

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna Courts Building  
July 15<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  
Pat Groot, Grants Administrator  
Kate Cooper, Senior Planner  
Bryant Phillips, Senior Planner  
John Robins, Public Works Director  
Alice F. Jones, Clerk, Board of Supervisors

**CALL TO ORDER**

Chairman Moss called the meeting of July 15<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:

- ***New Business*** – apprised the Board that staff was informed of VDOT's intent to temporarily close Rt. 690 for three (3) days for CSX to work on the railroad tracks; this is a secondary road which crosses the James River in Columbia; VDOT would like the Board's concurrence and have it noted in the minutes
- ***Board Work Session*** – apprised the Board their next work session for the Board has been scheduled for Wednesday, July 22<sup>nd</sup> 2009 at 7:00 p.m. and will be held in the former Board Room in the County Administration Building

**PUBLIC COMMENTS #1**

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

- Mr. Joe Chesser, Rivanna District, apprised the Board he was recruiting volunteers for the 7<sup>th</sup> Annual Leadership Program

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

**CONSENT AGENDA**

Minutes, July 1<sup>st</sup> 2009

**MOTION:**

Mr. Ott moved the Board of Supervisors regular meeting minutes of Wednesday, July 1<sup>st</sup> 2009 be adopted. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Waver and Moss. NAYS: None.

**ACCOUNTS PAYABLE**

None

**PUBLIC HEARINGS**

Resolution Conveying Property to the Central Virginia Regional Jail

The Board adopted a resolution for the creation of the CVRJ Authority and the agreement; however, the resolution conveying the property was never processed.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

Chairman Moss opened the public hearing.

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

**MOTION:**

Mr. Allbaugh moved the resolution [attached hereto] entitled, Authorize Conveyance of Orange County Property to the Central Virginia Regional Jail Authority Once it is created” be adopted. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

**ZTA 09:02/Planned Unit Development District (PUD)**

This is a request for a Zoning Text Amendment to the Fluvanna County Code Section 22 by the addition of a new subsection, Article 14 “Planned Unit Development District (PUD)”. The amendment is necessary in order for the County to be consistent with and implement the goals of the 2009 Comprehensive Plan.

Mr. Bryant Phillips, Senior Planner provided a PowerPoint presentation regarding this issue.

Chairman Moss opened the public hearing.

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

After Board discussion, the consensus was not to take action on this topic but to discuss it further in the Board’s upcoming work session.

**MOTION:**

Mr. Ott moved to defer action on the Planned Unit Development District until July 22<sup>nd</sup> 2009 [to allow for further discussion] at the Board’s work session. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

**SUP 09:05/Shawn Metcalf**

This is a request for a special use permit to allow for a general retail commercial greenhouse and a small home industry with respect to 10.17 acres; located on the north side of Rt. 616 approximately 600 feet west of Rt. 15.

Mr. Bryant Phillips presented this issue to the Board of Supervisors.

Chairman Moss opened the public hearing.

The following citizen addressed the Board regarding this issue:

- Mr. Shawn Metcalf addressed the Board on his behalf

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

**MOTION:**

Mrs. Booker moved that the Board of Supervisors approve SUP 09:05, a special use permit request to allow for a general retail commercial greenhouse and a small home industry with respect to 10.17 acres of Tax Map 11, Section 16, Parcel 16, subject to the conditions listed in the staff report:

- 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) Trees and brush along Route 616 shall be removed per VDOT’s request to provide adequate sight distance;
- 3) The hours of operation open to the public shall be from 7:00 A.M. to 7:00 P.M.;
- 4) Vegetative screening that meets the requirements of Sec. 22-24 of the zoning ordinance shall be provided along the western edge of the property and as where required by this section;
- 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) 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;
- 8) Parking shall be dictated by the size and type of the operation, or number of employees, whichever is greater; and
- 9) The Board of Supervisors, or representative, reserves the right to inspect the *business* for compliance with these conditions at any time.

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

SUP 09:06/Allen E. Haislip

A request for a special use permit with respect to 46 acres of Tax map 39, Section 6, Parcel 1A, to allow for a recreational facility to host six off road motor sport (mud bog) events annually, on Saturdays only, from 9:00 a.m. to 9 p.m. This property is in the Rural Preservation Planning Area and is located in the Kidds Store Agricultural Forestal District.

Ms. Kate Cooper, Senior Planner, presented this issue to the Board of Supervisors.

Mr. Shannon Haislip, applicant, addressed the Board on his behalf and provided further information to board member questions.

Chairman Moss opened the public hearing.

The following citizens addressed the Board in favor of this request:

- Mr. Thomas Spade, Mr. Shawn Besecker; Ms. Susan Swales; Mr. Jerry Haislip, Mr. Wesley Johnson; Mr. Bryan Jordan; and Mr. Steven Via [Albemarle County]

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

MOTION:

Mr. Gooch moved that the Board of Supervisors recommend approval of SUP 09:06, with the conditions as amended:

1. No more than six off-road motor sport events (commonly known as mud bogging) will be held once a month during the months of April through November, and such events will be held on Saturdays only.
2. Off-road motor sport events shall only take place during the hours between 9:00 am and local sunset. All mud bog vehicles shall cease driving no later than local sunset and all persons and vehicles shall leave the event grounds no later than 90 minutes after local sunset.
3. Camping and overnight parking is not permitted.
4. A maximum of 600 vehicles is permitted on site.
5. All mud bog trucks shall have the proper safety equipment and devices, including, but not limited to, a roll cage, fire extinguisher, and safety harnesses.
6. One portable toilet per every one hundred people, as required by the Health Department.
7. All event materials shall direct traffic to use Route 620 to access the event. Event staff shall direct all traffic leaving the event to use Route 620. The access off of Route 639 to the site shall only be used by emergency services vehicles during an event.
8. All spectator areas shall have guardrails and a woven wire fence, and shall be setback a minimum of thirty feet from the mud bogging pit. All spectators must remain behind the woven wire fence during the event. Staff, emergency services, and event competitors are the only exception to this condition.
9. One licensed security officer per every 350 people is required, as well as one EMT or off-duty fire and rescue personnel dedicated to the event, and shall be on the premises at all times during the event. An E-911 address shall be clearly identified for this property to ensure that all emergency services can locate the property.
10. Events shall be alcohol free and advertised as such, music cannot exceed 70 db, and pets will not be allowed on site during event hours.
11. All food vendors working at the event must be certified by the Virginia Department of Health.
12. The property owner shall remove all trash created by the event from the property within 48 hours.
13. All events shall produce a maximum noise level of 70 db to remain in continuous 60 second periods.
14. A minor site development plan shall be submitted and approved by the Planning Department before any events can occur.
15. Proper signage for parking and for entering and exiting the site, along with traffic control measures are required. At least two 24"x36" brown or green signs with white text that are professionally made shall be displayed at the entrance and near the mud bogging pit stating the rules and regulations.
16. The site must meet all VDOT requirements.
17. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.
18. The Board of Supervisors, or their representative, has the right to inspect the business for compliance with these conditions at any time.
19. This Special Use Permit shall remain in effect for the period of time that Mr. Haislip owns the property known as tax map parcel 39-6-1A provided that all required conditions are adhered to; however, any amendment to this Special Use Permit or subsequent Special Use Permit regarding the same or similar recreational events or tax parcel 39-6-1A shall take precedence when there shall be any conflicting conditions; at any time that Mr. Haislip shall no longer retain ownership of the

property, this Special Use Permit shall be considered invalid and all recreational events allowed by this permit shall immediately cease.

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

### **PRESENTATION**

None

### **RECESS**

The Board recessed at 8:31 p.m.

### **RECONVENE**

The Board reconvened at 8:38 p.m.

### **ACTION MATTERS**

#### **“Mini” Byrne Justice Assistance Grant Award to Sheriff’s Office**

This is a federal formula grant awarded by the Commonwealth from the Byrne Justice Assistance Grant Program. Equipment will be purchased to enhance the presence of law enforcement in Fluvanna County Courts.

Ms. Patricia A. Groot, Grants Administrator, presented this issue to the Board of Supervisors.

#### **MOTION:**

Mr. Allbaugh moved to accept the Byrne Justice Assistance Grant administered by the Department of Criminal Justice Services and authorize a supplemental appropriation to the Federal grant budget for the Sheriff’s Office in the amount of \$768 to revenue line 3-202-330113-0099, and to meet match, approve a line item transfer in the Sheriff’s budget of \$85, from Other Operating Expenses (4-100-031200-6014) to expenditure line Police Supplies (4-202-031202-6014). Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

#### **Byrne Justice Assistance Recovery Act Grant Awarded to Sheriff’s Office**

This a direct federal formula grant awarded by the Office of Justice Assistance. Expenditures under this grant will pay for camera equipment related to evidence collection, modems to support the Mobile Data Terminal System, and other police supplies enumerated in the grant application.

Ms. Patricia A. Groot, Grants Administrator, presented this issue to the Board of Supervisors.

#### **MOTION:**

Mr. Allbaugh moved to accept the Recovery Act Edward Byrne Memorial Justice Assistance Local Solicitation Grant administered by the US Department of Justice Services and authorize a supplemental appropriation to the federal grant budget for the Sheriff’s Office in the amount of \$18,772 to revenue line 3-202-330113-3100, and to expenditure line 4-202-031209-8210 in the amount of \$14,057 for equipment and to expenditure line 4-202-031209-6020 in the amount of \$4,715 for police supplies. Mrs. Booker 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 business:

- whether to open the Board meetings with a “moment of silence”
- initiate the Pledge of Allegiance at every meeting

It was the general consensus of the Board that each meeting will be opened with the Pledge of Allegiance and a moment of silence.

- drinking water at the Library [consider bottled water]
- the James River Water pipeline [whether it would affect the Lake Monticello Dam]
- a possible land swap between Fluvanna County and Lake Monticello
- legalities of a farm sign in Troy

The Board **directed** staff to provide additional information regarding a sign violation in Troy, VA.

- temporary closing of Rt. 690 in Columbia

The Board **directed** staff to discuss the temporary Rt. 690 road closing at the Columbia CSX railway crossing to determine if alternative closing times could be scheduled [instead of closing the entire road for a three day period].

- new restrooms at Carysbrook

The Board **directed** staff to check into changing the newly constructed unisex bathrooms at Carysbrook to one for women and one for men.

- the total of the fund balance account

Supervisor Allbaugh announced that he had withdrawn from the race for the Rivanna Supervisor position stating that he wished to spend more time with his growing family.

### **PUBLIC COMMENT #2**

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

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

### **ADJOURN**

#### **MOTION:**

At 9:16 p.m. Mr. Weaver moved to adjourn the regular Board of Supervisors meeting of Wednesday, July 15<sup>th</sup> 2009. Mr. Allbaugh seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

---

Marvin F. Moss, Chairman



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

**RESOLUTION**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, July 15<sup>th</sup> 2009, in Palmyra, Virginia, the following action was taken:

---

<u>Present</u>	<u>Vote</u>
Marvin F. Moss, Chairman	YEA
Charles W. Allbaugh, Vice Chairman	YEA
Mozell H. Booker	YEA
John Y. Gooch	YEA
Gene F. Ott	YEA
Donald W. Weaver	YEA

---

On a motion by Mr. Allbaugh, seconded by Mr. Gooch, and carried by a vote of 6-0, the following resolution was adopted.

**RESOLUTION**

**Authorize Conveyance of Orange County Property to the Central Virginia Regional Jail Authority Once it is Created**

**WHEREAS**, the Board of Supervisors of Fluvanna County advertised a public hearing to consider the disposition of Orange County real and personal property, used by the Jail Board for operation of the existing Central Virginia Regional Jail, to the Central Virginia Regional Jail Authority once it has been created; as required by §15.2-1800 VA Code Ann. and other applicable VA Code provisions, and a public hearing was held on July 15<sup>th</sup> 2009; and

**WHEREAS**, the Board has by separate motion approved a Resolution Creating the Central Virginia Regional Jail Authority and an Amended and Restated Regional Jail Agreement, which documents authorize the current Central Regional Jail Board to become an authority;

**NOW, THEREFORE BE IT RESOLVED** that the Fluvanna County Board of Supervisors does hereby authorize conveyance of Orange County real and personal property, used by the Jail Board for operation of the existing Central Virginia Regional Jail, to the Jail Authority once it has been created, and authorize the County Attorney to prepare the necessary documents and take the steps necessary to make said conveyance.

Adopted this 15<sup>th</sup> day of July 2009  
by the Fluvanna County Board of Supervisors

ATTEST:

---

Marvin F. Moss, Chairman