

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
September 2nd 2009
2:00 p.m.

MEMBERS PRESENT: Marvin F. Moss, Chairman
Charles W. Allbaugh, Vice Chair
Mozell H. Booker
John Y. Gooch (arrived at 2:15 p.m.)
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
John Robins, Public Works Director
Darren Coffey, Planning & Community Development Director
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 September 2nd 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

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

- ***New Employee*** – introduced Scott Miller, Compliance Officer, who is working with the Planning Department and enforces the County's land use ordinances as well as site plan compliance
- ***Closed Session*** – requested the Board hold a closed session on pending litigation and personnel
- ***QSCB Bonds*** – apprised the Board that in July, Davenport advised the Board about the option of applying for Qualified School Construction Bonds in lieu of Literary Fund Loans for \$7.5 million; the QSCB would be an interest free loan but due to these being ARRA (stimulus) funds, the entire project must comply with Davis-Bacon Wage Provisions with an estimated cost of approximately \$740,000; there would be a possible savings of over \$1,068,000 over the life of the loan but the County would have to pay for a change order since the Schools have indicated they have insufficient funds in the project budget but the County could use SNAP proceeds to potentially cover the costs; suggested this item be added to new business and discussed later in the meeting
- ***Financial Advisor*** – apprised the Board that the Committee has met to discuss the selection of a Financial Advisor; three (3) firms initially responded to the RFP and the Committee interviewed all three of them; the Committee has been unable to come to consensus on the selection of a firm and desires to re-advertise the RFP to see if any other firms are interested along with the ones already submitted; asked the Board to give direction to the committee and it could be placed on a future agenda for discussion
- ***Erosion and Sediment Control*** – apprised the Board that in June the DCR Staff recommended to the DCR Board that Fluvanna County was in full compliance with the State Erosion and Sediment Control Regulations; DCR has agreed with

their staff's findings and formally recognized Fluvanna County as being in compliance; congratulations to Roger Black and Darius Lester for their efforts in assuring the County's program was fully compliant

- **JRWA** – apprised the Board that the James River Water Authority has been meeting since June and is making progress toward a final project and recommended finance plan; the plan is tentatively scheduled to be presented at the September 16th 2009 BOS meeting; Fluvanna and Louisa will have to also prepare and approve a formal interjurisdictional agreement that will identify each county's responsibilities to the Authority as it relates primarily to the borrowing of funds; suggested that the Chairman of both boards meet to discuss the parameters of this agreement; the tentative schedule, if all approvals are given, would have the bond proceeds to the Authority by November 2009
- **Capital Projects**
 - *Carysbrook Gym Project* – apprised the Board this project is essentially completed with some painting to be done over the winter using in-house staff; the new bleachers are on site; the floors have been completed in time for fall and winter sports
 - *Fire Building* – apprised the Board the bids are due September 16th and the building committee will meet to evaluate the bids on September 17th 2009; the bids will be evaluated to whether this can be a cash project or a financed project; the grant request for the Fork Union Fire Department is still actively being reviewed [at the federal level] which is encouraging
 - *Performance Contracting* – apprised the Board that staff received Siemens response to the Performance Contracting that evaluated potential investments that would result in energy, operations and maintenance, and water savings thirteen buildings and three utility sites have been evaluated and provided recommendations on what investments would be most prudent; staff and the energy committee will be evaluating the recommendations and reporting back to the full Board

PUBLIC COMMENTS #1

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

The following citizen addressed the Board with their concerns:

- Ms. Carrie Wigal, Cunningham District, addressed the Board regarding a moment of silence versus prayer at the beginning of meetings

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

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

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

- Minutes of August 5th 2009
- Refund Request/SUB 09:24 for Thomas and Pamela McDonald and SUB 09:25 for Phil Carrow [transfer from Contingency Fund #4-100-91070-5850 (\$400) and transfer to County Planner #4-100-81600-5830 \$400]
- Agricultural and Forestal District Withdrawal Request [refer the proposed withdrawal of Tax Map parcels 33-A-16, 33-A-16A, 33-A,26 and 33-A-26E, totaling 310.48 acres, from the Byrd Creek Agricultural and Forestal District to the Planning Commission and Agricultural and Forestal District Advisory Committee for consideration and recommendation]
- Aid to Localities Supplemental Appropriation [approved the supplemental appropriation of \$3,103 for the State Fire Program's Aid to Localities pass through funding (revenue: 3-100-02040-0017; expenditure: 4-100-32200-6021)]
- Supplemental Appropriations/Social Services [approved an FY10 Supplemental Appropriation to the Fluvanna Dept. of Social Services Purchase of Services fund in the amount of \$17,691 for funds allocated by the Virginia Dept. of Social

Services (all federal dollars requiring no local match); the action will increase the following general ledger lines as stated: #3-105-033010-0001 Federal in the amount of \$16,028.50; #3-150-033010-0005 ARRA Federal in the amount of \$1,662.95; and #4-105-053040-5711 Purchase of Services in the amount of \$17,691;]

- and also approved an FY10 Supplemental Appropriation to Fluvanna Dept. of Social Services Purchase of Services fund in the amount of \$54,881.50 for funds allocated by the Virginia Dept. of Social Services (requested funds are all federal and state dollars requiring no local match); [the action will increase the following general ledger lines as stated: #3-105-024010-0099 State in the amount of \$24,552.25; #3-105-033010-0001 Federal in the amount of \$27,440.75; #3-105-033010-0005 ARRA Federal in the amount of \$2,888.50; and #4-105-053040-5711 Purchase of Services in the amount of \$54,881.50]

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

ACCOUNTS PAYABLE

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

MOTION:

Mr. Weaver moved the Accounts Payable from July 25th 2009 through August 3rd 2009 and Payroll for the month of July 2009 in the amount of \$1,322,470.91 be ratified. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Fund 100	General Fund	\$ 574,882.34
Fund 120	Community Programs (Parks & Rec)	7,131.35
Fund 130	Landfill	8,716.17
Fund 202	Federal Grants	8,160.00
Fund 204	State and Local Grants	144.20
Fund 302	Capital Improvements	122,580.63
Fund 401	Debt Service	37,548.63
Fund 502	Utility Fund	14,297.97
<u>Payroll</u>		<u>549,009.68</u>
Total		\$ 1,322,470.91

The Board **directed** staff provide copies of the invoices from Louisa County for the Zion's Crossroads Tourist Center for review [third and forth quarter of FY09].

The Board **directed** staff provide copies of the invoices from the Timmons Group regarding contractual services for the water system.

PUBLIC HEARING

None

PRESENTATIONS:

Thomas Jefferson Planning District Commission Update

Mr. Stephen Williams, TJPDC Executive Director, provided a PowerPoint presentation to the Board of Supervisors entitled "Dealing with the Impacts of Rapid Growth". Mr. Williams provided his background information. He also provided information on typical community growth curves, land use changes and how the TJPDC can help the Board of Supervisors, the Planning Commission and the staff of Fluvanna County achieve their goals.

JAUNT's Annual Report

Ms. Donna Shaunesey, JAUNT Executive Director, addressed the Board regarding JAUNT's highlights for the year in Fluvanna County. She provided information as to the number of trips by service type and the number of trips by age category and indicated there was a 34% increase in public ridership, but agency ridership decreased by 15% in FY09. She indicated the Fluvanna Express has been successful in providing after school transportation to children throughout the County and the new Health

Connector [linking southern Fluvanna and Albemarle with Buckingham County] has provided some opportunities for seniors to attend programs at Central Virginia Community Health Center (CVCHC). However, there has been a decline in ridership in FY10 as a result of the fare increase and service cuts on the midday and intracounty routes.

Update and Overview of Fluvanna Fun Days

Mr. Dwight Godwin, Parks and Recreation Director, provided a PowerPoint presentation regarding an overview of the Fluvanna Fun Days Carnival. Mr. Godwin discussed the Coles Show Amusement Company Contract along with Cole's yearly ticket sales from 2007 through 2009. He provided information on revenue and expenses along with 2010 staff recommendations to develop a carnival committee to include citizen input and feedback; schedule the carnival on the same month and week each year; and develop an accurate method to count total carnival attendance.

Proposed Amendments to the Uses Permitted and Defined in the Zoning Ordinance Project

Mr. Bryant Phillips, Senior Planner, provided the Board with a presentation describing the uses permitted and defined project that the Planning Commission and staff have been working on. He indicated that the purpose of these proposed amendments to the zoning ordinance is to establish clarity and uniformity between the uses permitted in each of the different zoning districts and their respective definitions along with "cleaning-up" what currently exists in the ordinances; there have been no substantive changes to what uses are permitted in particular zoning districts.

ACTION MATTERS

Resolution/Oliver Creek Subdivision, Route 676, Fluvanna County

This is a new subdivision street [Oliver Ridge Lane] within the Oliver Creek Subdivision.

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

MOTION:

Mr. Ott moved the resolution [attached hereto] entitled "Oliver Creek Subdivision, Route 676, Fluvanna County Additions to the Secondary System of State Highways" be adopted. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Request to Advertise for Public Hearing the Ordinance to Amend the Fluvanna County Code by the Addition in Chapter 8 of Section 8-5, Concerning Disposal of Certain Unclaimed Property in the Possession of the Sheriff

This is a request to advertise for public hearing an ordinance that will bring the County into compliance with state law for property unclaimed by an owner and in possession of the Sheriff.

Mr. Frederick W. Payne, County Attorney, addressed the Board regarding this issue.

MOTION:

Mr. Gooch moved to advertise for public hearing an ordinance stated "An Ordinance to Amend the Fluvanna County Code by the addition in Chapter 8 of Section 8-5, Concerning Disposal of Certain Unclaimed Property in the Possession of the Sheriff". Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Palmyra Sewer Phase II Construction Contract Award

The funding for this project will consist of two sources: grant money from the Environmental Protection Agency (EPA) and availability and connection fees from the new high school.

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

MOTION:

Mr. Allbaugh moved to award the construction contract of the Palmyra Sewer System for Phase II pipeline extension to Handley Excavation and Development for the amount not to exceed \$997,822.46; also moved

to authorize the County Administrator to execute the contracts after approval by the County Attorney. Mr. Allbaugh additionally moved to authorize the Finance Director to supplement the budget for revenue lines 3-502-016080-0002 (connection fees) of \$370,000; 3-502-016080-0004 (availability fees) \$830,000; and 3-502-033010-4105 (federal grant) of \$260,000, along with an expense line of 3-502-094104-3176 for an amount of \$1,460,000. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

RFP/Municipal Software System

This project cost has been appropriated in the FY10 Capital Improvements budget. Mr. Manny Rodriguez, IT Director, addressed the Board regarding this issue.

MOTION #1:

Mr. Allbaugh moved that, in the case of the “Request for Proposal to Procure a Municipal Software System”, competitive sealed bidding is neither practicable nor fiscally advantageous to the public due to the fact that demonstrated relevant experience, knowledge, skills, system ability, and system expandability are key components to choosing the most appropriate vendor. 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 to authorize the issuance of the “Request for Proposal to Procure a Municipal Software System” subject to approval as to form by the County Attorney. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Appointment/Economic Development Commission

MOTION:

Mrs. Booker moved to appoint John Alexander to the Economic Development Commission, At-Large position, with a term to begin immediately and to expire on December 31st 2012, filling the unexpired term of C. Raymond Ackenbom. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Relocate a Power Pole at the Intersection of Rt. 53

The Transportation Safety Commission has stated that this is an urgent project that needs to be completed. Although this is a private entrance, it provides access to Fluvanna County’s largest community. A grant request is being prepared to fund the construction of an additional entrance to Lake Monticello on Route 618 (Lake Monticello Road). Dominion Virginia Power has agreed to move the power pole. Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Ott moved to transfer \$9,087.40 from the BOS Contingency Line (4-100-91070-5850) to the Professional Services (4-100-12110-3100) budget line for the purpose of moving a power line pole adjacent to the Monish Gate entrance at Lake Monticello. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

OLD BUSINESS

Stormwater Management Regulations

Chairman Moss introduced this issue and indicated he had drafted a letter to the Virginia Department of Conservation and Recreation concerning the Board’s position on the proposed Stormwater Management Regulations being considered and asked for the Board’s consensus to send the letter. The Board agreed.

The following old business items were discussed:

- Financial Advisor [the Committee will bring the issue back before the Board for a decision in October 2009]

The Board **directed** staff bring back to the Board at their October 7th 2009 BOS meeting recommendations regarding the hiring of a Financial Advisor.

- status of the investment of the school's number set aside in both FY09 and FY10 as school debt reserve as stated in the FY09-10 budget book

NEW BUSINESS

- The Board discussed an article in the newspaper that indicated the County is divided between the Lake and the County
- QSCB/Literary Fund [a handout was provided by the County Administrator regarding the bonds]

MOTION:

Mr. Weaver moved to direct the County Administrator to pursue QSCB Bonds issued by the Virginia Department of Treasury consistent with the approval of the School Board. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

PUBLIC COMMENTS #2

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

- Sheriff Washington addressed the Board and indicated that a flag and flag pole had been ordered for the Government Complex [first circle] and will be displayed at no cost to the County, through donation of the flag and volunteer labor secured to complete the electrical work.

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

Supervisor Weaver asked about the status of the plaque for the Library.

The Board **tasked** staff with providing a status update regarding the plaque for the new Library.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 5:14 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. Gooch 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 5:45 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 5:46 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, September 2nd 2009 on motion of Mr. Weaver, seconded by Mr. Allbaugh 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.”

ADJOURN

MOTION:

At 5:47 p.m., Mr. Ott moved to adjourn the meeting of Wednesday, September 2nd 2009. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

Marvin F. Moss, 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, September 2nd 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. Ott seconded by Mr. Gooch and carried by a vote of 6-0 the following resolution was adopted.

RESOLUTION

**Oliver Creek Subdivision, Route 676, 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

- Oliver Ridge Lane, State Route Number 1065
Old Route Number: 0
 - From: Rte 676 Oliver Creek Road
To: 0.48 miles east to end of cul de sac, a distance of: 0.48 miles
Recordation Reference: PB 578 page 935
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 2nd day of September 2009
by the Fluvanna County Board of Supervisors

ATTEST:

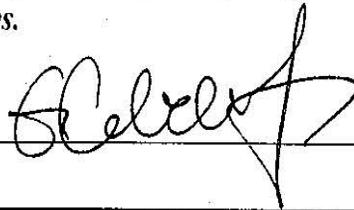
G. Cabell Lawton, IV, County Administrator

In the County of Fluvanna

By resolution of the governing body adopted September 02, 2009

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):



Report of Changes in the Secondary System of State Highways

Project/Subdivision **Oliver Creek Subdivision**

Type Change to the Secondary System of State Highways: **Addition**

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:

Reason for Change: **New subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Oliver Ridge Lane, State Route Number 1065**

Old Route Number: 0

- From: Rte 676 Oliver Creek Road
To: 0.48 miles east to end of cul de sac, a distance of: 0.48 miles.
Recordation Reference: PB 578 page 935
Right of Way width (feet) = 50 ft