

May 23, 2006

County of Greene, Virginia

THE CONTINUED MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, MAY 23, 2006 AT 5:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Steve Catalano, Chairman  
Clarence Peyton, Vice Chairman  
Jeri Allen, Member  
Mickey Cox, Member  
Patsy Morris, Member  
Ray Clarke, County Attorney  
Patti Vogt, Deputy Clerk  
Tracy Morris, Deputy County Administrator

RE: EXECUTIVE SESSION

Upon motion by Jeri Allen and unanimous vote, the Board entered into Executive Session to discuss legal and personnel matters pursuant to Section 2.2-3711 Subsection (a, 1-7) of the Code of Virginia.

- Personnel - administration
- Contract matters - water and sewer  
Region Ten Community Services lease
- Land acquisition - water and sewer  
Region Ten Community Services
- Personnel - Sheriff's Department – policies
- Various appointments

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Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

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

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

By unanimous vote, all members certified that only public business matters lawfully exempted from the Open Meeting requirement and only such matters as identified by the motion to enter into Executive Session were discussed.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: APPOINTMENT TO EQUALIZATION BOARD

Upon motion by Mickey Cox and unanimous vote, the Board appointed Mrs. Linda Sparks to the Greene County Equalization Board.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: PUBLIC HEARING – REQUEST FOR SPECIAL USE PERMIT - WENDELL LAMB/HAROLD ESTES – BIBLE CLASSROOM

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Wendell Lamb/Harold Estes for a Special Use Permit for a bible classroom on a portion of a 23.62 acre tract zoned A-1, Agriculture, located on Progress Place and identified on County Tax Maps as 60-(A)-5.

Mr. Svoboda noted there has been a mobile classroom on the site for the past six years. The existing unit will be replaced by a slightly larger one.

The Planning Commission recommends approval of this request subject to approval of the site development plan, VDOT concerns, building code requirements, a five year staff review and the number of children to not exceed 35 at one time.

Mr. Perry Utz, CMB Ministries State Director, was present to represent the applicant.

The Chairman opened the public hearing. There were no comments from the public. The public hearing was closed.

After discussion, the Board, upon motion by Jeri Allen and unanimous vote, approved the request from Wendell Lamb/Harold Estes for a Special Use Permit for a bible classroom on a portion of a 23.62 acre tract zoned A-1, Agriculture, located on Progress Place and identified on County Tax Maps as 60-(A)-5.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: PUBLIC HEARING – AMEND GREENE COUNTY ZONING ORDINANCE TO DEFINE ANIMAL SHELTER AND MAKE OTHER APPROPRIATE REFERENCES

Mr. Svoboda reviewed the proposed amendment to the Greene County Zoning Ordinance to define Animal Shelter and list as a use, as well as make any other appropriate references. There are definitions for commercial kennel and veterinary clinic in the Zoning Ordinance. Animal shelters are proposed to be allowed, by special use permit, in the same zones as commercial kennels and veterinary clinics.

The recommended language is: “A facility that provides the medical treatment and temporary boarding of domesticated animals where public viewing and adoption is allowed.”

Dr. John Hayes, Chairman of the Madison-Greene Humane Society, said this proposed amendment is a housekeeping issue. The Society is looking at several sites for the construction of a building but cannot proceed until the amendment to allow the use in specific zones is approved.

The Chairman opened the floor for public comment. There were no comments from the public. The public hearing was closed.

Board member Patsy Morris expressed concern about the proposed amendment and subsequent construction of a facility which would cost the citizens of Greene County. She noted the addition at the County owned facility was supposed to be staffed by all volunteers and

not be an added expense for the County.

The Chairman explained that the amendment, as proposed, would still allow the Board to review the special use permit request. Vice Chairman Clarence Peyton noted the special use permit would be site specific.

Board member Mickey Cox said he was opposed to the proposed amendment. He questioned why this proposed facility could not be located in Madison County and suggested the request be tabled for further review.

Board member Jeri Allen was concerned by the references to the current Animal Shelter operation and with denying a Humane Society the opportunity to locate in Greene County. A Humane Society has a commitment to find homes for animals. She felt the potential exists to ultimately save tax money, take care of animals, and bring the current Greene County Animal Shelter into compliance.

The Chairman said it would be important to not intertwine the issues of amending the Zoning Ordinance and an actual request for a special use permit for a facility. The Board of Supervisors would have the final decision on any request for a special use permit. He supported the proposed amendment.

Mr. Ray Clarke, County Attorney, agreed that this request is a housekeeping matter and felt the Greene County Animal Shelter could be in violation unless it was constructed prior to the adoption of the Zoning Ordinance.

Mr. Ted Kostich said he and his wife constructed the addition for cats at the Greene County Animal Shelter and asked when the County plans to accept responsibility. The Chairman

reiterated the public hearing is to consider amending the Zoning Ordinance to include the enabling language to allow animal shelters and noted any other discussion would need to take place at a later date.

Motion by Jeri Allen to approve the request to amend the Greene County Zoning Ordinance to allow animal shelters by special use permit in the A-1, B-1, B-2 and B-3 zoning districts and to include the definition of animal shelter as proposed.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	No
	Jeri Allen	-	Yes
	Mickey Cox	-	No
	Patsy Morris	-	No

Motion did not carry.

RE: PUBLIC HEARING – AMEND SECTION 70-63 OF THE GREENE COUNTY CODE

The Chairman reviewed the proposed amendment to Section 70-63 of the Greene County Code to reflect the review and recommendation of appeals by the Public Safety Director.

Mr. Clarke said enabling legislation allowing for parking tickets also provided for an administrative appeals process. The current ordinance has the Commonwealth Attorney, who is a constitutional officer, reviewing appeals. It is proposed to allow the Public Safety Director, who is the logical choice, to conduct the administrative review of an appeal.

The Chairman opened the hearing for public comment. There were no comments from the public. The hearing was closed.

Vice Chairman Clarence Peyton asked what process would be followed if the Public Safety Director is absent. Board member Jeri Allen asked if there is a timing issue with an

appeal. Mr. Clarke said review of an appeal would not be an issue if the request is filed in a timely manner.

Upon motion by Jeri Allen and unanimous vote, the Board approved the proposed amendment to Section 70-63 of the Greene County Code to reflect the review and recommendation of appeals by the Public Safety Director. (See Attachment "A")

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: CSA PAYMENTS

Mr. James Howard, Social Services Director, was present to inform the Board that CSA payments will be funded through the end of this year. The Governor has promised that CSA will be funded and has also authorized deficit spending for the Department of Social Services to continue through June.

RE: MATTERS FROM THE PUBLIC

JULY 4<sup>TH</sup> PARADE

Ms. Susan Gibbs was present to request permission to use Courthouse and County Administration Building grounds including parking areas for a July 4<sup>th</sup> parade and celebration.

Ms. Gibbs said the committee had also considered horse and buggy rides but understands the County's insurance will not provide coverage. The County Attorney explained that the insurance company does not allow community events to be covered under the County's policy.

The Chairman asked that a resolution authorizing the use of property be added to the consent agenda.

SLUDGE

Ms. Nancy Ford, resident on Celt Road, was present to express her concern regarding the spreading of sewer sludge on farm land as fertilizer and presented the Board with information on this practice. She said a neighboring farm was sprayed with sludge which prevailing winds then spread to her property.

Ms. Ford, who is an organic grower, lost four weeks of production time due to illness caused by particles in the sewer sludge.

Ms. Ford asked the Board to review the material she presented. She would like to have a moratorium on the spreading of sewer sludge in Greene County until such time as the total content of the sludge itself has been tested by an independent lab to determine if the material is safe. In lieu of a moratorium, she suggested a trained monitor be present at every site where sludge is being spread with a letter from the supplier that the material is safe for human and animal exposure.

The Chairman said the information provided will be reviewed.

RE: OTHER MATTERS FROM THE BOARD

STREET SIGNS – HEARING IMPAIRED CHILD

Mrs. Allen said she received a call from a resident of Deer Lake Estates who is requesting street signs indicating that a hearing impaired child is at play on the cul-de-sac. VDOT requires the County to adopt a resolution of support.

The Board directed staff to inquire about the process involved for placement of street signs.

RE: CONSENT AGENDA

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

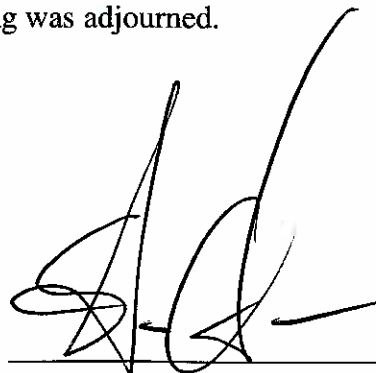
- Minutes of the May 9, 2006 meeting
- Resolution from Thomas Jefferson Planning District Commission to formally adopt the Regional Natural Hazard Mitigation Plan. (See Attachment "B")
- Resolution to request removal of signs prohibiting parking after 8:00 p.m. around the Courthouse and Clerk's Office in the Town of Stanardsville. (See Attachment "C")
- Resolution to authorize the use of Courthouse grounds, County Administration Building grounds, and parking areas for July 4<sup>th</sup> parade and celebration. (See Attachment "D")

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jeri Allen	-	Yes
	Mickey Cox	-	Yes
	Patsy Morris	-	Yes

Motion carried.

RE: ADJOURN MEETING

As there was no further business, the meeting was adjourned.



Steve Catalano, Chairman  
Greene County Board of Supervisors

## GREENE COUNTY CODE

**Sec. 70-63** Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.

(a) Any law-enforcement officer shall post a written notice of violation on the windshield of each vehicle found illegally parked. Such notice shall state that the recipient of the notice may elect to waive his or her right to appear and be tried for the offense or offenses indicated in the notice.

(b) Persons desiring to waive trial may do so by voluntarily remitting to the Treasurer's Office the amount of the fine stipulated for each violation marked on the notice. Such fines shall be levied in accordance with the schedule set forth in paragraph (e) of this section. If the required amount is not received in the office of the Treasurer or mailed and postmarked within forty-eight hours after the notice of violation is issued, the amount of the applicable fine shall be doubled.

(c) Whenever the fines are paid by mail, the responsibility for receipt of the payment by the Treasurer's Office shall lie with the registered owner of the vehicle parked in violation. Payment may be made by personal check; provided, that if such check is returned for insufficient funds, the vehicle owner shall remain liable for the parking violations, and shall likewise be subject to a service charge of twenty-five dollars (\$25.00) for processing the returned check.

(d) Any recipient of a notice of violation desiring to contest the charges cited in the notice shall appear at the office of the Treasurer and shall, on forms provided by the Treasurer, file a written request for administrative review and dismissal of the charges. The facts of the request shall be reviewed **[and commented upon]** **[DELETE]** by the Public Safety Director and the Sheriff or his designee, who shall recommend whether the request should be approved or denied. Acting on such request and recommendation, the **[Attorney for the Commonwealth]** **[DELETE]** **[Public Safety Director]** **[ADD]** shall decide whether the charge shall be dismissed. The recipient of the notice shall indicate on the request for review whether a hearing in court is demanded in the event the request for dismissal is denied. If the request for review is made within forty-eight (48) hours of the violation, the recipient shall have an additional forty-eight (48) hours after denial of the request to remit the fine, before the amount thereof is doubled.

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Attachment "B"

**RESOLUTION  
GREENE COUNTY ADOPTION  
OF THE  
REGIONAL NATURAL HAZARD MITIGATION PLAN**

**WHEREAS**, hazard mitigation is sustained action taken to reduce or eliminate the risk to human life and property from natural hazards and their effects; and

**WHEREAS**, it is essential to protect life and property by reducing the potential for future damages and economic losses resulting from natural disasters; and

**WHEREAS**, the Disaster Mitigation Act of 2000 provides new and revitalized approaches to mitigation planning; and

**WHEREAS**, compliance with the new mitigation plan requirements will position Greene County and the region to receive pre- and post-disaster mitigation funding; and

**WHEREAS**, Greene County has been involved in the preparation of the Regional Natural Hazard Mitigation Plan, including review, and public hearings and approval by both the Greene Planning Commission and Board of Supervisors; and

**WHEREAS**, Greene County approved the Hazard Mitigation Plan for submission to the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA); and

**WHEREAS**, VDEM and the FEMA have deemed the submitted plan satisfactory with no changes in the mitigation activities for Greene County;

**NOW THEREFORE BE IT RESOLVED**, the Greene County Board of Supervisors does hereby adopt the Regional Natural Hazard Mitigation Plan.

Adopted in Open Meeting this the 23<sup>rd</sup> day of May, 2006.

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Attachment "C"

## **RESOLUTION**

**WHEREAS**, the signs prohibiting parking after 8:00 p.m. around the Circuit Courthouse and Clerk's Office in the Town of Stanardsville are no longer needed to control parking; and

**WHEREAS**, the Town Council of Stanardsville and the Greene County Board of Supervisors agree that such signs should be removed and will jointly adopt this resolution to request that the Judge of the Circuit Court concur with the request that these signs be removed; and

**WHEREAS**, the Town Council of Stanardsville did adopt such resolution by unanimous vote of members present at their regular meeting on May 8, 2006;

**NOW THEREFORE BE IT RESOLVED** that the Greene County Board of Supervisors joins with the Town Council of Stanardsville to request the Judge of the Circuit Court of Greene County concur with the removal of parking signs which prohibit parking after 8:00 p.m. around the Circuit Courthouse and Clerk's Office in the Town of Stanardsville.

Adopted in Open Meeting this 23<sup>rd</sup> day of May, 2006.

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Attachment "D"

## **RESOLUTION**

WHEREAS, the Greene County Board of Supervisors wishes to join Americans across the nation in the commemoration and celebration of Independence Day; and

WHEREAS, Stanardsville Area Revitalization (\*STAR\*) is sponsoring an Independence Day parade and celebration; and

WHEREAS, \*STAR\* has formally requested use of the Greene County Courthouse grounds, County Administration Building grounds and parking areas for this event on July 4, 2006;

NOW THEREFORE BE IT RESOLVED that the Greene County Board of Supervisors grants permission to \*STAR\* to use Courthouse grounds, County Administration Building grounds and parking areas on July 4, 2006 for this celebration.

Adopted in open meeting this 23rd day of May, 2006.