



# AGENDA

## Board of Supervisors Meeting

---

**March 2, 2021**

**9:00 AM**

Moment of Silence

- A. Call to Order and Pledge of Allegiance of the United States of America
- B. Adoption of Agenda – Additions or Deletions
- C. Presentation – Community Foundation of the Northern Shenandoah Valley – Larry Weiss
- D. Public Comment Period (60 Minute Time Limit)
- E. Report – Virginia Public School Authority (VPSA) Bond Refunding Update – Ted Cole
- F. Report – COVID-19 (Coronavirus) Expenditures for Warren County – Taryn Logan
- G. Report – Virginia Department of Transportation – Ed Carter
- H. Report – Town of Front Royal – Steven Hicks
- I. Reports – Board Members, Interim County Administrator, Interim County Attorney
- J. Approval of Minutes
  - 1. Joint Meeting of February 10, 2021
  - 2. Regular Meeting of February 16, 2021

### **NEW BUSINESS**

- K. Consent Agenda
  - 1. Use of Courthouse Grounds for the Sexual Assault Awareness Teal Ribbon Campaign, The Laurel Center – Tiffany Matthews/Emily Ciarrocchi
  - 2. Road Naming Request – Access Road off Mountain Road as “Charlottes Lane” – Emma Rusnak
  - 3. Road Naming Request – Access Road off Bennys Beach Road as “Madison Farm Road – Emma Rusnak
  - 4. Revision to the Front Royal-Warren County Liaison Committee Statement and Policies – Steven Hicks/Emily Ciarrocchi
  - 5. Authorization to Advertise for Public Hearing – Marlow and Silek Investments, LLC for the Amendment of Proffers – Taryn Logan
- L. Authorization to Submit Application to the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program – Chief James Bonzano

- M. Closed Session – Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for Consultation with Legal Counsel Pertaining to Actual or Probable Litigation and Consultation with Legal Counsel for the Provision of Legal Advice re: Economic Development Authority Matters
- N. Additional New Business (If needed)
- O. Adjournment



# ABOUT CFNSV

## ABOUT THE COMMUNITY FOUNDATION

- Connects philanthropic individuals and organizations with local nonprofits
- Nonprofit 501(c)(3) organization founded in 2001
- Serving the City of Winchester and the counties of Clarke, Frederick and Warren
- Has returned more than \$2.3 million to the community in grants, scholarships and pass-through funds
- Support annual community campaigns such as Chain of Checks and Coats for Kids, helping to provide more than \$700,000 in funding to our community since 2013

### 2021 Board of Directors:

Cary Craig (President)	Erik Beatley (Past President)	Katherine Napier
Kathy Kanter (Vice President)	Julia Connell	Joyce Ray
Darcus Breneman (Treasurer)	Bret Hrbek	John Tyson
Peter Heerwagen (Secretary)	James Imoh	John Willingham

## ABOUT OUR INVESTMENTS AND FUNDS

- Value currently exceeds \$9.19 million (as of 12/31/2020)
- Comprised of 125 named funds
- Our funds reflect the charitable interests of the individuals or organizations that create them.
- **Endowed funds** are permanent funds. Distributions are made from the earnings, and the principle remains intact to ensure a permanent funding source for charitable interests. Endowed funds include:

Fund	Supports	Contributions From	Grants/Scholarships Recommended By
<b>Agency</b>	Designated Charitable Organization	Agency	Agency
<b>Designated</b>	Designated Charitable Organization	Anyone	Fund Advisor
<b>Donor Advised</b>	Charities Selected by Fund Advisor	Anyone	Fund Advisor
<b>Field of Interest</b>	Grants for Specified Field of Interest	Anyone	CFNSV
<b>Scholarship</b>	Traditional and Non-Traditional Education	Anyone	As Designated in Agreement
<b>Unrestricted Funds</b>	Grant Recipients Selected by CFNSV	Anyone	CFNSV

- **Non-endowed funds** are flexible funds provide you full access to the original gift and all future earnings. You may advise grants from the fund in any amount, at any time, to nonprofit organizations. Non-endowed funds include **agency funds** and **donor-advised funds**.

## **ABOUT OUR INVESTMENT MANAGEMENT**

### **Professionally managed by Mason Investment Advisory Services, Inc.**

- Based in Reston, VA
- Founded in 1982
- 68 employees
- Independent, no proprietary products
- 800 + private and institutional clients in 42 states
- Manage \$7.6+ billion in assets as of 11/30/2020
- Manage investments for 46 community foundations
- Manage \$2.03 billion in community foundation assets
- Listed in the top 20 on Barron's Top 100 list of Institutional Consultants
- Periodically rebalance their portfolios as market conditions change

### **Investment Portfolios**

- Fund holders can select from four different portfolios depending on the time horizon of their investment and their risk tolerance
- Most endowed funds are invested in our original portfolio (Portfolio D) which historically offers the greatest return for a long-term investment

### **Investment Returns**

- Since inception (2008) we have received an annual net return of 8.33% for our long-term portfolio
- The return rate for Portfolio D supports our goal of a 4% annual distribution
- Portfolios A, B and C are our newest portfolios. Ask for their result history

### **Mason Investment Expense**

- Investment fees are calculated based on the overall size of our portfolio
- These fees are assessed on a sliding scale, so as our investments grow, fees decrease for our fund holders
- At our current size investment fees are 52 basis points (or .52 percent)

### **Administrative Fees**

- Administrative fees help fund our operating expenses, including our support of nonprofits in the Northern Shenandoah Valley
- Our administrative fees are tiered, starting at 1%. Fees can be negotiated for larger funds and set in the fund agreement

### **Oversight**

- Our Finance and Investment Committee oversees the investment manager and fund performance. They advise the board on investing and associated matters
- Mason presents a performance report to the full Board of Directors twice yearly in February and August
- We receive monthly reports and have visibility of our account online at any time





## CFNSV – the Hub for Philanthropy

CFNSV connects philanthropic individuals and organizations with local nonprofits. We offer a vehicle for the community to provide long-term support for donors' charitable interests.

Our mission is to enhance the quality of life in our area. We manage permanent, named funds established by individuals, families, businesses and charitable institutions. These funds ensure ongoing support for fund beneficiaries...today and for generations to come.

We also provide flexible options for annual giving through donor advised funds and provide nonprofits non-endowed fund investment vehicles.

## Looking Forward... By Giving Back

The Community Foundation of the Northern Shenandoah Valley, a 501(c)(3) corporation, strives to foster a healthy and vibrant community to the benefit of residents of the City of Winchester, and the Counties of Clarke, Frederick and Warren.

As a trusted steward of local charitable assets, we both accept donations and make grants. We create sustained support for area issues and organizations many are passionate about.

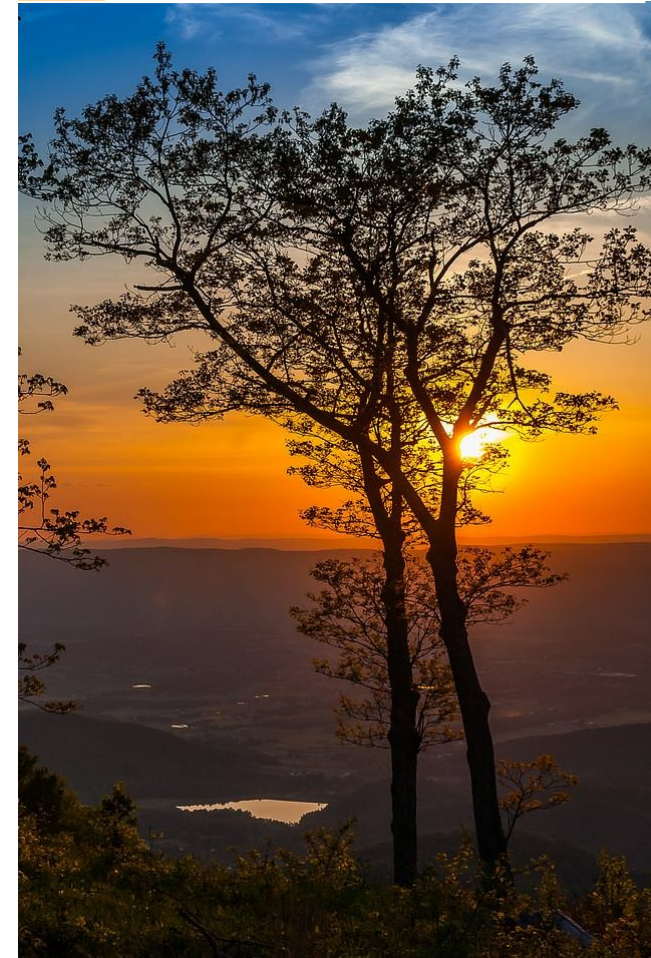


**Community Foundation**  
Northern Shenandoah Valley

P.O. Box 2391, Winchester, VA 22604  
411 N. Cameron St., Winchester, VA 22601  
540-869-6776  
director@cfnsv.org  
www.CFNSV.org



**Community Foundation**  
Northern Shenandoah Valley



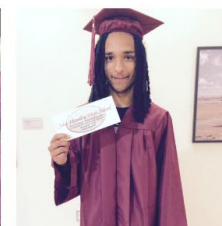
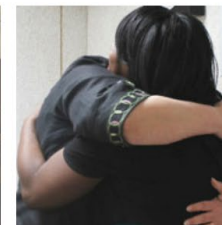
# You can make a difference.

Invest in our community and make an impact for generations. Donate to an existing fund or create your own fund with our help, at no cost to you. We make charitable giving simple!

Make a "Gift that Keeps on Giving" to a non-profit in our community. Giving options includes tax-deductible gifts of cash, securities and real estate, and a variety of estate planning tools. As your fund grows, so will the quality of life today and for future generations.

## How to Donate to a Fund

- Select your fund and **Donate online** at [www.cfnsv.org](http://www.cfnsv.org)
- Send a check made payable to **CFNSV**, mail to **CFNSV, P.O. Box 2391, Winchester, VA 22604** and note your fund in the memo
- **Contact us** to learn how to start a fund that supports your interests



## How We Give Back

Since its inception in 2001, the CFNSV has distributed more than \$1.83 million to our community. This includes grants, scholarships, and pass through-funds.

We help sustain local fundraising programs, like Chain of Checks and Coats for Kids by serving as a fiscal agent and by establishing endowed funds that will grow and give today and for future generations.

We support local nonprofit agencies with funds designed to meet their specific goals, and our scholarship funds support traditional and non-traditional educational opportunities.

Additionally, donor-advised funds provide flexibility in selecting charitable organizations each year.

Any local 501(c)(3) non-profit organization is a potential recipient of a grant from our unrestricted endowment fund. CFNSV is building this fund, from which it may make grants to area charities whose work improves our community.

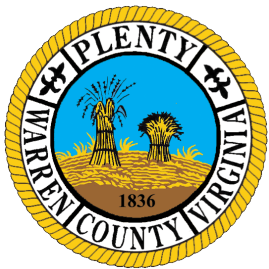
We also help connect donors to those in need, and we offer a variety of services tailored to individuals and groups. These include fund promotion, professional fund management, and fund distribution assistance.

With 134 funds and counting, the Community Foundation of the Northern Shenandoah Valley looks forward to giving back even more in the years to come.

# Refunding Summary – 2014 VPSA Special Obligation Bonds

---

Warren County, Virginia



March 2, 2021



# Refunding Analysis | 2014 Bonds (Remaining Callable Maturities)

## Preliminary Numbers as of 2/24/2021 – 2021 VPSA Spring Pool



### Summary of Refunding Results

<b>1 Bonds Refunded</b>		
2 Par Refunded	\$	20,210,000
3 Coupon	3.0% - 5.0%	
4 Call Date	7/15/2024	
5 Call Price	100.0%	
6 Maturities Refunded	7/15/2025-28, 2031-33, 2037-39	
7		
<b>8 Refunding Bonds</b>		
9 Final Local Maturity	7/15/2039	
10 True Interest Cost	1.934%	
11 All-In TIC	2.053%	
12 Call Date	8/1/2031	
13		
<b>14 Savings</b>		
15 Gross Savings	\$	1,489,801
16 Net PV Savings	\$	1,259,588
17 Net PV Savings %	6.23%	
18 Average Annual Savings	\$	78,411
19		
<b>20 Key Escrow Statistics</b>		
21 Escrow Maturity Date	7/15/2024	
22 Average Coupon of Escrowed Bonds	3.778%	
23 Earnings Rate on Escrowed Bonds	0.244%	

### Annual Savings

Year	Net Prior Bond Debt Service	Net Refunding Debt Service <sup>(1)</sup>	Aggregate Savings
6/30/2022	765,938	688,564	77,374
6/30/2023	765,938	688,004	77,934
6/30/2024	765,938	686,857	79,081
6/30/2025	765,938	685,601	80,337
6/30/2026	2,286,938	2,208,833	78,105
6/30/2027	2,286,938	2,209,599	77,338
6/30/2028	2,290,288	2,210,561	79,726
6/30/2029	2,288,238	2,212,053	76,185
6/30/2030	501,838	423,556	78,281
6/30/2031	501,838	421,550	80,288
6/30/2032	2,400,475	2,321,788	78,687
6/30/2033	2,401,694	2,322,956	78,738
6/30/2034	2,403,138	2,326,217	76,921
6/30/2035	302,000	224,077	77,923
6/30/2036	302,000	223,025	78,976
6/30/2037	302,000	221,947	80,053
6/30/2038	2,668,700	2,589,140	79,560
6/30/2039	2,670,100	2,593,322	76,779
6/30/2040	2,672,400	2,594,882	77,518

<b>Total</b>	<b>\$</b>	<b>29,342,331</b>	<b>\$27,852,530</b>	<b>\$ 1,489,801</b>
--------------	-----------	-------------------	---------------------	---------------------

(1) Includes VPSA Annual Admin Fee of 5 bps.

#### Notes:

- Savings net of Costs of Issuance of \$150,000 and Underwriter's Discount of \$114,950. Preliminary and subject to change.
- Current market interest rates as of 2/24/2021.
- Assumes a closing date of 5/11/2021.

# Refunding Analysis | 2014 Bonds | Sensitivity Analysis

## Preliminary Numbers as of 2/24/2021 – 2021 VPSA Spring Pool



	A	B	C	D	E	F
	Closing Date	5/11/2021	5/11/2021	5/11/2021	5/9/2023	11/12/2024
	Tax Status	Taxable	Taxable	Taxable	Taxable	Tax-Exempt
	Rates	Current Market	Current Market + 10 bps	Current Market - 10 bps	Current Market	Current Market
1	Gross Savings	\$ 1,489,801	\$ 1,222,828	\$ 1,754,519	\$ 2,638,097	\$ 3,391,342
2	Net Present Value Savings	\$ 1,259,588	\$ 1,027,582	\$ 1,494,604	\$ 2,290,793	\$ 3,056,408
3	% Net Present Value Savings	6.23%	5.08%	7.40%	11.33%	15.12%
4	Breakeven Interest Rate	N/A	N/A	N/A	+ 55 bps	+ 133 bps
5	Annual Savings					
6	2022	\$ 77,374	\$ 65,347	\$ 94,332	\$ -	\$ -
7	2023	77,934	64,615	91,143	-	-
8	2024	79,081	66,025	92,007	156,655	-
9	2025	80,337	62,552	92,983	158,509	217,005
10	2026	78,105	66,345	94,705	158,821	282,965
11	2027	77,338	62,363	92,124	156,232	284,246
12	2028	79,726	66,560	92,693	159,341	287,286
13	2029	76,185	64,839	92,291	156,563	283,588
14	2030	78,281	62,912	93,375	158,722	24,810
15	2031	80,288	65,044	90,296	159,718	24,810
16	2032	78,687	64,528	92,649	159,145	285,868
17	2033	78,738	61,694	90,635	157,677	284,199
18	2034	76,921	62,089	91,663	155,114	282,426
19	2035	77,923	64,289	91,477	142,917	93,380
20	2036	78,976	65,502	92,379	142,917	93,380
21	2037	80,053	66,742	93,304	142,917	93,380
22	2038	79,560	62,670	91,458	154,964	283,783
23	2039	76,779	62,599	91,040	158,198	283,655
24	2040	77,518	66,114	93,968	159,692	286,563
25	Total	\$ 1,489,801	\$ 1,222,828	\$ 1,754,519	\$ 2,638,097	\$ 3,391,342

Current market rates as of 2/24/2021 - preliminary and subject to change. Municipal market interest rates are assumed to increase or decrease from the current market as shown. For purposes of this analysis, escrow yields are based upon current market SLGS.

# Refunding Analysis | 2014 Bonds | Savings by Maturity

## Preliminary Numbers as of 2/24/2021 – 2021 VPSA Spring Pool



Maturity	Par Amount	PV Savings	PV % Savings
7/15/2025	\$ 1,560,000	\$ 23,256	1.49%
7/15/2026	1,640,000	75,717	4.62%
7/15/2027	1,710,000	17,145	1.00%
7/15/2028	1,760,000	28,801	1.64%
7/15/2029	-	-	n/a
7/15/2030	-	-	n/a
7/15/2031	1,930,000	52,053	2.70%
7/15/2032	1,995,000	56,118	2.81%
7/15/2033	2,065,000	96,977	4.70%
7/15/2034	-	-	n/a
7/15/2035	-	-	n/a
7/15/2036	-	-	n/a
7/15/2037	2,415,000	278,922	11.55%
7/15/2038	2,515,000	302,953	12.05%
7/15/2039	2,620,000	327,647	12.51%
Total PV Savings	20,210,000	1,259,588	6.23%
Total Gross Savings		1,489,801	

# Potential Next Steps/Timeline



Date	Task
February 22	VP SA Application submitted (non-binding).
March 2	County Board Work Session to review the refinancing opportunity.
March 10	VP SA Board Meeting <ul style="list-style-type: none"><li>VP SA Board considers approval of applicants.</li></ul>
March 16	County Board Meeting <ul style="list-style-type: none"><li>County Board considers approval of resolution authorizing the financing through the VP SA Spring Pool based on the County's desired parameters.</li></ul>
March 17 (To Be Confirmed)	School Board Meeting <ul style="list-style-type: none"><li>School Board considers approval of resolution acknowledging the refunding and authorizing the Superintendent to sign the necessary documents.</li></ul>
March 31	Deadline for County Board actions.
April 1	Signed Bond Sale Agreements due from Localities.
April 20	VP SA Bond Sale (interest rates locked in).
May 11	VP SA Bond Closing.

# Municipal Advisor Disclosure



The U.S. Securities and Exchange Commission (the “SEC”) has clarified that a broker, dealer or municipal securities dealer engaging in municipal advisory activities outside the scope of underwriting a particular issuance of municipal securities should be subject to municipal advisor registration. Davenport & Company LLC (“Davenport”) has registered as a municipal advisor with the SEC. As a registered municipal advisor Davenport may provide advice to a municipal entity or obligated person. An obligated person is an entity other than a municipal entity, such as a not for profit corporation, that has commenced an application or negotiation with an entity to issue municipal securities on its behalf and for which it will provide support. If and when an issuer engages Davenport to provide financial advisory or consultant services with respect to the issuance of municipal securities, Davenport is obligated to evidence such a financial advisory relationship with a written agreement.

When acting as a registered municipal advisor Davenport is a fiduciary required by federal law to act in the best interest of a municipal entity without regard to its own financial or other interests. Davenport is not a fiduciary when it acts as a registered investment advisor, when advising an obligated person, or when acting as an underwriter, though it is required to deal fairly with such persons.

This material was prepared by public finance, or other non-research personnel of Davenport. This material was not produced by a research analyst, although it may refer to a Davenport research analyst or research report. Unless otherwise indicated, these views (if any) are the author’s and may differ from those of the Davenport fixed income or research department or others in the firm. Davenport may perform or seek to perform financial advisory services for the issuers of the securities and instruments mentioned herein.

This material has been prepared for information purposes only and is not a solicitation of any offer to buy or sell any security/instrument or to participate in any trading strategy. Any such offer would be made only after a prospective participant had completed its own independent investigation of the securities, instruments or transactions and received all information it required to make its own investment decision, including, where applicable, a review of any offering circular or memorandum describing such security or instrument. That information would contain material information not contained herein and to which prospective participants are referred. This material is based on public information as of the specified date, and may be stale thereafter. We have no obligation to tell you when information herein may change. We make no representation or warranty with respect to the completeness of this material. Davenport has no obligation to continue to publish information on the securities/instruments mentioned herein. Recipients are required to comply with any legal or contractual restrictions on their purchase, holding, sale, exercise of rights or performance of obligations under any securities/instruments transaction.

The securities/instruments discussed in this material may not be suitable for all investors or issuers. Recipients should seek independent financial advice prior to making any investment decision based on this material. This material does not provide individually tailored investment advice or offer tax, regulatory, accounting or legal advice. Prior to entering into any proposed transaction, recipients should determine, in consultation with their own investment, legal, tax, regulatory and accounting advisors, the economic risks and merits, as well as the legal, tax, regulatory and accounting characteristics and consequences, of the transaction. You should consider this material as only a single factor in making an investment decision.

The value of and income from investments and the cost of borrowing may vary because of changes in interest rates, foreign exchange rates, default rates, prepayment rates, securities/instruments prices, market indexes, operational or financial conditions or companies or other factors. There may be time limitations on the exercise of options or other rights in securities/instruments transactions. Past performance is not necessarily a guide to future performance and estimates of future performance are based on assumptions that may not be realized. Actual events may differ from those assumed and changes to any assumptions may have a material impact on any projections or estimates. Other events not taken into account may occur and may significantly affect the projections or estimates. Certain assumptions may have been made for modeling purposes or to simplify the presentation and/or calculation of any projections or estimates, and Davenport does not represent that any such assumptions will reflect actual future events. Accordingly, there can be no assurance that estimated returns or projections will be realized or that actual returns or performance results will not materially differ from those estimated herein. This material may not be sold or redistributed without the prior written consent of Davenport.

Version 1.13.14 | BW | MB | TC



Maintenance:

- The month of February was consumed with weather event response; mobilizing, plowing and treating roads, replenishing supplies and addressing equipment upkeep. There was little routine maintenance work accomplished.
- This month VDOT is planning to repair shoulders on various routes, grade various non-hard surfaced roads and apply stone where needed and clean out pipes stopped up from storms. They will certainly be inundated with pothole repair request.

Board Concerns:

- Met with Supervisor Cullers and County staff regarding safety concerns on Route 340 south of Front Royal. Traffic engineering will be conducting speed studies and safety audits at several intersections along the route.
- Will be discussing possible extension of road closure on Route 624 (Happy Creek Road) for project construction this summer with School administration.
- Secondary Six-Year Plan budget funding has been determined, and Mr. Carter will be presenting to Board sometime in March for comments before the proposed public hearing in May.

At a joint meeting of the Warren County Board of Supervisors and the Warren County Planning Commission held in the Warren County Government Center on February 10, 2021 at 6:00 PM.

Present for the Board: Cheryl L. Cullers, Chair (South River District); Archie A. Fox, Vice Chairman (Fork District); Tony F. Carter (Happy Creek District); Walter J. Mabe (Shenandoah District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jordan Bowman, Counsel; Caitlin Jordan, Senior Assistant County Attorney (present via Zoom); and Emily Ciarrocchi, Deputy Clerk of the Board

Present for the Commission: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); and Joseph Longo (Shenandoah District); also present Taryn Logan, Planning Director; and Joe Petty, Zoning Administrator

Absent for the Commission: Crystal Beall (South River District)

### **Call to Order and Pledge of Allegiance of the United States of America**

Mrs. Cullers called the Board of Supervisors meeting to order, and Ms. Ciarrocchi conducted a roll call of all members present:

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

Mr. Myers called the Planning Commission meeting to order, and Ms. Ciarrocchi conducted a roll call of all commissioners present:

Henry, Aye; Myers, Aye; Kersjes, Aye; Longo, Aye

### **Public Hearing - R2020-10-01, Request of Dudding Commercial Development, LLC to Rezone a Portion of Land Identified on Tax Map 31 as Parcel 39 from Agricultural (A) to Commercial (C) - Taryn Logan**

Mrs. Cullers opened the public hearing for the Board of Supervisors, and Mr. Myers opened the public hearing for the Planning Commission.

Taryn Logan, Planning Director, reported the applicant, Dudding Commercial Development, LLC, is requesting to rezone approximately ±6.45 acres from Agricultural (A) to Commercial (C) for a Sheetz store with gas pumps. The property is currently a 30 acre parcel, which is split by Apple Mountain Road. The applicant has a contract on the 15 acres located west of Apple Mountain Road. The original application was to rezone the entire 15 acres, but they have since revised their request to rezone only the area that they will need

to build the Sheetz development. The property is identified on Tax Map 31, as a portion of Parcel 39. It is located on Apple Mountain Road on the northwest corner of Interstate 66 and Apple Mountain Road.

The proposed use of the property will be for a Sheetz store with a drive-thru and gas pumps for automobiles. General retailing is permitted as a use by-right in the Commercial (C) zoning district, as well as an automobile filling station. A convenience store is also permitted by-right, but the County Zoning Ordinance has classified similar operations under the general retailing use (Royal Farms, 7-Eleven, etc.). The site is currently being used as a school bus stop/turnaround, although there is no formal agreement with the property owner to use the land. The applicant is proposing to construct a paved cul-de-sac for use as a public school bus turnaround and a student shelter area, along with approximately thirty (30) parking spaces for parent pick up/drop off. An easement area over this site will be dedicated to Warren County Public Schools and constructed by the applicant in connection with the construction of the Sheetz store.

Sheetz is proposing to have between thirty (30) and thirty-five (35) employees, twelve (12) to fifteen (15) of which would be full-time employees that are eligible for benefits. They have stated their part-time employees are also eligible for certain benefits as well.

Jerime Dudding introduced himself as a representative from Dudding Commercial Development, LLC, who has been developing Sheetz establishments since 2007. He stated the he, along with the proposed developers, is aware of the concerns of the residents of Apple Mountain and does not take these concerns lightly. They have worked very hard to consider each item throughout this process, and he believes, if the rezoning application is successful, that Sheetz will be a benefit to the area. They plan to develop the property in a minimal way while addressing the needs of the community and restricting future use. Of the requested rezoning of  $\pm 6.45$  acres, approximately two (2) acres will be used for the Sheetz, and the remaining forested acreage will be placed into conservation easement with the County to ensure a future buffer zone between the Sheetz and neighboring residences.

Paul Lanier has owned this property since the early 1970s, and he does not see why anyone would be against the Sheetz going onto the property. It is the only use that property is good for because of its location adjacent to the highway; it certainly is not good for farming. He encouraged the Board to approve the rezoning request.

Hank Slicker, Real Estate Site Selector with Sheetz, provided an overview of Sheetz as a company and as an employer. He explained how Sheetz has been working with the Apple Mountain Homeowners Association, the Warren County School Board, and County staff since June 2020 to develop the site plan. There were edits made to the original plan based on feedback from those entities, and the rezoning request was reduced to only rezone the acreage needed for the business,  $\pm 6.45$  acres instead of fifteen (15) acres. Sheetz has committed to the construction of a bus turnaround and shelter for school children who currently use the vacant land as a bus stop; this area will include a parking area that is well lit and has video surveillance, which will be provided at no cost to the

County or Warren County Public Schools. They will also be installing a state-of-the-art petroleum storage system to ensure leaks and seepage does not occur.

Joseph Silek, local counsel, disagreed with the statement made by some area residents that the rezoning request is not in line with the County's adopted Comprehensive Plan. He noted that only Interstate 66 separates this agriculturally zoned property from commercially zoned property. There are already several commercial and industrial uses located near the interchange of Interstate 66 and Route 55 (John Marshall Highway) near the Village of Linden. Continued light commercial and industrial uses should continue to be permitted in this area, within the environment's limits to support such uses.

John Wright with Bohler Engineering provided the Board and Commission with an overview of the proposed site plan for Sheetz. The entrance to the entire property will be off Apple Mountain Road, and there will be three site entrances stemming off from that – two for the gas pumps and one dedicated entrance for the bus turnaround and shelter area.

Mr. Slicker returned to the podium and reiterated Sheetz's commitment to safety and its plan to safely relocate the bus turnaround from its current location on the shoulders of Apple Mountain Road to the safety of a dedicated, paved area with a shelter, parking spaces, lighting, and video surveillance. The specifications for this turnaround area were provided by the Warren County Public Schools' transportation division. Including the video surveillance cameras in the parking area of the bus turnaround, there will be approximately forty-eight (48) cameras covering the entire site, inside and outside. Sheetz has a 24/7/365 manned security operations center, and nearly every employee wears a pendant that can be pushed in the event of an emergency with a near immediate response time from the operations center.

Vincent Day introduced himself as a Certified Virginia Hydrogeologist with Cardno, the company which provided the independent hydrogeological report for this site's viability. Water recharge rates within the boundaries of the site appear more than adequate to supply water for the proposed use as a Sheetz. A query of forty (40) well records within 1,000 feet of the site revealed that the average yield is about thirteen (13) gallons per minute (GPM); this statistic compared favorably with a study conducted by the United States Geological Survey (USGS). Water usage for the proposed use is relatively modest, requiring a well that can produce less than two GPM. Given the estimated recharge rate, the average yield of wells, and the modest groundwater requirements, it is thought that adequate groundwater resources can be developed on the site. It is Cardno's professional opinion that the proposed groundwater withdrawals would not be expected to interfere with the production of offsite supplies, i.e. private wells for surrounding homes.

John Sieger, Environmental Manager for Sheetz, explained the installation and maintenance processes for the underground gasoline storage tanks that would be utilized at the site. They are state-of-the-art tanks with dual walls that are required to be inspected regularly for compliance with both State and Federal guidelines. He further detailed the process by which Sheetz employees would respond to a potential spill and the equipment included in each spill kit.

Carl Hultgren with Ramey Kemp & Associates reported the results of the Traffic Impact Analysis (TIA), which was completed in conjunction with County staff and the Virginia Department of Transportation. Five intersections were included in the TIA: (1) Apple Mountain Road (Route 79) and the proposed Sheetz access; (2) Route 79 and the Westbound on and off ramps from I-66; (3) Route 79 and the Eastbound off ramp from I-66; (4) Route 79 and the Eastbound on ramp to I-66; and (5) Routes 55 and 79.

At intersection #1, a northbound left-turn lane would be constructed on Route 79 for vehicles to enter the Sheetz site. At intersection #2, the stop-bar on southbound Route 79 would be pulled back, and pavement would be added to the radius in the northeast quadrant to accommodate truck turns. The eastbound off ramp (intersection #3) would be widened and re-striped, and a left-turn lane would be added; a left-turn lane on Route 79 would be constructed for vehicles to turn onto the eastbound on ramp (intersection #4). There were no proposed improvements to intersection #5 in the TIA.

Mr. Slicker returned once more and commented on the number of charitable organizations Sheetz donates to regularly and expressed his excitement about bringing this business to Warren County.

The following individuals appeared in person to speak against this rezoning application or submitted emails in opposition that were read into the record by Ms. Ciarrocchi:

- Sarah Lhymn
- Laurel O'Connor
- Kate Watters
- Robert Hicks
- Jeffrey and Sam Smith
- Scott and Joy Weissflog
- Andrea Weakley
- Dale Mayes
- Catalina Visoreanu
- Linda and Dave Williamson
- Erica Gates
- Kenneth Jenkins, Sr.
- David Nadzam
- Stephanie and Thomas Frush
- Lori Girard
- Jennifer and Steve Anthony
- Clifford Landsman
- Amanda Finstad
- Jill and Clifford Landsman
- Stephanie and Jason Wadel
- Melissa Sylvan
- Katherine Hudgins
- Connie Winslow
- Don and Sue Kinyon
- Jeanie and Phillip Bender
- Linda and Dan Martin
- Jocelyn Wilkerson
- John McGuinness
- Brenda and Frank Heselton
- Julie Kamp
- Katie and Jake Wagler
- Barbara Mooney
- Shelly LeValley
- Pernille Brandt
- Caleb Green
- Melissa and Joseph Callahan
- Jennifer Stead
- Elida Esquibel
- Michele Wooding
- Steven Ontiveros
- Xiaohui Wu and Gang Li
- Drusilla Underwood
- Rita Dixon
- Maryl and Leonard Quinney

- Claudia Cook
- Charlotte Layton
- Julie and Greg Keys
- Glen and Becky Acord
- Jon Paul Walhout
- Joanne Litten
- Jacob Warner
- Judy Pribish
- Marjorie Boak
- Heidi Silvis
- Li Yin
- Heather Quasney
- Jenna Coots
- Bryan Wright
- Joseph Nicholson
- Emily Ford
- Mathieu Lamaure
- Robert Allen
- Kelly Dunn
- Brande Rosner
- Angela Workman
- Holly Beamon
- David Wilhide
- Tabitha Cable
- Christopher Chacon
- Ronald Fenimore, Sr.
- Kenneth Carlson
- Mary McMurray
- Lisa Lord
- Shirley and Gene Beall
- Elisabeth Kim
- Mary Ryan
- Felicia Warner
- Jim Thur
- Tamara Fickling
- Rev. Arlene Butler
- Stephanie, Jason, and Kenneth Short
- Shawn Cripps
- Lisa Haring
- Lauren Baio
- Lyndsey Pheister
- Tammy Kicker
- Camille, Brian, and Isabelle Grupac
- Breann and Michael Oaxaca
- Leslie Johnson
- David Morales
- Brandon and Brooke Buchanan
- Beverly Rumpf
- Mark and Nancy Sweberg
- Joshua and Hoa Greene
- Joseph Nunes
- Ryan and Paige Legg
- Trina and Mary Currier
- Ron Beckner
- Christopher Way
- Susan Moore
- Laura Corebello
- Hilda Baker
- Caitlyn and Devon Harris
- Catherine Reynolds
- Ann Long
- Christian Coleman
- Judy Ghent
- Suzanne and Richard Park
- Mary Ann Burns
- Sandy and Don Broadway
- Kirsten Lasley
- John Fields
- James Fox
- Cathy Myers
- Rea Howarth
- Kelly Collins
- Sara Sullivan
- Ashley Osborne
- Margaret Melberg
- Stephanie Manuel
- Michelina Miley
- Bonnie Hicks
- Ann Wilson
- Alliance for the Shenandoah Valley
- Piedmont Environmental Council
- Deanne, Thomas, and Josh DePyper
- Carrie and Anthony Karashowsky
- Jon Michael Peedin and Hillary Chester-Peedin
- Paul Martin and JoAnna McCue-Martin
- Ashley Mullinax and Michael Larson

- Mike Capraro
- Barbara Way
- Stacy Hawkey
- Sherry Cekala
- Beneval and Rhiannon Linfeld
- Christopher Hiner
- Juan Fierro
- Brian and Leigh Nickerson
- Kathy and Richard Frazier
- Lisa Jean Moul
- Elizabeth Owens
- Beth Snider
- Robin Barber
- Susan Musante
- Mark Wesolek
- Alice Roddy
- Jenna and Michael Middleton
- Ashley Barton
- Peyton and Joseph Hensley
- Pat Payne
- Felicity Smoot
- Francis Williams
- Debra L'Amoreaux
- Scott Nohilly
- Beth Pinner
- Tammie Mirkay
- Collin Brown
- Andrew Podolak
- Chris North
- Jennifer Preli
- Daniel Martin
- James Roberts
- Gary and Mary Ann Smullen

There being no further comments, Mr. Myers closed the public hearing for the Planning Commission Board of Supervisors, and Mrs. Cullers closed the public hearing for the Board of Supervisors.

### **Discussion and Recommendation by the Warren County Planning Commission**

Mr. Myers stated he used to be a resident of Apple Mountain and told the story of a nearby nuisance turkey farm, which was allowed by-right because the property the farm was located on was zoned Agricultural (A). He also made note that trees are technically considered a crop, and the owner of this property could cut down all the trees if he wishes, which would remove the sightline buffer the Apple Mountain residents want to keep. Right now, there is no form of protection for the children at the bus stop from predators or traffic, and the proposal from Sheetz would offer both. He did say he was skeptical about Sheetz claiming it could service the station with the existing water available at the site.

Mr. Longo commented since this property is currently zoned Agricultural (A), the best use for the property would be an agriculturally-based use, such as poultry houses or a hog farm, which would be equally as unpleasant and invasive as the Apple Mountain residents believe the Sheetz would be. He summarized that what the residents ultimately want, in essence, is for the owners of this property to not develop their property in any way but to continue to pay taxes on the property without getting any use out of it.

Mr. Kersjes said he was surprised Sheetz chose this property, as he has seen other locations where the roadways were already established that he believed would be a better fit for this use. The roadway now (Route 79) is only two lanes, and he does not think the area is designed for the access this type of use needs.

Mr. Henry stated his main concern about this rezoning request and the associated proposed use is the traffic, and he does not agree with some of the concerns raised by the local residents. Agricultural (A) zoning is the default zoning in the County when it is not zoned something else. The only thing separating this property from existing Commercial (C) property is an interstate, and there is no other agriculturally zoned property around it. He noted the property owner does not have to maintain this property simply because the local residents want him to keep it the way it is; the owner is trying to use the property to make money. He then posed the question, what if the property was rezoned as Residential One (R-1)? Ten homes could be built there and use the same amount of water that Sheetz is proposing to use, and the tree line would be completely removed. He further commented on how the local residents are currently using this property as school bus stop and turnaround without an actual agreement with the property owner. Mr. Henry concluded he is not worried about the proposed Sheetz but is concerned about the property owner because he is a land rights person and there is nothing around this property to support it as an agricultural development in the future.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, finding that the requested rezoning is appropriate for the public necessity and is good zoning practice, the Warren County Planning Commission forwarded this application to the Board of Supervisors with the recommendation to approve the applicant's request to rezone from Agricultural (A) to Commercial (C) a portion of tax map 31, parcel 39 consisting of 6.45 acres, more or less, as identified in the rezoning application, and accept as part of the rezoning the proffers that have been signed and submitted by the applicant:

Longo, Aye; Kersjes, Nay; Myers, Aye; Henry, Aye

### **Discussion and Motion by the Warren County Board of Supervisors**

There was no additional discussion by the Board.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, finding that the requested rezoning is not appropriate for the public necessity and is not good zoning practice, the Board of Supervisors denied the applicant's request to rezone from Agricultural (A) to Commercial (C) a portion of tax map 31, parcel 39 consisting of 6.45 acres, more or less, as identified in the rezoning application:

Mabe, Aye; Fox, Aye; Cullers, Nay; Oates, Nay; Carter, Aye

### **Adjournment**

Mrs. Cullers adjourned the Board of Supervisors meeting at 10:42 PM, and Mr. Myers adjourned the Planning Commission Meeting at 10:42 PM.



At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on February 16, 2021 at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Archie A. Fox, Vice Chairman (Fork District); Tony F. Carter (Happy Creek District); Walter J. Mabe (Shenandoah District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jason J. Ham, Interim County Attorney; Taryn Logan, Deputy County Administrator; Mike Berry, Public Works Director; Michael Coffelt, Sanitary District Manager; Rick Farrall, Emergency Coordinator; Keith McLiverty, Finance Director; Joe Petty, Zoning Administrator; and Emily Ciarrocchi, Deputy Clerk of the Board

### **Call to Order and Pledge of Allegiance of the United States of America**

### **Adoption of Agenda – Additions or Deletions**

Mrs. Oates requested the removal of item J (Adoption of Resolution to Set Percentage of Tax Relief for Personal Property (Motor Vehicles) for 2021 Tax Year) and the removal of item H-1 (Amendment to the Agreement with the Town of Front Royal Regarding the Allocation of CARES Act Funds).

Mr. Carter further requested the addition of item L (Reappointment of James Wolfe) and the postponement of the Parks and Recreation Commission appointments to the regular meeting of March 2, 2021.

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

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

### **Public Comment Period (60 Minute Time Limit)**

There were no presentations from the public.

### **Reports – Board Members, Interim County Administrator, Interim County Attorney**

Mr. Carter had nothing to report.

Mrs. Oates had nothing to report.

Mr. Fox had nothing to report.

Mr. Mabe had nothing to report.

Mrs. Cullers reported the following:

- Thanked Russ Gilkison, Superintendent of RSW Regional Jail, and the cleanup crews for picking up 232 bags of trash from Route 619 to Bentonville, not including items that were too large to be bagged
- Reminded the public that the Broadband Committee is meeting approximately every other week

Dr. Daley reported the following:

- The County continues to coordinate COVID-19 inoculations with Valley Health and the Virginia Department of Health
- There will be a budget and regular work session beginning at 6:00 PM on February 23<sup>rd</sup>
- Coronavirus Update – County staff continue to monitor the situation and take the necessary precautions. The County is still in the Governor’s “Phase Three” of Virginia’s “Path Forward”.

The COVID-19 vaccination process continues in Warren County. Valley Health, in partnership with the Lord Fairfax Health District and the County, is working together to provide the vaccine locally. There is a well-established process in place to efficiently distribute the vaccine, when available. The limiting factor in this process is the availability of the vaccine locally. The County is receiving its “fair share” of the vaccine; however, there is a national supply chain shortage that is affecting all localities. To date, the County’s Healthcare Providers and First Responders, as well as school teachers, childcare workers, and corrections staff, were afforded the opportunity to receive the vaccination. Those who are age 65 and older have also begun to receive the vaccine. The County is optimistic that Food and Agriculture, Manufacturing, U.S. Postal Service workers, Public Transit workers, Grocery Store workers, and Officials needed to maintain continuity of government will be afforded the opportunity to receive the vaccination in the near future. As more doses of the vaccine become available, they will be distributed in accordance with CDC and the Virginia Department of Health guidance. Please check the County and Valley Health websites for current information regarding the availability of the vaccine. Additionally, CVS and Walgreens are providing the vaccine to local congregate living facilities. To date, the majority of these facilities have either begun receiving the vaccination, or are scheduled to receive the vaccine in the coming weeks.

Regarding the CARES Act, the first and second round fund reimbursement to the Town is complete for receipts received. Staff is in the process of reviewing the Town’s receipts received for the Municipal Utility assistance fund. Finally, the County staff is in the process of compiling the appropriate documentation and closing out the associated County CARES Act accounts. Expenditures continue to be reported to the Department of Accounts as directed, and staff is optimistic to complete an associated external audit by early this spring.

- Coronavirus Vulnerable Revenue – For the month of January, the County’s share of local sales tax revenue was \$416,225.94. This amount is up \$31,631.01 (8.2%) over the \$384,594.93 collected in January 2020.
- Tourism Committee – Jones Lang Lasalle Americas, Inc. (JLL), the contractor selected by the Town and County to perform joint tourism services, held a meeting with the Joint Tourism Committee on February 8<sup>th</sup> to update the Committee on the goals moving forward. JLL has been meeting weekly with Town, County and Committee representatives gathering information and moving the process forward.
- Wayfinding Signage – The construction intent documents have been completed for the bidding process. The Town has issued an invitation to bid for the trailblazing signage, which is part of their CDBG initiative.
- Development Review Committee – The Development Review Committee met on January 27, 2021. The Committee discussed County projects including:
  - Pending Short-Term Tourist Rental Applications
  - The Equus warehouse facility site plan has been recently re-submitted to the Department of Environmental Quality (DEQ), the County, and the Town for review
  - Site plan review for the proposed warehouse facility on the corner of Baugh Drive and Fairground Road

The Committee also discussed Town projects including:

- A proposed Gas Station/Convenience Store at the former site of Joe’s Steakhouse

The Committee will meet again on February 24, 2021.

- Building Inspections – In review of the new construction for 2021, there were a total of 23 new home starts through January 31<sup>st</sup>. Of that number, three were located in Town limits and the remaining twenty outside of Town limits. As a comparison, in 2020 there were a total of nine new home starts.

The growth rate is well below the 2-3% maximum outlined in the Warren County Comprehensive Plan, but is slightly above the 0.88% average experienced since January 1, 2009.

In January, the permits trended higher with 219 permits issued as compared to January 2020 with only 162 (35.2%) and the total number of inspections were also up significantly from 779 to 1,282 (64.8%).

- Parks and Recreation – Dan Lenz, Parks and Recreation Director, thanked Caitlin Jordan, Assistant County Attorney for revising the previous COVID-19 Notice and Waiver as well as the entire Warren County Community Center (WCCC) rental agreement. Parks and Recreation Staff adjusted all rules and regulation pages for the athletic facilities, the Raymond E. Santmyers Youth Center and the park shelters. The new COVID-19 form was added to these forms; staff is currently sending out these new forms to groups/individuals that previously signed reservations forms for use of Park and recreation Facilities in 2021.

Rockland Park: Ongoing. Alan Munson and Lee Cockrell extended the gravel path from large parking lot (by the shelters past the Mega Playground) to connect with the trail in Rockland Park on January 11<sup>th</sup>. Mr. Munson and Mr. Cockrell completed trail renovation at the Rockland Park house driveway (clearing/spreading gravel path) to the entrance of the Isopod Trail on January 27<sup>th</sup> and 28<sup>th</sup>. Park staff completed bush hogging the common area in Rockland Park on February 4<sup>th</sup>. The project timeline to complete was extremely extensive covering 100 acres. The bush hogging is completed annually during the winter months.

Winter Snow and Ice Storms: Park staff prepared for a major winter snowstorm on January 31<sup>st</sup> and February 1<sup>st</sup>. Park staff per protocol checked the trucks, plows and other necessary equipment. Park staff checked all snow markers in parking lots – Skyline SoccerPlex/Warren County Government Center/Warren County Health and Human Services Complex (HHSC)/WCCC/Economic Development Authority on January 29<sup>th</sup> in preparation of winter storm. Park crew (small) worked two shifts on January 31<sup>st</sup>, and all park staff worked one shift on February 1<sup>st</sup>. Park crew plowed, cleared, and treated the Company 2 & 10 Fire Departments’ lots, the Public Safety Building, Samuels Public Library, HHSC parking lots, WCCC, Warren County Courthouse, Raymond E. Santmyers Youth Center parking lots, and other County facilities. Park crews also treated and cleared the sidewalks and entranceways. Park staff day crew worked until 7:00 PM; park staff night crew came in at 7:00 PM. Staff worked 12 hour shifts. Park staff and Brad Kresge, Maintenance Supervisor, checked/inspected facilities in the mornings, evenings, and periodically throughout the day during the snowstorm event. Park crew completed clearing/treating sidewalks at County facilities and cleared/treated parking lots at all County park facilities on January 1<sup>st</sup> and County park parking lots on February 2<sup>nd</sup>. Park staff checked all County facilities (parking lots and sidewalks) for ice (treated if needed) on February 2<sup>nd</sup>. Park staff followed the same procedures during snow and ice storms on February 7<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>.

#### Park Facility Projects:

- Brad Kresge, Maintenance Supervisor, has contacted an *All Recreation of Virginia* sales representative for replacement parts for Free Wheeling Way Playground. He ordered new swing seats (rubber). The rubber swing seats have been installed.
- Mr. Kresge contacted a *Sparks At Play* sales representative to order several mallets for the Music Park in Lions Park that were stolen. The mallets have been ordered.
- Mr. Kresge contacted an *AAA State of Play* sales representative to order rubber hand grips for several exercise station units in Rockland Park. The Department is still waiting to hear from the sales representative.
- Mr. Kresge contacted a *Miracle Recreation Playground* sales representative and ordered two bucket swings for the Mega Playground in Rockland Park. The bucket swings have been ordered.

- Mr. Kresge and Mr. Lenz will be meeting with a *Game Time* sale representative to inspect the exercise equipment for potentially installing two large sail canopies over the equipment in Rockland Park in the future.

#### Recreation Division Activity Boxes:

- Mother-Son Outdoor Adventure Bag: Moms, are you trying to find the perfect way to bond with your son? The Warren County Parks and Recreation Department is offering a Mother-Son Outdoor Adventure bag! This bag will include snacks, several nature activities (Nature I-Spy, Tree identification sheet, Scat identification sheet, Bird watching sheet, geocache locations, nature rub, and a photo competition), and lunch provided by The Apple House. This program is for sons ages 12 years and younger.
- Scavenger Hunt at the Parks: Escape the boredom, get outside, and have some fun along the way by participating in the Warren County Parks and Recreation Department's Winter 2021 Scavenger Hunt. By using our park clues as a guide, you will answer the clues and decipher the hidden message to begin the scavenger hunt journey.
- Luck-A-Gram Cards: The Warren County Parks and Recreation Department is looking for several young leprechauns to help spread a little luck to the elderly in the community by decorating a Luck-a-Gram card and writing a little note of cheer. We will provide the Luck-a-Gram; we just need your help to make their Saint Patrick's Day as magical as a pot of gold and as bright as a rainbow!
- Father-Daughter Making Memories Box: "Making Memories" is a unique box for fathers (or father figures) and their daughters. The seasonally inspired crafts, fun activities, and memory maker experiences have been carefully designed to help grow a girl's self-esteem, confidence, and relationship with her father (or father figure). This program is for daughters ages 12 years and younger.
- Department of Social Services – In the month of January, DSS received:
  - 110 SNAP Applications
  - 108 Medicaid Applications
  - 18 TANF Applications
  - 5 Child Care Applications
  - 29 Crisis Applications

#### On the Services side, in the month of January, DSS received:

- 39 CPS referrals
- 15 APS referrals

The Thermal Shelter currently hosts 29 guests, four of which are women, as well as two well behaved dogs. The Department helped one guest get back home to Baltimore, and two guests have moved into assisted living. Four guests are currently working, and seven are receiving either Supplemental Security Income (SSI) or Social Security benefits. An office trailer has been purchased to be converted into a shower trailer for the shelter.

- Department of Fire and Rescue Services – Status of ongoing grants: SAFER Grant complete except for ongoing documentation for reimbursement from FEMA; 2019 Assistance to Firefighters Grant complete and will apply for funding reimbursement this month.
  - Fire Chief Bonzano has been meeting with career and volunteer leadership and rank/file members to begin needs assessment of the Department.
  - Radio System Upgrade Project is ongoing with equipment delivered and awaiting installations. Staff continues to work with vendor to schedule installations and staff/responder training.
  - 2020 Assistance to Firefighter Grant Application submitted for seventy (70) sets of personal protective equipment (PPE) for a total of request of \$184,660.00/\$16,787.27 local matching funds if awarded.
  - The Department faced multiple weather events over the past month. Special thanks to the career and volunteer responders who staffed and operated throughout these events.
  - Staff continues to work with the Virginia Department of Health to schedule COVID-19 vaccines and implement throughout the response system.
  - Staff is beginning the process to develop a capital replacement program for apparatus and ambulance fleet.
- Rivermont Fire Station – Inspections have been completed with volunteers and Rick Farrall. "Punch list" items are still being addressed with Mr. Farrall. All furniture has been delivered.
- Commercial/Industrial Projects – Work continues on the following projects:
  - The new Warren Memorial Hospital is nearing the final phases to start final inspections, anticipating a phased opening schedule.
  - Equus Warehouse facility – Recently re-submitted site plans to DEQ, the County, and the Town for review.

## **Appropriations and Transfers**

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for February 2021:

Mabe, Aye; Fox, Aye; Cullers, Aye; Oates, Aye; Carter, Aye

### **APPROPRIATIONS**

43000-5407	General Services - Repairs and Maintenance	1,001.99
92000-7112	Finance - HHS Complex	125.00

## Approval of Accounts

On a motion by Mr. Fox, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the list of February 2021 accounts:

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

Check Numbers 295208 to 295515

Total: \$1,144,835.26

## Approval of Minutes

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the minutes of its regular meetings of January 19, 2021 and February 2, 2021:

Mabe, Aye; Fox, Aye; Cullers, Aye; Oates, Aye; Carter, Aye

## Consent Agenda

1. ~~Item Removed from Agenda~~
2. FY 2020-2021 Locality Agreement with the Virginia Department of Health for Funding and Services of the Warren County Health Department – Ed Daley
3. ~~Item Removed from Agenda~~
4. Purchase of a Kubota M5-111 4x4 Tractor with Loader for the Shenandoah Farms Sanitary District – Michael Coffelt
5. Purchase of a Kubota M5-111 4x4 Tractor with Loader for the Public Works Department – Michael Coffelt
6. Authorization to Advertise for Public Hearing – Modification Request for Conditional Use Permit 84-03-01, Shenandoah Valley Golf Club for a 27 Hole Golf Course and Related Facilities to add Canoe/Kayak/Tube Rentals – Matt Wendling
7. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-01-01, Justin and Felicia Katzovitz for a Short-Term Tourist Rental – Matt Wendling
8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-01-02, John and Sheila Kirkpatrick for a Guesthouse – Matt Wendling
9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-01-03, Carl and Jennifer Ey for a Short-Term Tourist Rental – Joe Petty
10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-01-04, Carl and Jennifer Ey for a Short-Term Tourist Rental – Joe Petty
11. Coyote Bounties – Animal Control (\$50.00 Each)
  - a. Gary Kushner (1)
  - b. Michael Mitchell (1)

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

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

**Additional New Business – Reappointment of James Wolfe to the Economic Development Authority Board of Directors**

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors reappointed James Wolfe to the Economic Development Authority Board of Directors for a four-year term beginning March 1, 2021 and ending February 28, 2025:

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

It being 7:15 PM, Mrs. Cullers called for a recess until the public hearings were scheduled to begin, and the meeting was reconvened at 7:30 PM.

**Public Hearing – Entering into an Option Agreement with APV Cardinal Energy, LLC for the Disposition of Publicly Held Real Property Identified as a Portion of Tax Map 12, Parcel 57B – Jason Ham**

Jason Ham, Interim County Attorney, reported following a closed session discussion at its regular meeting on July 21, 2020, Warren County entered into a letter of intention with American Power Ventures, LLC to negotiate the possible future purchase or lease of a portion of County-owned property (the “LOI”). At this time, the County wishes to execute an Option Agreement which would provide the purchaser with the option to buy County owned real property located at 261 Country Club Road, Front Royal, and further identified as Tax Map 12, Parcel 57B, pursuant to the LOI. The LOI provided that American Power Ventures, LLC may assign the LOI to an affiliate and the LOI has been so assigned to APV Cardinal Energy, LLC (“APV”). APV desires to purchase ± 3.00 acres out of this 30.5571 acre parcel, as further described in the LOI.

The sale price is \$90,000 per acre, and the Option Agreement provides for payments to the County of \$2,500 per six month period for the first three years, and then \$2,500 per three month period for the final year of the Option Agreement. Additionally, if the proposed facility is built, substantial tax revenues would be generated.

APV plans to construct a battery energy storage facility, and Mr. Ham negotiated with counsel for APV to ensure the County is protected. There is a \$1 million insurance provision included in the proposed Option Agreement as well as a repurchase option if the facility is not constructed, which means the County can buy back the property for the same price for which it was sold. Additionally, there is a provision requiring a bond or letter of credit for however much it would cost to decommission the building.



Mrs. Cullers opened the public hearing.

John Seker, representative from APV, said he has been working with the County on this project since July 2020. The proposed use is an energy storage facility, which would be a \$100 million - \$200 million investment in the community. The plan is to secure all permits over the course of the next 18 months, including securing a grid operator to connect locally, prior to construction. APV is planning to construct a clean industrial facility.

Mr. Carter asked if the proposed property would need to be rezoned, and Mr. Ham reported it would need to be rezoned and also subdivided. Mr. Carter then asked if the proposed Option Agreement would be contingent on the purchasers successfully getting the property rezoned, and Mr. Ham replied no, as there is no foreseeable problem with rezoning.

On a follow-up question regarding fire suppression at a facility such as this, Mr. Seker stated APV would provide training to the local fire departments for any potential fire at this sort of facility. Steven Harris, a representative from APV who has been involved in the construction of four facilities similar to this one in California and Alaska, stated the facility will be operating under Standard 855 of the National Fire Protection Association (NFPA), which is specifically for Stationary Energy Storage Systems. Self-suppression systems will be installed in each storage unit, which will prevent any fire from spreading to surrounding units.

Mrs. Oates asked if APV will employ any local contractors for the construction of this facility, and Mr. Seker stated APV would, in all likelihood, employ local contractors and local workers. It would not make sense to hire out-of-state workers for the work, which will include concrete, civil grading and drainage, and electrical work.

There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mr. Carter, and by the following vote, the Board of Supervisors authorized the County Administrator to, on behalf of the County of Warren, enter into an Option Agreement with APV Cardinal Energy, LLC ("APV") for the granting of an option to APV to purchase a portion of County owned property located at 261 Country Club Road, Front Royal, further identified as Tax Map 12, Parcel 57B, comprised of approximately three acres, together with certain easements thereto:

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

### **Public Hearing – Sale of County-Owned Property Located at the Corner of Route 340/522 and Reliance Road – Doug Parsons**

Dr. Daley reported the Board had received additional information from Mr. Ham in the form of a memo. Mr. Ham's recommendation was to conduct this hearing as advertised, not take any action, and anticipate holding another public hearing in the future.

Doug Parsons, Executive Director of the EDA, said the EDA has been working with a broker for approximately three years now in order to purchase the property to build a fast food establishment, and the offer price is substantially above what the property is appraised for. It would require re-platting the property, as it is currently jointly owned by the EDA, County, and Town of Front Royal.

Mrs. Oates asked if the property was already zoned Commercial (C), and Mr. Parsons confirmed it was.

Mr. Ham stated that because some of the land is still owned by the EDA and lot lines will need to be vacated, other actions need to be taken in cooperation with the Town in order to sell this property, which is why he is recommending the Board take no action following this public hearing.

Mrs. Cullers opened the public hearing.

Mr. Fox remembered in past negotiations, there had been a stipulation in place that another competing fast food establishment could not be built within a certain distance of the proposed establishment, and Mr. Parsons stated Mr. Fox remembered correctly. Originally, the broker has asked for a 2,000-foot radius whereby certain competitors would not be allowed to build, but that radius was negotiated down to 1,000-foot and only for lands the County owns. This radius restriction would not apply for privately owned property.

Mr. Mabe wanted to be sure the sale of this property would not affect the historical McKay Spring property in any way. Mr. Parsons confirmed it would not. The area proposed to be sold is a rectangle running along the southern portion of the property along Reliance Road and does not include the spring or the historic chimney or buildings nearby.

Mrs. Oates asked what the impact to traffic would be along Reliance Road once the establishment was constructed and if any widening or infrastructure would need to be completed. Taryn Logan, Deputy County Administrator/Planning Director, replied the infrastructure improvements, if any were needed, would be addressed with the submission of a site plan.

There being no comments from the public, Mrs. Cullers closed the public hearing.

The Board took no action on this item at this time.

**Public Hearing – Ordinance to Amend and Re-Ordain Section 82-4 of the Warren County Code to have Shannon Woods Sanitary District be Authorized to Apply a Construction Road Use Fee – Caitlin Jordan**

Caitlin Jordan, Senior Assistant County Attorney, reported that Chapter 82 of the Warren County Code states that the Board of Supervisors may set a rate of charge for the

extraordinary use of the streets and roads in sanitary districts to the owners of lots upon which new construction is commencing. The rate of charge must be paid by the home builder/property owner at the time of building permit application for a dwelling or other principal structure.

The intent is that the funding would help offset any damages and/or repairs to the road system that may result from the heavy construction trucks and equipment associated with the new construction. The new construction fee must be closely tied to the actual impact of construction equipment. Under Virginia law, Warren County cannot charge a construction "impact fee" for new development. In essence, the fee is to provide funding to repair the roads that are used to access the construction site, not to construct or improve the roads. The current fees vary from \$1,500 to \$5,000 and are currently collected in 10 of the County's 14 Sanitary Districts.

At this time, the Shannon Woods Sanitary District Advisory Committee is requesting to implement a new construction road use fee of \$2,500 for the streets and roads in the district. In order for the district to apply a new construction road use fee, it must be included on the list enumerated in Section 82-4 of the Warren County Code.

Mrs. Cullers opened the public hearing.

Mike Berry, Public Works Director, stated the newly appointed members to the Shannon Woods Sanitary District Advisory Committee met in December and requested the implementation of this fee. There is one buildable lot left in the Sanitary District and only one road in the community. No bordering properties will use this road to get to another property in a different community.

There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the proposed amendment and re-ordained Section 82-4 of the Warren County Code to have Shannon Woods Sanitary District be authorized to apply a construction road use fee, such fee to be \$2,500:

Mabe, Aye; Fox, Aye; Cullers, Aye; Oates, Aye; Carter, Aye

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 82-4 OF THE WARREN COUNTY  
CODE TO ADD SHANNON WOODS SANITARY DISTRICT TO THE LIST OF SANITARY  
DISTRICTS AUTHORIZED TO APPLY CONSTRUCTION ROAD USE FEES

BE IT ORDAINED by the Warren County Board of Supervisors that Section 82-4 of the Warren County Code (Applicability to certain sanitary districts) be amended and re-ordained as follows:

Chapter 82: Construction, New

§ 82-4 Applicability to certain sanitary districts.

The user fee authorized by the article shall apply to the following sanitary districts:

- A. Within the boundary lines of the Skyland Estates Sanitary District.
- B. Within the boundary lines of the Blue Mountain Sanitary District.
- C. Within the boundary lines of the Shenandoah Farms Sanitary District.
- D. Within the boundary lines of the Shenandoah Shores Sanitary District.
- E. Within the boundary lines of the High Knob Sanitary District.
- F. Within the boundary lines of the Linden Heights Sanitary District.  
[Added 6-17-2014]
- G. Within the boundary lines of the Shangri-La Sanitary District.  
[Added 5-16-2017]
- H. Within the boundary lines of the Lake Front Royal Sanitary District.  
[Added 5-16-2017]
- I. Within the boundary lines of the Osprey Lane Sanitary District.  
[Added 5-21-2019]
- J. Within the boundary lines of the South River Estates Sanitary District.  
[Added 9-15-2020]
- K. **Within the boundary lines of the Shannon Woods Sanitary District.**  
**[Added 2-16-2021]**

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

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

### **Public Hearing – Approval of Easement to the Town of Front Royal, Virginia for the Installation of Water Mains – Caitlin Jordan**

Ms. Jordan reported The Town of Front Royal, Virginia (“Town”), through CHA Consulting, Inc., has requested the County grant the Town an easement over two County properties, namely Tax Map numbers 12-57 and 12-53A, to allow the Town to install a new water main to the Route 522 Corridor. Currently, there is only one water main that provides water to the shopping centers, restaurants, and other businesses north of the two bridges over the Shenandoah River. In the event this water main breaks or is damaged, there is no other way for the Town to supply these commercial users with water. To address this concern, the Town is installing several new waterlines that will not only provide water to the Route 522 Corridor, but also improve water quality and system reliability. After conducting a detailed engineering and design analysis, it was determined that a section of the new waterlines would need to be installed on two County properties, namely Tax Map numbers 12-57 and 12-53A. The primary property’s address is 701 Country Club Road, Front Royal, Virginia 22630.

The new waterlines will be installed underground and will be invisible after installation. The easement would require the Town to confine construction to an agreed upon area and would also require the Town to restore the property to the same or better condition prior to construction. CHA Consulting, Inc. prepared a Deed of Easement that has been reviewed and edited by the County Attorney's Office, and the County Attorney's Office continues to work with CHA Consulting, Inc. to finalize the Deed of Easement.

Mrs. Cullers opened the public hearing.

Lindsay Swain, representative from CHA Consulting, Inc., stated the waterline is beneficial to all the properties in the Corridor. There is only one waterline serving this area, and if a breakage were to occur, there would be a substantial delay in getting water service back. This waterline would add redundancy and water assurance to the area and would also help with water quality.

There was additional discussion regarding whether or not this installation was part of the County's agreement with the Dominion Power Plant to provide additional water to them.

There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the Deed of Easement in substantial form as presented, subject to any such changes as may be required by the County Attorney:

Carter, Aye; Oates, Aye; Cullers, Aye; Fox, Aye; Mabe, Aye

### **Public Hearing – Ordinance to Vacate the 28-foot-wide Unimproved Right-of-Way and 14-foot-wide Unimproved Right-of-Way in the Elias Herr Lots in Limeton – Taryn Logan**

Ms. Logan reported the Planning Department has received a request to vacate a 28 foot wide platted right-of-way and 14 foot wide platted right-of-way in the Elias Herr Lots in Limeton. The right-of-ways are unimproved and are shown on the original plat of the lots recorded in deed book "R", page "527". The owners of the affected lots have recently sold their properties to Zachary Anderson. The realtor involved in the sale has sent an email requesting this vacation as it was agreed upon between the two parties in their contract. There is an agreement between them for the installation of a new septic system, but in order to have room to place the septic system, they will need to vacate the alleyways shown on the plat. There is no evidence of the right-of-ways on site; it is only shown on the plat recorded in the Courthouse. The right-of-way vacation would not hinder current or future access to any lots.

Section 15.2-2272(2) of the Code of Virginia gives the authority to the Board of Supervisors to vacate existing right-of-ways dedicated for public use after proper notice

and after a public hearing. Any person aggrieved by such decision has thirty (30) days to appeal such decision. Section 15.2-2274 of the Code of Virginia states that fee simple title to the centerline of the right-of-way hereby vacated shall transfer and vest with the owners of the abutting properties. The area was originally platted in 1890, and the lot numbers of the affected properties are referenced differently in different documents.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Fox, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the attached ordinance vacating the 28 foot platted right-of-way and 14 foot platted right-of-way as shown on the survey by Preston Humphreys dated December 8, 2020, located in the Elias Herr Lots in Limeton, pursuant to Section 15.2-2272 of the Code of Virginia:

Mabe, Aye; Fox, Aye; Cullers, Aye; Oates, Aye; Carter, Aye

AN ORDINANCE TO VACATE THE EXISTING 28 FOOT WIDE UNIMPROVED RIGHT-OF-WAY  
AND 14 FOOT WIDE UNIMPROVED RIGHT-OF-WAY BETWEEN TAX MAP NUMBER 36A,  
LOTS 20, 22, 32, AND 33 IN THE ELIAS HERR LOTS IN LINDEN, PURSUANT TO SECTION  
15.2- 2272 OF THE CODE OF VIRGINIA

WHEREAS, the owner of current tax map number 36A, lots 22, 32, and 33 has requested the Board of Supervisors vacate existing right-of-ways 0.1187 acres in size, located in and recorded in Plat Book 2 Page 186; and

WHEREAS, after proper advertisement thereof, pursuant to Sections 15.2-2272 and 15.2-2204 of the Code of Virginia, the Board of Supervisors has conducted a public hearing to consider the vacation of the existing right-of-ways and has determined that it is in the best interest of Warren County to vacate the said right-of-ways.

NOW, THEREFORE, BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that, pursuant to Section 15.2-2272 of the Code of Virginia, and upon the request of the owner of the property affected, the existing right-of-ways 0.1187 acres in size, recorded in Plat Book R Page 527 and as shown on the attached plat entitled "ALLEY VACATION & LOT CONSOLIDATION ANDERSON PROPERTY, INSTRUMENT #200009110, SOUTH RIVER MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA" dated December 8, 2020, prepared by Preston M. Humphreys, is hereby vacated.

THIS ORDINANCE SHALL BE EFFECTIVE THIRTY-ONE DAYS AFTER ADOPTION IF NOT  
APPEALED BY ANY INTERESTED PERSON BEFORE SUCH DATE

Upon recordation of this Ordinance, fee simple title to the centerline of the alleys hereby vacated shall transfer and vest with the owners of the abutting properties, pursuant to the terms of Section 15.2-2274 of the Code of Virginia (1950), as amended.

**~~Request – Adoption of Resolution to Set Percentage of Tax Relief for Personal Property (Motor Vehicles) for 2021 Tax Year – Sherry Sours, Commissioner of the Revenue~~**

**Adjournment**

Mrs. Cullers adjourned the meeting at 8:14 PM.



# COUNTY OF WARREN, VIRGINIA

## BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
March 2, 2021	<b>K-1</b>	Use of Courthouse Grounds – Sexual Assault Awareness Teal Ribbon Campaign – The Laurel Center	

### **EXPLANATION & SUMMARY:**

Please see attached correspondence from Tiffany Matthews, Sexual Assault Victim Advocate with The Laurel Center, requesting to place from April 1<sup>st</sup> through April 30<sup>th</sup> one teal ribbon on one section of the Warren County Courthouse lawn as well as one teal ribbon on each of the posts surrounding the Warren County Courthouse. Additionally, there will be garden flags and signs adjacent to the ribbons and flags explaining what they represent in the community and the unified front that Front Royal-Warren County is presenting to end sexual violence.

**COST & FINANCING:** N/A

### **PROPOSED OR SUGGESTED MOTION:**

I move that the Board of Supervisors authorize The Laurel Center from April 1, 2021 through April 30, 2021 to place one teal ribbon on one section of the Warren County Courthouse lawn, one teal ribbon on each of the posts surrounding the Warren County Courthouse, garden flags, and signs adjacent to the ribbon and flags explaining what they represent in the community and the unified front that Front Royal-Warren County is presenting to end sexual violence.

OR

I move that the Board of Supervisors not authorize The Laurel Center to place teal ribbons and explanatory signs on the Courthouse lawn.

OR

I move that the Board of Supervisors postpone discussion until \_\_\_\_\_.

SUBMITTED BY:	DISPOSITION OF BOARD: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
Emily M. Ciarrocchi, Deputy Clerk of the Board		



## Emily Ciarrocchi

---

**From:** Tiffany Matthews <t.matthews@tlc.ngo>  
**Sent:** Friday, February 12, 2021 11:58 AM  
**To:** Emily Ciarrocchi  
**Subject:** Re: Sexual Assault Courthouse Display

That sounds perfect! I really appreciate your guidance

---

**From:** Emily Ciarrocchi <[ECiarrocchi@warrencountyva.net](mailto:ECiarrocchi@warrencountyva.net)>  
**Sent:** Friday, February 12, 2021 11:53:20 AM  
**To:** Tiffany Matthews <[t.matthews@tlc.ngo](mailto:t.matthews@tlc.ngo)>  
**Subject:** RE: Sexual Assault Courthouse Display

Not at all! This is what will be before the Board for approval. Please let me know if it looks okay:

Please see attached correspondence from Tiffany Matthews, Sexual Assault Victim Advocate with The Laurel Center, requesting to place from April 1<sup>st</sup> through April 30<sup>th</sup> one teal ribbon on one section of the Warren County Courthouse lawn as well as one teal ribbon on each of the posts surrounding the Warren County Courthouse. Additionally, there will be garden flags and signs adjacent to the ribbons and flags explaining what they represent in the community and the unified front that Front Royal-Warren County is presenting to end sexual violence.

*Emily Ciarrocchi*

(pronounced "sher-RAH-kee")  
Deputy Clerk of the Board  
Warren County Administration  
(540) 636-4600

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

---

**From:** Tiffany Matthews [<mailto:t.matthews@tlc.ngo>]  
**Sent:** Friday, February 12, 2021 10:44 AM  
**To:** Emily Ciarrocchi  
**Subject:** RE: Sexual Assault Courthouse Display

Oh Emily, Is it too late to also add that I would like to add ribbons to the columns/fence that surround the courthouse-like phoenix project did in October?

Please let me know- thank you!

Tiffany Matthews  
Sexual Assault Victim Advocate, Warren County

The Laurel Center Intervention for Domestic and Sexual Violence  
Office: (540) 631-1554  
Warren County Hotline: (540) 305-1083  
[t.matthews@tlc.ngo](mailto:t.matthews@tlc.ngo)  
[www.thelaurelcenter.org](http://www.thelaurelcenter.org)

---

**From:** Emily Ciarrocchi <[ECiarrocchi@warrencountyva.net](mailto:ECiarrocchi@warrencountyva.net)>  
**Sent:** Thursday, February 11, 2021 12:07 PM  
**To:** Tiffany Matthews <[t.matthews@tlc.ngo](mailto:t.matthews@tlc.ngo)>  
**Subject:** RE: Sexual Assault Courthouse Display

Good morning, Tiffany,

I would be glad to place this on the agenda for the Board's consideration during the March 2<sup>nd</sup> meeting. After the meeting, I will send you an email and a formal letter letting you know of the Board's decision. If you have any other questions, don't hesitate to ask!

*Emily Ciarrocchi*

(pronounced "sher-RAH-kee")  
Deputy Clerk of the Board  
Warren County Administration  
(540) 636-4600

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

---

**From:** Tiffany Matthews [<mailto:t.matthews@tlc.ngo>]  
**Sent:** Thursday, February 11, 2021 11:55 AM  
**To:** Emily Ciarrocchi  
**Subject:** Sexual Assault Courthouse Display

Hi Emily,

I'm new to this but I can see you as point of contact from previous staff going through the process to get approval for a display on the lawn of the courthouse.

I would like to have to have the teal ribbon, signs and flags displayed this year too. The display would be there from from April 1<sup>st</sup> through April 30<sup>th</sup> on one section of the Warren County Courthouse lawn. The Laurel center would be responsible for the set up and take down of the display including: garden flags, and signs adjacent to the ribbon and flags explaining what they represent in the community and the unified front that Front Royal-Warren County is presenting to end sexual violence.

If you are no longer the point of contact for this, would you please let me know who to reach out to?  
Thank you and be well,

Tiffany Matthews  
Sexual Assault Victim Advocate, Warren County

The Laurel Center Intervention for Domestic and Sexual Violence  
Office: (540) 631-1554



## COUNTY OF WARREN, VIRGINIA BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/02/2021	K-2	New road naming request for properties accessed off of <i>Mountain Rd.</i>	1 of 1

### **EXPLANATION & SUMMARY:**

Upon the approval of the Class A Subdivision of lot 2 of the Sealock Property, it was discovered that the platted 40' private access easement off of Mountain Rd will require a name. There are currently three (3) new vacant lots along this access with the potential to be developed that will share this road. This brings the possible number of dwellings served by this access to, or above, (3) three.

The Warren County Code requires (3) three or more dwellings to be numbered where the driveways meet on a final platted by-way within a subdivision. With the potential of five (3) or more dwellings in the future, this lane will require a new name. We are seeking approval for this name now in anticipation of future development. The new road will be added to the mapping system and a sign will be erected once building begins.

The developer of the land within this subdivision has been contacted. The proposed name is "Charlottes Lane."

### **COST & FINANCING:**

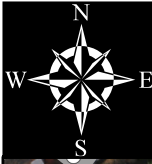
The cost of erecting the road sign pole is \$151.35. The road sign pole is required to have (2) crossed road signs identifying each of the intersecting roads (Mountain Rd & Charlottes Ln) for a total cost of \$151.35 to be paid for and installed by the County.

### **PROPOSED OR SUGGESTED MOTION:**

I move to name the access road off of Mountain Rd "*Charlottes Lane*".

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Emma Rusnak, GIS Coordinator	<input type="checkbox"/> <b>APPROVED</b> <input type="checkbox"/> <b>OTHER (Describe)</b>	



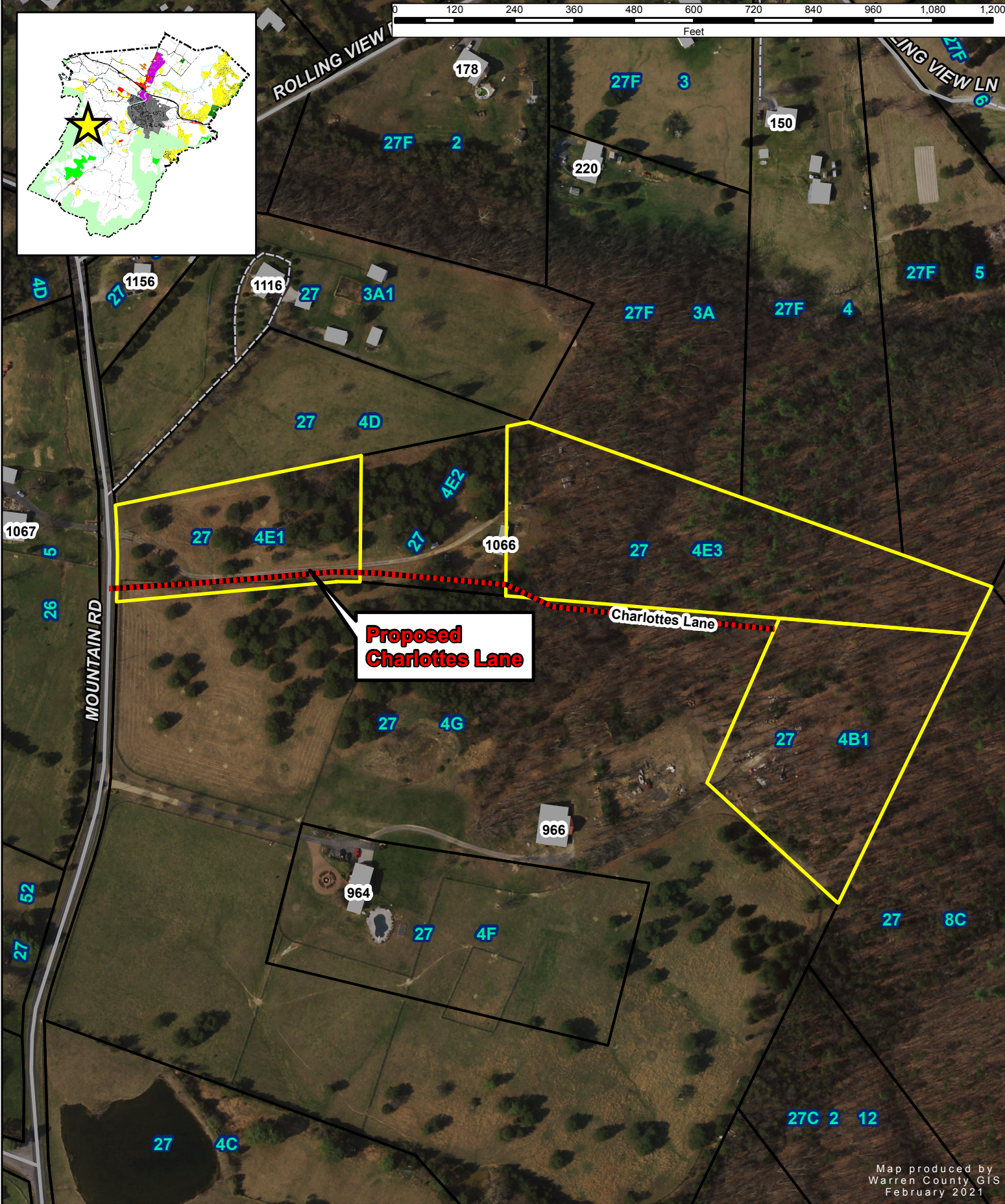
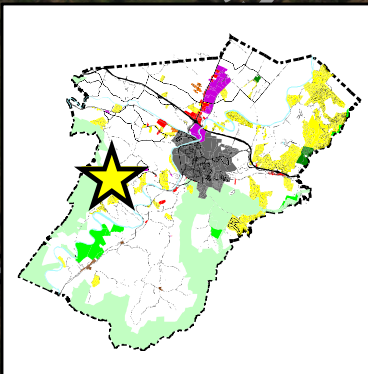


- Proposed Charlottes Lane
- New lots to be accessed by proposed road
- Roads
- County Address

# Proposed Road Name: "Charlottes Lane"



1 inch = 250 feet







# COUNTY OF WARREN, VIRGINIA

## BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/02/2021	K-3	New road naming request for properties accessed off of <i>Bennys Beach Rd.</i>	1 of 1

### **EXPLANATION & SUMMARY:**

Upon the review of the Class B Subdivision of Tax Map 13-7, it was discovered that the platted 50' private access easement off of Bennys Beach Rd will require a name. There are currently eight (8) new vacant lots along this access with the potential to be developed that will share this road. This brings the possible number of dwellings served by this access to, or above, (3) three.

The Warren County Code requires (3) three or more dwellings to be numbered where the driveways meet on a final platted by-way within a subdivision. With the potential of three (3) or more dwellings in the future, this lane will require a new name. We are seeking approval for this name now in anticipation of future development. The new road will be added to the mapping system and a sign will be erected once building begins.

The developer of the land within this subdivision has been contacted. The proposed name is "Madison Farm Road."

### **COST & FINANCING:**

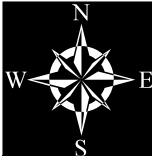
The cost of erecting the road sign pole is \$151.35. The road sign pole is required to have (2) crossed road signs identifying each of the intersecting roads (Bennys Beach Rd & Madison Farm Rd) for a total cost of \$151.35 to be paid for and installed by the County.

### **PROPOSED OR SUGGESTED MOTION:**

I move to name the access road off of Bennys Beach Rd "*Madison Farm Rd*".

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Emma Rusnak, GIS Coordinator	<input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (Describe)	

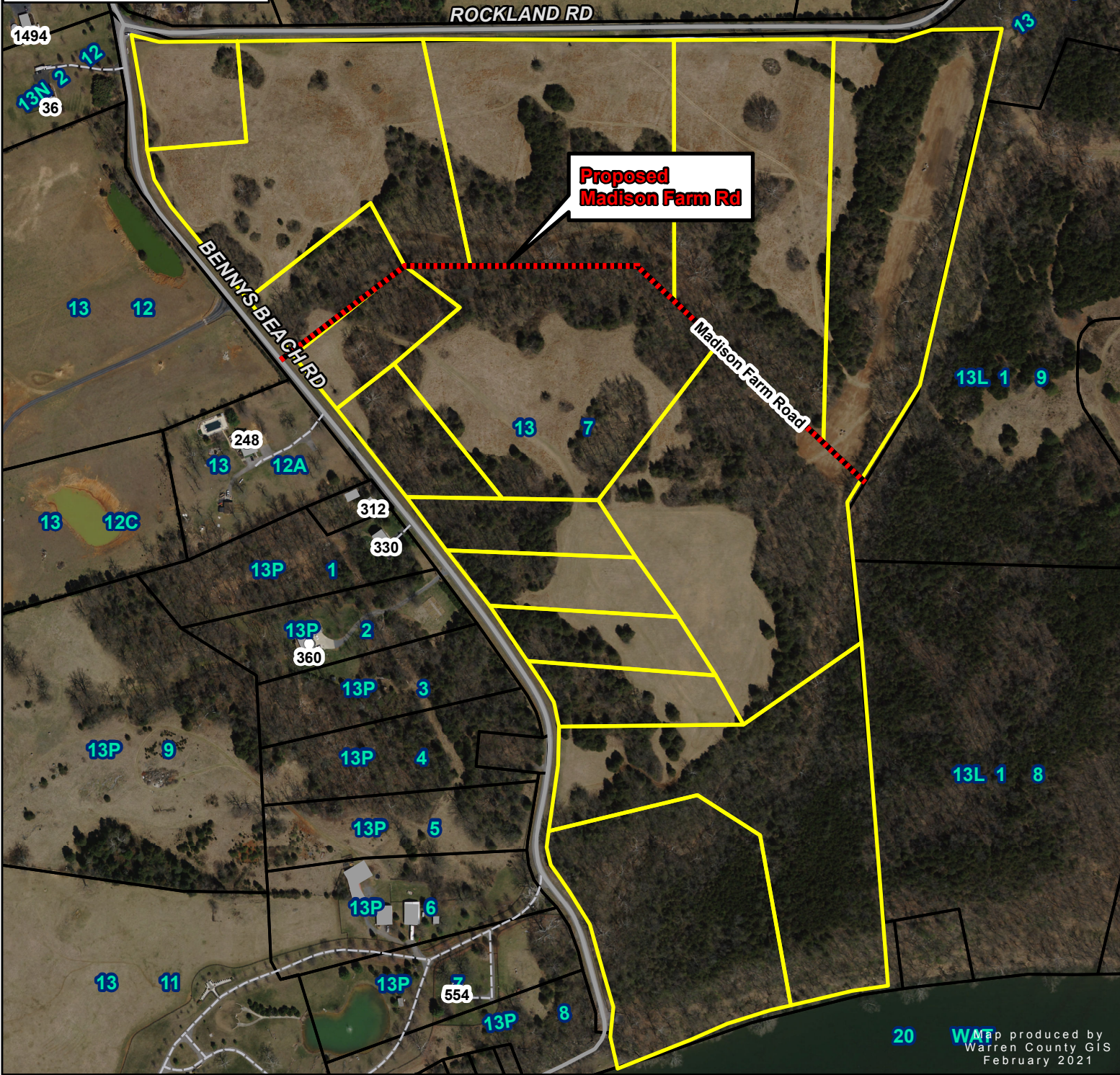
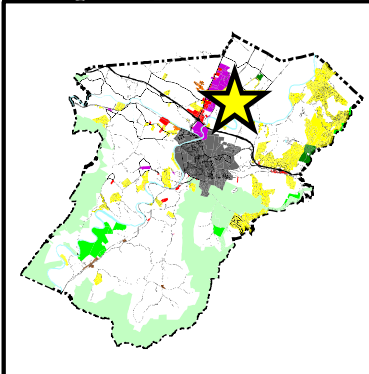




- Proposed New Lots from TM 13-7
- Proposed Madison Farm Road
- Roads
- County Address

# Proposed Road Name: "Madison Farm Road"

1 inch = 400 feet







# COUNTY OF WARREN, VIRGINIA

## BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
March 2, 2021	<b>K-4</b>	Front Royal-Warren County Liaison Committee Mission Statement and Policies Revision	

### **EXPLANATION & SUMMARY:**

Please see attached correspondence from Tina Presley, Clerk of Council.

**COST & FINANCING:** N/A

### **PROPOSED OR SUGGESTED MOTION:**

I move that the Board of Supervisors concurrently approve the revisions to the Front Royal-Warren County Liaison Committee Mission Statement and Policies as proposed and as approved by the Front Royal Town Council.

Or

I move that the Board of Supervisors amend the revisions to the Front Royal-Warren County Liaison Committee Mission Statement and Policies as follows: \_\_\_\_\_

OR

I move that the Board of Supervisors postpone further discussion until \_\_\_\_\_.

SUBMITTED BY:	DISPOSITION OF BOARD: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
<b>Steven Hicks,</b> <b>Town Manager</b> Emily M. Ciarrocchi, Deputy Clerk of the Board		

## Emily Ciarrocchi

---

**From:** Tina Presley <tpresley@frontroyalva.com>  
**Sent:** Tuesday, February 23, 2021 9:27 AM  
**To:** Emily Ciarrocchi; Edwin Daley  
**Subject:** Liaison Committee Meeting Mission Statement and Policies Revision  
**Attachments:** 08A 1 - Liaison Policy (2).pdf

Good Morning,

Attached is the what the Council approved last night with regard to the Liaison Committee Meeting Mission Statement and Policies Revision. I kept everything highlighted and left the strikethroughs so it is easy to see what they approved. If you need anything else please let know.

Thanks,

Tina

*Tina L. Presley, A.A.S., CAP-OM*  
*Clerk of Council/ Sr. Executive Assistant*  
*Town Manager's Office*  
*P.O. Box 1560/102 E. Main Street*  
*Front Royal, Virginia 22630*  
*(540)635-8007/(540)636-7475 - Fax*  
[tpresley@frontroyalva.com](mailto:tpresley@frontroyalva.com)  
[www.frontroyalva.com](http://www.frontroyalva.com)  
[www.facebook.com/frontroyalva](https://www.facebook.com/frontroyalva)



---

Total Control Panel

[Login](#)

To: [eciarrocchi@warrencountyva.net](mailto:eciarrocchi@warrencountyva.net) [Remove](#) this sender from my allow list

From: [tpresley@frontroyalva.com](mailto:tpresley@frontroyalva.com)

*You received this message because the sender is on your allow list.*





**FRONT ROYAL – WARREN COUNTY**  
Liaison Committee Mission Statement and Policies  
~~March 2020~~ March 2021

**PURPOSE OF THE LIAISON COMMITTEE**

The purpose of the Front Royal-Warren County Liaison Committee is to offer a venue whereby the leadership of the Town of Front Royal and the County of Warren can discuss issues of mutual interest and inform each other of positions taken and decisions made by each public body that may affect both localities. The Committee is NOT designed to be an environment where decisions are made, but one where issues are discussed, and Board and Council members take them back to their respective bodies for further discussion and recommendation.

**MEMBERSHIP**

The Liaison Committee shall include the Mayor of the Town of Front Royal, the Chairman of the Warren County Board of Supervisors, the Front Royal Town Manager, the Warren County Administrator, one (1) Front Royal Town Council member and one (1) Warren County Board of Supervisors member. The latter two (2) members shall rotate between its various members ~~alphabetically~~ from meeting to meeting.

**MEETING SCHEDULE**

Meetings shall be held on the third Thursday every quarter at 6:00 p.m. unless otherwise agreed upon by the Town and County. The meetings shall be rotated every six months between the Town and County. Wherever the meetings are held, the host shall be responsible for the preparation of the agenda ~~and will~~ provide a person who will take formal minutes of the meeting.

**MEETING AGENDA**

- Meetings of the Liaison Committee shall at all times be subject to the terms of the Virginia Freedom of Information Act.
- Meeting agendas shall be provided by the Town Manager and County Administrator upon consultation with the Mayor and Board Chairman respectively.
- Any request to place an item on the agenda shall be made by 1:00 p.m. on ~~the first~~ Tuesday ~~of the month the week~~ prior to the ~~month before the~~ Liaison meeting.
- All requests to place an item on the agenda must be accompanied by a written summary of the request which can be placed in the agenda packet.

- The agendas shall be distributed ~~on the Friday by the host on Monday or Tuesday~~ prior to the Liaison Committee meeting ~~to be held on the following Thursday~~.
- In order for an item to be formally discussed on the Liaison agenda, it must be first ~~approved~~ agreed upon by ~~a majority vote of~~ the Town Council or Board of Supervisors. The Liaison Committee may amend a meeting agenda by agreement.

### **MEETING POLICY AND PROCEDURES**

- The Mayor of the Town shall be Chairman of the Committee when the meetings are hosted by the Town, and the Chairman of the Board of Supervisors shall be Chairman of the Committee when the meeting is hosted by the County.
- The Chairman shall make procedural or parliamentary decisions which may be overruled by a majority vote of the Committee.
- The Town and/or County may invite any of their staff personnel, including attorneys, to attend meetings that either feels would be helpful for the issues and items scheduled to be addressed.
- This mission statement and policies shall be adopted by a majority of the Board of Supervisors and the Town Council. They may be amended by a majority vote of the Town Council and Board of Supervisors.

### **MANAGER AND ADMINISTRATOR REPORTS**

Quarterly, at a regular meeting of the Front Royal Town Council, the Warren County Administrator shall give an oral report of the County to the Council, and regular meeting of the Warren County Board of Supervisors, the Front Royal Town Manager shall give an oral report of the Town to the Board. This will not be a question and answer period.

*Approved by the Warren County Board of Supervisors September 7, 2010*

*Approved by the Front Royal Town Council September 13, 2010*

*Approved by the Front Royal Town Council March 9, 2020*

*Approved by the Warren County Board of Supervisors March 17, 2020*

*Approved by the Front Royal Town Council February 22, 2021*



## COUNTY OF WARREN, VIRGINIA BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/2/2021	K-5	Marlow and Silek Investments, LLC Amendment of Proffers Authorization to Advertise for a Public Hearing R2004-09-01, R2005-12-01, R2006-05-01, R1007-05-01 Amendment of List of Uses and Width of Right-of-Way Dedication	1 of 2

### EXPLANATION & SUMMARY:

At their meeting on December 21, 2004, the Board of Supervisors approved Marlow Investments, LC's request to rezone and change the zoning map classification of the property identified on tax map 12B, section 2, block 5, as lots 16, 20, and 23; section 2, block 6, as lots 5 and 22; section 2, block 7, as lots 32, 33, 34, and 37; and a portion of right-of-way of "Gore Avenue" (Emerald Lane). The property was rezoned to commercial and the proposed use of the property was for a shopping center. The total property assembled by the applicant for the shopping center is a total of 7.619 acres. The lots have been consolidated and the new tax map number is 12B, section 1, block 1, as lot 1.

There are four sets of proffers for this development because land was acquired at different times and subsequently rezoned at different times, as well as a conditional use permit for a shopping center with various conditions that was approved by the Board. The applicant proffered to dedicate the 60 feet of right-of-way for the collector road at the time of final site plan approval. Other transportation improvements included: access-egress plan to serve neighboring properties to the north and south; dedication of all right-of-way along the property frontage with Old Hill and Dale Road to ensure adequate road connection between Rt. 340/522 and the future collector road; north and south bound turn lanes on Rt. 340/522; right-of-way along the entire frontage on Rt. 340/522 for a third through lane; and more. I have attached the proffer statements and the conditional use permit in the packet.

In the attached letter from Marlow and Silek Investments, LLC, they are requesting all four of their proffer statements be amended to allow the use of "Enclosed Storage with the Storage of Recreational Vehicles and Cars." Their proffer statements restrict the use of the property to seven uses which include: Auto sales and auto parts, general retailing and wholesaling, office, restaurant, convenience, hotel or motel, and personal service establishment such as barbershop, laundry or financial institution. They have sold a 3 acre part of this property to an enclosed storage business. The RV and car storage would need to be completely screened from view of Route 340/522 according to the County's ordinance.

At this time, they are also requesting to amend the approved proffers for R2004-09-01 to reduce the width of right-of-way dedication for the future planned north-south connector road. At the time of the rezoning in 2004, they proffered 60 feet in width along the rear of their property line. At this time, they are requesting to reduce that width to 30 feet to allow more room for development. I have asked their surveyor to show a rendering of the proposed right-of-way in accordance with the County's Corridor Transportation Plan and will have that rendering by the public hearing. I want to ensure the reduction in right-of-way is still beneficial to the planned roadway and meets the intent of the County's plan. We do appreciate the cooperation of the developer to complete roadway improvements along the frontage of their property along Rt. 340/522, which was in accordance with the proffers.

The Commercial (C) district is intended, "for areas suitable for the conduct of general business not characterized by either constant heavy trucking or nuisance factors and to which the public requires direct and frequent access."

Pursuant to Section 180-61(G), "If modified or additional conditions are proposed, a second public hearing before the Board shall be held before the application and the modified or additional conditions can be approved. Such application may also be the subject of a second public hearing before the Planning Commission."

**PROPOSED OR SUGGESTED MOTION:**

I move that the Board of Supervisors authorize the advertisement of a public hearing to amend the approved rezoning proffers for application numbers R2004-09-01, R2005-12-01, R2006-05-01, R2007-05-01 to add enclosed storage with the storage of recreational vehicles and cars as a use permitted on the property and to allow a reduction in the right-of-way width along the rear property line in accordance with the County's Corridor Transportation Plan.

**SUBMITTED BY:**

Taryn Logan, *TGL*  
Planning Director

**DISPOSITION OF BOARD:**

☐ APPROVED    ☐ OTHER (Describe)

**PROCESSED  
BY:**

# THE LAW OFFICES OF DAVID CRUMP

**David N. Crump, Jr.**  
**Attorney at Law**

1516 N. Shenandoah Ave.  
Suite D  
P.O. Box 1754  
Front Royal, Va. 22630  
540-671-7533  
Fax – 540-635-9031  
dcrump@crumplegal.com

Warren County Board of Supervisors  
Cheryl Cullers Chair  
Delores Oates  
Walter Mabe  
Tony F. Carter  
Archie A. Fox

RECEIVED  
FEB 17 2021  
WARREN COUNTY  
PLANNING DEPARTMENT

re: request for public hearing – modification of proffers and  
addition of enclosed storage as an approved use  
addition of vehicular and RV parking as an approved use

February 12, 2021

Dear Board of Supervisors,

I represent Marlow & Silek Investments, LLC. On behalf of my client, I request that the following matters be placed on the Board's agenda to advertise for public hearing.

Marlow & Silek Investments, LLC respectfully requests that you to modify their proffer statement on their parcel of land consisting of approximately eight (8) acres located on Rt. 522. They request that you reduce the width of the proposed connector road across the rear of their property from 60' to 30', and locate it along the rear western property line.

In addition, Marlow & Silek Investments, LLC, requests that enclosed storage be added as an approved use for their site. Also, that vehicular and RV parking be added as an approved use, provided there is adequate screening from public view.

Over seventeen (17) years ago Marlow & Silek Investments, LLC agreed to grant a right of way as one of their proffers. Since that time, they have contributed over \$225,000 to off site road improvements (as they agreed to), working closely with Warren County, VDOT and Crooked Run Center. They also agreed, as per their proffer statement, to participate with the vertical alignment and signalization of Diamond Ridge Rd, with matching funds from VDOT and Crooked Run Center. In addition to their proffers, they allowed the Royal Farms development to dramatically lower the profile of Old Hill and Dale Road. This virtually eliminated Marlow & Silek's ability to utilize ingress/egress from Old Hill and Dale Road to their parcel of land.

At the time the proffers were put into place, Marlow & Silek Investments, LLC was required place a

\$100,000 bond for a period of ten (10) years. When the connector road was not constructed in that period, the bond was released.

Marlow & Silek Investments, LLC does not object to the eventual construction of the connector road, but it cannot suffer the economic consequences caused by the road encumbering such a substantial portion of their parcel. There is an abundance of available acreage for VDOT to acquire their additional right of way once the road width is reduced. The current placement and width of the road hinders the ability of Marlow & Silek Investments, LLC to develop the rear of the parcel, and it also renders the front three (3) pad sites potentially useless to national tenants, caused by the diminished square footage resulting from the current placement of the collector road right of way.

Therefore, Marlow & Silek Investments, LLC, respectfully requests that the road proffer, agreed to seventeen (17) years ago, be modified, that enclosed storage be added as an approved use for the site, and that vehicular and RV parking be added as an approved use, provided there is adequate screening from public view.

Your consideration and understanding will be greatly appreciated.

Yours very truly,

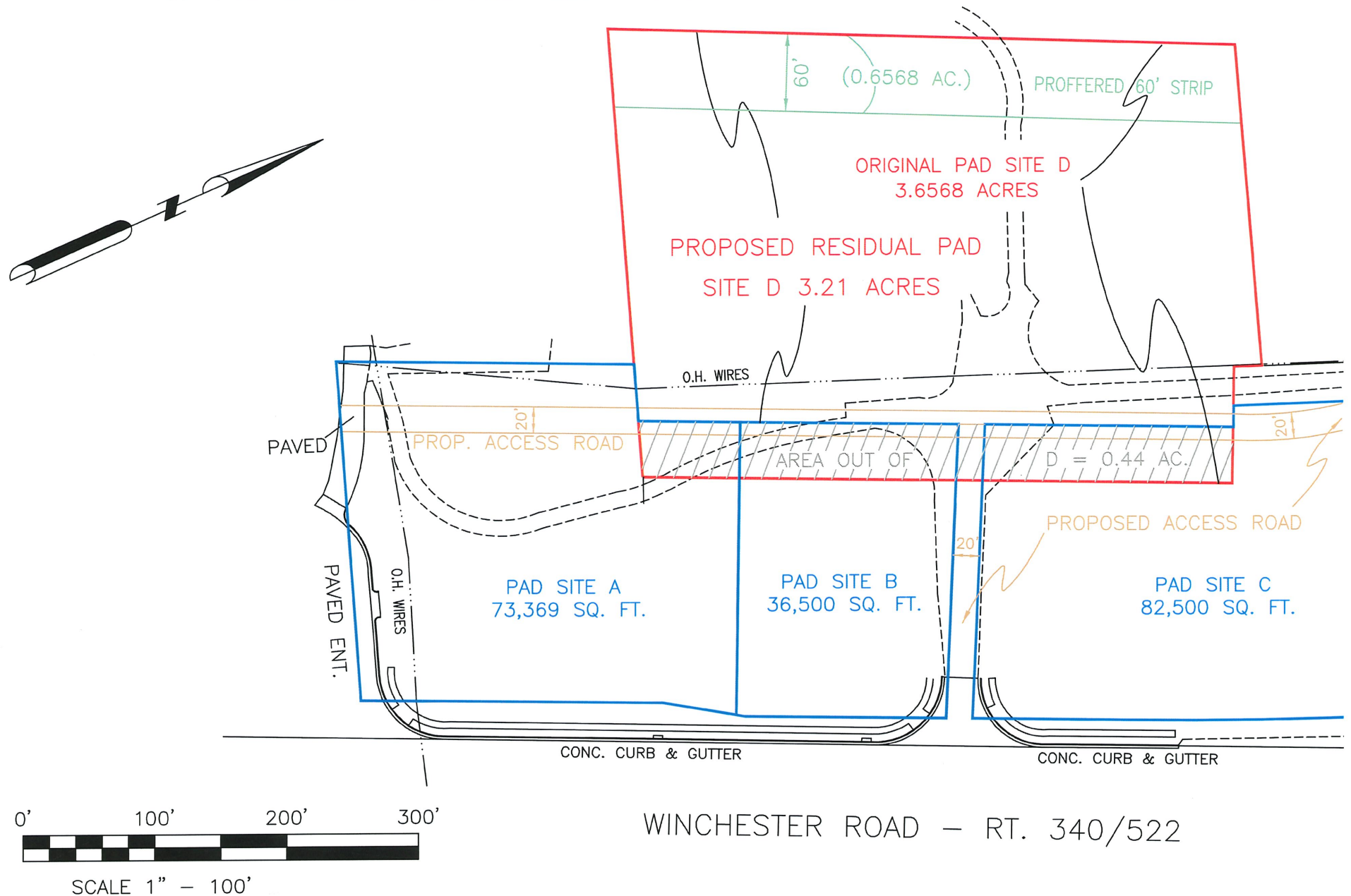
A handwritten signature in black ink, appearing to read 'David N. Crump, Jr.', written over the printed name.

David N. Crump, Jr., Esq.

VSB# 15014



SKETCH SHOWING PROPOSED PAD SITES ON T.M. 12B-1-1 PARCEL  
OF THE MARLOW AND SILEK LLC PROPERTY



000265 SEP 22 2018

MARLOW 35126  
R2404-0A-01  
(ORIGINAL)**DECLARATION OF REZONING REQUEST PROFFER**

The Declarant, the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia, pursuant to Sections 15.2-2296, -2297, and -2298 of the Code of Virginia, 1950, as amended, does hereby declare the following Rezoning Request Proffer of Marlow Investments, LC, North River District, on that 3.53 +/- acres on the property (the "Property") of the said Marlow Investments, LC, in North River Magisterial District, identified on Warren County Tax Map 12B, Section 2, Block 5, as Lots 16, 20 and 23, as Section 2, Block 6, as Lots 5 and 22, as Section 2, Block 7, as Lots 32, 33, 34 and 37, and a portion of right-of-way of "Gore Avenue" (Emerald Lane), to be the voluntary proffer in writing by the owner, Marlow Investments, LC, of reasonable conditions as part of the rezoning or amendment to the zoning map of the Property from Residential One (R-1) to Commercial (C) such that development of the Property shall be done in conformity with the terms and conditions set forth in said Rezoning Request Proffer.

The conditions proffered in said Rezoning Request Proffer shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the owner, Marlow Investments, LC. The proffered conditions shall apply to the Property and run with the land as to the Property in addition to other requirements set forth in the Warren County Code.

Witness the following signature:

**COUNTY OF WARREN, VIRGINIA**

By:

  
Douglas P. Stanley, County Administrator



000266 SEP 22 05

State of Virginia  
County of Warren, to-wit:

I, the undersigned authority, a Notary Public in and for the State and County aforesaid, certify that ***Douglas P. Stanley, County Administrator***, whose name is signed to the foregoing Declaration of Rezoning Request Proffer, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.

Given under my hand this 22<sup>nd</sup> day of September, 2005.

My Commission Expires: October 31, 2008.

Jodi R Spittler  
Notary Public

000267 SEP 22 2004

**REZONING REQUEST PROFFER**

***MARLOW INVESTMENTS, LC  
NORTH RIVER DISTRICT***

**[Property as identified on tax map 12B, as section 2, block 5, as lots 16, 20 and 23,  
as section 2, block 6, as lots 5 and 22, as section 2, block 7, as lots 32, 33, 34 and  
37 and a portion of right-of-way of "Gore Avenue" (Emerald Lane)]**

**Preliminary Matters**

Pursuant to Section 15.2-2296 et. Seq., of the Code of Virginia, 1950, as amended, and the provisions of the Warren County Zoning Ordinance with respect to conditional rezoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Warren County, Virginia, shall approve Rezoning Application # R2004-09-01 for the rezoning of 3.53 +/- acres from the Residential One (R-1) to Commercial (C), the following proffer statement is made by the applicant. Development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and approved by the Warren County Board of Supervisors in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors or assigns.

**Monetary Contribution**

At the time of issuance of each building permit, the applicant/assigns shall contribute ten cents (\$0.10) per gross square foot of floor area for the North River Volunteer Fire Company to assist in its capital improvement program.

**Site Plan Elements**

1. **Architectural/Building Materials.** All structures shall be designed to meet the following standards:
  - a. All buildings within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
  - b. Materials utilized for the facades of the buildings shall include but not be limited to concrete masonry units (CMU) brick, architectural block, wood siding, metal, fluted block, tile, concrete tile, dryvit, or other simulated stucco (EFIS), real or simulated wood and/or glass.
  - c. All buildings within the development shall include as design elements stone or faux stone façade accents and standing seam metal roofs.

000268 SEP 22 12

- 2. Project Screening**
  - a. Rooftop mechanical units shall be screened by architectural features which are compatible with building facade architecture.
  - b. Service and delivery loading docks shall be screened from direct view from Route 340/522.
  - c. Parking lot landscaping shall be provided in accordance with the Warren County Zoning Ordinance standards as set forth in the Warren County Code.
  - d. All utility service lines, such as electric, telephone, cable, television, or other similar lines serving individual pad sites, shall be placed underground.
- 3. Outside Storage**
  - a. Outdoor trash receptacles shall be screened from view in a manner architecturally compatible with buildings on site.
- 4. Landscaping**
  - a. The applicant shall comply with the landscape requirements of the Warren County Code.
- 5. Transportation**
  - a. Route 340/522. The applicant shall improve the existing cross over at the intersection of Route 340/522 and Emerald Lane to ensure that an adequate left turn lane is available for anticipated commercial traffic. The exact design of such improvements shall be determined upon final engineering thereof. Such design shall be in accordance with Virginia Department of Transportation (VDOT) specifications and subject to review and approval by Warren County and VDOT. (See 1 on GDP)
  - b. The applicant hereby agrees that an access-egress plan to serve neighbor properties to the north and south of shall be prepared and approved by Warren County and VDOT during the site plan approval process. All work on existing VDOT rights-of-way and on the subject property shall be at the applicant's expense.
  - c. The Applicant shall dedicate 60' of right of way along the property's rear boundary for future construction of a local north-south collector road as indicated in concept on the "Route 340/522 Corridor Plan". This right of way shall be dedicated at no cost to the County with the final site plan approval. (See 2 on GDP)
  - d. The Applicant shall place the amount of \$100,000 in an escrow account for the future design and/or construction of the collector road. Such funds shall be escrowed within six (6) months of rezoning approval, and shall be released to the County within 90 days of a written request by the County. If the collector road is not constructed and accessible from the property within ten (10) years of the date of rezoning approval, the total amount of the contribution shall be returned to the Applicant without penalty.
- 6. Utilities**
  - a. The applicant shall provide public sewer and water service to the property at

000269 SEP 22 03

its own cost. Utility easements for future extension of utilities shall be granted in mutually agreeable locations to Warren County prior to any land transfer on Riverton property.

**7. Storm water Management**

- a. The applicant shall provide stormwater management per the regulations of the Commonwealth of Virginia and Warren County.
- b. The stormwater management areas shall be as generally depicted on the Generalized Development Plan subject to final engineering. (See 3 on GDP)
- c. "Best Management Practices" shall be used as applicable to this project in order to protect the environment.
- d. The property shall be developed using the Virginia Department of Conservation and Recreation's Technical Bulletin No. 2- "Hydrologic Modeling in Karst".

**8. Other**

- a. The applicant specifies that the use of the subject property shall be limited to the following:
  - (1) Auto sales and auto parts
  - (2) General retailing and wholesaling
  - (3) Office
  - (4) Restaurant
  - (5) Convenience
  - (6) Hotel or motel
  - (7) Personal service establishment such as barbershop, laundry or financial institutions.
- b. The applicant specifies that no use shall be established at the subject property which provides for diesel fuel sales to commercial tractor trailer type trucks.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Warren County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Warren County Code.

**SIGNATURES APPEAR ON THE FOLLOWING PAGE**

000270 SEP 22 05

Respectfully submitted,  
MARLOW INVESTMENTS, LC

By: *John K. Marlow* By: \_\_\_\_\_  
Date: 12-15-04 Date: \_\_\_\_\_

STATE OF VIRGINIA, AT LARGE  
WARREN COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of  
December, 2004, by *John K. Marlow*.

My commission expires 9-15-2005  
Notary Public *Cathy J. Dennis*

INSTRUMENT #050011755  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
SEPTEMBER 22, 2005 AT 04:21PM  
JENNIFER R. SIMS, CLERK

RECORDED BY: BAE *BAE*

000089 JAN 16 8

**DECLARATION OF REZONING REQUEST PROFFER**

The Declarant, the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia, pursuant to Sections 15.2-2296, -2297, -2298 of the Code of Virginia, 1950, as amended, does hereby declare the attached Rezoning Request Proffer of Marlow Investments, LC, North River District, on that .5623 +/- acres on the property (the "Property") of the said Marlow Investments, LC, in North River Magisterial District, generally described as Tax Map 12B, as Section 2, Block 5, as lots 1 through 4, as Section 2, Block 6, as lots 1 through 4, to be the voluntary proffer in writing by the owner, Marlow Investments, LC, of reasonable conditions as part of the rezoning or amendment to the zoning map of the Property from Residential One (R-1) to Commercial (C) such that development of the Property shall be done in conformity with the terms and conditions set forth in said Rezoning Request Proffer.

The conditions proffered in said Rezoning Request Proffer shall be binding upon heirs, executors, administrators, assigns and successors in interest of the owner, Marlow Investments, LC. The proffered conditions shall apply to the Property and run with the land as to the Property in additions to the other requirements set forth in the Warren County Code.

*[SIGNATURE PAGE TO FOLLOW]*

000090 JAN 16 8

Witness the following signature:

**COUNTY OF WARREN, VIRGINIA**

By:   
Douglas P Stanley, County Administrator

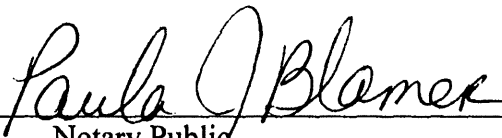
State of Virginia  
County of Warren, to-wit:

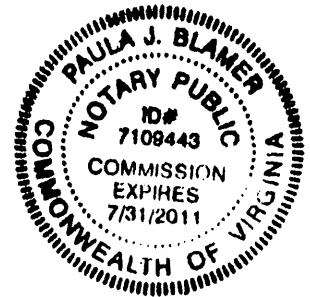
I, the undersigned authority, a Notary Public in and for the State and County aforesaid, certify that **Douglas P. Stanley, County Administrator**, whose name is signed to the foregoing Declaration of Rezoning Request Proffer, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.

Given under my hand this 14<sup>th</sup> day of January 2008.

My Commission Expires: 7-31-2011

My Certificate #: 7109443

  
Notary Public



000091 JAN 16 8

**REZONING REQUEST PROFFER**

***MARLOW INVESTMENTS, LC  
NORTH RIVER DISTRICT***

**[Property as identified on tax map 12B, as section 2, block 5, as lots 1 through 4,  
as section 2, block 6, as lots 1 through 4]**

**Preliminary Matters**

Pursuant to Section 15.2-2296 et. Seq., of the Code of Virginia, 1950, as amended, and the provisions of the Warren County Zoning Ordinance with respect to conditional rezoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Warren County, Virginia, shall approve Rezoning Application # **R2005-12-01** for the rezoning of .5623 +/- acres from the Residential One (R-1) to Commercial (C), the following proffer statement is made by the applicant. Development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and approved by the Warren County Board of Supervisors in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors or assigns.

**Monetary Contribution**

At the time of issuance of each building permit, the applicant/assigns shall contribute ten cents (\$0.10) per gross square foot of floor area for the North River Volunteer Fire Company to assist in its capital improvement program.

**Site Plan Elements**

1. **Architectural/Building Materials.** All structures shall be designed to meet the following standards:
  - a. All buildings within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
  - b. Materials utilized for the facades of the buildings shall include but not be limited to concrete masonry units (CMU) brick, architectural block, wood siding, metal, fluted block, tile, concrete tile, dryvit, or other simulated stucco (EFIS), real or simulated wood and/or glass.
  - c. All buildings within the development shall include as design elements stone or faux stone façade accents and standing seam metal roofs.



000092 JAN 16 8

2. **Project Screening**
  - a. Rooftop mechanical units shall be screened by architectural features which are compatible with building facade architecture.
  - b. Service and delivery loading docks shall be screened from direct view from Route 340/522.
  - c. Parking lot landscaping shall be provided in accordance with the Warren County Zoning Ordinance standards as set forth in the Warren County Code.
  - d. All utility service lines, such as electric, telephone, cable, television, or other similar lines serving individual pad sites, shall be placed underground.
3. **Outside Storage**
  - a. Outdoor trash receptacles shall be screened from view in a manner architecturally compatible with buildings on site.
4. **Landscaping**
  - a. The applicant shall comply with the landscape requirements of the Warren County Code.
5. **Transportation**
  - a. The applicant shall provide dedication along the frontage with Route 340/522 on all properties in his ownership, to allow for the addition of a third southbound through lane and to accommodate future construction and shall be for the depth of land needed, but not to exceed 25' in depth.
6. **Utilities**
  - a. The applicant shall provide public sewer and water service to the property at its own cost. Utility easements for future extension of utilities shall be granted in mutually agreeable locations to Warren County prior to any land transfer on Riverton property.
7. **Storm water Management**
  - a. The applicant shall provide stormwater management per the regulations of the Commonwealth of Virginia and Warren County.
  - b. The stormwater management areas shall be as generally depicted on the "Generalized Development Plan" subject to final engineering.
  - c. "Best Management Practices" shall be used as applicable to this project in order to protect the environment.
  - d. The property shall be developed using the Virginia Department of Conservation and Recreation's Technical Bulletin No. 2- "Hydrologic Modeling in Karst".
8. **Other**
  - a. The applicant specifies that the use of the subject property shall be limited to the following:
    - (1) Auto sales and auto parts
    - (2) General retailing and wholesaling
    - (3) Office

000093 JAN 16 8

- (4) Restaurant
- (5) Convenience
- (6) Hotel or motel
- (7) Personal service establishment such as barbershop, laundry or financial institutions.

- b. The applicant specifies that no use shall be established at the subject property which provides for diesel fuel sales to commercial tractor trailer type trucks.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Warren County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Warren County Code.

Respectfully submitted,  
MARLOW INVESTMENTS, LC

By: *[Signature]* By: \_\_\_\_\_  
Date: 8-28-2006 Date: \_\_\_\_\_

STATE OF VIRGINIA, AT LARGE  
WARREN COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of August, 2006, by *John K. Marlow*.

My commission expires September 30, 2009  
Notary Public *Cathy J. Dennis*

INSTRUMENT #080000325  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
JANUARY 16, 2008 AT 12:36PM

JENNIFER R. SIMS, CLERK  
RECORDED BY: SWN *[Signature]*



OFFICIAL RECEIPT  
WARREN COUNTY CIRCUIT  
DEED RECEIPT

DATE: 01/16/08 TIME: 12:36:58 ACCOUNT: 187CLR080000325 RECEIPT: 08000000658  
CASHIER: SWN REG: WK35 TYPE: OTHER PAYMENT: FULL PAYMENT  
INSTRUMENT : 080000325 BOOK: PAGE: RECORDED: 01/16/08 AT 12:36  
GRANTOR: WARREN COUNTY VIRGINIA EX: N LOC: CO  
GRANTEE: MARLOW INVESTMENTS LC EX: N PCT: 100%  
AND ADDRESS :  
RECEIVED OF : COUNTY OF WARREN  
CHECK: \$16.00 226313  
DESCRIPTION 1: PROFFER DECLARATION PAGES: 5  
2: NAMES: 0  
CONSIDERATION: .00 A/VAL: .00 MAP:  
PIN:  
301 DEEDS 14.50 145 VSLF 1.50

TENDERED : 16.00  
AMOUNT PAID: 16.00  
CHANGE AMT : .00

CLERK OF COURT: JENNIFER R. SIMS

PAYOR'S COPY  
RECEIPT COPY 1 OF 2

## **DECLARATION OF REZONING REQUEST PROFFER**

The Declarant, the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia, pursuant to Sections 15.2-2296, -2297, -2298 of the Code of Virginia, 1950, as amended, does hereby declare the attached Rezoning Request Proffer of Marlow Investments, LC, North River District, on that 1.0 +/- acres on the property (the "Property") of the said Marlow Investments, LC, in North River Magisterial District, generally described as Tax Map 12B, as Section 1, Block 1, as lots 1 through 5, and as Section 1, Block 2, as lots 1 and 2, to be the voluntary proffer in writing by the owner, Marlow Investments, LC, of reasonable conditions as part of the rezoning or amendment to the zoning map of the Property from Residential One (R-1) to Commercial (C) such that development of the Property shall be done in conformity with the terms and conditions set forth in said Rezoning Request Proffer.

The conditions proffered in said Rezoning Request Proffer shall be binding upon heirs, executors, administrators, assigns and successors in interest of the owner, Marlow Investments, LC. The proffered conditions shall apply to the Property and run with the land as to the Property in additions to the other requirements set forth in the Warren County Code.

*[SIGNATURE PAGE TO FOLLOW]*

WARREN COUNTY, VIRGINIA  
LAND RECORDS

000017 AUG 13 8

Witness the following signature:

**COUNTY OF WARREN, VIRGINIA**

By:   
Douglas P. Stanley, County Administrator

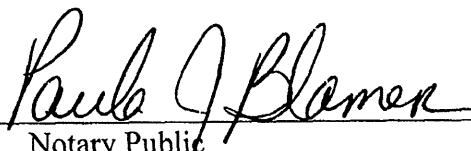
State of Virginia  
County of Warren, to-wit:

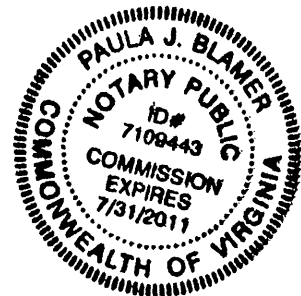
I, the undersigned authority, a Notary Public in and for the State and County aforesaid, certify that **Douglas P. Stanley, County Administrator**, whose name is signed to the foregoing Declaration of Rezoning Request Proffer, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.

Given under my hand this 7<sup>th</sup> day of August, 2008.

My Commission Expires: 7-31-2011

My Certificate #: 7109443

  
Notary Public





OFFICIAL RECEIPT  
WARREN COUNTY CIRCUIT  
DEED RECEIPT

DATE: 08/13/08 TIME: 10:49:00 ACCOUNT: 187CLR080005275 RECEIPT: 08000009365  
CASHIER: CGH REG: WK35 TYPE: OTHER PAYMENT: FULL PAYMENT  
INSTRUMENT : 080005275 BOOK: PAGE: RECORDED: 08/13/08 AT 10:49  
GRANTOR: COUNTY OF WARREN EX: N LOC: CO  
GRANTEE: MARLOW INVESTMENTS EX: N PCT: 100%  
AND ADDRESS :  
RECEIVED OF : COUNTY OF WARREN  
CHECK: \$16.00 229214  
DESCRIPTION 1: PAGES: 7 O/P 0  
2: NAMES: 0  
CONSIDERATION: .00 A/VAL: .00 MAP:  
PIN:  
301 DEEDS 14.50 145 VSLF 1.50  
TENDERED : 16.00  
AMOUNT PAID: 16.00  
CHANGE AMT : .00

CLERK OF COURT: JENNIFER R. SIMS

PAYOR'S COPY  
RECEIPT COPY 1 OF 2

000018 AUG 13 2006

**REZONING REQUEST PROFFER**

***MARLOW INVESTMENTS, LC  
NORTH RIVER DISTRICT***

**[Property as identified on tax map 12B, as section 1, block 1, as lots 1 and 5 and as section 1, block 2, as lots 1 and 2**

**Preliminary Matters**

Pursuant to Section 15.2-2296 et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Warren County Zoning Ordinance with respect to conditional rezoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Warren County, Virginia, shall approve Rezoning Application # R2006-05-01 for the rezoning of 1.0 +/- acres from the Residential One (R-1) to Commercial (C), the following proffer statement is made by the applicant. Development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and approved by the Warren County Board of Supervisors in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors or assigns.

**Monetary Contribution**

At the time of issuance of each building permit, the applicant/assigns shall contribute ten cents (\$0.10) per gross square foot of floor area for the North Warren Volunteer Fire Company to assist in its capital improvement program.

**Site Plan Elements**

1. **Architectural/Building Materials.** All structures shall be designed to meet the following standards:
  - a. All buildings within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
  - b. Materials utilized for the facades of the buildings may include but not be limited to concrete masonry units (CMU) brick, architectural block, wood siding, metal, fluted block, tile, concrete tile, dryvit, or other simulated stucco (EFIS), real or simulated wood and/or glass.
  - c. All buildings within the development shall include as design elements stone or faux stone façade accents and standing seam metal roofs.

2. **Project Screening**
  - a. Rooftop mechanical units shall be screened by architectural features which are compatible with building facade architecture.
  - b. Service and delivery loading docks shall be screened from direct view from Route 340/522.
  - c. Parking lot landscaping shall be provided in accordance with the Warren County Zoning Ordinance standards as set forth in the Warren County Code.
  - d. All utility service lines, such as electric, telephone, cable, television, or other similar lines serving individual pad sites, shall be placed underground.
3. **Outside Storage**
  - a. Outdoor trash receptacles shall be screened from view in a manner architecturally compatible with buildings on site.
4. **Landscaping**
  - a. The applicant shall comply with the landscape requirements of the Warren County Code.
5. **Transportation**
  - a. Old Hill and Dale Road. The applicant shall dedicate any right of way along the Property frontage with Old Hill and Dale Road necessary to ensure that an adequate road connection can be made between Route 522/340 and the future parallel collector road as indicated on the GDP. Said right of way dedication shall be made prior to site plan approval. (See 1 on GDP)
6. **Utilities**
  - a. The applicant shall provide public sewer and water service to the property at its own cost. Utility easements for future extension of utilities shall be granted in mutually agreeable locations to Warren County prior to any land transfer on Riverton property.
7. **Storm water Management**
  - a. The applicant shall provide stormwater management per the regulations of the Commonwealth of Virginia and Warren County.
  - b. "Best Management Practices" shall be used as applicable to this project in order to protect the environment.
  - c. The property shall be developed using the Virginia Department of Conservation and Recreation's Technical Bulletin No. 2- "Hydrologic Modeling in Karst".



000020 AUG 13 8

RECEIVED

JUL 06 2006

Planning & Zoning Dept.

**8. Other**

a. The applicant specifies that the use of the subject property shall be limited to the following:

- (1) Auto sales and auto parts
- (2) General retailing and wholesaling
- (3) Office
- (4) Restaurant
- (5) Convenience
- (6) Hotel or motel
- (7) Personal service establishment such as barbershop, laundry or financial institutions.

b. The applicant specifies that no use shall be established at the subject property which provides for diesel fuel sales to commercial tractor trailer type trucks.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Warren County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Warren County Code.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

JUL 06 2006

000021 AUG 13 2006

Planning & Zoning Dept.

Respectfully submitted,  
MARLOW INVESTMENTS, LC

By:

John K. Marlow

Date:

6-15-06

STATE OF VIRGINIA, AT LARGE  
WARREN COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July, 2006, by John K. Marlow.

My commission expires

31 May 2008

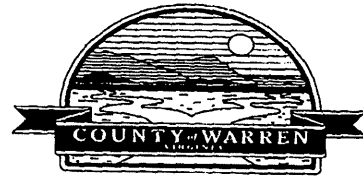
Notary Public

Linda De Neighbors

I WAS COMMISSIONED AS LINDA A. GRIFFEY.

000022 AUG 13 8

# Resolution



*of the Board of Supervisors of Warren County*

**AN ORDINANCE OF THE  
WARREN COUNTY BOARD OF SUPERVISORS  
TO AMEND THE WARREN COUNTY ZONING MAP AND REZONE  
THE PROPERTY IDENTIFIED ON TAX MAP 12B, AS SECTION 1,  
BLOCK 1, AS LOTS 1 AND 5 AND AS SECTION 1, BLOCK 2, AS LOTS 1  
AND 2, FROM RESIDENTIAL ONE (R-1) TO COMMERCIAL (C)**

**Whereas**, the applicant has asked the Board of Supervisors to rezone and change the zoning map classification of the property identified on tax map 12B, as section 1, block 1, as lots 1 and 5 and as section 1, block 2, as lots 1 and 2 from Residential One (R-1) to Commercial (C), and


**Whereas**, the Future Land Use Map of the Warren County Comprehensive Plan specifically identifies this area to be used for mixed uses, and

**Whereas**, the applicant has offset the impact of the development by proffering certain conditions to the County, and

**Whereas**, the Warren County Planning Commission has found that the requested rezoning is required and appropriate for the public necessity, convenience, and general welfare and is good zoning practice.

**BE IT FINALLY RESOLVED AND ORDAINED** that the Warren County Board of Supervisors amends the zoning map and changes the zoning classification of the subject property identified on tax map 12B, as section 1, block 1, as lots 1 and 5 and as section 1, block 2, as lots 1 and 2 from Residential One (R-1) to Commercial (C), and as depicted on the attached map, and containing approximately one (1.00) +/- acres from Residential One (R-1) to Commercial (C) as shown on the attached plan of development and with the conditions proffered by the applicant.

Adopted: August 15, 2006

  
Clerk, Board of Supervisors  
County of Warren, Virginia

INSTRUMENT #080005275  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
AUGUST 13, 2008 AT 10:49AM

JENNIFER R. SIMS, CLERK  
RECORDED BY: CGH



000052 FEB 11 8  
REZONING REQUEST PROFFER

***MARLOW & SILEK INVESTMENTS, LLC  
NORTH RIVER DISTRICT***

**[Property as identified on tax map 12B, as section 1,  
block 2, as lots 3,4,5,6,7,8 and 9**

**Preliminary Matters**

Pursuant to Section 15.2-2296 et. Seq., of the Code of Virginia, 1950, as amended, and the provisions of the Warren County Zoning Ordinance with respect to conditional rezoning, the undersigned applicant hereby proffers that in the event the Board of Supervisors of Warren County, Virginia, shall approve Rezoning Application #R 2007-05-01 for the rezoning of approx. (.76) acres from the Residential One (R-1) to Commercial (C), the following proffer statement is made by the applicant. Development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and approved by the Warren County Board of Supervisors in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the applicant and their legal successors or assigns.

**Monetary Contribution**

At the time of issuance of each building permit, the applicant/assigns shall contribute ten cents (\$0.10) per gross square foot of floor area for the North River Volunteer Fire Company to assist in its capital improvement program.

**Site Plan Elements**

1. **Architectural/Building Materials.** All structures shall be designed to meet the following standards:
  - a. All buildings within the development on the property shall be constructed using compatible architectural style and materials, and signage for such buildings shall be of a similar style and materials.
  - b. Materials utilized for the facades of the buildings shall include but not be limited to concrete masonry units (CMU) brick, architectural block, wood siding, metal, fluted block, tile, concrete tile, dryvit, or other simulated stucco (EFIS), real or simulated wood and/or glass.
  - c. All buildings within the development shall include as design elements stone or faux stone façade accents and standing seam metal roofs.

000053 FEB 11 8

**2. Project Screening**

- a. Rooftop mechanical units shall be screened by architectural features which are compatible with building facade architecture.
- b. Service and delivery loading docks shall be screened from direct view from Route 340/522.
- c. Parking lot landscaping shall be provided in accordance with the Warren County Zoning Ordinance standards as set forth in the Warren County Code.
- d. All utility service lines, such as electric, telephone, cable, television, or other similar lines serving individual pad sites, shall be placed underground.

**3. Outside Storage**

- a. Outdoor trash receptacles shall be screened from view in a manner architecturally compatible with buildings on site.

**4. Landscaping**

- a. The applicant shall comply with the landscape requirements of the Warren County Code.

**5. Transportation**

- a. Route 340/522. The applicant shall provide a 200' left turn lane with 200' taper from north bound Route 340/522 at its intersection with Diamond Ridge.
- b. The applicant hereby agrees that an access-egress plan to serve neighbor properties to the north and south of shall be prepared and approved by Warren County and VDOT during the site plan approval process. All work on existing VDOT rights-of-way and on the subject property shall be at the applicant's expense.

**6. Utilities**

- a. The applicant shall provide public sewer and water service to the property at its own cost. Utility easements for future extension of utilities shall be granted in mutually agreeable locations to Warren County prior to any land transfer on Riverton property.

**7. Storm water Management**

- a. The applicant shall provide stormwater management per the regulations of the Commonwealth of Virginia and Warren County.
- b. The stormwater management areas shall be as generally depicted on the "Generalized Development Plan" subject to final engineering.
- c. "Best Management Practices" shall be used as applicable to this project in order to protect the environment.
- d. The property shall be developed using the Virginia Department of Conservation and Recreation's Technical Bulletin No. 2- "Hydrologic Modeling in Karst".

**8. Other**

000054 FEB 11 8

- a. The applicant specifies that the use of the subject property shall be limited to the following:
  - (1) Auto sales and auto parts
  - (2) General retailing and wholesaling
  - (3) Office
  - (4) Restaurant
  - (5) Convenience
  - (6) Hotel or motel
  - (7) Personal service establishment such as barbershop, laundry or financial institutions.
- b. The applicant specifies that no use shall be established at the subject property which provides for diesel fuel sales to commercial tractor trailer type trucks.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant and Owner. In the event the Warren County Board of Supervisors grant said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Warren County Code.

Respectfully submitted,  
MARLOW & SILEK INVESTMENTS, LLC

By: [Signature]

By: \_\_\_\_\_

Date: Oct 24, 2007

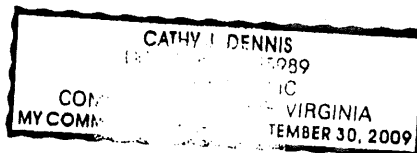
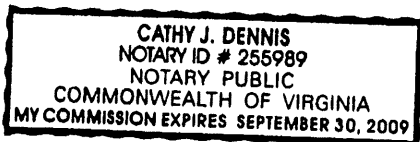
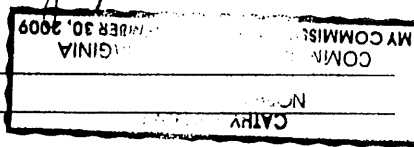
Date: \_\_\_\_\_  
INSTRUMENT #080000921  
RECORDED IN THE CLERK'S OFFICE OF  
WARREN COUNTY ON  
FEBRUARY 11, 2008 AT 11:20AM

STATE OF VIRGINIA, AT LARGE  
WARREN COUNTY, To-wit:

JENNIFER R. SIMS, CLERK  
RECORDED BY: AMM

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of October, 2007, by Cathy J. Dennis.

My commission expires \_\_\_\_\_  
Notary Public \_\_\_\_\_





OFFICIAL RECEIPT  
WARREN COUNTY CIRCUIT  
DEED RECEIPT

DATE: 02/11/08 TIME: 11:20:46 ACCOUNT: 187CLR080000921 RECEIPT: 08000001698  
CASHIER: AMM REG: WK35 TYPE: DEC PAYMENT: FULL PAYMENT  
INSTRUMENT : 080000921 BOOK: PAGE: RECORDED: 02/11/08 AT 11:20  
GRANTOR: COUNTY OF WARREN EX: N LOC: CO  
GRANTEE: MARLOW & SILEK LLC EX: N PCT: 100%  
AND ADDRESS :  
RECEIVED OF : COUNTY OF WARREN  
CHECK: \$16.00 226763  
DESCRIPTION 1: SEC 1 BLOCK 2 LOTS 3 4 5 6 7 8 9 PAGES: 5  
2: NORTH RIVER MAGISTERIAL DIST NAMES: 0  
CONSIDERATION: .00 A/VAL: .00 MAP:  
PIN:  
301 DEEDS 14.50 145 VSLF 1.50  
TENDERED : 16.00  
AMOUNT PAID: 16.00  
CHANGE AMT : .00

CLERK OF COURT: JENNIFER R. SIMS

PAYOR'S COPY  
RECEIPT COPY 1 OF 2

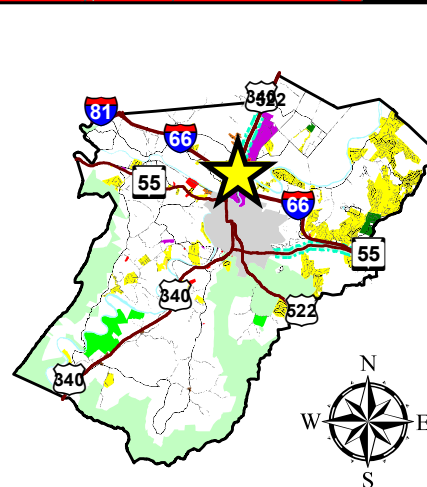
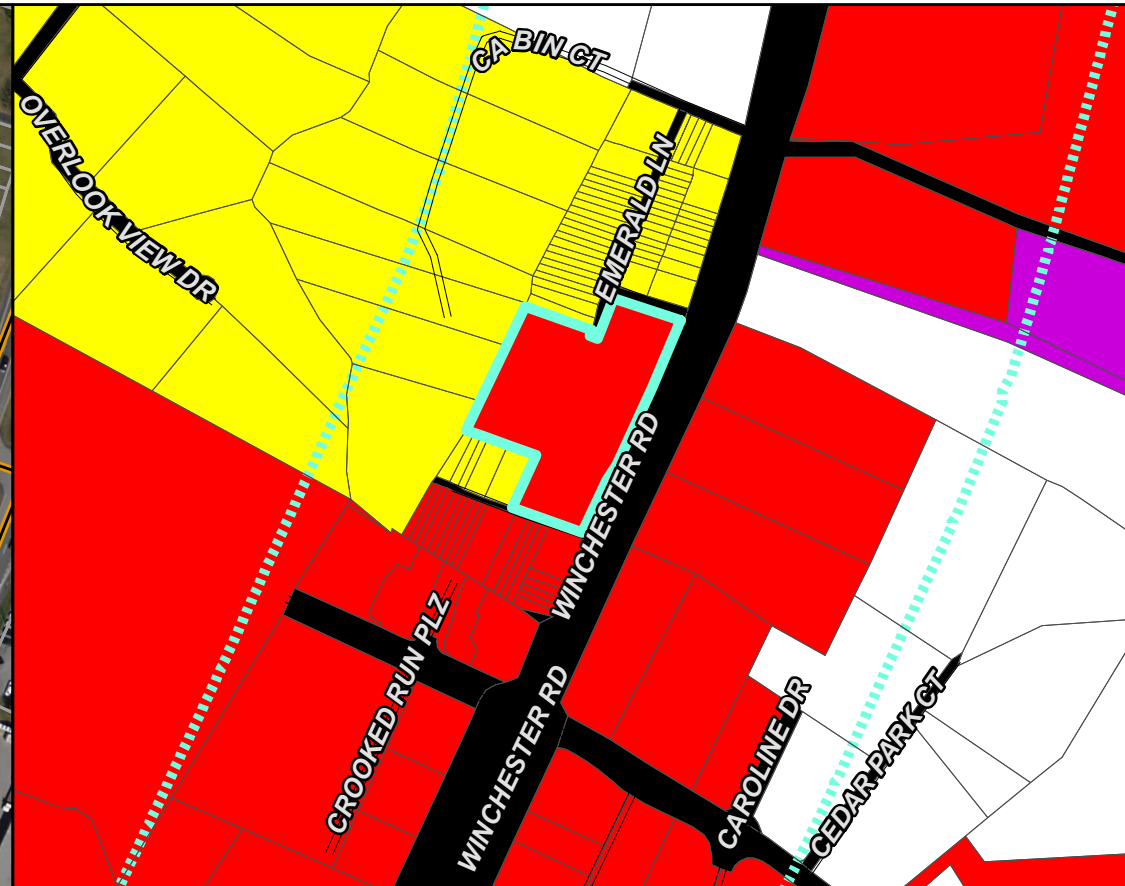
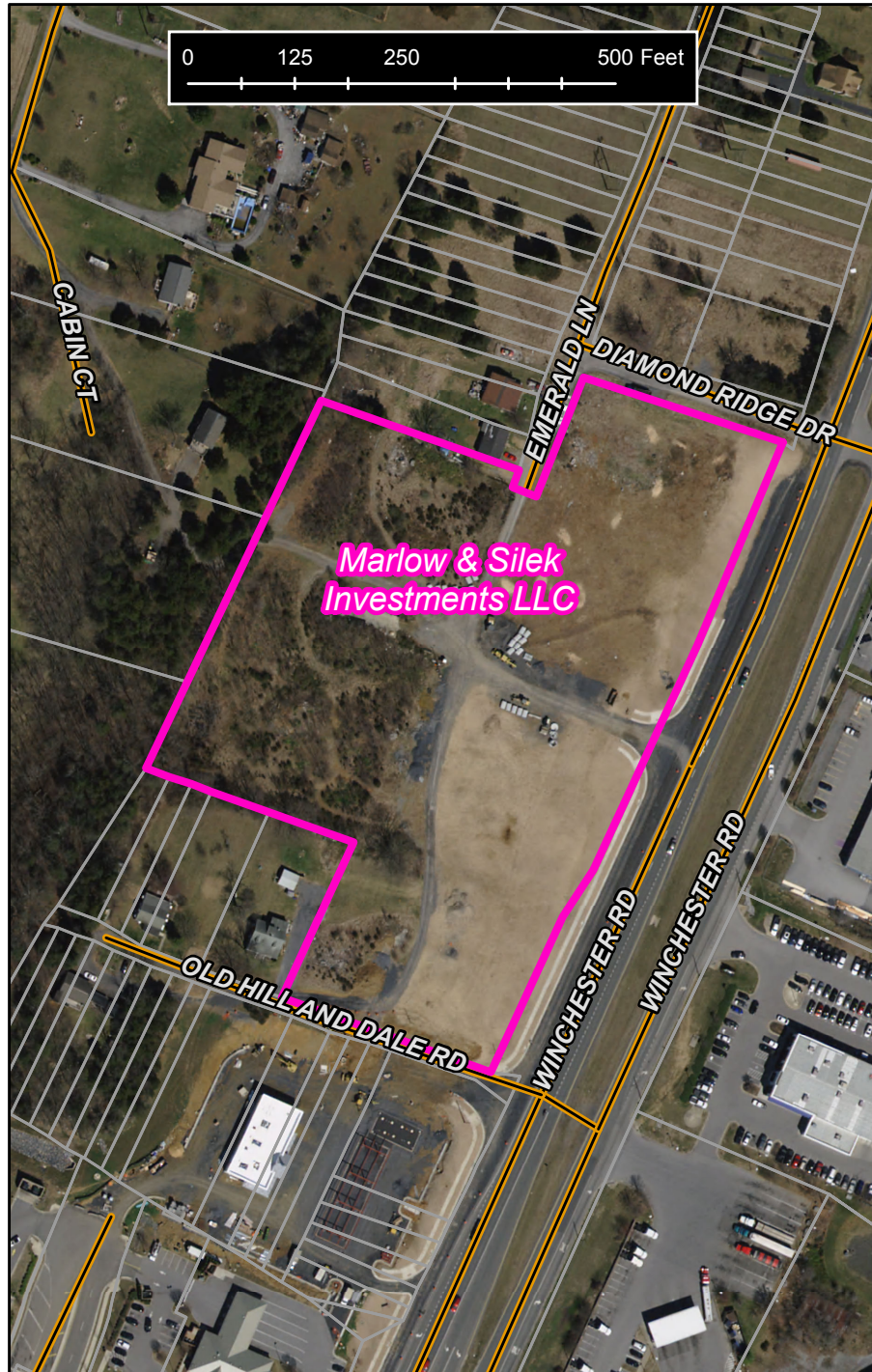




# Warren County Location Map

Marlow & Silek Property

TM 12B--1-1---1  
7.619 acres



Legend	
	Overlay District
	Agricultural
	Commercial
	Industrial
	Residential One
	Residential Two
	Suburban Residential
	Village Residential
	Rural Residential
	Right of Way
	Front Royal
	Federal Land
	State Land
	Water
	Rest Area

Map produced by  
Warren County GIS  
February 2021



# COUNTY OF WARREN, VIRGINIA

## BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
03/02/2021	<b>L</b>	Authorization to Submit Application to the FY2020, Staffing for Adequate Fire and Emergency Response Grant Program	1 of 2

### **EXPLANATION & SUMMARY:**

The Department of Fire and Rescue Services is seeking approval of the Warren County Board of Supervisors to submit an application to FEMA's Staffing for Adequate Fire and Emergency Response (SAFER) grant program. SAFER was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of the program is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA (NFPA 1710 and/or NFPA 1720). This year's grant round will provide approximately \$355 million for the program and approximately 300 awards are expected to be made. The projected award/start date for funding is September 30, 2021 and the period of performance is 36 months. This year's grant award has no matching fund requirements for the period of performance.

At the direction of the Fire Chief's Advisory Committee which voted unanimously at a special meeting on February 24, 2021 to recommend the Fire Chief seek approval of the Board of Supervisors to apply for funding for eighteen (18) full-time firefighter positions. Grant funding will cover the salary and benefits for new, additional positions or the changing of status of part-time positions, but is not intended to supplant existing funding. Using the current salary and benefits rates for a entry level firefighter (Grade 6 Step A) an amount of \$80,436.77 will be used for each position requested. Using the guidelines of the program, potential funding and County Cost Share requirements are shown below:

	Salary/Benefits for 18 Full-Time Firefighters	SAFER Funding Percentage	SAFER Funding Amount	County Cost Share
Year 1	\$1,447,862	100%	\$1,447,862	\$180,000
Year 2	\$1,447,862	100%	\$1,447,862	\$36,000
Year 3	\$1,447,862	100%	\$1,447,862	\$36,000
Years 4+	\$1,447,862	0%	\$0.00	\$1,483,862

Any new positions that are funded through this grant program will be assigned to fire stations based on the 5-Year Staffing Plan as amended by the Fire Chiefs Advisory Staff which includes the staffing of Fortsmouth Fire Station #8 and Shenandoah Shores Fire Station #5 (both stations are currently unstaffed and volunteer dependent) and the increase staffing at Front Royal Station #1 (currently staffed with two career staff positions daily), thus increasing their daily staffing to 4 total positions, 24/7/365.

### **COST & FINANCING:**

As outlined above, the estimated local funding for these 18 positions for the 36 month period of performance is a estimated cost of \$252,000 in cost associated with the hiring of new positions (uniforms, personal protective equipment, 1582 physicals, etc.) with 100% of the entry level salary and benefits for this period being covered 100% by the grant funds. Once the 36 month performance period is over, the County will be responsible for 100% of the costs associated with each newly created position if they chose to retain them.

If the County is successful in being awarded funding to implement these new positions, a grant agreement will be presented to the Board for acceptance so that members are made aware of the exact amount of local funding that will be required before making a commitment. Funding for the County's cost share will be requested through the Warren County Department of Fire and Rescue Services' budget request process.

**PROPOSED OR SUGGESTED MOTION:**

I move that the Board of Supervisors authorize the Department of Fire and Rescue Services to submit, on behalf of the County of Warren, an application to FEMA's FY-2020 Staffing for Adequate Fire and Emergency Response (SAFER) grant program seeking funding for eighteen (18) new full-time firefighter positions.

OR

I move that the Board of Supervisors authorize the Department of Fire and Rescue Services to submit, on behalf of the County of Warren, an application to FEMA's FY-2020 Staffing for Adequate Fire and Emergency Response (SAFER) grant program seeking funding for \_\_\_\_\_ new full-time firefighter positions.

OR

I move that the Board of Supervisors table the request for further discussion.

**SUBMITTED BY:**

James G. Bonzano, II  
Fire Chief

**DISPOSITION OF BOARD:**

☐ **APPROVED**   ☐ **OTHER (Describe)**

**PROCESSED  
BY:**

**Motion to be Made Going into Closed Meeting**

I move the Board enter into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”), the Town of Front Royal, the *EDA vs. Jennifer McDonald, et al.*, the *Town of Front Royal vs. the EDA, et al.*, and other potential claims and litigation relating to other possible liabilities of the EDA and the recovery of EDA funds and assets.

- - -

**Motion to be Made Coming out of Closed Meeting**

I move that the Board certifies to the best of each member’s knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(7) and (A)(8) 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.