

Minutes
Board of Supervisors
Work Session
February 2, 2021

Members Present: Morgan Phenix, Chairman At-Large
D. Keith Guzy, Jr. 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, County Attorney
Janeena Zalipski, Office Aide

Call to Order:

Chairman Morgan Phenix called to order the work session of the Page County Board of Supervisors on February 2, 2021, at 6:30 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA 22835. Due to the COVID-19 pandemic, in-person attendance was not permitted; therefore, the meeting was live streamed via YouTube and audio streamed via ZOOM.

Closed Session:

Motion: Supervisor Guzy moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act in order to discuss personnel matters relating to an appointee of the Page County Board of Supervisors for the purpose of considering such person's assignment, appointment, performance, and salary, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

Exit Closed Session:

Motion: Supervisor Guzy moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

Certification of Closed Meeting:

To the best of my knowledge only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711 (A) of the Code of Virginia, 1950, as

amended, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.

<u>Recorded Roll Call Vote:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
D. Keith Guzy, Jr.	X			
Allen Louderback	X			
Mark Stroupe	X			
Larry Foltz	X			
Jeff Vaughan	X			
Morgan Phenix	X			

Recess:

Chairman Phenix called for a brief recess at 7:03 p.m.

Reconvene:

Chairman Phenix reconvened the Board of Supervisors work session at 7:10 p.m. This was followed by a Moment of Silence and the *Pledge of Allegiance*.

Dispatcher of the Year Award:

Kayla Riley, ECC/Revenue Recovery Manager, said that the Dispatcher of the Year Award was started in 2019 and the winner is elected by their peers. She read some of the letters received by staff and presented the award to Mary Cubbage, 2021 Dispatcher of the Year.

Broadband Authority Discussion:

Supervisor Louderback said he received a call from Ron Keyser about the vacancies on the Broadband Authority and wanted to know the status of the appointments.

Supervisor Guzy said he spoke with Nathan Miller, County Attorney, and he advised that as long as the Authority has a quorum they can meet. He asked that the Broadband give the Board a financial report on revenue and expenditures. He also asked in lieu of adding members is there anything else we can do at this point.

Michael Helm, County Attorney, said the Board can make the terms of office shorter, as long as there is a quorum the Authority can meet as usual. There is a quorum with the members that remain. The Board could also choose to appoint a Board of Supervisor as a member.

Supervisor Louderback said he thinks at some point we need a joint meeting with both boards to ensure everyone is on the same page.

Solar Facilities Ordinance:

Mrs. Moler stated that the Board appointed a committee to review the proposed ordinance along with any possible changes. She noted that the Board did not give direction on what they wanted to committee to do. She said she had asked Board members to give specifics on possible changes to the proposed ordinance. As a result of the comments from Board members, staff produced the proposed ordinance marked “suggestions”.

Supervisor Guzy said the Board has heard comments from the citizens and have spent time and taxpayer’s money on this ordinance; it’s time to vote.

Motion: Supervisor Guzy moved to adopt the Solar Ordinance that was voted on by the Planning Commission, as presented. Supervisor Louderback seconded.

Supervisor Louderback remarked that the COVID-19 pandemic has prevented citizens from attending meetings in-person. Listening on Zoom or watching on You Tube is not the same as in-person. He said the only amendment to the ordinance the Board has is the one presented by Mr. Janney, which was amended and presented by Mr. Vaughan.

Chairman Phenix expressed concerns on Article X, Section 125-72.D, which states, “Utility-scale solar facilities shall be permitted by Special Use Permit (SUP) only, and only in the A-1 zoning district.” County Attorney Helm noted this says that in order to have the utility-scale they would have to apply for a special use permit. It has to be in the A-1 zoning district and the terms set forth in the rest of the ordinance dictates what can be in the special use permit. Utility-scale is the only facility that requires a special use permit. He said that there has been a redundancy created in the ordinance in the sense in that usually it would say all utility-scale solar facilities would be by special use permit and the conditions would be set forth in the permit. However, the proposed ordinance stipulates that a special use permit is required and requires the conditions be met in the ordinance. If the conditions are satisfied, then the Board would not have grounds to reject the permit, because the applicant would have complied with all the conditions. He said the Board is almost creating a by-right use. He noted that he has some legal concerns with some of the language. Chairman Phenix said the Board has to understand a special use permit. Mr. Helm mentioned that most surrounding jurisdictions only have the special use permit process because it gives the Board more control.

Chairman Phenix pointed out that it is important for the application to provide a narrative identifying the applicant, owner, operator and describing the proposed solar facility project. He said this is an important step.

Amended Motion: Supervisor Guzy amended his motion to approve the ordinance as presented by the Planning Commission, with the exception of allowing staff and counsel to amend language set forth under Section 125-74.3(G), to include the terms set forth in

the narrative. Supervisor Louderback seconded. The motion failed by a vote of 2-4. Aye: Guzy, Louderback. Nay: Phenix, Stroupe, Foltz, Vaughan.

Mrs. Moler mentioned that the version of the draft ordinance titled “suggestions” came from suggestions outlined by Board members. This version of the draft ordinance would allow for utility-scale solar, by special use permit only, in the Agricultural, Industrial, and Commercial zoning districts. She said the proposed changes in this document are merely suggestions.

Motion: Supervisor Vaughan moved to remove the moratorium that’s currently in place. [The motion was not seconded and no vote was taken.]

Mr. Helm stated that the moratorium can be lifted at the discretion of the Board. The Board has the authority to do it.

After discussion, it was consensus of the Board for any member who wanted changes to the proposed ordinance to submit them to the County Administrator. The subcommittee will then meet with legal counsel to discuss them and bring a new draft back to the Board.

Adjourn: 8:40 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator