

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
October 7th 2009
2:00 p.m.

MEMBERS PRESENT: Marvin F. Moss, Chairman
Charles W. Allbaugh, Vice Chair
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
John Robins, Public Works Director
Dr. Jacqueline A. Meyers, CSA Program Manager
Darren Coffey, Planning & Community Development Director
Bryant Phillips, Senior Planner
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 October 7th 2009 to order at 2:00 p.m. in the Circuit Courtroom of the 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:

- ***Distinguished Budget Presentation Award*** – apprised the Board that for the second year in a row, the County has been awarded the Distinguished Budget Presentation Award for the FY 10 Fiscal Year; also, a certificate of recognition was given to Crystal Besecker for her efforts in obtaining this designation; congratulated Crystal along with the budget team for their effort
- ***High School Financing*** – apprised the Board that the refunding of the High School Bonds has reached their 3% savings target which results in at least \$150,000 in savings per year for \$2.65 million in total savings; this is why the

stand-alone strategy was recommended [Kyle Laux, Davenport and Company, provided additional information regarding the High School Financing]

- **Economic Development Brochures** – apprised the Board that the County has produced brochures to assist with the County’s Economic Development efforts; they will be displayed at various locations around the County and the Visitors Center in Zion Crossroads
- **Grant Announcements** –
 1. Fluvanna County was awarded a \$1.4 million grant to construct the Fork Union Firehouse; Fluvanna is one of three communities to receive this funding along with the Cities of Richmond and Newport News; there is an action item to release the construction bids for this building
 2. DaProSystems, Inc. has been awarded a contract for \$89,000 to expand the RASCAL Central Virginia Regional Record Sharing Project; the award covers purchase and installation of proprietary software licenses and enhancements to the system; this represents a portion of the two grants awarded to Fluvanna under the Law Enforcement Terrorism Prevention program
 3. QSCB Funds Round 2 – the allocation is for energy efficiency improvements to existing buildings or for the installation of renewable energy equipment on school grounds; energy use in buildings represents almost 40 percent of all domestic energy use; Governor Kaine recognizes that energy costs are an increasing threat to state, local, and school division budgets; by targeting these bond allocations to energy efficiency improvements to school buildings and energy retrofits like solar panel installation, school divisions will reduce their energy use, cut costs, and stimulate the local economy by creating green jobs
- **R & R Awards** – apprised the Board of employees who received R & R Awards at the Employee Picnic held September 24th 2009; provided information on who was awarded and what they were awarded for
- **Old Farm Day** – thanked all staff members, especially Buildings and Grounds, for their participation and preparation in Old Farm Day; staff will be meeting with the Old Farm Day Committee to look at ways to improve vehicular access to and from the event
- **Monish Gate** – apprised the Board that Dominion has moved the pole and power lines and the grading of the bank was scheduled to be performed yesterday; the cost of moving the power poles was over \$1,000 less than the estimate
- **Wal Mart Opening** – apprised the Board that the Louisa County Board of Supervisors will be inviting the Board to the grand opening of the Zion Crossroads Wal-Mart tentatively scheduled on November 10th 2009 at 7:30 p.m. and on November 11th at 7:30 a.m.
- **Virginia Cooperative Extension** – apprised the Board that the Extension Office will be sending invitations to the Board to attend a strategic planning session on November 17th 2009 at 6:30 p.m. to be held at the Elks Lodge on Pantops; possibly only two (2) members can attend, and if so, the Board may want to appoint those members at a future meeting

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. Dennis Holder, Columbia District, addressed the Board regarding the agreement for the JRWA; Aqua Virginia; the route of the proposed pipeline; growth; the issue of the JRWA borrowing money; and the selling of land at Pleasant Grove
- Ms. Debra Kurre, Rivanna District, addressed the Board regarding a Virginia Tourism Conference in which she attended
- Mr. Andrew M. Sheridan, Columbia District, addressed the Board regarding the 4-H Virginia Horse Show which Fluvanna participated in recently and had the largest showing of all the localities

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

- Minutes of September 16th 2009
- Resolution/North 640 AFD Renewal [attached hereto]
- Resolution/Glenarvon Farm AFD Renewal [attached hereto]
- Resolution/Cunningham Acres AFD Renewal [attached hereto]
- Resolution/Kidds Store AFD Renewal [attached hereto]

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 August 24th 2009 through September 25th 2009 and Payroll for the month of August 2009 in the amount of \$3,860,250.60 be ratified. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Fund 100	General Fund	\$ 912,369.06
Fund 120	Community Programs (Parks & Rec)	6,030.28
Fund 130	Landfill	16,161.27
Fund 202	Federal Grants	95,291.32
Fund 204	State and Local Grants	465.00
Fund 302	Capital Improvements	2,263,174.79
Fund 502	Utility Fund	23,315.03
Fund 505	Fork Union Sanitary District	25,009.82
	<u>Payroll</u>	<u>518,434.03</u>
	Total	\$ 3,860,250.60

PUBLIC HEARING

SUP 09:08/Clayton and Amber Roberts

This is a special use permit request for a temporary construction for a mobile home.

Mr. Bryant Phillips, Senior Planner, 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 that the Board of Supervisors approve SUP 09:08, a special use permit request to allow for a mobile home while constructing a single family dwelling with respect to 6.0 acres of Tax Map 38, Section 3, Parcel 4A, subject to the conditions listed in the staff report:

1. This special use permit is valid for a period of one (a) year and may only be renewed upon request of the landowner prior to expiration;
2. Meeting the requirements of the Health Department in regards to the sewage disposal connection to the mobile home and the proposed single family dwelling;
3. The existing mobile home shall be removed from the property within thirty (30) days of issuance of final certificate of occupancy for the single family dwelling; and
4. Violation of any of the conditions of this permit shall be grounds for revocation of this special use permit.

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

2009 VPSA QSCB Bond Resolution

This is an opportunity to access interest-free Qualified School Construction Bonds (QSCBs) provided through the American Recovery and Reinvestment Act (ARRA) of 2009 financing for the County's Literary Fund first priority waiting list project up to \$4.83 million.

Ms. Renee Hoover, Finance 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. Ott moved to adopt the resolution [attached hereto] authorizing the issuance of a not to exceed \$6,000,000 General Obligation School Bond, Series 2009, to be sold to the Virginia Public School Authority. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

FY10 Supplemental Appropriation for High School Construction Change Order

Ms. Renee Hoover, Finance 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. Gooch moved the Board of Supervisors approve a supplemental appropriation to the New High School Construction budget in the

amount of \$740,000. The additional funding is needed to comply with the Davis Bacon Act as stipulated in the VPSA QSCB Bond Resolution. The following budget lines would increase by \$740,000:

#3-302-015010-0004

#4-302-094100-3176

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

PRESENTATIONS:

Career Development Certification for Jolie Allen

Mr. Andrew M. Sheridan, Commissioner of the Revenue, along with the Chairman of the Board of Supervisors, Marvin Moss, presented Ms. Jolie Allen with a framed certificate for completing the Career Development Program from the Weldon Cooper Center.

Uses Permitted and Defined Planned Commission Update

Mr. Bryant Phillips, Senior Planner, provided an update regarding proposed amendments to the uses permitted and their definitions in the zoning ordinance. This amendment would change the process to allow for a mobile home approval process to move from a special use permit to an administrative process. Mr. Phillips also provided information for proposed procedural amendments in reviewing and approving mobile homes; and proposed definitions were further clarified.

R-4 Zoning District Review

Mr. Darren Coffey, Director of Planning and Community Development, addressed the Board regarding R-4 Zoning. Mr. Coffey met with the Lake Monticello Owner's Association (LMOA) Board representatives and all have agreed that a review of the R-4 zoning district setbacks is not necessary and all are satisfied with the existing regulations.

CSA Budget Report

Dr. Jacqueline A. Meyers, CSA Program Manager, provided the Board with a PowerPoint presentation regarding the CSA Budget. Topics mentioned were gross expenditures by category; mandated services with local match; community based services with local match; the State deductions from pool reimbursement; CSA indicators of success; Foster Care/State fiscal impact on CSA Match Rates; along with a summary of all costs.

ACTION MATTERS

TJPDC Legislative Program

Mr. David C. Blount, Legislative Liaison, addressed the Board regarding this issue.

MOTION:

Mr. Allbaugh moved to approve the draft TJPDC legislative program, understanding that additional suggested revisions to the draft may be incorporated into the final version. Mr. Gooch seconded. The motion

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

Recommendation of Financial Advisors

Three (3) responses were received to the Request for Proposal for Financial Advisor Services. An ad hoc committee was formed and comprised of Supervisors Weaver and Ott along with Renee Hoover [Finance Director] and Cabell Lawton [County Administrator]. Of the firms interviewed, the top two picks were Davenport & Company and Morgan Keegan. After reviewing the proposals, the committee is recommending Morgan Keegan to serve as the County's financial advisor.

Ms. Renee Hoover, Finance Director, addressed the Board regarding this issue.

MOTION:

Mrs. Booker moved the Board of Supervisors to accept Davenport & Company as Fluvanna County's Financial Advisors and to proceed with contract negotiations. Mr. Gooch seconded. The motion carried with a vote of 4-2. AYES: Allbaugh, Booker, Gooch and Moss NAYS: Ott and Weaver.

Change Fund Balance Designation for Subsequent Expenditure

The fund balance is the accumulation of surpluses or deficits posted over the course of fiscal years, however, fund balance does not equal cash. The County has a cash balance at the end of the fiscal year 2009 for the governmental general fund excluding the enterprise and fiduciary funds of \$18,289,871. The unreserved fund balance designation of \$13,148,342 and undesignated funds of \$5,265,042 for a total of \$18,413,384 which can be considered cash.

Ms. Renee Hoover, Finance Director, addressed the Board regarding this issue.

MOTION:

Mr. Allbaugh moved the Board of Supervisors undesignated funds be remarked as designated for subsequent expenditures starting with fiscal year 2009. Mr. Gooch seconded. The motion carried with a vote of 4-2. AYES: Allbaugh, Booker, Gooch and Moss NAYS: Ott and Weaver.

It was stated that the intent is to no longer designate funds for subsequent expenditures.

Award of the Construction Contract for the Kent's Store Firehouse

This item anticipates the use of fund balance instead of loan proceeds as has been discussed by the Board of Supervisors in past meetings.

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

MOTION:

Mr. Ott moved to appropriate fund balance to construct the Kents Store Firehouse and to modify the current capital fund by transferring \$1.1 million from proceeds from indebtedness to fund balance appropriations (transfer from #3-302-041040-0027 to #3-302-041050-4018); additionally moved to approve a supplemental appropriation from fund balance of \$51,842 to fully fund this project (supplementing the following accounts: #3-302-041050-4018 and #4-302-094145-3176); additionally moved to award the construction contract of the Kents Store

Firehouse to CMS, Inc. of Charlottesville for the amount of \$1,000,717 and authorize the County Administrator to execute the contract after approval by the County Attorney. Mrs. Booker seconded. The motion carried with a vote of 4-1-1. AYES: Allbaugh, Booker, Ott and Moss. NAYS: Weaver. ABSTAIN: Gooch.

Mr. Weaver noted that his objection was to the use of fund balance money.

Approval to Request Bids for the Construction of the Fork Union Firehouse

The estimated budget for the Fork Union Firehouse is \$1,800,000. This project has more extensive site work and will require additional work to meet grant requirements. A grant was announced that will provide \$1,415,540 and the County will be expected to match the grant money with \$360,000.

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

MOTION:

Mrs. Booker moved to authorize staff to advertise for request for construction bids for the Fork Union Firehouse planned to be constructed at the Fluvanna County Community Center. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Resolution/Request for “Watch for Children” sign on Oliver Ridge Lane

VDOT received a letter signed by the representatives of six (6) residences on Oliver Ridge Lane requesting a “slow children at play” sign at the entrance to Oliver Ridge Lane. VDOT’s alternative to a “children at play” sign is one that reads, “Watch for Children”. The sign fabrication and installation is estimated at \$250 which would be taken from the County’s secondary system construction allocation.

Mrs. Shelly H. Wright, Assistant County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Allbaugh moved to adopt the resolution [attached hereto] entitled “Resolution Requesting Installation of a ‘Watch for Children’ Sign on Oliver Ridge Lane”. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Inter-Jurisdictional Agreement between Fluvanna and Louisa County

This document is a formal agreement that will replace the informal memorandum of understanding that was prepared in 2003. This is a necessary agreement for the bond issuers and will have to be approved prior to any borrowing by the Authority.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue and indicated that the date for this to be approved was moved back; therefore, action on this item is deferred to October 21st 2009.

Appointment/Community Policy and Management Team (CPMT)

MOTION:

Mr. Ott moved to appoint Mr. William Hughes to the Community Policy and Management Team (CPMT), citizen position, with a term to begin immediately and to expire on December 31st 2012. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

OLD BUSINESS

The following old business items were discussed:

- Supervisor Ott informed the Board of his apology to Frank Ballif regarding comments made at the last BOS meeting
- Supervisor Gooch asked as to the status of surface treatment for the Recreational Access Road

It was the general consensus of the Board that the treatment should be asphalt.

NEW BUSINESS

The following new business items were discussed:

- Supervisor Booker apprised the Board that she was setting up a meeting with the Fork Union citizens to talk about the new fire house
- Ms. Wright provided information on H1N1 clinics starting with emergency service personnel and the schools

PUBLIC COMMENTS #2

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

- Mr. Dennis Holder, Columbia District, addressed the Board regarding the James River Water Authority (JRWA); Timmons data on acquisition of rights of way; and the fact that Davenport and Company will also be the JRWA and Louisa's financial advisor

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

CLOSED MEETING

None

ADJOURN

MOTION:

At 5:09 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, October 7th 2009. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**BOARD OF SUPERVISORS
COUNTY OF FLUVANNA
RESOLUTION**

At a regular meeting of the Board of Supervisors of the County of Fluvanna held in the Fluvanna County Courts Building at 2:00 p.m. on the 7th day of October 2009, at which the following members were present, the following resolution was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

<u>PRESENT</u>	<u>VOTE</u>
Marvin Moss, Chairman	YEA
Charles Allbaugh, Vice-Chairman	YEA
Mozell H. Booker	YEA
Donald Weaver	YEA
Gene Ott	YEA
John Gooch.	YEA

On the motion of Mr. Weaver seconded by Mr. Gooch which carried by a vote of 6-0 the following resolution was adopted:

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE NORTH 640
AGRICULTURAL AND FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR
PERIOD TO EXPIRE NOVEMBER 17th, 2019**

WHEREAS, the Fluvanna County Board of Supervisors approved the creation of the North 640 Agricultural and Forestal District on November 17th, 1999 for a ten year period; and

WHEREAS, the district is set to expire on November 17th 2009; and

WHEREAS, in accordance with Section 15.2-4311 of the State Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the North 640 Agricultural and Forestal District and advised them that the approved district would expire on November 17th, 2009 and inquired whether the owners desired that the property remain in or be removed from the district.

NOW, THEREFORE BE IT RESOLVED, on this 7th day of October 2009, that the Fluvanna County Board of Supervisors hereby renews the North 640 Agricultural and Forestal District for an additional ten-year period to expire on November 17th, 2019, with the removal of tax map parcels 29(A)35, 30(A)22, 30(A)23, 30(A)24, 30(A)24A, 30(A)25, 30(A)27A and 30(A)31.

Alice Jones, Clerk
Board of Supervisors
Fluvanna County, Virginia

**BOARD OF SUPERVISORS
COUNTY OF FLUVANNA
RESOLUTION**

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<u>PRESENT</u>	<u>VOTE</u>
Marvin Moss, Chairman	YEA
Charles Allbaugh, Vice-Chairman	YEA
Mozell Booker.....	YEA
Donald Weaver	YEA
Gene Ott	YEA
John Gooch.	YEA

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

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE GLENARVON FARM
AGRICULTURAL AND FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR
PERIOD TO EXPIRE NOVEMBER 17th, 2019**

WHEREAS, the Fluvanna County Board of Supervisors approved the creation of the Glenarvon Farm Agricultural and Forestal District on November 17th, 1999 for a ten year period; and

WHEREAS, the district is set to expire on November 17th, 2009; and

WHEREAS, in accordance with Section 15.2-4311 of the State Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the Glenarvon Farm Agricultural and Forestal District and advised them that the approved district would expire on November 17th, 2009 and inquired whether the owners desired that the property remain in or be removed from the district.

NOW, THEREFORE BE IT RESOLVED, on this 7th day of October 2009, that the Fluvanna County Board of Supervisors hereby renews the Glenarvon Farm Agricultural and Forestal District for an additional ten-year period to expire on November 17th, 2019.

Alice Jones, Clerk
Board of Supervisors
Fluvanna County, Virginia

**BOARD OF SUPERVISORS
COUNTY OF FLUVANNA
RESOLUTION**

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<u>PRESENT</u>	<u>VOTE</u>
Marvin Moss, Chairman	YEA
Charles Allbaugh, Vice-Chairman.....	YEA
Mozell Booker.....	YEA
Donald Weaver	YEA
Gene Ott	YEA
John Gooch.	YEA

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

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE CUNNINGHAM ACRES
AGRICULTURAL AND FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR
PERIOD TO EXPIRE NOVEMBER 17th, 2019**

WHEREAS, the Fluvanna County Board of Supervisors approved the creation of the Cunningham Acres Agricultural and Forestal District on November 17th, 1999 for a ten year period; and

WHEREAS, the district is set to expire on November 17th, 2009; and

WHEREAS, in accordance with Section 15.2-4311 of the State Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the Cunningham Acres Agricultural and Forestal District and advised them that the approved district would expire on November 17th, 2009 and inquired whether the owners desired that the property remain in or be removed from the district.

NOW, THEREFORE BE IT RESOLVED, on this 7th day of October 2009, that the Fluvanna County Board of Supervisors hereby renews the Cunningham Acres Agricultural and Forestal District for an additional ten-year period to expire on November 17th, 2019, with the removal of tax map parcel 18(A)8.

Alice Jones, Clerk
Board of Supervisors
Fluvanna County, Virginia

**BOARD OF SUPERVISORS
COUNTY OF FLUVANNA
RESOLUTION**

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<u>PRESENT</u>	<u>VOTE</u>
Marvin Moss, Chairman	YEA
Charles Allbaugh, Vice-Chairman	YEA
Mozell Booker.....	YEA
Donald Weaver	YEA
Gene Ott	YEA
John Gooch.	YEA

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

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE KIDDS STORE
AGRICULTURAL AND FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR
PERIOD TO EXPIRE DECEMBER 15th, 2019**

WHEREAS, the Fluvanna County Board of Supervisors approved the creation of the Kidds Store Agricultural and Forestal District on December 15th, 1999 for a ten year period; and

WHEREAS, the district is set to expire on December 15th, 2009; and

WHEREAS, in accordance with Section 15.2-4311 of the State Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the Kidds Store Agricultural and Forestal District and advised them that the approved district would expire on December 15th, 2009 and inquired whether the owners desired that the property remain in or be removed from the district.

NOW, THEREFORE BE IT RESOLVED, on this 7th day of October 2009, that the Fluvanna County Board of Supervisors hereby renews the Kidds Store Agricultural and Forestal District for an additional ten-year period to expire on December 15th, 2019, with the removal of tax map parcels 38(A)10A, 38(A)62 and 39(A)1.

Alice Jones, Clerk
Board of Supervisors
Fluvanna County, Virginia

**RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED
\$6,000,000 GENERAL OBLIGATION SCHOOL BOND, SERIES 2009,
OF THE COUNTY OF FLUVANNA, VIRGINIA, TO BE SOLD TO
THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the Board of Supervisors (the "Board") of the County of Fluvanna, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$6,000,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing various capital improvements for its public school system, including without limitation, a new high school as described in Exhibit A hereto; and

WHEREAS, the County held a public hearing, duly noticed, on October 7, 2009, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$4,830,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority ("VPSA") in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VPSA for its bonds (the "VPSA Bonds"), the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in Section 1 of this Resolution does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

WHEREAS, VPSA intends to issue the VPSA Bonds to purchase the Local School Bond and the local school bonds of certain other localities (i) as "qualified school construction bonds" within the meaning of Section 54F of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which section was added to the Tax Code by the American Recovery and Reinvestment

Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17, 2009, and (ii) pursuant to allocations of the Commonwealth of Virginia's share of the national limitation for qualified school construction bonds under Executive Order Number Ninety (2009) issued by the Governor of the Commonwealth of Virginia on September 4, 2009; and

WHEREAS, qualified school construction bonds are taxable bonds designed to provide no- or very-low-cost financing for qualified public school projects by granting to the bondholders an annual credit against the bondholders' federal income tax liability (including alternative minimum tax liability), which credit is intended to compensate the bondholders in lieu of interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FLUVANNA, VIRGINIA:

1. **Authorization of Local School Bond and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in a principal amount not to exceed \$6,000,000 (the "Local School Bond") for the purpose of financing various capital improvements for its public school system, including without limitation, a new high school, as described in Exhibit A and the issuance costs of the Local School Bond. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution and the Bond Sale Agreement.

2. **Sale of the Local School Bond.** It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Local School Bond at a price, determined by VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, or either of them. Given the VPSA Purchase Price Objective and market conditions, it may become necessary to sell the Local School Bond in a principal amount greater than the Proceeds Requested. If the limitation on the maximum principal amount on the Local School Bond set forth in Section 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, the Local School Bond may be sold for a purchase price of not lower than 95% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement with VPSA providing for the sale of the Local School Bond to VPSA. The agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Local School Bond.** The Local School Bond shall be dated the date of its issuance and delivery; shall be designated "General Obligation School Bond, Series 2009"; and shall mature on September 1 in the years (each a "Principal Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of Section 4 of this Resolution. If and as necessary to conform the terms of the Local School Bond to the terms of the VPSA Bonds, the Local School Bond may bear interest at a rate(s) determined by the County Administrator following the pricing of the VPSA Bonds,

provided that the Local School Bond shall not have a “true” or “Canadian” interest cost exceeding 1% per year (taking into account projected earnings on sinking fund amounts).

4. **Principal Installments.** The Principal Installments shall be determined by the County Administrator at the direction of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall be no later than 18 years after its date of delivery. The execution and delivery of the Local School Bond as described in Section 9 hereof shall conclusively evidence the final Principal Installments as having been accepted by the County Administrator as authorized by this Resolution.

5. **Certain Investment Earnings.** The Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with a single "bullet" maturity on a maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code and (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County's obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in Section 14 below. Any balance in such reserve fund or account attributable to investment earnings on the County's Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

6. **Form of the Local School Bond.** The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit B.

7. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal and interest, if any, and premium, if any, on the Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at, or before 11:00 a.m. on the applicable Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Principal Payment Date or date fixed for prepayment or redemption.

(b) The Bond Registrar and Paying Agent for the Local School Bond shall be the banking institution selected by VPSA for such purposes.

8. **Prepayment or Redemption.** The Principal Installments of the Local School Bond are not subject to optional prepayment or redemption prior to their stated maturities. The

Principal Installments of the Local School Bond will be subject to extraordinary mandatory redemption (i) if certain proceeds of the Local School Bond have not been spent within three years after the date of its issuance and delivery (which three year period may be extended by the U.S. Secretary of the Treasury or his delegate), and (ii) due to a loss of "qualified tax credit bond" and "qualified school construction bond" status of the VPSA Bonds corresponding to the Local School Bond under Sections 54A and 54F of the Tax Code, at the redemption prices and upon the other terms set forth in the Local School Bond.

9. **Execution of the Local School Bond.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

10. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and interest, if any, and premium, if any, on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and interest, if any, and premium, if any, on the Local School Bond as such principal, interest, if any, and premium, if any, shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

11. **Use of Proceeds Certificate and Tax Compliance Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary in order to show the compliance of the VPSA Bonds with the provisions of the Tax Code and applicable regulations relating to the qualification of the VPSA Bonds as "qualified tax credit bonds" and "qualified school construction bonds" under Sections 54A and 54F of the Tax Code. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "qualified tax credit bonds" and "qualified school construction bonds" under Sections 54A and 54F of the Code.

12. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School

Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

13. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

14. **Fees, Costs and Expenses.** The County agrees to pay from proceeds of its Local School Bond or other legally available funds the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefor:

(A) The County's allocable share of the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and the County's allocable share of any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's School Tax Credit Bond Program, as determined by VPSA; and

(B) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under the Local School Bond, the Continuing Disclosure Agreement, the Tax Compliance Agreement, the Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, the "County Documents"), or in connection with any extraordinary mandatory redemption of the Local School Bond as described in Section 8 above and the corresponding VPSA Bonds, any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.

15. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

16. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and any such action previously taken is hereby ratified and confirmed.

17. **Effective Date.** This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Fluvanna, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on October 7, 2009, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present.

Members present at the meeting were: _____.

Members absent from the meeting were: _____.

Members voting in favor of the foregoing resolution were: _____.

Members voting against the foregoing resolution were:
_____.

Members abstaining from voting on the foregoing resolution were: _____.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Fluvanna, Virginia, this ___ day of October, 2009.

Clerk, Board of Supervisors of the County
of Fluvanna, Virginia

[SEAL]

EXHIBIT A

**DESCRIPTION OF CAPITAL PROJECT FOR SCHOOL PURPOSES
TO BE FINANCED BY LOCAL SCHOOL BOND**

The capital project consists of the acquisition, construction and equipping of a new high school in the County and related costs.

EXHIBIT B

[FORM OF TEMPORARY BOND]

NO. TR-1

\$ _____

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
General Obligation School Bond
Series 2009**

The **COUNTY OF FLUVANNA, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** ("VPSA") the principal amount of _____ DOLLARS (\$ _____), in annual installments in the amounts set forth on Schedule I attached hereto commencing on September 1, 20__ and continuing each September 1 thereafter to and including September 1, 20__ (each a "Payment Date"), subject to redemption as hereinafter provided. This Bond shall [not bear interest] [bear interest at a rate equal to ___% per year]. The principal of[, interest,] and premium, if any, on this Bond are payable in lawful money of the United States of America.

For as long as VPSA is the registered owner of this Bond, U.S. Bank National Association, as bond registrar (the "Bond Registrar"), shall make all payments of the principal of [, interest] and premium, if any, on this Bond, without the presentation or surrender hereof, to or at the direction of VPSA, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for redemption. If a Payment Date or date fixed for redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of the principal of[, interest, and] premium, if any, on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for redemption. Upon receipt by the registered owner of this Bond of said payments, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of[, interest] and the premium, if any, on this Bond. The resolution adopted by the Board of Supervisors of the County on October 7, 2009 (the "Local Resolution"), authorizing the issuance of this Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended (the "Virginia Code"), requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of[, interest,] and premium, if any, on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, of the Virginia Code, and the Local Resolution and a resolution duly adopted by the School Board of the County to provide funds for capital projects for school purposes.

This Bond is registered in VPSA's name on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for a substitute Bond, and register such substitute Bond on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond are not subject to optional prepayment or redemption prior to their stated maturities.

Upon not less than 15 days' written notice from VPSA to the Bond Registrar, this Bond is subject to mandatory redemption in whole or in part in an amount to be specified by VPSA on a date to be fixed by VPSA in the event that, due to a failure by the County to cause 100% of the Available Project Proceeds to be expended by the end of the Expenditure Period for Qualified Purposes, VPSA must redeem a portion of its School Tax Credit Bonds (Qualified School Construction Bonds), Series 2009-1 (the "VPSA Bonds"), pursuant to Section 54A(d)(2)(B)(i) of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and Section 4.1(b) of the First Supplemental Trust Indenture dated as of October 1, 2009 (the "First Supplemental Indenture"), between VPSA and U.S. Bank National Association, as trustee. The redemption price shall be equal to 100% of the principal amount of this Bond to be redeemed plus a premium equal to any outstanding fees, costs and expenses for which the County is or will become obligated to pay under Section 14 of the Local Resolution as determined by VPSA.

Upon not less than 15 days' written notice from VPSA to the Bond Registrar, this Bond is also subject to mandatory redemption in whole or in part in an amount to be specified by VPSA on a date to be fixed by VPSA if, due to a default by the County under the Use of Proceeds Certificate and Tax Compliance Agreement dated the dated date hereof (the "Tax Compliance Agreement"), between VPSA and the County, there occurs a Determination of Loss of QSCB Status (as defined in the First Supplemental Indenture) with respect to all or any portion of the VPSA Bonds. The redemption price shall be equal to 100% of the principal amount to be redeemed plus a premium equal to the sum of (i) the redemption premium and other amounts VPSA will be obligated to pay in connection with the extraordinary mandatory redemption of the VPSA Bonds under Section 4.1(c) of the First Supplemental Indenture and (ii) any outstanding fees, costs and expenses for which the County is or will become obligated to pay under Section 14 of the Local Resolution, all as determined by VPSA.

Unless otherwise defined, each of the capitalized terms used in the foregoing two paragraphs has the meaning given it in the Tax Compliance Agreement.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of

this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Fluvanna has caused this Bond to be issued in the name of the County of Fluvanna, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated _____, 2009.

**COUNTY OF FLUVANNA,
VIRGINIA**

(SEAL)

ATTEST:

Clerk, Board of Supervisors of the
County of Fluvanna, Virginia

Chairman, Board of Supervisors of the
County of Fluvanna, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____
_____ Registered Owner

<p>Signature Guaranteed:</p> <p>_____ (NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.</p>	<p>(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)</p>
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SCHEDULE 1

DUE DATES AND AMOUNTS OF PRINCIPAL INSTALLMENTS

<u>Due Date</u>	<u>Amount of Principal Installment</u>
September 1, 2010	\$
September 1, 2011	
September 1, 2012	
September 1, 2013	
September 1, 2014	
September 1, 2015	
September 1, 2016	
September 1, 2017	
September 1, 2018	
September 1, 2019	
September 1, 2020	
September 1, 2021	
September 1, 2022	
September 1, 2023	
September 1, 2024	
September 1, 2025	



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION
Requesting Installation of a “Watch for Children” Sign on Oliver Ridge Lane

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, October 7, 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. Allbaugh seconded by Mr. Gooch and voted in the affirmative, the following resolution was adopted:

WHEREAS, a letter dated September 10, 2009, and signed by five residents of Oliver Ridge Lane was received by VDOT on September 18, 2009, and remitted to the County with a request to install signage at the entrance to Oliver Ridge Lane noting the presence of children at play; and,

WHEREAS, it is the desire of the County to support the request;

NOW, THEREFORE, BE IT RESOLVED that the Fluvanna County Board of Supervisors requests VDOT to install a “Watch for Children” sign at the entrance to Oliver Ridge Lane;

BE IT FURTHER RESOLVED that the estimated \$250.00 cost for the sign be taken from the secondary system construction allocation for Fluvanna County; and,

BE IT FURTHER RESOLVED that this resolution be submitted to the VDOT Transportation Commissioner through the local VDOT Residency.

Marvin F. Moss, Chairman