

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
January 19th 2011
7:00 p.m.

MEMBERS PRESENT: John Y. Gooch, Chairman
Shaun V. Kenney, Vice-Chairman - arrived late
Joe Chesser
Donald W. Weaver
Mozell H. Booker

MEMBERS ABSENT: None

ALSO PRESENT: Jay Scudder, County Administrator
William Tanner, Assistant County Attorney
Renee Hoover, Finance Director
Pat Groot, Grants Administrator
Amy Hall, Permits Clerk

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Gooch called the regular meeting of January 19th 2011 to order at 7:00 p.m., in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited; after which Chairman Gooch called for a moment of silence.

Chairman Gooch delayed the interviews and moved to the Reports on the agenda until Mr. Kenney arrived.

REPORTS

Mr. Jay Scudder, County Administrator, reported on the following topics:

- ***Carysbrook Renovation*** – pre-bid meeting was held on January 13th, 2011. The construction schedule was revised; Mr. Robins will present the board with an update at the February 16th, 2011 meeting.
- ***Fork Union Firehouse*** – received proposals on January 10th, 2011; four firms were selected for interviews and will be presented to the Board at the February 16th, 2011 meeting.
- ***Kent Store Firehouse*** – moved into new building and working on completing the site work and new sign.
- ***Results of Comparative Radio Analysis Study*** – scheduled for this evening was deferred due to a lack of degree of analysis on the existing infrastructure. The consultants are making changes to include that information and will present at a later time.

PUBLIC COMMENTS #1

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

The following citizens addressed the Board:

- Ida Swanson, Rivanna District – addressed the Board in support of not restructuring the Virginia Cooperative Extension.
- Ms. Marian Huber, Rivanna District – addressed the Board in support of not restructuring the Virginia Cooperative Extension and keeping this service local.
- Mr. Sam Patterson, Palmyra District – addressed the Board in support of not restructuring the Virginia Cooperative Extension. He supports funding and writing letters to Virginia Tech.
- Ms. Nancy Fund, Cunningham District – addressed the Board in support of not restructuring the Virginia Cooperative Extension.
- Mr. David Tatman, Columbia District – addressed the Board in support of the Virginia Cooperative Extension.
- Mr. Dave Miller, Palmyra District – addressed the Board in support of not restructuring the Virginia Cooperative Extension.
- Mr. Jeff Haislip, Rivanna District – addressed the Board as Commonwealth Attorney and parent of a 4-H member, in support of not restructuring the Virginia Cooperative Extension.

- Mr. Mel Sheridan, Columbia District – addressed the Board in support of not restructuring the Virginia Cooperative Extension.
- Mr. Ryant Washington, Columbia District – addressed the Board in support of not restructuring the Virginia Cooperative Extension, beneficial program.
- Mr. Marvin Moss, Columbia District – addressed the Board in support of not restructuring the Virginia Cooperative Extension. Please support this program any way you can.
- Ms. Marie Taylor, Palmyra District– addressed the Board in support of not restructuring the Virginia Cooperative Extension.
- Ms. Connie Dombrowski, Rivanna District– representing the Master Gardeners, addressed the Board in support of not restructuring the Virginia Cooperative Extension.
- Ms. Pat Bozza, Rivanna District – addressed the Board in support of not restructuring the Virginia Cooperative Extension. In the best interest of the extension office keep it in Fluvanna County

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

Mr. Kenney arrived at 7:33

PRESENTATIONS FOR RIVANNA DISTRICT BOS MEMBER

The following 8 candidates addressed the board in reference to why they would like to serve as a Board of Supervisor member.

- Mr. Jeffrey Hans Braun
- Mr. Chris Fairchild
- Mrs. Debra Y. Kurre – withdrew her application
- Ms. Gequetta G. Murray-Key
- Mr. Steve Nichols
- Mr. Lyle Pitt
- Mr. Samuel E. Richardson
- Mr. Joe Ronan

After all candidates spoke Chairman Gooch opened the floor for nominations.

MOTION:

Mr. Chesser moved to nominate Mr. Chris Fairchild to fill the vacant Rivanna District position. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Gooch, Weaver, Booker, Chesser and Kenney. NAYS: None. ABSENT: None.

CONSENT AGENDA

The following items were pulled from the consent agenda:

- Minutes of January 5th 2011
- Approve Payment of Fluvanna's Legal Fees for James River Water Authority (JRWA)

The following items were approved under the consent agenda:

MOTION:

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

- Federal Grant Signatory Authority

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

Minutes of January 5th 2011

Mr. Weaver requested the minutes of January 5th, 2011 be deferred to the February 2nd, 2011 meeting to allow time to make corrections.

Approve Payment of Fluvanna's Legal Fees for James River Water Authority (JRWA)

Mr. Kenney questioned whether this would be the last bill from the JRWA and what exactly this bill is for. Mr. Chesser advised the Board that he had spoken with the firm, and was told the case with Mr. Johnson was dismissed, and this would be the last bill. Ms. Hoover mentioned that an audit was done last year, and it is possible there will be a bill for that.

MOTION:

Mr. Weaver moved to approve payment of legal fees in the amount of \$326.50 for the James River Water Authority (JRWA), from the Board of Supervisors contingency fund 4-1000091070-5850. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Gooch, Weaver, Booker, Chesser and Kenney. NAYS: None. ABSENT: None.

ACCOUNTS PAYABLE

None

PUBLIC HEARING

None

PRESENTATIONS:

Region Ten Community Service Board

Ms. Barbara Bartels, Region Ten Community Service Board Member, provided the Board with information about likely changes to how Medicaid will be managed at the State Level. The local impact of these changes is likely to be significant, hoping to begin an ongoing conversation with council that facilitates community planning of a local system of care. Requested the Board help lobby the State Legislature in favor of CSB self-management of Medicaid, partner with local stakeholders, to proactively plan a local system of care and support the ACSB proposal to manage the state Medicaid dollars which will prevent private “for-profit” HMOs from taking scarce resources from our community.

Results of Comparative Radio Analysis Study

Deferred

Virginia Cooperative Extension (VCE) Fluvanna County

Mr. John Thompson, Virginia Cooperative Extension Agent, provided the Board with an overview of the VCE Faculty and Staff, who provide services to Fluvanna County, along with the programs offered. Mr. Thompson also updated the Board on the impact the proposed restructuring of the VCE office will have on Fluvanna County. Mr. Steve Pence, Extension Leadership Council Chairman, spoke in reference to the restructuring of the VCE. When offices leave the county you lose the contact; when you lose the contact you lose the service. Please support the extension service.

The Board discussed the importance of having the VCE office in Fluvanna County. Mr. Scudder, County Administrator, suggested writing a draft letter for the Board to Virginia Tech, in reference to reconsidering the restructuring of the VCE. Mr. Scudder will have the letter available for review at the next meeting.

Mid Fiscal Year 2011 Financial Report Update as of December 31, 2010

Ms. Renee Hoover, Finance Director, provided the Board with a Mid Fiscal year 2011 Financial Report Update as of December 31, 2010.

ACTION MATTERS

Authorize Request for Proposal (RFP) for Audit Services

MOTION:

Mr. Kenney moved to authorize the issuance of the “Request for Proposal for Audit Services,” as reviewed by the County Attorney. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Gooch, Weaver, Booker, Chesser and Kenney. NAYS: None. ABSENT: None.

OLD BUSINESS

Ms. Booker thanked the board members for their concern and get well wishes during her time of illness.

NEW BUSINESS

Proposal Authorization for Envoy of Fork Union, LLC

MOTION:

Mr. Kenney moved to authorize attached resolution as amended. Ms. Booker Seconded. The motion carried with a vote of 5-0. AYES: Gooch, Weaver, Booker, Chesser and Kenney. NAYS: None. ABSENT: None.

PUBLIC COMMENTS #2

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

The following citizens addressed the Board:

- Mr. Channing Snoddy, Palmyra District, President of Fluvanna Farm Bureau – addressed the Board in support of not restructuring the Virginia Cooperative Extension office.
- Mr. Frank Persico, Cunningham District, a member of the Extension Leadership Council and Master Gardener – addressed the Board in support of not restructuring the Virginia Cooperative Extension office. Virginia Association of Counties passed a resolution opposing the restructuring of the Virginia Cooperative Extension Service.
- Mr. Mel Sheridan, Columbia District – addressed the Board in reference to asking the Planning District Commission representative to put the VCE restructuring and the Department of Forestry on their agenda

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

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 9:39 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 potential litigation. Ms. Booker seconded. The motion carried by a vote of 5-0. AYES: Chesser, Gooch, Kenney, Booker and Weaver. NAYS: None. ABSENT: None

Ms. Booker left the meeting early due to health reasons.

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

At 10:14 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 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

MOTION:

At 10:15 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, January 19th 2011 on motion of Mr. Weaver, seconded by Mr. Chesser and carried by the following vote: AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

“**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.”

MOTION:

Mr. Chesser moved to direct the County Attorney to initiate amendment to section 2-7-2 and 2-7-3 of the Fluvanna County Code to reflect the State Code of Virginia on the County Seal. Mr. Kenney seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

ADJOURN

MOTION:

At 10:17 p.m., Mr. Kenney moved to adjourn the meeting of Wednesday, January 19th 2011. Mr. Chesser seconded. The motion carried with a vote of 4-0. AYES: Chesser, Gooch, Kenney and Weaver. NAYS: None. ABSENT: Booker

John Y. Gooch, Chairman



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, January 19, 2011 in Palmyra, Virginia, the following action was taken:

| <u>Present</u> | <u>Vote</u> |
|--------------------------------|-------------|
| John Y. Gooch, Chairman | YEA |
| Shaun V. Kenney, Vice-Chairman | YEA |
| Donald W. Weaver | YEA |
| Mozell H. Booker | YEA |
| Joe Chesser | YEA |

On a motion by Mr. Kenney, seconded by Mr. Weaver and carried by a vote of 5-0, the following resolution was adopted:

**A RESOLUTION OF THE
FLUVANNA COUNTY BOARD OF SUPERVISORS**

WHEREAS, the Environmental Protection Agency requires grant recipients to designate representatives authorized to transact business associated with grants awarded, and

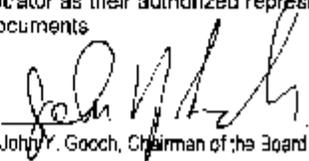
WHEREAS, such designation is required as part of the application to access special appropriation funds earmarked for Fluvanna County under the State and Territorial Assistance Grant Program,

NOW THEREFORE BE IT RESOLVED, that the Fluvanna County Board of Supervisors does hereby name and appoint Jay Scudder, County Administrator as their authorized representative to transact and sign any and all documents related to securing all current and future U.S. Environmental Protection Agency's Special Appropriation Act Project grants awarded Fluvanna County, and

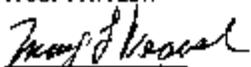
BE IT FURTHER RESOLVED, that the Fluvanna County Board of Supervisors does hereby name and appoint Renee Hoover, Director of Finance as their authorized representative to transact and sign payment request, and

BE IT FURTHER RESOLVED, that the Fluvanna County Board of Supervisors does hereby name and appoint Patricia A. Groot, Grants Administrator as their authorized representative to transact and sign any and all grant administration documents

ADOPTED this 19th day of January,


John Y. Gooch, Chairman of the Board of Supervisors

A COPY ATTEST:


Mary W. Weaver, Clerk to the Board



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 541 Fluvanna, VA 22962 (434) 591-1000 FAX (434) 591-0911 www.fluvanna.gov

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF FLUVANNA COUNTY, VIRGINIA**

WHEREAS, Envoy of Fork Union, LLC ("Envoy") became the operator of the nursing facility in the Village of Fork Union, now known as Envoy at the Village, on January 1, 2009;

WHEREAS, Envoy has invested time, money and effort in revitalizing the quality of care at this nursing facility, such that Envoy at Fork Union has again become the provider of choice for Fluvanna County residents and the surrounding area;

WHEREAS, the Virginia Commissioner of Health has issued a Request for Applications ("RFA") for a Certificate of Public Need to build a 120 bed nursing facility in Planning District 10 which is composed of the Counties of Albemarle, Fluvanna, Green, Louisa and Nelson and the City of Charlottesville;

WHEREAS, Envoy accepts patients on a "first come, first served" basis, including low income patients, and provides a high quality of care, including inpatient and outpatient rehabilitation services, but is too small to meet the needs of county residents who therefore must obtain such services at less convenient facilities in Albemarle and Charlottesville;

WHEREAS, the bed need methodology of the Department of Health applied on a county by county basis shows that Fluvanna County has a need for sixty-four additional nursing beds available but that the competing applicant's proposed location in Albemarle County near Charlottesville has one hundred and six more beds than needed to serve those jurisdictions;

WHEREAS, awarding the RFA bids for the expansion of Envoy at the Village will result in far lower capital costs, operating costs and service charges to its patients than are proposed by the competing applicant which is located in one of the highest cost of living areas in the Commonwealth;

WHEREAS, health care services are too high already for many individuals, and federal and state budgets are strained by the need to fund health services, expanding a quality, low cost facility such as Envoy at the Village should be favored over building a higher cost new facility to protect both private and public payors;

WHEREAS, Envoy at the Village proposes a Medicaid occupancy of 73.5%, consistent with its current service to this population and the competitor proposes a Medicaid occupancy of only 63.15%, it is clear that Medicaid patients will be better served by the expansion of Envoy at the Village;



WHEREAS, the rural counties surrounding the Charlottesville area in PD 10 all show a need for more nursing beds, while the Charlottesville area has an excess of nursing beds, an award of such beds to the Charlottesville area unfairly treats rural counties because it denies them the ability to develop needed local health care services and to increase local tax revenues, as well as effectively forces their residents to support such services in a more affluent area to the detriment of their home counties; and

WHEREAS, the Board of Supervisors after careful deliberation finds that the citizens of Fluvanna County and of the surrounding area served by Envoy at the Village would be best served by the Commissioner of Health awarding the sixty beds available under the RFA to Envoy for the reasons set forth herein;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fluvanna County does hereby endorse and recommend that the Commissioner of Health issue a Certificate of Public Need for the expansion of Envoy at the Village and directs the County Administrator to send a certified copy of this resolution to the Virginia Commissioner of Health and to otherwise provide support for the expansion of Envoy at the Village.

Dated this 26th day of January, 2011.

COUNTY OF FLUVANNA, VIRGINIA

By: John Y. D-eh

Its: Board Chair

