

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on September 19, 2017 at 7:00 PM.

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

Absent: None

Adoption of Agenda – Additions or Deletions

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

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

Herb Dunkle, P.O. Box 521, Linden, stated that the County's proposed ordinance for dog tethering is a reasonable idea but referred the Board to the Dillon Rule, which requires that the State must authorize any changes in the State laws. He encouraged the Board to invite opponents to the new Morgan Ford Bridge to its ribbon cutting next year to show that the County, when it sets its mind to do something, is going to do it regardless of public input. He commented on the proposed replacement of the building for Rivermont Fire Station, which he indicated is projected to cost approximately \$3 million. He stated that he looked up an online company that makes steel buildings with a concrete pad for only \$300,000 with the added equipment cost of \$200,000 and a 20-year warranty.

He further voiced his concerns about witnessing several police officers traveling at speeds he estimated to be around 70-80 mph through the Town recently. In conclusion, he requested that the County provide Julia Souter and himself a proffer of what the County intends to offer for damages related to the illegal eviction from their property. He stated that he has been homeless for over thirteen months and is "really peeved".

There were no further presentations from the public.

Request – RSW Regional Jail 2012A Virginia Resource Authority (VRA) Bond Refunding – Ted Cole/Jesse Bausch

Doug Stanley, County Administrator, reported that the Rappahannock Shenandoah Warren (RSW) Regional Jail Authority Board has been working with Davenport and Sands Anderson on a periodic basis to assess the potential to refund all or a portion of the 2012 bonds funded through the Virginia Resource Authority (VRA). RSW has \$37,905,000 in callable outstanding debt in bonds that mature from 2023-2043 as part of the 30-year amortization for the funding of the local share of the construction of the RSW Regional Jail facility that was completed and opened in June 2014.

Refinancing of the bonds (based on market rates of September 11th) would generate gross savings of \$3,890,986. Annually it would save the RSW Regional Jail approximately \$150,000 per year of debt service. Warren County currently pays and would therefore benefit from (based on rolling 3-year average) approximately 59% or \$88,500 of that amount. Due to the fact that there is a 10-year call period on the original bonds, money has to be borrowed and held in escrow to pay off maturities in 2022. Due to the negative arbitrage, this is less efficient and impacts the overall savings.

The RSW Regional Jail Board voted at a special meeting on September 11th to proceed with refinancing all or a portion of the callable 2012A VRA Bonds as long as net present value savings (NPVS) of at least 7.0% can be achieved. The NPVS is currently estimated at 7.052%. The RSW Board gave authority to its Finance and Personnel Committee to make any final decisions on whether to move forward with the refinancing at its scheduled meeting on October 19th.

In order to complete the refinancing, in addition to the RSW Board, approvals must be obtained from each of the member jurisdictions (Rappahannock, Shenandoah, and Warren Counties) to approve support agreements similar to those provided in connection with the 2012 Bond. Warren County is scheduled to be the first to consider the request. The Shenandoah Board will consider the request at its meeting on September 26th and the Rappahannock Board on October 2nd. Sands Anderson has prepared a resolution to be considered by the Board of Supervisors. Mr. Stanley commented that Ted Cole of Davenport and Jesse Bausch from Sands Anderson are in attendance to answer any questions.

Ted Cole reported that a similar type of transaction discussed in years past for Warren County and confirmed that the RSW Board has moved forward provided that a minimum level of savings is achieved. An estimated \$150,000 can be saved annually through this refunding, which is shared among the members according to their percentages. Issuing through the Virginia Resource Authority (VRA), the interest rates cannot be locked until November 1st, and because of this date, the Finance and Personnel Committee for the RSW Regional Jail has scheduled a meeting on October 19th to review the refunding proposal one final time to make sure savings are within the minimum acceptable level. If the market interest rates increase and the savings cannot be achieved, nothing will be done; there would be no cost to the County or RSW Regional Jail, and plans would be made to revisit the refunding proposal at a later date.

Mr. Cole stated that the RSW Board has approved not to fall below 7% savings, and all three jurisdictions (Rappahannock, Shenandoah, and Warren) will adopt resolutions that reflect this percentage. There are no additional commitments the jurisdictions need to make, and provided that the minimum level of savings is achieved, VRA will move forward with the refunding on November 1st, and savings will begin accruing to the RSW Regional Jail Authority in the current 2018 fiscal year. Mr. Cole commented that VRA needs to be mindful of the interest earnings on the escrow. He further stated that if the Board moves forward with adopting this resolution and refunding the bonds, they would become the 2017 bonds, and the Board could consider refunding them again in 2027.

Mr. Carter mentioned the “negative arbitrage” Mr. Stanley commented on in his opening statement and asked Mr. Cole to clarify that this meant the 2022 cannot be paid off early. Mr. Cole responded affirmatively and further stated that VRA would borrow money in the fall of 2017 and would deposit it into a dedicated escrow, which would legally relieve the RSW Regional Jail Authority to pay the debt, and the money would be invested until 2022.

On a motion by Mr. Murray, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the resolution below to approve the request to refinance the 2012A Virginia Resource Authority Bonds and further authorized a related support agreement as outlined:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF WARREN, VIRGINIA,
APPROVING THE EXECUTION AND DELIVERY OF A SUPPORT AGREEMENT WITH THE
RSW REGIONAL JAIL AUTHORITY FOR THE ISSUANCE BY SUCH AUTHORITY OF ITS JAIL
FACILITY REVENUE REFUNDING BOND

WHEREAS, the RSW Regional Jail Authority (**the “Authority”**) is a public instrumentality of the Commonwealth of Virginia created pursuant to Article 3.1, Chapter 3, Title 53.1, Code of Virginia of 1950, as amended (**the “Act”**) by resolutions duly adopted by the governing bodies of the County of Rappahannock, Virginia (**“Rappahannock County”**), the County of Shenandoah, Virginia (**“Shenandoah County”**) and the County of Warren, Virginia (**“Warren County,” collectively, the “Member Jurisdictions”**) for the purpose of developing a regional jail (**the “Regional Jail”**) to be operated on behalf of the Member Jurisdictions by the Authority;

WHEREAS, the Authority and the Member Jurisdictions have entered into a RSW Regional Jail Authority Service Agreement, dated as of June 4, 2010, in which the Authority has agreed to, design, construct and equip the Regional Jail and obtain financing therefore.

WHEREAS, the Authority previously issued its \$45,240,000 Regional Jail Facility Revenue Bond, Series 2012 (**the “2012 Bond”**) the proceeds of which, together with the proceeds of the Authority's \$32,840,850 Jail Facility Revenue Anticipation Note, Series 2012 (**the “2012 Note”**), were used to finance the construction of a Regional Jail facility located in Warren County (**the “Project”**);

WHEREAS, the 2012 Note has been repaid in full;

WHEREAS, the 2012 Bond was sold to the Virginia Resources Authority ("**VRA**") pursuant to a Local Bond Sale and Financing Agreement dated as of April 30, 2012 (**the "2012 Financing Agreement"**) between the authority and VRA;

WHEREAS, the Board of the Authority (**the "Authority Board"**) desires to issue a regional jail facility revenue refunding bond (**the "Local Bond"**) to refund all or a portion of the 2012 Bond (**the "2012 Refunded Bond"**) to achieve debt service savings;

WHEREAS, VRA has indicated its willingness to purchase the Local Bond from a portion of the proceeds of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2017C (**as more particularly defined in the below-defined Local Bond Sale and Financing Agreement, the "VRA Bonds"**) and to provide a portion of the proceeds thereof to the Authority in an amount equal to the purchase price of the Local Bond (**the "Proceeds Requested"**) to refund the 2012 Refunded Bond and pay certain costs of issuance of the Local Bond, in accordance with the terms of a Local Bond Sale and Financing Agreement to be dated as of a date to be specified by VRA, between VRA and the Authority (**the "Local Bond Sale and Financing Agreement"**);

WHEREAS, VRA has indicated that its agreement to purchase the Local Bond will be conditioned upon each of the Member Jurisdictions undertaking non-binding obligations to appropriate from time to time moneys to the Authority in connection with payments due on the Local Bond similar to those provided in connection with the 2012 Bond;

WHEREAS, the Board of Supervisors (**the "Board of Supervisors"**) of Warren County has previously indicated its support of the financing the Project through such a non-binding obligation to appropriate in connection with the 2012 Bond and desires to enter into such a Support Agreement evidencing such obligation in connection with the Local Bond (**the "Bond Support Agreement"**).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WARREN, VIRGINIA:

1. It is determined to be in the best interests of Warren County and its citizens for the Board of Supervisors to enter into the Bond Support Agreement.
2. It is acknowledged that (i) VRA would not purchase the Local Bond without the security and credit enhancement provided by the Bond Support Agreement, (ii) VRA will be a third party beneficiary of the Service Agreement, and (iii) VRA is treating the Bond Support Agreement as a "local obligation" within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended, including amendments thereto taking effect as of July 1, 2011 (**the "Virginia Code"**), which in the event of a nonpayment thereunder authorizes VRA or the trustee for VRA's bonds to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. In purchasing the Local Bond, VRA is further relying on Section 62.1-216.1 of the Virginia Code, providing that if the Governor is

satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.

3. In consideration of the Authority's undertakings with respect to the refunding of all or a portion of the 2012 Bond and the refinancing of the Project, the Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Bond Support Agreement. The Bond Support Agreement shall be in substantially the form executed in connection with the 2012 Bond, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman of the Board of Supervisors, in their sole discretion, the execution thereof by the Chairman or Vice-Chairman of the Board of Supervisors to constitute conclusive evidence of his or her approval of such completions, omissions, insertions or changes.
4. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Bond Support Agreement on the County Administrator, and to take all proper steps on behalf of Warren County as may be required, in accordance with the plan of financing set forth above.
5. Nothing contained herein or in the Bond Support Agreement is or shall be deemed to be a lending of the credit of Warren County to the Authority, VRA or to any holder of the Local Bond or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of Warren County, nor shall anything contained herein or in the Bond Support Agreement legally bind or obligate the Board of Supervisors to appropriate funds for purposes described in the Bond Support Agreement.
6. All actions previously taken by representatives or agents of Warren County in furtherance of the plan of refunding the 2012 Refunded Bond and issuance of the Local Bond are hereby ratified and approved.
7. This resolution shall take effect immediately.

Reports – Board Members, County Administrator, County Attorney

Mr. Sayre reported the following:

- Attended the Library Ad-Hoc meeting on September 7th
- Attended the Meet and Greet with new Samuels Public Library Director Harold Hayes
- Attended VACO Supervisor training on September 15th

- Attended Lexis Nexis training on September 18th
- Will attend a Chamber Event on September 20th
- Will attend the County Staff Picnic on September 20th
- Will attend the Town/County Liaison Committee meeting on September 21st

Mr. Fox reported the following:

- Attended a special meeting of the EDA on September 15th

Mrs. Glavis reported the following:

- Attended the Youth Advisory Board meeting on September 19th and discussed revision of the by-laws and an update to the strategic plan
- Attended the Community Policy and Management Team on September 19th

Mr. Murray reported the following:

- Attended the Station 10 breakfast
- Attended the membership meeting at Station 10
- Riverton United Methodist Church has requested County help to clean its church steeple from residue resulting from bridge construction
- Attended Congressman Goodlatte's barbecue in Augusta County
- Received phone calls from citizens regarding the Rockland Road railroad crossing
- Received comments from citizens about the tractor-trailer ban on Route 627 (Reliance Road)
- Attended a special meeting of the Economic Development Authority on September 15th

Mr. Carter reported the following:

- Attended a Parks and Recreation meeting on September 18th
- Invited the public to the Brew and Blues Festival on September 23rd

Mr. Stanley reported the following:

- Front Royal Golf Club – The County advertised an RFP for management of the Front Royal Golf Club and received one proposal in response. The proposal is currently under review by the Advisory Committee, which meets later this week.
- Development Review Committee – The Development Review Committee met on August 23rd.

The Committee discussed projects in Warren County including:

- Proposed Contractor's Storage Yard (Walker and Brugh)
- The Marriott TownePlace Suite Project
- 340/522 Revenue Sharing Project Bid
- Toray Project Expansion – 5,200 SF

The Committee also discussed Town projects including:

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

The Committee will meet again on September 27th.

- Rural Addition Program – The County advertised for applications from subdivisions and sanitary districts to upgrade and take roads into the Virginia Department of Transportation (VDOT) road system. The program allows streets in private subdivisions to be upgraded to minimum standards permitting their addition to the secondary system of highways through a combination of property owner, County and State funding. Applications were due on September 1st and the County received a total of 33 applications and will be reviewing them for prioritization in the next month.
- Library Ad-Hoc Committee – The committee for looking at Library operations held its fourth meeting on September 7, 2017. The committee continues to make progress and anticipates having recommendations to the Board later this fall. The next meeting is scheduled for September 20th.
- Reassessment – A General Reassessment of all real property, as required by State Law, is underway in Warren County and is being conducted by Wingate Appraisal Service, who is under contract with the County. This reassessment should take about 16 months to complete, and the effective date will be January 1, 2019.
- Youth Center and Community Center Roofs – Work was completed last week on the replacement of the Youth Center and Community Center roofs. Work is underway for the replacement of ceiling grid/tiles at the Youth Center.
- Ressie Jeffries Elementary School – The building addition and roof project is 99% complete and the site work project 99% complete. Work is primarily focused on punch list items with the exception of the Canopy and associated work, which will not be completed until early November, and the landscaping, which will be completed by the end of this week. The contractor will be working with staff over the next several weeks to close out the project.
- Playground Project – County staff is working with Landscape Architect to finalize plans. It is anticipated that site work will start in the next two weeks. Phases I and II of the project should be completed during the fall of 2017. Thanks to a \$5,000 donation and a five-year \$25,000 donation match, Phases III and IV will be fully funded if the school can raise another \$25,000-\$30,000.
- McKay House – The County has received reimbursement in the amount of \$25,000 for the roofing project. In addition, Brandy Rosser has been able to obtain a \$10,000 grant to repoint the chimneys and foundation on the house from the Department of Historic Resources.

- Rivermont Fire Station – Moseley Architects is working on two conceptual design options for the facility. The survey and associated topo of the property have been completed by the surveyor. The permit application to expand the existing airport sewage system has been approved by the Health Department. Moseley Architects is planning to meet with the Building Committee on September 25th.
- Leach Run Parkway – The project is complete, and the ribbon cutting was held on June 26th. The engineer is currently working with the contractor on remaining punch list items, including the permanent establishment of grass.
- VDOT/Marlow-Silek Revenue Sharing Project – The project will widen a portion of Route 340/522 South from the crossover in front of Shenandoah Motors to the Crooked Run Boulevard entrance by adding a third lane and right turn lane. The project will also extend the left turn lane for the crossover. The Economic Development Authority approved the Memorandum of Agreement for the project last Friday and award of the contract to W&L Construction. Target completion date is mid-November.
- VDOT/Morgan Ford Bridge – The project is approximately 50% complete based on earnings and remains on schedule for completion in June 2018. The contractor has completed constructing all substructures including both abutments and MSE walls. The contractor has received and set the box beams for the bridge. Over the next several weeks they will prepare to install the concrete overlay on the box beams. The temporary work bridge will remain in place in order to facilitate placing the concrete deck overlay. Once the deck is placed, the contractor will need to construct the concrete railings.
- VDOT/South Fork Bridge – The project is approximately 88% complete and remains on schedule for completion in December 2017. The contractor is working on Stage II of the new bridge, which will widen the structure and provide two additional lanes, a bike lane, and a sidewalk to the west. Stage II deck pours are complete as well as the closure pours connecting Stage I and II. The Stage II bridge sidewalk and concrete railing are almost complete. The contractor will continue to finalize Stage II of the new bridge. The contractor is continuing grading work on Route 55 and along the Quadrant Roadway. Signal work will be ongoing at the three intersections of the quadrant roadway intersection (QRI).
- Route 340/522 Trolley Project – Service to the corridor and Lord Fairfax Community College started on July 31st. County staff have been blanketing the corridor with flyers and brochures to advertise the new service and will continue to do so over the next several months.
- Tiger Grant Application – County staff continues to work with the Port of Virginia, Norfolk Southern, and VDOT on the resubmission of a Tiger Grant application for a grade separated crossing at Route 658 (Rockland Road). The grant submission is due October 16th.
- Commercial Projects – Work continues on the following projects:
 - Royal Farms Convenience Store – Fall 2017 Completion
 - Marriott/TownePlace Suites – Summer 2018 Completion

Mr. Fox asked if the renovation and addition projects currently underway at Ressie Jeffries Elementary School were in budget. Mr. Stanley confirmed that the projects were in budget with approximately 10% spent on contingency items.

Mr. Whitten distributed his written report to the Board and opened himself up to questions. Mr. Sayre asked for clarification regarding “Appeal to Town Council for Afton Inn” item on the County Attorney’s report. Mr. Whitten stated that he attended the Town Council work session on September 18th in his role as counsel to the Economic Development Authority (EDA) with Jennifer McDonald, Executive Director of the EDA. The EDA authorized Ms. McDonald to appeal the decision of the Board of Architectural Review to the Town Council, and Town Council placed the appeal on its agenda for the meeting on September 25th for consideration.

Approval of Minutes - Regular Meeting of September 5, 2017

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the minutes of its regular meeting of September 5, 2017:

Aye: Carter, Fox, Glavis, Sayre

Abstain: Murray

Approval of Minutes - Work Session of September 5, 2017

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the minutes of its work session of September 5, 2017:

Aye: Carter, Fox, Glavis, Sayre

Abstain: Murray

Additional Appropriations and Transfers

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

Aye: Carter, Fox, Glavis, Murray, Sayre

ADDITIONAL APPROPRIATIONS

21060-5812	Clerk of Circuit Court - Miscellaneous Grants	2,463.50
31020-5812	Sheriff's Department - Miscellaneous Grants	6,902.50
32000-5629	Volunteer Fire and Rescue - Fire Programs Fund	1,752.00
43000-5101	Maintenance of Bldg. & Grounds - Electric Service	23,836.61
81060-8833	FR-WC Airport - Grant-Obstruction Removal/Lights	239,191.85
81060-8833	FR-WC Airport - Grant-Obstruction Removal/Lights	10,128.21
92000-7025	Capital Outlay - Revenue Sharing	108,241.00

92000-7082	Capital Outlay - McKay House Stabilization	25,000.00
92000-7117	Capital Outlay - William E. Carson Trail	100,769.12
	Special Projects	270.29
	Special Projects	6,302.14
	Special Projects	71,265.12

TRANSFERS

FROM:	12020-1008	County Administration - Deputy Clerk of Board	(26.20)
	12020-1009	County Administration - Human Resources Manager	(0.32)
	12020-2008	County Administration - Hybrid Disability	(29.48)
	91000-5899	Non-Departmental - Reserve For Contingencies	(389.76)
TO:	12020-5401	County Administration - Office Supplies	51.88
	12020-5408	County Administration - Operation of Motor Vehicles	147.62
	12020-8001	County Administration - Equipment Rental	246.26
FROM:	12130-5201	Treasurer - Postage	(998.40)
TO:	12130-3018	Treasurer - Outsource Printing	476.12
	12130-5203	Treasurer - Telephone	402.40
	12130-5504	Treasurer - Travel	119.88
FROM:	13000-5413	Elections - Voting Machine Supplies	(3,000.00)
	13000-5415	Elections - Moving Voting Machines	(1,372.18)
TO:	13000-1001	Elections - Compensation Registrar	0.36
	13000-2005	Elections - Hospital Medical	2.64
	13000-5201	Elections - Postage	968.22
	13000-5203	Elections - Telephone	25.98
	13000-5401	Elections - Office Supplies	1,676.80
	13000-5402	Elections - Ballots	582.32
	13000-7001	Elections - Voting Machines	980.00
	13000-8003	Elections - Vehicle Rental	135.86
FROM:	31020-1007	Sheriff's Department - Compensation Deputies	(9,099.00)
	31020-3004	Sheriff's Department - Repair and Maintenance Equipment	(9,131.00)
	33000-1003	Corrections - Compensation Part-time	(26,233.00)
	33000-1007	Corrections - Compensation Deputies & Assistants	(5,814.00)
	33000-3004	Corrections - Repair and Maintenance Equipment	(5,618.00)
	33000-5305	Corrections - Auto Insurance	(2,200.00)
	33000-5408	Corrections - Operation of Motor Vehicles	(1,406.00)
	33000-5409	Corrections - Police Supplies	(3,642.00)
	33000-7009	Corrections - Police Supplies	(7,796.00)
	35010-5408	Animal Control - Operation of Motor Vehicles	(7,381.00)
	35010-8003	Animal Control - Vehicle Leasing	(4,117.00)
	31020-5411	Sheriff's Department - Books and Subscriptions	(848.00)
	31040-1006	E-911 System - Comp - Emergency Dispatchers	(30,161.00)
	31020-8003	Sheriff's Department - Motor Vehicle Leasing	(13,041.00)
	31020-5408	Sheriff's Department - Operation of Motor Vehicles	(5,348.00)
	31020-2011	Sheriff's Department - Worker's Compensation	(2,255.00)
	31020-7001	Sheriff's Department - Furniture and Fixtures	(3,835.00)

<u>TO:</u>	31020-1002	Sheriff's Department - Compensation Overtime	82,437.00
	31020-1003	Sheriff's Department - Compensation Part-time and Temporary	848.00
	31020-1006	Sheriff's Department - Compensation Dispatchers	30,161.00
	31020-1013	Sheriff's Department - School Resource Officer	13,041.00
	31020-1013	Sheriff's Department - School Resource Officer	5,348.00
	31020-2001	Sheriff's Department - FICA	2,255.00
	31020-7005	Sheriff's Department - Motor Vehicles	3,835.00
<u>FROM:</u>	31020-3008	Sheriff's Department - Laundry and Clothing Allowance	(4,390.00)
	31020-3010	Sheriff's Department - Equipment Service Contracts	(5,927.00)
	31020-5408	Sheriff's Department - Operation of Motor Vehicles	(1,724.00)
	31020-7002	Sheriff's Department - Machinery and Equipment	(9,242.00)
	31020-7002	Sheriff's Department - Machinery and Equipment	(4,907.00)
	31020-7002	Sheriff's Department - Machinery and Equipment	(633.00)
	31020-7002	Sheriff's Department - Machinery and Equipment	(765.00)
<u>TO:</u>	31020-5410	Sheriff's Department - Wearing Apparel	4,390.00
	31020-5203	Sheriff's Department - Telephone	5,927.00
	31020-5305	Sheriff's Department - Auto Insurance	1,724.00
	31020-8001	Sheriff's Department - Rental of Equipment	9,242.00
	31020-5899	Sheriff's Department - Unclassified	4,907.00
	31020-5504	Sheriff's Department - Travel and Training	633.00
	31020-5420	Sheriff's Department - K-9 Expense	765.00
<u>FROM:</u>	31040-3010	E-911 System - Equipment Service Contracts	(32,434.00)
<u>TO:</u>	31040-3004	E-911 System - Repair Office Equipment	677.00
	31040-5203	E-911 System - Telephone	397.00
	31040-5401	E-911 System - Office Supplies	40.00
	31040-5899	E-911 System - Unclassified	408.00
	31040-7002	E-911 System - Furniture and Fixtures	797.00
	31040-7008	E-911 System - Communications Software	299.00
		Special Projects	18,720.00
		Special Projects	11,096.00
<u>FROM:</u>	32000-5629	Volunteer Fire and Rescue - Fire Programs Fund	(1,350.40)
<u>TO:</u>		Special Projects	1,350.40
<u>FROM:</u>	33000-3004	Court Services - Repair and Maintenance Equipment	(801.00)
<u>TO:</u>	33000-5204	Court Services - Mobil Radio	20.00
	33000-5402	Court Services - Food Supplies	57.00
	33000-5504	Court Services - Travel and Training	724.00
<u>FROM:</u>	35010-5408	Animal Control - Operation of Motor Vehicles	(4,401.00)
<u>TO:</u>	35010-3001	Animal Control - Vet Services	3,589.00
	35010-5410	Animal Control - Uniforms	382.00
	35010-5504	Animal Control - Travel and Training	430.00
<u>FROM:</u>	35060-3003	Cost Recovery - Administrative Fees	(30,000.00)
	35060-5403	Cost Recovery - Recruitment and Retention	(15,000.00)

	35060-5408	Cost Recovery - Operation of Motor Vehicles	(34,000.00)
	35060-5504	Cost Recovery - Travel & Training	(10,000.00)
	35060-5630	Cost Recovery - Equipment Standardization	(12,641.00)
	35060-5899	Cost Recovery - Unclassified	(1,482.53)
	35060-7001	Cost Recovery - Machinery & Equipment	(50,000.00)
TO:		Special Projects	153,123.53
FROM:	43000-1003	Maintenance of Bldg. & Grounds - Compensation – Part-time	(5,503.14)
TO:	43000-2005	Maintenance of Bldg. & Grounds - Hospital Medical	(1,207.49)
	43000-1001	Maintenance of Bldg. & Grounds - Compensation Project Manager	2,546.78
	43000-1005	Maintenance of Bldg. & Grounds - Custodial Supervisor	2,092.36
	43000-2008	Maintenance of Bldg. & Grounds - Hybrid Disability	121.33
	43000-5401	Maintenance of Bldg. & Grounds - Office Supplies	673.35
	43000-5203	Maintenance of Bldg. & Grounds - Telephone	1,276.81
FROM:	43000-1006	Maintenance of Bldg. & Grounds - Compensation Janitorial Staff	(2,172.74)
	43000-2001	Maintenance of Bldg. & Grounds - FICA	(473.35)
	43000-2002	Maintenance of Bldg. & Grounds - VRS	(117.69)
	43000-2006	Maintenance of Bldg. & Grounds - Group Insurance	(17.52)
	43000-2011	Maintenance of Bldg. & Grounds – Workers’ Compensation	(1,102.00)
	43000-3005	Maintenance of Bldg. & Grounds - Janitorial Services	(1,000.00)
TO:		Special Projects	4,883.30
FROM:	43000-2005	Maintenance of Bldg. & Grounds - Hospital Medical	(24,316.84)
	43000-5102	Maintenance of Bldg. & Grounds - Fuel	(26,935.88)
	43000-5407	Maintenance of Bldg. & Grounds - Repairs and Maintenance	(20,819.22)
	43000-5409	Maintenance of Bldg. & Grounds - Snow Removal	(8,436.45)
TO:	43000-5101	Maintenance of Bldg. & Grounds - Electric Service	50,387.11
	43000-5103	Maintenance of Bldg. & Grounds - Water Sewer Garbage	22,025.86
	43000-5302	Maintenance of Bldg. & Grounds - Fire and Liability Insurance	3,163.00
	43000-7010	Maintenance of Bldg. & Grounds - Building Improvements	4,932.42
FROM:	43000-5305	Maintenance of Bldg. & Grounds - Auto Insurance	(513.90)
	43000-5405	Maintenance of Bldg. & Grounds - Supplies	(2,529.63)
	43000-5408	Maintenance of Bldg. & Grounds - Operation of Motor Vehicles	(1,191.82)
	43000-5899	Maintenance of Bldg. & Grounds - Unclassified	(3,494.45)
	43000-7001	Maintenance of Bldg. & Grounds - Machinery & Equip.	(2,386.04)
	43000-7005	Maintenance of Bldg. & Grounds - Vehicles	(5,000.00)
	43000-5409	Maintenance of Bldg. & Grounds - Snow Removal	(1,471.93)
TO:		Special Projects	16,587.77
FROM:	43050-1001	Shenandoah Farms San. Dist. - Compensation - Manager	(13,830.20)
TO:	43050-5447	Shenandoah Farms San. Dist. - Brush Cutting/Tree Removal	7,416.06
	43050-5449	Shenandoah Farms San. Dist. - Signage	107.06
	43050-5451	Shenandoah Farms San. Dist. - Fuel	4,054.11
	43050-7001	Shenandoah Farms San. Dist. - Machinery & Equipment	1,505.20
	43050-7057	Shenandoah Farms San. Dist. - VML Loan - Interest	747.77

<u>FROM:</u>	43050-1001	Shenandoah Farms San. Dist. - Compensation - Manager	(5,591.54)
<u>TO:</u>	43050-1005	Shenandoah Farms San. Dist. - Compensation - Maintenance Staff	1,222.92
	43050-3005	Shenandoah Farms San. Dist. - Contract Services	117.00
	43050-5101	Shenandoah Farms San. Dist. - Utilities	31.08
	43050-5203	Shenandoah Farms San. Dist. - Telephone/Internet	621.96
	43050-5401	Shenandoah Farms San. Dist. - Office Supplies & Expense	1,572.85
	43050-5408	Shenandoah Farms San. Dist. - Equipment Maintenance/Operations	2,025.73
<u>FROM:</u>	43050-1002	Shenandoah Farms San. Dist. - Compensation - Overtime	(2,411.29)
	43050-1003	Shenandoah Farms San. Dist. - Compensation - Part-Time	(7,112.63)
	43050-1004	Shenandoah Farms San. Dist. - Compensation - Foreman	(915.64)
	43050-1006	Shenandoah Farms San. Dist. - Compensation Part-Time Admin Staff	(4,533.99)
	43050-2001	Shenandoah Farms San. Dist. - FICA	(6,969.98)
	43050-2002	Shenandoah Farms San. Dist. - VRS	(6,054.92)
<u>TO:</u>		Special Projects	27,998.45
<u>FROM:</u>	43050-2005	Shenandoah Farms San. Dist. - Hospital Medical	(5,933.19)
	43050-2006	Shenandoah Farms San. Dist. - Group Insurance	(879.16)
	43050-2011	Shenandoah Farms San. Dist. - Workers' Compensation	(702.00)
	43050-5308	Shenandoah Farms San. Dist. - Insurance	(555.85)
	43050-5407	Shenandoah Farms San. Dist. - Facility Repairs & Maintenance	(944.28)
	43050-5431	Shenandoah Farms San. Dist. - Dams	(4,462.12)
<u>TO:</u>		Special Projects	13,476.60
<u>FROM:</u>	43050-1001	Shenandoah Farms San. Dist. - Compensation - Manager	(9,944.98)
	43050-5441	Shenandoah Farms San. Dist. - Drainage Maintenance/Repairs	(8,678.79)
	43050-5442	Shenandoah Farms San. Dist. - Maintenance - Stone	(2,351.83)
	43050-5443	Shenandoah Farms San. Dist. - Maintenance - Labor	(39,150.06)
	43050-5444	Shenandoah Farms San. Dist. - Revenue Sharing	(38,125.67)
	43050-5445	Shenandoah Farms San. Dist. - Snow Removal	(25,694.86)
<u>TO:</u>		Special Projects	123,946.19
<u>FROM:</u>	43050-5446	Shenandoah Farms San. Dist. - Mowing - Roadside	(7,034.80)
	43050-5448	Shenandoah Farms San. Dist. - Engineering Studies/Surveying	(1,500.00)
	43050-5450	Shenandoah Farms San. Dist. - Pavement Maintenance and Repair	(1,449.68)
	43050-5452	Shenandoah Farms San. Dist. - Road Improvement Projects	(4,089.70)
	43050-5899	Shenandoah Farms San. Dist. - Reserve For Contingencies	(48.11)
<u>TO:</u>		Special Projects	14,122.29
<u>FROM:</u>	53500-5301	Children's Services Act - Comprehensive Youth Service Act	(25,000.00)
<u>TO:</u>		Special Projects	25,000.00
<u>FROM:</u>	54050-5443	Lake Front Royal San. Dist. - Maintenance - Labor	(12,346.53)
<u>TO:</u>	54050-5442	Lake Front Royal San. Dist. - Maintenance - Stone	591.23
	54050-5447	Lake Front Royal San. Dist. - Brush Cutting/Tree Removal	10,880.30
	54050-5448	Lake Front Royal San. Dist. - Engineering Studies/Surveying	875.00

FROM:	54050-1001	Lake Front Royal San. Dist. - Compensation Manager	(2,535.21)
	54050-1006	Lake Front Royal San. Dist. - Compensation Part-time Admin Staff	(1,162.65)
	54050-5101	Lake Front Royal San. Dist. - Utilities	(642.00)
	54050-5308	Lake Front Royal San. Dist. - Insurance	(2,000.00)
	54050-5401	Lake Front Royal San. Dist. - Office Supplies and Expense	(124.03)
	54050-5407	Lake Front Royal San. Dist. - Facility Repairs & Maintenance	(192.30)
TO:		Special Projects	6,656.19
FROM:	54050-5431	Lake Front Royal San. Dist. - Dams	(3,000.00)
	54050-5441	Lake Front Royal San. Dist. - Drainage Maintenance/Repairs	(2,482.06)
	54050-5443	Lake Front Royal San. Dist. - Maintenance - Labor	(2,630.04)
	54050-5444	Lake Front Royal San. Dist. - Revenue	(45,785.25)
	54050-5445	Lake Front Royal San. Dist. - Snow Removal	(15,332.30)
	54050-5446	Lake Front Royal San. Dist. - Mowing - Roadside	(7,746.08)
TO:		Special Projects	76,975.73
FROM:	54050-5449	Lake Front Royal San. Dist. - Signage	(988.66)
	54050-5450	Lake Front Royal San. Dist. - Pavement Maintenance and Repair	(3,974.82)
	54050-5899	Lake Front Royal San. Dist. - Reserve for Contingencies	(470.50)
TO:		Special Projects	5,433.98
FROM:	71010-3007	Parks & Rec. Administration - Advertising	(5,564.00)
	71010-2011	Parks & Rec. Administration - Workers' Comp.	(3,216.00)
	71010-3007	Parks & Rec. Administration - Advertising	(2,932.00)
	71010-1003	Parks & Rec. Administration - Compensation Part-time Help	(1,154.00)
	71010-3002	Parks & Rec. Administration - Professional Services	(858.00)
	71010-5206	Parks & Rec. Administration - Credit Card Fee	(778.00)
TO:	71010-5402	Parks & Rec. Administration - Food	14,502.00
FROM:	71010-5431	Parks & Rec. Administration - Security System	(2,697.00)
	71010-1002	Parks & Rec. Administration - Compensation Overtime	(453.00)
	71010-5504	Parks & Rec. Administration - Travel and Training	(35.00)
TO:	71010-5403	Parks & Rec. Administration - Beverages	2,697.00
	71010-5401	Parks & Rec. Administration - Office Supplies	453.00
	71010-5801	Parks & Rec. Administration - Dues and Memberships	35.00
FROM:	71030-2001	Parks & Rec. Maintenance - FICA	(2,217.00)
	71030-2005	Parks & Rec. Maintenance - Hospital Medical	(4,023.00)
	71030-3023	Parks & Rec. Maintenance - Safety Program	(125.00)
	71030-5402	Parks & Rec. Maintenance - Auto Maintenance	(479.00)
	71030-5406	Parks & Rec. Maintenance - Chemicals	(8,167.00)
	71030-5407	Parks & Rec. Maintenance - Repairs and Maintenance	(1,520.00)
	71030-5423	Parks & Rec. Maintenance - Youth Center Repairs	(2,602.00)
TO:	71030-7013	Parks & Rec. Maintenance - Recreation Facilities	19,133.00

FROM:	71030-5408	Parks & Rec. Maintenance - Operation of Motor Vehicles	(6,349.00)
	71030-5410	Parks & Rec. Maintenance - Uniforms and Wearing Apparel	(384.00)
	71030-5413	Parks & Rec. Maintenance - Operating Supplies	(122.00)
	71030-5417	Parks & Rec. Maintenance - Lighting System	(160.00)
	71030-5423	Parks & Rec. Maintenance - Youth Center Repairs	(68.00)
	71030-5424	Parks & Rec. Maintenance - WCCC Repairs	(868.00)
	71030-5437	Parks & Rec. Maintenance - Flower Gardens	(551.00)
	71030-7005	Parks & Rec. Maintenance - Motor Vehicles	(7,288.00)
TO:		Special Projects	15,790.00
FROM:	71030-5417	Parks & Rec. Maintenance - Lighting System	(1,500.00)
	71030-5402	Parks & Rec. Maintenance - Auto Maintenance	(1,452.00)
TO:	71030-5410	Parks & Rec. Maintenance - Uniforms and Wearing Apparel	1,500.00
	71030-3005	Parks & Rec. Maintenance - Service Contracts & Cleaning	392.00
	71030-5405	Parks & Rec. Maintenance - Janitorial Supplies	1,060.00
FROM:	71030-7001	Parks & Rec. Maintenance - Machinery and Equipment	(643.00)
	71030-2001	Parks & Rec. Maintenance - FICA	(3,547.00)
	71030-3023	Parks & Rec. Maintenance - Safety Program	(946.00)
	71030-3023	Parks & Rec. Maintenance - Safety Program	(124.00)
	71030-5402	Parks & Rec. Maintenance - Auto Maintenance	(1,049.00)
	71030-2005	Parks & Rec. Maintenance - Hospital Medical	(9,000.00)
TO:	71030-3005	Parks & Rec. Maintenance - Service Contracts & Cleaning	643.00
	71030-5101	Parks & Rec. Maintenance - Electric Service	3,547.00
	71030-5101	Parks & Rec. Maintenance - Electric Service	946.00
	71030-5405	Parks & Rec. Maintenance - Janitorial Supplies	124.00
	71030-5420	Parks & Rec. Maintenance - Small Tools	1,049.00
	71030-7011	Parks & Rec. Maintenance - Park Development	9,000.00
FROM:	81060-5407	FR-WC Airport - Repairs and Maintenance	(7,251.83)
TO:	81060-3010	FR-WC Airport - Equipment Services Contracts	1,612.42
	81060-5101	FR-WC Airport - Electric	2,940.08
	81060-5203	FR-WC Airport - Telephone	610.19
	81060-5801	FR-WC Airport - Dues/Memberships	50.00
	81060-7001	FR-WC Airport - Machinery & Equipment	175.02
	81060-7057	FR-WC Airport - Loans	1,864.12
FROM:	81060-5407	FR-WC Airport - Repairs and Maintenance	(7,380.49)
	81060-5408	FR-WC Airport - Operation of Vehicles	(2,900.49)
	81060-5411	FR-WC Airport - Books & Subscriptions	(110.00)
	81060-5415	FR-WC Airport - Operation of Machinery	(1,142.83)
	81060-5501	FR-WC Airport - Travel and Training	(500.00)
	81060-5898	FR-WC Airport - Waste Disposal	(295.73)
	81060-5899	FR-WC Airport - Unclassified	(1,624.40)
	81060-7005	FR-WC Airport - Motor Vehicles	(2,495.00)
TO:		Special Projects	16,448.94

<u>FROM:</u>	81060-3007	FR-WC Airport - Advertising/Marketing	(3,793.96)
	81060-5102	FR-WC Airport - Fuel	(1,797.15)
	81060-5201	FR-WC Airport - Postage	(196.26)
	81060-5302	FR-WC Airport - Insurance	(1,122.60)
	81060-5401	FR-WC Airport - Office Supplies	(280.38)
	81060-5405	FR-WC Airport - Supplies	(162.01)
<u>TO:</u>		Special Projects	7,352.36
<u>FROM:</u>	81060-5407	FR-WC Airport - Repairs and Maintenance	(17,000.00)
<u>TO:</u>		Special Projects	17,000.00
<u>FROM:</u>	91000-5899	Non-Departmental - Reserve For Contingencies	(3,970.00)
<u>TO:</u>	73000-5606	Library Museum Cult. Enrich. - Contribution Heritage Society	3,970.00
<u>FROM:</u>	91000-5899	Non-Departmental - Reserve For Contingencies	(6,454.00)
<u>TO:</u>	51000-5601	Health - Warren County Health Dept.	6,454.00
<u>FROM:</u>	92000-7019	Capital Outlay - Central Computer & Internet	(2,696.78)
		Special Projects	(17,423.66)
<u>TO:</u>	91000-3010	Non-Departmental - Maintenance - Central Computer	20,120.44
<u>FROM:</u>	92000-7025	Capital Outlay - Revenue Sharing	(108,241.00)
<u>TO:</u>		Special Projects	108,241.00
<u>FROM:</u>	92000-7025	Capital Outlay - Revenue Sharing	(23,252.82)
<u>TO:</u>	92000-7313	Capital Outlay - Rev. Sharing - Old Oak Lane Ph. III	23,252.82
<u>FROM:</u>	92000-7037	Capital Outlay - Juvenile Detention Facility	(6,269.94)
<u>TO:</u>	92000-7002	Capital Outlay - Furniture and Fixtures	506.01
	92000-7047	Capital Outlay - Building Improvement Fund	1,101.20
	92000-7061	Capital Outlay - Fishnet Property	4,614.95
	92000-7078	Capital Outlay - Eagles Landing Road Project	34.10
	92000-7045	Capital Outlay - Building Improvements - Rite Aid	13.68
<u>FROM:</u>	92000-7060	Capital Outlay - 2004 School Bonds	(265,311.18)
<u>TO:</u>	92000-7107	Capital Outlay - 2013 Lease Rev. Refunding Bond	265,311.18
<u>FROM:</u>	92000-7060	Capital Outlay - 2004 School Bonds	(660,900.78)
<u>TO:</u>	92000-7091	Capital Outlay - VPSA- School Bonds	660,900.78
<u>FROM:</u>	92000-7094	Capital Outlay - Vehicles & Equipment	(87,779.49)
<u>TO:</u>		Special Projects	87,779.49
<u>FROM:</u>	92000-7103	Capital Outlay - Second Middle School	(39,181.00)
<u>TO:</u>		Special Projects	39,181.00

FROM:	92000-7119	Capital Outlay - Ressie Jeffries	(119,616.90)
TO:	92000-7115	Capital Outlay - Thompson Kiss-and-Ride	1,394.83
	92000-7113	Capital Outlay - Shenandoah Farms Boat Landing	45,759.74
	92000-7112	Capital Outlay - Health & Human Services Complex	24,858.55
	92000-7082	Capital Outlay - McKay House Stabilization	26,349.89
	92000-7048	Capital Outlay - Avtex Soccer Fields	21,253.89
FROM:	92000-7313	Capital Outlay - Rev. Sharing - Old Oak Lane Ph. III Special Projects	(69,758.46) (83,842.47)
TO:	92000-7025	Capital Outlay - Revenue Sharing	153,600.93
FROM:	92000-7313	Capital Outlay - Rev. Sharing - Old Oak Lane Ph. III	(23,252.82)
TO:		Shenandoah Farms	23,252.82
FROM:		Special Projects	(156,271.34)
TO:	92000-7060	Capital Outlay - 2004 School Bonds	156,271.34
FROM:		Special Projects	(8,424.54)
TO:	35050-5626	Fire and Rescue Department - EMS Fund	8,424.54
FROM:		Special Projects	(83,490.28)
TO:	92000-7117	Capital Outlay - William E. Carson Trail	83,490.28
FROM:		General Fund	(76,509.71)
		Special Projects	(77,492.28)
TO:	92000-7116	Capital Outlay - Eastham Park Trail - Phase III	154,001.99

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

Check Numbers 276580 through 276905

Total: \$1,665,676.39

Consent Agenda

1. Conditional Use Permit 2005-04-02 – Modification for Name Change from Shelley Lynn Cook to Shenandoah Senior Living – Matt Wendling
2. Pump and Haul Request of Margaret M. Swartz – Taryn Logan
3. Xerox Copier Lease for Public Safety Building – Sheriff Daniel McEathron
4. Contract with H. B. Henry Construction, LLC for Snow Removal Services in Lake Front Royal – Dan Whitten
5. Front Royal-Warren County Joint Tourism Committee By-Laws – Doug Stanley
6. Coyote Bounty for Niles Tyree (\$50.00) – Animal Control

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

Aye: Carter, Fox, Glavis, Murray, Sayre

Public Hearing – Lease of Hangar C-1 to Robert Metcalfe – Dan Whitten

Dan Whitten reported that Robert Metcalfe built a hangar at the Front Royal-Warren County Airport in the 1990s, paying for all costs associated with building the hangar and connecting the asphalt to the airport apron himself. He signed a 25-year lease for the hangar and paid \$50.00 per month for the rental of unit C-1 (the hangar contains two units). Mr. Metcalfe wishes to sign a one-year lease with an option to extend the lease for four additional years. The Board would be retroactively approving the lease due to the term beginning on July 1, 2017. The proposed lease includes the following additional terms:

1. The initial term shall be for one year, beginning on July 1, 2017, with four optional one-year renewal terms.
2. Use of the premises shall be for personal storage use.
3. Monthly rent shall be \$350.00 for the first year and shall increase according to the previous year's Consumer Price Index, not to exceed 3% annually.
4. Lessee is responsible for maintenance and repair of the building.
5. Renovations must be pre-approved by the County and are at the expense of the Lessee.
6. Lessee is responsible for all utility costs.
7. County is responsible for insuring the real property.
8. Lessee is responsible for insuring personal property.
9. The lease may be terminated for convenience by mutual agreement of both parties.

Mrs. Glavis opened the public hearing. There was no input from the public, and 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 lease to Robert Metcalfe for Hangar C-1 at the Front Royal-Warren County Airport for a one-year term from July 1, 2017 until June 30, 2018 with the option of four (4) additional one-year terms:

Aye: Carter, Fox, Glavis, Murray, Sayre

Public Hearing – Conditional Use Permit 2017-07-01, Gail Pulford and Ann Davis for Short-term Tourist Rental – Matt Wendling

Matt Wendling reported that the applicants have a second home located at 173 Apache Court, identified on Tax Map 26A, Block 7A as Parcel 11A. The applicants would like to use this as a short-term tourist rental to justify some of the costs of ownership. They

would like to advertise and lease it due to the isolated and peaceful location, and the property is not located in or served by a property owners or homeowners association. The property has been approved for a septic system for three bedrooms, which translates to a maximum occupancy of six persons. The supplemental regulation for the setback of 100 feet is met with the closest adjacent dwelling located 286 feet away.

The Planning and Zoning Department received comments from adjacent property owners, including Jack and Gloria Rickel who were in support of the short-term tourist rental and Jeff Scheifla who was against the use due to concerns about strangers coming into the community.

The Planning Commission recommended approval with the following conditions:

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional permit for a three (3) bedroom dwelling with a maximum occupancy of six (6) persons.
3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department and Health Department.
4. The applicant shall have the septic system inspected annually by a DPOR licensed inspector and a copy of the results shall be submitted to the Planning Department and Health Department. The system shall also be pumped every three to five years as recommended by the Health Department.
5. 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 which includes a property management plan to be submitted to the Planning Department prior to staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of the Revenue's office for transient lodging tax purposes.

Mrs. Glavis opened the public hearing. There was no input from the public, and 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 conditional use permit request of Gail M. Pulford and Ann M. Davis for a Short-term Tourist Rental with the conditions listed below:

Aye: Carter, Fox, Glavis, Murray, Sayre

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional permit for a three (3) bedroom dwelling with a maximum occupancy of six (6) persons.
3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department and Health Department.
4. The applicant shall have the septic system inspected annually by a DPOR licensed inspector and a copy of the results shall be submitted to the Planning Department and Health Department. The system shall also be pumped every three to five years as recommended by the Health Department.
5. 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 which includes a property management plan to be submitted to the Planning Department prior to staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of the Revenue's office for transient lodging tax purposes.

Public Hearing – Conditional Use Permit 2017-07-02, Frank Brugh for Contractor's Storage Yard – Taryn Logan

Taryn Logan reported that the applicant is requesting a conditional use permit for a contractor's storage yard on his property located on Winners Court off Fairground Road. The property is approximately one acre in size, is zoned Industrial (I), and is identified on Tax Map 5 as Parcel 11A. The property is currently vacant, and the applicant is requesting this contractor's storage yard permit to have the site ready and prepped for a business that may need a readily available lay-down area/yard. The applicant has received inquiries in the past about the possibility of a lay-down area since the property was rezoned to Industrial (I) in 2004.

The Planning Commission recommended approval with the following conditions:

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Building Inspections, Town of Front Royal and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County before the building or land disturbing permit is issued showing improvements in compliance with the Warren County Zoning Ordinance.
3. The storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18. This full screen shall include a minimum eight (8) feet high privacy fence and landscaping as required by Section 180-18 and as approved by the Warren County Planning Department. The fence will need to be installed and maintained in good condition.
4. No inoperable vehicles/equipment shall be located on the site.

5. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.

Mrs. Glavis opened the public hearing.

Frank Brugh, 60 Scarlet Oak Court, introduced himself as the applicant for this conditional use permit and noted that he has received a couple inquiries over the last year from the Virginia Inland Port for a lay-down site. Mr. Brugh wanted to be proactive and receive a permit in the event of a future request.

There was no further input from the public, and 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 conditional use permit request of Frank Brugh for a contractor' storage yard with the conditions listed below:

Aye: Carter, Fox, Glavis, Murray, Sayre

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Building Inspections, Town of Front Royal and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County before the building or land disturbing permit is issued showing improvements in compliance with the Warren County Zoning Ordinance.
3. The storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18. This full screen shall include a minimum eight (8) feet high privacy fence and landscaping as required by Section 180-18 and as approved by the Warren County Planning Department. The fence will need to be installed and maintained in good condition.
4. No inoperable vehicles/equipment shall be located on the site.
5. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.

Public Hearing – Conditional Use Permit 2017-07-03, Frank Brugh for Contractor's Storage Yard – Taryn Logan

Taryn Logan reported that this property is adjacent to the property referenced in the previous conditional use permit. The property is approximately 11.5 acres, is zoned Industrial (I), and is identified on Tax Map 5 as Parcels 11B and 11C. Similar to the previous permit request, the applicant is requesting this contractor's storage yard permit to have the site ready and prepped for a business that may need a readily available lay-down area/yard.

The Planning Commission recommended approval with the following conditions:

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Building Inspections, Town of Front Royal and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County before the building or land disturbing permit is issued showing improvements in compliance with the Warren County Zoning Ordinance.
3. The storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18. This full screen shall include a minimum eight (8) feet high privacy fence and landscaping as required by Section 180-18 and as approved by the Warren County Planning Department. The fence will need to be installed and maintained in good condition.
4. No inoperable vehicles/equipment shall be located on the site.
5. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.

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

On a motion by Mr. Murray, seconded by Mr. Carter, and by the following vote, the Board of Supervisors approved the conditional use permit request of Frank Brugh for a contractor' storage yard with the conditions listed below:

Aye: Carter, Fox, Glavis, Murray, Sayre

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Building Inspections, Town of Front Royal and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County before the building or land disturbing permit is issued showing improvements in compliance with the Warren County Zoning Ordinance.
3. The storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18. This full screen shall include a minimum eight (8) feet high privacy fence and landscaping as required by Section 180-18 and as approved by the Warren County Planning Department. The fence will need to be installed and maintained in good condition.
4. No inoperable vehicles/equipment shall be located on the site.
5. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.

Public Hearing – Conditional Use Permit 2017-07-04, Terry and Bess Keaton for Short-term Tourist Rental – Matt Wendling

Matt Wendling reported that the short-term tourist rental is located at 2892 Gooney Manor Loop, identified on Tax Map 47 as Parcel 9D and zoned Agricultural (A). The applicants used this home as their primary residence for the past ten years but have recently moved to Strasburg to renovate a house there. They plan on moving back to this property in the future but would like to rent it out in the meantime. The property is adjacent to the Shenandoah National Park and is very isolated and tranquil, and the property is not located in or served by a property owners or homeowners association. The property has been approved for a septic system for two bedrooms, which translates to a maximum occupancy of four persons. The supplemental regulation for the setback of 100 feet is met with the closest adjacent dwelling located 1,380 feet away.

Mr. Wendling noted that several adjacent property owners came to the Planning Commission's public hearing, including Clifford and Mary Presley who voiced their concerns over possible trespassing.

The Planning Commission recommended approval with the following conditions:

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four (4) as determined according to the Health Department conditional permit for a two (2) bedroom dwelling with a maximum occupancy of four (4) persons.
3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department and Health Department.
4. The applicant shall have the septic system inspected annually by a DPOR licensed inspector and a copy of the results shall be submitted to the Planning Department and Health Department. The system shall also be pumped every three to five years as recommended by the Health Department.
5. 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 which includes a property management plan to be submitted to the Planning Department prior to staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of the Revenue's office for transient lodging tax purposes.
7. The applicant shall provide a Knox Box Rapid Entry System for keyed access for Fire and Rescue and the Sheriff's department.
8. The applicant shall clearly state in the Property Management Plan that guests shall stay within the marked property boundaries and have those boundaries clearly identified.

9. A directional sign with the property address shall be clearly visible from Gooney Manor Loop and with a reflective sign and illuminated by a solar light.
10. Signage shall be posted notifying guests to close the gate to the entrance after entering or exiting from Gooney Manor Loop and this statement shall be included in the Property Management Plan.

Mr. Wendling noted that Condition #10 was included because there is grazing land for cows along Gooney Manor Loop, and the cows have gotten out in the past due to the gate being closed improperly.

Mr. Sayre asked about Condition #8 and asked if the property owners had a fence around their property. Terry Keaton responded that they do not have a fence around their property, but he has marked the boundary lines.

Mrs. Glavis opened the public hearing. There was no input from the public, and 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 Terry and Bess Keaton for a Short-term Tourist Rental with the conditions listed below:

Aye: Carter, Fox, Glavis, Murray, Sayre

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four (4) as determined according to the Health Department conditional permit for a two (2) bedroom dwelling with a maximum occupancy of four (4) persons.
3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department and Health Department.
4. The applicant shall have the septic system inspected annually by a DPOR licensed inspector and a copy of the results shall be submitted to the Planning Department and Health Department. The system shall also be pumped every three to five years as recommended by the Health Department.
5. 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 which includes a property management plan to be submitted to the Planning Department prior to staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of the Revenue's office for transient lodging tax purposes.
7. The applicant shall provide a Knox Box Rapid Entry System for keyed access for Fire and Rescue and the Sheriff's department.

8. The applicant shall clearly state in the Property Management Plan that guests shall stay within the marked property boundaries and have those boundaries clearly identified.
9. A directional sign with the property address shall be clearly visible from Gooney Manor Loop and with a reflective sign and illuminated by a solar light.
10. Signage shall be posted notifying guests to close the gate to the entrance after entering or exiting from Gooney Manor Loop and this statement shall be included in the Property Management Plan.

Public Hearing – Conditional Use Permit 2017-08-01, Michael and Linda Nicewarner for Guesthouse – Taryn Logan

Taryn Logan reported that the applicants are requesting a conditional use permit for a guesthouse on their property, located at 544 Jacksons Chase Drive. The property is approximately five acres, zoned Agricultural (A), and identified on Tax Map 11 as Parcel 29A. There is an existing single family dwelling on the property, and the applicants are requesting this permit to allow a detached garage to be built with living space for family to visit and stay occasionally. The existing single family dwelling was built in 2001.

The Planning Commission recommended approval with the following conditions:

1. The guesthouse shall not be used for full-time occupancy.
2. This dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The building structure to be used for the guesthouse shall be in accordance with all current State building code requirements.
4. The applicant shall comply with all Warren County Health Department regulations and requirements.

Mrs. Glavis opened the public hearing. There was no input from the public, and 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 Michael and Linda Nicewarner for a Guesthouse with the conditions listed below:

Aye: Carter, Fox, Glavis, Murray, Sayre

1. The guesthouse shall not be used for full-time occupancy.
2. This dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The building structure to be used for the guesthouse shall be in accordance with all current State building code requirements.

4. The applicant shall comply with all Warren County Health Department regulations and requirements.

Public Hearing – Ordinance to Amend and Re-Ordain Section 180-62 (Variances) of the Warren County Code – Dan Whitten

Dan Whitten stated that currently, Section 180-62 of the Warren County Code stipulates that the Board of Zoning Appeals must make a decision on a variance within sixty (60) days of the public hearing but that the Virginia Code does not have such a requirement. The individual applying for an appeal may need additional time to work out boundary adjustment or right-of-way issues with neighbors or the property owners association. The proposed amendment would grant the Board of Zoning Appeals additional time to make a decision if both the applicant and the Board of Zoning Appeals agree to an extension for the decision. He further reported that the Planning Commission forwarded this amendment to the Board of Supervisors with the recommendation to approve.

Mr. Fox asked for clarification as to whom the extension was for, and Mr. Whitten replied that the extension would be for the Board of Zoning Appeals, which would be jointly agreed upon by the applicant.

Mrs. Glavis opened the public hearing. There was no input from the public, and 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 amendment to Section 180-62 of the Warren County Code to allow for an extension on a decision on a variance by the Board of Zoning Appeals:

Aye: Carter, Fox, Glavis, Murray, Sayre

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 180-62 OF THE WARREN COUNTY CODE TO ALLOW FOR AN EXTENSION ON A DECISION ON A VARIANCE BY THE BOARD OF ZONING APPEALS UPON AGREEMENT OF THE APPLICANT AND THE BOARD OF ZONING APPEALS

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 180-62 of the Warren County Code (Variances) be amended and re-ordained as follows:

CHAPTER 180. ZONING

Article VI. ADMINISTRATION

§ 180-62. Variances.

- A. General procedure. Any property owner, tenant, government official or agency may apply for a variance for a reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land or the size, height, area, bulk or location

of a building or structure. Application for such variance shall be filed with the Zoning Administrator, together with such maps, charts, drawings or other data as the applicant believes will support his application. The Administrator shall furnish promptly to each member of the Board of Zoning Appeals a summary of such application and obtain their concurrence in a date for a public hearing on the application, which shall be advertised and adjacent property owners notified in accordance with § 15.2-2204, Code of Virginia, as amended. Upon conclusion of the hearing, the Board of Zoning Appeals may grant the variance in whole or part, with or without conditions, or deny the application. In any case, the Board of Zoning Appeals shall reach its decision within 60 days of the public hearing and promptly inform the applicant of its decision, **unless the applicant and the Board of Zoning Appeals agree to an extension for the decision.** Violation of the conditions imposed with the variance shall be deemed to be a violation of this chapter.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Language proposed to be added is **underlined**.

Public Hearing – Ordinance to Amend and Re-Ordain Section 180-60 (Enforcement) and Section 180-68 (Violations and penalties) of the Warren County Code – Dan Whitten

Dan Whitten stated that Senate Bill 1559 went into effect on July 1, 2017, which amended the Virginia Code to change the requirements for sending a Notice of Violation. Under the revised Section 15.2-2311 of the Virginia Code, the thirty (30) day appeal period now does not start until the Notice of Violation is sent by registered mail to, or posted at, the last known address of the property owner or its registered agent, if any. The proposed amendments to Sections 180-60 and 180-68 of the Warren County Code reflect this revised language in the Virginia Code. He further reported that the Planning Commission forwarded this amendment to the Board of Supervisors with the recommendation to approve.

Mr. Sayre asked if there was a difference between registered mail and certified mail, and Mr. Whitten replied that certified mail requires a signature upon delivery while registered mail does not. Mr. Sayre also asked if the County Attorney's office has trouble locating individuals for service, hence the option to post the Notice of Violation, and Mr. Whitten responded affirmatively.

Mrs. Glavis opened the public hearing. There was no input from the public, and 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 amendments to Sections 180-60 and 180-68 of the Warren County Code to amend the notice requirements for zoning violations:

Aye: Carter, Fox, Glavis, Murray, Sayre

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTIONS 180-60 AND 180-68
OF THE WARREN COUNTY CODE TO AMEND NOTICE REQUIREMENTS FOR
ZONING VIOLATIONS

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 180-60 of the Warren County Code (Enforcement) and Section 180-68 of the Warren County Code (Violations and penalties) be amended and re-ordained as follows:

CHAPTER 180. ZONING

Article VI. ADMINISTRATION

§ 180-60. Enforcement.

- A. Enforcement, Zoning Administrator. This chapter shall be administered and enforced by an officer to be known as the "Zoning Administrator" who shall be appointed by the Board of Supervisors of Warren County, Virginia. The Zoning Administrator shall have all necessary authority on behalf of the governing body to administer and enforce this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter and the bringing of legal action to ensure compliance with this chapter, including injunction, abatement or other appropriate action or proceeding. The Zoning Administrator shall be guided in all actions pursuant to this chapter by the purposes, intent and spirit of this chapter and the standards set forth in Article I. The Zoning Administrator may be assisted in the enforcement of this chapter by the Health Officer, Sheriff and all other officials of Warren County, Virginia, pursuant to their respective fields.
- B. The duties of the Administrator shall be as follows:
- (1) Receive applications for variance permits under the provisions of § **180-62**, arrange for their publication as required and place such applications on the Board of Zoning Appeals agenda for public hearing.
 - (2) Serve as secretary to the Board of Zoning Appeals and be responsible for preparing minutes of its meetings under the Board of Zoning Appeals' direction.
 - (3) Receive and process applications for conditional use permits or rezonings pursuant to § **180-63** and present such applications to the Planning Commission, together with recommendations, with or without conditions and reasons for such recommendations.
 - (4) Review applications for building permits to ensure their compliance with this chapter.
 - (5) Perform such other duties as may be required by other provisions of this chapter, Board of Zoning Appeals, Planning Commission or the governing body. (6-26-73, Sec. 8-2; 4-15-77.)

- C. Enforcement of Board of Zoning Appeals decisions. It shall be the duty of the Zoning Administrator to see that the decisions of the Board of Zoning Appeals (BZA) are enforced.
- D. Enforcement of minimum requirements. In enforcing the minimum requirements within zoning districts, the Zoning Administrator shall investigate any alleged violation, and, if it is determined that a violation does exist, the Zoning Administrator shall notify the person permitting or committing the violation to cease and/or correct such violation. Such notice shall be in writing and sent by registered ~~or certified~~ mail, **to, or posted at, the last known address of the property owner or its registered agent, if any.** ~~actual notice or any method that qualifies as service of process for the institution of a civil suit or action.~~ If the violation has not ceased within a reasonable time as specified in the notice, the Zoning Administrator shall initiate such legal action as may be necessary to terminate the violation. If the person responsible for the alleged violation denies that a violation exists, the violator may appeal the decision of the Zoning Administrator to the BZA pursuant to the provisions of Article VII on forms provided by the Zoning Administrator for that purpose.
[Amended 11-21-1995, **9-19-2017**]
- E. Determination letters. When an applicant requests a written determination from the Zoning Administrator that is subject to appeal to the BZA, and the applicant is not the owner or agent of the owner of the real property subject to the written determination, written notice shall be given to the owner of the property within 10 days of the request.
[Added 9-20-2011]

§ 180-60. Violations and penalties.

- A. Violations. Any person who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements hereof or who erects any structure on any land in violation of any plan submitted and approved under the provisions of this chapter or who violates conditions imposed by a conditional use permit shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine or punishment as provided by law. Each day during which such violation continues shall constitute a separate offense.
 - (1) Unlawful structures, uses. Any structure erected contrary to the provisions of this chapter and use of any building or land which is conducted, operated or maintained contrary to the provisions of this chapter are hereby declared to be unlawful. The Zoning Administrator may initiate injunctions, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of this chapter.
 - (2) Notice of violation. Upon becoming aware of any violation of the provisions of this chapter, the Zoning Administrator shall serve notice on such person committing or permitting the same as provided in § 180-60 **by sending a written notice through registered mail to, or posted at, the last known address of the property owner or its registered agent, if any.**

- B. Remedies not exclusive. The remedies provided for in this article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.
- C. Complaints. Any person who alleges that a violation of this chapter has occurred may file a written complaint with the Zoning Administrator. Such complaint shall stipulate the cause and basis thereof and the location of the alleged violation. The Zoning Administrator shall properly record the complaint, investigate the facts thereof and take action thereon as provided by this chapter.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Language proposed to be added is underlined.

Public Hearing – Ordinance to Ordain Section 66-6.1 (Tethering Restrictions for Dogs and Other Canines) of the Warren County Code – Dan Whitten

Dan Whitten stated that Warren County Animal Control has recommended the adoption of a tethering ordinance, which is authorized under Virginia Code Section 3.2-6543 *et seq.* to prevent cruelty to animals. As proposed, no person shall tether a dog/canine except with a tether that is appropriate to the age and size of the dog/canine and that is attached with a collar, halter, or harness configured to prevent injuries, and the tether must be three times the length of the dog/canine as measured from nose to tip of the tail. Mr. Whitten stated that the Town of Front Royal is considering an ordinance with identical language and further listed the tethering practices that are not allowed and are punishable with a Class 3 misdemeanor, which can include a fine of up to \$500:

- (1) When the dog or other canine is four months old or younger;
- (2) When the dog or other canine is a female in estrus;
- (3) When the temperature is less than thirty-two degrees Fahrenheit or greater than ninety degrees Fahrenheit unless the dog or other canine is provided adequate shelter under Virginia Code § 3.2-6500;
- (4) If the tether weighs more than ten percent (10%) of the dog's or other canine's body weight;
- (5) On the same tether concurrently with another dog or canine; or
- (6) For longer than twelve hours in any twenty-four hour period on a movable tether such as a cable run or for longer than four hours in any twenty-four hour period on a fixed tether.

Mrs. Glavis opened the public hearing.

Melanie Thornberg, 1205 Happy Creek Road, stated that she is a goat farmer, and the tethering ordinance as written could hinder her business. She explained that adolescent dogs are dangerous to be left alone and un-tethered around livestock and asked the Board to insert an exemption regarding working or livestock-guarding dogs.

Brandi Beaty, 71 Rocky Lane, stated that she is in support of the ordinance and expressed that both residents of the County and law enforcement personnel must clearly understand what defines a shelter as “adequate”. She stated that this ordinance can only help the animals of the County and the citizens who take responsibility for them.

Carol Vorous, 1319 Madison Avenue, has operated a community outreach for dogs for four years, which put her in a unique position to be out and about hearing concerns from residents about family pets that they feel are not being well kept. She stated that initially, she was met with opposition and negativity when she brought her concerns to the Town Council and Sheriff’s Office. She showed the Board pictures on a trifold board of several different instances of poor tethering practices and inadequate shelter. She concluded by expressing that dogs are pack animals, and their owners are their pack and asked the Board to approve the ordinance.

Jaak Haas, 620 Darby Drive, agreed with the tethering ordinance but also agreed that the working dogs needed to be distinguished. He believed the dogs that are the subjects of this ordinance should be considered as family members and treated as such.

Crystal Markle, 3024 Rockland Road, voiced her support the ordinance and thinks it is “disgusting” that County residents are allowed to subject and treat dogs like this.

Vicki Wilson, 5564 Howellsville Road, stated that she is in support of the ordinance and further stated her disappointment on the inaction taken at times by Animal Control due to fights or incidents involving tethered dogs being over before the officers arrived.

Alberto Medina, 713 Woodlawn Avenue, explained to the Board that he is not in support of the ordinance as the State Code already regulates and defines the appropriate use of tethers in a way that is enforceable by Warren County Animal Control and punishable by court. He believed the proposed ordinance is not an animal cruelty ordinance but rather a “care of companion animals” ordinance, and Virginia Code Section 3.2-6543 does not authorize localities to adopt and make a more stringent ordinance of this code section.

He stated that Part B-1 and its inverse Part C-4 of the proposed ordinance have not considered that the existing animal cruelty laws and ordinances already prohibit overloading any animal. Regulating a maximum tether weight of 10% an animal's weight is arbitrary and capricious unless this figure is scientifically defensible. Local judges will not rule in the County’s favor on such language. Part C-1 of the proposed ordinance has not considered tether training, an established practice exercised by professional service dog trainers for training service dog puppies. The proposed ordinance would discourage service dog training in Warren County. The main limiting factor is that the proposed ordinance has not made a distinction between supervised and unsupervised tethering.

He continued by stating that Part C-2 of the proposed ordinance has not considered a female that digs. Let her out in a fenced-in yard and she is going to dig herself out, but tether her within and she cannot leave. If a male digs in then the owner of the male is legally liable for the trespass and everything else. Part C-3 of the proposed ordinance has

not considered that adequate shelter is a distinct requirement of Virginia Code Section 3.2-6503 (Care of companion animals) and is not determined by the ambient air temperature. Part C-3 has also not considered his Siberian Husky Hastings, which he adopted from the Warren County Humane Society. Mr. Medina noted Hastings is not only well suited to the extreme cold, he prefers it. On the other hand there are dogs that are well suited to and prefer our hottest weather. If approved this ordinance would prohibit Mr. Medina from tethering Hastings on a cold winter day for even the shortest most responsible length of time, even if he is standing right there with him.

Mr. Medina further stated Part C-5 of the proposed ordinance has not considered the Pickett Line, a popular ground tethering system for working dogs. The proposed ordinance seeks to prevent isolation as dogs are pack animals. However this restriction prohibits keeping members of the same pack together on a setup designed to safely tether multiple dogs. Part C-6 of the proposed ordinance contains language that is arbitrary and capricious unless the selected time lengths have scientific backing to explain why exceeding those results in animal cruelty. It unjustly further restricts use of a fixed tether, which provides a safer and larger area per length of tether compared to a dog run.

Additionally, he stated Part D of the proposed ordinance does not seek to limit Animal Control's seizure power but rather seeks to illegally expand that power by prohibiting dog tethering. Dog tethering is approved and protected by the State Code of Virginia in a code section localities are not authorized to make more stringent. Animal cruelty cases are difficult to make and that is why the County has a specialized force of Animal Control officers to focus on this type of law enforcement. Mr. Medina stated the proposed ordinance will not help them in that mission. Dog tethering is mostly practiced outdoors. There are exceptions to the fourth amendment search and seizure right, like Plain View and the Open Fields doctrine. These exceptions are utilized by law enforcement to detect violations. None of these exceptions will apply if this ordinance is passed and violators go indoors to continue being cruel to their animals.

Mr. Medina stated that Animal Control officers already have a strong set of laws to promote and enforce proper care of companion animals and protect against animal cruelty. The laws and any subjectivity therein are not structured to limit Animal Control's ability. They empower Animal Control as an expert in this field to make an objective determination if a violation is being committed and to present the totality of the circumstances to our judicial system. The act of tying a dog to an immovable object does not constitute animal cruelty. The particular cases of tethering with a second condition that may result in injury are already covered by existing language in the laws and ordinances pertaining to companion animals. He concluded by stating that he hoped the Board would not approve the proposed ordinance.

Vickie Dawson-Atkins, 1316 Massanutten Avenue, stated that she was not initially going to speak but wanted to say that she is very much in support of the ordinance.

Jim Coats, 75 Chestnut Trail Road, stated that he is in support of the proposed ordinance but was not planning on speaking. He noted the eloquent nature with which Mr. Medina spoke, but he stated the pictures Ms. Vorous put up earlier cannot speak

eloquently, and these dogs cannot speak for themselves. He agreed that the State Code covers most of the tethering and animal cruelty concerns but was having difficulty reconciling the State Code with the pictures of the improperly cared-for dogs.

Bernice Romer, 950 Ashby Station Road, responded to Mr. Medina's comments that localities cannot create a more stringent ordinance regarding tethering by noting Fairfax City has its own tethering laws as do many other localities in Virginia. She stated that she has been working in rescue for the last several years and has seen things that she cannot un-see; she noted that it might not be abuse, but it certainly is neglect. She concluded by stating that she is in support of the ordinance.

Megan Lanterman, 396 Rolling Mountain Road, expressed that this ordinance is not for people who care but rather about the individuals not present at the public hearing who do not care. She stated that she runs a rescue and noted the pieces the rescue picks up and the issues the dogs have after being abandoned outside are immense. She stated firmly that the County needs to put this ordinance into effect.

Susan Fisher, 1000 Stonewall Drive, stated that this ordinance is important in deterring individuals from outside tethering due to the fines imposed. She also voiced her opinion that if you are going to tether your dog outside all day, you should not get a dog. She described a time when she worked at a kennel that received a Kuvasz dog, which they named Lucky after no one came to claim him. The kennel adopted him out, but three weeks later after a home visit, Lucky was brought back to the kennel with matted, dirty fur and having lost weight. He had been tethered outside in the middle of summer with no water and had developed a hot spot that turned gangrene, which resulted in Lucky having to be euthanized.

Mrs. Glavis asked for a show of hands for individuals who are in support of the ordinance, and the majority of the citizens in the audience raised their hands.

Debra Ebsen, 8424 Thames Street, Springfield, Virginia, stated that she previously resided in Fauquier County where a similar ordinance was passed last year that was very successful. Animal Control officers were given educational materials, which were provided to individuals who were the subject of a relevant complaint. She stated that education is a big part in helping people better understand canine behavior.

Carmen Gill, 10 West 5th Street, stated that she volunteered in the past for the Humane Society of the United States covering cruelty trials in Virginia. She believes that the community and the County have a moral and ethical obligation to protect animals from suffering and is in full support of the ordinance.

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

Mr. Fox asked the County Attorney to confirm that the ordinance, as written, is in compliance with and allowed under the State code. Mr. Whitten affirmed that this ordinance is indeed allowed under the State Code and further stated that language used in

similar ordinances from both Fauquier County and the City of Richmond specifically reference animal cruelty. He also stated that there have not been, to his knowledge, any appeals to Circuit Court that would question the Dillon Rule authority.

Mr. Carter made a motion to approve the proposed ordinance to ordain Section 66-6.1 of the Warren County Code, and Mr. Murray seconded the motion for further discussion.

Mr. Carter mentioned the working dogs that were brought up and asked if an exemption could be added. Mr. Whitten responded that adding such an exemption would make it less restrictive, which allowed it to be inserted presently instead of having to re-advertise. Mr. Whitten suggested adding a subsection to Section B of the proposed ordinance that stated, "Utilized for farming activities as provided under Code of Virginia Title 3.2", language that is also used in the City of Richmond ordinance.

Mr. Stanley noted that, to his knowledge, there were no other localities in Virginia that had a specific temperature or poor weather ordinance for dogs due to the variety of breeds and their ability to survive and thrive in certain temperatures. It was a compromise to propose a tethering ordinance that allowed for dogs to be tethered outside during certain weathers so long as they have accessible adequate shelter. He further noted that many different groups, including Warren County Animal Control and the Town of Front Royal Police Department, provided input and feedback on this ordinance.

By the following vote, the Board of Supervisors approved the proposed Section 66-6.1 of the Warren County Code to authorize tethering for dogs and other canines meeting certain requirements and prohibit certain tethering practices for dogs and other canines:

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

AN ORDINANCE TO ORDAIN SECTION 66-6.1 OF THE WARREN COUNTY CODE
TO AUTHORIZE TETHERING FOR DOGS AND OTHER CANINES MEETING
CERTAIN REQUIREMENTS; TO PROHIBIT CERTAIN TETHERING PRACTICES
FOR DOGS AND OTHER CANINES; AND TO SET THE PENALTY FOR VIOLATING
THE ORDINANCE

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 66-6.1 of the Warren County Code (Tethering Restrictions for Dogs and Other Canines) be ordained as follows:

CHAPTER 66. ANIMALS

Article I. GENERAL PROVISIONS

§ 66-6.1. Tethering Restrictions for Dogs and Other Canines.

This ordinance is passed pursuant to Va. Code § 3.2-6543 et seq. which authorizes localities to pass ordinances preventing cruelty to animals.

- A. “Tether” shall mean, when used as a noun, any device, including but not limited to a chain, leash, cable, tie down, or tie out, attached to a stationary point or object, trolley or run used to contain or restrain a dog or other canine (as used in this ordinance, “canine” shall mean a hybrid of the domestic dog and any other species of the *Canidae* family). When used as a verb, “tether” shall mean to attach such a device to a dog or other canine.
- B. No person shall tether or cause to be tethered any dog or other canine except when the tether meets the following conditions:
- (1) Appropriate to the age and size of the dog or other canine, and the tether shall weigh no more than ten percent (10%) of the animal’s weight;
 - (2) Attached to the dog or other canine by a properly applied collar, halter, or harness configured so as to protect the dog or other canine from injury and prevent the dog or other canine or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the dog or other canine; and
 - (3) At least three times the length of the dog or other canine, as measured from the tip of its nose to the base of its tail, except when the dog or other canine is being walked on a leash or is attached by a tether to a lead line; and
 - (4) Utilized for farming activities as provided under Code of Virginia Title 3.2.
- C. It shall be unlawful for a person to tether any dog or other canine:
- (1) When the dog or other canine is four months old or younger;
 - (2) When the dog or other canine is a female in estrus;
 - (3) When the temperature is less than thirty-two degrees Fahrenheit or greater than ninety degrees Fahrenheit unless the dog or other canine is provided adequate shelter under Virginia Code § 3.2-6500;
 - (4) If the tether weighs more than ten percent (10%) of the dog’s or other canine’s body weight;
 - (5) On the same tether concurrently with another dog or canine; or
 - (6) For longer than twelve hours in any twenty-four hour period on a movable tether such as a cable run or for longer than four hours in any twenty-four hour period on a fixed tether.
- D. Any person found to be in violation of this section shall be guilty of a Class 3 misdemeanor, punishable by a fine not to exceed \$500. Nothing contained in this section shall be interpreted as limiting the authority of any animal control officer or other law enforcement officer to seize the unlawfully tethered dog or other canine pursuant to his or her authority under Virginia Code § 3.2-6569.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Language proposed to be added is **underlined**.

Public Hearing – Ordinance to Amend and Re-Ordain Section 160-2 (Exemption of farm animals, feed and equipment) of the Warren County Code – Dan Whitten

Dan Whitten stated that at its work session on August 1, 2017, the Board of Supervisors discussed a request from Glen Manor Winery, a farm winery, to exempt its tasting room equipment from taxation. Such equipment would include tables, chairs, and cash registers associated with the tasting and purchasing of wine at a farm winery. The exemption would only apply to tasting room equipment at farm wineries.

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

Mr. Fox asked if this would set a precedent for other similar businesses. Mr. Stanley said similarly situated businesses could come in and expect to be treated the same, such as a brewery or a distillery, and Mr. Whitten stated that the State Code exempts processing equipment from taxation for farm wineries but does not have the same exemption for farm breweries.

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the proposed amendments to Section 160-2 of the Warren County Code to exempt from taxation tasting room equipment at a farm winery:

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

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 160-2 OF THE WARREN COUNTY CODE TO EXEMPT FROM TAXATION TASTING ROOM EQUIPMENT AT A FARM WINERY

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 160-2 of the Warren County Code (Exemption of farm animals, feed and equipment) be amended and re-ordained.

CHAPTER 160. TAXATION

ARTICLE I. GENERAL EXEMPTIONS

§ 160-2 Exemption of farm animals, feed and equipment

- A)** Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products, farm machinery and farm implements as defined in § 58.1-3505, Code of Virginia **1950, as amended**, are hereby exempt from taxation.

B) The tax exemption for farm equipment, implements and machinery used in the production of wine by farm wineries shall include tasting room equipment located at the farm winery.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Language proposed to be added is **underlined**.

Public Hearing - Ordinance to Amend and Re-Ordain Section 160-62 (Refund authorized; maximum amount) of the Warren County Code - Dan Whitten

Dan Whitten reported that the Commissioner of the Revenue recommended an amendment to Section 160-62 of the Warren County Code to increase the threshold for refunds by the Treasurer without Board of Supervisors approval from \$1,000 to \$2,500. Virginia Code Section 58.1-3981(A) authorizes the locality to allow the Treasurer to issue refunds for amounts up to \$2,500 without the review of the Board of Supervisors.

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

Mr. Sayre asked if there was a safeguard in place in case a refund is given when it should not have been given. Mr. Whitten stated that any refund over \$2,500 is signed off on by the County Attorney and comes before the Board. Any refund under \$2,500 would be directly through the Commissioner of the Revenue's Office, which he stated should have safeguards in place to prevent unnecessary or accidental refunds.

Mr. Stanley stated that the main advantage of the proposed threshold increase would be the reduction of time between realizing a refund needs to be given and actually releasing the funds to the taxpayer.

Sherry Sours, Commissioner of the Revenue, stated that sometimes refunds are not the result of an error. She noted that she currently has two refunds on her desk, both for Public Service, one over \$1,000 and the other over \$2,500.

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors approved the proposed amendments to Section 160-62 of the Warren County Code to increase the threshold for the Treasurer to issue refunds without Board of Supervisors approval to \$2,500:

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

AN ORDINANCE TO ORDAIN SECTION 160-62 OF THE WARREN COUNTY CODE TO INCREASE THE THRESHOLD FOR THE TREASURER TO APPROVE REFUNDS WITHOUT BOARD OF SUPERVISORS APPROVAL TO TWO-THOUSAND FIVE HUNDRED DOLLARS AS ALLOWED BY VIRGINIA CODE SECTION 58.1-3981(A).

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 160-62 of the Warren County Code (Refund authorized; maximum amount) be ordained.

Chapter 160: Taxation

Article XVI Refunds for Erroneously Assessed Taxes

§ 160-62 Refund authorized; maximum amount.

If the Commissioner of Revenue is satisfied that he has erroneously assessed any local tax, and such assessment has already been paid by the taxpayer, then upon certification by the Commissioner of Revenue to the Treasurer of such erroneous assessment, the Treasurer may approve and issue any refund to such taxpayer up to ~~\$1,000~~ **\$2,500** as a result of such erroneous assessment.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Language proposed to be added is **underlined**.

Public Hearing – Ordinance to Ordain Sections 172-46 through 172-61 of the Warren County Code to Create a Joint Towing Board – Dan Whitten

Dan Whitten reported that the Virginia Code authorizes the creation of a joint towing board that considers applications of towing recovery businesses to be added to a towing list from which the Sheriff's Office, Town Police Department, and Virginia State Police can request a towing operator to perform towing services at the scene of an accident or incident. The joint tow board would be comprised of seven (7) members including: three law enforcement officers, including one each from the Sheriff's Office, Town Police Department, and Virginia State Police; three representatives of towing and recovery businesses; and one citizen.

Mr. Whitten stated the proposed section has minimum requirements for the towing operators including required vehicles and equipment, storage and security of vehicles, and insurance. The towing operator will present an application to the joint towing board for consideration to be added to the towing list after inspection of the equipment and storage facilities. The proposed ordinance contains certain duties and requirements of towing operators to remain on the towing list, and the towing operators also have the responsibility to maintain certain records and shall be responsible for the safekeeping of the towed vehicles. The towing operators will be called on a rotating basis off the towing list unless there is an emergency or no availability, in which case law enforcement personnel can call tow operators not on the list.

Mr. Whitten further reported that the proposed ordinance also contains regulations regarding proper charges for towing. The joint tow board will accept written complaints and conduct an investigation of any complaints, the proposed ordinance including a

provision for an appeals process for complaints. The joint tow board may suspend or remove a towing operator who violates certain regulations from the towing list. Mr. Whitten stated that the Town of Front Royal is considering an ordinance with identical language.

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

Sherry Sours, Commissioner of the Revenue, wanted to make sure towing operators have a proper business license with Warren County before being added to the list. She stated that every so often, the Virginia State Police will call and ask for a list of towing operators in Warren County to verify that they are licensed before placing them on a towing list. Mr. Whitten responded that Section 172-49(E)(11) states, "A statement from the Treasurer and/or the town finance office that all financial obligations are paid", which could be interpreted to include business licenses.

Mr. Sayre suggested amending the ordinance to include a requirement that towing operators must be properly licensed in Warren County, but Mr. Whitten stated that if the Board opted to include such language, the ordinance would need to be re-advertised due to being more restrictive. Mr. Whitten also noted that the Joint Towing Advisory Board would adopt a set of by-laws, which could include a section regarding the requirement of a business license.

Mr. Stanley asked if a towing company would be required to have a Warren County business license if it is physically located in the Town of Front Royal but is performing towing operations outside of Town limits in the County. Ms. Sours affirmed that this was the case. Mr. Stanley commented that he and Mr. Whitten had spoken about the possibility of the Joint Towing Advisory Board creating an application process for operators that wish to be placed on the towing list and posited the application could include proof of licensure with Warren County.

Mr. Sayre asked if it was possible for the law enforcement personnel at the scene of an accident could remind the drivers/passengers involved to check their insurance in case their insurance company is contracted with specific towing operators. Mr. Whitten stated that it could be discussed as a possibility by the Joint Towing Advisory Board. Mr. Murray interjected that the priority of law enforcement personnel is to clear the road for traffic flow, and waiting for drivers/passengers to call their insurance companies could affect the time it takes. Mrs. Glavis commented that maybe it was not the job of the Board to dictate what law enforcement personnel do at the scene of an accident and encouraged Board members to return to discussing the Joint Towing Advisory Board.

Mr. Murray made a motion to approve the proposed ordinance to ordain Sections 172-46 through 172-61 of the Warren County Code, and Mr. Carter seconded the motion for further discussion.

Mr. Carter asked if the Joint Towing Advisory Board could continue in just the County should the Town Council not adopt an identical ordinance. Mr. Whitten replied that

the parallel ordinances would need to be adopted due to the proposed towing board including members of the Town of Front Royal Police Department. He had spoken with the Town Attorney, who indicated that Town Council was waiting for the Board to approve the ordinance.

Ed Carter with Virginia Department of Transportation (VDOT) noted that VDOT has wreckers under contract during snow operations to keep the roads clear that are not necessarily from Warren County. He asked if the language in this ordinance would prohibit VDOT from using these out-of-locality wreckers. Mrs. Glavis and Mr. Murray both stated that in the event of a snow emergency, the State would be “running the show” and would be responsible for clearing roadways. Mr. Whitten noted that the proposed ordinance has language that in the event of emergency, towing operators may be called out of sequence, but it would have to be an operator on the towing list.

Mr. Whitten then directed the Board’s attention to Section 172-54(C), which states, “In the event of an emergency or no availability of Towing Operators on the Towing List, Law Enforcement Personnel can request Towing Recovery Businesses outside of Warren County.” Mr. Carter asked if the Board could include “and VDOT” to this language, and the Board agreed that this was not a more restrictive change and agreed that the language could be added.

By the following vote, the Board of Supervisors approved the proposed Sections 172-46 through 172-61 of the Warren County Code to create a joint towing board that considers applications of towing operators to be added to a towing list from which the Warren County Sheriff’s Office, Town of Front Royal Police Department, and Virginia State Police can request a towing operator to perform towing services at the scene of an emergency or accident with an amendment to Section 172-54(C) to allow for VDOT to request Towing Recovery Businesses outside of Warren County in the event of an emergency:

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

AN ORDINANCE TO ORDAIN SECTIONS 172-46 to 172-61 OF THE WARREN COUNTY CODE TO CREATE A JOINT TOWING BOARD THAT CONSIDERS APPLICATIONS OF TOWING OPERATORS TO BE ADDED TO A TOWING LIST FROM WHICH THE WARREN COUNTY SHERIFF’S OFFICE, TOWN OF FRONT ROYAL POLICE DEPARTMENT AND VIRGINIA STATE POLICE CAN REQUEST A TOWING OPERATOR TO PERFORM TOWING SERVICES AT THE SCENE OF AN EMERGENCY OR ACCIDENT

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 172-46 to 172-61 of the Warren County Code be ordained as follows:
CHAPTER 172. VEHICLES AND TRAFFIC

ARTICLE V. Law Enforcement Requested Towing

§ 172-46 Purpose

The purpose of this article is to ensure proper storage, availability and service by persons and firms authorized to provide towing services at the request of the Warren County Sheriff's Office, the Front Royal Police Department, Virginia State Police and other law enforcement personnel. The Towing Operators are deemed independent contractors and not employees of Warren County, the Town of Front Royal, Virginia State Police, or other law enforcement agencies assigned to Warren County or Front Royal.

§ 172-47 Definitions

Application means an application for towing service within Warren County.

Towing Operator means a towing firm or service, with an established business office and location within Warren County, which meets the requirements of this article and has entered into an agreement to provide towing and recovery services at the request of the Sheriff's Office, Police Department or other law enforcement personnel.

County means Warren County, Virginia.

Emergency means a critical traffic problem, snow storm, ice storm, hurricane or other extreme weather condition; parade or similar public event; disaster or similar event.

Joint Towing Board means the Joint Advisory Board on Towing which consists of seven (7) members: three (3) law enforcement officers, including one from the Sheriff's Office, one from the Police Department and one from Virginia State Police, three (3) representatives of Towing and Recovery Businesses and one (1) citizen.

Law Enforcement Personnel or Law Enforcement Agency means a law enforcement officer of Warren County, Town of Front Royal, Virginia State Police or agency of such officers or other law enforcement agency assigned to Warren County.

Police Department means the Town of Front Royal Police Department.

Receipt means a printed, numerated and dated receipt that include tow company name, company address and telephone number and receipt signed by owner/operator.

Sheriff's Office means the Warren County Sheriff's Office.

Suspension means temporary removal from the Towing List for a violation of this article or breach of the towing service agreement.

Termination means permanent removal from Towing List and rescission of towing service agreement.

Towing List means the list maintained of the Towing Operators authorized to respond the Sheriff's Office, Police Department or other law enforcement personnel's request for the towing of vehicles.

Towing Recovery Business means any person, including a business offering services involving the use of a tow truck, including those engaged in the business of (1) removing disabled vehicles, parts of vehicles, or cargo to facilities for repair or safekeeping; and (2) restoring to the highway or other location vehicles that have come to rest where they can't be operated. Such business shall have at least one (1) location, consisting of an office and storage lot, within Warren County for at least six (6) months.

Towing Service Agreement means the agreement between the Joint Towing Board and the Towing Operator.

Town means the Town of Front Royal, Virginia.

§ 172-48 General Minimum Requirements

A) Required Vehicles and Equipment.

- (1) The Towing Recovery Business shall have available at least one (1) of the following vehicles with valid Virginia license plates, inspection sticker and SCC/DMV license.**
 - (i) Tow Truck equipped with a wrecking crane capable of lifting a minimum of 8,000 pounds and up to a maximum of 10,000 pounds or the gross vehicle weight rating. Tow truck must be equipped with a wheel lift capable of lifting a minimum of 1,500 pounds.**
 - (ii) Flatbed Wrecker with at least an 8,000 pound winch and capable of transporting a maximum of 7,000 pounds or the gross vehicle weight rating.**
- (2) Each of the vehicles above shall be originally designed as tow trucks.**
- (3) Each of the vehicles above shall be equipped with the following:**
 - (i) A chassis rated with sufficient gross vehicle weight to match the maximum capacity of the crane mounted thereon;**
 - (ii) All-weather tires on the rear wheels;**
 - (iii) At least one (1) fire extinguisher;**
 - (iv) At least two (2) operable amber revolving or flashing emergency lights, mounted on the highest part of the vehicle and visible from all sides;**
 - (v) One (1) operable air tank, when not equipped with air brakes. Flatbed Wreckers are exempt from this requirement;**
 - (vi) One (1) heavy-duty street broom and one (1) shovel;**

- (vii) Dollies, scotch blocks and snatch block;
 - (viii) Gas and oil absorbent material;
 - (ix) ANSI Compliant, Reflective vest, shirt or jacket; and
 - (x) Vehicle tow lights.
- (4) Heavy Duty Wreckers.
- (i) For those Towing Operators who desire to be on the heavy-duty wrecker list, they shall own or lease a minimum of two (2) towing/recovery trucks and at least one (1) road tractor. One (1) Truck shall have a minimum of 60,000 pounds rating and the second truck shall have a minimum 40,000 pounds rating. All units shall have winches rated at a minimum of 20,000 pounds. All units must have a boom that raises and lowers, extends and retracts by hydraulics. All units must have a hydraulic under-lift rated to raise 12,000 pounds at full extension.
 - (ii) Towing Operators shall own, lease or have a written agreement with a subcontractor for the following:
 - (a) Lowboy hydraulic operated trailer capable or transporting a wrecked or disabled road tractor and/or debris;
 - (b) Trailer forty-five (45) foot or longer box trailer;
 - (c) Dump truck, dump trailer or container;
 - (d) Air cushions designed for and capable of up righting a loaded tractor and trailer;
 - (e) A skid steer loader, forklift or wheel loader capable of moving cargo and/or debris from the highway; and
 - (f) Adequate personnel donning an ANSI Compliant Reflective vest, shirt or jacket to off-load cargo.
 - (iii) All loads must be secured with two-wheeled straps or safety chains.
 - (iv) All equipment must be equipped with legally required light and safety equipment.
 - (v) All equipment must be in good working order with all equipment required in this article.

B) Storage and Security of Vehicles

- (1) All Towing Operators shall have a secured lot for vehicles towed under this article. Vehicles shall be stored at all times in said storage lot, storage facility or building or an adjacent service bay.

- (2) A Towing Operator shall maintain and own or lease a dedicated storage area able to contain all towed vehicles towed by the operator. Storage area shall be fully enclosed by a commercial grade fence which is at least six (6) feet tall, or enclosed by a permanent structure, have adequate lighting and remain reasonably clear of debris. Towing Operators shall not share storage lots unless the shared storage lot is divided by a six-foot high stationary fence with a separate locked entrance to each storage area.
- (3) The storage lot shall have a sign posted identifying the firm's name and telephone number. Wrecker service facilities and equipment, including vehicles, office, telephone lines, office equipment and storage facilities may not be shared with another wrecker service. Vehicles towed at the request of Law Enforcement Personnel must be placed in storage owned or leased and operated by the wrecker service on the Towing List.
- (4) The storage lot shall have a graveled or paved surface.

C) Insurance

- (1) No Towing Service Agreement shall be signed until the Towing Operator has provided evidence of the following insurance coverage for the duration of the Towing Service Agreement by a company or companies licensed to do business in the commonwealth. Any changes or lapses in insurance coverage shall immediately be reported to the Joint Towing Board.
 - (i) The Towing Operator shall be required to carry garage keeper's legal liability insurance in the minimum amount of seventy-five thousand dollars (\$75,000.00) to cover fire, theft, windstorm, vandalism and explosion for each lot. Towing Operators on the heavy-duty wrecker list shall be required to carry garage keeper's legal liability insurance in the minimum amount of two hundred thousand dollars (\$200,000.00).
 - (ii) Insurance sufficient to protect itself from any and all claims of loss, damage or bodily injury, resulting from its acts or incurred in the operation of the Towing Operator's business equipment and vehicles pursuant to the Towing Service Agreement in the amount of seven hundred fifty thousand dollars (\$750,000.00) or the amount required by the state (vehicle liability policy).

- (iii) Insurance sufficient to cover claims under the Worker's Compensation Act, if applicable, for all of its employees. If any work is sublet, the subcontractor shall provide similar coverage.
- (2) The Towing Operator shall indemnify and hold harmless the Sheriff's Office, Police Department, Virginia State Police, Warren County and Town of Front Royal, all other law enforcement agencies assigned to Warren County including their agents, employees and representatives from any and all claims, casualties, damages or injuries arising out of its actions pursuant to the agreement.

§ 172-49 Application for Agreement

- A) Any Towing Operator desiring to perform towing work at the request a Law Enforcement Agency shall submit an application for towing service in duplicate to the Joint Towing Board. Prior performance and reputation in the community, as reported through the office of citizen and consumer affairs and criminal history record information as supplied by applicant, will be considered when a Towing Operator applies to perform towing services under the Towing Service Agreement.
- B) All Towing Operators must be licensed through the Department of Criminal Justice Services.
- C) In order to be qualified for towing under this article, a Towing Operator shall operate the Towing Recovery Business at said location within Warren County for a minimum of six (6) months prior to applying for towing under this article. The six-month waiting period may be waived for applicants who are currently authorized to tow under this article.
- D) A Towing Operator may not make any changes that alter the information that was submitted in the application unless first notifying the Joint Towing Board.
- E) The Application shall be submitted on forms provided by the Joint Towing Board and includes the following information:
 - (1) The name of the Towing Recovery Business to include the owners, members and/or corporate officers.
 - (2) The home and business addresses and phone numbers of the Towing Recovery Business, owners, members and/or officers.
 - (3) The location, size and security features of the storage lot on which the towed vehicles will be stored. The storage facility shall be described in

detail to include the size, the lighting and the separate entrance. The storage facility may be a building or a lot which shall be a minimum of one thousand five hundred (1,500) square feet for regular Towing Operators or a minimum of three thousand (3,000) square feet for heavy-duty Towing Operators.

- (4) The location in which the public must go to in order to claim stored vehicles.
- (5) A statement of availability to provide towing service on a continuous twenty-four-hours-a-day basis each day of the year.
- (6) A list of the towing equipment, its size and capacity. Towing Operators shall maintain and register all trucks. A copy of property taxes showing taxes paid on trucks and equipment domiciled within the county or town and each vehicle registration must be submitted on an annual basis with application or reapplication.
- (7) A complete list of insurance policies, carriers and agents which would be in effect upon execution of the Towing Services Agreement. Proof of the policy will be filed with the Joint Towing Board. This information will include amount of coverage limits and include worker's compensation, if applicable.
- (8) A statement that the Towing Operator accepts reasonable responsibility for any personal property left in towed and stored vehicles, as may be otherwise determined by law, along with a description of the secure place which will be used to store the property left in towed or stored vehicles. A statement that the Towing Operator accepts reasonable responsibility for a towed vehicle from the time hookup starts, until vehicle reaches the intended destination.
- (9) Towing Operators must list two (2) telephone numbers at which they can be reached on a twenty-four-hour-a-day basis. Specific times and days denoting business hours versus nonbusiness hours must accompany the telephone number. Name of business and telephone number must be posted in a conspicuous place at the place of business.
- (10) A statement from the zoning office of the local government entity in which the Towing Recovery Business is located that the storage lot listed on the application meets all required zoning requirements.
- (11) A statement from the Treasurer and/or the town finance office that all financial obligations are paid. All Towing Operators must be current in all financial obligations to the County and/or Town.
- (12) A copy of declaration of personal property or business personal property on registered equipment must be submitted annually.
- (13) All applicants shall pay an application fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board

§ 172-50 Inspections of Towing Operator

- A) All of the tow trucks, required equipment and storage facilities shall be inspected and approved by the Joint Towing Board prior to use. In addition, all tow trucks and required equipment shall conform to the provisions of Code of Virginia, § 46.2-1000 et seq. The Joint Towing Board may periodically inspect all wreckers, equipment and storage facilities utilized under this article without any advanced notice. There will be an annual inspection of all wreckers, equipment and storage facilities utilized under this article. For heavy-duty wreckers a CVSA sticker will also be required.
- B) There shall be an annual inspection fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board.
- C) The Joint Towing Board shall give the Towing Operator written notice when the equipment or storage facility is found to be unacceptable.
- D) Tow trucks and equipment or storage facilities that fail the inspection shall not be used by a Towing Operator in the performance of its obligations under a Towing Services Agreement until they pass inspection.
- E) Failure to comply with any of the conditions stated above will result in suspension of the Towing Operator from the Towing List until the corrections have been made. If the corrections are not made within ten (10) calendar days, the Towing Operator shall be terminated from the Towing List.
- F) All applications for new Towing Operators to be included on the Towing List or applications for renewals of Towing Operators shall be submitted to and shall only be received and processed by the Joint Towing Board from May 1 to May 30 of each calendar year. The calendar year for the application of this article shall be July 1 to June 30.

§ 172-51 Application Approval

- A) The Joint Towing Board shall conduct an investigation to determine the accuracy of the information contained in the application and shall inspect the storage lot and equipment to be used.
- B) Upon completion of the investigation, the Joint Towing Board shall determine whether the applicant meets the requirements of this article. If the Joint Towing Board finds the applicant qualified, he shall approve and sign the

Towing Services Agreement. The applicant's name shall be placed on the Towing List in a rotating order.

- C) **If the Joint Towing Board finds the applicant unqualified, it shall indicate in writing the reasons and return the application to the applicant.**

§ 172-52 Duties and Requirements of Towing Operators

- A) **Towing Operators shall, at the request of and as directed by Law Enforcement Personnel, tow vehicles in the County or Town in a manner that is damage-free to the vehicle being towed. Towing Operators shall comply with all applicable federal, state and local laws, including but not limited to, the securing of all necessary federal, state and local licenses. All Towing Operators shall display a WT-Tag (tow truck for hire) and/or an IRP-Tag (international registration plan).**
- B) **All Towing Operators shall have the Towing Recovery Business' name, town, state and telephone numbers printed on both sides of the towing vehicle in letters and numerals of such size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion. No magnetic sign shall be used on vehicles. Decals are permissible. The Towing Operator shall provide a business card to Law Enforcement Personnel before leaving the scene. Each Towing Operator must be registered with the Virginia Department of Motor Vehicles in the name of the Towing Recovery Business and insured by the Towing Recovery Business.**
- C) **Towing Operators shall provide twenty-four-hours-per-day towing service each day of the year.**
- D) **Towing Operators shall have available at all times sufficient and qualified personnel to receive calls and execute the towing.**
- E) **If a Towing Operator determines additional equipment is needed, the Law Enforcement Personnel shall contact a different Towing Operator on the Towing List.**
- F) **Towing Operators shall notify all Law Enforcement Agencies during normal business hours forty-eight (48) hours prior to a change in their phone number. No answering service is allowed.**
- G) **Towing Operators that operate under the lawful direction of a Law Enforcement Personnel or the Virginia Department of Transportation shall**

not be held responsible for any damages or claims that may result from the failure to exercise any authority granted under this Article provided they are acting in good faith.

- H) Towing Operators must also coordinate with personnel of Virginia Department of Transportation regarding removal of vehicles and cargo. Virginia Department of Transportation Personnel has the authority to use a front end loader to remove vehicles and cargo.
- I) The Towing Operator agrees to arrive on the scene within thirty (30) minutes of receiving a call. If the Towing Operator fails to meet the specified time limit, the Law Enforcement Personnel will notify a second Towing Operator. Once the second Towing Operator has been requested, services from the first Towing Operator are considered canceled and the first Towing Operator is not due any payment. Heavy-duty Towing Operators will have a forty-five-minute time limit to arrive on scene.
- J) If in the judgment of the Joint Towing Board, excessive delays are caused by circumstances within the Towing Operator's control, the Joint Towing Board may recommend the Towing Operator be suspended/terminated from the Towing List.
- K) Law Enforcement Personnel shall authorize work times for recovery operations. Law Enforcement Personnel has the right to terminate the recovery operation in the event of an emergency or if the work times are exceeded.
- L) Towing Operators shall have only those tow trucks owned or lease purchased by them responding to calls for service.
- M) If a tow truck is not available, then the Towing Operator shall immediately indicate to the dispatcher that it cannot respond and the reason why. The dispatcher shall then notify the next Towing Operator on the list.
- N) Towing Operators may use crossovers located on the interstates or public highways that are prohibited when directed to do so by Law Enforcement Personnel pursuant to Code of Virginia, § 46.2-920.1.
- O) All Towing Operators must possess a valid Virginia driver's license or commercial driver's license, and medical certificate as may be required and be qualified to operate the tow vehicle and its equipment.

- P) All Towing Operators shall decline a service call if they consumed alcohol and or used any drug or narcotic, either by a doctor's prescription or of their own free will within eight (8) hours prior to a call for service.
- Q) Towing Operators shall remove all litter, glass and debris caused by the incident which necessitated towing, including ordinary and reasonable quantities of oil and gas spillage as determined by the Law Enforcement Personnel on the scene. If circumstances warrant additional charges, they will be thoroughly documented and itemized.
- R) All Towing Operators shall have the capability to accept cash and credit card as payment for services under the agreement in the field at the time services are rendered.
- S) The Towing Operator shall tow vehicles to any destination within Warren County requested by the vehicle owner or any Law Enforcement Personnel. However, the vehicle may be taken outside of Warren County limits for impound or investigatory reasons. In addition, at the vehicle owner's or insurance company's request, the vehicle may be taken to a collision center outside of Warren County.
- T) Any Towing Operator permanently ceasing to provide towing/recovery services shall, within fifteen (15) days, notify the Joint Towing Board in writing.
- U) Towing Operators shall not bring minors to the scene of incident.

§ 172-53 Responsibilities and Records of Towing Operators

- A) If an owner or lien holder fails to claim any vehicle or if the Towing Operator wants to satisfy any lien which it has on a vehicle, it shall be the Towing Operator's responsibility to dispose of or sell the vehicle in compliance with the Virginia State Code.
- B) The Towing Operator shall be reasonably responsible for vehicles towed and any contents from the time the vehicle is towed until one (1) of the following events occur:
 - (1) The vehicle is delivered to a location specified by the owner or other authorized person;
 - (2) The vehicle and property is released to and accepted by the owner or authorized person in the same condition as originally towed; or

- (3) The vehicle is otherwise disposed of according to law.
- C) Towing Operators shall secure all personal property at the scene of a collision to the extent possible and preserve personal property in a vehicle which is about to be towed.
- D) The Towing Recovery Business shall keep records of all vehicles which have been towed pursuant to the Towing Services Agreement. These records shall include, at a minimum, the date and time of tow, the vehicle's license number and state of issue, the vehicle's identification number, the year, make, model and color of the vehicle, the requesting agency, the location from which it was towed, the charges for towing and storage, the disposition of vehicle and date of disposition.
- (1) Such records shall be available for inspection by the Joint Towing Board during the Towing Recovery Business' normal business hours without any advanced notice.
- (2) The Towing Recovery Business shall retain a copy of these records for a period of at least twelve (12) months from the date of the tow.
- E) Towing Operators shall promptly arrange for the release of vehicles towed or stored pursuant to this article. There shall be an attendant available from the hours of 8:00 a.m. through 5:00 p.m., except on weekends and state holidays, for the purpose of permitting inspections or releasing stored vehicles. After hours the owner or attendant must be available by telephone. The owner or attendant must be available twenty-four-hours-a-day, each day of the year for the purpose of releasing stored vehicles.
- (1) Towing Operators, upon receiving a request to release or permitting an inspection of a stored or seized vehicle from the owner, operator or other authorized person, shall release that vehicle to the owner or other authorized person between the hours 8:00 a.m. and 5:00 p.m. within a thirty-minute timeframe.
- (2) Towing Operators, upon receiving a request to release or permit an inspection of a stored vehicle by an owner or authorized person during other than normal business hours, shall allow and otherwise require two (2) hours' notice for the release of such motor vehicle. The foregoing notice provision shall apply likewise for the release of personal property and contents within the vehicle. All fees charged for any off-hour release/inspection shall be no more than one (1) day of storage.

- (3) Upon request, Towing Operators shall distribute to the owner, operator or authorized agent a copy of the complaint procedures form.
- (4) Towing Operators shall not release any vehicle designated as "seized" or "seized for forfeiture" by a Law Enforcement Agency until the Towing Operator obtains permission from the requesting agency and/or Commonwealth's Attorney. The Towing Operator shall bill the requesting agency for the cost of the tow.

- F) Towing Operators shall not release any vehicle that has a "hold" on property contained within such vehicle without first obtaining authorization from the requesting Law Enforcement Agency and/or Commonwealth's Attorney.

- G) Whenever the Towing Operator is requested to remove a vehicle and the owner of the vehicle, or their authorized agent or driver, is not at the scene at the time of the tow, Law Enforcement Personnel is requested to complete a tow sheet form that includes the following:
 - (1) Owners name and address, if known;
 - (2) Lien holder information, if any;
 - (3) Description of the vehicle and any visible prior damage;
 - (4) Storage facility name and address;
 - (5) Inventory of accessible contents of the vehicle; and
 - (6) One (1) copy shall be given to the Towing Operator, one (1) copy to the owner of the vehicle and one (1) copy retained by the Law Enforcement Agency.

- H) All records relating to Towing Operator's application and insurance shall be made available for inspection without any advanced notice by the Joint Towing Board after a Freedom of Information Act request is filed.

§ 172-54 Rotation System

- A) The Joint Towing Board shall ensure that Towing Operators are called on a rotating basis according to the Towing List. Being placed on the Towing List does not guarantee a particular number or quantity of calls; does not guarantee an equivalent number of calls to every Towing Operator on the list; nor entitle any Towing Operator on the list to any compensation as a consequence for not being called in accordance with the Towing List or when removed from the Towing List.

- B) The owner or operator of a vehicle to be towed shall be asked to specify the Towing Operator of his choice, whether or not authorized by Law Enforcement Personnel, unless the vehicle constitutes a traffic hazard and the requested

Towing Operator will have an unacceptable response time. If the owner or operator requests a specific Towing Operator, the Law Enforcement Personnel shall document the request in that particular agency's CAD.

- C) The Law Enforcement Personnel shall not call any Towing Operator who does not have a Towing Services Agreement unless all Towing Operators on the Towing List are unavailable or an Emergency exists. In the event of an emergency or no availability of Towing Operators on the Towing List, Law Enforcement Personnel and VDOT can request Towing Recovery Businesses outside of Warren County.
- D) In an emergency, the Law Enforcement Incident Commander may call a Towing Operator out of sequence in order to shorten response time to the scene of the incident. However, any Towing Operators which are randomly used during suspensions of the Towing List must be reported to communications for record purposes.
- E) Law Enforcement Personnel at the scene may reject the services of the Towing Operator dispatched when the Towing Operator arrives with inadequate equipment to perform the tow. Unfitness shall include, but not limited to, possession of inadequate equipment to perform the tow, or operated by personnel who, due to drugs, alcohol or other incapacity, are not likely to perform the tow safely. In the event that the Towing Operator is determined to be unfit, Law Enforcement Personnel shall notify communications to dispatch the next Towing Operator on the Towing List and shall file a written report with the Joint Towing Board
- F) Law Enforcement Personnel will call another Towing Operator if the first Towing Operator fails to answer the telephone or receives a busy signal after two (2) attempts.
- G) If the Towing Operator does not answer the telephone or refuses the call, the Towing Operator loses that turn in rotation and will not be called until the Towing List rotates to their name again. If the Towing Operator responds to a call, it shall be placed at the bottom of the Towing List, unless the Towing Operator through no fault of its own is not used and receives no compensation for the call. In that event, it shall be placed back at the top of the Towing List.

§ 172-55 Compensation

- A) All costs incident to towing and storage shall be paid by the owner or other authorized person of the towed and stored vehicle to the Towing Operator. In

those cases involving "seized" vehicles, the owner shall reimburse the requesting Law Enforcement Agency for the towing costs.

- B) The towing and storage fees charged by the Towing Operator shall be reasonable in light of those charged by other Towing Operators in the county for comparable service. There shall be no additional charges for mileage. No charges imposed for the storage of vehicles for a period of twenty-four (24) hours or less shall exceed charges imposed for one (1) day of storage.
- C) An itemized receipt for payment, which sets forth the cost of towing, excessive cleanup, storage, and repairs shall be issued to the owner/operator or other authorized person. Said receipt shall also include a signature line for the owner/operator or other authorized person acknowledging receipt of the vehicle.
- D) All Towing Operators shall submit their current pricing to the Joint Towing Board related to towing, recovery, winching, storage charges and administrative charges. No administrative charges shall be incurred for the first twenty-four (24) hours of storage and no administrative fee or charge shall exceed ninety-five dollars (\$95.00). Written notice of these fees shall be available at the request of the owner or operator of the vehicle's request.

§ 172-56 Solicitation by Towing Operators

- A) No Towing Operator shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called there by Law Enforcement Personnel, or the person involved in the accident or emergency. Violation of this section shall result in suspension from the Towing List for thirty (30) days for the first offense, sixty (60) days for the second offense, and termination from the Towing List for a third offense for a period of twelve (12) months.
 - (1) The Law Enforcement Personnel shall direct the Towing Operator to leave even if the Towing Operator would otherwise have been called to the location.
 - (2) The Law Enforcement Personnel may direct the Towing Operator to provide necessary services in such instances when immediate assistance is necessary to protect persons or property.
- B) Towing Operators are prohibited from soliciting business at the scene of accidents, emergencies or mechanical breakdowns whether they are there in a towing capacity or other public service duties.

§ 172-57 Prohibited Practices

- A) **A violation of any of the following may subject the Towing Operator to suspension from the Towing List:**
- 1) **Deliberate failure of a Towing Operator to respond to calls;**
 - 2) **Securing a Towing Services Agreement by fraud or concealment of a material fact;**
 - 3) **Violation of the Towing Services Agreement;**
 - 4) **Chronic or repeated violations of this article;**
 - 5) **A single violation of this article including not limited to:**
 - i) **Running unauthorized calls;**
 - ii) **Overcharges;**
 - iii) **Alcohol or drug use;**
 - iv) **Tardiness more than five (5) times in a six-month period;**
 - v) **Failure to notify the Joint Towing Board with immediate changes regarding insurance, taking on new members, owners, corporate officers or any other changes regarding anything listed in the Application;**
 - vi) **Fraudulent acts with respect to this article;**
 - vii) **Failure to comply with the rules and regulations of Code of Virginia § 46.2-2820 et seq.; or**
 - viii) **Violate any laws of the commonwealth or of Warren County that are considered a felony or misdemeanor.**

§ 172-58 Complaints

- A) **Any Towing Operator who believes he has been unfairly treated by Law Enforcement Personnel may file a written complaint with the Joint Towing Board.**
- B) **Any person who believes a violation of this article has occurred may file a complaint against a Towing Operator. Joint Towing Board will provide the complainant with a complaint form to be filled out and returned to the Joint Towing Board. The complaints shall be investigated by the Joint Towing Board.**
- C) **After an investigation of the complaint, the Joint Tow Board shall notify the complainant of the results of the investigation and any action as a result of the complaint.**

- D) The local office of the Virginia State Police shall use the Towing List on law enforcement requested calls in Warren County. By agreement with the local office of the Virginia State Police, the Joint Towing Board shall investigate towing complaints for both state and county calls. Any imposed disciplinary action shall be binding on all law enforcement initiated calls for towing service.

§ 172-59 Suspension or Termination of Towing Operators

- A) Any Law Enforcement Agency, upon investigation of the facts, may recommend that a Towing Operator be heard by the Joint Towing Panel for any violation of the provisions of this article.
- B) The Joint Towing Board shall provide the Towing Operator with written notice of said violation. Notification of the date, time and location of a hearing on the violation shall also be provided.
- C) The Joint Towing Board has the authority to suspend or terminate Towing Operators through due process.

§ 172-60 Appeals Process and Hearing

- A) In the event that a representative from a Towing and Recovery Business that sits on the Joint Towing Panel lodges a complaint against another Towing Operator, said representative shall abstain from the hearing.
- B) The Law Enforcement Personnel involved in the incident shall be responsible for presenting the allegations against a Towing Operator to the Joint Towing Panel members and may call witnesses and ask questions of any witness.
- C) If complainant is not present, the complaint form will be presented to the Joint Towing Panel as complainant's evidence/testimony.
- D) The Towing Operator shall be allowed an opportunity to attend the hearing and bring any witnesses that were directly involved in the incident where the accused Towing Operator was charged with a violation of this article. The Towing Operator will be allowed to present evidence/testimony supporting his/her case to the Joint Towing Panel. The Towing Operator may make an opening statement, ask witnesses questions and make a closing statement.
- E) No attorneys will be allowed to attend this administrative hearing on behalf of a complainant or defendant.

- F) No witnesses, except for those being questioned, will be allowed in the room during the administrative hearing.
- G) The Joint Towing Panel, after hearing evidence presented, shall render a decision. If the accused Towing Operator is present, the chairman presiding over the hearing shall immediately verbally notify the accused of the decision. A written notification shall be prepared and sent to the Towing Operator through first class postage with the U.S. Postal Service and a copy of the decision will be sent to each Law Enforcement Agency. If the Towing Operator is not present at the conclusion of the hearing to receive the verbal notification of the panel, the Towing Operator shall waive the right to immediate notification of the decision.
- H) The decision of the Joint Towing Panel is final.

§ 172-61 Amendments to Article

- A) The Joint Towing Board will recommend revisions to the ordinance from which this article derives to the Warren County Board of Supervisors and the Front Royal Town Council.
- B) All proposed revisions shall be discussed with the Joint Towing Board and their input will be considered in each proposed revision.
- C) Revisions shall be in effect from the date on which the amendments to the Town and County Code with identical language are adopted by the Warren County Board of Supervisors and the Front Royal Town Council.
- D) Towing Operators on the Towing List shall be given written notification of any amendments ten (10) days prior to the revision being adopted.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION BY BOTH THE WARREN COUNTY BOARD OF SUPERVISORS AND THE FRONT ROYAL TOWN COUNCIL OF THE SAME ORDINANCE WITH IDENTICAL LANGUAGE

Language proposed to be added is underlined.

Public Hearing - Ordinance to Amend and Re-Ordain Section 177-3 (Shooting prohibited in designated locations) of the Warren County Code - Doug Stanley

Doug Stanley reported that residents of the Bowling View Subdivision (aka Bowling Green South area), where there is no formal homeowners association, have requested that

the subdivision be added to the list of designated locations where shooting of firearms is prohibited. Bowling View includes 36 lots and 29 homes. As part of the request, the residents included a petition signed by 24 of the 29 homeowners.

Mrs. Glavis opened the public hearing. Mr. Stanley read a letter of support from Glenn and Donna Murphy, residents of Bowling View who were the main proponents of the petition. There was no further input from the public, and 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 amendments to Section 177-3 of the Warren County Code to add Bowling View Subdivision to the list of designated locations where the shooting of firearms is prohibited:

Aye: Carter, Fox, Glavis, Murray, Sayre

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 177-3 OF THE WARREN COUNTY CODE TO INCLUDE BOWLING VIEW IN THE LIST OF DESIGNATED LOCATIONS WHERE THE SHOOTING OF FIREARMS IS PROHIBITED

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 177-3 of the Warren County Code (Shooting Prohibited in Designated Locations) be amended and re-ordained as follows:

CHAPTER 177. WEAPONS

ARTICLE II. SHOOTING OF FIREARMS

§ 177-3. Shooting prohibited in designated locations.

- A. Except as hereinafter provided, the shooting of firearms is prohibited in the following designated subdivisions or other areas of the County which are, in the opinion of the Board of Supervisors, so heavily populated as to make such conduct dangerous to the inhabitants thereof: [Amended 3-18-1997]
- (1) Within the boundary lines of Skyland Estates Subdivision, as shown on Warren County Tax Map 23A, Sheets 1 through 6.
 - (2) Within the boundary lines of Shenandoah Shores Subdivision, as shown on Warren County Tax Map 13C, Sheets 1 and 2.
 - (3) Within the boundary lines of Aspen Hill Farms (Skyview Section), as shown on Warren County Tax Map 22A, Section 4. [Added 10-17-2000]
 - (4) Within the boundary lines of Lake Front Royal Subdivision, as shown on Warren County Tax Map 39C. [Added 4-20-2004]
 - (5) Within the boundary lines of all sections of Blue Mountain Subdivision, as shown on Warren County Tax Maps 15A; 16A; 24A, Sheets 1 and 2; 24B, Sheets 1 and 2; and 24D. [Added 11-16-2004]

- (6) Within the boundary lines of Apple Mountain Lake South Subdivision, as shown on Warren County Tax Map 31C. [Added 5-16-2006]
 - (7) Within the boundary lines of High Knob Subdivision, as shown on Warren County Tax Maps 31B and 31B1. [Added 8-19-2008]
 - (8) Within the boundary lines of Stonewall Estates, as shown on Warren County Tax Map 11G. [Added 7-21-2009]
 - (9) Within the boundary lines of Cedarville Heights, as shown on Warren County Tax Map 13E. [Added 1-17-2017]
 - (10) **Within the boundary lines of Bowling View Subdivision, as shown on Warren County Tax Maps 13 and 14C. [Added 9-19-2017]**
- B. There shall be erected appropriate signs where they may reasonably be seen, designating the boundaries of said subdivisions and areas in which shooting of firearms is prohibited.
 - C. For purposes of this article the term "firearms" shall not include air-operated or gas-operated weapons, which weapons have no component involving an explosive charge, detonation, ignition or gunpowder or similar flammable or explosive device or substance.
 - D. This section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Language proposed to be added is **underlined**.

Closed Meeting – Sections 2.2-3711.A.1 and 2.2-3711.A.7 of the Virginia Freedom of Information Act – Personnel Matters RE: Appointment to the Front Royal-Warren County Economic Development Authority and Consultation with Legal Counsel

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Sections 2.2-3711.A.1 and 2.2-3711.A.7 of the Virginia Freedom of Information Act for the discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, or resignation of a specific public officer of the public body and consultation with legal counsel:

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

On a motion by Mr. Carter, seconded by Mr. Murray, and by the following vote, the Board of Supervisors acknowledged that only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711.A.1 and 2.2-3711.A.7 of the Virginia Freedom of Information Act and only such public business matters as were

identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body:

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

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

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

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

Adjournment

Mrs. Glavis adjourned the meeting at 10:03 PM.