

September 28, 2010

County of Greene, Virginia

THE CONTINUED MEETING OF THE GREENE COUNTY BOARD OF SUPERVISORS WAS HELD ON TUESDAY, SEPTEMBER 28, 2010, AT 4:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Steve Catalano, Chairman
Clarence Peyton, Vice Chairman
Jim Frydl, Member
Carl Schmitt, Member
Mike Skeens, Member
Ray Clarke, County Attorney
Barry Clark, County Administrator
Patti Vogt, Deputy Clerk
Tracy Morris, Finance Director

RE: WORKSHOP – PROPOSED BYLAWS

Mr. Peyton, Vice Chairman, opened the workshop and noted Mr. Catalano and Mr. Clarke would be arriving late.

Mr. Frydl recapped previous discussions. The current Rules of Order deal with how meetings are conducted. The proposed bylaws would deal with the conduct/action of Board members. It was noted the Rules of Order are incorporated into the proposed bylaws.

The Board reviewed the proposed bylaws and discussed the editing/deletion of text. Sections 2-6-D, 3-1-A and B, Section 3-3-A and Section 4-5-D were referred to the County Attorney for clarification. Staff will make changes as agreed upon by the Board members and noted by the County Administrator.

Mr. Schmitt expressed his opposition to Section 7-1 A, B and C as written. He felt this effectively isolates Board members from the staff and is way too specific. The Chairman said Board members should contact the County Administrator who, in turn, would obtain information from staff. Mr. Schmitt said he understands the issue but felt that process would be inefficient as Board members could contact staff directly.

The Chairman felt Board members are way too involved in day to day operations. That had to be that way in the past but now the Board needs to step back and be a governing body that sends directive to the County Administrator who then deals with the issues.

Mr. Peyton agreed the Board should follow the established chain of command and communicate with the County Administrator.

It was the consensus of the Board to replace Sections 7-1 A, B, and C with the following: Board members will refrain from taking individual actions that require expenditure of public funds or significant staff time regarding matters not in furtherance of Board action.

It was also the consensus of the Board to review the bylaws again after revisions are made and to consider adoption at the re-organizational meeting in January, 2011.

RE: EXECUTIVE SESSION

Upon motion by Clarence Peyton 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

Legal:

- None

Personnel:

- Constitutional Officers

Various Appointments:

- None

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

Upon motion by Clarence Peyton and unanimous vote, the Board returned to Open Session.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	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
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: JOINT PUBLIC HEARING WITH ECONOMIC DEVELOPMENT AUHTORITY

The Chairman said this joint public hearing is being conducted on behalf of the Economic Development Authority (EDA) by the Board to meet USDA requirements.

Mr. David Jeck, Superintendent, said this is a formality required by USDA to consider the EDA's role as conduit borrower for this project. Any approval related to scope, budget, etc. will remain with the Board of Supervisors.

Members of the EDA present were: Marianne Shepard, Larry Dudding, Julia Morris, and Robbie Morris

The Chairman opened the floor for public comment. As there were no comments, the public hearing was closed.

RE: SCHOOL BOARD – REQUEST FOR SUPPLEMENTAL APPROPRIATIONS

Mr. Jeck said a wire transfer for VPSA reimbursement in the amount of \$232,000 was not transferred by the Treasurer to the School account. This was discovered in August. The VPSA funds were already spent on technology. The School is asking that \$232,000 be added to this year's budget.

Mr. Jeck explained the School's budget process and noted 20 – 25% of the budget amount is "held back" every year. In the past, depending on the financial situation towards the end of the fiscal year, funds are released to schools and departments, including maintenance and transportation, to make end of year purchases.

Plans for the \$232,000 include allocation to the schools, departments, nursing, maintenance and transportation to purchase items that were not purchased last year but were included in that year's budget. There are also additional attorney fees from the energy performance contract that would be covered. The Schools would like to take part of this money to fund benefits for employees who do not qualify for Jobs Bill funding. Greene County will receive \$682,000 from Jobs Bill funding. That money can be used over two fiscal years and must be used to preserve jobs, for benefits, and salaries etc. The School would like to take part of that money now to fund \$116,000 in benefits that was taken from employees. Eight employees that do not have direct contact with students would not be eligible for Jobs Bill funding. The remaining funds from the Jobs Bill would be "pushed" into the next school year.

Mr. Schmitt said the Treasurer's Office did not process the reimbursement correctly but felt it was strange that the Schools did not know they had not received the funds. Mr. Jeck said this is a small amount of the total budget for the Schools and is the only money received by wire transfer. This has never been issue before. Mr. Jeck said staff should have caught this earlier and they are glad they caught it when they did. He noted the funds were transferred from VPSA on June 15.

Mr. Peyton said the portion of the request dealing with the \$232,000 would require two readings as it is an additional allocation. Mrs. Tracy Morris, Finance Director, agreed.

Upon motion by Carl Schmitt and unanimous vote, the Board approved the request from the School Board for appropriation of supplemental funds from the Federal Jobs Bill. The appropriation of VRPS grant funds will be on the agenda for the October 12 meeting as the second reading of this request.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: MONROE HEIGHTS SUBDIVISION

Mr. Steve Jones, Executive Vice President of Fried Companies, thanked the Board for their willingness to revisit this issue. The request is for the Board of Supervisors to approve a resolution for a certificate of convenience and necessity for Monroe Heights Subdivision.

Monroe Heights Subdivision will have 73 lots in the R-1 zoned section and 20 lots in the A-1 zoned section. The lots in the R-1 zone will be served by a community well and community sewage disposal system.

If the resolution is approved, Hunnicutt Property LLC intends to file applications with the Virginia State Corporation Commission (SCC) for certificates of public convenience and necessity under the Utility Facilities Act, which regulates water or sewer systems providing utility service to more than 50 residential lots.

As part of the submittal to the SCC, prior to selling and transferring ownership of the first lot in the R-1 zoned section, the owners/developers of the property will commit to deposit \$5,170.89 per lot at closing of the sale of the first 20 lots into an escrow account with an attorney to equal the contractor's estimate of \$103,417.75 to activate the reserve drain field in the event of a failure of the primary drain field. This money will run with the land and remain in place until such time as the Public Service Company has funds equal to the escrow account in its reserve account to provide for the operation and maintenance of the facilities.

Mr. Ray Clarke reviewed the pertinent VA Code section. Because RSA exists, no new water/sewer service authority can do so without permission from the SCC. The local governing body must approve the request before the SCC can hold a public hearing. Legally, the SCC has a lot of protection for public utility in terms of viability, long range operation, escrow accounts, etc.

Mr. Peyton noted any future requests for certificates of need and convenience would be heard on a case by case basis. The Chairman said only developments over a certain size would have to apply to the SCC thereby requiring approval by the Board of Supervisors first.

Upon motion by Carl Schmitt and unanimous vote, the Board approved the resolution for application to the SCC for certificates of convenience and necessity for Monroe Heights and the agreement to establish an escrow account to pay for subsequent remediation if necessary for Monroe Heights.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: CONSENT AGENDA

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

- a. Minutes of September 14, 2010 meeting.
- b. Resolution of support for Piedmont Regional Dental Clinic.

Recorded vote:	Steve Catalano	-	Yes
	Clarence Peyton	-	Yes
	Jim Frydl	-	Yes
	Carl Schmitt	-	Yes
	Mike Skeens	-	Yes

Motion carried.

RE: OTHER MATTERS FROM THE BOARD

MEETING SCHEDULE

The Chairman announced the Board of Supervisors will hold one meeting in November and December, 2010.

BROADBAND

Mr. Schmitt said the County will not be receiving stimulus money for broadband. The Planning District Commission will continue to work with Digital Bridge in search of solutions.

TRAINING CENTER

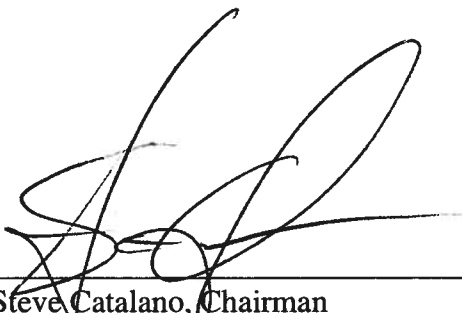
Mr. Schmitt said TJPDC will hold an open house on October 7 at 6:00 p.m. at the new training center on Water Street.

SCHOOL FACILITIES PROJECT

Mr. Frydl distributed updated project estimates for the Schools Facilities Project from the Steering Committee. Once the project goes to bid, there will be firm costs available. The priority for the project is field space.

RE: ADJOURN MEETING

The meeting was adjourned at 8:02 p.m. The next meeting will be on October 12, 2010 at 5:30 p.m. in the County Meeting Room.



Steve Catalano, Chairman
Greene County Board of Supervisors