

**AGENDA**  
**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**Regular Meeting**  
**Circuit Courtroom**  
**Fluvanna Courts Building**  
**May 16<sup>th</sup>, 2012**  
**7:00 p.m.**

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**1-CALL TO ORDER**

**2- ADJOURN & RECONVENE**

Move meeting to Central Elementary Auditorium, located at 3340 Central Plains Road, Palmyra

**3- PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE**

**4-REPORTS**

Steven M. Nichols, County Administrator

**5-PUBLIC COMMENTS #1 (5 minutes each)**

**6-CONSENT AGENDA**

- TAB D Minutes of May 2<sup>nd</sup>, 2012 – Mary Weaver, Clerk to the Board of Supervisors  
TAB E Extension of Fluvanna County Attorney Contract – Steven M. Nichols, County Administrator  
TAB F Resolution Recognizing Michael McGowan Jones as an Eagle Scout – Steven M. Nichols, County Administrator  
TAB G Rural Rustic Road Route 606, Hells Bend Road and Route 715, Stag Road – Steven M. Nichols, County Administrator

**7-ACCOUNTS PAYABLE**

None

**8-PUBLIC HEARING**

- TAB H CPA 12:01, Fluvanna County – Comprehensive Plan Text Amendment – Amend the Vision chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions. The existing text within the Vision chapter will be replaced with new text and illustrations prepared by the Board of Supervisors. The proposed amendment to the Comprehensive Plan adjusts the vision statement in order to better reflect the adopted goals of the Board of Supervisors and elaborate on the meaning of the County's vision statement. The amendment is generally consistent with other chapters of the Comprehensive Plan. – Andrew Pompei, Planner
- TAB I ZMP 12:01, Southern Land Holdings, LLC – B-C with Amended Proffers – An ordinance to amend the proffers associated with ZMP 01:01 of the Fluvanna County Zoning Map with respect to 1.43 acres of Tax Map 18B, Section 5, Parcel 1 to allow commercial greenhouses to the uses permitted by-right within the B-C, Business, Convenience District. The affected property is located on the north side of Route 618 (Lake Monticello Road) approximately 1,000 feet west of its intersection with Route 600 (South Boston Road). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area. Steven Tugwell – Senior Planner

**9-PRESENTATIONS (normally not to exceed 10-minute limitation)**

- TAB J Economic Directors Approach for Economic Development – Robert Popowicz, Economic Development Director

*For the Hearing-Impaired – there is a listening device available at the Board of Supervisors Room upon request.. TTY access number is 711 to make arrangements.*

*For persons with Disabilities – if you have special needs, please call the County Administrator's Office at 591-1910 and relay your request.*

**10-ACTION MATTERS**

- TAB K MOU between Board of Supervisors and Public Schools for use of existing well – Ms. Gena Keller, School Superintendent and Mr. Jonathan Hirst, Clerk of Works
- TAB L RFQ for New Fork Union Fire Station – Robert Popowicz, Economic Development Director

**11-UNFINISHED BUSINESS**

Waterline status

**12-NEW BUSINESS**

- TAB M Robinson, Farmer and Cox cost saving audit proposal.  
Adoption of VRS Resolution for concurrence with the School Board’s election to pay the VRS Board certified employer contribution rate for VRS non-“teacher’ category employees in FY 2013 – Mr. Edward Breslauer, Director of Finance for Fluvanna County Schools
- TAB Mc Fluvanna County School Board request for additional funding for FY13 Budget – Mrs. Gena Keller, School Board Superintendent and Mr. Edward Breslauer, Director of Finance for Fluvanna County Schools

**13-PUBLIC COMMENT #2 (5 minutes each)**

**14-CLOSED MEETING**

**15-ADJOURN**

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**Pledge of Allegiance**

I pledge allegiance to the flag  
of the United States of America  
and to the Republic for which it stands,  
one nation, under God, indivisible,  
with liberty and justice for all.

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**ORDER**

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Board to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Administrator shall be the judge of such breaches, however, the Board may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person’s removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

*For the Hearing-Impaired – there is a listening device available at the Board of Supervisors Room upon request.. TTY access number is 711 to make arrangements.*

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**MOTION:** I move the regular meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, May 2, 2012 be adopted.

**AGENDA**                      **BOARD OF SUPERVISORS**                      **DATE: MAY 16, 2012**

**SUBJECT:** Adoption of the Fluvanna County Board of Supervisors regular meeting minutes.

**RECOMMENDATION:** Approval

**TIMING:** Routine

**FISCAL IMPLICATIONS:** None

**POLICY IMPLICATIONS:** None

**DISCUSSION:** None

**LEGISLATIVE HISTORY:** None

Staff: Mary L. Weaver, Clerk to the Board of Supervisors

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County Administrator's Use Only

*Comments:*

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Steven M. Nichols, County Administrator

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Court Room  
May 2, 2012  
2:00 p.m.**

**MEMBERS PRESENT:** Shaun V. Kenney, Chairman  
Bob Ullenbruch, Vice-Chairman  
Mozell H. Booker  
Donald W. Weaver  
Joe Chesser

**ALSO PRESENT:** Steven M. Nichols, County Administrator  
Fred Payne, County Attorney  
Eric Dahl, Budget Analyst  
Steven Tugwell, Senior Planner  
Bobby Popowicz, Economic Development Director  
Patricia A. Groot, Grants Administrator  
Dr. Jacqueline A. Meyers, CSA Coordinator  
Mary Weaver, Clerk, Board of Supervisors

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Chairman Kenney called the meeting of May 2, 2012, to order at 2:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Kenney called for a moment of silence and to remember Mr. R.J. Searcy who passed away this week.

**REPORTS**

**County Report**

Mr. Steven M. Nichols, County Administrator reported on the following topics:

- Status of Vacancies – positions have been advertised and interviews are in process.

**PUBLIC COMMENTS #1**

Chairman Kenney opened the floor for the first round of public comments.

- Mr. Sam Patterson, Palmyra District – addressed the Board in regards to if short sales and foreclosures are going to be counted in the reassessment.

With no one else wishing to speak, Chairman Kenney closed the first round of public comments.

**CONSENT AGENDA**

The following items were approved under the consent agenda:

**MOTION:**

Mrs. Booker moved to approve the consent agenda, which consisted of:

- Budget Public Hearing Minutes from April 11, 2012.
- Regular Meeting Minutes from April 18, 2012.
- Union Mills Ag/Forestral District renewal

- Resolution/VDOT Secondary Six-Year Plan (2012-13 through 2017-18) and the VDOT Construction Priority List(2012/13).
- Farmers Market Promotion Grant Application.
- Byrne Justice Assistance Grant (JAG).
- Resolution/Guidelines for PPEA.
- Supplemental Appropriation for additional State revenue to the Schools FY12.

Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Ullenbruch, Booker, Kenney, Chesser and Weaver. NAYS: None. ABSENT: None.

**ACCOUNTS PAYABLE**

Mr. Eric Dahl, Budget Analyst, addressed the Board regarding the accounts payable.

**MOTION:**

Mr. Weaver moved the Accounts Payable from March 27, 2012, through April 24, 2012, and Payroll for the month of March, 2012, in the amount of \$1,866,242.28, be ratified. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

General Fund	\$ 860,025.10
Capital Improvements	\$ 107,656.78
Sewer	\$ 1,487.99
Fork Union Sanitary District	\$ <u>4,924.78</u>
Total Expenditures by Fund	\$ 974,094.93
Payroll – February	\$ 892,147.85
Total Payables & Payroll	<u>\$ 1,866,242.28</u>

**PUBLIC HEARING**

None

**PRESENTATIONS**

None

**ACTION MATTERS**

CSA request for Budget Supplement – Dr. Jacqueline Meyers, CSA Program Manager, addressed the Board regarding this request for additional funds to be used to cover the local portion of funding for CSA Purchase of Services.

**MOTION:**

Mrs. Booker moved to authorize a supplemental appropriation from the Undesignated Fund Balance GL: 10000090 343100 for CSA Purchase of Services in the amount of \$350,000. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Ullenbruch, Weaver, Chesser, Booker and Kenney. NAYS: None. ABSENT: None.

Design Build Procedures – Mr. Robert Popowicz, Economic Development Director, addressed the Board regarding the Design-Build procedures.

MOTION:

Mr. Chesser moved in accordance with the provisions of §2.2-4308 of the Code of Virginia (1950, as amended) and consistent with the procedures adopted by the Secretary of Administration utilizing Design-Build, to adopt the attached resolution and procedures for the procurement of Design-Build (“D/B”) contracts, as defined in §2.2-4301. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Ullenbruch, Weaver, Chesser, Booker, and Kenney. NAYS: None. ABSENT: None

Amendment to the DJG Contract for the Fork Union Fire Station – Mr. Robert Popowicz, Economic Development Director, addressed the Board regarding the best course of action for the Fork Union Fire Station project.

MOTION:

Mr. Chesser moved to approve and authorize the County Administrator or Chairman to execute an amendment to the Architectural Services Agreement, after approval by the County Attorney, with DJG inc. for the Fork Union Fire Station on terms including (1) an agreed payment of \$17,226 in full satisfaction of all amounts owed to DJG Inc under the agreement to date; (2) modification of the services for the use of design-build, to include providing advice to the County regarding the use of design-build and assisting the County with the preparation of a request for proposal (RFP) and the evaluation of such proposals; (3) and reallocation of charges under the agreement in accordance with the changed services and budgeted funds.

Further move to authorize the County Administrator or Chairman from time to time to issue written notices to proceed and such other approvals and authorizations as may be needed under the agreement with DJG Inc in order for the work to commence and proceed to completion for the Fork Union Fire Station project in a timely manner. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Chesser, Booker, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Resolution/FY2013-2017 Capital Improvements Plan [adoption of] – Chairman Kenny request this item be moved after the adoption of the FY13 Budget.

Resolution/FY13 Budget Adoption, Set tax Rates and Appropriate Funds – Mr. Eric Dahl, Budget Analyst addressed the board regarding the proposed FY13 Budget. Mr. Dahl reviewed the memorandum from Chairman Kenney on the proposed changes to the FY13 Budget as follows:

- School Fund - local: (\$2,330,344)
- Soil and Erosion Engineer: (\$20,000)
- Nonprofit Agencies: (\$196,800)  
(Eliminate funding for JAUNT, JABA, Offender Aid and Research, Streamwatch, and the Fluvanna Housing Foundation)
- Add two PT positions for Registrar: add \$7,800

**MOTION:**

Mr. Ullenbruch moved to accept an FY13 Budget at \$66,062,968.00. Mr. Weaver seconded.

*Board Discussion* – Mr. Ullenbruch reviewed with the Board details on the proposed reduction to the budget. Chairman Kenney gave Mrs. Gena Keller, School Superintendent, the opportunity to respond to the reductions affecting Fluvanna Schools. Mrs. Keller explained the need for all items that were proposed to be cut. Mr. Dahl mentioned to the Board the Revenues needed to match the expenditures and with the current amount there was a \$120.00 difference. The difference was cut making the total \$66,062.848.00. Mr. Nichols expressed his concerns with cost and effort required to implement the 5% VRS changes over a five year period versus a single implementation year effort. Mr. Nichols also expressed concern that the cut of the Soil and Erosion Engineer Position would cost the County more money and provide less efficient service. The Board discussed the VRS options. Mr. Chesser expressed his concerns about changes being made at the eleventh hour to the previously advertised budget proposal. Mr. Fred Payne, County Attorney, explained the Virginia statue of appropriating funds to the school board.

**RECESS**

The Board recessed at 3:55 p.m. to allow Mr. Dahl to adjust the budget figures.

**RECONVENED**

The Board reconvened at 4:29.

The current motion on the table was reiterated.

**MOTION:**

Mr. Ullenbruch moved to adopt “A Resolution to Adopt FY13 Operations Budget, Set the Tax Rates and Appropriate Funds” setting the Real Property Tax Rate at \$0.5981 per \$100 and the Personal Property Tax Rate at \$4.15 per \$100.00 and the FY13 operations budget at \$66,062.848.00 (reference the attached spreadsheet). Mr. Weaver seconded. The motion carried, with a vote of 3-2. AYES: Ullenbruch, Kenney and Weaver. NAYS: Booker and Chesser. ABSENT: None.

*Resolution/FY2013-2017 Capital Improvements Plan [adoption of]* – Mr. Eric Dahl, Budget Analyst, reviewed with the Board the proposed Capital Improvement Plan.

**MOTION:**

Mr. Chesser moved the resolution entitled “Adoption of FY2013-2017 capital Improvements Plan” be adopted. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Chesser, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

Appointment recommendation for the Board of Zoning Appeals –

MOTION:

Mr. Chesser moved to recommend to the Circuit Court Mr. Frank J. Gallo for appointment to the Board of Zoning Appeals, At Large position, with a term to begin immediately and to terminate on October 31, 2014, filling the unexpired term of Steven M. Nichols. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Booker, Chesser, Ullenbruch, Kenney and Weaver. NAYS: None. ABSENT: None.

**UNFINISHED BUSINESS**

Blue Ridge Reassessment – The Board **directed staff** to clarify with Blue Ridge Mass Appraisal if short sales and foreclosures are included in the reassessments.

**NEW BUSINESS**

Request to amend the Noise Ordinance of the County Code – Mr. Nichols reviewed with the Board this request submitted by a county resident.

The Board **directed staff** to research the current noise ordinance.

The Board **directed staff** to inventory the Vehicle Fleet for Fluvanna County. Mr. Nichols mentioned that this is already underway.

The Board **directed staff** to review the Boards, Commissions and Committees and see what groups are necessary.

Economic Development – discussed the possibility of an open discussion in reference to the future of Economic Development.

**PUBLIC COMMENTS #2**

Chairman Kenney opened the floor for the second round of public comments.

- Mr. Emerson Farley, Fork Union District – addressed the Board in regards to the noise ordinance.
- Susie Morris, Cunningham District – addressed the Board in regards to the FY13 Budget and supporting the schools.

With no one else wishing to speak, Chairman Kenney closed the second segment of public comments.

**CLOSED MEETING**

MOTION TO ENTER INTO A CLOSED MEETING:

At 4:56 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed session, pursuant to the Virginia Code Section 2.2-3711-A-3 for discussion of the acquisition of real property for a public purpose, for discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the county in pursuant to the Virginia Code Section 2.2-3711-A-7 for consultation with legal counsel retained by the county regarding specific legal

matters requiring the provision of legal advice by such counsel and pursuant the Virginia Code Section 2.2-3711-A-1 including personnel matters. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

**MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION:**

At 6:07 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

**MOTION:**

At 6:08 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, May 2, 2012, on motion of Mr. Weaver, seconded by Mr. Booker, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver, and Chesser. NAYS: None. ABSENT: None.

**EXTEND MEETING**

**MOTION:**

Mr. Chesser moved to extend the Board of Supervisors meeting to 6:15p.m. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Kenney, Ullenbruch, Chesser, Booker and Weaver. NAYS: None. ABSENT: None.

**ADJOURN**

**MOTION:**

At 6:09 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, May 2, 2012. Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Booker, Weaver and Chesser. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Mary L. Weaver, Clerk

\_\_\_\_\_  
Shaun V. Kenney, Chairman

**BOARD OF SUPERVISORS  
COUNTY OF FLUVANNA  
RESOLUTION**

At a regular meeting of the Board of Supervisors of the County of Fluvanna held in the Fluvanna County Courts Building at 2:00 p.m. on the 2<sup>nd</sup> day of May 2012, 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:

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<u>PRESENT</u>	<u>VOTE</u>
<i>Shaun Kenney, Chairman</i> .....	<i>YEA</i>
<i>Bob Ullenbruch, Vice-Chairman.</i> .....	<i>YEA</i>
<i>Mozell Booker</i> .....	<i>YEA</i>
<i>Donald Weaver</i> .....	<i>YEA</i>
<i>Joe Chesser</i> .....	<i>YEA</i>

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On the motion of Mrs. Booker, seconded by Mr. Chesser, which carried by a vote of 5-0 the following resolution was adopted:

**A RESOLUTION TO AUTHORIZE RENEWAL OF THE UNION MILLS  
AGRICULTURAL/FORESTAL DISTRICT FOR AN ADDITIONAL TEN-YEAR PERIOD TO  
EXPIRE MAY 15, 2022**

**WHEREAS**, the Fluvanna County Board of Supervisors approved the creation of the Union Mills Agricultural/Forestal District on May 15, 2002 for a ten-year period; and

**WHEREAS**, the district is set to expire on May 15, 2012; and

**WHEREAS**, in accordance with Section 15.2-4311 of the State Code of Virginia, the Fluvanna County Planning & Community Development Department contacted the current property owners of parcels identified in the Union Mills Agricultural/Forestal District and advised them that the approved district would expire on May 15, 2012 and inquired whether the owners desired that the property remain in or be removed from the district.

**NOW, THEREFORE BE IT RESOLVED**, on this 2<sup>nd</sup> day of May 2012 that the Fluvanna County Board of Supervisors hereby renews the Union Mills Agricultural/Forestal District for an additional ten-year period to expire on May 15, 2022

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Mary Weaver, Clerk  
Board of Supervisors  
Fluvanna County, Virginia



**BOARD OF SUPERVISORS  
County of Fluvanna  
Palmyra, Virginia**

**RESOLUTION**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held at 2:00 p.m. on Wednesday, May 2<sup>nd</sup> 2012 in Palmyra, Virginia, the following action was taken:

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<u>Present</u>	<u>Vote</u>
Shaun V. Kenney, Chairman	YEA
Bob Ullenbruch, Vice Chairman	YEA
Mozell H. Booker	YEA
Joe Chesser	YEA
Donald W. Weaver	YEA

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On a motion by Mrs. Booker seconded by Mr. Chesser and carried by a vote of 5-0 the following resolution was adopted.

**RESOLUTION  
VDOT Secondary Six-Year Plan (2012/13 through 2017/18)  
and  
VDOT Construction Priority List (2012/13)**

**WHEREAS**, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2012/13 through 2017/18) as well as the Construction Priority List (2012/13) on April 18<sup>th</sup> 2012 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, David Crim, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2012/13 through 2017/18) AND Construction Priority List (2012/13) for Fluvanna County.

**NOW, THEREFORE, BE IT RESOLVED** that since said Plan appears to be in the best interest of the Secondary Road System in Fluvanna County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2012/13 through 2017/18) and Construction Priority List (2012/13) are hereby approved as presented at the public hearing.

Adopted this 2<sup>nd</sup> day of May 2012  
by the Fluvanna County Board of Supervisors

ATTEST:

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Shaun V. Kenney, Board of Supervisor, Chairman

**COUNTY OF FLUVANNA  
BOARD OF SUPERVISORS  
RESOLUTION TO ADOPT REVISED GUIDELINES FOR PROJECTS UNDER  
THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT  
OF 2002, AS AMENDED**

**WHEREAS**, the Public-Private Education Facilities and Infrastructure Act of 2002 (the “PPEA”), being Virginia Code Section 56-575.1 *et seq.*, grants public entities with the authority to create public-private partnerships for the development of a wide range of projects for public use, if the public entity determines there is a need for the project, and that the private investment and/or involvement may provide the project to the public in a timely, cost effective fashion;

**WHEREAS**, for the purposes of the PPEA, the County of Fluvanna, a political subdivision of the Commonwealth of Virginia, (the “County”) is a *responsible public entity* that has the power to develop or operate a *qualifying project* under the PPEA as such italicized terms are used in Virginia Code Section 56-575.1 *et seq.*; and

**WHEREAS**, pursuant to the PPEA, the County, by the Board of Supervisors, must adopt guidelines in compliance with the PPEA in order to pursue any qualifying projects, and must review the same from time to time;

**WHEREAS**, the County adopted guidelines in compliance with the PPEA previously, last revised April 15, 2009, and as such determined to revise the same as appropriate under the PPEA; therefore be it,

**RESOLVED**, that that the Board of Supervisors of the County, hereby adopts the attached “Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, County of Fluvanna, Amended and Restated Guidelines and Procedures” adopted May 2, 2012; and

**RESOLVED FURTHER**, that the County Administrator and his staff are authorized to prepare and execute any and all necessary documents pertaining to the adoption and enforcement of such guidelines.

Adopted this 2<sup>nd</sup> day of May 2012  
by the Fluvanna County Board of Supervisors with a unanimous vote.

ATTEST:

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Shaun V. Kenney, Chairman, Board of Supervisors

**RESOLUTION**  
**A RESOLUTION TO ADOPT THE FY13 OPERATIONS BUDGET,**  
**SET THE TAX RATES AND APPROPRIATE FUNDS**

**WHEREAS**, it is the responsibility of the Fluvanna County Board of Supervisors to approve and control the County’s fiscal plan for FY13; and,

**WHEREAS**, the Board of Supervisors has received numerous staff reports; received comments from residents at a duly advertised public hearing on April 11, 2012; and has reviewed each request for funding;

**NOW, THEREFORE, BE IT RESOLVED** by the Fluvanna County Board of Supervisors this 2nd day of May 2012, that the Fluvanna County budget totaling \$66,062,848 is adopted and the tax rates for FY13 or July 1<sup>st</sup> 2012– June 30<sup>th</sup> 2013 set as given below:

**2012 COUNTY TAX RATES**

Real Estate	\$0.5981/\$100 of assessed value
Public Service Corps.	\$0.5981 /\$100 of assessed value
Mobile Homes	\$0.5981 /\$100 of assessed value
Personal Property	\$4.15/\$100 of assessed value
Machinery & Tools	\$2.00/\$100 of assessed value

**BE IT FURTHER RESOLVED** that the Board of Supervisors does hereby budget and appropriate to the COUNTY OPERATING BUDGET the following revenues and expenditures; this appropriation is also conditioned on the understanding that, with regard to the operating budget for the School system, revenues received from the Commonwealth will be expended prior to local dollars:

<u>GOVERNMENTAL REVENUES</u>	
Local (not including contributions to the CIP)	\$31,279,496
State	25,527,680
Federal	2,913,807
<b>TOTAL</b>	<b>\$59,720,983</b>
 <u>GOVERNMENTAL EXPENDITURES</u>	
General Government Administration	\$ 2,304,849
Judicial Administration	983,669
Public Safety	5,150,459
Public Works	1,638,683
Health and Welfare	4,731,854
Education	33,668,540
Parks and Recreation	645,496
Community Development	1,018,815
Non-Departmental	741,845
Debt Service	7,799,135
<b>TOTAL</b>	<b>\$ 58,683,345</b>

**BE IT FURTHER RESOLVED** that for budgeting and accounting purposes, the adopted budget revenues and expenditures for the capital improvements fund are set as follows:

Capital Fund Revenues	
Local Use of General Fund Balance	\$4,000,000
Local Other	45,000
Federal and State	
Proceeds from Indebtedness	
<b>TOTAL</b>	<b>\$4,045,000</b>

Capital Fund Expenditure	
County Schools Capital Reserve	\$ 169,748
County Schools Capital Reserve for Buses	150,000
County Capital Reserve	156,026
County Capital Reserve for Sheriff's Vehicles	125,000
Radio Equip & Paging System	4,000,000
Lake Monticello FD Emergency Generator	45,000
Old HS/Central Elementary Wastewater Treatment	60,000
Middle School Wastewater Treatment	250,000
<b>TOTAL</b>	<b>\$4,955,774</b>

\*Capital fund revenues are supplemented by transfers from the General Fund.

**FINALLY BE IT RESOLVED** that for budgeting and accounting purposes the adopted budget revenues and expenditures for the enterprise funds are set as follows:

	Expenditure	Revenue
School Food Service	\$1,734,994	\$1,734,994
Fork Union Sanitary District	424,256	424,256
Utility*	<u>264,479</u>	<u>137,615</u>
<b>TOTAL</b>	<b>\$2,423,729</b>	<b>\$2,296,865</b>

\*Utility fund revenues are supplemented by transfers from the General Fund.

Adopted this 2nd day of May 2012 by the  
 Fluvanna County Board of Supervisors

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Shaun V. Kenney, Chairman, Board of Supervisors

FLUVANNA COUNTY, VIRGINIA  
 Adopted Budget  
 for the Year Beginning  
 July 1, 2012

	Adopted Budget FY12	Adopted Budget FY13	Increase/ (Decrease)	% Change
<b>GOVERNMENTAL REVENUES</b>				
Local	\$ 29,616,054	\$ 31,279,496	1,663,442	5.6%
State	\$ 24,532,675	\$ 25,527,680	995,005	4.1%
Federal	\$ 3,779,844	\$ 2,913,807	(866,037)	-22.9%
Use of Fund Balance - General Fund	\$ 330,000	\$ -	(330,000)	-100.0%
Use of High School Debt Reserve	\$ 1,600,000	\$ -	(1,600,000)	-100.0%
<b>SUBTOTAL GOVERNMENTAL REVENUES</b>	<b>\$ 59,858,573</b>	<b>\$ 59,720,983</b>	<b>\$ (137,590)</b>	<b>-0.2%</b>
<b>EXPENDITURES</b>				
General Government Administration	\$ 2,359,009	\$ 2,304,849	(54,160)	-2.3%
Judicial Administration	\$ 958,398	\$ 983,669	25,271	2.6%
Public Safety	\$ 4,727,059	\$ 5,150,459	423,400	9.0%
Public Works	\$ 1,567,765	\$ 1,638,683	70,918	4.5%
Health and Welfare	\$ 4,730,830	\$ 4,731,854	1,024	0.0%
Education	\$ 34,858,085	\$ 33,668,540	(1,189,545)	-3.4%
Parks and Recreation and Library	\$ 652,942	\$ 645,496	(7,446)	-1.1%
Community Development	\$ 1,150,770	\$ 1,018,815	(131,955)	-11.5%
Nondepartmental	\$ 768,562	\$ 741,845	(26,717)	-3.5%
Debt Service	\$ 7,832,820	\$ 7,799,135	(33,685)	-0.4%
<b>SUBTOTAL GOVERNMENTAL EXPENDITURES</b>	<b>\$ 59,606,240</b>	<b>\$ 58,683,345</b>	<b>\$ (922,895)</b>	<b>-1.5%</b>
<b>CAPITAL FUND REVENUES</b>				
Fund Balance Appropriation	\$ 4,598,000	\$ 4,000,000	(598,000)	-13.0%
Other Local Sources	\$ 285,000	\$ 45,000	(240,000)	-84.2%
Federal and State Sources	\$ 530,000	\$ -	(530,000)	-100.0%
Proceeds from Indebtedness	\$ 475,000	\$ -	(475,000)	-100.0%
<b>SUBTOTAL CAPITAL REVENUES</b>	<b>\$ 5,888,000</b>	<b>\$ 4,045,000</b>	<b>(1,843,000)</b>	<b>-31.3%</b>
<b>CAPITAL FUND EXPENDITURES</b>				
	<b>\$ 5,888,000</b>	<b>\$ 4,955,774</b>	<b>(932,226)</b>	<b>-15.8%</b>
<b>ENTERPRISE FUND REVENUES</b>				
Fork Union Sanitary District	\$ 393,000	\$ 424,256	31,256	8.0%
Utility Fund	\$ 38,400	\$ 137,615	99,215	258.4%
School Food Service	\$ 1,734,994	\$ 1,734,994	-	0.0%
<b>SUBTOTAL ENTERPRISE REVENUES</b>	<b>\$ 2,166,394</b>	<b>\$ 2,296,865</b>	<b>130,471</b>	<b>6.0%</b>
<b>ENTERPRISE FUND EXPENDITURES</b>				
Fork Union Sanitary District	\$ 427,109	\$ 424,256	(2,853)	-0.7%
Utility Fund	\$ 256,624	\$ 264,479	7,855	3.1%
School Food Service	\$ 1,734,994	\$ 1,734,994	-	0.0%
<b>SUBTOTAL ENTERPRISE EXPENDITURES</b>	<b>\$ 2,418,727</b>	<b>\$ 2,423,729</b>	<b>5,002</b>	<b>0.2%</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 67,912,967</b>	<b>\$ 66,062,848</b>	<b>(1,850,119)</b>	<b>-2.7%</b>
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 67,912,967</b>	<b>\$ 66,062,848</b>	<b>(1,850,119)</b>	<b>-2.7%</b>

**RESOLUTION**  
**Fluvanna County Board of Supervisors**  
**May 2, 2012**

**Adoption of FY 2013 – FY 2017 Capital Improvements Plan**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, May 2, 2012, in Palmyra, Virginia, the following action was taken:

---

<b>Present</b>	<b>Vote</b>
Shaun Kenney, Chairman	YEA
Bob Ullenbruch, Vice-Chairman	YEA
Mozell Booker	YEA
Joe Chesser	YEA
Donald W. Weaver	YEA

---

On a motion by Mr. Ullenbruch, seconded by Mr. Weaver, and voted in the affirmative, the following resolution was adopted:

WHEREAS, it is the responsibility of the Fluvanna County Board of Supervisors to approve the County's Capital Improvements Program; and,

WHEREAS, the Capital Improvements Plan recommends the initiation and completion of numerous capital projects based upon staff recommendations and citizen input; and,

WHEREAS, the Board of Supervisors held a public hearing on the proposed Capital Improvements Plan on April 11, 2012; and,

WHEREAS, the Board of Supervisors has approved the FY 2013 Capital Improvements Budget as part of the overall Fluvanna County Budget;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors that the FY 2013-2017 Capital Improvements Plan hereby be approved.

A True Copy Teste:

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Shaun Kenney, Chairman, Board of Supervisors

**NOTE:** The County Attorney is willing to accept the same rate as for FY10 [which was a reduction in their hourly rates for non-routine services of approximately 5% across the board]; the “flat” monthly fee would not increase from the existing figure of \$5,000; and all other terms of the agreement would remain the same from the current year.

**MOTION:** I move to extend the County Attorney’s contract for services for one year [at the reduced rate for FY10] commencing July 1<sup>st</sup> 2012 and ending June 30<sup>th</sup> 2013 with a flat fee of \$5,000 per month and an hourly rate for non-routine services as follows, effective July 1<sup>st</sup> 2012:

Frederick W. Payne	\$280
Robert P. Hodous	\$280
Donna R. DeLoria	\$235
William W. Tanner	\$210
Jessica F. Smith	\$180
Kristina M. Hoffman	\$150
Paralegals	\$85
Assistants [when applicable]	\$85

**AGENDA**                      **BOARD OF SUPERVISORS**                      **DATE:** May 16, 2012

**SUBJECT:** Extension of contract for the County Attorney.

**ISSUE:** On November 3<sup>rd</sup> 1999, the Board of Supervisors approved the contract for legal services and chose alternative #2 for the method of payment. This is an annual extension that was also approved in 2000 and subsequent years.

**RECOMMENDATION:** Staff recommends the Board of Supervisors approve the extension.

**TIMING:** The County Attorney’s current contract will terminate on June 30<sup>th</sup> 2012.

**FISCAL IMPLICATIONS/LEGISLATIVE HISTORY:** The County Attorney’s flat rate fee was increased from \$4,000 in 1999 to \$4,500 in 2003 and increased to \$5,000 per month in 2006. The following is a table of non-routine service fee increases since 1999 for comparison purposes:

	1999	2003	2005	2008	2009	2010	2012
Payne	\$160	\$225	\$250	\$295	\$280	\$280	\$280
Hodous	\$160	\$225	\$250	\$295	\$280	\$280	\$280
Jr. Partner	\$135						
DeLoria		\$190	\$210	\$250	\$235	\$235	\$235
Tanner		\$160	\$175	\$225	\$210	\$210	\$210
Smith			\$150	\$190	\$180	\$180	\$180
Wells, Jr.			\$150	\$160	\$150	\$150	\$150
Paralegal	\$ 50	\$ 70	\$ 85	\$ 90	\$ 85	\$ 85	\$ 85
Assistant		\$ 50	\$ 60	\$ 70	\$ 65	\$ 65	\$ 65

**POLICY IMPLICATIONS:** If this extension is not granted, then the county would have to either renegotiate the terms of this agreement or procure legal services by July 2<sup>nd</sup> 2012.

Staff: Mary L. Weaver, Clerk, Board of Supervisors

Copy: Frederick W. Payne, County Attorney

Attachments: email from County Attorney regarding non-routine fees, for FY13  
Action Report – BOS meeting of July 6<sup>th</sup>, 2011  
email from County Attorney regarding non-routine fees, for FY11  
Extract – BOS minutes of June 3<sup>rd</sup> 2009  
email from County Attorney regarding non-routine fees, for fiscal year  
2009/10  
copy of minutes page from BOS minutes of November 3<sup>rd</sup> 1999 accepting  
County Attorney proposal  
Letter from County Attorney regarding compensation proposal dated  
August 26<sup>th</sup> 1999

\*\*\*\*\*

County Administrator's Use Only

Comments:



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Steven M. Nichols, County Administrator

## Mary Weaver

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**From:** Frederick W. Payne [fwpayne@paynehodous.com]  
**Sent:** Wednesday, May 02, 2012 8:47 AM  
**To:** Mary Weaver  
**Subject:** RE: County Attorney's contract

I think this is appropriate under the circumstances.

Frederick W. Payne (VSB 14185)  
Payne & Hodous, LLP  
414 East Jefferson Street  
Charlottesville, Virginia 22902  
434-977-4507; (fax) 434-977-6574

---

**From:** Mary Weaver [mailto:mweaver@co.fluvanna.va.us]  
**Sent:** Tuesday, May 01, 2012 4:30 PM  
**To:** Frederick W. Payne  
**Subject:** County Attorney's contract

Your contract is coming up for renewal in June. Do you want to make any changes to it?

**NOTE:** The County Attorney is willing to accept the same rate as for FY10 [which was a reduction in their hourly rates for non-routine services of approximately 5% across the board]; the "flat" monthly fee would not increase from the existing figure of \$5,000; and all other terms of the agreement would remain the same from the current year.

**MOTION:** I move to extend the County Attorney's contract for services for one year [at the reduced rate for FY10] commencing July 1<sup>st</sup> 2011 and ending June 30<sup>th</sup> 2012 with a flat fee of \$5,000 per month and an hourly rate for non-routine services as follows, effective July 1<sup>st</sup> 2011:

Frederick W. Payne	\$280
Robert P. Hodous	\$280
Donna R. DeLoria	\$235
William W. Tanner	\$210
Jessica F. Smith	\$180
Kristina M. Hoffman	\$150
Paralegals	\$85
Assistants [when applicable]	\$65

Mary Weaver  
Clerk, Board of Supervisors/Administrative Assistant  
Fluvanna County  
132 Main Street  
P.O. Box 540  
Palmyra, VA 22963  
(434)591-1910  
(434)591-1911 - Fax

**ACTIONS TAKEN BY  
THE FLUVANNA COUNTY  
BOARD OF SUPERVISORS  
July 6<sup>th</sup>, 2011**

---

1. Minutes of June 15<sup>th</sup>, 2011;  
as presented.

**BOARD APPROVED**  
6-0



2. County Attorney Contract Renewal;  
approved to extend the county Attorney's contract for services for  
one year [at the reduced rate for FY10], commencing July 1<sup>st</sup>,  
2011, and ending June 30<sup>th</sup>, 2012, with a flat fee of \$5,000 per  
month and an hourly rate for non-routine services, effective July  
1<sup>st</sup>, 2011.

**BOARD APPROVED**  
6-0

3. Resolution Updating the Fluvanna County Pay and Classification  
Plan;  
adopted resolution.

**BOARD ADOPTED**  
6-0

4. Accounts payable;  
in the amount of \$1,156,530.35.

**BOARD RATIFIED**  
6-0

5. Ordinance to Pay a Monetary Bonus to County Officers and  
Employees;  
adopt ordinance entitled "An Ordinance to amend the Fluvanna  
County Code by the Addition in Chapter 2 of Article 8, Section  
2-8, concerning Payment of Compensation of County Officers,  
Employees and Agents".

**BOARD ADOPTED**  
4-2  
Nay: Weaver & Fairchild

6. Ordinance amendment to Chapter 2, Article 2, Sections 2-2-3, 2-2-4,  
and 2-2-6 concerning reapportionment of election districts;  
approved redistricting ordinance reapportioning its electoral  
districts consistent with its decennial redistricting mandate.  
Further, moved to forward proposed changes to the county  
Attorney for prompt submission to the Department of Justice.

**BOARD APPROVED**  
4-2  
Nay: Weaver & Fairchild

7. Reassessment of Real Property;  
authorized staff to advertise a Request for Proposal in order to  
conduct a reassessment of real property to be effective January 1,  
2013.

**BOARD AUTHORIZED**  
6-0

**DIRECTIVES/TASKS**

Directed staff to look into a policy regarding cell phones.

Directed staff to look into combine technology resources with the School Board.

Work Session scheduled for August 17<sup>th</sup>, 2011 at 3pm.

**Alice Jones**

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**From:** Frederick W. Payne [fwpayne@paynehodous.com]  
**Sent:** Tuesday, May 25, 2010 10:59 AM  
**To:** Alice Jones  
**Cc:** Shelly H. Wright; Gene Ott  
**Subject:** RE: County Attorney Contract

Let's just leave it as is for the current year.

Frederick W. Payne, Esquire  
Payne & Hodous, LLP  
414 East Jefferson Street  
Charlottesville, Virginia 22902  
434-977-4507; (fax): 434-977-6574

---

**From:** Alice Jones [mailto:ajones@co.fluvanna.va.us]  
**Sent:** Tuesday, May 25, 2010 10:54 AM  
**To:** Frederick W. Payne  
**Cc:** Shelly H. Wright; Gene Ott  
**Subject:** County Attorney Contract

Fred,

Your contract for services will be ending June 30<sup>th</sup> 2010 with Fluvanna County and I will have to bring this before the Board for renewal. Are your fees going to remain the same? I'm sure you remember that you offered to reduce your rates for this current contract. I have attached a copy of the BOS Extract from last year for your review.

Please advise.....

Thanks,

*Alice F. Jones*

Clerk, Board of Supervisors/  
Administrative Assistant  
P. O. Box 540  
Palmyra, VA 22963  
434-591-1910 (phone)  
434-591-1911 (fax)  
[www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)





COUNTY OF FLUVANNA  
"Responsive & Responsible Government"

G. Cabell Lawton, IV  
County Administrator  
clawton@co.fluvanna.va.us

P.O. Box 540 Palmyra, VA 22963 • (434) 591-1910 • FAX (434) 591-1911 • www.co.fluvanna.va.us

TO: Frederick W. Payne, County Attorney  
COPY: Renee Hoover, Finance Director  
DATE: June 4<sup>th</sup> 2009

\*\*\*EXTRACT\*\*\*  
(from the Draft Minutes)

At a regular meeting of the Fluvanna County Board of Supervisors held June 3<sup>rd</sup> 2009 in the Circuit Courtroom of the Fluvanna Courts Building, Palmyra, Virginia.

Present: Marvin F. Moss, Chairman; Mozell H. Booker; John Y. Gooch; and Donald W. Weaver

Absent: Charles W. Allbaugh and Gene F. Ott

\* \* \* \* \*

County Attorney Contract

The County Attorney has noted that with the depressed economy which is causing significant hardships for the County and its citizens, he [the county attorney] is willing to accept a reduction in their hourly rates for non-routine services of approximately 5% across the board, the "flat" monthly fee would not increase from the existing figure, and all other terms of the agreement would remain the same from the current year.

Mr. G. Cabell Lawton, IV, County Administrator, addressed the Board regarding this issue.

Mr. Frederick W. Payne, County Attorney, addressed the Board on his behalf.

MOTION:

Mr. Weaver moved to extend the County Attorney's contract for services for one year [at the reduced rate] commencing July 1<sup>st</sup> 2009 and ending June 30<sup>th</sup> 2010 with a flat fee of \$5,000 per month and an hourly rate for non-routine services as follows, effective July 1<sup>st</sup> 2009:

Frederick W. Payne	\$280
Robert P. Hodous	\$280
Donna R. DeLoria	\$235
William W. Tanner	\$210
Jessica F. Smith	\$180
Kristina M. Hoffman	\$150
Paralegals	\$85
Assistants [when applicable]	\$65

Mrs. Booker seconded. The motion carried with a vote of 4-0. AYES: Booker, Gooch, Weaver and Moss NAYS: None ABSENT: Allbaugh and Ott

\* \* \* \* \*

A COPY, teste

G. Cabell Lawton, IV  
County Administrator

**Alice Jones**

---

**From:** Frederick W. Payne [fwpayne@paynehodous.com]  
**Sent:** Tuesday, May 26, 2009 3:16 PM  
**To:** Alice Jones  
**Cc:** Cabell Lawton; 'Benita T. Payne'  
**Subject:** RE: County Attorney Contract

Cabell and I have discussed this matter. We realize that the depressed economy is causing significant hardships for the County and its citizens and that it has as yet shown no real signs of improving. With this in mind, I would be willing to accept a reduction in our hourly rates for non-routine services of approximately 5% across the board (the actual rate is rounded to an even dollar). The "flat" monthly fee would not increase from the existing figure, and all other terms of our agreement would remain the same from the current year.

With the 5% reduction, I propose that our hourly rates for the 2009-10 fiscal year be as follows:

**PROPOSED FEE SCHEDULE FOR FLUVANNA COUNTY  
FISCAL YEAR 2009-2010**

Frederick W. Payne	\$280.00
Robert P. Hodous	\$280.00
Donna R. DeLoria	\$235.00
William W. Tanner	\$210.00
Jessica F. Smith	\$180.00
Kristina M. Hoffman	\$150.00
Paralegals	\$ 85.00
Assistants (when applicable)	\$ 65.00

Assuming that the economic conditions will have improved in the next year, I would consider it likely that we will propose returning to our usual rates for the 2010-11 fiscal year, as they may be set in the meantime.

If you have any questions, please let me know.

Frederick W. Payne, Esquire  
 Payne & Hodous, LLP  
 414 East Jefferson Street  
 Charlottesville, Virginia 22902  
 434-977-4507; (fax): 434-977-6574

---

**From:** Alice Jones [mailto:ajones@co.fluvanna.va.us]  
**Sent:** Tuesday, May 26, 2009 12:11 PM  
**To:** Frederick W. Payne (E-mail)  
**Cc:** Cabell Lawton  
**Subject:** County Attorney Contract

Fred,

Your contract for County Attorney will be terminating the end of June 2009. Will there be any changes to the fee structure? I will try and place this on the June 3<sup>rd</sup> agenda if not it will be on the June 17<sup>th</sup> 2009 agenda.....

**MOTION:**

The following resolution was adopted by the Fluvanna County Board of Supervisors following an executive meeting held November 3, 1999, on motion of Mr. Gardner, seconded by Mr. Weaver and carried with the following vote: AYES: Cobb, Gardner, Pace, Weaver and Sheridan. NAYS: None.

"BE IT RESOLVED to the best of my knowledge (i) only public business matters lawfully exempted from open meetings requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the meeting."



**Legal Council**  
**MOTION:**  
Mr. Gardner moved to contact the County Attorney, Fred Payne, and indicate our acceptance of his proposal for a fixed fee contract of \$4,000 plus additional non-routine services beginning January 1, 2000 and ending June 30, 2000. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Cobb, Gardner, Pace, Weaver and Sheridan. NAYS: None.

**PUBLIC COMMENTS #2**  
None

**RECESS**

The Board recessed at 5:10 p.m.

**RECONVENE**

The Board reconvened at 6:00 p.m.

**PUBLIC HEARING**

**Amendment to the Budget for FY-2000**

The Finance Director, Brenda Browning, addressed the Board on this issue. Chairman Sheridan opened the public hearing for anyone wishing to speak. With no one wishing to speak, Chairman Sheridan closed the public hearing.

**MOTION:**

Mr. Gardner moved to approve the resolution (attached hereto) entitled "Funding for Courthouse Construction" and authorize the Director of Finance to distribute the funds accordingly. Mr. Cobb seconded. The motion carried with a vote of 5-0. AYES: Cobb, Gardner, Pace, Weaver and Sheridan. NAYS: None.

**ZMP 99-07/Request by Hannum to Modify Proffers**

Proposed modification in the approved proffers that were approved by the Board of Supervisors on March 19, 1997. The proffers apply to a designated 18 acres of the 52.139 acres and is located on the east side of Rt. 15 just south of Palmyra, VA and located across from the intersection of Rts. 15 & 53.

The County Planner, Cabell Lawton, addressed the Board on this issue.

Jarl Hannum, applicant and owner, spoke on his behalf.

Chairman Sheridan opened the public hearing for anyone wishing to speak.

> David Rafaty, Economic Development Commission Chairman, apprised the Board that the EDC recommended approval of this request.

With no one else wishing to speak, Chairman Sheridan closed the public hearing.

**MOTION:**

Mr. Cobb moved to approve the proposed modifications to the proffers that were approved March 19, 1997 and referenced as ZMP 96:11 and as demonstrated in the letter from Mr. Hannum on October 6, 1999. Mr. Weaver seconded. The motion carried with a vote of 3-2. AYES: Cobb, Weaver and Sheridan. NAYS: Gardner and Pace.



COPY

FLUVANNA COUNTY ATTORNEY

*Frederick W. Payne*

*412 East Jefferson Street  
Charlottesville, VA 22902  
Telephone: (804) 977-4507  
Facsimile: (804) 977-6574*

August 26, 1999

Mr. Stafford M. Pace  
Route 1, Box 150  
Troy, Virginia 22974

Re: County attorney compensation proposal—Our file 96-1160

Dear Buck:

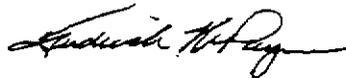
This will follow up our conversation of some days ago concerning your suggestion that we make an alternative proposal for our services which would provide for our attending regular meetings of the board and planning commission. As I understood you to suggest, I have prepared three alternatives, any of which would be acceptable to us.

All of these alternatives would provide for routine services. By this term, I intend to include such matters as (a) regular advice to members of the board, the county administrator and other members of the County staff; (b) review/drafting of routine contracts and other ordinary documents, including such things as private road maintenance agreements, development bonds, etc.; (c) drafting of routine ordinance amendments and regular maintenance of the County Code; and (d) occasional briefing/educational activities, including such things as updating the board on matters such as zoning procedures. We would include our attendance at 2 board meetings per month, plus one meeting of the planning commission per month.

For other, extraordinary matters, which are particularly time-intensive and unpredictable, we would bill the County by the hour at our firm's then current rates. These are currently \$160/hour for myself, \$135 for Mrs. DeLoria and \$50 for paralegal time. The additional services would include such things as real estate (including sales, acquisitions and other non-routine matters, such as the negotiation of telecommunications leases, etc.); litigation; FUSD; and special projects (such as comprehensive review/revision of major legislative projects including land use ordinances, comprehensive plan, appearance before legislative bodies other than the board, extraordinary work outside the "routine" matters outlined above, etc.). A separate estimate for such matters for the current fiscal year is attached with the other proposals.

I would be happy to discuss these proposals with you further, or with the board at its convenience. If you have any questions, please let me know.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Frederick W. Payne".

Frederick W. Payne  
County Attorney

Attachments

## COUNTY ATTORNEY COMPENSATION PROPOSALS

August 26, 1999

### ROUTINE SERVICES:

#### Alternative 1:

Salaries for professional staff:

County attorney	\$22,500.00
Deputy county attorney	10,000.00
FICA	2,488.00
Workers compensation	36.00
VRS	3,502.00
Office allowance	9,000.00
LGA membership	200.00

---

TOTAL \$47,726.00



#### Alternative 2:

Fixed fee @ \$4000 per month

#### Alternative 3:

All services provided at current rates for Payne & Hodous (currently \$160 for senior partner, \$135 for junior partner, \$50 for paralegal)

### NON-ROUTINE, ADDITIONAL SERVICES:

All services provided at current rates for Payne & Hodous (currently \$160 for senior partner, \$135 for junior partner, \$50 for paralegal)

Estimates for fiscal 1999-2000:

Real estate	\$ 5,000.00
Litigation	30,000.00
Special projects	7,500.00
FUSD	3,000.00

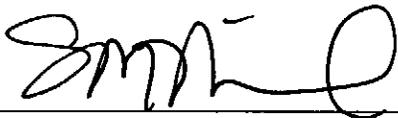
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**MOTION:** I move to adopt the resolution entitled "Recognizing Michael McGowan Jones Award of Eagle Scout Status".

\*\*\*\*\*

*For County Administrator's Use Only*

Comments:



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Steven M. Nichols, County Administrator



**BOARD OF SUPERVISORS  
County of Fluvanna  
Palmyra, Virginia**

**RESOLUTION**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, May 16, 2012, in Palmyra, Virginia, the following action was taken:

---

<u>Present</u>	<u>Vote</u>
Shaun V. Kenney, Chairman	
Robert Ullenbruch, Vice Chairman	
Mozell H. Booker	
Joseph Chesser	
Donald W. Weaver	

---

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and carried by a vote of \_\_\_\_\_, the following resolution was adopted.

**RESOLUTION**

**Recognizing Michael McGowan Jones Award of Eagle Scout Status**

**WHEREAS**, Michael McGowan Jones has completed all the requirements for becoming an Eagle Scout; and

**WHEREAS**, Michael has been examined by an Eagle Scout Board of Review and deemed worthy of the Eagle Scout award; and

**WHEREAS**, Boy Scout Troop 138 will be convening a Eagle Scout Court of Honor on May 20, 2012 at 2:00 p.m. at Saints Peter and Paul Catholic Church, Palmyra, Virginia;

**NOW, THEREFORE BE IT RESOLVED** that the Fluvanna County Board of Supervisors joins Michael's family and friends in congratulating him on his achievements and the award of Eagle Scout status.

Adopted this 16<sup>th</sup>, day of May 2012  
by the Fluvanna County Board of Supervisors

ATTEST:

---

Shaun V. Kenney, Chairman

**MOTION:** I move that the Board of Supervisors approve the attached resolutions declaring Route 715, Stag Road, and Route 606, Hells Bend Road to be rural rustic roads and to be improved to be accepted into the Secondary System of State Highways as such.

**AGENDA**

**BOARD OF SUPERVISORS**

**May 16, 2012**

**SUBJECT:** Resolutions for the Designation of Rural Rustic Roadways

**RECOMMENDATION:** These roads are eligible for rural rustic designation and County staff concurs with VDOT that they should be designated and upgraded as such.

**DISCUSSION:** VDOT has requested this action by the County in order to move these projects forward and improve them to the rural rustic road standards required for acceptance into the state system. These roads are currently approved in the VDOT Secondary Six Year Plan as projects.

Staff: Steve M. Nichols

Copy:

Attachments: Resolution for Route 606, Hells Bend Road  
Resolution for Route 715, Stag Road

\*\*\*\*\*

*For County Administrator's Use Only*

Comments:

---

Steven M. Nichols, County Administrator

**FLUVANNA COUNTY, VIRGINIA**  
**BOARD OF SUPERVISORS**  
**RURAL RUSTIC ROAD PROJECT**  
**ROUTE 606, HELLS BEND ROAD**

The Board of Supervisors of Fluvanna County, in regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, adopted the following:

**RESOLUTION**

**WHEREAS**, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1500 vpd; and

**WHEREAS**, the Board of Supervisors of Fluvanna County, Virginia (“Board”) desires to consider whether Route 606, Hells Bend Road, From: Route 608 To: Route 609 should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the public has been made aware that this road may be paved with minimal improvements; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the District Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the District Administrator for the Virginia Department of Transportation.

Recorded Vote \_\_\_\_\_  
Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_  
Yeas: \_\_\_\_\_  
Nays: \_\_\_\_\_

A Copy Teste:

Signed \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Title \_\_\_\_\_

**FLUVANNA COUNTY, VIRGINIA**  
**BOARD OF SUPERVISORS**  
**RURAL RUSTIC ROAD PROJECT**  
**ROUTE 715, STAG ROAD**

The Board of Supervisors of Fluvanna County, in regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, adopted the following:

**RESOLUTION**

**WHEREAS**, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1500 vpd; and

**WHEREAS**, the Board of Supervisors of Fluvanna County, Virginia (“Board”) desires to consider whether Route 715, Stag Road, From: Route 694 To: End of State Maintenance should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the public has been made aware that this road may be paved with minimal improvements; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the District Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the District Administrator for the Virginia Department of Transportation.

Recorded Vote \_\_\_\_\_  
Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_  
Yeas: \_\_\_\_\_  
Nays: \_\_\_\_\_

A Copy Teste:

Signed \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Title \_\_\_\_\_



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

## STAFF REPORT

**To:** Fluvanna County Board of Supervisors  
**Case Number:** CPA 12:01

**From:** Andrew Pompei  
**Date:** May 16, 2012

**General Information:** This request is to be heard by the Board of Supervisors on Wednesday, May 16, 2012 at 7:00 pm in the Circuit Courtroom in the Courts Building.

**Applicant/Representative:** Fluvanna County Board of Supervisors

**Requested Action:** A request for a Comprehensive Plan Amendment to revise the *Vision* chapter to better reflect the adopted vision statement of the current Board of Supervisors.

**Location:** Not Applicable

**Zoning History:** Not Applicable

### Analysis

The Comprehensive Plan is a guide to future growth and development in Fluvanna County. It describes the county's goals and vision for the next twenty years, and includes strategies that may be used to achieve that vision. State law requires every locality to adopt a comprehensive plan (VA Code § 15.2-2223). The current Comprehensive Plan was adopted on March 18, 2009, after several months of public input.

On February 15, 2012, the Board of Supervisors adopted a resolution initiating a Comprehensive Plan Amendment (CPA 12:01). The Board of Supervisors has proposed amending the *Vision* chapter of the Comprehensive Plan to include its newest Vision Statement, which was developed at the Board Retreat on January 6, 2012. The amendment is intended to clarify the goals and policies endorsed by the current Board of Supervisors.

The Comprehensive Plan may, at the discretion of the Board of Supervisors, be amended (VA Code § 15.2-2229). The *Plan Process and Implementation* section of the Comprehensive Plan describes the criteria that should be considered when determining the appropriateness of a proposed amendment (page 250). For a Comprehensive Plan amendment application to be accepted, one or more of the following criteria should be met:

1. The request must be a creative idea or concept that will benefit the community and that was unforeseen during the planning process for the comprehensive plan;
2. The subject property or concept was misinterpreted or overlooked in the comprehensive plan;
3. Conditions have changed substantially since the last comprehensive plan update, necessitating a change (e.g. changes in surrounding land use or economic conditions);
4. An undue hardship exists that substantially limits the use of the subject property; and/or
5. The amendment will effectively aid in the implementation of other goals of the comprehensive plan or the community vision.

Comprehensive Plan amendments should be carefully considered by the Board of Supervisors. These amendments should be based upon established goals and sound planning principles. Occasional revision is essential if the plan is to continue to serve as a reliable guide for community growth; however, constant amendment of the plan undermines and limits its effectiveness. Since its adoption in 2009, the Board of Supervisors has only approved three amendments to the current Comprehensive Plan (Table 1).

**Table 1: Approved Amendments to the Current Comprehensive Plan**

<b>Applicant Name</b>	<b>Description</b>	<b>Date Approved</b>
Steven L. Peters	Addition of Tax Map 8-A-A14A to the Rivanna Community Planning Area	January 20, 2010
Fluvanna County	Addition of the Financial Sustainability Chapter	February 17, 2010
Fluvanna County	Revisions to the Urban Development Area (UDA) and Telecommunications sections of the Comprehensive Plan.	November 16, 2011

Due to changing political and economic conditions, it may be appropriate to amend the Comprehensive Plan (see Criteria #3 above). Only two of the five current Board members (Ms. Booker and Mr. Weaver) were on the Board of Supervisors at the time of the plan’s adoption.

Relationship to the Other Chapters of the Comprehensive Plan

The Comprehensive Plan is divided into thirteen interrelated subject areas. The *Vision* chapter, which describes the adopted vision statement, is deeply connected with these subject areas. Below is an explanation of how the proposed amendment addresses each of these subject areas, and its consistency with rest of the Comprehensive Plan (Table 2).

**Table 2:** Summary of Proposed Amendment & Consistency with the Comprehensive Plan

<b>Subject Area</b>	<b>Summary of Proposed Amendment</b>	<b>Consistency with the Comprehensive Plan</b>
Natural Environment	Fluvanna County’s natural resources should be preserved, when practical. Water and sewer systems should have a minimal impact on water quality, and the protection of the Rivanna River should remain a priority.	The proposed amendment is generally consistent with the <i>Natural Environment</i> chapter.
Land Use	Growth is directed to existing development areas, and the rural character of much of the county should be retained. Development areas should have adequate infrastructure, both public and private.	<p>The proposed amendment is generally consistent with the <i>Land Use</i> chapter, but there are some discrepancies.</p> <p>The proposed amendment calls for new economic development in the Kents Store/Fernclyff area, which is currently designated as a rural preservation area. The amendment does not specifically address growth in the Palmyra area, an important development node.</p>
Community Design	The proposed amendment does not thoroughly address community design. Specific land use concepts are described for most of the community planning areas, but design elements are not described in detail.	The proposed amendment does not thoroughly address the concepts presented in the <i>Community Design</i> chapter.
Infrastructure	Development areas should have adequate infrastructure, both public and private. The Fork Union Sanitary District (FUSD) should be repaired and adequately maintained. Local roads should also be well-maintained, and a multi-use trail network at Pleasant Grove accommodates bicyclists and pedestrians. By 2032, all residents should have broadband access.	The proposed amendment is generally consistent with the <i>Infrastructure</i> chapter.

<b>Subject Area</b>	<b>Summary of Proposed Amendment</b>	<b>Consistency with the Comprehensive Plan</b>
Transportation	Local roadways are well-maintained, and safety upgrades are improving travel in rural areas. Roundabouts are installed in-lieu of traffic signals. A network of biking and walking trails at Pleasant Grove compliments the biking facilities located along U.S. Bicycle Route 76.	The proposed amendment is generally consistent with the <i>Transportation chapter</i> .
Economic Development	Fluvanna County will be able to attract a variety of businesses, due to the area's well-educated workforce, well-built infrastructure, and proximity to Interstate 64. New businesses are encouraged to locate to the area, due to limited regulation. Agri-tourism and other home-based businesses are fostered.	The proposed amendment is generally consistent with the <i>Economic Development chapter</i> .
Historic Preservation	Historic resources should be preserved and promoted as a means of encouraging tourism. Historians are encouraged to collect and share stories of Fluvanna County's past, and the Board of Supervisors will commission its own historical narrative.	The proposed amendment is generally consistent with the <i>Historic Preservation chapter</i> .
Parks & Recreation	Pleasant Grove is developed as a destination for tourism, recreation, hiking, fishing, and other outdoor events. A trail system will connect Pleasant Grove with Palmyra and Lake Monticello.	The proposed amendment is generally consistent with the <i>Parks &amp; Recreation chapter</i> .
Housing	Residential development will be directed to the community planning areas, where there is adequate infrastructure capable of handling new growth. A variety of housing types offer affordable options for retirees, families, and couples.	The proposed amendment is generally consistent with the <i>Housing chapter</i> .

<b>Subject Area</b>	<b>Summary of Proposed Amendment</b>	<b>Consistency with the Comprehensive Plan</b>
Human Services	The Department of Social Services will work with other agencies to promote self-sufficiency and self-reliance. Workforce development and continuing education promote financial independence.	The proposed amendment is generally consistent with the <i>Human Services</i> chapter.
Education	Fluvanna County's schools are among the top in the state in virtually all areas of academic achievement. Educators emphasize workforce development, which is the focus of a vocational training center. By 2032, the county will invest in significant technology upgrades, as well as a new upper elementary school.	The proposed amendment is generally consistent with the <i>Education</i> chapter.
Public Safety	Public safety personnel are fully-integrated and fully meet the county's needs. Emergency service personnel are well-paid, working in partnership with volunteers.	The proposed amendment is generally consistent with the <i>Public Safety</i> chapter.
Financial Sustainability	Property taxation rates remain below the regional average. A healthy mix of residential and commercial growth helps the county aggressively pay down its debt service. A healthy cash reserve helps the county obtain a triple-A bond rating.	The proposed amendment is generally consistent with the <i>Financial Sustainability</i> chapter.

Overall, the proposed amendment is generally consistent with the rest of the Comprehensive Plan. There are a few minor deviations from the concepts described in the rest of the Comprehensive Plan, but there are no significant inconsistencies (see Table 2).

The *Vision* chapter heavily influences the rest of the Comprehensive Plan, so it should be based upon sound planning principles. As one of the first sections of the document, it is the initial impression readers will get of Fluvanna County, and it sets the tone for subsequent chapters. The *Vision* chapter should be clear, concise, and logically organized, so that citizens and decision-makers are able to fully understand the concepts presented.

## **Technical Review Committee**

The Technical Review Committee Meeting was held on March 15, 2012. No agencies commented on the request.

## **Planning Commission**

The Planning Commission considered this request at its regular meeting on April 25, 2012.

Although there were no public comments, the Planning Commission thoroughly discussed this request. The Planning Commission supported the revised Vision Statement itself, but recommended that no other changes be made to the *Vision* chapter. Commissioners commented that the proposed language was wordy and unclear. They did not understand the meaning of several statements made within the amendment; they described these statements as “talking points,” which did not clearly describe the County’s vision. The amount of public input that was received was questioned.

*The Planning Commission recommended that the Comprehensive Plan be amended to replace the existing Vision Statement with the proposed Vision Statement, but does not recommend any further amendments to the Vision chapter of the Comprehensive Plan. The motion carried by a vote of 5-0.*

## **Conclusion**

The Board of Supervisors should consider whether or not the proposed amendment is appropriate, based on the criteria described within the *Plan Process and Implementation* section of the Comprehensive Plan. Any amendment should build upon sound planning practices and the community’s established goals. Although the Planning Commission supports amendment of the Vision Statement itself, it does not believe that the supporting description clearly describes the County’s vision.

The proposed amendment to the *Vision* chapter of the Comprehensive Plan is generally consistent with current County policies, as well as subsequent chapters of the plan. Overall, the amendments do not introduce new concepts or ideals, but reflect policies adopted by the current Board of Supervisors.

## **Suggested Motion**

I move that the Board of Supervisors [approve/deny] CPA 12:01, a request to amend the *Vision* chapter of the Comprehensive Plan, along with any associated changes, to further the vision and goals of the Comprehensive Plan.

## **Attachments**

A: Application

B: Board Initiation

C: Proposed Amendment

D: Current *Vision* Chapter

E: Summary of Each Comprehensive Plan Subject Area



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for
Comprehensive Plan Amendment

Resolution of Intent to Amend the Comprehensive Plan

[X] Amendment to Text [ ] Amendment to Map [ ] Other (Please specify)

Applicant/Contact: Fluvanna County Owner(s) of Record:

E911 Address: 132 Main Street (P.O. Box 540), Palmyra, VA 22963 E911 Address:

Phone: (434) 591-1910 Fax: (434) 591-1911 Phone: Fax:

Email: dcoffey@co.fluvanna.va.us Email:

Project Name: N/A

Tax Map and Parcel(s): N/A District: N/A Zoning: N/A

Location of property: (landmarks, intersections, or other) N/A

Proposed amendment to the Comprehensive Plan: (attach additional sheets as necessary)
If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section.

Amend the Vision chapter of the 2009 Comprehensive Plan to more accurately reflect the Board of Supervisor's established direction for Fluvanna County in terms of its adopted Vision Statement.

Amendment

Requested: The Board of Supervisors adopted a resolution initiating a Comprehensive Plan Amendment to amend the Vision chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions, at its meeting on February 15, 2012.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

Date: 2/17/2012 Signature of Owner(s)/Applicant: [Signature]

OFFICE USE ONLY

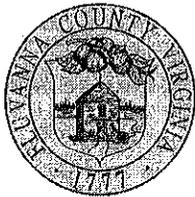
Date Received: 2/17/12 Pre-Application Meeting: PH Sign Deposit Received: Application #: CPA 12 : 01

Text - \$750.00/fee paid: N/A Map - \$750.00 plus \$50.00 per acre/fee paid: N/A

Resolution of Intent Adopted: (Yes) No Date of Action: 2/15/12 Board of Supervisors

Public Hearings

Table with 2 columns: Planning Commission and Board of Supervisors. Rows include Advertisement Dates, APO Notification, Date of Hearing, and Decision.



**PLANNING COMMISSION**  
**County of Fluvanna**  
**Palmyra, Virginia**

**RESOLUTION**  
**Comprehensive Plan Amendment – Vision Chapter Amendments**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, February 15, 2012, in Palmyra, Virginia, the following action was taken:

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<u>Present</u>	<u>Vote</u>
Shaun V. Kenney, Chairman	YEA
Robert Ullenbruch, Vice-Chairman	YEA
Donald W. Weaver	YEA
Mozell H. Booker	YEA
Joseph C. Chesser	YEA

---

On a motion by Mr. Chesser, seconded by Mr. Weaver, and voted in the affirmative (5-0), the following resolution was adopted:

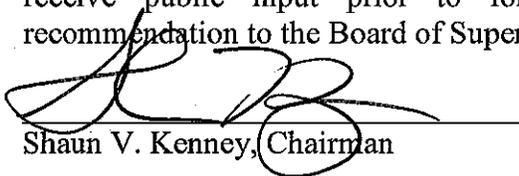
WHEREAS, the Fluvanna County Board of Supervisors approved and adopted the Comprehensive Plan on March 18, 2009; and,

WHEREAS, the Board of Supervisors adopted a new Vision statement for the County at their January 18, 2012 meeting; and,

WHEREAS, this Vision statement was directly derived from the Board Retreat on January 6, 2012 and necessitates the need to change the entire *Vision* chapter of the Comprehensive Plan; and,

WHEREAS, an amendment to the Comprehensive Plan is considered by the Planning Commission with the adoption of a resolution of intent to amend the Comprehensive Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Fluvanna County Board of Supervisors directs staff to initiate a Comprehensive Plan Amendment to amend the *Vision* chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the revisions; and to schedule a public hearing on April 25, 2012 to receive public input prior to formal Planning Commission consideration and recommendation to the Board of Supervisors.

  
Shaun V. Kenney, Chairman

# VISION 2032

## *Vision Statement*

Fluvanna County through self-reliance, self-sufficiency, and self-government is the ideal place to raise families, foster entrepreneurship, and do business in the Commonwealth.

— *Fluvanna County Board of Supervisors (2012)*

Fluvanna County's vision is based on the following key principles, which are used as guides for future development, governance, and land use policies for the county:

- That good government is no substitute for self government,
- That our government should reflect the values and principles of the people,
- That solidarity and prosperity are the proper means of fostering communities,
- That people forge economies and communities,
- That our rural character and natural resources are part of Fluvanna's unique heritage, and should be preserved where practical,
- That the individual citizens and taxpayers of Fluvanna consist of our community, and that their individual interests and rights subordinate the collective desires of our government,
- That a comprehensive, accessible, and quality system of education enabling a modern, highly skilled 21st century workforce is to be fostered,
- That future development be fiscally prudent while respecting individual property rights,
- That our infrastructure requirements are maintained and first-class,
- That our public safety personnel are properly equipped and compensated in a manner and means that respects their sacrifice,
- That Fluvanna's rich community heritage and our history be the cornerstones of our shared identity moving forward into the 21st century,
- That our rights as enumerated in the Virginia Declaration of Rights and the Virginia Constitution are to be maintained both in letter and in spirit.

In our vision, Fluvanna County will look like this over the next 20 years:

## **OVERVIEW**

Fluvanna County by 2032 will sit along a thriving I-64 corridor between metropolitan Richmond and Charlottesville. No longer a bedroom community, Fluvanna County's mixed use development project at Zion Crossroads has landed at least one major anchor, as well as having become its own population center in its own right.

Fluvanna County's objectives in retaining its rural setting will have been overwhelmingly successful, with small home-oriented businesses complimenting large farms and tracts of forestry

as well. Lake Monticello and Pleasant Grove are neatly aligned, while popular tourism becomes a growing pastime among those seeking what "Thomas Jefferson's Virginia" may have looked and how Fluvanna's unique rural heritage appears and is preserved today.

Towns and villages such as Fork Union, Palmyra, and Zion Crossroads remain convenient places to spend an afternoon, while the Town of Columbia's revitalization effort completes its process and begins to rejuvenate Virginia's oldest incorporated town as a point of interest.

Property taxation rates remain remarkably beneath the regional average, while the public education system enjoys a large degree of harmony with private, charter, and home schooling efforts. Housing prices, though modestly above average for the region, remain affordable for retirees, families, and couples through a wide variety of housing options. Moreover, previously successful efforts at fostering economic development within Fluvanna and around Lake Monticello are now complimented and eclipsed by Zion Crossroads and the green shoots of mixed use development near Ferncliff and Columbia.

This healthy mix of residential and commercial/industrial growth finally begins to aggressively pay down the old high school debt service, enabling Fluvanna to go beyond meeting the required services for the growing population at Zion Crossroads. By this time, Fluvanna has invested once again in cost-effective measures to accommodate the increased number of students, looking towards a new upper elementary school and significant technology upgrades at the existing school buildings. Proffers over the last two decades have allowed Pleasant Grove to become much more than a park, having now become a destination for tourism, recreation, hiking, fishing along the Rivanna River, and other outdoor events. Such foresight and investment continues to earn the admiration and imitation of other localities in the Commonwealth.

## **Population and Taxation**

Fluvanna's population will approach 36,000 people by 2032 as new residents, eager for the opportunities 21st century workspaces and work environments afford, come to Zion Crossroads to work, live, shop, and play near the I-64 corridor.

Thanks to investments on behalf of the Commonwealth, both the I-64 corridor and the rail system along the James have become ideal paths for commuters to and from Richmond. Routes 15 and 53 are modern, safe, and effective means of transport, while Route 6 remains a scenic byway.

Most of Fluvanna's population are white collar workers, with a sizable portion of the population being blue or green collar skilled workers. Fluvanna's continued successes with entrepreneurship and public education have gained Fluvanna the reputation of generating skilled individuals ready to immediately participate in an innovation economy.

Tax rates continue to be far lower than the surrounding region thanks to early investment in commercial and industrial growth inside the urban planning areas. Though there is an aversion to incurring public debt, Fluvanna County maintains a healthy cash reserve to support its long-established capital reserve, thus enabling Fluvanna to hold and maintain a triple-A rating.

Thanks to an aggressive and early policy of fostering workforce development and entrepreneurship, both Fluvanna's median salary and per capita salaries remain well above the regional average.

## **Infrastructure**

Basic infrastructure such as water, sewer, and roads have all been identified as key areas of improvement over the last three decades. As a result, both the I-64 corridor as well as Lake Monticello-Pleasant Grove-Palmyra possess the basic core infrastructure to support their respective capacities free of public subsidy.

Universal broadband has long been in place in Fluvanna as digital bandwidth has been reapplied, offered both privately and through "hot spots" of public access in key areas of Fluvanna. Every homeowner in Fluvanna has the option of either purchasing or using some form of broadband access.

Roads in Fluvanna are maintained and clear, with adequate paths for biking along Route 76 to complement Fluvanna's bike trails and walking paths along Pleasant Grove. Roundabouts, where applicable, have been substituted for traffic signals, and improvements have mitigated some of Fluvanna's more treacherous roads in rural parts of the county.

Pleasant Grove has integrated most parts of the center of the county for the better part of a decade. Biking and walking trails enable one in the summer to travel from Lake Monticello early the morning, spend the lunch hour in Palmyra, then travel back to Pleasant Grove in the afternoon for weekly events before making one's way back to Lake Monticello that evening. Of particular interest are the old canal locks, including parts of the Rivanna Canal near the old town of Bernardsberg, where tourists as well as Fluvanna residents can view the well-preserved remnants of Thomas Jefferson's canal.

## **Education**

Fluvanna's public education systems continues to preserve its upper quartile standing in virtually all areas of academic achievement. The old Fluvanna High School, now approaching its 20th anniversary, still continues to produce some of the best educated students in the Commonwealth, with students matriculating to the best Virginia public and private colleges, including quality universities out of state. Alumni returning to Fluvanna offer some of the best opportunities for economic activity, as doctors, lawyers, entrepreneurs, and others bring their skills back to raise their own families in the community they call home.

One of Fluvanna's key strengths in public education is its attention to workforce development, both within the high school and once students graduate from the high school. Fluvanna students are instantly prepared to enter the workforce should they choose, with a fully staffed and funded vocational training center as well as educational opportunities working with Piedmont Valley Community College.

Fluvanna's pilot initiatives concerning workforce development have borne fruit, as incoming businesses cite the flexibility of the workforce as one of the reasons businesses locate to and start in Fluvanna. This emphasis on a skilled workforce continues to compliment the public education system in Fluvanna as yet another tool making Fluvanna a great place for families to live.

## **Economic Development**

Fluvanna's destination as a well-supported locality to do business allows Zion Crossroads to be in a position to bring practically any commercial or industrial firm, thanks to the flexibility and the robust nature of the regional workforce.

Infrastructure along the I-64 corridor remains robust and strong, while the availability of broadband allows many start-ups and other innovation-oriented firms to jumpstart themselves at Zion Crossroads.

Fluvanna's early start in microfinance has earned the county a reputation as a regional incubator for entrepreneurial ideas. Fluvanna continues to find new ways protect this status versus competing localities — not with further incentives — but with fewer regulations and red tape to allow small firms the head start they need to develop, all run through a well-staffed and motivated Office of Economic Development.

Agri-tourism and other home-based businesses continue to proliferate in Fluvanna County. Local produce and other small scale industries and agriculture enjoy a friendly government that treats them in a similar manner to every other enterprise in Fluvanna, making significant allowances for property improvements that do not adversely impact viewsheds or quality of life.



*Figure V-1: Farmers' Market at Pleasant Grove*

## **Public Safety**

Fluvanna County's public safety personnel are fully integrated and fully meet the needs of Fluvanna County. Emergency services personnel are well paid, working in partnership with a first-class volunteer network.

## **Social Services**

The Fluvanna County Department of Social Services is a leader in collaboration with other community agencies, promoting self-reliance, opportunity, well-being, and the best possible quality of life for county citizens and taxpayers. Affordable housing opportunities, as well as access to workforce development and adult-education classes, offer paths to independence rather than dependence.

## Tourism & Agriculture

Tourism remains a part of the economic renaissance over the last two decades, as the link between Fluvanna's heritage and history meets the opportunities Fluvanna enjoys along the I-64 corridor. Tourists come from as far away as Washington, Staunton, Hampton Roads and Danville to enjoy a weekend along the trails at Pleasant Grove's Heritage Museum, or to drive the circuit from Palmyra to Monticello and back. Working with the Fluvanna Historical Society, the rich heritage of Fluvanna's history from the Revolutionary War to the modern day offers a visitor a glimpse at what early America was like, what early America became, and perhaps an opportunity to both do business in — and possibly move to — Fluvanna County.

## Land Use

Fluvanna's land use practices ensure the rural appearance of the county is not substantially different than it was 20 years ago, even though Fluvanna now has a larger population and a healthier economic base.

Land use is directly related to quality of life. Natural resources are protected, ensuring that our rivers and streams are clean and full of life. The land's relationship to the availability of clean and adequate water, clean air, and successful forestry and agriculture production -- both large scale and small scale -- are just a few of the factors considered in planning decisions.

Other land use planning decisions include the direction of residential and commercial/industrial growth to areas that have facilities and adequate infrastructure, both public and private. Areas of service include Columbia, Fork Union, Palmyra, Lake Monticello, and Zion Crossroads. Water and sewer systems will have a minimal, if not negligible, impact on local streams, rivers, and groundwater.

The continued protection of the Rivanna River remains a priority as a scenic river. Zoning and subdivision regulations provide for the preservation of a significant amount of open space, particularly within designated rural residential and rural preservation areas.

Agriculture, open space, and forestry continue to be important land uses over the next two decades. Networks and infrastructure for local farm and forest products and the expansion of diversified local and speciality markets continue to strengthen. Farmers and other large landowners will have local and state guidance in successfully navigating the challenges of increasing costs for energy, fertilizer, and other inputs.



*Figure V-2: Agricultural Land*

## Lake Monticello

Lake Monticello continues to be the center of gravity for the county population, now being serviced with a collection of small shops as well as a completed set of biking trails and walking paths leading south to Pleasant Grove and Palmyra. Fire and rescue services continue to be well

maintained, and Lake Monticello as a place to live and raise families continues to enjoy the broad support of Fluvanna County's government.

### *Zion Crossroads*

As an emerging mixed use development based along the Urban Development Area's (UDA's) guidelines, Zion Crossroads will have an eclectic but well planned mix of large box stores, small boutiques, bookstores, walkable communities, high-tech industries, government and contracting firms, light manufacturing, an appropriate mixture of residential buildings, as well as having landed a major anchor for the UDA.

### *Fork Union*

Fork Union Military Academy continues to be the major highlight of the area, as improvement to the village with sidewalks and other amenities continue to make Fork Union a well-maintained and visually appealing community. Repair and maintenance of the Fork Union Sanitary District (FUSD) allows the opportunity for at least one mid-level firm to relocate nearby.

### *Columbia*

After having been neglected for many years, Columbia's revitalization efforts has finally come to a completion, relocating a major portion of the town to the heights just west along Route 6 — allowing for a view of the James River while incorporating historical markers within the flood plain, a self-guided walking tour, a sustainable and walkable community, and storefront opportunities within the new town.

### *Scottsville*

The picturesque quality of the southwestern part of Fluvanna remains one of our hidden jewels, with motorists enjoying the trip from Columbia to Fork Union and through to Scottsville being the lucky few to enjoy the trip.

### *Kents Store*

Kents Store remains as it has for over 50 years, with a fire station and rescue station to serve the northeastern part of the county. Ferncliff just four miles away begins to see the first green shoots of economic activity, while planners and leaders begin to plot out how the Ferncliff area should be developed in a manner consistent with the successes of the previous two decades.

## **Community**

Fluvanna's rich heritage and history are found in its people, and nowhere is this story better told or best lived than among the many communities and churches that dot the rural landscape.

The Fluvanna Board of Supervisors, following many of its peers during the late 1960s and early

1970s, commissions an authoritative and exhaustive history of Fluvanna leading up to the turn of the century. This exercise helps define the narrative of Fluvanna leading into the rapid changes of the early 21st century, and becomes the one-volume centerpiece for those coming to and experiencing Fluvanna for the first time.

Pleasant Grove continues to serve as a historical portrait of Fluvanna, with the Rivanna Canal locks and the Heritage Museum playing key roles in how this story is told.

Fluvanna's churches and their rich history are collected and shared by local historians, adding to the patchwork quilt that makes Fluvanna what it is today.



*Figure V-3: Currin's Tavern*

Local modes of economy are encouraged and established, allowing communities to find the nearby mechanic, technician, farmer, butcher, developer, carpenter, mason, or plumber to assist them with their needs.

Fluvanna continues to have a robust and active system of non-profits who perform various activities, some of which are assisted directly by the public trust with an eye towards self-sufficiency in the future.

The civic virtues of self-reliance, self-sufficiency, and self-governance continue to be emphasized by example in Fluvanna, thus creating the solidarity, community, and prosperity in which families, ideas, and businesses can live and thrive.

## VISION 2029

Fluvanna County is the most livable and sustainable community in the United States.

—*Fluvanna County Board of Supervisors*

The Fluvanna County vision is based on the following key goals, which are used as guides for future development and land use policies of the county:

- To preserve natural resources.
- To preserve rural character.
- To manage growth by concentrating development in designated areas.
- To approve development that is fiscally self-sustaining and has a clear financial benefit to county taxpayers.
- To provide adequate infrastructure to support the needs of the county.
- To promote economic development
- To provide excellent educational opportunities.
- To protect individual property rights.
- To provide excellent safety and security for citizens.
- To provide safe and adequate transportation infrastructure.

In our vision, Fluvanna County will look like this over the next twenty years:

The county's land-use practices strive to ensure that the rural appearance of the county is not significantly different than it was twenty years ago, even though Fluvanna now has a larger population and a healthier economic base. Land use is recognized as directly



*Figure V-1, Currin's Tavern*

related to quality of life. Natural resources are protected: rivers are clean and full of life. The land's relationship to the availability of clean and adequate water supplies, clean air, and successful agricultural and forestry production are just a few of the factors routinely considered in planning decisions. Other land-use planning decisions include the direction of residential and commercial/industrial growth to community planning areas that have public facilities and adequate infrastructure. Areas of service for water

and sewer include Fork Union, Palmyra, Zion Crossroads, and other community planning areas. Water and sewer systems are designed, maintained, and operated to minimize negative impacts on local streams, rivers, and groundwater. Similarly, the continued protection of the Rivanna River remains a community priority, particularly since it's

Virginia's first designated scenic river. Zoning and subdivision regulations provide for the preservation of a significant amount of open space, particularly within designated rural residential and rural preservation areas.

Agriculture, open space, and forestry continue to be important land uses. Networks and infrastructure for local farm and forest products and the expansion of diversified, local, and specialty markets continue to strengthen. Demand for biofuels and other uses of bulk farm commodities such as corn, soybeans, and timber as sources of energy continues to increase and diversify, and these commodities are managed in an environmentally sustainable manner. Farmers and other large landowners have local and state support to successfully navigate the challenges of increasing costs for energy, fertilizer, and other inputs. Incentives also exist to help farmers and foresters, by assisting their business endeavors, maintain their property as farms, managed forest, and other viable open spaces.



*Figure V-2, Agricultural Land*

The county promotes phased residential and economic growth in the Zion Crossroads urban development area as well as other growth areas. These growth areas, locally referred to as community planning areas, offer high-quality living and business environments that are well buffered and attractive. The existing and planned infrastructure provides a safe and healthy environment for the community planning areas.



*Figure V-3, Fork Union Military Academy Pedestrian Crosswalk*

Desirable business and industrial uses are attracted to the county's community planning areas, particularly the Zion Crossroads urban development area, where they are integrated appropriately with a variety of residential choices. Many employment opportunities are available to our citizens. Through careful planning, the county seeks to achieve a healthy balance between residential and business tax revenues. One-third of tax revenues come from the business base, as is common in most economically viable communities.

Tourism has established itself as a significant contributor to the county's economy. This is primarily due to recreational resources such as fishing, hunting, trails, golfing, and our many historic structures and areas. These amenities have spawned new restaurants, bed and breakfasts, and other tourism-oriented businesses.

In the community planning areas, subdivisions and businesses are linked by greenways and hard surface paths so that bicycling and walking are a practical means of transportation between residential and commercial areas. Pedestrian and bicycle access are provided in appropriate settings. In addition, there is a good mix of public and private transportation options. Numerous park-and-ride facilities exist around the county. Areas in proximity to Interstate 64 and Lake Monticello are particularly well suited to these facilities. The county and the Virginia Department of Transportation (VDOT) work together to ensure safe and adequate transportation. Primary roads that have heavy commercial, industrial, and residential traffic are designed and constructed to handle the traffic. Secondary roads in the county are improved without losing their rural character. Dangerous curves and acute-angle intersections are eliminated. New roads have been built to accommodate the county's transportation needs. Properly designed private roads continue to be a part of the transportation system.

The county provides an excellent education in a healthy, nurturing, safe, and intellectually stimulating environment. The outstanding curriculum includes life skills, the arts, civics, finance, economics, and technology skills that help children with real-world challenges. Higher-level classes are offered to prepare children for post-high school education. Schools strive to keep class size to twenty or fewer students, allowing teachers to meet the special needs of an individual child. Schools provide cooperative work/school programs for students. Partnerships



*Figure V-4, Carysbrook*

continue to exist and expand with area institutions of higher learning and community programs. Schools provide the most current technology to their students. Classrooms are networked with other schools and educational sites. In addition, wide area networks are available for educational purposes for all residents of the county. Homeschooled populations retain the freedom to attend public classes and extracurricular activities, and have access to virtual classrooms that can provide a high-school diploma. Private schools continue to offer quality educational opportunities as well. Adult-education classes have their own center and cooperate with the county extension services in an outreach program.

The Department of Public Safety offers integrated, professional emergency management services that fully meet the needs of Fluvanna County. Fluvanna has well-paid personnel in fire and rescue stations, working in partnership with invaluable volunteers. Fork Union and Kents Store have new fire stations.

The Fluvanna County Department of Social Services is a leader in collaboration with other community agencies, promoting self-reliance, well-being, and the best possible quality of life for county citizens. Services that affect county residents include housing,

education, and health services. Affordable housing programs are integrated into all aspects of planning and development, resulting in housing for a wide variety of incomes, located in safe, healthy, and walkable environments.

Through thoughtful planning, Fluvanna County offers its residents the benefit of a rural environment while retaining a strong sense of community. Residents live in small villages of historic importance, open lands with forests and farms, small lots clustered to form a planned community, or more urban, mixed-use neighborhoods. These livable places, combined with the citizens' sense of place and history, make Fluvanna the most sustainable and livable community in the country.

**Summary of Subject Areas**  
2009 Comprehensive Plan

Subject Area	Summary
Natural Environment	Natural resources should be protected, particularly the area's waterways. Compact development utilizes green infrastructure, and sustainable technologies limit the environmental impacts of new development.
Land Use	<p>New development should be directed to community planning areas, which have the infrastructure needed for population growth and sustainable development. Community planning areas cover less than 25% of the county, but will attract over 70% of its new development. Development strategies within each area are reflective of that community's values and character. Each community planning area accommodates mixed-use development that caters to a variety of income levels.</p> <p>Identified rural preservation areas are protected. The preservation of the county's historic and environmental resources helps the area retain its rural character.</p>
Community Design	New development is designed to protect the area's "sense of place." Fluvanna County's rural character is preserved, while new mixed-use development in the growth areas is designed to be interconnected, walkable, and appealing to residents of different income levels.
Infrastructure	Community planning areas are served by water and sewer. A comprehensive communications network ensures the reliability of public safety, wireless, and broadband services. Alternative modes of travel are an important part of the transportation system. The effective utilization of green infrastructure protects the area's natural and historic resources.
Transportation	Roadways are well-maintained through a combination of state and local funding sources. Alternative transportation systems, including bike paths, sidewalks, and mass transit, are expanded. Substantial road upgrades are paid for by the causal development.
Economic Development	Fluvanna County is a business-friendly community. The county attracts businesses that diversify the tax base and bring value-added services to the region. These businesses are supported by a safe and stable environment, an educated workforce, and favorable policies. Tourism is a significant contributor to the county's economy.

Subject Area	Summary
Historic Preservation	Historic structures and places are preserved and studied, providing practical, educational, and economical benefits for Fluvanna County’s residents.
Parks & Recreation	Fluvanna County has maintained its standard of living by protecting its natural resources and open space; providing outdoor recreation opportunities; and offering enhanced walking, hiking, and biking opportunities in parks, neighborhoods, and commercial areas. Pleasant Grove is developed according to its master plan, using grants, public/private partnerships, and local dollars. Cultural events contribute to the area’s identity.
Housing	There are a wide range of housing opportunities for all residents. The community planning areas specifically encourage a mixture of uses and residential units of varying sizes to serve a mixed-income population.
Human Services	A strong economic base generates the revenue needed to support the community’s human service programs and needs. Resources are maximized to effectively meet the changing needs of a diverse citizenry. Individuals and families are generally self-sustaining, and are part of communities that are actively caring.
Education	A diverse curriculum prepares students for real-world challenges. Higher-level classes and work/school programs prepare students for post-graduation opportunities. Schools are equipped with the most current technology. Adult-education classes have their own center.
Public Safety	The Department of Public Safety offers integrated, professional emergency management services that fully meet the needs of Fluvanna County. Fluvanna has well-paid personnel, who work in partnership with volunteers.
Financial Sustainability	Fluvanna County manages its resources in a financially-sustainable manner. There is a desire to maintain a proper balance between existing obligations, the delivery of services to citizens, and necessary new capital projects. Balancing budgets and not obligating future generations to excessive debt are integral to financial sustainability.



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

## STAFF REPORT

**To:** Fluvanna County Board of Supervisors  
**Case Number:** ZMP 12:01  
**Tax Map:** Tax Map 18B, Section 5, Parcel 1

**From:** Steve Tugwell  
**District:** Palmyra  
**Date:** May 16, 2012

**General Information:** This request is to be heard by the Board of Supervisors on Wednesday, May 16, 2012 at 7:00 pm in the Circuit Courtroom in the Courts Building.

**Owner/Applicant:** Southern Holdings, LLC

**Representative:** Southern Holdings, LLC

**Requested Action:** To amend the proffer associated with ZMP 01:01 of the Fluvanna County Zoning Map with respect to approximately 1.43 acres of Tax Map 18B, Section 5, Parcel 1 to allow commercial greenhouses to the uses permitted by-right within the B-C, Business, Convenience District. (Attachment A)

**Location:** The affected property is located on the north side of Route 618 (Lake Monticello Road) approximately 1000 feet west of its intersection with Route 600 (South Boston Road). (Attachment B)

**Existing Zoning:** B-C, Business, Convenience [with one (1) proffer]

**Proposed Zoning:** B-C, Business, Convenience with amended proffers

**Existing Land Use:** Professional office, commercial greenhouse

**Planning Area:** Rivanna

**Adjacent Land Use:** Adjacent properties are zoned A-1, Agricultural, General to the west, B-C, Business, Convenience, to the east, and R-4, Residential, Limited to the north of Tax Map Parcel 18B-5-1.

**Zoning History:** A Special Use Permit (SUP 87:05) was approved in August 1987 for a temporary professional office; SUP 90-10 was approved in December 1990 for professional offices; SUP 91-01 was approved in June 1991 for an office in an existing building; SUP 92-06 was approved in August 1992 for offices; Rezoning request ZMP 92-01

was denied in August 1992 for A-1 to B-1; Rezoning request ZMP 01-01 was approved in March 2001 for R-4 to B-C , with proffers.

ZMP 11:02 was withdrawn by the applicant at the November 16, 2011 Board of Supervisors meeting.

**Existing Proffer:**

Limit the uses to business and professional offices with the only other possible use for the property would be veterinary clinic/boarding which may require a special use permit. All other uses would be prohibited. (Attachment C)

**Amended proffers (submitted on 2/17/2012):**

Limit the uses to business and professional offices, ~~with the only other possible uses for the property would be~~ veterinary clinic/boarding which may require a special use permit, *and commercial greenhouses*. All other uses would be prohibited.

*The hours of operation shall be from 7:00 am to 8:00 pm Monday-Saturday, and 10:00 am to 5:00 pm on Sunday.*

*No equipment or in-bound deliveries will occur any time before 8:00 am, and there shall be no in-bound deliveries on Sundays. (Attachment D)*

**Revised amended proffers (submitted on 5/8/2012):**

Limit the uses to business and professional offices, ~~with the only other possible uses for the property would be~~ veterinary clinic/boarding which may require a special use permit, *and commercial greenhouses*. All other uses would be prohibited.

*The hours of operation shall be 8am to 4pm Monday-Friday and closed on Saturday and Sunday during the months of January and February.*

*The hours of operation shall be from 8am to 6pm Monday-Friday 8am to 4pm on Saturday and 11am to 4pm on Sunday during the months of March through October.*

*The hours of operation shall be 8am to 4pm Monday-Friday and closed on Saturday and Sunday from November 1 to November 15.*

*The hours of operation for Christmas tree sales shall be 8am to 8pm Monday-Friday on Saturday and Sunday 11am to 5pm from November 15 through December 24.*

*The business will be closed from December 25 through January 1.*

*Toggle switches shall be installed on the dump trucks so that the alarms can be deactivated while on premise.*

*After hours of operation, trucks shall be parked 648 feet from road (618) and dump trucks shall be parked in the wooded areas to help decrease their noise level in the mornings.*

*All electrical components of the on-premise sign shall be removed so that the sign can no longer be illuminated.*

*Six (6) Leyland Cypress shall be installed near the edge of property facing Route 618, 10 to 14 feet in height and 5ft to 6ft in diameter to provide a noise buffer and screening.*

*The customer loading area for our stone shall be moved back 150 feet to help lessen the noise.*

*Trucks shall not be loaded with rock or mulch before 8am.*

*Large dump truck (over 26,000 lbs gross vehicle weight) shall not operate before 8am.*

*There shall be no incoming mulch or rock deliveries on Saturday or Sundays. (Attachment E)*

### **Comprehensive Plan:**

#### **Land Use Chapter:**

The Comprehensive Plan designates this property as within the Rivanna Community Planning Area. According to this chapter, “*additional services and infrastructure are needed to accommodate more growth*”. Additionally, “*medium and small commercial businesses, along with office, civic, and residential uses, combine to form a series of neotraditional developments that are interconnected with surrounding development*”. This is a heavily populated area of the county, with a variety of retail establishments designed to support the existing residential community.

#### **Economic Development:**

The 2009 Comprehensive Plan states that Goal 2 under the Course of Action Section is “*to implement the county’s community planning areas, as shown on the Future Land Use Map*”. The Rivanna Community Planning Area is the most developed planning area in the county, and represents a good mixture of residential and commercial uses to sustain the citizenry. A variety of retail, food service, and professional service oriented businesses are located in and around the Rivanna CPA.

### **Background and analysis:**

There is one (1) proffer attached to the original rezoning on this property (ZMP 01-01). The applicant is proposing to amend the proffer to add commercial greenhouses to the uses as permitted by-right in the B-C, Business, Convenience zoning district.

Around June of 2011, staff received a complaint with regard to a mulch business that had begun operations at this location, after having been formerly located further west along Route 618, at the Crofton Plaza shopping center.

Staff notified the applicant that the proffered condition associated with the property’s zoning classification does not allow for a mulching business, a commercial greenhouse, or similar type of activity. Subsequently a letter of violation dated July 7, 2011 was issued, which has led to the proffer amendment application. The mulch business has continued to operate since the notice of violation with the County’s permission pending final action on this application.

ZMP 11:02 was originally submitted to the County on July 14, 2011 as an amendment to ZMP 01:01. At the October 26, 2011 Planning Commission meeting, three citizens spoke in support of the application. The Planning Commission expressed concerns over the possibility of a convenience store at this site in the future, and the impacts that type of use could have on the area. The applicant stated that it is not their intention to ever use the property as a convenience store, but rather they wanted to ensure that the incidental sales associated with the greenhouse use would be permitted, and staff clarified that they would. The Commission inquired to staff as to whether or not the applicant could re-amend the proffer at the meeting for their consideration, and Mr. Payne stated they could not. Mr. Payne notified the Commission that a proffer statement must be voluntary by the applicant and cannot be compelled or modified by a third party. Upon hearing this, the applicant said he would re-amend his proffer and delete the text with regard to *neighborhood convenience retail store*. Mr. Guskind re-amended his proffer and submitted it to planning staff on October 27<sup>th</sup>. The re-amended proffer was restated excluding “*and neighborhood convenience retail store*”, and additional proffers have been added to address the concerns from the April 25, 2012 Planning Commission public hearing.

The Commission discussed the property’s sight distance, and deferred to VDOT’s determination that the sight distance is adequate. After considerable discussion with regard to sight distance and the possible future use of the property if the amended proffer was approved as submitted, the Commission recommended denial by a vote of 5-0-1. Mr. Halstead moved to recommend denial, and Mr. Gaines seconded, and Mr. Bibb abstained. The Commission was unanimous, however, in stating that they would have approved the proposed proffer amendment had the “*neighborhood convenience retail*” portion of the text been excluded.

ZMP 11:02 was withdrawn by the applicant at the November 16, 2011 Board of Supervisors meeting after a speaker voiced concerns with regard to noise and hours of operation during the public hearing portion of the meeting. The applicant has since revised his proffers to address those concerns with this current application (ZMP 12:01).

**Neighborhood Meeting:**

With the exception of the applicant, there were no attendees at the March 14, 2012 Neighborhood meeting.

**Technical Review Committee:**

At the March 15, 2012 Technical Review Committee meeting, The Fire Department inquired about the location of the mulch piles, and that they would need to be located in such a way as to provide a defensible space that is not isolated and would be easy to access;

The Health Department stated that the site has been connected to Aqua Source utilities, and now Health Department approval is needed; and that the applicant has adequately addressed any issues regarding storage/ containment of fertilizers/ other land applied agents;

VDOT commented that the sight distance is adequate in both directions and the entrance is large enough to accommodate the size of equipment entering the property. (Attachment F)

**Planning Commission:**

The Planning Commission considered this request at their April 25<sup>th</sup> meeting. During the public hearing three citizens spoke in support of the application, and two spoke in opposition. The two individuals who spoke in opposition identified themselves as neighbors to the business. Some of the concerns were with regard to noise generated from delivery trucks, hours of operation, and the brightness of the business sign.

Planning Commission member Barry Bibb suggested that the sign light could be turned off at night so that it would not bother the neighbors. The Commission suggested that the definition of “*commercial greenhouse*” could be modified to clarify the intensity of allowable uses. The Commission also expressed concerns with regard to the appropriateness of the location for this type of business. The Planning Commission voted to recommend denial of the proffer amendment by a vote of 5-0.

**Conclusion:**

The proffers have been revised to address the concerns cited at the April 25, 2012 Planning Commission public hearing. Those concerns were in regard to noise generated from delivery trucks, hours of operation, screening from route 618, and lighting from the on-premise sign.

While the application appears to be in general conformance with The Comprehensive Plan, given the site location and nature of the business, it appears that amending the proffer associated with this property’s zoning could impact the immediate area. When reviewing this proffer amendment request, the Board may want to consider how this request does or does not meet the intent of the Comprehensive Plan, and the intent of the originally approved rezoning (ZMP 01:01).

**Suggested Motion:**

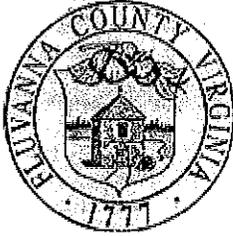
I move that the Board of Supervisors approve/deny ZMP 12:01, a request to amend ZMP 01:01 with respect to approximately 1.43 acres of Tax Map 18B, Section 5, Parcel 1.

**Attachments:**

- A – Application, applicant’s letter, sketch plan and APO letter
- B – Aerial Vicinity Map
- C – Rezoning case number ZMP 01:01 Board of Supervisors extract
- D – Proffers submitted on 2/17/2012
- E - Revised proffer submitted on 5/7/2012
- F – Email from VDOT, Fire Chief, and Health Dept.
- G – Proposed Ordinance

Copy: File

FEB 17 2012



COMMONWEALTH OF VIRGINIA  
**COUNTY OF FLUVANNA**  
**Application for Rezoning**

Fluvanna County

**Owner of Record:** Southern Land Holdings LLC **Applicant of Record:** Joseph Lodato (Southern Land Holdings LLC)  
**E911 Address:** 3647 Lake Monticello Rd Palmyra VA 22963 **E911 Address:** 3647 Lake Monticello Rd Palmyra VA 22963  
**Phone:** 434 989-7647 **Fax:** 434 591-1210 **Phone:** 434 989-7647 **Fax:** 434 591-1210  
**Email:** Joe@SouthernHomebuilders.net **Email:** Joe@SouthernHomebuilders.net

**Representative:** Joseph Lodato  
**E911 Address:** 3647 Lake Monticello Rd Palmyra VA 22963  
**Phone:** 434 989-7647 **Fax:** 434 591-1210  
**Email:** Joe@SouthernHomebuilders.net

**Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.**

Is property in Agricultural Forestal District?  No  Yes  
 If Yes, what district: \_\_\_\_\_

**Tax Map and Parcel(s):** 18B-5-1 **Deed Book Reference:** \_\_\_\_\_  
**Acreage:** 1.93 **Zoning:** B-C **Deed Restrictions?**  No  Yes (Attach copy)

**Location of Parcel:** Lake Monticello Rd 1/4 mile from Rt 600 + 1/4 mile from Main gate to Lake Monticello  
**Requested Zoning:** \_\_\_\_\_ **Proposed use of Property:** Add Green house Commercial

**Affidavit to Accompany Petition for Rezoning**

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the Board of Supervisors during the normal discharge of their duties in regard to this request.

I/We, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, and that the foregoing statements and answers herein contained and the information on the attached map to the best of our ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of our knowledge.

**Date:** 2-18-12 **Signature of Owner/Applicant:** Joseph Lodato *Representative*

**Subscribed and sworn to before me this** 17<sup>th</sup> **day of** February, 2012. **Register #** 7509714

**My commission expires:** 3/31/2015 **Notary Public:** Lauren M. Ryall

**All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.**

OFFICE USE ONLY	
Date Received: <u>2/17/12</u>	Pre-Application Meeting: _____
PH Sign Deposit Received: <u>CK#2495</u>	Application #: <u>ZMP 12:01</u>
\$1,000 plus \$50 for per acre plus mailing costs fee paid: <b>Mailing Costs:</b> \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified	
Proffer or Master Plan Amendment: \$750.00 plus mailing costs <u>CK#2490</u>	
Election District: <u>Palmyra</u>	Planning Area: <u>Rivanna CPA</u>
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: <u>April 12<sup>th</sup> + 19<sup>th</sup></u>	Advertisement Dates: <u>May 3<sup>rd</sup> + 10<sup>th</sup></u>
APO Notification: <u>April 1<sup>th</sup></u>	APO Notification: <u>May 2<sup>nd</sup></u>
Date of Hearing: <u>April 25<sup>th</sup></u>	Date of Hearing: <u>May 16<sup>th</sup></u>
Decision: _____	Decision: _____

FEB 17 2012



Fluvanna County Annie Lodato <angypsy39@gmail.com>

# Lake Monticello Mulch

1 message

**abbyguskind <sr516@aol.com>**

**Wed, Feb 15, 2012 at 9:57 PM**

To: angypsy39@gmail.com

16 February 2012

To Whom it May Concern,

I authorize Joseph Lodato to represent Southern Land Holdings, LLC for the upcoming rezoning for Monticello Mulch. Thank you for your cooperation in this matter.

Sincerely,  
 Abby Beth Guskind

*S. Lum*  
 Approved for Recordation Date 9/6/01

N/A

Approved LMOA Date

*Sto. Collins* 8.29.01

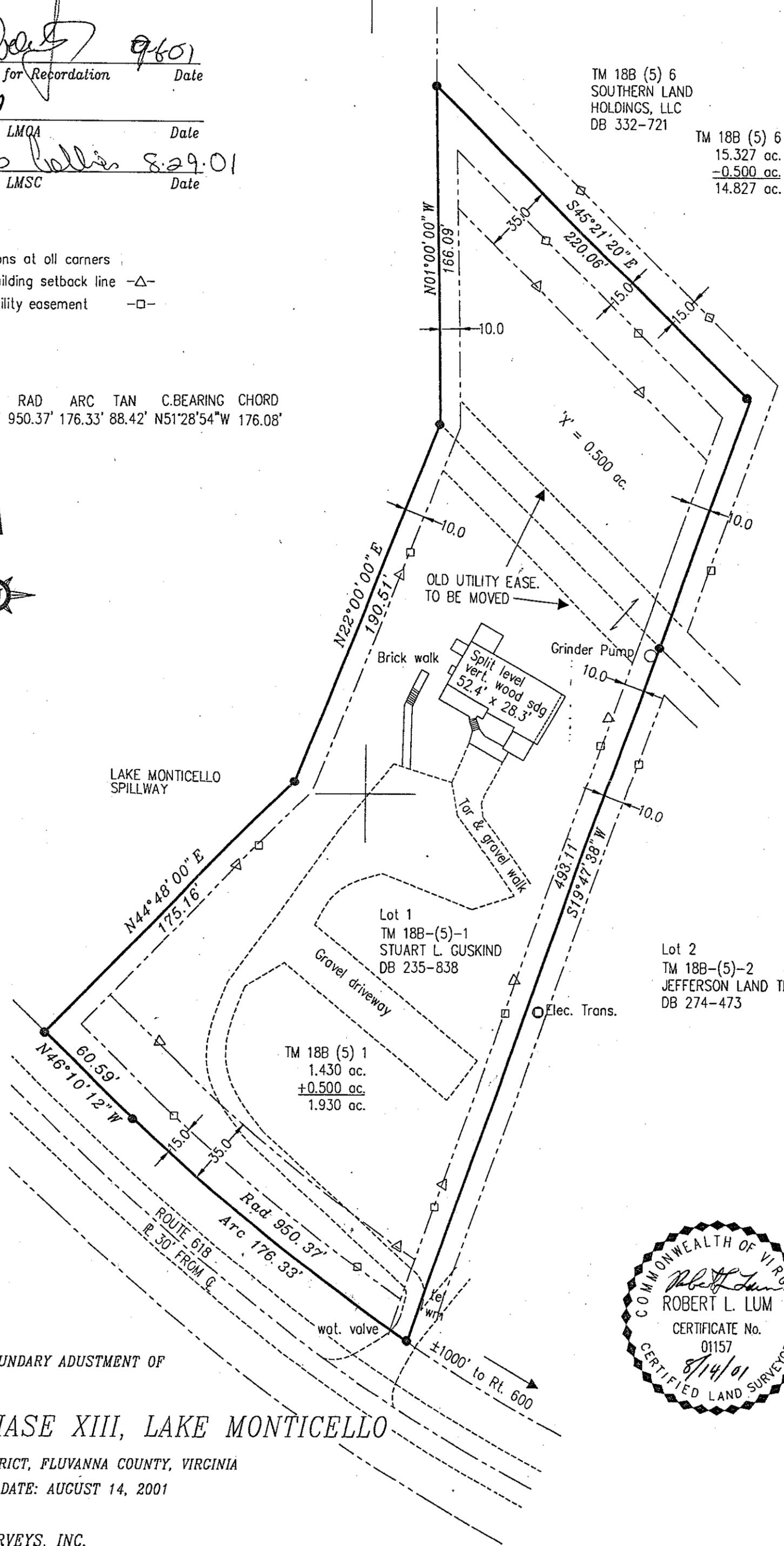
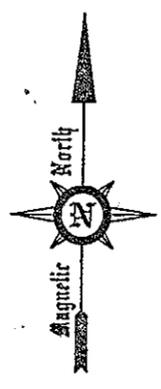
Approved LMSC Date

TM 18B (5) 6  
 SOUTHERN LAND  
 HOLDINGS, LLC  
 DB 332-721

TM 18B (5) 6  
 15.327 ac.  
 -0.500 ac.  
 14.827 ac.

NOTE: Irons at all corners  
 Building setback line -△-  
 Utility easement -□-

NO DELTA RAD ARC TAN C.BEARING CHORD  
 1 1037'50" 950.37' 176.33' 88.42' N51°28'54"W 176.08'

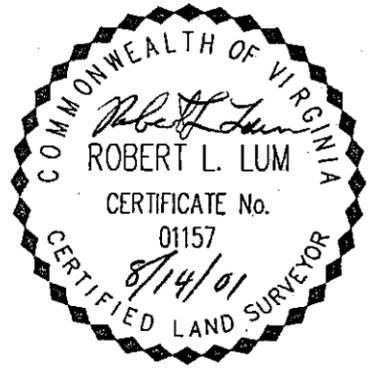


LAKE MONTICELLO  
 SPILLWAY

Lot 1  
 TM 18B-(5)-1  
 STUART L. GUSKIND  
 DB 235-838

Lot 2  
 TM 18B-(5)-2  
 JEFFERSON LAND TRUST  
 DB 274-473

TM 18B (5) 1  
 1.430 ac.  
 +0.500 ac.  
 1.930 ac.



PLAT SHOWING BOUNDARY ADJUSTMENT OF  
 TAX MAP 18 (5) 1

**LOT 1 PHASE XIII, LAKE MONTICELLO**

CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA

SCALE 1" = 50' DATE: AUGUST 14, 2001

5-XIII.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154 PALMYRA, VA. 22963-0154

PHONE: (804) 589-8395



Scale: 1:1128.497176      Date: 04/11/2012      Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

FLUVANNA COUNTY  
Post Office Box 299  
Palmyra, Virginia 22963  
804-589-3138 (Phone) 804-589-4976 (Fax)

TO: G. Cabell Lawton, Director of Planning & Development  
COPY:  
DATE: March 22<sup>nd</sup> 2001

**\*\*\*E X T R A C T\*\*\***  
*(from the Draft Minutes)*

At a regular meeting of the Fluvanna County Board of Supervisors held March 21<sup>st</sup> 2001 in the Board of Supervisors Meeting Room, Palmyra, Virginia.

Present: Andrew M. Sheridan, Jr., Chairman; Stafford M. Pace, Vice-Chairman; Cecil L. Cobb; Leonard F. Gardner and Donald W. Weaver.

Absent: None

\* \* \* \* \*

ZMP 01:01/Request by Mr. Stuart Guskind for a conditional change in zoning district classification for tax map parcel 18B(5)1 from R-4 Residential to B-C Business Convenience

This is a proposed conditional change in zoning district classification for a parcel located on the north side of Rt. 618 approximately 1000 feet west of its intersection with Rt. 600 consisting of 1.930 acres.

Cabell Lawton, Director of Planning & Development, introduced this issue.

Stuart Guskind addressed the Board in his behalf.

Chairman Sheridan opened the public hearing.

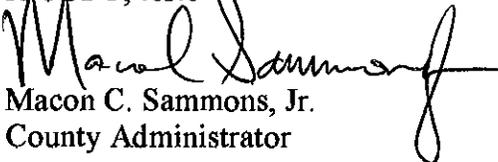
With no one wishing to speak, Chairman Sheridan closed the public hearing.

MOTION:

- 1) Mr. Gardner moved to approve ZMP 01:01 which consists of the rezoning of tax map parcel 18B(5)1 from R-4 Residential to B-C Convenience with the following proffer: "Limit the uses to business and professional offices with the only other possible use for the property would be Veterinary Clinic/boarding which may require a special use permit. All other uses would be prohibited." Mr. Pace seconded. The motion carried with a vote of 5-0. AYES: Cobb, Gardner, Pace, Weaver and Sheridan. NAYS: None.

\* \* \* \* \*

A COPY, teste

  
Macon C. Sammons, Jr.  
County Administrator

Received

FEB 17 2012

Fluvanna County

February 15, 2012

Southern Land Holdings, LLC  
3647 Lake Monticello Road  
Palmyra, VA 22963

**Re: Proffer amendment to ZMP 01:01 Southern Holdings, LLC**  
**Tax Map: 18B, Section 5, Parcel 1**

To whom it may concern:

We wish to add to our existing right of use at Tax Map 18B-5-1 Greenhouse (Commercial) to the uses allowable on the above mentioned property which is already zoned B-C.

The hours of operation shall be from 7:00 am to 8:00 pm Monday-Saturday, and 10:00 am to 5:00 pm on Sunday.

No equipment or in-bound deliveries will occur any time before 8:00 am, and there shall be no in-bound deliveries on Sundays.

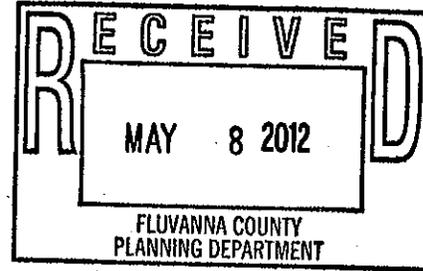
Thank you,



Joe Lodato  
Representative Manager

Southern Land Holdings LLC  
 3647 Lake Monticello Road  
 Palmyra, VA 22963

Re: Proffer amendment to ZMP 01:01 Southern Land Holdings, LLC  
 Tax map: 18B, Section 5, Parcel 1



To whom it may concern,

We wish to add to our existing right of use at TM Parcel 18B-1 Greenhouse (commercial) to the uses allowable on the above mentioned property which is already zoned B-C.

The hours of operation shall be 8am to 4pm Monday – Friday and closed on Saturday and Sunday during the months of January and February.

The hours of operation shall be 8am to 6pm Monday-Friday 8am to 4pm on Saturday and 11am to 4pm on Sunday during the months of March through October.

The hours of operation shall be 8am to 4pm Monday – Friday and closed on Saturday and Sunday from November 1 to November 15.

The hours of operation for Christmas Tree Sales shall be 8am to 8pm Monday – Friday on Saturday and Sunday 11am to 5pm from November 15 through December 24.

The business will be closed from December 25 through January 1.

Toggle switches shall be installed on the dump trucks so that the alarms can be deactivated while on premise.

After hours of operation, trucks shall be parked 648 feet from road (618) and dump trucks shall be parked in the wooded areas to help decrease their noise level in the mornings.

All electrical components of the on premise sign shall be removed so that the sign can no longer be illuminated.

Six (6) Leyland Cypress shall be installed near the edge of property facing Route 618, 10 to 14 feet in height and 5ft to 6ft in diameter to provide a noise buffer and screening.

The customer loading area for our stone shall be moved back 150 feet to help lessen the noise.

Trucks shall not be loaded with rock or mulch before 8am.

Large dump truck (over 26,000 lbs Gross vehicle weight) shall not operate before 8am.

There shall be no incoming mulch or rock deliveries on Saturday or Sundays.

Thank You

*Joe Lodato*  
 Joe Lodato

Representative Manager

**Steven Tugwell**

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**From:** Rice, Gary (VDH) <Gary.Rice@vdh.virginia.gov>  
**Sent:** Thursday, March 15, 2012 4:09 PM  
**To:** Steven Tugwell  
**Subject:** Comments for 3/15/12

**ZMP 12:01 Southern Holdings, LLC**

Site has been connected to Aqua Source utilities. Now Health Department approval needed.  
Applicant has adequately addressed any issues regarding storage / containment of fertilizers / other land applied agents.

**CPA 12:01**

No comments re: VISION chapter of Comprehensive Plan.

*Gary*

Received

FEB 17 2012

Page 1 of 1

Fluvanna County

**Steven Tugwell**

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**From:** Goodale, James E. [James.Goodale@VDOT.virginia.gov]  
**Sent:** Thursday, August 11, 2011 2:05 PM  
**To:** StevenTugwell  
**Subject:** RE: 8/11/11 TRC meeting packet

Steve here are my comments, sorry I missed the meeting.

1. John Zehler, EST 11:01- No comments.
2. Southern Land Holdings LLC, ZMP 11:02 – Sight distance was okay in both directions and the entrance was large enough for the size of equipment entering the property.
3. Fluvanna County, ZTA 11:02 – No comments.

*James E. Goodale  
Highway Permits & Subdivision  
Zions Crossroads South  
P.O. Box 1017  
Froy, VA. 22974  
(434) 589- 2358*

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**From:** StevenTugwell [mailto:stugwell@co.fluvanna.va.us]  
**Sent:** Tuesday, August 02, 2011 4:06 PM  
**To:** mkbrent7@gmail.com; Rice, Gary (VDH); Goodale, James E.  
**Cc:** Roger Black; Andy Wills; Tecastillo@aquaaamerica.com; Sam Babbitt; Donald Gaines; Darren Coffey  
**Subject:** 8/11/11 TRC meeting packet

Dear TRC Members:

As we did for the June TRC meeting, we are sending you this month's TRC packet electronically in an effort to move it forward. Your feedback is valuable, so if you find this form of receiving the packets and information easier, or if you have comments on how it could be improved- please let us know!

Thanks, and I look forward to seeing you all on the 11<sup>th</sup>!

-Steve

**From:** Mike-Kathy Brent <mkbrent7@gmail.com>  
**Sent:** Thursday, October 08, 2011 2:49 PM  
**To:** Darren Coffey; Steven Tugwell  
**Cc:** Scott Carpenter; Sales@monticellomulch.com  
**Subject:** ZMP 11:02-ZMP 01:01, Mulch Monkeys, Lake Monticello Road.

Received

FEB 17 2012

Fluvanna County

Daren and Steve

I met with Eddie Patterson this morning at the above site. The Fire Dept. concerns expressed at the August 11, 2011 TRC meeting have been addressed by Mr. Patterson. The defensive space around the mulch pile is adequate and access to the property and house is good. Please forward these comments to the Planning Commission.

Thanks  
Mike Brent, Chief  
FCVFD

**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To Tax Map 18B-5-1, To Amend The Proffer Associated With The Ordinance Approving ZMP 01:01, A Conditional Rezoning Affecting The Same Parcel.**

**(ZMP 12:01)**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That Tax Map 18B, Section 5, Parcel 1 be and is hereby, conditionally rezoned from B-C, Business, Convenience, District, to B-C, Business, Convenience, District, subject to the amended proffer as set out in the application dated February 17, 2012, and which is attached hereto.

Limit the uses to business and professional offices, ~~with the only other possible uses for the property would be~~ veterinary clinic/boarding which may require a special use permit, *and commercial greenhouses*. All other uses would be prohibited.

The hours of operation shall be 8am to 4pm Monday-Friday and closed on Saturday and Sunday during the months of January and February.

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**AGENDA**

**BOARD OF SUPERVISORS**

**DATE: 16<sup>th</sup> May, 2012**

**SUBJECT: Economic Directors Approach for Economic Development**

**RECOMMENDATION: N/A**

**TIMING: N/A**

**FISCAL IMPLICATIONS: N/A**

**POLICY IMPLICATIONS: N/A**

**DISCUSSION:** To bring an overview of the different types of Economic Development and how they fit into a targeted program.

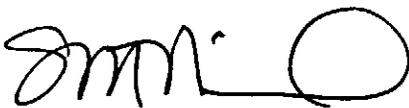
**LEGISLATIVE HISTORY: N/A**

**Staff:** Bobby Popowicz, Economic Development Director

**Attachments:** Powerpoint Presentation: Fluvanna County Office of Economic Development – Overview and Recommended Approach

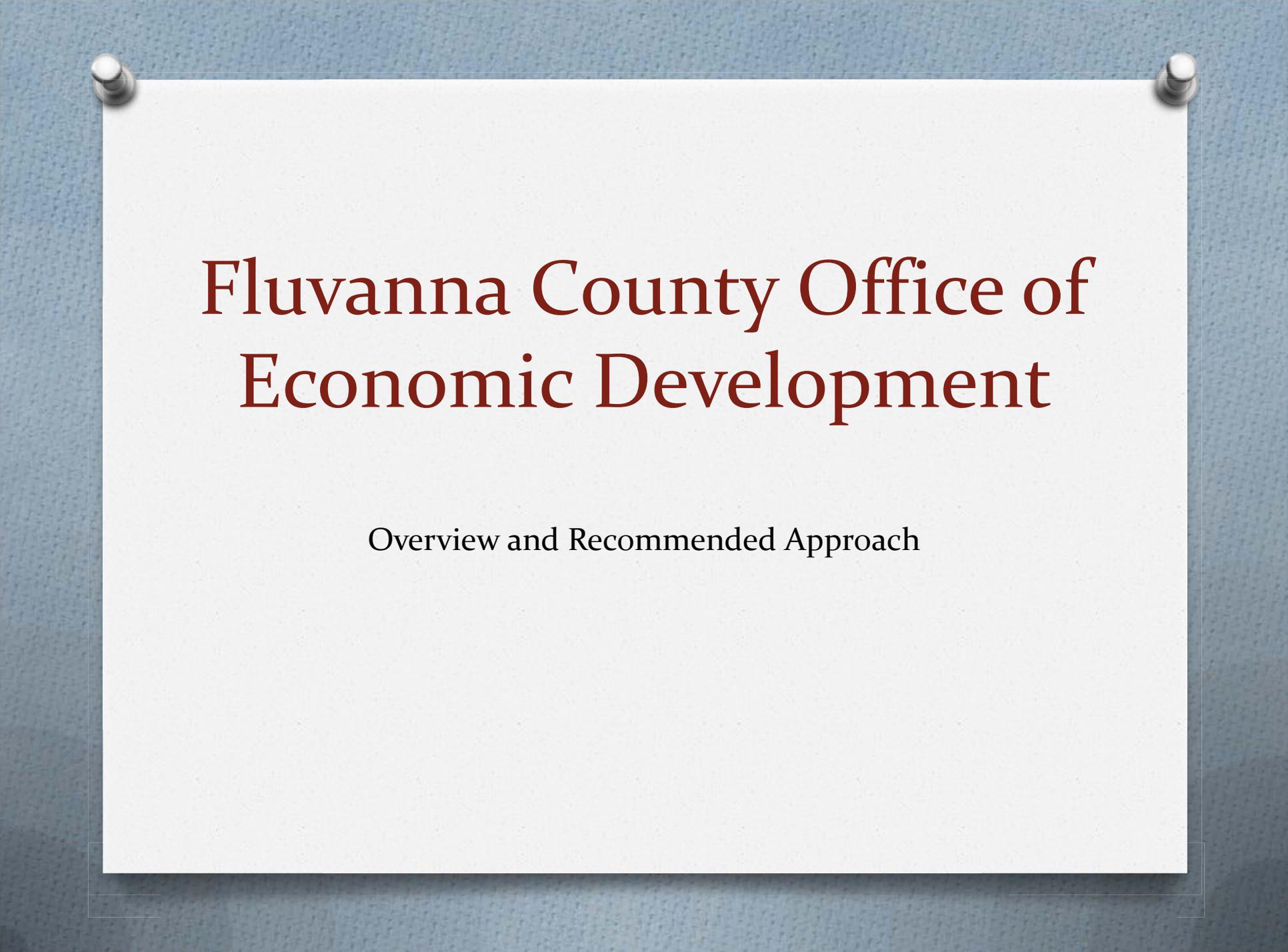
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County Administrator's Use Only



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Steve Nichols, County Administrator



# Fluvanna County Office of Economic Development

Overview and Recommended Approach



# Fluvanna Economic Development

Overview of Economic Development  
Categories and Their Recruitment  
Requirements

# Entertainment Event Tourism

- o Fairly Easy to Recruit
- o Requires land
- o Heavy advertisement outside of our borders
- o Need to partner with others
- o Likely to be short term events
- o Likely to not be a long range revenue source (1-5 years)

# Entertainment Event Park

- o Requires intensive recruitment
- o Requires identification of large parcels that are for sale (700 acres plus)
- o Requires community buy-in
- o Intensive Studies (By the investors)
- o Requires cooperation from the Commonwealth of Virginia (VDOT Planning, Safety Planning, Support from Virginia Economic Development Partnership, Support from Trade and Commerce)

# Heritage Tourism

- o Intensive background research
- o Slow to start
- o Intensive advertisement
- o Needs other destination points in the area to make it worthwhile
- o Gives a sense of community for other recruitment

# Agricultural-Tourism

- Requires unique themes and creative advertising or proven business model (Winery, Brewery)
- May need special equipment
- Possibly dependent on weather patterns
- Dependent on advertisement and regional cooperation

# Restaurant and Retail

- o Requires large population densities or Employment Centers like technology, light Industrial and office parks
- o Requires investment studies
- o Requires population or traffic population density studies to determine feasibility
- o Requires willing Investors

# Technology, Office, and Light Industrial

- o Requires heavy recruitment
- o Requires infrastructure investment
- o Requires willing Investors
- o Requires “Shovel Ready” locations
- o Requires incentives such as tax rebates, easy processing of applications and location considerations
- o Recruitment to inception takes up to 3 years

# Legacy Projects

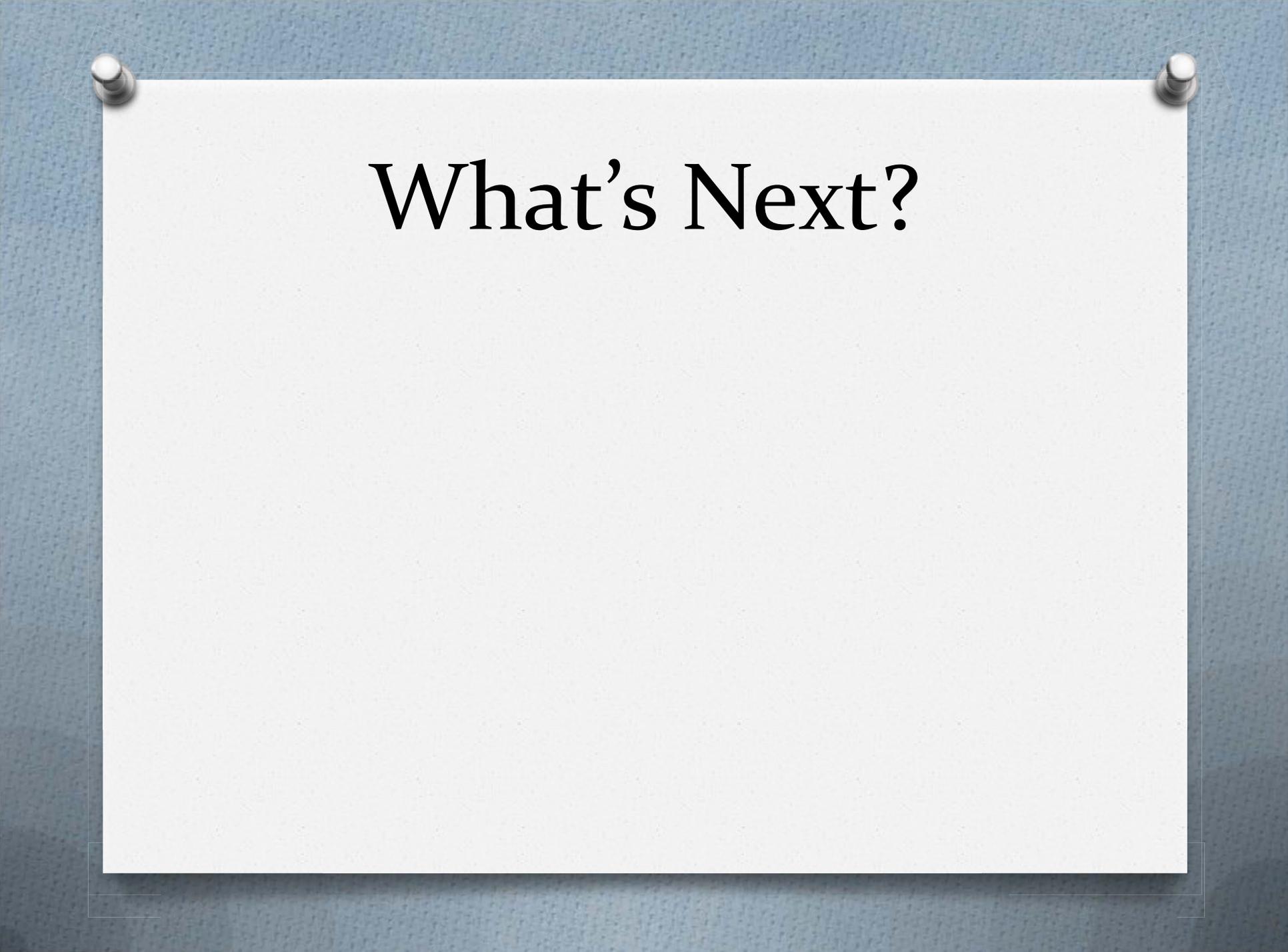
- o Multi-faceted in nature
- o Requires community buy in
- o May take 20 to 25 years to develop fully
- o Requires special investors
- o Requires a long range planning strategy
- o Likely to have several different types of zoning
- o Will need dedicated partners from the Public and Private sectors

# Current Resources and Advantages

- o Fluvanna has a GREAT location (Central to all prominent metro areas in the Commonwealth)
- o Rich heritage extending back to the Revolution
- o Rivers and Agricultural background
- o Underutilized road infrastructure and access to an Interstate
- o Not over populated (Clean Slate)
- o No BPOL tax or Meals Tax

# Current Disadvantages

- o Not well know throughout the Commonwealth
- o Rail is not as accessible for spurs
- o Do not control the exits for the interstate
- o We not have a detailed comprehensive water plan (Short Term, Mid-term or Long Term plans not identified)
- o Currently do not have an incentive package for bigger recruitments



What's Next?

# Short Term Recruitment

- o The short term recruitment strategy is to focus on Entertainment Tourism
- o This will give quick returns and allow Fluvanna to plan for the mid and long term strategies
- o Also, can be done in conjunction with Heritage and Event Park Recruitment efforts
- o Will not disturb the Rural Character of the County

A **“Targeted Approach”** will  
need to be  
deployed in order to keep the  
County Character without  
turning it into a bedroom  
community!!!

**SUSTAINABILTY is KEY!!!**

## **Targeted Development:** Certain Businesses bring a sustainable tax base without bringing extra population

- o **R&D Facilities:** Large land acquisition, small usage that brings a sustainable tax base(Facility is hidden in the trees)
- o **Agri-Business:** Matches the rural flavor of the County and does not require population booms. These businesses become destination points
- o **Employment Center Approach:** Bring larger facilities with(200-500) employees to Zions and centralize business growth that is sustainable
- o **Legacy Project:** Brings varied business, but centralizes growth and is sustainable

# Why Not Retail and Restaurant Recruitment?

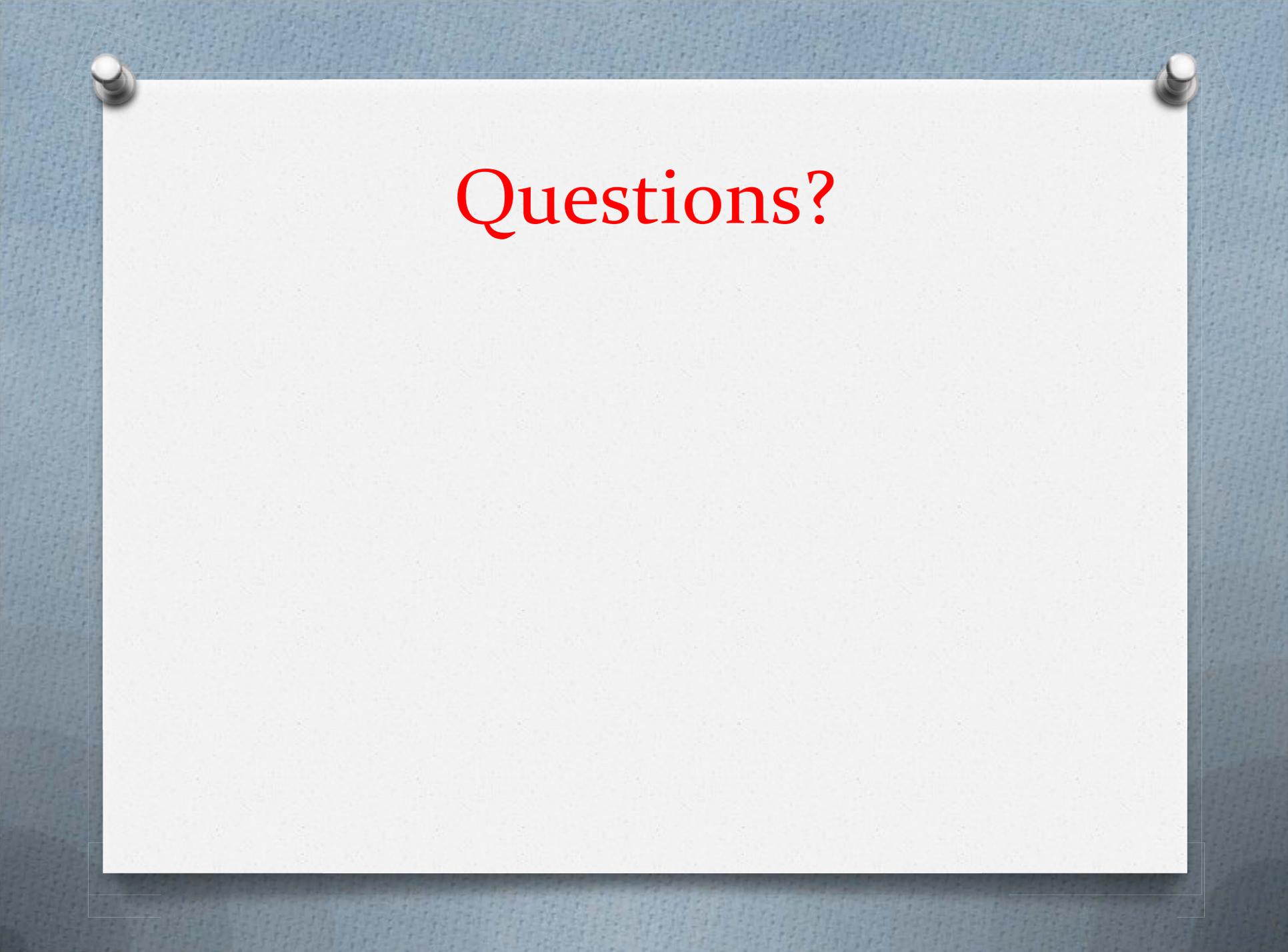
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- o Would require a large population adjustment to it make a main target for economic development
- o Does not always match the character of the community
- o Will naturally occur in areas where we concentrate Employment Centers and if we bring a Legacy Project

# Similar Model: Rockingham County

- o Large business grouping in Eastern and Central part of the County
- o Honeywell, Bantam Books, Coors, Perdue, Pilgrims Pride, Crown Door, etc. are all in Rockingham.
- o Large Retail Centers are in the City of Harrisonburg
- o Rockingham County is mostly rural
- o School District ranked 21 out of 118 shown

# In Summary, A Targeted Plan Brings the Following to Fluvanna

- o Brings Success
- o Brings Sustainability
- o Brings Balance
- o Keeps our Character intact
- o Increases tax base without adding extra services



Questions?

**MOTION:** I move to adopt the “Memorandum of Understanding between the Fluvanna county Board of Supervisors and the Fluvanna County School Board” concerning the use of the existing well at Pleasant Grove as a water source.

Attachments: Memorandum of Understanding (MOU)

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*For County Administrator's Use Only*

Comments:



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Steven M. Nichols, County Administrator

Memorandum of Understanding (MOU)  
Between the  
Fluvanna County Board of Supervisors  
And the  
Fluvanna County School Board  
Made as of  
May 2, 2012

Whereas the Fluvanna County School Board (FCPS) requires a safe, reliable source of water to be supplied to the New High School located on Route 53 for domestic water and fire protection, and

Whereas an existing well of adequate quality and yield is located on adjacent property owned by Fluvanna County known as Pleasant Grove,

It is therefore the intent of FCPS and the Fluvanna County Board of Supervisors (FCBOS) to outline their understanding concerning the use of the existing well as a water source for the FCBOS and for domestic water and fire protection for the New High School until such time as another source becomes available and practical to provide water for such uses to the New High School. FCPS is to obtain all water for other uses for the New High School, including but not limited to irrigation, from other water sources.

FCPS will perform and provide the following at its sole cost during the period of FCPS' use of the water well located on Pleasant Grove:

1. Furnish all design, equipment, and labor necessary to upgrade the existing well to meet Virginia Department of Health (VDH) permitting standards
2. Secure VDH Waterworks permit, act as operator of record, maintain certified operator(s), and perform all periodic testing and reporting to comply with VDH requirements, and otherwise comply with all applicable VDH and permit requirements.
3. Furnish all design, materials, equipment and labor (subject to FCBOS approval) to provide the water pipeline to connect the water well to the New High School property
4. Make all necessary connections to the existing irrigation system for the sports fields on Pleasant Grove so that it remains operational
5. Install a stub line and future connection point for the Pleasant Grove House and the proposed comfort station that will be located behind the Pleasant Grove House, in a location approved by FCBOS
6. Install a fence to secure the area of the well lot
7. Install an all-weather road, in a location approved by FCBOS, for access to the well lot
8. Coordinate construction with Virginia Department of Transportation (VDOT) where waterline enters or crosses VDOT rights-of-way.
9. Make all arrangements with Miss Utility for all construction work on Pleasant Grove
10. Operate the well and maintain the system while it is needed for the New High School and pay for all operational costs of the well and system, including but not limited to electrical costs, permitting, testing, maintenance, and repairs, provided that FCBOS shall be

responsible for maintaining water pipeline specifically installed to provide for FCBOS use

11. Turn over ownership of the pipeline and all improvements located on Pleasant Grove to the FCBOS when work is completed and accepted by FCPS' engineers
12. Work cooperatively with the FCBOS to operate the system to provide raw water to the New High School for domestic water and fire protection, and to the FCBOS, including but not limited to the sports fields on Pleasant Grove, the Pleasant Grove House, and the proposed comfort station
13. Restore any areas of Pleasant Grove disturbed by grading or other activities of FCPS to substantially their prior condition.
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The FCBOS will perform and provide at their cost the following during the period of the School Board's use of the existing water well located on Pleasant Grove:

1. Provide the existing water well for use by the FCBOS and by the School Board to serve the New High School for domestic water and fire protection as long as the well provides adequate quantity and quality of water
2. Allow FCPS access to Pleasant Grove for installation and maintenance of improvements associated with this specific water project and for operation of the well as set forth in this MOU
3. Maintain all water pipeline specifically installed to provide for FCBOS use at the sports fields on Pleasant Grove, the Pleasant Grove House, and the proposed comfort station after the first year of operations

The FCBOS shall have the right to make additional connections to the well, at FCBOS' expense, and to use the well to provide water for purposes not mentioned in this MOU, all as FCBOS sees fit from time to time.

The FCBOS agrees to the creation of a well lot, providing a distance of not more than 50 feet from the well to the limits of the well lot, as required by VDH regulations, to exclude additional improvements within the area surrounding the wellhead. All surveying, legal, and recording costs for this action will be borne by FCPS, including but not limited to fees for review of all documents by FCBOS' attorney.

Once the need for the well to serve the New High School is past or the well becomes insufficient to supply the needs for the New High School, FCPS either will renegotiate for use of a different source with the FCBOS or supply the needs for the New High School through a different provider. Prior to FCPS discontinuing its use, operation and maintenance of the well as set forth in this MOU, FCPS shall properly disconnect the New High School property from the well, any applicable permits shall be transferred or issued to FCBOS, and all equipment and improvements on Pleasant Grove will be turned over to FCBOS in good working order and condition. Notwithstanding any other provision of this MOU, if requested by FCBOS, FCPS will additionally remove from Pleasant Grove all or any portion of the water pipeline serving FCPS.

[Signature page follows.]

DRAFT

FLUVANNA COUNTY BOARD OF  
SUPERVISORS

SCHOOL BOARD OF THE COUNTY OF  
FLUVANNA

BY: \_\_\_\_\_  
Shaun V. Kenney, Chairman

BY: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Fluvanna County Attorney

**AGENDA**

**BOARD OF SUPERVISORS**

**DATE: 16<sup>th</sup> May, 2012**

**SUBJECT: Economic Directors Approach for Economic Development**

**RECOMMENDATION: N/A**

**TIMING: N/A**

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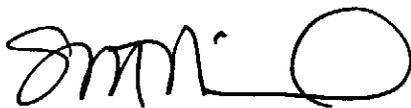
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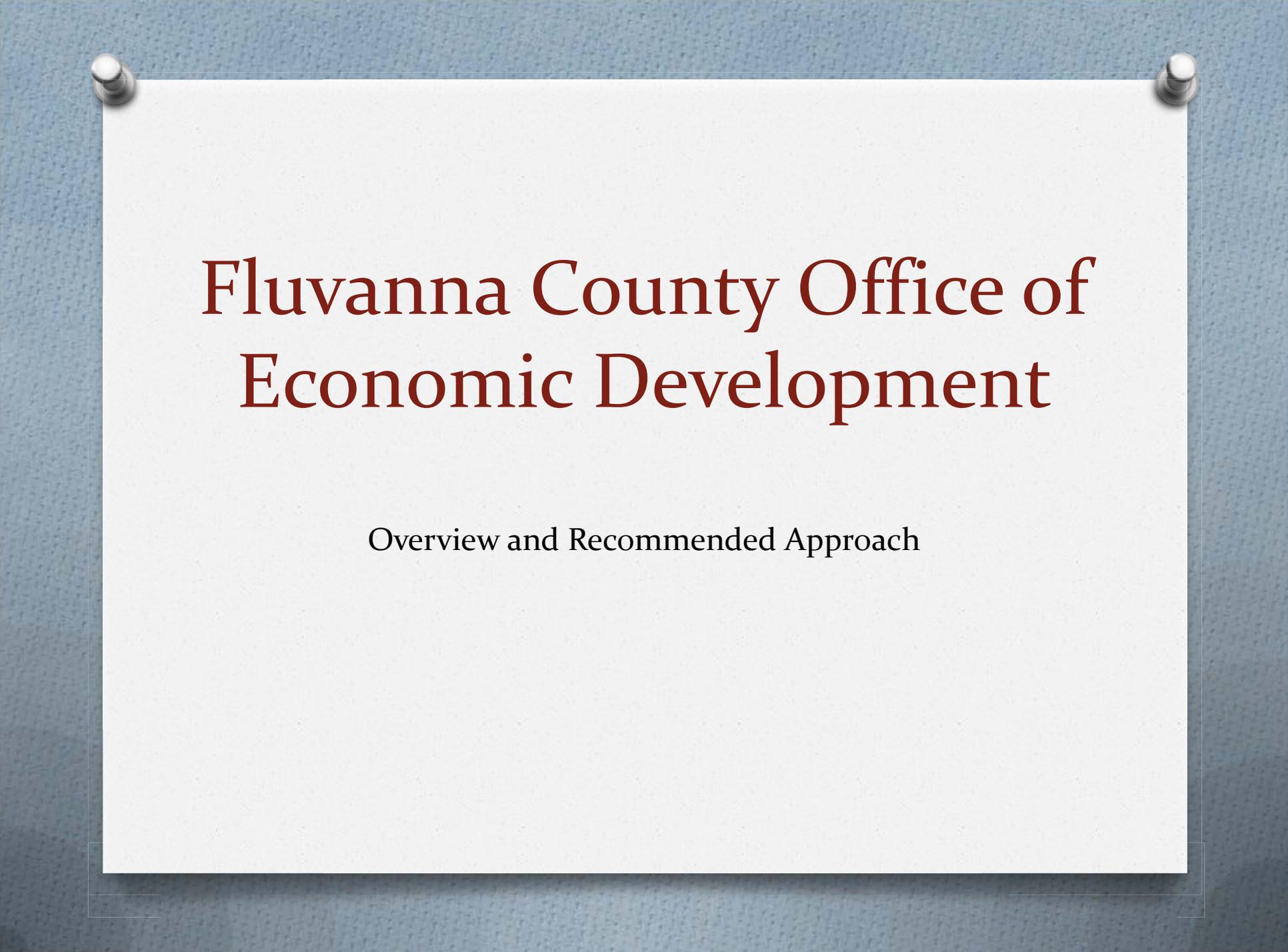
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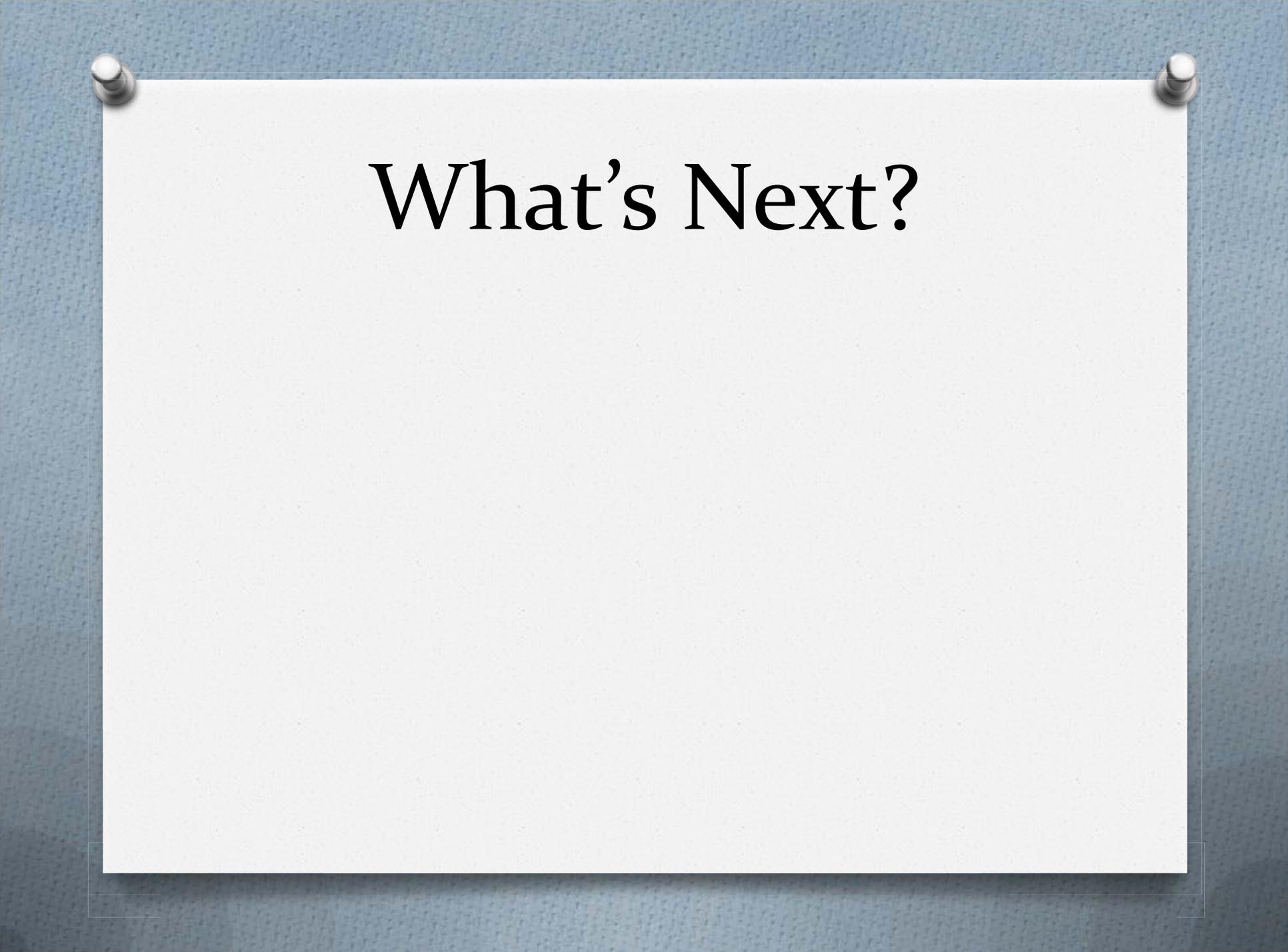
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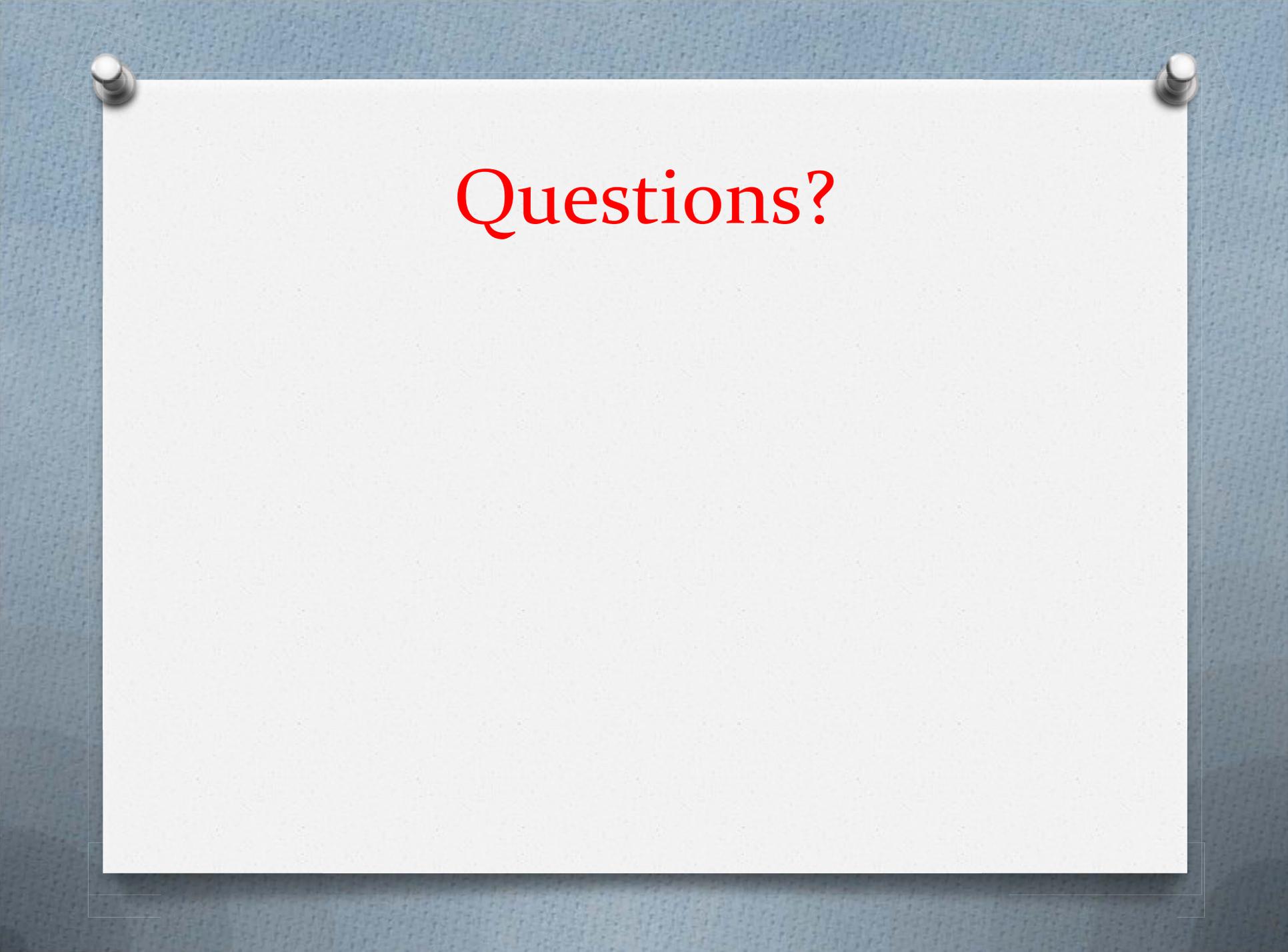
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Comments:



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The FCBOS shall have the right to make additional connections to the well, at FCBOS' expense, and to use the well to provide water for purposes not mentioned in this MOU, all as FCBOS sees fit from time to time.

The FCBOS agrees to the creation of a well lot, providing a distance of not more than 50 feet from the well to the limits of the well lot, as required by VDH regulations, to exclude additional improvements within the area surrounding the wellhead. All surveying, legal, and recording costs for this action will be borne by FCPS, including but not limited to fees for review of all documents by FCBOS' attorney.

Once the need for the well to serve the New High School is past or the well becomes insufficient to supply the needs for the New High School, FCPS either will renegotiate for use of a different source with the FCBOS or supply the needs for the New High School through a different provider. Prior to FCPS discontinuing its use, operation and maintenance of the well as set forth in this MOU, FCPS shall properly disconnect the New High School property from the well, any applicable permits shall be transferred or issued to FCBOS, and all equipment and improvements on Pleasant Grove will be turned over to FCBOS in good working order and condition. Notwithstanding any other provision of this MOU, if requested by FCBOS, FCPS will additionally remove from Pleasant Grove all or any portion of the water pipeline serving FCPS.

[Signature page follows.]

DRAFT

FLUVANNA COUNTY BOARD OF SUPERVISORS

SCHOOL BOARD OF THE COUNTY OF FLUVANNA

BY: \_\_\_\_\_  
Shaun V. Kenney, Chairman

BY: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Fluvanna County Attorney

**MOTION:** I move to determine that, for the reasons set forth in the attached written determination, for the construction of the new Fork Union Fire Station, (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (ii) competitive sealed bidding is not practical or fiscally advantageous; and to authorize the Chairman to sign the attached written determination.

**AGENDA**

**BOARD OF SUPERVISORS**

**May 16, 2012**

**SUBJECT:** Determination that, for the construction of the new Fork Union Fire Station, (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (ii) competitive sealed bidding is not practical or fiscally advantageous

**RECOMMENDATION:** Approve and authorize the Chairman to sign the attached written determination

**FISCAL IMPLICATIONS:** NONE

**TIMING:** As soon as possible

**POLICY IMPLICATIONS:** Under the County's Design-Build Procedures and the Virginia Public Procurement Act, before proceeding to procure the construction of the Fork Union Fire Station as a design-build project, the County is required to document in writing the (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (ii) competitive sealed bidding is not practical or fiscally advantageous for the project.

**DISCUSSION:** The bids received for the Fork Union Fire Station as currently designed were substantially in excess of the funds available for construction. Staff, in consultation with DJG Inc, the architect under contract to advise and assist the County regarding the use of design-build for the project, has determined that a design build procurement, based on minimum requirements of the project and allowing for a pre-engineered metal building is the best avenue available in light of applicable grant requirements for achieving construction of the project within the funds and time available. The project is on a very tight timeline, with the grant authority calling for a construction completion date of Spring 2013 and advising that ARRA grant funds may no longer be available in the Fall of 2013.

Staff recommends the Board determine that (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (ii) competitive sealed bidding is not practical or fiscally advantageous for this project for the following reasons:

- (1) The Fork Union Fire Station construction project was submitted for competitive sealed bidding in 2011 and the bids received were substantially in excess of the funds available for construction;
- (2) It has been necessary to request extension of the project timeline from the grantor of the ARRA grant funds for the project. There is a significant likelihood that ARRA grant funds for the project will no longer be available in the Fall of 2013 and it is therefore necessary to pursue the project with a Spring 2013 completion date;
- (3) A design-build contract will allow the County flexibility to consider a pre-engineered metal building, in order to accommodate the project's required features with less reduction of desired features than would be necessary if the project were re-designed and the construction re-submitted for competitive sealed bidding;
- (4) Revising the project within a design-build contract is the approach most likely to allow the County to achieve construction of the project with as much functionality as possible within the funds and time available.

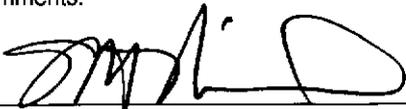
Staff further recommends the Board authorize the Chairman to sign the attached written determination.

Submitted by staff: Robert Popowicz, Economic Development Director  
Attachments: Written Determination Concerning Use of Design-Build Contract  
(Fork Union Fire Station)

\*\*\*\*\*

For County Administrator Use Only

Comments:



County Administrator's Signature

**WRITTEN DETERMINATION CONCERNING  
USE OF DESIGN-BUILD CONTRACT**

**FORK UNION FIRE STATION**

The Board of Supervisors of Fluvanna County, Virginia, hereby determines that, for the construction of the new Fork Union Fire Station, (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous. This determination is made on the following basis:

- (1) The Fork Union Fire Station construction project was submitted for competitive sealed bidding in 2011 and the bids received were substantially in excess of the funds available for construction;
- (2) It has been necessary to request extension of the project timeline from the grantor of the ARRA grant funds for the project. There is a significant likelihood that ARRA grant funds for the project will no longer be available in the Fall of 2013 and it is therefore necessary to pursue the project with a Spring 2013 completion date;
- (3) A design-build contract will allow the County flexibility to consider a pre-engineered metal building, in order to accommodate the project's required features with less reduction of desired features than would be necessary if the project were re-designed and the construction re-submitted for competitive sealed bidding;
- (4) Revising the project within a design-build contract is the approach most likely to allow the County to achieve construction of the project with as much functionality as possible within the funds and time available.

This written determination is signed by the Chairman of the Board of Supervisors of Fluvanna County, Virginia, by the authority of the Board.

Board of Supervisors of Fluvanna  
County, Virginia

By: \_\_\_\_\_  
Chairman

**MOTION:** I move to allow staff to advertise and receive Requests for Qualifications for the purpose of selecting possible qualified design-build firms to solicit Requests for Proposals on the Fork Union Fire Station project.

**AGENDA**

**BOARD OF SUPERVISORS**

**May 16, 2012**

**SUBJECT:** Fork Union Fire Station Requests for Qualifications

**RECOMMENDATION:** Approve and authorize staff to move forward with Requests for Qualifications

**FISCAL IMPLICATIONS:** NONE

**TIMING:** As soon as possible

**POLICY IMPLICATIONS:** Under the County's Design-Build Procedures and the Virginia Public Procurement Act, before proceeding to procure the construction of the Fork Union Fire Station as a design-build project, the County is required to receive Requests for Qualifications (RFQ) to determine which firms will be invited to present on the Request for Proposals

**DISCUSSION:** The Fork Union Fire Station project has been at stand still and the grant funding was in danger of being rescinded. The project has been revived as a design-build to help lower cost of construction.

**Submitted by staff:** Robert Popowicz, Economic Development Director  
**Attachments:** Request for Qualifications for Design-Build Contract (Fork Union Fire Station)

\*\*\*\*\*

For County Administrator Use Only

Comments:



\_\_\_\_\_  
County Administrator's Signature

# **Proposed Fluvanna County Fire Station Fork Union, Virginia**

## **Request for Qualifications – Design/Build Contracting Services**

Fluvanna County is in the planning process for the development of our proposed Fire Station (including site work, septic system, connections to utilities, structural, mechanical and electrical systems, and all finishes, materials, fixtures and other items to be required by the specifications) to be located in Fork Union Virginia and is soliciting RFQ responses for Design/Build Contracting services. It is our desire to assemble a team to see this project through the entire process from design to occupancy. This team will include the Owner's Rep, Owners Architect, Contractors A/E and General Contractor's Team Leader. This RFQ will generate a short list of two to five pre-qualified firms to receive the RFP for the purpose of selecting a Design/Build Contractor.

**Total Budget for the Station: \$1.1 Million with Contingency**  
**Substantial Completion Date: May 31, 2013**

*Electronic response should be sent to: [rpopowicz@yahoo.com](mailto:rpopowicz@yahoo.com)  
Subject: Fork Union Fire Station RFQ*

*For accompanying hard copy, please mail to:*

**Fluvanna County**  
P.O. Box 540  
Palmyra, VA 22911  
**Attention: Bobby Popowicz**

**Deadline:** Responses must be received by 2:00 PM 5/31/2012.

**QUALIFICATION PACKAGES RECEIVED AFTER THE SPECIFIED TIME WILL NOT BE ACCEPTED.**

The request for qualification does not commit Fluvanna County to award a contract or to pay any costs incurred in the preparation of the qualifications.

Fluvanna County reserves the right to extend the due date for the qualification, to accept or reject any or all qualifications received as a result of this request, to enter into discussions with any qualified firm, or to cancel the RFQ in part or in its entirety.

Fluvanna County reserves the right to make reasonable investigations, to request clarification of information submitted and to request additional information of any offeror.

**Screening and Selection:**

An evaluation committee appointed by the Fluvanna County Board of Supervisors will review the responses and other relevant information and rank the offerors Statements. Two to five of the offerors deemed most suitable for the project based on the rankings will be asked to proceed to the Request for Proposal.

RFQ responses will be evaluated based on the following criteria but not necessarily in the order given:

- a. Ability, capacity and skill to perform the stated scope of work.
- b. Ability and capacity to meet the stated timeframes for proposal, mobilization and substantial completion.
- c. Adequacy of professional level staffing.
- c. Demonstrated understanding of the scope of the project, schedule and budget limitations.
- d. Related experience.
- f. Completeness, clarity and quality of RFQ response.
- g. Licensed Class "A" contractor and an Architect or Engineer registered in the Commonwealth of Virginia as part of the project team.
- h. References.
- i. All information developed in the selection process to this point.

**Expected Sequence of Events:**

Advertisement of Request for Qualifications

Receipt of RFQ responses

Evaluation of RFQ responses and selection of two to five qualified firms

Send out Requests for Proposal to selected firms - notify others

Proposal submission deadline

Evaluation of Proposals

Interview top selected firms (if required by County)

Final selection of firm

## **RESPONSE FORMAT AND REQUIREMENTS**

### **Format:**

1. Cover letter
2. Table of Contents
3. Response with pages numbered, organized in the order in which the requirements are listed below.

An authorized representative of the offeror shall sign the response.

Responses should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFQ. Emphasis should be placed on completeness and clarity of content.

### **Response should include, but is not limited to the following information:**

1. Company background, history, and present volume backlog, including ability to submit a proposal by July 11, 2012, mobilize by August 31, 2012, and achieve substantial completion by May 31, 2013. Contractor's Class A license number.
2. Describe organizational approach and submit an organization diagram showing all key team members with qualifications.
3. Identify project team leader.
4. Identify and describe any major sub-contractors (sub-consultants) that will be used.
5. Identify Virginia-licensed Design Architect or Engineer of record for Contractor Design Build Team

6. Provide 5 client references.
7. Provide 3 architectural firms with whom you have completed similar projects.
8. Describe any relevant awards.
9. Describe any experience working with Local Government and/or Emergency Management personnel.
10. Provide supporting materials such as drawings, photographs, and/or brochures of similar projects.
11. Indicate how you would address the following items and/or provide examples of how these have been dealt with in the past.
  - A. Limited and/or set budget
  - B. Steel Frame or Pre-engineered Building Systems
  - C. Material tracking, calculations and value engineering approaches
  - D. Site work (unexpected materials or conditions)
12. List any projects dealing with Fire or Emergency Services construction.
13. Describe any litigation or arbitration within the last five years.
14. Note any conflicts of interest
15. Demonstrate ability to provide performance and payment bonds in the full amount of the contract, not to exceed \$1,501,426
16. Describe any experience with ARRA grant funding requirements
17. Describe any experience with LEED documentation requirements
18. If protection of data or materials as trade secrets or proprietary information is desired, provide a statement (i) invoking the protections of Virginia Code Section 2.2-4342(F) prior to or upon submission of the data or other materials, (ii) identifying the data or other materials to be protected, and (iii) stating the reasons why protection is necessary.

### **General Requirements**

Provide Certificate of Insurance for the insurance that, if selected, will need to be in force at all times during the contract period. Insurance company coverage

must be with a current AM Best's rating of no less than A and include the following minimum coverages

**Coverage:**

Commercial General Liability	\$2,000,000 each occurrence
Contractual Liability	\$4,000,000 general aggregate
X C U Coverage	
Automobile Liability	\$1,000,000
Any Auto, Hired Autos, Non-Owned Autos	
Excess/Umbrella Liability	no less than \$10,000,000
Workers Compensation	Statutory Limits

- a) Indemnification endorsement covering the additional insured's and owner .
- b) Insurance to be primary and non-contributory.
- c) Contain no exclusions for means, methods, techniques, sequences or procedures.
- d) General Aggregate to apply on a per project basis.
- e) Contain a deductible of no more the \$25,000.

Professional Liability	No Less than \$1,000,000
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All qualification packages received by Fluvanna County will become the property of the County for use as deemed appropriate.

Fluvanna County is an equal opportunity Employer. Every effort will be made to ensure that all persons, regardless of race, religion, gender, color and national origin have equal access to contracts and other business opportunities.

**PROJECT INFORMATION**

**Justifications for use of Design-Build**

The Board of Supervisors of Fluvanna County, Virginia, has determined that, for the construction of the new Fork Union Fire Station, (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the County by using a design-build contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous. This determination was made on the following basis:

- (1) The Fork Union Fire Station construction project was submitted for competitive sealed bidding in 2011 and the bids received were substantially in excess of the funds available for construction;
- (2) It has been necessary to request extension of the project timeline from the grantor of the ARRA grant funds for the project. There is a significant likelihood that ARRA grant funds for the project will no longer be available in the Fall of 2013 and it is therefore necessary to pursue the project with a Spring 2013 completion date;
- (3) A design-build contract will allow the County flexibility to consider a pre-engineered metal building, in order to accommodate the project's required features with less reduction of desired features than would be necessary if the project were re-designed and the construction re-submitted for competitive sealed bidding;
- (4) Revising the project within a design-build contract is the approach most likely to allow the County to achieve construction of the project with as much functionality as possible within the funds and time available.

#### **Facility Requirements; Building and Site Criteria**

The required facility consists of a fire station with 6 bays (3 pass-through bays) to be located on Fluvanna County-owned property immediately north of the existing Community Center in Fork Union, Virginia. The facility will house the Fork Union Fire Companies along with their equipment. The facility is intended to be approximately 8200 total square feet and to have a multipurpose meeting room that can be used by the fire company and other County organizations, a commercial kitchen, a bunk room and associated support rooms such as showers for overnight staffing in the fire house, an emergency power generator, and to provide for second story expansion over the living area, is desired. A fire suppression system, with ground mounted storage tank and fire booster pump, is required for the facility. Geothermal HVAC is desired, but not required. The project will include documentation of compliance with LEED requirements, but LEED certification will not be sought. The project plans developed in 2011 will be made available to the short-listed firms during the Request for Proposal Phase. Detailed requirements and criteria will be provided in the Request for Proposal.

#### **Site and Survey Data**

The following site and survey data will be made available upon request.

- Previously completed bid document by DJG Inc. dated June 20, 2011.
- Reconnaissance Level Survey and Documentation of an Historic Cemetery” prepared by Rivanna Archaeological Services, LLC in September 2010

**ARRA Information**

This project is funded by FEMA’s Firefighters Fire Station Construction Grant Funding under the American Recovery and Reinvestment Act of 2009 (PL 111-5). The successful design-build contractor will be required to comply with the May 2009 A.R.R.A. Assistance to Firefighters Fire Station Construction Grants Guidance and Application Kit issued by the U.S. Department of Homeland Security. Requirements include but are not limited to:

- a) Comply with standards identified in the Buy American Act, 41 U.S.C. §§ 10a-10d. The Buy American Act requires that all supplies and construction materials purchased must be produced in the United States, unless such materials are not reasonably available, or such a purchase would not be in the public interest. Additionally, ARRA requires that projects funded by the Act, for the construction, alteration, maintenance, or repair of a public building or public work use American iron, steel, and manufactured goods in the project unless one of the specified exemptions applies. The Act provides that this requirement be applied in a manner consistent with U.S. obligations under international agreements. Definitions of “manufactured good,” “public building and public work,” and other terms as they pertain to the Buy American guidance in 2 CFR part 176 are found in 176.140 and 176.160. Offeror must follow the Federal Acquisition Regulations implementing the Buy American Act, 48 CFR Part 25.
- b) Comply with guidance on environmental planning and historic preservation (EHP) requirements as directed by the County.
- c) Comply with requirements under the Davis-Bacon Act (40 U.S.C.A. §§ 276a to 276a-5).
- d) Include to the maximum extent practicable, “green” products. “Green” products include recycled content products; environmentally preferable products; alternative fuels; hybrid and alternative fuel vehicles; non-ozone depleting substances; renewable energy; USDA designated bio-based products; and Environmental Protection Agency (EPA) designated items containing recovered materials. Offeror will be required to identify, track, and report on the purchase and use of these initiatives that contribute to energy conservation and carbon emission
- e) Comply with:
  - Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 et seq. – no person on the grounds of race, color, or national origin will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance.

- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 – no qualified individual with a disability in the United States, shall, by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance.
- Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq. – discrimination on the basis of gender is eliminated in any education program or activity receiving Federal financial assistance. 29
- The Age Discrimination Act of 1975, as amended, 20 U.S.C. § 6101 et seq. – no person in the United States shall be, on the basis of age, excluded from participation in, denied the benefits of or subjected to discrimination under any program or activity receiving Federal financial assistance.

### **FONSI Conditions**

Fluvanna County has received a Finding of No Significant Impact from FEMA dated December 14, 2010. The successful design-build contractor will be required to comply with the following FONSI conditions:

- The applicant is responsible for obtaining and complying with all required local, state, and Federal permits and approvals.
- If deviations from the proposed scope of work result in: substantive design changes, need for additional ground disturbance or other changes to the physical environment, the Grantee must contact FEMA. FEMA will reevaluate the project for compliance with NEPA and other environmental and historic preservation laws and Executive Orders.
- The applicant is responsible for implementing measures to protect a known historic cemetery in the vicinity of the new fire station. These measures include fencing and other protection as outlined in the report, “Reconnaissance Level Survey and Documentation of an Historic Cemetery” prepared by Rivanna Archaeological Services, LLC in September 2010.
- In the event that human remains or archaeological or historic materials are discovered during the site work, activities in the immediate vicinity shall be discontinued and the area secured. The Grantee must contact the local coroner (human remains only) FEMA, and the Virginia Department of Historic Resources as soon as possible.

The referenced historic cemetery is located more than 400 yards from the site of the fire station construction.

**MOTION:** I move to allow staff to advertise and receive Requests for Qualifications for the purpose of selecting possible qualified design-build firms to solicit Requests for Proposals on the Fork Union Fire Station project.

**AGENDA**

**BOARD OF SUPERVISORS**

**May 16, 2012**

**SUBJECT:** Fork Union Fire Station Requests for Qualifications

**RECOMMENDATION:** Approve and authorize staff to move forward with Requests for Qualifications

**FISCAL IMPLICATIONS:** NONE

**TIMING:** As soon as possible

**POLICY IMPLICATIONS:** Under the County's Design-Build Procedures and the Virginia Public Procurement Act, before proceeding to procure the construction of the Fork Union Fire Station as a design-build project, the County is required to receive Requests for Qualifications (RFQ) to determine which firms will be invited to present on the Request for Proposals

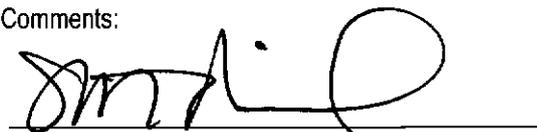
**DISCUSSION:** The Fork Union Fire Station project has been at stand still and the grant funding was in danger of being rescinded. The project has been revived as a design-build to help lower cost of construction.

**Submitted by staff:** Robert Popowicz, Economic Development Director  
**Attachments:** Written Determination Concerning Use of Design-Build Contract (Fork Union Fire Station)

\*\*\*\*\*

For County Administrator Use Only

Comments:



County Administrator's Signature

MOTION: I move the Board of Supervisors adopt the resolution indicating local governing body concurrence with the school division electing to pay the Virginia Retirement System (VRS) Board certified rate employer contribution rate of 7.99% for the school division's non – “teacher” category employees in Fiscal Year 2013.

**AGENDA**

**BOARD OF SUPERVISORS**

**May 16, 2012**

SUBJECT: Adoption of VRS provided resolution for concurrence with the School Board's election to pay the VRS Board certified employer contribution rate for VRS non – “teacher” category employees in FY 2013.

RECOMMENDATION: I recommend approval of the concurrence resolution discussed above.

TIMING: The employer rate for School Division VRS non – “teacher” category employees must be set prior to June 2012 to allow payroll processing in June.

FISCAL IMPLICATIONS: This not a request for funds or increased appropriation authority. Implementing the VRS Board certified rate employer contribution rate of 7.99% for the School Division's non – “teacher” category employees in Fiscal Year 2013 will cost approximately \$45,556. Expenditures would take place in state specified categories having VRS non – “teacher” category employees – Instruction; Pupil Transportation; and Operation and Maintenance.

POLICY IMPLICATIONS: None.

DISCUSSION: The 2012 Appropriations Act, Item 468(H), requires that in the event a local school board elects to implement the VRS Board certified rate of 7.99% for non – “teacher” category employees in FY 2013 then the local governing body adopt a resolution showing its concurrence. Attachments include a copy of the resolution adopted by the Fluvanna County School Board at their May 9, 2012 meeting and a VRS generated draft resolution for the Board of Supervisors to consider. The employer share for the “teacher” rate was set at 11.66% for the biennium in the Appropriations Act.

LEGISLATIVE HISTORY: None.

Staff: Edward Breslauer, Director of Finance

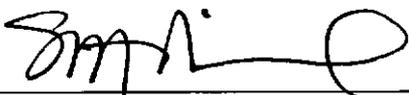
Copy: Finance and Schools

Attachments: School Board adopted resolution concerning contribution rates and draft resolution for Board of Supervisors action.

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For County Administrator's Use Only:

Comments:



Steven M. Nichols, County Administrator

Employer Contribution Rates for Counties, Cities,  
Towns, School Divisions and Other Political Subdivisions  
(In accordance with the 2012 Appropriation Act Item 468(H))

**Resolution**

BE IT RESOLVED, that the Fluvanna County Public Schools 55532 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

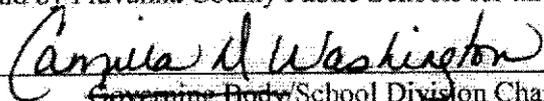
BE IT ALSO RESOLVED, that the Fluvanna County Public Schools 55532 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

- The Certified Rate of 7.99%       The Alternate Rate of 5.59%; and

BE IT ALSO RESOLVED, that the Fluvanna County Public Schools 55532 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Fluvanna County Public Schools 55532 are hereby authorized and directed in the name of the Fluvanna County Public Schools to carry out the provisions of this resolution, and said officers of the Fluvanna County Public Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Fluvanna County Public Schools for this purpose.

  
\_\_\_\_\_  
Governing Body/School Division Chairman

**CERTIFICATE**

I, Gena G. Keller, Clerk of the Fluvanna County Public Schools, certify that the foregoing is a true and correct copy of a resolution passed at a ~~lawfully~~ lawfully organized meeting of the Fluvanna County Public Schools held at Fork Union, Fluvanna County, Virginia at 7 p.m. o'clock on May 9, 2012. Given under my hand seal of the Fluvanna County Public Schools this 11<sup>th</sup> day of May, 2012.

  
\_\_\_\_\_  
Clerk

**This resolution must be passed prior to July 1, 2012 and  
received by VRS no later than July 10, 2012.**

Local Governing Body Concurrence with School Division  
Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2012 Appropriation Act Item 468(H))

**Resolution**

BE IT RESOLVED, that the \_\_\_\_\_ [Locality Name] [employer code] does hereby acknowledge that the Fluvanna County [School Division Name] has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(D) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the \_\_\_\_\_ [Locality Name] [employer code] does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Fluvanna County [School Division Name] to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of \_\_\_\_\_ [Locality Name] [employer code] are hereby authorized and directed in the name of the \_\_\_\_\_ [Locality Name] to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the \_\_\_\_\_ [Locality Name], as appropriate, shall be affixed and attested by the Clerk.

\_\_\_\_\_  
Locality Board Chairman

**CERTIFICATE**

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ [Locality Name], certify that the foregoing is a true and correct copy of a resolution passed by the \_\_\_\_\_ [Locality Name] and ratified by the \_\_\_\_\_ [Locality Name] at a lawfully organized meeting of the \_\_\_\_\_ [Locality Name] held at \_\_\_\_\_, Virginia at \_\_\_\_\_ o'clock on \_\_\_\_\_, 2012. Given under my hand and seal of the \_\_\_\_\_ [Locality Name] this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Clerk

**This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.**



CONSIDERATION FOR DISCUSSION RELATED TO POTENTIAL OF \$650,000.00 ADDITIONAL FUNDS FROM BOARD OF SUPERVISORS:

New High School is opened (PLAN D), at minimal staffing (NO additional Career-Tech Ed Positions – Nursing, Culinary Arts, or Cosmetology and Barbering)

FY 2013 SHORTFALL	\$1,189,545	
PLAN D COSTS US AN ADDITIONAL	+ \$ 616,781	
ADDT'L APPROPRIATION FROM BOS	- \$ 650,000	
UPDATED VRS COST	+ \$ 851,113	Includes: VRS, Health Care Credit, Group Life
REVISED SHORTFALL	\$2,007,439	

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CURRENT APPROVED CUTS – TOTAL	+ \$1,525,742	Adopted Budget/Approved May 9, 2012
ADDITIONAL PROPOSED CUTS	+ \$ 701,028	Schools pay employee only health insurance at 2012 rate (\$439.73/month) all tiers
	+ \$ 147,587	Employees pay employee share of Group Life
REVISED SHORTFALL (See above)	- \$2,007,439	
FUNDS AVAILABLE TO REDISTRIBUTE	+ \$ 366,918	(Available for use to bring back programs/people)

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PROGRAMS FOR REINSTATING:

TWO INSTRUCTIONAL POSITIONS FOR FCHS	\$ 108,481	
RETIREEES HEALTH INSURANCE	\$ 129,064	(At Employer Contribution Rate)
ALTERNATIVE EDUCATION**	\$ 152,099	
TOTAL:	\$ 369,416	

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\*\* To reinstate Alternative Education would require further restructuring of staff to equal \$2,498.00

This amount can be saved through changes in issuing new contracts, etc.



# COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540, Palmyra, VA 22963 · (434) 591-1910 · FAX (434) 591-1911 · www.co.fluvanna.va.us

## MEMORANDUM

TO: Board of Supervisors  
FROM: Eric Dahl, Budget Analyst  
SUBJECT: Contingency Balance  
DATE: May 9, 2012

The balance for the BOS contingency line for FY12 is as follows:

<u>Board of Supervisors Contingency:</u>	\$100,000.00
Minus Donation to Town of Columbia 8.3.11	3,000.00
Minus Reimbursement of Livestock Claims 9.7.11	2,540.00
Minus Legal Services from Lawsuit 10.19.11	5,598.45
Minus Create Economic Development Director 10.19.11	54,000.00
Minus Erosion and Sediment Control Plan 11.2.11	7,800.00
Minus Legal Services from Lawsuit 11.16.11	2,923.70
Minus Legal Services from Lawsuit 12.7.11	11,928.91
Minus Facilities Work at the SPCA 12.7.11	10,000.00
Minus Award to Rothamel 12.21.11	2,208.94
Add Previously Approved Eckert Seamans 12.21.11	21,987.53
Minus Impact Study for Water Line TJPDC 12.21.11	4,000.00
Add EMS Contract Services Funds 2.1.12	<u>150,000.00</u>
Total Board of Supervisors Contingency	<u>\$ 167,987.53</u>