

March 27, 2007

County of Greene, Virginia

THE CONTINUED MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, MARCH 27, 2007 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  
Barry Clark, County Administrator  
Patti Vogt, Deputy Clerk  
Tracy Morris, Finance Director

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.

**Contract Matters:**

- Water and sewer

**Land Acquisition:**

- Water and sewer

**Personnel:**

- Buildings and Grounds

**Various Appointments:**

- Board of Zoning Appeals

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

Motion carried.

Upon motion by Jeri Allen 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: BOARD OF ZONING APPEALS

Upon motion by Clarence Peyton and unanimous vote, the Board agreed to request the Circuit Court Judge to consider the reappointment of Robert Runkle and Janet Frye to the Board of Zoning Appeals.

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

Motion carried.

RE: PUBLIC HEARING – AMEND ZONING ORDINANCE – ACCESSORY APARTMENTS

Mr. Bart Svoboda, Zoning Administrator, reviewed the proposed amendment to define accessory apartments and establish appropriate guidelines. The Planning Commission recommended the following:

- Delete the family member requirement. The person occupying the apartment might be a caregiver who is not a family member.
- Allow in the A-1, C-1 and R-1 zones as a use by right with a \$100 permit fee. Delete the requirement of a Special Use Permit due to difference in permit fee and the time required to process a Special Use Permit.
- Increase the number of bedrooms from one to two to accommodate sleeping arrangements for parents and children. (i.e. mother/son, father/daughter)
- Add Health Department approval is required.

The maximum size requirement of 800 square feet and the minimum of 300 square feet remains the same. The accessory apartment permit will expire with a change in ownership. Proof of home owner's association conveyance approval is required if applicable.

The Chairman opened the floor for public comment.

Mr. Lee Estes questioned the review of the accessory apartment after a period of three years if allowed by Special Use Permit.

Ms. Evangeline Cleage, resident of Heights Hill Road, said she has a "mother-in-law apartment" in her home which is part of a universal design. She hoped to be able to rent the apartment, if needed, for additional income. Ms. Cleage said her accessory apartment was

approved by the Inspections and Zoning Departments at the time her home was built. She asked that her apartment be designated as “grandfathered” which would allow her to use the apartment as she originally intended.

Mr. Carl Schmitt questioned the process that would be followed to obtain a permit for an accessory apartment.

The public hearing was closed.

The Chairman clarified that the Planning Commission has recommended accessory apartments be allowed by right rather than by Special Use Permit. He also noted that home owner associations can be more restrictive than County regulations.

Mr. Svoboda briefly reviewed the process that would be followed for an accessory apartment permit. Discussion followed regarding existing accessory apartments and the process to register non-conforming uses.

Board member Mickey Cox requested that four (4) parking spaces plus a turn around space be required.

Board member Jeri Allen expressed concern regarding the deletion of the family member requirement. She felt “caregiver” could be added to allow for non-family members. It was her understanding that the provision would not be to allow citizens the opportunity for a rental apartment and additional income. The Board’s intent was to allow citizens an option to assist family members other than applying for a hardship manufactured home.

Vice Chairman Clarence Peyton agreed with Mrs. Allen’s comments regarding the family member requirement. He felt the use should require a Special Use Permit. He asked who will

take on the responsibility of monitoring (policing) these permits and was afraid this could result in residential development becoming rental development.

The Chairman also did not agree with the deletion of the family member requirement and felt proper language could be added to include a caregiver.

Board member Patsy Morris agreed that family member or caregiver should be included.

The Chairman felt a review process at a certain time would be appropriate. Mr. Peyton said the person applying for this type permit should pay for the cost of the process, not the taxpayers.

Mr. Ray Clarke, County Attorney, asked if the Board will be addressing the issue of existing apartments. The Chairman said the Board will address the issue of pre-existing apartments at a later date. Mr. Clarke and Mr. Svoboda will draft a policy for the Board's consideration.

Upon motion by Jeri Allen and unanimous vote, the Board approved the amendment to the Greene County Zoning Ordinance to define accessory apartment and list as a use with the following changes: (See Planning Department – Case File OR#06-005)

Item B. The tenant of the accessory apartment shall be a legal family member or caregiver.

Item K. Include effective period of three years at which point another application will need to be filed and the fee paid to renew the permit.

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

Motion carried.

RE: MATTERS FROM THE PUBLIC

Mr. Bill Lumpkin thanked the Board members for the job they do on behalf of the citizens of the County. He spoke on growth in the County and the need to curtail this growth Mr. Lumpkin noted the provisions for time-based zoning adopted by Madison County.

RE: CONSENT AGENDA

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

- a. Minutes of the March 13, 2007 meeting.
- b. Resolution to authorize use of Courthouse lawn by Stanardsville Methodist Church for Strawberry Festival on June 2, 2007. (See Attachment "A")
- c. Deed of Easement and Deed of Release and Vacation of Easement for the Central Virginia Regional Jail. (See Attachment "B")

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

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

There were no matters from the Board.

RE: RECESS

The Chairman called a ten minute recess.

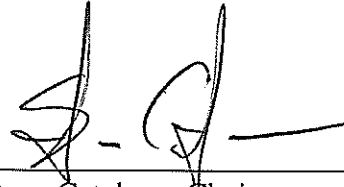
RE: BUDGET WORKSHOP

The Board began at approximately 8:40 p.m. to review requests submitted for the FY 2007-2008 budget.

Board of Supervisors  
Continued Meeting  
March 27, 2007  
Sheet 7

RE: CONTINUED MEETING

At approximately 11:15 p.m., the Board agreed to continue the workshop meeting to discuss the FY 2007-2008 budget to Tuesday, April 3, 2007, at 5:30 p.m. in the County Meeting Room.

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

Steve Catalano, Chairman  
Greene County Board of Supervisors

Board of Supervisors  
Continued Meeting  
March 27, 2007  
Sheet 8  
Attachment "A"

## **RESOLUTION**

WHEREAS, the Greene County Board of Supervisors recognizes the annual Strawberry Festival as an important cultural event in the County; and

WHEREAS, the Stanardsville United Methodist Church has requested the use of the Courthouse Lawn for entertainment and craft booths;

NOW THEREFORE BE IT RESOLVED that the Greene County Board of Supervisors supports the annual Strawberry Festival and does hereby authorize use of the Courthouse Lawn on June 2, 2007.

Adopted in open meeting this 27th day of March, 2007.

Board of Supervisors  
March 27, 2007  
Sheet 9 Attachment "B"

EXEMPT FROM TAXES PURSUANT TO VIRGINIA CODE 58.1-811(3)  
Tax Map No. 44-39  
Prepared by: Gardner, Maupin, Sutton & Haney, PC  
P.O. Box 129  
Spotsylvania, VA 22553

Return to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS DEED OF EASEMENT and DEED OF RELEASE AND VACATION OF EASEMENT**, made this 8th day of February, 2007, by and between the **COUNTY OF ORANGE, VIRGINIA**, the **COUNTY OF LOUISA, VIRGINIA**, the **COUNTY OF GREENE, VIRGINIA**, the **COUNTY OF FLUVANNA, VIRGINIA**, and the **COUNTY OF MADISON, VIRGINIA**, parties of the first part, hereinafter collectively referred to as "**LANDOWNER**", Grantor and Grantee for recording purposes, and the **TOWN OF ORANGE, VIRGINIA**, hereinafter referred to as "**TOWN**", Grantee and Grantor for recording purposes.

WHEREAS, the parties of the first part are the owners of the real property hereinafter described, upon which Property said parties of the first part operate the Central Virginia Regional Jail; and

WHEREAS, the TOWN has previously requested a sewer line easement over and across a portion of the Property; and

WHEREAS, the LANDOWNER previously conveyed said sewer line easement to the TOWN by Deed of Easement dated December 5<sup>th</sup>, 2005, and

recorded among the land records of Orange County, Virginia, as Instrument #060004919, together with plat recorded in Plat Cabinet L, Slot 143; and

WHEREAS, due to existing underground utilities, the easement previously granted cannot be used for its intended purpose, and the TOWN has requested a revised sewer line easement in a more appropriate location; and

WHEREAS, the LANDOWNER, in consideration of the vacation and release of the previous easement granted unto the TOWN, is willing to grant unto the TOWN the requested sewer line easement in the new location as shown on the Plat attached hereto and made a part hereof.

THIS DEED WITNESSETH THAT for and in consideration of Ten Dollars (\$10.00) cash in hand paid to the LANDOWNER by the TOWN and other good and valuable consideration, the receipt of which is hereby acknowledged, and in further consideration of the release and vacation of the existing sewer line easement by the TOWN as hereinafter described, the LANDOWNER does hereby grant and convey with General Warranty to the TOWN and its successors and assigns forever the following described easement:

(1) a perpetual and permanent right-of-way and easement, 20' in width, to construct, install, maintain, repair and replace a sewer line consisting of pipes and appurtenances over and across the Property of the LANDOWNER identified as "COUNTY OF GREENE, COUNTY OF FLUVANNA, COUNTY OF LOUISA, COUNTY OF MADISON AND COUNTY OF ORANGE, VIRGINIA, DEED BOOK 400, PAGE 384 TAX MAP 44-39" on plat entitled "PLAT SHOWING – SANITARY SEWER EASEMENT ACROSS THE PROPERTIES OF GREENE, FLUVANNA, LOUISA, MADISON and ORANGE COUNTIES TOWN OF ORANGE ~ SPOTSWOOD MAGISTERIAL DISTRICT ~ ORANGE COUNTY, VIRGINIA", dated January 25, 2007, prepared by James W. Cabbage, Jr., L.S., Huntley,

Nyce & Associates, Ltd., hereinafter the "Plat", and a copy of which is attached hereto, made a part hereof and recorded herewith in the Clerk's Office of the Circuit Court of Orange County, Virginia; and

(2) a temporary construction easement for use by the TOWN's contractor, 10' in width, during construction and installation of the sewer line and appurtenances thereto, which temporary construction easement shall expire upon completion of construction.

The location and dimensions of the permanent and temporary construction easement, above described, are more particularly shown and described on the Plat.

Such easement(s) are subject to the following terms and conditions:

1. The TOWN shall have the right to enter upon the above described property within the easement areas for the purpose of installing, constructing, maintaining, repairing and replacing, sewer lines and appurtenances thereto, as reasonably necessary to construct, install, maintain, repair or replace, such sewer lines. If the TOWN is unable reasonably to exercise its right of ingress and egress over the easement and right-of-way conveyed hereby, the TOWN shall have the right of ingress and egress over the property of the LANDOWNER adjacent to the right-of-way, in such manner as shall occasion the least practicable damage and inconvenience to the LANDOWNER.

2. All facilities, public works, and appurtenances which are installed in or on said property within the easement area now or in the future by or for the TOWN shall be and remain the property of the TOWN and no charge shall at any time be made by the LANDOWNER for the use of the property occupied by the

TOWN or for the privilege of constructing, maintaining and operating said facilities and the necessary or appropriate appurtenances.

3. Whenever it is necessary to excavate earth within the easement herein conveyed, the TOWN agrees to backfill such excavation in a proper and workmanlike manner so as to restore conditions as nearly as practicable to the same condition as prior to the excavation, including the restoration of any paved surfaces as may be damaged or disturbed as part of said excavation.

4. The TOWN shall have the right to trim, cut, and remove all trees, limbs, undergrowth, shrubbery, landscape plantings of any kind, fences, buildings, structures, paving, or other obstructions or facilities within said easement which it deems in any way to interfere with the proper and efficient construction, operation, and maintenance of the facilities in or on said easement.

5. LANDOWNER reserves the right to make use of the land subject to the rights herein granted, which use shall not be inconsistent with the rights herein conveyed or interfere with the use of said easement by the TOWN for the purposes aforesaid; provided, however, that all such use shall be at the LANDOWNER'S risk unless prior written approval of the TOWN is obtained.

6. Nothing herein shall be deemed to prohibit the placement of structures such as fences within the easement area by the property owner of the underlying fee without prior approval of the TOWN; provided that any such improvements shall be placed at the risk of the property owner and the TOWN

shall have the right to remove any such improvements should they interfere with the rights granted the TOWN herein.

7. Any easement or right granted the TOWN hereunder is intended to be and shall be usable by and for the benefit of the TOWN as such and also any sanitary district, authority, or any other TOWN agency or entity operated solely or partially for the benefit of the citizens of the TOWN OF ORANGE, VIRGINIA or any portion thereof, which such other agency or entity shall enjoy all of the privileges herein granted to the TOWN as such.

8. That this instrument covers all the agreements between the parties and no representations or statements, verbal or written, have been made which are inconsistent with the terms of this instrument.

This instrument is executed by the COUNTY OF ORANGE, VIRGINIA, the COUNTY OF LOUISA, VIRGINIA, the COUNTY OF GREENE, VIRGINIA, the COUNTY OF FLUVANNA, VIRGINIA, and the COUNTY OF MADISON, VIRGINIA, acting by and through their respective County Administrators, the County Administrators being hereto duly authorized to do so by Resolutions adopted by each of the respective Counties prior to the execution of this instrument thereby.

FURTHER THIS DEED WITNESSETH: That for and in consideration of the conveyance of the above described easement, the TOWN OF ORANGE, VIRGINIA, acting by and through its Town Manager, he/she being hereto duly

authorized by Resolution adopted by the TOWN COUNCIL OF THE TOWN OF ORANGE, VIRGINIA, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, (1) does hereby surrender, release and quitclaim unto the LANDOWNER, and vacate, all right, title and interest conveyed unto the TOWN by the Deed of Easement from the LANDOWNER dated December 5, 2005, and recorded as Instrument #060004919 in the Clerk's Office of the Circuit Court of Orange County, Virginia, and as shown on plat recorded therewith in Plat Cabinet L, Slot 143, and which easements being released and vacated are more particularly shown and described on the Plat as "EX. SAN. SEW. & TEMP. CONST. ESM'T (L.R. 060004919 ~ P.C. "L" S. 143) ARE HEREBY VACATED" and (2) does hereby accept the conveyance of the interest in real estate made by this instrument.

WITNESS the following signatures and seals:

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