

Minutes
Board of Supervisors
Regular Meeting
May 19, 2020

Members Present: Morgan Phenix, Chairman At-Large
D. Keith Guzy, Jr., District 1
Allen Louderback, District 2
Mark Stroupe, District 3 (remotely via Zoom)
Larry Foltz, District 4
Jeff Vaughan, District 5 (remotely via Zoom)

Planning Commission
Members Present: James Holsinger, Chairman (remotely via Zoom)
Bernie Miller, District 1 (remotely via Zoom)
Cathy Grech, District 1 (remotely via Zoom)
Steve Atkins, District 2 (remotely via Zoom)
Donnie Middleton, District 2 (remotely via Zoom)
Jared Burner, District 3 (remotely via Zoom)
Keith Weakley, District 3 (remotely via Zoom)
Jonathan Comer, District 5 (remotely via Zoom)
William Turner, District 5

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Nathan Miller, County Attorney

Call to Order:

Chairman Morgan Phenix called to order the regular meeting of the Page County Board of Supervisors on May 19, 2020, 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. Due to the COVID-19 pandemic, in-person attendance was not permitted; therefore, the meeting was live streamed, via Zoom. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

Chairman Bernie Miller of the Planning Commission called to order the Page County Planning Commission, noting a quorum was present.

Adoption of the Agenda – Planning Commission:

Motion: Commissioner Jamie Holsinger moved to adopt the agenda, as presented. Commissioner Donnie Middletown seconded and the motion carried by 9-0. Aye: Holsinger, Miller, Grech, Atkins, Middleton, Burner, Weakley, Comer, Turner. Nay: None.

Adoption of Agenda – Board of Supervisors:

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

Public Hearing (Joint with the Planning Commission):

Exhibit A

Zoning Ordinance Amendment – Airport:

The joint public hearing of the Planning Commission and Board of Supervisors on the Zoning Ordinance Amendment was advertised, as follows:

NOTICE OF JOINT PUBLIC HEARING
PAGE COUNTY PLANNING COMMISSION AND BOARD OF SUPERVISORS
ZONING ORDINANCE AMENDMENT

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended, that the Page County Planning Commission and Board of Supervisors shall hold a joint public hearing at 7:00 p.m. on May 19, 2020, in the Board of Supervisors Meeting Room, located in the County Government Center, 103 South Court Street, 2nd Floor, Luray, VA, to receive public comments and to consider the below amendment. Comments will be accepted electronically, by submitting the public comment form on the County website, at www.pagecounty.virginia.gov. All comments are due by 12:00 p.m., on May 19, 2020.

Amendment to §125-10.B [Agriculture (A-1)] to add the following:

(18) Aircraft maintenance facilities, avionics repair facilities, aviation terminal buildings, and any other buildings and/or structures related to aviation that are associated with a public airport.

A complete copy of the full text of the proposed ordinance may be reviewed and inspected on the County's website at www.pagecounty.virginia.gov. For inquires on the proposed amendment, please contact the Page County Planning and Community Development Department, at 540-743-1324, Monday – Friday, 8:00 a.m. to 4:00 p.m.

Chairman Bernie Miller opened the Planning Commission's public hearing at 7:02 p.m.

Motion: Supervisor Guzy moved to open the public hearing of the Board of Supervisors at 7:04 p.m. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

Tracy Clatterbuck, Zoning Administrator, said staff has met with individuals associated with the Luray-Page County Airport about the potential for new businesses associated with the airport to be located upon tax map number 41-A-6. This property is currently zoned as Agriculture (A-1). Based on how the Code is currently written, without an amendment to address these potential new businesses, they will not be allowed. The individuals are requesting that a Code amendment be made to the

Agriculture (A-1) zoning district, to allow for these buildings and/or structures as a by-right use. She proposed an amendment to § 125-10.B(18) to be read as follows:

"(18) Aircraft maintenance facilities, avionics repair facilities, aviation terminal buildings, and any other buildings and/or structures related to aviation that are associated with a public airport. "

By making this Code amendment, it will allow new businesses which will generate additional tax revenue to Page County.

Public Comments on the Public Hearing:

No comments were received from the public.

Chairman Bernie Miller closed the Planning Commission's public hearing at 7:05 p.m.

Motion: Supervisor Guzy moved to close the public hearing of the Board of Supervisors at 7:05 p.m. Supervisor Louderback seconded and the motion carried by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

Commissioner Cathy Grech indicated that she felt the procedure was not proper and her objection is procedural not substantive. She recommended that in the future the County have guidelines set up for anything that is associated with the airport. She suggested that this should fall under a special use permit, so the adjacent landowners would be notified. She expressed support for the project, however, she feels this is not following proper procedure and will set a precedent for the future. She suggested that the wording the amendment read: "Aircraft maintenance facilities, avionics repair facilities, aviation terminal buildings, and any other buildings and/or structures related to aviation that that are adjacent to and under control of a public use airport." She mentioned that if there are future projects involving the development of the airport, they should consider creating a zoning overlay for those parcels under the control of the Luray-Page County Airport Authority.

Chairman Bernie Miller said the property does not abut against any other and felt there is no reason to oppose the amendment.

Commissioner Jonathan Comer said he would prefer using the words "under control of" and not the word "associated" in the amendment. It's worded differently on two separate pages and said it should be the same.

Commissioner Jamie Holsinger agreed that with Commissioner Comer.

Commissioner Jared Burner said he has no issues with a business coming into the airport but also expressed opposition to the procedure and stated that the county is bending over backwards for one business when he knows of a few others not getting the same treatment.

Motion: Commissioner Jamie Holsinger moved to remove the word "associated" and replace with "adjacent to and under the control of a public airport". Commissioner

Keith Weakley seconded and the motion carried by vote of 7-2. Aye: Comer, Middleton, Atkins, Holsinger, Turner, Weakley, Miller. Nay: Grech, Burner.

Chairman Bernie Miller said the Planning Commission recommends approval of the Zoning Ordinance amendment to the Board. The proposed amendment was revised to read: "Aircraft maintenance facilities, avionics repair facilities, aviation terminal buildings, and any other buildings and/or structures related to aviation that is adjacent to and under the control of a public airport."

Supervisor Guzy agreed that this amendment is not following standard procedure, but this needs to be done so the airport can grow.

Motion: Supervisor Foltz moved that the Page County Board of Supervisors approve the Zoning Ordinance amendment, as amended, by the Planning Commission. Supervisor Louderback seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Louderback. Nay: None.

Chairman Bernie Miller adjourned the Planning Commission meeting at 7:23 p.m.

Public Comments on Agenda Items:

There were no comments received during Public Comments on Agenda Items.

Action Matters:

Budget Changes:

Dennis Click, Director of Finance, reviewed that the Page County EMS Department has requested an appropriation of federal revenues in the amount of \$23,554.03 received as a disbursement through the CARES Act for Medicare fee for service providers. This was an allocation payment from the Public Health and Social Emergency Fund of the CARES Act that was distributed to Medicare providers. The amount was based on individual payments based on the proportion of the 2019 Medicare payments to providers.

Department	Description	Revenue Source	Expenditure	Amount
EMS	Cares Act Disbursement	CARES Act 101-0000-333.01-74	CARES Act 101-3230-432-5999	\$23,554.03
Total				\$23,554.03

Motion: Supervisor Stroupe moved to approve the appropriation of federal funding in the amount of \$23,554.03. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Foltz, Vaughan, Phenix, Guzy, Louderback, Stroupe. Nay: None.

Ordinance for the Disposal of Unclaimed Property and Firearms in Possession of the Sheriff:

Nathan Miller, County Attorney, informed the Board that Tim Lansberry of the Sheriff's Office Investigations came to him explaining that the Sheriff's Office has a lot of evidence that has collected over the years and they need a way to get rid of it. Mr.

Miller said there is a section in the Code of Virginia outlining how it can be disposed of, but there is nothing in the County Code allowing for it. He said he drafted an ordinance that will allow the Sheriff's Office to be able to sell the items. Mr. Miller said the Board needs make a motion to hold a public hearing. He said he will have Mr. Lansberry give the list of items in evidence to the Board as an idea of what they have to sell.

Motion: Supervisor Guzy moved to set the public hearing for an Ordinance for the Disposal of Unclaimed Property and Firearms in Possession of the Sheriff for June 16, 2020. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Vaughan, Phenix, Guzy, Louderback, Stroupe, Foltz. Nay: None.

Consent Agenda:

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

- Financial reports for the periods of April 1-30, 2020;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,868,693.77 for the month of April 2020;
- Minutes of April 7, 2020 and April 21, 2020.

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

Old Business:

There was no Old Business to discuss.

New Business:

Review of Rezoning Request for Gary Cubbage:

Tracy Clatterbuck, Zoning Administrator, explained that Gary Cubbage has filed an application to rezone property located at TBD US Highway BSN 340, Stanley, VA, and further identified by tax map number 72-A-34. This property contains 4.9 acres and is currently zoned as Agriculture (A-1). The applicant is proposing to rezone this parcel to Commercial (C-1). If approved, this rezoning would allow for retail, office space, and a service shop. The applicant has plans to construct a new building that will potentially house an auto repair service facility, multiple office spaces, and/or retail services. In the Agriculture (A-1) zoning district, several of these uses either require a special use permit or are not permitted by-right or by special use permit. In the Commercial (C-1) zoning district, all of the proposed uses are permitted by-right, which is why the applicant is requesting to rezone the property to Commercial (C-1). The applicant has reached out to the following agencies for comment: Virginia Department of Transportation (VDOT), Health Department and the County Building Office. VDOT will require the applicant to upgrade the existing entrance to a commercial entrance. The entrance has been permitted by VDOT and is currently under construction. The Health Department has stated they have no objections to the rezoning request. Proper means of sewage disposal will need to be approved before

issuance of the building permit. Mr. Don Williams, Building Official, has stated he has no objections to the rezoning request. He is currently working with the applicant on building code/permit requirements. The properties that are adjacent to this lot are zoned as Agriculture (A-1) and Commercial (C-1). There is a pending rezoning application for property located beside this property (tax map number 72-A-93G) from Agriculture (A-1) to Commercial (C-1) as well. According to the FEMA flood maps, a portion of this property is located in the floodplain. The applicant plans to construct the new building out of the floodplain. The Page County Comprehensive Plan, Volume I, Goal 6 states: Policy 6.2: "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the County". Policy 6.6 states: "Promote local employment opportunities." Policy 6.8 states: "Encourage small business incubators in existing or new buildings in commercially zoned areas." Policy 6.13 states: "Support and encourage a local skilled labor force needed by local employers."

Based on the above referenced policies, she said the rezoning of this property from Agriculture (A-1) to Commercial (C-1) is appropriate for the community. Also, considering that this property is located directly on business 340 and is adjacent to an already commercially zoned property, she recommended that the Board consider granting this rezoning request. The Planning Commission held their public hearing on this application on May 12, 2020. The Commission voted unanimously (8-0) to recommend approval of the rezoning request.

Motion: Supervisor Foltz moved that the Board of Supervisors hold a public hearing on the rezoning request for property identified by tax map number 72-A-34 at the June 16, 2020, regular meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia Section 15.2-2204. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback. Stroupe, Foltz, Vaughan, Phenix. Nay: None.

Update on Berkely Group:

Tracy Clatterbuck, Zoning Administrator, said the Planning Commission is at a standstill with the Zoning Ordinance update. They have been working on the solar ordinance draft line by line and the Berkely Group was to come in April to present the solar document, however with the pandemic it was cancelled. Due to the high publicity and citizen concerns over solar, the Planning Commission does not want to meet and discuss solar with the public not being able to attend meetings. So as of now everything is on hold.

Supervisor Foltz suggested skipping over the solar and moving on to the zoning update, in order to get these zoning issues cleaned up.

Supervisor Guzy agreed and asked Ms. Clatterbuck and Mrs. Moler to schedule a joint meeting between the Board, Planning Commission and the Berkely Group so this can be discussed.

Open Public Comments:

There were no comments received for Open Public Comments.

Administrators Report:

Mrs. Moler said Skyline Drive plans to re-open on Wednesday, May 20. County Offices re-opened on May 15, except the Commissioner of the Revenue and Treasurer's Offices. The County should be receiving over \$2 million due to COVID19 from the CARES act money. The County has purchased an ambulance and she is working with other staff on a Drug Court grant. Lastly, she said the Courthouse project has commenced. It was discovered that the roof over the Commonwealth's Attorney's area has been patched over rust, so it will need to be repaired properly.

Supervisors Report:

Supervisor Louderback said he is looking forward to the economy rolling again. Regarding the Zoning Ordinance update, the Berkeley Group will be a help to the public hearings once it's complete.

Supervisor Guzy said the county needs infrastructure including broadband in place for businesses and students.

Chairman Phenix thanked all the County staff for keeping things running while others were in quarantine.

Supervisor Foltz thanked everyone for attending the meeting.

Supervisor Stroup asked if we could create a proclamation for Fire Company 24 for the awesome job they did not only fighting a house fire, but saving a sleeping occupant.

Supervisor Vaughan wanted an update on the transition of the Shenandoah Squad. Woody Brown, Director of Emergency Services, said he will call him with an update.

Closed Session:

Motion: Supervisor Guzy moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act: to discuss personnel matters of specific officers or employees of the Page County Board of Supervisors for the purpose of considering such person's assignment, appointment, performance, disciplining or resignation pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Supervisor Foltz 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 Foltz seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

Certification of Closed Meeting:

To the best of my knowledge (i) 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 (ii) 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.

Recorded Roll Call Vote:	<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			

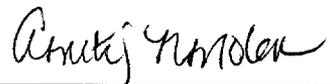
No action was taken as a result of Closed Session.

Adjourn: 9:02 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator