

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
May 5th 2010
2:00 p.m.

MEMBERS PRESENT: Gene F. Ott, Chairman
Mozell H. Booker
Joe Chesser
John Y. Gooch [arrived at 2:08 p.m.]
Donald W. Weaver

MEMBER ABSENT: Shaun V. Kenney, Vice Chair

ALSO PRESENT: Shelly H. Wright, Interim County Administrator
Frederick W. Payne, County Attorney
Renee Hoover, Finance Director
Pat Groot, Grants Administrator
Darren Coffey, Planning Director
John Robins, Public Works Director
Alice F. Jones, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

Chairman Ott called the regular meeting of May 5th 2010 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 along with a moment of silence.

REPORTS

Mrs. Shelly H. Wright, Interim County Administrator, reported on the following topics:

1. Gov. McDonnell announced on April 28th that President Barack Obama has granted a request for federal assistance to state and local governments in Virginia for recovery from two severe winter storms that occurred February 5-11, 2010. Fluvanna County was included in that Declaration.
2. The Revenue Recovery meeting with the leadership of both volunteer rescue agencies will be held tomorrow night [May 6th 2010].
3. In response to letters received from fire and rescue chiefs, Mrs. Wright drafted a letter to VDOT regarding the Route 53/600 roundabout project. The draft letter was sent to the Board subsequent to preparation of the agenda packets, with a memorandum requesting this be taken up under new business.
4. A presentation by Shelly Murphy regarding the Piedmont Housing Alliance has been added to today's agenda.

PUBLIC COMMENTS #1

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

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

CONSENT AGENDA

The following item was pulled from the consent agenda:

- Minutes of FY11 Budget Public Hearing, April 14th 2010

The following items were approved under the consent agenda:

MOTION:

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

- Minutes, April 21st 2010 [Chairman Ott questioned a couple of items but no changes were made]
- FY10 Supplemental Appropriation [reimbursement of snow storm damages in the amount of \$56,383.73 to budget lines 3-100-041010-0001 and 4-100-091070-5300]

Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

Minutes of FY11 Budget Public Hearing, April 14th 2010

MOTION:

Mr. Weaver moved the budget public hearing meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, April 14th 2010 be adopted. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

ACCOUNTS PAYABLE

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

MOTION:

Mr. Weaver moved the Accounts Payable from March 29th 2010 to April 23rd 2010 and payroll for the month of March 2010 in the amount of \$3,520,528.75 be ratified. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

Fund 100	General Fund	\$	504,259.42
Fund 120	Recreation		382.46
Fund 130	Landfill		6,156.76
Fund 202	Federal Grants		1,627.00
Fund 302	Capital		2,257,251.94
Fund 502	Utility (Sewer)		180,646.20
Fund 505	Fork Union Sanitary District		12,329.42
	<u>Payroll</u>		<u>557,875.55</u>
	Total	\$	3,520,528.75

The Board **directed** staff to provide a listing of all County cell phone users.

PUBLIC HEARING

None

PRESENTATIONS:

Financial Advisors: Morgan Keegan and Possible Refunding of 2008 Bonds

Mr. Kevin Rotty, Managing Director and Ms. Dianne Klaiss, First Vice President of Morgan Keegan, provided the Board of Supervisors with a PowerPoint presentation regarding the firm. Mr. Rotty provided an overview of the firm; their practice in Virginia; their ranking; and their financial advisory approach and philosophy. Mr.

Rotty then proceeded to provide the Board with information on the Series 2008 refinancing opportunity and the process of refunding the Series 2008 Bonds.

After extensive discussion between the Board of Supervisors and Morgan Keegan the following directive was issued:

The Board **directed** staff to place a resolution onto the May 19th 2010 BOS Agenda regarding the refinancing of the 2008 General Obligation Bonds by Morgan Keegan.

Water Supply Plan Overview and Next Steps

Fluvanna County contracted with Draper Aden in early 2009 for consulting services to develop a Water Supply Plan that will assess the County's potable drinking water needs for the next fifty (50) years. This plan is required by the State and meets the criteria for a regional plan since it is in partnership with the Town of Columbia. Grant funds in the amount of \$10,500 have been awarded by DEQ and allocated to the project. A public hearing and drought ordinance are required components of the plan and will be discussed along with other aspects of the plan such as the demand projections and the identified needs and alternatives.

Ms. Sheryl Stephens, Draper Aden, provided a PowerPoint presentation to the Board with key points being 1) to ensure that adequate and safe drinking water is available; 2) encourage, promote and protect all other beneficial uses of water resources; 3) encourage, promote and develop incentives for alternate water sources; and 4) promote conservation. Ms. Stephens was very extensive in her presentation and apprised the Board that the next steps were 1) to make the draft water supply plan available to the public; 2) to hold a public hearing; 3) the Board will need to adopt the Plan along with the Drought Ordinance; 4) the Town of Columbia will need to adopt the Plan and adopt a Drought Ordinance; and 5) submit the water supply plan and adopted ordinances to VDEQ for review.

RECESS

The Board recessed at 4:31 p.m.

RECONVENE

The Board reconvened at 4:38 p.m.

PRESENTATIONS (continued)

Piedmont Housing Alliance

Ms. Shelley Murphy, Director of Program Services for the Piedmont Housing Alliance, provided the Board with a PowerPoint presentation regarding regional home ownership. Ms. Murphy indicated they provided education and outreach programs;

financing and building counseling; repairing and rehabbing in regard to home preservation; first time homebuyer education along with access to down payment assistance and closing costs; default and foreclosure impacts; and contact information.

ACTION MATTERS

FY11 Budget – Consideration of Reductions

The Board asked to review the impact of FY11 budget cuts in Constitutional Offices. The Board’s current FY11 budget cut out funding that had been previously built in to cover mandatory VRS increases. The revenue recommended for carryover is from the \$158,000 that was received as a result of unclaimed property. As long as the increase to the bottom line of the adopted budget is less than 1%, no public hearing is necessary prior to Board action.

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

MOTION:

Mr. Gooch moved to authorize a carryover of \$141,000 in revenue from FY10 to FY11 (3-100-018990-0006) and authorize staff to amend the FY11 expenditure budgets as follows for the purpose of supplementing funding necessary to cover mandated retirement increases not included in the FY11 adopted budget:

Commissioner of Revenue	\$ 7,193
Treasurer	18,413
Commonwealth’s Attorney	8,301
Sheriff’s Department	54,458
E9-1-1	42,128
Narcotics Task Force	3,689
Animal Control	<u>6,013</u>
TOTAL	\$140,195

Mr. Chesser seconded. The motion carried with a vote of 4-1. AYES: Booker, Chesser, Gooch and Ott. NAYS: Weaver. ABSENT: Kenney.

Amendment to the Contract with United Way for Smart Beginnings

The cost for this work will be paid to the consultant in phases based on percentage complete. The contract will allow the consultant to be retained for additional work within the scope of the RFP.

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

MOTION:

Mr. Gooch moved to authorize the Interim County Administrator to execute the contract amendment with the United Way – Thomas Jefferson Area in the amount of \$5,228 for tasks associated with the continued implementation of the Smart Beginnings Fluvanna County grant awarded the County from the Virginia Early Childhood Foundation, subject to County Attorney approval as to form. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

Formation of a Rural Zoning Task Force

This action will help guide the County in establishing and implementing its future rural land use zoning policies.

Mr. Darren Coffey, Planning Director, addressed the Board regarding this issue.

MOTION:

Mr. Chesser moved that the Board of Supervisors form a Rural Zoning Task Force to guide the County in the planning of its rural land use zoning policies; the composition, scope and duration of this committee shall be established as described in the Task Force's Charter (attached and as amended). Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

FUSD Rate Increase

The rates were increased in 2006 to the current structure in the sanitary district; however, there was a lack of increases for approximately twenty (20) years prior to that. The Sanitary district has been working with marginal net income over the past several years. Next fiscal year is being projected to have a shortfall in revenues over expenses of approximately \$40,000. If the rates do not cover the anticipated expenses for the upcoming fiscal year, the Board of Supervisors will need to decide how to cover the shortfall.

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

MOTION:

Mr. Chesser moved to amend the Sections 9-2-2 and 9-2-4 of the Fluvanna County Code regarding charges for water consumption and water availability as shown in the attached Ordinance (as amended). Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

Request to Fund Communications Plan in FY11

This action will move the County forward in implementing its communications priorities.

Mr. Darren Coffey, Planning Director, addressed the Board regarding this issue.

MOTION:

Mr. Chesser moved to authorize staff to proceed with the Communication Committee's recommendations regarding broadband, telecommunications, and public safety communications as presented, including the procurement of a consultant for a Telecommunications Master Plan, Ordinance, and Review Services, and the procurement of a consultant to advise the County on the capabilities of public safety radio systems using either UHF or VHF frequencies; these services shall be funded from the FY11 budget's Capital Reserves. Mr. Gooch seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

Appointment/Economic Development Commission [Cunningham District]

MOTION:

Mr. Weaver moved to appoint Keith Smith to the Economic Development Commission, Cunningham District position, with a term to begin immediately and to terminate on July 31st 2012, replacing Michael J. Arlen. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

Appointment/Economic Development Commission [Palmyra District]

MOTION:

Mr. Gooch moved to appoint Catherine Palmer to the Economic Development Commission, Palmyra District position, with a term to begin immediately and to terminate on June 30th 2013, replacing Timothy B. Fulk. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

Appointment/Monticello Area Community Action Agency (MACAA)

MOTION:

Mrs. Booker moved to appoint Libby Allbaugh to the Monticello Area Community Action Agency (MACAA), with a term to begin immediately and to terminate on December 31st 2014. Mr. Gooch seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

EXTEND MEETING

MOTION:

Mr. Gooch moved to extend the Board meeting to 7:00 p.m. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

OLD BUSINESS

Update on the FY10 Financials

Ms. Crystal Besecker, Budget Analyst, provided the Board with a PowerPoint presentation which included: 1) an update of the State FY10 Budget; 2) the impact on the fund balance; 3) the actual collection rate for FY10; and 4) further State funding updates.

The Board also discussed the following issues:

- Historical application of an ad valorem tax in the Fork Union Sanitary District
- budget process and discussion on time line for the budget

NEW BUSINESS

Proclamation/Public Service Recognition Week

Each year the President and Congress designate the first full week of May to honor the men and women who serve America.

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

MOTION:

Mr. Gooch moved to adopt the proclamation entitled “Public Service Recognition Week” designating the first full week of May to honor the men and women who serve America as federal, state, county and local government employees. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

The Board also discussed the following issues:

- reducing the speed limit on Rt. 53

The Board **directed** staff to prepare a letter requesting VDOT reduce the speed limit on Rt. 53 from the Albemarle County line to Rt. 600 to 45 mph. for approval at the Board’s May 19th 2010 Board meeting.

- commercial cemeteries

The Board **directed** staff to request the Planning Commission draft an amendment to the County Ordinance Section 22.4.2.2 in regards to Commercial Cemeteries.

PUBLIC COMMENTS #2

Chairman Ott opened the second public comment section.

- Mr. Mel Sheridan, Commissioner of the Revenue, provided the Board with information regarding the concern of whether a tax could be imposed on the Fork Union Sanitary District; thanked the Board for reinstating the Constitutional Officers VRS monies; also asked the Board to allow him to work with administration staff to locate \$3,600 needed to continue VAMANET

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

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 6:23 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, pending litigation, and potential litigation. Mr. Gooch seconded. The motion carried by a vote of 5-0. AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

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

At 7:02 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Gooch seconded. The motion carried by a vote of 5-0. AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

MOTION:

At 7:02 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, May 5th 2010 on motion of Mr. Weaver, seconded by Mr. Gooch and carried by the following vote: AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

“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.”

EXTEND MEETING

MOTION:

Mr. Weaver moved to ratify the action of the Board to extend the meeting [which took place in the closed session] to 7:30 p.m. Mr. Gooch seconded. The motion carried by a vote of 5-0. AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Kenney.

ADJOURN

MOTION:

At 7:05 p.m., Mr. Gooch moved to adjourn the regular meeting of Wednesday, May 5th 2010 to May 12th 2010 at 8:30 a.m. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: None ABSENT: Kenney.

AN ORDINANCE TO AMEND SECTIONS 9-2-2 AND 9-2-4 OF THE COUNTY CODE TO INCREASE THE MONTHLY CHARGES FOR WATER CONSUMPTION FROM, AND THE CHARGES FOR AVAILABILITY AND CONNECTION TO, THE PUBLIC WATER SUPPLY SYSTEM OF THE FORK UNION SANITARY DISTRICT

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS that the County Code be, and it is hereby, amended, in Chapter 9, Sections 9-2-2 and 9-2-4, as follows:

Sec. 9-2-2. Schedule of consumption charges.

The monthly charges for water consumption shall be in accordance with the following schedule:

~~\$15.44~~ 17.76 for first 2,000 gallons (minimum charge);
~~\$7.72~~ 8.88 for each 1,000 gallons up to 300,000 gallons;
~~\$3.97~~ 4.57 for each 1,000 gallons above 300,000 gallons.

In addition to the foregoing, during the existence of any water emergency which has been declared by the governing body in accordance with Sec. 9-2-12 of this Code, each and every charge for water consumption shall be subject to a surcharge of 10%. Such surcharge shall be calculated by multiplying the rates stated above by 110%. Such surcharge shall apply at the beginning of the regular billing period next succeeding the adoption of this section or the declaration of such emergency condition, whichever shall last occur. Such surcharge shall cease to apply at the end of the regular billing period which is nearest to, but not later than, 60 days after the governing body shall have declared such water emergency to be at an end.

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Sec. 9-2-4. Availability and connection charges - - Generally.

(a) There shall be a water availability charge, payable at the time application is made for connection to the water distribution system, ~~as follows:~~ *which charge shall be equal to \$2000/ERU for the service applied for.*

<i>Meter size</i>	<i>Charge</i>
5/8"	\$ 950
3/4"	\$1050
1"	actual cost (labor and parts) + 15%
1-1/4"	actual cost (labor and parts) + 15%
1-1/2"	actual cost (labor and parts) + 15%
2"	actual cost (labor and parts) + 15%

3"	actual cost (labor and parts) + 15%
4"	actual cost (labor and parts) + 15%
5"	actual cost (labor and parts) + 15%
6"	actual cost (labor and parts) + 15%

(b) In addition to the foregoing, there shall be a charge, payable at the time connection is made to the water distribution system, for connection to the water distribution system, which charge shall be equal to \$2500/ERU for the service applied for.

(c) For purposes of this section, "ERU" shall mean "equivalent residential unit" and, except as otherwise provided by law, shall be equal to 4500 gallons per month usage of water.

Adopted this 5th day of May 2010
by the Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
RECONVENED MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
May 12th 2010
8:30 a.m.**

MEMBERS PRESENT: Gene F. Ott, Chairman
Mozell H. Booker
Joe Chesser
John Y. Gooch

MEMBER ABSENT: Shaun V. Kenney, Vice Chair
Donald W. Weaver

ALSO PRESENT: Barbara Wall-Magee, Human Resource Manager

CALL TO ORDER

Chairman Ott reconvened the May 5th 2010 meeting on May 12th 2010 at 9:04 a.m.

CLOSED MEETING

MOTION:

Mr. Chesser moved the Board go into closed session. Mr. Gooch seconded. The motion carried with a vote of 4-0. AYES: Booker, Chesser, Gooch and Ott. NAYS: None. ABSENT: Kenney and Weaver.

ADJOURN

MOTION:

Mr. Chesser moved to close the meeting of May 12th 2010 at 2:05 p.m. Mr. Gooch seconded. The motion carried with a vote of 4-0. AYES: Booker, Chesser, Gooch and Ott. NAYS: None. ABSENT: Kenney and Weaver.

Task Force Charter

Date Received: 5/5/10	Project Name: Rural Zoning Task Force	Project Code: 10-02
Sponsoring Organization: Fluvanna County	Sponsor: John Gooch	Project Manager: Darren Coffey

Scope and Composition of the Committee:

The scope of this task force shall be limited to the issue of rural zoning including the current A-1 zoning district.

The task force shall be comprised of the following individuals – John Gooch, Shaun Kenney, Sam Babbitt, Barry Bibb, Darren Coffey, Renee Hoover, Elva Key, Patricia Eager, Tom Pratley, Bill Hughes and Elizabeth Franklin.

Committee Deliverables

Recommended text changes to A-1 zoning district, if any.
 Recommended additional rural zoning district(s), if any.
 Recommended zoning map changes, if any.

Project Schedule and Budget

Anticipated Duration of Committee: 4 months	Forecasted Budget Impact: \$0
Major Milestone Completion Times	Major Budget Milestones:
Review public input and staff analysis – May 2010	Review = \$0
Discuss any proposed A-1 text changes – June 2010	Discussion = \$0
Complete overall rural zoning analysis – July 2010	Analysis = \$0
Formal recommendation to Planning Commission – July/August 2010	Recommendation = \$0
Project completion – Task Force work completed no later than August 31, 2010	Project Implementation = advertising/ mailing costs = \$5000 printing = \$1000
Additional Comments: Once a recommendation has been submitted to the Planning Commission this task force shall be automatically disbanded with any remaining or future items deliberated on by the Planning Commission.	