

June 27, 2023

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, JUNE 27, 2023, BEGINNING AT 5:30 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
Abbey Heflin, Member

Staff present: Cathy Schafrik, County Administrator
Brenda G. Garton, Interim County Administrator
Jim Frydl, Director of Planning & Zoning
Kim Morris, Deputy Clerk
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 organizational structure of the County as it relates to employees and overtime.
- Consultation with legal counsel employed or retained by the public body and briefings by staff members pertaining to actual or probable legal litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, regarding specific legal matters, namely, the RSA litigation and withdrawal agreement.
- Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law enforcement or emergency services officials concerning to actions taken to respond to such matters or a related threat to public safety as it relates to a large festival and such discussions in an open meeting would jeopardize the safety of any person or the security

of any facility, building, or structure, specifically related to public safety in the administration building and a large local event.

WHEREAS, pursuant to: §2.2-3711(A)(1), (A)(7), and (A)(19) 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 Davis Lamb, second by Marie Durrer and unanimous roll call vote, the Board entered into Closed Meeting.

Recorded vote:	Marie Durrer	-	Yes
	Dale Herring	-	Yes
	Steve Bowman	-	Yes
	Abbey Heflin	-	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
	Abbey Heflin	-	Absent
	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
	Abbey Heflin	-	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.

Mr. Herring welcomed County Administrator, Cathy Schafrik to her first meeting.

RE: ADOPTION OF AGENDA

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

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

Motion carried.

RE: MATTERS FROM THE PUBLIC

Mr. Fred Turck was present to ask the Board to do anything they could, such as more patrols by law enforcement, to help with the higher level of traffic in his subdivision due to VDOT using it as a detour.

Ms. Deborah Turck was present to emphasize what Mr. Turck said and to ask the Board to reach out to VDOT to ask them to try to discourage the additional traffic from using their neighborhood.

Ms. Gwen Baker was present to ask the Board to be sure that staff posts the new contact information for Water and Sewer on the website. She also shared information that she had found about the price of homes in developments that were built by the same company that will develop Wood Park. She said that those prices are going to price out the residents that currently live here. She said this is gentrification. Ms. Baker also welcomed Ms. Schafrik and told the Board that Ms. Schafrik is here to provide organizational oversight. She said that the time of the meet and greet for Cathy should be moved to 6:00 p.m.

Ms. Cathy Darnell was present to say that she feels the County does not communicate with its citizens very well. She said that there is a lot of chatter about the Jaunt cutbacks, and she feels that the County should share why this is happening. She also said that she lives in Greene Acres along with the Turcks and said that the traffic increase is causing speeding and a lot of dust.

Mr. James Higgins was present to discuss the traffic study that will be presented during the rezoning request by Southern Development this evening. He shared discrepancies that he found in the document that he hoped the Board would take into consideration when voting this evening.

Mr. Steve Barber was present to speak about the rezone request by 33 Greene LLC. He said that he feels the developer should wait to start building until after the reservoir is built. He said that this rezone would allow more density which would require more water, more public safety, and more schools. He said that he is opposed to this rezone request.

RE: PUBLIC HEARING (CONTINUED FROM THE APRIL 11, 2023 MEETING) TO CONSIDER A LEASE OF PUBLIC PROPERTY TO RAPIDAN SERVICE AUTHORITY PURSUANT TO § 15.2-1800 OF THE CODE OF VIRGINIA

Ms. Kemp said that this is a continuation of the public hearing that was left open on April 11, 2023, to execute a lease agreement with Rapidan Service Authority to lease back their former administration building. The only change that has been made is to extend the end date to June 30, 2024.

There were no public comments.

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

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

Motion carried.

E: CONSENT AGENDA

Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board approved the consent agenda as presented.

- a. Minutes of previous meeting
- b. Resolution to establish authority of County Administrator, Cathy Schafrik (See Attachment "B")
- c. Resolution to appoint Cathy Schafrik to the Blue Ridge Cigarette Tax Board (See Attachment "C")
- d. Resolution to appoint Cathy Schafrik to the Blue Ridge Juvenile Detention Center Board (See Attachment "D")
- e. Resolution to accept and appropriate \$25,538.50 for an Item Conservation Grant for the Circuit Court Clerk's Office (See Attachment "E")
- f. Resolution to appoint Cathy Schafrik as the Director of Finance (See Attachment "F")

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

Motion carried.

RE: BOARD ACTION TO CONSIDER A REZONING REQUEST OF APPROXIMATELY 172 ACRES ON 3 PARCELS, TMP #'S 61-(a)-20, 60-(a)-42 AND 60-(a)-42a, OWNED BY 33E GREENE, LLC FROM SENIOR RESIDENTIAL WITH PROFFERS TO PLANNED UNIT DEVELOPMENT WITH PROFFERS

Mr. Frydl said that this is a hearing in which applicant asked for a deferral February 14, 2023. The applicant requested additional time to gather more information regarding the Board's questions about traffic and other issues that made them uncomfortable with this request. The property is currently approved for 600 senior residential units. The applicant is requesting a rezone from senior residential with proffers to planned unit development with proffers. Mr. Frydl said that this property is located in the growth area defined in the Comprehensive Plan. Mr. Frydl shared a presentation showing the location of the property and a traffic impact analysis. This analysis was a comparison of the ITE Trip Generation projections for the Village Oaks development in Fluvanna County, which has similarities to the proposed Woodpark development. This analysis showed a decrease from the previous number of trips provided from 1485 down to 708 which is a significant drop in the anticipated traffic. Mr. Frydl said that all the exits to Route 29 are already planned by VDOT and Route 29 and Route 33 improvements are already underway. Mr. Frydl said that, in the original proffers, the developer was offering cash as each unit was built, but the developer is now offering cash proffers of \$900,000 up front. They also added some additional senior focused proffers. Mr. Frydl said that the Planning Commission recommended approval 5-0 prior to the changes that were discussed this evening.

Mr. Bowman clarified that the proposed cash proffer is \$1,900,000. Mr. Frydl said that is correct.

Mr. Charlie Armstrong of Southern Development was present to answer any questions the Board may have. He said that they have presented actual real world traffic data instead of the theoretical data which is the industry standard. He shared additional demographic data from the community in Fluvanna that was used as a comparison. He said that Mr. Higgins was correct that there was a typo on their cover letter regarding the dates of the traffic study and he thanked him for pointing that out. Mr. Armstrong said that they changed the amenity proffers to make this community as attractive as possible to seniors. Regarding water, Mr. Armstrong feels that this project will help to finance Greene's water project with its tap fees for each of its 600 homes.

Mr. Herring said that the public hearing has already been held and opened the floor to questions from the Board.

Mr. Lamb asked about water runoff, the layout of the house interiors and the traffic patterns. He said that these are his concerns about this development.

Mr. Armstrong said that at intersections on major roads that are not light controlled, VDOT plans to force people to make the right turn instead of turning left, going up and making a U-turn. He agrees that it is inconvenient but said that it works, and it is what VDOT is pushing. He said that they are thinking 20 years in the future as this project will take a long time to build out. If

someone wants to build a small apartment or condo and, if it's accessible to seniors, such as with an elevator, it will meet the goal of the proffer. Mr. Armstrong said, as far as the stormwater goes, regulations are more stringent now than ever before and they follow all the guidelines set forth by DEQ and Greene County.

Mr. Bowman said he likes that we will get cash proffers up front so those funds can be directed where needed. He likes the integrated community type and said that we cannot control the housing costs, that the market does that. He said that he likes the changes that have been made.

Ms. Heflin asked about the number of homes in the Village Oaks development. Mr. Armstrong said there are 155. She asked if there would still be entrances from 29 and 33. Mr. Armstrong said yes, Route 33 and Carpenters Mill. She said that she does not see the comparison of 600 homes versus 155 homes in the traffic study that was used. She said that her feelings have not changed on this request.

Ms. Durrer said that she likes the fact that we will get some of the proffers up front. She worries about the water situation but understands that it will be many years before it is built out. She said that she does like the concept.

Mr. Herring reiterated that there are 600 homes already approved for this project. He said that the proffers only allow 75 homes per year to be built, so it would take at least 8 years to build this out, more likely more than 10 years. Mr. Herring said that, now that we control our water authority, he feels the reservoir project will move forward more quickly. He said that he supported this request in the past times that it came before the Board and that he will support it again tonight.

There was further discussion by the Board about the request.

Upon motion by Steve Bowman, second by Marie Durrer and affirmative roll call vote, the Board approved the rezone request as presented. (See Attachment "G")

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

Motion carried.

RE: AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED RATE CHANGE TO WATER AND SEWER FEES

Mr. Frydl said that our new Water and Sewer Director, Alan Harrison has reviewed the ordinance on Water and Sewers and there are some changes that need to be made to ensure that the rates cover the cost of bringing water to the home and that the facility fee and any other fees are eliminated. Citizens have said that they want to be able to control their water bill by controlling

their usage. Mr. Harrison's 28 years of industry experience will help us make the updates needed to ensure these goals are met.

Upon motion by Steve Bowman, second by Marie Durrer and unanimous roll call vote, the Board authorized the advertisement of a public hearing on proposed rate changes to water and sewer fees. (See Attachment "H")

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

Motion carried.

RE: RESOLUTION TO ADOPT THE TOURISM BYLAWS

Ms. Jenn Marie Jacober was present via Zoom to answer any questions the Board may have regarding the changes to the Tourism Council Bylaws. The Board has seen versions of the bylaws in the past. Ms. Jacober said that the changes that were made were very minimal and were approved by the Tourism Council.

Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board adopted the Tourism Council Bylaws as presented. (See Attachment "I")

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

Motion carried.

RE: CONSIDERATION OF POTENTIAL REVISION TO PERSONAL PROPERTY TAX ON BUSINESS VEHICLES

Ms. Garton said that the assessed values of vehicles went through the roof because second-hand vehicles were in such high demand. Personal vehicles are subject to the State's Personal Property Tax Relief Act, but business vehicles are not. Mr. Steve Catalano, a businessman in the County, approached Board members and herself to talk about ways to lower this burden on businesses in Greene. He did a lot of research and has offered a proposal for the Board's review. Ms. Garton asked the Board if a majority of them would like staff to pursue this project. She said that the Commissioner of Revenue is aware of the inconsistencies in the way assessed values are assigned to vehicles and plans to research different methodologies for next year. Ms. Garton cautioned that this is a very complicated issue that can affect the budget process in many ways.

Mr. Lamb said that he liked Mr. Catalano's ideas but worries about issues potential changes could cause farmers in our County. He said that he does think staff should investigate this issue.

Mr. Bowman said that he is supportive of staff looking into this. He does not want to see businesses move their equipment out of the County because of the discrepancies in assessments.

Ms. Heflin said that she is in support of staff looking into this and asked if staff could also investigate tax relief for the elderly. Mr. Herring said that since that is a separate issue and should be brought up in budget discussions. Ms. Garton said that this issue is on the Commissioner of Revenue's radar, and she intends to research the options.

Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board requested that staff review possible revisions to the personal property tax on business vehicles.

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

Motion carried.

RE: AUTHORIZATION TO DEVELOP AND ADVERTISE AN ORDINANCE FOR THE IMPLEMENTATION OF PHOTO SPEED MONITORING DEVICES IN HIGHWAY WORK ZONES AND SCHOOL CROSSING ZONES AND THE PROCUREMENT OPTIONS FOR SUCH

Ms. Kemp said that there was a presentation at the last meeting from a specific company regarding cameras in school zones to catch speeders and the Board seemed to be in favor of pursuing that. Ms. Garton asked the presenter if theirs was the only company that performs this service and he said that they were not. She said that an ordinance would have to be written and a public hearing would be held before the County could procure these services.

Mr. Bowman said that he thinks the ordinance should be written as broad as possible to include any options the County may wish to pursue in the future. He said that he feels the County should procure the service to see if there are other companies that could offer a better deal. Mr. Herring and the other Board members agreed.

RE: BOARD LIAISON REPORTS

Mr. Bowman said that he attended the Jaunt meeting on June 14th. They discussed the service reductions effective July 1st. He said that we need to get better information out to our citizens. He said that we did not de-fund Jaunt in any way. We just did not give them the additional money that they wanted, which was a 35-40% increase. He also attended the School Board meeting on June 14th. He said that Dr. Kyle Purcell is the Superintendent designee. He said they

have 23 open positions with authorization to hire before their next meeting which is August 9th. He said that he attended the last RSA meeting on the 20th. Mr. Bowman attended the Planning Commission meeting on the 21st and they held a public hearing with Crimson Rock Capital which will be coming to the Board soon.

Mr. Herring said that he would like to point out that the Board actually increased Jaunt's budget last year and did not defund them. Mr. Bowman said that the Board should look at the return of the investment they are getting with Jaunt and see if there are better options. He said that there was an ESAB meeting where they discussed options for which fire department was to receive the next vehicle from the County. It was supposed to go to Dyke Fire, but they voted that Ruckersville should get a tanker truck. He said that this was not a popular decision and that the Board should look at how to better manage the money that they give to the fire departments going forward. There was also a presentation of the Safer Grant for retention and recruitment of volunteers. There was discussion of tax relief for volunteers which Chief Clay has brought up in the past. Mr. Herring said he fully supports that relief and feels the Board should consider it.

RE: COUNTY ADMINISTRATOR'S UPDATE

Ms. Garton said staff continues to work with Baker Tilly about the results of the salary study and benefits in comparison to other localities and it will be finalized in July or August. The RSA transition was finalized this past Friday. The property was transferred, and the County received a check for \$1.3 million which was part of the agreement with RSA. We also received a check for \$330,469.97 which was for January through March collection of facility fees, and we will receive another for the second quarter of the calendar year soon. She said that Mr. Alan Harrison is off and running the new water and sewer system and she said that we are very happy that he's here. She thanked Mr. Frydl for all his work in the Interim Water and Sewer Director position and said that we couldn't have done it without him. She said that her contract with the County ends on July 14th and her last week will be remote work. She thanked the Board for hiring her and trusting her for these last nine months. She again welcomed Cathy Schafrik and said that they had been working to get her caught up on everything. Ms. Garton said that Cathy is going to be great, and the Greene County staff is wonderful. She thanked the community and said that this is a beautiful place to live and work and that the community is lovely.

Mr. Herring presented Ms. Garton with flowers and a gift as a thank you from the Board for all her hard work. He said that her impact on our community has been very positive and that we could not have accomplished what we have without her.

RE: OTHER ITEMS FROM THE BOARD

Mr. Lamb said that he has received comments from citizens about the intersection at Lowe's being unsafe.

RE: ADJOURN

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

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

Motion carried.



Dale Herring, Chair
Greene County Board of Supervisors



Cathy Schafrik, Clerk
Greene County Board of Supervisors

LEASE AGREEMENT

THIS LEASE (this "Lease") is made effective this 27th day of June, 2023 (the "Commencement Date"), by and between GREENE COUNTY, a political subdivision of the Commonwealth of Virginia ("Landlord"), and RAPIDAN SERVICE AUTHORITY, a political subdivision of the Commonwealth of Virginia ("Tenant").

WITNESSETH:

1. **Premises.** Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, on an "AS IS, WHERE IS" basis, that certain real estate located at 11235 Spotswood Trail, Ruckersville, Virginia 22968, in Greene County, Virginia, together with all buildings and other improvements thereon, including the "administration building" located thereon, as more particularly described as Tax Map Number 50-A-3 (the "Premises"). Except as expressly provided herein, Landlord makes no representations or warranties concerning the condition or fitness of the Premises.

2. **Term.** The term of this Lease (the "Term") shall begin on the Commencement Date and expire on June 30, 2024 (the "Expiration Date"). Tenant shall not have the option to extend the Term beyond the Expiration Date. If both parties agree in writing, the Lease may be extended for an agreed upon period of time and at an agreed upon rental rate.

3. **Rent.** Tenant shall pay Landlord rent in an aggregate amount equal to One Dollar (\$1.00), which shall be due and payable in advance on the Commencement Date.

4. **Property Taxes.** Tenant acknowledges and agrees that the Premises is exempt from taxation under Section 58.1-3606 of the Code of Virginia (1950). Tenant shall take no actions that would impair such tax-exempt status. In the event Tenant takes any action that would violate this Section 4, Tenant shall promptly pay, at Tenant's sole expense, as and when due, all resulting taxes related to the Premises that may be levied and assessed by any governmental authority upon the Premises and any improvement thereon, including all real estate taxes and assessments.

5. **Utilities and Services.** Tenant shall pay for all utilities provided to the Premises, including, but not limited to, those necessary for heat, ventilation, air conditioning, gas, hot and cold water, electricity, internet, garbage disposal, and sewer services.

6. **Maintenance Responsibilities.** During the Term, Landlord shall be responsible for the repairs and maintenance of the major structural elements of the Premises, including the roof, exterior walls, foundation, HVAC system, plumbing, electrical and mechanical devices. During the Term, Tenant shall be responsible for the repairs and maintenance of the interior of the Premises and outdoor landscaping. Tenant shall take good care of the Premises and shall not do or suffer any waste with respect thereto. Landlord shall promptly make all repairs to the Premises, of every kind and nature, necessary to keep the Premises in good order and condition. Tenant shall keep and maintain all portions of the Premises, including, without limitation, the fixtures and equipment thereof and the bathrooms facilities contained therein, in a clean and orderly condition, free of accumulation of dirt, rubbish, and other obstructions. All damage or injury to the Premises

or any part thereof caused by Tenant or its employees, agents, or invitees, shall be promptly repaired at Tenant's sole cost and expense.

7. **Improvements.** Tenant shall not make any material alterations, additions, or other improvements to the Premises without Landlord's prior written consent. The ownership of any such approved alterations, additions, or improvements shall vest in Landlord at the expiration of this Lease, unless otherwise agreed by Landlord.

8. **Signage.** Within thirty (30) days after the Commencement Date, Tenant shall remove all signage from the Premises that identifies or otherwise references Tenant; provided, that Tenant shall leave the brick sign structure located on the Premises in place and undamaged. Tenant shall not install any additional signage during the Term without Landlord's prior written consent.

9. **Right of Entry.** Landlord and Landlord's agents shall have the right during reasonable hours and upon reasonable prior notice to Tenant to enter the Premises, and upon such notice, Tenant shall permit Landlord, its agents, employees and contractors to enter the Premises and all parts thereof at any reasonable time; provided, that, Landlord shall not unreasonably disrupt Tenant's business operations.

10. **Insurance.** For the duration of the Term, Landlord shall maintain in full force and effect fire and extended coverage insurance on the buildings and improvements on the Premises in amounts as determined by Landlord but not less than the value of the property and improvements shown on the Greene County WebGIS of \$259,300. Tenant shall keep and maintain in full force and effect a policy of insurance on the contents of the building, naming Landlord as an additional insured thereon. Tenant shall maintain in full force and effect a general liability policy insuring both the Landlord and Tenant against the risk of loss due to personal injury or property damage arising from the use of the premises.

11. **Environmental Matters.**

11.1 As used in this Lease: (i) "**Hazardous Wastes**" means all waste materials subject to regulation under the Comprehensive Environmental Response, Compensation, and Liability Act as modified by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, or applicable state law and any other applicable federal, state or local laws and their regulations now in force or hereafter enacted relating to hazardous waste disposal; and (ii) "**Toxic Substances**" means and includes any materials present on the Premises which have been shown to have significant adverse effects on human health or which are subject to regulation under the Toxic Substances Control Act, applicable state law, or any other applicable federal, state or local laws now in force or hereafter enacted relating to toxic substances. "Toxic Substances" includes, but is not limited to, asbestos, polychlorinated biphenyls (PCB's), petroleum products, and lead-based paints. All such laws relating to Hazardous Waste disposal and Toxic Substances are collectively referred to herein as "**Environmental Laws**".

11.2 Tenant shall comply in all respects with all Environmental Laws and shall not, without Landlord's prior written consent, permit any activity at or on the Premises that involves, or could involve, (i) the use, manufacture, storage or disposal of Hazardous Wastes or Toxic Substances,

or (ii) the imposition of liability on the Landlord or any other subsequent owner of the Premises or the creation of a lien on the Premises under any Environmental Laws. Tenant shall promptly notify Landlord in the event of the discovery of any Hazardous Wastes or Toxic Substances as the Premises, any spillage or leak of Hazardous Wastes or Toxic Substances, and any violation or potential violation of any Environmental Law at or on the Premises.

12. **Eminent Domain.** If any part of the Premises shall be taken for any public or quasi-public use under any statute or by right of eminent domain, or by purchase in lieu thereof, then Tenant shall have the option to terminate this Lease as of the date that title shall be taken. All compensation awarded or paid in any such eminent domain proceeding shall belong to and be the property of Landlord without any participation by Tenant; provided, however, that nothing contained herein shall be construed to preclude Tenant from prosecuting any claim directly against the condemning authority.

13. **Default.** In the event either party fails to perform, or violates any of the covenants, conditions, provisions or agreements herein contained when due, and such failure or violation continues for thirty (30) days after written notice thereof from the non-defaulting party (or such longer period of time as may be reasonable under the circumstances), the non-defaulting party shall have the right to terminate this Lease upon at least five (5) days' written notice to the defaulting party. A termination under this Section 14 shall not waive any claim the non-defaulting party has against the defaulting party; and upon any such termination, the non-defaulting party shall, in addition to all other rights and remedies it may have at law or in equity, be entitled to enforce any or all of the defaulting party's obligations hereunder by specific performance and shall be entitled to collect all damages it may incur on account of such default, including, but not limited to, reasonable attorney fees.

14. **No Assignments or Subleases.** Tenant shall not assign, mortgage or in any manner transfer this Lease or any estate or interest herein or permit any such assignment or transfer to occur by operation of law or otherwise sublet the Premises or any part thereof without the prior written consent of Landlord.

15. **Surrender.** Upon the expiration of this Lease, Tenant shall surrender the Premises broom clean, in good order and condition, and in substantially the same condition as leased to Tenant on the Commencement Date, normal wear and tear and damage due to acts of God excepted, subject to requirements of Section 7 above.

16. **Notices.** All notices, demands, requests and other instruments that are required or may be given under this Lease or the law, shall be given by US. mail, postage prepaid, registered, or certified, return receipt requested, properly addressed at the addresses set forth below with sufficient postage prepaid.

17. **Governing Law.** All of the terms hereof shall be governed and construed by the laws of the Commonwealth of Virginia.

18. **Entire Agreement; Waivers.** This Lease forms the entire agreement between Landlord and Tenant and supersedes all prior agreements with respect to the subject matter herein

and no provision hereof shall be altered, waived, amended, or extended, except in a writing signed by both parties. No Party shall be considered to have waived any of the rights, covenants, or conditions of this Lease unless evidenced by its written waiver and the waiver of one default or right shall not constitute the waiver of any other.

19. **Severability**. If any term or provision of this Lease is invalid, illegal or unenforceable in any jurisdiction, such invalidity, illegality or unenforceability shall not affect any other term or provision of this Lease or invalidate or render unenforceable such term or provision in any other jurisdiction.

20. **Survival**. All obligations of Tenant hereunder not fully performed as of the expiration or earlier termination of the Term shall survive the expiration or earlier termination of the Term hereof until fully performed or waived in writing by Landlord.

21. **Counterparts**. This Lease may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original for all purposes, and all such counterparts shall together constitute but one and the same agreement. A signed copy of this Lease delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Lease.

[Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed as of the date first written above.

LANDLORD:

Greene County

By: Dale Herring
Name: DL Herring
Title: Chair

Address for Notices:

PO Box 358
Standardsville, VA.
22973

Approved as to form:

County Attorney

Kelly Keo

TENANT:

Rapidan Service Authority

By: _____
Name: _____
Title: _____

Address for Notices:

**RESOLUTION TO ESTABLISH AUTHORITY OF THE
COUNTY ADMINISTRATOR OF
GREENE COUNTY, VIRGINIA**

WHEREAS, pursuant to Virginia law the Greene County Board of Supervisors is vested with all of the authority and responsibility for managing and administrating the functions of county government; and

WHEREAS, pursuant to Va. Code §15.2-1540 the Board is authorized to appoint a chief administrative officer, and has appointed the County Administrator to serve in that role; and

WHEREAS, pursuant to Virginia law, the County Administrator has such authority as is delegated to the Administrator by the Board of Supervisors; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the county to clearly delineate and identify the authority of the County Administrator; and

WHEREAS, on May 23, 2024, the Board of Supervisors approved a contract to hire Catherine Schafrik as County Administrator effective June 26, 2023.

NOW BE IT THEREFORE RESOLVED by the Board of Supervisors of Greene County that the effective June 26, 2023, Catherine Schafrik, County Administrator for Greene County is designated the administrative head of government who shall be responsible to the governing body for the proper management of all the affairs of the locality which the governing body has authority to control.

Be it **FURTHER RESOLVED** that Catherine Schafrik, County Administrator, shall have the following delegated authority from the Board of Supervisors:

- I. All authority granted by Va. Code §15.2-1541 which shall include:
1. See that all ordinances, resolutions, directives and orders of the governing body and all laws of the Commonwealth required to be enforced through the governing body or officers subject to the control of the governing body are faithfully executed;
 2. Make reports to the governing body from time to time as required or deemed advisable upon the affairs of the locality under his control and supervision;
 3. Receive reports from, and give directions to, all heads of offices, departments and boards of the locality under his control and supervision;
 4. Submit to the governing body a proposed annual budget, in accordance with general law, with his recommendations;
 5. Execute the budget as finally adopted by the governing body;
 6. Keep the governing body fully advised on the locality's financial condition and its future financial needs;

7. Appoint all officers and employees of the locality, except as he may authorize the head of an office, department and board responsible to him to appoint subordinates in such office, department and board.

Said authority shall also include the authority to;

- i. Designate officers and employees to perform administrative duties and to exercise administrative powers.
- ii. Propose personnel policies for adoption or amendment by the Board and to administer such personnel policies and procedures, which shall include a grievance procedure.
- iii. Promulgate administrative policies and procedures necessary for the safe, secure and orderly operation of County business.
- iv. Appoint a Financial Officer pursuant to Va. Code §15.2-1537.

8. Perform such other duties as may be prescribed by the governing body.

9. Maintain a centralized system of accounting for the county, including the county school board and the local board of social services, pursuant to Va. Code §15.2-1541.1.

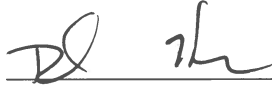
II. Serve as Clerk to the Board of Supervisors.

III. All of the authority necessary to serve as the Director of Emergency Management pursuant to Va. Code §44-146.19(B)(2).

IV. All of the authority necessary to serve as Purchasing Agent, and to make purchases, and execute contracts for the purchase of goods and/or services where the dollar amount for said goods and/or services is contained in the approved county budget, except that any purchases over the amount established in the Public Procurement Policy for the County of Greene shall require the approval of the Board of Supervisors, and all purchases shall be in accordance with such Board approved procurement policy pursuant to Va. Code §2.2-4303.

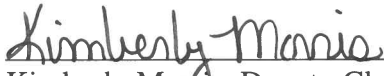
- V. To sign any agreements, forms, or documents that are incidental to, or related to the performance by the County Administrator of any of the above-described duties and responsibilities.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2023.



Dale Herring, Chairman
Greene County Board of Supervisors

ATTEST:



Kimberly Morris, Deputy Clerk
Greene County Board of Supervisors

Recorded Vote:

Steve Bowman Yes

Marie Durrer Yes

Abbey Heflin Yes

Dale Herring Yes

David Lamb Yes

**RESOLUTION TO APPOINT COUNTY ADMINISTRATOR CATHY SCHAFRIK TO THE
BLUE RIDGE CIGARETTE TAX BOARD**

WHEREAS, the Blue Ridge Cigarette Tax Board (BRCTB) was established pursuant to Code of Virginia § 58.1-3832 to assess, collect and disburse the cigarette taxes levied by and for its member jurisdictions.

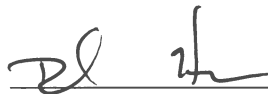
WHEREAS, the current members of the BRCTB are the Counties of Albemarle, Augusta, Fluvanna, Greene, Madison and Orange; the City of Charlottesville; and the Town of Madison.

WHEREAS, the Board is composed of one representative from each jurisdiction;

WHEREAS, the Board wishes to appoint Cathy Schafrik as the representative for Greene County;

NOW BE IT THEREFORE RESOLVED by the Board of Supervisors of Greene County that the County Administrator Cathy Schafrik is hereby appointed to the Blue Ridge Cigarette Tax Board with a term concurrent with her employment.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2023.



Dale Herring, Chair
Greene County Board of Supervisors

ATTEST:



Kimberly Morris, Deputy Clerk
Greene County Board of Supervisors

Recorded Vote:

Motion: Steve Bowman
Second: Davis Lamb

Votes:

Bowman: Yes
Durrer: Yes
Herring: Yes
Lamb: Yes
Heflin: Yes

**RESOLUTION TO APPOINT COUNTY ADMINISTRATOR CATHY SCHAFRIK TO THE
BLUE RIDGE JUVENILE DETENTION COMMISSION**

WHEREAS, the Blue Ridge Juvenile Detention Commission was established as a public body corporate under the laws of the Commonwealth of Virginia;

WHEREAS, the Blue Ridge Juvenile Detention Commission has five members, who shall be the county administrators, executive and city managers of each of the participating jurisdictions, or their alternates designated as permitted by state law;

WHEREAS, the Board wishes to appoint Cathy Schafrik as the representative for Greene County;

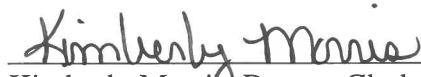
NOW BE IT THEREFORE RESOLVED by the Board of Supervisors of Greene County that the County Administrator Cathy Schafrik is hereby appointed to the Blue Ridge Juvenile Detention Commission with a term concurrent with her employment.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2023.



Dale Herring, Chair
Greene County Board of Supervisors

ATTEST:



Kimberly Morris, Deputy Clerk
Greene County Board of Supervisors

Recorded Vote:

Motion: Steve Bowman

Second: Davis Lamb

Votes:

Bowman: Yes

Durrer: Yes

Herring: Yes

Lamb: Yes

Heflin: Yes

**RESOLUTION TO ACCEPT AND APPROPRIATE TWENTY-FIVE THOUSAND
FIVE HUNDRED THIRTY-EIGHT DOLLARS AND FIFTY CENTS FOR ITEM
CONSERVATION GRANT**

WHEREAS, the Clerk's Office of the County of Greene has received funding for the Item Conservation Grant; and

WHEREAS, the funds in the amount of twenty-five thousand five hundred thirty-eight dollars and fifty cents (\$25,538.50) need to be appropriated to the appropriate line item in the 2022-2023 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that twenty-five thousand five hundred thirty-eight dollars and fifty cents (\$25,538.50) be appropriated to the 2022-2023 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 do all things necessary to give this resolution effect.

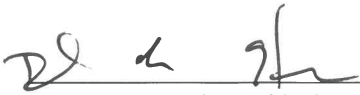
Adopted this 27th day of June, 2023.

Motion: Steve Bowman

Second: Davis Lamb

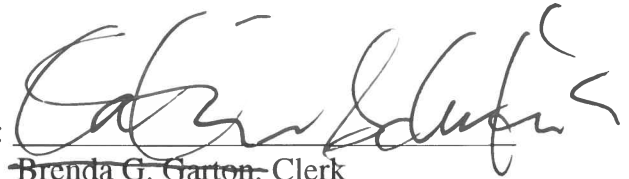
Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Abbey Heflin	<u>Yes</u>
Dale R Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>



Dale R. Herring, Chair
Greene County Board of Supervisors

ATTEST:



~~Brenda G. Garton~~, Clerk
Greene County Board of Supervisors
Catherine Schafrik

**RESOLUTION TO APPOINT COUNTY ADMINISTRATOR
CATHY SCHAFRIK AS DIRECTOR OF FINANCE**

WHEREAS, Greene County Deputy County Administrator/Director of Finance Tracy Morris retired effective December 31, 2022; and

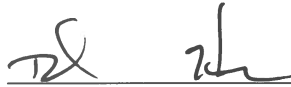
WHEREAS, the county is conducting a search for a new Director of Finance; and

WHEREAS, there are a number of documents and actions which require approval by the Director of Finance.

NOW BE IT THEREFORE RESOLVED by the Board of Supervisors of Greene County that County Administrator Cathy Schafrik is hereby appointed as the Director of Finance, effective June 29, 2023, until such time as the Director of Finance is hired or Ms. Schafrik is no longer employed by Greene County, whichever occurs first; and

BE IT FURTHER RESOLVED that the previous appointment of Interim County Administrator Brenda Garton as Director of Finance is hereby terminated effective June 29, 2023.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2023.



Dale Herring, Chair
Greene County Board of Supervisors

ATTEST:



Kimberly Morris, Deputy Clerk
Greene County Board of Supervisors

Recorded Vote:

Motion: Steve Bowman
Second: Davis Lamb

Votes:

Bowman: Yes
Durrer: Yes
Herring: Yes
Lamb: Yes
Heflin: Yes

AN ORDINANCE TO REZONE APPROXIMATELY 172 ACRES ON 3 PARCELS, TMP#'S 61-(A)-20, 60-(A)-42, AND 60-(A)-42A, OWNED BY 33E GREENE, LLC FROM SR (SENIOR RESIDENTIAL) WITH PROFFERS TO PUD (PLANNED UNIT DEVELOPMENT) WITH PROFFERS.

WHEREAS, 33E Greene LLC, submitted a request (RZ#22-005) to the Greene County Board of Supervisors to rezone approximately 172 acres on three parcels from SR (Senior Residential) with proffers to PUD (Planned Unit Development) with proffers.

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 the Planning Commission advertised and held a public hearing on the proposed rezoning on December 21, 2022, and all of those who spoke on this topic were heard; and

WHEREAS, the Planning Commission voted 5-0 to recommend approval of the request to rezone the subject property; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support denial of this rezoning; 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 February 2, 2023, and February 9, 2023, and

WHEREAS, the full text of this request was available for public inspection in the Greene County Administrator's Office, County Administration Building, 40 Celt Road, Stanardsville, Virginia 22973; and

WHEREAS, on February 14, 2023, the Greene County Board of Supervisors held a public hearing on this matter, and all those who spoke on this topic were heard. At this time, the Greene County Board of Supervisors deferred action for further clarification.

NOW, THEREFORE, BE IT ORDAINED, that the Greene County Board of Supervisors hereby approves Ordinance O-2022-014 to rezone approximately 172 Acres on 3 parcels, TMP#'s 61-(A)-20, 60-(A)-42, and 60-(A)-42A, OWNED BY 33E Greene LLC from SR (Senior Residential) with proffers to PUD (Planned Unit Development) with proffers dated October 24, 2022 (attached).

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2023.

Motion: Steve Bowman

Second: Marie Durrer

Votes:

Durrer: Yes

Lamb: No

Bowman: Yes

Heflin: No

Herring: Yes



Dale Herring, Chair
Greene County Board of Supervisors

ATTEST: 

Cathy Schafrik, Clerk
Greene County Board of Supervisors

**AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER
ADOPTION OF REVISED WATER AND SEWER RATES**

WHEREAS, Virginia Code § 15.2-2109 et. seq authorizes localities to establish or obtain control of water and sewer utilities; and

WHEREAS, Greene County Ordinance Chapter 31 addresses Water and Sewer issues; and

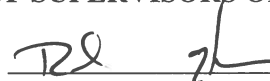
WHEREAS, Greene County has assumed all ownership and operations for water and wastewater utilities in Greene County; and

WHEREAS, Greene County Ordinance Chapter 31 was last reviewed and modified on March 28, 2023 at the beginning of the utility transfer process; and

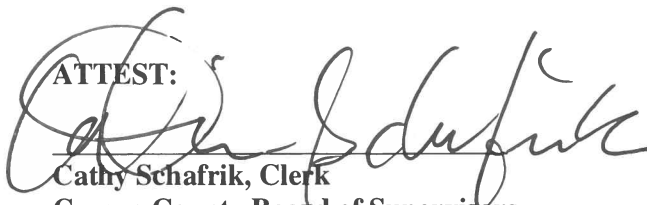
WHEREAS, Water and sewer rates previously adopted in the Greene County Ordinance Chapter 31 need to be revised.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Greene County, Virginia that an advertisement be placed for a revised ordinance for the Board's consideration.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2023.



Dale Herring, Chairman
Greene County Board of Supervisors

ATTEST:


Cathy Schafrik, Clerk
Greene County Board of Supervisors

**RESOLUTION OF THE BOARD OF SUPERVISORS OF GREENE COUNTY,
VIRGINIA, ADOPTING THE BYLAWS
OF THE TOURISM COUNCIL, AS AMENDED**

WHEREAS, the Greene County Tourism Council advises the Board of Supervisors on allocating all Tourism dedicated TOT revenues in accordance with the Virginia Code Section 58.1-3819; and

WHEREAS, at their bi-monthly meeting, on June 13, 2023, the Tourism Council approved the recommended amendments to their Bylaws;

NOW, THEREFORE, BE IT RESOLVED that the Greene County Board of Supervisors does hereby adopt the Bylaws of the Greene County Tourism Council, as amended; and

BE IT FURTHER RESOLVED that these amended Bylaws be posted on the Greene County website for public access.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2023.

Motion: Steve Bowman

Second: Davis Lamb

Votes:

Bowman: Yes

Durrer: Yes

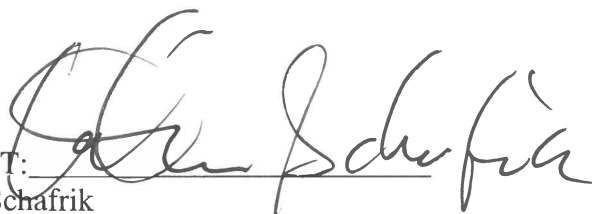
Heflin: Yes

Herring: Yes

Lamb: Yes



Dale Herring, Chair


ATTEST: _____
Cathy Schafrik

GREENE COUNTY TOURISM COUNCIL

BY-LAWS

The Greene County Board of Supervisors and the Greene County Tourism Council adopt the following articles to provide guidance to the members in the performance of their duties.

ARTICLE I – GENERAL

1. NAME: There will be a Tourism Council (hereafter “Council”) organized and maintained to advise and consult the Greene County Board of Supervisors (hereafter “Board”). This local Council will work collaboratively with the Economic Development and Tourism Director and staff (hereafter “EDT”).

2. GENERAL PROCEDURE: In all matters not prescribed by the Code of Virginia or these by-laws, the Council will conduct its business in accordance with Robert’s Rules of Order. Failure to follow Robert’s Rules of Order does not invalidate actions.

3. PURPOSE: The Council and the EDT Staff will collaborate concerning the marketing of Greene County Tourism, the attraction of travelers to Greene County, initiatives to increase occupancy at lodging properties in Greene County, and initiatives to increase the tourism revenues generated from these initiatives. Further, the Council will advise the Board on allocating all Tourism dedicated TOT revenues; these efforts are necessary and appropriate in accordance with the Virginia Code Section 58.1-3819. The Council may also advise the Board about opportunities to secure additional funding for tourism activities through available grants and other funding sources as they become available.

4. COMPENSATION: Council members shall serve without monetary compensation.

ARTICLE II – STRUCTURE AND PROCEDURE

1. COMPOSITION: The Council shall be composed of 5-9 voting members. To the extent practicable, Council members shall work for, own a tourism-related business in Greene County, or have tourism-related expertise. To the extent practicable, the Council will have a diverse representation including not less than two having ties to the tourism lodging business and otherwise including representatives from the following tourism-related industries: restaurants, lodging, antique & crafts shops, wedding & party venues, artists & artisans, wineries/vineyards, breweries, and/or outdoor recreation. The Board shall appoint a non-voting liaison representative to attend meetings of the Tourism Council. EDT staff shall attend meetings and provide administrative support to the Council. EDT staff shall not be voting members of the Council.

2. TERMS: Members will be recommended by the Council and appointed for three-year terms by the Board of Supervisors. Each Member will hold office for three years or until a successor shall

have been duly qualified and appointed or until the Member shall resign or shall have been removed in the manner herein provided. Upon expiration of terms, duly qualified successors will be identified by the Council and approved by the Board of Supervisors. If any member should leave the Council before the completion of their appointed term, the Council will make a recommendation to the Board for a replacement to the Council.

3. OFFICERS: The officers of the Council will be a Chair and Vice-Chair. They will be elected for one year by the Council and will hold office until duly qualified successors are elected. A new election will be held at the last meeting of the Fiscal year. The new officers will start their terms as of July 1st of each year. The specific duties of the officers of the Council are described in Article III.

4. MEETINGS; MINUTES: The Council is a public body and shall conduct itself accordingly. Regular meetings will be held by the Council at least bi-monthly, at such time(s) and location(s) as the Council may find convenient. Special meetings of the Council may be called at any time by the Chair, to be held at a time and place designated by the Chair in the call of the meeting. Notices of both regular and special meetings shall be posted by the Visitor Center Coordinator to the EDT website and posted at the Greene County Administration Building where notices are regularly posted. The Council draft agenda will be sent to members of the Council not less than three (3) days before any such meeting. Notices of special meetings shall state the purposes thereof. The Visitor Center Coordinator shall serve as the Clerk for the Council and shall draft and maintain the minutes of Council meetings. (See, Va. Code Sec. 2.2-3707.)

5. QUORUM REQUIREMENTS: A quorum at any meeting shall consist of a majority of the entire membership of the Council. A majority of such quorum may decide any question that may come before the meeting.

6. REMOVAL: If any Council member is absent from three consecutive meetings, and has been properly notified, and has not notified the Council of his/her intended absence, the remaining Council members may request by majority vote of the entire Council that the member be removed and replaced.

7. DUTIES AND RESPONSIBILITIES: The Council & EDT Staff will undertake various activities to promote tourism in Greene County, including the following duties and responsibilities:

a. Annually, in or around August, advise and consult with the Board concerning previous year's marketing of Greene County tourism and its fiscal impacts and strategically plan new initiatives to increase the tourism revenues generated in Greene County. The annual reporting will consist of the following four elements:

1. Council member(s) jointly with EDT Director and staff shall present on the State of Greene County Tourism;

2. Council to report on direct actions, status of projects, advice provided during the year;
 3. Council to report on and seek updates concerning any Board outstanding items; and
 4. EDT Director and staff to report on Office activities.
- b. Annually participate in the Greene County budget process by collaborating with EDT staff to create the Tourism Budget submitted to the Board and advise Board on mid-budget cycle Tourism funding requests.
 - c. Receive regular financial reports from EDT staff including TOT collections and budgeted expenditures.
 - d. Consult with and provide recommendations to EDT regarding the development of an annual advertising plan.
 - e. Provide recommendations to EDT to ensure the general information pages about Greene County on the state Virginia Tourism Corporation (VTC) website are accurate and up-to-date and to encourage tourism businesses in Greene County to maintain a listing on the VTC website.
 - f. Provide recommendations to EDT on production of brochures to advertise Greene County.
 - g. Provide recommendations to EDT on consistent branding of Greene County Tourism.
 - h. Provide recommendations to EDT on updating the Greene County and Greene County Tourism websites.
 - i. Encourage new ways of promoting tourism in the County as new technologies and media develop.
 - j. Promote Greene County as a venue for events by assisting, encouraging, and advising organizations that seek to hold events in Greene County.
 - k. Provide information and advise the Visitor Center Coordinator in maintaining a community calendar of events for Greene County to be posted on the Tourism website and at the Visitor Center.
 - l. Share information to support the maintenance of a database of local vendors and suppliers by EDT and encourage event planners to use them.

ARTICLE III –OFFICERS DUTIES AND RESPONSIBILITIES

CHAIR: The Chair of the Council will undertake the following duties and responsibilities:

- a. Preside over all meetings of the Council, and with the help of the EDT Director and staff develop the agenda for those meetings.
- b. Call special meetings when necessary and appropriate.
- c. Sign official papers of the Council.
- d. Perform such other duties as are incident to the office or are properly required by the Council.

VICECHAIR: The Vice Chair of the Council will undertake the following duties and responsibilities:

- a. In the absence of the Chair, perform all the duties of the Chair. (In the absence of both the Chair and the Vice Chair, the Committee shall elect a Chair Pro Tempore who shall perform all duties of the Chair.)
- b. Assist potential subcommittees and attend their meetings as needed.

ARTICLE IV – AMENDMENTS

PROCEDURE: These by-laws may be amended, repealed or altered, in whole or in part, at any time, by the Board. Council may make a recommendation to the Board by a two-thirds majority vote of the entire Council.