

November 12, 2013

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, NOVEMBER 12, 2013 AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

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

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.

1) PLANNING COMMISSION - INTERVIEWS OF PROSPECTIVE CANDIDATES/ CELEBRATE SHENANDOAH GROUP

a. Virginia Code Reference

- i. 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

2) COUNTY ADMINISTRATOR - EVALUTION

a. Virginia Code Reference

- i. 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

3) GREENE COUNTY RESCUE SQUAD

a. Virginia Code Reference

- i. 2.2-3711 A (3): Discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property

- ii. 2.2-3711 A (7): Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel

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

Motion carried.

Upon motion by Clarence Peyton and unanimous vote, the Board returned to Open Session.

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

Motion carried.

RE: APPOINTMENT TO CELEBRATE SHENANDOAH GROUP

Upon motion by Eddie Deane and unanimous vote, the Board appointed Mr. Alan Yost to the Celebrate Shenandoah Group.

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

RE: PUBLIC MEETING

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

RE: ADDED ITEM TO AGENDA

The Board added the discussion of truck restriction in the Town of Stanardsville to the agenda.

RE: PUBLIC HEARING – WHITTINGTON AND MARTHA LEDFORD – SPECIAL USE PERMIT – SUP #13-004

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Whittington and Martha Ledford for a Special Use Permit for a lodge and bed and breakfast on 58.01 acres, zoned C-1, Conservation, located on Pocosan Mountain Road and identified on County Tax Maps as 8-A-19B. (SUP#13-004)

Current use is agricultural with two (2) residences, barn and RV with deck. Served by private well and septic. Property has 1000 feet of road frontage along Pocosan Mountain Road. The proposal includes a total of six (6) vacation rentals.

The Comprehensive Plan supports this application.

The Planning Commission recommended approval with the following conditions:

- The permit is limited to the construction and operation of six (6) lodging houses.
- The bed and breakfast shall consist of the existing single family dwelling which also contains additional room accommodations.
- No guests would reside in the lodge or bed and breakfast for more than thirty (30) days in a three hundred sixty-five (365) day period.
- In order to preserve the residential character of the immediate community, all outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.

The floor was opened for public comments.

Debra Allen – adjoining property owner – concerned that nothing be done that would require any access through their land or affect the stream

The public hearing was closed.

Upon motion by Clarence Peyton and unanimous vote, the Board approved the request from Whittington and Martha Ledford for a Special Use Permit for a lodge and bed and breakfast on 58.01 acres, zoned C-1, Conservation, located on Pocosan Mountain Road and identified on County Tax Maps as 8-A-19B with conditions as recommended by Planning Commission. (SUP#13-004)

- The permit is limited to the construction and operation of six (6) lodging houses.
- The bed and breakfast shall consist of the existing single family dwelling which also contains additional room accommodations.
- No guests would reside in the lodge or bed and breakfast for more than thirty (30) days in a three hundred sixty-five (365) day period.
- In order to preserve the residential character of the immediate community, all outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.

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

Motion carried.

RE: PUBLIC HEARING – KINVARA

Mr. Svoboda reviewed the request from Kinvara Properties, LLC to amend proffers approved on May 13, 2008 (rezoning file #07-002) regarding roads/interconnectivity, phasing of residential development, and the removal of cash proffers for a 38.0 acre tract and a 1.04 acre tract zoned PUD, Planned Unit Development, located in Ruckersville on Cedar Grove Road/Seminole Trail/Buck Drive and identified on County Tax Maps as 60-(A)-6 & 6C (RZ#13-001)

Original proffers included cash proffers, phasing of units, buffers, architectural design, transportation development, donation of land to the County and internal roads.

The current cash proffer computation indicates that the total capital impact for each dwelling shall be \$5,771 regardless of dwelling type. Total capital impact includes school facilities, government facilities, judicial facilities, public safety facilities, public works, health and welfare, and parks and recreation. The total capital impact calculation does not include transportation impacts of a development. Transportation costs shall be in addition to the capital impacts identified in the proffer computation from the 2006 proffer study.

Mr. Svoboda reviewed the following proposed proffer amendments:

- The applicant is requesting to amend the phasing of the residential units from 40 units each additional year to 50 units each additional year. Also requesting to allow 48 units the first year rather than 46 units as originally proffered. The total number of residential units shall not exceed 98 units.
- In 2008, the applicant provided proffers to restrict the residential units to not exceed 98 units (multi-family, duplex or single family). It was determined that of those 98 units, 46 units were by right uses prior to the rezone. With the rezone in 2008, 52 additional dwelling units were permissible and \$9,000 in proffers for each of those 52 dwelling units would be provided. The applicant is now proposing an amendment to the cash proffers that would provide the \$9,000 for each single family detached residential unit only. The cash proffers are offered for any single family dwelling that is constructed in excess of the 46 by-right units. Cash proffers are not offered for multi-family, duplex or townhouse units.
- The applicant is requesting to amend proffer 3-D which provides a formula to calculate the increase for the pro-rata share. VDOT has indicated that if this proffer amendment is accepted, the pro-rata share would go from \$1 million to \$100,000.
- Under proffer 4-D, the applicant is requesting to provide interconnectivity to Buck Drive.
- The applicant is requesting to amend the landscape and buffer language.
- The applicant is proposing that the design guidelines under proffer 9 be altered.
- The applicant is requesting to amend the language regarding the County dedicated parcel.
- The applicant is requesting to provide many of the upgrades to the development during the submittal of the first building permit for the commercial improvements.

The Future Land Use Map of the existing Comprehensive Plan designates this parcel as Mixed Use Village Center. The parcel is located in the proposed growth area as defined by the Future Land Use Map.

The Planning Commission recommended denial of rezoning request RZ#13-001 due to the following:

- The loss of cash proffers on residential units would be an unfair, undue burden on Greene County residents and would set a dangerous precedent for all existing agreements that we have for proffers.

Mr. Butch Davies, Attorney for applicant, said one of the challenges faced is the dramatic change in the economy. The developer is trying to meet the needs of the Comprehensive Plan in creating a workable, walkable neighborhood. The revised proposal provides for the same size residential community focusing on multi-unit development. The original proffer of \$9,000 per unit is not going to be financially feasible. In all probability, the County will see very few school children located in these apartments as the focus will be on workforce housing to a large extent.

Mr. Dick Johnson, Blackwell Engineering, said his firm did the site plan for the Deerfield Town Center and is working on the site plan for the apartment complex proposed. He briefly reviewed the plans for the proposed development. The PUD consists of 39 acres and there is a limit of 98 residential units. Mr. Johnson reviewed proposed change to proffers. There will be \$15,000 per unit in dedicated right-of-ways and a County dedicated site. First 48 units will generate \$600,000 in water and sewer connection fees. Proffer for each single family detached unit will remain at \$9,000, if any are developed.

Mr. Johnson summarized the proposed proffers as follows:

1.75 acre County dedicated site	- \$425,000
Dedicated ROW	- \$615,472
Dedicated VDOT roadways	- \$429,200
Water/Sewer connection fees	- \$600,000
Total	\$2,069,672

Average of \$21,119 per unit

Ms. Jen Surber, representative of the developer of Lily Ridge Apartments, said the company develops workforce housing in seven states. The development will not include HUD or Section 8 housing. There will be no federal subsidy of rent. Rent will range from \$620 to \$730 for a one, two or three bedroom unit. She briefly reviewed statistics for rents and incomes for this area. Of sites reviewed, this site is most suited to the proposed use.

Mr. Jim Lavin, applicant, spoke briefly on the request. He and his brothers own the property and are willing to give the workforce housing project a chance as it is ready to move forward right away. They are asking the County to not insist on \$9,000 per unit for multi-family development. If multi-family is not developed, the original proffer would still stand.

Mr. Lavin feels this development would provide good quality homes for teachers, firemen or nurses who might otherwise leave Greene for higher pay in other localities. Young professionals deserve decent affordable housing.

The Chairman opened the floor for public comment.

Matt Strauss – adjoining property owner – referred to November, 2007 letter from Mr. Davies regarding proffers - \$5,771 is not adequate – increased to \$9,000 per additional unit to meet need – only rental property discussed tonight - original discussion included townhomes not apartments – no business in development discussed – not opposed to development but is concerned about change in proffers

Angela Yarbrough – Deer Lake Estates – commented on use of Buck Drive as access to new development – original proposal was to keep Buck Drive with locked gate (for emergency vehicles only) – greatly increased traffic if Buck Drive is opened – all for development but we

also have to plan – not just look at profit for developer – look out for citizens already living here – be mindful of lake in area

Anita Fountain – Deer Lake Estates – attended meeting to be better informed – concerned about road and traffic – keep development like it is – against proposal but would like to see more commercial such as restaurants and shopping

Cora Lawson – Deer Lake Estates – agreed with previous comments – roads are in need of work now

Jon Clark – employee of Blackwell Engineering, Harrisonburg, VA – sees need for affordable, traditional housing in area

Marianne Shepard – Deer Lake Estates – well fought battle and hard work back in 2008 and felt County should move forward with current proffers — already this type unit at Terrace Greene – awesome community at Deer Lake Estates and The Glen – would hate negative impact by this development changing landscape of what it looks like and increasing traffic – vote down

David Holtzman – Land Use Field Officer for Piedmont Environmental Council – Virginia does not allow impact fees on development - only proffers allowed which would help pay for new school or renovation of existing schools – cash proffers are very important – statistically apartments tend to generate fewer children than single family homes – this could suggest the development of a policy that distinguishes between different types of housing – policy should be reviewed – felt interconnectivity is generally a good thing – more roads would take pressure off Route 29 - language in proffer is vague - When will County dedicated lot be proffered? – transportation proffers are confusing – with credits for turn lanes and right-of-way, the developer may not contribute anything to intersection improvements

Jenny Strain – Deer Lake Estates - approving this would be introducing an unwelcome commercial presence and an unnecessary access road into and thru a well-established neighborhood – will be nothing more than an uncontrolled bypass around traffic signal at Route 29 and Route 607 (Cedar Grove Road) - creation of road will put lake and animals at risk – How will this affect the resale value of homes in Deer Lake Estates? – asked Board to deny petition

John Silke – owner of business in Ruckersville for 18 years - in favor of housing development at this location – in order for economic development to continue, there needs to be population growth and rooftops within confines of Comprehensive Plan – member of Tourism Council – workforce housing is great thing to be able to offer young professionals like teachers – can expand tax base and keep tax rates competitive

Chad Strain – Deer Lake Estates – previously emailed about road conditions in neighborhood - will lose lot of community when putting this type development together

Craig Hearn – Deer Lake Estates – not about planning of community but how this is going to move forward – PUD has already been approved so that's not going to change – opposed to project – does not want to see Buck Drive as connecting road – traffic is bad enough as is – no mention in presentation about single family homes – County will lose money if proffers changed

Vaughn Kowahl – adjoining property owner – opposed to change – spent a lot of time in 2008 to reach good resolution with developer – County will lose a lot of cash with change in proffers - major safety and traffic concerns if Buck Drive opened – Buck Drive for emergency access only - say no

Carl Schmitt – was new member of Board of Supervisors when this came up - plan had very good balance of residential/commercial – transportation issues were dealt with – proffers to

help offset infrastructure costs – a deal is a deal – terrible mistake for Board to change proffers – all changes are to the benefit of the developer and none for community/county – vote no

Ed Mahoney – Deer Lake Estates – agreed with many previous comments to turn project down – commented on problems with silt in lake – retention pond has not been addressed – concerned with traffic also – so many unresolved questions – keep proffers as is

Jeff Kunkle – Deer Lake Estates – asked Board to work on creating place to live that attracts and retains families who want to stay and prosper – people who rent typically don't stay – deny request

Bryan Strickland – Willow Creek – directly behind development – nothing seems to be to benefit of county – taxes and proffers are cost of doing business – developers interest is profit – citizens is quality of life – no actual commitment to single family homes – not opposed to development – opposed to change in proffers

The public hearing was closed.

Mr. Davies asked for a deferral of the request to January 28, 2014 to allow time to address a number of new issues raised.

Upon motion by Clarence Peyton and unanimous vote, the Board accepted the request from the applicant and deferred this petition to January 28, 2014.

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

Motion carried.

RE: 2014 LEGISLATIVE PROGRAM

Mr. David Blount, Legislative Liaison, was present to review and request approval of the proposed 2014 Legislative Program.

Program priorities included:

- Public education funding
- State mandates and funding obligations
- Transportation funding and devolution
- Chesapeake Bay TMDL
- Land use and growth management
- Comprehensive Services Act

Mr. Blount noted the following areas of continuing concern:

- Economic and Workforce Development
- Environmental Quality
- Health and Human Services
- Housing
- Public Safety
- Local Government Structure and Laws

It was the consensus of the Board to approve the 2014 Legislative Program as presented.

RE: TRUCK TRAFFIC IN STANARDSVILLE

The Board approved a resolution on May 28, 2013 in support of the proposal to restrict truck traffic on Route 33 Business in the Town of Stanardsville which was forwarded to VDOT. VDOT has completed the traffic study and found that criteria one, a reasonable alternate route, is not met due to a severe limited maneuverability for a right turn at the intersection of Route 33 Business and Route 230. VDOT guidelines state that failure to meet the criteria will normally result in rejection of the request.

The next step in the process is for VDOT to collect public comment and prepare the final report for the Commonwealth Transportation Board. Mr. Denunzio indicated that he does not anticipate approval of the request as the minimum criteria has not been met. The Board has the option of rescinding the resolution which will end the process.

Mr. Frydl pointed out that the County and Town have gained useful information regarding safety issues at the intersection of Route 33 Business and Route 230.

Mr. Gary Lowe, Mayor of the Town of Stanardsville, said he sees this as an opportunity. Engineering data supports that this is not a safe intersection and he thinks this is a far greater situation than trucks on Main Street. He thought the County should take this opportunity to pursue this with public hearings and appear before the Commonwealth Transportation Board. Mr. Lowe felt it would be premature to rescind the resolution and suggested the County and Town join forces to take the next step.

Mr. Lamb noted the report indicated that neither Route 33/Stanardsville Bypass or Route 33 Business/Spotswood Trail have a high number of truck related crashes. None on Route 33 Business and three on Route 33/Stanardsville Bypass in a three year period.

Mr. Frydl felt the Board should work with the local residency regarding the identified safety concerns.

Mr. Cox agreed. VDOT has put a lot of time and money into this proposal which has been turned down because criteria were not met. Mr. Cox agreed there are safety concerns to be addressed.

Mr. Peyton felt use of the alternate route by trucks is what makes the intersection dangerous due to the angle. Mr. Deane agreed.

Upon motion by David Cox and unanimous vote, the Board rescinded the resolution regarding restriction of truck traffic in the Town of Stanardsville.

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

Motion carried.

RE: MATTERS FROM THE PUBLIC

TRUCK TRAFFIC IN STANARDSVILLE

Mollie Davis – has child at pre-school (Small Steps) in the Town – supports restriction of truck traffic through the Town

RE: CONSENT AGENDA

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

- Minutes of October 22, 2013 meeting.
- Resolution for the irrevocable election not to participate in the Virginia Local Disability Program. (See Attachment "A")

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

Motion carried.

RE: COUNTY ADMINISTRATOR'S REPORT

Mr. Barkley reported the following:

- Visited Greene County Chamber of Commerce
- Leadership Team met at IIHS on November 7
- ADA compliance issue at Community Park
- Website – new IT support beginning next week
- RFP for Reassessment – bids due December 6
- EDU Policy Committee – will meet again early December
- Attended VACO conference

RE: OTHER MATTERS FROM BOARD MEMBERS

Mr. Cox and Mr. Lamb briefly spoke on the VACO conference they recently attended.

Mr. Frydl said the School will be faced with an increase of approximately \$500,000 for VRS contributions. School Board will hold meeting tomorrow night at WMHS PAC to discuss budget priorities.

RE: ADJOURN MEETING

The meeting ended at 9:34 p.m. The next regularly scheduled meeting will be on Tuesday, December 10, 2013.



Jim Frydl, Chairman
Greene County Board of Supervisors

County of Greene

RESOLUTION

Irrevocable Election Not to Participate in Virginia Local Disability Program

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code 51.1 – 169; and

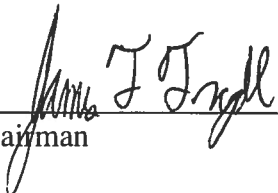
WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, with an extension to November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51/1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of the County of Greene, to make this irrevocable election to request that it's eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Greene irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that as an integral part of making this irrevocable election, the County of Greene certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted by the County of Greene Board of Supervisors this 12th day of November, 2013.



Chairman



Clerk