

November 14, 2023

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, NOVEMBER 14, 2023, BEGINNING AT 4:30 P.M. IN PERSON IN THE COUNTY ADMINISTRATION BUILDING MEETING ROOM

Present were: Dale Herring, Chair
Marie Durrer, Vice Chair
Steve Bowman, Member
Davis Lamb, Member

Staff present: Cathy Schafrik, County Administrator
Jim Frydl, Director of Planning & Zoning
Kim Morris, Deputy Clerk
Stephanie Golon, Deputy Director of Planning & Zoning
Terry Beigie, Grant Writer
Kelley Kemp, County Attorney

RE: CLOSED MEETING

WHEREAS, the Board of Supervisors of Greene County desires to discuss in Closed Meeting the following matter(s):

- Discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning the interim appointment to the Board of Supervisors and the Water and Sewer Department.
- Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the businesses or the industry's interest in locating or expanding its facilities in the community.

WHEREAS, pursuant to: §2.2-3711(A)(1), (A)(3), and (A)(5), of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Greene County does hereby authorize discussion of the aforesated matters in Closed Meeting.

Upon motion by Marie Durrer, second by Davis Lamb and unanimous roll call vote, the Board entered into Closed Meeting.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: OPEN MEETING

Upon motion by Davis Lamb, second by Marie Durrer and unanimous roll call vote, the Board returned to open meeting.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

By unanimous roll call vote, members certified that only public business matters lawfully exempted from the open meeting requirement and only such matters as identified by the motion to enter into closed meeting were discussed.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: APPOINTMENT OF STEVE CATALANO AS THE STANARDSVILLE DISTRICT MEMBER OF THE BOARD OF SUPERVISORS

Upon motion by Marie Durrer, second by Davis Lamb and unanimous roll call vote, the Board appointed Steve Catalano to the Board of Supervisor position for the Stanardsville District to be effective upon his being sworn in by the Clerk of the Circuit Court and to run through November 5, 2024.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Chair opened the meeting with the Pledge of Allegiance followed by a moment of silence.

RE: ADOPTION OF AGENDA

Mr. Bowman requested the removal of 11i. Resolution in support of low power FM radio station application to the FCC from the consent agenda to be discussed separately.

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the agenda was adopted as amended.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: RECOGNITION OF GINNY REESE, BRANCH MANAGER OF THE GREENE COUNTY LIBRARY

Ms. Schafrik said that she wanted to recognize Ginny Reese as one of our long-serving public servants. She said that Ms. Reese organized community support to move into the Greene County Library in 2003. She helped to expand the hours at the library and also brought the Dolly Parton Imagination Library program to Greene County. This program makes every child aged zero to five eligible to have a free book mailed to their home once per month. She also expanded the reach of the library by adding the County's first public use library computers, public meeting rooms and an exterior pickup locker so that residents can pick up their books on their own schedule. Ms. Reese and the Friends of the Library also recently planted a native plants garden in the beds outside of the library that will beautify and teach residents as it comes into bloom. Ms. Schafrik thanked Ms. Reese for her service and wished her well on her retirement.

Mr. David Plunkett, Chair of the Jefferson Madison Regional Library, was present to say that Ms. Reese will retire next week after 24 years of service to the regional library system. He said that he is very excited for her but also sad for Greene County. He said that Ginny has overseen all of the changes that took place in Greene and that she will be dearly missed. He thanked her for her service.

Mr. Herring read a resolution of the Board of Supervisors and thanked Ms. Reese for her service. (See Attachment "A")

Ms. Reese said that it has been her pleasure to serve as the Librarian in Greene County and that she appreciates everyone's kind words.

RE: MATTERS FROM THE PUBLIC

Mr. Fred Turck was present to say how dry it currently is and feels there is definitely the need for a burn ban.

Mr. John Hall was present to support the Board's resolution in support of the low power FM radio station.

Mr. Fitzgerald was present to ask the Board to support changes to the dog ordinance. He shared the conditions he is currently living with having to do with a neighbor that has 12-15 dogs. He said that the Sheriff's hands are tied because of the way the ordinance is currently written.

Ms. Linda Copeland was present to commend the Board for the burn ban. She shared her current living conditions having to do with a home business in her area that constantly burns at his home creating a constant state of smokiness at her home. She asked the Board to create fire ordinances so this issue can be taken care of.

Ms. Michelle Pollar was present as a newer citizen of Greene to ask the Board to lower the personal property tax percentage.

Mr. David White was present to speak on the same issue as Mr. Fitzgerald did. He said that the sound of the dogs constantly barking disrupts the neighbor's quality of life.

Mr. Mike Bates was present to recommend that the Board require bark collars on the dogs that are disrupting his neighborhood.

RE: PUBLIC HEARING TO CONSIDER A REQUEST FROM MERIT GREENE, LLC FOR A SPECIAL USE PERMIT PER ARTICLE 10-1-2.10 OF THE GREENE COUNTY ZONING ORDINANCE, ON APPROXIMATELY A 30-ACRE PORTION OF 65.17 ACRES TO ALLOW LIGHT INDUSTRIAL, RESEARCH, DEVELOPMENT, AND RELATED MANUFACTURING, LOCATED ON SEMINOLE TRAIL NORTHBOUND, JUST SOUTH OF MATTHEW MILL ROAD IN RUCKERSVILLE, AND IDENTIFIED AS TMP# 66-(A)-48

Ms. Golon explained that Merit Greene, LLC is requesting a special use permit per Article 10-1-2.10 of the Greene County Zoning Ordinance on approximately a 30-acre portion of 65.17 acres to allow Light Industrial, Research, Development, and Related Manufacturing, located on Seminole Trail northbound, just south of Matthew Mill Road in Ruckersville, and identified as TMP# 66-(A)-48. The parcel is zoned PUD, Planned Unit Development, and the Greene County Future Land Use Map designates it as a "Mixed Use Village Center." She said that in 2020, to provide more opportunities in our growth area for job creation, the Board adopted an ordinance to allow light industrial, research, development, and related manufacturing by-right (<25,000 ft²) or by special use permit (> 25,000 ft²). To be more marketable to the growing sector of light industrial and research and development industries, which are potential revenue and job creators, the applicant requests a special use permit for the commercial portion of the parcel (Exhibit A, B & C). The parcel is currently planned for commercial buildings that exceed 25,000 square feet,

and the approved PUD includes architectural design elements that guarantee that the entire site will have consistent and attractive facades and appearance. The parcel will still retain the by-right uses, excluding those prohibited by proffer. The by-right uses do not have an area restriction and can be developed to the maximum density as permitted by parking and other infrastructure needs. During the rezoning of this property in 2021, the applicant provided traffic, fiscal, school, and utility analysis of The Villages at Terrace Greene. Proffers were approved to offset the potential impacts of the development. There is an existing 12" water main along Seminole Trail and Terrace Greene Circle. A gravity sewer main is located at the Terrace Greene Apartment complex, and a sewer pump station is on Flintstone Drive. The applicant has provided a Fiscal Impact Analysis (FIA), which is included in the packet. The study estimates a Net Fiscal Benefit to the County at full build-out to be \$2,351,090. A complete Chapter 527 review was completed with the rezoning, assuming that the 30 acres would be developed into commercial/office/retail space. Proffers were approved to address any traffic impacts this development would create. After reviewing the Virginia Code, Zoning Ordinance, Zoning Map, and Comprehensive Plan, staff recommends the approval of the proposed special use permit. Staff supports the special use permit due to reasonable considerations regarding the existing use and character of the property. The proposed special use permit complies with the Comprehensive Plan, which supports development in the designated growth areas and brings revenue and jobs to Greene County. The proximity to infrastructure provides suitability for the current and proposed use. The proposal has minimal impact on transportation, airports, housing, schools, parks, and natural resources. The proposal and location of the parcels in the Ruckersville area are the most appropriate use of the land. The Planning Commission recommended approval (5-0) at the public hearing held on October 18, 2023, with conditions.

The public hearing was opened. There was a speaker that signed up, but it was for an issue not pertaining to this public hearing. Mr. Herring asked her to contact staff to discuss her concerns.

Ms. Gwen Baker asked for clarification about one of the exhibits that was shown during the presentation.

Mr. Steve Rotter with Merit Greene was present to answer any questions the Board may have.

Mr. Bowman said he liked the concept and said that it fits what the County wants to be in that area and that he is in full support of this request. Ms. Durrer agreed.

Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board granted the Special Use Permit as presented and chose to add the 4 acres to the SUP. (See Attachment "B")

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: PUBLIC HEARING TO CONSIDER RATIFYING/EXECUTING THE LEASES OF CURRENT LEASE HOLDERS AT 8767 SEMINOLE TRAIL IN RUCKERSVILLE PURSUANT TO §15.2-1800 OF THE CODE OF VIRGINIA

Ms. Kemp said that, in relation to the purchase of the building on Route 29, those who currently have valid leases need to have those leases ratified with the County in order to satisfy VRA.

The public hearing was opened and closed with no comments.

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the Board ratified/executed new leases with the current lease holders at 8767 Seminole Trail.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: PUBLIC HEARING TO CONSIDER AN ORDINANCE TO ACQUIRE PROPERTY BY CONDEMNATION FOR A PUBLIC PURPOSE; THE PROPERTIES ARE IDENTIFIED AS A .516-ACRE PORTION OF LAND CURRENTLY OWNED BY BARBARA AND JESSE NIMMO III IDENTIFIED AS TAX MAP # 51-A-1 AND A .960-ACRE PORTION OF LAND CURRENTLY OWNED BY STEPHAN AND SANDRA BARBER IDENTIFIED AS TAX MAP # 51-4-5

Ms. Kemp explained that there are two small pieces of property that need to be purchased in order for the reservoir project to move forward. She said that this process has been ongoing for many years and most recently, the County has made good faith offers to both property owners in writing based on the assessed values. No communication was received back from one property owner and the other has been in negotiations. Ms. Kemp explained that adopting this ordinance is the first step in a long process in the case that an accepted negotiation does not take place. She reiterated that there is still time for negotiations with both property owners.

Mr. Herring clarified that the county and at least one landowner has been in negotiations back and forth, and they have not been able to reach a financial agreement, so the judge could come back and decide in favor of the landowner or say the county wouldn't need to pay the additional fee. Basically, the judge would be the person who would decide the market value the County will pay for the properties. He also clarified that the County and both property owners still have time for negotiations. He also pointed out that we are dealing with taxpayer dollars and that the County wants to pay a fair price for the properties.

Mr. Bowman said that he understands that what the property owners who are in negotiations with the County are asking for an amount that is far in excess of what the County paid for similar properties in the past. He said that the County must be fiscally responsible and fair.

The public hearing was opened. Mr. Herring told the landowners that he would like to allow them to speak last so that he could allow them longer than the 3 minutes that is normally allowed during public hearings. There were ten speakers.

Reasons that the Board should not adopt this ordinance were as follows:

1. Not a long enough notification period before these proceedings started
2. Original offer is a lowball offer
3. Other concessions were not granted
4. Property owners have health concerns
5. Loss of property value and division rights

Mr. Jesse Nimmo, one of the landowners, said that he is not unwilling to negotiate. He said that he received the letter in August but did not respond within the requested 30 days. He again said that he is willing to negotiate with the County but would like to do so face to face and have everything in black and white. He would rather not have his property associated with eminent domain.

Mr. and Mrs. Barber spoke and expressed their displeasure with the current negotiations with the County. They do not feel that the offer from the County is fair market value, and they are not happy that the County cannot grant them the other concessions such as a graded slope, dock, etc. Mrs. Barber said that she is not concerned with having lake front property as it will be nothing but a mosquito pit. She is concerned about their drain field and the fact that they may not be able to build a second home on the property as they had planned. She said that if the County pays her \$62,000 and gives her the concessions, they are willing to make a deal.

The public hearing was closed.

Mr. Bowman asked Ms. Schafrik and Ms. Kemp about how long they had spent speaking with the landowners trying to negotiate. Ms. Schafrik said that she has been communicating with the Barber's by telephone, text and in person and has spent several hours in negotiations.

Mr. Lamb said that he would like to slow down and defer this item until after the new year.

Upon motion by Steve Bowman, second by Marie Durrer and affirmative roll call vote, the Board adopted the ordinance as presented. (See Attachment "C")

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	No

Motion carried.

The Chairman called a five-minute recess.

RE: CONSENT AGENDA

Upon motion by Marie Durrer, second by Davis Lamb and unanimous roll call vote, the Board approved the consent agenda as amended.

- a. Minutes of previous meeting
- b. Refund request from the Commissioner of Revenue in the amount of \$12,321.16 for a qualified disabled veteran
- c. Refund request from the Commissioner of Revenue in the amount of \$5,524.84 for a business license exemption
- d. Resolution to approve financing for vehicles and equipment (See Attachment "D")
- e. Resolution to accept and appropriate \$3,500.00 for the FY24 REPP Grant (See Attachment "E")
- f. Resolution to accept and appropriate \$50,000.00 from the US Department of Treasury's Local Assistance and Tribal Consistency Fund for website upgrades (See Attachment "F")
- g. Resolution to accept and appropriate \$3,013.00 for the Litter Prevention and Recycling Program Grant (See Attachment "G")
- h. Letter of Support for Greene County Public Schools' Construction Assistance Grant (See Attachment "H")
- ~~i. Resolution in support of low power FM radio station application to the FCC~~
- j. Resolution in support of the project by the Greene Commons Group, Inc. to design and build a bathroom facility (See Attachment "I")

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: RESOLUTION IN SUPPORT OF LOW POWER FM RADIO STATION APPLICATION TO THE FCC

Mr. Bowman explained that the FM radio station application to the FCC. He said that there are a number of school districts and local governments around the nation that operate educational programming on a low power FM radio station and the it would be beneficial for the County.

Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board approved the resolution as presented. (See Attachment "J")

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: APPROVAL OF THE 2024 LEGISLATIVE PROGRAM

Mr. David Blount was present to follow up on his presentation to the Board in September and ask for their approval of the 2024 Legislative Program. He quickly highlighted Thomas Jefferson Planning District Commission priorities and shared discussion with the Board.

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the Board approved the 2024 Legislative Program as presented. (See Attachment “K”)

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: PUBLIC PRIVATE TRANSPORTATION ACT (PPTA)

Ms. Kemp shared the Public Private Transportation Act with the Board which allows the County to have a set of guidelines for specific projects that the County would need to solicit bids for regarding transportation.

Mr. Bowman said the he likes this because the County has a lot of citizens who are challenged when it comes to transportation needs.

Mr. Herring said that the guidelines address solicited and unsolicited bids and also involve a fee structure so that the process is clear.

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the Board adopted the Public Private Transportation Act (PPTA) as presented. (See Attachment “L”)

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: EMERGENCY ORDINANCE AMENDING THE CODE OF ORDINANCES TO PROHIBIT OPEN FIRES AND/OR BURNING DURING A BAN PERIOD AS DETERMINED BY THE EMERGENCY SERVICES DIRECTOR

Ms. Kemp explained that the County has to adopt an emergency ordinance to address open fires and burning in order to institute a burn ban because our ordinance does not allow us to do so as currently written. She said that severe drought conditions make this necessary and that it will be ratified with a Public Hearing at the next meeting.

Mr. Herring asked about enforcement of the ordinance. Ms. Kemp said that the Sheriff would be in charge of enforcing the ordinance.

Mr. Bowman said that this ordinance states that it would be a class one misdemeanor and asked if the Commonwealth's Attorney would prosecute these cases. Ms. Kemp said that she had spoken with him and that he would.

Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board adopted the emergency ordinance as presented. (See Attachment "M")

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: BOARD LIAISON REPORTS

Mr. Bowman attended the Jaunt meeting on October 11th, and they discussed crashes and the metrics around it because they are trending above their target. They also gave an overview of the Transit Vision Plan. He attended the School Board meeting on October 11th, and they discussed the State budget. He attended the Planning Commission meeting on October 18th where they discussed what the Board approved tonight. Mr. Bowman attended the Ruckersville Fire Department's 75th Anniversary Open House and the Dyke Fire Department's 40th Anniversary banquet. He attended the Jaunt meeting on November 8th where they discussed a retention bonus for staff and approved a 2024 service schedule. He said that the Board needs to look at the Jaunt budget coming up because it may include an increase. He attended the School Board meeting on November 8th where they provided the calendar for 2024-2026. The alternative education building should be completed in May and the Tech Center should be completed in August. He said there was an informative presentation on the Virginia Literacy Act and how it will be implemented. They did a budget update and said they had received significant additional funding from the State that will require a public hearing as it is more than 1% of the County budget.

Mr. Lamb said that he attended the groundbreaking ceremony for Harley Davidson.

Ms. Durrer said that the Jail Board met last Thursday and said that they are working on a budget. She said that the revenues are increasing each month.

Mr. Herring said that he was not able to attend the TJPDC meeting on November 2nd, but they discussed a resolution of support for additional funding for the TJPDC. They presented the Town of Mineral Comprehensive Plan. There discussed the Virginia Department of Health initiative for well and septic assistance. He said that The ESAB will not meet due to the holiday schedule and reminded the Board that it will now be a County Administrator workgroup rather than an appointed committee.

RE: MONTHLY REPORTS

Mr. Bowman commented on the Sheriff's Office monthly report that their calls for service are up significantly as are their prisoner transport numbers.

RE: COUNTY ADMINISTRATOR'S UPDATE

Ms. Schafrik congratulated the incoming Board members on winning their elections. She highlighted the VDH press release that the County partnered on regarding the Mountain Lakes Water Company boil water notice. She said that media headlines make it appear that this was a Greene County Water and Sewer issue and that it was not.

RE: OTHER ITEMS FROM THE BOARD

Mr. Bowman suggested that the Board look into the barking dog ordinance. Mr. Herring said that the County Attorney should consult with the Sheriff's Office and Animal Control and see if there is anything else the County can do with this ordinance. Ms. Durrer agreed.

Mr. Bowman said that he's been receiving complaints again about the personal property tax and that he hopes that this will be addressed at the upcoming work session with the Commissioner of Revenue.

Mr. Herring said that he has had a complaint about a neighbor who works for a trash company and parks the trash truck at their house. He asked staff to see if there is anything the County can do. He also congratulated everyone who won their elections and wished them the best of luck.

RE: ADJOURN

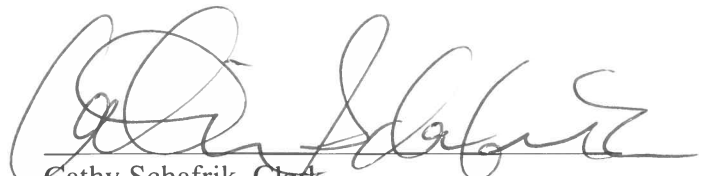
Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board meeting was adjourned.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Davis Lamb	-	Yes

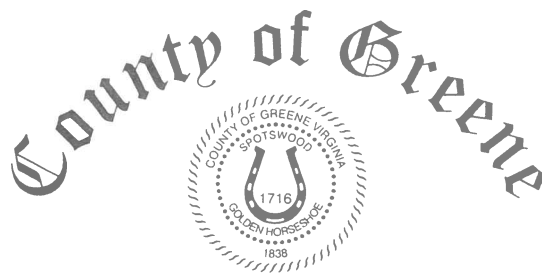
Motion carried.



Dale Herring, Chair
Greene County Board of Supervisors



Cathy Schafrik, Clerk
Greene County Board of Supervisors



BOARD OF SUPERVISORS
POST OFFICE BOX 358
STANARDSVILLE, VIRGINIA 22973
TELEPHONE: 434-985-5201

Resolution

Recognizing Ginny Reese for Her Years of Service to Greene County
November 14, 2023

WHEREAS, Ginny Reese began her career at the Jefferson Madison Regional Library at the Louisa County Branch in 1999; and

WHEREAS, Ginny was then hired to manage the Greene County Library in 2000; and

WHEREAS, Ginny worked with the Greene County Board of Supervisors, Greene County staff, volunteers, and community organizations to move the Library from its home on Stanard Street into the modern community hub that is the Library's current home in 2003; and

WHEREAS, Ginny founded the Greene County Libraries first programs for adults and teens; and

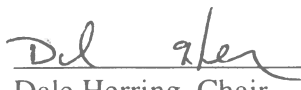
WHEREAS, Ginny worked with the Greene County Board of Supervisors to bring library hours, staffing, and services up to their current levels to meet the needs of the community; and

WHEREAS, Ginny has consistently reached outside the walls of the branch to bring library service and literacy to Greene County, by attending community events, working with local organizations, and visiting local schools; and

WHEREAS, Ginny has been a guiding hand in providing public library service in Central Virginia as a member of the JMRL management team, founding member and chair of the JMRL Customer Service Taskforce, organizer of the first Greene Reading Summit, and member of the JMRL Board Policy Committee, Board Strategic Plan Committee, Automation Committee, Programming Committee, Training Plan Committee, Customer Service Committee, In-Service Committee, and Web Committee; and

WHEREAS, Ginny's many contributions to regional library service as a dedicated public servant for 24 years will be long appreciated by members of this community;

NOW, THEREFORE, BE IT RESOLVED on this 14th day of November, 2023 that the Greene County Board of Supervisors hereby recognizes and extends their appreciation to Ginny Reese for her dedicated service to the people of Greene County.



Dale Herring, Chair
Greene County Board of Supervisors

AN ORDINANCE (O-2023-009) GRANTING A REQUEST FOR A SPECIAL USE PERMIT WITH CONDITIONS (SUP#23-003) TO MERIT GREENE, LLC, PER ARTICLE 10-1-2.10 OF THE GREENE COUNTY ZONING ORDINANCE ON APPROXIMATELY A 20-ACRE PORTION OF 65.17 ACRES TO ALLOW LIGHT INDUSTRIAL, RESEARCH, DEVELOPMENT, AND RELATED MANUFACTURING, LOCATED ON SEMINOLE TRAIL NORTHBOUND, JUST SOUTH OF MATTHEW MILL ROAD IN RUCKERSVILLE, AND IDENTIFIED AS TMP# 66-(A)-48. THE PARCEL IS ZONED PUD, PLANNED UNIT DEVELOPMENT, AND THE GREENE COUNTY FUTURE LAND USE MAP DESIGNATES IT AS A "MIXED USE VILLAGE CENTER."

WHEREAS, §15.2-1427 and §15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, §15.2-2280, §15.2-2285, and §15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, on October 18, 2023, the Greene County Planning Commission held a public hearing on this matter, and all of those who spoke on this topic were heard; and

WHEREAS, on October 18, 2023, the Greene County Planning Commission voted 5-0 to recommend to the Board of Supervisors approval of the request to grant the Special Use Permit (SUP); and

WHEREAS, the Greene County Board of Supervisors caused to be published a notice of public hearing on this matter in the Greene County Record on November 2, 2023, and November 9, 2023; and

WHEREAS, the complete application was available for public inspection in the Greene County Administration Building, Room 226, 40 Celt Road, Stanardsville, Virginia 22973; and

WHEREAS, on November 14, 2023, the Greene County Board of Supervisors held a public hearing on this matter, and all of those who spoke on this topic were heard.

NOW, THEREFORE, BE IT ORDAINED by the Greene County Board of Supervisors, in accordance with Article 16-2 of the Greene County Zoning Ordinance, public necessity, convenience, general welfare, and good zoning practice, that the SUP request is hereby approved subject to the following conditions:

1. Failure to comply with the conditions of this SUP may result in the issuance of a Notice of Violation (NOV) by the zoning administrator. The Zoning Administrator may present this SUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.
2. All activities associated with this SUP shall be in compliance with all local, state, and federal laws.
3. All outdoor storage shall be screened.
4. All uses shall be conducted entirely within enclosed structures.
5. Loading bays:
 - i. All loading bays shall be located so that they are not visible from the road right-of-way. All loading bays shall be screened from view by the building, landscaping, walls, or decorative fencing.
 - ii. Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building unless parked in screened areas not

visible from adjacent from adjacent road rights-of-way or properties.

- iii. The Zoning Administrator may waive any and all of the loading bay location and screening requirements when a site is bordered by two or more road rights-of-ways. In no case shall a loading bay be visible from an arterial or collector road, as identified by the Greene County Comprehensive Policy Plan.
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- 6. Deliveries and shipments to such uses located adjacent to residential areas shall not occur after 11:00 p.m. or before 6:00 a.m.
 - 7. Site lighting shall be provided by fixtures that are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five (25') in height. All fixtures shall be full cut off and meet the dark sky approved standards.
 - 8. Such uses shall be designed to minimize the noise impact of trucks, forklifts, and other heavy equipment on adjacent or nearby residential properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.
 - 9. Façade: The building shall have exposed exterior walls (above finished grade) of brick, natural stone, glass, stucco, exposed aggregated concrete or equivalent permeant architecturally finished material. Metal and/or aluminum may only be incorporated for window and decorative treatments.
 - 10. The facilities shall utilize public water and sewer facilities as provided by Greene County.
 - 11. Parcel is subject to the proffers approved on August 10, 2021, and the "Commercial Design Guidelines," which govern the project's design aesthetics and exterior materials.
 - 12. The special use permit is applicable only for the approximately 20-acre portion shown in Exhibit C.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON NOVEMBER 14, 2023.

Motion: Steve Bowman

Second: Davis Lamb

Votes:

Herring: Yes

Durrer Yes

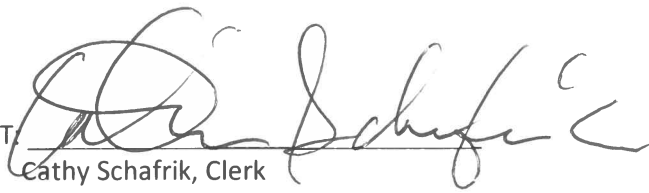
Lamb: Yes

Bowman: Yes



Dale Herring, Chair
Greene County Board of Supervisors

ATTEST



Cathy Schafrik, Clerk
Greene County Board of Supervisors

**An Ordinance authorizing the acquisition of property for public use by
negotiation or condemnation for the public purpose of constructing a new
reservoir for public water**

IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF GREENE COUNTY AS
FOLLOWS:

1. The specific property to be acquired is described as:

Barber Parcel:

A .960 acre portion of land on the southeast portion of the property owned by Stephen and Sandra Barber located at 596 Watson Road, Ruckersville, VA 22968. This property is also identified as Tax Map Number 51-4-5. The .960 acres is more particularly shown as the shaded area on attached map.

BEING a portion of the real estate conveyed to Stephan and Sandra Barber by deed from Graystone Homes, Inc, dated December 11, 2006, and recorded in the Greene County Clerk's Office December 12, 2006.

Nimmo Parcel:

A .516 acre portion of land on the southeast portion of the property owned by Barbara Nimmo and Jesse Nimmo, III located at 708 Watson Road, Ruckersville, Virginia 22968. This property is also identified as Tax Map Number 51 A 1. The .516 acres is more particularly shown as the shaded area on the attached map.

BEING a portion of the real estate conveyed to Barbara Nimmo and Jesse Nimmo, III by deed from Betty J. Lance dated December 14, 2006 and recorded in the Greene County Clerks' Office on December 27, 2006.

2. The proposed public use of the Property is for construction of a reservoir to be constructed on 213.094 acres of land in Greene County. The new reservoir is a necessary public facility, as it will act as an impoundment for the water system. Greene County needs to upgrade its water system to serve the county's public water system.
3. The Board has reviewed the acquisition for compliance with Virginia Code § 1-219.1. Acquisition of the Property for the Public Use satisfies the requirements of that statute. Accordingly, the proposed Public Use is hereby approved.
4. The County Administrator has made a bona fide effort to purchase Property from the owners, in accordance with the requirements of Virginia Code § 25.1-204 and consistent with the most recent appraisal obtained by the County and provided to the owners.

5. In the event the County Administrator, or her designee, is able to negotiate an agreement for purchase of the Property, the County Administrator, or her designee, is authorized to execute a written purchase contract in a form approved by the County Attorney. Pursuant to Virginia Code § 15.2-1803, the Board of Supervisors hereby accepts instruments of conveyance for the Property. The Chairman of the Board of Supervisors is authorized to execute the deed of conveyance for the Property.
6. The County Attorney is authorized to execute all collateral documents reasonably necessary to facilitate settlement.
7. In the event the County Administrator is unable to negotiate an agreement for purchase of the Property from the owners, despite a bona fide effort to do so, the County Attorney is authorized to and directed to initiate judicial proceedings to acquire the Property for the Public Use by condemnation, in accordance with Virginia Code §§ 15.2-1901, et seq., and §§ 25.1-200, et seq., and §§ 25.1-300 de seq.
8. This ordinance shall take effect upon passage.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON NOVEMBER 14, 2023.



Dale Herring, Chairman
Greene County Board of Supervisors

ATTEST:

Cathy Schafrik, Clerk
Greene County Board of Supervisors

County of Greene, Virginia
November 14, 2023
Lease - Vehicles/Equipment

RESOLUTION

AUTHORIZING A LEASE PURCHASE AGREEMENT, SERIES 2023

WHEREAS, the County of Greene, Virginia (the “County”) proposes to enter into a tax-exempt lease purchase financing in order to pay capital costs to finance all or any portion of the costs to acquire and equip certain vehicles and equipment for the County and the School Board of the County (the “School Board”), including but not limited to vehicles, school buses, and equipment for use by the School Board, Emergency Medical Services, Sheriff’s Office, Parks and Recreation, Maintenance Department, and any other County uses, and (b) pay costs of issuance in connection with any related financing(s) (collectively, the “Project”); and

WHEREAS, TD Equipment Finance, Inc. (“TDEF”) has offered to assist the County with the tax-exempt lease purchase financing of the Project and to enter into a lease purchase agreement and related documents, including appropriate equipment schedules (the “Lease”), between TDEF, as Lessor, and the County, as Lessee; and

WHEREAS, the funds made available by TDEF under the Lease will be deposited into an escrow account pursuant to the terms of that certain Escrow Agreement among the County and TD Bank, N.A. (the “Escrow Agreement”) and such funds will be applied to the Project in accordance with the Escrow Agreement; and

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

WHEREAS, the County has taken or will take the necessary steps under the Virginia Public Procurement Act, Chapter 43, Title 2.2 of the Code of Virginia, 1950, as amended, 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 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 of the County, 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 GREENE COUNTY, VIRGINIA:

1. **Essential Governmental Purpose of Project.** The Board hereby finds and determines that the Project and the terms and conditions of the Lease, including the payment of rental payments to TDEF, as Lessor, are in the best interests of the County for the acquisition and equipping of the Project, including the lease purchase financing of the Project. The County hereby represents and covenants that the Project, and all Lease proceeds, will be used for the essential governmental purposes of the County or School Board, respectively.

In addition, as to the portion of the Project that constitutes the school buses, the County further finds and determines that such lease purchase financing arrangements will provide the most cost-effective means for the County to acquire and provide such personal property, as set forth in the County's 2023-2024 Fiscal Year Capital Budget, for the benefit of, and use by, the School Board and the Greene County Public Schools. To such end, the County hereby acknowledges that the school buses will be titled in the name of the School Board in connection with its ownership, general operation, and maintenance of the school buses for the benefit of the Greene County Public Schools.

2. **Approval of Lease; Designation of Lease and Details.** The terms and provisions of the Lease as described at this meeting and as set forth in the TDEF lease purchase financing proposal attached hereto as **Exhibit A**, as may be amended, are hereby accepted and approved, including the payment of all or any portion of the costs of issuance 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 or County Finance Director. As required by TDEF, the County, or the School Board, respectively, will be responsible for all costs of operation, maintenance, insurance, and any taxes with respect to the Lease. Further upon commencement of the Lease and TDEF's payment of costs of the Project, security liens in favor of TDEF may be filed with respect to such personal property that comprises the Project, all in accordance with the requirements and procedures of the Virginia Department of Motor Vehicles.

The Board hereby elects a fully amortized lease term of approximately three years, if not sooner paid, with rental payments during the term of the Lease totaling a maximum aggregate principal amount not to exceed \$2,150,000 and being computed at a tax-exempt fixed rate of rental interest of 4.68% per annum (in the absence of default or change in tax status). In the event closing is delayed and interest rates change, the Board approves a fixed rate of interest up to a maximum 5.0% per annum. The Board 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, the benefit of the interest income exclusion capped, or if the Lease is determined to be taxable in accordance with the Internal Revenue Code of 1986, as amended, including Treasury Regulations and Revenue Rulings thereunder (the "Tax Code").

The Lease will be dated the date of issuance and delivery of the Lease, and will be fully registered. The County Finance Director is hereby appointed as Registrar of the Lease.

3. **Execution, Delivery, and Performance of Lease, Escrow Agreement, and Other Documents.** The execution, delivery, and performance of the Lease and other related legal documents required by TDEF or legal counsel, including the Escrow Agreement (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 related documentation as may be advised by legal counsel, together with any changes, insertions, and additions as may be approved by any one or more of such individuals who will execute the Lease Documents. Such approval will 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 deem necessary or appropriate to carry out the transactions authorized in this Resolution 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 lease purchase financing arrangement pursuant to the provisions of the Tax Code 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, if any), 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 the provisions of the County’s Post-Issuance Compliance Policy for Tax-Exempt Obligations, 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 investment earnings, if any), exceeds the actual cost of the Project, the County hereby authorizes that any such additional amounts available under the Lease, if any, will be expended by the County for capital projects for essential governmental purposes, or as otherwise may be allowed or required under the Tax Code, including the optional prepayment of a portion of the outstanding amount of the Lease.

5. **Nature of Obligation.** It is to be understood that the Lease represents a rental arrangement between the County and TDEF. 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 moneys appropriated therefor, from time to time, in the discretion of the Board.

6. **Effective Date.** This Resolution is effective upon its adoption.

DATED: November 14, 2023

**BOARD OF SUPERVISORS OF
THE COUNTY OF GREENE, VIRGINIA**

By: _____
Chair

Exhibit A: TDEF Bank Proposal

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 Greene 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>
Dale R. Herring, Chair				
Marie C. Durrer, Vice Chair				
Davis Lamb				
Steven Bowman				

Dated: November 14, 2023

COUNTY OF GREENE, VIRGINIA

[SEAL]

Clerk of the Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE
THREE THOUSAND AND FIVE HUNDRED DOLLARS
FOR THE FY24 REPP GRANT PROGRAM**

WHEREAS, the County of Greene has received funding from the Commonwealth of Virginia's Radiological Emergency Preparedness Fund; and

WHEREAS, the funds in the amount of three thousand five hundred dollars (\$3,500.00) need to be accepted and appropriated to the correct line item in the 2023-2024 budget of the County of Greene, Virginia.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that three thousand five hundred dollars (\$3,500.00) be appropriated to the 2023-2024 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to all things necessary to give his resolution effect.

Adopted this 14th day of November, 2023.

Motion: Marie Durrer
Second: Davis Lamb

Recorded Vote:	
Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
	<u> </u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>



Dale R. Herring, Chair
Greene County Board of Supervisors

ATTEST:



Cathy Schafrik, Clerk
Greene County Board of Supervisors

RESOLUTION TO ACCEPT AND APPROPRIATE FIFTY THOUSAND DOLLARS FROM THE U.S. DEPARTMENT OF TREASURY’S LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

WHEREAS, the U.S. Department of Treasury has awarded the County of Greene, Virginia funding through its Local Assistance and Tribal Consistency Fund; and

WHEREAS, the County of Greene, Virginia needs to make security upgrades to its website; and

WHEREAS, the funds in the amount of fifty thousand dollars (\$50,000.00) need to be accepted and appropriated to the correct line item in the 2023-2024 budget of the County of Greene, Virginia.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that fifty thousand dollars (\$50,000.00) be appropriated to the General Fund to upgrade the County’s website.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to all things necessary to give this resolution effect.

Adopted this 14th day of November, 2023.

Motion: Marie Durrer
Second: Davis Lamb

Recorded Vote:
Steve Bowman Yes
Marie C. Durrer Yes
Dale R. Herring Yes
Davis Lamb Yes



Dale Herring, Chair
Greene County Board of Supervisors

ATTEST: 

Cathy Schafrik, Clerk
Greene County Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE
THREE THOUSAND THIRTEEN DOLLARS FOR ADDITIONAL
FUNDS RECEIVED FROM THE STATE FOR THE LITTER
PREVENTION AND RECYCLING PROGRAM GRANT**

WHEREAS, the County of Greene received additional funds from the State for the Litter Prevention and Recycling Program Grant; and

WHEREAS, the funds in the amount of three thousand thirteen dollars (\$3,013.00) need to be accepted and appropriated to the correct line item in the 2023-2024 budget of the County of Greene, Virginia.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that three thousand thirteen dollars (\$3,013.00) be appropriated to the 2023-2024 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to all things necessary to give his resolution effect.

Adopted this 14th day of November, 2023.

Motion: Marie Durrer
Second: Davis Lamb

Recorded Vote:
Steve Bowman Yes
Marie C. Durrer Yes

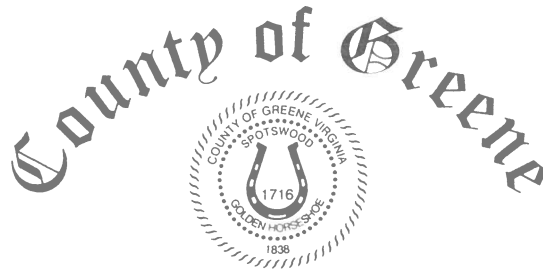
Dale R. Herring Yes
Davis Lamb Yes



Dale R. Herring, Chair
Greene County Board of Supervisors

ATTEST. 

Cathy Schafrik, Clerk
Greene County Board of Supervisors



BOARD OF SUPERVISORS
POST OFFICE BOX 358
STANARDSVILLE, VIRGINIA 22973
TELEPHONE: 434-985-5201

November 14, 2023

Dr. Lisa Coons
Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, VA, 23218

RE: Support for Greene County Public Schools' Construction Assistance Grant

Application

Dear Dr. Coons,

The Greene County Board of Supervisors writes to express support for the Greene County Public Schools' Construction Assistance Grant Application. This grant will assist the division in building a freestanding addition to the Greene County Technical Education Center (GCTEC).

GCTEC programs continue to grow in popularity, which has led to the school outgrowing the current facility and the need to provide additional space to support our students and programs. The addition of a modern structure with flexible learning spaces and sufficient square footage will provide our students with the opportunities they deserve.

Greene County Public Schools' staff works very hard to empower the community's children for lifelong success, and it is important that our facilities represent that philosophy. Providing the needed additional space with modern updates for career and technical programs will help prepare our students for success and readiness in the 21st century workforce.

The Greene County Board of Supervisors supports this project and shows its commitment for the project and the application to the Virginia Department of Education's School Construction Assistance Grant by guaranteeing it will maintain the percentage of local annual funding to the division during the project's timeframe.

Thank you for the opportunity to show our support for this project and your consideration during the grant process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Herring". The signature is fluid and cursive, with the first name "Dale" and last name "Herring" clearly distinguishable.

Dale Herring, Chair
Greene County Board of Supervisors

RESOLUTION: GREENE COMMONS PERMANENT BATHROOMS

At a regular meeting of the Board of Supervisors of Greene County, Virginia held in the Board Meeting Room on Tuesday, November 14, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, County of Greene owns the improvements located at parcel 37-(A)-15, 40 Celt Road, Stanardsville identified as the Greene Commons Farmers Market and Pavilion; and

WHEREAS, Greene Commons Group, Inc. has an MOU with County of Greene to manage the farmers market and pavilion; and

WHEREAS, Greene Commons Group, Inc. is required to gain approval from the County of Greene before making any physical improvements or changes to the site; and

WHEREAS, Greene Commons Group, Inc. has identified a need for a permanent bathroom facility to accommodate vendors and guests; and

WHEREAS, Greene Commons Group, Inc. would like permission from the Greene County Board of Supervisors to hire a professional engineer to create the required site plan and begin raising the necessary funds for the project;

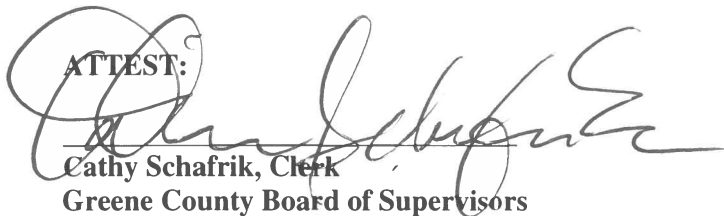
NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors supports the project and grants permission to Greene Commons Group, Inc. to design and build the proposed bathroom facility after the site plan is approved.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON NOVEMBER 14, 2023.



Dale Herring, Chairman
Greene County Board of Supervisors

ATTEST:



Cathy Schafrik, Clerk
Greene County Board of Supervisors

Recorded Vote:

Durrer: Yes

Lamb: Yes

Bowman: Yes

Herring: Yes

RESOLUTION IN SUPPORT OF LOW POWER FM RADIO STATION APPLICATION TO THE FCC

WHEREAS, the County of Greene, Virginia, is a nonprofit educational institution or organization that is physically headquartered in Greene County, Virginia; and

WHEREAS, the County of Greene, Virginia, wishes to inform residents within its community regarding numerous educational activities, including public safety; and

WHEREAS, the FCC is holding an open Low Power FM New Station Application Filing Window from Dec. 6-Dec.13, 2023; and

WHEREAS, there are frequencies available within the County of Greene, Virginia.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia, that Greene County supports the proposed application, and that the County Administrator, or her designee, is authorized to execute the submittal with the license application.

Adopted this 14th day of November, 2023.

Motion: Steve Bowman

Second: Davis Lamb

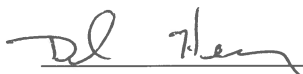
Recorded Vote:

Steve Bowman Yes

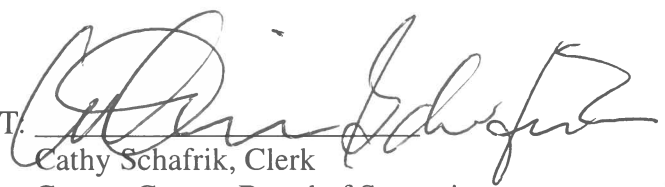
Marie C. Durrer Yes

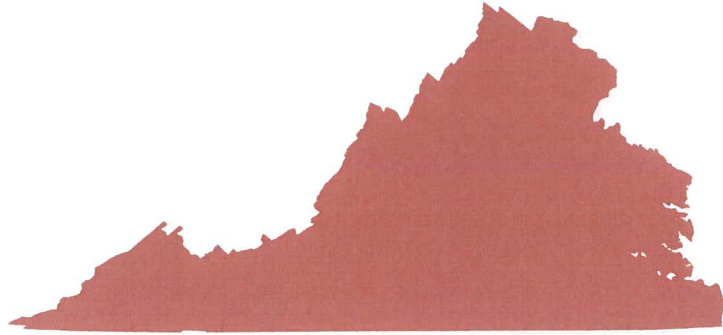
Dale R. Herring Yes

Davis Lamb Yes


Dale Herring, Chair
Greene County Board of Supervisors

ATTEST.


Cathy Schafrik, Clerk
Greene County Board of Supervisors



Thomas Jefferson Planning District

2024 LEGISLATIVE PROGRAM

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

November 2023
DRAFT

Ned Gallaway, Chair
Christine Jacobs, Executive Director
David Blount, Director of Legislative Services

TOP LEGISLATIVE PRIORITIES

Public Education Funding

PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) and reverse policy changes that previously reduced funding or shifted funding responsibility to localities.

The State will spend billions of dollars on direct aid to public education in the current biennium. While we appreciate additional state teacher salary and other one-time and ongoing education dollars approved during the current biennium, we continue to believe that the State should increase its commitment to K-12 education in a manner that reflects the true costs of K-12 education. This belief was supported this past summer with the release of the Joint Legislative Audit and Review Commission (JLARC) report on K-12 education funding, which found that public education in Virginia is underfunded, noting that local school divisions receive less K-12 funding per student than divisions in other states and several key funding benchmarks.

Local governments consistently go “above and beyond” by appropriating twice as much K-12 funding as required by the state. We believe localities need an adequately-defined SOQ so that state funding better aligns with prevailing local practice in schools that drives the additional local dollars. This could include recognizing additional instructional positions and increasing state-funded staffing ratios for various non-instructional positions in the education funding formula.

Further, we urge state efforts to support 1) flexibility in the use of state funds provided for school employee compensation. 2) adequate pipeline programs for teachers, especially in critical shortage areas; and 3) funding and policies that assist localities in addressing challenges with hiring school bus drivers and mental health professionals.

Budgets and Funding

PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities, to not impose unfunded mandates on or shift costs to localities, and to enhance local revenue options.

As the State continues to fine-tune revenue and spending priorities for the current biennium, we encourage support for K-12 education, health services, public safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. Especially in these critical times, the State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We support the legislature making additional revenue options available to localities in order to diversify the local revenue stream. Any tax reform efforts should examine the financing and delivery of state services at the local level and how revenue is generated relevant to our economic competitiveness. The State should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars, the local share of recordation taxes, and any state-mandated exemptions to the local option sales tax, unless a viable revenue-replacement to local governments is established.

Land Use and Growth Management

PRIORITY: The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use.

In the past, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure; 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations; and 3) exempt additional facilities serving as event spaces from building, fire code and other health and safety regulations.
- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space, and support greater flexibility for all localities in the preservation and management of trees.

LEGISLATIVE POSITIONS

Broadband

The Planning District's member localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas. While we appreciate federal and state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we believe state and federal support for broadband expansion that utilizes both fiber and wireless technologies, public/private partnerships and regulated markets should include the following:

- Support for cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives to ensure access to service at an affordable cost.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.
- The ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.

Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools.
- We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
- We support enhanced state funding for local CSA administrative costs.
- We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
- We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
- We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources are crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
- Continuing emphasis on regional cooperation in economic, workforce and tourism development.
- Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
- State job investment and small business grants being targeted to businesses that pay higher wages.
- State support for the Virginia Business Ready Sites Program and for an economic development project adjacent to the existing Rivanna Station.
- Increased state funding for regional planning district commissions.

Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- Concerning school facilities, we appreciate and support the school construction assistance programs enacted in 2022 and request that they be consistently funded. We also support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities. The State also should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- The State must continue to be a partner in sharing costs with localities for children served in private special education placements.
- We support 1) amending the LCI formula to recognize the land use taxation value, rather than the true value, of real property; and 2) preserving current Code provisions stipulating that local school funds unexpended at the end of the year be retained by the local governing body.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

Environmental and Water Quality

The Planning District's member localities believe that environmental and water quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of environmental

resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area.* Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution. We also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include providing funding for development and implementation of state-required regional plans and investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- We support local authority to address choices and impacts associated with utility-scale installation of clean energy resources. As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to fulfill their responsibilities. Accordingly, we take the following positions:

- State policies should protect local governments' current ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation, whether they are traditional, electronic, internet-based, virtual or otherwise, while encouraging a level playing field for competing services in the marketplace.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.*
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant

local dollars and additional personnel beyond those funded by the State. We also support the use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.

- We urge state funding to address shortfalls in elections administration dollars, as administration has become more complex and federal and state financial support for elections continues to lag behind the need. We request adequate funding for costs associated with voting equipment, registrar offices, early voting requirements and election security standards.
- We urge state funding necessary for agencies to carry out tasks such as processing applications, reviewing permits and other critical administrative functions.
- We support expanding the allowable use of electronic meetings for all local public bodies, with flexibility for them to determine public comment, participation and other procedures. Also, any changes to FOIA should preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning the creation of customized records.
- We support the use of alternatives to newspapers for publishing various legal advertisements and public notices.
- We support federal and state funding for localities to acquire and maintain advanced cybersecurity to protect critical systems and sensitive data.
- We support enhanced state funding for local and regional libraries.
- We support expanding local authority to regulate smoking in public places.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping disabled people, poor people, and young and elderly people achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for any local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care that helps divert people from needing a state hospital level of care, as well as having services such as outpatient and permanent supportive housing available. We also support measures to address census pressures at state hospitals that will enable them to receive admissions of individuals subject to temporary detention orders without delays.
- The State should ensure that stable, predictable funding through state and federal appropriations is available to help low-income families with children achieve economic self-sufficiency.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to promote affordable and mixed-use housing, and to expand and preserve the supply and improve the quality of housing that is affordable for the elderly, disabled, and low- and moderate-income households.

- We support the following: 1) local authority to promote and flexibility in the operation of housing affordability programs and establishment of affordable dwelling unit ordinances; 2) increased federal and state funding, as well as appropriate authority and incentives, to assist localities in fostering housing that is affordable; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We encourage state support and incentives for paid and volunteer fire/EMS/first responders, given the ever-increasing importance they play in local communities.
- We support state efforts to assist localities in recruiting and retaining law enforcement personnel.
- We support changes to the Line of Duty Act (LODA) to afford officers employed by private police departments the benefits available under LODA.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We encourage needed funding for successful implementation of policies and programs that 1) supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment; 2) provide alternative transportation options for such individuals; and 3) reduce the amount of time police officers must spend handling mental health detention orders.
- In an effort to fairly share future cost increases, we support indexing jail per diem costs as a fixed percentage of the actual, statewide daily expense average, as set forth in the annual Jail Cost Report.
- We support the ability of local governments to 1) adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities, and 2) utilize photo speed camera devices on locally-designated highway segments.

Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges; for attracting and retaining businesses, residents and tourism; and for keeping pace with growing public needs and expectations. We encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to adjust the "Smart Scale" prioritization and the funds distribution process, there should be state adequate funding and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit and non-transit projects in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to conduct local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
- We support ongoing state and local efforts to coordinate land use and transportation planning and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

**GREENE COUNTY RESOLUTION ADOPTING THE PUBLIC-PRIVATE
TRANSPORTATION ACT OF 1995 GUIDELINES**

WHEREAS, the Virginia General Assembly has enacted the Public-Private Transportation Act of 1995 (the "PPTA"), §33.2-1800 through §33.2-1832; of the Virginia Code 1950, as amended; and

WHEREAS, the County would like to establish guidelines for accepting solicited and unsolicited proposals for qualifying transportation improvements; and

WHEREAS, the County staff recommends for adoption the following attached guidelines for qualifying PPTA projects, which will provide the County with an additional procurement and project delivery tool for transportation projects.

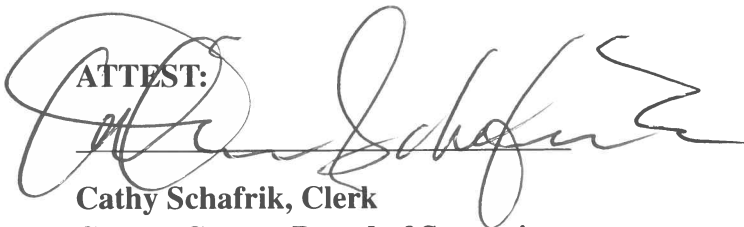
NOW THEREFORE BE IT RESOLVED, that the Greene County Board of Supervisors hereby adopts the attached PPTA guidelines effective immediately.

ADOPTED by the Greene County Board of Supervisors this 14th day of November, 2023.



**Dale Herring, Chairman
Greene County Board of Supervisors**

ATTEST:



**Cathy Schafrik, Clerk
Greene County Board of Supervisors**

Recorded Vote:

Durrer: Yes

Lamb: Yes

Bowman: Yes

Herring: Yes

**GREENE COUNTY, VIRGINIA
EMERGENCY ORDINANCE
AMENDING THE CODE OF ORDINANCES TO PROHIBIT
OPEN FIRES AND/OR BURING DURING A BAN PERIOD AS
DETERMINED BY THE EMERGENCY SERVICES DIRECTOR**

WHEREAS, the Director of Emergency Services declared a local emergency based on drought conditions on September 7, 2023 and the Board of Supervisors ratified that action on September 12, 2023; and

WHEREAS, the Governor of Virginia declared a state of emergency on November 6, 2023, due to the wildfires in the Commonwealth; and

WHEREAS, from time to time there are extended periods where the County and surrounding areas are without significant precipitation and/or high winds; and

WHEREAS, during times where hazardous conditions exist, the Emergency Services Director needs to limit all outdoor fires at any time of the year as may be necessary; and

WHEREAS, the County's general police powers, particularly those during an emergency, the Board of Supervisors finds that the following amendment to the Code of Ordinances of Greene County, Virginia, would promote the health, safety, and general welfare of Greene County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section §§ 15.2-1425 etc. seq. (1950, as amended) and the General Provisions of the Code of Ordinances of Greene County, Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Greene County, Virginia that the Code of Ordinances of Greene County, Virginia, be, and it hereby is, amended on an emergency basis as follows:

Amend Chapter 42 "Fire Prevention and Protection," adding an additional Section titled "Serious Fire Hazards," to include the following:

- A. It shall be unlawful for any person to set an open fire or do any open burning or use recreational fires or bonfires whenever an emergency exists as determined and declared by the Director of Emergency Services. If weather conditions have caused forest lands, brush lands, field, and other property to become so dry as to create a serious fire hazard that could potentially endangers lives and/or property, the Director or Emergency Services shall declare that there is a ban on outdoor burning throughout the County. This shall include but not be limited to the following.
 - 1. No owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material within private or public lands in Greene County. It shall also be unlawful for any employee

of any such owner or lessee of land to set fire or to procure another to set fire to any woods, brush, logs, leaves, grass, or debris.

2. No person in Greene County may burn any items outside or dispose of any burning embers outside, including but not limited to leaves, garbage, shrubbery, open-air grills, campfires, or firepits because of the potential that such burning, or disposal may cause uncontrolled fires. Nor may any such person discard or dispose of any smoking materials such as cigarettes, pipped tobacco, cigars, and the like outside unless such smoking materials are fully and totally extinguished.
3. Each violation of this ban shall be a Class 1 misdemeanor and any law enforcement officer may issue a summons directly to any individual violating the ban.

Due to an existing emergency, in accordance with Section 15.2-1427(F) of the Code of Virginia, this Ordinance is adopted on November 14, 2023, without prior notice, on an emergency basis, and shall be enforced for no more than thirty (30) days, or until the next regularly scheduled Board of Supervisors meeting where it will be properly noticed and voted upon for ratification.

BE IT SO ORDAINED THIS 14th day of November, 2023



Dale Herring, Chairman
Greene County Board of Supervisors

Attested by:


Cathy Schafrik, Clerk
Greene County Board of Supervisors