

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room**  
**January 31, 2018**  
**Budget Work Session 4:00pm**  
**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  
 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

**WORK SESSION – CALL TO ORDER**

At 4:00pm Chair Sheridan called to order the Work Session of January 31, 2018.  
 After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**NON-PROFIT AGENCY PRESENTATIONS**

- Central Virginia Partnership for Economic Development—Helen Cauthen
- Central Virginia Small Business Development Center—Greg McFetridge and Diane Arnold
- Fluvanna County Arts Council—*Not presenting*
- Fluvanna Leadership Development Program—Mike Feazel
- Fluvanna/Louisa Housing Foundation--Dan Burke
- JABA- Jefferson Area Board of Aging—Marta Keane
- JAUNT—*Not presenting*
- Jefferson Area CHIP--Jon Nafziger
- Fluvanna Chamber of Commerce--Rudy Garcia & Joe Chesser
- MACAA- Monticello Area Community Action Agency—Elise Cruz
- OAR- Jefferson Area Community Corrections--Ross Carew
- Piedmont Workforce Network—Mary-Huffard Kegley
- Hospice of the Piedmont--Ron Sykes
- Legal Aid Justice Center—*Not presenting*
- Southeast Rural Community Assistance Project (SERCAP)—*Not presenting*
- TJEMS—*Not presenting*
- Foothills Child Advocacy Center--Cathee Phillips

**RECESS FOR DINNER AND CLOSED SESSION**

**MOTION TO ENTER INTO A CLOSED MEETING**

At 5:47pm, Mr. O'Brien moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1 & A.6 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personal & Investment of Funds. Mr. Weaver seconded. The motion carried, with a vote of 4-0. AYE: Sheridan, Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: None.

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

At 7:00pm, Mr. O'Brien 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.

**1 – RECONVENE, CALL TO ORDER, & PLEDGE OF ALLEGIANCE**

At 7:00pm Chair Sheridan called to order the Regular Meeting of January 31, 2018.  
 After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**3 - ADOPTION OF AGENDA**

**MOTION**

Mrs. Booker moved to accept the Agenda, as presented, for the January 31, 2018 Regular Meeting of the Board of Supervisors. Mr. Weaver seconded and the Agenda was adopted by a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: None.

#### **4 - COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Community & County Staff Recognitions
  - Grand Opening of our newest Senior Center – Jan 16, 2018. In partnership with Beaverdam Baptist Church, 16 seniors on the opening day and 2 JABA representatives
  - Kudos to Jane Wilson who manages the Social Services holiday program - Thanksgiving - distributed 61 donated turkeys to needy citizens. Matched 161 children and 40 seniors with sponsors who purchased Christmas gifts for them.
  - New Signage at Pleasant Grove – Disc Golf
- Spotlight on Business
  - VSI Supply “Your Plumbing Supply Guys”
- Announcements and Updates
  - Closed on grant purchase of Columbia Properties on Jan 11th
  - New Invitation to Bid for Demolition Services released on Jan 12, 2018. Bids due by February 15<sup>th</sup>
  - New sign in Columbia: “Welcome to Fluvanna County and Historic Columbia”
- Upcoming Meetings:

Day	Date	Time	Purpose	Location
Wed	Feb 7	4:00 PM 7:00 PM	Regular Meeting & COAD FY19 Budget Proposal & Revenues/ Expenditures	Courtroom
Wed	Feb 14	7:00 PM 4:00 PM	Budget WS - Constitutional Officers	Morris Room
Wed	Feb 21	4:00 PM 7:00 PM	Budget WS - FCPS FY19 Adopted Budget & Regular Meeting	Courtroom Courtroom
Wed	Feb 28	7:00 PM	Budget WS – Agencies	Morris Room

#### **5 - PUBLIC COMMENTS #1**

At 7:06pm Chair Sheridan opened the first round of Public Comments.

- Michael Winget-Hernandez, Winget-Hernandez, PC, 2017 Fluvanna County Business of the Year, requested the Board consider a request for support of a communication tower near Fluvanna County.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:13pm.

#### **6 - PUBLIC HEARING**

*SUP 17:05-Jackson Automotive*—Brad Robinson, Senior Planner presented a request to approve a special use permit to construct an automobile repair service establishment with respect to 4.009 acres of Tax Map 17, Section A, Parcel 57C. The affected property is located along Thomas Jefferson Parkway (Route 53) approximately 0.07 miles north of the intersection with Turkeysag Trail (State Route 1015). The parcel is within the Rivanna Community Planning Area and the Cunningham Election District. At its Regular Meeting on January 9, 2018, the Fluvanna County Planning Commission recommended approval of SUP 17:05 with a vote of 5-0.

Chair Sheridan invited the applicant Mr. John Jackson forward. Mr. Weaver inquired about the Health Department assessment that public water would “probably” be available. Mr. Jackson indicated that his water needs will be minimal in the proposed shop and he will therefore use the water and septic already on the property.

At 7:22pm, Chair Sheridan opened the Public Hearing.

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

Chair Sheridan invited discussion among the Supervisors.

With little discussion,

#### **MOTION**

Mrs. Eager moved that the Board of Supervisors approve SUP 17:05, a request to construct an automobile repair service establishment with respect to 4.009 acres of Tax Map 17, Section A, Parcel 57C, subject to the eleven (11) 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. Staff Conditions:

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. Vehicles waiting for service shall be stored in or behind the building outside of normal business hours.
5. Hours of operation for the site shall be from 7 am to 6 pm Monday-Friday.
6. All noise generated by this activity shall be limited to maximum daytime level of 60 dB at the property line.

7. Any lighting shall not be directed toward adjacent properties and comply with Article 25 of the Fluvanna County Code.
8. Used motor oil, coolants, discarded automotive parts and tires shall be recycled or disposed of in accordance with State and local laws.
9. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
10. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
11. Under Sec. 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.

*County Code Changes for Chapter 5 Pertaining to Buildings* – James Newman, Planner brought forward a request to amend the County Code concerning removal, repair, and securing of dangerous buildings and other structures. The proposed amendments are made in order to remove, secure, or repair a structure or structures that constitute a danger to health or safety of any resident of the County.

This new article contains six (6) subsections, with provisions for removal, cost, and penalties.

At 7:38pm, following general and clarifying discussion, Chair Sheridan opened the Public Hearing.

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

With no further discussion,

MOTION

Mrs. Booker moved that the Board of Supervisors approve an ordinance to amend Chapter 5 of the Fluvanna County Code by the addition therein of an Article 3 concerning removal, repair, and securing of dangerous buildings and other structures. Mr. Weaver seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*County Code Changes for Chapter 10 Pertaining to Garbage/Refuse/Waste* – James Newman, Planner presented a request to amend Chapter 10, Article 1 of the County Code related to trash, garbage, refuse, litter, and other substances. The amendments are made to remove any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the county. The proposed amendments also allow the County to initiate such actions without requiring the approval Board of Supervisors; the County Administrator would undertake such actions. This article contains four subsections, with provisions for removal, cost, and penalties.

Following brief general discussion, Chair Sheridan opened the Public Hearing at 7:43pm.

There being no one wishing to speak, Chair Sheridan closed the Public Hearing at 7:43pm.

With no further discussion,

MOTION

Mr. O'Brien moved that the Board of Supervisors approve an ordinance to amend Chapter 10, Article 1 of the Fluvanna County Code concerning certain accumulations of trash, garbage, refuse, litter and other substances. Mrs. Booker provided second and motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*County Code Changes for Chapter 15 Pertaining to Motor Vehicles and Traffic* – James Newman, Planner, presented a request to amend the County Code. The proposed amendments specify the number of inoperable vehicles may be kept in certain zoning districts, the measures that must be taken to conceal them, as well as penalties for not following the Code. The proposed amendments would allow the County to initiate such actions without requiring approval by the Board of Supervisors; the County Administrator would undertake such actions. This article contains one (1) subsection, with provisions for removal, cost, and penalties.

Brief discussion centered on the definition of "screening."

At 7:49pm Chair Sheridan opened the Public Hearing at 7:49pm.

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

With no additional discussion,

MOTION

Mr. O'Brien moved that the Board of Supervisors approve an ordinance to amend Chapter 15 of the Fluvanna County Code by the addition therein of an Article 4, Section 15-4-1 concerning keeping of inoperable vehicles. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

**7 - ACTION MATTERS**

*Strategic Zoning Authorization*—James Newman, Planner came before the Board seeking approval to initiate a County Code amendment that would change the way in which roll-back taxes are assessed and collected following strategic rezoning. The change benefits landowners in preparation of selling land in designated development areas.

Mr. O'Brien initiated a discussion regarding the merits and potential downside of strategic zoning. Mr. Payne clarified the mechanism by which roll-back taxes are currently assessed and the continued responsibility to pay these when the sale of land occurs, rather than at the time of rezoning.

Following discussion,

MOTION

Mrs. Eager moved that the Fluvanna County Board of Supervisors direct staff to initiate a County Code Amendment to amend "Section 20-4-8, Roll-back taxes generally", and to schedule a future public hearing for the Board of Supervisors. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*FEMA FY17 Assistance to Firefighters Grant*—Debbie Smith, Emergency Management Coordinator presented a request to ratify the submission of the FEMA FY17 Assistance to Firefighters Grant for Self-Contained Breathing Apparatus (SCBA.)

With no discussion,

MOTION

Mrs. Eager moved the Board of Supervisors ratify the application for the FEMA FY17 Assistance to Firefighters Grant for Self-Contained Breathing Apparatus (SCBA) and related equipment. Mrs. Booker seconded and the motion 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Appointment to the Fluvanna Partnership for Aging – At-large*—Steven M. Nichols, County Administrator presented the candidate for the currently vacant, at-large position on the Partnership for Aging. Ms. Kennedy was the only candidate.

With no discussion,

MOTION

Mr. O'Brien moved the Fluvanna County Board of Supervisors appoint Lynn Kennedy to the Fluvanna Partnership for Aging, At-Large District, with a term beginning January 1, 2018 and ending December 31, 2021. Mr. Weaver seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Anthem – The Local Choice Experience Adjustment* – Eric Dahl, DCA and Finance Director brought forward a request to approve a supplemental appropriation to satisfy the obligation to The Local Choice Adverse Experience Adjustment. The Local Choice (TLC), the County's previous medical insurance provider, operates under of the Code of Virginia, and certain sections of the code provide for a potential Adverse Experience Adjustment (AEA) to withdrawing employers from the plan. The County withdrew from the plan as of June 30, 2017. This adjustment requires any withdrawing employer to contribute their pro rata share of any operating loss experienced during the last plan year during which the employer was a member. The insurance pool the County was a group of experienced a deficit of \$10,464,429 for the plan year that ended on June 30, 2017. The resulting Adverse Experience Adjustment of \$83,032.75, was to be paid by January 20, 2018. Approval of the motion as stated will increase the revenue budget for Use of Unassigned Fund Balance and increase the Board of Supervisors expenditure budget.

Following discussion regarding insurance coverage choice,

MOTION

Mrs. Booker moved the Board of Supervisors approve a supplemental appropriation of \$83,033 from Unassigned Fund Balance to the Board of Supervisors budget for The Local Choice Adverse Experience Adjustment. Mrs. Eager gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

## **8 – PRESENTATIONS**

None.

## **9 - CONSENT AGENDA**

The following items were discussed before approval:

*Accounts Payable for December 2017*—Eric Dahl, Deputy County Administrator & Finance Director

The following items were approved under the Consent Agenda for January 31, 2018:

*Accounts Payable for December 2017*—Eric Dahl, Deputy County Administrator & Finance Director

*RFP for Appraisal, Valuation, and Other Related Services*—Cyndi Toler, Purchasing Officer

*Policy 7.1. - Inclusion of Solar and Geothermal Energy Systems* – Wayne Stephens, Public Works Director and County Engineer

*Policy 7.2. - Building Housekeeping and Routine Maintenance* – Wayne Stephens, Public Works Director and County Engineer

*Policy 8.1. - Building Permit Application, Fees, and Inspection* – Steve Nichols, County Administrator

*Policy 8.2. - Geographic Information System (GIS) Data Release* – Jason Stewart, Planning and Zoning Administrator

MOTION

Mr. Weaver moved to approved the consent agenda, for the January 31, 2018 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for December 2017, in the amount of \$2,774,580.50. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

**10 - UNFINISHED BUSINESS**

None.

**11 - NEW BUSINESS**

None.

**12 - PUBLIC COMMENTS #2**

At 8:29pm 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 8:29pm.

**13 - ADJOURN**

MOTION:

At 8:30pm Mrs. Booker moved to adjourn the regular meeting of Wednesday, January 31, 2018. Mr. Weaver 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

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Kelly Belanger Harris  
Clerk to the Board

John M. Sheridan  
Chair

