

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
October 18, 2023
Work Session 5:00pm
Regular Meeting 7:00pm**

MEMBERS PRESENT: Mozell Booker, Fork Union District, Chair
 Patricia Eager, Palmyra District, Vice Chair
 John M. (Mike) Sheridan, Columbia District
 Tony O’Brien, Rivanna District (*entered the meeting at 5:25pm*)
 Chris Fairchild, Cunningham District

ABSENT: None.

ALSO PRESENT: Eric M. Dahl, County Administrator
 Kelly Harris, Assistant County Administrator
 Dan Whitten, County Attorney
 Caitlin Solis, Clerk for the Board of Supervisors
 Barry Bibb, Chair
 Howard Lagomarsino, Vice Chair
 Mike Goad, Commissioner
 Bree Key, Commissioner
 Lorretta Johnson-Morgan, Commissioner

WORK SESSION – CALL TO ORDER

At 5:00pm, Chair Booker called to order the Work Session of October 18, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

SOLAR PROJECTS INFORMATIONAL DISCUSSION

Lane Gunn - Chairman, South Central Virginia Business Alliance and Project Manager, Red Oak Excavating and Skyler Zunk, CEO, Energy Right and Chair, Virginia Solar Energy Development and Energy Storage Authority answered questions from the Board of Supervisors and the Planning Commission and discussed topics including:

- Construction sequencing
- Erosion & siltation control
- Viable slopes and gradients to ensure proper vegetation
- Traffic control and logistic plans that can be implemented to ensure safety on the roads
- Realistic setbacks to aid to reduce seeing the project
- Realistic setbacks from rivers or blue line streams and property lines
- Economic attributes to not only the County but also local businesses
- Safety concerns, available training, and equipment
- Possible availability in providing fiber optic high-speed internet in these areas
- Provide real world experience and unbiased knowledge of these projects and others like them

RECESS FOR DINNER AND CLOSED SESSION

13 - CLOSED MEETING

MOTION:	At 6:35pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Legal Matters – Fluvanna Rescue Squad, Inc.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 7:04pm, move 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.”
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MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

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

At 7:05pm, Chair Booker called to order the Regular Meeting of October 18, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- Mr. Dahl asked to add A Resolution Authorizing the County Administrator to Sign Necessary Documents for Deed of Gift for Real Property from Fluvanna Rescue Squad, Inc. to New Business.

MOTION:	Accept the Agenda, for the October 18, 2023 Regular Meeting of the Board of Supervisors, as amended.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

4 - COUNTY ADMINISTRATOR'S REPORT

Mr. Dahl reported on the following topics:

Happy Birthday Mr. Sheridan!

- October 26th

Coffee & Conversation with the County – Lake Monticello Area

- Saturday October 21, 2023
- 10:00am to 1:00pm
- Lake Monticello VFR, Maple Room 10 Slice Rd, Palmyra

LOVE Sign at Pleasant Grove Park

- This is a Silver Award project that has almost been completed by Eliza Inskeep of Fluvanna Girl Scout Troop 1106. She is a current 9th grader at FCHS.
- The project started in late April 2023 and final completion is expected by the middle of November 2023.
 - Letters are made of 8" x 8" post.
 - Still to do: touch up painting and minor landscaping.
- The total cost for this project is \$2,258.62 and came from the existing Parks and Recreation's budget.
- The project was submitted to and approved for the Virginia Tourism Authority's LOVE Creation Reimbursement Fund Agreement. The total possible for reimbursement is \$1,500.00.
- Thanks to Dean and Sophie Lackey, Chrystan Bunch, the Inskeep Family, and Parks and Recreation's staff for the assistance with getting the LOVE sign area ready and the sign set!

2023 Annual Halloween Festival

- Saturday, October 28, 2023
- 6:30-8:30pm at Pleasant Grove Park
- Come by and walk the Semi-Scary Haunted Trail and visit the Trunk or Treat

Next BOS Meetings

Day	Date	Time	Purpose	Location
Sat	Oct 21	10:00 AM	Coffee and Conversation - Lake Monticello Area	LMVFR Maple Room
Wed	Nov 1	5:00 PM	Regular Meeting	Performing Arts Center
Wed	Nov 15	7:00 PM	Regular Meeting	Performing Arts Center
Wed	Dec 6	5:00 PM	Regular Meeting	Performing Arts Center

5 - PUBLIC COMMENTS #1

At 7:11pm, Chair Booker opened the first round of Public Comments.

- James Kelly, 363 Manor Blvd, updated the Board on a motion passed by the School Board by a vote of 4-0, to ask the Board to use carryover funds to help fund upcoming CIP projects.

With no one else wishing to speak, Chair Booker closed the first round of Public Comments at 7:17pm.

6 - PUBLIC HEARING

Public Hearing to Quitclaim Property to the Fluvanna Historical Society – Dan Whitten, County Attorney

The Free Hill Cemetery is located within the former Town of Columbia and was the burial ground for many local residents. The property was conveyed from David Ross to five trustees by deed dated September 9, 1805. The charter of the Town of Columbia was revoked by Act of the General Assembly in 2016, and all public property of the former Town reverted by operation of law to Fluvanna County including any interest in the subject property. The records of the Commissioner of Revenue list the property in the name of the Columbia Baptist Church. However, the County desires to execute a quitclaim deed which will deed any right, title and interest that County has in the property to the Fluvanna County Historical Society. Virginia Code Section 15.2-953 authorizes gifts of real property from the County to non-profit organizations. Virginia Code Section 15.2-1800 authorizes the County to dispose of any interest in real property after a properly advertised public hearing. The Fluvanna County Historical Society can then quitclaim the property to the Columbia Baptist Church.

- Tricia Johnson, Director of the Historical Society, thanked the Board of Supervisors and gave them an update. The Fluvanna Historical Society will be helping the Columbia Baptist Church apply for grants once the church is the recorded owner of the cemetery. The Historical Society also performed ground penetrating radar on the site and discovered many graves that were not marked.

At 7:25pm, Chair Booker opened the Public Hearing.

- Loretta Johnson Morgan, 18 Lake Rd, Thanked the Board of Supervisors on behalf of the Columbia Baptist Church members.

With no one else wishing to speak, Chair Booker closed the Public Hearing at 7:25pm.

MOTION:	Approve a resolution to quitclaim property identified as Tax Map Numbers 54A-1 Lots 37, 38, 53 and 54 to the Fluvanna County Historical Society.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:			Motion		Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Public Hearing to Amend the County Code to Enact §§ 20-12-1, 20-12-2 and 20-12-3 to Authorize a Revenue Share of \$1400 per Megawatt for Solar Energy Projects and Energy Storage Systems – Dan Whitten, County Attorney

- The ordinance would authorize a revenue share of \$1400 per megawatt for solar energy projects and energy storage systems
- The rate shall be increased by ten percent on July 1, 2026, and every five years thereafter by ten percent.
- Applies to all solar photovoltaic (electric energy) generation facilities except those described in § 56-594, 56-594.01, 56-594.02 or 56-594.2;
- Does not apply to any solar photovoltaic (electric energy) project or energy storage system for which an application was filed with the County and approved by the County prior to the adoption date of this ordinance.

At 7:32pm, Chair Booker opened the Public Hearing. With no one wishing to speak, Chair Booker closed the Public Hearing at 7:32pm.

MOTION:	Amend the County Code to enact §§ 20-12-1, 20-12-2 and 20-12-3 to authorize a revenue share of \$1400 per megawatt for solar energy projects and energy storage systems.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:			Motion	Second	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Public Hearing for an Ordinance to Authorize the Collection of a Five Percent Transient Occupancy Tax – Dan Whitten, County Attorney

- Currently there is a not a transient occupancy tax in the County.
- Virginia Code § 58.1-3819 authorizes Fluvanna County to levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.
- The tax shall be imposed on the total price paid by the customer for the use or possession of the room or space occupied in a retail sale.
- Any excess from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

- The Accommodations Intermediary or Accommodations Provider will collect the tax and remit the tax to the County.
- The Accommodations Intermediary must submit the property addresses and gross receipts on a monthly basis.

At 7:36pm, Chair Booker opened the Public Hearing.

- Paul Beyer, Fork Union, spoke in opposition to the Ordinance to Authorize the Collection of a Five Percent Transient Occupancy Tax.

With no one else wishing to speak, Chair Booker closed the Public Hearing at 7:40pm.

MOTION:	Amend the County Code to enact §§ 20-11-1 through 20-11-10 to authorize the collection of a five percent transient occupancy tax.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

7 - ACTION MATTERS

Constitutional Officer Pay Policy – Dan Whitten, County Attorney

Prior to January 18, 2017, the County did not have a policy in place to address the starting salaries of newly elected Constitutional Officers. The Board of Supervisors adopted Personnel Policy 2.8.6 Constitutional Officer Pay on January 18, 2017. After discussion by the Board of Supervisors, it is the recommendation that the policy be amended regarding the starting salary for an interim constitutional officer to ensure the minimum salary is at least their current salary. The amendment also allows for the Board to consider the education, experience, special skills, certifications or proficiency in related former roles for a higher starting salary above the minimum amount set by the General Assembly.

MOTION:	Approve the amendment to Section 2.8.6 of the Personnel Policies regarding the salary for an appointed interim Constitutional Officer.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:			Motion	Second	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

7A – BOARDS AND COMMISSIONS

MOTION:	Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s):				
BOARD/COMMISSION/COMMITTEE	APPOINTEES		APPT/ REAPPT	BEGINS TERM	ENDS TERM
Monticello Area Community Action Agency (MACAA) – Fluvanna Citizen Representative	Austin Baker		Reappt	11/1/2023	10/31/2025
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

8 – PRESENTATIONS

None.

9 - CONSENT AGENDA

The following items were discussed before approval:

H - FY24 Pay Rates and Classifications – an error was corrected before being approved.

The following items were approved under the Consent Agenda for October 18, 2023:

- *Minutes of October 4, 2023* – Caitlin Solis, Clerk to the Board
- *Memorandum of Understanding to Join Jefferson Area Drug Enforcement Task Force* – Dan Whitten, County Attorney
- *FY24 Pay Rates and Classifications* – Donna Snow, Director of Human Resources
- *Accounts Payable Report for September* – Theresa McAllister, Management Analyst
- *Approval of Open Space Agreement for Walter D. Brown* – Andrew M. Sheridan, Jr., Commissioner of the Revenue

- *Approval of Open Space Agreement for Benjamin Ryan Chunn and Amanda Lee-Anne Chunn* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Holly Renee Dobson and Janssen Michael Dobson* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Robert A. Gunnell Jr* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Edward Hudson and Brenda Hudson* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Jeffrey Lynn Johnson II* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Ginger Smith Johnson* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Travis Rittenhouse and Stacey Rittenhouse* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Troy A. Wright and Dawn M. Wright* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *FY24 FCPS Grants Supplemental Appropriation* – Brenda Gilliam, Executive Director for Instruction and Finance
- *FY24 FCPS Grants Supplemental Appropriation* – Brenda Gilliam, Executive Director for Instruction and Finance
- *FY23 FCPS ERATE Supplemental Appropriation* – Brenda Gilliam, Executive Director for Instruction and Finance

MOTION:	Approve the consent agenda, for the October 18, 2023 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for September 2023, in the amount of \$4,570,864.73.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

10 - UNFINISHED BUSINESS

- Mr. Fairchild spoke in support of the decision of the Board to stop allowing public participation through Zoom due to inappropriate content being shared by unknown users during meetings.

11 - NEW BUSINESS

A Resolution Authorizing the County Administrator to Sign Necessary Documents for Deed of Gift for Real Property from Fluvanna Rescue Squad, Inc. – Eric Dahl, County Administrator

MOTION:	Approve "A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN NECESSARY DOCUMENTS FOR DEED OF GIFT FOR REAL PROPERTY FROM FLUVANNA RESUE SQUAD, INC." for the use by the Fluvanna County Department of Emergency Services.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:		Second			Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

12 - PUBLIC COMMENTS #2

At 8:15pm, Chair Booker opened the second round of Public Comments.

- James Schoenster, 843 Jefferson Dr, asked the Board to explore options to allow public participation during meetings.

With no one else wishing to speak, Chair Booker closed the second round of Public Comments at 8:16pm.

14 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, October 18, 2023 at 8:17pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

Mozell H. Booker
Chair



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia

RESOLUTION No. 32-2023

A RESOLUTION AUTHORIZING A QUITCLAIM DEED OF GIFT FROM THE COUNTY OF FLUVANNA TO THE FLUVANNA COUNTY HISTORICAL SOCIETY, INC. FOR TAX PARCEL NOS.: 54A-1-37, 54A-1-38, 54A-1-53, 54A-1-54

WHEREAS, the Board of Supervisors desires to execute a quitclaim deed of gift from the County to the Fluvanna County Historical Society, Inc. for Tax Parcel Nos.: 54A-1-37, 54A-1-38, 54A-1-53, 54A-1-54; and

WHEREAS, the Fluvanna County Historical Society, Inc. desires to accept the quitclaim deed of gift.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Fluvanna County does hereby authorize the County Administrator to sign all necessary paperwork required for the quitclaim deed of gift to the Fluvanna County Historical Society, Inc. for Tax Parcel Nos.: 54A-1-37, 54A-1-38, 54A-1-53, 54A-1-54

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 18th day of October, 2023:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District	X					
Patricia B. Eager, Palmyra District	X					
Christopher Fairchild, Cunningham District	X				X	
Anthony P. O'Brien, Rivanna District	X					X
John M. Sheridan, Columbia District	X					

Attest:

 Mozell H. Booker, Chair
 Fluvanna County Board of Supervisors



BOARD OF SUPERVISORS

County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 33-2023

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN NECESSARY DOCUMENTS FOR DEED OF GIFT FOR REAL PROPERTY FROM FLUVANNA RESCUE SQUAD, INC.

WHEREAS, Fluvanna Rescue Squad, Inc. approved transferring the following real property (“Property”) by a deed of gift (“Deed of Gift”) to Fluvanna County (“County”) for use by the Fluvanna County Department of Emergency Services: Property identified as Tax Map Number 22 A 66C and located at 4652 Cedar Lane Road, Kents Store, Virginia; and

WHEREAS, the Fluvanna Rescue Squad, Inc. voted to transfer the Property to the County by Deed of Gift at its meeting held on September 20, 2023; and

WHEREAS, the County is authorized under Virginia Code Section 15.2-1803 to accept the conveyance of Property by Deed of Gift; and

WHEREAS, the Board of Supervisors approved a resolution on September 20, 2023 to accept the conveyance of Property by Deed of Gift; and

WHEREAS, the Board of Supervisors desires to authorize the County Administrator to sign all necessary documents to complete the transfer of the Property.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Fluvanna County that the County authorizes the County Administrator to sign all necessary documents for the conveyance of the Property by Deed of Gift from the Fluvanna Rescue Squad, Inc. to the County for the use by the Fluvanna County Department of Emergency Services.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 18th day of October 2023:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District	X					
Patricia B. Eager, Palmyra District	X					
Christopher Fairchild, Cunningham District	X					
Anthony P. O’Brien, Rivanna District	X				X	
John M. Sheridan, Columbia District	X					X

Attest:

Mozell H. Booker, Chair
Fluvanna County Board of Supervisors