

August 12, 2008

County of Greene, Virginia

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, AUGUST 12, 2008 AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

Present: Steve Catalano, Chairman
Clarence Peyton, Vice Chairman
Jeri Allen, Member
Carl Schmitt, Member
Mike Skeens, Member
Ray Clarke, County Attorney
Patti Vogt, Deputy Clerk
Tracy Morris, Finance Director

Absent: Barry Clark, County Administrator

RE: EXECUTIVE SESSION

Upon motion by Carl Schmitt 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/Sewer
- Solid Waste Facility
- Building Maintenance

Land Acquisition:

- Water/Sewer

Personnel:

- Administration

Various Appointments:

- None

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	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
	Carl Schmitt	-	Yes
	Mike Skeens	-	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
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: AWARD CONTRACT- SOLID WASTE FACILITY

Upon motion by Jeri Allen and unanimous vote, the Board awarded the contract for gas venting at the Solid Waste Facility to The Information Broker for a total of \$89,925.00.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: LEGISLATIVE PROGRAM

Mr. David Blount, Legislative Liaison, was present to review the process and timeline for the 2009 Legislative Program. He said the priorities will be much the same as last year. A draft should be presented for review by the Board of Supervisors in September.

The Chairman said Delegate Bell and Senator Hanger have been invited to attend the Board Meeting on September 23 to discuss reductions in State revenue. He encouraged citizens to participate in the meeting.

Mrs. Allen commented on the cross-the-board cuts by legislators and questioned their mindset. She noted localities have little authority beyond real estate taxes which directly impacts the citizens.

Mr. Catalano felt there are programs that could be reduced by the State to be fair to the localities.

Mr. Peyton said he did not love any program enough to raise taxes for local residents because of a shortfall from the State. He felt the County should have opportunity to challenge the mandate for CSA funding.

Mr. Schmitt asked if a record of votes cast by Delegate Bell and Senator Hanger could be provided. Mr. Blount said he would research votes.

The Chairman said the Finance Director will provide information on the financial impact of mandates and cuts by the State.

The Board heard discussion on the cash proffer reform and impact fees.

The Chairman thanked Mr. Blount for attending the meeting.

RE: PUBLIC HEARING – MARTIN INVESTMENTS, LLC

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Martin Investments, LLC to rezone from A-1, Agricultural, to B-3, Business, approximately 2.03 acres located on Seminole Trail and identified on County Tax Maps as 51-(A)-35 & 35A and 52-(9)-E. (RZ#08-002) It was noted the adjoining property owned by Martin Investment is currently zoned commercial.

Proffers excluded the following uses and conditions:

Section 10-1-1.5 (Highway Retail Service Centers/Truck Stops)
Section 10-1-1.6 (Bus, Truck and Taxi Terminals)
Section 10-1-2.4 (Fuel Distribution Center)

Proffers also addressed the current access to the property from a private residential use road named Forrest Lane. This vehicle access use shall continue for residential use only, until such time as the subject property use becomes commercial. Then all vehicle access to the subject property shall be from US 29, through the applicants adjoining commercial acreage.

The applicant also requested the Board approve a proffer amendment revision to the rezoning of the adjoining property dated May 11, 2000 and identified as Tax Map 51-A, Parcel 35, and Tax Map 41-A, Parcel 35A.

Permitted uses previously proffered out shall now be permitted.

Section 10-1-1.7 (hotels and motels)
Section 10-1-1.9 (restaurants – drive ups)
Section 10-1-1.10 (building material sales)
Section 10-1-1.11 (service contractors)
Section 10-1-1.12 (convenience stores)

Proffer dated May 11, 2000 under landscape enhancement: the owner requests the vacation of the conditions that the existing wooded area located on the northwest portion of Parcel 35A not be used for commercial purposes until May 30, 2010.

The Planning Commission recommended approval of the request with acceptance of proffers dated May 14, 2008.

Mr. Bill Gentry, representative of the applicant, spoke briefly on the request for rezone.

There were no comments from the public.

Mr. Peyton asked how the change of use will affect the utilization of the well and septic currently on the property. Mr. Svoboda said the water and septic will be included in the site plan review for any commercial use.

Mrs. Allen asked if the access from Moore Road would be used during the construction phase. Mr. Svoboda said access during the construction phase will have to be off Route 29.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from Martin Investments, LLC to rezone from A-1, Agricultural, to B-3, Business, approximately 2.03 acres located on Seminole Trail and identified on County Tax Maps as 51-(A)-35 & 35A and 52-(9)-E with submitted proffers. (RZ#08-002)

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: PUBLIC HEARING – INOPERABLE VEHICLES

Mr. Svoboda reviewed the proposed revisions to the Zoning Ordinance regarding inoperable vehicles which would clarify the language regarding inoperable vehicles for both staff and citizens.

The revisions include definitions, number of inoperable vehicles allowed on acreage and procedures for violations.

The Chairman opened the floor for public comment.

Mr. Dennis Friedrich suggested the addition of “hobby vehicle” and “farm use vehicles” on agriculture zoned property to the exempted vehicles. Mr. Friedrich commented on the required screening of vehicles. He also questioned the definition/number of vehicles allowed on a parcel.

Mr. Bob Roberts presented pictures of inoperable vehicles near his home. He said a neighbor has 9 unlicensed cars on 1.3 acres and the County would not touch it. Mr. Roberts also felt semi-trailers should be omitted altogether.

The Chairman closed the public hearing.

Mr. Svoboda said farm use and hobby vehicles could be added to the exempted vehicles.

The County Attorney said the Code of Virginia specifically exempts farm use vehicles from the two licensing issues and felt it is covered.

The Board discussed the issue of visibility of inoperable vehicles and time limits and aesthetics of screening (i.e. tarps). It was noted semi-trailers would be covered under this ordinance.

Mr. Svoboda briefly reviewed the enforcement policy and due process for appeal. He noted a text correction to change “and code enforcement officer” to “or his designee” in section 5.

The Chairman noted that just as was the case for the Sign Ordinance, this Ordinance may need further refinement after we have some experience with its implementation. He felt it had

been in process for some time and that any further changes would delay implementation in order to satisfy due process.

Mr. Schmitt requested that the comments from the public be recorded by the Planning Department and considered when there is a future review of the Ordinance.

Upon motion by Jeri Allen and unanimous vote, the Board approved OR#08-002 regarding inoperable vehicles with correction to text as noted. (See Attachment "A")

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: MATTERS FROM THE PUBLIC

There were no matters from the public.

RE: CONSENT AGENDA

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

- Minutes of July 22, 2008 meeting
- Fireworks permit (See Attachment "B")

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

PARKS AND RECREATION COMMITTEE

Mr. Schmitt reported on a recent meeting of the Parks and Recreation Committee. The project to install power at the Park is moving forward. A meeting with a representative of the Department of Conservation and Recreation to discuss grants was held on Monday. Grants would involve a local match and some money is available. There is a temporary hold on the well drilling.

RUCKERSVILLE CITIZEN COUNCIL

Mr. Schmitt noted Mr. Bill Wanner, TJPDC, and Chuck Proctor, VDOT, were present at the Ruckersville Citizen Council meeting last Tuesday to discuss the multi-modal study. Representatives of the Renaissance Planning Group were also present.

STREAM WATCH

Mr. Schmitt spoke on the Stream Watch Program which has volunteers monitoring streams in the Rivanna watershed. There are three monitoring sites in Greene County. Roach River and Preddy Creek received fair ratings. Mr. Schmitt felt this would be good information to factor into the Comprehensive Plan review as it relates to the protection of our water quality.

STATE BUDGET REDUCTIONS

The Chairman reported on a recent meeting with Constitutional Officers regarding reductions in State revenue. The Board instructed staff to send letters to the Constitutional Officers, Taxpayers Association, and the Ruckersville Citizen Council to inform them of a scheduled meeting with Delegate Rob Bell and Senator Emmett Hanger on September 23 at 7:30 p.m. in the County Meeting Room to discuss State budget reductions and related concerns.

REVENUE RECOVERY

The Chairman also reported that a meeting on revenue recovery is scheduled for the 20th.

BUSINESS LICENSE

Mrs. Allen said staff has mentioned instances where individuals starting new businesses interpret the issuance of a business license as permission to do business rather than a tax.

Mr. Svoboda said licensing and zoning should be coordinated. A revision is needed to require zoning approval prior to the issuance of a business license. It was the consensus of the Board to direct staff to proceed with drafting of the revision.

ORDINANCES

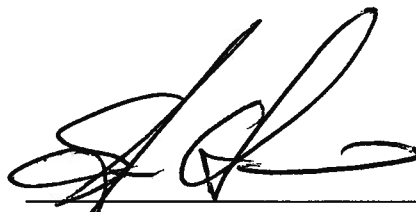
Mrs. Allen asked the status of the nuisance and abandoned vehicle ordinance. Copies of the draft ordinances were distributed to the Board for review.

SCHOOL BOARD RETREAT

Mr. Schmitt noted the School Board retreat is scheduled for Saturday, August 16 at 9:00 a.m. at Rosebrook Inn. The advertisement and location of the retreat was questioned. Mr. Skeens will check the advertisement of the meeting to determine if requirements were met in order for the Board of Supervisors to attend the retreat.

RE: CONTINUED MEETING

The meeting was continued to Tuesday, August 26, 2008 at 5:30 p.m. in the County Meeting Room.



Steve Catalano, Chairman
Greene County Board of Supervisors

SPECIFIC LANGUAGE

Keeping of Inoperable Vehicles

(1) Definitions as used in this section:

(a) ***Motor vehicle or vehicle*** means any motor vehicle, trailer or semi-trailer, or any part thereof, as defined in Code of Virginia (1950), §46.2-100, as amended.

(b) ***Inoperable vehicle*** means any vehicle:

(i) Which is not in operating condition; or

(ii) Which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or

(iii) On which there are displayed no valid state license plates; or

(iv) On which there is displayed no valid state inspection decal; or

(v) This definition of "inoperable vehicle" shall not include a registered and licensed antique vehicle, classic vehicle, or prestige vehicle so long as the vehicle is in operating condition.

(c) ***Shielded or screened from view*** means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located by using one of the following methods:

(i) A form fitted, defect-free cover specifically designed and manufactured to completely shield the motor vehicle, trailer or semi-trailer from view;

(ii) A hedge or dense evergreen landscape planting not less than six (6) feet high and ten (10) feet wide that is neat and well maintained; or

(iii) An opaque masonry wall or treated wood fence of stockade, board and batten, panel or similar type design in good repair of not less than six (6) feet high and ten (10) feet wide.

(2) The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any property zoned for residential, commercial or agricultural purposes is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance.

(3) It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential, commercial or agricultural purposes any vehicle which is inoperable, except as follows:

(a) On property less than two (2) acres, one (1) inoperable vehicle, including any portions thereof, may be kept provided they are shielded or screened from view; or

(b) On property two (2) acres and larger, two (2) inoperable vehicles, including any portions thereof, may be kept provided they are shielded or screened from view; or

(c) The inoperable vehicle is kept at a commercial business in compliance with the county's zoning regulations covering such business and /or a conditional use permit has been issued for the operation of such business; or

(d) An inoperable vehicle being repaired at an automobile repair business may be kept at such property for no more than sixty (60) continuous days; or

(e) The inoperable vehicle is kept within a fully enclosed building or structure.

(4) The provisions of this section shall not apply to any entity which was licensed and regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, as of March 1, 1975.

(5) The zoning administrator, or his designee, is hereby authorized to take any action necessary to ensure compliance with this Code section.

Notice of Violation

Property owner's, permit applicants, and/or establishment owners/managers, as applicable, shall be notified in writing of violations of the provisions of this article. The Zoning Administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The Zoning Administrator or his designee may establish a reasonable time period for the correction of the violation

Civil Enforcement Procedures

The Zoning Administrator or his designee is authorized to bring legal action, including injunction, abatement, or other appropriate action or proceeding. This remedy is in addition to, and not in lieu of, any other remedy available to the administrator.

Civil Penalties

The penalty for any one violation shall be a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00. The zoning administrator or his deputy may issue a civil summons as provided by law for a violation of this article. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the county prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

Such violations shall be a class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period.

State law reference(s)--Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles, Code of Virginia, § 15.2-904(A).

PERMIT FOR FIREWORKS DISPLAY

Issued to J. Frank Morris by the Greene County Board of Supervisors for display of fireworks on the site of 3485 Dundee Road, Stanardsville on August 31, 2008.

Permittee shall abide by terms and conditions set forth in the Virginia Statewide Fire Prevention Code.

This permit issued pursuant to Section 15.2-974 of the Code of Virginia, as amended.

Approved: August 12, 2008

Tracy J. Morris, Asst. County Administrator/
County Administrator Finance Director