

June 27, 2006

County of Greene, Virginia

THE CONTINUED MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, JUNE 27, 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
- Barry Clark, County Administrator
- Ray Clarke, County Attorney
- Andrew Wilder, Deputy County Attorney
- Patti Vogt, Deputy Clerk
- Tracy Morris, Finance Director
- Steve Borders, Building Official

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
Erosion and Sediment Control Program
Solid Waste Facility
Communication Sales and Use Tax
- Land acquisition: Water and sewer
- Personnel: Sheriff's Department
- Various appointments

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: APPOINTMENT TO EQUALIZATION BOARD

Upon motion by Jeri Allen and unanimous vote, the Board appointed Ms. Dana Grimm 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 FROM STEPHEN AND MARGUERITE BIRCHELL
FOR SPECIAL USE PERMIT FOR MINI-STORAGE UNITS

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Stephen and Marguerite Birchell for a Special Use Permit for mini-storage units on a 2.18 acre tract zoned B-3, Business, located on Seminole Trail and identified on County Tax Maps as 60C-(A)-35.

The site is currently served by public water and sewer. RSA has requested that the developer relocate the water main from the deceleration lane and acceleration lane to the outside of the pavement.

VDOT has indicated the entrance and turn lane with curb and gutter meet the minimum standards as required.

The proposed use is not specifically mentioned in, but does conform to the goals, objectives and recommendations of the Comprehensive Plan by supporting growth in economic development which is a priority to the County.

The Planning Commission recommends approval of the request subject to the review of the site development plan addressing issues related to RSA concerns, parking, site improvements and building codes.

The Chairman opened the public hearing for comments. As there were none, the Chairman closed the public hearing.

Board member Jeri Allen asked about the proposed office building on this site. Mr. Brian Smith, representative of the applicant, noted the proposed two story office building is a by-right use. There will be 1,000 square feet of rental space for offices. The mini-storage rentals will be handled by the existing office.

Board member Mickey Cox felt this is something greatly needed by the community.

In response to a question by Board member Patsy Morris, Mr. Smith said the area will be paved.

Vice Chairman Clarence Peyton agreed that this use is appropriate and commented on the neatness and cleanliness of the existing storage unit facility.

The Chairman agreed that this use would be appropriate and felt it will be a quality development.

Upon motion by Jeri Allen and unanimous vote, the Board approved the request from Stephen and Marguerite Birchell for a Special Use Permit for mini-storage units on a 2.18 acre tract zoned B-3, Business, located on Seminole Trail and identified on County Tax Maps as 60C-(A)-35 subject to approval of the site development plan addressing RSA concerns, parking, site improvements and building code requirements.

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

Motion carried.

RE: PUBLIC HEARING – REQUEST FROM MICHAEL VINCEL FOR REMOVAL OF PROPERTY FROM THE MIDWAY AGRICULTURAL AND FORESTAL DISTRICT

Board member Mickey Cox excused himself from the proceedings due to a possible conflict of interest.

Mr. Svoboda reviewed the request from Michael Vincel to remove 72.19 acres, located on Route 609 approximately 2.3 miles west of Route 29 and identified on County Tax Maps as 39-(A)-2, from the Midway Agricultural and Forestal District.

Mr. Svoboda noted the parcel has the potential for the development of 17 lots.

The Planning Commission and the Agricultural and Forestal District Committee have recommended approval of this request.

It was noted the applicant submitted a letter outlining his reasons for this request.

The Chairman opened the floor for public comment.

Mr. Carl Schmitt spoke in opposition of the request for withdrawal. He felt approving this request would "open the flood gates". Currently, there are approximately 13,000 acres in the seven Agricultural and Forestal Districts. Mr. Schmitt felt this property will be developed into a subdivision if the request is approved. He noted the districts will be up for renewal in 2010 and expressed his concern about the precedent this will set.

As there were no further comments, the Chairman closed the public hearing.

Board member Patsy Morris felt the request should be approved.

Board member Jeri Allen expressed her concerns regarding this request. The A & F Districts were formed for the mutual benefit of the landowner and the County. She was concerned about the precedent when dealing with something as subjective as "reasonable cause".

Vice Chairman Clarence Peyton agreed with comments made by Mrs. Allen. He was opposed to approving the request to withdraw acreage from the A & F District. Mr. Peyton felt the landowner made an obligation and should see it through to the end.

The Chairman agreed that removing property will hurt the program. However, landowners who joined the A & F Districts were guaranteed they would be allowed to withdraw if a hardship occurred. The applicant has indicated there is a health problem in his family. Mr. Catalano said he felt this request is reasonable and supported the request to remove the property from the A & F District.

Mr. Ray Clarke, County Attorney, reviewed "reasonable cause" for withdrawal of property from an Agricultural and Forestal District. Hardship is not a criterion. The criterion is whether the Board believes the landowner has a reasonable cause to wish to withdraw. Reasonable cause is defined as what the reasonable man thinks is reasonable.

Mrs. Allen said the request sounds reasonable but felt this approval would "bite the guts out of the districts".

Motion by Clarence Peyton to defer action on the request from Michael Vincel to withdraw 72.19 acres from the Midway Agricultural and Forestal District to allow time to conduct further study on what impact the approval of this request would have.

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

Motion did not carry.

Upon motion by Jeri Allen and affirmative vote, the Board approved the request from Michael Vincel to remove 72.19 acres, located on Route 609 approximately 2.3 miles west of Route 29, and identified on County Tax Maps as 39-(A)-2, from the Midway Agricultural and Forestal District.

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

Motion carried.

RE: PUBLIC HEARING – PROPOSED AMENDMENT TO ZONING ORDINANCE –
ARTICLE 19-3-1 AND 19-3-3 – SITE DEVELOPMENT PLAN REVIEW

Mr. Bart Svoboda reviewed the proposed amendments to Article 19-3-1 and 19-3-3 of the Zoning Ordinance pertaining to site development plan review. The number of copies requested will change from three (3) to ten (10) and the expiration date of an approved site plan will change from twelve (12) months to five (5) years.

The Planning Commission recommended approval of these amendments.

The Chairman opened the floor for public comment. As there were none, the Chairman closed the public hearing.

Upon motion by Jeri Allen and unanimous vote, the Board approved the proposed amendments to Article 19-3-1 and 19-3-3 of the Greene County Zoning Ordinance pertaining to site development plan review. (See Attachment “A”)

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

Motion carried.

RE: MATTERS FROM THE PUBLIC

There were no comments from the public.

RE: CONSENT AGENDA

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

- a) Minutes of June 13, 2006 meeting.
- b) Revenue anticipation note resolution. (See Attachment “B”)
- c) Request for fireworks permit from:
 - Greene Mountain Lake Fireworks Committee
 - Scott Haas

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

FOOD LION SHOPPING CENTER

Mr. Cox requested an update. Mr. Svoboda said he is going to ask Mr. Charles Baber, VDOT representative, to review the obstruction of site distance at this location.

PRIVATE ROAD STANDARDS

Mrs. Allen suggested private road standards be reviewed. The application of the standards is being "stretched" by developers to where they no longer reflect the Board's intention. The Chairman agreed that the intent of the standards and what is actually occurring are two different things.

ACCESSORY APARTMENTS

Mrs. Allen also suggested the issue of accessory apartments be reviewed. A resident of Preddy Creek Subdivision wanted to install a stove in his basement for use by his mother but was told he could not do so as a stove would create a two family dwelling which is allowed only in R-2 zone. Mrs. Allen felt elderly parents, children, or siblings should be able to live fairly independently within the confines of their homes. She would like a review to determine if this type need can be accommodated.

The Chairman said he would send a memo to the Planning Department/Planning Commission outlining these two requests for review.

Mr. Cox asked about the placement of an additional stove in a dwelling. Mr. Steve Borders, Building Official, said a two family dwelling is not a building code issue but rather a

zoning issue. However, building code regulations do require that accessory apartments for individuals other than family members be separated by fire rated sheetrock.

PROFFER SYSTEM

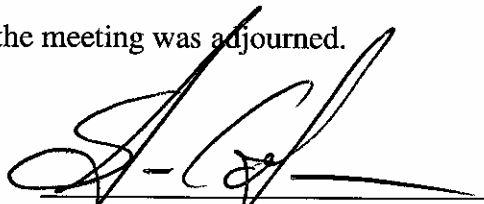
Mr. Barry Clark, County Administrator, noted Mr. Svoboda has been working with representatives of Robinson, Farmer, Cox Associates on the proffer system. It was the consensus of the Board to hold a joint meeting with the Planning Commission for presentation of the proffer system by RFC.

COUNTY STAFF

The Chairman expressed his appreciation to staff members for their efforts over the past several months.

RE: ADJOURN MEETING

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



Steve Catalano, Chairman
Greene County Board of Supervisors

19-3-1 The applicant shall first submit a completed application and ten (10) copies of a proposed site development plan to the Administrator for initial review at which time the required fee as published shall be payable to the County Treasurer. The proposed plan shall be drawn to scale of not less than one (1) inch equals one hundred (100) feet and shall contain all the applicable information required under Section 19-4-2.

19-3-3 Approval of the site development plan pursuant to this section shall expire five (5) years after date of approval thereof unless actual construction shall have commenced and is thereafter prosecuted in good faith.

RESOLUTION

WHEREAS, the Public Finance Act of 1991, as amended (the "Act"), permits Greene County, Virginia (the "County"), to issue notes, when authorized by the Board of Supervisors of the County (the "Board"), at any time during the fiscal year in anticipation of the collection of taxes or revenues or both of such year; and

WHEREAS, it is the consensus of the Board that the County should authorize the issuance and sale of notes in the maximum principal amount of \$2,000,000, which may be issued as one or more notes in one or more series (the "Revenue Notes") in anticipation of the taxes and revenues to be collected by the County, including without limitation, the revenue to be derived from the collection of real estate taxes and personal property taxes during the fiscal year commencing July 1, 2006, and ending June 30, 2007, the Revenue Notes to be so issued to bear date or dates not earlier than July 1, 2006, and to have a maturity date no later than June 30, 2007; and

WHEREAS, the County in the General Fund Budget adopted for the fiscal year beginning July 1, 2006, has estimated the revenue to be derived from real estate taxes and from personal property taxes to be collected in the fiscal year and to be deposited to the credit of the County prior to June 30, 2007 to be in excess of \$2,000,000; and

WHEREAS, the County will receive grants and reimbursements from the Federal and State governments in excess of \$1,000,000 for the fiscal year ending June 30, 2007; and

WHEREAS, the County is obligated to expend local funds in anticipation of such grants and reimbursements; and

WHEREAS, the Board also supports the issuance and sale of such notes in the maximum amount of \$1,000,000 which may be issued as one or more notes in one or more series (the "Grant Notes") in anticipation of receiving payments from the Federal or State government, the Grant Notes to be so issued to bear a date or dates not earlier than July 1, 2006 and to have a maturity date no later than twelve (12) months from the date of issuance; and

WHEREAS, the County Administrator of the County (the "County Administrator") has received from Bank of America, N.A. (the "Bank") a commitment (the "Commitment Letter") for the purchase of the Revenue Notes and the Grant Notes (collectively, the "Notes"); and

NOW THEREFORE, THE BOARD OF SUPERVISORS OF GREENE COUNTY, VIRGINIA HEREBY RESOLVES THAT:

1(a). The issuance of the Revenue Notes is authorized in the maximum principal amount of \$2,000,000 at any given time in anticipation of taxes and revenues to be collected by the County, including without limitation, the revenue to be derived from the collection of real estate taxes and personal property taxes during the fiscal year commencing July 1, 2006, and ending June 30, 2007, it being understood that the Revenue Notes may be issued in an amount

less than \$2,000,000. The Revenue Notes to be issued shall bear a date or dates not earlier than July 1, 2006, and shall have a maturity date no later than June 30, 2007. The Revenue Notes shall bear an interest rate equal to seventy percent (70%) of the Bank's prime rate, as the same may be adjusted from time to time and shall be payable as set forth in the Revenue Notes.

1(b). The issuance of the Grant Notes is authorized in the maximum principal amount of \$1,000,000 at any given time in anticipation of grants and reimbursements to be received from the Federal or State government for the fiscal year commencing July 1, 2006 and ending June 30, 2007. Such notes may be issued in an amount less than \$1,000,000 which shall bear a date or dates not earlier than July 1, 2006 and a maturity date no later than twelve (12) months from the date of issuance. The Grant Notes shall bear an interest rate equal to seventy percent (70%) of the Bank's prime rate, as the same may be adjusted from time to time and shall be payable as set forth in the Grant Notes.

2. The Commitment Letter and the terms and conditions thereof are hereby approved by the County. The Treasurer of the County (the "Treasurer") and the County Administrator are each authorized to take any and all actions that he or she determines to be in the best interest of the County in selling the Notes to the Bank. The actions of the Treasurer and the County Administrator in selling the Notes shall be conclusive, and no further action shall be necessary on the part of the Board.

3. The Notes shall be in a form satisfactory to the Treasurer.

4. If the Notes or any of the Notes are not paid at maturity, the amount of any unpaid Notes shall be included as an appropriation in the General Fund Budget for the fiscal year commencing July 1, 2007, and ending June 30, 2008.

5. The power and obligation of the County to pay principal of and interest on the Notes shall be unlimited and the County shall levy and collect ad valorem taxes upon all taxable property within the County, without limitation as to rate or amount, sufficient to pay the principal of and interest on the Notes. The full faith and credit of the County are pledged for the payment of principal of and interest on the Notes.

6. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Notes to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Notes, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Notes from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available general funds.

7. Such officers of the County as may be requested are authorized and directed to execute appropriate certificates setting forth facts and covenants related to the expected use and investment of the proceeds of the Notes in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificates, covenants and elections shall be in such form as may be requested by bond counsel for the County.

8. The County covenants that it shall not permit the proceeds of the Notes to be used in any manner that would result in (a) 5% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Notes from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

9. All other actions of officers of the County in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Notes are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Notes.

10. This resolution shall be in full force and effect upon adoption.