

**FLUVANNA COUNTY BOARD OF SUPERVISORS
ORGANIZATIONAL MEETING AND REGULAR MEETING MINUTES
Circuit Court Room
January 06, 2016
Regular Meeting 4:00 pm**

MEMBERS PRESENT:

Mike Sheridan, Columbia District, Chair
Mozell Booker, Fork Union District, Vice Chair
Patricia Eager, Palmyra District,
Tony O'Brien, Rivanna District
Donald W. Weaver, Cunningham District

ALSO PRESENT:

Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Kelly Belanger Harris, Clerk to the Board of Supervisors
Eric Hess, Sheriff
Andrew M. Sheridan, Commissioner of the Revenue
Eric Dahl, Finance Director
Cheryl Elliott, Emergency Services Coordinator
Jason Smith, Director of Parks and Recreation
Wayne Stephens, Public Works Director & County Engineer

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Mr. Steven M. Nichols, County Administrator, called the annual Organizational Meeting of Wednesday, January 6, 2016, to order at 4:00 pm, in the Circuit Courtroom in Palmyra, Virginia. After the Pledge of Allegiance was recited, Mr. Nichols called for a moment of silence.

2016 Organizational Meeting of the Fluvanna County Board of Supervisors

Election of Chair - This action will elect a Chair to the Board of Supervisors for 2016. Mr. Steven M. Nichols, County Administrator, called for nominations.

Mr. Weaver nominated Supervisor Sheridan.

Mr. O'Brien nominated Supervisor Booker.

Mr. Nichols called for a vote for the first nominee for Chair, Mr. Sheridan.

VOTE COUNT: 4-1. AYE: Sheridan, Booker, Eager, Weaver. NAY: O'Brien. ABSENT: None.

With a vote of 4-1, Supervisor Sheridan was elected Chair, and the nomination/voting process was complete.

Following the election of a Chair, Mr. Nichols turned the gavel and the meeting over to Chair Sheridan.

Election of Vice-Chair - This action will elect a new Vice-Chairperson to the Board of Supervisors for 2016. Chair Sheridan opened the floor for nominations for Vice-Chair.

Mr. Weaver nominated Supervisor Eager.

Mr. O'Brien nominated Supervisor Booker.

Chair Sheridan called for votes.

Supervisor Eager received 2 votes, Eager & Weaver.

Supervisor Booker received 3 votes, Sheridan, Booker, & O'Brien.

With a majority of the votes, Supervisor Booker was elected Vice Chair.

Resolution Entitled "Organizational Meeting of the Fluvanna County Board of Supervisors 2016" - The Code of Virginia requires an annual organizational meeting of the Board of Supervisors for the election of officers and the conduct of such other business as to meeting times and dates.

MOTION:

Mrs. Booker moved to adopt the resolution entitled "Organizational Meeting of the Fluvanna County Board of Supervisors 2016" which designates the location, day, and time of meetings.

Meeting Place:

Circuit Courtroom of the Fluvanna County Courts Building

Meeting Times:

Day Meetings begin at 4:00 p.m. and end at 8:00 p.m., unless extended;

Night Meetings begin at 7:00 p.m. and end at 11:00 p.m., unless extended;

When scheduled, Work Sessions begin at 4:00 p.m. prior to the evening meeting.

Mr. Weaver seconded. The motion carried with a vote of 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

Selection of Dates for the Board Meetings - This action will adopt the Board of Supervisors 2016 Regular Meeting Calendar. Mr. Nichols explained the month of July vice August will be designated for a single meeting on the first Wednesday of the month. This change will help accommodate summer vacation schedules prior to the start of the school year in August.

MOTION:

Mr. Weaver moved to adopt the Board of Supervisors 2016 Regular Meeting Calendar as presented. Mrs. Eager seconded and the motion carried with a vote of 5-0. AYE: Sheridan, Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: None.

Adoption of Board By-Laws and Rules of Practice and Procedures - This action will adopt the Fluvanna County Board of Supervisors By-Laws and Rules of Practice and Procedures. Mr. Nichols presented a revised and updated version of the bylaws for consideration.

After discussion,

MOTION:

Mr. Weaver moved to readopt the 2015 Fluvanna County Board of Supervisors By-Laws and Rules of Practice and Procedures. Mrs. Eager seconded and the motion carried with a vote of 5-0. AYE: Sheridan, Booker, Eager, and Weaver. NAY: None. ABSENT: None.

Appointment of Board of Supervisor Members to Boards, Commissions, and Committees

After discussion,

MOTION

Mr. Weaver moved to make the following Supervisor appointments to various boards and commissions for terms effective January 1, 2016, through December 31, 2017. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: None.

The following appointments were made:

- Weaver - Agricultural/Forestral Advisory Committee
- Weaver - Audit Committee
- Sheridan - Columbia Task Force
- Booker - Community Policy Management Team (CPMT)
- Sheridan - Finance Board (Chair)
- Booker - Fork Union Sanitary District Advisory Committee
- Sheridan/ Booker (alternate) - Parks & Recreation Advisory Board
- O'Brien - Piedmont Workforce Investment Council
- O'Brien - Planning Commission
- Booker - Rivanna River Basin Commission (RRBC) - Mbr #1
- Eager - Rivanna River Basin Commission (RRBC) - Mbr #2
- Eager - Social Services Board
- O'Brien - Thomas Jefferson Planning District Commission (TJPDC)
- Sheridan - Virginia Association of Counties (VACo) Legislative Contact (Chair)
- Booker - Youth Advisory Council (YAC)
- Booker - Fluvanna Partnership for Aging Committee

also appointed the County Administrator to serve as Fluvanna County Emergency Services Director (versus using a BOS Member), effective January 1, 2016.

ADOPTION OF AGENDA

MOTION

Mrs. Booker moved to accept the Agenda for the January 06, 2016, Regular Meeting of the Board of Supervisors. Mr. Weaver seconded and the Agenda was adopted with a vote of 5-0. AYE: Sheridan, Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: None.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- Appointment for TJPDCs newly created Rural Transportation Advisory Council
 - Can be one of our two TJPDC representatives, another elected official, a Planning Commission member
- BOS Leadership Planning Retreat
 - Saturday, January 23
 - 8:30 am – 5:00 pm
 - Fluvanna Community Center, Fork Union, Draft agenda to Board for review this week, Information package in advance of the retreat
- Next Meetings
 - Wednesday, January 20, 7:00 pm – Regular Meeting and Joint Public Hearings with the Planning Commission

BOARD OF SUPERVISORS UPDATE

Booker—YAC.

Eager—None.

O'Brien—LMOA Board Meeting.

Sheridan—Thanked Mr. Fred Payne for organizing the hunt at Pleasant Grove for Wheelin' Sportsman., and Sheriff Hess for managing traffic for the hunt.

Weaver—None.

PUBLIC COMMENTS #1

At 5:05pm, Chair Sheridan opened the first round of Public Comments.

Mel Sheridan, Commissioner of the Revenue, commented on the appointment of a citizen to the Thomas Jefferson Area Community Criminal Justice Board.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 5:06pm.

PUBLIC HEARINGS

None.

ACTION MATTERS

Appointment to Planning Commission—Steven M. Nichols, County Administrator, noted that three candidates are listed in the Board's package.

MOTION

Mrs. Eager moved to appoint Howard Lagomarsino to the Planning Commission, Palmyra District, to complete the term vacated by Patricia Eager, with a term to begin January 1, 2016 and to terminate June 30, 2016. Mr. Weaver seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

Appointment to the Thomas Jefferson Water Resources Protection Foundation—Steven M. Nichols, County Administrator,

MOTION

Mrs. Booker moved to reappoint Mr. John Easter to the Thomas Jefferson Water Resources Protection Foundation, with a term to begin February 1, 2016 and to terminate January 31, 2020. Mr. Weaver seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

Approval of Ambulance Restocking Agreement for Cost Recovery—Cheryl J. Elliott, Emergency Services Coordinator, brought forth a request to enter an agreement for ambulance restocking.

MOTION

Mrs. Booker moved the Board of Supervisors approve the Ambulance Restocking Agreement between the Rector and Visitors of the University of Virginia on behalf of its Medical Center and the County of Fluvanna, documenting the relationship among the Medical Center, the Rescue Squads and the County with regard to restocking of ambulance pharmaceutical and medical supplies, and further authorize the County Administrator to execute the agreement subject to approval as to form by the County Attorney. Mr. O'Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

FY16 E911 Radio Project CIP Budget—Eric Dahl, Finance Director, brought before the Board a request to amend the funding source for the contract between Motorola and the County of Fluvanna for the E911 Radio project. The County signed a Capital Lease with Motorola Credit on July 1, 2015, for \$6,594,544.94 for construction of the E911 Radio Project. The Capital Lease does not include tasks for Engineering, Project Management and Contingencies. The original source of funds for the project was General Fund Cash. On July 1, 2015, the General Fund Cash remaining for this project was \$6,979,682. Mr. Dahl recommended leaving the appropriated General Fund Cash difference of \$385,137 to cover required elements of Engineering, Project Management and Contingencies that are NOT covered by the Motorola Credit Lease. Task #2 for Project Management was issued in FY16 for \$99,943. As construction is paid for by the Capital Lease, staff recommends that \$6,594,544.94 be returned to the General Funds Unassigned Fund Balance.

MOTION

Mr. O'Brien moved the Board of Supervisors approve a budget amendment in the FY16 CIP Budget for the E911 Radio Project to change \$6,594,544.94 of the funding source for the project from General Fund Cash to a Capital Lease, to reflect the Motorola Credit Lease the Board of Supervisors approved effective July 1st, 2015 and further to transfer the \$6,594,544.94 back to the General Funds Unassigned Fund Balance. Mrs. Eager seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

Pleasant Grove House Museum Security System Funding Request—Jason Smith, Director of Parks and Recreation, brought to the Board a request to install and maintain a security system. Mr. Smith noted that there had been a recent unsuccessful break-in attempt and felt that a security system was necessary to protect the museum items and the house.

MOTION

Mr. Weaver moved the Board of Supervisors approve a budget transfer of \$3,100 for installation of a security system at the Pleasant Grove House from the FY16 Board of Supervisors Contingency to the FY16 Parks and Recreation Contract Services budget. Mr. O'Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

At 5:30pm, Chair Sheridan called for a recess for Dinner and Closed Session.

MOTION

Mr. Weaver moved to recess. Mr. O'Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

Mr. Payne noted that in order to go into Closed Session, it was necessary to reconvene into Closed Session.

MOTION TO ENTER INTO A CLOSED MEETING

At 5:30pm, Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.6 and A.7, of the Code of Virginia, 1950, as amended, for the purpose of discussing Investment of Funds and Legal Matters. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYE: Sheridan, Booker, Eager, O'Brien, and Weaver. NAY: None.

7:08:38 PM **MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION**

At 7:08pm, 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.” Mrs. Booker seconded. The motion carried, with a roll call vote of 5-0. AYE: Sheridan, Booker, Eager, O’Brien, and Weaver. NAY: None. ABSENT: None.

PUBLIC HEARINGS

Relocation of the Rivanna District 501 Polling Precinct from the LMOA Clubhouse Building to the Lake Monticello Firehouse, Maple Room—Steven M. Nichols, County Administrator, brought forward a request to approve an Ordinance to amend the County Code to temporarily move the Rivanna District/501 Polling Precinct while the current precinct is undergoing renovation.

With no discussion,

MOTION

Mrs. Booker moved that the Board of Supervisors approve the resolution, “AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 2, SEC. 2-2-3(a) OF THE FLUVANNA COUNTY CODE TO MOVE THE RIVANNA ELECTION DISTRICT POLLING PLACE FROM THE LAKE MONTICELLO CLUBHOUSE TO THE MAPLE ROOM, LAKE MONTICELLO FIREHOUSE.” Mrs. Eager gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, and Weaver. NAY: None. ABSENT: None.

ACTION MATTERS

Reclassification of Deputy Sheriff Positions - Eric Hess, Sheriff, presented a proposal to simplify the procedure by which changes in staffing are made, terms are consistent, and pay bands are consolidated.

MOTION

Mr. Weaver moved to consolidate within the Pay Band Schematic the following Job Position Titles and Classifications from:

- 6411 – Deputy-Bailiff/Courts Services (Pay Band 12)
- 6411 – Bailiff/Courts Services (Part-Time) (Pay Band 9)
- 6511 – Deputy-Bailiff/Courts Services (Pay Band 13)
- 6311 – Deputy-Animal Control Officer (Pay Band 11)
- 6312 – Deputy-Animal Control Officer (Pay Band 13)
- 6521 – Deputy-School Resource Officer (Pay Band 14)

to:

- 6511 – Deputy Sheriff (Patrol, Courts, ACO, SRO) (Pay Band 13).

In addition, I move to eliminate:

- Two 6411 – Deputy-Bailiff/Courts Services (Part-Time) (Pay Band 9), currently funded at \$27,040,

And replace with:

- One 6511 – Deputy Sheriff (Patrol / Courts / ACO / SRO) (Part-Time) (Pay Band 13) at a cost of \$21,528.

Mrs. Eager seconded and the motion carried 5-0. AYE: Sheridan, Booker, Eager, O’Brien, and Weaver. NAY: None. ABSENT: None.

Deputy Clerk Position Upgrade, Office of the Commissioner of the Revenue – Mel Sheridan, Commissioner of the Revenue (COR), brought forth a request to upgrade the vacant Deputy COR I position to Deputy COR II. Noting that there was a vacancy in his office, Mr. Sheridan reviewed the staffing requirements of the office and job descriptions of the positions in the Commissioner of Revenue’s Office and determined there were necessary changes. Human Resources also recommended the change.

MOTION

Mrs. Eager moved to approve the position upgrade of the current Deputy COR I (Pay Band 9) to Deputy COR II, Business Personal Property Manager (Pay Band 10). Mr. Weaver seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, and Weaver. NAY: None. ABSENT: None.

Chair Sheridan, referencing ongoing medical directives, turned the meeting over to Vice Chair Booker and departed the meeting.

PRESENTATIONS

Water Tank in James River—Wayne Stephens, Public Works Director & County Engineer, briefed the Board on the County-owned wastewater storage tank that has rested in the James River near Bremono Bluff, since 1972. Mr. Stephens noted the complexity of removing the tank and options thereof. Mr. Stephens asked the Board for direction on next steps with the tank. Vice Chair Booker asked for discussion. The general consensus of the Board was to continue the status quo.

E911 Radio Project Update (Tower Requirements) – Cheryl Elliott, Emergency Services Coordinator, came before the Board with an overview of tower requirements in the ongoing E911 Radio Project. The next step in the radio project is to secure space on the selected towers. Options include leasing as equipment is designed, using shorter antennas to potentially use less space on the towers, placing antennas at the top of lighted towers, or building additional county-owned towers. The Radio Team needs directional guidance to proceed with negotiations. The Board concurred with reviewing all options, including construction of additional County-owned towers and taller towers, in order to most efficiently complete the project.

MOTION TO EXTEND

Mr. Weaver moved to extend the meeting until midnight. Mr. O’Brien seconded and the motion passed 4-0. AYE: Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: Sheridan.

CONSENT AGENDA

The following items were approved under the Consent Agenda:

- *Minutes of December 16, 2015*—Kelly Belanger Harris, Clerk of the Board
- *Policies for BOS Proclamations and Resolutions*—Steven M. Nichols, County Administrator
- *Grant for New Triad in the Commonwealth of Virginia (The Fluvanna County Triad)*—Andrea Gaines, Director of Communications
- *CRM Fund Request—Fluvanna Middle School Kitchen Cooler Doors*—Ed Breslauer, FCPS Finance Director
- *FY16 Schools Supplemental Appropriation Request for Families Learning Together Grant Funds*—Ed Breslauer, FCPS Finance Director
- *Open Space Contract Application (Hemmings)* – Mel Sheridan, Commissioner of the Revenue
- *Open Space Contract Application (Johnston)* – Mel Sheridan, Commissioner of the Revenue
- *Rural Rustic Roads/Rte 1102-Fayette Street*—Robert Popowicz, Community Development Director

MOTION

Mr. Weaver moved to approve the items on the Consent Agenda for January 6, 2016. Mr. O'Brien seconded and the motion passed 4-0. AYE: Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: Sheridan.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENTS #2

At 8:20pm, Vice Chair Booker opened the floor for the second round of public comments.

Bob Dorsey, 6 Dover Ct, wished to tell Chair Sheridan that he was happy to see his health returning. Mr. Dorsey also spoke on the collegiality of the Board in the meeting. Mr. Dorsey then spoke on the actions of the James River Water Authority (JRWA), and called for the removal of a Fluvanna citizen member of the JRWA.

With no one else wishing to speak, Vice Chair Booker closed the second round of public comments at 8:24pm.

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

At 8:24pm, Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.6 and A.7, of the Code of Virginia, 1950, as amended, for the purpose of discussing Investment of Funds and Legal Matters. Mr. O'Brien seconded. The motion carried, with a vote of 4-0. AYE: Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: Sheridan.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION

At 9:45pm, 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. O'Brien seconded. The motion carried, with a roll call vote of 4-0. AYE: Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: Sheridan.

Once reconvened in Open Session, Mr. Payne summarized the issue of complying with a judgment rendered on December 16, 2015. Mr. Payne presented the remainder of expenses to be paid to Mr. Robert Doty, in the amount of \$18,857.00, for services rendered in support of the case against Davenport, together with reimbursement of AR Park, LLC, in the amount of \$8,844.18, for attorney's fees in defending the claim.

MOTION

Mr. Weaver moved to approve the recommendation of the County Attorney to pay the amount of the judgment for the plaintiff, Mr. Doty, in the amount of \$18,857.00, together with AR Park's claim for attorney's fees, in the amount of \$8,844.18. Mr. O'Brien offered second and the motion passed 4-0. AYE: Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: Sheridan.

ADJOURN**MOTION:**

At 9:51pm, Mr. O'Brien moved to adjourn the meeting of Wednesday, January 6, 2016. Mrs. Eager seconded and the motion carried with a vote of 4-0. AYE: Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: Sheridan.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Kelly Belanger Harris
Clerk to the Board

John M. Sheridan
Chair