

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Courtroom**  
**Fluvanna Courts Building**  
**December 1<sup>st</sup> 2010**  
**7:00 p.m.**

**MEMBERS PRESENT:** Gene F. Ott, Chairman  
Shaun V. Kenney, Vice-Chair  
John Y. Gooch  
Donald W. Weaver  
Joseph C. Chesser

**MEMBER ABSENT:** Mozell H. Booker

**ALSO PRESENT:** Jay Scudder, County Administrator  
Frederick W. Payne, County Attorney  
Darren Coffey, Planning Director  
Steve Tugwell, Planner  
Ryant L. Washington, Sheriff  
Pat Groot, Grants Administrator  
Renee Hoover, Finance Director  
Crystal Besecker, Budget Analyst  
Alice F. Jones, Clerk to the Board of Supervisors  
Mary L. Weaver, Senior Program Support Assistant

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Chairman Ott called the regular meeting of December 1<sup>st</sup> 2010 to order at 7:00 p.m. in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited after which, Chairman Ott called for a moment of silence.

Mr. Shaun Kenney arrived 7:06

**REPORTS**

Mr. Jay Scudder, County Administrator, reported on the following items:

- apprised the Board that there has been some discussion in assisting the Town of Columbia with code issues and revitalization matters. Mr. Coffey, Planning Director, Mr. Jay Scudder, County Administrator and Ms. Kerry Murphy, Vice-Mayor of the Town of Columbia, meet to discuss what would be involved with code enforcement and assisting them.
- apprised the Board that 26 applications have been received and reviewed for the Economic Development position; will proceed forward and keep you posted on the progress.
- apprised the Board on the discussion of users and options on the AT&T monopole and lattice pole at the Palmyra Firehouse.
- apprised the Board of the following events they have been invited to:
  - Henrico County Shire Celebration – celebrating 400 years – January 20<sup>th</sup>, 2010 at 5pm – Richmond Convention Center, 403 North 3<sup>rd</sup> Street, Richmond, VA
  - Arts and Illumination – December 10<sup>th</sup>, 2010 - Piedmont Virginia Community College, 501 College Drive, Charlottesville, VA

**PUBLIC COMMENTS #1**

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

- Mr. Thomas Payne – Palmyra District – spoke in reference to the Social Services Department renovations.

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

The Board **directed** staff to provide the Board with an update of the Social Services Department Renovations.

**CONSENT AGENDA**

The following item was pulled from the consent agenda:

- Minutes of November 17<sup>th</sup>, 2010

The following items were approved under the consent agenda:

**MOTION:**

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

- Library Aid Supplement for FY11
- Fire and Rescue Reappropriation of Insurance Refund
- Ag/Forestal District Renewal/AFD 00-007/Dobby Creek (Walter Apelt)
- Ag/Forestal District Renewal/AFD 00-006/Lower Bremo (Woody Cumbo)
- Ag/Forestal District Renewal/AFD 00-005/Bremo Recess (John P. Orf)
- Ag/Forestal District Renewal/AFD 00-004/Shores-Hardware (E. Miyagawa)
- Budget and Appropriate/Sheriff's Office [insurance recovery fees received from VACORP to cover the repair cost to the 2008 Ford Crown Vic (VIN #3039)]

Mr. Gooch seconded. The motion carried with a vote of 5-0. AYES: Gooch, Kenney, Chesser, Weaver and Ott. NAYS: None. ABSENT: Booker.

Minutes of November 17<sup>th</sup>, 2010

**MOTION:**

Mr. Weaver moved to approve the November 17<sup>th</sup>, 2010 minutes as amended.

Mr. Gooch seconded. The motion carried with a vote of 5-0. AYES: Gooch, Kenney, Chesser, Weaver and Ott. NAYS: None. ABSENT: Booker.

**ACCOUNTS PAYABLE**

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

**MOTION:**

Mr. Weaver moved to ratify the Accounts Payable from September 27<sup>th</sup>, 2010 to October 22<sup>nd</sup>, 2010 and payroll for the month of October 2010 in the amount of \$4,196,224.75. Mr. Kenney seconded. The motion carried with a vote of 5-0.

AYES: Gooch, Kenney, Chesser, Weaver and Ott. NAYS: None. ABSENT: Booker.

Fund 100	General Fund	\$ 448,853.91
Fund 120	Recreation	310.53
Fund 302	Capital	2,788,763.05
Fund 401	Debt Service	1,500.00
Fund 502	Utility (Sewer)	3,368.01
Fund 505	Fork Union Sanitary District	13,413.22
Payroll		<u>940,016.03</u>
Total		\$ 4,196,224.75

**PUBLIC HEARING**

Appropriation of the Ed Jobs Funds [\$790,738.38]

In accordance with Virginia Code 15.2.2507 a public hearing is required for any budget amendment that exceeds 1% of the total expenditure budget. The U.S. Department of Education has allocated \$10 billion in funding to support education jobs in the 2010-11 school year. The funding was disbursed to eight states with Virginia receiving a total of \$249 million. As a result, the Fluvanna county School system has been awarded \$790,738.38 to 'fund the salaries and benefits of teachers, school-level administrators, and other essential school staff'.

Ms. Crystal Besecker, Budget Analyst, addressed the Board regarding this item. Ms. Gena Keller, School Superintendent, addressed the Board and informed them of their intent to use these funds to compensate those employees who suffered a pay cut in FY 11.

Chairman Ott opened the public hearing.

- Mr. Tom Muir, Palmyra District, addressed the Board in support of this request.
- Mr. Bryan Phillips, Rivanna District, addressed the Board in support of this request.
- Mr. Thomas Payne, Palmyra District, addressed the Board in support of this request.

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

**MOTION:**

Mr. Chesser moved to amend the FY11 Budget in the amount of \$790,738.38 as proof of acceptance and appropriation of the Ed Jobs funding awarded to the Fluvanna School system by the U.S. Department of Education. The following budget lines would increase 3-251-061000-0001(Federal Revenue) and 4-251-033020-0004 (Instruction). Mr. Gooch seconded. The motion carried with a vote of 5-0. AYES: Gooch, Kenney, Chesser, Weaver and Ott. NAYS: None. ABSENT: Booker.

**PRESENTATIONS:**

Rivanna River Basin Commission & Chesapeake Bay Total Maximum Daily Load (TMDL)  
Ms. Leslie Middleton, RRBC, and Mr. Steve Williams, TJPDC Executive Director, addressed the Board with an update on the results of the Piedmont Regional Pilot Project for the Chesapeake Bay Total Maximum Daily Load.

**FY 10 Comprehensive Annual Financial Report**

Ms. Renee Hoover, Finance Director and Mr. David Foley, Robinson, Farmer, Cox and Associates, addressed the Board with a review of the FY 10 audit that was preformed.

Chairman Ott changed the agenda to bring the Old Business item before Action Matters.

**RECESS**

The Board recessed at 4:05pm.

**RECONVENE**

The Board reconvened at 4:19pm.

**OLD BUSINESS**

**SUP 10:05/Ice Cream Shop/Patrick Young**

This is a request for a special use permit. The applicant is proposing to operate a small ice cream shop and the property is currently zoned A-1; located in the Palmyra Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

After Board discussion the following motion was offered:

**MOTION:**

Mr. Gooch moved to deny SUP 10:05, a special use permit request to allow for a small restaurant with respect to 200 +/- acres of Tax Map 9, Section A, Parcel 22. Mr. Kenny seconded. The motion carried with a vote of 5-0. AYES: Gooch, Kenney, Chesser, Weaver and Ott. NAYS: None. ABSENT: Booker.

**ACTION MATTERS**

**Adoption of the Draft 2011 Thomas Jefferson Planning District Legislative Program**

Mr. David Blount, TJPDC Legislative Liaison, addressed the Board regarding this issue and reviewed the changes to the program.

After Board discussion the following motion was offered:

**MOTION:**

Mr. Gooch moved to adopt the Draft 2011 Thomas Jefferson Planning District Legislative Program. Mr. Chesser seconded. The motion carried with a vote of 4-1. AYES: Gooch, Chesser, Weaver and Ott. NAYS: Kenney. ABSENT: Booker.

**Authorize Execution of Revenue Sharing VDOT Contract and Issue RFP for Professional Engineering Services**

Mr. Darren Coffey, Planning Director, addressed the Board regarding this issue for the Preliminary Engineering (PE)/Design phase for a roundabout at the intersection of Routes 15 & 53.

After Board discussion the following motion was offered:

**MOTION#1:**

Mr. Kenney moved to authorize execution of the Revenue Sharing Agreement offered by the Virginia Department of Transportation (VDOT) for preliminary engineering of a roundabout at the Route 15 and Route 53 intersection and authorize the County Administrator to execute any agreements, certificates and other documents required on behalf of the County of Fluvanna to carry out the terms of the agreement. Mr. Gooch seconded. The motion carried with a vote of 4-1. AYES: Gooch, Chesser, Kenney and Ott. NAYS: Weaver. ABSENT: Booker.

**MOTION#2:**

Mr. Kenney moved to authorize issuance of a Request for Proposal to secure the professional services needed for this project, subject as to form by the County Attorney. Mr. Chesser seconded. The motion carried with a vote of 4-1. AYES: Gooch, Chesser, Kenney and Ott. NAYS: Weaver. ABSENT: Booker.

**Authorize Submission of a Letter of Intent to Participate in the VDOT Revenue Sharing Program for FY 2012**

Mr. Darren Coffey, Planning Director, addressed the Board regarding this issue. After Board discussion the following motion was offered:

**MOTION:**

Mr. Kenney moved to approve the attached letter addressing VDOT declaring the County's intent to apply for construction funds under the Revenue Sharing Program to construct a roundabout at the Route 15 and Route 53 intersection. Mr. Chesser seconded. The motion carried with a vote of 4-1. AYES: Gooch, Chesser, Kenney and Ott. NAYS: Weaver. ABSENT: Booker.

**Authorize to Enter into Negotiations for Financial Forecast**

Mr. Jay Scudder, County Administrator, addressed the Board in reference to entering into negotiations with Robinson, Farmer, Cox to establish a five year financial forecast. After Board discussion the following motion was offered:

**MOTION:**

Mr. Chesser moved to authorize the County Administrator to negotiate with Robinson, Farmer, Cox to develop a five-year financial forecast. Mr. Gooch seconded. The motion carried with a vote of 5-0. AYES: Gooch, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Booker.

**Reappointment/Southeast RCAP**

**MOTION:**

Mr. Weaver moved to reappoint Mr. Fitz-Hugh to the Southeast Rural Community Assistance Project (RCAP), with a term to begin January 1<sup>st</sup> 2011 and to terminate on December 31<sup>st</sup>, 2016. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Gooch, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Booker.

**OLD/NEW BUSINESS**

Mr. Kenney addressed the Board in reference to considering two options for the Town of Columbia. 1. Appoint a Task Force to address the needs of the town and find out what staff can do assist them. 2. Track the progress. Mr. Fred Payne, County Attorney and Mr. Jay Scudder, County Administrator reviewed some options and concerns with the Board.

The Board **directed** staff to develop a Task Force to establish the needs, wants and at what cost.

Chairman Ott announced his resignation from the Board of Supervisors effective December 31<sup>st</sup>, 2010 for reason of relocating out of the Rivanna District.

After some discussion the Board requested staff to advertise for a replacement for Chairman Ott.

**PUBLIC COMMENTS #2**

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

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

**CLOSED MEETING**

None

**ADJOURN**

**MOTION:**

At 5:26 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, December 1<sup>st</sup>, 2010. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Gooch, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Booker.

APPROVED

**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 7:00 p.m. on the 1<sup>st</sup> day of December 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:

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

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On the motion of Mr. Kenney, seconded by Mr. Chesser, which carried by a vote of 5-0, the following resolution was adopted:

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE DOBBY CREEK AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR PERIOD TO EXPIRE January 17, 2021**

**WHEREAS**, the Fluvanna County Board of Supervisors approved the creation of the Dobby Creek Agricultural/Forestal District on January 17, 2001 for a ten year period; and

**WHEREAS**, the district is set to expire on January 17, 2011; 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 Dobby Creek Agricultural/Forestal District and advised them that the approved district would expire on January 17, 2011 and inquired whether the owners desired that the property remain in or be removed from the district.

**NOW, THEREFORE BE IT RESOLVED**, on this 1<sup>st</sup> day of December 2010 that the Fluvanna County Board of Supervisors hereby renews the Dobby Creek Agricultural/Forestal District for an additional ten-year period to expire on January 17, 2021

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Alice Jones, Clerk  
Board of Supervisors  
Fluvanna County, Virginia

**BOARD OF SUPERVISORS  
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<u>PRESENT</u>	<u>VOTE</u>
<i>Gene Ott, Chairman</i> .....	<i>AYE</i>
<i>Shaun Kenney, Vice-Chairman</i> .....	<i>AYE</i>
<i>Mozell Booker</i> .....	<i>ABSENT</i>
<i>Donald Weaver</i> .....	<i>AYE</i>
<i>Joe Chesser</i> .....	<i>AYE</i>
<i>John Gooch</i> .....	<i>AYE</i>

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On the motion of Mr. Kenney, seconded by Mr. Chesser, which carried by a vote of 5-0 the following resolution was adopted:

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE LOWER BREMO AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR PERIOD TO EXPIRE January 17, 2021**

**WHEREAS**, the Fluvanna County Board of Supervisors approved the creation of the Lower Brema Agricultural/Forestral District on January 17, 2001 for a ten year period; and

**WHEREAS**, the district is set to expire on January 17, 2011; 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 Lower Brema Agricultural/Forestal District and advised them that the approved district would expire on January 17, 2011 and inquired whether the owners desired that the property remain in or be removed from the district.

**NOW, THEREFORE BE IT RESOLVED**, on this 1<sup>st</sup> day of December 2010 that the Fluvanna County Board of Supervisors hereby renews the Lower Brema Agricultural/Forestal District for an additional ten-year period to expire on January 17, 2021

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Alice Jones, Clerk  
Board of Supervisors  
Fluvanna County, Virginia

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COUNTY OF FLUVANNA  
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<u>PRESENT</u>	<u>VOTE</u>
<i>Gene Ott, Chairman</i> .....	<i>AYE</i>
<i>Shaun Kenney, Vice-Chairman</i> .....	<i>AYE</i>
<i>Mozell Booker</i> .....	<i>ABSENT</i>
<i>Donald Weaver</i> .....	<i>AYE</i>
<i>Joe Chesser</i> .....	<i>AYE</i>
<i>John Gooch</i> .....	<i>AYE</i>

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On the motion of Mr. Kenney, seconded by Mr. Chesser, which carried by a vote of 5-0, the following resolution was adopted:

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE BREMO RECESS AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR PERIOD TO EXPIRE January 17, 2021**

**WHEREAS**, the Fluvanna County Board of Supervisors approved the creation of the Bremo Recess Agricultural/Forestal District on January 17, 2001 for a ten year period; and

**WHEREAS**, the district is set to expire on January 17, 2011; 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 Bremo Recess Agricultural/Forestal District and advised them that the approved district would expire on January 17, 2011 and inquired whether the owners desired that the property remain in or be removed from the district.

**NOW, THEREFORE BE IT RESOLVED**, on this 1<sup>st</sup> day of December 2010 that the Fluvanna County Board of Supervisors hereby renews the Bremo Recess Agricultural/Forestal District for an additional ten-year period to expire on January 17, 2021

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Alice Jones, Clerk  
Board of Supervisors  
Fluvanna County, Virginia

**BOARD OF SUPERVISORS  
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<u>PRESENT</u>	<u>VOTE</u>
<i>Gene Ott, Chairman</i> .....	<i>AYE</i>
<i>Shaun Kenney, Vice-Chairman</i> .....	<i>AYE</i>
<i>Mozell Booker</i> .....	<i>ABSENT</i>
<i>Donald Weaver</i> .....	<i>AYE</i>
<i>Joe Chesser</i> .....	<i>AYE</i>
<i>John Gooch</i> .....	<i>AYE</i>

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On the motion of Mr. Kenney, seconded by Mr. Chesser, which carried by a vote of 5-0, the following resolution was adopted:

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE SHORES-HARDWARE AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR PERIOD TO EXPIRE January 17, 2021**

**WHEREAS**, the Fluvanna County Board of Supervisors approved the creation of the Shores-Hardware Agricultural/Forestal District on January 17, 2001 for a ten year period; and

**WHEREAS**, the district is set to expire on January 17, 2011; 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 Shores-Hardware Agricultural/Forestal District and advised them that the approved district would expire on January 17, 2011 and inquired whether the owners desired that the property remain in or be removed from the district.

**NOW, THEREFORE BE IT RESOLVED**, on this 1<sup>st</sup> day of December 2010 that the Fluvanna County Board of Supervisors hereby renews the Shores-Hardware Agricultural/Forestal District for an additional ten-year period to expire on January 17, 2021, with the removal of tax map parcels 48(A)53, 48(A)58, 48(A)59, 48(A)60, 49(A)15, 57(A)51A, 57(5)1, 57(5)2, and 57(5)3.

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Alice Jones, Clerk  
Board of Supervisors  
Fluvanna County, Virginia



**COUNTY OF FLUVANNA**

"Responsive & Responsible Government"

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**BOARD OF SUPERVISORS**

Gene L. Ott, Chairman  
Palmyra District

Blaise V. Kourty, Vice-Chair  
Culpeper District

David M. Weaver,  
Charlottesville District

Maxwell H. Shanker  
East Nelson District

John Y. Gaud,  
Palmyra District

Jay Clapper  
Nelson District

**STAFF**

Jay Scudder  
County Administrator  
jascudder@co.fluvanna.va.us

Allison F. Jones  
Chief of the Budget  
ajones@co.fluvanna.va.us

December 1, 2010

**Revenue Sharing Program  
Fiscal Year 2012  
County of Fluvanna County**

Mr. Michael A. Estes, P.E.  
Local Assistance Division  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219

Dear Mr. Estes:

The County of Fluvanna, Virginia, indicates by this letter its official intent to participate in the "Revenue Sharing Program" for Fiscal Year 2012. Construction and Right of Way for building the single lane roundabout at the intersection of Routes 15 and 53 is estimated at \$900,000. Based on this estimate, the County will provide \$450,500 for this program, to be matched on a dollar-for-dollar basis from funds of the Commonwealth of Virginia. This project will be administered by the County.

Preliminary engineering funds under the Revenue Sharing Program were awarded in FY 2011 for this project. The County worked with its Director of Planning and VDOT Culpeper District Transportation Planner and developed the proposed eligible project recommended to be accomplished with these funds.

Sincerely,

Jay Scudder,  
County Administrator

cc: Karen Kilby, Culpeper District