

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
October 16, 2013, 7:00 pm, Regular Meeting**

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

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, October 16, 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 to remember Mr. Kent Loving who passed on October 10, 2013. He served as Commissioner of the Revenue for 16 years and was a member of other Boards and Commissions.

CLOSED SESSION

MOTION TO ENTER INTO A CLOSED MEETING:

At 7:01 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 and 2.2-3711A.7 for discussion of Personnel Matters and Legal Matters. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Chesser, Weaver, Ullenbruch and Booker. NAYS: None. ABSENT: None.

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

At 7:48 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, Chesser, Weaver, Ullenbruch and Booker. NAYS: None. ABSENT: None.

MOTION:

At 7:49 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, October 16, 2013, on motion of Mr. Weaver, seconded by Mr. Chesser, and carried by the following vote of 5-0. AYES: Kenney, Chesser, Weaver, Ullenbruch and Booker. 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.”

COUNTY ADMINISTRATOR’S REPORT

Mr. Nichols reported on the following topics:

- Happy Birthday to Mr. Chesser on October 27, 2013.
 - Greg Sawyer in Public Works completed Small Engine and Equipment Repair at PVCC.
 - A PVCC “pruning” course designed specifically for our Public Works staff was held to teach about pruning shrubs & trees along with general plant care.
 - 35th Annual Apple Harvest Camporee at Pleasant Grove Park held on October 12, 2013. Over 900 Boy Scouts, Cub Scouts, Leaders, and parents attended.
 - 1st Annual Trail Run at the Apple Harvest and 277 runners/walkers registered.
 - Bike Rodeo was held at Old Farm Day - 100 free bike helmets given out and 40 kids rode through the obstacle course.
 - Parks and Recreation Driveway was resurfaced.
 - October 15, 2013 – JRWA meeting at 10:00 am at the Virginia Community Bank at Zion Crossroads.
 - Pleasant Grove House Update – Would like to meet with Board Representatives to discuss current status. Mr. Weaver and Mrs. Booker were selected as the representatives.
- Mrs. Booker requested we contact Dr. Reeder to set up a presentation at the November 6, 2013 meeting on JABA/PACE.
- Discussed work session schedule – School Board Work Session moved to presentation on the November 6, 2013 agenda. General Discussion on Fork Union Sanitation District and possible Fluvanna Water Authority scheduled for the December 4, 2013 work session.
 - Fluvanna Leadership Development Class is present this evening.
 - October 23, 2013 focus group for JABA and Senior Citizens services.

PUBLIC COMMENTS #1

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

- Judge Allen Talley, Palmyra District – addressed the Board in regards to interpretation and application of Zoning Ordinance.
- Ray Weimer, Rivanna District – thanked the Board for support the Fluvanna Leadership Development Program.

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

PUBLIC HEARING

ZMP 12-02 and SUP 13-02/ Hotel Street Capital, LLC – Mrs. Allyson Finchum, Planning and Zoning Administrator, 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).

The Board discussed recent changes that were made to the application and the possibility of returning this item to the Planning Commission. Mr. Fred Payne, County Attorney, voice he didn't feel the changes made were large enough to return the item back to the Planning Commission. Mr. Payne relayed some of the concerns the Planning Commission had to the Board. Mr. Keith Smith, applicant, reviewed with the Board the plans for this request and the proposed proffers. Mr. Fred Payne, County Attorney, addressed a concern with the potential closing of a public road twice, stating he has never seen approved that he knew of.

Chairman Kenney opened the floor for the public hearing.

- Henry Southworth, Fork Union District – addressed the Board in regards to concerns with; ground water, septic system, schools and taxes associated with this request. Opposed to this request.
- Rick Kelly, Rivanna District – addressed the Board in regards to supporting business associated with this request. Opposed to this request.
- Mary Tillman, Columbia District – addressed the Board in regards to concerns with water and traffic associated with this request. Opposed to this request.
- Glenn Schumaker, Cunningham District – addressed the Board in opposition of this request.
- Ashleigh Ninnis, Palmyra District – addressed the Board on behalf of Dr. Samantha Dukes, Camp Physician, in opposition of this request.
- Judge Allen Talley, Palmyra District – addressed the Board in regards to this request not being a good plan, not prepared and commercial space allotted to small. Opposed to this request.
- James C. Gibson, Palmyra District – addressed the Board in opposition of this request.
- Elizabeth Franklin, Columbia District – addressed the Board in regards to this request setting a precedence and not beneficial for tax payers. Opposed to this request.
- Dennis Holder, Columbia District – addressed the Board in opposition of this request.
- Jean DeMarco, Cunningham District – addressed the Board in regards to concerns with; taxes, roads, water pollution, and destroying the rural character associated with this request. Opposed to this request.
- Sean O'Malley, Palmyra District – addressed the Board in regards to the Apple Harvest Festival and this request. Please follow your defined vision for Fluvanna and deny this request.
- Carolyn Talley, Palmyra District – addressed the Board in regards to this request effecting Fluvanna in a negative way. Opposed to this request.
- Kate Skovera, Cunningham District – addressed the Board in opposition of this request.
- Molly Suling, Palmyra District – addressed the Board in opposition of this request, water resources would be at risk.
- Jennifer Dudley, Palmyra District – addressed the Board in opposition of this request.
- Chuck Ackenbom, Owner of Camp Friendship, Palmyra District – addressed the Board in opposition of this request it will drastically affect Camp Friendship in a negative way.
- Erin Weiner, Palmyra District – addressed the Board on behalf of Deborah Jeffreys Gruder, Scott-Free Scholarship Foundation, in opposition of this request.
- David Perry, Cunningham District – addressed the Board in opposition of this request, has fiscal issues, weak commercial plan, tax burden, safety issues, Fire and Rescue response and substantial environmental issues.
- Adrian Miller, Rivanna District – addressed the Board in opposition of this request, doesn't fit the area.
- Chris Fairchild, Cunningham District - addressed the Board in opposition of this request, not profitable for Fluvanna County.
- Betty McGehee, Palmyra District - addressed the Board in opposition of this request.
- George O'Malley, Fork Union District - addressed the Board in opposition of this request.

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

Mr. Justin Shimp, Engineer, and Mr. Keith Smith, applicant addressed some of the questions that were raised during the public hearing.

EXTEND MEETING**MOTION:**

Mr. Weaver moved to extend the Board of Supervisors meeting to 1:00 a.m. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Chesser and Weaver. NAYS: None. ABSENT: None.

The Board discussed in depth their concerns of water supply, the style of homes to be built, who would maintain water, sewer and roads, and when construction would begin. Mr. Fred Payne discussed the possibility of this plan not being able to be completed as shown. He stated the Board, as the governing body, has a duty under Section 22-17-4D of Fluvanna County's Zoning Ordinance to make a finding of certain things, one of those is the proposed use shall be compatible with the uses permitted by right in the zoning district and shall not adversely affect the use and/or value of neighboring property. The Board discussed the statutory concern and considered remanding the request to the Planning Commission. The applicant requested this item be deferred to a future Board meeting.

MOTION:

Mr. Ullenbruch moved to remand ZMP 12:02 and SUP 13:02 back to the Planning Commission. Mr. Weaver seconded. The motion carried, with a vote of 4-1. AYES: Kenney, Chesser and Weaver. NAYS: Booker. ABSENT: None.

Board Recessed at 11:49pm.

Board Reconvened at 12:02am.

ACTION MATTERS

Resolution to Opt-Out of the VLDP Plan – Ms. Gail Parrish addressed this request to opt-out of the VLDP Plan and establish a County disability plan.

MOTION:

Mr. Chesser moved to make the irrevocable election to request that Fluvanna County's eligible employees not participate in the VLDP and that the County establish, and continue to maintain, comparable employer-paid disability coverage for such employees as per required in the Code of Virginia, Chapter 11.1, Title 51.1. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Hybrid Disability Plan Election – Ms. Gail Parrish addressed this request to establish a disability plan for the county.

MOTION:

Mr. Chesser moved to establish a disability plan for VRS Hybrid Plan eligible employees per Chapter 11.1 of Title 51.1 of the Code of Virginia, with such plan to include VaCorp and The Standard Insurance companies proposed Short Term and Long Term Plan, effective January 1, 2014. Also moved that Fluvanna County establish the new Sick Leave Plan for Hybrid Employees, effective January 1, 2014. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Appointment to Thomas Jefferson Emergency Medical Services Council (TJEMS)

MOTION:

Mr. Ullenbruch moved to appoint Ms. Cheryl Wilkins to the Thomas Jefferson Emergency Medical Services Council (TJEMS), replacing Ms. Andrea Gaines as the Fluvanna Representative, with a term to begin immediately and to terminate June 30, 2014. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Appointment to the Parks and Recreation Advisory Board Student Position

MOTION:

Mr. Ullenbruch moved to appoint Eva McGehee to the Parks and Recreation Advisory Board Student Position, with a term to begin immediately and to terminate June 30, 2017. This position replaces Kelsey Schlein, who graduated. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Loan of \$30,000 to Fork Union Sanitary District (FUSD) – Mrs. Barbara Horlacher, Finance Director, addressed this request. There will be 0% interest on this loan.

MOTION:

Mr. Ullenbruch moved that the Board of Supervisors approve a loan from the Fluvanna County General Fund to Fork Union Sanitary District for \$30,000.00, effective 6/30/2013. Mrs. Booker seconded. The motion carried, with a vote of 4-1. AYES: Kenney, Booker, Chesser and Ullenbruch. NAYS: Weaver. ABSENT: None.

PRESENTATIONS

None

CONSENT AGENDA

The Capital Reserve Maintenance Fund Request was pulled from the consent agenda and deferred to the November 6, 2013 meeting for discussion.

The following items were approved under the consent agenda:

MOTION:

Mr. Chesser moved to approve the consent agenda, which consisted of:

- Minutes from October 02, 2013 as presented.
- Open Space Renewal Application/Mr. James R. Gerling and Mr. James R. Gerling, Jr.
- Open Space Renewal Application/Mr. Robert A. Gunnell, Jr.
- Supplemental Appropriation Request/ Governor’s Strategic Compensation Grant for FCPS.

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

UNFINISHED BUSINESS

None

NEW BUSINESS

Economic Development and Water Infrastructure – Mr. Steve Nichols, County Administrator, reviewed with the Board where we are with the anticipation of the work session coming up at the December 4 meeting. Mrs. Booker and Chairman Kenney inquired about Bond Counsel/Financial Advisor advice regarding financing of a Zion Crossroads water project. Mr. Nichols will meet with Mrs. Booker to review the request and then will provide follow-up information to the full board by email.

PUBLIC COMMENTS #2

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

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

ADJOURN

MOTION:

At 12:27 a.m., Mr. Chesser moved to adjourn the meeting of Wednesday, October 16, 2013.

Mr. Weaver 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

Mary L. Weaver, Clerk

Shaun V. Kenney, Chairman



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, October 16, 2013 in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Shaun V. Kenney	YEA
Bob Ullenbruch	YEA
Mozell Booker	YEA
Joe Chesser	YEA
Donald W. Weaver	YEA

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of the County of Fluvanna, VRS member #55132, to make this irrevocable election to request that its eligible employees not participate in VLDP; and

NOW, THEREFORE, BE IT RESOLVED that the County of Fluvanna irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and

BE IT FURTHER RESOLVED that, as an integral part of making this irrevocable election, the County of Fluvanna certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted this 16nd day of October 2013
 by the Fluvanna County Board of Supervisors

Shaun V. Kenney, Chairman
 Fluvanna County Board of Supervisors