia ordinance that prohibited soliciting contributions and engaging in other activities from a highway median. The county made a traffic safety based argument, but it had no direct evidence of traffic problems except for a limited number of busy intersections. In addition, the Court found that there was not any history of criminal prosecutions of solicitors who actually blocked traffic. The Court determined that the ordinance was not sufficiently narrowly tailored and invalidated it.

Mr. Whitten explained that the only way to amend Section 133-9 of the County Code to comply with the court decision would be to limit the applicability of the code section to the
congested intersections within the County but outside the Town limits. In addition, the exemption for Warren County Fire and Rescue and for independent fire companies located in Warren County would have to be removed. Warren County Fire and Rescue and the independent fire companies depended heavily on the boot drives at the intersection of Route 522 and Country Club Road. He felt the most reasonable decision was to repeal the section altogether. There were very few reports of solicitors on the highways in Warren County. If it were to become a problem in the future, the Board could revisit the ordinance.

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

Mr. Murray made a motion, seconded by Mr. Fox, that the Board of Supervisors repeal Section 133-9 of the Warren County Code which bans the distribution of handbills, the solicitation of contributions, and the sale of merchandise or services on the highway.

Mr. Murray was concerned that the distribution of handbills would become a litter problem, which would be a matter of enforcement for the Sheriff’s Office.

Mr. Sayre said it was the Board’s responsibility to ensure people’s safety and he was concerned about the safety of people trying to collect money or distribute handbills on the highway.

The motion was approved by the following vote:

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

AN ORDINANCE TO REPEAL SECTION 133-9 OF THE WARREN COUNTY CODE WHICH BANS THE DISTRIBUTION OF HANDBILLS, SOLICITATION OF CONTRIBUTIONS AND THE SALE OF MERCHANDISE OR SERVICES ON THE HIGHWAY

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 133-9 of the Warren County Code (Distribution of handbills, solicitation of contributions, and sale of merchandise or services on highway) be repealed as follows:

CHAPTER 133. PEDDLING AND SOLICITING

ARTICLE II. SOLICITATION ACTIVITIES ON PUBLIC HIGHWAYS
§ 133-9. Distribution of handbills, solicitation of contributions, and sale of merchandise or services on highway.

A. It shall be unlawful for any person while standing on a highway or median located within the county to:

(1) Distribute handbills, leaflets, bulletins, literature, advertisements, or similar material to the occupants of motor vehicles.

(2) Solicit contributions of any nature from the occupants of motor vehicles.

(3) Sell or attempt to sell merchandise or services to the occupants of motor vehicles.

B. For purposes of this section, "highway" shall mean the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the county, including the streets and alleys, and, the entire width between the boundary lines of all private roads or private streets that have been specifically designated highways by ordinance.

C. Any person violating the provisions of this section shall, upon conviction, be guilty of a traffic infraction, punishable by a fine of one hundred dollars ($100.00) for the first offense and two hundred fifty dollars ($250.00) for any subsequent offense. Each separate violation shall be considered a new offense.

D. The provisions of subsection A(2) above shall neither apply to the Warren County Department of Fire and Rescue Services nor any independent fire and rescue company located within Warren County

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Adjournment

Mrs. Glavis adjourned the meeting.