

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
July 15, 2015
Regular Meeting 7:00pm**

MEMBERS PRESENT: Mozell Booker, Fork Union District, Chairperson
Bob Ullenbruch, Palmyra District, Vice-Chairperson
Tony O'Brien, Rivanna District
Donald W. Weaver, Cunningham District

MEMBERS ABSENT: Mike Sheridan, Columbia District

ALSO PRESENT: Steven M. Nichols, County Administrator
Fred W. Payne, County Attorney
Kelly Belanger Harris, Clerk to the Board of Supervisors

CALL TO ORDER

At 7:01pm, Chairperson Booker called the Regular Meeting of May 20, 2015 to order. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

ADOPTION OF AGENDA

MOTION

Mr. Weaver moved to accept the Agenda for the July 15, 2015, Regular Meeting of the Board of Supervisors. Mr. Ullenbruch seconded and the Agenda was adopted by a vote of 4-0. AYES: Booker, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- Social Service's Adult Programs Quality Review Admin Review
 - Great report results--Kudos to Karen Hebert, who supervises those programs, and staff members Jamie Vest and Kristin Buchanan
 - Received an email from the Commissioner of DARS
 - Surveyor Comments--"The AS/APS unit has a cohesiveness and feeling of mutual respect, and Ms. Hebert and her staff work extremely well together. As part of the review, it was noted that ASAPS, the AS/APS database, and compliance with policy was managed quite well. Staff is to be commended for their excellent completion of the Virginia Uniform Assessment Instrument (UAI) and narrative notes. This review had almost no errors; ASAPS and hard record entries were consistently complete and well done. Thanks to all who contributed to this cohesive and effective performance!"
- Review of Social Service's Energy Assistance Program
 - Kudos to Ester Proffitt who processes all energy assistance applications.
 - Surveyor Comments--"Your agency is doing a great job administering the Energy Assistance Program to the citizens of Fluvanna. The timely processing of cases with no payment errors demonstrates your commitment to service."
- Fluvanna Recipients of the Allen and Allen Hometown Hero Awards
 - Jonathan Carrier, Palmyra—Life devoted to service as an organ transplant coordinator and local fire department volunteer.
 - Sam Carannante, Palmyra—Devotes his time, effort, and money to helping those in need every day.
 - Walter Hussey, Palmyra—Master Gardener selected for his work on Pleasant Grove.
 - Adam Rodriguez, Palmyra—Work through Celebrate Recovery Inside (CRI), a program designed to help incarcerated men recover from alcoholism and drug addiction.
 - Recognized this Friday, July 17th, at the Fridays after 5 at Ntelos Wireless Pavilion in Charlottesville--The 2015 Hometown Heroes will be recognized on stage after the opening act. All are welcome at the presentation.
- Larsen's Amazing World of Reptiles invaded the Library today!
 - Almost 300 people came to check out the snakes, lizards and a large tortoise.
- Congratulations to graduates of the CIC Fluvanna-Louisa Entrepreneurial Workshop!
 - Fluvanna Graduates: Sam Rochester - Restaurant To Go; Jane Skafte - Art Smart; Margarita Startseva - possible Health Coaching
- New hand rail on the paved handicap access ramp at the north end of historic courthouse green near the Treasurer's Office
- Next Meeting: Wednesday, August 5
 - Regular Meeting at 4:00 pm and continued at 7:00 pm, if needed

BOARD OF SUPERVISORS' UPDATES

Sheridan— Absent.

Weaver—Naturalization at Monticello on July 4, 2015. VFW.

Ullenbruch—None.

O'Brien— Firefighters Graduation, July 19, 2015.

Booker— Finance Board; Eagle Scout Honor Court; Firefighters Graduation, July 19, 2015.

Chair Booker invited Mr. Eric Dahl, Finance Director to give a brief update on the progress of the Finance Board. Mr. Dahl noted that \$5million was moved into the VACo/VML VIP on July 14, 2015 to begin valuation on July 15, 2015.

PUBLIC COMMENTS #1

Chairperson Booker clarified the intent behind asking citizens to provide input regarding the park in the center of the Village of Palmyra.

After which, Chair Booker opened the first round of Public Comments.

- Linda McVay, 176 Village Blvd, recounted her experiences working with animals throughout her career and asked the Board to bring, when necessary, constructive criticism directly to the Board of Directors for the FSPCA.
- Brian Eberhart, 431 Cunningham Meadows Drive, spoke with regards to the appeal by Liberty Homes to be heard this evening. Thanked the Board for current stand on subdivision road standards.
- Rose Lemaster, 15316 James Madison Highway, Columbia District, voiced concerns about a pattern of disregard for safety by the FSPCA.
- Kelly Crawford, 127 Holmhead Circle, Fork Union District, former Operations Manager at FSPCA, spoke regarding the ongoing issues at the FSPCA.
- Patricia Johnson, 317 Shannon Hill Road, Columbia District, former FSPCA Executive Director, spoke regarding her concerns with systemic issues at FSPCA.
- Bertha Armstrong, 323 Thessalon Rd, voiced concerns regarding the park, would like to bring the community together, would like to see a monument to the end of the Civil War and the Emancipation Proclamation also included.
- Lyle Plitt, 25 Piedmont Lane, voiced his concerns with the Cost Recovery agenda item, and would like to see the insurance only billing option be approved by the Board.
- Mary Tilman, 15686 James Madison Highway, spoke with regards to the proposed dog leash policy, wants dogs on leashes in Pleasant Grove Park.
- Marty Foster, 783 Courthouse Rd, walks her dogs on the trails at Pleasant Grove without leashes and has no problems. Is concerned about being restricted.
- Bob Sheets, 8 Hopi Way, Fluvanna resident 23 years, off-leash concerns, would like designated trails and times for dogs to be off leash.
- Brian Moeller 133 Oak Hill Lane, brought forward concerns about changes to dog leash rules.
- Fawn Madere, 133 Oak Hill Lane, advised the Board that she doesn't want a policy restricting dogs off leash.

With no one else wishing to speak, Chairperson Booker closed the first round of Public Comments.

PUBLIC HEARINGS

FY15 Budget Amendment—Eric Dahl, Finance Director, presented a request to amend the FY15 Budget to correctly reflect an increase in the FY15 budget from the issuance of the VRA bonds issued for the refinancing of the Series 2005 Courthouse Bond and the Series 2006 Library Bond. Revenues from issuance of refunding bonds will increase by \$3,690,100. Expenditures for payment to refunded bond escrow agents will increase by \$3,690,100. Per VA Code Section 15.2-2507, a public hearing is required for any budget amendment which exceeds one percent of total expenditures shown in the currently adopted budget. After brief discussion, the Board chose hold the Public Hearing but defer action on the item until the August 5, 2015 Board of Supervisors meeting.

Chair Booker opened the Public Hearing.

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

MOTION

Mr. Weaver moved to defer action on the FY15 Budget Amendment until August 5, 2015. Mr. Ullenbruch seconded and the motion passed 4-0. AYE: Booker, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

ZMP 15-03: Figgins Revocable Trust—Steve Tugwell, Senior Planner, brought before the Board a Request to amend the Fluvanna County Zoning Map with respect to 4.337 acres of Tax Map 5, Section A, Parcel 59 to rezone the same from A-1, Agricultural, General, to I-1, Industrial, Limited. Noting that the Planning Commission recommended approval, Mr. Tugwell asked for questions from the Board.

Following general discussion on allowable uses of I-1 zoning, and a planning vision for Zion Crossroads, Chair Booker invited the applicant to address the Board.

Mr. Dave Hefren, co-owner of White Oak Stone Company, thanked the Board for the opportunity to speak and clarified the intent and purpose of White Oak Stone Company as a commercial stone company.

Chair Booker opened the Public Hearing.

- Lou Cramer, 700 Miller's Cottage Lane, Earlysville, VA, adjacent land owner, expressed concern about the aesthetics of the proposed business and potential for any future properties that could

Chair Booker closed the Public Hearing.

In light of the discussion regarding development vision for Zion Crossroads, Mr. Jason Stewart, Planning and Zoning Administrator, asked the Board to provide suggestions and direction to the Planning Commission, with regards to the Public Hearing for the Comprehensive Plan to be heard at the August 2015 Planning Commission meeting.

MOTION

Mr. O'Brien moved that the Board of Supervisors approved ZMP 15:03 of the attached ordinance for ZMP 15:03, a request to amend the Fluvanna County Zoning Map with respect to approximately 4.337 acres of Tax Map 5, Section A, Parcel 59, to rezone the same from A-1, Agricultural, General, to I-1, Industrial, Limited. Mr. Weaver seconded and the motion passed 4-0. AYES: Booker, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

ACTION MATTERS

BSA 15-01: Request for Appeal of Subdivision Agent's Decision—Jason Stewart, Planning and Zoning Administrator, brought before the Board a request in which the appellant, Liberty Homes, Inc., is appealing the Subdivision Agent's decision to deny final inspection and Certificate of Occupancy for the Structure at Lot 24 in Cunningham Meadows, as it relates to Fluvanna County Code Section 19-8-1(a) (Required Improvements) 19-7-5.2 (Lot Layout) of the Subdivision Ordinance. Section 19-1-3(e) of the Subdivision Ordinance provides that no "permit or other approval shall be issued by any official of the County for any improvement relating to any lot or parcel of land subdivided or transferred or sold in violation of this chapter until such

violation shall have been abated.” Further, Section 22-17-11 (Frontage and Width Requirements) of the Fluvanna County Zoning Ordinance requires that every parcel of land shall abut a road dedicated to public use until the subdivision roads are brought into VDOT compliance.

Chair Booker invited the appellant forward.

Mr. Neil Talegaonkar, legal counsel for appellant, spoke on behalf of Liberty Homes, Inc. Mr. Talegaonkar asked the Board for fairness, as there are several subdivisions in the County with unapproved roads that have not had permits withheld by the County.

Mr. Payne advised the Board that by ordinance Mr. Stewart does not have the authority to issue final inspection and Certificate of Occupancy; and under the particulars of the case, the County is not being unfair.

MOTION

Mr. Ullenbruch moved to uphold the Subdivision Agent’s finding that Cunningham Meadows Rural Cluster Development Lot 24 is in Violation of the Fluvanna County Subdivision Ordinance. Mr. Weaver seconded and the motion passed 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

Dogs Off-Leash Policy—Jason Smith, Director of Parks and Recreation presented to the Board a leash policy for dogs in Pleasant Grove Park. After the presentation and discussion among the Board, Mr. Ullenbruch noted that he would be like to defer action, directing Staff to return with further-defined time and space schedules during which dogs may be permitted off-leash in County parks, including trail use options. Action was deferred until September 2015.

EMS Cost Recovery Fees—Cheryl Elliott, Emergency Services Coordinator, brought to the Board a request to set fees for Emergency Medical Services and to establish billing policies.

MOTION TO EXTEND

Mr. Weaver moved to extend the meeting until 1am, July 16, 2015. Mr. Ullenbruch seconded and the motion passed 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

After detailed discussion about federal and state requirements for billing policies and procedures,

MOTION

Mr. Ullenbruch moved to approve the Resolution entitled, “A Resolution to Establish Emergency Medical Services Cost Recovery Program Fees” to establish a fee schedule effective on and after September 1, 2015 for transport services by emergency medical services vehicles, pursuant to Section 8-6-4.B of the Fluvanna County EMS Cost Recovery Ordinance, with such fees set at 125% of the Medicare allowable charges at the time of service for Basic Life Support, Advanced Life Support 1, and Advanced Life Support 2, and for loaded mileage charges. Mr. O’Brien gave second and the motion passed 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

MOTION

Mr. O’Brien moved to approve the “Compassionate Billing” model EMS Cost Recovery Program Policy, subject to County Attorney approval as to form. Mr. Weaver seconded and the motion passed 3-1. AYES: Booker, O’Brien, and Weaver. NAYS: Ullenbruch. ABSENT: Sheridan.

Hiring of Additional Deputy to Cover Military Deployment—Eric Hess, Sheriff, addressed the Board with a request to hire additional staff to fill the position created when a deputy left on military deployment.

MOTION

Mr. Ullenbruch moved to approve the Sheriff’s Office hiring of an additional deputy to cover the loss of a current full-time deputy who will be on military deployment for one year starting in September 2015. The additional deputy’s salary for FY16 will be funded by Sheriff’s Office vacancy savings due to deployments. Mr. O’Brien seconded and the motion passed 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

Appointment Economic Development Authority—Steven M. Nichols, County Administrator, presented the candidate to succeed Mr. Richard Bucci on the Economic Development Authority.

MOTION

Mr. Weaver moved to appoint Dr. Gerald Swiggett to the Economic Development Authority, At Large Position, with a term to begin September 1, 2015 and to terminate August 31, 2019. Mr. Ullenbruch seconded and the motion passed 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

PRESENTATIONS

FSPCA Facility Maintenance Requirements Review—Wayne Stephens, Public Works Director and County Engineer, briefed the Board on existing building and maintenance issues at the Fluvanna SPCA building. Mr. Stephens indicated the need for a clear determination of fiscal responsibility. Mr. Nichols noted that a repair list has been prioritized and with Board direction, request for funding would be forthcoming as necessary.

CONSENT AGENDA

The following items were discussed before approval:

AP Report; Cunningham District Schools Electric Bill; Albemarle Lock and Safe; Blue Ridge Builders Supply invoice.

The following were approved under the Consent Agenda:

Minutes July 1, 2015 Meeting—Kelly Belanger Harris, Clerk to the Board of Supervisors

Accounts Payable Report, June 2015—Eric Dahl, Finance Director

FY15 Budget Supplement Cell Towers—Mary Anna Twisdale, Management Analyst

MOTION

Mr. Weaver moved to the items on the Consent Agenda for July 15, 2015 and ratified the June 1st- 29th, 2015 Accounts Payable and payroll in the amount of \$1,529,814.18. Mr. Ullenbruch seconded and the motion passed 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENTS #2

Chairperson Booker opened the floor for the second round of public comments.
Susan Morris, 6840 Thomas Jefferson Parkway, spoke with regards to the positive movements of the FSPCA and thanked Mr. Stephens for his efforts.
Melissa Cawley, Rivanna District, spoke to the divide she feels is occurring between those who are otherwise working toward the same purpose.
Melissa McBride, Rivanna District, wished to extend her thanks to County Staff, and the Board for their support.
Kate Murray, 39 Bremono Rd, former FSPCA employee, expressed her happiness at the sentiments expressed by FSPCA Board Members.
With no one wishing to speak, Chairperson Booker closed the second round of public comments.

CLOSED SESSION

MOTION TO ENTER INTO A CLOSED MEETING

At 12:11am, 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.3, A.6, & A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Real Estate, Investment of Funds, and Legal Matters. Mr. Ullenbruch seconded and the motion carried, with a vote of 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION

At 12:53pm, 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.” Mr. Ullenbruch seconded. The motion carried, with a roll call vote of 4-0. AYES: Booker, Ullenbruch, O’Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

ADJOURN

MOTION:

At 12:55am Mr. O’Brien moved to adjourn the meeting of Wednesday, May 6, 2015. Mr. Ullenbruch seconded and the motion carried with a vote of 4-0. AYES: Booker, Ullenbruch, O’Brien, Weaver. NAYS: None. ABSENT: Sheridan.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Kelly Belanger Harris
Clerk to the Board

Robert Ullenbruch
Vice Chairperson



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 15-2015

**A Resolution to Establish Emergency Medical Services
Cost Recovery Program Fees**

WHEREAS, on March 18, 2015, the Board of Supervisors of Fluvanna County enacted Chapter 8, Section 8-6 of the Fluvanna County Code (the “EMS Cost Recovery Ordinance”), which established the legal structure for providing transport services by emergency medical services vehicles and accompanying fees as provided for by the Code of Virginia; and

WHEREAS, Section 8-6-4 of the EMS Cost Recovery Ordinance authorizes the Board to set reasonable fees to be charged for transport services provided by emergency medical services vehicles operated by fire departments, rescue agencies or by any private agency permitted under said Section 8-6; and

WHEREAS, funds collected under the EMS Cost Recovery Ordinance shall be used for purposes of defraying costs and improving services associated with providing emergency medical transport services, including but not limited to capital, facility, vehicle, equipment and supply costs, and professional services; and

WHEREAS, it is hereby determined and declared that the exercise of the powers and duties set forth herein is necessary to assure the provision of adequate and continuing emergency services to the citizens of Fluvanna County and to preserve, protect and promote the public health, safety and general welfare;

NOW THEREFORE, BE IT RESOLVED that the Fluvanna County Board of Supervisors, pursuant to Section 8-6-4.B of the EMS Cost Recovery Ordinance, hereby establishes a fee schedule of 125% of the Medicare allowable charges at the time of service for emergency medical service transport services, including Basic Life Support, Advanced Life Support 1, Advanced Life Support 2, and loaded mileage. In no event shall a person be denied transport for emergency medical services due to his or her inability to pay.

AND BE IT FURTHER RESOLVED, that the fees established by this resolution shall be effective on and after September 1, 2015, and shall be implemented in accordance with the policies and procedures to be established by the County Administrator pursuant to Section 8-6-4.C of the EMS Cost Recovery Ordinance.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a regular meeting of the Board held on the 15th day of July, 2015, on a motion by Mr. Ullenbruch, seconded by Mr. O’Brien, and by the following vote:

AYES: Booker, Ullenbruch, O’Brien, Weaver
NAYS: None
ABSENT: Sheridan

Robert Ullenbruch, Vice Chair
Fluvanna County Board of Supervisors