

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Carysbrook Performing Arts Center  
8880 James Madison Hwy, Fork Union, VA 23055  
August 17, 2022  
Regular Meeting 7:00pm**

**MEMBERS PRESENT:** John M. (Mike) Sheridan, Columbia District, Chair *(entered meeting at 7:04pm)*  
 Tony O’Brien, Rivanna District, Vice Chair  
 Mozell Booker, Fork Union District  
 Patricia Eager, Palmyra District  
 Chris Fairchild, Cunningham District

**ABSENT:** None.

**ALSO PRESENT:** Eric M. Dahl, County Administrator  
 Kelly Belanger Harris, Assistant County Administrator  
 Fred Payne, County Attorney  
 Caitlin Solis, Clerk for the Board of Supervisors

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

At 7:00pm, Vice Chair O’Brien called to order the Regular Meeting of August 17, 2022. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**3 - ADOPTION OF AGENDA**

Mr. Dahl requested pulling item F – *Waiver to Administer an Existing Split Precinct* and Tab I – *Minutes of August 3, 2022*, and move Tab G – *VDOT Quarterly Update* before the Public Hearings.

<b>MOTION:</b>	Accept the Agenda, for the August 17, 2022 Regular Meeting of the Board of Supervisors, as amended.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
<b>ACTION:</b>	Motion	Second			
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Absent
<b>RESULT:</b>	<b>4-0</b>				

**4 - COUNTY ADMINISTRATOR’S REPORT**

Mr. Dahl reported on the following topics:

Announcements and Updates - New Employee

- Carter Henley, Deputy Sheriff/School Resource Officer, Sheriff's office, Started August 15<sup>th</sup>

Staff and Community Recognitions

- Social Services distributed backpacks and school supplies donated by Lake Christian Church and Fluvanna Baptist Church to 27 families totaling 65 children.
- A big thank you goes out to Lake Christian Church and Fluvanna Baptist Church for the donations and to Jane Wilson with DSS for coordinating the project.

Fluvanna County Fair

- Fair dates are August 18-20
  - August 18 / Fair opens at 5pm, closes at 9pm
  - August 19 / Fair opens at 5pm, closes at 9pm
  - August 20 / Fair opens at 10am, closes at 9pm
- Carnival runs August 17 – 20
  - Wednesday & Thursday 5pm - 10pm
  - Friday (special needs participants only from 10am to Noon) 5pm - 10pm
  - Saturday 10am - 10pm (with a break from 3pm to 5pm)

VA State Mountain Bike Marathon Championship

- 2022 Virginia State Cross Country Marathon Championship - August 13, 2022 at Pleasant Grove Park
  - 150 racers on course
  - 10 Pro/Elite men & 5 women (nationally ranked)
  - USA Cycling (USAC) Sanctioned race
  - Points to earn spot in USAC and UCI Nationals
  - National & regional ranked teams in attendance
  - Strong collegiate teams presence (Junior racers)
  - Numbers will increase 2-3x in upcoming events
  - Course prep is critical to safe event:
    - 100+ hours of trail work to prepare
    - Sight lines cleared
    - Stumps and fallen trees being removed up to morning of race

- Course markings & course marshals
- 2 aid stations
- EMS on site (aside from minor scrapes - no injuries!)
- 2022 Virginia State XCM Championship – Demographics
  - There was NO PAID advertising for this event
  - 300+ in attendance
  - State Championship race attracts participants from surrounding areas!
  - 90% Participants from Virginia and surrounding areas (within 90-min drive)
  - Travelers from MI, MA, PA, TX, FL, NC & SC
  - Camping will make difference in driving larger attendance, especially for those >2 hours away
- 2022 Virginia State XCM Championship – Venue & Expo
  - 300+ event attendance
    - 15+ shops & vendors
    - 3 food trucks
    - ~50 camping sites (RV and tent)

## Spotlight on Business

- Business Education Series
  - Writing your business plan
  - August 31, 2022 8:30-10am
  - New and Existing Businesses
  - Register at [fluvannachamber.org](http://fluvannachamber.org)
- Quad County Business Summit
  - October 12, 2022
  - 8:30 AM to 12:30 PM
  - Shenandoah Crossing Resort, Gordonsville, VA
  - Register: [www.qcbsummit.com](http://www.qcbsummit.com)

## Next BOS Meetings:

Day	Date	Time	Purpose	Location
Wed	Sept 7	5:00 PM	Regular Meeting	Performing Arts Center
Wed	Sept 21	7:00 PM	Regular Meeting	Performing Arts Center
Wed	Oct 5	5:00 PM	Regular Meeting	Performing Arts Center

**5 - PUBLIC COMMENTS #1**

At 7:18pm, Chair Sheridan opened the first round of Public Comments.

- Sandra Radford, 121 Mulberry Dr, made comments in reference to the approval of a small business SUP and the rezoning of a small business complex.
- Corven Flynn, 319 Shiloh Church Rd, made comments regarding Board communication; the amendment of the June 15, 2022 meeting minutes, mistakes made, and asked the Board to do the right thing.
- Nancy King Hines, made comments regarding grocery options in Fork Union.
- Cyndra Kerley, 17-15-X, commented on the amendment of the June 15, 2022 meeting minutes, the July 6, 2022 meeting, and the policy regarding Board participation through electronic means.
- Donna Daguanno, 148 Crape Myrtle Dr, spoke in opposition to metal sheds.
- Suzy Morris, 6840 Thomas Jefferson Pkwy, spoke in opposition to metal storage sheds and their locations along a main gateway.
- Valerie Palamoutian, 17 Fleetwood Dr, spoke in opposition to SUP 22:01.
- Nancy Quantock, 19 Fleetwood Dr, spoke in opposition to SUP 22:01.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:41pm.

**8 – PRESENTATIONS**

*VDOT Quarterly Update* – Scott Thornton, VDOT Residency Administrator

Mr. Thornton updated the Board on maintenance work, mowing, drainage repairs, and other projects. Prep work on resurfacing projects. Smart Scale Round 5 project submissions. Upcoming projects including a bridge repair on Rte. 631 beginning in October. Traffic study on Covered Bridge Rd is complete and advisory signs will be installed.

- Mr. Sheridan mentioned water collecting at a cross pipe on Covered Bridge Rd and Venable Rd.
- Mrs. Booker asked for potholes on Winnsville Rd and West River Rd, and Sclaters Ford Rd be repaired.
- Mr. Fairchild complemented the roadwork on Rte. 53 and mentioned a My Two Cents referring to Rte. 15 having a rough finish. Mr. Thornton explained the two different types of road treatments; Rte. 15 has a latex modified seal over the existing pavement to extend the life of the pavement. Rte. 53 has a two-

inch mill and fill, where two inches of pavement are removed, and two inches of new pavement are replaced.

- Mr. O'Brien mentioned how dangerous it is to turn out of the Riverside Gate on to South Boston Rd.
- Mr. Fairchild asked for a narrative of Rte. 53 and Rte. 616 and possibilities to improve/expand the road.

## **6 - PUBLIC HEARING**

*ZMP 22:03 Wolfpack Properties LLC*– Douglas Miles, Community Development Director

- ZMP 22:03 Wolfpack Properties LLC - A request to conditionally rezone from A-1, General Agricultural to the B-1, General Business Zoning District of 35 +/- acres of Tax Maps 9 Section A Parcels 11, 11B, 11C, 11D, 11F and 11G. The subject properties are generally located along the south line of Lake Monticello Road (SR 618) and west of Glen Burnie Road, approximately two (2) miles east on Lake Monticello Road from its intersection with Thomas Jefferson Parkway (SR 53) and are in the Rivanna (Lake Monticello) Community Planning Area and Palmyra Election District.

### Proffer Conditions

#### 1. CONCEPTUAL REZONING EXHIBIT:

An Illustrative Exhibit is attached as: EXHIBIT A and it is conceptual in nature and is shown in consideration of rezoning request ZMP 22:03. The final site plan(s) shall provide for safe and convenient vehicular and pedestrian circulation between sites to be occupied by complementary uses.

#### 2. SCREENING:

The Property shall be screened from view in substantial accordance with the Illustrative Exhibit, submitted August 3, 2022 as prepared by Shimp Engineering, PC along with the requirements of Section 22-24-7 of the Fluvanna County Zoning Ordinance. The Developer will maintain a one hundred (100) foot vegetative buffer along the shared property boundaries and with adjacent properties fronting on Jefferson Drive, starting at the intersection of Glen Burnie Road and Jefferson Drive.

- #### 3. CONSTRUCTION ENTRANCE:
- The VDOT approved construction entrance(s) for the Property, including primary ingress and egress for any logging operations, shall be established from Route 618. The Developer shall notify VDOT and Fluvanna County prior to commencing any construction or logging activity. No construction entrance shall be permitted to connect to Jefferson Drive, or any road inside the gates of Lake Monticello.

#### 4. EXCLUDED USES:

- The following permitted by right land uses shall be excluded from the Property under B-1 Zoning Section 22-9-2.1:
- Commercial Uses: Automobile sales, Boarding houses; Self-storage facilities; and Shooting ranges, indoor
- The following uses permitted by special use permit only shall be excluded from the Property under B-1 Zoning Section 22-9-2.2:
- Commercial Uses: Entertainment establishments, adult; Retail stores, adult; and Transportation terminals.
- Industrial Uses: Lumberyards, Railroad facilities

### B-1, General Business District Land Uses

- B-1 Zoning by right – Shopping Center land uses: grocery and pharmacy stores; retail stores, general; retail stores, specialty = not more than 4,000 square feet, typical uses are auto parts and hardware stores; restaurants, small = deli sandwich and pizza shops; and Studios, fine arts and other tenant space uses.
- B-1 Zoning by right – medical and outparcel uses: daycare centers; financial institutions; medical clinics; retail stores, neighborhood convenience; restaurants, and veterinary office clinic land uses.

Justin Shimp, President of Shimp Engineering, gave a brief presentation outlining the vision of the property including, grocery store anchor, urgent care, office spaces, retail and restaurants. After some discussion, the Chair opened the Public Hearing.

At 8:17pm, Chair Sheridan opened the Public Hearing.

- Bob Holbrook, 3 pelican Court, spoke in opposition.
- Jan Tatangelo, spoke in support.
- Jim Tatangelo, 3955 Kids Dairy Rd, spoke in support.
- Corven Flynn, 319 Shiloh Church Rd, spoke in opposition.
- Nancy Quantock, 19 Fleetwood Dr, spoke in opposition.
- Valerie Palamountian, 17 Fleetwood Dr, spoke in opposition.
- Cyndra Kerley, TM17-15-X, made comments regarding vegetation, buffering, and visual aids used to present the project.
- Suzy Morris, 6840 Thomas Jefferson Pkwy, commented on Colonial Circle.
- Brittany Gray, 2 Watt Cir, commented on giving the developers and community more time to see what can be done.
- Nancy Bronaz, 5 Lakeview Cir, spoke in support of potential services set in a village concept.

- Donna Daguanno, 148 Crape Myrtle Dr, spoke in opposition.
- Sandra Radford, 121 Mulberry Dr, spoke in opposition.

With no one else wishing to speak, Chair Sheridan closed the Public Hearing at 9:05pm.

Joseph Jones, Wolfpack Properties, LLC, addressed the Board of Supervisors and answered questions. After some discussion, Chair Sheridan asked for a motion.

<b>MOTION:</b>	Approve ZMP 22:03, Wolfpack Properties LLC a request to conditionally rezone from A-1, General Agricultural to the B-1, General Business Zoning District of 35 +/- acres of Tax Map 9 Section A Parcels 11, 11B, 11C, 11D, 11F and 11G along with the proffers dated August 3, 2022.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>	Second	Motion			
<b>VOTE:</b>	Yes	Yes	No	Yes	No
<b>RESULT:</b>	<b>3-2</b>				

**ZTA 22:01 Commercial Uses – Douglas Miles, Community Development Director**  
**Agricultural Enterprise Definition**

- **Agricultural Enterprise:** Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined.
- Related uses include sawmill, farm brewery, cidery, distillery, meadery, winery and other similar facilities. (existing Fluvanna County definition)

**Brewpub & Microbrewery Definitions**

- **Brewpub:** A restaurant that prepares, as an accessory use, handcrafted natural beer intended for the consumption on the premises.
- **Microbrewery:** A facility for the production and packaging of malt beverages with alcohol content as defined by federal or Virginia law, and distribution, retail, wholesale, or both, for consumption on or off premises. Permitted accessory uses may include an on-site retail sales establishment and a tasting room. Microbreweries are licensed by the Virginia Department of Alcohol Beverage Control and shall operate in accordance with any requirements by the Code of Virginia or any other applicable laws.

**Data Center - Industrial Use Definition**

- **Data center:** A facility used primarily for management, processing, storage and transmission of facts and information in digital form, which houses computer and network equipment, servers, systems and other associated components related to digital data operations. The facility may also include accessory uses like air handlers, power generators, water-cooling and storage facilities, utility substations, and other associated infrastructure to support its operations.

**Emergency Center with Helipad Definition**

- **Emergency center:** A facility that offers the same level of service offered at a hospital emergency room that must be staffed 24 hours a day, 365 days a year, including weekends, holidays, and during inclement weather. An emergency center can accept ambulance transports and have medical flight capabilities with helicopter landing and take-off areas as approved helipads and/or heliport areas.

**Event Facility Definition**

- **Event facility:** A place of public assembly, used primarily as a facility for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be located in a building or tent, be in an uncovered, outdoor gathering space of less than 200 people or a combination thereof. An event facility is a place that charges a fee or that requires compensation to use the space or charges an entry fee or other fee for the uses related to the facility.
- Facilities exclusively used by membership groups such as civic or service clubs or fraternal organizations are not included in this definition – see Lodge definition.

**Event Facility: Not a Lodge or Outdoor Gathering**

- **Lodge:** A facility, owned or operated by a corporation, association, person or persons, for social, educational or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. A lodge does not include facilities for members to reside. (existing Fluvanna County definition for reference)
- **Outdoor gathering:** Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section.
- Neither of these existing Zoning Ordinance definitions are used for an Event Facility that is a for-profit business or assembly hall use.

**Farm Machinery / Vehicle Impound Facility**

- **Machinery sales and service:** shall mean the sale and service of machinery such as, but not necessarily limited to, farm tractors, and other similar implements such as backhoes, bulldozers, and forklifts and together with attachments and implements of such machinery such as combines, harvesters, mowers, and buckets, etc.

- Vehicle impound facility: A facility for the temporary, screened storage of operable or inoperable vehicles to be claimed by their titleholders or agents; or those vehicles that are awaiting insurance adjustments or claims within 30 days or less for insurance purposes.

## Vehicle Impound Facility – Towing Use

- Automotive Repair Service: A facility for the general repair, rebuilding, or the reconditioning of engines, motor vehicles, or trailers, or providing collision services, to include body, frame or fender repair and overall painting (with towing as accessory use to an Automotive Repair Service use)

At 9:51pm, Chair Sheridan opened the Public Hearing.

- Suzy Morris, 6840 Thomas Jefferson Pkwy, spoke in opposition.
- Jim Scott, 116 Tulip Dr, spoke in opposition.
- Sandra Radford, 121 Mulberry Dr, commented on the ZMP 22:03 Wolfpack Properties LLC agenda item.
- Donna Daguanno148 Crape Myrtle Dr, Spoke in opposition.

With no one else wishing to speak, Chair Sheridan closed the Public Hearing at 10:00pm.

After some discussion, Chair Sheridan asked for a motion. Mr. Fairchild made a motion not to include Vehicle Impound Facilities in A-1 Zoning, Section 22-4-2.2

<b>MOTION:</b>	Exclude Vehicle Impound Facilities in A-1 Zoning, Section 22-4-2.2 from ZTA 22:01.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>			Motion	Second	
<b>VOTE:</b>	No	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>4-1</b>				

<b>MOTION:</b>	<p>Adopt Ordinance ZTA 22:01 an Ordinance to amend Chapter 22 - Zoning of the Fluvanna County Code, pursuant to Fluvanna County Code Section 22-20-1(c), to:</p> <ul style="list-style-type: none"> <li>- In Section 22-22-1, <ul style="list-style-type: none"> <li>o Amend the definition of Agricultural Enterprise, with the correction noted in the staff report, and</li> <li>o Add definitions of Brewpub, Data Center, Emergency Center, Event Facility, Machinery Sales and Service, Microbrewery, and Vehicle Impound Facility;</li> </ul> </li> <li>- In A-1 Zoning, Section 22-4-2.2, add Event Facilities, Machinery Sales and Service, and Microbreweries as commercial uses permitted by special use permit;</li> <li>- In R-3 Zoning, Section 22-7-9.1, add Brewpub as commercial uses permitted by Right;</li> <li>- In R-3 Zoning, Section 22-7-9.2, add Microbreweries as commercial uses permitted by special use permit;</li> <li>- In B-1 Zoning, Section 22-9-2.1, add Brewpub, Emergency Centers, Event Facilities, Machinery Sales and Service, and Microbreweries as commercial uses permitted by right;</li> <li>- In B-1 Zoning, Section 22-9-2.2, add Vehicle Impound Facilities as commercial uses permitted by special use permit;</li> <li>- In B-C Zoning, Section 22-10-3, add Brewpub as commercial uses permitted by right;</li> <li>- In B-C Zoning, Section 22-10-4, add Microbreweries as commercial uses permitted by special use permit;</li> <li>- In I-1 Zoning, Section 22-11-2.1, add Machinery Sales and Service and Vehicle Impound Facilities as commercial uses permitted by right; and add Data Centers as Industrial uses permitted by right;</li> <li>- In I-2 Zoning, Section 22-12-2.1, add Machinery Sales and Service and Vehicle Impound Facilities as commercial uses permitted by right; and add Data Centers as Industrial uses permitted by right.</li> </ul>				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>	Motion	Second			
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

*Third Amendment to Structure Lease Agreement with New Cingular Wireless PCS, LLC – Eric Dahl, County Administrator*

- This proposed lease amendment is on a County-owned Monopole Tower, located at the Palmyra Fire Department.
- Tenant (New Cingular Wireless PCS, LLC), desires to enhance its wireless communication facility by adding a generator which requires that the Tenant lease additional ground space from the Landlord (County of Fluvanna) under the Lease and install the generator and related equipment as detailed in this Third Amendment.
- Per Virginia Code 15.2-734. Purchase, sale, exchange, or lease of real property, a public hearing is required for any disposition of County property.
- This amendment would increase the monthly rent by \$500/month, in addition to the annual 3% increase already established by the original agreement. The tenant negotiated \$12/sq ft instead of the \$20/sq ft put forth in draft amendment, reducing the monthly rent increase from \$800/month to \$500/month.

At 10:22, Chair Sheridan opened the Public Hearing. With no one wishing to speak, Chair Sheridan closed the Public Hearing at 10:23pm.

<b>MOTION:</b>	Approve the “Third Amendment to Structure Lease Agreement” of County property, with New Cingular Wireless PCS, LLC for the purposes of allowing AT&T to install a generator and lease additional ground space therefore as described in the amendment, and further authorize the County Administrator to execute the agreement subject to approval as to form by the County Attorney.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
<b>ACTION:</b>	Second			Motion	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**7 - ACTION MATTERS**

*Career Development Certification Pay – Tristana Treadway, Master Circuit Court Clerk and Mel Sheridan, Master Commissioner of the Revenue*

- The State Compensation Board has approved Career Development Programs for each Constitutional Office.
- They are intensive, multi-year certification programs that award the designation of Master or Master Deputy to each staff member that completes the respective course and then continues to recertify annually.
- The Sheriff and Commonwealth Attorney offices each have established funding guidelines within Fluvanna for their respective certification programs.
- This initiative attempts to define the funding guidelines for certification pay for the Clerk of the Circuit Court, Treasurer and Commissioner of the Revenue offices.
- The Compensation Board directs that each certified Constitutional Office staff member receive 9.3% certification pay annually provided re-certification standards are met.
- The Comp Board provides funding for this certification pay to authorized positions on staff, but does not provide funds for additional staff positions that are approved by the Fluvanna BOS but non- Comp Board funded.
- The 9.3% certification pay is applied to the minimum salary established by the Comp Board for each authorized position within a constitutional office. Any additional staff position authorized by Fluvanna to an office would be approved at 9.3% of the minimum staff salary on the respective Comp Board scale. Estimated additional personnel costs for FY23: Clerk of the Circuit Court Office \$9,825; Commissioner of the Revenue office \$5,568; Treasurer Office \$0 with a total program cost of \$15,393.
- Each participating Constitutional Officer must certify annually to the HR Director, which staff members have either certified or re-certified for that respective year so that the certification pay can be factored into the new fiscal year salary plans.

<b>MOTION 1:</b>	Approve the implementation of the Compensation Board’s Career Development Certification Pay Plan for the offices of the Clerk of Circuit Court, the Treasurer and Commissioner of the Revenue, and removing the qualification of the position needing to be Compensation Board funded. The revised plan establishes that each Master’s certified constitutional officer and staff member receive a 9.3% salary certification pay, with the amount to be determined by the Compensation Board annually and based on the minimum salary set for the respective staff position by the Compensation Board’s annual “Classification and Pay Plan for Support Personnel” for each respective office, with a total estimated FY23 additional personnel cost to the County of \$15,393.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
<b>ACTION:</b>			Motion	Second	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

<b>MOTION 2:</b>	Approve a budget transfer of \$15,393 from the BOS contingency, with \$9,825 for the Clerk of the Circuit Court's office and \$5,568 for the Commissioner of the Revenue's office to implement the revised Career Development Certification Pay Plan.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>			Motion	Second	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

*Compression Pay Raise for Sheriff Deputies in Non-Compensation Board Positions – Eric Hess, Sheriff*

- The 2022 General Assembly approved salary compression raises for Comp Board funded positions. Compensation Board funded sworn deputies/officers in sheriffs' offices and regional jails with three or more years of continuous service in a Compensation Board funded position in their current office will receive an additional pay raise on August 1, 2022, after all other increases have been implemented, to address salary compression based upon this service time. The salary compression pay raise will provide:

- \$100 per full year of non-interrupted service in a Compensation Board funded position in the current office (as of 8/1/2022) for sworn sheriffs' deputies and regional jail officers with 3 or more years of service, up to a maximum of 30 years of service;
- Non-interrupted service time is consecutive time employed in a Compensation Board funded position with no more than a 30-day break in service.

<b>MOTION:</b>	Approve the compression pay for the three non-Compensation Board funded Deputy positions that qualify for the \$100.00 for each year of consecutive service over three years, which totals \$1,100.00 each year, with funding to come from the FY23 Personnel Contingency.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>	Second			Motion	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

*Waiver to Administer an Existing Split Precinct – Joyce Pace, General Registrar*

- Approved at the August 15, 2022 Special Meeting. Pulled from August 17, 2022 Agenda.

**7A – BOARDS AND COMMISSIONS**

None.

**9 - CONSENT AGENDA**

The following items were discussed before approval:

I - Minutes of August 3, 2022 – Caitlin Solis, Clerk to the Board. Pulled from August 17, 2022 Agenda.

The following items were approved under the Consent Agenda for August 17, 2022:

- *Minutes of July 6, 2022* – Caitlin Solis, Clerk to the Board
- *CRMF - Central Elementary Chillers* – Don Stribling, FCPS
- *CRMF - Public Safety Building 5 Ton Heat Pump Upgrade* – Dale Critzer, Assistant Director of Public Works

<b>MOTION:</b>	Approve the consent agenda, for the August 17, 2022 Board of Supervisors meeting.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>	Second			Motion	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**10 - UNFINISHED BUSINESS**

*SUP 22:01 Johnston & Co LLC – Douglas Miles, Community Development Director*

*(Public Hearing for SUP 22:01 was held on June 15, 2022. Action on the item was then deferred and brought back to the Board of Supervisors under Unfinished Business)*

SUP 22:01 Johnston & Co LLC – A Special Use Permit request in the B-1, General Business Zoning District to permit a contractor's storage yard with respect to 6.4 +/- acres of Tax Map 17 Section 2 Parcel 2.

The applicant is proposing to operate an electrical contracting business and he would not have any outside contracting storage or have contractor equipment stored outside in the storage complex.

2015 Comprehensive Plan Summary

- The Rivanna Community Planning Area is the growth area of the county and it contains a mixture of residential and commercial uses. Medium and small commercial uses, along with office and residential uses

all combine to form a series of commercial shopping centers that are interconnected with the Lake mixed-use development.

- The proposed request is located in the Neighborhood Mixed Use Area, which includes a mix of retail and office uses. The applicant, he proposes to run his electrical contracting office along with potential office use that is located in the B-1 District, which complies with the Plan.

**SUP 22:01 Johnston & Co LLC Case Conditions**

1. The administrative site development plans shall be in substantial conformance with the Johnston & Co LLC Self-Storage Rezoning / Special Use Permit Concept Plan, prepared by Shimp Engineering and last revised on May 23, 2022.
2. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, it shall be submitted for administrative approval.
3. Any lighting shall not be directed toward the adjacent properties and it shall comply with Article 25 Outdoor Lighting Control of the Fluvanna County Zoning Ordinance.
4. Any noise shall comply with Chapter 15.1 of the Fluvanna County, Virginia Code as the same may be amended from time to time
5. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.
6. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
7. Under Section 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.
8. No outside storage of heavy equipment for earthwork operations affiliated with a contractor’s storage yard will be permitted; this does not preclude storage of heavy equipment for earthwork operations during construction activities on the property.
9. Additional screening shall include fence panels that are 6ft tall along with evergreen plantings to provide not less than 64’ of screening.

**MOTION TO EXTEND**

- At 11:00pm, a motion was made to extend the Board of Supervisors meeting.

<b>MOTION:</b>	Approve a motion to extend the August 17, 2022 Regular Board of Supervisors meeting to 12:00am.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
<b>ACTION:</b>	Second	Motion			
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

- Justin Shimp and the applicant, Cory Johnston addressed the Board of Supervisors and answered questions. After a lengthy discussion, Chair Sheridan asked for a motion.

<b>MOTION:</b>	Approve SUP 22:01, Johnston & Co LLC a Special Use Permit request in the B-1, General Business Zoning District to permit a contractor’s storage yard with respect to approximately 6.4 +/- acres of Tax Map 17 Section 2 Parcel 2 and subject to the eight (8) conditions as found within the staff report and the additional ninth (9 <sup>th</sup> ) condition, as amended, in substantial conformance with Shimp Engineering slides dated August 17, 2022, as presented for the Fluvanna County Board of Supervisor's Regular Meeting Agenda for today, August 17, 2022.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
<b>ACTION:</b>	Motion			Second	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**10 - UNFINISHED BUSINESS**

- Mr. O’Brien mentioned the mountain bike event and the organizer’s request to lowering the event fee for the park and allow camping to continue the event and increase the size in the future.
- Mr. Fairchild asked for every non-profit provide data that supports their need when their budget requests are submitted.
  - Staff was asked to provide the FY22 non-profit budget sheets to the Board by the next meeting.
- Mrs. Booker asked for the meeting agenda for the BOS Retreat on August 27, 2022. The information will be available early next week.



**11 - NEW BUSINESS**

None.

**MOTION TO EXTEND**

- At 11:35pm, a motion was made to extend the Board of Supervisors meeting.

<b>MOTION:</b>	Approve a motion to extend the August 17, 2022 Regular Board of Supervisors meeting to 1:00am.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>	Motion			Second	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**12 - PUBLIC COMMENTS #2**

At 11:36pm, Chair Sheridan opened the second round of Public Comments.

- Corven Flynn, 319 Shiloh Church Rd, Made comments regarding the length of storage buildings, developer communication and misinformation, and redoing the June 15, 2022 meeting.
- Donna Daguanno, 148 Crape Myrtle Dr, spoke against Colonial Circle, metal sheds, and asked the Board to follow the Comp Plan.
- Roxanne Carter-Johnston, 498 Cunningham Meadows Dr, thanked the Board for their decision, and spoke in support of the growth and direction Fluvanna is going in.
- Brittany Gray, 2 Watt Cir, spoke in support of Cory Johnston and Roxanne Carter-Johnston.

With no one else wishing to speak, Chair Sheridan closed the second round of Public Comments at 11:47pm.

**13 - CLOSED MEETING**

<b>MOTION:</b>	At 11:47pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Litigation – Actual litigation in connection with the Zion Crossroads Water and Sewer Project.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>	Second			Motion	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

<b>MOTION:</b>	At 12:08pm, 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."				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>	Second			Motion	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**14 - ADJOURN**

<b>MOTION:</b>	Adjourn the regular meeting of Wednesday, August 17, 2022 at 12:09am.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>		Second		Motion	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

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

\_\_\_\_\_  
John M. Sheridan  
Chair



**BOARD OF SUPERVISORS**

County of Fluvanna  
Palmyra, Virginia

**ORDINANCE ZTA 22:01**

**An Ordinance to amend Chapter 22 Zoning of the Fluvanna County Code, and pursuant to Fluvanna County Code Section 22-20-1(c) and by the Addition of Definitions and the Amendment of a Definition known as Agricultural Enterprises under 22-22-1 Definitions; Uses permitted by Special Use Permit in A-1 Zoning Under 22-4-2.2 to permit an Event Facility, Machinery Sales and Service, Microbrewery; Uses permitted by Right in R-3 Zoning Under 22-7-9.1 to permit a Brewpub; Uses permitted by Special Use Permit in R-3 Zoning Under 22-7-9.2 to permit a Microbrewery; Uses permitted by Right in B-1 Zoning Under 22-9-2.1 to permit a Brewpub, Emergency Center, Event Facility, Machinery Sales and Service, and Microbrewery; Uses by Special Use Permit in B-1 Zoning Under 22-9-2.2 to Permit a Vehicle Impound Facility; Uses permitted by Right in B-C Zoning Under 22-10-3 to Permit a Brewpub; Uses permitted by Special Use Permit in B-C Zoning Under 22-10-4 to permit a Microbrewery; Uses permitted by Right in I-1 Zoning under 22-11-2.1 to Permit a Data Center, Machinery Sales and Service and Vehicle Impound Facility; Uses permitted by Right in I-2 Zoning Under 22-12-2.1 to Permit a Data Center, Machinery Sales and Service and Vehicle Impound Facility.**

**BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS**, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended, in Sections 22-4-2.2, 22-7-9.1, 22-7-9.2, 22-9-2.1, 22-9-2.2, 22-10-3, 22-10-4, 22-11-2.1, 22-12-2.1 and Section 22-22-1, as follows:

**Sec. 22-4-2.2 (A-1) Uses permitted by special use permit only.**

*Commercial Uses*

- Event facilities
- Machinery sales and service
- Microbreweries

**Sec. 22-7-9.1 (R-3) Uses permitted by right.**

*Commercial Uses*

- Brewpub

**Sec. 22-7-9.2 (R-3) Uses permitted by special use permit.**

*Commercial Uses*

- Microbreweries

**Sec. 22-9-2.1 (B-1) Uses permitted by right.**

*Commercial Uses*

- Brewpub
- Emergency centers
- Event facilities
- Machinery sales and service
- Microbreweries

**Sec. 22-9-2.2 (B-1) Uses permitted by special use permit only.**

*Commercial Uses*

- Vehicle impound facilities

**Sec. 22-10-3 (B-C) Uses permitted by right.**

*Commercial Uses*

- Brewpub

**Sec. 22-10-4 (B-C) Uses permitted by special use permit only.**

*Commercial Uses*

- Microbreweries

**Sec. 22-11-2.1 (I-1) Uses permitted by right.**

*Commercial Uses*

Machinery sales and service  
Vehicle impound facilities

*Industrial Uses*

Data centers

**Sec. 22-12-2.1 (I-2) Uses permitted by right.**

*Commercial Uses*

Machinery sales and service  
Vehicle impound facilities

*Industrial Uses*

Data centers

**Sec. 22-22-1 Definitions:**

Agricultural Enterprise: Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined. Related uses include sawmill, farm brewery, cidery, distillery, meadery, winery and other similar facilities.

Brewpub: A restaurant that prepares, as an accessory use, handcrafted natural beer intended for the consumption on the premises.

Data center: A facility used primarily for management, processing, storage and transmission of facts and information in digital form, which houses computer and network equipment, servers, systems and other associated components related to digital data operations. The facility may also include accessory uses like air handlers, power generators, water-cooling and storage facilities, utility substations, and other associated infrastructure to support its operations.

Emergency center: A facility that offers the same level of service offered at a hospital emergency room that must be staffed 24 hours a day, 365 days a year, including weekends, holidays, and during inclement weather. An emergency center can accept ambulance transports and have medical flight capabilities with helicopter landing and take-off areas as approved helipads and/or heliport areas.

Event facility: A place of public assembly, used primarily as a facility for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be located in a building or tent, be in an uncovered, outdoor gathering space of less than 200 people or a combination thereof. An event facility is a place that charges a fee or that requires compensation to use the space or charges an entry fee or other fee for the uses related to the facility.

Facilities exclusively used by membership groups such as civic or service clubs or fraternal organizations are not included in the Event facility definition – see Lodge definition.

Machinery sales and service: shall mean the sale and service of machinery such as, but not necessarily limited to, farm tractors, and other similar implements such as backhoes, bulldozers, and forklifts and together with attachments and implements of such machinery such as combines, harvesters, mowers, and buckets, etc.

Microbrewery: A facility for the production and packaging of malt beverages with alcohol content as defined by federal or Virginia law, and distribution, retail, wholesale, or both, for consumption on or off premises. Permitted accessory uses may include an on-site retail sales establishment and a tasting room. Microbreweries are licensed by the Virginia Department of Alcohol Beverage Control and shall operate in accordance with any requirements by the Code of Virginia or any other applicable laws.

Vehicle impound facility: A facility for the temporary, screened storage of operable or inoperable vehicles to be claimed by their titleholders or agents; or those vehicles that are awaiting insurance adjustments or claims within 30 days or less for insurance purposes.

**THE FOREGOING ORDINANCE WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 17th day of August 2022, by the following vote:

<b>SUPERVISOR</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>MOTION</b>	<b>SECOND</b>
Mozell H. Booker, Fork Union District						
Patricia B. Eager, Palmyra District						
Anthony P. O'Brien, Rivanna District						
John M. Sheridan, Columbia District						
Chris Fairchild, Cunningham District						

Adopted this 17th Day of August 2022

by the Fluvanna County Board of Supervisors

ATTEST:

\_\_\_\_\_

John M. Sheridan, Chairman

Fluvanna County Board of Supervisors

APPROVED

## PUBLIC COMMENTS – BOS MEETING, AUG 17, 2022

Good evening, I am Sandra Radford and live at 121 Mulberry Drive in Palmyra.

As we go through this evening's presentations, discussions and decision making processes, you will be addressing several types of issues including approval of a small business SUP, rezoning for of a small business complex, and various employee compensation items.

There's been a lot of discussion by County residents on the first two, and tonight, there will be more. My intent is to share some facts to be considered as discussions get underway. I am not making a statement for or against anything, only highlighting a few facts that may or may not apply going forward.

From the 2020 Census, it was documented that, in Fluvanna County:

Population - 27,723 (about 46% reside in the Northwest Quadrant of the County)

Growth (2010 – 2020) - 1.6%

Median cost of a home - \$234,000 (2020 dollars)

Median income - \$78,885

Per Capita Income - \$44,149

Poverty Level - 6.8% (For a family of 4, the 2020 Federal Poverty Income Level was \$26,200.)

Why am I highlighting these figures? For you to consider when the reality of having affordable, effective, and efficient services versus those that are, even on a small level, unsustainable.

For example: The cost of setting up and sustaining an Emergent Care Facility versus an Urgent Care Facility. Let's consider two factors:

Cost: An Urgent Care Facility typically runs from \$400,000 to \$1,200,000 to start up. Of course, it would take some actual data to ascertain sustainability. An Emergent Care Facility would be much more costly.

Population Served: Current population relative to density would be a variant to consider when deciding how viable is the service to be pursued and to which level of care. The higher degree of care, e.g, Trauma Care, costs more.

Value to Public Health. When an Urgent Care Facility is opened in an area, statistics show that visits to Emergency Departments go down by approximately 17.1%. It also shows that the uninsured and Medicaid visits to Emergency Departments go down approximately 21% and 29.1% respectively, lowering the wait times for true emergency cases.

In my civic work over the past year, I've seen more dissention than compromise, more "gut" voting than analytical decision making, and some samples of poor advice to you Board leaders that typically sway votes on items that have not been as thoroughly examined as they should have been. Items on tonight's agenda fall right in the middle.

There is no DROP DEAD milestone on anything that does not cause damage to life, but votes in the past have been taken as if they were life threatening. As the old saying goes, Rome was not built in a Day. Neither is the building of a strong economically progressive Plan for this County's development. The Comprehensive Plan wasn't even important enough to make sure the 2020 version was ready on time – COVID hit late December 2019 and shut the country down in March 2020. The Comp Plan Goals, as loosely written as they are, need objectives to attain them, milestones to measure them, a creditable plan to implement them, and ways to mitigate and resolve unforeseen consequences of actions taken. From what I've seen and read, the Fluvanna County Comprehensive Plan Year (????) isn't much more than a glimmer on that whole spectrum.

Tonight is an opportunity for you, our elected Board of Supervisors, to take clear and concise actions to ensure what you do is better, more effective and supportive of those things that make life better for your citizens.