

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
December 19, 2012, 7:00 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

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Kenney called the meeting of Wednesday, December 19, 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.

COUNTY ADMINISTRATOR’S REPORT

Mr. Nichols reported on the following topics:

- Dr. Jackie Meyers, CSA Coordinator, volunteered during Thanksgiving Week in Ocean County, New Jersey to assist in sheltering animals displaced by Hurricane Sandy, Kudos!
- Public Works repaired the Court House steps, Kudos!
- Would like to revisit the two Boards that was terminated from participation, the Piedmont Workforce Investment Board and the Thomas Jefferson Water Resources Protection Foundation.
- New Website coming soon.
- Reviewed status of 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

SUP 12:01/Clear Signal Towers, LLC (Kidds Store) – A request to allow the construction of a 195-foot monopole telecommunications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34 (if approved), subject to the conditions listed in the staff report. Mr. Andrew Pompei, Planner, addressed this request. The applicant requested a deferral to review other options.

MOTION:

Mr. Ullenbruch moved the Board of Supervisors defer SUP 12:01, a special use permit request to allow the construction of a 195-foot monopole telecommunications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34 subject to the conditions in the staff report. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

ACTION MATTERS

Amendment: Standards of Condition for Parks and Recreation Department Employees and Volunteers
Ms. Gail Parrish, Human Resources Manager addressed this request to allow for annual background checks on employees and volunteers working in the Parks and Recreation Department.

MOTION:

Mr. Ullenbruch moved the Standards of Condition for the Parks and Recreation Department’s employees and volunteers’ amendment to the Fluvanna County Personnel Policy: D.1.e; Qualifications for Employment be approved. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

Community Investment Collaborative Microloan Agreement – Ms. Patricia Groot, Grants Administrator, addressed this request to provide a restricted donation to the Community Investment Collaborative for the express purpose of providing education and capital to Fluvanna small business entrepreneurs.

MOTION:

Mr. Ullenbruch moved to provide a restricted donation of \$45,000 to the Community Investment Collaborative for the express purpose of providing education and capital to Fluvanna small business entrepreneurs who:

- Have difficulty accessing funding from traditional sources,
- Seek an educational support system that is relevant to their business needs,
- And are accepted into the Community Investment Collaborative program.

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

Authorization for Public Hearing – Ms. Barbara Horlacher, Finance Director, addressed the Board with this request to publish a notice of public hearing to present a budget amendment that exceeds one percent of the FY13 total expenditures.

MOTION:

Mr. Ullenbruch moved the Board of Supervisors authorize publication of a notice of public hearing to be held on January 16, 2013 to amend the FY13 budget by \$77,600,000. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Weaver and Chesser. NAYS: None. ABSENT: None.

Appointment to the Economic Development Commission, At-Large Position

MOTION:

Mr. Chesser moved to appoint Mr. David Perry to the Economic Development Commission, At Large position, with a term to begin January 1, 2013 and to terminate December 31, 2016. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Weaver and Chesser. NAYS: None. ABSENT: None.

Appointment to the Partnership for Aging, Palmyra District

MOTION:

Mr. Ullenbruch moved to appoint Ms. Vicki Argie to the Fluvanna Partnership for Aging, with a term to begin immediately and to terminate December 31, 2017. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Weaver and Chesser. NAYS: None. ABSENT: None.

Reappointment to the Fork Union Sanitation District

MOTION:

Mrs. Booker moved to reappoint Mr. Alan Batson to the Fork Union Sanitary District Advisory Committee, with a term to begin January 1, 2013 and to terminate December 31, 2016. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Weaver and Chesser. NAYS: None. ABSENT: None.

Appointment to the Youth Advisory Council, Citizen Representative

MOTION:

Mrs. Booker moved to appoint Mr. William Hughes to the Youth Advisory Council, Citizen Representative position, with a term to begin immediately and to terminate June 30, 2014. Mr. Chesser seconded. The motion carried, with a vote of 3-2. AYES: Kenney, Booker and Chesser. NAYS: Ullenbruch and Weaver. ABSENT: None.

PRESENTATIONS

Piedmont Virginia Community College (PVCC) Annual Report – Dr. Frank Friedman, PVCC President, reviewed with the Board an update of the past year at PVCC and the increased enrollment from Fluvanna County. Dr. Friedman also asked the Board to consider supporting PVCC in FY14.

Chairman Kenney suggested that Dr. Friedman consider using the Fluvanna County High School for night classes.

2011 Annual Sheriff's Department Report – Sheriff Ryant Washington reviewed with the Board the safety and security for Fluvanna in 2011.

CONSENT AGENDA

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

- FY13 Budget Supplemental Appropriation to Fluvanna County Public Schools
- Capital Reserve Maintenance Fund Request to replace UPS Batteries

The following items were approved under the consent agenda:

MOTION:

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

- Minutes from December 5, 2012.
- Emergency Operations Plan Resolution
- Appointment of Zoning Administrator
- FY13 Budget Supplemental Appropriation to Fluvanna County Public Schools

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

Capital Reserve Maintenance Fund Request to replace UPS Batteries – The board discussed and the following motion was made:

MOTION:

Mrs. Booker moved to approve a \$14,869.00 Capital Reserve Maintenance Fund Request to replace Un-interruptible Power Supplies. Mr. Chesser seconded. The motion carried, with a vote of 4-1. AYES: Kenney, Booker, Ullenbruch and Chesser. NAYS: Weaver. ABSENT: None.

ACCOUNTS PAYABLE AND BUDGET REPORT

None

UNFINISHED BUSINESS

Letters of Support for JAUNT in rejecting the Virginia Department of Rail and Public Transportation (DRPT) Recommendation – Mr. Steven M. Nichols, County Administrator, reviewed with the Board the Mr. Chesser's request to revisit this request. The board discussed the impact DPRT recommendation would have in Fluvanna County if approved.

MOTION:

Mr. Chesser moved to provide letters of support to oppose proposed state legislation that will negatively impact constituents and transit riders served by JAUNT. Mr. Weaver seconded. The motion carried, with a vote of 4-1. AYES: Weaver, Booker, Ullenbruch and Chesser. NAYS: Kenney. ABSENT: None.

NEW BUSINESS

County Emergency Management – Mr. Steven M. Nichols, County Administrator, reviewed with the Board the need for a fulltime Emergency Services Coordinator and move forward with providing contract service support for the fire and rescue services. Mr. Mike Brent, Fluvanna County Fire Chief and Mr. Leonard Boza addressed questions the Board had and spoke in support of this request.

MOTION:

Mr. Chesser moved to approve the recruitment and hiring of a County Emergency Services Coordinator (Pay Band 18), a new position to be aligned under the County Administrator. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Weaver, Booker, Ullenbruch and Chesser. NAYS: None. ABSENT: None.

MOTION:

Mr. Chesser moved to approve and authorize the issuance of the Employee Leasing Agreement for provision of trained medical personnel to augment emergency medical services in Fluvanna County, all subject to final approval of the form and content of the RFP by the County Administrator and the County Attorney. Mr. Weaver seconded.

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

Economic Forecasting for Virginia and the Area – Mr. Shaun Kenney, Chairman, Board of Supervisors, addressed with the Board a request to have Mr. Terry Rephann from the Weldon Cooper Center at UVa give a presentation on the Post-Election Economic Outlook. The Board **directed staff** to contact Mr. Rephann to request for him to present and to invite the School Board, Constitutional Officers and others to see the presentation to be aware of what's coming with sequestration.

PUBLIC COMMENTS #2

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

- Thelma Soto, Fork Union District – addressed the Board in regards to supporting JABA.

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 10:03 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-4, and 2.23711-A-7 for discussion of Personnel Matters, and Legal Matters. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

EXTEND MEETING

MOTION:

Mr. Weaver moved to extend the Board of Supervisors meeting to 12:00am. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Chesser, Booker and Weaver. NAYS: None. ABSENT: None.

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

At 11:38 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

MOTION:

At 11:39 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, December 19, 2012, on motion of Mr. Weaver, seconded by Mr. Ullenbruch, 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.”

MOTION:

Mr. Chesser moved to authorize the County Attorney to enter into mediation aimed at resolution of the pending litigation with Davenport & Co., LLC, in accordance with customary rules and procedures; also authorized Mr. Donald W. Weaver to represent the Board in such mediation, including the right to settle any and all disputes, subject to the ratification of any settlement by the Board. Mrs. Booker seconded. The motion carried with a vote of 4-0-1. AYES: Kenney, Ullenbruch, Chesser, and Booker. NAYS: None. ABSENT: None. ABSTAINED: Weaver.

MOTION:

Mr. Chesser moved effective January 1, 2013, Jolie Allen's pay will be \$31,770 and Kelley Hudgins' pay will be \$35,370. Mr. Ullenbruch seconded. The motion carried with

a vote of 5-0. AYES: Kenney, Ullenbruch, Chesser, Booker and Weaver. NAYS: None. ABSENT: None.

ADJOURN

MOTION:

At 11:41 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, December 19, 2012. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

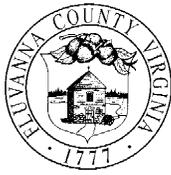
ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Shaun V. Kenney, Chairman

APPROVED



**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 19th 2012, in Palmyra, Virginia, the following action was taken:

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

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

RESOLUTION FOR EMERGENCY OPERATIONS PLAN

WHEREAS, the Board of Supervisors of Fluvanna County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, Fluvanna County has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, Fluvanna County has established and appointed a Director of Emergency Services (DES), Emergency Services Coordinator (ESC), and Emergency Services Assistant Coordinator (ESAC);

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of Fluvanna County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Services, or his/her designee, is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this board.

Adopted this 19th day of December 2012 by the Fluvanna County Board of Supervisors

ATTEST:

Mary L. Weaver
Clerk to the Board of Supervisors

Shaun V. Kenney
Chairman, Board of Supervisors