

November 10, 2015

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, NOVEMBER 10, 2015 AT 6:30 P.M. IN THE COUNTY MEETING ROOM.

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

RE: EXECUTIVE SESSION

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

1) PERSONNEL MATTERS

Virginia Code Reference

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

2) LEGAL

Virginia Code Reference

2.2-3711 A.7: Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	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:	David Cox	-	Yes
	Jim Frydl	-	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:	David Cox	-	Yes
	Jim Frydl	-	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: THOMAS JEFFERSON HEALTH DISTRICT

Dr. Denise Bonds, Director of the Thomas Jefferson Health District, was present to review the Community Health Improvement Plan along with programs and services offered by the Health Department. Priorities included are obesity, mental health, prenatal care, and tobacco use.

Greene County ranks 39th in health outcomes (length and quality of life) in the State and 36th in health factors (health behaviors and clinical care). One hundred seventy-eight (178) flu shots were given at a recent clinic in Greene.

There will be a MAPP 2016 kick-off leadership meeting on November 30. This will be the third go round for a community health assessment program.

Dr. Bonds explained the request to carry forward funds realized in savings from the previous year would allow the Department to draw down all State funds available thereby maximizing programs and services. The difference in requested funds versus needed funds is \$16,459. Greene County would still receive a refund of \$526.54.

Dr. Bonds said funds pay for the facility, two (2) fulltime nurses, immunization program, family planning services, testing for STDs, WIC program, environmental health services, restaurant inspections, investigation of communicable diseases, and emergency planning (flu shots).

Mr. Barkley said this request would have no impact on the local budget and is a symbol and pledge of support to the Health District.

Upon motion by Davis Lamb and unanimous vote, the Board approved the request by the Health Department to carryover funds in the amount of \$16,985.54 to FY 16.

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

Motion carried.

RE: 2016 TJPDC REGIONAL LEGISLATIVE PROGRAM

Mr. David Blount, Legislative Liaison, was present to review the final draft of the proposed 2016 regional legislative program. Top legislative priorities include:

- Public education funding
- Equalized revenue authority
- State mandates and funding obligations

Additional priority items include:

- Water quality
- Transportation funding and devolution
- Land use and growth management

The Program included legislative positions and policy statements regarding:

- Children's Services Act
- Economic and workforce development
- Education
- Environmental quality
- Finance
- General government
- Health and human services
- Housing
- Public safety

Board members commented on several issues including devolution, State mandates, State VRS obligation and school funding.

Upon motion by Bill Martin and affirmative vote, the Board approved the 2016 TJPDC Regional Legislative Program as presented.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	No
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: PUBLIC HEARING – PROPOSED REVISIONS TO ZONING ORDINANCE –
ARTICLE 16-2 – SPECIAL USE PERMITS

Mr. Bart Svoboda, Zoning Administrator, reviewed the proposed amendments to Article 16-2 of the Zoning Ordinance pertaining to Special Use Permits. Article 16-2 has been rewritten

in order to address legal requirements, compliance regulations, approval process and revocation process of Special Use Permit requests.

The Planning Commission held a public hearing on the proposed ordinance revision on April 15 and again on September 16, 2015. There were no public comments at either hearing. Proposed revision has been reviewed by the County Attorney also. Changes are intended to make it clearer for applicants and to conform to the State Code.

Mr. Svoboda reviewed the revision noting factors to be considered are included in the original ordinance but it is not clear exactly what information the governing body is looking for. Section 16-2-6 addresses existing Special Use Permits and Section 16-2-7 addresses the revocation for noncompliance with conditions.

The Chairman opened the floor for public comment.

Bob Young – Who initiated? Asked how this will benefit property owners and overall process for SUP to make things more user friendly. Distributed flyers from another county in region that completely outlines steps and what to expect. Make process user friendly.

Peter Griffith – Lot of gray areas that need to be looked at. Should list all conditions whatever they may be. Why allow for renewal? Send back to Planning Commission to be looked at again.

Stephen Borders – Section 16-2-1-e allows Zoning Administrator to require information deemed necessary for consideration of application. Understands intent but felt citizens should have reasonable expectation of what would be required from them. This requirement makes ordinance less transparent due to possibility of unexpected hurdles during the process. Potential exists for abuse by Zoning Administrator. Look at again in light of these comments.

Keith Bourne – Opposed to ordinance change. Section 16-2-1-e, other information may be required, is vague and subjective. Need user friendly, consistent process. Application check list for application would be logical. This looks like a work in progress. Defer and send back to Planning Commission for more review.

Carolyn Polities – Agreed with previous comments. Ordinances are quite confusing. Need clear detailed process. Not necessarily opposed and glad it's being looked at. Make things more user friendly and get people involved.

Tina Morris - Also agreed with previous comments and opposes amendment. Zoning Administrator being able to require additional information leaves it wide open to just about anything. Would like to see public have easier, efficient process. Supported check list and time limit on approval process.

Tammy Durrer – Recently went through SUP process. Felt proposed clarification and amendments have added more “murky water”. This does not encourage citizens and is not business friendly. Why not make it easier for all rather than more complex and restrictive? Defer tonight for further review.

The Chairman closed the public hearing.

Mr. Frydl said he appreciated the information provided by Mr. Young and noted this is a handout about the process not the ordinance itself. The revision attempts to get all information upfront during the application process. Someone who wanted to limit business and be troublesome could abuse that condition. If information is not provided, the application could be delayed for an additional month at a minimum. Can't write an ordinance that lists every conceivable possibility.

Mr. Frydl said he did not like the wording "encouraging the most appropriate use of the land" in Section 16-2-3-d. The Board would consider if the use meets conditions, not most appropriate use. He felt this should be deleted. Conditions and factors to consider are in existing ordinance. The revision eliminated requirement for SUP to be filed at Clerk's Office by the applicant. Section 16-2-7 regarding revocation is new but that has always been the case as it is provided for in the State Code.

Mr. Martin felt a lot of good comments were made during the public hearing. It was unfortunate no public comments were made at the two public hearings held by the Planning Commission. He did not feel comfortable with this right now. Would like to see Planning Commission take another look at this using the comments given tonight.

Mr. Deane agreed. He felt the public did their homework and has spoken noting statements about giving too much power to the Zoning Administrator. This needs to be looked at again.

Mr. Lamb also agreed saying Section 16-2-1-e is too broad and should state what conditions are. He questioned the change from "shall" to "will" in several instances. Agreed this needs to go back to Planning Commission. Mr. Svoboda noted the Planning Commission made the change from "shall" to "will".

Mr. Deane said this began because SUPs were not being filed with the court as required. Mr. Svoboda said the Board designated this as number two on the Planning Department work program in March.

Mr. Cox agreed with sending this back to the Planning Commission as it needs further work.

Mr. Frydl questioned sending this back to the Planning Commission saying the Board could provide direction to staff. Mr. Martin felt sending back to the Planning Commission would be appropriate.

Upon motion by Bill Martin and unanimous vote, the Board agreed to not take action on this amendment and to send it back to the Planning Commission.

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

Motion carried.

RE: COMMONWEALTH'S ATTORNEY OFFICE

Mr. Ron Morris, Commonwealth's Attorney, was present to discuss the approval by the Compensation Board of a full time assistant prosecutor position in his office. He felt a supplement by the County would be needed to make the position competitive with surrounding counties. Mr. Morris reviewed several scenarios to fund the position and asked the Board to authorize an analysis by the County's personnel consultant.

Mr. Frydl suggested Mr. Barkley and staff could determine the best way to develop a job description and salary range for this position.

RE: CONSENT AGENDA

Upon motion by Jim Frydl and unanimous vote, the Board approved the minutes of the October 13 and October 27, 2015 meetings as presented.

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

Motion carried.

RE: RESOLUTION – AUTHORIZE LEASE/PURCHASE AGREEMENT FOR VEHICLES

Mr. Cox reviewed the resolution authorizing the lease/purchase agreement for vehicles.

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

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

Motion carried.

RE: OTHER MATTERS FROM BOARD MEMBERS

Mr. Deane asked when the discussion of the C-1 Conservation District in the Zoning Ordinance is scheduled. Mr. Svoboda said the Planning Commission has discussed but not made a decision. Mr. Deane said he had hoped he would get a chance to vote on that issue.

Mr. Lamb asked everyone to remember Veterans Day.

Mr. Martin asked when the Board can expect the audit. Mr. Barkley said there has been no indication from the auditor as to when the audit will be completed but hopefully it will be received in December.

Mr. Martin felt it could be time to start thinking about live streaming or digitalization of Board meetings as a service to the community. Mr. Barkley suggested this could be discussed during the budget process.

Mr. Martin commented on the VACo conference he and Mr. Cox attended saying it was a good networking opportunity.

Mr. Frydl felt there were good comments made by the public during the hearing tonight and hoped more people will participate in the meetings/process.

Mr. Cox also commented on the VACo conference noting there were excellent workshops. The Governor has gotten a lot of businesses to locate in Virginia. Now we need the work force with required skill sets.

RE: ADJOURN MEETING

The meeting was adjourned at 9:35 p.m. The next scheduled meeting of the Board of Supervisors will be on Tuesday, December 8, 2015 at 7:30 p.m. in the County Meeting Room.



David L. Cox, Chairman
Greene County Board of Supervisors

November 10, 2015

County of Greene, Virginia

SunTrust Equipment Finance & Leasing Corp., as Lessor (County Vehicles, School Vehicles, & School Buses)

RESOLUTION

AUTHORIZING A LEASE PURCHASE AGREEMENT, SERIES 2015 ("BANK-QUALIFIED")

WHEREAS, the County of Greene, Virginia (the "County") proposes to enter into an exempt lease purchase financing in order to pay capital costs to (a) acquire and equip certain vehicles for essential governmental use and purposes in the County, including five (5) sport utility vehicles, two (2) School Buses, and three (3) used Ford Fusion vehicles, (all such Ford Fusions and School Buses to be titled in the name of the School Board of the County and used in connection with the operation of the Greene County Public Schools), and (b) pay issuance costs in connection with such undertaking (collectively, the "Project"), as further described herein.

WHEREAS, SunTrust Equipment Finance & Leasing Corp, as Lessor ("SunTrust") has offered to assist the County with the tax-exempt lease purchase financing of the Project and to enter into an Equipment Schedule No. 03 to Master Lease Agreement, Lease No. 09158 (the "Agreement"), to be dated and delivered by the County on or around December 4, 2015 between SunTrust, as Lessor thereunder, and the Board of Supervisors the County, as Lessee thereunder (the "Board"), together with other documents in connection therewith.

WHEREAS, pursuant to the terms of the Agreement, SunTrust will pay the costs of the Project (to be owned by the County and the School Board of the County, respectively, as described above), and SunTrust, as Lessor, will lease the Project to the County, as Lessee thereof.

WHEREAS, the County reasonably expects the Project to continue to be essential to the functions of the County and the Greene County Public Schools, respectively, for a period that is not less than the term of the Agreement.

WHEREAS, the necessary steps under the Virginia Public Procurement Act, Chapter 43, Title 2.2 of the Code of Virginia, 1950, as amended, have been (or will be) taken in connection with the acquisition and equipping of the property that is the subject of the Project.

WHEREAS, all amounts payable under the Agreement are subject to sufficient appropriations therefor from the Board, upon due request of the County Administrator or other officer of the County charged with the responsibility of preparing the County's budget for each fiscal year, and the County is under no obligation to make any appropriation with respect to the Agreement.

WHEREAS, further, the Agreement shall not constitute a general obligation of the County, or a pledge of the full faith and credit of the County, or a charge against the general

credit or taxing power of the County, and any amounts payable under the Agreement shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation.

WHEREAS, at the request of SunTrust, as Lessor under the Agreement, the County desires to designate the principal amount of the Agreement as a “qualified tax-exempt obligation” under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”).

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

1. Essential Governmental Purpose of Project. The Board hereby finds and determines that the Project and the terms and conditions offered by SunTrust and the Agreement, including the rental payments to SunTrust, as Lessor, are in the best interests of the County, for the acquisition and equipping of the Project, including the lease purchase financing thereof, and are in furtherance of essential governmental purposes.

In addition, as to the portion of the Project that constitutes the Ford Fusions and the School Buses, the County further finds and determines that such lease purchase financing arrangements shall provide the most cost-effective means for the County to acquire and provide such personal property, as set forth in the County’s 2015-2016 FY Capital Budget, for the benefit of, and use by, the Greene County Public Schools. To such end, the County hereby directs that the Ford Fusions and the School Buses shall be titled in the name of the School Board of the County in connection with its ownership, general operation, and maintenance of school buses for the benefit of the Greene County Public Schools.

2. Approval of Agreement; Designation of Agreement and Details. The Board hereby approves the general lease purchase terms as presented by SunTrust and required under the conditions and provisions of the Agreement for a fully amortized lease term as described herein. Accordingly, it is to be understood that, upon commencement of the Agreement and SunTrust’s payment of the costs of the Project, security liens in favor of SunTrust shall be filed with respect to such personal property that comprises the Project, all in accordance with the requirements and procedures of the Virginia Department of Motor Vehicles.

Any payments for Documentation Fees to SunTrust (as Lessor), Escrow Fees to SunTrust Bank (as Escrow Agent), and Attorney Fees (together, approximately \$6,500) are hereby authorized and directed to be paid, either from the original principal proceeds of the Agreement, or from County funds, all in the discretion of the County Finance Director.

The Agreement shall be dated the date of issuance and delivery thereof; shall provide for three (3) annual payments of rental thereunder, to be paid on July 5, 2016, July 5, 2017 and July 5, 2018, such payments to be computed over a term up to three (3) years at a rate not to exceed **1.99% per annum**, in arrears; shall be designated as an up to \$345,842 Equipment Schedule No. 03 to County of Greene, Virginia Master Lease Agreement; and shall be fully registered. The Deputy County Administrator/Finance Director is hereby appointed as Registrar of the Agreement.

The Chairman, Vice Chairman, the County Administrator, and the Deputy County Administrator/Finance Director, any one or more of whom may act (whether individually or collectively, the "County Representative"), are each expressly authorized and directed hereunder to finally determine and approve all details of the Agreement, including without limitation, the maturity or payment dates and amounts and the final maturity date; ***provided, however that the maximum principal amount authorized hereunder for the Agreement shall not exceed \$345,842, and the Agreement shall bear interest in arrears at a rate not to exceed 1.99% per annum to be amortized over a term of the Agreement not to exceed three (3) years.***

3. Approval and Execution of Agreement. The form of Agreement, as required by SunTrust, is hereby approved as described at this meeting, such form of Agreement being substantially similar to the form of Agreement on file among the County's official records. The execution, delivery, and performance of the Agreement are hereby authorized. Each of the persons named as the County Representative is hereby appointed as an Authorized Representative under the Agreement, and further, each is authorized and directed to execute, acknowledge, and deliver the Agreement with any changes, insertions and omissions therein as may be approved by any one or more of such individuals who shall execute the Agreement, such approval to be conclusively evidenced by such execution and delivery thereof. The Clerk or any Deputy Clerk of the Board shall be authorized to affix or to cause to be affixed the County seal to the Agreement, if required, and to attest such seal. Each officer or agent of the County is further authorized and directed to execute and deliver on behalf of the County such additional instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized herein or contemplated by the Agreement, including, but not limited to such instruments and performance of acts as may be required in order for the Agreement to qualify as a tax-exempt lease purchase financing arrangement pursuant to the provisions of the Code and Treasury Regulations thereunder and the laws of the Commonwealth of Virginia. All of the foregoing acts previously performed by such officers or agents of the County are in all respects approved, ratified and confirmed.

4. Tax Compliance Matters. The County hereby represents and covenants that the Project, and all proceeds thereof, shall be used for the essential governmental purposes of the County. To the extent that the principal amount of the Agreement, together with any proceeds thereof (including but not limited to investment earnings thereon, if any), shall exceed the actual cost of the Project, it is to be understood that the County hereby authorizes that any such additional amounts available under the Agreement, if any, shall be expended by the County for capital projects for essential governmental purposes, or as otherwise may be required under the Code, including the optional prepayment of a portion of the outstanding principal amount of the Agreement to the extent required by law.

Accordingly, the County shall execute and deliver an appropriate certificate as to nonarbitrage or other tax certificate (the "Tax Certificate") in order to demonstrate compliance with the provisions of the Code, including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds". The County Representative, any one or more of whom may act, is/are each hereby authorized and directed to execute and deliver the Tax Certificate on the day of issuance of the Agreement. The County further covenants that (i) the

proceeds from the issuance and delivery of the Agreement, all as described under the Code, will be expended and invested as set forth in and otherwise contemplated by, the Agreement, and that the County shall comply with the covenants and representations contained therein, and (ii) the County shall comply with the provisions of the Code so that the interest component of the rental being paid by the County to SunTrust will remain excludible from gross income for Federal income tax purposes.

5. Designation of Agreement as "Bank-Qualified". The County hereby designates the Agreement as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code. The County affirms its reasonable expectation as to compliance with the various \$10 Million limitations therein, including the covenant that the County reasonably anticipates that no more than aggregate \$10 Million tax-exempt obligations shall be issued by the County, including any "subordinate" entities of the County or "on behalf of" entities thereof (within the meaning of the Code) during the current Calendar Year 2015 in accordance with the "bank qualification" requirements of Section 265(b)(3) of the Code.

6. Financial Statements; Record-Keeping Duties. During the term of the Agreement, the County shall provide to provide to Lessor updated financial statements in order for Lessor to be in receipt of audited financial information as well as copies of such other financial information relating to the Agreement and transactions contemplated thereunder, all as may be reasonably requested by Lessor.


The County further agrees to maintain and/or retain the records and documents in connection with the Agreement, including documentation to evidence the use and investment of proceeds thereof, in a manner that shall ensure their complete access to the Internal Revenue Service, until the third anniversary of the later of the final maturity of the Lease or any other applicable provision of the Code or any Treasury Regulations thereunder.

7. Nature of Obligation. It is to be understood that the Agreement represents a rental arrangement between the County and SunTrust. Nothing in this Resolution or the Agreement shall constitute a debt of the County, and the Board shall not be obligated to make any payments under this Resolution or the Agreement except from monies appropriated therefor, from time to time.

8. Effective Date. This Resolution shall be effective upon its adoption.

DATED: November 10, 2015

**BOARD OF SUPERVISORS OF
THE COUNTY OF GREENE, VIRGINIA**

By: 
Chairman

CERTIFICATE OF VOTES

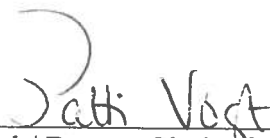
The undersigned hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Resolution duly adopted by the Board of Supervisors of Greene County, Virginia, upon a roll-call vote at a regular meeting duly held and called on the date hereof, and that the recorded roll-call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

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

Dated: November 10, 2015

COUNTY OF GREENE, VIRGINIA

[SEAL]



Clerk/Deputy Clerk of the Board of Supervisors