

August 24, 2021

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, AUGUST 24, 2021, BEGINNING AT 5:30 P.M. IN PERSON IN THE COUNTY ADMINISTRATION BUILDING MEETING ROOM AND BY ZOOM VIDEO COMMUNICATION

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

Staff present: Mark B. Taylor, County Administrator
Kelley Kemp, Assistant County Attorney
Kim Morris, Deputy Clerk
Jim Frydl, Director of Planning and Zoning
Tracy Morris, Director of Finance

RE: CLOSED MEETING

Ms. Kemp read the proposed resolution to enter into 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 staff of County Administrator.

Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning RSA and Charlottesville Land.

WHEREAS, pursuant to: §2.2-3711(A)(1) (A)(7) 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.

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

Motion carried.

RE: OPEN MEETING

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

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

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

Upon motion by Dale Herring, second by Marie Durrer and unanimous roll call vote, the Board approved the agenda as presented.

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

Motion carried.

RE: MATTERS FROM THE PUBLIC
None

RE: CONSENT AGENDA

Upon motion by Steve Bowman, second by Dale Herring and unanimous roll call vote, the Board approved the following items:

- a. Minutes of previous meeting
- b. Approval for the Director of Elections to submit a waiver application for a split-precinct polling location
- c. Beazley Road Safety Study

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

Motion carried.

RE: FIREFLY FIBER BROADBAND, DOMINION ENERGY AND RAPPAHANNOCK ELECTRIC COOPERATIVE VIRGINIA TELECOMMUNICATIONS INITIATIVE (VATI) APPLICATION FOR THE REGIONAL INTERNET SERVICE EXPANSION (RISE) PROJECT

Mr. Gary Wood, CEO, Firefly Fiber Broadband and Central Virginia Electric Cooperative, was present to discuss updates on the Regional Internet Service Expansion (RISE) project. He shared the final map of the project, which covers twelve counties. He explained that they had discovered 2,687 unserved passings in Greene County. They will have to build about 428 miles of fiber to reach those that are unserved. The total project cost is \$27,820,000. Firefly and Rappahannock will be putting in \$17,072,000, the VATI grant will provide \$8,061,000 and Greene County's portion will be \$2,687,000. Mr. Martin asked how much of the fiber would be underground versus how much will be on the power poles. Mr. Wood said that they will follow the power lines; if the lines are underground, the fiber will go underground. He said that about 35% of the power lines are underground, but that's generally in subdivisions. Most of the main lines are overhead. The fiber is very strong and has elasticity, so, generally, if the power goes out, the fiber is still providing service. If there is a power outage, but you have a generator, you'll still have internet. The VATI application is due on September 14, 2021. They will announce awards in December, 2021. During that time, the application can be challenged. If it is challenged, VATI will give time for us to carve out the areas that they find are being served. If that were to happen,

Firefly would reduce the number of passings and also reduce the request to the County and then continue forward. Construction would begin in 2022 and will finish by 2025. Mr. Martin asked if one county would be completed before they moved to the next. Mr. Wood said they would be building in several counties at the same time. Mr. Bowman asked if there will be a project schedule that will allow residents to know which areas of the County are going to be worked on. Mr. Wood said there will be announcements as to which areas are upcoming. Mr. Lamb asked where the three substations in Greene County will be located. Mr. Wood showed the general areas on the map. Mr. Herring asked how many counties are a part of this application. Mr. Wood said there are twelve. Mr. Herring asked how many total miles that would be for the application. Mr. Wood said about 3,400-3,500. Mr. Herring said that DHCD will award the application on an all or none basis. Mr. Wood said that is correct and he said that there are a lot of reasons to be confident that this grant request will be approved. Mr. Herring asked what the cost per home would be once service is installed. Mr. Wood said that there are two plans; 100mb service is \$49.99 per month and gigabit service is \$79.99 per month. Both will have no data caps, no charge for the router in the house, no contract, no slow-downs, no extra charges on your bill. He said that if you have a large home or a really old house with thick walls, sometimes you may need repeaters, which would be another \$5.00 per month. Mr. Herring asked if this is the maximum cost for Greene County. Mr. Wood said yes, but if they could find savings during construction, they would be passed onto the County. Mr. Herring asked if the funding request would be spread out by percentage of completion. Mr. Wood said yes, that it would probably be on a monthly basis because of the size of the contract. Mr. Herring said that the State is putting more funds towards the VATI grant this year than in the past. Mr. Wood said that is correct. He said it was \$50 million originally and they have just announced another \$700 million. He said they have shown that they are serious about funding this problem. Mr. Lamb asked about the service they offer and whether he would be able to watch a movie without it freezing up. Mr. Wood said that he would never have to wait again. Mr. Herring shared that the entire school division was served with a gigabit service two years ago. Mr. Herring asked if only one application was needed. Mr. Wood said yes, one regional application would give us the best chance for success. Mr. Bowman said that he sincerely hopes we get this grant because, from an economic development standpoint, this capability would be fantastic. Mr. Herring said that, if awarded, the project would have to be finished by 2025. Mr. Wood said yes, that being finished by 2025 is an aggressive timeline, but that they would be working towards that.

RE: RESOLUTION TO COMMIT ARPA FUNDS FOR THE LOCAL MATCH REQUIRED FOR THE RISE VATI GRANT

Mr. Taylor said that the Firefly team has been tremendous to work with. The resolution is consistent with the latest information that we have to commit the necessary funds for this project. Mr. Herring shared the long history of this initiative within Greene County and explained that this situation before us is too good to pass up. Mr. Martin said that it took the pandemic to wake up the federal and state governments to help to make this possible.

Upon motion by Dale Herring, second from Steve Bowman and unanimous roll call vote, the Board voted to approve the resolution to commit ARPA funds for the local match required for the RISE VATI grant. (See Attachment “A”)

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

Motion carried.

RE: UPDATE ON RSA WITHDRAWAL AGREEMENT AND GREENE COUNTY WATER AND SEWER SHORT TERM CAPITAL PLAN

Mr. Taylor shared an update on the status of the draft withdrawal agreement for withdrawal from RSA. We do have resolutions from all of the member counties agreeing to Greene’s withdrawal. We are seeking a fair and fast withdrawal process. The options include negotiation, mediation, litigation and legislation. As far as mediation goes, with few outstanding issues, mediation could be short, focused and efficient, but RSA has said that mediation would take two months to prepare for and six months to complete. Regarding litigation, Greene County still has our lawsuit pending. Greene County has won every issue in this case that has gone before the Judge, but litigation is expensive. The General Assembly could help free Greene from RSA by statute. We have a new communication with Senator Hanger about the potential need to go back to the General Assembly with these issues.

Greene County has been a member of RSA since 1969. Greene customers have paid their share of rates and fees all along. We assumed almost \$7 million dollars in RSA debt in 2004 and 2005, which taxpayers and ratepayers have almost paid off. RSA was formed to build a water supply for Stanardsville that was never built. RSA’s water system is inadequate. Stanardsville has inadequate fire flow. Ruckersville lacks water capacity to meet the needs of coming growth. RSA’s Stanardsville sewer system leaks untreated sewage into Mitchell Creek and it backs into customer homes. Inflow and infiltration are also a problem. More than 1/3 of RSA fire hydrants in Greene County are believed to be inoperable. RSA has about \$11 million in cash reserves, \$550,000 from Greene County ratepayers in 2021.

The short-term objectives during transition from RSA to Greene County Water and Sewer include repairing the Mitchell Creek sewer leak. This repair will also need to include the whole segment of sewer pipe around Mitchell Creek before the sidewalk is replaced by the Town of Stanardsville as part of the streetscape project. The fire hydrants are a significant public safety issue. 1/3 of 265 fire hydrants are estimated to be “frozen.” Cost to repair or replace is \$360,000 to \$585,000.

Current RSA projects include pump station electrical upgrades, pump station upgrades with new variable speed pumps and upgrades to water meters. These projects are listed as “ongoing”

by RSA but we lack detail on the current status. If they are not completed by RSA, they should be included in our initial short-term priorities. RSA has been uncooperative with providing information but we will provide more detail when we can get it.

Other short-term priorities for Greene County will be issues in Stanardsville, that have been ongoing for years, including the Stanardsville water tank replacement, the Stanardsville pump station and force main project and the Stanardsville sewer pipe replacement. Withdrawal from RSA can better position Greene County and Stanardsville to meet these needs with the availability of grant funding through the USDA and other sources.

Greene County's draft withdrawal agreement that was sent out on August 16, 2021 would settle the whole dispute and end the litigation. Key points are as follows:

1. Agreement will resolve the whole dispute and end the litigation.
2. RSA will continue and will serve Orange and Madison per their MOA.
3. RSA assets in & serving Greene County come to Greene County.
4. State Water & Sewer Permits transfer from RSA to Greene County.
5. Greene County seeking a contractor operator; may offer employment to current RSA employees now operating facilities in Greene County.
6. Greene County may access facilities during the transition for planning, training, and other transition purposes.
7. RSA will cooperate with Greene County in and through the transition.
8. Greene County will sell water to RSA to serve Liberty Lacey in Madison.
9. Greene County gets a proportionate share of RSA cash reserves.
10. Greene County gets money damages for RSA cut-off of facility fee.

We have also received a draft of a concurrent resolution from Orange County, which is required by statute, for the partners to adopt in connection with a withdrawal procedure under the State Code. A public hearing is required with a minimum of a 30-day notice. The resolution provides for the continuation of RSA. It relocates RSA's principal office to be within RSA's adjusted service area. It changes the RSA Board to five members with three from Orange County and two from Madison County. The public hearing will be advertised for the soonest date consistent with law.

Mr. Taylor said that our immediate short-term capital plan must focus on the public safety need to get all of the fire hydrants in Greene County operational. If we only advertise this one item on the short-term capital plan and adopt it, that is the most beneficial thing we can do for our County. Mr. Bowman asked if it is true that the August RSA meeting was cancelled. Mr. Martin said that they were made aware of the cancellation but there was no reason given. Mr. Bowman said that it is incompetent and derelict in their duties, raising to the level of misfeasance, for the RSA Board members to cancel this meeting with all of the current issues on the table. Mr. Martin said that he did challenge the entire RSA Board after that action was taken with that same sentiment. Mr. Martin said that the concurrent resolution did come from Orange County. Mr.

Taylor said that yes, it was delivered by Orange County's outside council to our outside council at Gentry Locke. Mr. Martin said that with that concurrent resolution from Orange County and the agreeance of the three partner boards by resolution to the separation of Greene from RSA, why is Greene not leaving RSA. Mr. Taylor said that the issues revolve around money. It has been stated that RSA shouldn't have to hand over their Greene facilities and that they should sell everything and Greene County would have to start from scratch. The key issue is sorting out the assets and, with mediation, this should not take more than a day. Mr. Herring said that it was brought to the attention of the Emergency Services Advisory Board that the fire departments have not been able to get an answer from RSA regarding the locations of the fire hydrants in the County, not to mention which ones are operational versus which ones are not. Mr. Herring said that he agrees with Mr. Taylor that bringing the fire hydrants to operational status is very important. Ms. Durrer said that she has noticed that the areas around the fire hydrants that you can see are not being kept up. The grass is growing so tall around them that they are almost not visible. Mr. Taylor said that he has no information to indicate that RSA itself knows the location of all of its fire hydrants. Mr. Bowman said that it boggles his mind that a public authority that has a responsibility and an obligation to document its actions can not share one piece of information with us. To him, that is misfeasance in office. Mr. Martin said that the reason that has been given for not sharing information with us is that we are in litigation. Mr. Bowman said that he understands that, but the information that we are requesting should not be secretive. It should, in fact, be public information. Mr. Herring said that it is obvious that our goal is to stand alone and not be a part of RSA as that is what is in the best interest of our community. He said that regardless of the obstacles, we are determined to stay on this path until that happens. Mr. Martin said that he appreciates that these discussions are happening increasingly in open session and that there is more community conversation taking place.

The Board is in agreement that Mr. Taylor can advertise the public hearing for the draft concurrent resolution as soon as practical and possible. Mr. Taylor said that the short-term capital plan will come before the Board for adoption at the same time as the concurrent resolution. Mr. Martin said that we should also challenge RSA to make the repairs to the fire hydrants and the sewer pipe replacement at Mitchell Creek before the sidewalk project starts.

RE: AUDIO-VISUAL PRESENTATION POLICY

Mr. Taylor said that the revised draft of the audio-visual policy, with Board suggested changes, is suitable for adoption if the Board is so inclined.

Upon motion by Dale Herring, second from Steve Bowman and unanimous roll call vote, the Board voted to approve the Audio-Visual Presentation Policy as presented. (See Attachment "B")

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

Motion carried.

RE: BOARD LIAISON REPORTS

Mr. Bowman said that the Planning Commission met last Wednesday. He was not able to attend but understands that it was quite contentious in regards to the issue of tourist lodging in R-1. He said that the Planning Commission is going to hold a second public hearing to make sure the proposal is properly handled before referring it to the Board.

Mr. Herring said that Emergency Services Advisory Board met and formed two sub-committees, one to investigate how to increase volunteers and one to develop a comprehensive plan for training and training facilities.

Mr. Herring said that Thomas Jefferson Planning District Commission continues their search for an Executive Director.

Mr. Herring thanked Mr. Frydl and his staff as he has done a large part of the work involving the broadband process. He said that the work will still continue even with the commitment that was made tonight with the RISE project.

Mr. Martin said that the Tommy Wood concert at Greene Commons will be on August 28, 2021.

RE: COUNTY ADMINISTRATOR UPDATE

Mr. Taylor shared that there will be a movie night at the Greene County Park on Friday night. He also shared that there is hope that there will be an early September occupancy at the new EMS building. He also said that we have gotten approval from VDOT for no through truck traffic on Fredericksburg Road.

RE: MONTHLY REPORTS

Mr. Herring noticed in the monthly report from Solid Waste that they were down for two weeks with computer problems. He said that we probably need to look at getting a redundancy plan. Mr. Taylor said that the problem is consistent with other issues and that he is looking at that whole operation regarding necessary upgrades to provide efficiency and effectiveness.

Mr. Bowman said the he noticed on the Building Inspections report that it seems that things are picking up and he felt that was good news.

Mr. Bowman asked Mr. Frydl to confirm that there was still no application as of yet regarding the camping/glamping that residents are concerned about. Mr. Frydl said that the applicant will probably apply prior to the September meeting. He said another application that is half glamping/half RV may be received next week. Mr. Bowman said that he has received repeated calls about the possible application off of Dyke Road.

RE: OTHER ITEMS FROM BOARD MEMBERS

Mr. Bowman said there will be another community park clean-up day on October 2, 2021 at 9:00 a.m.

Mr. Bowman asked Mr. Taylor about an update from UVA regarding emergency communications with our EMS staff. Mr. Taylor said that he would check into that.

Mr. Martin said that there was a press release from the Free Enterprise Forum that shared that Greene County was highlighted for having the lowest increase on per capita local government spending for our area.

RE: ADJOURN

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

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

Motion carried.


William Bryan Martin, Chair
Greene County Board of Supervisors


Mark B. Taylor, Clerk
Greene County Board of Supervisors

**RESOLUTION OF THE BOARD OF SUPERVISORS OF GREENE COUNTY, VIRGINIA, FOR SUPPORT OF THE
APPLICATION FOR THE REGIONAL INTERNET SERVICE EXPANSION (RISE) PROJECT**

Whereas, Greene County is committed to bringing universal broadband internet access to its citizens across the county within the next three years, and

Whereas, Firefly Fiber Broadband, Dominion Energy and Rappahannock Electric Cooperative have developed a regional internet service expansion project with the Thomas Jefferson Planning District as the lead applicant with the county being one of multiple counties included in the project to make fiber to the home broadband internet service available to the unserved locations in the county, and

Whereas, the preliminary planning for the regional project has identified 2,687 locations in the county as being unserved without access to speeds faster than 25 mbps download or 3 mbps upload, and the preliminary design includes 428 miles of fiber optic cable to be installed in the county to make service available to those locations, with a cost estimate of \$27,820,000 for the construction, creating a need for additional grant funding to make the project financially feasible, and

Whereas, this project will seek grant funds from the Virginia Department of Housing and Community Development through its Virginia Telecommunications Initiative (VATI) with an application on or before 14 September 2021, and that application process provides additional scoring points for local contributions to the project, then

Now, therefore be it resolved that Greene County will participate in the regional project and fully support the application including providing local matching funding not to exceed \$ 2,687,000.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON AUGUST 24, 2021.

Motion: Dale Herring

Second: Steve Bowman

Recorded Vote:

Bill Martin Yes

Marie Durrer Yes

Steve Bowman Yes

Dale Herring Yes

Davis Lamb Yes



William Bryan Martin, Chair
Greene County Board of Supervisors

ATTEST:



Mark B. Taylor, Clerk
Greene County Board of Supervisors

Audio-Visual Presentation Policy

The Greene County Administrative Office welcomes electronic presentations as enhancements to applications or other matters before the Board of Supervisors and other boards and committees. These policies apply to the Board of Supervisors meetings and other Greene County committee or board meetings (excluding School Board matters). The Board of Supervisors reserves the right to allow or disallow any presentation that is inappropriate or not relevant to the topics on the agenda. Further, submitting a presentation to the county administration does not guarantee that an applicant or guest will be allowed to deliver the presentation to the board meeting.

The board meeting room has the capability to project presentation files, documents, and media files. All presentations should be relevant to the application under review or the topic to be discussed. Pictures, maps, and video are welcome. It should be noted that small or overly detailed maps may be difficult to see when projected onto the LCD screens.

The Board Room has the following equipment to aid you in your presentation:

- Microsoft Windows-based PC
- Two LCD screens for public viewing
- Sound system
- Microphone

A member of County staff will be present to load the presentation and address any technical issues that may arise. In no event shall any presenter attempt to “fix” the County’s audio-visual system, computer, screens or other equipment.

The following are enacted to ensure that your presentation goes as smoothly as possible:

- Presentations must be submitted on an otherwise empty Windows formatted USB flash drive or send a download link to the county administration building no later than one week (7 days) before the presentation date. This ensures our team can properly scan the media for viruses and objectionable content and post it to the Board of Supervisors’ agenda on the Greene County web page per the Board’s Bylaws.
- Any additions, deletions, or modifications to a presentation must be sent to the IT department and must be approved by the County Administrator. The County cannot guarantee changes will be incorporated if they are sent within 7 days of the presentation date.
- Upon submission of the presentation (or media) to Greene County, it becomes subject to FOIA and is maintained by the County in accordance with state record retention laws and local policies.
- Please ensure your presentation is formatted in standard Microsoft PowerPoint file types (.ppt, .pptx, .pps, or .ppsx)