

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna Courts Building  
August 3<sup>rd</sup>, 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  
Darren K. Coffey, Director of Planning  
Betty Scholl, Administrative Assistant

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Chairman Gooch called the meeting of August 3<sup>rd</sup>, 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:

- *Information Technology Director* – introduced the new information technology Director, Jonathan McMahon.

**PUBLIC COMMENTS #1**

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

- Chris Roberson, Cunningham District – addressed the Board in opposition to the amended FSCPA contract submitted by the County Administrator.
- Melissa Riley, Cunningham District - addressed the Board in regards to the FSCPA contract.
- Karin Straley, Palmyra District – addressed the Board in support of the FSCPA.

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:

- FY12 Supplemental Appropriation for Families Learning Together Grant and Teacher Evaluation Pilot Funding.
- FY13 Budget Calendar
- Resolution in Support of Restoration of State Funding for Aid to Localities.

The following items were approved under the consent agenda:

**MOTION:**

Mrs. Booker moved to approve the consent agenda with corrections to minutes, which consisted of:

- Minutes of July 6<sup>th</sup>, 2011.
- Minutes of July 20<sup>th</sup>, 2011.
- FY12 Budget Supplement for Parks and Recreation Insurance Claim
- FY12 Supplemental Appropriation for additional Victim/Witness funding awarded.
- FY12 Budget Supplement for Social Services Insurance Claim.
- FY Budget Transfer to County Attorney.

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

FY12 Supplemental Appropriation for Families Learning Together Grant and Teacher Evaluation Pilot Funding

Mr. Weaver requested that the total amended school budget be included in the motion. Mrs. Booker clarified that \$85,000.00 was grant money.

**MOTION:**

Mr. Weaver moved to approve a supplemental appropriation in the amount of \$692,204.85, for the 2011-2012 school budget, bringing the accumulative total to \$35,550,289.85. This action will increase the following budget lines with the school fund:

Other Local Revenue 25100008 319911 - \$86,500.00,  
Federal Revenue 25100014 332004 - \$605,704.85,  
Instruction Expenditures 25162000 496001 - \$692,204.85.

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

FY13 Budget Calendar

Mr. Weaver questioned having a joint work session with the School Board in November.

**MOTION:**

Mr. Weaver moved to approve the FY13 Budget Calendar.

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

Resolution in Support of Restoration of State Funding for Aid to Localities

The General Assembly reduced aid to localities. The Virginia Association of Counties and the Virginia Municipal League are legislating to restore these funding sources.

Board of Supervisors discussion ensued and the following motion was offered:

**MOTION:**

Mr. Chesser moved to accept the resolution.

Mrs. Booker seconded. The motion carried with a vote of 4-2. AYES: Gooch, Booker, Fairchild and Chesser. NAYS: Weaver and Kenney. ABSENT: None.

The board directed staff to share the Restoration of State Funding for Aid to Localities resolution with the TJPDC State Legislative Liaison.

**ACCOUNTS PAYABLE**

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

After some discussion the following motion was made:

**MOTION:**

Mr. Weaver moved that the Accounts Payable from June 27<sup>th</sup>, 2011, through July 25<sup>th</sup>, 2011, and payroll for the month of June, 2011, in the amount of \$2,198,133.57, be ratified. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Payroll	536,930.18
<u>Accounts Payable</u>	<u>1,661,203.39</u>
Total	\$ 2,198,133.57

**PRESENTATIONS:**

Provision of Pound Services – Mrs. Gracie Roberson, Fluvanna SPCA Treasurer, provided a power presentation regarding services provided by the Fluvanna SPCA.

Self-Insured Medical Plan with Gateway Health Alliance – Mr. Dan Farmer, MBA, PHR, CRS, Director of Marketing for Gateway Health and Mr. Brett Jackson, Executive Director of Marketing for Gateway Health, provided a presentation regarding the history and benefits of Gateway Health Insurance and being self-insured.

**ACTION MATTERS**

Authorization to Self-Insurance Medical Plan

This action will combine the County with the Fluvanna County School's contract with Gateway Health Alliance to provided services; authorize a Health Insurance Fund and transfer the \$75,000

budgeted in Non-Departmental for FY2012 Health Insurance rate increase to the Health Insurance Fund. Mrs. Barbara Wall-Magee, Human Resources Manager addressed the Board regarding this issue.

MOTION:

Mrs. Booker moved that the County become part of the Fluvanna County School's contract with Gateway Health Alliance to provide services for a self-insured Health Insurance Plan, effective October 1, 2011, through September 30, 2012. Further moved the authorization of a Health Insurance Fund which will be used to hold contributions until needed to pay claims; and moved to transfer the \$75,000, budgeted in Non-Departmental for FY 2012 Health Insurance rate increase, to the Health Insurance Fund. Mr. Fairchild seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

FSPCA Contract

Mr. Fred Payne, County Attorney, mentioned to the Board that he did not see this contract until this morning and is not prepared to approve this contract without reviewing. Suggested the Board appoint a committee with two Board members, Mr. Scudder, FSCPA and himself to discuss further. After some discussion, Chairman Gooch appointed Mr. Kenney and Mr. Fairchild to meet with the FSCPA, Mr. Payne and Mr. Scudder, to discuss the contract and report back by at the August 17<sup>th</sup> work session.

Authorization to Writing Off Uncollectible Water Account Balances

Ms. Renee Hoover, Finance Director, addressed the Board in regards to this request. The following motion was made:

MOTION:

Mrs. Booker moved to authorize the write-off of 40 accounts, for a total of \$17,181.72, from the Fork Union Sanitary District's current accounts receivable list as of June 30, 2011. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Authorization to Fund the Line of Duty Act through VACO and Opting Out of VRS

Ms. Renee Hoover, Finance Director, addressed the Board in regards to this request. The following motion was made:

MOTION:

Mr. Kenney moved Fluvanna County Opt Out of the State Sponsored Program through Resolution: Irrevocable Election Not to Participate in the Line of Duty Act Fund and authorize the County Administrator to enter into an addendum to the Member Agreement with Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) to allow the County to self-insure and pool liabilities for the Line of Duty Act. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

DHCD Planning Grant Administration

The County has been invited to administer the DHCD grants awarded to the Town of Columbia. Mrs. Pat Groot, Grants Administrator, addressed the Board in regards to this request. Mr. Weaver requested clarification in the motion regarding the \$3,000.00. After some discussion, the following motions were made:

MOTION:

Mr. Chesser moved to accept the Federal Community Development Block Grant (CDBG) Planning Grant, administered by the Department of Housing and Community Development for up to \$25,000, with the understanding that the Columbia Town Council will continue to remain an active partner in the funded project. Further, moved to authorize the County Administrator to execute contracts associated with the grant, subject as to form by the County Attorney; and authorized a budget change, consisting of a supplemental appropriation of \$25,000, in Fund 202 grant funds, and \$3,000, in funds, provided by the Town of Columbia, to revenue and expenditure lines, as assigned by the Finance Department. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Mrs. Booker moved to donate \$3,000.00 to the Town of Columbia, to cover their contribution, as part of the DHCD Planning Grant. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

FY11 to FY12 Carryover Requests

Ms. Crystal Besecker addressed the Board with this request. The following motion was made:

MOTION:

Mr. Fairchild moved to approve the attached budget carryover requests totaling \$138,700. A detailed listing of each request along with a justification for each item and their respective general ledger lines is attached to this motion. If approved, this action will reappropriate FY11 remaining budget authority to the FY12 budget. Mrs. Booker seconded. The motion carried with a vote of 5-1. AYES: Gooch, Weaver, Booker, Fairchild and Chesser. NAYS: Kenney. ABSENT: None.

Appointment/Economic Development Authority – two positions

MOTION:

Mr. Fairchild moved to reappoint Mr. Richard Van Nierop and Mr. Stephen Scott to the Economic Development Authority (EDA), with terms to begin September 1, 2011, and to terminate on August 31, 2015. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

Appointment/Youth Advisory Council

MOTION:

Mr. Kenney moved to reappoint Mrs. Mozell Booker to the Youth Advisory Council, Board of Supervisors Representative, with a term to begin immediately, and to terminate on July 31, 2013. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

OLD BUSINESS

Mr. Fairchild informed the Board that VDOT placed a sign going east on Rt. 53 before the Monish Gate, warning drivers of possible stopped vehicles. He is also awaiting a reply from VDOT in reference to the road in front of the new high school.

NEW BUSINESS

None

EXTEND MEETING

MOTION:

At 5:04p.m., Mr. Weaver moved to extend the Board of Supervisors meeting until 9:00p.m.. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Fairchild. NAYS: None.

RECESS

The Board recessed at 5:06 p.m. for dinner.

RECONVENE

The Board reconvened at 7:00 p.m. for Public Hearings

PUBLIC HEARING

Proposed Lease of Real Property to US Cellular Wireless – Water Tower Lease Agreement between the Board of Supervisors of Fluvanna County, Virginia and USCOC of Virginia RSA #3, Inc. for the lease of certain Land Space, Tower Space on the existing Fork Union Sanitary District water tower, and Rights of Way, for the location and operation of radio communications equipment, antennas and appurtenances at 2984 James Madison Highway, Bremono Bluff, Virginia 23022, shown on the Tax Map of the County of Fluvanna as Tax Map Parcel 51-A-78. The lease has an initial term of five (5) years and shall be automatically extended for four (4) additional five (5) year terms unless terminated by the lessee in accordance with the terms of the lease. The lease provides that the lessee will construct a new platform and corral on the water tower, in addition to the existing platform and corral, and contains other terms and provisions as more

fully set forth in the lease. Mr. Darren Coffey, Director of Planning, addressed the Board regarding this request.

Chairman Gooch opened the public hearing.

- Alex Von Der Becke, Fork Union District – addressed the Board in regards to improving telecommunication service.

With no one else wishing to speak, Chairman Gooch closed the public hearing.

**MOTION:**

Mrs. Booker moved that the Board of Supervisors the County Administrator to execute the lease with USCOC of Virginia RSA#3, Inc. and Memorandum of Lease Agreement (MOL) on behalf of the County, pending approval as to form by the County Attorney's office. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Fairchild. NAYS: None.

*Proposed Lease of Real Property to Verizon Wireless –* Water Tower Lease Agreement between the Board of Supervisors of Fluvanna County, Virginia and Cellco Partnership, d/b/a Verizon Wireless for the lease of certain Land Space, Tower Space on the existing Fork Union Sanitary District water tower, and Rights of Way, for the location and operation of radio communications equipment, antennas and appurtenances at 2984 James Madison Highway, Bremono Bluff, Virginia 23022, shown on the Tax Map of the County of Fluvanna as Tax Map Parcel 51-A-78. The lease has an initial term of five (5) years and shall be automatically extended for four (4) additional five (5) year terms unless terminated by the lessee in accordance with the terms of the lease. Mr. Darren Coffey, Director of Planning, addressed the Board regarding this request.

Chairman Gooch opened the public hearing.

With no one else wishing to speak, Chairman Gooch closed the public hearing.

**MOTION:**

Mr. Chesser moved that the Fluvanna County Board of Supervisors the County Administrator to execute the lease with CELLCO Partnership (Verizon Wireless) and Memorandum of Lease Agreement (MOL) on behalf of the County, pending approval as to form by the County Attorney's office. Mr. Kenney seconded. The motion carried, with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Fairchild. NAYS: None.

**PUBLIC COMMENTS #2**

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

- Cindy Corbin, Palmyra District – addressed the Board in support of moving the swimming pool on the CIP forward.
- Cos Difazio, Cunningham District – addressed the Board in support of moving the swimming pool on the CIP forward.

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 7:22 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 legal matters and possible litigation. Mr. Kenney 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 8:29 p.m., Mr. Kenney moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Weaver seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

**MOTION:**

At 8:30 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, August 3<sup>rd</sup>, 2011 on motion of Mr. Kenney, seconded by Mr. Weaver 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.”

**MOTION:**

Mr. Kenney moved to ratify the engagement of the firm of Eckert Seamans Cherin & Mellott, 707 East Main Street, Suite 1450, Richmond, Virginia 23219, to represent the County, along with the County Attorney, in potential litigation involving any and all available causes of action arising out of the issuance of debt instruments relating to the construction of the new County high school. This engagement is on the express understanding that Douglas M. Palais, Esquire will serve as lead counsel for the firm with authority to employ such other resources of the firm as he may deem appropriate. Fees will be billed on a monthly basis at the following rates, which are understood to be below standard rates for the firm:

1. For firm members (including Douglas M. Palais), no more than \$300 per hour.
2. For associates, no more than \$235.00 per hour.
3. For paralegal assistants, \$130.00 per hour.

It is further understood that other terms of engagement shall be in accordance with customary practice, and that the firm will deploy the most cost-effective resources consistent with its obligation to obtain the best possible result for the client.

Further, moved that the County Attorney and the aforementioned litigation counsel, be, and they are hereby, authorized to prepare and file appropriate pleading to protect the County's interest with respect to the causes of action described hereinabove. Mr. Chesser seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

**ADJOURN**

**MOTION:**

At 8:33 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, August 3<sup>rd</sup>, 2011. Mrs. Booker seconded. The motion carried, with a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Weaver and Fairchild. NAYS: None. ABSENT: None

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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, August 3<sup>rd</sup>, 2011, in Palmyra, Virginia, the following action was taken:

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

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On a motion by Mr. Chesser, seconded by Mrs. Booker and carried by a vote of 4-2, the following resolution was adopted.

**RESOLUTION IN SUPPORT OF RESTORATION OF STATE FUNDING FOR AID TO LOCALITIES**

**WHEREAS**, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, is \$800 million less in FY12 than in FY09; and

**WHEREAS**, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are dwindling, and real estate assessments are declining; and

**WHEREAS**, the Appropriation Act contains \$60 million in across-the-board cuts to cities and counties for both FY11 and FY12, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget ("Local Aid to the State"); and

**WHEREAS**, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

**WHEREAS**, the County of Fluvanna does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for State prisoners in local and regional jails; and

**WHEREAS**, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

**WHEREAS**, the County of Fluvanna remitted \$151,223 in FY11 and will be required to remit another \$154,378 in FY12; and

**WHEREAS**, cities and counties will have provided the State with \$220 million by the close of FY12 for this "Local Aid to the State" program; and

**WHEREAS**, these reductions shift State costs to local taxpayers and artificially increases the amount of state surplus revenue; and

**WHEREAS**, State revenues have begun to recover and the State is expecting to have a revenue surplus for the second year in a row; and

**WHEREAS**, revenue collections for the County of Fluvanna continue to reflect the struggling housing market; and

**WHEREAS**, the State should not shift its share of the costs for mandates and responsibilities to local governments; now, therefore, be it

**NOW, THEREFORE BE IT RESOLVED**, on this 3<sup>rd</sup> day of August 2011 that the Fluvanna County Board of Supervisors asks Governor Bob McDonnell to submit a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14; and further, be it

**RESOLVED**, that the members of the General Assembly support a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14.

Adopted this 3<sup>rd</sup> day of August 2011  
by the Fluvanna County Board of Supervisors

ATTEST:

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Jay Scudder, County Administrator

APPROVED

**RESOLUTION**

**Irrevocable Election Not to Participate in Line of Duty Act Fund**

WHEREAS, pursuant to Item 258 of the Appropriations Act paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code §9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of Fluvanna County make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Fluvanna County hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities,

Sheriff's department, together with all its law enforcement personnel.

The Fluvanna County Volunteer Fire Department, Inc., at present consisting of Fork Union Volunteer Fire Company, Kents Store Volunteer Fire Company, Palmyra Volunteer Fire Company; and the Lake Monticello Fire Department;

The Fluvanna Rescue Squad, Inc., at present consisting of Kents Store Rescue Squad, Fork Union Rescue Squad and Palmyra Rescue Squad; and the Lake Monticello Rescue Squad;

All other law enforcement personnel of the county not included in above;

to the best of the knowledge of Fluvanna County, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, Fluvanna County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller of behalf of Fluvanna County on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, Fluvanna County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that Fluvanna County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Fluvanna County, Virginia this 3<sup>rd</sup> day of August, 2011.

ATTEST:

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Jay Scudder  
County Administrator of Fluvanna County