

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
December 2, 2015
Regular Meeting 4:00pm
Public Hearings 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 4:03pm, Chair Booker called the Regular Meeting of December 2, 2015 to order. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

SPECIAL RECOGNITION OF THE RETIREMENT OF THE HONORABLE BOUSON E. (B.E.) PETERSON, CLERK OF THE CIRCUIT COURT

Chair Booker called forward the Honorable Bouson E. (B.E.) Peterson, Jr., Clerk of the Circuit Court of Fluvanna to recognize his service and impending retirement. Mr. Nichols read a Resolution from the Board of Supervisors recognizing the outstanding service rendered by Mr. Peterson over the past 26 years. Chair Booker and the Supervisors presented the Resolution and a plaque to Mr. Peterson.

ADOPTION OF AGENDA

Before the Adoption of the Agenda, Mr. Nichols read a statement from Mr. Sheridan (attached to minutes) regarding his health and future involvement on the Board.

MOTION

Mr. Ullenbruch moved to accept the Agenda for the December 2, 2015 Regular Meeting of the Board of Supervisors, as presented. Mr. O'Brien 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:

- BOS Planning Retreat Options
 - Saturday, Jan 16th, at the Library (Holiday Weekend) or Saturday, Jan 23rd, at Fork Union Community Center. Facilitator?
 - The Board decided to schedule their planning retreat for 9 am to 5 pm on Saturday, Jan 23, 2015, at Fork Union Community Center. No facilitator will be used this year.
- Now Available: Economic Development and Infrastructure Resource Documents (on the County Website)
- Seeking Planning Commission Candidates (Palmyra District)
 - Fluvanna County is seeking to fill the Palmyra District position on the Planning Commission.
 - More information can be found on the County website through the "Boards/Committees" link.
 - Residents are also encouraged to contact Supervisor-Elect Patricia Eager, Palmyra District to let her know of your interest in serving in this important role.
 - All applications are due to the County Administrator's Office by December 29, 2015. The Board of Supervisors is expected to fill the vacancy from the list of candidates at their Regular Meeting on January 6, 2016.
- Upcoming Meetings:
 - Wednesday, December 16 at 7:00 pm – Regular Meeting
 - Wednesday, January 6, 2016 at 4:00 pm – Organizational & Regular Meeting

BOARD OF SUPERVISORS' UPDATES

Sheridan—Absent.

Weaver—None.

Ullenbruch—None.

O'Brien—TJPDC Legislative Forum.

Booker—TJPDC Legislative Forum, JABA Executive Board, JABA Board, CSA Retreat, read a note from the Sheridan Family thanking the Board for the sympathy flowers sent in remembrance of their mother.

PUBLIC COMMENTS #1

At 4:25pm Chair Booker opened the first round of Public Comments.

Mr. Robert Dorsey, 6 Dover Ct, Rivanna District, spoke regarding perceived procedural irregularities. With no one else wishing to speak, Chair Booker closed the first round of Public Comments.

Mr. Weaver requested that during the Public Hearings, in anticipation of numerous speakers, time for speakers be limited to 3 minutes for each speaker. Chair Booker indicated that time for each speaker would be limited to 3 minutes each.

PUBLIC HEARINGS

None.

ACTION MATTERS

Appointment/Reappointment to the Thomas Jefferson Planning District Commission (TJPDC)—Steven M. Nichols, County Administrator, presented the roster of candidates for the position, Mr. Keith Smith and Ms. Deborah Kurre. With limited discussion,

MOTION

Mr. Ullenbruch moved to appoint/reappoint Keith Smith to the Thomas Jefferson Planning District Commission (TJPDC), with a term to begin January 1, 2016 and to terminate December 31, 2017. Mr. O'Brien seconded and the Agenda was adopted by a vote of 4-0. AYES: Booker, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

Appointment to the Central Virginia Regional Jail Board, Alternate Position—Steven M. Nichols, County Administrator, noted that with budget season approaching, appointing an alternate is prudent.

MOTION

Mr. Ullenbruch moved to appoint Mr. Steven M. Nichols to the Central Virginia Regional Jail Board, Alternate Position, beginning immediately. Mr. Weaver seconded and the Agenda was adopted by a vote of 4-0. AYES: Booker, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

Task Order #2 - Surveying Services for the Zion Crossroads Water & Sewer System—Cyndi Toler, Purchasing Officer, brought forward a request to authorize Task Order #2 of the contract between the County of Fluvanna, Virginia, and Bowman Consulting Group, LTD., to complete the Aerial Surveying for the Zion Crossroads Water & Sewer System. After wide-ranging discussion,

MOTION

Mr. O'Brien moved the Board of Supervisors approve Task Order #2 between the County of Fluvanna, Virginia, and Bowman Consulting Group, LTD, to complete the Aerial Surveying for the Zion Crossroads Water & Sewer System totaling \$34,560, and further authorize the County Administrator to execute the agreements subject to approval as to form by the County Attorney. With no second, the motion died on the floor.

Mr. O'Brien renewed the motion after which Mr. Ullenbruch offered a second. With a vote of 2-2, the motion failed. AYE: Booker, O'Brien. NAY: Ullenbruch, Weaver. ABSENT: Sheridan.

After the vote, the Board directed staff to issue a stop work order on the project design.

PRESENTATIONS

Progress Report on Public Safety Radio Project—Cheryl Elliott, Emergency Services Coordinator, gave a progress report on the Public Safety Radio Project, including: establishment of Fluvanna-Motorola team; an in-building communication solution for Schools; staging in Chicago in mid-December 2015; site and civil progress on towers; and budget implications.

Progress Report on Cost Recovery Program—Cheryl Elliott, Emergency Services Coordinator, gave an update on the Cost Recovery project implementation update. Topics included: Provider Documentation Training; approval of insurance provider numbers; improvements in process protocols; began importing and queuing calls for billing on November 1, 2015 with 95 calls currently in queue; full implementation in 9-12 months. Next steps include: continued process improvement; HIPAA/Privacy protocols; continued public education; billing, reporting, collections.

CONSENT AGENDA

The following items were discussed before approval:

Minutes of November 18, 2015—Kelly Belanger Harris, Clerk to the Board. Mr. Weaver requested a change to the minutes to reflect the process by which the final motion of the evening took place. With no objection, the change was made.

The following were approved under the Consent Agenda:

Minutes of November 18, 2015 Meeting—Kelly Belanger Harris, Clerk to the Board

Cooperative Extension/Fluvanna County Memorandum of Understanding—Bobby Popowicz, Director of Community Development

FY16 BOS Contingency Budget Transfer for Cunningham & Columbia Schools Advertising—Mary Anna Twisdale, Management Analyst

FY16 Schools Supplemental Appropriation Request for Chesapeake Bay Trust Grant Funds—Ed Breslauer, Schools Finance Director

FY16 Schools Supplemental Appropriation Request for I3 Grant Funds—Ed Breslauer, Schools Finance Director

FY16 Schools Proactive and Remedial Education Budget Supplemental Appropriation—Ed Breslauer, Schools Finance Director

Open Space Contract for John F. & Patricia A. Martin—Andrew M. Sheridan, Jr., Commissioner of the Revenue

Open Space Contract for Mark L. & Margaret M. Anderson, Trustees of the Anderson Revocable Trust et al—Andrew M. Sheridan Jr., Commissioner of the Revenue

Open Space Contract for Matthew R. & Sherry G. Esch—Andrew M. Sheridan Jr., Commissioner of the Revenue

Open Space Renewal Contract for Jerome P. Charba, Trustee of the Jerome P. Charba Trust—Andrew M. Sheridan Jr., Commissioner of the Revenue

Open Space Renewal Contract for David C. & Edith A. Feisner—Andrew M. Sheridan Jr., Commissioner of the Revenue

Open Space Renewal Contract for Franklin K. & Julie K. Jones—Andrew M. Sheridan Jr., Commissioner of the Revenue

Open Space Contract for William C. III & Linda Boisseau—Andrew M. Sheridan Jr., Commissioner of the Revenue

Dominion Environmental Stewardship Grant Award—Mary Anna Twisdale

MOTION

Mr. Weaver moved to approve the items on the Consent Agenda for December 2, 2015 as changed. 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

Chair Booker opened the second section of Public Comments.

With no one wishing to speak, Chair Booker closed the second round of public comments.

CLOSED SESSION

MOTION TO ENTER INTO A CLOSED MEETING

At 6:03pm, 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.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, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION

At 7:11pm, 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 and the motion carried, with a roll call vote of 4-0. AYES: Booker, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

Following the recitation of the Pledge of Allegiance to reconvene the Regular Meeting, Mr. Nichols again read the letter from Mr. Sheridan (attached to minutes) regarding health concerns.

Prior to beginning the Public Hearings, Chair Booker read the Public Hearing Rules of Procedure to the gathered public.

PUBLIC HEARINGS

SUP 15-08: James River Water Authority – Jason Stewart, Planning and Zoning Administrator & Steve Tugwell, Senior Planner, brought forward a request for a Special Use Permit to allow for major utilities to construct a raw water supply system which includes a raw water intake and pump station. The affected properties are located within the Columbia and Fork Union election districts. Mr. Tugwell noted that the Planning Commission considered these SUP requests at their September 23, 2015 meeting. There were twelve (12) speakers during the public hearing, most of whom appeared to be concerned with potential impacts that could result from the construction of the raw water intake and pump station. The Planning Commission discussed the requests, and voted 4-1-0 (Eager) to recommend approval of SUP 15:08.

Mr. Nichols provided an additional project briefing and spoke at length about the process, procedures, and analysis that preceded site selection and application process.

At 7:57pm, Chair Booker opened the Public Hearing.

- Bob Dorsey, 6 Dover Ct., Rivanna District, spoke against the Special Use Permit.

- Helen Cauthen, President, Central Virginia Partnership for Economic Development, spoke in favor of the Special Use Permit.
- Chip Boyles, Executive Director, Thomas Jefferson Planning District Commission, commended the collaborative nature of the water project between Fluvanna and Louisa Counties.
- Suzy Morris, 6840 Thomas Jefferson Pkwy, spoke against the project, noting a perceived lack of trust for the process by which the permits have been attained.
- Peter Cefaratti, on behalf of Covenant Church which owns property in Fluvanna County, spoke in favor of the Special Use Permit.
- Harold Bare, II, landowner in Fluvanna County, spoke in favor of the Special Use Permit.
- Bobbie Seay, Point of Fork Farm, spoke against the proposed location for the intake and pumping station.
- George Bialkowski, 1215 Point of Fork Rd, spoke against the Special Use Permit.
- Lindsay Nolting, 1317 Stage Junction Rd, spoke regarding the historical and cultural significance of the proposed location of the intake and pumping station.
- Katie Clossin, 1680 Union Mills Rd, spoke in favor of the Special Use Permit.
- John Carrier, 160 Overlook Circle, spoke in favor of the Special Use Permit.
- Mac Griswold, 713 Oak Hill Lane, Cultural Landscape Historian, spoke with regards to the historical and cultural significance of the proposed location of the intake and pumping station.
- Snead Gillen, 120 Point of Fork, spoke against the Special Use Permit.
- Bill Sullivan, property owner in Fluvanna County, spoke in favor of the Special Use Permit.
- Pat Calvert, Upper James Riverkeeper, spoke against the proposed location of the intake and pumping station. Mr. Calvert noted the discharge from the Brema Power Station and its impact on the intake and pumping station proposed in this SUP.
- Sam Patterson, Palmyra District, spoke regarding a perceived lack of trust for the Board's process with regards to this project.
- Susan Cable, 651 West River Rd, spoke against the Special Use Permit, with concerns about the location and the proximity to the Brema Power Station.
- Kathy Swenson Miller, 94 Fairview Lane, spoke in favor of the Special Use Permit.
- Gary Hannifan, 953 Jefferson Dr, spoke in favor of the Special Use Project.
- Ed Lauterbach, Fluvanna business owner and resident, spoke in favor of the Special Use Permit.
- Rhett Townsend, Goldsberg Farm, spoke against the Special Use Permit.

At 9:05pm Chair Booker closed the Public Hearing.

At 9:05pm Chair Booker announced a short recess.

At 9:21pm Chair Booker reconvened the meeting.

Mr. Nichols briefed the Board about a meeting conducted by Dominion Power on December 1, 2015 to discuss a permit held by Dominion Power with regards to the Brema Power Station.

Chair Booker opened the floor to discussion among the Supervisors.

Discussion focused on the ramifications of culturally and historically significant being found on the site and the plans to address that possibility; location assessment; financial assessment; and environmental impact.

Mr. O'Brien asked Mr. Payne of the ramification of denying this Special Use Permit.

Mr. Payne noted that the intent of the Public Hearing for SUP 15:08 is a hearing to determine zoning use. Mr.

Payne also noted that the Comprehensive Plan was amended and approved in 2013 to address the zoning requirements for this project. Mr. Payne reiterated that this is a zoning matter, stating that as this is a partially executed agreement, in his opinion, the County does have an obligation per the terms of the agreement.

Following wide-ranging discussion, Chair Booker wrapped up the discussion and called for a vote.

MOTION

Mr. O'Brien moved that the Board of Supervisors approve SUP 15:08, a request for a special use permit to allow for major utilities with respect to the construction of a raw water supply system which includes a raw water intake and pump station with respect to 305.202 acres of Tax Map 53-A-62, 53-A62C, 53-A-61, 53-11-5, and 53-11-19, [if approved] subject to the nine (9) conditions listed in the staff report. Mr. Ullenbruch seconded. The motion failed on a vote of 2-2. AYES: Booker, O'Brien. NAYS: Ullenbruch & Weaver. ABSENT: Sheridan.

On the advice of County Attorney Payne, Chair Booker called for a 5 minute recess.

Upon reconvening the meeting,

MOTION TO EXTEND

At 10:51pm, Mr. Weaver moved to extend the meeting until midnight. Mr. Ullenbruch seconded and the motion carried 4-0. AYES: Booker, O'Brien, Sheridan, & Weaver. NAYS: None. ABSENT: Sheridan.

SUP 15-06: Louisa County Water Authority – Jason Stewart, Planning and Zoning Administrator & Steve Tugwell, Senior Planner, brought before the Board a request for a special use permits to allow for major utilities to construct a raw water pipeline and construction of a raw water supply system which includes a raw water intake and pump station. The affected properties are located within the Columbia district. The Planning Commission considered these SUP requests at their September 23, 2015 meeting. There were twelve (12) speakers during the public hearing, most of whom appeared to be concerned with potential impacts that could result from the construction of the waterline. The Planning Commission discussed the requests, and voted 4-1-0 (Eager dissenting) to recommend approval of SUP 15:06.

At 10:58pm Chair Booker opened the Public Hearing.

- Bob Dorsey, 6 Dover Ct., spoke against the Special Use Permit.
- Lindsay Nolting, 1317 Stage Junction Rd., spoke regarding concerns about the Special Use Permit.
- Suzy Morris, 6840 Thomas Jefferson Pkwy., spoke against the Special Use Permit.
- George Bialkowski, spoke against the Special Use Permit.
- Rudy Garcia, Fork Union District, on behalf of the Chamber of Commerce, expressed his disappointment regarding the outcome of the prior Public Hearing vote.
- Bill Sullivan, spoke regarding the outcome of the prior Public Hearing vote.
- Gary Hannifan, thanked the Board for their service.
- Sam Patterson, asked for clarity regarding the previous vote.
- John Carrier, 23 Overlook Circle, thanked Mr. Nichols for his presentation.
- Rhett Townsend, 541 Goldsburg Lane, spoke regarding the outcome of the previous vote.
- Snead Gillen, 120 Point of Fork Rd. spoke against the Special Use Permit.

At 11:25pm Chair Booker closed the Public Hearing.

Chair Booker invited the applicant to speak. The applicant declined.

Chair Booker opened discussion among Supervisors.

Mr. O'Brien noted that this request has no financial cost to the County and there are no grounds on which to deny the Special Use Permit.

MOTION

Mr. O'Brien moved that the Board of Supervisors approve SUP 15:06, a request for a special use permit for a major utility to construct a raw water pipeline with respect to the attached list of Tax Map & Parcel Numbers, [if approved] subject to the eight (8) conditions listed in the staff report. With no second, Mr. O'Brien requested a call for a vote. Chair Booker called the vote. With a 2-2 vote, the motion failed. AYE: Booker, O'Brien. NAY: Ullenbruch, Weaver. ABSENT: Sheridan.

ADJOURN

MOTION:

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

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Kelly Belanger Harris
Clerk to the Board

Mozell H. Booker
Chairperson



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 22-2015

**A Resolution Recognizing and Honoring the Retirement of
The Honorable Bouson E. Peterson**

At a regular meeting of the Board of Supervisors of Fluvanna County held in the Fluvanna County Courts Building at 4:00 PM on Wednesday, December 2, 2015, at which the following members were present, the following resolution was adopted by a majority of all members of the Board of Supervisors:

WHEREAS, The Honorable Bouson E. Peterson, Jr., native son of Fluvanna County; and

WHEREAS, The Honorable Bouson E. Peterson, Jr. was first appointed and then elected by the people of his home county to be the Clerk of the Circuit Court of Fluvanna County; and

WHEREAS, The Honorable Bouson E. Peterson, Jr. is soon to retire from this honorable position; and

WHEREAS, The Honorable Bouson E. Peterson, Jr. has served with honor and humility for 26 years as a dedicated servant of the judicial system; and

WHEREAS, The Honorable Bouson E. Peterson, Jr., from November 1999-November 2001 was the Chair of the Courthouse Steering Committee, providing experience and insight into the design and construction of the “new courthouse;” and

WHEREAS, The Honorable Bouson E. Peterson, Jr. exemplifies the role of a public servant by displaying high standards and outstanding service to the public; and

WHEREAS, The Honorable Bouson E. Peterson, Jr. is most highly respected by his peers, his colleagues, and staff of the Circuit Court as a consummate professional and gentleman; and

WHEREAS, on this day we recount the deeds of an honorable steward;

THEREFORE, be it resolved, that the Fluvanna County Board of Supervisors does hereby recognize on this day the great contributions of The Honorable Bouson E. Peterson, Jr. to his community and the Commonwealth of Virginia.

Dated this 2nd day of December, 2015.

Mozell H. Booker, Chair
Fluvanna County Board of Supervisors

November 30, 2015

Memo for: Board of Supervisors

Re: Health Concerns

Dear Madam Chair,

I have asked our County Administrator if he would please read this brief memo on my behalf at the beginning of the December 2, 2015 Board meeting. Each of you is aware that I have had some medical problems arise in the last few weeks that were, and are, alarming to me and my family. At the strong direction of my Doctor, I will be working over the next few months to restore my health to what he believes are acceptable levels for a man of my age and commitments. I expect to miss a few meetings of the Board over the next couple of month, but hope to be back to good health by early March 2016.

I of course will keep Mr. Nichols and the Board aware of my progress and if possible, will back at the Board table at an earlier date if my Doctor and my family agree that my health has returned to normal.

Sincerely,

John M. Sheridan

APPROVED