

At a special meeting of the Warren County Board of Supervisors held in the Warren County Government Center on May 25, 2021 at 5:00 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; Jordan Bowman, Counsel; and Emily Ciarrocchi, Deputy Clerk of the Board

Closed Session – Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act for the discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, and resignation of a specific public officer of the public body; he further moved that discussion be limited to the County Administrator:

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

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711(A)(1) 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:

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

Request – Contract and Employment of County Administrator

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors hired Edwin C. Daley as County Administrator at a salary of \$163,000 per year effective immediately, and further approved the Employment Agreement between Edwin C. Daley and Warren County:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye; Carter, No

Adjournment

Mrs. Cullers adjourned the meeting at 5:25 PM.

At a special meeting of the Warren County Board of Supervisors held in the Warren County Government Center on May 25, 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, County Administrator; Taryn G. Logan, Deputy County Administrator; Jordan Bowman, Counsel; David Beahm, Building Official; Mark Butler, Sheriff; Caitlin Jordan, Joe Petty, Planning Director; and Emily Ciarrocchi, Deputy Clerk of the Board

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

Public Hearing – Reconsideration of Rezoning Request R2020-10-01, Dudding Commercial Development, LLC, for a Portion of Land Identified on Tax Map 31 as Parcel 39 from Agricultural (A) to Commercial (C) – Joe Petty

Joe Petty, Planning Director, reported the applicant 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 zoning district, as well as an automobile filling station. A convenience store is also permitted by-right, but we have classified similar operations under the general retailing use (Royal Farms and 7-Eleven). The site is currently being used as a school bus stop/turn around, although there is no formal agreement with the property owner. The applicant is proposing to construct a paved cul-de-sac for use as a bus turnaround and a student shelter area, along with approximately 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.

At a joint meeting and public hearing on February 10, 2021, the Planning Commission voted 3-1 recommending approval of the rezoning to the Board of Supervisors, and the Board voted 3-2 to deny the rezoning request.

Jerime Dudding, developer of the proposed Sheetz, thanked the Board for the opportunity to reconsider the rezoning request and introduced Hank Slicker, Real Estate Site Selector with Sheetz, Inc.

Mr. Slicker said Sheetz was attracted to this location because of the number of commuters who pass through the area and the fact that the property stands at the interchange of a major interstate (I-66). He reviewed the key points from the presentation that was delivered to the Board at the February 10, 2021 public hearing, including putting the remaining 8.55 +/- acres into conservation easement, the construction of a bus turnaround and shelter to specifications provided by Warren County Public Schools, the approval of the Traffic Impact Analysis by the Virginia Department of Transportation, and the philanthropic activities of Sheetz as a company.

Mr. Mabe any other location being considered in Warren County, not at this time; in site plan there is a bus stop, how many cameras installed, typically 48 and doing another 8-12 for the bus turnaround area (preliminary number), will not have on-site security, there will be additional lighting in the area

Mr. Mabe screening questions, Mr. Dudding during site plan review County will have input, a lot is anticipation and preliminary

Mrs. Cullers sky sign, no we won't, architect has proposed a 50 square foot sign on the retaining wall, not high profile, maybe 10-12 feet tall at the most

Mrs. Cullers opened the public hearing.

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

- David Morales
- Felicia Warner
- Robert Hicks
- Iris Mensing
- David Nadzam
- Cathy Myers
- Steven Ontiveros
- Denisa Scott
- Gino Genari
- Leslie Johnson
- Kelly Dunn
- Elisabeth Kim
- Aaron Keller
- Gary Kushner
- Pat Payne
- Senie Byrne
- Jennifer Preli
- Scott Nohilly
- Reverend Arlene Butler
- Anthony and Carrie Karashowsky
- Hillary Chester-Peedin and JonMichael Peedin
- Elizabeth Pinner and Pernille Brandt
- Stephanie, Kenneth, and Jason Short
- Stacy and Brian Hawkey
- Breann and Michael Oaxaca
- Erin and Jim Miceli
- Brian Grupac
- Bryan Wright
- Erica Gates
- Mary Ryan
- Melissa Callahan
- Deanne DePyper
- Chris Anderson
- Felicity Smoot
- Jason Cagle
- Frank Heselton

Mrs. Ciarrocchi also read comments submitted from the following individuals in support of the reconsideration of the proposed rezoning application:

- Kermit King
- James Sine

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

Mr. Mabe made a motion to deny the rezoning request of Dudding Commercial Development, LLC, but Jordan Bowman, counsel for the Board, stated there is no motion necessary as the rezoning request was already denied. Mr. Mabe then withdrew his motion.

Mr. Carter made a motion to postpone consideration of this matter until the regular meeting of June 15, 2021, which was seconded by Mr. Fox for further discussion.

Mr. Carter stated his main focus for reconsidering this request was to try and come up with a bus stop for the parents and the children in the area. The Transportation division of Warren County Public Schools and the Virginia Department of Transportation came up with a ballpark estimate of \$100,000 as a preliminary figure for a bus stop, which became a moot point because VDOT did not have the necessary right-of-way for the bus stop.

Mrs. Oates said she did not understand why this request would be reconsidered simply for a bus stop. The Board does not make decisions about bus stops; this should have gone to the School Board. She is confused because the rezoning request and the bus stop are two separate issues, and Mr. Carter noted the bus stop was part of the proffers submitted by the Sheetz developers, which was the most viable option submitted at the time. He still believes it is the most viable option, and he is not sure what the responsibilities of the School Board are to the County's residents to provide a physical bus stop. Mrs. Cullers believes it is unfair to the Sheetz developers and all the residents who came to this meeting to hang on a while longer when this is really about a bus stop and not a rezoning request.

The motion to postpone this rezoning request passed by the following vote:

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

Adjournment

Mrs. Cullers adjourned the meeting at 8:47 PM.