

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
June 6, 2012
2:00 p.m.**

MEMBERS PRESENT: Shaun V. Kenney, Chairman
Bob Ullenbruch, Vice-Chairman
Mozell H. Booker
Donald W. Weaver
Joe Chesser

ALSO PRESENT: Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Melissa Marks Senior Finance Assistant
Robert Popowicz, Economic Development Director
Mary L. Weaver, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Kenney called the meeting of June 6, 2012, to order at 2:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Kenney called for a moment of silence.

REPORTS

County Report

Mr. Steven M. Nichols, County Administrator reported on the following topics:

- Staff Kudos – Parks & Recreation staff did a great job at the 7th Annual Kite Festival. 122 employees participated in a staff survey, putting together a Tiger Team to review the survey results and make recommendations.
- Fluvanna-Louisa Housing Foundation Letter – A letter from the Fluvanna-Louisa Housing Foundation was given to each Board member and entered into public record.
- EMS Mutual aid from Louisa County – On Monday, June 4, Louisa County Board of Supervisors voted unanimously to suspend all EMS mutual aid to Fluvanna County beginning July 5, 2012.
- Robinson, Farmer and Cox – Preliminary annual audit review has been delayed until August 13-17, 2012.
- Fire & EMS Study – A Fire & EMS study team from state is coming 29-30 June to meet all Fire, Rescue and Water Rescue personnel at the various units around the county. Town Hall Meeting will be held on Friday, June 29, 7:00 pm at Carysbrook Performing Arts Auditorium. Supervisors are welcome to sit in on the initial meeting that will be held on Friday, June 29, 2012 at 10:00 am in the County Administrator's office.
- Ongoing Reviews – reviewing the Boards, Commissions, and Committees List, the County Vehicle Fleet, Purchasing Procedures and time keeping procedures.
- County and Schools Audit – need to decide on purpose and scope of audit, "Agreed upon Procedures Audit" or "Adversarial Audit". It will be a 90 day or less, time frame once they start.
- Recruiting Actions Update – Planning and Zoning Administrator, Ms. Allyson Finchum, started on May 30, 2012. Director of Parks and Recreation, Mr. Jason Smith, starts on June 13, 2012, Director of Finance, Ms. Barbara Horlacher, starts on June 18, 2012. The Director of Public Works position is pending.
- Blue Ridge Mass Appraisal – Short Sales are included in reassessment appraisals. Foreclosures are generally not included in reassessment appraisals unless the property has had significant market exposure and fall in typical pricing line with other regular sales.
- Animal Control Transfer/FSPCA Services – Animal Control will transfer to the Sheriff's Department July 1, 2012. A new draft agreement for FSPCA "Pound Services" has been received. New agreement will require realignment of FY13 Animal Control funding.
- Gateway Health Termination Costs – Switching to Anthem Local Choice plan effective July 1, 2012. A termination letter sent to Gateway Health Administration Services. Termination and final services costs of \$10,850 will be required for standard termination services and to process run-out claims for 12 months.

PUBLIC COMMENTS #1

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

- Susan Seehaver, Rivanna District – addressed the Board in regards to schools being underfunded, restore funding to schools.
- Audrey Ophelia Whittington, Fork Union District – addressed the Board in regards to JABA, save program.
- Mike Lawson, Palmyra District – addressed the Board in regards to a survey that was completed by registered voters, gave each Board member a copy.
- Paul Seehaver, Rivanna District – addressed the Board in regards to restoring funding to schools, encourage Board members to spend a day with a teacher.
- Lesley Truex, Cunningham District – addressed the Board in regards to students being able to compete for colleges if required classes are not offered in high school.
- Walter Salanova, Owner of Vila Nova's restaurant – addressed the Board in support of the new high school and opposed to meals tax.
- Bridgette Madison, Fork Union District – addressed the Board in regards to restoring funding to the schools. Invited Board members to PTO events.
- Kerry Murphy-Hammond, Columbia District – addressed the Board in regards to survey that was passed out; information was incorrect and misleading, please reallocate money for schools.
- Overton Mcghee, Fork Union District – addressed the Board in regards to debating politely, respectfully and in the open, transfer more money for schools
- Gena Proulx, Palmyra District – addressed the Board in regards to focusing on the problem, don't let the children pay for bad financial decisions adults have made.
- Sam Patterson, Palmyra District – addressed the Board in regards to cutting spending, opposed to meals taxes and Aqua Virginia proposal.
- Perrie Johnson, President of Fluvanna Education Foundation – addressed the Board in regards to the reductions the teachers will be facing, restore funding to the schools.
- Rebecca Kuhns, Rivanna District – addressed the Board in regards to future of students at Fluvanna Schools, restore funding to schools.
- Adrian Miller, Rivanna District – addressed the Board in regards to setting up a venue to allow families to contribute donations to the schools, would like to see Capital Improvement projects approved by referendum, suggested the Board restrict minors from all BOS meetings.
- Harold Bear, Senior Pastor of Convent Church – addressed the Board in regards to the ROI and in support of bringing water to Zion Crossroads.
- Thomas Payne, Palmyra District – addressed the Board in regards to trust destroyed between the Board, School Board and citizens; taxes have been too little too long, support restoring funding to schools.
- Minor Eager, Palmyra District – addressed the Board in support of low tax rate.
- Angela Davis, Cunningham District – addressed the Board in regards to holding Board to higher standards.
- Stacey Williams, Cunningham District – addressed the Board in regards to the worth of teachers and what they can do.
- Daniel Markiewicz, Palmyra District – addressed the Board in regards to county not having a future business plan, finding a solution and supports schools.
- Theresa Carroll, Fork Union District – addressed the Board in regards to restoring funding the schools.
- Angela Davis, Cunningham District – addressed the Board in
- John Nunnley, Family Business on Better Living Drive – addressed the Board in support of water and sewer.
- Sherri Eshe, Palmyra District – addressed the Board in regards to asking the Board to help and support the schools.
- Len Bozza, Cunningham District – addressed the Board in regards to properly funding public school and a need to bring water up Rt. 53.
- Bob McConnell, Palmyra District – addressed the Board in support of water and sewer.
- Eva McGhee, Fork Union District – addressed the Board in support of funding schools.
- Jason Hartzog, Palmyra District – addressed the Board in regards keeping things up front; mean what you say, say what you mean.
- Grace Newman, Rivanna District – addressed the Board, doesn't understand how less is better.

- Tony O'Brien, Rivanna District – addressed the Board in regards to a direct correlation between the success of business, the success of properties and the success of schools.

CONSENT AGENDA

The following items were pulled from the consent agenda:

- Minutes of May 16, 2012
- Memorandum of Understandings (MOUs) for Microfinance and Workforce Education (CIC , EDA & FEF)

Minutes of May 16, 2012

The minutes were deferred for clarification of who spoke in the second public comments.

The following items were approved under the consent agenda:

MOTION:

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

- FY 12 Budget Supplement for Library Telecommunications reimbursement.
- Approve issuance of RFP for Fork Union Station Design-Build Construction.

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

Memorandum of Understandings (MOUs) for Microfinance and Workforce Education (CIC , EDA & FEF)

A revised motion was presented for this request to include an MOU for EDA & FEF. Mr. Nichols requested to defer the MOU for CIC to a later date.

MOTION:

Mrs. Booker moved to accept and enter into Memorandum of Understanding agreements with the Fluvanna Education Foundation (FEF) and the Economic Development Authority (EDA), and to disburse FY13 funds for Workforce Development to FEF in the amount of \$80,000 and to disburse FY13 funds for Micro-Finance Initiatives to EDA in the amount of \$35,000. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Ullenbruch, Booker, Kenney, Chesser and Weaver. NAYS: None. ABSENT: None.

ACCOUNTS PAYABLE

Ms. Melissa Marks, Senior Finance Assistant addressed the board regarding the accounts payable.

MOTION:

Mr. Weaver moved the Accounts Payable from April 25, 2012, through May 25, 2012, and Payroll for the month of April, 2012, in the amount of \$1,185,466.68, be ratified. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

General Fund	\$ 472,785.13
Capital Improvements	\$ 102,031.26
Sewer	\$ 1,560.86
Fork Union Sanitary District	\$ 14,292.09
Total Expenditures by Fund	\$ 591,669.34
Payroll – April	\$ 593,797.34
Total Payables & Payroll	<u>\$1,185,466.68</u>

PUBLIC HEARING

None

PRESENTATIONS

VACO Update – Mr. Dean Lynch, Deputy Executive Director, updated the Board with what VACO is currently working on for Fluvanna and requested feedback on any issues they might want addressed.

Return on Investment Final Report – Mr. Steve Williams, Executive Director of the Thomas Jefferson Planning District Commission, reviewed with the Board the changes and adjustments that were made in the final draft report.

Economic Directors Approach for Economic Development – Mr. Robert Popowicz, Economic Development Director, presented to the Board an overview of the types of Economic Development and the recommended approach for Fluvanna County. Mr. Chesser reviewed with the Board that different options are being looked at to provide water to Zion Crossroads.

Meals Tax Review and Options – Mr. Steven Nichols, County Administrator, reviewed with the Board what would be required to initiate a meals tax. A referendum would be required; to put it on the November 6, 2012 initiative ballot it would need to be published by the Clerk of Circuit Court by August 17, 2012. The Board discussed and wanted to follow up with business owners and surrounding counties. The Board **directed staff** to put on the June 20, 2012 agenda as an action item and **directed the County Attorney** to begin working on the meals tax ordinance.

ACTION MATTERS

Procedures for Boards, Commissions and Committees – Mr. Steven Nichols, County Administrator, reviewed with the Board that some of the Boards, Committees, and Commissions have representatives appointed by election district. The election districts were realigned to reflect the five district model it left some Boards, Committees, and Commissions with two representatives from the same district. This motion will set policy to allow elimination of second position or reassign position to At-Large.

MOTION:

Mr. Ullenbruch moved to approve eliminating all second positions from the same election district on boards, commissions, or committees that require election district representation, or reassign those second positions as At-Large representatives, such changes to be made when duplicate election district positions are up for appointment/reappointment, to allow for only one appointed election district representative. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Elimination-Reassign/Social Services Board, Rivanna District

MOTION:

Mr. Chesser moved to eliminate the second Rivanna District position on the Social Services Board, currently held by Ms. Sharon Beeler, at the end of her current term on June 30, 2012. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

MOTION:

Mrs. Booker moved to reconsider the previous motion. Mr. Chesser seconded. After some discussion, the motion failed, with a vote of 1-4. AYES: Booker
NAYS: Chesser, Ullenbruch, Kenney and Weaver. ABSENT: None.

Appointment-Reappointment/Library Board of Trustees, Palmyra District

MOTION:

Mr. Ullenbruch moved to appoint Ms. Pamela Ross to the Library Board of Trustees, Palmyra District position, with a term to begin July 1, 2012, and to terminate on June 30, 2016. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Appointment-Reappointment/Planning Commission, Cunningham District

MOTION:

Mr. Weaver moved to reappoint Mr. Barry Bibb to the Planning commission, Cunningham District position, with a term to begin July 1, 2012, and to terminate on June 30, 2016. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Appointment-Reappointment/Planning Commission, Palmyra District

MOTION:

Mr. Ullenbruch moved to appoint Mrs. Patricia Eager to the Planning Commission, Palmyra District position, with a term to begin July 1, 2012, and to terminate on June 30, 2016. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Appointment-Reappointment/Agricultural/Forestral Advisory Committee

MOTION:

Mr. Chesser moved to reappoint Ms. Laura Lee and Mr. Kent Loving to the Agricultural/Forestral Advisory Committee, with a term to begin July 1, 2012, and to terminate on June 30, 2016. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Appointment-Reappointment/Agricultural/Forestral Advisory Committee

MOTION:

Mr. Chesser moved to appoint Mr. Andrew Sorrell to the Agricultural/Forestral Advisory Committee, with a term to begin immediately, and to terminate on June 30, 2016. This position will replace that of R. Easton Loving, who resigned. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Appointment-Reappointment/Economic Development Authority

MOTION:

Mr. Ullenbruch moved to appoint Mrs. Tammy Grigg to the Economic Development Authority, with a term to begin July 1, 2012, and to terminate on June 30, 2016. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Reappointment/Court Green Committee

MOTION:

Mrs. Booker moved to reappoint Ms. Lora S. Payne and Ms. Judith Mickelson, to the Court Green Committee, with a term to begin July 1, 2012, and to terminate on June 30, 2015. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Reappointment/JAUNT Board

MOTION:

Mr. Chesser moved to reappoint Ms. Catherine Palmer and Mr. David C. Feisner, as Fluvanna representatives to the JAUNT Board, with a term to begin July 1, 2012, and to terminate on June 30, 2015. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

UNFINISHED BUSINESS

Noise Ordinance – Mr. Andrew Pompei, Planner, reviewed with the Board various localities noise ordinances in response to a citizen's concern. Mr. Fred Payne, County Attorney, explained there are specific rules that would need to be put in place.

VRS Contribution Options – Mr. Steven M. Nichols, County Administrator, reviewed with the Board the different options available to comply with the VRS Contribution regulations. The Board **directed staff** to put VRS Contribution Options in resolution form and present at the June 20, 2012 meeting.

Mrs. Booker asked Mr. Fred Payne to clarify what the Board can and can't do with the budget. Mrs. Booker updated the Board with the programs that JABA will/will not be able to offer. Mrs. Booker would like to appropriate funding to the school and non-profits that were cut. Chairman

Kenney suggested Mrs. Booker to get with Mr. Nichols to propose some language for this proposal and put on the agenda for June 20, 2012.

NEW BUSINESS

Citizens Review Committee – The Board discussed if there was a need to create a Citizens Review Committee.

EXTEND MEETING

MOTION:

Mrs. Booker moved to extend the Board of Supervisors meeting to 7:00 p.m. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Chessser, Booker and Weaver. NAYS: None. ABSENT: None.

PUBLIC COMMENTS #2

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

- Mr. Len Bozza, Cunningham District – addressed the Board in regards to the Return of Investment presentation. What would the shortfall be if it was at the \$0.68 tax rate?
- Mr. Adrian Miller, Rivanna District – addressed the Board in regards to the waterline issues; opposed to taking funds out of the E-911 line; Capital projects should go through referendum; suggested restricting minors from the BOS meetings; find a method to allow citizens to donate to the schools.
- Rebecca Kuhns, Rivanna District – addressed the Board in regards to the county rescue squad staff.
- Mr. Dennis Holder, Columbia District – addressed the Board in regards to the Return on Investment presentation.
- Mr. Bryant – addressed the Board in regards to properly funding our schools, find creative ways to invest in our future.
- Mr. Robert Flood, Rivanna District – addressed the Board in regards to funding the school and supporting Economic Development.
- Ms. Elizabeth Franklin, Columbia District – addressed the Board in regards to the Return of Investment presentation.

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

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 6:25 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed session, pursuant to the Virginia Code Section 2.2-3711-A-1 and 2.2-3711-A-7 of the Code of Virginia, 1950, as amended for the purpose of discussing personnel matters and consultation with legal counsel. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chessser. NAYS: None. ABSENT: None.

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

At 7:22 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chessser. NAYS: None. ABSENT: None.

MOTION:

At 7:23 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, June 6, 2012 on motion of Mr. Weaver, seconded by Mrs. Booker, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver, and Chessser. NAYS: None. ABSENT: 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.”

EXTEND MEETING

MOTION:

Mr. Chesser moved to extend the Board of Supervisors meeting to 7:30 p.m. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Chesser, Booker and Weaver. NAYS: None. ABSENT: None.

MOTION:

Mrs. Booker moved to approve the following staff realignment, pay raise, and one-time additional duty stipends, such actions to be effective June 17, 2012; --realigned Mr. Robert Popowicz from Economic Development Coordinator, Pay Band 19, annual salary of \$65,000.00, to Director of Community Planning and Development, Pay Band 23, annual salary of \$70,000.00

--provided one-time, additional duty stipends to the following staff members:

Mr. Eric Dahl, Finance/Budget, \$5,000

Mr. Robert Popowicz, Admin & Public Works, \$2,500

Mr. William Tugwell, Planning, \$2,000

Mr. William Ford, Public Works, \$2,000

Ms. Mary Weaver, Human Resources, \$1,750

Mr. Aaron Spitzer, Parks & Recreation, \$1,750

Ms. Nicole Carter, Human Resources, \$1,500

Mr. Chesser seconded. The motion carried with a vote of 4-1. AYES: Ullenbruch, Chesser, Booker and Weaver. NAYS: Kenney. ABSENT: None.

ADJOURN

MOTION:

At 7:25 p.m., Mr. Ullenbruch moved to adjourn the meeting of Wednesday, June 6, 2012. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Shaun V. Kenney, Chairman