

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
March 19, 2014, 7:00 pm**

- MEMBERS PRESENT:** Mozell Booker, Chairperson  
Bob Ullenbruch, Vice-Chairperson  
Mike Sheridan  
Donald W. Weaver  
Tony O'Brien
- ALSO PRESENT:** Steven M. Nichols, County Administrator  
Fred Payne, County Attorney  
Mary Weaver, Clerk to the Board of Supervisors
- SCHOOL BOARD MEMBERS PRESENT:** Brenda Pace, Vice-Chairperson  
Bertha Armstrong  
Carol Tracy Carr
- SCHOOL BOARD MEMBERS ABSENT:** Camilla Washington, Chairperson  
Charles Rittenhouse
- SCHOOL STAFF PRESENT:** Gena Keller, School Superintendent  
Chuck Winkler, Assistant School Superintendent  
Edward Breslauer, Director of Finance  
Brandi Critzer, Clerk to the School Board

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

Chairperson Booker called the meeting of Wednesday, March 19, 2014, to order at 7:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairperson Booker called for a moment of silence and asked to remember Mr. Adrian Miller who passed away recently.

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Pleasant Grove Community Garden received some upgrades, new walkways and fence line, thanks to Public Works Grounds Staff.
- Chamber Ribbon Cutting Ceremony for Sadie's Stay N'Play.
- Lake Monticello Classifieds celebrates 10 years in business.
- "A Look at Fire and Rescue" Series, free six-week class for individuals who want to be more informed.
- Upcoming meetings –
  - Wednesday, March 26, Budget Work Session
  - Wednesday, April 4, Regular meeting and work session immediately following
  - Wednesday, April 9, Public Hearing – FY15 Operating/Capital Budget and CIP

**BOARD OF SUPERVISORS UPDATE**

Mike Sheridan – attended the Columbia Task Force meeting, working on securing grants and TJPDC and Planning Department going to assist with getting Comprehensive Plan and Ordinances written up.

Tony O'Brien – attended the Thomas Jefferson Planning District Commission (TJPDC) meeting; they are in the process of hiring a director. Also met with Susan Muir, Social Services Director, to get a better understanding of Social Services Department.

Mozell Booker – attended the JABA Board and visited the new PACE center, a total care facility for the elderly. Attended the Leadership for the extension agency and the Rivanna River Basin Commission meeting.

**PUBLIC COMMENTS #1**

Chairperson Booker opened the floor for the first round of public comments.

- Seth Matula, Cunningham District – addressed the Board on his priorities of schools and safety.
- Bill Sullivan, Rivanna District – thanked the Board for the refreshing change of attitude and perspective. Addressed the Board on the strategic initiatives that were set, Fostering Economic Well-being, Community Partnerships, two-way dialogue, and funding the future.

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

### **PUBLIC HEARING**

ZMP 13-02 – Cowboys, LLC – Mr. Steven Tugwell, Senior Planner, addressed this request to amend the Fluvanna County Zoning Map with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B, to conditionally rezone the same from A-1, Agricultural, General, to B-1, Business, General. Ms. Barbara Goshorn, representative for applicant, addressed the Board in regards to the intentions the applicant has for this property.

Chairperson Booker opened the floor for the public hearing.

- Marvin Moss, Columbia District – addressed the Board in opposition of this request. Passed out a petition of 103 individuals opposed to this request.
- Frank Gallo, Palmyra District – addressed the Board in opposition of this request, these two acres are at the gateway to Palmyra the one County seat for the county.
- Molly Suling, Palmyra District – addressed the Board in opposition of this request, pertains to the gateway of Palmyra.
- Andy Sorrell, Columbia District – addressed the Board in regards to deferring this request so applicant can show consistency with the adopted 2009 Comprehensive Plan.
- Len Gardner, Rivanna District – addressed the Board in opposition of this request, need guidelines for areas of property current ones are too broad.
- Judy Mickelson, Director of Historical Society, Palmyra District – addressed the Board in opposition of this request, concerned of reputation and image of Palmyra.
- Bryce Campanelli, Palmyra District - addressed the Board in opposition of this request, concerned beauty will disappear.
- Betty McGhee, Palmyra District - addressed the Board in opposition of this request, historic village, inappropriate for this area.

With no one else wishing to speak, Chairperson Booker closed the public hearing.

#### **MOTION:**

Mr. Weaver moved to deny ZMP 13-02, with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B, subject to the submitted proffer;

Exclude “car washes, cemeteries, hospitals, hotels, commercial marinas, and large scale retail stores” out of the list of permitted uses in B-1 zoning.

Mr. Sheridan seconded. The motion carried, with a vote of 4-1. AYES: Booker, Sheridan, O’Brien, and Weaver. NAYS: Ullenbruch. ABSENT: None.

### **ACTION MATTERS**

Appointment/Fluvanna Partnership for Aging, Palmyra District Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Palmyra District position for the Fluvanna Partnership for Aging committee.

#### **MOTION:**

Mr. Ullenbruch moved to appoint Ms. Catherine Closin to the Fluvanna Partnership for Aging, Palmyra District Position, with a term to begin immediately and to terminate December 31, 2017. Mr. Weaver seconded. The motion carried, with a vote of 5-0.

AYES: Booker, Ullenbruch, Sheridan, O’Brien, and Weaver. NAYS: None. ABSENT: None.

Appointment/ Fluvanna Partnership for Aging, Rivanna District Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Rivanna District position for the Fluvanna Partnership for Aging committee.

#### **MOTION:**

Mr. O’Brien moved to appoint Ms. Diane Everline to the Fluvanna Partnership for Aging, Rivanna District Position, with a term to begin immediately and to terminate December 31, 2017. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O’Brien, and Weaver. NAYS: None. ABSENT: None.

Six Month Evaluation of the Code Compliance Officer Position – Mr. Jason Stewart, Planning and Zoning Administrator, reviewed with the Board the duties of the Code Compliance and the benefits of this position being full time. Mr. Stewart recommends the incumbent become E&S/ Stormwater Certified Inspector and Certified Zoning Official within 12 months if this position is made full time.

#### **MOTION:**

Mr. Ullenbruch moved to approve conversion of the Code Compliance Officer position from permanent part-time 20 hours per week to permanent full time 40 hours per week beginning July 1, 2014, at an annual cost of \$41,709.36 for salary and benefits, an increase of \$24,857.76 over current costs. Mr. O’Brien seconded. The motion carried,

with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien, and Weaver. NAYS: None. ABSENT: None.

Resolution for Revised PPEA Guidelines – Mr. Bobby Popowicz, Director of Community Development and Planning, and Mr. Fred Payne, County Attorney, addressed the Board with this request to adopt revised guidelines for projects under the Public-Private Education Facilities and Infrastructure Act of 2002.

**MOTION:**

Mr. O'Brien moved to approve the "RESOLUTION TO ADOPT REVISED GUIDELINES FOR PROJECTS UNDER THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002, as AMENDED." that allows minimum and maximum fees to be charged by the County of Fluvanna for review of unsolicited PPEA proposals. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien, and Weaver. NAYS: None. ABSENT: None.

Fluvanna County Health Care Plan for FY15 – Ms. Gail Parrish, Human Resources Manager, addressed the Board with this request for the FY15 Health Benefits Proposal and the monthly contributions for benefit eligible employees.

**MOTION:**

Mr. Ullenbruch moved to accept the Anthem/The Local Choice Health Benefits Proposal for the fiscal year 2015. Also, moved to set the County's FY15 monthly contributions for benefit eligible employees at \$490 for employee-only plans, \$685 for employee plus one plans, and \$890 for family plans. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien, and Weaver. NAYS: None. ABSENT: None.

FY14 Pleasant Grove Project Shortfall – Mr. Eric Dahl, Management Analyst, addressed the Board with this request for the need and reason for additional funding for the Pleasant Grove House.

**MOTION:**

Mr. Ullenbruch moved to approve a supplemental appropriation for \$75,000 from Uncommitted Fund Balance for the Pleasant Grove House project budget. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien, and Weaver. NAYS: None. ABSENT: None.

**RECESS** at 9:11 p.m.

**RECONVENE** at 9:23 p.m.

**PRESENTATIONS**

School Board FY15 Budget Request Presentation – Ms. Gena Keller, School Superintendent, presented the FY15 School Budget request on behalf of the School Board. Ms. Keller discussed the mission and vision, four strategic priorities, student performance, points of pride, regional partnerships and the FY15 budget focus and request. Mr. Ed Breslauer, Finance Director, discussed cost expectance of the VRS payments.

**CONSENT AGENDA**

The following items were approved under the consent agenda:

**MOTION:**

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

- Work Session Minutes of February 26, 2014.
- Minutes of March 05, 2014.
- Capital Reserve Maintenance Fund Request/Replace three heat pumps at the Social Services Building, \$18,000.00.
- Resolution for Dr. Babbitt's Service to the Planning Commission.

Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien, and Weaver. NAYS: None. ABSENT: None

**UNFINISHED BUSINESS**

Mr. Fred Payne, County Attorney, informed the Board that the Central Meadows Conservation Easement is finally completed.

**NEW BUSINESS**

Advertisement of the Proposed Fiscal Year 2015 Operations Budget, Capital Improvement Plan and Tax Rates – Mr. Eric Dahl, Management Analyst, addressed the Board with this request to advertise for Public Hearings to set the tax rates with a real property tax rate, personal property tax rate, machinery

& tools tax rate and adopt the FY15 operations budget. The Board discussed the proposed FY15 budget and tax rate.

**MOTION:**

Mr. Sheridan moved to authorize staff to advertise the FY15 Budget, the Tax Rate and the Capital Improvement Plan (CIP) for Public Hearings on April 9, 2014; the proposed budget amount for FY15 is \$80,105,825, the advertised real property tax rate is \$0.88 per \$100, the advertised personal property tax rate is \$4.15 per \$100, the advertised machinery & tools tax rate is \$2.00 per \$100. Mr. O'Brien seconded. The motion carried, with a vote of 3-2. AYES: Booker, Sheridan, and O'Brien. NAYS: Weaver and Ullenbruch. ABSENT: None.

The scheduled work session for March 26, 2014 is cancelled.

**PUBLIC COMMENTS #2**

Chairperson Booker opened the floor for the second round of public comments.

With no one wishing to speak, Chairperson Booker closed the second round of public comments.

**CLOSED MEETING**

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

At 10:49 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the Virginia Code Section 2.2-3711A.1, and 2.2-3711A.6 for discussion of Disposition of Personnel Matters, and Investment of Funds. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

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

At 11:00 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session and **"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." Mr. Sheridan seconded. The motion carried, with a roll call vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

**EXTEND MEETING**

**MOTION:**

Mr. Weaver moved to extend the Board of Supervisors meeting to 12:00 a.m. Mr. Ullenbruch seconded. The motion carried with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

**ADJOURN**

**MOTION:**

At 11:04 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, March 19, 2014. Mr. Sheridan seconded. The motion carried, with a vote of 4-1. AYES: Booker, Sheridan, O'Brien, and Weaver. NAYS: Ullenbruch. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

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Mary L. Weaver, Clerk

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Mozell H. Booker, Chairperson

**COUNTY OF FLUVANNA  
BOARD OF SUPERVISORS  
RESOLUTION TO ADOPT REVISED GUIDELINES FOR PROJECTS UNDER  
THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002, AS  
AMENDED**

**WHEREAS**, the Public-Private Education Facilities and Infrastructure Act of 2002 (the “PPEA”), being Virginia Code Section 56-575.1 *et seq.*, grants public entities with the authority to create public-private partnerships for the development of a wide range of projects for public use, if the public entity determines there is a need for the project, and that the private investment and/or involvement may provide the project to the public in a timely, cost effective fashion;

**WHEREAS**, for the purposes of the PPEA, the County of Fluvanna, a political subdivision of the Commonwealth of Virginia, (the “County”) is a *responsible public entity* that has the power to develop or operate a *qualifying project* under the PPEA as such italicized terms are used in Virginia Code Section 56-575.1 *et seq.*;

**WHEREAS**, pursuant to the PPEA, the County, by the Board of Supervisors, must adopt guidelines in compliance with the PPEA in order to pursue any qualifying projects, and must review the same from time to time;

**WHEREAS**, the County adopted the “Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, County of Fluvanna, Amended and Restated Guidelines and Procedures” on May 2, 2012; and

**WHEREAS**, the County wishes to amend Section III.C, Proposal Review Fee as permitted under the PPEA;

**THEREFORE BE IT RESOLVED**, that that the Board of Supervisors of the County, hereby adopts the attached “Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, County of Fluvanna, Amended and Restated Guidelines and Procedures” originally adopted May 2, 2012, revised on March 6, 2014; and

**RESOLVED FURTHER**, that the County Administrator and his staff are authorized to prepare and execute any and all necessary documents pertaining to the adoption and enforcement of such guidelines, as revised.

Adopted this 19<sup>th</sup> day of March 2014

by the Fluvanna County Board of Supervisors with a unanimous vote.

ATTEST:

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Mozell H. Booker, Chairperson, Board of Supervisors



**BOARD OF SUPERVISORS**  
**County of Fluvanna**  
**Palmyra, Virginia**

RESOLUTION

**Recognizing Dr. Samuel G. Babbitt, for his fifteen and one half years of dedicated service to the Fluvanna County Planning Commission**

**WHEREAS**, Dr. Samuel G. Babbitt served on the Fluvanna County Planning Commission from June 1998 until November 2013.

**WHEREAS**, He served as Chairman of Planning Commission from January 2010 until January 2012.

**NOW, THEREFORE BE IT RESOLVED** that the Fluvanna County Board of Supervisors honors Dr. Samuel G. Babbitt for his many years of dedicated service to the people of this County and wish him many blessings in the years to come.

Adopted this 19<sup>th</sup>, day of March 2014 by the Fluvanna County Board of Supervisors

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Mozell H. Booker, Chairperson

APPROVED