

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Courtroom**  
**Fluvanna Courts Building**  
**August 5<sup>th</sup> 2009**  
**2:00 p.m.**

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

**ALSO PRESENT:** G. Cabell Lawton, IV, County Administrator  
Frederick W. Payne, County Attorney  
Shelly H. Wright, Assistant County Administrator  
Renee Hoover, Finance Director  
Crystal Besecker, Budget Analyst  
Dwight Godwin, Parks & Recreation Director  
Pat Groot, Grants Administrator  
Darren Coffey, Planning & Community Development Director  
Vicki Karabinus, EDC Coordinator  
Alice F. Jones, Clerk to the Board of Supervisors

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

Chairman Moss called the regular meeting of August 5<sup>th</sup> 2009 to order at 2:00 p.m. in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited after which, Chairman Moss called for a moment of silence.

**REPORTS**

Mr. James Glass, VDOT Residency Administrator, reported on the following topics:

- Maintenance Work Completed
- Maintenance Work Planned
- Construction
- Traffic Engineering
- Land Development and Permits
- Other Topics for Discussion [Rt. 53 studies]

G. Cabell Lawton, IV, County Administrator, reported on the following topics:

- ***Closed Session*** – requested the Board hold a closed session on pending litigation and personnel
- ***Introduction of New CSA Personnel*** – introduced Ms. Whitney Lundgren, Support Program Assistant for CSA
- ***Congressman Perriello*** – apprised the Board that Congressman Perriello has requested to meet with the Board on August 17<sup>th</sup> 2009 at noon at the Historic

Courthouse; suggested the current Board meeting be recessed and reconvened on August 17<sup>th</sup>; staff will advertise the special meeting

- **Employee Picnic** – apprised the Board that the Annual Employee Picnic has been scheduled for September 24<sup>th</sup> 2009 at Pleasant Grove
- **Stimulus Update**
  - *Qualified School Construction Bonds (QSCB)* – staff has received notification from the state that the literary fund loan may be considered for QSCB which could mean the \$7.5 million loan would be interest free and save the county approximately \$2 million over the life of the loan; two issues with this funding is the contractor would have to comply with Davis Bacon regulations and “Buy American” provisions as well
  - *COPS* – the County did not qualify for the COPS grant; Fluvanna requested this program to fund five (5) officers for three (3) years; there is no second round of funding, but due to our grant scoring, it is unlikely that we will be awarded any funds
  - *Fork Union Firehouse* – the County’s grant submission did pass the initial review and is still under consideration for funding; this was a \$1.75 million request to construct a new firehouse in the Fork Union community
  - *Energy* – apprised the Board that the Virginia Department of Mines, Minerals and Energy has released its guidelines for stimulus funding as it relates to energy conservation, renewable energy, and bio-mass waste to energy programs; the County currently has an energy performance contract with Siemens who is performing energy audits on multiple county buildings; there may be grant funds available to implement the recommended measures that decrease energy costs and also use alternative energy sources such as solar and geothermal; staff is also investigating whether the County’s closed landfill and its methane emissions could be used for marketable credits to various businesses

The Board **directed** staff to provide a breakdown of the \$13M in stimulus funds reported as Fluvanna’s portion in a publication received in the mail.

- **Capital Projects**
  - *Recreation Access Road* – apprised the Board that VDOT should begin work in the next 30 days on the Recreation Access road; it is likely there may be some disruption in access to the site on Old Farm Day; VDOT has made assurances that if the road is not passable at that time, temporary access to Pleasant Grove will be made
  - *Pleasant Grove House* – apprised the Board that staff is waiting final approval from VDOT and we are hopeful that we may be able to advertise the Request for Bids this month
  - *Pleasant Grove Sewer Project* – apprised the Board that bids are required to be submitted by August 13<sup>th</sup> 2009; staff held a mandatory pre-bid conference and over forty (40) contractors attended
- **VACo Rural Meeting** – apprised the Board that VACo will be holding one rural meeting in the month of August 2009

**PUBLIC COMMENTS #1**

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

The following citizens addressed the Board with their concerns:

- Mr. Doug Johnson, Cunningham District, addressed the Board regarding the Fluvanna Taxpayer Association, communication between the Board and the citizens, the Joint Water Authority, and the referendum request

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

**CONSENT AGENDA**

The following item was pulled from the consent agenda:

- Minutes of July 15<sup>th</sup> 2009

The following items were approved under the consent agenda:

**MOTION:**

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

- Drug Forfeiture Fund FY09 Budget Appropriation [in the amount of \$45,142.31]
- School FY10 Supplemental Appropriation [in the amount of \$657,027.20]
- FY 2010 Performance Contract between Region Ten and the Virginia Department of Mental Health Retardation and Substance Abuse Services
- Appointment/Agricultural and Forestal Advisory Committee [David Haney]
- Appointment/Court Green Committee [Judith Mickelson]

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

**Minutes of July 15<sup>th</sup> 2009**

**MOTION:**

Mr. Weaver moved that the Board of Supervisors regular meeting minutes of Wednesday, July 15<sup>th</sup> 2009 be adopted as amended. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss.

**ACCOUNTS PAYABLE**

Renee Hoover, Finance Director, addressed the Board regarding the accounts payable.

**MOTION:**

Mr. Weaver moved the Accounts Payable from June 24<sup>th</sup> 2009 through July 24<sup>th</sup> 2009 and Payroll for the month of June 2009 in the amount of \$2,525,837.60 be ratified. Mr. Allbaugh seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Fund 100	General Fund	\$ 1,724,704.88
Fund 120	Community Programs (Parks & Rec)	1,501.20
Fund 130	Landfill	29,899.01
Fund 302	Capital Improvements	101,401.76

Fund 401	Debt Service	54,450.23
Fund 502	Utility Fund	33,381.71
Fund 505	Fork Union Sanitary District	23,408.54
<u>Payroll</u>		<u>557,090.27</u>
Total		\$ 2,525,837.60

The Board **directed** staff make arrangements for a water cooler to be available at the new Library.

**PUBLIC HEARING**

None

**PRESENTATIONS:**

2010 Thomas Jefferson Planning District Legislative Program

Mr. David C. Blount, Legislative Liaison, addressed the Board and indicated he would be developing the first draft of the 2010 Thomas Jefferson Planning District Legislative Program and he wanted to explain the process for developing the program and to highlight some of the issues being considered for inclusion in the program. Mr. Blount asked the Board if they would like to discuss any concerns, changes or additions they would like to see in the program. In September he will circulate a copy of the draft and appear back before the Board in October to seek concurrence with the program.

Fluvanna First Logo

Mrs. Vicki Karabinus, Economic Development Coordinator, provided a brief presentation to the Board introducing them to “FluvannaFirst” and requested their concurrence for future use of the related graphic representation on County Materials. Mrs. Karabinus indicated this was a simple first step in supporting the businesses in the County and encouraging the general public to patronize them. The logo is proposed to be used on brochures and documents where appropriate and for use by the Fluvanna County Chamber of Commerce and its members, reinforcing the County’s commitment to supporting local business and the relationship with the Chamber.

The Board of Supervisors concurred with the use of the FluvannaFirst Logo as submitted.

**ACTION MATTERS**

FY09 to FY10 Carryover Requests

Following the budget policy [adopted May 2009], this request excludes outstanding operating encumbrances, as well as grant and capital project budgets

Ms. Crystal Besecker, Budget Analyst, addressed the Board regarding this issue.

**MOTION #1:**

Mr. Allbaugh moved the Board of Supervisors approve the attached budget carryover requests totaling \$434,372 which represents the attachment of all items except number four (4) of the Fluvanna County Schools request [*which requests to allow the School Board to retain any other local funds not expended at the end of the 2008-2009 school year;*

*these funds would also be used for the Central Project and/or building services; this amount is currently estimated at \$60,224]. A detailed listing of each request along with a justification for each item and their respective general ledger lines is attached to this motion. This action will reappropriate FY09 remaining budget to the FY10 adopted budget. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None*

MOTION #2:

Mr. Allbaugh moved the Board of Supervisors approve the attached budget carryover request totaling \$60,224 as currently estimated. A detailed listing of the request along with the justification of the item and its respective general ledger line is attached to this motion. If approved this action will reappropriate FY09 remaining budget to the FY10 adopted budget. Mr. Ott seconded. The motion carried with a vote of 5-1. AYES: Allbaugh, Booker, Gooch, Ott and Moss. NAYS: Weaver.

Pleasant Grove Active Recreation Site Plan

The proposed master plan report will provide County staff with an effective approach to the planning, design, and development of the recreational park site amenities. Mr. Dwight Godwin, Parks & Recreation Director, addressed the Board regarding this issue.

MOTION:

Mr. Allbaugh moved that the Board of Supervisors approve from fund 302-94143-6007 for the professional services contract of \$19,579 with A. Morton Thomas and Associates and authorize the County Administrator to execute the contract after the County Attorney has approved them for the development of the detailed Pleasant Grove Sports Park Master Plan. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Approve Contract for Smart Beginnings Fluvanna County Needs Assessment

The scope of work will allow the Smart Beginnings Fluvanna project to develop its goal of ensuring Fluvanna children arrive at kindergarten healthy and ready to succeed in school and life.

Ms. Patricia Groot, Grants Administrator, addressed the Board regarding this issue.

MOTION:

Mrs. Booker moved to accept the Frog Pond Enterprises, LLC contract for the completion of a community needs assessment in connection with the development of the Smart Beginnings Fluvanna County Strategic Plan and certain other tasks for an amount of \$18,500 plus reimbursable expenses and authorize the County Administrator to execute the contract subject to the approval as to form by the County Attorney. Mr. Ott

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

ZTA 09:02/Planned Unit Development District (PUD)

This is a proposal to adopt a Planned Unit Development (PUD) district to be consistent with and implement the goals of the 2009 Comprehensive Plan. The Land Use and Community Design chapters of the Comprehensive Plan both support the creation of a planned unit development district that allows for higher density, mixed-use communities in the identified growth areas of the county.

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

MOTION:

Mrs. Booker moved that the Board of Supervisors approve the attached ordinance for ZTA 09:02, a request for a Zoning Text Amendment to the Fluvanna County Code Section 22 by the addition of a new subsection, Article 14 “Planned Unit Development District (PUD)”. Mr. Gooch seconded. The motion carried with a vote of 5-1. AYES: Allbaugh, Booker, Gooch, Ott and Moss NAYS: Weaver

Resolution/Opposing Proposed Stormwater Management Regulations 4VAC50-60, Parts, I, II, III and Part XII

The Board discussed a draft resolution that stated, in part, that the new stormwater standards constitute an unfunded mandate, which places a financial burden on already fiscally stressed localities through the costs of developing a new stormwater program, as well as the required long-term maintenance and inspection of Best Management Practices, the County will incur new costs, which will not be offset by the proposed permit fees in Part XIII.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

Supervisor Gooch also addressed the Board regarding his concerns.

Board discussion ensued and it was the general consensus of the Board to defer action until September 2<sup>nd</sup> 2009 in order to obtain additional information on how the TDPDC was going to handle this in their Legislative Program.

Broadband PPEA Proposal Selection

Accepting DigitalBridge Communications’ proposal will allow DigitalBridge to move into the detailed stage (engineering) and grant submission. The next step would involve the review of the detailed stage and would require staff to return to the Board of Supervisors for approval of an interim or comprehensive agreement. Per the PPEA, “development of an interim agreement is the sole discretion of the Board of Supervisors of the County and in no way limits the rights reserved by the County to terminate the evaluation of any or all proposals at any time”.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Weaver moved to accept the Proposal submitted to the County on April 28<sup>th</sup> 2009 by DigitalBridge Communications and continue on to the grant submission and detail stage as outlined in the Public-Private Education Facilities and Infrastructure Policy. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Resolution/Sycamore Square Subdivision

The resolution, which allows for additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Ott moved the resolution [attached hereto] entitled “Sycamore Square Subdivision, Route 600, Fluvanna County Additions to the Secondary Systems of State Highways” be adopted. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Appointment/Transportation Safety Commission

MOTION:

Mr. Weaver moved to appoint R. Fulton Payne to the Fluvanna Transportation Safety Commission, Columbia District position, with a term to begin July 1<sup>st</sup> 2009 and to expire on June 30<sup>th</sup> 2012. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Appointment/Regional Jail Board Authority [BOS member]

MOTION:

Mrs. Booker moved that the Board of Supervisors member Donald W. Weaver be appointed to the Central Virginia Regional Jail Board, Fluvanna representative, with a term to begin July 1<sup>st</sup> 2009 and to expire on June 30<sup>th</sup> 2010. Mr. Gooch seconded. The motion carried with a vote of 5-0-1. AYES: Allbaugh, Booker, Gooch, Ott and Moss NAYS: None ABSTAIN: Weaver

**OLD BUSINESS**

The following old business was discussed:

- recognition of employees who save the County money

The Board **directed** staff to provide information on how to best recognize employees who come up with ideas or suggestions to save money; have a recognition once a year with a monetary award of approximately \$300.

- status of study on buildings at Carysbrook

- Dollar General Store is open

### **NEW BUSINESS**

- luncheon with Congressman Perriello

### **PUBLIC COMMENTS #2**

Chairman Moss opened the floor for the second round of public comments. With no one wishing to speak, Chairman Moss closed the second segment of public comments.

### **CLOSED MEETING**

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

At 4:24 p.m. Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing personnel and pending litigation. Mr. Ott seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

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

At 5:04 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mrs. Booker seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

#### **MOTION:**

At 5:05 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, February 18<sup>th</sup> 2009 on motion of Mr. Weaver, seconded by Mrs. Booker and carried by the following vote: AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: 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.”

### **RECESS**

#### **MOTION:**

At 5:06 p.m., Mr. Ott moved to recess the meeting of Wednesday, August 5<sup>th</sup> 2009 to Monday, August 17<sup>th</sup> 2009 at 12:30 p.m. for a luncheon with Congressman Perriello. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**RECONVENE**

Chairman Moss reconvened the meeting of Wednesday, August 5<sup>th</sup> 2009 on Monday, August 17<sup>th</sup> 2009 at the Historic Courthouse at 12:30 p.m. Board of Supervisor members present were Chairman Moss and Supervisors Allbaugh and Booker. Members absent were Supervisors Gooch, Ott and Weaver. Chairman Moss opened up with comments welcoming Congressman Perriello and his staff who shared a luncheon with Board of Supervisor members along with Constitutional Officers. Chairman Moss proceeded to inform the public that there would be public comment time scheduled at 6:30 p.m. at the Fluvanna Middle School.

With Board concurrence, the Board of Supervisors meeting of August 5<sup>th</sup> 2009, recessed to August 17<sup>th</sup> 2009, was official closed.



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

**RESOLUTION**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, August 5<sup>th</sup> 2009, in Palmyra, Virginia, the following action was taken:

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<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

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On a motion by Mr. Ott, seconded by Mr. Weaver, and carried by a vote of 6-0, the following resolution was adopted.

**RESOLUTION  
Sycamore Square Subdivision, Route 600, Fluvanna County  
Additions to the Secondary System of State Highways**

**WHEREAS**, the following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed.

**NOW, THEREFORE BE IT RESOLVED** this Board request the Virginia Department of Transportation to add the street(s) described on the attached form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street requirements, after receiving a copy of this resolution.

Street Name and/or Route Number

- Abby Road, State Route Number 1037  
Old Route Number: 0
  - From: Rte 600  
To: east 0.11 miles to Rte 1038 Justin Drive, a distance of: 0.11 miles  
Recordation Reference: PB 2 page 247-258  
Right of Way width (feet) = 80 ft
- Lexie Lane, State Route Number 1037  
Old Route Number: 0

- From: Rte 1038 Justin Drive  
To: 0.07 miles east, a distance of: 0.07 miles  
Recordation Reference: PB 2, pages 247-258  
Right of Way width (feet) = 80 ft
- Lexie Lane, State Route Number 1037  
Old Route Number: 0
  - From: 0.07 miles east  
To: 0.21 miles east to end of cul de sac, a distance of 0.21 miles.  
Recordation Reference: PB2, pages 247-258  
Right of Way width (feet) = 50 ft
- Justin Drive, State Route Number 1038  
Old Route Number: 0
  - From: Rte 1037  
To: 0.07 miles north to end of state maintenance, a distance of: 0.07 miles  
Recordation Reference: PB 2 pages 247-258  
Right of Way width (feet) – 50 ft

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Adopted this 5<sup>th</sup> day of August 2009  
by the Fluvanna County Board of Supervisors

ATTEST:

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G. Cabell Lawton, IV, County Administrator