

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
November 18, 2015  
Regular Meeting 7:00pm**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Bob Ullenbruch, Palmyra District, Vice-Chairperson.

**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 7:04pm, Chair Booker called the Regular Meeting of November 18, 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 November 18, 2015 Regular Meeting of the Board of Supervisors. Mr. Sheridan seconded and the Agenda was adopted by a vote of 4-0. AYES: Booker, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: Ullenbruch.

**COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following:

- Virginia Recreation and Park Society (VRPS) recently honored our P&R Department
  - Best New Environmental Sustainability: Back to Nature; Pleasant Grove Park
- Dr. Jackie Meyers, CSA Manager
  - Has been appointed to the Board of Directors for the Virginia State Animal Response Team representing the Virginia Federation of Humane Societies
- Central Virginia Partnership for Economic Development
  - Happy 20<sup>th</sup> Anniversary
- Local Composite Index (LCI) for Fluvanna County Public Schools
  - New rate: 0.3757 (2016-2018); Previous rate: 0.3836 (2014-2016)
- Zion Crossroads Water and Sewer Project Design Kickoff Meeting
  - Thursday, Nov 19, 2:00 pm
- Blue Ridge Juvenile Detention
  - Commission approved a return of excess funds to the partner localities; Fluvanna will receive \$20,700
- BOS Planning Retreat in January 2016
- Energy Efficiency & Performance Contracting
  - An energy performance contract (EPC) is an agreement between a contractor, most often an energy services company, or ESCO, and a customer to perform as a condition of payment. Performance in this context means meeting a guaranteed level of energy savings.
    - County and Schools working on a collaborative effort to significantly reduce energy costs of our facilities through one or more energy conservation or operational efficiency measures.
    - Selected four contractors from a group of pre-qualified ESCOs, three contractors completed Back of the Envelope (BOE) preliminary work
    - Identified the need for, design, install, and monitor a comprehensive energy-conservation program
    - How successful have EPCs been in Virginia? The cumulative EPC investment since 2001 is \$697,337,119
    - Plan to interview three candidate firms in January
    - Request BOS Member for the interview and evaluation team
- Fluvanna Holiday Celebration
  - December 4, 2015 at Pleasant Grove Park
- Next Meetings:
  - Wednesday, December 2
    - 4:00 pm – Regular Meeting
    - 7:00 pm – Public Hearings
  - Wednesday, December 16
    - 7:00 pm – Regular Meeting

**BOARD OF SUPERVISORS' UPDATES**

*Sheridan*—Parks and Rec, VACO Conference.

*Weaver*—None.

*Ullenbruch*—Absent.

*O'Brien*—VACO Conference, JRWP Information meeting.

*Booker*—Extension Agency meeting, VIP Dinner hosted by Parks and Recreation, JABA Executive meetings, VACO Conference, Stormwater opt-out meeting.

#### **PUBLIC COMMENTS #1**

At 7:25pm Chair Booker opened the first round of Public Comments.

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

#### **PUBLIC HEARINGS**

*SUP 15:09 – Roundtop Limited Partnership, Joyce Parr*—Steve Tugwell, Senior Planner, presented a request for a special use permit to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. The parcel was rezoned from A-1 to B-1 in 1991. Two site development plans were approved for a daycare center and retail, respectively, in 1991. A special use permit was issued in 2003 for the siting of a cellular communications tower. A special use permit was issued for an educational facility in 2014 (SUP 14:04).

Chair Booker asked for questions for Mr. Tugwell and the applicant, Mrs. Joyce Parr. With no questions forthcoming, Chair Booker opened the Public Hearing.

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

With no further discussion,

##### MOTION

Mr. Weaver moved that the Board of Supervisors approve SUP 15:09, a request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A [if approved], subject to the three (3) conditions as described in the staff report. Mr. O'Brien seconded and the motion passed 4-0. AYE: Booker, O'Brien, Sheridan, & Weaver. NAY: None. ABSENT: Ullenbruch.

##### CONDITIONS:

1. The maximum number of students enrolled at this facility during the academic school year shall be 116.
2. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
3. 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.

*ZMP 15:05: Robin M. Travis*—Steve Tugwell, Senior Planner, brought forward a request to amend the Fluvanna County Zoning Map with respect to 4.688 acres of Tax Map 5, Section A, Parcel 45 to rezone the same from A-1, Agricultural, General, to B-1, Business, General.

Chair Booker invited the applicant to speak.

Mr. Craig Travis spoke to the intentions behind rezoning the property with the intention of making the property more appealing for potential sale.

Chair Booker opened the Public Hearing.

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

With no further discussion,

##### MOTION

Mr. Sheridan moved that the Board of Supervisors approve ZMP 15:05 of the attached ordinance for ZMP 15:05, a request to amend the Fluvanna County Zoning Map with respect to approximately 4.688 acres of Tax Map 5, Section A, Parcel 45, to rezone the same from A-1, Agricultural, General, to B-1, Business, General. Mr. Weaver seconded and the motion passed 4-0. AYE: Booker, O'Brien, Sheridan, & Weaver. NAY: None. ABSENT: Ullenbruch.

*Amendment and Reenactment of the Fluvanna County Code Chapters 1-18 And 20-21 to Conform to Current Enabling Legislation*—Steven M. Nichols, County Administrator, presented the updates to the County Code that bring the Code into compliance with State Code.

Mr. Payne discussed the changes generally, noting that most of the proposed changes

At 7:46pm, 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 the Board of Supervisors approved the resolution, "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, 7-3-3.1, 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, 20-9-1, 20-9-4, 20-9-4.1, 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,” with fees and late fees in Subsection 20-4.3 being changed to \$25.00 plus \$0.10 per acre and \$50, respectively.” Mr. Weaver seconded and the motion passed 4-0. AYE: Booker, O’Brien, Sheridan, & Weaver. NAY: None. ABSENT: Ullenbruch.

**ACTION MATTERS**

*FCPS FY15 to FY16 Carryover Request*—Ed Breslauer, FCPS Finance Director, brought before the Board a request to address unexpended funds for Fluvanna County Public Schools. FCPS finished the year with a surplus of local funds related to: lower than anticipated fuel costs (heat & vehicle), higher than projected Average Daily Membership (ADM), higher than anticipated other local revenue, and slightly higher federal funds. After wide-ranging discussion,

MOTION

Mr. Weaver moved the Board of Supervisors approve carryover of FY15 Fluvanna County Public Schools unexpended local funds in the amount of \$61,883 (pending final audit results) and to increase the FY16 Schools local appropriation from \$16,109,416 to \$16,171,299. Mr. O’Brien seconded and the motion carried 4-0. AYE: Booker, O’Brien, Sheridan, & Weaver. NAY: None. ABSENT: Ullenbruch.

*FY16 Farm Heritage Museum Funding Request*—Jason Smith, Director of Parks and Recreation, returned to the Board with a request for continued support for the Farm Heritage Museum. Thanking the Board for the support to date, Mr. Smith noted that the Fluvanna Historical Society has raised \$113,299 and an additional \$5,000 in funding from the County would help the Historical Society secure matching-funds grant funding from the Perry Foundation. Mr. Nichols noted that there are funds available in County proffers, for which this would be a good use. Following discussion,

MOTION

Mr. Sheridan moved the Board of Supervisors withdraw the FY17 CIP proposal for the Farm Heritage Museum in the amount of \$110,000.00, including \$10,000 of proposed County funding, and further move to approve an amendment to the FY16 CIP for the Farm Heritage Museum in the amount of \$123,299.00, with \$10,000 funded from County proffers and \$113,299.00 to be funded by grants or from other local sources. Mr. O’Brien seconded and the motion passed 4-0. AYE: Booker, O’Brien, Sheridan, & Weaver. NAY: None. ABSENT: Ullenbruch.

And,

Mr. Sheridan moved the Board of Supervisors approve an amendment to the FY16 CIP for the Farm Heritage Museum in the amount of \$128,299.00, with \$15,000 funded from existing County Proffers and \$113,299.00 to be funded by grants or from other local sources. Mr. O’Brien seconded and the motion passed 3-1. AYE: Booker, O’Brien, & Sheridan. NAY: Weaver. ABSENT: Ullenbruch.

*Parks and Recreation Kayak Rental Fee Structure*—Jason Smith, Director of Parks and Recreation, brought forward a request to set fees for kayak rental. Mr. Smith noted that the kayaks will be available to rent by county residents and non-residents and proposed the following fee structure:

Kayak Rentals	Resident	\$25.00 ea	Per Day	\$100 Deposit
	Resident	\$45.00 ea	Weekend	\$100 Deposit
	Non Resident	\$35.00 ea	Per Day	\$100 Deposit
	Non Resident	\$55.00 ea	Weekend	\$100 Deposit

Mr. Weaver inquired as to the potential revenue, with Mr. Smith anticipating approximately \$1000 per year. Mr. Sheridan noted that with improvements to County boat ramps, revenue is likely to increase.

MOTION

Mr. Weaver moved that the Board of Supervisors approve the proposed fee structure for Parks and Recreation Kayak rentals to be effective immediately. Mr. Sheridan seconded and the motion passed 4-0. AYE: Booker, O’Brien, Sheridan, & Weaver. NAY: None. ABSENT: Ullenbruch.

*Appointment/Reappointment to Economic Development Authority*—Steven M. Nichols, County Administrator, brought to the Board those candidates, Mr. Curtis Putnam and Mr. David Perry, for the position recently vacated by Mr. Donnie Scott.

After brief discussion,

MOTION

Mr. O’Brien moved to appoint Curtis Putnam to the Economic Development Authority, At Large Position, replacing Donnie Scott who resigned, with a term to begin immediately and to terminate June 30 2018. Mr. Weaver seconded and the motion passed 4-0. AYE: Booker, O’Brien, Sheridan, & Weaver. NAY: None. ABSENT: Ullenbruch.

**PRESENTATIONS**

*JAUNT Annual Report*—Brad Sheffield, JAUNT Executive Director, presented the Annual Report to the Board, highlighting trends in ridership, FY15 Financial Summary, and Fluvanna County services and trends. Mr. Sheffield thanked the Board for their continued support of this community resource.

**CONSENT AGENDA**

The following were approved under the Consent Agenda:

*Minutes of November 4, 2015 Meeting*—Kelly Belanger Harris, Clerk to the Board

*AP Report October 2015*—Eric Dahl, Finance Director

*FY16 Hydrogeologic Study Appropriation*—Mary Anna Twisdale

*FY16 Schools Supplemental Appropriation Request for Central Elementary School Parent Teacher*

*Organization Grant Funds*—Ed Breslauer, Schools Director of Finance

*FY16 Schools Supplemental Appropriation Request for Families Learning Together (FLT) Grant Funds*—Ed Breslauer, Schools Director of Finance

*FY16 Schools Immigrant Youth Budget Supplemental Appropriation*—Ed Breslauer, Schools Director of Finance

*Schools Security Equipment Grant Appropriation- Carysbrook*—Ed Breslauer, Schools Director of Finance

*Schools Security Equipment Grant Appropriation- West Central*—Ed Breslauer, Schools Director of Finance

**MOTION**

Mr. Weaver moved to approve the items on the Consent Agenda for November 18, 2015, and ratify Accounts Payable and Payroll for October 2015 in the amount of \$1,817,243.19. Mr. Sheridan seconded and the motion passed 4-0. AYES: Booker, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: Ullenbruch.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Mr. Sheridan noted that there are numerous businesses in the County that cut timber. Some of that timber is dumped without being used. Mr. Sheridan posed the idea of allowing these businesses to dump the surplus timber on Pleasant Grove property to be available to those citizens who use wood for purposes of heating their homes. Mr. Weaver asked about rules and limitations. Mr. Nichols indicated that Staff would research and return to the Board with recommendations in the next few months.

**PUBLIC COMMENTS #2**

At 8:45pm 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 8:45pm.

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

At 8:46pm, Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.6 & A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Investment of Funds and Legal Matters. Mr. O'Brien seconded and the motion carried, with a vote of 4-0. AYES: Booker, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: Ullenbruch.

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

At 11:27pm, 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 4-0. AYES: Booker, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: Ullenbruch.

**MOTION TO EXTEND**

At 11:28pm, Mr. Weaver moved to extend the meeting until midnight. Mr. Sheridan seconded and the motion carried 4-0. AYES: Booker, O'Brien, Sheridan, & Weaver. NAYS: None. ABSENT: None.

NOTE: Mr. Sheridan departed the room when a discussion began on a possible motion regarding an Addendum to the Interjurisdictional Agreement of Oct 2013.

Following discussion,

**MOTION**

Mr. O'Brien moved to approve Addendum No. 1 to the October 1, 2013, "AGREEMENT BETWEEN LOUISA COUNTY, VIRGINIA, FLUVANNA COUNTY, VIRGINIA, THE LOUISA COUNTY WATER AUTHORITY AND THE

JAMES RIVER WATER AUTHORITY REGARDING THE JAMES RIVER WATER PIPELINE,” in order more clearly to express the intent of the parties, their respective rights and duties thereunder and to protect the public health, safety and general welfare of the citizens of Louisa and Fluvanna Counties. Chair Booker inquired of Mr. Payne, County Attorney, if she could relinquish her Chairship to Mr. Weaver. Mr. Weaver refused to accept, after which Mr. Payne noted that Robert’s Rules of Order allow for the Chair to recognize the motion without a second and call for a vote. The motion passed on a vote of 2-1. AYES: Booker, O’Brien. NAYS: Weaver. ABSENT: Sheridan, Ullenbruch.

**ADJOURN**

MOTION:  
At 11:38pm Mr. Weaver moved to adjourn the meeting of Wednesday, November 18, 2015. Mr. O’Brien seconded and the motion carried with a vote of 4-0. AYES: Booker, O’Brien, & Weaver. NAYS: None. ABSENT: Sheridan, Ullenbruch.

ATTEST: FLUVANNA COUNTY BOARD OF SUPERVISORS

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

\_\_\_\_\_  
Mozell H. Booker  
Chairperson

APPROVED