

Minutes
Board of Supervisors
Regular Meeting
June 16, 2020

Members Present: Morgan Phenix, Chairman At-Large
D. Keith Guzy, 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
Nathan Miller, 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 June 16, 2020, in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA., 22835. Due to the COVID-19 pandemic, in-person attendance was not permitted; therefore, the meeting was live streamed, via Zoom. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

Adoption of the Agenda:

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

Public Hearings:

Rezoning Request – Gary Cubbage:

Chairman Phenix opened the public hearing on the rezoning request for Gary Cubbage at 7:01 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
PAGE COUNTY BOARD OF SUPERVISORS
REZONING REQUEST

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the Page County Board of Supervisors shall hold a public hearing at 7:00

p.m. on June 16, 2020, in the Board of Supervisors Meeting Room, located in the County Government Center, 103 South Court Street, 2nd Floor, Luray, VA, to receive public comments and to consider the below request. Comments will be accepted electronically, by submitting the public comment form on the County website, at www.pagecounty.virginia.gov. All comments are due by 12:00 p.m., on June 16, 2020.

Gary Cabbage has applied to rezone property located at TBD US Hwy BSN 340, Stanley, VA, and further identified by tax map number 72-(A)-34. This property contains 4.9 acres and is currently zoned as Agriculture (A-1). The applicant is proposing to rezone this property to Commercial (C-1). If approved, this rezoning would allow for retail, office space, and a service shop.

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

Tracy Clatterbuck, Zoning Administrator, reviewed the staff report and said that Gary Cabbage has filed an application to rezone property located at TBD US Highway BSN 340, Stanley, VA, and further identified by tax map number 72-A-34. This property contains 4.9 acres and is currently zoned as Agriculture (A-1). The applicant is proposing to rezone this parcel to Commercial (C-1). If approved, this rezoning would allow for retail, office space, and a service shop. The applicant has plans to construct a new building that will potentially house an auto repair service facility, multiple office spaces, and/or retail services. In the Agriculture (A-1) zoning district, several of these uses either require a special use permit or are not permitted by-right or by special use permit. In the Commercial (C-1) zoning district, all of the proposed uses are permitted by-right, which is why the applicant is requesting to rezone the property to Commercial (C-1). The applicant has reached out the Virginia Department of Transportation (VDOT), Page County Health Department and the Page County Building Office for comment. None of the agencies had any objection to the request.

The properties that are adjacent to this lot are zoned as Agriculture (A-1) and Commercial (C-1). There is a pending rezoning application for property located beside this property (tax map number 72-A-93G) from Agriculture (A-1) to Commercial (C-1), as well. According to the FEMA flood maps, a portion of this property is located in the floodplain. The applicant plans to construct the new building outside of the floodplain.

The Planning Commission held their public hearing on this application on May 12, 2020 and voted unanimously to recommend approval of the rezoning request.

There were no comments submitted for the hearing on rezoning request. Chairman Phenix closed the hearing at 7:05 p.m.

Supervisor Guzy asked Ms. Clatterbuck if this dual zoning area is one that will be corrected by the Berkley Group's assessment. Ms. Clatterbuck said that area would probably be all zoned as commercial.

Motion: Supervisor Foltz moved that the Board of Supervisors approve the rezoning request for property identified by tax map number 72-A-34 from Agriculture (A-1) to Commercial (C-1). Supervisor Guzy seconded and the motion carried by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Foltz, Phenix. Nay: None. Absent: Vaughan.

Ordinance for Sheriff's Disposal of Unclaimed Property:

EXHIBIT A

Chairman Phenix opened the public hearing at 7:09 p.m. The public hearing was advertised as follows:

NOTICE OF PUBLIC HEARING
PAGE COUNTY BOARD OF SUPERVISORS
ORDINANCE TO AMEND THE PAGE COUNTY CODE
BY CREATING A NEW CHAPTER 132
ENTITLED
SHERIFF DISPOSAL OF UNCLAIMED PROPERTY

NOTICE is hereby given pursuant to Section 15.2-1427 of the Code of Virginia, 1950, as amended, that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing at 7:00 p.m. on Tuesday, June 16, 2020, in the Board Room, located in the County Government Center, 103 South Court Street, 2nd Floor, Luray, VA, to receive public comments and to consider an Ordinance to amend the Page County Code by creating a new chapter 132 entitled, Sheriff Disposal of Unclaimed Property. Comments will be accepted electronically, by submitting the public comment form on the County website, at www.pagecounty.virginia.gov. All comments are due by 12:00 p.m., on June 16, 2020.

A complete copy of the full text of the proposed ordinance may be reviewed and inspected on the County's website at www.pagecounty.virginia.gov or in the County Administrator's Office at, 103 South Court Street, Luray, VA 22835, Monday – Friday, 8:00 a.m. to 5:00 p.m.

Captain Tim Lansberry of the Page County Sheriff's Department explained that the evidence room needs to be cleaned out because it has not happened since his time with the Sheriff's Office. After the property has remained in the evidence more than 60 days, every effort is made to contact those who may claim the property. What is remaining now can be sold by way of public sale. In order to do this, the Sheriff's Department needs the ordinance to allow the Sheriff to sell or retain by way of public sale the unclaimed personal

property, which has been in the possession of the Department for more than 60 days. Captain Lansberry went on to say that no firearms would be sold that have been used in commission of a crime.

There were no comments submitted for the hearing. Chairman Phenix closed the hearing at 7:12 p.m.

Supervisor Louderback asked what efforts the Sheriff Department makes in order to find the owners of the property. Captain Lansberry said they have a data base they use once an effort has been made then they have 60 days to claim, and they must show proof somehow of ownership before they may claim the items. As of now, no firearms will be sold.

Supervisor Guzy asked that the Sheriff's Department makes sure the out-of-state people claiming the firearms, do it legally since they will be transporting the firearms across state lines. Captain Lansberry said they own property here in Page County and they would be kept there, but the Department will make sure the transfer is done the right way so it can't come back on the County.

Motion: Supervisor Guzy moved that the Board of Supervisors adopt the Ordinance to amend the Page County Code by creating a new chapter 132 entitled Sheriff Disposal of Unclaimed Property. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Phenix, Guzy. Nay: None. Absent: Vaughan.

Public Comments on Agenda Items:

There were no comments submitted for Public Comments on Agenda Items.

Action Matters:

Resolution – Local Choice Health Benefits:

Mrs. Moler explained that the Local Choice Health Benefits program needs the Board to adopt a resolution in order to approve coverage to be added for the elected governing body and their dependents.

2020-12
RESOLUTION

The Local Choice Health Benefits Program provides health insurance benefits to our employees and their dependents. Be it hereby resolved that this 16th day of June, 2020, Page County does approve that coverage be added for our elected governing body and their dependents to be effective on July 1, 2020 and continuing in conjunction with our health insurance benefits. It is our desire to cover them as a special class of full-time employees. We recognize that health benefits for this class of employee will be available

as long as they remain in their elected position. Retiree coverage for elected officials is not available.

Motion: Supervisor Foltz moved that the Board of Supervisors adopt Resolution 2020-12 – Local Choice Health Benefits. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Phenix, Guzy, Louderback. Nay: None. Absent: Vaughan.

Budget Changes:

Dennis Click, Director of Finance, reviewed the budget changes. He said that Page County Public Schools requested an appropriation of state revenues in the amount of \$26,133.33, from the Virginia Preschool Initiative grant funds. The Page County Sheriff's department requested an appropriation of state revenues in the amount of \$151.82, from state asset forfeiture proceeds. Additionally, \$1,474.41 in local funds requires appropriation, which is the Town of Luray's share of e-summons fees collected. On behalf of various departments, appropriation of \$54,671.29 in federal funds is requested, for eligible expenses from the Coronavirus Relief Funding. Staff recommends appropriation of local, state, and federal funding in the amount of \$82,430.85

Department	Description	Revenue Source	Expenditure	Amount
PCPS	Revenue exceeded estimate	Virginia Preschool Initiative 501-0000-324.04-78	Purchased Services 501-6101-515.30-00	\$26,133.33
Investigations	Asset Forfeiture	Asset Forfeiture 101-0000-324.04-01	Asset Forfeiture 101-3121-431.58-09	\$151.82
Sheriff	E-Summons – Town Share	E-Summons 101-0000-314.01-54	E-Summons 101-3120-431.58-44	\$1,474.41
Various	Coronavirus Relief Funding	CARES Act 101-0000-333.01-74	Various	\$54,671.29
Total				\$82,430.85

Motion: Supervisor Guzy moved to approve the appropriation of local, state, and federal funding in the amount of \$82,430.85. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Foltz, Phenix, Guzy, Louderback, Stroupe. Nay: None. Absent: Vaughan.

Boards and Commission Appointments:

Regina Miller, Assistant County Administrator, reviewed the vacancies for the following Boards and Commissions:

Northwestern Community Services Board:

One seat on the Northwestern Community Services Board is currently vacant. A resume was received from Wendy Bundy expressing interest in serving on the Board. Mrs. Bundy

was recommended for the appointment. The term would begin immediately and expire on December 31, 2022.

Motion: Supervisor Stroupe moved to appoint Wendy Bundy to the Northwestern Community Services Board of Directors for a term through December 31, 2022. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz. Nay: None. Absent: Vaughan.

Planning Commission:

David Dean who has been serving as one of the District 4 representatives has not attended any meetings since his appointment. Supervisor Foltz would like to replace him with another individual for a term to expire January 11, 2023.

Motion: Supervisor Foltz moved to appoint Gary Huffman (District 4) to the Planning Commission for an unexpired term through January 11, 2023. Supervisor Guzy seconded and the motion carried by a vote of 5-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz. Nay: None. Absent: Vaughan.

Consent Agenda:

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

- Financial reports for the periods of May 1-31, 2020;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,449,801.96 for the month of May 2020;
- Minutes of May 5, 2020 and May 9, 2020.

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

Old Business:

CDBG Funding Opportunities for COVID-19 Response:

Liz Lewis, Economic Development/Tourism Coordinator, outlined that in May, another letter of interest was submitted to the Virginia Department of Housing and Community Development (DHCD) for additional grant funding from the Community Development Block Grant (CDBG) Virginia Funding Opportunities for COVID-19 Response. The purpose of the grant funding is to provide food assistance to the unemployed restaurant and hospitality workforce and masks to the essential and general population in Page County. Funding awards by DHCD are pending.

In June, Page County Economic Development submitted a letter of interest to the Virginia Department of Housing and Community Development (DHCD) for grant funding from Community Development Block Grant (CDBG) Small Business Recovery Assistance. The request for funding will support business recovery in Page County by supplying local business sectors with the appropriate operating equipment and additional assistance needed to function under COVID-19 conditions.

Customer and Employee Safety Equipment and Technical Supplies Include:

- Masks, sanitizing stations and cleaning products
- rent assistance
- Signage - open, COVID and CDC guidelines, social distancing
- Floor stickers
- Plexiglas register guards
- Contactless point of sale systems and technical assistance
- Touchless credit card terminals
- Outdoor dining kit (picnic tables, cleaning supplies, lighting, barriers)

DHCD is making available CDBG funding to small cities, towns, and rural counties to respond to local needs related to COVID-19. Small Business Recovery Assistance program is designed to help businesses meet their long-term goals by adjusting to COVID-19 demands and supports safe and clean reopening procedures. Mrs. Lewis said the Board needs to adopt the Resolution of Support to move forward.

#2020-13

RESOLUTION OF SUPPORT FOR
CDBG VIRGINIA FUNDING OPPORTUNITIES FOR COVID-19 RESPONSE

WHEREAS, the Page County Board of Supervisors understand the importance of assistance for services needed to support segments of the population directly affected by the COVID-19 crisis; and

WHEREAS, funds are being requested for assistance to support community services and small business recovery estimated at \$775,000; and

WHEREAS, these programs offer economic security and contribute to community safety; and

WHEREAS, the Page County Board of Supervisors feel that it is in the best interest of the citizens of Page County to endorse said programs.

NOW, THEREFORE BE IT RESOLVED, that the Page County Board of Supervisors hereby endorses the application to the Department of Housing and Community Development for Community Development Block Grant Virginia Funding Opportunities for COVID-19 Response.

This Resolution was adopted by the Page County Board of Supervisors this 16th day of June, 2020.

Motion: Supervisor Stroupe moved that the Board of Supervisors adopt the Resolution of Support for CDBG Virginia Funding Opportunities for COVID-19 Response. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Phenix, Guzy. Nay: None. Absent: Vaughan.

New Business:

TOT Funds Distribution:

Mrs. Moler explained that staff is anticipating TOT funds in the amount of \$800,000 next fiscal year, which is a decrease from the current year, due to COVID-19 pandemic. Of that amount, 2% goes to the General Fund, which amounts to \$320,000. She outlined the remaining funds could be used as follows:

Economic Development & Tourism Coordinator - \$62,621.94
Planning & Community Development Assistant - \$23,714.72
Administrative Fee - \$21,000
Grants and Financial Specialist (1/2) - \$29,614
Chamber of Commerce - \$255,000
Page County Economic & Community Development - \$75,000

This would leave a balance of \$13,049.34. After discussion, it was consensus of the Board to keep this amount in reserve in case of an emergency or shortfall. The agreed to revisit the TOT funding later in the year.

Motion: Supervisor Guzy moved that the Board of Supervisors adopt the FY21 Transient Occupancy Tax (TOT) funding as follows: General Fund (\$320,000.00), ED & Tourism Coordinator (\$62,621.94), Planning and Comm. Dev. Assistant (\$23,714.72), Administrative Fee (\$21,000), Grants and Financial Specialist (\$29,614.00) Chamber of Commerce (\$255,000.00) and Page County Economic and Community Development (\$75,000.00). The remainder of \$13,049.34 will be held in reserve in case of an emergency. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Phenix, Guzy, Louderback. Nay: None. Absent: Vaughan.

Open Public Comments:

There were no comments received for Open Public Comments.

Administrator's Report:

Mrs. Moler informed the Board that the Governor designated June 19, 2020, as a state holiday, declaring it Freedom Day. Therefore, since the County follows the state holiday schedule, all County employees will off. She asked the Board if they wanted to have another employee picnic this year. After discussion, it was decided to wait due to the COVID-19 pandemic. Mrs. Moler said that the CARES Act money the County received

from the Federal government, has mostly all been spent. It was used to reimburse for COVID-19 supplies, a new ambulance, and broadband cost.

Supervisors Time:

The Supervisors thanked everyone for watching the meeting. Chairman Phenix reminded everyone that Page County has its own history; we all have the opportunity for bad things to happen here as well, and we all need to know how to talk about these things, before they escalate.

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 consult with legal counsel requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(8) of the Code of Virginia. Supervisor Louderback seconded and the motion carried by a vote of 5-0. Aye: Guzy, Louderback, Stroupe, Foltz, Phenix. 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 Stroupe seconded and the motion carried by a vote of 5-0. Aye: Louderback, Stroupe, Foltz, Phenix, Guzy. Nay: None. Absent: Vaughan.

Certification of Closed Meeting:

To the best of my knowledge only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711 (A) Code of Virginia, 150, as amended, and 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	
Morgan Phenix	X			

Refund to the New Page Theater:

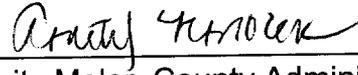
Motion: Supervisor Guzy moved to remove the penalty and interest from the tax payment for the Page Theater up to \$251, due to circumstances out of their control. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Stroupe, Foltz, Phenix, Guzy, Louderback. Nay: None. Absent: Vaughan.

Adjourn: 9:15 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator

**ORDINANCE TO AMEND THE PAGE COUNTY CODE
BY
CREATING A NEW CHAPTER 132
ENTITLED
SHERIFF DISPOSAL OF UNCLAIMED PROPERTY**

WHEREAS, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to create a new chapter in the Code entitled Sheriff Disposal of Unclaimed Property.

WHEREAS, PURSUANT TO THE 1950 Code of Virginia, § 59.1-538, *et seq.*, as amended, the Board intends to amend the County Code to add a new Chapter 132 entitled Sheriff Disposal of Unclaimed Property.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that the following additions shall be made to the County Code:

Chapter 132 – Sheriff Disposal of Unclaimed Property

§ 132-1 – Sheriff Disposal of Unclaimed Property

Pursuant to §§ 15.2-1719 and 15.2-1721 of the Code of Virginia, as amended, The Sheriff of Page County is authorized to sell or retain by way of public sale unclaimed personal property which has been in the possession of the Sheriff's Department for more than sixty (60) days.

§ 132-2 – Unclaimed Personal Property, Definition

"Unclaimed personal property" is any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his/her duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Sections 15.2-1719 and 15.2-1721, Code of Virginia).

§ 132-3 – Procedure for Sale

Prior to the sale of any unclaimed item, the Sheriff or his/her duly authorized agent shall make reasonable attempt to notify the rightful owner of the property, obtain from the Commonwealth Attorney, in writing, a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the locality once a week for two (2) successive weeks a notice that there will be a sale of unclaimed personal property. Such property shall be described generally in the notice together with the date, time, and place of sale.

§ 132-4 – Disposal of Proceeds

The Sheriff or his/her duly authorized agent shall pay for the proceeds of such sale, the costs of advertisement, removal, storage, investigation and liens, and notice of sale. The balance of the funds shall be held for the owner and paid to the owner upon satisfactory proof of ownership.

§ 132-5 – Disposal of Firearm

Pursuant to Sections 15.2-1719 and -15.2-1721 of the Code of Virginia, as amended, the Sheriff or his/her designees is authorized to sell or dispose of firearms in the possession of the Sheriff.

§ 132-6 – Claim of Owner

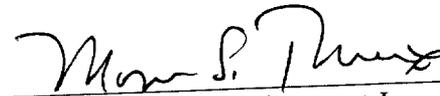
If no claim has been made by the owner for the proceeds of such sale within sixty (60) days after the sale, the remaining funds shall be deposited in the general fund of the County.

This Ordinance shall be in full force and effect from and after June 16, 2020, as provided by Virginia law.

Dates of Notice Publication: May 28, 2020

June 4, 2020

Date of Adoption of Ordinance June 16, 2020



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

Attest:

Amity Moler
Amity Moler, Clerk to Board of Supervisors

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on June 16, 2020. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Morgan Phenix	✓			
Mark Stroupe	✓			
D. Keith Guzy, Jr.	✓			
Larry Foltz	✓			
Jeff Vaughan				✓
Allen Louderback	✓			

Dated: June 16, 2020

Amity Moler
Amity Moler, Clerk, Board of Supervisors
Page County, Virginia