

March 9, 2010

County of Greene, Virginia

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, MARCH 9, 2010 AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Steve Catalano, Chairman  
Clarence Peyton, Vice Chairman  
Jim Frydl, Member  
Carl Schmitt, Member  
Mike Skeens, Member  
Ray Clarke, County Attorney  
Barry Clark, County Administrator  
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:**

- Facilities
- Water and Sewer

**Land Acquisition:**

- Water and Sewer

**Legal:**

- None

**Personnel:**

- Constitutional Officers
- Administration

**Various Appointments:**

- Board of Zoning Appeals

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	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
	Jim Frydl	-	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
	Jim Frydl	-	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 – REZONING APPLICATION (RZ#09-004)

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Sheetz, Inc./Ronald & Mary Lamm to rezone from B-2, Business, to B-3, Business, approximately 1.50 total acres located on Seminole Trail and identified on County Tax Maps as 66-A-9, portion of 66-A-10 and 66-A-12.

The Planning Commission recommended denial of this request due to interconnectivity and other traffic issues have not been sufficiently addressed. It was noted concerns will be addressed with the approval of the submitted plat showing the additional right-of-way dedication and interconnectivity between adjacent parcels.

Mr. Steve Augustine, representative of the applicant, said a long term lease agreement with Mr. Lamm was signed in 1996 and the store opened in June, 1997. Expansion plans include a 1,500 square foot addition.

The lighting plan will provide better lighting with 0 light pollution at lot lines. The canopy will be “re-skimmed”.

Mr. Augustine said he met with the Ruckersville Citizens Council to discuss their concerns which are access from Route 607 and sign issues. It was suggested the sign on Route 29 be changed to encourage all vehicles to use the Route 29 entrance, not just trucks.

The Chairman opened the floor for public comment. Mrs. Andrea Wilkinson spoke on the plan for a dedicated left turn lane and noted updated comments from VDOT have not yet been received. The public hearing was closed.

Mr. Peyton said he is pro-business growth and would endorse this project. The improvements should alleviate the safety hazard with a left turn off Route 607.

Mr. Schmitt asked if signage and lighting plans comply with regulations. Mr. Svoboda said both areas are in compliance.

Mr. Skeens asked if any additional parking spaces are required. Mr. Svoboda said the number of spaces provided in the plan will meet requirements.

Mr. Frydl felt this is a positive project for the County.

In response to a question from the Chairman regarding approval of the plat, Mr. Svoboda said the only outstanding comment on the plat at this time should be resolved in two weeks.

Upon motion by Carl Schmitt and unanimous vote, the Board deferred action on this request (RZ#09-004) to the March 23, 2010 meeting.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: PUBLIC HEARING – PROFFER AMENDMENT (RZ#09-003)

Mr. Svoboda reviewed the request from Lamm Properties, LLC,/Preddy Gables, LLC/Rapidan Retail, LLC to amend proffers approved on July 13, 2004 (RZ#04-152) for property zoned R-2, Residential, and B-3, Business, containing approximately 95.9 acres total located in Ruckersville on Seminole Trail and Preddy Creek Road and identified on County Tax Maps as 66-A-48, 51, 52, & 52B.

Proffers include limiting B-3 zone uses, the reallocation of funds for the tennis court to the Community Park, deletes the phasing of apartment unit development to the status of commercial and/or retail development on the property and other projects in the vicinity of the property as therein described; and no three-bedroom apartment units will be constructed.

Mr. Svoboda noted the applicant has two other applications pending and will be meeting with representatives of VDOT this week.

The Planning Commission recommended approval with the acceptance of submitted proffer amendments with the removal of item #5 as offered by the applicant. The Commission did not discuss transportation issues due to VDOT comments not received at that time.

Mr. Steve Jones, representative of applicant, spoke on the request. Tennis courts are no longer being built for apartment complexes which led to the proffer of \$20,000 for a tennis court or comfort station at the Community Park. Following a suggestion by the Zoning Administrator, they reviewed the other proffers resulting in the proposed amendments.

The Chairman opened the floor for public comment. Mr. Carroll Morris said he understood nothing would be built on this property until a “big box” store was there. He questioned the taxes being paid on the property over the last three or four years and noted the only explanation he could get was that Mr. Fried brought the County a fire truck. Mr. Morris noted his request for rezone did not go well. The Chairman closed the public hearing.

Mr. Frydl said the Board must consider impact of the development and the estimated increase in County population. The proffers do address certain impacts. Mr. Frydl said he was

concerned about impacts on transportation as the intersection at Route 607 and Route 29 is one of the busiest areas in the County which makes the area very viable for commercial development. He felt the Board is required to look very thoroughly at the impact on transportation to facilitate positive transportation for citizens and shoppers. Mr. Frydl said, in regards to traffic patterns and access, he is not comfortable understanding what exactly the impacts are. The applicant should outline and address these impacts.

Mr. Schmitt agreed with comments regarding transportation. There were considerable proffers on transportation for this area at one time, including a cut thru road from Route 29 to Preddy Creek Road and a traffic signal. The cut thru road would have been one way to provide substantial relief at the intersection. He agreed transportation concerns need to be addressed.

Mr. Schmitt also said he was uncomfortable with the elimination of the formula for the remaining homes. The formula was created because residential units require significant infrastructure and it guaranteed certain commercial or senior residential development to provide revenue.

Mr. Skeens commented on the elimination of three bedroom apartments and said he was also concerned about transportation issues. He said the Board needs additional information.

Mr. Peyton agreed with previous comments and commented on the original proffers which have consistently been changed. He felt the apartments will have a significant impact on the school population and suggested the Board revisit the formula for proffers provided by the auditors.

The Chairman agreed that transportation issues need to be addressed.

Mr. Frydl suggested action be deferred until transportation issues and impact are addressed. Mr. Svoboda said comments from VDOT are expected in a week or two.

Mr. Jones noted the proffers were amended in 2004. The developer is obligated to do what VDOT requires for this project. Plans were submitted almost a year ago to the County regarding improvements to Route 29. VDOT wants an updated traffic study that ties to a specific site plan for development which is not available at this time. The proffers state that if residential development is constructed first then VDOT standards for residential entrance must be met. Mr. Jones said right now is a good opportunity to do all the work as it will create jobs and be at a better price.

The only comment from VDOT was: Do these proffer amendments requested have any impact on original traffic study? Changes have no impact on original traffic study.

Mr. Jones did not agree with impact on schools and said one and two bedroom units will limit the number of children.

Upon motion by Carl Schmitt and unanimous vote, the Board deferred action on this request to the meeting on April 13, 2010.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: PUBLIC HEARING – AGRICULTURAL AND FORESTAL

Mr. Svoboda reviewed the request from Barbara McNamara and Nancy Tardiff to have 128.91 acres, identified on County Tax Maps as 46-(A)-45, 45A, and 45B, zoned A-1, Agriculture and located on Dyke Road and Bacon Hollow Road, removed from the St. George Agricultural and Forestal District (AFD). (AFD#09-001) The applicants inherited the property in 2006 but were not aware that it was in an AFD until recently.

The Planning Commission and the Agricultural and Forestal District Advisory Committee both recommended approval of this request.

Ms. Margaret Ramsey, representative of the applicants, was present.

The Chairman opened the floor for public comments and then closed the public hearing as there were no comments.

Upon motion by Clarence Peyton and unanimous vote, the Board approved the request from Barbara McNamara and Nancy Tardiff to have 128.91 acres, identified on County Tax Maps as 46-(A)-45, 45A, and 45B, zoned A-1, Agriculture and located on Dyke Road and Bacon Hollow Road, removed from the St. George Agricultural and Forestal District (AFD). (AFD#09-001)

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: SCHOOL BONDS

Mr. Troy Harlow, School Board Member, Mr. David Jeck, Superintendent, and Mrs. Kim Powell, Business and Facilities Director, were present to discuss the awarded allocation in the amount of \$2,425,596 of Qualified School Construction bonds for eligible school projects.

Mrs. Powell noted the Board of Supervisors previously approved a resolution of support to enter into the process. The School is targeting this as the primary funding source for the energy performance contract (EPC ) improvements. She noted the Energy Committee has been working for the better part of a year on this project.

The School's operating budget doesn't support addressing some critical infrastructure needs. The EPC is a way to address those needs that is budget neutral. The last meeting was on February 12 and they are very encouraged by what can be accomplished with savings that are guaranteed by implementing certain energy conservation measures.

Mrs. Powell and Mrs. Morris spoke with bond counsel and plans are to sell the bonds on May 24. The Board of Supervisors would need to make a decision on May 11. There are steps that need to be taken in the interim.

Mrs. Powell said County staff needs to be authorized by the Board to provide necessary information for this process. There is no commitment by the County at this time.

Mr. Troy Harlow said this is an opportunity to take advantage of construction rates and reduced rate funding for needed projects.

Mr. Peyton questioned the dollar amount. Mrs. Powell explained the process that was used and noted all schools are included except the Primary School. She also said a number of schools in the State are involved in this program.

It was the consensus of the Board to authorize staff to provide information as requested.

RE: MATTERS FROM THE PUBLIC

Ms. Joann Woods said her class received an American flag, autographed by members of a United States Army unit stationed in Iraq, as part of their Valentine's Day project. This, in turn, has prompted her class to send care packages to the soldiers.

Ms. Woods noted they are seeking sponsors to pay the cost of shipping the boxes.

RE: CONSENT AGENDA

After discussion of the Sheriff's request, the Board, upon motion by Carl Schmitt and unanimous vote, approved the following items on the consent agenda:

- a. Minutes of February 23, 2010 meeting.
- b. Authorization for Sheriff's Office to apply for grant in the amount of \$16,477 from DMV for highway safety.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

BUDGET

The Chairman reminded everyone that the first budget workshop will be held tomorrow beginning at 9:00 a.m. in the County Meeting Room.

Mr. Peyton said he attended a meeting of the School Board and they have decided to eliminate proposed furloughs for teachers.

DRAFT BYLAWS

Mr. Frydl discussed the proposed bylaws that were distributed to Board Members for review. These bylaws would govern actions and responsibilities of members to ensure a degree of professionalism. It was the consensus of the Board to review the draft and discuss at a later date.

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WORKSHOP – REVENUE RECOVERY

The Chairman noted he attended a meeting of the Ruckersville Citizen Council to discuss a revenue recovery program. He said the Board will hold a workshop meeting on emergency medical revenue recovery program on Tuesday, March 23, 2010 from 5:30 to 6:30 p.m. in the County Meeting Room. Information on frequently asked questions will be available.

RE: CONTINUED MEETING

The meeting was continued to March 23, 2010 at 5:30 p.m. in the County Meeting Room.

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