

**PLANNING COMMISSION**  
**July 20, 2016**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JULY 20, 2016, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Members present:            Jay Willer, Chairman  
                                 Victor Schaff, Vice-Chairman  
                                 Frank Morris, Member  
                                 John McCloskey, Member  
                                 William Saunders, III, Member

Staff present:                Dale Herring, Ex-Officio Member  
                                 Bart Svoboda, Planning Director  
                                 Stephanie Golon, Planner  
                                 Shawn Leake, Zoning Officer

**CALL TO ORDER**

The Chairman called the meeting to order.

**DETERMINATION OF QUORUM**

The Chairman asked each member to state their name for the record to determine a quorum.

**PUBLIC HEARINGS**

Mr. Willer announced that there were no public hearings scheduled for the evening.

**OLD/NEW BUSINESS**

**Comprehensive Plan**

Mr. Willer stated that this may be the final discussion relating to the Comprehensive Plan review and asked Mr. Svoboda for a review.

Mr. Svoboda stated that the public hearing had been held and revisions were discussed. He explained that the draft with changes and the draft without changes were being presented for the Commissioners to review. He added that the resolution and a memo, which was provided by the Chairman, were also included in the packet. He asked for feedback from the Commission.

Mr. Willer reviewed the options for tonight noting that he had two small things to mention after others have the opportunity.

Mr. Morris stated that he would like to have seen more information regarding slowing the housing down to allow businesses and infrastructure to catch up. He

added that he would like to have seen more about protecting and addressing the needs of the volunteer emergency services organizations particularly as they relate to radio communications and things of that nature. He added that overall he was happy with the draft and took steps to present it. He noted that in speaking with citizens, there was a question as to why it was not made available online and asked Mr. Svoboda if he had an answer to that question.

Mr. Svoboda stated that the draft has been made available in the office, which is what is required by law, noting that electronic posting is not required. He added that the system cannot accept a document of this size.

Mrs. Golon pointed out that the draft is available online under the agenda.

Mr. Morris asked if the entire Comprehensive Plan was online.

Mrs. Golon explained that both the draft with changes and the draft without changes was made available online. She noted where it could be found on the website.

Mr. Morris stated that he did not know that and had not looked at that.

Mr. Svoboda added that the document is online but is too large to email. He reviewed the location of the information on the web site and how to open it. He added that, to his knowledge, no calls were received from citizens relating to the inability to locate or open the posted information. He noted that it is important that those citizens be directed to contact the office so that we can assist them in locating the information that they are trying to locate.

Mr. Morris agreed.

Mr. Willer asked if it will be posted online once it is approved.

Mr. Svoboda stated that it will be posted online in some fashion, noting that the size may determine how it is done.

Mr. Willer asked if it would be a searchable document.

Mr. Svoboda stated that having a searchable document is the goal.

Mr. Willer stated that on page 77 of the without mark-ups copy, there seems to be a lot of blue lines on the page and asked that it be cleaned up before forwarding it to the Board of Supervisors.

Mrs. Golon noted the lines and stated that she would address them.

Mr. Willer stated that he would like to suggest a wording change that had been requested before but seems to have fallen through the cracks. He noted that on page 8, the last full sentence of the last paragraph of the Shenandoah National

Park section should be removed because we do not know the history of the French-style and the suggestion that the residents had no experience in farming is simply inaccurate, noting that there were many farms there. He added that the families with heritage relating to that may find that sentence insulting.

There was discussion regarding the need for a motion to make each change or a comprehensive motion for all changes. There was also discussion regarding the formatting changes, typographical changes, etc. that need to be made prior to forwarding it to the Board of Supervisors for their public hearing.

Mr. Schaff made a motion to approve the Comprehensive Plan with the change being made regarding the Shenandoah National Park section as mentioned by Mr. Willer.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

NAY

Mr. Saunders  
Mr. McCloskey  
Mr. Morris  
Mr. Schaff  
Mr. Willer

The motion carried by a unanimous vote.

Mr. Willer stated that the resolution and memo need to be addressed.

Mr. Willer read the prepared resolution for the benefit of those in attendance.

Mr. Morris made a motion to approve the resolution.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

NAY

Mr. Morris  
Mr. Schaff  
Mr. McCloskey  
Mr. Saunders  
Mr. Willer

The motion carried by a unanimous vote.

Mr. Willer stated that the Commission chose a sufficient way of reviewing the Comprehensive Plan this time but noted that in five years, the county would hope

to do more things in the process so that important issues do not land on the Planning Commission during the next review. He explained that he has prepared a transmittal letter to accompany the Comprehensive Plan to the Board of Supervisors listing some items that the county could consider between now and the next review. He reviewed the proposed transmittal letter and the suggestions that are offered within it. He read the suggested possibilities for the benefit of those in attendance. He added that this could guide how the next review is done. He noted that it also refers to the needs mentioned by Mr. Morris earlier as well.

Mr. McCloskey stated that there are definitely needs and that another avenue to communicate those needs to the Board would be helpful.

Mr. Willer made a motion to approve the transmittal letter to accompany the resolution and Comprehensive Plan to the Board of Supervisors.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

Mr. Schaff  
Mr. Morris  
Mr. McCloskey  
Mr. Saunders  
Mr. Willer

NAY

The motion carried by a unanimous vote.

**Discussion of By-laws**

Mr. Willer introduced the next item of business as a discussion of the by-laws.

Mr. Svoboda explained that there had been discussion regarding the meeting time being changed from 7:30 pm to 6:30 pm. He stated that Article 6 of the By-laws addresses the meeting time and that it has been revised for review tonight. He noted that another discussion item was whether or not to include the Pledge of Allegiance or prayer. He added that he had spoken with the county attorney as requested by the Commission and that the county attorney stated that the Board begins with the Pledge of Allegiance and a moment of silence. He clarified that the county attorney did not make a recommendation but indicated that those items were the preference of the Board. Mr. Svoboda stated that there was a time in the past that the Board of Supervisors did open meetings with prayer but that they had changed to the Pledge of Allegiance and a moment of silence. He added that there was no indication that the Planning Commission nor the Board of Zoning Appeals has ever opened with prayer, the pledge, or a moment of silence. He noted that it would be a new item for them and not bringing something back that was taken away. He noted that there had been some consensus regarding the revised start time.

Mr. Willer stated that a revision of the by-laws would require an official action. He began with the change to 6:30 pm as a start time.

Mr. Morris stated that he did not have a personal issue with the start time revision but asked how it would affect the public.

Mr. Willer stated that it was a good point. He added that if it did present a problem, it could be revised again. He suggested that organizing the agenda to accommodate public interest may be possible.

Mr. Svoboda agreed, noting that often times, work sessions have been held at 6:30 pm to allow citizens time to attend the session or other agenda items later in the meeting.

There was discussion as to the start time of work sessions.

Mr. Schaff pointed out that the by-laws stipulate that work sessions shall be held before the start or after the adjournment of the regular meetings as specified by the chairman or held at other times based on the direction provided by the chairman.

There was discussion relating to start times for work sessions in order to allow for public input. It was also noted that not all work sessions require public input. It was also noted that work sessions have been held at various times and that the times do not seem to have an impact on the attendance, adding that the topic is usually the factor that determines attendance. There was continued discussion relating to scheduling options for work sessions or meetings as long as the appropriate notice is given.

Mr. Schaff stated that he does not have a problem with the Pledge of Allegiance or a moment of silence, noting that he does not see it as an issue.

Mr. Willer asked if he meant a moment of silence as opposed to a prayer.

Mr. Schaff agreed.

Mr. Morris stated that he would like to have the prayer. He referred to Dr. Carson's comments relating to the Pledge of Allegiance, "one nation under God", and the coins and dollars having "in God we trust", and wondered if we take God out, are we throwing our money away too.

Mr. McCloskey pointed out that everyone may not have the same God.

Mr. Morris stated that it was fine.

Mr. McCloskey stated that during a moment of silence, you can pray.

Mr. Morris stated that this country was founded on those beliefs and that we are leaving it every day. He stated that he was very strong for the prayer. He stated that he would like to ask Mr. Herring, since the county attorney gave his advice, if as a Board member, what his input would be if we could do that.

Mr. Willer stated that we could ask Mr. Herring but was not sure if he wanted to be placed in that position.

Mr. Herring stated that he did not mind to answer. He stated that he believed that a moment of silence would be appropriate.

Mr. Willer suggested separating the issues, start time and prayer, due to the varied controversy.

Mr. Schaff made a motion to revise the by-laws to have the monthly meeting time start at 6:30 pm.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

NAY

Mr. Morris

Mr. Schaff  
Mr. McCloskey  
Mr. Saunders  
Mr. Willer

The motion carried by a 4-1 vote.

Mr. Morris made a motion to start the meeting with a prayer and the Pledge of Allegiance.

There was no second to the motion; the motion failed.

Mr. Schaff made a motion to begin the Commission meetings with the Pledge of Allegiance and a moment of silence.

Mr. Saunders seconded the motion.

The vote was taken.

AYE

NAY

Mr. Morris  
Mr. Schaff  
Mr. McCloskey  
Mr. Saunders  
Mr. Willer

The motion carried by a unanimous vote.

Mr. Willer noted that two amendments have been made to the Commission by-laws.

Mr. Morris asked if there was still time to discuss the bylaws.

Mr. Willer stated that the bylaws could continue to be discussed if there was another issue.

Mr. Morris stated that he would like to add a moment for Matters of the Public like the Board of Supervisors for when people have things that they would like to address but were not at the last meeting. He noted that he would like to add that to the Commission meeting.

Mr. Willer asked if the idea would be to address things to the Planning Commission.

Mr. Morris agreed for times when the Commission is working on things.

Mr. Svoboda stated that the Board has legislative authority to approve laws and have that discussion so it is a different venue.

Mr. Schaff pointed out that the Commission deals with land use.

Mr. Svoboda stated that when a public hearing is held and is closed, it is not supposed to be opened again.

There was discussion relating to the public hearing process and the opportunity for public input. There was discussion regarding the responsibility and function of the Commission. It was determined that if the revisions made to the by-laws do not seem to work, then they can be revisited at a later date.

Mr. Willer stated that the Commission works at the pleasure of the Board and that if the public had a concern to bring forth, they would need to bring that to the Board. He noted that the Board could then direct the Commission as to the work program.

There was discussion related to how the Board directs the Commission and staff to work on items that are determined by the Board.

Mr. Morris stated that he had some questions about the conflict of interest references in the by-laws. He asked if there could be no ties to items that they are voting on.

Mr. Svoboda stated that "no ties" may be too general of a term. Mr. Morris used Parks & Recreation for an example. He asked if he was selling

baseballs to the department and there was a request for them, could he vote on that request.

Mr. Svoboda explained that it would depend on the qualifications under the code. He stated that he would not offer legal advice or answer legal questions because he is not an attorney and suggested that the Commonwealth's Attorney could answer the question. He explained that *if* something qualifies as a conflict of interest under the code, then you should not be doing it. He added that *whether or not* something qualifies as a conflict of interest should be answered by the Commonwealth's Attorney.

Mr. Willer noted that Commissioners are required to sign the annual conflict of interest form and that a lot of that information is spelled out there.

Mr. Svoboda asked if there was a reference relating to the conflict of interest within the by-laws that needed to be revised.

Mr. Morris stated that it was not. He noted that he was just trying to get the answer clarified for himself.

Mr. Svoboda advised that he not take legal advice from someone who is not an attorney.

There was continued discussion relating to conflict of interest information.

Mr. Svoboda stated that he would recommend for anyone with questions about the Conflict of Interest Act to contact the Commonwealth's Attorney.

Mr. Saunders stated that there are legal conflicts of interest and there are perceptions of conflicts of interest.

Mr. Willer asked if there were any other issues to be addressed.

There were no comments.

### **APPROVAL OF MINUTES**

Mr. Morris made a motion to approve the May 18, 2016 meeting minutes as presented.

Mr. McCloskey seconded the motion.

The minutes for the May 18, 2016 meeting were approved by a 5-0 vote.

### **OTHER PLANNING MATTERS**

#### Town of Stanardsville Information

Mr. Svoboda stated that the next phase of surveying for the STAR project is underway. He noted that otherwise, there have not been any planning items to be addressed.



Mr. Morris asked when the project will begin.

Mr. Svoboda stated that he did not know. He added that the Town will soon be reviewing their Comprehensive Plan and reminded the Commissioners that they also serve as the Town Planning Commission. He added that the CIP will likely be the next county project for review. He noted that it may be around the end of the calendar year to be available for the budget cycle.

Mr. Morris asked if better information will be provided.

Mr. Svoboda stated that the committee will do their best to provide accurate figures. He mentioned some general maintenance needs and how items qualify for CIP consideration.

Mr. McCloskey had no additional comments relating to Stanardsville.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary

  
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Planning Commission, Chairman

*Sept. 21, 2016*  
\_\_\_\_\_  
Date