

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
June 20, 2012
7:00 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
Eric Dahl, Budget Analyst
Andrew Pompei, Planner
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 20, 2012, to order at 7:00 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 Announcements and Kudos – Introduced new staff employees; Director of Parks and Recreation, Mr. Jason Smith, and Director of Finance, Ms. Barbara Horlacher. Holding interviews for the Director of Public Works.
- Fire & EMS Study Team – will be here June 29-30 to meet with all Fire, EMS, and Water Rescue units. A study luncheon will be provided on Friday, June 29, 2012 in the County Administration, Morris Room and a Town Hall Meeting will be held Friday, June 29, 2012 at 7:00 pm in the Carysbrook Performing Arts Auditorium.
- Continuing Issues – Louisa County EMS Mutual Aid and Scottsville EMS Support
- Public Information Session – An information session sponsored by the Fluvanna County Chamber of Commerce will be held on Thursday, June 28th, 2012 in the new Fluvanna County High School at 2:00 pm and 7:00 pm, to talk about water issues in the county.
- Ongoing Reviews – The following items are being worked and will be presented as soon as complete; Boards, Commissions, and Committees, County Vehicle Fleet, Purchasing Procedures and Timekeeping.
- Supervisor Requests in Development –
 - Easy to Understand Taxes Chart with Equalization Rate - will have as soon as available from Blue Ridge Mass Appraisal.
 - School Costs - still looking into, would like to get one confirmed number to work from.
 - County Debt and Future payoffs, Options, and Scenarios – Working with Morgan Keegan and our financial advisors to look at all the county debt issues and what our are options for; early payoffs, transfer of debt, changing of debt, refunding of debt, refinancing of debt, and all the different scenarios.
 - Fluvanna County debt per capita ranking in Virginia and in Central Virginia – Fluvanna is 13 out of the 95 counties, debt per capita.
 - Unobligated Fund Balance – is \$8.1 million.
 - Correction and Detention Costs – gave breakdown of costs.
 - Payroll Lines – explained the multiple benefit lines on the Accounts Payable report.

PUBLIC COMMENTS #1

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

- Perrie Johnson, Fork Union District, President of Fluvanna Education Foundation – addressed the Board in support of additional funding to the schools for FY12 level funding.
- Andrew V. Sorrell, Fork Union District – addressed the Board in regards to ethical public decision making grounded in the public's interest, support additional funding to the schools for FY12 level funding.
- Stephen Cooper, Palmyra District – addressed the Board in regards to financial restraint and responsibility.

- Paul Seehaver, Rivanna District – addressed the Board in support of additional funding to the schools for FY12 level funding.
- Charlie Armstrong, representing companies that do business in Fluvanna at Zion Crossroads – addressed the Board in support of the waterline at Zion Crossroads.
- Thelma Soto, Fork Union District – addressed the Board in regards to additional funding for JABA.
- Bill Sullivan, Palmyra District – addressed the Board in support of additional funding to the schools for FY12 level funding.
- Angela Davis, Cunningham District – addressed the Board in support of additional funding to the schools for FY12 level funding.
- Elizabeth Franklin, Fluvanna Taxpayers Association – addressed the Board in regards to the Return on Investment study and water situation.
- David Harris, Cunningham District – addressed the Board in support of additional funding to the schools for FY12 level funding and an advisory audit.

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

CONSENT AGENDA

The following item was pulled from the consent agenda:

- FSPCA Agreement

The following items were approved under the consent agenda:

MOTION:

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

- Minutes of May 16, 2012
- Minutes of June 6, 2012
- FY12 Budget Supplement for the Registrar's Voting Equipment Reimbursement.
- FY12 Budget Supplement for the Clerk of the Circuit court's Record Conservation Grant of \$5,614.00.
- FY12 Budget Supplement for the Clerk of the Circuit Court's Record Conservation Grant of \$11,649.00
- FY12 Budget Supplement for Sheriff's Office Equipment Refund
- Supplemental Appropriation for USDOJ Formula Grant Award

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

FSPCA Agreement

The Board discussed the changes to the FSPCA Agreement.

MOTION:

Mr. Chesser moved the Fluvanna County Board of Supervisors approve the proposed contractual agreement with the Fluvanna SPCA for pound services to be effective July 1, 2012, annual cost of which shall be \$5.00 per capita based on official 2010 U.S. Census Bureau figures. Mrs. Booker seconded. The motion carried, with a vote of 4-1. AYES: Chesser, Booker, Ullenbruch, and Kenney. NAYS: Weaver. ABSENT: None.

ACCOUNTS PAYABLE

None

PUBLIC HEARING

CPA 12:01, Fluvanna County – Comprehensive Plan Text Amendment – Amend the Vision chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions. The existing text within the Vision chapter will be replaced with new text and illustrations prepared by the Board of Supervisors. The proposed amendment to the Comprehensive Plan adjusts the vision statement in order to better reflect the adopted goals of the Board of Supervisors and elaborate on the meaning of the County's vision statement. The amendment is generally consistent with other chapters of the Comprehensive Plan.

Mr. Andrew Pompei addressed the Board regarding this item.

Chairman Kenney opened the public hearing.

- Elizabeth Franklin, Fluvanna Taxpayers Association - addressed the Board in regards to the taxpayers missing from this chapter amendment.
- Dennis Holder, Cunningham District – addressed the Board in regards to the change in language would in effect mandate a change in the land use map.

With no one else wishing to speak, Chairman Kenney closed the public hearing. The Board discussed the deletion of the second sentence in the Kents Store section.

MOTION:

Mrs. Booker moved to approve CPA 12-01; an amendment to Chapter 4, *Vision*, of the 2009 Comprehensive Plan, as originally proposed by the Board of Supervisors, subject to the deletion of the second sentence in the Kent Store section on page 14. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

ZTA 12:01, Fluvanna County - Zoning Text Amendment – Amendment of the Fluvanna County Zoning Ordinance to update and strengthen regulations regarding tree protection, landscaping, and off-street parking (Chapter 22, Article 22: *Definitions*; Chapter 22, Article 24: *Tree Protection*; Chapter 22, Article 26: *Off-Street Parking & Loading Spaces*).

ZTA 12:02, Fluvanna County - Subdivision Ordinance Amendment – Amendment of the Fluvanna County Subdivision Ordinance to update and strengthen regulations regarding landscaping and similar improvements (Chapter 19, Article 7: *Subdivision Design Standards*; Chapter 19, Article 8: *Required Improvements*).

Mr. Andrew Pompei reviewed with the Board the changes to the Zoning and Subdivision ordinance.

Chairman Kenney opened the public hearing for ZTA 12:01 and ZTA 12:02 together.

- Lindsey Nolte, Columbia District – addressed the Board in support of these amendments.
- Charlie Armstrong, representing companies that do business in Fluvanna at Zion Crossroads – addressed the Board in regards to inappropriate changes to the designated planning areas, it would force business to look elsewhere.
- David Harris, Cunningham District - addressed the Board in regards to inappropriate changes to the designated planning areas.

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

After Board discussion the following motion was made;

MOTION:

Mr. Chesser moved to defer ZTA 12-01 and ZTA 12-02 to the August 1, 2012 meeting to allow for further review. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

PRESENTATIONS

Efficiency Study Overview from Fluvanna County Public Schools – Ms. Gena Keller, School Superintendent, reviewed the importance and procedures for an efficiency review for the Fluvanna County Schools. The estimated cost will be \$35,000 for FY14.

ACTION MATTERS

Request for Additional Funding to meet FY12 Funding Level – Ms. Gena Keller, School Superintendent, addressed the Board on this request. Ms. Keller reviewed the cuts that were made to cover some of the shortfalls and explained this request for additional funding to help litigate health insurance costs for school staff.

MOTION:

Mrs. Booker moved to appropriate \$539,545 from the fund balance to off-set the increasing health insurance premium for staff during the 2012-2013 school year. No second, motion failed.

Meals Tax Review and Options – Mr. Steven M. Nichols, County Administrator, presented the options and procedures of implementing meals tax to the Board. After some discussion, no action was taken.

VRS Contribution Options – Mr. Steven M. Nichols, County Administrator, presented the options available and noted a decision is required by July 1, 2012.

MOTION:

Mr. Chesser moved the resolution entitled “Employer contribution Rates for counties, cities, Town, School Divisions and Other Political Subdivision (In accordance with the 2012 Appropriation Act Item 468 (H))” be adopted. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

MOTION:

Mr. Chesser moved the resolution entitled “Member Contributions by Salary Reduction for counties, cities, Towns and Other Political Subdivision (In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))” be adopted. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Erosion and Sediment Control – Mr. Steven M. Nichols, County Administrator, addressed the Board on this request to retain in-house the Erosion and Sediment Control staff services.

MOTION:

Mr. Chesser moved the Board of Supervisors retain in-house Erosion and Sediment Control staff services. Mrs. Booker seconded. The motion carried, with a vote of 3-2. AYES: Chesser, Booker, and Weaver. NAYS: Ullenbruch and Kenney. ABSENT: None.

Scottsville EMS Mutual Aid – Item was withdrawn.

Appointment /Parks & Recreation Advisory Board, At Large Position, Student Term

MOTION:

Mrs. Booker moved to appoint Mr. Haden Parrish and Ms. Kelsey Schlein to the Parks & Recreation Advisory Board, Student positions, with terms to begin July 1, 2012, and to terminate on June 30, 2014. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Appointment / Parks & Recreation Advisory Board, At Large Position, New Member Term

MOTION:

Mrs. Booker moved to appoint Ms. Amy Reese the Parks & Recreation Advisory Board, At Large position, with a term to begin July 1, 2012, and to terminate on June 30, 2013. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Reappointment / Parks & Recreation Advisory Board, At Large Position

MOTION:

Mrs. Booker moved to reappoint Mr. Wade Parrish the Parks & Recreation Advisory Board, At Large position, with a term to begin July 1, 2012, and to terminate on June 30, 2015. 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/Economic Development Commission (EDC)

MOTION:

Mr. Chesser moved to reappoint Mr. Stephen Scott to the Economic Development Commission (EDC), At Large 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/Youth Advisory Council, Citizen Representative Position

MOTION:

Mrs. Booker moved to appoint Mr. Harvey Sorum, to the Youth Advisory Council, Citizen Representative Position, with a term to begin July 1, 2012, and to terminate on June 30, 2014. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

UNFINISHED BUSINESS

NEW BUSINESS

County Administrator Sick/Annual Leave – Mr. Steven M. Nichols, County Administrator, reviewed with the Board this request to change the initial allocation of annual and sick level and adjust the accrual level of annual leave.

MOTION:

Mr. Chesser moved to amend Section 6 of the County Administrator's employment contract to decrease the initial allocation of annual and sick leave from 20 days to 10 days each, and increase the accrual of regular annual leave to that specified for employees of 15 years tenure according to the County's personnel policy, such actions to be retroactive to the contract start date of April 23, 2012. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

PUBLIC COMMENTS #2

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

- Bob Sullivan, Palmyra District – addressed the Board in regards to concerns of hypocrisy that's coming out of this Board in terms of a focus on employees, strongly reconsider what you're doing.
- Bridgett Madison, Fork Union District – addressed the Board in regards to Ms. Keller's dedication, put trust in the Board to make the right decisions expect to believe what you advertise.
- Bob Peake, Cunningham District – addressed the Board in regards to not understanding the reasoning for the tax cut.
- Mr. Cooper – addressed the Board in regards to when there's no money, there's no money.
- Jon Carrie, Rivanna District – addressed the Board in support of the efficiency study.
- Ms. Rebecca Newman, Rivanna – addressed the Board in opposition of the decision not to fund the schools request.
- Mr. Davis – addressed the Board in regards to the possibility of funding the school out of the reserves this year and pay it back next year, take steps that can be done to rectify poor decision.

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

CLOSED MEETING

None

ADJOURN

MOTION:

At 10:36 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, June 20, 2012. Mr. Ullenbruch 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

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the Fluvanna County 55132 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"), and

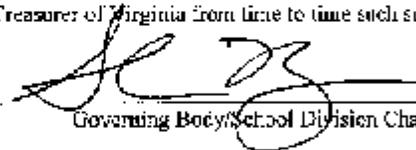
BE IT ALSO RESOLVED, that the Fluvanna County 55132 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

The Certified Rate of 12.85% The Alternate Rate of 10.57%; and

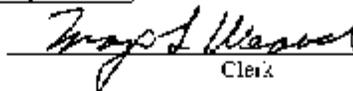
BE IT ALSO RESOLVED, that the Fluvanna County 55132 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Fluvanna County 55132 are hereby authorized and directed in the name of the Fluvanna County to carry out the provisions of this resolution, and said officers of the Fluvanna County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Fluvanna County for this purpose.


Governing Body/School Division Chairman

CERTIFICATE

I, Mary L. Weaver, Clerk of the Fluvanna County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Fluvanna County held at Palmyra, Virginia at 7:00 o'clock on June 20, 2012. Given under my hand and seal of the Fluvanna County this 28 day of June, 2012.


Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

**2012 Appropriation Act
Item 468(H)**

Central Appropriations Language

"H.1. Except as authorized in Paragraph H.2. of this Item, rates paid to the VRS on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the higher of: a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium, eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium, ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium, one-hundred percent of the results of the June 30, 2017 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2018-20 biennium.

2. Rates paid to the VRS on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions may, at each participating employer's option, be based on the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees pursuant to § 51.1-145(1), Code of Virginia.

3. Every participating employer must certify to the board of the Virginia Retirement System by resolution adopted by its local governing body that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of electing or not electing to utilize the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees, as provided for in paragraph H.2.

4. Prior to electing to utilize the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees, as authorized in paragraph H.2, local public school divisions must receive the concurrence of the local governing body. Such concurrence must be documented by a resolution of the governing body.

5. The board of the Virginia Retirement System shall provide all employers participating in the Virginia Retirement System with a summary of the implications inherent in the use of the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees set out in paragraph H.2, and the alternate employer contribution rates set out in paragraph H.1."

Explanation:

(This amendment allows for the phase-in of the VRS Board-approved employer contribution rates for local employers over three biennia.)



**Member Contributions by Salary Reduction for Counties, Cities,
 Towns, and Other Political Subdivisions**

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the Fluvanna County 55132 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(b) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Fluvanna County 55152 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(b) on a pre-tax basis on or later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Fluvanna County 55152 may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Fluvanna County 55132 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	0%	5%
Plan 2	0%	5%
FY2013 employees	0%	5%

(Note: Each row must add up to 5 percent); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Fluvanna County in lieu of member contributions; and



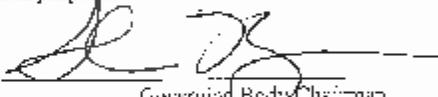
BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees, and

BE IT FURTHER RESOLVED, that member contributions made by the Fluvanna County under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement, and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Fluvanna County directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Fluvanna County shall be reduced by the amount of member contributions picked up by the Fluvanna County or behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of Fluvanna County 55132 are hereby authorized and directed in the name of the Fluvanna County to carry out the provisions of this resolution, and said officers of the Fluvanna County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Fluvanna County for this purpose.


Governing Body Chairman

CERTIFICATE

I, Mary L. Weaver, Clerk of the Fluvanna County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Fluvanna County held at Palmyra, Virginia at 7:00 o'clock on June 20, 2012. Given under my hand and seal of the Fluvanna County this 28 day of June, 2012.


Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.