

March 24, 2009

County of Greene, Virginia

THE CONTINUED MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, MARCH 24, 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 Peyton 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:**

- Mowing Contract
- Energy Efficiency

**Land Acquisition:**

- Water and Sewer

**Various Appointments:**

- Jefferson Area Board for Aging Advisory Council

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 JEFFERSON AREA BOARD FOR AGING ADVISORY COUNCIL

Upon motion by Jeri Allen and unanimous vote, the Board reappointed Ms. Jean Pearson to the Jefferson Area Board for Aging Advisory Council for a two year term.

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

Motion carried.

RE: MOWING SERVICES CONTRACT

Upon motion by Carl Schmitt and unanimous vote, the Board awarded the Mowing Services Contract to Meriweather Mowing Service.

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

Motion carried.

RE: PIEDMONT VIRGINIA COMMUNITY COLLEGE

Dr. Frank Friedman, President of PVCC, was present to provide an annual update. Enrollment figures are up and State funding has gone down in the last two years. PVCC will be receiving about \$500,000 from the State stimulus money next year.

The Science Building is under construction. PVCC will take possession of the Monticello Visitor Center, which is being donated by the City of Charlottesville and Albemarle County, in May. The building will be used as a Workforce Development Center and short term training in health care areas such as pharmacy technician, home health care aid, phlebotomy, and a LPN program will be offered.

The One Stop Center is located on Hydraulic Road. PVCC operates under contract with Piedmont Workforce Network. The program averages 80 people per day and assists with job searches, career counseling, applying for unemployment benefits. Money is also available for qualifying individuals to go back to school.

RE: PUBLIC HEARING – EQUINE USES

Mr. Bart Svoboda, Zoning Administrator, reviewed the proposed amendment to allow equine uses for parcels 5 acres or less by right or by special use permit. Applicant also requests equine uses such as horse sports, including pleasure and trail riding, dressage, open jumping, horse showing and stock horse competitions be allowed. Staff has included definitions for those specific uses because the definitions were not included in the current ordinance. Includes definitions for commercial stable and private stable also.

The Planning Commission recommended approval of this request as written subject to comments from the County Attorney regarding any legal issues.

Mr. Don Sutton, applicant, asked the Board to consider this use by Special Use Permit in order to be “in line” with surrounding counties. He felt it is an individual’s personal responsibility to their community to not create a nuisance or health hazard to neighbors.

The Chairman opened the floor for public comment. Mrs. Andrea Wilkinson spoke on what she considered sweeping changes by putting general agriculture in C-1 zone and felt there are some contradictions within the ordinance. As written, a Special Use Permit would be required by anyone boarding a horse or giving lessons. This will discourage new farms and reduce the value of existing horse farms. Mrs. Wilkinson asked why the proposed amendment would apply only to horses. She suggested either sticking with current ordinance, which has no problems, or send this back to the Planning Commission for further review. She also suggested county horse farmers be included in the review so it makes sense for horses and other livestock.

Ms. Kara Pennella, Field Officer for Free Enterprise Forum, felt it is important to note that the applicant is seeking a very specific remedy in this case - private stables on land less than

five acres but greater than two acres. The Forum considers the provisions allowing for application for Special Use Permit to be a fair and equitable solution to this situation, which the Forum has been monitoring. Greene County regulations are stricter than surrounding counties.

Mr. Michael Zervir, representing Hidden Creek Farm, felt existing facilities should be grandfathered in as they have been in operation for a number of years. The only way to reconcile the State Code with the Zoning Ordinance would be to require new operations be allowed only by Special Use Permit.

Mr. Davis Lamb, member of the Planning Commission, felt approval of this amendment to apply to the A-1 zone also would be "opening Pandora's box".

Ms. Judy Pagter said horses bring tourism in and agreed with the grandfather provision.

Mrs. Roxanne Hagan said a lot of good points have been made. She agreed there is problem with too many horses on a small acreage and consideration must be given to waste management, drainage, etc.

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

Board member Clarence Peyton felt there are two issues being considered. He objects to horse farmers having to have a Special Use Permit and did not feel Greene needs to be more restrictive than surrounding counties. Minimum lot size is a concern. Mr. Peyton said this particular parcel had absolutely no "green" and appears to be a problem. He suggested the specific language be reviewed again.

Board member Mike Skeens agreed and suggested requirements for fencing and buffering be included as well. Mr. Skeens said the lot size bothers him and felt this should be looked at again.

Board member Carl Schmitt also agreed. The experts indicate a minimum of three acres per horse is needed. Mr. Schmitt said he drove by the applicant's property and there is absolutely no vegetation on the lot. He is not very comfortable with having to sit in judgment of what are acceptable horse practices and is not comfortable with staff having to enforce or control this type use.

Board member Jeri Allen said the recommendations from other entities did not support a parcel less than three acres. She felt the current ordinance provides as much as any ordinance can for the health of the animals and expectations of residential areas. Mrs. Allen agreed that there are different issues when it comes to the definitions. She did not support the reduced acreage and did agree that a closer look at definitions is needed.

The Chairman also felt the Board is dealing with two different issues and agreed with denial of the petition.

Upon motion by Carl Schmitt and unanimous vote, the Board denied the request from Don and Jacquelyn Sutton to amend the Greene County Zoning Ordinance to revise "equine uses" in the A-1, Agricultural Zoning District and all applicable references. (OR#08-005)

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

Motion carried.

RE: PUBLIC HEARING – RIVERDALE SUBDIVISION – DOGS PROHIBITED FROM  
RUNNING AT LARGE

Mr. Barry Clark, County Administrator, reviewed the request from residents of Riverdale Subdivision to prohibit dogs from running at large. The submitted petition meets the requirement that at least 51% of the residents of subdivision be in favor of the ordinance.

Mrs. Vicky Hartley spoke on behalf of the residents in favor of the ordinance. She felt the problem started with her dogs and said she has installed an electric fence.

The Chairman opened the floor for public comment. Mr. Michael Pugh did not agree that the petition represented the required 51% of resident's signatures and asked the Board to deny the request. Mr. Paul Evans said he never saw the petition and also requested the Board deny the request. Mr. and Mrs. Noah Morris also spoke in opposition of the proposed amendment.

Mr. and Mrs. Richard Davis spoke in favor of the request saying they have problems with dogs on their property. These problems are reducing the level of their enjoyment of their home and they are intimidated by dogs even when trying to walk down the road. Mr. and Mrs. Davis felt the adoption of this ordinance would greatly enhance the community.

As there were no further comments, the Chairman closed the public hearing.

The Chairman asked about the process to verify authenticity of signatures on any petition. Mr. Svoboda said staff verified 49 resident signatures which equals 65.33% of the 113 lots in the subdivision.

Mr. Schmitt felt this is a matter that the subdivision residents can decide. The Board of Supervisors must decide if the requirements for the petition have been met.

Mr. Ray Clarke, County Attorney, said, historically, the position of the Board has been the signature of residents, not owners. A petition is not required for the Board to decide where

dogs can run at large. The Board must make their decision based on what is in the best interest of a particular area of the County. The procedure of requiring a petition signed by at least 51% of the residents to hear the request was adopted by a previous Board. Mr. Clarke said, if a good faith effort is made and a petition brought forward, the Board can hear request.

The Chairman asked if a homeowners association can regulate within a subdivision how dogs are handled without the County Code being amended. Mr. Clarke said the County Animal Control Officers can enforce only provisions that are included in the County Code.

Mr. Peyton said usually this type petition has been overwhelming supported by the majority. He is not convinced in this particular case.

Mr. Skeens agreed that there is not sufficient evidence to move forward and he is not comfortable with the signatures.

Mrs. Allen said the residents present have no problem with dogs running at large and she felt this is too close to call. She encouraged residents of Riverdale to deal with their problems. If, at some point, a clear majority wants a leash law, then the Board can reconsider.

The Chairman agreed. He said he had spoken with some residents of Riverdale in an informal manner and they did not know what was happening.

Upon motion by Jeri Allen and unanimous vote, the Board denied the request to amend the Greene County Code to include Riverdale Subdivision under Section 14-61(f), dogs prohibited from running at large.

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 Mike Skeens and unanimous vote, the Board approved the following items on the consent agenda:

- a. Minutes of March 10, 2009 meeting.
- b. Resolution authorizing the execution and delivery of continuing disclosure agreement with Virginia Public School Authority regarding school financing bonds. (See Attachment "A")

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

ADVERTISEMENT OF AGENDAS

The Chairman said the potential savings to discontinue advertising the meeting agenda in The Greene County Record would be approximately \$1,680 per year. There are no legal requirements to advertise the agenda in the newspaper. The agendas will be posted on the County's website ([www.gcva.us](http://www.gcva.us)) and the front door of County Administration Building.

Upon motion by Clarence Peyton and unanimous vote, the Board agreed to discontinue advertising the meeting agendas in the newspaper.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes

Carl Schmitt	-	Yes
Mike Skeens	-	Yes

Motion carried.

### ZONING ORDINANCE REVISIONS

Mrs. Allen said the Board will be considering proposed amendments to the B-1, B-2 and B-3 zone at the meeting on May 12.

### PLANNING COMMISSION MEETING

Mrs. Allen said there will be a meeting on March 31 at 6:00 p.m. at the Stanardsville Town Hall for the evaluation of alternative scenarios resulting from citizen input to the division process.

### PLANNING PRIORITY LIST

Mr. Svoboda discussed the addition of the review of the M-1 and M-2 setback requirements and the review of stables as included under the current ordinance. He noted he has applications pending for Special Use Permits for stables.

Mrs. Allen thought staff did a good job with the definitions of private and commercial stables and suggested a Special Use Permit could be required for commercial operations. She did not think it was the objective to “go after” private stables. The Chairman asked if the size of an operation could be considered. Mr. Svoboda said criteria could be established.

It was the consensus of the Board to add the review of setbacks in the M-1 and M-2 zones to the priority list in conjunction with the review of the business zones. The Board felt there is not a high level of urgency for the review of stables, etc. Mr. Svoboda said they could consider moving stables and horseback riding into the definition of general agriculture.

THOMAS JEFFERSON PLANNING DISTRICT COMMISSION

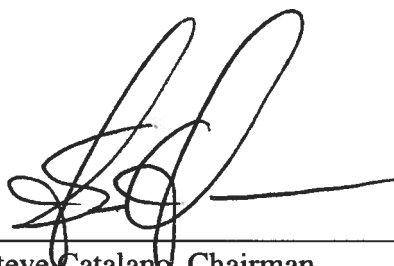
Mr. Schmitt said the Planning District Commission has selected a new Executive Director.

PASSENGER RAIL

Mr. Schmitt said the State has authorized a three (3) year trial of a second run for a passenger train from Lynchburg to Washington.

RE: ADJOURN MEETING

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

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

Steve Catalano, Chairman  
Greene County Board of Supervisors

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF GREENE GENERAL OBLIGATION SCHOOL BONDS, REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY**

**WHEREAS**, the Virginia Public School Authority (the "Authority") pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution") and (ii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the "1997 Resolution") issued bonds (respectively, the "1987 Resolution Bonds" and the "1997 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

**WHEREAS**, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Greene, Virginia (the "County") designated the County of Greene General Obligation School Bond, Series 1989 ("Prior Local School Bonds");

**WHEREAS**, the Authority has issued under the 1987 Resolution a series of 1987 Resolution Bonds designated as "School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the "Series 1991 C Bonds");

**WHEREAS**, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Greene General Obligation School Bond, Refunding Series 1994 A (the "Local School Bonds");

**WHEREAS**, the Authority refunded its Series 1991 C Bonds ("Refunded Bonds") with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Refunding Bonds") issued pursuant to the 1997 Resolution;

**WHEREAS**, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

**WHEREAS**, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule");

**WHEREAS**, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

**WHEREAS**, the Board of Supervisors of the County of Greene, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GREENE, VIRGINIA:**

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement substantially in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate substantially in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.