

June 11, 2024

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, JUNE 11, 2024, BEGINNING AT 4:30 P.M. IN PERSON IN THE COUNTY ADMINISTRATION BUILDING MEETING ROOM

Present were: Marie Durrer, Chair
Davis Lamb, Vice Chair
Steve Catalano, Member
Tim Goolsby, Member

Attended virtually: Francis McGuigan, Member

Staff present: Cathy Schafrik, County Administrator
Jim Frydl, Director of Planning & Zoning
Kim Morris, Deputy Clerk
Kelley Kemp, County Attorney

Planning Commission: Mark Kelp, Member
David Mastervich, Member
John McCloskey, Vice Chair
Ron Williams, Chair

RE: CALL TO ORDER

The Chair called the meeting to order. Ms. Durrer informed the public that Mr. McGuigan is attending virtually via Zoom due to a family medical issue from New Jersey.

RE: FLEX/TECHNOLOGY ZONING WORK SESSION WITH PLANNING COMMISSION

The Board had a joint work session with the Planning Commission to discuss the proposal to add a new zoning district for Flex/Technology as well as amendments to the Zoning Ordinance concerning data centers and solar panels. They shared a lengthy discussion on each of those topics and their views on ordinance amendments that could protect the rural character of Greene while still allowing these types of businesses in the designated growth areas. The Board wants to ensure that the Planning Commission understands the current Board's goals and that their recommendations to the Board align with those goals. The Planning Commission suggested that the Board give them clear direction and that they would then work on the ordinance changes and have work sessions at the midpoint to be sure they are aligning with the Board's goals.

RE: CLOSED MEETING

Ms. Kemp read the proposed resolution for 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 Skyline Cap and the Board of Zoning Appeals.
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding a contract and deed issue.

WHEREAS, pursuant to: §2.2-3711(A)(1) and (A)(8) 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 aforestated matters in Closed Meeting.

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

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: OPEN MEETING

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

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	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
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: REAPPOINTMENT OF REBECCA PHILLIPS TO THE SKYLINE CAP BOARD

Upon motion by Steve Catalano, second by Davis Lamb and unanimous roll call vote, the Board reappointed Rebecca Phillips to the Skyline CAP Board for a 5-year term which will expire on June 30, 2029.

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: REAPPOINTMENT OF MARK KELPE TO THE BOARD OF ZONING APPEALS

Upon motion by Steve Catalano, second by Davis Lamb and unanimous roll call vote, the Board moved to petition the Circuit Court Judge to reappoint Mark Kelpé to the Board of Zoning Appeals for a 5-year term which will expire on June 30, 2029.

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	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

Ms. Durrer said that she would like to add an action item to the agenda to discuss appointing an attorney for the Board of Zoning Appeals.

Upon motion by Steve Catalano, second by Davis Lamb and unanimous roll call vote, the agenda was adopted as amended.

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: MATTERS FROM THE PUBLIC

Mr. James Wittmeyer spoke about paying his taxes in June for his new house, which is just above where his old house was. However, when he went to pay his taxes, they said any money he put towards the taxes for this year would go towards his old tax bill. He asked why this was the case. The Board asked Mr. Wittmeyer to leave his information with the County Administrator and that staff would research the situation and call him.

Ms. Jennifer Lewis-Fowler gave a public service announcement about the upcoming primary elections. She provided information on early voting dates and times, as well as the number of voters who had voted early in each primary. She also reminded those in attendance of the deadlines to run in the special election for the Standardsville District Board of Supervisor position and the Treasurer position.

Mr. Scott Mingledorff expressed concern over how the Planning and Zoning department was handling the upcoming Board of Zoning Appeals hearing regarding Beard Winery. He said the staff report asserts they have no right to have their appeal heard because it was considered an untimely response to a zoning certification letter. He also said the staff report seeks to deny a hearing by claiming the same reason. He was further concerned that the BZA agenda failed to list any opportunity for appellants to speak.

Mr. Ken Copeland spoke about issues with transparency throughout the process regarding the Beard Mountain Vineyards appeal. He mentioned that during a previous planning commission presentation, Ms. Golden inserted slides that were not in the pre-hearing package and have never been added to the hearing record. He also discussed difficulties in submitting their BZA appeal and feeling it was obstructed by staff. He expressed concern over actions by planning and zoning staff that limit public access to information and silence voices.

Mr. Victor Rosenberg made two requests to the Board. First, he asked the Board to direct the Zoning Administrator to re-advertise and characterize their appeal on the June 26th BZA hearing agenda as a public hearing, rather than just an appeal. Second, he requested that the appellants' presentation be included as an agenda item immediately following the staff report in the published agenda.

Mr. Bill Zutt thanked the Board for the steps they have taken to bring the appellants this far in the process regarding their BZA appeal. He expressed gratitude for their efforts. He echoed Rosenberg's request to characterize their appeal on the BZA agenda as a public hearing rather than simply an appeal. He also wanted their challenge to the planning commission resolution included in the agenda. He thanked the Board again and said all they have asked for from the beginning is a full and fair hearing of their BZA appeal.

Ms. Gwen Baker brought attention to a large building being constructed at the new r-cut road and Route 29 intersection on property owned by Grange Commons. She noted it was 13+ acres and questioned why site plans had not been posted for such a large building that would impact the intersection. She also mentioned another potential development of 17 new homes on approximately 2.3 acres per house with new roads on Moore Road and asked if those roads and homes would have required utilities. She finally mentioned an email she sent regarding committees holding virtual meetings with available Zoom links and recordings of meetings.

RE: PUBLIC HEARING ON PROPOSED SECONDARY SIX-YEAR PLAN FOR FY 25-30
AND ON THE SECONDARY CONSTRUCTION BUDGET FOR FY 25

Mr. Frydl reminded the Board of the recent presentation from Ms. Shephard of VDOT regarding the unpaved roads the Board wished to add to the SSYP.

The Public Hearing was opened and closed with no comments.

Upon motion by Steve Catalano, second by Davis Lamb and unanimous roll call vote, the Board adopted the Secondary Six Year Plan and Construction Budget as presented. (See Attachment "A")

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: PUBLIC HEARING TO CONSIDER REVISIONS TO GREENE COUNTY CODE
CHAPTER 66 TAXATION TO UPDATE ALL SECTIONS TO ALIGN WITH THE CODE OF
VIRGINIA

Ms. Lotts was present with Mr. Jeff Sharp to answer any questions regarding the proposed changes to the Greene County Code Chapter 66 Taxation. Ms. Lotts also provided a report showing personal property and real estate tax collection numbers. She showed taxes billed, payments collected, outstanding accounts receivable, and collection percentages for each, which were between 96-99% collected. She noted outstanding AR of \$580k for personal property and \$382k for real estate. She stated these numbers did not include meals, lodging, or business license taxes. She wanted to provide these numbers to accompany the ordinance discussion.

The Public Hearing was opened and closed with no comments.

Upon motion by Davis Lamb, second by Tim Goolsby and unanimous roll call vote, the Board approved the ordinance revisions as presented. (See Attachment “B”)

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: CONSENT AGENDA

Upon motion by Steve Catalano, second by Tim Goolsby, and unanimous roll call vote, the Board approved the consent agenda.

- a. Minutes of previous meeting
- b. Refund request from the Commissioner of Revenue in the amount of \$3,558.06 for a qualified disabled veteran (See Attachment “C”)
- c. Sands Anderson retainer agreement for County Attorney (See Attachment “D”)
- d. Accept and appropriate \$293,663.00 for the School Resource Office grant for the Sheriff’s Office (See Attachment “E”)
- e. Transfer \$22,000 from Contingency to cover E911 Communications project overage (See Attachment “F”)

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: ROUTE 670 CONNECTOR ROAD DISCUSSION

Mr. Frydl provided context on Route 670/Predgy Creek Road and the Smart Scale project that was awarded by VDOT. He explained that Predgy Creek Road is a key commercial corridor and the highest growth area for both commercial and residential development. He said VDOT's priority is throughput on Route 29, and their solution would require traffic from Predgy Creek Road to turn right onto 29, go to the Sheetz intersection, and do a U-turn. He noted 57% of Greene County workers commute south, so this would impact many. He said local administration allows the county to review alternate designs through VDOT's process, which could allow for a left turn option. This would be the first step to commit to local administration and negotiating with VDOT or let VDOT do it as a U-turn option.

Upon motion by Steve Catalano, second by Davis Lamb and unanimous roll call vote, the Board approved the resolution to locally administer the Route 670 Connector Road project as presented. (See Attachment “G”)

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: WATER & SEWER COMMITTEE

Ms. Schafrik shared her proposal to establish a Water and Sewer Capital Projects Citizen Advisory Committee. This committee aims to address complex issues such as expiring permits and potential alternatives in water and sewer management projects. She said that she feels the stakeholders proposed for representation should include volunteer fire departments, Greene County Public Schools, the Town of Standardville, and local industry experts. She said her plan is to advertise the committee's formation from tomorrow until June 20, with final appointments scheduled for June 25. The first meeting is set for Thursday, June 27 at 4:30pm to establish meeting schedules and priorities. Meetings will be open to the public and recorded for transparency and educational purposes, featuring experts from agencies like DEQ and VDH. The Board discussed that the committee should also include community members to represent the general public and that the meetings should start at 6:00 so that more people can attend.

Upon motion by Steve Catalano, second by Davis Lamb and unanimous roll call vote, the Board approved the plan to start a Water & Sewer Committee as presented. (See Attachment “H”)

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: LEGAL REPRESENTATION FOR THE BOARD OF ZONING APPEALS

The Board discussed the request from the Board of Zoning Appeals for legal representation. They asked Ms. Kemp to research the cost and find an attorney to represent the BZA on an as needed basis.

Upon motion by Steve Catalano, second by Davis Lamb and unanimous roll call vote, the Board agreed to fund legal representation for the Board of Zoning Appeals on an as needed basis and specifically for the BZA meeting to be held on June 26th.

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: BOARD LIAISON REPORTS

Mr. Lamb attended the Culpeper Soil and Water meeting and he said that they still have grant funding to help citizens pump their septic tanks.

Ms. Durrer said that she met with the Workforce group and that they were trying to help Greene citizens find jobs.

Mr. Goolsby said that he met with the Tourism Council and that they were working on a map for tourists showing lodging and meals. He said that they are also working on a presentation for the Board. He also attended the TJPDC meeting last week and said that surrounding localities are having the same issues as we are.

RE: COUNTY ADMINISTRATOR'S UPDATE

Ms. Schafrik said that she wanted to remind the public about the upcoming increase in the Transit Occupancy Tax (TOT) from 5% to 8% effective July 1st. Existing bookings made before this date will not be subject to the higher tax rate. Additionally, fees at the transfer station are set to increase on July 1st, with notifications already circulated through Facebook and our website. She also said that she is excited to announce the launch of a new county website by the end of next week which will feature enhanced search capabilities and a more flexible format for departmental updates. She reported that a permanent Water and Sewer Director position is currently open for applications. There is an upcoming community event called "Play All Day Greene" on June 20th, featuring activities like a community trail walk, pickleball, healthy exercise demonstrations, archery, disc golf, and kickball. She said that the Citizens Academy session on June 13th will focus on economic development and that her Chat with Cathy will now be scheduled for the second Friday of June and will take place at the Visitor Center barn at 10 AM. Lastly, she said that volunteer opportunities are available, including positions on the Board of Equalization which are crucial for the upcoming reassessment year. The newsletter continues to expand with new features and historical spotlights on county departments and landmarks.

RE: OTHER ITEMS FROM THE BOARD

Mr. Catalano said that he has concerns about the safety improvements made by VDOT at the Route 609 and Route 29 intersection. He said that it is widely used by the agricultural community and that their machinery and equipment will not be able to make those turns.

Mr. Catalano said that he would like to have an information session on how the County handles bids and contracts and how they are executed and managed.

Mr. McGuigan asked the Board to consider issuing a letter of instruction from the board itself to the Board of Zoning Appeals in Greene County regarding the Beard Winery appeal to read as follows: On May 14, 2024, the Board resolved that the zoning appeal of Mr. Zutt et al be forwarded to the Board of Zoning Appeals for adjudication. It is the understanding of the Board of Supervisors that a complete and full public hearing of all issues in this case related to the farm winery ordinance, zoning clearance, zoning certification and Planning Commission deliberations will be performed by the Board of Zoning Appeals. He wants to do this to clarify the scope of what should be discussed. Ms. Kemp cautioned the Board about discussing the facts of this pending BZA matter. Mr. Catalano suggested that we remove the words "Planning Commission deliberations" and that he would then be o.k. with sending the letter as it just shares the intent of the vote the Board took at the last meeting on this matter. Ms. McGuigan was o.k. with that change.

Upon motion by Steve Catalano, second by Francis McGuigan and affirmative roll call vote, the Board agreed to suspend their bylaws and to send the letter as read by Mr. McGuigan with the words Planning Commission deliberations removed.

Ms. Durrer asked Ms. Kemp if this would be appropriate.

Ms. Kemp again cautioned the Board that they should not tell the BZA what to do; that the Board only petitions the Court to appoint them and that this is a delegation of powers issue. Mr. McGuigan said that they are not discussing the case. Mr. Catalano said that it just reiterates what the Board voted on at the last meeting. Mr. Goolsby said that the matter is in the hands of the BZA now and that it is up to their discretion. He said that he feels that anything else at this point would be some way of trying to sway their decision and that he thinks it best to let the BZA do what they do. Ms. Durrer agreed and noted that the Board just agreed to hire an attorney for the BZA and that they should get advice from their attorney. Mr. McGuigan said that he understands that the presentation that's going to be presented by staff actually does create, in and of itself, almost a decision as to the scope of the deliberations, and I think that needs to be corrected, because the staff is speaking on our behalf, and it's as though we're endorsing a limitation of this discussion as to a time clock that was started when this letter of zoning certification was issued. He said that he thinks the Board should share their intent that there be a discussion of all the issues, and not just a discussion of whether or not there was a 30-day clock that started or did not start.

Recorded vote:	Marie Durrer	-	No
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.

RE: ADJOURN

Upon motion by Steve Catalano, second by Tim Goolsby and unanimous roll call vote, the Board meeting was adjourned.

Board of Supervisors

June 11, 2024

Sheet 10

Recorded vote:	Marie Durrer	-	Yes
	Davis Lamb	-	Yes
	Tim Goolsby	-	Yes
	Francis McGuigan	-	Yes
	Steve Catalano	-	Yes

Motion carried.



Marie Durrer, Chair
Greene County Board of Supervisors



Cathy Schafrik, Clerk
Greene County Board of Supervisors

RESOLUTION

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2024-25 through 2029-30) as well as the Construction Priority List (2024-25) on June 11, 2024 after duly advertised, so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Carrie Shephard, Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads (2024-25 through 2029-30) and the Construction Priority List (2024-25) for Greene County;

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Greene County and of the citizens residing on the Secondary System, said Secondary Six Year Plan (2024-25 through 2029-30) and Construction Priority List (2024-25) are hereby approved as amended.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 11, 2024.

Motion: Steve Catalano

Second: Davis Lamb

Votes:

Catalano: Yes

Durrer: Yes

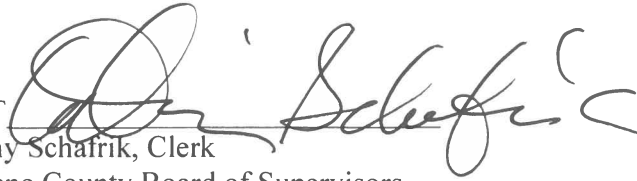
Goolsby: Yes

Lamb: Yes

McGuigan: Yes


Marie Durrer, Chair
Greene County Board of Supervisors

ATTEST


Cathy Schafrik, Clerk
Greene County Board of Supervisors

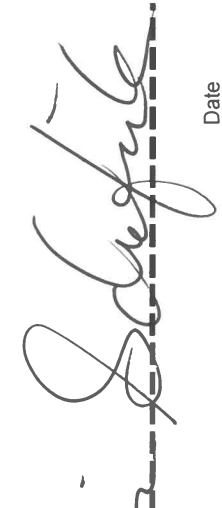
Secondary System
Greene County
Construction Program
Estimated Allocations

Fund	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	Total
TeleFee	\$52,559	\$52,559	\$52,559	\$52,559	\$52,559	\$52,559	\$315,354
District Grant - Unpaved	\$139,629	\$231,468	\$231,468	\$231,468	\$231,468	\$242,563	\$1,308,064
Total	\$192,188	\$284,027	\$284,027	\$284,027	\$284,027	\$295,122	\$1,623,418

Board Approval Date: June 11, 2024

Resident Engineer

Date

  6/12/24

County Administrator

Date

District: Culpeper

County: Greene County

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

Board Approval Date: June 11, 2024

2024-25 through 2029-30

Route	PPMS ID	Accomplishment	Type of Funds	Type of Project	Priority #	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count
										2024-25	2025-26	2026-27	2027-28	2028-29	2029-30		
RL0621 113797 S/F HIRED EQUIP.						Length											
						PE	\$989										69 VPD 07/07/2020
						RW	\$0										
						CON	\$119,000										DISTRICT GRANT - UNPAVED >50 VPD
NO PLAN, SECONDARY 0001.00						(SURFACE TREAT NON-HARDSURFACE RD)											
						END STATE MAINTENANCE											
						0.55 MI. N. END STATE MAINTENANCE											
						0.55	\$119,989	\$119,989	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	RURAL RUSTIC RESOLUTION RECEIVED MARCH 28, 2023
RL0629 119548 S/F HIRED EQUIP.						Length											
						PE	\$10,000										116 VPD 06/16/2020
						RW	\$0										
						CON	\$215,000										DISTRICT GRANT - UNPAVED >50 VPD
NO PLAN, SECONDARY 0002.00						(SURFACE TREAT NON-HARDSURFACE RD)											
						END STATE MAINTENANCE											
						0.93 MI. S. RTE 633											
						1.76 MI. S. RTE 633	\$225,000	\$119,836	\$105,164	\$105,164	\$0	\$0	\$0	\$0	\$0	\$0	RESOLUTION NEEDED RURAL RUSTIC ROAD
RL 0601 125709 S/F HIRED EQUIP.						Length											
						PE	\$10,000										109 VPD 06/11/2020
						RW	\$0										
						CON	\$170,000										DISTRICT GRANT - UNPAVED >50 VPD
NO PLAN, SECONDARY 0003.00						(SURFACE TREAT NON-HARDSURFACE RD)											
						END STATE MAINTENANCE											
						0.68 MI. W. RTE 628											
						0.68	\$180,000	\$0	\$180,000	\$34,465	\$145,535	\$0	\$0	\$0	\$0	\$0	RESOLUTION NEEDED RURAL RUSTIC ROAD
RL 0667 125710 S/F HIRED EQUIP.						Length											
						PE	\$7,000										67 VPD 07/07/2020
						RW	\$0										
						CON	\$325,000										DISTRICT GRANT - UNPAVED >50 VPD
NO PLAN, SECONDARY 0004.00						(SURFACE TREAT NON-HARDSURFACE RD)											
						END STATE MAINTENANCE											
						0.67 MI. N RTE 675											
						1.93 MI. N RTE 675	\$332,000	\$0	\$332,000	\$0	\$85,933	\$231,468	\$14,599	\$0	\$0	\$0	RESOLUTION NEEDED RURAL RUSTIC ROAD
RL 9999 T21517 S						Length											
						PE	\$0										
						RW	\$0										
						CON	\$690,900										DISTRICT GRANT - UNPAVED >50 VPD
S 9999.99						(SURFACE TREAT NON-HARDSURFACE RD)											
						END STATE MAINTENANCE											
						0.67 MI. N RTE 675											
						1.26	\$690,900	\$0	\$690,900	\$0	\$0	\$0	\$216,869	\$231,468	\$242,563	\$0	

District: Culpeper
County: Greene County
Board Approval Date: J

Board Approval Date: JUNE 2014

**AN ORDINANCE AMENDING THE GREENE COUNTY CODE OF ORDINANCES TO
AMEND SECTIONS OF CHAPTER 66 TAXATION**

WHEREAS, Sections 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, Virginia Code § 58.1-3958 provides that the governing body may impose administrative fees to cover the costs of collection and may also add collection agency or attorney's fees actually contracted for, not to exceed 20%, to the delinquent bill; and

WHEREAS, Virginia Code § 58.1-3916 allows the governing body of a locality, by ordinance, to provide for a filing deadline for annual returns and establish due dates, and penalties for failure to pay the assessed tax by the due date; and

WHEREAS, Virginia Code § 2.2-614.1 the public body may add to any sum, not to exceed the amount charged to that public body for acceptance of any payment by a means that incurs a charge to that public body or the amount negotiated and agreed to in a contract with that public body, whichever is less.; and

WHEREAS, Virginia Code § 58.1-3916.1 provides criminal penalties for failure to file return or to provide false statements on returns. If the amount of the tax lawfully assessed is \$1,000 or less, it is punishable as a Class 3 misdemeanor. If the amount of the tax lawfully assessed is greater than \$1,000 it is punishable as a Class 1 misdemeanor; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

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

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GREENE that the Code of the County of Greene is amended as follows:

CODE OF THE COUNTY OF GREENE, VIRGINIA

CHAPTER 66 - TAXATION.

Sec. 66-1. - Collection of delinquent taxes.

a) Where any tax or other charge assessed by the county is delinquent and must be collected through use of anprivate attorney or collection agency, a fee to cover administrative costs and reasonable attorney's fees or collection agency's fees of 20 percent of the delinquent tax bill associated with the collection of delinquent taxes shall be imposed, in addition to all penalties and interest owing thereon. The administrative costs shall be \$30.00 where the taxes are more than 30 days delinquent, and \$35.00 for taxes collected subsequent to judgment. ' If the

collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.

§66-53 Penalty for nonpayment on due date.

Any taxpayer failing to pay personal property and real estate taxes due on June 5 or December 5, as applicable, shall incur a penalty there of ten per centum of the tax past due on such property or the sum of \$10.00, whichever shall be the greater, shall be added to the amount of taxes or levies due from such taxpayer, which, when collected by the treasurer, shall be accounted for in his settlements. In no event shall the amount of penalty exceed the assessed tax.

§66-55 Collection of taxes by credit card and other means.

A. The Treasurer may accept payment of any amount due by any commercially acceptable means, including, but not limited to, checks, credit cards, debit cards, and electronic funds transfers.

B. The Treasurer may add to any amount due a sum, not to exceed the amount charged to it for acceptance of any payment by a means that incurs a charge to the treasurer or the amount negotiated and agreed to in a contract with that public body, whichever is less.

C. If any check or other means of payment tendered to the treasurer in the course of its duties is not paid by the financial institution on which it is drawn, because of insufficient funds in the account of the drawer, no account is in the name of the drawer, or the account of the drawer is closed, and the check or other means of payment is returned to the public body unpaid, the amount thereof shall be charged to the person on whose account it was received, and his liability and that of his sureties, shall be as if he had never offered any such payment. A penalty of \$35 or the amount of any costs, whichever is greater, shall be added to such amount. This penalty shall be in addition to any other penalty provided by law, except the penalty imposed by § 58.1-12 shall not apply.

66-238 (Meals Tax) and 66-280 (Transient Occupancy Tax). Penalty for late remittance or false return.

If any seller whose duty it is to do so shall fail or refuse to file any report required by this article or to remit to the treasurer the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the treasurer a penalty in the amount of ten percent of the total amount of the tax owed if the failure is not for more than 30 days, with an additional five percent of the total amount of the tax owed for each additional 30 days or fraction thereof during which the failure continues, not to exceed 25 percent in the aggregate, with a minimum penalty of \$2.00.

Sec. 66-227 (Meals Tax) and 66-281 (Transient Occupancy Tax). Violation of article a misdemeanor.

Any person violating, failing, refusing or neglecting to comply with any provision of this article shall be guilty of a (i) Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is \$1,000 or less, or (ii) a Class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the return is more than \$1,000. Conviction of such violation shall not relieve any person to pay the taxes provided for in this article. Any agreement by any person to pay the taxes provided for in this article by a series of installment payments shall not relieve any person of criminal liability for a violation of this article.. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

In all other respects the Code of the County of Greene shall remain unchanged and be in full force and effect.

This amendment shall take effect immediately upon passage.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON June 11, 2024

Motion: Davis Lamb

Second: Tim Goolsby

Recorded Vote:

Steve Catalano Yes

Marie C. Durrer Yes

Tim Goolsby Yes

Davis Lamb Yes

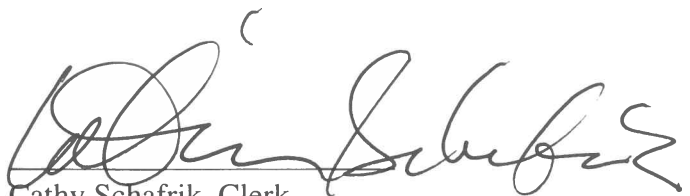
Francis McGuigan Yes



Marie Durrer, Chair

Greene County Board of Supervisors

ATTEST:



Cathy Schafrik, Clerk

Greene County Board of Supervisors

Board of Supervisors
June 11, 2024
Attachment "C"

Greene County Commissioner's Office

P. O. Box 438
Stanardsville, VA 22973-0438

Phone 434-985-5211
Fax 434-985-5283

Date: June 3, 2024

TO: Greene County Board of Supervisors

FROM: Kimberly Tate, Commissioner of the Revenue

RE: Refund Request of \$3,558.06 for qualified disabled veteran

Taxpayer submitted qualifying paperwork as a disabled veteran which initiated a partial abatement for 2023. This resulted in an overpayment of \$3,558.06 which a refund is due.

Attachment "D"

To: LColeman@sandsanderson.com

Kelley.kemp@kwc1.us

Re: Greene County

Please place an "X" on the correct line below.

X Being fully informed, I have decided to continue to be represented by, and I am directing you to transfer all files to, Kelley Kemp at Sands Anderson PC.

_____ Being fully informed, I have decided to be represented by another attorney of my choice and I ask you to return my file to me.

_____ I do not have enough information to make an informed decision. Accordingly, I request that you please contact me to discuss this issue in more detail.

Signed: Marie Durrer

Printed Name: Marie Durrer

Date: 6/11/2024

GREENE COUNTY, VIRGINIA
OFFICE OF THE COUNTY ATTORNEY

Kelley Kemp
Deal & Lacheney P.C.
ASSISTANT COUNTY ATTORNEY

kkemp@gcva1.us
PHONE: (804) 464-8990
FAX : (877) 457-1231



Mailing Address:
40 CELT ROAD
STANARDSVILLE, VA 22973

MEMORANDUM

TO:	Greene County Board of Supervisors
FROM:	Kelley Kemp, County Attorney
SUBJECT:	County Attorney
DATE:	June 5, 2024

Recommended Action:

Authorize the Chair to approve retainer agreement with Sands Anderson.

Background:

Deal & Lacheney has represented Greene County as the County Attorney since 2018. Kelley Kemp has acted as County Attorney since 2018, as an attorney with Deal & Lacheney. As you all know, Mr. Lacheney passed away unexpectedly in April of 2024. As a result, Ms. Kemp has accepted a job at Sands Anderson. Sands Anderson has a stellar local government practice and acts as county and town attorney for localities throughout Virginia. Ms. Kemp loves working with Greene County and hopes that the County will continue the relationship as she moves to a new firm.

DEAL & LACHENEY P.C.

Local Government Attorneys

June 3, 2024

Greene County
Board of Supervisors
40 Celt Road
Stanardsville, VA 22973

Dear Board of Supervisors:

It has been a pleasure serving as your legal counsel during my tenure with Deal & Lacheney P.C. I am delighted to share news that I plan to transition my practice to Sands Anderson PC, a mid-size Mid-Atlantic law firm with full-service practice capabilities effective June 24, 2024. My new contact information will be:

Kelley Kemp
Sands Anderson PC
919 E. Main Street, Suite 2300
Richmond, Virginia 23219
Phone: 804-783-7286
Fax: 804-783-7291
Email: kkemp@SandsAnderson.com

I would like to continue to represent you in the matters I am currently working on for you, as well as new ones that arise in the future. In compliance with state professional obligations, I am advising you that you have the right to be represented by the attorney of your choice in the matters you currently have ongoing, whether that be by me at Sands Anderson or any other attorney of your choosing.

Please kindly indicate on the attached sheet how you would like to proceed with regards to your ongoing representation. Once you have done so, we ask that you sign, date and return the attached form to me and to Liz Coleman. Please do not hesitate to call me at 804-972-5656 if you have any questions. I appreciate your business and the confidence you have placed in my work and look forward to our continued relationship.

Kindest Regards,


Kelley Kemp

**RESOLUTION TO ACCEPT AND APPROPRIATE ONE HUNDRED
NINETY-THREE THOUSAND FOUR HUNDRED NINETY-FIVE DOLLARS
FOR THE SCHOOL RESOURCE OFFICER GRANT**

WHEREAS, the County of Greene has received funding from the Department of Criminal Justice Services for three School Resource Officers; and

WHEREAS, the funds in the amount of one ninety-three thousand four hundred ninety-five dollars (\$193,495.00) need to be accepted and appropriated to the correct line item in the 2024-2025 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 one hundred ninety-three thousand four hundred ninety-five dollars (\$193,495.00) be appropriated to the 2024-2025 budget of the County of Greene.

BE IT FURTHER RESOLVED that the Interim 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 11th day of June, 2024.

Motion: Steve Catalano
Second: Tim Goolsby

Recorded Vote:

Steve Catalano	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Tim Goolsby	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Francis McGuigan	<u>Yes</u>


Marie C. Durrer, Chair
Greene County Board of Supervisors

ATTEST: 
Cathy Schafrik, Clerk
Greene County Board of Supervisors

RESOLUTION TO COVER COMMUNICATIONS EQUIPMENT OVERAGE

WHEREAS, in FY24 the Board of Supervisors initially authorized \$640,800 for the FY24 Budget for Communications Facility and Equipment, and the adjusted expenses for this line are \$993,681.90.

WHEREAS, the additional expenses are engineering costs related to site/rock issues and change orders. After utilizing cost savings in the Fund 302 Capital Project Fund, adjusted expenses exceed the estimated budget by \$22,000.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Supervisors of the County of Greene, recommend a Budget transfer of \$22,000 from the contingency line to cover the overage. The transfer will not require any additional appropriation to the FY24 budget.

Adopted this 11th day of June, 2024.

Motion: Steve Catalano

Second: Tim Goolsby

Recorded Vote:

Davis Lamb	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Steve Catalano	<u>Yes</u>
Tim Goolsby	<u>Yes</u>
Francis McGuigan	<u>Yes</u>



Marie C. Durrer, Chair
Greene County Board of Supervisors

ATTEST:



Cathy Schafrik, Clerk
Greene County Board of Supervisors

**RESOLUTION OF INTENT TO ENTER INTO A LOCAL ADMINISTRATION AGREEMENT
WITH VDOT FOR THE RT. 670 CONNECTOR ROAD PROJECT**

WHEREAS, the Greene County Comprehensive Plan identifies the Corner Store Mix Use Village Center area as an important economic development zone; and

WHEREAS, the majority of citizen comments at and leading up to the March 21, 2019 location hearing emphasized the need for a southbound left turn; and

WHEREAS, the Board of Supervisors desires to maximize economic development opportunity in the Corner Store growth area; and

WHEREAS, the Board of Supervisors wishes to reduce congestion in the Corner Store growth area; and

WHEREAS, the Board of Supervisors understands that 57% of Greene County workers commute south towards Charlottesville and Albemarle; and

WHEREAS, the Board of Supervisors listens to its citizens and understands the value including a southbound left as part of the Rt. 670 Connector Project; and

WHEREAS, local administration of the project is the only project implementation method to include a southbound left onto Rt. 29 and allow the Board of Supervisors to customize the project to meet the goals and needs of the county;

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, and general welfare, the Board of Supervisors hereby adopts a resolution of intent to enter into a local administration agreement with VDOT for the Rt. 670 Connector Road Project.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON JUNE 11, 2024.

Motion: Steve Catalano

Second: Davis Lamb

Votes:

Durrer: Yes

Lamb: Yes

Catalano: Yes

Goolsby: Yes

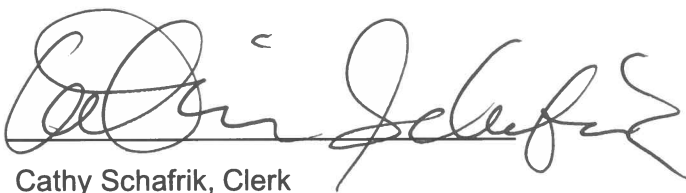
McGuigan: Yes



Marie Durrer, Chair

Greene County Board of Supervisors

ATTEST:



Cathy Schafrik, Clerk

Greene County Board of Supervisors