

Minutes  
Board of Supervisors  
Work Session  
April 7, 2020

Members Physically Present: Morgan Phenix, Chairman At-Large  
Allen Louderback, District 2  
Larry Foltz, District 4  
Jeff Vaughan, District 5

Members Present Remotely: D. Keith Guzy, Jr. District 1  
Mark Stroupe, District 3

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 work session of the Page County Board of Supervisors on April 7, 2020, at 7:00 p.m. in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray. Due to the pandemic and threat of transmission of COVID-19 and in order to adhere to the Governor's Order, in-person attendance was prohibited. The meeting was lived streamed using Zoom. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

**Declaration of a Local Emergency:**

Mrs. Moler explained that on March 17, 2020 a local emergency was declared due to the Coronavirus (COVID-19). She stated that the Board needs to officially adopt the Resolution. This will also enable the county to get reimbursed with Federal funds on any or all money spent due to the pandemic.

RESOLUTION DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Director of Emergency Management of Page County did hereby find:

1. That due to the COVID-19 pandemic, Page County needs to take precautionary measures in the event that said pandemic reaches our community; and that due to the COVID-19 pandemic, a potential for extreme peril to life and property necessitates the proclamation of a local emergency.
2. The emergency declaration enables Page County to draw on additional

resources to prepare for and coordinate the county's response to the potential spread of the virus. Specifically, the declaration will allow the county to pursue reimbursements that may be available from the federal and state governments as a result of their declarations, among other response tools.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency existed throughout said Jurisdiction; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency, the powers, functions, and duties of the Emergency Management Organization of Jurisdiction were those prescribed by State Law and the Ordinances, Resolutions, and approved plans of Jurisdiction in order to mitigate the effects of said emergency.

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

**Resolution to Address Non-Compliance with the Declaration of a Local Emergency:**

Mrs. Moler said this is an amendment to the original declaration of the local emergency, with regard to the restriction on the rental of a hotel room, motel room, rental housing unit, condominium, RV campsite, primitive campsite, rental cabin. County Attorney Miller said this was amending the original Resolution because it did not have an enforcement provision in the event of non-compliance. This will be in effect as long as the emergency declaration is in effect, which is for 60 days, at which time it can be revisited. This will be in line with the Governor and his state of emergency.

**RESOLUTION TO ADDRESS NON-COMPLIANCE  
WITH DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Governor of Virginia has declared a state of emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 virus; and

WHEREAS, the Governor of Virginia and the State Health Commissioner have jointly declared a public health emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 disease; and

WHEREAS, the Director of Emergency Management of Page County did hereby issue a Declaration of a Local Emergency on March 17, 2020 pursuant to Code of Virginia §44-146.21; and

WHEREAS, the Governor of Virginia has issued a statewide "Stay at Home" Order, Executive Order Number Fifty-Five (2020); and

WHEREAS, since the Declaration of a Local Emergency on March 17, 2020, one or more residents have tested positive for the COVID-19 virus and the number of infected residents could increase in the coming days; and

WHEREAS, by Order of the Chairman of the Board of Supervisors dated March 31, 2020, the terms of which has been adopted and further enacted by the Amendment to the Declaration of a Local Emergency dated April 7, 2020, the rental of a hotel room, motel room, rental housing unit, condominium, RV campsite, primitive campsite, rental cabin, or similar accommodation for less than thirty (30) consecutive days is hereby prohibited.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that effective April 7, 2020 and continuing until such time as the state of emergency in the Commonwealth of Virginia is lifted or until such other further notice, with the exception of current guests in a hotel, motel, vacation rental, or other short-term rental housing unit who may remain in their occupied quarters for the duration of their existing rental agreement, any business or individual found to be in violation of the Amended Local Emergency Resolution adopted on April 7, 2020, shall, upon initial determination of non-compliance, be subject to review and possible cancellation of their license to operate in this jurisdiction until such time as this Order is lifted, or until the non-compliance is remedied, whichever comes first. If subsequent non-compliance is determined, or if the individual or entity is not otherwise subject to such sanctions, the Sheriff is authorized to enforce compliance consistent with the authority set forth in Page County Ordinance §1-8.

**Motion:** Supervisor Foltz moved to adopt the Resolution to Address Non-Compliance with Declaration of a Local Emergency. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

**Emergency Ordinance to Establish methods to Assure Continuity in Page County Government:**

**EXHIBIT A**

Mrs. Moler explained that the Emergency Ordinance needs to be adopted in order for the Board to prohibit in-person attendance at Board meetings during the pandemic. Meetings will be live streamed instead. She pointed out the following edits that needs to be made before adoption: page 1, paragraph 4, Woodrow Brown changed to Amity Moler; and, page 2, section 4.b. needs to include Page County Public Schools.

**Motion:** Supervisor Vaughan moved to adopt the Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Page County Government, with the changes, as outlined. Supervisor Louderback seconded and the motion carried with a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

**Adoption of Tax Rates for 2020:**

Mrs. Moler said tax rates cannot increase this year because the rates were not advertised to be increased; however, they can be decreased. She reminded the Board that due to the current situation with the COVID-19 virus the transient occupancy tax (TOT) funds will be a less than last year. There is a fund balance with TOT in reserve, which is \$350,000 and will help get through the remainder of the year, if needed. Chairman Phenix suggested that the TOT funds be held to help those businesses who will need it once the virus passes. Mrs. Moler said as far as Capital Improvement there is a surplus in revenue of \$403,000 now, but the Board has not decided how much to appropriate to the school system. The schools originally asked for \$590,444 in additional local funds, but it has decreased to \$299,642. Chairman Phenix asked what the schools anticipate the savings to be due to closing for the pandemic. Mrs. Moler said she has not heard from them what their potential savings may be.

Supervisor Guzy said that the schools have yet to provide the information the Board requested several weeks ago and if the State is increasing their funding, they should have informed the Board. Supervisor Guzy wants the citizens to know that the Board has requested the schools provide more information multiple times over the last several weeks, and they have not.

**Motion:** Supervisor Guzy moved to set the Real Estate/Mobile Home tax rate at \$0.73. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Louderback. Nay: None.

**Motion:** Supervisor Louderback moved to reduce the Personal Property tax rate by \$0.19 to \$4.40. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Foltz, Vaughan, Phenix, Guzy, Louderback, Stroupe. Nay: None.

**Motion:** Supervisor Louderback moved to reduce the Machinery and Tools tax rate by \$0.50 to \$1.50. Supervisor Guzy seconded and the motion carried by a vote of 5-0, with 1 abstention. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz. Abstain: Vaughan.

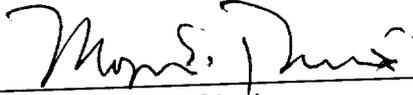
**Motion:** Supervisor Stroupe moved to reduce the Motor Carrier tax rate by \$0.50 to \$1.50. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

**Motion:** Supervisor Guzy moved to set the Aircraft tax rate at \$0.50. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

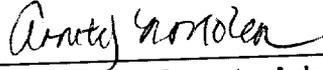
Supervisor Vaughan asked to discuss economic development issues with TOT funds at the next meeting. The Board needs a better understanding of how these funds are used. Supervisor Guzy also indicated that he would like to move forward with Broadband as soon as possible.

**Adjourn:** 8:04 p.m.

With no further business, Chairman Phenix adjourned the meeting.



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Morgan Phenix, Chairman



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Amity Moler, County Administrator

**AN EMERGENCY UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE CONTINUITY IN PAGE COUNTY GOVERNMENT AND CONDUCT OF BOARD OF SUPERVISORS MEETINGS DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY**

AN EMERGENCY UNCODIFIED ORDINANCE to establish methods to assure continuity in Page County government and conduct of Board of Supervisors meetings during the COVID-19 Emergency, as authorized by Virginia Code §§ 15.2-1413 and-1427.

**RECITALS:**

**1. That the following uncodified ordinance is hereby adopted:**

**WHEREAS**, the Board of Supervisors of Page County, Virginia considers the safety and welfare of the residents of the County to be of utmost importance; and

**WHEREAS**, the President of the United States has declared a national state of emergency to exist throughout the country as a result of the spread of the COVID-19 disease; and

**WHEREAS**, the Governor of Virginia has declared a state of emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 disease; and

**WHEREAS**, Amity Moler, who is the local Director of Emergency Management of Page County, declared that a local emergency exists in Page County; and

**WHEREAS**, the Governor of Virginia and the State Health Commissioner have jointly declared a public health emergency to exist throughout the Commonwealth of Virginia as a result of the spread of the COVID-19 disease; and

**WHEREAS**, on March 15, 2020, Governor Northam announced a ban on all gatherings of one hundred or more people statewide and encouraged that no more than ten people gather. The CDC recommends a ban on gatherings of fifty people or more, and restaurants, gyms, theatres and similar non-essential businesses in Virginia have been closed; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, due to the spread of the COVID-19 disease, Page County is facing a disaster and a condition of extreme peril to the lives and safety of the residents and visitors of the County; and

**WHEREAS**, as a result of this disaster and extreme peril, this Ordinance Assuring Continuity in the Government of Page County, Virginia is necessary to permit the full powers of the government to deal effectively with the condition of the disaster and peril; and

**WHEREAS**, allowing the County to limit in-person attendance will allow our constituents to protect themselves and one another, while maintaining informed and active citizenship and will let the County operate in an efficient and safe manner while the County mitigates the effects of this public health crisis and disaster, and

**WHEREAS**, Code of Virginia 15.2-1427(F) provides that "In counties, emergency ordinances may be adopted without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this Code."

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PAGE COUNTY, VIRGINIA AS FOLLOWS:**

1. A disaster exists in Page County.
2. The Recitals above are adopted and incorporated herein.
3. The infectious nature of COVID-19 may very soon make it unsafe to assemble a quorum of this Board in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Board and the County's other boards and committees to conduct meetings in accordance with normal practices and procedures.
4. In accordance with Section 15.2- 1413 of the Code of Virginia, 1950, as amended, notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure continuity of government during the pendency of the emergency and disaster created by COVID-19.
  - a. That any process, procedure, or matter which requires the physical presence of the public in a building that the County Administrator or Chairman, either of whom may act, has declared or in the future declares to be closed to the public is hereby suspended.
  - b. Meetings of the Board, Page County School Board and other county boards and committees may be held through electronic communication means without a quorum of members physically present in a single location, provided that notice of such meetings is still given in accordance with applicable laws.
  - c. Such meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of the Board, or other board or committee members, so long as alternative arrangements for

public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

d. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.

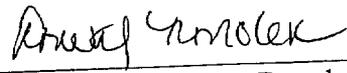
3. The County Administrator or Chairman, either of whom may act, are hereby authorized to take any other actions that are reasonable and necessary to effectuate the terms of this Ordinance.

4. This Ordinance shall be enforced for no more than sixty days unless re-adopted following public notice as provided in Code of Virginia 15.2-1427(F), and in any event shall expire six months after the disaster. Normal governmental authority and procedures shall resume upon the expiration of this Ordinance.

Ordained this 7 day of April, 2020.

  
Morgan Phenix, Chairman-at-Large  
Board of Supervisors of the County of Page, Virginia

Attest:

  
Amity Moler, Clerk to Board of Supervisors