

March 25, 2008

County of Greene, Virginia

THE CONTINUED MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, MARCH 25, 2008 AT 5:30 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 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

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: PUBLIC SESSION

The Chairman opened the meeting with a moment of silence in memory of Jerry Bortner, Mayor of the Town of Stanardsville, who recently passed away.

RE: PUBLIC HEARING – SIX YEAR PLAN

Mr. Allan Sumpter, VDOT Resident Administrator, was present to discuss the proposed Six Year Plan for Secondary Road Improvements. Also present were Mr. Joel Denunzio, Staff Engineer, and Mr. John Winn, Contract Administrator.

Mr. Denunzio reviewed the projects included in the proposed Plan. The Rural Rustic Road projects were prioritized according to traffic counts as requested. Bids on the Bacon Hollow Road project are due April 23 and construction should begin this spring.

A scoping meeting on the Matthew Mill Road project will be held soon. The area of concentration will be closer to Route 29 and the intersection with Route 670.

Octonia Road now qualifies as a Rural Rustic Road project due to the change in allowed traffic count. The Board of Supervisors will need to adopt a resolution designating the road as rural rustic and the project should be completed this summer. Mr. Denunzio reviewed the requirements for Rural Rustic Road projects and said projects can be reprioritized.

The Chairman opened the floor for public comments. Mrs. Patsy Morris asked about the Mutton Hollow Road project. Mr. Denunzio said that project will begin as soon as possible. The public hearing was closed.

Mr. Sumpter discussed the reduction in funding, totaling \$360,000 over six years, for secondary unpaved roads. Overall, the impact should not be too great.

Board member Jeri Allen was concerned about the Matthew Mill Road project and the Route 33/Route 29 intersection.

In response to a question by Board member Carl Schmitt, Mr. Sumpter said the Plan includes Rural Rustic Road projects that can receive funding and can be constructed in a realistic time frame. He suggested the Board of Supervisors compile a priority list of roads to be considered for Rural Rustic Road funding.

Funding of maintenance projects is the first priority for VDOT. Mr. Sumpter did not foresee a problem with maintenance of roads.

Mr. Schmitt commented on the Route 29 corridor study and the multi-modal transportation grant.

Board member Mike Skeens commented on funding for Rural Rustic Road projects.

The Chairman felt the work session held earlier facilitated the process.

Upon motion by Carl Schmitt and unanimous vote, the Board approved the Six Year Plan for Secondary Roads as reviewed and authorized the County Administrator to execute appropriate documents.

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

Motion carried.

RE: PUBLIC HEARING – SPECIAL USE PERMIT – GREENE COUNTY SCHOOL BOARD

Mr. Bart Svoboda, Zoning Administrator, reviewed the request for a Special Use Permit from the Greene County School Board to display public service messages on the existing sign. At this time, the sign is limited to the display of time and temperature. The Planning Commission recommended approval and suggested a condition to limit messages to public service (no commercial) messages.

Mr. Ray Dingedine, School Superintendent, was present to discuss the request which he feels will benefit the entire community.

The Chairman opened the floor for public comment. Mr. Neil Williamson, Free Enterprise Forum, strongly encouraged the Board to not limit messages to public service only. He felt the School Board will monitor use of the sign. The hearing was closed.

Mr. Dingledine said he will review and approve any requests to use the sign. The intention is to display messages regarding school and other county activities.

Upon motion by Carl Schmitt and unanimous vote, the Board approved the request from the Greene County School Board for an electronic message center, Special Use Permit #07-006, subject to use being limited to school events and official county activities.

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

Motion carried.

RE: PUBLIC HEARING – SEXUALLY ORIENTED BUSINESSES

Mr. Svoboda reviewed the proposed amendment. In order to prevent potential deterioration in zoning districts, and to avoid potential adverse impacts on residential, institutional, and non-adult oriented retail uses, particularly those where children are present, and thereby protecting the public health, safety and welfare, sexually oriented businesses, as defined, shall be permitted only in the M-2 zoning district. The Planning Commission recommended approval.

Mr. Svoboda said the Planning Commission recommended the 1,000 foot requirement be changed to 1,500 feet. The Board can consider such revision at a later date.

The Chairman opened the floor for public comment. Mr. Allan Laudermilch expressed concern about the de-facto banning of such businesses and questioned “grandfathering” of this use. He asked what would happen if a church wants to move within 1,000 feet of an existing sexually oriented business. The public hearing was closed.

Mr. Svoboda said the Industrial Park, Business Park, and the Technicolor building are properties zoned M-2. Churches are not an allowed use in the M-2 zone.

Mr. Ray Clarke, County Attorney, said the courts would have to rule on “grandfathering” of this use.

Upon motion by Clarence Peyton and unanimous vote, the Board approved the amendment to the Zoning Ordinance as proposed (OR#08-001). (See Planning Department for text.)

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

Motion carried.

RE: PUBLIC HEARING – COUNTY CODE AMENDMENT

Mr. Barry Clark, County Administrator, and Mr. Ray Clarke, County Attorney, reviewed the proposed amendment to Chapter 14 – Article II – Animal Control, of the Greene County Code.

The County Administrator said the Sheriff’s Office has received numerous complaints regarding cows in roadways. The Code of Virginia includes a provision that can be adopted locally and a fine added to the enforcement. This amendment would mainly apply to cases of constant abuse and repeat offenders.

The County Attorney said this revision would apply to livestock which is defined broadly in the VA Code as animals raised for food or fiber excluding companion animals.

The County adopted, a number of years ago, a No Fence Ordinance which declares the boundaries of property constitute a lawful fence. Violation would be a Class 4 misdemeanor punishable by a \$250 fine.

The Chairman opened the floor for public comment. Mr. Bob Burkholder, Bob Runkle, Mickey Cox, Jimmy Henshaw and Richard Herring spoke in opposition of the proposed amendment. The public hearing was closed.

Enforcement of the proposed ordinance revision was discussed. The Board agreed that it is not the intention to adversely affect farmers but rather to deal with repeat offenders.

The County Attorney said the Sheriff could enforce this ordinance as he would any other. He suggested requesting input from the Sheriff on any changes that could deal with chronic problems.

The Chairman agreed with the comment made by Mr. Jimmy Henshaw regarding animal welfare and suggested this could be a key point in dealing with chronic offenders.

Upon motion by Carl Schmitt and unanimous vote, the Board denied approval of the proposed amendment and directed staff to explore other avenues to deal with repeat offenders through animal control.

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

Motion carried.

RE: RECESS

The Chairman called a short recess.

RE: VIRGINIA DEPARTMENT OF FORESTRY

Mr. John Miller, Director of Resource Protection with the VA Department of Forestry, and Mr. Dave Lawrence, Public Safety Director, were present to discuss fire prevention/protection and to provide information on available programs.

Mr. Lawrence conducted extensive research on programs and grants that would be available to homeowners. He noted emphasis is placed on the actions home owners or home owner's association can take to protect property.

Mr. Miller reviewed Virginia's Dry Hydrant and Firewise Programs. The Dry Hydrant Program provides 100% of installation cost and approximately 45 new hydrants are installed annually. There are currently seven (7) dry hydrants in Greene County. Mr. Miller reviewed the requirements for a body of water to be used for a dry hydrant.

The Firewise Virginia Program focuses on wild land urban interface communities in Virginia which includes 4,700+ communities statewide. The program helps homeowners understand what can be done to reduce wildfire threats to their property.

The Department completed 82 individual woodland home community assessments in Greene County. Seven communities are in the very high category; thirteen are in the high category; thirty-four are in the medium category and twenty-eight are in the low category. After assessment, the Department works closely with the communities through educational efforts and targeted actions for improvement. Type of fuel available (trees) and terrain are considered when assigning a designation.

Mr. Miller reviewed the law prohibiting burning until after 4:00 p.m. from February 15 thru April 30 of each year which corresponds with the spring wildfire season. Violation is a

misdeemeanor offense and individuals are responsible for damages to property. The Department also collects the cost for fire suppression.

It was the consensus of the Board to provide information regarding the Firewise and Dry Hydrant Program to The Greene County Record for publication. Also, information will be provided to the Emergency Services Committee for educational presentation at schools.

RE: COMPREHENSIVE PLAN

Mr. Bill Wanner, Senior Regional Planner with the Thomas Jefferson Planning District Commission, was present to discuss the revision of the Comprehensive Plan and the \$150,000 Multimodal Study funded by VDOT. The grant is for an eighteen month period and the study will focus on land use and transportation alternatives in development areas.

Mr. Wanner briefly reviewed a project TJPDC did on the Fluvanna-Louisa Corridor.

The Planning District Commission will plan for and conduct the public process and assist with drafting text and preparing maps and other elements of the Comprehensive Plan. They will prepare developmental guidelines, maps and future transportation network for incorporation into the Comprehensive Plan.

Board members Carl Schmitt and Jeri Allen agreed that this would be the appropriate way to proceed. The Chairman thanked Mr. Wanner for attending the meeting.

RE: MATTERS FROM PUBLIC

Mr. Mitch Miller thanked the Board for providing information on fire prevention/protection. There was a fire in Dogwood Valley Subdivision this week.

Mr. Miller said he requested a copy of the County charter and constitution but has not received a response. He asked for the Board's cooperation in obtaining the documents and said he desperately needs assistance from the County.

Mr. Doug Dye spoke on the installation of the dry fire hydrants on his property and noted the Fire Department has not yet tested the hydrants.

RE: CONSENT AGENDA

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

- a. Minutes of March 11, 2008 meeting.
- b. Resolution to accept and appropriate \$20,586 in grant funds from the Department of Motor Vehicles for the Sheriff's Department. (See Attachment "A")
- c. Resolution in recognition of Eagle Scout Phillip Alexander Strauss. (See Attachment "B")

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

Motion carried.

RE: WAIVER FOR TEMPORARY WATER AND SEWER CONNECTION FOR C. W. PROPERTIES, LLC AT BEN LEAKE PLAZA

The Board discussed the request from C. W. Properties, LLC for the use of a temporary septic field until such time as public water and sewer is constructed on site. The Chairman said all water and sewer infrastructure will be constructed at the owner's expense and the owner will have to purchase required edu's.

After further discussion, the Board, upon motion by Carl Schmitt and unanimous vote, deferred action on this request for clarification of developer responsibility.

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

GREENE ACRES DAM

The Chairman said there is a leak in the Greene Acres dam. The Department of Conservation and Recreation had personnel on site as did the Sheriff and Fire Department.. A catastrophic breach is unlikely. The water level in the lake is being lowered to reduce pressure on the dam.

RE: "STAR" PROJECT

The Board discussed a resolution of support for the STAR Project. The Chairman noted staff has forwarded the memorandum of understanding to County auditors for review who recommended the County review all actions for implications and ramifications

Mr. Schmitt said the resolution needs to be approved tonight as the CDBG grant application is due tomorrow. The resolution is a separate issue from the memorandum of understanding.

Mrs. Tracy Morris, Finance Director, said there are issues with the memorandum of understanding and the auditors have advised a thorough review of all documents prior to adoption.

Mr. Don Pamerter said there are two clear and distinctly separate issues. One is the VDOT grant which the County has been the sponsor for. A memorandum of understanding is being negotiated for the administration of that. The grant from the Department of Housing and Community Development is a completely separate issue. The County is not a party to and is not being asked to process anything. The County is only being asked to provide a memo in support of the Town, STAR and the Economic Development Authority applying for the grant. There is no financial obligation by the County in the CDBG grant.

Mr. Roy Dye also explained that the resolution simply states the County's support of the Town of Stanardsville's application for the grant. It is extremely important to the grant application to be able to demonstrate to the Department of Housing and Community Development that the County is supportive of the efforts of the Town. It is not obligating the County to anything. The grant application is being taken to Richmond tomorrow.

The Chairman was unwilling to move forward until the auditors give their opinion. Mr. Peyton suggested the Board revisit the resolution if it is exclusively for moral support and clear to the auditors. Mrs. Allen agreed and asked that this be clarified first thing tomorrow morning.

It was the consensus of the Board to have the Finance Director contact the auditors first thing in the morning and, if appropriate, poll the Board regarding action. The County Attorney said any action would need to be confirmed at the next meeting of the Board.

RE: BUDGET WORKSHOP

The Chairman said the Board will hold a budget workshop on Monday, March 31, 2008 at 9:00 a.m. in the County Meeting Room.

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

**RESOLUTION TO APPLY, ACCEPT AND APPROPRIATE  
TWENTY THOUSAND FIVE HUNDRED EIGHT-SIX DOLLARS  
FOR THE DMV DUI PATROL GRANT**

WHEREAS, the County of Greene could receive funding from the Department of Motor Vehicles for a DUI Patrol Grant; and

WHEREAS, the funds in the amount of twenty thousand five hundred eighty-six dollars (\$20,586) need to be appropriated to the appropriate line item in the 2008-2009 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 thousand five hundred eighty-six dollars (\$20,586) be appropriated to the 2008-2009 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 25th day of March, 2008.

  
\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Barry Clark, Clerk

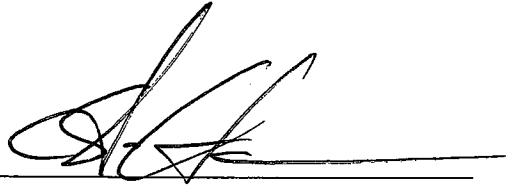
## RESOLUTION

**WHEREAS**, the Greene County Board of Supervisors is the body politic in and for the County of Greene and as a Board desires to recognize our youth for significant accomplishment; and

**WHEREAS**, Phillip Alexander Strauss will, on April 27, 2008, receive from the Boy Scouts of America, the designation of Eagle Scout in recognition of his achievement within that organization and his service to the community; and

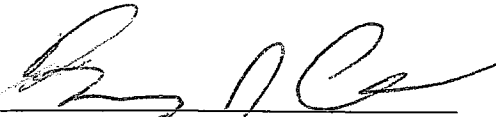
**NOW THEREFORE BE IT RESOLVED** that the Greene County Board of Supervisors, by unanimous vote on March 25, 2008, hereby recognizes Phillip Alexander Strauss for his accomplishment and his commitment to a goal, and we extend our best wishes for all future endeavors.

Adopted in Open Meeting this 25<sup>th</sup> day of March, 2008.



Steve Catalano, Chairman  
Greene County Board of Supervisors

ATTEST:



Barry J. Clark, Clerk  
Greene County Board of Supervisors