

August 10, 2021

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, AUGUST 10, 2021, BEGINNING AT 5:30 P.M. IN PERSON IN THE COUNTY ADMINISTRATION BUILDING MEETING ROOM AND BY ZOOM VIDEO COMMUNICATION

Present were: Bill Martin, Chair
Marie Durrer, Vice Chair
Steve Bowman, Member
Dale Herring, Member
Davis Lamb, Member

Staff present: Mark B. Taylor, County Administrator
Kelley Kemp, Assistant County Attorney
Kim Morris, Deputy Clerk
Jim Frydl, Director of Planning and Zoning
Tracy Morris, Director of Finance
Melissa Meador, Director of Emergency Services
Alan Yost, Director of Economic Development & Tourism

RE: CLOSED MEETING

Ms. Kemp read the proposed resolution to enter into closed meeting.

Upon motion by Davis Lamb and second by Dale Herring and unanimous roll call vote, the Board approved the following:

WHEREAS, the Board of Supervisors of Greene County desires to discuss in Closed Meeting the following matter(s):

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning Charlottesville Land and RSA
- Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning zoning enforcement.

WHEREAS, pursuant to: §2.2-3711(A)(7) and (A)(8) of the Code of Virginia, such

discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Greene County does hereby authorize discussion of the aforesated matters in Closed Meeting.

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: OPEN MEETING

Upon motion by Dale Herring, second by Marie Durrer and unanimous roll call vote, the Board returned to open meeting.

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.

By unanimous roll call vote, 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 closed meeting were discussed.

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

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

RE: ADOPTION OF AGENDA

Upon motion by Marie Durrer, second by Davis Lamb and unanimous roll call vote, the Board approved the agenda as presented.

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: UPDATE ON COVID-19

Ms. Meador gave an update on the local and regional statistical data of the numbers of COVID cases, hospitalizations and fatalities. We are showing an increase of 84 new cases, 10 new hospitalizations and 2 new deaths since our last update. Approximately 56.3 percent of our community has had at least one dose and 51.4 percent have been fully vaccinated.

Dr. Denise Bonds was present to share some information with the Board regarding the Delta variant of Covid-19. She said that Greene is seeing an uptick in cases as of the beginning of July. All other localities across the state, as well as the nation, are seeing the same. This is mostly due to the Delta variant. She said that the Delta variant was what we saw in India that caused such horrific problems. In the other variants before Delta, people were putting out very low amounts of the virus. With the Delta variant, vaccinated people generally have very mild symptoms and seem to recover quickly, but the number of viral particles that infected people shed is much higher. With the original Covid-19 strain, an infected person would spread the virus to one or two people. With the Delta strain, you could spread it to five to seven people. That is as infectious as the chicken pox. She is encouraging people to get vaccinated. She said that is the most important thing people can do at this time. The more people who are vaccinated, the lower the risk for community transmission and with fewer community transmissions, there is less risk for the development of other variants. Dr. Bonds reiterated that the way out of this pandemic is through vaccination. She said that she recommends that people wear a mask. It does protect you to some degree, but what it really does is slow the spread of the virus. She shared vaccination sites in our locality. She also said that there is a homebound program if you cannot get out of the house.

Mr. Herring asked why, when you go online, does it show you only had one of your shots, when in fact, you have had both. Dr. Bonds said that the best place to obtain your vaccination record is online at the Virginia Immunization Information System (VIIS). This system has the data from all of the other systems that are used to track vaccinations. Mr. Herring also asked about the correlation of the data that the Virginia Department of Health (VDH) has versus the data shared by the Centers for Disease Control (CDC). He said that there have been discrepancies in the data shared about Greene. Dr. Bonds explained that the VDH sends their data to the CDC in a flat file format and the CDC has had some trouble incorporating that into their existing data systems. There is always a delay. The most accurate data will be on the VDH website. Mr. Herring stated that the mask guideline for the Greene County's schools has changed to mandated masking.

Mr. Martin asked about the FDA approval for vaccinations in children. Dr. Bonds said that they are being told that the approval may come by September, but may be as late as December. Total approval for the adult vaccines may come by September, as well.

Mr. Herring asked about a booster shot. Dr. Bonds said that the Advisory Committee for Immunization Practices (ACIP) is meeting soon to discuss a third shot for the immunocompromised. They will also be talking about boosters.

Mr. Martin thanked Dr. Bonds.

RE: MATTERS FROM THE PUBLIC

Mr. Michael Bush was present to share his support for the Villages at Terrace Greene. He said the he believes Greene needs this development. He believes the new tax revenue will help to improve schools, water and sewer and internet.

Ms. Gwen Baker was present to share her disappointment in the presentation by the development team for the Villages at Terrace Greene. She said the updated proffers still left many questions unanswered. She also said that if Project Life were to locate in our County, we would not see a big tax generation because of incentives that may be offered to them. She asked that the Board please say no to Greene Terrace.

Ms. Peggy Moyer was present to share her concerns about the ripple effects of new developments in our County. She worries about the cost of new schools, medical coverage, police coverage and water supply. She also worries about tax increases.

Mr. Don Pamenter was present to share his support of the Villages at Terrace Greene. The proposal is very attractive and will turn Greene into a prosperous and appealing location for visitors and businesses. Its potential commercial properties would generate needed tax revenue sources. Losing this opportunity would result in the continuance of a very unattractive wasteland in one of the key entrance points of Greene County. It also has the potential of indiscriminate by-right uses. The Fried family has given him confidence in their ability as developers and have also been large supporters of the Greene community in organizations such as the Greene Care Clinic.

Mr. Michael Payne was present to speak in favor of the Villages at Terrace Greene. He said that Greene's growth is unavoidable and this project makes sense as it lies in the County's designated growth area.

Ms. Helen Cauthen, President of the Central Virginia Partnership for Economic Development (CVPED), was present to encourage the Board to support the rezone request for the Villages at Terrace Greene. She said that site readiness and available buildings are major weaknesses in central Virginia. She said that the CVPED supports this project because its conceptual master plan fits the County's Comprehensive Plan and matches what employers are seeking. It includes several light industrial spaces in the sizes that are attractive to businesses. Business taxes will be generated from projects like this that will help keep the County strong and pay for public services that our citizens want and need and keep property taxes lower. She also said the Fried companies has an outstanding reputation and that Greene County is lucky to have them.

Ms. Amy Hollis was present to speak against approval of the rezone request for the Villages at Terrace Greene. She is not happy with the changes that were made to the proffers. She said that if the project is approved, the access road needs to be built first. She asked the Board to consider the people that already live here before approving this project tonight.

Mr. Jason El Koubi, Executive Vice President of the Virginia Economic Development Partnership, was present via Zoom to support the Villages at Terrace Greene. He said that project-ready sites are a vital part of attracting new industrial jobs and capital investment. He said that over 90 percent of Virginia's sites are not project-ready. He said that communities that are able to provide project-ready sites will significantly improve their chances for success.

Mr. Frydl read several emails that were received regarding citizens support for the Villages at Terrace Greene. (See Attachment "Matters from the Public")

RE: CONSENT AGENDA

Upon motion by Dale Herring, second by Davis Lamb and unanimous roll call vote, the Board approved the following items:

- a. Minutes of previous meeting
- b. Resolution to accept and appropriate \$1,882.38 in State Asset Forfeiture funds to the Sheriff's Office for FY 2021 (See Attachment "A")
- c. Resolution to accept and appropriate \$234.90 in State Asset Forfeiture funds to the Office of the Commonwealth's Attorney for FY 2021 (See Attachment "B")
- d. Resolution to accept and appropriate \$610.71 for fees collected by the Sheriff's Office for FY 2021 (See Attachment "C")
- e. Resolution to accept and appropriate \$63,527.00 in additional State funds for DMV stop fees, juror reimbursement and fire program funds for FY 2021 (See Attachment "D")
- f. Resolution to accept and appropriate \$10,105.28 for reimbursable contractual overtime for the Sheriff's Office for FY 2021 (See Attachment "E")
- g. Resolution to accept and appropriate \$356.00 for donations to the Visitor Center for FY 2021 (See Attachment "F")
- h. Resolution to accept and appropriate \$930.00 for registration fees for the Virginia Clay Festival for FY 2021 (See Attachment "G")
- i. Resolution to appropriate \$136,775.00 for legal fees for RSA litigation for FY 2021 (See Attachment "H")

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: QUARTERLY MEETING WITH VDOT

Ms. Carrie Shephard, Resident Engineer, was present to update the Board on road matters in Greene. She said that the Route 29/33 intersection project is moving forward to advertisement in November, 2021. She said that Beazley Road construction is completed and they have posted the speed limit at 35 mph with a 25-mph curve advisory sign. Turkey Ridge Road is ready for construction, Bingham Mountain Road and Simmons Gap Road are next and they are beginning scoping and environmental review. Ice House Road and South River Road projects are slated for future years. Mr. Martin asked if Welsh Run Road was next after South River Road. Ms. Shephard said she would have to check, but if so, it would be slated for FY 25/26. She said the Fredericksburg Road through tractor trailer truck restriction has been approved and has been forwarded to central office for review. If they approve it, it will go before the Commonwealth Transportation Board (CTB) for final approval. There is currently a safety review in process for Dyke Road. The paving of Ford Avenue has been completed.

Mr. Bowman asked what the safety review on Route 810 entailed. Ms. Shephard said that VDOT had received a request through Delegate Bell's office from a citizen to look at the speed limit near Maybelle's Store and to make sure that there are appropriate warning signs for the curves. Mr. Bowman asked about the intersection at Simmons Gap Road pertaining to the site line when you're looking left. He asked if they could look into this. Ms. Shephard asked if it was due to vegetation and Mr. Bowman said yes.

Mr. Martin said that he is overjoyed to see the work that was done on Ford Avenue.

Mr. Lamb said that he and Mr. Bowman met with the Hollis family regarding the Route 29 intersection for the connector road for the apartments and asked Ms. Shephard if they could extend the decel lane on the northbound lane on the left side. She said that they are working on getting estimates for the turn lane at the crossover at Woolly Lamb and also for the turn lane for Moore Road. She said that, once they get those estimates, they could look into the secondary six-year plan funding and see how to present that for prioritization by the Board.

Mr. Herring asked Ms. Shephard about the Scenic Byway on Route 810. Ms. Shephard said that was at the point in the process of offering the County an opportunity to have a public hearing on the matter. Mr. Frydl said that the Board had already held a public hearing on that matter and did not want to hold a second one. Mr. Yost said that all of the paperwork is in and they are waiting for the decision by the CTB.

Mr. Martin asked how long the Fredericksburg Road study would take. Ms. Shephard said they should be close to a decision.

Ms. Amy Hollis was present to share her concerns about the access road from the apartments on Moore Road to Route 29. She said she believes they need a 4-way stop light at this intersection. She asked that the County help out monetarily with the connector road issues.

Mr. Frydl shared that RSA had cut a very large hole in the new pavement on Ford Avenue. He made Ms. Shephard aware so that she could ask that it be patched.

Mr. Frydl read an email that asked that Welsh Run Road be considered for future road projects. (See Attachment "VDOT Quarterly Meeting")

Mr. Herring asked Ms. Shephard to look into a sinkhole that happened due to a water leak on Preddy Creek Road. He asked that VDOT repave that area.

Mr. Martin thanked Ms. Shephard for her presentation.

RE: PARKS AND RECREATION ACTIVITIES UPDATE

Mr. Bullock, Director of Parks and Recreation, was present to introduce himself to the Board and to update them on his first 100 days in his position. He shared the mission statement of Greene County Parks and Recreation. He said that a county park plays a vital role in building a stronger, more vibrant and resilient community. Greene County Parks and Recreation will strive to provide affordable recreation for working families and to provide opportunities to teach our residents about community, healthy living, sportsmanship and the great outdoors. He shared the values that they will strive to achieve. He also shared six goals that are as follows:

1. Continually refer back to master plans for parks to ensure we are on track with community desires.
2. Cultivate strong community partnerships with other agencies, clubs, organizations, municipalities and county departments.
3. Broaden programming to meet the diverse interests of our constituents.
4. Create a volunteer Parks and Recreation advocacy and advisory group.
5. Develop a staff expansion plan.
6. Develop a fee policy for department classes, trips, programs and facility use.

Mr. Bullock shared the setup of the new building at the park that includes offices and a rec room where classes and activities can be offered. He said they have successfully been able to offer 14 new programs over the last 3 months with 350 participants. He said that there are two pavilions at the park that are used daily and also for rental for birthdays, company outings and graduation parties. They have partnered with CERT to offer an Earth Day Clean-up, the Blue Ridge Disc Golf Course to offer a course clean up and with the art society at William Monroe High School who painted a beautiful mural on the side of the park building. Mr. Bullock said they have an activity guide that will be released on August 23, 2021. It will highlight all of the programs and activities for the final quarter of the year. He shared that the fall soccer program has just closed out registration with the highest numbers in the last 5 years. He said they are planning Outdoor Movie Night as well as many other activities in the upcoming months. He said that they will be collaborating with CERT for another clean-up day on October 2, 2021.

Mr. Lamb shared that he had tried Tai Chi and had to quit after just a few minutes. Mr. Bullock said that the instructor is certified and teaches all around the area. He said that classes will be held on Tuesday mornings.

Mr. Herring said that he thinks it is amazing that there are only two employees doing all of this work. He said that he is glad that Mr. Bullock is referring back to the 2008 Comprehensive Plan for the park and hopes that he will work on updating and revising it. He also said that he is glad that they will be starting up an advisory group. Mr. Herring thanked Mr. Bullock and said that he was off to a great start.

Mr. Lamb said that he spoke to someone about the park in Culpeper and the initial cost to put in the splash pad was about \$450,000 and it cost around \$25,000 for the water each summer from May to October.

Mr. Bowman said he likes the direction that Mr. Bullock is headed. He encouraged him to continue to work with the park plan because he believes there are some things the Board can do to assist him.

Mr. Martin said the he was very impressed with his presentation and his first 100 days. He said that he respects and admires the leadership that he is bringing to this community.

RE: GREENE COUNTY WATER AND SEWER FISCAL RATE ANALYSIS

Mr. Courtney Rogers of Davenport was present, and Mr. Dave Hyder of Stantec joined via Zoom, to present the utility revenue sufficiency analysis for Greene County Water and Sewer. Mr. Hyder said that the County contacted Davenport & Company and Stantec to perform this analysis, evaluate current rates and the increases required to separate from the RSA and also to identify the impacts to the RSA rates after the removal of Greene County. He said that they used data that was primarily publicly available such as the RSA Comprehensive Financial Reports from 2012 to 2020 and the RSA Operating Budgets from 2015 to 2021. He said they relied heavily on the 2021 Budget as it contained the most current information. This demonstrated that the RSA is a self-supporting utility with projected reserve contributions totaling \$1.2 million dollars. They also used Greene County utility debt information and the system characteristics for cost allocations such as the number of customers in Greene, the number of other RSA customers and the miles of pipe for water and sewer, etc. Mr. Hyder said that, in terms of assumptions, they started with the RSA 2021 Budget as the first year and then forecast out over a 4-year period to show what the financial forecast looks like. They assumed that RSA operating costs would grow about 3% per year. They assumed a 2% increase in other revenues outside of water and sewer rates. They assumed a 2% annual increase in Greene County Property Tax Revenues that are allocated to utility debt service. He said that there were some expenses and revenues that are shared between localities that they had to split. These included the customer counts and the total miles of water and sewer mains. He said that the analysis is essentially just peeling Greene County out of RSA. They have taken revenues that RSA currently collects from Greene County customers, and the expenses for Greene County customers, and have run an analysis to determine whether the

revenues are sufficient to cover the expenditures. He shared that the 2021 budget shows about \$2.7 million dollars in total revenues and the expenditures, that are specific to Greene, totaling about \$2.2 million plus the debt service at about \$25,000. This shows a surplus to the reserves, which will continue forward in the coming years. This illustrates that, even with Greene County withdrawing, RSA is certainly self-sufficient with today's rates, as well as the published rates for 2022, to fund the systems. Total utilities for Greene County, including Greene's portion of RSA, plus the County's debt obligations associated with utilities, and even with the additional property tax revenues, show that revenues would not be sufficient to cover the cost of the systems. In order to make Greene County Water and Sewer a self-supporting system, there would be a rate increase now and another in 2022. In order to get to about \$500,000 dollars per year in surplus to build a capital projects fund, there would have to be a 19% increase in the RSA rates in 2022, an 8% increase in 2023 and 2024 and a 2.5% increase in 2025 and 2026. This is assuming a 2% increase per year for property tax revenues, as well. This means that a typical residential customer, consuming about 5000 gallons per month, who would currently pay \$92.31, would pay \$109.85 in 2022 and then \$118.64 in 2023 and so on. As far as RSA, with Greene removed, RSA would generate a surplus of about \$800,000. If RSA wanted to return to the point where they have a \$1.2 million dollar contribution to reserves, they would have to have a one-time 7.5% increase. With the removal of Greene County, RSA is still financially viable.

Mr. Martin thanked Mr. Hyder for an excellent presentation.

Mr. Lamb asked if this analysis included any connection fees. Mr. Hyder said no. Mr. Rogers said that the debt service that Greene County has been using property tax revenue to fund, has also been partially funded by new connection fees in the past. Mr. Rogers said that one of the concerns that VRA has is whether RSA can continue to pay their debt service. He explained that their analysis has shown a 2:1 coverage. It is well above the coverage ratio of 1.15 required by VRA.

Mr. Martin explained that we will share this information with VRA to help them with their decision to allow Greene's withdrawal from RSA.

Mr. Herring said that it seems that Greene County will be better off not being part of RSA. We are better off financially on our own. Mr. Martin said we will also be better off on the customer service aspects such as timely repairs and an improved water supply.

Mr. Herring asked if this analysis included projected capital improvement projects. Mr. Rogers said that would be the next step.

RE: PUBLIC HEARING TO CONSIDER REQUEST FROM SKYLINE CAP, INC. TO REMOVE THE AGE-RESTRICTED CONDITION FOR ONE OF THE FIVE RENTALS LOCATED AT 315C JACK RUSSELL LANE

Mr. Frydl shared a presentation with the Board regarding a request from Skyline Cap, Inc. to remove the age-restricted condition from one of the five rental units located at 315C Jack Russell Lane. Due to accessibility issues for elderly residents, the applicant is requesting that the upstairs

apartment be permitted for all adults, not just those 55 years of age and greater. It is a small, one bedroom apartment that won't house many people. The Comprehensive Plan does support affordable housing units. The current conditions approved in 2012 said that, if they ever expanded the number of units, they would be required to hook up to public water and sewer. The second condition stated that all units were to be occupied by individuals that are 55 years of age and greater. The proposed conditions say 80% of the existing or proposed units shall be occupied by individuals that are 55 years of age and greater and as many as 20% may be occupied by people below the age of 55. The other condition states that there will be no more than two individuals per bedroom. The Planning Commission recommended denial.

Mr. Martin asked Ms. Kemp if this would provide an opening for someone with a baby to move in, which would change the character of the neighborhood. Ms. Kemp explained that you cannot discriminate based on family status.

Mr. Lamb asked if this rental was federally funded. Mr. Frydl said he does believe state and federal funding are parts of the grants and assistance that are offered. Mr. Lamb said that he has been told by people that have served on Skyline Cap that the Board shouldn't change it because the residents are limited by income restrictions. Mr. Frydl said that there are income restrictions that apply, as well as other restrictions that are administered by Skyline Cap.

Mr. Martin opened and closed the public hearing as there were no comments.

Mr. Herring said that the TJPDC released their regional housing plan and it showed that there is a need for affordable housing in Greene. He said he believes it is a very reasonable request.

Mr. Bowman said that he was present for the Planning Commission's hearing on this issue. He said that the conditions have been improved since being presented at that time. He said that he also read the report that Mr. Herring was referring to and he believes that this is a reasonable request with the conditions as presented.

Upon motion by Steve Bowman and second from Dale Herring, the Board voted to approve the special use permit with the listed conditions. (See Attachment "I")

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	No

Motion carried.

RE: PUBLIC HEARING TO CONSIDER REQUEST FROM PAUL AND MARILEE NEWMAN FOR A SPECIAL USE PERMIT FOR TOURIST LODGING, WITH PROPOSED CONDITIONS, AT 252 HORSESHOE ROAD IN GREENE MOUNTAIN LAKE SUBDIVISION

Mr. Frydl explained the special use permit (SUP) request by Paul and Marilee Newman located at 252 Horseshoe Road in Greene Mountain Lake subdivision. He shared pictures of the property and the two-room dwelling above the owner's wood working shop. The owners live behind the dwelling and are constantly on site. This is an R-1 development which only allows tourist lodging by special use permit. The Comprehensive Plan supports this application. To mitigate impacts, the Planning Commission recommended the following conditions:

1. The tourist lodging use shall be limited to the two existing bedrooms.
2. The maximum overnight occupancy of the residence shall be two people per bedroom, excluding children under 5.
3. No events shall be permitted on the parcel.
4. On-street parking is prohibited.
5. Preserve and maintain a landscape buffer to 25 feet in height and 10 feet in width.

After additional review and a site visit, staff did recommend that condition number 5 be amended to read as follows:

5. The applicant shall maintain the existing vegetative buffer along the two side property lines, as determined by the Zoning Administrator.

Mr. Frydl said that there are three other approved tourist lodging units within this development.

Mr. Martin invited Mr. and Mrs. Newman to speak. Mrs. Newman said that they visited their direct neighbors and shared a petition with them, which they were happy to sign. She asked the Board to consider that not everyone in Greene Mountain Lake is against tourist lodging.

Mr. Martin opened the public hearing. There were six speakers and numerous emails received. (See Attachment "SUP 252 Horseshoe")

Those that spoke against approval of the rezone addressed the following topics:

- a. Tourist lodging does not belong in Greene Mountain Lake subdivision
- b. Applicants have knowingly been operating without a permit
- c. County officials cannot monitor and enforce the specific conditions placed on special use permits
- d. Vote should be deferred due to the upcoming public hearing to amend the Zoning Ordinance in regards to tourist lodging in R-1
- e. SUP stays with property for perpetuity

There were no speakers in favor of approval of the rezone request.

The public hearing was closed.

Mr. Martin said that the comments that were made tonight were not in reference to the current application in front of them. He asked Mr. Frydl about complaints received on this particular property from neighbors. Mr. Frydl said that they did receive a complaint about the operation of tourist lodging without a permit, but there have been no nuisance complaints. Mr. Martin said that he would like the Board to focus on the application in front of them tonight and not on upcoming changes that the Planning Commission may recommend.

Mr. Herring asked Ms. Kemp if the conditions that were specified are legal and enforceable. Ms. Kemp said yes, they are. She said that she is comfortable with all of the conditions. Mr. Herring said that a lot of the comments tonight were based on another SUP request that the Board had denied. He asked Mr. Frydl about the enforcement of conditions with a SUP versus enforcement of conditions with a short-term rental. Mr. Frydl explained that a SUP that was denied has no conditions. He said that a property with long-term rental status falls under the Landlord/Tenant Act, which is not enforced by Zoning. It is incumbent upon Zoning staff to have proof that can be presented to a judge to gain a subpoena to prove that the visitors are there under short-term contracts. Mr. Herring stated that this request is limited to the two rooms over the wood working shop and not the main house. Mr. Frydl said that is correct. Mr. Herring asked, if that dwelling was ever destroyed, would the SUP be suspended. Mr. Frydl said that they could rebuild two bedrooms the same way, but they could not expand it. Mr. Herring said that the conditions only allow for four people. Mr. Frydl said the condition allows for four adults. Mr. Herring said no on-street parking allowed, no events on the property and the vegetation must be kept in place. Mr. Frydl said yes.

Mr. Bowman said that he is philosophically opposed to short-term rental in R-1. He said that short-term rental in the case that was denied is being masked as a long-term rental in an attempt to skirt the law. He said that he does not like that a SUP remains with the property. He also said that he is seeing investors buying up property and using it as a business to rent Airbnb properties. He said that he will not support this SUP request.

Ms. Durrer said that she agrees with Mr. Bowman. She has been opposed to tourist lodging in R-1 for a long time. When you buy a home, you don't want different neighbors every week. She is opposed to this SUP request.

Mr. Lamb said that he understands that people have property rights, but their neighbors have rights, too. He is opposed to this request.

Mr. Herring said that the SUP process was put in place to allow homeowners to offset their mortgage costs. He said that Mr. Bowman had a valid point regarding the investment companies. He said this process allows neighbors to share their opinions about the requests and it also allows restrictions to be put into place to help to mitigate some of the circumstances. He would prefer there to be a time limit that would allow a review period.

The applicant asked Mr. Martin if he had the right to ask for a deferral. Mr. Martin said yes. Mr. Newman said that he would like to request a deferral.

Upon motion by Dale Herring, second from Ms. Durrer and unanimous vote, the Board voted to accept the applicant's request to defer the special use permit request until September 28, 2021.

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: REQUEST FROM LAMM PROPERTIES, LLC/MERIT GREENE, LLC C/O THE FRIED COMPANIES TO REZONE FROM B-3, WITH PROFFERS, TO PUD, WITH PROFFERS, ON SEMINOLE TRAIL

Mr. Martin said that this rezone request by Lamm Properties, LLC/Merit Greene, LLC C/O the Fried Companies had been deferred after public hearing on July 27, 2021.

Mr. Frydl summarized by saying that there was a deferral based on gaining some specificity to the proffers. Mr. Frydl said that, after meeting with Mr. Taylor and himself, the applicants agreed to include the changes and specific language requested by the Board. Those key points included:

1. A change in the language of the proffers that asks for conformity in the architectural drawings
2. The County Attorney recommended to add that the final review of any changes will be approved by the Planning Director or the Planning Commission
3. Regarding the timing of the first commercial structure versus the residential units, the ratio was changed to bring commercial forward in the project phase and pushed some of the residential structures back to phase three
4. Added language to support the proffer of a park. If the Board chooses not to accept it as a public park, it would be for the residents of the complex

Mr. Frydl said that he and Mr. Taylor are confident that these changes meet the criteria that was brought out during the public hearing.

Mr. Martin asked Ms. Kemp if she had seen and approved the changes that have been made. She said yes, she has spoken with staff at length and she is comfortable with the updated proffers.

Mr. Martin asked Mr. Frydl to clarify the comments made by Mr. Bullock regarding the proffered park. Mr. Frydl said that, after looking at the location of the park, he did not feel that it was an amenity that would be used by the public, but more so by the residents. He also said that with limited staff, the maintenance would be difficult. Mr. Herring said that basically, Mr. Bullock felt it was better to let the developers build the park and maintain it specifically for their residents. Mr. Herring said that we can still request that this be a public park, but that would mean that the County would be responsible for maintaining it. Mr. Bowman said that he believes that the Board should accept it as a county park. Mr. Martin said that he agrees. He would hate to give up a two-acre park because we can't figure a way to maintain it. Mr. Martin said they would discuss it, as they have time to make that decision.

Mr. Martin said that the town center concept came from our Comprehensive Plan. He said that the concept before us fits our Comprehensive Plan with the denser growth located on the Route 29 corridor. He said that this plan is not perfect, but it is better than it was. He said that there is a light manufacturing company that is interested in locating there, but we can't bank on it. He said the developer has opened the door for future commercial entities. The tax revenue would be a game changer for Greene County. He said that if we don't move forward with this PUD, then we have 67 acres of B-3 without the proffers that have been made with this project. Mr. Martin said that all of his questions have been answered regarding the connector road that must be built in order to solve traffic issues that will only get worse with the construction of Creekside on Preddy Creek Road. The growth is coming. Starbucks choosing to build here shows that. The commercial growth will come as the people come. It is driven by the market. As for emergency services, we will have to deal with those issues. Mr. Martin said that he is supportive of this request.

Mr. Lamb said that he has given this serious consideration. He likes to see the amount of tax dollars and EDU payments that this project will bring to the County. He asked Mr. Frydl when the project will start. Mr. Frydl said that he believed they are ready to start construction immediately.

Mr. Herring said that he has been contacted by residents that will be directly impacted by this development. He said that they are in favor of it. He said that we need this type of development. The property has been stagnant for many years. He said that, without this project, we would have no control over what locates on that land. Mr. Herring said that, with the updated proffers, he is in favor of it.

Mr. Lamb said that he had been contacted by a resident asking about a barrier between her property and the construction area. Mr. Frydl said that the Zoning Ordinance requires screening between commercial and residential uses.

Ms. Durrer said she like the updated proffers and she is happy some of the commercial has been moved to phase one. She said that this development is going to bring in money and fits our Comprehensive Plan. Ms. Durrer supports this request.

Mr. Bowman said that he has struggled with this decision. He has considered all comments from his constituents. His concerns are primarily with the public safety infrastructure. He said that we will need to work on fulfilling the staffing needs that will arise from this new development. We need to have a plan in place to cover the times when emergency services are overwhelmed. He said that we can't stop growth, but we must manage development and mirror the growth of our emergency services. He said we need to fund additional resources for public safety. He said that this development will eventually help us to pay for those resources. He said that he will, reluctantly, support this request. Mr. Martin said that he appreciates Mr. Bowman's comments.

Upon motion by Dale Herring, second from Davis Lamb and unanimous vote, the Board moved to approve RZ#20-007, rezoning 65.17 acres located on TMP 66-A-48 from B-3 with proffers to PUD with proffers dated August 5, 2021. (See Attachment "J")

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.

RE: MEETING PRESENTATION POLICY

Mr. Taylor explained to the Board that, with recent events regarding the presentations of applicants, he thought it best to bring some structure with a new policy. He said that it is important to have presentations in a timely manner and to be able to keep them archived for our records. He said that it also important to give them preliminary review for unacceptable content and to be able to scan them for viruses. Mr. Taylor said that he has consulted with Ms. Kemp and Mr. Estep and has developed a draft policy for review.

Mr. Herring said that he believes that the policy should state that the presentation should be received more than seven days in advance of the meeting to allow enough time for staff to scan and review for issues. He also believes that the policy should state that no applicant shall ever touch County equipment in an attempt to fix an issue. Mr. Bowman agreed.

Mr. Martin said that he is fully supportive of this concept.

This policy will be revisited at the next Board of Supervisors meeting on August 24, 2021.

RE: BOARD LIAISON REPORTS

Mr. Bowman said that he attended the School Board meeting. After a lot of discussion and community input, they voted to encourage the use of masks, but kept the decision optional. Another issue was raised regarding a radical group which promotes critical race theory. The Superintendent said that critical race theory is not taught in our schools. There was another special meeting last night, but Mr. Bowman was not aware of it and therefore did not attend.

Mr. Herring said that Thomas Jefferson Planning District Commission has released their regional housing plan. He recommended that everyone take a look at it because there is a lot of good data in it for Greene County. He also said that they have several applications for the director position and the interview process is underway and should be concluded in a two-month timeframe.

Mr. Herring said that the Emergency Services Advisory Board will be meeting next Tuesday night in the County Meeting Room and the meetings are broadcasted live.

Mr. Martin said that the first Greene Commons concert was a success. He said that the next concert will be with Tommy Wood on August 28th.

Mr. Martin said that he really feels for the School Board, Administration, Faculty, staff and students regarding the frustration over the mask issues for the upcoming school year. They did a great job last year and they are trying to do the same this year.

RE: COUNTY ADMINISTRATOR UPDATE

Mr. Taylor said that he had received a request from the Sheriff for an allotment of the local Recovery Act funds. He reminded them that they will also have a request from Firefly for the broadband project at their next meeting. Mr. Taylor said that they will have additional information to us as soon as possible. Mr. Martin asked that we encourage them to get the materials to us with enough time so that the Board can study them.

Mr. Taylor also shared with the Board a response from VRA regarding the information they will need to make a decision on Greene County's withdrawal from RSA.

Mr. Taylor said that he attended the Town Council meeting for the Town of Stanardsville and has received a signed resolution of unanimous support for Greene's withdrawal from RSA.

He shared a presentation regarding his vision towards a short-term capital plan for Greene County Water and Sewer. He said that, besides pursuing financing through VRA to build the water supply project, we are also looking into a BRIC grant and other federal infrastructure monies. He explained that the water supply project is a separate process and is not included in this analysis. He listed several capital projects labeled as "Current Priorities" by RSA and explained that those labeled as "Planning and Design" mean that no funds have been identified for those projects and those labeled as "Ongoing Project" mean that they are funded by RSA rate increases charged in Greene County. The three current projects include pump station electrical upgrades, pump station upgrades with new variable speed pumps and upgrades to the water meters. We currently lack detail on the status of these projects from RSA, but the completion of these should be among our initial short-term priorities, along with the water main replacement on Reservoir Drive that should be completed before the transfer of operations to us. Mr. Bowman asked if there were project plans and other documents related to these three projects that RSA has and can give to us. Mr. Taylor said that he expects that they have them, but we do not. The discussion at the Town Council

meeting also identified another emergency project, that was identified to RSA this morning, regarding a sewer line replacement over Mitchell Creek on Main Street. Mayor Lowe said that the repair had been committed to the Town by RSA as far as 18-24 months ago. The repair needs to be completed to avoid the release of raw sewage into Mitchell Creek. The lack of progress on that repair is worrisome. Mayor Lowe said that he has contacted DEQ numerous times and the Town is frustrated that this issue hasn't been resolved. Other issues that were brought up are the water tank in the town that needs to be replaced, the updates to the Stanardsville pump station and force main and the longstanding need to replace the old terra cotta sewer pipes. Mr. Bowman asked if these need to be replaced rather than relined and asked if they have been scoped. Mr. Taylor said that he will bring that information to the Board when he has it. All of these projects will cost approximately \$17,000,000 but the USDA has given us good reason to believe that new federal monies targeted for water security and environmental improvements for small, limited resource communities are available. The USDA is confident that the Town of Stanardsville would qualify for help with these needs. Mr. Taylor said that, to be clear, he is not proposing that Greene County could do these projects without the help of grant funding. They are big priorities and Greene County will collaborate with the Town to help with the grant applications. Mr. Taylor said that the short-term vision would include the completion of the projects that are already started by RSA and positioning ourselves to solve the long-standing problems in the Town of Stanardsville using grant money.

Mr. Lamb asked about the replacement of the water meters. Mr. Taylor explained that those are the meters where the water leaves the distribution line, runs through the meter and runs to each point of service.

Mr. Martin thanked Mr. Taylor for this discussion.

RE: OTHER ITEMS FROM BOARD MEMBERS

Mr. Martin said that he has received a few complaints about a mobile home park within our community that it seems may be in violation of the Virginia Manufactured Home Lot Rental Act. He asked the Mr. Taylor and Ms. Kemp look into this situation.

Mr. Bowman said that he spoke with our consultant for the Fire Study regarding a question he had and he was alerted to the fact that two of our volunteer fire companies refuse to share information with him without a Freedom of Information Act Request. Mr. Bowman feels that this is inexcusable seeing as we provide those fire companies with hundreds of thousands of dollars annually.

Mr. Herring reminded everyone that tomorrow is the first day of school and asked that everyone be mindful on the roads.

RE: ADJOURN

Upon motion by Steve Bowman, second by Davis Lamb and unanimous roll call vote, the Board meeting was adjourned.

Recorded vote:	Bill Martin	-	Yes
	Marie Durrer	-	Yes
	Steve Bowman	-	Yes
	Dale Herring	-	Yes
	Davis Lamb	-	Yes

Motion carried.



William Bryan Martin, Chair
Greene County Board of Supervisors



Mark B. Taylor, Clerk
Greene County Board of Supervisors

Statement re' Villages projects from Chamber of Commerce

Greene Chamber <sbedker@greenecoc.org>

Mon 8/9/2021 1:20 PM

To: Comment <Comments@gcva.us>

📎 1 attachments (313 KB)

Bd of Supervisors re Villages project Aug 2021.docx - Google Docs.pdf;

Dear Mr. Frydl,

Please find attached a letter on behalf of the Board of the Chamber of Commerce regarding the Villages Project. We respectfully request that the letter be read as part of the community comments and placed into the minutes.

If you have any questions or need additional information, please reach out to me at this email or my office number, 434-939-6001.

Thank you,
Shari

Shari A. Bedker, CPA

President

Greene County Chamber of Commerce

P.O. Box 643

Ruckersville, VA 22968

434-906-4859

434-939-6030 (fax)





August 9, 2021

Dear Greene County Board of Supervisors,

On behalf of the Greene County Chamber of Commerce Board, I am communicating the Board's full endorsement of the Villages at Terrace Greene ("Villages") application for rezoning. The Greene County Chamber of Commerce is "dedicated to advancing the economic vitality and quality of life in the Greene County area so that the entire community shall prosper". We believe the Villages project is aligned with our mission.

A vibrant business community enhances the success of all businesses that serve the Greene community. The foundation of this project advances the economic vitality and possesses the potential to positively impact all businesses in the county. The comprehensive planning that is evident in their concept plan is an exciting opportunity to have a cohesive business district in the Ruckersville area. This will inspire local residents to shop and work in our own community. In addition, we see this as an opportunity to attract outside residents to visit all businesses in Ruckersville.

As a Chamber, we are supportive of the Ruckersville Area Plan goals that have been developed by businesses and residents throughout the County. As a business community we feel this project will help meet several of those goals.

Attracting amenities that our residents seek is challenging with the current business layout of Ruckersville. The live/work/shop community that the Villages will provide and the new amenities that it will attract will enhance the quality of life in the Greene County area.

In summary, we believe the Villages will positively impact our local economy so that the entire community will benefit. We highly recommend the Planning Commission and the Board of Supervisors approve the Villages at Terrace Greene. We look forward to celebrating with you each and every business the Villages project will bring to Greene County.

Respectfully,

A handwritten signature in blue ink, appearing to read "Shari Bedker".

Shari Bedker
President, sbedker@greenecoc.org

Greene County Chamber of Commerce
P.O. Box 643 Ruckersville, VA 22968
office@greenecoc.org, 434-906-4859
www.greenecoc.org

BOS - 8/10/21 - Matters from the Public

Support for Villages at Terrace Greene

Matt Sweetanos <Msweetanos@gcva.us>

Tue 8/10/2021 3:08 PM

To: Comment <Comments@gcva.us>

I would like to express my support for the Villages at Terrace Greene project. I believe the goals of the project to provide affordable housing in Greene and encourage local business development are very important to our community. I support the rezoning proposal to move this project forward.

Matt Sweetanos

BOS - 8/10/21 - Matters from the Public

GCBOS Meeting 8/10 Public Comment

James T. <james.tsik@gmail.com>

Tue 8/10/2021 3:05 PM

To: Comment <Comments@gcva.us>

Members of the GC Board of Supervisors,

I would like to give my full support for the both the project and the required re-zoning for the Villages at Terrace Greene.

The location for this project is exactly where we have been hoping to attract this kind of development for the community and has been approved by our own Planning Commission. This development fits within the scope of what the Comprehensive Plan which has been developed from multiple voices from within our county. This development helps to focus our growth within our designated areas so that we can retain the rural draw for our thriving agricultural tourism.

Greene County continues to grow regardless of whether or not this project is approved. I am incredibly proud of the hard work the Board of Supervisors have done for Greene through 2020. The Board successfully navigated the development of our EMS service when UVA was no longer able to support our county. The Board reacted quickly and efficiently to the issues related to RSA for the purpose of supporting the continued growth we are seeing in our area.

Without new commercial business development in the area, we are asking the taxpayer to shoulder all this growth on their own rather than share some of that burden with a developing business community.

Please vote to approve the re-zoning for the Villages of Terrace Greene and show other organizations around the state that Greene is open for new business development!

Warm Regards,

James Tsikerdanos

BOS - 8/10/21 - Matters from the Public

Villages at Terrace Greene

Paul Reickart <paulreickart@comcast.net>

Tue 8/10/2021 2:56 PM

To: Comment <Comments@gcva.us>

Dear GREENE COUNTY BOARD OF SUPERVISORS,

As a newer citizen to the area, I have slowly gotten to learn more and try to be more aware and involved and recently became a member of EDA.

This provided me a chance to see the plan for Villages at Terrace Greene and as a person who works in Property Management, I have seen facilities built and am familiar with challenges faced by projects, and the fit with community.

That being said the amazing plan and potential I saw in this plan impressed me, and I would say that it is way to encapsulate an area for the future allowing Greene County to have an area that supports the growth I already have seen in the few short years I have lived in the County.

Please vote to support the re zoning so this project can come to life.

Thank You
Paul Reickart

RESOLUTION TO ACCEPT AND APPROPRIATE ONE THOUSAND EIGHT HUNDRED EIGHTY-TWO DOLLARS AND THIRTY-EIGHT CENTS FROM THE STATE GOVERNMENT FOR FORFEITED ASSET PROGRAMS

WHEREAS, the Sheriff's Office of the County of Greene, Virginia has received funding from the State Government for expenses; and

WHEREAS, the funds in the amount of one thousand eight hundred eighty-two dollars and thirty-eight cents (\$1,882.38) need to be appropriated to the appropriate line item in the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that one thousand eight hundred eighty-two dollars and thirty-eight cents (\$1,882.38) be appropriated to the 2020-2021 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

Adopted this 10th day of August, 2021.

Motion: Dale Herring
Second: Davis Lamb

Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Bill Martin	<u>Yes</u>



William B. Martin, Chair
Greene County Board of Supervisors

ATTEST: 

Mark B. Taylor, Clerk
Greene County Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE TWO HUNDRED THIRTY-
FOUR DOLLARS AND NINETY CENTS FROM THE STATE GOVERNMENT FOR
FORFEITED ASSET PROGRAMS**

WHEREAS, the Office of the Commonwealth's Attorney of the County of Greene, Virginia has received funding from the State Government for expenses; and,

WHEREAS, the following funds in the amount of two hundred thirty-four dollars and ninety cents (\$234.90) need to be accepted and appropriated to the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that two hundred thirty-four dollars and ninety cents (\$234.90) be appropriated to the 2020-2021 budget of the County of Greene, Virginia.

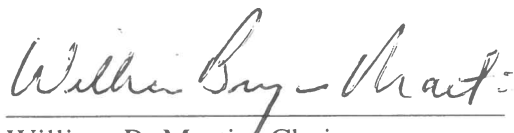
BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget and to do all things necessary to give this resolution effect.

Adopted this 10th day of August, 2021.

Motion: Dale Herring
Second: Davis Lamb

Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Bill Martin	<u>Yes</u>



William B. Martin, Chair
Greene County Board of Supervisors

ATTEST:



Mark B. Taylor, Clerk
Greene County Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE
SIX HUNDRED TEN DOLLARS AND SEVENTY-ONE CENTS
FOR SHERIFF FEES**

WHEREAS, the Sheriff's Office for the County of Greene has collected fees; and

WHEREAS, the funds in the amount of six hundred ten dollars and seventy-one cents (\$610.71) need to be appropriated to the appropriate line item in the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that six hundred ten dollars and seventy-one cents (\$610.71) be appropriated to the 2020-2021 budget of the County of Greene.

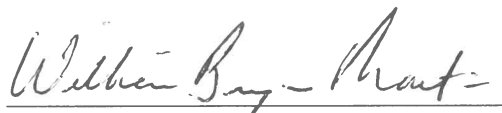
BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

Adopted this 10th day of August, 2021.

Motion: Dale Herring
Second: Davis Lamb

Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Bill Martin	<u>Yes</u>



William B. Martin, Chair
Greene County Board of Supervisors

ATTEST: 

Mark B. Taylor, Clerk
Greene County Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE
SIXTY-THREE THOUSAND FIVE HUNDRED TWENTY-SEVEN DOLLARS
FOR ADDITIONAL EXPENSES**

WHEREAS, the County of Greene received additional funds from the State; and

WHEREAS, the funds in the amount of sixty-three thousand five hundred twenty-seven dollars (\$63,527.00) need to be appropriated to the appropriate line item in the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that sixty-three thousand five hundred twenty-seven dollars (\$63,527.00) be appropriated to the 2020-2021 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

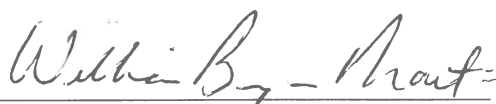
Adopted this 10th day of August, 2021.

Motion: Dale Herring

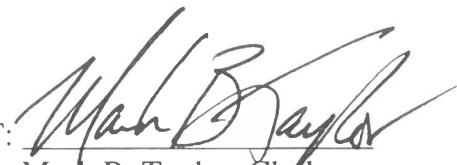
Second: Davis Lamb

Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Bill Martin	<u>Yes</u>



William B. Martin, Chair
Greene County Board of Supervisors

ATTEST: 

Mark B. Taylor, Clerk
Greene County Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE TEN THOUSAND
ONE HUNDRED FIVE DOLLARS AND TWENTY-EIGHT CENTS FOR
REIMBURSABLE CONTRACTUAL OVERTIME**

WHEREAS, the Sheriff's Office for the County of Greene has reimbursable contractual overtime with Greene County Public Schools and various businesses; and

WHEREAS, the funds in the amount of ten thousand one hundred five dollars and twenty-eight cents (\$10,105.28) need to be appropriated to the appropriate line item in the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that ten thousand one hundred five dollars and twenty-eight cents (\$10,105.28) be appropriated to the 2020-2021 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

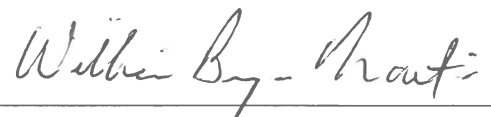
Adopted this 10th day of August, 2021.

Motion: Dale Herring

Second: Davis Lamb

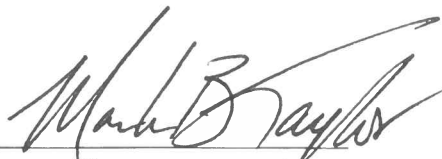
Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Bill Martin	<u>Yes</u>



William B. Martin, Chair
Greene County Board of Supervisors

ATTEST:



Mark B. Taylor, Clerk
Greene County Board of Supervisors

RESOLUTION TO ACCEPT AND APPROPRIATE THREE HUNDRED FIFTY-SIX DOLLARS FOR THE VISITOR CENTER

WHEREAS, the Visitor Center for the County of Greene has received funding from private donations for operating expenses; and

WHEREAS, the funds in the amount of three hundred fifty-six dollars (\$356.00) need to be appropriated to the appropriate line item in the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that three hundred fifty-six dollars (\$356.00) be appropriated to the 2020-2021 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

Adopted this 10th day of August, 2021.

Motion: Dale Herring

Second: Davis Lamb

Recorded Vote:

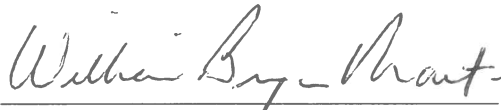
Steve Bowman Yes

Marie C. Durrer Yes

Dale R. Herring Yes

Davis Lamb Yes

Bill Martin Yes



William Bryan Martin, Chair
Greene County Board of Supervisors

ATTEST:



Mark B. Taylor, Clerk
Greene County Board of Supervisors

RESOLUTION TO ACCEPT AND APPROPRIATE NINE HUNDRED THIRTY DOLLARS FOR THE VIRGINIA CLAY FESTIVAL

WHEREAS, the Tourism Department of the County of Greene has received registration fees for operating expenses for the Virginia Clay Festival; and

WHEREAS, the funds in the amount of nine hundred thirty dollars (\$930.00) need to be appropriated to the appropriate line item in the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that nine hundred thirty dollars (\$930.00) be appropriated to the 2020-2021 budget of the County of Greene.

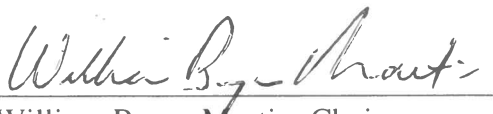
BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

Adopted this 10th day of August, 2021.

Motion: Dale Herring
Second: Davis Lamb

Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Bill Martin	<u>Yes</u>


William Bryan Martin, Chair
Greene County Board of Supervisors

ATTEST: 
Mark B. Taylor, Clerk
Greene County Board of Supervisors

**RESOLUTION TO ACCEPT AND APPROPRIATE
ONE HUNDRED THIRTY-SIX THOUSAND SEVEN HUNDRED SEVENTY-FIVE
DOLLARS FOR LEGAL FEES**

WHEREAS, the County of Greene has legal fees for RSA litigation; and

WHEREAS, the funds in the amount of one hundred thirty-six thousand seven hundred seventy-five dollars (\$136,775.00) need to be appropriated to the appropriate line item in the 2020-2021 budget of the County of Greene, Virginia.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Greene, Virginia that one hundred thirty-six thousand seven hundred seventy-five dollars (\$136,775.00) be appropriated to the 2020-2021 budget of the County of Greene.

BE IT FURTHER RESOLVED that the County Administrator of the County of Greene, Virginia is authorized to make the appropriate accounting adjustments in the budget to do all things necessary to give this resolution effect.

Adopted this 10th day of August, 2021.

Motion: Dale Herring
Second: Davis Lamb

Recorded Vote:

Steve Bowman	<u>Yes</u>
Marie C. Durrer	<u>Yes</u>
Dale R. Herring	<u>Yes</u>
Davis Lamb	<u>Yes</u>
Bill Martin	<u>Yes</u>



William B. Martin, Chair
Greene County Board of Supervisors

ATTEST: 

Mark B. Taylor, Clerk
Greene County Board of Supervisors

BOS - 8/10/21 - VDOT Quarterly Meeting

Rural road

Tom Hoffman <hoffmanthrows@gmail.com>

Tue 8/10/2021 4:30 PM

To: Comment <Comments@gcva.us>

Good Evening Board

My name is Tom Hoffman a resident of Welsh Rd. Myself and many neighbors have concerns with increase traffic and road width on sections of the gravel road. We know you have 5 major gravel projects but please consider Welsh in future plans.

Thanks for all you do

Tom Hoffman

AN ORDINANCE (O-2021-007) GRANTING A SPECIAL USE PERMIT (SUP #21-004) TO SKYLINE CAP, INC WHICH REQUESTS TO REMOVE THE AGE-RESTRICTED CONDITION (SUP#12-002) FOR ONE OF THE FIVE RENTAL UNITS LOCATED AT 315C JACK RUSSELL LANE. THE PARCEL IS IDENTIFIED AS TMP# 37-(A)-20 AND IS LOCATED IN STANARDSVILLE. THE GREENE COUNTY FUTURE LAND USE MAP DESIGNATES THIS PARCEL AS "MIX USE RESIDENTIAL ".

WHEREAS, §15.2-1427 and §15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, §15.2-2280, §15.2-2285 and §15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, on July 21, 2021, the Greene County Planning Commission held a public hearing on this matter and all of those who spoke on this topic were heard; and

WHEREAS, on July 21, 2021 the Greene County Planning Commission voted 3-1 to recommend to the Board of Supervisors denial of the request to amend the Special Use Permit (SUP); and

WHEREAS, the Greene County Board of Supervisors caused to be published a notice of public hearing on this matter in the Greene County Record on July 29, 2021, and August 5, 2021; and

WHEREAS, the full application was available for public inspection in the Greene County Administration Building, Room 226, 40 Celt Road, Stanardsville, Virginia 22973; and

WHEREAS, on August 10, 2021, the Greene County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard.

NOW, THEREFORE, BE IT ORDAINED by the Greene County Board of Supervisors, in accordance with Article 16-2 of the Greene County Zoning Ordinance, public necessity, convenience, general welfare, and good zoning practice, that the SUP request is hereby approved subject to the following conditions:

1. Failure to comply with the conditions of this SUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this SUP to the Board of Supervisors for revocation if the NOV is not resolved as directed.
2. All activities associated with this SUP shall be in compliance with all local, state, and federal laws.
3. Any units beyond the total of five (5) would be required to hook to public water and sewer, and
4. 80% of the existing or proposed units shall be occupied by individuals that are 55 years of age and greater and as many as 20% may be occupied by people below the age of 55.
5. No more than two individuals per bedroom.

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON AUGUST 10, 2021.

Motion: Steve Bowman
Second: Dale Herring

Votes:

Martin: Yes

Lamb: No

Bowman: Yes

Durrer: Yes

Herring: Yes



William Bryan Martin, Chair
Greene County Board of Supervisors

ATTEST:



Mark B. Taylor, Clerk
Greene County Board of Supervisors

BOS - 8/10/21 - SUP 252 Horseshoe

Fwd: Comments regarding requested SUP request for 252 Horseshoe Rd.

JMKennedy <jken2610@comcast.net>

Tue 8/10/2021 12:29 PM

To: Comment <Comments@gcva.us>

----- Original Message -----

From: JMKennedy <jken2610@comcast.net>

To: "bmartin@gcva.us" <bmartin@gcva.us>, "mdurrer@gcva.us" <mdurrer@gcva.us>, "dlamb@gcva.us" <dlamb@gcva.us>, "dherring@gcva.us" <dherring@gcva.us>, "sbowman@gcva.us" <sbowman@gcva.us>, "coments@gcva.us" <coments@gcva.us>

Date: 08/10/2021 12:27 PM

Subject: Comments regarding requested SUP request for 252 Horseshoe Rd.

Chairman Martin & Board
Members,

8/10/21

Zoning is the bedrock foundation of local government land use control. It helps to establish the character of a community in accordance with local desires and protects property values by separating uses that may be incompatible. It also provides certainty for those that are living in the community that they are protected from the intrusion of unsuitable uses.

On July 13th we stood before you to ask that you deny an SUP for 560 Sunset Drive. Thank you for your unanimous vote to deny this permit and for recognizing the fact that the presence of Airbnb properties in residential neighborhoods can often be quite disruptive.

Unfortunately, as we have all come to learn, enforcement of SUP zoning laws can be very difficult, even when an SUP has been denied.

The 560 Sunset property continues to be problematic, with STRs continuing every week since the SUP was denied, despite numerous complaints and pleas from the neighbors for the Planning and Zoning Department to investigate and to enforce the zoning laws. Unpermitted STRs continue to this date.

I am providing this information as a backdrop to the SUP request you are looking at this evening for 252 Horseshoe Rd., which not only comes with a slew of recommended conditions, but has been operating without a permit despite knowing that one is required.

Based on our experience, and as it currently stands, the Greene County Planning and Zoning Department has been unable to effectively enforce the existing zoning laws.

If the County is limited in its ability to monitor and enforce existing zoning laws, as exhibited at 560 Sunset Drive, then it should not be providing additional SUPs with conditions that they can neither monitor nor enforce.

We ask that you deny the SUP for this property.

Respectfully,
John M. & Elizabeth G. Kennedy

BOS - 8/10/21 - SUP 252 Horseshoe

Airbnb in Greene Mountain Lake/Greene County

Scottie Martz <bsm42390@gmail.com>

Fri 8/6/2021 12:21 PM

To: Bill Martin <bmartin@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>; Dale Herring <dherring@gcva.us>; Steve Bowman <sbowman@gcva.us>; Comment <Comments@gcva.us>

To Greene County Board of Supervisors,

I am a Resident of Greene Mountain Lake. Due to recent events concerning Airbnb/Special Use Permits (SUP) talk in the development, I am writing this message to voice my concerns. Currently, there is a residence down the street from my residence that is in question for a SUP.

According to some local sources and my own research, the SUP will remain with the property in perpetuity. Essentially the property has a permanent SUP and can be used by anyone that owns the home. (Whether the owner resides on the property or not).

The issues that arise from this, as I am sure that you are aware, would be property management companies purchasing these properties in the future and using the space as a nightly/weekly rental. Being that these companies will have little to no oversight/regulation over the activities of the short term tenants, it leaves a mass of Gray Area when it comes to disturbances and traffic. It would be in the hands of the permanent residents/local law enforcement to regulate/govern these properties.

I am especially worried about this due to the fact that the house immediately next door to mine has just been renovated and put on the market for sale after being empty. I have 2 children that are both in school and do not want to be dealing with late night disturbances with limited options for recourse due to the tenants being short term with no supervision.

I have a family friend that recently went through the experience of having the development they lived in go through a "Resort Phase". Crime rates went up and there were several late night disturbances week to week. They no longer live in that development and were essentially forced to either "Stay And Deal With It" or "Move."

My vote for the hearing on 08/10/2021 is a "NO" to the SUP for 252 Horseshoe Rd, Stanardsville, VA 22973.

Furthermore, it would benefit the county and residents to put an end to the SUP in a residential districts such as Greene Mountain Lake.

My Vote for the hearing on 08/18/2021 would be to eliminate the possibility of future SUP in residential districts."

Thank you for your time,

Bryan S. Martz
126 Horseshoe Rd, Stanardsville, VA 22973

August 10, 2021

Board of Supervisors
Greene County of Greene
40 Celt Road
Stanardsville, VA 22973

RE: Special Use Permit for Tourist Lodging in R-1 Zoning District

Mr. Martin, Mrs. Durrer, Mr. Lamb, Mr. Herring and Mr. Bowman,

It has come to our attention that once again a Special Use Permit is being sought for tourist lodging in a R-1 zoning district at 252 Horseshoe Road in Stanardsville. As residents of Greene Mountain Lake, we need to voice our concerns and oppose this permit.

On July 1, 2021 we expressed our concerns when a SUP was being discussed for 560 Sunset Drive in Stanardsville (a copy of which is attached). The same concerns apply. If a SUP needs to be issued then there is already a problem. Does it not show that the property is not conducive for the use in question? Residential communities are for full time residents and should remain as such.

Not wanting tourist lodging within our community is not in any way judging the owner/s of the property. And, whether or not they reside on the property should not have any bearing on the situation. Special Use Permits go with the property. Ownership of the real estate could change tomorrow and the new owners decide to not live on the property but the SUP will remain. We need to consider what could happen down the road, not just what the current owners are saying they will do.

Numerous lodging options are available within Greene County, without the need for a Special Use Permit. We ask that this Special Use Permit be denied and for changes to be made so that tourist lodging is not an option within residential areas at all.

Sincerely,

Rodney and Kimberly Tate
125 Wedgestone Road
Stanardsville, VA 22973

O-2020-017

AN ORDINANCE TO REZONE APPROXIMATELY 65.17 ACRES OF LAND, BEING TAX MAP PARCEL 66-(A)-48, OWNED BY LAMM PROPERTIES, LLC/MERIT GREENE, LLC/ C/O THE FRIED COMPANIES, FROM B-3 (BUSINESS HIGHWAY AND HIGH INTENSITY) WITH PROFFERS TO PUD (PLANNED UNIT DEVELOPMENT) WITH PROFFERS.

WHEREAS, Lamm Properties, LLC/Merit Greene, LLC/ c/o The Fried Companies, submitted a request (RZ#20-007) to the Greene County Board of Supervisors to rezone approximately 65.17 acres of land, being Tax Map Parcel 66-(A)-48, from B-3 (Business Highway and High Intensity) with proffers to PUD (Planned Unit Development) with proffers; and

WHEREAS, §15.2-1427 and §15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, §15.2-2280, §15.2-2285 and §15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed rezoning on June 16, 2021, and all of those who spoke on this topic were heard; and

WHEREAS, the Planning Commission voted to recommend approval of the request to rezone the subject property; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning; and

WHEREAS, the Greene County Board of Supervisors caused to be published a notice of public hearing on this matter in the Greene County Record on July 15, 2021, and July 22, 2021; and

WHEREAS, the full text of this request was available for public inspection in the Greene County Administrator's Office, County Administration Building, 40 Celt Road, Stanardsville, Virginia 22973; and

WHEREAS, on July 27, 2021, the Greene County Board of Supervisors held a public hearing on this matter and all of those who spoke on this topic were heard. At which time, action on the matter was deferred to August 10, 2021 for further clarification.

NOW, THEREFORE, BE IT ORDAINED, that the Greene County Board of Supervisors hereby approves Ordinance O-2020-017 to rezone approximately 65.17 acres of land, being Tax Map Parcel 66-(A)-48 from B-3 (Business Highway and High Intensity) with proffers to PUD (Planned Unit Development) with the following proffered conditions:

**The Villages at Terrace Greene
PROFFER STATEMENT
GREENE COUNTY
Rezoning Case #R20-007**

Lamm Properties LLC, as property owner ("**Property Owner**"), and Merit Greene LLC, as contract purchaser ("**Applicant**") of Greene County Tax Parcel 66-(A)-48 as described in the Greene County land records, comprised of 67.17 acres, more or less (the "**Property**"), offer the following proffers as part of the Application for Rezoning and the Plan dated March 18, 2021, entitled "Conceptual Master Planning" prepared by Niles Bolton Associates (the "**Plan**"). The entire project shall be hereinafter referred to as "**the Development**."

Upon final, unappealable approval of this Application, the proffers contained herein shall replace and supersede all proffers currently applicable to the Property.

I. General Design Proffers

1. Overall Project Concept and Density. The Plan for The Villages at Terrace Greene includes approximately 235,000 square feet of retail and commercial use, plus several commercial pad sites, and the Applicant believes the project could realistically support up to 460,000 square feet of retail and commercial uses with structured parking if it is successful in attracting select users to the site. Anticipated uses include restaurant, retail and service retail (such as salons, gyms, financial services), an assisted living facility, day care center, office and professional office, clinics, vehicle sale, service and rental business, light industrial and recreation facilities, with all uses now permitted under B-3 zoning being allowed (including uses permitted by special use permit if a special use permit is issued), except as provided below.

The Applicant hereby proffers that the following uses will not be allowed on the property:

- a. Building Material Sales
- b. Equipment Sales and Repair Shops
- c. Mini-storage Units,
- d. Modular building sales
- e. Service Contractor
- f. Equipment rental and leasing provided all equipment shall be screened by a wall, fence, or landscaping screen not less than six (6) feet in height.
- g. Vehicle Repair Garages,
- h. Fuel Distribution Center,
- i. Highway Retail Service Centers/Truck Stops
- j. Vehicle Sales, Service and Rental Business
- k. Portable Sanitation, sale/rental and storage
- l. Bus, Truck and Taxi Terminals,
- m. Heavy equipment and heavy vehicle parking and storage yard.
- n. Food bank, food pantry, or similar uses.

2. To foster and support that level of commercial development, the Plan includes up to 246 townhomes (being up to 282 dwelling units because 36 townhomes are stacked to contain two dwelling units each). To further increase the potential commercial density of the project, 30 of the townhomes will be "live-work" units which are counted as residential units but can be used for commercial, residential or mixed-use (commercial on lower floor(s) and residential use on upper floor(s)). No more than 130 of the townhome units will have three or more bedrooms.
3. Applicant has submitted a Generalized Development Plan stamped by Justin R. Franklin on 03-18-21 ("Generalized Plan") and the Applicant hereby proffers that the Development shall be developed in substantial conformance with the Generalized Plan (except as described below with reference to the portion of the property to the north of the Connector Road), subject to changes required by final engineering, compliance with government regulations or as otherwise approved as part of the County's review of the final plan of development or as approved by the Greene County Director of Planning or the Greene County Planning Commission.

Applicant further proffers that the Development shall be developed in substantial conformance with the Plan ("Conceptual Master Planning" as identified above) except as described below with reference to that the portion of the Property to the north of the Connector Road. The exact locations, footprints, configurations, size and details of the roads, buildings and other improvements are illustrative only, but the Development shall maintain the general locations of residential and commercial areas, open space, and greenery, townhome configuration, road layouts, and traffic patterns, subject to changes required by final engineering, compliance with government regulations or as otherwise approved as part of the County's review of the final plan of development or as approved by the Greene County Director of Planning or the Greene County Planning Commission.

To allow flexibility for economic development opportunities, development of that portion of the Property to the north of the planned Connector Road in a manner which materially increases commercial density beyond what is shown on the Plan or Generalized Plan (the "Plans") need not substantially conform to the Plans under this proffer so long as: (a) primary entrance points to the north side of the Property substantially conform to those Plans and these Proffers, and (b) such north-side development otherwise generally conforms to the Plans.

4. Applicant has provided a set of design guidelines, dated May 17, 2021, entitled "Commercial Design Guidelines," which it proffers will govern design aesthetics and exterior materials to be used in the project, with flexibility as needed to address specific design and development criteria imposed by recognized national or regional commercial chains. Applicant proffers that the retail core of the project will not be a typical "strip mall" but will instead be developed under a "town center" concept as reflected in the Plan and which offers the opportunity for outside dining and events, including the potential for farmers' market and other special events along the retail boulevard and planned greenspace.

Applicant proffers that the Development shall be in substantial conformance with the Commercial Design Guidelines with respect to Architectural Elements, Colors & Materials and Townhome designs and appearance, subject to flexibility as described above to comply with brand-specific requirements of recognized national or regional chains or as approved by the Greene County Director of Planning or the Greene County Planning Commission.

II. **Phasing.**

The project will phase commercial and residential development in tandem, with completion of each Phase being a necessary trigger that must be met before development of the next Phase can commence, and the Applicant proffers as follows:

Phase 1 1. Construction of at least 22,800 square feet of commercial and office space to warm-lit shell condition (meaning a vanilla shell with minimal lighting and heating and no interior ceiling or demising walls, to allow for tailored tenant finish and upfit):

2. Construction of the 104 townhomes, including 12 stacked (two dwelling) units and no more than 50 three-bedroom units,

3. Construction of the Public Park described in Proffer V below.

4. Begin construction of private clubhouse (including cybercafe), swimming pool and exercise facility for residents,

5. A certificate of occupancy will not be granted on more than 104 of the above-referenced townhomes until construction of the 22,800 square feet of commercial and office space is complete as provided above.

Phase 2 1. Construction of at least 17,200 additional square feet of commercial and office space to warm-lit shell condition (bringing total to at least 40,000 square feet).

2. Construction of two commercial pad sites, one on each side of the Route 670 connector road at its intersection with US Route 29.

3. Construction of 68 additional townhomes, including 30 "live-work" units (bringing the number of live-work" units to 30 in total).

4. Completion of a private clubhouse, pool, and exercise facility for residents.

Applicant shall not be eligible to obtain a building permit for more than 172 townhome units in total (including the 104 units in Phase 1 and 68 units in Phase 2) until at least 40,000 square feet

of commercial and office space has been constructed as provided above (22,800 square feet in Phase 1 plus 17,200 square feet in Phase 2).

Phase 3 Continued market-driven commercial and office development.
plus remaining 110 townhomes including 24 stacked (two dwelling)
units (bringing the number of stacked units to 36 in total).

III. **Connector Road.**

All references in these Proffers to the Connector Road mean the Route 670 Connector Road, being State Highway Project 9999-039-591, P101, R201, C501, Alternative B as approved by the Virginia Commonwealth Transportation Board on December 11, 2019 (the "**Connector Road**").

a. **\$700,000 Cash Proffer.** To address the funding gap in the Connector Road project, Applicant will contribute \$700,000 to the cost of constructing the Connector Road and any ancillary signalization that may be warranted now or in the future along the Property's frontage with US Route 29 or the Connector Road. This cash proffer may not be used for any other purpose and constitutes Applicant's sole contribution to such costs. Applicant will post a letter of credit if requested by the County. Under this proffer, Applicant will pay to Greene County within thirty days of written request (and the County may draw on the letter of credit if not paid within that 30-day window): (a) the shortfall amount requested by VDOT in writing after it has spent all other committed and available funds for the Connector Road project, and (b) funding for installation of traffic signalization along the property's frontage with the Connector Road or US Route 29 when warranted, including use as matching funds by the County to leverage other available funds (the "Connector Road Costs").

Applicant's cash proffer obligation shall expire as to that portion of proffered funds which has not been applied to Connector Road Costs on or before the twelfth annual anniversary of the date a final certificate of occupancy is issued for a combined total of 40,000 square feet of commercial/retail buildings on the Property.

b. **Stormwater.** In an effort to mitigate cost over-run issues jeopardizing the Connector Road project by eliminating three stormwater ponds shown on VDOT's current plans (the "VDOT Ponds"), which has the added benefit of preserving substantial frontage along US Route 29 and the Connector Road for commercial development instead of stormwater management, Applicant proffers that it will modify the existing stormwater management facility at Terrace Greene to provide stormwater management quantity control for the Connector Road (including associated US Route 29 improvements), including installation of adequately sized conveyance pipe stubbed to the VDOT-installed swale at agreed locations in the vicinity of the planned VDOT Ponds (which will no longer be needed or built) to connect with the stormwater main pipes already in place (the "Trunk Lines") on the property which in turn drain to the Terrace Greene stormwater management pond (the "Stormwater Pond") (all such work to modify the Stormwater Pond and install piping to connect to the Trunk Lines and divert stormwater from the VDOT right-of-way to the Stormwater Pond being referred to as the "Stormwater Work"). Applicant will provide an initial stormwater management plan for the

Stormwater Work (including its proposed location of two (or if needed, three) inlets) to VDOT and the County within sixty (60) days of final rezoning approval (or if later, within sixty (60) days of Applicant's receipt from VDOT of (a) the peak discharge at each outfall for the downstream inlet design and (b) stormwater management calculations including the pre and post development one-year and ten-year peak flows at each outfall). Applicant will diligently pursue necessary approvals and use its best efforts to complete the Stormwater Work no later than July 1, 2022 in accordance with a stormwater management plan approved in accordance with applicable law. The quantity control requirements will follow the IIB criteria for facility volume and the resulting peak outflow. Within 30 days of request by the County, Applicant will deliver a letter of credit or bond in the amount of \$390,000.00 to secure Applicant's performance of the Stormwater Work under this paragraph. No certificates of occupancy shall be issued for any portion of the project until the Stormwater Work described in this proffer have been completed, at which time the letter of credit or bond will be released.

Applicant will enter into and record a Stormwater Management Maintenance Agreement in accordance with Section 38-131 of the County's Stormwater Management Ordinance as now in effect, to provide for long-term maintenance of the Stormwater Pond as well as the Trunk Lines and connecting conveyance piping described above by Applicant with assignment to the owners' association for The Villages at Terrace Greene when formed. If that Maintenance Agreement does not satisfy applicable VDOT regulations and requirements under the current edition of VDOT's BMP Maintenance Guide, Applicant will enter into a supplemental agreement with VDOT which is sufficient to satisfy such requirements.

c. Dedication. Applicant shall dedicate to Greene County or VDOT for public use, without compensation, the right-of-way necessary for the Connector Road, within 30 days of written request from the County (but in no event earlier than July 1, 2022). with an acceptable plat or legal description of the dedicated area which matches the above-referenced plans for the Connector Road (with approved changes for the traffic circle, if applicable), excluding the land for stormwater facilities since the prior proffer III(b) eliminates the need for the VDOT-planned stormwater retention ponds. The deed of dedication will allow for planned entrances in accordance with site plan approvals and provide that title to any dedicated property that is not used for the Connector Road, or other public roadways within the Development will be deeded back to Applicant at completion of the Connector Road project.

This proffer is conditioned on full release by all legally necessary parties of the previously dedicated right-of-way and easement of record in the Office of the Clerk of the Circuit Court of Greene County, Virginia in Deed Book 1418, page 132 (Plat Cards 4859 and 4860), which reflects an earlier planned alignment of the Connector Road, no later than the earlier of: (1) dedication of the new right-of-way under this proffer, and (2) fifteen (15) days after approval of a land disturbance permit for site grading within any portion of the previously dedicated right-of-way.

d. Soil. Applicant will cooperate with VDOT and its contractor for site work to address soil conditions as follows: (i) Applicant will be stockpiling suitable soil and topsoil as part of its site work and will make suitable soil from that stockpile available for the contractor's use in replacing unsuitable soil along the Connector Road during the course of construction, and

(ii) Applicant will allow unsuitable soil excavated from the Property during construction of the Connector Road to be spread into the available undeveloped dirt subgrade of the Property in accordance with standard construction practices in consult with Applicant's geotechnical engineer. To facilitate these cost savings being factored into construction bids for the Connector Road. Applicant will use public information to identify VDOT's contractor candidates for site work and make them aware of these commitments.

IV. Transportation Improvements and Contributions.

In addition to the dedication of substantial right-of-way for the Connector Road and other transportation-related improvements described above, Applicant will make the following improvements and contributions.

a. Entrances.

i. Standards. All entrances and construction will comply with VDOT Chapter 527 approval.

ii. Entrances. Applicant will design and construct, at its expense to VDOT standards, (A) the right-in, right-out entrance at Clubhouse Road, with northbound right-turn lane on US Route 29, (B) southbound left-turn/U-turn lane on US Route 29 at its intersection with existing Terrace Greene Circle, (C) the northernmost project entrance to US Route 29 across from Heatherton Drive, and (D) northbound U-turn lane at the existing median break on US Route 29 which extends south to the Clubhouse Road entrance, all as shown on the Plan and subject to VDOT plan approval and availability of necessary right-of-way.

b. Traffic Circle. Applicant shall construct the traffic circle/roundabout to the Connector Road as shown on the Plan, at Applicant's expense, if approved by VDOT. Applicant will design that traffic circle and seek VDOT's approval.

V. Public Park.

If and only if requested by the County in writing by October 1, 2021, Applicant shall design, construct and dedicate to the County for public use a playground, including adjacent parking, all substantially as shown on the Plan (the "**Public Park**"). If the County does not request the Public Park, Applicant shall construct park amenities for its residents as approved in the County's site plan approval process, which private park shall be of adequate size to serve the residents of the Development but does not need to meet the specifications of this proffer, and which private park will be conveyed to and maintained by an association formed for the residential portion of the Development.

If requested by the County, the Public Park will be a maximum of two acres in size, portions of which will be improved with a playground for recreation designed to take into account safety, security and liability, subject to modifications agreed by Applicant and the County in the site plan approval process, as follows:

The playground shall be no less than 15,000 square feet in size, with a protective and safe enclosure using 60" polyvinyl fencing with a hard rubber ground cover, meeting all local and national OSHA requirements. Included in the playground will be equipment up to \$50,000 in cost to Applicant which meets the stringent design and manufacturing requirements to ensure that children will be safe while playing. The playground equipment furnished will meet all the standards outlined in accordance with ASTM F1487 standards, CAN/CSA Z614 standards, CPSC Guidelines, and ADA Accessibility Guidelines.

In the interest of playground safety, the International Play Equipment Manufacturers Association (IPEMA) provides a Third-Party Certification Service whereby a designated independent laboratory, TÜV SÜD America Inc., (TÜV), validates an equipment manufacturer's certification of conformance to ASTM F1487, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use. A large part of safety hazards originates with the surfacing beneath the play equipment. For that reason, Applicant proffers to provide a surface that complies with the current CPSC recommendations, current ASTM F1951 Standard for ADA accessible surface material and the current ASTM 1292 Standard for impact attenuation.

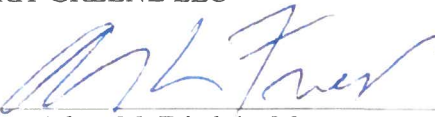
The Public Park shall include adjacent parking as shown on the Plan, to be designed and constructed by Applicant at its expense.

VI. Water and Sewer.

All residential and commercial units will be served by public water and public sewer service provided by Greene County or the Rapidan Service Authority.

MERIT GREENE LLC

BY:


Adam M. Fried, its Manager

Date:

8/5/21

REVISED AUGUST 5, 2021

LAMM PROPERTIES, L.L.C.

BY: *Mary C. Lamm*
Mary C. Lamm its Manager

Date: 8/5/2021

4843-0501-5276, v. 15

ADOPTED BY THE GREENE COUNTY BOARD OF SUPERVISORS ON AUGUST 10, 2021.

Motion: Dale Herring

Second: Davis Lamb

Votes:

Martin: Yes

Lamb: Yes

Bowman: Yes

Durrer: Yes

Herring: Yes



William Bryan Martin, Chair
Greene County Board of Supervisors

ATTEST:



Mark B. Taylor, Clerk
Greene County Board of Supervisors