

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
December 15th 2010
7:00 p.m.

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

MEMBER ABSENT: Joseph C. Chesser

ALSO PRESENT: Jay Scudder, County Administrator
Frederick W. Payne, County Attorney
Ryant L. Washington, Sheriff
John Robins, Public Works Director
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 15th 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.

REPORTS

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

- apprised the Board that this is Mrs. Alice Jones' official last Board meeting before her retirement on December 31, 2010. Mr. Scudder thanked her for her 24 years of dedicated service and she will be greatly missed.
- apprised the Board about a meeting that was held Friday, December 10, 2010 with a representative of the Thomas Jefferson Planning District Commission and the Virginia Department of Housing Development to discuss options on how to help the Town of Columbia with their housing and code enforcement needs. Some of the topics discussed were; creating an MOU, grant opportunities, and establishing a Task Force.
- apprised the Board that the budget process has started, have been meeting with staff members to discuss their department budgets and looking at ways to accomplish things more efficiently. The Five Year Financial Forecast should be ready for the January 19, 2010 Board meeting.

PUBLIC COMMENTS #1

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

- Mr. Leonard Gardner – Rivanna District – spoke in reference to Mr. Ott leaving, location of a Fluvanna Review mailbox in the Palmyra Village and the athletic field lights for the new high school.

The Board **directed** staff to request a Fluvanna Review mailbox be made available in the Village of Palmyra.

Mr. Jonathan Hurst, Clerk of the Works for the high school, addressed the Board in reference to the lights for the athletic field, ensured the Board that all lights will be directed to the point of use.

- Mr. Adrian Miller – Rivanna District – congratulated Mr. Ott and Mrs. Jones and thanked them for their service, spoke in reference to the roundabout for Rt. 53 and Rt. 15 intersection and a sign VDOT posted on Rt. 53 for turning vehicles.

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

CONSENT AGENDA

The following item was pulled from the consent agenda:

- Minutes of December 1st, 2010

The following items were approved under the consent agenda:

MOTION:

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

- Supplemental Appropriation/Sheriff's Office [\$326.50] Fire and Rescue Reappropriation of Insurance Refund
- Budget and Appropriate/Sherriff's Office[\$2,016.87]

Ms. Booker seconded. The motion carried with a vote of 4-0. AYES: Gooch, Weaver, Booker and Ott. NAYS: None. ABSENT: Chesser and Kenney.

Minutes of December 1st, 2010

MOTION:

Mr. Weaver moved to approve the December 1st, 2010 minutes as amended. Mr. Gooch seconded. The motion carried with a vote of 4-0. AYES: Gooch, Weaver, Booker and Ott. NAYS: None. ABSENT: Chesser and Kenney

Mr. Shaun Kenney arrived 7:36

ACCOUNTS PAYABLE

None

PUBLIC HEARING

Proposed Exchange of Property between the Lake Monticello Owners Association (LMOA) and Fluvanna County

This proposed property exchange was previously proposed to the Board of Supervisors by the LMOA, but not acted on by the Board. The proposal is to transfer three parcels to County ownership – Tax Map Parcels 9(A)2, 18(A)1D (portion of) and 19(A)1E [approx. 80+ acres] – and to dispose of Tax Map Parcel 8(A)22 (approximately a 35 acre parcel) by transferring it from the County to LMOA ownership. The transfer is intended to create the potential for the future development of TMP 8(A)22 along with adjacent parcels that lie within the Rivanna Community

Planning Area, along with the County ownership of viable greenway park land that also has historic and cultural significance.

Mr. Jay Scudder, County Administrator, addressed the Board on this issue.

Chairman Ott opened the public hearing.

- Mr. Marvin Moss – Columbia District – addressed the Board in support of this request.
- Mr. Stu Guskind – Rivanna District – addressed the Board with some questions on this request.
- Mr. Scott Neiss – Board of LMOA president – addressed the Board in support of this request.

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

Mr. Gooch asked what kind of easements would be approved. Mr. Fred Payne, County Attorney, reviewed with the Board the proposed contract.

MOTION:

Mr. Kenney moved to authorize the disposition of Tax Map Parcel 8(A)22 to the Lake Monticello Owner's Association (LMOA) in accordance with State Code. Further, the Board authorizes the acceptance of parcels 9(A)2, 18(A)1D (portion of) and 18(A)1E into County ownership, subject to appropriate easements and other necessary appurtenances, substantially in accordance with current ongoing negotiations with the Lake Monticello Owners Association. Further, the Board authorizes the county administrator to execute appropriate contracts, deeds and other instruments necessary to effectuate the same, subject to approval as to form by the county attorney. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Gooch, Kenney, Booker, Weaver and Ott. NAYS: None. ABSENT: Chesser.

PRESENTATIONS:

Mr. Kenney presented Mr. Ott with a plaque for his seven years of dedicated service as the Board of Supervisor for the Rivanna District.

Career and Technical Education Program Update

Mr. Robert Mayfield, Tenaska Plant Manager, addressed the Board with a review of aligning the Agendas for Education, Economic Development and Business with Career and Technical Education in Virginia.

JOINT MEETING WITH SCHOOL BOARD

A closed meeting was requested by the Fluvanna School Board to discuss legal matters. School Board Members attending were: Bertha Armstrong, Barbara Gibbons, Brian Phillips and Tom Muir along with Gena Keller, School Superintendent.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 8:30 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.

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

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

At 9:15 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 5-0. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

MOTION:

At 9:16 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, December 15th 2010 on motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

“**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.”

PRESENTATIONS (continued):

Carysbrook Building Renovations Update

Mr. John Robins, Public Works Director, addressed the Board with an update of the progress of renovations of the Carysbrook Building for the Social Services Department.

ACTION MATTERS

Repayment and Reissuance of Loan to the Fork Union Sanitary District

The Fork Union Sanitary District (FUSD) was issued a loan from the County to continue paying for operations this past year (April 7, 2010). This loan matures and must be repaid as of December 15, 2010 according to the note, as required by the Code of Virginia. Issuance of the refunding bond as of January 1, 2011 will permit the refunding bond to have a maturity date of December 15, 2011, rather than June 15, 2011.

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

After Board discussion the following motion was offered:

MOTION:

Mr. Gooch moved to adopt the attached resolution authorizing the issuance, sale, award, and purchase of \$40,000 refunding bond of the Fork Union Sanitary District, January 1, 2011 – December 15, 2011 at no interest and providing for the form, detail and payment thereof. Mr. Kenney seconded. The motion carried with a vote of 4-1. AYES: Gooch, Booker, Kenney and Ott. NAYS: Weaver. ABSENT: Chesser.

Reappointment/Building Code Appeals Board

MOTION:

Mr. Kenney moved to reappoint Mr. Garnett Kennedy to the Building Code of Appeals Board, with a term to begin immediately and to terminate on October 31st, 2014. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Gooch, Booker, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

Reappointment/Community Policy and Management Team (CPMT)

MOTION:

Mr. Kenney moved to reappoint Mr. Morgan Lanier to the Community Policy and Management Team (CPMT), Region Ten position, with a term to begin January 1st 2011 and to terminate on December 31st, 2013. Ms. Booker seconded. The motion carried with a vote of 5-0. AYES: Gooch, Booker, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

Reappointment/Fork Union Sanitary District Advisory Committee

MOTION:

Mr. Weaver moved to reappoint Mr. Bobby G. Shumake to the Fork Union Sanitary District (FUSD) Advisory Committee, with a term to begin January 1st 2011 and to terminate on December 31st, 2014. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Gooch, Booker, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

Reappointment/James River Alcohol Safety Action Program

MOTION:

Ms. Booker moved to reappoint Mr. Jeffery W. Haislip to the James River Alcohol Safety Action Program, with a term to begin January 1st, 2011 and to terminate on December 31st, 2014. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Gooch, Booker, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

Appointment/Parks and Recreation Advisory Board

MOTION:

Ms. Booker moved to appoint Mr. Donnie Scott to the Parks and Recreation Advisory Board, At-Large position, with a term to begin immediately and to terminate on June 30th, 2013. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Gooch, Booker, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

Appointment/Planning Commission

This item was deferred to the January 5, 2011 Board of Supervisors meeting.

OLD/NEW BUSINESS

Ms. Booker asked if there were ordinances in place to deal with trash and old vehicles piled up in the Fork Union area. Mr. Fred Payne, County Attorney, addressed this issue; there are ordinances in place to deal with these concerns. The County has a grant to clean up trash in needed areas.

PUBLIC COMMENTS #2

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

- Ms. Guquetta Key – Rivanna District – spoke in reference to the conditions of the Fluvanna County Middle School and encouraged the Board to take a tour of the school to see the conditions first hand. Lowes has agreed to revitalize the bathrooms.
- Ms. Debra Kurre – Rivanna District – thanked Mr. Gene Ott and Ms. Alice Jones for their service.

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

ADJOURN

MOTION:

At 9:59 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, December 15th, 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

Agenda for the December 15, 2010 Board of Supervisors Meeting
Repayment and reissuance of the loan to the Fork Union Sanitary District

RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF \$40,000.00 REFUNDING BOND OF THE FORK UNION SANITARY DISTRICT AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the Board of Supervisors (the "Board") of Fluvanna County, Virginia (the "County"), as the governing body of the Fork Union Sanitary District (the "District"), on April 7, 2010, determined that the District should obtain short-term financing to meet casual deficits in the revenue of the District in accordance with Virginia Code Sections 21.1-118.4; and

WHEREAS, the County agreed to provide such short-term financing in the principal amount of \$40,000.00; and

WHEREAS, in accordance with the provisions of Virginia Code Section 21-118.4, the District issued and sold to the County on April 7, 2010, a Revenue Anticipation Note in the principal amount of \$40,000.00 (the "Prior Note"), which has a current outstanding principal balance of \$40,000.00; and

WHEREAS, the Board has determined that it is in the best interests of the District to repay the Prior Note with proceeds of a short-term Refunding Bond in the principal amount of \$40,000.00, in accordance with the provisions of Virginia Code Section 15.2-2649; and

WHEREAS, the amount of such short-term Refunding Bond does not exceed one-half of the amount reasonably anticipated to be produced by the revenues of the District, including taxes levied pursuant to Virginia Code Section 21-119, for the 2011 calendar year, exclusive of any anticipated tax revenues of the District which have not actually been levied and assessed against property within the District; and

WHEREAS, the County is willing to provide such short-term refunding of the Prior Note, in the principal amount of \$40,000.00;

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

1. Sale of the Note. The Board, acting as the governing body of the District, hereby authorizes the District to borrow and repay the principal amount of \$40,000.00 in order to refund the Prior Note. Such borrowing shall be evidenced by a certain Refunding Bond to be issued to the County in accordance with the terms of this Resolution (the "Refunding Bond"). The County approves the refunding of the Prior Note as set forth in this Resolution.

2. Note Details; Payment Provisions. The Refunding Bond shall be issued as (i) a single fully registered note which shall be designated "Refunding Bond", shall be in typewritten form, shall be in the principal amount of \$40,000.00, shall be numbered R-2, shall be dated January 1, 2011, shall mature on December 15, 2011, and shall bear no interest. The Refunding Bond shall be issued pursuant to the Constitution of Virginia, the statutes of the Commonwealth of Virginia and this resolution adopted by the County's Board of Supervisors.

3. Prepayment of Note. The Refunding Bond shall be subject to prepayment prior to maturity at the option of the District in whole or in part at any time without premium, upon payment of the outstanding principal amount to be prepaid.

4. Execution of Note. The Refunding Bond shall be signed on behalf of the District by the manual signature of the Chairman of the Board, countersigned by the manual signature of the Clerk of the Board and the Board's seal shall be affixed thereto.

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5. **Note Form.** The Refunding Bond shall be in substantially the form of Exhibit A, which is attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Refunding Bond, whose approval shall be evidenced conclusively by the execution and delivery of the Refunding Bond.

6. **Registration and Transfer of Note.** The Refunding Bond shall be issued in registered form without coupons, payable to the registered holder or registered assigns. The County Treasurer is hereby appointed paying agent and registrar for the Refunding Bond (the "Registrar"). The County may appoint a qualified bank or trust company as successor Registrar. The Registrar shall maintain registration books for the registration and registration of transfer of the Refunding Bond. The Refunding Bond may be transferred only upon an assignment executed by the registered holder in such form as shall be satisfactory to the Registrar, such transfer to be made on the registration books and endorsed on the Refunding Bond by the Registrar. The person or persons in whose name or names the Refunding Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of and interest on the Refunding Bond shall be made only to or upon the order of the registered owner thereof or his legal representative.

7. **Preparation and Delivery of Note.** The Chairman and the Clerk of the Board are authorized and directed to take all proper steps to have the Refunding Bond prepared and executed, to comply with provisions of this Resolution and to deliver the Refunding Bond to the County Treasurer who shall deliver the Refunding Bond to the County in exchange for the retirement of the Prior Note.

8. **Payment of Prior Note.** The County Treasurer is hereby authorized and directed to apply the proceeds of the Refunding Bond to the repayment to the County of the Prior Note immediately following the delivery of the Refunding Bond to the County.

9. **Other Actions.** All other actions of officers of the County, the District and the Board in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Refunding Bond are hereby ratified, approved and confirmed. The officers of the County and the District are authorized and directed to execute and deliver all certificates and instruments and to take all action necessary or desirable in connection with the issuance, sale and delivery of the Refunding Bond.

10. **Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

11. **Effective Date.** This Resolution shall take effect immediately.

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REFUNDING BOND, R-2

\$ 40,000.00

Palmyra, Virginia
January 1, 2011

FOR VALUE RECEIVED, the Fork Union Sanitary District (hereinafter "District") promises to pay to the County of Fluvanna, or order, at Palmyra, Virginia, the principal sum of FORTY THOUSAND AND 00/100 (\$40,000.00) DOLLARS, without interest. The entire outstanding, unpaid balance of principal shall be paid on December 15, 2011, if not sooner paid. The District may prepay this note in whole or in part at any time and from time to time, without premium or penalty.

If suit is brought to collect this note, the noteholder shall be entitled to collect all reasonable costs and expenses of suit, including, but not limited to, reasonable attorney's fees. Presentment, notice or dishonor and protest are hereby waived.

This note has been authorized by a resolution adopted by the Board of Supervisors of Fluvanna County, on behalf of the District, on December 15, 2010, and is a refunding bond of the District made in accordance with Virginia Code Section 15.2-2649.

IN WITNESS WHEREOF the Board of Supervisors of Fluvanna County, Virginia, as the governing body of the District, has caused this note to be signed by the Chairman of the Board of Supervisors, countersigned by the Clerk of the Board of Supervisors, the County's seal affixed hereto and this note to be dated January 1, 2011.

COUNTERSIGNED:

FORK UNION SANITARY DISTRICT

(SEAL)
Clerk, Board of Supervisors,
Fluvanna County, Virginia

BY: _____ (SEAL)
Chairman, Board of Supervisors,
Fluvanna County, Virginia

Approved as to form:

Fluvanna County Attorney

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CERTIFICATE OF REGISTRATION

<u>Date of</u> <u>Registration</u>	<u>Name of</u> <u>Registered Owner</u>	<u>:Signature of Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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