

Minutes
Board of Supervisors
Regular Meeting
February 21, 2017

Members Present: Johnny Woodward, Chairman At-Large
David Wiatrowski, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Dorothy Pendley, District 5

Members Present Electronically: D. Keith Guzy, Jr., District 1

Planning Commission Members Present: Keith Weakley, Chairman, District 3
Paul Otto, District 1
Bernie Miller, District 1
Donnie Middletown, District 2
Jim Turner, District 3
James Holsinger, District 4
Josh Shifflett, District 5

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Nathan Miller, County Attorney

Call to Order:

Chairman Johnny Woodward called to order the regular meeting of the Page County Board of Supervisors on February 21, 2017, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray. Planning Commission Chairman Keith Weakley called the Planning Commission to order. The Call to order was followed by the *Pledge of Allegiance* and Invocation given by Supervisor Wiatrowski.

Electronic Participation in Meeting:

Chairman Woodward indicated that Supervisor Guzy will be unable to physically attend the Board meeting. Supervisor Guzy had said that he would be in another state on business relating to his employment and that he wished to participate in the meeting, through telephonic communications. Supervisor Guzy called in to participate in the meeting and his voice could be heard by all persons at the central meeting location.

Motion: Supervisor Stroupe moved to approve that Supervisor Guzy be allowed to participate electronically in the February 21, 2017 meeting. Supervisor Wiatrowski seconded and the motion carried by a vote of 6-0. Aye: Woodward, Guzy, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None.

Adoption of the Agenda:

Motion: Supervisor Stroupe moved to adopt the agenda, as presented. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Guzy, Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None.

Public Hearing:

Special Use Permit – Diane & Thomas Hirsch:

Chairman Woodward opened the public hearing on the Special Use Permit for Diane & Thomas Hirsch at 7:08 p.m. Planning Commission Chairman Keith Weakley opened the public hearing for the Planning Commission at 7:08 p.m. The public hearing was advertised as follows:

NOTICE OF JOINT PUBLIC HEARING
PAGE COUNTY PLANNING COMMISSION
AND BOARD OF SUPERVISORS
SPECIAL USE PERMIT REQUEST

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the PAGE COUNTY PLANNING COMMISSION and BOARD OF SUPERVISORS shall hold a joint public hearing, at 7:00 p.m., on February 21, 2017, in the Board of Supervisors Room, located in the County Administration Building, 2nd Floor, 103 South Court Street, Luray, VA., to receive public comments and to consider the following:

Diane and Thomas Hirsch are requesting a special use permit for their property located at 283 Pollock Road, Luray, further identified by tax map number 64-A-85. The applicant is requesting a special use permit for an event facility to host weddings and that it be granted, as provided in Section 125-9.D of the Page County Zoning Ordinance on the above referenced property.

Copies of the request and the Page County Zoning Ordinance may be inspected in the Department of Community Development, 103 South Court Street, Suite B, Luray, VA 8:00 a.m. to 4:00 p.m. Monday through Friday.

Stephanie Lillard, Director of Community & Economic Development, said that Diane and Thomas Hirsch submitted a special use permit application to develop a wedding venue at 283 Pollock Road, Luray. She noted that the property is zoned Woodland-Conservation (W-C) and is further identified as Tax Map #64-A-85. All agencies have submitted comments, to include Page County EMS/Luray Fire Department, and no objections were received. Certified letters were sent to all neighboring property owners, as required by Code, and one objection was received, from Allen and Rebecca Somers.

Mrs. Lillard read the letter aloud, which stated their concerns over the road width and farming smells and activities.

Public Comments:

Allen Somers said his farm is on the west side of the property, and he farms 24/7. Mr. Somers said he uses chicken litter and cow manure and does not want to be sued because he ruined a wedding due to farming operations. Pollack Road is a 30 foot right-of-way and this will be an issue for vehicles passing his farm trucks.

Diane Hirsch said they own 83 acres, which the primary purpose is to raise cattle. People want to come to the area to experience this; they want this environment; they know it's a farming community. She said she has invested funds into the road for improvements as requested by VDOT.

Chairman Woodward closed the public hearing at 7:16 p.m.
Planning Commission Chairman Keith Weakley closed the Planning Commission public hearing at 7:16 p.m.

Chairman Woodward asked if the road is wide enough for a bus or big truck.

David Atwood of VDOT said the road is 12 feet wide and to pass a tour bus or large truck would be difficult. There are some existing maintenance concerns, and VDOT is not expecting to increase maintenance on the road specific to this venue. The extra traffic during a wedding will have an impact to the neighborhood. However, from a global standpoint, the additional traffic would be equivalent to adding 2-3 homes on the road. The greatest concern is the width of the roadway. It would not be possible to widen the road. He pointed out that the improvements VDOT requested was at the entrance of the venue.

Supervisor Guzy said that he met with Mr. Atwood on Pollack Road and he had to pull into a neighbor's field in order to let a mail truck pass him. He feels the width of the road could have a big impact on the area.

Planning Commissioner Paul Otto asked Mr. Atwood to make a recommendation as to the maximum vehicle size for the events. Mr. Atwood said passenger cars would be adequate because anything wider could have an impact.

Planning Commissioner Joshua Shiflett asked if there was an option for improving the road. Mr. Atwood said there's always an option, but it is hard to improve within an existing 30 foot right-of-way.

Mrs. Hirsch said she would add a disclaimer on the lease form and website about possible farm odors.

Gerald Dovel of the Health Department said the Department does not have any issues with the proposed permit.

Mrs. Lillard read the proposed special use permit, with conditions as recommended by staff and the result of discussion during a previous Planning Commission meeting.

Discussion then ensued regarding the regulation of noise as recommended in the conditions. The question was raised why the Noise Ordinance wouldn't regulate the hours of noise on the property as opposed to establishing different times in the conditions. Mrs. Lillard suggested that the times suggested in the conditions would help Mrs. Hirsch with her business as well as farmers and adjoining property owners. Mrs. Hirsch expressed her concerns with limiting the noise level as proposed. She said that restricting her business beyond what is in the noise ordinance is not fair. She was asked if there would be an acceptable attendance number. Mrs. Hirsch replied that 200 people would be acceptable. She said that she was not designing the facility to handle more than 200 people per event.

When asked, Mr. Somers said he was fine with the conditions, but was still concerned with the width of the road. He expressed that he was not concerned with the noise from the events.

Planning Commissioner Jim Turner said the special use permit allows for varying conditions to be set forth and monitored, which is the purpose of the permit.

After discussion, Commissioners Jim Turner, Joshua Shifflett, Bernie Miller, Donnie Middletown, Jim Holsinger and Paul Otto were all in agreement to recommend the following changes to the permit conditions: #6 – Outdoor activities that include music, fireworks, or any noise shall only be conducted between the hours of 9:00 a.m. to 11:00 p.m. on Friday and Saturday and 9:00 a.m. to 10:00 p.m. any other day of the week; and #7 – No one event shall exceed two hundred in attendance.

Commissioner Otto asked how a stipulation in the event agreement would be worded concerning the adjacent farmers. County Attorney Miller indicated that it should be made a requirement that Mrs. Hirsch's contract with the parties using the facility would include a provision that they would be notified of the potential farm operation and waive any claim of any extraneous odors or noises.

Commissioner Weakley expressed concerns about the road. Given his concern, he said he could support a permitted 200 people per event. In addition, increasing the hours by one hour, as outlined, is a reasonable compromise.

Planning Commission Action:

Motion: Commissioner Holsinger moved to make the changes, as outlined, to the proposed permit conditions, changing the hours for noise from 9:00 a.m. to 11:00 p.m. on Friday and Saturday and 9:00 a.m. to 10:00 p.m. any other day of the week and to change the number of people in attendance for each event to 200 as well as adding the waiver stated by County Attorney Miller. Commissioner Miller seconded and the motion

passed by a vote of 7-0. Aye: Holsinger, Shifflet, Middleton, Otto, Turner, Miller, Weakley. Nay: None.

Supervisor Pendley and Supervisor Wiatrowski did not see a reason to restrict the hours for noise, but agreed with amending the conditions, so it is the same as noise ordinance.

Supervisor Guzy said he does not accept the recommendation of the Planning Commission.

Board of Supervisors Action:

Motion: Supervisor Stroupe moved to accept the Planning Commission's recommendation to approve the special use permit for Diane and Thomas Hirsch, but to change the condition regarding noise to be regulated and coincide with the Noise Ordinance. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-1. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: Guzy.

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Special Use Permit

Applicant: Stoneyman Valley Ranch, LLC

Purpose: Wedding Venue in Woodland Conservation Zoned District

Tax Map #: 64-A-85

1. This special use permit is transferable, it will meet with 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 fifty (50) years.
2. Stoneyman Valley Ranch, LLC, or its successor and/or assigns, shall be in compliance with all County and State agency regulations.
3. The applicant shall adhere to the development plat, unless stricter conditions or ordinances apply.
4. Any outdoor fires on the property shall be enclosed by a fire ring. All fire rings shall be enclosed by a non-flammable material at least 8" in height.
5. Any lighting that is provided on the property will be directed downwards, so as not to produce a glare onto adjoining properties.
6. Outdoor activities that include music, fireworks, or any noise shall only be conducted between the hours of 6:00 a.m. to 12:00 a.m. on Friday and Saturday and 6:00 a.m. to 11:00 p.m. any other day of the week.
7. No one event shall exceed two hundred (200) persons in attendance.
8. Events shall be limited to no more than three (3) per week.
9. No building, or parking/loading areas shall be located within 100 feet or any public right-of-way or property line.
10. 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 or the County of Page, Virginia. However, prior to the commencement of

any action to revoke this permit, the County shall notify the permit holder in writing of the material non-compliance or violation and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holders or when mailed by certified mail, return receipt requested, to the permit holders.

11. Any change of use or expansion of the business will require another special use permit.
12. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit conditions.
13. Stoneyman Valley Ranch, LLC, or its successor and/or assigns (lessors), shall advise each lessee that the full time farming operation(s) on neighboring properties may emit extraneous and obnoxious odors, sounds, and include operation of farm equipment and farm vehicles around the venue and further each lessee shall be required to execute a waiver, disclaimer and release or liability agreement relative to any adverse effects any farming operation may have on the lessee's use of lessor's property.

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Planning Commission Adjourn:

The Planning Commission adjourned their meeting at 8:47 p.m.

Recess: The Board took a brief recess at 8:47 p.m.

Reconvene: Chairman Woodward reconvened the meeting at 8:57 p.m.

(Clerks note: Supervisor Guzy left the meeting via teleconference at 8:47 p.m.)

Presentations, Proclamations & Awards:

TOT Funds Request/Luray-Page County Chamber of Commerce:

Gina Hilliard, Luray-Page County Chamber of Commerce President, gave a presentation requesting the remaining funds from the Transient Occupancy Tax (TOT) from fiscal year 2015-2016. She said the most successful advertising campaigns when funds allow is the digital marketing campaign that is to all of our major marketing areas. Mrs. Hilliard explained the website hits and who are clicking on the sites. She requested \$30,000 of the remaining TOT funds from last fiscal year, which would start the new digital marketing campaign earlier, and provide funding for search engine optimization. The new Chamber website will be going live in April.

Mrs. Moler pointed out that \$63,000 remains in the TOT funds from fiscal year 2016.

Motion: Supervisor Foltz moved to approve funding to the Luray/Page County Chamber of Commerce \$30,000 from FY2016 TOT funds. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Pendley, Woodward, Wiatrowski. Nay: None. Absent: Guzy.

VDOT Update:

Don Komara, VDOT Harrisonburg Resident Engineer, updated the Board on VDOT projects in the County. He said that drainage on gravel roads is a big problem. If the water can be diverted away from the roads then they last longer and can handle the traffic. However, this often means that there needs to be a deeper ditch, which makes the road narrower. He then reviewed some of the activities. State Route 615 (Serenity Ridge Road) will be in the works this summer. State Route 701 (Peach Orchard Road) has been staked and hopefully will begin next year. The turnaround at the end of Fox Hollow Road is a possible rural addition project. He said the turnaround is 175 feet shorter than what is recorded in the Courthouse. He said they will need to make necessary repairs to make it legal. Turn arounds were built on State Route 664 (Steam Hollow Road) and State Route 627 (Jordan Hollow Road). A box culvert was installed on State Route 642 and it looks good. He said they have a pipelining contract, which is where they have existing pipes under the road. There are four on Route 340 north of Luray and four on Route 211. These are existing culverts that have some problems inside them and they are planning to place a liner inside it. There will be lane closures with these projects. If these pipes fail, it will crush and cause the road to drop. The Cub Run bridge project is going well and he passed around pictures for the Board to see. Mr. Komara reviewed the current maintenance projects. He apologized for Aylor Grubbs Avenue and the turning lane on Route 340 north for not making the Smart Scale Project list. The Main Street Bridge in Luray received State of Good repair money so hopefully it will be started in the next year or so.

Supervisor Stroupe asked about repairs to the bridge on Route 602. Mr. Komara said it has been reinforced so the timber trucks can use, but they are planning to secure it more.

Chairman Woodward indicated that he has received several calls about Dovel Hollow road and asked about installing guardrails. Mr. Komara said he will take a look at it and get back to the Board.

Supervisor Foltz inquired about paving Mt. Carmel Road and Mr. Komara said he would do a cost analysis on it and see what can be done in the future.

Mr. Komara discussed the Smart Scale project that was submitted by the County for funding. He said the project did not score high enough to receive funding. He said the Board may want to consider future projects to submit for the next process and he will work with them on how to approach them for funding.

Public Comments on Agenda Items:

Mike Uram of Stanley commented on the Aylor Grubbs Avenue project, signage and growth in the County.

Action Matters:

Disabled Veterans Tax Relief – Roger Roll:

Becky Smith, Commissioner of the Revenue, stated that Roger Roll requested a refund for the Veteran's Tax Relief for Disabled Veterans in the amount of \$4,525.68. Mr. Roll supplied all the necessary paper work, as required.

Motion: Supervisor Stroupe moved to approve a refund to Mr. Roger A. Roll under the disabled veteran's tax relief in the amount of \$4,525.68, plus interest. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Foltz, Pendley, Woodward, Wiatrowski, Stroupe. Nay: None. Absent: Guzy.

Budget Changes:

Dennis Click, Budget Officer, said the Page County School Board requested an appropriation of \$22,596 in new state grant funding, and \$6 in local appropriations due to a typographical error in Finance that shorted the overall motion by \$6 in the last Board of Supervisor's meeting. The Page County Sheriff's Department requested an appropriation of \$280 in additional local funds generated by Project Lifesaver. None of the appropriations presented required a local match. There is no increase in county funding. He recommended appropriation of all new state grant funding and local proceeds.

Motion: Supervisor Stroupe moved to approve the appropriation of the new state grants and local funds in the amount of \$22,882. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Pendley, Woodward, Wiatrowski, Stroupe, Foltz. Nay: None. Absent: Guzy.

Supplemental Appropriations Approved:

Department	Funding Type	Description	Revenue Source	Expenditure	Amount
Page County Public Schools	State	Additional Funding	BEE Grant Program (501-0000-318.03-04)	Instruction (501-6101-511-50.00)	\$22,596.00
Page County Public Schools	Local	Additional Funding	PCTC Donations (501-0000-318-99.30)	Operations & Maintenance (501-6401-514-50.00)	\$6.00
Sheriff's Office	Non-Governmental	Additional Funding	Project Lifesaver (101-0000-319.02-03)	Crime Prevention (101-3130-431.60-19)	\$280.00
Total					\$22,882.00

Board and Commission Appointments:

Regina Miller, Assistant County Administrator, reviewed the appointments with the Board:

Economic Development Authority:

The District 4 seat is vacant on the EDA. An individual needs to be appointed to a four year term from February 1, 2017 through January 31, 2021.

Supervisor Foltz indicated that he was working on finding an individual for the appointment. It was deferred until the March meeting.

Northwestern Community Services Board:

A vacancy exists on the Board. Linda Gray (CSA Coordinator) has expressed that she is willing to serve on the Board representing Page County. The appointment would be for three years expiring on December 31, 2019.

Motion: Supervisor Foltz moved to appoint Linda Gray to the Northwestern Community Services Board, for a three year term from January 1, 2017 through December 31, 2019.

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

Planning Commission:

The term of Bernie Miller (District 1) expired on January 11th. He is eligible to serve another four year term from January 12, 2017 through January 11, 2021. Supervisor Guzy would like to reappoint him. In addition, the District 4 seat is vacant due to Sue McNulty's resignation. Another individual needs to be appointed to fill an unexpired term through January 11, 2019.

Motion: Supervisor Stroupe moved to reappoint Bernie Miller (District 1) to the Planning Commission for a four year term from January 12, 2017 through January 11, 2021. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

The District 4 appointment was deferred until the March meeting.

Consent Agenda:

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

- Financial reports for the period of January 1-31, 2017;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$2,243,450.75 for the month of January 2017;
- Minutes of January 3, 2017 and January 17, 2017.

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

Old Business:

Sign Ordinance Update:

County Attorney Miller said the U. S. Supreme Court has ruled that the County cannot control the language on signs because it is a restriction of freedom of speech. He said a

template for a sign ordinance has been developed and he has provided this to Mrs. Moler and staff. He pointed out that approximately 25%-50% of the County's current sign ordinance is illegal or void based on the U.S. Supreme Court ruling. Mr. Miller said he has sent all the information to Mrs. Lillard to revise it.

New Business:

Twice a Year Billing for Public Service Companies:

Becky Smith, Commissioner of the Revenue, said she receives a report from the Department of Taxation in September of each year that reflects the value of public service companies as of January 1. That is when her staff prepares the public service book for Mrs. Gray, Treasurer, to do the billings for December 5. If the Board changes to billing twice a year for public service companies then it may involve exonerations or refunds because they would have to go by what was done the prior year. Then, once the report comes out in September they may have to refund them if the values have changed.

Penny Gray, Treasurer, said that Supervisor Foltz had asked her if she could think of any other new revenue streams, which is when she looked at public service revenues for the past two fiscal years for public service real estate. She said in 2013 the County generated \$546,000; in 2014, it was \$558,000; in 2015, it was \$578,000; and, in 2016, it was \$594,000 received from public service real estate. Based on last year's assessment, it would generate an additional \$297,000 for a one time windfall if it were implemented this fiscal year. Then in September when the Commissioner of the Revenue receives the book from the state she would have to adjust the ones with changes.

Count Attorney Miller said there would need to be a public hearing and an ordinance put adopted by the Board to bill twice a year to public service companies.

The Board was in consensus to get more information from the Commissioner of the Revenue and Treasurer before making a decision.

Zoning Ordinance Amendment (Definitions) – Schedule Hearing:

Mrs. Moler said a public hearing is requested to re-amend the definitions section of the Zoning Ordinance. When the Board adopted the Zoning Ordinance amendments on October 18, 2016, several definitions were inadvertently omitted, which were junk, junkyard, automobile graveyard and visible.

Motion: Supervisor Foltz moved to schedule a public hearing for March 21, 2017 to re-amend Section 125-4 (Definitions) of the Zoning Ordinance. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0. Aye: Foltz, Pendley, Woodward, Wiatrowski, Stroupe. Nay: None. Absent: Guzy.

Zoning Ordinance Discussion – Number of Dwellings in Ag Zone:

Supervisor Stroupe said he was contacted by a constituent who had a parcel with multiple mobile homes on it. Several mobile homes were removed from the property

and at some point the Zoning Ordinance was amended and the property owner was informed that he had two years to put the mobile homes back on the property. He said the property owner did not do so in the two years and he now wants to put two mobile homes back on the property. Supervisor Stroupe suggested that the Planning Commission review a possible amendment to the Zoning Ordinance to allow for this and make a recommendation back to the Board.

Open Public Comments:

There were no speakers during Open Public Comments.

Administrator's Report:

Mrs. Moler said the Sheriff's Office needs to be commended on the recent audit conducted Department of Corrections. She said there are 118 state standards and the jail received 100%. Next, she highlighted that the supplemental tax bills that go back three years have gone out and if all is collected it will be \$234,000 in additional revenue. Departmental budget meetings have been completed, and she will be presenting the proposed budget to the Board on March 7, 2017.

Supervisors Time:

Supervisor Pendley said she feels the Board is fair to all when it comes to special use permits.

Supervisor Foltz said he is working on an appointment to the Planning Commission for District 4, but it is extremely hard to get anyone interested in serving.

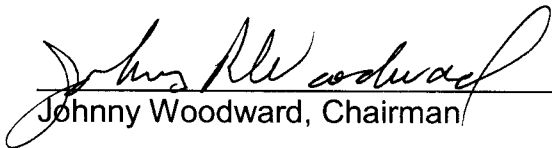
Supervisor Stroupe said that we need to get the community to come together to make a change.

Supervisor Wiatrowski thanked the Treasurer and Sheriff's Department for all their hard work and time.

Chairman Woodward said he thinks the County has a wonderful staff and works well with everyone.

Adjourn: 10:20 p.m.

With no further business, Chairman Woodward adjourned the meeting.



Johnny Woodward, Chairman



Amity Moler, County Administrator