

July 24, 2012

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, JULY 24, 2012,
AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Clarence Peyton, Chairman
Davis Lamb, Vice Chairman
David Cox, Member
Eddie Deane, Member
Jim Frydl, Member
Ray Clarke, County Attorney
Patti Vogt, Deputy Clerk
Tracy Morris, Finance Director

RE: EXECUTIVE SESSION

Upon motion by Davis Lamb 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
- Buildings and Grounds

Land Acquisition:

- Water and Sewer

Legal:

- Administration

Personnel:

- Erosion and Sediment Control
- Emergency Services
- Law Enforcement
- Administration

Various Appointments:

- None

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

Upon motion by Davis Lamb and unanimous vote, the Board returned to Open Session.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	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:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: WATER IMPOUNDMENT PERMIT APPLICATION

Upon motion by Jim Frydl and unanimous vote, the Board authorized the submission of the water impoundment permit application to DEQ along with the \$35,000 fee payable from the Water/Sewer Fund.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: MAINTENANCE AT COURTHOUSE

Upon motion by Davis Lamb and unanimous vote, the Board approved the expenditure of \$9,000 for Blue Ridge Painting to paint exterior trim and fence at Courthouse.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: SALARIES

Upon motion by Eddie Deane and unanimous vote, the Board allocated \$5,642.03 for a one percent (1%) salary increase for constitutional officers and the Registrar as mandated by State to cover VRS portion to be paid by employee each year.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: OPEN MEETING

The Chairman opened the meeting with the Pledge of Allegiance followed by a moment of silence.

RE: PUBLIC HEARING – AMEND COUNTY CODE – SECTION 54-1 – DISCHARGE OF FIREARMS

Mr. Ray Clarke, County Attorney, reviewed the proposed amendment. Section 15.2-915.4 of the State Code is the authority section which allows counties to enact ordinances to cover the discharge of firearms. Legislators amended statute in July, 2011, to provide for an exception to general rule with regard to discharge of firearms. A citizen brought it to the attention of the County that our ordinance was not in compliance with State Code.

Mr. Clarke read the proposed amendment as follows:

(2) No person shall be deemed to have violated this section when discharging a firearm on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

There are no other changes in the ordinance. This amendment will allow shooting on private property when some provision is made to keep bullets from crossing property lines.

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

Mr. Deane said any questions he had were answered by Mr. Clarke. Mr. Lamb questioned what “conducted with reasonable care” would mean. Mr. Frydl thanked Mr. Marco Handy who brought this to the attention of the County.

Upon motion by David Cox and unanimous vote, the Board approved the amendment to the Greene County Code, Section 54-1 – Discharge of Firearms, as presented. (See Attachment “A”)

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: GREENE COUNTY ZONING ORDINANCE – AMENDMENT REGARDING NON-CONFORMING USES (OR#11-005)

Mr. Peyton noted the public hearing was held previously and asked Mr. Svoboda to recap the proposed amendment. Mr. Svoboda said this ordinance was reviewed as the result of a specific request from the Board of Supervisors. The change would not allow the expansion or enlargement of a non-conforming use or structure. State Code allows that localities may, by

ordinance, provide that no non-conforming use or structure be expanded. Currently allow expansion up to 50% of any existing nonconforming use.

Mr. Svoboda said non-conforming uses have a vested right under the Code of VA. A non-conforming building may expand up to 50% as long as existing setbacks are met.

Mr. Deane questioned restrictions (i.e. paving a parking lot, deck, new roof) and said he was trying to annihilate unnecessary restrictions on citizens. He asked why this is being revisited. Mr. Frydl said the Board did not have a list of non-conforming uses previously. The Board wanted to be sure there wasn't a large number of properties that would be affected.

Mr. Deane asked if only those on the list are affected. Mr. Svoboda said there could be others that are not registered. The Zoning Ordinance was adopted in 1975. At that time, all non-conforming uses were supposed to be registered with the County. Occasionally, something comes in that isn't registered. Staff will work with individuals to make sure the use existed prior to the adoption date of ordinance for inclusion on the list.

Mr. Lamb noted a Special Use Permit is required to go over the 50% expansion and to bring the use into conformance. Mr. Svoboda said typically uses have been allowed in districts and existed prior to adoption date of zoning.

Mr. Frydl noted there seems to be some confusion between non-conforming uses and illegal uses. Mr. Svoboda said approval of this amendment will not close anything down or stop anything that is already vested.

Upon motion by Jim Frydl and affirmative vote, the Board approved the proposed amendment as presented. (OR#11-005) (See Planning Department for amendment)

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	No
	Jim Frydl	-	Yes

Motion carried.

RE: METROPOLITAN PLANNING ORGANIZATION

Mr. Steve Williams, Executive Director of the Thomas Jefferson Planning District Commission, was present to discuss the Charlottesville-Albemarle Metropolitan Planning Organization (MPO). The MPO is a regional transportation planning organization that facilitates collaboration between various transportation stakeholders. Focus is on federally funded larger facilities such as Route 29 and Route 250.

The MPO brings together federal, state and local groups to discuss, consider and develop a satisfactory transportation system that meets the cross-jurisdictional needs of an urbanized area. It is cheaper and easier to address transportation issues before a lot of development is in place as opposed to waiting for development and then trying to fix transportation facilities. The MPO tries to be proactive.

MPO boundaries are meant to encompass regional growth in order to properly plan for anticipated growth. The Ruckersville area, and related Stanardsville area, in Greene County are being considered for inclusion in the MPO.

There is no cost to members of the MPO. The only cost to the County will be staff time and meetings. There are three standing committees: CHART Committee; MPO Technical

Committee; and the MPO Policy Board. Joining the MPO would require appointment of representatives to these committees.

Mr. Williams said the Board's role in regards to the transportation system in Greene County would not change. The County would still work with VDOT on the secondary road system.

Mr. Peyton questioned when a decision would need to be made and voting membership on the MPO. Mr. Williams said the plan is to take this before the MPO in September. The MPO could ask Greene to join and become a full voting member; ask Greene to join as an ex-officio member (with voting membership considered in future); or ask Greene to participate for a period of time and ultimately become a member.

Mr. Peyton said he was happy to see Ruckersville considered but didn't understand why Twin Lakes would be included other than population. Mr. Williams said it would be the decision of the Board to include either area.

Mr. Deane said he has traveled Route 29 from DC to Florida and felt one of the worst stretches would be in the Charlottesville area. Mr. Williams noted the Route 29 corridor has been a major focus of the MPO.

In response to a question from Mr. Frydl, Mr. Williams said the MPO goes through the review process every ten years.

Mr. Lamb referred to information he obtained from the MPO web site and questioned the reference to codes and ordinances. Mr. Williams said the MPO, in partnership with Charlottesville/Albemarle and the University of Virginia, applied for a Sustainable Communities Planning Grant. The grant awarded was just short of \$2 million. This project will not affect Greene County.

Mr. Lamb noted Charlottesville/Albemarle was asked to pay back \$48 million received from the State for the western bypass. Mr. Frydl said that money was for right-of-way acquisition and environmental studies. Mr. Williams said the bypass project is moving forward.

It was the consensus of the Board to take this offer under consideration and have staff evaluate how much time would be involved.

Mr. Williams also noted it is the 40th anniversary of TJPDC. Meetings will be held throughout the region during the year.

RE: SHERIFF – REQUEST TO ACCEPT GRANT FUNDS

Major Russell Lane was present to discuss the request to accept \$27,000 in grant funds. A local match of \$6,750 is required. Major Lane said the grant request was for 100% funding but 80/20 was approved.

The funds will be used to purchase Emergency Medical Dispatch (EMD) software, and pay for installation/training. The required matching funds can be taken from the E911 budget, line item 3310 – repairs and maintenance.

Upon motion by David Cox and unanimous vote, the Board approved the request from the Sheriff to accept \$27,000 from the Rescue Squad Assistance Fund Grant. The local match of \$6,750 is to be taken from line item 3310 – repairs and maintenance – in the E911 budget. (See Attachment "B")

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: PRIORITY LIST FOR PLANNING DEPARTMENT

Mr. Bart Svoboda, Zoning Administrator, said the latest priority list was approved last winter by the previous Board. Mr. Frydl said the current Board did review this in February of this year and Mr. Deane added LED signage to the list at that time.

Mr. Peyton agreed with the proffer policy guidelines item on the list. Mr. Svoboda noted the proffer guidelines would need to be revised prior to recalculation of the proffer amount.

Mr. Lamb asked the status of the citizen brochure. Mr. Svoboda said a draft has been sent back to the EDA for review. Mr. Frydl said the EDA is revising the brochure based on comments received.

Mr. Frydl felt the item included under housekeeping revisions regarding providing language for the expiration of planning and zoning applications should be moved higher on the list. He agreed there needs to be a clear deadline. He also questioned the water and sewer ordinance. Mr. Svoboda said that may include a jurisdictional area rather than a certain number of feet for hookup. Mr. Frydl said he felt it would be premature to change anything in regards to high intensity agriculture at this time due to revisions being considered by DEQ.

In response to a question from Mr. Deane regarding LED signage, Mr. Svoboda said staff is in the process of obtaining information for review.

Mr. Lamb said he was glad to see private road standards on the list and suggested it be moved up in conjunction with the item to define driveway/street/easement/right-of-way.

RE: CONSENT AGENDA

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

- a. Minutes of June 26, 2012 and July 10, 2012 meetings.
- b. Affirmation of previous action by the Board of Supervisors on June 30, 2012 to declare a local emergency. (See Attachment "C")

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

RE: MATTERS FROM THE PUBLIC

POULTRY LITTER

Mr. Robert Marshall, resident on Simms Road, was present to discuss a litter storage facility in the area. It was brought to his attention that the Board of Supervisors may be considering a review of current setbacks.

Mr. Marshall presented a petition signed by most residents of Kinderhook/Simms Road area. During a decade of noncompliant storage, the area has had problems with flies, buzzards, etc. The quality of life has been horrible. The storage piles are too close to streams, residences, wells, property lines etc. The litter storage facilities have a history of noncompliance with DEQ.

The residents are petitioning the County to enforce zoning regulations as written for the setback of high intensity agricultural and manure storage facilities on the property owned by Clarence Shifflett, Jr. located on Simms Road (Route 642). The storage structures are in direct violation of Zoning Ordinance 4-3-2 and they ask that no consideration be given to lessen the needed setbacks.

Mr. Steve Coffey, also a resident on Simms Road, supported comments by Mr. Marshall. He agreed that the County needs to do something about this situation.

MPO

Mrs. Pat Morris asked if the public would be informed about and given a chance to comment on membership with the MPO. Mr. Peyton said the public would be notified.

RE: OTHER MATTERS FROM THE BOARD

PARK WELL

Mr. Frydl said there are additional standards that have to be met as required by the Health Department in order for the well at the Park to be approved for public use. The well was donated by Joe Wilson. WW Associates donated the site plan for the well. The cost to meet additional standards would not exceed \$1,150.

Upon motion by Jim Frydl and unanimous vote, the Board authorized the expenditure of up to \$1,150 to meet Health Department standards for the Park well.

Recorded vote:	Clarence Peyton	-	Yes
	Davis Lamb	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Jim Frydl	-	Yes

Motion carried.

POULTRY LITTER

Mr. Lamb asked about poultry litter regulations. Mr. Svoboda said the County's regulations are less stringent than DEQ or EPA at this time. DEQ is in process of reviewing regulations.

Mr. Peyton said the primary responsibility of DEQ is land/water. The County's responsibility is to enforce the ordinances on the books. He felt staff should proceed with an investigation. Mr. Svoboda said the complaint was received on June 14, 2012 and is currently under investigation.

Mr. Frydl noted County ordinances are all really enforced by complaint. The Board fully supports staff investigating and taking correct measures.

VDOT

Mr. Cox said VDOT staff is hard at work cleaning up from the storm on June 29. He asked citizens to be patient in their travels as VDOT continues to clear debris.

Mr. Cox reported the following:

- Extending turn lane on Route 29 north to Route 33 west is expected to be completed this fall.
- The issue of the three lights on Route 33 east of Route 29 at intersection has been referred to engineering division.
- Planning Department has VDOT specifications regarding subdivision roads in office.
- Bridge project on Route 619 has been slightly delayed. Tentative date not available at this time.

TJPDC

Mr. Deane noted the Thomas Jefferson Planning District Commission will be celebrating its 40th anniversary.

HEALTH DEPARTMENT

Mr. Deane said the Health Department building is getting a new roof due to storm damage. He also questioned who should be taking care of maintenance for that building.

JMRL


Mr. Lamb noted the Finance Director will be meeting with John Halliday, Director of the Jefferson-Madison Regional Library, in September to discuss possible additional hours of operation

GREENE COUNTY FAIR

Mr. Peyton noted the Greene County Fair will be held July 31 thru August 4.

RE: ADJOURN MEETING

The meeting was adjourned at 9:00 p.m. The next scheduled meeting of the Board of Supervisors will be on Tuesday, August 14, 2012.



Clarence Peyton, Chairman
Greene County Board of Supervisors

Chapter 54

OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 54-1. Discharge of firearms.

(a) *Prohibited areas.* The discharge of firearms, air-operated or gas-operated weapons of any nature whatsoever shall be prohibited in the following areas: Locust Lane Subdivision and the adjoining R-2 zoning district in Midway Acres Subdivision, more fully described in an exhibit filed with a copy of the ordinance from which this section derives in the office of the county administrator.

(b) *Exceptions.*

(1) No law enforcement officer in the discharge of his lawful duties nor any other person discharging a firearm within the areas described in subsection (a) of this section, in defense of persons or property as otherwise permitted by law, shall be deemed to have violated this section.

(2) No person shall be deemed to have violated this section when discharging a firearm on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

(c) *Penalty for violation of section.* Any person violating this section shall be guilty of a Class 3 misdemeanor.

(d) *Enforcement.* All law enforcement officers authorized to act as such within the county shall have the power to enforce this section including, but not limited to, all duly appointed and acting game wardens.

(Ord. of 3-13-90, rev. _____-12)

State law reference -- Authority for above section, Code of Virginia § 15.2-915.4

**RESOLUTION TO ACCEPT AND APPROPRIATE TWENTY-
SEVEN THOUSAND DOLLARS FOR THE RESCUE SQUAD
ASSISTANCE FUND GRANT**

WHEREAS, the County of Greene has been awarded a grant from the Office of Emergency Medical Services for a Rescue Squad Assistance Fund Grant; and

WHEREAS, the funds in the amount of twenty-seven thousand dollars (\$27,000) will need to be appropriated to the appropriate line item in the 2012-2013 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-seven thousand dollars (\$27,000) be appropriated to the 2012-2013 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 24th day of July, 2012.



Clarence Peyton, Chairman



Barry Clark, Clerk

**RESOLUTION FOR THE DECLARATION
OF A
LOCAL EMERGENCY**

WHEREAS, the Board of Supervisors of the County of Greene, Virginia does hereby find that:

1. Due to the occurrence of the derecho storm, the County of Greene is facing a condition of extreme peril to the lives, safety and property of the residents of Greene County;
2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Board of Supervisors of the County of Greene, Virginia, that a local emergency now exists throughout the County of Greene; and


IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency, the powers, functions and duties of the Director of Emergency Management and the Emergency Management organization and functions of the County of Greene shall be those prescribed by state law and the ordinances, resolutions and approved plans of the County of Greene in order to mitigate the effects of said emergency.

In order to carry out the effect of this resolution, a sum of money, not to exceed \$25,000, is hereby appropriated from the county's unappropriated fund balance to cover the reasonable operational cost of Emergency Management pending further report to this Board and such additional appropriations as shall be deemed necessary to cover the expected scope of this emergency.

Affirmed and adopted this 30th day of June, 2012 due to the emergency conditions caused by the derecho.



Clarence Peyton, Chairman
Greene County Board of Supervisors

Attest: 
Barry Clark, County Administrator