

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
July 20th, 2011
7:00 p.m.**

MEMBERS PRESENT: John Y. Gooch, Chairman
Shaun V. Kenney, Vice-Chairman
Joe Chesser
Donald W. Weaver
Mozell H. Booker
Chris S. Fairchild

ALSO PRESENT: Jay Scudder, County Administrator
Fred Payne, County Attorney
John Robins, Public Works Director
Pat Groot, Grants Administrator
Dwight Godwin, Parks and Recreation Director
Steven Tugwell, Planner
Mary L. Weaver, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Gooch called the meeting of July 20th, 2011, 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 Gooch called for a moment of silence.

REPORTS

Mr. Jay Scudder, County Administrator, reported on the following topics:

- *Safer Grants* – new grant opportunity, Staffing for Adequate Fire and Emergency Response grant, may be available for Fluvanna County.
- *FSCPA Contract* – looking into the renewal of the FSCPA contract.
- *Jurisdiction Signs* – most signs have been put up by specific organizations.

The Board directed staff to look into bringing the soft billing discussion for Fire and Rescue back to the Board.

- *TJEDP* – Mr. Scudder is serving on the committee to select a candidate for the Comprehensive Strategic Economic Development Plan for the region which is being conducted July 20-21, 2011.

PUBLIC COMMENTS #1

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

- Bob Leipold, Rivanna District – addressed the Board regarding upcoming elections.
- Bryan Phillips, Rivanna District – addressed the Board in opposition to the bonus ordinance.

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

CONSENT AGENDA

The following items were pulled from the consent agenda:

- Minutes of July 6th, 2011.

Minutes of July 6, 2011

Mr. Weaver requested the minutes of July 6th, 2011, be deferred to the August 3rd, 2011 meeting to allow time to make corrections.

The following items were approved under the consent agenda:

MOTION:

Mr. Kenney moved to approve the consent agenda with corrections to minutes, which consisted of:

- Region Ten FY12 Performance Contract.
- Rural Rustic Roads/Routes 675, 636, 709 and 635 [Old Driver Hill Road, Garden Lane, Martin Lane and Cannery Lane].
- Authorization to submit DCJS grant for the Sheriff's Office.

- Accept DCJS grant award for Sheriff's Office.

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

PUBLIC HEARING

ZMP 11:01 – Fluvanna County – I-1 to A-1, and I-1 to I-1[An ordinance to amend the Fluvanna County Zoning Map with respect to 10.339 acres of Tax Map 12, Section 18, Parcels 1, 2, and 3 to rezone the same from I-1, Industrial, Limited to A-1, Agricultural, General; and 52.859 acres of Tax Map 12-18-4 and Tax Map 12-17-C, to rezone the same from I-1, Industrial, Limited to I-1, Industrial, Limited. The affected properties are located off of Route 696 (Deerfield Road), south of Route 607 (Bybee Road), approximately 0.70 miles east of Route 613 (Bybees Church Road). The properties are located in the Columbia Election District and are within the Zion Crossroads Community Planning Area – Mr. Steven Tugwell, Planner, addressed the Board regarding this item.

Chairman Gooch opened the public hearing.

- Joseph Floyd Crane, Palmyra District – addressed the Board in support of this request.
- Dick Kerns, Palmyra District – addressed the Board in support of this request.
- Donneta McElheny, Palmyra District – addressed the Board in support of this request.

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

After some discussion the following motion was made:

MOTION:

Mr. Kenney moved that the Board of Supervisors approve ZMP 11:01, a request to amend the Fluvanna County Zoning Map with respect to approximately 63.198 acres of Tax Map 12, Section 18, Parcels 1, 2, 3, to rezone the same from I-1, Industrial, Limited to A-1, Agricultural, General; and Tax Map 12, Section 17, Parcel C, and Tax Map 12, Section 18, Parcel 4, to rezone the same from I-1, Industrial, Limited to I-1, I-1, Industrial, Limited. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Alcohol Ordinance – proposed ordinance amendment concerning the sale, distribution, consumption and possession of alcoholic beverages on county property, with certain exceptions. Dwight Godwin, Parks and Recreation Director, addressed the board on this request.

Chairman Gooch opened the public hearing.

- Faye Davis, Cunningham District – addressed the Board with concerns about an alcohol ordinance.
- George Cushnie, Cunningham District – addressed the Board regarding separating the Farmers Market from other types of events in this ordinance.
- Bill Anderson, Rivanna District, President Fluvanna Arts Council – addressed the Board regarding excluding the Carysbrook auditorium from the list in this ordinance.
- Kathy Swenson Miller, Columbia District – addressed the Board in support of this ordinance.
- Annie C. Evans, Columbia District – addressed the Board in opposition to this ordinance.
- Phyliss Montellese, - Fork Union District - addressed the Board regarding the farmers market and the wineries' responsibility.
- Dennis Holder, Kents Store – addressed the Board in support of this ordinance.
- Bill Hughes, Cunningham District – addressed the Board in support of this ordinance.

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

After some discussion the following motion was made:

MOTION:

Mr. Kenney moved that the Board of Supervisors adopt the ordinance entitled “AN ORDINANCE TO AMEND THE FLUVANNA COUNTY CODE BY THE ADDITION IN CHAPTER 14 OF A SECTION 14-4, CONCERNING THE SALE, DISTRIBUTION, COMSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY, WITH CERTAIN EXCEPTION”.

Furthermore, I move that the Board approve events permitted under this subsection may be located at one or more of the following locations and no others, which location shall be specified in the Parks and Recreation Facility Rental Agreement: with amendment to

3B (but not including the auditorium). Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

PRESENTATIONS:

Fork Union Sanitary District Future Water Supply Plans

Mr. Alan Batson, Chairman of the Fork Union Sanitary District Advisory Board, reviewed with the Board a short and long term plan to improve the wells in the Fork Union Sanitary District.

ACTION MATTERS

Radio System Compliance and Upgrade Recommendations – Mr. John Robins, Public Works Director, addressed the Board in regards to improving the current E911 radio communications system and meeting the Federal Communications Commission mandate by January 1, 2013.

MOTION:

Mrs. Booker moved to direct staff to add a task order, not to exceed \$20,000, to the existing radio consultants contract to develop a request for bid to narrow-band the existing radio system and advertise it and return it to the Board of Supervisors for possible approval. Additionally, I move to direct staff to advertise a request for proposal to hire a radio consultant to plan, design and help the County implement radio improvements to create a system with better coverage and interoperability. Mr. Kenney seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

Budget Supplement for JAUNT

Ms. Donna Shaunesey, JAUNT Executive Director, addressed the Board in regards to a budget supplement for JAUNT, to supplement the rising fuel costs. No action was taken on this request.

Boards/Commissions Committee – Fluvanna Transportations Safety Commission – Rivanna District

MOTION:

Mr. Fairchild moved to appoint Mr. Ray Weimer, to the Fluvanna Transportations Safety Commission, Rivanna District, with a term to begin immediately, and to terminate on June 30th, 2014. Mr. Kenney seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

Boards/Commissions Committee – Library Board of Trustees – Rivanna District

MOTION:

Mr. Fairchild moved to appoint Ms. Angela Bergeron, to the Library Board of Trustees, Rivanna District, with a term to begin immediately, and to terminate on June 30th, 2013. Mr. Kenney seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

OLD BUSINESS

VRS – Mr. Weaver would like to see the VRS rules be put on an agenda sometime for discussion.

Work Session – The work session for August 17, 2011, will be held in the Morris Room.

NEW BUSINESS

VDOT – Mr. Fairchild addressed concerns with the paving job that was done in front of the new high school.

Fluvanna Girls Softball League – The 11-12 year old team went to the state finals and won the Sportsmanship Trophy, first time winning a state trophy.

Board of Supervisors Work Session – Inquired if there will be an agenda for the August 17, 2011, work session. Mr. Scudder will work up an agenda.

PUBLIC COMMENTS #2

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

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

ADJOURN

MOTION:

At 9:58 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, July 20th, 2011. Mr. Kenney seconded. The motion carried, with a vote of 6-0. AYES: Chesser, Goch, Kenney, Booker, Weaver and Fairchild. NAYS: None. ABSENT: None

John Y. Goch, Chairman

APPROVED

**FLUVANNA COUNTY, VIRGINIA
BOARD OF SUPERVISORS
RURAL RUSTIC ROAD PROJECT
ROUTE 675, OLD DRIVERS HILL ROAD**

The Board of Supervisors of Fluvanna County, in regular meeting on the 20th day of July, 2011, adopted the following:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Fluvanna County, Virginia (“Board”) desires to consider whether Route 675, Old Drivers Hill Road, From: Route 6 To: End of State Maintenance should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the District Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the District Administrator for the Virginia Department of Transportation.

Recorded Vote 6-0
Moved By: Mr. Kenney
Seconded By: Mrs. Booker
Yeas: 6
Nays: 0

A Copy Teste:

Signed _____
Printed Name Mary L. Weaver
Title Clerk to the Board of Supervisors

**FLUVANNA COUNTY, VIRGINIA
BOARD OF SUPERVISORS
RURAL RUSTIC ROAD PROJECT
ROUTE 636, GARDEN LANE**

The Board of Supervisors of Fluvanna County, in regular meeting on the 20th, day of July, 2011, adopted the following:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Fluvanna County, Virginia (“Board”) desires to consider whether Route 636, Garden Lane, From: Route 53 To: End of State Maintenance should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the District Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the District Administrator for the Virginia Department of Transportation.

Recorded Vote 6-0
Moved By: Mr. Kenney
Seconded By: Mrs. Booker
Yeas: 6
Nays: 0

A Copy Teste:

Signed _____
Printed Name Mary L. Weaver
Title Clerk to the Board of Supervisors

**BOARD OF SUPERVISORS
RURAL RUSTIC ROAD PROJECT
ROUTE 709, MARTIN LANE**

The Board of Supervisors of Fluvanna County, in regular meeting on the 20th day of July, 2011, adopted the following:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Fluvanna County, Virginia (“Board”) desires to consider whether Route 709, Martin Lane, From: Route 600 To: End of State Maintenance should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the District Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the District Administrator for the Virginia Department of Transportation.

Recorded Vote 6-0
Moved By: Mr. Kenney
Seconded By: Mrs. Booker
Yeas: 6
Nays: 0

A Copy Teste:

Signed _____
Printed Name Mary L. Weaver
Title Clerk to the Board of Supervisors

**FLUVANNA COUNTY, VIRGINIA
BOARD OF SUPERVISORS
RURAL RUSTIC ROAD PROJECT
ROUTE 635, CANNERY LANE**

The Board of Supervisors of Fluvanna County, in regular meeting on the 20th, day of July, 2011, adopted the following:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Fluvanna County, Virginia (“Board”) desires to consider whether Route 635, Cannery Lane, From: Route 15 To: End of State Maintenance should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the District Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the District Administrator for the Virginia Department of Transportation.

Recorded Vote 6-0
Moved By: Mr. Kenney
Seconded By: Mrs. Booker
Yeas: 6
Nays: 0

A Copy Teste:

Signed _____
Printed Name Mary L. Weaver
Title Clerk to the Board of Supervisors

An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 10.339 acres of Tax Map 12, Section 18, Parcels 1, 2, and 3 to rezone the same from I-1, Industrial, Limited to A-1, Agricultural, General; and 52.859 acres of Tax Map 12-18-4 and Tax Map 12-17-C to rezone the same from I-1, Industrial, Limited to I-1, Industrial, Limited.

(ZMP 11:001)

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 10.339 acres of Tax Map 12, Section 18, Parcels 1, 2, and 3, be and is hereby, rezoned from I-1, Industrial, Limited to A-1, Agricultural, General; and that 52.859 acres of Tax Map 12-18-4 and Tax Map 12-17-C, be and is hereby, rezoned from I-1, Industrial, Limited to I-1, Industrial, Limited.

APPROVED

**AN ORDINANCE TO AMEND THE FLUVANNA COUNTY CODE BY THE ADDITION
IN CHAPTER 14 OF A SECTION 14-4, CONCERNING THE SALE, DISTRIBUTION,
CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON COUNTY
PROPERTY, WITH CERTAIN EXCEPTIONS**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-1800, that the County Code be, and it is hereby, amended, in Chapter 14, by the addition of a Section 14-4, which is hereby enacted as follows:

14-4. Sale, distribution, consumption and possession of alcoholic beverages prohibited on County property; exceptions.

(a) No person shall sell, give away or otherwise distribute; consume, or possess an open or previously opened container containing, any alcoholic beverage; or be under the influence of an alcoholic beverage, while on any County property.

(b) Any person violating the provisions of this section shall, in addition, to any other penalty, be deemed to be a trespasser on the property on which such violation shall have taken place.

(c) Notwithstanding subsection (a), the sale, distribution, possession and consumption of alcohol, by persons of legal age, at certain public parks and recreation facilities may be permitted under certain conditions as more particularly set forth hereinafter.

(1) Beer and/or wine may be sold or otherwise distributed, consumed and possessed by persons otherwise permitted by law to possess the same and in accordance with the regulations of the Virginia Alcoholic Beverage Control Board ("ABC") for the following special events:

(A) Private events where alcohol is provided at no charge to guests, such as wedding receptions, retirement parties, etc., (commonly referred to as "banquets") which are hosted by private individuals;

(B) Special events hosted by duly organized, nonprofit corporations and associations raising money for athletic, charitable, educational, political, or religious purposes;

(C) Events (commonly referred to as "tastings") involving the sale or giving of samples for the purpose of educating the consuming public about alcoholic beverages being tasted.

(2) Each event shall be subject to a Facility Rental Agreement approved by the director of Parks and Recreation in a form approved by the county attorney. Each such agreement shall be accompanied by a copy of a current ABC license of a type appropriate to the event as well as proof of liability insurance, with the County as additional insured, in a form reasonably satisfactory to the county attorney. In addition to other provisions, each such agreement shall require the provision of security controls reasonably satisfactory to the director of Parks and Recreation. Approval of any such agreement shall be conditioned upon the payment to the County of a fee reasonably calculated to defray the expense of administration of this section not to exceed \$1000.

(3) Events permitted under this subsection may be located at one or more of the following locations and no others, which location shall be specified in the Facility Rental Agreement:

(A) Pleasant Grove (Manor House, Wedding Grounds, Pole Barn, Heritage Trail Shelter, Farmer's Market Grounds);

(B) Carysbrook Performing Arts Center;

(C) Bremo picnic shelter;

(D) Fluvanna County Community Center (Fork Union).

(4) Permits for events shall be subject to revocation for material violations of this section or of the Facility Rental Agreement or any associated ABC license.