

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
July 02, 2014, 4:00 pm**

**MEMBERS PRESENT:** Mozell Booker, Chairperson  
Bob Ullenbruch, Vice-Chairperson  
Donald W. Weaver  
Mike Sheridan  
Tony O'Brien

**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**

Chairperson Booker called the meeting of Wednesday, July 02, 2014, to order at 4:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairperson Booker called for a moment of silence.

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Had a successful BBQ, Bands, and Brews sponsored by Fluvanna County Chamber of Commerce on Saturday, June 28, 2014.
- Completed Meals on Wheels Ride Around, great volunteer-led program.
- Library summer events going well, great turn out.
- Great visit on June 30<sup>th</sup> by the Honorable Maurice Jones, Secretary of Commerce and Trade for the Commonwealth of Virginia
- County Administrator selected as Vice Chairman of the Central Virginia Partnership for Economic Development (CVPED)
- Chairman Booker and County Administrator spoke at the Chamber Breakfast on a variety of topics.
- Barking dog complaints in the County, 295 were received from Lake Monticello area and 6 from other areas in the county over the past FY14.
- Would like to move the Accounts Payable report to the second meeting of the month to allow for a full month of transactions, starting in September
- Emergency Services Coordinator invited to observe the VOPEX14 exercise on Tuesday, July 8<sup>th</sup> at the Virginia EOC in Richmond.
- Fork Union Streetscape Update, contract completion 150 days after construction begins approximately beginning of 2015.
- Pleasant Grove House Construction, final completion expected for September 25, 2014.
- Pleasant Grove Interpretive Plan Exhibits, Final installation approximately October 3, 2014.
- Pleasant Grove Amphitheatre, No date set.
- Upcoming meetings
  - Wednesday, July 16, 2014 – 7:00 pm, Regular Meeting

**PUBLIC COMMENTS #1**

Chairperson Booker opened the floor for the first round of public comments.

- Roman Bakke, Cunningham District – addressed the Board in regards to his interest in being selected for the Finance Board. Offers a perspective from a private industry point of view.
- Dr. Fred Lang, Cunningham District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board. Believes in continued education and would like to serve senior citizens by providing services and helping retrain them.
- Rudy Garcia, Fork Union District – addressed the Board in regards to his interest in being selected for the Finance Board. Extensive experience working on Boards, Commissions, and Committees. Compelled to give back to county in a good way.
- Richard Payne, Rivanna District – addressed the Board in regards to his interest in being selected for the Finance Board. Important to preserve taxpayers money yet earn appropriate interest while holding it in our trust, ensure transparency.
- Dr. Frank Gallo, Palmyra District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board. Has two areas of experience, taught several years at PVCC and lived in area for 45 years. Would like to seek revenue from non-governmental sources.
- Dan Nunziato, Cunningham District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board.
- Melissa Kenney, Columbia District – addressed the Board in regards to the disestablishment of the Town of Columbia, would like the request postponed.
- Dr. Taj'ullah Sky Lark, Columbia District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board. Offers 32 years of experience in education, diversity of expertise in education.
- Paul Brady, Albemarle County, Town of Columbia property owner – addressed the Board in regards to the disestablishment of the Town of Columbia; feels the past and present Town Councils dropped the ball.

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

**PUBLIC HEARING**

Fork Union Sanitary District (FUSD) Ordinance Amendment/Rates Change – Mr. Wayne Stephens, Public Works Director, addressed the Board in regards to this request to change the FUSD rates. Mr. Ullenbruch expressed that this is only a band-aid to the issue.

Chairperson Booker opened the floor for the Public Hearing.

With no one wishing to speak Chairperson Booker closed the Public Hearing.

The Board questioned if a past offer to buy FUSD came to the Board. Mr. Weaver challenged if the offer came to the Board. The Board discussed when the rates should take effect and how often rates should be increased.

**MOTION:**

Mr. Ullenbruch moved that the Board of Supervisors amend Section 9-2-2 of the County Code regarding charges for water consumption on the FUSD water system as below, effective August 1, 2014:

~~\$21.00~~ ~~\$17.76~~ for first 2,000 gallons (minimum charge);

~~\$11.00~~ ~~\$8.88~~ for each 1,000 gallons up to 300,000 gallons;

~~\$11.00~~ ~~\$4.57~~ for each 1,000 gallons above 300,000 gallons.

Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Board **directed staff** to set process to evaluate Fork Union Sanitary District rates every two years.

**ACTION MATTERS**

Resolution to Support the Disestablishment of the Town of Columbia – Ms. Jessica Phillips, Attorney on behalf of the Town of Columbia, addressed the Board in regards to this request to abandon the Town Charter for the Town of Columbia and the steps required to have a referendum in November 2014. It is unclear who owns the Town Hall. The disestablishment of the Town of Columbia is ultimately up to the Town residents. John Hammond, Mayor of the Town of Columbia, believes this is the consensus of the residents. Mr. Fred Payne, County Attorney, discussed that there are some very serious legal issues that have not been addressed, would be a major effort to get Town up to date along with funding. Mr. Weaver expressed his disappointment on the process of informing the town of this request.

**MOTION:**

Mr. Sheridan moved to approve the Resolution entitled, "AGREEMENT FOR TRANSFER AND ASSUMPTION OF CERTAIN ASSETS AND INDEBTEDNESS" to support the disestablishment of the Town of Columbia. Mr. O'Brien seconded. The motion carried, with a vote of 4-1. AYES: Booker, Sheridan, O'Brien and Weaver. NAYS: Ullenbruch. ABSENT: None.

Adoption of Memorandum of Understanding (MOU) between Fluvanna County Parks and Recreation and the Jefferson Area Board for Aging (JABA) – Mr. Jason Smith, Parks and Recreation Director, addressed the Board with this request in regards to this agreement with JABA to ensure the meals provided by JABA for the Senior Center are handled correctly. Chairman Booker apologized for not informing the Board that this was going to be put back on the agenda because it was not voted on at the last meeting.

**MOTION:**

Mr. Sheridan moved to adopt the Memorandum of Understanding between Fluvanna County Parks and Recreation and the Jefferson Area Board for Aging for nutritional services in support of Fluvanna County Senior Center operations, and authorize the County Administrator to execute the agreement, subject to approval as to form by the County Attorney. Mr. O'Brien seconded. The motion carried, with a vote of 4-1. AYES: Booker, Sheridan, Ullenbruch and O'Brien. NAYS: Weaver. ABSENT: None.

Update Grievance Procedure Policy – Ms. Gail Parrish, Human Resources Manager, addressed the Board with this request in regards to updating the Grievance Procedure Policy to bring into compliance with the state code 63.2-219 by including Directors.

**MOTION:**

Mr. Ullenbruch moved to adopt and approve the July 2, 2014 amended Fluvanna County Grievance Procedure Policy pursuant to VA Code 63.2-219 and 15.2-1507. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

FY14 Department of Social Services Share of the Cost Allocation Funds – Mr. Eric Dahl, Director of Finance, addressed the Board with this request in regards to a Cost Allocation Plan (CAP) for the purpose of accounting for the indirect overhead costs the County incurs for the Department of Social Services.

**MOTION:**

Mr. Weaver moved the Board of Supervisors approve a supplemental appropriation to the General Fund in the amount of \$18,588.11 to reflect the annual cost allocation payment to Social Services Special Welfare Fund. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Piedmont Workforce Investment Board, Business Member Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Business Member Position for the Piedmont Workforce Investment Board.

**MOTION:**

Mr. Ullenbruch moved to appoint Chadwick R. Taberner to the Piedmont Workforce Investment Board, Business Member Position, with a term to begin immediately and to terminate June 30,

2015. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Fluvanna Partnership for Aging, Columbia Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Columbia Position for the Fluvanna Partnership for Aging.

**MOTION:**

Mr. Ullenbruch moved to appoint Nikki A. Sheridan to the Fluvanna Partnership for Aging, Columbia Position, with a term to begin immediately and to terminate December 31, 2014. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Piedmont Virginia Community College (PVCC) Board, At-Large Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the At-Large Position for the PVCC Board. The Board discussed the candidates that applied.

**MOTION:**

Mr. Weaver moved to appoint Dr. Frank Gallo to the Piedmont Virginia Community College (PVCC) Board, At-Large Position, with a term to begin immediately and to terminate June 30, 2018. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Finance Board, Citizen Representative Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Citizen Representative Position for the Finance Board. The Board discussed the candidates that applied.

**MOTION:**

Mr. O'Brien moved to appoint Rudy Garcia to the Finance Board, Citizen Representative Position, with a term to begin immediately and to terminate June 30, 2018. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Central Virginia Jail Board, At-Large Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the At-Large Position for the Central Virginia Jail Board.

**MOTION:**

Mr. Weaver moved to appoint Supervisor Ullenbruch to the Central Virginia Jail Board, At-Large Position, with a term to begin immediately and to terminate June 30, 2015. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

**PRESENTATIONS**

Staff Update of Special Use Permits – Mr. Steven Tugwell, Senior Planner, presented to the Board the status of Special Use Permits, specifically Cellular Towers.

Three towers approved and constructed, SUP 11:01, 11:06, & 12:04.

One approved, over two years old, not constructed, SUP 11:03.

Four approved, over 18 months old, not constructed, SUP 12:01, 12:02, 12:03 & 12:07.

Three new applications submitted to Planning on July 1, 2014, SUP 14:05, 14:06 & 14:07.

Board requested staff to go forward with expiration of the four towers, SUP 12:01, 12:02, 12:03, 12:07 and begin proceedings with SUP 11:03 according to county code.

Proposed Fluvanna Christian Service Society (FCSS) Food Bank Building – Mr. Wayne Stephens, Public Works Director, reviewed with the Board the desire for Fluvanna Christian Service Society (FCSS) to build a new pantry to replace the two existing buildings that currently house non-perishable items. FCSS will raise the funds and there will be no cost to the county. Staff is looking for consensus to move forward and present an agreement for action. The Board asked the staff to move forward with this.

**CONSENT AGENDA**

The following items were approved under the consent agenda:

**MOTION:**

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

- Minutes of June 18, 2014.
- Accounts Payable Report, \$1,470,193.24.
- Addendum to UVa Employee Leasing & Medical Direction Agreement.
- Capital Reserve Maintenance Fund Request/Asbestos Abatement and Air Tests, Central Elementary, \$3,100.00
- Capital Reserve Maintenance Fund Request/New Carpet for Music Room, Carysbrook Elementary, \$3,520.00

Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

**UNFINISHED BUSINESS**

Mr. Ullenbruch inquired about the animal control program and the amount of calls per year. Sheriff Hess explained that he was looking at just one category of calls. In the first six months of the year they have answered 920 calls for service. Lake Monticello officers are not trained to handle Animal Control calls.

**NEW BUSINESS**

None.

**PUBLIC COMMENTS #2**

Chairperson Booker opened the floor for the second round of public comments.

- Frank Gallo, Palmyra District – Thanked the Board for the confidence of appointment to the Piedmont Virginia Community College Board.

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

**CLOSED MEETING**

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

At 7:32 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the Virginia Code Section 2.2-3711A.5 and 2.2-3711A.7 for discussion of Prospective Industry and Legal Matters. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O’Brien and Weaver. NAYS: None. ABSENT: None.

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

At 7:58 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session and **“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.” Mr. Sheridan seconded. The motion carried, with a roll call vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O’Brien and Weaver. NAYS: None. ABSENT: None.

**ADJOURN**

**MOTION:**

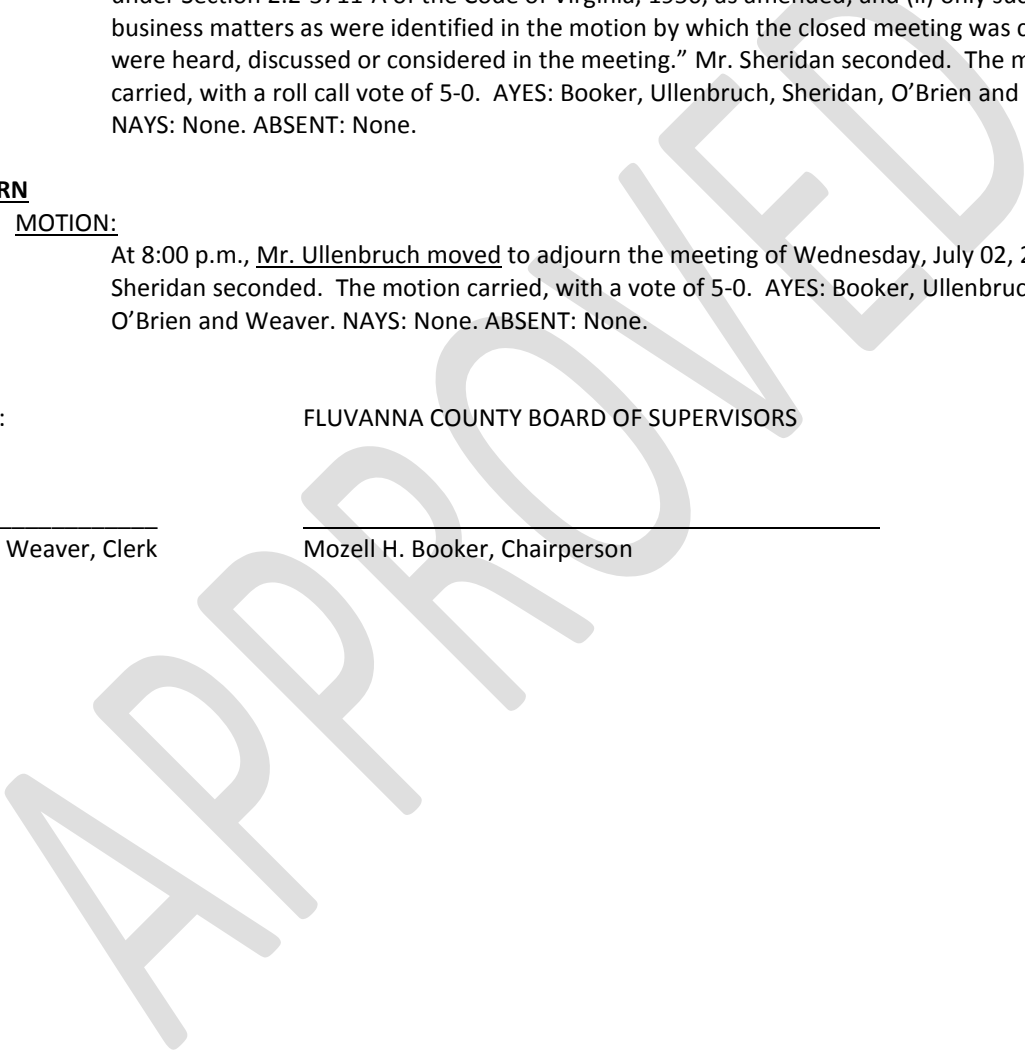
At 8:00 p.m., Mr. Ullenbruch moved to adjourn the meeting of Wednesday, July 02, 2014. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O’Brien and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

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

\_\_\_\_\_  
Mozell H. Booker, Chairperson



**AN ORDINANCE TO AMEND SECTION 9-2-2 OF THE COUNTY CODE TO INCREASE THE MONTHLY CHARGES FOR WATER CONSUMPTION FROM THE PUBLIC WATER SUPPLY SYSTEM OF THE FORK UNION SANITARY DISTRICT**

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS that the County Code be, and it is hereby, amended in Chapter 9, Section 9-2-2, as follows:

**Sec. 9-2-2. Schedule of consumption charges.**

The monthly charges for water consumption shall be in accordance with the following schedule:

~~\$21.00~~ ~~\$17.76~~ for first 2,000 gallons (minimum charge);  
~~\$11.00~~ ~~\$8.88~~ for each 1,000 gallons up to 300,000 gallons;  
~~\$11.00~~ ~~\$4.57~~ for each 1,000 gallons above 300,000 gallons.

In addition to the foregoing, during the existence of any water emergency which has been declared by the governing body in accordance with Sec. 9-2-12 of this Code, each and every charge for water consumption shall be subject to a surcharge of 10%. Such surcharge shall be calculated by multiplying the rates stated above by 110%. Such surcharge shall apply at the beginning of the regular billing period next succeeding the adoption of this section or the declaration of such emergency condition, whichever shall last occur. Such surcharge shall cease to apply at the end of the regular billing period which is nearest to, but not later than, 60 days after the governing body shall have declared such water emergency to be at an end.

(Min. Bk. 6, pp. 321, 445; Min. Bk. 7, p. 92; Comp. 1974, ch. 10; Ord. 11-3-80; Ord. 7-15-86; Ord 5-21-97, Ord. 7-15-98; Ord. 11-28-01; Ord. 11-20-02; Ord. 06-21-06; Ord. 5-5-10)

**AGREEMENT FOR TRANSFER AND ASSUMPTION OF CERTAIN ASSETS AND  
INDEBTEDNESS**

This agreement, made as of the 2<sup>nd</sup> day of July, 2014, by and between the **TOWN COUNCIL OF THE TOWN OF COLUMBIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (“the Town”), of the first part; and the **BOARD OF SUPERVISORS OF COUNTY OF FLUVANNA**, a political subdivision of the Commonwealth of Virginia, (“the County”);

WITNESSETH:

WHEREAS the Town is a municipal corporation located within the limits of the County; and

WHEREAS the Town desires to initiate proceedings for the annulment and repealer of the Town charter in accordance with Virginia Code Title 15.2, Subtitle III, Chapter 37 (Sec. 15.2-3700, *ff.*; and

WHEREAS the Town and the County believe that the citizens of the Town and the County will best be served by such annulment and repealer; and

WHEREAS the Town intends to propose an ordinance providing for a referendum on the question of whether the Town Charter should be repealed; and

WHEREAS the Town and the County wish to enter into an agreement to facilitate such annulment and repealer pursuant to Virginia Code Sec. 15.2-3701;

NOW THEREFORE, for and in consideration of the premises, the Town and the County hereby agree as follows:

1. **Ordinance requesting referendum:** The Town agrees that it will propose an ordinance petitioning the Circuit Court for an order requiring a referendum on the question of whether the Town charter shall be annulled and repealed.

2. **Transfer of revenues, services, facilities and other assets:** The Town agrees to transfer all of its revenues, services, facilities (including real and personal property, including without limitation the interest of the public in and to the public streets within the Town) and other assets unto the County, effective upon the annulment of the Town charter. The County agrees to accept the same and to assume all of the Town’s indebtedness, bonded and otherwise. The foregoing notwithstanding, prior to the annulment of the Town charter, the Town shall have the right to convey to a third party, either with or without consideration, a certain parcel of real property commonly known as the Town Hall, located at 40 Washington Street, Columbia, Virginia and also known as Tax Map Parcel 54A-1-61B, and shall have no duty to account to the County for such conveyance; provided, however, that such conveyance shall not create or continue an indebtedness or obligation which may thereafter be binding upon the County. This conveyance may occur only if the Town can resolve the outstanding question regarding the chain of title and fee simple ownership of the Town Hall by the Town. If the Town cannot resolve that question and cannot verify by the proper official records that it is the fee simple owner of the Town Hall, the Town cannot make said conveyance. Further, the Town could not claim the Town Hall as an asset to be transferred to the County per this agreement. As of the date hereof, the assets of the Town are listed on Exhibit 1 hereto. To the best of the knowledge and belief of the parties, the Town has no debt as of the date hereof. Notwithstanding the listing of assets and indebtedness listed herein, the parties intend that the Town will transfer to the County all of its assets, subject to the hereinabove described conveyance of the Town Hall and of the payment of the expenses, including but not limited to reasonable and necessary costs and attorneys’ fees; and the County intends to assume all indebtedness, whenever and however acquired, in existence upon the effective date of the annulment of the Town charter.

3. **Agreement for the provision of planning and other services:** Pending the annulment and repealer of the Town charter, the County shall continue to provide to the Town certain services, including, but not limited to, the services of the director of planning and development; of the building official; of other officers and employees of the County; and of the planning commission, as provided by certain existing agreements between the Town and the County, as may be appropriate to ensure efficient service to the citizens of the Town as well as the County. Upon the effective date of the annulment of the Town charter, the County shall agree to assume any and all necessary maintenance and costs for operation of the street lights located within the limits of the Town.

4. **Recordation of agreement:** The County may provide for the recordation of this agreement before, at or subsequent to the effective date of the annulment and repealer of the Town charter in order to perfect the transfer and assumption of the assets and indebtedness of the Town, all as provided by Virginia Code Sec. 15.2-3708.

In witness whereof, the Town and the County have caused this agreement to be signed by their respective duly authorized agents.

TOWN OF COLUMBIA

COUNTY OF FLUVANNA

BY \_\_\_\_\_  
Mayor

BY \_\_\_\_\_  
Chairperson of the Board of Supervisors

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

EXHIBIT 1 – ASSETS OF THE TOWN OF COLUMBIA

REAL PROPERTY:

Town Hall - 40 Washington Street, Columbia, VA (Tax Map Parcel 54A-1-61B)

\*Subject to provisions of Paragraph 2 of this agreement. At this time it is not known whether the Town owns this property, and there is no recorded document or other title document that evidences that the Town does own this property. Further research is ongoing.

PERSONAL PROPERTY:

Capital One Bank Account: \$15,796.41

Bank of Essex Account: \$50,681.33

\*\$10,000.00 previously allocated for participation in approved FEMA grant

\*\*\$10,000.00 currently in dispute regarding fire funds from 2002

