

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
March 18, 2015
Work Session 5:00 pm
Regular Meeting 7:00pm

MEMBERS PRESENT:

Mozell Booker, Fork Union District, Chairperson
 Bob Ullenbruch, Palmyra District, Vice-Chairperson
 Tony O'Brien, Rivanna District
 Mike Sheridan, Columbia District (arrived at 5:04pm)
 Donald W. Weaver, Cunningham District

ALSO PRESENT:

Steven M. Nichols, County Administrator
 Fred Payne, County Attorney
 Eric Dahl, Finance Director
 Mary Anna Twisdale, Management Analyst
 Kelly Belanger Harris, Clerk to the Board of Supervisors

RECONVENE WORK SESSION FROM MARCH 11, 2015**CALL TO ORDER**

At 5:00 pm, Chairperson Booker called the Work Session of March 18, 2015 to order.
 After the recitation of the Pledge of Allegiance, a moment of silence was observed.

WORK SESSION

FY16 Budget Update—Steve Nichols, County Administrative briefed the Board about findings regarding Vehicle License Fees. Vagaries in the language of the State Code cloud the maximum amount that localities may charge for Vehicle Registration Fees. Pending a clear answer from the State, Mr. Nichols has recommended the Board set forth a budget that does not rely on increased vehicle fees, while holding a wedge for the potential revenue generated by any increase. Mr. Payne, County Attorney, has interpreted the Code to inhibit localities from charging more than the base fee as set by the State and recommends abiding by the most conservative interpretation of the Code.

MOTION TO ENTER INTO A CLOSED MEETING

At 5:47 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.1, A.3, A.6, & A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Real Estate, Investment of Funds, and Legal Matters. Mr. O'Brien 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 6:52pm, 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, the Board of Supervisors does hereby certify to the best of each member's 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.

REGULAR MEETING**CALL TO ORDER**

At 7:00 pm, Chairperson Booker called the Regular Meeting of March 18, 2015 to order.
 After the recitation of the Pledge of Allegiance, a moment of silence was observed.
 Recognizing many 12th Grade students from Fluvanna County High School in attendance, Chair Booker welcomed them to the meeting.

ADOPTION OF AGENDA**MOTION**

Mr. Weaver moved to accept the Agenda for the March 18, 2015, Regular Meeting of the Board of Supervisors, as presented. Mr. O'Brien seconded and the Agenda was adopted by a vote of 5-0. AYES: Booker, O'Brien, Sheridan, Ullenbruch, & Weaver. NAYS: None.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- SCC Public Hearings on Aqua Rate Increase Request
 - Coordinated by Kelly Belanger Harris
 - Supported by Sheriff Hess and numerous Sheriff's Office staff, Wayne Stephens and Public Works staff, Jonathan McMahon, and State Police Troopers
 - Well attended and well-orchestrated event despite facility limitations
 - ~300 citizens attended

- Kudos for Aaron Spitzer, Parks & Recreation
 - Citizen note complimenting Aaron Spitzer for his work with a group of homeschoolers on batting practice. Commenting that he was patient, instructive, and encouraging.
- Sale of Columbia and Cunningham Schools
 - Drafting Request for Proposals document to engage realty firm
- FCSS Request
 - Interested in pursuing lease of county land on which to build a new Food Bank facility (The Board directed the County Administrator to move forward with negotiations.)
- New web address available to support our volunteer program efforts: fluvannavolunteers.org
- Requesting BOS Special Work Session
 - May 6th at 7:00 pm (following 4:00 pm Regular Meeting)
 - FRA Recommendations, Water & Sewer Infrastructure Update, FUSD, ZXR Design Update, and Master Water & Sewer Plan Update
 - Board declined to schedule the Work Session for May 6th and Mr. Nichols will research other available dates
- Fork Union Streetscape
 - Ceremonial Ground Breaking for the project, Date Pending
 - Project start date of April 6, 2015
 - Construction is projected to last approximately 60-90 days
 - Work hours: Monday – Friday from 8:00 A.M. – 5:00 P.M.
- Next Meetings
 - Wednesday, March 25
 - 7:00 pm – Budget Work Session (Board agreed to cancel)
 - Wednesday, April 1
 - 7:00 pm – Regular Meeting (Tax Rate Public Hearing)

BOARD OF SUPERVISORS' UPDATES

Sheridan— Didn't make it to the Parks and Recreation Advisory Committee, but has discussed it with members and staff. Columbia Task Force has not met recently; Special Election was held yesterday and on a vote of 18-1 voted to annul the Town Charter.

Weaver—None.

Ullenbruch—None.

O'Brien— PWN Piedmont Workforce Network; was at SCC Public Hearings.

Booker— JABA Executive Board Meeting—PACE Program, urges citizens and county leaders to attend with the hopes Fluvanna can become an advocate for the program; attended SCC Public Hearings.

PUBLIC COMMENTS #1

Chairperson Booker opened the first round of Public Comments.

Patricia Burkett, 14 Wisteria Way, addressed the Board regarding the ruling by the Supreme Court on Citizens United. With no one else wishing to speak, Chairperson Booker closed the first round of Public Comments.

PUBLIC HEARINGS

ZMP 15-01 Memory Lane Property—Steve Tugwell, Senior Planner, addressed the Board with a request to amend the Fluvanna County Zoning Map with respect to 6.746 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited and I-2, Industrial, General, to I-2, Industrial, General. Noting that the Planning Commission recommended approval, Mr. Tugwell concluded the presentation.

Chair Booker opened the Public Hearing to the public.

Mr. Justin Shimp, Project Engineer, addressed the Board to clarify the request, noting that the property has a divided zoning in place currently. In addition, Mr. Shimp also noted the property has the potential to use treated effluent from the Correctional Center in some production-related manner.

Mr. O'Brien asked what sorts of uses might be considered. Mr. Shimp noted that construction, concrete, water tanks to control dust.

Mr. Payne clarified that it is treated effluent, not sewage that is under consideration for use.

No citizens presented to speak.

With no discussion,

MOTION

Mr. O'Brien moved that the Board of Supervisors approve ZMP 15:01 of the attached ordinance for ZMP 15:01, a request to amend the Fluvanna County Zoning Map with respect to 6.746 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited and I-2, Industrial, General, to I-2, Industrial, General. Mr. Ullenbruch seconded and the motion passed 5-0. AYES: Booker, O'Brien, Sheridan, Ullenbruch, & Weaver. NAYS: None.

Cost Recovery Ordinance—Cheryl Elliott, Emergency Services Coordinator, brought before the Board a request to amend Chapter 8 of the County Code by adding an ordinance allowing for collection of Emergency Medical Services transport fees, a first step in establishing a Cost Recovery program.

Chair Booker opened the Public Hearing.

Lyle Plitt, 25 Piedmont Lane, Lake Monticello, addressed the Board regarding the proposed Ordinance. Mr. Plitt, an EMT that runs nearly 300 calls each year, is concerned that there may be unintended consequences to the proposed Ordinance, resulting in delayed care.

Chair Booker thanked Mr. Plitt, closed the Public Hearing, and opened the floor to discussion among Supervisors.

Mr. Nichols recommended omitting a paragraph that designates how any collected funds will be used.

Mr. Ullenbruch noted, and Mr. Payne concurred, that the ordinance as written locks the County into a specific use. Mr.

Payne noted that the Ordinance does not obligate charging for services, it allows for the potential.

Mr. Sheridan stated that he believes that the Ordinance as written assures citizens that the County is not trying to use the collected funds to pay for other County expenses.

Chair Booker asked Ms. Elliott about other counties' policies. Ms. Elliott noted that the policies are varied and provide no consistency in form.

Chair Booker asked the Supervisors for input on leaving or removing the passage in question; general consensus called for leaving the Ordinance as written with the possibility of amending in the future if necessary.

Chair Booker closed the Public Hearing.

With no further discussion:

MOTION

Mr. Sheridan moved to approve an ordinance to amend Chapter 8 of the County Code to add a new Section 8-6, including subsections 8-6-1 through 8-6-4, to provide for the licensing of ambulances and for the collection of fees to defray costs and improving services associated with providing emergency medical transport services. Mr. Weaver seconded and the motion passed 5-0. AYES: Booker, O'Brien, Sheridan, Ullenbruch, & Weaver. NAYS: None

ACTION MATTERS

Advertisement of the Proposed Fiscal Year 2016 Operations Budget, Capital Improvements Plan & Tax Rates—Eric Dahl, Finance Director, presented the advertisement for FY16 Budget, Tax Rate, and Capital Improvement Plan (CIP) in compliance with State Code for holding Public Hearings on same.

Mr. Nichols highlighted changes to the County Administrator's Budget made during Budget Work Sessions:

- School funding increased &750,000 over base;
- County Staff receives 1.5% cost of living increase;
- Operations cuts to department—funds restored;
- JAUNT funding increased;
- Social Services—two additional staff included;
- E911 position added;
- CVRJ funded to request;
- County Administrator's request for additional ½ time staff person rescinded;
- JRWA debt service decreased;
- Commonwealth's Attorney office, paralegal position added;
- Parks and Recreation software module added;
- Professional services funding restored to Commissioner of Revenue and Treasurer's budgets;
- LMVFRS debt support for additional facilities added;
- Cost Recovery support position---funds added to Finance budget;
- ~\$47,000 from Fund Balance to balance budget;
- Increased Personal Property Rate--\$4.15/\$100 to \$4.35/\$100.
- Real Estate Tax rate increased to \$.899/\$100—a 4.5% increase from equalized rate of \$0.86.
- Increase in State revenue compensation for DSS, Registrar and staff, and Constitutional Officers and associated staff;

MOTION

Mr. Ullenbruch moved the Board of Supervisors authorize staff to advertise the FY16 Budget, the Tax Rate and the Capital Improvements Plan (CIP) for public hearing on April 8, 2015; the proposed budget amount for FY16 is \$68,312,005, the advertised Real Property tax rate is \$0.899 per \$100, the advertised Personal Property tax rate is \$4.35 per \$100, the advertised Machinery & Tools tax rate is \$2.00 per \$100. Mr. O'Brien seconded and the motion passed 5-0. AYES: Booker, O'Brien, Sheridan, Ullenbruch, & Weaver. NAYS: None.

Department of Forestry Grant Award Letter—Jason Smith, Director of Parks and Recreation, brought before the Board a request to accept an award from the Department of Forestry. Mr. Smith reported that the County, through Parks and Recreation, has received an award of \$3,632.00 from the Department of Forestry (DOF) to be used towards the purchase of 500 tree seedlings and 750 tree tube kits to continue planting along hedgerows and in other meadow management areas at Pleasant Grove Park. Mr. Smith noted that volunteers have been recruited to help with planting the trees and installing tree tube kits at the Pleasant Grove Park to begin once acceptance of this grant is approved. Mr. Walt Hussey, Master naturalist, spoke about the variety of trees and other native plant species that are being planted in the park. Mr. Smith reported that 250 first grade students from Central Elementary will be learning about the many native plants and helping plant the trees purchased with the grant funds.

MOTION

Mr. O'Brien moved to accept the \$3,632.00 tree grant award from the Department of Forestry. Mr. Weaver seconded and the motion passed 5-0. AYES: Booker, O'Brien, Sheridan, Ullenbruch, & Weaver. NAYS: None.

PRESENTATIONS

None.

CONSENT AGENDA

Mr. Nichols noted that the Accounts Payable Report was not available in time for this meeting.

The following were approved under the Consent Agenda:

- Minutes of the February 25, 2015 Work Session Meeting—Kelly Belanger Harris, Clerk to the Board
- Minutes of the March 4, 2015 Regular Meeting—Kelly Belanger Harris, Clerk to the Board

MOTION

Mr. Weaver moved to approve the items on the Consent Agenda for March 4, 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

Central Virginia Regional Jail Board—Mr. O’Brien

MOTION
Mr. O’Brien moved to appoint Robert Ullenbruch to the Central Virginia Regional Jail Board, replacing David Haney, with a term to begin immediately.
And
Moved to appoint Steve Nichols to the Central Virginia Regional Jail Board, At-Large position, replacing Robert Ullenbruch, with a term to begin immediately and to terminate on June 30, 2015.
Mr. Weaver seconded and the motion passed on a vote of 4-0-1. AYE: Booker, O’Brien, Weaver, Ullenbruch. NAY: None. ABSTAIN: Mr. Sheridan.

Citizens United Response--Mr. O’Brien asked that the Board consider passing a resolution in opposition to the Supreme Court decision regarding Citizens United and asked for it to be available for ratifying at the next regular meeting.

PUBLIC COMMENTS #2

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

ADJOURN

MOTION:
At 8:38pm, Mr. Weaver moved to adjourn the meeting of Wednesday, March 18, 2015. Mr. O’Brien 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