

Minutes
Board of Supervisors
Regular Meeting
May 21, 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
Nathan Miller, County Attorney

Call to Order:

Chairman Morgan Phenix called to order the work session of the Page County Board of Supervisors on May 21, 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*.

Adoption of Agenda:

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

Public Hearings:

FY 2018-2019 Budget Amendment:

The 2018-2019 Budget Amendment was advertised as follows:

NOTICE OF PUBLIC HEARING
BUDGET AMENDMENT
PAGE COUNTY BOARD OF SUPERVISORS

On May 21st, 2019 at 7:00 p.m., the Page County Board of Supervisors will conduct a public hearing at the Page County Administration building, 103 South Court St., Luray, VA 22835, for the purpose of considering an amendment to the fiscal year 2019 budget. The aggregate amount of the amendments exceeds one percent of the fiscal year 2019 budget and the public hearing is required by Section 15.2-2507 of the Code of Virginia.

Board of Supervisors
Minutes – May 21, 2019

REVENUE:	Local Funds	\$ 414,150
	State Funds	132,743
	Federal Funds	144,273

EXPENDITURE:	Page County Sheriff's Department	50,000
	Page County Capital Improvement Projects	20,550
	Page County Public Schools	532,883
	Page County School Food Service	55,127
	Page County EMS	32,606

Chairman Phenix opened the public hearing at 7:02 p.m.

There were no speakers during the hearing. Chairman Phenix closed the hearing at 7:09 p.m.

Dennis Click, Director of Finance, said the Page County Public Schools requested appropriation of recovered costs in the amount of \$345,177; School Food Service requested appropriation of federal funding in the amount of \$55,127. This requires no additional local funds. Page County Public Schools have received grant funding from VF Jeanswear (Blue Bell Foundation) and the PCTC Foundation to assist in payment of electrical build-out required for the new welding facility. This amounts to \$45,177 in additional funding. Additionally, to cover delays in state revenue, \$300,000 in revenue has been received from the Shenandoah Valley Regional program fund. The Schools Food Service, \$55,127 in funding has been received from the federal government, with \$25,030 being part of an NSLP equipment grant for food service and \$30,097 for the summer feeding program. He recommended appropriation of recovered costs funding in the amount of \$400,304.

Supplemental Appropriations Requests:

Department	Description	Revenue Source	Expenditure	Amount
Page County Public Schools	Blue Bell Foundation Grant for Page County Tech Center	Blue Bell Foundation Grant 101-0000-318.99-30	O&M 501-6401.541.11-00	\$25,000.00
Page County Public Schools	Page County Tech Center Foundation	PCTC Foundation 101-0000-318.99-30	O&M 501-6401.541.11-00	\$20,177.00
Page County Public Schools	Shenandoah Valley Regional Program Fund	SVRPF 101-0000-319.01-02	Instructional 501-6101-541.30-00	\$50,000.00
Page County Public Schools	Shenandoah Valley Regional Program Fund	SVRPF 101-0000-319.01-02	Facilities 501-6601-541.30-00	\$175,000.00
Page County Public Schools	Shenandoah Valley Regional Program Fund	SVRPF 101-0000-319.01-02	Technology 501-6801.541-30-00	\$75,000.00

Page County Public Schools	NSLP Equipment Assist. Grant	Equipment Grant 101-0000-333.21-34	Food Service 520-6501.541-30.00	\$25,030.00
Page County Public Schools	Summer Feeding Program	Summer Feeding Program 101-0000-333.21-33	Food Service 520-6501.541-30.00	\$30,097.00
Total				\$400,304.00

Motion: Supervisor Stroupe moved to approve the appropriation of recovered costs and federal funding in the amount of \$400,304. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Guzy, Wiatrowski, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

Presentations, Proclamations and Awards:

Review of Overspent Budgets:

Sheriff Chad Cabbage reviewed his departmental budgets with the Board. He began with the Bailiffs budget and said it is over in the Overtime line. He said that in 2016, the Board cut two bailiff positions, which has created a problem to provide court room security. Sheriff Cabbage reviewed all the court room security hours in 2017 and 2018 to show the increase in hours worked by deputies. He said he has received letters from the courts saying that increased hours will continue. Sheriff Cabbage said he has requested additional positions that have not been funded.

Regarding the Sheriff's budget, Sheriff Cabbage noted that he has had staff shortages, issues with recruitment and retention, and are a training facility for a lot of other agencies. He said it's hard to be competitive with some of the other agencies around us, with our salaries. Some part-time wages in this budget will be reimbursed for school resource officers. He noted that the vehicle fleet has continued to deteriorate so vehicle maintenance costs have increased. The meals and lodging went up this year due to reaccreditation. Sheriff Cabbage pointed out the difference in funding from 2015 to 2018 and if he had the budget from 2015 he would have a budget surplus. Each year the Sheriff's budget has decreased with the same needs in the county, the department has frozen all spending. In 2016 the Sheriff said he had a plan to renovate the downstairs of the jail, which would have saved the tax payers \$540 a day, but this was not approved.

Supervisor Foltz said he estimated about \$275,000 in the red with six weeks in the current budget left to go. Sherriff Cabbage told the Board that the Sherriff's Department works daily to spend taxpayer's money wisely, his department is working on a plan to correct some of these issues.

Mrs. Moler corrected Sheriff Cabbage that only one bailiff position was reduced and it was unfilled at the time. Lastly, she mentioned that under Virginia Code, Emergency Management falls to the County Administrator, the salaries in this department are out of hand, if this area does not improve she will move it under County Administration to control.

Public Comments of Agenda Items:

Marge Yandow expressed that she does not approve of the special use permit for Brian Stanley. She did not buy her house with a lawnmower business beside it, and who would buy her house now with a lawnmower business beside it. She thinks he should have a business, but it should be in the Town of Luray, not at his house. She would like the hours of operation to be Monday through Friday 9am – 7pm, and Saturday 8am-4pm, with no Sundays or holidays. She also asked that he be required to put up a privacy fence.

Action Matters:

Board and Commission Appointments:

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

Economic Development Authority:

Vacancies exist on the Economic Development Authority for District 3 and District 5.

No names were given for consideration. The appointments were deferred until the June meeting.

Planning Commission:

Vacancies exist for the District 4 and District 5 seats on the Planning Commission. Both seats need to be appointed for a four-year term expiring on January 11, 2023.

Motion: Supervisor Vaughan moved to appoint William Turner to the Planning Commission (District 5) through January 11, 2023 and recommend Dale Karnes to the Circuit Court Judge for the Board of Zoning Appeals (District 5) for an unexpired term through November 8, 2019. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Wiatrowski, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

No name was given for consideration for the District 4 vacancy on the Planning Commission. The appointment was deferred until the June meeting.

Consent Agenda:

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

- Financial reports for the period of March 1-31, 2019 and April 1-30, 2019;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,404,980.62 for the month of March 2019 and \$1,728,994.49 for the month of April 2019;
- Minutes of March 5, 2019, March 19, 2019, March 21, 2019, March 27, 2019, April 2, 2019 and April 23, 2019.
- Ten coyote claims totaling \$500.

Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Wiatrowski. Nay: None.

Old Business:

Special Use Permit – Brian Stanley:

Mrs. Clatterbuck said that Brian Stanley filed an application for a special use permit to operate a home occupation that will offer used lawnmower (and other related lawn care equipment) sales and service, in a detached garage, located at 151 Sandy Hook Road, Luray, VA. In addition to the existing garage, this property is improved with a single family detached dwelling, a carport, and numerous accessory buildings. The business would be conducted out of the existing detached 28 x 28 garage. He is also proposing to use a designated 30 x 20 area near the existing carport, as a storage area for lawnmowers and parts. This area will be shielded from the view of adjacent property owners and the public right-of-way. The applicant is proposing to operate at a maximum of 40 hours a week. The Health Department, VDOT and the Building Official have no objections to the request. An adjoining landowner has voiced objection to the issuance of the permit and asked that staff relay the additional comments to the Board. She said some of the concerns could be mitigated, in the conditions of the special use permit. After discussion at the last Board of Supervisors meeting, the Board was in consensus to table the special use permit until Mr. Stanley, his opposing neighbor and Mrs. Clatterbuck could work out the hours of operation. Mrs. Clatterbuck said the hours of operation Mr. Stanley is proposing are as follows: Monday, Tuesday and Thursday 9:00 am – 8:00 pm, Wednesday closed. Friday, Saturday and Sunday 9:30 am – 7:00 pm. Outside running times proposed are Monday – Friday, before 8:00 pm, Saturday, before 8:30 pm, and Sunday before 7:00 pm. Mrs. Clatterbuck reminded the Board that the applicant must comply with the County's Noise Ordinance. She recommended approval of the permit.

After much discussion with the Board, the hours of operations will be Monday, Tuesday and Thursday 9 am – 7:30 pm, closed Wednesdays, Friday and Saturday 9:30 a.m. to 7:00 pm, and Sunday 9:30 a.m. to 6:30 pm. Mr. Stanley will display a temporary sign in his yard and will not display more than 3 or 4 lawnmowers in his yard for sale at any one time.

Motion: Supervisor Guzy moved to approve the special use permit for Brian Stanley, based on the neighbors and staff recommendations and what has been given to us tonight, to operate a home occupation that will offer used lawnmower sales and service at his location, with all stipulations read into the minutes. Supervisor Stroupe seconded and the motion carried by a vote of 4-2. Aye: Foltz, Vaughan, Guzy, Stroupe. Nay: Phenix, Wiatrowski.

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Special Use Permit
Applicant: Brian Stanley
Tax Map #: 32-(A)-29A
Purpose: Lawnmower (and other related lawn care equipment) sales and service

1. This special use permit is transferable, 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 fifty (50) years.
2. Brian Stanley or its successor and/or assigns, shall be in compliance with all County ordinances, the Uniform Statewide Building Code, and all state and federal agency regulations.
 3. The business shall apply for and maintain a valid Page County Business License.
 4. The days and hours of operation of the business are limited to the following:
 - Monday, Tuesday, and Thursday – 9:00 a.m. to 7:30 p.m.
 - Wednesday – Closed
 - Friday and Saturday – 9:30 a.m. to 7:00 p.m.
 - Sunday – 9:30 a.m. to 6:30 p.m.
 5. This special use permit is for use of the existing garage and the designated storage area only. Any future square footage expansions of the existing garage must be in compliance with § 125-15.B.(1) of the Page County Zoning Ordinance and any other applicable codes and ordinances.
 6. The designated storage area shall be shielded from the view of adjacent properties and the public right-of-way.
 7. Proper containers for liquids such as oil, gas, etc. shall be onsite and properly disposed of.
 8. Any lighting that is provided on the property will be directed downwards, so as not to produce a glare onto adjacent properties or right-of-ways.
 9. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of 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 noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material noncompliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt required, to the permit holder.
 10. Any change of use or expansion of services not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
 11. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.

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Solar Ordinance Update:

Supervisor Guzy said he has been notified by a citizen that an energy company has reached out to landowners west of the substation at Dam Acres offering them a lease for solar power. He asked the status of the Solar Ordinance.

Mrs. Moler informed the Board that if they choose to proceed with a solar ordinance, then landowners will not have to apply for a special use permit and solar farms will be

allowed by-right. If the Board wants to regulate solar farms, then it should remain in the special use permit process.

New Business:

Proposed Amendment to the Rules of Procedure:

Supervisor Guzy said he thinks the Board should notify staff and other Board members of agenda item meetings that the citizens or companies have invited the board members to or requesting a board member to attend. This will keep us all on the same page. He asked Nathan Miller, County Attorney, to bring back a proposal for the Board to consider.

Open Public Comments:

There were no speakers during Open Public Comments.

Administrator's Report:

Mrs. Moler said the ribbon cutting for Arise Foundation will be at 11:00 am, Wednesday, May 22, 2019, and the Richard T. Brumback memorial bridge dedication is the same day, at 1:00 pm. She said the State Compensation Board has approved some fully funded positions for the Commonwealth Attorney's Office and the Clerk of the Court. The schools will have meal buses again this summer and they will be adding a stop at the new day care facility in Stanley.

Mrs. Moler said she had emails today wondering about the reconsideration of the Cape Solar vote. She said the special use permit application was considered and the motion to deny was made; it was a tie vote. The procedure for the vote was correct and no rules or procedures were violated. But with a tie vote and a motion to deny it leaves the matter on the table. Legal counsel for the Cape Solar project was in contact with the County's legal counsel about a possible revisit of that vote. In order for that to happen, one of the Board members who voted against it is the one who has to bring it back up.

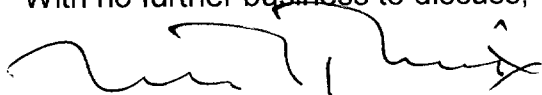
County Attorney Miller said that they are modifying some of the conditions and have not presented any final documents at this time. Mr. Miller suggested that the Board wait and see what the attorney offers. He said once he receives the documents and after he looks them over he will forward to Mrs. Moler to send it to the Board.

Supervisors Time:

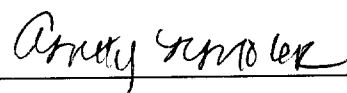
All Board members thanked everyone for attending the meeting.

Adjourn: 8:45 p.m.

With no further business to discuss, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator