

Minutes
Board of Supervisors
Regular Meeting
February 22, 2022

Members Present: Allen Louderback, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Jeff Vaughan, District 5

Members Absent: Keith Weakley, Chairman At-Large
D. Keith Guzy, Jr., District 1

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

Call to Order:

Vice Chairman Stroupe called to order the regular meeting of the Page County Board of Supervisors on Tuesday, February 22, 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 22835. The call to order was followed by a Moment of Silence and the *Pledge of Allegiance*.

Adoption of the Agenda:

Supervisor Foltz asked to add the discussion of sending a resolution to our state legislators regarding the vacancy for a judge under New Business.

Motion: Supervisor Vaughan moved to adopt the agenda, with the addition of the discussion of sending a resolution to the state legislators regarding the vacancy for a judge under New Business. Supervisor Louderback seconded and the motion carried by a vote of 4-0. Aye: Louderback, Stroupe, Foltz, Vaughan. Nay: None. Absent: Weakley, Guzy.

Public Hearing – Special Use Permit for Jeffrey Cardwell:

Vice Chairman Stroupe opened the public hearing on the special use permit for Jeffrey Cardwell at 7:02 p.m.

Tracy Clatterbuck, Zoning Administrator, reviewed that Jeffrey A. Cardwell has filed an application for a special use permit to place a manufactured home in the Land of Luray Subdivision located on Park View Drive, Luray, VA, and further identified by tax map number 48B-6-B14. The density range in the area is medium-high. The applicant is

proposing to put a 13'8" x 48' singlewide on the lot. The property is currently improved with storage buildings.

Pursuant to § 125-11 D.(3) of the Page County Zoning Ordinance, a manufactured home in a subdivision is only permitted by a special use permit. She noted that VDOT, the Health Department, Building Official and Subdivision Property Owners Association had no objections to the request. The Planning Commission held their public hearing and recommended approval to the Board.

Public Comments During the Hearing:

There were no public comments during the hearing.

Vice Chairman Stroupe closed the hearing at 7:06 p.m.

Motion: Supervisor Foltz moved that the Page County Board of Supervisors approve the special use permit for the placement of a manufactured home in the Land of Luray Subdivision, on tax map number 48B-6-B14, with the attached special use permit conditions. Supervisor Vaughan seconded and the motion carried by a vote of 4-0. Aye: Louderback, Stroupe, Foltz, Vaughan. Nay: None. Absent: Weakley, Guzy.

* * * * *

Special Use Permit

Owner: Jeffrey A. Cardwell

Tax Map #: 48B-6-B14

Purpose: Manufactured home in subdivision

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance; and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of fifty (50) years.
2. Jeffrey A. Caldwell or its successor and/or assigns, shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state and federal agency regulations.
3. Any change of use or expansion not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
4. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances 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 in noncompliance 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 holder or when mailed by certified mail, return receipt requested, to the permit holder.

5. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.
6. This special use permit shall be null and void if the manufactured home is replaced with any residential dwelling that is permitted by-right within the residential zoning district.

* * * * *

Public Hearing – Ordinance Amendment (Taxation):

Exhibit A

Vice Chairman Stroupe opened the public hearing on the ordinance amendment for taxation at 7:07 p.m.

Becky Smith, Commissioner of the Revenue, reviewed that this ordinance would allow for the exemption of surviving spouses where their husband or wife has been killed in the line of duty, which would apply to firefighters, law enforcement, and EMS. This exemption would only apply if they are killed in the line of duty and only to their real estate located in Page County. The exemption would be processed through her office, she said. The Code of Virginia allows that the exemption can go back to January 1, 2017 and only applies as long as the spouse owns the home and does not remarry.

Supervisor Louderback remarked that he has received comments from citizens that felt the County might be “opening a can of worms” with this exemption.

Public Comments During the Hearing:

Chief Ryan Dean, Town of Stanley, thanked the Board for the opportunity to speak and Mrs. Smith for bringing it before the Board. He addressed the comment made by Supervisor Louderback and stated that not everyone is risking their lives. He stated that Nick Winum gave the ultimate sacrifice and the least the County could do would be to pass the ordinance to give his surviving spouse some help as well as others in the future. He expressed support for the ordinance.

Kara Winum stated that she understands Supervisor Louderback’s comment and she certainly hopes no one ever has to go through this again, but this would help surviving spouses in the future. She expressed gratitude to the Board for consideration of the amendment.

Major Pete Monteleone, Sheriff’s Office, read a letter from Sheriff Cabbage expressing support of the ordinance amendment to provide for the exemption.

Motion: Supervisor Vaughan moved to adopt the ordinance to amend Chapter 105 (Taxation) of the Page County, Virginia Code to add an exemption for surviving spouses of certain persons killed in the line of duty. Supervisor Foltz seconded and the motion carried by a vote of 4-0. Aye: Foltz, Vaughan, Stroupe, Foltz. Nay: None. Absent: Weakley, Guzy.

Presentations, Proclamations & Awards

Debt Refinancing Presentation:

David Rose, Davenport Public Finance, presented the Board with the RFP results from the Series 2022A&B refunding bonds for some of the County's outstanding debt. He said they have reviewed the County's outstanding debt and there are three potential financing candidates totaling approximately \$17 million. A refunding, he said, would seek to reduce the interest rates without any extension of final maturity. The three loans are the 2012 lease revenue bond, 2018 solid waste revenue bond, and 2015 equipment lease. He reviewed that the current interest rates range from 2.650% to 3.798%. He said they recommend Webster Bank and they will waive the repayment penalty on the 2018 bonds. There will still be the equipment lease penalty of 2%. The bonds, he said will be refinanced on a tax-exempt basis. While interest rates continue to remain near historic lows, it is expected that rates will move up, but the rates have been locked in for the refinancing. He stated that Davenport asked potential lenders to provide interest rate proposals on a "matched maturity" basis for each refunding candidate. Proposals were received from Capital One, Truist Bank, and Webster Bank. He then reviewed each proposal noting that Webster Bank is the bank of choice because of the lower interest rate at 2.39% for the 2022A and 2.00% for the 2022B. Both of these loans would be prepayable after five years, with no penalty. He noted that with the refinancing of the 2018 solid waste bond that the savings will amount to \$1.1 million total. The savings on the 2012 lease revenue and 2015 equipment lease will amount to \$117,414 for a total savings of approximately \$1.2 million. The next steps include a March 10th meeting with the School Board to consider approval of the County's assumption and refinancing of the 2015 equipment lease and then a meeting of the EDA and Board on March 21st to adopt the final authorizing documents and approving forms of financing documents.

Public Comments on Agenda Items:

There were no comments during Public Comments on Agenda Items.

Action Matters:

Budget Changes:

Tyler Olsen, Budget Officer, reviewed the budget appropriations with the Board. He noted that in January, the County appropriated proceeds from a short-term loan for the purchase of the landfill's excavator. It is requested that \$186,075 of the revenue from WB Waste is appropriated for the debt payments. The Page County Animal Shelter has received the Virginia Federation of Human Society Direct Animal Award. This award will provide \$10,000 for animal care. On behalf of the Towns of Luray and Shenandoah, the County has received \$7,458 in State and Local Fiscal Recovery Funds from the American Rescue Plan Act. It is requested that \$5,090 is appropriated for the Town of Luray and \$2,368 is appropriated for the Town of Shenandoah. These funds will be used to help the Towns with the utility relief that they have provided during the pandemic. The appropriation requests are funded with local funds in the amount of \$196,075 and Federal funds in the amount of \$7,458. These requests will increase the General Fund budget by \$203,533.

Motion: Supervisor Vaughan moved to approve the appropriation of the requested funds in the total amount of \$203,533, as outlined above. Supervisor Louderback seconded

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

Supplemental Appropriations Approved:

Department	Description	Revenue Source	Expenditure	Amount
BCLF	Debt Payment for Excavator	Landfill Charges 101-0000-316-08-02	Pioneer Bank Loan 101-9430-541-58-38	\$186,075
Animal Shelter	VFHS Direct Animal Award	Donations 101-0000-318-02-37	Animal Care 101-3510-435-59-31	10,000
ARPA	Municipal Utility Relief	ARPA 101-0000-333-01-74	Town of Luray 101-9310-493-59-96	5,090
ARPA	Municipal Utility Relief	ARPA 101-0000-333-01-74	Town of Shenandoah 101-9310-493-59-96	2,368
Total				\$203,533

Board and Commission Appointments:

Regina Miller, Assistant County Administrator, reviewed the following Board and Commission appointments:

Economic Development Authority:

The term of Alex White (District 1) expired January 31, 2022 on the EDA. Mr. White does not wish to be reappointed. An individual will need to be appointed for a four-year term to begin immediately and expire on January 31, 2026.

A vacancy also exists for the At-Large seat. Jay Dedman has resigned. An appointment is needed to fill an unexpired term through January 31, 2024.

These appointments were deferred until the March 21st meeting.

Northern Shenandoah Valley Regional Commission:

Page County has two members on the Northern Shenandoah Valley Regional Commission. One member must be an elected official and the other can be a citizen member. The two representatives were Nora Belle Comer (Citizen Member) and Morgan Phenix (Elected Official Member). Both of their terms expired December 31, 2021. Mrs. Comer did not wish to be reappointed and Dr. Phenix’s term expired with his elected term of office. Dr. Phenix is interested in continuing to serve on the Commission as the citizen representative.

Motion: Supervisor Vaughan moved to appoint Dr. Morgan Phenix as the citizen member of the Northern Shenandoah valley Regional Commission, representing Page County, for a term to expire on December 31, 2025. Supervisor Foltz seconded and the motion carried by a vote of 4-0. Aye: Louderback, Stroupe, Foltz, Vaughan. Nay: None. Absent: Weakley, Guzy.

The elected official member appointment was deferred until the March 21st meeting.

Lord Fairfax Emergency Medical Services Council:

With the upcoming retirement of Woody Brown, a replacement is needed on the Lord Fairfax Emergency Medical Services Council. It is recommended that Matt Cronin be appointed to fill the seat, since he is the County's Fire/EMS Coordinator.

Motion: Supervisor Vaughan moved to appoint Matt Cronin to the Lord Fairfax Emergency Medical Services Council. Supervisor Louderback seconded and the motion carried by a vote of 4-0. Aye: Stroupe, Foltz, Vaughan, Louderback. Nay: None. Absent: Weakley, Guzy.

Consent Agenda:

Supervisor Louderback noted an amendment to the January 18, 2022 minutes where the Chairman's signature needs to be changed from Dr. Morgan Phenix to Keith Weakley.

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

- Financial reports for the period of January 1-31, 2022;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$2,587,448.86 month of January 2022;
- Minutes of January 18, 2022 and February 7, 2022; and
- One coyote bounty claim totaling \$50.

Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

Old Business:

Solar Panel Fee Revision:

Supervisor Louderback mentioned that he and Mrs. Moler met regarding the proposed revision to the solar panel fees. He stated that the proposed change will be presented to the Board at the March 7th meeting.

New Business:

Resolution to the State Legislators Supporting Ken Alger for Judgeship:

Supervisor Foltz remarked that he felt the Board should send a Resolution to Delegate Todd Gilbert and Senator Mark Obenshain in support for Ken Alger to be appointed to a vacant judgeship for Page County since he resides in the County.

Mr. Helm expressed that there are other individuals in the County that have expressed an interest in being appointed a judge. He said the Board may want to give other citizens or attorneys the opportunity to be heard before submitting a Resolution.

The Board asked a Resolution be drafted and placed on the March 7th agenda.

Open Public Comments:

There were no comments from the public during Open Public Comments.

Administrator's Report:

Mrs. Moler reported that the County's YouTube channel has been removed by YouTube, due to violating their terms of service. She said that staff has filed an appeal with

YouTube and are awaiting a response. In the meantime, Board meetings and Planning Commission meetings will be streamed through Zoom as another avenue for the public to watch the meeting. She informed the Board that the Shenandoah Volunteer Fire Department accepted the County's proposal to purchase the Shenandoah Rescue Squad building as well as some equipment, furnishings, and lots. The Recreation Program Coordinator position has been filled. Andrew Good has accept the position and will begin employment on February 28th. Lastly, she said that a household hazardous waste day has been scheduled for Saturday, March 26th, at the Battle Creek Landfill.

Supervisors Time:

Supervisor Louderback expressed that the County needs to find another reliable streaming mechanism so that meetings can be viewed by taxpayers. He said that it is unacceptable that the YouTube channel was taken down to where meetings cannot be broadcast.

Supervisor Foltz thanked everyone for attending the meeting.

Supervisor Vaughan thanked everyone for attending the meeting. He said he was glad that the agreement with the Shenandoah Volunteer Fire Company was moving forward.

Vice Chairman Stroupe expressed that he has been receiving calls from citizens about the tax relief for the elderly. He said that the amount of relief is much lower than surrounding counties and felt the Board needs to review it.

Adjourn: 8:03 p.m.

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



Keith Weakley, Chairman



Amity Moler, County Administrator

**ORDINANCE TO AMEND CHAPTER 105 (TAXATION)
OF THE PAGE COUNTY, VIRGINIA CODE TO ADD AN EXEMPTION FOR
SURVIVING SPOUSES OF CERTAIN PERSONS KILLED IN THE LINE OF DUTY.**

WHEREAS, by Ordinance duly adopted, the Board of Supervisors of the County of Page adopted Chapter 105, Taxation, of the Page County Code, which Chapter has been further amended from time to time; and

WHEREAS, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend the ordinance.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 105 (Taxation), be amended by adding Article XXIII (Tax Exemption for Surviving Spouses), as follows:

§ 105-95. Title.

This article shall be known as the “Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty”.

The purpose of this article is to provide an exemption from taxation for the qualifying real property of spouses of any law enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who are killed in the line of duty.

§ 105-96. Authority for article.

This article is authorized by the Code of Virginia, Title 58.1, Chapter 32, Article 2.5, Sections 58.1-3219.13 through 58.1-3219.16.

§ 105-97. Definitions.

As used in this article, unless the context requires otherwise:

“Covered person” means any person set forth in the definition of “deceased person” in Section 9.1-400 of the Code of Virginia whose beneficiary, as defined in Section 9.1-400 of the Code of Virginia, is entitled to receive benefits under Section 9.1-402 of the Code of Virginia, as determined by the Comptroller prior to July 1, 2017, or as determined by the Virginia Retirement System on and after July 1, 2017.

§ 105-98. Exemption from taxes on property of surviving spouses of certain persons killed in the line of duty.

- (a) Pursuant to Article X, Section 6-B of the Constitution of Virginia, for tax years beginning on or after January 1, 2017, the county exempts from taxation the real property described in subsection (b) of the surviving spouse of any covered person who occupies the real property as his principal place of residence. If the covered person's death occurred on or prior to January 1, 2017, and the surviving spouse has a principal residence on January 1, 2017, eligible for the exemption under this section, then the exemption of the surviving spouse shall begin on January 1, 2017. If the covered person's death occurs after January 1, 2017, and the surviving spouse has a principal residence eligible for exemption under this section on the date that such covered person dies, then the exemption for the surviving spouse shall begin on the date that such covered person dies. If the surviving spouse acquires the property after January 1, 2017, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to Section 58.1-3360 of the Code of Virginia. The county shall not be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by Section 58.1-3219.15 of the Code of Virginia.
- (b) Those dwellings in the county with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single-family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single-family homes, condominiums, town homes, manufactured homes as defined in Section 46.2-100 of the Code of Virginia whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt. For purposes of determining whether a dwelling, or a portion of its value, is exempt from county real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single-family residential.

- (c) The surviving spouse shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.
- (d) The county shall provide for the exemption from real property taxes of (i) the qualifying dwelling, or that portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection (b), and (ii) with the exception of land not owned by the surviving spouse, the land, not exceeding five contiguous acres, upon which it is situated. A real property improvement other than a dwelling, including the land upon which such improvement is situated, shall also be exempt from taxation so long as the principal use of the improvement is (a) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of Section 58.1-3503 of the Code of Virginia and as listed in Section 58.1-3504 of the Code of Virginia and (b) for other than a business purpose.
- (e) For purposes of this exemption, real property of any surviving spouse of a covered person includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. Such real property does not include any interest held under a leasehold or term of years.
- (f) (1) In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection (e) and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is 1 and the denominator of which equals the total number of people having an ownership interest that permits them to occupy the property.
- (2) In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection (e), then the exemption shall be prorated by multiplying the amount of the exemption by a fraction the numerator which is the percentage of ownership interest in the dwelling held by the surviving spouse and the denominator of which is 100.

§ 105-99. Application for exemption

- (a) The surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county on forms to be supplied by the county, an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other

joint owners of the real property, (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence, and (iv) including evidence of the determination of the Comptroller or the Virginia Retirement System pursuant to subsection (a). The surviving spouse shall also provide documentation that he is the surviving spouse of a covered person and of the date that the covered person died. The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes.

(b) The surviving spouse shall promptly notify the commissioner of the revenue of any remarriage.

§ 105-100. Absence from residence

The fact that surviving spouses who are otherwise qualified for tax exemption pursuant to this article are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such real estate is not used by or leased to others for consideration.

§ 105-101. Retroactivity

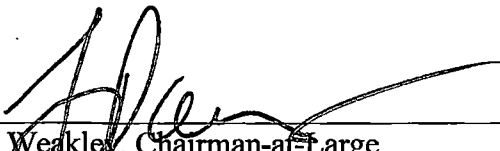
This ordinance shall become effective immediately and retroactive to January 1, 2017.

This Ordinance shall be in full force and effect from and after February 22, 2022, as provided by Virginia law.

Dates of Notice Publication: February 3, 2022

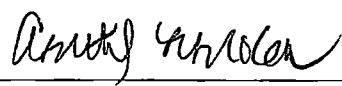
February 10, 2022

Date of Adoption of Ordinance February 22, 2022



Keith Weakley, Chairman-at-Large
Board of Supervisors of the County of Page, Virginia

Attest:



_____, Clerk

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on February 22. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Keith Weakley				✓
Mark Stroupe	✓			
D. Keith Guzy, Jr.				✓
Larry Foltz	✓			
Jeff Vaughan	✓			
Allen Louderback	✓			

Dated: February 22, 2022

Amity Henola
Clerk, Board of Supervisors
Page County, Virginia