

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 23rd
- 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 8th 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 31st. 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 11th. 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 27th and 28th. Park staff completed bush hogging the common area in Rockland Park on February 4th. 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 31st and February 1st. 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 29th in preparation of winter storm. Park crew (small) worked two shifts on January 31st, and all park staff worked one shift on February 1st. 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 1st and County park parking lots on February 2nd. Park staff checked all County facilities (parking lots and sidewalks) for ice (treated if needed) on February 2nd. Park staff followed the same procedures during snow and ice storms on February 7th, 10th and 11th.

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.