

March 24, 2015

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, MARCH 24, 2015, AT 6:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: David Cox, Chairman  
Jim Frydl, Vice Chairman  
Davis Lamb, Member  
Bill Martin, Member  
John C. Barkley, County Administrator  
Ray Clarke, County Attorney  
Patti Vogt, Deputy Clerk

Absent: Eddie Deane, Member

RE: EXECUTIVE SESSION

Upon motion by Davis Lamb and affirmative 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.

- 1) PERSONNEL MATTERS
- JABA – appointment
  - Skyline CAP - reappointment

Virginia Code Reference

2.2-3711 A.1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body;

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Absent
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

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

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Absent
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

By affirmative 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:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Absent
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: APPOINTMENTS – JABA ADVISORY COUNCIL AND SKYLINE CAP BOARD OF DIRECTORS

Upon motion by Bill Martin and affirmative vote, the Board appointed Robert Murphy to the Jefferson Area Board for Aging Advisory Council with a term to expire March, 2017.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Absent
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

Upon motion by Bill Martin and affirmative vote, the Board reappointed Mrs. Joanne Burkholder to the Skyline CAP Board of Directors with a term to expire March, 2019.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Absent
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: PUBLIC MEETING

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

RE: PUBLIC HEARING – SPECIAL USE PERMIT – MOURAD AND SHERRIE FAHIM

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Mourad and Sherrie Fahim for a Special Use Permit for an indoor/outdoor tennis and recreational facility on 28.68 acres, zoned A-1, Agriculture, located at 1205 Carpenters Mill Road and identified on County Tax Maps as 67-(A)-2A. (SUP#14-011) The parcel may be subdivided into 8 total lots. A single family residence is currently located on site.

The Future Land Use Map designates the parcel as rural. A goal of economic development in the Comprehensive Plan is to enhance the image of Greene County as a business-friendly location.

The Planning Commission recommended approval with the following conditions:

1. A 30 foot screening yard will need to be maintained at the perimeter of the commercial use from any residential or agriculture district or use.
2. Lighting shall not be illuminated between the hours of 10:00 p.m. to 7:00 a.m. EST.
3. The outdoor recreation will be limited to only an athletic facility for court sports or multi-sport athletic space where such games as tennis, basketball, volleyball, paddle tennis and other racquet sports are played.
4. The indoor recreation will be limited to only an athletic facility for court sports and/or gymnasium.
5. Site plan approval is required prior to the construction and/or commencement of the commercial use.

Mr. Mourad Fahim, applicant, spoke briefly on the proposed tennis facility with indoor and outdoor courts. Tennis is the fastest growing sport in the United States and there are no public tennis courts in Greene County. Mr. Fahim said he would like to work with the high school to create a tennis team. Tennis is described as the sport of a life time as people ages 4 to 90+ plays. Mr. Fahim said he would like to keep the option to request a deferral open until after hearing comments.

The Chairman opened the floor for public comment.

Mr. Jeremy Lay (speaking on behalf of Marvin McCauley) – Residents of Carpenters Mill Road oppose the building of the commercial tennis facility. All adjoining property owners plus additional County residents have signed petition in opposition. Submitted additional signatures. This facility will change character of neighborhood. More information is needed about lighting, parking area, entrance and signage that will be used. Object to lighting until 10 p.m. Light pollution. Request applicant to provide complete set of plans including site grading, building, electrical and environmental study of the impact on Preddy Creek and surrounding properties. Include a reasonable review time for all concerned parties. 100 foot of fall from beginning of property to back property line will require a lot of grade work. Would you want this in your backyard?

Roy Barbee – Spotswood Trail – Owns Greenridge Farm to east of site. Does not oppose development in Greene County but doesn't think this particular development belongs on this particular site. Welcomes Mr. Fahim and his initiative. Thinks County will benefit from this and should encourage this type development. Problem is with this site. He looked at property but decided not to buy because it is completely unsuitable for agricultural purposes. Development would lead to very severe erosion problems. No way to grade, at acceptable cost, and keep hill intact. Going to end up in Preddy Creek. He opposes application due to erosion problems and light pollution. Suggested the Board consider giving land to Mr. Fahim at Greene County Park for this facility. Get facility on suitable property.

Dana Hodges – Carpenters Mill Road - Not opposed to new development but happens to be directly across road from entrance to proposed facility. She has lived there since 1975 and this road has become a major highway for cut thru traffic. Said people are parking at night at the Century Link substation near her home. She would like to see tennis courts somewhere else as

this is not a good site. This would tax an already overworked Sheriff's Department. Who will supervise place at night when lights are out?

Donnie Hodges - Carpenters Mill Road – Lived there 40 years. No public infrastructure in area. He was surprised anyone would want to develop without public utilities. Leaning towards not supporting proposal.

Dan Ratzlaff – spoke on behalf of applicant – Avid tennis player. Fantastic opportunity for County. Growth is inevitable. This is a clean business. Light pollution would be minimum when using most up-to-date lights. Lighting is nothing like football or soccer field.

Kenneth Collier – Carpenters Mill Road - Neighbors have put up with him for years and he apologized for not being a better neighbor. Supports every one of his neighbors. Not at this location.

Kiki Flaig – Northridge Road - This is exactly the type of business she would like to see come to Greene. Would definitely sign her kids up for tennis camp.

Public hearing was closed.

Mr. Frydl felt this proposal is similar to projects the Board has approved throughout the County and may have less of an impact. Staff will ensure all rules are followed in regards to building code and erosion and sediment control per State standards which has gotten much more strict. Lights could be from dusk to dawn. He noted the Special Use Permit would run with the land. Tennis facility could be used for different recreation in the future. How could that be limited? Mr. Svoboda said the Board could limit the use to specifically tennis or related uses.

Mr. Lamb said it would be great to have something like this come to the County. He referred to the Zoning Ordinance, Statement of Intent for the A-1 zone. Mr. Lamb was concerned about runoff from steep grade. Mr. Svoboda said there is a pretty steep slope. State regulations would address those issues. Problems occurring today based on unmitigated circumstances on site would either be repaired or lessened with development of property.

Mr. Lamb expressed concerns about parking and traffic. Mr. Svoboda said the tennis facility is estimated to generate 56 trips per day. The eight by-right houses allowed would generate 80 trips per day. Mr. Lamb also questioned who would be watching this facility after hours. Mr. Fahim said no one would be there overnight. There would be a gate and security cameras on site.

Mr. Lamb suggested Mr. Fahim could meet with all the neighbors to discuss his proposal. Mr. Fahim said he did not have a problem talking with the neighbors. He wants to comply with County regulations and would also like to accommodate residents while developing this project.

Mr. Martin asked Mr. Ratzlaff, Greene County Erosion and Sediment Control and Stormwater Administrator, to comment on State stormwater regulations as to what the applicants will face in meeting new regulations to ensure stormwater concerns are being met. Mr. Ratzlaff said there is an existing erosion situation on the slope of this property. Current stormwater requirements demand that any new development release stormwater runoff resulting from that development at a rate and a volume that is less than the pre-existing developed quantity. There is also a quality requirement for new development that requires more phosphorous to be removed from stormwater that is discharged from a development. New regulations make it harder for any development to discharge stormwater from their project and actually require the developer to reduce the volume and velocity to rates lower than pre-developed conditions. Stormwater analysis requires a pre-developed analysis and a post-developed analysis. An engineer does this when drawing up a site plan for any development. Post-development is almost always more than

pre-development. Most developers will be required to install measures that will reduce and treat runoff for quality reasons. Conditions will have to be better than pre-development.

Mr. Barbee said that was welcome news and questioned post construction monitoring and compliance. Mr. Ratzlaff said the developer is required to submit an operations and management plan. A permanent stormwater management agreement has to be recorded at the Clerk's Office. The County will monitor the project.

Mr. Martin believed some of the community concerns are unfounded while others are grounded in truth. This also deals with private property rights. The Board has approved things like this before. No one likes growth or wants it in their backyard. The applicant is willing to reach out to discuss the project and might consider dawn to dusk lighting for the outdoor courts. This is a clean business and is supported by the Comprehensive Plan. Mr. Martin did not think community concerns trump the rights of the property owner to participate in the local economy. Erosion and stormwater concerns will be accommodated. Mr. Martin said while he does not dismiss the concerns of the community, he supports the application.

Mr. Frydl said he conducted some quick research on the internet and this type development did not seem to affect property values. There were comments from realtors saying that a nice facility in the area helps home values. In regards to noise level, a study conducted on an outdoor court had a db level of 34 from 33 feet away.

Mr. Cox said he visited the area several times. He spoke with Mrs. Fahim today but she could not answer his questions as to hours of operation, etc. He said he did not feel he has gotten all the facts in order to make a justified decision tonight.

Mr. Fahim said he could answer any questions Mr. Cox had. Hours of operation would be 7 a.m. to 10 p.m. Outdoor courts could be dawn to dusk. Tennis cannot be played when it's very cold outside so from November to mid-March there wouldn't be any outdoor tennis. The size of the building would be 260 feet x 155 feet.

In regards to outdoor lighting for security purposes, Mr. Svoboda said the County's lighting ordinance requires full cutoff fixtures. No upward glare to limit light pollution.

Mr. Lamb asked if VDOT is requiring a decel lane. Mr. Svoboda said not at this time.

In discussing possible deferral, Mr. Svoboda said the April 14 meeting would not allow sufficient time for Mr. Fahim to meet with neighbors. Mr. Frydl said the Board can't and won't compel Mr. Fahim to talk to his neighbors. While it is a nice business practice to talk to adjoining property owners, it is his choice.

Mr. Fahim requested his application be deferred to May 12. He also said a large sign would not be needed for this business.

Upon motion by Jim Frydl, amended by Davis Lamb, and affirmative vote, the Board, at the request of the applicant, deferred this request to May 12, 2015.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Absent
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: RECESS

The Chairman called a short recess.

RE: MATTERS FROM THE PUBLIC

Mrs. Brooke Frautschi, Four Seasons, spoke regarding the entrance to Tractor Supply off Greenecroft Boulevard. She believes the road is being changed from the original design. It does not have sidewalks to keep people out of the road. Four Seasons has sidewalks and a hiking trail. Greenecroft has neither. Mrs. Frautschi said the entrance needs to be moved to Route 33. She suggested only exit traffic be allowed on Greenecroft Boulevard. While she is not opposed to Tractor Supply, she is interested in safety on the highways, site lines, sidewalks, hiking trails and recreation.

RE: CONSENT AGENDA

Upon motion by Jim Frydl and affirmative vote, the Board approved the following items on the consent agenda:

- Minutes of March 4, 2015 and March 10, 2015 meetings.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Absent
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: OTHER MATTERS FROM BOARD MEMBERS

Mr. Frydl noted the Board received the 2<sup>nd</sup> monthly report showing year-to-date information in their information packet. Mr. Cox said that report will be expanded on.

Mr. Cox commented on the recent Stanardsville Volunteer Fire Department banquet which he, Mr. Martin and Mr. Lamb attended.

Mr. Cox said a retirement reception for Mrs. Marie Durrer will be held on March 31.

Mr. Barkley said the public hearing on the budget and tax rates is scheduled for April 28 at the WMHS PAC at 7:30 p.m.

RE: ADJOURN MEETING

The meeting was adjourned at 9:30 p.m. The next scheduled meeting of the Board will be held on Tuesday, April 14, 2015 beginning with a workshop with the Greene County Rescue Squad at 5:30 p.m.

  
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David L. Cox, Chairman  
Greene County Board of Supervisors