

August 22, 2006

County of Greene, Virginia

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, AUGUST 22, 2006 AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Steve Catalano, Chairman
 Clarence Peyton, Vice Chairman
 Jeri Allen, Member
 Mickey Cox, Member
 Patsy Morris, Member
 Ray Clarke, County Attorney
 Barry Clark, County Administrator
 Patti Vogt, Deputy Clerk
 Tracy Morris, Finance Director

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

RE: PUBLIC HEARING TO CONSIDER REQUEST FROM FREDERICK & KATHRYN BENZINGER/C.W. PROPERTIES, LLC TO REZONE A 14.70 ACRE TRACT FROM R-1 AND B-2 TO B-3

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Frederick & Kathryn Benzinger/C.W. Properties, LLC to rezone a 14.70 acre tract from R-1, Residential, and B-2 (Business) to B-3 (Business) located on Seminole Trail/Matthew Mill Road and identified on County Tax maps as 66-(A)-20. The property is located on the north side of Route 29 adjacent to Sheetz.

The County has a gravity sewer line designed to serve this property from the rear along the eastern boundary. Construction of this sewer line is contingent upon the purchase of EDU's

consistent with the EDU purchase policy. The County does not guarantee capacity until the EDU's have been purchased.

Water is available from an existing waterline on Route 607. An upgrade to this line is currently being constructed by a developer under the direction of RSA and should be adequate to serve this development.

The change in use will create additional traffic on the road network. The connection to Route 29 will be a right in only and will need to include full width frontage improvements. The connection to Route 607 will also require the addition of a right turn lane.

The proposed use conforms to the goals, objectives and recommendations of the Comprehensive Plan by supporting growth in economic development that is a priority to the County. The Future Land Use Map of the existing Comprehensive Plan designates this area as business/retail.

The proffer statement submitted by the applicant excludes highway retail service centers/truck stops, bus, truck and taxi terminals and fuel distribution centers.

The Planning Commission recommended approving the request subject to the approval of a site development plan addressing issues related to VDOT, water and sewer concerns and with the acceptance of the submitted proffers dated June 28, 2006.

Mr. John J. "Butch" Davies, representative of the applicant, introduced Mr. & Mrs. Bezinger, Mr. Carlyle Weaver, Mr. Bill Gentry, Mr. Dick Johnson, and Ms. Robin Antonucci.

The Chairman opened the floor for public comment.

Mr. Jay Willer spoke in support of the proposed rezone.

As there were no further comments from the public, the hearing was closed.

In response to a request by Mrs. Allen, Mr. Dick Johnson reviewed the proposed site plan.

Ms. Robin Antonucci reviewed the proffers in regards to the traffic signal and left turn lane on Route 607. The applicant has agreed to conduct a signal warrant study to be included with the submission of the site plan. Additional development under construction in the area will be considered in the study. The turn lane on Route 607 will require off site right-of-way or a substandard turn lane. If a review of the engineering information indicates the lane as proposed will not work, the applicant will escrow the cost of the turn lane to VDOT for a future project.

Mrs. Patsy Morris asked about increased traffic on Route 607. Ms. Antonucci said the applicant will construct a 300 foot left turn lane with a 100 foot taper southbound on Route 29. The project will be developed in a way so as to facilitate local travel for those individuals who live on Route 607. The primary orientation for traffic outside of the Route 607 area will be Route 29.

Vice Chairman Clarence Peyton noted the request was viewed favorably by the Planning Commission and is within the guidelines of the Comprehensive Plan.

Mr. Mickey Cox said he is pleased with the proposed project.

The Chairman agreed that the development is well prepared, complies with the Comprehensive Plan, and has well written proffers.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from Frederick & Kathryn Benzinger/C.W. Properties, LLC to rezone a 14.70 acre tract from R-1 (Residential) and B-2 (Business) to B-3 (Business) located on Seminole Trail/Matthew Mill Road, identified on County Tax Maps as 66-(A)-20, with the acceptance of submitted proffers

dated June 28, 2006 and subject to the approval of a site development plan addressing issues related to VDOT, water, and sewer concerns. (See Attachment "A")

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: PUBLIC HEARING TO CONSIDER REQUEST FROM GREENE DEVELOPMENT COMPANY, LLC/CARROLL & JEAN GILBERT, JR. TO REZONE 7.39 ACRES OF A 43.78 ACRE TRACT AND A 18.68 ACRE TRACT FROM R-1 TO B-3

Mr. Bart Svoboda reviewed the request from Greene Development Company, LLC/Carroll & Jean Gilbert, Jr. to rezone 7.39 acres of a 43.78 acre tract and an 18.68 acre tract from R-1 (Residential) to B-3 (Business) located on Seminole Trail and identified on County Tax Maps as 66-(A)-53 and 76.

Public water and sewer mains exist to serve this development. However, proposed water and sewer main extensions are shown on the plan. RSA will not own or operate water or sewer mains within the property and suggests that the water main terminate in a master meter vault at the property line.

Mr. Svoboda noted comments from VDOT have not been received. Requirements will include entrance improvements such as turn tapers.

The proposed use conforms with the goals, objectives and recommendations of the Comprehensive Plan by supporting growth in economic development which is a priority to the County. The Future Land Use Map of the existing Comprehensive Plan designates this area as business/retail.

The Planning Commission recommends approval of the request subject to applicant addressing issues related to low impact development, outdoor storage, low impact lighting, stream and neighborhood buffering, VDOT concerns and with proffers dated May 17, 2006.

Mr. Robbie Morris, applicant, said he and his wife own and operate Performance Signs, have been in business for 10 years and currently have five fulltime employees.

Mr. Morris noted Mr. Ronnie Snoddy and Mr. Steve Britt are partners in the project. He briefly reviewed the project as proposed.

The Chairman opened the floor for public comment.

Mr. Neil Goldwein, adjoining property owner, expressed concerns regarding security measures for neighbors such as fencing; low level lighting in parking areas so as to not disturb neighbors; and noise levels.

As there were no further comments, the public hearing was closed.

Mrs. Allen asked the applicant to address outdoor storage, low impact lighting, etc. Mr. Morris noted this is a conceptual plan. Early indications are that a retaining wall will be required which should negate the need for fencing. The project as currently proposed adjoins fewer residences than in the original plan.

Planning is in the early stages but outdoor lighting will be addressed. Mr. Morris said there is no provision for outdoor storage at this time. Mr. Morris noted he received an email of support from VDOT representatives yesterday.

Mr. Dick Johnson said low impact development practices will be used where possible.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from Greene Development Company, LLC/Carroll & Jean Gilbert, Jr. to rezone 7.39 acres of a 43.78

acre tract and a 18.68 acre tract from R-1 (Residential) to B-3 (Business) located on Seminole Trail, identified on County Tax Maps as 66-(A)-53 and 76, with the acceptance of submitted proffers dated May 17, 2006 and subject to applicant addressing issues related to low impact development, low impact lighting, buffering, and VDOT concerns. (See Attachment "B")

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: PUBLIC HEARING TO CONSIDER REQUEST FROM K & B PROPERTIES/GREENE COUNTY ECONOMIC DEVELOPMENT AUTHORITY TO AMEND SPECIAL USE PERMIT #04-723 FOR A WINE AND FOOD FESTIVAL ON A 184.42 ACRE TRACT

Mr. Svoboda reviewed the request from K & B Properties/Greene County Economic Development Authority to amend Special Use Permit #04-723 for a wine and food festival on a 184.42 acre tract zoned A-1 (Agricultural) located on Spotswood Trail and identified on County Tax Maps as 50-(A)-42B.

Public water and sewer are not required. Parking will be provided on-site in designated areas.

This type festival will aid in the economic benefit to the County by providing recreation for the citizens as well as presenting a viable tourist destination and bringing revenue to the County. This proposed use is in addition to the previously approved Stanardsville Battle Re-enactment at this site.

The Planning Commission recommends approval of this request with the following conditions:

- Parking areas will be clearly delineated to prevent the crossing of property lines.
- Health Department regulations for “temporary events” are adhered to.
- The property lines shall be properly defined.

Mr. Neil Williamson, agent for the applicant, said the non-profit partner for this event is the Greene Education Foundation. He briefly reviewed the scheduled entertainment, activities, and site plan.

The Chairman opened the floor for public comment.

Mr. Carl Schmitt spoke in support of the request.

As there were no further comments, the public hearing was closed.

Board Member Patsy Morris asked if the County is responsible for insurance coverage for this event. The Chairman said the County is not sponsoring this event and will not be providing any insurance coverage. Mr. Williamson noted the organizers have significant insurance as will each of the wineries represented.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from K & B Properties/Greene County Economic Development Authority to amend Special Use Permit #04-723 for a wine and food festival on a 184.42 acre tract, zoned A-1 (Agriculture) located on Spotswood Trail and identified on County Tax Maps as 50-(A)-42B.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: PUBLIC HEARING TO CONSIDER REQUEST FROM CARROLL & LYNETTE MORRIS/K & B PROPERTIES TO AMEND THE GREENE COUNTY COMPREHENSIVE PLAN

Mr. Svoboda reviewed the request from Carroll & Lynette Morris/K & B Properties to amend the Greene County Comprehensive Plan to reduce and relocate a portion of the growth area containing approximately 1,600 acres located east of Route 29 and north of Route 33 to the area, which is approximately 320 acres, located west of Route 29 and on the south side of Route 33/Spotswood Trail between Advance Mills Road, Dunnes Shop Road, M & M Road and Amicus Road.

The County does not have an adequate water supply for development of this parcel even though a new 12 inch water main borders the property. The Rapidan Waste Water Treatment Plant does have adequate capacity to accommodate development of this parcel.

The foundation for this discussion is the fact that public water and sewer lines are located on Route 33 West but not on Route 33 East. The Comprehensive Plan directs that designated growth occur where central/public water is available.

The Planning Commission recommends denial of this request due to the following:

- The current approved growth area is already excessive.
- The present Comprehensive Plan has only been effective since September 14, 2004 and it is too soon to request changes.
- The current deficit of natural resources such as water.

The applicant did not have any additional comments.

The Chairman opened the floor for public comments.

Mr. Carl Schmitt felt the future growth map is very inadequate for the County's needs. He suggested an intensive review of the future growth map in the Comprehensive Plan. He distributed a memo to Board members listing objectives and items for consideration in review of the future growth map. Mr. Schmitt felt the property should be designated industrial for uses such as a college campus, Xerox, IBM, etc.

Ms. Andrea Wilkinson spoke in opposition of this proposal. She felt the area would be better designated for office/technology. This would provide the type employer the County wants to have to keep residents working within the County.

Mr. Roy Dye endorsed comments made by previous speakers.

Ms. Diane Goerlitz said she teaches in Manassas. She commented on the traffic congestion during the last six miles of her commute. She implored the Board to not rush development.

Mr. Martz Silman spoke in opposition of the proposed amendment. He felt in depth research should be conducted prior to making a decision of this nature and suggested this be delayed until the Comprehensive Plan is revised in the future.

As there were no further comments, the public hearing was closed.

Mrs. Allen agreed that the County did not do a good job in defining the growth area but felt a study would result in this area being designated as a growth area. The Plan states growth should be in areas where necessary infrastructure is in place. She suggested a review of the entire growth area would be appropriate.

Mrs. Morris supported the proposed amendment.

Mr. Cox also supported the proposal. He noted the Comprehensive Plan is only a plan. Things change day to day and the County needs to move with the changes.

Vice Chairman Peyton noted the rate of growth has been a tremendous burden on taxpayers. The County needs to learn to control growth and suggested the Board step back and take a look at the situation. He did feel the Comprehensive Plan should be "spot changed". He said he might view the proposal differently if the water reserve and proffer system were in place.

The Chairman supported moving the growth area for several reasons. He felt this corridor should be included in a growth area more so than the eastern area which lacks necessary infrastructure.

Mr. Catalano read a draft memo listing concerns and areas the Board would request the Planning Commission to study and evaluate.

Upon motion by Jeri Allen and affirmative vote, the Board approved the request from Carroll & Lynette Morris/K & B Properties to amend the Greene County Comprehensive Plan to reduce and relocate a portion of the growth area containing approximately 1,600 acres located east of Route 29 and north of Route 33 to the area, which is approximately 320 acres, located west of Route 29 and on the south side of Route 33/Spotswood Trail between Advance Mills Road, Dunnes Shop Road, M & M Road, and Amicus Road.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	No
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

It was the consensus of the Board to forward the memo as drafted by the Chairman to the Planning Commission.

RE: RECESS

The Chairman called a five minute recess.

RE: MATTERS FROM THE PUBLIC

TRAFFIC CONGESTION

Mr. Neil Goldwein, Preddy Creek Road, expressed concern about the increasing traffic congestion in the area. The Chairman explained that the upgrade of roads is a developer driven project. He noted there is a series of internal roads proposed at the Rapidan Center which should alleviate some pressure on existing roads.

Mr. Catalano said the County has an ongoing conflict with VDOT in making improvements to the road infrastructure. The Board uses recommendations from VDOT as requirements when considering rezones and proposed development. Roads, such as Preddy Creek Road, belong to the State.

Mr. Peyton said the County and the State do not have funds for road projects. He noted there are projects that are still pending since the mid 1980's.

FUTURE LAND USE MAP

Mr. Carl Schwartz asked what the designation is of the addition to the growth area in the Comprehensive Plan that the Board just approved. It was noted the designation will remain "clear" until after the Planning Commission completes the requested study/evaluation.

NOTIFICATION OF CHANGES

Mr. Richard Herring asked if property owners affected by the change in the growth area were notified of the request. He felt affected property owners should be notified of any proposed change.

The Chairman noted property owners were not notified when the growth area was designated. The advertisement of public hearings is in accordance with the Code of Virginia.

LEGISLATIVE PROGRAM

Mr. David Blount, Legislative Liaison, spoke briefly on the development and time line of the legislative program for the upcoming session of the General Assembly.

Mr. Blount said he would have a draft of the program to the Board for review next month and hopes to receive approval in October.

RE: CONSENT AGENDA

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

- a. Minutes for July 25, 2006 meeting.
- b. Resolution regarding the Virginia Public School Authority available refunding savings. (See Attachment C)
- c. Resolution to appropriate carry-over grant funds for FY 2006. (See Attachment D)
- d. Accept and appropriate \$7,589.70 in donations to the Sheriff's Department for FY 2006. (See Attachment E)
- e. Accept and appropriate \$23,117.71 in Federal Forfeiture Asset Funds to Sheriff's Department for FY 2006. (See Attachment F)
- f. Accept and appropriate \$4,739.50 in State Forfeiture Asset Funds to Sheriff's Department for FY 2006. (See Attachment G)

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

RECREATION PARK

Mrs. Allen noted there was vandalism at the Park resulting in damage to the soccer fields. Repairs need to be made as soon as possible as the soccer season will be starting soon.

Mr. Cox said the gate to the Park has not been locked for several months. It was noted the Sheriff has committed to locking the gate in the evenings and the Director of Parks and Recreation will unlock the gate in the morning.

DISCOVER VA FESTIVAL

Mrs. Allen pointed out that advertising for the Discover VA Festival has been completed prior to approval of the special use permit. The Board directed the County Administrator send a letter to the EDA informing them of the process required for approval of a special use permit.

REVIEW OF LOT SIZE IN C-1 ZONE

Mrs. Morris requested the Planning Commission and staff review the possibility of decreasing the minimum lot size in the C-1 zone from 8 acres to 4 acres as part of the clustering provision mandated by the State. She asked that this be done within six months.

It was the consensus of the Board to direct the Planning Commission to review this request.

COURTHOUSE PROJECT

Mr. Peyton asked about the status of the Courthouse Project. Mr. Clark said the plans will be completed shortly and departments will review one more time prior to going out to bid. The project will be bid this fall.

The Board directed the County Administrator to obtain the final plans for review as soon as possible.

DEPUTY POSITION

The Chairman said the Sheriff's Department has received notification from the Compensation Board that an additional deputy position has been approved. However, the County will have to appropriate \$24,238 to cover the estimated local cost of the additional position. The Chairman reminded the Board that this would be an out-of-budget appropriation.

Mrs. Tracy Morris agreed it would be possible to move a County funded deputy position to a Compensation Board funded position.

After discussion, it was the consensus of the Board to inform the Sheriff's Department that local funds for this additional position will have to be found within the approved FY 06-07 budget for the Sheriff's Department. The Board will not approve an additional appropriation.

The Board also directed a memo be sent to departments that the Board will not, as a policy, discuss out-of-budget appropriations unless there is an emergency.

RE: COUNTY ADMINISTRATOR'S REPORT

Mr. Barry Clark, County Administrator, reported the following issues:

Erosion and Sediment Control Inspector/Plan Reviewer

- Individual hired and will start on September 5.

Extension Agent

- Interview has been scheduled for September 1.

Mowing Contract

- Bid proposals have been received.

Rapidan Center – Dust Abatement/Blasting

- Contractor continuing efforts with dust abatement and monitoring of blasting.

Recreation Park

- Reviewing entrance road for needed repairs
- Fence at Park substantially complete – no progress due to heat and lack of manpower – will resume work shortly
- Brush pile at Park – too dry to burn

“STAR” Project

- Submitted amended agreement to Department of Transportation

Trash Ordinance/Junk Car Ordinance

- Currently working on draft ordinances

Zip code for Barboursville

- Received response from U.S. Postal Service and Congressman Virgil Goode.

Upcoming Events

- **“Discover Virginia Food & Wine Festival”** - September 2, 2006 – 11:00 a.m. to 6:00 p.m.
- **Greene County Schools** – open Wednesday, August 23, 2006
- **“Battle of Stanardsville”** – September 23 and 24, 2006

Staff Meetings

- “SWOT” Analysis received from departments
- Monthly reports submitted by departments – Will follow up with others
- Next staff meeting – Thursday, August 24, 2006 at 9:00 a.m.

Mr. Herb White, WW Associates, reported the Rapidan Waste Water Treatment Plan is discharging to the river, running at 30,000 to 40,000 gallons per day.

Mr. Cox asked for more detailed information from departments on monthly reports.

RE: EXECUTIVE SESSION

Upon motion by Jeri Allen 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

Land Acquisition:

- Water and sewer

Legal:

- Current Litigation
- Zoning

Personnel:

- Privatization - personnel

Various Appointments:

- Thomas Jefferson Planning District Commission

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

Upon motion by Jeri Allen and unanimous vote, the Board returned to Open Session.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	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:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: APPOINTMENT TO THE THOMAS JEFFERSON PLANNING DISTRICT COMMISSION

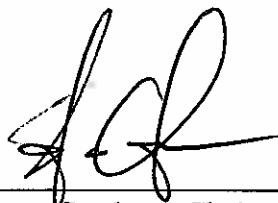
Upon motion by Jeri Allen and unanimous vote, the Board appointed Mr. Carl Schmitt to the Thomas Jefferson Planning District to fill the unexpired term of Mr. Kenneth Roberts.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

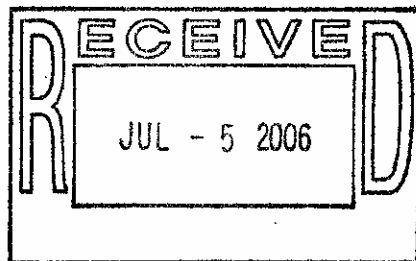
RE: ADJOURN MEETING

As there was no further business, the meeting was adjourned.



Steve Catalano, Chairman
Greene County Board of Supervisors

PROFFER STATEMENT
C.W. PROPERTIES, LLC
June 28, 2006



Applicant: C. W. Properties, LLC

Record Owner: Frederick M. and Kathryn G. Benzinger

Property: Tax Map Parcel 66-A-20 containing 14.7 +/- acres
7.7 acres currently zoned B-2 and 7 acres currently zoned R-1 to be rezoned to B-3

Case No. RZ 06-004

The undersigned hereby proffers the use and development of the subject property shall be in strict conformance with the following conditions and shall supersede all other proffers previously made. In the event the above-referenced rezoning is not granted as applied for by the Applicant, these proffers shall be withdrawn and are null and void.

The proffers will become effective when Greene County issues the first building permit for the improvements contemplated by the Concept Development Plan.

“Final Zoning”, as the term is used herein, shall be defined as that zoning which is in effect on the day following the last day upon which the Greene County Board of Supervisors’ decision granting the rezoning made be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board of Supervisors which has not been appealed or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning to be taken as an interpretation of any provision of the proffers.

Any improvements proffered herein shall be provided at the time of development of that portion of the site adjacent to the improvement, unless otherwise specified.

The term “Applicant” as referred to herein shall include within its meaning all future owners and successors in interest.

References made in this Proffer Statement to the various plans and exhibits are to be interpreted to be references to the submitted plans and exhibits.

Concept Development Plan ("CDP") prepared by Blackwell Engineering Inc., PLC of Harrisonburg, Virginia dated June 2006 as may be revised. (See Exhibit A)

Boundary Survey Plat prepared by Roger W. Ray dated May 5, 2006. (See Exhibit B)

Traffic Study prepared by Wells & Associates, LLC dated June 2006. (See Exhibit C)

1. **Concept Development Plan.** The CDP developed by Blackwell Engineering Inc., PLC of Harrisonburg, Virginia is submitted to describe the proposed development. The entrance from U.S. Route 29 and two entrances from Route 607 with access and traffic access as shown are preferred. The exhibit is submitted to identify potential uses of the Business B-3 zoned property. (See Blackwell Engineering Inc., PLC CDP dated June 2006 as may be revised.)
2. **Transportation.**
 - A. The Applicant shall dedicate and convey in fee simple to Greene County a right of way along the site's U.S. Route 29 frontage as reflected on the CDP. The said dedication and easements shall be provided when Greene County issues the first building permit for the improvements contemplated by the Concept Development Plan.
 - B. Improvements shall be designed and constructed at the entrance of the site on U.S. Route 29 to provide left and right turn lanes, as reflected on the concept development plan (CDP). The left turn lane shall be 300 foot long with a 100 foot taper and constructed within the existing median area of Route 29. The right turn lane shall be constructed as a continuous lane beginning at the southern most property line and continuing north to the proposed site entrance. A taper 50 feet in length shall be striped with new paved area serving as the right turn lane.
 - C. The Applicant shall conduct a warrant study for the intersection of U.S. Route 29, Deerfield Drive and site entrance coincident with the submission of the first site plan for the property and reflecting the full buildout of the site. If a signal is deemed warranted at this intersection, the Applicant shall design, equip and install the said signal within the existing right of way. In the event that any off-site rights of way or easements are not available, at no cost to the Applicant, the Applicant shall contribute a pro rata share towards the future signalization of the intersection by VDOT and/or others. The said pro rata share to be based on the Applicant's portion of the peak hour traffic at this location as evidenced by the warrant study. Such payment shall be made to Greene County and shall be utilized by the County within five (5) years of date of contribution. Should the funds not be used by the County for this purpose, then the funds and any interest shall be returned to the Applicant.
 - D. The Applicant shall dedicate and convey in fee simple to Greene County right of way dedication along the site Route 607 (Matthews Mill Road frontage) as

reflected on the generalized CDP. The said dedication shall be provided at the time of the issuance of the first building permit for the improvements contemplated by the Concept Development Plan.

- E. The Applicant may design and construct to public street standard, those internal road connections depicted on the generalized CDP as Roadways A and B in order to facilitate a future dedication if requested by VDOT and inter-parcel connections to the adjacent properties to the north and/or south. The dedication of the internal streets would occur only if requested in writing by either VDOT or the County and approved by the Applicant. The connection is to provide a parallel road to Route 29 predominantly for the use of local traffic. Such dedication would occur only after Greene County issues a building permit for the first building contemplated by the Concept Development Plan and VDOT and/or the County and Applicant have agreed.
 - F. The Applicant agrees to escrow with Greene County the cost of providing a future left turn lane on Route 607 at the southern most site entrance of the Application Property. Such escrow shall be created at the time the Applicant has 10,000 feet of commercial space constructed and occupied. Should the escrow be created but not used within five (5) years from the date of contribution. The funds, including any interest, will be returned to the Applicant.
3. **Landscaping-Lighting Plan.** An overall Landscaping-Lighting Plan will be submitted to the Greene County Planning Office for review and to the Planning Commission for approval as a part of site plan review. The landscaping plan shall include a signage placement plan for the businesses. The Applicant further agrees to install a fence and/or landscaping adjacent to the boundary of its property on the south with the residential area off Route 607 in order to screen Applicant's business (B-3) property from the residential use. If a fence is used, the fence constructed shall be on the property line and shall be at least six feet in height. The landscaping shall be planted on the Applicant's Property and designed to screen the area from residential view. In addition, the concept development shows landscaping along Route 607 and landscaping within the interior of the Applicant's development and is proffered. All lighting utilized shall be lighting appropriate for a rural area and the lighting fixtures installed be non-reflective in order to minimize impact on the adjoining residential property and to reduce light reflection in the 29 Corridor.
4. **Buffer.** The Applicant agrees to create a landscaped buffer along Route 607.
5. **Paved Parking.** The access and parking areas of the Applicant will be paved. The types of pavement may include asphalt, concrete and aggregate materials.
6. **Uses Waived.** The Applicant waives the following uses permitted in Business B-3: telecommunication antennas and towers; hospitals and nursing homes; truck stops; bus, truck and taxi terminals; and fuel distribution centers.
7. **Public utilities.** Public utilities shall be utilized in the development of the Property.

6. **Uses Waived.** The Applicant waives the following uses permitted in Business B-3: telecommunication antennas and towers; hospitals and nursing homes; truck stops; bus, truck and taxi terminals; and fuel distribution centers.
7. **Public utilities.** Public utilities shall be utilized in the development of the Property.
8. **Storm Water Management.** The Applicant shall provide on-site stormwater detention consistent with the requirements of the Greene County and the Soil & Water Conservation Board.
9. **Design Guidelines.** The Applicant agrees to create Design Guidelines to ensure that the architecture and construction materials used on the project maintain a uniform character and blend with the surrounding community.

Signatures begin on following page

Original Proffer
 Amended Proffer

PROFFER FORM

Date: 5/17/06

Case File # RZ 06-006

Tax Map Parcel Number(s): 66((A))76 / 66((A))53

7.39± acres to be rezoned from R-1 to B-3

Pursuant to Section 16-2-1 of the Greene County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that:

- (1) the rezoning itself gives rise to the need for the conditions; and
- (2) such conditions have a reasonable relation to the rezoning request.

Permitted uses of the property, and/or uses authorized by special use permit, shall include only those uses allowed in section 10-1-1 of the Greene County Zoning Ordinance in effect on 5/17/06, a copy of the section ~~being~~ being attached hereto, except the following:

- 5 Highway Retail Service Centers / Truck Stops
- 6 Bus, Truck and Taxi Terminals

Robert P. Morris
Signatures of All Owners

Robert P. Morris
Printed Names of All Owners

5/17/06
Date

OR

Signature of Attorney-in-Fact
(Attach Proper Power of Attorney)

Printed Name of Attorney-in-Fact

Date

If you intend to proffer to limit the uses of your property to some of the uses permitted within the property's proposed zoning district, the County suggests that your proffer contain the standardized introductory language set forth below.

For Proffers that will restrict the uses of the property to certain specified permitted uses and/or those uses authorized by a special use permit the following language is suggested:

Permitted uses of the property, and/or uses authorized by special use permit, shall include only the following section(s) of the Greene County Zoning Ordinance in effect on (insert date of proffer), a copy of the section(s) being attached hereto:

1. (State section number and the use associated with that section)

For Proffers that will allow most of the uses permitted in the zoning district, but will exclude some, the following language is suggested:

Permitted uses of the property, and/or uses authorized by special use permit, shall include only those uses allowed in section(s) (insert section number(s)) of the Greene County Zoning Ordinance in effect on (insert date of the proffer), a copy of the section(s) being attached hereto, except the following:

1. (State section number and the use associated with that section)

The date of the proffer should be the date that your application will be considered by the Greene County Board of Supervisors.

By including the use associate with a section number the County will be able to verify what is being proffered so that there is no dispute (e.g., as a result of a typographical error) whether the proffered use was intended to be included or excluded.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF GREENE GENERAL OBLIGATION SCHOOL BONDS, REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY

WHEREAS, the Virginia Public School Authority (the "Authority") pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution") and (ii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the "1997 Resolution") issued bonds (respectively, the "1987 Resolution Bonds" and the "1997 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

WHEREAS, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Greene, Virginia (the "County") designated the County of Greene General Obligation School Bond, Series 1989 ("Prior Local School Bonds");

WHEREAS, the Authority has issued under the 1987 Resolution a series of 1987 Resolution Bonds designated as "School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the "Series 1991 C Bonds");

WHEREAS, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Greene General Obligation School Bond, Refunding Series 1994 A (the "Local School Bonds");

WHEREAS, the Authority refunded its Series 1991 C Bonds ("Refunded Bonds") with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Refunding Bonds") issued pursuant to the 1997 Resolution;

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule");

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

WHEREAS, the Board of Supervisors of the County of Greene, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GREENE, VIRGINIA:

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement substantially in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate substantially in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

RESOLUTION TO ACCEPT AND APPROPRIATE EIGHT THOUSAND EIGHT HUNDRED SEVENTY-TWO DOLLARS AND FORTY CENTS FROM THE STATE/ FEDERAL GOVERNMENTS FOR CARRYOVER GRANT PROGRAMS

WHEREAS, the Board of Supervisors of the County of Greene, Virginia has received grant funding for various grant programs; and,

WHEREAS, the following funds in the amount of eight thousand eight hundred seventy-two dollars and forty cents (\$8,872.40) need to be accepted and appropriated to the 2004-05 Operating Budget of the County of Greene, Virginia:

<u>Grant</u>	<u>Amount</u>
Donations	\$1,626.08
Local Law Enforcement	\$ 974.00
DMV Overtime Grant	\$1,164.14
Asset Forfeiture-State	\$4,144.50
Asset Forfeiture-Federal	\$ 691.88
COPS Technology	\$ 271.80

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that the amount of eight thousand eight hundred seventy-two dollars and forty cents (\$8,872.40) to be received from the above grant programs be accepted and appropriated to the appropriate line items in the 2004-05 Operating Budget of the County of Greene, Virginia.

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 and to do all things necessary to give this resolution effect.

Adopted this 22nd day of August, 2006.

**RESOLUTION TO APPROPRIATE
SEVEN THOUSAND FIVE HUNDRED EIGHTY NINE
DOLLARS AND SEVENTY CENTS FOR SHERIFF OFFICE
EXPENSES**

WHEREAS, the Sheriff's Department for the County of Greene has received funding from private donations for expenses; and

WHEREAS, the funds in the amount of seven thousand five hundred eighty nine dollars and seventy cents (\$7,589.70) need to be appropriated to the appropriate line item in the 2005-2006 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 seven thousand five hundred eighty nine dollars and seventy cents (\$7,589.70) be appropriated to the 2005-2006 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 August, 2006.

**RESOLUTION TO ACCEPT AND APPROPRIATE
TWENTY THREE THOUSAND ONE HUNDRED SEVENTEEN
DOLLARS AND SEVENTY ONE CENTS FOR SHERIFF EXPENSES**

WHEREAS, the Sheriff's Department for the County of Greene has received funding from the Federal Government for expenses; and

WHEREAS, the funds in the amount of twenty three thousand one hundred seventeen dollars and seventy one cents (\$23,117.71) need to be appropriated to the appropriate line item in the 2005-2006 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 twenty three thousand one hundred seventeen dollars and seventy one cents (\$23,117.71) be appropriated to the 2005-2006 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 August, 2006.

**RESOLUTION TO ACCEPT AND APPROPRIATE
FOUR THOUSAND THIRTY-NINE DOLLARS AND FIFTY CENTS
FOR SHERIFF EXPENSES**

WHEREAS, the Sheriff's Department for the County of Greene has received funding from the State Government for expenses; and

WHEREAS, the funds in the amount of four thousand thirty-nine dollars and fifty cents (\$4,739.50) need to be appropriated to the appropriate line item in the 2005-2006 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 four thousand thirty-nine dollars and fifty cents (\$4,739.50) be appropriated to the 2005-2006 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 August, 2006.