

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
March 20, 2024
Budget Work Session 5:00pm
Regular Meeting 6:00pm**

MEMBERS PRESENT: Chris Fairchild, Cunningham District, Chair
John M. (Mike) Sheridan, Columbia District, Vice Chair
(entered meeting at 5:06pm)
Mike Goad, Fork Union District
Timothy M. Hodge, Palmyra District
Tony O’Brien, Rivanna District *(entered meeting at 5:04pm)*

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

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

At 5:00pm, Chair Fairchild called to order the Budget Work Session of March 20, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

BUDGET WORK SESSION

Budget Discussion

Eric Dahl, County Administrator, in response to questions and queries from the Board, presented FY25 Budget options. The Commissioner of the Revenue’s Office came back with lower Personal Property Values creating a \$369,000 decrease in revenue and \$2,100 deficit in the overall budget. The Board discussion included health insurance options as well as the possible implementation of a meals tax. After much discussion the Board agreed to advertise a rate of .844 per \$100 on Real Estate.

14 - CLOSED MEETING

MOTION:	At 5:57pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.5, A.7 & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – employees of the Public Works Department, Prospective Industry – prospective business updates, in the Columbia, Cunningham, and Fork Union Districts; Litigation – Gate Plaza; Legal Matters – collection of delinquent taxes, and Chamber of Commerce Agreement.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 6:41pm, 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:			Second	Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

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

At 6:41pm, Chair Fairchild called to order the Regular Meeting of March 20, 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 March 20, 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

- Michael Carey, E911, Communications Officer, Started March 18th

ROAD CLOSURE - VDOT will be closing a portion of Rt 15, James Madison Highway, for pipe replacement.

- The area of pipe replacement is located near Lions Club Baseball Park, Rt 15/8246 James Madison Highway & Rte 672, Carys Creek Road.
- Work will begin on/around 7pm March 24th and is anticipated to be completed on/around March 26th.
- This will be a continuous 24-hour operation until completed.
- Signs and message boards will be in place for detour.

Fluvanna County Parks and Recreation Presents the 2024 Annual EASTER EGG HUNT at Pleasant Grove Park

- FREE! Ages 12 and Younger, 10am Saturday, March 30, 2024, Please Arrive Early! Hunt Promptly Begins at 10 am! Hunt ends when the last egg is found. Please Bring Your Own Basket.

Next BOS Meetings

Day	Date	Time	Purpose	Location
Wed	Mar 27	5:30 PM	BOS Budget Work Session – TBD	Morris Room
Wed	Apr 3	5:00 PM	Regular Meeting	Performing Arts Center
Wed	Apr 3	7:00 PM	BOS Budget Work Session – TBD	Performing Arts Center

5 - PUBLIC COMMENTS #1

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

- Curtis Putnam, 16408 James Madison Hwy, spoke in support of solar.
- James Kelly, 363 Manor Blvd, thanked the Board for their work setting the budget, and invited the Board to visit the infrastructure at the schools.
- Suzy Morris, 6840 Thomas Jefferson Pkwy, spoke in opposition of solar.

With no one else wishing to speak, Chair Fairchild closed the first round of Public Comments at 7:01pm.

6 – BOARDS AND COMMISSIONS

None.

7 – PRESENTATIONS

None.

9 - PUBLIC HEARING

Public hearing to amend Sections 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1 and 22-22-1 and to Enact 22-17-20 of the County Code to Authorize the short-term rental of residential dwellings by-right in the A-1, R-1, R-2, R-3 and R-4 Zoning Districts subject to supplemental regulations – Dan Whitten, County Attorney

Short-term rental defined as “the provision of a room or space that is suitable or intended for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy” (Va. Code§15.2-983). The most well-known platforms are Airbnb, VRBO and HomeAway that connect property owners with guests for short stays.

Senate Bill 544 has been approved by the House and Senate and is awaiting the Governor’s signature. The bill, which is effective July 1, 2024, states that localities can’t require a special use permit for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence. Accordingly, short-term rentals of townhouses and duplexes are also a by-right use if occupied by the owner.

Regulating Short-term rentals through Zoning

- County can also regulate the short-term rental through land use and zoning authority (Va. Code§15.2-2285).

- Proposed Ordinance makes the short-term rental of a residential dwelling a by-right use in Agricultural and Residential Zoning Districts: A-1, R-1, R-2, R-3 and R-4
- Definition of Short-term rental of residential dwelling: A residential dwelling that is rented for compensation for periods of less than 30 days. See § 22-17-20 for supplementary regulations pertaining to the short-term rental of a residential dwelling.

Short term rental proposed supplemental regulations

- Owners shall pay an application fee and submit the application to the Community Development Department.
- Owners must provide contact information for the owner and/or authorized property manager to the Community Development Department.
- Any parcel with multiple, detached single-family dwellings may only have one Short-term rental use per ten acres of land.
- Townhouse dwellings, single-family attached dwellings and two-family dwellings must be legally occupied by the property owner as his primary residence in order to be used as a Short-term rental.
- The Short-term rental may not take place in an accessory apartment or accessory structure.
- There shall be no visible evidence of the conduct of such Short-term rental of dwelling activity other than one nonilluminated identification sign. Maximum sign area: four square feet.
- Owners shall require guests to comply with the Fluvanna County Noise Ordinance (Chapter 15.2).
- Outdoor burning, not within a designated firepit, and use of fireworks by guests shall be prohibited.
- Owners must comply with all Virginia Department of Health regulations.
- The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Fluvanna County Health Department. Occupancy shall be restricted to two persons per lawful bedroom.
- Parking for the dwelling shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited off-site or in yards.
- Property boundaries, or limitations within the property’s boundaries where guests are allowed, must be clearly marked at all times.
- The dwelling shall comply with all applicable state building code, fire, health and safety regulations.
- A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; and a carbon monoxide detector must be installed on each floor in every dwelling and in any attached garage.
- The Owner shall register the Short-term rental of the dwelling with the Commissioner of Revenue.
- The regulations are not intended to limit the restrictions of an owner’s association.
- Owners unable to meet all of the above requirements shall be prohibited from operation of the Short-term rental of dwelling.

At 7:19pm, Chair Fairchild opened the Public Hearing.

- Barbara Haynes, 784 Thomas Jefferson Pkwy, spoke in support of section 22-17-20 of the county code, with some suggested changes.

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

- After some discussion, the Board agreed to lower the required acreage to 5 acres from 10 acres; and agreed to strike not allowing accessory dwellings such as pool houses and garage apartments etc.

MOTION:	Finding that the proposed zoning ordinance amendment is appropriate for public necessity, convenience, and general welfare and is good zoning practice, I move that the Board of Supervisors approve the amendments to the County Code to amend Sections 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1 and 22-22-1 and to enact 22-17-20, with amendments to section B, changing from 10 to 5 acres, section I, changing the word persons to adults, and completely striking section D as listed.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Motion		Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Public hearing to amend Sections 22-9-2.2, 22-10-4, 22-11-2.2, and 22-12-2.2 of the County Code to Make a Clerical Correction that Minor Scale Solar Generation Facilities are Allowed by Special Use Permit in the B-1, B-C, I-1 and I-2 zoning districts – Dan Whitten, County Attorney

The Fluvanna County Zoning Ordinance was amended on September 15, 2021 to authorize Small scale solar generation facilities as a by-right use in the A-1, R-1, R-2, R-3, R-4, B-1, B-C, I-1, I-2, and MHP zoning districts. The ordinance mistakenly also authorized Small Scale solar generation facilities by special use permit in the B-1, B-C, I-1 and I-2 zoning districts.

The proposed ordinance amendment would instead allow Minor scale solar generation facilities by special use permit in the B-1, B-C, I-1 and I-2 zoning district which was the original intent of the ordinance approved in 2021.

A minor scale solar generation facility is defined in Section 22-22-1 of the Zoning Ordinance as “An on-site solar energy conversion system producing less than 2 MW of electricity. Minor scale solar energy conversion systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may also include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures.”

A small-scale solar generation facility is defined in Section 22-22-1 of the Zoning Ordinance as “An on-site solar energy conversion system producing not more than 15 kW of electricity. Small scale solar energy systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures.”

At 7:45pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 7:46pm.

MOTION:	Finding that the proposed zoning ordinance amendment is appropriate for public necessity, convenience, and general welfare and is good zoning practice, I move that the Board of Supervisors approve the amendments to Sections 22-9-2.2, 22-10-4, 22-11-2.2, and 22-12-2.2 of the County Code.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Public hearing to amend Section 20-1-2.1 and to enact Section 20-1-7 of the County Code to strike optional penalty language and to give the Treasurer discretion for application of tax payments when there is a payment arrangement – Dan Whitten, County Attorney

Amendment to Section 20-1-2.1

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. Staff discovered that on September 16, 2020, the Board approved an amendment to section 20-1-2.1 that struck 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. The amendment was never codified but will now be sent to Municode. The proposed amendment to Section 20-1-2.1 will now just add language that the penalty shall in no case exceed the amount of the tax assessable.

Amendment to 20-1-7

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. This would allow the taxpayer to pay the current amount due without incurring penalty and interest.

At 7:50pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 7:50pm.

MOTION:	Approve the amendments to the County Code to amend Section 20-1-2.1 and to enact Section 20-1-7.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

8 - ACTION MATTERS

Advertisement of Proposed Fiscal Year 2025 Operations Budget, Tax Rates, & Capital Improvement Plan – Tori Melton, Finance Director

- During the Budget Work Session, the Board of Supervisors agreed to advertise the amounts and tax rates listed below. Approving the authorization to advertise will allow adequate time to meet the advertising deadline for the Fluvanna Review on March 22, 2024 for publication on March 28, 2024 and April 4, 2024, per Virginia Code Section 15.2-2506.

MOTION:	Authorize staff to advertise the FY25 Budget, Tax Rates, and Capital Improvement Plan (CIP) for a public hearing on April 10, 2024; the proposed budget amount for FY25 is \$109,232,910				
	The advertised tax rates are as follows: Real Property \$.844 per \$100 Mobile Homes \$.844 per \$100 Personal Property (Residential) \$ 4.10 per \$100 Personal Property (Business & Public Utilities) \$ 2.90 per \$100 Machinery and Tools \$ 1.90 per \$100				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O'Brien	Mr. Sheridan
ACTION:			Motion		Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Authorization to Advertise for a public hearing to enact Section 20-1-8 of the County Code to exempt from taxation certain classes of tangible personal property – Dan Whitten, County Attorney

Virginia Code Section 58.1-3504

Section 58.1-3504 of the Virginia Code gives optional authority to localities to exempt from taxation certain classes of household goods and personal effects. The Commissioner of Revenue has already been exempting such classes of property for over 20 years. An ordinance has not been previously adopted by the Board of Supervisors.

Virginia Code Section 58.1-3505

Section 58.1-3505 of the Virginia Code gives optional authority to localities to exempt from taxation certain classes of farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery, implements or equipment. The Commissioner of Revenue has already been exempting such classes of property for over 20 years. An ordinance has not been previously adopted by the Board of Supervisors.

Amendment to 20-1-8

The proposed amendment to the County Code will enact Section 20-1-8 which will exempt from taxation all classes of property listed in Virginia Code Sections 58.1-3504 and 58.1-3505. The public hearing would be held April 17, 2024.

MOTION:	advertise the amendments to the County Code to enact Section 20-1-8 for a public hearing to be held April 17, 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				

James River Water Authority Resolution, Support Agreement and Service Agreement – Eric Dahl, County Administrator

RESOLUTION PURPOSE:

The Virginia Resource Authority (VRA) has indicated that its agreement to purchase the James River Water Authority (JRWA) Local Bond will be conditioned upon each of the Member Jurisdictions undertaking non-binding obligations to appropriate from time to time moneys to the Water Authority in connection with payments due under the Amendment to Service Agreement, which constitute the principal source of and security for the payment of the debt service on the Local Bond, as set forth in the Amended and Restated Support Agreement to be dated as of March 20, 2024 among the JRWA, the County and VRA, the most recent draft of which has been presented to this meeting.

AMENDED AND RESTATED SUPPORT AGREEMENT PURPOSE:

The Board undertakes a non-binding obligation to appropriate such County Debt Service Payments as may be requested from time to time pursuant to the agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

AMENDMENT TO SERVICE AGREEMENT PURPOSE:

Outlines the JRWA and the Counties agreed to certain terms, conditions, covenants and other matters pertaining to the development and construction by the JRWA of a system for the supply of raw water to the Counties.

MOTION:	approve the resolution entitled, "RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED SUPPORT AGREEMENT FOR JAMES RIVER WATER AUTHORITY" for the James River Water Authority and further authorize the County Administrator to execute the support agreement entitled,
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	"AMENDED AND RESTATED SUPPORT AGREEMENT - JAMES RIVER WATER AUTHORITY" and the service agreement entitled "AMENDMENT TO SERVICE AGREEMENT," subject to the County Attorney's approval as to form.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O'Brien	Mr. Sheridan
ACTION:			Second	Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Amendments to the County Code for small scale, minor scale and utility scale solar generation facilities – Dan Whitten, County Attorney

At the Board of Supervisor's meeting on March 6, the Board approved a resolution of intention to amend § 22-4-2.2 to remove utility scale solar generation facilities as a use allowed by special use permit in the Agricultural, A-1 Zoning District. At the Board of Supervisor's meeting on March 6, the Board approved a resolution of intention to enact § 22-17-21 to add supplemental regulations for small scale solar generation facilities, minor scale solar generation facilities and utility scale solar generation facilities.

The Planning Commission discussed the two resolutions at its meeting on March 12, 2024 and requested time to meet with the community and staff to discuss the amendments to the County Code. The Board of Supervisors has up to 12 months to act upon a request for a special use permit.

The resolution would delay consideration by the Board of Supervisors of all applications for minor scale and utility scale solar generation facilities until the 2nd meeting of October 2024, or such earlier time as the Board determines. This delay would give the Planning Commission and the Board of Supervisors time to consider amendments to the County Code regarding solar generation facilities.

MOTION:	approve the resolution regarding consideration of applications by the Board of Supervisors for minor scale and utility scale solar generation facilities.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O'Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	No	Yes
RESULT:	4-1				

MOTION:	request that the Planning Commission make a recommendation to the Board of Supervisors within 90 days on the ordinance to amend § 22-4-2.2 of the County Code to remove utility scale solar generation facilities as a use allowed by special use permit in the Agricultural, A-1 Zoning District.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O'Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	No	Yes
RESULT:	4-1				

MOTION:	request that the Planning Commission make a recommendation to the Board of Supervisors within 180 days on the ordinance to enact § 22-17-21 to add supplemental regulations for small scale solar generation facilities, minor scale solar generation facilities and utility scale solar generation facilities.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O'Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

10 - CONSENT AGENDA

The following items were approved under the Consent Agenda for March 20, 2024:

- Minutes of February 29, 2024 – Caitlin Solis, Clerk to the Board
- Minutes of March 6, 2024 – Caitlin Solis, Clerk to the Board
- Accounts payable for January 2024 – Tori Melton, Director of Finance
- Accounts Payable for February 2024 – Tori Melton, Director of Finance
- Resolution to Designate Fluvanna County as a Virginia Destination Marketing Organization (DMO) – Jennifer Schmack, Director of Economic Development
- Requesting the Water-Utility System Manager position to be reclassified to a Utilities System Supervisor – Robert Popowicz, Director of Utilities and Donna Snow, Director of Human Resources

MOTION:	Approve the consent agenda, for the March 20, 2024 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for January 2024 in the amount of \$3,869,615.60, and February 2024 in the amount of \$2,698,874.24.				
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

School Capital Improvement Plan (CIP) Items – Mr. Fairchild suggested meeting at various CIP locations at the schools such as the tracks in January, before the budget meetings begin.

Mr. Sheridan mentioned students who recently competed in a national track meet and asked if a proclamation celebrating their accomplishment could be brought back at a later date.

13 - PUBLIC COMMENTS #2

At 8:46pm, Chair Fairchild opened the second round of Public Comments. With no one wishing to speak, Chair Fairchild closed the second round of Public Comments at 8:46pm.

14 - CLOSED MEETING

MOTION:	At 8:47pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.5, A.7 & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – employees of the Public Works Department, Prospective Industry – prospective business updates, in the Columbia, Cunningham, and Fork Union Districts; Litigation – Gate Plaza; Legal Matters – collection of delinquent taxes, and Chamber of Commerce Agreement.				
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 9:54pm, 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				

15 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, March 20, 2024 at 9:55pm.				
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



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia
RESOLUTION No. 13-2024

A Resolution to Designate Fluvanna County as a Virginia Destination Marketing Organization (DMO)

WHEREAS, the County of Fluvanna wishes to increase tourism opportunities; and

WHEREAS, the State of Virginia’s Tourism Corporation coordinates marketing activities with Destination Marketing Organizations (DMO) within the state to market the Commonwealth as a premier travel destination; and

WHEREAS, the advantage of being a Destination Marketing Organization within the Commonwealth of Virginia would allow for partner opportunities and grant applications; and

WHEREAS, increasing tourism to the County of Fluvanna would serve to increase local business that may result in increased tax revenue to the County and surrounding communities; and

IT IS FURTHER RESOLVED AND ORDERED that the County of Fluvanna Board of Supervisors, this 20th day of March, that the County of Fluvanna will petition Virginia Tourism Corporation (VTC) to recognize Fluvanna County as a Destination Marketing Organization (DMO).; and

IT IS FURTHER RESOLVED AND ORDERED that that the Director of Economic Development or their designee, is hereby authorized and directed to act as chief liaison for the DMO;

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors on this 20th day of March 2024.

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Chris Fairchild, Cunningham District	X					
John M. Sheridan, Columbia District	X				X	
Mike Goad, Fork Union District	X					
Timothy Hodge, Palmyra District	X					X
Anthony P. O’Brien, Rivanna District	X					

Attest:

 Christopher S. Fairchild, Chair
 Fluvanna County Board of Supervisors

RESOLUTION NO. 14-2024**RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF
AN AMENDED AND RESTATED SUPPORT AGREEMENT
FOR JAMES RIVER WATER AUTHORITY**

WHEREAS, the James River Water Authority (the “Water Authority”) is a public body politic and corporate and a political subdivision of the Commonwealth of Virginia (the “Commonwealth”) exercising public and essential governmental functions and created by resolutions adopted by the Board of Supervisors of Fluvanna County, Virginia (the “Board of Supervisors”) and the Board of Supervisors of Louisa County, Virginia in accordance with the Virginia Water and Waste Authorities Act, as amended (the “Act”) (codified at Chapter 51, Title 15.2 of the Code of Virginia of 1950, as amended (the “Virginia Code”)), for the purpose of servicing the water needs of the County of Fluvanna, Virginia (the “County”) and the County of Louisa, Virginia (“Louisa County,” and together with the County, the “Member Jurisdictions”); and

WHEREAS, on or about May 25, 2016, the Water Authority issued its \$7,965,000 Revenue Bond, Series 2016 (the “Series 2016 Local Bond”), which was sold to the Virginia Resources Authority (“VRA”) in connection with the issuance by the VRA of its \$136,620,000 Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2016A (the “Series 2016 VRA Bonds”), with the proceeds from the sale of the Series 2016 Local Bond having been or to be used by the Water Authority to finance a portion of the design and construction costs of a raw water intake, a pump station and a raw water pipeline, as well as the acquisition of land and the rights-of-way necessary therefor (collectively, the “Project”); and

WHEREAS, in connection with the issuance by the Water Authority of the Series 2016 Local Bond and the purchase by VRA of the Series 2016 Local Bond in connection with the issuance by VRA of the Series 2016 VRA Bonds, (1) the Water Authority and the Member Jurisdictions entered into a Service Agreement dated as of April 1, 2015 (the “Service Agreement”), which provides, among other things, for payments by each Member Jurisdiction to the Water Authority for services to be rendered to the Member Jurisdictions by the Water Authority, and sets forth certain other responsibilities of the Water Authority and the Member Jurisdictions, and (2) The Member Jurisdictions, the Water Authority and VRA entered into separate Support Agreements, each dated as of May 1, 2016 (collectively, the “Support Agreements” and with respect to the County, the “Fluvanna Support Agreement”), by the terms of which the County undertook a non-binding obligation to appropriate from time to time moneys to the Water Authority in connection with payments due from the County under the Service Agreement, which appropriated moneys constitute the principal source of and security for the payment of debt service on the Series 2016 Local Bond; and

WHEREAS, the proceeds of the Series 2016 Local Bond have been or will be fully expended on Project costs incurred by the Water Authority since 2016, but such proceeds will ultimately be insufficient to complete the Project, and the Water Authority now desires to finance the remaining costs of acquisition, design, construction and equipping of the Project through the issuance by the Water Authority of its Revenue Bond, Series 2024 in a maximum principal amount not to exceed \$49,000,000 (the “Series 2024 Local Bond” and, together with the Series 2016 Local Bond, the “Local Bonds”); and

WHEREAS, Water Authority has been advised that VRA is willing to purchase the Series 2024 Local Bond on terms favorable to the Water Authority in accordance with the terms and conditions of a Local Bond Sale and Financing Agreement dated as of April 1, 2024, between VRA and the Water Authority (the “2024 Financing Agreement”); and

WHEREAS, VRA has indicated that its agreement to purchase the Series 2024 Local Bond will be conditioned upon each of the Member Jurisdictions (in pertinent part for purposes of this Resolution, the County), amending and restating its respective Support Agreement, (herein, with respect to the Fluvanna Support Agreement, the “Amended Fluvanna Support Agreement”) to include the non-binding obligation to appropriate from time to time moneys to the Water Authority in connection with payments due under the Amended Service Agreement (as hereinafter defined), which will constitute the principal source of and security for the payment of debt service on the Local Bonds, the most recent draft of which Amended Fluvanna Support Agreement has been presented to this meeting; and

WHEREAS, the Member Jurisdictions and the Water Authority have determined to amend the Service Agreement by way of an Amendment to Service Agreement dated as of the date thereof (the “Amendment to Service Agreement” and the Service Agreement, as amended by the Amendment to Service Agreement, the “Amended Service Agreement”) to reflect certain adjustments to the Service Agreement that have been determined to be necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FLUVANNA, VIRGINIA:

1. It is found and determined that the best interests of the County and its citizens will be served by the agreement by the Board of Supervisors to enter into the Amended Fluvanna Support Agreement, and the Amendment to Service Agreement, to satisfy certain of VRA’s conditions to the purchase of the Series 2024 Local Bond.

2. The Board of Supervisors acknowledges that (i) the obligations of the Water Authority to determine, and of the Member Jurisdictions to pay, the charges for the use of and for services to be furnished by the System (as defined in the Amended Service Agreement) are crucial to the security for the Local Bonds, (ii) VRA would not purchase the Series 2024 Local Bond without the security and credit enhancement provided by the Amended Fluvanna Support Agreement, (iii) VRA will be a third-party beneficiary of the Amended Service Agreement for so long as the Local Bonds remain outstanding, and (iv) VRA is treating the Amended Fluvanna Support Agreement as a “local obligation” within the meaning of Section 62.1-199 of the Virginia Code, which in the event of a nonpayment thereunder authorizes VRA or the trustee for VRA’s bonds to file an affidavit with the Governor of the Commonwealth (the “Governor”) that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. Section 62.1-216.1 provides that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller of the Commonwealth (the “Comptroller”) to withhold all further payment to County of all funds, or of any part of them, appropriated and payable by the Commonwealth to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as is possible, such nonpayment.
3. In consideration of the Water Authority’s issuance of the Series 2024 Local Bond and VRA’s agreement to purchase the Series 2024 Local Bond pursuant to the terms of the 2024 Financing Agreement, the Chair or Vice Chair of the Board of Supervisors or the County Administrator, any of whom may act, is hereby authorized and directed to execute and deliver the Amended Fluvanna Support Agreement and the Amendment to Service Agreement, each of which shall be in substantially the form presented to this meeting, and each of which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this Resolution as may be approved by the Chair or Vice Chair of the Board of Supervisors or the County Administrator, in his or their sole discretion, the execution thereof by the Chair or Vice Chair of the Board of Supervisors or the County Administrator, as the case may be, to constitute conclusive evidence of his approval of such completions, omissions, insertions or changes.
4. The County Administrator is hereby authorized and directed to carry out the obligations imposed upon him by the Amended Fluvanna Support Agreement, and to take all proper steps on behalf of the County as may be required in connection with the Water Authority’s financing of the Project or with the carrying out of any matter authorized by this Resolution or the Amended Fluvanna Support Agreement.
5. Nothing contained herein or in the Amended Fluvanna Support Agreement is or shall be deemed to constitute a “debt” of the County or to be a lending of the credit of the County to the Water Authority, VRA or to any holder of the Local Bonds or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything contained herein or in the Amended Fluvanna Support Agreement legally bind or obligate the Board of Supervisors to appropriate funds for the purposes described in the Amended Fluvanna Support Agreement.
6. All other acts of the County Administrator other officers of the County in furtherance of the financing of the Project, the issuance by the Water Authority of the Series 2024 Local Bond and/or the execution and delivery by the County of the Amended Fluvanna Support Agreement and the Amendment to Service Agreement are hereby ratified, approved and confirmed.
7. No covenant, condition, agreement or obligation contained in the Amended Fluvanna Support Agreement or the Amended Service Agreement shall be deemed to be a covenant, condition, agreement or obligation of any officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing the Amended Fluvanna Support Agreement or the Amendment to Service Agreement shall be liable personally on the Amended Fluvanna Support Agreement or the Amended Service Agreement, as the case may be, or be subject to any personal liability or accountability by reason of the execution and delivery thereof.
8. This Resolution shall take effect immediately.

Adopted: March 20, 2024

(SEAL)

A COPY TESTE:

Clerk to the Board of Supervisors

CERTIFICATE

The undersigned Clerk of the Board of Supervisors (the “Board”) of the County of Fluvanna, Virginia (the “County”) hereby certifies that:

1. A meeting of the Board was duly called and held on March 20, 2024 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of a resolution (the “Resolution”) of the Board entitled **“RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED SUPPORT AGREEMENT FOR JAMES RIVER WATER AUTHORITY”** as recorded in full in the minutes of the Meeting and duly adopted by a majority of the members of the Board present and voting during the Meeting.
3. A summary of the members of the Board present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

<u>Member Name</u>	<u>Voting</u>				
	<u>Present</u>	<u>Absent</u>	<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
	X		X		
Chris Fairchild, Chair	X		X		
John M. Sheridan, Vice Chair	X		X		
Mike Goad	X		X		
Timothy M. Hodge	X		X		
Tony O’Brien	X		X		

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

Dated: March 20, 2024

WITNESS my signature and the seal of the Board of Supervisors of Fluvanna County, Virginia this 20th day of March, 2024.

 Clerk, Board of Supervisors of the
 County of Fluvanna, Virginia

[SEAL]



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia
RESOLUTION No. 15-2024

A RESOLUTION REGARDING CONSIDERATION OF APPLICATIONS BY THE BOARD OF SUPERVISORS FOR MINOR SCALE AND LARGE-SCALE SOLAR GENERATION FACILITIES

WHEREAS, the Fluvanna County Code (“County Code”) may from time to time be amended, supplemented, changed, modified or repealed by the Fluvanna County Board of Supervisors (“Board of Supervisors”) pursuant to § 15.2-2285 of the Code of Virginia; and

WHEREAS, in accordance with § 22-20-1 of the County Code, the Board of Supervisors adopted Resolution No. 11-2024 to propose an amendment to the County Code by amending § 22-4-2.2 to remove utility scale solar generation facilities as a use allowed by special use permit in the Agricultural, A-1 Zoning District; and

WHEREAS, in accordance with § 22-20-1 of the County Code, the Board of Supervisors adopted Resolution No. 12-2024 to propose an amendment to the County Code by enacting § 22-17-21 to add supplemental regulations for small scale solar generation facilities, minor scale solar generation facilities and utility scale solar generation facilities; and

WHEREAS, the Fluvanna County Planning Commission (“Planning Commission”) shall hold a public hearing on such proposed amendments after notice as required by §15.2-2204 of the Code of Virginia, and may make appropriate changes to the proposed amendment as a result of such hearing; and

WHEREAS, Owner Applications for a special use permit for minor scale and large-scale solar generation facilities may be submitted for consideration by the Board of Supervisors, all of which are given through consideration by staff and the Planning Commission prior to transmittal to the Board of Supervisors; and

WHEREAS, the Virginia Code allows the Board of Supervisors up to 12 months to act upon any Owner Application for a special use permit for minor scale and large-scale solar generation facilities forwarded to it by the Planning Commission; and

WHEREAS, the Board of Supervisors find that it promotes the health, safety and welfare of the citizens of the County and is good zoning practice to ensure that all Owner Applications for minor scale and large-scale solar generation facilities are considered with analysis based upon the proposed changes to the County Code; and

WHEREAS, it is the desire of the Board of Supervisors to delay its consideration of any applications for a special use permit for Minor Scale and Large-Scale Solar Generation Facilities until its second regular meeting in October 2024, or at such earlier time as the Board of Supervisors may determine.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors does hereby state its intention to not consider any Owner Applications that propose minor scale solar generation facilities or large scale solar generation facilities until its second regular meeting in October 2024, or at such earlier time as the Board of Supervisors may determine, to allow such time for the Planning Commission to send recommendations to the Board of Supervisors on (i) the ordinance to amend County Code § 22-4-2.2 to remove utility scale solar generation facilities as a use allowed by special use permit in the Agricultural, A-1 Zoning District; and (ii) the ordinance to enact County Code § 22-17-21 to add supplemental regulations for small scale solar generation facilities, minor scale solar generation facilities and utility scale solar generation facilities.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 20th day of March 2024:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Christopher Fairchild, Cunningham District	X					
D. Mike Goad, Fork Union District	X				X	
Timothy M. Hodge, Palmyra District	X					X
Anthony P. O’Brien, Rivanna District	X					
John M. Sheridan, Columbia District	X					

Attest:

 Christopher Fairchild, Chair
 Fluvanna County Board of Supervisors