

Minutes  
Board of Supervisors  
Work Session  
March 5, 2019

Members Present: Morgan Phenix, Chairman At-Large  
D. Keith Guzy, Jr., District 1  
David Wiatrowski, District 2  
Mark Stroupe, District 3  
Larry Foltz, District 4  
Jeff Vaughan, District 5

Staff Present: Amity Moler, County Administrator  
Regina Miller, Assistant County Administrator  
Michael Helm, Esquire, Miller, Earle & Shanks PLLC  
Janeena Zalipski, Office Aide

**Call to Order:**

Chairman Morgan Phenix called to order the work session of the Page County Board of Supervisors on March 5, 2019, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray. The Call to order was followed by a Moment of Silence and the *Pledge of Allegiance* led by Supervisor Vaughan.

**American Legion Post 22 Anniversary:**

Richard Worrell, Adjutant for the The American Legion, Miller-Campbell-Baker Post #22, informed the Board that The American Legion is celebrating the national organization's 100<sup>th</sup> year of service to all veterans. As Post #22 is celebrating this once-in-a-lifetime event the Post is also anticipating raising funds to put towards the replacement of the building's roof which is 40 years old. To accomplish these goals, an American Legion Centennial celebration dinner is planned for Sunday, March 31, 2019, at the new restaurant Payton's Place, located at 219 West Main St., Luray. Social hour will begin at 1:00 p.m. During this time, attendees may socialize and view various military artifacts that the Post has collected over the year's representative of the various wars our county has fought. Dinner will follow promptly at 2:00 p.m. Mr. Worrell invited the Board to attend, as well as the public.

**Special Use Permit Review – Shawnee Farms, LLC:**

Tracy Clatterbuck, Zoning Administrator, explained that Shawnee Farms, LLC has filed an application for a special use permit to operate an event facility located at 2816 Old Forge Road, Luray, VA. The property is improved with a farmhouse, a large barn, and other numerous accessory structures. The farmhouse is currently approved and licensed as a short term tourist rental. The applicant is proposing to use the existing barn, the

existing farmhouse, and associated areas as an event/banquet facility. The barn contains approximately 5,896 square feet. The associated areas include a structure to the north or in front of the barn, where a portion will be used for restrooms and dressing rooms, and open areas adjacent or near the barn, which will be used for parking. The parcel is identified by tax map number 31-A-70, contains 82.85 acres, and is currently zoned as Agriculture (A-1). Pursuant to Section 125-10 D. (16) of the Page County Zoning Ordinance, banquet facilities and event facilities require a special use permit. The Virginia Department of Transportation (VDOT) has no objection to using the entrance in its temporary gravel state, with the understanding that it must be paved within one year of the special use permit approval. The Health Department has no issues with the proposal. The Building Official has said the maximum occupant loads for the first level of the barn is 140; second level of the barn is 100; and, farmhouse events are 49. In addition, he noted that permits are required for any code related enhancements. The Page County Planning Commission held a public hearing on February 26, 2019. There was no opposition from the public, and the Commission unanimously recommended approval to the Board of Supervisors for granting this request, pursuant to the conditions included in the proposed permit.

**Motion:** Supervisor Foltz moved that the Page County Board of Supervisors hold a public hearing on this application for a special use permit at the Board's April 2, 2019 work session, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia Section 15.2-2204. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Phenix, Guzy, Wiatrowski, Stroupe, Foltz, Vaughan. Nay: None.

**Update on the Landfill and Recycling:**

Jeff Blevins, Landfill Director, gave a presentation to the Board on the landfill's recycling efforts for the current fiscal year through January 2019. He reported that the total tonnage of waste during that time was 25,023.06 tons and the total recycled waste was 1,162.19 tons. The amount of free waste to the citizens was 5,372.83 tons. The total revenue for the waste and recycling was \$965,471.30 of which \$936,860.20 was from waste and \$28,611.07 was from recycling, respectively. Using the litter grant and the recycling funds from last year, the landfill purchased a used vertical baler. He said they are collecting cardboard, plastic, aluminum, paper, metal and glass at all compactor sites, plus the landfill. The Town of Luray, Stanly Auto and four schools are participating in cardboard recycling. The Town of Luray also has sites to accept plastic, paper, metal and glass. In addition to the recyclables mentioned, the landfill also accepts appliances and they are being recycled, as well. In 2016, the total tons recycled was 912.82, with the total revenue at \$36,184.67, for the entire year. In 2016, it cost the County \$24,700.32 to recycle; however, in 2019, the cost is down to \$5,483.30. The decrease is due to the fact that the recyclables are baled at the landfill, rather than taking them off-site. He said that funds received from the recycling and litter prevention grant are used to purchase the baling wire and rental of the equipment to load the materials into the tractor trailers. The material

is currently being baled using inmate labor and the equipment on-site. The baler, he said, was purchased for \$1,500, but it is labor intensive because all the materials have to be loaded manually and it take a minimum of two people to operate. In addition, the baler is slow and can only handle two bales an hour. He mentioned that he would like to purchase a used track loader. It is a 2016 CAT 259D, with less than 1,000 hours on it. It includes a general purpose bucket, 42" forks and a 12 month, 500 hour warranty, for \$45,000. In addition, he has found a reconditioned baler that is a Maren F66-4PS for \$39,500. It is faster than the baler they currently use and is less labor intensive. Moving forward, he said he plans to set up at local events, with displays and information to educate the public on the proper way to recycle materials. He also plans to locate businesses in the area that are large producers of cardboard that are not currently recycling. He would like to improve the labeling on the current containers used and enhance the drop off location at Battle Creek Landfill to allow for easier recycling and more drop off bins. Lastly, he proposed that the Board implement a fee schedule to charge for the disposal of dead animals. Last year, 117 tons of dead animals were disposed of in the landfill. Supervisor Guzy indicated that the Board needs to address the equipment needs sooner rather than later. The Board asked Mrs. Moler to work with Mr. Blevins to come back with a proposal for the baler and track loader.

**Revenue Recovery – Six Month Review:**

Woody Brown, Emergency Services Coordinator, said the countywide EMS calls have increased this calendar year by 9%. He reviewed the call comparison totals for all three volunteer agencies as well as the County calls for 2017, 2018 and 2019 through February. The call comparison totals included data for calls dispatched, responses, response percentage, revenue recovery, and total revenue recovery percentage. He said the Board had previously approved funding for an EMT class for any County citizen and there are 10 from the County who are taking the class. Of the 10, one has dropped out, four are members of the rescue squad and five are members of the fire departments. There is \$9,000 total left and his staff will try to hold another class. Mr. Brown then highlighted the revenue recovery averages for each agency. In 2018, Shenandoah Rescue would have earned \$49,399.98 if they would have completed all of their reports. However, because they did not, they only received \$29,501.51. Stanley Rescue received \$55,487.48 and all of their reports were completed. Luray Rescue would have received \$85,183.26 but did not because the reports were not completed so they only received \$46,156.14. He indicated that when an EMS call is dispatched the volunteer agencies have the first opportunity to respond to a call and if they do not have a crew then the County responds, unless it is life threatening then the County responds immediately. In closing, he pointed out that the County has EMT classes now for citizens who are interested.

**Discussion of Proposed Special Use Permit Conditions for Dogwood Solar and Cape Solar:**

Mrs. Moler said after the last meeting the Board had asked Mr. Helm to review the proposed special use permit conditions for Cape Solar and Dogwood Solar.

Mr. Roger Bowers, Attorney for Urban Grid, indicated that he received the revised conditions for the projects from Mr. Helm and they are largely acceptable. He said they do have one large concern and two lesser concerns with those, as presented. The one condition they have concerns with is the second sentence of condition #5 for Cape Solar: "The solar panels shall be confined to an area of 150 contiguous acres within the site." He said they agreed not to have any panels in the floodplains or on steep slopes and to the distance of 250 feet between the residences and the fence. Those stipulations reduce their project size. He said they feel they should be able to use the usable area on that land and provide a return to the landowner and the investors. Regarding the setbacks in condition #17, he asked for a 150 feet setback instead of the proposed 250 feet setback from the roads because they are putting in the landscaping. In addition, he requested that private streets be removed from this condition. Mr. Helm explained that there is a County ordinance that addresses private roads in subdivisions and says they are highways for purposes of enforcement. He would want to review that provision before anything is changed. Mr. Bowers said the last request is to condition #18 and that the 250 feet setback between the security fencing and any residence adjacent to the facility be reduced if landscaping is installed and to have a waiver from the adjacent property owner. He requested that this be reduced to 100 feet setback with a landscape strip. Mr. Bowers then stated that it is important to understand the effects the reduction in size has in terms of the estimated revenue and he reviewed those figures.

**Closed Session:**

**Motion:** Supervisor Foltz moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act to consult with legal counsel on specific legal matters requiring the provision of legal advice pursuant to Section 2.2-3711(A)(8) of the Code of Virginia and to discuss personnel matters relating to the assignment and appointment of certain public appointees, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Guzy, Wiatrowski, Stroupe, Foltz, Vaughan, Phenix. Nay: none.

**Exit Closed Session:**

**Motion:** Supervisor Foltz moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Wiatrowski, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

**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.

Board of Supervisors  
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Recorded Roll Call Vote:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
D. Keith Guzy, Jr.	X			
David Wiatrowski	X			
Mark Stroupe	X			
Larry Foltz	X			
Jeff Vaughan	X			
Morgan Phenix	X			

(Clerk's Note: Supervisor Wiatrowski left the meeting at 9:33 p.m.)

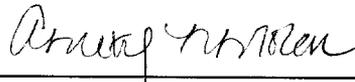
No action was taken as a result of Closed Session.

**Adjourn:** 10:30 p.m.

With no further business, Chairman Phenix adjourned the meeting.



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Morgan Phenix, Chairman



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Amity Moler, County Administrator