

FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Carysbrook Performing Arts Center  
8880 James Madison Hwy, Fork Union, VA 23055  
February 21, 2024  
Budget Work Session 5:00pm  
Regular Meeting 6:00pm

**MEMBERS PRESENT:** Chris Fairchild, Cunningham District  
Mike Goad, Fork Union District  
Timothy M. Hodge, Palmyra District  
Tony O’Brien, Rivanna District (*entered meeting at 5:11pm*)  
John M. (Mike) Sheridan, Columbia 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

**BUDGET WORK SESSION**

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

At 5:01pm, Chair Fairchild called to order the Budget Work Session of February 21, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

*Capital Improvement Plan (CIP) Review* – Eric Dahl, County Administrator  
Aaron Spitzer – \$75,000 for two concrete slabs, and \$180,000 for athletic field fencing at Pleasant Grove and Carysbrook.  
Calvin Hickman – requested additional funds to improve the entrance to the Convenience Center, and Historic Courthouse repairs.  
Debbie Smith – \$150,000 generator for the Community Center to be able to open in case of severe weather.  
Sheriff Hess – requested multiple vehicles and equipment.  
Bobby Popowicz – requested pipeline repair at Carysbrook School and Social Services buildings.  
Jim True – requested funding for updated cardiac monitors, Lucas devices, and McGrath devices.  
John Iye, FRA President – requested additional funding for two fire engines and a replacement car for Chief Constantino, Andrew Pullen, Kents Store Chief, requested a brush truck.  
Peter Gretz – requested additional funding for Open Gate metal detectors, FCHS track and turf replacement, FCMS track resurfacing, and a few buses.

**14 - CLOSED MEETING**

MOTION:	At 6:20pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – Employees of the Finance Department.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 6:39 pm, 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.”				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	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 6:40pm, Chair Fairchild called to order the Regular Meeting of February 21, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

MOTION:	Accept the Agenda, for the February 21, 2024 Regular Meeting of the Board of Supervisors, as amended.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	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:

Announcements and Updates - New Employees

- Nancy Wilk, Public Works Department, Administrative Program Specialist, Started February 12<sup>th</sup>
- Paula Franklin, DSS, Human Services Assistant III, Started February 20<sup>th</sup>
- Becky Wiseman, Clerk of the Circuit Court Office, Deputy Clerk II, Started February 20<sup>th</sup>

Small Business Administration Grant update:

- Dan Fellows, Business Advisor will be available to Fork Union Businesses for one on one confidential assistance and expert advising free of charge.

Virginia Master Naturalist Award Recognition

- The 2023 Virginia Master Naturalist volunteer of the year is Walter Hussey.

Next BOS Meetings

Day	Date	Time	Purpose	Location
Thu	Feb 29	5:30 PM	BOS Budget Work Session - County Agency Briefs and Constitutional Officer Briefs	Morris Room
Wed	Mar 6	5:00 PM	Regular Meeting	Performing Arts Center
Wed	Mar 6	7:00 PM	Budget Work Session – FCPS FY25 Adopted Budget Presentation	Performing Arts Center
Wed	Mar 13	5:30 PM	BOS Budget Work Session	Morris Room

5 - PUBLIC COMMENTS #1

At 6:49pm, Chair Fairchild opened the first round of Public Comments.

- Andrew Pullen, Columbia District, thanked the Board for hiring Mr. True, and complimented the job he’s done, and suggested making him a director and put off hiring a Fire Chief. Mr. Pullen requested providing part-time EMS posted in Kents Store.
- Chris Bacca, thanked Calvin Hickman and his crew for installing the refrigerators in the new MACAA Food Pantry.

With no one else wishing to speak, Chair Fairchild closed the first round of Public Comments at 6:53pm.

6 – 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
Jefferson Area Board for Aging (JABA) Board of Directors - Citizen Representative		Christopher L. Baca, Sr.	Appt	03/01/2024	02/28/2026
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

7 – PRESENTATIONS

Utility-Scale Solar Energy Farm Ordinance in Appomattox County – Dan Whitten, County Attorney and Eric Dahl, County Administrator gave the Board of Supervisors an overview of the utility scale solar energy farm in Appomattox County.

- On October 17, 2022, the Appomattox County Board of Supervisors approved an ordinance to remove “Utility-Scale Solar Energy Farm (Large Scale)” as a conditional use in the Agricultural Zoning District.
- The Ordinance also increased the setbacks to 100 feet from the edge of any stream, creek, pond, lake or wetland for solar panel arrays and battery storage facilities.
- In addition, the ordinance increased the landscape buffers to 100 feet for solar panel arrays and battery storage facilities.

Mr. Whitten also discussed Senate Bill 697 - Solar and energy facilities; local regulation.

- The substitute bill passed the Senate and the relevant language is as follows:  
“No local ordinance shall include (i) limits on the total amount, density, or size of any ground-mounted solar facility or energy storage facility until such time that the total area under panels within the locality exceeds four percent of the total area within the locality.”
- After some discussion the Board directed staff to bring back a couple of agenda items on the next agenda.

MOTION:	Direct staff to bring back a draft ordinance that has utility scale solar limited to I-1 zoning and does not grandfather current applicants, at the March 6, 2024 meeting for consideration by the Board.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	No	No
RESULT:	3-2				

MOTION:	Direct staff to bring back a resolution for the Planning Commission to consider a Text Amendment to address solar ordinance buffers and setbacks.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	No	Yes
RESULT:	4-1				

8 - ACTION MATTERS

*FY24 CIP Additional Funding Request for Car 1 and Car 30* – Tori Melton, Director of Finance & Dwayne Mayo, County Fire Chief

In the approved FY22 CIP Budget, \$74,500 was approved for Car 1 (Fluvanna Fire Chief) and in the approved CIP for FY23 \$86,000 was approved for Car 30 (Kents Store).

Fiscal Year	Vehicle	Amount Approved	Cost	Amount Added from Other Sources	Add'l Funding Needed
2022	Car 1	\$74,500.00	\$110,241.00	\$30,000.00	\$5,741.00
2023	Car 30	\$86,000.00	\$110,241.00	\$0.00	\$24,241.00
				Total	\$29,982.00

The current lowest Unit Cost is \$110,241 per vehicle. Chief 1 will include \$30,000 from the Chiefs budget to help offset some of the cost but would require additional funding of \$29,982 from the Board to purchase both vehicles.

MOTION:	Approve additional funding for the FY23 CIP Car 1 and Car 30 in the amount of \$29,982, with funding to come from BOS Contingency.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

*Authorization to Advertise for a Public Hearing to Amend Section 20-1-2.1 And to Enact Section 20-1-7 Of the County Code to Give the Treasurer Discretion for Application of Tax Payments When There is a Payment Arrangement* – Dan Whitten, County Attorney

Virginia Code Section 58.1-3916 states that the penalty for failure to pay a tax shall not exceed 10 percent of the tax past due on such property or \$10, whichever is greater, provided that the penalty shall in no case exceed the amount of the tax assessable. The proposed amendment to section 20-1-2.1 would add required language and strike optional language that states in the case of delinquent tangible personal property tax more than 30 days past due, the penalty shall be 25 percent of the tax past due on such tangible personal property.

Virginia Code Section 58.1-3913 states that unless otherwise provided by the Board of Supervisors, any payment of taxes shall be credited first against the most delinquent amount. The proposed section 20-1-7 of the County Code would give discretion to the Treasurer for the application of tax payments when there is a payment arrangement. Therefore, if the ordinance is approved the Treasurer could credit the payment to the recent amount due if there is a payment arrangement.

MOTION:	Advertise the amendments to the County Code to amend Section 20-1-2.1 and to enact Section 20-1-7 for a public hearing to be held March 20, 2024.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Virginia Tourism Corporation Marketing Leverage Grant Program – Jennifer Schmack, Director of Economic Development

Grant funds will be used to continue the Find Fluvanna branding and marketing campaign focusing tourism outreach efforts on visitors looking for a relaxing daytrip featuring agribusinesses, art, history, outdoor recreation, and rural scenes.

- This grant requires a 1:1 match for an award up to \$20,000
  - \$7,500 - current proposed FY25 Economic Development Budget
  - \$4,000 - partner contribution from Arts of Fluvanna
  - \$8,500 - current Find Fluvanna campaign

MOTION:	Approve an application for the Virginia Tourism Corporation’s Marketing Leverage Grant Program for \$40,000 to support the Find Fluvanna tourism marketing campaign.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Motion		Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

9 - PUBLIC HEARING

None.

10 - CONSENT AGENDA

The following items were discussed before approval:

The following items were approved under the Consent Agenda for February 21, 2024:

- Minutes of February 7, 2024 – Caitlin Solis, Clerk to the Board
- Professional Engineering & Architectural Services Term Contract- MFTA Architecture, PLLC – Dan Whitten, County Attorney
- Professional Engineering Services for Carysbrook Waterline Project – Dan Whitten, County Attorney
- Virginia Department of Environmental Quality Local Government Guarantee – Tori Melton, Director of Finance
- One-time grant from Thomas I Crowell Trust – Tori Melton, Director of Finance
- CRMF - Carysbrook Playground Repairs – Don Stribling, FCPS Executive Director
- CRMF – Central Elementary School Replacement Doors – Don Stribling, FCPS Executive Director
- CRMF - Fluvanna County High School Chiller Open and Close Vane Switches – Don Stribling, FCPS Executive Director
- CRMF - Registrar SIEM and GRC Server – Andy Notman, Director of Information Technology

MOTION:	Approve the consent agenda, for the February 21, 2024 Board of Supervisors meeting.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

11 - UNFINISHED BUSINESS

None.

12 - NEW BUSINESS

None.

13 - PUBLIC COMMENTS #2

At 8:04pm, Chair Fairchild opened the second round of Public Comments.

- Jason Sweeny, 3456 James Madison Hwy, commented on the SB629 and solar issues.
- Mario Kuhar, 3247 West River Rd, commented on the use of solar and wind power.
- Jeff Potter, 474 Covered Bridge Rd, thanked the Board for approving the gap funding for the Kents Store Fire vehicle. And requested bringing back online participation from the public.

With no one else wishing to speak, Chair Fairchild closed the second round of Public Comments at 5:23pm.

- Mr. Hodge asked if the IT department to look into secure ways to allow public participation via Zoom.

15 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, February 21, 2024 at 8:16pm.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	No	Yes	Yes	Yes	Yes
RESULT:	4-1				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Caitlin Solis  
Clerk to the Board

\_\_\_\_\_  
Christopher S. Fairchild  
Chair