

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom, Fluvanna Courts Building
72 Main Street, Palmyra, VA 22063
September 18, 2024
Regular Meeting 6:00pm

MEMBERS PRESENT: Chris Fairchild, Cunningham District, Chair
John M. (Mike) Sheridan, Columbia District, Vice Chair
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 September 18, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA
- Mr. Dahl asked to add Rural Cluster Subdivisions to New Business

MOTION:	Accept the Agenda, for the September 18, 2024 Regular Meeting of the Board of Supervisors, as amended.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:				Motion	Second
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
- Kristian Negron, E911, Communications Officer, Started September 3rd
- Magruder Fick, Emergency Service, EMT Advanced Life Support (ALS), Started September 10th
- Andrew Vaughan, Emergency Services, EMT Basic Life Support (BLS), Started September 10th
- Nawal Rehmani, Emergency Services, EMT Basic Life Support (BLS), Started September 10th
- Chris Leggett, Emergency Services, EMT Basic Life Support (BLS), Started September 10th

The Fluvanna Family Fall Festival will be held at Pleasant Grove Park, Saturday, September 28, 2024, from 12:00-5:00pm. Free admission with a donation of a nonperishable food item (or a \$2 cash), free for kids.

Next BOS Meetings

Day	Date	Time	Purpose	Location
Wed	Oct 2	5:00 PM	Regular Meeting	Circuit Court
Wed	Oct 16	6:00 PM	Regular Meeting	Circuit Court
Wed	Nov 6	5:00 PM	Regular Meeting	Circuit Court

5 - PUBLIC COMMENTS #1
At 6:08pm, Chair Fairchild opened the first round of Public Comments. With no one wishing to speak, Chair Fairchild closed the first round of Public Comments at 6:08pm.

6 – BOARDS AND COMMISSIONS
None.

7 – PRESENTATIONS

Fluvanna County Public Schools Funding Appropriation Method – Eric Dahl, County Administrator and Dr. Peter Gretz, FCPS Superintendent

The County currently funds the school board appropriations based upon a total only. Once the total only appropriation is set as part of the annual adopted budget resolution, the school board maintains control of expenditure classification within its budget. The school board uses the below major classifications to report expenditures internally and to the County as part of the annual audit.

- Instruction
- Administration, Attendance and Health
- Pupil Transportation
- Operation and Maintenance
- Technology
- School Food Services

The Code of Virginia allows the local governing body to appropriate the funds to the local school board by total only or major classification.

- The Board asked Dr. Gretz to provide the budget transfers for the last three to five years.

9 - PUBLIC HEARING

Readoption of the 2015 Comprehensive Plan – Todd Fortune, Director of Planning and Zoning
Fluvanna County’s Comprehensive Plan was last updated in 2015. Fluvanna County is currently out of compliance with Code of Virginia requirements, and this re-adoption of the 2015 Plan with changes to the following sections will bring the County into compliance:

- Update Chapter 2: Land Use and Community Design
- Update Chapter 5: Economic Development (data only)
- Update Chapter 6: Historic Preservation

At 7:29pm, Chair Fairchild opened the Public Hearing.

- Curtis Putnam, spoke in favor of adopting the Comprehensive Plan.

With no one else wishing to speak, Chair Fairchild closed the Public Hearing at 7:33pm.

MOTION:	Adopt the Fluvanna County 2015 Comprehensive Plan – 2024 Update.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

ZTA 24:03 Planning and Zoning Fees – Todd Fortune, Director of Planning and Zoning
Zoning and Subdivision fees have not been adjusted since 2018; These changes would bring Fluvanna County in line with surrounding counties; amending the fees could potentially increase revenue ~ \$25,000.

At 7:47pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 7:47pm.

MOTION:	Approve ZTA 24:03, an ordinance to amend § 22-17-7 and § 19-9-6 the County Code to amend zoning and subdivision fees.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

8 - ACTION MATTERS

Authorization to Advertise Dangerous Dogs Ordinance Amendment – Dan Whitten, County Attorney
Fluvanna Code 4-2-3 has not been updated since 2015; since that time the corresponding Virginia statute has been amended several times. These Fluvanna Code changes conform County code to the Virginia statute. Changes include:

- Extending the time permitted for the court to adjudicate dangerous dog cases, and allows a court to defer proceedings with conditions placed upon owner.
- Allows the court to compel implantation of electronic identification if adjudication is deferred.
- Limits appeal of dangerous dog adjudication to 30 days.
- Requires the owner of a dangerous dog to spay or neuter the dog, and to carry and annually provide evidence of liability insurance of at least \$100,000 that covers animal bites.
- A subsequent attack by a dog already found to be a dangerous dog is a Class 2 misdemeanor if a companion animal belonging to another owner is injured or killed, and a Class 1 misdemeanor if a human is bitten or attacked and injured.

- Creates notification requirements for moving or disposing of a dangerous dog, a violation of which is a Class 3 misdemeanor.
- Defines “vicious dog” and states that any willful act or omission in the care of such a dog that causes serious injury to a person is a Class 6 felony.

MOTION:	Advertise a public hearing to be held October 16, 2024 to repeal County Code Section 4-2-3 and enact Sections 4-2-3.1 through 4-2-3.6.				
MEMBER:	Mr. Fairchild	Mr. Goad	Mr. Hodge	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

January 2025 Board of Supervisor Meeting Dates – Eric Dahl, County Administrator

The typical meeting dates for the Board of Supervisors meeting are the first and third Wednesdays of the month. Due to the holiday schedule, staff recommends moving the meeting dates to the second and third Wednesday of January 2025.

MOTION:	Approve moving the January 2025 meeting dates from January 2, 2025 and January 15, 2025 to January 8, 2025 and January 22, 2025, and further reflect the changes in the FY26 Budget Calendar.				
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 approved under the Consent Agenda for September 18, 2024:

- Minutes of September 4, 2024 – Caitlin Solis, Clerk to the Board
- Equipment Purchase Contract with Stryker Sales, LLC – Dan Whitten, County Attorney
- FY25 DMV Police Traffic Services Grant – Theresa McAllister, Management Analyst I

MOTION:	Approve the consent agenda, for the September 18, 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

- Mr. Hodge asked about the New Admin Building RFP, Mr. Whitten informed the Board it will be finalized shortly.
- Mr. Goad asked about the BOS Retreat Workplan, Mr. Dahl informed the Board it will be on the next agenda.

12 - NEW BUSINESS

Rural Cluster Subdivisions – Eric Dahl, County Administrator

History – Code of Virginia

Prior to 2006, Virginia Code§15.2-2286 gave localities the option to authorize by-right rural cluster subdivisions. In 2006, Virginia Code§15.2-2286.1 was added which required by-right rural cluster subdivisions for cities and counties that had a population growth rate of 10% or more. In 2011, Virginia Code§15.2-2286.1 was amended to authorize stormwater management areas and access roads for the development to be placed in the open space area. As of the 2020 census the County’s growth rate was less than 10% which exempted the County from the rural cluster requirement.

- Ordinance Requirements
- Fluvanna County Zoning Ordinance - Article 4. - Agricultural, General, District A-1
- Section 22-4-2.1 Uses Permitted By Right
 - Allowed by-right in A-1 District as a Miscellaneous Use – Rural Cluster Developments
 - Section 22-4-10.3 Rural Cluster Regulations
 - Gross density to equal no more than one (1) dwelling unit per two (2) acres.
 - A minimum of 75% of the total land in the rural cluster to be maintained as open space. Certain uses are allowed in the open space parcel:
 - Single family residence (must be included in the maximum gross density calculation).
 - Agriculture, horticulture, silviculture, including temporary sawmills (not including residential, commercial, or industrial uses or structures).

- Parks, playgrounds, preserves, conservation areas, hunting and boating clubs, and small boat docks (can be used by residents of the rural cluster or the public), but not for residential, commercial or industrial use.
- Public utilities.
- Cable communication and distribution lines.
- Public uses, structures.
- Wells or central water systems; septic or central sewer systems.
- Unless a lot fronts an existing public road, frontage and setbacks to follow R-4 requirements:
 - 60 feet minimum frontage (for each additional permitted use, at least 10 feet of additional lot width); 10-foot side yard; 25-foot rear yard (main structure and accessory buildings).
 - Any lot or parcel fronting on two or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.

Fluvanna County Subdivision Ordinance - Article 3. - Process

- Section 19-3-2 – Sketch Plan
 - Once sketch plan is received by County staff, staff have 30 days to review and provide comments to the subdivider.
 - Sketch plan to be placed on Planning Commission meeting agenda within 60 days of receipt of sketch plan.
 - The Planning Commission has 45 days from the date of the meeting where the sketch plan was presented to review and make comments.
 - The Planning Commission’s role is to accept the sketch plan.

VDOT Secondary Street Acceptance Requirements

Cons of Rural Cluster Subdivisions

- Rural cluster subdivisions are a by-right use; applications are presented to the Planning Commission for consideration; they do not come before the Board of Supervisors.
- Rezoning is not required; there are no proffers or development conditions.
- No acreage cap: can lead to the creation of large subdivisions in rural areas of the county.
- Road maintenance; roads may not be built to VDOT standards.
- Maintenance of open space.
 - A rural cluster isn’t required to have an HOA which would manage the open space.
 - Residential lot sizes are sometimes so small that the open space is used for water/sewer.
 - No amenities are required for the open space (trails, play areas, ball fields, etc.).

Surrounding Localities Ordinances Discussed

- Albemarle County, Louisa County, Goochland County, Hanover County, Cumberland County

MOTION:	Refer the rural cluster subdivision by right use to the Planning commission for review and recommendation, to be brought back the Board at the November 20, 2024 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				

FY26 Nonprofit Presentations

- Mr. Hodge asked to have nonprofits provide the fully filled in budget request form and supply the last two years financial statements.

13 - PUBLIC COMMENTS #2

At 8:31pm, 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 8:31pm.

14 - CLOSED MEETING

MOTION:	At 8:31pm, 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 – Zion Crossroads water and sewer construction; 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 9:20pm, 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, September 18, 2024 at 9:21pm.				
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. 37-2024

Adoption of the Fluvanna County 2015 Comprehensive Plan – 2024 Update

WHEREAS, the Commonwealth of Virginia requires all localities to formulate a Comprehensive Plan in Section 15.2-223 of the *Code of Virginia*; and

WHEREAS, the Commonwealth of Virginia requires all localities to review their Comprehensive Plan every five (5) years in Section 15.2-2230 of the *Code of Virginia*; and

WHEREAS, the aforementioned Fluvanna County 2015 Comprehensive Plan – 2024 Update establishes, within the county, designated growth areas pursuant to the *Code of Virginia*, section 15.2-2223.1; and

WHEREAS, the Planning Commission has worked with Planning Staff and the citizens of Fluvanna County to update the 2015 Comprehensive Plan with changes to the following sections:

- Update Chapter 2: Land Use and Community Design
- Update Chapter 5: Economic Development (data only)
- Update Chapter 6: Historic Preservation

WHEREAS, the Fluvanna County Planning Commission held a public hearing on the Fluvanna County 2015 Comprehensive Plan – 2024 Update on July 9, 2024 and recommended adoption of the Plan at its regular meeting on August 13, 2024; and

WHEREAS, the Fluvanna County Board of Supervisors held a public hearing on the draft Fluvanna County 2015 Comprehensive Plan – 2024 Update on September 18, 2024 to obtain additional citizen input.

NOW, THEREFORE BE IT RESOLVED, that the Fluvanna County Board of Supervisors hereby adopts the Fluvanna County 2015 Comprehensive Plan – 2024 Update as recommended by the Planning Commission.

	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