

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna Courts Building  
November 18<sup>th</sup> 2009  
7:00 p.m.**

**MEMBERS PRESENT:** Marvin F. Moss, Chairman  
Charles W. Allbaugh, Vice Chairman  
Mozell H. Booker  
John Y. Gooch  
Gene F. Ott  
Donald W. Weaver

**ALSO PRESENT:** G. Cabell Lawton, IV, County Administrator  
Shelly Wright, Assistant County Administrator  
Frederick W. Payne, County Attorney  
Renee Hoover, Finance Director  
Vicki Karabinus, EDC Coordinator  
Ryant L. Washington, Sheriff  
Darren Coffey, Director of Planning & Community Development  
Ingrid Crump, Clerk  
Mary Weaver, Senior Program Support Analyst

**CALL TO ORDER**

Chairman Moss called the regular meeting of November 18<sup>th</sup> 2009 to order at 7:00 p.m. in the Circuit Courtroom of the Fluvanna Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited, after which, Chairman Moss called for a moment of silence.

**REPORTS**

The County Administrator, G. Cabell Lawton, IV, reported to the Board on the following matters:

- ***Thanksgiving*** – stated that staff would like to wish the Board a happy Thanksgiving and remind the Board that offices will be closed at noon on Wednesday through the end of the week; apprised the Board to expect their BOS packets to be delivered either Tuesday evening or Wednesday morning
- ***FSPCA Update*** – apprised the Board that staff has been in contact with officials from Richmond concerning the Animal Shelter and they have indicated that no civil penalties will be issued at this time; the FSPCA is still waiting on an estimate to repair the floor and staff will share that information with the Board once it is received
- ***New Board Member Orientation*** – apprised the Board that Staff, Constitutional Officers, and other County officials met with Supervisor-elect Shaun Kenney on Tuesday, November 17<sup>th</sup> and briefed Mr. Kenney on a wide array of current projects; staff intends to also provide identical briefing papers to Mr. Chesser

upon his return from vacation; staff also has copies of the information if anyone would like to view it

- **Kents Store Firehouse** – apprised the Board that the groundbreaking for the Kents Store Firehouse has been tentatively scheduled for Saturday, December 5<sup>th</sup> 2009 at 10:00 a.m.; advised the Board to let either John Robins or Cabell Lawton know if they cannot attend but would like to see if it could be rescheduled
- **Composite Index** – apprised the Board that Fluvanna County’s Composite Index which indicates the local ability to pay for local education rose slightly from FY 2009-2010 to FY 2011-2012; the Composite Index was .3685 and rose to .3816; an increase generally means the locality loses state assistance and this has been estimated from \$150,000 to \$200,000 for FY 2011

Chairman Moss stated there would be no action taken on the James River Water Authority until the new Board starts in January 2010.

### **PUBLIC COMMENTS #1**

Chairman Moss opened the floor for the first public comment section.

The following citizen addressed the Board of Supervisors:

- Mr. Minor Eager, Palmyra District, addressed the Board regarding Fluvanna bonds and Davenport’s presentation

With no one else wishing to speak, Chairman Moss closed the first public comment section.

### **CONSENT AGENDA**

The following items were approved under the consent agenda:

#### **MOTION:**

Mr. Ott moved to approve the consent agenda which consisted of:

- Minutes, November 4<sup>th</sup> 2009
- Appointment/Parks & Recreation Advisory Board [appointed Terry Crickenberger and Joshua Thomas to the Parks and Recreation Advisory Board with a term to begin immediately and to terminate on June 30<sup>th</sup> 2011]

Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

### **ACCOUNTS PAYABLE**

None

### **PUBLIC HEARINGS**

Ordinance/Proposed Amendment to the Fluvanna County Code by the Addition in Chapter 8 Section 8-5, Concerning Disposal of Certain Unclaimed Property in the Possession of the Sheriff

This ordinance will bring the Sheriff’s Office into compliance with state law for property unclaimed by owner and in possession of the Sheriff.

Sheriff Ryant Washington addressed the Board regarding this issue.

Chairman Moss opened the public hearing.

With no one wishing to address this issue, Chairman Moss closed the public hearing.

**MOTION:**

Mr. Gooch moved to approve an Ordinance [attached hereto] to amend the Fluvanna County Code by the addition in Chapter 8 of a Section 8-5, Concerning Disposal of Certain Unclaimed Property in the Possession of the Sheriff. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**AFD 09:01/Edgar & Mary Bance**

This is a request to withdraw approximately 310.48 acres from the Byrd Creek Agricultural and Forestal District.

Mr. Darren Coffey, Director of Planning and Community Development addressed the Board regarding this item.

Mr. Edgar Bance, applicant, addressed the Board on his behalf.

Chairman Moss opened the public hearing.

With no one wishing to speak, Chairman Moss closed the public hearing.

**MOTION:**

Mr. Weaver moved to approve the proposed withdrawal of approximately 310.48 acres (consisting of Tax Map Parcels 33-A-16, 33-A-16A, 33-A-26, 33-A-26E) from the Byrd Creek Agricultural Forestal District with the understanding the land will be put into a conservation easement within ninety (90) days or such other reasonable time as may be necessary to perfect the dedication of the easement. Mr. Allbaugh seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**PRESENTATION**

**Potential Refinancing of the High School**

Mr. David Rose, Davenport & Company, provided the Board with a PowerPoint presentation regarding a refinancing update for the High School construction project. He provided background information and the progress that has been completed since July 2009. Mr. Rose indicated that the next steps in the process would be for the Board of Supervisors to approve a resolution authorizing a Refunding through the VPSA; obtain required authorizations from the VPSA and issue refunding bonds when market conditions provide adequate savings. Information was provided regarding interest rate trends during calendar year 2009 and the estimated refunding cash-flows.

**ACTION MATTERS**

**Financial Advisory Service Contract**

This action will allow the County to be in compliance with Debt Management Policy 1-10.7.2.1 where a financial advisor shall be procured every five years.

Ms. Renee Hoover, Finance Director, introduced this issue to the Board of Supervisors.

MOTION:

Mr. Allbaugh moved to authorize the County Administrator to execute the contract based on County Attorney approval as to form with Davenport & Company LLC for financial advisory services. Mr. Gooch seconded. The motion carried with a vote of 4-2. AYES: Allbaugh, Booker, Gooch and Moss NAYS: Ott and Weaver.

Authorization to Submit a DCJS Project Proposal for the Sheriff's Office

Funding under this grant program will allow the Sheriff's Office to improve the security for the Fluvanna courtrooms, allowing for the purchase of improved courtroom surveillance and detection equipment.

Ms. Pat Groot, Grants Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Gooch moved that the Board of Supervisors approve submission of both phases of a grant application to secure funding for up to \$75,000 under the federal Byrne Justice Assistance Grant Fund Program for improving court surveillance, with match funds drawn from the Sheriff's drug forfeiture fund; further moved that the Board of Supervisors authorize acceptance of this grant, and authorize a supplemental appropriation not to exceed \$75,000 to revenue and expenditure lines as assigned by the Finance Department. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Resolution Designating the County of Fluvanna, Virginia as a Recovery Zone for Purposes of Recovery Zone Facility Bonds [Camp Friendship]

In June of this year, Congressman Perriello announced that Fluvanna County was allocated \$1,126,000 in Recovery Zone Facility Bonds under the American Recovery and Reinvestment Act of 2009 ("ARRA"). The Bonds are designed to encourage capital investment by qualified businesses in recovery zone property in a designated Recovery Zone. This action will take effect immediately and is required to enable the Economic Development Authority (the "EDA") to consider issuance of up to \$1,126,000 of its Recovery Zone Facility Bonds (the "Bonds") to assist Friendship Camp, Inc. ("Camp Friendship") in financing the acquisition, construction and equipping of an approximately 10,000 square foot swimming pool facility. The issuance of the Bonds as requested by Camp Friendship will not constitute a debt or pledge of the faith and credit of the EDA, the County of Fluvanna, the Commonwealth of Virginia or any other political subdivision thereof. Payment of the Bonds will be solely from the revenues derived by Camp Friendship.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Ott moved that the Fluvanna County Board of Supervisors approve the resolution [attached hereto] designating the County of Fluvanna,

Virginia, as a Recovery Zone for purposes of Recovery Zone Facility Bonds. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

### **OLD/NEW BUSINESS**

The following items were discussed under old/new business:

- status of any deficit in the County's budget
- the Central VA Regional Jail increases
- Sycamore Square VDOT appeal

### **PUBLIC COMMENT #2**

Chairman Moss opened the floor for the second public comment section.

With no one wishing to speak, Chairman Moss closed the second public comment section.

### **CLOSED MEETING**

#### **MOTION TO ENTER INTO A CLOSED MEETING:**

At 8:43 p.m. Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing legal matters. Mr. Ott seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

#### **MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION:**

At 8:59 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Gooch seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

#### **MOTION:**

At 9:00 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, November 18<sup>th</sup> 2009 on motion of Mr. Weaver, seconded by Mr. Gooch and carried by the following vote: AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**“BE IT RESOLVED** to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.”

**ADJOURN**

MOTION:

At 9:00 p.m. Mrs. Booker moved to adjourn the regular Board of Supervisors meeting of Wednesday, November 18<sup>th</sup> 2009. Mr. Allbaugh seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**AN ORDINANCE TO AMEND THE FLUVANNA COUNTY CODE BY THE ADDITION  
IN CHAPTER 8 OF A SECTION 8-5, CONCERNING DISPOSAL OF CERTAIN  
UNCLAIMED PROPERTY IN THE POSSESSION OF THE SHERIFF**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-14.27, that the County Code be, and it is hereby, amended, in Chapter 8, by the addition of a Section 8-5, which is hereby enacted as follows:

**Sec. 8-5. Disposal of unclaimed personal property in the possession of the Sheriff.**

Any unclaimed personal property which has been in the possession of the Sheriff and unclaimed for a period of more than sixty days may be (i) sold at public sale in accordance with the provisions of this section or (ii) retained for use by the Sheriff. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with Virginia Code § 15.2-1720, and unclaimed firearms may also be disposed of in accordance with Virginia Code Sec. 15.2-1721.

Prior to the sale or retention for use by the Sheriff of any unclaimed item, the Sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the County once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the Sheriff, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The Sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the Sheriff shall become the property of the County and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the Sheriff and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty days of the sale, the remaining funds shall be deposited in the general fund of the County and the retained property may be placed into use by the Sheriff. Any such owner shall be entitled to apply to the County within three years from the date of the sale and, if timely application is made therefore and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

Adopted this 18<sup>th</sup> day of November 2009  
by the Fluvanna County Board of Supervisors

**RESOLUTION DESIGNATING THE COUNTY OF FLUVANNA, VIRGINIA AS  
A RECOVERY ZONE FOR PURPOSES OF RECOVERY ZONE FACILITY  
BONDS**

**WHEREAS**, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), in part, added Sections 1400U-1 through 1400U-3 to the Internal Revenue Code of 1986, as amended (the "Code"), that authorize state and local governments to issue "recovery zone facility bonds," the purposes of which are to lower costs of state and local government borrowing and thereby to promote job creation and economic recovery in areas particularly affected by employment declines;

**WHEREAS**, the Code imposes a national bond volume limitation of \$15 billion for recovery zone facility bonds, of which the County of Fluvanna, Virginia (the "County") has been allocated \$1,126,000 in recovery zone facility bonds;

**WHEREAS**, recovery zone facility bonds may be used to finance certain "recovery zone property," generally for use within or attributable to areas designated as "recovery zones;"

**WHEREAS**, the Code defines the term "recovery zone" as, among other things, "any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures or general distress;"

**WHEREAS**, the entire geographic area of the County is experiencing general distress resulting from, in part, an overall unemployment rate of 5.8% as of July 2009 (an increase of 2.6% over the unemployment rate in July 2008);

**WHEREAS**, the County has determined that as a result of such general distress, the entire geographic area of the County qualifies to be designated as a recovery zone for purposes of issuing recovery zone bonds; and

**WHEREAS**, the Board of Supervisors desires to facilitate the issuance of recovery zone bonds by the County, the Economic Development Authority of Fluvanna County, Virginia or any other entity permitted to undertake the issuance of bonds for projects located in or attributable to the County;

**NOW, THEREFORE, BE IT RESOLVED** by the Fluvanna County Board of Supervisors of the County of Fluvanna, Virginia, that:

1. Incorporation of Recitals. Each of the recitals set forth above is incorporated and restated as if set forth herein.
2. Designation of Recovery Zone. The entire geographic area of the County of Fluvanna, Virginia is hereby designated a "recovery zone" for purposes of issuing recovery zone bonds under the provisions of Code Sections 1400U-1 through 1400U-3.
3. Effective Date. This resolution shall take effect immediately upon its passage.

Adopted November 18, 2009

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Alice F. Jones  
Clerk, Board of Supervisors of Fluvanna County, Virginia