

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room**  
**October 19, 2016**  
**Work Session 4:00pm**  
**Regular Meeting 7:00 pm**

**MEMBERS PRESENT:** John M. (Mike) Sheridan, Columbia District, Chair (*Arrived at 4:17pm*)  
Mozell Booker, Fork Union District, Vice Chair  
Patricia Eager, Palmyra District  
Tony O'Brien, Rivanna District (*Arrived at 4:10pm*)  
Donald W. Weaver, Cunningham District

**ALSO PRESENT:** Steven M. Nichols, County Administrator  
Fred Payne, County Attorney  
Eric Dahl, Deputy County Administrator / Finance Director  
Kelly Belanger Harris, Clerk to the Board of Supervisors

**CALL TO ORDER WORK SESSION**

At 4:00pm, Vice Chair Booker called the Work Session of October 19, 2016 to order. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**WORK SESSION DISCUSSION ITEMS**

Topics of the Work Session included:

- Energy Savings Contract Review
- Business License Fee Impacts
- Ordinances, Policies, Procedures for Public Utilities and Economic Development
- Organizational Structure Options for Public Utilities.

*Energy Savings Contract Review—Eric Dahl, Deputy County Administrator and Finance Director, opened the discussion with review of the Energy Savings Contract. With Mr. Dahl, were Mr. Charlie Barksdale, Virginia Department of Mines, Minerals, and Energy, Mr. Darrell Bishop, Trane, Craig Washburn, Trane. The Board directed staff to move forward with the project.*

*Business License Fee Impacts—Andrew M. Sheridan, Commissioner of the Revenue, provided a brief overview of a Business License Fee, and the logistics of implementing such a fee. Mrs. Eager expressed a desire to find other ways to track businesses in the County. The Board decided not to proceed with the process to implement a Business License Fee.*

*Ordinances, Policies, Procedures for Public Utilities and Economic Development and Organizational Structure Options for Public Utilities –Wayne Stephens, Director of Public Works and County Engineer, provided a comprehensive overview of a plan to create ordinances, procedures, and policies for a county water system at Zion Crossroads. Mr. Stephens covered such items as who may, must, or shall connect to the public system, and presented a rate comparison summary. The Board concurred with the draft connection algorithms and authorized for staff to use them in community meetings about the water/sewer system.*

**RECESS FOR DINNER**

**MOTION**

At 5:28pm, Mr. Weaver moved to recess for dinner. Mrs. Booker offered second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

**RECONVENE IN OPEN SESSION AND CALL TO ORDER**

At 7:00 pm Chair Sheridan, reconvened the October 19, 2016, Regular Meeting into Open Session.

**ADOPTION OF AGENDA**

**MOTION**

Mrs. Booker moved to accept the Agenda, with changes, eliminating Tab Mc: *Advertisement of the Proposed Fluvanna County Code Update Relating to a License Fee For Businesses, Professions and Occupations*, for the October 19, 2016 Regular Meeting of the Board of Supervisors. Mr. O'Brien seconded and the Agenda was adopted by a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: None.

**SPECIAL PRESENTATION**

*Community Service Award Resolution Recognizing Deborah Johnson – Steve Nichols, County Administrator*

**MOTION**

Mrs. Booker moved the Fluvanna County Board of Supervisors adopt the resolution entitled, "Community Service Award Resolution Honoring Deborah Thomas Johnson." Mr. Weaver seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Presentation of Community Service Award Resolution—Steven M. Nichols, County Administrator, called forward Mrs. Deborah Thomas Johnson and her family, to present the Community Service Award Resolution. Mrs. Johnson was joined by many members of her family. After reading of the Resolution, Mr. Sheridan presented the Resolution to Mrs. Johnson.*

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Fluvanna Leadership Development Program (FLDP) – in attendance tonight. Welcome to Class 13 Members!
- Spotlight on Business - Welcomed First Run Café at their soft opening and ribbon cutting on Tuesday, October 18th. County Officials, EDA leaders, and Chamber of Commerce members attended for tour and meet and greet with the owners and staff.
- Announcements and Updates:
  - Blue Ridge Mass Appraisal plans the following schedule:
    - Notices to be mailed: Nov 4.
    - Hearings scheduled: Nov 14 - 30, Weaver Bldg.
    - Evening appointments: Nov 28 - 29
    - Plan to have Blue Ridge rep at Nov 16th BOS meeting to give the Board an overview of their data and findings for this reassessment.
- Upcoming Meetings:
  - Wed, Nov 2, 4:00 PM, Regular Meeting, Courtroom
  - Wed, Nov 16, 7:00 PM, Regular Meeting, Courtroom
  - Wed, Dec 7, 4:00 PM, Regular Meeting, Courtroom
  - Wed, Dec 21, 7:00 PM, Regular Meeting, Courtroom

**BOARD OF SUPERVISORS UPDATES**

Sheridan— Annual Staff Picnic.

Booker— Fluvanna Historical Society Annual Meeting; MAPP Meeting.

Eager—Coffee With a Cop; BZA; Senior Program at Kents Store; EDTAC; Annual Staff Picnic.

O'Brien—Website update & EnerGov presentations with Staff; Annual Staff Picnic; Cliff Altschull Foundation gift to the Elementary School.

Weaver—CVRJ.

**PUBLIC COMMENTS #1**

At 7:19pm Chair Sheridan opened the first round of Public Comments.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:19pm.

**PUBLIC HEARING**

*SUP 16:10 NCT Tower at VFW Site*—James Newman, Planner, brought forward a request for a Special Use Permit to amend Special Use Permit 11:03, with regards to a 250' tall self-support lattice tower for telecommunication and emergency services purposes, with respect to 3.5 acres of Tax Map 47, Section A, Parcel 10. The affected property is located on the north side of West River Road (U.S. Route 6), approximately 0.4 miles east of its intersection with Beals Lane (Route 645). The property is located in the Cunningham Election District and is within the Rural Residential Planning Area. Mr. Newman noted that the Board previously approved the NCT Tower Site Agreement for VFW Site lease on a vote of 5-0 on September 7, 2016.

Chair Sheridan asked for questions from the Board.

With no questions from the Board, Chair Sheridan opened the Public Hearing.

There being no one wishing to speak, Chair Sheridan closed the Public Hearing at 7:22pm

**MOTION**

Mr. O'Brien moved, move that the Board of Supervisors approve Special Use Permit 16:10, a request to amend Special Use Permit 11:03, with respect to 3.5 acres of Tax Map 47, Section A, Parcel 10 [if approved] subject to the thirteen (13) conditions listed in the staff report. Mrs. Booker gave second, and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

**Conditions:**

- 1) The tower structure shall not exceed 250 feet. This does not include antennae, lighting, lightning rods, and other ancillary equipment, subject to FAA regulations.
- 2) The applicant secures all necessary permits required, and submits structural design and certification by a Virginia Registered Professional Engineer that the proposed facility, as built, will comply with EIA/TIA 222-G for the wind zone for Fluvanna County; Virginia; 3) Prior to issuance of building permits the applicant shall submit satisfactory SHPO and NEPA documentation;
- 4) The applicant shall secure the necessary permits required by Fluvanna County and VDOT;
- 5) The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the designed elevations. Space for ground level electronic equipment shall also be provided;
- 6) The facility when completed shall be accessible only to authorized personnel;
- 7) The tower shall be a self-support lattice Class III tower;
- 8) The facility shall install the necessary landscaping buffer;
- 9) If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
- 10) The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers;
- 11) The tower shall be in the same location as shown in the application;
- 12) Violation of any condition of this permit shall be grounds for revocation of this permit, and;
- 13) The Board of Supervisors, or their representative, has the right to inspect the property for compliance with these conditions at any time.

*SUP 16:09 – Coronal Development Services*—Brad Robinson, Senior Planner, presented a request for a special use permit to operate a solar farm (major utility) with respect to 57 acres of Tax Map 5, Section A, Parcels 23 and 23E. The subject property is located along Palmer Farm Lane off Little Creek Road (State Route 617), approximately 800 feet west of the intersection with James Madison Highway (US Route 15). The parcels are within the Zion Crossroads Community Planning Area and the Columbia Election District.

Robinson indicated that the applicant, Kyle West, Coronal Development Services, was available to answer questions. Mr. West addressed site selection, environmental impacts, job creation and construction duration, and benefits to the County. At 7:41pm, Chair Sheridan opened the Public Hearing. Mr. O'Brien expressed concern with using such valuable real estate near a planned growth corridor for such a low intensity use. He asked if other properties around the county had been considered. Mr. West explained that they had done research and that Fluvanna County was difficult to find suitable parcels due to the topography and utility requirements.

There being no one wishing to speak, Chair Sheridan closed the Public Hearing at 7:42pm.

**MOTION**

Mr. Weaver moved that the Board of Supervisors approve SUP 16:09, a request for a special use permit to allow for a major utility, with respect to 57 acres of Tax Map 5, Section A, Parcels 23 & 23E, subject to the nine (9) conditions listed in the staff report. Mrs. Eager offered second and the motion passed 4-1 Weaver. NAY: O'Brien. ABSENT: None.

*ZMP 16:05 Fluvanna Self Storage*—Brad Robinson, Senior Planner, brought forth a request to amend the Fluvanna County Zoning Map with respect to 3.67 acres of Tax Map 8, Section A, Parcels 31 & 32, to rezone the same from A-1, Agricultural, General, to B-1, Business, General. The property is located on the north side of Lake Monticello Road (State Route 618), approximately one half mile east of its intersection of Thomas Jefferson Parkway (State Route 53). The parcels are within the Rivanna Community Planning Area and the Palmyra Election District.

Mr. Carlos Burns, applicant, was present and answered questions from the Board. Mr. Burns addressed plans for building to capacity, screening, lighting, noise, and sight-lines for turning into and out of the driveway.

At 8:10pm, Chair Sheridan opened the Public Hearing.

Dawn Wright, 701 Lake Monticello Rd, spoke in opposition to the rezoning, citing privacy and aesthetic concerns.

Jane Martin, 697 Lake Monticello Rd, spoke in opposition to the rezoning citing privacy and aesthetic concerns.

Mr. Burns returned to clarify that the dumpster is not on his property.

With no one else wishing to speak, Chair Sheridan closed the Public Hearing at 8:18pm, and asked for Supervisor comments and discussion.

Mr. Weaver and Mrs. Booker voiced concerns about the reduction in quality of life for the two residents most closely located to the property.

Mrs. Eager and Mr. O'Brien advocated for approving the rezoning.

**MOTION**

Mrs. Eager moved to approve ZMP 16:05, a request to amend the Fluvanna County Zoning Map with respect to approximately 3.67 acres of Tax Map 8, Section A, Parcels 31 and 32, to rezone the same from A-1, Agricultural, General, to B-1, Business, General. Mr. O'Brien seconded. The motion failed 2-3. AYE: Eager, O'Brien. NAY: Sheridan, Booker, & Weaver. ABSENT: None.

**ACTION MATTERS**

*Appointment/Reappointment to the Board of Building Code Appeals*— Steve Nichols, County Administrator.

With no discussion,

**MOTION:**

Mrs. Booker moved to reappoint David Rafaly and to appoint Matthew Fichter, who replaces Robert Lawhorne, and to appoint Robert Schwagerl, Jr., who replaces Mike Himes, to the Board of Building Code Appeals, with terms to begin November 1, 2016 and to terminate October 31, 2020. Mr. O'Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Resolution Supporting Cigarette Taxation Equality*—Steven M. Nichols, County Administrator, brought forward a request to adopt a resolution for Cigarette Taxation Equality. Counties, not having the same taxing authority as cities, cannot assess and collect a tax on cigarettes sales. Following general discussion on the origin of the request and resolution,

**MOTION:**

Mr. O'Brien moved to approve the Resolution entitled, "A RESOLUTION SUPPORTING CIGARETTE TAXATION EQUALITY," and authorize the County Administrator to forward the resolution to Virginia elected officials representing Fluvanna County. Mrs. Booker gave second and the motion passed 4-1. AYE: Sheridan, Booker, O'Brien, & Weaver. NAY: Eager. ABSENT: None.

*Assessment and Collection of Reasonable Charges, Related to Virginia Freedom of Information Act Requests* — Kelly Harris, Clerk to the Board / FOIA Officer and Fred Payne, County Attorney.

With little discussion,

**MOTION:**

Mrs. Booker moved to approve the assessment and collection of reasonable charges, not to exceed the actual cost of responding to Virginia Freedom of Information Act requests, as provided in Subsection F of Section 2.2-3704 of the Code of Virginia, 1950, as amended, and as detailed in the Fluvanna County Freedom of Information Act (FOIA) Rights and Responsibilities Operational Procedures. Mr. O'Brien offered second. On a vote of 5-0, the motion passed. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*E911 Radio Project: Dominion Brema Lease*—Cheryl Elliott, Emergency Services Coordinator.

With no discussion,

**MOTION:**

Mrs. Eager moved the Board of Supervisors approve the “Telecommunications Agreement” between Virginia Electric and Power Company and Fluvanna County, and authorize the County Administrator to execute the Agreement, subject to approval as to form by the County Attorney. Mr. Weaver offered second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

*\$8,250,000 Equipment Lease Purchase Financing Resolution*—Eric Dahl, Deputy County Administrator / Finance Director, presented a request to refinance the original \$6,594,545 Motorola Lease 2015 associated with the Public Safety Emergency Communications Radio System and payoff accrued interest of ~\$234,450. The original Motorola Lease with principal and interest will achieve ~4.00% Present Value savings depending upon the final interest structure chosen. Additional funding of \$1,378,899 for change orders for the Public Safety Emergency Communications Radio System. The effect of refinancing the \$6,594,545 original Motorola Lease 2015 would be a ~\$281K debt service savings from the lower interest rate. The additional funding for change orders for project updates and additional towers will increase the Lease payment in FY18 from \$1,073,335 to \$1,236,088 (based on 1.34%, 7 year amortization, YM Call Provision) which is an increase of \$162,753 PER YEAR.

Following general discussion regarding terms and rates,

**MOTION:**

Mr. O’Brien moved the Board of Supervisors approve the resolution entitled, “Resolution Approving A Plan Of Lease/Purchase Financing For Emergency Communication Equipment In An Amount Not To Exceed \$8,250,000 By Fluvanna County, Virginia,” and hereby incorporate the following terms into the resolution: (i) the term of the 2016 Lease shall be seven (7) years; (ii) principal payments under the 2016 Lease shall be due annually in arrears and interest payments under the 2016 Lease shall be due semi-annually on each March 1 and September 1, compounded semi-annually in arrears, beginning September 1, 2017; (iii) the tax-exempt interest rate for the 2016 Lease shall be a fixed rate of 1.34 %; (iv) the 2016 Lease shall be subject to prepayment after the first anniversary date of execution of the 2016 Lease, at the election of the County upon payment of a prepayment premium in the amount of, the greater of 1% of the outstanding principle amount of the 2016 Lease, or a Yield Maintenance Fee; and (v) the County shall purchase the Equipment from the Lessor at the expiration of the term of the 2016 Lease for a purchase price of \$1.00. Mrs. Booker seconded. On a vote of 5-0, the motion passed. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

*FY16-17 Carryover and Capital Project Requests*—Eric Dahl, Deputy County Administrator and Finance Director, presented a request to approve departmental budget carryover requests. Per Fluvanna County Financial Policies Section 1-10, carryovers may be requested for purposes that are necessary for continuation of services, for projects that could not have reasonably started prior to June 30, or for circumstances where unexpended funds are available to be re-appropriated for projected current fiscal year uses or shortfalls. Requests exclude outstanding operating encumbrances, insurance reimbursements, grants, previously approved supplemental appropriations and existing capital projects. Approval of the request will allow the Finance Department to increase FY17 revenue and expenses by \$340,000.

- Unexpended Budget: ~\$1,679,000
- Less FY16 Carryover Requests: -\$173,618
- Less FY17 Capital Requests: -\$340,000
- FY16 Return to General Fund: ~\$1,165,382

**MOTION**

Mr. O’Brien moved approved the following carryover requests of FY16 Budget Authority from the listed departments to FY17 Department Budgets in the amounts specified:

- A. Cooperative Extension - For Commercial Kitchen \$3,732
- B. Treasurer’s Office - For Security System Upgrades \$15,000
- C. Sheriff’s Office - For Surveillance and Access Controls \$83,546
- D. Registrar’s Office - For Election Needs \$16,500
- E. Clerk of Circuit Court - For Security and Disaster Recovery \$28,978
- F. Circuit Court Judge - For Security and Storage \$7,862
- G. Information Technology - For County Website Upgrades \$18,000

with the total amount of \$\$173,618 to be re-appropriated to the specified FY17 department budgets. Mrs. Booker seconded and the motion passed 3-2. AYE: Sheridan, Booker, & O’Brien. NAY: Eager & Weaver. ABSENT: None.

And,

Mrs. Booker moved that the Board of Supervisors approve the following FY17 New Capital Project requests:

1. Facilities Security Upgrades: \$30,000
2. Munis Modules/Training: \$125,000
3. Public Works/FUSD Mini-Excavator: \$50,000, subject to additional justification;
5. Pleasant Grove Road Paving: \$98,000

with a supplemental appropriation of \$303,000 from unassigned fund balance, with partial funding support to come from FY16 unexpended budgets. Mr. O’Brien seconded and the motion passed 3-2. AYE: Sheridan, Booker, & O’Brien. NAY: Eager & Weaver. ABSENT: None.

**PRESENTATIONS**

None.

**CONSENT AGENDA**

The following items were discussed before approval:

*The following items were approved under the Consent Agenda for October 19, 2016:*

- Minutes of Special Meeting, September 21, 2016 – Elected Officials Breakfast—Kelly Belanger Harris, Clerk to the Board*
- Accounts Payable Report, September 2017—Eric Dahl, Deputy County Administrator / Finance Director*
- FY17 1st Quarter Voluntary Contributions—Martin Brookhart, Management Analyst*
- Assistant Commonwealth Attorney’s Hiring Salary—Gail Parrish, Human Resources Manager*
- Approval of Open Space Contract for the Mozell H. Booker Living Trust—Andrew M. Sheridan, Commissioner of the Revenue*
- Fluvanna Fire Flat-Bed Brush Truck Build Agreement—Cyndi Toler, Purchasing Officer*
- Proclaim October Domestic Violence Awareness Month—Steven M. Nichols, County Administrator*

**MOTION**

Mr. Weaver moved to approve the items on the Consent Agenda for October 19, 2016, and ratified Accounts Payable and Payroll for September 2016, in the amount of \$3,360,429.84. Mr. O’Brien seconded and the motion passed 4-0-1. AYE: Sheridan, Eager, O’Brien, & Weaver. NAY: None. ABSTAIN: Booker. ABSENT: None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Mrs. Booker inquired about the parking lot drainage at the Central Virginia Regional Jail. Mr. Nichols noted that the parking lot has been repaved, and the parking lot does not drain during hard rains. Mr. Weaver will follow up with the Jail Board.

**PUBLIC COMMENTS #2**

At 10:02pm Chair Sheridan opened the second round of Public Comments. With no one else wishing to speak, Chair Sheridan closed the second round of Public Comments at 10:02pm.

**CLOSED MEETING**

**MOTION TO ENTER INTO A CLOSED MEETING**

At 10:02pm, Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.3, & A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Real Estate, and Legal Matters. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYE: Sheridan, Booker, Eager, O’Brien, and Weaver. NAY: None. ABSENT: None.

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

At 10:58pm, Mr. Weaver moved that the Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session and “BE IT RESOLVED, the Board of Supervisors does hereby certify to the best of each member’s 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.” Mrs. Booker seconded. The motion carried, with a roll call vote, of 5-0. AYES: Sheridan, Booker, Eager, O’Brien, and Weaver. NAYS: None. ABSENT: None.

**MOTION**

Mr. O’Brien moved to approve a hiring salary offer of \$50,750 for the new CSA Coordinator, Mrs. Mary Anna Twisdale, effective October 31, 2016, with the pay and benefits to come from the existing FY17 CSA Budget. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

**ADJOURN**

**MOTION:**

At 10:59pm Mr. Weaver moved to adjourn the regular meeting of Wednesday, October 19, 2016. Mrs. Booker seconded and the motion carried with a vote of 5-0. AYES: Sheridan, Booker, Eager, O’Brien, and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Kelly Belanger Harris  
Clerk to the Board

\_\_\_\_\_  
John M. Sheridan  
Chair