

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Fluvanna County Library  
214 Commons Blvd, Palmyra, Virginia 22963  
June 7, 2023  
Regular Meeting 5:00pm**

**MEMBERS PRESENT:**

Mozell Booker, Fork Union District, Chair  
Patricia Eager, Palmyra District, Vice Chair  
John M. (Mike) Sheridan, Columbia District (*entered meeting at 5:22pm*)  
Tony O'Brien, Rivanna District (*entered the meeting at 5:08pm and attended remotely via Zoom from 30 Chatham Lane*)  
Chris Fairchild, Cunningham District

**ABSENT:**

None.

**ALSO PRESENT:**

Eric M. Dahl, County Administrator  
Kelly Harris, Assistant County Administrator  
Dan Whitten, County Attorney  
Fred Payne, Special Deputy County Attorney  
Caitlin Solis, Clerk for the Board of Supervisors

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

At 5:04pm, Chair Booker called to order the Regular Meeting of June 7, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

- *Mr. Dahl mentioned Mr. O'Brien requested in advance of the June 7, 2023 meeting to be excused from attending in person due to illness. Mr. O'Brien sent the request to the Chair, staff and the county attorney, and was told he could attend virtually.*

<b>MOTION:</b>	Approve the remote participation of Tony O'Brien in accordance with the terms of the Policy for Remote Participation.				
<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	Absent	Absent
<b>RESULT:</b>	<b>3-0</b>				

**3 - ADOPTION OF AGENDA**

<b>MOTION:</b>	Accept the Agenda, for the June 7, 2023 Regular Meeting of the Board of Supervisors, as presented.				
<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	Absent	Absent
<b>RESULT:</b>	<b>3-0</b>				

**4 - COUNTY ADMINISTRATOR'S REPORT**

Mr. Dahl reported on the following topics:

Announcements and Updates

- Happy birthday to Mr. Fairchild

New Employees

- Brendan Krett, Parks and Recreation, Athletics and Special Events Coordinator, Started May 30<sup>th</sup>
- Daniel Whitten, County Attorney, Started June 5th

Announcements and Updates

- On May 24th, Governor Youngkin commemorated Foster Care Awareness Month by signing two foster care bills. Fluvanna foster/adoptive parents, Donnie and Dee Ward, who have provided a safe, stable and nurturing home for many children through Fluvanna Social Services, were invited and attended the ceremony.

**Next BOS Meetings**

Day	Date	Time	Purpose	Location
Wed	Jun 21	7:00 PM	Regular Meeting	Library
Wed	Jul 5	5:00 PM & 7:00 PM	Regular Meeting	Library

<b>Wed</b>	<b>Aug 2</b>	<b>5:00 PM</b>	<b>Regular Meeting</b>	<b>Performing Arts Center</b>
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- Mr. Fairchild mentioned the Lake Monticello Kids Fishing Day, for ages 3-12 on June 17, 2023 at Tufton Pond.

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

At 5:10pm, Chair Booker opened the first round of Public Comments.

- James Shoenster, 843 Jefferson Dr, spoke in support of funding JAUNT services.
- Iscella Wittich, 17 Barefoot Ln, spoke in support of funding JAUNT services.
- Peggy Shanklin, 865 Jefferson Dr, spoke in support of funding JAUNT services.
- Bryan Moeller, 133 Oak Hill Ln, spoke in support of funding JAUNT services.

With no one else wishing to speak, Chair Booker closed the first round of Public Comments at 5:22pm.

### **6 - PUBLIC HEARING**

None.

### **7 - ACTION MATTERS**

*Special Deputy County Attorney Temporary Hire – Eric Dahl, County Administrator*

- Frederick W. Payne is retiring from the private practice of law and will not be a partner in the law firm of Payne & Hodous, L.L.P. from and after May 1, 2023.
- He has agreed to assist the County and be hired as a temporary County Attorney employee from May 1, 2023 to June 4, 2023 and as a Special Deputy County Attorney from June 5, 2023 to June 30, 2023 at a rate of \$3,000.00 per month.
- This position reclassification is needed, due to the County hiring a new County Attorney effective June 5, 2023.
- Mr. Payne will continue to provide legal counsel in an oversight capacity, attend Board of Supervisors and Planning Commission meetings, assist the new County Attorney during the transition, take part in some pre and post meeting preparation and advise the Deputy and Assistant County Attorney's with Payne & Hodous, L.L.P., d/b/a DeLoria & Hofmann LLP.

<b>MOTION:</b>	Ratify the appointment of Frederick W. Payne, a temporary employee for Fluvanna County, reclassifying the appointment from County Attorney to Special Deputy County Attorney, representing the County during the Board of Supervisors and Planning Commission meetings and other meeting preparation as required, effective June 5, 2023 through June 30, 2023.				
<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>				

*County Attorney Employment Agreement – Eric Dahl, County Administrator*

- Employment Agreement for the new County Attorney Daniel N. Whitten, effective June 5, 2023, following the retirement of County Attorney Frederick W. Payne.
- Mr. Payne will stay on with the County until June 30, 2023 as Special Deputy County Attorney to aid in the transition.
- The newly formed in-house County Attorney department was budgeted for in FY24. Some additional funding may be required for FY23 and that would be brought back to the board by the July meeting.

<b>MOTION:</b>	Ratify the Employment Agreement for Daniel N. Whitten for appointment as Fluvanna County Attorney, effective June 5, 2023.				
<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>				

*FY23 CSA Purchase of Services Supplemental Budget Appropriation – Bryan Moeller, CSA Program Manager*

- There was no longer a need for the Board of Supervisors to approve a supplemental appropriation for the FY23 CSA Purchase of Services Budget.
- Mr. Moeller presented the CSA Semi-Annual Report to the Board of Supervisors to the Board.

*Jaunt FY24 Funding – Eric Dahl, County Administrator*

- Jaunt notified the County that since their minimum funding request of \$87,070 was not approved in FY24 (\$76,120 was approved), there would need to be a 10% service reduction. They would propose eliminating the "Midday Link", which is a 2 day a week (Tuesdays and Thursdays) service connecting county residents to

Charlottesville/Albemarle County. The board could also determine different Jaunt services to cut. If they do so, they would need to inform the community in the upcoming weeks of the change.

- Jaunt has also notified the County we will be receiving an FY22 rebate around June or July of this year of \$22,760. They are requesting to utilize part of the rebate to make up the \$10,950 difference to not eliminate service for FY24.
- In addition, if the County decided to utilize the full \$22,760 rebate for the FY24 budget, they would not need to cut service and they could make the intra-county circulator a five-day week service; it is currently a three-day a week service.

<b>MOTION:</b>	Approve a supplemental appropriation to the FY24 Jaunt Budget of: A. \$10,950 – The County maintains the current level of service. With funding to come from Unassigned Fund Balance.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
<b>ACTION:</b>		Second			Motion
<b>VOTE:</b>	No	Yes	Yes	No	Yes
<b>RESULT:</b>	<b>3-2</b>				

- Mr. O’Brien moved to amend Mr. Sheridan’s motion

<b>MOTION:</b>	Approved supplemental appropriation to the FY24 Jaunt Budget of: B. \$22,760 – The County maintains the current level of service, plus expands: b. the Fluvanna Workday Link from a 3 day a week service to a 5 day a week service. With funding to come from Unassigned Fund Balance.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
<b>ACTION:</b>				Motion	
<b>VOTE:</b>					
<b>RESULT:</b>	<b>Motion Failed for Lack of a Second</b>				

*Removal of Illegal Signs from the VDOT Right of Way – Eric Dahl, County Administrator*

- The Board wanted to see what options were available to eliminate and/or impose penalties for temporary signs in the VDOT Right of Way or along Fluvanna roadways.
- After speaking with VDOT, they will allow levying a \$100 Civil Penalty for signs on the right of way, if an agreement “For Enforcement of Laws Regarding Illegal Signs and Advertising within the Limits of the Highway” is entered between VDOT and the local government.
- After the last Board of Supervisors meeting on May 3rd, some answers were requested for the Removal of Illegal Signs from the VDOT Right of Way process.
  1. What other County’s or those near Fluvanna have entered into an agreement to do this enforcement?
    - a. The closest localities to Fluvanna are Caroline Co, Spotsylvania Co, and Chesterfield Co.
  2. Does Fluvanna do some or all the Removal of Illegal Signs from the VDOT Right of Way?
    - a. Fluvanna would be responsible for the sign removal.
  3. Does VDOT or Fluvanna levy the Civil Penalty?
    - a. Fluvanna would levy the Civil Penalty.
  4. What portion of the levied Civil Penalty remains with Fluvanna County vs VDOT?
    - a. Fluvanna would retain 100% of the Civil Penalty
  5. Can Fluvanna County get a map of VDOT roads in the County showing all of the Right Of Way (ROW) widths?
    - a. VDOT has provided the County with a spreadsheet of ROW widths on County roads. Some roads in the County indicate variable widths and VDOT recommends searching the property plats at the courthouse to find out what the legal Right Of Way may be on any particular piece of property in question.

**Other Localities Method**

- Chesterfield County enforces the removal of temporary illegal signs as an ongoing countywide beautification effort. They do not collect the \$100 levy.
- Warren County enforces the removal of temporary illegal signs. They do not collect the \$100 levy.
- Caroline County enforces the removal of temporary illegal signs. They do not impose any civil fees for the pick-up of signs in the VDOT right-a-way and they remove the signs roughly once a month. They will call to let them know that the sign was picked up and that offsite signage is not allowed in the county. They do still have an issue with signs popping up throughout the county, but it has slowed down some since they started about two years ago.
- Spotsylvania County enforces the removal of temporary illegal signs. Their policy adopted in 2020 does not specify if they collect the \$100 levy.

<b>MOTION:</b>	Adopt "A Resolution For Enforcement Of Laws Regarding Illegal Signs And Advertising Within The Limits Of The Highway."				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
<b>ACTION:</b>			Motion		
<b>VOTE:</b>					
<b>RESULT:</b>	<b>Motion Failed for Lack of a Second</b>				

**7A – BOARDS AND COMMISSIONS**

<b>MOTION:</b>	Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s):				
<b>BOARD/COMMISSION/COMMITTEE</b>	<b>APPOINTEES</b>		<b>APPT/REAPPT</b>	<b>BEGINS TERM</b>	<b>ENDS TERM</b>
Economic Development Authority (EDA) – At-Large	Jeffery Potter (I)		Reappt	7/1/2023	6/30/2027
Economic Development Authority (EDA) – At-Large	Valerie Palamountain (I)		Reappt	7/1/2023	6/30/2027
Economic Development Authority (EDA) – At-Large	Raghvendra Singh		Appt	7/1/2023	6/30/2027
<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>				

Library Board of Trustees – At-Large	Felicity Gasparoli Gooch (I)		Reappt	7/1/2023	6/30/2027
<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>				

**8 – PRESENTATIONS**

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

Mr. Thornton gave an update on VDOT projects in the county including, pavement patching and repairs, mowing schedule, traffic studies. The Board pointed out various road issues to be corrected.

**9 - CONSENT AGENDA**

The following items were discussed before approval:

I - Accounts Payable Report for April 2023 – Tori Melton, Director of Finance

O - FY23 – 14567 James Madison Hwy Insurance Claim – Tori Melton, Director of Finance

C - CRMF - Central Elementary Sewer Pipe Replacement – Don Stribling, FCPS Executive Director

The following items were approved under the Consent Agenda for June 7, 2023:

- Minutes of May 17, 2023 – Caitlin Solis, Clerk to the Board
- Accounts Payable Report for April 2023 – Tori Melton, Director of Finance
- FY23 Circuit Court Technology Trust Fund Supplemental Appropriation – Tristana P. Treadway, Clerk of the Circuit Court
- FY23 Facilities Department Insurance Claim – 2015 Chevrolet Silverado 2500 VIN# 1223 – Tori Melton, Director of Finance
- FY23 Facilities Department Insurance Claim – 2016 Ford Transit VIN# 1585 – Tori Melton, Director of Finance
- FY23 – 5725 James Madison Hwy Insurance Claim – Tori Melton, Director of Finance
- FY23 – 11206 West River Rd Insurance Claim – Tori Melton, Director of Finance
- FY23 – 14567 James Madison Hwy Insurance Claim – Tori Melton, Director of Finance
- FY23 Sheriff Department Insurance Claim – 2019 Dodge Charger VIN# 2557 – Tori Melton, Director of Finance
- FY23 Sheriff Department Insurance Claim – 2020 Dodge Charger VIN# 0854 – Tori Melton, Director of Finance
- FY23 Treasurer's Office Supplemental Appropriation – Tori Melton, Director of Finance
- 2023 Ambulance Purchase Agreement – Tori Melton, Director of Finance
- R. K. Chevrolet Vehicle Purchase Agreement – Tori Melton, Finance Director
- Stretcher Contract – Tori Melton, Finance Director
- Vision Government Solutions Contract – Eric Dahl, County Administrator
- Park Maintenance Worker Full-Time Job Description – Donna Snow, Director of Human Resources

- Small Business Development and Tourism Specialist Position Description – Donna Snow, Director of Human Resources
- Assistant County Administrator Position Description Upgrade – Donna Snow, Director of Human Resources
- Approval of FY24 CSA Provider Agreement – Bryan Moeller, CSA Program Manager
- CRMF - Central Elementary Sewer Pipe Replacement – Don Stribling, FCPS Executive Director
- CRMF - FMS HVAC Repair – Don Stribling, FCPS Executive Director

<b>MOTION:</b>	Approve the consent agenda, for the June 7, 2023 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for April 2023 in the amount of \$2,575,419.40.				
<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***New Constitutional Officer Pay Policy*

- Mr. Sheridan asked to add the new Constitutional Officer Pay Policy to a future agenda.

**11 - NEW BUSINESS**

None.

**12 - PUBLIC COMMENTS #2**

At 7:30pm, Chair Booker opened the first round of Public Comments. With no one wishing to speak, Chair Booker closed the first round of Public Comments at 7:30pm.

**13 - CLOSED MEETING**

<b>MOTION:</b>	At 7:31pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.5, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – Emergency Services department organizational change, Prospective Industry – Prospective business update, and Legal Matters – Contract users credit under the water and sewer ordinance, and Temporary signs on county property.				
<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 9:19pm, move the Fluvanna County Board of Supervisors recess the closed 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>				

**MOTION TO EXTEND**

- At 9:21pm, a motion was made to extend the Board of Supervisors meeting.

<b>MOTION:</b>	Approve a motion to extend the June 7, 2023 Regular Board of Supervisors meeting to 9:25pm.				
<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, June 7, 2023 at 9:21pm.				
<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>				

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Caitlin Solis  
Clerk to the Board

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Mozell H. Booker  
Chair

APPROVED