

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
September 4, 2013, 2:00 pm, Regular Meeting**

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

MEMBERS ABSENT: 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, September 4, 2013, to order at 2:00 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.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- Interjurisdictional Agreement between Fluvanna and Louisa moved to the BOS Agenda for Wednesday, September 18, 2013.
- Requested to add Pleasant Grove House Renovation Update to New Business.
- Fluvanna Fire Company 1 (Palmyra) achieved an Insurance Service Office (ISO) higher rating of 8B.
- Annual Staff Recognition Picnic – Thursday, September 19 at 5pm at Pleasant Grove.
- 9/11 Ceremonies – Flag Dedication at 11:30am @ flagpole by Sheriff's Office and Commemoration at the Community 9/11 Memorial, 10 Slice Road at 6pm.
- Thanks to Public Works and Parks and Rec for helping Library move large, donated display units.
- 25 players signed up for U12 Football.
- CVRJ Community Inmate Work Force began August 19th.
- Going Live on Munis version 10.3 on Saturday, September 14th.
- Dirt Pile at Jefferson Centre – build out not complete, can stay there until building is finished.
- Senior Services Planning through Parks & Recreation is underway.
- Voluntary Contributions Update – On website, delay with online payments, should be resolved shortly.
- Fire/Rescue Ordinance Update – briefed Fire and Rescue Association, agreement on goals and direction, working to finalize acceptable language.
- Collaboration with School Administration regarding Playground Inspections.
- Working on potential collaborations with FCPS for discussion during FY15 budget cycle (Vehicle Maintenance and Wastewater treatment Plants).
- Assessment of Carysbrook Wells should be completed by September 30, 2013.
- Schools Brief to BOS – November 6th, 2013, with a budget work session planned for second meeting in January 2014.
- UVA EMS Contract support expected to start on Monday, September 9, 2013.
- LMVFRS received a State Farm Neighborhood Assist Grant to “recruit, train and retain rescue and fire volunteers county-wide.” Emergency Services Coordinator working with ad hoc group to best utilize the funds.
- Proposed BOS Work Session for 6:00 pm, Oct 2, to discuss FUSD, Department of Public Utilities, and Service Districts.
- 2014 BOS Organizational Meeting for January 1st falls on holiday, BOS will reschedule to Wednesday, January 8th.
- County Administrator on Vacation, Sep 7-14; Barbara Horlacher will be Acting.

PUBLIC COMMENTS #1

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

- Jack Ruch, Rivanna District – addressed the Board in regards to his opposition to the Interjurisdictional Agreement Regarding the James River Water Pipeline.
- James Gibson, Columbia District – addressed the Board in regards to his opposition to the Interjurisdictional Agreement Regarding the James River Water Pipeline and the Aqua Virginia PPEA Proposal.
- Kathryn Neeley, General Manager of LMOA, speaking on behalf of President of Board of Directors and to represent 4600+ property owners of Lake Monticello - would like to request the Board hold public hearings before the Interjurisdictional Agreement is signed.
- Leonard Gardner, Rivanna District – addressed the Board in regards to the three different plans for water at Zion Crossroads, JRWA is the most forward thinking plan.

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

PUBLIC HEARING

None

Board moved four presentations to front of agenda.

PRESENTATIONS

VDOT Report– Mr. Joel DeNunzio, Charlottesville Residency Administrator, reviewed with the Board the Rural Rustic Program, Preliminary Engineering, Construction Activities and Traffic Engineering Studies. Mrs. Booker asked to look into speed at curve in Fork Union by the Family Dollar. Mr. Kenney followed up on his previous request for a speed study on Route 6 near Columbia just before you get to bridge.

Fork Union Military Academy Update – Admiral Scott Burhoe, 10th president of the Fork Union Military Academy, reviewed with the Board the current participation of cadets, values, Academy construction and renovation projects, and future plans.

TJPD Regional Legislative Program – Mr. David Blount, Acting Executive Director/Legislative Liaison, reviewed with the Board legislative focus areas including: State Mandates & Funding Obligations, Transportation Funding and Devolution, Education Funding, Land Use and Growth management and CSA. Requested input from Board for the TJPD Regional Legislative Draft and will present to Board in November.

Economic Development Authority Update – Shelley Murphy, Secretary of EDA, Scott Marshall, Chairman, EDA, reviewed with the Board what the Fluvanna EDA is, their mission, key facts, authority granted by the Commonwealth of Virginia, what they are doing, and what they can do.

ACTION MATTERS

Interjurisdictional Agreement Regarding the James River Water Pipeline – Mr. Steve Nichols, County Administrator, discussed with the Board the purpose and provisions of this agreement with Louisa to run a water pipeline from a point on the James River near the Town of Columbia to a point in Louisa County. Mr. Nichols also discussed the proposed route and the parcels (76) that would be affected along with the potential costs. The Board discussed this request in depth. This request has been moved to the BOS Agenda for September 18, 2013.

Professional Engineering Term Contracts – Mr. Joe Rodish, Purchasing Officer, reviewed with the Board this request to approve a Professional Engineering Term Contract to retain three firms (Bowman Consulting Group, LTD, Draper Aden Associates, Inc, and Rummel, Klepper & Kahl, LLP) on contract to use when needed.

MOTION:

Mrs. Booker moved to approve the Professional Engineering Term Contracts for a term on One (1) year and authorize the County Administrator to execute the agreements. Mr. Ullenbruch seconded. The motion carried, with a vote of 4-0. AYES: Kenney, Booker, Ullenbruch and Weaver. NAYS: None. ABSENT: Mr. Chesser.

Courthouse Security & Surveillance Contract – Sheriff Ryant Washington addressed the Board on this request to replace the existing security and camera equipment that was damaged and is unable to be repaired, adding additional equipment that will aid in enhanced surveillance capabilities.

MOTION:

Mr. Weaver moved to approve the Courthouse Security & Surveillance contract and authorized the County Administrator to execute the attached agreement with total cost being \$181,705 with \$65,000 to come from insurance proceeds, approximately \$116,705 from the FY13 Budget and E911 Project, and approximately \$3,900 from the FY13 Budget for contract contingency. Mr. Ullenbruch seconded. The motion carried, with a vote of 4-0. AYES: Kenney, Booker, Ullenbruch and Weaver. NAYS: None. ABSENT: Mr. Chesser.

Initiate Amendments to the Fluvanna County Comprehensive Plan Regarding Extension of Public Utilities – Mr. Jay Lindsey, Long Range Planner addressed with the Board this request to initiate amendments to the Fluvanna County Comprehensive Plan and Zoning Ordinance that could be needed if a water pipeline agreement is approved. Mr. Lindsey reviewed some cases where this was done in other counties. This request was moved to the BOS Agenda for September 18, 2013.

FY13 to FY14 Carryover Requests - Mr. Eric Dahl, Budget Analyst, addressed with the Board this request to carryover the below funds from FY13 to the FY14 budget.

MOTION:

Mr. Ullenbruch moved to approve the FY13 to FY14 carryover requests for:

- A. Board of Supervisors – Davenport Legal Costs \$20,000
- B. Sheriff – CIP Courthouse Security System \$99,726
- C. E911 – CIP Courthouse Security System \$20,326

- D. Animal Control – Deputizing/Training \$15,000
- E. Correction & Detention – BRJDC Debt Payment \$19,000
- F. County Attorney – Legal Costs \$62,000
- G. Emergency Management - EMS Staffing Services Contract \$30,000
- H. Registrar – Voting Equipment \$10,560

reappropriating those FY13 remaining budgets to the FY14 budget. Mrs. Booker seconded. The motion carried, with a vote of 4-0. AYES: Kenney, Booker, Ullenbruch and Weaver. NAYS: None. ABSENT: Mr. Chesser.

Real Property Reassessment Plan – Mr. Mel Sheridan, Commissioner of the Revenue, addressed with the Board this request to consider a scheduled reassessment cycle.

MOTION:

Mr. Ullenbruch moved to authorize staff to prepare a Request for Proposals (RFP) for the conduct of two general reassessments of the real property and improvements within the County with intent that the first become effective as of January 1st, 2015 and the second to become effective on January 1st, 2017. It is intended by this directive that the 2015 reassessment serve as an administrative review of all property focusing on both sales data and any new construction. The 2017 reassessment would return to a full general reassessment with all properties, both existing and new, viewed and photographed. Mrs. Booker seconded. The motion carried, with a vote of 4-0. AYES: Kenney, Booker, Ullenbruch and Weaver. NAYS: None. ABSENT: Mr. Chesser.

PRESENTATIONS (Continued)

Hybrid Disability Plan – Ms. Gail Parrish, Human Resource Manager, reviewed with the Board a third VRS Retirement Plan that was passed by the General Assembly and the options that are available. The Board discussed and Ms. Parrish will bring this request back to the Board for action.

EXTEND MEETING

MOTION:

Mr. Weaver moved to extend the Board of Supervisors meeting to 8:00 p.m. Mr. Ullenbruch seconded. The motion carried with a vote of 4-0. AYES: Kenney, Ullenbruch, Booker and Weaver. NAYS: None. ABSENT: Chesser.

FY15 Budget Calendar – Mrs. Barbara Horlacher, Finance Director, reviewed with the Board the proposed Budget Calendar for the FY15 Budget meetings.

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 August 7, 2013 as presented.
- Accounts Payable Report.
- FY13 4th Quarter Budget Report.
- Revision to the Blue Ridge Juvenile Detention Center Agreement.
- FY14 School Budget Supplement.
- FY14 Clerk of the Circuit Court Budget Supplement.
- FY14 Library State Aid Budget Supplement.
- DMV US DOT Highway Safety Funds Grant Award, Ratify and Accept.

Mr. Ullenbruch seconded. The motion carried, with a vote of 4-0. AYES: Kenney, Booker, Ullenbruch and Weaver. NAYS: None. ABSENT: Chesser.

UNFINISHED BUSINESS

None

NEW BUSINESS

Pleasant Grove Renovation Update – Mr. Wayne Stephens, Public Works Director, updated the Board on the Pleasant Grove Renovation progress and addressed a possible shortfall of funds. Mr. Kenney requested staff contact Ms. Pat Groot at TJPDC for her comments on possible actions to mitigate the additional costs.

PUBLIC COMMENTS #2

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

- Mr. Dennis Holder, Columbia District – addressed the Board in regards to the postponing of the Interjurisdictional Agreement Regarding the James River Water Pipeline, the Palmyra Wastewater Treatment Plant, and the lack of real numbers in the ROI.
- Mr. Bill Sullivan, Palmyra District – addressed the Board in regards to education, the need for water and rebalancing that tax base. Invest in growth and move forward.

- Mr. James Tew, Fork Union District – addressed the Board in regards to need of water and Personal Property rates are too high.
- Mr. Jack Ruch, Rivanna District – addressed the Board in regards to the water agreements being zero advantage for Fluvanna.
- Mr. Tony O’Brien, Rivanna District – addressed the Board in regards to the importance of water, Economic Development and forward thinking.

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

CLOSED SESSION

MOTION TO ENTER INTO A CLOSED MEETING:

At 6:36 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, 2.2-3711A.5 and 2.2-3711A.7 for discussion of Personnel Matters, Property Investment and Legal Matters. Mrs. Booker seconded. The motion carried, with a vote of 4-0. AYES: Kenney, Ullenbruch, Weaver and Booker. NAYS: None. ABSENT: Chesser.

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

At 7:55 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 4-0. AYES: Kenney, Ullenbruch, Weaver and Booker. NAYS: None. ABSENT: Chesser.

MOTION:

At 7:56 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, September 4, 2013, on motion of Mr. Weaver, seconded by Mrs. Booker, and carried by the following vote of 4-0. AYES: Kenney, Ullenbruch, Weaver and Booker. NAYS: None. ABSENT: Chesser.

“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 7:58 p.m., Mr. Ullenbruch moved to adjourn the meeting of Wednesday, September 4, 2013. Mrs. Booker seconded. The motion carried, with a vote of 4-0. AYES: Kenney, Booker, Ullenbruch and Weaver. NAYS: None. ABSENT: Chesser.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Shaun V. Kenney, Chairman

**A RESOLUTION
TO AMEND AND READOPT SECTIONS 3.7 AND 4.1 OF THE SERVICE
AGREEMENT FOR
THE BLUE RIDGE JUVENILE DETENTION COMMISSION**

WHEREAS, the Counties of Albemarle, Culpeper, Fluvanna and Greene and the City of Charlottesville (the “Member Jurisdictions”) have previously created the Blue Ridge Juvenile Detention Commission (“BRJDC” or the “Commission”) and adopted an agreement dated July 1, 1999, and amended July 2, 2007 (the “Service Agreement”) that established their respective rights and obligations regarding the juvenile detention center financed, constructed and operated by BRJDC; and

WHEREAS, the method prescribed by the Service Agreement for allocation of the operating costs of the detention center has required each Member Jurisdiction to prepay a share of those costs at the beginning of each Fiscal Year based on its usage in the preceding year, with that payment then being adjusted at the end of the Fiscal Year to reflect the percentage actually used by each member; and

WHEREAS, each year that method has caused some Member Jurisdictions to have to make supplemental year-end appropriations to cover their obligations to BRJDC; and

WHEREAS, declining numbers of juvenile offenders detained at BRJDC have caused the numbers detained from the Member Jurisdictions to fluctuate more from year to year, making budgeting more difficult and increasing the likelihood that some Member Jurisdictions will have to make such supplemental appropriations; and

WHEREAS, viewed over a longer time the relative usage of the Member Jurisdictions tends to be more stable; and

WHEREAS, the Member Jurisdictions wish to amend the Service Agreement to base the Member Jurisdictions’ relative annual contribution to operating costs in future fiscal years on their respective aggregate percentages of usage during the preceding three years, without making subsequent annual year-end adjustments based on actual usage, now therefore, be it

Resolved by the Blue Ridge Juvenile Detention Commission, the Boards of Supervisors of Albemarle, Culpeper, Fluvanna and Greene Counties and the Council of the City of Charlottesville that:

1. The Service Agreement is amended by amending existing Section 3.7 and 4.1, as follows:

Section 3.7 Annual Budget On or before each December 1, the Commission shall provide to each Member Jurisdiction the Commission’s Annual Budget for the next Fiscal Year, including any proposed capital projects. For each Fiscal Year in which the Detention Center will be in operation, or in which Obligations will be outstanding, such Annual Budget shall set forth the Annual Member Operating Charge, for each Member Jurisdiction, which shall be based upon that Member Jurisdiction’s respective percentage of the total usage of BRJDC by all Member Jurisdictions during the preceding three Fiscal Years. The Commission agrees to set such Annual Member Charges, that are sufficient to generate revenue adequate to pay Net Expenses and to fund any required reserves attributable to the care, maintenance and subsistence of Detainees. The Commission further agrees to revise such Annual Member charges as necessary to offset any non-payment by a Member Jurisdiction or unanticipated material decrease in revenue from the Commonwealth. The Commission also agrees to set, and to revise immediately as necessary to reflect any failure of a Member Jurisdiction to pay in accordance with the provisions of Section 4.1, Annual Member Debt Service Charges for Culpeper, Fluvanna and Greene, likewise based on their respective shares of all Members’ total usage of BRJDC during the three immediately preceding Fiscal Years in amounts sufficient to repay their respective shares of the debt service prepaid by Albemarle and Charlottesville on the Commission’s outstanding Obligations as described in Section 4.1 (a) below.

Within ten days of any revision Annual Member Charges the Commission shall notify each Member Jurisdiction of such revision. Any such revision to the Annual Member Charges will be based on factors affecting BRJDC's revenues or expenditures, including but not limited to changes in assumed or actual occupancy levels, operating expenses, State operating or capital cost reimbursement, and any nonpayment of Annual Member Charges by any Member Jurisdiction or other jurisdiction housing Detainees at the Detention Center. The Commission shall promptly provide copies of any amendments to its Annual Budget to each Member Jurisdiction.

Section 4.1. Payments from Member Jurisdictions.

(a) The objective of this Agreement is to provide the Commission, in each Fiscal Year in which the Detention Center is in operation, with sufficient revenues to fund fully the Commission's Expenses for such year. The Member Jurisdictions have agreed that the operating cost portion of such Expenses will be shared among them in proportion to their respective three prior Fiscal Years' usage of the Detention Center, and to that end have agreed to pay the Annual Member Operating and Debt Service Charges, as described in Sections 3.7 and 4.1(c), for the detainees they commit to the Commission's custody. The Member Jurisdictions have further agreed that the debt service portion of the Commission's expenses will be allocated among the Member Jurisdictions except Albemarle and Charlottesville by billing Culpeper, Fluvanna and Greene the Annual Member Debt Service Charge based on their respective percentages of all Members' total usage during the immediately preceding three Fiscal Years. Albemarle and Charlottesville agree, however, that their share of the debt service will be calculated by applying the payments of Culpeper, Fluvanna and Greene as credits against the debt service Albemarle and Charlottesville have prepaid as set forth in the next paragraph below, crediting 50% to Albemarle and 50% to Charlottesville. Notwithstanding the foregoing, no locality's Annual Member Debt Service Charge shall be less than five percent of total debt service, (the equivalent of usage of 5% of BRJDC's rated capacity of 40 beds.)

To facilitate issuance of the Commission's obligations at the most favorable interest rate, Albemarle and Charlottesville have further agreed to prepay 100% of each Commission debt service payment (divided equally between them) before it becomes due, and thereafter to receive credits, also applied equally, for the Annual Member Debt Service Charges received from other Member Jurisdictions, all in the manner described in Section 4.1(e) below. The net result shall be that Albemarle and Charlottesville each shall pay 50% of the debt service on the Commission's obligations not paid by the other Member Jurisdictions. This Agreement with respect to debt service allocation shall apply to all obligations issued to fund pre-opening and financing expenses, capitalized interest, required initial reserves for operations and debt service, land acquisition, design, construction and equipment of the Detention Center.

(b) Beginning July 1 2014, the Commission shall establish in its Annual Budget for the Fiscal Year, Annual Member Operating Charges for the care, maintenance, transportation and subsistence of Detainees from Member Jurisdictions equal in the aggregate to the Commission's Projected Net Expenses. shall be determined by multiplying Projected Net Expenses (excluding debt service and related payments on Obligations, but including any required deposits to a repair or replacement reserve fund related to such Obligations) for such Fiscal Year by the ratio of each Member Jurisdiction's Detainee Days to the Commission's total Member Jurisdiction Detainee Days during the preceding Three Fiscal Years). The Debt Service Component shall be determined as set forth in paragraph 4.1(a) above.

(c) The Annual Member Operating Charges shall be collected in quarterly installments in advance of each quarter of each Fiscal Year. Such amounts shall be invoiced by the Commission to each Member Jurisdiction by the first day of each quarter of each Fiscal Year and shall be payable no later than the last day of the first month of each quarter..

(d) The Annual Member Debt Sere Charges shall be collected in advance for each quarter of each Fiscal Year. Such amounts shall be invoiced by the Commission to

each Member Jurisdiction by the first day of each quarter of each Fiscal Year and shall be payable no later than the last day of the first month of each quarter. Such advance payments shall be subject to annual adjustments based upon actual usage after the end of each Fiscal Year, as described in Section 4.1(e) below.

(e) Notwithstanding the foregoing paragraph, the prepayments due from Albemarle and Charlottesville in each quarter shall be calculated to total in the aggregate 100% of one quarter of the Commission's annual debt service, allocated 50% to Albemarle and 50% to Charlottesville. The quarterly payments received by the Commission in each quarter from Culpeper, Fluvanna and Greene shall be applied equally against the next quarterly payments due from Albemarle and Charlottesville.

(f) Except for the payment of the Annual Member Operating and Debt Service Charges attributable to the Detainees whom it has actually committed to the Commission, the obligation of each Member Jurisdiction to pay Charges shall be subject to and contingent upon appropriations being made for such purposes by the governing body of such member. Those governing bodies hereby direct their respective chief executive officers to include in their annual budget and appropriation requests to the governing bodies funds sufficient to pay such Charges expected to come due during the Fiscal Year for which such budgets are applicable.

(g) The Commission shall notify all Member Jurisdictions not later than 30 days after any payment due date if a Member Jurisdiction fails to pay any charge when due, and shall pursue with diligence the collection of such past due amount. If not paid when due, the charge shall bear interest at a rate determined by the Commission until paid; however, that this provision shall not apply in instances where Applicable Law prescribes some other due date or late payment charge. The notice shall include a statement of the Commission's intention to adjust the remaining payments due during the Fiscal Year (and thereafter if such default is not cured) from all non-defaulting Members and shall state the amount of the adjusted charge. The adjustment shall be based upon a reallocation of Annual Member Charges to all non-defaulting Members. Upon payment in full of the amount in arrears by the defaulting Member Jurisdiction, the Commission shall readjust Annual Member Charges to pre-default levels and credit all non-defaulting Members in the appropriate amount for any excess payments previously made at the default adjusted rate. The Commission shall make other adjustments as may be necessary to the Annual Member Charges during the Fiscal Year to meet Expenses and to comply with any covenants entered into in connection with any Obligations.

2. These amended sections shall be effective for the Fiscal Year beginning July 1, 2014.