

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
August 16, 2023
Regular Meeting 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
Dan Whitten, County Attorney
Caitlin Solis, Clerk for the Board of Supervisors

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

At 7:00pm, Chair Booker called to order the Regular Meeting of August 16, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- Mr. Dahl asked to add JRWA Board Member and Coffee and Conversations Meetings to New Business

MOTION:	Accept the Agenda, for the August 16, 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				

4 - COUNTY ADMINISTRATOR'S REPORT

Mr. Dahl reported on the following topics:

Announcements and Updates - New Employees

- Eugene (Steven) McVey, Finance Department, Purchasing Officer, Started August 7th
- Karis White, County Attorney Office, Paralegal/Legal Assistant, Started August 7th
- Kristin Blackburn, Emergency Services, EMTs Advanced Life Support (ALS), Started August 7th
- Michael Morris, Emergency Services, EMTs Advanced Life Support (ALS), Started August 7th
- Richard Frakes, Emergency Services, EMT Basic Life Support (BLS), Started August 7th
- Kiara Spencer, Emergency Services, EMT Basic Life Support (BLS), Started August 10th
- Brian Allen, Emergency Services, EMTs Basic Life Support (BLS), Started August 10th

Staff and Community Recognitions

- Social Services distributed 45 backpacks and school supplies donated by Lake Christian Church.
- A big thank you goes out to Lake Christian Church for the donations and to Jane Wilson with DSS for coordinating the project.

NEW STAGE AT PLEASANT GROVE PARK

- This project was planned in 2019 as a way to save money for the County when renting a stage for the annual County Fair (tent rental ~ \$2,200) as well as to have a shaded place to put on various performances throughout the year for community residents and visitors.
- Funding for the project was from the FY'20 budget and \$5,000 has been carried over yearly until recent completion.
- Total project cost was \$6,313.65
- Zachary Harris of Scout Troop 154 finally agreed to take on the project in 2022 as his Eagle Scout project completing it in 2023.
- Matt Stancil and Aaron Spitzer from Parks and Recreation constructed the ADA ramp for final inspection.
- First performance on the stage will be Crimson Current on August 17 starting at 6pm during the County Fair.
- First planned performance for a community event is on September 9 from 6 - 8pm. Event will be called "Groovin' at the Grove" and is being put on by members of EDTAC. The local band that is scheduled to play is called "Route Six". More information to follow as planning completes.

2023 FLUVANNA COUNTY FAIR INFORMATION

- The Fluvanna County Fair will be held August 17 - 19, 2023 with opening times August 17 & 18 at 5pm and August 19 at 10am.
- There are a variety of attractions at the Fair this year: Carnival as always, Live Entertainment daily, Monster Truck rides Thursday and Friday, Axe Women of Maine daily shows, daily petting zoo and kids zone, beer garden on Friday and Saturday, Axe throwing area on Saturday, along with the Rodeo to cap off the Fair on Saturday night. Plus many more events daily!
- There will be over 60 non-food vendors and over 15 food vendors at the event!
- Special THANK YOU to all the SPONSORS of the County Fair, with them this event would not be possible!

Announcements and Updates

- Join us for the first Groovin' at the Grove concert
- Route 6 will be performing
- September 9, 2023 from 6:00pm to 8:00pm at Pleasant Grove Park
- Free admission
- Food trucks will be available

Next BOS Meetings

Day	Date	Time	Purpose	Location
Wed	Sept 6	5:00 PM	Regular Meeting	Performing Arts Center
Wed	Sept 20	7:00 PM	Regular Meeting	Performing Arts Center
Wed	Oct 4	5:00 PM	Regular Meeting	Performing Arts Center

5 - PUBLIC COMMENTS #1

At 7:10pm, Chair Booker opened the first round of Public Comments.

- Tim Hodge, 264 Manor Blvd, commented on the BOS Bylaws agenda item.

With no one else wishing to speak, Chair Booker closed the first round of Public Comments at 7:10pm.

6 - PUBLIC HEARING

ZMP 23:03 Caroline and Christopher Minsky – Douglas Miles, Community Development Director

ZMP 23:03 Caroline and Christopher Minsky - An ordinance to amend proffers of ZMP 19:02 with respect to 7.5 acres of Tax Map 4 Section A front portion of Parcel 27 which is zoned I-1. This case amendment would permit previously proffered out commercial uses such as a retail store. There is a retail furniture store with warehouse space that would like to occupy this existing building. The front portion of the property is known as 2428 Richmond Road and is in the Zion Crossroads Community Planning Area and the Palmyra Election District.

The Minsky redevelopment Minor Site Plan would:

- Offset parking areas from public roadways with shade trees, ornamental shrubs and materials.
- Dumpster and Recycling enclosure area shall be screened by materials compatible with principal structure such as brick or other durable materials.
- Applicants plan to utilize the existing brick building to operate their home furnishings and furniture store by making quality improvements to the property.
- Additional rear acreage would remain undeveloped at this time and may have seasonal artisan markets.

I-1 Proffers: Excluded I-1 Land Uses

I-1 Zoning by Right land uses excluded:

Car washes, Gas stations, Laundries, Indoor shooting ranges, Research laboratories, Temporary sawmills, Self-storage facilities, Solid waste collection facilities and Vehicle impound facilities.

I-1 Zoning by SUP land uses excluded:

Outdoor shooting ranges, Sanitary landfills, Permanent sawmills, Solid waste material recovery facilities, Aviation facilities and Major utilities.

I-1 Zoning District: by right permitted Land uses:

Financial institutions (banks) Flea markets (art shows) Professional schools, General retail store (household goods and furniture) Large scale retail store (more than 30,000 square feet) Neighborhood convenience retail store (household supplies and hardware store)

These are the land uses that they have asked to be added back into the I-1 permitted land uses that are currently proffered out by current property owner.

Compliance with Comprehensive Plan

- The subject property is located in the Zion Crossroads Community Planning Area that calls for neighborhood mixed-use land uses.
- Neighborhood Mixed-Use is comprised of retail, office warehouse and residential uses that serve the surrounding neighborhood.
- The Economic Development chapter states the Zion Crossroads Area is prime for new commercial uses with proper site design.

At 7:23pm, Chair Booker opened the Public Hearing. With no one wishing to speak, Chair Booker closed the Public Hearing at 7:23pm.

MOTION:	Approve ZMP 23:03 as an ordinance to amend proffers of ZMP 19:02 with respect to 7.5 acres of Tax Map 4 Section A front portion of Parcel 27 zoned I-1 and is subject to the revised proffers dated August 3, 2023.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

ZTA 21:03 R-4 Zoning District – Multi-family Dwellings from 2.9 to 5.5 dwelling units – Douglas Miles, Community Development Director

ZTA 21:03: An Ordinance to amend Chapter 22 Zoning of the Fluvanna County Code by the addition of the following use permitted by-right under §22-8.2.1 in the R-4 zoning district: Multi-family dwellings, with a density up to 5.5 dwelling units per acre, provided the property is within an area subjected to a common plan of development and such property is served by a central water and sewer system.

Proposed R-4 Text Amendment

- Article 22 Zoning Ordinance Definitions:
 - Dwelling, multi-family: A building or portion thereof which contains two or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high-rise apartments, apartments for elderly housing and condominiums.

Sec. 22-8-2.1 (R-4) Uses permitted by right.

The following uses shall be permitted by right:

Residential Uses; Dwellings, accessory; Dwellings, multi-family, Dwellings, multifamily, with a density up to 5.5 dwelling units per acre, provided the property is within an area subjected to a common plan of development and such property is served by a central water and sewer system. Dwellings, single-family attached; Dwellings, single-family detached; Dwellings, townhouse; Dwellings, two-family

Proposed R-4 Text Amendment

9VAC25-870.10. Virginia Administrative Code Definitions:

- Common plan of development: means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules. (from DEQ definitions)

American Planning Association (APA) Glossary of Zoning, Development, and Planning Terms:

- Planned development: shall mean a contiguous land area of minimum size, as specified by district regulation, to be planned and developed using a common master zoning plan, and containing one or more uses and appurtenant common areas. (from Prince William County, VA)

Lake Monticello Owners’ Association (LMOA)

- Lake Monticello Owners’ Association General Rules and Regulations restricts residential use to single-family homes. This requirement is actively enforced during their plan review of every new home in LMOA.
- Concern has been expressed over whether multi-family dwellings could be constructed on lots in Lake Monticello, as is currently permitted by right in R-4 zoning. This would continue to be restricted, except in Marina Point, pursuant to LMOA’s General Rules and Regulations.

Planning Analysis

Fluvanna County, like many rural counties, has housing challenges and opportunities. Available housing, from workforce housing, options for seniors to downsize and to age-in-place, and for younger adults looking for their first home, is in high demand throughout the County. The Planning analysis, in conformity with the 2015 Comprehensive Plan, seeks to provide flexibility in the Fluvanna County Zoning Ordinance by providing available density in which to construct mixed-use housing units that are found in a well-planned development’s master plan. Increasing the density in specific zoning districts could allow for additional housing options while limiting the available locations in which development could occur.

At 8:01pm, Chair Booker opened the Public Hearing.

- Dominique Ridgewell, 17 Axel Tree Rd, Spoke in opposition to ZTA 21:03.
- Wayne Nye, 176 Village Blvd, spoke in opposition to ZTA 21:03
- Sandi Radford, 121 Mulberry Dr, spoke in opposition to ZTA 21:03
- Donna DaGuanno, 148 Crepe Myrtle Dr, spoke in opposition to ZTA 21:03
- James Schoenster, 843 Jefferson Dr, spoke in opposition to ZTA 21:03
- Tim Hodge, 264 Manor Blvd, spoke in opposition to ZTA 21:03
- James Tatangelo, 3955 Kids Dairy, spoke in opposition to ZTA 21:03
- James M. von Otenritter, 2126 Nahor Manor, spoke in opposition to ZTA 21:03
- Stephanie Davis, 25 Wisteria Way, spoke in opposition to ZTA 21:03
- John Danna, 951 Jefferson Dr, spoke in opposition to ZTA 21:03
- Garry Hannifan, 953 Jefferson Dr, spoke in opposition to ZTA 21:03
- Suzy Morris, 6840 Thomas Jefferson Pkwy, spoke in opposition to ZTA 21:03
- Ann Neil Cosby, Wire Gill, LLP, spoke in support to ZTA 21:03
- Dan Girouard, 65 Persimmon Way, spoke in support to ZTA 21:03
- Deborah Graham, C3 Marina Point, spoke in support to ZTA 21:03
- Linda Segal, B1 Marina Point, spoke in support to ZTA 21:03
- Garret Smith, Marina Point, spoke in support to ZTA 21:03
- Derek Wilson, 55 Ponderosa Ln, spoke in opposition to ZTA 21:03
- Denise Hance, 10 Amethyst Rd, spoke in opposition to ZTA 21:03
- Scott Dudzik, 39 Julie Dr, spoke in opposition to ZTA 21:03
- Steve Smith, 6 Sunset Ct, spoke in opposition to ZTA 21:03
- Tom Diggs, 947 Jefferson Dr, spoke in opposition to ZTA 21:03
- Hans DeGroot, 911 Jefferson Dr, spoke in opposition to ZTA 21:03
- Mike Goad, 417 Pettit Foster Ln, spoke in opposition to ZTA 21:03
- April Ballard, 873 Jefferson Dr, spoke in opposition to ZTA 21:03

With no one else wishing to speak, Chair Booker closed the Public Hearing at 9:37pm.

MOTION:	Deny ZTA 21:03 an Ordinance to amend Chapter 22 Zoning of the Fluvanna County Code by the addition of the following use permitted by-right under §22-8-2.1 in the R-4 zoning district: Multi-family dwellings, with a density up to 5.5 dwelling units per acre, provided the property is within an area subjected to a common plan of development and such property is served by a central water and sewer system.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second	Motion		
VOTE:	No	Yes	Yes	No	Yes
RESULT:	3-2				

MOTION TO EXTEND

- *After the Board took a five minute break, Chair Booker asked for a motion to extend the Board of Supervisors meeting at 10:14pm.*

MOTION:	Approve a motion to extend the August 16, 2023 Regular Board of Supervisors meeting to 12:00am.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second			Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

7 - ACTION MATTERS

Authorization to Advertise a Dog Running at Large Ordinance – Dan Whitten, County Attorney

There has been much discussion from residents and representatives of the Sheriff’s Office over the years for a Dogs Running at Large ordinance, while trying to find a balance for all residents in the community. Currently, Fluvanna County only has a dogs running at large ordinance applicable to the Lake Monticello subdivision, which at minimum needs to be updated to reflect the correct magisterial districts representing Lake Monticello.

Option #1 for County Code §4-2-2

- Running at large ordinance would be applicable county-wide.
- Enforced by sworn law enforcement officers.
- Exemptions: (i) Dogs engaged in lawful hunting or training for hunting; and (ii) Dogs assisting in farming activity.
- Within Lake Monticello, civil penalty not more than \$100.00.
- Outside of Lake Monticello, the Law enforcement officer can take dog into possession and return the dog to the owner or custodian with a warning.
- If the owner or custodian can’t be found, the dog may be transported to the SPCA.

- Once the owner or custodian has three or more violations within 2 years, it may result in a \$100 civil penalty.

Option #2 for County Code §4-2-2

- Ordinance would be applicable only to Lake Monticello.
- Enforced by sworn law enforcement officers.
- Exemption for dogs (i) hunting or training for hunting; or (ii) assisting in farming activity.
- May be subject to civil penalty of up to \$100.
- If owner or custodian can't be found, the dog may be transported to SPCA and owner liable for impoundment costs.

Required amendments to County Code §4-2-2

- Virginia Code §3.2-6538 requires if a locality has a running at large ordinance that such ordinance shall provide that the owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty in an amount of \$100 per dog so found. A dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large.

MOTION:	Advertise the amendments to County Code Section 4-2-2 applicable County-wide for a public hearing to be held on September 20, 2023.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:			Motion	Second	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Amendments to the Fluvanna County Board of Supervisors 2023 Bylaws and Rules of Procedure – Dan Whitten, County Attorney

The amendments to the 2023 Bylaws and Rules of Procedure reflect the following changes:

- 1) Revised edition of Roberts Rules of Order
- 2) Reference to Virginia Conflict of Interests Act
- 3) Meeting location of Carysbrook Performing Arts Center unless another location is announced
- 4) Meetings will adjourn by 9:00 p.m. on the first Wednesday of the month unless extended by the Board
- 5) Revisions to Section XXVIII regarding meetings held through electronic communications means to incorporate remote meeting policy that was adopted in September 2022.
- 6) Clarify that the Board can meet electronically when a local emergency is declared to discuss continuity of operations

MOTION:	Approve the attached amendments to the Fluvanna County Board of Supervisors 2023 Bylaws and Rules of Practice and Procedure, with the change of meeting start time from 4:00pm to 5:00pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Burn Building Update – Eric Dahl, County Administrator

- May 2023 – Discussed with the BOS about the County Administrator sending a letter of request to the Virginia Fire Services Board for an approval of a different type of fire training structure not currently approved under grant program.
- Summer 2023 - The Live Fire Training Building Committee has been meeting over the months to try and come up with a container style structure configuration that works for Fluvanna County’s training needs.
 - Meet with Goochland County Fire-Rescue staff multiple times about lessons learned and what they did to get approval to use grant funds for a container style structure.
- August 2023 – Letter sent to the Virginia Fire Services Board requesting:
 - To use the grant funds for a container style structure, which currently isn’t an existing approved structure (although a prototype is under review)
 - A “No Cost Extension” through November 15, 2025 to complete our project.
 - Two other localities have received approval from the Fire Services Board for container style structure (City of Richmond and Goochland County).
- August 2023 – BOS to authorize a design (A or B) and associated estimated costs.
- September 2023 - A presentation will be made to the Fire Services Board.

Design A:

- A 4 container structure, with 2 containers on the ground level and 2 additional containers stacked on top of each other and on one of the ground level containers.
- The estimated cost of containers, props, equipment, training and shipping for this configuration is \$485K.

- If approved to use this type of prototype structure with the grant funds, \$450K could be used toward the structure costs only.
- The \$485K does not include costs for a contingency fund, Site Work, Special Inspections, Construction Administration, electric and water hookups (some items could be reduced/removed). I estimate these costs to be \$200K-\$300K, for an estimated maximum project price of \$785K, with \$450K potential to be covered by the grant if authorized by the Fire Services Board.
- The estimated maximum cost to the County would be \$335,000.

Design B:

- *This is the recommended structure configuration from the Live Fire Training Building Committee.*
- A 4 container structure the same as design “A”, but adding 1 vertical container, for a total of 5 containers.
- The estimated cost of containers, props, equipment, training and shipping for this configuration is \$585K.
- If approved to use this type of prototype structure with the grant funds, \$450K could be used toward the structure costs only.
- The \$585K does not include costs for a contingency fund, Site Work, Special Inspections, Construction Administration, electric and water hookups (some items could be reduced/removed). I estimate these costs to be \$225K-\$325K, for an estimated maximum project price of \$910K, with \$450K potential to be covered by the grant if authorized by the Fire Services Board.
- The estimated maximum cost to the County would be \$460,000.

Design “A” vs. “B” comparison

	Design A	Design B
Costs: containers, props, equipment, training and shipping	\$ 485,000	\$ 585,000
Grant funding	\$ 450,000	\$ 450,000
County Cost	\$ 35,000	\$ 135,000

Costs: contingency fund, site work, special inspections, construction admin., electric and water hookups	\$ 300,000	\$ 325,000
TOTAL ESTIMATED COUNTY COST	\$ 335,000	\$ 460,000

MOTION:	Approve staff and the Live Fire Training Committee to further develop enhanced concept plans and cost estimates for Design B.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Displaying Banners on County-Owned Utility Poles in Fork Union – Kelly Harris, Assistant County Administrator

- Late June 2023, LTC Vashon Hubert, Fork Union Military Academy (FUMA) Director of Alumni Affairs, approached the County seeking permission to display banners on light poles in Fork Union in celebration of FUMA’s 125th Anniversary.
- The County does not currently have a policy allowing non-County groups/organizations to display banners on County-owned utility poles
- Request permission for FUMA to display anniversary banners on County-owned utility poles in Fork Union October 13-15, 2023. FUMA would bear the cost of the banners and the hardware to hang the banners.
- Request guidance from the Board regarding the creation of a policy allowing community groups to display banners on County-owned utility poles

- Chair Booker relinquished the gavel to Vice Chair Eager so she could make the motion.

MOTION:	Approve for the Fork Union Military Academy to display banners on county-owned utility poles along James Madison Highway in Fork Union, celebrating the 125th Anniversary of the Fork Union Military Academy, with all associated costs being the responsibility of the Fork Union Military Academy.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:	Motion		Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

- After the motion was made, Vice Chair Eager returned the gavel to Chair Booker.

7A – BOARDS AND COMMISSIONS

None.

8 – PRESENTATIONS*Siting Agreements for Solar Projects or Energy Storage Projects – Dan Whitten, County Attorney*

Legislative History

- HB 1675 (2020) required applicants intending to locate a solar facility in an opportunity zone to negotiate a siting agreement with the locality. Clarified that the provisions of this act shall not apply to any solar facility that has received zoning and site plan approval, preliminary or otherwise, from the locality on or before January 1, 2020.
- HB 2201 (2021) amended the Code to also require applicants for an energy storage project to negotiate a siting agreement with the locality. The General Assembly also required the siting agreement even if the solar facility or energy storage project was located outside of an opportunity zone. Clarified that the provisions of this act shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021.

Virginia Code § 15.2-2316.7. Negotiations; siting agreement.

- Any applicant for a solar project or an energy storage project shall give to the County written notice of the applicant's intent to locate in the County and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with the County.
- The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the County to address capital needs set out in the (a) capital improvement plan adopted by the County, (b) current fiscal budget of the County, or (c) fiscal fund balance policy adopted by the County; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9, in the County.

§ 15.2-2316.8. Powers of host localities.

- The Board shall have the power to:
 1. Hire and pay consultants and other experts on behalf of the County in matters pertaining to the siting of a solar project or energy storage project;
 2. Meet, discuss, and negotiate a siting agreement with an applicant; and
 3. Enter into a siting agreement with an applicant that is binding upon the Board and enforceable against it and future governing bodies of the County in any court of competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be assignable at the parties' option.
- Once the parties agree to the terms and conditions, the County shall schedule a public hearing to consider the agreement.

§ 15.2-2316.9. Effect of executed siting agreement; land use approval

- Does not exempt the applicant from requirements to obtain approvals and permits under federal, state, or local ordinances and regulations.
- An applicant may file for appropriate land use approvals for the solar project or energy storage project, at or after the time the applicant submits its notice of intent to site a solar project or energy storage project.
- Does not affect the authority of the County to enforce its ordinances and regulations to the extent that they are not inconsistent with the terms and conditions of the siting agreement.
- Approval of a siting agreement by the Board shall deem the solar project or energy storage project to be substantially in accord with the comprehensive plan of the host locality, thereby satisfying the requirements of §15.2-2232.
- The failure of an applicant and the Board to enter into a siting agreement may be a factor in the decision of the Board in the consideration of any land use approvals for a solar project or energy storage project, but shall not be the sole reason for a denial of such land use approvals.

Solar Revenue Model – Eric Dahl, County Administrator

Solar Revenue Options

- In 2020 the General Assembly passed HB1131, which “Authorizes any locality by ordinance to assess a revenue share of up to \$1,400 per megawatt on any solar photovoltaic (electric energy) project with certain exceptions and expands an existing tax exemption for such projects under certain conditions.”
- With this change, Virginia localities may now choose between two taxation options to generate revenues from large-scale solar development.
 - The default option is to levy a Machinery and Tools (M&T)/Real Estate tax on the capital improvements in the solar generation facilities.
 - Alternatively and previously discussed, a locality may adopt a Revenue Share ordinance, which in effect replaces the default M&T option.

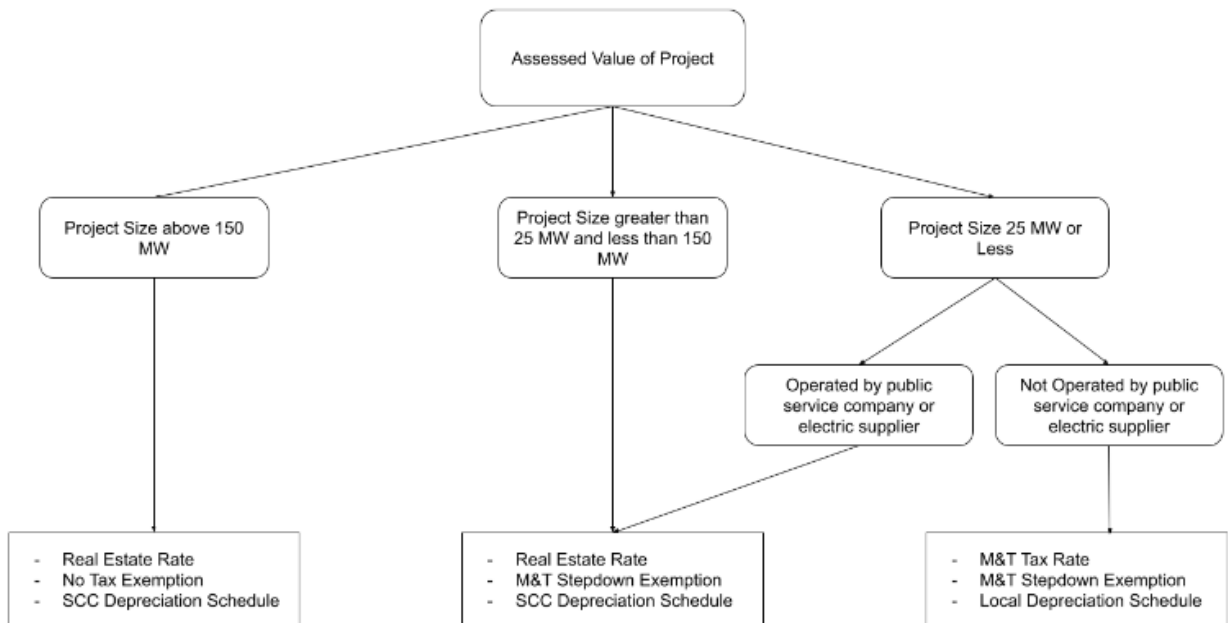
Revenue Share

- With a Revenue Share ordinance, localities receive income from solar facilities at a flat rate in dollars per megawatt (MW) of nameplate generation capacity per year (e.g. Project megawatt x \$1,400 = Revenue Share Income).
 - Example: 20 megawatt project x \$1,400 = \$28,000 Annual Revenue Share Income

- If a project replaces panels with higher producing MW ones later, the revenue would increase based upon the MW.
- Once localities enact a Revenue Share ordinance, that is the revenue generation model implemented for all solar photovoltaic (electric energy) projects in the County moving forward until such time the ordinance is removed.

M&T/Real Estate Taxation Model

- The University of Virginia Weldon Cooper Center for Public Service has worked to assist localities and provides the below guidance for taxation through their Virginia Solar Initiative:
- For the M&T/Real Estate tax model, the tax rate, depreciation schedule, and exemption rate applied to projects can vary based on the size of the solar project and who is operating the project. There are three possible ways the M&T/Real Estate tax model can be applied to a project.
- If a project is 25 MW or less and is not owned by an electric supplier, electric company (Dominion, APCo, or Old Dominion Power) or an electric cooperative, the M&T tax rate is used along with the locality's depreciation schedule and the M&T stepdown exemption rate.
- If a project is greater than 25 MW and less than 150 MW OR is owned by an electric supplier, electric company (Dominion, APCo, or Old Dominion Power) or an electric cooperative, the real estate tax rate is applied to the project along with the SCC depreciation schedule, the M&T stepdown exemption rate, and local assessment ratios. Projects that are less than 25 MW and are owned by electric suppliers are taxed using these parameters in accordance with HB1087.
- All projects 150 MW and greater will use the real estate tax rate and the SCC depreciation schedule. There is no mandatory tax exemption applied on these projects.



- Comparisons using Fluvanna County tax rates vs. revenue share have been made for the following:
 - Projects less than 25MW – For this example, a 20 MW project was used as the baseline comparison. As you can see from the included comparison of M&T and Revenue Share, the County has a pretty aggressive depreciation schedule for M&T. With this, the financial model clearly shows Revenue Share is the financially advantageous method for this project over a 35 year period of time (\$1,123,104 Revenue Share vs. \$403,750 M&T)
 - Projects greater than 25MW and less than 150MW – For this example, a 40 MW project was used as the baseline comparison. As you can see from the included comparison of M&T and Revenue Share for this financial model, M&T taxation is the financially advantageous method for this project over a 35 year period of time (\$4,069,373 M&T vs. \$2,674,972 Revenue Share)
- The above estimates are for equipment only and do not include consideration of revenues for potential increases in real estate value.
- We didn't include projects greater than 150MW, but the M&T taxation model would also be more advantageous for the County over a 35 year period of time. The County is also having the County Attorney research a recent opinion for another taxation option and we hope to have clarity on if it is allowable by the August 16, 2023 BOS meeting.
- Lastly, the siting agreement for solar projects is also a consideration no matter what taxation model the County selects.

9 - CONSENT AGENDA

The following items were approved under the Consent Agenda for August 16, 2023:

- *Minutes of August 2, 2023* – Caitlin Solis, Clerk to the Board

- *Accounts Payable Report for July 2023* – Theresa McAllister, Management Analyst
- *Zion Crossroads Water and Sewer Fund Capital Budget Carryover* – Eric Dahl, County Administrator
- *FY23 Aid to Localities Funding – Fire Department* – Theresa McAllister, Management Analyst
- *FY23 Voluntary Contributions* – Theresa McAllister, Management Analyst
- *FY24 Schools Cafeteria Fund Supplemental Appropriation* – Tori Melton, Director of Finance
- *FY24 FCPS Grants Supplemental Appropriation* – Tori Melton, Director of Finance, Brenda Gilliam, Executive Director for Instruction and Finance
- *Virginia Department of Emergency Management FY25 E-911 PSAP Education Program grant award* – Michael R. Grandstaff, Sheriff's Office Staff; Sheriff Eric B. Hess, Sheriff
- *Virginia Department of Emergency Management FY24 PSAP Grant Program for Staffing Recognition* – Michael R. Grandstaff, Sheriff's Office Staff; Sheriff Eric B. Hess, Sheriff
- *Bourne Tract Agricultural/Forestral District Review and Renewal* – Jason Overstreet, Senior Planner
- *Bowlesville Agricultural/Forestral District Review and Renewal* – Jason Overstreet, Senior Planner

MOTION:	Approve the consent agenda, for the August 16, 2023 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for July 2023 in the amount of \$10,115,730.08.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:		Second			Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

10 - UNFINISHED BUSINESS

None.

11 - NEW BUSINESS

James River Water Authority Board Member – Mr. Chesser is resigning from the JRWA, Mr. Dahl asked if the Board would like to appoint a Board member or appoint a member of the community. A formal motion will be brought back to the Board at a later meeting to appoint Mrs. Eager.

Coffee and Conversation Community Meetings – Mr. Dahl asked for some direction for the future community meetings. The Board directed staff to organize the next meeting around Lake Monticello with future locations to be determined later.

MOTION TO EXTEND

- *At 11:59pm, a motion was made to extend the Board of Supervisors meeting.*

MOTION:	Approve a motion to extend the August 16, 2023 Regular Board of Supervisors meeting to 12:45am.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Motion	Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

12 - PUBLIC COMMENTS #2

At 12:00pm, 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 12:00pm.

13 - CLOSED MEETING

None.

14 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, August 16, 2023 at 12:01am.				
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
Clerk to the Board

Mozell H. Booker
Chair

APPROVED



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia

RESOLUTION No. 24-2023

A RESOLUTION TO AUTHORIZE RENEWAL OF THE BOURNE TRACT AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL EIGHT-YEAR PERIOD TO EXPIRE AUGUST 1, 2031

At a regular meeting of the Board of Supervisors of the County of Fluvanna held at the Carysbrook Performing Arts Center at 7:00 p.m. on the 16th day of August 2023, at which the following members were present, the following resolution was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

WHEREAS, the Fluvanna County Board of Supervisors approved the creation of the Bourne Tract Agricultural/Forestal District on August 1, 1999 for an eight-year period; and

WHEREAS, the Fluvanna County Board of Supervisors approved the renewal of the Bourne Tract Agricultural/Forestal District on August 1, 2007 for an eight-year period; and

WHEREAS, the Fluvanna County Board of Supervisors approved the renewal of the Bourne Tract Agricultural/Forestal District on September 2, 2015 for an eight-year period; and

WHEREAS, the district will expire on August 1, 2023; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the Bourne Tract Agricultural/Forestal District and advised them that the approved district would expire on August 1, 2023 and inquired whether the owners desired that the property remain in or be removed from the district.

NOW, THEREFORE BE IT RESOLVED on this 16th day of August 2023 that the Fluvanna County Board of Supervisors hereby renews the Bourne Tract Agricultural/Forestal District for an additional eight-year period to expire on August 1, 2031.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at the regular meeting of the Board held on the 16th day of August, 2023;

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
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						

Attest:

 Mozell H. Booker, Chair

Fluvanna County Board of Supervisors



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia

RESOLUTION No. 25-2023

A RESOLUTION TO AUTHORIZE RENEWAL OF THE BOWLESVILLE AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL EIGHT-YEAR PERIOD TO EXPIRE AUGUST 1, 2031

At a regular meeting of the Board of Supervisors of the County of Fluvanna held at the Carysbrook Performing Arts Center at 7:00 p.m. on the 16th day of August 2023, at which the following members were present, the following resolution was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

WHEREAS, the Fluvanna County Board of Supervisors approved the creation of the Bowlesville Agricultural/Forestal District on August 1, 1999 for an eight-year period; and

WHEREAS, the Fluvanna County Board of Supervisors approved the renewal of the Bowlesville Agricultural/Forestal District on December 19, 2007 for an eight-year period; and

WHEREAS, the Fluvanna County Board of Supervisors approved the renewal of the Bowlesville Agricultural/Forestal District on April 1, 2015 for an eight-year period; and

WHEREAS, the district expired on August 1, 2023; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the Bowlesville Agricultural/Forestal District and advised them that the approved district would expire on August 1, 2023 and inquired whether the owners desired that the property remain in or be removed from the district.

NOW, THEREFORE BE IT RESOLVED on this 16th day of August 2023 that the Fluvanna County Board of Supervisors hereby renews the Bowlesville Agricultural/Forestal District for an additional eight-year period to expire on August 1, 2031.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at the regular meeting of the Board held on the 16th day of August, 2023;

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
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						

Attest:

 Mozell H. Booker, Chair

Fluvanna County Board of Supervisors