

Minutes  
Board of Supervisors  
Regular Session  
August 28, 2023

Members Present: Keith Weakley, Chairman At-Large  
D. Keith Guzy, Jr, District 1  
Allen Louderback, District 2  
Jeff Vaughan, District 5

Members Absent: Mark Stroupe, District 3  
Larry Foltz, District 4

Staff Present: Amity Moler, County Administrator  
Regina Harner, Assistant County Administrator  
Tracy Clatterbuck, Zoning Administrator  
Tyler Olsen, Finance Director  
William Hall, Director of Solid Waste  
Josh Hahn, Planning Director  
Kimberly Donohoe, Executive Assistant  
Michael Helm, County Attorney

**Call to Order:**

Chairman Keith Weakley called to order the regular meeting of the Page County Board of Supervisors on August 28, 2023, at 6:38 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA 22835.

**Closed Session:**

**Motion:** Supervisor Guzy moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act to consult with legal counsel and briefings by staff members pertaining to probable litigation on a land use issue, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia; to consult with legal counsel regarding specific legal matters requiring the provision of legal advice regarding a land use issue, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia; and to discuss and consider the acquisition of real property for the purpose of a jail facility, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia. Supervisor Louderback seconded and the motion carried by a vote of 4-0. Aye: Weakley, Guzy, Louderback, Vaughan. Nay: None. Absent: Stroupe, Foltz.

**Recess:** 6:56 p.m.

**Exit Closed Session:**

**Motion:** Supervisor Guzy moved that the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Vaughan seconded and the motion carried by a vote of 4-0. Aye: Guzy, Louderback, Vaughan, Weakley. Nay: None. Absent: Stroupe, Foltz.

**Certification of Closed Session:**

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			
Allen Louderback	X			
Mark Stroupe			X	
Larry Foltz			X	
Jeff Vaughan	X			
Keith Weakley	X			

**Reconvene:** 7:10 p.m.

Upon reconvening the meeting, Supervisor Weakley lead a Moment of Silence and the *Pledge of Allegiance*.

**Adoption of Agenda:**

**Motion:** Supervisor Guzy moved that the Page County Board of Supervisors adopt the agenda, as presented. Supervisor Vaughan seconded and the motion carried by a vote of 4-0. Aye: Louderback, Vaughan, Weakley, Guzy. Nay: None. Absent: Stroupe, Foltz.

**Public Hearings**

**Special Use Permit – Jeffery Dinges (Banquet/Event Facility)**

The public hearing on the application submitted by Jeffery S. Dinges for a special use permit (SUP) was advertised as follows:

\*\*\*\*\*

**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 **Monday, August 28, 2023**, in the Board of Supervisors Meeting Room, located in the Page County Government Center, 103 South Court

Street, 2<sup>nd</sup> Floor, Luray, VA, to receive public comments and to consider the following request:

**Jeffery S. Dinges has filed an application for a special use permit to operate a banquet/event facility located approximately 1.3 miles west of the Town of Stanley on Honeyville Road, Stanley, VA, and further identified by tax map number 79-(A)-76A. The parcel contains 5.719 acres and is zoned as Agriculture (A-1). The property is improved with an existing barn, an existing poultry house, and an existing litter shed building. The applicant is proposing to use the existing barn (approximately 55x50) to serve as the proposed banquet/event facility along with designated parking areas. Pursuant to § 125-10 D. (16) of the Page County Zoning Ordinance, banquet facilities and event facilities require a 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.

\*\*\*\*\*

Chairman Weakley opened the public hearing on the Special Use Permit at 7:02 p.m.

Ms. Tracy Clatterbuck, Zoning Administrator, informed the Board of Supervisors (BOS) that Jeffery S. Dinges has filed an application for a SUP to operate a banquet/event facility located on Honeyville Road, Stanley, VA, and further identified by tax map number 79-(A)-76A. The parcel contains 5.719 acres and is zoned as Agriculture (A-1). The property is improved with an existing barn, an existing poultry house, and an existing litter shed building. The applicant is proposing to use the existing barn (approximately 55'x50') that has been converted/remodeled to serve as the proposed banquet/event facility along with designated parking areas. Pursuant to § 125-10 D. (16) of the Page County Zoning Ordinance, banquet facilities and event facilities require a special use permit.

Mr. David Reed, Attorney for the Applicant, submitted a revised site plan, which is included in the packets supplied to the Board, she said.

In August 2021, staff received a complaint that the applicants were renovating a barn that they were planning to use as a venue. At the time when staff received the initial complaint, staff had a previous working relationship with Mr. Dinges, working on another SUP for an automotive repair facility that was approved by the Board of Supervisors (BOS) in 2021. Instead of automatically sending out a notice of violation, staff felt comfortable calling Mr. Dinges as a courtesy to ask him if he was renovating the structure to open a banquet/event facility. Mr. Dinges told staff that he was renovating the barn for his daughter's wedding. Staff asked him if he had plans to operate it as a commercial venue, and he stated no. Mr. Dinges was made aware that if he changed

his mind, banquet/event facilities were not a by-right use in the agriculture zone and he would need to file a SUP application and go through the review process. Mr. Dinges reiterated that he was not doing that now, but may pursue it at a later date, and that for now the renovations were just for his daughter's wedding. Based on that phone conversation, a notice of violation was not issued, at that time. About a month later, staff received an email from the Health Department notifying the County that they had received an application for a sewage disposal permit for a wedding venue for the above listed property, and they inquired if the County was aware of this. Staff responded that she had been told by the owner that they were only renovating the barn for a private event, and staff informed them that she did not have a pending SUP for a venue. In December 2021, the Dinges' submitted an SUP application for the venue. They were working to obtain comments on the application from the Health Department and VDOT, which required addressing entrance requirements and well and/or septic requirements. Over the course of the next several months, staff followed up with the applicants, VDOT, and the Health Department checking on the status of approval from the agencies. At one point, staff was given documentation from the Health Department that the applicants had withdrawn their request for septic on the property. During various phone conversations, according to VDOT, the applicants indicated that they were still working on obtaining an approved entrance. After six months of inactivity on the SUP application, the application was deemed incomplete by staff. In December 2022, staff received another complaint that Mr. Dinges had opened up their facility to host photography sessions for the holiday season. That is when the notice of violation was issued. Mr. Dinges responded promptly to this notice, saying they were still working on obtaining approval with VDOT and the Health Department. Staff informed Mr. Dinges that they could not have any more events until they were approved to operate a banquet/event facility. In March 2023, staff received the second SUP application, which is now in front of the BOS for review.

The comments from Virginia Department of Transportation (VDOT) include a note that the existing entrance to the poultry house on 79-(A)-76A and Maple Road may not be used as access to 79-(A)-76A for the proposed special use. VDOT has determined where the entrance can be, and the applicant is currently working with their engineering firm to submit the required documentation to VDOT.

The Health Department has no concerns with the application.

On May 31, 2023, Mr. Campbell performed a site visit of the proposed banquet/event facility, as a follow-up to the occupancy load limitations discussed at the Planning Commission level. During the visit, it was determined that the maximum daily occupant load for the barn is 195-persons. This number is determined by square footage, taking into account for tables/chairs, bride/groom rooms, etc. A memo has been provided by Mr. Campbell to reflect the determination. The applicant will be required to apply for a change of use permit through the Building Department. Staff recommends that the Board makes the requirements from the Building Official a condition of the SUP.

Ms. Clatterbuck noted that proximity to residences was the issue that garnered the most concern from neighboring property owners during the June 13, 2023, Planning Commission public hearing.

The applicant requested that the methodology for the calculations presented to the Board be explained. GIS software was used to measure approximate distances from the Dinges' property line, not from the venue as the Jeffrey S. Dinges – Special Use Permit Application (Introduction) memorandum dated July 5, 2023, stated, and then count the residential addresses within that buffer.

According to GIS calculations, there are 34 dwellings located within 750' of the proposed facility with the closest residence being approximately 145' from the facility. The applicant has requested that the methodology for these calculations be provided to the Board of Supervisors. GIS software was used to measure approximate distances from the Dinges' property line for 79-A-76A, and then count the residential addresses within that "buffer" distance area. If measuring 750' from the center of the event space building, itself, the number of dwellings is 16, two of which are owned by the applicant. Using 2022 VGIN imagery, there is approximately 190' distance from the southeast corner of the proposed venue building to the northwest corner of 125 MAPLE RD (owned by Linda Housden) and approximately 260' from the northeastern corner of the proposed venue building to both 153 MAPLE RD (Tony and Jennifer Cook) and 183 MAPLE RD (Frankie and Tammy Cabbage).

The Planning Commission recommended denial to the BOS, 4-1, at the public hearing.

Ms. Clatterbuck strongly urges the BOS to carefully consider any conditions that are attached to the permit. The conditions of the permit will be the main enforcement staff has over the SUP since our supplemental regulations in the Zoning Ordinance are minimal. Staff has provided a set of draft conditions for review/consideration that are included in this packet.

Public Comments on the Public Hearing:

Betty Jean Cabbage spoke in support of the SUP application submitted by Jeffrey Dinges. She is excited to see new business created and current businesses grow. She noted that there are similar businesses currently in Page County and the facility would benefit local businesses and provide taxes. She challenged the Board members to visit the facility and noted that the facility would not be used every day.

Rebecca Knighting spoke in support of the SUP application submitted by Jeffrey Dinges.

Chester Knighting spoke in support of the SUP application submitted by Jeffrey Dinges. He noted that the venue is enclosed.

Emmett and Leola Brooks spoke in support of the SUP application submitted by Jeffrey Dinges.

Bennie Cabbage spoke in support of the SUP application submitted by Jeffrey Dinges. He noted that this is an excellent use of an old barn.

Allan Housden spoke in support of the SUP application submitted by Jeffrey Dinges, saying this would be good for the community.

Mike Lloyd spoke in support of the SUP application submitted by Jeffrey Dinges. He noted that it will be good for other local small businesses and the community.

Mike Cash spoke in support of the SUP application submitted by Jeffrey Dinges.

Melanie Conner spoke in support of the SUP application submitted by Jeffrey Dinges. She noted that there are few affordable venues for local people. The county is a wedding destination, and this will be a great addition to the community.

Sara Rothgeb spoke in support of the SUP application submitted by Jeffrey Dinges. She noted that there are few affordable venues for local people and stressed the safety of the location for children for birthday parties.

Ricky Rothgeb spoke in support of the SUP application submitted by Jeffrey Dinges.

Matt Dovel spoke in opposition to the SUP application submitted by Jeffrey Dinges. He said this is a ridiculous location for a venue. He is concerned about the noise and events being held every weekend.

Joe Alger spoke in support of the SUP application submitted by Jeffrey Dinges.

Frankie Cabbage spoke in opposition to the SUP application submitted by Jeffrey Dinges. He showed the Board a petition against the venue. He said this only affects the people who live on Honeyville Road in Stanley. He is concerned with the proximity of the proposed venue to his property and the disruption from the noise and lights because he works a swing shift.

Avery Cabbage spoke in opposition to the SUP application submitted by Jeffrey Dinges. This venue borders her backyard and is not a good idea.

Phyllis Long spoke in opposition to the SUP application submitted by Jeffrey Dinges. She showed the Board some photographs of the venue from a bordering property, and she noted the increase of traffic traveling to and from the venue. She said the property values of adjacent homes will be reduced. She was also concerned with trespassing, trash, noise, lights, and foul language.

Angela Eppard spoke in support of the SUP application submitted by Jeffrey Dinges.

Danielle Dinges spoke in support of the SUP application submitted by her parents, Jeffrey Dinges. She noted that this is an opportunity for her and her sister to own and

operate a local business. This venue would be affordable and would support other local businesses. She shared data on property value increases from 2016 to 2021. The Barn at Evermore increased property values of four nearby properties by 22%. Stover Hall's average increase to the five surrounding properties is 10%. South Fork increased property values 21.75%. She explained that the majority of the ECC (911) calls for 2022 for Stover Hall, The Barn at Evermore, FaithBrooke Barn and Vineyards, Brenwood, South Fork, and Khimaira Farms were accidental dials or hangups.

Odessa Shenk spoke in support of the SUP application submitted by Jeffrey Dinges. She noted the need for revenue in the county and venue options for locals.

Clyde Freeze spoke in support of the SUP application submitted by Jeffrey Dinges.

Dennis Dovel spoke in opposition to the SUP application submitted by Jeffrey Dinges. He read the purpose of the Agricultural Protection Tier from Volume I of the Comprehensive Plan, Part II, Chapter 2, Section 2.2 Using Growth Tiers, the purpose of the Agricultural Protection Tier is to protect agricultural uses and preserve the rural lifestyle and sense of community that has long defined Page County. He expressed concern about the possible noise. He said venues were good, but there's a place for them and this is not the place, next to other people's homes with small children.

Nicky Long spoke in opposition to the SUP application submitted by Jeffrey Dinges. His concern is with the use of Maple Lane.

Michelle Long spoke in opposition to the SUP application submitted by Jeffrey Dinges. Her concerns are the location and the proximity to the neighboring properties, noise, and traffic on the road.

Ronnie Knight spoke in support of the SUP application submitted by Jeffrey Dinges.

Jason Breeden spoke in support of the SUP application submitted by Jeffrey Dinges. He owns the florist in Stanley and said the venue would be a good thing. He noted that there are usually noise stipulations in the contract for the venues. He said that there are venues that have been approved that are similar, some that are even closer and that if you meet all the regulations, you should be able to do what you want.

Vincent Housden spoke in opposition to the SUP application submitted by Jeffrey Dinges. He expressed concern with traffic and noise.

Kim Rhinehart spoke in opposition to the SUP application submitted by Jeffrey Dinges. She is concerned about the proximity of the chicken houses to the proposed venue as well as the noise and traffic.

Daphne Dinges, applicant, addressed the Board regarding her and her husband's SUP. They will use the new VDOT road by their residence during the events and the venue will not be unattended. They want to create a family business to pass down to their

children and they support local businesses. She noted a petition of 500 signatures in support of the venue. They plan on erecting a six-foot fence and a privacy screen around the venue.

Jeff Dinges, applicant, spoke regarding his SUP application. He is a local business owner and talked about how they give back to the community through their support of local fire departments, truck and tractor pulls, the fair, the Town of Stanley, and the fishing tournaments. He noted that for the County to keep moving forward it requires local business or higher taxes. He explained that their venue would not be used 24-hours a day and that most venues have cut-off times, and they will enforce the times. The venue will not be unattended. He noted that they have met all of the requirements the County has told them they needed with VDOT, Building and Zoning, and the Page County Health Department. He explained they do have an approved entrance through VDOT by their residence, they just need the permits. They are not using Maple Road for any contracted events, only for personal and utility use. The barn is approximately 260 feet from the nearest residence that is in opposition. There will be a six-foot locked privacy gate off of Maple Road with a six-foot tall fence. There is a 75-foot buffer from the parking area and the Cabbage and Dovel properties. The privacy fence will prevent vehicle lights from shining into neighboring residences and will provide additional privacy for the adjacent residents and the people using the venue. Mr. Dinges explained that the venue will bring no more traffic to the road than the local churches on Sunday mornings; one of the churches has a 300-person limit. He noted that the 911 address will be at the barn so people will not be using Maple Road and they will put up "Do Not Enter" signs. He wants to create an affordable venue for local people, and it is something he wants his daughters to continue.

Mr. David Reed, attorney for the applicant, spoke on the SUP's proposed conditions. Mr. Reed reminded the Board that the conditions of the SUP are how to mitigate any concerns. He noted that Maple Road will not be used and it is noted in the conditions of the SUP that Maple Road is not used for access to the venue. Maple Road will be gated and signs will be posted. The new access road is directly off of Honeyville Road, and the venue will be numbered directly off of Honeyville Road and should be included in the conditions. He asked the Board to approve the SUP with the modifications. The new access road goes directly by Mr. Dinges' residence. Mr. Reed suggested changing the privacy screen to a six-foot double evergreen screen along the interior of the fence to be maintained for the life of the SUP.

Dexter Steele spoke in support of the SUP application submitted by Jeffrey Dinges.

Keith Wallace spoke in support of the of the SUP application submitted by Jeffrey Dinges.

Christy Wallace spoke in support of the SUP application submitted by Jeffrey Dinges.

Chairman Weakley closed the public hearing at 8:33 p.m.



**Motion:** Supervisor Guzy moved to table the application for the Special Use Permit for Jeffrey Dinges to allow for additional time to review and to allow all Board members to be present and participate in the discussion and vote. Supervisor Vaughan seconded and the motion carried by a vote of 4-0. Aye: Vaughan, Weakley, Guzy, Louderback. Nay: None. Absent: Stroupe, Foltz.

Supervisor Guzy expressed concern about the number of vehicles and the available parking. He noted that when conditions are dry, there is a lot of dust from cars. Mr. Guzy stated that the GIS shows the distance being between 250 to 500 feet between the proposed venue and the adjacent houses. His concern is that issues with lights and noise have not been fully answered. Mr. Guzy is also concerned with the biosecurity of the active chicken house on the property; he noted that there is 73 feet between the parking area and the chicken house. Mr. Guzy's final concern is with the potential for additional functions. He stated that his questions were not answered, and he is unable to make a decision at this time.

Supervisor Louderback expressed concern about the work done before the application for the special use permit was submitted, so the building permits were not needed that would otherwise have been required. Mr. Dinges responded that they had an inspection performed by an engineering company, per county regulations, and Mr. James Campbell, Building Code Official, has completed a site visit. Mr. Dinges noted that once work was completed on the venue, Mr. Campbell would perform an inspection. He noted that their intention was not to evade county regulations, but rather, the idea of a venue started with their daughter's wedding.

Supervisor Weakley noted that his concerns are similar to those voiced by Supervisor Guzy and he would like time to process the information and to perform additional research.

Supervisor Vaughan echoed the concerns of the other Board members.

**Budget Amendment:**

The public hearing on the budget amendment was advertised as follows:

\*\*\*\*\*

NOTICE OF PUBLIC HEARING  
BUDGET AMENDMENT  
PAGE COUNTY BOARD OF SUPERVISORS

On August 28, 2023, at 7:00 p.m., the Page County Board of Supervisors will conduct a public hearing at the Page County Government Center, 103 South Court St., Luray, VA 22835, for the purpose of considering an amendment to the fiscal year 2024 budget. The aggregate amount of the amendments exceeds one percent of the fiscal year 2024 budget and the public hearing is required by Section 15.2-2507 of the Code of Virginia.

REVENUE:	Local Funds	\$277,147
	State Funds	37,750
	Federal Funds	942,157
	General Fund Balance	756,569
	County CIP Fund Balance	90,000
EXPENDITURE:	General Fund	\$1,105,109
	Tourism Fund	158,514
	County CIP Fund	840,000

\*\*\*\*\*

Chairman Weakley opened the public hearing on the Budget Amendment at 8:40 p.m.

Mr. Tyler Olsen, Finance Director, presented the proposed Budget Amendment for the fiscal year 2024 budget as follows:

### **New Requests**

Due to the disbandment of the County's Broadband Authority, the County has collected the Authority's funds and assumed its expenses. It is requested that the Authority's \$162,698 is appropriated for its expenses, such as legal fees and tower costs.

The General Registrar has collected \$200 in local fines and requests for it to be appropriated to the Office's part-time wages.

Economic Development and Tourism requests that \$25,000 of the Transient Occupancy Tax (TOT) revenue is appropriated for its contractual services, including the distribution of its visitor guides. They also request that an additional \$25,283 of TOT revenue is appropriated for marketing and developing the Page County tourism website.

The Office of Economic Development and Tourism has also received \$4,500 in state funds from the Creative Communities Partnership Grant. It is requested that these funds are appropriated for local arts organizations. This grant requires a local match of \$4,500, which was already appropriated during the original budget adoption in May.

The Sheriff's Office has received \$12,500 from the State Police Heat Grant. It is requested these funds are appropriated for Flock Safety cameras.

The Sheriff's Office has also received \$415,000 of federal funds from the American Rescue Plan Act (ARPA). It is requested that these funds are appropriated for vehicles, ballistic shields, and tactical supplies. The expenses allowed under this grant are specific to violent crime.

The Sheriff's Office has received two federal DOJ COPS grants. One will provide \$128,910 for de-escalation training and supplies. The other will provide \$350,000 for crisis intervention training, supplies, and personnel. Although personnel costs were

included in the grant application, the Sheriff's Office is trying to purchase training and supplies rather than hire additional staff.

### **Carryover Requests**

In FY 2022 and 2023, the Animal Shelter received the local Direct Animal Award, which totaled \$20,000. \$3,982 of these grants remains to be received and spent. It is requested that these local funds are appropriated for veterinary services and various supplies.

Since FY 2021, Economic Development and Tourism has allocated each year \$25,000 of TOT revenue to each of the Towns. Of the \$50,000 appropriated to each Town in previous years, Shenandoah did not spend \$22,054 and Stanley did not spend \$37,930. It is requested that \$22,054 and \$37,930 is appropriated from the Tourism Fund Balance to Shenandoah and Stanley, respectively, for their digital content, signage, and other tourism-related initiatives. This appropriation was approved and recommended by the Tourism Council.

In FY 2023, Economic Development and Tourism was awarded a grant of \$90,000 from the American Rescue Plan Act (ARPA). The projects have carried over into FY 2024, and it is requested that \$48,247 of the remaining federal funds is appropriated for the various marketing initiatives outlined in the attachment.

The Sheriff's Office has \$20,750 left in state asset forfeiture funds. It is requested that these funds are appropriated to the Investigations Division.

In FY 2023, the local Virginia Cooperative Extension Office had participated in the VDACS Pesticide Container Recycling Program. The Office thought the containers would be disposed of in FY 2023; however, many containers were rejected by the recycling contractors. They are now being disposed of in August, and the Office will receive the bill in FY 2024. It is requested that their unspent funds of \$6,569 from FY 2023 is carried over to FY 2024 for this recycling expense.

During FY 2023, the County made a supplemental appropriation for implementing the Commissioner of the Revenue's new CAMA software. \$90,000 of this appropriation remains to be spent; therefore, it is requested that \$90,000 of the Capital Improvement Projects (CIP) Fund Balance is appropriated for the CAMA software's implementation.

### **School Board Transfer Requests**

Since there were uncertainties with the General Assembly during the budget adoption process, the adopted budget for the School Operating Fund reused figures from the adopted budget for FY 2023. To update the budget for FY 2024, the School Board is requesting to transfer the following from the Instructional category:

- \$220,000 to the Transportation category,
- \$475,000 to the Operations & Maintenance category, and
- \$40,000 to the Technology category.

Public Comments on the Public Hearing

There were no speakers during the public hearing.

Chairman Weakley closed the public hearing at 8:56 p.m.

Supervisor Guzy expressed concern with the carryover requests and suggested a letter be sent near the end of the fiscal year reminding departments that at the end of the fiscal year the funds are no longer available.

**New Requests:**

**Motion:** Supervisor Vaughan moved to approve the appropriation of revenue from local funds in the amount of \$213,181, from state funds in the amount of \$17,000, and \$893,910 from federal funds and expenditures to the General Fund in the amount of \$1,073,808 and the Tourism Fund in the amount of \$50,283. Supervisor Louderback seconded and the motion carried by a vote of 4-0. Aye: Weakley, Guzy, Louderback, Vaughan. Nay: None. Absent: Stroupe, Foltz.

**Carryover Requests:**

**Motion:** Supervisor Guzy moved to approve the carryover appropriation of revenue from local funds in the amount of \$3,982, federal funds in the amount of \$48,247, the General Fund Balance in the amount of \$27,319, the Tourism Fund Balance in the amount of \$59,984, and the CIP Fund Balance in the amount of \$90,000; and expenditures to the General Fund in the amount of \$31,301, the Tourism Fund in the amount of \$108,231, and the CIP Fund in the amount of \$90,000 as presented. Supervisor Louderback seconded and the motion carried by a vote of 4-0. Aye: Guzy, Louderback, Vaughan, Weakley. Nay: None. Absent: Stroupe, Foltz.

**School Board Transfer Requests:**

**Motion:** Supervisor Vaughan moved to delay the vote until the school staff provides account detail. Supervisor Guzy seconded and the motion carried by a vote of 4-0. Aye: Louderback, Vaughan, Weakley, Guzy. Nay: None. Absent: Stroupe, Foltz.

<b>SUPPLEMENTAL APPROPRIATIONS REQUESTS:</b>				
Department	Description	Revenue Source	Expenditure	Requested Amount
IT	Broadband Authority Assumption	Broadband Authority Rev 101-0000-318-02-03	Legal and Misc. Bills 101-1251-412-58-11	\$162,698
Animal Shelter	VRHS Direct Animal Award	VRHS Direct Animal Award 101-0000-318-02-37	Vet Expenses 101-3510-435-59-31	\$3,982
General Registrar	Local Fines	Local Fines 101-0000-318-02-12	Part-Time Wages 101-1320-413-11-04	\$200

Board of Supervisors  
 Minutes - August 28, 2023

Economic Development & Tourism	Shenandoah FY23 TOT Carryover	Tourism Fund Balance 210-0000-341-04-07	Shenandoah TOT Contribution 210-8150-481-58-03	\$22,054
Economic Development & Tourism	Stanley FY23 TOT Carryover	Tourism Fund Balance 210-0000-341-04-07	Stanley TOT Contribution 210-8150-481-58-04	\$37,930
Economic Development & Tourism	Visitor Guide Distribution	TOT 210-8150-481-58-69	Contractual Services 210-8150-481-30-40	\$25,000
Economic Development & Tourism	Marketing and Website Development	TOT 210-8150-481-58-69	Various	\$25,283
Economic Development & Tourism	Creative Communities Partnership Grant	VCA CCP Grant 101-0000-324-04-05	VCA CCP Grant 101-8150-481-59-94	\$4,500
Economic Development & Tourism	VTC ARPA Grant	ARPA 210-0000-333-09-18	Marketing 210-8150-481-59-96	\$48,247
Sheriff's Office	State Asset Forfeiture Funds	Fund Balance 101-0000-341-04-07	State Asset Forfeiture 101-3121-431-58-09	\$20,750
Sheriff's Office	VA State Police Heat Grant	VA State Police Heat Grant 101-0000-324-04-54	Flock Safety Cameras 101-3121-431-59-27	\$12,500
Sheriff's Office	DCJS ARPA Law Enforcement Grant	ARPA 101-0000-333-01-72	Vehicles and Equipment 101-3120-431-59-07	\$415,000
Sheriff's Office	DOJ COPS De-Escalation Grant	COPS De-Escalation Grant 101-0000-333-01-08	Training and Supplies 101-3120-431-59-03	\$128,910
Sheriff's Office	DOJ COPS CIT Grant	COPS CIT Grant 101-0000-333-01-36	Training and Supplies 101-3120-431-59-22	\$350,000

VA Cooperative Extension Office	Pesticide Container Disposal	Fund Balance 101-0000-341-04-07	Contractual Services 101-8310-483-30-40	\$6,569
Capital Projects	COR CAMA Software Implementation	CIP Fund Balance 301-0000-341-04-07	CAMA Software 301-9420-541-80-79	\$90,000
TOTAL REQUESTS:				\$1,353,623

**Public Comments on Agenda Items:**

Mr. David Reed, Attorney, spoke on the Review of Subdivision Ordinance Amendment and asked the Board to not piecemeal changes to the ordinance but rather make any changes as a whole. His particular concern is the proposal to eliminate the 25-acre “exception” to the subdivision rule. The Subdivision of Land Ordinance allows for certain methods to divide land, one of which is the 25-acre division. 25-acre divisions are permitted in any zoning district. They do not have the same requirements as nonfamily divisions for 50’ rights-of-way, and they are not limited to once every five years, nor do they prohibit further, immediate divisions. When combined with subsequent nonfamily divisions and boundary line adjustments, 25-acre divisions can be a method to rapidly divide a large parcel into several parcels outside of the rules of Class A and Class B subdivisions. By eliminating this rule, you take options and value away from large parcels owned by county landowners. The implications are consequential in terms of potential future tax revenues and devaluation of property. I suggest the changes are made as a whole and while you are reviewing the subdivision ordinance.

**Action Matters**

**Proposal to Increase Haul Fee for Rental Containers:**

Mr. William Hall, Director of Solid Waste, presented a proposal to increase the haul fee for rental containers. Mr. Hall noted that since we have started rental boxes, several cost factors (waived fees or trips are not included) have drastically increased. Fuel Cost Average has increased 87.64% from \$1.78 to \$3.34. Averaging 136 rental trips a year, fuel has increased from \$7,262.40 to \$13,627.20. Labor Cost Average has increased 16.82% from \$20.15 an hour to \$23.54 an hour. Averaging 90 minutes a trip and 136 rental trips a year, the labor cost has increased from \$4,110.60 to \$4,802.16. Wear & Tear Cost Average has increased 34.22% from \$0.45 a mile to \$0.604 a mile. This is only accounting for routine wear and tear and maintenance. This does not include any significant repairs. Averaging 136 trips at 30 roundtrip miles, wear and tear cost has increased from \$1,836.00 to \$2,464.32.

This is an overall cost increase of 58.18% from \$13,209.00 to \$20,893.68. Those increases have increased our cost to revenue ratio from 39.56% to 59.03%. Net profit the first year of renting containers yielded \$20,183.35 and the past fiscal year’s net profit was \$14,495.67.

A cost of almost sixty percent is setting us up to fall into the red sooner rather than later. I believe that the rental program, while labor intensive, is a huge benefit to our citizens.

**Benefits:**

- Lenient on length of time of rental (rolling two-week period without additional fee – realistically, with communication we don't charge any additional)
- Lenient of pay schedule (insurance claims, project completion)
- Exact weight for tonnage fee
- No Set Up Fee

**Downside:**

With limited boxes and staffing that is not dedicated solely to rental containers, we cannot always guarantee a specific day or time of delivery or pick up. Along that same vein, we almost always have a waiting list, usually a period of two to three weeks. It is also understood that the towns, fair, heritage festival, etc. take precedence. They are generally scheduled a couple months in advance; and we are sure to hold the boxes back to accommodate those needs.

Given the above information, I am proposing that we raise the haul fee for roll-off containers from \$100 a trip (roundtrip) to \$200. This will prevent us from having a net loss. This will also slightly elevate the maintenance budget for the roll-offs and container repairs from wear and tear.

**Motion:** Supervisor Guzy moved to approve the increase to the the haul fee, as presented. Supervisor Vaughan seconded and the motion carried by a vote of 4-0. Aye: Vaughan, Weakley, Guzy, Louderback. Nay: None. Absent: Stroupe, Foltz.

**Board & Commission Appointments:**

Mrs. Harner informed the Board of the appointment for the Massanutten Regional Library Board of Trustees. The current appointee, Wendy Bundy, does not want to continue after her term expires on September 30, 2023. We have received two letters of interest and resumes for the vacancy from Derek Goebel and Ken Alger. Currently we only need one appointment, but the Library Board is considering adding another seat. Mrs. Harner recommend either one for the appointment and suggested that the one not appointed today is considered for the potential third seat.

**Motion:** Supervisor Vaughan moved to appoint Mr. Derek Goebel to the Massanutten Regional Library Board of Trustees, term to begin October 1, 2023 and expiring September 30, 2026.

**Consent Agenda:**

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

- Financial reports for the period of July 1-31, 2023;

- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$8,236,726.59 for the month of July 2023;
- Minutes of June 20, 2023 and July 17, 2023.

Supervisor Vaughan seconded and the motion carried by a vote of 4-0. Aye: Guzy, Louderback, Vaughan, Weakley. Nay: None. Absent: Stroupe, Foltz.

**Old Business:**

There was no Old Business to discuss.

**New Business:**

**Proposed Update to the Tax Relief for the Elderly:**

Ms. Becky Smith, Commissioner of the Revenue, asked the Board to consider updating the Tax Relief for the Elderly and Disabled Program. She noted that the current income levels are not reflecting the rise due to cost of living and expenses that the elderly/disabled face. Ms. Smith has done a comparison of localities for review based on similar median income levels. This program was last updated by ordinance in 2006. The program is maintained in Ms. Smith's office, but the authority to change the guidelines is with the Board. Ms. Smith noted that this past year she had to remove 20 people that had been in the program and approximately 30 people were denied acceptance into the program. Ms. Smith offered to provide the Board with any additional information.

Another change to consider in the ordinance is the application due date. Currently, the date has been set as of April 1st of each year. Ms. Smith proposed the date be changed to March 1st of each year. This change will not affect the applicants, only the way we process within the office to prepare for the first half billing cycle. She then reviewed the amount of the exemptions in comparable counties and noted that with the update, we potentially will lose approximately \$150,000 to \$160,000 in the relief granted.

Supervisor Weakley inquired if the income amounts are static or if they are indexed, which would potentially eliminate the need for review by the Board.

Supervisor Guzy asked if someone who does not take an income but has assets could qualify for the program? Ms. Smith answered that only those with assets under \$114,000 qualify for the program.

Ms. Smith noted that if the Board votes on this issue before December 1, 2023, her office will still be able to send out the applications.

The Board agreed to review the Tax Relief for the Elderly and Disabled Program at a future meeting.

**Review of Subdivision Ordinance Amendment:**

Mr. Josh Hahn, Planning Director, noted that the Planning Commission has received additional information since their last meeting reviewing the Subdivision of Land



Ordinance amendments. In light of additional information obtained from VDOT relating in part to roadway access, Mr. Hahn's recommendation to the Board is to send the proposed Subdivision of Land Ordinance amendments back to the Planning Commission.

The Board was in consensus to send the proposed Subdivision of Land Ordinance amendments back to the Planning Commission for additional evaluation.

**Revocation Orders Discussion:**

Mr. C. Grayson Markowitz, Clerk of Circuit Court, noted that all revocation orders in question have been processed and his office has always processed revocation orders in a timely manner. Mr. Markowitz explained that revocation orders originate in the Commonwealth Attorney's office and introduced Mr. Bryan Cave, Commonwealth Attorney. Mr. Cave explained that he volunteered to speak to the Board to address the email dated July 17, 2023, and to clarify what revocation orders are and the general process. Revocation orders are paramount. He noted that a Circuit Court speaks through its orders, which means that regardless of what a judge may say, unless the order is memorialized in a paper with the judge's signature, it does not mean anything. Mr. Cave explained that there are different types of orders. For example, for an individual who commits a new felony, there is an order that memorializes what happens to them and their case, this is a sentencing order. There are orders that are generated that transport defendants, these are transport orders. The revocation orders are orders that are generated when someone is on probation and has some of their time revoked, this is where the term "revocation order" comes from. The duties of drafting these orders fall to different entities. For example, sentencing orders are drafted by Judge Ritchie's secretary in Rockingham County. Transportation orders are created by the Clerk's Office and revocation orders fall within the purview of the Commonwealth's Attorney Office. Mr. Cave referenced an email dated July 17, 2023, that was sent to several members of the Clerk's Office, to Mr. Cave, and to the Jail. The email asks about ten specific outstanding revocation orders. Revocation orders are needed because after individuals are processed through the courts, they are sent back to jail and remain until the jail receives an order. Mr. Cave acknowledged that there was a backlog of revocation orders, and it was the goal of his office to process every order up to April 2023. Until Mr. Cave received the email, he thought the orders were up to date through April 2023. In order to remedy the potential for any future backlog, the revocation orders are now created in the courtroom in real time. Of the ten revocation orders listed in the email, Mr. Cave takes full responsibility for four and he processed them last week. Mr. Cave advised the Board that some of the revocation orders were overlooked, and his office is working to ensure this does not happen again; he noted that there will be delays due to the workload, but remedies are in place.

Supervisor Guzy expressed concern about the impact of the backlog of revocation orders on the Sheriff's Office budget. Ms. Moler, County Administrator, asked where the order is sent after it is drafted by the Commonwealth's Attorney Office. Mr. Cave answered that they are delivered to the Clerk's Office and then are processed through the judge. Supervisor Guzy noted that some of the revocation orders dated to 2022,

which causes a significant impact on the Sheriff's Office budget. Supervisor Louderback noted that in addition to lodging and meal expenses, the county is responsible for the health care of the inmates. Mr. Louderback asked if it was a liability issue for the county when the orders are not processed in a timely manner. Mr. Cave recognized that potentially there could be federal civil rights issues relating to the unprocessed revocation orders. Supervisor Guzy asked what the timeline should be. Mr. Cave said approximately 30-60 days. The Board asked Mr. Markowitz if he agreed with the timeline suggested by Mr. Cave. Mr. Markowitz noted that since COVID, the criminal case workload has tripled for both of their offices. He noted that he started with one employee in the criminal department, and he now has three full-time employees. Mr. Markowitz explained that along with Mr. Cave, he has reorganized his office to ensure this situation does not happen in the future and he has requested another position from the Compensation Board.

**Open Public Comments:**

There were no speakers during the open public comments.

**Administrator's Report:**

Mrs. Amity Moler, County Administrator, informed the Board of the third annual employee sponsored Trunk or Treat from 5:30 p.m. to 7:00 p.m. on October 26, 2023, and invited the Board to attend. The showers are scheduled to be installed in the Stanley Volunteer Rescue Squad in approximately six weeks. Mrs. Moler noted that she was asked to participate, along with the Shenandoah County Administrator, in the final interviews for a Health Director for the Lord Fairfax Health District. Mrs. Moler then presented the Board with the new visitors guides created by the Department of Economic Development and Tourism.

**Supervisor's Time:**

The Supervisors thanked everyone for their attendance and participation. Supervisor Guzy would like to pursue information about the lack of pediatric care at the hospital. Supervisor Louderback agreed with Mr. Guzy about the lack of available basic care.

**Adjourn:** 9:42 p.m.

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

---

Larry Foltz, Vice Chairman

---

Amity Moler, County Administrator