

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Courtroom**  
**Fluvanna Courts Building**  
**February 18<sup>th</sup> 2009**  
**7:00 p.m.**

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

**ALSO PRESENT:** G. Cabell Lawton, IV, County Administrator  
Shelly Wright, Assistant County Administrator  
Frederick W. Payne, County Attorney  
Darren Coffey, Director of Planning & Community Development  
Kate Cooper, Senior Planner  
Bryant Phillips, Senior Planner  
Keith Meyerl, Parks & Recreation Director  
Pat Groot, Grants Administrator  
Alice F. Jones, Clerk, Board of Supervisors

**CALL TO ORDER**

Chairman Moss called the meeting of February 18<sup>th</sup> 2009 to order at 7:00 p.m. in the Circuit Courtroom of the Fluvanna Courts Building in Palmyra, Virginia.

**REPORTS**

The County Administrator, G. Cabell Lawton, IV, reported to the Board on the following matters:

- ***Request for a Closed Session*** – requested the Board have a closed session with staff and the County Attorney in order to discuss land acquisition and potential litigation
- ***2010 Budget Work Session*** – reminded the Board that a work session had been scheduled to discuss the projected revenues in the FY10 budget on Wednesday, February 25<sup>th</sup> 2009 at 7:00 p.m. in the Old Board Room in the County Administration Building; for information purposes – the Commissioner of the Revenue has estimated that the reduction of personal property tax base is approximately 20%, which equates to approximately \$1 million in revenue reductions; staff has also discovered additional reductions in public utility tax base which equates to another \$123,000 in revenue reductions; staff will be sending out information either this Friday or Monday outlining these reductions
- ***High School*** – apprised the Board that the high school bid opening is scheduled for Wednesday, February 25<sup>th</sup> 2009 at 2:00 p.m.; staff is working with the schools and with VDOT regarding their entrance permits to the property; State law now

provides the County can lower speed limits to 35 miles per hour on roads adjacent to new school sites; depending on the level of improvements required, this action may be necessary; staff will be meeting with VDOT to discuss these road improvements to Rt. 63 and report back to the Board if further action is warranted

Supervisor Gooch indicated that in reviewing the Planning Department Activity Report on subdivisions, he noticed that there were a lot of major subdivisions that were pending or Planning Commission approved; is there any way to obtain more information about major subdivisions? Perhaps another column could be added to indicate the size of the major subdivision.

### **PUBLIC COMMENTS #1**

Chairman Moss opened the floor for the first public comment section.

The following citizens addressed the Board:

- Mr. Al Talley, Palmyra District, expressed concerns about information missing from County files

With no one else wishing to speak, Chairman Moss closed the first public comment section.

### **CONSENT AGENDA**

The following items were approved under the consent agenda:

#### **MOTION:**

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

- Authorization for Rabies Vaccine Clinics for Animals in 2009 [two (2) rabies vaccine clinics for public health reasons for animals in Fluvanna County for 2009 – one in June and one in November 2009]
- Amendment to Central Virginia Regional Jail Authority Agreement

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

### **ACCOUNTS PAYABLE**

None

### **PUBLIC HEARINGS**

FY09 Budget Supplemental Appropriations with the Proceeds from Bond Sale for High School Construction and Transfer of Debt Service

Ms. Renee Hoover, Finance Director, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

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

MOTION:

Mr. Allbaugh moved the Board of Supervisors approve the supplemental budget appropriation of \$67,525,000 to the Capital Improvements fund to accommodate additional revenue received for the new High School construction project and the transfer to debt service for interest payment as follows:

3-302-041040-0024	High School Construction	\$57,525,000
4-302-094100-3175	Contractual Services	\$57,525,000
Capitalized Interest from Bond Proceeds will be transferred to the debt service fund:		
3-401-041050-0302	Transfer from CIP	\$ 1,726,122.67
4-401-068100-0018	New HS VSPA Special Obligation Series	\$ 1,726,122.67

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

ZMP 08:05 – Rivanna Woods Golf Club

This is an ordinance to amend the Fluvanna County Zoning Map with respect to 220.56 acres. The affected property is located in the Palmyra Election District.

Supervisor Gooch recused himself from participating in this issue.

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

Mr. Mark Glickman, General Manager of the Project addressed the Board and introduced other members of his team which included Phil Carrow, General Partner and Owner of the Project; Sam Dinger, Head of Construction and Ed Carton, Golf Course Builder.

Mr. Keith Smith, Project Manager addressed the board and indicated he was available to answer any questions the Board of Supervisors may have.

Chairman Moss opened the public hearing.

The following citizens addressed the Board regarding this issue:

- Mr. Richard Mevogliocyi, 386 Georges Mill Road, expressed his concerns and indicated he was against the project
- Mrs. Mary Tilman, Columbia District, expressed concerns regarding the increase in traffic and indicated she was against the project
- Mr. Al Talley, Palmyra District, expressed his concerns and indicated he was against the project
- Mr. Doug Johnson, Cunningham District, expressed his concerns and indicated he was against the project
- Ms. Elizabeth Franklin, Columbia District, expressed her concerns about communication with the citizens and indicated she was against the project
- Mr. Carl Kruger, Rivanna District, expressed his concerns and indicated he was against the project

- Mr. Gene Kowalski, Rivanna District, expressed his concerns regarding water and sewer and indicated he was against the project
- Ms. Betty McGehee, Columbia District, expressed her concerns and asked that local construction companies be used and that the project blend in with the Village of Palmyra; also indicated she was opposed to the project
- Mr. Jerome Patchen, Columbia District, expressed his concerns about the architectural treatments on the buildings and indicated he was opposed to the project
- Mr. Cevat Kardan, Columbia District, expressed his concerns about congestion and indicated he was opposed to the project
- Mrs. Carolyn Talley, Palmyra District, expressed her concerns and indicated she was opposed to the project
- Mr. Paul Crowther, Palmyra District, expressed concerns about the impact on the fire and rescue; water and sewer; and asked the Board to delay the vote
- Mr. Jeff Suling, Palmyra District, expressed his concerns and indicated he was opposed to the project
- Ms. Cason Talley, Palmyra District, expressed concerns and indicated she was opposed to the project
- Ms. Erin Wise-Ackenbom, Palmyra District, expressed her concerns and apprised the Board this was not the original plan that was presented to Mr. Chuck Ackenbom, owner of Camp Friendship; she also indicated she was in opposition to the project
- Mr. Eric Taylor, Palmyra District, expressed his concerns and indicated he opposed the project as presented
- Ms. Jennifer Kowalski, Palmyra District, expressed her concerns and indicated she was opposed to the project
- Mr. Adrian Miller, Rivanna District, expressed he was against expanding the population base and indicated he opposed the project
- Ms. Zaheida van de Forte, South Africa [staying at Camp Friendship in the Palmyra District], expressed her concerns about changes that would occur and indicated she was opposed to the project

With no one else wishing to speak, Chairman Moss closed the public hearing. Extensive discussion ensued between the Board members and the following action was taken:

MOTION:

Mr. Ott moved the Board of Supervisors deny the ordinance for ZMP 08:05, a request to amend the Fluvanna County Zoning Map with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 230.56 acres, to conditionally rezone the same from A-1,

Agricultural, General to R-3, Residential, Planning Community, with the submitted proffers.

Mr. Weaver seconded. The motion carried with a vote of 5-0-1. AYES: Allbaugh, Booker, Ott, Weaver and Moss. NAYS: None. Supervisor Gooch recused himself from participation.

ZMP 08:06 – Edmonds & Barnette

This is an ordinance to amend the Fluvanna County Zoning Map with respect to 6.205 acres located in the Fork Union Election District and is within the Fork Union Community Planning Area and the Rural Residential Planning Area.

Mrs. Kate Cooper, Senior Planner, addressed the Board regarding this item.

Mr. Tim Stanley, representative for Mr. Tolliver, the applicant indicated he was available for any questions.

Chairman Moss opened the public hearing.

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

MOTION:

Mr. Allbaugh moved that the Board of Supervisors recommend approval of the attached ordinance for ZMP 08:06, a request to amend the Fluvanna County Zoning Map with respect to approximately 3.0 acres of Tax Map 58, Section 2, parcel 1E and 3.205 acres Tap map 58, Section 2, Parcel 1F to rezone the same from A-1, Agricultural, General to R-1, Residential, Limited. Mrs. Booker seconded. The motion carried with a vote of 5-1. AYES: Allbaugh, Booker, Ott, Weaver and Moss. NAYS: Gooch.

SUP 08:06 – Eric Taylor

This is a request for a special use permit to allow for a general retail commercial greenhouse with respect to 3.618 acres and is located in the Palmyra Election District and is within the Rural Residential Planning Area.

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

Mr. Eric Taylor addressed the Board on his behalf.

Chairman Moss opened the public hearing.

The following citizen addressed the Board regarding this issue:

- Mr. Bill Hughes indicated he supported the project

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

MOTION:

Mr. Gooch moved that the Board of Supervisors approve SUP 08:06, a special use permit request to allow for a general retail commercial greenhouse with respect to 3.618 acres of Tax Map 10, Section 3, Parcel 2B, subject to the conditions listed in the staff report.

- 1) The 20 foot natural buffer shown on the submitted plan will remain as a buffer to adjacent properties;
- 2) The hours of business operation shall be from 7:00 a.m. to 7:00 p.m., Monday thru Saturday, and 8:30 a.m. to 6:00 p.m. (Mon. – Sat.) for store hours;

- 3) Signage shall be limited to one sign per road frontage, and in conformance sign County sign regulations;
- 4) Lighting shall meet or exceed all County requirements;
- 5) There shall be only one entrance into the site, and the existing entrance must be upgraded to a commercial entrance that meets VDOT requirements;
- 6) 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;
- 7) All screening shall be maintained in a condition acceptable to the County;
- 8) Additional retail products shall be strictly limited to those directly associated with a landscaping business or nursery, not a retail store, lumberyard, or agricultural business;
- 9) The building size shall be limited to the maximum square footage indicated on the site plan;
- 10) Parking shall be directed by the size and type of the operation, or number of employees, whichever is greater;
- 11) Prior to development of the site, a site development plan that meets the requirements or the Fluvanna County Zoning Ordinance, must be submitted for review and approval;
- 12) The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.

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

Consideration of the Authorization of an Ordinance entitled “An Ordinance to Amend and Reenact Fluvanna County Code Section 2-2-3 regarding the Physical Collection Location of the Central Absentee Voting Precinct to Change the Physical Collection of the Precinct from the County Office Building to the Historic Courthouse and to Use the Central Absentee Precinct for all Elections

Mr. Fredrick W. Payne, County Attorney, addressed the Board regarding this item. Chairman Moss opened the public hearing.

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

MOTION:

Mr. Weaver moved the ordinance [attached hereto] entitled “An Ordinance to Amend and Reenact Fluvanna County Code Section 2-2-3 Regarding the Physical Collection Location of the Central Absentee Voting Precinct to Change the Physical Collection Location of the Precinct from the County Office Building to the Historic Courthouse and to Use the Central Absentee Precinct for all Elections” be adopted. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**PRESENTATION**

None

**ACTION MATTERS**

**Rivanna River Basin Commission Request for Support of Chesapeake Innovative Nutrient and Sediment Reduction Grant Program**

The Rivanna River Basin Commission has been selected from a large number of applicants to submit a final proposal to the National Fish and Wildlife Foundation for funding from the Chesapeake Bay Stewardship Fund's Innovative Nutrient and Sediment Reduction grant program.

Ms. Leslie Middleton, RRBC, introduced this issue.

**MOTION:**

Mr. Allbaugh moved to recommend endorsement of the letter of support to the National Fish and Wildlife (NFW) Foundation grant. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**Change in Scope of Carysbrook Gym Project**

Funds previously appropriated for the Carysbrook Recreation/Emergency Center would be used, not to exceed \$100,000 and any unused funds would be unencumbered and returned to the Fluvanna County Fund Balance.

Mr. Keith Meyerl, Parks & Recreation Director, addressed the Board of Supervisors regarding this issue.

**MOTION:**

Mr. Ott moved the Board of Supervisors approve the revised Carysbrook Recreation Center renovation plan as recommended by the Recreation Advisory Board, with expenditures not to exceed \$100,000, and any unused funds to be unencumbered and returned to the Fluvanna County Fund Balance. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**Accept Smart Beginnings Grant**

This is the Smart Beginnings planning grant award from the Virginia Early Childhood Foundation. Smart Beginnings Model strives to ensure that all children in Virginia enter kindergarten healthy and ready to succeed in school and life. The model brings parents, educators, child care providers, health practitioners, social services, government, businesses, the faith community and others involved with young children together to ensure that the community offers young children and their families what they need to develop the full potential.

Ms. Pat Groot, Grants Administrator, addressed the Board of Supervisors regarding this issue.

**MOTION:**

Mrs. Booker moved the Board of Supervisors accept the Smart Beginnings planning grant award administered by the Virginia Early Childhood Foundation and authorize a supplemental appropriation in the amount of \$50,000 with the Fluvanna County cash match portion of \$6,250 drawn from the FY 09 Grant Contingency line 4-100-091070-5840, the remaining \$6,250 in match drawn from in-kind sources, distributed as follows:

Revenue	
3-204-016120-0010 VA Early Childhood Foundation Grant	\$50,000
3-204-041050-0100 Transfer from General Fund	\$ 6,250
Expenditures	
4-204-061200-3100 Professional Services – Grant	\$44,500
4-204-061200-3500 Printing – Grant	740
4-204-061200-3501 Printing – Match	550
4-204-061200-5210 Postage – Grant	732
4-204-061200-5211 Postage – Match	4,750
4-204-061200-5230 Telephone – Grant	1,080
4-204-061200-5530 Subsistence & Lodging – Grant	1,193
4-204-061200-6001 Office Supplies – Match	950
4-204-061200-8202 Equipment – Grant	1,755

Mr. Ott 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 under old/new business:

- status of the financial reports
- BOS Action Report reported an incorrect vote count regarding the payroll change
- the Comprehensive Plan

**PUBLIC COMMENT #2**

Chairman Moss opened the floor for the second public comment section.

The following citizens addressed the Board:

- Mr. Keith Smith, Rivanna District, addressed the Board as a developer and indicated there needed to be a neighborhood meeting in between the Planning Commission meeting and the Board of Supervisors meeting
- Mr. Adrian Miller, Rivanna District, addressed the Board regarding unemployment; the stimulus plan; layoffs; needed an operations efficiency review

With no one else wishing to speak, Chairman Moss closed the second public comment section.

**EXTEND MEETING**

**MOTION:**

Mr. Weaver moved to extend the meeting to 11:30 p.m. Mr. Ott seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**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 provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing personnel, litigation and land acquisition. Mr. Ott seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

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

At 11:27 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mrs. Booker seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**MOTION:**

At 11:28 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, February 18<sup>th</sup> 2009 on motion of Mr. Weaver, seconded by Mrs. Booker and carried by the following vote: AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. 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 Session/Easement Agreement**

**MOTION:**

Mr. Gooch moved to accept the contract between Fluvanna County and Mr. & Mrs. F. K. Pace, Jr. at a cost of \$10,000 for the Pleasant Grove Sewer Extension. Mr. Allbaugh seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**ADJOURN**

**MOTION:**

At 11:28 p.m. Mr. Allbaugh moved to adjourn the regular Board of Supervisors meeting of Wednesday, February 18<sup>th</sup> 2009. Mrs. Booker seconded. The motion carried by 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 3.0 acres of Tax Map 58, Section 2, Parcel 1E and 3.205 acres of Tax Map 58, Section 2, Parcel 1F, to rezone the same from A-1, Agricultural, General to R-1, Residential, Limited.  
(ZMP 08:06)**

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 3.0 acres of Tax Map 58, Section 2, Parcel 1E and 3.205 acres of Tax Map 58, Section 2, Parcel 1F, be and is hereby, rezoned from A-1, Agricultural, General, to R-1, Residential, Limited.

Adopted this 18<sup>th</sup> day of February 2009  
by the Fluvanna County Board of Supervisors

**AN ORDINANCE TO AMEND AND REENACT FLUVANNA COUNTY CODE SECTION 2-2-3 REGARDING THE PHYSICAL COLLECTION LOCATION OF THE CENTRAL ABSENTEE VOTING PRECINCT TO CHANGE THE PHYSICAL COLLECTION LOCATION OF THE PRECINCT FROM THE COUNTY OFFICE BUILDING TO THE HISTORIC COURTHOUSE AND TO USE THE CENTRAL ABSENTEE PRECINCT FOR ALL ELECTIONS**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS that the County Code be, and it is hereby amended and reenacted, in Chapter 2, Section 2-2-3, as follows:

**Sec. 2-2-3. Districts enumerated; populations and polling places; precincts.<sup>1</sup>**

(a) The election districts, with populations and polling places set forth, are as follows:

<i>Name</i>	<i>Population</i>	<i>Polling Place</i>
Palmyra	3467	Palmyra Fire House <sup>2</sup>
Columbia	3255	Kents Store Agricultural Recreation Center <sup>3</sup>
Fork Union	3204	Fluvanna County Community Center
Cunningham	3372	Antioch Baptist Church <sup>4</sup>
Rivanna	6749	Lake Monticello Fire & Rescue Building Lake Monticello Clubhouse

(b) Precincts shall be known by their respective polling places and shall be coterminous with the respective electoral districts, except that, for the Rivanna District, there shall be two precincts, as follows:

(1) Lake Monticello Fire and Rescue Precinct shall be that portion of the Rivanna District southerly from a line running from the intersection of Jefferson Drive and South Bearwood Drive; thence along South Bearwood Drive in a northerly direction to the intersection of South Bearwood Drive and Kingswood Road; thence along Kingswood Road to its terminus and continuing in a direct line easterly to the center of Lake Monticello; thence along the center of Lake Monticello in an easterly direction to a direct line, the northerly extension of Chatham Lane; thence in a southerly direction along Chatham Lane to its intersection with Woodridge Road; thence along

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<sup>1</sup> For state law as to central absentee voter precinct, see Code of Va., § 24.2-712.

<sup>2</sup> Change in Palmyra polling place was adopted 11-16-06; federal preclearance was obtained 1-29-07.

<sup>3</sup> Change in Columbia polling place was adopted 6-15-05; federal preclearance was obtained 9-2-05.

<sup>4</sup> Change in Cunningham polling place was adopted 7-18-07; federal preclearance was obtained 9-5-07.

Woodridge Road in an easterly direction to its intersection with Jefferson Drive; thence in a westerly direction along Jefferson Drive to its intersection with Slice Road; thence along Slice Road in an easterly direction to the intersection with State Route 600 (South Boston Road);

(2) Lake Monticello Clubhouse Precinct shall be that portion of the Rivanna District northerly from the line described in the preceding subsection.

(c) In addition to the foregoing precincts, there is hereby established a central absentee voting precinct, which shall be in the ~~County Office Building~~ *Historic Courthouse*, Palmyra, Virginia. The central absentee voting precinct shall be used for all ~~general~~ elections.

(Min. Bk. 6, pp. 482-484; Comp. 1974, ch. 2; Ord. 7-1-81; Ord. 5-15-91; Ord. 1-18-95; Ord. 5-16-01; Ord. 3-20-02)

Adopted this 18<sup>th</sup> day of February 2009  
by the Fluvanna County Board of Supervisors