

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room**  
**December 20, 2016**  
**Regular Meeting 7:00pm**

**MEMBERS PRESENT:**

John M. (Mike) Sheridan, Columbia District, Chair  
 Mozell Booker, Fork Union District, Vice Chair  
 Patricia Eager, Palmyra District  
 Tony O'Brien, Rivanna District (*Arrived 7:03pm*)  
 Donald W. Weaver, Cunningham District

**ALSO PRESENT:**

Steven M. Nichols, County Administrator  
 Fred Payne, County Attorney  
 Kelly Belanger Harris, Clerk for the Board of Supervisors

**CALL TO ORDER**

At 7:00pm Chair Sheridan, called the Regular Meeting of December 20, 2016.  
 After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**ADOPTION OF AGENDA**

Mr. Nichols asked the Board to consider moving Tab V: FCPS FY16 Carryover Request, to be heard after Tab YZ: Fluvanna County Public Schools – Fiber Network Project, as they are related.

**MOTION**

Mrs. Booker moved to accept, with the requested change, the Agenda, for the December 20, 2016 Regular Meeting of the Board of Supervisors. Mr. Weaver seconded and the Agenda was adopted by a vote of 4-0. AYES: Sheridan, Booker, Eager, and Weaver. NAYS: None. ABSENT: O'Brien.

*Resolution Honoring FCPS Superintendent*—Steven M. Nichols, County Administrator, brought forward a request to approve a resolution honoring the service of Mrs. Gena C. Keller, FCPS Superintendent.

**MOTION**

Mrs. Booker moved to approve the Resolution entitled, "A RESOLUTION HONORING THE SERVICE OF GENA C. KELLER, FLUVANNA COUNTY PUBLIC SCHOOLS SUPERINTENDENT." Mrs. Eager gave second and the motion passed 4-0. AYES: Sheridan, Booker, Eager, and Weaver. NAYS: None. ABSENT: O'Brien.

**SPECIAL PRESENTATION—RESOLUTION HONORING FCPS SUPERINTENDENT****COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Staff Stars and Community Efforts:
  - Regional School Board Members of the Year Announced—The Central Region Award Recipient is: Camilla Washington, Chair, Fluvanna County School Board. The Virginia School Boards Association (VSBA) recently announced that four school board members from across Virginia were awarded VSBA Regional School Board Member of the Year awards in recognition of their boardsmanship qualities and active involvement in promoting student achievement. This is the 15th year that awards have been presented.
  - ZXR Water/Sewer Project Town Hall Meeting: Successful event; more to come. Thanks for Mac's Auto Center for hosting.
- 8th Annual Senior Holiday Celebration: Fluvanna Community Center (Dec 14), ~75 Pre-K children from West Central visited to sing songs, meet Santa, and pass out Holiday cards to each Senior, Over 50 seniors and guests from the Fork Union and Cunningham Senior Centers attended, Games, food, raffles and fun!
- Announcements and Updates
  - New IT Technician Onboard: Debbie Smith began work Dec 20th
  - Columbia FEMA Grant Update: Required formal appraisals completed; Next Steps (Jan 2017); Complete an Appraisal Review following parameters under Federal/FEMA regulations; Prepare purchase offers and submit to the property owners; Property owners could also engage their own appraiser, if they disagree with the reviewed appraisals.
- Meeting Date Realignment Proposal (All four bodies will adopt their updated meeting calendars in January):

Group	Current Schedule	Proposed Schedule
Board of Supervisors	1 <sup>st</sup> & 3 <sup>rd</sup> Wed	No Change
School Board	2 <sup>nd</sup> Wed	No Change or 1 <sup>st</sup> Tue
Planning Commission	4 <sup>th</sup> Wed	2 <sup>nd</sup> Tue
Board of Zoning Appeals	2 <sup>nd</sup> Tue	3 <sup>rd</sup> or 4 <sup>th</sup> Tue

**BOARD OF SUPERVISORS UPDATES**

Sheridan: ZXR Water and Sewer Town Hall, Breakfast with Superintendent  
 Booker: Senior Holiday Lunch, VRA Conference, JABA Executive Meeting, CPMT Meeting  
 Eager: Planning Commission Discussion, School Board Meeting, Zion Crossroads Water and Sewer Town Hall, Employee Holiday Luncheon  
 O'Brien: TJPDC, Piedmont Workforce Network Council, Planning Commission, ZXR Water and Sewer Town Hall  
 Weaver: Scottsville Fire and Rescue Annual Dinner, CVRJ

**PUBLIC COMMENTS #1**

At 7:25pm 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 7:25pm.

**PUBLIC HEARING**

*ZMP 16:02 Rivanna Heights Rezoning*—James Newman, Planner, brought forward a request to rezone from A-1 Agricultural General to R-3 Residential Planned Community, with respect to approximately 13.81 acres of Tax Map 18, Section A, Parcel 10. The property is located on South Boston Road, roughly 1,000 feet south of the intersection of South Boston Road (State Route 600) and Lake Monticello Road (State Route 618). The parcel is within the Rivanna Community Planning Area and the Palmyra Election District. Application was received May 26, 2016 Planning Commission reviewed several drafts, and at their Nov. 14, 2016 meeting recommended approval.

Chair Sheridan called for questions from the Board.

Mr. Weaver noted that the application has been through the planning process twice, with concerns having been answered and overcome during the process.

Mrs. Booker remarked that comments from the public indicated that the meeting time for the Neighborhood Meeting at 4:30pm might make it difficult for some citizens to attend and inquired about revising the time of the meeting.

Chair Sheridan asked if there were any questions for the applicant. There being no questions, Chair Sheridan opened the Public Hearing.

Terry Callison, Palmyra District, spoke against the rezoning.

Mr. Weaver asked if the developer/applicant could speak.

Mr. Brian Chambers, Land Surveyor and designer of project, spoke to some of the concerns raised by Mrs. Callison.

Mr. Bill Bailey, Real Estate Broker, addressed concerns regarding the definition of "affordable housing," indicating that the intent is to have attached housing in the low \$200s.

Responding to a question regarding traffic flow, Mr. Chambers described the flow of traffic as being one-way into and out of the subdivision, with two-way traffic in front of the units.

At 8:09pm Chair Sheridan closed the Public Hearing.

Following general discussion,

**MOTION**

Mrs. Booker moved that the Board of Supervisors approve ZMP 16:02 a request to rezone from A-1 Agricultural General to R-3 Residential Planned Community, with respect to approximately 13.81 acres of Tax Map 18, Section A, Parcel 10. Mr. O'Brien offered second and the motion passed 4-1. AYE: Sheridan, Booker, O'Brien, & Weaver. NAY: Eager. ABSENT: None.

*SUP 16:11 Gardenkeepers of Virginia, LLC*—James Newman, Planner, brought forward a request for a Special Use Permit to authorize a Landscaping Materials Supply use with respect to 4.0 acres of Tax Map 10, Section A, Parcel 33. The property is located on James Madison Highway (State Route 15), approximately 400 ft south of the intersection of Union Mills Road (State Road 616) and James Madison Highway. The parcel is zoned A-1 Agricultural, General. The parcel is within the Rural Residential Community Planning Area and the Columbia Election District.

Chair Sheridan invited the applicant to address the Board.

Katherine Gray, owner of GardenKeepers of Virginia, LLC, briefly addressed the Board, indicating that after twenty years in business, they would like to expand their business.

At 8:19pm Chair Sheridan opened the Public Hearing.

With no one wishing to speak, Chair Sheridan closed the Public Hearing.

With no discussion,

**MOTION**

Mrs. Eager moved that the Board of Supervisors approve SUP16:11 a request for a Special Use Permit to authorize a Landscaping Materials Supply use with respect to 4.0 acres of Tax Map 10, Section A, Parcel 33, subject to the eight (8) conditions listed in the staff report. Mr. O'Brien offered second and the motion passed 5-0.

*Ordinance to Amend Fluvanna County Code: Personal Property Tax Returns* – Steven M. Nichols, County Administrator, presented a request to amend the ordinance, noting that the change is administrative in nature.

Mr. Nichols indicated that this amendment helps businesses, and the Treasurer and Commissioner of Revenue. The change also removes an obsolete provision regarding motor vehicles.

Chair Sheridan opened the Public Hearing.

There being no one wishing to speak, the Public Hearing was closed.

With no further discussion,

**MOTION**

Mr. O'Brien moved the Board of Supervisors approve an ordinance entitled, "AN ORDINANCE TO AMEND AND REENACT CHAPTER 20, ARTICLE 1 OF THE FLUVANNA COUNTY CODE REGARDING PERSONAL PROPERTY TAX RETURNS TO CHANGE THE DATE FOR FILING AND TO DELETE AN OBSOLETE PROVISION REGARDING MOTOR VEHICLE LICENSES." On a second from Mrs. Booker, the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Ordinance to Amend Fluvanna County Code: Tax Exemptions-Solar Equipment, Facilities, Devices*—Steven M. Nichols, County Administrator, brought forward a request to amend the ordinance to correct a discrepancy in the County Code. The statutory reference in the ordinance (VC Sec. 58.1-3360) is incorrect, and is changed in this draft (should be 58.1-3661). Otherwise, the ordinance correctly tracks 58.1-3661.

**MOTION**

Mr. Weaver moved the Board of Supervisors approve an ordinance entitled, "AN ORDINANCE TO AMEND AND REENACT CHAPTER 20, ARTICLE 9 OF THE FLUVANNA COUNTY CODE REGARDING TAX EXEMPTIONS FOR CERTAIN SOLAR ENERGY EQUIPMENT, FACILITIES OR DEVICES." Mr. O'Brien offered second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

**ACTION MATTERS**

*FY18 Budget Calendar Revision* – Marty Brookhart, Management Analyst, presented a revised Budget Calendar, seeking approval to add a work session, and move the Calendar Year 2017 Tax Rate to April 5, and move the Adoption of the FY18 Budget and CY17 Tax Rate to April 12.

**MOTION**

Mrs. Booker moved the Board of Supervisors approve the revised FY18 Budget Calendar. Mrs. Eager seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*N.8 Inclement Weather and Emergencies Policy* – Steven M. Nichols, County Administrator and Gail Parrish, Human Resources Manager, presented an updated policy to address Closure Pay.

Following general discussion,

**MOTION**

Mrs. Eager moved the Board of Supervisors approve the updated personnel policy, "N.8 – Closures Due to Weather or Other Emergencies," as presented. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Tyler Technology/ Munis Municipal Software Upgrade* – Cyndi Toler, Purchasing Officer, requested the Board approve an addendum to an existing contract with Tyler Technology to add EnerGov software to the contract. These modules enhance the current municipal software to allow more streamlined and efficient processes, and increases communication and productivity.

Following general discussion,

**MOTION**

Mr. O'Brien moved the Board of Supervisors approve the addendum and amendment to the existing Tyler Technology contract allowing for a 3 year term contract extension with no price increase, as well as adding the EnerGov Software for a one-time fee of \$54,100.00 and an annual fee of \$35,966.00, and adding the Inventory/Work Order module for a one-time fee of \$17,150.00 and an annual fee of \$1,584.00 and further authorize the County Administrator to execute the addendum and amendment subject to approval as to form by the County Attorney. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Reclassification of Building Official Position* – Gail Parrish, Human Resources Manager, presented an update to the Building Official Position, noting that the County reviewed the position when the former Building Official retired, and again when the most recent Building Official resigned. Upon review it was noted that while the budgeted amount for the position is sufficient, the pay band for the Building Official position was not competitive with surrounding counties.

Following general discussion,

**MOTION**

Mrs. Booker moved to approve reclassification of the Building Official position:

FROM: Building Official – Position 2250 - Pay Band 18, \$50,290 to \$75,089

TO: Building Official – Position 2250 - Pay Band 19, \$53,562 to \$79,972

Mrs. Eager seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

### **PRESENTATIONS**

*FY16 Comprehensive Annual Financial Report (CAFR)*—Eric Dahl, Deputy County Administrator and Finance Director, and David Foley, Robinson, Farmer, and Cox, provided an overview of Fiscal Year 16, providing a breakdown of revenue from all sources, expenditures, as well as a breakout of local dollars received and expended. The Comprehensive Annual Financial Report (CAFR) was reviewed, delving more deeply into revenue sources, highlighting the top four local revenue sources (real estate taxes, personal property tax, public service corporation, and local sales tax.) Together these four revenue sources account for nearly 72% of the general fund.

David Foley, Robinson, Farmer, and Cox, provided a review from the Audit. Mr. Foley highlighted responsibilities of the County, the Auditors, and the findings of the Audit. Mr. Foley stated that all controls and processes are clean and compliant. Robinson, Farmer, and Cox issues an "Unmodified Opinion" which is the cleanest opinion possible, indicating that the County's Financial Statements have been carried out in compliance with Generally Accepted Accounting Practices.

*Fluvanna County Public Schools – Fiber Network Project*—Josh Gifford, FCPS IT Director, presented a plan to initiate a fiber network project in order to provide reliable connectivity between school buildings and non-instructional facilities, creating an infrastructure for all data, voice, and video communications, and to meet Federal eRate modernization bandwidth requirements. Mr. Gifford noted the benefits of owning the fiber network include growth potential and scalability, and doing so would allow the schools to terminate the many leases that currently connect the various school facilities. The project could be funded through the eRate program, which would extend to Fluvanna County Schools a 60% discount on telecommunications. The eRate program has recently added an allowance for self-construction, a new opportunity for localities to invest in their own network, with eRate paying for the discounted rate. Mr. Gifford indicated that eRate is a reimbursement program; the project would be paid for up-front, and reimbursed at completion.

### **ACTION ITEM**

*FCPS FY16 Carryover Request* – Gena Keller, FCPS Superintendent, following on the presentation by Mr. Gifford, brought forward a request to transfer carryover funds from FY16 to help fund the Fiber Network Project.

#### **MOTION**

Mrs. Booker moved to approve the Fluvanna County Public Schools carryover request of remaining FY16 Fund Balance in the amount of \$430,222 to the FY17 CIP Budget. Mr. O'Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

Following the vote, Mr. Gifford inquired about following up on the potential County portion of the fiber network project. Mrs. Eager suggested that more information and needs assessment would be necessary. Mr. Gifford offered to gather estimates and to discuss with Library Director, Cyndi Hoffman, to determine Library eRate discount and will return the information to the Board.

### **PRESENTATIONS continued**

*Family Subdivisions* – James Newman, Planner, presented information regarding the definition of "family subdivision" as determined by County and State Code. State Code allows localities to include nieces and nephews to the definition of "family." The Planning Commission recommended leaving the definition as it currently stands. The Board did not indicate a desire to move forward with changes to the definition.

#### **MOTION TO EXTEND**

At 10:54pm, Mr. Weaver moved to extend the meeting until 3:00am. Mrs. Eager seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, Weaver. NAY: None. ABSENT: None.

*1.6 Constitutional Officer Pay Policy Proposal* – Steven M. Nichols, County Administrator, provided a brief overview of options for compensating Constitutional Officers. Options included paying the amount indicated by the State Compensation Board, and percentage amounts above that amount. Included in this discussion and policy proposal, is the compensation for newly elected Constitutional Officers. The Board directed the item to be added to the January 18, 2017 agenda.

*Proposal to Establish a Broadband Access Taskforce (BAT)* – Steven M. Nichols, County Administrator, presented a proposal to create a Broadband Access Taskforce (BAT) to study the needs and feasibility of Broadband Access options in the County. The Board directed the item to be brought forward at the January 4, 2017.

### **CONSENT AGENDA**

The following items were discussed before approval:

*Accounts Payable Report, November 2016*—Eric Dahl, Deputy County Administrator and Finance Director

The following items were approved under the Consent Agenda for December 7, 2016:

*Minutes of the December 7, 2016*—Kelly Belanger Harris, Clerk to the Board of Supervisors  
*Accounts Payable Report, November 2016*—Eric Dahl, Deputy County Administrator and Finance Director

*FY17 FCPS Supplemental Appropriation of State Funding for Alternative Assessment Assistance Training*—Ed Breslauer, FCPS Finance Director

*Approval of Open Space Contract for James E. & Joyce G. Johnson*—Andrew M. Sheridan, Commissioner of the Revenue

*Approval of Mr. Darius Lester as Interim Building Official for Fluvanna County*—Steven M. Nichols, County Administrator

**MOTION**

Mr. Weaver moved to approve the items on the Consent Agenda for December 20, 2016, and ratified Accounts Payable and Payroll for November 2016, in the amount of \$3,194,160.07. Mrs. Eager seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**PUBLIC COMMENTS #2**

At 11:18pm 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 11:18pm.

**CLOSED MEETING**

**MOTION TO ENTER INTO A CLOSED MEETING**

At 11:19pm, 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.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel 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 11:47pm, 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.

**ADJOURN**

**MOTION:**

At 11:48pm Mr. O'Brien moved to adjourn the regular meeting of Wednesday, Date. Mrs. Booker seconded and the motion carried with a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, & Weaver.

NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

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

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