



Agenda
Page County Board of Supervisors
Work Session
Board of Supervisors Room – 103 South Court Street, Luray
September 6, 2016 – 7:00 p.m.

Call to Order

- Pledge of Allegiance
- Invocation

Resolution – Shenandoah 12-U All-Stars Team

Amity Moler (p. 2)

Cash Flow Report

Penny Gray

Enterprise Zone Boundary Line Adjustment

Stephanie Lillard (p. 4)

Review of Special Use Permit Request – Jim Turner

Stephanie Lillard (p. 10)

Lottery for Localities Effort

Amity Moler (p. 21)

Vehicle License Fee Revision

Amity Moler (p. 29)

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:

Johnny Woodward – Chairman – At- Large
D. Keith Guzy, Jr. – District 1
David Wiatrowski – District 2
Mark Stroupe – District 3
Larry Foltz – District 4
Dorothy F. Pendley – District 5

County Administrator:

Amity Moler

TO: Chairman Woodward and Board of Supervisors
FROM: Amity Moler, County Administrator
SUBJECT: Resolution Commending the Shenandoah 12U All-Stars Team
DATE: September 2, 2016

SUMMARY:

The Shenandoah 12U All-Stars Team recently won the Babe Ruth World Series Championship.

RECOMMENDATION:

Approval of the Resolution is recommended.

BACKGROUND:

The Shenandoah 12U All-Stars Team has had an outstanding softball season. In tournaments played in Florida from August 4-11, the team defeated other teams from around the country for the Babe Ruth Softball 12U World Series. In addition, the following players were presented with awards: Most Outstanding Player – Taylor Hankins, Batting Champion – Taylor Hankins, All-World Series Team – Taylor Hankins, All-Defensive Team – Taylor Hankins, Maddie Gordon, Tania Merica, and Kirsten Hensley.

MOTION(S):

I move to approve the Resolution Commending the Shenandoah 12U All-Stars Team.

ATTACHMENTS:

1. Resolution Commending the Shenandoah 12U All-Stars Team

#2016-08
RESOLUTION
PAGE COUNTY BOARD OF SUPERVISORS

Commending the Shenandoah 12U All-Stars Team

WHEREAS, the Shenandoah 12U All-Stars Team has had outstanding achievements during the 2016 season; and

WHEREAS, the Shenandoah 12U All-Stars Team are the Babe Ruth World Series Champions; and

WHEREAS, Shenandoah outscored its opponents 45-6 in the World Series and 174-12 in the Regional, State and World Series tournaments combined.

WHEREAS, the Team's success is attributed to the leadership of Coach Jamey Hensley and the hard work and talent of an outstanding team comprised of Anna Carter, Maddie Gordon, Taylor Hankins, Kirsten Hensley, Avery Herring, Leah Hilliard, Megan Holland, Aliza Lokey, Tana Merica, Marissa Monger, Sarah Smith, and Taylor Umberger; Coach Jamey Hensley was assisted by Megan Gordon and Chad Umberger; and the loyal support of the parents and community.

NOW THEREFORE, BE IT RESOLVED, by the Page County Board of Supervisors that this Resolution is hereby adopted for presentation to the Coach, Assistants and team members as an expression of pride and support for their exceptional performance which led to their World Series Championship win.

This Resolution was adopted by the Page County Board of Supervisors this 6th day of September, 2016.

Johnny Woodward, Chairman

Amity Moler, Clerk



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County Administrator:
Amity Moler

TO: Page County Board of Supervisors

FROM: Stephanie Lillard, Director of Community & Economic Development

SUBJECT: Page County Enterprise Zone – Application for amendment

DATE: August 31, 2016

SUMMARY:

The Page County Enterprise Zone currently consists of 1,897.3 acres and primarily includes industrial and commercial zoned properties. In accordance with the Administrative Code of Virginia (13VAC5-112-440) for the Department of Housing and Community Development (DHCD), unincorporated areas of Counties may include land area up to, and not to exceed, 3,480 combined acres. Section 59.1-544 of the Code of Virginia authorizes amendment of enterprise zones via application to DHCD.

Several improved and unimproved properties have been identified for inclusion in the Zone. Application for amendment requires a minimum addition of ten acres. Staff is coordinating with each Town and the department of GIS to complete a proposed boundary amendment, however, preliminary maps are attached (attachment 2).

RECCOMENDATION:

Staff requests the Board of Supervisors schedule a public hearing on October 18th, 2016 to consider expansion of the County's Enterprise Zone to include, at minimum, 10 additional acres.

BACKGROUND:

The Virginia Enterprise Zone (VEZ) program is a partnership between state and local government that encourages job creation and private investment. VEZ accomplishes this by designating Enterprise Zones throughout the state and providing grant-based incentives.

In 2015 Page County received a Virginia Enterprise Zone designation. The zone encompasses properties in each of the three towns and areas within the County. Specifically, Luray has 1,054.77 acres, Stanley has 473.72 acres, Shenandoah has 368.81 acres and the remaining 192.16 acres include connecting roadways and alleys (see attachment 1). Localities may make amendments once every twelve months to the boundary and/or incentives. Expansion of our zone increases the County's ability to be competitive for attracting and encouraging new investment.

ISSUES:

None.

ALTERNATIVES:

N/A

FISCAL IMPACT:

Staff foresees no fiscal impact related to this application.

MOTION(S):

I move to schedule a public hearing on October 18th, 2016 for making an application for amendment to DHCD for the Page County Enterprise Zone.

ATTACHMENT(s):

1. Enterprise Zone Summary
2. Maps: Properties Located at:
 - One Lot on S. Court Street, Luray
 - Two Lots on US Highway 211 West
 - Multiple Lots within the Town of Shenandoah

Page County Enterprise Zones: Mapping and Zoning Summary

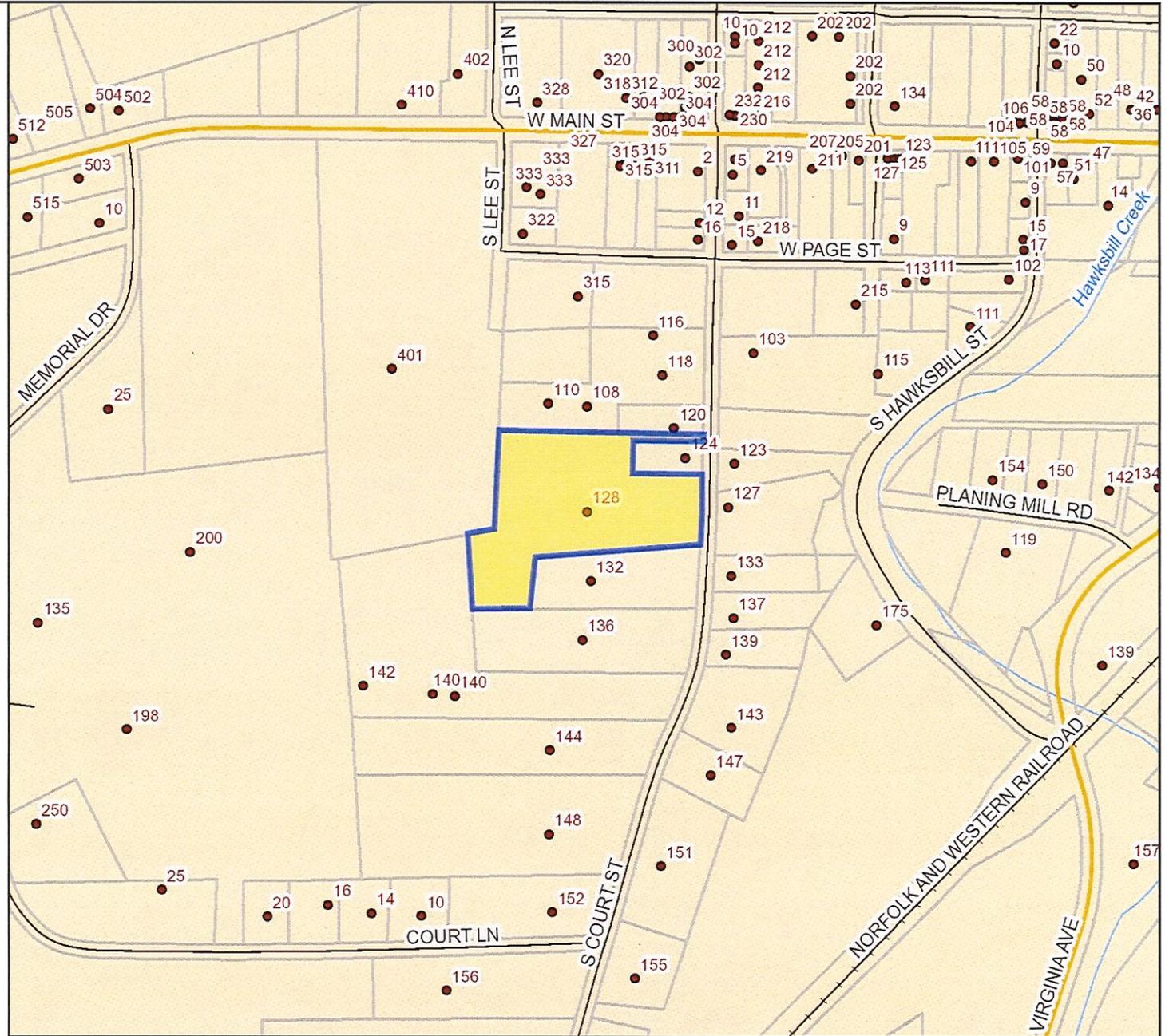
Process Description and Disclaimers:

- Reported acreages are GIS parcel acreage calculations, not official tax record acreages. They are usually very close, but the parcels are not meant to represent a legal description of properties any more than the original tax maps. Please see GIS if you require official tax database acreages.
- The original Enterprise Zone developed by NSVRC has been edited to match topology with existing parcels data and to show current zoning.
- Some parcels contain multiple zoning designations. These are shown in the table below as “Multiple-Zone” – the acreage by zoning type is broken down in the “Notes” column. Note that the Enterprise Zone Application seems to require parcels to be whole; this is why some of these Multiple-Zone parcels contain partial Agricultural and Residential Zoning.
- The map shows coloring based on basic zoning – it does not differentiate between town and county zoning designation systems (such as varying designations for different town Residential zoning levels).
- The removal of certain roadway areas would be detrimental to maintaining contiguous zones.

Zoning	# of Lots	Acreage	Avg. Acres	Notes	
Luray Enterprise Zone					
Agricultural	4	37.07	9.27	The four Agricultural lots are jointly owned by Page County and the Town of Luray, and they are located north of, and in line with, the airport. Note that some areas are well within the FEMA flood zone. The Multiple-Zone parcels include 29.17 acres of Commercial zoning, 96.91 acres of Industrial Zoning, and 46.1 acres of Residential zoning.	
Residential	2	0.71	0.36		
Industrial	103	197.69	1.92		
Commercial	718	540.33	0.75		
Multiple-Zone	39	172.18	4.41		
Subtotal	866	947.98	1.09		
Roadway/Alley		106.79			
Total Luray EZ Acreage		1,054.77			
Stanley Enterprise Zone					
Agricultural	3	7.3	2.43		The Multiple-Zone parcels include 84.42 acres of Agricultural zoning and 56.95 acres of Industrial zoning.
Residential	0	0	0		
Industrial	15	251.86	16.79		
Commercial	59	48.07	0.81		
Multiple-Zone	2	141.37	70.69		
Subtotal	79	448.6	5.68		
Roadway/Alley		25.12			
Total Stanley EZ Acreage		473.72			
Shenandoah Enterprise Zone					
Agricultural	1	2.21	2.21	The Multiple-Zone parcels include 81.14 acres of Commercial zoning, 44.5 acres of Industrial zoning, and 6.44 acres of Residential Zoning.	
Residential	0	0	0		
Industrial	353	132.39	0.38		
Commercial	164	41.88	0.26		
Multiple-Zone	15	132.08	8.81		
Subtotal	533	308.56	0.58		
Roadway/Alley		60.25			
Total Shenandoah EZ Acreage		368.81			
County EZ Parcels	1,478	1,705.14	1.15		
Total Roadway/Alley Acreage		192.16			
County EZ Overall Acreage		1,897.3			

Legend

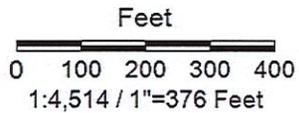
- 9-1-1 Addresses
- Major Roads
- Roads
- Railroads
- Other Counties
- Parcels
- Shenandoah River
- Streams
- Towns
- Luray
- Shenandoah
- Stanley



Title:

Date: 9/1/2016

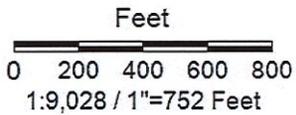
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Page is not responsible for its accuracy or how current it may be.



Attachment 2

Legend

- 9-1-1 Addresses
- Major Roads
- Roads
- Railroads
- Other Counties
- Parcels
- Shenandoah River
- Streams
- Towns
- Luray
- Shenandoah
- Stanley

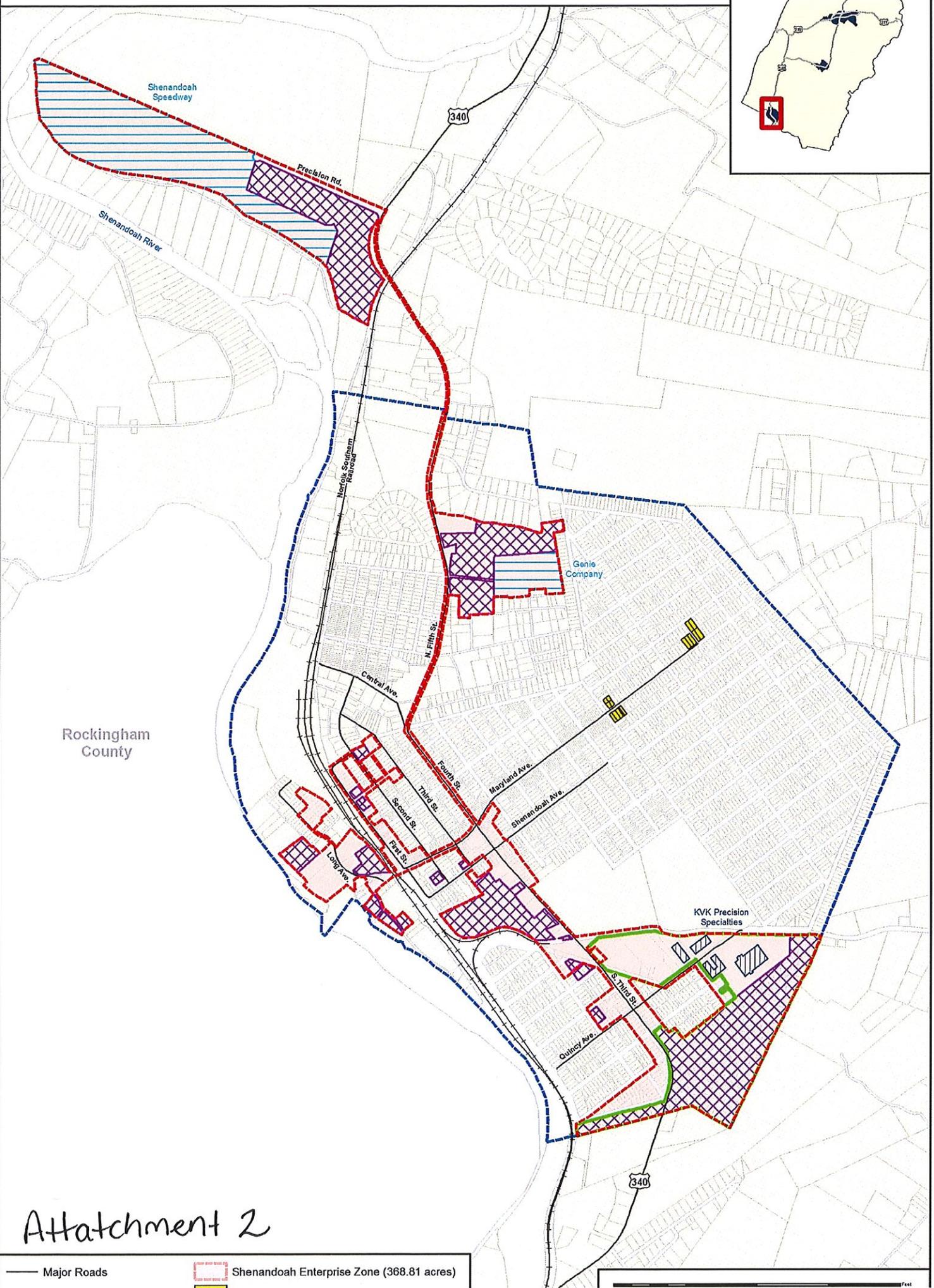


Title:

Date: 9/1/2016

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Attachment 2



Rockingham County

Shenandoah Speedway

Precision Rd.

Shenandoah River

340

Norfolk Southern Railroad

Genie Company

Central Ave.

N. Fifth St.

Fourth St.

Mayland Ave.

Shenandoah Ave.

Long Ave.

First St.

Second St.

Third St.

KV/K Precision Specialties

S. Third St.

Quincy Ave.

340

Attachment 2

— Major Roads  Shenandoah Enterprise Zone (368.81 acres)





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David Wiatrowski – District 2
Mark Stroupe – District 3
Larry Foltz – District 4
Dorothy F. Pendley – District 5

County Administrator:

Amity Moler

TO: Page County Board of Supervisors

FROM: Stephanie Lillard, Community & Economic Development Director

SUBJECT: Request for Public Hearing - Special Use Permit for placement of manufactured homes

DATE: August 31, 2016

SUMMARY:

In accordance with Section 125- D (3) of the Page County Zoning Ordinance, an application for a Special Use Permit has been filed by James Turner, 830 Mill Creek Crossroads, Luray VA, (District 3) to place one manufactured home on three separate lots located in Mosby Raiders Hideout, Stanley, Virginia. These lots are identified as Tax Map #'s: 73C-1-4 (1.22acres), 73C-1-9 (1.15 acres), and 73C-1-39B (.91 acres) and are zoned Residential.

RECOMMENDATION:

Staff recommends the Board of Supervisors schedule a Public hearing on October 18th, 2016 for consideration of the special use permit.

BACKGROUND:

The Page County Planning Commission held a public hearing on August 23rd, 2016. There was no opposition from the public and the Commission unanimously recommended approval to the Board of Supervisors for granting this request pursuant to the conditions included in the attached proposed permit (attachment 2).

This is a suitable request as manufactured homes will have little to no impact on the surrounding area. The adjoining properties are either vacant or similar in use. This proposal meets the intent of our current comprehensive plan which states that the County should encourage and support initiatives that upgrade the quality of life and standard of living for residents, including adequate and affordable housing.

ISSUES:

There have been no objections raised by outside referral agencies. One neighbor, James D. Keyser, returned the following comment(s):

“Seems like high density or over capacity unless they are large lots”. – 08/10/16

FISCAL IMPACT:

Staff foresees no significant fiscal impact related to this application.

MOTION(S):

I move that the Page County Board of Supervisors schedule a public hearing on October 18th, 2016 for consideration of a Special Use Permit to James Turners for purposes of placing one manufactured home on vacant lots in the residential district of Mosby's Raiders Hideout, Stanley Virginia.

ATTACHMENTS:

1. Turner Special Use Application
2. Proposed Special Use Permit

**COUNTY OF PAGE
SPECIAL USE PERMIT APPLICATION**

DATE RECEIVED: <u>7/28/16</u> 7U	FOR OFFICE USE ONLY:
AMOUNT PAID: <u>950⁰⁰</u>	DENSITY RANGE: _____
	RECEIPT #: <u>Ch # 2668</u>

1. The applicant is the owner other _____ (Check one)

2. OWNER/MAILING ADDRESS OCCUPANT (If other than owner)

Name: James A. Turner Name: _____

Address: 830 Mill Creek Crossroads Address: _____
Luray VA 22835

Phone Number: 540-778-2282 Phone Number: _____

3. Site Address: _____

4. Directions to property:

Turn off Ida Road onto Balkamore Hill Rd. property
on right. Lot 4, lot 9, and 39B on Mosby Campground.

5. Property size: Lot 4 1.22 Acre Lot 9 1.15 Acre Lot 39B .91 Acre

6. Tax Map Number: 73C-1-4 73C-1-9 73C-1-39B
Magisterial District: _____

7. Current use of the property: Vacant on All

8. Description of proposed use: To place manufactured home on each lot
Size of building(s), if any: N/A

9. Present Zoning: _____ A-1 (Agriculture) All 3 lots R (Residential)
_____ C-1 (Commercial) _____ I (Industrial)
_____ W-C (Woodland Conservation)

10. Applicants' additional comments, if any:

Manufactured homes is compatible with surrounding uses.

Submit names and complete mailing addresses of ALL adjoining property owners, including property owners across any road or right-of-way (Continue on separate sheet if needed).

Note: Names and address of property owners may be found in the Real Estate and Land Use Office at the Commissioner of Revenue's Office.

NAME	ADDRESS
Nancy Keyser Bryant	602 Ballhamore Hill Rd., Stanley, VA 22851
Andrew + Brandy Jenkins	888 Ballhamore Hill Rd., Stanley, VA 22851
James Keyser	2064 Sulpher Springs Rd., Middletown, VA 22645
Joseph + James Cabbage, Sandra Short, Barbara Wallace + Johnnie Cabbage	704 Eighth Street, Shenandoah, VA 22849
Lisa Knott; Joseph + TyLissa Ann	PO Box 391, Stanley, VA 22851
Timothy + Jessica Knott	2016 Lee Ln., Stanley, VA 22851
Benjamin + Rebekkah Kober	284 Mosbys Camp Rd., Stanley, VA 22851

ADJOINING PROPERTY OWNER VERIFICATION:

AS APPLICANT FOR THIS SPECIAL USE PERMIT REQUEST,

I _____ (Name)

HEREBY ACKNOWLEDGE THAT I HAVE FAITHFULLY AND CORRECTLY PROVIDED NAMES AND COMPLETE MAILING ADDRESSES OF ALL MY ADJOINING PROPERTY OWNERS AND THOSE DIRECTLY ACROSS THE ROAD OR RIGHT-OF-WAY. I UNDERSTAND THAT FAILURE TO PROVIDE ALL ADJOINING PROPERTY OWNERS WILL LEAVE ME LIABLE FOR ADDITIONAL COSTS FOR RE-ADVERTISEMENT AND NOTICES MAILED AND THAT MY REQUEST COULD BE DELAYED UNTIL PROPER NOTIFICATION HAS BEEN GIVEN TO ALL ADJOINING PROPERTY OWNERS AND THOSE PROPERTY OWNERS ACROSS THE ROAD OR RIGHT-OF-WAY.

7-26-16
DATE


SIGNATURE OF APPLICANT

Donald Liscomb + Elizabeth Price 100 Fort Liscomb Rd., Luray, VA 22835
 Antonios + Helen Pothitos 3814 Tedrich Blvd., Fairfax, VA 22030
 Wilbur + Anna Quinn 271 Carlisle Ave., Enola, PA 17025
 William Foster 3000 Connecticut Ave., Suite 239, Washington, DC 2008
 James Bernau + Julie 202 Mosbys Camp Rd., Stanley, VA 22851
 Thomas Shoemaker + James Vaughan 453 Creekside Dr., Luray, VA 22835
 L+L Corp. % PO Lanier 2801 Chapel Hill Rd., Goochland, VA 23063

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW BEFORE SUBMITTING THIS APPLICATION TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
HARRISONBURG, VIRGINIA 22802
(540) 434-2587

VDOT HAS REVIEWED THE FOLLOWING TOP MAP PARCELS

73C-1-4, 73C-1-9 AND 73C-1-39B FOR ACCESS TO STATE ROUTE 628, BALKAMORE HILL ROAD AND NO ISSUES WERE FOUND

7/8/16
DATE

[Signature]
VDOT OFFICIAL

PAGE COUNTY HEALTH DEPARTMENT
75 COURT LANE
LURAY, VIRGINIA 22835
(540) 743-6528

NO OBJECTIONS TO REQUEST

7/19/16
DATE

[Signature]
HEALTH OFFICIAL

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

NO OBJECTIONS AND NO CODE ISSUES,

7/26/16
DATE

[Signature]
BUILDING OFFICIAL

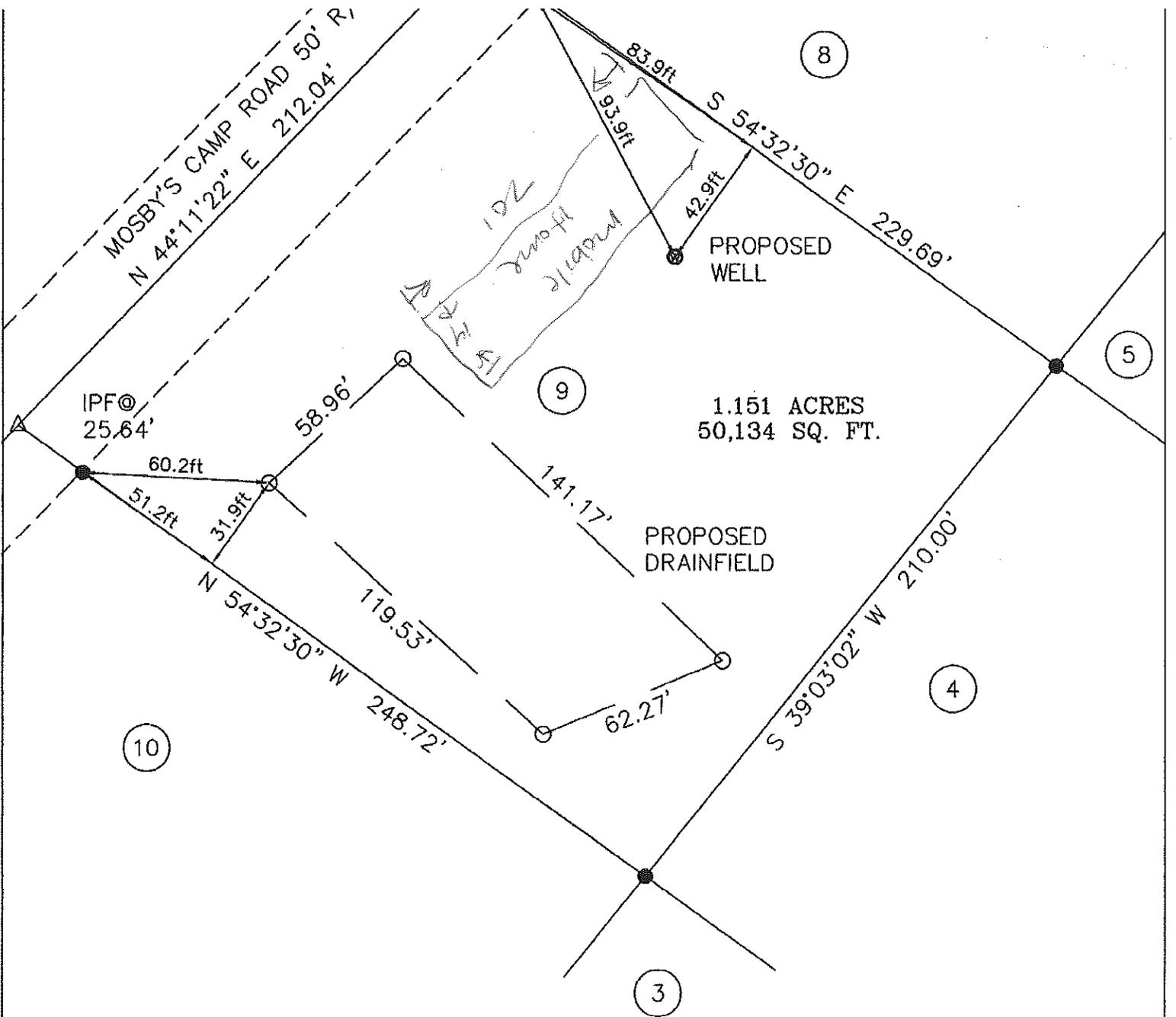
SUBDIVISION PROPERTY OWNERS ASSOCIATION

There is no active association.

Per Nancy Hoyer Bryant on 7-18-16
843-4204

DATE

PRESIDENT OR SECRETARY



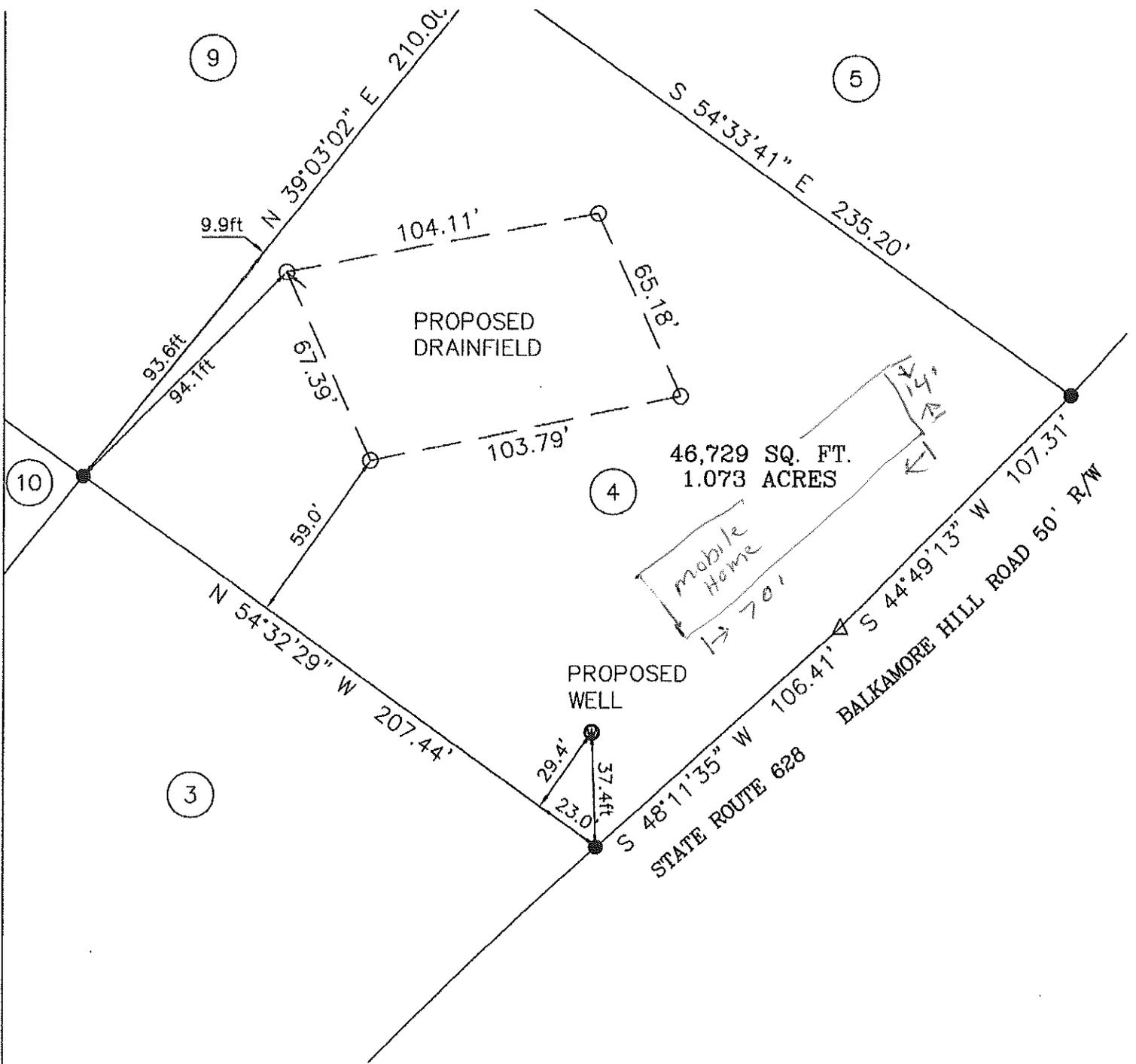
PROPOSED DRAINFIELD LOCATION ON LOT 9,
OF MOSBY'S RAIDERS HIDEOUT

LOCATED IN THE MARKSVILLE MAGISTERIAL DISTRICT,
PAGE COUNTY, VIRGINIA.

OWNER: JAMES A. TURNER AND CARL CLAY TURNER
REFERENCE: INSTRUMENT #: 060002681



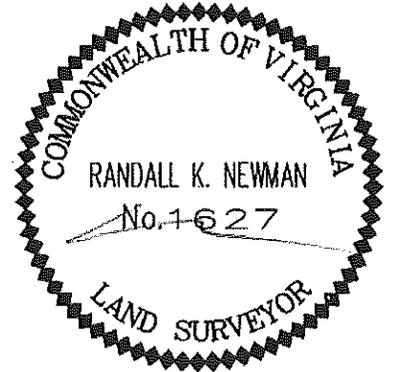
NEWMAN SURVEYING



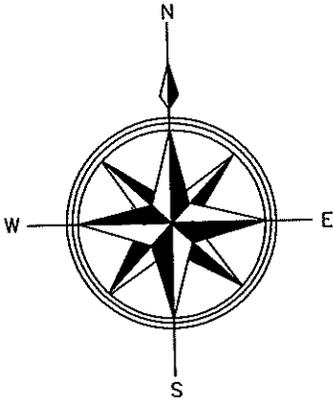
PROPOSED DRAINFIELD LOCATION ON LOT 4,
OF MOSBY'S RAIDERS HIDEOUT

LOCATED IN THE MARKSVILLE MAGISTERIAL DISTRICT,
PAGE COUNTY, VIRGINIA.

OWNER: JAMES A. TURNER AND CARL CLAY TURNER
REFERENCE: INSTRUMENT #: 060002681

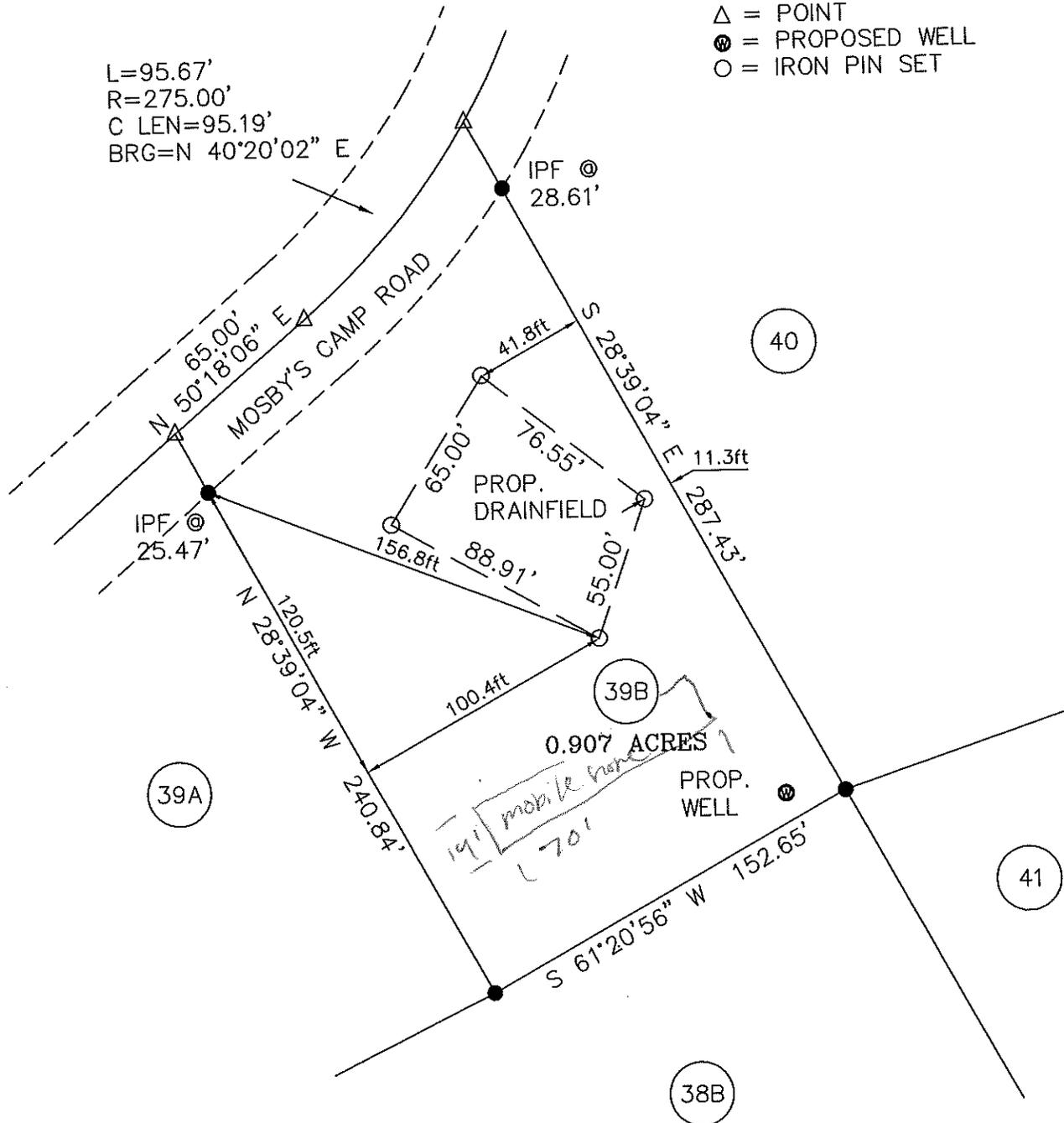


NEWMAN SURVEYING
Licensed Land Surveyor



- 1 = BEARINGS ARE MAGNETIC
- 2 = SCALE 1" = 60'
- 3 = TAX MAP = 73C-1-39B
- 4 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY.
- 5 = NO TITLE REPORT FURNISHED
- 6 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN

- LEGEND
- = IRON PIN FOUND
 - △ = POINT
 - ⊙ = PROPOSED WELL
 - = IRON PIN SET





SPECIAL USE PERMIT

APPLICANT: James A. Turner

PURPOSE: Manufactured Homes in R (Residential) Zoning District

APPROVED _____ **DENIED** _____

By the Page County Board of Supervisors on _____

TAX MAP #(s): 73C-1-4, 73C-1-9, and 73C-1-39B

1. THIS SPECIAL USE PERMIT IS TRANSFERABLE AND SHALL MEET ALL REQUIREMENTS WITHIN THE PAGE COUNTY ZONING ORDINANCE AS WELL AS ANY ORDINANCE AMENDMENTS FOR THE PERIOD SET FORTH WITHIN THE PARAMETERS OF THIS SPECIAL USE PERMIT. THE SPECIAL USE PERMIT SHALL REMAIN WITH THE PROPERTY FOR A PERIOD OF 99 YEARS.
2. THE PROPERTY SHALL BE IN COMPLIANCE WITH ALL COUNTY AND STATE AGENCY REGULATIONS.
3. ANY CHANGE OF USE OF THE MANUFACTURED HOME WILL REQUIRE A NEW SPECIAL USE PERMIT.
4. THIS SPECIAL USE PERMIT MAY BE REVOKED UPON MATERIAL NON-COMPLIANCE WITH THE TERMS OF THE PERMIT OR UPON VIOLATION OF ANY OTHER RELEVANT TERMS OF THE ZONING ORDINANCE OF THE COUNTY OF PAGE, VIRGINIA. HOWEVER, PRIOR TO THE COMMENCEMENT OF ANY ACTION TO REVOKE THIS PERMIT, THE COUNTY SHALL NOTIFY THE PERMIT HOLDER IN WRITING OF THE MATERIAL NON-COMPLIANCE OR VIOLATION AND THE PERMIT HOLDER SHALL HAVE THIRTY (30) DAYS THEREAFTER TO CURE THE MATERIAL NON-COMPLIANCE OR VIOLATION. THE NOTICE SHALL BE DEEMED GIVEN WHEN HAND DELIVERED TO THE PERMIT HOLDERS OR WHEN MAILED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PERMIT HOLDERS.
5. THE ZONING ADMINISTRATOR OR THEIR DESIGNATED REPRESENTATIVE MAY VISIT THE SITE AT ANY TIME TO ENSURE COMPLIANCE WITH THE SPECIAL USE PERMIT CONDITIONS.

6. THE SPECIAL USE PERMIT SHALL BE NULL AND VOID IF THE MANUFACTURED HOME IS REPLACED WITH ANY PERMITTED RESIDENTIAL DWELLING THAT IS ALLOWED WITHIN THE APPLICABLE ZONING DISTRICT.

MOTION & VOTE:

Motion to Approve by Commissioner Weakley and seconded by Commissioner Comer.
The motion passed with a vote of 5-0, with Mr. Turner abstaining from voting.



COUNTY OF PAGE

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County Administrator:

Amity Moler

TO: Chairman Woodward and Board of Supervisors

FROM: Amity Moler, County Administrator

SUBJECT: Lottery for Localities

DATE: August 29, 2016

SUMMARY:

Nottoway County, much like Page County, is a rural area comprised of three small towns. They have started a joint petition requesting legislation that will allocate 5% of total lottery sales back to the general fund revenues of localities where the sale originated, without diverting funds from public education. The money would be subtracted from the prize payout portion only.

RECOMMENDATION:

Support of joint petition “Lottery for Localities”.

BACKGROUND:

The Virginia Lottery is a \$1.8 billion state run enterprise. The sale of lottery tickets are untaxed by localities. Lottery spending drains rural communities of dollars that might otherwise help to fuel our local economy. The power to change the formula to benefit all Virginia communities rests with the Virginia General Assembly. Larger communities may view \$50k to \$100k as immaterial, but it would greatly help the rural communities to offset unfunded mandates or capital projects.

ISSUES:

N/A

ALTERNATIVES:

N/A

FISCALIMPACT:

An increase in general fund revenue of more than \$100k per year.

MOTION:

I move to approve support the joint petition “Lottery for Localities”.

ATTACHMENTS:

1. Joint Petition from Nottoway County, Virginia
2. Background Paper on Lottery for Localities

*A Joint Petition
from the representatives of the citizens of Nottoway County, Virginia*



344 West Courthouse Road
P.O. Box 92
Nottoway, Va 23933
434-645-8696
nottoway@nottoway.org

Senator Frank Ruff
P.O. Box 332
Clarksville, VA 23927

14 July 2016

Delegate Thomas C. Wright, Jr.
P.O. Box 1323
Victoria, Va 23974

Subject: Lottery for Localities



100 West Elm Street
Blackstone, Va 23824
434-292-7251
Info@townofblackstoneva.com

Gentlemen;

We are requesting a 'Lottery for Localities'. Specifically we are requesting legislation that will allocate 5% of total lottery sales back to the general revenue funds of localities where those sales originated. It is envisioned the allocation will be culled from total sales and subtracted from that portion of the lottery pool designated as the 'prize pool' (approximately 60.6% of sales). In this way, the public school funding allocation (approximately 29% of sales) is untouched. No monies are diverted from public education by our formula.



224 Second Street
Burkeville, Va 23922
434-767-4095
Burkeville1@embarqmail.com

The attached background paper and plan provides facts in regards to the Virginia State Lottery in Nottoway County (as a case study of a Virginia community). It outlines what we envision as a course for action that will benefit all Virginia's localities and Virginia's citizens. This plan has been presented to the governing bodies of the three towns and the county. These governing bodies have voted for support of this plan and seek legislation that will implement this concept to the benefit of all Virginians.



125 East Carolina Ave.
Crewe, Va 23930
434-645-9453
creweva@embarqmail.com

The revenue infusion a 'Lottery for Localities' can provide to local governments will have a positive impact for cash strapped rural communities facing an ever shrinking business and community tax base while demands for public services rise. We feel this is a discussion that needs to be initiated across the Commonwealth with local governments and state officials. We are open to constructive dialogue and suggestions on how make this concept a reality.

By copy of this letter, we are formally requesting the Virginia Municipal League and the Virginia Association of Counties to make this legislation a priority on their respective legislative agenda for the 2017 session.

Respectfully,



Hon. Greg Eanes
Mayor
Town of Crewe



Hon. William C. Coleburn
Mayor
Town of Blackstone



Hon. Joe Morrissette
Mayor
Town of Burkeville



Hon. Gary Simmons
Chairman
Nottoway County Board of Supervisors

Cc:

Virginia Municipal League
P.O. Box 12164
Richmond, Va 23241

Virginia Association of Counties
1207 East Main Street, Suite 300
Richmond, Va 23219-3627

Hon. Riley E. Ingram
Chair, Cities, Counties and Towns
3302 Oaklawn Boulevard
Hopewell, Va 23860

Sen. Thomas K. Norment
Co-Chair, Senate Finance
P.O. Box 6205
Williamsburg, Va 23188

Hon. Chris S. Jones
Chair, Appropriations Committee
P.O. Box 5059
Suffolk, Va 23435-0059

Sen. Bill Stanley
Chair, Local Government
13508 Booker T. Washington
Highway
Moneta, Va 24121

Sen. Emmett Hanger
Co-Chair, Senate Finance
P.O. Box 2
Mount Solon, Va 22843-0002

Lottery for Localities

A Course for Action

1. Background: The Virginia State Lottery is a \$1.8 billion¹ state run enterprise. The sales of lottery tickets are untaxed by localities. The lottery been referred to as a ‘backdoor tax’ or ‘regressive tax’ in which the poor give money to the state government.² Lottery spending drains rural communities of dollars that might otherwise be spent energizing our local economies by generating local retail sales as well as meals, gas and lodging taxes for our local general revenue. Virginia Lottery disbursements for calendar year 2015 resulted in an estimated \$1.166 billion (60.6%) devoted to prizes; \$103 million (5.6%) was paid out to retailers and \$90.8 million (4.9%) was devoted to operating costs. That left \$533.8 million (28.9%) to be distributed to Virginia’s public school systems in accordance to a state formula.³

2. Local Sales: In response to a request for information, the Virginia Lottery submitted the data below reflecting the Nottoway County calendar year 2015 sales of Virginia Lottery tickets.⁴

 we're game virginia lottery	OFFICIAL LOTTERY RECORD TOTAL SALES: CERTAIN ZIP CODES CALENDAR YEAR 2015	
	<u>ZIP Code</u>	<u>Total Sales</u>
	23824	\$3,676,892.25
	23922	\$495,168.25
	23930	<u>\$2,035,514.50</u>
	Sum:	\$6,207,575.00

3. Local Education Return: The \$6.2 million in local sales results in just over \$2 million a year returning to Nottoway County Schools. Lottery proceeds are paid to the county school system twice a month. The formula used by the lottery to return monies to school systems is not based on locality sales but on a student per capita formula. For example, Fairfax County, the fastest growing county in Virginia and among the ten richest in the nation, received over \$36 million in lottery proceeds in FY2015.⁵

¹ 2015 figures from the Virginia State Lottery website. \$1.844 billion in sales.

² It is not our intent to suggest the lottery should be abolished, only to make an observation.

³ See Virginia Lottery website for the overall breakdown.

⁴ Phone inquiry and E-mail dated 19 May 2016, Greg Eanes to Amy Roper, Policy, Process and Legal Document Administrator, Va State Lottery; E-mail response dated 23 May from Roper to Eanes, with attachment.

⁵ See Virginia Lottery for payouts, https://www.valottery.com/playing_matters.aspx.

4. Prior Efforts at Taxation: In the 2012 Legislative Session Senator Frank Ruff proposed a bill for a sales tax on the purchase of lottery tickets. The Virginia Municipal League supported the measure. The Virginia Lottery opposed the bill and was successful in defeating the bill during the Senate Finance Committee hearing. VML Director of Fiscal Policy Neal Menkes says, "To the best of my knowledge no attempt has been made since 2012."⁶

5. Virginia Constitution: VML advises the Virginia Constitution, specifically Article X, Section 7-A "*explicitly identifies public education as the sole purpose of Lottery proceeds.*" The Virginia General Assembly can redirect a portion of the Lottery Proceeds Fund for other purposes but it requires a 4/5 majority vote in both Houses (32 Senators and 80 House members).⁷ The power to change the formula to benefit all Virginia communities rests with the Virginia General Assembly.

6. Observations: Using 2015 lottery sales figures, if the Nottoway County lottery sales were taxed at 5% or had a 5% kick-back to locality general revenue funds, the county and towns would take in \$310,378.74.⁸ It is envisioned the 5% formula be split between the County and the Towns with the County receiving 40% of the total revenues generated in the incorporated towns and 100% of total revenues generated by retail outlets outside of the towns. Using 2015 sales figures this would result in the following (estimated):

Blackstone	\$110,306.77 (-)
Burkeville	\$15,455.05
Crewe	\$61,065.43
Nottoway County	\$124,151.49 (+)
Grand Total	\$310, 978.74

Note: Three of the 23824 outlets are outside of Blackstone and in the County therefore the actual total for Blackstone would be less and the total for the county would be more. The data used was requested from the Lottery based on the zip codes of the Lottery retail outlets.

While larger communities might view these amounts as 'chump change', they do represent significant sums to rural communities. If Crewe received an additional \$61,000 it could pay down the debt from government mandates, improve infrastructure, etc. These are monies that could help town governments take care of big ticket items and desired community development projects which it seldom has funds to address.

Using 2015 figures, state lottery total sales were \$1.844 billion. Pulling off 5% off the total sales would result in \$92,200,000 that could be returned to localities.

Taking \$92.2 million from the 2015 prize payout portion *only* would reduce the payout fund from \$1.166 billion to 1.073 billion and does not take away from the amount returned to local

⁶ E-mail dated 19 May 2016 from Neal Menkes to Eanes.

⁷ Ibid.

⁸ Of course this would fluctuate depending on annual sales. The estimated 5% levy on 2015 sales for the 23824 zip code would equate to \$183,844.61; on 23922 sales equates to \$24,758.41 and 23930 sales at \$101,775.73.

school systems.⁹ Lottery jackpots are announced ahead of sales. The diversion of the 5% of sales is invisible to individual players and will not impact those announcements nor deter people from playing the lottery.

Lottery returns to localities should be based on local sales and not a per capita basis. In this way, we in the locality only get a percentage of what is generated in our localities.

Further, the lottery funds that come to the localities should be unrestricted and for our general revenue to address local needs.

This should be viewed as a bi-partisan effort which benefits all Virginia's taxpayers and local governments regardless of the size of their populations.

7. Proposed Course of Action:

- a. Enact legislation to allocate 5% of total lottery sales to the localities in which the sales are made.
 - i. Only the prize payout portion of the funds will be impacted (trimmed from 60.6% to 55.6% of total lottery allocations);
 - ii. These funds are to be culled by the Virginia Lottery from sales and placed in a separate 'Lottery for Localities' fund until payout;
 - iii. Payouts to localities to be made on a quarterly basis;
 - iv. Payouts to localities will go to incorporated town, county or city general revenue funds, based on total lottery sales in those localities;
 - v. Payouts to localities will be unrestricted in how they are spent.
 - vi. County governments would receive up to 40% of incorporated town lottery proceeds unless the county government opts for a lower percentage at the local level.
- b. Phased Implementation:
 - i. Legislation passed in the 2017 session will take effect on 1 July 2017.
 - ii. It is envisioned the 5% would be culled from the last six months of 2017 sales and these could be paid by 15 January 2018 with follow-on payments after every quarter.

⁹ It is envisioned the new formula could be locked in as follows: Prize Pool, 55.6%, Lottery for Localities Fund, 5%, Retailers, 5.6%, Operating Costs, 4.9% and Public School Fund, 28.9%.

- iii. This phased implementation gives the Virginia State Lottery more than six months to orchestrate the administrative procedures to accommodate the new legislative mandate while building the 'Lottery for Localities' pool.

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Chapter 118

Vehicles and Traffic

[HISTORY: Adopted by the Board of Supervisors of the County of Page as indicated in article histories. Amendments noted where applicable.]

Article I

Motor Vehicle License Fee

[Adopted 11-21-2006]

§ 118-1 Payment required; situs.

- A. The owner of every motor vehicle for which a current state license is displayed and which is normally garaged, stored or parked within the County shall pay an annual County license fee for such vehicle. **[Amended 8-21-2007]**
- B. The situs for the imposition of licensing fees under this article shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle is normally garaged, stored, or parked. If it cannot be determined where the vehicle is normally garaged, stored or parked, the situs shall be the domicile of its owner.

§ 118-2 Assessment of license fee.

There is hereby assessed to any person owning a motor vehicle normally garaged, stored or parked in Page County on January 1 of each year a Page County motor vehicle license fee.

§ 118-3 Fee established.

- A. On each and every motor vehicle there shall be an annual license fee of ~~\$3020~~, and on each and every motorcycle an annual license fee of ~~\$12.50+0~~.
- B. The amount of the license fee imposed by Page County under this article shall not be greater than the amount of the license fee imposed by the commonwealth on that vehicle.

§ 118-4 Exemptions and reductions.

- A. The provisions of this article shall not be construed as to impose a license fee upon any motor vehicle when:
 - (1) The Chief of each volunteer fire department and volunteer emergency rescue squad prepares and certifies a list of active members of the respective departments or squads who regularly respond to calls or perform other duties for the department or squad and who reside in the County outside the corporate limits of the Towns of Luray, Shenandoah and Stanley. The certified list will include the complete name of each individual, his/her residence address, and the identification number, and description of the vehicle owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form, submit it to the Chief who will attach all individual applications to the certified listing and submit to the Treasurer of the County. After reviewing and comparing the certified listings and applications with the personal property tax rolls, the Treasurer will issue one exempt license without charge to each certified member. No member of a volunteer rescue squad or volunteer fire department shall be issued an exemption for more than one vehicle.
 - (2) The motor vehicle is operated by a common carrier of persons or property operating between cities

and towns in the commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other not intracity transportation.

- (3) Antique motor vehicles and antique trailers, as defined in § 46.2-100, Code of Virginia (1950), as amended, registered and licensed by the state in accordance with § 46.2-730(A), Code of Virginia (1950), as amended, shall be exempt from the payment of the license fee levied under this article, provided that other statutory conditions are met. In order to qualify for exemption, an antique motor vehicle and antique trailer registered and licensed under § 46.2-730, Code of Virginia (1950), as amended, shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:
 - (a) For participation in club activities, exhibits, tours, parades and similar events; and
 - (b) On the highways of the commonwealth for the purpose of testing their operation, obtaining repairs or maintenance, transportation to and from events as described in Subsection A(3)(a) of this subsection, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner.
 - (4) The motor vehicle is owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veterans' exemption from the Department of Motor Vehicles and has been issued a disabled veterans' motor vehicle license plate as prescribed in § 46.2-739 of the Code of Virginia. **[Added 8-21-2007]**
 - (5) The motor vehicle is owned and operated by a person who has been issued license plates evidencing the person was a prisoner of war. **[Added 8-21-2007]**
- B. All fees collected pursuant to this article shall be deposited by the Treasurer in the general fund of the County.

§ 118-5 Payment of personal property taxes and license fee prerequisite to issuance of license.

- A. Upon request of the Page County Treasurer, no motor vehicle shall be licensed by the Department of Motor Vehicles until such applicant for a license has paid all personal property taxes and the license fee assessed hereunder upon the motor vehicle to be licensed and until the Department of Motor Vehicles has been provided satisfactory evidence by the Treasurer of Page County that any delinquent motor vehicle, personal property taxes or license fees which have properly assessed or are assessable against the applicant by the County has been paid.
- B. Upon request of the Page County Treasurer, no motor vehicle license shall be issued by the Virginia Department of Motor Vehicles unless the tangible personal property taxes properly assessed or assessable by the County on any tangible personal property used or usable as a dwelling and owned by the taxpayer have been paid.
- C. Upon request of the Page County Treasurer, no motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an owner of a motor vehicle where a fee is required to be paid pursuant to this article but qualified under the provisions hereof for a waiver of the fee until the applicant for such license or registration from the Department of Motor Vehicles has produced before the Page County Treasurer, or the Treasurer's agent, satisfactory evidence that all personal property taxes upon the motor vehicle have been paid and satisfactory evidence of any delinquent personal property taxes due with respect to the vehicle which have been properly assessed or are assessable against the owner have been paid.

§ 118-6 License year.

The license year with respect to which the fee required to be paid under this article is assessed shall be January 1 through December 31 of each year. The fee assessed under this article shall be assessed to the owner of each motor vehicle as provided in this article for motor vehicles owned January 1 of each year. The fee shall be payable on or before June 5 of each year. The fees assessed by this article will be based upon ownership of vehicles on fee assessment day, that is January 1 of each year, and the period for

which the license is effective shall be January 1 through December 31.

§ 118-7 Conflict with state law.

Nothing in this section shall be construed as imposing a license fee on any such vehicle in excess of the amount authorized by state law.

§ 118-8 Collection of license fee.

The Treasurer shall, after the due date of any license fee required by this section, collect such license fee in accordance with the provisions of § 58.1-3919, Code of Virginia (1950), as amended, and any other applicable state law. Additionally, the Treasurer shall have the authority to take any action authorized by § 46.2-752(J), Code of Virginia (1950), as amended.

§ 118-9 Violations and penalties.

[Added 8-21-2007]

Any person failing to pay the fee imposed by this article on or before the due date shall incur a late payment penalty thereon of 10% of the tax due and payable, together with interest on the late payment of the tax from the due date until the date of payment at a rate of 10% per annum.

Article II Mopeds

[Adopted 1-18-2011]

§ 118-10 Certain safety equipment for mopeds; effect of violation; penalty.

Every person operating a moped, as defined in § 46.2-100, on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent. A violation of any such ordinance shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Any person who knowingly violates any such ordinance shall be guilty of a traffic infraction and be subject to a fine of not more than \$50.