

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
April 17, 2013, 7:00 pm, Regular Meeting**

**MEMBERS PRESENT:** Shaun V. Kenney, Chairman  
Bob Ullenbruch, Vice-Chairman  
Donald W. Weaver  
Mozell H. Booker  
Joe Chesser

**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**

Chairman Kenney called the meeting of Wednesday, April 17, 2013, to order at 7:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Kenney called for a moment of silence.

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Saturday, April 13, horse ride at Pleasant Grove with 150 to 200 riders.
- Parks and Recreation, Public Works, and volunteers did a great job getting the trails open.
- Staff working on an updated staff projects list for 2013 including a Senior Services resource website page, BOS Directives/Requests Tracking Report, and updated Personnel Policies.
- Invited the Supervisors to a Post Budget Pizza Party – Thursday, April 18<sup>th</sup>, at 11:30 am, Morris Room.
- Reviewed ongoing projects and Supervisor requests.

Mrs. Booker inquired about the costs of the energy efficiency measures at the new high school.

**PUBLIC COMMENTS #1**

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

- Ophelia Whittington, Fork Union District, President of the JABA Senior Center Club – On behalf of all the seniors, thanked the Board for their caring and understanding in regards to the decision to increase the JABA funding.

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

**PUBLIC HEARING**

*SUP 13:01/Amy Williams & Greg Palmer landscaping materials Supply Business* – Mr. Steve Tugwell, addressed with the Board this request for a Special Use Permit to operate a landscaping business. Applicants were present and available for questions.

Chairman Kenney opened the floor for the public hearing.

With no one wishing to speak Chairman Kenney closed the public hearing.

**MOTION:**

Mr. Ullenbruch moved to approve SUP 13:01, with respect to 4.48 acres of Tax Map 5, Section A, Parcel 61, subject to the conditions listed below:

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. 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.
5. Hours of operation shall be between 7:00 am and 7:00 pm seven (7) days a week.
6. Deliveries times shall be limited to the hours of 7:00 am to 3:00 pm.
7. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
8. Any noise generated by the activity on this site shall be limited to the maximum decibel level allowed by Sec. 15.1-9 A. d. of the County Code.

9. All outdoor landscaping supply materials storage areas shall be screened from the view of public roads, rights-of-way, and adjacent properties as required by Sec. 22-24-7 3. iii of the Zoning Ordinance.
10. 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.

Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver.

Mr. Nichols commended the owners on the great job they did cleaning up the property.

### **ACTION MATTERS**

*Resolution/Fair Housing Month April 2013* - Ms. Karen Raefenberger, Deputy Director of Piedmont Housing Alliance, addressed the Board regarding fair housing in the community. There will be a fair housing forum Tuesday, April 23, addressing the topic, "Is there a Fair Housing Gap" and on Wednesday, April 24, a Fair and Accessible Housing Seminar.

#### **MOTION:**

Mr. Chesser moved to approve the resolution entitled "Fair Housing Month 2013 that supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

*Resolution FY 2014 – 2018 Capital Improvements Plan (CIP) [adoption of]* – Mr. Steve Nichols, County Administrator, and Mrs. Barbara Horlacher, Finance Director, reviewed with the Board the proposed Capital Improvement Plan for FY 2014-2018 and a last minute change taking the carpet replacement and playground equipment from FY14 to FY13. The Board discussed the \$20 million in the Capital Improvement Plan for a future elementary school, with the relative pros and cons of leaving the item on the future years CIP. Mr. Weaver discussed development of the potential Crofton Trail Park Development and reiterated that there is no formal financial commitment for this project as of yet.

#### **MOTION:**

Mr. Chesser moved the resolution entitled "Adoption of FY 2014-2018 Capital Improvements Plan" be adopted. Mrs. Booker seconded. The motion carried, with a vote of 3-2. AYES: Kenney, Booker, Chesser. NAYS: Weaver and Ullenbruch. ABSENT: None.

*Fiscal Year 2014 Operations Budget and Tax Rates* – Mr. Steve Nichols, County Administrator, reviewed with the Board the proposed FY 14 Budget.

#### **MOTION:**

Mr. Chesser moved the resolution entitled "A Resolution to Adopt the FY14 Operations Budget Set the Tax Rates and Appropriated Funds" be adopted. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

### **PRESENTATIONS**

None

### **CONSENT AGENDA**

The following items were approved under the consent agenda:

#### **MOTION:**

Mrs. Booker moved to approve the consent agenda, which consisted of:

- Minutes from April 3, 2013.
- Minutes from April 10, 2013.
- FY13 Four-For-Life Supplemental Appropriation.
- Affirmation of James River Water Authority (JRWA) Appointments.
- Raymond James Financial Advisory Service Contract Extension.
- Capital Reserve Fund Request/HVAC Courthouse.

Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

### **ACCOUNTS PAYABLE AND BUDGET REPORT**

None

### **UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Mr. Chesser announced that he will not be running for re-election.

**PUBLIC COMMENTS #2**

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

- Mr. James Davis, Fluvanna County Rescue Squad - addressed the Board in regards to requesting the release of funds for renewal of an ambulance.

Mr. Steve Nichols, County Administrator discussed the process of getting the funds released for something other than what was originally approved.

- Ms. Thelma Soto, Fork Union District – Thanked the Board for supporting the Senior Citizens.

With no one else wishing to speak, Chairman Kenney closed the second round of public comments.

Chairman Kenney inquired about the Town of Columbia Recovery Funds for Fire and Rescue.

Mrs. Booker reminded everyone of the 3<sup>rd</sup> Annual Community Day on April 27, 2013 from 10am – 3pm in Fork Union.

**CLOSED SESSION****MOTION TO ENTER INTO A CLOSED MEETING:**

At 8:00 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed session, pursuant to the Virginia Code Section 2.2-3711-A-1, 2.23711 A.3 and 2.2-3711-A-6 for discussion of Personnel Matters, Real Estate and Investment of Funds. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

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

At 9:20 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

**MOTION:**

At 9:21 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, April 17, 2013, on motion of Mr. Weaver, seconded by Mrs. Booker, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

**“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.”

**ADJOURN****MOTION:**

At 9:22 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, April 17, 2013. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

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Mary L. Weaver, Clerk

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Shaun V. Kenney, Chairman

**Fair Housing Month 2013 Resolution**

WHEREAS, April is Fair Housing Month and marks the 45th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988);

WHEREAS, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness);

WHEREAS, the Fair Housing Act supports equal housing opportunity throughout the United States;

WHEREAS, fair housing creates healthy communities, and housing discrimination harms us all;

WHEREAS, the Fluvanna County Board of Supervisors supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year;

Signed and sealed this 17<sup>th</sup> day of April, 2013.

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Shaun Kenney, Fluvanna County Board of Supervisors Chairman

APPROVED

**RESOLUTION**  
**Fluvanna County Board of Supervisors**  
**April 17, 2013**

**Adoption of FY 2014 – FY 2018 Capital Improvements Plan**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, April 17, 2013, in Palmyra, Virginia, the following action was taken:

<b>Present</b>	<b>Vote</b>
Shaun Kenney, Chairman	YEA
Bob Ullenbruch, Vice-Chairman	NAY
Mozell Booker	YEA
Joe Chesser	YEA
Donald W. Weaver	NAY

On a motion by Mr. Chesser, seconded by Mrs. Booker, and voted in the affirmative, the following resolution was adopted:

WHEREAS, it is the responsibility of the Fluvanna County Board of Supervisors to approve the County's Capital Improvements Program; and,

WHEREAS, the Capital Improvements Plan recommends the initiation and completion of numerous capital projects based upon staff recommendations and citizen input; and,

WHEREAS, the Board of Supervisors held a public hearing on the proposed Capital Improvements Plan on April 10, 2013; and,

WHEREAS, the Board of Supervisors has approved the FY2014 Capital Improvements Budget as part of the overall Fluvanna County Budget;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors that the FY 2014-2018 Capital Improvements Plan hereby be approved.

Adopted this 17th day of April 2013 by the  
 Fluvanna County Board of Supervisors

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Shaun V. Kenney, Chairman

**RESOLUTION**  
**A RESOLUTION TO ADOPT THE FY14 OPERATIONS BUDGET,**  
**SET THE TAX RATES AND APPROPRIATE FUNDS**

**WHEREAS**, it is the responsibility of the Fluvanna County Board of Supervisors to approve and control the County's fiscal plan for FY14; and,

**WHEREAS**, the Board of Supervisors has received numerous staff reports; received comments from residents at a duly advertised public hearing on April 10, 2013; and has reviewed each request for funding;

**NOW, THEREFORE, BE IT RESOLVED** by the Fluvanna County Board of Supervisors this 17th day of April 2013, that the Fluvanna County budget totaling **\$65,162,998** is adopted and the tax rates for FY14 or July 1<sup>st</sup> 2013– June 30<sup>th</sup> 2014 set as given below:

**2013 COUNTY TAX RATES**

Real Estate	\$0.795 per \$100 of assessed value
Public Service Corps.	\$0.795 per \$100 of assessed value
Mobile Homes	\$0.795 per \$100 of assessed value
Personal Property	\$4.15 per \$100 of assessed value
Machinery & Tools	\$2.00 per \$100 of assessed value

**BE IT FURTHER RESOLVED** that the Board of Supervisors does hereby budget and appropriate to the COUNTY OPERATING BUDGET the following revenues and expenditures; this appropriation is also conditioned on the understanding that, with regard to the operating budget for the School system, revenues received from the Commonwealth will be expended prior to local dollars:

**GOVERNMENTAL REVENUES**

Local	\$31,799,400
State	25,717,303
Federal	2,472,239

**TOTAL** **\$59,988,942**

**GOVERNMENTAL EXPENDITURES**

General Government Administration	\$ 2,284,759
Judicial Administration	1,008,121
Public Safety	5,651,874
Public Works	1,628,061
Health and Welfare	4,575,835
Education	34,531,798
Parks and Recreation	663,701
Community Development	1,051,959
Non-Departmental	533,800
Debt Service	<u>7,227,143</u>

**TOTAL** **\$ 59,191,051**

**BE IT FURTHER RESOLVED** that for budgeting and accounting purposes, the adopted budget revenues and expenditures for the capital improvements fund are set as follows:

Capital Fund Revenues	
Local Use of General Fund Balance	\$2,733,662
Local Other	196,000
Federal and State	150,000
<b>TOTAL</b>	<b>\$3,079,662</b>

Capital Fund Expenditure

Governmental	\$ 355,000
Community Services	51,000
Public Works	1,007,000
Public Safety	1,012,650

Schools	1,259,012
<b>TOTAL</b>	<b>\$3,684,662</b>

\*Capital fund revenues are supplemented by transfers from the General Fund.

**FINALLY BE IT RESOLVED** that for budgeting and accounting purposes the adopted budget revenues and expenditures for the enterprise funds are set as follows:

	Expenditure	Revenue
School Food Service	\$1,734,994	\$1,734,994
Fork Union Sanitary District	335,400	335,400
Utility*	<u>216,891</u>	<u>24,000</u>
<b>TOTAL</b>	<b>\$2,287,285</b>	<b>\$2,094,394</b>

\*Utility fund revenues are supplemented by transfers from the General Fund.

Adopted this 17th day of April 2013 by the  
Fluvanna County Board of Supervisors

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Shaun V. Kenney, Chairman

APPROVED