## FLUVANNA COUNTY BOARD OF SUPERVISORS **REGULAR MEETING MINUTES**

**Carysbrook Performing Arts Center** 8880 James Madison Hwy, Fork Union, VA 23055 September 7, 2022

Regular Meeting 5:00pm

John M. (Mike) Sheridan, Columbia District, Chair **MEMBERS PRESENT:** 

> Tony O'Brien, Rivanna District, Vice Chair Mozell Booker, Fork Union District

Patricia Eager, Palmyra District (Participating via Zoom from 1107 Mechunk

Chris Fairchild, Cunningham District

**ABSENT:** 

ALSO PRESENT: Eric M. Dahl, County Administrator

Kelly 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 5:05pm, Chair Sheridan called to order the Regular Meeting of September 7, 2022.

Remote Participation Policy for Members of Board of Supervisors – Eric Dahl, County Administrator

Certain requirements for a public body's policy governing remote participation in public meetings have changed as a result of the legislative changes to Virginia Code Section 2.2-3708.3, effective September 1, 2022.

| MOTION: | Fluvanna Count<br>and restates the   | y Board of Super<br>Board's prior po | for Remote Part<br>visors at Meeting<br>plicy on remote p<br>cronic meetings of | gs of the Board" v<br>participation by m | which replaces<br>nembers at |  |  |  |
|---------|--|--------------------------------------|---|--|------------------------------|--|--|--|
|         | emergency declared by the Governor, or by the Board of Supervisors of Fluvanna County, Virginia. |                                      |   |  |                              |  |  |  |
| MEMBER: | Mrs. Booker  | Mrs. Eager                           | Mr. Fairchild   | Mr. O'Brien                              | Mr. Sheridan                 |  |  |  |
| ACTION: | Second   |                                      |   | Motion                                   |                              |  |  |  |
| VOTE:   | Yes  | Abstain                              | Yes   | Yes                                      | Yes                          |  |  |  |
| RESULT: |  |                                      | 4-0-1   |  |                              |  |  |  |

Mrs. Eager contacted the County Administrator on September 6, 2022, to notify that she would need to participate remotely due to a temporary or permanent disability or other medical condition that prevents physical attendance. Mr. Dahl conveyed the message to the Board Chair, who approved the remote participation.

| MOTION: | Approve Mrs. Eager's remote participation of the September 7, 2022 Board of |                      |               |             |              |  |  |  |
|---------|---|----------------------|---------------|-------------|--------------|--|--|--|
|         | Supervisors med   | Supervisors meeting. |               |             |              |  |  |  |
| MEMBER: | Mrs. Booker   | Mrs. Eager           | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |  |  |  |
| ACTION: | Second  |                      |               | Motion      |              |  |  |  |
| VOTE:   | Yes   | Abstain              | Yes           | Yes         | Yes          |  |  |  |
| RESULT: |   | ·                    | 4-0-1         | ·           |              |  |  |  |

After the recitation of the Pledge of Allegiance, a moment of silence was observed.

### 3 - ADOPTION OF AGENDA

Mr. Dahl requested adding MTB Race Update to unfinished business.

| MOTION: | Accept the Agenda, for the September 7, 2022 Regular Meeting of the Board of |   |     |        |     |  |  |
|---------|--|---|-----|--------|-----|--|--|
|         | Supervisors, as amended.   |   |     |        |     |  |  |
| MEMBER: | Mrs. Booker  | Mrs. Booker Mrs. Eager Mr. Fairchild 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:

Happy Birthday Mrs. Eager!!!

September 9th

Announcements and Updates - New Employees

Karis White, Library Assistant I, Library, Started August 29<sup>th</sup>

#### Drive-thru Rabies Clinic

- Pleasant Grove Park 271 Pleasant Grove Drive Palmyra, VA 22963
- Saturday, September 24, 2022
- 9:00am to 12:00pm
- COST: \$10.00 (cash only)

Fluvanna County Habitat for Humanity's 27th Fluvanna home is complete!

- Thanks to a dedicated team of volunteers, community churches, and donors who have made this home possible.
- Houchens Place will soon have a paved road and VDOT will become responsible for road maintenance. A grant from the Charlottesville Area Community Foundation will offset paving costs by \$10,000.
- The Next Habitat for Humanity Open House Sunday, September 11<sup>th</sup> between 1 and 3 PM. 440 Charney Way in Palmyra.
- Habitat will dedicate the new home on Sunday, November 13<sup>th</sup> at 3 PM.

#### Spotlight on Business

- Recent Ribbon Cuttings September 1, 2022 at the Thrifty Fox Thrift Store, Lloyd & Dorothy Fox, Owners, Fork Union Village Shopping Center
- Business Education Series, Build your Social Media for new and existing businesses. September 22, 2022
   12-2pm, Register at Fluvannachamber.org

#### **Next BOS Meetings**

| Day | Date    | Time    | Purpose         | Location                  |
|-----|---------|---------|-----------------|---------------------------|
| Wed | Sept 21 | 7:00 PM | Regular Meeting | Performing<br>Arts Center |
| Wed | Oct 5   | 5:00 PM | Regular Meeting | Performing<br>Arts Center |
| Wed | Oct 19  | 7:00 PM | Regular Meeting | Performing<br>Arts Center |

#### **5 - PUBLIC COMMENTS #1**

At 5:17pm, Chair Sheridan opened the first round of Public Comments.

- Curtis Putnam, 16408 James Maddison Hwy., Made comments regarding economic development, investment in the Comprehensive Economic Development Strategy (CEDS) Grant, and potential incentives for farmers to upgrade their soil, and entrepreneurial incentive for Fluvanna youth.
- Corven Flynn, 319, Shiloh Church Rd., expressed concern regarding the adoption of the August 3, 2022 meeting minutes; commented on the June 15, 2022 and the August 3, 2022 meeting minutes; and commented on the way public comments made during the August 17, 2022 meeting were recorded in the meeting minutes.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 5:26pm.

## **6 - PUBLIC HEARING**

None.

## **7 - ACTION MATTERS**

Safe Streets and Roads for All Comprehensive Safety Action Plan Grant Application – Sandy Shackelford, AICP, Director of Planning & Transportation, TJPDC and Christine Jacobs, Executive Director, TJPDC

The Bipartisan Infrastructure Law (BIL) established the Safe Streets and Roads for All (SS4A) discretionary grant program, providing \$5-\$6 billion in grants over the next 5 years. The goal of this funding is to prevent roadway deaths and serious injuries. To be eligible to receive project implementation funding, applicants must first have developed an approved Comprehensive Safety Action Plan. Since none of the localities within the Thomas Jefferson Planning District have such a plan in place, the Planning District Commission is applying for funding through the SS4A program to develop a Comprehensive Safety Action Plan on behalf of participating localities in the region.

Safety Action plans developed through the SS4A program are required to take a systems approach, identifying larger trends contributing to safety issues and developing comprehensive strategies to resolve these concerns that may include considerations beyond roadway improvements. Required elements of a safety action plan developed through the SS4A funding opportunity include:

- Leadership commitment to the reduction and eventual elimination of roadway fatalities and serious injuries;
- The establishment of a group to oversee the development, implementation, and monitoring of the action plan;
- A comprehensive analysis of safety data;

- Robust public and stakeholder engagement;
- The use of inclusive and representative processes in the plan development;
- An evaluation of existing processes and policies;
- Identification and prioritization of a comprehensive set of projects and strategies; and
- Measurement of progress over time as an outcome of the Safety Action Plan.

The Thomas Jefferson Planning District Commission is asking local governing boards to consider participation in a regional U.S. Department of Transportation Safe Streets and Roads for All (SS4A) Discretionary Grant Opportunity application to develop a Comprehensive Safety Action Plan. Further, the TJPDC is asking participating localities to submit a letter of support with a commitment for a local match in the amount not to exceed \$30,000.

- After some discussion, the Board of Supervisors made a vote.

| MOTION: | Safety Action PI<br>not to exceed \$ | Approve a letter of support of the Safe Streets and Roads for All Comprehensive Safety Action Plan Grant, with a commitment for a local match in the amount not to exceed \$30,000, with funding to come from the FY23 Board of Supervisors contingency line. |               |             |              |  |
|---------|--------------------------------------|---|---------------|-------------|--------------|--|
| MEMBER: | Mrs. Booker                          | Mrs. Eager  | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |  |
| ACTION: | Second                               |   |               | Motion      |              |  |
| VOTE:   | Yes                                  | No  | Yes           | Yes         | Yes          |  |
| RESULT: |                                      |   | 4-1           | _           |              |  |

Recommendation for Appointment to the Board of Zoning Appeals – Eric Dahl, County Administrator The Fluvanna County Board of Supervisors recommends Board of Zoning Appeals (BZA) members, who are then appointed by the Fluvanna County Circuit Court to serve.

| MOTION: | Recommend to the Circuit Court James K. Winsett, for appointment to The Board of Zoning Appeals, At-large position, replacing Carol Walker, who resigned, with a term to begin immediately and terminate on December 31, 2024. |            |               |             |              |  |
|---------|--|------------|---------------|-------------|--------------|--|
| MEMBER: | Mrs. Booker  | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |  |
| ACTION: | Motion   |            | Second        |             |              |  |
| VOTE:   | Yes  | Yes        | Yes           | Yes         | Yes          |  |
| RESULT: |  |            | 5-0           |             |              |  |

Comprehensive Economic Development Strategy (CEDS) Grant with the Thomas Jefferson Planning District Commission – Eric Dahl, County Administrator

- The Thomas Jefferson Planning District Commission (TJPDC) is requesting funding from Fluvanna County and the other regional members (Charlottesville, Albemarle, Greene, Louisa, and Nelson) to participate in a Comprehensive Economic Development Strategy (CEDS). The CEDS will facilitate a strategic blueprint for regional collaboration and grant opportunities such as the Build Back Better Grant (focusing on tourism and revitalization) which needs a regional CEDS Plan in order to apply.
- At the February 16, 2022 BOS Meeting, the Board agreed the CEDS was a good idea and directed staff to move forward with the program.
- The U.S. Economic Development Administration has awarded the TJPDC with an \$80,000 federal grant.
- Funding in the amount of \$2,097.04 is being requested to participate in a CEDS with the TJPDC.

|         |                | Approve a funding request in the amount of \$2,097.04 to the Thomas Jefferson Planning District Commission to participate in a Comprehensive Economic |               |             |              |  |  |  |
|---------|----------------|---|---------------|-------------|--------------|--|--|--|
| MOTION: | Development St | Development Strategy (CEDS), with funding to come from the Board of Supervisors Contingency Budget.   |               |             |              |  |  |  |
| MEMBER: | Mrs. Booker    | Mrs. Eager  | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |  |  |  |
| ACTION: | Motion         |   |               | Second      |              |  |  |  |
| VOTE:   | Yes            | Yes Yes Yes Yes Yes   |               |             |              |  |  |  |
| RESULT: |                |   | 5-0           |             |              |  |  |  |

Board of Supervisors Planning Retreat Funding Request – Eric Dahl, County Administrator

- On May 18, 2022, a proposal was brought forward to the board to use an outside facilitator for the 2022 Board of Supervisors Planning Retreat.
- It was decided by the board to move forward with the \$5,000 proposal from the Virginia Institute of Government, through the University of Virginia Weldon Cooper Center for Public Service.
- A budget transfer is being requested in the amount of \$5,000 from the FY23 BOS Contingency Budget to the Board of Supervisors budget to cover costs for the 2022 Board of Supervisors Planning Retreat.

|  | Approve a budget transfer in the amount of \$5,000 from the FY23 BOS |            |               |             |               |  |  |  |
|--|--|------------|---------------|-------------|---------------|--|--|--|
| MOTION: Contingency Budget to the Board of Supervisors budget to cover costs for t 2022 Board of Supervisors Planning Retreat. |  |            |               |             | costs for the |  |  |  |
|  |  |            |               |             |               |  |  |  |
| MEMBER:  | Mrs. Booker  | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan  |  |  |  |
| ACTION:  | Motion   |            | Second        |             |               |  |  |  |
| VOTE:  | Yes  | Yes        | Yes           | Yes         | Yes           |  |  |  |
| RESULT:  | 5-0  |            |               |             |               |  |  |  |

Authorization to advertise for an ordinance to repeal existing Chapter 21 Water and Sewage Disposal of the Fluvanna County Code, and to adopt and reenact a replacement ordinance entitled Chapter 21 Water and Sewage Disposal of the Fluvanna County Code – Eric Dahl, County Administrator

- Fluvanna County has targeted Zion Crossroads (ZXR) as a growth area. Water and Sewer system infrastructure is an important aspect to attracting and expanding business development in Fluvanna County. The ZXR system stretches nearly 4 miles of the Route 250 / Route 15 corridor. The service area stretches from Route 698, Memory Lane, east on Route 250 to Zion Crossroads, and south on Route 15 for a half mile.
- The County also has sewer systems in downtown Palmyra which are covered under Chapter 21 of the Fluvanna County Code. Fork Union Sanitary District is covered primarily under Chapter 9 of the Fluvanna County Code, which is not being amended at this time. There are sections of Chapter 21 that apply to the Fork Union Sanitary District which is consistent with prior treatment under Chapter 21.
- The proposed ordinance changes, fees, manuals and plans have been prepared to address the significant increase in the abilities of the County's water and sewer system, as well as to address significant revisions to the Virginia Administrative Code Waterworks Regulations which were effective June 21, 2021 and to make other modifications deemed appropriate by staff to better manage the system and to address the financial impacts of the Project.
- The Proposed Reenacted Chapter 21 Water and Sewage Disposal ordinance:
  - Appendix A: Water and Sewer Fee Schedule
  - Cross-connection Control and Backflow Prevention Program Manual
  - Emergency Management Plan for Extended Power Outages
  - Utility Standards Manual

#### Fluvanna - DRAFT Water and Sewer Rates:

| Fluvanna - A | Fluvanna - Availability Fee & Base Service Fee Table |                     |              |                           |                                |                              |                           |                             |
|--------------|--|---------------------|--------------|---------------------------|--------------------------------|------------------------------|---------------------------|-----------------------------|
| Meter Size   | Capital EMU<br>Ratios                                | Usage<br>FMU Ratios | Availability | Water Base<br>Service Fee | GAL<br>Included in<br>Base Fee | Sewer<br>Availability<br>Fee | Sewer Base<br>Service Fee | GAL Included<br>in Base Fee |
| 5/8x3/4      | 1.00   | 1.00                | \$8,500      | \$ 21.42                  | 2,000                          | \$8,500                      | \$ 25.81                  | 2,000                       |
| Full 3/4     | 1.00   | 1.00                | \$8,500      | \$ 21.42                  | 2,000                          | \$8,500                      | \$ 25.81                  | 2,000                       |
| 1            | 2.00   | 3.00                | \$17,000     | \$ 64.26                  | 6,000                          | \$17,000                     | \$ 77.43                  | 6,000                       |
| 1-1/2        | 5.00   | 6.00                | \$42,500     | \$ 128.52                 | 12,000                         | \$42,500                     | \$ 154.86                 | 12,000                      |
| 2            | 8.00   | 10.00               | \$68,000     | \$ 214.20                 | 20,000                         | \$68,000                     | \$ 258.10                 | 20,000                      |
| 3            | 16.00  | 24.00               | \$136,000    | \$ 514.08                 | 48,000                         | \$136,000                    | \$ 619.44                 | 48,000                      |
| 4            | 32.00  | 48.00               | \$272,000    | \$ 1,028.16               | 96,000                         | \$272,000                    | \$ 1,238.88               | 96,000                      |

| Fee per 1,000 gal |         |  |  |  |
|-------------------|---------|--|--|--|
| Water             | Sewer   |  |  |  |
| \$11.22           | \$17.65 |  |  |  |

| Fluvanna - I           | Fluvanna - Monthly Charges for Various Meter Sizes & Usage Rates |                           |                    |                        |                           |                    |             |                                   |
|------------------------|--|---------------------------|--------------------|------------------------|---------------------------|--------------------|-------------|-----------------------------------|
| Meter Size<br>(Inches) | Monthly<br>Usage<br>(Gallons)                                    | Water Base<br>Service Fee | Water<br>Usage Fee | Total Water<br>Charges | Sewer Base<br>Service Fee | Sewer<br>Usage Fee | Charges     | Total Water<br>& Sewer<br>Charges |
| 5/8x3/4                | 3,000  | \$ 21.42                  | \$11.22            | \$ 32.64               | \$ 25.81                  | \$17.65            | \$ 43.46    | \$ 76.10                          |
| Full 3/4               | 5,000  | \$ 21.42                  | \$33.66            | \$ 55.08               | \$ 25.81                  | \$ 52.95           | \$ 78.76    | \$ 133.84                         |
| 1                      | 7,000  | \$ 64.26                  | \$11.22            | \$ 75.48               | \$ 77.43                  | \$ 17.65           | \$ 95.08    | \$ 170.56                         |
| 1-1/2                  | 13,000   | \$ 128.52                 | \$11.22            | \$ 139.74              | \$ 154.86                 | \$ 17.65           | \$ 172.51   | \$ 312.25                         |
| 2                      | 21,000   | \$ 214.20                 | \$11.22            | \$ 225.42              | \$ 258.10                 | \$ 17.65           | \$ 275.75   | \$ 501.17                         |
| 3                      | 49,000   | \$ 514.08                 | \$11.22            | \$ 525.30              | \$ 619.44                 | \$ 17.65           | \$ 637.09   | \$ 1,162.39                       |
| 4                      | 97,000   | \$ 1,028.16               | \$11.22            | \$ 1,039.38            | \$ 1,238.88               | \$ 17.65           | \$ 1,256.53 | \$ 2,295.91                       |

|         | Approve County Staff and the County Attorney to prepare and advertise the                |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|--|
|         | Notice of a Public Hearing to be held on October 5, 2022, at 7:00 pm, contained          |  |  |  |  |  |  |
|         | in the Board packet for the proposed:  |  |  |  |  |  |  |
| MOTION: | <ul> <li>Ordinance to: (i) repeal Chapter 21 Water and Sewage Disposal of the</li> </ul> |  |  |  |  |  |  |
|         | Fluvanna County Code, in its entirety; (ii) adopt and reenact the                        |  |  |  |  |  |  |
|         | proposed attached replacement Ordinance entitled Chapter 21 Water                        |  |  |  |  |  |  |
|         | and Sewage Disposal of the Fluvanna County Code, in its entirety; and                    |  |  |  |  |  |  |

|         | <ul> <li>(iii) adopt the related proposed attached Appendix A entitled Water and Sewer Fee Schedule to be published as an appendix to the Fluvanna County Code; AND</li> <li>Approval and adoption of the proposed Fluvanna County Zion Crossroads Community Waterworks Utility Standards Manual, the Cross-Connection Control and Backflow Prevention Program Manual, and the Emergency Management Plan for Extended Power Outages, each dated</li> </ul> |            |               |             |              |
|---------|--|------------|---------------|-------------|--------------|
|         | September 2022.  |            |               |             |              |
| MEMBER: | Mrs. Booker  | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | Second   |            |               | Motion      |              |
| VOTE:   | Yes  | Yes        | Yes           | Yes         | Yes          |
| RESULT: | 5-0  |            |               |             |              |

## 7A - BOARDS AND COMMISSIONS

None.

### **8 – PRESENTATIONS**

Update on Dominion Energy Activity in Fluvanna County – Sarah A. Marshall, Manager- State & Local Affairs, Regional Public Policy, Central & Western Virginia, Dominion Energy

Sarah Marshall gave an overview of Dominion Energy's recent activity, including Recent Major Storm Events, and an update on Winter Storm Frida, Restoration of power and Strategic Undergrounding of powerlines, EnergyShare Customer Assistance program, and the Rural Broadband Program. The Board was also updated on The Bremo Coal Ash Pond's status and future plans, as well as Dominion's demolition of the Bremo Power Station smokestacks, scheduled for September 23, 2022 at 10:00am.

Thomas Jefferson Planning District 2023 Draft Legislative Agenda – David C. Blount, Deputy Director/Director of Legislative Services TJPDC

David Blount gave an reviewed the 2022 Legislative Priorities including,

- Support for recovering communities from federal, support continued action at the federal, state and local levels to protect local communities and ensure their viability during ongoing recovery from the global pandemic.
- Budgets and funding, urge the governor and legislature to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options.
- Broadband, support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.

FY23 CIP Additional Funding Request for Fork Union Tanker 20 – John Lye, Chair of Fluvanna FRA & Chris Aley, Fork Union Fire Chief

Chief Aley gave a brief presentation for additional CIP funding to purchase a new Tanker Truck 20 for the Fork Union Fire Company. The Board approved a FY23 CIP amount of \$604,000. In an effort to avoid future price increases and ensure a quick turnaround from order to delivery, the request of \$38,913 will cover the prepay discount for the low bid tanker, a 2023 Rosenbauer Commander Pumper/Tanker at \$642,913.

After some discussion, Mr. Obrien made a motion to approve additional funding for Tanker 20 with the additional funding of \$38,913.

| MOTION: | Approve additional funding for FY23 CIP Fork Union Tanker 20 in the amount of \$38,913, with funding to come from either ARPA funds or Unassigned Fund Balance. |            |               |             |              |
|---------|---|------------|---------------|-------------|--------------|
| MEMBER: | Mrs. Booker   | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | Second  |            |               | Motion      |              |
| VOTE:   | Yes   | Yes        | Yes           | Yes         | Yes          |
| RESULT: |   |            | 5-0           |             |              |

# 9 - CONSENT AGENDA

The following items were discussed before approval:

- J Minutes of August 3, 2022 Caitlin Solis, Clerk to the Board
- L Minutes of August 17, 2022 Caitlin Solis, Clerk to the Board
- S CRMF PW23 004 Fluvanna Community Center 4 Ton Heat Pump Dale Critzer, Assistant Director of Public Works

The following items were approved under the Consent Agenda for September 7, 2022:

- Minutes of August 3, 2022 Caitlin Solis, Clerk to the Board
- Minutes of August 15, 2022 Caitlin Solis, Clerk to the Board
- Minutes of August 17, 2022 Caitlin Solis, Clerk to the Board

- FY23 FCPS Property Damage Insurance Claim Tori Melton, Management Analyst/Acting Finance Director
- FY23 Additional Library State Aid Supplemental Appropriation Tori Melton, Management Analyst/Acting Finance Director
- CRMF EM911 Carysbrook Fuel Pump Debbie Smith, Emergency Management Coordinator
- CRMF CEN Sensor, Cabling, and Displays Don Stribling, FCPS
- CRMF FCHS Chiller Water Valve Adjuster Don Stribling, FCPS
- CRMF FMS Chiller Sensor and Controller Don Stribling, FCPS
- CRMF PW23 004 Fluvanna Community Center 4 Ton Heat Pump Dale Critzer, Assistant Director of Public Works
- Zion Crossroads Water and Sewer Fund Capital Budget Carryover Eric Dahl, County Administrator
- McIver Lake Dam Supplemental Appropriation Eric Dahl, County Administrator

| MOTION: | Approve the consent agenda, for the September 7, 2022 Board of Supervisors meeting. |            |               |             |              |
|---------|---|------------|---------------|-------------|--------------|
| MEMBER: | Mrs. Booker   | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | Motion  |            |               | Second      |              |
| VOTE:   | Yes   | Yes        | Yes           | Yes         | Yes          |
| RESULT: |   |            | 5-0           |             |              |

#### 10 - UNFINISHED BUSINESS

MTB Race – Eric Dahl, County Administrator and Aaron Spitzer, Director of Parks and Recreation

- The Board discussed the August 13, 2022 MTB Race, and possible options for future MTB Races.

#### 11 - NEW BUSINESS

- Mr. Fairchild brought up the Board's seating layout. After some discussion, the Board asked Staff to modify the seating layout to aid in conversation.

## 12 - PUBLIC COMMENTS #2

At 8:13pm, Chair Sheridan opened the second round of Public Comments.

- Perrie Johnson, 229 Pine Ln., made comments regarding the teacher shortage.
- Cyndra Kerley, TM 17-15-X, expressed concerns with Mr. Payne's opinions regarding a Freedom of Information Act (FOIA) request being answered late, and electronic participation in the June 15, 2022 meeting.

Fred Payne, County Attorney, requested the opportunity to respond to Mrs. Kerley's comments. Mr. Payne noted that in March 2020, in response to the public health emergency brought on by COVID-19, the Board adopted a policy for meeting participation by telephonic, video, electronic, or other electronic communication method; this policy was in effect at the time of the June 15, 2022 meeting. Mr. Payne acknowledged that the FOIA response was late and reiterated that while a mistake was made, it was corrected as soon as the violation was brought to staff's attention.

After Mr. Payne spoke, Mrs. Kerley requested the opportunity to respond. Following discussion, the Chair allowed Mrs. Kerley an additional 30 seconds to speak. Mrs. Kerley then commented on the policy that allowed electronic participation at the June 15, 2022 meeting.

With no one else wishing to speak, Chair Sheridan closed the second round of Public Comments at 8:31pm.

# 13 - 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.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 |            |               |             |              |
|---------|---|------------|---------------|-------------|--------------|
| MEMBER: | Mrs. Booker   | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | Second  |            |               | Motion      |              |
| VOTE:   | Yes   | Yes        | Yes           | Yes         | Yes          |
| RESULT: | 5-0   |            |               |             |              |

|         | At 8:54pm, 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   |
| MOTION: | public business matters lawfully exempted from open meeting requirements          |
| MOTION: | 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: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
|---------|-------------|------------|---------------|-------------|--------------|
| ACTION: | Second      |            |               | Motion      |              |
| VOTE:   | Yes         | Yes        | Yes           | Yes         | Yes          |
| RESULT: |             |            | 5-0           |             |              |

Approve that Agreement and Release (Zion Crossroads Water and Sewer System, IFB #2018-03, Fluvanna County, VA) between A.G. Dillard, Inc., and the County of Fluvanna and The Cincinnati Insurance Company (the "Settlement Agreement") subject to reasonable modifications approved by the County Administrator and the County Attorney to such Settlement Agreement and to proceed with the **MOTION:** filing of the proposed Settlement Agreement in that pending Bankruptcy Case No. 22-60115 filed by A.G. Dillard, Inc. under voluntary petition seeking approval of the Bankruptcy Court of the Settlement Agreement, and further authorize the County Administrator to approve and execute such Settlement Agreement, with any reasonable modifications approved by the County Administrator, subject to the County Attorney's approval as to form. **MEMBER:** Mr. Fairchild Mr. O'Brien Mr. Sheridan Mrs. Booker Mrs. Eager **ACTION:** Second Motion VOTE: Yes Yes Yes Yes Yes **RESULT:** 5-0

# 14 - ADJOURN

| MOTION: | Adjourn the regular meeting of Wednesday, September 7, 2022 at 8:56pm. |            |               |             |              |
|---------|--|------------|---------------|-------------|--------------|
| MEMBER: | Mrs. Booker  | Mrs. Eager | Mr. Fairchild | 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      | John M. Sheridan                     |
| Clerk to the Board | Chair                                |