

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Board Room
Administration Building
January 21st 2004
7:00 p.m.

MEMBERS PRESENT: Cecil L. Cobb, Chairman
Norma B. Hutner, Vice Chairman
Gene F. Ott
Thomas E. Payne
Donald W. Weaver

ALSO PRESENT: G. Cabell Lawton, IV, County Administrator
Frederick W. Payne, County Attorney
Steven Biel, Director of Planning & Community Development
John Robins, County Engineer/Public Works Director
Alice F. Jones, Clerk to the Board of Supervisors

CALL TO ORDER

Chairman Cobb called the meeting of January 21st 2004 to order at 7:00 p.m. in the Board Room in the Administration Building in Palmyra, Virginia.

REPORTS

The County Administrator, G. Cabell Lawton, IV, reported to the Board on the following matters:

- received a request for the Board to postpone discussion on the Subdivision Appeal by Dominion Land Development until the meeting of February 18th 2004
- Tenaska has reported that the steam blows should be completed by Friday evening [January 23rd 2004]
- the School Board has sent over their complete preliminary budget to be handed out and Mr. Lawton requested the Board place it in the Board's workbook under the January 14th 2004 work session tab
- reminded the Board that a work session was scheduled for January 28th 2004 at 7:00 p.m. to discuss expenditures for the FY 05 budget and asked if any of the Board members would like to have some dinner provided for them, to let Alice know
- apprised the Board that staff was working on model guidelines for the PPEA (public private education and infrastructure enhancement act) and will be presenting those in the coming months for discussion by the Board
- apprised the Board that the Capital Improvements Plan is scheduled for public hearing on January 26th 2004 [Planning Commission] and will be scheduled for February 18th 2004 for the Board of Supervisors
- requested a closed session to discuss personnel
- apprised the Board that Alice would be on vacation the first two weeks of February and introduced Joanne Rawls as the temporary help that would be filling in

PUBLIC COMMENTS #1

Chairman Cobb opened the floor for the first public comment section.

- David Thomas addressed the Board regarding the Tenaska stem blows and lighting
- Marvin Moss commended the Board for their process in the selection of the new Columbia Supervisor

With no one else wishing to speak, Chairman Cobb closed the first public comment section.

CONSENT AGENDA

MOTION:

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

- Minutes of January 7th 2004
- Resolution to Adopt a Road Name: Faith Drive (attached hereto)
- Resolution/Queen Anne's Court (attached hereto)
- Criminal Records Grant Award [in the amount of \$17,469; and to transfer funds from the Grant Contingency line item (91070-5840) to the Sheriff's budget in the amount of \$4,367 to be used as match for the grant

Mr. Payne seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

ACCOUNTS PAYABLE

None

PUBLIC HEARING

Conveyance of Approximately 165 Acres to the Fluvanna County School Board

This is a transfer of land on Pleasant Grove to the Fluvanna County School Board for use as a school site in the future.

John Robins, County Engineer/Public Works Director, addressed the Board regarding this issue.

Chairman Cobb opened the public hearing for anyone wishing to speak.

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

MOTION:

Mrs. Hutner moved to approve the transfer to the Fluvanna County School Board the parcel of land on Pleasant Grove more particularly described on the survey plat of Tax Map 18-65, 29-96 and a portion of 30-1 completed by Robert Lum, Land Surveyor (said plat attached). Additionally, I move to authorize the County Administrator to execute the documents necessary to transfer this land once the County Attorney has approved them. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

SUP 03:10/Roundtop Limited Partners, LLP

This is a request for approval of a special use permit to construct a 125-foot high wireless Internet microwave radio tower at the Lake Center on the northwest side of the Rt. 600/Slice Road intersection and is located within the Lake Monticello Community Planning Area.

Steven Biel, Director of Planning & Development, addressed the Board regarding this issue. Mr. Herner provided pictures of the monopole tower versus the lattice design for the Board to review.

Chairman Cobb opened the public hearing.

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

MOTION:

Mr. Ott moved to recommend to the Board of Supervisors the approval of SUP 03:10 with the following conditions:

1. The tower, including antennae will not be higher than 125' and will not be lit. Any future expansions of the tower must be in conformance with the zoning ordinance and with the Board of Supervisors.
2. The applicant must secure all required approvals from the building official, Health Department and the Virginia Department of Transportation.
3. The Board of Supervisors, or its representative, reserves the right to inspect the property on a random basis on the occasion of any complaint by any citizen or resident that the use for which the special use permit was granted is being violated, or for any reason the property appears to be inconsistent with the intended use of this special use permit.
4. Violation of any condition of this permit shall be grounds for revocation of this permit.
5. Fluvanna County is authorized to use the tower for emergency communications purposes with weight and space requirements reserved on the tower for Fluvanna County equal to those of the applicant, with Fluvanna County having first refusal. The space on the tower shall be on a rent-free basis for use by the County police, fire, rescue, and other emergency communication services. In addition, the applicant will make available to Fluvanna County space near the base of the tower, on a rent-free basis, for an equipment shelter for transmitting and receiving equipment relating to the County's antennas on the tower.
6. Site disturbance shall be limited to the area immediately surrounding the tower, buildings, and access road.
7. If the structures should no longer be needed, the applicant shall remove it, and restore the grounds to the prior condition.
8. The tower shall be available for co-location by other telecommunication companies.
9. The tower shall be in the same location as proposed in the application and shown on the aerial map and marked by a 'red-dot'.

Mrs. Hutner seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

PRESENTATIONS

None.

ACTION MATTERS

Amendment of Small Purchase Procedures

The Code of Virginia §2.2-4303 has authorized localities to adopt procedures for procurement of professional services up to \$30,000. The amendment will allow for professional services to be procured utilizing the first three cost thresholds, which dictate the necessary number of quotes. This action should reduce costs associated with procurement by significantly reducing the advertising requirement.

Shelly Wright, Special Projects Coordinator, addressed the Board regarding this issue.

MOTION:

Mr. Weaver moved to table action on this item to the Board meeting of February 18th 2004. Mr. Ott seconded. The motion carried with a vote of 4-1. AYES: Hutner, Ott, Weaver and Cobb. NAYS: Payne. ABSENT: Columbia District Supervisor.

SUB 03:43/Dominion Land Development

This is an appeal of the Planning Commission's denial of a request for approval of a revision to the Fox Hollow Subdivision Section Two creating two additional lots to a previously approved and recorded plat, increasing the number of lots from ten (10) to twelve (12).

The applicant requested this request be postponed for a month. The Board postponed action until the meeting of February 18th 2004.

OLD BUSINESS

Discussion & Selection of Columbia Supervisor

Mr. Weaver nominated Pete Bradshaw for the Columbia District Supervisor seat.

Mr. Payne nominated Jeanne Kent for the Columbia District Supervisor seat.

Mr. Ott nominated James Higginbotham for the Columbia District Supervisor seat.

MOTION:

Mr. Weaver moved to close the nominations for the Columbia District Supervisor seat. Mrs. Hutner seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

Chairman Cobb called for the vote in favor of Mr. Bradshaw. AYES: Hutner, Weaver and Cobb. NAYS: Ott and Payne. With the majority of Board members voting for Mr. Bradshaw, the voting process was closed.

BOS Appointments

MOTION:

Mr. Payne moved to appoint Pete Bradshaw as the BOS representative for the Court Green Committee and the Thomas Jefferson Area Community Criminal Justice Board with terms effective January 21st 2004 through December 31st 2004. Mr. Ott seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

Supplemental Appropriation/Schools

The School Board has requested \$50,000 to initiate preliminary design work for the proposed High School on Pleasant Grove. This matter was tabled during the regular meeting of the Board of Supervisors on December 3rd 2003 in order to obtain additional information regarding the proposed recommendations.

G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

MOTION:

Mrs. Hutner moved to table action on this item to the Board meeting of March 3rd 2004. Mr. Payne seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

Appointments/Boards, Commissions & Committees

Economic Development Commission (EDC)

MOTION:

Mrs. Hutner moved to appoint Michael Martin to the Economic Development Commission (EDC), Rivanna District position, with a term to begin January 1st 2004 and expiring June 30th 2004, filling the unexpired term of Michael Lawson, who has resigned. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

Jefferson Area Board of Aging Board of Directors

MOTION:

Mr. Payne moved to reappoint Kathleen Fletcher to the Jefferson Area Board of Aging Board of Directors, with a term to begin January 1st 2004 and expiring December 31st 2005. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia District Supervisor.

NEW BUSINESS

None.

PUBLIC COMMENT #2

Chairman Cobb opened the floor for the second public comment section.

- Debra Curry addressed the Board regarding schools.

With no one else wishing to speak, Chairman Cobb closed the second public comment section.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING

At 8:35 p.m. Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel.” Mr. Ott seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia Supervisor.

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

Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Ott seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia Supervisor.

MOTION:

At 9:10 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, January 21st 2004, on motion of Mr. Weaver, seconded by Mr. Ott and carried by a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia Supervisor

“**BE IT RESOLVED** to the best of my 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.”

RECESS

MOTION:

At 9:12 p.m. Mr. Ott moved to recess the Board of Supervisors regular meeting held on Wednesday, January 21st 2004. Mrs. Hutner seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Columbia Supervisor.

RECONVENE

At 7:00 p.m. the Fluvanna County Board of Supervisors reconvened their meeting of January 21st 2004 on Wednesday, January 28th 2004 for a budget work session. Present were Cecil Cobb, Chairman; Norma Hutner, Vice Chairman; Pete Bradshaw; Gene Ott; Tom Payne and Donald Weaver. Also present were Cabell Lawton, County Administrator and Shelly Wright, Special Projects Coordinator.

Mr. Lawton briefed the Board on the budget and provided an update to information previously presented to the Board. A power point presentation was presented regarding the expenditures analysis. Also discussed were the debt service for the High School expansion and reassessment.

ADJOURN

MOTION:

At 10:30 p.m. Mrs. Hutner moved to adjourn the Board of Supervisors meeting of Wednesday, January 21st 2004, which had been reconvened on January 28th 2004 for a budget work session. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Bradshaw, Hutner, Ott, Payne, Weaver and Cobb. NAYS: None.