

March 22, 2016

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, MARCH 22, 2016 BEGINNING AT 6:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Bill Martin, Chairman
Michelle Flynn, Vice Chairman
David Cox, Member
Jim Frydl, Member
Dale Herring, Member

Staff present: John C. Barkley, County Administrator
Ray Clarke, County Attorney
Patti Vogt, Deputy Clerk

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.

1) PERSONNEL MATTERS

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.

- Interviews for Economic Development Authority

2) LEGAL

Virginia Code Reference

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.

- Potential/possible litigation

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

Upon motion by David Cox and unanimous vote, the Board returned to Open Session.

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	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:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

RE: APPOINTMENT TO ECONOMIC DEVELOPMENT AUTHORITY

Upon motion by Dale Herring and unanimous vote, the Board appointed Mr. Whitt Ledford to the Economic Development Authority with a term ending March 1, 2019.

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

RE: PUBLIC MEETING

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

RE: MATTERS FROM THE PUBLIC

None.

RE: PUBLIC HEARING – AMENDMENTS TO ZONING ORDINANCE – SPECIAL USE PERMIT PROCESS AND APPROVAL

Mr. Bart Svoboda, Zoning Administrator, reviewed the proposed amendments to Article 16-2: Special Use Permits and all applicable references, to amend language and regulations applicable to Special Use Permit process and approval. (OR#15-002)

Article 16-2 has been rewritten in order to address legal requirements, compliance regulations, approval process, and revocation process of Special Use Permit requests. Public hearings were held by the Planning Commission in April, 2015, September, 2015 and February, 2016. The Board of Supervisors held a public hearing in November, 2015 and sent the

application back to the Planning Commission for further review and consideration of public comments.

The Planning Commission recommended approval with three (3) suggested changes to the following:

- The addition of the two (2) Comprehensive Plan references in 16-2-2 and 16-2-4 including *to be consistent with the Comprehensive Plan* after *public safety, health, and welfare* in order to maintain consistency in the language.
- The addition of *adversely* before *change the area* in 16-2-3a.
- The restructuring of the language in 16-2-1 as follows: adding the following sentence after item “d” in 16-2-1 in a separate paragraph to read: *The Zoning Administrator may also request additional information that such Zoning Administrator deems necessary to facilitate consideration of the application.*

The Chairman opened the floor for public comment.

Mrs. Marie Durrer – Suggested the requirement to record SUP at Clerk’s Office be maintained for ease of title work. Felt amendment gives more authority to Zoning Administrator. Needs to be a limit as to how many times he can keep asking for more things. Send notice of revocation by certified or registered mail. Questioned how far back revocation would go.

Mrs. Flynn agreed with mailing of notice by registered/certified mail to owner or agent. Mr. Svoboda said the Supreme Court has determined that regular mail is sufficient for notice given. Our ordinance is a notice given ordinance not notice received.

Discussion of County policy vs. law.

Mr. Frydl suggested “shall” be changed to “may” in section 16-2-1. Also, change “such” to “the” in sentence regarding additional information requested by the Zoning Administrator.

Discussion about revocation of SUP and effective date of that requirement.

Mrs. Flynn suggested Section 16-2-3 (d) be changed to read: “In all cases, the Planning Commission and Board of Supervisors will adhere to the intent of the applicable County Zoning Ordinance and Comprehensive Plan.”

Discussion of the recording of SUP as an administrative act. The fee for recording could be included in the cost of application.

Upon motion by Jim Frydl and unanimous vote, the Board approved OR#15-002 with revisions as discussed. (See Planning Department for text.)

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

RE: PUBLIC HEARING - FOWL IN RESIDENTIAL, R-1 ZONING DISTRICT – OR#15-003

Mr. Svoboda reviewed the proposed amendments regarding the keeping of fowl in the Residential, R-1 zoning district. There has been a growing interest in the keeping of fowl for fun, hobby, food, etc. Impacts include noise, waste management, and attraction of other predatory animals into neighborhoods. Maximum number is six (6) because the State does not

allow the sale of less than six (6) chicks if less than two (2) months old. Number can go up to ten (10) if lot is larger than ½ acre. Yard regulations include: 25 feet from property line for enclosures and litter storage; 50 feet from any neighboring occupied building; 25 feet from a well head; and 50 feet from any stream or pond. Amendment includes definitions of chicken coup, chicken tractor and domestic laying hens. Staff recommended *occupied building* be changed to *occupied dwelling*.

The Planning Commission recommended approval of OR#15-003 with the following revisions:

- Maximum of six (6) chickens on a parcel one-half acre or less in size
- Maximum of ten (10) chickens on a parcel more than one-half acre in size
- Twenty-five (25) feet from the property line for coops and litter storage
- Fifty (50) feet from any neighboring occupied building
- Twenty-five (25) feet from a well head
- Fifty (50) feet from any stream, pond, lake or waterway for enclosures and litter
- Strike *either fertile or barren* in the definition of domestic laying hens

The Chairman opened and closed the public hearing with no public comments.

Upon motion by David Cox and unanimous vote, the Board approved OR#15-003 as submitted. (See Planning Department for text.)

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

RE: COUNTY CODE – NOISE CONTROL

Mrs. Flynn had asked for additional education on the noise ordinance. This ordinance continues to be a point of discussion on both sides of the issue. Some say the Ordinance isn't being enforced the way written while others say it is being enforced unfairly targeting some property owners

Major Charles Swingler was present and addressed the enforcement of the noise ordinance. It is enforceable but noise must be ongoing when deputy arrives. If the noise has stopped, there is nothing that can be done to enforce ordinance. The Sheriff's Office has noise meters and officers do respond to complaints.

Discussion regarding complaints and enforcement issues followed.

RE: FY 16-17 BUDGET

Mr. Martin said the Board will consider the budget for FY 2016-2017 at a public hearing on April 26, 2016.

RE: CONSENT AGENDA

Upon motion by David Cox and unanimous vote, the Board approved the minutes of the March 8, 2016 meeting as presented.

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

RE: COUNTY ADMINISTRATOR'S REPORT

See Attachment "A" for copy of County Administrator's report.

RE: OTHER MATTERS FROM BOARD MEMBERS

Mr. Cox said he was contacted by trout fishermen about having streams stocked. There are currently two (2) streams in the County that are stocked. There is a possibility of adding additional stocking areas. He will be contacting the Department of Game and Inland Fisheries and will let Mr. Barkley know what he finds out.

Mrs. Flynn said trend data is extremely important for the budget process. (i.e. staffing trends, productivity, quality and quantity measures) Starting the process earlier will be helpful also.

Mrs. Flynn expressed appreciation to members of Emergency Services for escorting a young man home and said this is an example of why she is so proud to be part of this community.


Mr. Herring said a GO VA meeting is scheduled for March 24.

Mr. Martin said the Blue Ridge Narcotics Task Force will be at PVCC tomorrow night for a presentation about the heroin epidemic.

Mr. Martin commented on the Stanardsville Revitalization grant being submitted tomorrow and reminded members to get comments/questions to Mr. Barkley about the Davenport presentation.

RE: ADJOURN MEETING

The meeting ended at 9:26 p.m. The next scheduled meeting of the Board will be on Tuesday, April 12, 2016 at 6:30 p.m. in the County Meeting Room.



William Bryan Martin, Chairman
Greene County Board of Supervisors



COUNTY ADMINISTRATOR REPORT

March 22, 2016

White Run Reservoir – Assessment of financing and rates adjustments continues. RSA has been contacted regarding rates. Preliminary engineering and design is now in process. Update to the Board scheduled May/June time frame.

Golden Hills/Private Roads – County Attorney to provide an overview of the matter in closed session 3/22.

FY 2017 Budget – Budget and tax rates to be advertised 3/27, public hearing scheduled for 4/26. \$0.775 per \$100 tax rate advertised.

Website – Domain name secured – www.greencountyva.gov. Website is now live, with a link provided from the old site to the new temporarily.

EDA – Board Interviews scheduled with EDA candidates 3/22.

Winterberry Creek Subdivision (Orange County) – Staff received a request for water and sewer service to be provided, outside of the Greene County jurisdiction, to the subject subdivision, designed for 113 homes. Request to be placed on a future Board agenda, April/May time frame.

Defense Production Zones – Researching the incentives offered to attract and maintain defense contracting industry in Greene.

Traffic Patrols on Private Roads – No amendments introduced during the 2016 G.A. session. Local language has been drafted to incorporate the 2015 amendment (Bell), public hearing planned May/June.

Vehicle Replacement – Board continued \$50k in draft FY 2017 budget. No new formal inter-departmental replacement program or funding approved.

Public Safety Radio – Staff is researching funding options and regional interest.

FOIA – A member of the Planning Commission has requested information re: the “County’s contracts with RSA.” Information has been provided to the requestor.

Stanardsville Revitalization Grant Team – County and Town Resolutions have been approved, final public hearing conducted, and the application finalized. The team will submit a detailed project budget, sketches of the proposed market/performance pavilion area, facade improvements and apartment rehabilitation programs on 3/23.

CA Evaluation Document – Draft to be distributed to Board members by March 25. Evaluation scheduled for December 13, 2016.

Scenic River Designation (Rapidan River) - Staff is reviewing options for participation in a regional effort, including assessment of program benefits to County and any potential restrictions that could hinder the process of construction of White Run Reservoir project and facilities.

Equivalent Dwelling Unit (EDU) Payment Agreement/North Ridge Land Trust – No payment received from the entity represented as North Ridge Land Trust (Robbie Morris), for the purchase of 6 EDU on Carpenter’s Mill road, as approved December 8.

Barracuda Archive System Renewal – Staff processed the annual renewal for the County’s Barracuda Message Archiver 350 one month in advance to avoid any lapse in coverage.