



FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA FOR REGULAR MEETING
Circuit Courtroom, Fluvanna Courts Building
March 19, 2014, 7:00 pm

TAB AGENDA ITEMS

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

2 - COUNTY ADMINISTRATOR'S REPORT

BOARD OF SUPERVISORS UPDATE

3 - PUBLIC COMMENTS #1 (5 minutes each)

4 - PUBLIC HEARING

U ZMP 13:02 – Cowboys, LLC – Steven Tugwell, Senior Planner

5 - ACTION MATTERS

V Appointment/Fluvanna Partnership for Aging, Palmyra District Position – Mary Weaver, Clerk to the Board

W Appointment/Fluvanna Partnership for Aging, Rivanna District Position – Mary Weaver, Clerk to the Board

XYZ Six Month Evaluation of Code Compliance Officer Position – Jason Stewart, Planning & Zoning Administrator

A Resolution for Revised PPEA Guidelines – Robert Popowicz, Director of Community Planning and Development

B Fluvanna County Health Care Plan for FY15 – Gail Parrish, Human Resources Manager

C FY14 Pleasant Grove Project Shortfall – Eric Dahl, Budget Management Analyst

D Advertisement of the Proposed Fiscal year 2015 Operations Budget, Capital Improvement Plan and Tax Rates – Eric Dahl, Budget Management Analyst

6 - PRESENTATIONS (normally not to exceed 10 minutes each)

School Board FY15 Budget Request Presentation-Fluvanna County School Board

7 - CONSENT AGENDA

E Work Session Minutes of February 26, 2014 – Mary Weaver, Clerk to the Board

F Minutes of March 5, 2014 – Mary Weaver, Clerk to the Board

G Capital Reserve Maintenance Fund Request/Replace three heat pumps at the Social Services Building – Wayne Stephens, Public Works Director

H Resolution for Dr. Babbitt's Service to the Planning Commission - Jason Stewart, Planning & Zoning Administrator

8 - UNFINISHED BUSINESS

TBD

9 - NEW BUSINESS

TBD

10 - PUBLIC COMMENTS #2 (5 minutes each)

11 - CLOSED MEETING

TBD

12 – ADJOURN



Steven M. Nichols
2014.03.13 11:55:10
-04'00'

County Administrator Review

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.

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.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Board.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Board.
 - All questions should be directed to the Chairman. Members of the Board are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Board will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: March 19, 2014

AGENDA TITLE:	ZMP 13:02 – Cowboys, LLC				
MOTION(s):	I move that the Board of Supervisors approve/deny/defer ZMP 13:02, [if approved], with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B, subject to the submitted proffer.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	x				
STAFF CONTACT(S):	Steve Tugwell, Senior Planner				
PRESENTER(S):	Steve Tugwell, Senior Planner				
RECOMMENDATION:	At its meeting on December 16, 2013, the Planning Commission recommended approval (4-0); Ms. Eager moved to approve, Gaines seconded; Ayes: Bibb, Eager, Gaines, and Zimmer.				
TIMING:	Immediate decision requested at current meeting.				
DISCUSSION:	Request to amend the Fluvanna County Zoning Map with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B, to conditionally rezone the same from A-1, Agricultural, General, to B-1, Business, General.				
FISCAL IMPACT:	-				
POLICY IMPACT:	<p>The Board of Supervisors may:</p> <ul style="list-style-type: none"> • Approve this request, allowing the Fluvanna County Zoning Map to be amended; OR • Deny this request, preventing the Fluvanna County Zoning Map to be amended; OR • Defer this request and make a final decision at a later date. 				
LEGISLATIVE HISTORY:	<p>Review of a proposed Zoning Map Amendment in accordance with Chapter 22, Article 17 of the Fluvanna County Code (Zoning Ordinance: Conditional rezoning).</p> <p>Application was received on October 30, 2013</p> <p>Planning Commission reviewed the request on December 16, 2013</p>				
ENCLOSURES:	Staff Report (with accompanying attachments)				
REVIEWS	Legal	Finance	Purchasing	HR	Other
					x



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

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: ZMP 13:02
Tax Map: Tax Map 30, Section A, Parcel 84B

From: Steve Tugwell
District: Fork Union
Date: March 19, 2014

General Information: This request is to be heard by the Board of Supervisors on Wednesday, March 19, 2014 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Owner/Applicant: Cowboys, LLC

Representative: Barbara Wright Goshorn, Esquire

Requested Action: To amend the Fluvanna County Zoning Map with respect to approximately 2.631 acres of Tax Map 30, Section A, Parcel 84B, to conditionally rezone the same from A-1, Agricultural, General, to B-1, Business, General, subject to the submitted proffers. (Attachment A)

Location: The affected property is located on the southeast side of Route 15 (James Madison Highway), approximately 0.18 miles northeast of Route 53 (Thomas Jefferson Parkway). (Attachment B)

Existing Zoning: A-1, Agricultural, General (Attachment C)

Proposed Zoning: B-1, Business, General (conditional)

Existing Land Use: Vacant land

Planning Area: Palmyra Community Planning Area

Adjacent Land Use: All adjacent properties are zoned A-1, Agricultural, General.

Zoning History: None

Submitted Proffer: The applicant has submitted a proffer letter to staff indicating that they wish to exclude “*car washes, cemeteries, hospitals, hotels, commercial marinas, and large-scale retail stores*” out of the list of permitted uses in B-1 zoning.

Neighborhood Meeting:

With the exception of the applicant, there were no other attendees present at the November 13, 2013 Neighborhood meeting.

Technical Review Committee:

At the November 14, 2013 Technical Review Committee meeting, Charles Miller from the Health Dept. stated he does not have any questions, comments, or input regarding this application;

The Fire Department asked if there is a way to know if any hazardous materials will be stored inside the storage units;

The E&S inspector stated that a topographical map to scale would be required if and when a site plan is submitted;

Chuck Wright with the Division of Forestry stated he has no comments;

Planning staff commented that all buildings, structures and uses in the B-1 district shall be subject to the provisions of Article 23 (site development plans), and that the minimum yard requirements for permitted uses adjoining or adjacent to a residential or agricultural district shall be 50 feet. All parking lots and accessory uses shall be located not less than 25 feet from any residential or agricultural district; Per Sec. 22-9-10, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private;

VDOT stated there is excellent sight distance (see full VDOT comments attached).

(Attachment D)

Statement of Intent: The Statement of Intent indicates the purpose of the zoning district and describes the characteristics of uses generally found within the district.

The Statement of Intent for the B-1, Business, General Zoning District is as follows:

“Generally this district covers those areas of the county as defined by the Comprehensive Plan that are intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles”.

Analysis:

The applicant is requesting to conditionally rezone 2.631 acres (Tax Map 30, Section A, Parcel 84B) from A-1, Agricultural, General to B-1, Business, General, (conditional). The subject property is located within the Palmyra Community Planning Area, and is currently unimproved. On their application for rezoning, the applicant has stated “*self-storage facility*” as the intended use of property, though it would be possible for the property to be used for something other than a self-storage facility. The applicant has submitted a sketch site plan that shows the location for the proposed building, as well as proposed landscaping. There are varying changes in elevation between the adjoining property to the east, and a conservation easement to the south, and southwest.

A rezoning change from A-1, Agricultural, General, to B-1, business, General, If this rezoning application is successful, a site development plan providing screening in accordance with Sec. 22-11-3 (b) shall be required, as well as the applicable building setbacks. The submitted sketch plan indicates a 12 x 300 foot self-storage facility building, along with proposed landscaping and lighting. There is an existing tree line around the perimeter of the proposed building, and may serve as a portion of the required landscaping. Sec. 22-11-6 of the zoning ordinance states that, “*when permitted uses adjoin agricultural, residential, or business districts the minimum yard requirements shall be fifty (50) feet. All parking lots shall be located not less than twenty-five (25) feet from any residential or agricultural district*”. According the sketch survey of this property, some of the required setbacks may not currently comply, however adjustments could be made on the final site plan to satisfy this requirement. (Attachment E)

Comprehensive Plan:

Land Use:

This property is located in the Palmyra Community Planning Area. According to the 2009 Comprehensive Plan, “*a mixture of medium and small commercial businesses combines with office, civic, and residential uses to form village-like neo-traditional development or series of interconnected developments.*” Additionally, “*zoning applications for residential, commercial, or industrial development should be well-planned and integrated with the future vision of that area*”. *Critical items include buffers and screening between incompatible uses, connectivity and walkability, adequate infrastructure, sustainable and attractive design, and other factors that will mitigate any adverse impacts, and result in a fiscally responsible and value-added development for the community.*” The subject property contains a fair amount of existing vegetation which may be retained to satisfy a portion of the buffering and screening requirements, and sidewalks are required to provide safe and convenient pedestrian access consistent with a village-like environment.

Community Design Chapter:

The Community Design Chapter of the 2009 Comprehensive Plan states that “the design and style of buildings, both commercial and residential, significantly impacts the streetscape of a community. The quality of materials also affects the sustainability of the community. Low-maintenance, sturdy, but attractive products should be used as a standard in lieu of more

traditional materials such as vinyl or metal siding, low-grade asphalt shingles, or flat tarpaper roofing.” A brick or stone façade visible to Route 15 (James Madison Highway) may be an appropriate appearance for any proposed building at this site, and would be in keeping with materials used on existing buildings within the Village of Palmyra.

Planning Commission:

The Planning Commission considered this request at their December 16, 2013 meeting. There were no speakers for the public hearing. The Commission discussed the application, and Ms. Eager stated that she thought the application was consistent with the comprehensive plan, and of the benefits of adding a new business in the community. Without further discussion, Ms. Eager moved to recommend approval, and Mr. Gaines seconded. The motion carried with a vote of 4-0. AYES: Bibb, Eager, Gaines, and Zimmer.

Conclusion:

This rezoning request appears to meet the intent of the Comprehensive Plan in that, *“a mixture of medium and small commercial businesses combines with office, civic, and residential uses to form village-like neo-traditional development or series of interconnected developments”*. Additionally, the applicant has provided a proffer statement excluding car washes, cemeteries, hospitals, hotels, commercial marinas, and large-scale retail stores, uses that may be perceived as too intense for the Palmyra Village Community.

When reviewing this rezoning request, the Board of Supervisors may want to consider how this request accomplishes (or does not accomplish) the goals and intent of the Comprehensive Plan.

Suggested Motion:

I move that the Board of Supervisors approve/deny ZMP 13:02, a request to amend the Fluvanna County Zoning Map with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B, to conditionally rezone the same from A-1, Agricultural, General, to B-1, Business, General, subject to the submitted proffer.

Attachments:

- A – Application and APO letter
- B – Aerial Vicinity Map
- C – Zoning Map
- D – Neighborhood meeting sign-in sheet, TRC comment letter and emails
- E – Sketch plan and proffer letter
- F – Proposed Ordinance
- G – Palmyra Community Plan (December 16th, 2005)
- H – Letter from the Fluvanna County Historical Society
- I – Letters from Andrew V. Sorrell

Copy: Cowboys, LLC c/o Barbara Wright Goshorn, Esquire, 203 Main Street, Palmyra, VA 22963
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning



Owner of Record: COWBOYS, LLC **Applicant of Record: COWBOYS, LLC**
 E911 Address: c/o Barbara Wright Goshorn, Esquire E911 Address: same
 203 Main Street, Palmyra, VA 22963 +
 Phone: 589-2694 Fax: 589-6262 Phone: same Fax: _____
 Email: office22963@earthlink.net Email: same

Representative: Barbara Wright Goshorn, Esquire
 E911 Address: see above
 Phone: _____ Fax: _____
 Email: _____

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: _____

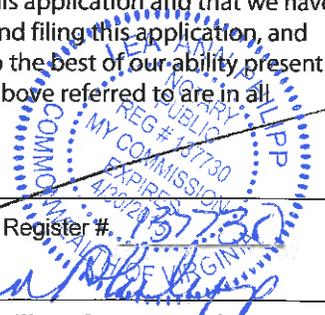
Tax Map and Parcel(s): 30-A-84B **Deed Book Reference: 800-82**
Acreage: 2.631 ✓ **Zoning: A-1** ✓ Deed Restrictions? No Yes (Attach copy)

Location of Parcel: intersection of Rt 15 and Stoneleigh Road, Village of Palmyra
 Requested Zoning: B-1 (Conditional) Proposed use of Property: self-storage facility

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: 10/30/13 Signature of Owner/Applicant: _____
 Subscribed and sworn to before me this 30th day of October 2013 Register #: 137730
 My commission expires: 4/30/2015 Notary Public: _____



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>10-30-13</u> Pre-Application Meeting: <u>\$1,131.55</u>	PH Sign Deposit Received: <u>40.00</u> Application #: <u>ZMP 13 : 002</u>
\$1,000 plus \$50 for per acre plus mailing costs fee paid: Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Proffer or Master Plan Amendment: \$750.00 plus mailing costs	
Election District: <u>Fork Union</u>	Planning Area: <u>Palmyra CPA</u>
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: <u>Dec. 5th @ 12th</u>	Advertisement Dates: <u>Jan 2nd @ 9th</u>
APO Notification: <u>Dec. 4th</u>	APO Notification: <u>Jan 1st</u>
Date of Hearing: <u>December 11, 2013</u>	Date of Hearing: <u>Jan 15, 2014</u>
Decision: _____	Decision: _____

Memorandum

DATE: March 6, 2014
RE: APO'S for **ZMP 13:02** Public Hearing Letters
TO: Jason Stewart
FROM: Kelly Belanger Harris

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **March 19, 2014** Board of Supervisors meeting.



COUNTY OF FLUVANNA

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NOTICE OF PUBLIC HEARING

March 6, 2014

«Title» «Owner»

«Address» «City_State» «Zip_Code»

Tmp #: «TMP»

Re: Public Hearing on ZMP 13:02

Dear «Title» «Owner»,

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Wednesday, March 19, 2014** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

ZMP 13:02 – Cowboys, LLC – *An ordinance to amend the Fluvanna County Zoning Map with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the southeast side of Route 15 (James Madison Highway), approximately 0.18 miles northeast of Route 53 (Thomas Jefferson Parkway). The property is located in the Fork Union Election District and is within the Palmyra Community Planning Area.*

The applicant or applicant’s representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Steve Tugwell
Senior Planner

ZMP 13-02 Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
30 A 85	Pence, John Stephen Garber	174 Stoneleigh Rd	PALMYRA, VA	22963
30 A 84	Zehler, John C Jr & Kathryne K	240 Stoneleigh Rd	PALMYRA, VA	22963
30 A 85A	Fluvanna County Historical Society	P.O. Box 8	PALMYRA, VA	22963
30A A 33	Clifford, Alice H	407 Stoneleigh Rd	PALMYRA, VA	22963
Applicant/Representative	Cowboys, LLC	240 Stoneleigh Rd	PALMYRA, VA	22963

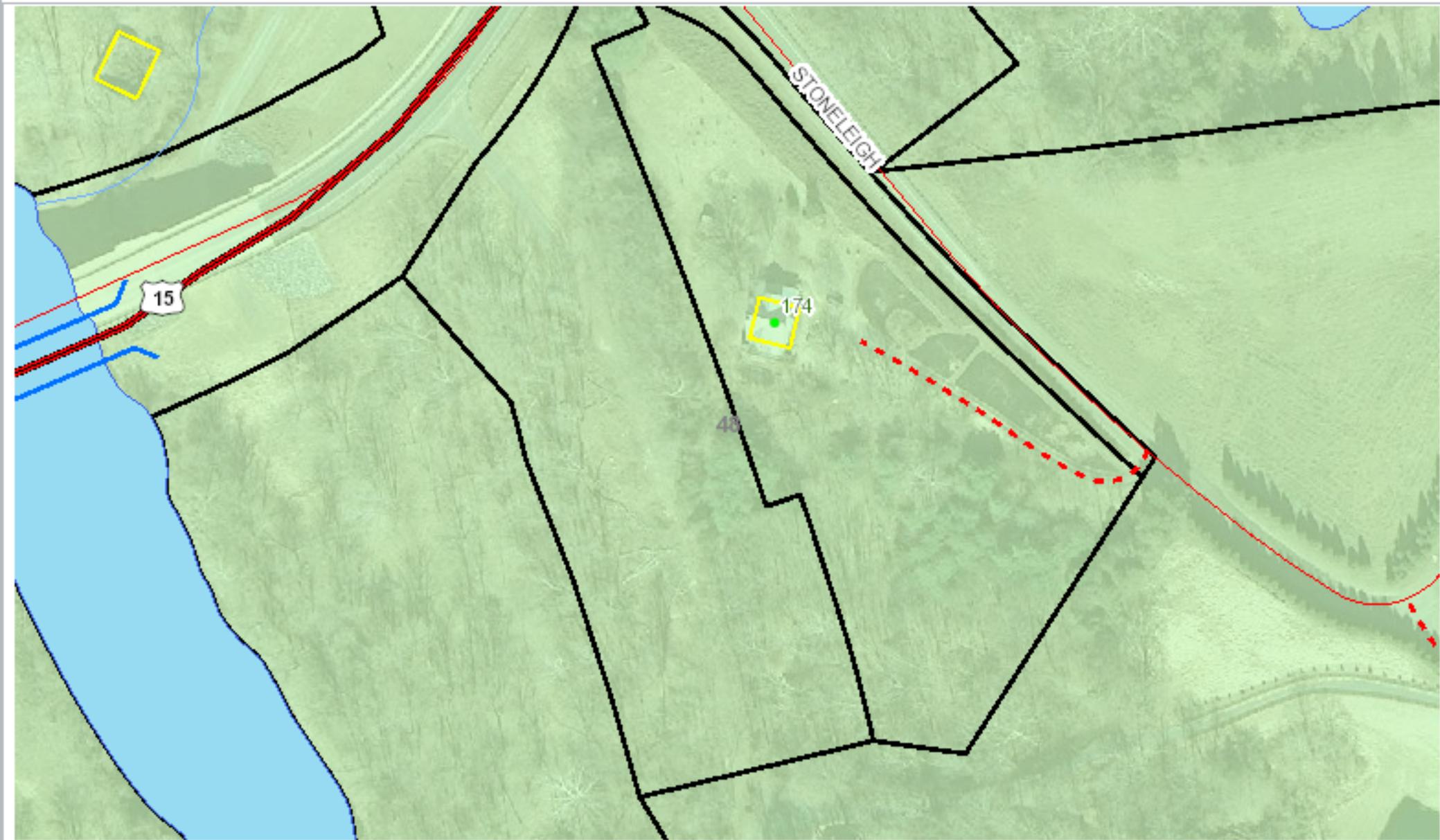


Scale: 1:2256.994353

Date: 12/12/2013

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).



Scale: 1:2256.994353

Date: 12/12/2013

Printed By:

November 13, 2013 Neighborhood Meeting

SIGN IN SHEET FOR:

- I. **ZMP 13:02 – Cowboys, LLC** - An ordinance to amend the Fluvanna County Zoning Map with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the southeast side of Route 15 (James Madison Highway), approximately 0.18 miles northeast of Route 53 (Thomas Jefferson Parkway). The property is located in the Fork Union Election District and is within the Palmyra Community Planning Area.

Please Print Your Name & Address:

1. Tim Stanley (Stanley Land Surveys)
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____



COUNTY OF FLUVANNA

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December 4, 2013

Cowboys, LLC
c/o Barbara Wright Goshorn, Esquire
203 Main Street
Palmyra, VA 22963

**Re: ZMP 13:02 – Rezoning from A-1 to B-1 (conditional)
Tax Map 30-A-84B**

November 14, 2013 TRC Comments

Dear Ms. Goshorn:

The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. Charles Miller from the Health Dept. stated he does not have any questions, comments, or input regarding this application;
2. The Fire Department asked if there is a way to know if any hazardous materials will be stored inside the storage units;
3. The E&S inspector stated that a topographical map to scale would be required if and when a site plan is submitted;
4. Planning staff commented that all buildings, structures and uses in the B-1 district shall be subject to the provisions of Article 23 (site development plans), and that the minimum yard requirements for permitted uses adjoining or adjacent to a residential or agricultural district shall be 50 feet. All parking lots and accessory uses shall be located not less than 25 feet from any residential or agricultural district; Per Sec. 22-9-10, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private;
5. Chuck Wright with the Division of Forestry stated he has no comments;
6. VDOT stated there is excellent sight distance (see full VDOT comments attached).

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

A handwritten signature in black ink that reads "Steve Tugwell". The signature is written in a cursive style with a large, looping initial "S".

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

cc: File

Steven Tugwell

From: Wood, Mark (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Thursday, November 14, 2013 4:34 PM
To: Steven Tugwell
Cc: Goodale, James E. (VDOT); Wolfrey, Sharon A. (VDOT)
Subject: ZMP 13:02 – Cowboys, LLC Rezoning from A-1 to B-1 (conditional)

Importance: High

Steve,

As a follow up to my comments at the Fluvanna County TRC Meeting this afternoon, VDOT has made a site visit and reviewed the referenced proposal. VDOT offers the following comments:

- Rte. 53 (James Madison Highway) has a posted speed limit of 35 mph in the Palmyra area which requires a minimum of 390 ft. of Intersection Sight Distance for a standard commercial entrance. The existing entrance location exceeds minimum Intersection Sight Distance requirements.
- Rte. 53 has a functional classification as a Rural Major Collector. Based on the functional classification and the posted speed limit, VDOT's Access Management Regulations requires a minimum of 470 ft. of spacing (measured centerline to centerline) between Rte. 1007 (Stoneleigh Road) and the existing entrance to support a full access entrance. A partial access entrance (Right In/Right Out) requires 250 ft. of spacing. An entrance spacing exception will have to be obtained from VDOT in order to permit a commercial entrance.
- VDOT's 2021 traffic data shows this segment of Rte. 53 (between Rtes. 761 & 660) as having an estimated Annual Average Daily Traffic Volume of 6400 vehicles.
- When a formal site plan is submitted for review and approval, an entrance analysis will have to be performed and submitted to VDOT using the appropriate ITE Trip Generation (Daily, Peak A.M. and Peak P.M.) based on the actual size and specific type of land use shown on the site plan.
- If a turn lane(s) has to be added to the existing entrance in order to support the trip generation from the proposed development, the existing guardrails will have to be modified to fit the new entrance geometry.
- The commercial entrance will have to be paved back to the end of the entrance radii.
- A VDOT Land Use Permit will be required.

J. Mark Wood, P.E., L.S.
Area Land Use Engineer
Virginia Department of Transportation
Land Development – South
P.O. Box 1017
11430 James Madison Highway
Troy, VA 22974
Phone: (434) 589-7932
Cell: (540) 223-5240
Fax: (434) 589-3967
Email: Mark.Wood@VDOT.Virginia.gov

Steven Tugwell

From: Wright, Chuck (DOF) <chuck.wright@dof.virginia.gov>
Sent: Wednesday, November 13, 2013 11:28 AM
To: Steven Tugwell
Subject: RE: November 14, 2013 TRC agenda

Steve

I have no comments and I will not be attending. Thanks.

Chuck Wright
Forester
Jefferson Work Area
430 West Main Street
P.O. Box 218
Louisa, VA 23093
Office: 540-967-3702
Cell: 804-912-0248
Email: chuck.wright@dof.virginia.gov
Web: www.dof.virginia.gov

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Tuesday, November 05, 2013 12:03 PM
To: Allyson Finchum; Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Miller, Charles (VDH); Wright, Chuck (DOF); Donald Gaines; Shaunese, Donna; Ed Zimmer; fuac@embarqmail.com; Rice, Gary (VDH); Heather Poole; Jay Lindsey; Joe Chesser; Wood, Mark (VDOT); Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; Sam Babbitt; solson@forcvec.com; Wayne Stephens
Cc: Robert Popowicz; Steve Nichols
Subject: November 14, 2013 TRC agenda

Dear TRC members:

Attached is our agenda for the November 14, 2013 Technical Review Committee meeting. Mr. Gaines is scheduled to represent the Planning Commission at this month's meeting, but any and all Commissioners are always welcomed to attend!

Please let me know if you have any questions or comments, and I look forward to seeing everyone on the 14th.

Thanks!
Steve

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development
Fluvanna County, VA

Steven Tugwell

From: Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>
Sent: Thursday, November 07, 2013 2:34 PM
To: Steven Tugwell
Subject: RE: November 14, 2013 TRC agenda

Steve,

We don't have any questions, comments or input regarding this one.

Charles

From: Steven Tugwell [mailto:stugwell@planning.virginia.gov]]
Sent: Tuesday, November 05, 2013 12:03 PM
To: Allyson Finchum; Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Miller, Charles (VDH); Wright, Chuck (DOF); Donald Gaines; Shaunesey, Donna; Ed Zimmer; [mailto:edzimmer@planning.virginia.gov]; Rice, Gary (VDH); Heather Poole; Jay Lindsey; Joe Chesser; Wood, Mark (VDOT); Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; Sam Babbitt; [mailto:sabbitt@planning.virginia.gov]; Wayne Stephens
Cc: Robert Popowicz; Steve Nichols
Subject: November 14, 2013 TRC agenda

Dear TRC members:

Attached is our agenda for the November 14, 2013 Technical Review Committee meeting. Mr. Gaines is scheduled to represent the Planning Commission at this month's meeting, but any and all Commissioners are always welcomed to attend!

Please let me know if you have any questions or comments, and I look forward to seeing everyone on the 14th.

Thanks!
Steve

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development
Fluvanna County, VA
434-591-1910

 please conserve. do not print this e-mail unless necessary.

Steven Tugwell

From: Andy Sorrell <avsorrell80@gmail.com>
Sent: Monday, December 16, 2013 1:50 PM
To: Steven Tugwell
Subject: PC Agenda for this evening

Hey Steve -

What will the PC be discussing regarding walker's ridge on tonight? I see it is on unfinished business. Are you guys thinking they will be making another recommendation to the Board?

Concerning the cowboys rezoning tonight, since they didn't proffer out indoor shooting ranges, I assume this could be a by-right use if they are rezoned to B-1?

For SUP uses since they didn't proffer out "Telecommunication facilities" from the SUP uses looks like they could do those too with an approved SUP.

Also have they proposed what these storage units will be made of? Looks a lot like they may just be using old metal shipping containers (by the size proposed). Are they proposing any limitations on outdoor storage -- only going to store things inside or also allowed to do stuff outside?

-- Andy

Andrew V. "Andy" Sorrell
637 Courthouse Rd. | Palmyra, VA 22963
434.589.8634 (h) |

Steven Tugwell

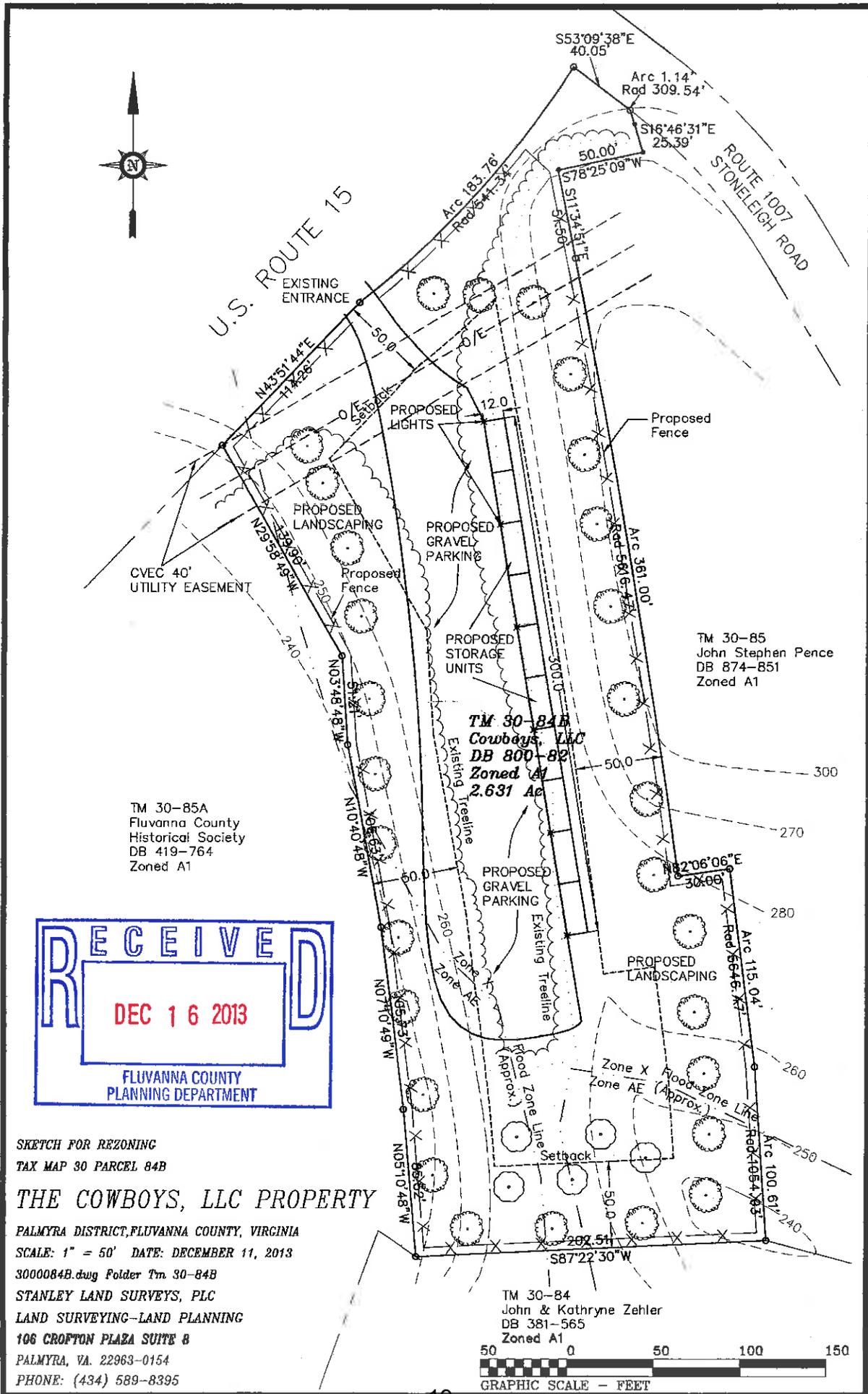
From: Marvin Moss <mmoss8@centurylink.net>
Sent: Friday, January 03, 2014 9:36 AM
To: Steven Tugwell
Subject: TWO QUESTIONS

Actually more than two.

What is the status of John Zehler's application for storage sheds along the Rivanna? Are you taking into consideration the Palmyra Plan developed by its citizens in 2005?

Do you anticipate that the PC will vote on Walkers Ridge on Jan 8?

Thanks.



RECEIVED
DEC 16 2013
FLUVANNA COUNTY
PLANNING DEPARTMENT

SKETCH FOR REZONING
TAX MAP 30 PARCEL 84B

THE COWBOYS, LLC PROPERTY

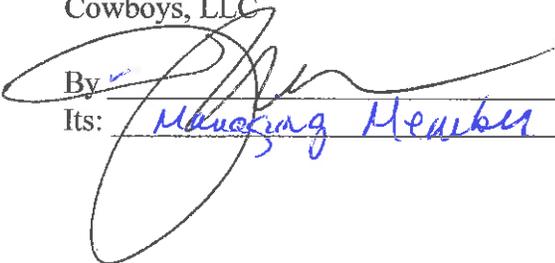
PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA
 SCALE: 1" = 50' DATE: DECEMBER 11, 2013
 3000084B.dwg Folder Tm 30-84B
 STANLEY LAND SURVEYS, PLC
 LAND SURVEYING-LAND PLANNING
 106 CROFTON PLAZA SUITE 8
 PALMYRA, VA. 22963-0154
 PHONE: (434) 589-8395

REZONING APPLICATION TO REZONE FROM A-1 TO B-1
TAX MAP PARCEL 30-A-84B
2.631 ACRES, VILLAGE OF PALMYRA

The applicant proffers out the following uses presently permitted by right under Fluvanna Code § 22-9-2.1:

- car washes
- cemeteries
- hospitals
- hotels
- commercial marinas
- large-scale retail stores

Cowboys, LLC

By 

Its: Managing Member

An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 2.631 acres of Tax Map 30, Section A, Parcel 84B to conditionally rezone the same from A-1, Agricultural, General to B-1, Business, General.

(ZMP 13:02)

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 2.631 acres of Tax Map 30, Section A, Parcel 84B, be and is hereby, rezoned from A-1, Agricultural, General to B-1, Business, General, subject to the submitted proffer as set out in the rezoning application received by the county on October 30, 2013, which is attached hereto.

This applicant proffers out the following uses presently permitted by right under the Fluvanna Code § 22-9-2.1:

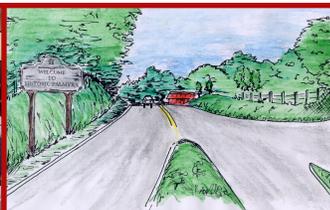
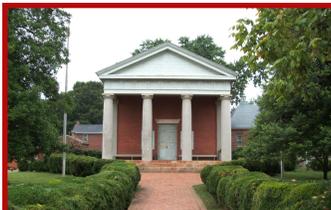
- Car washes
- Cemeteries
- Hospitals
- Hotels
- Commercial marinas
- Large-scale retail stores



Palmyra Community Plan

December 16, 2005
Final Report

Prepared by:



tjpdc.org

Disclaimer: The contents of this report reflect the views of the Thomas Jefferson Planning District Commission, which is responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the Federal Highway Administration, Federal Transit Administration, the Virginia Department of Transportation, or the Virginia Department of Rail and Public Transportation. This report does not constitute a standard, specification, or regulation.

Acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvement, nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

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The Thomas Jefferson Planning District Commission wishes to thank the citizens and staff of Fluvanna County for their valuable contributions to the development of this plan.

Please direct comments on this report to:
 Steven Biel
 Director of Planning & Community Development
 Fluvanna County
 P.O. Box 540
 Palmyra, Virginia 22963
 Phone: (434) 591-1910
 Fax: (434) 591-1911
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Executive Summary

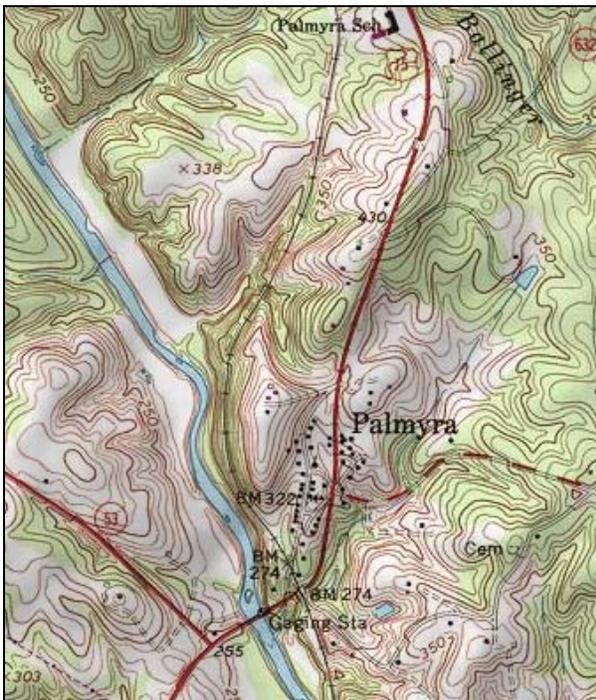
Nestled in the heart of Fluvanna County, the village of Palmyra serves as the centrally located county seat and a testament to the County's rich history and heritage. The area's history and physical form has been shaped by the Rivanna River, which flows west of the existing Village, and by the intersection of Routes 15 and 53. Using the water's resources for commerce and travel, the Village emerged in the early 19th Century as a trading center for farmers and merchants. Trade in Palmyra also benefited from a now defunct rail line that paralleled the river to the east.

Today, Palmyra functions as the governmental center for the County and works to maintain a small village ambience as it balances the potential for growth. The Palmyra Community Plan represents a practical plan to achieve the community-based vision for historic Palmyra Village and the surrounding area. During a series of public workshops, the community expressed their desire for a sustainable village-scaled community served by a safe and efficient multi-modal transportation system.

This Plan rests on this foundation provided by substantial input from Fluvanna County residents, business owners and staff as well as the Virginia Department of Transportation and builds upon the concepts and ideas presented in the 2000 Fluvanna County Comprehensive Plan.

The recommendations of the Palmyra Community Plan serve three major goals:

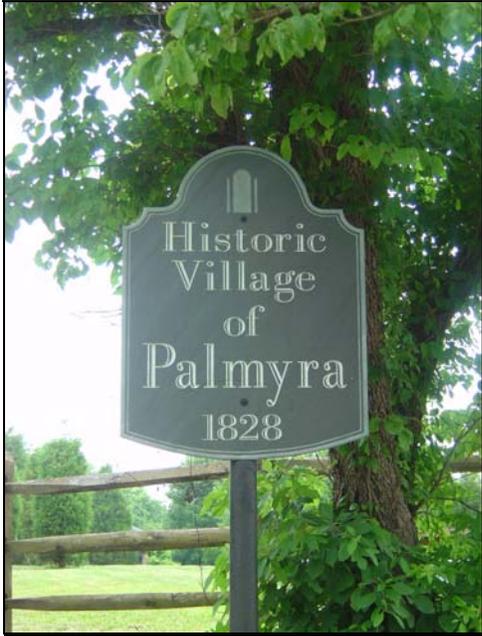
1. **Enhance and maintain the village-scale atmosphere of Palmyra**
2. **Improve the safety, efficiency and diversity of the transportation system**
3. **Protect the social and environmental resources of the area**



The study area for the Palmyra Community Plan extends from the northern intersection of Rt. 15 and Main St. (Rt. 1001) to south of the intersection of Routes 15 and 53. The study area includes the historic village, Rt. 15 commercial area and portions of Pleasant Grove.

Summary of Recommendations

This Plan acknowledges the abundant natural and social resources that together form a vibrant village atmosphere. These assets include the historic courthouse and Old Stone Jail as well as the main street residences and businesses, the county administrative offices and courthouse and the businesses that front Rt. 15 and Rt. 53. Growth in the Palmyra area should occur at a village scale, with economic and residential development complementing the existing conditions and fostering street life. Existing and new development must be served by a safe, efficient, multi-modal transportation system that respects pedestrians, bicyclists, and motorists. Finally, new development and improvements to the transportation system should not compromise the underlying natural and social fabric unique to Palmyra and Fluvanna County.



The recommendations of the Palmyra Community Plan will fulfill the following goals:

- 1. Enhance and maintain the village-scale atmosphere of Palmyra**
- 2. Improve the safety, efficiency and diversity of the transportation system**
- 3. Protect the social and environmental resources of the area**

The major recommendations of the Plan include:

Enhance Village Character

- Encourage active use of Confederate Park by improving access to the Park
- Improve the streetscape by burying utility lines, completing the sidewalk network through the existing village, installing street lamps and constructing a centrally located town clock
- Install a gateway median and welcome signs on Rt. 15

Guide Village-Scaled Development

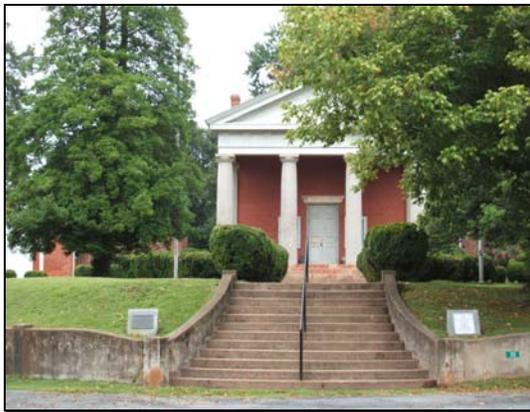
- Develop guidelines to foster village-scaled developments that include a mix of building types, commercial uses, local jobs, increased retail options such as shopping, cafes, and restaurants and affordable housing
- Seek out commercial uses that complement historic features and integrate new development with existing assets
- Explore expansion of the historical district to include the area south of Stoneleigh Road and east of Rt. 15
- Provide sewer and water service to existing and new village areas to make desired compact form possible

Improve the Safety and Efficiency of the Transportation System

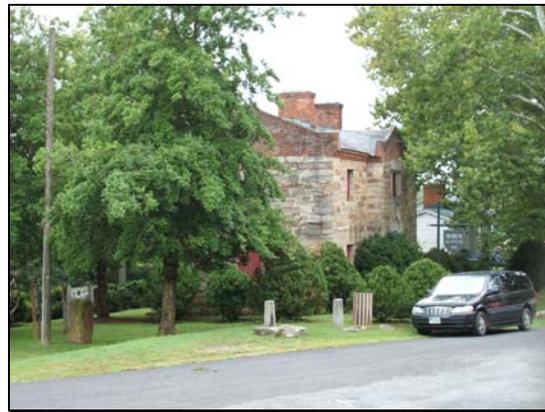
- Coordinate short- and long-term transportation recommendations with the forthcoming Northwest Fluvanna/Southwest Louisa Corridor Study
- Increase transportation choices by improving bus service, increasing participation in RideShare and developing visible and accessible park and ride locations
- Implement a coordinated plan to improve safety on Rt. 15 that includes roundabouts or other safety and capacity improvements, a median island and curb and gutter enhancements for access management
- Create short- and long-term solutions to improve connectivity to Pleasant Grove
- Enhance the pedestrian network by improving access and coordinating pedestrian improvements with streetscape enhancements and traffic calming measures
- Ensure that pedestrian and bicycle facilities on Rt. 15 mirror those on the new Rt. 15 bridge
- Explore the long-term option of constructing a pedestrian/bicycle bridge over the Rivanna River as part of a larger network of trails in the surrounding area

Protect the Social and Environmental Resources

- Consider alternative uses for the Palmyra School, including reinstating the facility as a community school or site for after-school programs
- Encourage development that fosters social interaction and takes advantage of the natural beauty of the area
- Actively preserve open space and the rural character of the area by clustering new development in a village-scale, partnering with local and regional agencies and analyzing the size of the Palmyra Community Planning Area
- Support the County’s efforts to develop a stormwater management ordinance and a dark sky ordinance



Historic Courthouse



Old Stone Jail

Planning Process

The Palmyra Community Plan is a cooperative effort between the Thomas Jefferson Planning District Commission and Fluvanna County with support from the Virginia Department of Transportation. The Plan is the third installment in a series of small community plans for Fluvanna County, following the Fork Union and Lake Monticello Plans. The Zion Crossroads plan now underway, along with the results of the Lake Monticello, Fork Union and Palmyra Community Plans, will tie directly into the VDOT-funded Northwest Fluvanna/Southwest Louisa Corridor Study. Each of the four plans also serve as a prelude to the forthcoming update to the Fluvanna County Comprehensive Plan.

The project team began work on the Palmyra Community Plan by collecting and analyzing existing and planned conditions. This analysis included a general inventory of existing buildings, land uses and natural resources, a review of traffic conditions such as volumes, patterns and accidents, and an assessment of the demographic and economic conditions for the Palmyra area. The analysis of planned conditions included a review of the County's current comprehensive plan.

Public Involvement

A kickoff meeting on May 19, 2005 launched the official public process for the Plan. At this meeting, residents, business owners and local officials identified several areas of interest. The first workshop was followed by an exploration of these issues by the project team.

The June 29, 2005 public workshop involved the public through several distinct methods. After a project overview presentation, each person was given five Post-it notes on which to write down five phrases that describe their long-term vision for the community. The participants self-sorted the Post-it notes into topics, in turn demonstrating the common themes held by the group. These themes were reported to the full group.



After receiving an overview of the project, participants scribed their vision on Post-it notes and sorted the notes into categories.



A group visioning session followed the Post-it exercise. During the group visioning portion of the workshop, the group discussed issues affecting the Village. After staff wrote the issues on large paper, each person was given dots with which to vote for their top three priority issues. The resulting issues guided the final exercise of the evening.

The public workshop culminated with a mapping exercise, in which five groups gathered around large aerial photographs of the Village. Using markers and highlighters, each table outlined site-specific strengths, problems and possible solutions. The mapping exercise concluded with the groups summarizing their comments on the map and presenting their findings and recommendations to the larger group. For a detailed description of the comments generated throughout the June 29th workshop, see Appendix B.



Public participation was a key component of developing recommendations. At an August 2005 Technical Team Walking Audit, these recommendations were reviewed.

The information provided through this process was summarized to provide a backdrop for two walking audits conducted in July and August 2005. The walking audits allowed the project team to review the comments and suggestions of the public in a detailed, site-specific context. Representatives from VDOT accompanied the project team on the second audit to conduct a preliminary technical review of the proposed transportation enhancements.

Workshop Results

The Palmyra Community Plan uses input from residents and business owners to identify priority issues for the community. Through a variety of visioning exercises, participants at the June 29th public workshop identified a series of priority issues. These issues included securing the vitality of the Village atmosphere with **village enhancement** and **village-scaled development**, creating a **transportation system** that provides real choice in modes of transportation, and **protecting the environment**. In general, the existing Village refers to the residential, commercial, government and historic area between Rt. 15 and Main Street. (Rt. 1001). Village-scaled development speaks to the expected growth in the surrounding Palmyra Planning Area as defined by the Fluvanna Comprehensive Plan.



Palmyra residents discuss the priority issues.



A workshop participant presents his group's map to the other groups.

Existing Village Enhancement

Several comments from workshop participants centered on the need to enhance the existing features of Palmyra, particularly the commercial and Courthouse areas between Rt. 15 and Main Street. Specific concerns included:

- Maintain the character of the existing village with improvements such as bricking walls and sidewalks
- Add street lamps and a town clock, remove the moat, and improve accessibility to Confederate Park
- Revitalize current buildings for commercial use

Village-Scale Development

In addition to enhancing the existing Village, a host of opinions focused on building upon the layout, street pattern and housing types as the Village expands into other parts of the Planning Area. Specific suggestions included:

- Design new development in the Planning Area after the village-scale growth that includes mixed building types and commercial uses that include local jobs, increased shopping options (stores, cafes and restaurants) and affordable housing
- Consider village-scale development east of Rt. 15 at Church St., on the west side of Main St. between Palmyra Lane and the new courthouse, and south of Rt. 53 and west of Rt. 15
- Keep the post office in the village and consider converting Palmyra School—which is currently the School Board office—back to a community school
- Limit growth/buildings at Pleasant Grove and include Stoneleigh Road in the historical district



Participants noted the potential to develop along Rt. 15 at a village-scale and to utilize the Palmyra School for community use.

Transportation

Many workshop participants expressed a strong desire to improve the safety of the Village's roads, especially Route 15. In addition, many comments articulated the need for improvements to pedestrian and bicycle facilities. Comments related to transportation included:

- Construct roundabouts at key intersections, including the Rt. 15/Rt. 601 (Courthouse Rd.) and Rt. 15/Rt. 53 intersections
- Slow trucks and through traffic with roundabouts and median islands
- Create pedestrian and bicycle facilities, including constructing trails to Lake Monticello and expanding the Heritage Trail



Residents support improvements to the pedestrian network and expansion of the Heritage Rail Trail.

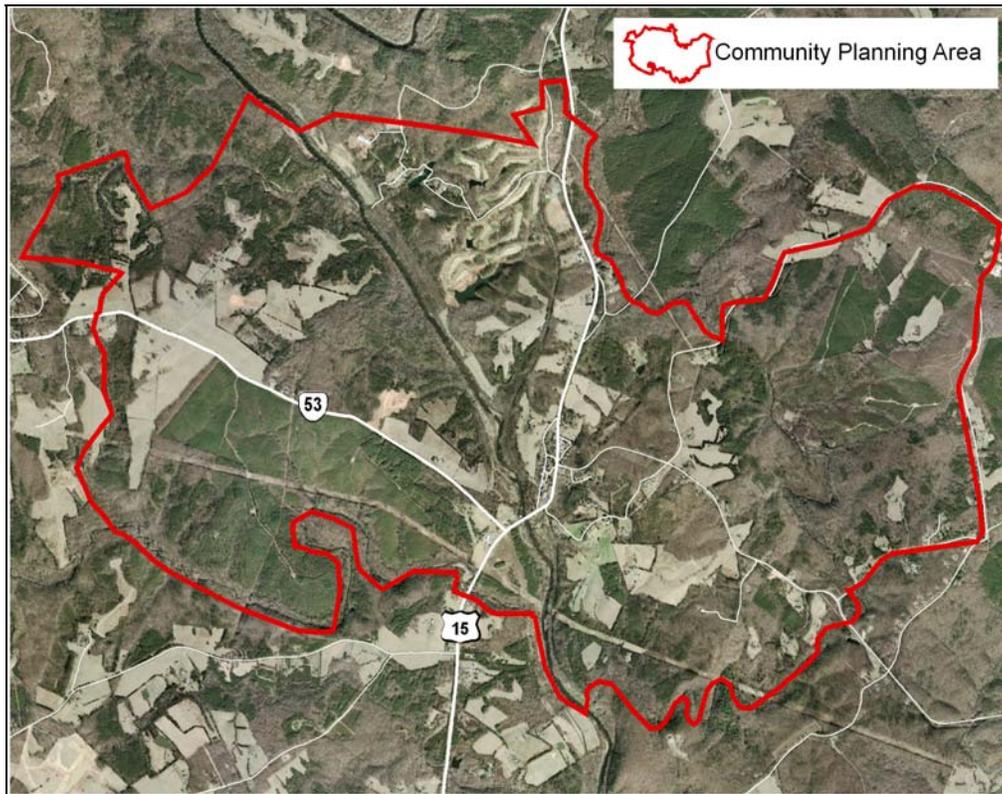
- Improve pedestrian and bicycle connections to Pleasant Grove
- Implement transportation choices such as improved local bus service
- Complete sidewalk network throughout the village with improved crossing of Rt. 15 at Rt. 601 (Courthouse Rd.)

Environment

A variety of comments highlighted the community's interest in protecting the natural resources and rural character of the area that extends beyond the footprint of the Village. Particular comments included:

- Cluster developments to preserve open space
- Deliberate the placement of the sewage plant, with specific recommendations to site the plant down river from the new Rt. 15 bridge (east of the new Rt. 15/Rt. 53 intersection) or at Pleasant Grove and not south of the Rt. 663 (Georges Mill Road)/Rt. 678 intersection
- Protect the water quantity and quality of the Rivanna River
- Preserve the majority of Pleasant Grove as a park, open space, or wooded area

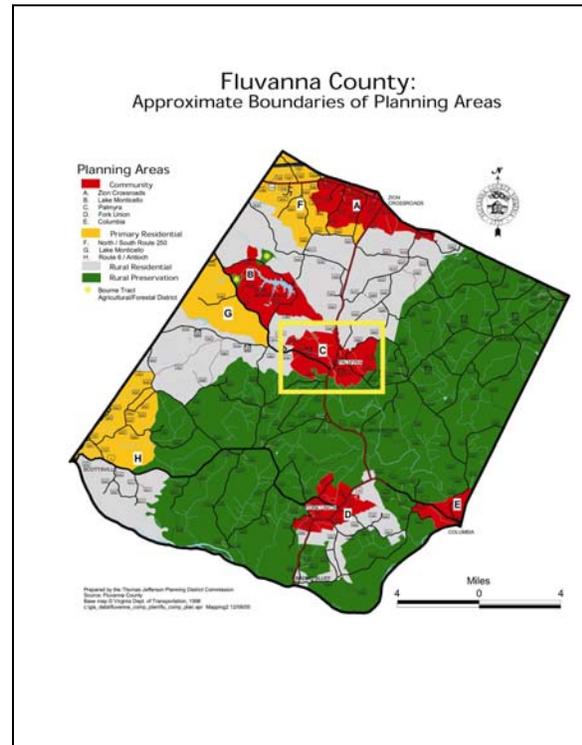
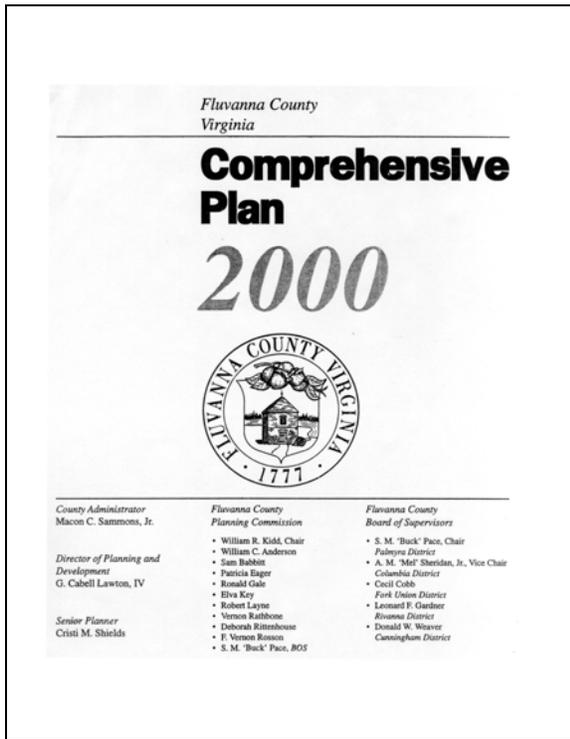
Other issues discussed by some groups and individuals included reducing the size of the Palmyra Planning Area and changing the boundary of the Historic District.



The Fluvanna Comprehensive Plan envisions a mix of residential, commercial and community facilities in the Palmyra Community Planning Area. Participants discussed whether reducing the size of the Planning Area, as designated in the County's Comprehensive Plan, is needed to preserve the rural character of the area.

Recommendations and Strategies

The recommendations and strategies couple the comments and suggestions of citizens, business owners, and government officials with further analysis conducted by the project team. In addition, the Palmyra Community Plan builds on the Fluvanna County Comprehensive Plan’s vision for the five Community Planning Areas. According to the Comprehensive Plan, these areas can offer a mix of residential and economic development opportunities. Noting that some areas are less developed than others, the Plan states that each area has the potential to expand upon the existing resources that uniquely qualify the locality for community uses. Likewise, the Planning Areas should capture the majority of new businesses, schools, libraries, and recreation facilities as well as a variety of housing types and densities.



The Palmyra Community Plan builds on the vision of Fluvanna County’s Comprehensive Plan, particularly the vision for the Palmyra Community Planning Area (highlighted in yellow).

Direct relationships between the recommendations and strategies of this Palmyra Community Plan and the County’s Comprehensive Plan include:

- New development should be integrated with existing assets to promote a cohesive, well-planned community and new housing should complement existing historic resources.
- New housing developments should complement the area’s historic nature and provide pedestrian access to a variety of destinations.
- Economic development and tourism should be promoted, including commercial uses that complement the historic aspects of Palmyra and its government center.

- Expansion of the commercial core should provide pedestrian access and enhance existing businesses.
- Improved pedestrian connections should extend from the Village to Pleasant Grove, Palmyra Elementary School and Camp Friendship.
- Acquisition of all additional CSX Railroad right-of-way for pedestrian and bicycle usage should be explored.
- Shuttle buses or trolleys should be encouraged between Pleasant Grove, Palmyra, Camp Friendship, and Page Place to increase transportation choice.
- Historic preservation should address the multitude of historic assets in the area including the historic Courthouse, Old Stone Jail, Palmyra Lock, Mill Site, and several historic homes such as Pleasant Grove, Mountain View, Meadowood, Solitude, and Glen Burnie. As a tool, the Plan mentions an historic district overlay.
- Rivanna River should continue to offer aesthetic, recreational, and historical benefits to the community.

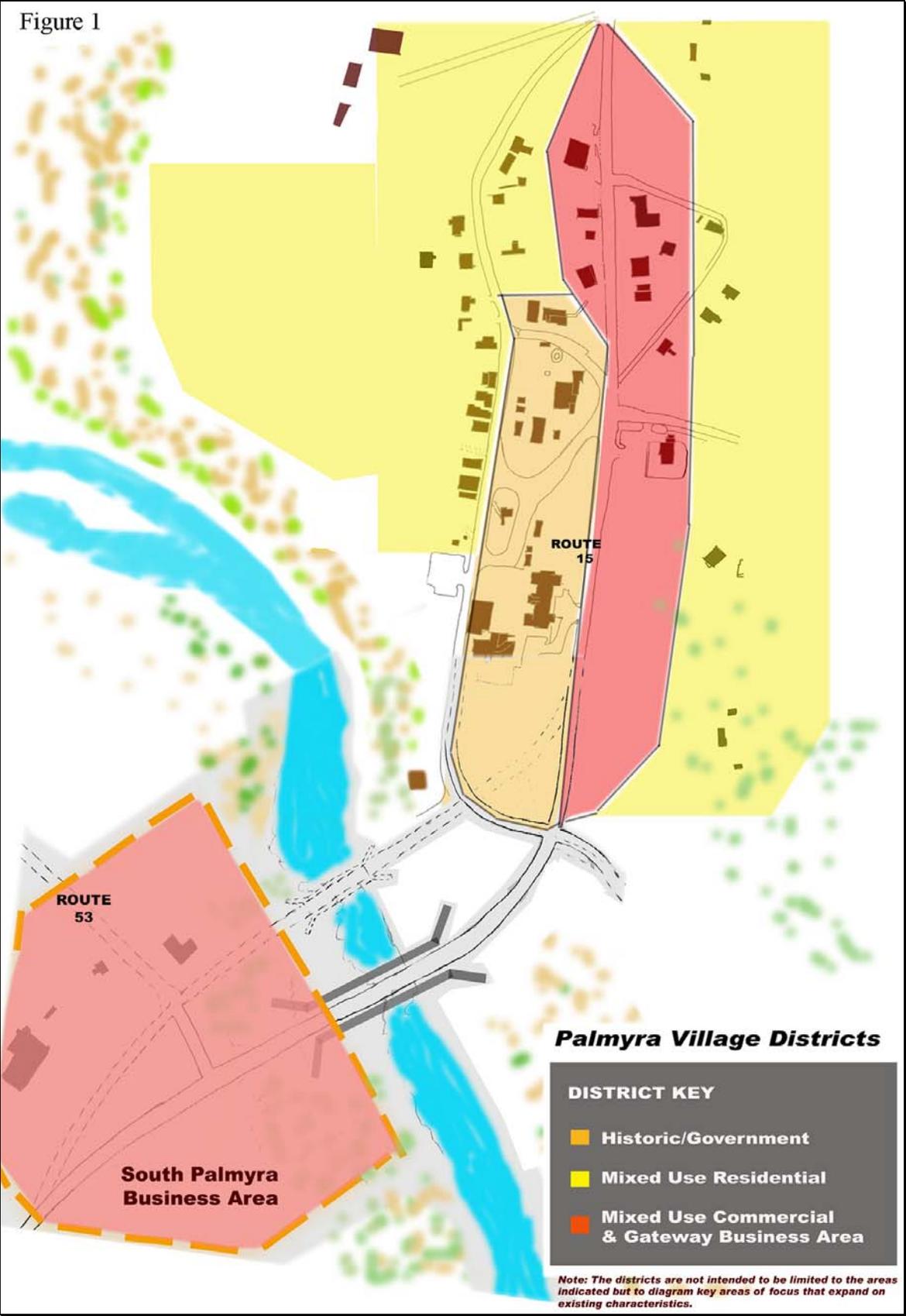
The recommendations and strategies detail the relationship between the people's vision, the Comprehensive Plan, and the underlying analysis. The suggestions are grouped into four categories to organize the key issues from the June 29, 2005 workshop. These categories include:

1. **Enhance Village Character**
2. **Guide Village-Scaled Development**
3. **Improve the Safety and Efficiency of the Transportation System**
4. **Protect the Social and Environmental Resources**

The existing Palmyra Village is divided into districts that group areas with need-based similarities [Figure 1]. The districts are not intended to be limited to the areas indicated but to diagram key areas of focus that expand on existing characteristics. These districts include:

- **Historic/Government District** includes the historic courthouse, Old Stone Jail, County administration buildings and the new courthouse, Confederate Park, Palmyra United Methodist Church and the historical society.
- **Mixed Use Residential** contains the Main Street residences and businesses as well as land on the peripheral that may be favorable for expansion of the village-scaled residential network.
- **Mixed Use Commercial and Gateway Business** encompasses the Rt. 15 Corridor, including commercial buildings such as Village Station and BB&T Bank as well as the Post Office. Another portion of this district focuses on the new intersection of Routes 15 and 53.

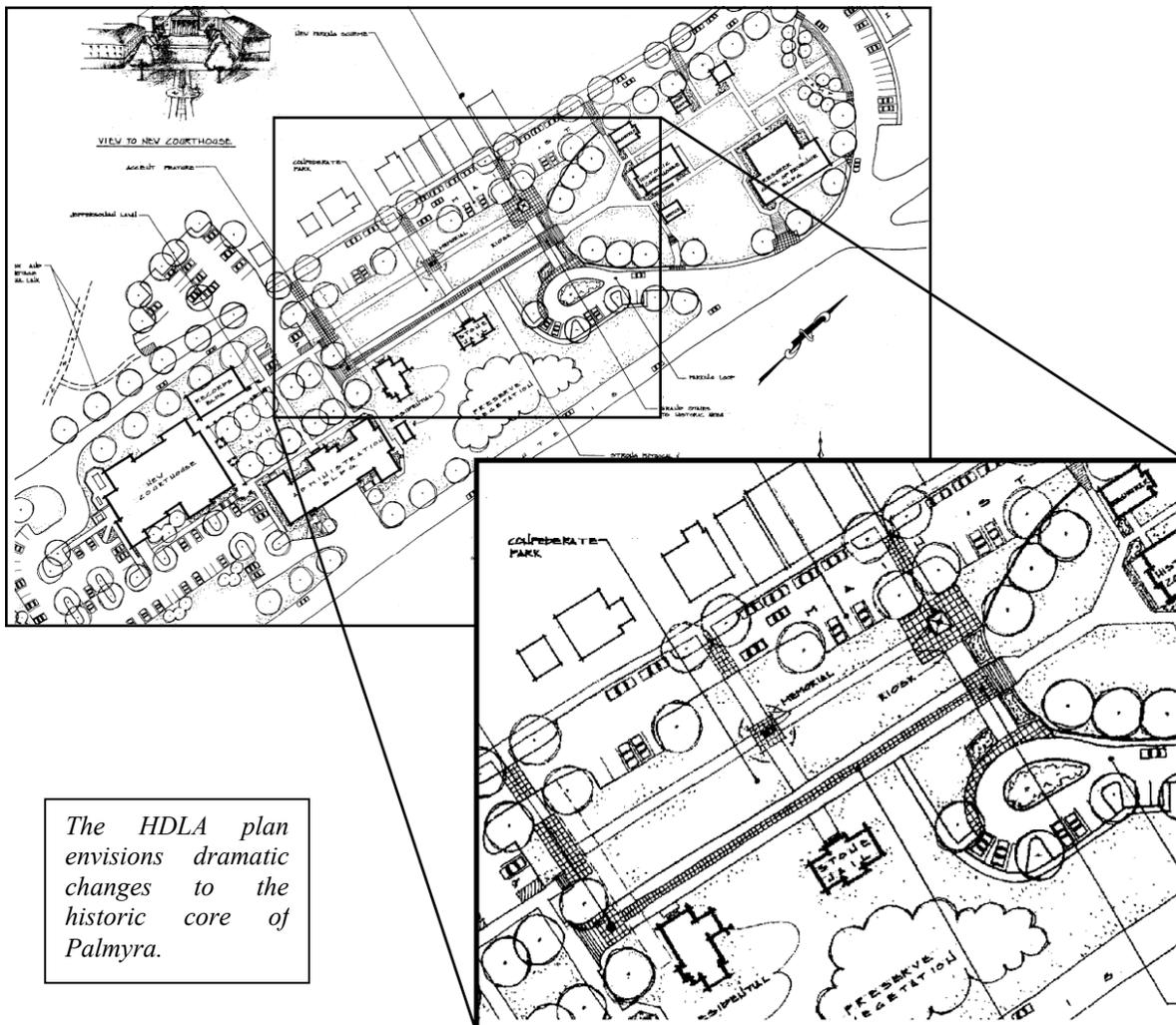
Figure 1



Enhance Village Character

The Palmyra Community Plan acknowledges the abundant resources that combine to create a vibrant village atmosphere. For Palmyra, these assets include the historic buildings in the Village Core—the courthouse and the Old Stone Jail—as well as Confederate Park, the head of the Heritage Trail, Main Street residences and businesses, the new courthouse and administration buildings, and many more.

A variety of options have been explored regarding improvements to the central village at Confederate Park. A detailed plan completed in June 2002 by Harvey Delaney Landscape Architects (HDLA) proposes a new pedestrian district between the Historic Courthouse and the new courthouse. Some participants expressed concern about the extreme changes suggested by this plan. The HDLA plan should be reviewed and updated with more detailed community input. This review can be accomplished as part of the NW Fluvanna/Louisa Corridor study being conducted with TJPDC and VDOT.



Construct a town clock at a central location in the Village.



A town clock can serve as a focal point for Palmyra while being faithful to the stone architecture of the village.



Improving the pedestrian network with buffered sidewalks, street trees, and streetlamps can enhance the appearance and safety of the village as shown in this photo visualization.

Install streetlamps throughout village.

Complete sidewalk network through existing Village (See **Enhance the Pedestrian and Bicycle Network**).

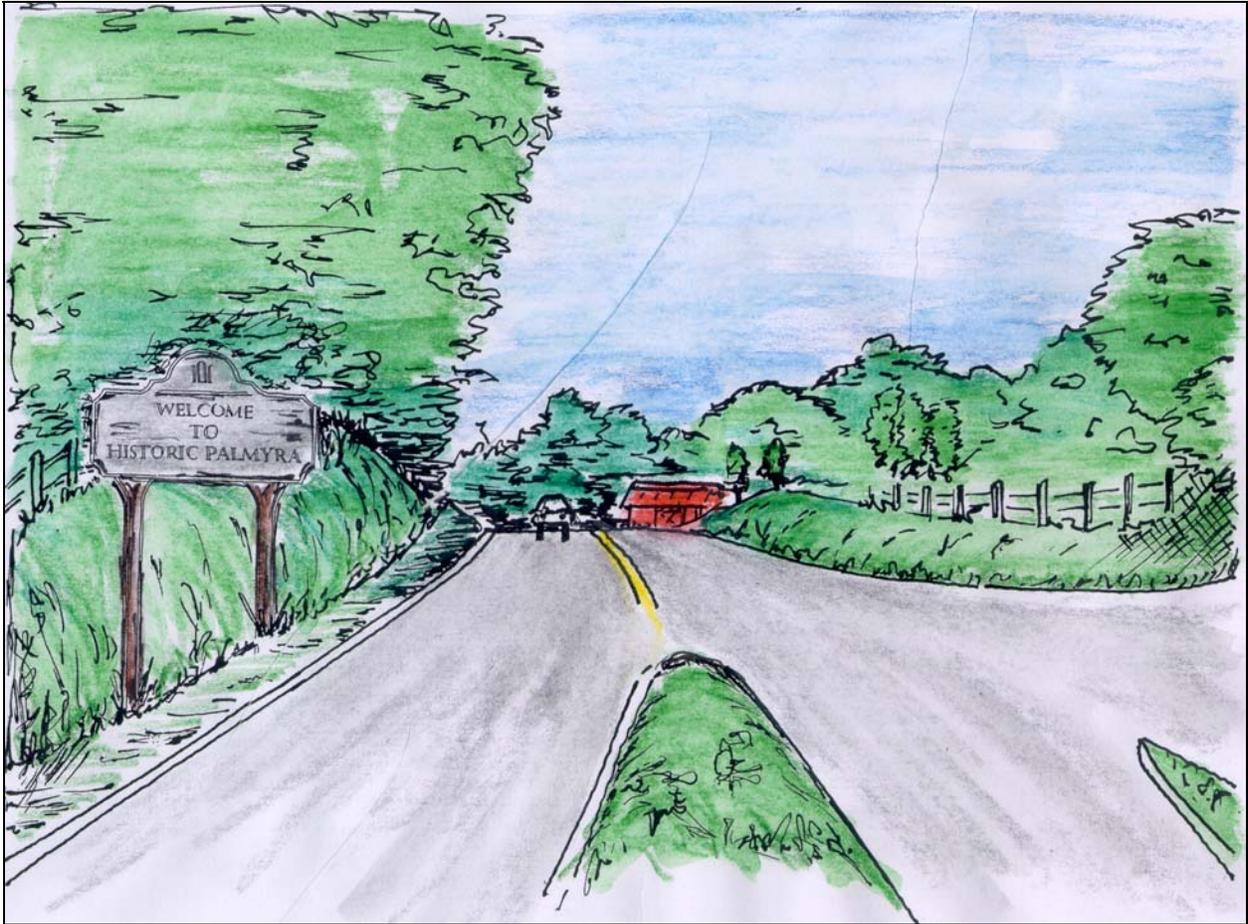
Face concrete walls with brick and/or ivy.

Bury utility lines to enhance aesthetics and foster a village-scaled atmosphere. In addition, burying utilities increases reliability of service during adverse weather, eliminates hazards for pedestrians and motorists and signals an investment in the economic vitality of the Village.



In addition to improving the visual appeal of the area surrounding Village Station, burying utility lines reduces maintenance, improves safety and fosters economic development.

Place gateway and welcome signs in a newly constructed median on Route 15. Two locations are proposed: north of the intersection of Main St. and south of the intersection of Rt. 53. The gateway medians serve the dual purpose of calming traffic and marking the entrance to the village. Specific locations will be determined with property owners and VDOT officials.

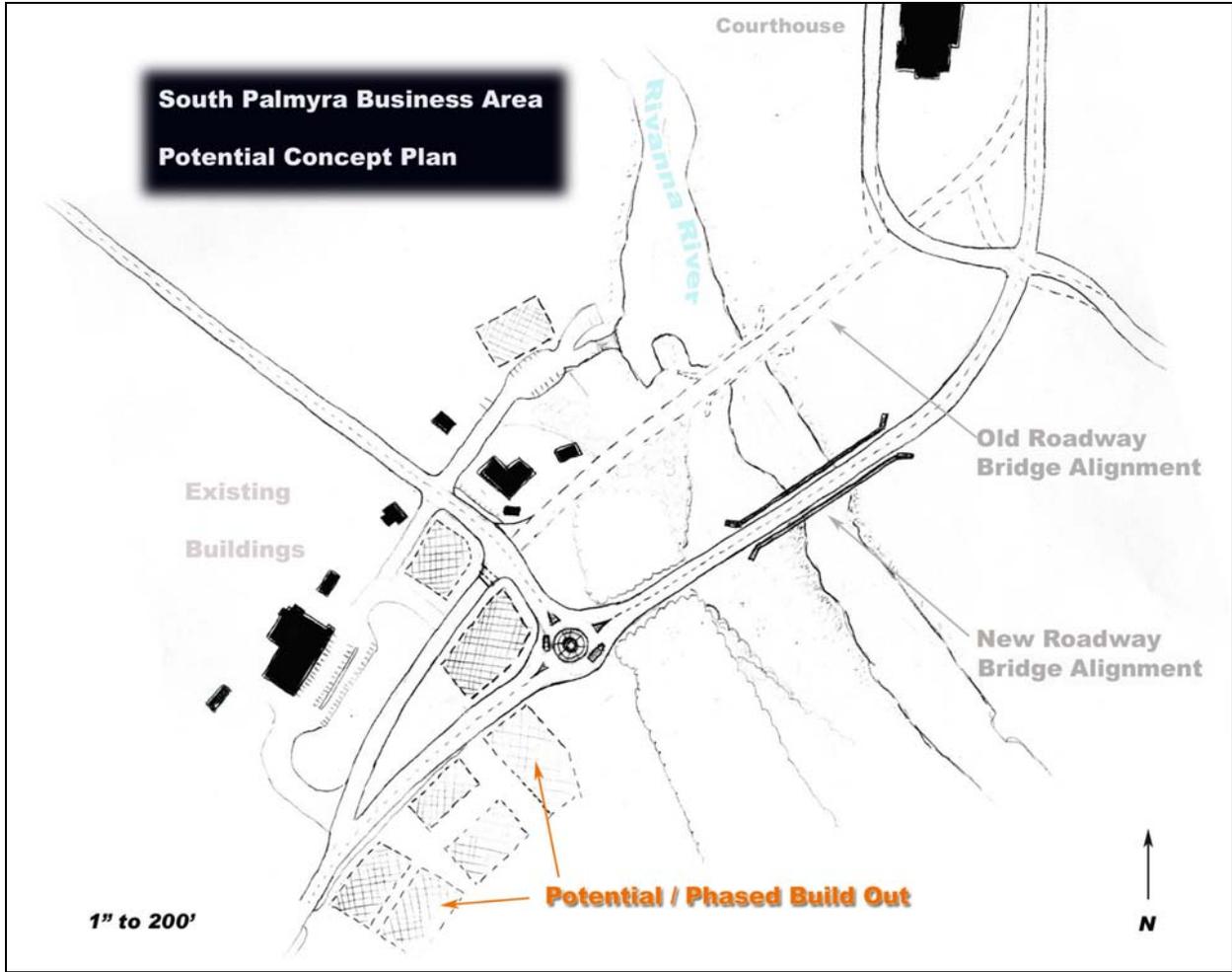


A gateway median and welcome sign greets motorist traveling south on Route 15 at Main Street.

Encourage active use of Confederate Park by removing the moat to improve accessibility to park and removing portions of the wall around the Park to improve access.



Improving access to and use of Confederate Park can be achieved by removing a portion of the wall and adding benches.



Developments surrounding the new intersection of Routes 15 and 53 capitalize on existing assets. These assets include the Rivanna River, an improved intersection and commercial establishments such as the E.W. Thomas store.

Explore alternatives to keep post office in the Village.

Establish Village Development Guidelines to foster village-scaled developments. The guidelines should create a framework for development that includes a mix of building types, commercial uses, local jobs, increased shopping options such as stores, cafes, and restaurants and more options in housing that function in a pedestrian-friendly environment. The images on the following page present a conceptual photo visualization of such development guidelines

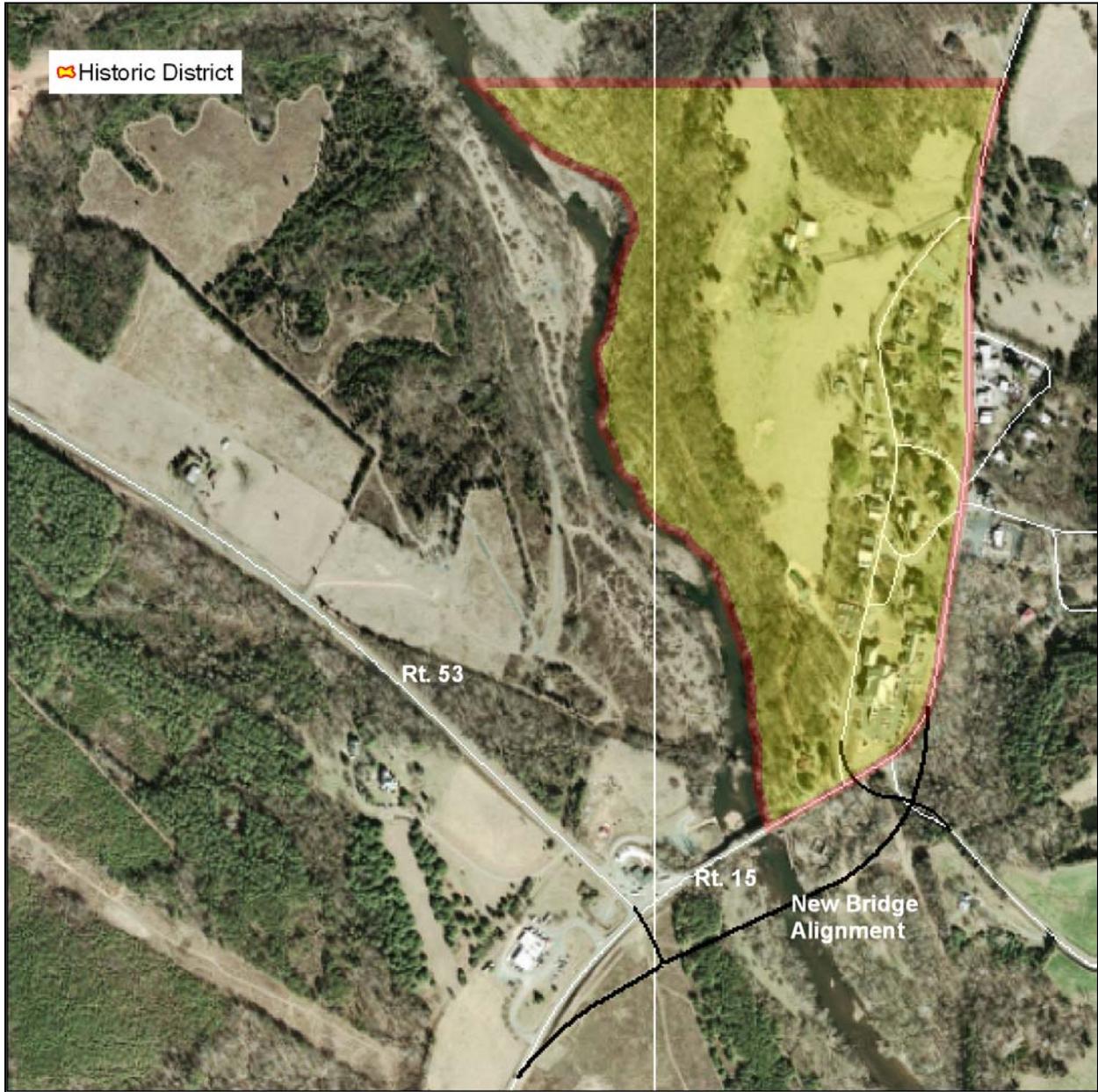


Existing Conditions



Visualization

Explore the expansion of the historical district, including protecting the area south of Stoneleigh Rd. and east of Rt. 15. Currently, the boundary for the Courthouse Registry extends from 0.3 miles north of the intersection of Rt. 15 and Rt. 601 (Courthouse Rd.) to the intersection of Rt. 15 and the Rivanna River. The district is bounded to the east by Rt. 15 and to the west by the Rivanna River. The current boundary is shown below.



Protect the historic Mill and locks during construction of the Rt. 15 bridge.

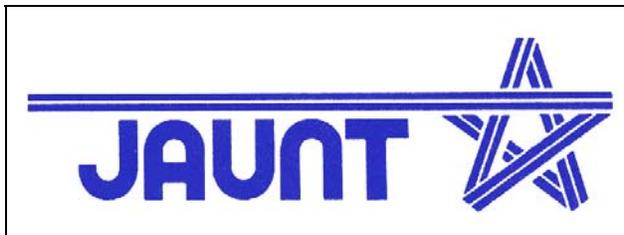
Improve the Safety and Efficiency of the Transportation System

Palmyra is ideally located at the intersection of two significant regional highways, Rt. 15 and Rt. 53, and on the banks of the Rivanna River. The two highways provide regional accessibility to the existing Village and will serve as a cornerstone for the village-type development that is envisioned. Immediate efforts to protect and enhance these corridors must be coordinated with long-range transportation and land use solutions. The Transportation Master Plan [Figure 2] shows some of the recommendations and suggestions necessary to secure the safety and efficiency of Palmyra's transportation system.

The Palmyra Transportation Master Plan presents a few of the major recommendations for the areas transportation network. The Master Plan is a conceptual representation of some the ideas that follow.

Coordinate short- and long-term transportation recommendations with the forthcoming Northwest Fluvanna/Southwest Louisa Corridor Study.

Increase alternative transportation options by improving bus service (JAUNT) including creating transit target stops in the Village. Also, actively encourage greater participation in RideShare and construct visible and accessible park and ride locations. A park and ride lot should be constructed in the near term on VDOT-controlled land near the intersection of Rt. 15 and Stoneleigh Rd as the new bridge is constructed. Any decisions on future locations should be the result of a coordinated effort with RideShare, JAUNT, local officials and citizens.

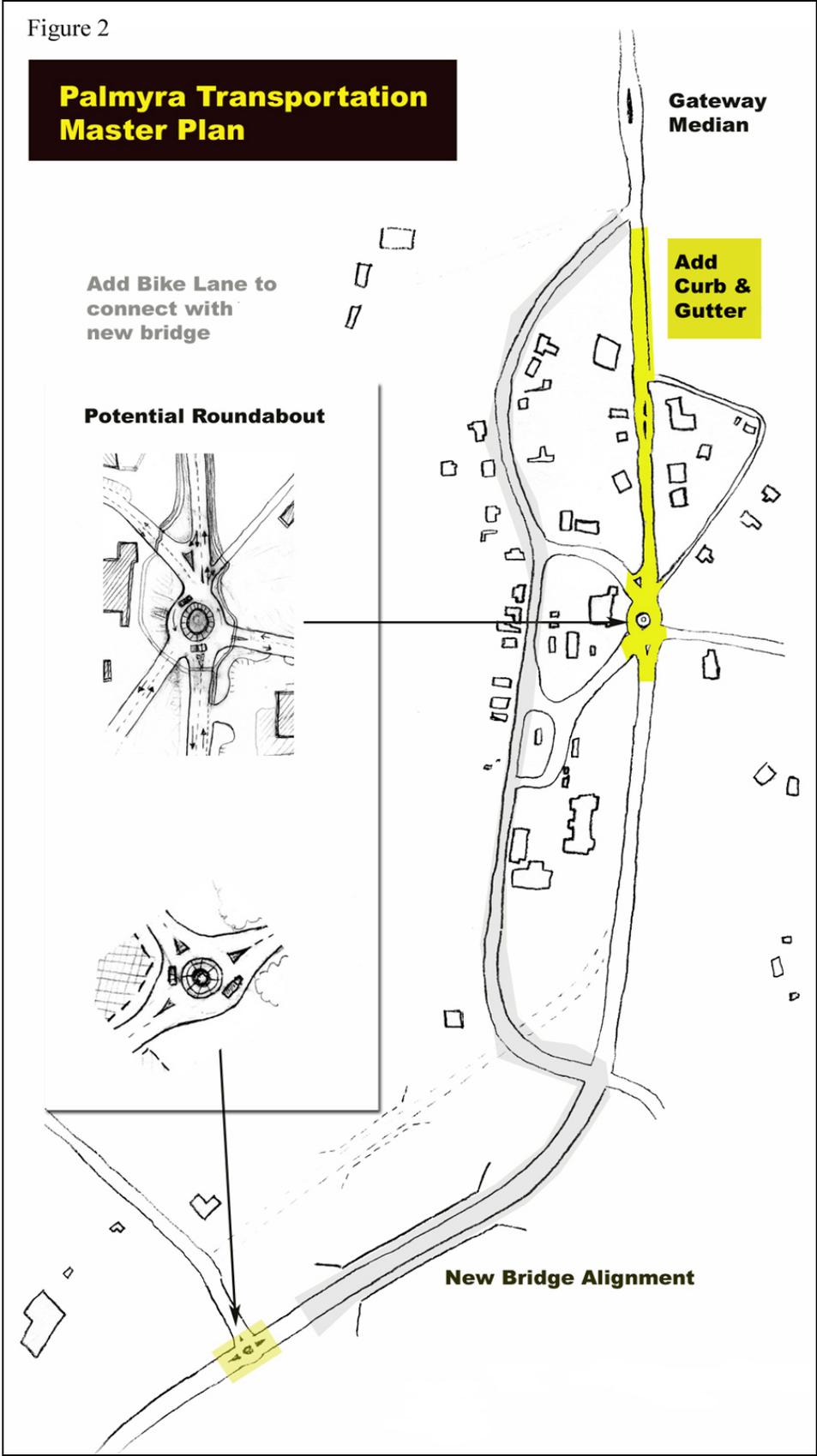


Increasing transportation choices requires coordination with regional transportation providers and programs

Develop a coordinated plan to improve traffic safety on Rt. 15 while maintaining capacity in accordance with VDOT requirements and in anticipation of changing vehicular activity with the construction of the Palmyra Bridge. As part of the plan, explore the following improvements.

Enhance the Pedestrian and Bicycle Network. In order for the village-scaled environment to be enhanced and applied to future development and for the transportation system to operate at optimal efficiency, emphasis must be placed on the continued creation of a pedestrian and bicycle network within the Village and throughout the area. Specifically, the network should improve access and implementation should be part of a larger streetscape improvement program. Pedestrian improvements should be coordinated with traffic calming measures on Rt. 15 to improve pedestrian access to areas east of the highway.

Figure 2



Construct a roundabout or other safety and capacity improvements at the intersection of Rt. 15 & Courthouse Rd. (Rt. 601) and the new intersection of Routes 15 and 53.

Roundabouts

Modern roundabouts are an alternative to traffic signals at arterial intersections. Unlike conventional signalized intersections, which tend to speed traffic up at the most critical locations, roundabouts slow traffic down as they approach and pass through the intersection. Due to the lower speeds, they reduce crashes 50-90% and handle 30% more traffic at intersections previously controlled with traffic signals or stop signs. They improve the efficiency of all forms of traffic, increase safety, create terminating vistas, and add to green space. Designed correctly, roundabouts provide a safe atmosphere for pedestrians and bicyclists. Splitter islands and

marked crosswalks form a network for pedestrian travel that is separate from motorized traffic, while bicyclists benefit from the slower speed and constant movement. As well, roundabouts create a sense of place and can act as an entry to a particular neighborhood or district.

For Palmyra, the public identified the potential for roundabouts to serve as a traffic solution at several key intersections. A preliminary technical review identified the intersection of Rt. 15 and Courthouse Rd. (Rt. 601) and the new intersection of Routes 15 and 53. Figure 3 shows a conceptual rendering of the Rt. 15/Courthouse Rd. intersection with possible pedestrian flow. Figure 4 illustrates the new Rt. 15/Rt. 53 intersection with a roundabout and potential expansion of the commercial base. By slowing vehicles and alerting motorists of a change in surroundings, they could provide an attractive and functional gateway into the village area. The transportation master plan also identifies possible roundabouts at the new intersection of Routes 15 and 53.

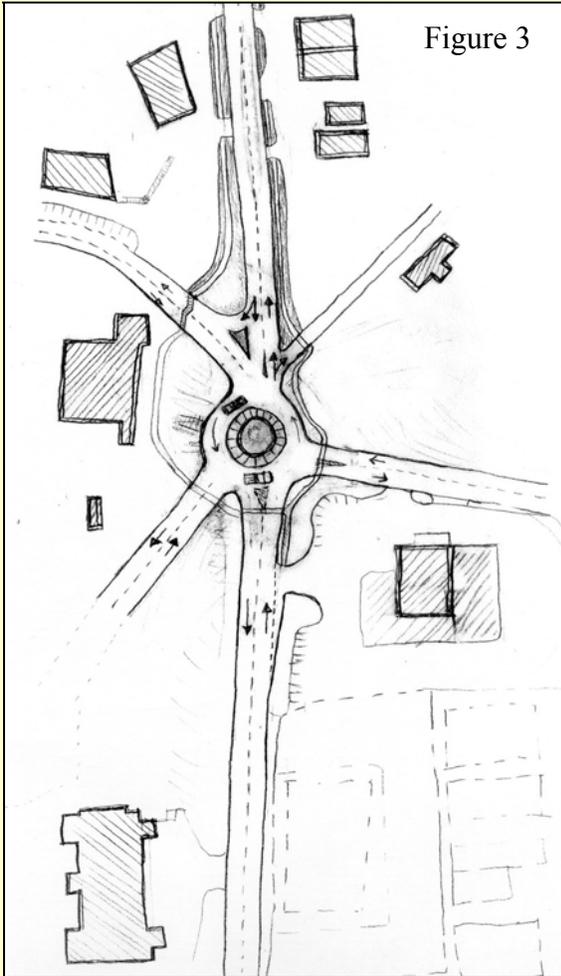


Figure 3 depicts a conceptual schematic of a proposed roundabout for the intersection shown in the photograph to the right.



Build a median island on Rt. 15.

Install curb and gutters along Rt. 15 through commercial district. The priority areas for curb and gutters are noted on the Transportation Master Plan. When coordinated with the area streetscape plan, such improvements will improve the safety of the transportation system and create a gateway feature.

Coordinate access management on Rt. 15 through commercial district, by working with local business owners for shared access and incorporating access management devices into the streetscape plan.



The existing access management of Rt. 15 should be improved with a coordinated plan of curb and gutter, clear driveway and pedestrian zones, and other devices.

Ensure pedestrian and bicycle features similar to those on the new Rt. 15 bridge will be built on north- and southbound Rt. 15.

Create connections to Pleasant Grove. In the short-term, residents should use the new Rt. 15 bridge. For the long-term, citizens could actively pursue the financing and construction of a pedestrian/bicycle bridge over the Rivanna River at an ideal location that increases connectivity to both sides of the river and between Palmyra and Pleasant Grove.



Two examples of wooden pedestrian/bicycle bridges (Courtesy of York Bridge Concepts)

The pedestrian and bicycle network will not be complete until direct connections are established between the historic village and Pleasant Grove. In addition to the long-term pedestrian/bicycle bridge, trails should be constructed to Lake Monticello and the rail trail should be expanded.

Protect the Social and Environmental Resources

The most significant social resource in Palmyra—the village atmosphere—may be preserved and improved by addressing existing and new development and establishing a safety and diverse transportation system. Other social resources as well as the abundant environmental resources unique to the Palmyra area need to be protected with an organized plan.

Promote the social and environmental benefits of a village-scaled community.

Establish an alternative use for the Palmyra School—the current offices of the School Board—including considering the reinstatement of the facility as a community school or as the site for after-school programs.

Support the County’s efforts to develop a stormwater management ordinance that will protect the water quality and quantity of the Rivanna River and surrounding waterways.



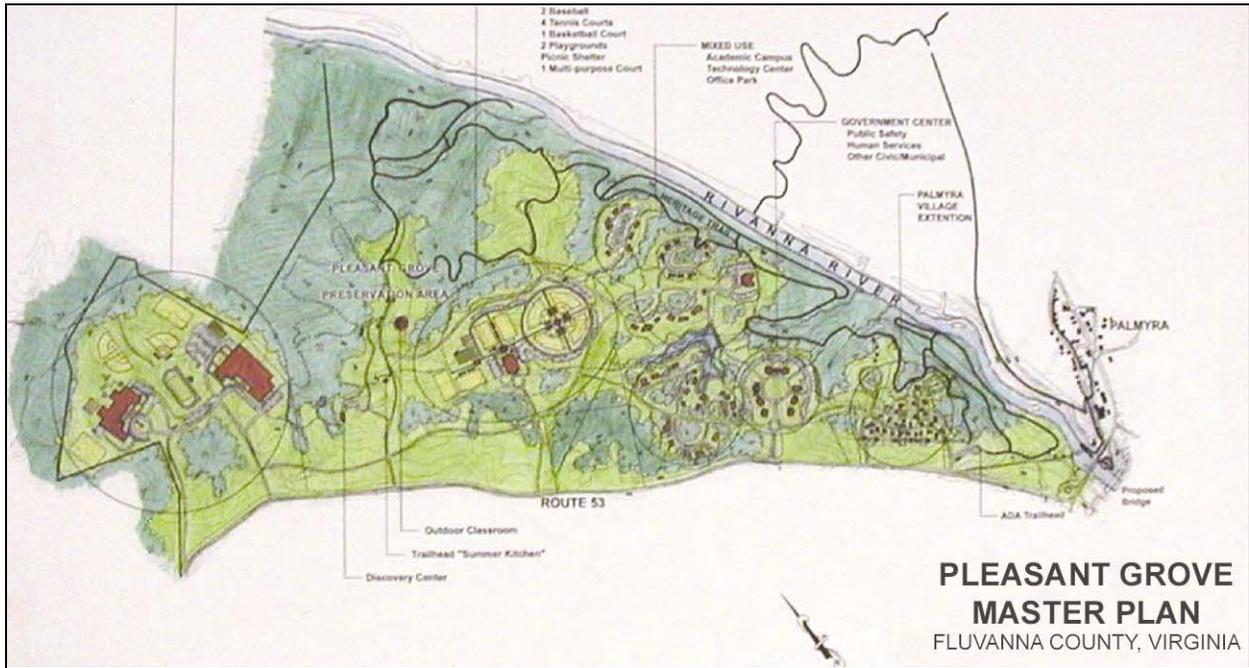
The community should leverage the social value of the Palmyra School and protect the environmental resources of the Rivanna River.

Encourage development—such as an outdoor entertainment venue or outdoor market—that fosters social interaction and takes advantage of the natural beauty of the area.

Actively preserve open space and the rural character of the area by clustering new development at a village-scaled as a preservation strategy; encouraging participation in the Fluvanna County Land Use Valuation Program to emphasize rural preservation; coordinating open space and natural resource protection with local and regional organizations; and analyzing the size of the Palmyra Community Planning Area to ensure its effectiveness in protecting the rural character that surrounds the historic village.

Work with the County to enhance existing codes pertaining to outdoor lighting to discourage excessive lighting from commercial areas and to improve existing lighting over time.

Ensure that the built environment at Pleasant Grove fosters social interaction and sustainability with a mix of recreation and community resources.



The public's vision for Pleasant Grove includes protecting the environmental resources and fostering social interaction with community features.

Implementation

The project team presented the Draft Palmyra Community Plan to the public on September 28, 2005. Based on this community review, priorities for implementation have been generated by TJPDC and Fluvanna County staff with assistance from a steering committee. The Steering Committee was formed for the purpose of generating and evaluating ideas regarding the Palmyra Community Plan and monitoring the progress of the following implementation strategies. The project team will continue to focus on funding options for model projects.

The Implementation Strategies that follow are presented in three general time frames—Immediate, Short-Term and Long-Term. Priority for individual projects is not implied in this list and should be considered in the context of funding availability. The designation as Short-Term and Long-Term is not meant to be a final categorization nor is it tied to a specific time period.

Immediate

- Form a Steering Committee (Completed)
 - In addition to assisting with implementing the Palmyra Community Plan, the steering committee will assist the County with the 2005 Comprehensive Plan update.
- Combine pedestrian and pavement improvements with sewer work
- Funnel any available construction or safety funds to improvements on Route 15 to alleviate potential increases in speed due to new geometry (Concurrent with construction of new Route 15 bridge)

Short-Term

- Draft Village Development Guidelines
- Construct roundabout tied to new bridge alignment
- Apply TEA grant money to expansion of rail trail and construction of parks
- Expand water and sewer service beyond the government district
- Develop interim connections to Pleasant Grove
- Partner with business owners for pedestrian, access and village enhancements
- Construct a Park and Ride lot on VDOT-controlled land

Long-Term

- Fund and construct a pedestrian/bicycle bridge over the Rivanna River that connects the Village with Pleasant Grove

In addition, more detailed analysis will be conducted as part of the VDOT-funded Northwest Fluvanna/Southwest Louisa Corridor study that will tie together the Fork Union, Lake Monticello and Zion Crossroads Plans. The deliverable products from this study include more detailed land use diagrams and spot improvements for transportation and additional implementation strategies.

The Palmyra Community Plan will be incorporated into the 2005 Comprehensive Plan update.

Appendices

Appendix A: Participants from All Workshops----- A-1

Appendix B: Results from Exercises----- B-1

 Post-it Note Exercise B-1

 Group Prioritizing Exercise B-2

 Mapping Exercise B-4

Appendix C: Census Data----- C-1

Appendix D: Traffic Data----- D-1

Appendix A: Participants from All Workshops

Participants

Phoenix Bellamy	Minnie Lee McGehee
Alice Clifford	Overton McGehee
Toni Cox	Herb Meyer
Patricia Eager	Marvin Moss
Carrie Farruggio	Eric Motschenbacher
Mick Finn-McKenzie	George O'Malley
Tammy Grigg	Janice O'Malley
Bill Grigg	Mandy Patchen
Wanda Himes	Tom Payne
William Michael Hooper	Joann Rawls
Eillot Kerins	Cvis Roberson
Father Kyrill	Nancy Smith
Cabell Lawton	Jeff Suling
Walt Lindenmann	Molly Suling
Fred Lewis	Janet K. Williams
Bridgette Madison	Chuck Wright
Michael Madison	Eric Wright
Betty McGehee	Jean Wyant

Staff

Steven Biel	Fluvanna County
Billie Campbell	TJPDC
Pat Groot	Fluvanna County
Harrison Rue	TJPDC
Tyler Schwartz	TJPDC
Andy Sorrell	Fluvanna County
Jonathan Whitehurst	TJPDC

Appendix B: Results from Exercises

**Palmyra Community Plan
May 19, 2005 Workshop Results
Priority Issues**

- Retain green and open space
- Extend the village concept
- Community and family gathering areas
- Affordable and mixed use housing
- Walkability and connected spaces
- Good design and design standards
- Economic development and jobs—expand the tax base
- Development of infrastructure—water and sewer
- Preserve historic fabric

**Palmyra Community Plan
June 29, 2005 Workshop Results
Post-it Note Exercise**

After a project overview presentation, each person was given five Post-it notes and a few minutes to write down five phrases that describe their long-term vision for the community. The participants self-sorted the Post-it notes into topics, in turn demonstrating the common themes held by the group.

Historic Preservation

- Maintain historic structures
- Build on village's historic assets—Courthouse
- Preserve the Village, with improvements
- Historic neighborhood preservation
- Preserve the Jail, Mill, Lock and Courthouse
- Keep the heart of Palmyra as it is
- Retain the historic flavor—village-style
- Keep buildings in line with existing structures (appearance)
- Consider historical issues as expansion continues
- Preserve historic image through zoning
- Recognize historic building style
- Keep courts and County government in Village

Economic Development

- No big tourism, just make it a nice place to visit
- More commercial activity
- Focus on tourism potential and possibilities
- Non-gourmet restaurants/café and coffee shop
- Quality shopping/dining—little shops and stores
- Develop stores, shops and services within the community—have practical business places such as a barbershop and diner—especially to encourage pedestrian traffic
- Small businesses
- Shopping—antiques, coffee
- Create a business area
- More jobs
- Small-scale retail, restaurants and other neighborhood amenities in the Village and in existing shopping centers along Rt. 15
- Create a management plan for guiding development
- Limit growth
- Space for retail

Traffic Safety

- Reduce traffic through town
- Alternative public transportation in County and beyond
- More parking
- Facilitate traffic flow

Village-Scaled

- Farmer's Market
- Keep Village peaceful
- Consider other side of Route 15
- Expansion of Village (How far will we grow?)
- Community enhancement
- Keep changes simple
- Keep walls that are in the Village but brick them
- Town clock in triangle in front of Courthouse
- Brick sidewalks throughout Village
- Streetlamps along sidewalks
- Keep changes small

Pedestrian and Bicycle Friendly

- Path to Lake Monticello
- Rail to trail
- Connect to Pleasant Grove

Housing Diversity (Affordable & Senior)

- Housing within the Village
- Retirement housing
- More residential housing
- Expand residential up Rt. 53 and Rt. 15
- Slow residential growth...until we have local job growth

Family, Youth and Community Events

- A pleasant place to gather
- Better transportation infrastructure
- Central point of County
- Make room for a larger post office in Village
- Water, sewer, sidewalks, streets, parking
- Bury electric lines
- Move sewer plant to Pleasant Grove—ensure sewer plant doesn't smell
- Secure water availability—concern over Lake Monticello water
- Outdoor entertainment, concert nights

Natural Resource Protection

- Preserve open space and protect the river
- Extend trails

**Palmyra Community Plan
June 29, 2005 Workshop Results
Group Prioritizing Exercise**

For the Group Prioritizing Exercise, the group discussed general and specific issues affecting the Village. After staff wrote the issues on large paper, each person was given dots with which to vote for their top three priority issues. The resulting issues provided the framework for the Mapping Exercise.

Key Topics

- Reuse of Pembroke Petit Bridge
- Traffic Calming
- Walkability
- Post Office location
- Sewage Plant location
- Economic Development

Dots Issue

Reuse of Bridge

- 13 What about reuse of old bridge?
 - Historic, pedestrian bridge
 - Connection to Pleasant Grove
- 1 We want to keep old bridge
 - Example: bridge in Greenfield, CT

Traffic Calming

- 8 Trucks and cars slow down
 - More pedestrian friendly
 - Traffic calming
- 5 Use of roundabouts should be encouraged to slow traffic
 - Good for flow and pedestrians

Walkability*

- 5 Walkability in Village
- 5 Crossing from Palmyra to post office

Post Office Location

- 12 Post office in Palmyra
 - Walkability
 - Post office needs more space

Sewage Plant Location

- 10 Sewage plant location (Pleasant Grove or other?)
- 2 Location of sewage plant?
 - Several options

Economic Development

- 9 Extension of village include services commercial

*Walkability also mentioned in discussing:

- Traffic Calming
- Post Office Location

Other Topics

- Village appearance
- Community school
- Economic development
- Traffic calming
- Village character
- Housing diversity
- Environmental stewardship
- Bus service

Other Topics

<u>Dots</u>	<u>Issue</u>
7	Students back into Palmyra school
6	Local job/workplace growth Village concept
5	Burying utilities Aesthetics
4	Ensuring water quality in Palmyra
3	Aging in place/senior housing
3	Stamped stone/more attractive Walls around park Example: Goochland Courthouse, Grace Church
2	53 & 15 hard to get to/traverse
2	Noise control from Rt. 15 Trucks
2	Underutilized commercial property here in Palmyra—housing on Church St.
2	Connections to Pleasant Grove from Lake Monticello and Palmyra
2	Extend Palmyra village-scale across river
1	Enforcement of speeding all hours of day
1	New bridge may increase speeds?
1	Utilizing existing businesses and parking/access onto Rt. 15
1	JAUNT service more in county
1	Access to Old Mill Park
1	Zoning changes in area

**Palmyra Community Plan
June 29, 2005 Workshop Results
Mapping Exercise**

The Mapping Exercise involved five small groups. Each group wrote comments and recommendations on separate aerial photographic maps and then summarized the main points. Listed below are the main comments for each group as well as the notations from the large maps.

Group 1

Main Comments

- Leave layout of village as is with some improvements/changes
 - Bricking of walls and sidewalks to residents
 - Street lamps
 - Town clock
 - Remove moat
 - Improve accessibility to Conf. Park
 - Extend sidewalks to North Palmyra
- Maintain pedestrian bridge
- Keep post office in village
- Include Stoneleigh Rd in historical area
- Village Station as a commercial growth area
- More retail—place to get a cup of coffee

Map

- Do not put sewage plant south of the Rt. 663 (Georges Mill Rd)/Route 678 intersection
- Keep post office as close to village as possible
- Keep old bridge for pedestrian walkway
- Roundabout at Rt. 53 and Rt. 15
- Include Stoneleigh Rd in historic district
- Post office northeast of the Rt. 53 and Rt. 15 intersection
- Start traffic calming at the Rt. 15/Rt 661 intersection; End on Rt. 15 at southern boundary of the Community Planning Area
- Notes on HDLA Plan
 - Get rid of the moat
 - Just give Palmyra Village a facelift
 - Keep post office in Palmyra
 - Plan calls for too much change; leave as is with some improvements
 - Leave roadway the same
 - Suggested improvements
 - Brick cement walls surrounding parks (like Goochland)
 - Open Confederate Park from all four sides (keep wall—fill in moat)
 - Brick sidewalks and extend to include all residents up to Rt. 15
 - Streetlamps
 - Town clock

- Taking out the middle roadway access would create too much traffic on one road and it would lose the character of the village

Group 2

Main Comments

- 2 roundabouts
- Village development (stores, parks) 53-15
- Walkway across river
- Crosswalks and traffic calming
- Revitalization of current buildings
- Add land east of 15 to historic area

Map

- Add area east of Rt. 15 to historic area
- Traffic calming on Rt. 15 north of Church St to the southern intersection with Main St
- Roundabout on Rt. 15 at Rt. 601 (Courthouse Rd)
- Roundabout at the Rt. 15/Rt. 53 intersection
- Pedestrian crossing on Rt. 15 at Rt. 601 (Courthouse Rd)
- Village with stores south of Rt. 53 and west of Rt. 15
- Allow pedestrian use for old bridge

Group 3

Main Comments

- Outdoor entertainment venue
- Keep Pembroke Petit Bridge for pedestrians
- Slow traffic with circles etc. (and speed bumps)
- Accessibility for pedestrians, bikes
- Trails to L.M. and on rail trail farther north and south
- All construction should fit architecturally with village of Palmyra (both sides of river)
- Cluster development to keep open space
- Residential growth should include affordable housing
- Nursing home across from Pleasant Grove
- Connected commercial buildings
- Open and indoor markets
- Shrink growth area
- Keep post office in village

Map

- Outdoor entertainment on Rt. 15 east or west of Rivanna
- Café and stores east of Rt. 15 at Church St
- Stores, café and restaurants on the west side of Main St south of Church St
- Trail from Pleasant Grove to Lake Monticello (Lake Monticello pays ½)

- Open and enclosed market for food, flowers, specialty and gourmet products
- Speed bumps in village
- Keep the post office in Palmyra
- Extend Village of Palmyra across river to south side
- Outdoor dining on river and in town
- Roundabout at Rt. 15 and Rt. 53
- Sidewalks throughout village
- New commercial buildings connecting existing buildings on Rt 15 in Palmyra Village
- Remove from growth area all land east of Rt. 678 (Georges Mill Rd & Stoneleigh Rd)
- Continue rail trail for walking and biking along Rt. 15
- Walking and biking trail along river to Lake Monticello
- Nursing home south of Rt. 53
- Keep the existing Pembroke Petit bridge for pedestrians
- All buildings on both sides of river should fit architecturally with Palmyra
- Path connecting the two courthouses instead of street
- Add parking in village
- All residential growth should include some affordable housing
- Cluster major developments to preserve open space

Group 4

Main Comments

Palmyra Planning Area

- Make this growth area smaller
- Protect Rivanna River (water quantity and quality)
- Sewer plant at Pleasant Grove
- Preserve majority of Pleasant Grove as park/open space/wooded area
- Promote village-type development
- Expand Palmyra Historic District
- Convert Palmyra School back to a school

Village of Palmyra

- Traffic calming on Rt. 15 (Roundabouts)
- Keep existing bridge—convert to Pedestrian
- Clean up Church St./Better entrance onto Rt. 15
- Brick walls around Historic Courthouse
- Preserve cannons
- Small scale retail/commercial

Map

- Preserve valuable cannons
- Brick walls around 1830 courthouse
- Keep old bridge
- Roundabout at the Rt. 15/Rt. 53 intersection
- Potential roundabout on Rt. 15 at Rt. 601 (Courthouse Rd)
- Traffic calming—all of Rt. 15 through Palmyra

- Clean up Church St and better Rt. 15 exit
- Make Palmyra School a school again
- Add area east of Palmyra to Historic District
- Protect Stoneleigh and Solitude
- Village-type development
- Preserve most of Peasant Grove as a park
- Put human services facilities at Pleasant Grove
- Make growth area smaller
- Put sewer plant at Pleasant Grove
- Protect Rivanna River (water quality and quantity)

Group 5

Main Comments

- Roundabouts at 15/53 and 15/601
- Park and Ride at 15/53 (S.E.)
- Pedestrian bridge over Rivanna from Palmyra to Pleasant Grove
- Sewage plant down river from new bridge
- Small business area—south of Rt. 61 (E.)
- Leave the old bridge
- Post office to remain in Palmyra
- Local bus service
- Speed controls on Rt. 640

Map

- Roundabout on Rt. 15 at Rt. 601 (Courthouse Rd)
- New small business area east of Rt. 15, south of Rt. 601 (Courthouse Rd)
- Leave old bridge
- Road access from Palmyra to Pleasant Grove
- Walking access from Palmyra to Pleasant Grove
- Local bus service
- Roundabout or stoplight at Rt. 15/Rt. 53 intersection
- Sewage treatment plant on Rivanna River east of Rt. 15/Rt. 53 intersection
- Speed bumps on Hayden Martin Rd
- Limit growth/buildings at Pleasant Grove

Appendix C: Census Data

Population and Race

Total Population:	586
Population of one race:	570
White alone	435
Black or African American alone	134
Asian alone	1
Population of two races:	16
White; Black or African American	10
White; American Indian and Alaska Native	6

Household Size

Average household size	1.7
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Occupancy

Total:	215
Owner occupied	176
Renter occupied	39

*Based on the 2000 Census. The boundaries of some blocks (notably Tract 201/Block Group 2/Block 2031, Tract 202/Block Group 1/Block 1030, and Tract 203/Block Group 1/Block 1000) extend beyond the boundary of the Palmyra Community Area.

Appendix D: Traffic Data

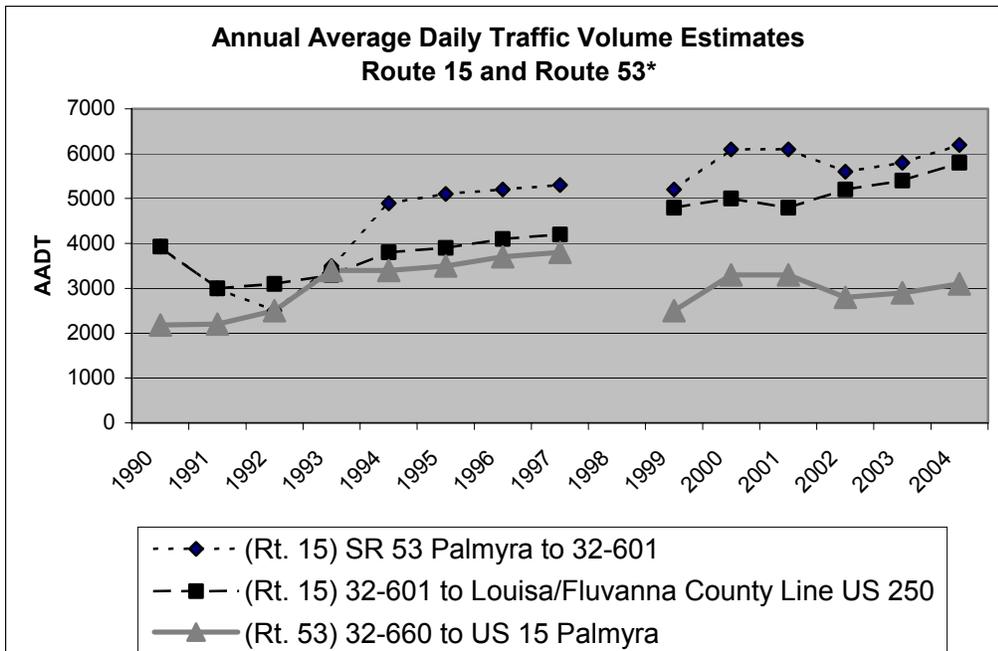
Traffic Volumes (VDOT 2003 Mobility Management Division)

Primary Road

Route	Segment	Length	2003
15	SR 53 Palmyra to 32-601	0.42	6200
15	32-601 to Louisa/Fluvanna County Line US 250	8.23	5800
53	32-660 to US 15 Palmyra	3.28	3100

Secondary Road

Route	Segment	Length	2001
601	US 15 to 32-663; 32-1007	0.55	1000
601	32-663; 32-1007 to 32-615	3.06	740
1001	Dead End to US 15 South	0.10	8
1001	US 15 South to 32-1003	0.14	380
1001	32-1003 to 32-1002	0.09	360
1001	US 15 North to US 15 North	0.17	200
1002	32-1001 to US 15; 32-1005	0.05	230
1003	32-1001 to US 15	0.06	290
1004	32-1001 to 32-1003	0.05	200
1005	US 15; 32-1002 to Dead End	0.10	46
1006	32-601 to Dead End	0.20	30
1007	US 15 to 32-601; 32-663	0.85	30



*No data for 1998

Route and Segment				AADT	Truck Percentage of AADT				
					Bus	2 Axles	3+ Axles	1 Trailer	2 Trailers
15	SR 53 Palmyra	to	32-601	6200	1%	3%	1%	5%	0%
15	32-601	to	US 250	5800	1%	3%	1%	6%	0%
53	32-660	to	US 15 Palmyra	3100	0%	1%	1%	0%	0%

Source: 2004 VDOT AADT Data

Safety Data

2003 DMV Crash Facts

Fluvanna had 322 total accidents, 10 fatalities and 192 injuries.

Virginia State Police

Approximately 15 crashes on Route 15 between (north of 1001) and (south of 53) from 1997 to 2001:

Accidents from 1997 to 2001

<i>Location</i>	<i>Type</i>	<i>Weather</i>	<i>Description</i>	<i>Date</i>
North of 1004	Passenger trucks	Clear, dry, daylight	Collision	08/28/99
North of 1004	Passenger trucks	Misty, wet, daylight	Rear-end	08/31/00
North of 1004	Passenger car-van	Clear, dry, daylight	Collision	09/03/99
North of 1004	Single car	Clear, dry, darkness	Run off road	08/13/99
North of 1004	Single car	Clear, dry, darkness	Run off road	11/08/99
At 1004	Passenger cars	Clear, dry, daylight	T-bone	02/07/00
South of 1004	Flatbed truck-passenger car	Sleeting, icy, dark	Collision	12/23/98
At firehouse	Passenger truck-passenger car	Clear, dry, daylight	Rear-end	10/02/98
At firehouse	Passenger truck-passenger car	Clear, dry, daylight	Rear-end	08/26/97
At firehouse	Passenger cars	Raining, wet, daylight	Rear-end	06/05/98
South of 1001	Passenger truck-van	Clear, dry, daylight	Rear-end	09/11/97
At 53	Passenger cars	Raining, wet, daylight	Rear-end	09/21/99
South of 53	Tractor trailer-passenger truck	Clear, dry, daylight	Rear-end	09/19/97
South of 53	Passenger cars	Clear, dry, daylight	Rear-end	09/07/00

Source: Virginia State Police

Fluvanna County April 2003 priority projects for VDOT to consider

- New Route 15 bridge will have what impact (get design/location from VDOT)
- How does the location of new County administration building increase/affect the daily traffic load from the Village over the bridge to Pleasant Grove?
- Are there real plans for a no-vehicular bridge north of the new bridge (to connect to Pleasant Grove)?

Email from Mike Brent (Chief of Fluvanna County Fire Department)

(to Chris Gensic February 4, 2005)

- Speed is the primary factor in collisions
- Although speed limit reduced to 35 mph, much of the through traffic exceeds the limit
- Hills on Route 15 reduce sight distance for through traffic and those entering Route 15
- Notes that the Fire Department has had several near misses over the years trying to enter Route 15
- Several accidents have occurred as emergency vehicles enter Route 15; accidents usually rear-end collisions
- Rear-end and t-bone collisions most common in Village
- Around Village—especially from the Route 15/Route 53 intersection to Pleasant Grove, vehicles losing control and over-correcting resulting in roll-overs is the most predominate type of incident; Notes that driver inattention, not roads, are the cause of these accidents
- Concerned about a hazardous materials incident that would require evacuation of the Village; An earlier study earmarked the Route 15/Route 53 intersection as a “highly probable” location for a hazardous material incident
- Notes large truck, tractor trailer traffic has increased greatly through the Village in the last 5 years
- Traffic in general has increased greatly due to increasing population of County
- Speeding is commonplace on Route 15 through the Village
- Offers the following solutions
 - More speed enforcement in and around the Village
 - Stoplight at the intersection of Route 15 and Route 53
 - Changing the vertical curves for better sight distance



Fluvanna County Historical Society
Post Office Box Eight
Palmyra, Virginia 22963-0008

January 6, 2014

Fluvanna County Planning Department
PO Box 540
Palmyra, VA 22963

Dear Sir/Madam:

I am writing as President of the Fluvanna Historical Society, a 600 member organization committed to the preservation of Fluvanna's history and natural resources. The Fluvanna Historical Society is very much opposed to ZMP 13:02 Cowboys LLC for the rezoning of land adjacent to the Society's historic mill site.

First let me indicate that there was inadequate notification to the Society of the process for this rezoning. Your documents indicate that the Society received a letter dated December 6, 2013 inviting us to participate in a Planning Commission meeting on ZMP 13:02 on December 16, 2013. The Society never received this letter and thus was not notified of the Planning Commission meeting. Had we been notified, we certainly would have been there to speak against it.

The proposed zoning change violates every concept of good planning. The property is wedged between the Historical Society's lock and mill site which is protected by a historic easement held by the Virginia Department of Historic Resources and is listed on the National Register of Historic Places. The Society's long range intentions include the possibility of creating a park out of the mill site. The property is otherwise bounded by the easement Mr. Zehler placed on his own property ensuring to Fluvanna County, which holds the easement, that it would not be developed in perpetuity.

Perhaps even more damaging is the fact that these storage sheds would be the first things visitors to Palmyra will see while crossing the new Palmyra Route 15 Bridge. This bridge was designed as a collaborative effort between Fluvanna County and VDOT. Extra funding for its construction was obtained by the late Delegate Earl Dickinson. The Fluvanna planning group included two Supervisors – Len Gardner and the late Buck Pace. I was the citizen member of the group. Together we designed an award winning bridge clad in stone with the Heritage Trail on it and overlooks with historic markers. The bridge was dedicated in 2007 by Governor Tim Kaine and won VDOT's highest award that year for design excellence. Now it will be marred by allowing storage sheds to be built at its northern end. No effort to landscape this kind of development will adequately protect the viewscape from the bridge.

Further, the Planning Commission was evidently unaware of the Palmyra Village Plan which was developed by Palmyra's citizens in 2005 with assistance from the Thomas Jefferson Planning District Commission when considering the rezoning. This plan calls for development in and around Palmyra to reflect the village concept. It is worth noting that the rezoning of Mr. Zehler's land on the south side of the bridge included language encouraging development that would reflect Palmyra's historic district.

I urge the Board of Supervisors to deny this rezoning application. It is incompatible with so much work and planning for the future of our county seat that preceded it.

With best regards,

Sincerely,

A handwritten signature in cursive script that reads "Marvin F. Moss".

Marvin F. Moss
President

Andrew V. Sorrell
637 Courthouse Rd.
Palmyra, VA 22963
January 8, 2014

Honorable Mike Sheridan, Columbia District Supervisor
Fluvanna County Board of Supervisors
P.O. Box 540
Palmyra, VA 22963

RE: REZ: 13:02 – Cowboys, LLC

Dear Supervisor Sheridan:

My family and I are residents of the Columbia District near Palmyra. We have serious concern over a proposed rezoning application that we see is planned for public hearing and Board review on January 15, 2014. This rezoning, known as REZ 13:02, Cowboys, LLC, has been working through the appropriate review channels since this past summer. The application was reviewed and recommended for approval by the Planning Commission on December 16, 2013. My concern is the Applicant's disregard for the important planning work done by the residents of Fluvanna over the last 10 years as evidenced by the Palmyra Community Plan developed in 2005. The recommendations of the Palmyra Community Plan were incorporated into the current Comprehensive Plan. As described in the Comprehensive Plan, growth in the Courthouse area of Palmyra should be "scaled to match that of the surrounding village..."

It is my understanding, that since the initial submittal of the rezoning application, the Applicant has been aware of the plan for the Palmyra CPA and has failed to heed the well-thought and publically-vetted recommendations for the Palmyra CPA that are part of the existing Comprehensive Plan adopted by the Board of Supervisors. Therefore, I strongly urge that action on this rezoning application be deferred until the Applicant can demonstrate, to the Board's satisfaction, that the Application complies with the County's Comprehensive Plan.

REZ 13:02 proposed to change the zoning of property within the Palmyra Community Planning Area (CPA) from A-1, Agricultural to B-1, Business for the currently proposed use of a one-story self storage facility. The Comprehensive Plan designates this property (parcel 30-A-84B) as Neighborhood Mixed Use on the future land use plan, a plan which has been specifically crafted to offer guidance to developers and decisions makers when it comes to land use planning decisions. Specific recommendations for the Palmyra Village area as found in the Comprehensive Plan are not addressed. These are outlined below:

- The Comprehensive Plan clearly states that growth in Palmyra should occur at a village scale with economic development complementing existing conditions without compromising Palmyra's underlying natural and social fabric (p. 79). The Plan further states that development (residential and commercial) in the village of Palmyra should reflect the existing village style of development. As proposed, the Application in its layout and architectural design, has no relationship to Palmyra – both in architectural elements or physical layout of the site. Hidden behind screening, unlike other existing buildings in the village, the building proposes no relationship with the street thereby not contributing anything to the village atmosphere desired. At a minimum, the Applicant should review the strategies for the Palmyra CPA and redesign the proposal to better promote a cohesive and well-planned village of Palmyra.

- As the County seat, the historic village area of Palmyra is planned to remain a village with surrounding growth being a mixture of uses. Existing commercial uses are small and medium in scale and combine civic, office, and residential uses to form the fabric of the Village. The property is designated Neighborhood-Mixed Use (N-MU) in the future land use plan for the Palmyra CPA. N-MU areas should incorporate multiple land uses such as office, retail, and residential. As proposed, the Application does not propose any mixture of uses nor a single use that is office, civic or residential in nature (which is what the Palmyra CPA desires). In addition, the proposed use underutilizes the property since the use does not require utilities desired in a denser mixed use area. Developing a self-storage facility at the proposed location prevents future density and other uses from better utilizing the property for uses the community desires.
- Additional Recommendations for the Palmyra CPA the Application fails to address:
 - Streets should include pedestrian elements and buildings should be oriented towards the road with surface parking to the side or rear off building shielding it from main roads and sidewalks. This application hides the building and has proposed no elements to tie it into the village of Palmyra;
 - Burying utility lines is recommended – not addressed by applicant;
 - Enhancing the pedestrian network by improving access and coordinating pedestrian improvements with streetscape enhancements and traffic-calming measures is also recommended – the Applicant does not address any coordination with the pedestrian improvement in the Village or nearby Pembroke-Pettitt Bridge;
 - Installing street lamps are recommended this is not addressed by the applicant; and
 - Installing a median and/or welcome signs on Rt. 15 into the village is recommended – this is also not addressed by the Applicant.
- Finally, the Applicant only proposes to proffer out several items that could be permitted on the Property. This means that any by-right B-1 use not specifically proffered out could occur on this Property – not just the self-storage facility initially proposed. This also doesn't stop the Property owner from requesting any use permitted by special permit sometime in the future. Example of uses could include cell towers, shooting ranges or any other B-1 use permitted. Given the location of this property in the Village of Palmyra, the usage should be more limited to the uses recommended by the Comprehensive Plan – such as retail, office and/or residential.

As outlined above, I believe there to be a number of important aspects from the County's Comprehensive Plan that REZ 13:02 fails to address. Therefore, I respectfully request that action on this application be deferred until the Applicant can address to the Board's satisfaction that the proposal meets the future land use plan for the Palmyra Community Planning Area.

Thank you for your service to Fluvanna County.

Sincerely,



Andrew V. Sorrell

Andrew V. Sorrell
637 Courthouse Rd.
Palmyra, VA 22963
January 23, 2014

Ms. Barbara Wright Goshorn, Esq.
Attorney at Law
203 Main Street
Palmyra, VA 22963

Delivered via e-mail: office22963@earthlink.net

RE: REZ: 13:02 – Cowboys, LLC – Tax map Parcel 30-A-84B 2.631 acres

Dear Ms. Goshorn:

My family and I understand you serve as the representative for the Cowboys, LLC rezoning application (REZ 13:02). We understand at your request this application was deferred from the Board of Supervisor's January 15, 2014 agenda. It is our understanding that the Board agreed to your request to defer their review until the February 19, 2014 meeting. In an effort to be constructive, I thought it best to provide you with an opportunity to respond to my families concerns prior to the meeting. We hope our comments are useful – we do not desire to stop development in Palmyra – only ensure it is developed in a manner that is meaningful and sensitive to its location at our County Seat. We support the growth of the village as detailed in the adopted County Comprehensive Plan. This plan for Palmyra's future can be found in the Chapter on the Palmyra Community Planning Area (CPA) one of the county's identified growth areas. My family and I cannot support a rezoning of this property that fails to address the important planning considerations as outlined in the Comprehensive Plan. Specifically our family's concerns are as follows:

- 1) No proffered plan of development and incompatible use – the property owner has not indicated firm plans to construct the use as initially proposed – the plan is not proffered. Other than what is proposed to be proffered out, any B-1 use could be considered. Without knowing what is planned to be developed on the property, how can the county have a true account of the pros and cons of this proposal? In addition, lack of a specific proposal means specific proffers regarding how the development of the property will tie to the goals of the Comprehensive Plan will be difficult to submit because it is not known how the site will actually be developed in the future.

In addition the conceptual use proposed for the property, a self-storage facility, is a commercial use that is not retail, is not office and is not residential (nor a mixture of any of those uses). The Comprehensive Plan clearly states that retail/ residential/ office uses are desired in the village. As the County seat, the historic village area of Palmyra is planned to remain a village with surrounding growth being a mixture of uses. Existing commercial uses are small and medium in scale and combine civic, office, and residential uses to form the fabric of the Village. The Comprehensive Plan designates this property Neighborhood-Mixed Use (N-MU) in the future land use plan for the Palmyra CPA. N-MU areas should incorporate multiple land uses such as office, retail, and residential. As proposed, the Application does not propose a use that is in keeping with the Comprehensive Plan.

- 2) No Connection to Palmyra – Even without a firm plan of development for this property, there is still the opportunity to proffer design elements and other site design features that would make the use of the property more context-sensitive to the Palmyra village. Page 79 of the Comprehensive Plan stated that growth in Palmyra should occur at a village-scale with economic development complementing existing conditions without compromising Palmyra’s underlying natural and social fabric. As proposed, the Application in its layout and architectural design has no relationship to Palmyra. The adopted Comprehensive Plan speaks to various elements that should be considered in site design when development occurs in the village. Several of these elements are listed below.
- a. Streets should include pedestrian elements and buildings should be oriented towards the road with surface parking to the side or rear off building shielding it from main roads and sidewalks.
 - b. Burying utility lines and installing street lamps is recommended;
 - c. Enhancing the pedestrian network by improving access and coordinating pedestrian improvements with streetscape enhancements and traffic-calming measures is also recommended – the Applicant does not address any coordination with the pedestrian improvement in the Village or nearby Pembroke-Pettit Bridge; and
 - d. Installing a median and/or welcome signs on Rt. 15 into the village is recommended.

As can be understood from our family’s comments, we desire well-planned and thoughtful development in the Palmyra Community Planning Area. This desire mirrors that of Fluvanna County as it is found in the adopted Comprehensive Plan. Amending the rezoning application to provide for more concrete and thoughtful design considerations in this proposal would go a long way in garnering support for this request. We hope you are to take these comments into serious consideration.

Sincerely,



Andrew V. Sorrell

Copy: Fluvanna Board of Supervisors

Editor, Fluvanna Review

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: March 19, 2014

AGENDA TITLE:	Appointment to the Fluvanna Partnership for Aging, Palmyra District Position				
MOTION(s):	I move to appoint _____ to the Fluvanna Partnership for Aging, Palmyra District Position, with a term to begin immediately and to terminate December 31, 2017.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Mary Weaver				
PRESENTER(S):					
RECOMMENDATION:	Approval				
TIMING:	Normal				
DISCUSSION:	Applicants who have shown an interest in this position are: Catherine (Katy) Clossin				
FISCAL IMPACT:	None				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Boards and Commissions Applications				
REVIEWS	Legal	Finance	Purchasing	HR	Other

Interest in Fluvanna Partnership for Aging

Palmyra

Last Name Clossin **First Name** Catherine (Katy) **Date Recieved** 5/6/2013
Mailing Address 1680 Union Mills Road **City** Troy **State** VA **Postal Code** 22974-
Home Phone (434) 293-7876 **Work Phone** **Cell Phone/Other** (434) 906-7815
Fax **Email Address** katyclossin@outlook.com
Physical Address 1680 Union Mills Road **City** Troy **State** VA **Postal Code** 22974

Education and Experience:

BS University of Virginia. University of Illinois - Masters Degree in Urban and Regional Planning. Twenty-five years in urban and regional planning in three major metropolitan areas and one rural county. AICP and IEDC certification.

Civic Activities and Committee Memberships:

Focus on Fluvanna, Charter Member; 2013 Fluvanna County Relay for Life, Team Captain, Fluvanna County Habitat for Humanity, Rivanna Basin Foundation, Rivanna Conservation Society.

Interest in Committee:

Proposed new Zion Crossroads Sketch Committee, Economic Development Authority, Planning Commission

Comments: Interested in Zion Crossroads Steering Committee

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: March 19, 2014

AGENDA TITLE:	Appointment to the Fluvanna Partnership for Aging, Rivanna District Position				
MOTION(s):	I move to appoint _____ to the Fluvanna Partnership for Aging, Rivanna District Position, with a term to begin immediately and to terminate December 31, 2017.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Mary Weaver				
PRESENTER(S):					
RECOMMENDATION:	Approval				
TIMING:	Normal				
DISCUSSION:	Applicants who have shown an interest in this position are: Diane Everline				
FISCAL IMPACT:	None				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Boards and Commissions Applications				
REVIEWS	Legal	Finance	Purchasing	HR	Other

Interest in Fluvanna Partnership for Aging

Rivanna

Last Name Everline **First Name** Diane **Date Recieved** 3/11/2014

Mailing Address 58 Forest Drive **City** Palmyra **State** VA **Postal Code** 22963-

Home Phone (434) 589-5270 **Work Phone** **Cell Phone/Other** (434) 981-8946

Fax **Email Address** everline@comcast.net

Physical Address 58 Forest Drive **City** Palmyra **State** VA **Postal Code** 22963

Education and Experience:

Bachelor of Science, UMD, Major: Family and Community Development. Certified Administrator of Volunteer Services (CAVS) Association for Volunteer Administrators (AVA). Coordinating services with community agencies. Delivering services to designated clients. Developing programs out of community needs. Negotiating with school boards, community leaders and program personnel.

Civic Activities and Committee Memberships:

Member of Advisory Board to the centralized Friendly Visitor Program, mental health Association of Montgomery County. Planning Committee for Montgomery County Volunteer Bureau. Co-instructor basic course on managing volunteer programs. Presenter at White House/ACTION national Workshop on Volunteerism. Fluvanna Historical Society, Palmyra Methodist Church.

Interest in Committee:

Retired but have extensive past experience that may be helpful if needed.

Comments: resume on file.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 03/19/2014

AGENDA TITLE:	Six Month Evaluation of Code Compliance Officer position				
MOTION(s):	I move the Board of Supervisors approve permanent full time hours at 40 hours per week to begin July 1, 2014 at a salary of \$31,366.40 per fiscal year and a total cost of \$37,554 with the addition of benefits for the Code Compliance Officer position.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		x			
STAFF CONTACT(S):	Jason Stewart, Planning & Zoning Administrator				
PRESENTER(S):	Jason Stewart, Planning & Zoning Administrator				
RECOMMENDATION:	Recommendation is for the Board of Supervisors to consider full time hours for the Code Compliance Officer position				
TIMING:	Six Month Evaluation of the Code Compliance Officer, Extended Hours				
DISCUSSION:	The Department of Community Development has been evaluating the Code Compliance Officer position to determine the need for full time hours. Last year, the Board of Supervisors approved the position to work 28 hours per week instead of 24 in order to help evaluate the need for more hours. During that time period, the amount of inspections performed has increased. Staff is of the opinion the amount of SUPs that need consistent reinspection plus increasing demands for inspection of violations, illegal signs and support for enforcement of environmental codes warrants increasing the hours to that of a full time position with the requirement that the incumbent become a certified erosion and sedimentation control and stormwater inspector as well as a Certified Zoning Official within twelve months. Without the suggested motion, the position reverts back to 24 hours per week.				
FISCAL IMPACT:	Attached is the analysis from the Finance Department providing documentation of the county expenses associated with continue part employment at 24 hours per week, full time with 30 hours per week, and full time with 40 hours per week.				
POLICY IMPACT:	More hours will not impact current policy				
LEGISLATIVE HISTORY:	Deferred at the December 18, 2013 pending a review by the new Planning & Zoning Administrator				
ENCLOSURES:	Position Description, Cost Data for the Position, 2013 Enforcement Data				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	NA	Y	NA	Y	

CODE COMPLIANCE OFFICER - 2111

GENERAL DEFINITION OF WORK:

Performs intermediate technical work enforcing the zoning ordinance and various environmental codes; does related work as required. Work is performed under regular supervision.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Enforcing zoning ordinance and various environmental codes; inspecting properties; maintaining records; preparing reports.

(These are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

- Enforces zoning ordinance and environmental codes.
- Researches records for ownership data and sends violation notice.
- Inspects properties for compliance with ordinances, codes and submitted plats/blueprints.
- Responds to complaints; conducts inspections.
- Maintains records and files concerning inspections and reinspections.
- Issues stop work orders on non-permitted properties.
- Responds to complaints received at the counter, over the telephone or by mail.
- Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

General knowledge of the zoning ordinances and various environmental codes; general knowledge of legal procedures related to the enforcement of ordinances and codes; ability to read and interpret blueprints, site plans and designs and to ensure compliance with appropriate ordinances and codes; ability to prepare factual reports and present same to appropriate board or commission; ability to communicate effectively both orally and in writing; ability to enforce ordinances and regulations with firmness, tact and impartiality; ability to establish and maintain effective working relationships with contractors, public officials, associates and the general public.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from high school and some experience in code enforcement.

PHYSICAL REQUIREMENTS:

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects; work requires walking, stooping, climbing, standing, fingering, and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for color perception, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, and use of measuring devices; the worker is subject to inside and outside environmental conditions.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.

FLSA Status: Exempt – Executive Discretionary

- Exempt – Professional Compensatory
- Exempt – Administrative Compensatory
- Non-Exempt

Pay Grade: 9

Approved as to form: _____ Date _____

Recommended by: _____ Date _____
Department Head

Approved: _____ Date _____
County Administrator

Approved by Board of Supervisors: June 2, 2004.

Fluvanna County Planning Department
Code Compliance Projects

Staff Contact	Scott Miller (Code Compliance Officer)
Dates	January 1, 2013 thru December 31, 2013 unless otherwise noted **

Project	Status
Special Use Permit (SUP/ZUP) Inspections for Compliance **August 2013 thru December 2013	<ul style="list-style-type: none"> ● Compliance – Sound Levels [Tenaska] <ul style="list-style-type: none"> ○ All requirements and conditions for sound levels compliant (monitored monthly) ● Compliance with site inspection for ZUP 12:001 – All requirements compliant ● Compliance with site inspection for SUP 12:004 – All requirements compliant ● Compliance with site inspection for SUP 12:008 – All requirements compliant ● Compliance with site inspection for SUP 11:001 – All requirements compliant ● Compliance with site inspection for SUP 11:003 – All requirements compliant ● Compliance with site inspection for SUP 11:005 – All requirements compliant ● Compliance with site inspection for SUP 11:006 – All requirements compliant ● Compliance with site inspection for SUP 10:004 – All requirements compliant ● Compliance with site inspection for SUP 10:006 – All requirements compliant ● Compliance with site inspection for SUP 09:002 – All requirements compliant ● Compliance with site inspection for SUP 09:005 – All requirements compliant ● Compliance with site inspection for SUP 09:006 – All requirements compliant ● Compliance with site inspection for SUP 09:007 – All requirements compliant ● Compliance with site inspection for SUP 08:001 – All requirements compliant ● Compliance with site inspection for SUP 08:006 – All requirements compliant ● Compliance with site inspection for SUP 07:016 – All requirements compliant ● Compliance with site inspection for SUP 05:008 – All requirements compliant ● Compliance with site inspection for SUP 04:019 – All requirements compliant
Special Use Permit (SUP) Applications **August 2013 thru December 2013	<ul style="list-style-type: none"> ● SUP required (automobile repair service establishment), Jason Farren, TMP 17-(16)-4, SUP 13:003 ● SUP required (commercial kennel), Andrew and Jess Boyle, TMP 4-(41)-3, SUP 13:004 ● SUP required (commercial greenhouse), Lori L. Roberts, TMP 29-(A)-89, SUP 13:005 ● SUP required (automobile repair service establishment), Gregory Cox, TMP 16-(14)-4, SUP 13:006 ● SUP required (automobile repair service establishment), Brad Kennedy, TMP 29-(A)-12, SUP 13:007 ● SUP required (commercial kennel), Mary E. Marks, TMP 21-(12)-4,5, SUP 13:008
Zoning Violations, Complaints	<ul style="list-style-type: none"> ● Illegal Use, TMP 23-(8)-1A, (inoperative vehicles), James A. Baugher, CCE 13:009, closed ● Illegal Use, TMP 33-(A)-57, (trash, debris), Gail Bruce ET AL, CCE 13:011, closed ● Illegal Use, TMP 3-(27)-7, (setback violation), Rita C. Cline, CCE:13:007, closed ● Illegal Use, TMP 3-(10)-9, (trash, debris), Donald K. Cline, closed ● Illegal Use, TMP 16-(14)-4, (inoperative vehicles, auto garage SUP), Gregory P. & Ann Cox, closed ● Illegal Use, TMP 17-(24)-22, (inoperative vehicles), Jeffrey T. & Bonnie J. Davison, CCE 13:006, closed ● Illegal Use, TMP 30A-(1)-2A, (violating single family dwelling def.), Frank M. & Diane L. Dowell, closed ● Illegal Use, TMP 23-(10)-A1, (violating single family dwelling def.), Michael E. & Sandra C. Falciglia, open ● Illegal Use, TMP 31-(A)-104, (dilapidated structure per/Health Dept. complaint), Charles Franklin, closed ● Illegal Use, TMP 48-(A)-71, (trash, debris), John R. Hamshar, CCE 13:004, closed
SEE NEXT PAGE CONTINUED	

<p>Zoning Violations, Complaints</p> <p style="text-align: center;">CONTINUED</p>	<ul style="list-style-type: none"> ● Illegal Use, TMP 3-(18)-10, (inoperative vehicles), Frederick L. & Vivian H. Hensley, CCE 13:010, closed ● Illegal Use, TMP 51-(A)-22, (outside storage of materials), JWS Enterprises LLC, CCE 12:001, open ● Illegal Use, TMP 3-(A)-31,32, (contractor's storage yard), JWS Enterprises LLC, CCE 12:002, open ● Illegal Use, TMP 28-(A)-12, (inoperative vehicles, auto garage SUP), Brad Kennedy, closed ● Illegal Use, TMP 28-(A)-60, (violation of SUP, noise, hours), Jay Landseadel, CCE 11:017, closed ● Illegal Use, TMP 33-(9)-1A, (trash, debris), Liberty Homes LLC, ET ALS, CCE 13:012, closed ● Illegal Use, TMP 27-(17)-8,9, (inoperative vehicles), David M. & Sandra M. Marks, CCE 13:002, closed ● Illegal Use, TMP 29-(5)-7, (trash, debris), Janet, Melvin & Valerie Morris, CCE 13:001, closed ● Illegal Use, TMP 18A-(11A)-C, (debris, noise), closed ● Illegal Use, TMP 32-(11)-C, (trash, debris), Penny Pittman, CCE 13:003, closed ● Illegal Use, TMP 33-(A)-33, (contaminants in watercourse per DEQ), P. Michael & Linda Roane, closed ● Illegal Use, TMP 12-(A)-32, (setback violation, noise, lighting), Ryalls Living Trust, CCE 13:008, closed ● Illegal Use, TMP 5-(A)-59, (violation of business type), Kenneth Thomas, closed ● Illegal Use, TMP 4-(22)-14, (trash, debris, burning), Kimberly & Samuel A. Wells, CCE 13:005, closed
<p>Signage – Removal of Illegal Signage in road right-of-ways and placement/removal of required County signs</p>	<ul style="list-style-type: none"> ● Removed two hundred and twenty seven (247) illegal signs, June 5, 2013 thru December 31, 2013 ● Placement of fifteen (15) required County zoning signs ● Removal of thirteen (13) required County zoning signs
<p>Assisting Dept. of Building Inspections, Dept. of Public Works and other agencies</p>	<ul style="list-style-type: none"> ● Evaluate Palmyra Fire Station storm sewer pipe failure, take survey measurements ● Evaluate FUMA Maintenance Shop soil and erosion control measures, take survey measurements ● Evaluate Fluvanna County High School retention basin and storm sewer facilities, take survey measurements ● Evaluate Pleasant Grove Park baseball field retention basin, take survey measurements, DPW ● Evaluate Zion Station Sub. for continuing failure of retention basins and ditches, take survey measurements ● Evaluate, locate, uncover/mark benchmark info. at closed County Landfill, take survey measurements, DPW ● Evaluate Biosolid spill on Cedar Lane, DEQ ● Evaluate and advise Biosolid Monitor for failure to display required setback markers at application site ● Evaluate parcel line boundaries for dredging operations on Boston creek at Rivanna River ● Attend Certification for ESRI GIS Mapping ● Develop GIS mapping material for Economic Development Dept. ● Attend Certification for Playground Safety Inspector
<p>Miscellaneous</p>	<ul style="list-style-type: none"> ● Proactive compliance evaluation of all visible properties in the county – 50% complete ● Deliver packets for upcoming Board of Supervisor's and Planning Commission meetings ● Facilitate the purchase of five (5) additional public hearing signs to replace destroyed signs

Code Compliance Officer Position Evaluation

Board of Supervisors Work Session
Staff Presentation
March 12, 2014

Fluvanna County
Dept. of Planning & Community Development



"Responsive & Responsible Government"

Overview

- **Enforces zoning ordinance and environmental codes**
- **Researches ownership data and sends violation notices**
- **Inspects properties for compliance with ordinances, codes and submitted plats/blueprints**
- **Responds to citizen complaints; conducts inspections**
- **Maintains records and files concerning inspections and re-inspections**
- **Currently 28 hours per week – BOS increased from 24 per week last year**

Current Workload

Fluvanna County

- **25-40 Zoning Ordinance Violations investigated per year**
- **312 Current SUPs routinely need to be evaluated**
- **Inspects Site Development Plans to ensure compliance**
- **Assists Enforcement of Environmental Codes**
- **Removes about 30 illegal signs per month**
- **Sound monitoring (Tenaska,etc.)**
- **Court appearances as needed**

Evaluation Period

Since the position went to 28 hours last June:

- **337 illegal signs removed (up from approximately 50 the previous year)**
- **SUP condition verification/enforcement (approximately 3-4 properties per week)**

Drawbacks of current staffing level

Fluvanna County

- **Less time to carry out routine inspection of SUP conditions as SUPs increase in number**
- **Any court appearance or additional regulation limits already finite amount of inspection time**
- **Planning staff currently covers position and conducts field inspections when not available**
- **Staff is more reactive than proactive to Code Compliance Issues**

Benefits of a potential full time position

Fluvanna County

- **Staff can investigate more SUP conditions to verify compliance**
- **Increased enforcement of environmental codes enhances staff flexibility and availability**
- **Regular hours allow Planning staff to devote time to regular duties**
- **More proactive enforcement of County Codes such as sign ordinances, inoperable vehicles, etc**

Recommendation

Staff recommends full time status with the condition that the incumbent become :

- E&S/ Stormwater certified inspector within 12 months**
- Certified Zoning Official within 12 months**

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: March 19, 2014

AGENDA TITLE:	RESOLUTION TO ADOPT REVISED GUIDELINES FOR PROJECTS UNDER THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002, AS AMENDED				
MOTION(s):	I move to approve the “RESOLUTION TO ADOPT REVISED GUIDELINES FOR PROJECTS UNDER THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002, AS AMENDED,” that allows minimum and maximum fees to be charged by the County of Fluvanna for review of unsolicited PPEA proposals.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Steve Nichols, Bobby Popowicz and Legal Counsel				
PRESENTER(S):	Bobby Popowicz and Legal Counsel				
RECOMMENDATION:	Adopt as Presented				
TIMING:	Immediate				
DISCUSSION:	To adopt revised guidelines into the PPEA Guidelines that allows Fluvanna County to charge fees to presenters of unsolicited PPEA Proposals for the cost of reviewing and evaluating any such proposals.				
FISCAL IMPACT:	Added Fees for acceptance of PPEA Submissions				
POLICY IMPACT:					
LEGISLATIVE HISTORY:	PPEA Guidelines Adopted in 2002, Revised in 2012 and proposed Revision 2014				
ENCLOSURES:	PPEA Amended Guidelines and Resolution				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	X				X

Adopted: May 2, 2012, revised March 19, 2014

**PUBLIC-PRIVATE EDUCATION FACILITIES AND
INFRASTRUCTURE ACT OF 2002, AS AMENDED**

COUNTY OF FLUVANNA

**AMENDED AND RESTATED
GUIDELINES AND PROCEDURES**

**Adopted: May 2, 2012
Revised March 19, 2014**

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I. INTRODUCTION

The Public-Private Education Facilities and Infrastructure Act of 2002, as amended¹ (the “Act”, or “PPEA”) is the legislative framework enabling departments, agencies and institutions of the Commonwealth of Virginia, as well as local governments and certain other public bodies, to enter agreements authorizing private entities (sometimes referred to herein as "private entity", “proposer” or "contractor") to develop and/or operate qualifying projects as defined in the Act. The guidelines and procedures presented in this document were developed pursuant to the requirements of Virginia Code Sections 56-575.3:1 and 56-575.16. These guidelines and procedures are to be followed by the County of Fluvanna, Virginia (sometimes referred to herein as "County") in reviewing, considering, approving and developing projects under the Act. The guidelines and procedures will also guide private entities who wish to partner with County in undertaking projects pursuant to the Act.

The Act grants responsible public entities authority to create public-private partnerships for development of a wide range of projects for public use if the public entities determine there is a need for such projects and that private involvement may provide the project in a more timely or cost-effective fashion. For the purposes of the PPEA, the County is a “responsible public entity” (“RPE”) that has the power to develop or operate the applicable qualifying project. Individually negotiated interim or comprehensive agreements between a private entity and the County as an RPE will define the respective rights and obligations of the County and the private entity.

In order for a project to come under the PPEA, it must meet the definition of a "qualifying project." The PPEA contains a broad definition of "qualifying project" that includes public buildings and facilities of all types, and certain infrastructure and services such as:

- (i) Any education facility, including, but not limited to a school building (including any stadium or other facility primarily used for school events), any functionally related and subordinate facility and land to a school building, and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
- (ii) Any building or facility that meets a public purpose and is developed or operated by or for any public entity;
- (iii) Any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;
- (iv) Utility and telecommunications and other communications infrastructure;
- (v) A recreational facility;
- (vi) Technology infrastructure, services, and applications, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services;

¹ Virginia Code Sections 56-575.1 through 56-575.18

- (vii) Any services designed to increase productivity or efficiency through the direct or indirect use of technology;
- (viii) Any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas;
- (ix) Any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or
- (x) Any solid waste management facility, as defined in Virginia Code Section 10.1-1400, that produces electric energy from solid waste.

The County may grant approval of the development or operation of the education facility, technology infrastructure or other public infrastructure or government facility needed by a public entity as a qualifying project, or the design or equipping of a qualifying project so developed or operated, if the County determines that the project serves the public purpose of the PPEA. The County may determine that the development or operation of the qualifying project as a qualifying project serves such public purpose if: (1) there is a public need for or benefit derived from the qualifying project of the type the private entity proposes as a qualifying project; (2) the estimated cost of the qualifying project is reasonable in relation to similar facilities; and, (3) the private entity's plans will result in the timely development or operation of the qualifying project. In evaluating any request, the County may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

Because the PPEA is intended to encourage innovative partnerships between responsible public entities and private entities, the County is encouraged to maintain an open dialogue with private entities to discuss the need for infrastructure improvements.

Senate Bill 1153, passed during the 2009 legislative session, provides for the review of the Model Guidelines of the PPEA by the working group on an annual basis and further charges that the working group makes revisions as needed. In addition, the legislation charged the working group to develop best practices recommendations for use by RPEs. The County has developed these revised guidelines by reviewing the Model Guidelines prepared by the working group and the PPEA.

Although guidance with regard to the application of the PPEA is provided in this document, it is incumbent upon all entities, both public and private, to comply with the provisions of the PPEA and other applicable laws. These guidelines shall be interpreted in a manner to conform to the PPEA and, in the event that the PPEA is amended in a manner that either conflicts with these guidelines or concerns material matters not addressed by these guidelines, then these guidelines shall be interpreted in a manner to conform to the new law.

These guidelines and procedures amend and restate the revised Fluvanna County Procedures previously adopted April 15, 2009.

II. GENERAL PROVISIONS

A. Proposal Submission

A proposal may be either solicited by the County or delivered by a private entity on an unsolicited basis. Proposers are required to follow a two-part proposal submission process consisting of an initial conceptual phase and a detailed phase. The initial phase of the proposal should contain specified information on proposer qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility. The detailed proposal should contain specified deliverables.

The PPEA allows private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal. Such financing arrangements may include the issuance of debt instruments, equity or other securities or obligations, including, if applicable, the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant, to the Economic Growth and Tax Relief Reconciliation Act of 2001 for the development of education facilities using public-private partnerships, and to provide for carryovers of any unused limitation amount. The PPEA is a flexible development tool that allows the use of innovative financing techniques. Depending on the circumstances of each transaction, financing options might include the use of special purpose entities, sale and lease back transactions, enhanced use leasing, property exchanges, development agreements, conduit financing and other methods allowed by law.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the County. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a scope of work and a financial plan for the project, containing enough detail to allow an analysis by the County of the financial feasibility of the proposed project. The cost analysis of a proposal should not be linked solely to the financing plan, as the County may determine to finance the project through other available means.

The County will develop clearly delineated criteria for (i) selecting among competing proposals and (ii) the use of accelerated documentation, review, and selection processes for proposals involving a qualifying project that the County deems a priority. In addition, to facilitate the flow of critical information, the County may establish criteria by which the proposer may provide clarification to a submitted proposal.

B. Affected Local Jurisdictions

Virginia Code Section 56-575.6 requires that any private entity requesting approval from or submitting a proposal to the County must provide each affected local jurisdiction a copy of the private entity's request or proposal. The private entity is responsible for documenting delivery of the request or proposal to each affected local jurisdiction; and, upon the request of the County, the private entity is required to provide the County proof of delivery.

Affected local jurisdictions have sixty (60) days from the receipt of the request or proposal to submit written comments to the County, and to indicate whether the proposed qualifying project is compatible with the (i) local comprehensive plan, (ii) local infrastructure development plans, or (iii) capital improvements budget or other government spending plan. Comments received by the County within the sixty (60) day period shall be considered in evaluating the request or proposal; however, no negative inference shall be drawn from the absence of comment by an affected local jurisdiction.

In providing the request or proposal to the affected local jurisdiction, the private entity may withhold information that the County has deemed to be confidential and not subject to release under the Freedom of Information Act, in accordance with Section II.D of these Guidelines.

C. Proposal Review Fee

The County shall receive an analysis of the proposal from appropriate internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity. Pursuant to Virginia Code Section 56-575.3:1(C), the County shall engage the services of qualified professionals, which may include an architect, professional engineer, or certified public accountant, not otherwise employed by the responsible public entity, to provide independent analysis regarding the specifics, advantages, disadvantages, and the long- and short-term costs of any request by a private entity for approval of a qualifying project unless the Board of Supervisors determines that such analysis of a request by a private entity for approval of a qualifying project shall be performed by employees of the County. By adopting these guidelines, the Board of Supervisors determines that since there are County employees who are professionals within the engineering and other fields, analysis of qualifying projects under these guidelines shall be performed by County employees unless the County Administrator determines there is a need for other professionals to provide analysis for a particular qualifying project. The County may receive additional analysis of the proposal from appropriate internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity.

The County will charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing unsolicited proposal submitted under the PPEA, including a fee to cover, without limitation, the costs of outside professionals, attorneys, consultants, and financial, technical and other necessary advisors. The fee charged for such review of a proposal shall be reasonable in comparison to the level of expertise required to review the proposal and shall not be greater than the direct costs associated with evaluating the proposed qualifying project. "Direct costs" may include, without limitation, (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the out-of-pocket costs of attorneys, consultants, and financial, technical or other necessary advisors.

The County requires an initial proposal fee in an amount sufficient to cover all anticipated direct costs associated with evaluating the proposal. The initial proposal fee is one percent (1%) of the total projected cost of the proposed project or a minimum fee of \$2,500.00, whichever is greater. Notwithstanding the foregoing, the County shall not charge more than \$50,000.00 as an initial proposal fee.

The County will charge an additional proposal fee if the direct costs of reviewing the proposal exceeds the initially established proposal fee. The County will refund to the proposer any portion of fees paid in excess of the County's direct costs associated with evaluating the proposal.

No fee will be charged by County to process, review or evaluate any solicited proposal submitted under the PPEA.

If the County chooses to proceed with evaluation of proposal(s) under the PPEA, it shall not do so until the entire proposal review fee charged, if any, has been paid to the County in full.

As noted in Section IV.A.1 below, if the County determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer.

D. Freedom of Information Act

1. General applicability of disclosure provisions.

Proposal documents submitted by private entities are generally subject to the Virginia Freedom of Information Act ("FOIA") except that subdivision 11 of § 2.2-3705.6 exempts certain documents from public disclosure. FOIA exemptions, however, are discretionary, and the County may elect to release some or all of documents except to the extent the documents are:

a. Trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et. seq.*);

b. Financial records of the private entity that are not generally available to the public through regulatory disclosure or otherwise, including but not limited to, balance sheets and financial statements; or

c. Other information submitted by a private entity, where if the record or document were made public prior to the execution of an interim or comprehensive agreement the financial interest or bargaining position of the public or private entity would be adversely affected.

Additionally, to the extent access to proposal documents submitted by private entities are compelled or protected from disclosure by a court order, the County must comply with the provisions of such order.

The County may contact the Freedom of Information Act Council (FOIAC) regarding the applicability of the access provisions of FOIA:

General Assembly Building, 2 nd Floor	Telephone: 804/225-3056
910 Capitol Street Richmond, VA 23219	Toll-Free: 1-866-448-4100
Email: foiacouncil@leg.state.va.us	Facsimile: 804/371-8705

2. Protection from mandatory disclosure for certain documents submitted by a private entity.

Before a document of a private entity may be withheld from disclosure, the private entity must make a written request to the County at the time the documents are submitted designating with specificity the documents for which the protection is being sought and a clear statement of the reasons for invoking the protection with reference to one or more of three classes of records listed in Section II.D.1.

Upon the receipt of a written request for protection of documents, the County shall determine whether the documents contain (i) trade secrets, (ii) financial records, or (iii) other

information that would adversely affect the financial interest or bargaining position 1 of the County or private entity in accordance with Section II.D.1. The County shall make a written determination of the nature and scope of the protection to be afforded by the County under this subdivision. If the written determination provides less protection than requested by the private entity, the private entity should be accorded an opportunity to withdraw its proposal. Nothing shall prohibit further negotiations of the documents to be accorded protection from release although what may be protected must be limited to the categories of records identified in Section II.D.1 .

Once a written determination has been made by the County, the documents afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of the County or any affected jurisdiction to which such documents are provided.

If a private entity fails to designate trade secrets, financial records, or other confidential or proprietary information for protection from disclosure, such information, records or documents shall be subject to disclosure under FOIA.

3. Protection from mandatory disclosure for certain documents produced by the County.

The County may withhold from disclosure memoranda, staff evaluations, or other records prepared by the County, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, the financial interest or bargaining position of the County would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the County.

Cost estimates relating to a proposed procurement transaction prepared by or for the County shall not be open to public inspection.

4. The County may not withhold from public access:

(a) procurement records other than those subject to the written determination of the County;

(b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the County and the private entity;

(c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or

(d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

However, to the extent that access to any procurement record or other document or information is compelled or protected by a court order, then the County must comply with such order.

E. Use of Public Funds

Virginia constitutional and statutory requirements and County ordinances and policies as they apply to appropriation and expenditure of public funds apply to any interim or comprehensive agreement entered into by the County under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects.

F. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of the County to comply with all other applicable federal, state and local laws, regulations and rules not in conflict with the PPEA. Likewise, in submitting proposals and in developing, executing or operating facilities under the PPEA, private entities shall comply with all applicable federal, state and local laws, regulations and rules. The applicability of the Virginia Public Procurement Act (the "VPPA") is as set forth in the PPEA. Once an interim or comprehensive agreement has been executed, the County shall make available, upon request, procurement records in accordance with Virginia Code Section 2.2-4342.

G. Individual Responsible to Receive Proposals and Respond to Inquiries

The County representative assigned the responsibility of receiving proposals under the PPEA and also to respond to inquiries as well as hold informational meetings and to insure fair treatment of all who submit a proposal is: County Administrator, County of Fluvanna, County Administration Building, 132 Main Street, P. O. Box 540, Palmyra, VA 22963; Phone: (434) 591-1910; Fax: (434) 591-1911.

III. SOLICITED PROPOSALS

The County may issue Requests for Proposals (RFPs) or Invitations for Bids (IFBs), inviting proposals from private entities to develop or operate qualifying projects. The County uses a two-part proposal process consisting of an initial conceptual phase and a detailed phase. An RFP/IFB may invite proposers to submit proposals on individual projects identified by the County. In such a case the County will set forth in the RFP/IFB the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA. The County may establish suggested timelines for selecting proposals for the review and selection of solicited proposals.

The RFP/IFB must specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The RFP/IFB also should contain or incorporate by reference any applicable terms and conditions, and should specify any unique capabilities or qualifications that will be required of private entities. Prep-proposal conferences may be held as deemed appropriate by the County.

The RFP/IFB should be posted in such public areas as are normally used for posting of the County's notices, including the County's website. Notices should also be published in a newspaper or other publications of general circulation and advertised in *Virginia Business Opportunities* and posted on the Commonwealth's electronic procurement site. In addition, solicited proposals should be posted pursuant to Section IV.B. The RFP should also contain or

incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Pre-proposal conferences may be held as deemed appropriate by the County.

IV. UNSOLICITED PROPOSALS

The PPEA permits the County to receive, evaluate and select for negotiations unsolicited proposals from private entities to develop or operate a qualifying project.

The County may publicize its needs and may encourage interested parties to submit unsolicited proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of an RFP/IFB, the proposal shall be treated as an unsolicited proposal. The County may establish suggested timelines for selecting proposals for the review and selection of unsolicited proposals. Unsolicited proposals should be submitted to the County Administrator, and the delivery should be confirmed for the proposer by written receipt.

A. Decision to Accept and Consider Unsolicited Proposal; Notice

1. Upon receipt of any unsolicited proposal or group of proposals and payment of any required fee by the proposer or proposers, the County should determine whether to accept the unsolicited proposal for the purpose of publication and conceptual-phase consideration. If the County determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer. The County reserves the right to reject any and all proposals at any time. Pursuant to Virginia Code Section 56-575.3(D), if the County rejects a proposal initiated by a private entity that purports to develop specific cost savings, then the County shall specify the basis for the rejection.

2. If the County chooses to accept an unsolicited proposal for publication and conceptual-phase consideration, it shall post a notice in a public area regularly used by the County for posting of public notices for a period of not less than forty-five (45) days. The County shall also publish the same notice for a period of not less than forty-five (45) days in one or more newspapers or periodicals of general circulation in the jurisdiction to notify any parties that may be interested in submitting competing unsolicited proposals. In addition, the notice should be advertised in *Virginia Business Opportunities* and on the Commonwealth's electronic procurement website. The notice shall state that the County (i) has received an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal, and (iv) will receive for simultaneous consideration any competing proposals that comply with the procedures adopted by the County and the PPEA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations.

To ensure that sufficient information is available upon which to base the development of a serious competing proposal, representatives of the County familiar with the unsolicited proposal and the guidelines established by the County shall be made available to respond to inquiries and meet with private entities that are considering the submission of a competing proposal. The County shall conduct an analysis of the information pertaining to the proposal included in the notice to ensure that such information sufficiently encourages competing

proposals. Further, the County shall establish criteria, including key decision points and approvals to ensure proper consideration of the extent of competition from available private entities prior to selection.

3. Prior to posting of the notices provided for in this subsection, the County shall receive from the initial proposer(s) the balance due, of the required project proposal review fee.

B. Posting Requirements

1. Conceptual proposals, whether solicited or unsolicited, shall be posted by the County within ten (10) working days after acceptance of such proposals for further consideration in the following manner: Posting shall be on the County's website or by publication, in a newspaper of general circulation in the area in which the contract is to be performed, of a summary of the proposals and the location where copies of the proposals are available for public inspection. Posting may also be on the Department of General Service's web-based electronic procurement program commonly known as "eVA," in the discretion of the County

2. Nothing shall be construed to prohibit the posting of the conceptual proposals by additional means deemed appropriate by the County so as to provide maximum notice to the public of the opportunity to inspect the proposals.

3. In addition to the posting requirements, at least one copy of the proposals shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of Virginia Code Section 2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the County and the private entity. Any inspection of procurement transaction records shall be subject to reasonable restrictions to ensure the security and integrity of the records.

V. REVIEW OF SOLICITED AND UNSOLICITED PROPOSALS

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the County for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section VI.A.

2. The County will determine at the initial review stage (conceptual stage) whether it will proceed using:

- a. Standard procurement procedures consistent with procurement through competitive sealed bidding, as defined in Virginia Code Section 2.2-4301 and subsection B of 2.2-4310, under the Virginia Public Procurement Act²;
- b. For professional services, standard procurement procedures consistent with procurement of "professional services" through competitive negotiation, as defined in Virginia Code Section 2.2-4301 and subsection B of 2.2-4310, under the Virginia

² Virginia Code Section 2.2-4300 et seq.

Public Procurement Act; or

- c. Standard procurement procedures consistent with procurement of “other than professional services” through competitive negotiation, as defined in Virginia Code Section 2.2-4301 and subsection B of 2.2-4310, under the Virginia Public Procurement Act. The County may proceed using such procedures only if it makes a written determination that doing so is likely to be advantageous to the County and the public based upon (i) the probable scope, complexity or priority of the project; (ii) risk sharing, including guaranteed cost or completion guarantees, added value or debt or equity investments proposed by the private entity; or (iii) an increase in funding, dedicated revenue source or other economic benefit that would not otherwise be available. When using such procedures, the County shall not be required to select the proposal with the lowest price offer, but may consider price as one factor in evaluating the proposals received. Other factors that may be considered include (i) the proposed cost of the qualifying facility; (ii) the general reputation, industry experience, and financial capacity of the private entity; (iii) the proposed design of the qualifying project; (iv) the eligibility of the facility for accelerated selection, review, and documentation timelines under the County's guidelines; (v) local citizen and government comments; (vi) benefits to the public; (vii) the private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan; (viii) the private entity's plans to employ local contractors and residents; and (ix) other criteria that the County deems appropriate.

The County may adopt other guidelines and procedures consistent with Virginia Code Section 56-575.16.

3. After reviewing the original proposal and any competing proposals submitted during the notice period, the County Administrator may recommend to the Board of Supervisors:

- (i) not to proceed further with any proposal;
- (ii) to proceed to the detailed (Part 2) stage of review with the original proposal;
- (iii) to proceed to the detailed (Part 2) stage with a competing proposal;
- (iv) to proceed to the detailed (Part 2) stage with multiple proposals; or
- (v) to request modifications or amendments to any proposals.

The Board of Supervisors shall approve, in writing, the course of action to be implemented by the County, after considering any recommendation of the County Administrator.

In the event that more than one proposal will be considered in the detailed (Part 2) phase of review, the County shall determine whether the unsuccessful private entity, or entities, shall be reimbursed, in whole or in part, for costs incurred in the detailed stage of review. In such case, reasonable costs may be assessed to the successful proposer as part of any ensuing interim or comprehensive agreement.

4. Discussions between the County and a private entity about the need for infrastructure improvements shall not inhibit the County's ability to employ other procurement procedures to meet such needs. The County retains the right to reject any proposal at any time, without penalty, prior to the execution of an interim or comprehensive agreement. Pursuant to Virginia Code Section 56-575.3(D), if the County rejects a proposal initiated by a private entity that purports to develop specific cost savings, then the County shall specify the basis for the rejection.

VI. PROPOSAL PREPARATION AND SUBMISSION

A. Format for Submissions at Conceptual Stage (Part 1)

Proposals at the conceptual stage must contain information in the following areas: (i) qualifications and experience, (ii) project characteristics, (iii) project financing, (iv) anticipated public support or opposition, or both, (v) project benefit and compatibility and (vi) any additional information as the County may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include the items listed below, as well as any additional information or documents that County may request:

1. Qualification and Experience

- a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- b. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties, and a description of such guarantees and warranties.
- c. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
- d. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.
- e. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2.

2. Project Characteristics

- a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
- b. Identify and fully describe any work to be performed by the County.
- c. Include a list of all federal, state, and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- d. Identify any anticipated adverse social, economic, and environmental impacts of the project. Specify the strategies or actions to mitigate known impacts of the project.
- e. Identify the projected positive social, economic, and environmental impacts of the project.
- f. Identify the proposed schedule for the work on the project, including the estimated time for completion.
- g. Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.
- h. State assumptions related to ownership, legal liability, law enforcement, and operation of the project and the existence of any restrictions on the County's use of the project.
- i. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.
- j. List any other assumptions relied on for the project to be successful.
- k. List any contingencies that must occur for the project to be successful.

3. Project Financing

- a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
- b. Submit a plan for the development, financing, and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs. Include supporting due diligence studies, analyses, or reports.
- c. Include a list and discussion of assumptions underlying all major elements of the plan. Assumptions should include all significant fees associated with financing given the recommended financing approach. In addition complete disclosure of

interest rate assumptions should be included. Any ongoing operational fees, if applicable, should also be disclosed as well as any assumptions with regard to increases in such fees.

- d. Identify the proposed risk factors and methods for dealing with these factors.
- e. Identify any local, state, or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment. Such disclosure should include any direct or indirect guarantees or pledges of the County's credit or revenue.
- f. Identify the amounts and the terms and conditions for any revenue sources.
- g. Identify any aspect of the project that could disqualify the project from obtaining tax-exempt financing.

4. Project Benefit and Compatibility

- a. Identify who will benefit from the project, how they will benefit, and how the project will benefit the overall community, region, or state.
- b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.
- c. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.
- d. Describe the anticipated significant benefits to the community, region or state, including anticipated benefits to the economic condition of the County and whether the project is critical to attracting or maintaining competitive industries and businesses to the County or the surrounding region.
- e. Describe compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget, or other government spending plan.
- f. Provide a statement setting forth participation efforts that are intended to be undertaken in connection with this project with regard to the following types of businesses: (i) minority-owned businesses, (ii) woman-owned businesses, and (iii) small businesses.

B. Format for Submissions at Detailed Stage (Part 2)

If the County decides to proceed to the detailed stage (Part 2) with one or more proposals, each selected private entity must provide the following information, where applicable, unless the County waives the requirement or requirements:

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;
2. A description of the qualifying project, including the conceptual design of such facility or facilities or a conceptual plan for the provision of services or technology infrastructure, and a schedule for the initiation of and completion of the qualifying project to include the proposed major responsibilities and timeline for activities to be performed by both the County and the private entity;
3. A statement and strategy setting out the method by which the private entity proposes to secure all necessary property interests required for the qualifying project. The statement must include the names and addresses, if known, of the current owners of the subject property as well as a list of any property the proposer intends to request the public entity to condemn;
4. Information relating to the current plans for development of facilities or technology infrastructure to be used by a public entity that are similar to the qualifying project being proposed by the private entity, if any, of each affected local jurisdiction;
5. A list of all permits and approvals required for the qualifying project from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;
6. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings;
7. A statement setting forth the private entity's general plans for financing of the qualifying project including the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity;
8. The names and addresses of the persons who may be contacted for additional information concerning the request;
9. User fees, lease payments, and other service payments over the term of the interim or comprehensive agreement pursuant to Virginia Code Section 56-575.9 or 56.575.9:1 and the methodology and circumstances for changes to such user fees, lease payments, and other service payments over time;
10. A detailed listing of all firms, along with their relevant experience and abilities, that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties along with a record of any prior defaults for performance;
11. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project

revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses using any relevant County adopted service levels or standards;

12. A detailed discussion of assumptions regarding user fees or rates and usage of the projects;
13. Identification and discussion of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications;
14. Demonstration of consistency with appropriate County and affected local jurisdiction comprehensive plans (including related environmental, land use, and facility standards ordinances, if applicable), infrastructure development plans, transportation plans, the capital improvement plan and capital budget, or indication of the steps required for acceptance into such plans;
15. Explanation of how the proposed project would impact local development plans of each affected local jurisdiction;
16. Identification of the executive management and the officers and directors of the firm or firms submitting the proposal. In addition, identification of any known conflicts of interest or other disabilities that may impact the public entity's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2, Code of Virginia; and
17. Additional material and information as the County may request.

VII. PROPOSAL EVALUATION AND SELECTION CRITERIA

In selecting proposals, the County must consider all relevant information from both the Conceptual Stage and the Detailed Stage and there are several other factors that the County may wish to consider when evaluating and selecting a proposal under the PPEA. The following are some factors that may be considered by the County in the evaluation and selection of PPEA proposals:

A. Qualifications and Experience

To determine whether the proposer possesses the requisite qualifications and experience, factors to consider in review of either phase should include:

1. Experience, training and preparation with similar projects;

2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;
6. Financial condition; and
7. Project ownership.

B. Project Characteristics

Factors to consider in determining the project characteristics include:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology, technical feasibility;
5. Conformance with applicable laws, regulations, codes, guidelines and standards;
6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include:

1. Cost and cost benefit to the County;
2. Financing and the impact on the debt or debt burden of the County;
3. Financial plan, including overall feasibility and reliability of plan; the private entity's past performance with similar plans and similar projects; degree to which the private entity has conducted due diligence investigation and analysis of proposed financial plan and results of any such inquiries or studies;
4. Opportunity cost assessment;

5. Estimated cost;
6. Life-cycle cost;
7. The identity, credit history, and past performance of any third party that will provide financing for the project and the nature and timing of their commitment, as applicable; and
7. Such other items as the County deems appropriate.

The County may elect to accept the private entity's financing proposal or may select its own finance team, source, and financing vehicle. In the event that any project, or portion thereof, is financed through the issuance of obligations that are deemed to be tax-supported debt of the County, or if financing such a project may impact the County's debt rating or financial position, the County may select its own finance team, source, and financing vehicle.

D. Public Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans include:

2. Community benefits;
3. Community support or opposition, or both;
4. Public involvement strategy;
5. Compatibility with existing and planned facilities; and
6. Compatibility with local, regional, and state economic development efforts.

E. Other Factors

Other factors that may be considered in the evaluation and selection of PPEA proposals include:

1. The proposed cost of the qualifying project;
2. The general reputation, industry experience, and financial capacity of the private entity;
3. The proposed design of the qualifying project;
4. The eligibility of the project for accelerated documentation, review, and selection;
5. Local citizen and government comments;
6. Benefits to the public, including financial and nonfinancial;

7. The private entity's compliance with a minority business plan, enterprise participation plan or good faith effort to comply with the goals of such plan;
8. The private entity's plan to employ local contractors and residents; and
9. Other criteria that the County deems appropriate.

VIII. ADDITIONAL REVIEW PROCEDURES

A. Public Private Partnership Advisory Committee

The County may establish criteria to trigger establishment of an advisory committee consisting of representatives of the Board of Supervisors, County staff and County Citizens to review the terms of the proposed interim or comprehensive agreement. The criteria should include, but not be limited to, the scope, total cost and duration of the proposed project, and whether the project involves or impacts multiple public entities. Timelines for the work of the committee should be developed and made available to proposers.

B. Appropriating Body

If the responsible public entity for appropriating or authorizing funding to pay for a qualifying project is different from the responsible public entity reviewing or approving the project, then the responsible public entity reviewing or approving the project should establish a mechanism for that appropriating body to review any proposed interim or comprehensive agreement prior to execution. When a school board is the responsible public entity, the school board may enter into an interim or comprehensive agreement only with the approval of the Board of Supervisors.

IX. INTERIM AND COMPREHENSIVE AGREEMENTS

Prior to developing or operating the qualifying project, the selected private entity shall enter into a comprehensive agreement with the County. Prior to entering a comprehensive agreement, an interim agreement may be entered into that permits a private entity to perform compensable activities related to the project. The County may designate a working group to be responsible for negotiating any interim or comprehensive agreement. Any interim or comprehensive agreement shall define the rights and obligations of the County and the selected proposer with regard to the project.

The County shall not accept liability for any part or phase of a project prior to entering into a properly executed interim or comprehensive agreement. The Board of Supervisors of the County shall review and approve any interim or comprehensive agreement pursuant to the PPEA prior to execution. Any studies and analyses considered by the County in its review of a proposal shall be disclosed to the Board of Supervisors at some point prior to the execution of an interim or comprehensive agreement. In connection with its approval of a qualifying project, the County shall establish a date for the commencement of activities relating to the qualifying project. The County may extend such date from time to time.

Any changes in the terms of an executed interim or comprehensive agreement shall be in the

form of a written amendment.

A. Interim Agreement Terms

Interim agreements may be used when it is necessary or advisable to segment a project to produce distinct and clear deliverables necessary to keep the project moving towards development of a comprehensive agreement. An interim agreement may not be used to have the County assume risks that should be assumed by the proposer or to pay costs attributable to the private entity's efforts in making the proposal. Interim agreements require the same level of approval as Comprehensive Agreements.

The scope of an interim agreement may include, but is not limited to:

1. Project planning and development;
2. Design and engineering;
3. Environmental analysis and mitigation;
4. Survey;
5. Ascertaining the availability of financing for the proposed facility(ies) through financial and revenue analysis;
6. Establishing a process and timing of the negotiation of the comprehensive agreement; and
7. Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

Development of an interim agreement is in the sole discretion of the Board of Supervisors of the County and in no way limits the rights reserved by the County to terminate the evaluation of any or all proposals at any time.

B. Comprehensive Agreement Terms

The scope of the comprehensive agreement shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, development, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project, in the forms and amounts satisfactory to the County and in compliance with Virginia Code Section 2.2-4337 for those components of the qualifying project that involve construction;
2. The review and approval of plans and specifications for the qualifying project by the County. This shall not be construed as requiring the private entity to complete design of

- a qualifying project prior to the execution of a comprehensive agreement;
3. The rights of the County to inspect the qualifying project to ensure the private entity's activities are acceptable to the County in compliance with the comprehensive agreement and any development plans and specifications;
 4. The maintenance of a policy or policies of public liability insurance or self-insurance (copies of which shall be furnished to the County accompanied by proofs of coverage), each in form and amount satisfactory to the County and reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;
 5. The monitoring of the practices of the private entity by the County to ensure that the qualifying project is properly maintenance;
 6. Reimbursement to be paid to the County by the private entity for services provided by the County, and the specific terms relating thereto;
 7. The policy and procedures that will govern the rights and responsibilities of the County and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity including the conditions governing assumption of the duties and responsibilities of the private entity by the County and the transfer or purchase of property or other interests of the private entity by the County;
 8. The terms under which the private entity will file appropriate financial statements on a periodic basis;
 9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be set at a level that is the same for persons using the facility under like conditions and that will not materially discourage use of the qualifying project;
 - a. A copy of any service contract shall be filed with the County.
 - b. A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request.
 - c. Classifications according to reasonable categories for assessment of user fees may be made.
 10. The terms and conditions under which the County may be required to contribute financial resources, if any;
 11. The terms and conditions under which existing site conditions will be addressed, including identification of the party responsible for conducting assessments and taking necessary remedial action;

12. The terms and conditions under which the County will be required to pay money to the private entity and the amount of any such payments for the project;
13. The duties of the private entity under the PPEA;
14. Other requirements of the PPEA or other applicable law; and
15. Such other terms and conditions as the County may deem appropriate.

The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

Parties submitting proposals understand that representations, information and data supplied in support of or in connection with proposals play a critical role in the competitive evaluation process and in the ultimate selection of a proposal by the County. Accordingly, as part of the Comprehensive Agreement, the prospective contractor and its team members shall certify that all material representations, information and data provided in support of, or in connection with, a proposal is true and correct. Such certifications shall be made by authorized individuals who have knowledge of the information provided in the proposal. In the event that material changes occur with respect to any representations, information or data provided for a proposal, the prospective contractor shall immediately notify the County of same. Any violation of this section of the Comprehensive Agreement shall give the County the right to terminate the Agreement, withhold payment or other consideration due, and seek any other remedy available under the law.

C. Public Hearing during Proposal Review Process

1. At some point during the proposal review process, but at least thirty (30) days prior to entering into an interim or comprehensive agreement, the County shall hold a public hearing on the proposals that have been received.
2. Once the negotiation phase for the development of an interim or a comprehensive agreement is complete, but before an interim agreement or a comprehensive agreement is entered into, the County shall post the proposed agreement in the following manner:
 - a. Posting shall be on the County's website or by publication, in a newspaper of general circulation in the area in which the contract is to be performed, of a summary of the agreement and the location where copies of the agreement are available for public inspection. Posting may also be on the Department of General Service's web-based electronic procurement program commonly known as "eVA," in the discretion of the County.
 - b. In addition to the posting requirements, at least one copy of the agreement shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of Virginia Code Section 2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the County and the private entity.

- c. Any studies and analyses considered by the County in its review of a proposal shall be disclosed to the appropriating body at some point prior to the execution of an interim or comprehensive agreement.
3. Once an interim agreement or a comprehensive agreement has been executed and entered into, the County shall make procurement records available for public inspection, upon request.
 - a. Such procurement records shall include documents initially protected from disclosure during the negotiation phase on the basis that the release of such documents would adversely affect the financial interest or bargaining position of the County or private entity in accordance with Section II.D.3.
 - b. Such procurement records shall not include (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (Virginia Code Section 59.1-336 et seq.) or (ii) financial records, including balance sheets or financial statements of the private entity that are not generally available to the public through regulatory disclosure or otherwise.

To the extent access to procurement records are compelled or protected by a court order, then the County must comply with such order.

D. Filing of PPEA Comprehensive Agreement with Auditor of Public Accounts

In compliance with Virginia Code Section 56-575.9F, the County, within thirty (30) days of entering into a comprehensive agreement pursuant to the PPEA, shall submit a copy of such agreement and all supporting documents to the Auditor of Public Accounts.

X. GOVERNING PROVISIONS

In the event of any conflict between these guidelines and procedures and the PPEA, as the same may be amended from time to time, the terms of the PPEA shall control.

XI. TERMS AND DEFINITIONS

"Affected jurisdiction" means any county, city, or town in which all or a portion of a qualifying project is located.

"Appropriating body" means the body responsible for appropriating or authorizing funding to pay for a qualifying project.

"Comprehensive agreement" means the comprehensive agreement between the private entity and the responsible public entity that is required by Virginia Code Section 56-575.9 prior to the development or operation of a qualifying project.

"Conceptual stage" means the initial phase of project evaluation when the public entity makes a determination whether the proposed project serves a public purpose, meets the criteria for a qualifying project, assesses the qualifications and experience of a private entity proposer, reviews the project for

financial feasibility, and warrants further pursuit.

"Cost-benefit analysis" means an analysis that weighs expected costs against expected benefits in order to choose the best option. For example, a city manager may compare the costs and benefits of constructing a new office building to those of renovating and maintaining an existing structure in order to select the most financially advantageous option.

"Detailed stage" means the second phase of project evaluation where the public entity has completed the conceptual stage and accepted the proposal and may request additional information regarding a proposed project prior to entering into competitive negotiations with one or more private entities to develop an interim or comprehensive agreement.

"Develop" or "development" means to plan, design, develop, finance, lease, acquire, install, construct, or expand.

"Interim agreement" means an agreement between a private entity and a responsible public entity that provides for phasing of the development or operation, or both, of a qualifying project. Such phases may include, but are not limited to, design, planning, engineering, environmental analysis and mitigation, financial and revenue analysis, or any other phase of the project that constitutes activity on any part of the qualifying project.

"Lease payment" means any form of payment, including a land lease, by a public entity to the private entity for the use of a qualifying project.

"Lifecycle cost analysis" means an analysis that calculates cost of an asset over its entire life span and includes the cost of planning, constructing, operating, maintaining, replacing, and when applicable, salvaging the asset. Although one proposal may have a lower initial construction cost, it may not have the lowest lifecycle cost once maintenance, replacement, and salvage value is considered.

"Material default" means any default by the private entity in the performance of its duties under subsection E of Virginia Code Section 56-575.8 that jeopardizes adequate service to the public from a qualifying project.

"Operate" means to finance, maintain, improve, equip, modify, repair, or operate.

"Opportunity cost" means the cost of passing up another choice when making a decision or the increase in costs due to delays in making a decision.

"Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

"Public entity" means the Commonwealth and any agency or authority thereof, any county, city or town and any other political subdivision of the Commonwealth, any public body politic and corporate, or any regional entity that serves a public purpose.

"Qualifying project" means (i) any education facility, including, but not limited to a school building, any functionally related and subordinate facility and land to a school building (including any stadium or other facility primarily used for school events), and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education; (ii) any building or facility that meets a public purpose and is developed or operated by or for any public entity; (iii) any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; (v) a recreational facility; (vi) technology infrastructure, services, and applications, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services; (vii) any services designed to increase the productivity or efficiency of the responsible public entity through the use of technology or other means, (viii) any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas; (ix) any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or (x) any solid waste management facility as defined in Virginia Code Section 10.1-1400 that produces electric energy derived from solid waste.

"Responsible public entity" means a public entity that has the power to develop or operate the applicable qualifying project.

"Revenues" means all revenues, income, earnings, user fees, lease payments, or other service payments arising out of or in connection with supporting the development or operation of a qualifying project, including without limitation, money received as grants or otherwise from the United States of America, from any public entity, or from any agency or instrumentality of the foregoing in aid of such facility.

"Service contract" means a contract entered into between a public entity and the private entity pursuant to Virginia Code Section 56-575.5.

"Service payments" means payments to the private entity of a qualifying project pursuant to a service contract.

"State" means the Commonwealth of Virginia.

"User fees" mean the rates, fees, or other charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to the comprehensive agreement pursuant to Virginia Code Section 56-575.9.

Adopted: May 2, 2012, revised March 19, 2014

**PUBLIC-PRIVATE EDUCATION FACILITIES AND
INFRASTRUCTURE ACT OF 2002, AS AMENDED**

COUNTY OF FLUVANNA

**AMENDED AND RESTATED
GUIDELINES AND PROCEDURES**

Adopted: May 2, 2012
Revised March 19, 2014

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XI. TERMS AND DEFINITIONS

I. INTRODUCTION

The Public-Private Education Facilities and Infrastructure Act of 2002, as amended¹ (the “Act”, or “PPEA”) is the legislative framework enabling departments, agencies and institutions of the Commonwealth of Virginia, as well as local governments and certain other public bodies, to enter agreements authorizing private entities (sometimes referred to herein as "private entity", “proposer” or "contractor") to develop and/or operate qualifying projects as defined in the Act. The guidelines and procedures presented in this document were developed pursuant to the requirements of Virginia Code Sections 56-575.3:1 and 56-575.16. These guidelines and procedures are to be followed by the County of Fluvanna, Virginia (sometimes referred to herein as "County") in reviewing, considering, approving and developing projects under the Act. The guidelines and procedures will also guide private entities who wish to partner with County in undertaking projects pursuant to the Act.

The Act grants responsible public entities authority to create public-private partnerships for development of a wide range of projects for public use if the public entities determine there is a need for such projects and that private involvement may provide the project in a more timely or cost-effective fashion. For the purposes of the PPEA, the County is a “responsible public entity” (“RPE”) that has the power to develop or operate the applicable qualifying project. Individually negotiated interim or comprehensive agreements between a private entity and the County as an RPE will define the respective rights and obligations of the County and the private entity.

In order for a project to come under the PPEA, it must meet the definition of a "qualifying project." The PPEA contains a broad definition of "qualifying project" that includes public buildings and facilities of all types, and certain infrastructure and services such as:

- (i) Any education facility, including, but not limited to a school building (including any stadium or other facility primarily used for school events), any functionally related and subordinate facility and land to a school building, and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
- (ii) Any building or facility that meets a public purpose and is developed or operated by or for any public entity;
- (iii) Any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;
- (iv) Utility and telecommunications and other communications infrastructure;
- (v) A recreational facility;
- (vi) Technology infrastructure, services, and applications, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services;

¹ Virginia Code Sections 56-575.1 through 56-575.18

- (vii) Any services designed to increase productivity or efficiency through the direct or indirect use of technology;
- (viii) Any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas;
- (ix) Any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or
- (x) Any solid waste management facility, as defined in Virginia Code Section 10.1-1400, that produces electric energy from solid waste.

The County may grant approval of the development or operation of the education facility, technology infrastructure or other public infrastructure or government facility needed by a public entity as a qualifying project, or the design or equipping of a qualifying project so developed or operated, if the County determines that the project serves the public purpose of the PPEA. The County may determine that the development or operation of the qualifying project as a qualifying project serves such public purpose if: (1) there is a public need for or benefit derived from the qualifying project of the type the private entity proposes as a qualifying project; (2) the estimated cost of the qualifying project is reasonable in relation to similar facilities; and, (3) the private entity's plans will result in the timely development or operation of the qualifying project. In evaluating any request, the County may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of outside advisors or consultants having relevant experience.

Because the PPEA is intended to encourage innovative partnerships between responsible public entities and private entities, the County is encouraged to maintain an open dialogue with private entities to discuss the need for infrastructure improvements.

Senate Bill 1153, passed during the 2009 legislative session, provides for the review of the Model Guidelines of the PPEA by the working group on an annual basis and further charges that the working group makes revisions as needed. In addition, the legislation charged the working group to develop best practices recommendations for use by RPEs. The County has developed these revised guidelines by reviewing the Model Guidelines prepared by the working group and the PPEA.

Although guidance with regard to the application of the PPEA is provided in this document, it is incumbent upon all entities, both public and private, to comply with the provisions of the PPEA and other applicable laws. These guidelines shall be interpreted in a manner to conform to the PPEA and, in the event that the PPEA is amended in a manner that either conflicts with these guidelines or concerns material matters not addressed by these guidelines, then these guidelines shall be interpreted in a manner to conform to the new law.

These guidelines and procedures amend and restate the revised Fluvanna County Procedures previously adopted April 15, 2009.

II. GENERAL PROVISIONS

A. Proposal Submission

A proposal may be either solicited by the County or delivered by a private entity on an unsolicited basis. Proposers are required to follow a two-part proposal submission process consisting of an initial conceptual phase and a detailed phase. The initial phase of the proposal should contain specified information on proposer qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility. The detailed proposal should contain specified deliverables.

The PPEA allows private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal. Such financing arrangements may include the issuance of debt instruments, equity or other securities or obligations, including, if applicable, the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant, to the Economic Growth and Tax Relief Reconciliation Act of 2001 for the development of education facilities using public-private partnerships, and to provide for carryovers of any unused limitation amount. The PPEA is a flexible development tool that allows the use of innovative financing techniques. Depending on the circumstances of each transaction, financing options might include the use of special purpose entities, sale and lease back transactions, enhanced use leasing, property exchanges, development agreements, conduit financing and other methods allowed by law.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the County. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a scope of work and a financial plan for the project, containing enough detail to allow an analysis by the County of the financial feasibility of the proposed project. The cost analysis of a proposal should not be linked solely to the financing plan, as the County may determine to finance the project through other available means.

The County will develop clearly delineated criteria for (i) selecting among competing proposals and (ii) the use of accelerated documentation, review, and selection processes for proposals involving a qualifying project that the County deems a priority. In addition, to facilitate the flow of critical information, the County may establish criteria by which the proposer may provide clarification to a submitted proposal.

B. Affected Local Jurisdictions

Virginia Code Section 56-575.6 requires that any private entity requesting approval from or submitting a proposal to the County must provide each affected local jurisdiction a copy of the private entity's request or proposal. The private entity is responsible for documenting delivery of the request or proposal to each affected local jurisdiction; and, upon the request of the County, the private entity is required to provide the County proof of delivery.

Affected local jurisdictions have sixty (60) days from the receipt of the request or proposal to submit written comments to the County, and to indicate whether the proposed qualifying project is compatible with the (i) local comprehensive plan, (ii) local infrastructure development plans, or (iii) capital improvements budget or other government spending plan. Comments received by the County within the sixty (60) day period shall be considered in evaluating the request or proposal; however, no negative inference shall be drawn from the absence of comment by an affected local jurisdiction.

In providing the request or proposal to the affected local jurisdiction, the private entity may withhold information that the County has deemed to be confidential and not subject to release under the Freedom of Information Act, in accordance with Section II.D of these Guidelines.

C. Proposal Review Fee

The County shall receive an analysis of the proposal from appropriate internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity. Pursuant to Virginia Code Section 56-575.3:1(C), the County shall engage the services of qualified professionals, which may include an architect, professional engineer, or certified public accountant, not otherwise employed by the responsible public entity, to provide independent analysis regarding the specifics, advantages, disadvantages, and the long- and short-term costs of any request by a private entity for approval of a qualifying project unless the Board of Supervisors determines that such analysis of a request by a private entity for approval of a qualifying project shall be performed by employees of the County. By adopting these guidelines, the Board of Supervisors determines that since there are County employees who are professionals within the engineering and other fields, analysis of qualifying projects under these guidelines shall be performed by County employees unless the County Administrator determines there is a need for other professionals to provide analysis for a particular qualifying project. The County may receive additional analysis of the proposal from appropriate internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity.

The County ~~may~~will charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing unsolicited proposal submitted under the PPEA, including a fee to cover, without limitation, the costs of outside professionals, attorneys, consultants, and financial, technical and other necessary advisors. ~~Any~~The fee charged for such review of a proposal ~~should~~shall be reasonable in comparison to the level of expertise required to review the proposal and ~~should~~shall not be greater than the direct costs associated with evaluating the proposed qualifying project. "Direct costs" may include, without limitation, (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the out-of-pocket costs of attorneys, consultants, and financial, technical or other necessary advisors.

~~The proposal fee may cover all or part of the initial review process. For example, the County may require a~~The County requires an initial proposal fee in an amount sufficient to cover all anticipated direct costs associated with evaluating the proposal, ~~or the County may require a smaller initial processing fee with an additional proposal fee to be charged should the project proceed beyond the initial review. If the cost of reviewing the proposal exceeds the initially established proposal fee, the County may assess the proposer the additional costs deemed necessary to evaluate the proposal. The initial proposal fee is one percent (1%) of the total projected cost of the proposed project or a minimum fee of \$2,500.00, whichever is greater. Notwithstanding the foregoing, the County shall not charge more than \$50,000.00 as an initial proposal fee.~~

The County will charge an additional proposal fee if the direct costs of reviewing the proposal exceeds the initially established proposal fee. The County will refund to the proposer

any portion of fees paid in excess of the County's direct costs associated with evaluating the proposal.

No fee will be charged by County to process, review or evaluate any solicited proposal submitted under the PPEA.

If the County chooses to proceed with evaluation of proposal(s) under the PPEA, it shall not do so until the entire proposal review fee charged, if any, has been paid to the County in full.

As noted in Section IV.A.1 below, if the County determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer.

D. Freedom of Information Act

1. General applicability of disclosure provisions.

Proposal documents submitted by private entities are generally subject to the Virginia Freedom of Information Act ("FOIA") except that subdivision 11 of § 2.2-3705.6 exempts certain documents from public disclosure. FOIA exemptions, however, are discretionary, and the County may elect to release some or all of documents except to the extent the documents are:

a. Trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et. seq.*);

b. Financial records of the private entity that are not generally available to the public through regulatory disclosure or otherwise, including but not limited to, balance sheets and financial statements; or

c. Other information submitted by a private entity, where if the record or document were made public prior to the execution of an interim or comprehensive agreement the financial interest or bargaining position of the public or private entity would be adversely affected.

Additionally, to the extent access to proposal documents submitted by private entities are compelled or protected from disclosure by a court order, the County must comply with the provisions of such order.

The County may contact the Freedom of Information Act Council (FOIAC) regarding the applicability of the access provisions of FOIA:

General Assembly Building, 2 nd Floor	Telephone: 804/225-3056
910 Capitol Street Richmond, VA 23219	Toll-Free: 1-866-448-4100
Email: foiacouncil@leg.state.va.us	Facsimile: 804/371-8705

2. Protection from mandatory disclosure for certain documents submitted by a private entity.

Before a document of a private entity may be withheld from disclosure, the private entity must make a written request to the County at the time the documents are submitted designating

with specificity the documents for which the protection is being sought and a clear statement of the reasons for invoking the protection with reference to one or more of three classes of records listed in Section II.D.1.

Upon the receipt of a written request for protection of documents, the County shall determine whether the documents contain (i) trade secrets, (ii) financial records, or (iii) other information that would adversely affect the financial interest or bargaining position of the County or private entity in accordance with Section II.D.1. The County shall make a written determination of the nature and scope of the protection to be afforded by the County under this subdivision. If the written determination provides less protection than requested by the private entity, the private entity should be accorded an opportunity to withdraw its proposal. Nothing shall prohibit further negotiations of the documents to be accorded protection from release although what may be protected must be limited to the categories of records identified in Section II.D.1.

Once a written determination has been made by the County, the documents afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of the County or any affected jurisdiction to which such documents are provided.

If a private entity fails to designate trade secrets, financial records, or other confidential or proprietary information for protection from disclosure, such information, records or documents shall be subject to disclosure under FOIA.

3. Protection from mandatory disclosure for certain documents produced by the County.

The County may withhold from disclosure memoranda, staff evaluations, or other records prepared by the County, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, the financial interest or bargaining position of the County would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the County.

Cost estimates relating to a proposed procurement transaction prepared by or for the County shall not be open to public inspection.

4. The County may not withhold from public access:

(a) procurement records other than those subject to the written determination of the County;

(b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the County and the private entity;

(c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or

(d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

However, to the extent that access to any procurement record or other document or information is compelled or protected by a court order, then the County must comply with such order.

E. Use of Public Funds

Virginia constitutional and statutory requirements and County ordinances and policies as they apply to appropriation and expenditure of public funds apply to any interim or comprehensive agreement entered into by the County under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects.

F. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of the County to comply with all other applicable federal, state and local laws, regulations and rules not in conflict with the PPEA. Likewise, in submitting proposals and in developing, executing or operating facilities under the PPEA, private entities shall comply with all applicable federal, state and local laws, regulations and rules. The applicability of the Virginia Public Procurement Act (the "VPPA") is as set forth in the PPEA. Once an interim or comprehensive agreement has been executed, the County shall make available, upon request, procurement records in accordance with Virginia Code Section 2.2-4342.

G. Individual Responsible to Receive Proposals and Respond to Inquiries

The County representative assigned the responsibility of receiving proposals under the PPEA and also to respond to inquiries as well as hold informational meetings and to insure fair treatment of all who submit a proposal is: County Administrator, County of Fluvanna, County Administration Building, 132 Main Street, P. O. Box 540, Palmyra, VA 22963; Phone: (434) 591-1910; Fax: (434) 591-1911.

III. SOLICITED PROPOSALS

The County may issue Requests for Proposals (RFPs) or Invitations for Bids (IFBs), inviting proposals from private entities to develop or operate qualifying projects. The County uses a two-part proposal process consisting of an initial conceptual phase and a detailed phase. An RFP/IFB may invite proposers to submit proposals on individual projects identified by the County. In such a case the County will set forth in the RFP/IFB the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA. The County may establish suggested timelines for selecting proposals for the review and selection of solicited proposals.

The RFP/IFB must specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The RFP/IFB also should contain or incorporate by reference any applicable terms and conditions, and should specify any unique capabilities or qualifications that will be required

of private entities. Prep-proposal conferences may be held as deemed appropriate by the County.

The RFP/IFB should be posted in such public areas as are normally used for posting of the County's notices, including the County's website. Notices should also be published in a newspaper or other publications of general circulation and advertised in *Virginia Business Opportunities* and posted on the Commonwealth's electronic procurement site. In addition, solicited proposals should be posted pursuant to Section IV.B. The RFP should also contain or incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Pre-proposal conferences may be held as deemed appropriate by the County.

IV. UNSOLICITED PROPOSALS

The PPEA permits the County to receive, evaluate and select for negotiations unsolicited proposals from private entities to develop or operate a qualifying project.

The County may publicize its needs and may encourage interested parties to submit unsolicited proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of an RFP/IFB, the proposal shall be treated as an unsolicited proposal. The County may establish suggested timelines for selecting proposals for the review and selection of unsolicited proposals. Unsolicited proposals should be submitted to the County Administrator, and the delivery should be confirmed for the proposer by written receipt.

A. Decision to Accept and Consider Unsolicited Proposal; Notice

1. Upon receipt of any unsolicited proposal or group of proposals and payment of any required fee by the proposer or proposers, the County should determine whether to accept the unsolicited proposal for the purpose of publication and conceptual-phase consideration. If the County determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer. The County reserves the right to reject any and all proposals at any time. Pursuant to Virginia Code Section 56-575.3(D), if the County rejects a proposal initiated by a private entity that purports to develop specific cost savings, then the County shall specify the basis for the rejection.

2. If the County chooses to accept an unsolicited proposal for publication and conceptual-phase consideration, it shall post a notice in a public area regularly used by the County for posting of public notices for a period of not less than forty-five (45) days. The County shall also publish the same notice for a period of not less than forty-five (45) days in one or more newspapers or periodicals of general circulation in the jurisdiction to notify any parties that may be interested in submitting competing unsolicited proposals. In addition, the notice should be advertised in *Virginia Business Opportunities* and on the Commonwealth's electronic procurement website. The notice shall state that the County (i) has received an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal, and (iv) will receive for simultaneous consideration any competing proposals that comply with the procedures adopted by

the County and the PPEA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations.

To ensure that sufficient information is available upon which to base the development of a serious competing proposal, representatives of the County familiar with the unsolicited proposal and the guidelines established by the County shall be made available to respond to inquiries and meet with private entities that are considering the submission of a competing proposal. The County shall conduct an analysis of the information pertaining to the proposal included in the notice to ensure that such information sufficiently encourages competing proposals. Further, the County shall establish criteria, including key decision points and approvals to ensure proper consideration of the extent of competition from available private entities prior to selection.

3. Prior to posting of the notices provided for in this subsection, the County shall receive from the initial proposer(s) the balance due, of the required project proposal review fee.

B. Posting Requirements

1. Conceptual proposals, whether solicited or unsolicited, shall be posted by the County within ten (10) working days after acceptance of such proposals for further consideration in the following manner: Posting shall be on the County's website or by publication, in a newspaper of general circulation in the area in which the contract is to be performed, of a summary of the proposals and the location where copies of the proposals are available for public inspection. Posting may also be on the Department of General Service's web-based electronic procurement program commonly known as "eVA," in the discretion of the County

2. Nothing shall be construed to prohibit the posting of the conceptual proposals by additional means deemed appropriate by the County so as to provide maximum notice to the public of the opportunity to inspect the proposals.

3. In addition to the posting requirements, at least one copy of the proposals shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of Virginia Code Section 2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the County and the private entity. Any inspection of procurement transaction records shall be subject to reasonable restrictions to ensure the security and integrity of the records.

V. REVIEW OF SOLICITED AND UNSOLICITED PROPOSALS

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the County for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section VI.A.

2. The County will determine at the initial review stage (conceptual stage) whether it will proceed using:

- a. Standard procurement procedures consistent with procurement through competitive sealed bidding, as defined in Virginia Code Section 2.2-4301 and subsection B of 2.2-4310, under the Virginia Public Procurement Act²;
- b. For professional services, standard procurement procedures consistent with procurement of “professional services” through competitive negotiation, as defined in Virginia Code Section 2.2-4301 and subsection B of 2.2-4310, under the Virginia Public Procurement Act; or
- c. Standard procurement procedures consistent with procurement of “other than professional services” through competitive negotiation, as defined in Virginia Code Section 2.2-4301 and subsection B of 2.2-4310, under the Virginia Public Procurement Act. The County may proceed using such procedures only if it makes a written determination that doing so is likely to be advantageous to the County and the public based upon (i) the probable scope, complexity or priority of the project; (ii) risk sharing, including guaranteed cost or completion guarantees, added value or debt or equity investments proposed by the private entity; or (iii) an increase in funding, dedicated revenue source or other economic benefit that would not otherwise be available. When using such procedures, the County shall not be required to select the proposal with the lowest price offer, but may consider price as one factor in evaluating the proposals received. Other factors that may be considered include (i) the proposed cost of the qualifying facility; (ii) the general reputation, industry experience, and financial capacity of the private entity; (iii) the proposed design of the qualifying project; (iv) the eligibility of the facility for accelerated selection, review, and documentation timelines under the County's guidelines; (v) local citizen and government comments; (vi) benefits to the public; (vii) the private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan; (viii) the private entity's plans to employ local contractors and residents; and (ix) other criteria that the County deems appropriate.

The County may adopt other guidelines and procedures consistent with Virginia Code Section 56-575.16.

3. After reviewing the original proposal and any competing proposals submitted during the notice period, the County Administrator may recommend to the Board of Supervisors:

- (i) not to proceed further with any proposal;
- (ii) to proceed to the detailed (Part 2) stage of review with the original proposal;
- (iii) to proceed to the detailed (Part 2) stage with a competing proposal;
- (iv) to proceed to the detailed (Part 2) stage with multiple proposals; or

² Virginia Code Section 2.2-4300 et seq.

- (v) to request modifications or amendments to any proposals.

The Board of Supervisors shall approve, in writing, the course of action to be implemented by the County, after considering any recommendation of the County Administrator.

In the event that more than one proposal will be considered in the detailed (Part 2) phase of review, the County shall determine whether the unsuccessful private entity, or entities, shall be reimbursed, in whole or in part, for costs incurred in the detailed stage of review. In such case, reasonable costs may be assessed to the successful proposer as part of any ensuing interim or comprehensive agreement.

4. Discussions between the County and a private entity about the need for infrastructure improvements shall not inhibit the County's ability to employ other procurement procedures to meet such needs. The County retains the right to reject any proposal at any time, without penalty, prior to the execution of an interim or comprehensive agreement. Pursuant to Virginia Code Section 56-575.3(D), if the County rejects a proposal initiated by a private entity that purports to develop specific cost savings, then the County shall specify the basis for the rejection.

VI. PROPOSAL PREPARATION AND SUBMISSION

A. Format for Submissions at Conceptual Stage (Part 1)

Proposals at the conceptual stage must contain information in the following areas: (i) qualifications and experience, (ii) project characteristics, (iii) project financing, (iv) anticipated public support or opposition, or both, (v) project benefit and compatibility and (vi) any additional information as the County may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include the items listed below, as well as any additional information or documents that County may request:

1. Qualification and Experience

- a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- b. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties, and a description of such guarantees and warranties.
- c. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.

- d. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.
- e. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2.

2. Project Characteristics

- a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
- b. Identify and fully describe any work to be performed by the County.
- c. Include a list of all federal, state, and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- d. Identify any anticipated adverse social, economic, and environmental impacts of the project. Specify the strategies or actions to mitigate known impacts of the project.
- e. Identify the projected positive social, economic, and environmental impacts of the project.
- f. Identify the proposed schedule for the work on the project, including the estimated time for completion.
- g. Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.
- h. State assumptions related to ownership, legal liability, law enforcement, and operation of the project and the existence of any restrictions on the County's use of the project.
- i. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.
- j. List any other assumptions relied on for the project to be successful.
- k. List any contingencies that must occur for the project to be successful.

3. Project Financing

- a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.

- b. Submit a plan for the development, financing, and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs. Include supporting due diligence studies, analyses, or reports.
- c. Include a list and discussion of assumptions underlying all major elements of the plan. Assumptions should include all significant fees associated with financing given the recommended financing approach. In addition complete disclosure of interest rate assumptions should be included. Any ongoing operational fees, if applicable, should also be disclosed as well as any assumptions with regard to increases in such fees.
- d. Identify the proposed risk factors and methods for dealing with these factors.
- e. Identify any local, state, or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment. Such disclosure should include any direct or indirect guarantees or pledges of the County's credit or revenue.
- f. Identify the amounts and the terms and conditions for any revenue sources.
- g. Identify any aspect of the project that could disqualify the project from obtaining tax-exempt financing.

4. Project Benefit and Compatibility

- a. Identify who will benefit from the project, how they will benefit, and how the project will benefit the overall community, region, or state.
- b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.
- c. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.
- d. Describe the anticipated significant benefits to the community, region or state, including anticipated benefits to the economic condition of the County and whether the project is critical to attracting or maintaining competitive industries and businesses to the County or the surrounding region.
- e. Describe compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget, or other government spending plan.

- f. Provide a statement setting forth participation efforts that are intended to be undertaken in connection with this project with regard to the following types of businesses: (i) minority-owned businesses, (ii) woman-owned businesses, and (iii) small businesses.

B. Format for Submissions at Detailed Stage (Part 2)

If the County decides to proceed to the detailed stage (Part 2) with one or more proposals, each selected private entity must provide the following information, where applicable, unless the County waives the requirement or requirements:

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;
2. A description of the qualifying project, including the conceptual design of such facility or facilities or a conceptual plan for the provision of services or technology infrastructure, and a schedule for the initiation of and completion of the qualifying project to include the proposed major responsibilities and timeline for activities to be performed by both the County and the private entity;
3. A statement and strategy setting out the method by which the private entity proposes to secure all necessary property interests required for the qualifying project. The statement must include the names and addresses, if known, of the current owners of the subject property as well as a list of any property the proposer intends to request the public entity to condemn;
4. Information relating to the current plans for development of facilities or technology infrastructure to be used by a public entity that are similar to the qualifying project being proposed by the private entity, if any, of each affected local jurisdiction;
5. A list of all permits and approvals required for the qualifying project from local, state, or federal agencies and a projected schedule for obtaining such permits and approvals;
6. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings;
7. A statement setting forth the private entity's general plans for financing of the qualifying project including the sources of the private entity's funds and identification of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity;
8. The names and addresses of the persons who may be contacted for additional information concerning the request;
9. User fees, lease payments, and other service payments over the term of the interim or comprehensive agreement pursuant to Virginia Code Section 56-575.9 or 56.575.9:1 and the methodology and circumstances for changes to such user fees, lease payments,

and other service payments over time;

10. A detailed listing of all firms, along with their relevant experience and abilities, that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties along with a record of any prior defaults for performance;
11. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses using any relevant County adopted service levels or standards;
12. A detailed discussion of assumptions regarding user fees or rates and usage of the projects;
13. Identification and discussion of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications;
14. Demonstration of consistency with appropriate County and affected local jurisdiction comprehensive plans (including related environmental, land use, and facility standards ordinances, if applicable), infrastructure development plans, transportation plans, the capital improvement plan and capital budget, or indication of the steps required for acceptance into such plans;
15. Explanation of how the proposed project would impact local development plans of each affected local jurisdiction;
16. Identification of the executive management and the officers and directors of the firm or firms submitting the proposal. In addition, identification of any known conflicts of interest or other disabilities that may impact the public entity's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2, Code of Virginia; and
17. Additional material and information as the County may request.

VII. PROPOSAL EVALUATION AND SELECTION CRITERIA

In selecting proposals, the County must consider all relevant information from both the Conceptual Stage and the Detailed Stage and there are several other factors that the County may wish to consider when evaluating and selecting a proposal under the PPEA. The following are

some factors that may be considered by the County in the evaluation and selection of PPEA proposals:

A. Qualifications and Experience

To determine whether the proposer possesses the requisite qualifications and experience, factors to consider in review of either phase should include:

1. Experience, training and preparation with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;
6. Financial condition; and
7. Project ownership.

B. Project Characteristics

Factors to consider in determining the project characteristics include:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology, technical feasibility;
5. Conformance with applicable laws, regulations, codes, guidelines and standards;
6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include:

1. Cost and cost benefit to the County;
2. Financing and the impact on the debt or debt burden of the County;
3. Financial plan, including overall feasibility and reliability of plan; the private entity's past performance with similar plans and similar projects; degree to which the private entity has conducted due diligence investigation and analysis of proposed financial plan and results of any such inquiries or studies;
4. Opportunity cost assessment;
5. Estimated cost;
6. Life-cycle cost;
7. The identity, credit history, and past performance of any third party that will provide financing for the project and the nature and timing of their commitment, as applicable; and
7. Such other items as the County deems appropriate.

The County may elect to accept the private entity's financing proposal or may select its own finance team, source, and financing vehicle. In the event that any project, or portion thereof, is financed through the issuance of obligations that are deemed to be tax-supported debt of the County, or if financing such a project may impact the County's debt rating or financial position, the County may select its own finance team, source, and financing vehicle.

D. Public Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans include:

2. Community benefits;
3. Community support or opposition, or both;
4. Public involvement strategy;
5. Compatibility with existing and planned facilities; and
6. Compatibility with local, regional, and state economic development efforts.

E. Other Factors

Other factors that may be considered in the evaluation and selection of PPEA proposals include:

1. The proposed cost of the qualifying project;

2. The general reputation, industry experience, and financial capacity of the private entity;
3. The proposed design of the qualifying project;
4. The eligibility of the project for accelerated documentation, review, and selection;
5. Local citizen and government comments;
6. Benefits to the public, including financial and nonfinancial;
7. The private entity's compliance with a minority business plan, enterprise participation plan or good faith effort to comply with the goals of such plan;
8. The private entity's plan to employ local contractors and residents; and
9. Other criteria that the County deems appropriate.

VIII. ADDITIONAL REVIEW PROCEDURES

A. Public Private Partnership Advisory Committee

The County may establish criteria to trigger establishment of an advisory committee consisting of representatives of the Board of Supervisors, County staff and County Citizens to review the terms of the proposed interim or comprehensive agreement. The criteria should include, but not be limited to, the scope, total cost and duration of the proposed project, and whether the project involves or impacts multiple public entities. Timelines for the work of the committee should be developed and made available to proposers.

B. Appropriating Body

If the responsible public entity for appropriating or authorizing funding to pay for a qualifying project is different from the responsible public entity reviewing or approving the project, then the responsible public entity reviewing or approving the project should establish a mechanism for that appropriating body to review any proposed interim or comprehensive agreement prior to execution. When a school board is the responsible public entity, the school board may enter into an interim or comprehensive agreement only with the approval of the Board of Supervisors.

IX. INTERIM AND COMPREHENSIVE AGREEMENTS

Prior to developing or operating the qualifying project, the selected private entity shall enter into a comprehensive agreement with the County. Prior to entering a comprehensive agreement, an interim agreement may be entered into that permits a private entity to perform compensable activities related to the project. The County may designate a working group to be responsible for negotiating any interim or comprehensive agreement. Any interim or comprehensive agreement shall define the rights and obligations of the County and the selected

proposer with regard to the project.

The County shall not accept liability for any part or phase of a project prior to entering into a properly executed interim or comprehensive agreement. The Board of Supervisors of the County shall review and approve any interim or comprehensive agreement pursuant to the PPEA prior to execution. Any studies and analyses considered by the County in its review of a proposal shall be disclosed to the Board of Supervisors at some point prior to the execution of an interim or comprehensive agreement. In connection with its approval of a qualifying project, the County shall establish a date for the commencement of activities relating to the qualifying project. The County may extend such date from time to time.

Any changes in the terms of an executed interim or comprehensive agreement shall be in the form of a written amendment.

A. Interim Agreement Terms

Interim agreements may be used when it is necessary or advisable to segment a project to produce distinct and clear deliverables necessary to keep the project moving towards development of a comprehensive agreement. An interim agreement may not be used to have the County assume risks that should be assumed by the proposer or to pay costs attributable to the private entity's efforts in making the proposal. Interim agreements require the same level of approval as Comprehensive Agreements.

The scope of an interim agreement may include, but is not limited to:

1. Project planning and development;
2. Design and engineering;
3. Environmental analysis and mitigation;
4. Survey;
5. Ascertaining the availability of financing for the proposed facility(ies) through financial and revenue analysis;
6. Establishing a process and timing of the negotiation of the comprehensive agreement;
and
7. Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

Development of an interim agreement is in the sole discretion of the Board of Supervisors of the County and in no way limits the rights reserved by the County to terminate the evaluation of any or all proposals at any time.

B. Comprehensive Agreement Terms

The scope of the comprehensive agreement shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, development, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project, in the forms and amounts satisfactory to the County and in compliance with Virginia Code Section 2.2-4337 for those components of the qualifying project that involve construction;
2. The review and approval of plans and specifications for the qualifying project by the County. This shall not be construed as requiring the private entity to complete design of a qualifying project prior to the execution of a comprehensive agreement;
3. The rights of the County to inspect the qualifying project to ensure the private entity's activities are acceptable to the County in compliance with the comprehensive agreement and any development plans and specifications;
4. The maintenance of a policy or policies of public liability insurance or self-insurance (copies of which shall be furnished to the County accompanied by proofs of coverage), each in form and amount satisfactory to the County and reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the private entity by the County to ensure that the qualifying project is properly maintenance;
6. Reimbursement to be paid to the County by the private entity for services provided by the County, and the specific terms relating thereto;
7. The policy and procedures that will govern the rights and responsibilities of the County and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity including the conditions governing assumption of the duties and responsibilities of the private entity by the County and the transfer or purchase of property or other interests of the private entity by the County;
8. The terms under which the private entity will file appropriate financial statements on a periodic basis;
9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be set at a level that is the same for persons using the facility under like conditions and that will not materially discourage use of the qualifying project;
 - a. A copy of any service contract shall be filed with the County.
 - b. A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request.

- c. Classifications according to reasonable categories for assessment of user fees may be made.
10. The terms and conditions under which the County may be required to contribute financial resources, if any;
11. The terms and conditions under which existing site conditions will be addressed, including identification of the party responsible for conducting assessments and taking necessary remedial action;
12. The terms and conditions under which the County will be required to pay money to the private entity and the amount of any such payments for the project;
13. The duties of the private entity under the PPEA;
14. Other requirements of the PPEA or other applicable law; and
15. Such other terms and conditions as the County may deem appropriate.

The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

Parties submitting proposals understand that representations, information and data supplied in support of or in connection with proposals play a critical role in the competitive evaluation process and in the ultimate selection of a proposal by the County. Accordingly, as part of the Comprehensive Agreement, the prospective contractor and its team members shall certify that all material representations, information and data provided in support of, or in connection with, a proposal is true and correct. Such certifications shall be made by authorized individuals who have knowledge of the information provided in the proposal. In the event that material changes occur with respect to any representations, information or data provided for a proposal, the prospective contractor shall immediately notify the County of same. Any violation of this section of the Comprehensive Agreement shall give the County the right to terminate the Agreement, withhold payment or other consideration due, and seek any other remedy available under the law.

C. Public Hearing during Proposal Review Process

1. At some point during the proposal review process, but at least thirty (30) days prior to entering into an interim or comprehensive agreement, the County shall hold a public hearing on the proposals that have been received.
2. Once the negotiation phase for the development of an interim or a comprehensive agreement is complete, but before an interim agreement or a comprehensive agreement is entered into, the County shall post the proposed agreement in the following manner:
 - a. Posting shall be on the County's website or by publication, in a newspaper of general circulation in the area in which the contract is to be performed, of a summary of the agreement and the location where copies of the

agreement are available for public inspection. Posting may also be on the Department of General Service's web-based electronic procurement program commonly known as "eVA," in the discretion of the County.

- b. In addition to the posting requirements, at least one copy of the agreement shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of Virginia Code Section 2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the County and the private entity.
 - c. Any studies and analyses considered by the County in its review of a proposal shall be disclosed to the appropriating body at some point prior to the execution of an interim or comprehensive agreement.
3. Once an interim agreement or a comprehensive agreement has been executed and entered into, the County shall make procurement records available for public inspection, upon request.
 - a. Such procurement records shall include documents initially protected from disclosure during the negotiation phase on the basis that the release of such documents would adversely affect the financial interest or bargaining position of the County or private entity in accordance with Section II.D.3.
 - b. Such procurement records shall not include (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (Virginia Code Section 59.1-336 et seq.) or (ii) financial records, including balance sheets or financial statements of the private entity that are not generally available to the public through regulatory disclosure or otherwise.

To the extent access to procurement records are compelled or protected by a court order, then the County must comply with such order.

D. Filing of PPEA Comprehensive Agreement with Auditor of Public Accounts

In compliance with Virginia Code Section 56-575.9F, the County, within thirty (30) days of entering into a comprehensive agreement pursuant to the PPEA, shall submit a copy of such agreement and all supporting documents to the Auditor of Public Accounts.

X. GOVERNING PROVISIONS

In the event of any conflict between these guidelines and procedures and the PPEA, as the same may be amended from time to time, the terms of the PPEA shall control.

XI. TERMS AND DEFINITIONS

"Affected jurisdiction" means any county, city, or town in which all or a portion of a qualifying project is located.

"Appropriating body" means the body responsible for appropriating or authorizing funding to pay for a qualifying project.

"Comprehensive agreement" means the comprehensive agreement between the private entity and the responsible public entity that is required by Virginia Code Section 56-575.9 prior to the development or operation of a qualifying project.

"Conceptual stage" means the initial phase of project evaluation when the public entity makes a determination whether the proposed project serves a public purpose, meets the criteria for a qualifying project, assesses the qualifications and experience of a private entity proposer, reviews the project for financial feasibility, and warrants further pursuit.

"Cost-benefit analysis" means an analysis that weighs expected costs against expected benefits in order to choose the best option. For example, a city manager may compare the costs and benefits of constructing a new office building to those of renovating and maintaining an existing structure in order to select the most financially advantageous option.

"Detailed stage" means the second phase of project evaluation where the public entity has completed the conceptual stage and accepted the proposal and may request additional information regarding a proposed project prior to entering into competitive negotiations with one or more private entities to develop an interim or comprehensive agreement.

"Develop" or "development" means to plan, design, develop, finance, lease, acquire, install, construct, or expand.

"Interim agreement" means an agreement between a private entity and a responsible public entity that provides for phasing of the development or operation, or both, of a qualifying project. Such phases may include, but are not limited to, design, planning, engineering, environmental analysis and mitigation, financial and revenue analysis, or any other phase of the project that constitutes activity on any part of the qualifying project.

"Lease payment" means any form of payment, including a land lease, by a public entity to the private entity for the use of a qualifying project.

"Lifecycle cost analysis" means an analysis that calculates cost of an asset over its entire life span and includes the cost of planning, constructing, operating, maintaining, replacing, and when applicable, salvaging the asset. Although one proposal may have a lower initial construction cost, it may not have the lowest lifecycle cost once maintenance, replacement, and salvage value is considered.

"Material default" means any default by the private entity in the performance of its duties under subsection E of Virginia Code Section 56-575.8 that jeopardizes adequate service to the public from a qualifying project.

"Operate" means to finance, maintain, improve, equip, modify, repair, or operate.

"Opportunity cost" means the cost of passing up another choice when making a decision or the increase in costs due to delays in making a decision.

"Private entity" means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

"Public entity" means the Commonwealth and any agency or authority thereof, any county, city or town and any other political subdivision of the Commonwealth, any public body politic and corporate, or any regional entity that serves a public purpose.

"Qualifying project" means (i) any education facility, including, but not limited to a school building, any functionally related and subordinate facility and land to a school building (including any stadium or other facility primarily used for school events), and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education; (ii) any building or facility that meets a public purpose and is developed or operated by or for any public entity; (iii) any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; (v) a recreational facility; (vi) technology infrastructure, services, and applications, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services; (vii) any services designed to increase the productivity or efficiency of the responsible public entity through the use of technology or other means, (viii) any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas; (ix) any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or (x) any solid waste management facility as defined in Virginia Code Section 10.1-1400 that produces electric energy derived from solid waste.

"Responsible public entity" means a public entity that has the power to develop or operate the applicable qualifying project.

"Revenues" means all revenues, income, earnings, user fees, lease payments, or other service payments arising out of or in connection with supporting the development or operation of a qualifying project, including without limitation, money received as grants or otherwise from the United States of America, from any public entity, or from any agency or instrumentality of the foregoing in aid of such facility.

"Service contract" means a contract entered into between a public entity and the private entity pursuant to Virginia Code Section 56-575.5.

"Service payments" means payments to the private entity of a qualifying project pursuant to a service contract.

"State" means the Commonwealth of Virginia.

"User fees" mean the rates, fees, or other charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to the comprehensive agreement pursuant to Virginia Code Section 56-575.9.

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.*;

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 the “Public-Private Education Facilities and Infrastructure Act of 2002, as Amended, County of Fluvanna, Amended and Restated Guidelines and Procedures” on May 2, 2012; and

WHEREAS, the County wishes to amend Section III.C, Proposal Review Fee as permitted 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” originally adopted May 2, 2012, revised on March 6, 2014; 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, as revised.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: March 19, 2014

AGENDA TITLE:	Fluvanna County Health Care Plan for FY15				
MOTION(s):	<p>I move to accept the Anthem/The Local Choice Health Benefits Proposal for the fiscal year 2015.</p> <p>I move to set the County’s FY15 monthly contributions for benefit eligible employees at \$490 for employee-only plans, \$685 for employee plus one plans, and \$890 for family plans.</p>				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Gail Parrish, Human Resources Manager				
PRESENTER(S):	Gail Parrish, Human Resources Manager				
RECOMMENDATION:	Approve				
TIMING:	Approval needed on or before April 1, 2014. Plan effective July 1, 2014.				
DISCUSSION:	<ul style="list-style-type: none"> • Proposed rates from the Anthem/The Local Choice Health benefits program – overall 2.2% decrease from FY14 plans. • Monthly County Contributions: Employee only, \$490; Employee plus one, \$685, Family plans \$890. • Offer to active employees the Key Advantage 250 & 500 and the High Deductible Health Plan (HDHP) Plans. • Move all benefit-eligible employees to the same County contribution amounts. • Offer to Non-Medicare Eligible Retirees the Key Advantage 250 & 500 plans. They pay via direct billing full premium coverage, no cost to the County. • Offer to the Retirees with Medicare the Advantage 65 and Dental/Vision Plan. The pay via direct billing full premium coverage, no cost to the County. 				
FISCAL IMPACT:	Approximately \$21,000 savings from FY14 Health Benefits expenditures.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	Meets all Health Care regulations, including the Affordable Care Act.				
ENCLOSURES:	Fluvanna County FY15 Health Benefits Proposal Chart				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X		X	

PROPOSAL

1. Move back to one County contribution staff category vice one for "new" and one for "old" employees
2. Apply 2.2% premium savings to County Contributions amounts
3. Replace the KA-1000 option with the KA-250 option

HEALTH INSURANCE
(Average 2.2% Premium Decrease)

TLC Plan	Category	Empl. Date	Number Enrolled (1-1-2014)	FY14 PLAN			County Share	FY15 PLAN COSTS	FY15 PROPOSED PLAN (County Savings)		County Share
				Monthly Premiums	County (Per Mo.)	Employee (Per Mo.)		Monthly Premiums	County (Per Mo.)	Employee (Per Mo.)	
HDHP	Single	All	0	\$453	\$453	\$0	100%	\$440	\$440	\$0	100%
KA 1000	Single	All	10	\$519	500	19	96%	\$501	490	11	
KA 500	Single	All	69	\$542	500	42	92%	\$531	490	41	92%
KA 250	Single	All	0	\$590	500	90		\$574	490	84	85%
HDHP	Dual	All	0	\$838	708	130	85%	\$814	685	129	84%
KA 1000	Dual	All	2	\$960	708	252	74%	\$927	685	242	
KA 500	Dual	All	22	\$1,003	708	295	71%	\$982	685	297	70%
KA 250	Dual	All	0	\$1,092	708	384		\$1,062	685	377	65%
HDHP	Family	All	0	\$1,223	917	306	75%	\$1,188	890	298	75%
KA 1000	Family	All	2	\$1,401	917	484	65%	\$1,353	890	463	
KA 500	Family	All	13	\$1,463	917	546	63%	\$1,434	890	544	62%
KA 250	Family	All	0	\$1,593	917	676		\$1,550	890	660	57%
Total Enrolled as of 1/1/2014			118	Monthly \$ 70,250				\$ 68,500			
Open Positions as of 1-1-2014			2	Annual \$ 843,000				\$ 822,000			
Waived Enrollment			24								
Total # Benefit Eligible Positions			144					Annual County Cost Change		(\$21,000)	

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 03/19/2014

AGENDA TITLE:	FY14 Pleasant Grove House Budget Shortfall				
MOTION(s):	I move the Board of Supervisors approve a supplemental appropriation for \$75,000 from Uncommitted Fund Balance for the Pleasant Grove House project budget.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Eric Dahl, Management Analyst and Wayne Stephens, Director of Public Works				
PRESENTER(S):	Eric Dahl, Management Analyst				
RECOMMENDATION:	Approval				
TIMING:	Routine				
DISCUSSION:	<p>The Pleasant Grove House budget is encountering an additional budget shortfall from the following issues since the BOS approved additional funds on 12/4/13:</p> <ul style="list-style-type: none"> • A significant compensable time delay from the Contractor, based upon unforeseen critical path delays from change orders (\$40,000). • Required additional A&E services and time spent on the above change orders (\$5,000) • Contract addendum with our current A&E firm for on-site meetings/inspections with the Contractor and County staff (\$10,850) • Identifiable change orders that are awaiting approval from DHR and VDOT (\$26,000 County Portion) <p>There is currently \$21,118 of County funds remaining after current contracts and change orders. The addition of the above issues will put the project over budget by (\$60,732). Staff would like to include \$14,268 of additional contingency making the BOS request \$75,000.</p>				
FISCAL IMPACT:	The FY14 Pleasant Grove House Capital Improvements budget will increase \$75,000 in both revenues and expenditures.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	Pleasant Grove House Cost Summary Brief				
REVIEWS	Legal	Finance	Purchasing	HR	Other
		X			



Pleasant Grove House & Western Trailhead Project Costs Update

March 19, 2014



Funding History

Revenue		
County/Grant Funds Expended Prior to 7/1/13	Amount	Project
Charlottesville Area Comm. Foundation - HS	\$ 10,000	PGHSE
Beirne Carter - Historical Society	\$ 20,000	PGHSE
Dept. of Historic Resources	\$ 23,750	PGHSE
Transportation Enhancement (TE)	\$ 10,900	PGHSE & WTTRL
Perry Grant - Historical Society	\$ 28,033	WTTRL
County - PG House & Western Trailhead	\$ 62,046	PGHSE & WTTRL
Subtotal County/Other/VDOT	\$ 154,729	
Grant Funds Available 7/1/13		
VDOT - PG House	\$ 448,800	PGHSE
VDOT - W.Trailhead	\$ 260,300	WTTRL
Subtotal VDOT	\$ 709,100	
Matching Funds Available 7/1/13		
Perry Grant - Historical Society	\$ 21,967	PGHSE
Dominion Grant - Historical Society	\$ 50,000	PGHSE
County - PG House	\$ 112,368	PGHSE
County - PG House (BOS Approved 12/4/13)	\$ 105,000	PGHSE
Heritage Trail Foundation	\$ 6,011	WTTRL
County - Western Trailhead	\$ 35,586	WTTRL
Subtotal County/Other	\$ 330,932	
TOTAL FUNDING	\$ 1,194,761	
Add'l County Funds - Museum/Welcome Ctr./Kitchen	\$ 105,000	



Cost Summary – Funding Shortfall

Expenditures	
A&E Services Expended Prior to 7/1/13	Amount
Funds were used for: architectural and consultant fees to develop bid packages and construction documents; conduct environmental studies including Dept. of Historic Resources evaluation and probable archaeological investigation of the new wing site; Dept. of Conservation and Recreation for protected species; bid advertisement; municipal source water testing; site preparation.	
Subtotal Prior Expenses	\$ 154,729
Contract Amounts after 7/1/13	
Daniel & Company Contract	\$ 989,433
LPDA	Bal. 7/1/13 (expended) \$ 17,635
LPDA	Add'l A&E Svcs (expended) \$ 2,869
Current Total since 7/1/13	\$ 1,009,937
Less: VDOT Reimbursement	\$ 700,123
County/Other Funds Required	\$ 309,814
Less: County/Other Funds Available	\$ 330,932
Budget Balance:	\$ 21,118
Less: Daniel & Co.	Time Delay \$ 40,000
Less: LPDA	Add'l A&E Svcs - Time Delay \$ 5,000
Less: LPDA	A & E Contract Extension \$ 10,850
Less: Daniel & Co	County Portion of Add'l CO's \$ 26,000
Budget Shortfall	\$ (60,732)
Add'l Contingency	\$ 14,268
BOS Request	\$ 75,000



Questions?

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 03/19/2014

AGENDA TITLE:	Advertisement of the Proposed Fiscal Year 2015 Operations Budget, Capital Improvement Plan and Tax Rates.												
MOTION(s):	I move the Board of Supervisors authorize staff to advertise the FY15 Budget, the Tax Rate and the Capital Improvement Plan (CIP) for Public Hearings on April 9, 2014; the proposed budget amount for FY15 is <u>\$80,105,825</u>, the advertised real property tax rate is <u>\$0.88</u> per \$100, the advertised personal property tax rate is <u>\$4.15</u> per \$100, the advertised machinery & tools tax rate is <u>\$2.00</u> per \$100.												
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other								
		X											
STAFF CONTACT(S):	Eric Dahl, Management Analyst												
PRESENTER(S):	Eric Dahl, Management Analyst												
RECOMMENDATION:	<p>Approve advertisement of public hearings to set the tax rates with a real property tax rate of <u>\$0.88</u> per \$100.00, a personal property tax rate of <u>\$4.15</u> per \$100.00, a machinery & tools tax rate of <u>\$2.00</u> per \$100.00 and adopt the FY15 operations budget:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 40px;">General Fund Operations</td> <td style="text-align: right; padding-right: 20px;"><u>\$62,469,608</u></td> </tr> <tr> <td style="padding-left: 40px;">Capital Improvements Program</td> <td style="text-align: right; padding-right: 20px;"><u>\$15,604,685</u></td> </tr> <tr> <td style="padding-left: 40px;">Enterprise Funds</td> <td style="text-align: right; padding-right: 20px;"><u>\$ 2,031,532</u></td> </tr> <tr> <td style="text-align: right; padding-right: 40px;">TOTAL:</td> <td style="text-align: right;"><u>\$80,105,825</u></td> </tr> </table>					General Fund Operations	<u>\$62,469,608</u>	Capital Improvements Program	<u>\$15,604,685</u>	Enterprise Funds	<u>\$ 2,031,532</u>	TOTAL:	<u>\$80,105,825</u>
General Fund Operations	<u>\$62,469,608</u>												
Capital Improvements Program	<u>\$15,604,685</u>												
Enterprise Funds	<u>\$ 2,031,532</u>												
TOTAL:	<u>\$80,105,825</u>												
TIMING:	To meet the advertising deadline for the Fluvanna Review on March 20 th , 2014 for publication in the Fluvanna Review on March 27 th , 2014 and April 3 rd , 2014, in accordance with Virginia Code Section 15.2-2506.												
DISCUSSION:	N/A												
FISCAL IMPACT:	Setting Operational Budget and Capital Improvement Plan for FY15												
POLICY IMPACT:	This action will allow adequate time to hear public comments on April 9 th , 2014 and adopt the budget on April 16 th , 2014, in accordance with Virginia Code Section 15.2-2503; then proceed with preparing for the June 5 th tax billing cycle.												
LEGISLATIVE HISTORY:	N/A												
ENCLOSURES:	Draft Public Hearing notices for setting the Tax Rate, Operational and CIP Budgets.												
REVIEWS	Legal	Finance	Purchasing	HR	Other								
		X											

(Seal)
**NOTICE OF FY 2015
BUDGET PUBLIC HEARING
FLUVANNA COUNTY
BOARD OF SUPERVISORS**

Pursuant to Virginia Code Sec. 15.2-2506 a public hearing on the proposed FY 2015 County of Fluvanna budget will be held on Wednesday, April 9th, 2014, beginning at 7:00 p.m. at the Circuit Court Room, Fluvanna Courts Building, Palmyra, Virginia, at which time citizens of the County will be given an opportunity to appear before, and be heard by the Board of Supervisors on the subject of the Fiscal Year 2015 Budget. The budget totals \$ 80,105,825 in revenues and expenditures, which represents a 22.9% increase from FY 2014. The proposed budget calls for the County's tax rate on real estate and public service corporations to increase from \$0.795 to \$0.88 per \$100 of assessed value, the personal property tax rate to remain at \$4.15 per \$100 of assessed value, and the machinery & tools tax rate to remain at \$2.00 per \$100 of assessed value, effective for the tax year 2014.

Anyone needing special assistance or accommodation due to a disability in order to attend the hearing should contact the County Administrator's office, at 591-1910, not later than 5 p.m. on April 7th, 2014. Additional information about the budget or the proposed tax rates can be obtained by calling the County Administrator's office at 591-1910. A copy of the Proposed Budget is available in the County Administrator's Office, the Fluvanna County Library and on the County website at www.fluvannacounty.org/budget.

Fluvanna County
Board of Supervisors

TO: Fluvanna Review

THRU: County Attorney

Advertise on the following dates: **Thursday, March 27th, 2014**
Thursday, April 3rd, 2014

Authorized by: Fluvanna County Board of Supervisors
Bill to: Fluvanna County Board of Supervisors

(Seal)
**NOTICE OF PROPOSED
TAX RATE INCREASE
FLUVANNA COUNTY
BOARD OF SUPERVISORS**

In accordance with Virginia Code Section 15.2-2506, notice is hereby given that the Board of Supervisors of Fluvanna County, Virginia, proposes to adjust the County's tax rate on real estate and public service corporations from the rate previously set at \$.795 per \$100 to a new rate of \$0.88 per \$100, effective for the tax year 2014.

The Board of Supervisors will hold a public hearing on Wednesday, April 9th, 2014, beginning at 7:00 p.m. at the Circuit Court Room, Fluvanna Courts Building, Palmyra, Virginia, at which time citizens of the County will be given an opportunity to appear before, and be heard by, the Board of Supervisors on the subject of the proposed increase.

Anyone needing special assistance or accommodation due to a disability in order to attend the hearing should contact the County Administrator's office, at 591-1910, not later than 5 p.m. on April 7th, 2014. Additional information about the budget or the proposed tax rates can be obtained by calling the County Administrator's office at 591-1910. A copy of the Proposed Budget is available in the County Administrator's Office, the Fluvanna County Library and on the County website at www.fluvannacounty.org/budget.

Fluvanna County
Board of Supervisors

TO: Fluvanna Review

THRU: County Attorney

Advertise on the following dates: **Thursday, March 27th, 2014**
Thursday, April 3rd, 2014

Authorized by: Fluvanna County Board of Supervisors
Bill to: Fluvanna County Board of Supervisors

(Seal)
**NOTICE OF FY 2015
CAPITAL IMPROVEMENT PLAN HEARING
FLUVANNA COUNTY
BOARD OF SUPERVISORS**

Notice is hereby given that the Board of Supervisors will hold a public hearing on Wednesday, April 9th, 2014, beginning at 7:00 p.m. at the Circuit Court Room, Fluvanna Courts Building, Palmyra, Virginia, at which time citizens of the County will be given an opportunity to appear before, and be heard by, the Board of Supervisors on the subject of the FY15-FY19 Capital Improvements Plan. The Capital Improvements Plan will be submitted in conjunction with the Fiscal Year 2015 Fluvanna County Budget. The Capital Improvements Plan indicates planned expenditures for capital items as well as methods of financing these projects. The full text of the Capital Improvements Plan is on file in the County Administrator's Office, at the Fluvanna County Public Library or at www.fluvannacounty.org/budget. The public is invited to attend the public hearing.

Anyone needing special assistance or accommodation due to a disability in order to attend the hearing should contact the County Administrator's office, at 591-1910, not later than 5 p.m. on April 7th, 2014. Additional information about the budget or the proposed tax rates can be obtained by calling the County Administrator's office at 591-1910.

Fluvanna County
Board of Supervisors

TO: Fluvanna Review

THRU: County Attorney

Advertise on the following dates: **Thursday, March 27th, 2014**
Thursday, April 3rd, 2014

Authorized by: Fluvanna County Board of Supervisors
Bill to: Fluvanna County Board of Supervisors

FLUVANNA COUNTY, VIRGINIA
Proposed Budget
for the Year Beginning
July 1, 2014

	Adopted Budget FY14	Proposed Budget FY15	Increase/ (Decrease)	%
				Change
GOVERNMENTAL REVENUES				
<i>Local</i>	\$ 31,799,400	\$ 34,850,924	3,051,524	9.6%
<i>State</i>	\$ 25,717,303	\$ 26,450,385	733,082	2.9%
<i>Federal</i>	\$ 2,472,239	\$ 1,942,109	(530,130)	-21.4%
SUBTOTAL GOVERNMENTAL REVENUES	\$ 59,988,942	\$ 63,243,418	\$ 3,254,476	5.4%
EXPENDITURES				
<i>General Government Administration</i>	\$ 2,284,759	\$ 2,662,182	377,423	16.5%
<i>Judicial Administration</i>	\$ 1,008,121	\$ 1,049,584	41,463	4.1%
<i>Public Safety</i>	\$ 5,651,874	\$ 6,101,970	450,096	8.0%
<i>Public Works</i>	\$ 1,628,061	\$ 1,771,170	143,109	8.8%
<i>Health and Welfare</i>	\$ 4,575,835	\$ 4,644,916	69,081	1.5%
<i>Education</i>	\$ 34,531,798	\$ 36,481,936	1,950,138	5.6%
<i>Parks and Recreation and Library</i>	\$ 663,701	\$ 773,674	109,973	16.6%
<i>Community Development</i>	\$ 1,068,959	\$ 1,097,497	28,538	2.7%
<i>Nondepartmental</i>	\$ 550,800	\$ 262,584	(288,216)	-52.3%
<i>Debt Service</i>	\$ 7,227,143	\$ 7,624,095	396,952	5.5%
SUBTOTAL GOVERNMENTAL EXPENDITURES	\$ 59,191,051	\$ 62,469,608	\$ 3,278,557	5.5%
CAPITAL FUND REVENUES				
<i>Fund Balance Appropriation</i>	\$ 2,733,662	\$ 2,143,668	(589,994)	-21.6%
<i>Other Local Sources</i>	\$ 196,000	\$ 397,000	201,000	102.6%
<i>Proceeds from Indebtedness</i>	\$ -	\$ 12,483,990	12,483,990	0.0%
<i>Federal and State Sources</i>	\$ 150,000	\$ -	(150,000)	100.0%
SUBTOTAL CAPITAL REVENUES	\$ 3,079,662	\$ 15,024,658	11,944,996	387.9%
CAPITAL FUND EXPENDITURES	\$ 3,684,662	\$ 15,604,685	11,920,023	323.5%
ENTERPRISE FUND REVENUES				
<i>Fork Union Sanitary District</i>	\$ 335,400	\$ 389,498	54,098	16.1%
<i>Utility Fund</i>	\$ 24,000	\$ 20,000	(4,000)	-16.7%
<i>School Food Service</i>	\$ 1,734,994	\$ 1,428,251	(306,743)	-17.7%
SUBTOTAL ENTERPRISE REVENUES	\$ 2,094,394	\$ 1,837,749	(256,645)	-12.3%
ENTERPRISE FUND EXPENDITURES				
<i>Fork Union Sanitary District</i>	\$ 335,400	\$ 389,498	54,098	16.1%
<i>Utility Fund</i>	\$ 216,891	\$ 213,783	(3,108)	-1.4%
<i>School Food Service</i>	\$ 1,734,994	\$ 1,428,251	(306,743)	-17.7%
SUBTOTAL ENTERPRISE EXPENDITURES	\$ 2,287,285	\$ 2,031,532	(255,753)	-11.2%
GRAND TOTAL REVENUES	\$ 65,162,998	\$ 80,105,825	14,942,827	22.9%
GRAND TOTAL EXPENDITURES	\$ 65,162,998	\$ 80,105,825	14,942,827	22.9%

This resolution has been formatted according to the Auditor of Public Accounts guidelines for budget advertisement.

County staff will also provide an informational briefing on the budget and contemplated FY15 expenditures for the Capital Improvements Program.

A copy of the Board of Supervisors proposed budget is on file in the office of the County Administrator, the Fluvanna County Library and www.fluvannacounty.org/budget. Comments will be taken at the public hearing and written comments may be directed to the County Administrator, P.O. Box 540, Palmyra, VA 22963. Anyone needing special assistance or accommodation due to a disability in order to attend the hearing should contact the County Administrator's Office at (434) 591-1910, not later than 5:00 p.m. on April 7, 2014.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: February 26, 2014

AGENDA TITLE:	Adoption of the Fluvanna County Board of Supervisors work session meeting minutes.				
MOTION(s):	I move the work session meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, February 26, 2014 be adopted.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				XX	
STAFF CONTACT(S):	Mary L. Weaver, Clerk to the Board of Supervisors				
PRESENTER(S):	Steven M. Nichols, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Routine				
DISCUSSION:	None				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Draft work session minutes for March 5, 2014				
REVIEWS	Legal	Finance	Purchasing	HR	Other
	N/A	N/A	N/A	N/A	N/A

**FLUVANNA COUNTY BOARD OF SUPERVISORS
WORK SESSION MINUTES
Circuit Court Room
February 26, 2014, 7:00 p.m.
(Constitutional Officer Presentations)**

MEMBERS PRESENT: Mozell H. Booker, Chairperson
Bob Ullenbruch, Vice-Chairperson
Mike Sheridan
Tony O'Brien
Donald W. Weaver

ALSO PRESENT: Steven M. Nichols, County Administrator
Mary Weaver, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairperson Booker called the work session of Wednesday, February 26, 2014, to order at 7:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairperson Booker called for a moment of silence.

COUNTY ADMINISTRATOR'S REPORT

- FUSD Staff did a great job on the emergency repair of the water line leak on February 21, 2014.
- Chamber of Commerce Ribbon Cutting for Sadie's Stay N' Play on Monday, March 3, 2014.
- Reviewed JAUNT Funding Options, FY12 Actual – FY15 Requested and FY15 Optional.
- Potential additional FY14 funding needs for CSA, Schools and Pleasant Grove House.
- New BOS Meeting Table Set-up proposal.
- Fluvanna County Housing Snapshot from the US Census Bureau as updated in January 2012.
- Upcoming BOS Meetings:
 - Wednesday, March 5, 2014 – Regular meeting and Joint Work Session with Planning Commission
 - Wednesday, March 12, 2014 – Budget Work Session
 - Wednesday, March 19, 2014 – Regular meeting and School Budget Presentation

CONSTITUTIONAL OFFICER PRESENTATIONS

The following Constitutional Officers provided a presentation to the Board regarding each of their respective departments/office and their budget requests:

- Clerk of the Circuit Court Budget - B.E. Peterson, Clerk to the Circuit Court
- Commissioner of the Revenue Budget - Mel Sheridan, Commissioner of the Revenue
- Commonwealth's Attorney Budget - Jeff Haislip, Commonwealth's Attorney
- Sheriff's Budget – Ryant Washington, Sheriff
- Treasurer's Budget – Linda Lenherr, Treasurer

RECESS at 9:06 p.m.

RECONVENED at 9:17 p.m.

UNFINISHED BUSINESS

Capital Improvement Plan (CIP) Infrastructure Projects Review – Mr. Steve Nichols, County Administrator, reviewed with the Board with major projects in the CIP. The Board discussed the options available for CIP projects needing debt financing. The Board identified the following projects to include/consolidate for an approximate total FY 2016 debt service cost \$1,172,000. (FY15 debt service from new CIP items is \$212,000) The FY16 items and their respective annual debt payments (20 years) were:

- Vehicle Apparatus – Replacement/Rechassis, \$62,000 (10 years)
- James River Water Authority Water System Construction, \$255,000
- Construction of Water/Sewer System for ZXR, Debt payment - \$380,000

- Middle School HVAC, \$335,000
- Middle School – Main Gym and Locker Room, \$95,000
- Middle School – Annex Gym HVAC, \$45,000

NEW BUSINESS

Review of Strategic Planning Retreat (Mission, Vision, Strategic Initiatives, and Action Plan) – Mr. Steve Nichols, County Administrator, reviewed with the Board the Mission, Vision, Strategic Initiatives, and Action Plan that the Board worked on during their retreat and asked them to decide whether or not to adopt.

MOTION:

Mr. O'Brien moved to adopt the new Fluvanna County Mission and Vision statements, and the 2014-2015 Strategic Initiatives and Action Plan (as amended). Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien, and Weaver. NAYS: None. ABSENT: None.

Review of Draft BOS Code of Performance – The Board deferred to another meeting.

CLOSED MEETING

None

ADJOURN

MOTION:

At 10:14 p.m., Mr. Weaver moved to adjourn the work session of Wednesday, February 26, 2014. Mr. Sheridan. The motion carried, with a vote of 4-1. AYES: Booker, Sheridan, Weaver and O'Brien. NAYS: Ullenbruch. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Mozell H. Booker, Chairperson

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: March 19, 2014

AGENDA TITLE:	Adoption of the Fluvanna County Board of Supervisors regular meeting minutes.				
MOTION(s):	I move the regular meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, March 05, 2014 be adopted.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				XX	
STAFF CONTACT(S):	Mary L. Weaver, Clerk to the Board of Supervisors				
PRESENTER(S):	Steven M. Nichols, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Routine				
DISCUSSION:	None				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Draft minutes for March 05, 2014				
REVIEWS	Legal	Finance	Purchasing	HR	Other
	N/A	N/A	N/A	N/A	N/A

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
March 05, 2014, 4:00 pm**

MEMBERS PRESENT: Mozell Booker, Chairperson
Bob Ullenbruch, Vice-Chairperson
Mike Sheridan
Donald W. Weaver
Tony O’Brien

ALSO PRESENT: Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Mary Weaver, Clerk to the Board of Supervisors

PLANNING COMMISSION MEMBERS PRESENT: Barry A. Bibb, Chairperson
Lewis Johnson
Patricia Eager
Ed Zimmer

MEMBERS ABSENT: Donald Gaines, Vice-Chairperson

ALSO PRESENT: Jason Stewart, Planning and Zoning Administrator
Steve Tugwell, Senior Planner
Jay Lindsey, Planner

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairperson Booker called the meeting of Wednesday, March 05, 2014, to order at 4:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairperson Booker called for a moment of silence.

Mrs. Booker thanked all the staff and emergency personnel for a great job done during the snow storm.

COUNTY ADMINISTRATOR’S REPORT

Mr. Nichols reported on the following topics:

- Andrea Gaines, E911 Communications Director, received FY15 Public Safety Answering Points (PSAP) Grant Program approvals for a voice logging recorder and a PSAP training program.
- Public Works staff did a great job on clearing snow and ice, again!
- Ribbon cutting Ceremony for Sadie’s Stay N’Play has been rescheduled for Monday, March 10th, at 9:00 am.
- Staff DMV checks completed. One administrative waiver was granted.
- BOS Strategic Initiatives and Action Plan format presented, discussed how to proceed.
- Discussed with the Board potential tree harvesting on county-owned parcels.
- Presented retail and bulk water rates from surrounding authorities and counties.
- Reviewed upcoming meetings schedule.

Mr. Ullenbruch discussed the time frame for setting the tax rates.

PUBLIC COMMENTS #1

Chairperson Booker opened the floor for the first round of public comments.

With no one wishing to speak, Chairperson Booker closed the first round of public comments.

PUBLIC HEARING

None

ACTION MATTERS

Replacement of Squad 10 (Palmyra Fire) – Mr. Joe Rodish, Purchasing Officer, addressed this request to replace Squad 10 which is operated by the Palmyra Volunteer Fire Company.

MOTION:

Mr. Sheridan moved to approve the contract between Fluvanna County and Atlantic Emergency Solutions, Inc. in the amount of \$251,668.00 for the replacement of Squad 10 which is operated by the Palmyra Volunteer Fire Company subject to the approval of the County Attorney as to form. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Sheridan, O'Brien, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

PRESENTATIONS

Shelter for Help in Emergency – Ms. Sarah Ellis, reviewed with the Board the services the Shelter for Help in Emergency provides for victims of domestic violence. Ms. Ellis also reviewed their proposed budget that was submitted.

Thomas Jefferson EMS Council – Mr. Stephen Rae, Executive Director, reviewed their proposed budget and services offered through Thomas Jefferson EMS Council.

CSA Budget Summary - Dr. Jackie Meyers, CSA Program Manager, reviewed with the Board the funding history, the adopted budget vs. actual expenditures, cost expenditures by child and services, and the top ten uses of community based funding.

Youth Service Needs Community Assessment Proposal – Dr. Jackie Meyers, CSA Program Manager, reviewed with the Board a proposal to do a Service Needs Community Assessment. Dr. Meyers addressed the needs, staffing, cost and findings for this request.

CONSENT AGENDA

Mr. Weaver questioned why some items were put on the consent agenda, and would like to see the budget report as a presentation instead of a consent agenda item.

The following items were approved under the consent agenda:

MOTION:

Mr. Weaver moved to approve the consent agenda, which consisted of:

- Work Session Minutes of February 19, 2014 as amended.
- Minutes of February 19, 2014 as amended.
- Accounts Payable Report in the amount of \$2,073,434.28.
- Capital Reserve Maintenance Fund Request/Elevator Repairs, \$28,000.00
- Capital Reserve Maintenance Fund Request/Exterior Painting of Buildings, \$22,500.00.
- Capital Reserve Maintenance Fund Request/ Health Department Office Improvements, \$20,000.00.
- Budget Supplement for Replacement of Squad 10 (Palmyra Fire), \$11,668.00.
- FY14 YTD Budget Report through December 31, 2013.

Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Sheridan, O'Brien, Ullenbruch and Weaver. NAYS: None. ABSENT: None.

UNFINISHED BUSINESS

None

NEW BUSINESS

Board **directed staff** to research and present additional revenue sources at the May 21, 2014 Board meeting.

PUBLIC COMMENTS #2

Chairperson Booker opened the floor for the second round of public comments. With no one wishing to speak, Chairperson Booker closed the second round of public comments.

RECESS for Dinner at 6:06pm

Mr. Ullenbruch left meeting, he was not feeling well.

RECONVENED at 7:00pm

Joint Work Session with the Planning Commission:

The Board of Supervisors met with the Planning Commission to discuss UD's, UDAs, Planning and Zoning for Zion Crossroads Development & Water System Actions for WRT Service Districts. Mr. Jason Stewart, Planning and Zoning Administrator, and Mr. Jay Lindsey, Planner, reviewed with the Board some planning and zoning solutions for Fluvanna County to guide Economic Development to the Zion Crossroads area. Some of the concepts discussed were Zoning Overlay District, Floating Zones, Commercial/Industrial Zone. Resizing the CPA/UDA is also an option that was considered.

Mr. Wayne Stephens discussed with the Board four primary considerations for providing public water and sewer services:

- Planning – Should be based on County Comprehensive Plan, what water and sewer providers to use, conceptual planning for specific areas, adoption of rules, regulations & standards and final planning for specific areas, etc...
- Design – Procure engineering design services, preliminary and final design, cost estimates, acquisition of easements and property, preliminary rate analysis and agency approvals and permits.
- Construction – Project administration, bid, contract and construction phases, inspections and construction oversight, construction completion, final rate analysis, final inspection and system start-up.
- Operations and Maintenance – Adoption of rates, fees & charges, daily operation & maintenance of system, system permits & Regulatory requirements, personnel, meter reading, billing, collection, preventive maintenance & repairs, depreciation and replacement plan and periodic rate analysis.

Mr. Bobby Popowicz discussed with the Board the Economic Development Business and Strategic Plan, Technology Zone Overlay and Agreement Outline, the mission of the Economic Development Authority (EDA) and possible EDA initiatives.

CLOSED SESSION

MOTION TO ENTER INTO A CLOSED MEETING:

At 9:32 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed session, pursuant to the Virginia Code Section 2.2-3711A.1, 2.2-3711A.3, and 2.2-3711A.6 for discussion of Disposition of Personnel Matters, Real Estate, and Investment of Funds. Mr. Sheridan seconded. The motion carried, with a vote of 4-0. AYES: Booker, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: Ullenbruch.

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

At 11:38 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mr. Sheridan seconded. The motion carried, with a vote of 4-0. AYES: Booker, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: Ullenbruch.

MOTION:

At 11:39 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, March 5, 2014, on motion of Mr. Weaver, seconded by Mr. Sheridan and carried by the following vote of 5-0. AYES: Booker, Sheridan, Weaver, Ullenbruch and O'Brien. NAYS: None. ABSENT: None.

"BE IT RESOLVED to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting."

EXTEND MEETING

MOTION:

Mr. Weaver moved to ratify the extension of the Board of Supervisors meeting to 1:00 a.m. Mr. Sheridan seconded. The motion carried with a vote of 4-0. AYES: Booker, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: Ullenbruch.

ADJOURN

MOTION:

At 11:40 p.m., Mr. O'Brien moved to adjourn the meeting of Wednesday, March 5, 2014. Mr. Sheridan seconded. The motion carried, with a vote of 4-0. AYES: Booker, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: Ullenbruch.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Mozell H. Booker, Chairperson



Capital Reserve Maintenance Fund Request

MOTION: I move that the Board of Supervisors approve a Capital Reserve Maintenance Fund Request to: Provide \$18,000 from the Capital Reserve Maintenance Fund to pay the costs to replace three heat pumps at the Social Services Building with three new geothermal heat pumps.

Section 1 - REQUEST

Requesting Department / Agency: Public Works		Dept / Agency Contact: Wayne Stephens		Date of Request: Mar 5, 2014	
Phone: (434) 591-1925	Fax: (434) 591-1924	email: jwstephens@fluvannacounty.org		Fiscal Year: FY14	
Reserve Fund Purpose Category: Unexpected facility repairs or replacements					
Description of Project/Repair		Qty	Unit Price	Total Price	
Provide and install three geothermal heat pumps, including removal and disposal of all old equipment.		1	\$18,000.00	\$18,000.00	
				Total Request:	\$18,000.00

Description and justification for proposed use

This work involves replacement of three heat pumps at the Social Services Building. Recent problems with these units have caused serious issues with maintaining comfortable temperatures in the Social Services Building during cold weather. The failed units are heat pumps which were not replaced when the geothermal system was constructed several years ago. Their exact age is unknown, but they are significantly older than the geothermal system and are not geothermal-specific units. All replacement units will be geothermal heat pumps, designed specifically to work with geothermal HVAC systems.

The costs associated with the above-described work were not previously anticipated and were not included in the FY2014 budget. The total cost for all work, including removal & disposal of old equipment, and purchase, installation and start-up of all new equipment. The total cost will be approximately \$18,000.

Department / Agency Head Name: J. Wayne Stephens	Signature  2014.02.25 10:36:09 -05'00'	Date 2014/02/25
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Section 2 - REVIEW

Recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Finance Director  2014.02.25 13:31:43 -05'00'	Date
Recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Administrator  Steven M. Nichols 2014.03.10 15:35:51 -04'00'	Date

Section 3 - BOARD OF SUPERVISORS

Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No	Decision Date:	Comments:
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BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: March 19, 2014

SUBJECT:	Resolution Recognizing Dr. Samuel Babbitt and his fifteen and one half year of dedicated service to the Planning Commission
MOTION(s):	I move the Fluvanna County Board of Supervisors adopt the resolution entitled “Recognizing Dr. Samuel G.Babbitt and is fifteen and one half years of dedicated service to the Planning Commission”.
STAFF CONTACT:	Jason M. Stewart, Planning & Zoning Administrator
RECOMMENDATION:	Approve
TIMING:	Routine
DISCUSSION:	Dr. Samuel Babbitt served on the Planning Commission for 15 ½ years including 2 years as chairman.
FISCAL IMPLICATIONS:	N/A
POLICY IMPLICATIONS:	N/A
LEGISLATIVE HISTORY:	N/A
ENCLOSURES:	Resolution “Recognizing Dr. Samuel G. Babbitt for his fifteen and one half years of dedicated service to the Planning Commission”



BOARD OF SUPERVISORS

**County of Fluvanna
Palmyra, Virginia**

RESOLUTION

Recognizing Dr. Samuel G. Babbitt, for his fifteen and one half years of dedicated service to the Fluvanna County Planning Commission

WHEREAS, Dr. Samuel G. Babbitt served on the Fluvanna County Planning Commission from June 1998 until November 2013.

WHEREAS, He served as Chairman of Planning Commission from January 2010 until January 2012.

NOW, THEREFORE BE IT RESOLVED that the Fluvanna County Board of Supervisors honors Dr. Samuel G. Babbitt for his many years of dedicated service to the people of this County and wish him many blessings in the years to come.

Adopted this 19th, day of March 2014 by the Fluvanna County Board of Supervisors

Mozell H. Booker, Chairperson



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540, Palmyra, VA 22963 · (434) 591-1910 · FAX (434) 591-1911 · www.fluvannacounty.org

MEMORANDUM

TO: Board of Supervisors
FROM: Eric Dahl, Management Analyst
SUBJECT: FY14 Contingency Balance
DATE: March 10, 2014

The balance for the BOS Contingency line for FY14 is as follows:

Board of Supervisors Contingency:

Beginning Budget:	\$100,000.00
LESS: U12 Youth Football 6.19.13	-\$19,965.00
LESS: James River Water Authority Funding 11.20.13	-\$25,000.00
LESS: Town of Columbia Signage 11.20.13	-\$3,000.00
LESS: Cunningham and Columbia Schools Insurance 12.04.13	-\$4,751.00
LESS: Fluvanna County Public Schools MUNIS Implementation 01.08.14	-\$20,000.00
LESS: Cunningham and Columbia Schools Appraisal 02.05.14	-\$3,000.00
Available:	\$24,284.00

Total Available Budget: Board of Supervisors Contingency Line

\$24,284.00



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MEMORANDUM

TO: Board of Supervisors
FROM: Eric Dahl, Management Analyst
SUBJECT: FY14 Capital Reserve Balance
DATE: March 10, 2014

The balance for the Capital Reserve for County and Schools in FY14 is as follows:

County Capital Reserve:

FY14 Beginning Budget:	\$171,575.00
LESS: County Building and Fire Code Issues 12.04.13	-\$8,000.00
LESS: Cunningham School Tank Removal 12.04.13	-\$12,000.00
LESS: Carysbrook Field Lighting 12.18.13	-\$37,000.00
LESS: Social Services Building Preconditioning HVAC System 12.18.13	-\$22,400.00
LESS: County Elevator Repairs 03.05.14	-\$28,000.00
LESS: Health Dept. Office Improvements 03.05.14	-\$22,500.00
LESS: Exterior Painting of Buildings 03.05.14	-\$20,000.00
Available:	\$21,675.00

Schools Capital Reserve:

FY14 Beginning Budget:	\$200,580.00
LESS: Abrams building datacenter infrastructure and generator 07.03.13	-\$40,000.00
LESS: Central Elementary intercom and phone system split 07.03.13	-\$8,500.00
LESS: School Bus Monitoring Cameras with GPS and Video Software 11.06.13	-\$25,500.00
LESS: Signage for Schools 02.19.14	-\$9,764.00
Available:	\$116,816.00