

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
May 4th, 2011
2:00 p.m.**

MEMBERS PRESENT: John Y. Gooch, Chairman
Shaun V. Kenney, Vice-Chairman
Joe Chesser
Donald W. Weaver
Mozell H. Booker
Chris S. Fairchild

ALSO PRESENT: Jay Scudder, County Administrator
Fred Payne, County Attorney
Renee Hoover, Finance Director
Darren K. Coffey, Planning Director
Matt Weaver, Planner
Mary L. Weaver, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Gooch called the meeting of May 4th, 2011, to order at 2:00 p.m., in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Gooch called for a moment of silence.

REPORTS

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

- *Fluvanna County Alcohol Policy* – Recreational Advisory Board is putting together a policy to have alcohol at Fluvanna County events. Information will be presented to the Board at the May 18th meeting.
- *Route 6 Bridge over Rivanna River* – VDOT closed bridge to anything over 18 tons, which impacts our response times for our Emergency Vehicles.
- *Commencement Services*– Fluvanna County High School’s service is on May 21, 2011, at 10:00a.m., Piedmont Virginia Community College’s service is on May 13, 2011, at 6:00p.m..
- *Dominion Power* – applied to raise their rates.
- *Economic Development* – explored resources and prospects.

Chairman Gooch shared with the Board and the public a thank you note from the Fluvanna Garden Club.

PUBLIC COMMENTS #1

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

With no one wishing to speak, Chairman Gooch 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 of April 6th, 2011.
- Minutes of April 20th, 2011.

Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

ACCOUNTS PAYABLE

Renee Hoover, Finance Director, addressed the Board regarding the accounts payable.

After some discussion the following motion was made:

MOTION:

Mr. Weaver moved that the Accounts Payable from March 28th, 2011, through April 26th, 2011, and payroll for the month of March, 2011, in the amount of \$1,725,055.19, be ratified. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Fund 100	General Fund	\$ 417,908.74
Fund 120	Recreation	2,907.04
Fund 302	Capital	757,521.58

Fund 502	Utility (Sewer)	16,209.78
Fund 505	Fork Union Sanitary District	8,527.50
<u>Payroll</u>		<u>521,980.55</u>
Total		\$ 1,725,055.19

PUBLIC HEARING

None

PRESENTATIONS:

RCC Radio Study Presentation – Mr. Jeff Pegram, Associate Director for RCC Consultants, presented the Board with a Power Point comparison of Public Safety Radio Communication Options.

Redistricting Presentation – Mr. Darren K. Coffey, Director of Planning, presented the Board with several scenario options for redistricting Fluvanna County. After extensive discussion, the Board took a poll, and came to the consensus they would like to look more closely at the 5 and 7 district scenarios. The board requested the staff to work up the 5 and 7 district scenarios and bring them back to the May 18, 2011, meeting.

ACTION MATTERS

Proclamation/Ruritan Week, May 15-21, 2011

MOTION:

Mr. Kenney moved to approve the resolution proclaiming the week of May 15 – 21, 2011, as Ruritan week. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker Fairchild and Kenney. NAYS: None. ABSENT: None.

OLD BUSINESS

ZTA 11:01/Sidewalks & Setbacks – A request to amend portions of the Fluvanna County Subdivision Ordinance to require sidewalks in commercial and industrial areas but allow for a sidewalk variation (Sec. 19-8-8 Sidewalks; Sec. 19-8-8.1 Sidewalk Variation). Amending this ordinance will help improve the connectivity within commercial properties and ensure pedestrian access to and from adjacent residential areas, schools, commercial areas or open spaces. Updating the sidewalk requirements will further bring the subdivision ordinance into conformity with the goals of the comprehensive plan for increasing alternative transportation opportunities in Fluvanna County. Mr. Darren Coffey, Director of Planning, addressed the Board regarding this item. The Board discussed the need for sidewalks in the industrial area.

EXTEND MEETING

MOTION:

Mr. Weaver moved to extend the Board of Supervisors meeting to 6:30p.m.. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None

Extensive discussion continued and the following motion was made:

MOTION:

Ms. Chesser moved to approve the attached ordinance to amend portions of the Fluvanna County Subdivision Ordinance to require sidewalks in commercial and industrial areas but allow for a sidewalk variation (Sec. 19-8-8 Sidewalks; Sec. 19-8-8.1 Sidewalk Variation). Ms. Booker seconded. The motion failed with a vote of 3-3. AYES: Chesser, Booker, and Fairchild. NAYS: Gooch, Kenney, and Weaver. ABSENT: None.

Discussion continued.

MOTION:

Mr. Chesser moved to reconsider the motion made earlier. Mr. Fairchild seconded. The motion carried with a vote of 5-1. AYES: Weaver, Chesser, Gooch, Booker and Fairchild. NAYS: Kenney. ABSENT: None.

MOTION:

Mr. Chesser moved to approve the attached ordinance to amend portions of the Fluvanna County Subdivision Ordinance to require sidewalks in commercial and industrial areas but allow for a sidewalk variation (Sec. 19-8-8 Sidewalks; Sec. 19-8-8.1 Sidewalk Variation). Mr. Fairchild seconded. The motion carried with a

vote of 4-2. AYES: Chesser, Booker, Weaver and Fairchild. NAYS: Gooch and Kenney. ABSENT: None.

Additionally, Chesser moved to approve the attached ordinance to amend portions of the Fluvanna County Zoning Ordinance to require sidewalks in commercial and industrial areas but allow for a sidewalk variation, and to allow for a setback variation for commercial areas (Sec. 22-9-5 Setback regulations; 22-9-10 Sidewalks; Sec. 22-10-7 Setback regulations; Sec. 22-10-13 Sidewalks; Sec. 22-11-11 Sidewalks; Sec. 22-12-11 Sidewalks; Sec. 22-23-6 Site plan content; Sec. 22-23-7 Additional Improvements and Standards for Major Site Plans). Ms. Booker seconded. The motion carried with a vote of 4-2. AYES: Chesser, Booker, Weaver and Fairchild. NAYS: Gooch and Kenney. ABSENT: None.

NEW BUSINESS

Board of Supervisors Retreat – Ms. Booker suggested the Board consider a date for a retreat to discuss various items (Water, Communications, Economic Development, Budget etc...). Board directed staff to plan a retreat with an agenda for the Board, preferably a weekend.

Aqua Virginia Proposal – Mr. Kenney and Mr. Chesser were appointed by the Board to discuss with Aqua Virginia their proposal.

EXTEND MEETING

MOTION:

Mr. Chesser moved to extend the Board of Supervisors meeting to 7:00p.m.. Mr. Fairchild seconded. The motion carried with a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None

Down Zoning – Mr. Kenney brought to the boards attention property in the Columbia District that appears to be zoned I-1 in error. Mr. Coffey reviewed in detail and suggested requesting staff to initiate a Zoning Map Amendment at the May 18, 2011, meeting.

Social Services Contract – County Attorney is reviewing contract, which should be ready soon.

Columbia Task Force Committee – Mr. Kenney inquired about the formation of the Columbia Task Force Committee.

PUBLIC COMMENTS #2

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

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

ADJOURN

MOTION:

At 6:34 p.m., Mr. Kenney moved to adjourn the meeting of Wednesday, May 4th, 2011. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Weaver and Fairchild. NAYS: None. ABSENT: None

John Y. Gooch, Chairman

Ruritan Week Proclamation Resolution Ruritan Week May 15 – 21, 2011

WHEREAS, the Fluvanna Ruritan Club has served the Fluvanna County community since its founding in 1938; and

WHEREAS, the Three Chopt Ruritan Club has served the Fluvanna County community since its founding in 1958; and

WHEREAS, Ruritan national had its beginning on May 21, 1928, by community leaders in Holland, Virginia; and

WHEREAS, during the past 83 years, Ruritan has grown to an organization of more than 33,000 members and more than 1,200 clubs across the nation, and

WHEREAS, Ruritan under its motto Fellowship, Goodwill and Community Service has made substantial contributions to the well-being of the citizens of this community and the nation;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fluvanna County does hereby proclaim the week of May 15 through May 21, 2011 as Ruritan Week.

Dated this 4th day of May, 2011

John Y. Gooch
Chairman, Board of Supervisors

**AN ORDINANCE TO AMEND AND REENACT PORTIONS OF CHAPTER 19
OF THE FLUVANNA COUNTY CODE WITH RESPECT TO REQUIRE SIDEWALKS
AND ALLOW FOR VARIATION IN COMMERCIAL AND INDUSTRIAL AREAS
INCLUDING SECTIONS 19-8-8 & 19-8-8.1.**

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS,
pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is
hereby, amended as follows:

Sec. 19-8-8. Sidewalks

For all major subdivisions within all zoning districts, sidewalks shall be provided along both sides of all proposed public roads and private roads with a sidewalk compliant with current VDOT standards.

Sidewalks shall also provide connections to active or passive open space, schools, or to adjacent commercial and residential developments.

Sec. 19-8-8.1. Sidewalk Variation

A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- a) The Virginia Department of Transportation prohibits the construction of sidewalks;
- b) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- c) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant shall file a written request with the Department of Planning and Community Development stating why application of a sidewalk variation is necessary and how the before mentioned circumstances may apply to the property.

The Planning Commission shall act on the variation request in conjunction with the county's action on the site plan, subdivision plat or special use permit or, if no such action is required, within sixty (60) days of the date the application was submitted and determined to be complete. The Planning Commission may grant the variation if it determines that one or more applicable circumstances exist. In granting a variation, the Planning Commission may impose conditions deemed necessary to protect the public health, safety, or welfare.

The denial of a variation, or the approval of a variation with conditions objectionable to the applicant, may be appealed to the Board of Supervisors. In considering a variation on appeal, the Board of Supervisors may grant or deny the variation based upon its determination of whether one or more applicable circumstances exist, amend any condition imposed by the Planning Commission, or impose any conditions deemed necessary to protect the public health, safety, or welfare.

AN ORDINANCE TO AMEND AND REENACT PORTIONS OF CHAPTER 22 OF THE FLUVANNA COUNTY CODE WITH RESPECT TO REQUIRE SIDEWALKS AND ALLOW FOR VARIATION IN COMMERCIAL AND INDUSTRIAL AREAS AND TO ALLOW FOR SETBACK VARIATION IN COMMERCIAL AREAS INCLUDING SECTIONS 22-9-5, 22-9-10, 22-10-7 , 22-10-13, 22-11-11, 22-12-11, 22-23-6, 22-23-7.

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS, pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended as follows:

Article 9. Business, General, District B-1

Sec. 22-9-5. Setback regulations.

- (a) Buildings shall be located not less than fifty (50) feet from any public right-of-way. This shall be known as the "setback line." All parking lots shall be located not less than twenty-five (25) feet from any public right-of-way.
- (b) A variation to the setback regulations may be granted by the Planning Commission for projects in a designated growth area that meet new urban/neo-traditional planning principles, and further the objectives and goals set forth in the comprehensive plan. Appeals must be received in writing within 30 days of the variation decision, and will then be forwarded to the Board of Supervisors for a final determination.

Sec. 22-9-10. Sidewalks.

Sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

Article 10. Business, Convenience, District B-C

Sec. 22-10-7. Setback regulations.

- (a) Buildings shall be located not less than fifty (50) feet from any public right-of-way. This shall be known as the "setback line." All parking lots shall be located not less than twenty-five (25) feet from any public right-of-way.
- (b) A variation to the setback regulations may be granted by the Planning Commission for projects in a designated growth area that meet new urban/neo-traditional planning principles, and further the objectives and goals set forth in the comprehensive plan. Appeals must be received in writing within 30 days of the variation decision, and will then be forwarded to the Board of Supervisors for a final determination.

Sec. 22-10-13. Sidewalks.

Sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

Article 11. Industrial, Limited, District I-1

Sec. 22-11-11. Sidewalks.

Sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

Exceptions approved by the Planning Commission for locating sidewalks along road frontage may be acceptable with the placement of a trail network or greenway on the property providing sufficient pedestrian circulation.

Article 12. Industrial, General, District I-2

Sec. 22-12-11. Sidewalks.

Sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

Exceptions approved by the Planning Commission for locating sidewalks along road frontage may be acceptable with the placement of a trail network or greenway on the property providing sufficient pedestrian circulation.

Article 23. Site Development Plans

Sec. 22-23-6. Site plan content.

Z. To the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal structure on the site unless topographic features or vegetation provide effective screening.

1. *In the B-1 and B-C zoning districts, a variation to the setback regulations may be granted by the Planning Commission for projects in a community planning area that meet new urban/neo-traditional planning principles, and further the objectives and goals set forth in the comprehensive plan.*

Primary considerations for such requests include:

- location of proposed development
- size, scale, character, orientation of proposed development
- adequacy of ROW for future transportation system (evaluate with input from VDOT)
- appropriateness of the proposed setback with surrounding development (proposed and/or existing)
- compatibility with the goals and objectives of the comprehensive plan (applicant should enumerate as many as possible)
- compatibility with new urban/neo-traditional principles (applicant should enumerate as many as possible)

BB. In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- a) The Virginia Department of Transportation prohibits the construction of sidewalks;
- b) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- c) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant shall file a written request with the Department of Planning and Community Development stating why application of a sidewalk variation is necessary and how the before mentioned circumstances may apply to the property.

The Planning Commission shall act on the variation request in conjunction with the county's action on the site plan, subdivision plat or special use permit or, if no such action is required, within sixty (60) days of the date the application was submitted and determined to be complete. The Planning Commission may grant the variation if he determines that one or more applicable circumstances exist. In granting a variation, the Planning Commission may impose conditions deemed necessary to protect the public health, safety, or welfare.

The denial of a variation, or the approval of a variation with conditions objectionable to the applicant, may be appealed to the Board of Supervisors. In considering a variation on appeal, the Board of Supervisors may grant or deny the variation based upon its determination of whether one or more applicable circumstances exist, amend any condition imposed by the

Planning Commission, or impose any conditions deemed necessary to protect the public health, safety, or welfare.

Sec. 22-23-7. Additional Improvements and Standards for Major Site Plans.

D. Safe and convenient pedestrian and bicycle access to, from, and within the site shall be provided.

1. In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private. A variation to the sidewalk regulation may be granted per Section 22-23-6(BB).

APPROVED