

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
November 17th 2010
7:00 p.m.

MEMBERS PRESENT: Gene F. Ott, Chairman
Shaun V. Kenney, Vice-Chair
Mozell H. Booker
John Y. Gooch
Donald W. Weaver

MEMBER ABSENT: Joseph C. Chesser

ALSO PRESENT: Jay Scudder, County Administrator
Frederick W. Payne, County Attorney
Darren Coffey, Planning Director
Steve Tugwell, Planner
Matt Weaver, Planner
Pat Groot, Grants Administrator
Renee Hoover, Finance Director
Alice F. Jones, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Ott called the regular meeting of November 17th 2010 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 Ott called for a moment of silence.

REPORTS

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

- Welcomed and congratulated Mary Weaver from the Planning Department; staff has interviewed for the soon to be vacated position of Alice Jones and has selected Mrs. Weaver as the new Administrative Assistant/Clerk to the Board of Supervisors; Mrs. Jones and Mrs. Weaver have already started working together to help the transitioning of this position
- apprised the Board that the part-time position in the Administration Office has been filled by Mrs. Betty Scholl who has replaced Mrs. Ingrid Crump who left for family reasons
- apprised the Board that the resolution requesting disaster relief was approved
- apprised the Board that the Regional Jail has apprised jurisdictions that once the budgeted amounts are reached, it is up to the jurisdiction to pick up the tab for further expenditures
- apprised the Board staff has received a letter from Susan Swales expressing their [Old Farm Day Committee] thanks for the help they received from staff in regards to Old Farm Day
- apprised the Board staff has received a letter regarding the retirement of the Fluvanna County Bateau and asking if the County had any place they would like to place it
- provided a list of house keeping items for staff

PUBLIC COMMENTS #1

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

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

CONSENT AGENDA

The following item was pulled from the consent agenda:

- Accept USDOC Secure Our Schools Grant Award [in the amount of \$143,240]

The following items were approved under the consent agenda:

MOTION:

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

- Minutes of November 3rd 2010
 - Resolution/Mountain Meadows Subdivision [resolution hereto]
- Mr. Gooch seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

Accept USDOC Secure Our Schools Grant Award [in the amount of \$143,240]

This project will create a county-wide, coordinated plan for all schools (public and Private) and emergency services to utilize when responding to an in-school crisis.

MOTION #1:

Mr. Kenney moved that the Board of Supervisors accept the award offered under the Secure Our Schools Program grant program administered by the Office of Community Oriented Policing Services (COPS), US Department of Justice to assist in the development of school safety resources in the amount of \$71,620, with the required match funds of \$71,620 provided by donations and other fund raising efforts put forth by the project partners. Further, the County Administrator is hereby authorized to execute any agreements, amendments, certificates and other documents, required on behalf of the County of Fluvanna to carry out the terms of the Secure Our Schools Project, subject as to form by the County Attorney where that is needed. Mr. Gooch seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

MOTION #2:

Mr. Gooch moved that the Board of Supervisors approve a supplemental appropriation with the account codes to be assigned by the Finance Department in accordance with the line items detailed in the grant award. Mr. Kenney seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

ACCOUNTS PAYABLE

None

PUBLIC HEARING

AFD 10:02/Bowlesville AFD Withdrawal/William Hughes

This is an application for a withdrawal from the Bowlesville Agricultural and Forestal District.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

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

MOTION:

Mr. Weaver moved to approve the proposed withdrawal of approximately 171.02 acres (consisting of Tax Map Parcels 34-A-16 and 34-A-18) from the Bowlesville Agricultural and Forestal District with the understanding that the two (2) parcels of land will be placed under the conservation easement of the Virginia Outdoor Foundation within six (6) months. Mr. Kenney seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

SUP 10:04/Central Meadows

This is a request for a special use permit. The applicant is proposing to operate an indoor training facility and the property is currently zoned A-1; located in the Columbia Election District and is within the Rural Preservation Planning Area.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

Mr. Mike Clark, representative, addressed the Board on behalf of the applicant.

Chairman Ott opened the public hearing.

- Mr. Peter von Keyserling, Columbia District, addressed the Board in support of this request

- Mr. Dennis Holder, Columbia District, speaking for Ms. Elizabeth Franklin and himself, addressed the Board in opposition of this request
- Dr. William Hughes, Columbia District, addressed the Board in support of this request
- Mr. Ron Shelton, Columbia District, addressed the Board in support of this request
- Mr. Minor Eager, Palmyra District, addressed the Board in support of this request
- Mr. Mel Sheridan, Columbia District, addressed the Board in support of this request
- Tim & Susan Milton, Columbia District, addressed the Board in support
- Ms. Sarah Faulknier, Columbia District, addressed the Board in support but asked for sufficient buffer

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

MOTION:

Mr. Kenney moved to approve SUP 10:04, a special use permit request to allow for a small home industry with respect to 100 +/- acres of Tax Map 22, Section A, Parcel 8, 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. Meeting all VDOT and Health Department requirements.
3. As offered by the applicant, “no division” of the land with the approval of this Special Use Permit, with the exception of family subdivisions. This shall be noted on the recorded plat of the property.
4. Architectural materials shall be approved by planning staff prior to construction.
5. The hours of operation shall be limited from 8:00 a.m. to 5:00 p.m. Monday – Saturday.
6. All activity related to this Special Use Permit shall be conducted within the building.
7. 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.
8. All screening shall be maintained in a condition acceptable to the County.
9. All noise generated by this activity shall be limited to maximum daytime level of 60 dB at the property line.
10. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.

Ms. Booker seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

SUP 10:05/Ice Cream Shop/Patrick Young

This is a request for a special use permit. The applicant is proposing to operate a small ice cream shop and the property is currently zoned A-1; located in the Palmyra Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

- Mr. Jim Toms, Applicant, addressed the Board on his behalf.
- Mr. Bob Ullenbruch, Palmyra District, addressed the Board in opposition to the request.

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

MOTION:

Mr. Kenney moved to deny SUP 10:05, a special use permit request to allow for a small restaurant with respect to 200 +/- acres of Tax Map 9, Section A, parcel 22. Mr. Weaver seconded. The motion carried with a vote of 3-2-1. AYES: Kenney, Weaver and Ott. NAYS: Booker and Gooch. ABSENT: Chesser.

Note: Chairman Ott mistakenly voted AYE and wished to vote NAY. After Board discussion, the following motion was offered:

MOTION:

Mr. Kenney moved to defer SUP 10:05, a special use permit request to allow for a small restaurant with respect to 200 +/- acres of Tax Map 9, Section A, Parcel 22. Mr. Weaver seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

SUP 10:06/Fluvanna SPCA

This is a request for a special use permit. The applicant is proposing to change the language from the conditions of the original SUP 92:6 with respect to three (3) acres of Tax Map 10, Section A, Parcels 16B and delete some of the language from the conditions of the original SUP. The property is currently zoned A-1 and located in the Palmyra Election District and is within the Rural Residential Planning Area.

Mr. Matt Weaver, Planner, addressed the Board regarding this item.

Ms. Patricia Johnson, FSPCA representative, addressed the Board's concerns

Chairman Ott opened the public hearing.

- Mr. Dave Smith, Palmyra District, addressed the Board concerning sewage and environmental health issues

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

Mr. Garland Nuckols, Facility Director, addressed the Board regarding and impromptu inspection and the state found the FSPCA to be in compliance.

MOTION:

Mr. Gooch moved to approve SUP 10:06, an amendment of conditions with respect to three (3) acres of Tax map 10, Section A, Parcel 16B, with a revision to conditions #2, 3, 8, 9, 11, and 13 as proposed by the applicant.

2. Facility to be open daily for inspection of animals, cleaning purposes, and general animal care and maintenance. The only exception would be for emergency services. Normal operating procedures will take place between 8:00am – 8:00pm.

3. Facility housing animals will be totally enclosed and shall include a ventilation system. Animals will have access to outdoor area during normal business hours.

8. Eliminate

9. Total number of animals at the facility at any given time not to exceed levels that violate animal care standards set by the state veterinarian.

11. Eliminate

13. Applicant shall install sound barriers, which may be of natural material, to absorb sound and baffle noise.

Mr. Kenney seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chesser.

SUP 10:07/Pulbic Cemetery/Trish Eager

This is a request for a special use permit. The applicant is proposing to operate a commercial cemetery and the property is currently zoned A-1; located in the Palmyra Election District and is within the Rural Residential Planning Area.

Mr. Fredrick W. Payne, County Attorney, recused himself from this issue due to his close friendship with the applicant.

Mr. Matt Weaver, Planner, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

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

Mrs. Patricia Eager, applicant, addressed the Board on her behalf.

MOTION:

Mr. Gooch moved to approve SUP 10:07, a special use permit request to allow for a commercial cemetery with respect to forty (40) acres of Tax Map 10, Section 19, Parcels 7 & 14, 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 The site must meet all Virginia Department of Transportation requirements
- 3 The site must meet the requirements set forth by the Virginia Department of Health.
- 4 The cemetery will be phased in two (2) acre increments, retaining the 100 foot wooded buffer protecting adjacent properties.
- 5 The hours of operation shall be from sunrise to sunset..
- 6 The cemetery will operate in accordance with standards set forth by the Department of Professional and Occupational Regulation and under the ethics code established by the Virginia Cemetery Association.
- 7 The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
- 8 Under Section 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.
- 9 Hannum House Lane will be widened to a minimum of 22 feet if gravel, 18 feet in width if paved with 2 foot shoulders on either side, to allow for the passage of emergency vehicles if the need should arise.

Mrs. Booker seconded. The motion carried with a vote of 5-0-1.

AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None.

ABSENT: Chesser.

PRESENTATIONS:

None.

ACTION MATTERS

Resolution/Authorization to Refinance Public Facility 2007 Note

On October 20th 2010, the Board of Supervisors authorized the issue of a Request for Proposal (RFP) from financial institutions to refinance the 2007 Public Facility note of \$2.67 million maturing on January 15th 2011.

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

Mr. Kevin Rotty, Morgan and Keegan, addressed the Board and indicated that four banks were solicited for an RFP. One bank responded which was Sun Trust. Mr. Rotty's recommendation was for the Board to refinance the note for a two year period. After Board discussion the following motion was offered:

MOTION:

Mr. Weaver moved to approve the attached resolution to refinance the 2007 note and issuance of a 2010 note in the amount of \$2.71M [includes financing]. Mr. Gooch seconded. The motion carried with a vote of 3-2-1. AYES: Booker, Gooch, and Ott. NAYS: Weaver and Kenney. ABSENT: Chesser.

OLD/NEW BUSINESS

FY 2012 Budget Subcommittee to include BOS Members

Supervisor Kenney indicated that he would like to have a subcommittee formed to include two (2) BOS members to start looking at the FY 12 budget.

Mr. Scudder, County Administrator, apprised the Board of his recommendations as to the process for the upcoming FY12 budget cycle.

It was the consensus of the Board that Mr. Scudder proceed with the process and get the budget cycle moving.

Other items discussed under new business consisted of:

- the possibility of hiring a third party to work on a five year plan for a sustainable rate and to provide a five year forecast

The Board **directed** staff to place on the Board's December 1st 2010 agenda the issue for "Authorization to Enter into Negotiations for Financial Forecast".

- FUSD wells [possibility of drilling a new well at Carysbrook]
- Shooting range in Kents Store [legality of]
- the status of code compliance between the Town of Columbia and Fluvanna County

- Supervisor Weaver asked for a closed meeting for an update on legal matters

PUBLIC COMMENTS #2

Chairman Ott opened the floor for the second round of public comments. With no one wishing to speak, Chairman Ott closed the second segment of public comments.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 10:11 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. Mr. Kenney seconded. The motion carried by a vote of 5-0-1. AYES: Booker, Chessser, Gooch, Weaver and Ott. NAYS: None. ABSENT: Chessser.

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

At 10:17 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Gooch seconded. The motion carried by a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chessser.

MOTION:

At 10:18 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, November 17^h 2010 on motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chessser.

“**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 11:23 p.m., Mr. Gooch moved to adjourn the meeting of Wednesday, November 17th 2010. Mr. Kenney seconded. The motion carried with a vote of 5-0-1. AYES: Booker, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: Chessser.

Gene F. Ott, 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, November 17th 2010, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Gene F. Ott, Chairman	YEA
Shaun V. Kenney, Vice Chairman	YEA
Mozell H. Booker	YEA
John Y. Gooch	YEA
Donald W. Weaver	YEA
<u>Absent</u>	
Joseph C. Chesser	

On a motion by Mr. Kenney, seconded by Mr. Gooch, and carried by a vote of 5-0-1, the following resolution was adopted.

**RESOLUTION
Secondary Road Addition – Mountain Meadows Subdivision, Fluvanna
County**

WHEREAS, the streets in Mountain Meadows Subdivision, as described on the attached Additions Form AM-4.3 dated November 17th 2010, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED that the Fluvanna County Board of Supervisors requests the Virginia Department of Transportation to add the streets in Mountain Meadows Subdivision, as described on the attached Additions Form AM-4.3 dated November 17th 2010, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Adopted this 17th day of November 2010
by the Fluvanna County Board of Supervisors

ATTEST:

Jay Scudder, County Administrator