

Minutes
Board of Supervisors
Regular Meeting
June 21, 2022

Members Present: D. Keith Guzy, Jr., District 1
Allen Louderback, District 2
Mark Stroupe, District 3
Jeff Vaughan, District 5

Absent: Keith Weakley, Chairman-At-Large
Larry Foltz, District 4

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Tyler Olsen, Budget Officer
Tracy Clatterbuck, Zoning Administrator
Chad Cabbage, Sheriff
Michael Helm, County Attorney

Call to Order:

Vice Chair Stroupe called to order the regular meeting of the Page County Board of Supervisors on Tuesday, June 21, 2022, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

Adoption of Agenda:

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

Public Hearing:

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 June 21, 2022, 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 2022 budget. The aggregate amount of the amendments exceeds one percent of the fiscal year 2022 budget and the public hearing is required by Section 15.2-2507 of the Code of Virginia.

REVENUE:

Local Funds \$600,000

EXPENDITURES:

General Fund \$600,000

Amity Moler
County Administrator

Vice Chair Stroupe opened the public hearing on the Budget Amendment at 7:01 p.m.

Tyler Olsen, Budget Officer, explained that in March, the Page County Sheriff's Office (PCSO) requested \$480,000 for the jail's inmate housing costs, medical costs, and part-time wages. At that time, the Board decided that it would reconsider this request once a savings amount could be determined. It is projected that the non-jail departments under the PCSO will have a collective savings of at least \$80,000 that can be applied to the request. Therefore, it is requested that \$50,000 and \$30,000 be transferred from Investigations and Crime Prevention to the Jail's part-time wages. It is also requested that the remaining \$400,000 be appropriated from the general fund balance for the Jail's inmate housing (\$250,000), inmate medical costs (\$100,000), and part-time wages (\$50,000).

Most, if not all, of these additional expenditures will be covered by extra personal property tax revenue. The original revenue estimate for personal property taxes was based on what the County had received in the past, before the increase in vehicle values.

Due to the unexpected costs of equipment repairs, construction debris hauling, equipment rentals, fuel, and stone, Battle Creek Landfill (BCLF) will need a transfer of \$200,000. The County will have an estimated \$300,000 of unspent revenue from WB Waste and Patriot that was originally intended to be used for Cell 11's construction. It is requested that these funds are transferred for repairs (\$50,000), contractual services (\$25,000), equipment rentals (\$15,000), fuel (\$85,000), and stone (\$25,000).

He recommended appropriation of all funding requests. The appropriation requests are funded with General Fund Balance dollars in the amount of \$400,000, and they will increase the General Fund budget by \$400,000.

Speakers on Budget Amendment Public Hearing:

There were no speakers during the hearing.

Vice Chair Stroupe closed the public hearing at 7:05 p.m.

Supplemental Appropriations:

Department	Description	Revenue Source	Expenditure	Amount
Jail	Fund Balance Request	Fund balance 101-0000-341-04-05	Inmate Housing 101-3310-433-30-40	\$250,000
Jail	Fund Balance Request	Fund balance 101-0000-341-04-05	Inmate Medical Costs 101-3310-433-30-32	100,000
Jail	Fund Balance Request	Fund Balance 101-0000-341-04-05	Part time Wages 101-3310-433-11-04	50,000
Total				\$400,000

Budget Transfers:

Department	Description	Transfer From	Transfer to	Amount
Jail	Jail Part-time Wages	Investigations 101-3121-431-11-03	Jail 101-3310-433-11-03	\$50,000
Jail	Jail Part-Time Wages	Crime Prevention 101-3130-431-11-03	Jail 101-3310-433-11-03	30,000
Battle Creek Landfill	Landfill Transfer	Landfill CIP 302-9540-541-31-40	Repairs and Maintenance 101-4241-442-30-10	50,000
Battle Creek Landfill	Landfill Transfer	Landfill CIP 302-9540-541-31-40	Contractual Services 101-4241-442-30-40	25,000
Battle Creek Landfill	Landfill Transfer	Landfill CIP 302-9540-541-31-40	Equipment rental 101-4241-442-54-10	15,000
Battle Creek Landfill	Landfill Transfer	Landfill CIP 302-9540-541-31-40	Fuel 101-4241-442-60-08	85,000
Battle Creek Landfill	Landfill Transfer	Landfill CIP 302-9540-541-31-40	Stone 101-4241-442-60-40	25,000
Total				\$280,000

Motion: Supervisor Vaughan moved to approve the inter-department transfers of \$280,000 and appropriation of the requested funds in the amount of \$400,000, as outlined above. Supervisor Louderback seconded and the motion carried by a vote of 4-0. Aye: Louderback, Stroupe, Vaughan, Guzy. Nay: None. Absent: Weakley, Foltz.

Presentations, Proclamations & Awards:

Request to Remove GPS from Command Staff Radios:

Sheriff Chad Cabbage sent a letter to Mrs. Moler regarding the new radio system and its GPS/Tracking capabilities requesting that the command staff and all narcotic positions with the Page County Sheriff's Office have no GPS/Tracking through the radio system. He noted that there is sensitive information that comes through the Sheriff's Office and the investigations cannot be jeopardized in anyway.

Supervisor Guzy indicated that he called some Police Chiefs and Sheriffs in other localities and asked if they turn off their GPS. He indicated that they have 100% of their staff on GPS tracking, except for task force employees. He said he would not vote to put anyone's life at risk.

Sheriff Cabbage then asked if the GPS could be turned off on either the mobile or the portable so they can operate in a "ghost" manner to ensure the integrity of the investigation.

Vice Chair Stroupe asked if the employees affected by turning off the GPS would be willing to sign a waiver of liability. Sheriff said if they want it off, they will sign.

Supervisor Vaughan said that turning off the GPS on the radios is not logical. He said people's lives are at stake and we should not be jeopardizing it.

Supervisor Louderback asked if the employees sign a waiver would it clear the County from any liability. Michael Helm, County Attorney, said he's not sure if a waiver of rights would protect the County from liability.

Motion: Supervisor Vaughan moved that GPS not be removed from any officer's radios. Supervisor Guzy seconded and the motion carried by a vote of 3-1. Aye: Vaughan, Guzy, Louderback. Nay: Stroupe. Absent: Weakley, Foltz.

Public Comments on Agenda Items:

Ken Farkas commented regarding the solar ordinance and said it must protect the residents of Page County. He then recommended that the Comprehensive Plan be required, not optional, at the whim of the Board. It is to protect Page County residents from dangerous solar farms on Karst topography. Also, industrial solar farms must be prohibited from being built on Karst topography.

Ken Jemielity commented that he would like to see the final draft of the solar ordinance made available on the County website before the vote.

Beth Snider remarked that the Planning Commission did a good job on the Solar Ordinance and it's the good version the Board should vote on.

Cathy Herbert expressed concern about wells and water with regard to solar and Karst topography. The Racey Engineering report says that wells within 10 miles of Dogwood will be at risk. She noted that two wells that serve the Town of Luray are located less than one mile from the proposed Cape Solar site and the third is located less than two miles away. Unfortunately, she said, both, Dogwood and Cape would be developed with the old Department of Environmental Quality regulations. The only appeal for industrial solar are the landowners and people who will benefit from it. She asked the Board to approve the solar ordinance that demands an engineering report prior to accepting the proposals.

Action Matters:

Board & Commission Appointments:

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

Social Services Board:

The terms of Irma Housden (District 1) and Jennifer Foltz (District 5) expire on June 30, 2022. Since, both have already served two consecutive terms, neither are eligible for reappointment; therefore, other individuals will need to be appointed. The new four-year

term would begin on July 1, 2022 and expire on June 30, 2026 for both seats. The Board meets the third Tuesday of the month at the Department of Social Services, in Stanley.

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

Consent Agenda:

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

- Financial reports for the period of May 1-31, 2022;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$3,342,094.36 for the month of May 2022;
- Minutes of May 2, 2022, May 16, 2022, and June 6, 2022.

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

Old Business:

Review of the Draft Solar Ordinance:

Michael Helm, County Attorney, explained this is the ordinance that was composed by the Planning Commission, Zoning Administrator, and himself. Most of the changes have been for improving the formatting and the document flow. This document has been cleaned up and updated so it reads well, however this is not the final draft. He said there are a few things the Board still needs to decide, which is the set-backs on utility-scale solar. He then proceeded to review the entire draft of the solar ordinance with the Board.

Mr. Helm said this is a good and enforceable ordinance, and he will provide a clean version, once all of the changes have been made so it can be uploaded onto the County website prior to the joint public hearing scheduled for June 28, 2022.

New Business:

Review of Special Use Permit – Shenandoah Escapes:

Tracy Clatterback, Zoning Administrator, reviewed that Shenandoah Escapes, LLC has filed a special use permit (SUP) application to operate a campground located at 870 Sedwick Road, Luray, VA, and further identified by tax map number 31-(A)-61. The parcel is currently zoned as Agriculture (A-1) and contains 49.650 acres. Pursuant to §125-10 D.(9) of the Page County Zoning Ordinance, campgrounds are only permitted by special use permit in the agriculture (A-1) zoning district. Campgrounds are subject to the Page County Zoning Ordinance (Chapter 125) and the Page County Campground Ordinance (Chapter 128).

The applicant is proposing twenty (20) campsites. Each campsite will include a camping unit (dome, safari, tent, yurt, tipi, treehouse, or A-frame cabin) as well as a private bathhouse (connected to well water and septic system) that includes a bathroom, shower, vanity area, seating area, and firepit. The campsites will be clustered in groups of three-to-five (3-5) with trails linking each cluster of campsites, the parking area, the ponds, forested areas, and other amenities.

The property currently has a single-family residence that is rented on a long-term basis. The tenant will provide support for the campground and be available at all times. Neither the house nor the immediate yards are a part of the campground operation.

The Virginia Department of Transportation (VDOT) commented that the property is currently served by an existing entrance at 870 Sedwick Road. The existing entrance does not meet VDOT's minimum requirements for a moderate volume commercial entrance. The proposed use for this campground requires a submission of plans to VDOT for a moderate volume commercial entrance. VDOT has located an acceptable entrance location that meets the minimum sight distance requirements. The Page County Health Department had no objections to the proposed use. The Page County Building Official had no objections to the special use.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors hold a public hearing on this special use permit application for tax map number 31-(A)-61 at the July 18, 2022 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia Section 15.2-2204. Supervisor Vaughan seconded and the motion carried by a vote of 4-0. Aye: Guzy, Louderback, Stroupe, Vaughan. Nay: None. Absent: Weakley, Foltz.

(Clerks Note: Supervisor Vaughan left the meeting at 8:36 pm. At this point in the meeting, the Board no longer had a quorum.)

Open Public Comments:

Ken Farkas thanked the Planning Commission for all their hard work and hopes the Board will pass the solar ordinance. He asked the Board to fully staff the Planning Commission.

Beth Snider thanked the Planning Commission for their dedication and said they are over-worked. She said she hopes the Board will adopt the solar ordinance.

Kris Garrett thanked the Planning Commission for their work. She remarked that the solar companies should not be providing their own environmental impact report for industrial solar. The fee structure for industrial solar needs to be the exact same that the residents pay. She said the draft solar ordinance is the best ordinance that the County has put forth and is the best way to protect everything we have here: natural resources and tourism.

Administrator's Report:

Amity Moler, County Administrator, reminded the Board of the upcoming joint meeting with the Planning Commission on June 28 for the public hearing on the solar ordinance. She said the Department of Social Services Director has been hired and will start in July. Mrs. Moler asked the Board if they wanted to cancel the July 5, 2022 meeting, due to vacation schedules and not having any agenda items. The Board was in consensus to cancel the July 5, 2022 meeting.

Supervisor's Time:

All the Supervisors thanked everyone for attending the meeting and are looking forward to the June 28th joint meeting with the Planning Commission for the public hearing on the solar ordinance.

Adjourn: 8:45 p.m.

With no further business to discuss, Vice Chair Stroupe adjourned the meeting.



Keith Weakley, Chairman



Amity Moler, County Administrator