

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
January 6th 2010
2:00 p.m.

MEMBERS PRESENT: Gene F. Ott, Chairman
Shaun V. Kenney, Vice Chairman
Mozell H. Booker
Joe Chesser
John Y. Gooch
Donald W. Weaver

ALSO PRESENT: G. Cabell Lawton, IV, County Administrator
Frederick W. Payne, County Attorney
Shelly H. Wright, Assistant County Administrator
Renee Hoover, Finance Director
Crystal Besecker, Budget Analyst
Darren Coffey, Director of Planning and Community Development
Amy Hall, Building Inspections Permits Clerk
Alice F. Jones, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mr. G. Cabell Lawton, IV, County Administrator, called the organizational meeting of January 6th 2010 to order at 2:00 p.m. in the Circuit Courtroom of the Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited after which, Mr. Lawton called for a moment of silence.

2010 Organizational Meeting of the Fluvanna County Board of Supervisors
Election of Chairman and Vice Chairman

Election of Chairman

This action will elect a new Chairman to the Board of Supervisors.

Mr. G. Cabell Lawton, IV, County Administrator, opened the floor for nominations. Supervisor Gooch nominated Supervisor Booker for Chair, there was no second. Supervisor Weaver nominated Supervisor Ott for Chair and Supervisor Kenney seconded.

Supervisor Gooch moved to close the floor for nominations and Supervisor Kenney seconded with a vote of 6-0.

VOTE COUNT: Supervisor Booker 2-4 AYES: Gooch and Booker
Supervisor Ott 4-2 AYES: Chesser, Kenney,
Weaver and Ott

With the majority of AYES Supervisor Ott was elected Chairman.

Election of Vice-Chairman

This action will elect a new Vice-Chairman to the Board of Supervisors. Chairman Ott opened the floor for nominations for Vice Chairman. Supervisor Gooch nominated Supervisor Booker and Kenney seconded.

Supervisor Weaver nominated Supervisor Kenney and Chairman Ott seconded. Supervisor Gooch moved to close the floor for nominations and Supervisor Weaver seconded with unanimous consent.

VOTE COUNTY: Supervisor Booker 2-4 AYES: Gooch and Booker
Supervisor Kenney 4-2 AYES: Chessser, Kenney,
Weaver and Ott

With the majority of AYES Supervisor Kenney was elected Vice Chairman.

Selection of Dates for the Board Meetings

This action will adopt the Board of Supervisors 2010 regular Meeting Calendar as presented.

Chairman Ott proposed to change the time for the day Board of Supervisors meeting to 7:00 p.m. in consideration of Board members that are still working.

After Board discussion, the times remained as is with no change.

MOTION:

Mr. Weaver moved to adopt the Board of Supervisors 2010 regular Meeting Calendar as presented [which does not include any joint meetings or work sessions]. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Resolution Entitled “Organizational Meeting of the Fluvanna County Board of Supervisors 2010”

The Code of Virginia requires an annual organizational meeting of the Board of Supervisors for the election of officers and the conduct of such other business as to meeting times and dates.

MOTION:

Mr. Kenney moved to adopt the resolution [attached hereto] entitled “Organizational Meeting of the Fluvanna County Board of Supervisors 2010” which solidifies the meeting place and the day and time of the meetings. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Adoption of Board By-Laws and Rules of Procedures

This action will adopt the Fluvanna County Board of Supervisors By-Laws & Rules of Practice & Procedures.

MOTION:

Mr. Gooch moved to adopt the Fluvanna County Board of Supervisors By-Laws & Rules of Practice & Procedures as amended. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Board of Supervisors Regular Meeting

Chairman Ott proceeded with the regular meeting of the Board of Supervisors for Wednesday, January 6th 2010.

REPORTS

VDOT – Mr. James Glass was unable to attend the meeting.

Mr. G. Cabell Lawton, IV, County Administrator, reported on the following topics:

- ***Congratulations to the new Board Chairman and Vice Chairman*** – extended his congratulations to the new Board members and also the newly elected Chairman and Vice Chairman
- ***Introduction of Planner*** – introduced Mr. Steve Tugwell as the new Planner in the Planning Department
- ***Closed Session*** – requested the Board to hold a closed session to discuss personnel
- ***Office Closings*** – apprised the Board that the County offices would be closed on Friday, January 15th 2010 for Lee/Jackson Day and Monday, January 18th 2010 for Martin Luther King, Jr. Day
- ***Meeting with School Board*** – apprised the Board there has been a request for the School Board and Board of Supervisors to meet in January 2010; the Board may want to add this to the Board’s discussion on TAB B which the Board will be discussing a proposed work session

PUBLIC COMMENTS #1

Chairman Ott opened the floor for the first round of public comments.

The following citizens addressed the Board:

- Mrs. Norma Hutner, Rivanna District – congratulated the new Board of Supervisor members and the newly elected Chairman and Vice Chairman
- Mr. Adrian Miller, Rivanna District – welcomed the new Board members and stated he recognized the challenges ahead of the new Board

With no one else wishing to speak, Chairman Ott closed the first round of public comments.

CONSENT AGENDA

The following items were pulled from the consent agenda:

- Minutes of December 16th 2009
- Appointment/Court Green Committee along with the Appointment/Fork Union Sanitary District Advisory Committee

The following items were approved under the consent agenda:

MOTION:

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

- Resolution/Adopt a Road Name: Sugar Maple Drive
- FUSD Supplemental Appropriation [to the Fork Union Sanitary District budget to accommodate revenues and expenses related to two (2) insurance claim reimbursements received; the following lines would be increased by \$3,737.52 (3-505-18990-0099 and 4-505-044010-3310)]
- Supplemental Appropriation – VFIRS Fire Department Grant [in the amount of \$1,000 for the purchase of a computer and accessories for

use by the Lake Monticello Fire Department (revenue line 3-100-24040-0017 and expenditure line 4-100-32200-6021)]

- Request for Withdrawal from the Granite Hills Agricultural and Forestal District [refer the proposed withdrawal total 139.06 acres to the Planning Commission and the Agricultural and Forestal District Advisory Committee for consideration and recommendation]

Mr. Kenney seconded. The motion carried by a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Minutes of December 16th 2009

Approve as amended.

Appointment/Court Green Committee

Deferred to obtain additional information.

Appointment/Fork Union Sanitary District Advisory Committee

MOTION:

Mr. Weaver moved to adopt the Board of Supervisors minutes of December 16th 2009 as amended and to reappoint Lewis Johnson and Todd Giszack to the Fork Union Sanitary District (FUSD) Advisory Committee with a term to begin January 1st 2010 and to terminate on December 31st 2013. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

ACCOUNTS PAYABLE

Renee Hoover, Finance Director, addressed the Board regarding the accounts payable.

MOTION:

Mr. Weaver moved the Accounts Payable from November 30th 2009 to December 23rd 2009 and payroll for the month of November 2009 in the amount of \$1,268,762.51 be ratified. Mr. Chessser seconded. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Fund 100	General Fund	\$ 616,378.89
Fund 120	Community Programs (Parks & Rec)	2,080.58
Fund 130	Landfill	12,525.91
Fund 302	Capital Improvements	119,236.48
Fund 401	Debt Service	31,586.57
Fund 502	Utility Fund	188,028.31
Fund 505	Fork Union Sanitary District	16,128.03
<u>Payroll</u>		<u>282,797.74</u>
Total		\$ 1,268,762.51

The Board **tasked** staff with providing financial information [key indicators] as part of Accounts Payable.

The Board **tasked** staff with providing back-up information regarding an E. W. Thomas invoice charged to the Board of Supervisors budget line.

The Board **directed** staff contact the Treasurer regarding Business Data of Virginia in reference to payment of invoices.

PUBLIC HEARING

None

PRESENTATIONS:

Fork Union Sanitary District Financial Overview

Mr. John Robins, Public Works Director, provided a PowerPoint presentation to the Board of Supervisors with a brief overview of the Fork Union Sanitary District (FUSD). Mr. Robins provided history of FUSD and then proceeded to provide a financial overview which included recent revenue and expense history; recent rate history; upcoming fiscal year needs; recommendations of the FUSD Advisory Board; along with additional recommendations and a timeline. Mr. Robins provided information on a proposed course of action which includes the following:

- Return to the Board of Supervisors at the January 20th meeting with additional information as directed by the Board so that the Board can set a rate or advertisement for a public hearing
- Request permission to advertise for a public hearing for February 17th at the January 20th meeting
- Request a loan from the Board of Supervisors to cover the shortfall in cash in the bank at the January 20th meeting

RECESS

The Board recessed at 4:22 p.m.

RECONVENE

The Board reconvened at 4:34 p.m.

ACTION MATTERS

Request Approval to Construct a Brick Concession Stand and Restroom at the Carysbrook Softball Field

This item was postponed by the applicant.

Request a Public Hearing for a Cable Easement buried along Rt. 53

This action requires a public hearing, which upon approval by the Board will be scheduled for the second meeting in February 2010.

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

MOTION:

Mr. Gooch moved the request for a public hearing granting a cable easement to Central Telephone Company of Virginia d/b/a/ Centurylink in order to install, construct, cooperate, maintain, replace and remove underground cables and related facilities or structures as are reasonably necessary upon, over, through, under and along a parcel of land owned by Fluvanna County off of Thomas Jefferson Parkway [Rt. 53]. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Request a Public Hearing to Amend Budget for Fork Union Fire Station and 2009 QSCB VPSA Bonds

This action will grant a public hearing to amend the fiscal year 2010. This issue needs to be incorporated into the Capital Projects Fund as proceeds from indebtednesses for the High School Construction project.

Ms. Renee Hoover, Finance Director, introduced this issue.

MOTION:

Mr. Chesser moved to authorize the request for a public hearing to amend the fiscal year 2010 budget for Qualified School Construction Bonds (QSCB) and Fork Union Fire Station. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Request to Schedule a Work Session to Discuss FY 10 Budget Issues

This action will schedule a work session to discuss FY 10 budget issues. Staff has been evaluating both losses in state and local funding and would like the opportunity to present this information and discuss various options in responding to this issue. Staff suggests that more discussion is warranted than is typically afforded during the regularly scheduled meetings.

MOTION:

Mr. Kenney moved schedule a Board of Supervisors work session on January 20, 2010 beginning at 5 p.m. in the Old Board Room in the County Office Building. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Appointment/Boards, Commissions and Committees

Board of Zoning Appeals – At large

This item was deferred in order to obtain a larger applicant pool.

Economic Development Commission – At Large

MOTION:

Mr. Chesser moved to reappoint Glenn Bredder to the Economic Development Commission, At Large position, with a term to begin January 1st 2010 and to terminate on December 31st 2013. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Planning Commission – Rivanna District

This appointment was deferred in order to obtain a larger applicant pool.

The Board **tasked** staff with searching for additional applicants for the BZA and Planning Commission appointments and bring the appointments back to the Board of Supervisors at their February 3rd 2010 BOS meeting.

OLD/NEW BUSINESS

The following items were discussed under old and new business:

- the Davenport Contract
- the James River Water Authority
- scheduling of a work session for Saturday January 23rd 2010
- work session with the School Board
- formation of a technology committee

The Board **tasked** staff with bringing in Davenport and Company to discuss their contract as an action item on the January 20th 2010 BOS meeting.

The Board **directed** staff set up a work session to discuss water issues on Saturday, January 23rd 2010 starting at 9:00 a.m.

The Board **tasked** staff with placing the formation of a technology committee on an agenda.

PUBLIC COMMENTS #2

Chairman Ott opened the floor for the second round of public comments.

The following citizens addressed the Board:

- Mrs. Norma Hutner, Rivanna District – addressed the Board regarding the formation of an Ad Hoc Committee; suggested the Board decide what kind of a committee this would be and how they want to arrange the volunteers; what issues would the Ad Hoc Committee be considering
- Ms. Elizabeth Franklin, Columbia District – apprised the Board that the Fluvanna Taxpayers Association (FTA) would volunteer their services to be on any of the upcoming committees
- Mr. Emerson Farley, Fork Union District – addressed the Board regarding the manner in which meetings are held; purpose of local government; the need for emergency communications; subsidizing FUSD and the route of the water line
- Sheriff Ryant Washington – encouraged the Board to vote against collective bargaining which is an item before Congress and deals with public safety; also indicated that the Board would be receiving a request to meet with the Constitutional Officers

With no one wishing to speak, Chairman Ott closed the second segment of public comments.

EXTEND MEETING

MOTION:

At 5:55 p.m. Mr. Kenney moved to extend the meeting of January 6th 2010 to 6:30 p.m. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott.
NAYS: None.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 5:55 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 personnel. Mr. Kenney seconded. The motion carried by a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

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

At 6:10 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: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

MOTION:

At 6:11 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, January 6th 2010 on motion of Mr. Weaver, seconded by Mr. Gooch and carried by the following vote: AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. 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 6:12 p.m., Mr. Gooch moved to adjourn the meeting of Wednesday, January 6th 2010. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, January 6th 2010, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Gene F. Ott, Chairman	YEA
Shaun V. Kenney, Vice Chairman	YEA
Mozell H. Booker	YEA
Joe Chesser	YEA
John Gooch	YEA
Donald W. Weaver	YEA

On a motion by Mr. Kenney seconded by Mr. Weaver and carried by a vote of 6-0 the following resolution was adopted:

Organizational Meeting of the Fluvanna County Board of Supervisors 2010

WHEREAS, the Code of Virginia requires an annual organizational meeting for the Board of Supervisors for the election of officers and the conduct of such other business as to meeting times and dates and,

WHEREAS, the Board of Supervisors does now conduct such an organizational meeting.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors that it does hereby designate the Circuit Courtroom in the Fluvanna Courts Building as its meeting place for regular meetings to be held on the first Wednesday of each month at 2:00 p.m. and the third Wednesday of each month at 7:00 p.m. Except in the month of August when the only meeting shall be on the first Wednesday starting at 2:00 p.m., breaking for dinner, then reconvening at 7:00 p.m. for public hearings.

FURTHER BE IT RESOLVED by the Board of Supervisors that it does hereby designate the fourth Wednesday at 7:00 p.m. as the meeting date for any such regular meeting that is postponed due to weather or such other circumstances.

Adopted this 6th day of January 2010
by the Fluvanna County Board of Supervisors

ATTEST:

G. Cabell Lawton, IV, County Administrator

**RESOLUTION TO ADOPT A ROAD NAME:
Sugar Maple Drive**

WHEREAS, the establishment of an Enhanced 9-1-1 emergency telephone system in Fluvanna County has become effective; and

WHEREAS, such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and

WHEREAS, County staff has recommended this road name for consideration; and,

WHEREAS, the Board of Supervisors is empowered to name streets, roads and alleys within the County in accordance with Section 18-2 of the Fluvanna County Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fluvanna County pursuant to Section 18-2 of the Fluvanna County Code that the road located off of James Madison Highway just south of Hazel Lane, be named Sugar Maple Drive.

Adopted this 6th day of January, 2010
by the Fluvanna County Board of Supervisors

Alice F. Jones
Clerk to the Board of Supervisors