

January 22, 2013

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, JANUARY 22, 2013 AT 12:45 P.M. IN THE COUNTY MEETING ROOM.

Present were: Jim Frydl, Chairman
 Davis Lamb, Vice Chairman
 David Cox, Member
 Eddie Deane, Member
 Clarence Peyton, Member
 Ray Clarke, County Attorney
 Tracy Morris, Finance Director

RE: EXECUTIVE SESSION

Upon motion by Clarence Peyton 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.

Contract Matters:

- Water and Sewer
- EDA

Land Acquisition:

- Water and Sewer

Legal:

- None

Personnel:

- Conduct interviews for County Administrator position
- Administration
- Sheriff's Office

Various Appointments:

- Board of Zoning Appeals
- Economic Development Authority
- James River Alcohol Safety Action Program Board
- Thomas Jefferson Planning District Commission
- JABA Advisory Council
- Planning Commission
- Blue Ridge Committee for Shenandoah National Park Relations
- Celebrate Shenandoah

Recorded vote:	Jim Frydl	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Clarence Peyton	-	Yes

Motion carried.

Upon motion by Clarence Peyton and unanimous vote, the Board returned to Open Session.

Recorded vote:	Jim Frydl	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Clarence Peyton	-	Yes

Motion carried.

By unanimous vote, all 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:	Jim Frydl	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Clarence Peyton	-	Yes

Motion carried.

RE: APPOINTMENTS

Upon motion by Eddie Deane and unanimous vote, the Board approved the following appointments/reappointments:

Board of Zoning Appeals	-	Lyle Durrer
Economic Development Authority	-	Amy Hollis
James River Alcohol Safety Action Program	-	Ray Dingledine
Thomas Jefferson Planning District Commission	-	Andrea Wilkinson
Jefferson Area Board for Aging Advisory Council	-	Martha LeClere
Blue Ridge Committee for Shenandoah National Park Relations	-	Gary Lowe
	-	Bill Henry
Celebrate Shenandoah Committee	-	Bill Henry
	-	Tracey Wingfield

Recorded vote:	Jim Frydl	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Clarence Peyton	-	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 – REZONE – REGION TEN

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Region Ten Community Services Board, Inc./Main Street Land Co., LLC, to rezone, from R-1 Residential to B-1 Business, a 1.04 acre tract located on Lambs Lane and identified on County Tax Maps as 37A-(17)-44B. (RZ#12-002)

Property is currently zoned R-1 and has a commercial use of a fitness facility that was approved by a Special Use Permit (BZ#81-205) in 1981. A site plan for the current commercial fitness facility was approved on 4/17/1996 and 2/11/2002. There is an existing single family structure located at the rear of the parcel.

Region Ten provides mental health, intellectual disability, crisis and substance use services for adults and children. Their current office is located on Rectory Lane in Stanardsville. The applicant is requesting a rezone to B-1 in order to provide professional offices for the community service board in the existing structure. The applicant has indicated the existing single family structure that is located on the parcel will remain a single family structure at this time. The hours of operation will be Monday – Friday from 8:00 a.m. to 6:00 p.m. Weekend services are not offered.

Public water and sewer are available. VDOT has provided comments stating the current commercial entrance is adequate for the proposed B-1 zoning request. Staff also requested traffic counts for the current and proposed uses. Traffic estimates for professional offices would be approximately 65% less than the current health/fitness club.

The Planning Commission recommended approval of the proposed rezoning.

Ms. Jennifer Henkel, Director of Greene County Clinic for Region Ten, spoke briefly regarding the request and the history of the Clinic which opened in 1972. They are not looking to introduce a new program in Greene. They are simply seeking to continue work a little further down the street from the current location. A larger building is needed to respond to community needs.

Therapeutic Day Treatment is located at every public school in Greene and serves between 55 to 60 students. The goal is to support students, help them succeed and remain in the public school system which conserves taxpayer money.

Case Management Services – All case managers work primarily in the home and community. Services include coordination with school, medical providers, family members, social services, and other interested parties. Case management recipients receive support in order to have fulfilling lives in the community.

Outpatient Counseling Services – Offers outpatient therapy including assessment and counseling for individuals, adults, children and families. Services offered include crisis counseling and referral services, substance abuse counseling, evaluations, individual and group counseling, screening and referral for inpatient treatment.

Psychiatric services – Includes psychiatric assessment and medication management.

Ms. Henkel said a doctor is on site every other Tuesday, The average daily total of clients during the doctor-in week is 9.8 consumers in/out per day. The average daily total during non-doctor week is 7.6 consumers in/out per day.

Ms. Lisa Robertson, Attorney, briefly addressed zoning related issues. B-1 zoning is reasonable in this location and is consistent with Comprehensive Plan. Region Ten is a known quantity and has been committed to community for over four decades. This site has contained a fairly substantial non-residential use for quite a number of years. The established non-residential use of property has seemed to fit fairly well with adjacent residential uses which would indicate Region Ten's less intensive traffic and hours of operation would also be a good fit for the area.

Mr. Frydl opened the floor for public comment stating there would be a limit of three minutes for each speaker. He said the Board of Supervisors can only act on ordinance based comments and is restricted by ordinance regulations to make decisions based on those reasons only.

Gloria Oliver – son Brandon has been physically and mentally challenged since birth – received services from Region Ten whole life – Region Ten provides services for community members and needs more room – people who come there are seeking help – please consider and approve request

Carroll Lawson – representative of Feeding Greene Food Pantry – Feeding Greene occupies lower level of building – this is a two-fold opportunity to serve community – supports request – approval will support and meet needs of community

Vicki Strauss – local representative on Region Ten Board of Directors – agreed Region Ten needs larger facility and this location would be ideal

Jeanette Lamb – resident of area and opposed to rezone - road is private owned drive with private road maintenance – SUP was for athletic facility only – concerned about encroachment upon and eventual elimination of private lands

Anthony Lamb – owner of adjacent property – brother in Florida was not able to attend meeting – read letter from brother Jeff Lamb (letter on file) – Anthony concurred with his brother – grateful for all the good things Region Ten does – not an issue with Region Ten – it is the location – opposed to rezone

Eric Lamb – wife spoke earlier – adjoining land owner on two sides of parcel – spoke with Delegate Rob Bell who said spot zoning is not a good idea – Delegate Bell was not aware that Region Ten was unhappy with current location – Referred to Article 8-11 of the Zoning Ordinance – The area of the structure shall be 3,500 square feet or less for professional offices in B-1 zone - Actual footprint of current building totals 4,240 square feet – fails to meet guidelines in zoning ordinance – side and rear yards will not be in compliance with B-1 zone – issue with parking – some parking is in right-of-way that is used by other properties – site only has 12 legal parking spaces – setbacks for parking does not meet zoning requirements either – building does not have an elevator and would not comply with the Americans With Disabilities Act – accessory apartment use is not allowed in B-1 zone

Larry Lamb – opposed as this is spot zoning and not suitable location for this type facility for many reasons – no one is opposed to services Region Ten provides that help many people – when this was approved by Planning Commission there were only three members present and no one had visited the site – plenty of other sites to pick from – urged Board to not approve rezone

Wendell Lamb – property was originally his mother's home place – 17 total acres – he purchased from his dad – he started barbell club in early 80's (SUP for club) – sold to William Thacker and John Shifflett who operated a health club – no problem with health club in residential area – that was very good - gave his four children two acres each – siblings have

interest in 4 acres on back – he owns rest of acreage except for health club location – Would you want them (Region Ten) to locate in your family plot? Against them being in that particular location - wants building used for something compatible with residential area - asked Board to deny request

Donald Harper – adjoining property owner – opposed to SUP in 1980’s for barbell club – against it then and against it now – this is residential area

Susan Gibbs – de-institutionalization began in 1960s – didn’t work - the County is not growing that fast, Region Ten is – residents will go into group homes and day programs by 2021 – all institutions have to be emptied – that facility (barbell club) is big enough for group home/day program – the State is to allot funding for these programs but no guarantee funding won’t be used for other things – the closing over the next decade of these institutions will give Region Ten time to expand programs to accept more clients with a wider spectrum of needs – might be fewer vehicles but more foot traffic down that private road – home to food pantry – Is something in proposal about renting space by right?

Stephanie Garrison – resident of county and works for Region Ten – supports this request

Sue Fosher - concerned – a private club could ask someone to leave if they were deemed unsafe - Region Ten can’t - not against Region Ten – wonderful service in right area — as parents have to be concerned – she lives on dead end road and doesn’t want people there – she has four children she would like to have play with Jeanette’s children – won’t do that if Region Ten is there – Region Ten has purpose in the County but does not have a place in a residential neighborhood – separate areas for residential - totally separate for people with mental issues – handicapped issues are different – she has children with special needs – talking about grown men who may have inclinations towards young children – she doesn’t want her children around that - asked Board to turn this request down – ask Region Ten to find location in business district - we need to know we are safe in our homes

The floor was closed for public comment.

Mr. Ray Clarke, County Attorney, addressed a couple of legal issues prior to discussion by Board members. He noted each member had a copy of Article 1 of the Greene County Zoning Ordinance and should consider if the request before them meets the specifications in that section. He said he was not aware of any proffers being offered. The request is to rezone the property to B-1 and any use allowed by right in that zone would be allowed. Focus should be on the land use issue rather than specifics of a counseling facility. Site review issues such as setbacks are not before the Board for consideration.

Mr. Clarke explained that spot zoning is when a parcel of land is rezoned differently than the surrounding land and that rezone benefits solely that lot. The difference is whether you believe the rezone also benefits the community. If this rezone, in your opinion, benefits the community, then it is not a spot zoning. It is not spot zoning simply because it is one parcel within others.

Mr. Peyton noted the Special Use Permit restricts the usage to a specific, dedicated use, in this case a fitness center. More importantly, a Special Use Permit provides control over the facility operations by the owner with the ability to make adjustments to create or maintain a harmonious residential community. Examples of adjustments would be a change in membership to control traffic or a change in hours of operation for noise control. If this rezone is approved, any use allowed by right in the B-1 zone could locate in this residential neighborhood.

Mr. Svoboda read the list of uses permitted by right in the B-1 zone which includes:

- Accessory uses or structures as defined.
- Art galleries and museums
- Art studios
- Astrology, card reading, palm reading and fortune telling shops
- Banks/financial institutions
- Barber/beauty shops
- Coffee shops
- Day care and child care facilities
- Church, convents, monasteries, rectories and parish houses
- Craft and artisan trade
- Employment agencies
- Farmer Market
- Fingernail salons
- Loan offices
- Professional offices
- Public facilities
- Public utilities
- Temporary buildings for construction projects (during duration of construction)
- Tourist information center
- Temporary events zoning permit as defined by 16-19

Mr. Svoboda noted a Special Use Permit runs with the land per the Code of VA. A rezone also stays with the land regardless of ownership.

Mr. Peyton commented that the applicant states the single family structure will remain the same at this time. However, if the rezone is approved, any of those allowed uses could be in that structure.

Mr. Peyton said the future land use map included in the Comprehensive Plan was designed to promote business and residential development in a manner that focuses growth in the designated growth area. The future land use map designates this parcel as suburban residential. Primary intent of that designation is to provide for detached single family dwellings as the dominate use.

Mr. Peyton asked why the conclusion would be reached that spot zoning to B-1 is ok in the heart of a residential community designated suburban residential. Property is located in Greene County and references to Stanardsville Town Center are irrelevant to this request. In his opinion, the Code of VA supports the Comprehensive Plan in maintaining a harmonious residential area. Referred to the Code of VA, Chapter 28, Article 8, Section 15.2-2280 that states in part: Any locality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into district of such number, shape and size as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following: 1. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses.

Also, Article 1-3 of the Zoning Ordinance states, in part: The governing body of Greene County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.2-2283, that the following be adopted as the Zoning Ordinance of Greene County, Virginia, together with the accompanying map. This

ordinance has been designed: (3) to facilitate the creation of a convenient, attractive, and harmonious community.

Mr. Peyton said that didn't sound like you would put a business in the heart of a residential community. He then referred to section (6: to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers.

Mr. Peyton said, considering the State Code, the Comprehensive Plan as well as the designation of the location as suburban residential, he would not support this request.

Mr. Lamb said he had the same concerns as Mr. Peyton and concurred with his comments.

Mr. Deane asked if the building there now could be divided into apartments under the Special Use Permit. Mr. Svoboda said it could be used for any by right use in the R-1 zone or application could be made for a Special Use Permit allowed in the R-1 zone. As far as group homes, the Code of VA allows certain group homes wherever a residential unit is allowed.

Mr. Svoboda read the uses allowed in the R-1 zone by right as follows:

- Low intensity agriculture
- Single family dwellings
- Home occupations as defined
- Public utilities
- Accessory use or structures
- Public facilities
- Residential accessory structure
- Accessory apartment

The Special Use Permit is for a barbell club. The building or parcel could be used for any other by right use in accordance with applicable codes. Mr. Deane asked if the food bank located there now is ok. Mr. Svoboda said he was hesitant to make a determination prior to doing research.

Mr. Deane felt the issue is very difficult looking at it from the standpoint of zoning issues vs. family values and concerns. He said he appreciates Region Ten for what they have done. Research he did indicated Region Ten has probably saved us from a lot of calamity in Greene County by offering services to those who needed help. The dangerous part is, if we don't attend to the mentally ill, then even grocery stores and McDonalds become dangerous places. We have to have a place for people to get help. If not, we are apt to have more problems than we have now.

Mr. Deane said the Board has to decide the on the zoning of the parcel. Mr. Clarke reiterated his earlier statement that if Board members find the rezone benefits the community as a whole, it is not spot zoning. Mr. Frydl said, legally, it is spot zoning only if it benefits that lot, that lot only and not the rest of the community. Mr. Clarke said the community is Greene County, not just the immediate surrounding area.

Mr. Deane asked about the setbacks questioned tonight. Mr. Svoboda said, typically, when a rezone is approved unless the lot is vacant, there is usually some sort of non-conformity created. Setbacks, parking issues, etc. are covered by the site plan review. Different ways to comply with regulations. Certain setbacks would possibly be nonconforming if property is rezoned.

Mr. Lamb asked Ms. Henkel if she knew how many Region Ten clients were court ordered to seek help. Ms. Henkel said didn't know and added that anyone who seeks services from Region Ten does so voluntarily. The Court may order a mental health or substance abuse assessment but no one is forced to come to Region Ten. Ms. Henkel said she would not normally have access to court records.

Mr. Cox asked what Region Ten would be looking at to meet all requirements of the B-1 zone if this request is approved. Mr. Svoboda said any renovation of the building would have to meet building code requirements. Based on occupied area in building, a determination would be made if the use is conforming or nonconforming. Specific sections of ordinance would have to be met. Must meet all requirements in the ordinance and obtain a zoning certification.

Mr. Frydl said the zone would change from residential to business and there are different lighting requirements, landscaping screening requirements for B-1 zone. Do those apply if there are no modifications? Mr. Svoboda said the rezone itself does not trigger compliance with B-1 zone. Until there is a trigger, there wouldn't be a required change. The use is not a residential use. The current use of the building is a commercial use. It has a commercial certificate of occupancy. The property is zoned residential.

Mr. Cox asked how an existing setback could be changed. Mr. Svoboda said there are a couple of ways to correct a deficiency with a setback. Request variance from the Board of Zoning Appeals, acquire more land to extend the lot, or remove portion of building until setback requirement is met.

Mr. Frydl said he thought the area is already a mixed use area. Looking at traffic impact, space and use, the impact from the allowed businesses are similar in nature to what has been going on in that area. It is more of a mixed use commercial/residential area as opposed to a strictly pristine residential area. The impacts and uses continue the business nature of that specific lot and do fit the Comprehensive Plan in as many areas as Mr. Peyton pointed out they don't. The suburban use also allows for commercial uses. It is literally one lot line away from the highly commercial zone. Mr. Frydl said he did not see a big change from the current use to the requested rezone. He felt the request meets the criteria of Article 1 of the Zoning Ordinance.

Mr. Deane said he was trying to focus on what is right legally and what neighbors think morally. He pointed out that we don't know who has been using the barbell club or if they use drugs.

Mr. Peyton said he believed from the testimony and potential hazards that could exist, that this was not an appropriate activity to be centered in the heart of a neighborhood. He said he did not think he would want this in his neighborhood. This use does not create a harmonious neighborhood. He said it's ok tonight to play to the audience but one has to think about the future. It could be Region Ten or any of the other allowed uses at this location. We should not support that kind of rezone when we have worked so hard to develop businesses at the Gateway Center in Ruckersville. There is an abundance of property available and possibly another location in Stanardsville.

Motion by Clarence Peyton to deny the requested rezone pursuant to the provisions in Article 1 of the Greene County Zoning Ordinance.

Recorded vote:	Jim Frydl	-	No
	Davis Lamb	-	Yes
	David Cox	-	No
	Eddie Deane	-	No
	Clarence Peyton	-	Yes

Motion failed.

Upon motion by David Cox and affirmative vote, the Board approved the request from Region Ten Community Services Board, Inc./Main Street Land Co., LLC, to rezone, from R-1 Residential to B-1 Business, a 1.04 acre tract located on Lambs Lane and identified on County Tax Maps as 37A-(17)-44B. (RZ#12-002)

Recorded vote:	Jim Frydl	-	Yes
	Davis Lamb	-	No
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Clarence Peyton	-	No

Motion carried.

RE: WORKFORCE HOUSING DEVELOPMENT

Ms. Jen Surber, of Surber Development and Consulting, LLC, was present to discuss a proposed workforce housing development at the Kinvara site on Route 29. The location is already zoned appropriately for this type project. The project will consist of 48 new construction multi-family units.

It was noted the current proffer for the property applies to more than 46 units. Any proffer amendment would require a rezoning request. Ms. Surber indicated she would pay the proffer for two units.

Mr. Lamb questioned the revitalization area certification. Ms. Surber said this development would be under number 2 in the certification letter. "The industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area."

In regards to the request for tax abatement, Ms. Surber said they are asking to pay taxes at the current rate. She thought this is what the County already does but needs it in writing in order to earn points in the competition for credits.

Mr. Frydl said the Board does not have the authority to say we're going to collect taxes in a certain way. In the County form of government, the Commissioner of Revenue collects taxes at the tax rate set by the Board. By policy, the change in taxation value is not done until there is a certificate of occupancy issued. A letter regarding tax abatement will have to come from the Commissioner of Revenue.

Mr. Peyton asked how long the tax abatement would be requested. Ms. Surber said the tax abatement would be effective during construction process which is typically 8 to 9 months.

Mr. Frydl said the Zoning Administrator would have to provide the official determination in regards to the zoning certification.

Ms. Surber noted she is not asking for a proffer amendment but that may be done by the owner of the property at a later date.

It was the consensus of the Board to support the workforce housing project by approving the request for CEO support letter and revitalization area certification for a workforce housing project on Kinvara property on Route 29.

RE: RECESS

The Chairman called a short recess.

RE: COMPUTER SYSTEM

Mr. Dale Herring, Director of Technology for the School System and Mr. Jonathan Jones, Assistant Director of Technology, were present to discuss updating the County's AS400 computer system.

The AS400 is 13 years old and having problems. Currently, the system does not have an uninterruptible power source (UPS). The system is backed up by a generator. The operating system has not been supported by IBM for over 8 years. The tapes for the existing system are getting hard to find and cost \$168 each. The County is currently paying \$3,000 per year for hardware support which does not cover expansion or growth of the system.

IBM is currently offering a \$1,500 rebate and \$200 trade in value for the system. An upgrade will result in increased speed, drive space, UPS for protection during brownouts and surges, increased reliability and support with data protected. The new system will cost approximately \$29,000.

Mrs. Morris, Finance Director, said this would be within the budget if authorization is given to move funds from a vacant position to cover equipment costs.

It was the consensus of the Board to authorize staff to proceed with review of current submitted proposals. This is to be considered the first reading of the request in an amount of up to \$29,000.

RE: POLICY – PURCHASE OF VEHICLES INCLUDING SCHOOL BUSES

Mr. Steve Weeks, Director of Vehicle Maintenance Facility, was present to discuss the policy regarding purchase of vehicles for the schools including buses. He suggested it would be beneficial to have all vehicles on a life cycle program. Advantages would include safety and less maintenance costs. The school maintenance vehicles are worn out and need to be replaced.

Mr. Peyton said the County took over the purchase of schools buses after it was questioned what was happening to the allocation for buses and the Schools had been using the funds for something else. Last year, when reductions in the school budget were being discussed, it was mentioned that the School Board would look at charging for transportation or reduce school bus transportation. If the Board of Supervisors is going to purchase buses, then the Board should also control the program.

Mr. Frydl said while those might be valid points, they are unrelated to the current discussion with Mr. Weeks. He said he felt the program has been beneficial to the school system and citizens.

Mrs. Morris said she is waiting on an opinion from the auditors regarding debt for school buses.

Mr. Weeks asked if he should still continue with the school bus replacement program. Mr. Frydl said he did not see a need to change the program but if changes to bus routes were made which would require fewer buses, then Mr. Weeks should work that out with the Transportation Department.

It was the consensus of the Board to authorize Mr. Weeks to address the issue of school maintenance vehicles in order to have numbers for the budget process and to continue with the school bus replacement program.

Mr. Weeks also said there have been times that once the Board approved the purchase of a vehicle under the State contract, there were no vehicles available. Mrs. Morris tries to combine the purchase of all vehicles into one loan process. Mr. Frydl said that is an ongoing problem and didn't feel there is an easy answer.

Mrs. Morris explained the process. It cost the County more to enter into individual finance agreements and that's why she tries to roll all purchases into one. Mr. Frydl suggested staff review the cost for the purchase of vehicles individually compared to one finance agreement for multiple vehicles.

RE: POLICY – EMPLOYEE HIRING AND TRAVEL

Mr. Frydl reviewed the memo regarding budget reductions that is currently in place. He felt the first three items are actually budget items and are already supervised by the Finance Director. He also felt it made sense to keep the policy regarding vehicles.

In regards to the policy that all new positions and any vacant positions be evaluated and hired only by approval of the Board, Mr. Frydl suggested a distinction be made between a vacant position and a new position, including reclassification. He did not feel it is necessary to have the filling of a vacant position that is within the current budget be authorized by the Board.

It was the consensus of the Board to have staff draft a revised memo for review.

RE: MATTERS FROM THE PUBLIC

Mr. Larry Lamb asked if there is an appeal process regarding the rezone for Region Ten. Mr. Frydl said that could be addressed after the meeting.

RE: CONSENT AGENDA

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

- a. Resolution to accept and appropriate \$40,000 from the Virginia Domestic Violence Victim Fund for the Commonwealth's Attorney Office. (See Attachment "A")
- b. Mutual Aid Agreement with Page County regarding fire/rescue services. (See Attachment "B")
- c. Request to expend \$4,500 for storm water management plan for basketball courts at Recreation Park.

Recorded vote:	Jim Frydl	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Clarence Peyton	-	Yes

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

CAPITAL IMPROVEMENT PLAN

Mr. Lamb said the Planning Commission has reviewed the Capital Improvement Plan and is suggesting the establishment of a CIP committee to consist of the Finance Director, Planning Department staff member, member of the Board of Supervisors, member of the Planning Commission and a citizen. There is not sufficient time to form this committee for this year's process so the Planning Commission is recommending formation of the committee for next year.

Mr. Svoboda said the Planning Commission feels the process should be taken to the next level. Can we better refine the list through the Committee and are funding amounts accurate? This would help the Board of Supervisors use the document more effectively.

Mr. Peyton agreed there needs to be support and justification for projects included in the CIP. He thought the formation of a committee was a good idea.

Mr. Frydl felt it is a matter of communicating priorities from and to the departments. He suggested this be deferred until a County Administrator is hired.

COUNTY CODE – LAND USE VALUATION

Mr. Lamb said he felt the section of the County Code pertaining to land use valuation needs to be reviewed and discussed. It was the consensus of the Board to have this as an item for discussion at the next meeting. It was noted input from the Commissioner of Revenue and the Farm Bureau could be solicited.

HOUSE BILL 1401

Mr. Peyton commented on House Bill 1401 which would eliminate the possibility of foreclosures for real estate tax delinquency. He passed information on to the Treasurer and she wrote letters to the legislators opposing this bill.

RE: ADJOURN MEETING

The meeting was adjourned at approximately 10:27 p.m. The next scheduled meeting of the Board will be on Tuesday, February 12, 2013.



Jim Frydl, Chairman
Greene County Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE FORTY
THOUSAND DOLLARS FOR THE VIRGINIA DOMESTIC
VIOLENCE VICTIM FUND GRANT**

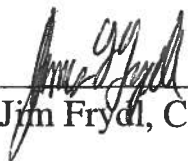
WHEREAS, the County of Greene has been awarded a grant from DCJS for a Virginia Domestic Violence Victim Fund; and

WHEREAS, the funds in the amount of forty thousand dollars (\$40,000) will need to be appropriated to the appropriate line item in the 2012-2013 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 forty thousand dollars (\$40,000) be appropriated to the 2012-2013 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 22nd day of January, 2013.



Jim Frydl, Chairman

MUTUAL AID AGREEMENT

THIS AGREEMENT made this 22nd day of January, 2013, by and between Greene County, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "Greene", and Page County, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "Page".

WHEREAS, it is deemed to be mutually beneficial to Greene and Page to enter into an agreement concerning mutual aid with regard to fire and rescue services; and

WHEREAS, the parties desire that the terms and conditions of the Mutual Aid Agreement be established pursuant to §§ 27-2, 27-4 and 27-23.6 of the Code of Virginia;

NOW THEREFORE WITNESSETH, that for and in consideration of the mutual benefits to be delivered by Greene and Page from this Agreement, Greene and Page hereby covenant and agree each with the other as follows:

1. That Greene and Page will endeavor to provide fire suppression, fire prevention, rescue, hazardous materials response, and other related governmental services to the other county within the capabilities available at the time the request for such support is made. Such response may be by county-paid employees or by county volunteer company or department firefighters and rescuers.

2. That nothing contained in this agreement should in any manner be construed to compel either county to respond to a request for services in the other county when the resources of the county to which the request is being made are needed, or are being used, within the boundaries of its own county, nor shall any such request compel the assisting county to continue to provide services in the other county when its personnel, apparatus or equipment are needed within the boundaries of its own county.

3. That each county acknowledges that it is fully capable of providing fire services, rescue services, hazardous material response services, and other related governmental services to adequately serve its respective county.

4. That neither county shall be liable to the other for any loss or damage to property or personal injury or death of personnel resulting from the performance of this Agreement.

5. That each county shall indemnify and save harmless the assisting county from all claims by third parties for property damage or personal injury which may arise out of the activities of the assisting county resulting from the performance of this Agreement.

6. The county requesting assistance shall not be required to reimburse the assisting county for apparatus, equipment or personnel occasioned by a response for assistance, or for damage to such apparatus or equipment, or injuries to personnel incurred when responding in the other county; provided, however, the county requesting assistance under the terms of this Agreement shall pay the responding entity from the other county the actual cost of specialized extinguishing or hazardous material mitigation agents utilized in rendering assistance pursuant to this Agreement.

7. That the county requesting assistance pursuant to this Agreement shall make such request to the emergency communications center of the assisting county, which will then contact the appropriate county officials to determine its response.

8. That when a county elects to respond to a request for assistance, the personnel making such response shall not become employees of the county requesting assistance for the purposes of the Virginia Workers Compensation Act.

9. That when a county elects to respond to a request for assistance, the personnel manning such responding units shall remain under the command of the senior responding officer, and shall work as a unified company and shall not be split apart during the emergency operations unless ordered by the senior responding officer.

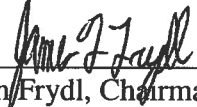
10. That when a county elects to respond to a request for assistance and the senior responding officer determines that the emergency operations are being conducted in an unsafe manner, the assisting county may limit its assistance to a support service or withdraw the assistance to ensure the safety of its personnel.

11. This Agreement may be modified only by the mutual written consent of both counties.

12. This Agreement may be terminated at any time by either county giving thirty (30) days written notice of termination to the other county.

IN WITNESS THEREOF, Greene's Chairman of the Board of Supervisors and Page's Chairman of the Board of Supervisors execute this Agreement, they being authorized to do so.

COUNTY OF GREENE, VIRGINIA

By  _____
Jim Frydl, Chairman
Board of Supervisors

COUNTY OF PAGE, VIRGINIA

By _____
Johnny Woodward, Chairman
Board of Supervisors

APPROVED AS TO FORM:



Greene County Attorney

Page County Attorney