

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
December 17, 2014
Work Session 4:00 pm
Regular Meeting 7:00 pm

MEMBERS PRESENT:

Mozell Booker, Fork Union District, Chairperson
 Bob Ullenbruch, Palmyra District, Vice-Chairperson
 Donald W. Weaver, Cunningham District
 Tony O'Brien, Rivanna District (*Arrived at 4:02 pm*)
 Mike Sheridan, Columbia District (*Arrived at 4:13 pm*)

ALSO PRESENT:

Steven M. Nichols, County Administrator
 Fred Payne, County Attorney
 Wayne Stephens, Public Works Director/County Engineer
 Robert Popowicz, Community Development Director
 Eric Dahl, Finance Director
 Kelly Belanger Harris, Clerk to the Board of Supervisors

WORK SESSION**CALL TO ORDER**

Chairperson Booker called the Work Session meeting of Wednesday, December 17, 2014, to order at 4:00 pm, in the Circuit Courtroom in Palmyra, Virginia. After the Pledge of Allegiance was recited, Chairperson Booker called for a moment of silence.

Chairperson Booker welcomed representatives from RK&K, Mr. Jeff Kapinos, Senior Manager, Municipal Engineering, Mr. Malachi Mills, and Mr. Ryan Delo. Mr. Kapinos presented a comprehensive overview of Water and Wastewater Service options to the Zion Crossroads Community Planning Area. The presentation and resultant discussion focused on water source options, wastewater treatment options, demand projections, and water and wastewater system layout possibilities. Mr. Kapinos then offered preliminary recommendations for proceeding with water systems and wastewater treatment systems.

Mr. Kapinos indicated that a Draft report would be provided to the Board on January 15, 2015 with a final arriving on or before March 1, 2015. Supervisor comments and feedback received between January 15 and March 1, 2015 would be incorporated into the final study.

At 5:34, Chairperson Booker thanked the work session participants and recessed for dinner.

RECESS FOR DINNER**RECONVENE FOR REGULAR MEETING****CALL TO ORDER**

Chairperson Booker called the Regular Meeting of Wednesday, December 17, 2014, to order at 7:00 pm, in the Circuit Courtroom in Palmyra, Virginia. After the Pledge of Allegiance was recited, Chairperson Booker called for a moment of silence.

ADOPTION OF AGENDA**MOTION**

Mr. Weaver moved to accept the Agenda for the December 17, 2014 Regular Meeting of the Board of Supervisors.
Mr. Ullenbruch seconded and the Agenda was adopted with a vote of 5-0. AYES: Booker, O'Brien, Sheridan, Ullenbruch, & Weaver. NAYS: None. Absent: O'Brien, Sheridan.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- Cheryl Wilkins, Emergency Services Coordinator
 - Last year FEMA requested a review of the February 2010 Winter Snowstorm public assistance request. Original request was for \$106,514; Received \$36,880 in 2012.
 - Upon further review, Ms. Wilkins identified an additional \$25,000 in personnel, equipment, and materials costs, raising total request to \$131,767.
 - On December 3, 2014, FEMA approved an additional \$89,340.49.
- More satisfied customers at the Clerk of the Circuit Court's Office
 - Letter complementing staff - Sandra Parrish, Kathy Allen, Trista Larson
 - Letter from an Attorney's Office - "You have some of the nicest, most helpful clerks I have ever met."
- Market Fluvanna Contest
 - Awards Gala, Saturday, January 24th, High School Auditorium
 - Art Exhibit and Dessert Reception – 5:00-6:00 pm
 - Awards Gala - 6:00 to 8:00 pm
- Market Fluvanna Campaign has two contests:
 - I Love Fluvanna Contest (no pre-registration required)
 - Business Promo Challenge – has 10 pre-registered competitor teams

- All entries are due January 9th, with judging happening following week.
- Awards for I Love Fluvanna - Chamber of Commerce and local businesses are sponsoring 7 division awards, 3 Category Awards, and Grand Prizes (total value of \$1,620)
- Awards for Business Promo Challenge - EDA sponsoring 4 technical awards and grand prize (total value of \$2,500)
- Red Rocker Candy was chosen as the "Made in the South" featured business in the December 2014 issue of *Cooking with Paula Deen*. The magazine article highlighted three products developed by Sue Charney for her Fluvanna County company: Rocking Chair Mix®, Cashew Toffee with White Chocolate, and Peppermint Bark.
- Proposed Roundabout at the Intersection of Rt. 53 (Thomas Jefferson Parkway) and US Rt. 15 (James Madison Highway)
 - VDOT will hold an informal open house, public meeting to allow citizens the opportunity to view plans for the project, at Fluvanna County Public Library, Thursday, January 15, 2015, from 4:30 – 6:30pm
 - VDOT representatives will be on hand to answer questions, but will not give a formal presentation.
 - *Incident weather date will be Thursday, January 22, 2015, at the same time and location.*
- FY15 Reduction in State Aid to Localities
 - Reduction options:
 - Designate the reductions be withheld from the payments for one or more of the programs.
 - Make a reimbursement payment directly to the Commonwealth for the full amount of your locality's reduction.
 - Choose a combination of program reductions and a reimbursement payment to the Commonwealth.
 - Any direct payment to the Commonwealth for all or a portion of the locality's share (#2 or #3) must be made by 12/31/14

In response to impromptu discussion regarding these options for responding to the reduction,

MOTION

Mr. O'Brien moved that we take the \$59,514.00 from the FY15 CSA account to cover the FY15 Reduction in State Aid to Localities. Mr. Weaver seconded and the motion passed, 5-0. AYE: Booker, O'Brien, Sheridan, Ullenbruch, Weaver. NAYS: None. ABSTAIN: None.

- Annual Report to the Citizens
 - Final Draft provided by Mr. Nichols to Supervisors for review
 - Expected release in January 2015
 - Website
 - FAN Mail link
 - Hard copies (~500)

BOARD OF SUPERVISORS UPDATE

Sheridan—Was not able to attend the Columbia Task Force meeting on Friday, December 12, 2014. Met with Andy Sorrell, State Ag Dept., and Mr. Russell Jennings, High School Ag Teacher, to talk about County Fair Committee, the possibility of stocking Pleasant Grove with quail, and starting a working/teaching farm at Pleasant Grove. Met with State Senator Thomas A. Garrett, Jr., on December 16, 2014.

Weaver—Lake Monticello Fire and Rescue Annual Dinner and Awards, December 6, 2014; Scottsville Rescue Annual Dinner and Awards on Saturday, December 13.

Ullenbruch—Met with Social Services Board, Board provided Christmas Dinner for staff; Jail Board, FY16 budget discussion; didn't attend Louisa County Water Authority public meeting regarding the James River Water Project; believed that Mr. Sheridan needed to be there and able to speak/participate. However, three Supervisors were present, and in keeping with state statute allowing only 2 supervisors to be in attendance at any event/meeting that was not advertised as a public meeting, the Supervisors in attendance were not be allowed to speak/participate in the meeting. Mr. Ullenbruch also wanted to offer his appreciation for all that Mr. Sheridan does for this county.

O'Brien—Attended Piedmont Workforce Network; TJPDC, discussing House Bill 2, an effort for VDOT to align regional needs. Also attended the Louisa County Water Authority public meeting in Kents Store.

Booker—attended Governor's Finance Conference on Infrastructure in Roanoke, along with Mr. Bobby Popowicz, Community Development Director, and Mr. Eric Dahl, Finance Director. Also attended the Louisa County Water Authority public meeting in Kents Store.

PUBLIC COMMENTS #1

Chair Booker opened the first round of Public Comments.

- Bonnie Opyoke, Chestnut Ct, wished to address the Board about the rezoning public hearing to be heard tonight. Mr. Payne instructed the Board, and public, that comments made during the Public Comment time are to be those comments that are not related to a forthcoming Public Hearing.

With no one else wishing to speak, Chair Booker closed the first round of Public Comments.

PUBLIC HEARINGS

ZMP 14-04 I & J Home Builders, Inc.—Mr. Nichols informed the Board that the applicant has asked for an indefinite deferral for their request with respect to 30.47 acres of Tax Map 9, Section A, Parcels 11, 11B, 11F, and 11G to rezone the same from A-1, Agricultural, General, to R-3, Residential, Planned Community (conditional).

MOTION

Mr. Ullenbruch moved that the Board of Supervisors **defer** ZMP 14:03 of the attached ordinance for ZMP 14:03, a request to amend the Fluvanna County Zoning Map with respect to 30.47 acres of Tax Map 9, Section A, Parcels 11, 11B, 11F, and 11G to rezone the same from A-1, Agricultural, General, to R-3, Residential, Planned Community (conditional). Mr. O'Brien seconded and the motion carried with a vote of 5-0. AYE: Booker, O'Brien, Sheridan, Ullenbruch, Weaver. NAYS: None. ABSTAIN: None.

ACTION MATTERS

Appointment of CPMT Community Representative— Steve Nichols, County Administrator

MOTION

Mr. Ullenbruch moved to reappoint William Hughes to the Community Policy and Management Team, with a term to begin January 1, 2015 and to terminate December 31, 2016. Mr. O'Brien seconded and the motion passed 5-0. AYE: Booker, O'Brien, Sheridan, Ullenbruch, Weaver. NAYS: None. ABSTAIN: None

Appointment to James River Alcohol Safety Action Program— Steve Nichols, County Administrator

MOTION

Mr. Ullenbruch moved to reappoint Jeff Haislip to the James River Alcohol Safety Action Program, with a term to begin January 1, 2015 and to terminate December 31, 2017. Mr. Weaver seconded and the motion passed 5-0. AYE: Booker, O'Brien, Sheridan, Ullenbruch, Weaver. NAYS: None. ABSTAIN: None

Appointment to FUSD Advisory Board— Steve Nichols, County Administrator

MOTION

Mr. Ullenbruch moved to reappoint Bobby Shumake to the Fork Union Sanitary District Advisory Committee (FUSD), with a term to begin January 1, 2015 and to terminate December 31, 2018. On a second by Mr. Sheridan, the motion passed, 5-0. AYE: Booker, O'Brien, Sheridan, Ullenbruch, Weaver. NAYS: None. ABSTAIN: None

Appointment to MACAA— Steve Nichols, County Administrator

MOTION

Mr. Ullenbruch moved to reappoint Libby Edwards-Allbaugh to the Monticello Community Action Agency (MACAA), with a term to begin January 1, 2015 and to terminate December 31, 2018. Mr. O'Brien seconded and the motion passed 5-0. AYE: Booker, O'Brien, Sheridan, Ullenbruch, Weaver. NAYS: None. ABSTAIN: None

Formal Acceptance of Columbia and Cunningham Schools – Eric Dahl, Finance Director

MOTION

Mr. Sheridan moved to accept the conveyance of the Cunningham Elementary School and the Columbia Elementary School and to approve the Letter of Agreement among Fluvanna County, the Fluvanna County School Board and Conterra Ultra Broadband, LLC and authorize the Chairperson and the County Administrator, either of whom may act, to execute the deed of conveyance, the Letter of Agreement and any other documents, including but not limited to a closing memorandum, necessary or appropriate to carry out the transfer of the school property to Fluvanna County, subject to approval by the County Attorney of the form of all documents. Mr. Weaver seconded and the motion passed, 5-0. AYE: Booker, O'Brien, Sheridan, Ullenbruch, Weaver. NAYS: None. ABSTAIN: None

PRESENTATIONS

FY14 Comprehensive Annual Financial Report—Eric Dahl, Finance Director, gave a summary presentation of the Comprehensive Annual Financial Report (CAFR.)

Discussion points included projected vs actual revenue; sales tax revenue trends; FY14 expenditures breakdown.

Mr. David Foley, from Robinson, Farmer, and Cox thanked the Board for the opportunity to review the Auditor's Report, noting that all three reports in the Auditor's report were clean. Supervisor questions and discussion centered on: current procedures for accounting for adjustments made in the general fund; capital programs and improvements; GASB 68—pertaining to accounting for pensions. Mr. Foley noted that the County is in compliance with all state requirements and noted that recent changes in Accounting Software has seen continued improvements since it was implemented.

DSS Pay Plan Update – Kim Mabe, DSS Director, and Gail Parrish, HR Manager, addressed the Board with an update to the report that was given at Board meeting, and to clarify the issues around the pay plans that have been approved. Ms. Mabe gave a brief history of the means by which Social Services employees are granted raises by the state, and potential discrepancies that may arise based on the unique position Social Services employees enjoy as County employees who are governed by State regulations.

Blue Ridge Juvenile Detention Center Report—Dr. Jacqueline A. Meyers, CSA Coordinator, offered an overview of Juvenile Court, criteria for placement of youth at BRJDC, and follow-up services for youth who have been placed at BRJDC once they leave. Dr. Meyers walked the Board through historical budget data as well as FY16 projections. Supervisor discussion focused on number of Fluvanna youth detained, number of detention days, education while detained, and average cost per day.

Regional EMS Team for Biohazard Response Update—Ms. Cheryl Wilkins, Emergency Services Coordinator, updated the Board with the regional plan for responding to potential outbreaks of serious disease.

Updated Fluvanna County Parks Leash Policy for Dogs—Jason Smith, Director of Parks and Recreation, Mr. Jeff Haislip, Commonwealth's Attorney, and Mr. Paul Sheridan, County Animal Control Officer, provided the Board with a report on recent incidents of uncontrolled dogs in County parks. The Board directed Staff, in consultation with Mr. Fred Payne, County Attorney, to draft a leash policy for dogs in County parks.

CONSENT AGENDA

The following items were approved under the Consent Agenda:

- Minutes of December 3, 2014 – Kelly Belanger Harris, Clerk to the Board
- Accounts Payable Report for November 2014 (\$1,599,940.26) – Eric Dahl, Finance Director
- CRM Request for Mold Remediation/Maintenance Upgrades, CORRECTION – Wayne Stephens, Public Works Director/County Engineer
- CRM Request for Exterior Repairs to the Administration Building—Wayne Stephens, Public Works Director/County Engineer
- CRM Request for Performing Arts Center Repairs—Wayne Stephens, Public Works Director/County Engineer

MOTION

Mr. Weaver moved to approve the items on the Consent Agenda for December 17, 2014. Mr. Sheridan seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Chairperson Booker opened discussion regarding the need for a regular Treasurer’s Report to the Board of Supervisors. After brief discussion, the Board requested that the Treasurer present a report to the Board, beginning with the January 21, 2015 meeting and quarterly thereafter.

PUBLIC COMMENTS #2

Chair Booker opened the floor for the second round of public comments. With no one wishing to speak, Chair Booker closed the second round of public comments.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING

At 10:01 pm, Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.3, Section 2.2-3711 A.6, and Section 2.2-3711 A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Real Estate, Investment of Funds, and Legal Matters. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION

At 11:12pm, Mr. Weaver moved that the Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene 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, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

MOTION TO EXTEND

Mr. O’Brien moved to extend the meeting until 12:00 am. Mr. Weaver seconded, and the motion passed 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

MOTION

Mr. O’Brien moved that the board authorize the County Attorney to direct AR Park, LLC to transfer the files relating to Fluvanna County, VA v. Davenport & Company/Securities, Circuit Court case no. 11CL-191, including all paper files for each listed matter, as well as the electronic files in native format (for Microsoft Word, PowerPoint and Excel files) and .pst format (for Lotus Notes files, including all file attachments) to Douglas M. Palais, Esquire at Vandeventer Black, LLP, 707 East Main Street, Suite 700, Richmond, Virginia 23218; and further moved that Mr. Palais continue as counsel for the County in the said case. Mr. Sheridan seconded, and the motion carried 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

ADJOURN

MOTION:

At 11:15pm Mr. Ullenbruch moved to adjourn the meeting of Wednesday, December 3, 2014. Mr. Sheridan seconded and the motion carried with a vote of 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Kelly Belanger Harris
Clerk to the Board

Mozell H. Booker
Chairperson