

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
December 5, 2012, 2:00 p.m.**

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

**ALSO PRESENT:** Steven M. Nichols, County Administrator  
Fred Payne, County Attorney  
Mary Weaver, Clerk to the Board of Supervisors

**SCHOOLBOARD MEMBERS PRESENT:** Camilla Washington, Chairwoman  
(7:00 p.m.) William Hughes, Vice-Chairman  
Bertha Armstrong  
Carol Tracy Carr  
Brenda Pace

**ALSO PRESENT:** Gena Keller, School Superintendent  
(7:00 p.m.) Chuck Winkler, Assistant School Superintendent  
Edward Breslauer, Director of Finance  
Brandi Critzer, Clerk to the School Board

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

Chairman Kenney called the meeting of Wednesday, December 5, 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.

**COUNTY ADMINISTRATOR’S REPORT**

Mr. Nichols reported on the following topics:

- Recognized Debbie Wood for completing the Annual Jury Commissioner Meeting on time in the absence of B.E. Peterson
- Recognized individuals for great job with parking and traffic control at the Fork Union Community Center for the election.
- 11<sup>th</sup> Annual Holiday Celebration at Carysbrook ~500 in attendance. Special thanks to Wayne Stephens, Public Works Director, for providing heat!
- Kudos to the Fluvanna Social Services Staff for continued timely and compassionate services, with diminished staffing.
- Recognized staff community and world outreach.
- Parks & Recreation partnership with Department of Forestry to fight erosion issues with the Western Trail Head entrance.
- Holiday Book Sale at the Library.
- Sneak Peak at the new county website. Hope to officially launch the new site by Dec 31, 2012.
- Update on the ongoing projects and supervisor requests.

**PUBLIC COMMENTS #1**

Chairman Kenney opened the floor for the first round of public comments. With no one wishing to speak, Chairman Kenney closed the first round of public comments.

**PUBLIC HEARING**

None

**ACTION MATTERS**

Selection of Members for the Board of Equalization (BOE) – Mr. Steven M. Nichols, County Administrator, addressed this request to appoint members and alternates to the Board of Equalization.

**MOTION:**

Mr. Ullenbruch moved the Board of Supervisors nominate the following regular members: Mr. Garry Ellis, Mr. Everett Hannah, Mr. Joe Ronan, and the following alternate members: Dr. Sam Babbitt and Mr. Gene Ott to the Board of Equalization for Real Estate Assessments, with terms to begin January 1, 2013 and to terminate not later than December 31, 2013. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

**Appointment to the Community Policy and Management Team****MOTION:**

Mr. Ullenbruch moved to appoint Mr. Gene Ott to the Community Policy and Management Team, with a term to begin January 1, 2013 and to terminate December 31, 2014. Mr. Weaver seconded. The motion carried, with a vote of 4-1. AYES: Kenney, Ullenbruch, Weaver and Chesser. NAYS: Booker. ABSENT: None.

**Deer Control at Pleasant Grove** – Mr. Fred Payne County Attorney, addressed this request to conduct a deer hunt at Pleasant Grove for the purpose of controlling deer numbers.

Mr. Ullenbruch moved that the Board authorize the sheriff to conduct a deer hunt at Pleasant Grove for the purpose of controlling deer numbers, such hunt to be managed by Wheelin Sportsmen, a non-profit organization providing outdoor recreation opportunities for handicapped hunters. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Weaver and Chesser. NAYS: None. ABSENT: None.

**PRESENTATIONS**

**Community Health Assessment Results** – Dr. Lillian Peake reviewed with the Board the results of the Community Health Status Assessment for Fluvanna County. Dr. Peake addressed four top Community Health Issues for Fluvanna;

- Increasing Rate of Obesity.
- Insufficient Access to Mental Health and Substance Abuse Services.
- Late and Insufficient Prenatal care and Racial Disparities in Pregnancy Outcomes.
- Tobacco Use above the Health People 2020 Goal.

Dr. Peake would like to see the Board take a leadership role in a health campaign and making the County office buildings tobacco free.

**Rivanna River Basin Commission** – Ms. Leslie Middleton, Executive Director, Rivanna River Basin Commission, reviewed with the Board the Rivanna Snapshot and the Rivanna Watershed Action Plan.

**Region Ten Annual Update** – Mr. Robert Johnson, Executive Director Region Ten, Ms. Barbara Bartell, Fluvanna County Region Ten Representative, Mr. John Norman Therapeutic Manager for Louisa and Fluvanna and Mr. Harmon, Region Ten client reviewed with the Board the services and updates for Region Ten in 2012.

**Planning Activity Report** – Ms. Allyson Finchum, Planning Director, reviewed with the Board the Planning Activity Report that contains four different sections;

- Activity Report – Current status of pending items.
- Monthly Approval Report – Items that have been approved for the month.
- Long-Range Planning Projects – Current status and schedule of projects in progress.
- Code Compliance Project – Current status of compliance items being worked.

The Board **directed staff** to add the Planning Activity Report to the BOS Agenda quarterly.

The Board discussed development in the Zion Crossroads area. The Board **directed staff** to formally identify planning requirements and steps necessary for development of the Zion Crossroads growth area.

**CONSENT AGENDA**

The following items was pulled from the consent agenda and discussed:

**Resolution Authorizing Region Ten Community Services Board to Apply for and Accept Loans** – Mr. Robert Johnson, Executive Director Region Ten, reviewed with the Board the purpose for this request.

Mr. Chesser moved that the Board approve resolution "AUTHORIZING REGION TEN COMMUNITY SERVICES BOARD TO APPLY FOR AND ACCEPT LOANS". Mrs. Booker

seconded. The motion carried, with a vote of 4-0-1. AYES: Kenney, Booker, Ullenbruch, and Chesser. NAYS: None. ABSTAIN: Weaver. ABSENT: None.

Letter of Support for JAUNT in rejecting the Virginia Department of Rail and Public Transportation (DRPT) Recommendation – Mr. Steven Nichols, County Administrator, addressed this request to the Board. After discussion, no action was taken.

Appointment of Assistant County Attorney - Mr. Fred Payne, County Attorney, explained to the Board this request to appoint Kristina Hofman as Assistant County Attorney.

The following items were approved under the consent agenda:

MOTION:

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

- Minutes from November 20, 2012.
- FY13 Litter Prevention and Recycling Grant Supplemental Appropriation.
- FY13 Sheriff Vehicles and Fire Truck Budget Supplement.
- FY13 VRS and Group Life Budget Transfer.
- Request for Proposals for Security for Surveillance and Safety Equipment for Fluvanna Courts Building.
- Compensation for livestock killed by a wild animal.
- Appointment of Assistant County Attorney.

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

**ACCOUNTS PAYABLE AND BUDGET REPORT**

Ms. Barbara Horlacher, Finance Director addressed the Board regarding the accounts payable and quarterly Budget Report.

MOTION:

Mr. Weaver moved the Accounts Payable and Payroll be ratified for the period October 20, 2012 through November 16, 2012 in the amount of \$2,252,579.09. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

General Fund	\$ 732,725.39
Federal Grants	\$ 2,644.00
Capital Improvements	\$ 852,129.89
Debt Service	\$ 3,000.00
Sewer	\$ 2,134.21
Fork Union Sanitary District	<u>\$ 10,753.81</u>
<b>Total Expenditures by Fund</b>	<b>\$1,603,387.30</b>
Payroll – October	\$ 649,191.79

**Total Payables & Payroll** **\$2,252,579.09**

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**PUBLIC COMMENTS #2**

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

- Mr. Bill Des Rochers – addressed the Board regarding the end of his time writing on Fluvanna issues and wanted to say goodbye.
- Mr. Mel Sheridan, Commissioner of the Revenue – addressed the Board about posting of the new reassessment figures on VamaNet.

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

**CLOSED MEETING****MOTION TO ENTER INTO A CLOSED MEETING:**

At 4:32p.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-5, 2.2-3711-A-6, and 2.23711-A-7 for discussion of Prospective Industry, Investment of Funds, and Pending Litigation. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

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

At 5:56 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

**MOTION:**

At 5:57 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, December 5, 2012, on motion of Mr. Weaver, seconded by Mr. Chesser, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. 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.”

**BOARD RECESSED AT 5:58 p.m. for Dinner****BOARD RECONVENED AT 7:00 p.m. for a Joint Work Session with the School Board**

Chairman Kenney reconvened the meeting and addressed some unfinished business.

**Board of Equalization Resolution**

Mr. Chesser moved the “Resolution Regarding the Board of Equalization” be adopted by the Board of Supervisors. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Weaver and Chesser. NAYS: None. ABSENT: None.

Chairwoman Washington called the joint work session with the Board to order, at 7:01 p.m. Roll was taken.

**FY13/14 Budget Overview and Discussion** – Mr. Steven Nichols, County Administrator, reviewed basic budget breakdown to show where the schools are currently. Chairwoman Washington, School Board, expressed with the Board their budget considerations for FY 14. Ms. Gena Keller, Mr. Winkler and Mr. Breslauer explained to the Board the budget frame work and the process in building the budget. Projections and potential options for restructuring and the impacts they would create were discussed. Mr. Nichols proposed looking at all Fluvanna County staff members as a whole from a pay and benefits perspective, rather than separating into County administrative and County Schools staff groups.

Chairwoman Washington adjourned the School Board.

**ADJOURN****MOTION:**

At 8:42 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, December 5, 2012. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

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Mary L. Weaver, Clerk

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Shaun V. Kenney, 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, December 5<sup>th</sup> 2012, in Palmyra, Virginia, the following action was taken:

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<b><u>Present</u></b>	<b><u>Vote</u></b>
Shaun V. Kenney, Chairman	YEA
Robert Ullenbruch, Vice Chairman	YEA
Mozell Booker	YEA
Joe Chesser	YEA
Donald W. Weaver	YEA

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

**BOARD OF EQUALIZATION**

**WHEREAS**, Virginia Code Section 58.1-3370 requires the appointment of a Board of Equalization in each tax year immediately following the year a general reassessment is conducted in the County; and

**WHEREAS**, it is the desire of the Board of Supervisors of Fluvanna County to request that the circuit court of the County appoint such a Board and to suggest to the court the members to be appointed; and

**WHEREAS**, the Board of Supervisors desires to provide necessary clerical assistants for such Board of Equalization in accordance with Virginia Code Section 58-1-3376; and

**WHEREAS**, a general reassessment of the County has recently been completed; and

**WHEREAS**, the Fluvanna County Board of Supervisors requests the Board of Equalization to meet as frequently as necessary to hear all appeals from landowners concerning their reassessment; and

**WHEREAS**, the Fluvanna County Board of Supervisors encourages the Board of Equalization to meet with the assessors and review and evaluate their method of assessing the value of land in this reassessment.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of Fluvanna County, as follows:

- 1) That the county attorney be, and he is hereby, **DIRECTED** to request the appointment by the circuit court of the County of a Board of Equalization as required by law; and that, in so doing, the county attorney submit to the court a suggested list of members for such Board of Equalization, such list being attached to this resolution as Exhibit A; and
- 2) That the County Administrator be, and he is hereby, **AUTHORIZED AND DIRECTED** to provide necessary clerical assistants for such Board of Equalization, by the hiring of additional personnel or otherwise as may be necessary; and
- 3) That the commissioner of revenue be, and he is hereby, **REQUESTED** to assist such Board of Equalization.

Adopted this 5<sup>th</sup> day of December 2012 by the Fluvanna County Board of Supervisors

ATTEST:

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Steven M. Nichols, County Administrator



**BOARD OF SUPERVISORS  
County of Fluvanna  
Palmyra, Virginia**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, December 5, 2012, in Palmyra, Virginia, the following action was taken:

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<u>Present</u>	<u>Vote</u>
Shaun V. Kenney, Chairman	YEA
Robert Ullenbruch, Vice Chairman	YEA
Mozell H. Booker	YEA
Joseph Chesser	YEA
Donald W. Weaver	ABSTAINED

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On a motion by Mr. Chesser, seconded by Mrs. Booker, and carried by a vote of 4-0-1, the following resolution was adopted.

**A RESOLUTION  
AUTHORIZING REGION TEN COMMUNITY SERVICES BOARD  
TO APPLY FOR AND ACCEPT LOANS**

**WHEREAS**, Region Ten Community Services Board (“Region Ten”) was established by the City of Charlottesville and the Counties of Albemarle, Fluvanna Greene, Louisa and Nelson (the “Localities”) as required by § 37.2-500 *et seq.* of the Code of Virginia, 1950, as amended, to provide mental health, intellectual disability and substance abuse services to the residents of the Localities; and,

**WHEREAS**, the services provided by Region Ten are more particularly described in an annual Performance Contract with the Virginia Department of Behavioral Health and Developmental Services, which is subject to review by the Board of Supervisors of Fluvanna County (the “County”); and,

**WHEREAS**, Region Ten receives reimbursement funding from the Commonwealth of Virginia, the federal government and Localities for services it provides within the Localities; and,

**WHEREAS**, in order to pay operational expenses Region Ten has previously relied on loans and other financing obtained through Region Ten Community Services Board, Inc., (“Region Ten, Inc.”) the private nonprofit corporation formed to assist Region Ten in the fulfillment of its mission; and,

**WHEREAS**, Region Ten now wishes to obtain a loan or other financing in its own name for purposes of cash flow management and for the payment of operational expenses; and,

**WHEREAS**, § 37.2-504.A.11. of the Code of Virginia, 1950, as amended, requires that community services boards may “apply for and accept loans as authorized by the governing body of each city or county that established it” and Region Ten seeks the County’s authorization solely to meet that statutory requirement; and,

**WHEREAS**, Region Ten is seeking authorization from the governing body of each Locality to apply for and accept a loan or line of credit in an amount up to \$2,000,000 that creates no legally enforceable obligation extending one year beyond the date on which the obligation is incurred (the “Line of Credit”); and

**WHEREAS**, Region Ten and the Localities understand and agree that the obligations under the Line of Credit are not to constitute a debt or pledge of the full faith and credit of the Localities and shall not impose any liability on the Localities, nor is the requested authorization a guarantee on the part of the Localities of the Line of Credit.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors for the County of Fluvanna, Virginia that the Board of Supervisors hereby authorizes Region Ten Community Services Board to apply for and accept a line of credit or a loan otherwise structured so as not to constitute “debt”

subject to Article VII, § 10(b) of the Constitution of Virginia in an amount up to \$2,000,000 and such authorization shall include the right to renew such lines of credit or obtain new lines of credit provided such renewals or new lines of credit do not exceed \$2,000,000 in the aggregate and are subject to the terms and conditions of this resolution; and

**BE IT FURTHER RESOLVED** that the authorization of the Line of Credit will not constitute an endorsement to any lender of the creditworthiness of Region Ten nor will it be a guarantee of the Line of Credit. Furthermore, the County shall not be obligated to pay nor to guarantee any debt incurred by Region Ten as a result of the Line of Credit applied for and accepted by Region Ten, nor any interest or other costs associated therewith. Accordingly, no debt of Region Ten and no loans shall constitute a debt or pledge of the faith and credit of the County or any of the other Localities, and the taxing power of the County or any of the other Localities shall not be pledged thereto. The substance and effect of this paragraph shall be expressly set forth in the loan documents for any loan or line of credit obtained by Region Ten so as to ensure that the lending institution clearly understands this relationship of the County and the other Localities to the obligation; and

**BE IT FURTHER RESOLVED** that the authorization provided for in the foregoing resolutions is subject to like authorization being received from the governing bodies of the other Localities.

Adopted this 5<sup>th</sup>, day of December 2012 by the Fluvanna County Board of Supervisors

ATTEST:

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Shaun V. Kenney, Chairman

APPROVED