

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room**  
**May 2, 2018**  
**Regular Meeting 4:00pm**

**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  
 Donald W. Weaver, Cunningham District

**ALSO PRESENT:**

Steven M. Nichols, County Administrator  
 Fred Payne, County Attorney  
 Kelly Belanger Harris, Clerk for the Board of Supervisors

**1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE**

At 4:00pm Chair Sheridan, called to order the Regular Meeting of May 2, 2018.  
 After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**3 - ADOPTION OF AGENDA**

Mr. Nichols requested an inclusion to the Agenda under New Business: *Sheriff's Office SRO Grant Request* was approved for inclusion.

**MOTION**

Mr. Weaver moved to accept the Agenda, for the May 2, 2018 Regular Meeting of the Board of Supervisors, as amended. Mrs. Booker seconded and the Agenda was adopted by a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: None.

**4 - COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Earth Day Field Trip to PG for 1st and 2nd Grades
  - 1st and 2nd Graders visited Pleasant Grove Park on April 20 to learn about nature from a mixture of 22 local Master Naturalist, Master Gardeners and VA Bluebird Society volunteers. Each class planted 2 trees as well as scattered native wildlife seeds and participated in a soil station simulation game.
  - 2nd Graders gathered around the PG House/Pole Barn also doing a nature hike, learning at the Butterfly Garden and Nature Room; also attending soil and Bluebird box stations.
- Earth Day Hazardous Waste and Tire Collection efforts
  - Hazardous Waste Disposal - Budgeted - \$13,000 ☑ Reached that amount within 20 minutes
  - Actual - \$18,280.79
  - Closed admission at ~10:30 am (planned for 10 am to 2 pm while funds lasted)
  - Tire Collection - Filled 1 ½ trailers and ended at 2pm
  - Complete report with alternatives, options, and recommendations at a future Board meeting
- Spotlight on Business – Fluvanna Meals on Wheels – Celebrates 10 years in Fluvanna in 2018
- Announcements and Updates
  - Another ZXR Water/Sewer Project Milestone - Virginia Department of Environmental Quality has approved our applications for CERTIFICATE TO CONSTRUCT Municipal Sewage Collection, Treatment, and/or Reclamation Systems
  - ZXR Water/Sewer Project Update - Final design completed.
    - Invitation for bids to be released by May 10th.
    - Staff and County Attorney working on property interests, easements, and rights of way necessary for the construction.
  - Bremono Power Plant Update - Dominion made employment / retirement offers to 100% of the employees; All accepted the offers, except 2. Six to 10 employees remain on site at Bremono Plant
  - Dominion also working on a report to the General Assembly regarding broadband (due Dec 31, 2018)
- County Administrator out of office May 7-11 - Deputy County Administrator covering
- Upcoming Meetings

Day	Date	Time	Purpose	Location
Wed	May 16	6:00 PM	Continuation of May 2, 2018, BOS Regular Meeting	Courtroom
Wed	May 16	7:00 PM	BOS Regular Meeting	Courtroom
Wed	Jun 6	4:00 PM	BOS Regular Meeting	Courtroom
Wed	Jun 20	7:00 PM	BOS Regular Meeting	Courtroom

**5 - PUBLIC COMMENTS #1**

At 4:17pm Chair Sheridan opened the first round of Public Comments.

- Jeff Haislip, speaking on behalf of Meals on Wheels, invited the Board to Fluvanna Meals on Wheels 10<sup>th</sup> Anniversary Celebration, Saturday, May 5, 2018.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 4:20pm.

**6 - PUBLIC HEARING**

None.

**7 - ACTION MATTERS**

*Columbia Property Donation* – Steven M. Nichols, County Administrator requested the Board accept a donation of property from the estate of the late Katherine Cabell (Morris) Schoew and to exonerate and release all claims for real estate taxes relating to the said parcel. As part of the recent acquisition of flood prone parcels in the former Town of Columbia, the County considered acquiring this property. However, it was decided that obtaining clear title to the property, as required by the terms of the Federal grant, would be prohibitively expensive and difficult. Mr. Payne provided a brief history of the property, noting that the property was acquired by James Alston Cabell in 1927. In the same year, by deed recorded in Deed Book 17, page 185, Cabell conveyed the property to the Trustees of the Columbia Masonic Lodge, subject to reverter to Cabell or his estate in the event that the property ever ceased to be used by Masonic purposes. In 1996, the Lodge discontinued its use of the building, and the property reverted to the estate of Cabell under his will recorded in Will Book 4, page 8, by which all of his real estate was devised to his widow for life, remainder his three daughters, one of whom was the late Mrs. Schoew's mother, namely Katherine Cabell Morris. Mrs. Schoew acquired her mother's one-third interest in the property under her mother's will, which is recorded in Will Book 71, page 1644, in the City of Virginia Beach. Any remaining interest of the Lodge was quitclaimed to "all the known living heirs of James Alston Cabell", including Mrs. Schoew, in 1996 by deed recorded in Deed Book 296, page 578. The dollar value of the property is very small, although it may be useful to the County in connection with the other properties acquired under the Federal grant. The uncertainty of the ownership of the other interests in the property, together with its location in the flood plain, impairs its marketability, which is practically negligible, and the outstanding taxes (\$1,035.95) are of dubious collectability.

With no discussion,

**MOTION**

Mr. O'Brien moved that the Board of Supervisors accept the donation of an interest in Tax Map Parcel 54A 1 62A (sometimes known as the "Rock House Parcel") from the estate of the late Katherine Cabell (Morris) Schoew and to exonerate and release all claims for real estate taxes relating to the said parcel.

Mrs. Eager gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Update Procurement Policies and Procedures Manual*—Cyndi Toler, Purchasing Officer requested an update to the County's Design-Build Procedure to align with State Code. Mrs. Toler noted that the current Design-Build procedures were adopted in May 2012 and amended in August 2016. The requested change affects Chapter 7 of the Procurement Policies and Procedures Manual; no other chapters are affected at this time.

While most changes are based on references to state code and do not affect the actual procedure, there are two significant changes:

- 7-3.2. Prior to taking any action, the County shall request authority, in writing and receive approval from the Board of Supervisors, to use a D-B contract. The request shall justify and substantiate that D-B is more advantageous than a competitive sealed bid construction contract with a general contractor and shall indicate how the County will benefit from using D-B. The request shall also include a written justification that sealed bidding is not practicable and/or fiscally advantageous. These justifications for the use of D-B shall be stated in the Request for Proposals. ~~Approval of or exceptions to this procedure may be granted by the purchasing agent, who is the approving authority for requests to use D-B procedures.-(sentence removed)~~
- 7-5.1.2.b. Sealed Technical Proposals as described in the RFP shall be submitted to the Committee. Separately-sealed Cost Proposals shall be submitted to the County's ~~Virginia Construction Contracting Officer ("VCCO")~~ (replaced with) Purchasing Agent, and shall be secured by and kept sealed until evaluation of the Technical Proposals and the design adjustments are completed.

With no discussion,

**MOTION**

Mrs. Eager moved for the Board of Supervisors to adopt the revised Fluvanna County Design-Build ("D/B") Procedure, being a part of the Procurement Policies and Procedures Manual, effective May 2, 2018. Mr. Weaver seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Burn Building Design/Build Project*—Cyndi Toler, Purchasing Officer requested a change to the Burn Building Project, with respect to the Request for Proposals (RFP) issued in March 2018.

Mrs. Toler provided background:

- March 28, 2018: the County issued a RFP for Design services for the Public Safety Training Facility (aka "Burn Building"). When that RFP closed on April 19, 2018 we received no proposals.
- After speaking with Theresa Hunter from Virginia Department of Fire Programs (who awarded the grant in order to build the training facility), it was decided the best course of action would be for the county to issue a Design/Build solicitation.
- The determining factors are as follows:
  - The building design is based on a prototype developed by the Commonwealth of Virginia Department of Fire Programs, and is therefore reasonably simple and straightforward.
  - The design includes integral equipment which is available as pre-engineered components (e.g. premanufactured burn-room components such as a "kitchen" or a "bedroom").
  - Site development involves no unusual or complicated processes which may require specialized design processes.
  - There are firms which specialize in the design and construction of "Burn Buildings" as a complete or "turn-key" process, which can be expected to allow overall cost and time savings for the project.
- Per the county Procurement Policies and Procedures Manual (pending revision approval on May 2, 2018):
  - 7-3.2. Prior to taking any action, the County shall request authority, in writing and receive approval from the Board of Supervisors, to use a D-B contract. The request shall justify and substantiate that D-B is more advantageous than a competitive sealed bid construction contract with a general contractor and shall indicate how the County will benefit from using D-B. The request shall also include a written justification that sealed bidding is not practicable and/or fiscally advantageous. These justifications for the use of D-B shall be stated in the Request for Proposals.

#### MOTION

Mrs. Booker moved to determine that, for the reasons set forth in the attached written determination, for the construction of the new Public Safety Training Facility, (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous; and to authorize the Chairman to sign the attached written determination. Mr. O'Brien gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Formal Adoption of Regional Natural Hazard Mitigation Plan – 2017 Update*—Debbie Smith, Emergency Services Coordinator & Billie Campbell, TJPDC came before the Board to request a formal Adoption of the Regional Natural Hazard Mitigation Plan. The Thomas Jefferson Planning District Commission (TJPDC) has been working on the five-year update of the Regional Hazard Mitigation Plan over the past two years. Ms. Campbell reminded the Board that Cheryl Elliott, former Emergency Services Coordinator, was a very active member of the Working Group guiding the work. During the process, Ms. Elliott completed the Capacity Assessment for the County and developed the list of mitigation actions for inclusion in the plan. The purpose of the plan is to assist localities in preparing for natural disasters before they occur. An active plan is required in order for localities to have access to Pre-Disaster Hazard Mitigation Assistance Funds and to participate in the Post-Disaster Hazard Mitigation Grant Program. The plan is a requirement under the Mitigation Act of 2000 for localities to be eligible for certain funding opportunities (including the Hazard Mitigation Grant Program (HMGP) which funded the Columbia project). The final version of the 2017 Regional Natural Hazard Mitigation Plan for member localities in the Thomas Jefferson Planning District Commission has been approved by the Federal Emergency Management Agency (FEMA), pending adoption by the localities.

Mrs. Eager questioned the cost of replacing E911 house markers. Mr. Nichols noted that there is a budget placeholder, and that the Fire-Rescue Association is discussing replacing the current E911 signs with a different design, in order to aid visibility for fire and rescue responding to emergencies.

With no further discussion,

#### MOTION

Mrs. Eager moved that the Fluvanna County Board of Supervisors adopt the Resolution entitled "Resolution – Fluvanna County Adoption of the Regional Natural Hazard Mitigation Plan". Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Farm Heritage Museum Amendment #2*—Cyndi Toler, Purchasing Officer brought forward a request to amend the Farm Heritage Museum contract. The Contractor for this project has proposed to cover the interior walls (excluding the ceiling) of the barn with textured T-111 plywood. The contractor "wants to go above and beyond...expectations for this project...We believe this project could be the "Model" of many new Farm Heritage Museum Barns in other counties." The contractor has offered to pay for the materials if the County pays the labor cost of \$7,667; the contractor has further agreed to provide the labor for \$7,000. Justification for this change includes an improved appearance and will make custodial work easier, as there will be no exposed nooks

and crannies between wall studs for dust and dirt to collect. The \$7,000 cost will currently be covered by the Contingency funds that have already been budgeted. The Historical Society has agreed to add this additional cost to the funds it will repay to the county with future donations.

Project Design and Construction	Original Costs	New Costs
Site Plan	\$15,000	\$15,000
Custom Building Plans (paid by Historic Society)	\$2,425	\$2,425
Construction Costs (per IFB low bid)	\$307,114	\$307,114
Addendum 2		\$7,000
Construction Contingency Remaining	\$15,356	\$8,356
<b>TOTAL COSTS/BUDGET</b>	<b>\$339,895</b>	<b>\$339,895</b>

#### MOTION

Mr. O'Brien moved the Board of Supervisors approve the Amendment #2 between Fluvanna County and Fuog/InterBuild, Inc. for the purpose of increasing the scope of work to include covering the interior walls increasing the total contract by \$7,000, and further authorize the County Administrator to execute the agreement subject to the County Attorney revisions for a proper agreement and approval as to form. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

#### **8 – PRESENTATIONS**

*Political District Road Index*—Joyce Pace, Registrar briefed the Board on upcoming potential changes to Fluvanna County voters/tax payers. The Department of Elections has been working to identify street segments with potential Congressional District discrepancies. By using maps and data from the Division of Legislative Services (DLS) & the VA Geographic Information Network (VGIN) ELECT has done an overlay of the 2010 census block data to registered voter data. Historically, voters have been assigned to the precinct/locality where their dwelling is taxed. This decision was based on the definition of Residence in Virginia Code 24.2-101 as well as Virginia Code 24.2-302.2(c), which references Congressional District alignment after a Census.

During this process, 17 addresses in Fluvanna have been identified for review and correction; two of which have been resolved. If, and when, an address is confirmed as belonging to another locality, the voter's registration will be transferred to the other locality for voting purposes only. To aid in the resolution of this issue, the Registrar will contract with Hurt & Proffitt, Inc. (the County's GIS vendors) to provide a Political Road Index Book (Task 1) focused on the select addresses. If required and requested, Hurt & Proffitt, Inc. will produce a Political Road Index Book (Task 2) for the entire county.

- Task 1 - \$800 (within existing budget authority)
- Task 2 - \$3,200 requested from FY18 BOS Contingency

The Board indicated that they would like for Task #2 to be on the May 16, 2018, agenda.

*Construction Waste Containment*—James Newman, Planner presented findings regarding construction site waste and waste containment.

Mr. Newman provided the following highlights:

- No language in County Code requiring either debris/waste containers or toilet facilities on construction sites
- Uncontained debris can spread, posing hazard to citizens
- Human waste can cause serious hazards to health of citizens and animals, and pollute waterways
- Code Officer has received complaints about both issues

Proposed language, should an amendment be desired:

**Sec. 21-1-1A. Same; sites under construction**

In order to prevent the spread of contagious diseases among persons or animals and for the prevention of the pollution of water which is dangerous to the health or lives of persons residing in the County, the owner of every parcel of real property in the County upon which is to be constructed, reconstructed or repaired any building or structure shall provide reasonable facilities for the lawful and sanitary disposal of human excrement for the use of persons engaged in such construction, reconstruction or repair. Such facilities shall comply with all applicable regulations of the Virginia Department of Health and all other applicable law. It shall be sufficient compliance with this section to provide access to approved temporary or permanent sewage disposal facilities within 500 feet of the building or structure which is under construction.

The Board indicated that they would like for Planning staff to move forward with an Ordinance addressing construction site waste containment.

*Social Services Focus Group Report*—Kim Mabe, Director of Social Services provided an overview of a recent focus group study. Social Services contracted with Strumpf Associates to conduct a focus group study with staff in 2017. Strumpf Associates assisted management in developing and carrying out an action plan to address

issues brought up in the focus groups. In addition, Strumpf Associates facilitated a one-day staff retreat in January 2018.

*TJPDC Rural Long Range Transportation Program*---Wood Hudson, TJPDC, presented the Rural Long Range Transportation Plan proposed to be adopted by the PDC in June. TJPDC staff have completed a draft version of the 2040 Rural Long Range Transportation Plan which includes updates to the regional overview, demographics, transportation system, safety, public transportation, freight and inter-regional transit, employer locations (rural), freight generators, travel demand management, land use, bridge sufficiency, and an overall deficiency system.

*FY19 Budget and Health Insurance Update* – Jessica Rice, HR Manager, and Eric Dahl, DCA/Finance Director provided updates on Health Insurance rates for F19.

Mrs. Rice reported on the following:

- FY19 Adopted Budget included:
  - 29% increase over our existing Cigna insurance plans
  - \$435,000 in increased costs (health, dental & vision)
- FY19 Cigna Final Figures
  - FY19 Cigna Medical - 15% increase
    - Total Cost increase of \$228,000 (vs. \$435K)
    - Budget savings of \$207,000
  - FY19 Cigna Dental - 9% increase
  - FY19 Cigna Vision - No Change
- Renewal options received:
  - Cigna (current plan) – Increase of 15% (\$228K)
  - Anthem (The Local Choice) – Increase 29% (\$417K)
  - Anthem (Healthkeepers) – Increase 15% (\$219K)
  - Optima – Declined to quote
  - BPA (Cigna) – Proposal pending
- Staff recommendation:
  - Remain with current Cigna Plan

Mr. Eric Dahl briefed FY19 Budget Options, based on the \$207K in savings from the new FY19 Health Insurance rates.

- FY19 Budget Options (\$207K Savings)
  - Reduce the FY19 Budget by \$207K
    - BOS approves; no public hearing required
  - Leave savings in FY19 budget; will go back to Fund Balance at FY end
  - Use the FY19 \$207K surplus for:
    - Decrease/eliminate Operations cuts\* - \$128K
    - Decrease Use of Fund Balance - \$404K
    - Restore FRA Ops funding cut - \$62K
    - Restore CSA Purchase of Services - \$???
    - Restore key CIP requirements - \$???
  - Other?

Following discussion, Mr. Nichols indicated that the motion to consider where to apply the budget cuts would come before the Board on May 16, 2018.

## **9 - CONSENT AGENDA**

The following items were discussed before approval:

*Temporary Staff Compensation for Additional Duties (Pieno)* – Aaron Spitzer, Parks & Recreation Director

*Temporary Staff Compensation for Additional Duties (Payne)* – Aaron Spitzer, Parks & Recreation Director

The following items were approved under the Consent Agenda for May 2, 2018:

*Minutes of April 4, 2018*—Kelly Belanger Harris, Clerk to the Board

*Minutes of April 11, 2018*—Kelly Belanger Harris, Clerk to the Board

*Staff Project Bonus (Harris)* - Steve Nichols, County Administrator

*Temporary Staff Compensation for Additional Duties (Pieno)* – Aaron Spitzer, Parks & Recreation Director

*Temporary Staff Compensation for Additional Duties (Payne)* – Aaron Spitzer, Parks & Recreation Director

*Staff Performance Raise (Dahl)* - Steve Nichols, County Administrator

*eConnect Direct User Agreement*—Eric Dahl, Deputy County Administrator/Finance Director

*E911 Radio Project: Radio Communications System Use Memorandum of Agreement with Lake*

*Monticello Owners Association and Lake Monticello Police Department*—Cyndi Toler, Purchasing Officer

*Trane U.S., Inc. Energy Performance Contract Addendum 1*—Cyndi Toler, Purchasing Officer

*FY19 CSA Provider Agreement*—Bryan Moeller, CSA Coordinator

MOTION

Mr. Weaver moved to approve the Consent Agenda, for the May 2, 2018 Board of Supervisors meeting.

Mr. O'Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver.

NAY: None. ABSENT: None.

**10 - UNFINISHED BUSINESS**

None.

**11 - NEW BUSINESS**

*Sheriff's Office SRO Grant Request* – Captain Von Hill, Sheriff's Office requested approval to apply for the School Resource Officer/School Security Officer Grant Program. The School Resource Officer/School Security Officer Grant Program is awarded by the Department of Criminal Justice Services. The requested grant will fund a full-time SRO. The Officer will work directly with the Elementary School Principal and other School system administration to promote a safer school environment through proactive efforts with the students and staff. The SRO will assist with safety and crime prevention activities throughout the entire school year, promoting a closer working relationship between students, parents and the Office of the Sheriff. Grant funds will provide fringe and salary for the Officer assigned. The grant provides level funding up to 48 months, upon the submission of an application annually. The grant deadline for submission of an application is May 11, 2018 and there is a local match.

Following minimal discussion,

MOTION

Mr. O'Brien moved the Board of Supervisors approve the application for the School Resource Officer/School Security Officer Grant Program administered by the Department of Criminal Justice

Services. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*FY19 Employee Health Insurance Plan* – Steven M. Nichols, County Administrator, presented the proposed FY19 Employee Health Insurance Plan.

With no discussion,

MOTION

Mrs. Eager moved the Board of Supervisors approve renewal of the Cigna Health Insurance Plan for FY19 with the County covering the proposed medical insurance premium increases and the Employees covering the proposed dental insurance premium increases, as presented. Mr. O'Brien gave second and the motion passed 3-2. AYE: Eager, O'Brien, & Weaver. NAY: Sheridan & Booker. ABSENT: None.

**12 - PUBLIC COMMENTS #2**

At 6:15pm Chair Sheridan opened the second round of Public Comments.

- Bryan Rothamel, updated the Board about former Supervisors Bob Ullenbruch's health. Mr. Ullenbruch has graduated from physical therapy following his heart attack last December and is doing well.

With no one else wishing to speak, Chair Sheridan closed the second round of Public Comments at 6:16pm.

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

At 6:16pm, Mr. O'Brien 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.5, A.7, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Real Estate, Prospective Industry, Litigation, and Legal Matters. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYE: Sheridan, Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: None.

*Chair Sheridan left the Closed Meeting for a School function at 8:00 pm and returned at 8:33 pm, and was subsequently called away for a fire call at 8:59 pm.*

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION

At 9:00pm, Mr. O'Brien 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." Mr. Weaver seconded. The motion carried, with a roll call vote, of 4-0. AYES: Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

**14 - ADJOURN**

**MOTION:**

At 9:00pm Mr. O'Brien moved to adjourn the regular meeting of Wednesday, May 2, 2018 until 6:00pm, Wednesday, May 16, 2018. Mr. Weaver seconded and the motion carried with a vote of 4-0. AYES: Booker, Eager, O'Brien, & Weaver. NAYS: None. ABSENT: Sheridan.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_

Kelly Belanger Harris  
Clerk to the Board

\_\_\_\_\_

John M. Sheridan  
Chair

APPROVED