

FLUVANNA COUNTY BOARD OF SUPERVISORS
Joint Meeting w/School Board and BOS Regular Meeting
Circuit Courtroom
Fluvanna Courts Building
March 18th 2009
6:00 p.m.

MEMBERS PRESENT: Marvin F. Moss, Chairman
Charles W. Allbaugh, Vice Chairman (arrived at 6:07pm)
Mozell H. Booker
John Y. Gooch (arrived at 6:07pm)
Gene F. Ott
Donald W. Weaver

SCHOOL BOARD MEMBERS PRESENT: Bertha Armstrong, Chairwoman
Barbara Gibbons
Vivian Leach
Tom Muir
Rennie J. Searcy
Shirley LeVines (arrived at 6:06pm)

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
John Robins, Public Works Director
Pat Groot, Grants Administrator
Alice F. Jones, Clerk, Board of Supervisors

CALL TO ORDER

Chairman Moss, Board of Supervisors, called the meeting of March 18th 2009 to order at 6:00 p.m. in the Circuit Courtroom of the Fluvanna Courts Building in Palmyra, Virginia. Chairman Armstrong, School Board, called their meeting for the joint work session on budget to order and the roll call was recited.

SCHOOL BOARD BUDGET PRESENTATION

Dr. Thomas Smith, School Superintendent, presented the Board of Supervisors with the School Board Budget. Dr. Smith turned the PowerPoint presentation over to Dr. Culotta who proceeded with the presentation which included Accountability in Virginia Schools [Accreditation and Adequate Yearly Progress (AYP)]; AYP Annual Measurable Objectives in English, Math, Attendance and Graduation; SAT Scores; Number of Graduates in 2007-08 and Type of Diploma; and Continuing Education for Graduates. Dr. Smith proceeded with the Budget portion of the presentation discussing expenditures, funding, factors influencing the budget, reduction in State Funding; adding the Health Benefit to Early Retirement Plan, Student Projections for the 2009-2010 School Year, Change in Student Population 1983 to Present, 2009-2010 preliminary Revenue

Estimates and Budget Expenditure and Revenue Comparisons with the Federal Stimulus and Conference Report. He also discussed areas of reduction, recommendations, the average per pupil amounts, and the 2006-2007 Return on Spending Index. The total School budget, which includes the Before and After School Program is \$1,734,994.

RECESS

The Board recessed at 6:49 p.m.

RECONVENE:

The Board reconvened at 6:54 p.m.

ACTION MATTER

Authorization to Advertise FY10 Budget

MOTION:

Mr. Allbaugh moved to authorize advertisement of the FY10 Budget, the Tax Rate Increase and the Capital Improvements Plan (CIP) Public Hearings for April 8th 2009; the proposed budget amount for FY10 is \$67,357,605. Mr. Ott seconded. The motion carried with a vote of 5-1. AYES: Allbaugh, Booker, Gooch, Ott and Moss. NAYS: Weaver.

REPORTS

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

- *Fluvanna County Animal Rescue Team* – apprised the Board that on March 11th 2009, the VA SART Board of Directors certified Fluvanna County and Hampton CARTS’ as the first two (2) CARTS’ in Virginia as Operational Capable; additionally the localities selected to receive the eight (8) VDACS pet supply trailers are the cities of Hopewell, Newport News and Roanoke, and the counties of Henry, Fluvanna, Madison, Spotsylvania and Russell; each trailer supports eighty (80) animals

PUBLIC COMMENTS #1

Chairman Moss opened the floor for the first public comment section.

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

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

- Mr. Weaver moved to approve the consent agenda which consisted of:
- Minutes, February 25th 2009 [budget work session]
 - Minutes, March 4th 2009
 - SUP 04:23/May Belle Washington [medical hardship renewal]

- Authorization to Submit a DMV Criminal Records Grant [not to exceed \$35,000]
 - SUP 09:03 Refund Request/Collins [in the amount of \$750]
- Mr. Gooch 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

SUP 09:01/Morris Medical Hardship

This is a request for a special use permit to allow for a mobile home for a medical hardship and meets the intent of the Zoning Ordinance.

Mr. Darren Coffey, Director of Planning and Community Development, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

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

MOTION:

Mr. Allbaugh moved the Board of Supervisors approve SUP 09:01, a special use permit request to allow for a mobile home for a medical hardship pursuant to Fluvanna County Code Section 22-4-2.2-14.(b) with respect to seventeen (17) acres of Tax map 51, Section A, Parcel 164, with the conditions listed in the staff report.

1. All Health Department approvals shall be obtained prior to issuance of any building permits for the mobile home;
2. This special use permit is valid for twenty-four (24) months from the date of final approval by the Board of Supervisors and must be renewed prior to its expiration;
3. The proposed location of the mobile home should be located in the general proximity as shown on Attachment C and shall meet the required setbacks for a main dwelling;
4. Must receive connection to the Fork Union Sanitary District.

Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Comprehensive Plan Adoption

This plan represents input from the citizens and property owners of the County, along with significant time and effort from other stakeholders such as volunteer public safety personnel, school officials, human services staff, VDOT, the Planning District Commission, and our appointed and elected officials. The plan serves as a guide to the Board of Supervisors and is not legally binding.

Mr. Darren Coffey, Director of Planning and Community Development, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

The following citizens addressed the Board with their comments, concerns or recommendations:

- Mrs. Norma Hutner indicated the plan was much improved over the previous plan
- Ms. Elizabeth Franklin urged the Board to prohibit central water and sewer in the rural preservation areas

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

MOTION:

Mr. Weaver moved that a special table of contents entitled “Fiscal Framework” be entered into the Comprehensive Plan under the table of contents number thirteen (13); this includes goal 2 [promote the financial stability and well being of Fluvanna households to policies that align tax increases with taxpayers economic capacity and progress, etc.], 3 [bring individual taxpayers context and clarity to public hearings, presentations and documents related to capital improvements, etc.], 8 [achieve maximum efficiency and cost savings in County operations and equip fiscal decision makers with better information for evaluating funding allocations] and 9 [to provide a sustainable fiscal foundation for the County’s footprint for growth] of the goals that the Fluvanna Taxpayer Association handed in on February 4th 2009. Mr. Ott seconded.

After clarification from Mr. Fred Payne, County Attorney, it was suggested that instead of stating the “table of contents” that a “Chapter 13” be added to the Comprehensive Plan.

Mr. Weaver amended his motion to include adding a Chapter 13, including goals 2, 3, 8 and 9 from the handout provided by the Fluvanna Taxpayer Association on February 4th 2009.

Further discussion ensued.

Mr. Ott suggested that the goals be forwarded to the Planning Commission and be incorporated into an amendment to the Comprehensive Plan with a specified date for return to the Board of Supervisors.

Chairman Moss indicated that several counties have used fiscal impact as a planning tool. He indicated that this is a very sophisticated and difficult process and suggested that these goals be sent back to the Planning Commission and ask the Planning Commission to look at some of the samples of jurisdictions in Virginia that have used fiscal impact planning as a serious planning tool.

The motion [by Mr. Weaver] failed with a vote of 1-5. AYES: Weaver.
NAYS: Allbaugh, Booker, Gooch, Ott and Moss.

After further discussion, the following motions were offered:

MOTION:

Mr. Ott moved to take the information provided by Mr. Weaver and information from other Counties that are using fiscal data to manage by and request the Planning Commission review it and come back to the

Board with an amendment for the Comprehensive Plan, with a time frame of six (6) months. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss.
NAYS: None.

MOTION:

Mr. Gooch moved that the Fluvanna County Board of Supervisors adopt the 2009 Comprehensive Plan as recommended by the Planning Commission, as amended as a result of the Board of Supervisor's work session on February 7th 2009. The motion carried with a vote of 6-0.
AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Resolution/James River Joint Water Authority

Mr. John Robins, Public Works Director, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

The following citizens expressed their support of a referendum

- Mr. Jacques Ruch, Rivanna District; Mr. Denny Avers, Rivanna District; Mr. Everett Hanna, Rivanna District; Ms. Leighton Cumming, LMOA President; Ms. Christine Watkins, Cunningham District; Mr. Jerry Patchen, Columbia District; Mr. Chad Brown, Rivanna District; Mrs. Norma Hutner, Rivanna District [read a letter from Doug Johnson, Cunningham District, who could not be in attendance]; Mrs. Norma Hutner, Fluvanna Taxpayer Association; Mr. Leroy McCampbell, Rivanna District; Mr. Minor Eager, Palmyra District; Mr. Julius Neelley, Rivanna District; Mrs. Patricia Eager, Palmyra District; Ms. Claudia Goin, Cunningham District; Mr. Mike Harrison, LMOA Board of Directors; Mr. Fred Harrison, Fork Union District; Ms. Shirley Roundtree, Fork Union District; Mr. David Hordyke, Rivanna District; Mr. Dennis Holder, Columbia District; Mrs. Judi Ruch, Rivanna District; Mr. Emerson Farley, Fork Union District; Ms. Jean DeMarco, Rivanna District; Mr. Shaun Kenney, Columbia District; Ms. Marilyn McDonald, Fluvanna resident

Other comments:

- Mr. Chad Brown, Leadership Class participant, provided his assessment of the water authority and the James River Water Pipeline
- Mrs. Peggy Flick, Rivanna District, AquaVirginia requires availability fees at Lake Monticello on empty lots; unemployment rate in Louisa County; and the formation of the water authority
- Mr. Len Gardner, Rivanna District, provided no comment on the referendum and indicated the County had been working on the water line for the past fifteen (15) years; it's time to move forward

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

MOTION:

Mr. Weaver moved that the Fluvanna County Board of Supervisors move forward legally to have a referendum on November 3rd 2009 to vote on the question “Shall Fluvanna County join Louisa County in the formation of a Joint Water Authority”? Mr. Ott seconded. The motion failed by a vote of 2-4. AYES: Ott and Weaver. NAYS: Allbaugh, Booker, Gooch and Moss.

Discussion among the Board members ensued and the following motion was offered:

MOTION:

Mrs. Booker moved to defer the resolution entitled “Resolution Signifying the Intention of the Board of Supervisors of the County of Fluvanna to Create a Joint Water Authority under the Virginia Water and Waste Authorities Act and Setting Forth its Articles of Incorporation” subject to Louisa identifying the members of the Joint Authority and subject to a review of the citizens petition that was submitted to the Board of Supervisors this evening [March 18th 2009] and to defer until April 15th 2009. Mr. Gooch seconded. The motion carried with a vote of 4-2. AYES: Allbaugh, Booker, Gooch Moss. NAYS: Ott and Weaver.

RECESS

The Board recessed at 10:43 p.m.

RECONVENE

The Board reconvened at 10:52 p.m.

EXTEND MEETING

MOTION:

Mr. Weaver moved to extend the meeting until 12:00 midnight. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

PUBLIC HEARINGS (continued)

School Board Property Exchange

This is a request from the School Board to transfer a portion of Pleasant Grove to the Fluvanna County School Board for use in the new high school project.

Mr. John Robins, Public Works Director, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

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

MOTION:

Mr. Weaver moved to approve the transfer 7.64 acres to the Fluvanna County School Board of the parcel of land on Pleasant Grove more particularly described on the survey plat of Tax Map 29 Parcel (A) 96 and

Tax Map 30 Parcel (A) 1 completed by P. Timothy Stanley, Jr., Land Surveyor, and dated September 24th 2008 (said plat attached); additionally, moved to authorize the County Administrator to execute the documents necessary to transfer this land once the County Attorney has approved them. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

PRESENTATION

None

ACTION MATTERS (continued)

Appointment/Workforce Investment Board

MOTION:

Mr. Allbaugh moved to appoint Chris Fairchild to the Workforce Investment Board with a term to begin immediately and to expire on June 30th 2010, replacing the unexpired term of Jim Kurre. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

OLD/NEW BUSINESS

The following items were discussed under old/new business:

- status of the proposed increase in fees for the Building Inspections and Planning departments
- current interest on the \$67M borrowing
- DCR regulations and developers round table discussions
- status of renovations at Carysbrook

PUBLIC COMMENT #2

Chairman Moss opened the floor for the second public comment section.

The following citizens addressed the Board:

- Ms. Laura Lee, Cunningham District, addressed the Board regarding the petition on the James River Water Authority
- Mr. Mike Harrison, Rivanna District, addressed the Board regarding the James River Water Authority

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

CLOSED MEETING

None

ADJOURN

MOTION:

At 11:10 p.m. Mr. Weaver moved to adjourn the regular Board of Supervisors meeting of Wednesday, March 18th 2009. Mr. Gooch seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.