

Minutes  
Board of Supervisors  
Regular Meeting  
June 20, 2023

Members Present: Keith Weakley, Chairman At-Large  
D. Keith Guzy, Jr., District 1  
Allen Louderback, District 2  
Mark Stroupe, District 3  
Larry Foltz, District 4

Members Absent: Jeff Vaughan, District 5

Staff Present: Amity Moler, County Administrator  
Regina Harner, Assistant County Administrator  
Tracy Clatterbuck, Zoning Administrator  
Kimberly Donohoe, Executive Assistant  
Caleb Routhier, County Attorney

**Call to Order:**

Chairman Keith Weakley called to order the regular meeting of the Page County Board of Supervisors on Tuesday, June 20, 2023, at 7:01 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA 22835. The call to order was followed by a Moment of Silence and the *Pledge of Allegiance*.

**Adoption of Agenda:**

**Motion:** Supervisor Guzy moved to amend the agenda to add Hospital Update and Discussion under New Business and to adopt the agenda as amended. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz. Nay: None. Absent: Vaughan.

**Public Hearings**

**Special Use Permit – Margaret Osborne:**

The public hearing on the special use permit for Margaret Osborne was advertised as follows:

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**NOTICE OF PUBLIC HEARING  
PAGE COUNTY 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 BOARD OF SUPERVISORS** shall hold a public

hearing at **7:00 p.m.** on **Tuesday, June 20, 2023**, in the Board of Supervisors Meeting Room, located in the County Government Building, 103 South Court Street, 2<sup>nd</sup> Floor, Luray, VA, to receive public comments and to consider the following request:

**Margaret L. Osborne has filed an application for a special use permit to operate a dog breeding business located at 460 Lake Arrowhead Road, Luray, VA. The parcel is identified by tax map number 54-A-54I, contains 28.17 acres, and is currently zoned as Woodland-Conservation (W-C). The property is improved with multiple single-family detached dwellings, numerous farm buildings, and an existing 15x30 dog kennel.**

**Pursuant to § 125-4 of the Page County Zoning Ordinance, *Pet Grooming, Boarding and Breeding*, is defined as: “A commercial facility where a pet animal may be cleaned, styled or have its appearance maintained, that cares for or houses pet animals in the absence of the owner, or that engages in the vocation of mating carefully selected specimens of the same breed to reproduce specific, consistently replicable qualities and characteristics.”**

**Under § 125-9.D(10) of the Page County Zoning Ordinance, *Veterinarian clinics, pet grooming, boarding and breeding of animals as defined in § 125-4* is only permitted by special use permit.**

Copies of the request and the Page County Zoning Ordinance may be reviewed in the Planning & Community Development Office, 103 South Court Street, Suite B, Luray, VA, 8 a.m. to 5 p.m., Monday through Friday. They may also be reviewed on the County’s website at [www.pagecounty.virginia.gov](http://www.pagecounty.virginia.gov). NOTE: Hearing impaired individuals who need an interpreter must notify the Zoning Office at least seven (7) days prior to the hearing.

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Chairman Weakley opened the public hearing on the special use permit at 7:02 p.m.

Tracy Clatterbuck, Zoning Administrator, explained that Margaret Osborne filed an application for a special use permit to operate a dog breeding business located at 460 Lake Arrowhead Road, Luray. The parcel is identified by tax map number 54-A-54I, contains 28.17 acres, and is currently zoned as Woodland-Conservation (W-C). The property is improved with multiple single-family detached dwellings, numerous farm buildings, and an existing 15x30 dog kennel. She noted that VDOT, the Health Department and the Building Official have no objections to the request. The Planning Commission held their public hearing on May 23, 2023, and recommend approval to the Board with conditions.

Adjoining property owners were notified pursuant to state law.

Public Comments on the Public Hearing:

There were no speakers during the public hearing. Chairman Weakley closed the public hearing at 7:07 p.m.

**Motion:** Supervisor Stroupe moved to approve the special use permit application for tax map number 54-A-54I to operate a dog breeding business, with the attached special use permit conditions. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Foltz, Weakley. Nay: None. Absent: Vaughan.

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SPECIAL USE PERMIT

Applicant: Margaret Osborne  
Tax Map #'s: 54-A-54I  
Purpose: Kennel Operation (Dog Breeding)

APPROVED \_\_\_\_ DENIED \_\_\_\_  
By the Page County Board of Supervisors on \_\_\_\_\_.

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. Margaret Osborne, 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 owner shall apply for and maintain a valid Page County business license to operate the business.
4. Any lighting that is provided on the property will be directed downwards, so as not to produce a glare onto adjacent properties or rights-of-way.
5. Waste shall be properly disposed of in accordance with state and local requirements. runoff shall be contained on the property.
6. 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 in noncompliance 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 holder or when mailed by certified mail, return receipt requested, to the permit holder.
7. 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.
8. 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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**Presentations, Proclamations and Awards**

**Page Alliance for Community Action (PACA):**

Ryan Cabbage, Chairman, Carrie Campbell, Youth Coordinator, Youth Page Alliance for Community Action (YPACA), and two youth members of YPACA explained to the Board what PACA is and PACA's mission, as well as their achievements, impact on the community, and current projects.

Mr. Cabbage stressed that PACA is a coalition of agencies, parents, youth and concerned citizens whose main goal is to promote healthy life choices for the youth and families in Page County.

Ms. Campbell explained YPACA and their goals of empowering youth to become leaders within the community.

Lastly, Mr. Cabbage asked that the Board be aware of the issues and know that there are real solutions, stay up-to-date on drug trends, and get involved.

**Public Comments on Agenda Items:**

Ken Jemieliy commented on the proposed disposable plastic bag tax ordinance.

**Action Matters**

**Budget Changes:**

Mr. Tyler Olsen, Finance Director, presented the budget changes as follows: The Department of Planning and Community Development has been passing on to customers charges for contractual services related to stormwater permits and soil erosion control. This has resulted in revenue amounts in excess of the budget. The Department requests that \$24,161 of the stormwater permit revenue and \$4,035 of the soil erosion control revenue to be appropriated for their contractual services.

The Sheriff's Office has received \$12,300 of donations for the summer youth camp. It is requested that these funds are appropriated for expenses related to the camp's activities.

The Sheriff's Office received \$395 from salvaging old vehicles. It is requested that these funds are appropriated for their vehicle repairs.

Due to high fuel prices for much of the fiscal year, Battle Creek Landfill needs an additional \$120,000. There were budgetary savings from the Compactor Sites and Stanley Landfill; however, those funds will be used to cover the engineering expenses for Cell 11. \$50,000 of the County Board Reserve will be transferred to Battle Creek Landfill's budget, which leaves \$70,000. It is requested that \$70,000 of the fund balance is used for the Landfill's fuel.

The School Board has requested that \$165,000 is transferred from the Instruction category to Operations and Maintenance. These funds will be used for facility and equipment repairs.

Supervisor Guzy asked for additional clarification on why there is money in Instruction to transfer to Operations.

**Motion:** Supervisor Guzy moved to approve revenue from local funds in the amount of \$40,891 and the General Fund Balance in the amount of \$70,000, and expenditures to the General Fund in the amount of \$70,000. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Weakley, Guzy. Nay: None. Absent: Vaughan.

<b>SUPPLEMENTAL APPROPRIATIONS REQUESTS:</b>				
Department	Description	Revenue Source	Expenditure	Requested Amount
Planning & Community Development	Additional Stormwater Permit Revenue	Stormwater Permits 101-0000-313-03-47	Contractual Services 101-8111-481-30-40	\$24,161
Planning & Community Development	Additional Soil Erosion Control Revenue	Soil Erosion Control 101-0000-313-03-24	Contractual Services 101-8111-481-30-40	\$4,035
Sheriff's Office	Summer Youth Camp	Donations 101-0000-318-02-45	Summer Youth Camp 101-3130-431-58-07	\$12,300
Sheriff's Office	Salvage and Surplus Proceeds	Salvage and Surplus 101-0000-318-99-06	Vehicle Repairs 101-3121-431-30-12	\$395
Battle Creek Landfill	Fuel Expenses	Fund Balance 101-0000-341-04-07	Fuel 101-4241-442-60-08	\$70,000
Total Requests:				\$110,891
<b>BUDGET TRANSFER REQUESTS:</b>				
Department	Description	Transfer From	Transfer to	Requested Amount
School Board	Facilities and Equipment Repairs	Instruction	O&M	\$165,000
Total Requests:				\$165,000

**Board & Commission Appointments:**

Mrs. Harner reviewed the Board and Commission appointments as follows:

**Tourism Council:**

Mrs. Harner informed the Board that all the appointments except for Brittany Montgomery, District 1, who was recently appointed, expire on June 30, 2023. The appointees are Karen Riddle, District 2; Randy Howan, District 3; Bart Price, District 4; Charlie Jenkins, District 5; J.D. Cave, At-Large; and Helen Morton, Industry Representative. They would all like to be reappointed for another term.

Supervisor Louderback asked about the terms being staggered. It was noted that an amendment to the bylaws is being written.

**Motion:** Supervisor Guzy moved to reappoint Karen Riddle, District 2; Randy Howan, District 3; Bart Price, District 4; Charlie Jenkins, District 5; J.D. Cave, At-Large; and Helen Morton, Industry Representative, to the Tourism Council for an unexpired term through June 30, 2025. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Weakley, Guzy, Louderback. Nay: None. Absent: Vaughan.

**Consent Agenda:**

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

- Financial reports for the period of May 1-31, 2023;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$2,938,995.56 for the month of May 2023;
- Minutes of May 1, 2023, and May 15, 2023.

Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Foltz, Weakley, Guzy, Louderback, Stroupe. Nay: None. Absent: Vaughan.

**Old Business**

**Disposable Plastic Bag Tax Ordinance:**

Amity Moler, County Administrator, brought the proposed plastic bag tax back to the Board. Mrs. Moler answered a question asked by a citizen on if you can receive a refund for returning disposable plastic bags. The amendment states refunds are not an option. Another issue brought up by a retailer is that they could not add another tax to their software. Mrs. Moler noted that some retailers in Loudon County have the tax noted as an inventory item in the software. This is because you have to report the number of bags sold.

Mrs. Moler also discussed the exceptions to the tax to include the plastic bags that are solely used to wrap, contain, or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items in order to avoid damage or contamination.

After discussion, the Board decided to postpone voting on the proposed ordinance until all Board members can be present and participate in the discussion.

**Motion:** Supervisor Guzy moved to table the proposed ordinance until all Board members can be present and participate in the discussion. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz. Nay: None. Absent: Vaughan.

### **New Business**

#### **Amendment to the Page County Department of Social Services (DSS) Advisory Board Rules of Procedure:**

Mrs. Moler, County Administrator, informed the Board of the proposed amendment to add the word “appointed” to the Page County DSS Advisory Board Rules of Procedure.

Regarding voting, the Rules of Procedure currently state a majority of the members shall constitute a quorum. The proposed amendment adds the word “appointed” to read: a majority of the appointed members shall constitute a quorum.

**Motion:** Supervisor Stroupe moved to add the word “appointed” to the Rules of Procedure so the line reads: a majority of the appointed members shall constitute a quorum. Supervisor Guzy seconded and the motion carried by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Foltz, Weakley. Nay: None. Absent: Vaughan.

#### **Review of Zoning Ordinance Amendment – Self-storage Facilities:**

Tracy Clatterbuck, Zoning Administrator, informed the Board of the following proposed amendments to item “D” of §125-30.19 (Self-storage facilities) of the Page County Zoning Ordinance:

##### **Proposed Amendment:**

##### **§ 125-30.19 Self-storage facilities.**

- A. No commercial activities of any kind shall occur within the facility other than rental of storage units. No repair of vehicles, furniture, or other materials or equipment shall occur within the facility. Signs shall be posted within the facility describing such limitations.
- B. No storage of hazardous, toxic or explosive materials shall occur in the self-storage facility. Signs shall be posted within the facility describing such limitations.
- C. The maximum size of any individual storage space or unit in a self-storage facility shall be 500 square feet.
- D. ~~The self-storage facility, including loading areas and all storage areas, shall be totally enclosed by structures or by an eight foot high opaque wall or fence. Such fences shall be set back at least six feet from property boundaries. Landscaping shall be provided in such setback areas, including trees and shrubs.~~ **In the Agriculture zoning district, fencing, screening, and security may be required for all facilities. Additional conditions may also be required as part of the special use permit review process.**
- E. Self-storage facilities shall not include portable storage containers, shipping

containers and/or tractor trailers.

She requested the Board hold a public hearing on the proposed zoning ordinance amendment at the July 17, 2023, regular meeting and direct staff to provide adequate notice of such hearing in accordance with Section 15.2-2204 of the Code of Virginia.

**Motion:** Supervisor Guzy moved that the Page County Board of Supervisors hold a public hearing on the proposed zoning ordinance amendments at the July 17, 2023, regular meeting and direct staff to provide adequate notice of such hearing, in accordance with Section 15.2-2204, of the Code of Virginia. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Weakley, Guzy. Nay: None. Absent: Vaughan.

**Review of Zoning Ordinance Amendment – Wireless Communication Facilities:**  
Tracy Clatterbuck, Zoning Administrator, informed the Board of the following proposed amendments to §125-30.3 (Wireless communications facilities) of the Page County Zoning Ordinance:

Proposed amendment:  
§125-30.3 **Wireless communications facilities.**

**G. Performance standards.**

(1) General. Except as provided in this section, all wireless communications facilities shall meet the requirements of the zoning district in which they are to be located.

(2) Setbacks and separation.

(a) Tower structures shall be set back from the property line a distance equal to the height of the tower. The setback may be reduced to 1/10 the height of the tower if the applicant submits a report stamped by a professional engineer registered in the State of Virginia that certifies that the tower is designed to collapse upon failure within the distance from the tower to the property line and the reduced setback is approved by the ~~Planning Commission~~ Board of Supervisors.

(b) Towers shall not be located within 500 feet of any residence other than the residence(s) on the parcel on which the tower is to be located.

She requested the Board hold a public hearing on the proposed zoning ordinance amendment at the July 17, 2023, regular meeting and direct staff to provide adequate notice of such hearing in accordance with Section 15.2-2204 of the Code of Virginia.

**Motion:** Supervisor Stroupe moved that the Page County Board of Supervisors hold a public hearing on the proposed zoning ordinance amendments at the July 17, 2023, regular meeting and directs staff to provide adequate notice of such hearing, in



accordance with Section 15.2-2204, of the Code of Virginia. Supervisor Guzy seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Weakley, Guzy, Louderback. Nay: None. Absent: Vaughan.

**Hospital Update and Discussion:**

Supervisor Guzy brought up the reduced services at Page Memorial Hospital including the elimination of pediatric services. The Board requested that a representative from Valley Health come and help answer some questions.

**Open Public Comments:**

Patricia Long discussed the culture of Page County.

Susan Sours stated her opposition to the bag tax.

Deborah Costolloe stated her support for the bag tax and the promotion of not littering.

**Administrator's Report:**

Mrs. Moler reminded the Board that at 10:00 a.m. on June 26, 2023, there is the Dominic "Nick" J. Winum Memorial Bridge dedication on U.S. Route 211 West over the South Fork of the Shenandoah River.

Tomorrow, June 21, 2023, is the recording of the show Viewpoint with Dennis Quaid at Shenandoah Woods.

The school system is using a grant to develop community forum meetings and to create a position to coordinate non-profit services to avoid duplication.

Gypsy or spongy moths are making their return to the county. The Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Forestry are aware and plan to spray federal lands. Currently, there is no plan to spray county or private land. If the county wanted to spray, we would need to hire a spongy moth coordinator and fund the spraying.

Mrs. Moler wanted to clarify the situation on a Notice of Violation letter sent to a business. Usually, any Notice of Violation letter is sent based on a complaint. The county does not police events or look for violations. The county received several complaints regarding this event, and a form letter was sent.

Mrs. Moler pointed out that the festival ordinance has been in effect since February 1980. Around 2017, the ordinance was amended to add camping and to limit the number of people. She noted that the Board can make any changes or updates to the ordinance at any time.

**Supervisors Time:**

All Supervisors thanked everyone for coming out and participating. Supervisor Guzy stressed the importance of coordinating and promoting services. Supervisor Louderback

thanked everyone for their prayers and thoughts over the last few weeks. He said that he and Tyler Olsen looked at the amount we spend on taking inmates out of the county. In 2022, we spent \$3.4 million, but in 2023, the amount was reduced by \$360,000. Supervisor Louderback supports a treatment facility in the county to work with prisoners and hopefully to turn their lives around. Supervisor Stroupe liked the idea of creating a Page County logo for reusable bags.

**Adjourn:** 8:16 p.m.

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

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Keith Weakley, Chairman

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Amity Moler, County Administrator