

**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room**  
**August 1, 2018**  
**Regular Meeting 4:00pm**

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

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

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

At 4:02pm Chair Sheridan, called to order the Regular Meeting of August 1, 2018.  
After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**3 - ADOPTION OF AGENDA**

Mrs. Booker moved to accept the Agenda, for the August 1, 2018 Regular Meeting of the Board of Supervisors. Mr. Weaver seconded and the Agenda was adopted by a vote of 5-0. AYES: Sheridan, Booker, Eager, O’Brien, and Weaver. NAYS: None. ABSENT: None.

**4 - COUNTY ADMINISTRATOR’S REPORT**

Mr. Nichols reported on the following topics:

- Community and County Staff Recognitions
  - Finance Department awarded the Government Finance Officers’ Association “FY17 Certificate of Achievement for Excellence in Financial Reporting”
  - Fluvanna County High School is one of only 24 high schools in the state to have won the annual “Claudia Dodson Sportsmanship, Ethics and Integrity Award” from the Virginia High School League (VHSL)
  - Roberta I. Harlowe of Fluvanna County has received the 2018 Electric Cooperative Leadership Award from the Virginia, Maryland & Delaware Association of Electric Cooperatives (VMDAEC). The Association’s highest honor recognizes outstanding co-op leaders within the three-state region and was presented July 23, 2018. Ms. Harlowe has served on the CVEC Board of Directors since 1983.
- Spotlight on Business – Northland Forest Products
- Upcoming Community Events
- August 4, 2018
  - Columbia Community Work Day
  - Grand Opening, Farm Heritage Museum
- Announcements and Updates
  - New AC System at Sheriff’s Office - New unit is more efficient than the old one, but larger. Needs to be larger because of added load from additional new E911 & radio systems equipment. Trane is assessing the manufacturer’s info on the unit to let us know about any potential contract effects (likely positive). Also assessing the replacement HVAC system in the records room.
  - Fluvanna County Library is hosting the next TJPDC Board Meeting - Thursday, August 2nd at 7:00 pm
  - Old Carysbrook Maintenance Garage Demolition - Budget - \$40,000 - Project awarded to CD Hall Construction - \$37,500
  - New Employee Onboard – Eric Pollitt, Management Analyst
- Upcoming Meetings

| Day | Date   | Time    | Purpose             | Location  |
|-----|--------|---------|---------------------|-----------|
| Wed | Aug 15 | 7:00 PM | BOS Regular Meeting | Courtroom |
| Wed | Sep 5  | 4:00 PM | BOS Regular Meeting | Courtroom |
| Wed | Sep 19 | 7:00 PM | BOS Regular Meeting | Courtroom |

**5 - PUBLIC COMMENTS #1**

At 4:14pm Chair Sheridan opened the first round of Public Comments.

- Carolyn Talley, Palmyra District, spoke in favor of Rudy Garcia for appointment to the Economic Development Authority.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 4:16pm.

**6 - PUBLIC HEARING**

None.

**7 - ACTION MATTERS**

*County Meals Tax Referendum* – Jason Smith, Community & Economic Development Director requested that the Board authorize staff to prepare an ordinance to be considered by referendum in the November 2018 Election. Mr. Smith provided background and information on meals taxes in Virginia, by noting the following:

- It is a tax on food and beverages sold for immediate human consumption,
  - By public or private restaurants, dining rooms, grills, coffee shops, cafes, snack bars, lunch counters, bakeries, ice cream shops, lunch wagons or trucks, bars, lounges, or other similar establishments.
- Grocery stores and convenience stores will only be taxed on the portion of the store selling prepared foods for immediate human consumption
- It can be levied only if it is approved in a referendum within the county
  - Virginia law requires Counties to obtain voter approval through a referendum before the Board of Supervisors can vote to have a Meals Tax, although cities and towns in Virginia may adopt a meals tax without holding a referendum
- Most surrounding localities have a Meals Tax (most 4%)
  - All 38 cities, 110 towns, 47 of the 95 counties
    - Counties: Louisa, Orange, Albemarle, Greene, Nelson, Madison, and Spotsylvania
    - Cities: Charlottesville, Lynchburg, Waynesboro, Staunton and Richmond
    - Towns: Scottsville, Louisa, Mineral, Madison, Culpeper, Orange, Gordonsville, Farmville, and Appomattox
- Projected Revenue: +\$300K to 600K annually

Mr. Smith reported that the County cost of implementation would be minimal as there are currently 21 food establishments that would be subject to the meals tax. Businesses would be responsible for submitting monthly tax form to Treasurer's Office.

Chair Sheridan asked if there would be sufficient time between the November referendum and the proposed implementation of January 1, 2019. Mr. Smith spoke of a robust campaign to educate voters about the meals tax.

The Board engaged in general discussion on the merits of proposing a meals tax, implementation concerns, and potential revenue.

Rudy Garcia, President of the Fluvanna Chamber of Commerce, speaking on behalf of the Chamber, noted that the Chamber is generally not opposed to a meals tax, but was concerned that any such tax hold the vendors harmless.

Mel Sheridan, Commissioner of the Revenue, speaking on behalf of the Commissioner's Office, noted that the time between vote and implementation is a small window. Mr. Sheridan also expressed concern about the increased workload that would impact his office.

Mr. O'Brien suggested setting the tax rate at 3%.

**MOTION**

As moved by Mrs. Eager, Be it resolved that the Board direct the staff to prepare an ordinance imposing a tax on meals pursuant to Virginia Code Section 58.1-3833 and to submit to the Circuit Court a request that the Court order a referendum in support of the adoption of such ordinance. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*FY19 County Attorney Agreement* – Steve Nichols, County Administrator presented the FY19 County Attorney Agreement for continuing services providing by Mr. Fred Payne and associates.

With no discussion,

**MOTION**

Mr. O'Brien moved to approve the County Attorney's Compensation Agreement for services for Fiscal Year 2019, effective July 1, 2018. On a second by Mr. Weaver the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

*Palmyra Area Revitalization Committee (PARC) Charter* – Steve Nichols, County Administrator proposed the creation of the Palmyra Area Revitalization Committee (PARC) inspired by the research and suggestions made members of the Fluvanna Leadership Development Program (FLDP.)

Following brief discussion,

MOTION

Mrs. Eager moved to approve the Palmyra Area Revitalization Committee (PARC) Charter, as presented. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

*FY18 BOS Contingency Budget Transfer – County Attorney* – Eric Dahl, Deputy County Administrator/Finance Director requested a budget transfer to cover the County Attorney legal services overage costs.

After brief discussion,

MOTION

Mr. O’Brien moved the Board of Supervisors approve a budget transfer of \$12,122 from the FY18 BOS Contingency budget and \$4,370 from the FY18 Personnel Contingency budget for a total of \$16,492 to the FY18 County Attorney budget for legal services. Mrs. Eager gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

*Resolution Recognizing Fluvanna Volunteer Fire and Rescue Organizations for Purposes of Eligibility for Line of Duty Act (LODA) Benefits* – Eric Dahl, Deputy County Administrator/Finance Director requested the Board adopt a resolution that would allow Fluvanna Volunteer Fire and Rescue organizations and individuals to receive Line of Duty Act (LODA) Benefits. Mr. Dahl noted that:

- The Virginia Line of Duty Act (LODA), established in Title 9.1 of the Code of Virginia and enacted in 1972, provides benefits to eligible family members of eligible employees and volunteers killed in the line of duty and to those eligible employees and volunteers disabled in the line of duty and their eligible family members.
- The Virginia Retirement System makes all eligibility determinations for LODA benefits and also issues benefit payments on behalf of LODA Fund participating employers
- The Virginia Retirement System is in the process of updating their records for LODA.
- In doing so, they realized that they do not have a copy of Fluvanna County’s Ordinance, or Board Resolution, recognizing your Volunteer Fire Department(s)/Volunteer Rescue Squad(s) as an integral part of the official safety program for your county.
- Through a search of county records and previous BOS meetings, staff could not find a resolution or ordinance that had been previously approved.
- In order to have members of these departments covered under the Line of Duty Act, the code requires a resolution or ordinance recognizing these departments as an integral part of the official safety program of such locality.

With no discussion,

MOTION

Mrs. Booker moved to approve the resolution entitled, “A RESOLUTION RECOGNIZING FLUVANNA VOLUNTEER FIRE AND RESCUE ORGANIZATIONS FOR PURPOSES OF ELIGIBILITY FOR THE LINE OF DUTY ACT (LODA) BENEFITS.” Mrs. Eager gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

**7A - APPOINTMENTS**

*Board, Commission, and Committee Appointments* – Steven M. Nichols, County Administrator presented that slate of candidates for the stated Boards and Commissions.

With no discussion,

MOTION

Mr. O’Brien moved the Board of Supervisors approve the following Board, Commission, or Committee appointment(s) with terms as stated by staff:

| Board/Commission/Committee          | Appointees              | Begins Term | Ends Term    |
|-------------------------------------|-------------------------|-------------|--------------|
| Economic Development Authority      | Rudy Garcia             | Jul 1, 2018 | Jun 30, 2022 |
| Region Ten Community Services Board | Nadia Manifold-Anderson | Immediately | Jun 30, 2019 |

Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

**8 - PRESENTATIONS**

*VDOT Quarterly Report*—Alan Saunders, PE, VDOT Louisa Residency gave a brief update on VDOT activities in Fluvanna County. Mr. Saunders indicated that SMARTSCALE applications are due August 8.

Mr. Saunders also reported on the following projects:

- Route 53 Safety improvements at Route 618, Roundabout

- Route 680 – Rural Rustic
- Route 629 Bridge Replacement
- Route 600-618 Intersection Improvements
- Route 759 Bridge Replacement

*CVEC Rural Broadband Project Collaboration*—Jason Smith, Community and Economic Development Director presented an overview of the CVEC Rural Broadband Project.

Mr. Smith reported:

- CVEC needs fiber for their operations
- Will provide members with broadband service option
- And fiber access to other businesses and organizations
- 5 year project
- \$110 million CVEC investment
- ~\$20-25 million in Fluvanna County
- CVEC will install and own fiber on their electric poles
- Underground where other facilities underground
- All 8,600 Fluvanna accounts will have option for service within ~5 years

Expected CVEC Services and Pricing

- Two Broadband Options
  - 100 mbps service - \$49.99/month
  - 1 gigabit per second - \$79.99/month
- Router and managed service (included)
- Telephone Service
  - Unlimited local and long distance - \$29.99/month
- \$100 Installation fee
  - Waived if signup during area build

Mr. Smith noted that CVEC is seeking funding from all sources: local, state, & federal.

When addressing concerns for Fluvanna involvement, Mr. Smith highlighted the following:

- The project will accelerate expansion of internet access and capacity for residents and businesses that have no access or need better/faster options
- “Mom & Pop” shops and home-based businesses will be able to expand their market reach across the Commonwealth, the country, and even the world.
- There will be improved internet access to education and health care offerings for Fluvanna residents who are otherwise forced to travel for educational courses and medical treatment
- The project will enable businesses like graphic design, website design, and other online creative industries to experience new life in Fluvanna County’s rural settings while competing on the same level as urban-based companies
- May increase real estate values and marketability in areas with little or no access
- Fast and affordable internet options can increase community engagement
- Speeds receipt of increased tax revenue from new CVEC construction
- Guarantees new jobs in Fluvanna County

Mr. Gary Wood, CEO of CVEC was invited forward and thanked the Board for the support for this project and indicated his excitement about bringing broadband to the underserved areas of Fluvanna County.

## **9 - CONSENT AGENDA**

The following items were discussed before approval:

*Minutes of May 16, 2018*—Kelly Belanger Harris, Clerk to the Board

The following items were approved under the Consent Agenda for August 1, 2018:

*Minutes of May 16, 2018*—Kelly Belanger Harris, Clerk to the Board

*Minutes of June 20, 2018*—Kelly Belanger Harris, Clerk to the Board

*Minutes of July 11, 2018*—Kelly Belanger Harris, Clerk to the Board

*Position Description Updates*—Jessica Rice, HR Manager

*SmartScale Round 3 Applications*—Jason Stewart, Planning/Zoning Administrator

*Closed Landfill Environmental Monitoring Programs*—Cyndi Toler, Purchasing Officer

### **MOTION**

Mr. Weaver moved to approved the consent agenda, for the August 1, 2018 Board of Supervisors meeting. Mr. O’Brien seconded and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O’Brien, & Weaver. NAY: None. ABSENT: None.

## **10 - UNFINISHED BUSINESS**

None.

## **11 - NEW BUSINESS**

None.

**12 - PUBLIC COMMENTS #2**

At 5:37pm 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 5:37pm.

**13 - CLOSED MEETING****MOTION TO ENTER INTO A CLOSED MEETING**

At 5:37pm, 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.3, A.6, A.8, & A.19 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Real Estate, Investment of Funds, Legal Matters, & Public Safety. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYE: Sheridan, Booker, Eager, O'Brien, and Weaver. NAY: None. ABSENT: None.

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

At 6:53pm, 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, Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: None.

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

At 6:55pm Mr. Weaver moved to adjourn the regular meeting of Wednesday, August 1, 2018. Mrs. Booker seconded and the motion carried with a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, & 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



**BOARD OF SUPERVISORS**  
County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 13-2018**

**A RESOLUTION RECOGNIZING FLUVANNA VOLUNTEER FIRE AND RESCUE ORGANIZATIONS FOR PURPOSES OF ELIGIBILITY FOR THE LINE OF DUTY ACT (LODA) BENEFITS**

**WHEREAS**, The County of Fluvanna wishes to comply with the State Code 9.1-400 recognizing such fire company or department or rescue squad as an integral part of the official safety program; and

**WHEREAS**, the County of Fluvanna recognizes three organizations, namely Fluvanna County Volunteer Fire Department, Inc., Fluvanna Rescue Squad, Inc. and Lake Monticello Volunteer Fire Department And Rescue Squad, Inc.; and

**WHEREAS**, the Board of Supervisors, the governing body of the County of Fluvanna, have for many years recognized the existence of all three volunteer organizations but have never formally adopted a resolution; and

**WHEREAS**, for such fire company or department or rescue squad to be eligible for benefits of the “Line of Duty Act” a resolution must be approved by the governing body; and

**NOW, THEREFORE, BE IT RESOLVED**, the Fluvanna County Board of Supervisors voted to recognize the aforementioned fire company or department or rescue squad as emergency responders for the citizens of Fluvanna County; and

**BE IT FURTHER RESOLVED** that the County of Fluvanna acknowledges the important contribution made by the members of each fire company or department or rescue squad to the County and wishes to make available the benefits of the “Line of Duty Act”.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Board of Supervisors at the Regular Meeting of the Board held on the 1st day of August, 2018;

| Supervisor                            | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|---------------------------------------|-----|-----|---------|--------|--------|--------|
| Mozell H. Booker, Fork Union District |     |     |         |        |        |        |
| Patricia B. Eager, Palmyra District   |     |     |         |        |        |        |
| Anthony P. O’Brien, Rivanna District  |     |     |         |        |        |        |
| John M. Sheridan, Columbia District   |     |     |         |        |        |        |
| Donald W. Weaver, Cunningham District |     |     |         |        |        |        |

ATTEST:

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John M. Sheridan, Chair  
Fluvanna County Board of Supervisors



**BOARD OF SUPERVISORS**  
County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 14-2018**

**A RESOLUTION SUPPORTING THE SUBMISSION OF SMARTSCALE APPLICATIONS REQUESTING TRANSPORTATION FUNDING**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held at 7:00 p.m. on Wednesday, August 1, 2018 in Palmyra, Virginia, the following action was taken:

**WHEREAS**, during its 2014 session, the Virginia General Assembly enacted legislation in the form of House Bill 2 (SmartScale) which established new criteria for the allocation of transportation funding for projects within the state; and

**WHEREAS**, for the FY2020 application period this Board ranked the following projects for submission:

- 1. Turkeysag Trail (Route 1015) and Route 53 Intersection (intersection improvements)
- 2. Bybees Church Road (Route 613) and Route 15 Intersection (safety improvements)
- 3. Troy Road (Route 631) and Route 15 Intersection (safety improvements)
- 4. Troy Road (Route 631) and Route 250 Intersection (intersection improvements)

**WHEREAS**, proposed improvements will be a benefit to the county in the areas of public safety, traffic flow, and economic development; and

**WHEREAS**, these projects, if approved, will be fully funded by the Virginia Department of Transportation; and

**WHEREAS**, a resolution of support from the Fluvanna County Board of Supervisors is recommended for application.

**NOW, THEREFORE, BE IT RESOLVED** that this Board hereby supports the SmartScale applications submitted by county staff for the above mentioned project.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 1<sup>st</sup> day of August 1, 2018, by the following vote:

| SUPERVISOR                            | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|---------------------------------------|-----|-----|---------|--------|--------|--------|
| Mozell H. Booker, Fork Union District |     |     |         |        |        |        |
| Patricia B. Eager, Palmyra District   |     |     |         |        |        |        |
| Anthony P. O’Brien, Rivanna District  |     |     |         |        |        |        |
| John M. Sheridan, Columbia District   |     |     |         |        |        |        |
| Donald W. Weaver, Cunningham District |     |     |         |        |        |        |

ATTEST:

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John M. Sheridan, Chairman  
Fluvanna County Board of Supervisors