

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
December 16th 2009
2:00 p.m.

MEMBERS PRESENT: Marvin F. Moss, Chairman
Charles W. Allbaugh
Mozell H. Booker
John Y. Gooch
Gene F. Ott
Donald W. Weaver

ALSO PRESENT: G. Cabell Lawton, IV, County Administrator
Frederick W. Payne, County Attorney
Shelly H. Wright, Assistant County Administrator
Renee Hoover, Finance Director
Pat Groot, Grants Administrator
John Robins, Public Works Director
Darren Coffey, Planning & Community Development Director
Bryant Phillips, Senior Planner
Alice F. Jones, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Moss called the regular meeting of December 16th 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

Mr. G. Cabell Lawton, IV, County Administrator, reported on the following topics:

- ***Hardware River Bridge*** – apprised the Board that the Hardware River Bridge is scheduled to begin construction in January 2010 with completion in May 2010; this is a \$1.2 million dollar project with approximately \$700,000 coming from the federal government with the balance being paid for by the state
- ***Swearing in Ceremony*** – apprised the board that all three (3) incoming supervisors have been sworn in with Messrs. Weaver and Kenney being sworn in this afternoon
- ***Thanks*** – on behalf of staff, thanked Messrs. Moss and Allbaugh for their assistance, guidance, and support over the past five (5) and four (4) years respectively
- ***Office Closings*** – apprised the Board that the offices would be closed Thursday, December 24th and Friday, December 25th 2009 for Christmas and Friday January 1st 2010 for New Years Day
- ***Happy Holidays*** – wished the Board Happy Holidays

PUBLIC COMMENTS #1

Chairman Moss opened the floor for the first round of public comments.

The following citizens addressed the Board with his concerns:

- Mr. Doug Johnson, Cunningham District, addressed the Board regarding personal liability; constitutional rights; right to petition government; the suit against the County and the court appeal

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

CONSENT AGENDA

The following item was pulled from the consent agenda:

- Resolution Recognizing Andrew Mellon Sheridan, Sr.

There were additional nominees to be considered.

The following items were approved under the consent agenda:

MOTION:

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

- Minutes of December 2nd 2009
- Appointment/Community Policy Management Team (CPMT) [reappoint Donna Sheridan, Health Department position, to the Community Policy Management Team (CPMT) with a term to begin January 1st 2010 and to terminate on December 31st 2012]
- Appointment/Landfill Advisory Committee [reappoint G. Cabell Lawton, IV, County Administrator; John Robins, Public Works Director; and Willis Thomas (FUSD Supervisor) to the Landfill Advisory Committee, with a term to begin January 1st 2010 and to terminate on December 31st 2011]
- Appointment/Fluvanna Partnership for Aging [reappoint Margaret Wachenfeld to the Fluvanna Partnership for the Aging, Rivanna District position, with a term to begin January 1st 2010 and to terminate on December 31st 2013]

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

ACCOUNTS PAYABLE

None

PUBLIC HEARING

Consideration of Granting an Easement to CVEC on County owned property on Rt. 53

The School Board has requested the Central Virginia Electric Cooperative to move existing power lines to accommodate the High School construction project. This action is consistent with County policy.

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

MOTION:

Mr. Weaver moved to grant an easement to Central Virginia Electric Cooperative on tax map parcel 30(A)1 as shown on the attached plat. Ms. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

ZMP 09:04/James H. Watson

The affected property is located on the western side of Rt. 15 approximately 0.33 miles south of Rt. 250 and is located in the Zion Crossroads Community Planning Area.

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

MOTION:

Mr. Allbaugh moved that the Board of Supervisors approve the attached ordinance for ZMP 09:04, a request to amend the Fluvanna County Zoning Map with respect to 1.27 acres of Tax Map 5, Section A, Parcel 54 to conditionally rezone the same from A-1, Agricultural, General, to B-1, Business, General, subject to the submitted proffers which limited the B1 uses to the following:

1. Retail Stores;
2. Offices;
3. Daycare Centers;
4. Commercial Greenhouses; and
5. One or Two Family Dwellings

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

PRESENTATIONS:

None

ACTION MATTERS

Request for Resolution of Support for the Museum in Miniature

This is a request for the Board of Supervisors to pass a resolution of support for the Museum in Miniature. A Foundation has been formed for the purpose of bringing this project to reality. On the state level, the Foundation has been registered with both the SCC and the Virginia Department of Agriculture and Consumer Affairs. Additionally, at the federal level the project has been granted 501-c-3 status by the IRS. It was stated that the intent of the Museum in Miniature is to be self sustaining and would require no local money.

Ms. Julie King introduced this issue to the Board of Supervisors.

MOTION:

Mr. Ott moved to adopt the resolution [attached hereto] of support for the Museum in Miniature indicating that the Board of Supervisors fully supports and encourages the Museum in Miniature Foundation as it creates and guides the Museum in Miniature. Mr. Weaver seconded.

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

Accept Grant Award from VA Dept. of Emergency Management for Citizen Alerting System

Code Red is internet based and utilizes both land line and cellular telephone networks for notification. It is capable of delivering 60,000 messages an hour from any site that has access to the Internet. Award notice had been expected in January of this year; however the award notice arrived in November. The grant period is August 1st 2009 to August 31st 2011.

Ms. Pat Groot, Grants Administrator, introduced this issue.

MOTION:

Mr. Allbaugh moved to accept the Virginia Department of Emergency Management (VDEM) award to fund a citizen emergency notification system in the amount of \$11,000 and authorize the County Administrator to execute all contracts associated with this grant, subject to approval as to form by the County Attorney. Ms. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

Award DAProSystems Contract for Implementing Mobile Data Terminals in Sheriff's Vehicles

The grant will provide funds to purchase a server dedicated to the mobile data communications; software licenses sufficient to equip eight (8) vehicle mounted laptops; and professional services providing installation, configuration of systems and training, working with BioKey International as a subcontractor for DaProSystems. A notice of sole source determination and award of contract has been posted in the County Administration Office pursuant to Virginia Code Section 2.2-4303(E) and the Board's authorization on December 6, 2006.

Ms. Pat Groot, Grants Administrator, introduced this issue to the Board.

MOTION:

Mrs. Booker moved that the Board of Supervisors, under the authority of the sole source determination approved by the Board on December 6th 2006, approve the contract with DaProSystems, Inc. in the amount of \$50,000 for the implementation of the Fluvanna County Sheriff's Office Mobile Data System Project, and that the contract documents be executed by the County Administrator subject to approval as to form by the County Attorney. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Moss and Weaver. NAYS: None

Amendment of Agreement for the Fork Union Streetscape Project

This action will amend the contract to allow for a change in the project scope from a focus on the east side of Route 15 to the west side per input received at the project's schematic design public meeting in June 2009. No additional funds are required for the Fork Union Streetscape Project.

Mr. Darren Coffey, Director of Planning and Community Development, introduced this issue to the Board.

MOTION:

Mrs. Booker moved to authorize the County Administrator to execute the amended agreement, after County Attorney approval as to form, with Hill Studio, P.C. for the continued implementation of the Fork Union Streetscape Project in a contract amount not to exceed \$72,893. Mr. Allbaugh seconded. The motion carried with a vote of 5-1. AYES: Allbaugh, Booker, Gooch, Ott and Moss. NAYS: Weaver

Kents Store Firehouse Design Update and Change Order

The Firehouse Building Committee worked with the architect and the contractor to ensure that the Kents Store Firehouse proposed by the contractor would meet all the requirements of the County.

Mr. John Robins, Public Works Director, introduced this issue to the Board.

MOTION:

Mr. Allbaugh moved to approve the design of the Kents Store Firehouse as recommended by the Firehouse Building Committee and to approve the change order in the amount of \$86,516.90. This will increase the contract amount for CMS, Inc. to \$1,087,233.90. Mr. Ott seconded. The motion carried with a vote of 4-1-1. AYES: Allbaugh, Booker, Ott and Moss. NAY: Weaver. ABSTAINED: Gooch.

Appropriation to the James River Water Authority (JRWA)

The James River Water Authority was formed earlier this year and needs additional funding in order to pay legal and engineering costs incurred since the Authority's formation. The Authority has indicated that it would be willing to reimburse the counties with future borrowed funds.

Mr. Tom Payne, JRWA Chairman, introduced this issue to the Board.

MOTION:

Mrs. Booker moved to authorize additional funding in the amount of \$150,000 to the James River Water Authority from account line 4-100-91070-5850 (BOS Contingency Fund). Mr. Gooch seconded. The motion carried with a vote of 4-2. AYES: Allbaugh, Booker, Gooch and Moss. NAYS: Ott and Weaver.

Appointments/Boards, Committees and Commissions – Economic Development Commission (EDC) – Palmyra District

MOTION:

Mr. Ott moved to appoint Timothy B. Fulk to the Economic Development Commission, Palmyra District position, with a term to begin January 1st 2010 and to terminate on December 31st 2013. Mr. Allbaugh seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None

Appointments/Boards, Committees and Commissions – Economic Development
Commission (EDC) – Rivanna District

MOTION:

Mr. Ott moved to appoint Everett M. Hannah and reappoint George M. Fitz-Hugh to the Economic Development Commission, Rivanna District positions, with a term to begin January 1st 2010 and to terminate on December 31st 2013. Mr. Allbaugh seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss
NAYS: None

Appointments/Boards, Committees and Commissions – JAUNT Board

MOTION:

Mr. Gooch moved to reappoint Catherine S. Palmer to the JAUNT Board, Fluvanna representative, with a term to begin immediately and to terminate on June 30th 2012, filling the unexpired term of Catherine S. Palmer. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

NOTE: Ms. Palmer resigned from the JAUNT Board for personal reasons and once these reasons were resolved she indicated her desire to be reappointed.

Appointments/Boards, Committees and Commissions – Thomas Jefferson Planning
District Commission

MOTION:

Mr. Allbaugh moved to reappoint Chris Fairchild to the Thomas Jefferson Planning District Commission, Fluvanna representative, with a term to begin January 1st 2010 and to terminate on December 31st 2011. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

OLD/NEW BUSINESS

The following items were discussed:

- status of Ms. Redmond's letter regarding an easement in Scottsville [right of way easement – Mr. Lawton has responded]
- the Comprehensive Annual Financial Report

- the Harry sign court case which was lost [consensus of the Board is that the case be processed further]
- status of the cell tower ordinance
- the census
- status of the BZA appointments

PUBLIC COMMENTS #2

Chairman Moss opened the floor for the second round of public comments.

The following citizens addressed the Board:

- Mr. Leonard Gardner, Rivanna District, addressed the Board in regards to the James River Water Authority suit and expressed his appreciation to the departing members of the Board of Supervisors
- Mr. Thomas Payne, Palmyra District, addressed the Board in regards to the James River Water Authority and expressed his thanks to Messrs. Allbaugh and Moss for their services to the Board and the County

With no one else wishing to speak, Chairman Moss closed the second segment of public comments.

CLOSED MEETING

None

ADJOURN

MOTION:

At 9:22 p.m., Mr. Allbaugh moved to adjourn the meeting of Wednesday, December 16th 2009. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To
1.27 acres of Tax Map 5, Section A, Parcel 54, to conditionally rezone the same
from A-1, Agricultural, General to B-1, Business, General.
(ZMP 09:04)**

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 1.27 acres of Tax Map 5, Section A, Parcel 54, be and is hereby,
conditionally rezoned from A-1, Agricultural, General to B-1, Business,
General, subject to the submitted proffers.

1. The rezoning of 1.27 acres of Tax Map 5, Section A, Parcel 54 shall
be limited to the only the following by-right uses:
 - a. Retail stores
 - b. Offices
 - c. Daycare centers
 - d. Greenhouses, commercial
 - e. One or two family dwellings (as permitted by the zoning
ordinance)

Adopted this 16th day of December 2009
by the Fluvanna County Board of Supervisors



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, December 16th 2008, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Marvin F. Moss, Chairman	YEA
Charles W. Allbaugh, Vice Chairman	YEA
Mozell H. Booker	YEA
John Y. Gooch	YEA
Gene F. Ott	YEA
Donald W. Weaver	YEA

On a motion by Mr. Ott, seconded by Mr. Weaver, and carried by a vote of 6-0, the following resolution was adopted.

RESOLUTION
Museum in Miniature Foundation, Inc.
Resolution of Support

WHEREAS, the Fluvanna County Comprehensive Plan has long supported

- Tourism: The museum in Miniature will act as a magnet for regional, national and (eventually) international tourism; and
- Education: The Museum in Miniature will augment and enhance efforts to provide superior enrichment education opportunities within the County for its students, their teachers and staffs and provide continuing education and personal development for county citizens; and
- Rural Character of the County: The campus concept and the location of the Museum in miniature within that campus preserves and even highlights the rural character of the county; and
- Economic Development: The Museum will partner with the County to provide an introduction for its patrons to the possibilities of locating in Fluvanna. Additionally, it will itself be a major business within the County; and

- Employment: The Museum will provide training and employment opportunities at both the campus and the Museum facilities.

NOW, THEREFORE BE IT RESOLVED that the Fluvanna County Board of Supervisors fully supports and encourages the Museum in Miniature Foundation as it creates and guides the museum in Miniature.

Adopted this 16th day of December 2009
by the Fluvanna County Board of Supervisors

ATTEST:

Marvin F. Moss, Chairman