

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room**  
**March 20, 2019**  
**Budget Work Session 4:00pm**  
**Regular Meeting 7:00pm**

**MEMBERS PRESENT:** John M. (Mike) Sheridan, Columbia District, Chair  
Tony O'Brien, Rivanna District, Vice Chair  
Mozell Booker, Fork Union District  
Patricia Eager, Palmyra District  
Donald W. Weaver, Cunningham District

**ABSENT:** None.

**ALSO PRESENT:** Steven M. Nichols, County Administrator  
Fred Payne, County Attorney  
Kelly Belanger Harris, Clerk for the Board of Supervisors

**WORK SESSION – CALL TO ORDER**

At 4:02pm Chair Sheridan called to order the Work Session of March 20, 2019.  
After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**BUDGET DISCUSSION**

FY20 Budget Discussion

- FY20 Employee Pay Plan
- FY20 Health Benefits
- Fire and Rescue

**13 - CLOSED MEETING**

**MOTION TO ENTER INTO A CLOSED MEETING**

At 6:00pm, Mr. O'Brien moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.5, A.6, A.8 & A.19 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Prospective Industry, Investment of Funds, Legal Matters, & Privacy of Individuals. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYE: Sheridan, O'Brien, Booker, Eager, and Weaver. NAY: None. ABSENT: None.

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

At 7:04pm, Mr. O'Brien 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." Mrs. Booker seconded. The motion carried, with a roll call vote, of 5-0. AYES: Sheridan, O'Brien, Booker, Eager, & Weaver. NAYS: None. ABSENT: None.

**1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE**

At 7:05pm Chair Sheridan called to order the Regular Meeting of March 20, 2019.  
After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**3 - ADOPTION OF AGENDA**

**MOTION**

Mr. Weaver moved to accept the Agenda, for the March 20, 2019 Regular Meeting of the Board of Supervisors. Mrs. Booker seconded and the Agenda was adopted by a vote of 5-0. AYES: Sheridan, O'Brien, Booker, Eager, and Weaver. NAYS: None. ABSENT: None.

**4 - COUNTY ADMINISTRATOR'S REPORT**

Mr. Nichols reported on the following topics:

- Announcements and Updates
  - Building Inspections Permits Information – available online, changed format
  - ZXR Water and Sewer System Project – website online

## ➤ Upcoming Meetings

Day	Date	Time	Purpose	Location
Wed	Mar 20	4:00 PM 7:00 PM	Budget Work Session Regular Meeting: <b>Set FY20 Budget/CY19 Tax Rates</b>	Courtroom
Wed	Mar 27	7:00 PM	Budget Work Session	Morris Room
Wed	Apr 3	4:00 PM 7:00 PM	Regular Meeting Budget Work Session	Courtroom Morris Room
Wed	Apr 10	7:00 PM	Special Meeting - <b>Public Hearings: FY20 Budget and CY19 Tax Rates</b>	Courtroom
Wed	Apr 17	7:00 PM	Regular Meeting - <b>Adopt: FY20 Budget and CY19 Tax Rates</b>	Courtroom
Wed	Apr 24	7:00 PM	Special Meeting - <b>Alternate Adopt: FY20 Budget and CY19 Tax Rates</b>	Courtroom

**5 - PUBLIC COMMENTS #1**

At 7:10pm Chair Sheridan opened the first round of Public Comments.

- Linda Bernick, 1011 Broken Island Rd, spoke in opposition to the Island Hill subdivision.
- Jay Chronister, 545 Broken Island Rd, spoke in opposition to the Island Hill subdivision.
- Julie Russell, 852 Broken Island Rd, spoke in opposition to the Island Hill subdivision.
- Ginger Slavic, 619 Broken Island Rd, spoke in opposition to the Island Hill subdivision.
- Daniel George, 75 Riverside Dr, spoke in opposition to the Island Hill subdivision.
- Lee Hingle, 227 Broken Island Dr, spoke in opposition to the Island Hill subdivision.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:28pm.

**6 - PUBLIC HEARING**

*SUP 19:01- National Communication Towers* – Holly Steele, Planner, brought forward a request to construct a 199' self-support tower with an enclosed 80' x 90' fence, with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is located in the Fork Union Election District, off of West River Rd. (State Route 6), approximately 0.6 miles northeast of the intersection with Rockfish Run Rd. (State Route 683), within the Rural Preservation Planning Area. In 2012, SUP 12:07 was approved 6-0-0 by Planning Commission on October 24, 2012 subject to 15 conditions and was approved 4-0-0 by Board of Supervisors on November 20, 2012 subject to the same conditions. The previous request was for a 199' tall monopole telecommunications facility and associated ground equipment. The most recent application (SUP 19:01) is for a 198' self-support tower with a one foot lightning rod, therefore making the tower 199'. The only distinction between the two towers is that the previously submitted request was for a monopole and this tower is a lattice. This tower will be used for commercial purposes and will be designed to accommodate a minimum of 4 carriers. Ms. Steele indicated that AT&T has submitted a letter of intent to locate on the tower.

Stephen Gallagher, National Communication Towers representative, responded to questions from the Board, noting that this tower is intended as a hand-off site from the VFW tower, filling in current gaps in coverage.

At 7:46pm, Chair Sheridan opened the Public Hearing.

There being no one wishing to speak, Chair Sheridan closed the Public Hearing.

**MOTION**

Mr. O'Brien moved that the Board of Supervisors approve SUP 19:01 National Communication Towers' request for a Special Use Permit (SUP 19:01) to construct a 199' self-support tower with an enclosed 80' x 90' fence, located on 12.7 acres of Tax Map 39, Section A, Parcel 29 in the Fork Union District, subject to the fifteen (15) conditions listed in the staff report. Mr. Weaver gave second and the motion passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

**Staff Conditions:**

1. The tower structure shall not exceed 199 feet. This does not include antennae, lighting, lightning rods, and other ancillary equipment, subject to FAA regulations.
2. The applicant secures all necessary permits required, and submits structural design and certification by a Virginia Registered Professional Engineer that the proposed facility, as built, will comply with EIA/TIA 222-G for the wind zone for Fluvanna County; Virginia;
3. Completion of the NEPA Report with review comments from the Virginia Department of Environmental Quality prior to the issuance of a Building Permit;
4. The Applicant should submit the Phase 1 Cultural Resource Survey to The Commonwealth of Virginia Department of Historic Resources and receive comments prior to issuance of the Building Permit;
5. The applicant shall secure the necessary permits required by Fluvanna County and VDOT;
6. The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the designed elevations. Space for ground level electronic equipment shall also be provided;
7. The facility when completed shall be accessible only to authorized personnel;
8. The tower shall be a self-support lattice Class III tower;
9. The facility shall meet the landscaping and screening requirements of the Fluvanna County Zoning Ordinance;
10. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;

11. The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers per Section 22-27-9.8 (10) of the Fluvanna County Zoning Ordinance;
12. The tower shall be in the same location as shown in the application;
13. Violation of any condition of this permit shall be grounds for revocation of this permit, and;
14. The Board of Supervisors, or their representative, has the right to inspect the property for compliance with these conditions at any time.
15. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.

## **7 - ACTION MATTERS**

*Public Utilities Director Position Description* – Jessica Rice, HR Manager requested approval of a Public Utilities Director. Currently, the Director of Public Works is responsible for all Public Works and Utilities operations. The specialized nature of water and wastewater services, along with expansion of the County's water supply and service area, warrant the creation of a Public Utilities Department, separate from that of Public Works requiring additional staff. The Director of Public Utilities will manage all functions of the department including land acquisitions and/or engineering- related work, as well as serve as part of the County's management team. The salary range for this position is \$63,780-\$95,669 and will be based upon education, special skills, experience, and PE certification status. Half-year funding is included in the County Administrator's FY20 Budget Proposal with an additional \$43,000 in funding to support the FY20 full-year salary from an unfilled, approved FY18 funded Utilities Operator Trainee position. If the position is approved, recruitment would begin immediately with a planned start date of July 1, 2019.

Following brief discussion,

### **MOTION**

Mrs. Eager moved to approve the new position description, #7500 Director of Public Utilities, Pay Band 23, as presented. On a second by Mrs. Booker, the motion passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

*Fire and Rescue Chief Position Description* – Jessica Rice, HR Manager requested approval of Position # 9400, Fire and Rescue Chief. Mrs. Rice stressed that this request is for approval of the position description and not a request to fill the position. Referencing a requirement to live within 30 minutes of the County Administration Building, Mr. Weaver requested a definitive requirement of distance. Chair Sheridan polled the county Fire Chiefs in attendance; the chiefs agreed with the requirements as presented.

With no further discussion,

### **MOTION**

Mrs. Eager moved to approve the new position description, #9400 Fire and Rescue Chief, Pay Band 22, as presented. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

*Personnel Leave Policy* – Jessica Rice, Human Resources Manager requested an amendment to the existing Personnel Leave Policy. Mrs. Rice noted that the last full review and revision of Personnel Policy, section 2.13 was in 2004. Since 2004, 2 subsections have been added; additionally, the policy was amended when the Virginian Retirement System implemented the Hybrid Retirement Plan. If the proposed changes are adopted, the County will incur more financial liability for employees with more than 15 years of service at the time of separation, owing to the ability to accumulate and bank more annual leave. The changes constitute a full content review, as well as alignment with regulatory changes and current practices. This review and revision encompasses sections 2.13.1- 2.13.7.

Policy Update Summary:

- Title changes from Leaves of Absence to Personnel Leave & Holidays
- Annual and Sick Leave accrual earnings change from completion of full calendar month of employment to full pay period of employment
- Employees with 15-19 years of service can accumulate and carry over 260 hours of annual leave (currently 240 hours)
- Employees with 20 or more years of service can accumulate and carry over 280 hours of annual leave (currently 240 hours)
- Changes vacation leave usage for probationary employees from completion of probation period to 90 days after hire date
- Added: "Employees transferring from Fluvanna County Schools or Fluvanna County Social Services to a County Government position shall retain tenure for the purposes of calculating leave accrual rates and accumulation."
- Medical information pertaining to use of sick leave for illness or injury should be turned into Human Resources (currently given to employee's supervisor)
- Removes sick leave carryover allowance for Hybrid VRS Plan members
- Removed prescriptive disciplinary actions for absence without appropriate leave
- Leave without pay may be granted for... removed courses of study and replaced it with FMLA

MOTION

Mrs. Booker moved to approve the updated County Personnel Policy 2.13, Leave and Holidays. Mr. O'Brien gave second and the motion passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

*TJPDC Spring Regional Housing Summit* – Eric Pollitt, Management Analyst presented a request from the Thomas Jefferson Planning District Commission to sponsor the Spring Regional Summit on April 19, 2019.

Mr. O'Brien, Board representative on the TJPDC, spoke at length about the intent of the Rural Housing Coalition.

MOTION

Mrs. Booker moved the Board of Supervisors approve \$1,000 in support of the Thomas Jefferson Planning District Commission's Regional Housing Summit to be held in April 2019. Mr. O'Brien gave second and the motion passed 3-2. AYE: Sheridan, O'Brien, & Booker. NAY: Eager & Weaver. ABSENT: None.

**8 – PRESENTATIONS**

*VDOT Quarterly Update and Secondary Six Year Plan Overview*—Bethel Keyfalew, Residency Operations Engineer, presented the draft Secondary Six Year Plan and provided an update of VDOT activities in Fluvanna.

*Moody's Rating Agency - Fluvanna 2018 Annual Report*—Eric Dahl, Deputy County Administrator/Finance Director provided a brief overview of the Moody's Rating Agency Issuer Report 2018 for Fluvanna County.

- Moody's Issuer Comment Report:
  - The Issuer Comment Report provides investors with consolidated source of current credit metrics including:
    - Economic
    - Demographic
    - Financial
  - Moody's utilized the County FY18 audited financial statements, government data, and their own databases to produce the report
  - Has been issued annually since 2015
  - Helps keep the County informed of the key credit metrics which underpin our credit profile
- Moody's Credit Overview
  - Our rating remains unchanged at Aa2
  - Fluvanna County's credit position is high quality. Its Aa2 rating matches the US counties median of Aa2.
  - The notable credit factors include a solid financial position, a strong wealth and income profile, and a sizable tax base.
  - It also reflects a mid-ranged pension liability and a sizable debt burden.

*Island Hill Subdivision Briefing* – Jason Stewart, Director of Community Development, & Brad Robinson, Senior Planner provided a comprehensive overview of the Island Hill Subdivision. Mr. Robinson gave a timeline of the project, as well as requirements for rural cluster subdivisions.

Project Information and Timeline:

- Location: Tax Map 18, Section A, Parcel 54
- Acreage: 115.554 acres
- Zoning: A-1, Rural Residential Planning Area
- Project: Proposed rural cluster development, "Island Hill" (SUB 18:48), 49 building lots and 50 dwelling units (one unit in open space)
- Subdivision application received December 3, 2018
- Reviewed by the Technical Review Committee on December 13, 2018
- Reviewed by the Planning Commission on January 8, 2019 and deferred by a vote of 5-0 in order to allow the applicant time to respond to comment and concerns of the Planning Commission
- Reviewed by the Planning Commission on February 12, 2019 and approved by a vote of 5-0
- Applicant now required to submit preliminary and final plats; the process is Administrative from this point forward
- Road plans and profiles must be submitted to VDOT

Mr. Robinson indicated that this subdivision is permitted by right, and as such, a Public Hearing is not a part of the approval process.

Mr. Fred Payne addressed concerns over the steepness of the lots contained in the subdivision and the presence of lots in a floodplain, pointing out that Fluvanna County Subdivision Ordinance does not prohibit building on steep lots or in the floodplain. As established in Section 19-4-5, the County requires consideration be given to the proposed land, but does not forbid building based solely on proximity to floodplain.

Following the explanation of the process by which the Island Hill Subdivision was approved, the Board discussed revisiting the requirements for Rural Cluster Subdivisions and potentially the Subdivision Ordinance, in total.

**9 - CONSENT AGENDA**

The following items were discussed before approval:

*Draper Aden PA # 5 - Senior Affordable Housing – PER—Cyndi Toler, Purchasing Officer*  
*Capital Reserve Maintenance Fund - Courthouse Basement—Dale Critzer, Assistant Director of Public Works*

The following items were approved under the Consent Agenda for March 20, 2019:

*Minutes of February 27, 2019—Kelly Belanger Harris, Clerk to the Board*  
*Minutes of March 6, 2019—Kelly Belanger Harris, Clerk to the Board*  
*Accounts Payable Report – February 2019—Eric M. Dahl, Deputy County Administrator/Finance Director*  
*Ratification of Hiring Salary – Director of Finance – Jessica Rice, HR Manager*  
*Census Awareness Day Proclamation – Kelly Belanger Harris, Clerk to the Board*  
*Draper Aden PA # 3 - Materials Testing and Special Inspections - ZXR WBP Station and WWP Station—Cyndi Toler, Purchasing Officer*  
*Draper Aden PA # 4 - Materials Testing and Special Inspections Services ZXR Elevated Water Storage Tank—Cyndi Toler, Purchasing Officer*  
*Draper Aden PA # 5 - Senior Affordable Housing – PER—Cyndi Toler, Purchasing Officer*  
*Capital Reserve Maintenance Fund - Courthouse Basement—Dale Critzer, Assistant Director of Public Works*  
*Capital Reserve Maintenance Fund - Library Carpeting—Dale Critzer, Assistant Director of Public Works*

**MOTION**

Mr. Weaver moved to approved the consent agenda, for the March 20, 2019 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for February 2019, in the amount of \$2,160,627.86. Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

**10 - UNFINISHED BUSINESS**

*Advertisement of Proposed Fiscal Year 2020 Operations Budget, Tax Rates, & Capital Improvement Plan—Eric Pollitt, Management Analyst*

**MOTION**

Mr. O'Brien moved to defer Advertisement of Proposed Fiscal Year 2020 Operations Budget, Tax Rates, & Capital Improvement Plan rate. On a second by Mrs. Booker, the motion was passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

**11 - NEW BUSINESS**

None.

**12 - PUBLIC COMMENTS #2**

At 9:35pm Chair Sheridan opened the second round of Public Comments.

With no one wishing to speak, Chair Sheridan closed the second round of Public Comments at 9:35pm.

**14 - ADJOURN****MOTION:**

At 9:35pm Mr. O'Brien moved to adjourn the regular meeting of Wednesday, March 20, 2019. Mr. Weaver seconded and the motion carried with a vote of 5-0. AYES: Sheridan, O'Brien, Booker, Eager, & Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

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Kelly Belanger Harris  
Clerk to the Board

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John M. Sheridan  
Chair