

Minutes
Board of Supervisors
Work Session
March 7, 2022

Members Present: Keith Weakley, Chairman At-Large
D. Keith Guzy, Jr., District 1
Allen Louderback, District 2
Mark Stroupe, District 3
Larry Foltz, District 4

Members Absent: Jeff Vaughan, District 5

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

Call to Order:

Chairman Keith Weakley called to order the work session of the Page County Board of Supervisors on March 7, 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 the Invocation given by Pastor Brian Hasse and the *Pledge of Allegiance*.

Airport Authority Update:

Powell Markowitz, Luray-Page County Airport Authority Secretary-Treasurer, gave an update to the Board on activities at the airport. He noted that they have broken ground for another hangar building. About one year ago Aircraft Maintenance Solutions erected a structure and they currently employ five people. The second new building on the property is a private hangar. Another building being constructed is for an avionics shop, which will likely employ several more people. He noted that two hangar buildings were constructed in 2008 and the funding was borrowed from USDA, costing approximately \$2 million of which \$500,000 was funded by the Department of Aviation. Since 2008, the hangars have been rented and the rent pays the loan. The next step is to construct another hangar unit for 18 hangars. Currently, there are 32 people on a waiting list to rent a hangar. He noted that the Authority received a \$75,000 grant from the Department of Aviation for the planning and design for the hangar building. The project is estimated to cost \$1.2 million, with about \$200,000 coming from the Department of Aviation. The second project at the airport, he said, is a fuel farm. He stated that DEQ and EPA want the existing fuel tanks in a containment facility, which will cost approximately \$400,000. The third project is the terminal building, estimated to cost \$1.9 million. The Department of Aviation will provide \$1.6 million in grant funding for the project. The Authority received a \$57,000 grant from the Department of Aviation to do the site plan and \$144,000 grant for the architectural designs.

Airport Authority Concurrence Resolution for Refinancing Bond:

Powell Markowitz explained that he has been working with the USDA to borrow \$2.8 million, over half of which will be the existing hangar loan refinancing. The additional funds would be used for the local share on the previously mentioned projects. The USDA gave a rate of 2.25% fixed, for 40 years, equating to a payment of \$106,000 annually and the starting rents on the hangars will be \$165,000 annually. The rents on the hangars will more than pay the cost of the loan. After being in discussions with the USDA, they informed him that they could not refinance the existing debt because the Economic Development Authority borrowed the money, not the Airport Authority. Therefore, they want the Authority to refinance with a bank. He said that an RFP was sent out for refinancing and eight responses were received. The best rate was from the Bank of the James at a fixed, taxable rate of 1.99%, for 60 months. He said the Airport Authority approved the financing and it will need the Board's approval as well as approval from the Luray Town Council.

Motion: Supervisor Stroupe moved to approve the Resolution. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz. Nay: None. Absent: Vaughan.

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#2022-02
Resolution

For the Benefit of the Luray-Page County Airport Authority

WHEREAS, the Luray-Page County Airport Authority (the "Authority") was created by joint resolution of the County of Page, Virginia (the "County") and the Town of Luray, Virginia (the "Town") dated June 12, 2013 pursuant to the Luray-Page County Authority Act, 2004 Acts of Assembly, C.39 (the "Act"); and

WHEREAS, the Authority is empowered to, among other things, acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate the Luray-Page County Airport, and to finance all or any part of the costs therefor; and

WHEREAS, pursuant to the Act, the Authority is empowered to pledge for the payment of principal and interest on its revenue bonds and notes the revenues and receipts of the Authority or any portion thereof, so long as the full faith and credit of the Commonwealth of Virginia, or any other political subdivision of the Commonwealth of Virginia, are not pledged to the payment of such bonds and notes; and

WHEREAS, the Authority has determined that it is necessary and desirable to (a) assume, refinance, and restructure the (i) \$836,300 Economic Development Authority of Page County, Virginia Taxable Revenue Bond, Series 2009 (Luray Caverns Airport Project-Town Bond), and (ii) \$836,300 Economic Development Authority of Page County, Virginia Taxable Revenue Bond, Series 2009 (Luray Caverns Airport Project-County Bond), and (b) pay costs of issuance in connection with the financing (collectively, the "Project"); and

WHEREAS, the Bank of the James (the “Bank”) has offered to provide financing for the Project pursuant to the provisions of a proposal from the Bank to the Authority dated February 18, 2022; and

WHEREAS, the Authority adopted a resolution on February 24, 2022 authorizing the issuance, execution, and delivery of a not to exceed \$1,475,000 Luray-Page County Airport Authority Revenue Note, Series 2022 (the “Note”) to the Bank for financing of the Project; and

WHEREAS, the Authority desires to obtain the approval of the governing bodies of the County and Town with respect to the incurrence of indebtedness to pay the costs of the Project, subject to the Authority’s final determination of the form and details thereof (all such undertakings by the Authority to finance the Project, being collectively referenced herein as the “Loan”); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors (the “Board”) of the County of Page, Virginia (the “County”), as follows:

1. The incurrence of the Loan and issuance of the Note by the Authority, as described in this Resolution, is hereby approved and authorized, to the fullest extent as may be required.
2. It is to be understood that nothing contained in this Resolution is or shall be deemed to be a debt of the County or a pledge of the faith and credit or the taxing power of the County, and nothing in this Resolution shall legally bind or obligate the Board or any future Board to appropriate funds for such purposes. The indebtedness of the Authority represented by the Note (or otherwise in connection with the Project and the Loan) shall not be deemed to constitute a debt of pledge of the faith and credit of the taxing power of the County, and neither the faith and credit nor the taxing power of the County shall be pledged for the payment of the principal of, premium, if any or interest on the Note or any other obligation of the Authority in connection with the Project or the Loan, or any other costs related thereto.
3. The Chair, Vice Chair, and the County Administrator, any one or more of whom may act, and such officers, employees, and agents of the County as any of them may designate, are each authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates, and other documents (if any), in order to carry out the purposes of this Resolution and in furtherance of the financing of the Project by the Authority, as described in this Resolution.
4. This Resolution shall be effective immediately.

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Proposed Ordinance Amendment to the Stormwater Management Fee Schedule:
Kelly Butler, Senior Program Support Technician, Planning & Community Development, explained that the current Code Chapter 97: Stormwater Management, Section 16: Fees, includes the stormwater fee schedule in the text of the ordinance. Usually, fee schedules are included in the code by reference, to allow for changes to fees to be made without the need for a public hearing, but rather by resolution of the Board. Also, the current fee schedule provides base fees established by the Department of Environmental Quality for permit coverage. Pursuant to 9VAC25-870-700: “When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees...A VSMP authority may establish greater fees than those base fees specified by this part should it be demonstrated to the board that such greater fees are necessary to properly administer the VSMP.”

As a VSMP authority, Page County must provide for inspections during construction for compliance with the approved erosion and sediment control plan; compliance with the approved stormwater management plan; development, updating, implementation or a pollution prevention plan; and development and implementation of any additional control measures necessary to address a TDML.

Currently, the Planning & Community Development Department does not have a certified stormwater inspector on staff. The erosion and sediment control inspector, Michelle Long, has been completing stormwater inspections, to date. The Department has had an increase in stormwater plan reviews in the last year. With stormwater reviews, comes stormwater inspections. With several large projects pending, they need stormwater inspections provided by a third-party consultant, as deemed necessary by the Department.

She also proposed that the Board update the stormwater fee schedule, as drafted. The entire fee schedule follows the statewide fee schedule, which reads as follows:

If stormwater plan review costs exceed “Total fee to be paid by applicant” minus “Department portion of fee” applicant shall be responsible for the difference.

If the VSMP authority (Page County) determines a third-party inspector is required due to size or nature of the construction activity, any inspection costs incurred by the VSMP authority shall be the responsibility of the applicant and shall be invoiced and paid monthly.

By making this code and fee schedule amendment, the County will be passing any additional expenses on to the applicant for plan review. Having stormwater inspections provided by a third-party consultant, at the applicant’s expense, will hopefully avoid the need for legal intervention, as well as keeping the sites compliant.

Supervisor Guzy suggested that the Board consider assessing the fee for the actual cost, plus an administrative fee.

After discussion, it was consensus to include for the actual cost to be assessed, plus a 5% administrative fee and presented with the public hearing.

Motion: Supervisor Stroupe moved that the Page County Board of Supervisors hold a public hearing on the above listed ordinance amendment, as drafted, at the April 4, 2022 work session, and direct staff to provide adequate notice of such hearing, in accordance with § 15.2-2204, of the Code of Virginia. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Foltz, Weakley. Nay: None. Absent: Vaughan.

Resolution Adopting the Emergency Operations Plan:

Matt Cronin, Director of Emergency Services, reviewed that in accordance with the Virginia Emergency Services and Disaster Law of 2000, as amended, the Page County Emergency Operations Plan has been revised. This Plan will be revised, exercised, readopted, and reissued once every four years. He reviewed the Plan components, support functions, and matrix of responsibilities. He requested the Board approve the Resolution to adopt the Emergency Operations Plan.

Motion: Supervisor Guzy moved that the Board adopt the Resolution to adopt the Emergency Operations Plan, as presented. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Weakley, Guzy. Nay: None. Absent: Vaughan.

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#2022-03
RESOLUTION
ADOPTION OF THE REVISED EMERGENCY OPERATIONS PLAN

WHEREAS, the Emergency Operations Plan, further known as the EOP, is required to be revised every four years; and

WHEREAS, the EOP is continually being revised, the entire EOP has to be reviewed and revised every four years.

NOW THEREFORE, BE IT RESOLVED, that the Page County Board of Supervisors adopts the EOP, as revised on March 7, 2022.

BE IT FURTHER RESOLVED, that the Page County Board of Supervisors authorizes Matt Cronin, Director of Emergency Services, to make revisions, as needed.

This Resolution was adopted by the Page County Board of Supervisors in regular session on this 7th day of March, 2022.

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Discussion of Solar Panel Fees:

Mrs. Moler presented a spreadsheet outlining the fees other counties, similar in size, assess for solar panels. She said she and Supervisor Louderback met and came up with the following proposed changes to the fee schedule:

Residential: Base fee - \$100, plus \$0.35/sq. ft.

Commercial: Base Fee - \$100, plus \$0.35/sq. ft., plus consulting/outsourcing and inspection fees will be assessed to the applicant, if it exceeds the actual cost

The Board discussed exempting certain items from needing a permit such as DC power, garden lights, and farming activities. James Campbell, Building Official, mentioned that if the panel is for farming, it would be exempt from requiring a permit. Anything for residential would need a permit and be inspected, if electrical is connected, regardless of the size. It was also discussed to assess the solar fee, with actual costs, plus a 15% administrative fee.

Motion: Supervisor Louderback moved to approve the solar fee schedule, as presented, and to include at 15% administrative fee. Supervisor Guzy seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Weakley, Guzy, Louderback. Nay: None. Absent: Vaughan.

Discussion of Animals in Residential Zoning Districts:

Supervisor Guzy explained that he, Supervisor Foltz, Planning Commissioner Jared Burner, and Tracy Clatterbuck met on May 4, 2021, to review animals in the residential zoning districts and gardening. Although the original plan was to wait on further changes to the zoning ordinance regarding this, the zoning ordinance re-write is not complete and these items need be changed in order to avoid causing further issues and confusion in residential districts. He provided the Board with copies of notes from the May 2021 subcommittee meeting and said the Board should send this to the Planning Commission for review and then the Commission and Board can schedule a joint public hearing. He said this would bring residential zoning properties into compliance.

After discussion, it was consensus of the Board to send this to the Planning Commission for review.

Economic Development Authority Appointments:

Ms. Miller reviewed that a vacancy exists for the District 1 and At-Large seats on the Economic Development Authority. The appointee for District 1 would serve a four-year term through January 31, 2026. The At-Large appointee would fill an expired term through January 31, 2024. Supervisor Guzy has indicated that he would like to appoint Jackie Elliott to fill the District 1 seat. Chairman Weakley has indicated that he would like to appoint Dennis Fleming to fill the At-Large seat.

Motion: Supervisor Guzy moved to appoint Jackie Elliott (District 1) to the Economic Development Authority for a four-year term from February 1, 2022 through January 31,

2026. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Foltz, Weakley, Guzy, Louderback, Stroupe. Nay: None. Absent: Vaughan.

Motion: Supervisor Guzy moved to appoint Dennis Fleming (At-Large) to the Economic Development Authority for a four-year term through January 31, 2024. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz. Nay: None. Absent: Vaughan.

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 the consideration of the acquisition of real property for a public purpose relating to inmate housing, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia and to discuss personnel matters relating to the assignment, appointment, performance of legal counsel, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Foltz, Weakley. Nay: None. Absent: Vaughan.

Exit Closed Session:

Motion: Supervisor Guzy moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Weakley, Guzy. Nay: None. Absent: Vaughan.

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.

<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	
Keith Weakley	X			

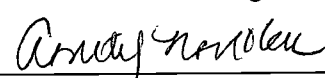
No action was taken as a result of Closed Session

Adjourn: 9:05 p.m.

With no further business, Chairman Weakley adjourned the meeting.



Keith Weakley, Chairman



Amity Moler, County Administrator