

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Fluvanna County High School Auditorium  
August 7, 2013, 2:00 pm, Regular Meeting**

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

**ALSO PRESENT:** Steven M. Nichols, County Administrator  
Fred Payne, County Attorney  
Mary Weaver, Clerk to the Board of Supervisors

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

Chairman Kenney called the meeting of Wednesday, August 7, 2013, to order at 2:00 p.m., in the Fluvanna County High School Auditorium in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Kenney called for a moment of silence.

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Public Works Grounds Staff has done a great job mulching the Commissioner of the Revenue and Treasurers Building area to keep residents from slipping on the brick walkways in the rain.
- A free Personal Safety Training will be held on August 17, 2013 at the Fluvanna County High School. Learn ways to protect yourself.
- Working with the Central Virginia Regional Jail to use their Community Inmate Work Force to do possible County maintenance and other jobs that meet the guidelines and intent of the program.
- Working with Comcast to move the County Internet service off the Schools system.
- Fire and Rescue Ordinance is being updated to meet requirements, as well as the spirit and intent of the Fire and Rescue organization.
- The County Administrator and County Attorney met with Louisa counterparts on the possibility of moving the JRWA forward.
- The Zion Crossroads Return on Investment (ROI) Model is back at TJPDC for review.
- Waiting on receipt and legal review of revised Aqua PPEA agreements.
- Public Hearing for Aqua PPEA was canceled due to an advertisement oversight.

Board **directed staff** to advertise the Aqua PPEA Proposal for the September 18, 2013 Board Meeting in the Fluvanna County High School Auditorium.

Board **directed staff** to defer Walkers Ridge Public Hearing to the October 16, 2013 Board Meeting in the Circuit Court Room of the Fluvanna Courts Building.

**PUBLIC COMMENTS #1**

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

- Dennis Holder, Columbia District – addressed the Board in regards to Zion Crossroads Return on Investment Model, its accuracy, and the need for good projections of growth.
- David Harris, Cunningham District – addressed the Board in support of economic development at Zion Crossroads. Found major calculation errors in ROI. I can't support the behavior of the Board the last few days (berating staff, posting premature numbers that were known to be inaccurate). Calls into question everything about process.
- Elizabeth Franklin, Columbia District – requests a copy of the staff analysis and findings on the Zion Crossroads Return on Investment Model. Why have a public hearing without having an ROI to review? Wants county to be known for smart decisions, not dumb ones.

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

**PUBLIC HEARING**

None

**ACTION MATTERS**

**Voluntary Contributions Plan** – Mr. Steven M. Nichols, County Administrator, reviewed with the Board the proposed Voluntary Contributions Program Policy that would allow individuals to make donations to designated County and School programs. Board chose to establish an online option and to include flyers in Real Property Bills to Homeowners onetime with an estimate cost of \$448.65 and readdress in February.

**MOTION:**

**Mr. Ullenbruch moved** to approve the Fluvanna County Voluntary Contributions Policy, effective September 1, 2013. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

EDA Conduit Bond for Benefit of Region Ten – Ms. Barbara Horlacher, Finance Director, addressed the Board in regards to Region Ten using the Economic Development Authority Conduit Bonding power to refinance some of their current debt and rehab their building on Preston Ave in Charlottesville. This requires Board approval because it is the Fluvanna Economic Development Authority.

**MOTION:**

Mr. Weaver moved to approve “A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF FLUVANNA COUNTY, VIRGINIA, OF ITS TAX-EXEMPT REVENUE BOND IN AN AMOUNT NOT TO EXCEED \$7,000,000 FOR THE BENEFIT OF REGION TEN COMMUNITY SERVICES BOARD, INC.” Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

Realign Use of Portion of CIP School Bus Replacement Funds – Ms. Gena C. Keller, Superintendent and Mr. Chuck Winkler, Assistant Superintendent, addressed the Board in regards with this request to realign a portion of the CIP School Bus Replacement Funds to purchase three reliable vehicles to provide services to children with special needs as required by Federal Law.

**MOTION:**

Mrs. Booker moved to approve the use of CIP School Bus Replacement Funds for purchase of three vehicles specifically for transport of Fluvanna County Public School Special needs children – approximately \$36,000.00. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

**PRESENTATIONS**

Library Programs and Funding – Ms. Cyndi Hoffman, Librarian, reviewed with the Board the programs being offered at the Library and the growing participation of those programs. Ms. Hoffman also explained the State Library requires a local operating expenditure of at least 50% of the median state wide local operating expenditures per capita. We’re getting better every year but still not meeting the requirement.

E911 Project Update – Sheriff Ryant Washington reviewed with the Board from the beginning to present the status of the E911 upgrade project. Met the Federal mandate for narrow banding and completed the frequency requirements set by the FCC. Determined Motorola as sole source, justification procedures, and guidelines for communications system. Motorola will look at sites (public and private), address legal process for site acquisition and also put together proposal and prepare contract for staff to review then will be presented to Board for approval. Reviewed where approved telecommunication sites are in the county. The project is moving forward.

Zion Guidebook – Ms. Allyson Finchum, Planning Director, reviewed with the Board the process and focus of putting together the Zion Crossroads Guide Book. Mr. Jay Lindsey, Planner, gave a brief presentation of the contents of the Zion Crossroads Guidebook that is intended to serve as a resource for citizens, property owners, builders and developers who are involved in planning, designing, and building projects within Zion Crossroads.

**CONSENT AGENDA**

The following items were approved under the consent agenda:

**MOTION:**

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

- Minutes from July 17, 2013 as presented.
- Accounts Payable Report.
- FY13 Aid to Localities – State Fire Program.
- Resolution/Secondary Road Addition – South Boston Road (RT 600).

Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

**UNFINISHED BUSINESS**

Davenport Case – Mr. Fred Payne discussed that the Davenport Case will be brought to court to set for trial. Mr. Palais is getting matters ready for the next docket call which will be August 26<sup>th</sup>. Will keep you informed of when the trial date will be.

TJPDC Return on Investment (ROI) – Mr. Weaver discussed his concern about the difference of opinion between staff and TJPDC of the calculations. The Board discussed getting the calculations corrected and releasing the correct ROI to the public.

The Board **directed staff** to post the draft ROI Model versions on the County website.

**NEW BUSINESS**

None

**PUBLIC COMMENTS #2**

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

- Mr. Adrian Miller, Rivanna District – addressed the Board in regards to High School Building, Zion Crossroads Guide Book, Economic Development at Zion Crossroads and the Sales Tax Revenue.
- Mr. David Harris, Cunningham District – addressed the Board in regards to the timeline and errors of the ROI and the email conversations of the ROI that were in the Fluvanna Review. Please keep everything above board, transparent and give accurate raw data so we have good information to make good decisions.
- Mr. Bill Sullivan, Palmyra District – addressed the Board in regards to the Zion Crossroads ROI, opportunity to come together and make the right decision. Address the real concerns; we all want the best for Fluvanna.
- Mr. Dennis Holder, Columbia District – addressed the Board in regards to making assumptions to the Zion Crossroads ROI, suggested using the Walker Ridge data in the table.
- Ms. Elizabeth Franklin, Columbia District – addressed the Board in regards to the Zion Crossroads being released to the public and the Zion Crossroads Guide Book.

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

Mr. Nichols wanted to clarify that there are two parts to the ROI, the calculations and the assumptions. Staff has not made any changes to the assumptions. Once the calculations are correct, the Board and residents will be able to model whatever assumptions they would like.

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

At 4:20 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed session, pursuant to the Virginia Code Section 2.2-3711 A.1, and 2.2-3711A.6 for discussion of Personnel Matters, and Investment of Funds. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

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

At 5:38 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, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

**MOTION:**

At 5:39 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, August 7, 2013, on motion of Mr. Weaver, seconded by Mr. Chesser, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker 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 5:40 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, August 7, 2013. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Mary L. Weaver, Clerk

\_\_\_\_\_  
Shaun V. Kenney, Chairman

A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC  
DEVELOPMENT AUTHORITY OF FLUVANNA COUNTY, VIRGINIA, OF  
ITS TAX-EXEMPT REVENUE BOND IN AN AMOUNT NOT TO EXCEED  
\$7,000,000 FOR THE BENEFIT OF  
REGION TEN COMMUNITY SERVICES BOARD, INC.

WHEREAS, there has been described to the Economic Development Authority of the Fluvanna County, Virginia (the "Fluvanna Authority"), the plans of the Region Ten Community Services Board, Inc. (the "Company"), whose principal place of business is located at 800 Preston Avenue, Charlottesville, Virginia, 22903, for the issuance by the Fluvanna Authority, of its Tax-Exempt Revenue Bond (the "Bonds") in an amount not to exceed \$7,000,000 to assist the Borrower in financing or refinancing, as the case may be, (1) refinancing that certain \$4,711,400 Region Ten Community Services Board, Inc. Taxable Note (Region Ten Project), Series 2006, which was issued by the Industrial Development Authority of the Town of Louisa, Virginia ("Louisa IDA") (the "Series 2006 Note"), (2) financing the costs of construction and equipping of up to 12,000 square feet of additional space at, and further renovation and equipping of other portions of, the Company's existing facility located at 800 Preston Avenue, Charlottesville, Virginia 22903, (3) financing all or a portion of the costs of issuance of the Bonds in permissible amounts, and (4) paying capitalized interest on the Bonds for a period not to exceed one year after the date of issuance of the Bonds. The Series 2006 Note was issued by the Louisa IDA on December 21, 2006 to finance and refinance a portion of the costs of acquisition, construction and equipping of the Company's headquarters facility located at 500, 502, and 504 Old Lynchburg Road, Charlottesville (Albemarle County), Virginia 22901; and

WHEREAS, the above facilities to be financed or refinanced with the proceeds of the Bonds will be owned by the Borrower; and

WHEREAS, a public hearing with respect to the Bonds as required by Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and the Internal Revenue Code of 1986, as amended (the "Code"), was held by the Fluvanna Authority on July 15, 2013; and

WHEREAS, the Fluvanna Authority after such public hearing with respect to the Bonds adopted a resolution (the "Fluvanna Authority Resolution") with respect to the Bonds; and

WHEREAS, the Fluvanna Authority has recommended in the Fluvanna Authority Resolution that the Board take the actions set forth in this resolution; and

WHEREAS, Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code provide that the governing body of the locality on behalf of which the bonds of the Fluvanna Authority are issued must approve financing of the facility as recommended by the Fluvanna Authority; and

WHEREAS, the members of the Board of Supervisors of Fluvanna County, Virginia (the "Fluvanna Board") constitute the highest elected governmental officials of the County; and

WHEREAS, a copy of the Fluvanna Authority Resolution, summaries of the comments made at the public hearing held by the Fluvanna Authority and a fiscal impact statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Board;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Fluvanna Authority to the extent required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, subject to the prior satisfaction by the Fluvanna Authority, the City of Charlottesville, Virginia and Albemarle County, Virginia of all applicable requirements of the Code and the Virginia Code.

2. The approval of the issuance of the Bonds, as required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Borrower or the project being financed and the Bonds shall provide that no political subdivision of the Commonwealth of Virginia, including the County, shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto and neither the faith and credit nor the taxing power of the

Commonwealth of Virginia or any political subdivision thereof, including the County, shall be pledged thereto.

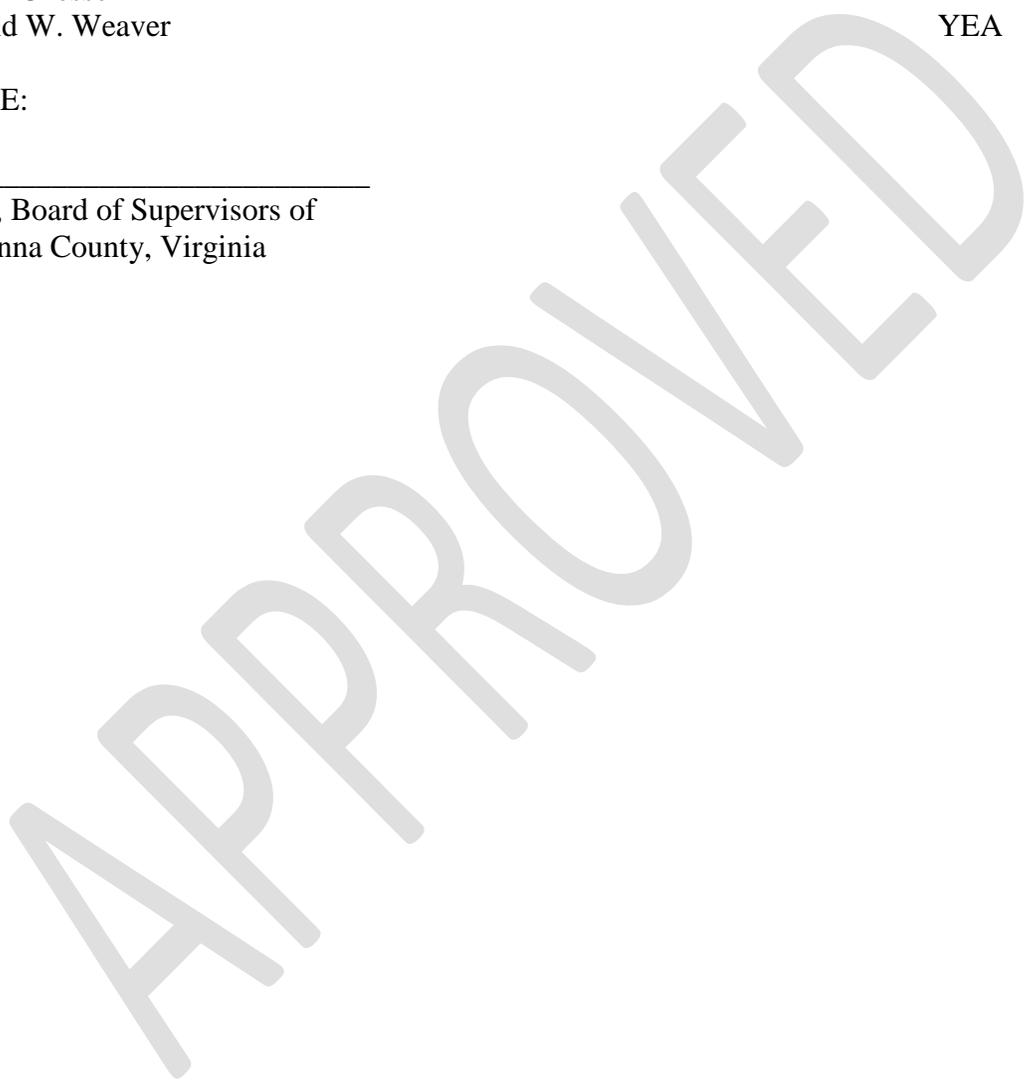
3. The County, including its elected representatives, officers, employees and agents, shall not be liable and all such parties hereby disclaim all liability for any damage to the Borrower, direct or consequential, resulting from the Fluvanna Authority’s failure to issue the Bonds for any reason.

4. This resolution shall take effect immediately upon its adoption.  
Read and Adopted on August 7, 2013, by the following vote:

<u>Board of Supervisors Members</u>	<u>Vote</u>
Shaun V. Kenney, Chairman	YEA
Robert Ullenbruch, Vice Chairman	YEA
Mozell Booker	YEA
Joseph Chesser	YEA
Donald W. Weaver	YEA

TESTE:

\_\_\_\_\_  
Clerk, Board of Supervisors of  
Fluvanna County, Virginia





**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 7<sup>th</sup> 2013, in Palmyra, Virginia, the following action was taken:

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

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

**A RESOLUTION  
Secondary Road Addition – South Boston Road**

**WHEREAS**, the Virginia Department of Transportation has completed project 0600-032-188, C501; and

**WHEREAS**, the project sketch and VDOT Form(s) AM4.3, attached and incorporated herein as part of this resolution, defines adjustments required in the Secondary System of State Highway as a result of construction; and

**NOW, THEREFORE BE IT RESOLVED** this Board request the Virginia Department of Transportation to add the segments identified on the incorporated Form AM4.3 to the Secondary System of State highways, pursuant to §33.1-229, of the Code of Virginia, for which sections this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage; and

**Street Name and/or Route Number**

- South Boston Road, State Route Number 600  
Old Route Number: 0
  - From: .94 mi W of intersection of Rt 600 and Rt 709 (Node G0  
To: .03 miles W to intersection with Rt 53 (Node D), a distance of: 0.03 miles.  
Recordation Reference: N/A  
Right of Way width (feet) = 0

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

12542196v1

Adopted this 7<sup>th</sup> day of August 2013  
by the Fluvanna County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Steven M. Nichols, County Administrator

**In the County of Fluvanna**

By resolution of the governing body adopted August 7, 2013

The following VDOT Form AM-4.1 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): \_\_\_\_\_

**Report of Changes in the Secondary System of State Highways**

Project/Subdivision: 0600-032-180, C501

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: VDOT Project

Pursuant to Code of Virginia Statute: §33.1-229

**Street Name and/or Route Number**

◆ South Buxton Road, State Route Number 600  
Old Route Number: 0

◆ From: .84 mi W of intersection of Rt 600 and Rt 709 (Node G)  
To: .03 miles W to intersection with Rt 53 (Node D), a distance of 0.03 miles.  
Recreation Reference: N/A  
Right of Way width (feet) = 0



