

September 11, 2012

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, SEPTEMBER 11, 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 David Cox 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
- Jefferson-Madison Regional Library
- Revenue Recovery

**Land Acquisition:**

- Water and Sewer

**Legal:**

- Pending litigation

**Personnel:**

- Administration
- Economic Development

**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 David Cox 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: PUBLIC MEETING

The Chairman opened the meeting with the Pledge of Allegiance followed by a moment of silence in honor and memory of the victims and their families of the September 11 terrorist attacks.

RE: PUBLIC HEARING – AMEND COUNTY CODE – CHAPTER 62 – ASSIGNMENT OF STREET NAMES

Mr. Ray Clarke, County Attorney, said the Board of Supervisors requested the wording of Section 62-36 be altered to make it simpler, more streamlined, to clarify and bring into accord certain sections of the ordinance that appear to be in conflict particularly in regard to the naming of streets.

Currently, the ordinance states a street will not named until it provides access to three (3) or more occupied dwellings. Section 62-50 allows the County Administrator or his authorized agent to make adjustments and modifications in applying those guidelines to ensure a logical efficient street address system.

Mr. Clarke said the efficient application of all provisions of this ordinance suggested that the County Administrator be clearly authorized to assign names at any time when it seemed likely to be in the best interest of public welfare. The suggestion is to delete the provision of three occupied dwellings and make it clear the County Administrator or his agent can name the roads whenever he chooses.

The Chairman opened the floor for public comments.

Mr. Wayne Morris –spoke in opposition of proposed amendment – If it works, why change it?

Mr. Jack Henshaw – said he takes this amendment very personally – the County has not abided by and continues to disregard the current Code – What is purpose other than to try to legalize dictatorship? – questioned giving any one person that much authority – Is proposed amendment legal? – spoke with adjoining counties and was treated with respect – policy in other

counties allow for naming of private road when there are 4 occupied dwellings – owners are each given opportunity to pick name – opposed proposed amendment

Mr. Jimmy Henshaw – talked about issues he has had in naming road to his subdivision – Farmers Way sign was up, taken down and back up a few days later – didn't have anything to do with naming the road or putting up the sign – was a member of the Board of Supervisors when this ordinance was adopted and funds from E911 tax on telephone bills paid for signs – paid \$300 fee for road sign but sign was never installed – received money back – other counties put signs up when a subdivision is platted - he felt everybody needs to be treated the same

The Chairman closed the public hearing as there were no further comments.

Mr. Frydl said Section 62-50 states the County Administrator shall have the authority to make minor adjustments and modifications to ensure a logical and efficient street address system. Staff started naming roads with the first house. Waiting for three (3) houses was inconvenient for the first two who then had to change their address. It makes more sense, from a safety standpoint especially with outside agencies providing emergency services, to name the roads earlier. He had suggested the language be “cleaned up” in order to avoid confusion. The proposed amendment would have no bearing on existing roads, just new roads. There is nothing in the proposed amendment that is taking away naming rights from landowners. It makes sense to name a road with the first house.

Mr. Frydl suggested the Board could consider adding a project to the Capital Improvement Plan, to review for cost, to address roads that do not have names that were in existence prior to the ordinance. This would also address safety issues.

In response to a question by Mr. Lamb, Mr. Jimmy Henshaw said he and his wife are the owners of the subdivision. Mr. Lamb said, referring to Section 62-42, that the owner of the subdivision shall erect street signs in any subdivision after September 24, 1996. Mr. Lamb said the proposed amendment brings clarity to the ordinance and provides for safety on any construction site.

Mr. Cox said he likes the idea of “cleaning up” the language in ordinance. The proposed amendment will provide clarification. He expressed his concern regarding the number of existing roads that have more than three dwellings and are not named.

Mr. Deane asked if the County Administrator, at his discretion, can name a road. Mr. Svoboda responded that he did not want to speak on behalf of the County Administrator, and noted this is not his area of expertise. Commercial developments could receive suite numbers or a separate number depending on the style of development. If the proposal is for a development with multiple lots, the developer would submit road names during the subdivision process.

Mr. Deane asked if the County Administrator can name a private driveway. Mr. Svoboda said the ordinance does not require the naming of private driveways. Mr. Deane said he did not want to infringe on citizen's freedom because of safety. If a road is named when the owner does not want it named, people are losing their rights as citizens. Mr. Deane said he was not comfortable voting on this tonight.

Mr. Peyton said he did not think the intention of the ordinance was to name private driveways as the requirement is three or more houses prior to naming the road. He felt it was cost prohibitive at the time to name all roads and it was the consensus to not name roads until there was activity. Mr. Peyton said he did not see the necessity to change the requirement for naming new roads.

Mr. Frydl said he would like the ordinance to be clear and to follow a specific pattern. He felt there is some value in naming roads prior to three occupied dwellings requirement. It would be a disadvantage to someone who moves in early because their address will be changed when the third house is built.

Upon motion by Eddie Deane and unanimous vote, the Board tabled this matter.

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

Motion carried.

RE: LEGISLATIVE PROGRAM

Mr. David Blount, Legislative Liaison, was present to discuss the development of the regional legislative program. The priorities are comprised of action items and ongoing concerns including: secondary road devolution; State/local funding and revenues; public education funding; Chesapeake Bay TMDL; transportation funding; land use and growth management; and Comprehensive Services Act.

The need to educate citizens was discussed at a recent Mayors and Chairs meeting. Actions taken by the General Assembly affect the Board's discussions and decisions on budget issues. General Assembly action has a great impact on what is done locally.

Mr. Blount said the annual legislative forum will focus on educating the legislators about one particular topic. The forum will be held on Thursday, November 29.

In response to a question from Mr. Peyton, Mr. Blount said most localities have either adopted or will be considering the resolution regarding aid to localities. At this time, the State, for the third year in a row, has talked about a revenue surplus and a total budget surplus but still continues to employ a mechanism to draw back aid to localities to balance the State budget.

Mr. Frydl said for the State to say that education was funded at the highest level in history and VRS was saved is a patently false statement. People would rather hear the honest truth.

Mr. Frydl said he did not think dedicating revenue to all transportation modes is a good idea and shouldn't come at the expense of the limited dollars available for vehicle transportation. Mr. Blount said the major trust of transportation is still the highway system.

The Chairman thanked Mr. Blount for his presentation. Mr. Blount said he would be back before the Board in a couple of months with the final legislative program for approval.

RE: TED CORP/GEM MANAGEMENT – EVALUATE WORKFORCE HOUSING

Mr. Rob Lynch, Ted Corp, and Ms. Jen Surber, of Gem Management, were present to discuss their request for the Boards approval to evaluate a workforce housing development on Greenecroft commercial property.

Ms. Surber said the workforce development would be built on approximately 4 – 5 acres of the Greenecroft commercial property located on Route 33. The development would consist of 40 – 60 apartment units targeting the working family demographic including teachers, police, county workers, and fire fighters.

Workforce housing provides below market rental rates for communities lacking such housing for workforce employees. The program is a federally funded program that provides tax credits to the developer to encourage the supply of below market rate residential units. Developers compete for credits.

Ms. Surber said they are not requesting any action in regards to a rezone of the property at this time. However, it is fairly expensive to apply for the credits and they are seeking support from the Board in three steps to determine the interest and support of this type development in Greene County.

County support would include:

- Designation of the development area as a "revitalization area" as defined by the program.
- A CEO letter that is essentially endorsement of the workforce housing development.
- Agreement by the County to hold taxes on the property at the current rate until construction of the development is complete. (approximately two years)

Mr. Deane asked where the closest completed development of this type is located. Ms. Surber was not sure of a location. She indicated Gem Management has been looking at other sites but Greene County is the preferred location.

Mr. Lynch said this is not subsidized housing and the only tax credit is to the developer on the front end. Tenants will pay 100% of the rent. The maximum income limit is 60% of the area median income.

Mr. Lynch said the next step, if the Board decides tonight to support the request, would be a rezone to allow residential development on the property.

Mr. Deane said he likes what he sees.

Mr. Lamb said he doesn't like what he sees and thought this is the cart before the horse.

Mr. Peyton said he has never been asked to hold taxes on property at the current level and doesn't feel he has the authority to do that. Residential housing doesn't seem to fit on commercial property. It appears to him that the property should be rezoned before the Board considers any residential development. He questioned what would happen if the Board endorses the request and then does not approve rezone of the property. Mr. Peyton said he would not support the request.

Mr. Deane agreed that the property would have to be rezoned and said it is the overall project that he likes.

Mr. Frydl noted there is a lack of this range of housing in Greene County and the program has benefits. He supports the idea of workforce housing in Greene County.

Mr. Cox agreed with the concept of workforce housing but noted there is unoccupied land already zoned for this type development. He questioned why this same parcel of property was been proposed for a zoning change twice in less than seven months.

Ms. Surber said the process rates several categories which includes tax abatement, revitalization area, public transportation, etc. She noted the request for tax abatement is not always approved. Ms. Surber said she found the property on a web site. The parcel lends itself to a mixed use, mixed income type of development which is supported by the Greene County Comprehensive Plan and is considered an optimal means of development all over the country.

Motion by Eddie Deane to approve to evaluate property for a workforce housing development on Greenecroft commercial property

Mr. Frydl questioned what was meant by evaluate. Specifically, the request is for approval of three things. Mr. Deane said his motion would be to consider.

Mr. Ray Clarke, County Attorney, noted the Board could ask applicants specifically what it is they are asking the Board to do tonight if it is not clear enough. Mr. Deane's motion is to provide County support for this project by signing the documents.

Mr. Cox amended the motion by adding that this in no way obligates the Board to make a zoning change.

Mr. Peyton said this request does not obligate the Board.

Upon motion by David Cox and affirmative vote, the Board agreed to support the request from Ted Corp/Gem Management to evaluate a workforce housing development on Greencroft commercial property. This approval in no way obligates the Board to make a zoning change.

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

Motion carried.

RE: STATE OF SCHOOLS REPORT

Mrs. Michelle Flynn, Chairman of the School Board, was present to discuss the state of the schools. Also present were School Board members Sharon Mack, Troy Harlow and Rodney Kibler. Dr. David Jeck, Superintendent, and Andrea Whitmarsh, Assistant Superintendent, were also present.

Mrs. Flynn expressed appreciation for the Board of Supervisors tremendous support for the current academic school year in difficult budget process. In response to a request from the Board of Supervisors, the Schools will be submitting a quarterly report to include budget updates, update on energy performance contract savings, news from Richmond and general information. Mrs. Flynn did ask that the School Board be invited to speak and present that information to the Board of Supervisors on a quarterly basis if not more often.

Mrs. Flynn reported the following:

- All schools are fully accredited.
- Adequate Yearly Progress (AYP) has been replaced by Annual Measureable Outcomes (AMO).
- Actual enrollment after ten days was 2983.
- Additional teacher assistant added at RES because of addition of SPED students. Position is covered by federal funds.
- Have 20 to 25 students who are Title VI-B and receive funds from Federal government for their education.
- Many changes in administration but no budget impact.

Dr. Jeck reported the following:

- Facilities project is complete with two exceptions. (landscaping and punch list items)
- Project contract includes a performance bond and a payment bond.
- Project is significantly overdue primarily as a result of work being done improperly.

- General contractor defaulted on the project in May. Schools now make construction payments to surety.
- Baseball field, softball field and track have all been officially certified by the Virginia High School League for competition through State quarterfinals. State semi-finals and finals are played at neutral sites.
- Track has been certified for all competitions with the exception of State finals.

Dr. Jeck said the Schools are very appreciative of the support of the Board of Supervisors for the construction of this project.

Mr. Troy Harlow reported the following modes of communication have been added over the past four years:

- Automated calling system
- Power School
- Monthly division newsletters
- Superintendent's Blog
- GCPS Twitter Page
- Dr. Jeck's Twitter Page
- Renovated division website
- WMHS Athletics webpage
- Superintendent's summer and winter newsletter
- Press releases
- Digitally recorded budget updates
- Community Budget Meetings – plan to hold two meetings this year

Mr. Harlow said the School Board has approved the submission of a request for proposal for a growth and facilities study. Also, reviewed the five year strategic plan during their retreat which is available on the division website.

Mr. Lamb questioned the 20 to 25 SPED students that the Schools receive federal funding for. Dr. Jeck explained that federal funds received for students must be reported to the State. The State then adjusts funding to the schools.

Mr. Lamb noted last year there was a total of 2966 students and this year 2983 after ten days of school which amounts to less than one percent growth. Dr. Jeck said 2966 probably included pre-school students.

Mr. Lamb also commented on information being in the paper before the Board of Supervisors hears about it. He said the Board would like to be informed before information goes to the paper.

The Board thanked the School Board for their report.

**RE: PROFFER POLICY GUIDELINES**

Mr. Svoboda said the Board directed staff to review possible proffer policy guidelines to assist citizens in voluntary proffer submittal. Staff has provided a rudimentary outline to begin conversations of proffer topics that would work with the Capital Improvement Program. Any questions or changes the Board may have will be addressed. This is a guideline for submission and proffers are voluntary under the Code of Virginia.

The Planning Commission reviewed the proposed guidelines, provided comments, and the current version reflects those changes.

Mr. Svoboda said an estimate was received from Robinson, Farmer, Cox Associates of \$3,000 to \$5,000 to update the Cash Proffer Policy.

Mr. Frydl said he likes the guidelines and felt it is clear what format should be followed. He questioned the inclusion of architectural design review in the proffer policy guidelines. Mr. Svoboda said developers, in the past, have submitted a certain style home as a proffer so staff decided to include that as a discussion point. Mr. Frydl said we need some sort of statement that these (architectural design and buffers) are excessive.

Mr. Svoboda said the Capital Improvement Program will be brought before the Board earlier so it is finalized prior to the budget process.

RE: REGIONAL NATURAL HAZARD MITIGATION PLAN

Mr. Peyton said this is an update to the plan that was adopted by all jurisdictions in 2006. The Federal Emergency Management Agency (FEMA) requires plan as a condition for eligibility in certain mitigation grant programs.

Mr. Svoboda noted the plan was presented previously by TJPDC staff and is updated every five years.

Ms. Melissa McDaniel, Emergency Services Manager, did not have any comments on the plan at this time other than there were some housekeeping issues she would clarify with Mr. Svoboda.

Upon motion by David Cox and unanimous vote, the Board approved the resolution adopting the Regional Natural Hazard Mitigation Plan 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: MATTERS FROM THE PUBLIC

ROAD SIGN

Mrs. Donna Henshaw said she wanted to clarify that the Judge ruled in their favor and the road in question is not Gerald's Mill Road. She felt it was wrong for the Chairman to allow Mr. James Henshaw to talk about this personal issue during the public hearing.

Mrs. Henshaw asked the status of the response to the list of questions submitted at a previous meeting. The Chairman said the response is forthcoming.

SOCIAL SERVICES DEPARTMENT

Mr. James Howard, Director of Social Services, was present to ask permission to fill two vacant positions - Office Associate I and Benefit Program Specialist II.

It was the consensus of Board to authorize Mr. Howard to fill the two positions.



ROAD ISSUE

Mrs. Jean Weeks was present to discuss problems with flooding and erosion she is experiencing at her property on Welsh Run Road. A petition to have the road paved was submitted by area residents in October, 2005.

Mrs. Weeks said a culvert pipe and French drains have been installed in an attempt to alleviate the problem but has not helped. She has requested a VDOT work order and has talked with VDOT engineers, county staff and professional landscaper. Everyone seems to agree that this is a VDOT problem but funds are not available to work on the road. Mrs. Weeks also said she has horses in the pasture and the flooding is creating holes the horses could step in.

There is an elderly lady renting the house and JAUNT picks her up. There is a constant problem with mud. Mrs. Weeks asked what her options are.

Mr. Peyton said County staff will contact VDOT regarding this issue.

WORKFORCE HOUSING

Mr. Carl Schmitt said he did not know what the Board approved and asked for clarification. He did not think the Board has the authority to commit to holding taxes level for two years and certainly not without holding a public hearing. He said he was confused about the Board's action and asked how long the reduced rental rate is effective. The Planning Commission wasn't asked to review the request and a public hearing was not held even though this is a major land use decision.

Mr. Schmitt asked how the Board could not support rezoning the property if a letter is sent supporting this project as requested. He did not feel the project has been evaluated sufficiently to take the kind of fairly drastic action the Board approved.

RE: CONSENT AGENDA

Upon motion by Eddie Deane and unanimous vote, the Board approved the minutes of the August 28, 2012 meeting as circulated.

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

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

STORM WATER GRANT

Mr. Lamb expressed his appreciation to staff for supplying the necessary documentation to the Culpeper Soil and Water Conservation District in regards to application for the storm water grant.

Mr. Svoboda noted no matching funds are required and the grant will assist staff in developing regulations to comply with State mandates regarding storm water. He estimated staff time to develop standards would be approximately \$34,000.

WORKFORCE HOUSING

Mr. Deane said approval and approve to evaluate are two different things. Approval of a rezone would require a public hearing. The Board agreed to evaluate this prospect and did not make a decision. This is just to look at this prospect.

Mr. Peyton noted the Board will have to do the three required actions. Mr. Clarke said the motion was to approve the request which means the Board would in fact do those three things requested to show approval.

Mr. Frydl said the motion specifically stated the Board was not approving a rezone but supported filling out paperwork that allows the application.

RE: CONTINUED MEETING

The meeting ended at 9:46 p.m. The continued meeting will be held on Tuesday, on September 25, 2012 at 5:30 p.m. in the County Meeting Room.

A handwritten signature in black ink, appearing to read 'Clarence Peyton', written over a horizontal line.

Clarence Peyton, Chairman  
Greene County Board of Supervisors