

Minutes
Board of Supervisors
Regular Meeting
February 19, 2019

Members Present: Morgan Phenix, Chairman At-Large
D. Keith Guzy, 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 regular meeting of the Page County Board of Supervisors on February 19, 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 the Invocation given by Duane Painter and the *Pledge of Allegiance*.

Adoption of the Agenda:

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

Presentations, Proclamations and Awards:

Resolution-No Kill Shelter Designation:

Mrs. Moler explained that a No-Kill shelter designation is achieved when there is a kill rate of 10% or less. In 2018, 4 dogs were euthanized, and 29 cats were euthanized, of the 571 animals that were in custody at the shelter. For the first time in Page County, the Animal Shelter has achieved No-Kill status. This is due to the compassion and hard work of the shelter staff to work toward adopting animals and working with rescue groups. The staff is to be commended for their efforts in making this goal a reality for Page County. The staff includes: Jami Cooper, Shelby Jewell, Regina Straka, Hali Emmons, John Fletcher, Amber Martin, Meagan Painter, Jessie Turner and MacKenzie Tomzcak.

Chairman Phenix read the resolution and presented it to the Animal Shelter Staff.

#2019-01
RESOLUTION
NO-KILL ANIMAL SHELTER DESIGNATION

WHEREAS, a No Kill animal shelter is identified as saving all healthy and medically treatable dogs and cats that enter the shelter; and

WHEREAS, The No Kill designation is given when there is a kill rate of 10% or less; and

WHEREAS, the staff at the Page County Animal Shelter has worked to implement lifesaving programs and policies as alternatives to euthanizing animals; and

WHEREAS, for the first time in the shelter's history, it has achieved No Kill status for 2018, due to the efforts and commitment of the staff at the shelter; and

WHEREAS, the shelter staff values protecting the lives of dogs and cats with the goal of placing them into homes through adoptions or working collaboratively with animal rescue organizations.

NOW, THEREFORE BE IT RESOLVED, that the Page County Board of Supervisors hereby recognizes and commends the staff at the Page County Animal Shelter for their investment of time and resources in achieving the No Kill status through their goal of saving the lives of cats and dogs.

BE IT FURTHER RESOLVED, that the staff continue their efforts to maintain the No Kill status for the Page County Animal Shelter.

This Resolution was adopted by the Page County Board of Supervisors this 19th day of February, 2019.

Motion: Supervisor Guzy moved to adopt Resolution #2019-01 No-Kill Animal Shelter Designation. Supervisor Wiatrowski seconded and the motion carried by a vote of 6-0. Aye: Guzy, Wiatrowski, Stroupe, Foltz, Vaughan, Phenix. Nay: none.

Public Comments of Agenda Items:

J.D. Cave spoke regarding the proposed solar farm projects. He said Mrs. Clatterbuck sent out 70 notices to adjacent landowners to find out what their thoughts were on the projects. Of that, 29 were returned, with 23 against and 6 in favor. The Planning Commission held a public hearing and 150 people attended, 75% of which were opposed. The Planning Commission voted and recommended denial of the special use permit requests. On December 4, 2018, the Board held a public hearing on the projects. There were 76 speakers, with 54 against and 22 in favor. There have been numerous letters to the Editor against the projects. He expressed that the community has clearly expressed that they are against these projects.

Dean Peterson commented that Ridgeview Lane, in the Land of Shenandoah, is difficult for emergency vehicles to back into. The road is in poor condition because the County

has not taken care of the road back to the railroad tracks, which is the County's responsibility. The homeowner's association is defunct, and something needs to be done so at least a fire truck can get down it. When it rains there is at least 2 to 3 feet of water that sits there and makes it impossible to get home. VDOT has indicated that they are not responsible for that particular road.

Cathy Grech said she knows some investors are looking at Page County, which will bring in more revenue to the county than both of the solar projects combined. She feels that when they look at this County, they see a Comprehensive Plan that can be changed on a whim. She suggests that the Board be very careful and ask questions and seek legal advice. Mrs. Grech said she is concerned about the solar company pressuring the Board and the fact that there are still questions that have not been answered.

Isabel Graves asked the Board to take their time making a decision on the solar projects. She pointed out that solar could be obsolete in 75 years.

Kris Garrett commented that if Urban Grid is such a great company then they will be around for years and years. She asked the Board to look at the Comprehensive Plan and the impact studies that are involved. She asked how they know that in 75 years this land can be turned back into valuable farm land. She encouraged the Board to do their due diligence and say no to these projects, at this time.

Action Matters:

Budget Changes:

Dennis Click, Director of Finance, reviewed the budget changes with the Board.

Supplemental Appropriations Requests:

Department	Description	Revenue Source	Expenditure	amount
Page County Public Schools	Additional Grant Funding	501-0000-333.02-02 Title I	501-6101.511-30-00 Instructional	\$36,294.73
Page County Public Schools	Additional Grant Funding	501-0000-333.02-26 Title II	501-6101.511-30-00 Instructional	\$6,299.00
Page County Public Schools	Additional Grant Funding	501-0000-333.02-72 Title IV	501-6101.511-30-00 Instructional	\$38,390.90
Page County Public Schools	Additional Grant Funding	501-0000-333.02-03 Title V	501-6101.511-30-00 Instructional	\$8,161.22
Page County Public Schools	Recovered Costs	501-0000-318.03-30 Misc. Donations/ Refunds/Rebates	501-6101.511-30.00 Instructional	\$20,000.00
Page County Public Schools	Recovered Costs	501-0000-318.03-30 Misc. Donations/ Refunds/Rebates	501-6401.515-30-00 Operations & Maint.	\$24,823.00
Page County Public Schools	Additional Grant Funding	501-0000-324.02-84 PBIS of VTSS Grant	501-6101.511-30.00 Instructional	\$31,918.97
Page County Public Schools	Additional Grant Funding	501-0000-324.04-76 School Security Grant	501-6401.515-30.00 Operations & Maint.	\$21,818.00
EMS	Four-For-Life Grant	101-0000-324.04-16 Four-For-Life Grant	101-3220-432.56-41 Four-For-Life-Grant	\$1,204.20

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EMS	Four-For-Life Grant	101-0000-324.04-07 Four-For-Life Grant	101-3230-432.56-41 Four-For-Life-Grant	\$401.40
EMS	Image Trend – Luray Fire	101-000-318.02-10 EMT Classes – Local Fees	101-3230-432.30-40 Contractual Services	\$3,600.00
EMS	RSAF Grant	101-0000-324.04-93 RSAF Grant	101-0000-324.04-93 RSAF Grant	\$27,400.65
Total				\$220,312.07

Motion: Supervisor Foltz moved to approve the appropriation of local, state, federal, and recovered cost funding in the amount of \$220,312.07. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Wiatrowski, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

Boards and Commission Appointments:

Ms. Miller reviewed the Board and Commission Appointments as follows:

Economic Development Authority:

A vacancy exists on the EDA for District 3. Greg Foltz had been serving but he does not want to be reappointed. Jason Pettit's term has expired, as the Town of Luray's representative. The Town Council has recommended him for reappointment for a four-year term from February 1, 2019 through January 21, 2023. A vacancy also exists on the EDA for District 5.

Motion: Supervisor Guzy moved to appoint Jason Pettit (Town of Luray Representative) to the Economic Development Authority for a four-year term from February 1, 2019 through January 31, 2023. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Wiatrowski. Nay: None.

No action was taken on the Economic Development Authority appointments for District 3 and District 5.

Planning Commission:

The terms of Donnie Middleton (District 2), Duane Painter (District 4) and Craig Lancto (District 5) have expired. The new term for each seat would run four years from January 12, 2019 through January 11, 2023.

Motion: Supervisor Wiatrowski moved to appoint Donnie Middleton (District 2) to the Planning Commission for a four-year term through January 11, 2023. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Foltz, Vaughan, Phenix, Guzy, Wiatrowski, Stroupe. Nay: None.

No action was taken for the Planning Commission District 4 and 5 appointments.

Consent Agenda:

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

- Financial reports for the period of January 1-31, 2019;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,642,520.64 for the month of January 2019;
- Minutes of January 15, 2019;
- Four coyote claims totaling \$200.

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

Old Business:

Review of Proposed Special Use Permit Conditions for Cape Solar & Dogwood Solar:

The Board reviewed the proposed special use permit conditions for Cape Solar and Dogwood Solar. The proposed conditions reflect suggested changes from a meeting with Chairman Phenix, Supervisor Guzy and County staff.

Tracy Clatterbuck, Zoning Administrator, began by reviewing those suggested changes (dated 2/7/19) to Cape Solar, since the last Board meeting:

- Number 1: It was discussed lowering the term of the special use permit from 60 years to 40 years. For clarification purposes, the County Code already says that special use permits run with the land; however, they are transferable between ownership and the wording was changed to reflect that.

Roger Bowers, Attorney for Urban Grid, said they seek approval for a project that is feasible and economically viable. He asked for the Board's support to find compromises that allows them to bring viable projects to the table for their consideration. He indicated that their contract with the landowner is a for a 25-year term initially, with four, five-year renewal rights. Regarding the term, he said they need to be in the 55-60-year range to have investors make these viable projects to be able to provide a return. After discussion, the Board was in consensus to change the length of the proposed conditions for Cape Solar to 50 years (Number 1 of Proposed Conditions).

- Number 4 & 5: Ms. Clatterbuck indicated that the County accepted a concept, based on the preliminary site plan, that Urban Grid has provided. Should the Board reduce the acreage on Cape Solar, then number 4 will change. The current preliminary site plan is an estimated location of panels. She said the Board needs to further discuss these items. She expressed concern that if the Board does not require a detailed plan then it will be left to a matter of interpretation. Mr. Bowers expressed that the County does not have vegetation standards, so they will provide a plan as part of the conditions to include buffer screening standards, spacing of plants, types of plants, all of which will be decided by the County. He said they are

offering to reimburse the County for the cost of having a third party look at the screening. These standards will be required in the conditions. He indicated that they have agreed not to build panels in the floodplain. The reason they were going to place them in the floodplain originally is because it is allowed in the County ordinance and is technically feasible as long as they are built above the floodplain. Regarding steep slopes, they have agreed not to build on anything steeper than 15%.

It was noted that they originally applied to put panels on a 559 acre site, but power generation will be on a 462 acres, to include panels, access roads, inverter pads, substation, and a switch station. It was suggested that number 5 be changed from 559 to 150 contiguous acre site.

Discussion then ensued regarding the setbacks, Ms. Clatterbuck indicated that there currently no setbacks for solar projects; therefore, the Board can determine what they want the setbacks to be.

- Number 7: Ms. Clatterbuck said if the County accepts their current landscaping plan, the Board needs to make sure it is what they want, because it will be subject to interpretation. Supervisor Guzy indicated that legal counsel needs to determine if the County is protected with the landscaping, lighting, and layout. Ms. Clatterbuck suggested that the landscaping plan come back to the Board for site plan review instead of staff. Otherwise, the Board needs to spend time making sure the landscaping plan is acceptable.
- Numbers 17 & 18: The Board discussed setbacks and a minimum setback of 250 feet was proposed by several members between the security fence, residences as well as any right-of-way, including public or private streets and roads. Jessica Berger, Urban Grid, mentioned that Urban Grid will agree to 250 foot setbacks, pursuant to the recommendation in the Kirkland appraisal, which states that there is not any negative impact on the value on existing residences. Ms. Clatterbuck clarified that she measures setbacks from the edge of the property line and the edge of the roadway. She said if the Board wants the setbacks calculated differently, then they need to specify in the conditions. Supervisor Foltz stated that that setback should not apply to the Dogwood Solar project. Mr. Bowers said that if the 250 foot setback applies to this project, the scale would be reduced by 25%. The proposed setbacks for the Dogwood are 25 foot from the property line. After discussion, the Board stated the setbacks for Dogwood Solar would be set at 25 foot.
- Number 10: Ms. Clatterbuck mentioned that wording was proposed to limit the hours of construction from 7:00 a.m. to 7:00 p.m., instead of from sunset to sundown.

- Number 11: Reflects no change in wording.
- Number 12: Reflects no change in wording.
- Number 13: Ms. Clatterbuck indicated that she is not comfortable saying the decommissioning is acceptable and the County is covered so she deferred the decommissioning plan to legal counsel. Mr. Bowers expressed that the decommissioning plan has a procedure by which certified engineers estimate for removal and it is updated every 5-10 years. The bond amount is set by that estimate and is updated over the course of the project.
- Number 14: Reflects no change in wording.
- Number 15: Ms. Clatterbuck indicated that the word “operator” was struck.
- Number 16: Reflects no change in wording, but language requires legal review.
- Number 19: Reflects no change in wording, but language requires legal review.
- Number 20, 21, 22: Requires legal review.
- Number 23: “as required by the Virginia Department of Transportation” was added.
- Number 24. Requires legal review.
- Number 25: Revised to read: “Placement of any panels or equipment is prohibited in the floodplain.”
- Number 26: The applicant offered a slope of 15%, but Supervisor Guzy said that the Board should seek the opinion of an independent engineer.
- Number 27 and 28: Mr. Bowers expressed that these two items will create an impossibility for the project. It indicates that a 250 foot setback shall be maintained between the utility switchyard, substation and any property line.

Mr. Helm said he will further review the proposed conditions and send a new red-lined document to Urban Grid for review.

New Business:

Supervisor Stroupe asked Mrs. Moler to communicate to VDOT that Route 602, under the railroad trestle, in Shenandoah, has some very large potholes that needs to be

addressed. Regarding the Land of Shenandoah Subdivision, he said that the property owner's association was supposed to maintain roads from the train trestle through the subdivision. He said he would like to know what would have to be done in order for VDOT to maintain those roads.

Open Public Comments:

J. D. Cave asked what Mr. Bowers meant by 15% slope grade. He also pointed out a typo on the minutes of January 15, 2019.

Clyde Humphrey said he is still deciding if he is for or against the solar projects. He felt that the conditions for the solar permits be clarified. In addition, there has been no mention of toxic chemicals or the kind of panels defined in the conditions. Panels that are toxic should not be allowed. Lastly, he said the impacts to tourism are not known.

Cathy Grech said she concurs with most of what Mr. Humphrey said. She said that this is an industrial project and all of the tax revenue figures are based on industrial rates. If modifying the landscape plan is a legislative act, then why is the Board discussing a modified set of conditions after a public hearing. She said the Board will be voting on conditions that the public has not heard.

Ken Jemielly said the text of the proposed solar permit conditions do not mention the storage of electricity on site. He asked the Board to deny the special use permits.

Beth Snider asked why the special use permit for solar farms are still being discussed. She said the County needs to adopt an ordinance in place before this is voted on. The Kirkland appraisal report stated that there wasn't enough data to determine whether or not property values would decrease.

Administrator's Report:

Mrs. Moler said the National Weather Service is expecting that Page County will receive 5-8 inches of snow, with about 1/10 of ice starting at 11:00 p.m. tonight. She mentioned that the reassessment process will be starting soon and noted that Warren County had a 10% increase in property values, which could be an indication of what Page's could be. Regarding the budget process, she noted that there is currently a deficit. There are a few issues that need to be addressed in the upcoming budget because they have been put off for too long. Lastly, the American Legion will be holding their Centennial celebration on Sunday, March 31, 2019, at Payton's Place from 1:00 p.m. – 4:00 p.m..

Supervisors Time:

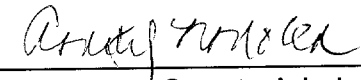
All Board members invited the public to attend the upcoming budget meeting. They also noted that they are not rushing into a decision on the proposed solar projects.

Adjourn: 10:02 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator