

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
June 1st, 2011
2:00 p.m.**

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

ALSO PRESENT: Jay Scudder, County Administrator
Fred Payne, County Attorney
Barbara Wall-Magee, Human Resources Manager
Patricia Groot, Grants Administrator
Crystal Besecker, Budget Analyst
Jacqueline A. Meyers, CSA Program manager
John Robins, Public Works Director
Dwight Godwin, Parks and Recreation Director
Darren K. Coffey, Director of Planning
Mary L. Weaver, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Gooch called the meeting of June 1st, 2011, to order at 2:00 p.m., in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Gooch called for a moment of silence.

REPORTS

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

- *Industry and Trade Magazine* – requested Board approve \$250, from BOS contingency, to use this magazine to highlight our community. Board approved the \$250 and agreed to allow Mr. Scudder to spend up to \$1,000, from BOS contingency, without bringing to the board.
- *Kents Store Firehouse Grand Opening* – reminded Board of the grand opening and memorial service for fallen firefighters on June 11, 2011, at 10:00am.
- *Board of Supervisors Retreat* – requested Board confirm a date for the retreat. Board discussed and decided on July 6th, 2011 after the regular Board meeting. Board directed staff to draft an agenda and present at the June 15th, 2011, meeting.

PUBLIC COMMENTS #1

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

- Pat Farrow, Columbia District – addressed the Board to thank them for their service and spoke in reference to frustration with the tax increase and lack of high speed internet.
- Denise Ham, Kents Store – addressed the Board in reference to the increase in taxes, doesn't trust the county.
- Fred Payne, County Attorney – invited the Board to the Jefferson Area Crime Stoppers Fund Raiser on June 11th, 2011, at the Rivanna Rifle and Pistol Club. This fund raiser does serve Fluvanna County.

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

CONSENT AGENDA

The following items were pulled from the consent agenda:

- Ordinance to pay a monetary bonus [set advertisement for Public Hearing July 6th, 2011].

The following items were approved under the consent agenda:

MOTION:

Mr. Weaver moved to approve the consent agenda with corrections to minutes, which consisted of:

- Minutes of May 18th, 2011.
- FY11 Budget Supplement for Lightning Damage to Courthouse Security System.
- CSA Budget Supplement.

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

Ordinance to pay a monetary bonus [set advertisement for Public Hearing July 6th, 2011]

Mr. Weaver asked Mr. Scudder to update him on the status of giving out bonuses. Mr. Payne reviewed with the Board the procedure of the bonus ordinance.

MOTION:

Mr. Chesser moved that the Board authorize staff to advertise for public hearing, an ordinance for authorization to pay a monetary bonus to county officers and employees, to be heard on July 6th, 2011. Mr. Kenney seconded. The motion carried, with a vote of 4-2. AYES: Gooch, Chesser, Booker and Kenney. NAYS: Weaver & Fairchild. ABSENT: None.

ACCOUNTS PAYABLE

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

After some discussion the following motion was made:

MOTION:

Mr. Chesser moved that the Accounts Payable from April 27th, 2011, through May 25th, 2011, and payroll for the month of April, 2011, in the amount of \$1,932,644.30, be ratified. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Fund 100	General Fund	\$ 544,844.06
Fund 105	Social Services	34,216.83
Fund 120	Recreation	2,010.00
Fund 202	Federal Grants	2,150.92
Fund 302	Capital	237,409.42
Fund 502	Utility (Sewer)	2,980.81
Fund 505	Fork Union Sanitary District	8,420.64
<u>Payroll</u>		<u>1,203,074.64</u>
Total		\$ 1,932,644.30

PUBLIC HEARING

None

PRESENTATIONS:

None

ACTION MATTERS

JAUNT MOU

Mr. Darren K. Coffey, Director of Planning, addressed the Board in regards to a Memorandum of Understanding with JAUNT for provision of resources for emergency evacuations.

MOTION:

Mr. Fairchild moved that the Board of Supervisors authorize the County Administrator to execute a Memorandum of Understanding with JAUNT, after County Attorney approval as to form, for the provision of resources for emergency evacuations. Mrs. Booker seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

Alcohol Ordinance Draft

Mr. Dwight Godwin, Parks and Recreation Director, addressed the Board in regards to advertising for public hearing an amendment to the Fluvanna County Ordinance to allow for the sale, distribution, consumption, and possession of alcoholic beverages on County property.

After some discussion the following motion was made:

MOTION:

Mr. Chesser moved that the Board authorize staff to advertise for public hearing, an ordinance to amend the Fluvanna County Code as provided in the attached draft ordinance, to be heard on July 20, 2011. Mrs. Booker seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

OLD BUSINESS

None

NEW BUSINESS

Thomas Jefferson Partnership for Economic Development (TJEPD) Economic Analysis – Mr. Scudder, County Administrator, addressed the Board in regards to participating with the TJPED in a new economic development study for the region.

After some discussion the following motion was made:

MOTION:

Mr. Chesser moved that the Board go forth with the study that Thomas Jefferson Partnership is conducting and contribute \$10,000.00 from the BOS Contingency fund. Mrs. Booker seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

Economic Indicator Report – The board requested staff to resurrect the economic Indicator report and start presenting with the accounts payable report.

PUBLIC COMMENTS #2

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

- Sheriff Ryant Washington – reminded the Board of the Active Aging Expo at the Food Lion Shopping center on June 14th, 2011, from 10:00 a.m . to 2:00 p.m.

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 3:48 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing personnel and pending and potential litigation. Mr. Fairchild seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

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

At 5:57 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mrs. Booker seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

MOTION:

At 5:58 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, June 1st, 2011 on motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

“**BE IT RESOLVED** to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.”

ADJOURN

MOTION:

At 5:59 p.m., Mr. Kenney moved to adjourn the meeting of Wednesday, June 1st, 2011. Mr. Weaver seconded. The motion carried, with a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Weaver and Fairchild. NAYS: None. ABSENT: None

DRAFT

AN ORDINANCE TO AMEND THE FLUVANNA COUNTY CODE BY THE ADDITION IN CHAPTER 14 OF A SECTION 14-4, CONCERNING THE SALE, DISTRIBUTION, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY, WITH CERTAIN EXCEPTIONS

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-1800, that the County Code be, and it is hereby, amended, in Chapter 14, by the addition of a Section 14-4, which is hereby enacted as follows:

14-4. Sale, distribution, consumption and possession of alcoholic beverages prohibited on County property; exceptions.

(a) No person shall sell, give away or otherwise distribute; consume, or possess an open or previously opened container containing, any alcoholic beverage; or be under the influence of an alcoholic beverage, while on any County property.

(b) Any person violating the provisions of this section shall, in addition, to any other penalty, be deemed to be a trespasser on the property on which such violation shall have taken place.

(c) Notwithstanding subsection (a), the sale, distribution, possession and consumption of alcohol, by persons of legal age, at certain public parks and recreation facilities may be permitted under certain conditions as more particularly set forth hereinafter.

(1) Beer and/or wine may be sold or otherwise distributed, consumed and possessed by persons otherwise permitted by law to possess the same and in accordance with the regulations of the Virginia Alcoholic Beverage Control Board ("ABC") for the following special events:

(A) Private events where alcohol is provided at no charge to guests, such as wedding receptions, retirement parties, etc., (commonly referred to as "banquets") which are hosted by private individuals;

(B) Special events hosted by duly organized, nonprofit corporations and associations raising money for athletic, charitable, educational, political, or religious purposes;

(C) Events (commonly referred to as "tastings") involving the sale or giving of samples for the purpose of educating the consuming public about alcoholic beverages being tasted.

(2) Each event shall be subject to a Facility Rental Agreement approved by the director of Parks and Recreation in a form approved by the county attorney. Each such agreement shall be accompanied by a copy of a current ABC license of a type appropriate to the event as well as proof of liability insurance, with the County as additional insured, in a form reasonably satisfactory to the county attorney. In addition to other provisions, each such agreement shall require the provision of security controls reasonably satisfactory to the director of Parks and Recreation. Approval of any such agreement shall be conditioned upon the payment to the County of a fee reasonably calculated to defray the expense of administration of this section not to exceed \$1000.

(3) Events permitted under this subsection may be located at one or more of the following locations and no others, which location shall be specified in the Facility Rental Agreement:

(A) Pleasant Grove (Manor House, Wedding Grounds, Pole Barn, Heritage Trail Shelter, Farmer's Market Grounds);

(B) Carysbrook Performing Arts Center;

(C) Bremo picnic shelter;

(D) Fluvanna County Community Center (Fork Union).

(4) Permits for events shall be subject to revocation for material violations of this section or of the Facility Rental Agreement or any associated ABC license.

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