

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom, Fluvanna Courts Building
72 Main Street, Palmyra, VA 22063
November 20, 2024
Regular Meeting 6:00pm**

MEMBERS PRESENT:

Chris Fairchild, Cunningham District, Chair
John M. (Mike) Sheridan, Columbia District, Vice Chair
Mike Goad, Fork Union District
Timothy M. Hodge, Palmyra District
Tony O'Brien, Rivanna 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 6:02pm, Chair Fairchild called to order the Regular Meeting of November 20, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

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| MOTION: | Accept the Agenda, for the November 20, 2024 Regular Meeting of the Board of Supervisors, as presented. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | 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 & Promotions

- Dale Critzer, Public Works, Director, Started November 3rd

Economic Development

- "Buy Fluvanna First" buy local campaign kicks off next week!
- Holiday Passport is the first event - Holiday Passports can be picked up at participating businesses. Shoppers can present their passports at participating businesses to receive a passport sticker for their visit.
- Completed passports can be dropped off at any participating business or mailed to the Economic Development Office by January 5, 2025. Returned passports will be entered into a drawing for prizes donated by participating businesses with a grand prize donated by Lake Monticello Golf Club for a yearly golf membership. Grand prize drawing will take place on January 7, 2025.

5 - PUBLIC COMMENTS #1

At 6:06pm, Chair Fairchild opened the first round of Public Comments.

- James Kelley, 363 Manor Blvd, addressed budget topics for the upcoming FY26 FCPS budget.

With no one else wishing to speak, Chair Fairchild closed the first round of Public Comments at 6:12pm.

6 – BOARDS AND COMMISSIONS

None.

7 – PRESENTATIONS

Blue Ridge Health Department Update – Ryan McKay, BRDH Health Director

Mr. McKay presented an overview of the Blue Ridge Health District including public health infrastructure, Fluvanna County Health Department Data, and Health Department Services in Fluvanna County.

MAPP2Health Community Health Assessment – Jen Fleisher, MPH CHA/CHIP Program Officer Blue Ridge Health District

Ms. Fleisher presented an overview of the 2024-2025 MAPP2Health Community Health Assessment, and how it relates to Fluvanna County; including a review of relevant secondary health data, initial findings from the randomized household survey in Nelson County (and their implications for Fluvanna), as well as insights from our online Community Health Survey and in-person interviews in Columbia and Fork Union. Ms. Fleisher also

explored current efforts and potential opportunities for the Board of Supervisors to support the Assessment and its implementation plan.

8 - ACTION MATTERS

Authorization to Advertise Election District(s) Name Change – Eric Dahl, County Administrator
 The Palmyra District, as redrawn following 2020 Census and Redistricting, is no longer located near the village of Palmyra. It was previously discussed whether or not to change this district name or others.

Polling place changes cannot occur within 60 days of a general election unless there is an emergency (VA Code 24.2-306). This section does not apply to primary elections, but it is important to be mindful of the timing of any primary elections. Early voting begins 45 days prior to a primary election or general election.

Additionally, there is still an approval process (either by public hearing or submitting a certificate of no objection). If there are any changes, pertinent information needs to be uploaded to the Department of Elections to review. VA Code 24.2-129. Covered practices; actions required prior to enactment or administration covers the requirements for preclearance/permanent changes.

Notice of changes must be mailed no later than 15 days prior to election.

If the BOS decides to move forward with changes, some decisions required are:

- Which district name to change? Palmyra only or all district names change?
- If a name is selected to change, what is the new name of the district(s)?

- *After some discussion, the Board agreed not to proceed with the Election District Name Change. No motion needed to be made.*

10 - CONSENT AGENDA

The following items were discussed before approval:

- K - Approval of Open Space Agreement for Benco, LLC
- L - Approval of Open Space Agreement for Valarie Landis Dietrich and Mark O. Dietrich
- M - Approval of Open Space Agreement for James J. Ehrmann and Diane B. Ehrmann
- N - Approval of Open Space Agreement for Kevin D. Marshall and Christen L. Marshall
- O - Approval of Open Space Agreement for Austin Michael Sebetzki

The following items were approved under the Consent Agenda for November 20, 2024:

- *Minutes of November 6, 2024* – Caitlin Solis, Clerk to the Board
- *FY25 Voluntary Contributions* – Theresa McAllister, Management Analyst
- *Approval of Open Space Agreement for Benco, LLC* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Valarie Landis Dietrich and Mark O. Dietrich* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for James J. Ehrmann and Diane B. Ehrmann* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Kevin D. Marshall and Christen L. Marshall* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Austin Michael Sebetzki* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *CRMF - Abrams Academy Building Removal* – Don Stribling, FCPS Executive Director
- *CRMF - Administration Building IT HVAC Unit* – Dale Critzer, Director of Public Works
- *CRMF - CAR - VRF Contactors for the HVAC* – Don Stribling, FCPS Executive Director
- *CRMF - DIV- Weather Related Projects* – Don Stribling, FCPS Executive Director
- *CRMF - FCHS- Hot Water Pump Motor* – Don Stribling, FCPS Executive Director
- *CRMF - FCHS- Speed Bump Replacement* – Don Stribling, FCPS Executive Director
- *CRMF - Public Safety Building Sewer Line Replacement* – Dale Critzer, Director of Public Works

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| MOTION: | Approve the consent agenda, for the November 20, 2024 Board of Supervisors meeting. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Second | Motion | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

11 - UNFINISHED BUSINESS

None.

12 - NEW BUSINESS

- Mr. Sheridan asked when Meals Tax could be brought back as an Action Item. After some discussion, the Board requested bringing a Meals Tax presentation at the January 8, 2025 meeting.

9 - PUBLIC HEARING

Lease Agreement with Fluvanna Christian Service Society, Inc. to Lease Property at Carysbrook Complex – Dan Whitten, County Attorney

- Since 2018, Fluvanna Christian Service Society has leased property at Carysbrook Complex from the County for three storage buildings owned by FCCS.
- The buildings have been the primary location of the food pantry.
- The food pantry has moved to the MACAA space, but FCSS wants to use one building for a freezer to be used by MACAA for overflow freezer items.
- FCSS would like to use the buildings to store donations for the Happy Face Christmas toy and clothes distribution program.
- Lease term will be 5 years with automatic with an automatic 5-year renewal term.

At 7:05pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 7:05pm.

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| MOTION: | Approve the lease agreement with the Fluvanna Christian Service Society, Inc. and authorize the County Administrator to sign the lease agreement subject to approval as to form by the County Attorney. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Second | | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

ZTA 24:05 – Amendment to Eliminate Rural Cluster Subdivision Regulations and Use – Dan Whitten, County Attorney; Todd Fortune, Director of Planning

At its meeting on September 18, 2024, the Board of Supervisors directed the Planning Commission to make a recommendation on rural cluster subdivisions to be brought back before the Board for its November 20, 2024 meeting. Rural clusters are currently allowed by right in properties zoned A-1, Agricultural. Consequently, there are no public hearing requirements. The Planning Commission has a limited role in accepting or approving rural clusters, and the Board has no role.

At 7:28pm, Chair Fairchild opened the Public Hearing.

- Suzy Morris, 6840 Thomas Jefferson Pkwy, spoke in opposition of rural cluster subdivisions.
- Patricia Beers Block, 103 Island Hill Rd, spoke in favor of rural cluster subdivisions.
- Nicole Scroll, Land Use Attorney, spoke in opposition of rural cluster subdivisions
- Tom Diggs, 947 Jefferson Dr, spoke in favor of approval of ZTA 24:05.
- James Kelley, 343 Manor Blvd Spoke in favor of rural cluster subdivisions.

With no one else wishing to speak, Chair Fairchild closed the Public Hearing at 7:49pm.

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| MOTION: | Approve ZTA 24:05, an ordinance to amend and reordain “The Code of the County of Fluvanna, Virginia” by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2 and 22-4-10.3 and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3 to eliminate rural cluster subdivision regulations and use. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Motion | | | Second |
| VOTE: | Yes | Yes | Yes | No | Yes |
| RESULT: | 4-1 | | | | |

Repeal and Reenact Chapter 6 - Erosion and Sedimentation Control – Dan Whitten, County Attorney

- Except for the fee update, Chapter 6 has not been updated since 2015.
- In June of 2023 the State Water Control Board approved and adopted the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) and approved the repeal of the Erosion and Sediment Control Regulations (9VAC25-840), Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850), and Virginia Stormwater Management Program Regulation (9VAC25-870).
- The VESM Regulation and repeal of the other regulations became effective July 1, 2024.
- Also, on July 1, 2024, Chapters 68 and 758 of the 2016 Acts of Assembly become effective. Those Acts, referred to as the “Consolidation Bill,” combine stormwater management and erosion and sediment control requirements under the Virginia Erosion and Stormwater Management Act (VESMA), §§ 62.1-44.15:24 through 62.1-44.15:50 of the Code of Virginia.
- DEQ developed a VESCP model ordinance to incorporate requirements in the VESMA and VESM Regulation; that model ordinance is the basis for this revised Chapter 6.

- If a VESCP authority elects to adopt more stringent ordinances, the authority must report to the DEQ when more stringent erosion and sediment control ordinances are determined to be necessary.

At 8:14pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 8:14pm.

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| MOTION: | Approve the repeal and reenactment of County Code Chapter 6 – Erosion and Sedimentation Control. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | Second | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

Enact Section 20-1-8 of the County Code to Exempt from Taxation Certain Classes of Tangible Personal Property – Dan Whitten, County Attorney

- Section 58.1-3504 of the Virginia Code gives optional authority to localities to exempt from taxation certain classes of household goods and personal effects.
- Section 58.1-3505 of the Virginia Code gives optional authority to localities to exempt from taxation certain classes of farm animals, grains and feeds used for the nurture of farm animals and agricultural products, farm machinery, farm implements and farm equipment.
- The proposed amendment to the County Code will enact Section 20-1-8 which will exempt from taxation all classes of property listed in Virginia Code Sections 58.1-3504 and certain classes of property from 58.1-3505.
- The Commissioner of Revenue has actually been exempting these classes of property for many years but an ordinance has never adopted by the Board of Supervisors.

At 8:17pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 8:17pm.

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| MOTION: | Approve the amendments to the County Code and enact Section 20-1-8 of the County Code to exempt from taxation certain classes of tangible personal property identified in VA Code Sections 58.1-3504 and 58.1-3505. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Motion | | | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

FY25 FCPS Grants Supplemental Appropriation – Tori Melton, Director of Finance and Brenda Gilliam, Executive Director for Instruction and Finance

- The Adopted FY2025 budget totals \$107,505,194 in revenues and expenditures. The proposed amendment for the FCPS Budget calls for an increase of \$3,211,343.17 in revenues and expenditures. Fluvanna County Public Schools received \$3,211,343.17 in new FY25 grant funding from State and Federal revenue sources that were not included in the FY25 budget.
- Per Code of Virginia 15.2-2507, any additional appropriation which increases the total budget by more than 1% of the total expenditure budget for that fiscal year requires a public hearing.
- Notice of the public hearing must be advertised at least once in a newspaper of general circulation in the locality at least 7 days prior to the hearing. The advertisement was on November 7, 2024.
- The supplemental appropriation breakdown is provided on the FCPS request enclosed. The below tables show the change in the FY25 FCPS budget:

| Revenue Category | FY25 Adopted | FY25 Revised | FY25 Request | FY25 Revised (NEW Total) |
|-----------------------|--------------|--------------|--------------|--------------------------|
| Local - County | 22,269,388 | - | - | 22,269,388 |
| Other Local | 454,200 | - | - | 454,200 |
| State | 30,750,000 | 2,905,399 | - | 33,655,399 |
| Federal | 1,676,800 | 305,944.17 | - | 1,982,744.17 |
| TOTAL | 55,150,388 | 3,211,343.17 | - | 58,361,731.17 |

At 8:20pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public Hearing at 8:20pm.

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| MOTION: | Approve a supplemental appropriation of \$3,211,343.17 to the Fluvanna County Public Schools FY25 budget for funds received from State and Federal revenue sources. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Motion | | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

13 - PUBLIC COMMENTS #2

At 8:21pm, Chair Fairchild opened the second round of Public Comments.

- James Kelley, 363 Manor Blvd, commented on upcoming FCPS budget items.

With no one else wishing to speak, Chair Fairchild closed the second round of Public Comments at 8:26pm.

12 - NEW BUSINESS

Mr. Hodge made a motion to make major subdivisions a special use under A-1.

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| MOTION: | Instruct staff to refer to the planning commission to remove the exemption clause for major subdivisions in A-1 and make it a special use for major subdivisions. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Motion | Second | |
| VOTE: | No | No | Yes | Yes | No |
| RESULT: | 2-3 | | | | |

14 - CLOSED MEETING

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|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | At 8:32pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.7, & A.19 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – County Attorney Position, Litigation – Gate Plaza LLC v. Fluvanna County Board of Supervisors, Public Safety – Kents Store Fire House Incident. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

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| MOTION: | At 9:00 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: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Second | Motion | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

15 - ADJOURN

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| MOTION: | Adjourn the regular meeting of Wednesday, November 20, 2024 at 9:01pm. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Motion | | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

Christopher S. Fairchild
Chair