

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
March 1, 2023
Regular Meeting 5:00pm
Work Session 7:00pm**

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

ABSENT: None.

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 5:06pm, Chair Booker called to order the Regular Meeting of March 1, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- Mr. Dahl let the Board know Mr. Thornton is unable to attend and the VDOT Quarterly Report will need to be rescheduled.

MOTION:	Accept the Agenda, for the March 1, 2023 Regular Meeting of the Board of Supervisors, as amended.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

SPECIAL PRESENTATION

Honoring Edward Zimmer – Eric Dahl, County Administrator

- The Board of Supervisors presented Mr. Zimmer with a plaque to honor his time on the Planning Commission as the Columbia District Representative for ten years.

4 - COUNTY ADMINISTRATOR’S REPORT

Mr. Dahl reported on the following topics:

Announcements and Updates - New Employee

- Bonnie Scott, Deputy Treasurer II, Treasurer’s Office, Started February 27th

Fluvanna County Tire Drop Off and Hazardous Waste Collection

- Saturday, March 25, 2023 at Pleasant Grove Park
- Safe Disposal of Tires, Gasoline, Paints, Thinners, Solvents and Light Bulbs
- Questions, call Fluvanna County Parks and Recreation at (434) 589-2016
- Waste collection 10am - 2pm and Tire collection 10am - 12pm
- *Proof of Fluvanna county residency is required!*
- Arrive Early! Limited Collection Capacity! *When the trucks are full, event will close.*
 - no commercial vehicles, no business disposals, no moving trucks, no trailers, no electronics, no asbestos, no tractor tires or big rig tires, 15 tires per resident - all tires must be off rims

Fluvanna-Louisa Housing Foundation

- February 10, 2023 Fundraiser at Bandit’s Ridge.
- Tom Payne, FLHF Volunteer, received recognition for Outstanding Service managing ramp installations in both counties

Next BOS Meetings:

Day	Date	Time	Purpose	Location
Wed	Mar 8	5:30 PM	BOS Budget Work Session	Morris Room County Admin Bldg
Wed	Mar 15	5:00 PM	BOS Budget Work Session – Set Proposed FY24 Budget & CY23 Tax Rates for Advertising	Performing Arts Center
Wed	Mar 15	7:00 PM	Regular Meeting	Performing Arts Center

5 - PUBLIC COMMENTS #1

At 5:15pm, Chair Booker opened the first round of Public Comments.

- Loretta Johnson-Morgan, 18 Lake Rd, asked the Board of Supervisors to give the Free Hill Cemetery to the Columbia Baptist Church.
- Nadine Armstrong, spoke in support of Columbia Baptist Church’s request to have the cemetery returned to the church. She also informed the Board of the effort of finding the names of all who are buried there.
- Bruce Bowling, Pastor of Columbia Baptist Church, commented on the Church’s effort to clean the cemetery, and offered continuing upkeep to be done by the church should the Board give the cemetery to Columbia Baptist Church.

With no one else wishing to speak, Chair Booker closed the first round of Public Comments at 5:23pm.

6 - PUBLIC HEARING

None.

7 - ACTION MATTERS

County participation in Virginia Opioid Settlement (2nd settlement) – Frederick W. Payne, County Attorney

County Participation in Virginia Opioid 1st Settlement

- In October 2021, several entities filed claims nationally against three distributors and one manufacturer of opioid pharmaceuticals, which claims were participated in by the Commonwealth and approximately 80 of its localities at that time.
- These claims have been tentatively settled by the agreement of all participating parties to accept a monetary settlement and, in return, releasing all claims to which they may be entitled against the settling distributors and manufacturer.
- The amount of the settlement is approximately \$26 billion nationally, of which approximately \$530 million will be paid over time to the Commonwealth, including the Opioid Abatement Fund, and the participating Virginia localities.
- It is contemplated that approximately 30% of the total will accrue to the Commonwealth’s participating localities.
- The MOU to approve the negotiated settlement was signed by the Attorney General on behalf of the Commonwealth in August of 2021.
- On November 17, 2021, the County approved by resolution to participate in the Virginia Opioid 1st Settlement.
- In addition, the Commonwealth has created the Opioid Abatement Authority (OAA) for administrative oversight during this time.

<u>Fiscal Year</u>	<u>Distributors</u>	<u>Janssen</u>	<u>From OAA</u>	<u>Total</u>
FY 2022	7,889	0	0	7,889
FY 2023	8,291	31,582	17,513	57,385
FY 2024	8,291	0	3,040	11,331
FY 2025	10,377	0	3,805	14,182
FY 2026	10,377	0	3,805	14,182
FY 2027	10,377	1,593	4,389	16,359
FY 2028	10,377	1,593	4,389	16,359
FY 2029	12,205	1,593	5,059	18,856
FY 2030	12,205	2,028	5,219	19,451
FY 2031	12,205	2,028	5,219	19,451
FY 2032	10,259	2,028	4,505	16,792
FY 2033	10,259	0	3,762	14,021
FY 2034	10,259	0	3,762	14,021
FY 2035	10,259	0	3,762	14,021
FY 2036	10,259	0	3,762	14,021
FY 2037	10,259	0	3,762	14,021
FY 2038	10,259	0	3,762	14,021
FY 2039	10,259	0	3,762	14,021
Total	\$ 184,664	\$ 42,445	\$ 83,273	\$ 310,383

County Participation in Virginia Opioid 2nd Settlement

- In January 2023, several entities have filed claims nationally against two manufacturers of opioid pharmaceuticals and three large retail pharmacies, which claims have been participated in by the Commonwealth and approximately 135 of its localities (Counties and Cities).
- These claims have been tentatively settled by the agreement of all participating parties to accept a monetary settlement and, in return, releasing all claims to which they may be entitled against the settling distributors and manufacturer.
- The amount of the settlement is approximately \$20 billion nationally, with approximately \$17 billion of this amount will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis.

- The precise amounts to accrue to each locality cannot be calculated until all participating localities have filed the necessary documents to participate.
- A presentation on eligible uses and proposed uses for Fluvanna County will be brought back at a later time.

MOTION:	Approve the attached resolution approving the County's participation in the proposed settlement of opioid-related claims against certain entities named in the resolution and directing the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:		Motion		Second	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

7A – BOARDS AND COMMISSIONS

<u>MOTION:</u>	Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s):				
BOARD/COMMISSION/COMMITTEE	APPOINTEES		APPT/REAPPT	BEGINS TERM	ENDS TERM
Planning Commission – Columbia District Representative	Lorretta Johnson-Morgan		Appt	3/1/2023	6/30/2026
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	No	No	Yes	Yes
RESULT:	3-2				

<u>MOTION:</u>	Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s):				
BOARD/COMMISSION/COMMITTEE	APPOINTEES		APPT/REAPPT	BEGINS TERM	ENDS TERM
Region Ten Community Services Board – Fluvanna County Representative	Austin Baker		Appt	3/1/2023	12/31/2025
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

8 – PRESENTATIONS

VDOT Quarterly Report – Scott Thornton, Residency Administrator/Louisa Residency

- Mr. Thornton was unable to attend, the Quarterly Report will be rescheduled in April.

Free Hill Cemetery – Tricia Johnson, Fluvanna County Historical Society

Tricia Johnson with the Fluvanna County Historical Society gave an overview of the historical ownership of the Free Hill Cemetery in the former Town of Columbia. The Free Hill Cemetery was owned by the Town of Columbia and was acquired by Fluvanna County when the Town was dissolved in 2016.

- At the request of Columbia Baptist Church members and other descendants of people buried at Free Hill, the Fluvanna Historical Society (FHS) plans to submit an application for grant funding for GPR work on the entire cemetery, as well as fencing, the installation of a congregate memorial listing the names of people buried there in unmarked graves, and historical interpretive signage.
 - The FHS requests deeding the parcel – lots 37, 38, 53 & 54, as well as the roadbeds that form the northern and eastern boundaries of the cemetery, to Columbia Baptist Church, and A letter stating the county's intent is a requirement of a grant application, due March 15.
- The Board directed staff to begin the process of drafting a letter of intent to give the Free Hill Cemetery to the Columbia Baptist Church via the Fluvanna Historical Society.

9 - CONSENT AGENDA

The following items were approved under the Consent Agenda for March 1, 2023:

- *Minutes of February 15, 2023* – Caitlin Solis, Clerk to the Board

- *Minutes of February 22, 2023* – Caitlin Solis, Clerk to the Board
- *CRMF - CAR Water Leak* – Don Stribling, FCPS Executive Director
- *FY23 Pay Rates and Classifications* – Donna Snow, Director of Human Resources
- *Approval of Open Space Agreement for Andrew J. Mills, Jr. and Carol A. Mills* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for David J. and Becky L. Peterson* – Andrew M. Sheridan, Jr., Commissioner of the Revenue

MOTION:	Approve the consent agenda, for the March 1, 2023 Board of Supervisors meeting.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

- *Mr. Sheridan stepped away for a moment and missed the vote on the Consent Agenda.*

10 - UNFINISHED BUSINESS

BOS 2022-2023 Boards, Commissions and Committees Review – Eric Dahl, County Administrator

- Mr. Dahl reviewed the boards, committees, and commissions the Board of Supervisors serve on and the changes made when Mrs. Booker became the Chair.

11 - NEW BUSINESS

Letter from Sycamore Square – Mr. O'Brien acknowledged the letter the Board received from Charles White, President of Sycamore Square POA, regarding the road safety in the Sycamore Square subdivision.

Central Virginia Regional Housing Partnership – Mrs. Booker brought up the letter from CVRHP regarding the Second Annual Housing Summit on March 24, 2023, asking if Fluvanna is interested in being a sponsor to the event. The Board did not choose to sponsor the event.

13 - CLOSED MEETING

MOTION:	At 7:10pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.7, & A.19 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – County Attorney Position, Litigation – Gate Plaza LLC v. Fluvanna County Board of Supervisors, Public Safety – Kents Store Fire House Incident.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 7:42pm, move the Fluvanna County Board of Supervisors recess the closed 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				

BUDGET WORK SESSION

County Department Budget Proposals & CIP – Eric Dahl, County Administrator

- Mr. Dahl reviewed unfunded CIP projects including
 - Parks and Recreation projects
 - Public Works equipment, and Convenience Center improvements
 - One requested Sheriff's vehicle was left unfunded
 - Fire and rescue Brush Truck 30, equipment for Engine 20, and a UTV for Fork Union were not funded
 - Carysbrook Generator, bathroom remodel, paving, and middle school gym floors and bleachers were not funded

Budget Discussion – Eric Dahl, County Administrator

- After a brief discussion, the Board decided to continue the budget discussion next week.

13 - CLOSED MEETING

MOTION:	At 8:44pm, move the Fluvanna County Board of Supervisors reentered into the closed meeting, pursuant to the provisions of Section 2.2-3711 A.7, & A.19 of the				
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	Code of Virginia, 1950, as amended, for the purpose of discussing Litigation – Gate Plaza LLC v. Fluvanna County Board of Supervisors, Public Safety – Kents Store Fire House Incident.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 10:13pm, 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:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION TO EXTEND

- At 10:14pm, a motion was made to extend the Board of Supervisors meeting.

MOTION:	Approve a motion to extend the March 1, 2023 Regular Board of Supervisors meeting to 10:20pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

14 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, March 1, 2023 at 10:14pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

Mozell H. Booker
Chair