

Minutes
Board of Supervisors
Regular Meeting
August 18, 2020

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
Nathan Miller, County Attorney

Call to Order:

Chairman Morgan Phenix called to order the regular meeting of the Page County Board of Supervisors on August 18, 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 limited; therefore, the meeting was live streamed. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

Adoption of the Agenda:

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

Public Hearings:

Rezoning Request – Allen & Sabrina Knott:

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 August 18, 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.

Allen & Sabrina Knott have filed applications to rezone the following properties:

1) Property located at 5385 US Hwy BSN 340, Stanley, VA, and further identified by tax map number 72-A-93F, containing 2.916 acres; and 2) Property located off US Hwy BSN 340 (adjacent to #5385), Stanley, VA, and further identified by tax map number 72-A-93G, containing 2.758 acres. The applicants are requesting to rezone both of these properties from Agriculture (A-1) to Commercial (C-1). If approved, this rezoning would allow for a contractor office and retail showroom.

Chairman Phenix opened the public hearing on the rezoning request for Allen & Sabrina Knott at 7:10 p.m.

Tracy Clatterbuck, Zoning Administrator, said Allen & Sabrina Knott has filed applications to rezone the following properties:

- 1) Property located at 5385 US Highway BSN 340, Stanley, VA, and further identified by tax map number 72-A-93F, containing 2.916 acres; and
- 2) Property located off US Highway BSN 340 (adjacent to #5385), Stanley, VA, and further identified by tax map number 72-A-93G, containing 2.758 acres.

The applicants are requesting to rezone both of these properties from Agriculture (A-1) to Commercial (C-1). The applicant is currently operating an illegal contractor office and showroom located at 5385 US Highway BSN 340, Stanley, VA. Contractor offices and retail shops are only permitted in the Commercial (C-1) zoning district by-right.

The properties that are adjacent to this lot are zoned as Agriculture (A-1). Recently, tax map number 72-A-34 was approved by the Board of Supervisors to be rezoned from Agriculture (A-1) to Commercial (C-1). According to the FEMA flood maps, a portion of these properties are located in the floodplain, but all activity will be out of the floodzone.

The Planning Commission held their public hearing on this application on June 23, 2020 and voted unanimously to recommend approval of the rezoning request.

The rezoning of these properties from Agriculture (A-1) to Commercial (C-1) is appropriate for the community. Also, considering that these properties are located directly on U. S. Business 340 and are in the vicinity of already commercially zoned property, she recommended granting these requests.

No comments were received from the public during the hearing. Chairman Phenix closed the hearing at 7:11 p.m.

Motion: Supervisor Stroupe moved that the Board of Supervisors approve the rezoning requests for properties identified by tax map numbers 72-A-93F and 72-A-93G from Agriculture (A-1) to Commercial (C-1). Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

Ordinance Amendment Chapter 34 Animals:

The public hearing on Ordinance Amendment Chapter 34 Animals was advertised as follows:

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS
COUNTY OF PAGE, VIRGINIA
AN ORDINANCE TO AMEND CHAPTER 34 (ANIMALS)
OF THE PAGE COUNTY CODE

PLEASE TAKE NOTICE: the Board of Supervisors of the County of Page, Virginia shall hold a public hearing on Tuesday, August 18, 2020, at 7:00 p.m. in the Board Room located in the County Government Center, 103 South Court Street, Luray, Virginia 22835, for the purpose of a public hearing on the proposed ordinance to amend Chapter 34 (Animals) of the Page County Code.

The full text of the proposed amendment to the Ordinance may be reviewed and inspected at the office of the County Administrator, 103 South Court Street, Suite F, Luray, Virginia 22835.

The public is invited to attend this public hearing to express their views thereon.

The Notice is given pursuant to § 15.2-1427 of the Code of Virginia (1950), as amended.

Chairman Phenix opened the public hearing on the Ordinance Amendment for Chapter 34 Animals at 7:12 p.m.

Mrs. Moler explained the current Ordinance 34-21 Spaying and neutering required; repossession paragraph B currently reads:

- B. An impounded dog may be repossessed by his owner for a fee of \$3 for the first day of impoundment and \$1 for each additional day upon proof that the dog is licensed and inoculated or vaccinated for rabies. If the owner fails to repossess his dog, it can be adopted by paying the*

impoundment fee and all costs for inoculation and vaccination prior to the adoption and release of the dog.

Mrs. Moler said in order for the county to change the fees, it would be better for the ordinance to read as follows:

- B. *An impounded dog may be repossessed by his owner for a fee upon proof that the dog is licensed and inoculated or vaccinated for rabies. The fee shall be established, by resolution, by the governing body. If the owner fails to repossess his dog, it can be adopted by paying the impoundment fee and all costs for inoculation and vaccination prior to the adoption and release of the dog.*

This would allow changes to be made to the fees, without an ordinance amendment.

No comments were received from the public during the hearing. Chairman Phenix closed the hearing at 7:13 p.m.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors approve the Ordinance Amendment, Chapter 34 Animals, as presented. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

Presentations, Proclamations and Awards:

Update from the Chamber of Commerce:

Gina Hilliard, Executive Director of the Luray-Page County Chamber of Commerce, said that two grants have been received one from VTC for \$25,000 and one from the Wanderlove Grant of \$10,000. She reviewed the Chamber's website stats and the digital banner ads, noting that the website hits are up. She noted that there are currently 429 chamber members and they have started two new social media pages, using both Facebook and Instagram to market. The destination guides have been sent out, and she listed the COVID-19 stats for the County and said we are rebounding pretty well.

Public Comments on Agenda Items:

No comments were received from the public during Public Comments on Agenda Items.

Action Matters:

Special Entertainment Permit – VFW Picking at the Post:

Liz Lewis, Economic Development/Tourism Coordinator, said VFW Post 621 has requested a special entertainment permit pursuant to Chapter 55 (Festivals) of the Code of the County of Page, Virginia, to conduct the Picking at the Post on September 4-6, 2020, from 1:00 p.m. – 10:00 p.m. The events will be held at the VFW Post 621, 218 Veterans Lane, Luray, VA. The event is in its 7th year and the VFW Bluegrass Festivals are a fundraising mechanism for Post 621. The venue showcases Page County in a casual 3-day music event. Live music from different bands will play on a main stage

throughout the 3 days. Camping and concessions will also be available. There is no fiscal impact to the County anticipated with this event. The event is anticipated to encourage repeat visitation to the community. The recommendation was to approve this special entertainment application as there are no outstanding issues.

After much discussion, the Board decided that social distancing and all COVID-19 guidelines should be practiced during the event and entered into the motion.

Motion: Supervisor Stroupe moved that the Board of Supervisors approve the Special Entertainment Permit application for the VFW Post 621 event, Picking at the Post on September 4-6, 2020, from 1:00 p.m. – 10:00 p.m. and to inform the applicant of the guidelines for COVID-19, Phase 3 protocols. Supervisor Vaughan seconded and the motion carried by a vote of 5-1. Aye: Stroupe, Foltz, Vaughan, Guzy, Louderback. Nay: Phenix.

Radio System Financing Resolution:

Exhibit A

Mrs. Moler said the County has been working with VACO/VML Finance to secure financing for the new radio system. Sterling National Bank came in at 2.25% for 15 years financing of \$6.9 million. She said there will be no payoff penalty, and after seven years the County can seek other financing at a cheaper interest rate if we choose.

Nathan Miller, County Attorney, added that this is considered an operating expense not a debt. He recommended the Board approve the Resolution.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors adopt the Radio System Financing Resolution, as presented. Supervisor Stroupe seconded and the motion passed by a vote of 6-0. Aye: Foltz, Vaughan, Phenix, Guzy, Louderback, Stroupe. Nay: None.

Budget Changes:

Mrs. Moler reviewed the budget changes with the Board. She said the Page County Clerk of Circuit Court has received \$9,601.31 in vacancy savings from the Compensation Board, to be used toward office expenses such as dues and association memberships, postage and contractual services. The Page County Sheriff's Office has received a new three-year Community Oriented Policing Services (COPS) grant in the amount of \$468,819 or \$156,273 each year, which will cover the cost of salary and benefits of three additional deputies. The funds may be used to hire three new officers or to re-hire officers that were in a lay-off status. The County received \$2,085,357 in Coronavirus Relief Funds, which was shared with each of the three Towns, based on population. Each Town has requested reimbursement of funds spent on cleaning and/or protective supplies, salaries of employees needing time off due to quarantining, supplies needed to conduct business virtually and supplies that will allow for outdoor recreation while social distancing.

Supplemental Appropriations Requests:

Department	Description	Revenue	Expenditure	Amount
Clerk of the Court	Comp. Board Vacancy Savings	Commonwealth of Virginia	Clerk of Circuit Court	\$9,601
Town of Stanley	CARES Recovery Funds	Federal (thru State)		\$2890
Town of Shenandoah	CARES Recovery Funds	Federal (thru State)		\$1,623
Town of Luray	CARES Recovery Funds	Federal (thru State)		\$13,943
PCSO-Law Enforcement	COPS Hiring Grant	US Dept. of Justice	PCSO	\$156,273
Total Requests				\$184,330

Motion: Supervisor Vaughan moved to approve the appropriation of the requested funds in the amount of \$184,330. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Vaughan, Phenix, Guzy, Louderback, Stroupe, Foltz. Nay: None.

Boards and Commission Appointments:

Regina Miller, Assistant County Administrator, reviewed the Board and Commission Appointments with the Board:

Social Services Board:

There is a vacancy on the Social Services Board for the District 4 seat. The person appointed would serve a term that would expire on December 31, 2023.

There was no name given for consideration.

Broadband Authority:

A vacancy exists on the Broadband Authority for District 5. The person appointed would serve a term that would expire on April 1, 2024.

There was no name given for consideration.

Economic Development Authority:

There are three vacancies: District 3, Town of Shenandoah, and Town of Stanley representatives. The Town Councils for Shenandoah and Stanley will be making recommendations to the Board for their representative.

Massanutten Regional Library Board:

The term of Margaret Mims Hamilton will expire on September 30, 2020. She has already served two consecutive terms, so she is not eligible for reappointment. The person appointed would serve a three-year term from October 1, 2020 through September 30, 2023.

There was no name given for consideration.

Lord Fairfax Community College Board:

Two vacancies exist on the Board. Bruce Short has completed his second four-year term and is not eligible to continue serving. An individual will need to be appointed for a four-year term, which will expire on June 30, 2024. In addition, Craig Lancto has submitted his resignation. An individual will need to be appointed to fill an unexpired term through June 30, 2021.

Motion: Supervisor Vaughan moved to appoint Michael Czinkota to the Lord Fairfax Community College Board for a four-year term through June 30, 2024. Supervisor Louderback 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 July 1-31, 2020;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$2,490,353.43 for the month of July 2020;
- Minutes of July 7, 2020 and July 21, 2020.

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

Old Business:

Broadband:

Supervisor Guzy said Liz Lewis, Economic Development/Tourism Coordinator, is being proactive in applying for a broadband grant. She has completed several studies and the GIS Coordinator has mapped out the County's current internet coverage. Mrs. Moler said she will be meeting with internet providers, school officials and the GIS department and will hopefully have some answers in the coming weeks.

New Business:

Chairman Phenix tasked Mrs. Moler to get with the Health Department to see if we can get COVID-19 testing center in the County.

Supervisor Stroupe would like the Stanley Fire Department to receive acknowledgement for saving a life in a recent house fire.

Open Public Comments:

Damian Lindquist said he had sent the Board a resolution on the local ordinance against firearms on public property. He said other counties have approved similar resolutions indicating they would not enact such legislation. He wanted to know if the Board would approve it also.

Nathan Miller, County Attorney, replied that his resolution is similar to the 2A resolution, which allows some localities to make a local ordinance prohibiting firearms on public property, which some other localities are doing. However, this Board adopted the 2A resolution and that is in full support of the second amendment. There are currently no problems in the County with gun control and if one presents itself Richmond has statutes in place to handle it.

Administrator’s Report:

Mrs. Moler said that a public input workshop will be held on September 2nd at the Stanley Fire Hall from 6:00 p.m. to 8:00 p.m., on the update to the zoning and subdivision ordinances. There will also be a stakeholder’s meeting earlier in the day with the Berkley Group, but solar will not be discussed at these meetings. The County will be receiving the second round of CARES money of \$1.4 million and the Board will need to decide how this will be used. She has received several requests for the funding that the Board can consider. In addition, the County may be able to consider loans for small businesses affected by COVID-19.

Supervisor Time:

All Supervisors thanked everyone for attending the meeting either in-person or virtually.

Closed Session: 8:32 p.m.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act in order to consult with legal counsel, for the provision of legal advice for the purpose of evaluating the proper legal position or action to be taken by the Page County Board of Supervisors, pursuant to Section 2.2-3711(A)(8). Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

Exit Closed Session: 9:20 p.m.

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 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Louderback. Nay: None.

Certification of Closed Meeting:

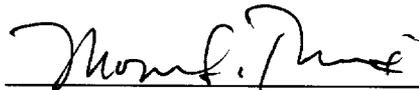
To the best of my knowledge only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711 (A) of the code of Virginia, 1950, as amended, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.

Board of Supervisors
Minutes – August 18, 2020

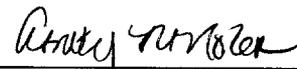
<u>Recorded Roll Call Vote:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
D. Keith Guzy, Jr.	X			
Allen Louderback	X			
Mark Stroupe	X			
Larry Foltz	X			
Jeff Vaughan	X			
Morgan Phenix	X			

Adjourn: 9:21 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator

ORDINANCE TO AMEND CHAPTER 34, SECTION 21 (B)
(Spaying and neutering required; repossession)
OF THE PAGE COUNTY, VIRGINIA CODE

WHEREAS, by Ordinance duly adopted on September 14, 1989, the Board of Supervisors of the County of Page adopted Chapter 34, Animals, of the Page County Code, which chapter has been further amended from time to time; and

WHEREAS, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend the ordinance.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Section 34-21 (B) of the Page County Code be amended as follows:

1. The following paragraph shall be added to § 34-21 (B) (Spaying and neutering required; repossession):

(B) An impounded dog may be repossessed by his owner for a fee upon proof that the dog is licensed and inoculated or vaccinated for rabies. The fee shall be established, by resolution, by the governing body. If the owner fails to repossess his dog, it can be adopted by paying the impoundment fee and all costs for inoculation and vaccination prior to the adoption and release of the dog.

2. Except as amended above, Chapter 34, Animals, shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after August 18, 2020, as provided by Virginia law.

Dates of Notice Publication: August 6, 2020

August 13, 2020

Date of Adoption of Ordinance August 18, 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 March 17, 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: August 18, 2020

Amity Moler

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

RESOLUTION

AUTHORIZING A LEASE PURCHASE AGREEMENT, SERIES 2020

WHEREAS, the County of Page, Virginia (the "County") proposes to enter into a tax-exempt, "bank-qualified" lease purchase financing in order to pay costs to acquire certain emergency radio equipment and related system components for use by the County and its agents and to pay issuance costs in connection with such undertaking (collectively, the "Project"), as further described herein; and

WHEREAS, Sterling National Bank, as Lessor ("Sterling") has offered to assist the County with the tax-exempt, "bank-qualified" lease purchase financing of the Project and to enter into an Equipment Lease Purchase Agreement and documents in connection therewith (collectively, the "Lease"), to be dated and delivered by the County between Sterling, as Lessor thereunder, and the County, as Lessee thereunder, together with other documents in connection therewith; and

WHEREAS, pursuant to the terms of the Lease, Sterling will pay the costs of the Project and Sterling, as Lessor, will lease the Project to the County, as Lessee thereof; and

WHEREAS, the County reasonably expects the Project to continue to be essential to the functions of the County for a period that is not less than the term of the Lease; and

WHEREAS, the necessary steps under the Virginia Public Procurement Act, Chapter 43, Title 2.2 of the Code of Virginia, 1950, as amended, have been (or will be) taken in connection with the acquisition and equipping of the property that is the subject of the Project; and

WHEREAS, all amounts payable under the Lease are subject to sufficient appropriations therefor from the Board of Supervisors of the County (the "Board"), upon due request of the County Administrator or other officer of the County charged with the responsibility of preparing the County's budget for each fiscal year, and the County is under no obligation to make any appropriation with respect to the Lease; and

WHEREAS, the Lease shall not constitute a general obligation or a pledge of the full faith and credit of the County, or a charge against the general credit or taxing power of the County, and any amounts payable under the Lease shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation but shall constitute a current expense subject to annual appropriations of the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PAGE COUNTY, VIRGINIA:

1. **Essential Governmental Purpose of Project.** The Board hereby finds and determines that the Project and the terms and conditions and proceeds of the Lease, including the payment of rental payments to Sterling, as Lessor, are in the best interests of the County for the acquisition and equipping of the Project and are in furtherance of the County's essential governmental purposes.

2. **Approval of Lease; Designation of Lease and Details.** The substantially final terms and provisions of the Lease as described at this meeting and as set forth in Sterling's lease purchase financing proposal attached hereto, as may be amended from time to time, are hereby accepted and approved, including the payment of all or any portion of the issuance costs and other costs relating to the Lease, filing fees (if any), escrow fees, and any other amounts required under the Lease, either from original proceeds of the Lease, investment earnings on the proceeds, or from County funds, all in the discretion of the County Administrator; provided however, that the financing (a) shall be in a principal amount not to exceed \$6,950,000; (b) shall mature no later than August 1, 2035; and (c) shall bear interest on the outstanding principal balance thereof at a tax-exempt, "bank-qualified" rate of interest of 2.25% (in the absence of default or change in tax status).

The County hereby acknowledges and affirms that the interest component of the rental to be paid to Lessor may be subject to upward adjustment during the term of the Lease in the event the federal corporate income tax rate is reduced or the benefit of the interest income exclusion capped to account for the reduced value of the exclusion by Lessor of the interest component of rental paid by the County.

The Lease shall be dated the date of issuance and delivery thereof, and shall be fully registered. The County Finance Director is hereby appointed as Registrar of the Lease, as required under Section 149 of the Internal Revenue Code of 1986, as amended (the "Tax Code").

3. **Execution, Delivery and Performance of Lease, Other Documents.** The form of the Lease, as required by Sterling, is hereby approved as described at this meeting. The execution, delivery, and performance of the Lease and other legal documentation required by Sterling or legal counsel, including any escrow agreements and any agency agreements for use of the equipment and related system components (collectively, the "Lease Documents"), are hereby authorized. The Chair and Vice Chair of the Board, the County Administrator, and the County Finance Director, any one or more of whom may act (collectively, the "County Representative"), are each hereby appointed as Authorized Representatives under the Lease, and, further, are each authorized and directed to execute, acknowledge, and deliver the Lease Documents and other documentation as may be advised by legal counsel, together with any changes, insertions, and omissions therein as may be approved by any one or more of such individuals who shall execute the Lease Documents, and such approval shall be conclusively evidenced by such execution and delivery of the Lease Documents.

The Clerk or any Deputy Clerk of the Board is authorized to affix or to cause to be affixed the County seal to the Lease Documents, if required, and to attest such seal. Each officer or agent of the County is further authorized and directed to do and perform such things and acts as

they shall deem necessary or appropriate to carry out the transactions authorized herein or contemplated by the Lease, including, but not limited to such instruments and performance of acts as may be required in order for the Lease to qualify as a tax-exempt, "bank-qualified" lease purchase financing arrangement pursuant to the provisions of the Tax Code and Treasury Regulations thereunder and the laws of the Commonwealth of Virginia. All of the foregoing acts previously performed by such officers or agents of the County are in all respects approved, ratified, and confirmed.

4. **Tax Compliance Matters.** The County shall comply with the provisions of the Tax Code including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds" within the meaning of the Tax Code. The County further covenants that (a) the proceeds from the issuance and delivery of the Lease (including investment earnings thereon), all as described under the Tax Code, will be expended as set forth in the Lease Documents, (b) the County shall comply with the covenants and representations contained in the Lease and otherwise contemplated thereunder, and further, the provisions of the Post-Issuance Tax Compliance Procedures previously adopted by the Board, and (c) the County shall comply with the provisions of the Tax Code so that the interest component of the rental being paid by the County to Lessor will remain excludible from gross income for Federal income tax purposes.

To the extent that the principal amount of the Lease, together with any proceeds thereof (including but not limited to investment earnings thereon, if any), shall exceed the actual cost of the Project, it is to be understood that the County hereby authorizes that any such additional amounts available under the Lease shall be expended by the County for capital projects for essential governmental purposes, or as otherwise may be required or allowed under the Tax Code, including the payment of a portion of the outstanding principal amount of the Lease.

5. **"Bank-Qualified" Designation Matters.** The County hereby designates the Lease as a tax-exempt, "bank-qualified" obligation pursuant to the terms and provision of Section 265(b)(3) of the Tax Code eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations. In such regard, it is to be understood that the principal amount of the Lease will be taken into account in determining the status of the County as a qualified small issuer for the calendar year 2020 pursuant to Section 265(b)(3) of the Tax Code. The County does not reasonably anticipate having more than \$10,000,000 in qualified tax-exempt obligations during calendar year 2020 issued by the County, including any "subordinate entities" of the County or "on behalf of" entities of the County (within the meaning of the Tax Code), and will not designate more than an aggregate \$10,000,000 of such qualified tax-exempt obligations pursuant to Section 265(b)(3) of the Tax Code.

6. **Reimbursement Matters.** The County hereby declares its intent to reimburse certain expenditures in connection with the Project (the "Expenditures") with all or any portion of the proceeds of the Lease for certain Expenditures made no earlier than sixty (60) days prior to the adoption of this Resolution. The County reasonably expects that it will reimburse the Expenditures with the proceeds of the Lease, and will make (or will cause to be made) a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse the Expenditures, no later than eighteen (18) months after the later of the date on which the Expenditure(s) is/are paid or the Project is placed in service or abandoned, but in no event more

than three (3) years after the date on which the Expenditure(s) is/are paid. This declaration of intent to reimburse, as required by Treasury Regulations Section 1.150.2, shall take effect immediately.

7. **Financial Statements; Record-Keeping Duties.** During the term of the Lease, the County shall provide updated financial statements to Lessor in order for Lessor to be in receipt of audited financial information as well as copies of such other financial information relating to the Lease and transactions contemplated thereunder, all as may be reasonably requested by Lessor.

The County further agrees to maintain and/or retain the records and documents in connection with the Lease, including documentation to evidence the use and investment of proceeds thereof, in a manner that shall ensure their complete access to the Internal Revenue Service, until the third anniversary of the later of the final maturity of the Lease or any other applicable provision of the Tax Code or any Treasury Regulations thereunder.

8. **Nature of Obligation.** It is to be understood that the Lease represents a rental arrangement between the County and Sterling. Nothing in this Resolution or the Lease shall constitute a debt of the County, and the Board shall not be obligated to make any payments under this Resolution or the Lease except from funds appropriated therefor, from time to time.

9. **Effective Date.** This Resolution shall be effective upon its adoption.

DATED: August 18, 2020

**BOARD OF SUPERVISORS OF
PAGE COUNTY, VIRGINIA**

By: 
Chair

Attachment: Sterling National Bank Term Sheet

CERTIFICATE OF VOTES

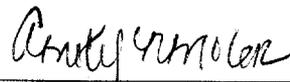
The undersigned hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Resolution duly adopted by the Board of Supervisors of Page County, Virginia, upon a roll-call vote at a regular meeting duly held and called on the date hereof, and that the recorded roll-call vote of the Board of Supervisors is as follows:

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Morgan Phenix, Chair At-Large	✓			
D. Keith Guzy, Jr. (District 1)	✓			
Allen Louderback (District 2)	✓			
Mark Stroupe (District 3)	✓			
Larry Foltz (District 4)	✓			
Jeff Vaughan (District 5)	✓			

Dated: August 18, 2020

COUNTY OF PAGE, VIRGINIA

[SEAL]



Clerk/ Deputy Clerk of the Board of Supervisors