

November 14, 2006

County of Greene, Virginia

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, NOVEMBER 14, 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 in honor of Veteran's Day.

RE: REPORT ON ACTIVITIES AT THE JABA SENIOR CENTER

Mrs. Gail Auer, JABA Nurse, expressed her gratitude to the Board for funding her position. She gave a brief report on contact with JABA clients and asked that anyone who knows individuals in need of assistance get the information to her.

Board member Jeri Allen said Mrs. Auer was very instrumental in establishing the Greene Free Clinic and felt the community owes her a tremendous debt of gratitude for her efforts.

RE: PUBLIC HEARING - REZONE REQUEST FROM GATEWAY CENTER, LLC/LARRY & BARBARA HALL/KERRY ALORTO, ETALS/LARRY HALL

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Gateway Center, LLC/Larry & Barbara Hall/Kerry Alorto etals/Larry Hall to rezone a 39.67 acre tract, 24.44 acres

of a 44.44 acre tract, a 1.51 acre tract, a 3.23 acre tract, a 0.48 acre tract, a 0.25 acre tract, and a 0.50 acre tract from A-1, Agriculture, to B-3, Business, located on Spotswood Trail and Seminole Trail and identified on County Tax Maps as 60-(A)-18, 20 (portion), & 20B and 60C-(A)-4 and 60C-(2)-1 & 2.

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

The Planning Commission recommended approval of this request with the acceptance of submitted proffers.

Ms. Valerie Long, representative of the applicant, spoke briefly on the requested rezone and reviewed the conceptual site plan.

The Chairman opened the floor for public comment.

The Board heard comments from Carl Schmitt, Andrea Wilkinson, Dennis Jarvis and Lee Estes.

The public hearing was closed.

Vice Chairman Clarence Peyton said he attended the meeting of the Ruckersville Citizen Council with representatives of Gateway project. His objective is to relieve the tax burden on residential homeowners and he is excited about this opportunity.

Board member Patsy Morris agreed that the County needs businesses to help broaden the tax base.

Board member Jeri Allen questioned inter-parcel access at the proposed development. She said the road on this property was envisioned to access retail areas but also alleviate congestion at the intersection of Route 33/Route 29. Mrs. Allen also urged the applicant to make every effort to utilize low impact development practices where possible.

Board member Mickey Cox agreed with comments of other members. The development of this project will allow citizens to “spend their green in Greene”.

In response to a question regarding the road, Mr. Svoboda said traffic studies will be required and issues will be dealt with during site plan review. The road will be built to State standards.

The Chairman thanked the applicant for willingness to discuss the proposed project and hear input from citizens and felt this project defines a town center for Ruckersville. The Comprehensive Plan and infrastructure plan supports this rezone.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from Gateway Center, LLC/Larry & Barbara Hall/Kerry Alorto etals/Larry Hall to rezone a 39.67 acre tract, 24.44 acres of a 44.44 acre tract, a 1.51 acre tract, a 3.23 acre tract, a 0.48 acre tract, a 0.25 acre tract, and a 0.50 acre tract from A-1, Agriculture, to B-3, Business, located on Spotswood Trail and Seminole Trail and identified on County Tax Maps as 60-(A)-18, 20 (portion), & 20B and 60C-(A)-4 and 60C-(2)-1 & 2 with acceptance of proffers as submitted. (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 – REQUEST FOR SPECIAL USE PERMIT FROM EMMANUEL  
CHRISTIAN CENTER/TRACY BOND

Mr. Svoboda reviewed the request from Emmanuel Christian Center/Tracy Bond for a Special Use Permit for a church and youth facility on a 20.00 acre tract, zoned A-1, Agriculture, located on Spotswood Trail and identified on County Tax Maps as 50-(A)-38B.

Public water is available. Public sewer is not available. VDOT has indicated road improvements will be required.

The applicant has submitted a list of conditions which includes:

- Phase 1 will include a multi-purpose building that will serve as a sanctuary until Phase 2 is completed. The sanctuary space in Phase 1 will also serve as a gymnasium and will include a smaller exercise room, some classrooms, and normal support spaces such as bathrooms. There will be parking for the sanctuary capacity of 400.
- Phase 2 will include a sanctuary with a maximum capacity of 800 and the parking area shall be doubled in size to accommodate sanctuary occupancy.
- The design of the structures shall be consistent and compatible with the rural area.
- Building height will not be determined until the final design. However, the applicant has committed to the same maximum height that is dictated for residential construction (35 feet).
- Driveway will be asphalt.

- Applicant has offered to provide a minimum of a 50 foot natural buffer around the entire building portion of the site. All exterior lighting shall be designed using full cut-off down facing fixtures mounted on poles not to exceed 15 feet in height.

The Planning Commission recommended approval with the inclusion of the list of conditions, dated October 2, 2006, as offered by applicant.

Mr. Michael Jackson, Pastor of the Emmanuel Christian Center, spoke briefly on the request for a special use permit. Citizens will benefit from the center as it will provide a place for young people to go.

Mr. Bob Anderson, Dominion Development Resources, LLC, said the planning process for the project will be open to the neighbors for discussion.

The Chairman opened the floor for public comment. Mr. John McDaniel, adjoining property owner, said his house is 55 feet from the property line. His septic drain field may be over the property line. He expressed concern regarding water run off.

The public hearing was closed.

Board member Jeri Allen agreed young people need something to do and asked if the youth center will be available to everyone. The applicant indicated the center would be open to all. Mrs. Allen asked if public sewer would be available. Mr. Herb White, WW Associates, said he would check.

Board member Patsy Morris asked what measures would be taken if Mr. McDaniel's drain field encroaches on Church property. The Chairman said the property owners would work that out amongst themselves.

In response to a question from Mrs. Morris, the applicant said there will be a gymnasium and some outdoor activities at the center.

Vice Chairman Clarence Peyton asked how much frontage the Church property has on Route 33 and the location of the paved driveway in relation to Mr. McDaniel's property. Mr. Svoboda said the property has 210 feet of road frontage on Route 33. The proposed driveway is on the east side of the property with the edge of pavement approximately 15 feet from the property line. Mr. Anderson said the location of the driveway could be moved depending upon discussion with VDOT.

Mrs. Morris asked how far drain fields must be from property lines. Mr. Svoboda said septic systems are regulated by the Health Department.

The applicant indicated willingness to work with Mr. McDaniel in regards to his septic drain field.

The Chairman supported the request with the conditions as submitted and the applicant working with Mr. McDaniel to resolve issues.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from Emmanuel Christian Center/Tracy Bond for a Special Use Permit for a church and youth facility on a 20.00 acre tract, zoned A-1, Agriculture, located on Spotswood Trail and identified on County Tax Maps as 50-(A)-38B with conditions as recommended by the Planning Commission.

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

Motion carried.

RE: PUBLIC HEARING – PROPOSED AMENDMENT TO ZONING ORDINANCE –  
ACCESSORY APARTMENT

Mr. Svoboda said the proposed amendment is in response to the request by the Board of Supervisors to review and discuss the allowance of accessory apartments in specific zoning districts.

There has been an increase in inquiries from citizens regarding the creation of an accessory apartment which is a completely separate living unit contained within a larger single family dwelling.

The Comprehensive Plan does not directly address this issue. The proposed revision would allow citizens to utilize additional living space without creating additional rooftops. The revision would be a by-right use, with special application, in the A-1, C-1, R-1, R-2, PUD and SR zoning districts.

Mr. Svoboda reviewed the language of the proposed amendment.

The Planning Commission recommended approval with conditions of a special application and allowed in the A-1, C-1, R-1, R-2, PUD and SR zoning districts.

The Chairman opened the floor for public comment. The Board heard comments from Ms. Colette Russo, Mr. Jason Thomas, Ms. Andrea Wilkinson and Mr. Dennis Friedrich. The public hearing was closed.

Mr. Svoboda said the Health Department regulations govern the number of bedrooms and size of septic system.

Board member Mickey Cox suggested requiring at least four parking spaces plus a turn around when an accessory apartment is allowed.

Board member Patsy Morris asked about enforcement of regulations in regards to accessory apartments and suggested the proposed amendment needs further review. Mr. Svoboda said the amendment, as proposed, does not limit occupancy to only family members because of enforcement issues.

Board member Jeri Allen clarified that the presence of a kitchen qualifies the space as an accessory apartment. She felt the County must find a way to address the request for accessory apartments by homeowners for family members such as elderly parents or children.

Vice Chairman Clarence Peyton agreed that the Board must develop a method to accommodate a parent, grandparent or hardship case. He was concerned by that two bedrooms would be allowed. The intent was to accommodate family members, not provide an opportunity for additional income to homeowners. He agreed the amendment needs further review.

The Chairman expressed concern with accessory apartments being allowed in all the zones by right, especially the Senior Residential zone. He felt the use might be appropriate by right in the A-1 and C-1 zones and should be specifically for family members.

Mrs. Allen proposed the Planning Commission review accessory apartments for family members only.

The County Attorney noted the restrictive covenant for a subdivision would "trump" the Zoning Ordinance.

Mr. Svoboda said the definition for dwelling unit is a single unit that has permanent provisions for living, sleeping, eating, cooking and sanitation.

Mr. Svoboda clarified that the Board is instructing the Planning Commission and staff to review accessory apartments again with the following instructions:

- Accessory apartments will not be allowed in R-1 and SR zones.
- Change from two bedrooms to one bedroom.
- Add family members.
- Review requirements for parking.
- Require special application but not a special use permit for hardship.

Mrs. Allen felt there must be a “middle ground” between a use by right and a special use permit.

After further discussion, the Board, upon motion by Mickey Cox and unanimous vote, referred the proposed amendment for accessory apartments back to the Planning Commission and staff for further study.

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

Motion carried.

RE: MATTERS FROM THE PUBLIC

TIME BASED ZONING

Mr. Carl Schmitt asked the Board to address the status of time based zoning.

LIGHTING ORDINANCE

Mr. Dennis Friedrich asked for an update on his previous request that the County consider a lighting ordinance. Mr. Svoboda said a lighting ordinance in on the list for his department to study.

DISTURBED LAND

Mr. Lee Estes asked if developers are going to be required to plant grass on open disturbed land. The Chairman said the County recently employed an Erosion and Sediment Inspector who would be enforcing regulations.

RE: CONSENT AGENDA

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

- a. Minutes of the October 24, 2006 meeting.
- b. Approve amendment to the Greene County Rescue Squad Employee Leasing Agreement between UVA Medical Center and the County of Greene. (See Attachment "B")

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

RE: OTHER MATTERS FROM THE BOARD

FLU SHOTS

Mrs. Allen said she received a call from a citizen who expressed concern regarding the lack of flu shots being available at the Greene County Health Department. It seems the supply of vaccine to the Health Department has been erratic. The County Administrator will contact Dr. Peake regarding the availability of flu shots.

VACO MEETING

Mr. Cox reported on the VACO Meeting he and the County Administrator attended.

WORKSHOP ON TIME BASED ZONING

The Chairman said the workshop on time based zoning will be held on Tuesday, December 12 during the regularly scheduled board meeting which will begin at 5:30 p.m.

LEGISLATIVE LUNCHEON

The Chairman said he, Mrs. Allen and Mr. Clark attended the legislative luncheon. He said he was disturbed by the attitude of legislators in regards to impact fee legislation which is being proposed by the Thomas Jefferson Planning District Commission through the legislative program.

RE: COUNTY ADMINISTRATOR'S REPORT

Mr. Barry Clark, County Administrator, reviewed the following report:

**Court House Renovation Project**

- Bids received November 9.

**Extension Agent**

- No update

**Maintenance of Buildings/Grounds**

- Handicap ramp at Treasurer's Office has been completed.
- Shrubs and trees at Courthouse and County Administration Building trimmed/pruned.
- Steps to lower parking lot at County Administration Building have been installed.

**Zip code for Barboursville**

- Continue to wait for response from Postal Service and Virgil Goode.

**Mayors and Chairs Meeting**

- Attended meeting on October 30. Legislative luncheon.

**Christmas Luncheon**

- December 14 at noon – Stanardsville Volunteer Fire – Blue Ridge Café catering

**Snow Removal**

- RFP has been advertised

**Octonia Road**

- VDOT paved intersection of Ford Avenue and Octonia Road

**VACO Conference**

- Update on activities at conference.

**Food Bank**

- Exploring all viable options

RE: EXECUTIVE SESSION

Upon motion by Mickey Cox 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
- Blue Ridge Juvenile Detention Commission
- Solid Waste
- Courthouse Project
- Economic Development

**Land Acquisition:**

- Water and sewer

**Legal:**

- Current and potential litigation

**Various Appointments:**

- Planning Commission
- Rivanna River Basin Commission
- Thomas Jefferson Community Criminal Justice Board
- Jefferson Area Disability Services Board

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

Motion carried.

Upon motion by Clarence Peyton 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: APPOINTMENTS**

Upon motion by Clarence Peyton and unanimous vote, the Board made the following appointments:

**Planning Commission**

Helen Phillips

**Rivanna River Basin Commission**

Jeri Allen

Mickey Cox

Smith Coleman

**Thomas Jefferson Community Criminal Justice Board**

Ron Morris

**Jefferson Area Disability Services Board**

Randy Corpening

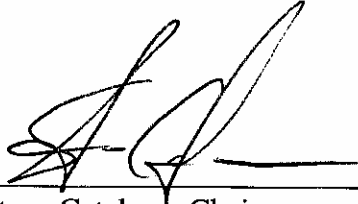
Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

Board of Supervisors  
Regular Meeting  
November 14, 2006  
Sheet 14

RE: ADJOURN MEETING

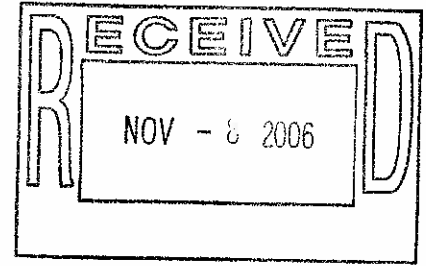
As there was no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to read 'S. Catalano', written over a horizontal line.

Steve Catalano, Chairman  
Greene County Board of Supervisors

## Gateway Market Center

**Proffer Statement**  
**RZ #06-008**  
**November 14, 2006**



Property: Greene County Tax Map Parcels 60C-(2)-1, 60C-(2)-2, 60C-(A)-4, 60-(A)-18, 60-(A)-20 (portion) & 60-(A)-20B (the "Property")

**Record Owners:**

**TMP 60C-(2)-1:** Larry B. Hall and Barbara A. Hall

**TMP 60C-(2)-2:** Larry B. Hall and Barbara A. Hall

**TMP 60C-(A)-4:** Larry B. Hall, Barbara A. Hall, Kerry Lynn Alorto, Leslie Carol Hall, Larry B. Hall, Jr., Erica Leigh Hall, Susan Elaine Hall, Wade Brandon Hall, and Sarah Ann Hall

**TMP 60-(A)-18:** Larry B. Hall, Barbara A. Hall, Kerry Lynn Alorto, Leslie Carol Hall, Larry B. Hall, Jr., Erica Leigh Hall, Susan Elaine Hall, Wade Brandon Hall, and Sarah Ann Hall

**TMP 60-(A)-20:** Larry B. Hall and Barbara A. Hall

**TMP 60-(A)-20B:** Larry B. Hall and Barbara A. Hall

**Applicant:** Gateway Market Center, L.L.C.

The Owner of the Property hereby voluntarily proffers the conditions listed below which shall be applied to the Property if the Board of Supervisors approves rezoning application RZ #06-008. 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 requested.

1. Subject to all site plan requirements and regulations, the Owner will maintain or plant landscaping along the western and southwestern boundary lines of the Property, adjacent to tax map parcels 60-(A)-19, 60-(A)-1A, 60-(A)-2, and 60-(A)-3.
2. Subject to all site plan requirements and regulations, all free-standing light fixtures within the Property will be down-shielded or full-cutoff design.
3. The Owner will construct the public road through the Property in general accord with the layout shown on the Rezone Sketch prepared by Kimley Horn Associates, Inc. dated October 27, 2006, and attached hereto as Exhibit A, subject to approval of the road plans by the Virginia

Department of Transportation. To facilitate inter-parcel connectivity, the public road will be constructed all the way to the edge of northern boundary of the Property, as shown on Exhibit A.

4. Subject to all site plan requirements and regulations, the Owner will use reasonable efforts to plant landscaping along portions of the Property owned by the Owner which front on U.S. Route 29 and U.S. Route 33.

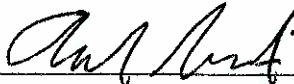
5. Subject to receipt of written permission from the Virginia Department of Transportation ("VDOT"), the Owner will use reasonable efforts to plant landscaping in the medians of U.S. Route 29 in front of the portions of the Property owned by Owner, subject always to VDOT policies and regulations.

6. Subject to all site plan requirements and regulations, the Owner will use reasonable efforts to plant vegetated screening around all stormwater detention ponds within the Property.

7. Subject to all site plan requirements and regulations, when the VDOT traffic signal warrants are met at each of the two locations shown as "Proposed Signal" on Exhibit A, the Owner shall install a traffic signal at each such location.

Applicant:

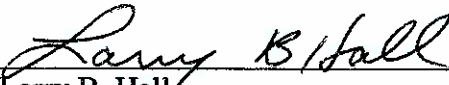
**GATEWAY MARKET CENTER, L.L.C.**


By: 

Printed Name: Andrew Bonintz

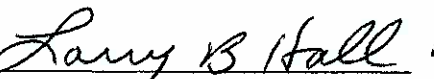
Title: General Partner

Owners:

  
Larry B. Hall

  
Barbara A. Hall

  
Kerry Lynn Alorto

By:   
Larry B. Hall, attorney-in-fact

Leslie Carol Hall

Leslie Carol Hall

By: Larry B Hall  
Larry B. Hall, attorney-in-fact

LARRY B. HALL, JR

Larry B. Hall, Jr.

By: Larry B Hall  
Larry B. Hall, attorney-in-fact

ERICA Leigh Hall

Erica Leigh Hall

By: Larry B Hall  
Larry B. Hall, attorney-in-fact

Susan Elaine Hall

Susan Elaine Hall

By: Larry B Hall  
Larry B. Hall, attorney-in-fact

Wade BRANDON Hall

Wade Brandon Hall

By: Larry B Hall  
Larry B. Hall, attorney-in-fact

Sarah Ann Hall

Sarah Ann Hall

By: Larry B Hall  
Larry B. Hall, attorney-in-fact

**ADDENDUM TO  
EMPLOYEE LEASING AGREEMENT**

**BETWEEN**

**THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA,  
ON BEHALF OF ITS MEDICAL CENTER**

**AND**

**THE COUNTY OF GREENE ON BEHALF OF ITS RESCUE SQUAD**

**This Addendum to the Agreement named Greene County Rescue Squad Leasing Agreement is made and entered into effective as of the 1<sup>st</sup> of October 2006, by and between The Rector and Visitors of the University of Virginia on behalf of its Medical Center (the "Medical Center"), and The County of Greene and its Rescue Squad ("Greene County"):**

**WITNESSETH**

**Whereas, the Medical Center and Greene County entered into an Agreement on the 1<sup>st</sup> day of March, 2003 to lease certain employees of the Medical Center to provide rescue squad services to Greene County;**

**Whereas, the Medical Center and Greene County desire to amend the terms of the Agreement;**

**Now, therefore, the Medical Center and Greene County agree to the following:**

- The weekly hours provided by the positions of EMT-I/P/C and EMT-B are increase to 72 hours.
- Effective January 1, 2007 reimbursement rates for provided services are increase by three (3) percent.

**All other terms of the agreement and any amendments shall remain in effect and unchanged.**

**In Witness Whereof, the parties have hereto signed this Addendum in their official capacities effective as of the date first set forth above.**

**THE COUNTY OF GREENE**

**THE RECTOR AND VISITORS OF THE  
UNIVERSITY OF VIRGINIA**

\_\_\_\_\_  
By: Barry Clark  
County Administrator

\_\_\_\_\_  
Larry L. Fitzgerald  
Chief Financial Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date