

August 11, 2009

County of Greene, Virginia

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, AUGUST 11, 2009 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 Clarence 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:

- Health Insurance
- Emergency Medical Service

Land Acquisition:

- None

Legal:

- None

Personnel:

- None

Various Appointments:

- Planning Commission

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 the Pledge of Allegiance followed by a moment of silence.

RE: PUBLIC HEARING – WEXFORD SUBDIVISION, LLC – AMEND PROFFERS

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Wexford Subdivision, LLC to amend proffers approved on October 25, 2005 (Rezone File #05-163) for property zoned R-1, residential, containing approximately 35.82 acres total located in Ruckersville on Route 606 (Spring Hill Road) and identified on County Tax Maps as 65E-(1)-1 through 65E-(1)-41 and 65E-(1)-OS. (RZ#09-001)

Revised proffers include a change in the recreational area to a multi-use area rather than a volley ball court. Also, the minimum square footage of finished area is decreased to 1,800 square feet with an attached one car garage for each new residential dwelling unit.

The Planning Commission recommended approval of the proposed amendments.

Mr. Rick Cason, representative of the applicant, spoke briefly on the requested amendment. This is a positive change which will benefit the citizens of Greene County and provide more affordable housing opportunities.

The Chairman opened the floor for public comment. Mr. Lee Estes spoke in support of the proposed amendment. The public hearing was closed.

Board member Carl Schmitt asked about interconnectivity and walking paths. Mr. Cason said there is a rough outline of the walking paths at this time. There is also a reserved area for extension of the road to the next property. Mr. Cason said the trend is moving towards consumers wanting to shrink the footprint of their home. As a cost saving effort, there would be the flexibility to have a one car garage.

In response to a question from Mr. Schmitt regarding energy efficiency, Mr. Cason said they hope to have Earth Craft Certified builders.

Board member Jeri Allen noted proffers are accepted to offset the impact of development and the proposed changes would have little or no impact.

Board member Mike Skeens asked the cost of the houses. Mr. Cason said his firm would be selling the lots as opposed to building houses but he felt the price point would be the mid \$200,000 to low \$300,000.

Vice Chairman Clarence Peyton said he supported the proposed proffer amendments but noted all the houses being built in the County drive the real estate assessments up which is not a benefit to citizens, but rather a deterrent.

The Chairman said his previous vote on a similar request was based on the fact that the project was a mixed use development which included a commercial area. He said he was concerned at that time about the precedent setting nature of the action by the Board as he does not want to renegotiate every proffer ever approved. Mr. Catalano said he supports the request but has concerns and reservations.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from Wexford Subdivision, LLC to amend proffers approved on October 25, 2005 (Rezone File #05-163) for property zoned R-1, residential, containing approximately 35.82 acres total located in Ruckersville on Route 606 (Spring Hill Road) and identified on County Tax Maps as 65E-(1)-1 through 65E-(1)-41 and 65E-(1)-OS. (RZ#09-001) (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 – AMENDMENTS TO SUBDIVISION AND ZONING ORDINANCES

Mr. Bart Svoboda reviewed the request which will amend various sections of the text of the Zoning and Subdivision Ordinances for purposes of correction, modification and elaboration of district and general regulations. Amendments are proposed for clarification of intent, addition of definitions and correction of inconsistencies.

With the increase in water and sewer demands, public and private facilities have had to expand to meet the needs. Staff has found that the regulations are too restrictive for the low impact lots. Separate regulations have been provided that dictate the area, frontage, setbacks and yard requirements for utility lots. Utility lots have been defined and Article 3 and 4 have been amended to indicate that division rights do not have to be exercised to create a utility lot. The proposed regulations are provided for all private and public utilities.

The Planning Commission recommended approval of the proposed amendments.

The Chairman opened the floor for public comment. The public hearing was closed as there were no comments.

Mr. Schmitt questioned the definition of public utility vs. private utility and the lack of a lot size requirement. Mr. Svoboda said public utilities are generally operated by the government and a utility has to be registered with the State Corporation Commission.

After further discussion, the Board, upon motion by Clarence Peyton and unanimous vote, approved amendments as proposed to the Greene County Subdivision Ordinance (Sections 5 and 6) and the Greene County Zoning Ordinance (Articles 3 and 4) and all applicable references regarding utility lots. (OR#09-002) (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: GREENE COMBINED DISTRICT COURT

Mrs. Ellen Collier, Greene Combined District Court Clerk, was present to request an additional allocation of \$840 to cover the costs of court appointed attorneys. If a ticket is written under the County Code, the County is then liable for these charges. If the defendant is found guilty, this fee is assessed as court costs and would be reimbursed to the County.

The Chairman said this is the first reading of this request. The second reading will be on the agenda for the meeting on August 25.

RE: MATTERS FROM THE PUBLIC

FOSTER CARE

Mr. James Howard, Director of Social Services, said five of the ten juveniles currently in foster care will be going on to college this fall.

RE: CONSENT AGENDA

Upon motion by Mike Skeens and unanimous vote, the Board approved the minutes of the July 28, 2009 meeting as circulated.

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

BROAD BAND

Mr. Schmitt reported on a recent meeting at the TJPDC regarding broadband. They are proceeding with a request for proposal for a broadband provider for rural areas of the district.

LOWE'S RAFFLE

Mr. Schmitt said Mrs. Allen won the Ruritan Raffle for a \$300 gift certificate to Lowe's which she has donated back to the Ruritans for use at the Recreation Park project.

TELEPHONE SYSTEM

Mr. Peyton said a comprehensive review of the County's telephone system and bill has resulted in a \$1,000 per month savings.

FALLEN HEROES MEMORIAL BRIDGE

The Chairman said there will be a dedication ceremony for the Fallen Heroes Memorial Bridge on Monday, August 17 at 1:00 p.m. near the site.

STORM WATER REGULATIONS RESOLUTION

The Chairman read a draft of a resolution opposing the enactment of proposed storm water management regulations. Mr. Schmitt reviewed a draft resolution that he drafted. The Board had further discussion regarding which draft version to use.

Upon motion by Jeri Allen and unanimous vote, the Board approved the resolution as prepared by Carl Schmitt. (See Attachment "A")

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

Motion carried.

HEALTH INSURANCE

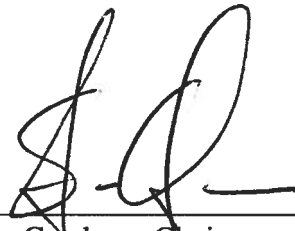
The Chairman read the following statement:

The County of Greene has contracted with Local Choice effective October 1, 2009 for Health/Dental Services. Renewal of all subsequent years shall become effective in July of each year.

The Chairman explained that the County will, from this point forward, have its own insurance policies for employees.

RE: CONTINUED MEETING

The meeting was continued to Saturday, August 15, at 8:30 a.m. at the Ruckersville Best Western, upper floor conference room for the School Board Retreat. That meeting will be continued to August 25.

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

Steve Catalano, Chairman
Greene County Board of Supervisors

RESOLUTION

Opposing Proposed Storm Water Management Regulations 4VAC50-60,

Parts I, II, III and Part XIII

Whereas, the Greene County Board of Supervisors recognizes its responsibility to protect County lands and waterways from the adverse impact of stormwater runoff on water quality; and

Whereas, the new stormwater standards will place significant costs impacts on counties and developers at a time of economic stress and scarce revenue needed to maintain essential services; and

Whereas, Greene County is not able to assess whether or not to administer the regulation, there being no clear understanding of the costs and staffing required for such a program so that there is no basis to determine if the proposed fees would pay for local implementation; and

Whereas, there are a number of concerns over the stringency of the nutrient limits and the complexity of the regulatory language which can cause great difficulty in consistent and predictable local government implementation; and

Whereas, the proposed regulation could lead to urban sprawl on rural lands given that developers would have less financial and administrative impact, and thus more incentive, to develop less densely zoned lands; and

Now, therefore, be it resolved, that the Greene County Supervisors recommend that the regulation, as proposed, not be enacted, but that further study be given to drafting a simpler regulation that takes into account the above concerns, and

Be it further resolved, that the State should provide adequate funds to local governments if they are to administer this program. In this respect, the State should consider implementing a revised regulation at the State level for a period of several years so that the inevitable difficulties in implementing new complex standards can be uniformly resolved and the actual cost of regulation determined. With this experience, the local governments would then be able to decide if they desire to locally implement the regulation or allow the State to continue in the regulatory role.

Adopted in Open Meeting this 11th day of August, 2009.

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

Steve Catalano, Chairman

Greene County Board of Supervisors