

May 26, 2015

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, MAY 26, 2015
AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: David Cox, Chairman
 Jim Frydl, Vice Chairman
 Eddie Deane, Member
 Davis Lamb, Member
 Bill Martin, Member
 John C. Barkley, County Administrator
 Ray Clarke, County Attorney
 Patti Vogt, Deputy Clerk

RE: WORKSHOP WITH RESCUE SQUAD

Members of the Greene County Rescue Squad present were: Kathy Hatter, Patti Wilson, Scott Haas, Justin Lacey, and Rick Wilkinson. Ms. Melissa McDaniel, Emergency Services Director, was also present.

The current draft of the agreement was reviewed.

The draft will be taken before the membership of the Rescue Squad for review.

RE: EXECUTIVE SESSION

Upon motion by Davis Lamb and unanimous vote, the Board entered into Executive Session to discuss legal and personnel matters pursuant to Section 2.2-3711 Subsection (a, 1-7) of the Code of Virginia.

1) LEGAL

Virginia Code Reference

2.2-3711 A.7: Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

- Pending litigation
- Contract matter

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

Upon motion by Davis Lamb and unanimous vote, the Board returned to Open Session.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

By affirmative 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 Executive Session were discussed.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	No
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: PUBLIC MEETING

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

RE: PUBLIC HEARING – CONTINUATION OF AGRICULTURAL AND FORESTAL DISTRICT PROGRAM

Mr. Bart Svoboda, Zoning Administrator, reviewed the Agricultural and Forestal Conservation District Program, which is a voluntary program in which farmers, foresters, and landowners form an Agricultural and/or Forestal Conservation District for the purposes of conserving areas that are rural and agricultural. The property owner continues to hold fee simple title to the land but the easement restriction runs with the land for a set term of years. AFDs were established by the State of Virginia as a means for counties to offer incentives to landowners to maintain their property in agriculture and forestry.

Benefits include eligibility for Land Use taxation, a degree of protection from eminent domain and municipal annexation, and protection from nuisance complaints. The rural nature of the landscape is maintained and the tax rates remain low since residential development is slowed and county resources are not overburdened.

The Snow Mountain, Rippin Run, Midway, South River, Parker's Mountain, Blue Run, and St. George Agricultural and Forestal Districts (AFD) were created on March 6, 1982, continued on August 29, 2000, and again on May 11, 2010. Program is currently undergoing the five (5) year review as required by the Greene County Code and Code of Virginia.

Of the ninety-five (95) counties in the Commonwealth, Greene County is one of only twenty-eight (28) that continues to participate in the AFD program.

Upon review of district acreages, it was found that the Rippin Run and St. George districts will not contain the minimum 200 acre core as required by Code of Virginia. As recommended by the AFD Advisory Committee and the Planning Commission, a possible solution is to revise the boundaries of the districts to establish two (2) districts. The AFD and Planning Commission both recommended that the remaining parcels within the current seven (7)

districts be combined into two (2) districts. The dividing boundary would be Route 33. The northern district will be named the Rappahannock District and the southern district will be named the James District.

The Planning Commission further recommended the following revisions to Article III of the County Code:

- In item 2, remove the term *low intensity*.
- In item 2, remove the term *on-site* and replace it with *in the district*.
- In item 3, the next review period shall be *four (4) years* rather than five (5) years.

Upon motion by Jim Frydl and unanimous vote, the Board approved the amended Agricultural and Forestal Conservation District Program as recommended by the AFD Advisory Committee and the Planning Commission. (See Attachment "A")

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: EMERGENCY OPERATION CENTER – CARRY OVER OF FUNDS

Ms. Melissa McDaniel, Emergency Services Director, was present to discuss a request to carry over remaining funds in the following budgets to be placed in a fund for the replacement of emergency communications system: Emergency Services, E911, Sheriff's Office, Animal Control, Victim Witness and School Resource Officers. Mr. Dusty Clay, Assistant Chief with Stanardsville Volunteer Fire Department and Mr. Kennon Snow, Lieutenant with Stanardsville Volunteer Fire Department, were also present.

A Regional Public Safety Communications Committee was established in 2014 to explore the possibility of a regional radio system between Greene, Madison, Fluvanna, Orange, Louisa, and Charlottesville/Albemarle/UVA. All jurisdictions represented are in need of a new or upgraded radio system.

Greene County definitely has problems with the radio system and will need to address emergency communications issues in the very near future. This project has been in the Capital Improvement Plan for the last three years but no funding has been set aside. Funding must be a priority. The system Ms. McDaniel would like to have in the County has a price tag of \$7 million and that number will keep increasing every year.

A new radio system would provide 95% reliability and 95% coverage with portables. The current system is nowhere near that. A coverage study has not been done but Ms. McDaniel said she estimates law enforcement at 65/70 and fire/EMS at 70/75.

Mr. Clay said he responded to a structure fire on Route 230 (within town limits) on April 25. He became trapped when a TV and dresser fell on him pinning him to the floor. He attempted to call out on the radio but couldn't. Thankfully, he was able to extract himself from the situation in about two minutes. He suffered first degree burns to his arms, back, neck and ears. Turnout gear was trashed as was other equipment. Luckily insurance company will cover replacement of gear and equipment. Mr. Clay said he had a brand new radio. The problem is with the system which has had "band aid fixes" over the years.

Ms. McDaniel commented that it was fortunate Mr. Clay is an experienced fire fighter who was able to get himself out of a dangerous situation.

Ms. McDaniel said she, Sheriff Smith and Major Swingler discussed the idea that any leftover funds in those specific budgets could be transferred to a radio fund instead of being turned back over to the general fund.

Mr. Frydl asked if the problem is the radio device or the system. Ms. McDaniel said the current vhf system is 15 to 20+ years old.

Mr. Lamb asked about a time frame. Ms. McDaniel said starting with a coverage study, it could take at least two and a half years. She is also looking at grants and regional grants to help with the cost.

Mr. Martin noted this request is similar to what the Board of Supervisors established for the school system. Mr. Frydl said he proposed the policy for the schools, which is 60% of the overall County budget. The Board has also set aside money for water and sewer projects. Mr. Frydl commented on actual planning and budgeting for projects.

Mr. Lamb felt the project should be prioritized in the Capital Improvement Plan. Mr. Deane said it is pretty sad that the radio system doesn't operate properly even within the town limits.

Mr. Cox said he would hate for anyone to get hurt and found it very alarming that our radio system is in this sad shape. He supported a program to set aside funds for the replacement of the radio system.

Mr. Lamb suggested the Board defer action on this request until the Capital Improvement Plan process. Mr. Frydl agreed saying the Board needs to make an effort to plan for projects.

Upon motion by Davis Lamb and unanimous vote, the Board agreed to defer this request until such time as the Planning Commission forwards it for consideration.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

Ms. McDaniel said she could probably get a coverage study done for free.

RE: SMALL BUSINESS INCENTIVE PROGRAM

Mr. Alan Yost, Economic Development Director, reviewed the program approved by the Board of Supervisors on May 13, 2014 for one year. The program is to provide incentive for businesses to locate in Greene. The greatest success story so far is Performance Signs, owned by Robbie Morris. Mr. Morris purchased the former Mountain Lumber Company property and then leased a portion back to Mountain Lumber Company for sales space. Performance Signs has been recognized on the State level and for the Mid-Atlantic Region. Performance Signs was also featured in the Business Financial Group newsletter as an up and coming small business.

Mr. Yost requests the Board to renew the program with one change to add: "To qualify for a Small Business Investment Grant, companies must be accepted into the program prior to related purchases or hiring for the corresponding grant(s)."

Mr. Frydl complimented Mr. Yost on the success of this program saying there is a huge return on small investment in businesses. Mr. Lamb said he appreciates what Mr. Morris has

done which may help in bringing other businesses to the County. Mr. Martin said he was proud of Mr. Morris and suggested the Board may need to consider a budget for this program.

Mr. Barkley said the Board can consider funding during the next budget season with an allocation to the Economic Development Authority as the grants have to come from the EDA.

Mr. Cox said he supports the program and did not see a need for a sunset clause.

Upon motion by Jim Frydl and unanimous vote, the Board authorized the Small Business Investment Grant program as presented, subject to budget allocations and staff updates.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: FIRST READING OF ALLOCATION OF FUNDS FOR VEHICLE

Mr. Barkley said the request is for a vehicle for the Animal Shelter Supervisor/Recycling Coordinator. The 1995 Dodge Ram assigned to this department broke down last summer. Mr. Rick Morris, Vehicle Maintenance Supervisor, recommended the vehicle be sold or scrapped.

Upon motion by Davis Lamb and affirmative vote, the Board accepted this as the first reading of request for additional allocation in an amount up to \$10,000 for purchase of a vehicle for the Animal Shelter/Recycling Program.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	No
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: MATTERS FROM THE PUBLIC

Hal Young, Jr. - Would like the Rapidan River to be designated as a scenic river. Ms. Lynn Crump with DCR will be evaluating the river. Orange and Madison Counties have written letters of support. Mr. Young requested the Board also write a letter of support saying he would be glad to work with County on this request.

Kenneth Collier – Had small business with seven people working for him at one time until the County put him out of business. He questioned the small business incentive program. He asked who wants to put him back in business.

Wayne Koontz – Asked why business next to Lowes is still operating while not putting water on dust. Also asked about trailers on Route 633 which he felt needs to be destroyed since they are in such bad shape. The County is paying money through assistance program and why aren't these people investigated. Also spoke on purchase of Snow property which only has one spring on it. Mr. Koontz said there is a piece of property below Route 610 that has seven streams and several underground springs on it. He said he calls but can't get a straight answer.

Wayne Roach – Questioned the charge of \$2,400 for labor to fix two doors at the Social Services Building. Material cost was \$599. This project did not go out for bids because,

according to the Building Inspector, it was a rush job. Mr. Roach said the doors have been rotted for three years. The old doors were reinstalled and he could have gotten two brand new doors for \$400 with another \$400 for labor.

Gail Breeden – Asked how citizens know they are getting the details they should about Executive Session. Noted Mr. Deane voted no to the certification of what was discussed tonight in Executive Session. Felt the only way to restore trust with citizens is for the County Attorney, County Administrator and Mr. Frydl to resign their positions. Mr. Frydl said error was made but that was not true. Mr. Barkley directed staff to not enroll him in VRS.

Tina Bowker – Speaking only on behalf of herself and not her husband. Mr. Martin said he hears us but is he really listening? Asked if County Attorney advised Board on loan to Mr. Barkley and wonders how many other items have been done without the public actually knowing about it. Felt all members of the Board should be present for votes. The County is supposed to be deducting from employee for retirement.

Patsy Morris – CIP plan is guide and should be for all citizens. Questioned how the recent application for a bed and breakfast with four or five cabins was approved. She tried to get land rights back with a 4 acre lot for mountain parcels. Did this person come in with a lot of money and say if you do this, this is what you get? We poor people can't come in and lay the money on the table. She felt this Board is not for the people of Greene County.

RE: CONSENT AGENDA

Upon motion by Davis Lamb and unanimous vote, the Board approved the following items on the consent agenda:

- Minutes of May 12, 2015 meeting.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

Mr. Lamb felt the public did not have a chance to have their say regarding the facility fee approved by the Board and they should have an opportunity to voice concerns. The County did not have a public hearing even though RSA did. The County is getting the money, not RSA.

Mr. Deane agreed, saying there is a lack of transparency with the County and RSA.

In regards to the loan agreement, Mr. Deane felt it was his duty to share his opinion. This was not an oversight. Mr. Deane said Mr. Cox voted no to the first reading back in October. The second reading was on November 12 while Mr. Deane was away on vacation. Now Mr. Deane said knows that the agreement was changed drastically from the first to second readings and he finds that unacceptable. Mr. Deane referred to the Virginia County Supervisors' Manual which says a majority vote of all members elected to the Board is required to pass any ordinance or any resolution, appropriating money in a sum exceeding \$500, imposing taxes or authorizing the borrowing of money. Mr. Deane asked if the Board broke their own rules by voting on November 12 about the loan agreement. He said he will work to restore confidence in this community before he leaves office.

Mr. Frydl said both Mr. Lamb and Mr. Deane are suggesting a public hearing regarding the facility fee while both voted in favor of the fee. Mr. Lamb said he did ask about holding a public hearing but Mr. Frydl said no. RSA held a 15 minute public hearing at 2 p.m. and not many people are going to be able to attend meetings at that time of day.

Mr. Frydl asked why they voted for the facility fee if they were uncomfortable with it. Mr. Lamb said he was not uncomfortable with the fee but felt people just weren't informed. Mr. Frydl agreed the matter probably could have been handled better. Mr. Lamb said it can be done better by having a public hearing and listening to what peoples' concerns are. Mr. Frydl asked if he were suggesting the fee be changed now. Mr. Lamb said the Board should listen to concerns.

Mr. Deane said he would have expected more transparency between RSA and their customers.

Mr. Frydl said a public hearing can be held for information purposes to tell about something the Board did in February. We're not interested in changing it but will give them opportunity to express their concerns.

Mr. Deane said maybe citizens should come and listen to RSA speak on the issue. They could understand the situation about infrastructure.

Mr. Lamb agreed noting the \$10 facility fee is more than the basic water bill for some customers.

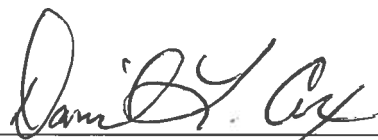
In regards to the loan, Mr. Frydl said he stands by what he said. The error was in the fact that as a County, it was our responsibility to say no. That option is not something we are allowed to offer under VRS rules. When the suggestion was made, the County should have said no and we didn't. Simple as that. We found out about it 13 months later which is when we all were informed at the same time. There was no communication going on before we all knew. If we don't want something, we should vote no. Mr. Cox voted no which was fine.

Mr. Lamb asked if the facility fee could be placed on the agenda. Mr. Barkley said he could schedule a community meeting to explain the facility fee.

Mr. Frydl felt there needs to be a clear goal. He felt it would be ok if the meeting is just to pass out information and answer questions. Mr. Frydl said he does not want to give anyone the impression that there will be a second vote. The County is paying \$2,000,000 per year that the rates don't cover. The facility fee will generate about \$360,000. Taxpayers, through the general fund, will subsidize the difference. Mr. Frydl said water rates in Greene County are extremely low.

RE: ADJOURN MEETING

The meeting ended at 9:10 p.m. The next scheduled meeting of the Board of Supervisors will be on Tuesday, June 9, 2015.



David L. Cox, Chairman
Greene County Board of Supervisors

APPENDIX B-AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE III CONTINUATION OF DISTRICTS

May 26, 2015

Greene County, Virginia

Whereas, the Rappahannock (area north of Route 33) and James (area south of Route 33) Agricultural and Forestal Districts were created on May 26, 2015.

Whereas, in conducting a review of the district, the board has asked for and received the recommendations of the Agricultural and Forestal Districts Advisory Committee and the Planning Commission, which scheduled, as a part of the review, a public hearing with landowners; and

Whereas, a public hearing was held on the 26th day of May, 2015; and,

Whereas, notice of the meeting and review was sent by first class mail to all owners of land within the district in accordance with Code of Virginia, § 15.2-4307, as amended; and

Whereas, the Board of Supervisors of Greene County did publish notice of the adoption of this article on the 7th and 14th day of May 2015 in the Greene County Record, a newspaper of general circulation in the County of Greene,

Now therefore be it ordained by the Greene County Board of Supervisors:

- (1) That the Agricultural and Forestal District is hereby continued this 26th day of May, 2015 by combining the existing seven (7) districts into two (2) districts as follows:
 - a. Rappahannock District, located north of Route 33, and
 - b. James District, located south of Route 33.
- (2) The following uses shall be permitted in said district:
 - a. Single family detached dwellings, pursuant to Code of Virginia, § 15.2-4309, as amended.
 - b. Conservation and preservation areas.
 - c. Bona fide agriculture, as defined by Code of Virginia.
 - d. Reserved.
 - e. Reserved.

- f. Processing, storage, and sale of agricultural products produced within the district.
- g. Public utilities, poles, lines, transformers, and related and/or similar facilities; telephone booths.
- h. Home occupations, as defined.
- i. Extraction of natural resources for household use only.
- j. Timbering, consistent with best management practices as established by the state forester.
- k. Accessory uses or structures, as defined.
- l. Bed and breakfast inns.
- m. Fish hatcheries.
- n. Temporary sawmills as defined
- o. Wayside stands as defined.
- p. Stables, horseback riding and equestrian facilities.
- q. Temporary carnivals and fairs.

No other use shall be permitted within the district without the prior approval of the Board of Supervisors of Greene County.

- (3) That the period before the next review of the district shall be four (4) years. When the district is reviewed, land with the district may be withdrawn at the owner's discretion in accordance with the provisions of Code of Virginia, § 15.2-4311, as amended. Any other withdrawal of land shall be in accordance with the provisions of code of Virginia, § 15.2-4314.
- (4) That the other provisions of the ordinance creating the district shall continue in full force and effect, except as herein modified.
(Ord. of 8-29-00, Ord. of 5-11-2010, Ord. of 5-26-2015)