

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

MEMBERS PRESENT: Gene F. Ott, Chairman
Shaun V. Kenney, Vice Chair [arrived at 2:24 p.m.]
Mozell H. Booker
Joe Chesser
John Y. Gooch [arrived at 2:10 p.m.]
Donald W. Weaver

ALSO PRESENT: Shelly H. Wright, Interim County Administrator
Frederick W. Payne, County Attorney
Renee Hoover, Finance Director
Darren Coffey, Planning Director
Bryant Phillips, Senior Planner
Dwight Godwin, Parks & Recreation Director
Dr. Jacqueline A. Meyers, CSA Program Manager
Vicki Karabinus, EDC Coordinator
John Robins, Public Works Director
Alice F. Jones, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

Chairman Ott called the regular meeting of June 2nd 2010 to order at 2:00 p.m. in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited along with a moment of silence.

REPORTS

Ms. Karen Kilby, VDOT Programming & Investment Management Director, provided the Board with a monthly report and indicated in the future she would be attending the Board meetings on a quarterly basis; however she would be providing a monthly report through the Board's Friday-mail. Ms. Kilby also introduced Mr. John Giometti, Culpeper District Location and Design Engineer, who introduced the issue of the Revenue Sharing Program for the roundabout at the intersection of Rt. 15 and Rt. 53. This will be brought back before the Board at their June 16th 2010 BOS meeting.

Mrs. Shelly H. Wright, Interim County Administrator, reported on the following topics:

1. There was an error on the agenda, and the Convenience Center Options agenda item was placed under the presentations section instead of the action items section. The agenda item itself included the motion appropriately, but the listing was wrong.
2. Informed the Board that our Senior Planner, Bryant Phillips, submitted his resignation today effective the end of the month. He has accepted a position with another locality. A few months ago, the Board directed staff to do a presentation on the various aspects of a hiring freeze. The result of that discussion was no formal decision on how the Board would like staff to handle the filling of vacancies. Mr. Phillips' resignation is the first vacancy of the County Administration personnel complement since that time and staff will need the Board's direction as to how to proceed.

The Board decided to bring this up under New Business.

PUBLIC COMMENTS #1

Chairman Ott opened the floor for the first round of public comments.
The following people addressed the Board:

- Mr. Jacques Ruch, Rivanna District, addressed the Board regarding the Water Committee recommendations; E-911; telecommunications; and Economic Development

- Mr. Jeff Haislip, Commonwealth's Attorney, addressed the Board commending Mr. Bryant Phillips, Senior Planner, as a respected County employee who is always willing to help; also commended Mrs. Shelly H. Wright, Interim County Administrator, as a highly respected and knowledgeable County employee who will be greatly missed
- Mr. Andrew M. Sheridan, Commissioner of the Revenue, complimented Mr. Bryant Phillips and also commended Mrs. Shelly Wright on her abilities and the bridge she formed with emergency services
- Mr. William Hughes, Palmyra District, addressed the Board regarding the Water Committee
- Mr. Garland Nuckols, Facilities Director, commended Mr. Phillips and indicated that Mrs. Wright is highly respected across the State by EMS workers; also indicated the County was losing a lot of knowledge

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

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

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

- Minutes, May 5th 2010
- Minutes, May 19th 2010
- Minutes, May 24th 2010 [as amended]
- Budget & Appropriate/Sheriff's Office [extradition of prisoners in the amount of \$3,265.15]
- Budget & Appropriate/Sheriff's Office [refund from expenses incurred from lodging costs for training in the amount of \$282.24]
- Budget & Appropriate/Sheriff's Office [insurance recovery for fallen tree on Deputy Vehicle in the amount of \$1,045.15]
- Budget & Appropriate/Sheriff's Office [insurance recovery for Deputy Vehicle that struck a deer in the amount of \$3,283.19]
- Budget & Appropriate/Sheriff's Office [insurance recovery for Deputy Vehicle that struck a deer in the amount of \$2,117.02]

Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, 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 April 26th 2010 to May 21st 2010 and payroll for the month of April 2010 in the amount of \$4,189,486.25 be ratified. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Fund 100	General Fund	\$	738,981.38
Fund 120	Recreation		1,406.00
Fund 130	Landfill		12,677.54
Fund 202	Federal Grants		38,000.00
Fund 302	Capital		2,660,355.77
Fund 502	Utility (Sewer)		4,479.41
Fund 505	Fork Union Sanitary District		11,747.91
<u>Payroll</u>			<u>741,838.24</u>
Total		\$	4,189,486.25

PUBLIC HEARING

None

PRESENTATIONS:

Pleasant Grove Active Park Plan Update

The Pleasant Grove Active Park Master Plan will provide the County staff with an effective tool for both site planning and budgetary planning development.

Mr. Dwight Godwin, Parks & Recreation Director introduced Mr. John Farrell, A. Morton Thomas and Associates Project Manager, who provided the Board with a PowerPoint presentation on the Pleasant Grove Active Park Master Plan Update. Mr. Farrell addressed the key issues which were: to develop design options; set up a public planning workshop; develop a draft master plan; provide for a public hearing; after the public hearing, citizens have up to thirty (30) days to respond; then refine the draft master plan and ask for the Board's approval.

ACTION MATTERS

Convenience Center Options

On April 21st 2010, the Board of Supervisors moved to decrease the hours of operations and raise the fees at the Convenience Center. This proposed action is intended to set the hours of operations and the fees.

Mr. John Robins, Public Works Director, addressed the Board regarding this issue.

MOTION:

Mr. Gooch moved to change the hours of operations of the Fluvanna County convenience center to Tuesday from 9:00am to 4:00pm; Thursday from 11:00am to 7:00pm; and Saturday from 8:00am to 5:00pm and raise the fee for solid waste (household and construction debris) from \$49.00/ton to \$57.00/ton along with the minimum charge for each vehicle from \$5.00 to \$8.00; all to be effective July 1st 2010. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Newspaper of Choice

Since 2007, Fluvanna County has used both the Fluvanna Review and the Central Virginian as its primary sources for legal advertisements. The Central Virginian was authorized by the Circuit Court in 1995 to publish ordinances, resolutions, notices, and advertisements in and for Fluvanna County pursuant to Section 8.01-324(B) of the Code of Virginia. The Fluvanna Review was authorized by the Circuit Court in December of 2006.

Mr. Bryant Phillips, Senior Planner, addressed the Board regarding this issue.

MOTION:

Mr. Kenney moved that the Fluvanna County Board of Supervisors adopt the use of the Fluvanna Review as its principal advertising source with the option of using the Central Virginian or the Daily Progress, to be effective immediately. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

CSA Supplement

The CSA budget is over-encumbered and local funds account for 32-38% of the total CSA budget. The difference is covered through a CSA state pool reimbursement. From now until June 30th 2010, preparation needs to be made for the possibility of new cases coming into the CSA system, incurring additional expenses for both the state and locality.

Dr. Jacqueline A. Meyers, CSA Program Manager, addressed the Board regarding this issue.

MOTION:

Mr. Weaver moved to authorize a supplemental appropriation from Fund Balance to CSA in an amount up to \$100,000 (3-100-041070-0001). Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Recovery Zone Facilities Bonds

This action will take effect immediately and is required to enable the Economic Development Authority to issue up to \$1,300,000 of its Recovery Zone Facility Bonds to assist Cedar Bluffs Holdings, LLC for the purpose of assisting the Company in financing the acquisition, renovation and equipping of an approximately 25,000 square foot office and warehouse facility to be located at 24 Conestoga Way, Troy, Virginia 22974-4479, to be owned by the Company and leased to Blue Ridge Mountain Sports, Ltd. and paying costs incurred in connection with the issuance of the Bond. Mr. Scott Marshall, EDA Chairman addressed the Board regarding this issue.

MOTION:

Mr. Chesser moved that the Fluvanna County Board of Supervisors adopt the resolution [attached hereto] approving the issuance of the Bonds as recommended by the Economic Development Authority. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

County Attorney Contract

On November 3rd 1999, the Board of Supervisors approved the contract for legal services and chose alternative #2 for the method of payment. This is an annual extension that was also approved in 2000 and subsequent years. Mrs. Shelly H. Wright, Interim County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Gooch moved to extend the County Attorney's contract for services for one year commencing July 1st 2010 and ending June 30th 2011 with a flat fee of \$5,000 per month and an hourly rate for non-routine services as follows, effective July 1st 2010. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Frederick W. Payne	\$280
Robert P. Hodous	\$280
Donna R. DeLoria	\$235
William W. Tanner	\$210
Jessica F. Smith	\$180
Kristina M. Hoffman	\$150
Paralegals	\$85
Assistants [when applicable]	\$65

Request for Funding for Fireworks Display

With this action, the General Fund would be paying the full cost of the fireworks display and staff is requesting to use funds from Parks & Recreation projected FY10 Fund 100 year-end expenditure savings to sponsor the project. Mr. Dwight Godwin, Parks & Recreation Director, addressed the Board regarding this issue.

MOTION:

Mrs. Booker moved to enter into a contract with Pyro Engineering, Inc. for \$8,000 to conduct a fireworks display at Pleasant Grove Park on July 10th 2010 and authorized the County Administrator to execute the contract after approval as to form by the County Attorney. Mr. Gooch seconded. The motion carried with a vote of 5-1. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: Kenney.

Parks & Recreation Fund 120 Balance Appropriations

Staff is requesting to reconcile Fund 120 revenue appropriations received in previous fiscal years against current expenditures not previously adopted within the Fiscal Year 2010 budget. Mr. Dwight Godwin, Parks & Recreation Director, addressed the Board regarding this issue.

MOTION:

Mr. Gooch moved to approve a supplemental appropriation from Fund 120 fund balance to the Recreation Programs Fund (120) for FY10 totaling \$9,159.73, to acknowledge revenues received in past fiscal

years; a breakdown of the program areas affected with corresponding account codes are as follows:

Dog Park Donations - \$6,209.51
Revenue line #3-120-017120-0098
Expenditure line #4-120-071500-6014
Heritage Trail - \$1,045.00
Revenue line #3-120-016120-0300
Expenditure line #4-120-071212-5412
Amusement Park Ticket Resale - \$1,905.22
Revenue line #3-120-16170-0005
Expenditure line #4-120-071180-5415

Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Appointment/Economic Development Authority (EDA)

MOTION:

Mr. Chesser moved to reappoint Scott Marshall and Donnie Scott to the Economic Development Authority, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Appointment/Library Board of Trustees – At Large Position

MOTION:

Mr. Weaver moved to reappoint Barbara Goshorn to the Library Board of Trustees, At Large position, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Appointment/Library Board of Trustees – Cunningham District

MOTION:

Mr. Weaver moved to reappoint Sherron Haley to the Library Board of Trustees, Cunningham District, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Appointment/Library Board of Trustees – Rivanna District

MOTION:

Mr. Chesser moved to reappoint Thomas Shropshire to the Library Board of Trustees, Rivanna District, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Appointment/Piedmont Virginia Community College Board

MOTION:

Mr. Chesser moved to reappoint Leonard F. Gardner to the Piedmont Virginia Community College Board, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

OLD BUSINESS

The following items were discussed under old business:

- impact of budget cuts to non profit organizations and regional agencies

The Board **directed** staff to obtain from regional agencies a one (1) page report on how the FY11 budget cuts impacted them.

- schedule a Board retreat to discuss the Board's priorities; economic development; redistricting; and reassessment

- the hiring freeze [the Board indicated that for positions that were already funded in the budget, those positions were to be filled; no new positions are to be created]

NEW BUSINESS

The Board discussed the following issues:

- a proposed carbon credit package presentation to the Board as a means to generate revenue in the County

PUBLIC COMMENTS #2

Chairman Ott opened the second public comment section.

- Mr. Len Gardner, Rivanna District, addressed the Board regarding the Water Committee
- Mr. William Hughes, Palmyra District, addressed the Board regarding revisiting the non-profit and regional agencies budget cut impact

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

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 4:46 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. Gooch 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 5:13 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 5:13 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, June 2nd 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 5:16 p.m., Mr. Chessser moved to adjourn the regular meeting of Wednesday, June 2nd 2010 to June 11th 2010 at 9:00 a.m. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None

Gene F. Ott, Chairman

RESOLUTION
OF THE BOARD OF SUPERVISORS OF
FLUVANNA COUNTY, VIRGINIA

WHEREAS, the Economic Development Authority of Fluvanna County, Virginia (the "Authority") has considered the application of Cedar Bluff Holdings, LLC, a Virginia limited liability company (the "Company"), located at 1417 N. Emmet Street, Charlottesville, Virginia 22903 requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$1,300,000 (the "Bonds") to assist the Company in financing the acquisition, renovation and equipping of an approximately 25,000 square foot office and warehouse facility located at 24 Conestoga Way, Troy, Virginia 22974-4479, to be owned by the Company and leased to Blue Ridge Mountain Sports, Ltd. (the "Project"), and has held a public hearing on May 24, 2010;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the Bonds;

WHEREAS, the Authority issues its bonds on behalf of Fluvanna County, Virginia (the "County"); the Project to be located in the County and the Board of Supervisors of Fluvanna County, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

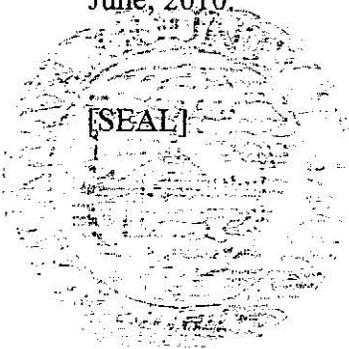
WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended, to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.
3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of Fluvanna County, Virginia this 2nd day of June, 2010.



Alicia J. Jones
Clerk, Board of Supervisors of Fluvanna County,
Virginia