

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

MEMBERS PRESENT: Gene F. Ott, Chairman
Mozell H. Booker [arrived at 2:03 p.m.]
Joseph C. Chesser
John Y. Gooch
Shaun V. Kenney [arrived at 2:10 p.m.]
Donald W. Weaver

ALSO PRESENT: Frank A. Pleva, Interim County Administrator
Frederick W. Payne, County Attorney
John Robins, Public Works Director
Renee Hoover, Finance Director
Darren Coffey, Planning Director
Pat Groot, Grants Administrator
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 October 6th 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

Mr. Frank A. Pleva, Interim County Administrator, reported to the Board of Supervisors on the following topics:

- Federal COPS Save our Schools Grant - \$71,620 to enhance school safety equipment and for programs
- UDA Grant received - \$50,000 with no cash match; just in-kind services
- Fluvanna and LMOA Land Swap – site visit with Mr. Chuck Johnson and staff will present a report on October 20th 2010
- Governor’s Jobs and Reform Commission – phasing out BPOL and Machinery and Tools tax
- Drought Status – continuing to monitor
- Utility Billing Review – proposed contract on October 20th 2010
- Historic Courthouse Photo Request
- apprised the Board regarding the TJPDC Open House at the new Water Street Center
- provided a status update on the Economic Development Director position

PUBLIC COMMENTS #1

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

The following people addressed the Board:

- Ms. Elizabeth Franklin, Columbia District and Chairperson of the Fluvanna Taxpayer Association, addressed the Board regarding the changeover in 2008 in collection of the Fluvanna County taxes, stating they are unfair and have had a negative impact on the citizens of Fluvanna County; the tax increases have been applied retroactively for the tax years 2008, 2009 and 2010; FTA requests that the Fluvanna County Board of Supervisors deal fairly and transparently with taxpayers in clearly communicating the periods covered by tax increases; do not collect a tax increase until the fiscal year for which it is approved; and refund to taxpayers the latest retroactive tax by not collecting the 2011 tax increase in December

Supervisor Shaun V. Kenney arrived at 2:10 p.m.

Chairman Ott commented and indicated that the change was simply a policy change which accounted for the revenue collected in June for each tax year.

- Mr. Dennis Holder, Columbia District, addressed the Board and indicated that the tax collections are a retroactive tax increase and that tax increases are being billed retroactively; he has asked the Department of Taxation to look into Fluvanna County's policy for tax collection

Chairman Ott commented that the County has to collect in advance and not in the arrears.

Mr. Frederick W. Payne, County Attorney, addressed the Board and indicated that tax collection is authorized by statute in the Code of Virginia; it states that a tax rate has to be set by June 1st of the current year and that taxes for that year begin on January 1st of the same year.

- Mr. Adrian Miller, Rivanna District, addressed the Board and indicated he thought Old Farm Day was a tremendous success; asked the Board to request a sign be replaced at Lake Monticello for a turn lane; thanked Supervisor Chesser for his updates on the Chesapeake Bay area; and asked that people don't forget to vote on November 2nd 2010
- Ms. Susan Swales, Fork Union District and Old Farm Day Chairman and Cindy Ann, Fork Union District and Co-Chair of the committee, thanked the Board for their interest in Old Farm Day which is the single largest event in the County with over 5,000 people on site which included workers, vendors and visitors; thanked the Building and Grounds staff along with Garland Nuckols, Facilities Director; indicated two (2) of the biggest obstacles were communication and parking, both of which were handled very well; asked the Board in the future to not hold any athletic games on Old Farm Day which helped this particular event greatly and kept down the traffic volume; asked the Board if the Board would provide a resolution to that effect; also asked if perhaps a second exit could be planned again for the next year's Old Farm Day
- Mr. Leonard F. Gardner, Rivanna District, addressed the Board and expressed his disagreement with the position that the Fluvanna Taxpayer Association has taken regarding tax collection
- Ms. Jean DeMarco, Rivanna District, addressed the Board regarding her opposition to paved road ways at Pleasant Grove; it causes runoff damage to streams and nature

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

- Minutes of September 15th 2010
- Ag/Forestal District (AFD) Shepherd Renewal [renewed for an additional ten (10) year period containing a total of 703.999 acres [resolution attached hereto]
- Resolution in Support of Reduced Mandates for Public Education in Virginia [attached hereto]
- Proclamation/Virginia Cooperative Extension Volunteer Month October 2010
- DMV Grant [ratified the application and accepted the award from DMV in the amount of \$21,150 to fund a Sheriff's Office traffic safety program with the required match of \$4,230 provided by in-kind costs, and authorize a supplemental appropriation as enumerated herein; further moved that the Board of Supervisors authorize the Interim or County Administrator to execute any contracts or agreements associated with this grant award

Supplemental appropriation of:

- \$21,150 to revenue line 3-202-330117-3000
- \$ 4,230 to revenue line 3-202-330117-4105
- \$14,000 to expenditure line 4-202-031300-1100 for salary
- \$ 7,150 to expenditure line 4-202-031300-8107 for equipment

\$ 4,230 to expenditure line 4-202-031300-6008

- Supplemental Appropriation/Sheriff's Office [in the amount of \$225.50 for extradition of prisoners]

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

ACCOUNTS PAYABLE

Ms. Melissa Marks, Senior Finance Clerk, addressed the Board regarding the accounts payable.

MOTION:

Mr. Weaver moved the Accounts Payable from August 23rd 2010 through September 24th 2010 and payroll for the month of August 2010 in the amount of \$1,982,486.80 be ratified. Mrs. Booker seconded. The motion carried with a vote of 6-0 AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Fund 100	General Fund	\$	987,530.06
Fund 120	Recreation		160.00
Fund 302	Capital		297,310.63
Fund 401	Debt Service		116,374.19
Fund 502	Utility (Sewer)		35,309.39
Fund 505	Fork Union Sanitary District		27,279.90
<u>Payroll</u>			<u>518,522.63</u>
<u>Total</u>			<u>\$ 1,982,486.80</u>

PUBLIC HEARING

None

PRESENTATIONS:

Reassessment Update

Mr. Andrew M. Sheridan, Commissioner of the Revenue, provided a PowerPoint presentation which included a General Reassessment History which included reassessment years of 1984, 1988, 1994, 1998, 2002, 2005 and 2007; Fluvanna County Assessment/Sales Ratios from 1991 through 2009; the proposed Reassessment Timeline; and Recommendations.

JAUNT's Annual Report

Ms. Donna Shaunesey, JAUNT Executive Director, provided the Board with a verbal presentation which included the number of trips by JAUNT Service Type in Fluvanna County; the number of trips by age category; and the highlights of the year. Ms. Shaunesey indicated there was a 17% increase in public ridership, while agency ridership decreased by 14%; the Fluvanna Express has been successful in providing after school transportation to children throughout the County and have provided over twice as many trips in FY10; ridership on the midday route stayed steady despite the fact that in July 2009, budget issues caused the loss of one day of service and fare increases of about 50%, demonstrating how much people value the service.

CSA End of Fiscal Year 2010

Dr. Jacqueline A. Meyers, CSA Program Manager, provided the Board with a PowerPoint presentation on the CSA End of Fiscal Year 2010 Report. This presentation included the CSA Fiscal Year Calendar; a Budget Overview; discussed Mandated Services; discussed Factors Contributing to Savings; provided a Comparison: Local Match Base Rate to Effective Match Rate; provided the CSA Expenditures Five Year Trends from 2006 to 2010; and provided the Local/Regional/Statewide Comparisons.

Rural Zoning Task Force Recommendations

Mr. Darren Coffey, Planning Director, provided a PowerPoint presentation on the Rural Zoning Task Force Recommendations. This presentation included an Overview of Task Force Objectives; Relevant Demographic Information; items that the Task Force did not agree on; items that the Task Force did agree on; discussed A-1 Zoning District,

Parts 1 and 2; discussed Cluster and Open Space parts 1 and 2; provided information on New Zoning District, Parts 1 and 2; Transfer of Development Rights, Parts 1 and 2; and provided information on what the next steps should be.

Library Storage Building

Ms. Cyndi Hoffman, Library Director, provided a PowerPoint presentation for a shed proposal for storing book donations. She included pictures of current storage book problems; what the proposed shed would look like and the proposed location.

After discussion among the Board Members, it was the general consensus of the Board for the Library Committee to move forward with the storage building and erect it as presented.

Water Overview

Mr. John Robins, Public Works Director, provided a PowerPoint presentation on water. Items discussed were possible alternatives; possible costs; possible implementation; and a discussion and direction by the Board of Supervisors.

It was the consensus of the Board to move forward with breaking out the water projects and try to proceed with providing water to Fork Union and also look at ways to provide water to Zion Crossroads.

ACTION MATTERS

Health Department HVAC

Administration Building HVAC

Mr. John Robins, Public Works Director, addressed the Board regarding these issues. After Board discussion, it was the consensus of the Board that both the Health Department and the Administration Building HVAC be put out to bid and return for action from the Board at their November 17th 2010 meeting.

Human Services Building Renovation

The Board of Supervisors is being requested to give permission to advertise for the bidding of the renovation work of the unoccupied space from the old library for use as office space for the Department of Social Services.

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

MOTION:

Mr. Kenney moved to **direct** staff to proceed with the advertisement for a request for bid for the renovation of the Human Service Building at Carysbrook including the renovation of the old library space for use by the Department of Social Services. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

OLD/NEW BUSINESS

The Board discussed the following issues:

- the Board was apprised of the fact that Sheriff Washington was the new President of the Virginia Association of Sheriff's
- types of roads to be built on Pleasant Grove

The Board of Supervisors **directed** the Parks and Recreation Advisory Board to review the plan for the roads on Pleasant Grove and appear before the Board at their November 17th 2010 meeting with recommendations.

- the Board would like for JABA to appear before the Board with a presentation and also to discuss their budget cuts of FY10
- discussion on a letter written by a citizen and asked to be forwarded by the Board to the Attorney General for a formal opinion on the school referendum; Mr. Payne, County Attorney thought this best discussed in closed session; however, Supervisor Weaver wanted it discussed in open forum

MOTION TO EXTEND MEETING

MOTION:

At 5:56 p.m. Mr. Weaver moved to extend the meeting to 7:00 p.m. and Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Board discussion ensued and the following motion was offered:

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 5:58 p.m. Mr. Kenney 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 actual and potential litigation. Mr. Chesser seconded. The motion carried by a vote of 4-1-0. AYES: Chesser, Gooch, Kenney and Ott. NAYS: Weaver. ABSENT: Booker [Mrs. Booker has stepped out of the room].

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

At 6:43 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Kenney seconded. The motion carried by a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

MOTION:

At 6:44 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, October 6th 2010 on motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Booker, Chesser, 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.”

There was no issue discussed in public and no action came out of the Closed Meeting.

PUBLIC COMMENTS #2

Chairman Ott opened the second public comment section.

- Mr. Dennis Holder, Columbia District, addressed the Board and thanked Mr. Weaver for bringing the situation out in the open and indicated the citizens need to know what is going on

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

ADJOURN

MOTION:

At 6:47 p.m., Mr. Kenney moved to adjourn the regular meeting of Wednesday, October 6th 2010. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: None.

Gene F. Ott, Chairman

BOARD OF SUPERVISORS
COUNTY OF FLUVANNA
RESOLUTION

At a regular meeting of the Board of Supervisors of the County of Fluvanna held in the Fluvanna County Courts Building at 2:00 p.m. on the 6th day of October 2010, at which the following members were present, the following resolution was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

<u>PRESENT</u>	<u>VOTE</u>
Gene Ott, Chairman	YEA
Shaun Kenney, Vice-Chairman.....	YEA
Mozell Booker.....	YEA
Donald Weaver	YEA
Joe Chesser.....	YEA
John Gooch.	YEA

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

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE SHEPHERDS
AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR PERIOD
TO EXPIRE November 15, 2020**

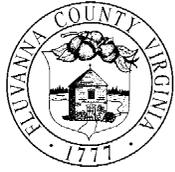
WHEREAS, the Fluvanna County Board of Supervisors approved the creation of the Shepherds Agricultural/Forestal District on November 15, 2000 for a ten year period; and

WHEREAS, the district is set to expire on November 15, 2010; and

WHEREAS, in accordance with Section 15.2-4311 of the State Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the Shepherds Agricultural/Forestal District and advised them that the approved district would expire on November 15, 2010 and inquired whether the owners desired that the property remain in or be removed from the district.

NOW, THEREFORE BE IT RESOLVED, on this 6th day of October 2010 that the Fluvanna County Board of Supervisors hereby renews the Shepherds Agricultural/Forestal District for an additional ten-year period to expire on November 15, 2020

Alice Jones, Clerk
Board of Supervisors
Fluvanna County, Virginia



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, October 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
Joseph C. Chesser	YEA
John Y. Gooch	YEA
Donald W. Weaver	YEA

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

RESOLUTION

Resolution in Support of Reduced Mandates for Public Education in Virginia

WHEREAS, it is the responsibility of the County of Fluvanna, Virginia, through its Board of Supervisors and its School Board, to construct a balanced budget within the confines of available federal, state and local funds; and

WHEREAS, the Commonwealth of Virginia provides direction to and imposes requirements on the public schools within the state; and

WHEREAS, the FY 2011 Fluvanna County School budget required cuts of \$4,945,809 from the previous year's budget of \$39,414,855 to achieve a balanced budget; and

WHEREAS, according to Virginia Department of Education, reporting to the Virginia Association of Counties on March 14, 2010, "adopted FY 2011 K-12 state distribution from all funding sources is \$1,367,866 lower than this year's adopted FY 2010 distribution;" and

WHEREAS, Fluvanna County has no reason to believe that state funding for K-12 education in FY 2012 will increase and may in fact decline; and

WHEREAS, despite making substantial cuts in services and positions, the Fluvanna County School Board is faced with the difficult choice of reducing educational programs or facing non-compliance with state regulations in this current difficult economy; and

WHEREAS, there is substantial need to ease burdens placed on all localities by Commonwealth-imposed unfunded mandates which force difficult choices between untenable tax increases or cuts in educational services for our children;

NOW, THEREFORE, BE IT RESOLVED that the Fluvanna County Board of Supervisors requests that the Virginia Department of Education substantially reduce the current number of unfunded mandates.

BE IT FURTHER RESOLVED that the Virginia Department of Education delay implementation of all new unfunded mandates until the economy has substantially recovered.

BE IT FURTHER RESOLVED that the Virginia Department of Education place a moratorium on penalties for noncompliance until the substantial recovery of the economy.

BE IT FURTHER RESOLVED that the Department of Education shall reduce the need for locally-generated paperwork and statistics which do not provide actual benefit to students.

BE IT FURTHER RESOLVED that careful consideration be given to the impact of mandates on small school systems, such as Fluvanna County, which has a school population of approximately 3,730.

BE IT FURTHER RESOLVED that the Virginia Department of Education align SOL testing schedules with federally-mandated testing in order to minimize the time students spend testing rather than learning.

BE IT FURTHER RESOLVED that in agreement with the 2010 Legislative Policies of the Virginia Association of School Superintendents, “the state should assume a role of support and direction rather than one of punitive enforcement in accountability and accreditation.”

BE IT FURTHER RESOLVED that a copy of this Resolution shall be presented to Robert McDonnell, Governor of Virginia; U. S. Senator Mark Warner; State Senator Frank M. Ruff; the Virginia Board of Education; and the Virginia Department of Education.

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

ATTEST:

Gene F. Ott, Chairman