

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
October 21, 2015  
Regular Meeting 7:00pm**

**MEMBERS PRESENT:**

Mozell Booker, Fork Union District, Chairperson  
Bob Ullenbruch, Palmyra District, Vice-Chairperson  
Tony O'Brien, Rivanna District  
Mike Sheridan, Columbia District  
Donald W. Weaver, Cunningham District

**MEMBERS ABSENT:**

None.

**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, Chair Booker called the Regular Meeting of October 21, 2015 to order. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

After the Call to Order, Chair Booker welcomed the participants of the 2015-2016 Fluvanna Leadership Development Program.

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

At 7:03pm, 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. O'Brien seconded and the motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

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

At 7:42, 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. O'Brien seconded. The motion carried, with a roll call vote of 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

**ADOPTION OF AGENDA**

Mr. Nichols recommended to the Board that the Public Hearings for SUPs 15:06 and 15:08 be deferred until a Special Meeting on Wednesday, December 2, 2015, at 7:00 pm.

**MOTION**

Mr. Weaver moved to defer SUP 15-06: Louisa County Water Authority (LCWA) and SUP 15-08: James River Water Authority (JRWA) until Dec 2, 2015, at 7:00 pm. Mr. Ullenbruch seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

**MOTION**

Mr. Weaver moved to accept the Agenda for the October 21, 2015 Regular Meeting of the Board of Supervisors, as modified to defer SUP 15-06: Louisa County Water Authority and 15-8: James River Water Authority until a Special Meeting on December 2, 2015 at 7pm. Mr. Ullenbruch seconded and the Agenda was adopted by a vote of 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following:

- Spotlight on Business
  - Congratulations to Canine Concierge & Equine, Bybee Farms Lane in Palmyra; Opened for business last fall and has been serving our community for one year.
- New Staff Members
  - Facilities Maintenance Specialist
    - Mr. Johnny Vaughan—Started work on Oct 19th
  - IT Support Specialist (Temp)
    - Mr. Christopher Maxwell—Started work on Oct 19th
- Financial Services Technician

- Ms. Star Puaauli—Starts work on Nov 2nd
- Planner
  - Mr. James Newman—Starts work on Oct 26th
- Public Works Staff Changes
  - Robert Bryant—moved from the Grounds Division to the new Facilities Maintenance Division
  - Steve Hester—Appointed as Interim Team Leader for Grounds Division
- Comparative Report of Taxes and Revenues
  - Updated with FY14 data
  - Compares Fluvanna data to: 9 Surrounding Counties, 14 Similar Size Counties (20-35K Population), and adds select Per Capita comparisons
- Upcoming Meetings
  - Wednesday, November 4, 4:00 pm – Regular Meeting, 7:00 pm – Work Session (if needed)
  - Wednesday, November 18, 7:00 pm – Regular Meeting

### **BOARD OF SUPERVISORS' UPDATES**

*Sheridan*—None.

*Weaver*—Groundbreaking of Scheier Natural Area Education Pavilion in the Cunningham District.

*Ullenbruch*—Jail Board.

*O'Brien*—spoke at FLDP Economic Development Session.

*Booker*—CHIP.

### **PUBLIC COMMENTS #1**

At 7:58pm Chair Booker opened the first round of Public Comments.

- John Gooch, 362 Oliver Creek Rd, addressed the Board with regards to the two SUPs that were deferred earlier in the evening and in support of the James River Water Project.
- John Carrier, 23 Overlook Circle, spoke in support of the JRWA/LCWA water projects.
- Rhett Townsend, 541 Goldsboro Lane, spoke in opposition to the proposed JRWA/LCWA water projects.

At 8:09pm, with no one else wishing to speak, Chair Booker closed the first round of Public Comments.

### **PUBLIC HEARINGS**

*ZMP 15-02: Steven L. Peters*—Steve Tugwell, Senior Planner, presented a request to amend the Fluvanna County Zoning Map with respect to 21.5 acres of Tax Map 8, Section A, Parcel A14A to rezone the same from Agricultural, General, to B-1, Business, General (conditional). The affected property is located on the northwest corner of the intersection of Thomas Jefferson Parkway (Route 53), and Lake Monticello Road. The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

Chair Booker opened the Public Hearing.

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

With little discussion,

#### **MOTION**

Mr. O'Brien moved that the Board of Supervisors approve ZMP 15:02 of the attached ordinance for ZMP 15:02, a request to amend the Fluvanna County Zoning Map with respect to approximately 21.5 acres of Tax Map 8, Section A, Parcel A14A, to rezone the same from A-1, Agricultural, General, to B-1, Business, General (conditional). Mr. Weaver seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, & Weaver. NAYS: None. ABSENT: None.

*SUP 15-06: Louisa County Water Authority* – Jason Stewart, Planning and Zoning Administrator & Steve Tugwell, Senior Planner—DEFERRED UNTIL SPECIAL MEETING ON DECEMBER 2, 2015 at 7pm

*SUP 15-08: James River Water Authority* – Jason Stewart, Planning and Zoning Administrator & Steve Tugwell, Senior Planner— DEFERRED UNTIL SPECIAL MEETING ON DECEMBER 2, 2015 at 7pm

### **PRESENTATIONS**

None.

### **ACTION MATTERS**

*FY15 Loan to the Fork Union Sanitary District (FUSD)*—Eric Dahl, Finance Director, presented a request to fund the Fork Union Sanitation District (FUSD) in an effort to bring FUSD into self-sufficiency.

Supervisors discussed options for increasing revenue and supporting self-sufficiency and asked Staff to return with recommendations for paying back the loans already extended to FUSD.

#### **MOTION**

Mr. Ullenbruch moved that the Board of Supervisors approve a loan from the Fluvanna County General Fund to Fork Union Sanitary District for \$9,000, effective 6/30/2015. Mr. Sheridan seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

*Advertisement of the Proposed Fluvanna County Code Updates*—Steven M. Nichols, County Administrator, presented a request to advertise a Public Hearing on November 18, 2015, to consider a number if necessary changes to the County Code. The proposed amendments are split into three categories:

1. **Clerical Updates** - updating citations to the Virginia Code, fixing grammatical errors, adding references to Virginia Code, where appropriate. These changes are not substantive and require intensive review - they're just necessary housekeeping.

2. **Mandatory Substantive Updates** - which includes mandatory changes where, for example, enabling legislation has changed and the Fluvanna Code must be amended to be consistent with the Virginia Code or federal law. Again, this is necessary housekeeping.

3. **Discretionary Substantive Updates** - which include amendments which the County has the option to adopt and exercise additional authority, assert new limitations, or update its fees.

#### MOTION

Mr. Ullenbruch moved the Board of Supervisors authorize staff to advertise a Public Hearing on November 18, 2015, entitled, "AN ORDINANCE TO AMEND AND REENACT CHAPTER 1; CHAPTER 2, ARTICLES 1, 4, 5, AND 6; CHAPTER 3.1; CHAPTER 4, ARTICLES 1 AND 2; CHAPTER 6, ARTICLES 1 AND 2; CHAPTER 7, ARTICLES 1, 2, AND 3; CHAPTER 8; CHAPTER 9, ARTICLES 1 AND 2; CHAPTER 10, ARTICLES 1 AND 2; CHAPTER 13, ARTICLES 1 AND 2; CHAPTER 14; CHAPTER 15.1; CHAPTER 16; CHAPTER 17; CHAPTER 18; CHAPTER 20, ARTICLES 1, 2, 3, 3.1, 4, 5, 6, 8.1, AND 9; CHAPTER 21, ARTICLES 1, 2, 3, AND 4 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 1-1, 1-2, 1-3, 1-4, 1-6, 1-9, 1-9.1, 1-10, 1-12, 2-1-2, 2-1-3, 2-1-4, 2-4-2, 2-5-1, 2-5-2, 2-5-3, 2-6-1, 3.1-1, 3.1-2, 3.1-5, 3.1-6, 3.1-7, 3.1-9, 3.1-10, 3.1-13, 4-1-2, 4-2-1, 4-2-2, 4-2-3, 4-2-4, 6-1-1.1, 6-1-2, 6-1-3, 6-1-6, 6-1-7, 6-1-8, 6-1-11, 6-2-4, 6-2-5, 6-2-7, 7-1-1, 7-1-3.1, 7-1-5, 7-2, 7-3-3.1, 8-1, 8-3, 8-5, 9-1-2, 9-2-6, 10-1-3.2, 10-1-4, 10-2-2, 13-1-1, 13-1-2, 13-1-2.1, 13-1-2.2, 13-1-2.4, 13-1-3, 13-1-4, 13-1-5, 13-1-5.1, 13-1-7, 14-3, 14-4, 15.1-6, 16.2, 17-2, 18-2, 20-1-3, 20-1-6, 20-2-2, 20-3-1, 20-3-2, 20-3-3, 20-3-3.1, 20-3-4, 20-3-4.1, 20-3-6, 20-3.1-1, 20-4-2, 20-4-3, 20-4-4, 20-4-6, 20-4-7, 20-4-8, 20-4-9, 20-5-1, 20-5-2, 20-5-6, 20-5-6.1, 20-5-6.2, 20-5-9, 20-5-10, 20-8.1-1, 20-8.1-2, 20-8.1-3, 20-8.1-4, 20-8.1-5, 20-9, 20-9-1, 20-9-4, 20-9-9, 21-1-5, 21-1-6, 21-2-1, 21-2-2, 21-2-6, 21-3-1, 21-3-2, 21-3-3, 21-3-3.1, 21-3-5, 21-4-1, 21-4-9, 21-4-22, AND 21-4-28. THEREOF, AMENDING AND REENACTING THE FLUVANNA COUNTY CODE TO CONFORM TO THE CURRENT ENABLING LEGISLATION, AS AMENDED." Mr. Sheridan seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

*Appointment to the Fluvanna County Partnership for Aging Committee—At-Large—Steven M. Nichols, County Administrator*

#### MOTION

Mr. Weaver moved to appoint Linda Bernick to the Fluvanna Partnership for Aging Committee, At Large Position, with a term to begin immediately and to terminate December 31, 2019. Mr. Ullenbruch seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

*Appointment to the Fluvanna County Partnership for Aging Committee—Fork Union—Steven M. Nichols, County Administrator*

#### MOTION

Mr. Weaver moved to appoint Joan Talley the Fluvanna Partnership for Aging Committee, Fork Union District Position, replacing Dorothy Payne, who resigned, with a term to begin immediately and to terminate December 31, 2016. Mr. Sheridan seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

### CONSENT AGENDA

The following items were discussed before approval:

*M - AP Report, September 2015—Eric Dahl, Finance Director*

*N - Invitation for Bid – Fluvanna County Community Center Roof Replacement—Cyndi Toler, Purchasing Officer*

*O - RFP - Benefits Consulting and 3rd Party Administrative Services—Cyndi Toler, Purchasing Officer*

The following were approved under the Consent Agenda:

*K - DEQ Stormwater Program "Opt Out" Support Resolution – Bobby Popowicz, Community Development Director*

*L - FY16 Schools VSUP Budget Supplemental Appropriation—Ed Breslauer, FCPS Director of Finance*

*M - AP Report, September 2015—Eric Dahl, Finance Director*

*Mc - FY15-FY16 Carryover Request—Mary Anna Twisdale, Management Analyst*

*N - Invitation For Bid – Fluvanna County Community Center Roof Replacement—Cyndi Toler, Purchasing Officer*

*O - RFP - Benefits Consulting and 3rd Party Administrative Services—Cyndi Toler, Purchasing Officer*

*P - Capital Reserve Maintenance Fund Request: Evacuation Chairs—Chuck Winkler, Deputy Administrator, FCPS*

#### MOTION

Mr. Weaver moved to approve the items on the Consent Agenda for October 21, 2015 and ratify the Account Payable and Payroll in the amount of \$3,573,116.91. Mr. Ullenbruch seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

### UNFINISHED BUSINESS

None.

**NEW BUSINESS**

None.

**PUBLIC COMMENTS #2**

At 8:54pm Chair Booker opened the second section of Public Comments.  
With no one wishing to speak, Chair Booker closed the second round of public comments at 8:54pm.

**CLOSED SESSION**

**MOTION TO ENTER INTO A CLOSED MEETING**

At 8:54pm, 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. O’Brien seconded and the motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

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

At 11:33pm, 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. Sheridan seconded and the motion carried, with a roll call vote of 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

**MOTION TO EXTEND**

At 11:34pm Mr. O’Brien moved to extend the meeting until 12:00am. Mr. Weaver seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

**ADJOURN**

**MOTION:**

At 11:34pm Mr. O’Brien moved to adjourn the meeting of Wednesday, October 21, 2015. Mr. Sheridan seconded and the motion carried with a vote of 5-0. AYES: Booker, Ullenbruch, O’Brien, Sheridan, & Weaver. NAYS: None. ABSENT: None.

ATTEST: FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Kelly Belanger Harris  
Clerk to the Board

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Mozell H. Booker  
Chairperson