

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Board Room
Administration Building
August 4th 2004
2:00 p.m.

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

MEMBERS ABSENT: John "Pete" Bradshaw [vacation]

ALSO PRESENT: G. Cabell Lawton, IV, County Administrator
Frederick W. Payne, County Attorney
Shelly Wright, Assistant County Administrator
Melissa Barlow, Assistant VDOT Resident Engineer
Phyllis Bullock, Finance Director
Steven Biel, Director of Planning & Community Development
John Robins, County Engineer/Director of Public Works
Pat Groot, Grants Administrator
Alice F. Jones, Clerk, Board of Supervisors

CALL TO ORDER

Chairman Cobb called the meeting of August 4th 2004 to order at 2:00 p.m. in the Board Room in the Administration Building in Palmyra, Virginia and the Pledge of Allegiance was recited

REPORTS

Debbie Rittenhouse, Planning Commission Chairwoman, provided the Board with an overview of the Planning Commission meeting held on July 26th 2004 and actions that were taken.

Melissa Barlow, Assistant VDOT Resident Engineer, addressed the Board regarding the following VDOT items:

- maintenance activities included: mowing operations are continuing; repairing potholes; machining dirt roads; preparing roads for FY-05 paving schedules; and repairing roads from storm damages
- construction activities included: construction continues on the Rt. 15/250 project with completion scheduled for October 2004; the contract has been awarded for the Rt. 625 and 644 Rural Rustic and the preconstruction meeting is scheduled for August 5th 2004; the construction is complete on Rt. 632 and 761 Rural Rustic; and the Rt. 15 Palmyra Bridge advertisement is still scheduled for January 2006

miscellaneous activities included: the Rural Rustic Resolution has been received on Rt. 606 and VDOT would still like to pursue right of way for the cul-de-sac; Rt. 759 North of Rt. 250 has road and bridge reconstruction with right of way donation requests to be sent to residents in August 2004; the speed will be reduced to 35 mph on Rt. 649 from intersection of Rt 649 & 673 to the end of the school zone; the speed will be reduced to 45 mph on Rt. 613 from Rt. 15 to Rt. 607; a petition has been received from citizens regarding speed reduction on Rt. 630 and it has been forwarded to Traffic Engineering for their review; there has been a request to install centerline reflectors and/or rumblestrips on Rt. 600 and 616 and these routes have been forwarded to Traffic Engineering for their review

Mr. Bob Moore, Acting Resident Engineer, provided the Board with a quick update on the vacant position and also introduced Mr. Morteza Salehi as the new Culpeper District Administrator.

G. Cabell Lawton, IV, County Administrator, reported on the following topics:

- apprised the Board there is a new business item requesting consideration of passage of a resolution to request permanent financing of the high school expansion which would be part of the VPSA Subsidy sale this fall and the resolution needs to be passed at this meeting in order to submit an application by August 31st 2004
- apprised the Board that VDOT has decided to lessen the speed limit on Rt. 613 to 45 mph as a result of the speed study following a petition which was presented to the Board at their last meeting; the other road discussed is on the Board's agenda for consideration
- apprised the Board that the kickoff for the opening of the statewide Virginia Birding and Wildlife Trail is scheduled for September 30th 2004 at 9:30 a.m. and indicated that in coordination with this event, the Department of Game & Inland Fisheries will conduct a press visit for travel writers that will begin in Richmond and will conclude on Pleasant Grove at the Fluvanna Heritage Trail
- apprised the Board that staff was trying out a different speaker system and testing microphones for better presentation to citizens
- apprised the Board there had been a request to defer ZMP 03:06 and SUP 04-13 until the September 15th meeting of the Board
- apprised the Board the second Leadership Program has been finalized and classes are due to begin in September 2004

PUBLIC COMMENTS #1

Chairman Cobb opened the floor for the first round of public comments.

- Marvin Moss provided the Board with an update on the Fluvanna Friends on Rural Preservation (FFRP) which now has over one hundred members and has raised \$2,000 and indicated the group would be sending out information to all Columbia and Fork Union voters concerning their platform

With no one else wishing to speak, Chairman Cobb closed the first round of public comments.

CONSENT AGENDA

The following item was pulled from the consent agenda:

- Supplemental Appropriation JABG Grant

The following items were approved under the consent agenda:

MOTION:

Mr. Ott moved to approve the consent agenda, which consisted of:

- Speed Reduction Study Request [Rt. 630 – Hollands Road]
- Open Space Renewal Agreement/Robert & Elizabeth Weiss
- Supplemental Appropriation Local Government Challenge Grant [\$10,000]
- Supplemental Appropriation Criminal Records Grant FY-05 [\$4,000]
- Supplemental Appropriation Commodity Flow Study Grant [\$19,000]
- Supplemental Appropriation Law Enforcement Block Grant [\$2,333]
- Minutes of July 21st 2004
- Resolution/Addition and Discontinuance of Portion of Rt. 656 from the State Secondary System

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

Supplemental Appropriation JABG Grant

MOTION:

Mrs. Hutner moved that the Board of Supervisors accept the Juvenile Accountability Block Grant (JABG) award from the Department of Criminal Justice Services (DCJS), approve the supplemental appropriation to the CSA budget for \$75,000 (\$67,500 in grant funds, \$7,500 from the Grant Contingency Line), and authorize a transfer of \$7,500 from the Grant Contingency line (91070-5840) to the CSA budget to satisfy the match. Mr. Payne seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

ACCOUNTS PAYABLE

Phyllis Bullock, Finance Director, addressed the Board regarding the accounts payable.

MOTION:

Mrs. Hutner moved to ratify the payment of Payroll and Accounts Payable for July 2004, in the amount of \$599,486.76. Mr. Ott

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

Payroll Checks	\$ 273,969.25
Accounts Payable Checks CSA #106	123,449.74
Accounts Payable Checks County #115	16,478.54
Accounts Payable Checks Com. Prog. #120	16,487.93
Accounts Payable Landfill #130	5,190.43
Accounts Payable Checks Com. Prog. #302	140,798.43
Accounts Payable Checks FUSD #505	<u>23,094.44</u>
<u>TOTAL</u>	<u>\$ 599,468.76</u>

The Board **directed** staff place the Blue Ridge Juvenile Detention Center (BRJDC) on a future agenda for review of contract.

The Board **directed** staff review alternate options to the BRJDC.

PRESENTATIONS:

2003 Crime Report

Sheriff Ryant L. Washington provided the Board with a power point presentation regarding crime statistics in Fluvanna County during 2003. Sheriff Washington indicated that crime factors were broken down into population size; population variations in stability; economic conditions and employment availability; morals, cultural conditions, education, and religious characteristics; and family cohesiveness. Crime Factors include climate, including seasonal weather conditions; effective strength of the police force; standards governing appointments to the police force; and attitudes and policies of the courts, prosecutors and corrections. Other crime factors included citizen attitudes toward crime and police; the administrative and investigative efficiency of police agencies and the organization and cooperation of adjoining and overlapping police jurisdiction; and crime reporting practices of citizens. Sheriff Washington also reported there were a total of 997 offense/incident reports taken for the year of 2003, an increase of 37 over 2002, which totaled 960. This was primarily in the categories of intimidation, all other larceny and trespass of real property. A total of 40 categories existed for the UCR Report.

RECESS

The Board recessed at 4:02 p.m.

RECONVENE

The Board reconvened at 4:20 p.m.

ACTION MATTERS

Adoption of Financial Policies

Sound financial policies are fundamental to County employees in handling fiduciary responsibilities to Fluvanna citizenry. Effective policy assures County citizenry, Board members and governing oversight bodies that County funds are adequately used and accounted for.

Phyllis Bullock, Finance Director, addressed the Board regarding this issue.

MOTION:

Mr. Payne moved that the Board of Supervisors adopt the financial policies listed below:

1. Travel Advances and Reimbursements
2. Capital Expenditures
3. Vendor Refunds and Credit Memos
4. Budget Transfers
5. Payment of Invoices – Accounts Payable
6. Adjusting Journal Entries (Inter-Departmental Transfers)
7. Pay-in Vouchers

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

Contract/RFP for Architectural & Engineering Design of the Western Trailhead area and Rail Trail as funded by TEA 21

In order to move this project forward and establish a construction schedule, this contract needs to be approved.

Dwight Godwin, Operations Director, addressed the Board regarding this issue.

MOTION:

Mr. Ott moved to accept the Land Planning & Design Associates, Inc. contract for annual architectural and engineering design work and authorize them to proceed on the first two phases for the Western Trail and Rail Trail for the amount of \$46,307 with recommended changes to the comfort station which included brick siding, solar heating and some type of slate roofing. Additionally, I move to authorize the County Administrator to execute the contract contingent upon County Attorney approval. Mr. Payne seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

Approval of the Initial Service Area for the Palmyra and Pleasant Grove Sewer System

The Board is being asked to approve the initial boundary for the Service Area of the Pleasant Grove and Palmyra Sewer System.

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

MOTION:

Mrs. Hutner moved to adopt the initial service area for the Pleasant Grove and Palmyra Wastewater System as shown on the attached plan, Exhibit A. Mr. Payne seconded. The motion carried with a vote of 4-1. AYES: Hutner, Ott, Payne and Cobb. NAYS: Weaver. ABSENT: Bradshaw.

VACo's 2005 Legislative Program Recommendations from Subcommittee

Each year, the Board of Supervisors adopts a legislative program that identifies its priorities for legislative action by the General Assembly. The Virginia Association of Counties and the Thomas Jefferson Planning District Commission will also prepare legislative programs after reviewing programs of its member localities.

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

MOTION:

Mr. Ott moved to approve the 2005 Legislative Program for Fluvanna County and forward it to the Virginia Association of Counties and Thomas Jefferson Planning District Commission for their review and consideration as amended. Mr. Payne seconded. The motion carried with a vote of 4-1. AYES: Hutner, Ott, Payne and Cobb. NAYS: Weaver. ABSENT: Bradshaw.

Rename Bridge

VDOT staff has inquired as to whether the Board of Supervisors wanted to retain the name of the Rt. 15 Bridge once replaced or rename the bridge. Staff and the Fluvanna Historic Society advocates keeping the bridge name.

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

MOTION:

Mr. Payne moved to recommend to VDOT that the name of the Rt. 15 Bridge across the Rivanna River continue to be the Pembroke Pettit Bridge once replaced. Mrs. Hutner seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

Appointments/Boards, Commissions & Committees

Economic Development Commission

MOTION:

Mr. Payne moved to appoint Ronald Heinz to the Economic Development Commission, Palmyra District, with a term to begin immediately and expiring December 31st 2005, filling the unexpired term of Minor Eager. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

Thomas Jefferson Emergency Medical Services Council

MOTION:

Mrs. Hutner moved to appoint Shelly Wright to the Thomas Jefferson Emergency Medical Services Council, Fluvanna representative, with a term to begin immediately and expiring June 30th 2006. Mr. Payne seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

OLD BUSINESS

The question was raised whether to hold the public hearings for the Butler ZMP to rezone property and SUP for a special use permit. After discussion among the Board, it was brought to the Board's attention that in their Policy and Procedures Manual they adopt each year, it stated that if a public hearing had been advertised, then the public hearing would be held.

NEW BUSINESS

Resolution/File an Application to Virginia Public School Authority (VSA) for Permanent Financing for the Fluvanna High School Expansion Project

This item is in response to the Board's directive to investigate financing options on the Fluvanna County High School Expansion Project. Staff met with the County's Financial Advisors and Bond Counsel and it appears that Fluvanna County may be able to secure permanent financing for this project through the Virginia Public School Authority's subsidy loan program.

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

MOTION:

Mr. Weaver moved to adopt the resolution [attached hereto] approving the filing of an application with the Virginia Public School Authority ("VPSA") for a loan in an approximate principal amount of up to \$7,500,000. Mr. weaver further moved to direct staff to schedule a public hearing on September 15th 2004 on the proposed issuance of general obligation school bonds. Mr. Payne seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

CLOSED MEETING

None.

RECESS – Dinner Break

The Board recessed for dinner at 5:38 p.m.

RECONVENE

The Board reconvened at 7:00 p.m.

PUBLIC HEARINGS

Ordinance/To Adopt & Approve an Amendment to JABA's Joint Exercise of Powers Agreement

G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue. Chairman Cobb opened the public hearing.

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

MOTION:

Mr. Payne moved to adopt the ordinance [attached hereto] entitled "An Ordinance to Adopt and Approve an Amendment to JABA's Joint Exercise of Powers Agreement Between the Counties of Albemarle, Greene, Nelson, Fluvanna and Louisa, Virginia and the City of Charlottesville, Virginia to Increase the Size of the Board of JABA and to Have the Membership of the Boards of JABA and of JABA, Inc., be Identical" and that the County Administrator is hereby authorized to execute the Agreement on behalf of the County of Fluvanna. Mrs. Hutner seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

Ordinance/To Exempt from Real Property Taxes for Fluvanna Habitat for Humanity

The Fluvanna County Habitat for Humanity, Inc., requested the Board to consider the granting of tax-exempt status for lands owned by the Habitat for Humanity. At the Board's meeting of July 21st 2004, staff was instructed to advertise for public hearing the request.

G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue. Chairman Cobb opened the public hearing.

Mr. Jay Chronister spoke on behalf of the Fluvanna Habitat for Humanity.

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

MOTION:

Mrs. Hutner moved the request for Tax Exempt Status on tax map parcels 31-15-1 and 31-15-3 for Habitat for Humanity, which is a 501(c)(3) organization under the Internal Revenue Code, be approved. Mr. Payne seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

SUP 04-12/Dorothy Gibson

This is a request for a special use permit to allow for a mobile home for a medical hardship in accordance with Section 22-4-2.2(14)(b) of the Zoning Ordinance. The property is described as Tax Map 32, Section 7, Parcel 2 containing 2.417 acres and located in the Columbia District on the northwest side of Rt. 601 approximately 0.5 miles northeast from the intersection at Wilmington. The property is zoned A-1, Agriculture.

Steven Biel, Director of Planning & Community Development, addressed the Board regarding this issue.

Chairman Cobb opened the public hearing.

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

MOTION:

Mr. Payne moved to approve SUP 04:12 for a mobile home for a medical hardship on Tax Map 32, Section 7, Parcel 2, subject to the following conditions:

1. All Health Department approvals shall be obtained prior to issuance of any building permits for the mobile home.
2. This special use permit is valid for twenty-four (24) months from the date of final approval by the Board of Supervisors and must be renewed prior to its expiration.
3. The proposed location of the mobile home shall meet the required setbacks from a main dwelling and be located in the general proximity as shown on Attachment B1.

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

ZMP 03-06/Bevley & Carolyn Butler

This is a request to rezone 13.67 acres from A-1, Agriculture to R-4, Residential to allow for the construction of 40 townhouses on 4.318 acres, with 9.352 acres dedicated as open space; The property is described as Tax Map 18, Section A, parcel 10 and located in the Rivanna District on the east side of Rt. 600 just south of the Rt. 600/Rt. 618 intersection.

Steven Biel, Director of Planning & Community Development, addressed the Board regarding this issue.

Chairman Cobb opened the public hearing.

- Bosley Crowther addressed the Board on behalf of the applicant and asked that the requested be deferred.
- Leonard F. Gardner and Mrs. Callison both spoke in opposition to the request.

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

MOTION:

As to ZMP 03-06, Mrs. Hutner moved that further public hearing, if there are substantial changes in the plan that has been put before us, be advertised for the hearing of the Board on September 15th 2004 and the matter be withheld for vote by the Board until September 15th 2004. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

SUP 04-13/Bevley & Carolyn Butler

This is a request for a special use permit to allow for the construction of 40 townhouses in accordance with Section 22.8-2.2(6) of the Zoning Ordinance, which allows for a single-family attached dwellings and townhouses, on 4.318 acres with 9.352 acres

dedicated as open space. The property is described as Tax Map 18, Section A, Parcel 10 and is located in the Rivanna District on the east side of Rt. 600 just south of the Rt. 600/Rt. 618 intersection. The property is currently zoned A-1, Agriculture, and this special use permit request is contingent upon the approval of a rezoning request by the Board of Supervisors from A-1, Agriculture to R-4 Residential.

G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue. Chairman Cobb opened the public hearing.

- Leonard F. Gardner verified there would be another public hearing held for public input

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

MOTION:

As to SUP 04-13, Mrs. Hutner proposed there be no vote taken by the Board on this matter this evening; that if there are major changes made for the presentation scheduled for September 15th 2004 that it be re-advertised for public hearing and be set on the agenda for public hearing and vote by the Board on September 15th 2004. Mr. Ott seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.

PUBLIC COMMENTS #2

Chairman Cobb opened the floor for the second round of public comments.

- Brenda Beazley addressed the Board regarding the July 7th 2004 Board meeting and comments made regarding the Radio Flying Club

With no one else wishing to speak, Chairman Cobb closed the second segment of public comments.

ADJOURN

MOTION:

At 7:40 p.m. Mr. Payne moved the Fluvanna County Board of Supervisors meeting of Wednesday, August 4th 2004 be adjourned. Mrs. Hutner seconded. The motion carried with a vote of 5-0. AYES: Hutner, Ott, Payne, Weaver and Cobb. NAYS: None. ABSENT: Bradshaw.