

FLUVANNA COUNTY JOINT PLANNING COMMISSION, AND BOARD OF SUPERVISORS  
WORK SESSION MEETING MINUTES  
FLUVANNA COUNTY CIRCUIT COURT ROOM  
June 19, 2019  
4:00 p.m. WORK SESSION

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Ed Zimmer, Vice Chairman  
Lewis Johnson  
Gequetta “G” Murray-Key  
Howard Lagomarsino

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

**ALSO PRESENT:** Eric Dahl, DCA/Interim Director of Community  
Development Steven M. Nichols, County Administrator  
Brad Robinson, Senior Planner  
Holly Steele, Planner  
Fred Payne, County Attorney  
Valencia Porter, Senior Program Support Assistant  
Caitlin Solis, Clerk for the Board of Supervisors

**ABSENT:** None

1. **Open the Regular Meeting:**  
At 4:00p.m., Chairman Sheridan called to order Work Session, followed by the Pledge of Allegiance and a moment of silence.  
  
At 4:02p.m., Chairman Bibb called to order June 19, 2019 Work Session with the Board of Supervisors into order
2. **Introduction of the Property Maintenance, Fire Protection Code, and Business License:-**  
– Eric Dahl, DCA/Interim Director of Community Development

**Section 1—2018 County Code Updates**

Chapters:	Topics	Covers
5	BUILDINGS	Removal, Repair and Securing of Dangerous Buildings and Other Structures
10	GARBAGE, REFUSE AND WASTE	Trash, Garbage, Solid Waste, and Tires
15	MOTOR VEHICLES AND TRAFFIC	Abandoned and Inoperable Vehicles

**2019 Violation Breakdown (Jan-Apr)**

- Thru April 2019—43 violations
- All of 2018 – 44 violations

- This increase can be attributed to the following:
  - County Code amendments addressing trash/garbage on private property, solid waste/tires, inoperable vehicles, and abandoned vehicles.
  - Violations of the new ordinance were the most common violations in 2018 and so far in 2019.
  - Additionally, changes in the way that violations are administered has impacted the number of violations

Type of Violation	Number of Violations
Junkyard/ Junk/ Debris/ Trash	22
Inoperable Vehicles	8
SDP/ ZMP/ SUP/ ESC Violations	10
Nosie and Lighting	1
Camping	1
Setback Encroachment	1
<b>Total:</b>	<b>43</b>

**Section 2—Construction and Maintenance Issues**

**Virginia Uniform Statewide Building Code (USBC)**

- **Comprised of three parts known as:**
  - Part I—Virginia Construction Code (for commercial construction)
    - Included “Virginia Residential Code” (for residential construction)
    - **Currently applicable**
  - Part II—Virginia Existing Building Code (incorporates the Rehabilitation Code)
    - **Currently applicable**
  - Part III—Virginia Maintenance Code
    - **Not adopted by Fluvanna**

**Virginia Construction and Existing Building Codes:**

- **Part I- Virginia Construction Code**
  - Currently adopted and applied to all new structures, commercial and residential.
- **Part II—Virginia Existing Building Code**
  - The Virginia Existing Building Code contains optional regulations specific to the rehabilitation of existing buildings that may be used as an acceptable alternative to the [Virginia Construction Code](#).
  - Virginia Existing Building Code purpose:
    - Facilitate the rehabilitation of vacant, substandard or unsafe residential and commercial structures.
    - The general assembly declared that applying the Virginia Construction code to existing buildings in need of rehabilitation lead to the imposition of costly and time consuming requirement that result in a significant reduction in the amount of rehabilitation being done.

**Part III—Virginia Maintenance Code:**

- Provides regulations to protect occupants of existing buildings and structures from health and safety hazards arising from the improper maintenance and use of those buildings and structures.
  - Any local government may enforce the Virginia Maintenance Code and may assign enforcement responsibility to a local agency of its choice.
  - Cannot go beyond the VMC or sections, including rental inspection district.
- Localities can enforce on a complaint basis or can be pro-active by doing periodic inspections such as all apartments, hotels, or a geographical area.

- The process can be used to deal with unsafe buildings and demolition, including the appeals process by the owner. Also covers liens against the property/owner where the locality takes action to make safe or demolish a building

#### **Farm Use Building Code Requirements**

- Determine if structure truly meets Farm Use exemption
  - What is the primary use?
- If so, structure is exempt from code and no building permits required
- Frequent questions/ concerns beginning to arise
  - “Event Centers/Uses” spaces are “annoying” rural neighbors
  - How does any of this affect underlying land use status?
  - Why do these rural businesses get to pay less for public safety (e.g., sprinklers or other building code requirements) than similar urban businesses pay?

#### **Sport Blight Abatement Process:**

Used to allow the locality to repair or acquire any property that is deemed blighted.

Process:

1. The designee for the County (most likely the Building Official) shall make a preliminary determination that a property is blighted.
  - A. Send notice to owner why it has been determined as blighted.
  - B. Owner has 30 days to respond
2. If owners fail to respond in the 30 day period the county designee can request the property be declared as blighted by the local governing body. In this case that would be the county Board of Supervisors.
3. The county can then effect repairs and recover the costs from the owner. The county would have a lien on the property

#### **VBV Virginia Statewide Fire Prevention Code (SFPC)**

- **The SFPC prescribes regulations affecting or relating to maintenance of structures, processes and premises and safeguards to be complied with for the protection of life and property from the hazards of fire and explosion and for the handling, storage and use of fireworks, explosives or blasting agents, and provides for the administration and enforcement of such regulations.**
- **The Board of Housing and Community Development and the Virginia Fire Services Board, through a cooperative agreement, adopt and the SFPC.**
  - Technical requirements of the SFPC based on nationally recognized model codes and standards.
- **Enforcement of the SFPC is at the option of the local governments.**
  - The State Fire Marshal’s Office (<https://www.vafire.com/state-fire-marshals-office/>) has the authority to enforce the SFPC in those localities in which there is no local enforcement.
  - Fees may be charged by both the local enforcing agencies and the State Fire Marshal’s Office
- **The SFPC contains enforcement procedures that must be used by the enforcing agency.**
- **Local governments have authority to have fire prevention regulations more restrictive or more extensive in scope than the SFPC, provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure**

#### **Section 3—Goals**

##### **Options to Help Achieve the Goals:**

- Adopt the Virginia Maintenance Code

- Provides an option to resolve conflict with between tenants and landlords (and neighbors)
- Consistently apply Farm Use Exemption definitions
  - What is the primary use?
- Adopt the Statewide Fire Prevention Code
  - Safety for first responders, employees, and residents
- Adopt a Business License Fee requirement
  - Helps businesses be aware of and comply with local ordinances on the front end of their venture
- Implement a Zoning Compliance Certificate
  - For change of use or new uses regardless of it being a new construction
  - Must have Business License Fee for this to work??
- Require a Building Occupancy Permit
  - For brick & mortar and home-based businesses to ensure building code compliance/verification is a component of application

## **Discussion and Direction**

### **1. Business License Information**

- Process for Starting a New Business in Fluvanna
  - Community Development
  - VDOT
  - Commissioner of the Revenue
  - Clerk of the Court
  - State Corporation Commission (SCC)

### **2. Current Business Tracking Practices**

- Commissioner of the Revenue enters new businesses into real estate, BPP, and M&T tax rolls, as appropriate, when a new business is identified by:
  - COR staff research (e.g., site visits, local paper, social media, etc
  - Economic Development, Planning, Zoning, and Building Inspection action notifications
  - Work of mouth
  - Zoning complaints, etc.,

## **Questions, comments, and Concerns:**

**Mr. Lagomarsino:** I am the Fire Official for Albemarle County. You would have to adopt the fire code, apply to the pollution control board, then get your ordinance approved, it has to meet DEQ regulations, which have to deal with the admissions, which is natural products.

**Mr. Zoll:** You can always put in an ordinance that you can or you can't burn trash as long as there are people who go around picking up trash.

**Mr. Lagomarsino:** Yes you can burn land clearing debris in Albemarle

**Mr. Nichols:** We have people call from all over asking how/ where do I apply for a business license in Fluvanna, and the answer is NO, but the ladies downstairs in Planning and Zoning, building inspections, clerk's offices, and here in my office get calls all day every day.

**Mr. Nichols:** This happens all the time that businesses come and go and we don't know anything about them. If you want a business than they would need to apply with building, planning, health department, VDOT, and it can be a check list to make it safer for the business and public.

**Mrs. Murray-Key:** Has fire and rescue ever went on a call and been surprised what has been found?

**Chief Mike Brent:** Yes, once a person put in the license permit, a person can decide that they could put in the building whatever they want one day, and the next decide on something different, we don't know that it's in the building until after we get there and get surprise on what is on fire.

**Addison Mitchell:** I just want thank you for all of what you've done down in Columbia. It's going in such a good direction and it's just wonderful.

**Mr. Johnson:** I really see the positive direction for Columbia. It's really has come a long way for the whole county.

**Doug Wiley:** Any help that you can provide down Columbia is wonderful. Since things have improved there are a lot more people who can buy nice property now.

**Chairman Sheridan:** Everybody is entitled to their own opinion

**Mrs. Murray-Key:** I think that the people of the county wouldn't think that the ones who they trust (the board members) to put things in order is here today trying to make a decision on whether or not to have a structure license or to have something in black and white on paper to where they can have rules and regulations on file. Also we need to think that if the folks here wants to do business here, that they would need something in which require business and public safety. I think that the public will be upset to know that this isn't already in place.

**Chairman Sheridan:** The first thing we need to talk about is communication with all of us. There are going to be things that happen that we can't prevent. Public just didn't know a lot of different things. Road blocks which that goes back to communication. That's to make sure all businesses is on record. I think we definitely need to adopt something, I think we have to go into this with bits and pieces, because we are not going to throw it at everybody all at once. Let's chop it to make it fit us. We going to talk about the things we learn about today that need to be settle in our programs. Fire code, all the codes, maintenance code, state wide, and all the other items.

**Ms. Booker:** What are the advantages and disadvantages of not agreeing with the business license? Just so I can learn why

**ADJOURN:**

Chairman Sheridan adjourned the Joint Work Session at 5:50p.m

Chairman Bibb adjourned the Planning Commission Joint Work Session meeting of June 19, 2019 at 5:50p.m.

Minutes recorded by Valencia Porter, Senior Program Support Assistant.

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**Barry A. Bibb, Chairman**  
**Fluvanna County Planning Commission**