

Minutes
Board of Supervisors
Regular Meeting
May 18, 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 (Arrived at 6:30 p.m.)
Jeff Vaughan, District 5

Staff Present: Amity Moler, County Administrator
Tracy Clatterbuck, Zoning Administrator
Tyler Olsen, Budget Officer
Michael Helm, County Attorney
Janeena Zalipski, Office Aide

Call to Order:

Chairman Morgan Phenix called to order the regular meeting of the Page County Board of Supervisors on May 18, 2021, at 6:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA 22835. Pursuant to the Governor's latest executive order, in-person attendance was limited. 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 Agenda:

Motion: Supervisor Guzy moved to adopt the agenda, as presented. Supervisor Vaughan seconded and the motion carried by a vote of 5-0. Aye: Phenix, Guzy, Louderback, Stroupe, Vaughan. Nay: None. Absent: Foltz.

Public Hearings:

Special Use Permit – Michael Painter:

Chairman Phenix opened the public hearing on the special use permit for Michael W. Painter at 6:03 p.m.

Tracy Clatterbuck, Zoning Administrator, reviewed that Michael W. Painter has filed an application for a special use permit (SUP) to operate a banquet/event facility located south on River Road, 0.25 miles from US Hwy BSN 340 W, on the right, Stanley, VA. The parcel is identified by tax map number 70-A-117 (containing 203.78 acres). The property is currently zoned as Agriculture (A-1). The property is improved with an existing 48x96 barn and other numerous accessory structures. The applicant proposes to use the portion

of the property between River Road and the Shenandoah River as part of the banquet/event facility.

According to the Virginia Department of Transportation (VDOT), they had no issues with the proposed use once a new entrance is constructed. The existing entrance does not meet the minimum sight distance standards. VDOT has located a location for a new moderate volume commercial entrance at the property approximately 570' south of Rt. 340. A VDOT Land Use Permit will be required to construct the new entrance. VDOT will work with the owners engineer to approve the design of the new entrance. She recommended that the Board make the requirements for VDOT as a condition of the SUP, and give the applicant six months to complete the work (from the date of approval of the SUP).

The Health Department commented that the site of the proposed event is 320 River Rd., Stanley, VA 22851, Tax Map#: 70-A-117. The event center will require a sewage disposal system of a design suitable for 150 guests for 4-5 hours maximum (mainly on Saturdays), to take place 25-30 times per year, based upon information provided via a phone conversation with the applicant. An On-Site Soil Evaluator has located a suitable area for a sewage disposal system and will be submitting a proposal to the Health Department for review and approval. The applicant is currently working with Gerald Dovel (OSE) along with the local Health Department on obtaining the required health permits. She recommended that the Board make approval of the well and septic permits a condition of the SUP, and give the applicant six months to complete the work (from the date of approval of the SUP).

The Building Official had commented that the applicant was required to obtain a structural inspection and load rating report on the existing barn by a licensed engineer. He contracted with Racey Engineering to complete the study. According to Racey Engineering, the building was found to be suitable to support 200-person occupancy. This report has been reviewed and accepted by the Building Official. Building permits will be required for any code related items.

The Planning Commission held their public hearing on April 13, 2021, and recommended approval (8-0) to the Board of Supervisors.

Public Comments on the SUP:

J.D. Cave said that his family is in the cabin and wedding venue business and that Page County is becoming the place where everyone wants to get married. He said business is booming, and we are a tourist county. He supports Mr. Painter and asked the Board to approve the permit.

With no further comments from the public, Chairman Phenix closed the public hearing on the special use permit request at 6:12 pm.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors approve the special use permit for Michael Painter at 320 River Road, Stanley, VA, to operate a banquet/event facility, with the attached special use permit. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Vaughan, Phenix. Nay: None. Absent: Foltz.

Special Use Permit

Applicant: Michael W. Painter

Tax Map #:70-A-117

Purpose: Banquet/Event Facility

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. Michael W. Painter, or its successor and/or assigns, shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state agency regulations.
3. The business operator and/or owner shall apply for and maintain a valid Page County business license.
4. This special use permit is for use of the portion of the property between River Road and the Shenandoah River.
5. Per Racey Engineering and the Page County Building Official, the barn was found to be suitable to support 200-person occupancy.
6. Any outdoor fires on the property shall be enclosed by a fire ring. All fire rings shall be enclosed by a non-flammable material at least 8" in height.
7. Any lighting that is provided on the property will be directed downwards, so as not produce a glare onto adjoining properties or roads or right-of-ways.
8. 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.
9. Any change of use or expansion of services 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.
10. The zoning administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.

11. Per VDOT requirements provided to the applicant, "VDOT has no issues with the proposed use once a new entrance is constructed. The existing entrance at this site does not meet the minimum sight distance standards. VDOT has located a location for a new moderate volume commercial entrance at the property approximately 570' south of rt. 340. A VDOT land use permit will be required to construct the new entrance. VDOT will work with the owners engineer to approve the design of the new entrance. At the time of events, no parking or signage is allowed on the VDOT right of way." The improvements detailed in this condition must be completed within six months from the issuance date of the special use permit. This condition is subject to modification, in writing, from VDOT.
12. Per Health Department requirements provided to the applicant, sewage disposal and water supply must be permitted and installed within six months from the issuance date of the special use permit. This condition is subject to modification, in writing, from the Page County Health Department.

Special Use Permit – David Nealis:

Chairman Phenix opened the public hearing on the special use permit for David Nealis, at 6:13 pm.

Tracy Clatterbuck, Zoning Administrator, reviewed that David Nealis has filed an application for a special use permit (SUP) to operate a home occupation for a detailing shop in an existing accessory structure located at 161 Brady Road, Stanley, VA. The parcel is identified by tax map number 72-A-26, contains 3.384 acres, and is currently zoned as Agriculture (A-1). The property is improved with a single-family dwelling and numerous accessory buildings. This SUP would allow the applicant to operate a detailing shop that would include the cleaning of vehicles, audio upgrades, and window tint services from the primary residence. The proposed business would be conducted out of an existing 23x39 garage on the property.

The Virginia Department of Transportation (VDOT) has indicated that the proposed use will have no impact to the VDOT right-of-way. The Health Department had no objections to the operation of the proposed car detailing business on this property. The Building Official had no issues with the existing garage being used for business.

The Planning Commission held their public hearing on April 13, 2021, and recommended approval (8-0) to the Board of Supervisors.

Public Comments on the Special Use Permit:

No comments were received from the public.

Chairman Phenix closed the public hearing at 6:17 p.m.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors approve the special use permit for David Nealis at 161 Brady Road, Stanley, VA, to operate a home occupation for a detailing shop in an existing accessory structure, with the attached special use permit conditions. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Vaughan, Phenix, Guzy. Nay: None. Absent: Foltz.

Special Use Permit Conditions

Applicant: David Nealis Tax Map#: 72-A-26

Purpose: Home occupation to operate detailing shop (cleaning of vehicles; audio upgrades, and window tint services) out of existing garage.

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. David Nealis 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. The home owner shall apply for and maintain a valid Page County business license to operate the home occupation.
4. This special use permit is for use of the existing accessory structure only.
5. The business must remain in compliance with the Page County Zoning Ordinance specifically §125-15.
6. Any lighting that is provided on the property will be directed downwards, so as not produce a glare onto adjacent properties or right-of-ways.
7. 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.
8. Any change of use or expansion of services 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.
9. The Zoning Administrator, or their designated representative, may visit the site at any time to ensure compliance with the special use permit.

Rezoning Request – Suneel & Renu Kapur:

Chairman Phenix opened the public hearing on the rezoning request for Suneel & Renu Kapur at 6:18 p.m.

Tracy Clatterbuck, Zoning Administrator, reviewed that Suneel & Renu Kapur has filed an application to rezone the following properties:

1. Property located at 170 Kibler Drive, Luray, and further identified by tax map number: 30A2-A-1, containing 7.466 acres;
2. Property located at 165 Kibler Drive, Luray, and further identified by tax map number: 30A2-3-1; containing 3.87 acres;
3. Property located off Kibler Drive (beside 165 Kibler Drive), Luray, and further identified by tax map number: 30A2-3-2; containing 1.75 acres; and
4. Property located off Kibler Drive (across from 170 Kibler Drive), Luray, and further identified by tax map number: 30A2-3-3, containing 1.75 acres.

The applicant is proposing to rezone the above listed parcels from Agriculture (A-1) to Residential (R).

The applicant purchased the above listed properties on November 9, 2020. In the near future, the applicant would like to subdivide the lot identified by tax map number 30A2-A-1 into residential lots (approximately 2-3 acres each). In the Page County Subdivision of Land Ordinance, under the definition of "subdivide", Section 100-3(3) states: "Nonfamily division (excluding immediate family division): In Agricultural and Woodland-Conservation zoned districts, the Clerk may permit one division of a parcel into two parcels once every five years, provided that..." subsections a through f are met. Because these lots are currently zoned as Agriculture, the applicant could not do the desired subdivisions of land at one time. The applicant would only be able to do one division once every five years. By rezoning the land to Residential, this will allow the applicant to apply for a Class A and/or B subdivision.

The applicant is proposing no future subdivisions of land for lots identified by tax map numbers: 30A2-3-1, 30A2 3-2 and 30A2-3-3.

Ms. Clatterbuck indicated that comments from VDOT, the Health Department and Building Official were included in the packets.

The Planning Commission held their public hearing on March 9, 2021. At that public hearing, numerous concerns from adjoining landowners were received. Most concerns came from the Egypt Bend Lot Owners Association related to a community well that serves lots in the subdivision that was located adjacent to (tax map number 30A2-A-2) one of the proposed lots to be rezoned. Mr. David Reed, applicant's attorney, requested that action be tabled at the public hearing as the applicant was working with the Egypt Bend Lot Owners Association in hopes to resolve some of their concerns related to the community well.

At the April 13, 2021 Planning Commission meeting, Mr. Reed presented an agreement that had been reached between the Egypt Bend Lot Owners Association President (John Dedman) and Mr. & Mrs. Suneel Kapur.

She noted that the original rezoning requests from the applicants included tax map number 30A2-A-1 A (containing 16.25 acres), but while going through this review process, they have since sold that tract of land and it is no longer included in the rezoning requests.

The Planning Commission recommended approval to rezone the following lots from Agriculture (A-1) to Residential (R) at their April 13, 2021 meeting: Tax Map Numbers 30A2-A-1 (7.466 acres), 30A2-3-1 (3.87 acres), 30A2-3-2 (1.75 acres), and 30A2-3-3 (1.75 acres). The properties that are adjacent to these lots are zoned as Residential (R). Egypt Bend Estates is to the west of these properties; Riverview Estates is to the east of these properties; and, across the river is the Oh Shenandoah Subdivision.

Public Comments on the Rezoning Request:

David Reed, Attorney for Mr. and Mrs. Kapur, reaffirmed with the Board that an agreement had been made between Egypt Bend Lot Owners Association and the Kapur's related to the community well.

With no further comments from the public, Chairman Phenix closed the public hearing at 6:24 p.m.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors approve the rezoning requests from Suneel & Renu Kapur for the following tax map numbers: 30A2-A-1 (7.466 acres), 30A2-3-1 (3.87 acres), 30A2-3-2 (1.75 acres), and 30A2-3-3 (1.75 acres) from Agriculture (A-1) to Residential (R). Supervisor Stroupe seconded and the motion passed by a vote of 5-0. Aye: Stroupe, Vaughan, Phenix, Guzy, Louderback. Nay: None. Absent: Foltz.

Recess: The Board took a brief recess at 6:25 p.m.

(Clerk's Note: Supervisor Foltz arrived at 6:30 p.m.)

Reconvene: Chairman Phenix reconvened the meeting at 7:00 p.m.

Public Comments on Agenda Items:

J. D. Cave spoke against solar. He asked the Board to think about what is best for the County. The Farmers Association has written a letter against it and citizens have spoken out against it. There should be no large solar farms in Page County.

Kris Garrett spoke against industrial scale solar. She called out Board the members who support it and asked them to explain why they want it.

Ken Jemielly spoke against large scale solar. He said the 200-acre limit is acceptable, but there needs to be more protections written into ordinance.

Clyde Humphries spoke against industrial scale solar.

Paul Otto commented that the solar ordinance is nothing like The Berkley Group's ordinance or the one the Planning Commission recommended. Industrial solar should not be in a special use permit. They need regulations.

Cathy Grech stated that the Board should hold another public hearing on the solar ordinance because it is nothing like the first ordinance when the Board previously held a public hearing. She asked why is the Board throwing out the first ordinance when they need an ordinance with teeth.

Beth Snyder asked why did the County waste money hiring The Berkley Group. She said the current proposed solar ordinance is not an ordinance.

Charles Newton commented that it is not wise to pass the solar ordinance with very few restrictions. The Berkley Group is a professional group and we should take their legal advice. The current ordinance, he said, is really different from the first ordinance.

Ken Farkus addressed the Board regarding industrial solar and said he lives across from the proposed Cape Solar property. He had previously provided the Board with three emails. The first email described his credentials. He said he has experience in biologics, nuclear engineering, and finance. He said he has read the solar ordinance and it is a disaster. He asked why is there no prohibition against lead. Currently, you can't buy a solar panel that doesn't come from China. The ordinance does not include a disaster plan. The cost has been pushed from the applicant to the County and the County should not be accepting any cost risk, with respect to solar. He said recycling should be removed completely. The County does not have the capability to be able to take the recycled materials from the toxic materials. Over time, the panels leach lead and other heavy metals, which gets leached into the water.

Linzy Cumbia stated that industrial solar will destroy farm land. He made a petition against industrial solar farms and almost 900 people signed it.

Keith Weakley commented that Urban Grid is promising upfront money, but really the amount they have promised over time is not that much. This will take jobs from the County. We are giving solar a free ride and a lot of taxpayer money has been wasted. He asked the Board to consider passing the ordinance the Planning Commission created.

Chris Anderson said the County only needs to allow small and medium solar farms. The Board need to hold a new public hearing so the citizens can voice their opinions on this new ordinance.

Sasha Grams spoke about solar and expressed concerned about metals going into the water table.

Christine Andreae commented that she has solar on her house and her barn and is in favor of solar energy. The solar ordinance under consideration sets no limits for solar farms, reduces setbacks, screening, and provides no protection for the County's historical and cultural resources. The Board has heard many arguments against it. Frederick County is currently being sued for \$7.5 million by a solar company. After they granted permits to two solar companies, the Board refused to permit a third company and they sued. She asked the Board to table the ordinance proposed and take the time to explore the impact of industrial solar and craft an ordinance that will benefit all of the citizens.

Benny Cabbage addressed the Board regarding industrial solar. He said he is a farmer who feels he has a target on his back from solar companies. The solar projects will adversely affect him. He said he has been contacted by a solar company asking him to commit his land to a solar project. He said once the farmland in this County is gone due to solar, it is not coming back.

Jared Burner commented regarding industrial solar. He attended a recent Farmer's Association meeting and one comment that resonated was when the manager of Southern States said that if solar projects like Dogwood Solar come to fruition it will cost their business over \$200,000 in lost revenue. He said he has some issue with the proposed solar ordinance as it currently reads. He said there are no measurables in the document to be able to manage it. He stated that Frederick County is now being sued for \$7.5 million for arbitrarily applying the zoning ordinance with regard to solar. He suggested the Board wait and see the results on the lawsuit before adopting an ordinance.

Written Comments Submitted Via the County Website:

Jim Briggs: With the Solar Ordinance, the Board has before it the chance to act rightly. The Board spent a large amount to hire outside consultants to write a neutral and balanced draft ordinance, which would protect the County and its citizens, while still allowing solar development on a controlled basis. The different drafts created would remove the protections which were included in the consultant's draft. I urge the Board to strive for excellence by doing the right thing, which is to adopt the balanced draft ordinance created by the consultant.

Rob Cumbia: In reference to industrial scale solar installations on prime farmland in Page County. By not having absolutely clear defined limitations and precise regulations on industrial scale solar developers the agricultural and economic future of Page County will

be a disaster of epic proportions, for the citizens and the environment. Special Use Permits combined with a useless ordinance are no solution, will lead to gridlock, and much time lost in meetings that all of you will eventually regret. Four simple points and one question here to be made: 1.) You cannot save the Commonwealth of Virginia and NOVA with industrial scale solar development on prime farmland in Page County; 2.) You cannot save the United States of America with industrial scale solar development on prime farmland in Page County; 3.) You cannot save our Planet Earth with industrial scale solar development on prime farmland in Page County; and, 4.) You can destroy Agriculture, the Tourist Economy, the Scenic Beauty, all of this that is treasured by the citizens and visitors, with industrial scale solar development on prime farmland in Page County. The ONE question: Do you want this to be your legacy ?

Rolf Gubler: I'd really like you to consider what's at stake with approving this watered down and pro-industry solar ordinance. It doesn't set a size limit for solar developments. It allows utility scale solar developments with reduced setbacks next to residential areas. It reduces the amount of screening required around these large land-use projects. It doesn't provide protection for historical and cultural resources. It could lead to a proliferation of power lines across the county. This will just further degrade the county's scenic values and jeopardize our tourism-based economy. I suggest you scrap the current pro-industry plan and adopt the responsible solar ordinance that was developed by professional, non-biased consultants.

Wes Porter: Why does such questionable behavior keep happening over and over? What happened to common sense and integrity when the general good of the people is at stake? Those few politicians who manage to get themselves elected in order to line their own pockets at the public's expense, leaving us with a damaged environment to try and repair have been part of Page County politics for too long. He said certain Supervisors and others are ready to ignore the Planning Commission's in-depth study and strong solar ordinance. Those few are working to sacrifice our irreplaceable farmland, natural rural beauty and needed tourist dollars.

Bonnie Snyder: I commend my supervisor to the Board, Mr. Louderback. He is correctly representing the people that elected him to this office by standing against approval of the solar farms in Page County. I also commend Mr. Guzy who also represented his district well in his challenges to the solar ordinance. I would submit that the other members of the Board to find their own voice and remember the people they represent and their duty to Page County citizens rather than to outside businesses and solar industries.

Bertha Dale Aleshire Chaplin: Don't let these outside solar people ruin the land, we will need food long after those panels are a heap of junk in the sun.

Paula Atwood: Any solar ordinance that doesn't set a size limit for solar developments, allows utility scale solar developments with reduced setbacks next to residential areas,

reduces the amount of screening required around these large land use projects, and doesn't provide protection for historical and cultural resources is not in the best interest of Page County. Please vote yes for the Planning Commission's plan and no for any other.

Teresa Dodson: If I were allowed to vote for taking our farm land and filling these beautiful acres with ugly black solar panels, I would vote no. Unless this benefits Page County citizens that lessens our monetary burdens. My concern is using our monies and properties to benefit other places instead of Page County. I don't want to see farmland covered with these as a solar panel graveyard. Please consider our thoughts and concerns and please vote for agenda items that help Page County residents, not others at our expense.

Connie M. Connolly: In regard to the newest document on solar regulations I would like to know why all of the protections were stripped from the ordinance dated November 17, 2020? I have listened to the meetings. Many people have submitted comments in support of that document, and it seems that the BOS members Vaughan, Stroupe, and Foltz are bound and determined to allow employees of Urban Grid to write the rules for Page County. This sketchy, loosely written document will create many problems in the years ahead for Page County. My suggestion as a tax-paying citizen of Page County is to go back to the document we already paid for by the qualified consultants and approved by the Planning Commission. There needs to be a new public hearing. This document is nothing like the ordinance that was supported by the Page County community.

James Roderick Graves: I write to all of you tonight being out of town in hopes that you will not adopt the "new" solar ordinance for the following reasons: it does not reflect the will of expressed by public, it was not written in my opinion with any benefit to our citizens which you represent, the vote should have waited until the public could attend given Covid restrictions, and our county deserves better legal counsel on this matter as it is riddled with issues that will come back to harm this county. We should clearly adopt what the county has spent over \$60,000 with Berkley Group providing us with decent compromises where everyone was considered not just a few. This "new " ordinance is degenerate by design as it only benefits the solar companies and one landowner, with pitiful long term county income when compared to the real economic engines that clearly already work . Industrial solar will hurt agriculture and tourism. Industrial Solar will further hinder people's greatest investments, their homes. Solar panels are almost all made in Communist China by slave labor with over 50 known toxins. I pray that you will not adopt the new solar ordinance and move to adopt the Solar Ordinance built by the people of this community and our Planning Commission.

Amy Cumbia: My concern about the solar installation special use permit currently included inside the solar draft ordinance doesn't contain limits on the amount of acreage allowed or grading/slope percentage for solar farm installations. Solar companies will not suggest any self limitations if they are not required to do so. The ordinance does not address

items specifically for utility scale solar. All citizens who stand for property owner rights to do what they want with their own land also want reasonable protections in place. The scenic beauty and integrity of Page County should continue to be preserved for citizens and visitors.

Isabel Graves: I urge you to vote no on the ordinance proposal tonight, which can be very damaging for our county. Myself and other citizens are very disturbed that such an important vote on extremely impactful matter is going to be taken with still restricted public attendance and access to the meeting. Your vote tonight does not make the issue go away, instead it may just open the County wide open for industrial abuse, lawsuits, environmental problems and a myriad of problems that could have been avoided. I hope that you will be sensible enough to your citizens and the beautiful place we live in to vote no, and come up with a better ordinance that actually puts the interests of our county first.

Action Matters:

Budget Changes:

Tyler Olsen, Budget Officer, explained that Page County Fire and EMS received a grant from the Virginia Office of EMS in the amount of \$5,116. These State funds will be used for a paramedic course attended by one of the County's providers.

The Page County Sheriff's Office requested \$72,639 of local funds for various equipment and supplies for the emergency response team (ERT). This amount covers the cost of 39 active shooter bags, 20 rifles, 43 composite plates, 12 uniforms, and a drone. After speaking with Major Monteleone and Lisa Turner, it is recommended that the 12 uniforms be purchased with funds that have been appropriated for ERT supplies in Fiscal Year 2022. Delaying this purchase, would reduce the PCSO's request to \$69,358. If the Board would like to further reduce the request, Major Monteleone recommends delaying the purchase for the drone. Although a drone would be a major help in search and rescue missions, it is not as much of a priority as the other items. This would reduce the PCSO's request to \$36,961. If fully approved, the current appropriation requests will increase the County's General Fund budget by \$77,755.

After much discussion, the Board was in consensus to table the Sheriff's Office request until further details are received. New technology may mean training, and more cost to the County, however the Board expressed that they want the deputies to be safe. They directed staff to have the Sheriff's Office request placed on the upcoming work session agenda.

Supplemental Appropriations Requests Approved:

Department	Description	Revenue Source	Expenditure	Amount
EMS	VAOEMS Grant	Virginia Office of EMS	Conventions & Edu. 101-3230-432-50-54	\$5,116
Total				\$5,116

Motion: Supervisor Guzy moved to approve revenue from State funds in the amount of \$5,116. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Foltz, Vaughan, Phenix, Guzy, Louderback, Stroupe. Nay: None.

Boards and Commissions:

Mrs. Moler reviewed the Boards and Commission appointments with the Board:

Community Policy and Management Team:

The Community Policy and Management Team are to be appointed by the local governing body, pursuant to Section 2.2-5205, of the Code of Virginia. The team shall include, at a minimum, at least one elected official or appointed official or his designee from the governing body of a locality that is a member of the team, and the local agency heads or their designee, the following community agencies: community services board, juvenile court services unit, department of health, department of social services and the local school division.

The juvenile court services unit seat is currently vacant, due to the retirement of Janie Grinnan. The Team has requested that Amy Darby be appointed to replace Ms. Grinnan.

Motion: Supervisor Stroupe moved to appoint Amy Darby as the juvenile court services unit representative for a term, which will expire June 30, 2022. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Vaughan, Phenix, Guzy, Louderback, Stroupe, Foltz. Nay: None.

Economic Development Authority:

Supervisor Stroupe mentioned that he would like to appoint Sara Levinson to the Economic Development Authority for District 3.

Motion: Supervisor Stroupe moved to appoint Sara Levinson to the Economic Development Authority (District 3) for an unexpired term through January 31, 2023. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

Consent Agenda:

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

- Financial reports for the periods of April 1-30, 2021;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,659,073.30 for the month of April 2021;
- Minutes of April 6, 2021, April 20, 2021, April 27, 2021, and April 28, 2021;
- Three coyote claims totaling \$150.

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

Old Business:

Solar Ordinance Discussion:

Mrs. Moler said that the changes the Board requested at the last meeting have now been incorporated into the draft solar ordinance document. She reviewed the changes and reminded the Board that it is up to them to decide what they want in the ordinance.

Supervisor Vaughan expressed that he respects their constituent's comments stated tonight and in previous meetings. He pointed out that Mr. Cabbage's comments go a long way. He said common sense needs to be applied. He believes in property owner's rights and feels the owner should be able to do what they want, within reason. He said he would like to stop the ordinance and obtain legal advice to not allow any industrial solar farms because of the characteristics of farming and tourism.

Chairman Phenix asked the County Administrator to contact Shenandoah Valley Electric Cooperative to inquire where they are with solar energy. He would also like to know more about the lawsuit against the Board of Supervisors in Frederick County by a solar company.

Supervisor Louderback stated that he also believes in property owners rights, but no one can do everything they want to do with their property. There are always restrictions. He said the Board is not ready to pass an ordinance and things still need to be added such as definitions. The Board represents the citizens and they need to listen to them.

Supervisor Foltz agreed with Supervisors Vaughan and Louderback. He too is concerned over property rights and environmental issues. He also wants to know more about the Frederick County lawsuit.

Supervisor Stroupe said we are not ready for this ordinance. He said that all the solar motion lights even the VDOT solar signs are probably already in our landfill, as people replace burnt bulbs, and toss in household trash. He said he feels like the ordinance needs to outline a special use permit process that outlines the setbacks, decommissioning, bonds as well as other regulations.

Supervisor Guzy said he spoke with Supervisors from Frederick County, and they are getting sued because they passed two industrial solar farms, and denied one, which is the one suing the Board. He agreed that the Board needs to pause the ordinance.

After discussion, the Board was in consensus to table action on the solar ordinance.

New Business:

Review of Permit Fees:

The Board decided to table the review of the permit fees, until a solar ordinance is adopted.

Open Public Comments:

Clyde Humphrey thanked the Board for listening to the citizens regarding the solar ordinance.

Paul Otto thanked the Board for tabling the solar ordinance.

Cathy Grech thanked the Board for listening to the citizens.

Beth Snyder thanked the Board for listening to the citizens.

Ken Farkus commented that solar farms do not fit the Page County Comprehensive Plan. A 600-acre industrial solar farm is a toxic waste dump waiting to happen. He asked that the Board spend some time doing some research on industrial solar farms.

Jisun Bae addressed the Board about China and forced organ harvesting of prisoners of conscience, with most of them Falun Gong practitioners. Falun Gong teaches gentle exercises, meditation, and the virtues of truthfulness, compassion and tolerance. Although Falun Gong is not political, the Chinese Communist Party felt threatened by its popularity and launched a massive persecution campaign that continues to this day. Several survivors of this persecution live right here in Virginia.

Tiny Tang commented that numerous counties in Virginia have passed resolutions to educate citizens about the barbaric practice of forced organ harvesting of prisoners of conscience in China. These prisoners include large numbers of Falun Gong practitioners. The mainstream media has done little to cover this important issue, but Americans have the right to know. She requested that Page County join this movement and pass a resolution to raise county residents' awareness of this practice.

Chris Anderson thanked the Board for listening.

Administrator's Report:

Mrs. Moler reported that the first meeting for the Drug Court has been held. She said that nine applications have been received to participate in the Court and that has been narrowed down to four. The next meeting date is June 9, 2021. At the June 1st Board work session, the agenda will include discussion and decisions on the TOT fund distribution for next fiscal year. In addition, she will be discussions possible uses for the American Recovery Plan Act (ARPA) money from the Federal government. She has received requests from Social Services and EMS for possible uses. The secondary six-year plan public hearing has been scheduled for June 15, 2021. Lastly, all COVID restrictions should be lifted by the Governor on May 28, 2021.

Supervisors Time:

All Supervisors thanked everyone for their comments and coming out.

Closed Session:

Motion: Supervisor Guzy moved that the Board of Supervisor convene in closed session under the Virginia Freedom of Information Act in order to discuss legal matters for specific legal advice for the purpose of evaluating the proper legal position or action to be taken. Supervisor Louderback 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 that 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 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.

<u>Recorded Roll Call Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Morgan Phenix	X			
Keith Guzy	X			
Allen Louderback	X			
Mark Stroupe	X			
Larry Foltz	X			
Jeff Vaughan	X			

Adjourn: 10:10 p.m.

With no further business, Chairman Phenix adjourned the meeting.


Morgan Phenix, Chairman


Amity Moler, County Administrator