

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on July 02, 2024, at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Jerome K. Butler, Vice Chair (Happy Creek District); Victoria L. Cook, (Fork District); John W. Stanmeyer (Shenandoah District), and Richard A. Jamieson (North River District) also, Dr. Edwin Daley, County Administrator; Jason Ham, County Attorney; Jane Meadows, Deputy County Administrator; Mike Berry, Director of Public Works; Chase Lenz, Zoning Administrator, Matt Wendling, Planning Director; Kayla Darr, Human Resources Manager; Zach Henderson, Deputy Clerk of the Board

Call to Order:

Ms. Cullers called the meeting to order at 7:04 PM

Adoption of the Agenda:

Ms. Cullers added Item P – “Discussion to Authorize the County Administrator and Finance Director to act as Fiscal Agenda for the EDA” to new business. Dr. Daley stated that Item N4 “Authorization to Advertise for Public Hearing - CUP2024-06-02 - Public Protection Facility” be stricken from the agenda due to it not being ready yet.

On a motion by Ms. Cook, seconded by Mr. Butler, and the following vote, the agenda was approved as amended.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

Public Comment Period: *(below is a list of citizens who spoke at the public comment period)*

- John Jenkins – voiced his concerns about the proposed firing range, emphasizing the negative impact on the citizens and their safety, and was critical of the applicants and administration, and the overall legalities.
- Drew Baggarly – voiced his concerns about the proposed firing range and suggested alternative areas and programs such as ESA Lane.
- Jeff Baggarly – voiced his concerns about the proposed firing range, emphasizing its proximity to his own property as well as issues with potential noise and safety concerns.
- Leslie Mathews – voiced her concerns about the proposed firing range, emphasizing former Sheriff Butler’s attempts for a firing range, and the prior administration’s response as well potential safety concerns.
- Thomas Sayre – vocally submitted a FOIA request for the documents that show when the Board voted to cover EDA loan payments in a Public Form.
- Martha Buracker – advocated for the Browntown Fire and Rescue Sub-Station and its importance for the community their as well as its benefits and need.
- Anne Miranda - thanked the Board for their decision on the Budget regarding Public Schools but emphasized the need to lower taxes and to cut County spending.
- Micah Zappe - voiced his concerns about the proposed firing range emphasizing issues with potential noise and safety concerns.
- Matthew Perdie – thanked the Board for their decision on the Budget regarding Public Schools but emphasized the need to lower taxes and to cut County spending.
- Peter Scofield - voiced his concerns about the proposed firing range, and inquired about the next steps in its process given that it was stricken from the current agenda.
- Diane Popik - voiced his concerns about the proposed firing range, emphasizing issues with potential noise and safety concerns in proximity to her property.

Mr. Butler reported the following:

- No Report given

Mr. Stanmeyer reported the following:

- Attended the Town/County Joint Transportation and Infrastructure Committee meeting

Ms. Cullers reported the following:

- Also attended the Town/County Joint Transportation and Infrastructure Committee meeting
- Attended a Community Development meeting
- Toured the Andreae family property that was donated to the County
- Did a walkthrough of the Indian Hollow Boat Landing with Ms. Meadows
- Addressed some of the public's concerns regarding the proposed firing range and her stance on the matter in correlation to prior attempts.

Dr. Jamieson reported the following:

- No Report given

Ms. Cook reported the following:

- No Report given

Dr. Daley reported the following:

- Stated that the reason the Authorization to Advertise for the Gun Range was struck from the agenda is because it is not ready, and has yet to go in front of the Planning Commission, nor is there a report from DEQ etc.

Mr. Ham reported the following:

- No report given

Approval of Minutes:

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the minutes for June 11th, 2024, were approved as presented:

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Public Hearings:**Lease Agreement of 262 Fishnet Blvd.**

Mr. Berry stated that the County would like to lease property located at 262 Fishnet Blvd., Front Royal, VA 22630 to Lucas Oliver, for \$900 per month and the providing of certain services by the Lessee.

Ms. Cullers opened the public hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Ms. Cook, seconded by Mr. Stanmeyer, and the following vote, the Board approved the lease of 262 Fishnet Blvd., Front Royal, VA 22630 with Lucas Oliver for a monthly rent of \$900.00 and the providing of certain services by the Lessee.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Lease Agreement of Hangar A5 to Rich Payne:

Mr. Berry stated that the County would like to lease Hangar A5 located at 229 Stokes Airport Rd., Front Royal, VA 22630 to Rich Payne for the monthly rent of \$350.00.

Ms. Cullers opened the public hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Ms. Cook, seconded by Mr. Butler, and the following vote, the Board approved the lease of Hangar A5 located at 229 Stokes Airport Rd., Front Royal, VA 22630 with Rich Payne for a monthly rent of \$350.00.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

Z2024-05-01 - Storage of Cars, Boats and RV's - Pennoni, Inc. - Robert & Vivian Lake - A request to amend Chapter 180 of the Warren County Code to amend §180-8C to add a definition for Storage of Cars, Boats and Recreational Vehicles, to amend §180-21D to add Storage of Cars, Boats and Recreational Vehicles as a use allowed by conditional use permit in the Agricultural zoning district, and to enact §180-56.5 to add supplementary regulations for Storage of Cars, Boats and Recreational Vehicles.

Mr. Lenz stated that this ordinance to amend Chapter 180 of the Warren County Code to amend §180-8C to add a definition for storage of cars, boats and recreational vehicles, to amend §180-21D to add storage of cars, boats and recreational vehicles as a use allowed by conditional use permit in the Agricultural (A) zoning district, and to enact §180-56.5 to add supplementary regulations for storage of cars, boats and recreational vehicles. This zoning text amendment application was submitted by Pennoni, Inc. and will be followed by a conditional use permit application for this proposed use for a property zoned Agricultural (A).

The storage of cars, boats and recreational vehicles is currently only permitted in conjunction with rental and storage of moving vans and trailers by conditional use permit in the Commercial (C) zoning district. The commercial use was adopted to the zoning ordinance on August 19, 2003, with no definition or supplementary regulations. The proposed zoning text amendment adds only the commercial storage of cars, boats and recreational vehicles as a use permitted by conditional use permit in the Agricultural (A) district with a new definition and supplementary regulations.

The proposed definition for storage of cars, boats and recreational vehicles is *a facility or lot utilized for storage of cars, boats and recreational vehicles in exchange for compensation. This use shall comply with the supplementary regulations set forth in § 180-56.5 of this chapter.*

Ms. Cullers opened the public hearing and the applicant, Robert Lake, stated that this lot is a former storage lot for his business and would now like to utilize it as a service for the community.

There were no additional comments from the Board or public and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved the proposed amendment.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

CUP2024-05-01- Pennoni, Inc. - Robert and Vivian Lake - Owners - A request for a conditional use permit for Storage of Cars, Boats and Recreational Vehicles.

Mr. Wendling stated that the applicant is requesting a Conditional Use Permit for the Storage of Cars, Boats, and Recreational Vehicles. The property is located at 3434 Guard Hill Road in the North River Magisterial District. The property is 18.522 acres in size and is zoned Agricultural (A). The proposed storage area consists of an existing workshop and garage for the owner's personal use and will have an area for outdoor storage of vehicles, which will be fenced for security purposes. The applicant has submitted a zoning text amendment, which, if approved, will add "Storage of Cars, Boats, and Recreational Vehicles" as a use permitted by Condition Use Permit in the Agricultural (A) district with a new definition and supplementary regulations. The concept plan shows that the parking area projects into the adjacent lot, which is owned by the applicant. Planning Staff recommends that the applicant modify the concept plan to meet the setbacks in the proposed ordinance.

Ms. Cullers opened the public hearing and the applicant, Robert Lake, stated that in terms of any leakage, he would follow the same protocol as other storage areas in the County.

There were no additional comments from the Board or public and the hearing was then closed. On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the Board approved the conditional use permit request of Pennoni, Inc. and Robert and Vivian Lake for Storage of Cars, Boats and Recreational Vehicles with the conditions as recommended by the Planning Commission and staff.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

R2024-05-01 - Turker Investments, LLC - Greenway Engineering - A request to amend the Warren County Zoning Map to rezone a 5.0-acre parcel from Agricultural (A) to Commercial (C).

Mr. Wendling stated that the property is located at the corner of (0) Cabin Court and Winchester Rd. in Cedarville and identified on tax map #12 as lot 33. The property is in the North River Magisterial District. The property is currently zoned Agricultural (A) and the applicant is requesting that the property be zoned to Commercial (C) in order to develop a proposed restaurant, strip retail center and brew pub with a drive-thru beer-liquor store which are by-right land-uses. The property is identified in the Comprehensive Plan's Future Land-Use map to be Commercial. The subject property is located in part in the Highway Corridor Overlay District located to the north of Cabin Ct. and the Residential-One zoned Hill & Dale Subdivision. The applicant is proposing the rezoning of the property for a restaurant and retail land-uses and the concept plan for this property specifically identifies areas of future development for a retail strip plaza, restaurant, a brewery tap room (bar) and drive thru liquor store which are by-right uses in the Commercial zoning district.

Ms. Cullers opened the public hearing and a representative from Greenway Engineering, Marissa Whitaker, spoke to the Board emphasizing the intended use being commercial such as retail office space, and the potential for a restaurant drive through.

Catherine Turner then spoke to the Board requesting how she should gather information about the properties intended use and what could potentially go there, without having to attend Board meetings.

There were no additional comments from the public or Board and the hearing was then closed.

On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the Board approved the request to rezone and change the zoning map classification of the property identified on tax map 12 as parcel 33 from Agricultural to Commercial and to accept the proffers as submitted by the applicant.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

SV2024-05-01 - Subdivision Variance - Samuel & Margaret Smith - A request for a variance from Warren County Code §155-3.B(1)(b) of the Subdivision Ordinance to allow the voluntary transfer of a proposed family subdivision lot to an immediate family member within the required five (5) years of having held fee simple title to the property.

Mr. Wendling stated that the applicants are requesting a variance to Warren County Code §155-3.B(1)(b)[2] of the Subdivision Ordinance to allow the voluntary transfer of a proposed subdivided lot to an immediate family member within the required five (5) years of having held fee simple title to the property. The applicants originally acquired the property from Elvin Coe in December 1986 and was operated as Twin Oaks Mobile Home Park and titled in their names. Then after 12 years they transferred the deed to their Sam-Mag Properties LLC in 1998 for liability reasons and because an additional 10 acres were added to the original 47.72-acre parcel for a total of 57.72 acres. In August 2023 they applied for an exempt subdivision to subdivide 21.16 acres of the parent tract and it was deeded back in their names. It is the County's opinion that the date for having the fee simple title to the property start at the last recordation of a deed for the property which would be August 2023. The applicants would like to be able to subdivide the property this year in order to deed the lots to their family members and are willing to have the additional time placed on the family subdivision plats to compensate for the full 10-year window of ownership. Staff would recommend that, if the Planning Commission recommended and the Board approved the request, the condition be placed on the subdivision plat that the lot may not be voluntarily transferred to a non-immediate

family member for at least nine (9) years after approval of the family division plat in lieu of the required five of five years to subdivide and five years to transfer outside the family.

Ms. Cullers opened the public hearing and the applicant, Margaret Smith, spoke to the Board stating that they had the property for a long time and would like to break off lots and pass it to their grandchildren.

There were no additional comments from the Board or public and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Mr. Stanmeyer, and the following vote, the Board approved the variance request of Samuel & Margaret Smith to allow for a variance from Code Section 155-3B(1)(b) to allow a family subdivision with the condition as recommended by the Planning Commission and staff.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

Consent Agenda:

1. Authorization to Advertise for Public Hearing - CUP2024-06-01 - Kyler Yancey, Lindsey Wiley & Elmer Smith - A request for a conditional use permit for a Home Enterprise.
2. Authorization to Advertise for Public Hearing - Z2024-06-02 - Contractor Storage Yard - Warren County Planning Staff - A request to amend Chapter 180 of the Warren County Code to amend §180-8C to add a definition for Contractor Storage Yard, to amend §180-21D(48) to add Contractor Storage Yard as a use allowed by conditional use permit in the Agricultural (A) zoning district, to amend §180-28D(10) to amend the Yard for Storage of Coal, Lumber, Building Materials, or Contractors' Equipment listed use in the Industrial (I) zoning district, and to enact §180-43.3 to add supplementary regulations for Contractor Storage Yard.
3. Authorization to Advertise for Public Hearing - Z2024-06-01 - Definition of Fairground - Warren County Planning Staff - A request to amend Chapter 180 of the Warren County Code to amend §180-8C to add a definition for Fairground, to amend §180-21B(4) to repeal the Noncommercial Fairground listed by right use in the Agricultural (A) zoning district, and to enact §180-21D(49) to add Fairground as a use permitted by conditional use permit in the Agricultural (A) zoning district.
4. Authorization to Advertise for Public Hearing - CUP2024-06-02 - Public Protection Facility - Warren County Sheriff's Office - Sheriff Crystal Cline - A request for a conditional use permit for a Public Protection Facility for use as a police firearms training range. **(Struck)**
5. Revised Job Description for Director of Parks and Recreation. **(Removed for Discussion)**
6. Memorandum of Agreement for Support for Chester Gap Volunteer Fire Department Inc.
7. Revised Job Description and reporting structure for Comprehensive Services (CSA) Coordinator

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved the Consent Agenda as amended to remove item #5 for discussion.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

N-5. Revised Job Description for Director of Parks and Recreation:

Ms. Darr stated that the changes are to the essential function and typical tasks which now read, "provides leadership direction and general administrative oversight to the Parks and Recreation department and employees responsible for the development, maintenance and the operation of the County Park system ground and structures, preservations of open spaces and scenic environments and the preservation of leisure activities, services to citizens of all ages. Works with advisory boards, elected officials and other agencies to develop master plans and long-range plans. Oversees all Parks and Rec programs and projects for the County ensures the fiscal wellbeing of the department by establishing cost control measures and monitoring all fiscal operations of the department and supervises and directs the activities of the use of public recreation facilities such as the pool, athletic fields, courts, playgrounds, parks, inspections of the park systems daily."

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved the revisions of the job description for the Director of Parks and Recreation.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Kroger National Opioid Settlement:

Mr. Ham stated that this is approximately \$82,000 payable by Kroger and its various corporate entities over 11 years. This requires specific approval because Kroger isn't one of the entities that was sued but the County's Attorney, but Kroger wants a National Settlement of everybody. Therefore, this must be passed via Resolution and 95% of it must be spent on opioid remediation.

Ms. Meadows stated that over a 20-Year period, it will be a little over \$2 Million that will be allocated that must be for opioid remediation and abatement, and the County is putting a program together so that the County will be able to comply with all the settlements.

On a motion by Mr. Butler, seconded by Ms. Cook, and the following vote, the Board adopted a Resolution of the Warren County Board of Supervisors and County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directing the county attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

Item P - Discussion to Authorize the County Administrator and Finance Director to act as Fiscal Agenda for the EDA.

On a motion by Ms. Cook, seconded by Mr. Stanmeyer, and the following vote, the Board authorized the County Administrator and the Finance Director, either of whom may act or are authorized to take all actions necessary to enable the County to comply with the Agreement for Fiscal Agency Services.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Adjournment:

On a motion by Mr. Butler, seconded by Mr. Stanmeyer, and the following vote, the meeting adjourned at 8:40 PM.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye