

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
January 21st 2009
7:00 p.m.

MEMBERS PRESENT: Marvin F. Moss, Chairman
Charles W. Allbaugh, Vice Chairman
Mozell H. Booker
John Y. Gooch
Gene F. Ott
Donald W. Weaver

ALSO PRESENT: G. Cabell Lawton, IV, County Administrator
Shelly Wright, Assistant County Administrator
Frederick W. Payne, County Attorney
Darren Coffey, Director of Planning & Community Development
Curtis Putnam, Energy Technician
Garland Nuckols, Director of Facilities
Alice F. Jones, Clerk, Board of Supervisors

CALL TO ORDER

Chairman Moss called the meeting of January 21st 2009 to order at 7:00 p.m. in the Circuit Courtroom of the Fluvanna Courts Building in Palmyra, Virginia.

REPORTS

The County Administrator, G. Cabell Lawton, IV, reported to the Board on the following matters:

- ***Joint Meeting with Louisa*** – apprised the Board the joint meeting with Louisa County was scheduled for Monday, January 26th 2009 at 2:00 p.m. at the Best Western at Zion Crossroads; proposed agenda for the meeting is scheduled to be discussed
- ***Comprehensive Plan Public Hearing***– apprised the Board that the Planning Commission (PC) held a public hearing on the draft Comprehensive Plan on January 14th 2009 and during that meeting the PC also recommended its approval of the Plan; the Board of Supervisors will be holding a workshop to discuss the plan on Saturday, February 7th 2009 at 9:00 a.m. at the Palmyra Fire Station
- ***FY 10 Budget*** – apprised the Board that staff is continuing to work on the FY 10 budget and the challenges it presents this coming year; staff still intends to deliver the budget books with the board packets next Friday; there will be a presentation of the proposed budget on February 4th 2009 and the Board’s first work session is scheduled for February 11th 2009; suggested if any Board member would like to meet with the Budget Staff to review work to date, please let staff know
- ***FUSD Water Problems*** – apprised the Board that due to cold weather and other factors, there have been numerous operational challenges at the Fork Union

Sanitary District; there have been numerous water main breaks that have limited supply and there have been pumps that have broken down; some tanks are less than one quarter full; FUSD has begun asking customers to enact voluntary water conservation measures to assist in this effort; if these problems persist, staff may need to ask the FUSD Advisory Board to enact Emergency Measures

PUBLIC COMMENTS #1

Chairman Moss opened the floor for the first public comment section. The following citizens addressed the Board:

- Mr. Jacques Ruch, Rivanna District, addressed the Board regarding increases in taxes; the water project; the new high school; and impact from the bond issue
- Ms. Donna Douma, Palmyra District, addressed the Board regarding a zero based budget for the school system

With no one else wishing to speak, Chairman Moss closed the first public comment section.

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

Mr. Gooch moved the regular meeting minutes of the Board of Supervisors for Wednesday, January 7th 2009 be adopted. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

ACCOUNTS PAYABLE

None

PUBLIC HEARINGS

None

PRESENTATION

Sanitary Sewer Extension Pleasant Grove

Mr. Donald J. Rissmeyer, PE, A. Morton Thomas and Associates, Inc. provided the Board with a PowerPoint presentation regarding an overview of the project which extends from the old intersection of Rt. 53 and Rt. 15 to the proposed high school site. The project overview included the preliminary engineering report; Phase 2 project scope; final design issues; surveying issues; and environmental issues. Mr. Rissmeyer explained that the next steps were to obtain DEQ and County approvals and the bid phase followed by the construction phase. He also indicated that the construction phase is planned for the Spring/Summer of 2009 with connections to the New Library and Public Safety Building, Camp Friendship and other connections are beyond 2009.

ACTION MATTERS

Refund Request for Variance Application

Application was made to the BZA and withdrawn at the meeting in which it was to be heard. The applicant requested a refund. The County does not typically issue refunds once an application has gone through staff review and advertisement except under extenuating circumstances.

Mr. Darren Coffey, Director of Planning & Community Development, addressed this issue.

MOTION:

Mr. Ott moved the Fluvanna County Board of Supervisors deny the refund requested by the Villegas regarding BZA 08-11. Mr. Gooch seconded. The motion carried with a vote of 5-1. AYES: Booker, Gooch, Ott, Weaver and Moss. NAYS: Allbaugh.

Request for a Memorandum of Understanding with Siemens Building Technologies, Inc.
This is in regard to a Technical Energy and Water Savings Audit for Energy Performance Contracting. The Energy Performance Contracting Committee recommends approval of this MOU with Siemens.

Mr. Curtis Putnam, Energy Technician, introduced this issue and provided a PowerPoint presentation.

MOTION:

Mr. Allbaugh moved to accept the Memorandum of Understanding for Technical Energy and Water Savings Audit with Siemens Building Technologies, Inc., at a fixed price of \$8,000. Should the County subsequently enter into a performance contract, the cost shall be incorporated into that contract. In the event that a performance contract is not entered into, the \$8,000 shall be paid from the Human Services Renovations project (4-302-94110-3140). Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Resolution/Virginia Sesquicentennial of the American Civil War Commission

Mrs. Shelly H. Wright, Assistant County Administrator, introduced this issue.

MOTION:

Mr. Gooch moved to adopt the resolution [attached hereto] entitled “Resolution in Support of the Virginia Sesquicentennial of the American Civil War Commission” and to appoint Kim Booth, Economic Development Coordinator, as the County’s liaison to the Commission. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Directive/County Attorney

This is a change in the location of the central absentee precinct from the county office building to the Historic Courthouse.

MOTION:

Mr. Ott moved to **direct** the County Attorney's office to make the change in the location of the central absentee precinct and prepare the federal preclearance request letter. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Authorize Advertisement for Public Hearing

MOTION:

Mrs. Booker moved to authorize the advertisement for a public hearing regarding an ordinance entitled "An Ordinance to Amend and Reenact Fluvanna County Code Section 2-2-3 Regarding the Physical Collection Location of the Central Absentee Voting Precinct to Change the Physical Collection Location of the Precinct from the County Office Building to the Historic Courthouse" and to authorize its use as the central absentee precinct for all elections. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

OLD BUSINESS

Comprehensive Plan Update

Mr. Darren Coffey, Director of Planning & Community Development, addressed the board regarding this issue. Mr. Coffey provided the Board with a copy of a "draft" agenda for the Board's work session of February 7th 2009 from 9:00 a.m. until 4:00 p.m. at the Palmyra Volunteer Fire Department. Mr. Coffey also provided the Board with a copy of the Comprehensive Plan section on Vision 2029 and the Land Use section for the Board's review.

It was the Board's general consensus that the proposed agenda for the work session on February 7th 2009 was acceptable.

Water Agenda for Joint Meeting with Louisa County

Mr. G. Cabell Lawton, IV, County Administrator, addressed this issue before the Board of Supervisors. A "draft" agenda was provided to the Board for their review and recommendation regarding the Joint Meeting between the Fluvanna County Board of Supervisors and the Louisa County Board of Supervisors scheduled for January 26th 2009 at 2:00 p.m. at the Best Western Inn at Zion Crossroads.

It was the Board's general consensus that the proposed agenda for the joint meeting on January 26th 2009 was acceptable.

OLD BUSINESS

Sign at Government Complex

The sign currently at the entrance of Commons Boulevard does not accurately reflect that the library is located there.

Mr. Garland Nuckols, Director of Facilities, introduced this issue to the Board.

MOTION:

Mr. Ott moved to **direct** staff to change the sign at the entrance of Commons Boulevard at Pleasant Grove to reflect the name of the complex as "Fluvanna County Public Center" and the buildings at the "Library" and the "Sheriff's Office". Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Other old business discussed:

- Supervisor Weaver questioned the Davenport Contract; competitive requirements; invoices regarding the bond ratings; salary [per hour cost]

The Board **directed** staff to provide all invoice documents for Davenport & Company; to include hotel expenses, travel expenses, restaurant expenses for the New York trip to obtain bond ratings; and the per hour fee of David Rose.

NEW BUSINESS

Supervisor Gooch reported on a press release the Board received from Governor Kaine regarding regulations to be enacted by July 2009 by DCR regarding nitrogen and phosphorous in the Chesapeake Bay. The Chesapeake Bay Commission will regulate how much run off a developer can create from construction which will require infiltrating one inch on the entire site for impervious surfaces, including the roof. This would require additional area of open space of one quarter of the roof area for storm water management. This regulation would double the size of storm water management. There is no vesting.

Supervisor Moss indicated there was money in the stimulus package in the amount of \$1.8 billion for the Chesapeake Bay program already set aside for this project. Virginia would receive approximately \$800 million to deal with this problem. Fluvanna County at this time is not within the Chesapeake Bay attainment area.

The Board **tasked** staff to keep the Board abreast of the Chesapeake Bay Commission's recommendations regarding storm water management.

Supervisor Weaver indicated he had heard that the General Assembly was considering new laws on authorities.

PUBLIC COMMENT #2

Chairman Moss opened the floor for the second public comment section. With no one wishing to speak, Chairman Moss closed the second public comment section.

ADJOURN

MOTION:

At 9:12 p.m. Mr. Allbaugh moved to adjourn the regular Board of Supervisors meeting of Wednesday, January 21st 2009. Mrs. Booker seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.



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

**RESOLUTION
IN SUPPORT OF THE VIRGINIA SESQUICENTENNIAL
OF THE AMERICAN CIVIL WAR COMMISSION**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, January 21, 2009, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Marvin F. Moss, Chairman	Yea
Charles W. Allbaugh, Vice-Chairman	Yea
Mozell H. Booker	Yea
John Y. Gooch	Yea
Gene F. Ott	Yea
Donald W. Weaver	Yea

On a motion by Mr. Gooch, seconded by Mr. Ott, and voted in the affirmative, the following resolution was adopted:

WHEREAS, the Board of Supervisors of the County of Fluvanna (“the County”) is dedicated to the furtherance of economic development and tourism in Fluvanna County; and,

WHEREAS, the Virginia Sesquicentennial of the American Civil War Commission (“the Commission”) was created in 2006 by the General Assembly for the purpose of preparing for and commemorating the 150th anniversary of Virginia’s participation in the American Civil War; and,

WHEREAS, the Commission has requested that each locality form a sesquicentennial committee to aid in planning for the commemoration period; and,

WHEREAS, the sesquicentennial committee will plan and coordinate programs occurring within the locality and communicate regularly with the state Commission; and,

WHEREAS, the Board of Supervisors wishes to undertake this endeavor with the Commission to promote and commemorate this important historic milestone;

NOW, THEREFORE, BE IT RESOLVED that the Fluvanna County Board of Supervisors hereby desires to support the Virginia Sesquicentennial of the American Civil War Commission and their efforts to commemorate the 150th anniversary of Virginia’s participation in the American Civil War.

BE IT FURTHER RESOLVED that Fluvanna County will form a sesquicentennial committee to aid in the planning for the commemoration period.

ADOPTED this 21st day of January, 2009.

Marvin F. Moss, Chairman