

**FFLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
November 15, 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 7:01pm, Chair Booker called to order the Regular Meeting of November 15, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- Mr. Dahl asked to add the second solar work session to unfinished business.

MOTION:	Accept the Agenda, for the November 15, 2023 Regular Meeting of the Board of Supervisors, as amended.				
MEMBER:	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:

Announcements and Updates - New Employees

- Joanna Lehtinen, Planning and Zoning, Planner/GIS Technician, Started November 6th
- Patrick McGee, Emergency Services, EMT Basic Life Support (BLS), Started November 6th
- Holly Hilliard, Social Services, Human Services Assistant III , Started November 6th
- Keyara Bolling, Social Services, Benefit Programs Specialist, Started November 6th

Next BOS Meetings

Day	Date	Time	Purpose	Location
Mon	Nov 20	8:30am	Elected Officials Meeting	Library
Wed	Dec 6	5:00 PM	Regular Meeting	Performing Arts Center
Wed	Dec 20	7:00 PM	Regular Meeting	Performing Arts Center
Wed	Jan 3	5:00 PM	Organizational/Regular Meeting	Performing Arts Center

5 - PUBLIC COMMENTS #1

At 7:07pm, Chair Booker opened the first round of Public Comments.

- James Shoenster, 843 Jefferson Dr, asked the Board for input on where he can serve the County. With no one else wishing to speak, Chair Booker closed the first round of Public Comments at 7:09pm.

6 - PUBLIC HEARING

None.

7 - ACTION MATTERS

None.

MOTION:	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
Thomas Jefferson Planning District Commission (TJPDC) – Fluvanna Citizen Representative	Keith Smith (I)		Reappt	1/1/2024	12/31/2026
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:	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
Social Services Board (SSB) – Palmyra Representative	Martha Brown-Snyder (I)		Reappt	1/1/2024	12/31/2027
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

8 – PRESENTATIONS

Fluvanna County Facilities and Dogs Off-leash – Aaron Spitzer, Director of Parks and Recreation and Dan Whitten, County Attorney

- Over the past several years, the number of dogs running off-leash in Pleasant Grove Park has gotten out of control. We are starting to get many complaints about patrons on the trail being bitten by a dog off leash with the owner not in the vicinity.
- We have also been getting complaints about situations with individuals with multiple dogs on trails that are off leash and not in their view.
- We have been getting many complaints about dogs on/around soccer fields at Pleasant Grove Park while children are practicing and playing.
- The Library has started to become a big problem as well as patrons using the trail access there are letting their dogs out of the vehicle running free around children and adults causing issues with bites and frightened patrons.
- Another issue that has started to arise this year is patrons of the park taking their dogs inside of buildings with others in the building whom are frightened of dogs, especially when they are trapped and can’t get out away from the dog.
- With our current policy, we are unable to enforce any offenses with dogs off leash except to charge the owners with “trespassing” in accordance with Virginia Code 18.2-119 which is a class 1 misdemeanor.
- If there were to be an ordinance for County property then there would be more enforcement with possible civil penalties.

Proposed New Ordinance Restrictions

- No dog shall run unrestricted, as defined in this section, on County property.
- “Unrestricted” means not under the control of the owner or his agent either by leash, cord, chain, or primary enclosure when off the property or premises of the owner or custodian. An electronic device does not qualify as a leash, cord or chain.
- Any person who is the owner or custodian of a dog found unrestricted in the County shall be in violation of this section.
- Any dog found unrestricted shall be impounded, except that if the rightful owner of the dog can be immediately ascertained and located, then that owner shall be allowed to have custody of the animal, but may be subject to issuance of a civil penalty for violation of this Section.

Proposed New Ordinance Exemptions

- 1) Service dogs whose handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe effective performance of work or tasks.

- 2) Law Enforcement Dogs
- 3) Dogs within county-designated, off-leash trails, dog park and exercise areas.
- 4) County approved event including obedience training class or show, agility training or field trials, or similar activity where dogs are under the control of the owner or custodian.

Proposed New Ordinance Penalties

- A violation of this section is punishable through a civil penalty of twenty-five dollars (\$25.00) for the first offense, and fifty dollars (\$50.00) for second and subsequent offenses.
 - The Board of Supervisors directed staff to proceed with the new ordinance.

Short-Term Rental Ordinance – Eric Dahl, County Administrator and Dan Whitten, County Attorney
 Fluvanna County does not have a short-term rental ordinance enacted. Fluvanna County currently permits the rental of rooms to tourists as a part of our Home Occupation zoning ordinance definition. The Home Occupation definition is summarized as an accessory use of a dwelling unit and/or an accessory structure for gainful employment involving the production, provision, or sale of goods and/or services, which is clearly incidental to or secondary to the residential use of a parcel. Home occupations shall include the rental of rooms to tourists. Home occupations must be conducted in accordance with all applicable federal, state and local statutes and regulatory requirements. (The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit) taken from Section 22-17-19 Home Occupation – General Standards (included in as an enclosure) which limits a Home Occupation to 25% of the home.

Currently, short-term rental of an entire house is not permitted; however, a property owner could rent out one room of their home, provided that a member of the household is on the premises; and the rental of room(s) was mainly intended to provide short term stays of visiting tourists. If a homeowners’ association does not permit short-term rentals in their covenants, then it would not be allowed.

9 - CONSENT AGENDA

The following items were discussed before approval:

The following items were approved under the Consent Agenda for November 15, 2023:

- *Minutes of November 1, 2023* – Caitlin Solis, Clerk to the Board
- *Approval of Open Space Agreement for Janet Green* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Franklin Keith Jones* – Andrew M. Sheridan, Jr., Commissioner of the Revenue

MOTION:	Approve the consent agenda, for the November 15, 2023 Board of Supervisors meeting.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:					
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

10 - UNFINISHED BUSINESS

Second Solar Work Session – Eric Dahl, County Administrator

Mr. Dahl asked the Board of Supervisors for guidance with the timing of the second solar work session. After much discussion, the Board agreed to allow additional solar work sessions at future meetings.

MOTION:	Allow citizen defenders of Fluvanna County to make a 90 minute presentation to at the January 3, 2024 Board of Supervisors work session.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	No	Yes
RESULT:	4-1				

MOTION:	Allow Farm Bureau, Dominion Energy, Cooperative Extension, and any other speaker suggestions from other Board members to make a 90 minute presentation at a future Board of Supervisors work session.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

11 - NEW BUSINESS*Planning Commission Appointment*

After some discussion, the Board directed staff to advertise the Fork Union Planning Commission Representative position on the website and appoint the position at the January 3, 2024 meeting.

12 - PUBLIC COMMENTS #2

At 8:59pm, Chair Booker opened the second round of Public Comments.

- James Schoenster, 843 Jefferson Dr, spoke in support of requiring qualifications for speakers who present during work sessions.

With no one else wishing to speak, Chair Booker closed the second round of Public Comments at 8:59pm.

13 - CLOSED MEETING

MOTION:	At 8:59pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.7, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Litigation – Gate Plaza LLC v. Fluvanna County Board of Supervisors, Legal Matters – Skill Games; Fluvanna Rescue Squad, Inc.; and Israel Resolution.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:			Second	Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 10:16 pm, 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				

Donation of Equipment and Funds from Fluvanna Rescue Squad, Inc.

MOTION:	Adopt “A RESOLUTION APPROVING DONATION OF FUNDS FROM FLUVANNA RESCUE SQUAD, INC.”				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:				Second	Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Agreement between Fluvanna County and Barbara Wright Goshorn and J. Robert Meceda, Trustees of the Cynthia L. Morgenstern Trust

MOTION:	Adopt “A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN FLUVANNA COUNTY AND BARBARA WRIGHT GOSHORN AND J. ROBERT MECEDA, TRUSTEES OF THE CYNTHIA L. MORGENSTERN TRUST”				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

14 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, November 15, 2023 at 10:20pm.				
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. 38-2023

**A RESOLUTION APPROVING DONATION OF FUNDS
FROM FLUVANNA RESCUE SQUAD, INC.**

WHEREAS, Fluvanna Rescue Squad, Inc. wishes to contribute Eight Thousand Six Hundred and Eighteen Dollars and Fifty-One Cents (\$8,618.51) in funds (“Funds”) to the County; and

WHEREAS, the County is authorized under Virginia Code Section 15.2-951 and Virginia Code Section 44-146.27(C) to accept the donation of the Funds; and

WHEREAS, the County desires to accept the donation of the Funds; and

WHEREAS, the County appreciates the generosity of the Fluvanna Rescue Squad, Inc.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Fluvanna County that the County accepts the donation of the Funds from the Fluvanna Rescue Squad, Inc. for the use by the Fluvanna County Department of Emergency Services.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 15th day of November 2023:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District	X					
Patricia B. Eager, Palmyra District	X					
Christopher Fairchild, Cunningham District	X					
Anthony P. O’Brien, Rivanna District	X					X
John M. Sheridan, Columbia District	X				X	

Attest:

Mozell H. Booker, Chair
Fluvanna County Board of Supervisors



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia

RESOLUTION No. 39-2023

A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN FLUVANNA COUNTY AND BARBARA WRIGHT GOSHORN AND J. ROBERT MECEDA, TRUSTEES OF THE CYNTHIA L. MORGENSTERN TRUST

WHEREAS, the agreement (“Agreement”) is among the County of Fluvanna, Virginia (“County”) and Barbara Wright Goshorn and J. Robert Meceda, Trustees (“Trustees”) of the Cynthia L. Morgenstern Trust (“Trust”); and

WHEREAS, the Agreement allows for a final distribution (“Distribution”) in the amount of \$125,907.29 from the Trust to the County; and

WHEREAS, the Trustees desire to make the Distribution to the Department of Emergency Medical Services under the County; and

WHEREAS, the County agrees to accept the Distribution and to apply the Distribution to capital improvement purchases for the Department of Emergency Medical Services in memory of Cynthia L. Morgenstern.

NOW, THEREFORE, BE IT RESOLVED, that the Fluvanna County Board of Supervisors accepts the Agreement and that the County Administrator is directed to execute the Agreement subject to approval as to form by the County Attorney.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 15th day of November 2023:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District	X					
Patricia B. Eager, Palmyra District	X					X
Christopher Fairchild, Cunningham District	X					
Anthony P. O’Brien, Rivanna District	X					
John M. Sheridan, Columbia District	X				X	

Attest:

 Mozell H. Booker, Chair
 Fluvanna County Board of Supervisors