

**FLUVANNA COUNTY  
BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna Courts Building  
January 18<sup>th</sup>, 2012  
7:00 p.m.**

**MEMBERS PRESENT:** Shaun V. Kenney, Chairman  
Bob Ullenbruch, Vice-Chairman  
Mozell H. Booker  
Donald W. Weaver  
Joe Chesser

**ALSO PRESENT:** Fred Payne, County Attorney  
Darren Coffey, Interim County Administrator/Planning Director  
Steven Tugwell, Senior Planner  
Andrew Pompei, Planner  
John Robins, Public Works Director  
Mary Weaver, Clerk, Board of Supervisors

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

Chairman Kenney called the meeting of January 18<sup>th</sup>, 2012, 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 Kenney called for a moment of silence.

**REPORTS**

Darren Coffey, Interim County Administrator, reported on the following topics:

- FEMA will be holding a Town Hall meeting on February 1, 2012, at Carysbrook Performing Arts Center at 7:00pm, for Earthquake Assistance Information.

**PUBLIC COMMENTS #1**

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

- Harold Bare, Covenant Church – addressed the Board in regards to potential growth at Zion Crossroads.
- Leon Wigfield – addressed the Board in regards to the Rural Rustic Road improvements for Garden Lane.
- Andrea Cumbo – addressed the Board in regards to the Relay for Life Race on June 9<sup>th</sup> and 10<sup>th</sup>, at the Fluvanna County High School. The Board was challenged to form a team and set a high goal.
- Herman Johnson – addressed the Board in regards to delinquent taxes.
- Alex Von Der Becke – addressed the Board in regards to starting awareness between beekeepers and farmers, to preserve honey bees.

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

**CONSENT AGENDA**

The following items were approved under the consent agenda:

**MOTION:**

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

- Minutes from January 4<sup>th</sup>, 2012, including minutes from retreat on January 6<sup>th</sup>, 2012.

Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES:

Ullenbruch, Booker, Kenney, Chesser and Weaver. NAYS: None. ABSENT: None.

**ACCOUNTS PAYABLE**

None

**PUBLIC HEARING**

*SUP 11:05, Central Virginia Electric Cooperative*

A request for a special use permit to install electric facilities related to a major utility with respect to 62.8 acres of Tax Map 26, Section A, Parcels 22, 23, and 24F. The applicant is

proposing to construct, operate, and maintain electric transmission and substation facilities to serve the Transcontinental Gas Pipe Line Company's natural gas pump station. The property is currently zoned A-1 and I-1 and is located on Transco Road (Route 643), approximately 1/2 mile west of Rolling Road South (Route 620). The property is located in the Cunningham Election District and is within the Rural Preservation Planning Area.

Mr. Steven Tugwell, Senior Planner, addressed the Board regarding this item.

The Board questioned condition #7, the noise level of 70db for this request.

Chairman Kenney opened the public hearing.

- Alex Von Der Becke – addressed the Board in regards to this being a substation.

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

Mr. Joseph Key, Engineering Service Manager, addressed the concerns of the decimal rating and agreed to lower it to 60db.

MOTION:

Mr. Weaver moved that the Board of Supervisors approve SUP 11:05, a special use permit request to install electric facilities related to a major utility, with respect to 62.8 acres of Tax Map 26, Section A, Parcels 22, 23 and 24F, subject to the conditions listed below:

- 1) Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval;
- 2) Meeting all VDOT and Health Department requirements.
- 3) New buildings and structures shall be compatible with existing buildings, be earth tone in color, and be approved by planning staff prior to construction.
- 4) Any lighting will not be directed toward adjacent properties and will be limited in nature.
- 5) Outside storage of materials and machinery shall be screened from the public rights-of-way with either architectural or vegetative screening as approved by the County;
- 6) All screening shall be maintained in a condition acceptable to the County;
- 7) All noise generated by the electrical service facility shall be limited to maximum daytime and nighttime level of 60 dB at the property line.
- 8) The 230 KV transmission line shall be no taller in height than the 74.6 feet that the application is proposing.
- 9) The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.

Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

SUP 11:06, Central States Tower, LLC – Construct Telecommunications Tower

A request for a special use permit to amend SUP 07:15 to allow for an increase in height from 125 feet to 195 feet, for a wireless communications tower, with respect to 29.389 acres of Tax Map 52, Section 1, Parcel 7. The property is zoned A-1 and is located on Route 15 (7021 James Madison Highway), just north of the Route 15 and Route 6 (East River Road) intersection. The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.

Mr. Andrew Pompei, Planner, addressed the Board regarding this item.

Mr. Fred Payne, County Attorney, addressed a change to condition #11.

Chairman Kenney opened the public hearing.

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

After some discussion the Board made the following motion:

MOTION:

Mr. Chesser moved that the Board of Supervisors approve SUP 11:06, a special use permit request, to allow for a 195 foot monopole telecommunications tower, pursuant to Fluvanna County Code Section 22-27-1 with respect to 29.389 acres of Tax Map 52, Section 1, Parcel 7, subject to the conditions listed below:

- 1) The tower, including antennae, will not be higher than ~~125~~ 199 ft. and will not be lit;
- 2) The applicant must secure all required approvals from the building official and VDOT;
- 3) The tower shall be in the same location as shown in the application;

- 4) The Applicant shall secure all necessary permits required;
- 5) Prior to issuance of building permits the Applicant shall submit to the County satisfactory SHPO and NEPA documentation;
- 6) The Applicant shall submit a landscape plan as required by Article 24 (Tree Protection) of the Fluvanna County Zoning Ordinance;
- 7) The Applicant shall provide completed balloon tests;
- 8) The tower shall be a monopole and shall be engineered ~~to collapse within the leased area~~ with breakpoint technology;
- 9) All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;
- 10) If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
- 11) The tower shall be available for co-location by other telecommunication companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
- 12) The support structure is to be sufficient to support antennas of a like design for five (5) additional wireless service providers, or a total of six (6) wireless service providers;
- 13) The facility when completed shall be accessible only to authorized personnel; and
- 14) Violation of any condition of this permit shall be grounds for revocation of this permit.

Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

### **PRESENTATIONS**

PC's Proposed Long Range Planning Projects for 2012 – Mr. Andrew Pompei, Planner, reviewed with the Board the below projects for accomplishment in 2012.

- Amend Parking and Landscaping Sections of the Zoning Ordinance
- Review of the Sign Ordinance
- Amend A-1 zoning district, create new rural zoning district
- Cash Proffers
- TDR/PDR
- Review of Conservation Easement Program

Radio Communications Narrow Banding Update – Mr. John Robins, Public Works Director, reviewed with the Board the following procedures to accomplish the narrow banding federal mandated compliance by January 1, 2013.

- Objectives
- Steps to be taken
- Replacement of Equipment
- Reprogramming of Radios
- Interoperability
- Costs
- Schedule

The final quote will be presented to the Board at the February 15<sup>th</sup> meeting.

### **ACTION MATTERS**

None

### **UNFINISHED BUSINESS**

Code of Ethics – Mr. Darren Coffey, Interim County Administrator, addressed this request.

### **NEW BUSINESS**

County Administrator Hiring Process – Mr. Darren Coffey, Interim County Administrator, reviewed with the Board the proposed time schedule for advertising, interviewing and hiring of a County Administrator.

Chairman Kenney appointed Mr. Weaver and himself to sit on the interview panel for the County Administrator.

Rural Rustic Road Improvements/Garden Lane(Rt. 636) – The Board discussed amending the improvements to stop approximately a ½ mile before the end of the road.

**MOTION:**

Mr. Weaver moved that the Board of Supervisors limit the Rural Rustic Road improvement on Garden Lane from Route 53 to a safe point past the Aqua Virginia entrance, as determined by VDOT. Mr. Ullenbruch seconded.

The Board further discussed and **directed** staff to send a notice to the property owners affected, notifying them of the impending improvements. Mr. Weaver withdrew his motion; and the Board requested this item be placed on the agenda for February 1, 2012, under unfinished business.

*Budget Directive* – The Board changed the directive given to staff at the January 6<sup>th</sup>, 2012, BOS Retreat, from creating and presenting four scenarios of the budget, to presenting the consensus of the budget subcommittee.

*Vision Statement* – The Board discussed changing the current vision statement to the following: Fluvanna County – through self-reliance, self-sufficient, and self-government – is the ideal place to raise families, foster entrepreneurship, and do business in the Commonwealth.

**MOTION:**

Mr. Chesser moved that the Board of Supervisors accept and adopt the vision statement. Mrs. Booker seconded. The motion carried with a vote of 5-0.

AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None.

ABSENT: None.

*Speed Study for Court House Road* – The Board **directed** staff to initiate a speed study for Court House Road.

Mr. Chesser inquired about a Lafayette gate opening at Lake Monticello. Mrs. Groot mentioned that there has been some discussion but no decisions have been made.

Three members of the Board were invited to do a broadcast for Lake Monticello Owners Association at the same meeting. Mr. Chesser asked Mr. Fred Payne, County Attorney, about the legalities of this. Mr. Payne stated, according to the statute, as long as there is no business discussed, it would not be considered a meeting. Mr. Payne suggested it would be best not to have three Board members present at the same time.

**PUBLIC COMMENTS #2**

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

- Mr. Ted Stuckley, FEMA External Affairs, addressed the Board in regards to the earthquake relief assistance. Please spread the word to the residents of the county, that there is assistance available. There will be a Town Hall meeting at Carysbrook Performing Arts Center on February 1, 2012, from 7:00 – 9:00pm.

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

**CLOSED MEETING**

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

At 8:59 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 discussing Legal Matters – Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

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

At 9:34 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

**MOTION:**

At 9:35p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, January 18<sup>th</sup>, 2012, on motion of Mr. Weaver, seconded by Mrs. Booker and carried by the following vote: AYES: Kenney, Ullenbruch, Booker, Weaver, and Chesser. NAYS: None. ABSENT: 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.”

**ADJOURN**

**MOTION:**

At 9:36p.m., Mrs. Booker moved to adjourn the meeting of Wednesday, January 18<sup>th</sup>, 2012. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Mary L. Weaver, Clerk

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Shaun V. Kenney, Chairman

APPROVED