

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
December 20, 2023
Regular Meeting 7:00pm

MEMBERS PRESENT: Mozell Booker, Fork Union District, Chair
Patricia Eager, Palmyra District, Vice Chair
Tony O’Brien, Rivanna District (*entered the meeting at 7:05pm*)
Chris Fairchild, Cunningham District

ABSENT: John M. (Mike) Sheridan, Columbia District

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 December 20, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

MOTION:	Accept the Agenda, for the December 20, 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	Absent	Absent
RESULT:	3-0				

SPECIAL PRESENTATION

Honoring the Service and Retirement of Mozell Booker, Patricia Eager, and Linda Lenherr – The Board of Supervisors presented the three retirees with plaques and wished them long and happy retirements.

4 - COUNTY ADMINISTRATOR’S REPORT

Mr. Dahl reported on the following topics:

Announcements and Updates - New Employees

- Erik Bryan, Sheriff’s Office, Deputy Sheriff, Started December 17th
- Gabriella Bondurant, Cheyenne Bondurant, Mackenzie Decker, Julie Hoefling, Alexander Dillard; EMT Basic Life Support (BLS), all started December 18, 2023

Community of Lights at Pleasant Grove Park

- Fourth Annual event was held December 14 - 17 from 5 - 9pm.
- We had 19 displays for patrons to view. We had 21 displays last year and 15 displays the previous year.
- Santa made an appearance on Saturday night from 5 - 8pm meeting with 64 vehicles.
- Traffic per night
 - Thursday = 76
 - Friday = 117
 - Saturday = 202
 - Sunday = 43 (rain)
 - TOTAL = 438 vehicles (last year 472)
 - Parks and Rec hopes to keep growing this event each year!

Next BOS Meetings

Day	Date	Time	Purpose	Location
Wed	Jan 3	5:00 PM	Organizational/Regular Meeting	Performing Arts Center
Wed	Jan 3	7:00 PM	Solar Work Session	Performing Arts Center
Wed	Jan 17	5:00 PM	Budget Work Session	Performing Arts Center
Wed	Jan 17	7:00 PM	Regular Meeting	Performing Arts Center

5 - PUBLIC COMMENTS #1

At 7:22pm, Chair Booker opened the first round of Public Comments.

- James Schoenster, 843 Jefferson Dr, asked the Board of Supervisors to reevaluate allowing public comments via Zoom.

With no one else wishing to speak, Chair Booker closed the first round of Public Comments at 7:23pm.

6 - PUBLIC HEARING

SUP 23:08 James River Water Authority (JRWA) – Douglas Miles, Community Development Director and Eric Dahl, County Administrator

SUP 23:08 James River Water Authority – A Special Use Permit request in the A-1, Agricultural, General District to permit Major Utilities under §22-4-2.2 on 75.5 +/- acres known as Tax Map 61 Section 1 Parcel 6 – raw water intake and pump station; Tax Map 53 Section A Parcels 54, 56, 58. 59 and 59A; Tax Map 53 Section 11 Parcels 6, 7, 8, 10, 11, 11A and 19; Tax Map 53 Section A Parcels 52, 53, 56A and 76; and Tax Map 61 Section A Parcel 1; and Tax Map 61 Section 1 Parcels 1 and 2B that have a below ground 24-inch raw water pipeline. These parcels are generally located along Bremono Road (SR 656) and also along East River Road (RT 6) in the Columbia Community Planning Area, Rural Residential and Rural Preservation Districts and the Columbia and Fork Union Election Districts.

The 2009 Comprehensive Plan was amended by the Fluvanna County Board of Supervisors back on November 20, 2013 to allow and support this project that would be located in the eastern end of the County in what is designated as a Rural Preservation Area.

The 2015 Comprehensive Plan still calls for Rural Preservation and it now also calls for Rural Residential which would support rural homes and the 2015 Infrastructure Chapter includes a 2015 JRWA raw water line map.

The 2015 Infrastructure Chapter describes the James River Water Authority’s raw water project that would include a proposed intake system on the James River and a raw water pipeline that would convey the extracted raw water through Fluvanna County and into Louisa County.

The Fluvanna County Board of Supervisors signed and executed the Interjurisdictional Agreement with Louisa County, the Louisa County Water Authority and with the James River Water Authority all on October 2, 2013. Furthermore, the Fluvanna County Board of Supervisors also approved and executed the James River Water Authority Service Agreement on April 1, 2015. The current Comprehensive Plan was adopted in September 2015 and this is in compliance with Fluvanna County’s 2015 Comprehensive Plan.

Planning Commission and Staff Recommend Approval with conditions

1. The construction, operation and maintenance of the James River Water Authority (JRWA) raw water line and pump station shall comply with local, state and federal permitting requirements.
2. The vehicular access to all business, residences and/or farms along the raw water line route shall be maintained at all times. The James River Water Authority (JRWA) and/or its contractors shall be responsible for returning all the affected access points or mailboxes to equal or better conditions upon project completion.

At 7:45pm, Chair Booker opened the Public Hearing. With no one wishing to speak, Chair Booker closed the Public Hearing at 7:45pm.

MOTION:	Approve SUP 23:08 James River Water Authority a Special Use Permit request in the A-1, Agricultural, General District to permit Major Utilities under §22-4-2.2 on 75.5 +/- acres known as Tax Map 61 Section 1 Parcel 6 – raw water intake and pump station; Tax Map 53 Section A Parcels 54, 56, 58. 59 and 59A; Tax Map 53 Section 11 Parcels 6, 7, 8, 10, 11, 11A and 19; Tax Map 53 Section A Parcels 52, 53, 56A and 76; and Tax Map 61 Section A Parcel 1; and Tax Map 61 Section 1 Parcels 1 and 2B – that have a below ground 24-inch raw water pipeline along with the two recommended case conditions found in the staff report.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

7 - ACTION MATTERS

Authorization to Advertise a Public Hearing to Amend Section 20-1-5 of the County Code – Dan Whitten, County Attorney

State Authority

- Virginia Code Section 58.1-3981 was amended in 2022 to increase the maximum amount that the Treasurer may refund without Board of Supervisor’s approval to \$10,000 as the result of an erroneous assessment.

Proposed amendments

- Proposal is to amend County Code 20-1-5 to raise the authorized refund amount from \$2,500 to \$10,000.
- The Treasurer would have authority to approve refunds up to \$10,000 without the approval of the Board of Supervisors upon certification of the Commissioner of Revenue with the consent of the County Attorney that such refund is the result of an erroneous assessment.

Purpose and Reporting of Refund

- Normally, the refund is due when the resident has moved out of the County prior to the tax year or the owner has qualified for disabled veteran’s relief during the tax year.
- The Treasurer will still report the refund to the Board by the end of the month in which the refund is issued.

MOTION:	Advertise the amendments to the County Code to amend Section 20-1-5 for a public hearing to be held January 17, 2024.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion		Second	
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

7A – BOARDS AND COMMISSIONS

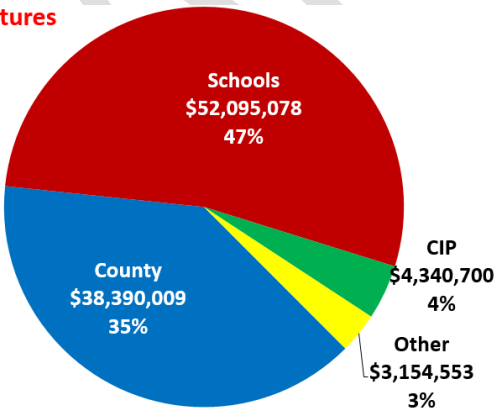
MOTION:	Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s):				
BOARD/COMMISSION/COMMITTEE	APPOINTEES		APPT/ REAPPT	BEGINS TERM	ENDS TERM
JABA Board of Directors – Fluvanna Citizen Representative	Wanda Armstrong		Appt	12/20/2023	06/30/2025
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

8 – PRESENTATIONS

FY23 Annual Comprehensive Financial Report (ACFR) – Tori Melton, Director of Finance and Eric Dahl, County Administrator

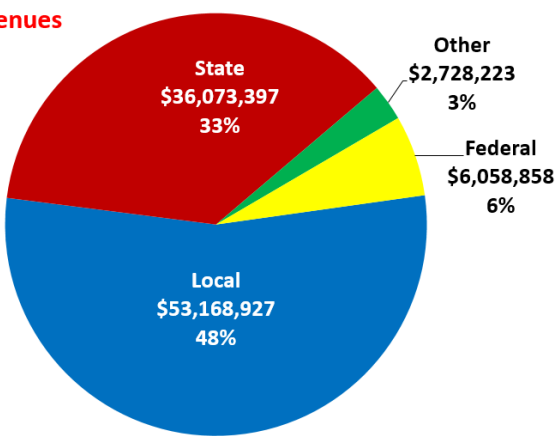
FY23 Adopted Budget (\$98,029,405)

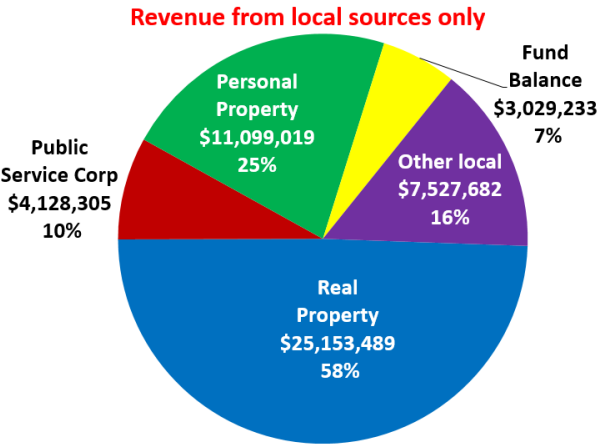
Total Expenditures



FY23 Adopted Budget (\$98,029,405)

Total Revenues

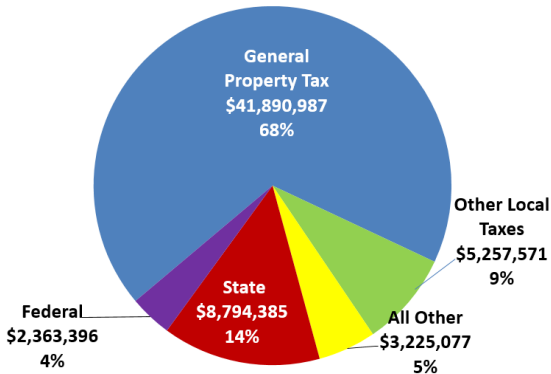




Annual Comprehensive

Financial Report

FY23 General Fund Revenues

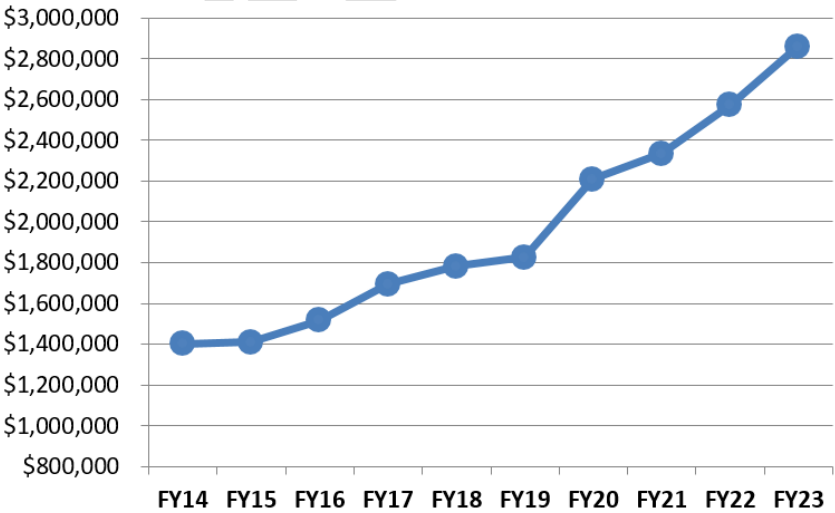


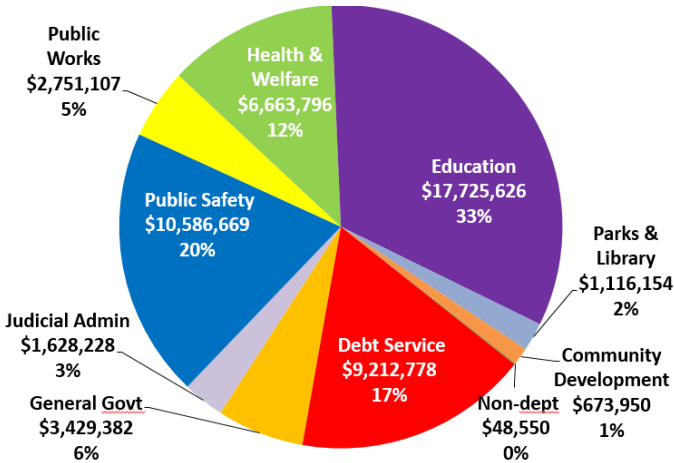
A	B	C	D	E	F
Revenue Source	FY22 Actual	FY23 Amended Budget	FY23 Actual	Over/(Under) Budget	FY22 to FY23 Inc/Dec
General Property Taxes	\$38,898,133	\$40,869,151	\$41,890,987	\$1,021,836	7.69%
Other local taxes	4,811,256	4,638,000	5,257,571	\$619,571	9.28%
Permits and fees	421,308	411,050	410,101	(\$949)	-2.66%
Fines and forfeitures	40,495	50,800	56,019	\$5,219	38.34%
Use of money	-36,902	140,000	933,377	\$793,377	-2629.34%
Charges for services	1,177,712	968,620	1,052,853	\$84,233	-10.60%
Miscellaneous	108,672	66,180	327,495	\$261,315	201.36%
Recovered Cost	86,412	341,121	445,232	\$104,111	415.24%
Commonwealth	9,406,886	9,748,816	8,794,385	(\$954,431)	-6.51%
Federal	2,808,168	4,176,619	2,363,396	(\$1,813,223)	-15.84%
Total	\$57,722,140	\$61,410,357	\$61,531,416	\$121,059	6.60%

FY23 Top 4 Local Revenues

A	C	D	E	F	G	H	I
Revenue Source	FY18	FY19	FY20	FY21	FY22	FY23	FY22 to FY23 Inc/Dec
Real Estate Taxes	\$22,614,196	\$23,789,823	\$24,432,282	\$24,813,669	\$25,303,021	\$27,068,698	7.0%
Personal Property Taxes	6,204,439	6,963,184	7,297,986	7,897,774	8,599,090	10,657,073	23.9%
Public Service Corporation	5,363,122	5,143,581	5,483,117	4,242,195	4,518,233	3,517,709	-22.1%
Local Sales Taxes	1,783,287	1,826,331	2,208,895	2,336,399	2,571,149	2,858,762	11.2%

Sales Tax Revenues – FY14 to FY23





A	B	C	D	E	F
Expenditure	FY22 Actual	FY23 Amended Budget	FY23 Actual	Over/(Under) Budget	FY22 to FY23 Inc/Dec
General Govt	\$2,954,950	\$3,577,407	\$3,429,382	(\$148,025)	16.06%
Judicial Admin	1,371,150	1,974,811	1,628,228	(\$346,583)	18.75%
Public Safety	9,551,712	11,384,016	10,586,669	(\$797,347)	10.84%
Public Works	2,449,103	3,100,507	2,751,107	(\$349,400)	12.33%
Health & Welfare	7,128,419	9,134,157	6,663,796	(\$2,470,361)	-6.52%
Education	17,348,937	20,035,180	17,725,626	(\$2,309,554)	2.17%
Parks, Rec. & Library	1,002,001	1,199,994	1,116,154	(\$83,840)	11.39%
Comm. Development	1,312,087	825,482	673,950	(\$151,532)	-48.64%
Non-departmental	43,963	113,194	48,550	(\$64,644)	10.43%
Debt Service	8,931,437	10,064,899	9,212,778	(\$852,121)	3.15%
Total	\$52,093,759	\$61,409,647	\$53,836,240	(\$7,573,407)	3.34%

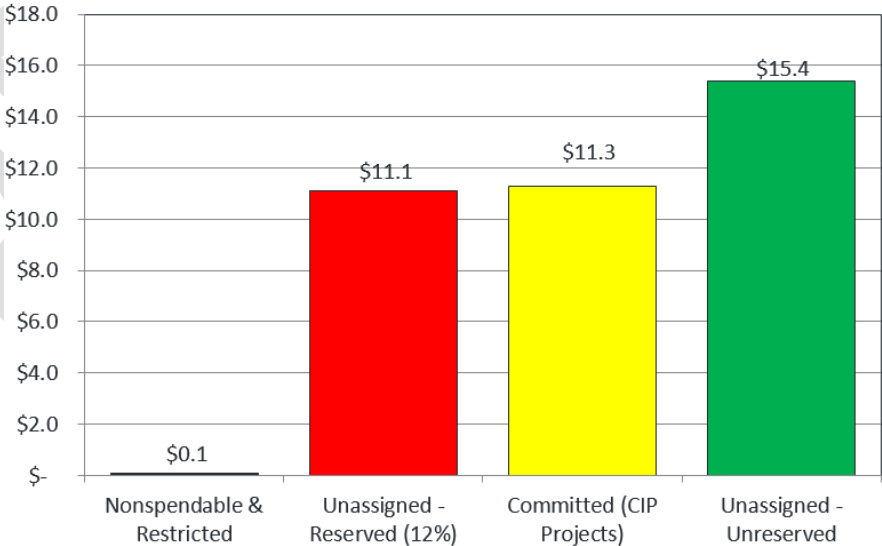
FY23 General Fund Results

Year Ended June 30, 2023	
Revenue	\$ 61,531,416
Expenditures	(53,944,753)
Excess of revenues over expenditures	7,586,663
Transfers out (CIP, ZXR and Sewer)	(2,114,198)
Change in fund balance	5,472,465
Fund balance beginning of year	32,566,505
Fund balance at end of year	\$ 38,038,970

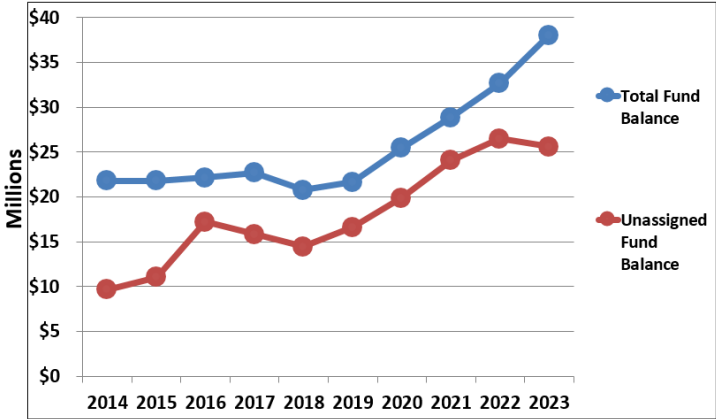
General Fund Balance June 30, 2023

As of June 30, 2023	
Nonspendable (e.g., Leases)	\$6,689
Restricted (e.g., FUSD Debt Reserve)	\$117,348
Committed (e.g., CIP Projects)	\$11,330,851
Unassigned	\$26,584,082
Total	\$38,038,970
Unassigned Fund Balance Target per Policy	\$11,198,981
Excess Above Target	\$15,385,101

General Fund Balance (\$38M) – as of June 30, 2023



General Fund Balance – FY14 to FY23

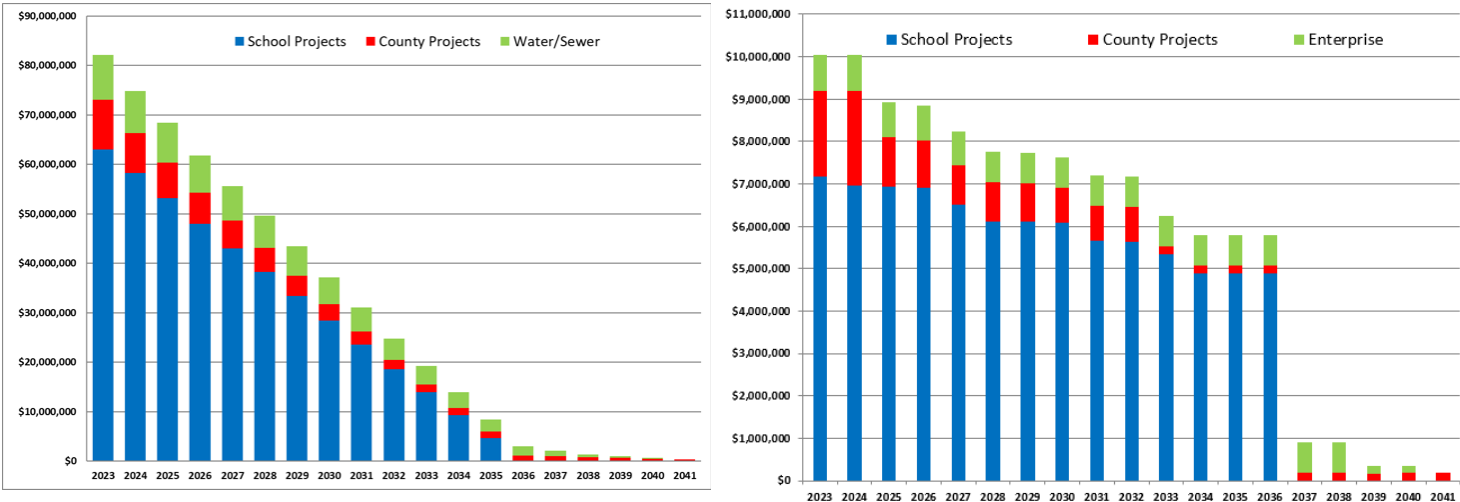


Debt & Capital Leases - June 30, 2023

A	B	C	D
Outstanding Debt	2022	2023	FY22 to FY23 Inc/Dec
General Obligation Bonds	\$65,617,584	\$61,331,511	-7%
State Moral Obligation Bonds	835,000	630,000	-25%
Qualified Energy Conservation Bond	5,493,185	4,997,952	-9%
Capital Leases/Notes Payable	7,671,101	6,135,212	-20%
Water/Sewer Bonds	9,527,117	9,047,249	-5%
Total	\$89,143,987	\$82,141,924	-8%

Total Debt (at end of FY23)

Annual Debt Service (at end of FY23)



Fluvanna County Staff Opinion Survey – Eric Dahl, County Administrator presented the results of the 2023 County Staff Survey.

Highlights of Survey Results:

- 84 respondents – 42% of employees
- employment satisfaction lowered since 2018 survey
- Sample of employee concerns:
 - Gym membership
 - Professional development
 - Merit raises

Mr. Dahl will present a plan to raise the percentages on the next staff survey at a later date.

9 - CONSENT AGENDA

The following items were approved under the Consent Agenda for December 20, 2023:

- *Minutes of December 6, 2023* – Caitlin Solis, Clerk to the Board
- *Accounts Payable Report for November 2023* – Tori Melton, Director of Finance
- *Accept Dedication of Right-of-way from NVA Properties, LLC* – Dan Whitten, County Attorney
- *CRMF - Commonwealth Attorney's Office Restoration* – Calvin Hickman, Director of Public Works
- *CRMF - County Attorney's Office Restoration* – Calvin Hickman, Director of Public Works

MOTION:	Approve the consent agenda, for the December 20, 2023 Board of Supervisors meeting, and to ratify Accounts Payable and Payroll for November 2023, in the amount of \$2,397,224.75.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O'Brien	Mr. Sheridan
ACTION:	Second			Motion	
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

10 - UNFINISHED BUSINESS

Zion Crossroads West Waterline Funding Update – Eric Dahl, County Administrator

- In February 2020, the Virginia Department of Environmental Quality (DEQ) approached the County about extending the Zion Crossroads waterline on U.S. Rt. 250 1.1 miles west of where it currently terminates on Memory Lane, to properties contaminated by an old petroleum release.
- Four petroleum impacted properties currently have water treatment systems until a permanent solution is provided. In addition, two nearby properties are at risk of petroleum contamination. This project extension helps to provide a reliable water source to the affected residents of the County and advances a Phase 2 component earlier with the assistance of DEQ.
- The County has coordinated with DEQ and we have received a formal letter outlining their proposal and available funding. DEQ will fund:
 - Up to \$200,000 for Engineering Services (*Agreement already approved*)
 - Up to \$800,000 for Construction Services and/or excess of remaining Engineering funds
- The overall cost for this Phase 2 Zion Crossroads waterline extension back in June 2020 was estimated at \$1.5M. DEQ would provide a maximum funding for this project of \$1.0M and Fluvanna County Board of Supervisors issued Revenue Bonds for the \$500K remainder of the project.

ZXR West Waterline Extension	June 2020 Est.	Nov. 2021 Est.	Apr. 2022 Est.	Current Est.
Engineering Costs				
Design, Survey, Geo-Tech., Environmental	\$ 130,000	\$ 149,769	\$ 149,769	\$ 149,769
Bidding, Construction Admin., Constuction Insp.	\$ 70,000	\$ 100,000	\$ 125,000	\$ 100,000
Additional Design	\$ -	\$ -	\$ -	\$ 19,450
Legal Costs				
Doc Prep (deeds, plats and title)	\$ 75,000	\$ 75,000	\$ 75,000	\$ 10,000
Easement Acquisition Estimates				
Easement valuation and appraisals	\$ 35,000	\$ 35,000	\$ 35,000	\$ 16,875
Estimated Construction Cost	\$ 1,200,000	\$ 1,997,600	\$ 2,569,600	\$ 2,819,600
Contingency	\$ -	\$ -	\$ -	\$ 281,960
ESTIMATED TOTAL	\$ 1,510,000	\$ 2,357,369	\$ 2,954,369	\$ 3,397,654
DEQ Funding	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Debt Proceeds	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
FUNDING	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000
ADDITIONAL FUNDING NEEDED	\$ 10,000	\$ 857,369	\$ 1,454,369	\$ 1,897,654

Next Steps

- Final design is complete, with some additional design revisions needed
- DEQ does NOT currently have additional funding to offset the cost increase
- The County has submitted for 2 rounds of grant funding through VDH – ODW for Bipartisan Infrastructure Law (BIL)
 - FY23 application request denied
 - FY24 application request approved, but only for loan funding.

11 - NEW BUSINESS

None

12 - PUBLIC COMMENTS #2

At 9:14pm, Chair Booker opened the second round of Public Comments.

- James Kelley, 363 Manor Blvd, commented on the Staff Survey, made suggestions to improve the next survey and offered his assistance if needed. He also thanked the outgoing Board members for their service.
- Tim Hodge, 264 Manor Blvd, commented on the Staff Survey, and made suggestions to improve the next survey. He also thanked the outgoing Board members for their service.

With no one else wishing to speak, Chair Booker closed the second round of Public Comments at 9:21pm.

13 - CLOSED MEETING

MOTION:	At 9:22pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – Director of Community Development Position, County Administrator Performance; Legal Matters – Fluvanna Rescue Squad, Inc.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

MOTION:	At 11:02 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:			Second	Motion	
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

MOTION TO EXTEND

- At 11:02pm, a motion was made to extend the Board of Supervisors meeting.

MOTION:	Approve a motion to extend the December 20, 2023 Regular Board of Supervisors meeting to 11:02pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

14 - ADJOURN

MOTION:	Adjourn the regular meeting of Wednesday, December 20, 2023 at 11:03pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. Fairchild	Mr. O’Brien	Mr. Sheridan
ACTION:					
VOTE:	Yes	Yes	Yes	Yes	Absent
RESULT:	4-0				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

Mozell H. Booker
Chair



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia
RESOLUTION No. 44-2023

A Resolution to Take Mulberry Drive in the Nahor Village Subdivision into the Secondary System of Highways in Fluvanna County, Virginia

At a regular meeting of the Board of Supervisors of Fluvanna County held at the Carysbrook Performing Arts Center at 7:00 PM on Wednesday, December 20, 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 eligible street described on the attached VDOT AM-4.3 form, fully incorporated herein by reference, is shown on a plat and survey entitled “Plat Showing Public Right-Of-Way For Mulberry Drive, Nahor Subdivision, Fluvanna County, VA” prepared by Timothy Miller, Land Surveyor, dated December 12, 2023 to be recorded in the Clerk’s office of the Circuit Court of Fluvanna County; and

WHEREAS, the street described in the Nahor Village Subdivision has been developed in Fluvanna County and the developer has constructed the street in accordance with the plans submitted to and approved by the Virginia Department of Transportation and the street has been inspected by the Office of the Land Development Engineer and found to be acceptable in the State Highway System; and

NOW, THEREFORE BE IT RESOLVED, on this 20th day of December, 2023, that the Fluvanna County Board of Supervisors hereby requests that the Virginia Department of Transportation add the described road listed on the attached VDOT AM-4.3 form to the Secondary System of State Highways of Fluvanna County pursuant to Section 33.2-705 of the Code of Virginia, as amended, and the Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, that the Fluvanna County Board of Supervisors guarantees a clear and unrestricted right- of-way, and any necessary easements for cuts, fills, and drainage; and

BE IT YET FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Land Development Engineer for the Virginia Department of Transportation.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a regular meeting of the Board held on the 20th day of December, 2023:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District	X					
Patricia B. Eager, Palmyra District	X					X
Chris 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