



Agenda
Page County Board of Supervisors
Work Session
Board of Supervisors Room – 103 South Court Street, Luray
April 3, 2018 – 7:00 p.m.

Call to Order

- Invocation
- Pledge of Allegiance

Resolution in Appreciation to Patti Temple

Amity Moler (p. 2)

Cash Flow Update

Penny Gray

Earth Day Funding Request

John Mayeux

Proposed Zoning Ordinance Amendment (Swimming Pools)

Tracy Clatterbuck (p. 4)

Proposed Ordinance for Electronic Summons System

Phillip Baker (p. 7)

Lord Fairfax Community College Funding Request

Amity Moler

School Budget Presentation

Donna Whitley-Smith

County Budget Presentation

Amity Moler

Supervisors Time

Adjourn

Mission Statement

To provide essential and desired services to all Page County citizens through an open and responsive decision making process that values ethical conduct, fiscal responsibility, professional expertise, regional collaboration and proactive stewardship.



COUNTY OF PAGE

103 South Court Street, Suite F
Luray, Virginia 22835
(540) 743-4142
Fax: (540) 743-4533

Board of Supervisors:

Morgan Phenix – Chairman – At- Large
D. Keith Guzy, Jr. – District 1
David Wiatrowski – District 2
Mark Stroupe – District 3
Larry Foltz – District 4
Jeff Vaughan – District 5

County Administrator:

Amity Moler

TO: Chairman Phenix and Board of Supervisors
FROM: Amity Moler, County Administrator
SUBJECT: Resolution of Appreciation for Public Service for Patti Temple
DATE: March 28, 2018

SUMMARY:

A request was received from the Circuit Court Clerk requesting that the Board consider adopting a Resolution to Patti Temple on her retirement.

RECOMMENDATION:

Approval of the Resolution is recommended.

BACKGROUND:

Patti Temple who has worked in the Circuit Court Clerk's Office since January 1, 1992 will be retiring on March 31, 2018. Mr. Markowitz has asked that the Board consider adopting a Resolution thanking her for her years of service to the Court and community. A Resolution [Attachment 1] has been prepared for the Board's consideration.

ISSUES:

There are no issues with the Resolution.

ALTERNATIVES:

There are no alternatives to consider.

FISCAL IMPACT:

There is no fiscal impact.

MOTION:

I move to approve the Resolution of Appreciation to Patti Temple.

ATTACHMENT:

1. Resolution of Appreciation to Patti Temple

#2018-04

**RESOLUTION
OF APPRECIATION
TO
PATTI TEMPLE**

WHEREAS, Patti Temple has worked in the Page County Circuit Court Clerk's Office from January 1, 1992 to March 31, 2018; and

WHEREAS, Patti Temple has distinguished herself as a loyal and valued employee of the Court; and

WHEREAS, Patti Temple has worked diligently to provide services to the citizens of Page County; and

WHEREAS, Patti Temple provided a professional, courteous and friendly atmosphere for citizens and her co-workers, and always assisted them in addressing their concerns and solving problems to ensure that the citizens of Page County received the most reliable assistance available.

NOW THEREFORE BE IT RESOLVED that the Page County Board of Supervisors expresses gratitude and appreciation to Patti Temple for her dedicated years of service to the citizens of Page County and congratulates her on her retirement.

This Resolution was adopted by the Page County Board of Supervisors on this 3rd day of April, 2018.

Morgan Phenix, Chairman
Page County Board of Supervisors



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County Administrator:

Amity Moler

TO: Chairman Phenix and Board of Supervisors

FROM: Tracy Clatterbuck, Zoning Administrator

SUBJECT: Proposed Zoning Ordinance amendment to §125-14 (I) *Additional regulations for all districts*

DATE: March 21, 2018

SUMMARY:

Proposed amendment to allow above ground swimming pools and detached gazebos and portable storage sheds that are not on a permanent foundation to project no more than five feet into any yard setback requirement.

BACKGROUND:

Currently, under §125.14(I).1, *Additional regulations for all districts*, of the Page County Zoning Ordinance, "terraces, patios or unenclosed porches may project no more than five feet into any yard setback."

The Page County Zoning Ordinance defines "structures" as follows: "*An assembly of materials having an ascertainable stationary location, which can include: stadiums, platforms, observation towers, communication towers, storage tanks, swimming pools, amusement devices, storage bins, gazebos, sheds and other similar uses. The word "structure" shall be construed as though followed by the words "or parts thereof" unless the context clearly requires a different meaning. All buildings are structures.*" **Based on this definition, a swimming pool (to include above ground and in-ground pools) is considered a structure.**

Under §125-50, *Zoning Permit*, of the Page County Zoning Ordinance it states: "*No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall land or structures be put to any use without a permit therefore issued by the Zoning Administrator.*" **Based on this section, a zoning permit is required for the placement of swimming pools.**

Under §125-16, *Accessory uses, structures and buildings*, of the Page County Zoning Ordinance accessory structures or buildings are required to meet the following setbacks:

- Agriculture district- 15 feet (sides and back)
- Woodland-Conservation district- 15 feet (sides and back)
- Residential district:
 - Public water AND sewer: 10 feet (sides and back)
 - Public water OR sewer: 15 feet (sides and back)
 - Onsite well and septic: 15 feet (sides and back)

Based on this section, swimming pools are required to meet the above listed setbacks according to how their property is zoned.

ISSUE:

In conclusion, a swimming pool is considered a structure and requires a zoning permit, which also requires that minimum setback requirements are met. Last summer the Building Official began sending out notice of violation letters to property owners that had placed above ground swimming pools on their properties without the proper permits. Property owners began responding to the notices by applying for proper permits as instructed. Since then, I currently have three “denied” zoning applications for above ground pools that do not meet the required minimum setbacks. The pools have been on the properties since 2003, 2007, and 2016. They all range from three to five feet short of meeting the current minimum setbacks. Since 1989 the zoning ordinance has required a zoning permit and minimum setbacks for swimming pools. As it stands, based on how the code is written, these property owners would need to apply for a variance to the Board of Zoning Appeals (BZA) to request a reduced setback (\$500.00 application fee), or they will be required to take the pool down and relocate it to an area on the land that meets the setbacks. The property owners have expressed lack of interest in either of these options due to the expenses associated.

On February 13, 2018, staff took a proposal to the Planning Commission for consideration to allow above ground swimming pools to project up to five feet into any yard setback (similar to how decks and porches can which was adopted August 17, 2010). Commissioner Otto was very vocal with his opinion stating he was tired of seeing proposed amendments that assisted people who are or have not complied with the current zoning ordinance. Most of the Commission agreed with Mr. Otto’s opinion. With that being said, they decided they would not entertain staff proposal to amend the zoning ordinance to allow pools to project five feet into any yard setback unless they receive written recommendation/support from the Board of Supervisors.

RECOMMENDATION:

Therefore, staff is proposing that the board direct the Planning Commission to amend §125.14 (I), *Additional regulation for all districts*, by adding that “above ground swimming pools and detached gazebos and portable storage sheds that are not on a permanent foundation may project no more than five feet into any yard setback.” It is staff opinion that this is a reasonable request as these structures would not be considered permanent since they are not placed on permanent foundations. Staff would argue that a porch is considered more permanent due to how they are typically placed (piers, slab, etc.), and they are allowed to project five feet into any yard setback; therefore, not making sense that we wouldn’t allow an above ground pool to do the same which can be more easily dismantled than a porch.

MOTION(S):

I move that the Page County Board of Supervisors direct the Planning Commission to amend §125-14 (I) of the Page County Zoning Ordinance to add that “above ground swimming pools and detached gazebos and portable storage sheds that are not on a permanent foundation may project no more than five feet into any yard setback.”

ATTACHMENTS:

1. Proposed amendment to §125-14 (I)

Proposed amendment to §125-14 (I), *Additional regulations for all districts*

(I) Projections into yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:

(1) Terraces, patios or unenclosed porches may project no more than five feet into any yard setback. [Amended 8-17-2010]

(2) Open balconies or fire escapes, provided that such balconies or fire escapes are not supported on the ground and do not project more than five feet into any yard nor closer than three feet to any adjacent lot line.

(3) Above ground swimming pools and detached gazebos and portable storage sheds that are not on a permanent foundation may project no more than five feet into any yard setback.

**Note: Items in red are proposed. Items in black are existing code.*



Accredited Law Enforcement Agency



PAGE COUNTY SHERIFF'S OFFICE

CHAD W. CUBBAGE, SHERIFF • JOHN P. BAKER, MAJOR

TO: Board of Supervisors
FROM: Sheriff Chad W. Cubbage
THRU: Amity Moler, County Administrator

DATE: February 21, 2018

SUMMARY:

The Page County Sheriff's Office has been working on a Mobile Data Terminal project. We have been searching for funds to assist with implementing this project.

RECOMMENDATIONS:

1. Review and approve for the draft Assessment of Court Cost to Support the Implementation and Maintenance of an Electronic Summons System Code to be placed on the agenda for public hearing.
-

BACKGROUND:

The Code of Virginia Title 17.1. Courts of Record Chapter 2. Clerk, Clerks' Offices and Records § 17.1-279.1 Additional assessment for electronic summons system.

The fee is an additional fee not in excess of \$5 as part of the cost in each criminal or traffic case in district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance.

The retained assessment and any interest shall be solely to fund software, hardware, and associated equipment cost necessary for the implementation and maintenance of an Electronic System.

ALTERNATIVES:

Not to approve for the draft Assessment of Court Cost to Support the Implementation and Maintenance of an Electronic Summons System Code

FISCAL IMPACT:

The fee can be used for implementation and maintenance of the Electronic Summons System. The fees retained by the \$5 fee should self-sustain the program.

MOTION(S): n/a- Informational Only

ATTACHMENT(S):

Draft Code of Page County, Virginia Article--- Assessment of court costs to support the implementation and maintenance of an Electronic

Code of Virginia § 17.1-279.1 Additional assessment for electronic summons systems

Article -- Assessment of court costs to support the implementation and maintenance of an Electronic Summons System

§ 150--- Fee imposed; collection; use.

- A. As authorized by section 17.1-279.1. Code of Virginia (1950), as amended: local fee of five dollars (\$5.00) to support the implementation and maintenance of an electronic summons systems is hereby imposed in every case in which costs are assessable pursuant to section(s) 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, Code of Virginia (1950), as amended.

The clerks of the district and circuit courts shall charge and collect this assessment as part of the fees taxed as costs.

- B. After collection by the clerk of the court in which the case is heard, the assessment shall be remitted to the County Treasurer and held in an interest bearing account subject to appropriation by the Board of Supervisors.

The Electronic Summons System assessment and interest derived shall be held in a separate account outside of the general fund and shall not revert to the general fund at the end of the fiscal year.

- C. The retained assessment and any interest shall be administered by the Office of the Sheriff and shall be used solely to fund software, hardware, and associated equipment cost necessary for the implementation and maintenance of an Electronic Summons System as selected by the Office of the Sheriff in accordance with the record keeping and requirements formulated by the Supreme Court of the Commonwealth of Virginia.
- D. The assessment imposed by this section shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the state or any political subdivision therefore or the federal government is a party and in which the costs are assessed against the state, a political subdivision thereof or the federal government.

Amendments Chapter 150-Article ---

- 2018----- Add Article --- Assessment of court Costs to support the implementation and maintenance of an Electronic Summons System.

Code of Virginia
Title 17.1. Courts of Record
Chapter 2. Clerks, Clerks' Offices and Records

§ 17.1-279.1. Additional assessment for electronic summons system.

Any county, city, or town, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county, city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply.

2014, c. 325; 2015, cc. 546, 643.