

Minute  
Board of Supervisors  
Regular Meeting  
March 16, 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  
Tyler Olsen, Budget Officer  
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 March 16, 2021, 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 limited to 10 people; therefore, the meeting was lived streamed on YouTube. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

**Adoption of the Agenda:**

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

**Presentations, Proclamations & Awards:**

**FY2021-2022 Budget Presentation:**

Mrs. Moler presented the proposed budget for fiscal year July 1, 2021 – June 30, 2022. She outlined the budget proposal guidelines. The revenue changes will be an estimated additional \$1.58 million from reassessment values and nearly \$10.2 million in new construction value. Additionally, the County will be able to impose a cigarette tax with an estimate \$50,000 in new revenue. The expenditure changes include a 5% pay increase, estimated 12% increase in health insurance, three new employees, jail budget increase of over \$500,000, and increase in part-time for bailiffs, law enforcement, and crime prevention.

The proposed expansion plans include Battle Creek Landfill's Cell 11 design and engineering to begin paid for by additional revenue from Patriot in the amount of \$1.28 million. The radio system construction will begin in late FY21 and continue in FY22 and it has an annual debt service payment of \$547,606. She then reviewed the current tax rates and the proposed expenditures per fund totaling \$76,264,287, reflecting an increase of \$6,863,187 over the current year. The total Capital Improvement Project budget includes \$468,802 for the Sheriff's office roof repair and flooring, plumbing work at the jail, jail study, and Courthouse HVAC and parking lot repairs to name a few. Mrs. Moler review the non-mandated departments and said the proposed total for FY22 is \$941,277. She reviewed the law enforcement funding by source as well as the school funding and the minimum required local effort. Lastly, she stated that at the end of FY20, the fund balance was \$14 million, which is about 44% of the General Fund's current approved expenditure budget. Also, in FY20, the landfill generated enough revenue to cover its expenses and debt service.

**Public Comments on Agenda Items:**

Amy Cumbia: I've been asking if the Board had reached a decision on how to include at least one citizen in your monthly meeting. I understand the topic was discussed at the March 3<sup>rd</sup> meeting, but nothing was finalized. I believe Mr. Helm is the County Attorney, so this sounds encouraging that you will reach a decision on this matter with his professional advice. Please remember your mission statement "To provide our citizens and businesses with a superior quality of life by delivering county services and programs in a fiscally prudent and responsible manner".

**Action Matters:**

**Re-adoption of Emergency Ordinance for Continuity of Government and Meetings During COVID-19:**

Michael Helm, County Attorney, said this is the same uncodified ordinance the Board adopted previously; however, it extends the date until May 16, 2021.

**Motion:** Supervisor Guzy moved to re-adopt the Emergency Ordinance for Continuity of Government and Meetings During COVID-19. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

**Budget Changes:**

Tyler Olsen, Budget Officer, reviewed the budget changes. He said, on behalf of the Town of Luray, the County received CARES funding from the State in the amount of \$4,656. To ease the financial burden on citizens during this time, the Town of Luray has not assessed late fees on delinquent utility bills. This money from the state is to provide relief to the Town for its lost revenue.

The Page County Animal Shelter is requesting that \$10,000 of its unspent private donations from the prior fiscal year be carried over to the current year. These funds will be used for spaying and neutering cats and dogs that are eligible for adoption. This will increase the chances of finding permanent homes for these animals and reduce pet overpopulation.

Lastly, it is requested that \$150,000 of the fund balance be appropriated for the reassessment. Each year, additional funds are appropriated for the reassessment; however, due to the increasing cost of doing business, the current appropriation is not enough. The current appropriation requests will increase the County's budget by \$164,656.

Department	Description	Revenue Source	Expenditure	Amount
Board Reserve	Late Fee Assistance	CARES	Town of Luray	\$4,656
Animal Shelter	Spaying and Neutering	Fund Balance	Animal Shelter	10,000
Assessment	Reassessment	Fund Balance	Assessment	150,000
Total				\$164,656

**Motion:** Supervisor Stroupe moved to approve revenue from state funds in the amount of \$4,656 and local funds in the amount of \$160,000 and expenditures to the Page County General Fund in the amount of \$164,656. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

**School Funds Re-appropriation Request:**

Tyler Olsen, Budget Officer, explained that for Fiscal Year 2020, the County appropriated a total of \$11,032,658 to the School Fund. Due to COVID-19, the schools were closed on March 13, 2020 and remained closed through the end of the school year. This resulted in operational savings. In FY20, the County transferred to the School Fund only \$9,505,979, which is \$1,526,679 less than the budgeted amount. The Page County School Board is proposing that \$856,009 of the savings be re-appropriated from the fund balance to the Fiscal Year 2021 school budget. The amount of \$309,009 will be used to replace three school buses and \$547,000 will be used to purchase a new English Language Arts curriculum for kindergarten to fifth grade. The purchase of the curriculum was originally planned for FY20, but it was deferred, due to the uncertainty of state revenues during the ongoing pandemic. The Page County School Board is also proposing that the remaining amount of these savings, \$670,670, be re-appropriated to the FY22 school budget for needed capital improvement projects.

The appropriation request would be funded by local funds in the amount of \$856,009, in the current fiscal year and \$670,670 in FY22. It is recommended that the Board of Supervisors discuss these proposed appropriations, within the context of future substantial costs, such as the radio project and the possibility of pay increases. If the

Board is willing to approve these appropriations, a formal appropriation request will be presented at the meeting in April.

The Board asked the School Superintendent Wendy Gonzalez to explain the proposed budget for last year before the closure, the operational savings during the closure, what was the grants received, and now that they have reopened – what are their expenses. This needs to be presented before the Board can make a decision on the re-appropriation request.

Wendy Gonzalez, School Superintendent, updated the Board on the school's class offerings and learning models during the pandemic.

The Board requested the additional information, as mentioned, be provided at the April 6<sup>th</sup> meeting.

**Pump and Haul Contract Amendment – John Coleman:**

Mrs. Moler explained that the contract amendment for the pump and haul permit is for a renewal for John Coleman whose business is just outside of the Town of Luray and cannot connect to town sewer. This amendment will renew his contract for five a five-year term.

**Motion:** Supervisor Guzy moved to renew the pump and haul permit for John E. Coleman, as presented. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Louderback. Nay: None.

**Board and Commission Appointments – Economic Development Authority:**

Ms. Miller reviewed that the terms of Bart Price (District 4) and Denise Meadows (District 5) have expired. Both would like to serve another four-year term. The new terms would begin immediately and expire on January 31, 2025.

**Motion:** Supervisor Vaughan moved to reappoint Bart Price (District 4) and Denise Meadows (District 5) to the Economic Development Authority through January 31, 2025. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Foltz, Vaughan, Phenix, Guzy, Louderback, Stroupe. Nay: None.

**Consent Agenda:**

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

- Financial reports for the periods of February 1-28, 2021;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,672,878.44 for the month of February 2021;
- Minutes of February 2, 2021, February 16, 2021, and February 23, 2021;
- Eight coyote claims totaling \$400.

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

**Old Business:**

There was no Old Business to discuss.

**New Business:**

**Proposed Code Amendment Chapter 105 – Business License Requirements:**

Mrs. Moler said Section 105-50, License Requirements, of the Page County Code currently subjects all applicants of a business license to review of the building code, zoning, the Page County Health Departments and VDOT. Recent reductions to staffing at the local health department have resulted in the requirement of a third party, On Site Soil Evaluator (OSE) for walk-over inspections, at an additional cost to the applicant. This third-party inspection has caused a back log of applications waiting on inspections and approvals. Since the Code of Virginia does not require an inspection by the health department or VDOT for a business license, it is recommended we amend the County Code and remove the requirement. It is recommended the Page County Board of Supervisors set a Public Hearing for April 20, 2021 to amend Chapter 105, Article XI of the Page County Code.

**Motion:** Supervisor Stroupe moved to advertise and set a public hearing to amend Chapter 105, Article XI, of the Code of Page County. Supervisor Vaughan seconded and the motion passed by a vote of 6-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

**Open Public Comments:**

All comments were submitted, in writing, via the County's website.

Linzy Cumbia: I do not consider this text box or upload button sufficient space to have my voice heard, understood, and respected. I was disgusted, but not surprised when the 36 open public comments were "summarized" but not read aloud. It should become possible to have these meetings outside with spring on the way. Please don't continue to silence our county.

Rod Graves: The issue I raise today is one of adherence to our basic rights as citizens. In the last two board meetings I attended online I witnessed our rights to be heard by the public and by our representatives full trespassed upon in a very disrespectful way. This happened to us as citizens when our comments were severely edited and basically ignored. You have infringed on our rights of free speech and representation. These are important in any circumstances but especially with current issues such as industrial solar sites which can have an enormous impact on our community.

Chris Anderson: I request that my comments be read aloud in tonight's Page County Board of Supervisors meeting. Please consider ways for citizens to more easily be involved in public meetings. For instance, while I very much appreciate the meetings being recorded via YouTube, it is often difficult to understand the audio when speakers are too far away from the microphones or the microphones are not turned on. During this time that the public is not allowed to join the meetings in person, please bring back the opportunity to join the meetings via a Zoom telephone number. The Zoom telephone number provided access to local government meetings for citizens in the county who do not have a computer or who do not have reliable internet access or who do not have unlimited internet data plans.

Isabel Graves: I insist that you allow the integral comments of your citizens to be voiced, read and made public as it is our right. So much effort, public expense and contortionist legalities have been invested in coddling the highly questionable infiltration of industrial solar interests in our public process while at the same time trying to silence and muzzle our citizens. This is particularly disturbing during the ongoing pandemic which has impaired communication and attendance of public meetings.

Rob Cumbia: Please read the following comments during the Open Comments segment of tonight's meeting. At this past Page County BOS meeting February 16th, thirty-six letters were submitted for reading during the Open Comments segment of the meeting. Every one of these letters opposing Utility-Scale solar projects, and supporting the ordinance approved by the Planning Commission, were not read. The excuse later given was that there was not enough time, even though none of the comments were so long that they could not be read within the three-minute time limit normally afforded each Page County citizen for in person comments at BOS meetings. In fact, many were quite short, clearly to the point, and readable within 30 seconds or less. The voices of Page County citizens, farmers, and landowners continue to be silenced by the BOS albeit that an estimated seventy percent of these folks are opposed to utility-scale solar projects on Page County farmlands. All of the Page County Supervisors need to take seriously the job they were elected to do, develop a clear understanding of the ordinance as put forward by the Planning Commission in their nine to one vote in favor, and accept the wishes of Page County citizens.

Nancy Boyer: Please set aside personal gains in considering this important decision affecting all of our county communities and entities. Please listen to your constituents. Please do your homework in understanding the entire scope of this important issue before you. Please focus on the question of the benefit, or lack thereof, to our county. Please do not vote to feed the coffers of Urban Grid or the likes, and areas outside of Page County. Please know the risks of costs to our tight county budget in future disposal or cleanup. Please vote with an educated mind, a clear conscience, a heart for your county, your neighbors, family and a responsibility to those who voted to put their trust in you to protect their interests.

Barbara Burroughs: I want to express my appreciation to the members of the Planning Commission who worked so diligently and thoughtfully on the solar ordinance for Page County. They have had the best interests of their neighbors at heart. However, I am dismayed at the cavalier attitude of some of the supervisors toward their work, and especially toward the input of citizens throughout this process. You received much wise advice which you essentially ignored. That said, my research has shown me that industrial solar is not right for our county yet ... many letters to you have given excellent reasons for this. Solar energy is in its infancy and as yet, industrial facilities are unreliable and expensive. The mining, manufacturing and transportation which goes into production of panels and holding batteries is neither clean nor green. They use precious resources such as farmland and rare earth materials and leave a damaged, toxic environment and economy. Even with the tightest of restrictions, it is just the beginning of much risk and trouble for the host county. We, the people of Page County, need a chance to vote on this important issue which will forever change our landscape and lives.

Beth Snider: The solar issue has been discussed at 39 of the county meetings. The county has spent at least \$60,000 in expenses looking at the SUPs, legal fees, consultants along with staff time. Recently there was an online poll at the Page Valley News, 70 percent of people wanted NO INDUSTRIAL SOLAR IN PAGE COUNTY! To date, since the solar SUPs were submitted in 2018 (according to the meeting minutes) there have been 410 comments made during comment time against industrial solar and a total of 50 in favor of it. During 2020, where we were severely limited by COVID-19 restrictions, there were 111 public citizens comments against industrial solar with 2 public comments for it, those 2 comments were made by the attorney for the landowner that wants the massive project to come to the county. As a citizen, it is very worrisome to have the people that are making the decisions for the county to be working so hard for interests of those outside the county and perhaps for their own benefits. It was very disappointing that at the February 16 meeting our comments were read aloud. It is outrageous how you are treating your citizens.

Bertha Dale Aleshire Chaplin: I keep sending you comments but then I hear you are not doing anything with them, and I have to send more. My family has been here for generations, they were forced off their land to make it a park for others to enjoy the views. Now you want to destroy those views, will you reimburse my family for over 600 acres they lost for the skyline drive? Because there won't be any nice views left when you get finished. Why do you want to allow the countryside to be ruined with a bunch of ugly panels that will only help faraway places and bring misery of added burdens to the people of Page County?

RS Staples: I request that my rights as a citizen be respected and that these comments be read out loud for all to hear since I am forced to attend this meeting remotely. With a moratorium in place, accepting the December 11, 2020 re-application of the previously

denied Cape Solar SUP just 4 days before the public hearing on the solar ordinance was a big mistake. Concealing this fact from the public for a month wasn't very smart either. Then, throwing out a professionally crafted protective solar ordinance approved by the Planning Commission after over a year of work at taxpayer expense on weak legal ground and other questionable motives in favor of suspicious alternatives was downright stupid. Holding secret solar committee meetings hasn't been look good either and is unlawful. Silencing the public by refusing to address their concerns or read their comments aloud is not only absurd but also feeds the perception that you have something to hide. Using Covid as an excuse to make meetings harder to attend, using poor quality microphones so the public can't hear you, followed up by restricting remote attendance to online only while you know full well many don't have reliable internet access is discriminatory and unforgivable. It is high time for a change, or several, in my opinion.

R. Browne: I want my comments read at meeting not tossed in trash. Mr. Chairman – Why are you not working for the people that voted for you? You are letting crooked Vaughan and his 2 puppets do what they want and you won't stop them. Everyone in town knows what those 3 are all about, no good why don't you serve the county over special interests. Last month you threw our comments in the trash. Looks to me as if the BOS are not doing right by the citizens, to me proof these solar carpetbaggers leading you around by the nose ring. Those solar folks think Page County is stupid and you are proving them right. Another thing, Helm does not work for the County, when solar people here 2 years ago, he was working for them not us, don't let my taxes pay for that fraud.

Aaron Weakley: The Chairman of the Board owes the citizens of Page County the answers to 2 questions: 1. Why has there been no action taken against Supervisor Jeff Vaughan regarding his misconduct in which he has presented a solar ordinance for consideration that was edited at least in part by attorneys for Urban Grid? This is a documented conflict of interest and demonstrates Supervisor Vaughan's inability to demonstrate non biased judgement while representing the people of Page County. 2. Why did the BOS and county administration allow a new solar application for the previously submitted Cape Solar project while there was a moratorium in place against solar applications? Choosing to not answer these questions demonstrates dereliction of duties and a refusal to provide governmental transparency to the electorate. No solar farms in Page County are the will of the people!

Pete Hicks: The Board is reviewing the Solar Farm Ordinance. As a person who has friends and family in Page County, and since I am hoping to buy a retirement home in Page, it is a matter of concern to me. There is essentially one chance to do things right. The County spent a lot of money to have a consultant draft an ordinance which provided the best balance of all interest groups. Despite the recommendations that the draft ordinance be adopted, the Board has failed to do so, and has instead apparently moved towards modifying the draft in ways which would take away the balance, and favor wealthy investors at the expense of the residents of the County. The cost-benefit figures for large-



scale solar farms are questionable at best; the promised tax revenue would be offset to a large degree by a reduction in value of neighboring properties. This kind of a development has a 40-year stated lifespan, which means that multiple generations of Page residents would be affected by it. I urge you to adopt the draft ordinance as submitted by the consultant, and to avoid massive solar farms.

Candi Knight: There are many residents against the usage of 100s of acres of our county's land as a solar farm. I am one of those residents. I do believe that using renewable resources is something we, as a county, should be looking into. However, I do not believe this is the way we should do it. I believe that taking up valuable farming land and having this being controlled by an outside corporation could be detrimental to our economy, as a county that has a high number of farmers and as a county that depends on tourism, I believe that using the proposed amount of acreage would only harm us. The solution to this would be to offer our residents encouragement to install private solar panels that would contribute to our existing electrical grid. Tax breaks and stimulus type money to help pay for installation would greatly encourage private citizens to do this. After installation the citizens would benefit from having this source of electricity for their homes and/or farms. Any additional electricity could then go into the grid to help lower everyone else's electric bill. I hope you take this into consideration.

Kris Garrett: I am writing to you again to plead for common sense when it comes to large scale industrial sites. Our planning commission came up with a relatively fair deal to protect residents while still allowing farm land owners to use their land for large scale industrial solar. My first comment is for no solar at all on prime farmland. Put them on houses, stores, barns, parking lots, medians but no farmland. My second comment is to approve the planning commission plan. They took over a year used taxpayer funds for outside experts. Trust their work! My third comment is this. Everyone on this board was elected by the people for the people. Even if it goes against how you want to vote, or how a few wealthy land owners want you to vote that you must vote the will of page county residents. And the people are saying no large scale solar in page county.

Connie Connolly: After your last meeting (February 16th), I am not surprised that the Solar Issue is NOT on the agenda for the March 16th meeting. The absence of the Solar Issue on the agenda makes me wonder about the reasoning behind this decision. I for one was extremely disappointed in the behavior of so-called professionals that were elected to serve our county. The way that some of the BOS members are supporting the desires of the solar company over the safety of its own citizens makes me wonder what is behind those motives. The BOS has been provided multiple articles/information on other locations (some in Virginia) to show what has happened when solar and/or wind farms have gotten into their areas (noise, no financial benefits to the counties, poisoning of ground, water and wildlife from defective materials, etc.). Thank goodness for the few Board members that support NOT allowing solar farms into our county and I personally am thankful for all their hard work and homework that they have done and continue to do.

Kenneth A. Jemielity: I would like to re-iterate my support for the solar ordinance submitted by the Planning Commission after a 9-1 vote. It allows for development of industrial solar, while minimizing the risks to the county and its residents. Any other ordinance that has been offered has the stench of Urban Grid written into it and should not even be considered.

Amanda Daley: Please listen to the residents of Page County. We don't want the solar farm anywhere in our county. It does not benefit 99% of us. It will ruin the land and water shed. The company is not giving you the full story. It will hurt this county and voting for it will go against the majority of your constituents. A public hearing so you can hear are voices is requested.

Patricia Long: I am suggesting to put the issue on the ballot and I'm sending this to support that motion. Most of the citizens that I know do not want solar farms in our County; and the fear that the Board will approve against the wishes of the citizens makes me think this is the most agreeable option. Trust and transparency must be a priority for all.

Rolf Gubler: For those of us who have lived here for a long time, we often take for granted just how beautiful and unspoiled Page County is. Places like Page County are becoming increasingly rare. Page County's viewshed as seen from the Skyline Drive is a multi-million dollar a year driver of local tourism dollars. This is not something that we should mess with. We should not be swayed by Urban Grid or others that only want to profit at the expense of our county. They are not interested in our long-term economic viability. They only want to profit in the short term. Why not adopt the good solar ordinance recommended by the planning commission? This ordinance that was written with the guidance from consultants and includes important protections for Page County which should not be changed or eliminated. Among these is a maximum industrial scale solar size of 200 acres which is a best-fit size for the County derived after months of analysis. This is a size that also can be most easily screened from one of our County's most important natural resources and tourism attractions, the Shenandoah National Park. The good ordinance represents a fair compromise and was written with the best interests of the entire county in mind. I ask you to please reconsider and pass the ordinance that was supported by the planning commission and the community at large.

Ken Farkas: In a recent unofficial poll, only 1 person thought your current trajectory was appropriate. Meanwhile, 70%+ wanted NO solar in Page County. WHY do you continue to pursue this? The ONLY proper course of action moving forward is to place a moratorium on ANY decisions regarding solar farms, and place a PROPER (no disingenuous wording) initiative on this November's ballot, and let WE THE PEOPLE decide this overwhelmingly important issue. If you really do represent the people, this is the only viable course of action.

Amy Cumbia Undoubtedly, you continue to hear talk regarding the utility-scale solar installations in Page County. Outcome from a recent online poll tells us 70% of citizens voted against solar of any kind. An online petition has gathered 550 plus signatures for No Solar on Page County Farmland in one week. When the solar ordinance is brought to the table again, please compare the version approved by the Planning Commission 9-1, which you voted against 4-2, to the revised one. The "revision" of the ordinance is not intended to protect our farmland and County. It was turned into a free for all for the outsiders, Urban Grid, to do as they please without restrictions.

Ralph Fleharty: First, I would like to say that I am unable to comprehend why the Board of Supervisors or at least certain members do not listen to the people that voted them in office. It is quite obvious that the people of Page County are against solar farms; therefore, how does one vote yes knowing that his constituents want him or her to vote no. I for one am totally against the solar farms.

J.D. Cave: Please do not pass a solar ordinance which gives more than 200 acres to a developer. The work which was done last year and passed by the Planning Commission (9-1) is what you should be acting upon, not new language submitted at the 11th hour without public input. Your recent activity on this matter is shameful.

**Administrator's Report:**

Mrs. Moler said that a Drug Court Coordinator has been hired and the individual will begin employment on March 29<sup>th</sup>. She indicated that the Commonwealth Attorney and Circuit Court Judge decides who gets to participate in the program. The program will consist of 12 defendants, with the first 2 being added in May. The Board of Equalization is now open and making appointments. Their first meeting will be held on March 24, 2021. Several offices in the building have been moved to allow for space for new employees. The County will be receiving another round of CARES money from the Federal government. It will be given over a two-year period in the amount of \$2.3 million each year. Lastly, she reported that all of the mobile hotspots have been placed throughout the County.

**Supervisor's Time:**

Chairman Phenix indicated that he met with Nina Fox the new Business Development & Retention Director and said it is good for the county.

Supervisor Louderback agreed with Chairman Phenix on Mrs. Fox.

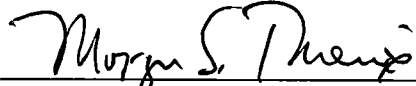
Supervisor Foltz thanked everyone for coming.

Supervisor Stroupe said he is tired of people questioning his integrity. He expressed that he is glad the County is implanting a Drug Court.

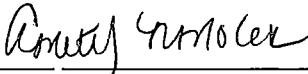
Supervisor Guzy said the Board needs to be listening to the citizens.

**Adjourn** 9:18 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator