

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
April 17, 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 4:08pm Chair Sheridan called to order the Work Session of April 17, 2019.
After the recitation of the Pledge of Allegiance, a moment of silence was observed.

BUDGET DISCUSSION

FY20 Budget Discussion—Steven M. Nichols, County Administrator, Eric Dahl, Deputy County Administrator/
Finance Director, & Eric Pollitt, Management Analyst

- FY20 Employee Health Plan
- FY20 Employee Raise
- FY20 Budget – generally

13 - CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING

At 5:44pm, 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.3, A.5, A.6, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Real Estate, Prospective Industry, Investment of Funds, & Legal Matters. Mrs. Booker 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 7:05pm, 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." Mr. Weaver 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 7:06pm Chair Sheridan called to order the Regular Meeting of April 17, 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 April 17, 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
 - Pleasant Grove Scoreboards have been installed
 - County Roadside Clean-Up - May 6-11
 - Fluvanna County falls under the Virginia Residential Code; only allows us to condemn a structure when it poses an immediate and imminent danger to inhabitants or the public. Virginia Landlord and Tenant Act is State law and governs such issues. In Jan 2018, BOS adopted strengthened County Codes relating to:

- Trash
- Inoperable vehicles
- Derelict structures
- The Board has not adopted:
 - Virginia Property Maintenance Code (VPMC), AKA “Residential Maintenance Code”
 - Rental Inspection District language
 - Spot Blight Abatement Procedure
 - Virginia Statewide Fire Prevention Code (SFPC)
- Joint Planning and BOS Work Session scheduled for June 19th at 4:00 pm
- Columbia Community Meeting – 39 attendees.

➤ Upcoming Meetings

Day	Date	Time	Purpose	Location
Wed	Apr 24	7:00 PM	Special Meeting - Adopt: FY20 Budget/CIP and CY19 Tax Rates	Morris Room
Wed	May 1	4:00 PM	Regular Meeting	Courtroom
Wed	May 15	7:00 PM	Regular Meeting	Courtroom
Wed	Jun 5	4:00 PM	Regular Meeting	Courtroom
Wed	Jun 19	4:00 PM 7:00 PM	Joint Work Session with Planning Commission Regular Meeting	Morris Room Courtroom
Wed	Jul 2	4:00 PM 7:00 PM	Regular Meeting	Courtroom

5 - PUBLIC COMMENTS #1

At 7:15pm Chair Sheridan opened the first round of Public Comments.

- Paul Simms Wright, 5 Barefoot Lane, advocated more opportunities for household hazardous waste disposal.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:18pm.

6 - PUBLIC HEARING

SUP 19-02 Amy and Stephen Beyer—Holly Steele, Planner presented a request for a Special Use Permit to convert an existing building on the property into a low-volume medical clinic, with respect to 3.81 acres of Tax Map 29, Section A, Parcel 89. The property is located off of Thomas Jefferson Pkwy. (State Route 53), approximately 500 feet west of the intersection with Stage Coach Hills Rd (State Route 1010). The parcel is zoned A-1 Agricultural, General, and is located within the Rural Residential Planning Area and the Fork Union Election District. Previous SUP 13:05 was approved 5-0 by the Planning Commission on October 23, 2013, and by the Board of Supervisors on a vote of 5-0 on November 20, 2013; SUP 13:05 was approved with 8 conditions recommended by Staff.

Chair Sheridan invited the applicants, Amy and Stephen Beyer, forward.

Mrs. Booker inquired about the medical credentials of the applicant; Mrs. Beyer indicated that she is a certified Family Nurse Practitioner.

Mr. O'Brien asked Mrs. Beyer the volume of business she expects; Mrs. Beyer responded that she is anticipating a minimal number of patients in the beginning with a future maximum of no more than 20 patients per day.

Chair Sheridan opened the Public Hearing at 7:24pm.

With no wishing to speak, Chair Sheridan closed the Public Hearing at 7:24pm

With no further discussion,

MOTION

Mrs. Eager moved that the Board of Supervisors approve SUP 19:02, a request to convert an existing building into a low-volume medical clinic, with respect to 3.81 acres of Tax Map 29, Section A, Parcel 89, subject to the ten (10) conditions listed in the staff report. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

Staff Conditions:

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The approval of SUP 19:02 will eliminate the use of the building as a florist and any future plans to revert the building back to a florist will require a new Special Use Permit.
3. The site must meet all Virginia Department of Transportation requirements.
4. The site must meet the requirements set forth by the Virginia Department of Health.
5. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
6. Hours of operation shall be between 8:00 am and 6:00 pm Monday through Saturday.
7. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
8. All outdoor storage of materials shall be screened from the view of public roads, rights-of-way, and adjacent properties as required by Sec. 22-24-7 3. iii of the zoning ordinance.

9. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within two (2) years of the date of approval of the special use permit or the SUP approval will expire and require a new SUP.
10. 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.

FY 2020 CIP, Budget, and Tax Rate Public Hearing—Eric Pollitt, Management Analyst presented the FY20 CIP, Budget, and Tax Rates. Mr. Nichols reminded the Board that the figures presented here are the figures advertised ahead of this Public Hearing and that there have been updates to the proposed budget. The proposed budget as advertised:

	Adopted Budget FY19	Proposed Budget FY20	Increase/ (Decrease)	% Change
GOVERNMENTAL				
GOVERNMENTAL REVENUES	\$73,630,704	\$77,092,966	\$3,462,262	4.7%
GOVERNMENTAL EXPENDITURES	\$72,743,486	\$75,783,686	\$3,040,200	4.2%
CAPITAL FUND				
CAPITAL FUND REVENUES*	\$1,960,930	\$3,766,610	\$1,805,680	92.1%
CAPITAL FUND EXPENDITURES	\$2,110,930	\$4,266,610	\$2,155,680	102.1%
ENTERPRISE FUND				
ENTERPRISE REVENUES*	\$1,999,910	\$1,997,703	(\$2,207)	-0.1%
ENTERPRISE EXPENDITURES	\$2,737,128	\$2,806,983	\$69,855	2.6%
GRAND TOTAL REVENUES	\$77,591,544	\$82,857,279	\$5,265,735	6.8%
GRAND TOTAL EXPENDITURES	\$77,591,544	\$82,857,279	\$5,265,735	6.8%

*Revenues are supplemented by transfers from the General Fund

Tax Category	FY19 Adopted	FY20 Proposed
Real Property	\$0.939	\$0.935
Mobile Homes	\$0.939	\$0.935
Personal Property (Residential)	4.35	4.35
Personal Property (Business)	2.90	2.90
Machinery & Tools	1.90	1.90

- With no questions from the Board, Chair Sheridan opened the Public Hearing at 7:27pm.
- Sharon Booye, Troy, petitioned the Board to consider taxation fairness for citizens who do not have children in the public school system.
 - Perrie Johnson, 5930 James Madison Hwy, speaking as a citizen, thanked the Board for their consideration of funding the entire amount requested for the FCPS budget.
 - Brooke O’Neil, 1022 North Boston Rd, advocated for the FCPS budget.
- There being no one else wishing to speak, Chair Sheridan closed the Public Hearing at 7:35pm.

Lease Agreement with Shenandoah Personal Communications —Eric Dahl, Deputy County Administrator/Finance Director requested approval of a lease agreement with Shenandoah Personal Communications to place telecommunications equipment on the “Bremono Bluff” water storage tank, owned by the Fork Union Sanitation District. The agreement would allow for the Tenant to install, maintain and operate the telecommunications equipment, antennas and appurtenances on the Bremono Bluff Water Storage Tank and the specified premises.

- The initial annual lease amount is \$18,000.00.
- The initial term of the agreement shall be for 5 years.
- The agreement allows four (4) additional five (5) year extensions.
- Annual rent for each year shall increase 3%.
- \$18,000.00 in new revenue annually for the Fork Union Sanitary District, owner of the Bremono Bluff Water Storage Tank.

Chair Sheridan opened the Public Hearing at 7:37pm.
With no one wishing to speak, Chair Sheridan closed the Public Hearing.
There being no discussion,

MOTION

Mr. O’Brien moved the Board of Supervisors approve the “Telecommunications Site Deed of Lease Agreement” of County property, on the “Bremono Bluff” Water Storage Tank, with Shenandoah Personal Communications, LLC for the purposes to install, maintain and operate the telecommunications equipment, antennas and appurtenances laid out in the agreement, for an initial annual amount of \$18,000.00, and further authorize the County Administrator to execute the agreement subject to approval as to form by the County Attorney. On a second by Mrs. Booker, the motion passed 5-0. AYE: Sheridan, O’Brien, Booker, Eager, & Weaver. NAY: None. ABSENT: None.

7 - ACTION MATTERS

Columbia Wastewater System Preliminary Engineering Report (PER) – Cyndi Toler, Purchasing Officer requested approval of a budget transfer from FY19 BOS Contingency to the FY19 CIP. The former Town of Columbia was disestablished by the State Legislature, effective July 1, 2016. Since then the Columbia area has fallen directly under the jurisdiction of the County of Fluvanna. Problems with raw sewage discharges have been evident for some number of years. Currently, raw sewage is present on the south side of Route 6 near the old Post Office building. The source of the sewage has not been identified and no solutions have been developed despite many meetings with local, state, and non-profit organizations. This wastewater system Preliminary Engineering Report (PER) will help address the immediate concern of a leaking sewer pipe that is along Route 6, as well as to identify options for an upgraded wastewater collection and treatment system in accordance with current State standards. This proposal requests an approximately \$40,000 reduction in FY19 BOS Contingency funds. Mrs. Toler noted that this is a request for the funding of the project, and is not requesting approval of the contract at this time.

MOTION

Mrs. Booker moved to approve the Columbia Wastewater System Preliminary Engineering Report (PER) Proposal from RK&K and authorize the transfer of \$39,699.00 from FY19 BOS Contingency to FY19 CIP. Mr. O'Brien gave second and the motion passed 5-0. AYE: Sheridan, O'Brien, Booker, Eager, & Weaver NAY: None. ABSENT: None.

7A – APPOINTMENTS

None.

8 – PRESENTATIONS

VDOT Secondary Six Year Plan Overview—Bethel Keyfalew, Residency Operations Engineer & Darryll Shifflett, VDOT Program Management Specialist, presented the draft Secondary Six Year Plan in advance of a Public Hearing to be held May 15, 2019.

Concerns raised by the Board included:

- Payne's Mill Rd deteriorating shoulder conditions
- Sight distance at the southern end of the intersection of Joshua Lane and South Boston Rd.
- Columbia properties; VDOT right-of-way
- Stop sign and ditch at Rt. 250/Payne's Mill Road

CVEC Broadband Project Update - Galen Creekmore, Key Accounts and Member Engagement Representative, CVEC, provided a comprehensive update on the Rural Broadband Initiative. Mr. Creekmore provided the following statistics:

- CVEC began providing electric service in the area in the late 1930's
- 108 CVEC employees & 11 Firefly employees - Palmyra Office will headquarter Firefly Fiber Broadband
- CVEC relies on contracting with local businesses
- \$775,557.67 paid in taxes to Fluvanna County for 2017
- CVEC serves 8,970 homes in Fluvanna County
- Serving 220 square miles in the County
- Central Virginia Electric Cooperative's service territory covers 76% of Fluvanna County
- System Wide Fiber Network Will Provide:
 - Improved Reliability
 - Savings on Power Supply
 - Smart Grid Applications
 - Internet Service
- Rural Broadband Project in Fluvanna
 - 8,970 total homes and businesses passed
 - 1,711 homes and businesses passed in Zion and Columbia Substation Build
 - \$27 million + estimated project investment in Fluvanna County
- What's Next in County
 - Columbia VATI grant successful- \$641,967
 - The funding is not available now in FY19, but is available for FY20
 - We are still eligible to apply for future grants for underserved areas in FY20
 - A total of 6 CVEC substations serve Fluvanna County
 - Columbia
 - Cunningham
 - Ferncliff
 - Henson's Store
 - Kidds Store
 - Zions
 - Substations listed alphabetically, not necessarily in order of completion

Solar Tax Exemption Discussion—Jason Stewart, Director of Community Development briefed the Board on potential Solar Tax Exemption.

Current Code:

- Solar equipment is exempt from the value being included in real estate property improvements as per our Code (Section 20-9-2)
 - “Owners of real estate in Fluvanna County to which is attached certified solar energy equipment, facilities or devices are hereby granted an exemption from taxation on such certified solar energy equipment, facilities or devices, subject to the limitations and conditions prescribed by this article and by state law.”
- Potential Changes to Code:
 - Finance Department could issue a “one-time” payment of \$300, \$400, etc. (whatever level the BOS set for solar incentives) to the owner of record and attach to the affected address identified on the building permit.
- Process to Enact Changes to Code
 - After adopting a code amendment, Fluvanna would issue payments once per year for all qualifying properties (During the month of January)
 - Incentives would be authorized for a minimum improvement value of not less than \$2,500 (most residential installations are far more expensive than that)
 - Any incentive would be implemented to align with the selected date as per bullet 1 (Month of January)
 - Building Official would issue building permits for any solar improvements and perform final inspections of completed work
 - A list of all final solar inspections (Jan 1 – Dec 31) to be provided to the Finance Department to issue payment
- Payment vs. Exoneration
 - Payment
 - Check issued by Finance Department with funds available
 - No impact on mortgage company escrow accounts
 - No impact on Tax Relief recipients (some homeowners real estate (RE) tax bill may be less than incentive)
 - Exoneration
 - Unable to exonerate something that isn’t being taxed
 - Incentive may be larger than RE tax bill on the solar improvements.
 - Mortgage companies may adjust escrow accounts in subsequent years
- Current Permitting Numbers

2019 (To Date)	CY 2018
32	19
- Next Steps
 - Determine an amount for exemption
 - Determine effective date exemption takes place
 - Legal/County staff will prepare a draft ordinance
 - Advertise for Public Hearing

Following discussion, the Board directed staff to begin the process of drafting solar tax “refund” ordinance language for Board discussion and consideration.

9 - CONSENT AGENDA

The following items were discussed before approval:

Minutes of March 20, 2019—Kelly Belanger Harris, Clerk to the Board

Account Payable Report, March 2019—Eric Dahl, Deputy County Administrator/Finance Director

The following items were approved under the Consent Agenda for April 17, 2019:

Minutes of March 13, 2019—Kelly Belanger Harris, Clerk to the Board

Minutes of March 20, 2019—Kelly Belanger Harris, Clerk to the Board

Minutes of March 27, 2019—Kelly Belanger Harris, Clerk to the Board

Account Payable Report, March 2019—Eric Dahl, Deputy County Administrator/Finance Director

Children’s Services Act FY 20 Provider Agreement—Bryan Moeller, CSA Coordinator

MOTION

Mr. Weaver moved to approved the consent agenda, for the April 17, 2019 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for March 2019, in the amount of \$2,214,501.07.

Mrs. Booker seconded and the motion passed 5-0. AYE: Sheridan, O’Brien, Booker, Eager, & Weaver.

NAY: None. ABSENT: None.

10 - UNFINISHED BUSINESS

None.

11 - NEW BUSINESS

Authorization to advertise VDOT SSYP Public Hearing—Steven M. Nichols, County Administrator requested authorization to advertise a Public Hearing for the VDOT SSYP Public Hearing.

MOTION

Mrs. Eager moved the Board of Supervisors authorize staff to advertise for a public hearing regarding the Virginia Department of Transportation Secondary Six Year Plan. On a second by Mr. Weaver, the motion passed 5-0. AYE: Sheridan, O’Brien, Eager, & Weaver. NAY: None. ABSENT: None.

12 - PUBLIC COMMENTS #2

At 8:30pm Chair Sheridan opened the second round of Public Comments.

- Haden Parrish, 1409 Main Street, High School College Advisor/AmeriCorps Member, invited the Board to Fluvanna County Decision Day 2019, May 1, 2019.

With no one wishing to speak, Chair Sheridan closed the second round of Public Comments at 8:35pm.

14 - ADJOURN

MOTION:

At 8:35pm Mr. Weaver moved to adjourn the regular meeting of Wednesday, April 17, 2019. Mrs. Booker 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

Kelly Belanger Harris
Clerk to the Board

John M. Sheridan
Chair