

Minutes  
Board of Supervisors  
Work Session  
January 14, 2020

Members Present: Morgan Phenix, Chairman At-Large  
D. Keith Guzy, District 1  
Allen Louderback, 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, Earl and Shanks PLLC  
Janeena Zalipski, Office Aide

**Call to Order:**

Chairman Morgan Phenix called to order the work session of the Page County Board of Supervisors on January 14, 2020, 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 Andy Seastrom, and the *Pledge of Allegiance*.

**Organizational Meeting:**

**Nomination of Vice Chair for 2020:**

**Motion:** Supervisor Vaughan moved to nominate D. Keith Guzy, to serve as Vice Chair of the Board of Supervisors for 2020. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

**Approval of 2020 Meeting Schedule:**

**Motion:** Supervisor Stroupe moved to approve the 2020 Board meeting schedule. Supervisor Louderback seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

**Re-adoption of Rules of Procedure:**

Mrs. Moler asked the Board if they would like to change the weather cancellation policy from reading "meeting shall be continued to the immediately following Tuesday at the same time and place" to another day due to the fact the Planning Commission meets the second and fourth Tuesdays, in the Board Room. After discussion, the Board agreed not to change the policy. Chairman Phenix pointed out a misspelled word page five, paragraph L., the word unity needs to be changed to unit.

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

**Resolution – Equal Taxing Authority:**

Mrs. Moler explained that providing counties equal taxing authority provides local boards of supervisors the ability to levy the same taxes that may already be imposed by city and town councils. She added this is the third year the Board has adopted this resolution, but the General Assembly has not enacted it.

**#2020-01  
Resolution  
of the  
Page County Board of Supervisors  
Support for Equal Taxing Authority for Virginia Counties**

**WHEREAS**, under the Code of Virginia county governments have less authority to raise revenues to meet their responsibilities than do cities and towns; and

**WHEREAS**, limitations on counties' ability to raise revenues from diverse sources result in an over-reliance on real property taxes to fund basic services of local government; and

**WHEREAS**, counties are limited in their ability to raise revenues from meals, cigarette, transient occupancy, and admissions taxes that are available to cities and towns; and

**WHEREAS**, providing counties equal taxing authority merely provides local boards of supervisors the ability to levy the same taxes that may already be imposed by city councils; and

**WHEREAS**, county governments have the same responsibility as cities for the funding of and meeting state requirements for core services, such as K-12 education, public safety, social services, and public health; and

**WHEREAS**, relying too heavily on one source of revenue leaves counties vulnerable to downturns in the real estate market and population shifts; and

**WHEREAS**, additional tools to raise revenues would allow counties options to invest the necessary additional funds to respond to modern-day challenges, such as enhancing election cybersecurity; providing mental health treatment in jails; addressing substance abuse; maintaining vital infrastructure, such as water and sewer systems; and implementing Next-Generation 911 technology; and

**WHEREAS**, state enabling legislation is required to provide counties with this additional taxing authority; and

**WHEREAS**, each locality is best positioned to determine the appropriate mix of revenue

sources to meet local needs.

**NOW THEREFORE**, the Board of Supervisors of Page County does hereby resolve and express its support and desire for the Virginia General Assembly to enact such Legislation as is necessary to authorize Virginia counties to exercise additional taxing authority equal to that of cities and towns.

**Motion:** Supervisor Vaughan moved to adopt Resolution #2020-01, as presented. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Louderback. Nay: None.

**Broadband Authority Appointment:**

Regina Miller, Assistant County Administrator, reviewed that RYANNE HODSON resigned from the Broadband Authority. She was appointed to serve as the At-Large representative. The Board has received a resume from Gary Grant for consideration of the appointment. The appointment would be to fill an unexpired term through April 1, 2020.

**Motion:** Supervisor Guzy moved to appoint Gary Grant (At-Large) to the Broadband Authority, for an unexpired term through April 1, 2020. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Foltz, Vaughan, Phenix, Guzy, Louderback, Stroupe. Nay: None.

**Discussion of DEQ Environmental Permit Reissuance –  
JP Salyards Transportation, LLC:**

Chairman Phenix made the following comments:

“December 17, 2019, I received an email from DEQ, public notice concerning an Environmental Permit, and requesting citizen comment on reissuance of an existing permit VA0001961 for the Alma Plant. The wording of public notice included ‘The applicant proposes to release treated industrial wastewater/stormwater at the rate of 1.0 million gallons per day into the South Fork of the Shenandoah River’ at Alma. The DRAFT 5-year permit indicated February 1, 2020-2025. For comparison, the Town of Stanley’s up-to-date facility releases approximately 170,000 gallons a day, also at Alma, about a hundred yards upstream from the Alma Plant.

I contacted County Administrator Amity Moler December 17, and copied County Attorney Nathan Miller. Amity noted it was a reissuance of an existing permit and Nathan Miller supplied some legal background, most particularly concerning current and past complaints from folks living downstream from the recycling center, toxic rainwater runoff and oil staining. I followed up January 2, suggesting that this might be an EDA moment and perhaps Liz Lewis could look into the developments at Alma from a positive economic Development point of view.

I am a fan of recycling in general, and the Alma recycling center fills a specific and beneficial need in the County, old cars and metal junk which otherwise might blight the farms and backroads.

I have been in contact and conversation with DEQ and with a representative from the Northern Shenandoah Valley Regional Commission. January 2, I also submitted FOIA requests for communication between DEQ and the Alma Plant folks and received a ton of information on the plant layout, violations, clean-up, fines and more. Many things one might not want to know, but if truth be told, would expect.

A 'contronym' is a word with contradictory meanings: 'Oversight' (Oversee and Overlook). The Page County Board of Supervisors has oversight here. So here-s the question: Do we want, as a Board of Supervisors exercising 'oversight', to weight in on this, or pass without formal public notice during the DEQ's specified period of comment. This is a situation in which a million gallons of treated wastewater is allowed to be released daily into the Shenandoah River, despite a currently derelict and defunct wastewater treatment facility at Alma, and a track record of violations. Including the 'possibility of future poultry processing' in the permit stretches the imagination, and I feel as well that there is a lack of clarity on whether the permit allows treated wastewater from other industrial sites to be released into the river at Alma.

I am asking that that this statement be part of the minutes, so that we not be faulted for letting this environmental quality moment slip past without comment. We can ask for a public hearing at DEQ, and at a minimum register our concern on behalf of the County."

Supervisor Vaughan stated that in industrial settings DEQ requires businesses to comply with certain permits. Normally, you look at the maximum output and base the guidelines on it. This is what is taking place with this particular request. He said there was never 1 million gallons of water released and there likely never will be. He said this property owner wants to retain the permit. He indicated that he has no issues with the permit because they would have to rebuild and maintain a proper wastewater treatment facility before it could be released into the Shenandoah River. He suggested contacting DEQ to see if they are monitoring them for stormwater runoff.

Supervisor Louderback said he talked to DEQ and asked why would a permittee have to have to get a permit for 1 million gallons when they will not be treating that much. He was told by DEQ said this permit was passed down from the Alma poultry plant to the new owner and they reapplied for the same amount. He said the Board needs to keep an eye on it.

It was consensus for Chairman Phenix to draft a letter and send to DEQ, on behalf of the Board, expressing their concerns.

**Sheriff's Department Update:**

Sheriff Cabbage said that currently his budget is in good shape for the year. He said his FY19 budget was over due to increased medical and housing expenses for inmates. Last year, that had a daily population of 225 inmates and currently they have 175. He said this will significantly change the budget. In addition, there has been no major inmate medical expenses this year. However, he said this can be difficult to predict and could change. He noted that he, Major Monteleone, and Captain Williams has met with RSW Regional Jail to explore the possibility of securing bed space for Page County inmates. He said they could not guarantee any bed space for Page County and in March the per diem would increase from \$33 to \$37 per day. He noted that this could impact the current budget. He continued to say they had to move the cook back to a regular deputy position, which leaves them without a food specialist, which is recommended by the Department of Corrections. He noted that at the Board meeting scheduled for February 18<sup>th</sup>, the jail study will be presented by Gary Cornelius along with his recommendations for 14 more positions. He said he cannot keep deputies because they can go outside the county and make more money. He suggested increasing the pay for deputies so he can retain them. Sheriff Cabbage explained that he purchased two new vehicles in last year's budget and two from the current budget. He said the fleet is deteriorating and they had not purchased new vehicles for three years. The Paytel vendor for the phone system in the jail sent a letter indicating that if the Sheriff renewed the contract they would give them \$3,000. During that time, he was also working with Securus, who is another telephone vendor. During the negotiations, he was able to get Paytel to give them \$25,000. He has asked that this be appropriated back to the Sheriff's Department to purchase another police vehicle.

Supervisor Guzy asked Sheriff Cabbage to address the statement the newspaper made about him using taxpayer's money to pay the lawsuit he had against the county. Sheriff Cabbage said it was paid out of the Sheriff's budget, and he stands by his decision; it was the best decision for the citizens.

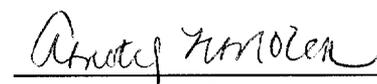
Supervisor Louderback asked what other forms of revenue the Sheriff's Department generates other than from the inmates telephone. Sheriff Cabbage said they also generate revenue through court fines and work release program.

Mrs. Moler asked about the animal control vehicle grant. Sheriff Cabbage said it has not been approved yet.

**Adjourn:** 8:03 p.m.

With no further business, Chairman Phenix adjourned the meeting.

  
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Morgan Phenix, Chairman

  
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Amity Moler, County Administrator