

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
December 18, 2013, 6:00 pm  
(Continued Meeting from December 4, 2013)**

**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

Chairman Kenney reconvened the meeting of Wednesday, December 4, 2013, to order on December 18, 2013 at 6:00 p.m., in the Circuit Courtroom in Palmyra, Virginia

**UNFINISHED BUSINESS**

*Aqua Virginia Proposal* – Mr. Fred Payne, County Attorney, reviewed with the Board the Aqua Virginia counter offer proposal and the changes that were made. Mr. Payne explained the changes that he made fell into one of four categories: necessary to make lawful, issues that would be so inequitable to the county tax payers, required by the PPEA and issues of good practice.

**MOTION:**

Mr. Chesser moved to direct County Attorney to submit to Aqua Virginia the counter offer proposal to Aqua Virginia's PPEA Proposals for Zion Crossroads Water System. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

**CLOSED SESSION**

None

**ADJOURN**

**MOTION:**

At 5:59 p.m. on December 18, 2013, Mr. Weaver moved to adjourn the continued meeting of Wednesday, December 04, 2013. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
December 18, 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, December 18, 2013, to order at 7:05 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.

**SPECIAL PRESENTATION**

Chairman Kenney presented Mr. Chesser with a plaque in appreciate of his four years of service as the Rivanna District Board of Supervisor.

Mr. Ullenbruch presented Chairman Kenney with a plaque in appreciate of his four years of service as the Columbia District Board of Supervisor.

Mrs. Booker addressed the Board in regards to the departing Board members.

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Additional Items were added on today's agenda: Unfinished Business – Planning Commission Appointment, New Business – JRWA Board Appointment and Columbia Task Force Appointment
- Introduced the new Planning and Zoning Administrator, Mr. Jason Stewart. He started work on December 16<sup>th</sup>, 2013.
- Village Holiday Musical Celebration sponsored by the Historical Society and tree lighting, sponsored by Fluvanna County Staff was a great success despite the rain and cold.
- Fluvanna County Public Library is now a partner with NASA.
- Today was Parks and Recreation Seniors Holiday Luncheon. Carolyn Richardson led this event that is supported by JABA, JAUNT, E.W. Thomas, Fork Union Rotary Interact Club, and other community volunteers.

### **PUBLIC COMMENTS #1**

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

- Mr. Sam Patterson, Palmyra District – addressed the Board in regards to the Aqua Virginia PPEA Proposal. Feels this should be a voter referendum.

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

### **PUBLIC HEARING**

SUP 13:08/Mary E. Marks, Commercial Kennel – Mr. Steven Tugwell, Senior Planner, addressed this request for a Special Use Permit to allow for a Commercial Kennel.

Chairman Kenney opened the floor for the public hearing.

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

#### **MOTION:**

Mr. Chesser moved to approve SUP 13:08, a Special Use Permit request to allow for a Commercial Kennel pursuant to Fluvanna County Code Section 22-4-2.2 with respect to 26.602 acres of Tax Map 21, Section 12, parcels 4 &5, subject to the following eleven 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. 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. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
6. 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.
7. Noise attenuation measures including insulation, fencing, etc. satisfactory to the Zoning Administrator to be provided prior to issuance of Certificate of Occupancy.
8. Fencing will be six (6) foot-tall brown chain-link.
9. Not more than 20 dogs on the premises at any given time.
10. There shall be not more than one building related to the commercial kennel. Such building shall be no more than 36' X 22' in size and shall be set back at least 300 feet from the nearest property lines(s).
11. Dogs shall be housed indoors between the hours of 9pm and 5am.

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

### **ACTION MATTERS**

Extension of Code Enforcement Officers Evaluation Period – Mr. Bobby Popowicz, Community Development and Planning Director addressed the Board in regards to this request to extend the evaluation period of the Code Compliance Officer to March 19, 2014.

#### **MOTION:**

Mr. Chesser moved to extend the temporary expansion of work hours for the Code Compliance Officer from the current test period ending December 31, 2013, to March 22, 2014, at an increased cost of \$1,581.24, such funds to come from the established FY14 County Planner budget. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Appointment to the Board of Zoning Appeals (BZA) – Mr. Steven Nichols addressed the Board in regards to this request.

#### **MOTION:**

Mr. Weaver moved to recommend to the Circuit Court Mr. Peter von Keyserling for reappointment to the Board of Zoning Appeals, At-Large position, with a term to begin January 01, 2014 and to terminate on December 31, 2018. 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 the Fluvanna Partnership for Aging – Mr. Steven Nichols addressed the Board in regards to this request.

**MOTION:**

Mr. Weaver moved to appoint Ms. Deborrah Foreman to the Fluvanna Partnership for Aging, Cunningham District position, with a term to begin January 1, 2014 and to terminate on December 31, 2017. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Appointment to the Jefferson Area Disability Services Board – Mr. Steven Nichols addressed the Board in regards to this request.

**MOTION:**

Mrs. Booker moved to appoint Mr. Frederick (Rick) Kelly to the Jefferson Area Disability Services Board, At-Large position, with a term to begin immediately and to terminate on December 31, 2016. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Appointment to the Social Services Board – Mr. Steven Nichols addressed the Board in regards to this request.

**MOTION:**

Mrs. Booker moved to reappoint Mr. Leonard Gardner to the Social Services Board, Rivanna District position, with a term to begin January 1, 2014 and to terminate on December 31, 2017. Mr. Ullenbruch 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 – Mr. Steven Nichols addressed the Board in regards to this request.

**MOTION:**

Mrs. Booker moved to appoint Mr. David Wood to the Parks and Recreation Advisory Board, At-Large position, with a term to begin immediately and to terminate on June 30, 2016. This position replaces Scott Marshall, who resigned. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Appointment to the Thomas Jefferson Planning District Commission – Mr. Steven Nichols addressed the Board in regards to this request.

**MOTION:**

Mr. Chesser moved to reappoint Mr. Keith Smith to the Thomas Jefferson Planning District Commission, Citizen Representative position, with a term to begin January 1, 2014 and to terminate on December 31, 2015. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Appointment to the Fork Union Sanitary District – Mr. Steven Nichols addressed the Board in regards to this request.

**MOTION:**

Mr. Booker moved to reappoint Mr. Lewis Johnson to the Fork Union Sanitary District, At-Large position, with a term to begin January 1, 2014 and to terminate on December 31, 2017. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

**PRESENTATIONS**

FY 13 Comprehensive Annual Financial Report (CAFR) – Mrs. Barbara Horlacher, Finance Director, along with Mr. David Foley, Robinson, Farmer, Cox Associates, provided an update regarding the FY2013 Comprehensive Annual Financial Report (CAFR). The Board discussed the process of balancing the General Ledger and staying current with reconciliations.

**CONSENT AGENDA**

Mr. Weaver requested the minutes be amended to reflect in Public Comments: Mr. Chris Fairchild is in the Cunningham District and under Deer Hunt at Pleasant Grove: put the date of the hunt, January 3, 2014. The following items were approved under the consent agenda:

**MOTION:**

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

- Minutes from December 4, 2013 as amended.
- Fiscal Impact Resolution
- Capital Reserve Maintenance Fund Request Carysbrook Field Lighting
- Capital Reserve Maintenance Fund Request/Social Services HVAC

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**

Appointment to the Planning Commission – Mr. Steven Nichols addressed the Board in regards to this request. This vacancy is due to the resignation of Dr. Sam Babbitt.

**MOTION:**

Mrs. Booker moved to appoint Mr. Lewis Johnson to the Planning Commission, Fork Union District position, with a term to begin immediately and to terminate on June 30, 2014, filling the unexpired term of Dr. Sam Babbitt. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

**NEW BUSINESS**

JRWA Board Member Appointment – Mr. Steven Nichols addressed the Board in regards to Mr. Chesser's position in the JRWA.

**MOTION:**

Mr. Weaver moved to appoint Mr. Joe Chesser to the James River Water Authority Board of Directors representing Fluvanna County, with a term to begin January 1, 2014 and to terminate on December 31, 2017. Mr. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Chesser, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

Columbia Task Force, Board of Supervisor Representative - Mr. Steven Nichols addressed the Board in regards to replacing Mr. Kenney on the Columbia Task Force. Board deferred to the January 8, 2014 meeting.

**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.

**CLOSED SESSION**

None

**ADJOURN****MOTION:**

At 8:28 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, December 18, 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

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Mary L. Weaver, Clerk

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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, December 18, 2013 in Palmyra, Virginia, the following action was taken:

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

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**A RESOLUTION ON THE FIRST DAY INTRODUCTION REQUIREMENT FOR BILLS WITH LOCAL FISCAL IMPACTS**

**WHEREAS**, many local governing bodies in Virginia have an ever-growing concern about the impact on localities of state mandates and cost shifting measures by state legislators; and

**WHEREAS**, Section 30-19.03 of the Code of Virginia states that the Commission on Local Government shall prepare and publish a statement of fiscal impact for “any bill requiring a net additional expenditure by any county, city, or town, or...any bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly”; and

**WHEREAS**, numerous bills fitting this criteria have been submitted and gone through the legislative process without review for local fiscal impacts because of limited time and resources to review these bills during the General Assembly session; and

**WHEREAS**, it is also recognized that a need exists for additional time and resources to provide accurate information as to the impacts of various legislation to localities during the tight procedural confines of the process; and

**WHEREAS**, we believe it is critical that lawmakers have better and timelier information on the fiscal impact to localities when the General Assembly considers bills and budget items; and

**NOW, THEREFORE, BE IT RESOLVED** by Board of Supervisors that the County of Fluvanna hereby requests that the General Assembly pass measures that require its members to file bills and there fiscal impacts to localities as early as possible, and no later than the first day of the session.

Adopted this 18th day of December, 2013  
 by the Fluvanna County Board of Supervisors

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Shaun V. Kenney, Chairman