

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
September 21, 2016
Work Session 4:00pm
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

John M. (Mike) Sheridan, Columbia District, Chair
Mozell Booker, Fork Union District, Vice Chair
Patricia Eager, Palmyra District
Tony O'Brien, Rivanna District (*Arrived at 4:04pm*)
Donald W. Weaver, Cunningham District

ALSO PRESENT:

Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Eric Dahl, Deputy County Administrator / Finance Director
Martin Brookhart, Management Analyst
Kelly Belanger Harris, Clerk to the Board of Supervisors

CALL TO ORDER WORK SESSION

At 4:00pm, Chair Sheridan called the Work Session of September 21, 2016 to order. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

WORK SESSION DISCUSSION ITEMS

Mr. Nichols, County Administrator, introduced the Work Session topics of Revenue Enhancement and Expense Reductions. Staff reviewed various alternatives and received direction from the Board regarding additional data needs and timelines for further review of the options.

CLOSED MEETING**MOTION TO ENTER INTO A CLOSED MEETING**

At 6:12pm, Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.3, & A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Real Estate, and Legal Matters. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYE: Sheridan, Booker, Eager, O'Brien, Sheridan, and Weaver. NAY: None. ABSENT: None.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION

At 7:02pm, Mr. Weaver moved that the Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session and "BE IT RESOLVED, the Board of Supervisors does hereby certify to the best of each member's 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." Mrs. Booker seconded. The motion carried, with a roll call vote, of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: None.

RECONVENE IN OPEN SESSION**CALL TO ORDER**

At 7:03 pm Chair Sheridan, reconvened the September 21, 2016 Regular Meeting into Open Session.

ADOPTION OF AGENDA**MOTION**

Mrs. Booker moved to accept the Agenda, as presented, for the September 21, 2016 Regular Meeting of the Board of Supervisors. Mr. Weaver seconded and the Agenda was adopted by a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: None.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- Redesigned Monthly Building Inspections Report Prepared by Amy Helfrich
- Annual Employee Recognition Dinner
 - Day/Date: Thursday, October 6, 2016
 - Location: Cunningham Creek Winery
 - Time: 4:00 - 6:00 pm • Dinner Served: 4:30 - 5:30 pm • Award Presentations: 5:00 pm
 - Formal Presentations: 2016 P.R.I.D.E. In Public Service Awards, Service Awards
- VDOT installed black & white "barber pole" road markers near Budget Electric & Mechanical on Rt 15 in Palmyra
- Next BOS Meetings:
 - Wed, Oct 5, 4:00 PM, Regular Meeting Courtroom
 - Wed, Oct 19, 4:00 PM, Work Session, Courtroom; 7:00 PM, Regular Meeting, Courtroom
 - Wed, Nov 2, 4:00 PM Regular Meeting Courtroom
 - Wed, Nov 16, 7:00 PM, Regular Meeting, Courtroom

BOARD OF SUPERVISORS UPDATES

Sheridan— Elected Officials Breakfast, FLDP Tour.

Booker— JABA Executive Board, Partnership For Aging, Elected Officials Breakfast.

Eager— 9/11 Memorial at Lake Monticello Fire Department, Elected Officials Breakfast, Economic Development Roundtable.

O'Brien—9/11 Memorial at Lake Monticello Fire Department, Elected Officials Breakfast, Economic Development Roundtable.

Weaver— CVRJ.

Chair Sheridan took a moment to thank Delegates Bell and Ware and representatives for Senator Garrett and Congressman Hurt, who attended the Fluvanna County Elected Officials Breakfast.

PUBLIC COMMENTS #1

At 7:13pm Chair Sheridan opened the first round of Public Comments.

Andrew Pullen, 553 Plain Dealing Road, spoke on taxation and land use.

Following, and in response to Mr. Pullen's comments, Mr. O'Brien clarified a personal issue involving personal property taxes, noting that the issue had been corrected.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 8:03pm.

PUBLIC HEARING

Ordinance Amendment – Vehicle License Fees – Steven M. Nichols, County Administrator, brought forward a request to amend the County Code to clarify vehicle licensing fees.

At 7:17pm Chair Sheridan opened the Public Hearing.

There being no one wishing to speak, the Public Hearing was closed at 7:17pm

With no discussion,

MOTION

Mrs. Eager moved the Board of Supervisors approve, "AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 2, SEC. 15-2-2 OF THE FLUVANNA COUNTY CODE TO CLARIFY THAT VEHICLE LICENSE FEES ARE ONLY REQUIRED FOR VEHICLES THAT ARE REGISTERED BY THE DEPARTMENT OF MOTOR VEHICLES." Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

ACTION MATTERS

FY17 Staff Pay Plan – Steven M. Nichols, County Administrator

MOTION

Mrs. Booker moved the Board of Supervisors approve an updated FY17 Pay Plan, Option A, with a transfer of \$13,740 in additional funding to come from FY17 BOS Contingency. Mr. O'Brien seconded and the motion passed 3-2. AYE: Sheridan, Booker, O'Brien. NAY: Eager, Weaver. ABSENT: None.

Position Description Changes for Commonwealth's Attorney Office—Gail Parrish, Human Resources Coordinator

MOTION

Mrs. Booker moved to approve the following position description revisions and pay band changes:

- FROM: Legal Secretary – Position 1071, band 12, \$34,736
- TO: Receptionist/Secretary – Position 1023, band 10, \$31,200
- FROM: Assistant Commonwealth Attorney – Position 1750, band 22, \$64,705
- TO: Assistant Commonwealth Attorney – Position 1750, band 25, \$74,605
- FROM: Victims Witness Coordinator - Position 1711, band 13, 37,440
- TO: Victims Witness Coordinator - Position 1711, band 15, \$41,642

with the potential funding increase of \$1,000 to come from the FY17 Personnel Contingency Fund. Mrs. Eager seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

PRESENTATIONS

FUSD FY16 End-of-Year Report—Wayne Stephens, Director of Public Works and County Engineer, gave an end-of-year report on the Fork Union Sanitary District's (FUSD) finances. Mr. Stephens reported that FUSD ended the fiscal year with a positive financial position and was able to repay \$18,000 of its loan from the County.

FY16 4th Quarter Budget Report—Eric Dahl, Deputy County Administrator and Finance Director, provided the Board with the FY16 4th Quarter Budget Report.

Highlights of the update included:

- All Departments within budget, with 90-100% of authorizations expended
- Operations and Debt Budget Summary
 - \$1.67 Million balance remaining (excluding any FCPS or enterprise funds remaining)
- FY16 Surplus Options
 - Return funds to Unrestricted Fund Balance; Carryover Requests; Building Security Updates; MUNIS Modules/Training; Registrar Election Support; Mini-Excavator (FUSD/PW); Paving of PG Road to Soccer/Ball Fields; PG Advertising Sign; Website Upgrades (General/Business/Tourism); County Code Web Work (e.g. MuniCode), etc.
 - Options will be presented at a future BOS Meeting.

Timber Management Plan—Wayne Stephens, Director of Public Works & County Engineer, and Will Shaw, Assistant Director of Public Works, appeared before the Board to give an overview of a Timber Management Plan with County-owned timberland. Following comprehensive discussion of the benefits of such a program and engaging a Timber Agent to help the County navigate timber sales, the Board decided to provide formal approval for action even though the item had been on the Presentations agenda.

MOTION

Mr. Weaver moved the Board of Supervisors approve the Timber Management Plan for the Community Center and Fork Union Fire House property and for the Convenience Center property owned by the County of Fluvanna, as presented. Mrs. Booker offered second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

CONSENT AGENDA

The following items were discussed before approval:

Accounts Payable, August 2016—Eric Dahl, Deputy County Administrator and Finance Director
Fire and Rescue Vehicle Maintenance Contract—Cyndi Toler, Purchasing Officer

The following items were approved under the Consent Agenda for September 21, 2016:

Minutes of September 7, 2016—Kelly Belanger Harris, Clerk of the Court
Accounts Payable, August 2016—Eric Dahl, Deputy County Administrator and Finance Director
FY17 County Administrator Pay Increase—Gail Parrish, Human Resources Manager
Fire and Rescue Vehicle Maintenance Contract—Cyndi Toler, Purchasing Officer
Open Space Contract for Steve B. & Shirley Austin—Andrew M. Sheridan, Commissioner of the Revenue
Open Space Contract for Brema Excess, Ltd. —Andrew M. Sheridan, Commissioner of the Revenue
Open Space Contract for Michael & Ann Nalvaeiko—Andrew M. Sheridan, Commissioner of the Revenue
Open Space Contract for Manuel V. & Barbara A. Perrotti—Andrew M. Sheridan, Commissioner of the Revenue

MOTION

Mr. Weaver moved to approve the items on the Consent Agenda for September 21, 2016, and ratified Accounts Payable and Payroll for August 2016, in the amount of \$2,319,270.30. Mr. O'Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, and Weaver. NAY: None. ABSENT: None

UNFINISHED BUSINESS

Mr. O'Brien brought forward a request related to the pending Davenport and Co, LLC suit.

MOTION

Mr. O'Brien moved that the Board of Supervisors authorize the County Attorney and Douglas M. Palais, and their respective present and prior firms, to waive the attorney-client privilege and attorney work product limitations to the extent of allowing them to answer the 35 attached questions, together with reasonable follow-up questions, as may be appropriate to allow them to defend themselves in the litigation pending in the circuit court of the City of Richmond under style of Davenport & Co., LLC, v. Payne, et al. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, & Weaver. NAY: None. ABSENT: None

Summary of Questions to which objection was made:

- 1) Was there some reason the Original Complaint had to be signed while Doug Palais was out of the office, some deadline or time sensitivity?
- 2) Who drafted the Complaint?
- 3) What portion of the Complaint did each attorney prepare?
- 4) What factual investigation did Doug Palais or Fred Payne perform prior to filing the Fluvanna Complaint?
- 5) Did Fred Payne or Doug Palais interview anyone prior to filing the Complaint?
- 6) Did Fred Payne or Doug Palais review Board minutes prior to filing the Complaint?
- 7) What documents did Fred Payne or Doug Palais review?
- 8) What persons did Fred Payne or Doug Palais interview?
- 9) What conversations occurred between counsel prior to filing the lawsuit?
- 10) What research did the attorneys perform prior to filing?
- 11) Was there any requirement of the County that Fred Payne must sign the lawsuit?
- 12) Did Payne or Palais ever speak with Cabell Laughton before filing the original Complaint?
- 13) Which attorneys were responsible for investigating the case?
- 14) Did you ever ask Fred Payne if he have authority to speak for the Board of Supervisors?
- 15) Do you know who wrote paragraph 30?
- 16) What have you done to find out who wrote paragraph 30?
- 17) What was done to investigate the allegations in paragraph 30?
- 18) What did Melissa Connor do to prepare Doty for his deposition?
- 19) What is Mr. Palais' personal knowledge of the factual basis of the lawsuit?
- 20) Similar questions concerning Amended Complaint – who drafted the amendment?
- 21) Did Payne and Palais become aware of misstatement in the Amended Fluvanna lawsuit?
- 22) Was there political motivation behind the filing of the Fluvanna Complaint?
- 23) Did you draft paragraph 30 of the complaint and/or amended complaint?
- 24) What did you do to ensure the accuracy of paragraph 30 of the complaint and amended complaint?
- 25) Do you have independent knowledge of the conversation between Rose and Lawton?
- 26) Did you discuss the allegations of the complaint and/or amended complaint with Mr. Payne?
- 27) Did anyone conduct an investigation in response to the production of Cabell Lawton's affidavit?
- 28) Did Cabell Lawton's affidavit cause you concern?
- 29) What are the bases of paragraph 30 in the complaint and/or amended complaint?

- 30) Do you know if Mr. Payne knows the bases of paragraph 30 in the complaint and/or amended complaint?
- 31) Do you know if Krissy Hoffman knows the bases of paragraph 30 in the complaint and/or amended complaint?
- 32) Melissa Connor’s personal knowledge of the preparation of the expert designation?
- 33) Doug’s personal knowledge of the preparation of the expert designation?
- 34) Did Doug review the tapes?
- 35) Corbin Stone’s role or involvement in the drafting of pleadings?

NEW BUSINESS

Mrs. Eager requested a review of the County Code, particularly Chapter 10 – Garbage, to better define certain aspects of definitions within. Mr. Nichols noted that a revision of the Code is already underway in the Planning Department.

Chair Sheridan reported that VDOT will assume responsibility for cutting grass in the new Fork Union Streetscape project areas.

PUBLIC COMMENTS #2

At 8:46pm Chair Sheridan opened the second round of Public Comments. Cheryl Elliott, Emergency Services Coordinator, updated the Board on the status of the E911 Dispatch Center. With no one else wishing to speak, Chair Sheridan closed the second round of Public Comments at 8:47pm.

ADJOURN

MOTION:

At 8:48 Mr. O’Brien moved to adjourn the regular meeting of Wednesday, September 21, 2016. Mrs. Booker seconded and the motion carried with a vote of 5-0. AYES: Sheridan, Booker, Eager, O’Brien, and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Kelly Belanger Harris
Clerk to the Board

John M. Sheridan
Chair

