

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna Courts Building  
September 16<sup>th</sup> 2009  
7:00 p.m.**

**MEMBERS PRESENT:** Marvin F. Moss, Chairman  
Charles W. Allbaugh, Vice Chairman  
Mozell H. Booker  
John Y. Gooch [arrived at 7:05 p.m.]  
Gene F. Ott  
Donald W. Weaver

**ALSO PRESENT:** G. Cabell Lawton, IV, County Administrator  
Shelly Wright, Assistant County Administrator  
Frederick W. Payne, County Attorney  
Darren Coffey, Director of Planning & Community Development  
Bryant Phillips, Senior Planner  
John Robins, Public Works Director  
Cyndi Hoffman, Library Director  
Alice F. Jones, Clerk, Board of Supervisors

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Chairman Moss called the regular meeting of September 16<sup>th</sup> 2009 to order at 7:00 p.m. in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited, after which, Chairman Moss called for a moment of silence.

**REPORTS**

The County Administrator, G. Cabell Lawton, IV, reported to the Board on the following matters:

- ***Governor's Budget Cuts*** – apprised the Board that the Governor announced last week potential cuts in the state budget that will affect this fiscal year; based upon the announcements, staff anticipates a loss of revenue between the library and constitutional officers of approximately \$148,000 in this years budget; initial response to this problem is a directive to department heads to freeze all travel and staff is looking into other potential budget cuts for FY 10 beyond what was done in April; the County has not received information on the anticipated cuts in Sales Tax for Education as of yet
- ***Community Events***
  - reminded the Board that the Tenaska 9/11 Appreciation Day is Saturday, September 19<sup>th</sup> at 1:00 p.m.
  - the employee picnic is scheduled for Thursday, September 24<sup>th</sup> at 5:00 p.m. at the Pleasant Grove Pole Barn
  - the retirement party for Kathleen Wright, DSS, is scheduled for September 22<sup>nd</sup> at 4:00 p.m. [RSVP to DSS]
  - the United Way Day of Caring is scheduled for September 23<sup>rd</sup> all day at the Scottsville VFW Building on Rt. 6 west; the Fluvanna SPCA has projects being filled by other volunteer groups
  - Old Farm Day is scheduled for October 3<sup>rd</sup>; County staff will have a tent at its usual location
- ***Kents Store and Fork Union Firehouses*** – apprised the Board bids have come in for the Kents Store Firehouse and the apparent low bidder is CMS from Charlottesville who also built the Palmyra Firehouse; the apparent low bid was approximately \$987,000 for the base bid, an additional \$13,000 for the brick, and another \$19,000 for geothermal; the grant request for funding of the Fork Union Firehouse is still pending but no award has been announced; staff will be meeting with the Firehouse Committee on September 17<sup>th</sup> 2009 at 7:00 p.m. at the Historic Courthouse which includes Supervisors Moss and Booker

Supervisor Ott asked about the status of the closing of the VDOT residency in Louisa.

The Board **directed** staff to check on the status of closing the VDOT Residency in Louisa County.

### **PUBLIC COMMENTS #1**

Chairman Moss opened the floor for the first public comment section.

- Mrs. Elizabeth Franklin, Columbia District, addressed the Board regarding the Davenport presentation of the JRWA financing; the transfer of property to the JRWA; the transfer of the water permit to the JRWA
- Mr. Doug Johnson, Cunningham District, addressed the Board regarding communication between citizens and the Board of Supervisors

With no one else wishing to speak, Chairman Moss closed the first public comment section.

### **CONSENT AGENDA**

The following item was pulled from the consent agenda:

- Proclamation/Domestic Violence Awareness Month

The following items were approved under the consent agenda:

#### **MOTION:**

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

- Minutes of September 2<sup>nd</sup> 2009
- Budget and Appropriation/Sheriff's Office [for Extradition of Prisoners reimbursements in the amount of \$1,203.42 for Expenditure line #4-100-031200-5550 and Revenue line #3-100-018030-0003]

Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

### **Proclamation/Domestic Violence Awareness Month**

#### **MOTION:**

Mr. Ott moved the Board of Supervisors adopt the proclamation declaring October as Domestic Violence Month as amended. Mr. Allbaugh seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

### **ACCOUNTS PAYABLE**

None

### **PUBLIC HEARINGS**

#### **SUP 09:07/VB Real Estate, LLC**

This is a request for a special use permit to amend condition #9 of SUP 06:08 with respect to 1.0 acres of Tax Map 5, Section 20, Parcel 2. The applicant is requesting to process and recycle municipal solid waste. The property is zoned I-1 and is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

Mr. Darren Coffey, Director of Planning and Community Development, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

The following people addressed the Board of Supervisors regarding this issue:

- Ms. Christina Connelly, Palmyra District, in support of the request
- Mr. Brad Purviance, Rivanna District, in support of the request
- Mr. Tad Phillips, Republic Services Inc., in opposition to the request

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

Mr. Keith Lancaster, Southern Development representative, addressed the Board on behalf of the applicant.

After Board discussion, the following motion was offered:

#### **MOTION:**

Mr. Weaver moved to approve SUP 09:07 to amend Condition #9 of SUP 06:08 to allow for the facility to accept, process, and recycle municipal solid waste in addition to construction and demolition debris, along with the new condition recommended by the Planning Commission regarding litter control.

*Amended Condition #9* – Use shall allow for the receipt, processing, and recycling of municipal solid waste in addition to the receipt, processing, and recycling of construction and demolition debris.

*New Condition #13* – The operator of the facility shall provide litter control along both sides of the public roads within ½ mile of the facility no less than twice per month on alternating weeks and on a specified schedule acceptable to the Planning Director.

Mrs. Booker seconded. The motion carried with a vote of 5-1. AYES: Allbaugh, Booker, Gooch, Weaver and Moss. NAYS: Ott.

ZMP 09:03/Frank Ballif, Lot 116 R-3 to R-3

This is an ordinance to amend the Fluvanna County Zoning Map with respect to 2.89 acres. The affected property is located in the Palmyra Election District within the Rivanna Community Planning Area.

Supervisor Gooch recused himself.

Mr. Bryant Phillips, Senior Planner, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

The following contractors addressed the Board in support of the request:

- Mr. Shannon Haislip; Mr. Michael Brooks, Mr. Steven Burkman; a contractor (name not discernible); Mr. Peter Rupp; Mr. Bob McConnell; and Mr. Scott Haislip

The following citizens addressed the Board regarding this issue:

- Mr. Len Gardner, Rivanna District, addressed the Board and indicated this project is a tax burden to the citizens
- Mr. Chris Fairchild, Rivanna District, and Chairman of the EDC, addressed the Board with concerns about rezoning commercial space given the lack of commercial space in the County with adequate infrastructure

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

Board discussion ensued and the following motion was offered:

MOTION:

Mr. Ott moved to approve the attached ordinance for ZMP 09:03, a request to amend the Fluvanna County Zoning Map with respect to 2.89 acres of Tax Map 18, Section 12, Parcel 116 to conditionally rezone the same from R-3, Residential, Planned Community (commercial) to R-3, Residential, Planned Community (single-family attached residential), with the submitted proffers:

1. For all building permits applied for after December 31<sup>st</sup> 2010, \$3,000 per attached residential dwelling unit (totaling \$84,000) shall be given to Fluvanna County at the time the building permit is issued for each dwelling unit. The proffered funds will be used for the Capital Improvement Program (CIP) fund for educational or athletic improvements in the County. In the event that the proffered funds cannot be used for the purpose for which it is proffered, the funds may be redirected by the Board of Supervisors to any other project in the CIP.
2. Development shall be in general accord with the Application Plan for the rezoning, entitled “RE-ZONING MASTER PLAN FOR: VILLAS AT SYCAMORE SQUARE PHASE 2”, dated 7/30/2009.
3. Exterior siding of the Villas will be in earth-tone colors

Mr. Allbaugh seconded. The motion carried with a vote of 4-1. AYES: Allbaugh, Booker, Weaver and Moss. NAYS: Ott. Gooch recused himself. [Note: Action not stated in error – Ott moved to approve, and voted against.]

PRESENTATION

Career Development Certification for Jolie Allen

This item was postponed to October 7<sup>th</sup> 2009.

Proposed Civic Club Sign

Mr. Robert Mayfield, Rotary Club, introduced this issue to the Board of Supervisors and provided a PowerPoint presentation. Mr. Mayfield indicated that the sign would include signs of other clubs combined into one large sign. He stated that the proposal would benefit the County by being an alternative to numerous County Club signs throughout the County. He provided several examples of other locality group signs. He also provided several locations around the County for display. It was also proposed that the Ruritan and Rotary Club will develop a plan to build the background for the civic non profit club signs; proposed a rental fee for each club posted on the sign to cover landscaping and maintenance; offered for the Rotary and Ruritan Clubs to coordinate with the County; noted there may be legal issues with civic non-profit clubs posting signs on County property; and noted that the preferred location is at the intersection of James Madison Highway and Main Street in Palmyra because it is an ideal area for community signs and a pedestrian area park.

The Board **directed** staff to set-up a Civic Sign Committee to check out sites for possible location of a Civic Sign.

**RECESS**

The Board recessed at 9:00 p.m.

**RECONVENE**

The Board reconvened at 9:08 p.m.

Plan of Finance for the James River Water Authority

Mr. David Rose, Davenport and Company, provided a PowerPoint presentation to the Board of Supervisors in which he provided an overview of the James River Water Authority. He indicated the MOU was established to develop the Zion Crossroads area by bringing a sufficient and reliable water supply from the James River to that area which would include a “water intake on the James River, a water treatment plant, and piping to deliver the water to the Fork Union Sanitary District, Zion Crossroads and the Fluvanna Correctional Facility”. A water authority was formed to sell water wholesale to each County. The system is expected to deliver up to three (3) million gallons per day initially and can be expanded up to six (6) million gallons per day. Mr. Rose also provided information on the current status of the project; the authority operations and key assumptions; Fluvanna County costs and exposure; the combined impact upon operations; timing of the County’s financial exposure; and what the next steps are leading up to closing on the bond financing in November 2009.

Mr. Fred Payne, County Attorney, discussed with the Board some legal issues associated with placement of signs on public property.

The Board **directed** staff to break out the number of gallons of water by customer anticipated to be retailed from the Fluvanna portion of the JRWA as presented in the Plan of Finance.

**ACTION MATTERS**

Language for Plaques at the Library

The Library has received significant donations from individuals and groups to help with the furnishing of the building. Plaques will be displayed with the Board of Trustees approval in the Library. Gifts and donations are handled per the adopted policy of the Library Board of Trustees.

Ms. Cyndi Hoffman, Library Director, addressed the Board regarding this issue.

**MOTION:**

Mr. Gooch moved that the Fluvanna County Board of Supervisors approve the language of the following plaques, [wording attached] to be displayed at the Fluvanna County Public Library: Nancy and Conrad Aasen for the Periodicals Sections, Donald E. and Mary Anne Layton for the Local History Room, and Friends of the Fluvanna County Public Library for the Children’s Area. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Amend Small Purchase Procedures

This action should reduce both the direct and indirect costs associated with procurement of professional services.

Mrs. Shelly H. Wright, Assistant County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Allbaugh moved to amend the “Fluvanna County Small Purchase Procedures” to increase the purchasing threshold for professional services to \$50,000 in accordance with the enabling legislation - §2.2-4303(H), Code of Virginia, 1950 as amended. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Transfer Assignment of ECTI to the James River Water Authority (JRWA)

The Board of Supervisors authorized the submission of an application to ECTI for Firm Water Transportation Service and Interruptible Water Sales Service on May 21<sup>st</sup> 2003. This was approved by ECTI effective September 26<sup>th</sup> 2003.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Allbaugh moved that the Board authorize the County Administrator to file an amended application for service from ECTI that would transfer the priority date of service to the James River Water Authority. Mrs. Booker seconded. The motion carried with a vote of 4-2. AYES: Allbaugh, Booker, Gooch, and Moss NAYS: Ott and Weaver.

The Board **directed** staff to provide information regarding the cost of easement acquisitions for the water line and if that cost was factored into the \$45 million project costs.

Transfer Assignment of DEQ Water Withdrawal to the James River Water Authority (JRWA)

The Board of Supervisors authorized the application for this permit on April 2<sup>nd</sup> 2003. The permit outlines the procedure for transferring this permit to another entity.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Allbaugh moved that the Board authorize the transfer of Virginia Water Protection Permit #04-0805 from Fluvanna County, VA to the James River Water Authority and **direct** the County Administrator to take appropriate steps as necessary to complete the transfer. Mrs. Booker seconded. The motion carried with a vote of 4-2. AYES: Allbaugh, Booker, Gooch, and Moss. NAYS: Ott and Weaver.

The Board **directed** staff detail operational savings for the Fork Union Sanitary District resulting from using treated water from the JRWA as opposed to the current system of treating raw ground source water.

Payment of Invoice [Davenport and Company]

The Board approved to contract with Davenport and Company on an interim basis to provide financial advisor services as it related to a refinancing of school debt.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mrs. Booker moved to approve the transfer of \$12,775.57 from the BOS Contingency Fund (4-100-91070-5450) to Professional Services (4-100-12110-3100) for services rendered by Davenport and Company in evaluating refinancing options. Mr. Gooch seconded. The motion carried with a vote of 5-1. AYES: Allbaugh, Booker, Gooch, Ott and Moss. NAYS: Weaver.

**OLD/NEW BUSINESS**

None.

**PUBLIC COMMENT #2**

Chairman Moss opened the floor for the second public comment section. With no one wishing to speak, Chairman Moss closed the second public comment section.

**ADJOURN**

**MOTION:**

At 10:09 p.m. Mr. Allbaugh moved to adjourn the regular Board of Supervisors meeting of Wednesday, September 16<sup>th</sup> 2009. Mr. Gooch seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

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Marvin F. Moss, Chairman

**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 2.89 acres of Tax Map 18, Section 12, Parcel 116, to conditionally rezone the same from R-3, Residential, Planned Community (commercial) to R-3, Residential, Planned Community (single-family attached residential).  
(ZMP 09:03)**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That 2.89 acres of Tax Map 18, Section 12, Parcel 116 be and is hereby, conditionally rezoned from R-3, Residential, Planned Community (commercial) to R-3, Residential, Planned Community (single-family attached residential), subject to the submitted proffers as set out in the letter dated July 30, 2009, which is attached hereto.

- 1) For all building permits applied for after December 31, 2010, \$3,000 per attached residential dwelling unit (totaling \$84,000) shall be given to Fluvanna County at the time the building permit is issued for each dwelling unit. The proffered funds will be used for the Capital Improvement Program (CIP) fund for educational or athletic improvements in the County. In the event that the proffered funds cannot be used for the purpose for which it is proffered, the funds may be redirected by the Board of Supervisors to any other project in the CIP.
- 2) Development shall be in general accord with the Application Plan for the rezoning, entitled "RE-ZONING MASTER PLAN FOR: VILLAS AT SYCAMORE SQUARE PHASE 2", dated: 7/30/2009 (EXHIBIT A).
- 3) Exterior siding of the Villas will be in earth-tone colors (samples will be provided to staff).

Adopted this 16<sup>th</sup> day of September 2009  
by the Fluvanna County Board of Supervisors

**Wording for Plaques -**

- Periodicals Section - Donated by Nancy and Conrad Aasen in Honor of their children Larry Aasen, Richard "Rick" Aasen & Susan Morrison.
- Local History Room - Donated in Honor of the War Veterans of Fluvanna County courtesy of Donald E. and Mary Anne Layton
- Children's Room - Donated by the Friends of the Fluvanna County Public Library

Approved this 16<sup>th</sup> day of September 2009  
by the Fluvanna County Board of Supervisors