

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
August 06, 2014, 4:00 & 7:00 pm**

MEMBERS PRESENT: Mozell Booker, Chairperson
Bob Ullenbruch, Vice-Chairperson
Donald W. Weaver
Mike Sheridan
Tony O'Brien

ALSO PRESENT: Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Mary Weaver, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairperson Booker called the meeting of Wednesday, August 6, 2014, to order at 4:00 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.

COUNTY ADMINISTRATOR'S REPORT

Mr. Steven M. Nichols reported on the following topics:

- Proposed agenda changes for today's meeting;
 - VDOT Report Rescheduled to Sep 3, 2014,
 - Pull Pleasant Grove Electric Easement from Consent Agenda,
 - Add Department of Social Services FY15 Pay Plan Discussion to New Business.
- Proposed Permanent Agenda Change – Add "Adoption of Agenda" to Agenda.
- Jane Wilson, Social Services staff member, managed the school supply drive again this year, great work, distributed 61 backpacks with school supplies.
- Congratulations to Steve Hester, Public Works staff member, passed the Registered Technician Pesticide Applicator exam. Thanks to John Thompson, Extension Agent for providing training to Public Works.
- Farewell to Carolyn Richardson, Parks and Rec Staff, retired after 11 years of service. Her replacement will start this month.
- Parks and Rec is working with Fluvanna Master Naturalists and Girl Scout group to implement a self-led nature tour utilizing a tree ID System.
- Economic Development Visit to Richmond on Thursday, August 8th to meet with the Secretary of Commerce and Trade.
- Fluvanna Volunteer Opportunities Fair Saturday, August 16, 10am – 2pm at the Fluvanna Library.
- FCSS Food Bank at Carysbrook is in need of food items.
- FCSS Food Bank requested to build a new facility on County property, according to County Attorney, County can't make donations to any sectarian organization, except as listed in the state statute §15.2-953. Property can be leased at fair market value.
- Clarified marketing efforts going on, "Market Fluvanna!" Contest is a general marketing effort and the Fluvanna Promo Challenge is effort by the Economic Development Authority (EDA).
- Upcoming meetings
 - Wednesday, September 3, 2014 – 4:00pm Regular Meeting
 - 7:00 pm, Work Session – CIP and Special Projects Update

BOARD OF SUPERVISORS UPDATE

Mr. Ullenbruch – Department Social Services (DSS) Board – DSS Director, Susan Muir retired and Kim Mabe is new DSS Director.

Mrs. Booker – Rivanna River Basin Commission – discussed health of streams in Fluvanna.

Fork Union Sanitary District Advisory Committee – discussed amending the FUSD Advisory Committee By-laws.

PUBLIC COMMENTS #1

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

- Frank Gallo, Palmyra District – addressed the Board with stats of Fluvanna residents attending Piedmont Virginia Community College, and a workforce class being offered for welding that will be taught in Fluvanna.
- Len Garner, Rivanna District – addressed the Board with concerns about the Fluvanna County Fair and Old Farm Day being too close together.

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

PUBLIC HEARING

None

ACTION MATTERS

Fork Union Sanitary District (FUSD) Advisory Committee By-Laws Update and Revisions – Mr. Wayne Stephens, Public Works Director, addressed the Board regarding needed updates and revisions of the FUSD Advisory Board By-Laws. The Board discussed allowing one voting member to be either inside or outside of the FUSD service area.

MOTION:

Mr. Ullenbruch moved that the Board of Supervisors adopt the revised Bylaws of the Fork Union Sanitary District Advisory Committee as contained in enclosure 3 of agenda item subject to amendment.

a) Five voting members shall be appointed directly by the Fluvanna County Board of Supervisors. All voting members appointed directly by the Board of Supervisors must be residents of the District's Service Area except one member may be a resident from the county either within or outside the Fork Union Sanitary District Service Area.

b) One voting member may be nominated by The Fork Union Military Academy (FUMA) from among its employees and staff. The nominee shall be introduced to the Board of Supervisors who, upon finding the nominee qualified, shall appoint him/her to the Advisory Committee.

c) One voting member may be nominated by The Fork Union Fire Company from among its officers. The nominee shall be introduced to the Board of Supervisors who, upon finding the nominee qualified, shall appoint him/her to the Advisory Committee.

d) Eliminate: Voting members may serve only two full four year terms.

e) Change Fork Union Advisory Board to Fork Union Advisory Committee.

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

Sheriff's Office Reorganization and School Resources Officer Position – Sheriff Eric Hess addressed the Board with a proposal to eliminate current Chief Deputy Position, to reorganize positions and duties to provide an additional School Resource Officer for the Fluvanna County Middle School allowing the department to be more efficient at a minimal cost to the County. Sheriff Hess introduced his command staff. Mr. Ullenbruch was concerned about making these changes within 90 days of the special election for Sheriff.

MOTION:

Mr. O'Brien moved that the Board of Supervisors approve the change in the organizational structure of the Fluvanna County Sheriff's Office, which would include authorizing a re-allocation of funds. These changes would include the structure detailed in the presentation and the reallocation of funds would include eliminating the Colonel position and using the funds to upgrade two (2) Lieutenant positions to two (2) Captain positions; one (1) Captain position to be grade 20 and one (1) Captain position at grade 14; adding a new School Resource Officer. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Contract Award – Radio Emergency Communications System RFP Development Consultant – Ms. Cheryl Wilkins, Emergency Services Coordinator addressed the Board with this request to secure professional consulting services with RCC Consultants, Inc. to review County needs, develop a flexible functional radio communications plan, develop an RFP to secure a competitively-bid system, assist with evaluation and selection of an offeror, and assist with contract development.

Mr. Weaver moved that the Board of Supervisors approve an "Agreement for Emergency Communication Radio System Project Design and Request for Proposal Drafting Services" with RCC Consultants, Inc. for \$74,191.40, and authorize the County Administrator to execute the contract, subject to approval as to form by the County Attorney. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Agricultural Forestal Advisory Committee, At-Large Position – Mr. Steven M. Nichols, County Administrator, addressed this request to fill the At-Large Position for the Agricultural Forestal Advisory Committee.

MOTION:

Mr. Weaver moved that the Board of Supervisors appoint Rebecca Ragsdale to the Agricultural/Forestal Advisory Committee, with a term to begin immediately and to terminate June 30, 2018. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Board of Zoning Appeals, At-Large Position – Mr. Steven M. Nichols, County Administrator, addressed this request to recommend to the Courts to fill the At-Large Position for the Board of Zoning Appeals.

MOTION:

Mr. Weaver moved that the Board of Supervisors recommend to the Circuit Court Carol Walker to the Board of Zoning Appeals, At-Large position, with a term to begin immediately and to terminate December 31, 2014. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

PRESENTATIONS

TJPD Regional Legislative Program – Mr. David Blount, Legislative Liaison, reviewed with the Board legislative focus areas including: State Funding Obligations, State Mandates, and Local Revenue Authorities. Requested input from the board for the TJPD Regional Legislative Draft and will present to the Board in October.

Fluvanna County Fall 2014 Finance Discussion – Mr. Eric Dahl, Finance Director, introduced Ms. Dianne Klaiss, Senior Vice President, Public Finance. Ms. Klaiss discussed the financing plan options for refinancing the Courthouse and Library bonds that were issued along with financing a Fire Truck, and the middle school projects and how to advertise them over the next few years. A request for loan approval for middle school projects is scheduled for the August 13th School Board meeting and final approval from Board on September 17th, 2014. Ms. Klaiss reviewed the current low interest rates available at approximately 2%.

Renaturalization Plan at Pleasant Grove Park – Mr. Jason Smith, Parks and Recreation Director, presented the Board with a proposed plan for renaturalization of Pleasant Grove Park. The primary goals for this renaturalization are to: allow continued implementation of the Master Plan, maximize utility and usability of designated activity areas, preserve & develop wildlife habitats while maintaining a safe & healthy environment for those who visit & work on the property. Mr. Will Shaw, Public Works, Assistant Director, discussed the maintenance of these fields and the creation of wildlife education and tour opportunities. Mr. Walter Hussie with the Virginia Master Naturalists, spoke on the partnerships with the county and projects in progress for education, citizen science, and stewardship. Lauren Hugh-Miller, works with the Department of Game and Inland Fisheries and the Natural Resource Conservation Service, created a management plan to create more wildlife habitat for the park. Mr. Sheridan had some concern about the size of the unmowed areas, would like to see the area by the school continued to be mowed.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Discussion of Department Social Services (DSS) Annual Increase – Mr. Steven M. Nichols addressed with the Board process of DSS getting raises by either the state or the county. The Board discussed which pay plan to follow.

MOTION:

Mr. Ullenbruch moved that the Fluvanna County Department of Social Services be included in the FY15 Staff Pay Plan B at a cost of \$37,000, of which \$27,380 will come from the approved FY15 Department of Social Services budget and \$9,620 will come from the FY15 Miscellaneous Non-Departmental budget. No second was received, motion failed. No action was taken.

RECESS for Dinner at 6:50pm

RECONVENED at 7:10pm

The Consent Agenda, Public Comments and Closed Session were moved to after the Public Hearing.

Chairperson Booker reviewed the rules and procedures for the Public Hearing.

PUBLIC HEARING

SUP 14-02 & ZMP 14-01/Hotel Street Capital, LLC – Mr. Steven Tugwell, Senior Planner, addressed the Board in regards to this request to amend the Fluvanna County Zoning Map with respect to approximately 222.03 acres of Tax Map 30, Section A, Parcel 110 and 10 Acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 232.03 acres, to rezone the same from R-3, Residential, Planned Community (conditional) to Planned Unit Development (PUD) (conditional).

Chairperson Booker opened the floor for the Public Hearing.

- Betty McGehee, Palmyra District – addressed the Board in opposition to this request, solid waste is to be trucked to Charlottesville to be treated.
- Carol Parsons, Cunningham District – addressed the Board in opposition to this request, Fluvanna doesn't need any more low to moderate housing, need commercial development.
- Ina Cavanaugh, Palmyra District – addressed the Board in opposition of this request, 1,583 signatures from concerned citizens against Poplar Ridge.
- Mary Tilman, Palmyra District – addressed the Board in opposition to this request, concerned about who is going to pay for the turn lanes, too much traffic on Rt. 15 already.
- Ann Kirschnick, Rivanna District – addressed the Board in opposition to this request, and read a letter from Dr. Samantha Aduit opposed to this request and concerned this will be the end of Camp friendship.
- Chuck Ackenbom, Founder and owner of Camp friendship, Palmyra District – addressed the Board in opposition to this request, concerned about water supply, sewage system, and increase in population, traffic and development of Camp Friendship.
- George O'Malley, Fork Union District – addressed the Board in opposition to this request, concerned about the water and increase in traffic and how it will impact the future.
- James Gibson, Palmyra District – addressed the Board in opposition to this request, will bankrupt this county. Concerned about increase in traffic. Put sewer and water where it is needed.
- Carolyn Talley, Palmyra District – addressed the Board in opposition to this request, petitions show there is opposition from all areas of the county.
- Al Talley, Palmyra District – addressed the Board in opposition to this request, consensus of people in this county about the concern of the amount of residential growth in the recent years and the lack of commercial and business growth.
- Paul Crowther, Palmyra District – addressed the Board in opposition to this request, read straight from the Infrastructure Economic Development Road Map, Fluvanna County Strategic Initiatives – Fluvanna County is committed to providing an excellent quality of life for our citizens and businesses through the delivery of competitive public services and programs in an efficient and effective manner.
- Ray Ackenbom, Palmyra District – addressed the Board in opposition to this request, concerned about the water, three wells came up dry in Camp friendship.
- Erin Wise-Ackenbom, Palmyra District – addressed the Board in opposition to this request, concerned about safety of Camp Friendship.
- Judith Mickelson, Palmyra District, Executive Director of Historical Society – addressed the Board in opposition to this request, who benefits from this development.

- Shaun O'Malley, Fork Union District – addressed the Board in opposition to this request, appreciate the Board's commitment to transparency and listening to the voice of the resident. Current trends developing water shortage and increased energy prices.
- Nika Ackenbom, Palmyra District – addressed the Board in opposition to this request, doesn't think development is good idea will have a negative on Camp Friendship.
- Molly Suling, Palmyra District – addressed the Board in opposition to this request, Poplar Ridge is a sheep in wolf's clothing. Must have public water and sewer before county launches into concentrated residential development.
- Robert Earl, Cunningham District – addressed the Board in regards to this request, what are the people for, owner should be allowed to make the highest and best use of the property.
- Marvin Moss, Cunningham District – addressed the Board in opposition to this request, no one has spoken in favor of this request,
- Len Gardner, Rivanna District – addressed the Board in opposition to this request, for this development to proceed will cause serious damage to Camp Friendship.
- Janice O'Malley, Fork Union District – addressed the Board in opposition to this request.

With no one else wishing to speak, Chairperson Booker closed the Public Hearing.

Board Discussion: Mr. Ullenbruch expressed his concern about residents only caring about things in their backyard. Sick and tired with the lack of interest in everything else that has to do with something that isn't in your own backyard. Mr. O'Brien, the question for Palmyra is: it's going to take us years to develop water and sewer, how are we going to do that and still allow for some growth and attraction in to that area? The use of wells, the use of alternative water systems is one way to do that. Pretty stringent rules are put in place to ensure and protect the wells and water. Look at the best interest for all owners; I have to try to make the best decision I believe. Mr. Weaver does not see anything about test wells being done, doesn't have all property designed so you will know where the roads will be. Mr. Weaver reviewed the guidelines on approving Special Use Permits from the Zoning Ordinance. Not one person has spoken for this except one question mark. Mr. Sheridan doesn't believe the people are disinterested, they don't come to every decision because they trust people they put on the Board. Fred Payne, County Attorney, stated this is not a matter of state agencies giving approval and that satisfies everything that needs to be done. The county has the independent statutory authority to review central water and sewer systems; you've elected to exercise that authority by requiring Special Use Permits. If you do require Special Use Permits, and you have in this case, then the ordinance provides guidance for you. The Board continued to discuss the conditions and the future of Fluvanna. The following motions were made:

MOTION:

Mr. O'Brien moved that the Board of Supervisors approve SUP 14-02, a request for a Special Use Permit to allow for major utilities in conjunction with a Master Plan Amendment (MPA) 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, subject to the eleven conditions listed below:

1. The design, construction, operation, and maintenance of the central water and sewer systems shall comply with all local, State, and Federal requirements as not to have a detrimental impact on the Rivanna River, surrounding properties, or the water supply of surrounding properties.
2. Pursuant to Sec. 19-6-6 of the Fluvanna County Subdivision Ordinance, a bond shall be required with surety in an amount and form acceptable to the county, to insure that the improvements are completed at the expense of the subdivider.
3. The water system shall be adequate to provide fire suppression.
4. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. For construction of the water and sewer system occurring adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed extension not create adverse effects on the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.
6. Vehicular access to all residences along the affected right-of-ways shall be maintained at all times.
7. All construction activity for the central utility system shall occur between 7:00 a.m. and 5:00 p.m. Monday through Friday.
8. The applicant shall avoid removing trees and bushes along the water and sewer corridor, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director.
9. The Homeowner's Association or other owner of the utilities as approved by the State Corporation Commission shall be responsible for all maintenance of the on-site central water and sewer systems in perpetuity, and the responsibility for maintenance shall not be borne by the County of Fluvanna or any other public agency. Prior to final master plan approval, applicant is to provide evidence satisfactory to the Director of Planning of financial security sufficient to guarantee operations, maintenance, repair and replacements of the systems in their entirety. Such evidence shall be submitted annually until five (5) years from the date that ninety (90) % of the units in the final master plan are sold and using the system.
10. The utility system permitted by these special use permits shall be limited to development areas shown on the Preliminary Master Plan Amendment for Poplar Ridge dated June 3, 2014. Any expansion of the system will require an amendment to these permits.
11. Start of construction, as defined in the Fluvanna County Zoning Ordinance, shall have commenced within twenty-four months of this special use permit approval, or the permit

shall be void. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mr. Ullenbruch seconded. The motion carried, with a vote of 3-2. AYES: Booker, Ullenbruch, and O'Brien. NAYS: Sheridan and Weaver. ABSENT: None.

MOTION:

Mr. O'Brien moved that the Board of Supervisors approve ZMP 14-01 of the attached ordinance for ZMP 14-01, 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 amend the same from R-3, Residential, Planned Community (conditional) to R-3, Residential, Planned Community (conditional). Mr. Ullenbruch seconded. The motion carried, with a vote of 3-2. AYES: Booker, Ullenbruch, and O'Brien. NAYS: Sheridan and Weaver. ABSENT: None.

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 July 17, 2014.
- Resolution Recognizing Brian Ezekial Zimmer, Eagle Scout Status.
- VITA PSAP FY16, \$150,000.
- VITA WEP FY16, \$2,000.
- FY14 Aid to Localities Funding, Fire Department, \$12,160.
- FY14 End of Year Budget Transfers.

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.

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 9:51 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.6 and 2.2-3711A.7 for discussion of Investment of Funds and Legal Matters. 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 10:46 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. O'Brien seconded. The motion carried, with a roll call vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

ADJOURN

MOTION:

At 10:47 p.m., Mr. Sheridan moved to adjourn the meeting of Wednesday, August 6, 2014. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Mozell H. Booker, Chairperson

An Ordinance 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 amend the same from R-3, Residential, Planned Community (conditional) to R-3, Residential, Planned Community (conditional). **(ZMP 14:01)**

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 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, be and is hereby, amended from R-3, Residential, Planned Community, to R-3, Residential, Planned Community subject to the submitted proffers as set out in the letter dated June 4, 2014, which is attached hereto.

APPROVED



BOARD OF SUPERVISORS

County of Fluvanna
Palmyra, Virginia

RESOLUTION

Recognizing Brian Ezekial Zimmer Award of Eagle Scout Status

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS, the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS, Brian Ezekial Zimmer has completed all the requirements for becoming an Eagle Scout; and

WHEREAS, Brian has been examined by an Eagle Scout Board of Review and deemed worthy of the Eagle Scout award; and

WHEREAS, Boy Scout Troop 138 will be convening an Eagle Scout Court of Honor on August 24, 2014 at 2:00 p.m. at St. Peter and Paul Catholic Church, 4309 Thomas Jefferson Pkwy, Palmyra, Virginia; and

WHEREAS, the Fluvanna County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important services they provide to the youth of our Country.

NOW, THEREFORE BE IT RESOLVED that the Fluvanna County Board of Supervisors joins Brian's family and friends in congratulating him on his achievements, the award of Eagle Scout status and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Adopted this 6th, day of August 2014 by the Fluvanna County Board of Supervisors

Mozell H. Booker, Chairperson