

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Fluvanna County High School Auditorium
September 18, 2013, 7:00 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, September 18, 2013, to order at 7:00 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:

- Recommended the Aqua PPEA Public Hearing be moved before the First Public Comments section.
- Munis 10.3 installation has been completed.
- Social Services staff has been getting prepared to implement the Patient Protection and Affordable Care Act of 2010 effective October 1, 2013.
- Fluvanna County has been awarded the Certificate of Achievement for Excellence in Financial Reporting for the sixth year. This is the highest form of recognition in the area of governmental accounting and financial reporting.
- CSA Retreat – Oct 22nd, 8:30 – 12 noon, at FUMA
- Central Virginia Partnership on Youth, Vendor Fair and Training Day - September 23, 2013.
- Annual County Employee Picnic and Awards Recognition – Thursday, September 19, at Pleasant Grove Pole Barn, Dinner at 5:00pm Awards and Recognitions at 6:00 pm.

PUBLIC HEARING

Aqua PPEA Proposal for Zion Crossroads Water System – Steven M. Nichols, County Administrator, reviewed basic provisions of the Aqua PPEA Proposal. Mr. Shannon Becker, Aqua Virginia President, Rick Fox, Regional President, Bill Davis, Vice-President, Corporate Development, Darwin Satterwhite, Attorney, Dan Siegel, Sands Anderson, PC, Clifton Parker, PE, Director, Corp. Development & Engineering, Tim Castillo, State Operations Manager, and Dr. Bill Kreye, PE, Kreye Blankenship, Inc., applicants for Aqua Virginia, addressed the Board with an overview of the Aqua PPEA and the benefits to Fluvanna County.

Mr. Weaver questioned when the first payment would be due and the amount of water usage required to be used. Mr. Ullenbruch inquired about mandatory hookups being required and questioned why Aqua was not doing this independently. Chairman Kenney asked Mr. Fred Payne, County Attorney, to address his concerns with this proposal. There are five contracts and a number of legal issues remain unresolved with respect to the water pipeline construction and operations and maintenance agreement and the corresponding agreement for the sewer pipeline. Feels there are three unresolved problems; 1. Both contracts are unconstitutional, 2. The contracts are not enforceable, and 3. The contracts are not prudent or in the best interest of Fluvanna County (waterline agreement calls for commitments of 120,000 gallons usage per day). Mr. Payne cannot approve these contracts as to form.

Chairman Kenney opened the floor for the public hearing.

- Amy Taylor, Columbia District – addressed the Board in opposition of the Aqua PPEA Proposal.
- Julius Neelley, Cunningham District – addressed the Board in opposition of the Aqua PPEA Proposal, where is the plan in place for Economic Development.
- James Winsett, Fork Union District – addressed the Board in regards to asking more specific questions before approving this proposal.
- Adrian Miller, Rivanna District – addressed the Board in opposition of the Aqua PPEA Proposal, consider rejecting proposal tonight.
- James C. Gibson, Palmyra District – addressed the Board in opposition of the mandatory hookups in the Aqua PPEA Proposal.
- Rick Kelly, Rivanna District – addressed the Board in opposition of the Aqua PPEA Proposal.

- Jean DeMarco, Cunningham District – addressed the Board in opposition of any proposal that involves Aqua Virginia.
- Sam Patterson, Palmyra District – addressed the Board in regards to Aqua Virginia trying to go around a referendum. In opposition of this proposal, it is reckless and illegal.
- Julia Whiting – Charlottesville Resident, member of Food and Water Watch - addressed the Board in opposition of the Aqua PPEA Proposal.
- Elizabeth Franklin, Columbia District – addressed the Board in opposition of the Aqua PPEA Proposal, we have the cart before the horse.
- Dennis Holder, Columbia District - addressed the Board in opposition of the Aqua PPEA Proposal, admire the thought and time that Mr. Nichols and Mr. Payne have put into review of the proposal.
- Valerie Palamountain, Lake Monticello Board President – addressed the Board with a letter from the Board of Lake Monticello in opposition of the Aqua PPEA Proposal.
- Minor Eager, Palmyra District – addressed the Board in regards to the County having too much debt service. Please reject this proposal.
- Tony O'Brien, Rivanna District – addressed the Board in regards to investing in Economic Development.
- Sue Morris, Columbia District – addressed the Board in regards to not be allowed to vote on this proposal, wait till after the elections so residents can do more research on this proposal.
- Joan Goodenough - addressed the Board in opposition of the Aqua PPEA Proposal.

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

The Board discussed this proposal in depth. Mr. Fred Payne, County Attorney, asked the Board how long and do you want me to continue to try and negotiate this proposal and exactly what do you want me to do? Mr. Weaver asked Mr. Nichols to review his recommendation of this proposal. Mr. Nichols, County Administrator, discussed his concerns on this proposal; don't feel this proposal is a good business deal in its current form, not appropriate for the County. Mr. Ullenbruch spoke in opposition of this request. Mr. Kenney spoke in favor of this request to pursue Economic Development. Mr. Weaver spoke in opposition of this request. Mr. Chesser spoke in regards to pursuing Infrastructure and Economic Growth, but will not approve if legal issues are not resolved. Mrs. Booker spoke in regards to the need of infrastructure now.

MOTION:

Mr. Chesser moved the Board of Supervisors defer action on the "Unsolicited PPEA Proposal from Aqua Virginia, Inc., to Provide Water Service and a Sewer Collection System to Zion Crossroads" for at least 30 days. Mrs. Booker seconded. The motion carried, with a vote of 3-2. AYES: Kenney, Booker, and Chesser. NAYS: Ullenbruch and Weaver. ABSENT: None.

Board Recessed at 10:14pm.

Board Reconvened at 10:32pm.

PUBLIC COMMENTS #1

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

- William E. Quarles, Jr. – introduced himself to the Board as candidate for the House 65th District seat.
- Doug Wylie, Columbia District – addressed the Board in opposition to the Interjurisdictional Agreement regarding the James River Water Pipeline.
- George O'Malley, Palmyra District – addressed the Board for Sean O'Malley, Palmyra District resident who could not attend. Read letter in opposition of Aqua Virginia PPEA and Interjurisdictional Agreement regarding the James River Water Pipeline.
- Elizabeth Franklin, Columbia District – addressed the Board in regards not making a decision on the Interjurisdictional Agreement without a public hearing first. Do what's best for Fluvanna not Louisa.
- Lindsay Nolting, Fork Union District - addressed the Board in regards to who's its jurisdiction and who is using imminent domain.
- Dennis Holder, Columbia District - addressed the Board in opposition to the Interjurisdictional Agreement regarding the James River Water Pipeline. The Boards legacy will be Economic Development for Louisa County.

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

PRESENTATIONS

None

EXTEND MEETING

MOTION:

Mr. Weaver moved to extend the Board of Supervisors meeting to 12:00 a.m. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Chesser and Weaver. NAYS: None. ABSENT: None.

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. Capital Costs and Fixed O&M Costs would be split 50/50, Variable O&M Costs would be split proportionally according to flow. Fluvanna would pay 100% for Fluvanna pipeline and incremental costs to additions to Louisa Pipeline if Fluvanna chose to make any. Louisa would pay 100% of the Louisa pipeline. The Comprehensive Plan would need to be amended to reflect the James River Pipeline if this agreement is approved. The Board expressed concerns about the easements. Mr. Payne, County Attorney, explained the process of who would obtain them and they would run along the Colonial Gas Line already in place. Mr. Weaver and Mr. Chesser asked to negotiate the agreement to have Louisa fund, design, and construct a T-connection for the benefit of Fluvanna. The Board discussed.

MOTION:

Mrs. Booker moved the Board of Supervisors approve, “an agreement between Louisa County, Virginia, Fluvanna County, Virginia, the Louisa County Water Authority, and the James River Water Authority regarding the James River water pipeline” subject to revision of Section 1.1(b)i to provide for Louisa to fund, design, and construct a T-connection along the Louisa pipeline for the benefit of Fluvanna. Mr. Chesser seconded. The motion carried, with a vote of 3-2. AYES: Kenney, Booker, and Chesser. NAYS: Ullenbruch and Weaver. ABSENT: None.

Initiate Amendments to the Fluvanna County Comprehensive Plan Regarding Extension of Public Utilities – Mrs. Allyson Finchum, Planning Director, 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.

MOTION:

Mr. Chesser moved the Board of Supervisors direct the Planning Commission to initiate a Comprehensive Plan Amendment regarding extension of major utilities. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

EST 13:01, Central Meadows, LLC – Conservation Easement – Mrs. Allyson Finchum, Planning Director, addressed the Board with this request for a conservation easement with respect to 665.86 acres of Tax Map (22-A-7, 22-A-42, 22-A-43, 22-3-2 and 22-3-3)

MOTION:

Mr. Chesser moved approve EST 13:01 with respect to 665.86 acres of Tax Map (22-A-7), (22-A-42), (22-A-43), (22-3-2) and (22-3-3), [if approved], subject to the property restrictions listed in the staff report, the Deed of Easement being subject to approval as to form by the County Attorney. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

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

- Minutes from September 4, 2013 as presented.
- VITA Wireless E-911 PSAP Education Program Grant Award, Ratify and Accept.
- VITA Wireless E-911 WEP Enhancement Program Grant Award, Ratify and Accept.

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

UNFINISHED BUSINESS

None

NEW BUSINESS

The Board **directed staff** to develop a policy for use of county vehicles.

PUBLIC COMMENTS #2

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

- Elizabeth Franklin, Columbia District – Thanked Mr. Mike Clark for putting Central Meadows in a Conservation Easement.

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

CLOSED SESSION

None

ADJOURN

MOTION:

At 11:58 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, September 18, 2013. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Shaun V. Kenney, Chairman

APPROVED