

June 24, 2014

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, JUNE 24, 2014,  
BEGINNING AT 6:30 P.M. IN THE COUNTY MEETING ROOM.

Present were:            Jim Frydl, Chairman  
                              David Cox, Vice Chairman  
                              Eddie Deane, Member  
                              Davis Lamb, Member  
                              Bill Martin, Member  
                              John C. Barkley, County Administrator  
                              Ray Clarke, County Attorney

RE: EXECUTIVE SESSION

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

1) PERSONNEL MATTERS – APPOINTMENTS – ECONOMIC DEVELOPMENT  
AUTHORITY AND

Virginia Code Reference

2.2-3711 A.1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

2) PERSONNEL MATTERS – COUNTY ADMINISTRATION

Virginia Code Reference

Recorded vote:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

Upon motion by Davis Lamb and unanimous vote, the Board returned to Open Session.

Recorded vote:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	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:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: JAMES RIVER ALCOHOL SAFETY ACTION PROGRAM

Upon motion by Davis Lamb and unanimous vote, the Board appointed Sheriff Steve Smith to the James River Alcohol Safety Action Program.

Recorded vote:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: ECONOMIC DEVELOPMENT AUTHORITY

Upon motion by Bill Martin and unanimous vote, the Board reappointed Mr. Don Pamenter to the Economic Development Authority.

Recorded vote:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: PUBLIC MEETING

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

RE: PUBLIC HEARING – KINVARA PROPERTIES, LLC – AMEND PROFFERS

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Kinvara Properties, LLC to amend proffers approved on May 13, 2008 (RZ#07-002) regarding roads/interconnectivity and phasing of residential development for a 38.0 acre tract and a 1.04 acre tract zoned PUD,

Planned Unit Development, located in Ruckersville on Cedar Grove Road/Seminole Trail/Buck Drive and identified on County Tax Maps as 60-(A)-6 & 6C. (RZ#13-001)

Revised proffers amendments were received today and include:

- The applicant is requesting to amend the phasing of the residential units to allow a maximum of 48 units the first year of development and a maximum of 50 additional units thereafter which can be reviewed under Proffer 2. The total number of residential units shall not exceed 98 units.
- Under Proffer 4-D, the applicant is requesting to provide interconnectivity to Buck Drive.
- The applicant is requesting to amend the landscape and buffer language.
- The applicant is proposing that the design guidelines under Proffer 9 be altered.
- The applicant is requesting to amend the language regarding the County dedicated parcel.
- The applicant is requesting to provide many of the upgrades to the development during the submittal of the first building permit for the commercial improvements.

A site plan has been approved by the Lily Ridge Apartments (phase 1) and construction is estimated to begin in July 2014.

A traffic impact study and fiscal impact analysis were also submitted.

The Board of Supervisors, at their November 12, 2013 meeting, accepted a deferral request made by the applicant in order to address several new issues that were raised during the public hearing.

The Planning Commission recommended denial of rezoning request due to the following:

- The loss of cash proffers on residential units would be an unfair, undue burden on Greene County residents and would set a dangerous precedent for all existing agreements for proffers.

Mr. John J. "Butch" Davies, attorney for applicant, said this request was initiated by the change in economics. The Greene County Comprehensive Plan was revised to include this parcel as a mixed use site. The applicant met with citizens at Blue Ridge Café and has tried to address their concerns. The gate removal was suggested by VDOT. The need for a parallel road to Route 29 was stressed. Mr. Davies briefly reviewed proposed changes to proffers.

Mr. Frydl noted the residential units were approved in 2008. The hearing tonight is to consider proposed amendments to proffers.

The floor was opened for public comment.

Matt Strauss – Willow Creek – The proposed amendments include new stipulations regarding timing of certain aspects and are tied to commercial development. They also reduce commitment regarding design guidelines and amend landscape and buffer language. He sees the change to the parcel to be dedicated to the County as a step backwards. All changes are very significant and pose severe consequences to the County. If these are approved, there really won't be an incentive for the developer to pursue commercial development. Noted the close proximity of the apartment building to his house. Expressed concern about reduction in buffer and other beautification measures. Asked the Board to not approve changes in proffers.

Vicki Strauss - Willow Creek - She asked the Board to do what is right for the County. Original proffers approved 6 years ago were right. The principals involved in this project do not live in Greene County. The developer should be held accountable to cultivate business component to this project in timely manner. The County already has two approved eyesores on Route 29. Don't approve the request.

Clark Blight – Willow Creek - Questioned why proffers effective when first occupancy permit is issued? Why not when the first building permit is issued? Questioned phasing of development. What does it mean “not until commercial development occurs”? Fiscal analysis was provided and paid for by developer. He questioned when or if commercial development will be done. If not, taxpayers of the County will end up supporting project. Suggested slow down the rush to build residential and sync with building of commercial. In original proffers, under landscaping/lighting plan, the applicant agreed to install a fence. Next sentence says “if a fence is used”. He would like that clarified and the County to ensure there is a fence for that boundary.

Joe Lavarra – lived in Willow Creek and now lives in Deer Lake Estates - There are huge tax incentives for the developer but no increase in tax revenue from commercial property until developed, if ever. The apartments will have children who will attend already overcrowded schools. Reject proffers as written.

Wayne Peterson – Willow Creek – He reviewed fiscal impact analysis provided and looked at impact on inflation. This should weigh heavily on any decision. The inflation rate is a killer for profits. He does not want to see another project stopped midway and become an eyesore in the County. Asked the Board to please weigh carefully and heavily the financial statistics that are in report. He is a financial advisor.

Angela Yarbrough – The Glen at Deer Lake Estates – Her primary concern is Buck Drive. People will use shortcut to avoid light at Cedar Grove and Route 29. There are safety concerns and they don’t need more traffic thru their neighborhood. Felt it inappropriate to do traffic study during summer when kids are out of school and people are on vacation. Concerned about the lake which suffered during building of Willow Creek. This new development will affect the lake. Board needs to consider environmental concerns as well.

Pet Costigan – Deer Lake Estates – He reiterated previous comments made at the November and Planning Commission meetings which are all reasons why this proposal should not go forward. This seems to be bad a deal and is not the deal that was agreed to. Proffers are contingent upon commercial development. There is a lot of vacant commercial property in Greene. The developer has no real incentive for commercial development. He urged Board to deny the proposal.

Bryan Strickland – Felt the Board should deny the request. Net revenue from commercial development is not going to happen. All discussion in 2008 centered around single family homes and townhomes. Don’t approve request.

Chap Womack – Deer Lake Estates – Project has morphed into subsidized apartments since 2008. Removing gate on Buck Drive will make this a major shortcut between Route 29 and Route 607 as well as to apartments. Fiscal impact analysis did not consider affected home values. The Board can do something about proffers.

Jean-Marie Devory – Willow Creek – Been in neighborhood a year and loves it. Feels there are a lot of inconsistencies going on. We need and want to have a voice in what happens to our community. Need to make sure this is done the right way and not leave it open to interpretation. The County needs to attract young families. If there is economic disadvantage to the builder then he shouldn’t be moving forward.

William Sterling – Willow Creek – He left meeting in 2008 feeling the developer had heard and would address concerns. He thought housing would be townhomes and was recently told the County had requested the units be apartments. Apartments will be subsidized meaning that the taxpayers will be helping to pay rent. Low income housing attracts low income wage earners and

illegal aliens. Rent will be subsidized by the very people whose properties will be affected the most. Our legacies are at stake here.

Craig Hearn – Deer Lake Estates – Traffic is already a problem at peak times. He feels there are false promises in proffers. Construction of road improvements will be expensive and Kinvara will not be doing the project (construction by others).

The public hearing was closed.

Mr. Davis said the owners have tried to be as direct and cooperative as they can be. The reason for deferring proffers until commercial development is that can help carry cost. Changes in the economy had profound impact. What they thought would be very quick commercial development has turned into, after a significant wait, the request to construct residential. He thinks commercial will come but will take a while.

Mr. Lamb commented on changes to proffers regarding public street construction and dedication of lot to County. He questioned the proffers becoming null and void after 2019. Mr. Frydl said the dedication of land occurs when proffers come into effect which would be at first occupancy. The 2019 date is only for the Route 29/607 intersection. He did question what “to be constructed by others” applies to.

Mr. Svoboda said he is waiting on an update from VDOT.

Mr. Lamb questioned the credit to be given for cost incurred for rough grading for construction of Route 29 and Route 607 improvements at the time of commercial development. Mr. Svoboda noted there have been instances where developers included the cost of construction of road improvements. Those proffer amendments are based on the approvals of similar rezoning cases and costs of construction of road improvements.

Mr. Martin noted the proffers are effective at the issuance of first occupancy permit. Mr. Svoboda said a certificate of occupancy could not be issued until proffers are met/fulfilled.

Mr. Frydl expressed concern about the Route 29/Route 607 project being pushed back and the 2019 deadline. He questioned buffering and dedication of right-of-way. Mr. Frydl said he did not feel ready to move on the transportation aspect. There is also the question about fencing.

In regards to providing interconnectivity with Buck Drive, this does fit with Comprehensive Plan. Although it will be worse for two houses at end of Buck Drive, it would provide access from neighborhood to Food Lion shopping center.

Mr. Martin noted this parcel is in the designated growth area for residential and commercial developments. Development will result in more traffic and possibly another light. Growth on corridor will happen and things will change. Mr. Martin also had questions on the transportation proffers.

Mr. Davies requested a deferral to the July 22, 2014 meeting.

Mr. Frydl said new legislation taking effect July 1 will dramatically increase stormwater runoff protection which should protect the lake. Also, the apartment rent will be paid in full by the tenant. There are federal credits given to the developer that reduce project costs. Tenants have to qualify to rent apartments.

Mr. Cox agreed the Board needs answers to questions.

Upon motion by David Cox and unanimous vote, the Board deferred action on this request to the July 22, 2014 meeting.

Recorded vote:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes

Davis Lamb	-	Yes
Bill Martin	-	Yes

Motion carried.

RE: RECESS

The Chairman called a short recess.

RE: RESOLUTION – REFUNDING OF SEWER SYSTEM REVENUE BOND AND WATER SYSTEM REVENUE BOND

Mr. Barkley said the County can save about \$400,000 by refunding these bonds. Staff has recommended approval.

Upon motion by David Cox and unanimous vote, the Board approved the resolution as presented. (See Attachment “A”)

Recorded vote:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: EMERGENCY SERVICES – GRANT FROM FEMA FOR GENERATOR PROJECTS

Ms. Melissa McDaniel, Emergency Services Manager, was present to request authorization to apply for FEMA grant funds to complete generator projects. The total project is estimated at \$315,000. A 25% local match (\$78,000) is required. The projects would include replacement of generators at the Sheriff’s Office/911 Center, the County Administration Building, Ruckersville Elementary School and the purchase of a generator for William Monroe Middle School.

RES is currently utilized as an emergency assembly center and the generator needs to be replaced. She would like to be able to use WMMS as a center also which will require the installation of a generator. The top priority would be the Sheriff’s Office/911 Center.

Mr. Frydl said the Board agreed with comments by the County Administrator during the budget process that now is not the time for new equipment, new personnel or expansion.

Ms. McDaniel suggested she work with the County Administrator to review the projects to develop a plan.

It was the consensus of the Board to have staff review the proposed projects and provide a report for review.

RE: MATTERS FROM THE PUBLIC

Mr. Gary Lowe, Mayor of the Town of Stanardsville, said the Town is sending a letter to VDOT regarding voluntary truck traffic restriction on Route 230. The request is to place signage at the Route 29/Route 230 intersection in Madison and at the Route 33 Bypass/Route 33 Business intersection in Greene recommending through truck traffic use the Route 29/Route 33 alternate route. This will affect Madison County also and the Mayor of Madison and the County Administrator have both advised they would have no objections to this recommendation.

Mr. Lowe said the bridge on Route 230 will be closed to truck traffic for a year once work begins.

Mr. Martin felt the Board should support this approach.

Mr. Frydl said the traffic study did identify safety concerns at the intersection. This is asking VDOT to address those concerns. Mr. Lowe agreed saying VDOT should either fix safety concerns or re-route truck traffic.

Mr. Deane clarified the sign would be suggesting an alternate truck route.

Mr. Roy Dye, STAR, said VDOT has also posted a number of routes with signage that conveys a recommendation rather than a requirement that certain vehicles do not travel those roads due to limitations on accommodating certain lengths and types of vehicles.

It was the consensus of the Board to support this request.

RE: CONSENT AGENDA

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

- a. Minutes of June 10, 2014 meeting.
- b. Resolution to concur with School Division to pay the Virginia Retirement System (VRS) board certified rate. (See Attachment "B")
- c. Resolution to direct the Planning Commission to prepare a draft proposal of the Comprehensive Plan for consideration by the Board of Supervisors. (See Attachment "C")

Recorded vote:	Jim Frydl	-	Yes
	David Cox	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: COUNTY ADMINISTRATOR'S REPORT

See Attachment "D" for County Administrator's Report.

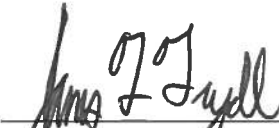
RE: OTHER MATTERS FROM BOARD MEMBERS

Mr. Martin requested an update regarding the Hall property on Route 29.

Mr. Frydl noted there will be one principal for both Greene County Primary School and Nathanael Greene Elementary School.

RE: ADJOURN MEETING

The meeting ended at 10:21 p.m. The next scheduled meeting of the Board of Supervisors will be on July 8, 2014 at 6:30 p.m. in the County Meeting Room.

  
\_\_\_\_\_  
Jim Frydl, Chairman  
Greene County Board of Supervisors

COUNTY OF GREENE, VIRGINIA

RESOLUTION

**PROVIDING FOR THE REFUNDING OF CERTAIN PORTIONS OF  
THE WATER SYSTEM REVENUE BOND, SERIES 2005, AS AMENDED,  
THE SEWER SYSTEM REVENUE BOND, SERIES 2005, AS AMENDED**

FILED  
GREENE COUNTY CIRCUIT CT  
2014 JUN 25 AM 9:27

*Maria C. ...  
Deirdre ...*

**WHEREAS**, on December 7, 2005, the County of Greene, Virginia (the Government” or County”) issued its Water System Revenue Bond, Series 2005, in an original principal amount of \$7,864,000 (the 2005 Water Bond”), to Virginia Resources Authority (VRA) pursuant to a Financing Agreement dated as of December 1, 2005, between VRA and the Local Government (the 2005 Water Financing Agreement”); and

**WHEREAS**, on December 7, 2005, the Local Government also issued its Sewer System Revenue Bond, Series 2005, in an original principal amount of \$2,556,000 (the 2005 Sewer Bond”, and together with the 2005 Water Bond, the 2005 Local Bonds”), to VRA pursuant to a Financing Agreement dated as of December 1, 2005, between VRA and the Local Government (the 2005 Sewer Financing Agreement”, and together with the 2005 Water Financing Agreement, the 2005 Financing Agreements”); and

**WHEREAS**, VRA purchased the 2005 Local Bonds with a portion of the proceeds of VRA's Infrastructure Revenue Bonds (Virginia Pooled Financing Program), Series 2005 (Non-AMT); and

**WHEREAS**, on August 2, 2012, the Local Government advance refunded a certain portion of the 2005 Water Bond, and issued its Water Revenue Refunding Bond, Series 2012, in a principal amount of \$2,898,000 (the 2012 Water Refunding Bond”), to VRA pursuant to a Local Bond Sale and Financing Agreement dated as of August 1, 2012, between VRA and the Local Government;

**WHEREAS**, on August 2, 2012, the Local Government also advance refunded a certain portion of the 2005 Sewer Bond, and issued its Sewer Revenue Refunding Bond, Series 2012, in a principal amount of \$945,000 (the 2012 Sewer Refunding Bond”, and together with the 2012 Water Refunding Bond, the 2012 Local Refunding Bonds”), to VRA pursuant to a Local Bond Sale and Financing Agreement dated August 1, 2012, between VRA and the Local Government;

**WHEREAS**, VRA purchased the 2012 Local Refunding Bonds with a portion of the proceeds of VRA's Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2012B (Non-AMT); and

**WHEREAS**, on August 2, 2012, the Local Government also issued Allonges attached to and made a part of the respective 2005 Local Bonds (together, the 2012 Allonges”) in order to reflect the transactions contemplated in connection with the refinancing and restructuring transactions contemplated by the 2012 Local Refunding Bonds;



WHEREAS, VRA has advised the Local Government that the credit markets are currently favorable for the advance refunding of certain portions of the 2005 Local Bonds, as amended by the 2012 Allonges attached thereto, respectively (for convenience, the “2005 Local Bonds”), in order to refinance and restructure such amounts (the “2014 Refunding Transaction”), which may enable VRA to pass on annual debt service savings to the Local Government; and

WHEREAS, VRA will effect the 2014 Refunding Transaction through the issuance and sale of a series of refunding bonds issued under VRA's Virginia Pooled Financing Program (the “2014 VRA Refunding Bonds”); and

WHEREAS, VRA has indicated that if the Local Government participates in the 2014 Refunding Transaction, the most significant modifications required to the terms of the 2005 Local Bonds and the respective 2005 Financing Agreements, as previously amended (for convenience, the “2005 Financing Agreements”), will be to reconcile the debt service payments and redemption provisions thereof with those of the 2014 VRA Refunding Bonds, and such modifications will be embodied in amendments to the respective 2005 Local Bonds (the “2014 Allonges”, respectively), and by the Local Government’s issuance to VRA of a 2014 water revenue refunding bond (the “2014 Water Refunding Bond”) and a 2014 sewer revenue refunding bond (the “2014 Sewer Refunding Bond”), and together with the 2014 Water Refunding Bond, (the “2014 Local Refunding Bonds”), as may be necessary or convenient, and further, amendments to the 2005 Financing Agreements, or in one or more replacements therefore, or both, including a Local Bond Sale and Financing Agreement between VRA and the County with respect to each of the 2014 Local Refunding Bonds as well as various agreements, tax compliance documents, and other instruments as may be required by VRA or by legal counsel to the Local Government (collectively, the “2014 Local Refunding Documents”); and

WHEREAS, unless otherwise defined, each capitalized term used in this Resolution shall have the meaning given it in the respective 2005 Financing Agreements.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GREENE, VIRGINIA, as follows:**

1. **Agreement to Participate.** The Local Government's participation in the 2014 Refunding Transaction is hereby approved provided that (i) the minimum savings threshold to be realized by the Local Government shall be not less than three percent (3%) savings on a present value basis compared to the existing debt service on the respective outstanding 2005 Local Bonds, or portions thereof to be refunded and (ii) the final respective maturities of the 2005 Local Bonds, as amended or replaced, and including the issuance by the Local Government of the 2014 Local Refunding Bonds (all as described above) in connection with the 2014 Refunding Transaction, shall not be extended past the end of the fiscal year in which occurs the current final maturities of the 2005 Local Bonds, respectively.

2. **Authorization of 2014 Local Refunding Documents.** The Chairman or the Vice Chairman of the Board of Supervisors of the Local Government (either of whom may act) are

each authorized and directed to execute and deliver to VRA the 2014 Local Refunding Bonds, and, further, the 2014 Allonges to be attached to the 2005 Local Bonds, all in such forms as may be required by VRA in connection with the 2014 VRA Refunding Bonds, in order for the Local Government to reflect, facilitate, and give effect to the 2014 Refunding Transaction and the transactions contemplated thereby, within the parameters and intent of this Resolution. The Clerk of the Board of Supervisors of the Local Government is authorized to affix the Local Government's seal on such 2014 Local Refunding Bonds and the 2014 Allonges to be attached to and made a part of the 2005 Local bonds, and to attest or counter-sign the same.

Further, each of the Chairman, the Vice Chairman, and the County Administrator (each a "Local Representative"), any one or more of whom may act, is authorized to execute and deliver any and all additional 2014 Local Refunding Documents in such forms as will reflect, facilitate, and give effect to the 2014 Refunding Transaction and the transactions contemplated thereby, within the parameters and intent of this Resolution. The Clerk of the Board of Supervisors of the Local Government is authorized to affix the Local Government's seal on any such documents and attest or counter-sign the same.

**3. Pledge of Revenues.** The 2014 Water Refunding Bond shall be a water system revenue bond obligation of the County for the payment of principal of, premium, if any, and interest on which the Revenues (as further described in the 2005 Water Financing Agreement, as may be amended or replaced in connection with the 2014 Refunding Transaction) shall be pledged, subject to the terms thereof and the 2014 Water Refunding Bond. Such lien of the pledge of Revenues in connection with the 2014 Water Refunding Bond shall be on parity with the lien of the pledge of Revenues in connection with (i) an Assumption Agreement, dated as of December 1, 2005, among the County, Rapidan Service Authority, and VRA, as amended by a First Amendment to Assumption Agreement, dated as of June 1, 2008, and further amended by a Second Amendment to Assumption Agreement, dated as of June 1, 2009; and (ii) the 2005 Water Bond (described above), as amended by the 2014 Allonge to be attached thereto and made a part thereof; and (iii) the 2012 Water Refunding Bond as described above (collectively, the "Prior Water Obligations").

The 2014 Sewer Revenue Refunding Bond shall be a sewer system revenue bond obligation of the County for the payment of principal of, premium, if any, and interest on which the Revenues (as further described in the 2005 Sewer Financing Agreement, as may be amended or replaced in connection with the 2014 Refunding Transaction) shall be pledged, subject to the terms thereof and the 2014 Sewer Refunding Bond. Such lien of the pledge of Revenues in connection with the 2014 Sewer Refunding Bond shall be on parity with the lien of the pledge of Revenues in connection with (i) the Sewer System Revenue Bond, Series 2004, issued to VRA on June 30, 2004, in the original principal amount of \$13,500,000, as amended by an Allonge dated November 16, 2011 attached thereto, (ii) the 2005 Sewer Bond (described above), as amended by the 2014 Allonge to be attached thereto and made a part thereof, (iii) the Sewer Revenue Refunding Bond, Series 2009, dated June 17, 2009, issued to VRA in the original principal amount of \$1,780,000, (iv) the Sewer System Revenue Refunding Bond, Series 2011, issued to VRA on November 16, 2011, in the original principal amount of \$8,110,000; and (v) the 2012 Sewer Refunding Bond as described above (collectively, the "Prior Sewer Obligations").

Such pledges of the respective Revenues by the County to secure the 2014 Local Refunding Bonds, respectively, shall be valid and binding from and after the closing dates thereof, shall be immediately subject to the lien of such pledges without any physical delivery of them or further act, shall have priority over all subsequent obligations and liabilities of the County (except as otherwise described above in connection with the Prior Water Obligations and the Prior Sewer Obligations, respectively), and shall be valid and binding against all parties having claims of any kind against the County regardless of whether such parties have notice thereof.

In addition, as further security for the payment of each of the 2014 Local Refunding Bonds, the Board hereby covenants and agrees to undertake non-binding obligations to appropriate such amounts as may be requested from time to time, if any, in order to pay the debt service thereon. Such moral obligation and support pledge of the County in connection with the 2014 Local Refunding Bonds, respectively, is hereby made to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia, *provided, however*, that such pledge shall not be deemed to be a lending of the credit of the County to VRA or to any other person or otherwise deemed to be a pledge of the faith and credit or the taxing power of the County, and such pledge shall not bind or obligate the Board to appropriate funds for the purposes described herein or in the 2014 Local Refunding Bonds, respectively, or any of the 2014 Local Refunding Documents.

The County also agrees to pay all amounts required by the 2014 Local Refunding Documents, including the "supplemental interest" and "late charges," as provided therein and required by VRA in connection with the 2014 Refunding Transaction, and reference is hereby made to such provisions for the details of the requirements therefore.

4. **Essentiality Matters.** The Board of Supervisors hereby affirms and declares that the transactions contemplated herein constitute the refinancing and restructuring of indebtedness in connection with certain essential water and sewer system capital projects for local governmental purposes, and the County anticipates that all such capital projects being refinanced and restructured in connection with the 2014 Refunding Transaction will continue to be essential to the local governmental purposes of the County and its ownership and operation, if applicable, of the County's water and sewer systems and facilities related thereto, during and beyond the terms of the 2014 Local Refunding Documents, respectively.

5. **Official Statement.** The Local Government authorizes and consents to the inclusion of information with respect to the Local Government in VRA's Preliminary Official Statement and Official Statement, both to be prepared in connection with the sale of the 2014 VRA Refunding Bonds.

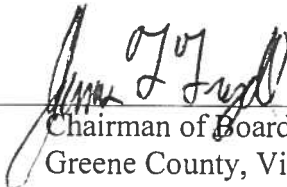
6. **Tax Agreements.** The Local Representative, the Deputy County Administrator and Finance Director, and such officer or officers of the County as any of them may designate, are each hereby authorized and directed to execute appropriate certificates as to nonarbitrage and

tax compliance agreements or certificates as required by VRA and its counsel (for convenience, the "2014 Tax Agreements") in connection with the 2014 Refunding Transaction, and further, as advised by legal counsel, setting forth the expected use and investment of the proceeds of the 2014 Local Refunding Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "IRC"), including the provisions of Section 148 of the IRC and applicable regulations relating to "arbitrage bonds". To such end, the Board hereby covenants and agrees on behalf of the County that (i) the proceeds from the issuance and sale of the 2014 Local Refunding Bonds will be expended and invested as set forth in such 2014 Tax Agreements and that the County shall comply with the covenants and representations contained therein, and (ii) the County shall comply with the provisions of the IRC so that interest on the correlating 2014 VRA Refunding Bonds will remain excludible from gross income for Federal income tax purposes, in accordance with law.

7. **Other Actions.** Each Local Representative is authorized to execute and deliver all such additional certificates, documents, agreements, amendments and supplements to agreements, and any other instruments, and to take all such further actions as they may consider necessary and desirable in connection with the refunding of all or a portion of the 2005 Local Bonds and the consummation of the 2014 Refunding Transaction, or as may be otherwise required by VRA, including the execution and delivery of such documents and the making of such elections as may be reasonably requested by VRA to maintain or establish a tax-favored status for the 2014 VRA Refunding Bonds.

8. **Effective Date.** This Resolution shall take effect immediately.

Dated: June 24, 2014

  
\_\_\_\_\_  
Chairman of Board of Supervisors  
Greene County, Virginia


**CERTIFICATE OF VOTES**

The undersigned hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Resolution duly adopted by the Board of Supervisors of Greene County, Virginia, upon a roll-call vote at a regular meeting duly held and called on the date hereof, and that the recorded roll-call vote of the Board is as follows:

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
James F. Frydl, Chairman Midway District	X			
David Cox, Vice Chairman Monroe District	X			
Bill Martin Stanardsville District	X			
Davis Lamb Ruckersville District	X			
Eddie Deane At Large	X			

Dated: June 24, 2014

[SEAL]

  
\_\_\_\_\_  
Clerk of Board of Supervisors  
Greene County, Virginia

Local Governing Body Concurrence with School Division  
Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2014 Appropriation Act Item 467(I))

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**Resolution**

BE IT RESOLVED, that the County of Greene – 55139 [Locality Name] [employer code] does hereby acknowledge that the Greene County School Board [School Division Name] has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the County of Greene – 55139 [Locality Name] [employer code] does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Greene County School Board [School Division Name] to pay the Certified Rate, as required by Item 467(I) of the 2014 Appropriation Act; and

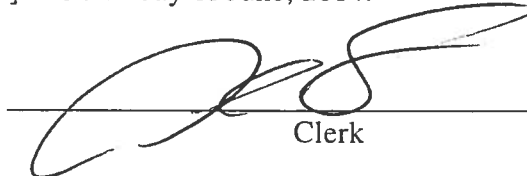
NOW, THEREFORE, the officers of the County of Greene – 55139 [Locality Name] [employer code] are hereby authorized and directed in the name of the County of Greene [Locality Name] to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the County of Greene [Locality Name], as appropriate, shall be affixed and attested by the Clerk.



\_\_\_\_\_  
Locality Board Chairman

**CERTIFICATE**

I, John C. Barkley, Clerk of the County of Greene [Locality Name], certify that the foregoing is a true and correct copy of a resolution passed by the County of Greene [Locality Name] and ratified by the County of Greene [Locality Name] at a lawfully organized meeting of the County of Greene [Locality Name] held at Stanardsville, Virginia at 7:30 p.m. o'clock on June 24, 2014. Given under my hand and seal of the County of Greene [Locality Name] this 24<sup>th</sup> day of June, 2014.



\_\_\_\_\_  
Clerk

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**This resolution must be passed prior to July 1, 2014 and  
received by VRS no later than July 10, 2014.**

A RESOLUTION TO DIRECT THE GREENE COUNTY PLANNING  
COMMISSION TO PREPARE AN AMENDMENT AND SUBMIT IT  
TO THE GREENE COUNTY BOARD OF SUPERVIORS FOR  
APPROVAL.

WHEREAS, the Code of Virginia (1950), as amended, requires the adoption of a comprehensive plan by all Virginia localities; and

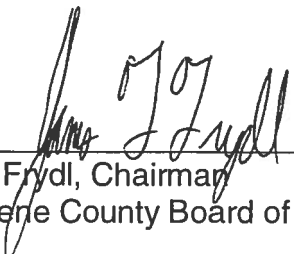
WHEREAS, on June 8, 2010, the Greene County Board of Supervisors adopted the County's Comprehensive Plan entitled Greene County Comprehensive Plan; and

WHEREAS, §15.1-2230 of the Code of Virginia requires that the Planning Commission, at least once every five years, review the Comprehensive Plan and determine whether it is advisable to amend the plan; and

WHEREAS, §15.2-2230 of the Code of Virginia requires certification of the Comprehensive Plan based on the Planning Commission's recommendation to the Board of Supervisors; and .

NOW, THEREFORE, BE IT RESOLVED by the Greene County Board of Supervisors, this the 24<sup>th</sup> day of June 2014, direct that the Comprehensive Plan, entitled Greene County Comprehensive Plan; dated June 8, 2010, be reviewed and drafted by Staff and the Greene County Planning Commission. The Planning Commission shall certify and transmit a draft proposal to the Greene County Board of Supervisors with a recommendation of approval.

Adopted in Open Meeting this 24<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
Jim Frydl, Chairman  
Greene County Board of Supervisors



## County Administrator's Update

*Prepared for the Board of Supervisors Meeting Dated June 24, 2014*

### Administration

- With the General Assembly's adoption of the 2014-2016 biennial budget (as of June 12, 2014), staff recently received projected state funding and local match requirements for the 2014-2016 biennium based on the General Assembly's adopted budget. The Governor has now signed the budget into law, after the House declined to consider McAuliffe's vetoes.
- Following discussions during the FY 2015 budget process, staff has made an initial inquiry and conducted a series of follow-up discussions with officials from the Virginia Resources Authority (VRA) about the possibility of water and sewer refundings. An Authorizing Resolution and the Financing Agreement has been drafted for consideration by the Board of Supervisors. If approved, the County would experience significant long term savings.
- Staff has completed the FY 2014 performance evaluation process for all qualifying County employees. Because this is a new initiative, this year's process was designed to establish employee performance benchmarks for FY 2015, allowing supervisors to better measure employee performance over the course of the coming fiscal year. Overall, the process worked well this year, though we expect a more refined and productive process next year.
- The County Administrator attended the annual conference of the Virginia Local Government Management Association in Virginia Beach June 18-20.

### Land Use and Transportation

- The condition of Rocky Road, a private road in the Stanardsville area of the County that is maintained by the Greene Valley Homeowner's Association, has become a major hazard due to recent rains and associated flooding conditions. The road runs parallel to the Conway River and has had numerous issues over the past two decades; specifically during the flood of 1995 and Hurricane Isabel in 2003. On May 15-16, 2014, the



Stanardsville area received 4.06" of rain within a 24 period. The heavy rainfall caused flooding within the Conway River which subsequently caused a partial loss of the roadway and bank in the area of 362 Rocky Road. Staff has been in contact with the HOA and the USDA regarding a potential grant and at this point. There is a 75/25 grant funding opportunity through the Emergency Watershed Protection Program (EWP) that requires sponsorship from the local jurisdiction. The project sponsor must commit to 25% of the project cost. The County may serve as project sponsor but does not necessarily need to put up the match. We can request that the HOA be responsible for such funding/match. Funding can be used to restore the capacity of the creek channel through removing downed trees, roots and stone, etc. EWP funds cannot be used to "repair, rebuild or maintain public or private transportation facilities (e.g. roads, bridges)." The Homeowners' Association would need to repair the damage to their private road. Staff will continue to work with the HOA to research road construction funding assistance.

- Route 609 (Fredericksburg Road) in Greene County will be closed to through traffic just east of Route 619 (Dundee Road) for 10 days beginning June 23 for a pipe replacement. The work involves removing the large culvert that carries Buckner Run Creek under Route 609 that is now restricted to a 12-ton maximum vehicle weight. A new culvert will be installed that will be rated for all legal-weight loads to cross. During the closure access will be maintained to all roads and private entrances on both sides of the work zone. The road will be reopened to through traffic on July 3.
- The Greene County Board of supervisors has endorsed a letter drafted by the Town of Stanardsville asking VDOT to take some action to discourage truck traffic on Rte 230. The Town has drafted a letter to VDOT that the Town Council has authorized Mayor Lowe to co-sign with the County as the other signatory. The letter asks that VDOT, on its own volition, recommend that through tractor trailers stay on Rte 29 and the Rte 33 Bypass, rather than use Rte. 230 as a shortcut, while noting that there is no time difference if truckers obey the speed limits. Mayor Lowe addressed the Board at the June 24<sup>th</sup> County Board meeting to request an official declaration of the Board's support.

## Planning/Zoning

- Based on an increase in applications, planning staff has initiated a pre-application process for all land use applications, site plans, and major subdivisions to assist the applicant with questions or comments that may arise from each agency or staff member regarding their proposal prior

to moving forward with an application, as well as keep all of us on the same page throughout the application process. Based on the initial set of applications reviewed, it appears that the process has been beneficial to all parties and is making the permitting process more user friendly.

## Environment

- Staff and Board members have received reports of chicken litter being stockpiled on Simms Rd. Recent rains have caused odor problems in the Kinderhook area. Staff has contacted DEQ for assistance in the matter and will inspect the area for any violations of the County ordinance.
- DEQ conducted an unscheduled inspection of the Greene County Landfill/solid waste facility on June 18<sup>th</sup>. The inspector reports that no deficiencies or violations of the current solid waste permit were observed during the inspection.

## Law Enforcement

- HB 1141, sponsored by Delegate Bell, has been passed and is scheduled to become effective July 1. The Bill allows the Greene County Board of Supervisors, by request, to authorize traffic patrols in neighborhoods with 25 or more residences. The Board has a pending request from Farm Country Estates. Staff will coordinate with the original petitioner to have the request placed on the agenda of a future Board of Supervisors meeting.

## Water/Sewer

- Staff held a follow up meeting with Rapidan Service Authority officials to further discuss the reservoir surcharge and possible EDU fee schedule amendments. RSA is researching the legal and process implications of the proposed changes, and will contact County staff when they have completed their study.