

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Historic Courthouse
March 21st, 2012
1:00 p.m.**

MEMBERS PRESENT: Shaun V. Kenney, Chairman
Bob Ullenbruch, Vice-Chairman
Mozell H. Booker
Donald W. Weaver
Joe Chesser

SCHOOL BOARD MEMBERS PRESENT: Camilla Washington, Chairwoman, Columbia District
William Hughes, Vice-Chair, Cunningham District,
Bertha Armstrong, Fork Union District
Brenda Pace, Palmyra, District
Carol Tracy Carr, Rivanna District

ALSO PRESENT: Fred Payne, County Attorney
Steven Tugwell, Senior Planner
Eric Dahl, Budget Analyst
Mary Weaver, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Kenney called the special meeting of March 21st, 2012, to order at 1:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Kenney called for a moment of silence.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 1:09 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 Matters – conduct interviews. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

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

At 4:34 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

MOTION:

At 4:35 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held on Wednesday, March 21st, 2012, by motion of Mr. Weaver, seconded by Mrs. Booker, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver, and Chesser. 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.”

RECESS

The Board recessed at 4:35 p.m.

RECONVENED

The Board reconvened at 6:00 p.m. for Joint School Board meeting.

Chairwoman Washington called the School Board meeting to order.

SCHOOL BOARD BUDGET PRESENTATION

Mrs. Gena Keller, School Superintendent, presented an overview of the School Board's FY13 budget that was adopted on March 14th, 2012. Mrs. Keller shared with the Board the following topics;

- Fluvanna County School Mission
- Four Strategic Priorities
 - Provide a quality education to all of our students
 - Build a culture that is conducive to learning in a safe and nurturing environment
 - Foster relationships with our community
 - Operate in an effective and efficient manner
- What is to be accomplished
- Primary Focus – Our Children
- What Matters

Mrs. Keller reviewed the items and reasons for the additional request of \$1,389, 027.

Board Discussed – Mrs. Booker asked about community participation for the orientation nights at the schools. Mr. Kenney asked, if the new high school would open, if the school budget was level funded. Mrs. Keller replied, “absolutely not”. Mr. Kenney then inquired, what would be the effects if the school budget were cut \$1million dollars? Mrs. Keller replied a lot of things would have to give; approximately 20 positions would be cut. Mr. Chesser questioned how the sustainable rate would affect the schools. Mrs. Keller responded, “we planned our budget for three years”.

Chairwoman Washington adjourned the school board meeting.

RECESS

The Board recessed at 6:47 p.m.

RECONVENED

The Board reconvened at 7:00 p.m.

ADJOURN

MOTION:

At 7:01 p.m., Mr. Chesser moved to adjourn the special meeting of Wednesday, March 21st, 2012. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Kenney called the meeting of March 21st, 2012, to order at 7:02 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Kenney called for a moment of silence.

REPORTS

County Report

Chairman Kenney, reported on the following topics:

- Land Swap between Fluvanna County and Lake Monticello Owners Association has been completed.
- Publicly commended staff for stepping up and taking care of business accordingly.

PUBLIC COMMENTS #1

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

- Mrs. Jennifer Zajac, Palmyra District – spoke in reference to taking care of the County, don't think of just this year, think of five years and where we're going
- Ms. Perrie Johnson, President of the Fluvanna Education Association – spoke in support of the adopted School Board budget.
- Mike Brent – Chief of Fluvanna County Fire Department and Hazardous Material Coordinator for Fluvanna County, representing the four County Fire Departments – spoke in reference to the handling of firing five department heads. Urged the Board to reconsider or at least let these people be heard, and tell their side of the story. Specifically, voiced support for John Robins, most important staff member in this county, shown by the number of responsibilities bestowed upon him by the Board. The dismissal of these individuals has left a huge void in the County Emergency Plan.
- Leonard Bozza, Cunningham District – spoke in reference to the handling of firing five department heads. These actions affectively convicted these five in the press, before the pending investigation was concluded, and without the opportunity for the accused to be

heard. The individuals should have been afforded a process that would have provided a fair outcome based on the facts, and not some hidden agenda. Truly embarrassed by the Board's actions. Need to develop a process that will assure, in the future, that similar actions will not be taken in haste.

- Gary Osteen, Fork Union District – spoke in support of the adopted School Board budget.
- Richard Eaton, Fork Union District – spoke in opposition to a sustainable tax rate.
- Jennifer Flood, Rivanna District – spoke in support of the adopted School Board budget.
- Page Smith, Fork Union District – spoke in support of the adopted School Board budget.
- Sam Patterson, Palmyra District – spoke in reference to the Board's "broken management", as well as that of the professionals hired to run this County. Called for a formal disclosure to the public of exactly what happened, how it happened, why it happened, and further, how it could have happened, without the Boards approval. Wants to draw the line at a 0.59 cent tax rate.
- Minor Eager, Palmyra District – spoke in opposition to, a tax increase and requested the total number of employees, including school employees, total wages and benefits be posted on the website each pay period. Request Planning Commission to develop a by-right use that will allow any homeowner, with a house on more than two acres, to divide a two-acre lot, under their house, and deed it, so they can get conforming financing. Consider enacting an ordinance that allows property owners to pay their real estate taxes by deeding property to the Treasurer or to the County, itself, for tax credit at assessed property value.
- Elizabeth Franklin, on behalf of the Fluvanna Taxpayers Association – spoke in regards to the tax rate and budget. Opposed to a sustainable budget.
- Ron White, Palmyra District – spoke in regards to firing of the department heads. You have to be able to delegate authority to carry out your policies; and for staff to implement those policies and manage the resources, with integrity and openness. Urged Board to stand firm and work to replace senior management with knowledgeable individuals, who understand that they work for all the citizens of Fluvanna County.
- Terry Crickenberger, Columbia District – spoke in support of the adopted School Board budget.
- Gloria Scharer, Cunningham District – spoke in support of the adopted School Board budget.
- Jimmy Kozan, Columbia District – spoke in support of the adopted School Board budget and a sustainable budget.
- Erin Small, Palmyra District – spoke in support of fully funding the school.
- Sherri Esch, Palmyra District – spoke in support of the adopted School Board budget.
- Bridgett Madison, Palmyra District – spoke in support of the adopted School Board budget.
- Dennis Holder, Kents Store – spoke in opposition to a sustainable tax rate.
- Robert Flood, Rivanna District – spoke in support of the adopted School Board budget.
- Tom Payne, Palmyra District – spoke in support of a sustainable budget for Fluvanna County.
- Dave Miller, Palmyra District – spoke in reference to having a first rate vision for the future.
- Janice O'Malley, Palmyra District – spoke in opposition to a sustainable budget.
- Len Gardner, Rivanna District – requested the Board take care of things now, make the responsible decision.

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

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

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

- Budget Work Session Minutes from February 29th, 2012.
- Minutes from March 7th, 2012.
- Resolution/Sycamore Square [secondary road addition].

Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES:

Ullenbruch, Booker, Kenney, Chesser and Weaver. NAYS: None. ABSENT: None.

ACCOUNTS PAYABLE

None

PUBLIC HEARING

Amend Section 2-4-1 of the Fluvanna County Code, Reduce Membership of the Fluvanna County Commission. Mr. Steven Tugwell, Senior Planner addressed this request.

Mr. Fred Payne, County Attorney, reviewed the history of this ordinance.

Chairman Kenney opened the public hearing.

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

MOTION:

Mr. Chesser moved the Board of Supervisors adopt the ordinance entitled “An Ordinance to Amend Section 2-4-1 of the Fluvanna County Code, regarding the membership of the Fluvanna County Planning Commission, to reduce the number of members on the Fluvanna County Planning Commission from six to five; to provide for the appointment of such members by election districts; and to provide for an orderly transition to such reduced membership. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

PRESENTATIONS

Anthem Health Insurance – Ms. Patty Harper, Anthem Account Executive, and Ms. Karmen Spooner, Anthem Account Manager, presented the Local Choice Health Insurance Plan for the Boards review.

ACTION MATTERS

Anthem Health Insurance Election – Ms. Kristina Hoffman, Payne & Hodous L.L.P., reviewed with the Board the options of terminating the Fluvanna County Administration Employee Benefit Plan, effective July 1, 2012, and enrolling in Anthem’s local Choice Plan for insurance coverage of Fluvanna County employees.

MOTION:

Mr. Chesser moved the Board of Supervisors terminate the Fluvanna County Administration Employee Benefit Plan effective July 1, 2012, and distribute the money in the fund, as required by applicable law, and that County Administration consult with the County Attorney and Payne & Hodous, L.L.P., to accomplish the same. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

MOTION:

Mr. Chesser moved the Board of Supervisors terminate the Administrative Services Agreement with Gateway Health Alliance, Inc., effective July 1, 2012, and send a notice of termination to Gateway Health Alliance, Inc., as is required under the agreement; and that County Administration consult with the County Attorney and Payne & Hodous, L.L.P., to accomplish the same. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

MOTION:

Mr. Chesser moved the Board of Supervisors enroll in Anthem’s The Local Choice Plan for insurance coverage of the employees of the County of Fluvanna, (and dependents, if applicable), with employees to choose between the Key Advantage 250, Key Advantage 500 and the High Deductible Health Care Plans, effective July 1, 2012;, and that County Administration consult with the County Attorney and Payne & Hodous, L.L.P. to accomplish the same. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

FY13 Budget Discussion, Recommendation and Authorization to Advertise – Mr. Eric Dahl, Budget Analyst, reviewed with the Board the current proposed budget.

MOTION:

Mr. Chesser moved the Board of Supervisors authorize staff to advertise the FY13 Budget, the Tax Rate and the capital Improvement plan (CIP) for Public Hearing on April 11, 2012; the proposed budget amount for FY13 is \$68,507,463.00 and the advertised real property tax rate is \$0.68 per \$100 and the advertised personal property rate is \$4.15 per \$100. Mrs. Booker seconded. The motion carried with

a vote of 3-2. AYES: Chesser, Booker, and Kenney. NAYS: Weaver and Ullenbruch. ABSENT: None.

UNFINISHED BUSINESS

Mr. Fred Payne addressed with the board the handling of routine invoices and other payments normally handled by the County Administrator. Mr. Payne felt it appropriate for the Board to authorize Mr. Kenney to approve routine payments and invoices.

MOTION:

Mrs. Booker moved the Board of Supervisors authorize Chairman Shaun Kenney, sign off on funds with money for invoices up to \$5,000 ending when the County Administrator comes on Board. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

NEW BUSINESS

Transportation Safety Commission – Mr. Chesser addressed with the Board the desire for the Transportation Safety Commission to be suspended. The Board consented to suspend.

PUBLIC COMMENTS #2

Chairman Kenney opened the floor for the second round of public comments. With no one wishing to speak, Chairman Kenney closed the second segment of public comments.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 9:12 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, to confer with counsel regarding legal matters and to discuss personnel matters, in accordance with Code of Virginia, Section 2.2-3711-A(7) and 2.2-3711-A(1) respectively. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

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

At 9:41 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

MOTION:

At 9:42 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, March 21st, 2012, on motion of Mr. Weaver, seconded by Mr. Chesser, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver, and Chesser. 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 9:42 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, March 21st, 2012. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Shaun V. Kenney, 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, March 21st, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
<i>Shaun V. Kenney, Chairman</i>	YEA
Robert Ullenbruch, Vice Chairman	YEA
Mozell H. Booker	YEA
Joe Chesser	YEA
Donald W. Weaver	YEA

On a motion by Mr. Chesser seconded by Mr. Ullenbruch and carried by a vote of 5-0 the following resolution was adopted.

**RESOLUTION
Secondary Road Addition – Sycamore Square**

WHEREAS, the following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed.

NOW, THEREFORE BE IT RESOLVED this Board request the Virginia Department of Transportation to add the street(s) described on the attached form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street requirements, after receiving a copy of this resolution.

Street Name and/or Route Number

- Robins Court, State Route Number 1047
Old Route Number: 0 From: Rte 1038 Justin Drive
To: 0.12 miles SW to end cul de sac, a distance of: 0.12 miles
Recordation Reference: PB 2 page 256 Right of Way width (feet) = 50 ft
- Justin Drive, State Route Number 1038
Old Route Number: 0 From: Rte 1046 Sydney Way
To: 0.098 miles S to Robins Court, a distance of: 0.10 miles
Recordation Reference: PB 2 page 256 Right of Way width (feet) = 50 ft

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Adopted this 21st day of March 2012
by the Fluvanna County Board of Supervisors

ATTEST:

Shaun V. Kenney, Chairman, Board of Supervisors