

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom, Fluvanna Courts Building
72 Main Street, Palmyra, VA 22063
August 21, 2024
Regular Meeting 6:00pm

MEMBERS PRESENT: Chris Fairchild, Cunningham District, Chair
John M. (Mike) Sheridan, Columbia District, Vice Chair
(entered meeting at 6:03pm)
Mike Goad, Fork Union District
Timothy M. Hodge, Palmyra District
Tony O’Brien, Rivanna 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

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

At 6:01pm, Chair Fairchild called to order the Regular Meeting of August 21, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- Mr. Dahl asked to add FOIA Changes and VACo Certified Supervisors’ course to the agenda.

MOTION:	Accept the Agenda, for the August 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	Absent
RESULT:	4-0				

4 - COUNTY ADMINISTRATOR’S REPORT

Mr. Dahl reported on the following topics:

Announcements and Updates - New Employees

- Trey Walton, Planning Department, Planner/GIS Technician, Started August 14th
- Bruce Anderson, Public Works, Building Services Supervisor, Started August 16th

Social Services had their back-to-school program again this year.

- 163 backpacks filled with school supplies were donated by Bybee's Road Baptist Church, Fluvanna Baptist Church and Lake Christian Church.
- Social Services also had a collection box in the office for employee contributions.
- This was the most that's ever been donated so a huge thank you goes out to the churches and to Jane Wilson for coordinating the program.

Next BOS Meetings

Day	Date	Time	Purpose	Location
Wed	Sept 4	5:00 PM	Regular Meeting	Circuit Court
Wed	Sept 18	6:00 PM	Regular Meeting	Circuit Court
Wed	Oct 2	5:00 PM	Regular Meeting	Circuit Court

5 - PUBLIC COMMENTS #1

At 6:04pm, Chair Fairchild opened the first round of Public Comments.

- James Schoenster, 843 Jefferson Dr, spoke in support of allowing public participation of the Board meetings via Zoom.

With no one else wishing to speak, Chair Fairchild closed the first round of Public Comments at 6:06pm.

6 – BOARDS AND COMMISSIONS

None.

7 – PRESENTATIONS

None.

8 - ACTION MATTERS

Appeal of Staff Interpretation of Subdivision Ordinance as it pertains to a requested subdivision of Tax Map 41 Section A Parcel 61 located on Terre Haute Lane, a private road, per Section 19-8-1 of the Fluvanna County Code
– Dan Whitten, County Attorney; Todd Fortune, Director of Planning

The owner of Tax Map 41 Section A Parcel 61 contacted staff in the Planning and Zoning Department in April 2024 asking for an interpretation of Section 19-8-1 of the Fluvanna County Code as it pertains to subdividing lots on a private road. Specifically, the owner wishes to subdivide a lot on Terre Haute Lane. On May 28, after researching the matter and consulting with the County Attorney, the Subdivision Agent contacted the property owner via letter and e-mail advising that future subdivisions on this road would be subject to current restrictions listed in Section 19-8-1.

- *The applicant requested a deferral for a year, making the new date August 20, 2025.*

MOTION:	Defer the Subdivision Agent’s interpretation of Section 19-8-1 of the Fluvanna County Code as it relates to subdivisions on private roads with respect to Tax Map 41 Section A Parcel 61 until August 20, 2025.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion		Second	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Resolution to perform a Speed Limit Study on Route 662 – Eric Dahl, County Administrator
Due to residents’ concerns, the Board of Supervisors is requesting VDOT perform a speed limit study of Route 662 (Dobby Creek Road) from the intersection of Route 645 (Beals Lane) traveling south to the intersection of Route 611 (Paynes Landing Road) in the Cunningham District.

MOTION:	Approve a resolution entitled, “A RESOLUTION REQUESTING A SPEED LIMIT STUDY ON ROUTE 662 (DOBBY CREEK ROAD) FROM ROUTE 645 (BEALS LANE) TO ROUTE 611 (PAYNES LANDING ROAD) IN THE CUNNINGHAM DISTRICT.”				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

9 - PUBLIC HEARING

Public hearing to Enact County Code Section 2-1-7 to Assess an Electronic Summons System Fee – Dan Whitten, County Attorney
Virginia Code Section 17.1-279.1 authorizes an electronic summons system fee of \$5.00 on any defendant who is charged by the sheriff’s office with violating a statute or ordinance within Fluvanna County. The fee shall be used to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system

At 6:14pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 6:14pm.

MOTION:	Approve the amendments to the County Code to enact Section 2-1-7 to assess an electronic summons system fee.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Approval of a waiver for the maximum sign area requirements for the Wawa at Zion Crossroads – Dan Whitten, County Attorney; Todd Fortune, Director of Planning
The design consultant for the developer submitted sign designs as part of a sign permit application. One proposed sign, Sign A, which fronts U.S. 15 in Fluvanna County, does not meet the maximum sign area requirements per Section 22-15-3 of the Fluvanna County Code. The proposed sign totals 51.65 square feet, which is more than the 40 square feet maximum allowed per Code. A waiver of the Code requirements would be needed for the sign to be approved.

MOTION:	Approve a request for a waiver of the maximum sign area requirements as specified in Section 22-15-3 of the County Code, for the proposed Wawa at Zion Crossroads.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O'Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

10 - CONSENT AGENDA

The following items were discussed before approval:
J - Termination of Declaration of Local Emergency

- The following items were approved under the Consent Agenda for August 21, 2024:
- Minutes of August 6, 2024 – Caitlin Solis, Clerk to the Board
 - Minutes of August 7, 2024 – Caitlin Solis, Clerk to the Board
 - Resolution Recognizing Margaret Palmer - Eagle Scout – Eric Dahl, County Administrator
 - Approval of CCTV Server Purchase Contract with Pavion Corp. – Dan Whitten, County Attorney
 - Approval of Security System Upgrade Purchase Contract with Pavion Corp. – Dan Whitten, County Attorney
 - Termination of Declaration of Local Emergency – Eric Dahl, County Administrator
 - Permit Addition of a New Primary Dwelling to Replace Existing Primary Dwelling within Camp Friendship Conservation Easement Parcel – Jason Overstreet, Senior Planner
 - Zion 3 Notch, LLC Development Agreement – Dan Whitten, County Attorney and Jennifer Schmack, Director of Economic Development
 - CRMF - FCHS Driver on Chiller Circulation Pump – Don Stribling, FCPS Executive Director

MOTION:	Approve the consent agenda, for the August 21, 2024 Board of Supervisors 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				

11 - UNFINISHED BUSINESS

Voting District Name Change – Eric Dahl, County Administrator

The Palmyra District, as redrawn following 2020 Census and Redistricting, is no longer located near the village of Palmyra. It was previously discussed whether or not to change this district name or others.

Polling place changes cannot occur within 60 days of a general election unless there is an emergency (VA Code 24.2-306). This section does not apply to primary elections, but it is important to be mindful of the timing of any primary elections. Early voting begins 45 days prior to a primary election or general election.

Additionally, there is still an approval process (either by public hearing or submitting a certificate of no objection). If there are any changes, pertinent information needs to be uploaded to the Department of Elections to review. VA Code 24.2-129. Covered practices; actions required prior to enactment or administration covers the requirements for preclearance/permanent changes.

Notice of changes must be mailed no later than 15 days prior to election.

- If the BOS decides to move forward with changes, some decisions required are:
- Which district name to change? Palmyra only or all district names change?
 - If a name is selected to change, what is the new name of the district(s)?
- After some discussion, the Board asked staff to bring the Palmyra Voting District name change agenda item to the November 20, 2024 meeting.

Fire Apparatus Sale – the Board discussed options for selling a fire apparatus that is coming to the end of its service. The Board asked to have fair market value established for the apparatus.

12 - NEW BUSINESS

VACo Certified Supervisors Course – Mr. Dahl gave the Board an overview of the course.

FOIA Changes

HB 818 / SB 36 Virginia Freedom of Information Act; amends definition of meeting, provisions of Act.

- Amends the definition of “meeting” as it relates to the Virginia Freedom of Information Act (FOIA) to clarify that a gathering of two or more members of a public body is not a meeting if there is no discussion or transaction of any public business by the members of the public body and that certain educational trainings are not meetings subject to FOIA. The bill is in response to the decision of the Supreme Court of Virginia in Gloss v. Wheeler (2023) and is a recommendation of the Virginia Freedom of Information Advisory Council.

13 - PUBLIC COMMENTS #2

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

- Tony O’Brien, 30 Chatham Ln, recognized Mr. Sheridan for a good deed, and his service to the community.

With no one else wishing to speak, Chair Fairchild closed the second round of Public Comments at 6:50pm.

14 - CLOSED MEETING

MOTION:	At 6:51pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.7, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Litigation – Gate Plaza LLC v. Fluvanna County Board of Supervisors, and Legal Matters – Contract user grants under the water and sewer ordinance in Zion Crossroads.				
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 7:34 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:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

15 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, August 21, 2024 at 7:35pm.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

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. 33-2024

**A RESOLUTION REQUESTING A SPEED LIMIT STUDY ON ROUTE 662
(DOBBY CREEK ROAD) FROM ROUTE 645 (BEALS LANE) TO ROUTE 611
(PAYNES LANDING ROAD) IN THE CUNNINGHAM DISTRICT**

At a Regular Meeting of the Fluvanna County Board of Supervisors held in the Fluvanna County Circuit Court Building at 6:00 PM on Wednesday, August 21, 2024, the following resolution was adopted by the Board of Supervisors, the vote being as shown below and recorded in the minutes of the meeting.

WHEREAS, it is the intention of the Fluvanna County Board of Supervisors to protect the health, safety, and welfare of all its citizens; and

WHEREAS, the Board of Supervisors feels there is a need for a Speed Limit Study on Route 662 (Dobby Creek Road) from the intersection of Route 645 (Beals Lane) traveling south to the intersection of Route 611 (Paynes Landing Road); and

WHEREAS, the Board of Supervisors feels that the safety on this roadway can be significantly improved at a lower speed limit.

NOW, THEREFORE BE IT RESOLVED, on this 21st day of August 2024, that the Fluvanna County Board of Supervisors hereby requests that the Virginia Department of Transportation conduct a Speed Limit Study on Route 662 (Dobby Creek Road) from the intersection of Route 645 (Beals Lane) traveling south to the intersection of Route 611 (Paynes Landing Road).

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 21st day of August 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



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia
RESOLUTION No. 34-2024
A RESOLUTION RECOGNIZING
MARGARET PALMER
AWARD OF EAGLE SCOUT STATUS

The Fluvanna County Board of Supervisors adopted the following resolution on Wednesday, August 21, 2024

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS, the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS, Margaret Palmer has completed all the requirements for becoming an Eagle Scout; and

WHEREAS, Margaret has been examined by an Eagle Scout Board of Review and deemed worthy of the Eagle Scout award; and

WHEREAS, Boy Scout Troop 154 will convene an Eagle Scout Court of Honor on September 7, 2024 at 2:00 p.m. at Calvary Chapel, 2772 Thomas Jefferson Parkway, Palmyra, VA; and

WHEREAS, the Fluvanna County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important services they provide to the youth of our Country.

NOW, THEREFORE BE IT RESOLVED that the Fluvanna County Board of Supervisors joins Margaret’s family and friends in congratulating her on her achievements, the award of Eagle Scout status and acknowledges the good fortune of the County to have such an outstanding youth as one of its citizens.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a regular meeting of the Board held on the 21st of August, 2024, by the following vote:

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

Attest:

Christopher S. Fairchild, Chair
Fluvanna County Board of Supervisors



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 35-2024

RESOLUTION FOR THE TERMINATION OF DECLARATION OF LOCAL EMERGENCY

WHEREAS, on August 6, 2024, a State of Emergency was declared by Governor Youngkin for the entirety of the Commonwealth; and

WHEREAS, the Director of Emergency Management and Director of Emergency Services determined that the threat of potential injury from Tropical Storm Debby was great enough to warrant coordinated local government action to prevent or alleviate any potential damage, loss, hardship, or suffering.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code Section 44-146.21, the Director of Emergency Management has declared the existence of a local emergency for Fluvanna County, which such local emergency exists throughout Fluvanna County effective at 12:01 a.m., Thursday, August 8, 2024; and

BE IT FURTHER RESOLVED, pursuant to Virginia Code Section 44-146.21, and all emergency actions having been taken and the imminent threat of potential injury from Tropical Storm Debby having passed within Fluvanna County, it is hereby, **DECLARED TO BE ENDED**, effective Saturday, August 10th at 11:59 p.m.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a regular meeting of the Board held on the 21st day of August, 2024:

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

A Copy, teste:

Caitlin Solis
Clerk to the Board of Supervisors
Fluvanna County, Virginia

Christopher Fairchild
Chair, Board of Supervisors
Fluvanna County, Virginia



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 36-2024

**A RESOLUTION AUTHORIZING THE REVISED DEVELOPMENT AGREEMENT
BETWEEN FLUVANNA COUNTY, THE ECONOMIC DEVELOPMENT
AUTHORITY OF FLUVANNA COUNTY AND ZION 3 NOTCH LLC**

WHEREAS, the development agreement (“Development Agreement”) is among Fluvanna County (“County”), the Economic Development Authority of Fluvanna County (“EDA”) and Zion 3 Notch LLC; and

WHEREAS, on November 1, 2023, the Fluvanna County Board of Supervisors authorized a grant (“Grant”) of up to One Hundred and Twenty-five Thousand Dollars (\$125,000) after Zion 3 Notch LLC completes construction of a sewer line improvement project; and

WHEREAS, the County, the EDA and Zion 3 Notch LLC desire to execute a revised Development Agreement that will offer an additional grant (“Grant”) of One Hundred and Twenty-five Thousand Dollars (\$125,000) for a total of Two Hundred and Fifty Thousand Dollars (\$250,000) after Zion 3 Notch LLC completes construction of a sewer line improvement project; and

WHEREAS, Zion 3 Notch LLC will purchase, improve, equip, and operate a convenience store (“Convenience Store”) located on James Madison Highway in Zion Crossroads, Virginia, thereby making a significant capital investment, and creating and maintaining a significant number of new jobs; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the construction of the Convenience Store constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the Grant.

NOW, THEREFORE, BE IT RESOLVED, that the Fluvanna County Board of Supervisors accepts the Development Agreement and that the County Administrator is directed to execute the Development Agreement subject to approval as to form by the County Attorney.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 21st day of August 2024:

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

Attest:

Christopher S. Fairchild, Chair
Fluvanna County Board of Supervisors