

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna Courts Building  
August 4<sup>th</sup> 2010  
2:00 p.m.**

**MEMBERS PRESENT:** Gene F. Ott, Chairman  
Mozell H. Booker  
Joseph C. Chesser  
John Y. Gooch  
Shaun V. Kenney [arrived at 2:28 p.m.]  
Donald W. Weaver

**ALSO PRESENT:** Frank A. Pleva, Interim County Administrator  
Frederick W. Payne, County Attorney  
Renee Hoover, Finance Director  
John Robins, Public Works Director  
Steve Tugwell, Planner  
Barbara Wall-Magee, Human Resources Manager  
Crystal Besecker, Budget Analyst  
Katy Ruhlman, Animal Control  
Dwight Godwin, Parks & Recreation 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 August 4<sup>th</sup> 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**

Mr. Frank A. Pleva, Interim County Administrator, reported to the Board of Supervisors on the following topics:

- the Hardware River Bridge is complete and open
- apprised the board that Mr. Matthew Weaver has been hired as the new Planner in the Planning Department
- apprised the Board that the Employee Recognition Picnic is scheduled for Thursday, September 16<sup>th</sup> 2010 at 5:00 p.m. at the pole barn located on Pleasant Grove

**PUBLIC COMMENTS #1**

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

The following people addressed the Board:

- Ms. Elizabeth Franklin, Columbia District and the FTA Chairperson, addressed the board regarding the petition drives on the James River Water Authority; indicated she was opposed to the JRWA; discussed debt service, the school project, emergency systems, capital projects and opposed to spending on a pipeline

- Mr. Mike Clark, Palmyra District, addressed the Board indicating he was in support of the James River Water Authority
- Ms. Elizabeth Fortune, Rivanna District, addressed the Board regarding the “Muni Bond”
- Ms. Catherine Starke, Columbia District, addressed the Board regarding the ARC Center in Kents Store and its’ purpose for the community; requested information as to the status of the Fire Department easement request for compensation for the use of the land
- Mr. Wayne Schmidt, Rivanna District, addressed the Board regarding his opposition to the water pipeline and Aqua Virginia
- Mr. John Handloser, Rivanna District, addressed the Board in opposition to the water project and Aqua Virginia
- Mr. Al Muoio, Rivanna District, addressed the Board in opposition to the James River Water Authority and referred to their petitions for a referendum
- Mr. Jacques Ruch, Rivanna District, addressed the Board in opposition to the James River Water Authority
- Mr. Leroy McCampbell, Rivanna District, addressed the Board as to the passing of Mr. Dennis Rawls, who was the first Economic Development Coordinator; expressed his opposition to the James River Water Authority
- Mr. Steve Anderson, Palmyra District, addressed the Board regarding the County’s debt; expressed his opposition to the James River Water Authority
- Ms. Janice O’Malley, Palmyra District, addressed the Board regarding her support of a referendum and no tax increases
- General John Jackson, FUMA, addressed the Board as to the need for water in the Fork Union District
- Mr. Adrian Miller, Rivanna District, addressed the Board in opposition to the James River Water Authority and the water pipeline
- Mr. Dennis Holder, Columbia District, addressed the Board in opposition to the James River Water Authority
- Mr. Curtis Putnam, Columbia District, addressed the Board in support of a water pipeline
- Mr. Marvin Moss, Columbia District, addressed the Board in support of the James River Water Authority
- Mr. Sam Patterson, Palmyra District, addressed the Board regarding inflation; the water pipeline; and he indicated he is opposed to the James River Water Authority
- Mr. John Ranson, Fork Union District, apprised the Board that he appreciates the work the Board of Supervisors does and the tough decisions they have to make
- Mr. Len Gardner, Rivanna District, addressed the Board regarding his opposition to a referendum
- Ms. Jean DeMarco, Rivanna District, addressed the Board regarding her opposition to the James River Water Authority; the recession; and wants to preserve the rural character of Fluvanna
- Mr. Lenny Hughes, Louisa County, addressed the Board regarding water along Rt. 250; economic development

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

**RECESS**

The Board recessed at 3:29 p.m.

**RECONVENE**

The Board reconvened at 3:35 p.m.

**CONSENT AGENDA**

The following item was pulled from the consent agenda;

- Livestock Reimbursement Claim

The following items were approved under the consent agenda:

**MOTION:**

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

- Minutes of July 7<sup>th</sup> 2010
- Minutes of July 21<sup>st</sup> 2010
- Minutes of July 24<sup>th</sup> 2010 BOS Retreat
- Ordinance for County Seal [set advertisement for public hearing in September]
- Agricultural/Forestral District Renewal [Upper Bremo for an additional ten (10) year period with a total district acreage of 1,851.781 acres]
- Budget and Appropriation/Sheriff's Office [to budget and appropriate \$1,366.40 to the Sheriff's Office expenditure line Buildings-Equipment-Vehicle Repair and Maintenance #4-100-031200-3310 for (INSR – Insurance Recovery fees received from Alfa Alliance Insurance Corp.) to cover the repair cost to the 2001 Ford Taurus VIN #8662 that was backed into at the FCPS; the revenue line affected is #3-100-041010-0001]
- Budget and Appropriation/Sheriff's Office [to budget and appropriate \$510.50 to the Sheriff's Office expenditure line Buildings-Equipment-Vehicle Repair and Maintenance #4-100-031200-3310 for (INSR – Insurance Recovery fees received from VACorp) to cover the repair cost to the 2008 Ford Crown Victoria VIN #3040 that was hit by a falling tree (after the \$500 deductible was applied; the revenue line affected is #3-100-041010-0001)]
- Budget and Appropriation/Sheriff's Office [to budget and appropriate \$2,595.37 to the Sheriff's Office expenditure line Buildings-Equipment-Vehicle Repair and Maintenance #4-100-031200-3310 for (INSR – Insurance Recovery fees received from VACorp) to cover the repair cost to the 2005 Ford Expedition VIN #3214 that struck a deer (after the \$500

deductible was applied); the revenue line affected is #3-100-041010-0001]

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

**Livestock Reimbursement Claim**

This item was pulled due to a question regarding the amount limit of reimbursements.

**MOTION:**

Mr. Kenney moved to approve compensation for Ms. Valerie Norton in the amount of \$173 for deceased Quail and Chukar Partridges to be paid from FY10 budget line #351000-5820 Claims and Bounties. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

**ACCOUNTS PAYABLE**

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

**MOTION:**

Mr. Weaver moved the Accounts Payable from June 21<sup>st</sup> 2010 to July 23<sup>rd</sup> 2010 and payroll for the month of June 2010 in the amount of \$5,529,672.33 be ratified. Mrs. Booker seconded. The motion carried with a vote of 6-0 AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Fund 100	General Fund	\$	759,375.47
Fund 120	Recreation		309.50
Fund 130	Landfill		7,751.58
Fund 204	State & Local Grants		7,935.00
Fund 302	Capital		2,896,867.89
Fund 401	Debt Service		1,275,795.53
Fund 502	Utility (Sewer)		49,281.51
Fund 505	Fork Union Sanitary District		8,997.85
<u>Payroll</u>			<u>523,358.00</u>
Total			5,529,672.33

**PUBLIC HEARING**

None

**PRESENTATIONS:**

**Fluvanna Carbon Footprint**

Mr. William Flynn provided the Board with a PowerPoint presentation with an overview of Carbon Related Business Options for Fluvanna County. Mr. Flynn explained how climate changes affect the carbon footprint and discussed how this affected Fluvanna County, some options the County can take; how to make resources perform better; and how to proceed. Mr. Flynn indicated this could be an alternate revenue source for Fluvanna County.

**ACTION MATTERS**

**Budget Appropriation Carryover FY10 to FY11**

This action will exclude outstanding operating encumbrances, as well as grant and capital project budgets. Those budgets are automatically re-appropriated in the subsequent year. (policy was adopted in May 2009.)

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

**MOTION:**

Mr. Gooch moved to approve the Schools Fund 251 in the amount of \$385,822 and Parks and Recreation Fund 120 in the amount of \$11,573.07. Mrs. Booker seconded. The motion failed with a vote of 3-3. AYES: Booker, Gooch and Ott. NAYS: Chessser, Kenney and Weaver.

After Board discussion, this item was deferred to September 2010 in order to obtain a further breakdown of the carryover items.

**Health Insurance Renewal**

This request is for renewal of the health insurance policy for County and Department of Social Services employees.

Mrs. Barbara Wall-Magee, Human Resources Manager, addressed the Board regarding this issue.

**MOTION:**

Mr. Chessser moved that the County remains part of the Fluvanna County School's contract with Southern Health for Plan Year October 1<sup>st</sup> 2010 thru September 30, 2011. I further move to use the \$75,000 budgeted in Non-Departmental to pay for the premium increase. Mrs. Booker seconded. The motion carried with a vote of 5-1. AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: Kenney.

**Construction of Wildlife Overlook at Pleasant Grove Park**

The Master Plan for the Heritage Trail system at Pleasant Grove Park included the construction of a wildlife overlook along the Sandy Beach Trail. The project scope consists of clearing approximately 100 feet of land to construct an 18 x 24 wildlife observation deck structure. The proposed architect design by Carlton Abbott and Partners Inc. will be submitted to the Building and Inspection Department to obtain the proper building permits and review prior to construction.

Mr. Dwight Godwin, Parks and Recreation Director, addressed the Board regarding this issue.

**MOTION:**

Mr. Chessser moved to approve the Fluvanna Heritage Trail Foundation to construct a wildlife overlook observation deck along the Sandy Beach Trail at Pleasant Grove Park [the Heritage Trail Foundation will pay the estimated project cost of \$3,000 to building the wildlife overlook structure]. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chessser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Pleasant Grove Park Trail Policy and Procedures

This item was deferred.

Appointment/EDC

This is a request for transfer of current members and to fill a vacant seat.

MOTION:

Mr. Gooch moved to transfer Everett Hannah from the Economic Development Commission (EDC), Rivanna District position to the EDC, At-Large position, replacing Glenn Bredder who has resigned; and transfer Chris Fairchild from the EDC, At-Large position to the EDC, Rivanna District position replacing Everett Hannah, who has moved out of the Rivanna District. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

MOTION:

Mr. Chesser moved to appoint Tammy Grigg to the Economic Development Commission, At-large position, which has been vacated by Chris Fairchild. Ms. Grigg will fill the unexpired term of Mr. Fairchild [to start immediately and to terminate on July 31<sup>st</sup> 2012]. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Waterline Service Project

This is a request to accept the recommendations of the Citizens Water Committee in order to proceed forward on a county-wide water utility system.

Mr. John Robins, Public Works Director, introduced this issue.

MOTION:

Mr. Chesser moved that the Board of Supervisors accept the report as presented by the Citizens Water Committee (CWC) at the Board of Supervisors' meeting on July 21<sup>st</sup> 2010. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

After additional Board discussion, the following motion was offered:

MOTION:

Mr. Chesser moved to establish a subcommittee of two (2) supervisors along with the County Administrator, the County Attorney and the Director of Public Works to negotiate with Louisa County.

The motion was ruled out of order. The Board has not moved to the next item of business.

Further discussion ensued and the following motion was offered:

MOTION:

Mr. Chesser moved to establish a subcommittee of the Board of Supervisors consisting of Supervisor Shaun Kenney and Supervisor Joe Chesser along with the County Administrator, the County Attorney and the Director of Public Works to negotiate modifications in the provisions and terms of the service agreement with Louisa

County within parameters established by the Board of Supervisors for consideration by the Board of Supervisors following completion of the negotiations.

After further discussion and clarification from the County Attorney, Chairman Ott ruled the motion out of order.

The Chairman moved to the next agenda item.

James River Water Authority Status

This action item is intended to spur discussion and decide whether Fluvanna County should remain a member of the James River Water authority or to withdraw from it. Mr. John Robins, Public Works Director, introduced this issue.

EXTEND MEETING

MOTION:

Mr. Weaver moved to extend the meeting to 7:00 p.m. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

James River Water Authority Status [continued]

Extensive discussion ensued among the Board members.

Chairman Ott brought up the issue of adding a referendum to the ballot in November 2010 on the James River Water Authority.

Discussion between the Board and the County Attorney ensued and the following motion was offered.

MOTION:

Mr. Weaver moved the Board of Supervisors take all necessary legal action to place a referendum/vote on the ballot for November 2<sup>nd</sup> 2010 to either approve or disapprove the continued existence of the James River Water Authority. Mr. Kenney seconded. The motion carried by a vote of 4-2. AYES: Chesser, Kenney, Weaver and Ott. NAYS: Booker and Gooch.

Board discussion ensued.

MOTION:

Mr. Kenney moved to establish a subcommittee of the Board of Supervisors consisting of Supervisor Chesser and Supervisor Kenney along with the [Interim] County Administrator, the County Attorney and the Director of Public Works to negotiate modifications in the provisions and terms of the service agreement with Louisa County within parameters [parameters were not discussed] established by the Board of Supervisors for consideration by the Board of Supervisors following completion of the negotiations. Mrs. Booker seconded.

After further Board discussion, the following vote was taken:

The motion carried with a vote of 5-0-1. AYES: Booker, Chesser, Gooch, Kenney and Ott. NAYS: None. ABSTAIN: Weaver.

Additional discussion ensued and the following motion was offered:

**MOTION:**

Mr. Chesser moved the representative report to the James River Water Authority that they only conduct business that is necessary litigation and auditors until negotiations are to a point they be called back in with Louisa and Fluvanna regarding the James River Water Authority. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

The Board **directed** staff to draft a letter identifying the actions taken by the Fluvanna County Board of Supervisors to the James River Water Authority and also advise Louisa County of the actions.

**Economic Development Coordinator Position**

This is a request for the Board to make a decision whether or not to increase the hours based on their vision for Economic Development.

Mrs. Barbara Wall-Magee, Human Resources Manager, addressed the Board regarding this issue.

**MOTION:**

Mr. Chesser moved to authorize the County Administrator to approve any changes necessary to increase the hours of the Economic Development Coordinator position from 24 to 29 hours per week including necessary transfers from Personnel Contingency; further moved to change the title of the position from Economic Development Coordinator to Economic Development Director. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

**OLD/NEW BUSINESS**

The following item was discussed under old/new business:

- status of talks with the rescue squads regarding

**NEW BUSINESS**

The Board discussed the following issues:

- staff to discuss with the rescue squad leaders the issues being brought before the Board of Supervisors and to assess the direction the squads would like to proceed with

**PUBLIC COMMENTS #2**

Chairman Ott opened the second public comment section.

- Ms. Elizabeth Fortune, Rivanna District, addressed the board regarding the proposed referendum
- Mr. Len Gardner, Rivanna District, addressed the Board and apprised them that ECTI plans to construct a discharge line from the Power Plant to the Rivanna River
- Mr. Tom Payne, Palmyra District, addressed the Board and inquired the status of the spaces needs for the Social Services Department and also for MACAA

- Mr. Adrian Miller, Rivanna District, addressed the Board regarding the proposed referendum and Community Development Authorities (CDA)
- Mr. Dennis Holder, Columbia District, addressed the Board regarding the James River Water Authority and Community Development Authorities (CDA)
- Mr. Sam Patterson, Palmyra District, addressed the Board regarding the presentation on Carbon Footprint; tax credits; the proposed referendum; and is opposed to the James River Water Authority
- Ms. Elizabeth Franklin, Columbia District, addressed the Board stating that renegotiating the James River Water Authority (JRWA) Agreement does not solve the problems; expressed opposition to the JRWA

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 6:47 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. Mr. Chesser seconded. The motion carried by a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

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

At 7:05 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Kenney seconded. The motion carried by a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

#### **MOTION:**

At 7:06 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, August 4<sup>th</sup> 2010 on motion of Mr. Weaver, seconded by Mr. Gooch and carried by the following vote: AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. 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 7:07 p.m., Mr. Weaver moved to adjourn the regular meeting of Wednesday, August 4<sup>th</sup> 2010. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: None.