

January 22, 2008

County of Greene, Virginia

THE CONTINUED MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, JANUARY 22, 2008 AT 3:30 P.M. IN THE COUNTY MEETING ROOM.

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

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.

**Personnel:**

- New policy and procedures

**Various Appointments:**

- Planning Commission
- Region Ten Community Services Board

|                |                 |   |     |
|----------------|-----------------|---|-----|
| 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: APPOINTMENT TO REGION TEN COMMUNITY SERVICES BOARD

Upon motion by Clarence Peyton and unanimous vote, the Board appointed Ms. Julie Dickey to the Region Ten Community Services Board.

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

Motion carried.

RE: AWARD CONTRACT – PERSONNEL MANUAL

Upon motion by Jeri Allen and unanimous vote, the Board awarded the contract to Springstead, Inc. to study and provide a personnel manual and review of personnel policies. The contract is not to exceed \$27,575.

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

Motion carried.

RE: PUBLIC HEARING – KINVARA PROPERTIES LLC

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Kinvara Properties, LLC to rezone from B-1, B-2, Business and R-2, Residential, to PUD, Planned Unit Development, a 38.00 acre tract and a 1.04 acre tract located on Seminole Trail/Cedar Grove Road/Deerfield Drive/Buck Drive and identified on County Tax Maps as 66-(A)-6 & 6C. (RZ#07-002)

The Future Land Use Map and recommendations of the existing Comprehensive Plan support the proposed rezoning. The Planning Commission recommended approval with acceptance of submitted proffers dated November 13, 2007. Mr. Svoboda noted there are new proffers since that date. Comments from VDOT and RSA are on file.

Mr. Svoboda said the extensive proffers include a concept plan by which development would take place. Also, the applicant has designated a parcel to be dedicated for use by the County as an emergency services facility, community park, community center, government offices, library, etc.

Mr. Svoboda noted there is open space between the proposed development and Willow Creek Subdivision.

Mr. Butch Davies, representative of the applicant, reviewed the proposed Deerfield Village PUD concept plan. There have been several meetings between the developer and citizens and concerns have been addressed.

The site includes 5.67 acres that are currently zoned B-1; 25.66 acres that are currently zoned B-2; and 7.71 acres currently zoned R-2. The proposal has been reduced to 98 residential units, 46 of which are by right. Proffers allow 46 units to be built the first year, not more than 40 units the following year and the remainder the next year.

Mr. Davies reviewed proffers and noted the cash proffer amounts to \$468,000 which is \$9,000 for each unit over the 46 allowed by right. He noted the value of the 2 acre lot being dedicated to the County is over \$600,000.

Proffers regarding transportation include turn lanes, traffic signals, dedication of right-of-way for additional lane on Route 29 south bound and approximately \$900,000 for improvements to Route 607 and Route 29 intersection.

The lighting and landscaping proffer should state that County Planning staff will approve the lighting and landscaping plan rather than the Planning Commission. Certain areas will have a four foot fence in addition to landscaping. A provision was added for gated access for emergency services at the end of Buck Drive.

The walking/bike trail will be a low impact design. Bike racks are included at several points throughout the development such as the bus stop and mail boxes.

Various textures and/or porches will be used on the front of at least 50% of the units to prevent the “row house” look.

The request to tie residential development to the commercial development is not feasible for the developer due to the financing of the project. The developer pre-purchased 108 water edu’s. A lower density of residential units does not work with the plan to create a balanced community as the residential capacity is needed to support commercial development.

The Chairman opened the floor for public comment.

Mr. Dan Curtner, resident of Willow Creek, felt further residential development will not benefit the residents of the County and will create congestion, traffic problems, increased student population, higher taxes, depletion of resources such as water, and will overall degrade the quality of life in the County. He noted 3600 new homes have already been approved and felt only the developer will benefit from this rezone.

Mrs. Andrea Wilkinson said the project has been enhanced by the process but felt the proffers are insufficient to cover the schools. She questioned credit for the value of right-of-way, which has not been determined, against funds for Route 607. Mrs. Wilkinson also felt the 7 year term for the letter of credit/bond might not be sufficient.

Mr. Brian Strickland, resident of Willow Creek, asked if the total proffers are reasonable and result in a net gain or cost. He requested that the lot dedicated for use by the County not be used for emergency services.

Mr. Matt Strauss, resident of Willow Creek, said he likes the project as far as the design but urged the Board to look beyond the plan. He was opposed to adding more homes when there are 3600 new homes already approved.

Mr. Vaughn Kowahl, resident of Deer Lake Estates, agreed with comments by Mr. Strauss.

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

Board member Carl Schmitt commented on the proffers regarding the \$11.2 million estimate for Route 607; the possible relocation of water lines and other utilities for construction of additional lane on Route 29; the traffic signal and pro-rata share of additional work.

Mr. Schmitt noted several errors including the year in paragraph 3E should be 2019 and language regarding the connector road be changed from “may design and construct” to “shall design and construct.”

Mr. Schmitt agreed that the value of the right-of-way needs to be determined now in regards to the credit that will be allowed so the County knows exactly what is being proffered.

On the construction of the additional south bound lane, Mr. Schmitt felt “if applicant builds it” should be added as this may or may not occur depending on VDOT. Mr. Davies noted it would be beneficial to do the work now.

Mr. Schmitt also felt the residential development should be tied to the commercial development as the County could wind up with residential and no commercial.

Paragraph 10 should be changed to read “the Applicant shall cooperate with Greene County and the Thomas Jefferson Planning District Commission staff on surfacing for the trail system” rather than the Soil and Water Conservation staff.

In response to a question by Mr. Schmitt, Mr. Jim Lavin, applicant, said he plans to be the developer for the project and does plan to construct the connector road at the beginning of the project.

Vice Chairman Clarence Peyton felt the applicant is submitting a "half proffer" since 46 units are not included in the proffer. He felt the proffer should include all 96 units.

In response to a question regarding the impact on schools, Mr. Svoboda said the estimate is for 14 school age children in the development.

Mr. Peyton said he does not consider landscaping a proffer as the County has requirements that must be met. He also discounts the proffer of the lot for County use. While he encourages business and commercial growth, he does not like rezoning business to residential.

Mr. Peyton reviewed the provisions of Article 1 of the Greene County Zoning Ordinance which states the governing body of the County may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purpose of this article, and may regulate, restrict, permit, prohibit, and determine the use of land for specific uses. This article states that adequate police/fire protection be provided, congestion in public streets be prevented, facilitation for the creation of convenient, attractive, and harmonious community be provided, etc. without placing an undue burden on the taxpayers.

Mr. Peyton suggested the applicant review the proposal again for amendments and corrections to the entire package to bring it into compliance with the Comprehensive Plan.

Board member Jeri Allen commended the planning aspects of the proposed project. She felt this will provide commercial development that the County wants and needs. Also, the project will provide housing options not available elsewhere in the County which is also needed. She felt this is an ideal transition from a single family development area to a commercial area. Mrs. Allen said she was impressed by the sensitivity shown by the developer to the neighbors of the project. She suggested the applicant ensure the proffers are clearly written.

Board member Mike Skeens questioned the number of school age children estimated in the development and noted the population at the schools stayed the same last year. He also agreed that the proffers should include the first 46 units and asked about the purchase of edus. Mr. Svoboda explained that edu's must be purchased at the time of application for a building permit.

The Chairman agreed with comments by Mrs. Allen and felt this was a well prepared program.

Upon motion by Carl Schmitt and unanimous vote, the Board deferred action on the request from Kinvara Properties, LLC (RZ#07-002) to rezone from B-1, B-2, Business and R-2, Residential to PUD, Planned Unit Development, a 38.00 acre tract and a 1.04 ace tract located on Seminole Trail/Cedar Grove Road/Deerfield Drive/Buck Drive and identified on County Tax Maps as 66-(A)-6 & 6C to Tuesday, February 12, 2008.

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

Motion carried.

RE: PLANNING DEPARTMENT PRIORITIES

The Chairman said WW Associates will be handling the water supply plan and will discuss at the next meeting. A public hearing is scheduled for February 12 to consider amendments to the Zoning Ordinance pertaining to sexually oriented businesses (SOB's).

Vice Chairman Clarence Peyton asked the status of the abandoned car issue. Mr. Svoboda said information can be redistributed or can be sent to the Planning Commission for

consideration. Mr. Peyton said he has had complaints from several citizens regarding abandoned cars and suggested a review of an ordinance for more enforcement.

Board member Carl Schmitt said prioritizing this list is difficult and felt the Board should discuss further at a retreat.

Board member Jeri Allen said the revision of B-2 vs. B-3 zones was not on the list. Another issue was investigation of growth areas on land use map.

There was a brief discussion regarding a nuisance ordinance as opposed to a noise ordinance. Mr. Ray Clarke, County Attorney, suggested the Board consult with the Commonwealth Attorney prior to consideration of a nuisance ordinance.

Mr. Schmitt noted several other issues that need consideration are the sign ordinance, the proffer guidelines (including road projects in CIP); State mandates for transportation such as highway access management regulations and standards, transportation impact fees, urban development area legislation, and traffic impact analysis requirement.

The Chairman said any mandates from the State are generally not placed on list as the Planning staff will know what needs to be done.

It was the consensus of the Board to prioritize projects in the following order with no priority assigned for housekeeping revisions.

- Sexually oriented business (SOB's)
- Revised proffer guidelines
- Update CIP calculations
- Abandoned cars
- Code Addition – nuisance ordinance

- Private road standards

RE: MATTERS FROM THE PUBLIC

There were no comments from the public.

RE: CONSENT AGENDA

Upon motion by Carl Schmitt and unanimous vote, the Board approved the minutes of the January 8, 2008 meeting as amended.

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

Motion carried.

RE: OTHER MATTERS FROM BOARD

Mrs. Allen said Mr. Davis Lamb has been elected as Chairman of the Planning Commission.

Mr. Schmitt said he attended a meeting in Richmond last Wednesday regarding the Route 29 Corridor Study which covers the road from Gainesville to Nelson County. Copies of the outline of approach that is going to be taken on the study were distributed.

Mr. Skeens said he met with representatives of the Library recently and was impressed with the Library facility.

Mr. Peyton said the School Board will be holding their first budget meeting and asked if the Board would like to pursue discussion regarding the transfer of responsibility of budgeting for school bus replacement from the Schools to the Vehicle Maintenance Facility. The Chairman

also felt the Board should discuss deletion of the line item for fuel and the use of a voucher system instead.

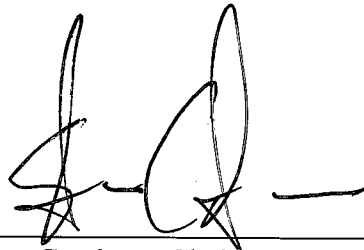
The Chairman said EMS has been responding to a lot of chimney fires and reminded everyone to have their chimney cleaned.

BUDGET WORKSHOP

It was the consensus of the Board to hold the budget workshop on March 19, 2008.

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