

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Courtroom**  
**Fluvanna Courts Building**  
**July 21<sup>st</sup> 2010**  
**7:00 p.m.**

**MEMBERS PRESENT:** Gene F. Ott, Chairman  
Shaun V. Kenney, Vice-Chair [arrived at 7:07 p.m.]  
Mozell H. Booker  
Joe Chesser  
John Y. Gooch  
Donald W. Weaver

**ALSO PRESENT:** Frank A. Pleva, Interim County Administrator  
Frederick W. Payne, County Attorney  
Darren Coffey, Planning Director  
Steve Tugwell, Planner  
Renee Hoover, Finance Director  
Crystal Besecker, Budget Analyst  
Amy Hall, Building Permits Clerk  
Alice F. Jones, Clerk to the Board of Supervisors

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

Chairman Ott called the regular meeting of July 21<sup>st</sup> 2010 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 Ott called for a moment of silence.

**REPORTS**

Mr. Frank A. Pleva, Interim County Administrator, reported on the following items:

- update on the Hardware River project [completion moved to the first part of August 2010]
- State surplus with state employees receiving a bonus this year
- Fluvanna County [due to greater sales tax receipts than anticipated] will receive approximately \$51,152 in addition to what was adopted in the budget [from the state]
- update on the County Planner position
- cooling shelter opening Friday through Sunday due to high heat
- reminder of the LEED Certification Ceremony scheduled for July 27<sup>th</sup> 2010 at 11:30 a.m.
- request for a closed meeting for legal matters
- provided information on a brush fire in a field in the Columbia District with no injuries or damage to houses or any other property; was well controlled

Chairman Ott apprised the Board and the public that TAB G regarding the James River Water Authority Bill for Legal Counsel was being moved to closed session for review and discussion and would be acted upon after the Closed Meeting.

*Supervisor Kenney arrived at 7:07 p.m.*

**PUBLIC COMMENTS #1**

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

The following citizens addressed the Board with their concerns:

- Mr. Jacques Ruch, Rivanna District, addressed the Board in opposition to the James River Water Authority
- Mr. Bill Hughes, Cunningham District, addressed the Board regarding the reduction for FY10 in JABA's budget
- Mr. Al Muoio, Rivanna District, addressed the Board in opposition to the James River Water Authority
- Mr. Adrian Miller, Rivanna District, expressed his support of growth and water but opposed to the James River Water Authority; constructions workers at the new Bear Garden power plant in Buckingham; and privatizing ABC stores
- Mr. Jerry Patchen, Palmyra District, addressed the board and indicated he was in favor of the Citizen Water Committee's recommendation of "Do Nothing Option"
- Mr. George O'Malley, Palmyra District, expressed his opposition to the James River Water Authority

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

**CONSENT AGENDA**

The following items were approved under the consent agenda:

**MOTION:**

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

- Mini Byrne JAG Grant [in the amount of \$1,634 administered by the Dept. of Criminal Justice Services and authorize a supplemental appropriation to the federal grant budget for the Sheriff's Office in the amount of \$1,471 to revenue line 3-202-330113-0099, and to meet match, authorize a supplemental appropriation expenditure lines as follows: \$198.98 Convention and Education (4-202-031209-5540); and \$1,435.02 Subsistence and Lodging (4-202-031209-5530)
- Resolution to Adopt a Road Name: Pear Tree Lane
- FY12 Budget Calendar

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

**ACCOUNTS PAYABLE**

None

**PUBLIC HEARING**

ZTA 10:03/Fluvanna County

This is a zoning text amendment to add commercial cemeteries as a use by special use permit.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

The following citizen addressed the Board regarding this issue:

- Ms. Elizabeth Fortune, Rivanna District, addressed the Board and expressed her support of this request

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

**MOTION:**

Mr. Chesser moved to approve ZTA 10:03, a request for a Zoning Text Amendment to Fluvanna County Code Section 22-4-2.2 by the adoption of a new subsection “Commercial Cemeteries” within the A-1, Agricultural, General zoning district with a special use permit [ordinance attached hereto]. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

ZTA 10:04/Fluvanna County

This is a zoning text amendment to add campgrounds as a use by special use permit.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

The following citizen addressed the Board regarding this issue:

- Mr. Minor Eager, Palmyra District, addressed the Board and expressed his support of this request
- Mrs. Janice O’Malley, Palmyra District, asked as to the size limit of the campgrounds

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

**MOTION:**

Mrs. Booker moved to approve ZTA 10:04, a request for a Zoning Text Amendment to Fluvanna County Code Section 22-4-2.2 by the adoption of a new subsection “Campgrounds” within the A-1, Agricultural, General zoning district with a special use permit [ordinance attached hereto]. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

**PRESENTATIONS:**

Economic Development Plan

Mr. Stephen Scott, Economic Development Committee Chairman, provided a PowerPoint presentation to the Board regarding the Fluvanna Economic Development Framework. Mr. Scott indicated that the framework was a logical hierarchy that includes the EDC Vision, Goals, and Strategies. Each strategy includes a set of tactics

with actions and expected results. Mr. Scott apprised the Board that two-person committees were formed and they were assigned the task of taking ownership of the Goals to refine the underlying Strategies, Tactics, and Tactical Action Plans. The Commission is working on a document that eventually will be submitted to the Board for adoption and then published.

#### Water Committee Update

Mr. Richard Schwarz, Citizens' Water Committee member, provided the Board with a PowerPoint presentation with an update of the committee's findings and recommendations. Mr. Schwarz indicated that the purpose of the Citizens' Water Committee (CWC) was to promote better communication; review the decision process; and develop a recommendation for a course of action to the Board of Supervisors. Their objectives were to ensure availability of water to community development areas; ensure availability of water to the primary county facilities; show that the alternative is financially viable through a cost/benefit analyst; protect the Rural Preservation Area; provide the lowest possible current and deferred tax impact; support Economic Development as outlined in the Comprehensive Plan; and protect groundwater resources. Mr. Schwarz provided CWC recommendations along with dissenting opinions from the Fluvanna Taxpayers Association and the Fluvanna Rural Preservation.

### **ACTION MATTERS**

#### Lease of Police Vehicles

This item was deferred.

#### Telecommunications Contract

This action will allow the County to procure CityScape Consultants, Inc. for a Telecommunications Master Plan, Ordinance, and Review Services. This plan would layout a roadmap for communications infrastructure in the County that would include broadband, cellular, and public safety radio equipment. CityScape will provide the technical, administrative, and legal expertise, in close coordination with Fluvanna County, for the leasing of County property to telecommunications interest.

Mr. Darren Coffey, Planning Director, addressed the Board regarding this issue.

#### MOTION:

Mr. Kenney moved to authorize the County Administrator to execute a contract, after County Attorney approval as to form, with CityScape Consultants, Inc. for telecommunications services including master plan and ordinance development, tower application reviews, and lease management services, in an amount not to exceed \$34,326.50 and paid from the FY11 Capital Reserve fund. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Public Safety Radio Contract

This action will allow the County to procure RCC Consultants, Inc. for public safety radio services. This plan would layout a roadmap for public safety communications infrastructure in the County.

Ms. Tammy Johnson, Director of Communications, addressed the Board regarding this issue.

MOTION:

Mr. Kenney moved to authorize the County Administrator to execute a contract, after County Attorney approval as to form, with RCC Consultants, Inc. for public safety radio services in an amount not to exceed \$28,500 and paid from the FY11 Capital Reserve fund. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Appointment/Planning Commission – Columbia District

MOTION:

Mr. Kenney moved to appoint Carolyn F. Tinsley to the Planning Commission, Columbia District position, with a term to begin immediately and to terminate on June 30<sup>th</sup> 2014. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

OLD/NEW BUSINESS

The following topics were brought up under Old/New Business:

- status of budget cuts to non-profits
- response of rescue squads to other localities
- status of paid services for fire and rescue

The board **directed** staff to prepare a draft letter for the Chairman's signature to the Fluvanna County Rescue Squad Board President inquiring into the squads responding to emergencies in Fluvanna County; also the rescue squads opinion of paid services and ask the rescue squad leaders to appear before the Board in September 2010.

PUBLIC COMMENTS #2

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

The following citizen addressed the Board:

- Mr. Adrian Miller, Rivanna District, addressed the Board commending the EDC and the Water Committee presentations with their thoroughness and recommendations; expressed concern regarding possible water usage from the Rivanna River; and privatizing liquor stores
- Elizabeth Fortune, Rivanna District, thanked Mr. Robins for his help and knowledge on the Citizens' Water Committee
- Mr. Michael Glenn, Rivanna District, addressed the Board regarding regional authorities increasing; the County's growth areas; and opposed to the JRWA
- Mrs. Norma Hutner, Rivanna District, addressed the Board regarding the report provided by the EDC; businesses closing in the County and the water issue

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

**CLOSED MEETING**

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

At 9:32 p.m. Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of consultation of counsel regarding actual and probable litigation. Mr. Kenney seconded. The motion carried by a vote of 65-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

**MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION:**

At 10:14 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Chesser seconded. The motion carried by a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

**MOTION:**

At 10:15 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, June 16<sup>th</sup> 2010 on motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

“**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.”

**CLOSED MEETING ACTION:**

**James River Water Authority Bill for Legal Counsel**

This is a request for payment of two invoices from McGuireWoods, LLP, of Charlottesville for legal services rendered the JRWA.

This item was discussed in a closed meeting and this is the action ratified after coming out of the closed meeting.

**MOTION:**

Mr. Chesser moved that the Board of Supervisors approve payment of \$5,300.30 for Fluvanna County’s share of two (2) invoices from McGuire Woods, LLP, which are dated March 31<sup>st</sup> 2010 and April 1<sup>st</sup> 2010 for legal services rendered to the James River Water Authority; further moved that \$4,479.87 be appropriated from the FY2011 Contingency Fund to the JRWA account to fund payment of these

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

**ADJOURN**

**MOTION:**

At 10:18 p.m., Mr. Weaver moved to adjourn the meeting of  
Wednesday, June 16<sup>th</sup> 2010. Mr. Kenney seconded. The motion carried  
with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver  
and Ott. NAYS: None.

**RESOLUTION TO ADOPT A ROAD NAME:  
Pear Tree Lane**

**WHEREAS**, the establishment of an Enhanced 9-1-1 emergency telephone system in Fluvanna County has become effective; and

**WHEREAS**, such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and

**WHEREAS**, County staff has recommended this road name for consideration; and,

**WHEREAS**, the Board of Supervisors is empowered to name streets, roads and alleys within the County in accordance with Section 18-2 of the Fluvanna County Code;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Fluvanna County pursuant to Section 18-2 of the Fluvanna County Code that the road located off of Hunters Lodge Road just west of Troy Height Lane, be named Pear Tree Lane.

Adopted this 16<sup>th</sup> day of June, 2010.

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Alice F. Jones  
Clerk to the Board of Supervisors