Minutes
Board of Supervisors
Regular Meeting
March 15, 2016

Members Present:	Johnny Woodward, Chairman At-Large David Wiatrowski, District 2 Mark Stroupe, District 3 Larry Foltz, District 4 Dorothy Pendley, District 5
Absent:	D. Keith Guzy, District 1
Staff Present:	Amity Moler, County Administrator Regina Miller, Assistant to the County Administrator Stephanie Lillard, Director of Community & Economic Development Ben Blevins, Budget Officer Nathan Miller, County Attorney

Call to Order:
Chairman Johnny Woodward called to order the regular meeting of the Page County Board of Supervisors on March 15, 2016, at 7:00 p.m. at the Stanley Elementary School located at 306 Aylor Grubbs Avenue, Stanley, VA 22851. The Call to Order was followed by the *Pledge of Allegiance* and Invocation given by Chairman Woodward. A quorum of the Board was present.

Adoption of the Agenda:
Motion: Supervisor Foltz moved to adopt the agenda. Supervisor Pendley seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Public Hearing – Special Use Permit – Mountain View Resort:
Chairman Woodward opened the public hearing on the special use permit for Mountain View Resorts, LLC, at 7:12 p.m.

Stephanie Lillard, Director of Community & Economic Development, said that Mountain View Resort is requesting a special use permit for approval of an outdoor commercial recreation activities. The Planning Commission held a public hearing on this and a recommendation has been made. The total acreage for all parcels equals 20.1 acres. The lazer tag area contains approximately one acre and is fenced and improved with lights, speakers and a small shed. This area is located on parcels 8 & 9. The remaining parcels currently contain a nature/hiking trail and will continue to be used as such. Access to the recreational areas will be solely through the existing campground entrance on U. S. Bypass 211.

In July 2015, a formal complaint was received about lazer tag activities on said property and it was believed that there was no special use permits issued. After investigating, a notice of violation was sent to Mountain View Resorts. On November 6, 2015, an application for a special use permit was received. No state agencies has objected to this special use permit; however, three responses were received from neighboring property owners. The concerns are the level of noise, the lights and trespassers.

On January 7, 2016, a majority of the Commissioners participated in a site visit, observing the music and lights as they would be set for normal business operation. On January 12, 2016, the Commissioners resumed discussion of the request for special use, noting their observations. Mark Reed, Attorney for Mountain View Resorts, advised the Commission that his client was willing to make reasonable changes. Mrs. Lillard continued to list the conditions that would be made in order for Mountain View Resorts to obtain the special use permit.

Mrs. Lilliard said that the letter sent by Mr. Joseph Vile with his concerns has been addressed.

Public Comments:
David Reed, Attorney for Mountain View Resorts, stated not only does Yogi Bear Campground employee over 100 people, but it also brings tourism revenue to Page County. The lazer tag facility was in existence at the time Mountain View Resorts purchased the property from the Rust family. The lazer tag facility is always staffed when games are in operation which occurs at night. The applicant has been through the review process with both the County staff, the outside agencies and the Planning Commission. Mr. Reed then presented his clients proposed conditions and read them aloud.

Amanda Moyer, Store Manager at Yogi Bear Campgrounds, said that many of the guests comment to her while in the store how much they like the lazer tag.

Dezarae Beers, General Manager at Yogi Bear Campgrounds, said that the lazer tag has really become popular since the improvements were made this year. Guests even ask about it when making reservations, and locals come to play as well.

Paula Vile, adjacent property owner, said that the lazer tag facility caused them stress and anxiety last year. She said they filed a complaint and wrote a letter which she feels has not been addressed and that Mountain View Resorts should not be rewarded by granting a special use permit when they were in violation.

Jesse Dodson indicated that he lives across the road from the campground and said since the new company has purchased the property there have been many problems. Loud noise, loud music, drones flying over his property coming from the campground. He added that he was to be invited to a lazer tag demonstration, which he said has not happened. He added that he is opposed to any extended time frames for lazer tag.

With no further comments from the public, Chairman Woodward closed the public hearing at 7:42 p.m.

Supervisor Wiatrowski asked what does the noise ordinance allow for the decibel level at night. Mrs. Lilliard responded that the maximum allowed decibel level is 62 until midnight. The reading at the 60% level, which was recommended by the Planning Commission was 44-48 decibels, with consideration to the wind that day. Supervisor Wiatrowski expressed that when he was at the site he could not hear any noise, but felt that three light issues still need to be addressed, changed from the bright white to yellow.

Chairman Woodward mentioned that it may be a good idea to plant some trees to serve as a sound barrier between the campground and the Vile's residence.

Supervisor Stroupe suggested that if canvas was hung on the southside of the towers with the lights it could totally eliminate any light going in the direction of the Vile's residence. He said this could be an inexpensive fix to the light issue. He noted that he could not hear any music during the lazer tag demonstration during the Board's site visit.

Motion: Supervisor Foltz moved that the Page County Board of Supervisors approve the Mountain View Resorts, LLC Special Use Permit Application to allow for outdoor commercial recreation uses, as permitted by the Page County Code, section 125-22, with the attached conditions. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

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SPECIAL USE PERMIT
MOUNTAIN VIEW RESORTS, LLC
TAX MAP # 44-3-4,5,6,7,8 & 9

1. The special use permit is transferable to new owners of the subject property, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of 30 years.

2. Mountain View Resorts, or its successor and/or assigns, shall be in compliance with all county and state agency regulations.

3. Business uses outside commercial recreational activities are prohibited.

4. Any change of use will require another special use permit.

5. The current lazer tag area and any expansions shall be surrounded by a privacy fence of existing height of seven feet and/or gates of at least four feet in height, with only one unfenced entrance area.

6. All flood lights within the lazer tag area shall be yellow in color and shall be downward facing and facing within the fenced area.

7. All speakers within the lazer tag area shall be downward facing.

8. All towers within the lazer tag area shall have a roof or cap at the top. No speakers or lights shall be mounted on or above these tower roofs or caps. No tower shall exceed 12 feet in total height as measured from the ground level at the base of the tower.

9. Lazer tag activity shall only be conducted between the hours of 9:00 a.m. to 10:00 p.m.

10. The sound levels generated by commercial recreational activities permitted under this SUP shall not exceed 48 decibels. (At 60% of the speaker level) and the reading shall occur at the entrance gate to the lazer tag area.

11. Any building or facilities constructed within the lazer tag area shall comply with the Page County Building Code in existence at the time of the construction.

12. Any increase in the size of the area or any enhancement or change of the use would require a new SUP.

13. This special use permit may be revoked upon material non-compliance with the terms of the permit or upon violation of any other relevant terms of the Zoning Ordinance of the County of Page, Virginia.

The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit conditions.

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Presentations, Proclamations and Awards:
Special Use Permit Update – River Run Campground:
Mrs. Lillard said that Mr. Baldwin submitted an application for a special use permit for an expansion of his existing primitive campground from 45 sites to 125 sites in May 2015. In June 2015, it went before the Planning Commission for a public hearing, at which point all of the comments from the State agencies had not been received. Mr. Baldwin had requested a waiver and in January the request had been denied. The Virginia Department of Health identified measures to be executed for approval of the proposed expansion. Mr. Baldwin is willing to work with the State, however it will take some time to complete. According to Code of Virginia, the Board is required to act within 12 months. Mr. Baldwin has submitted a written request to the County to postpone any

action on his application. Mr. Baldwin feels it will be at least October 2016 before he is ready to proceed. Mrs. Lillard said that staff recommends the Board of Supervisors postpone action until further notice.

Motion: Supervisor Foltz moved that the Page County Board of Supervisors postpone action, until October 2016, on the request for issuance of a special use permit to expand the River Run Campground. Supervisor Stroupe seconded and the motion carried by a vote of 5.0. Aye: Stroupe, Foltz, Pendley, Woodward, Wiatrowski. Nay: None. Absent: Guzy.

Public Comments on Agenda Items:
There were no speakers during Public Comments on Agenda Items.

Action Matters
Budget Changes:
Ben Blevins, Budget Officer, reviewed the budget changes with the Board.

Department	Description	Revenue Source	Expenditure	Amount
Page County Government	additional funding	Local Government	Page County Government	$40,085
Total				$40,085

Motion: Supervisor Wiatrowski moved to approve the GovDeals request by appropriating the amount of $40,085. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Foltz, Pendley, Woodward, Wiatrowski, Stroupe. Nay: None. Absent: Guzy.

Earth Day Request:
Mr. Blevins presented a request from the Earth Day on the Greenway Committee and said they have requested a donation of $1,000 to be used for advertising and purchasing of educational materials and t-shirts for sale to produce revenue for next year's event.

Motion: Supervisor Wiatrowski moved to approve $1,000 from the transient occupancy funds to be appropriated to the Earth Day on the Greenway Committee. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Pendley, Woodward, Wiatrowski, Stroupe, Foltz. Nay: None. Absent: Guzy.

Erroneous Assessment – FD Foods LLC:
Mrs. Moler explained a request was received from the Commissioner of the Revenue for the Board to approve a refund for an erroneous assessment of personal property to FD Foods LLC in the amount of $6,061.24 plus any penalty and interest. As adopted in a Resolution by the Board of Supervisors on September 19, 2006, the Treasurer is authorized to issue a refund to any applicant taxpayer if they were erroneously assessed a tax, not to exceed $2,500. Any refund amount which exceeds $2,500 must

be approved by the Board. The Commissioner of the Revenue has certified that the amount was assessed and paid by FD Foods LLC. The refund is for tax year 2015.

Motion: Supervisor Pendley moved to approve a refund to FD Foods LLC in the amount of $6,061.24, plus any penalty and interest and that the refund will be paid from the Board's Reserve. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Board and Commission Appointments:

Ms. Miller reviewed the Board and Commission appointment with the Board as follows:

Shenandoah Area Agency on Aging:

An individual needs to be appointed to fill a seat on the Shenandoah Area Agency on Aging. Supervisor Pendley has express interest on being on this board.

Motion: Supervisor Stroupe moved to appoint Dorothy Pendley to the Shenandoah Area Agency on Aging Board of Directors for a four year term through September 30, 2019. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

Social Services Board:

The term of Donnie Roudabush (District 4) expired on December 31st. He is eligible to serve a second, four year term or another individual can be appointed. The term would commence on January 1, 2016 and expire on December 31, 2019.

Motion: Supervisor Foltz moved to reappoint Donnie Roudabush (District 4) to the Social Services Board for a four year term from January 1, 2016 through December 31, 2019. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Pendley, Woodward, Wiatrowski. Nay: None. Absent: Guzy.

Stonyman Agricultural and Forestal District Advisory Committee:

It was noted that there are still three landowners that need to be appointed to this committee.

Motion: Supervisor Wiatrowski moved to appoint Cheryl Vile to the Stonyman Agricultural/Forestal District Advisory Committee. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Foltz, Pendley, Woodward, Wiatrowski, Stroupe. Nay: None. Absent: Guzy.

Motion: Supervisor Foltz moved to appoint Eric Croft to the Stonyman Agricultural/Forestal District Advisory Committee. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Pendley, Woodward, Wiatrowski, Stroupe, Foltz. Nay: None. Absent: Guzy.

Motion: Supervisor Wiatrowski moved to appoint Jenny Knight to the Stonyman Agricultural/Forestal District Advisory Committee. Supervisor Pendley and the motion

carried by a vote of 5.0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Consent Agenda:

Motion: Supervisor Pendley moved to approve the Consent Agenda as follows:

- Financial reports for the period of February 1-29, 2016;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling $1,343,583.93 for the month of February 2016;
- Minutes of February 2, 2016 and February 16, 2016.

Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

Old Business:

Chairman Woodward expressed that there has been concern about employees parking in the lower lot of the County Government Center close to the building and taking up spots that citizens could be parking in. Mrs. Moler said that she has addressed this with employees and it is mainly employees from one office that is parking in those spaces. Supervisor Foltz asked if we can ask that office to park on the side of the building to leave parking for citizens, and if not tow their vehicles. County Attorney Miller said that the County has a legal right to control the parking because the County owns the lot. Mrs. Moler said she would talk with the staff in the office again.

New Business:

There was no new business.

Open Public Comments:

Bernie Miller, Chairman of the Page County Planning Commission, commented regarding the special use permit for Mountain View Resorts. He said that the lazer tag would not have been an issue if not for the music and lights, he expects to see more of this. He suggested setting up a committee to change the ordinance.

Administrators Report:

Mrs. Moler reminded the Board of the joint meeting with the School Board on March 21st and said the departmental budget requests will be reviewed on March 24th as well as the school budget presentation. She said the Board of Equalization has had their organizational meeting and the ad will run in the paper informing the public of their meeting schedule. As of Monday, March 21st they will start taking appointments. The mobile mammography van will be coming on September 14th and this is open to the public as well as employees. She informed the Board that the GIS plotter has stopped working and a new one will need to be purchased to replace it. Lastly, she indicated that the insurance check has been received for the compactor at the landfill that caught fire. The amount received will not cover the cost of a new one, so a used one will have to be purchased and financed.

Supervisor Time:

All Board members thanked everyone for attending the meeting.

Closed Session: 9:05 p.m.
Supervisor Wiatrowski moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act for discussion of the award of a public contract involving the expenditure of public funds to the RSW Regional Jail Authority, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Authority, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia; and to discuss specific legal matters with counsel, where such matters require the provision of legal advice for the purpose of evaluation the proper legal position or action to be taken by the Page County Board of Supervisors on such matters pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Pendley, Woodward, Wiatrowski. Nay: None. Absent: Guzy.

Exit Closed Session: 10:45 p.m.
Motion: Supervisor Wiatrowski moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Stroupe seconded and the motion carried by a vote of 5.0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

Certification of Closed Meeting:
To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711 (A) of the Code of Virginia, 1950, as amended, and (ii) 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.

Recorded Roll Call Vote:

	AYE	NAY	ABSENT	ABSTAIN
D. Keith Guzy, Jr.			X	
David Wiatrowski	X			
Mark Stroupe	X			
Larry Foltz	X			
Dorothy Pendley	X			
Johnny Woodward	X			

Adjourn: 10:47 p.m.
With no further business, Chairman Woodward adjourned the meeting.

Johnny Woodward, Chairman

Amity Moler, County Administrator