

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
January 5th 2011
2:00 p.m.**

MEMBERS PRESENT: Shaun V. Kenney
Joe Chesser
John Y. Gooch
Donald W. Weaver

MEMBERS ABSENT: Mozell H. Booker

ALSO PRESENT: Jay Scudder, County Administrator
Frederick W. Payne, County Attorney
Renee Hoover, Finance Director
Darren Coffey, Director of Planning and Community Development
Mary L. Weaver, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mr. Jay Scudder, County Administrator, called the organizational meeting of January 5th 2011 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. Scudder called for a moment of silence.

**2011 Organizational Meeting of the Fluvanna County Board of Supervisors
Election of Chairman and Vice Chairman**

Mr. Jay Scudder, County Administrator, addressed the Board that Ms. Booker had contacted him and Mr. Shaun Kenney, 2010 Vice-Chairman of her desire to participate in the voting of Chairman and Vice-Chairman via phone which is allowed by the Virginia Statute. Mr. Fred Payne, County Attorney, reviewed with the Board Statute 2.2.3708.1 which was amended in 2007 to allow a member to vote by electronic means from a remote location due to a medical condition that prevents physical attendance at the meeting.

Ms. Booker was called at Martha Jefferson Hospital and put on speaker phone.

Election of Chairman

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

Mr. Jay Scudder, County Administrator, opened the floor for nominations.

Supervisor Chesser nominated Supervisor Gooch for Chairman and Supervisor Booker seconded.

Supervisor Weaver nominated Supervisor Chesser for Chairman and Supervisor Kenney seconded.

VOTE COUNT: Supervisor Gooch 3-2 AYES: Chesser, Gooch and Booker
Supervisor Chesser 2-3 AYES: Kenney, and Weaver

With the majority of AYES Supervisor Gooch was elected Chairman.

Election of Vice-Chairman

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

Chairman Gooch opened the floor for nominations for Vice-Chairman.

Supervisor Chesser nominated Supervisor Kenney and Supervisor Weaver seconded.

VOTE COUNT: Supervisor Kenney 5-0 AYES: Chesser, Kenney, Booker,
Weaver and Gooch

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

Ms. Booker ended her phone connection and was no longer participating in the meeting.

Selection of Dates for the Board Meetings

This action will adopt the Board of Supervisors 2011 regular Meeting Calendar as presented.

Vice-Chairman Kenney 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. Kenney moved to adopt the Board of Supervisors 2011 regular Meeting Calendar as presented [which does not include any joint meetings or work sessions]. Mr. Weaver seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

Resolution Entitled “Organizational Meeting of the Fluvanna County Board of Supervisors 2011”

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 2011” which solidifies the meeting place and the day and time of the meetings. Mr. Chesser seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

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. Kenney moved to adopt the Fluvanna County Board of Supervisors By-Laws & Rules of Practice & Procedures as amended. Mr. Chesser seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

Appointments/Boards & Commissions [replacements for Gene Ott]

This action will fill the vacancies for the Boards, Commissions and Committees left with Supervisor Ott’s resignation.

The Board discussed and chose to fill the Emergency Services Director and the Virginia Association of Counties Legislature Contact. They chose to table Audit Committee, Community Policy Management Team, Palmyra Wastewater Committee, Piedmont Workforce Council, Thomas Jefferson Planning Economic Development & Water Committee until the new Board member is appointed.

MOTION:

Mr. Chesser moved to appoint Chairman Gooch the Emergency Services Director and the Virginia Association of Counties Legislature Contact with a term to begin immediately and to terminate on December 31st 2011. Mr. Kenney seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

Board of Supervisors Regular Meeting

Chairman Gooch proceeded with the regular meeting of the Board of Supervisors for Wednesday, January 5th 2011.

REPORTS

VDOT – Ms. Karen Kirby – Introduced the new Charlottesville Residency Maintenance Manager, Mr. David Crim. VDOT six year plan was not ready due to weather, will be sent to staff and delivered to Board members through Friday mail.

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

- ***Lake Monticello Land Swap Agreement*** – apprised the Board that contract has been signed and given to Mr. Fred Payne, County Attorney
- ***US Cellular Contract*** – apprised the Board that the contract specified the lattice tower be removed by the end of 2010, tower is down and contract is complete.
- ***5 Year Financial Forecast*** – apprised the Board staff would like to involve key staff for input. This group would include member from Board of Supervisors, Planning Commission, School Finance Director, Commission of Revenue and Treasurer. Intend to have a presentation prepared for the Board of Supervisors and community on February 9th, 2011 Board of Supervisors Meeting. Supervisor Kenney offered to be the BOS Representative.
- ***Closed Session*** – Mr. Fred Payne, County Attorney, requested the Board to hold a closed session to discuss actual and potential litigation.

PUBLIC COMMENTS #1

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

The following citizens addressed the Board:

- Mr. Dennis Holder, Columbia District – representing the Fluvanna Friends of Rural Preservation, addressed the Board regarding SUP 10:04 Central Meadows, LLC approved at the November 17, 2010 meeting, feels special use permit was obtained under false pretenses.
- Mr. Tom Payne, Palmyra District – addressed the Board regarding the outstanding job Fluvanna County employees are doing, please keep water to the forefront, don't let the water permit expire and thank you for the progress on the Carysbrook renovations.
- Ms. Elizabeth Franklin, Columbia District – addressed the board regarding SUP 10:04 Central Meadows, LLC approved at the November 17, 2010 meeting, feels special use permit was obtained under false pretenses.
- Ms. Gequitta Key, Rivanna District – thanked the Board on behalf of the PTO for helping with the cleanup project at the Fluvanna County Middle School over the winter break.

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

CONSENT AGENDA

The following items were pulled from the consent agenda:

- Minutes of December 15th 2010

Minutes of December 15th, 2010

MOTION:

Mr. Weaver moved to approve the December 15th, 2010 minutes as amended. Mr. Gooch seconded. The motion carried with a vote of 3-0-1 AYES: Gooch, Kenney and Weaver. NAYS: None. ABSTAINED: Chesser. ABSENT: Booker.

ACCOUNTS PAYABLE

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

MOTION:

Mr. Weaver moved the Accounts Payable from November 22nd 2010 to December 22nd 2010 and payroll for the month of November 2010 in the amount of \$5,398,103.19 be ratified. Mr. Kenney seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker.

Fund 100	General Fund	\$ 788,644.36
Fund 120	Community Programs (Parks & Rec)	3,513.00
Fund 302	Capital Improvements	2,130,682.56
Fund 401	Debt Services	1,942,051.40
Fund 502	Utility (Sewer)	3,717.87
Fund 505	Fork Union Sanitary District	13,841.25
<u>Payroll</u>		<u>515,652.75</u>
Total		\$ 5,398,103.19

PUBLIC HEARING

None

PRESENTATIONS:

FY12 Capital Improvements Plan (CIP)

Mr. Darren Coffey, Planning Director, provided a PowerPoint presentation to the Board of Supervisors with a brief overview of the proposed FY 2012-16 Capital Improvements Plan. Mr. Coffey provided information on the Planning Commission's recommendation with an emphasis on the following priorities:

1. Communications (Radio & Paging System)
2. Patrol Vehicles & equipment
3. Administration Building HVAC
4. School buses (2 new; 2 replacement)

ACTION MATTERS

Appointment/Boards, Commissions and Committees

Agricultural/Forestral Advisory Committee – At large

MOTION:

Mr. Chesser moved to appoint Tom Barnes to the Agricultural/Forestral Advisory Committee, At Large position, with a term to begin immediately and to terminate on June 30th 2014, filling the vacant seat left by Mr. Gussie Cosner and Mr. Bob Lum. Mr. Weaver seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

MOTION:

Mr. Weaver moved to appoint Patricia Eager to the Agricultural/Forestral Advisory Committee, At Large position, with a term to begin immediately and to terminate on June 30th 2014 filling the vacant seat left by Mr. Gussie Cosner and Mr. Bob Lum. Mr. Chesser seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

Parks and Recreation Advisory Board – At Large

MOTION:

Mr. Chesser moved to appoint David Tatman to the Parks and Recreation Advisory Board, At Large position, with a term to begin immediately and to terminate on June 30th 2012, filling the vacant seat left by Dr. Babbitt when he resigned. Mr. Kenney seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

Planning Commission – Rivanna District

This appointment was deferred to the February 2, 2011 meeting.

OLD BUSINESS

None

NEW BUSINESS

The following items were discussed under old and new business:

- Applicants for the Rivanna District Board of Supervisor Position – The Board agreed to have all applicants speak for five minutes at the beginning of the January 19th 2011 meeting for a public interview.
- Economic Development Sustainability
- Rescue Recovery Proposals
- Fluvanna County Seal Law Suit
- SUP 10:04/ Central Meadows, LLC

The Board **tasked** staff with researching concerns in reference to SUP 10:04.

PUBLIC COMMENTS #2

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

The following citizens addressed the Board:

- Mr. Adrian Miller, Rivanna District – addressed the Board regarding signs of encouragement of business in the area, water issues and the Federal debt ceiling.
- Mr. Len Gardner, Rivanna District – congratulated Mr. Gooch on his election of chairman, water issue is critical to the future of this county and would Mr. Chesser please speak louder.
- Mrs. Debra Kurre, Rivanna District – addressed the Board regarding Economic Development and lack of infrastructure for large businesses.

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

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 3:41 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 possible litigation and legal matters. Mr. Kenney seconded. The motion carried by a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

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

At 4:40 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Chesser seconded. The motion carried by a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

MOTION:

At 4:41 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, January 5th 2011 on motion of Mr. Weaver, seconded by Mr. Chesser and carried by the following vote: AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

“**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 4:42 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, January 5th 2011. Mr. Weaver seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

John Y. Gooch, Chairman



**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 5th 2011, in Palmyra, Virginia, the following action was taken:

Present

*Mozell Booker
Joe Chesser
John Gooch
Shaun V. Kenney
Donald W. Weaver*

Vote

*ABSENT
YEA
YEA
YEA
YEA*

On a motion by Mr. Kenney seconded by Mr. Chesser and carried by a vote of 4-0 the following resolution was adopted:

Organizational Meeting of the Fluvanna County Board of Supervisors 2011

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 5th day of January 2011
by the Fluvanna County Board of Supervisors

ATTEST:

Jay Scudder, County Administrator