

**AGENDA**  
**FLUVANNA COUNTY BOARD OF SUPERVISORS**  
**Regular Meeting**  
**Circuit Courtroom**  
**Fluvanna Courts Building**  
**September 7<sup>th</sup> 2011**  
**2:00 p.m.**

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

**2-REPORTS**

Karen Kilby, VDOT  
Jay Scudder, County Administrator

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

**4-CONSENT AGENDA**

TAB J Minutes of August 3<sup>rd</sup>, 2011 – Mary Weaver, Clerk to the Board of Supervisors  
TAB K Minutes of August 17<sup>th</sup>, 2011 Work Session – Mary Weaver, Clerk to the Board of Supervisors  
TAB L Resolution Recognizing Alexander Tyree Lackey as an Eagle Scout – Jay Scudder, County Administrator  
TAB M Insurance Reimbursement for Water Damages – Renee Hoover, Finance Director  
TAB Mc Accept DMV Grant for the Sheriff's Office – Pat Groot, Grants Administrator  
TAB N Accept Wireless Board Training Grant for E911 Center - Pat Groot, Grants Administrator  
TAB O Livestock Reimbursement Claim\ Angus Murdock – Garland Nuckols, Facilities Director  
TAB P Livestock Reimbursement Claim\William & Jackie Peters – Garland Nuckols, Facilities Director  
TAB Q Livestock Reimbursement Claim\Shaun & Melissa Kenney – Garland Nuckols, Facilities Director

**5-ACCOUNTS PAYABLE**

TAB R Renee Hoover, Finance Director

**6-PUBLIC HEARING**

None

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

TAB S Wireless Telecommunications Facilities Master Plan – Susan Rabold, CityScape Consultants  
TAB T Legislative Update – David C. Blount, Legislative Liaison, Thomas Jefferson Planning District

**8-ACTION MATTERS**

TAB U EST 11:01, John C. & Kathryn K. Zehler – Addition to a Conservation Easement (EST 07:01) – Steve Tugwell, Planner

**9-OLD BUSINESS**

**10-NEW BUSINESS**

TAB V Reassessment Schedule

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

**12-CLOSED MEETING**

Legal Matters

**13-ADJOURN**

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

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

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**Pledge of Allegiance**

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

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**ORDER**

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

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

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

**MOTION:** I move the regular meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, August 3<sup>rd</sup>, 2011 be adopted.

**AGENDA**                      **BOARD OF SUPERVISORS**                      **DATE: September 7<sup>th</sup>, 2011**

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

**RECOMMENDATION:** Approval

**TIMING:** Routine

**FISCAL IMPLICATIONS:** None

**POLICY IMPLICATIONS:** None

**DISCUSSION:** None

**LEGISLATIVE HISTORY:** None

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

Copy:

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County Administrator's Use Only

*Comments:*

  
\_\_\_\_\_  
Jay Scudder, County Administrator

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna Courts Building  
August 3<sup>rd</sup>, 2011  
2:00 p.m.**

**MEMBERS PRESENT:** John Y. Gooch, Chairman  
Shaun V. Kenney, Vice-Chairman  
Joe Chesser  
Donald W. Weaver  
Mozell H. Booker  
Chris S. Fairchild

**ALSO PRESENT:** Jay Scudder, County Administrator  
Fred Payne, County Attorney  
Barbara Wall-Magee, Human Resources Manager  
Darren K. Coffey, Director of Planning  
Betty Scholl, Administrative Assistant

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

Chairman Gooch called the meeting of August 3<sup>rd</sup>, 2011, to order at 2:00 p.m., in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Gooch called for a moment of silence.

**REPORTS**

Mr. Jay Scudder, County Administrator, reported on the following topics:

- *Information Technology Director* – introduced the new information technology Director, Jonathan McMahon.

**PUBLIC COMMENTS #1**

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

- Chris Roberson, Cunningham District – addressed the Board in opposition to the amended FSCPA contract submitted by the County Administrator.
- Melissa Riley, Cunningham District - addressed the Board in regards to the FSCPA contract.
- Karin Straley, Palmyra District – addressed the Board in support of the FSCPA.

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

**CONSENT AGENDA**

The following items were pulled from the consent agenda:

- FY12 Supplemental Appropriation for Families Learning Together Grant and Teacher Evaluation Pilot Funding.
- FY13 Budget Calendar
- Resolution in Support of Restoration of State Funding for Aid to Localities.

The following items were approved under the consent agenda:

MOTION:

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

- Minutes of July 6<sup>th</sup>, 2011.
- Minutes of July 20<sup>th</sup>, 2011.
- FY12 Budget Supplement for Parks and Recreation Insurance Claim
- FY12 Supplemental Appropriation for additional Victim/Witness funding awarded.
- FY12 Budget Supplement for Social Services Insurance Claim.
- FY Budget Transfer to County Attorney.

Mr. Fairchild seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

*FY12 Supplemental Appropriation for Families Learning Together Grant and Teacher Evaluation Pilot Funding*

Mr. Weaver requested that the total amended school budget be included in the motion. Mrs. Booker clarified that \$85,000.00 was grant money.

MOTION:

Mr. Weaver moved to approve a supplemental appropriation in the amount of \$692,204.85, for the 2011-2012 school budget, bringing the accumulative total to \$35,550,289.85. This action will increase the following budget lines with the school fund:

- Other Local Revenue 25100008 319911 - \$86,500.00,
- Federal Revenue 25100014 332004 - \$605,704.85,
- Instruction Expenditures 25162000 496001 - \$692,204.85.

Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

*FY13 Budget Calendar*

Mr. Weaver questioned having a joint work session with the School Board in November.

MOTION:

Mr. Weaver moved to approve the FY13 Budget Calendar.

Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

*Resolution in Support of Restoration of State Funding for Aid to Localities*

The General Assembly reduced aid to localities. The Virginia Association of Counties and the Virginia Municipal League are legislating to restore these funding sources.

Board of Supervisors discussion ensued and the following motion was offered:

MOTION:

Mr. Chesser moved to accept the resolution.

Mrs. Booker seconded. The motion carried with a vote of 4-2. AYES: Gooch, Booker, Fairchild and Chesser. NAYS: Weaver and Kenney. ABSENT: None.

The board directed staff to share the Restoration of State Funding for Aid to Localities resolution with the TJPDC State Legislative Liaison.

**ACCOUNTS PAYABLE**

Renee Hoover, Finance Director, addressed the Board regarding the key indicators and accounts payable.

After some discussion the following motion was made:

**MOTION:**

Mr. Weaver moved that the Accounts Payable from June 27<sup>th</sup>, 2011, through July 25<sup>th</sup>, 2011, and payroll for the month of June, 2011, in the amount of \$2,198,133.57, be ratified. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Payroll	536,930.18
<u>Accounts Payable</u>	<u>1,661,203.39</u>
Total	\$ 2,198,133.57

**PRESENTATIONS:**

Provision of Pound Services – Mrs. Gracie Roberson, Fluvanna SPCA Treasurer, provided a power presentation regarding services provided by the Fluvanna SPCA.

Self-Insured Medical Plan with Gateway Health Alliance – Mr. Dan Farmer, MBA, PHR, CRS, Director of Marketing for Gateway Health and Mr. Brett Jackson, Executive Director of Marketing for Gateway Health, provided a presentation regarding the history and benefits of Gateway Health Insurance and being self-insured.

**ACTION MATTERS**

Authorization to Self-Insurance Medical Plan

This action will combine the County with the Fluvanna County School’s contract with Gateway Health Alliance to provided services; authorize a Health Insurance Fund and transfer the \$75,000 budgeted in Non-Departmental for FY2012 Health Insurance rate increase to the Health Insurance Fund. Mrs. Barbara Wall-Magee, Human Resources Manager addressed the Board regarding this issue.

**MOTION:**

Mrs. Booker moved that the County become part of the Fluvanna County School’s contract with Gateway Health Alliance to provide services for a self-insured Health Insurance Plan, effective October 1, 2011, through September 30, 2012. Further moved the authorization of a Health Insurance Fund which will be used to hold contributions until needed to pay claims; and moved to transfer the \$75,000, budgeted in Non-Departmental for FY 2012 Health Insurance rate increase, to the Health Insurance Fund. Mr. Fairchild seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

FSPCA Contract

Mr. Fred Payne, County Attorney, mentioned to the Board that he did not see this contract until this morning and is not prepared to approve this contract without reviewing. Suggested the

Board appoint a committee with two Board members, Mr. Scudder, FSCPA and himself to discuss further. After some discussion, Chairman Gooch appointed Mr. Kenney and Mr. Fairchild to meet with the FSCPA, Mr. Payne and Mr. Scudder, to discuss the contract and report back by at the August 17<sup>th</sup> work session.

Authorization to Writing Off Uncollectible Water Account Balances

Ms. Renee Hoover, Finance Director, addressed the Board in regards to this request. The following motion was made:

MOTION:

Mrs. Booker moved to authorize the write-off of 40 accounts, for a total of \$17,181.72, from the Fork Union Sanitary District's current accounts receivable list as of June 30, 2011. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Authorization to Fund the Line of Duty Act through VACO and Opting Out of VRS

Ms. Renee Hoover, Finance Director, addressed the Board in regards to this request. The following motion was made:

MOTION:

Mr. Kenney moved Fluvanna County Opt Out of the State Sponsored Program through Resolution: Irrevocable Election Not to Participate in the Line of Duty Act Fund and authorize the County Administrator to enter into an addendum to the Member Agreement with Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) to allow the County to self-insure and pool liabilities for the Line of Duty Act. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

DHCD Planning Grant Administration

The County has been invited to administer the DHCD grants awarded to the Town of Columbia. Mrs. Pat Groot, Grants Administrator, addressed the Board in regards to this request. Mr. Weaver requested clarification in the motion regarding the \$3,000.00. After some discussion, the following motions were made:

MOTION:

Mr. Chesser moved to accept the Federal Community Development Block Grant (CDBG) Planning Grant, administered by the Department of Housing and Community Development for up to \$25,000, with the understanding that the Columbia Town Council will continue to remain an active partner in the funded project. Further, moved to authorize the County Administrator to execute contracts associated with the grant, subject as to form by the County Attorney; and authorized a budget change, consisting of a supplemental appropriation of \$25,000, in Fund 202 grant funds, and \$3,000, in funds, provided by the Town of Columbia, to revenue and expenditure lines, as assigned by the Finance Department. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

Mrs. Booker moved to donate \$3,000.00 to the Town of Columbia, to cover their contribution, as part of the DHCD Planning Grant. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

*FY11 to FY12 Carryover Requests*

Ms. Crystal Besecker addressed the Board with this request. The following motion was made:

MOTION:

Mr. Fairchild moved to approve the attached budget carryover requests totaling \$138,700. A detailed listing of each request along with a justification for each item and their respective general ledger lines is attached to this motion. If approved, this action will reappropriate FY11 remaining budget authority to the FY12 budget. Mrs. Booker seconded. The motion carried with a vote of 5-1. AYES: Gooch, Weaver, Booker, Fairchild and Chesser. NAYS: Kenney. ABSENT: None.

*Appointment/Economic Development Authority – two positions*

MOTION:

Mr. Fairchild moved to reappoint Mr. Richard Van Nierop and Mr. Stephen Scott to the Economic Development Authority (EDA), with terms to begin September 1, 2011, and to terminate on August 31, 2015. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

*Appointment/Youth Advisory Council*

MOTION:

Mr. Kenney moved to reappoint Mrs. Mozell Booker to the Youth Advisory Council, Board of Supervisors Representative, with a term to begin immediately, and to terminate on July 31, 2013. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Gooch, Weaver, Chesser, Booker, Fairchild and Kenney. NAYS: None. ABSENT: None.

**OLD BUSINESS**

Mr. Fairchild informed the Board that VDOT placed a sign going east on Rt. 53 before the Monish Gate, warning drivers of possible stopped vehicles. He is also awaiting a reply from VDOT in reference to the road in front of the new high school.

**NEW BUSINESS**

None

**EXTEND MEETING**

MOTION:

At 5:04p.m., Mr. Weaver moved to extend the Board of Supervisors meeting until 9:00p.m.. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Fairchild. NAYS: None.

**RECESS**

The Board recessed at 5:06 p.m. for dinner.

**RECONVENE**

The Board reconvened at 7:00 p.m. for Public Hearings

**PUBLIC HEARING**

*Proposed Lease of Real Property to US Cellular Wireless* – Water Tower Lease Agreement between the Board of Supervisors of Fluvanna County, Virginia and USCOC of Virginia RSA #3, Inc. for the lease of certain Land Space, Tower Space on the existing Fork Union Sanitary District water tower, and Rights of Way, for the location and operation of radio communications equipment, antennas and appurtenances at 2984 James Madison Highway, Bremono Bluff, Virginia 23022, shown on the Tax Map of the County of Fluvanna as Tax Map Parcel 51-A-78. The lease has an initial term of five (5) years and shall be automatically extended for four (4) additional five (5) year terms unless terminated by the lessee in accordance with the terms of the lease. The lease provides that the lessee will construct a new platform and corral on the water tower, in addition to the existing platform and corral, and contains other terms and provisions as more fully set forth in the lease. Mr. Darren Coffey, Director of Planning, addressed the Board regarding this request.

Chairman Gooch opened the public hearing.

- Alex Von Der Becke, Fork Union District – addressed the Board in regards to improving telecommunication service.

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

**MOTION:**

Mrs. Booker moved that the Board of Supervisors the County Administrator to execute the lease with USCOC of Virginia RSA#3, Inc. and Memorandum of Lease Agreement (MOL) on behalf of the County, pending approval as to form by the County Attorney's office. Mr. Chesser seconded. The motion carried, with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Fairchild. NAYS: None.

*Proposed Lease of Real Property to Verizon Wireless* – Water Tower Lease Agreement between the Board of Supervisors of Fluvanna County, Virginia and Cellco Partnership, d/b/a Verizon Wireless for the lease of certain Land Space, Tower Space on the existing Fork Union Sanitary District water tower, and Rights of Way, for the location and operation of radio communications equipment, antennas and appurtenances at 2984 James Madison Highway, Bremono Bluff, Virginia 23022, shown on the Tax Map of the County of Fluvanna as Tax Map Parcel 51-A-78. The lease has an initial term of five (5) years and shall be automatically extended for four (4) additional five (5) year terms unless terminated by the lessee in accordance with the terms of the lease. Mr. Darren Coffey, Director of Planning, addressed the Board regarding this request.

Chairman Gooch opened the public hearing.

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

MOTION:

Mr. Chesser moved that the Fluvanna County Board of Supervisors the County Administrator to execute the lease with CELLCO Partnership (Verizon Wireless) and Memorandum of Lease Agreement (MOL) on behalf of the County, pending approval as to form by the County Attorney's office. Mr. Kenney seconded. The motion carried, with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Fairchild. NAYS: None.

PUBLIC COMMENTS #2

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

- Cindy Corbin, Palmyra District – addressed the Board in support of moving the swimming pool on the CIP forward.
- Cos Difazio, Cunningham District – addressed the Board in support of moving the swimming pool on the CIP forward.

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

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 7:22 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing legal matters and possible litigation. Mr. Kenney seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

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

At 8:29 p.m., Mr. Kenney moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Weaver seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

MOTION:

At 8:30 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, August 3<sup>rd</sup>, 2011 on motion of Mr. Kenney, seconded by Mr. Weaver and carried by the following vote: AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. 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.”

MOTION:

Mr. Kenney moved to ratify the engagement of the firm of Eckert Seamans Cherin & Mellott, 707 East Main Street, Suite 1450, Richmond, Virginia 23219,

to represent the County, along with the County Attorney, in potential litigation involving any and all available causes of action arising out of the issuance of debt instruments relating to the construction of the new County high school. This engagement is on the express understanding that Douglas M. Palais, Esquire will serve as lead counsel for the firm with authority to employ such other resources of the firm as he may deem appropriate. Fees will be billed on a monthly basis at the following rates, which are understood to be below standard rates for the firm:

1. For firm members (including Douglas M. Palais), no more than \$300 per hour.
2. For associates, no more than \$235.00 per hour.
3. For paralegal assistants, \$130.00 per hour.

It is further understood that other terms of engagement shall be in accordance with customary practice, and that the firm will deploy the most cost-effective resources consistent with its obligation to obtain the best possible result for the client.

Further, moved that the County Attorney and the aforementioned litigation counsel, be, and they are hereby, authorized to prepare and file appropriate pleading to protect the County's interest with respect to the causes of action described hereinabove. Mr. Chesser seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

**ADJOURN**

**MOTION:**

At 8:33 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, August 3<sup>rd</sup>, 2011. Mrs. Booker seconded. The motion carried, with a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Weaver and Fairchild. NAYS: None. ABSENT: None

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John Y. Gooch, Chairman



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

**RESOLUTION**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, August 3<sup>rd</sup>, 2011, in Palmyra, Virginia, the following action was taken:

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<u>Present</u>	<u>Vote</u>
John Y. Gooch, Chairman	YEA
Shaun V. Kenney, Vice Chairman	NAY
Chris S. Fairchild	YEA
Joe Chesser	YEA
Mozell H. Booker	YEA
Donald W. Weaver	NAY

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On a motion by Mr. Chesser, seconded by Mrs. Booker and carried by a vote of 4-2, the following resolution was adopted.

**RESOLUTION IN SUPPORT OF RESTORATION OF STATE FUNDING FOR AID TO LOCALITIES**

**WHEREAS**, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, is \$800 million less in FY12 than in FY09; and

**WHEREAS**, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are dwindling, and real estate assessments are declining; and

**WHEREAS**, the Appropriation Act contains \$60 million in across-the-board cuts to cities and counties for both FY11 and FY12, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget ("Local Aid to the State"); and

**WHEREAS**, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

**WHEREAS**, the County of Fluvanna does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for State prisoners in local and regional jails; and

**WHEREAS**, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

**WHEREAS**, the County of Fluvanna remitted \$151,223 in FY11 and will be required to remit another \$154,378 in FY12; and

**WHEREAS**, cities and counties will have provided the State with \$220 million by the close of FY12 for this "Local Aid to the State" program; and

**WHEREAS**, these reductions shift State costs to local taxpayers and artificially increases the amount of state surplus revenue; and

**WHEREAS**, State revenues have begun to recover and the State is expecting to have a revenue surplus for the second year in a row; and

**WHEREAS**, revenue collections for the County of Fluvanna continue to reflect the struggling housing market; and

**WHEREAS**, the State should not shift its share of the costs for mandates and responsibilities to local governments; now, therefore, be it

**NOW, THEREFORE BE IT RESOLVED**, on this 3<sup>rd</sup> day of August 2011 that the Fluvanna County Board of Supervisors asks Governor Bob McDonnell to submit a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14; and further, be it

**RESOLVED**, that the members of the General Assembly support a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14.

Adopted this 3<sup>rd</sup> day of August 2011  
by the Fluvanna County Board of Supervisors

ATTEST:

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Jay Scudder, County Administrator

**Board of Elections  
Carryover Request for FY11 to FY12**

Department	FY11 Org & Object	FY12 Org & Object	Carryover \$	Title of g/l account	Justification: Why should the funds be carried forward? Why was the project was not completed within FY10? If this request is denied, what impact will it have on your department's ability to function efficiently? (MUST ANSWER ALL 3)
Registrar	10017000 403300	10017000 401300	\$9,700	Part-time salaries	<p>The funds will be utilized to support personnel needed in order to meet the additional demands for the upcoming 2011/12 election cycle and redistricting. The Town of Columbia election will be also be included if a change is not made prior to May 2012.</p> <p>The proposed redistricting plan was not received until after SBE deadlines were passed. The June Primary has been moved to August to accommodate redistricting.</p> <p>Without additional personnel/staff there will be further delays in meeting federal, state and local deadlines.</p>
<b>Total Carryover Request</b>			<b>\$ 9,700</b>		

**Convenience Center  
Carryover Request FY11 to FY12**

Department	FY11 Org & Object	FY12 Org & Object	Carryover \$	Title of g/l account	Justification: Why should the funds be carried forward? Why was the project was not completed within FY10? If this request is denied, what impact will it have on your department's ability to function efficiently? (MUST ANSWER ALL 3)
Convenience Ctr.	10043500 403100	10043000 403310	\$7,000	Bldg/Equip/Veh Repairs & Maint.	Placement of lights at Convenience Center. The use of landfill money to install lights at the Convenience Center will save rental charges for lights. 1. These funds should be carried forward to illuminate the Convenience Center when we are open at night. 2. This was not completed in FY11 because it was not in the budget for FY11. The use of carryover funds will allow us to complete it. 3. If this is denied we can either close early when it becomes dark or rent lights.
<b>Total Carryover Request</b>			<b>\$ 7,000</b>		

**Capital Improvement Fund (General Services and Social Services)  
Carryover Request FY11 to FY12**

Department	FY11 Org & Object	FY12 Org & Object	Carryover \$	Title of g/l account	Justification: Why should the funds be carried forward? Why was the project not completed within FY10? If this request is denied, what impact will it have on your department's ability to function efficiently? (MUST ANSWER ALL 3)
1 General Svcs	10042000 403320	30200000 403300 HUMAN	\$27,000	Contract Services HUMAN Svc Bldg/CIP	Addition of geothermal wells and lines to the Carysbrook project. The current remodel project only included the first floor and had only wells to cover this floor. The use of this money to add geothermal wells to cover the second floor of HVAC system would be efficient. 1. The funds should be carried forward to complete the geothermal wells for the entire Social Services building. 2. This is an addition to an existing project from FY11 and was not originally scheduled to be completed in FY11. That is why it was not completed in FY11.
2 General Svcs	10042000 405110	30200000 403300 HUMAN	\$27,000	Contract Services HUMAN Svc Bldg/CIP	Continued from above. 3. If denied, we will need to advertise for the installation of geothermal wells for the second floor which will incur costs along with duplicate mobilization costs from the driller. In summary installing them now will save the County money. This is the same justification for this one and above.
3 Social Services	10553000-401100	30200000 403300 HUMAN	\$56,000	Contract Services HUMAN Svc Bldg/CIP	<u>Carysbrook Renovation:</u> To work in conjunction with Public Works to complete the project and enhance available funding to include: <ul style="list-style-type: none"> <li>• HVAC - Expand the aged and struggling HVAC for the second floor.</li> </ul> <p>Funds were not requested or budgeted for FY11 or FY12 because the renovation was not approved until March 2, 2011.</p> <p>Interruption of effective work processes due to break downs and repair needs.</p> <p>Completion of the project will improve efficient work flow within old and new office spaces having consistent heating and cooling which doesn't interrupt the work process and offset current maintenance cost, as it currently can do.</p> <p>Funds were not requested or budgeted for FY11 or FY12 because the renovation was not approved until March 2, 2011.</p>
4 Social Services	10553000-401100	30200000 403300 HUMAN	\$8,000	Contract Services HUMAN Svc Bldg/CIP	<u>Carysbrook Renovation:</u> To work in conjunction with Public Works to complete the project and enhance available funding to include: <ul style="list-style-type: none"> <li>• Paint</li> </ul> <p>Paint exterior windows for maintenance (both floors) as they are showing signs of rot and degradation. Paint the second floor interior for the first time in approximately 14 years.</p> <p>Investment in maintenance of the historic building enhances county owned real estate.</p>
<b>Total Carryover Request</b>			<b>\$ 118,000</b>		

**Social Services Carryover Request for FY11 to FY12**

Department	FY11 Org & Object	FY12 Org & Object	Carryover \$	Title of g/l account	Justification: Why should the funds be carried forward? Why was the project not completed within FY11? If this request is denied, what impact will it have on your department's ability to function efficiently? (MUST ANSWER ALL 3)
1 Social Services	10553000-401100	10553000-408102	\$4,000	Furniture & Fixtures	<p><u>Carysbrook Renovation:</u> To work in conjunction with Public Works to complete the project and enhance available funding to include:</p> <ul style="list-style-type: none"> <li>• Furnishing and refurbishing office fixtures &amp; interior work</li> </ul> <p>Funds were not requested or budgeted for FY11 or FY12 because the renovation was not approved until March 2, 2011.</p> <p>If unfunded, staff will be working with inadequate equipment impacting ability to provide effective services meeting mandated timelines.</p> <p>Completion of the project will improved efficient work flow through utilizing appropriate equipment and fixtures within old and new office space.</p>
<b>Total Carryover Request</b>			<b>\$ 4,000</b>		

**MOTION:** I move the work session minutes of the Fluvanna County Board of Supervisors for Wednesday, August 17th, 2011 be adopted.

**AGENDA**                      **BOARD OF SUPERVISORS**                      **DATE: September 7<sup>th</sup>, 2011**

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

**RECOMMENDATION:** Approval

**TIMING:** Routine

**FISCAL IMPLICATIONS:** None

**POLICY IMPLICATIONS:** None

**DISCUSSION:** None

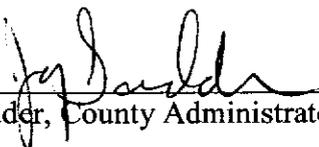
**LEGISLATIVE HISTORY:** None

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

Copy:

\*\*\*\*\*

County Administrator's Use Only  
*Comments:*

  
\_\_\_\_\_  
Jay Scudder, County Administrator

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
WORK SESSION MINUTES  
Morris Room  
Fluvanna Administration Building  
August 17<sup>th</sup>, 2011  
3:00 p.m.**

**MEMBERS PRESENT:** John Y. Gooch, Chairman  
Shaun Kenney, Vice Chairman  
Joe Chesser  
Donald W. Weaver  
Mozell H. Booker (arrived at late)  
Chris Fairchild

**GUESTS PRESENT:** Leonard Gardner  
Bill Des Roche  
Dennis Holder  
Brian Gardner  
Jack Ruch

**ALSO PRESENT:** Fred Payne, County Attorney  
Jay Scudder, County Administrator  
Renee Hoover, Finance Director  
Mary L. Weaver, Clerk, Board of Supervisors

**CALL TO ORDER**

Chairman Gooch called the work session of August 17<sup>th</sup>, 2011, to order at 3:00 p.m. in the Morris Room, Fluvanna Administration Building, Palmyra, Virginia.

Chairman Gooch began the meeting by moving into a closed session at the request of Mr. Payne, County Attorney.

**CLOSED MEETING**

**MOTION TO ENTER INTO A CLOSED MEETING:**

At 3:09 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing legal matters. Mr. Kenney seconded. The motion carried by a vote of 5-0. AYES: Chesser, Gooch, Kenney, Fairchild and Weaver. NAYS: None. ABSENT: Booker.

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

At 4:08 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Kenney seconded. The motion carried by a vote of 6-0. AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

**MOTION:**

At 4:09 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, August 3<sup>rd</sup>, 2011 on

motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. 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.”

**MOTION:**

Mr. Fairchild moved to have Mr. Payne, County Attorney present the FSCPA the contract and conditions previously approved by the Boards committee. Mr. Kenney seconded. The motion carried by a vote of 6-0 AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. NAYS: None. ABSENT: None.

Mr. Fred Payne, County Attorney, left the meeting.

Chairman Gooch began the work session discussion by introducing the guests and Mr. Steve Jacobs, Farmer, Robinson Cox.

**PRESENTATION**

Mr. Steve Jacobs reviewed with the Board several different alternatives on the financial forecast.

**DISCUSSION**

The Board discussed extensively, categorical funding cuts, variables, revenues, and expenses of the budget. Mr. Fairchild and Ms. Booker addressed looking at set goals and discussed how to accomplish them.

**RECESS**

The Board recessed at 5:33 p.m. for dinner.

**RECONVENE**

The Board reconvened at 6:00 p.m.

Chairman Gooch asked to go around the table and have everyone to share their ideas to help control costs. The following ideas were mentioned:

- Freeze Wages.
- Cut out non-essential programs (Visitor Center, Leadership Development Program, Coop).
- Cut out as much as possible from departments, identify priorities. No sacred cows.
- Increase Revenues (landfill fees, parks and recreation fees).
- Raise Taxes.
- Establish a sustainable rate.
- Structure and Goals.
- Cut items not teachers from school (vehicle fleet, astro turf).
- Alternate Revenue options (Economic Development, BPOL, Land Use, Meal Tax).
- Eliminate the two new spending programs added to FY12 budget.

- Cut Personnel.
- Hold School funding at FY12 budget and increase by population increase.
- 10:1 ratio of spending to cuts. For every \$10, we find \$1 to cut.
- Eliminate the 2.5% COLA-short term, give bonuses.
- Explore a form of zero-based budgeting based on the state and federal mandates. Everything beyond should be justified to the BOS and to the public, in public hearing, and voted on accordingly.
- A five-year vision for Economic Development.
- We only have control over 1/6th of our budget. Even on that, much of what we spend could be viewed as critical services. Focus like a laser when the TJPDC comes and asks for priorities to lobby in Richmond.
- The problems we are facing are macro-level problems that will not be resolved by nickel-and-dime cuts.
- Achieve a reduction in force by cutting supervisor and staff position, not by reducing workers who actually perform services to citizens.
- Increase revenues with measures that do not involve tax increases: specifically by adopting and enforcing a proffer policy and by collecting impact fees.
- Limit all future local budget growth to parallel population growth.

There was some discussion on the following topics:

- Sustainable rate.
- Economic Development.

**ADJOURN**

At 7:06 p.m. Chairman Gooch adjourned the work session.

---

John Y. Gooch, Chairman

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
WORK SESSION MINUTES  
Morris Room  
Fluvanna Administration Building  
August 17<sup>th</sup>, 2011  
3:00 p.m.**

**MEMBERS PRESENT:** John Y. Gooch, Chairman  
Shaun Kenney, Vice Chairman  
Joe Chesser  
Donald W. Weaver  
Mozell H. Booker (arrived at late)  
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**ALSO PRESENT:** Fred Payne, County Attorney  
Jay Scudder, County Administrator  
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Mary L. Weaver, Clerk, Board of Supervisors

**CALL TO ORDER**

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

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motion of Mr. Weaver, seconded by Mr. Kenney and carried by the following vote: AYES: Chesser, Gooch, Kenney, Booker, Fairchild and Weaver. 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.”

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Mr. Fred Payne, County Attorney, left the meeting.

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- Cut Personnel.
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There was some discussion on the following topics:

- Sustainable rate.
- Economic Development.

**ADJOURN**

At 7:06 p.m. Chairman Gooch adjourned the work session.

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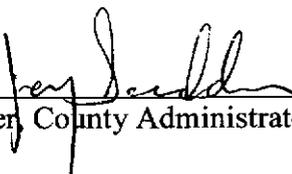
John Y. Gooch, Chairman

**MOTION:** I move to adopt the resolution entitled "Recognizing Alexander Tyree Lackey Award of Eagle Scout Status".

\*\*\*\*\*

*For County Administrator's Use Only*

Comments:

  
\_\_\_\_\_  
Jay Scudder, County Administrator



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

**RESOLUTION**

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, September 7<sup>th</sup>, 2011, in Palmyra, Virginia, the following action was taken:

---

<u>Present</u>	<u>Vote</u>
John Y. Gooch, Chairman	
Shaun V. Kenney, Vice Chairman	
Mozell H. Booker	
Joseph Chesser	
Chris S. Fairchild	
Donald W. Weaver	

---

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

**RESOLUTION**

**Recognizing Alexander Tyree Lackey Award of Eagle Scout Status**

**WHEREAS**, Alexander Tyree Lackey has completed all the requirements for becoming an Eagle Scout; and

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

**WHEREAS**, Boy Scout Troop 138 will be convening a Eagle Scout Court of Honor on October 16<sup>th</sup> 2011 at 2:00 p.m. at Saints Peter and Paul Catholic Church;

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

Adopted this 7<sup>th</sup>, day of September 2011  
by the Fluvanna County Board of Supervisors

ATTEST:

---

John Y. Gooch, Chairman



**BOY SCOUTS OF AMERICA  
STONEWALL JACKSON AREA COUNCIL  
TROOP 138  
31 ARAPAHO TRAIL  
PALMYRA, VIRGINIA 22963**

---

Mr. John Gooch  
Chairman, Fluvanna Board of Supervisors  
362 Oliver Creek Road  
Troy, VA 22974

August 12, 2011

Dear Mr. Gooch,

The Scouts, Leaders, and Members of the Committee of Boy Scout Troop 138 take great pleasure in announcing that:

Having completed the requirements for, and having been examined by  
An Eagle Scout Board of Review

**Alexander Tyree Lackey**

Was found worthy of the rank of Eagle Scout.

In honor of this achievement, we have scheduled an Eagle Scout Court of Honor for:

**October 16, 2011 at 2pm at Sts. Peter and Paul Catholic Church, Palmyra, Virginia.**

On behalf of the Troop Committee, I invite you to attend this event. If you or a representative is unable to attend, would you please be so kind as to send a letter or certificate of greeting along with any other items you wish to be presented to him to acknowledge his achievement. We will compile it with other acknowledgments commemorating this special occasion. You may send this to my attention at the address below.

Thank you for taking time from your extremely busy schedule to help this community recognize the achievements and service of **Eagle Scout Alexander Tyree Lackey**.

Sincerely,

Robert Wade  
Scoutmaster Troop 138  
31 Arapaho Trail  
Palmyra, Virginia 22963





**VACoRP**

August 5, 2011

308 Market Street, SE, Suites 1 & 2  
Roanoke, Virginia 24011

540.345.8500  
toll free 888.822.6772  
fax 540.345.5330  
toll free 877.212.8599

Fluvanna County  
P.O. Box 540  
Palmyra, VA 22963

Attention: Crystal Besecker, Budget Analyst

Virginia Association of Counties Self-Insurance Risk Pool

Participant: Fluvanna County  
Claim Number: 0322011054269  
Date of Loss: 06-19-11

Dear Ms. Besecker:

Enclosed please find a VACoRP property damage check in the amount of \$5,650.92 to cover the repair cost of the Fitness Center Floor and the damages at the Courthouse due to the water damages. This amount was determined by the Roanoke Valley Claims Services estimate that was submitted in the amount of \$6,650.92 before the \$1,000.00 policy deductible was applied.

If you should have any questions regarding this payment, please feel free to call our office.

Sincerely,

A handwritten signature in blue ink that reads "Susan C. Farris".

Susan C. Farris, CIC, CISR  
Claims Specialist

Enc. – check & appraisal

Courthouse and Fitness Center Water damage

52193

88-183/514  
412

**VACORP CLAIMS**  
308 MARKET ST. SE. STE 1 & 2  
ROANOKE, VA 24011  
540-345-8500

FIRST CITIZENS BANK

Five Thousand Six Hundred Fifty and 92/100 Dollars\*\*\*\*\*

DATE	AMOUNT
8/8/2011	**5,650.92**

PAY  
TO THE  
ORDER  
OF

Fluvanna  
P.O. Box 299  
Route 15 S. County Admin Bldg  
Palmyra, VA 22963

VOID AFTER 60 DAYS  
TWO SIGNATURES REQUIRED OVER \$30,000  
*Michael Shiffert*

AUTHORIZED SIGNATURE

⑈052193⑈ ⑆051401836⑆008921921150⑈

VACORP CLAIMS

52193

Description	From Date	To Date	Invoice #	Invoice Amt	Amount
Buildings			Repair Estimate	\$6,650.92	\$6,650.92
Buildings			Deductible	\$6,650.92	(\$1,000.00)

Claim Number: 0322011054269 Claimant: Fluvanna Payee: Fluvanna  
Check Number: 52193 Total Check Amt: \$5,650.92 Event Date: 6/19/2011 Department: 032 Fluvanna  
Memo: Courthouse and Fitness Center Water damage



**Roanoke Valley Claims**

Nikki Hancy, ACSR  
 P.O. Box 13706  
 Roanoke, VA 24036  
 (434) 531-4851  
 Fax (540) 265-0105

2011-11000  
 Main Level

**Fitness Room**

**Height: 9'**

DESCRIPTION	QNTY	UNIT COST	TOTAL
3. Floor prep (scrape rubber back residue)	1,610.00 SF @	0.44 =	708.40
1. R&R Tile - vinyl composition - Premium grade	1,610.00 SF @	2.92 =	4,701.20
2. Content Manipulation charge - per hour Large amount of fitness equipment	8.00 HR @	22.04 -	176.32
4. Final cleaning - construction - Commercial	1,610.00 SF @	0.11 -	177.10
5. Haul debris - per pickup truck load - including dump fees	1.00 EA @	103.59 =	103.59

**Office Area**

**Height: 9'**

DESCRIPTION	QNTY	UNIT COST	TOTAL
6. Clean and deodorize carpet - heavy staining	600.00 SF @	0.43 =	258.00
7. Content Manipulation charge - per hour Will have to move all office furniture	8.00 HR @	22.04 -	176.32
8. Wooden Desk 8 Drawer	1.00 EA @	349.99 -	349.99

**Grand Total Areas:**

2,344.50 SF Walls	2,210.00 SF Ceiling	4,554.50 SF Walls and Ceiling
2,210.00 SF Floor	245.56 SY Flooring	260.50 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	260.50 LF Ceil. Perimeter
2,210.00 Floor Area	2,297.72 Total Area	2,344.50 Interior Wall Area
2,658.33 Exterior Wall Area	265.83 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

MOTION: I move to ratify the application and accept the Virginia's Highway Safety Program award from the Department of Motor Vehicles (DMV) in the amount of \$25,723.20 to fund a Sheriff's Office traffic safety program. Further, I move that the Board of Supervisors authorize the County Administrator to execute contracts and agreements associated with this grant, subject as to form by the County Attorney; and authorize a supplemental appropriation in the amount of \$25,273.20 as enumerated below:

**Budget Supplement to establish the budget**

20200015 334107 DMV (revenue) \$21,436.00  
20200000 340100 Transfer from GenFnd (match revenue) \$4,287.20  
20231000 401100 Salaries and Wages \$14,000  
20231000 406008 Vehicle Fuel \$4,287.20  
20231000 408101 Machinery and Equipment \$7,364.20

**Budget Transfer of required match**

From: 10031000 406008 Sheriff's Vehicle Fuel \$4,287.20  
To: 20231000 406008 HWYSP Vehicle Fuel \$4,287.20

**AGENDA**

**BOARD OF SUPERVISORS**

**September 7, 2011**

SUBJECT: DMV US DOT Highway Safety Funds grant.

RECOMMENDATION: Accept DMV US DOT Highway Safety Funds grant

TIMING: Routine.

FISCAL IMPLICATIONS: This is a federal grant award of \$21,436. An additional match of \$4,287.20 is required and will be met through in-kind contributions derived from fuel costs for vehicles, or other costs associated with the saturation or selection check points or patrols. No additional County cash is required. A budget transfer from the current Sheriff's budget will move \$4,287.20 from Fund 100 vehicle fuel to the appropriate grant lines. Award period begins on October 1, 2011 with all expenses incurred by September 30, 2012. No extensions are allowed.

POLICY IMPLICATIONS: Selective check-points and patrols for DUI and seatbelt use enforcement will be conducted. These tools will assist the Sheriff's Office in policing DUI and seatbelt violations as well as other traffic violations.

DISCUSSION: Grant funds will be used to purchase Preliminary Breath Test (PBT) units used in the field to measure breath alcohol levels; an in-car camera; radar units for Deputy vehicles; and salary costs associated with check-points and patrols. This grant originates from federal funds National Highway Safety Act funds (CFDA No 20.600) administered by the Virginia Department of Motor Vehicles. Lt. Rensch is to be commended for obtaining this grant.

Staff: Pat Groot, Grants Administrator  
Award Agreement

\*\*\*\*\*

County Administrator's Use Only *Good job!*

  
\_\_\_\_\_  
County Administrator

**Purpose:** Virginia's Highway Safety Program Subgrantees use this form to certify and assure that they will fully comply with all terms of the Highway Safety Grant Agreement.

**Instructions:** Subgrantees must read the contract, complete all applicable information on the first page, initial the subsequent pages, and return all pages to the Department of Motor Vehicles.

This Highway Safety Grant Agreement is entered into between the Virginia Department of Motor Vehicles (hereinafter "Department"), 2300 West Broad Street, Richmond, Virginia 23220, and the following:

Subgrantee: Fluvanna County  
 Project Title: Selective Enforcement  
 Project Number/CFDA Number: SC-2012-52085-4463-20.600  
 Grant Award Amount: \$21,436.00

Source of funds obligated to this award: U.S. Department of Transportation National Highway Traffic Safety Administration  
 Period of Performance for this project (hereinafter "Grant Period"): From October 1, 2011, or the date the Highway Safety Grant Agreement is signed by the Director, Virginia Highway Safety Office (whichever is later) through September 30, 2012. Allow 21 days for the Department to complete its review and signature. FINAL VOUCHER IS DUE ON OR BEFORE NOVEMBER 5, 2012.

In performing its responsibilities under this Highway Safety Grant Agreement, the Subgrantee certifies and assures that it will fully comply with the following:

- Applicable Department regulations and policies and state and federal laws, regulations, and policies
- Statement of Work and Special Conditions and an Approved Budget, included with this Highway Safety Grant Agreement
- General Terms and Conditions, also included with this Highway Safety Grant Agreement

Subgrantee's signature below indicates that the Subgrantee has read, understands and agrees to fully comply with all terms and conditions of this Highway Safety Grant Agreement without alteration. This Highway Safety Grant Agreement (hereinafter "Grant Agreement"), consisting of this certification; the attached Statement of Work and Special Conditions; the attached General Terms and Conditions; the attached Project Budget; the Subgrantee's proposal; and the letter awarding the grant to the Subgrantee constitutes the entire agreement between the Department and the Subgrantee, supersedes any prior oral or written agreement between the parties and may not be modified except by written agreement as provided herein. Where any conflict arises between terms, the following is the order of governance of one term over another: (1) applicable Department regulations and policies, except where superseded by federal laws, regulations, or policies (2) applicable state laws, regulations, and policies, except where superseded by federal laws, regulations, or policies; (3) applicable federal laws, regulations, and policies; (4) Statement of Work and Special Conditions; (5) General Terms and Conditions; (6) Project Budget; (7) Subgrantee's proposal; and (8) grant award letter.

**SIGNATURES OF AUTHORIZED APPROVING OFFICIALS**

**For Subgrantee:**

Thomas E Rensch II Lt.  
 Name and Title of Project Director (print)

[Signature] 8-12-2011  
 Signature Date

\_\_\_\_\_  
 Name and Title of Authorized Approving Official (print)

Subgrantee's DUNS Number \_\_\_\_\_

\_\_\_\_\_  
 Signature Date

**For Virginia Department of Motor Vehicles:**

John Saunders  
 Director, Virginia Highway Safety Office (print)

\_\_\_\_\_  
 Signature Date



Department of Motor Vehicles  
Grant Budget Lines

Date Run: 01-AUG-2011

SC-2012 - 52085 - 4463 - Fluvanna County

Project Director Initials

*TEL*

Date

Category	Line Item Desc	Qty	Individual Cost	Total Cost	Fed Fund Amount	Matching Funds
Personnel	400 hours for Traffic Enforcement by Deputies	400	35.00	14,000.00	14,000.00	0.00
Other Direct Costs	Vehicle Fuel and Maintenance for Traffic Vehicle.	1	4,287.20	4,287.20	0.00	4,287.20
Equipment	PBT's, CMI Breath Units	1	309.00	309.00	309.00	0.00
Equipment	Kustom Siginial, Radar golden Eagle II	1	1,627.00	1,627.00	1,627.00	0.00
Equipment	Kustom Signal In-car Camera System	1	5,500.00	5,500.00	5,500.00	0.00
			<b>Total:</b>	<b>25,723.20</b>	<b>21,436.00</b>	<b>4,287.20</b>

*TEL*

Subgrantee Name: Fluvanna County Project #: SL-2012-52085-4483-20,600

### STATEMENT OF WORK AND SPECIAL CONDITIONS

1. Goals and Specific Program Elements. The goals and specific program elements of the Subgrantee's proposal are incorporated as the first item in this Statement of Work and Special Conditions.

a. List Specific Program Elements:

Estimated 100 number of overtime hours to be used from October 1, 2011 through December 31, 2011.

Estimated 100 number of overtime hours to be used from January 1, 2012 through March 31, 2012.

Estimated 100 number of overtime hours to be used from April 1, 2012 through June 30, 2012.

Estimated 100 number of overtime hours to be used from July 1, 2012 through September 30, 2012.

Estimated 1 number of checkpoints from October 1, 2011 through December 31, 2011.

Estimated 0 number of checkpoints from January 1, 2012 through March 31, 2012.

Estimated 2 number of checkpoints from April 1, 2012 through June 30, 2012.

Estimated 1 number of checkpoints from July 1, 2012 through September 30, 2012.

Estimated 1 number of saturation patrols from October 1, 2011 through December 31, 2011.

Estimated 1 number of saturation patrols from January 1, 2012 through March 31, 2012.

Estimated 1 number of saturation patrols from April 1, 2012 through June 30, 2012.

Estimated 1 number of saturation patrols from July 1, 2012 through September 30, 2012.

b. To conduct a minimum of 1 checkpoints and/or 1 saturation patrols for the mandatory Click It or Ticket Mobilization in May 2012.

c. To conduct a minimum of 1 checkpoints and/or 1 saturation patrols for the Over the Limit Under Arrest Checkpoint Strike Force Campaign.

d. To have 0 number of sworn officers attend 0 number DMV approved traffic safety related training events (e.g. ACTS, NHTSA Safety Summit, Field Sobriety Testing).

e. Increase from number of radar units in active use from 14 to 15. (If approved, all units must be ordered by March 31, 2012).

f. Increase from number of breath testing units in active use from 12 to 13. (If approved, all units must be ordered by March 31, 2012).

g. Increase from number of in-car camera units in active use from 7 to 8. (If approved, all units must be ordered by March 31, 2012).

Project Director JGR  
Initial

8-12-2011  
Date

Subgrantee Name: Fluvanna County Project #: SL-2012-52085-4463-20,600

2. State any special programmatic requirements here; e.g., Click It or Ticket Mobilizations must be conducted during a specified time period during the grant year.
  - a. Must participate in the Click It or Ticket Campaign's pre and post seat belt survey during the period of the May 2012 mobilization.
  - b. Must participate in the Click It or Ticket Enforcement Campaign during the May 2012 mobilization.
  - c. Must participate in the Checkpoint Strike Force Campaign and sustained enforcement during the period of October 1, 2011 through September 30, 2012.
  - d. Must attend all required DMV Grant mandated training.

Project Director FER Initial 8-12-2011 Date

## HIGHWAY SAFETY GRANT AGREEMENT GENERAL TERMS AND CONDITIONS

1. Purpose and Background. The Department is awarding this grant to support the implementation of highway safety projects by state, local and non-profit partnerships. Funds are made available for projects that: (1) support statewide goals; (2) identify problems experienced by High Emphasis Communities, which are jurisdictions with the highest crash severity problem; (3) creatively incorporate alcohol awareness and occupant protection safety; (4) are innovative with potential statewide application or ability to transfer to other jurisdictions; and (5) have statewide significance and address the federal program areas under Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
2. Paid Media. Grants consisting of \$100,000 or more in paid media funds will be required to perform pre- and post-surveys during the Grant Period. The level of assessment is based on the cost of a paid advertising campaign as follows:
  - a. Level 1, for a paid advertising campaign of up to \$100,000:

At a minimum, an assessment must measure and document audience exposure to paid advertised messages and the number of airings or print ads devoted to each announcement. The size of the audience needs to be estimated using a source appropriate for the medium used, such as Arbitron or Nielsen ratings for radio and TV. More specifically, all paid advertising for which the state used 402 funds must include documentation stating how many paid airings or print ads occurred and the size of the audience reached. Include the number of free airings or print ads that occurred and the size of the audience reached.
  - b. Level 2, for a paid advertising campaign **greater than** \$100,000:

In addition to providing the above Level 1 documentation, a more extensive assessment is required to measure target audience reaction. One or more of the activities in the following list may be used to assess how the target audience's knowledge, attitude, or actions were affected by the message(s):

    - Mail surveys;
    - Telephone surveys;
    - Focus groups;
    - Mall intercept interviews;
    - Direct mailings;
    - Call-in centers;
    - Newspaper polls;
    - Household interviews;
    - Before and after approach, which compares system status before and after the introduction of the message; and
    - Control region approach, which relates one study site exposed to the message to a similar site that is not exposed to the message.
3. Equipment. Costs for equipment are allowable under specified conditions. Costs for new and replacement equipment with a useful life of more than one year and an acquisition cost of \$5,000 or more must be pre-approved before a Subgrantee purchases the equipment. Such approval shall be obtained by the Department from the National Highway Transportation Safety Administration (NHTSA) regional manager in writing, and Subgrantee will be notified by the Department when this approval has been secured. Federal government requirements mandate that the Department maintain an accurate accounting and inventory of all equipment purchased using federal funds, and Subgrantee shall comply with applicable reporting requirements that may be specified in the Highway Safety Grant Program Manual and amendments thereto.

Project Director's Initials TER

Subgrantee must request advance, written approval from the Department to sell, transfer or dispose of any and all non-expendable equipment purchased in whole or in part with the use of federal highway safety funds. Disposition of funds from the sale of equipment to another entity must be agreed upon by the Department and the Subgrantee and approved by NHTSA and the Department. In the event of a conflict between this section and OMB Circulars A-21, A-122, 2 CFR Part 225 (previously OMB Circular A-87) or 45 CFR, Subtitle A - Appendix E to Part 74, the provisions of the applicable Circular control (except where inconsistent with statute).

4. Reports and Deliverables. Quarterly Progress Reports shall be provided to the Department by the dates indicated:

**January 31, April 30, July 31, and November 5.**

Each Progress Report shall address the Subgrantee's progress in fulfilling items listed in the Statement of Work and Special Conditions, including funded elements of the Subgrantee's proposal. These reports should include the findings from the evaluation component of the proposal and should indicate the criteria and methods by which the progress of the initiative has been evaluated. The format for Progress Reports will be provided to the Subgrantee, but, at a minimum, will require an assessment of the program's plan with actual accomplishments during the past quarter, partnership involvement and satisfaction, expected follow-up, changes/problems with the plan and how they will be addressed, a financial summary of expenditures for the reporting period and planned accomplishments during the next quarter. The final Progress Report shall include a comprehensive, detailed report of all grant activities conducted during the full grant performance period; including a final summary of expenditures.

5. Monitoring. The Department shall, throughout the Grant Period under this Grant Agreement and any extension of the program which is the subject of the Grant Agreement, monitor and evaluate the events, activities and tasks performed in connection with the program to include financial feasibility and progress of the grant and the Subgrantee's continuing fiscal responsibility and compliance with applicable requirements and the terms and conditions of this Grant Agreement. Such monitoring and evaluation shall not in any manner relieve or waive any obligations of Subgrantee under this Grant Agreement or pursuant to applicable state and federal law, regulations or rules. Any representation to the contrary by the Subgrantee to any third party is strictly prohibited and may be grounds for the termination of this Grant Agreement by the Department.
6. Audit. Subgrantees receiving a single or multiple awards totaling \$500,000 or more are required to submit their most recent audit report by **March 15**. The Subgrantee shall comply with the requirements of the Single Audit Act (Public Law 98-502) and subsequent amendments; OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations; and the American Institute of Certified Public Accountants' (AICPA) Statement on Auditing Standards (SAS) 99, Consideration of Fraud in a Financial Statement Audit.

The state auditor may conduct an audit or investigation of any entity receiving funds from the Department, either directly under the Grant Agreement or indirectly through a subcontract under the Grant Agreement. Acceptance of funds directly or indirectly under the Grant Agreement constitutes acceptance of the authority of the state auditor to conduct an audit or investigation in connection with those funds. In the event an audit reveals unallowable expenditures, the Subgrantee will be responsible for repayment to the Department of such unallowable expenditures.

7. Closeout. Subgrantees are required to submit final requests for reimbursements and final Progress Reports according to the schedule identified in the Procedures for the Transportation Safety Grants Program that are provided with the issuance of the Grant Agreement. Requests for reimbursements submitted after **November 5th** will be denied.

Project Director's Initials

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## Article 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of the Grant Agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of its compliance therewith.

## Article 2. STANDARD ASSURANCES

The Subgrantee hereby assures and certifies that it will comply with applicable laws, regulations, policies, guidelines, and requirements, including 23 U.S.C. (United States Code) 402, Highway Safety Programs, as amended; 49 CFR (Code of Federal Regulations), Part 18; 49 CFR, Part 19; 2 CFR Part 225 (previously OMB Circular A-87); Office of Management and Budget (OMB) Circular A-110; OMB Circular A-102; OMB Circular A-21; OMB Circular A-122; OMB Circular A-133; the federal Highway Safety Grant Funding Policy for Field-Administered Grants (revised February 2002); the federal Uniform Guidelines for State Highway Safety Programs; the Procedures for the Transportation Safety Grants Program and subsequent amendments; and the Guidelines for the Submission of Highway Safety Grant Applications, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

- A. It possesses legal authority to apply for the grant and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the Subgrantee's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the authorized approving official of the Subgrantee to act in connection with the application and to provide such additional information as may be required.
- B. It does and will comply and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and, in accordance with that Act, no person shall discriminate on the basis of race, color, sex, national origin, age, religion, or disability.
- C. It does and will comply with the provisions of the Hatch Political Activity Act, which limits the political activity of employees. (See also Article 23, Lobbying Certification.)
- D. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.
- E. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.
- F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- G. It will comply with the Virginia State and Local Government Conflict of Interests Act, Va. Code §§ 2.2-3100 et seq., which defines and prohibits inappropriate conflicts and requires disclosure of economic interests and is applicable to all state and local government officers and employees.
- H. It will give the Department the access to and the right to examine all records, books, papers, or documents related to the Grant Agreement.
- I. It will ensure that all public records prepared or owned by, or in the possession of, the applicant relative to this project shall be open to inspection and copying by any citizens of the Commonwealth during regular office hours in accordance with the provisions of the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 et seq., unless otherwise specifically provided by law.

- J. If applicable, it will comply with the provisions of the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 et seq., which require all meetings of public bodies to be open and every public body to give notice of its meetings and to record minutes at all open meetings.

### Article 3. GRANT AWARD COMPENSATION

- A. The method of payment for the Grant Agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Grant Agreement. The amount stated in the Project Budget will be deemed to be the amount of the award to the Subgrantee.
- B. Reimbursement for travel costs shall be subject to the requirements and limitations set forth in the State Travel Regulations established by the Virginia Department of Accounts.
- C. All payments will be made in accordance with the terms of the Grant Agreement.

The maximum amount eligible for reimbursement shall not be increased above the total amount stated in the Project, unless the Grant Agreement is amended as described in Article 5, Amendments and Modifications to Grant Agreement.

- D. To be eligible for reimbursement under the Grant Agreement, a cost must be incurred in accordance with the Grant Agreement, within the time frame specified in the Grant Period specified in the Grant Agreement, attributable to work covered by the Grant Agreement, and which has been completed in a manner satisfactory and acceptable to the Department.
- E. Federal or Department funds cannot supplant (replace) funds from any other sources. The term "supplanting" refers to the use of federal or Department funds to support personnel or an activity already supported by local or state funds.
- F. Payment of costs incurred under the Grant Agreement is further governed by one of the following cost principles, as appropriate, outlined in the Federal Office of Management and Budget (OMB) Circulars:
- A-21, Cost Principles for Institutions of Higher Education;
  - A-122, Cost Principles for Nonprofit Organizations; or
  - 2 CFR Part 225, Cost Principles for State, Local and Indian Tribal Governments (previously OMB Circular A-87)
- G. Payment of costs incurred under the Grant Agreement is further governed by one of the following cost principles, as appropriate, outlined in the Federal Office of Management and Budget (OMB) Circulars:
- A-21, Cost Principles for Institutions of Higher Education;
  - A-122, Cost Principles for Nonprofit Organizations; or
  - 2 CFR Part 225, Cost Principles for State, Local and Indian Tribal Governments (previously OMB Circular A-87)

- H. The Department will permit, based on its review, negotiation and approval, an Indirect Cost Rate that does not exceed 10 percent; however, the Subgrantee must submit an Indirect Cost Allocation Plan, as prescribed by the federal government, or a copy of the approved negotiated rate plan from your cognizant federal agency. The federal agency providing the majority of Subgrantee's total federal funding is your cognizant agency. If the Department provides the majority of the Subgrantee's federal funding, it becomes the cognizant agency.

Indirect cost references and information can be found in the following federal documents:

- 2 CFR Part 225, Appendix A, E, D (Cost Principles for State, Local and Indian Tribal Governments – formerly OMB Circular A-87);
  - 2 CFR Part 230 (Cost Principles for Non-Profit Organizations – formerly OMB Circular A-122);
  - 2 CFR Part 220 (Cost Principles for Educational Institutions – formerly OMB Circular A-21); and
  - ASMB C-10 (Implementation Guide for Office of Management and Budget Circular A-87)
- I. The Subgrantee will provide a monetary and/or in-kind contribution to the funded proposal that equals or exceeds 20 percent of the total project, i.e., grant funds may not exceed 80 percent and matching funds must be at least 20 percent of the total project. Grant funds may not be used before the Subgrantee can demonstrate that funds for the corresponding portion of the matching requirement have been received by Subgrantee. A matching report must be submitted with each reimbursement voucher.
- J. The Subgrantee agrees to submit Requests for Reimbursement on a **quarterly basis or no more than one request per month**, as outlined in the Highway Safety Grant Program Manual. The original Request for Reimbursement, with the appropriate supporting documentation, must be submitted to the respective Community Transportation Safety Program Manager. The Subgrantee agrees to submit the final Request for Reimbursement under the Grant Agreement within thirty-five (35) days of the end of the Grant Period or **November 5**.

All grant funds must be encumbered by the end of the grant period (September 30), complete with supporting invoices. At the end of the Grant Period, any unexpended or unobligated funds shall no longer be available to the Subgrantee. In no case shall the Subgrantee be reimbursed for expenses incurred prior to the beginning or after the end of the Grant Period.

- K. The Department will exercise good faith to make payments within thirty (30) days of receipt of properly prepared and documented Requests for Reimbursement. Payments, however, are contingent upon the availability of appropriated funds.
- L. Grant Agreements supported with federal or state funds are limited to the length of the Grant Period specified in the Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial Grant Period. Preference for funding will be given to those projects for which the Subgrantee has assumed some cost sharing, those which propose to assume the largest percentage of subsequent project costs, and those which have demonstrated performance that is acceptable to the Department.
- M. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, including this Grant Agreement, the Subgrantee shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, and (2) the dollar amount of federal funds provided for the project or program.

**Article 4. LIMITATION OF LIABILITY**

Payment of costs incurred hereunder is contingent upon the availability of appropriated funds. If, at any time during the Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall so notify the Subgrantee, giving notice of intent to terminate the Grant Agreement, as specified in Article 11, Termination.

**Article 5. AMENDMENTS AND MODIFICATIONS TO GRANT AGREEMENT**

The Grant Agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment form designated by the Department. Any amendment must be executed by the parties within the Grant Period specified in the Grant Agreement. Any proposed modifications or amendments to this Grant Agreement as defined in Article 6, Additional Work and Changes in Work, including the waiver of any provisions herein, must be submitted to the Department in writing and approved as herein prescribed prior to Subgrantee's implementation of the proposed modification or amendment.

Any alterations, additions, or deletions to the Grant Agreement that are required by changes in federal or state laws, regulations or directives are automatically incorporated on the date designated by the law, regulation or directive.

The Department may unilaterally modify this Grant Agreement to deobligate funds not obligated by the Subgrantee as of the close of the Grant Period specified in this Grant Agreement. In addition, the Department may deobligate funds in the event of termination of the Grant Agreement pursuant to Article 11, Termination.

**Article 6. ADDITIONAL WORK AND CHANGES IN WORK**

If the Subgrantee is of the opinion that any assigned work is beyond the scope of the Grant Agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing. If the Department finds that such work does constitute additional work, the Department shall so advise the Subgrantee and a written amendment to the Grant Agreement will be executed according to Article 5, Amendments and Modifications to Grant Agreement, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

If the Subgrantee has submitted work in accordance with the terms of the Grant Agreement but the Department requests changes to the completed work or parts thereof which involve changes to the original scope of services or character of work under the Grant Agreement, the Subgrantee shall make such revisions as requested and directed by the Department. This will be considered additional work and will be paid for as specified in this Article.

If the Subgrantee submits work that does not comply with the terms of the Grant Agreement, the Department shall instruct the Subgrantee to make such revisions as are necessary to bring the work into compliance with the Grant Agreement. No additional compensation shall be paid for this work.

The Subgrantee shall make revisions to the work authorized in the Grant Agreement, which are necessary to correct errors or omissions appearing therein, when required to do so by the Department. No additional compensation shall be paid for this work.

The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

## Article 7. REPORTING AND NOTIFICATIONS

Subgrantees shall submit performance reports using forms provided and approved by the Department as outlined in the Statement of Work and Special Conditions, Section 5, Reports and Deliverables, and the Procedures for the Transportation Safety Grants Program and materials.

The Subgrantee shall promptly advise the Department in writing of events that will have a significant impact upon the Grant Agreement, including:

- A. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the Subgrantee's ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.
- B. Favorable developments or events that enable Subgrantee to meet time schedules and objectives earlier than anticipated or to accomplish greater performance measure output than originally projected.

## Article 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed hereunder, and Subgrantee shall make such records available at its office for the time period specified in the Grant Agreement. The Subgrantee further agrees to retain such records for three (3) years from the date of final payment under the Grant Agreement, until completion of all audits, or until any pending litigation has been completely and fully resolved, whichever occurs last.

Any representative of the U.S. Secretary of Transportation, the Comptroller General of the United States, the General Accounting Office, the Virginia Office of the Secretary of Transportation, the Virginia Department of Motor Vehicles, the Virginia State Comptroller or the Virginia Auditor of Public Accounts shall have access to and the right to examine any and all books, documents, papers and other records (including computer records) of the Subgrantee that are related to this Grant Agreement, in order to conduct audits and examinations and to make excerpts, transcripts, and photocopies. This right also includes timely and reasonable access to the Subgrantee's personnel and program participants for the purpose of conducting interviews and discussions related to such documents. The Department's right to such access shall last as long as the records are retained as required under this Grant Agreement.

## Article 9. INDEMNIFICATION

The Subgrantee, if other than a government entity, agrees to indemnify, defend and hold harmless the Commonwealth of Virginia, its officers, agents, and employees from any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused by the acts or omission of the Subgrantee, its officers, agents or employees. The Subgrantee further agrees to indemnify and hold harmless the Commonwealth of Virginia, its officers, agents, and employees from any costs including, but not limited to, attorney fees and court costs, incurred by the Department in connection with any such claims or actions.

If the Subgrantee is a government entity, both parties to the Grant Agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

#### **Article 10. DISPUTES AND REMEDIES**

The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of Grant Agreement work.

Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Director of the Virginia Highway Safety Office or his or her designee acting as final referee.

#### **Article 11. TERMINATION**

The Department may terminate the Grant Agreement, in whole or in part, for cause if the Subgrantee fails to fulfill its obligations under the Grant Agreement; fails to comply with any applicable Department policy or procedure or any applicable federal, state or local law, regulation or policy; or fails to correct a violation of any such law, regulation, policy or procedure. This does not limit any other termination rights that the Department may have under state or federal laws, regulations or policies.

The Grant Agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described herein and these have been accepted by the Department, unless:

- The Department terminates the Grant Agreement for cause and informs the Subgrantee that the project is terminated immediately; or
- The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately; or
- The Grant Agreement is terminated in writing with the mutual consent of both parties; or
- There is a written thirty (30) day notice to terminate by either party.

The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in the Grant Agreement which are directly attributable to the completed portion of the work covered by the Grant Agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

#### **Article 12. SUBCONTRACTS**

No portion of the work specified in the Grant Agreement shall be subcontracted without the prior written consent of the Department. In the event that the Subgrantee desires to subcontract part of the work specified in the Grant Agreement, the Subgrantee shall furnish the Department the names, qualifications and experience of their proposed subcontractors. For purposes of the Grant Agreement, subcontractor(s) shall include, but are not limited to, recipients of mini grants and parties to cooperative agreements and memoranda of understanding.

The Subgrantee, however, shall remain fully responsible for the work to be done by its subcontractor(s) and shall assure compliance with all the requirements of the Grant Agreement. In any agreement entered into with a subcontractor, the Subgrantee shall include or incorporate by reference all language contained in the Statement of Work and Special Conditions and in the General Terms and Conditions portions of this Highway Safety Grant Agreement, and the subcontractor shall agree to be bound by all requirements contained therein.

**Article 13. NONCOLLUSION**

The Subgrantee certifies that its grant application was made without collusion or fraud, and it has not conferred on any public employee having official responsibility for the Highway Safety Grant process any loan, gift, favor, service or anything of more than nominal value, present or promised, in connection with its application. If Subgrantee breaches or violates this certification, the Department shall have the right to annul this Grant Agreement without liability.

**Article 14. SUBGRANTEE'S RESOURCES**

The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under the Grant Agreement, or that Subgrantee will be able to obtain such personnel from sources other than the Department.

All employees of the Subgrantee shall have such knowledge and experience as will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the project shall immediately be removed from association with the project.

Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

**Article 15. PROCUREMENT AND PROPERTY MANAGEMENT**

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to the Grant Agreement in accordance with Virginia law and Department policies and procedures, provided that such laws, policies and procedures are not in conflict with federal standards, as appropriate, in

- 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments or
- 49 CFR, Part 19 (and OMB Circular A-110), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

In the event of conflict, such federal standards shall apply unless Virginia law or Department policies or procedures impose more strict requirements than the federal standards.

**Article 16. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY**

All copyright and patent rights to all papers, reports, forms, materials, creations, or inventions created or developed in the performance of this Grant Agreement shall become the sole property of the Commonwealth in accordance with Va. Code §2.2-2822 and Executive Memorandum 4-95. On request, the Subgrantee shall promptly provide an acknowledgment or assignment in a tangible form satisfactory to the Commonwealth to evidence the Commonwealth's sole ownership of specifically identified intellectual property created or developed during the performance of the Grant Agreement.

**Article 17. RESEARCH ON HUMAN SUBJECTS**

The Subgrantee shall comply with the National Research Act, Public Law 93-348, regarding the protection of human subjects involved in research, development, and related activities supported by the Grant Agreement.

**Article 18. ASSIGNMENT**

The Grant Agreement shall not be assignable by the Subgrantee in whole or in part without the written consent of the Department.

## Article 19. CIVIL RIGHTS COMPLIANCE

- A. The Subgrantee shall not discriminate on the basis of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state or federal law. The Subgrantee shall comply with all state and federal laws, regulations and policies relating to nondiscrimination including, but not limited to:
1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), which prohibits discrimination on the basis of race, color or national origin;
  2. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
  3. The Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability;
  4. The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age;
  5. The Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
  6. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  7. 49 CFR, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964;
  8. 23 CFR, Subchapter C, Civil Rights;
  9. 41 CFR, Chapter 60, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor;
  10. Executive Order 11246, as amended, Equal Employment Opportunity;
  11. Executive Order 11375, Gender Discrimination in the Federal Government; and
  12. 29 CFR Part 34, Implementation of the Nondiscrimination and Equal Opportunity Requirements of the Job Training Partnership Act of 1982, as amended (JTPA)
- B. The Subgrantee certifies that it has disclosed to the Department any administrative and/or court findings of noncompliance with nondiscrimination or equal opportunity laws, regulations or policies during the two preceding years. If the Subgrantee has been cited for noncompliance with these laws, regulations or policies, the Subgrantee will not be eligible to receive funding.
- C. In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurement of materials and equipment and leasing of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this Grant Agreement and the laws, regulations and policies relating to nondiscrimination on the basis of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state or federal law.
- D. The Subgrantee shall provide all information and reports required by the laws, regulations and policies relating to nondiscrimination, and directives issued pursuant thereto, and shall permit access to its books, records, accounts, facilities and other sources of information, as may be determined by the Department or the US DOT to be pertinent, to ascertain compliance with such

laws, regulations and policies relating to nondiscrimination. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall so certify to the Department or the US DOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

#### **Article 20. DRUG-FREE WORKPLACE**

The Subgrantee certifies that it will provide a drug-free workplace in accordance with the requirements of 29 CFR, Part 98, Subpart F.

#### **Article 21. DISADVANTAGED BUSINESS ENTERPRISE**

It is the policy of the Department and the USDOT that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, shall have the opportunity to participate in the performance of agreements financed in whole or in part with federal funds. Consequently, the Disadvantaged Business

Enterprise requirements of 49 CFR Part 26, apply to the Grant Agreement as follows:

- The Subgrantee agrees to ensure that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, have the opportunity to participate in the performance of agreements and subcontracts financed in whole or in part with federal funds. In this regard, the Subgrantee shall make good faith efforts, in accordance with 49 CFR Part 26, to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform agreements and subcontracts.
- The Subgrantee and any subcontractor shall not discriminate on the basis of race, color, sex, national origin, or disability in the award and performance of agreements funded in whole or in part with federal funds.

These requirements shall be included in any subcontract or sub agreement. Failure to comply with the requirements set forth above shall constitute a breach of the Grant Agreement and, after the notification by the Department, may result in termination of the Grant Agreement by the Department or other such remedy as the Department deems appropriate.

#### **Article 22. DEBARMENT/SUSPENSION**

- A. The Subgrantee certifies, to the best of its knowledge and belief, that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any state or federal department or agency or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension;
  2. Have not within a three (3) year period preceding the Grant Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local public transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  3. Are not presently indicted or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph A. 2. of this Article; and
  4. Have not, within a three (3) year period preceding the Grant Agreement, had one or more federal, state, or local public transactions terminated for cause or default.

- B. Where the Subgrantee is unable to certify to any of the statements in this Article, such Subgrantee shall attach an explanation to the Grant Agreement.
- C. The Subgrantee is prohibited from making any subcontract or sub award or permitting any subcontract or sub award to any party that does not certify to the Subgrantee that such party meets the requirements set forth in Section A., Items 1 – 4 of this Article. When requested by the Department, Subgrantee shall furnish a copy of such certification.
- D. The Subgrantee shall require any party to a subcontract or purchase order awarded under the Grant Agreement to certify its eligibility to receive federal grant funds, and, when requested by the Department, to furnish a copy of the certification.

### **Article 23. LOBBYING CERTIFICATION**

The Subgrantee certifies to the best of his or her knowledge and belief that:

- A. No federally appropriated funds have been paid or will be paid by or on behalf of the Subgrantee to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the party to the Grant Agreement shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. No funds appropriated under this Grant Agreement have been or will be expended for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress or the Virginia General Assembly, except in presentation to the Congress or General Assembly itself. In addition, grant funds shall not be used to pay the salary or expenses, in whole or in part, of any Subgrantee or agent acting for such Subgrantee related to any activity designed to influence legislation or appropriations pending before the Congress or the Virginia General Assembly.
- D. The Subgrantee shall require that the language of this certification be included in the award documents for all sub awards and subcontracts and that all subcontractors shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this Grant Agreement was entered into. Submission of this certification is a prerequisite for entering into this Grant Agreement imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **Article 24. INTERPRETATION AND ENFORCEABILITY**

In the event any terms or provisions of this Grant Agreement are breached by either party or in the event that a dispute may arise between the parties regarding the meaning, requirements, or interpretation of any terms and provisions contained in this Grant Agreement, then such breach or dispute shall be resolved pursuant to the terms of this Grant Agreement and the remedies available under the Code of Virginia. In the event the Department must initiate proceedings to enforce the terms and conditions of this Grant Agreement or seek redress for damages caused by Subgrantee's breach of this Grant Agreement, the Department shall be entitled to recover all costs including, without limitation, court costs and attorneys fees, incurred in such proceedings.

Project Director's Initials

TER

**Article 25. ADDITIONAL PROVISIONS**

- A. **Signature Authorized.** The Subgrantee's authorized approving official, signing the certification page of the Grant Agreement, has the legal authority to apply for Federal Assistance and has the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
- B. **Headings.** The captions and headings used in this Grant Agreement are intended for convenience only and shall not be used for purposes of construction or interpretation.
- C. **Notice.** All notices, requests and demands shall be directed as follows:

To the Department: Virginia Department of Motor Vehicles  
ATTENTION: Director of Virginia Highway Safety Office  
Post Office Box 27412  
Richmond, Virginia 23269-0001

**To Subgrantee:**

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Any notice, unless otherwise specified herein, will be deemed to have been given on the date such notice is personally delivered or is deposited in the United States certified mail, return receipt requested, properly addressed and with postage prepaid.

MOTION: I move to ratify the application and accept the Wireless E-911 PSAP Education Program award from the Virginia E-911 Services Board in the amount of \$2,000 to fund training for the 911 Center staff. Further, I move that the Board of Supervisors authorize the County Administrator to execute contracts and agreements associated with this grant, subject as to form by the County Attorney; and authorize a supplemental appropriation for the E-911 budget in the amount of \$2,000 to revenue and expenditure accounts assigned by Finance.

**AGENDA**

**BOARD OF SUPERVISORS**

**September 7, 2011**

SUBJECT: VA E-911 Services Board grant.

RECOMMENDATION: Ratify and accept grant

TIMING: Routine.

FISCAL IMPLICATIONS: This is a state grant award of \$2,000 awarded the E-911 Center to be used lodging and registration costs associated with training for E-911 staff. No match is required. Award period begins on July 21, 2011 and ends on June 30, 2012.

POLICY IMPLICATIONS: Training will enhance the skill set of the E-911 staff.

DISCUSSION: Grant funds enable staff tot attend trainings. Ms. Johnson, Communications Director is to be commended for her effort in obtaining this grant.

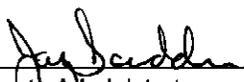
Staff: Pat Groot, Grants Administrator  
Award Agreement



\*\*\*\*\*

County Administrator's Use Only

Good job!

  
\_\_\_\_\_  
County Administrator



**COMMONWEALTH of VIRGINIA**  
**Virginia E-911 Services Board**

July 21, 2011

Dorothy Spears-Dean  
PSC Coordinator  
(804) 416-6201

Michael M. Cline  
Chairman  
VDEM

John W. Knapp, Jr.  
Vice-Chairman  
Verizon

David A. Von Moll  
Treasurer  
Comptroller

Linda W. Cage  
Mecklenburg County

Sheriff J. D. "Danny" Diggs  
York County

Tracy Hanger  
City of Hampton

Lt. Colonel Robert Kemmler  
Virginia State Police

Robert Layman  
AT & T

Chief Ron Mastin  
Fairfax County

Sam Nixon  
VITA

Pat B. Shumate  
Roanoke County

Mickey L. Sims  
Buggs Island  
Telephone Cooperative

Ms. Tammy Johnson  
Fluvanna ECC  
P. O. Box 113  
Palmyra, VA 22963

Dear Ms. Johnson:

This letter is in reference to your grant application for consideration under the FY12 PSAP Grant Program for the Wireless E-911 PSAP Education Program. I am pleased to advise you that the Virginia E-911 Services Board has approved your request.

You have been awarded \$2,000 for 9-1-1/public safety communications education/training. The grant award is for lodging and registration only and uses a cost recovery method of funding. The PSAP will pay the costs for the education/training. Within 30 calendar days of the end of the education/training, the PSAP must submit all receipts for lodging and registration reimbursement in accordance with Commonwealth of Virginia travel regulations. If the request for reimbursement is not submitted within the allotted 30 calendar days, reimbursement will not be provided per the Commonwealth of Virginia travel guidelines.

All draw downs for reimbursement must be submitted on the Public Safety Grant Draw Down Request Form, which is available on the ISP website. The form must be completed in its entirety and submitted electronically to the contact identified on the form. Receipts for lodging and registration must be attached to the request form that substantiates the amount requested when submitted for funding payment.

Congratulations on your grant award! If you have any questions, please do not hesitate to contact me or your Regional Coordinator.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Nicholson".

Lisa Nicholson  
Public Safety Program Manager

**MOTION:** I move to approve compensation for Mr. Angus Murdock in the amount of \$1,690 for deceased lambs(4), sheep(6), and a ram to be paid from Claims and Bounties #10035000 405820. Further move \$1,490.00 be transferred from Board Contingency to Claims and Bounties to cover compensation.

**AGENDA BOARD OF SUPERVISORS DATE: 7<sup>th</sup> September, 2011**

**SUBJECT:** Compensation for livestock killed by stray dogs

**RECOMMENDATION:** Animal Control supports this claim and approved compensation.

**TIMING:** Routine

**FISCAL IMPLICATIONS:** \$200.00 was allotted for the FY12 Claims and Bounties Line. Claim exceeds budgeted amount in FY12 Claims and Bounties.

**POLICY IMPLICATIONS:** Enforcing Va. Code 3.2-6553 Compensation for livestock and poultry killed by dogs.

**DISCUSSION:** Per Virginia Comprehensive Animal Law 3.2-6553, any person who has livestock killed or injured by any dog not his own shall be entitled to receive compensation for fair market value, not to exceed \$400 per animal. Claimant notified Animal Control within 72 hours of discovery.

**LEGISLATIVE HISTORY:** The last claim was August 4, 2010 for poultry by stray dogs.

Staff: Garland Nuckols, Facility Director

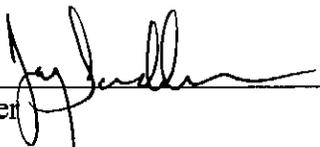
Copy: Dustin Elliott, Animal Control Officer

Attachemnts: Incident Report, Copy of Code section from VA. Comprehensive Animal Law 3.2-6553 and 3.2-6552

\*\*\*\*\*

County Administrator's Use Only

*State Code Required Action*

  
\_\_\_\_\_  
Jay Scudder



# Fluvanna County Animal Control

160 Commons Blvd  
P.O. Box 113, Palmyra, Virginia 22963  
(434) 589-8211



## APPLICATION OF CLAIMANT:

Virginia State Code 3.2-6553 Dogs Killing, Injuring or Chasing Livestock and/or Poultry. Claim for damages is hereby made as follows:

Date of Damage	Quantity	Description (Kind, Age, Weight)	Value
Oct 12, 2010	4	7-8 mo. lambs avg. 90 lb @ 1.50/lb	\$540
Oct 12, 2010	5	Good breeding ewe sheep avg. 140 lb	\$625
Oct 15, 2010	1	Good breeding age ewe sheep, 140 lb	\$125
Oct 15, 2010	1	Yearling purebred Tunis ram, 175 lb (purchased in Oct. 09 as 6 mo. lamb for \$300)	\$450 (400)

Description of how damage was done: (Include any witnesses)

Sheep were evidently chased and severely mauled by multiple dogs. Six ~~sheep~~ were found dead and eviscerated. Five had unrecoverable wounds & required euthanasia. Dr. Kate Hussman of Louisa Veterinary Service assessed and euthanized five animals and billed \$188.

Signature of Claimant \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Angus A. Murdoch  
P.O. Box 88 (417 Loughton Ln.)  
Kents Store, VA 23084  
12-3-10

Angus Murdoch saw a large blue heeler type dog fleeing the attack area on the morning of Oct. 12.

## OFFICER INFORMATION:

Date Reported: 10/12/10 Date Investigated: 10/17/10 Dog(s) Destroyed? No

Owner of Dog(s): N/A

Name of Person Who Destroyed Dog(s): N/A

Did you see the dead animals? Yes (If not, evidence should be secured from claimant and other persons, or from circumstances that support this claim is just.)

Pictures of the dead sheep were taken.

Payment Approved \_\_\_\_\_

General Remarks \_\_\_\_\_

Payment approved \_\_\_\_\_

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

Payment declined \_\_\_\_\_

Signature \_\_\_\_\_

**CALL DETAILS**

CALL TYPE: A54	LIVESTOCK CALL	AGENCY: 4-SHERIFF
DISPATCHER: G357-Grandstaff, Michael		RECEIVED: 10/12/2010 13:57
RESPONSE TIME: 0:0		PRIORITY: 1
JURISDICTION: 065-Fluvanna		HOW RECEIVED: 1-Phone
ACTIVITY: 1-Inprogress		DISPOSITION: 05-Handled by Officer

**COMPLAINANTS**

TYPE	NAME	PHONE	PID
COMPLAINANT	PARKER, KRISTEN	589-9281	00838278

**ADDRESSES**

TYPE	STREET ADDRESS	BEAT	GRID	ZONE	BUSINESS/ALIAS/LANDMARK	TOWN
CALLER						
OCCURRED	000243 PERKINS RD					

**UNITS Run No: F=000000 E=000000 IBR=000000**

UNIT/ OFFCR	AGENCY	RCV	DISPATCH ALRM1 ALRM2	ENROU ARRIV	TRANSPORT ENROU ARRIV	CLRD	RETURN STATION	DISPOSITION
501	SHERIFF	13:57	13:59			14:19		05-Handled by Offi
R552	Ruhlman, Katy							
502	SHERIFF	13:57	14:30	14:30	14:46	15:43		05-Handled by Offi
S227	Steele, Quincy							

**COMMENTS**

DISPATCHER:G357@10/12/2010 13:58:46  
 COYOTE ATTACK ON LIVESTOCK 501 SPEAKING WITH THE CALLER  
 DISPATCHER:G357@10/12/2010 14:30:54  
 CALLER IS NOW ADVISING THAT IT IS A DOG THAT IS KILLING THE ANIMALS AND THE  
 DOG IS STILL THERE. DISPATCHER:G357@10/12/2010 14:33:20  
 HUSBAND WILL BE THERE TO MEET 502

INCIDENT REPORT# 2010-020331

Date(s) and Time(s) Of Incident:

10/12/2010 1:57:44 PM 10/12/2010 1:57:44 PM

Solvability Score: 0

Dispatcher: Received: Arrived: Zone TempF/C: Weather:
Grandstaff, Michae 13:57 14:46 AC 70 F 1
Call Number: 2010-020331

ASSIGNMENT

10/12/2010 1:57:44 PM Reported By: Steele, Quincy

OFFENSES

VICTIMS
VICTIMS
VICTIMS
VICTIMS

COMPLAINANTS

PARKER, KRISTEN U F PID: 00838278
417 LAUGHTON LN
Kents Store VA 23084
589-9281

MURDOCH, ANGUS W M PID: 00618392
417 LAUGHTON LN
RT 2 BOX 1258
Kents Store VA 23084
434-589-9281

NARRATIVES

Narrative 2010-020331-001 Original - 10/15/2010 2:10:00 PM

On 10/12/2010 Officer Ruhlman spoke with Kristen Parker in reference to several of her and her husband Angus Murdoch's sheep being attacked by a Coyote. She also explained to Officer Ruhlman that three weeks ago a goat went missing and is presumed dead. Originally the Officer Ruhlman asked Conservation Police Officer Heberling to call and advise the subjects on their rights to defend their livestock from Coyotes. Before he was able to call them Mrs. Parker called back and stated that Mr. Murdoch saw a Blue Healer attacking the sheep and had run off.

Due to Officer Ruhlman being busy at the time I, Officer Steele took the call and responded to 243 Perkins Rd. where the sheep are kept to attempt to catch the dog and to collect evidence of the depredation. When I arrived on location I did observe four dead sheep with injuries around their necks and to their rears with their intestines coming out from the rear end. I also observed five injured sheep that were still alive. I took photographic evidence of all the injuries to the sheep still alive. I also took pictures of the sheep that were dead to document the injuries that caused their deaths. Mr. Murdoch told me the dog ran off into the woods before I arrived on location. A trap was set next to the house on the property. Before I left I asked Mr. Murdoch if he actually saw the dog attack the sheep and he said no, but that he saw the dog running from the area the dead and injured sheep were at.

On 10/14/2010 Mrs. Parker called back to speak with me. She explained to me that her goat Princess still had not returned. Princess is described as a white female goat with horns and for us to give her or her husband a call if she is located. Mrs. Parker also explained to me that the Veterinarian Kate Hussman from the Louisa Veterinary Services had to euthanize five sheep due to their injuries. Dr. Hussman explained to Mrs. Parker that some of the bite marks on the sheep showed the canine teeth to be too far apart to have been made by a Blue Healer. This she explained this meant that more than one dog caused the injuries to the sheep. Mrs. Parker explained that the barn cats ate all of the bait from the trap I set so the trap would need to be moved to a new location where the cats can't get to it.

On 10/15/2010 I went back out to 243 Perkins Rd. to move the trap. I was advised by Officer Ruhlman that several more sheep at a residence on Kent Store Way had been killed this morning by a dog matching the same description of the dog that was scene by Mr. Murdoch. I did not see Mr. Murdoch at his property so I had removed the trap from the back of his truck. I spoke with Officer Ruhlman and we both went to houses on Kent Ln. to see if anyone hadseen the dog(s) or if the responsible animals lived on that road. I went to 409 Kent Ln. and spoke with Barbara Mckeown and she explained to me that she had not seen

any dogs matching the description of a Blue Healer. She did say that her neighbor Robert Kajawa at 435 Kent Ln. had gotten rid of the dogs that were attacking her ducks, but that he had a new one. I went and spoke with Mr. Kajawa and was able to determine that it was not his new dog Moose a black and tan lab mix that was responsible for attacking and killing sheep. I took a picture of Moose to show to Mr. Murdoch to eliminate him as a suspect.

I went to 1490 Kent Store Way, but no one was home and I did not observe any dogs nor did I hear any dogs at the residence. Finally I went to 1521 Kent Store Way and spoke with Terri Yount. She did not have any animals at her residence and she explained to me that she had not seen any dogs matching the description of a Blue Healer. She did explain to me that Neal Smith owns two Blue Healers, but he lives over on Covered Bridge Road towards the far end. She did state that his dogs usually are very nice and have never caused a problem, but that she went over to his house last night and only observed one of the dogs on the porch which is unusual, because the two dogs never go anywhere without each other. Mrs. Yount let me know that Mr. Neal is not at home right now, but in Richmond. I will attempt to make contact with Mr. Smith later in the evening in reference to this incident.

IBR\_Plus 1/13/2011 1:14:43 PM

## INCIDENT REPORT FORM

REPORT NUMBER: 2010-020331  
CALL TYPE: AGGRESSIVE DOG  
DATE OF INCIDENT: 10/12/2010  
DATE OF REPORT: 01/15/2011  
OFFICER: QUINCY N. STEELE

### COMPLAINANT:

- 1). Angus Murdoch  
417 Laughton Ln.  
Kent Store, Va. 23084  
434-589-9281
  
- 2). Kristen Parker  
417 Laughton Ln.  
Kent Store, Va. 23084  
434-589-9281

### NARRATIVE:

Also on 10/15/2010 I spoke with Kristen Schrimper who lives at 5900 Covered Bridge Rd. I was advised that Ms. Schrimper had been missing a black and white pit-bull. She stated that the dog had gotten away from her, but that she had her dog back before the sheep had been attacked and killed. I also was able to take a picture of Ms. Schrimper's dogs and showed them to Mr. Murdoch and he stated that none of the dogs looked like what he saw running away from where his sheep were attacked and killed.

I was finally able to catch up with Mr. Neal and was able to determine that the dog that Mrs. Yount did not see had been injured and was not outside running around. Also after speaking with Mr. Murdoch I was able to determine that Mr. Neal's dog were not big enough to match the size description of the dogs Mr. Murdoch saw.

On 10/16/2010 I was instructed by Garland Nuckols to come out and drive around the Kent store area to see if any dogs could be located matching the description of the dogs that attacked Mr. Murdoch's sheep. I was unable to locate any dogs that matched the description. A subject drove up to where I was sitting and said that he had seen a few dogs running around on Cedar Lane Road. I went to that area and looked around before signing off, but I was unable to spot the dogs that were described to me.

01/15/2011, No dogs have returned to attack Mr. Murdoch's sheep. I had him complete a Fluvanna County Application of Claimant to be turned into Garland Nuckols and forwarded to the Board of Supervisors.

[prev](#) | [next](#)

§ 3.2-6552. Dogs killing, injuring or chasing livestock or poultry.

It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

(1984, c. 492, § 29-213.85; 1985, c. 385; 1987, c. 488, § 3.1-796.116; 1990, c. 222; 1993, c. 977; 1998, c. 817; 2008, cc. 551, 691, 860.)

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[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 3.2-6553. Compensation for livestock and poultry killed by dogs.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl if: (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

(1984, c. 492, § 29-213.87; 1986, c. 108; 1987, c. 488, § 3.1-796.118; 1992, c. 461; 1998, c. [817](#); 2008, c. [860](#).)

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[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

**MOTION:** I move to approve compensation for William & Jackie Peters in the amount of \$1050 for deceased sheep(6), and a ram to be paid from Claims and Bounties #10035000 405820. Further move \$1,050.00 be transferred from Board Contingency to Claims and Bounties to cover compensation.

**AGENDA BOARD OF SUPERVISORS DATE: 7<sup>th</sup> September, 2011**

**SUBJECT:** Compensation for livestock killed by stray dogs

**RECOMMENDATION:** Animal Control supports this claim and approved compensation.

**TIMING:** Routine

**FISCAL IMPLICATIONS:** \$200.00 was allotted for the FY12 Claims and Bounties Line. Claim exceeds budgeted amount in FY12 Claims and Bounties.

**POLICY IMPLICATIONS:** Enforcing Va. Code 3.2-6553 Compensation for livestock and poultry killed by dogs.

**DISCUSSION:** Per Virginia Comprehensive Animal Law 3.2-6553, any person who has livestock killed or injured by any dog not his own shall be entitled to receive compensation for fair market value, not to exceed \$400 per animal. Claimant notified Animal Control within 72 hours of discovery.

**LEGISLATIVE HISTORY:** The last claim was August 4, 2010 for poultry by stray dogs.

Staff: Garland Nuckols, Facility Director

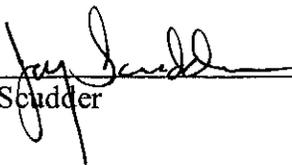
Copy: Dustin Elliott, Animal Control Officer

Attachments: Incident Report, Copy of Code section from VA. Comprehensive Animal Law 3.2-6553 and 3.2-6552

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County Administrator's Use Only

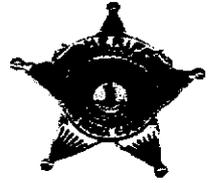
*State Act Required Action*

  
\_\_\_\_\_  
Jay Scudder



# Fluvanna County Animal Control

160 Commons Blvd  
P.O. Box 113, Palmyra, Virginia 22963  
(434) 589-8211



## APPLICATION OF CLAIMANT:

Virginia State Code 3.2-6553 Dogs Killing, Injuring or Chasing Livestock and/or Poultry. Claim for damages is hereby made as follows:

Date of Damage	Quantity	Description (Kind, Age, Weight)	Value
10/15/10	6	Sheep ewes	125 each x 6 = \$750
10/15/10	1	RAM	\$300

Description of how damage was done: (Include any witnesses)

ATTACK by DOGS

Signature of Claimant William & Jackie Peters

Address 1768 Kents Store Way  
Kents Store VA 23084

Date 12/3/10

## OFFICER INFORMATION:

Date Reported: 10-15-10 Date Investigated: yes Dog(s) Destroyed? unfounded

Owner of Dog(s): unknown

Name of Person Who Destroyed Dog(s): \_\_\_\_\_

Did you see the dead animals? yes (If not, evidence should be secured from claimant and other persons, or from circumstances that support this claim is just.)

See attached summary

Dale R. Hill, AIC

Payment Approved \_\_\_\_\_

General Remarks \_\_\_\_\_

Payment approved \_\_\_\_\_

Payment declined \_\_\_\_\_

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

Signature \_\_\_\_\_

Revised 03/2010

**CALL DETAILS**

CALL TYPE: A41 ANIMAL WELFARE  
DISPATCHER: C806-Constantino, Kimberly  
RESPONSE TIME: 0:0  
JURISDICTION: 065-Fluvanna  
ACTIVITY: 1-Inprogress

AGENCY: 4-SHERIFF  
RECEIVED: 10/15/2010 05:36  
PRIORITY: 1  
HOW RECEIVED: 1-Phone  
DISPOSITION: 01-Report Required

**COMPLAINANTS**

TYPE	NAME	PHONE	PID
COMPLAINANT	PETERS, JACKIE	589-4857	00255013

**ADDRESSES**

TYPE	STREET ADDRESS	BEAT	GRID	ZONE	BUSINESS/ALIAS/LANDMARK	TOWN
CALLER						
OCCURRED	001768 KENTS STORE WAY					

**UNITS Run No: F=000000 E=000000 IBR=000000**

UNIT/ OFFCR	AGENCY	RECV	DISPATCH ALRM1 ALRM2	ENROU ARRIV	TRANSPORT ENROU ARRIV	CLRD	RETURN STATION	DISPOSITION
117 K386	SHERIFF Kriz, Martin	05:36	05:38		05:38	06:50		05-Handled by Offi
ACO	SHERIFF	05:36	06:49			08:06		99-Other
501 R552	SHERIFF Ruhlman, Katy	05:36	08:06	08:06		08:52		05-Handled by Offi
501 R552	SHERIFF Ruhlman, Katy	05:36	09:10	09:11	10:33	11:25		01-Report Required

**COMMENTS**

DISPATCHER:C806@10/15/2010 05:37:28  
 CALLER ADV THAT 2 OF HER SHEEP WERE ATTACKED THIS MORNING BY THE NEIGHBORS  
 DOG//  
 ADV THIS IS AN ON-GOING ISSUE  
 DISPATCHER:C806@10/15/2010 06:50:03  
 UNIT 117 SPOKE WITH THE ANIMAL OWNER//HE ADV THEM TO TAKE PICTURES OF THE  
 INJURED SHEEP AND TO HAVE ACO MAKE CONTACT AS SOON AS THEY SIGN ON DUTY  
 DISPATCHER:H571@10/15/2010 08:05:52  
 INFO GIVEN TO 501  
 DISPATCHER:H571@10/15/2010 09:10:41  
 PER 501 SPOKE TO CALLER AND WILL BE ENRT TO LOCATION FOR EVIDENCE GATHERING  
 DISPATCHER:H571@10/15/2010 11:24:58  
 PER 501// REPORT

Report Number: 2010-020563

Call Type: A41 Animal Welfare

Date of Incident: 10-15-2010

Date of Report: 11-23-2010

Reporting Officer: Katy Ruhlman, ACO

Complaint: Jackie and William Peters  
1768 Kent's Store Way  
Kent Store, Va 23084  
434-589-4857

Witness:

Angus Murdoch: 417 Laughton Lane  
Kent Store, VA  
Kent Store, Va 23084  
434-589-9281  
434-882-1797

Garland Nuckols: Facilities Director of Fluvanna County  
434-591-1925

Quincy Steele: Deputy Animal Control Officer of Fluvanna County  
434-589-8211

Dr. Kate Hussman : Louisa Veterinary Services  
P.O. Box 492  
Louisa, Virginia 23093  
540-967-2974

Narrative:

On 10-15-2010, I Officer Ruhlman received a message approximately 8:06 from dispatch that a Jackie Peters had called into the sheriff's office reporting that they had sheep attacked this morning by neighbor's dogs. It was advised that unit 117 spoke to the complainant and advised that animal control will be notified when they come on duty.

I, Officer Ruhlman returned call to complainant [434-589-4857] and spoke to Mr. Peters who stated that early this morning around 5:00 a.m. he found 6 injured sheep scattered in the fields that are connected to his barn. Mr. Peter stated that he had Dr. Kate Hussman [vet] come out around 6:30 a.m. to have them euthanized by injection. Dr. Hussman stressed she was confident that the damage was done by dogs. I advised Mr. Peters that I will be out to do a report soon as possible and not to move the sheep.

Arrived on location and met with Mr. William Peters [Bill] Mr. Peters advised that 6 were dead now and he has one that was injured but it's in the barn and the vet has it on penicillin. I observed the first dead sheep in the front field with puncture wounds to the front and rear legs ears and nose. I observed the second dead sheep lying in front of the barn with deep puncture wounds to front and rear legs. The third sheep was located in the barn alive with puncture marks on it rear and front legs. The fourth dead sheep was laying on a dam near the pond with wounds to the legs and neck area. The fifth dead sheep was lying across from the dam over embankment near a fence with puncture marks to the neck and rear legs. The sixth sheep was laying half way between the pond and field with wounds to the rear legs and hip. The 7<sup>th</sup> sheep was located in the field near the rear of the barn with severe puncture wounds to the front legs and hind legs. The areas where the sheep were found there were lots of evidence of struggle, tall and short grass were flattened, sticks and twigs were broken and lots of loose sheep. There were 1 ram and 6 ewes destroyed. Their ages were 8-10 years old and weighing about 100 -125 lbs. These animals were raised as family pets and not for marketing.

Over the course of the next 3-4 weeks numerous reports of stray's dogs were reported in the area of Kent Store Way, Perkins Rd and Cedar Lane Rd. Some dogs were picked up and taken to FSPCA if no known owner

From my experience and knowledge and what Dr. Kate Hussman observed, this damage was done by 2-3 medium, to large size dogs. Wildlife normally will kill their pray and drag it off to eat it or lay and eat on it where it was killed. This damage was probably done by dogs having fun with the chase once it stopped moving it moved to another moving animal, than another.

This CFS has a related incident number: 2010-020331, Complaint is from Angus Murdock that lives on Perkins Rd which is experiencing the same kind of damage done to his sheep. See additional report from Officer Steele.

Incident Number: 2010-020563

01-12-2011

Summary Supporting Application of Claim on Livestock killed by Dogs.

I, Officer Ruhlman of Animal Control due support this claim made by Mr. and Mrs. William Peters who resides in Fluvanna County at 1768 Kent's Store Way. The evidence supporting this claim stems from the visual on the deceased sheep and its surroundings.

I observed bite and puncture marks and deep tearing and ripping of the skin and hide. I observed severe bleeding and bruising to the neck, shoulders and abdomen. I observed severe puncture marks to the hind quarters and anal area. I observed sticks, twigs and grass worn down by struggle of the sheep and its predator. I saw lots of lose sheep wool scattered around the deceased sheep and in the areas where the sheep were cornered up against fencing, barn and in the pond located in the pasture. I observed lots of paw prints throughout the pasture. I also spoke to Dr. Kate Hussmen and support her findings that what she observed that morning when she responded to euthanize the injured sheep that it was done by dogs.

Sincerely

Katy Ruhlman, Animal Control

[prev](#) | [next](#)

§ 3.2-6552. Dogs killing, injuring or chasing livestock or poultry.

It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

(1984, c. 492, § 29-213.85; 1985, c. 385; 1987, c. 488, § 3.1-796.116; 1990, c. 222; 1993, c. 977; 1998, c. 817; 2008, cc. 551, 691, 860.)

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[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

§ 3.2-6553. Compensation for livestock and poultry killed by dogs.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl if: (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

(1984, c. 492, § 29-213.87; 1986, c. 108; 1987, c. 488, § 3.1-796.118; 1992, c. 461; 1998, c. 812; 2008, c. 860.)

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[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

**MOTION:** I move to approve compensation for Shaun & Melissa Kenney in the amount of \$164 for deceased goats(3) to be paid from Claims and Bounties #10035000 405820. Further move \$164.00 be transferred from Board Contingency to Claims and Bounties to cover compensation.

**AGENDA BOARD OF SUPERVISORS DATE: 7<sup>th</sup> September, 2011**

**SUBJECT:** Compensation for livestock killed by stray dogs

**RECOMMENDATION:** Animal Control supports this claim and approved compensation.

**TIMING:** Routine

**FISCAL IMPLICATIONS:** \$200.00 was allotted for the FY12 Claims and Bounties Line. No funds left in FY12 Claims and Bounties.

**POLICY IMPLICATIONS:** Enforcing Va. Code 3.2-6553 Compensation for livestock and poultry killed by dogs.

**DISCUSSION:** Per Virginia Comprehensive Animal Law 3.2-6553, any person who has livestock killed or injured by any dog not his own shall be entitled to receive compensation for fair market value, not to exceed \$400 per animal. Claimant notified Animal Control within 72 hours of discovery.

**LEGISLATIVE HISTORY:** The last claim was August 4, 2010 for poultry by stray dogs.

Staff: Garland Nuckols, Facility Director

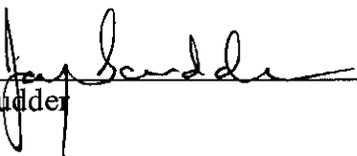
Copy: Dustin Elliott, Animal Control Officer

Attachments: Incident Report, Copy of Code section from VA. Comprehensive Animal Law 3.2-6553 and 3.2-6552

\*\*\*\*\*

County Administrator's Use Only

*State Code Required Action*

  
\_\_\_\_\_  
Jay Scudder



# Fluvanna County Animal Control

160 Commons Blvd  
P.O. Box 113, Palmyra, Virginia 22963  
(434) 589-8211



## APPLICATION OF CLAIMANT:

Virginia State Code 3.2-6553 Dogs Killing, Injuring or Chasing Livestock and/or Poultry. Claim for damages is hereby made as follows:

Date of Damage	Quantity	Description (Kind, Age, Weight)	Value
7-27-11	2	Goat Nigerian, 4 months, 40 lbs.	\$ 82. <sup>00</sup>
7-27-11	1	Goat, 2 years, 80 lbs.	\$ 82. <sup>00</sup>

Description of how damage was done: (Include any witnesses)

Ms. Kenny advised that she saw a large Black dog in her yard on the morning of 7-27-11, which she thinks killed her 3 goats.

Signature of Claimant   Melissa Kenny    
Address   5289 Venable Road    
  Kent Store, VA    
Date   7-27-11  

## OFFICER INFORMATION:

Date Reported:   7-27-11   Date Investigated:   7-27-11   Dog(s) Destroyed?   0    
Owner of Dog(s):   Unknown at this time    
Name of Person Who Destroyed Dog(s):   None    
Did you see the dead animals?   Yes   (If not, evidence should be secured from claimant and other persons, or from circumstances that support this claim is just.)

Payment Approved \_\_\_\_\_  
General Remarks \_\_\_\_\_

Payment approved \_\_\_\_\_ Date: \_\_\_\_\_  
Payment declined \_\_\_\_\_

Signature \_\_\_\_\_

994

**CALL DETAILS**

CALL TYPE: A30 NUISANCE DOMESTIC ANIMAL AGENCY: 4-SHERIFF  
 DISPATCHER: D748-Duncan, Geoffrey RECEIVED: 07/27/2011 08:09  
 RESPONSE TIME: 0:0 PRIORITY: 1  
 JURISDICTION: 065-Fluvanna HOW RECEIVED: 1-Phone  
 ACTIVITY: 1-Inprogress DISPOSITION:

**COMPLAINANTS**

TYPE	NAME	PHONE	PID
COMPLAINANT	KENNY, MELISSA	589-3416	00843698

**ADDRESSES**

TYPE	STREET ADDRESS	BEAT	GRID	ZONE	BUSINESS/ALIAS/LANDMARK	TOWN
CALLER						
OCCURRED	005289 VENABLE RD					

**UNITS Run No: F=000000 E=000000 IBR=000000**

UNIT/ OFFCR	AGENCY	RECV	DISPATCH	ENROU	ARRIV	TRANSPORT	CLRD	RETURN	DISPOSITION
			ALRM1 ALRM2			ENROU ARRIV		STATION	
502	OTHER	08:09	08:11						

**COMMENTS**

DISPATCHER:D748@07/27/2011 08:10:29  
 CALLER ADVISED THERE IS A LARGE BLACK DOG AT HER HOUSE, SHE ADVISED SOME OF HER GOATS WERE KILLED LASTNIGHT, AND SHE THINKS THE DOG KILLED THEM.

Arr. 8:53 / Rept.

[prev](#) | [next](#)

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(1984, c. 492, § 29-213.85; 1985, c. 385; 1987, c. 488, § 3.1-796.116; 1990, c. 222; 1993, c. 977; 1998, c. [817](#); 2008, cc. [551](#), [691](#), [860](#).)

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[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

[prev](#) | [next](#)

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---

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)



**COUNTY OF FLUVANNA**  
"Responsive & Responsible Government"

**Renee Hoover**  
Director of Finance  
rhoover@co.fluvanna.va.us

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

## Memorandum

TO: Board of Supervisors  
FROM: Renee Hoover, Director of Finance  
DATE: September 1, 2011  
RE: Accounts Payable Report

\*\*\*\*\*

### Accounts Payable

An accounts payable check register is attached for the bills paid between July 25 through August 30, 2011. Last month, I reported that a request was submitted to Tyler for a customize report. Tyler has drafted a report in the standardize format that the Supervisors are custom to viewing; however, it had some flaws that it was not ready for this month. Because the attached report does not break the expenditures by departments, if you identify a vendor and amount and want more information regarding it, please contact me prior to the meeting. I can research it, provide you the information, and share it with the Supervisors at the meeting. Otherwise, I will take your questions at the meeting, answer if possible or follow up later with the information. Staff recommends that the Board of Supervisors ratify these expenditures along with payroll for the month of July.

Disbursements	1,690,653.57
Payroll	<u>591,078.53</u>
Total	<u>2,281,732.10</u>

### Motion:

I move the Accounts Payable from July 25 through August 30, 2011 and Payroll for the month of July 2011 in the amount of \$ 2,281,732.10 be ratified.

COUNTY OF FLUVANNA  
AP CHECK REGISTER  
FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
7	7/29/2011	700892	RURAL DEVELOPMENT	4,960.00
12	7/29/2011	900087	TREASURER OF VIRGINIA	135.77
5312361	7/29/2011	700284	AT&T (434)589-5067	88.41
5312362	7/29/2011	702394	BFI	3,485.83
5312363	7/29/2011	700497	BUSINESS DATA OF VA INC	450.00
5312364	7/29/2011	700972	CAMPBELL EQUIPMENT INC	17.50
5312365	7/29/2011	700555	CARROT-TOP INDUSTRIES,INC	470.21
5312366	7/29/2011	700579	CENTRAL BATTERY	194.94
5312367	7/29/2011	700586	CENTRAL VA SMALL BUSINESS	2,375.00
5312368	7/29/2011	724787	CENTURYLINK 2102700	250.00
5312369	7/29/2011	702699	CENTURYLINK 309647441	606.92
5312370	7/29/2011	702708	CENTURYLINK 309797542	119.07
5312371	7/29/2011	700983	CENTURYLINK 309903768	152.94
5312372	7/29/2011	701014	CENTURYLINK 310214091	960.80
5312373	7/29/2011	700688	CII SERVICE	2,437.00
5312374	7/29/2011	702051	CINTAS	297.22
5312375	7/29/2011	700709	CLEAR COMMUNICATIONS AND	16,113.32
5312376	7/29/2011	700724	COBB TECHNOLOGIES	220.00
5312377	7/29/2011	724777	DAISY CRUTE	95.00
5312378	7/29/2011	701342	DAPROSYSTEMS INC	11,750.00
5312379	7/29/2011	702389	ELECTION SERVICES ONLINE	225.00
5312380	7/29/2011	701108	ER COMMUNICATIONS LLC	844.22
5312381	7/29/2011	702781	FAYES OFFICE SUPPLY	108.69
5312382	7/29/2011	700998	FLEET SERVICES	137.01
5312383	7/29/2011	702958	FLUVANNA CO PUBLIC SCHOOL	7,416.91
5312384	7/29/2011	902566	FLUVANNA COUNTY SHERIFF'S	1,190.00
5312385	7/29/2011	701138	FLUVANNA/LOUISA HOUSING	25.00
5312386	7/29/2011	700948	HEATHER ANTONACCI	840.00
5312387	7/29/2011	701846	INTERNATIONAL PUBLIC MGNT	145.00
5312388	7/29/2011	724739	JEROME PATCHEN	280.61
5312389	7/29/2011	701834	JONES AUTOMOTIVE CTR INC	326.78
5312390	7/29/2011	724779	LISA SEARCY	95.00
5312391	7/29/2011	702216	M & D COMPLETE LAWN CARE	450.00
5312392	7/29/2011	701036	MICROMARKETING LLC	134.45
5312393	7/29/2011	700830	MO-JOHNS INC	295.00
5312394	7/29/2011	700831	MSAG DATA CONSULTANTS,INC	9,000.00
5312395	7/29/2011	701861	NANCY FAXON	896.00
5312396	7/29/2011	702729	NAPA AUTO PARTS	176.24
5312397	7/29/2011	703088	NATALYA BROWN	252.00
5312398	7/29/2011	700016	NATIONAL FILTER SERVICE	172.56
5312399	7/29/2011	701962	OCE'	1,362.72
5312400	7/29/2011	702265	OLD DOMINION CHAPTER NRHS	780.00
5312401	7/29/2011	999999	VPLDA	35.00
5312402	7/29/2011	999999	SCOTT FIELDING	35.40
5312403	7/29/2011	999999	DAVID SHERIDAN	79.01
5312404	7/29/2011	999999	DAVID FAINA	100.00
5312405	7/29/2011	999999	VALERIE NORTON	173.00
5312406	7/29/2011	999999	DAVE WELLS	188.99
5312407	7/29/2011	999999	TRADE & INDUSTRY	250.00
5312408	7/29/2011	999999	VA ASSSOC OF COUNTIES	5,652.00

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312409	7/29/2011	701879	PERFORMANCE SIGNS	782.00
5312410	7/29/2011	702522	PERSONNEL CONCEPTS	27.00
5312411	7/29/2011	702205	PITNEY BOWES GLOBAL	168.00
5312412	7/29/2011	724776	QUALITY UNIFORMS	91.00
5312413	7/29/2011	702570	RIBBONS GALORE	63.38
5312414	7/29/2011	701978	RSC EQUIPMENT	976.26
5312415	7/29/2011	701508	SAM'S CLUB	490.27
5312416	7/29/2011	701091	SCARLETT'S FLOWERS & GIFT	44.00
5312417	7/29/2011	700985	SHEEHY AUTO STORES	71,462.50
5312418	7/29/2011	900873	SHENANDOAH WATER	63.00
5312419	7/29/2011	701455	SHOWCASES	237.01
5312420	7/29/2011	702415	SIG SAUER INC	7.50
5312421	7/29/2011	703052	STREAMWATCH	1,425.00
5312422	7/29/2011	700930	THE PENWORTHY COMPANY	3,518.10
5312423	7/29/2011	701223	THOMAS JEFFERSON PARTNERS	9,500.00
5312424	7/29/2011	700987	THOMAS RENSCH	30.00
5312425	7/29/2011	702370	USABLUEBOOK	238.44
5312426	7/29/2011	700928	VALLEY OFFICE MACHINES	155.00
5312427	7/29/2011	701429	VDH-WATERWORKS TECH ASST	977.65
5312428	7/29/2011	701864	VIRGINIA MUNICIPAL CLERKS	30.00
5312429	7/29/2011	700989	WAGNER'S MOBILE GLASS &	100.00
5312430	7/29/2011	724768	YUVONNE E CHILSHLM	570.00
5312431	7/29/2011	702909	VERIZON 721970783-00001	4,329.84
5312432	7/29/2011	700857	AQUA VA	425.58
5312433	7/29/2011	700360	BCWH INC	36,598.03
5312434	7/29/2011	701023	CENTURYLINK 309363296	176.55
5312435	7/29/2011	703087	CENTURYLINK 309373828	460.56
5312436	7/29/2011	701063	CENTURYLINK 309428096	35.16
5312437	7/29/2011	702417	CENTURYLINK 309433290	42.51
5312438	7/29/2011	701024	CENTURYLINK 309697981	69.38
5312439	7/29/2011	701065	CENTURYLINK 309719161	153.03
5312440	7/29/2011	701384	CENTURYLINK 309898636	44.73
5312441	7/29/2011	702322	CENTURYLINK 310089744	38.59
5312442	7/29/2011	701628	CENTURYLINK 310338742	44.47
5312443	7/29/2011	701064	CENTURYLINK 310392717	54.00
5312444	7/29/2011	724740	DJG, INC	79,388.20
5312445	7/29/2011	702389	ELECTION SERVICES ONLINE	1,500.00
5312446	7/29/2011	701108	ER COMMUNICATIONS LLC	692.98
5312447	7/29/2011	702781	FAYES OFFICE SUPPLY	6.02
5312448	7/29/2011	901783	FLUVANNA REVIEW	516.00
5312449	7/29/2011	701149	LAND PLANNING & DESIGN	2,871.28
5312450	7/29/2011	701003	MATTHEW BENDER & CO INC	670.99
5312451	7/29/2011	700831	MSAG DATA CONSULTANTS,INC	242.00
5312452	7/29/2011	702371	O.A.S.I.S.	775.00
5312453	7/29/2011	999999	ELISABETH MORETH	165.00
5312454	7/29/2011	999999	KENTS STORE VOL FIRE DEPT	1,193.76
5312455	7/29/2011	703098	RCC CONSULTANTS INC	8,857.50
5312456	7/29/2011	900873	SHENANDOAH WATER	26.60
5312457	7/29/2011	700991	SOUTHERN POLICE EQUIPMENT	2,289.25
5312458	7/29/2011	724742	TIME FAMILY SERVICE	120.00

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312459	7/29/2011	700895	VERIZON BUSINES #90048588	47.36
5312460	7/29/2011	701535	WEST RIVER AUTO	243.16
5312461	8/1/2011	700865	FLUVANNA SPCA	1,200.00
5312462	8/1/2011	701269	PETROLEUM TRADERS CORP	15,755.93
5312463	8/1/2011	700865	FLUVANNA SPCA	13,760.00
5312464	8/1/2011	999999	PSYCHOLOGICAL HEALTH ROAN	170.00
5312465	8/1/2011	703073	SUNTRUST BANK	57,172.74
5312466	8/1/2011	1880	AFLAC (AMERICAN FAMILY LI	1,184.12
5312467	8/1/2011	702965	BENEFICIAL DISCOUNT CO	464.78
5312468	8/1/2011	700731	COLONIAL LIFE AND ACCIDEN	12.56
5312469	8/1/2011	702181	FIRST FINANCIAL	410.84
5312470	8/1/2011	702182	FIRST FINANCIAL	5,330.02
5312471	8/1/2011	702183	FIRST FINANCIAL	75.88
5312472	8/1/2011	702184	FIRST FINANCIAL	986.07
5312473	8/1/2011	702185	FIRST FINANCIAL	26.02
5312474	8/1/2011	702187	FIRST FINANCIAL	2,857.00
5312475	8/1/2011	702190	FIRST FINANCIAL	97.56
5312476	8/1/2011	702191	FIRST FINANCIAL	357.40
5312477	8/1/2011	702320	FIRST FINANCIAL	395.20
5312478	8/1/2011	702701	FIRST FINANCIAL	281.16
5312479	8/1/2011	703117	FIRST FINANCIAL	889.84
5312481	8/1/2011	702284	MINNESOTA LIFE INS. CO	70.59
5312482	8/1/2011	1930	NEW YORK LIFE INSURANCE C	632.34
5312483	8/1/2011	16834	NEW YORK LIFE INSURANCE A	90.00
5312484	8/1/2011	1331	SOUTHERN HEALTH SERVICES	93,217.82
5312485	8/1/2011	1164	STANDARD & CORE/NACO	7,619.35
5312486	8/1/2011	9701	THE SIGNATURE GROUP	31.20
5312487	8/1/2011	1860	TREASURER OF VIRGINIA	67,895.15
5312488	8/1/2011	1870	TREASURER OF VIRGINIA	1,209.26
5312489	8/1/2011	1871	TREASURER OF VIRGINIA	952.78
5312490	8/1/2011	1850	VA. DEPT. OF TAXATION	20,441.64
5312491	8/1/2011	1940	VIRGINIA CREDIT UNION	300.00
5312492	8/2/2011	702994	AARON RUEHLE,ED.S LPC LMF	285.00
5312493	8/2/2011	702795	ABC PRESCHOOL	732.00
5312494	8/2/2011	724743	CENTRAL VA COMMUNITY SERV	396.50
5312495	8/2/2011	700636	CHARLOTTESVILLE LEAGUE OF	840.00
5312496	8/2/2011	700757	COMMUNITY ATTENTION	1,534.20
5312497	8/2/2011	702769	COMPREHENS. SCREENING CT	70.00
5312498	8/2/2011	701169	DISCOVERY SCHOOL	3,973.80
5312499	8/2/2011	700864	FAMILY PRESERVATION SERV.	17,295.00
5312500	8/2/2011	701426	FLUVANNA CO PARKS & REC	1,070.00
5312501	8/2/2011	702083	FLUVANNA CO SCHOOL SYSTEM	380.00
5312502	8/2/2011	702719	GREENLIGHT DRIVING SCHOOL	200.00
5312503	8/2/2011	703027	HILLTOP DAY CARE CENTER,	700.00
5312504	8/2/2011	700869	PEOPLE PLACES, INC	7,826.05
5312505	8/2/2011	701849	PRESBYTERIAN HOMES	2,405.00
5312506	8/2/2011	701244	REGION TEN	1,433.00
5312507	8/2/2011	701977	SUZANNE WOLSTENHOLME	666.00
5312508	8/2/2011	702560	VABODE	4,440.00
5312509	8/12/2011	702795	ABC PRESCHOOL	2,447.00

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312510	8/12/2011	702168	BRIDGES TREATMENT CENTER	6,365.00
5312511	8/12/2011	700757	COMMUNITY ATTENTION	17,112.80
5312512	8/12/2011	702769	COMPREHENS. SCREENING CT	65.00
5312513	8/12/2011	700951	ELK HILL	2,187.50
5312514	8/12/2011	700864	FAMILY PRESERVATION SERV.	8,885.75
5312515	8/12/2011	701426	FLUVANNA CO PARKS & REC	150.00
5312516	8/12/2011	701551	FOOD LION	1,905.00
5312517	8/12/2011	700869	PEOPLE PLACES, INC	13,372.00
5312518	8/12/2011	701656	VA HOME FOR BOYS & GIRLS	4,350.00
5312519	8/12/2011	700909	VIRGINIA OIL COMPANY	250.00
5312520	8/12/2011	724723	ADDICTION RECOVERY SYSTEM	403.00
5312521	8/12/2011	702960	BROWN YOUTH CONSULTANTS,	5,400.00
5312522	8/12/2011	700028	CRAIG VILLALON LCSW	270.00
5312523	8/12/2011	702866	DELITA JOHNSON	644.00
5312524	8/12/2011	700951	ELK HILL	25,416.96
5312525	8/12/2011	724771	FIRST CONTRACTORS INC	2,596.25
5312526	8/12/2011	701426	FLUVANNA CO PARKS & REC	385.00
5312527	8/12/2011	700952	FLUVANNA CO SCHOOL SYSTEM	360.00
5312528	8/12/2011	702083	FLUVANNA CO SCHOOL SYSTEM	60.00
5312529	8/12/2011	703028	GLORIA HUBERT	1,805.00
5312530	8/12/2011	701381	INTERCEPT YOUTH SERVICE	3,624.83
5312531	8/12/2011	701531	KENNY'S AUTO REPAIR	935.00
5312532	8/12/2011	702881	KIM MABE	63.09
5312533	8/12/2011	702964	LEIGH ANNE DEAL	986.00
5312534	8/12/2011	703137	NOVELL BROWN	1,500.00
5312535	8/12/2011	724754	OPEN DOOR CHRISTIAN SCHOO	300.00
5312536	8/12/2011	700869	PEOPLE PLACES, INC	250.00
5312537	8/12/2011	702981	RACHEL LEWIS LCSW	270.00
5312538	8/12/2011	702734	REBECCA MAYO PITTS	160.00
5312539	8/12/2011	702485	REGINA CHRISTMAS	500.00
5312540	8/12/2011	700102	ALL STAR AUTO PARTS	234.27
5312541	8/12/2011	700404	ALLIED WASTE SERVICE 410	669.84
5312542	8/12/2011	700405	ALLIED WASTE SERVICES 410	232.01
5312543	8/12/2011	701837	ASHLEIGH MORRIS	672.00
5312544	8/12/2011	700279	ASSOCIATION OF CLERKS OF	60.00
5312545	8/12/2011	700301	AUTOMATED OFFICE SYSTEMS	155.00
5312546	8/12/2011	702762	BANK OF AMERICA	6,700.36
5312547	8/12/2011	700358	BATTERIESPLUS-196	48.57
5312548	8/12/2011	702394	BFI	2,610.76
5312549	8/12/2011	700459	BOSLEY CROWTHER	2,000.00
5312550	8/12/2011	700497	BUSINESS DATA OF VA INC	250.00
5312551	8/12/2011	700587	CENTRAL VA ELECTRIC COOP	618.88
5312552	8/12/2011	700878	CENTURYLINK 589-8525	50.00
5312553	8/12/2011	700637	CHARLOTTESVILLE OFFICE	100.00
5312554	8/12/2011	700688	CII SERVICE	2,739.64
5312555	8/12/2011	702051	CINTAS	147.61
5312556	8/12/2011	700709	CLEAR COMMUNICATIONS AND	14,044.13
5312557	8/12/2011	702728	CPI	312.00
5312558	8/12/2011	700879	CROSSROADS HOME CENTER	28.55
5312559	8/12/2011	701443	DEMCO	56.29

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312560	8/12/2011	701956	DMV	2,240.00
5312561	8/12/2011	701776	DYNAMIC RESOURCE SOLUTION	1,555.00
5312562	8/12/2011	700819	E.W. THOMAS	335.60
5312563	8/12/2011	701108	ER COMMUNICATIONS LLC	150.00
5312564	8/12/2011	701025	FAIRBANKS SCALES INC	589.00
5312565	8/12/2011	702781	FAYES OFFICE SUPPLY	111.58
5312566	8/12/2011	700967	FEDEX	24.50
5312567	8/12/2011	724766	FIFE INCORPORATED	22,500.00
5312568	8/12/2011	701739	FLUVANNA CO HIGH SCHOOL	100.00
5312569	8/12/2011	902566	FLUVANNA COUNTY SHERIFF'S	10.00
5312570	8/12/2011	702103	FLUVANNA DO IT BEST	425.03
5312571	8/12/2011	901783	FLUVANNA REVIEW	84.00
5312573	8/12/2011	702034	FRIENDSHIP GYMNASTICS INC	345.00
5312574	8/12/2011	700992	GALLS	11,635.33
5312575	8/12/2011	700986	GARY SHULL'S AUTO REPAIR	64.00
5312576	8/12/2011	724763	HALEY AUTO MALL OF F	88,656.80
5312577	8/12/2011	702770	HAWK LABELING SYSTEMS	156.05
5312578	8/12/2011	701100	INTRASTATE PEST	284.00
5312579	8/12/2011	724726	JAY SCUDDER	20.00
5312580	8/12/2011	724784	JEFF HAISLIP	172.00
5312581	8/12/2011	702193	LAKE MONTICELLO OWNERS	825.00
5312582	8/12/2011	701358	LANDSCAPE SUPPLY INC	190.00
5312583	8/12/2011	701253	LEWIS L PERSINGER	400.00
5312584	8/12/2011	900025	LINDA H. LENHERR, TREASUR	52.47
5312585	8/12/2011	701003	MATTHEW BENDER & CO INC	79.71
5312586	8/12/2011	701036	MICROMARKETING LLC	461.84
5312587	8/12/2011	999999	JOLLY GIANT SOFTWARE INC	15.00
5312588	8/12/2011	999999	KIMBERLY CONSTANTINO	71.40
5312589	8/12/2011	999999	GARCE MANCUSO	80.00
5312590	8/12/2011	999999	B2B COMPUTER PRODUCTS	372.08
5312591	8/12/2011	700893	PAYNE & HODOUS	15,162.00
5312592	8/12/2011	701879	PERFORMANCE SIGNS	1,564.00
5312593	8/12/2011	702600	PITNEY BOWES INC	141.20
5312594	8/12/2011	700835	QUILL	192.56
5312595	8/12/2011	701040	RICHMOND TIMES-DISPATCH	134.30
5312596	8/12/2011	701076	ROBERT D LEIPOLD	328.08
5312597	8/12/2011	701817	SAM'S	156.10
5312598	8/12/2011	724731	SAMS CLUB/GEMB	24.60
5312599	8/12/2011	703036	SAVE YOUR DATA LLC	1,695.00
5312600	8/12/2011	702203	SCHNEIDER LABRATORIES INC	28.00
5312601	8/12/2011	700880	SHENANDOAH VALLEY WATER	350.21
5312602	8/12/2011	703144	SOUTHEAST ENERGY INC	542.76
5312603	8/12/2011	702604	STAPLES BUSINESS	436.00
5312604	8/12/2011	701431	STONER ENTERPRISES INC	21.50
5312605	8/12/2011	700002	STONEWALL TECHNOLOGIES	300.00
5312606	8/12/2011	701147	THE DAILY PROGRESS	114.40
5312607	8/12/2011	701223	THOMAS JEFFERSON PARTNERS	10,000.00
5312608	8/12/2011	700876	THYSSENKRUPP ELEVATOR	1,845.99
5312609	8/12/2011	702815	U.S. BANK 1	135,500.00
5312610	8/12/2011	702511	U.S. CELLULAR	72.86

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312611	8/12/2011	701189	UNIVAR USA INC	5,031.30
5312612	8/12/2011	700863	VA INFORMATION	1,241.45
5312613	8/12/2011	701524	VALU LINE PUBLISHING INC	269.00
5312614	8/12/2011	702582	VIRGINIA BUSINESS SYSTEMS	447.27
5312615	8/12/2011	702914	VIRGINIA OIL FLEET PROG	1,262.03
5312616	8/12/2011	700920	VIRGINIA RECREATION &	8,510.00
5312617	8/12/2011	703079	VIRGINIA WATERS INC	12.00
5312618	8/12/2011	702390	VRA	30,000.00
5312619	8/12/2011	701535	WEST RIVER AUTO	188.80
5312620	8/12/2011	700065	ADVANTAGE OFFICE SYSTEMS	50.00
5312621	8/12/2011	700185	ANDERSON TIRE COMPANY	77.48
5312622	8/12/2011	700972	CAMPBELL EQUIPMENT INC	144.66
5312623	8/12/2011	700591	CENTRAL VIRGINIA REGIONAL	870.00
5312624	8/12/2011	701015	CENTURYLINK 310042302	3,457.72
5312625	8/12/2011	701027	CENTURYLINK 310191749	872.02
5312626	8/12/2011	700637	CHARLOTTESVILLE OFFICE	130.00
5312627	8/12/2011	700688	CII SERVICE	413.11
5312628	8/12/2011	702051	CINTAS	146.76
5312629	8/12/2011	724790	CRAIG MARTIN	15.20
5312630	8/12/2011	724729	CRIME REPORTS	1,794.00
5312631	8/12/2011	724789	DAVID SHERIDAN	78.36
5312632	8/12/2011	700817	DOMINION VIRGINIA POWER	17,081.22
5312633	8/12/2011	700891	E.W. OWEN	150.00
5312634	8/12/2011	700819	E.W. THOMAS	115.42
5312635	8/12/2011	701318	ECK SUPPLY COMPANY	268.13
5312636	8/12/2011	702395	ENVIROCOMPLIANCE LAB	240.00
5312637	8/12/2011	702781	FAYES OFFICE SUPPLY	533.91
5312638	8/12/2011	700986	GARY SHULL'S AUTO REPAIR	16.00
5312639	8/12/2011	700913	GE CAPITAL	92.29
5312640	8/12/2011	702926	HANDLEY EXCAVATING, LLC	8,000.00
5312641	8/12/2011	700932	LOGAN SYSTEMS INC	2,541.67
5312642	8/12/2011	700013	LOWE'S	603.63
5312643	8/12/2011	700984	PALMYRA AUTOMOTIVE INC	59.00
5312644	8/12/2011	700880	SHENANDOAH VALLEY WATER	11.00
5312645	8/12/2011	700991	SOUTHERN POLICE EQUIPMENT	3.49
5312646	8/12/2011	701857	STAPLES	30.99
5312647	8/12/2011	700883	TIGER FUEL COMPANY	2,681.94
5312648	8/12/2011	701660	WAGNER'S WRECKER SERVICE	105.00
5312649	8/12/2011	702529	WAUGH ENT HARLEY DAVIDSON	198.62
5312650	8/12/2011	700102	ALL STAR AUTO PARTS	16.00
5312651	8/12/2011	702568	AMAZON.COM	2,768.03
5312652	8/12/2011	702762	BANK OF AMERICA	410.74
5312653	8/12/2011	700360	BCWH INC	14,850.00
5312654	8/12/2011	703068	BOBCAT OF AUGUSTA LC	6,995.00
5312655	8/12/2011	701446	BURRUSS SIGNS	1,417.43
5312656	8/12/2011	700894	CENTURYLINK	1,226.60
5312657	8/12/2011	701056	CENTURYLINK 309871364	211.20
5312658	8/12/2011	700688	CII SERVICE	947.39
5312659	8/12/2011	700709	CLEAR COMMUNICATIONS AND	580.77
5312660	8/12/2011	701043	DEPT OF VA STATE POLICE	148.00

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312661	8/12/2011	724759	ECKERT SEAMANS CHERIN & M	5,543.30
5312662	8/12/2011	702395	ENVIROCOMPLIANCE LAB	535.00
5312663	8/12/2011	701077	FORK UNION	71.04
5312664	8/12/2011	702571	HILL STUDIO P.C.	4,417.30
5312665	8/12/2011	724726	JAY SCUDDER	3,789.57
5312666	8/12/2011	702310	LOUISA COUNTY	3,561.39
5312667	8/12/2011	724788	LSSP CORPORATION	5,600.00
5312668	8/12/2011	700830	MO-JOHNS INC	45.00
5312669	8/12/2011	999999	VIRGINIA.GOV	95.00
5312670	8/12/2011	701076	ROBERT D LEIPOLD	144.00
5312671	8/12/2011	702520	STAPLES CREDIT PLAN	1,175.37
5312672	8/12/2011	702580	TEK SUPPLY	692.99
5312673	8/12/2011	701292	THE LIBRARY CORPORATION	5,695.00
5312674	8/12/2011	702702	TREASURER,FLUVANNA COUNTY	303.05
5312675	8/12/2011	700895	VERIZON BUSINES #90048588	53.88
5312676	8/29/2011	702168	BRIDGES TREATMENT CENTER	2,594.00
5312677	8/29/2011	700757	COMMUNITY ATTENTION	679.29
5312678	8/29/2011	701169	DISCOVERY SCHOOL	4,800.00
5312679	8/29/2011	724794	FAMILY CARE PHARMACY	6.74
5312680	8/29/2011	700864	FAMILY PRESERVATION SERV.	6,030.00
5312681	8/29/2011	701096	GRAFTON SCHOOL, INC	8,862.50
5312682	8/29/2011	700869	PEOPLE PLACES, INC	1,400.00
5312683	8/29/2011	701244	REGION TEN	180.00
5312684	8/29/2011	701656	VA HOME FOR BOYS & GIRLS	1,885.00
5312685	8/29/2011	700909	VIRGINIA OIL COMPANY	1,000.00
5312686	8/29/2011	702720	A J ANDERSON DR	2,100.00
5312687	8/29/2011	702168	BRIDGES TREATMENT CENTER	2,040.00
5312688	8/29/2011	724743	CENTRAL VA COMMUNITY SERV	320.00
5312689	8/29/2011	700661	CHILD CONNECTION DEVEL	4,110.00
5312690	8/29/2011	701169	DISCOVERY SCHOOL	9,920.00
5312691	8/29/2011	724795	ED WADE	682.50
5312692	8/29/2011	700864	FAMILY PRESERVATION SERV.	21,758.75
5312693	8/29/2011	724793	PAM MCINTIRE LPC	202.00
5312694	8/29/2011	902764	PENNY NORFORD PHD	120.00
5312695	8/29/2011	700869	PEOPLE PLACES, INC	16,944.30
5312696	8/29/2011	724772	Phoenix House of the Mid-	11,850.00
5312697	8/29/2011	701244	REGION TEN	110.00
5312698	8/29/2011	724730	Therapeutic Insights & Me	690.00
5312699	8/29/2011	724742	TIME FAMILY SERVICE	450.00
5312700	8/29/2011	701656	VA HOME FOR BOYS & GIRLS	1,015.00
5312701	8/29/2011	702560	VABODE	2,160.00
5312702	8/29/2011	702060	ABC EXTINGUISHERS LLC	154.59
5312703	8/29/2011	700081	ALBEMARLE LOCK & SAFE INC	225.00
5312704	8/29/2011	702394	BFI	2,210.28
5312705	8/29/2011	700497	BUSINESS DATA OF VA INC	1,250.00
5312706	8/29/2011	702708	CENTURYLINK 309797542	119.27
5312707	8/29/2011	700878	CENTURYLINK 589-8525	50.00
5312708	8/29/2011	700637	CHARLOTTESVILLE OFFICE	117.00
5312709	8/29/2011	700688	CII SERVICE	2,437.00
5312710	8/29/2011	702348	CINTAS FIRST AID & SAFETY	25.17

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312711	8/29/2011	700709	CLEAR COMMUNICATIONS AND	96.00
5312712	8/29/2011	702535	CONTERRA ULTRA BROADBAND	1,000.00
5312713	8/29/2011	724789	DAVID SHERIDAN	87.27
5312714	8/29/2011	701034	DELL MARKETING L.P.	2,941.75
5312715	8/29/2011	700990	DONNA'S NEEDLEWORK	24.00
5312716	8/29/2011	724803	EDWARD JOHN STEADMAN	30.00
5312717	8/29/2011	701108	ER COMMUNICATIONS LLC	556.75
5312718	8/29/2011	724798	EUGENE LACY	30.00
5312719	8/29/2011	724799	FEDA K. MORTON	30.00
5312720	8/29/2011	700821	FERGUSON ENTERPRISES, INC	837.56
5312721	8/29/2011	724766	FIFE INCORPORATED	2,605.00
5312722	8/29/2011	701444	FLUVANNA CO CIRCUIT COURT	231.88
5312723	8/29/2011	702103	FLUVANNA DO IT BEST	17.00
5312724	8/29/2011	700992	GALLS	38.98
5312725	8/29/2011	701270	GENERATOR SERVICE COMPANY	758.15
5312726	8/29/2011	700948	HEATHER ANTONACCI	199.50
5312727	8/29/2011	724797	JOHN F. GROOMS JR	30.00
5312728	8/29/2011	701253	LEWIS L PERSINGER	400.00
5312729	8/29/2011	700932	LOGAN SYSTEMS INC	2,541.67
5312730	8/29/2011	724801	MARY ELLEN RAMOS	30.00
5312731	8/29/2011	700831	MSAG DATA CONSULTANTS, INC	1,426.00
5312732	8/29/2011	701759	NORTHERN SAFETY CO INC	36.73
5312733	8/29/2011	724804	PENGAD, INC	49.29
5312734	8/29/2011	702205	PITNEY BOWES GLOBAL	168.00
5312735	8/29/2011	700835	QUILL	683.81
5312736	8/29/2011	724802	ROBERT RAY SHEETS	30.00
5312737	8/29/2011	703036	SAVE YOUR DATA LLC	3,109.26
5312738	8/29/2011	700880	SHENANDOAH VALLEY WATER	52.75
5312739	8/29/2011	701071	TREASURER OF VIRGINIA	7,429.00
5312740	8/29/2011	702716	TREASURER, FLUVANNA CO	121.15
5312741	8/29/2011	703008	TYLER TECHNOLOGIES	16,635.04
5312742	8/29/2011	724702	UNITED PARCEL SERVICE	13.99
5312743	8/29/2011	702370	USABLUEBOOK	6.69
5312744	8/29/2011	724800	VAN BIELKE RAFALY	30.00
5312745	8/29/2011	700989	WAGNER'S MOBILE GLASS &	51.75
5312746	8/29/2011	1880	AFLAC (AMERICAN FAMILY LI	1,184.12
5312747	8/29/2011	702965	BENEFICIAL DISCOUNT CO	464.78
5312748	8/29/2011	690	COLONIAL LIFE & ACCIDENT	12.56
5312749	8/29/2011	702181	FIRST FINANCIAL	410.84
5312750	8/29/2011	702182	FIRST FINANCIAL	5,277.58
5312751	8/29/2011	702183	FIRST FINANCIAL	75.88
5312752	8/29/2011	702184	FIRST FINANCIAL	956.32
5312753	8/29/2011	702185	FIRST FINANCIAL	26.02
5312754	8/29/2011	702187	FIRST FINANCIAL	2,857.00
5312755	8/29/2011	702190	FIRST FINANCIAL	97.56
5312756	8/29/2011	702191	FIRST FINANCIAL	357.40
5312757	8/29/2011	702320	FIRST FINANCIAL	395.20
5312758	8/29/2011	702701	FIRST FINANCIAL	360.68
5312759	8/29/2011	703117	FIRST FINANCIAL	832.68
5312760	8/29/2011	702284	MINNESOTA LIFE INS. CO	62.82

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312761	8/29/2011	1930	NEW YORK LIFE INSURANCE C	632.34
5312762	8/29/2011	16834	NEW YORK LIFE INSURANCE A	90.00
5312763	8/29/2011	1331	SOUTHERN HEALTH SERVICES	92,960.22
5312764	8/29/2011	1164	STANDARD & CORE/NACO	6,266.60
5312765	8/29/2011	9701	THE SIGNATURE GROUP	31.20
5312766	8/29/2011	1860	TREASURER OF VIRGINIA	66,719.21
5312767	8/29/2011	1870	TREASURER OF VIRGINIA	1,188.24
5312768	8/29/2011	1871	TREASURER OF VIRGINIA	952.78
5312769	8/29/2011	1850	VA. DEPT. OF TAXATION	17,457.42
5312770	8/29/2011	1940	VIRGINIA CREDIT UNION	300.00
5312771	8/29/2011	700065	ADVANTAGE OFFICE SYSTEMS	142.50
5312772	8/29/2011	700081	ALBEMARLE LOCK & SAFE INC	491.00
5312773	8/29/2011	702568	AMAZON.COM	2,684.31
5312774	8/29/2011	700857	AQUA VA	283.02
5312775	8/29/2011	702917	AT&T 286-3642	118.49
5312776	8/29/2011	700353	BARRON'S	199.00
5312777	8/29/2011	700360	BCWH INC	31,932.23
5312778	8/29/2011	702803	BLUE RIDGE PAINT &	8.25
5312779	8/29/2011	700497	BUSINESS DATA OF VA INC	250.00
5312780	8/29/2011	700972	CAMPBELL EQUIPMENT INC	373.92
5312781	8/29/2011	700587	CENTRAL VA ELECTRIC COOP	2,972.54
5312782	8/29/2011	900339	CENTRAL VA ELECTRIC COOP	24.75
5312783	8/29/2011	701063	CENTURYLINK 309428096	35.34
5312784	8/29/2011	702417	CENTURYLINK 309433290	177.20
5312785	8/29/2011	702699	CENTURYLINK 309647441	609.76
5312786	8/29/2011	701024	CENTURYLINK 309697981	35.34
5312787	8/29/2011	701065	CENTURYLINK 309719161	156.96
5312788	8/29/2011	701384	CENTURYLINK 309898636	44.93
5312789	8/29/2011	700983	CENTURYLINK 309903768	152.31
5312790	8/29/2011	701015	CENTURYLINK 310042302	3,458.02
5312791	8/29/2011	701628	CENTURYLINK 310338742	44.67
5312792	8/29/2011	701064	CENTURYLINK 310392717	56.83
5312793	8/29/2011	700688	CII SERVICE	3,962.67
5312794	8/29/2011	702051	CINTAS	304.47
5312795	8/29/2011	700709	CLEAR COMMUNICATIONS AND	1,407.08
5312796	8/29/2011	700724	COBB TECHNOLOGIES	220.00
5312797	8/29/2011	702261	COMMONWEALTH DISTRIBUTION	751.56
5312798	8/29/2011	702739	D & S CONSTRUCTION	806.00
5312799	8/29/2011	724789	DAVID SHERIDAN	161.95
5312800	8/29/2011	701443	DEMCO	59.79
5312801	8/29/2011	701043	DEPT OF VA STATE POLICE	37.00
5312802	8/29/2011	724796	DIVISION OF CHILD	1,127.26
5312803	8/29/2011	700990	DONNA'S NEEDLEWORK	24.00
5312804	8/29/2011	701356	EBSCO SUBSCRIPTION SVC	1,098.96
5312805	8/29/2011	701318	ECK SUPPLY COMPANY	32.18
5312806	8/29/2011	724759	ECKERT SEAMANS CHERIN & M	1,537.27
5312807	8/29/2011	700017	ELEVATING EQUIPMENT	300.00
5312808	8/29/2011	702781	FAYES OFFICE SUPPLY	338.57
5312809	8/29/2011	702285	FLEET SERVICES	252.32
5312810	8/29/2011	702958	FLUVANNA CO PUBLIC SCHOOL	7,416.91

COUNTY OF FLUVANNA  
 AP CHECK REGISTER  
 FOR THE PERIOD JULY 25 - AUGUST 31, 2011

CHECK #	CHECK DATE	VENDOR	NAME	CHECK AMOUNT
5312811	8/29/2011	901783	FLUVANNA REVIEW	516.00
5312812	8/29/2011	700992	GALLS	62.98
5312813	8/29/2011	700913	GE CAPITAL	92.29
5312814	8/29/2011	701053	JOAN'S EMBROIDERY	132.00
5312815	8/29/2011	701834	JONES AUTOMOTIVE CTR INC	826.29
5312816	8/29/2011	724767	KELLY HUGHS	200.00
5312817	8/29/2011	701409	KUSTOM SIGNALS, INC	452.00
5312818	8/29/2011	702386	LAKEWAY PUBLISHER OF VA	24.54
5312819	8/29/2011	701253	LEWIS L PERSINGER	50.00
5312820	8/29/2011	701036	MICROMARKETING LLC	74.52
5312821	8/29/2011	700830	MO-JOHNS INC	495.00
5312822	8/29/2011	700831	MSAG DATA CONSULTANTS,INC	552.00
5312823	8/29/2011	702729	NAPA AUTO PARTS	59.94
5312824	8/29/2011	702371	O.A.S.I.S.	775.00
5312825	8/29/2011	701962	OCE'	392.52
5312826	8/29/2011	999999	TIERNA SNIPTS	36.33
5312827	8/29/2011	999999	CHARLOTTESVILLE DAILY PRO	192.40
5312828	8/29/2011	999999	LAURA L MORRIS ADMIN ASSI	225.00
5312829	8/29/2011	999999	HYDRO TAP SERIVCE IN C	475.00
5312830	8/29/2011	999999	UNIVERSITY OF VIRGINIA	1,000.00
5312831	8/29/2011	701824	OXMOOR HOUSE	36.91
5312832	8/29/2011	702205	PITNEY BOWES GLOBAL	646.30
5312833	8/29/2011	700835	QUILL	123.89
5312834	8/29/2011	701076	ROBERT D LEIPOLD	166.95
5312835	8/29/2011	702150	RUHLMAN'S HAULING	290.85
5312836	8/29/2011	701508	SAM'S CLUB	105.00
5312837	8/29/2011	900873	SHENANDOAH WATER	52.65
5312838	8/29/2011	701455	SHOWCASES	52.65
5312839	8/29/2011	702843	STANLEY LAND SURVEYS PLC	562.50
5312840	8/29/2011	700838	STAPLES	219.94
5312841	8/29/2011	702520	STAPLES CREDIT PLAN	179.84
5312842	8/29/2011	701484	THE CENTRAL VIRGINIAN	55.00
5312843	8/29/2011	700003	THE DAILY PROGRESS	60.58
5312844	8/29/2011	701292	THE LIBRARY CORPORATION	2,860.00
5312845	8/29/2011	700883	TIGER FUEL COMPANY	2,823.88
5312846	8/29/2011	902724	U.S. POSTAL SERVICE	100.00
5312847	8/29/2011	702370	USABLUEBOOK	595.42
5312848	8/29/2011	703055	VACORP	24,456.60
5312849	8/29/2011	700928	VALLEY OFFICE MACHINES	94.87
5312850	8/29/2011	900050	VALLEY OFFICE MACHINES, I	199.90
5312851	8/29/2011	702883	VERIZON WIRELESS	1,521.65
5312852	8/29/2011	702602	VIRGINIA BUSINESS SYSTEMS	167.49
5312853	8/29/2011	700920	VIRGINIA RECREATION &	1,005.00
5312854	8/29/2011	701307	VLGMA	277.50
5312855	8/29/2011	701535	WEST RIVER AUTO	63.70
495 CHECKS		TOTAL AP CHECK REGISTER		<u>1,690,653.57</u>

**SUBJECT:** Wireless Telecommunications Facilities Master Plan

**TIMING:** Project presentation prior to the scheduled September 21<sup>st</sup> public hearing for Zoning Ordinance amendments for telecommunication regulations.

**POLICY IMPLICATIONS:** This project will enable Fluvanna County to deploy telecommunications infrastructure throughout the County in a more orderly and effective manner so that communications can be maximized with minimal impact to the County’s rural character.

**LEGISLATIVE HISTORY:** On May 5<sup>th</sup> 2010, the Communications Committee recommended to the Board of Supervisors the procurement of a consultant to develop a telecommunications master plan and ordinance, as well as tower application review and lease management services. CityScape Consultants were hired and the project kicked off with a public meeting in December 2010 and issued surveys for participants to fill out. The desired project was a master plan with ordinance amendments to more effectively regulate this critical infrastructure for public safety, economic development, and other quality of life factors.

**DISCUSSION:** This Master Plan, and associated zoning ordinance amendments, lays a roadmap for communications infrastructure in the county for broadband, cellular, and public safety radio equipment. The most important aspect of the telecommunications master plan and ordinance is that it creates a clear and level “playing field” for service providers which improves the permitting process making it easier and faster. The regulations that have resulted from the development of the master plan are derived from input by citizens, staff and appointed and elected officials through an inclusive process, particularly in December 2010 (kick-off meeting and stakeholder surveys) and April 2011 (County property/tower posters and visual preference surveys). This critical input ensures that the regulations reflect today’s values regarding weighing the need for this infrastructure with any concerns over its location (e.g., height, lighting, tower style, colocation, etc.).

Please advise if further information is desired, or if there are any questions or concerns regarding this project.

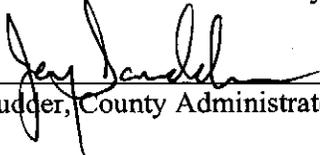
Staff: Darren K. Coffey, Planning Director  
Susan Rabold, CityScape Consultants

**Attachments:**

- (1) Telecommunications Presentation
- (2) Telecommunications Master Plan
- (3) Proposed Telecommunications Zoning Text Amendments

\*\*\*\*\*

County Administrator’s Use Only

  
 \_\_\_\_\_  
 Jay Scudder, County Administrator

# Fluvanna County

## Draft Wireless Telecommunications Master Plan and Proposed Zoning Amendment Presentation

### September 7, 2011

Presented by:

**CityScape**

2

CityScape Consultants, Inc.  
7040 West Palmetto Park Road  
Suite 4, PMB 625  
Boca Raton, FL 33433  
Tel: (954) 609-9797  
[www.cityscapeconsultants.com](http://www.cityscapeconsultants.com)

# CityScape's Methodology

- ▣ Methodology
  - Research the geographic area
  - Identify existing industry stakeholders and assets
  - Identify existing and future infrastructure locations
  - Compare gap areas to public property database
  - Assess public properties and provide final site listing and recommendations of use for use for future sites

# Wireless Service Providers

## 800 MHz Providers

- ▣ Alltel
- ▣ Sprint Nextel  
(formally Nextel)
- ▣ US Cellular

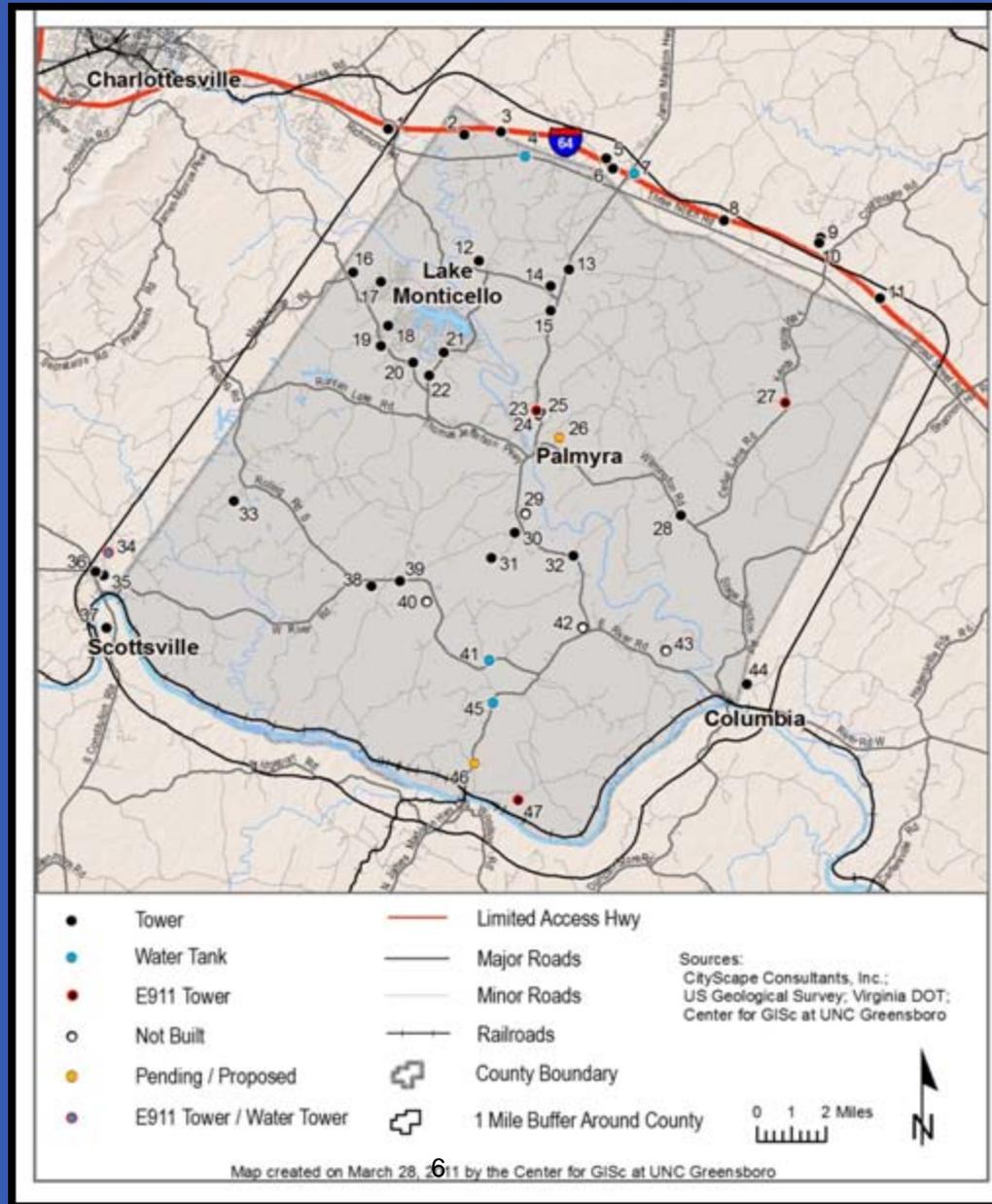
## 1900 MHz Providers

- ▣ AT&T Mobility
- ▣ Sprint
- ▣ Ntelos
- ▣ Triton
- ▣ T-Mobile USA
- ▣ Verizon Wireless

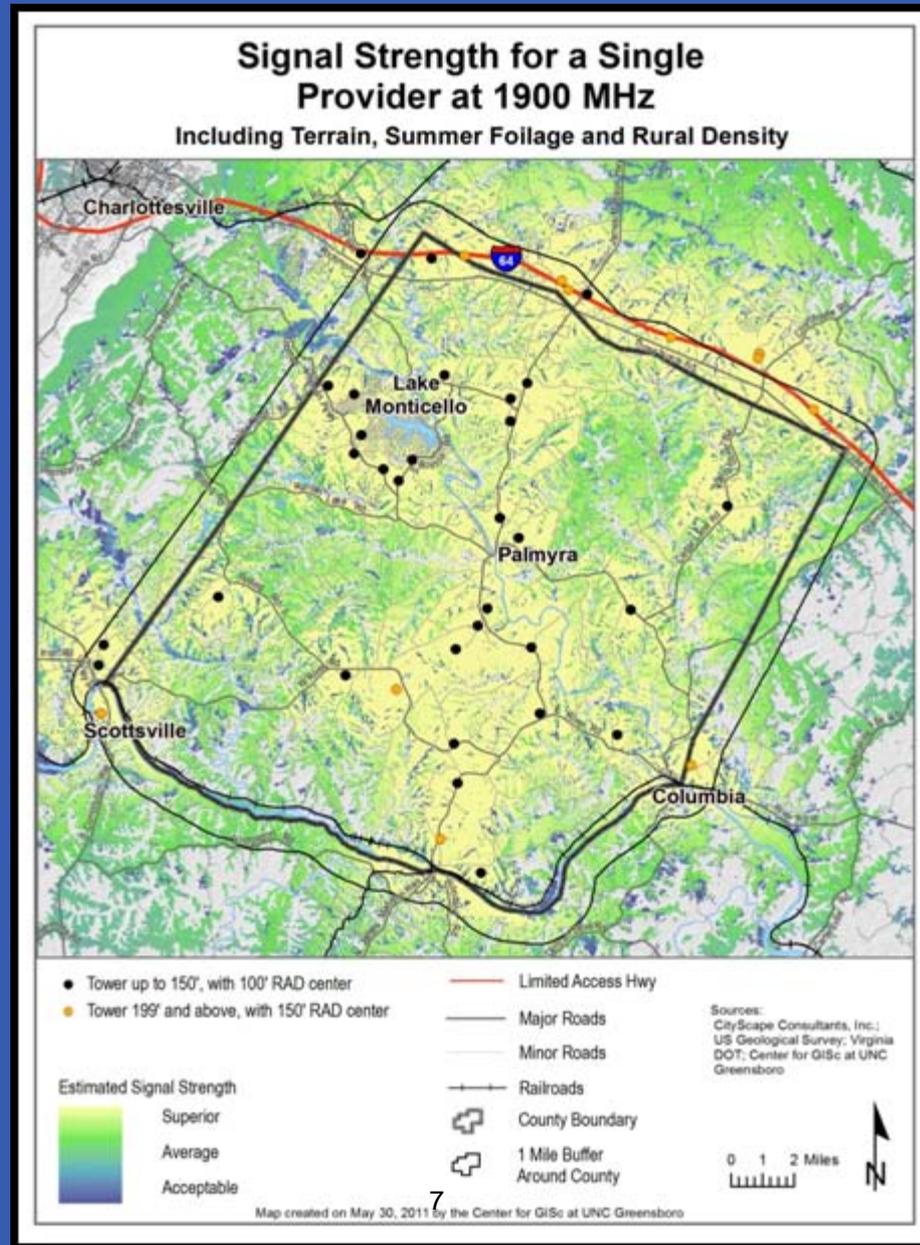
# Wireless Service Providers

- ▣ Wireless internet for computers
- ▣ 700 MHz and 2400 MHz
  - AT&T Mobility, Continuum 700 LLC, Frontier Wireless, Qualcomm, 700 Guard, Pegasus Band...
- ▣ Infrastructure is much like 800 and 1900 MHz
- ▣ Compete for tower space

# Actual & Potential Antenna Locations



# Actual & Potential Antenna Locations



# Actual & Potential Antenna Locations

**Estimated Coverage  
for Provider J at 800 MHz**



- |                 |                      |
|-----------------|----------------------|
| Signal Strength | — Limited Access Hwy |
| Superior        | — Major Roads        |
| Average         | — Minor Roads        |
| Acceptable      | — Railroads          |
|                 | ⊕ County Boundary    |

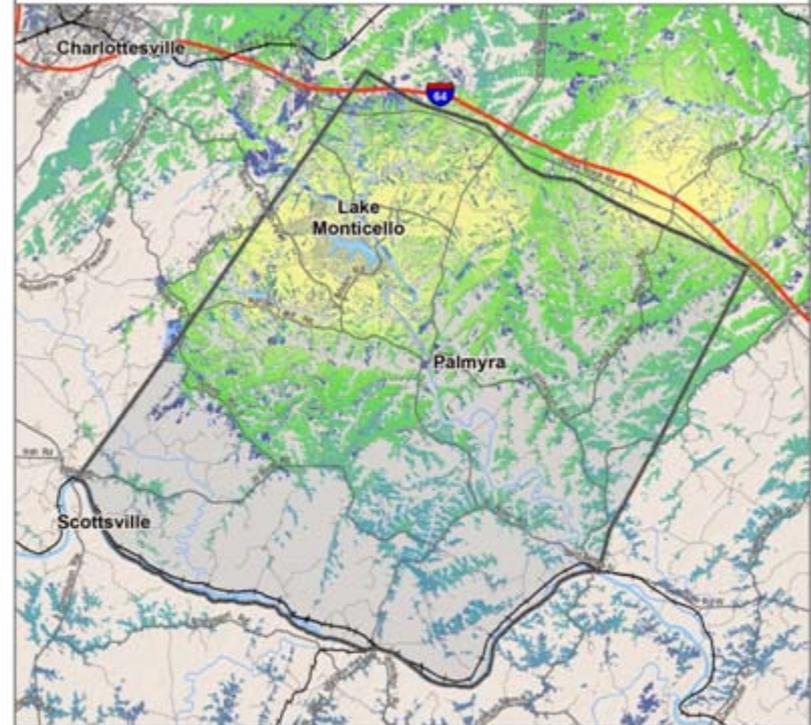
Sources:  
CityScape Consultants, Inc.;  
US Geological Survey; Virginia DOT;  
Center for GISc at UNC Greensboro

0 1 2 Miles



Map created on May 30, 2011 by the Center for GISc at UNC Greensboro

**Estimated Coverage  
for Provider F at 1900 MHz**



- |                 |                      |
|-----------------|----------------------|
| Signal Strength | — Limited Access Hwy |
| Superior        | — Major Roads        |
| Average         | — Minor Roads        |
| Acceptable      | — Railroads          |
|                 | ⊕ County Boundary    |

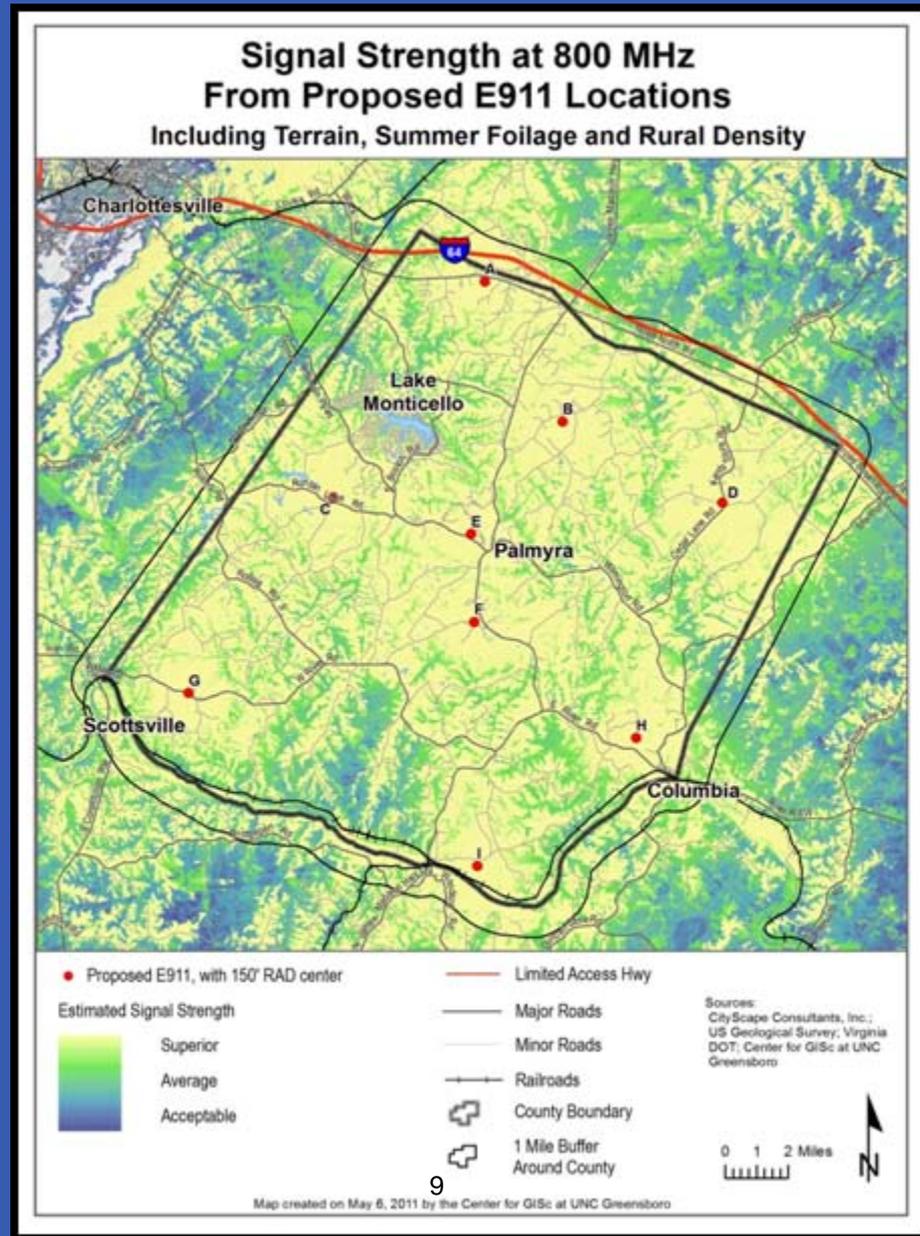
Sources:  
CityScape Consultants, Inc.;  
US Geological Survey; Virginia DOT;  
Center for GISc at UNC Greensboro

0 1 2 Miles



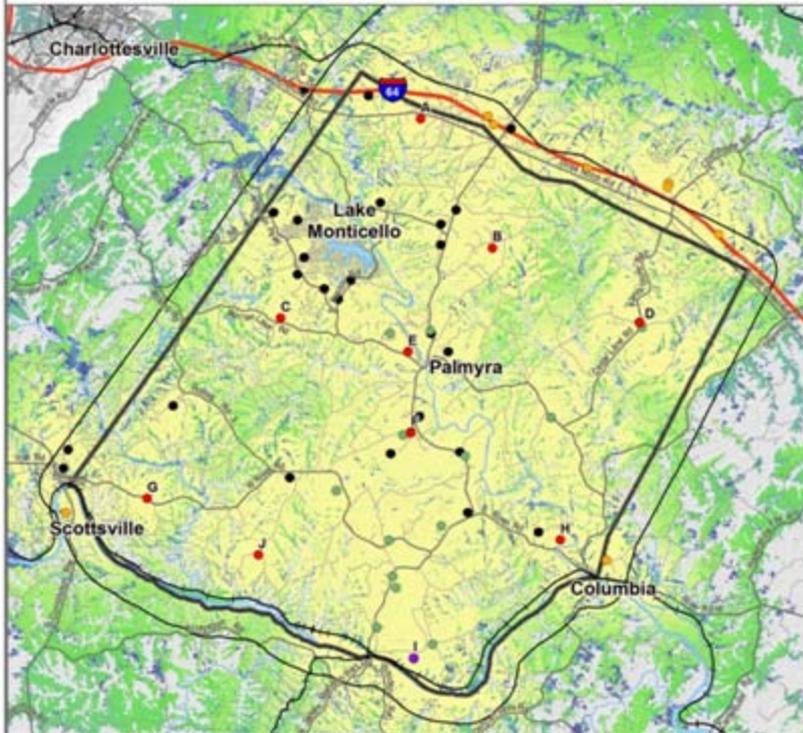
Map created on May 30, 2011 by the Center for GISc at UNC Greensboro

# Proposed Emergency Services Sites



# Proposed Projected Sites

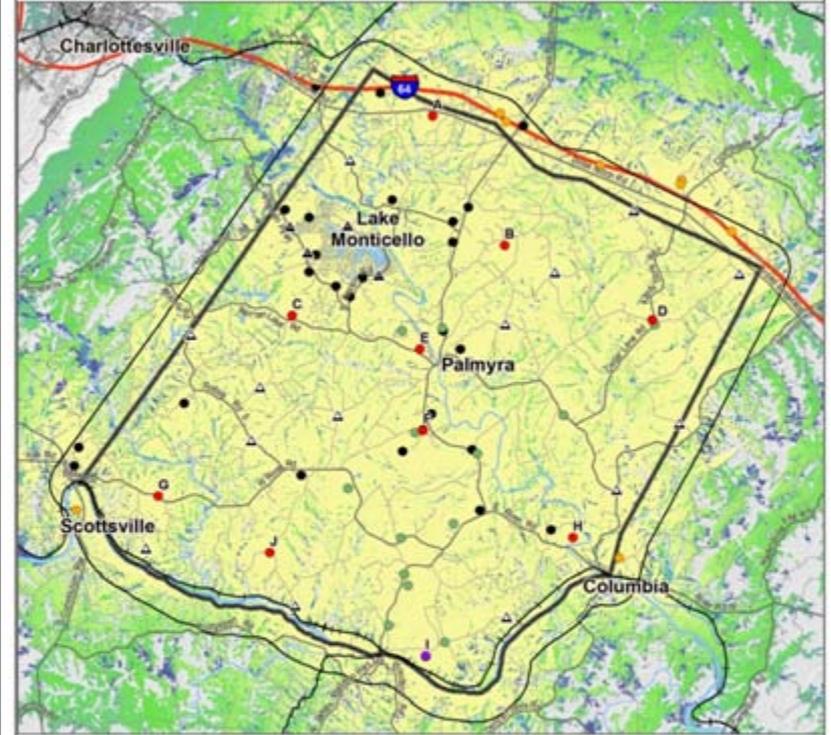
**Signal Strength at 1900 MHz From Proposed E911 Locations, Suitable Existing Towers, and Public Land Including Terrain, Summer Foilage and Rural Density**



- Tower up to 150', with 100' RAD center
  - Tower 199' and above, with 150' RAD center
  - Proposed E911, with 190' RAD center
  - Proposed E911, with 280' RAD center
  - Public Land, with 199' RAD center
- Estimated Signal Strength**
- Superior
  - Average
  - Acceptable
- Limited Access Hwy
  - Major Roads
  - Minor Roads
  - Railroads
- Sources:  
 CityScape Consultants, Inc.;  
 US Geological Survey, Virginia  
 DOT, Center for GISc at UNC  
 Greensboro
- ⬡ County Boundary
  - ⬡ 1 Mile Buffer Around County
- 0 1 2 Miles

Map created on May 30, 2011 by the Center for GISc at UNC Greensboro

**Signal Strength at 1900 MHz From Suitable Existing Sites, Proposed Sites, and Projected Fill-In Locations Including Terrain, Summer Foilage and Projected Population Density**



- Tower up to 150', with 100' RAD center
  - Tower 199' and above, with 150' RAD center
  - Proposed E911, with 190' RAD center
  - Proposed E911, with 280' RAD center
  - Public Land, with 199' RAD center
  - ▲ Fill-In Site, with 150' RAD center
  - ▲ Fill-In Site, with 125' RAD center
- Estimated Signal Strength**
- Superior
  - Average
  - Acceptable
- Limited Access Hwy
  - Major Roads
  - Minor Roads
  - Railroads
- Sources:  
 CityScape Consultants, Inc.;  
 US Geological Survey, Virginia  
 DOT, Center for GISc at UNC  
 Greensboro
- ⬡ County Boundary
  - ⬡ 1 Mile Buffer Around County
- 0 1 2 Miles

Map created on May 30, 2011 by the Center for GISc at UNC Greensboro

# Zoning Recommendations

# Hierarchy

- (1) Concealed attached antenna
- (2) Colocation; antenna modification; combined antenna(s) on existing TASF
- (3) Colocation or new TASF in utility right-of-way
- (4) Non-concealed attached antenna
- (5) Replacement of existing TASF
- (6) Mitigation of existing TASF
- (7) Concealed freestanding TASF
- (8) Non-concealed freestanding TASF
  - (a) Monopole
  - (b) Lattice
  - (c) Guyed

# Non-Concealed Towers



Monopole  
Self Support



Lattice Tower  
Self Support



Guy Tower

# Tower Types Concealed



Slick Stick



Flag Pole

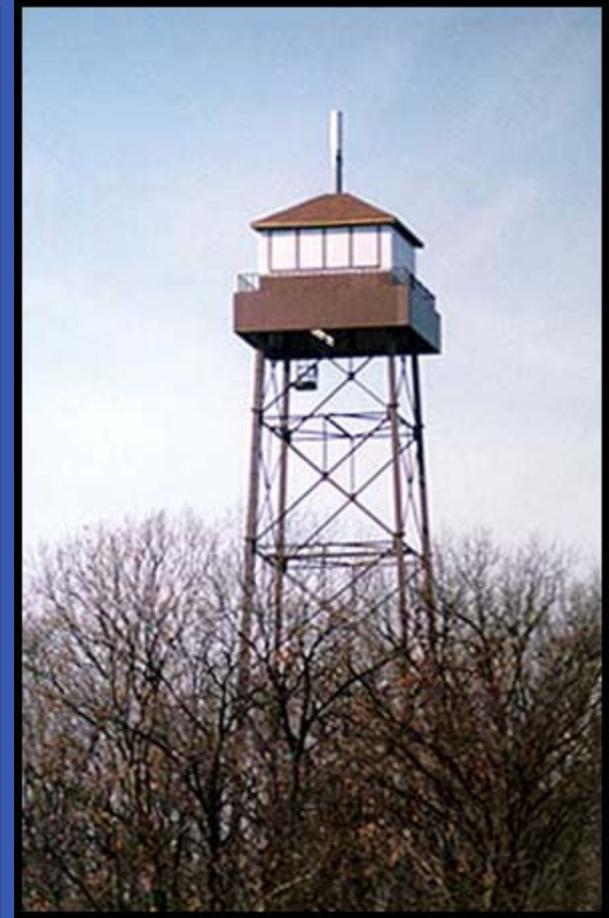
# Tower Types Concealed



Light  
Stanchion



Painted  
Monopole



Faux Fire  
Tower

# DRAFT Hierarchy Continued

(1) Concealed attached antenna

- a) On publicly owned property
- b) On non publicly owned property

(2) Collocation; antenna modification; combined antenna(s) on existing antenna support facility

- a) On publicly owned property
- b) On non publicly owned property

.....

# DRAFT Permitted Use Table

## Siting Preference Table

Zoning Districts	Permitted Telecommunications Facilities & Level of Development Standards						
	Amateur Radio Facility & Comparable Antenna Element Replacement	Concealed Attached; Antenna Colocation, Antenna Modification; Noncomparable Antenna Element Replacement, Combining; and Non-concealed Attached Antenna	Replacement Antenna Support Facility	Mitigation of Existing Antenna Support Facility	Concealed Freestanding Antenna Support facility	Non-Concealed Freestanding Antenna support facility	Broadcast Facility
A-1	B	B	B	S	B	S	S
R-1	B	B	B	S	B	S	Not allowed
R-2	B	B	B	S	S*	Not allowed	Not allowed
R-3	B	B	B	S	S*	Not allowed	Not allowed
R-4	B	B	B	S	S*	Not allowed	Not allowed
B-1	B	B	B	S	B	S	Not allowed
B-C	B	B	B	S	B	S	Not allowed
I-1	B	B	B	S	B	S	S
I-2	B	B	B	S	B	S	S
MHP	B	B	B	S	B	Not allowed	Not allowed
PUD	B	B	B	S	B	S	S

# **Draft Wireless Telecommunications Facilities Master Plan**

**COUNTY OF FLUVANNA, VIRGINIA**



**July 20, 2011**

Prepared for:  
**County of Fluvanna**  
County Administration Building  
132 Main Street  
Palmyra, VA 22963

Prepared by:  
**CityScape Consultants, Inc.**  
7050 W Palmetto Park Rd #15-652  
Boca Raton, FL 33433  
[www.CityScapegov.com](http://www.CityScapegov.com)



## Acknowledgements

CityScape Consultants, Inc.  
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Susan Rabold  
Kay Miles

University of North Carolina at Greensboro  
Center for Geographic Science  
Rick Bunch, Ph.D.  
Anna Tapp

Special thanks to all who provided information as requested and to those who read and reviewed the document for input and corrections.

Contact the Fluvanna County, Department of Planning and Community Development (434) 591-1910 for information or questions pertaining to this document.

**TABLE OF CONTENTS**

**COUNTY OF FLUVANNA, VIRGINIA.....1**

**PREFACE .....5**

    PURPOSE OF THIS PLAN .....5

    CITYSCAPE CONSULTANTS, INC. ....5

**CHAPTER 1 THE TELECOMMUNICATIONS INDUSTRY .....6**

    INTRODUCTION .....6

    WIRED TELEPHONE NETWORKS .....6

    WIRELESS TELEPHONE NETWORKS .....7

    WIRELESS INFRASTRUCTURE .....7

*Support structures for the antenna.....7*

*Antennas and antenna arrays for wireless telecommunications .....9*

**ANTENNA MOUNTING FACILITIES.....9**

**ANTENNA MOUNTING FACILITIES.....9**

*Feed lines and electronic base stations.....11*

    COLOCATION .....12

    WIRELESS COVERAGE AND ANTENNA MOUNTING ELEVATION CONSIDERATIONS .....13

    NETWORK CAPACITY .....14

    WIRELESS INFRASTRUCTURE AND LOCAL ZONING .....15

    FEDERAL TELECOMMUNICATIONS ACT OF 1996.....16

    EXPOSURE TO RADIO FREQUENCY EMISSIONS .....16

    THIRD GENERATION AND FUTURE WIRELESS GENERATIONS .....17

    SATELLITE TECHNOLOGIES .....18

    ENHANCED SPECIALIZED MOBILE RADIO .....18

    700 MHZ.....19

**CHAPTER 2 WIRELESS TECHNICAL ISSUES .....20**

    BRIEF OVERVIEW .....20

    SEARCH AREA WITHIN PROPOSED COVERAGE AREAS .....21

    SEARCH AREA RADII .....21

*Global System for Mobile Communications.....22*

**CHAPTER 3 ENGINEERING ANALYSIS.....23**

*Signal strength.....29*

*Seasonal variables.....29*

    WIRELESS INDUSTRY STAKEHOLDERS AND INFRASTRUCTURE .....33

    EXISTING ANTENNA LOCATIONS .....35

    THEORETICAL COVERAGE FROM EXISTING ANTENNA LOCATIONS.....38

*Actual 800 MHz and 1900MHz Propagation Analysis .....41*

**CHAPTER 4 PUBLIC SAFETY PROPOSED TOWER ANALYSIS .....54**

*Propagation maps.....55*

**CHAPTER 5 FUTURE INFRASTRUCTURE .....70**

*Subscribers and wireless network planning.....71*

*Wireless broadband.....72*

*Future tower site projections through 2010.....72*

**CHAPTER 6 ZONING .....75**

    ZONING ANALYSIS .....75

**CHAPTER 7 INVENTORY .....81**

PURPOSE OF THE INVENTORY..... 81

*Procedure*..... 81

*Inventory catalogue existing antenna(s) and towers*..... 81

*Structural evaluation*..... 81

*Publicly-owned property*..... 81

*Site photographs* ..... 81

**APPENDIX A.....94**

**APPENDIX B.....95**

## **Preface**

### **Purpose of this plan**

The purpose and intent of the Master Plan is similar to the goals and objectives of other long-range plans, such as roadway improvements and the extension of water and sewer lines. The Master Plan combines land-use planning strategies with industry-accepted radio frequency (RF) engineering standards to create an illustrative planning tool that aids in making public policy decisions regarding telecommunications infrastructure. The Master Plan offers strategies to reduce tower infrastructure by improving efforts to integrate wireless deployments between the wireless service providers. Effective master planning will minimize tower proliferation by increasing colocation opportunities.

The Master Plan includes the following:

- A tutorial on the history of the industry and explanations of how the equipment works and projections of future industry trends.
- An inventory of existing antenna support facilities and buildings upon which wireless antennas are currently mounted.
- Engineering analysis of potential coverage based the existing antenna locations, County-regulated height restrictions, and other network and planning design criteria.
- Analysis of reasonably anticipated wireless facility growth over the next ten years and recommendations for managing the development of wireless structures with an emphasis on minimizing the total number of telecommunications towers throughout the County.
- Identification of publicly owned land as potential new sites for future towers.

### **CityScape Consultants, Inc.**

Many communities are concerned about the proliferation of telecommunications tower build-outs from the standpoint of public safety issues, aesthetics, staff time involved in the site review process, fair deployment practices, and the legal implications of upholding both the public and private interests involved. Additionally, many communities respond to tower growth in an ad hoc manner, which is the most expensive and perilous way to manage expansions to existing wireless telecommunications networks. CityScape works for only public agencies to address these identified concerns. CityScape specializes in developing land use strategies to control the proliferation of wireless infrastructure, affording the maximum continuing control of local governments, while maintaining compliance with Virginia Statutes and the Telecommunications Act of 1996. CityScape Consultants, Inc. is a land-use planning, legal and radio frequency engineering consulting firm located in Boca Raton, Florida and Raleigh, North Carolina.

# Chapter 1 The Telecommunications Industry

## Introduction

Telecommunications is the transmission, emission and/or reception of radio signals, whether it is in the form of voice communications, digital images, sound bytes or other information, via wires and cables; or via space, through radio frequencies, satellites, microwaves, or other electromagnetic systems. Telecommunications includes the transmission of voice, video, data, broadband, wireless and satellite technologies and others.

One-way, or simplex, communication for radio and television utilizes an antenna to transmit signals from the broadcast station antenna to the receiving devices found in a radio or television.

Traditional landline telephone service utilizes an extensive network of copper interconnecting lines to transmit and receive a phone call between parties. Fiber optic and T-1 data lines increase the capabilities by delivering not only traditional telephone, but also high-speed Internet and, in some situations cable television, and are capable of substantially more. The new technology involves an extensive network of fiber optic lines situated either above or below ground locations.

Wireless telephony, also known as wireless communications, includes mobile phones, pagers, and two-way enhanced radio systems and relies on the combination of landlines, cable and an extensive network of elevated antennas, typically found on communication towers, to transmit voice and data information. This technology is known as first and second generation (1G and 2G) of wireless deployment.

Third, fourth and fifth generations (3G, 4G and 5G) of wireless communications will include the ability to provide instant access to e-mail, the Internet, radio, video, TV, mobile commerce, and Global Positioning Satellite (GPS), in one handheld, palm pilot type wireless telephone unit. Successful use of this technology will require the deployment of a significant amount of infrastructure, i.e., elevated antennas on above-ground structures such as towers, water tanks, rooftops, signage platforms, and light poles. Fluvanna County remains in the first and second stages of wireless telecommunications deployment.

## Wired telephone networks

When the traditional wired, landline telephone networks were introduced in the United States, the first systems were built in largely populated cities where the financial return on the infrastructure investment could be quickly maximized. Telephone lines were installed alongside electrical power lines to maximize efficiency. As the technology improved the service was expanded from coast to coast.

## **Wireless telephone networks**

Wireless telecommunication networks are comprised of an antenna or a set of elevated antenna arrays attached to an elevated structure and connected to the base station via the feed lines. The elevated antenna(s) transmit and receive radio signals allowing wireless telephone handsets to operate satisfactorily.

Wireless telephone networks operate utilizing wireless frequencies similar to radio and television stations. To design the wireless networks, radio frequency (RF) engineers overlay hexagonal cells representing circles on a map creating a grid system. These hexagons or circles represent an area equal to the proposed base station coverage area. The center of the hexagon pinpoints the theoretical “perfect location” for a base station. These grid systems are maintained by each individual wireless provider’s engineering department, resulting in nine different grid systems in the City.

During the early 1980’s, the first generation of 800 MHz band cellular systems was launched nationwide. Similar to the deployment strategy for the landlines, the 800 MHz systems were first constructed in largely populated areas. Some networks in rural areas remain underdeveloped. Originally, the 800 MHz band only supported an analog radio signal. Customers using a cell phone knew when they traveled outside of the service area because a static sound on the phone similar to the sound of a weak AM or FM radio station was heard through the handset. Later technological advancements allow 800 MHz systems to also support digital customers, providing the wireless service providers an increased number of transmissions per site.

The 1990’s marked the deployment of the 1900 MHz band Personal Communication Systems (PCS). This second generation of wireless technology primarily supports a digital signal, which audibly can be clearer than the analog signal, but this comes with additional trade-offs. The technology of 2G includes a static free signal, and although with a higher rate of disconnects or dropped calls, it does allow for more expanded services such as paging devices, and the ability to send text messaging through the handset unit. Deployment of 2G also targeted largely populated areas with secondary services to much of rural America resulting in limited or no PCS coverage.

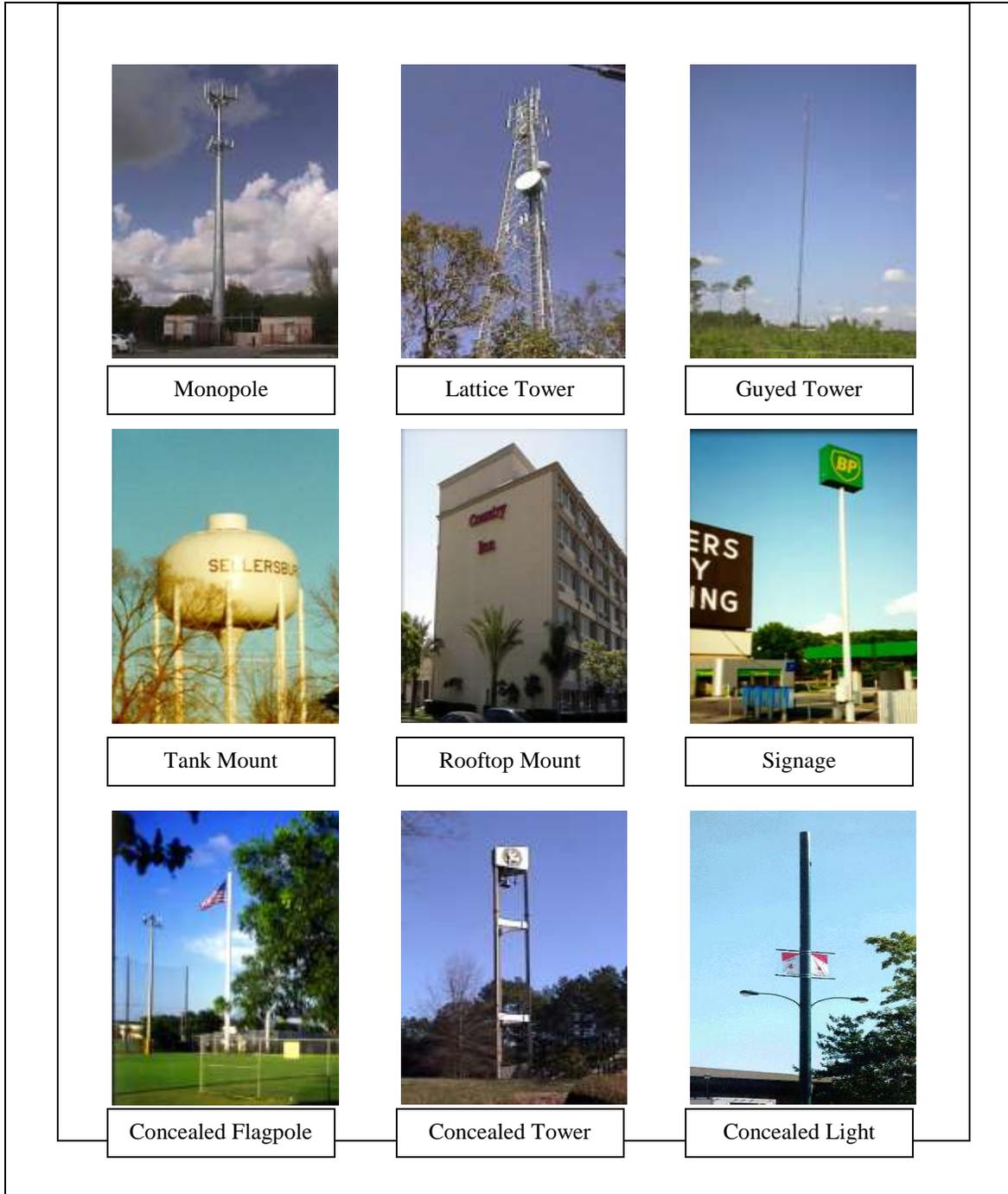
In addition to 800 MHz cellular services and 1900 MHz PCS services, there are additional wireless providers utilizing services in the 800 MHz and 900 MHz frequency range. This service is called Enhanced Specialized Mobile Radio (ESMR). The largest ESMR band provider is Nextel Communications. All three of these “telephone” operations (800, 900 and 1900 MHz) are specifically covered, along with some other services, in the Telecommunications Act of 1996.

## **Wireless infrastructure**

Wireless communication facilities are comprised of four main apparatuses: 1) an antenna support structure; 2) antenna or antenna array; 3) feed lines; and 4) an electronic base station.

*Support structures for the antenna*

A variety of structures can be used for mounting the antenna(s) such as towers, buildings, water tanks, existing 911 tower facilities, tall signage and light poles; provided that, 1) the structure is structurally capable of supporting the antenna and the feed lines; and, 2) there is sufficient ground space to accommodate the base station and accessory equipment used in operating the network. Antenna support structures can also be concealed in some circumstances to visually blend-in with the surrounding area. Figure 1 provides examples of several antenna support structures. The flagpole and light standard are concealed towers. The antennas are flush-mounted onto a monopole and a fiberglass cylinder is fitted over the antenna concealing them from view. The bell tower is a concealed lattice tower. The antennas are hidden above the bells and behind the artwork at the top of the structure.



**Figure 1: Examples of Antenna Support Structures**

*Antennas and antenna arrays for wireless telecommunications*

Antennas can be a receiving and/or transmitting facility. Examples and purposes of antennas include: a single omni-directional (whip) antenna or grouped sectorized (also known as panel antennas). These antennas are used to transmit and/or receive two-way radio, Enhanced

Specialize Mobile Radio (ESMR), cellular, Personal Communications Service (PCS), or Specialized Mobile Radio (SMR) signals. The single sectionalized or sectionalized panel antenna array is also used for transmitting and receiving cellular, PCS or ESMR wireless telecommunication signals.

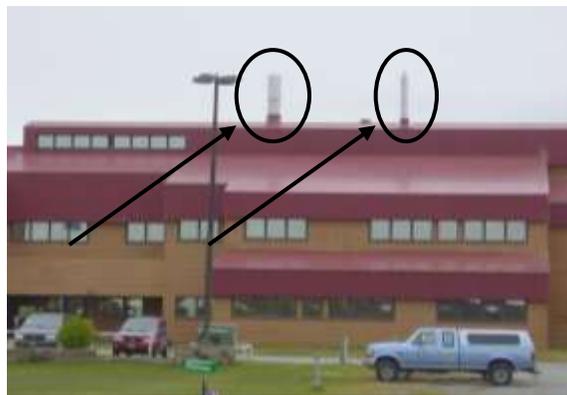


Omni-Directional  
Whip Type Antenna



Sectorized (panel)  
Antenna Array

The antenna can also be concealed. Concealment techniques include: faux dormers; faux chimneys or elevator shafts encasing the antenna feed lines and/or equipment cabinet; and painted antenna and feed lines to match the color of a building or structure. A concealed attached facility is not readily identifiable as a wireless communications facility (WCF). Examples are shown in the pictures below and on the following page. Concealed antennas are indicated with black arrows.





*Feed lines and electronic base stations*

Feed lines are the coaxial copper cables used as the interconnecting media between the transmission/receiving base station and the antenna.

Base stations are the wireless service provider's specific electronic equipment used to transmit and receive radio signals, and is usually mounted within a facility including, but not limited to: cabinets, shelters, pedestals or other similar enclosures generally used to contain electronic equipment for said purpose. The base station shown in Figure 2 is a typical model for providers operating in the 1900 MHz frequencies.



**Figure 2: Wireless Infrastructure Ground Equipment**

The electronics housed within the base station can generate substantial heat, especially the equipment used for operating the 800 MHz wireless systems. Therefore the base stations for providers operating in the 800 MHz frequencies are much larger and generally need an equipment cabinet a minimum of 400 square feet to house the equipment. Figure 3 shows an 800 MHz base station at a tower just outside the Fluvanna County boundary.



**Figure 3: Example of 800 MHz Base Station**

While the 800 MHz base stations can generate sufficient heat, they do not generate noise. The only noise that might be produced from the vicinity of any base station would be from an air conditioner or a backup generator which might be necessary in instances of no power or power failure.

### **Colocation**

Colocation is the practice of installing and operating multiple wireless service providers, and/or radio common carrier licensees on the same antenna support structure or attached telecommunication facility. Each service provider uses separate antenna(s), feed lines, and radio frequency generating equipment and each different service provider is called a tenant. Colocation on towers, water tanks, and rooftops are not limited to wireless service providers. Other tenants include paging and dispatch services, wireless internet, emergency services, government agencies, and broadcast. Towers designed for colocation must be structurally designed to accommodate the weight bearing loads of the multiple tenants. Figure 4 illustrates how towers can be utilized for colocation purposes. The tower on the left is a broadcast facility and has multiple broadcast and non-broadcast tenants. The tower on the right has four wireless

communication tenants on that facility. Generally taller towers can accommodate multiple different types of wireless and/or broadcast communication tenants.

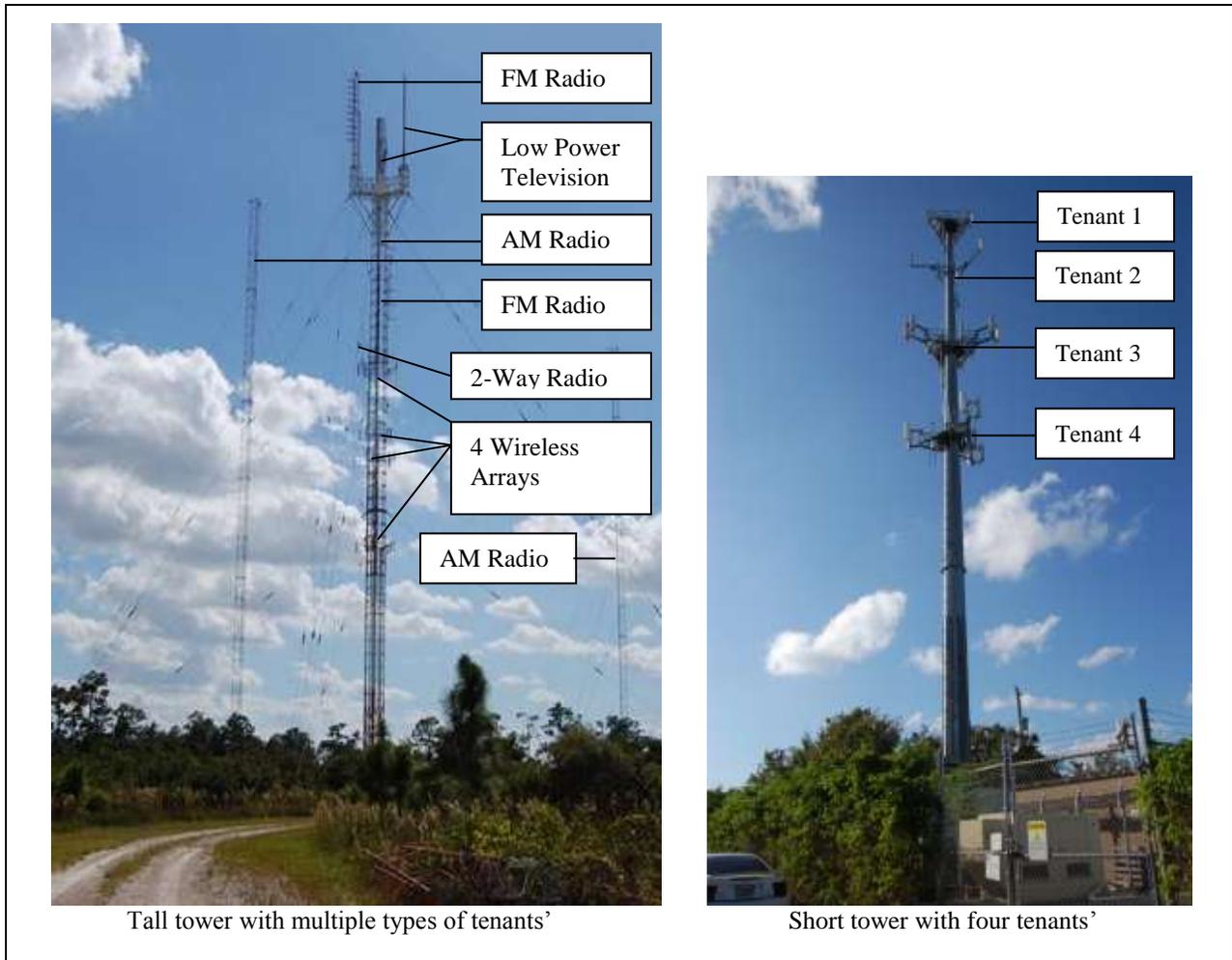


Figure 4: Colocation Examples

### Wireless coverage and antenna mounting elevation considerations

The radio frequency of the wireless network system, height of the antenna and the location of the infrastructure are all important components to a complete network plan. One set of elevated antenna arrays does not provide service to a geographic area independently of other nearby elevated antennas, rather, each set of antenna arrays work in unison to provide complete wireless coverage. Complete coverage is only attained when the radio signal from one base station antenna array successfully transfers or hands-off the radio signal to another base station antenna array without causing an interruption in service. Successful network handoff is only possible when the geographic coverage areas from individual antenna arrays properly overlap and when the base station has available capacity. Geographic areas with good site handoff and available capacity will have good wireless coverage and generally uninterrupted services.

In wireless system evolution, a wireless provider initially built fewer base stations with relatively tall antenna support structures to maximize the network coverage footprint. These initial 1G 800 and 1900 MHz systems sought to broadcast coverage to large geographic areas utilizing minimal infrastructure. Typically, these tall towers were spaced four to eight miles apart.

By nature, the 1900 MHz frequency band is higher frequency than the 800 MHz band and cannot transmit nor receive a signal at an equal distance to the 800 megahertz band. For equivalent coverage, these 1900 MHz base stations must be closer together. The mounting height of the antenna for 2G was not as critical as 1G, and these towers were shorter.

Taller structures (towers, rooftops, and water tanks) may offer more opportunity for colocation, which could theoretically decrease the number of additional towers and antennas required in an area, but capacity issues could circumvent any advantage of taller towers. The extent to which height may increase colocation opportunities must be verified by an RF engineering review on a case-by-case basis. In geographic areas where there is a larger wireless phone subscriber base or terrain variations, build-out plans may require lower antenna mounting elevations, especially in densely populated areas. Antennas mounted at higher elevations on the antenna support facility are typically indicative of wireless deployment patterns in rural areas. Excessive subscriber demand, terrain concerns, and/or the build-out plans for some areas may require very low antenna location heights, especially in densely populated areas. Antennas located at a higher elevation on a facility are more desirable for some terrains and in some rural areas, but in many densely populated urban areas the wireless providers seek to limit the antenna height.

In rural areas where initial coverage networks are incomplete, taller towers may still be more desirable to complete initial cover objectives. In more densely populated cities the antenna mounting elevations are lowering to address network capacity.

## **Network capacity**

The number of base station sites in a grid network not only determines the limits of geographic coverage, but the number of subscribers (customers) the system can support at any given time. Each provider is different but a single carrier can process, or turn over approximately 1000 calls per minute, yet at any particular time only between 100 and 150 calls can occur simultaneously. This process is referred to as network capacity. As population, tourists and local wireless customers increase, excessive demand is put on the existing system's network capacity. When the network capacity reaches its limit, a customer will frequently hear a rapid busy signal, or get a message indicating all circuits are busy, or commonly a call goes directly to voicemail without the phone ring on the receiving end of the call.

As the wireless network reaches design network capacity, it causes the service area to shrink, further complicating coverage objectives. Network capacity can be increased several ways. The service provider can shift channels from an adjacent site, or the provider can add additional base stations with additional infrastructure.

A capacity base station has provisions for additional calling resources that enhance the network's ability to serve more wireless phone customers within a specific geographic area as its primary objective. An assumption behind the capacity base station concept is that an area already has plenty of radio signals from existing coverage base stations, and the signals are clear. But there are too many calls being sent through the existing base stations resulting in capacity blockages at the base stations and leading to no service indications for subscribers when attempting to place a call.

### **Wireless infrastructure and local zoning**

The location of base station antennas used for transmitting and receiving radio signals and wireless data is critical in attaining an optimal functioning wireless telecommunications network. With the deployment of first generation wireless (1G), there were only two competing wireless cellular (800 MHz) providers. But with the deployment of 2G, and six competing PCS (1900 MHz) providers, the wireless marketplace became furiously competitive. "Speed to market" and "location, location, location" became the slogans for the competing 1G and 2G providers. The concept of colocation or sharing base stations was not part of the strategy as each provider sought to have the fastest deployment, so as to develop the largest customer base, resulting in a quick return on their cost of deployment. This resulted in an extraneous amount of new tower construction without the benefit of local land use management.

Coincidentally, as local governments began to adopt development standards for the wireless communications industry, the industry strategy changed again. The cost associated with each provider developing an autonomous inventory of base stations put a financial strain on their ability to deploy their networks. As a result, most of the wireless providers divested their internal real estate departments and tower inventories. This change gave birth to a new industry of vertical real estate; and it includes a consortium of tower builders, tower owners, site acquisition and site management firms.

No longer was a tower being built for an individual wireless service provider, but for a multitude of potential new tenants who would share the facility without the individual cost of building, owning and maintaining the facility. Sharing antenna space on the tower between wireless providers is called colocation.

This industry change could have benefited local governments who adopted new tower ordinances requiring colocation as a way to reduce the number of new towers. But, *initially* it did not; because the vertical real estate business model for new towers is founded on tall tower structures intended to support as many wireless providers and other wireless services as possible. As a result, local landscapes became dotted with all types of towers and communities began to adopt regulations to prohibit or have the effect of prohibiting wireless communication towers within their jurisdictional boundaries.

Wireless deployment came to a halt in many geographical areas as all involved in wireless deployment became equally frustrated with the situation. Second generation wireless providers had paid a large sum of money for the rights to provide wireless services, the license agreements between the wireless providers and the FCC mandated the networks be deployed within a

specific time period and local government agencies were prohibiting the deployments through new zoning standards.

This perplexing situation prompted the adoption of Section 704 of the Federal Telecommunication Act of 1996.

### **Federal Telecommunications Act of 1996**

Section 704 of the Federal Telecommunications Act of 1996 provides local governments zoning authority over the deployment of wireless telecommunication facilities subject to several specific guidelines.

First, land use development standards may not unreasonably discriminate among the wireless providers, and may not prohibit or have the effect of prohibiting the deployment of wireless infrastructure. For example, some communities adopted development standards restricting the distance between towers to three miles. In some geographic locations with sparse populations this may have been adequate for 1G deployment; however the Laws of Physics make it impossible for 2G wireless deployments to meet this spacing requirement. Unknowingly some communities inadvertently prohibited the deployment of 2G.

Second, local governments must act on applications for new wireless infrastructure within a “reasonable” amount of time. If a community adopts a moratorium on new wireless deployment, it must be for a limited amount of time, and the community must demonstrate a “good-faith” effort to resolve outstanding issues during the moratorium time period.

Third, land use policies may be adopted to promote the location of telecommunications facilities in certain designated areas; and the Telecommunications Act encourages the use of third party professional review of site applications.

Fourth, local government cannot deny an application for a new wireless facility or the expansion of an existing facility on the grounds that radio frequency emissions are harmful to the environment or to human health (provided Federal standards are met by the wireless provider).

### **Exposure to radio frequency emissions**

The Federal Communications Commission has rules for human exposure to electromagnetic radiation. Electromagnetic radiation should not be confused with ionizing radiation.

Ionizing radiation has sufficient energy to remove electrons from atoms and cause changes to the molecular structure. This type of radiation can be found from many sources, including health care facilities, research institutions, nuclear reactors and their support facilities, nuclear weapon production facilities, and other various manufacturing settings, just to name a few. Some high-voltage beam-control devices, such as high-power transmitter tubes can emit ionizing radiation, but this is usually contained within the transmitter tube itself. Overexposure to ionizing radiation can have serious effects, including cancers, birth deformities and mental illness.

Electromagnetic radiation is non-ionizing radiation, which ranges from extremely low frequency (ELF) radiation to ultraviolet light. Some typical sources of non-ionizing radiation include lasers, radio antennae, microwave ovens, and video display terminals (VDT). However, any electrical appliance or electrical wiring itself emits ELF radiation. Cellular and PCS installations must confirm Federal compliance with published standards on RF exposure levels.

Radio frequency radiation attenuates very rapidly with distance from a wireless services antenna, and most wireless sites not accompanying broadcast facilities will easily comply.

The RF exposure rules adopted by the FCC are based on the potential for RF to heat human tissue. Basically, the level at which human tissue heating occurs has been studied, and rules are set such that humans are not to be exposed anywhere near the level that can cause measurable heating. Cellular telephones and their supporting equipment have now been in use worldwide for nearly 30 years. During that period there has not been a single documented health issue to be traced to this industry.

There have been extensive long-term studies and at best they are inconclusive as to any harmful effects. Debate continues and may never be concluded on whether or not there might be biological effects associated with “non-thermal” causes, such as magnetic fields. Based on these findings the Federal Government has maintained jurisdiction on such issues. The FCC publication, “A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance” is included as Appendix A.

In addition to the RF study and interpretation by the FCC, the World Health Organization (WHO) has conducted a study on RF and written a brief that details their findings that is published in an article dated May 2006, entitled, “Electromagnetic fields and public health; Base Stations and wireless technologies.” The conclusion states, “Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.” The WHO Fact Sheet is provided as Appendix B.

### **Third Generation and future wireless generations**

At the onset of this millennium economists and telecommunication forecasters debated the actuality of third, fourth and fifth generations of wireless coming to fruition in the United States. Skepticism that customers would have little demand for the emerging wireless services appeared in articles and newsrooms, while others recognized the infrastructure in the United States was significantly behind schedule as compared to European and Asian deployments. Predictions were that consumers would demand the 3G products once network upgrades were completed. Third generation upgrades to 800 MHz and 1900 MHz infrastructure has been accomplished primarily through software improvements at existing base stations. Third generation has come to fruition and wireless handsets are 3G compatible. Third generation handsets feature text messaging which is similar to e-mail. The messages are usually direct phrases with minimal words. Wireless customers can send text messages through the wireless handset and the message

can be delivered anywhere at any time. Text messaging can operate on 700, 800, 900, 1900, and 2100 MHz networks.

Handsets for future 4G will not be limited to voice and short data text messaging capabilities. Most handsets will include banking, video streaming, and access to cable television. 4G is scheduled to launch in urban markets in 2013.

### **Satellite technologies**

Satellite growth has surpassed the highest expectations of only a few years ago. The reason is simple; cost. Previously, relaying information, data, and other related materials were cumbersome and required many relay stations in very specific locations and relatively close together. Initially, satellite use was expensive because of the rarity and limited amount of available airtime needed. Satellite airtime has become more affordable with the deployment of additional satellites and advanced technologies which allow more usage of the same amount of bandwidth. Competition always holds down cost, and that is what has occurred. In addition, satellite services are in the early stages of designing more localized networks; contributing to the already rapid growth.

Satellite technology has its limitations, which are all based on the Laws of Physics. Some licensee's of satellite services such as XM Radio, Sirius Radio and satellite telephone services petitioned the FCC and has been allowed additional deployment of land-based supplemental transmission relay stations for the ability to compete more aggressively with existing ground base services, and overcome obstacles typical to satellite technology. Subscribers found the delay in talk times unacceptable along with fade and signal dropout. The FCC is looking favorably upon this request, even though the existing land-based services are strongly objecting for various reasons. Both XM Radio and Sirius Radio were successful in obtaining ground base supplemental transmitters, and is rapidly becoming one of the largest users of ground base transmitters. This will place more demands on governmental agencies as another service begins to construct a land-based infrastructure.

### **Enhanced Specialized Mobile Radio**

Enhanced Specialized Mobile Radio (ESMR) systems operate similar to standard cellular type communications; in addition they can easily operate like a two way radio system (similar to walkie-talkies) whereby two or more handsets are linked together by repeaters. Digital networks offer voice, data, messaging, and dispatch on one handheld unit similar to most wireless handsets. The technology used for ESMR networks has been problematic to adjacent frequency channels used by other service providers through no fault of the service provider in most situations. In order to reduce any potential for future interference issues, ESMR network operators successfully petitioned the FCC to shift frequencies from the 800 MHz and 900 MHz band to the 2500 MHz band. The reallocation from 800 MHz to 900 MHz is still in transition. Once again this frequency shift will cause the need for additional support structures and create additional impacts to local governments.

The FCC announced it would permit the phasing out of analog compatibility requirements for cellular phones. This project was to be completed by the end of year 2008. The FCC's action still allows providers the option to continue analog services as needed to meet customer needs. According to the International Association for the Wireless Telecommunications Industry (CTIA) about 85 percent of all wireless subscribers are presently using digital technology, and wireless users generally replace their phones every eighteen months. Thus, the analog system will be phased out eventually and the remaining analog users will migrate to digital, which also has the added benefit of increasing cell site capacity, as a single analog channel can be converted to multiple digital channels.

Third, fourth and fifth generations of wireless deployment will bring the next phases of wireless technology and place great demands on network capacity. With voice, text, digital music, digital video, GPS and data all competing for spectrum space, providers will need to maximize their spectrum allocations by creating more compact base station facilities at closer intervals.

### **700 MHz**

The decision by the FCC to convert the United States television systems to digital or High Definition only service, created a new Table of Allotments. The first phase of the transition was the elimination of TV channels 51 and above. These TV channels operated from 700 MHz to 806 MHz. By the late 1990's most of the TV channels on 51 and above were migrated to lower channels. The FCC found benefits of making additional spectrum available. Initially the spectrum was to go to public safety; however lobbyist successfully convinced the FCC and Congress to divert most of the new spectrum to the wireless industry. There have already been assignments to the 700 MHz band and in some locations new facilities are in service.

## Chapter 2 Wireless Technical Issues

### Brief Overview

Cellular and PCS wireless providers attain service coverage through a network of ground equipment base stations and elevated antennas located on towers, water tanks, buildings or other similar elevated structures. As explained in Chapter 1, the height and location of the elevated antenna platform on the elevated structure is critical to two aspects of radio frequency engineering, coverage and capacity. Generally, the higher the antenna is mounted on the support structure, the larger the geographic area that will be served by the wireless signal. Base stations located in geographic areas where wireless subscribers are significant and the usage of airtime minutes is higher, operate at maximum capacity, and on some occasions are over-capacity, causing busy signals and direct-to-message incoming calls for many subscribers. To help remedy this situation, smaller antenna configurations and/or the antenna are mounted at lower elevations than would be necessary for coverage. This is defined as “capacity” planning.

As demonstrated in Figure 5, base station network design is founded on the principles of a grid system that is maintained by each wireless provider’s engineering department. The hexagonal cells on the grid represent the radius equal to the proposed cells’ coverage area. Common points of adjoining hexagons pinpoint the theoretical perfect location for a prospective new base station. For these reasons, deviation from these specified locations can significantly affect the wireless provider’s deployment network.

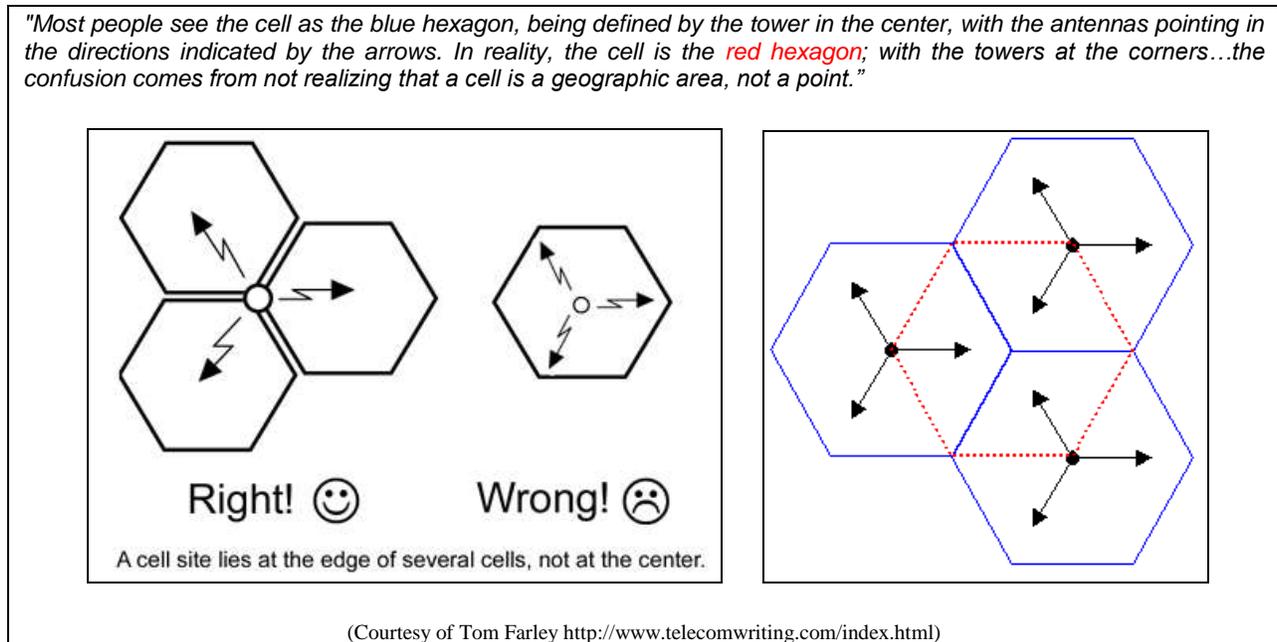


Figure 5: Network Grid

**Search area within proposed coverage areas**

The search area for new wireless infrastructure is ideally specified in a document provided to site search consultants in pursuit of a lease for property on which to place their facilities, whether a new tower, a rooftop or some other existing structure that could accommodate wireless antennas. From an engineering perspective, any location within the proposed search area is considered to be acceptable for the provider, with certain considerations based on terrain and sometimes population balance.

**Search Area Radii**

Search areas for the 800 MHz (cellular and ESMR) frequencies and 1900 MHz (PCS) frequencies are computed in the Tables 1 and 2. The tables utilize the “Okumura-Hata” propagation path loss formula for 800 MHz, and the “COST-231” formula for 1900 MHz. Maximum coverage radii for typical in-vehicle coverage is calculated for various tower heights, and is de-rated by 20 percent to account for a reasonable handoff zone, then divided by four to obtain a search area radius for each tower height. Thus, for an 800 MHz antenna mounted at the 100-foot elevation, the search area would have a radius of 0.72 miles, and 0.36 miles for 1900 MHz, again sometimes more restrictive due to terrain. Okumura-Hata and COST 231 coverage predications are illustrated in circular patterns to demonstrate the hand-off areas between the antenna(s) mounted on various towers within designated geographic study areas.

Okumura-Hata Coverage Predictions

<b>Antenna mounting height</b>	50'	80'	100'	115'	150'	180'
<b>Radius, miles</b>	2.53	3.20	3.60	3.88	3.91	4.40
<b>Allow for handoff</b>	2.03	2.56	2.88	3.10	3.60	4.00
<b>Search area, miles</b>	0.51	0.64	0.72	0.78	0.90	1.00

**Table 1: Okumura-Hata Coverage Predictions for 800 MHz**

COST 231 Coverage Predictions

<b>Antenna mounting height</b>	50'	80'	100'	115'	150'	180'
<b>Radius, miles</b>	1.33	1.64	1.82	1.95	2.32	2.45
<b>Allow for handoff</b>	1.07	1.31	1.46	1.56	1.79	1.96
<b>Search area, miles</b>	0.27	0.33	0.36	0.39	0.45	0.49

**Table 2: COST 231 Coverage Predictions for 1900 MHz**

Wireless telephone search areas are usually circles of approximately one-quarter the radius of the proposed cell. In practice it is fairly simple to determine whether the search area radius is

reasonable. The distance from the closest existing site is determined, halved, and a handoff overlap of about 20 percent is added. One fourth of this distance is the search area radius.

### *Global System for Mobile Communications*

Wireless providers are presently deploying new technology equipment in the United States to support data services over the wireless interface. One example of this type of deployment has been a Global System for Mobile Communications (GSM) overlay on top of existing facilities, in recognition of GSM's data-handling capability. GSM is a digital cellular technology that is open and can transmit voice and data. GSM differs from older technology because the system divides each channel into eight time-slots which allow the same phone to be used around the world. Using a GSM phone provides the user access to the same services on the phone whether in the United States or Europe or anywhere else there is a signal. This allows use of the same telephone number and same access in the user's hometown and in more than 200 hundred countries. This is important because a GSM world cell phone gives the user the ability to have only one phone to travel around the world. The cell phone user does not have to worry about changing SIM cards and other elements of the phone or the dreaded necessity of carrying a second cell phone. For the vast majority of travelers, these cell phones will be the only cell phone needed.

In certain cases, the GSM overlay is on 1900 MHz, where signals only cover about half the distance of the existing system, implying more wireless facility locations will be required to meet coverage and network capacity objectives.

Some service providers are now evolving into Universal Mobile Telecommunications Systems (UMTS) networks. Third generation (3G) networks use HSDPA/UMTS (High Speed Downlink Packet Access/Universal Mobile Telecommunications System) technology. The 3G network is also based on the GSM standard, the most widely used technology in the world. More than 2.7 billion people use wireless devices powered by GSM, representing more than ninety percent of the world's wireless users.

Subscribers who use a GSM phone can take their device with them when they travel abroad and can benefit from worldwide access through the GSM standard, and have the ability to browse the web and perform other data functions in more than 135 countries, and they can make a phone call in more than 190 countries and territories.

The 3G network also provides the simultaneous delivery of voice and data, a capability not offered by all wireless providers. One example of a 3G service is Video Share, which enables users to share live video over wireless phones while carrying on a voice call; providing a new way to share personal moments and key events beyond the capabilities of voice and text. Users can allow others to "see what I see, when I see it."

Among several other benefits, the simultaneous data and voice capability allows customers to participate on a conference call from their 3G device while they download a presentation or access the Internet.

## Chapter 3 Engineering Analysis

### Plan design process

This chapter of the Master Plan evaluates wireless coverage for the County, and is accomplished by:

- Designing an engineered search radii template and applying it over the jurisdictional boundary of the County to evaluate theoretical build-out conditions.
- Researching the inventory of existing antenna locations on support structures and buildings and evaluating the possible 800 MHz and 1900 MHz coverage from those sites.
- Forecasting future infrastructure needs based on the status of the existing deployments and population trends.

### Basic coverage predictions and wireless coverage handoff

CityScape provides a series of maps to help visualize the number of antenna locations that would be necessary to provide wireless communications coverage County-wide. To accomplish this task, CityScape has created a series of root mean square (RMS) theoretical coverage and handoff maps by randomly selecting existing antenna locations throughout the County. This hypothetical network demonstrates the minimum number of base station locations required for one provider to provide complete coverage County-wide. In order to complete this analysis an antenna mounting elevation must be determined. The County's current zoning regulations encourage a maximum tower height of 125 feet. For this reason, 125 feet was chosen for the mounting elevation for the RMS theoretical maps.

Figure 6 illustrates that it requires about twenty towers centrally located County-wide to provide complete 800 MHz cellular coverage to the defined geographic study area. This site represents a theoretical build-out for antennas mounted at the 125-foot elevation at equal dispersion, in a perfect radio frequency environment, with no consideration of adjacent community wireless deployment for a single cellular provider *and excluding topographic and population variables*. The black dot within the circle indicates the antenna location. The smaller circle shown within the larger circle represents the limits of the search area for locating the tower. The twenty telecommunication facilities would theoretically provide wireless service coverage throughout the study area for one provider. This scenario does not address network capacity objectives.

Figure 7 illustrates it would take about sixty-one 1900 MHz telecommunication facilities locations to cover the same geographic area as in Figure 6. These 1900 MHz PCS sites represent a theoretical build-out of one antenna mounted at the 125-foot elevation at equal dispersion for one PCS provider; *with; with no consideration of terrain, demographic or network capacity variables*.

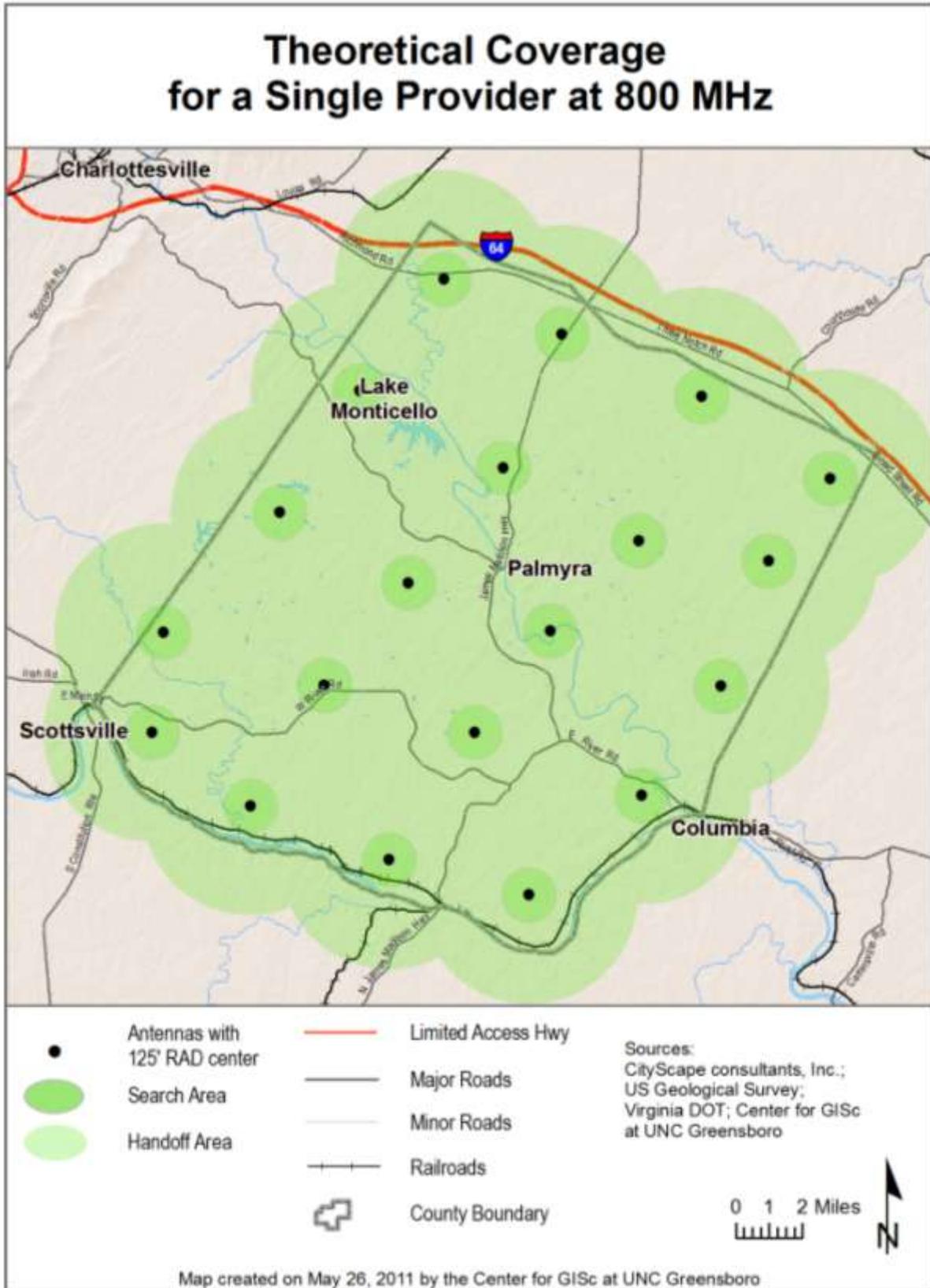


Figure 6: RMS 800 MHz Handoff and Search Areas at 125' Antenna Mounting Elevations

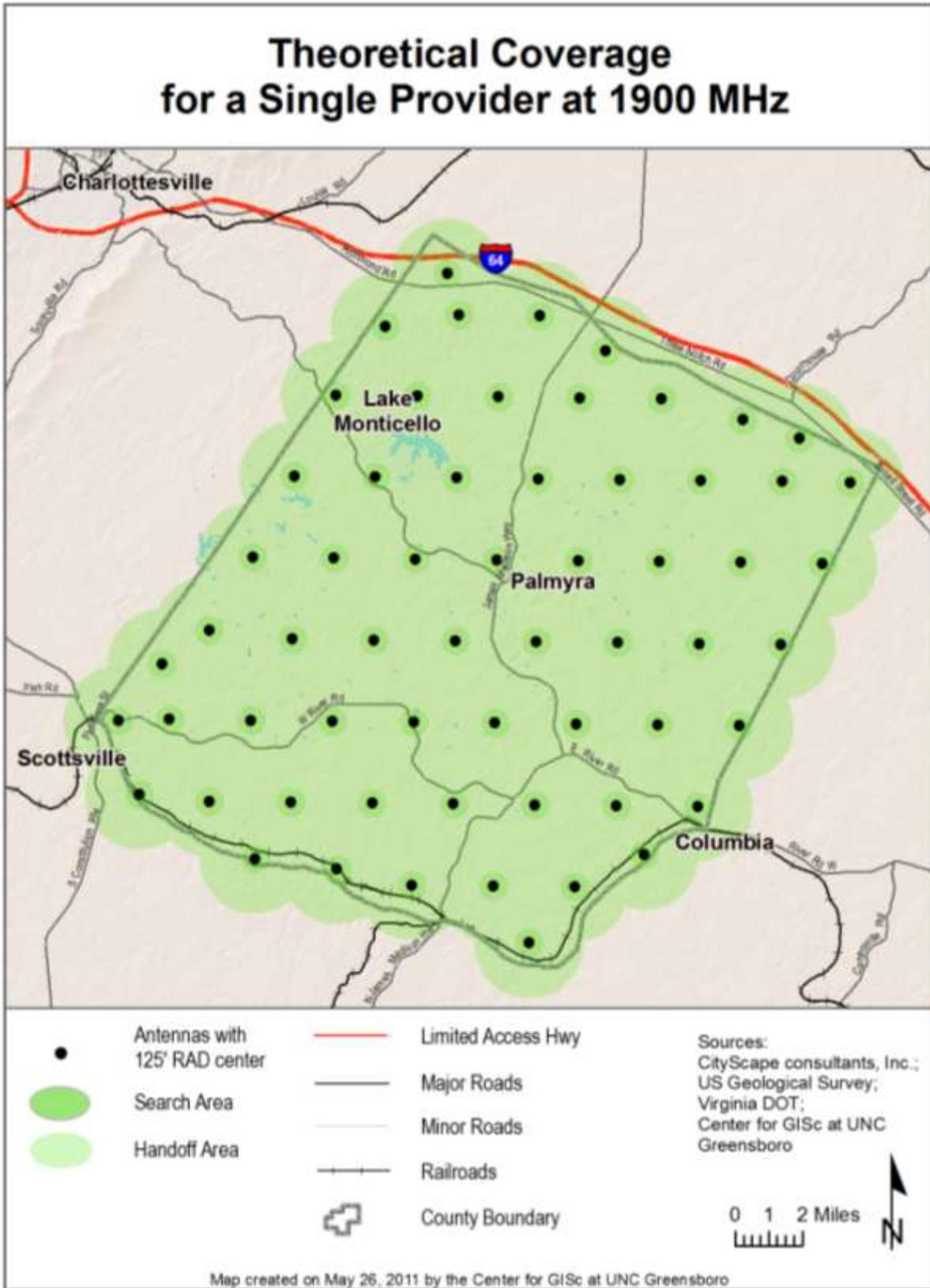


Figure 7: RMS 1900 MHz Handoff and Search Areas at 125' Antenna Mounting Elevations

## **Topographic variable on theoretical coverage**

In flat terrain and sparsely populated areas base station prediction is an easier art. The impact terrain has on a service area can be the most dramatic. Radio frequency propagation is line-of-sight technology. Line of sight works best with an unobstructed path between the base station and the handset. There are some variations of this principle. The analogy of a light bulb works well to explain how a wireless signal gets from point A to point B.

In this manner communication signals perform very similar to light. The areas closest to the light are illuminated the brightest. Adding a lampshade over the light bulb dims the light. Walls, closed doors, and other opaque objects obscure the light. Similarly for best results in wireless communications there should be nothing in the transmission line of sight path between antenna point A and antenna point B, but that is usually impossible. Reflected or refracted signal will fill in some geographic areas but at a reduced power level.

Therefore, on flat terrain service areas with minimal vegetation, the coverage network from each antenna propagates in an even circular pattern. In areas with varying terrain conditions, the line of-sight coverage will be altered by higher and lower ground elevations. The County has considerable topographical variations which creates gaps in coverage in the RMS theoretical maps.

Using the same random grid locations identified in Figure 6 (RMS 800 MHz Handoff and Search Areas at 125' Antenna Elevations) and Figure 7 (RMS 1900 MHz Handoff and Search Areas at 125' Antenna Elevations); Figures 8 and 9 illustrate how wireless service coverage is affected when the topographic variable is added to the propagation formula. Areas in gray identify geographic areas with reduced or no coverage due to variations in terrain (ridgelines and valleys).



Figure 8: 800 MHz Handoff at 125' Antenna Mounting Elevations with Terrain

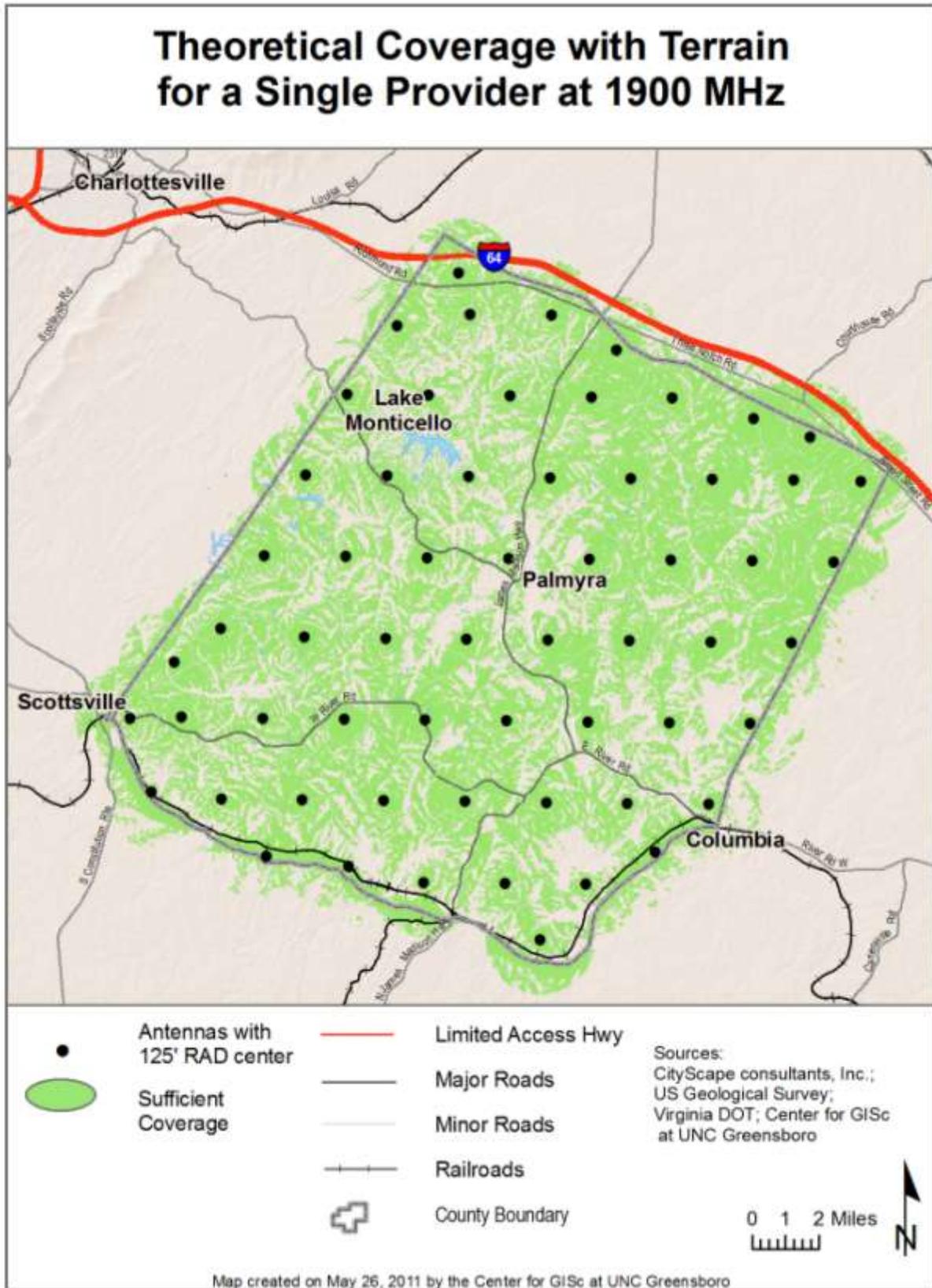


Figure 9: 1900 MHz Handoff with 125' Antenna Mounting Elevations with Terrain

## Signal strength on theoretical coverage

### *Signal strength*

The RMS theoretical maps to this point in the master plan illustrate general coverage area from identified sites. Propagation mapping is a process that illustrates the level of coverage from an individual antenna site. Signal strength, in this application, is a term used to describe the level of operability of a handheld portable phone. The stronger the signal between the elevated antenna and the handheld wireless phone, the more likely the phone and all the built-in features will work. A reduced signal decreases the opportunity for satisfactory service caused by dropped calls or failed calls on the wireless device. Distance between the wireless handset and the elevated antennas, in addition to existing obstructions such as topography, buildings, and the physical location of the person using the handset (indoors or outdoors) are variables that affect signal strength.

The level of propagation signal strength is shown through the gradation of colors from yellow to blue. The geographic areas in yellow identify superior signal strength; green equates to areas with average signal strength; shades of blue symbolize acceptable signal strength; and gray shades show marginal or no signal strength. Generally, the closer the proximity of the wireless device to the antenna equates to better quality wireless service and this is shown in shades of yellow. An increase in geographic distance between the handset and the antenna affects the quality of wireless service. Shades of green, blue, and gray shades indicate geographic service areas with good, marginal, sporadic, or no signal strength, respectively. Table 3 below provides further explanation of the color coding relative to propagation signals.

<b>Signal Strength Color</b>	<b>Signal Strength Title</b>	<b>Signal Strength Description</b>
Yellow	Superior	Signal strength strong enough to receive signal in many buildings
Green	Average	Signal strength strong enough to receive signal in a car, but not inside most buildings
Blue	Acceptable	Signal strength strong enough to receive signal outside for many handsets, but no expectation of receiving a signal in a car or building

**Table 3: Signal Strength**

### *Seasonal variables*

Radio frequency propagation is also affected by vegetative cover. For example, pine needles absorb radio frequency emissions which distort the propagation from the antenna. Leaf foliage has a similar effect on propagation. Geographic land areas predominately covered by deciduous vegetation will have improved network coverage in the winter when the leaves are off the trees.

Using the same random antenna locations identified in Figure 6 (RMS 800 MHz Handoff and Search Areas at 125' Antenna Elevations) and Figure 7 (RMS 1900 MHz Handoff and Search Areas at 125' Antenna Elevations); Figures 10 and 11 illustrate the various levels of signal coverage from the theoretical antenna locations including the foliage (clutter) variable. The areas in yellow identify geographic areas with superior signal strength; green equates to areas with average signal strength; shades of blue symbolize acceptable signal strength; and gray shades show marginal or no signal strength.

While the industry standards identify green and blue shades as “average” and “acceptable” coverage; customers tend to indicate otherwise. Most early twenty-first century wireless subscribers are demanding superior signal strength (yellow) in their residences, schools, offices, and places frequented for shopping and entertainment. As consumers continue the trend of terminating traditional land line phone services and using the wireless handset as the primary mode of communication, having signal strength inside buildings is paramount to meeting these expectations. The industries “average” and “acceptable” coverage variables do not meet customer demands and expectations. Figure 10 shows almost complete yellow/superior signal strength indicating very little need for additional infrastructure. Figure 11 also illustrates good signal coverage from the sixty-one theoretical 1900 MHz telecommunication facilities with the exception of the ridgelines and valleys. The geographic areas in gray have minimal or no network coverage.

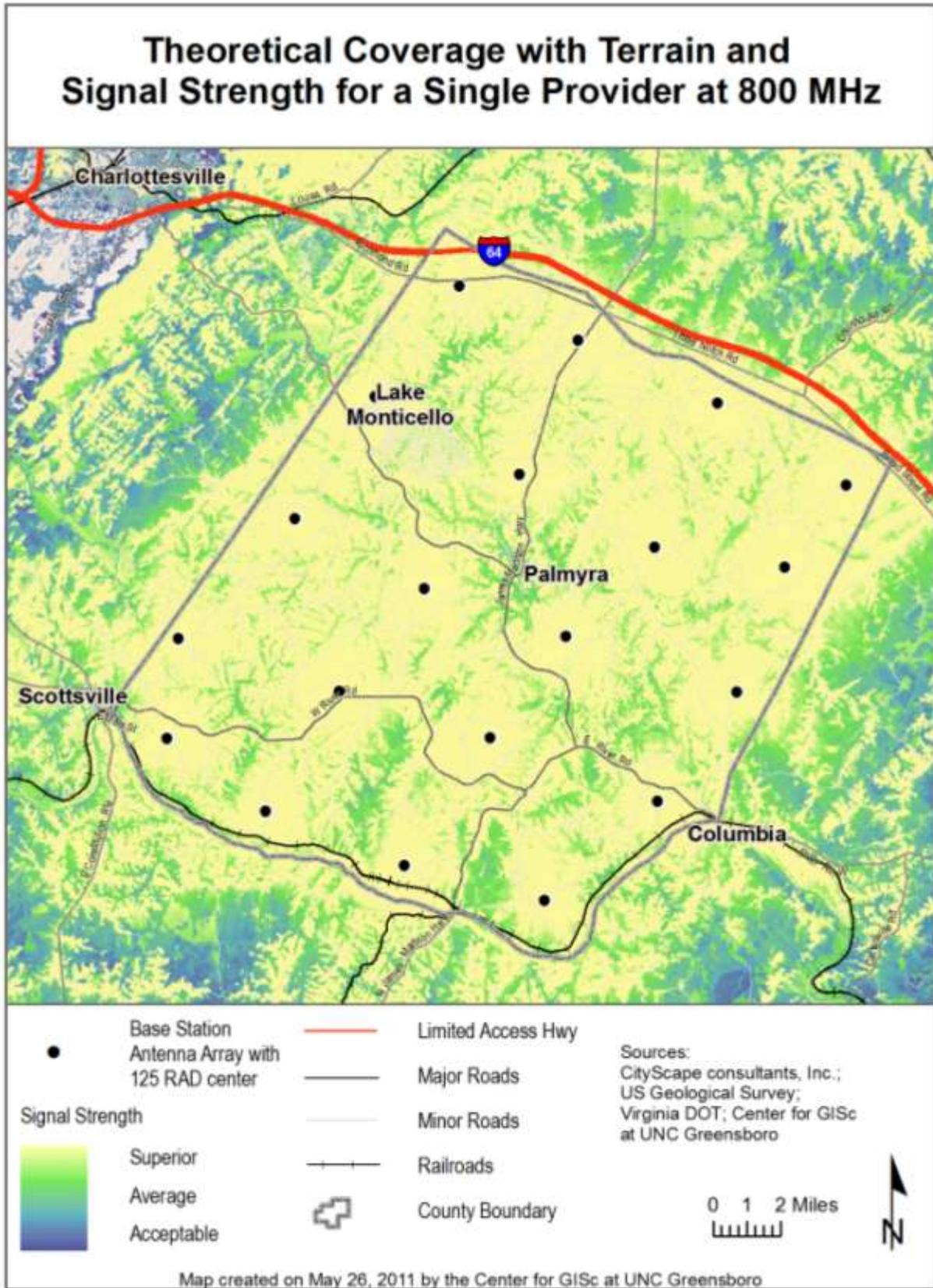


Figure 10: RMS Coverage and Signal Strength for a Single Theoretical 800 MHz Wireless Provider

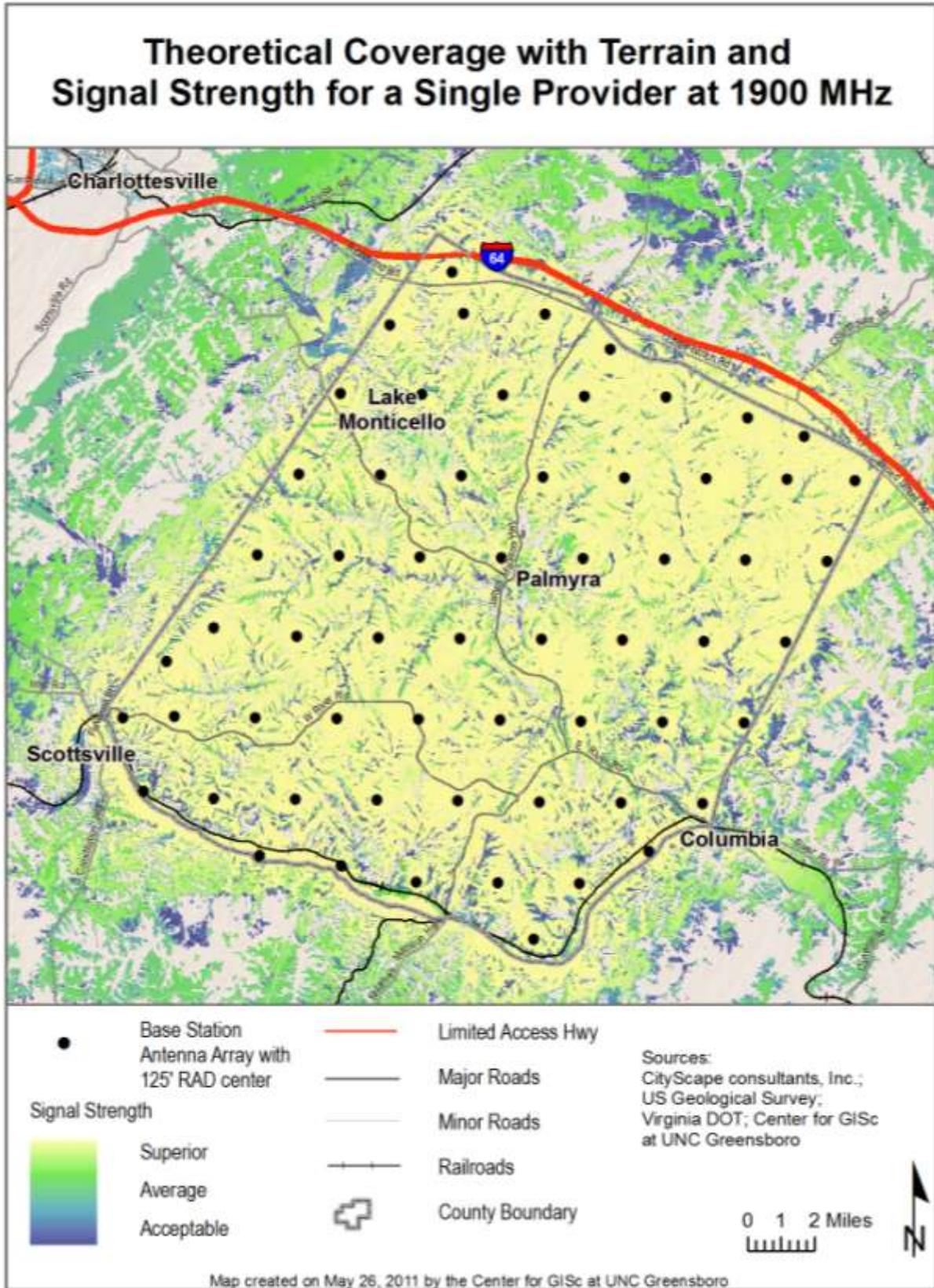
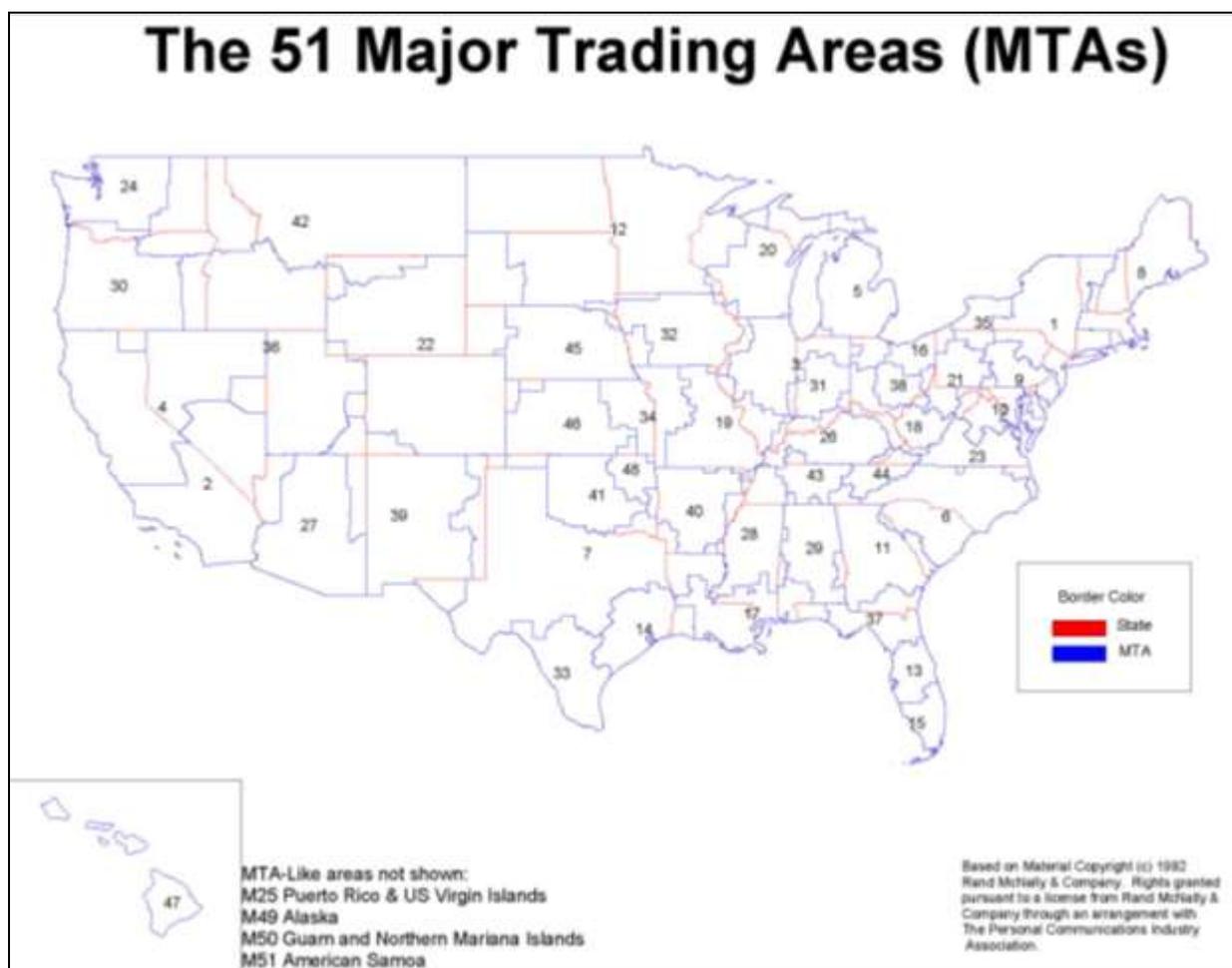


Figure 11: RMS Coverage and Signal Strength for a Single Theoretical 1900 MHz Wireless Provider

## Wireless industry stakeholders and infrastructure

Prior to the granting of the cellular licenses in 1980 for the first phase of deployment, the United States was divided into 51 regions by Rand McNally and Company. These regions are described as Metropolitan Trading Areas (MTA). The spectrum auction conducted by the Federal Government for the 1900 MHz bands for 2G (PCS), further divided the United States into 493 geographic areas called Basic Trading Areas (BTA). The County is located in the “Washington-Baltimore” MTA (a.k.a. MTA 10) and the “Charlottesville” BTA (a.k.a. BTA 75). The Metropolitan Trading Areas map and the Basic Trading Areas map are shown in Figures 12 and 13, respectively.



**Figure 12: Metropolitan Trading Areas**

URL: <http://wireless.fcc.gov/auctions/data/maps/mta.pdf>



**Figure 13: Basic Trading Areas**

<http://wireless.fcc.gov/auctions/data/maps/bta.pdf>

Presently throughout the County there are two providers licensed to operate in the blocks of cellular services allocated in the 800 MHz band: Alltel (recently purchased by Verizon), and US Cellular. There are six Personal Communications Services (PCS) licensed to operate in the 1900 MHz band: AT&T Wireless, Sprint Nextel, Ntelos (for Verizon), T-Mobile, Triton PCS, and Verizon Wireless. Per Section 704 of the Telecommunications Act of 1996, all seven service providers (Verizon, US Cellular, AT&T Wireless, Sprint Nextel, T-Mobile and Triton PCS) will require uninterrupted and continuous handoff service throughout the County. Additionally wireless broadband service providers Century Link and ClearCom have a few sites in the 2300 MHz frequency.

The recent transition to digital broadcasting (DTV) from the 700 MHz frequency has enabled the FCC to reassign the 700 MHz band for public safety radio communications and licensed wireless service providers. Public safety entities including police, fire, ambulance, rescue, and other emergency responders will use the spectrum to improve public safety networks. Licensed service providers and local and regional providers of wireless voice or data services will use 700 MHz to improve in-building network coverage. Qualcomm, Verizon Wireless, Echostar, Continuum 700, Pegasus Guard Band, LLC, US Cellular, AT&T, and Verizon Wireless are 700 MHz license owners in the Fluvanna trading areas.

### Existing antenna locations

The previous RMS and propagation maps have been based on theoretical antenna locations. Identifying the actual existing antenna locations creates the base map from which current wireless deployment trends and projected future deployments for the County are derived. The geographic study area includes the County’s jurisdictional boundary and a one-mile perimeter around the county limits. The initial database is developed from the County Department of Planning and Community Development, the FCC database, industry stakeholder’s databases, and field work. Currently there are forty-seven existing, proposed, or potential telecommunication facilities within the geographic study area. Table 4 provides a summary of the total number of sites assessed within the described study area and a detailed tally of infrastructure type, height, and ownership.

<b>13 Total Sites Within 1- Mile Perimeter of County</b>	<b>47 Total Number of Existing/Proposed or Possible Antenna Locations Identified within Study Area</b>	<b>34 Total Sites Within County</b>
0	Fire Tower	1
3	Guy Towers	3
3	Monopoles	21
5	Lattice	0
2	Water Tanks	3
unknown	Approved and Not Built	4
unknown	Pending Approval	2
<b>13</b>	<b>Total</b>	<b>34</b>
<b>Within 1- Mile Perimeter of County</b>	<b>Heights of Existing/Proposed or Possible Antenna Locations Identified within Study Area</b>	<b>Within County</b>
0	> 100' < 115'	5
1	> = 120' < = 130'	16
2	> = 130' < 150'	4
5	> = 190' < 199'	4
2	> = 200' < 350+'	1
2	unknown	5
<b>12</b>	<b>Total</b>	<b>35</b>
<b>Within 1- Mile Perimeter of County</b>	<b>Ownership of Existing/Proposed or Possible Antenna Locations Identified within Study Area</b>	<b>Within County</b>
0	Alltel (service provider)	3
2	American Tower Corporation (tower owner)	2
6	Crown Castle International (tower owner)	4
0	Fluvanna County (public)	6
0	Fluvanna County School Board (public)	5
0	SBA Towers II LLC (tower owner)	2
1	US Cellular (service provider)	3
0	Verizon (service provider)	3
2	Other (1 tower owner)	5
1	Unknown	2
<b>12</b>	<b>Total</b>	<b>35</b>

**Table 4: Summary of Identified Antenna Locations**

The forty-seven locations are mapped and identified in Figure 14. Antennas mounted on towers are symbolized with a black dot. The blue dots indicate water tanks available for attached antennas. The white dot represents the locations where new towers have been approved for new construction, and orange dots indicate locations where towers are proposed but not yet approved. Dots with red circles represent antennas used for emergency services.

Typically, wireless infrastructure deployment patterns (antenna and tower locations) parallel major thoroughfares, and this is characteristic of the deployment pattern to date in Fluvanna County.

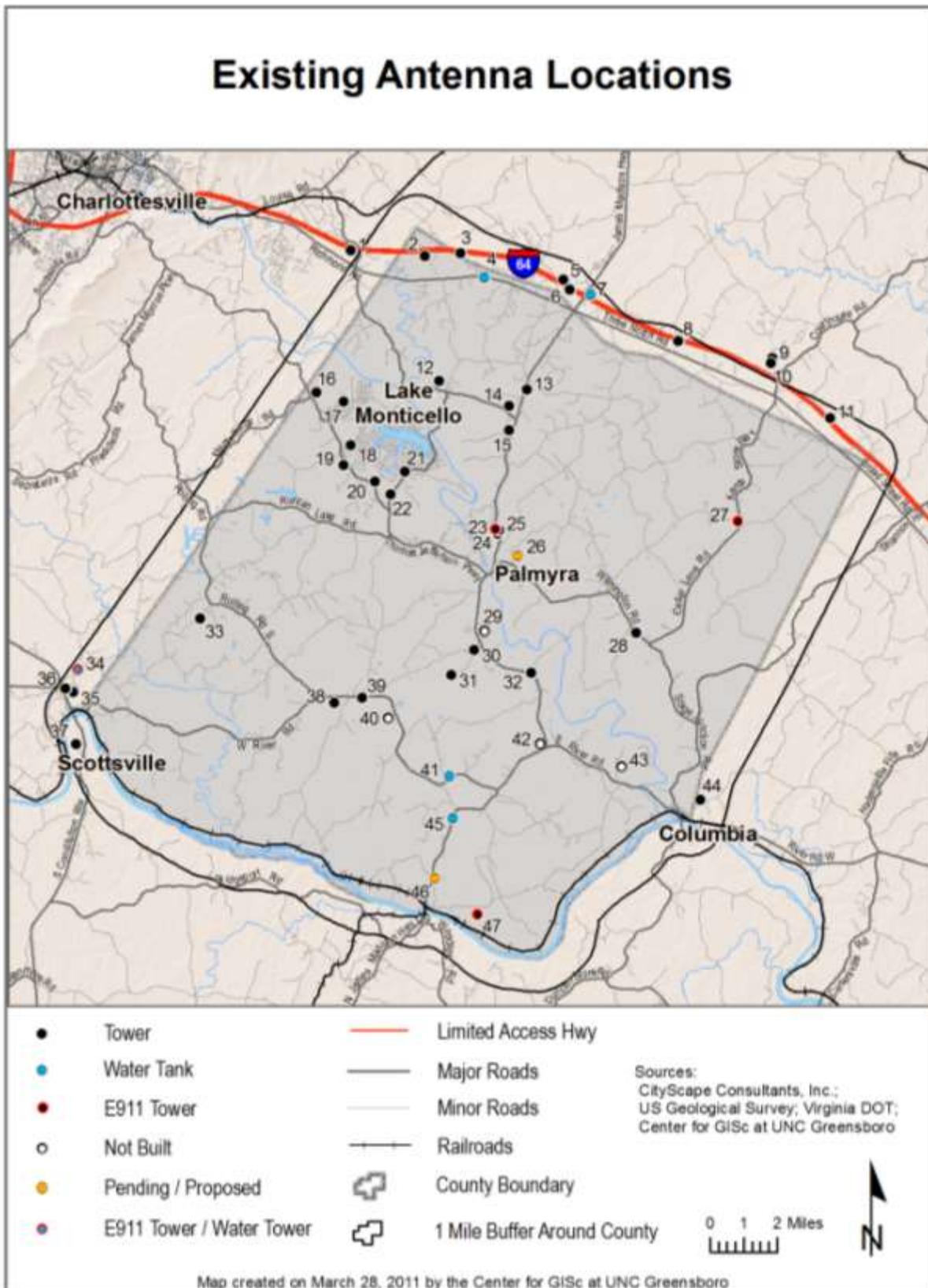


Figure 14: Existing Antenna Locations

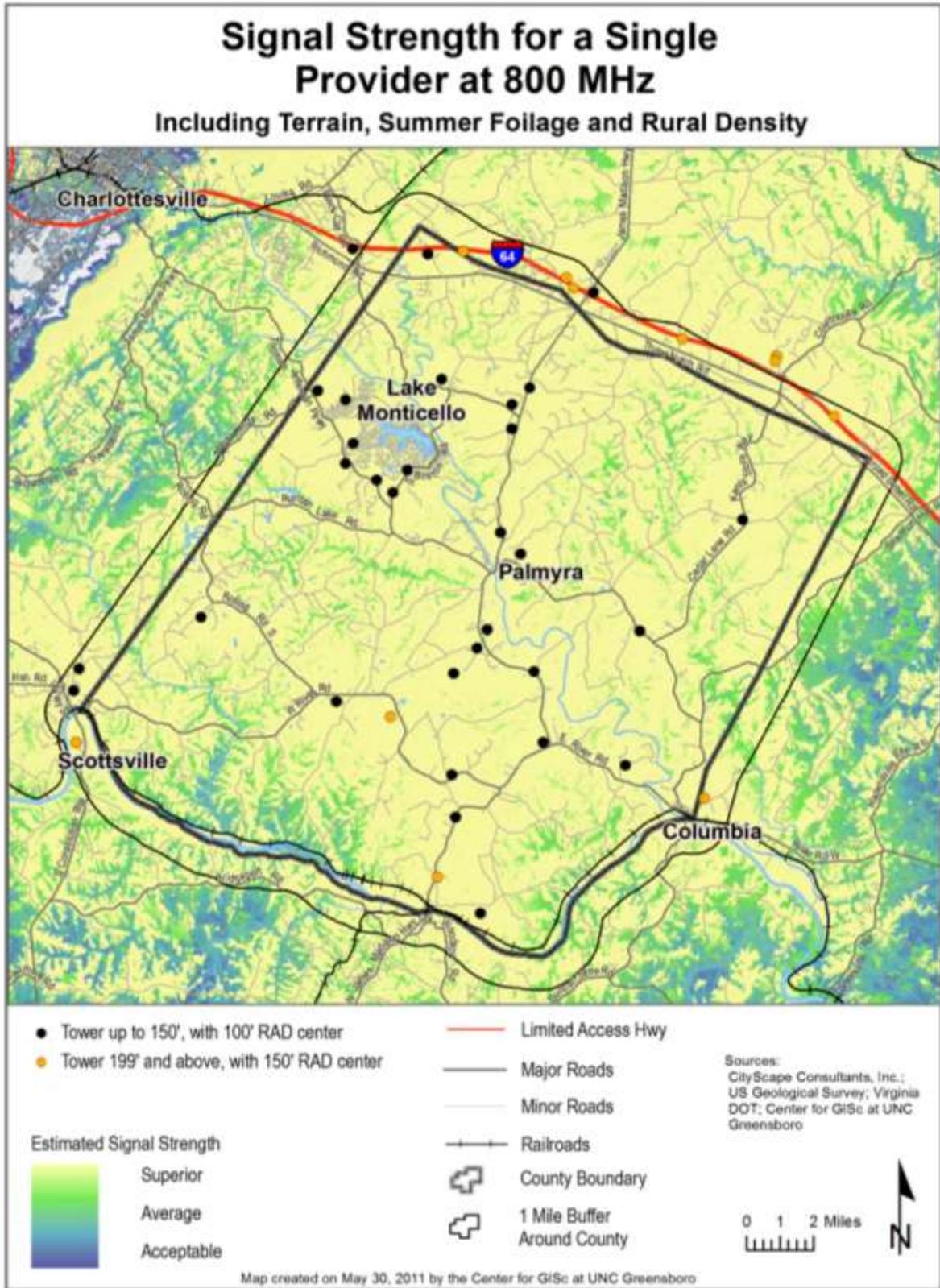
## **Theoretical coverage from existing antenna locations**

The next step in the evaluation process is to examine the coverage from all known existing antenna locations to determine if any area of the County has unsatisfactory or no service at all. CityScape theorizes how existing antenna locations might be used by the wireless industry.

For example, CityScape asks the following questions. First, “Would network coverage gaps be visible if a single Cellular (800 MHz) and PCS (1900 MHz) provider utilized all identified antenna locations?” And second, “Does the County have adequate existing infrastructure suitable for providers to meet complete network coverage objectives?”

Figures 15 and 16 demonstrate the theoretical propagation coverage for a single 800 and 1900 MHz service provider, respectively. For purposes of this mapping exercise CityScape has created two sets of height variables based on the tower data in Table 4. Existing antenna support facilities up to 150’; and existing antenna support facilities over 199’. Facilities up to 150’ are shown to have a theoretical antenna mounting elevation at 100’ and the taller facilities are based on a theoretical antenna mounting elevation at 150’. These maps include the terrain, summer foliage, and rural density variables. The following sites are not included in any of the propagation analysis due to the unlikelihood of collocation on these particular structures: 4, 25, 36, and 39.

Figure 15 illustrates nearly complete County-wide coverage if indeed one 800 MHz provider was located at each of these sites. Figure 16 illustrates an incomplete network coverage scenario with many geographic areas with minimal or no coverage.



**Figure 15: RMS Coverage for a Single Theoretical 800 MHz Wireless Provider from All Existing Antenna Locations and with terrain**

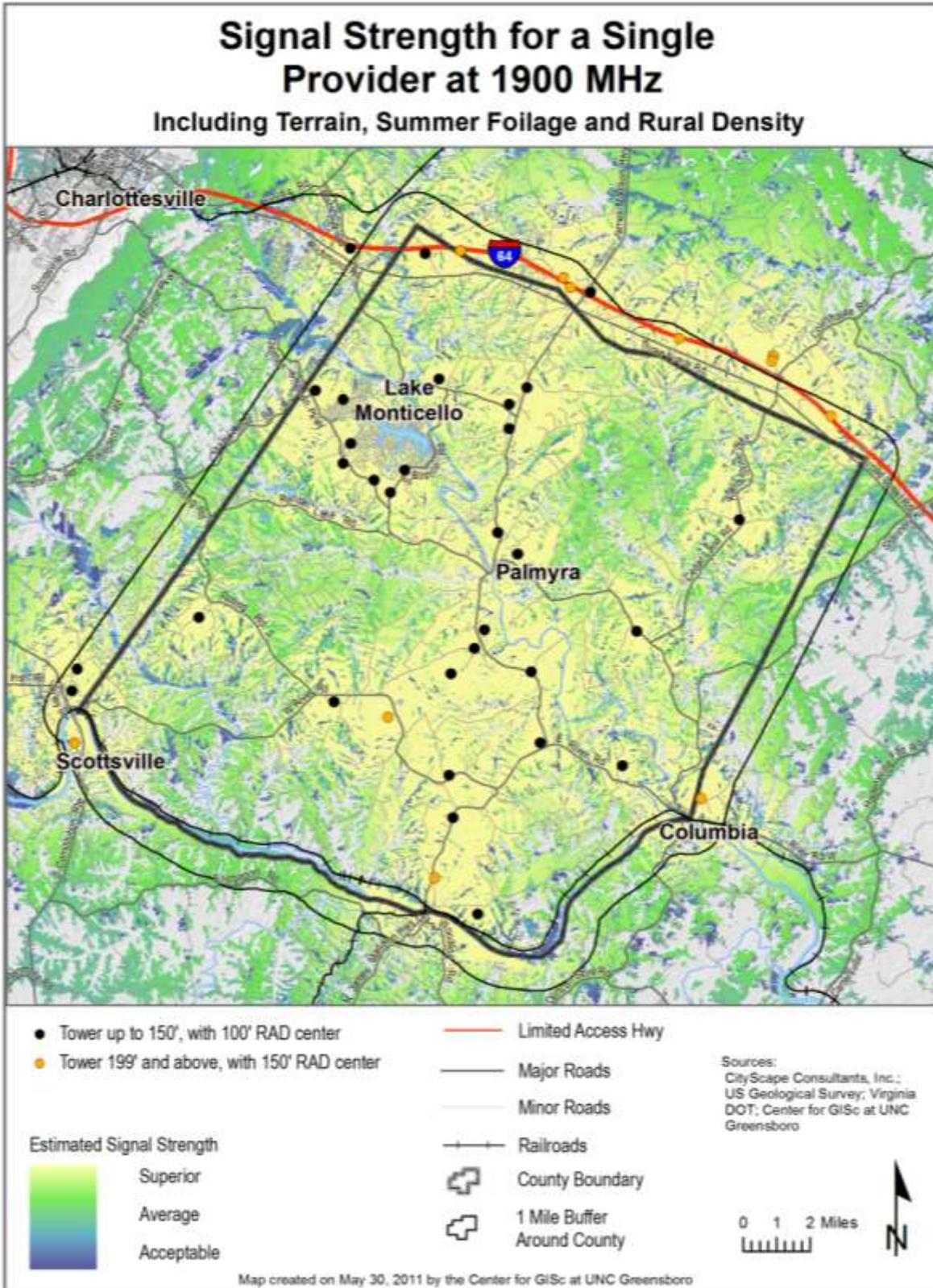


Figure 16: RMS Coverage for a Single Theoretical 1900 MHz Wireless Provider from All Existing Antenna Locations and with terrain

### *Actual 800 MHz and 1900MHz Propagation Analysis*

In reality, there is not a single 800 MHz or 1900 MHz service provider at each of these antenna support facility locations. But the information ascertained from Figures 15 and 16 is useful in validating present network deployment strategies. The objectives to saturate the geographic areas along the major thoroughfares and the more densely populated residential areas is evidenced by the infrastructure that parallels the highways and around Lake Monticello.

To evaluate the existing network deployment more thoroughly CityScape collected existing and proposed antenna location data during the site assessment field work. This collection of data enables CityScape to create propagation maps for existing 800 MHz and 1900 MHz service providers. *CityScape stresses the fact that this data is based largely on CityScape's experience, field work, and the data collected from the County. No specific data has been collected from the individual wireless providers thus these maps serve as close approximations.* For exact network coverage maps Cityscape would need the specific antenna mounting elevations, operating frequency, and for some facilities the antenna power output from each wireless provider. Even though the propagation maps are approximations the maps help identify geographic areas where future infrastructure will be needed for improved network coverage.

Maintaining confidentiality between the different wireless providers must be honored. For this reason all references to the actual service provider are omitted intentionally. The providers are only identified numerically.

Figures 17 through 19 are the approximate coverage maps for the 800 MHz providers; Figures 20 through 26 are the approximate coverage maps for the identified 1900 MHz service providers; and Figures 27 and 28 illustrate the approximate coverage maps for 2300 MHz wireless broadband providers.

After studying the maps CityScape provides the following observations:

- 800 MHz service providers have a more comprehensive network. In large part due to the fact that 800 MHz service providers started deploying their networks first so their networks are more mature. Also the 800 MHz frequency allows the network signal to propagate a greater radius from the antenna so larger geographic areas are services with fewer facilities.
- 800 MHz service providers seem to have nearly complete coverage parallel to Interstate 64 and have expanded southward into Fluvanna with their network deployments.
- 1900 MHz networks have less coverage. The initial coverage for most networks is parallel to Interstate 64. These networks are expanding southward into Fluvanna County parallel to the highways and around Lake Monticello.
- The 125' tower heights limit antenna mounting elevations to the 80' to 125' range. Consequently the propagation radius is limited to approximately 3.2 to 3.88 miles in the geographic areas of 1900 MHz frequency providers.
- The southern half of the county has minimal 1900 MHz coverage presently.
- Wireless broadband is concentrated around the business node of Interstate 64 and Zion Crossroads.

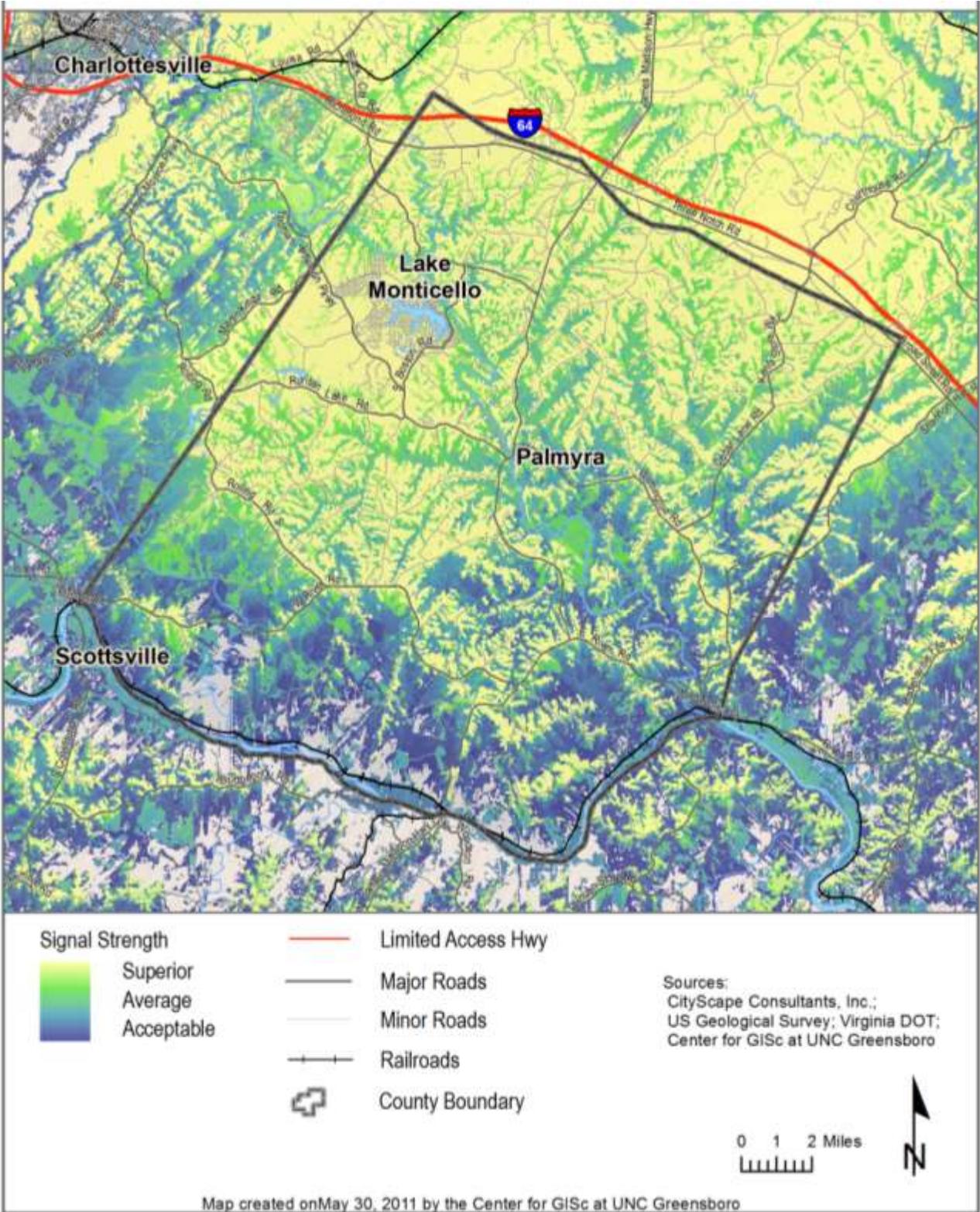


Figure 17: Theoretical Coverage Provider A in the 800 MHz frequency

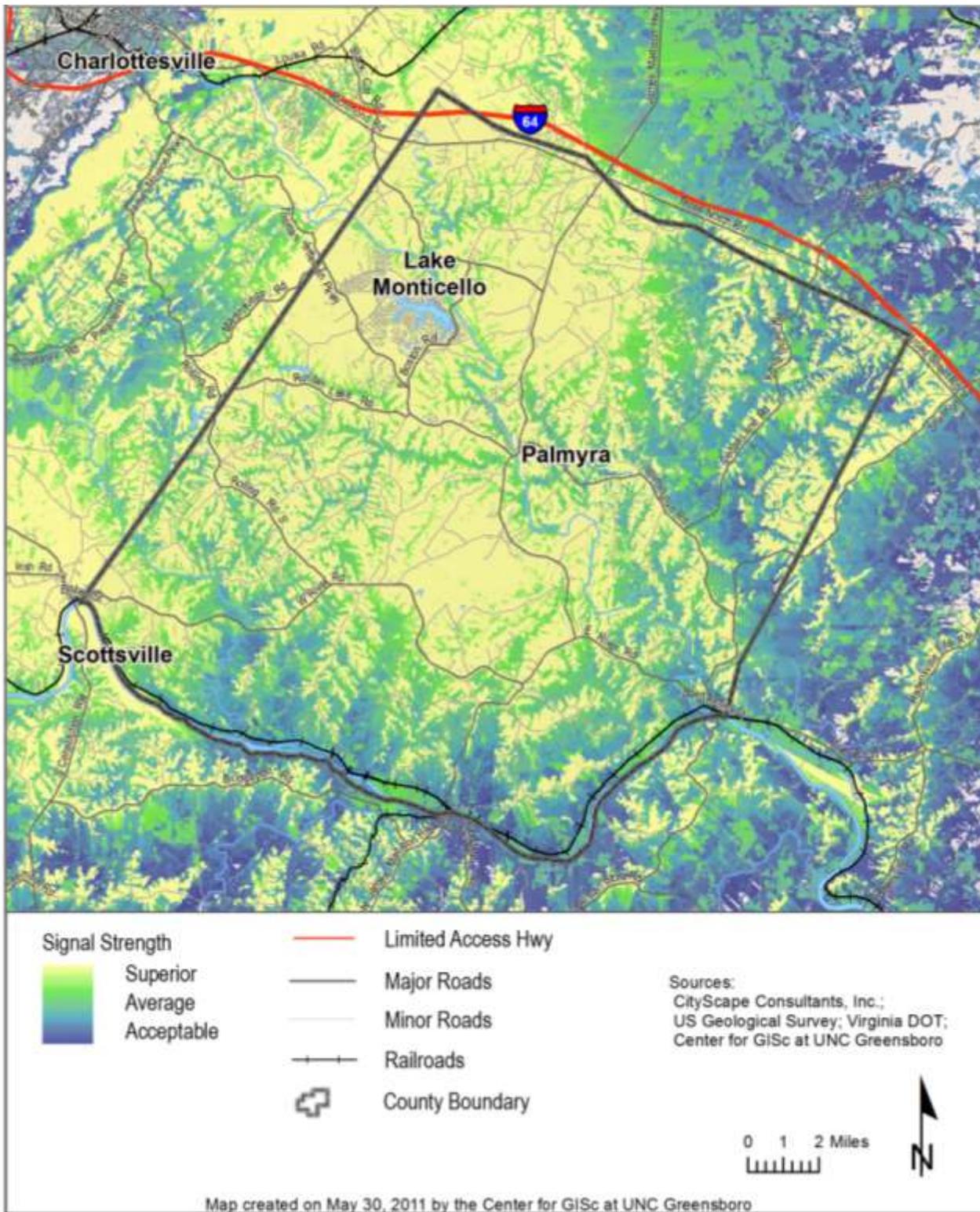


Figure 18: Theoretical Coverage Provider B in the 800 MHz frequency

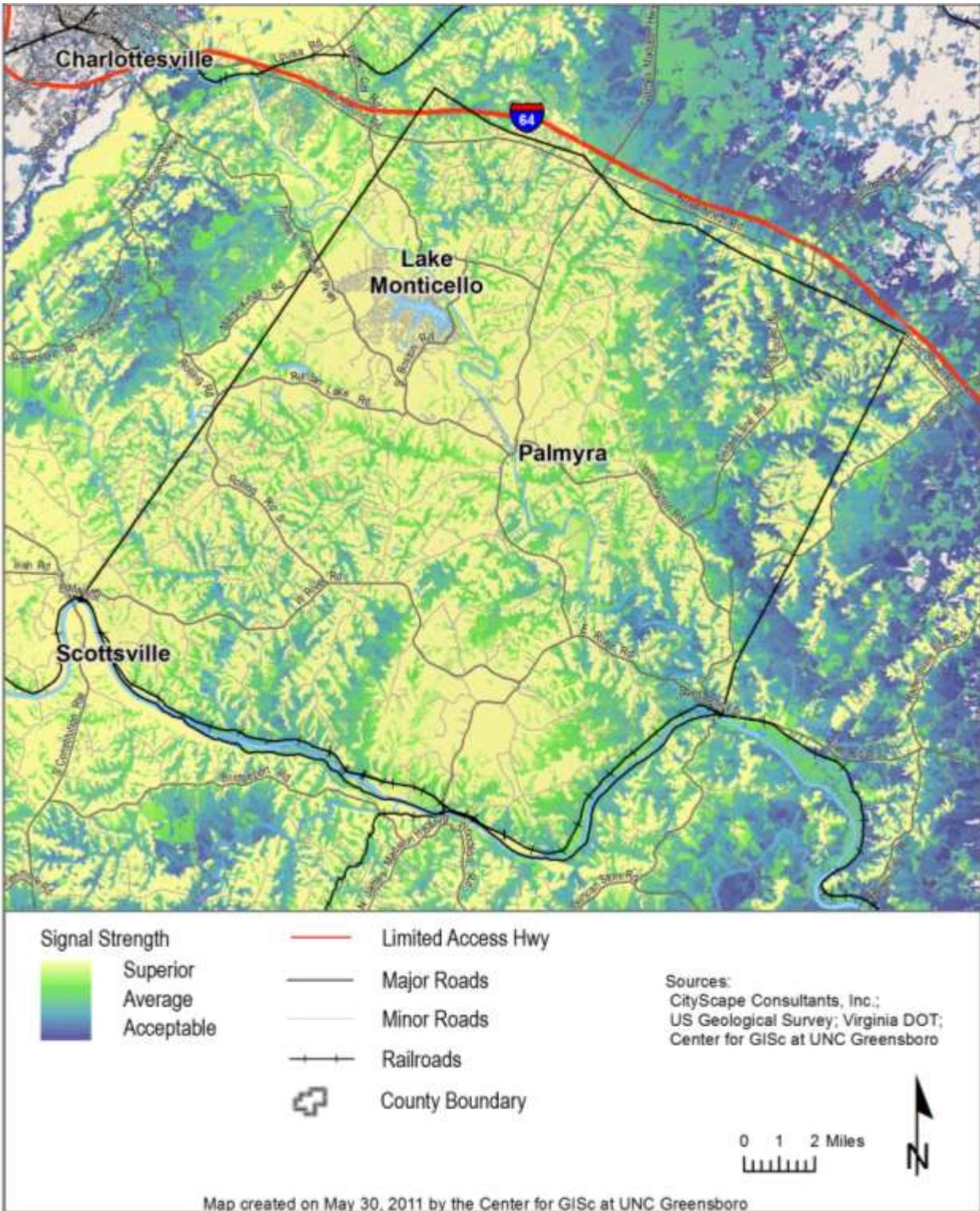


Figure 19: Theoretical Coverage Provider C in the 800 MHz frequency

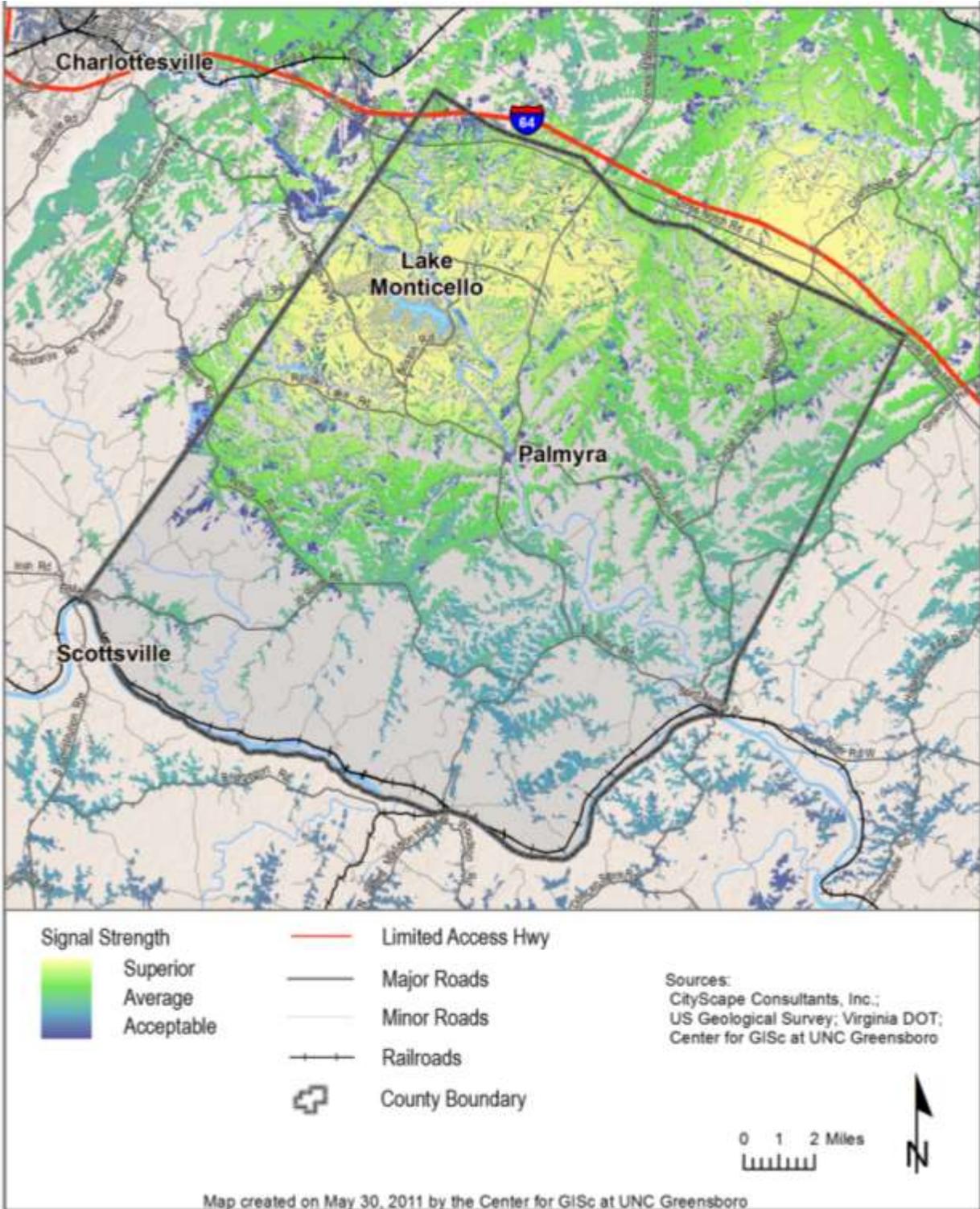


Figure 20: Theoretical Coverage Provider A in the 1900 MHz frequency

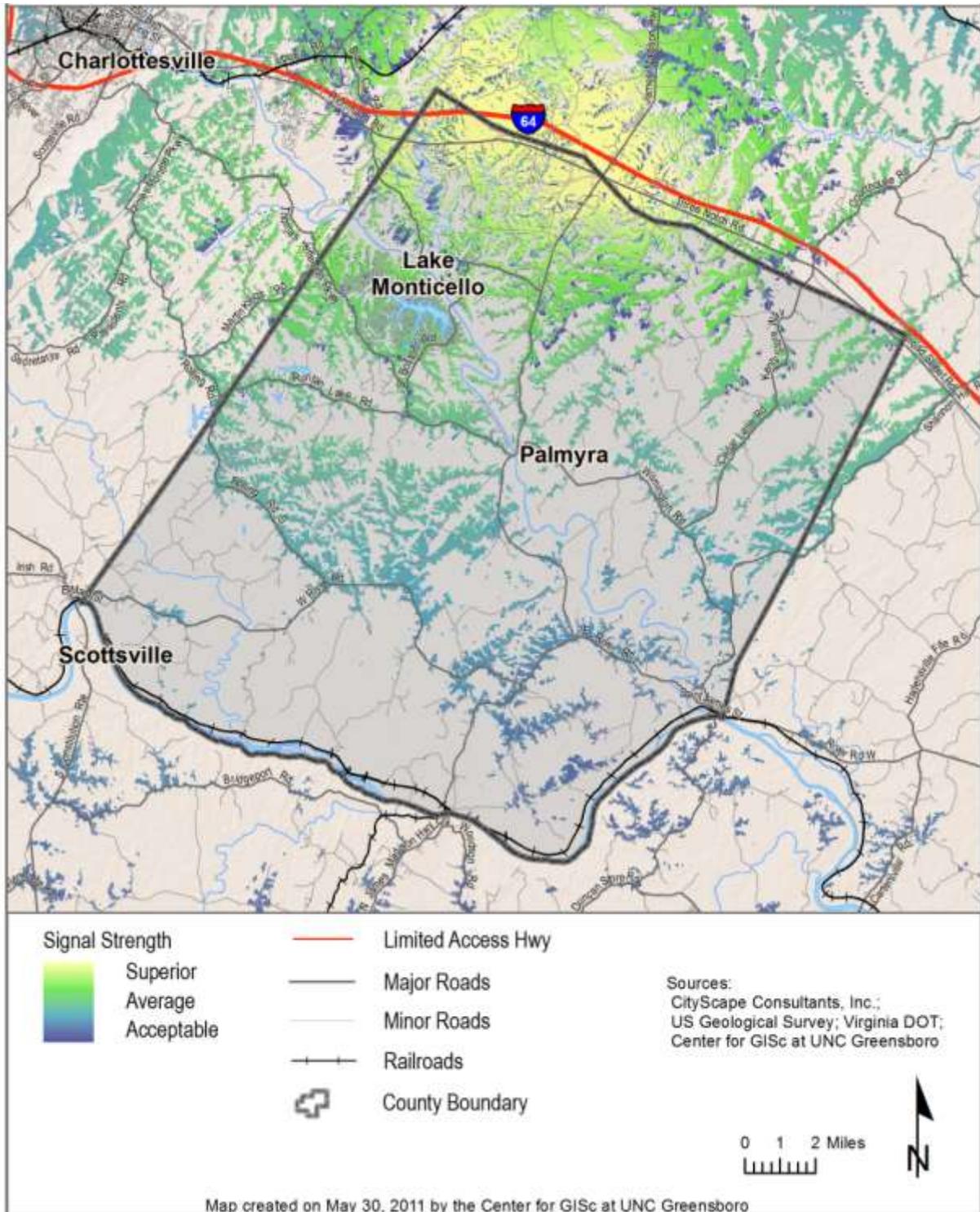


Figure 21: Theoretical Coverage Provider B in the 1900 MHz frequency

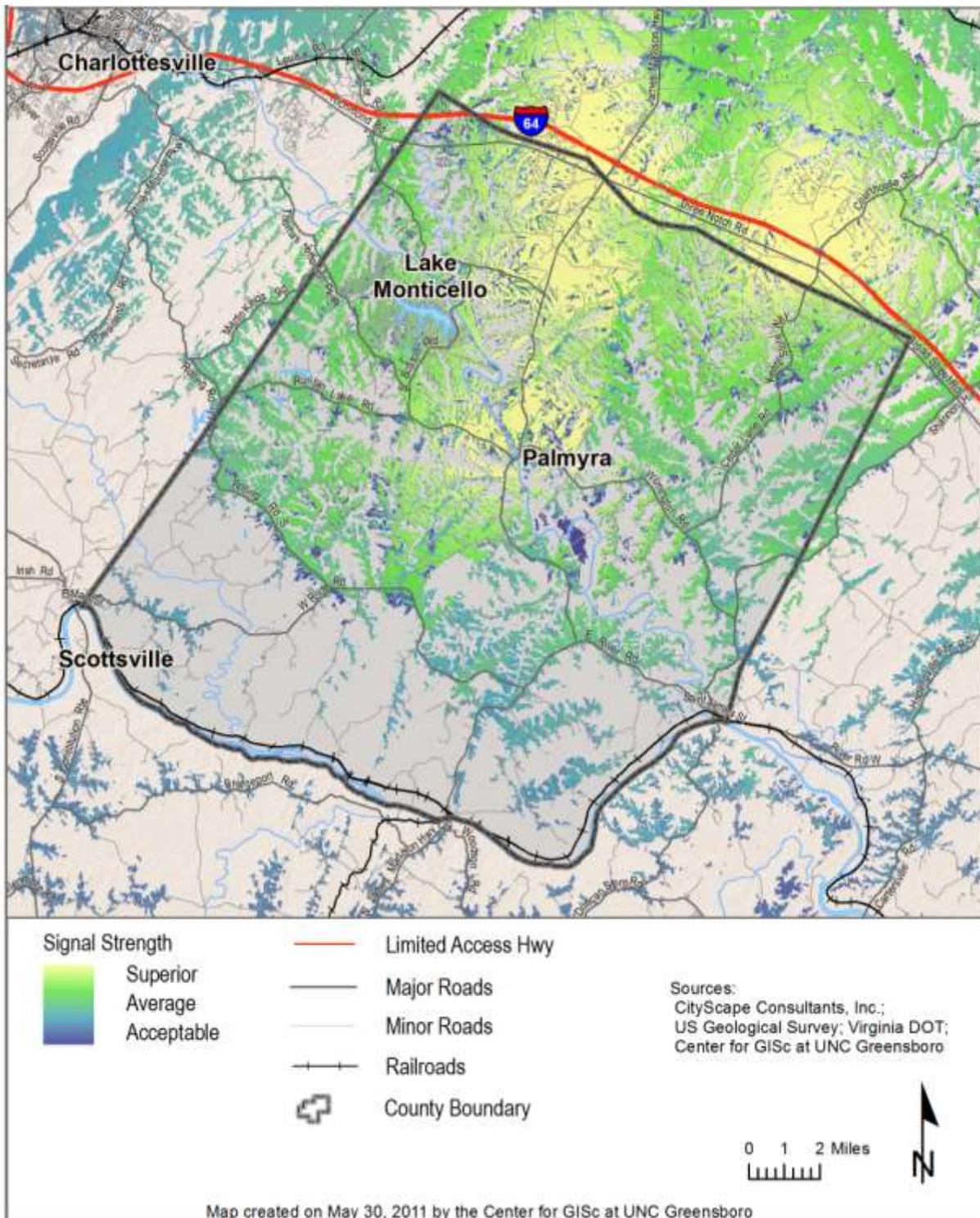


Figure 22: Theoretical Coverage Provider C in the 1900 MHz frequency

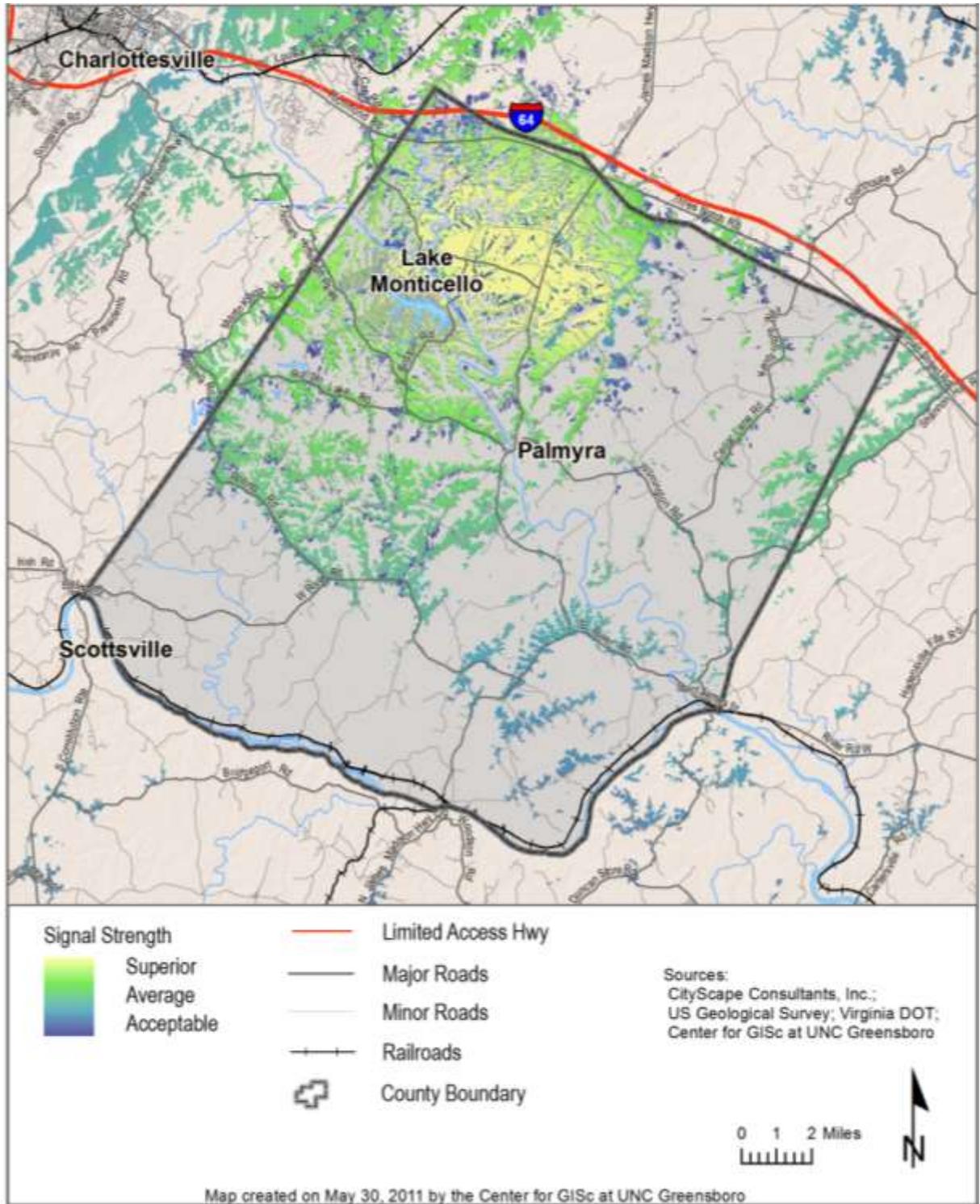


Figure 23: Theoretical Coverage Provider D in the 1900 MHz frequency

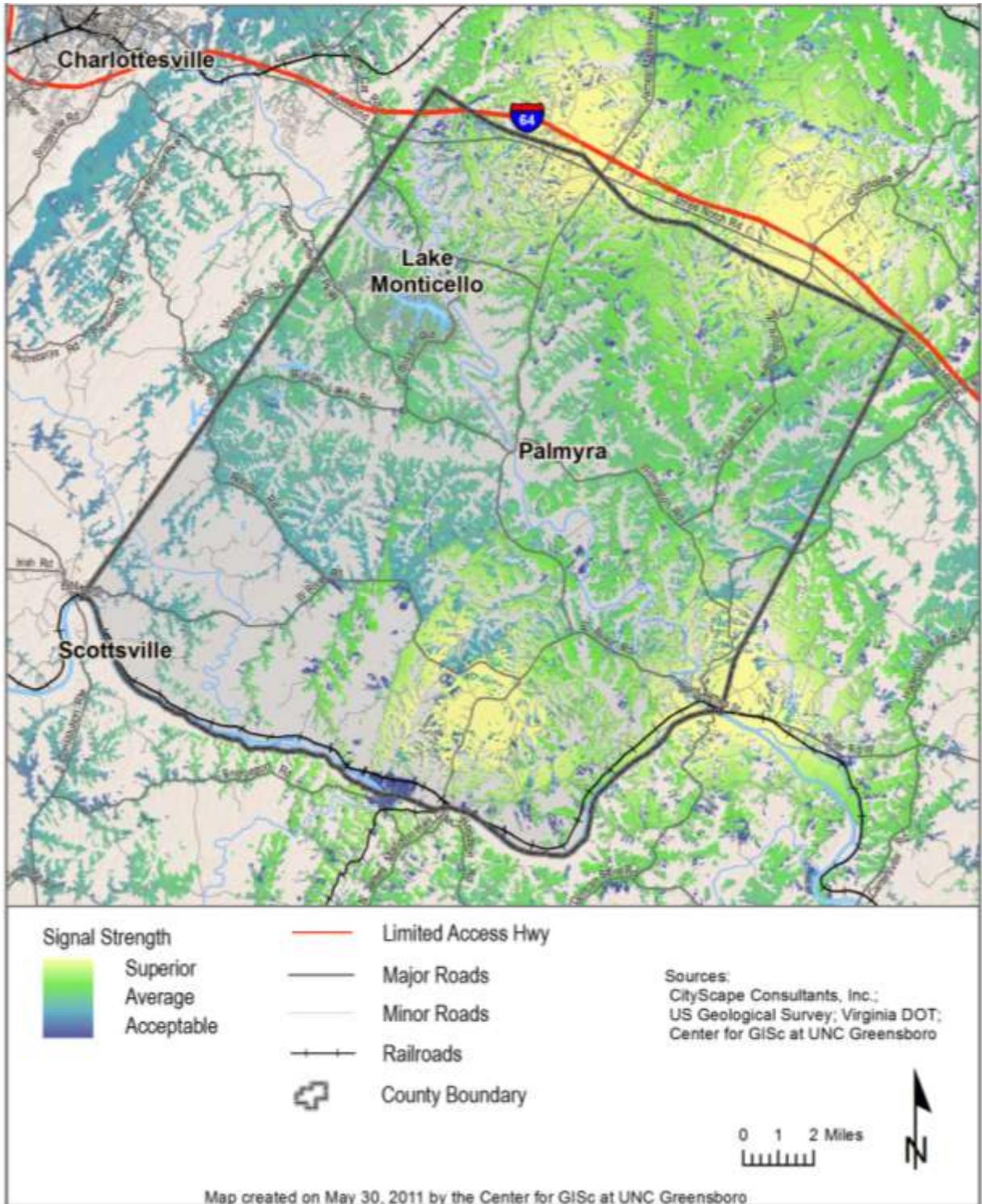


Figure 24: Theoretical Coverage Provider E in the 1900 MHz frequency

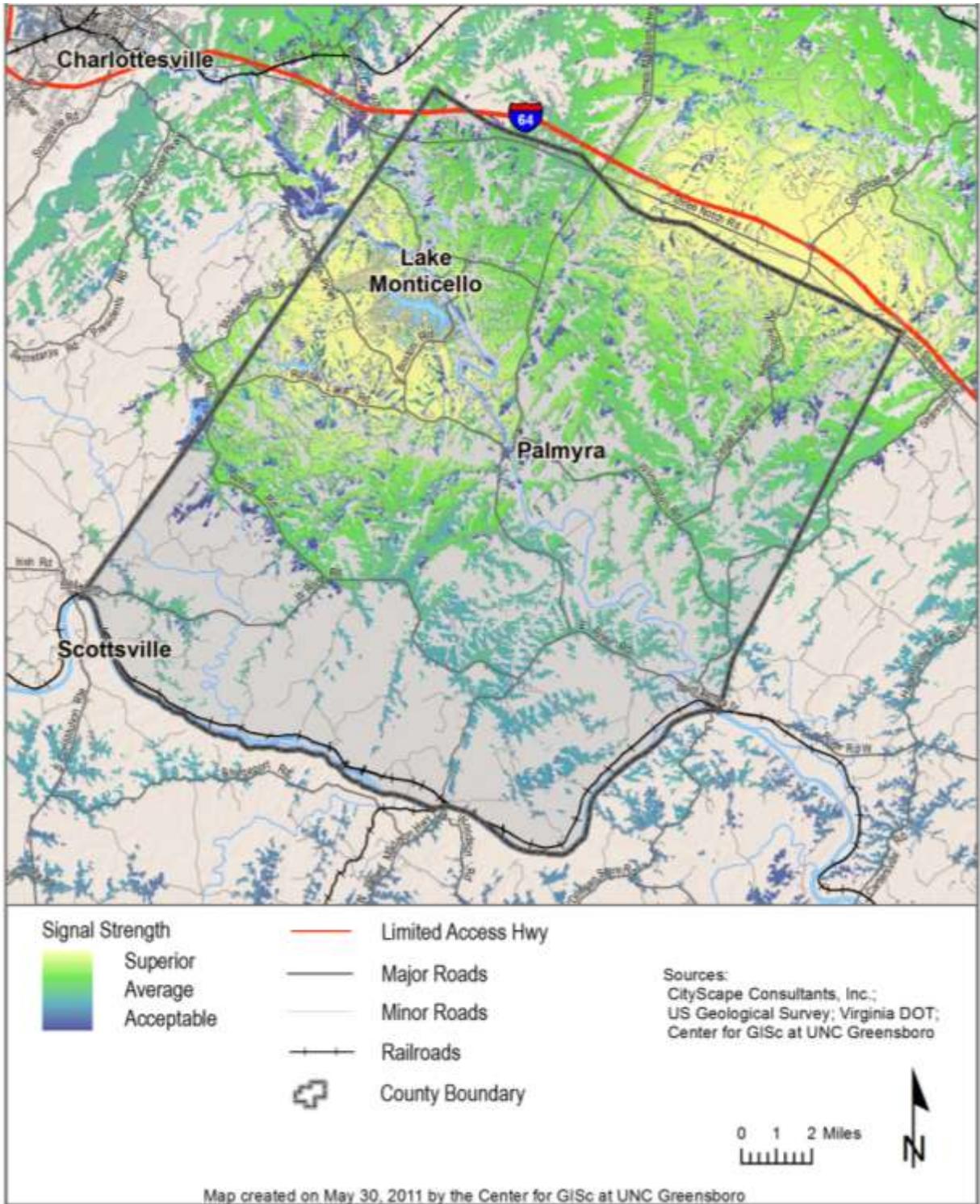


Figure 25: Theoretical Coverage Provider F in the 1900 MHz frequency

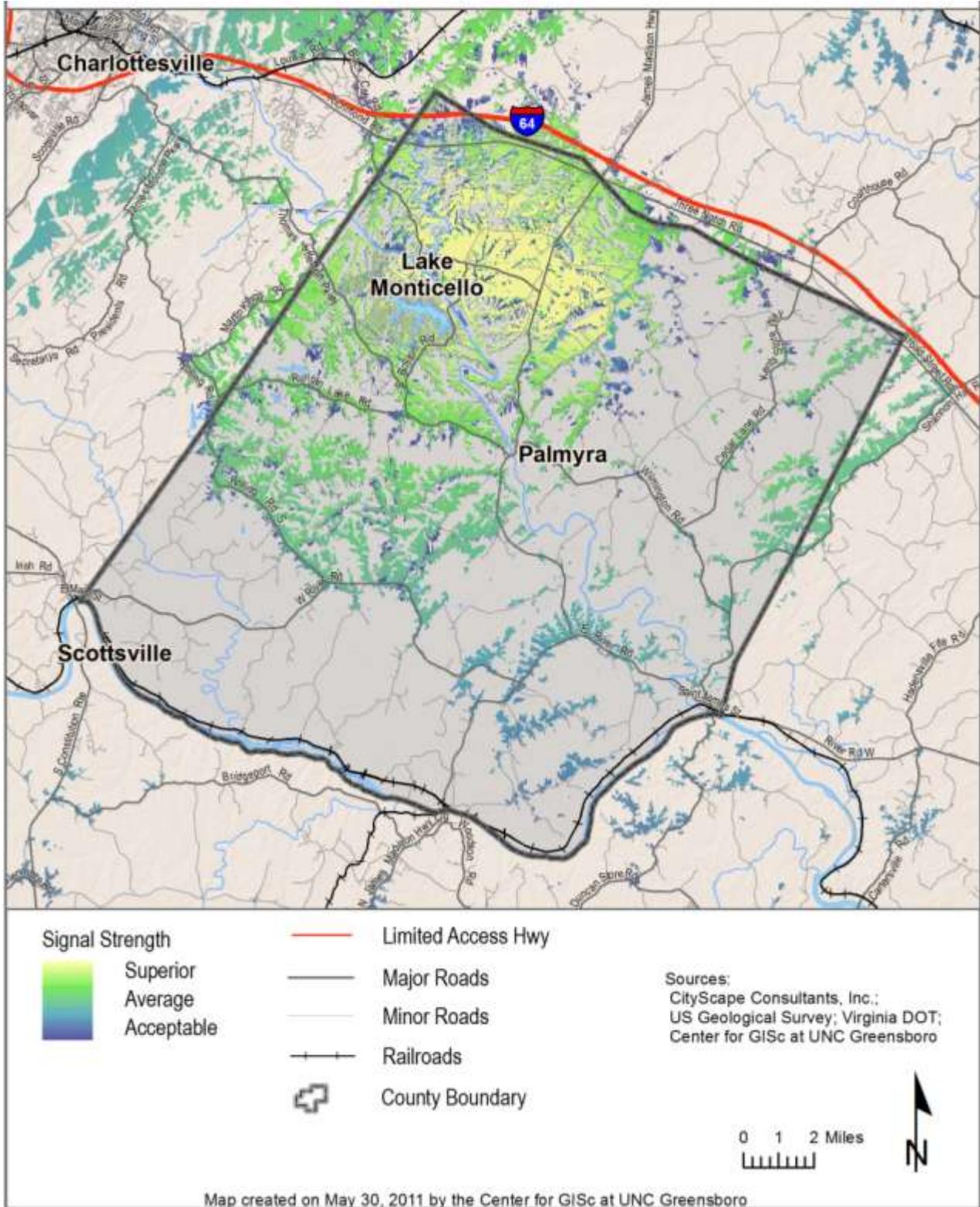


Figure 26: Theoretical Coverage Provider G in the 1900 MHz frequency

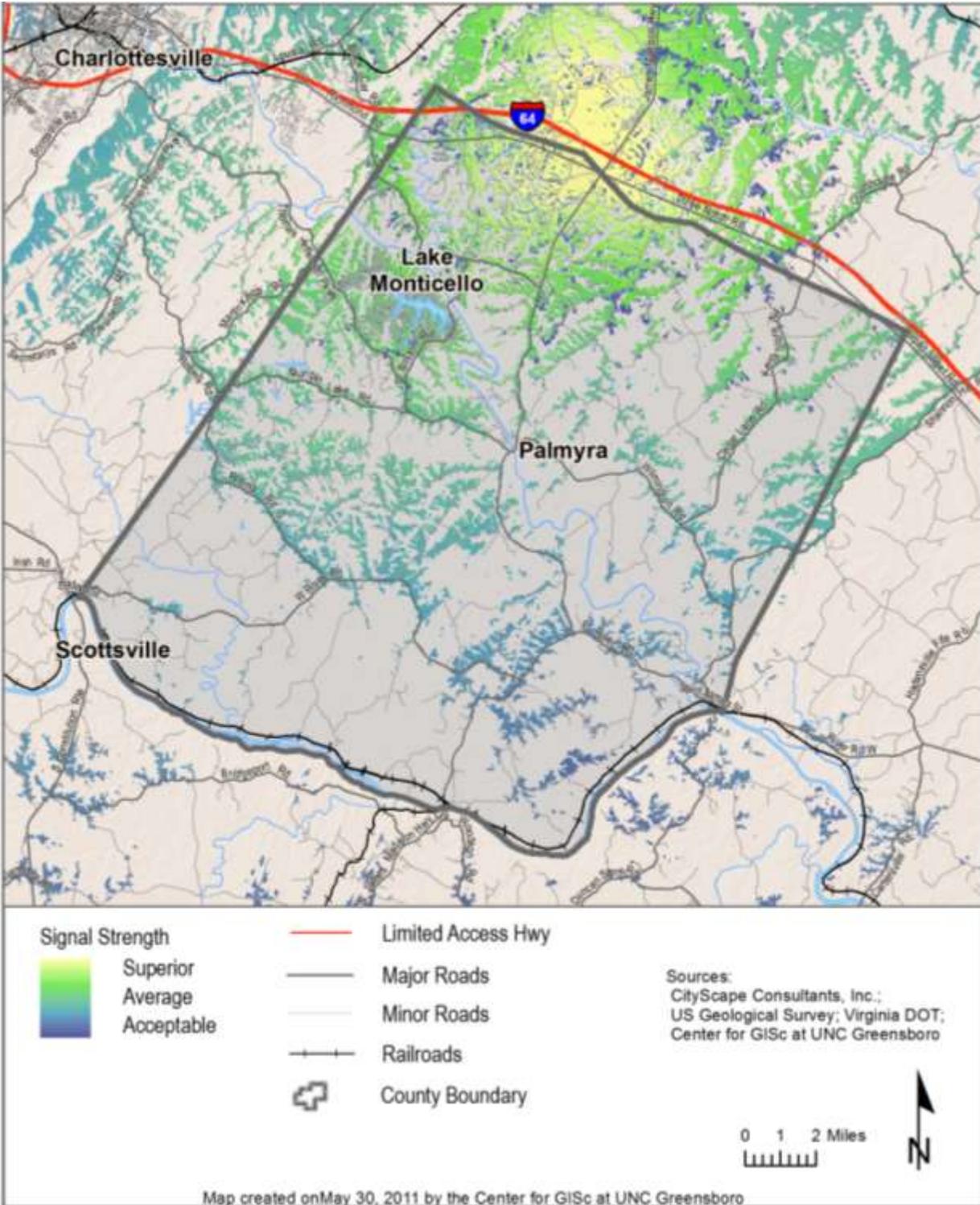


Figure 27: Theoretical Coverage Provider A in the 2300 MHz frequency

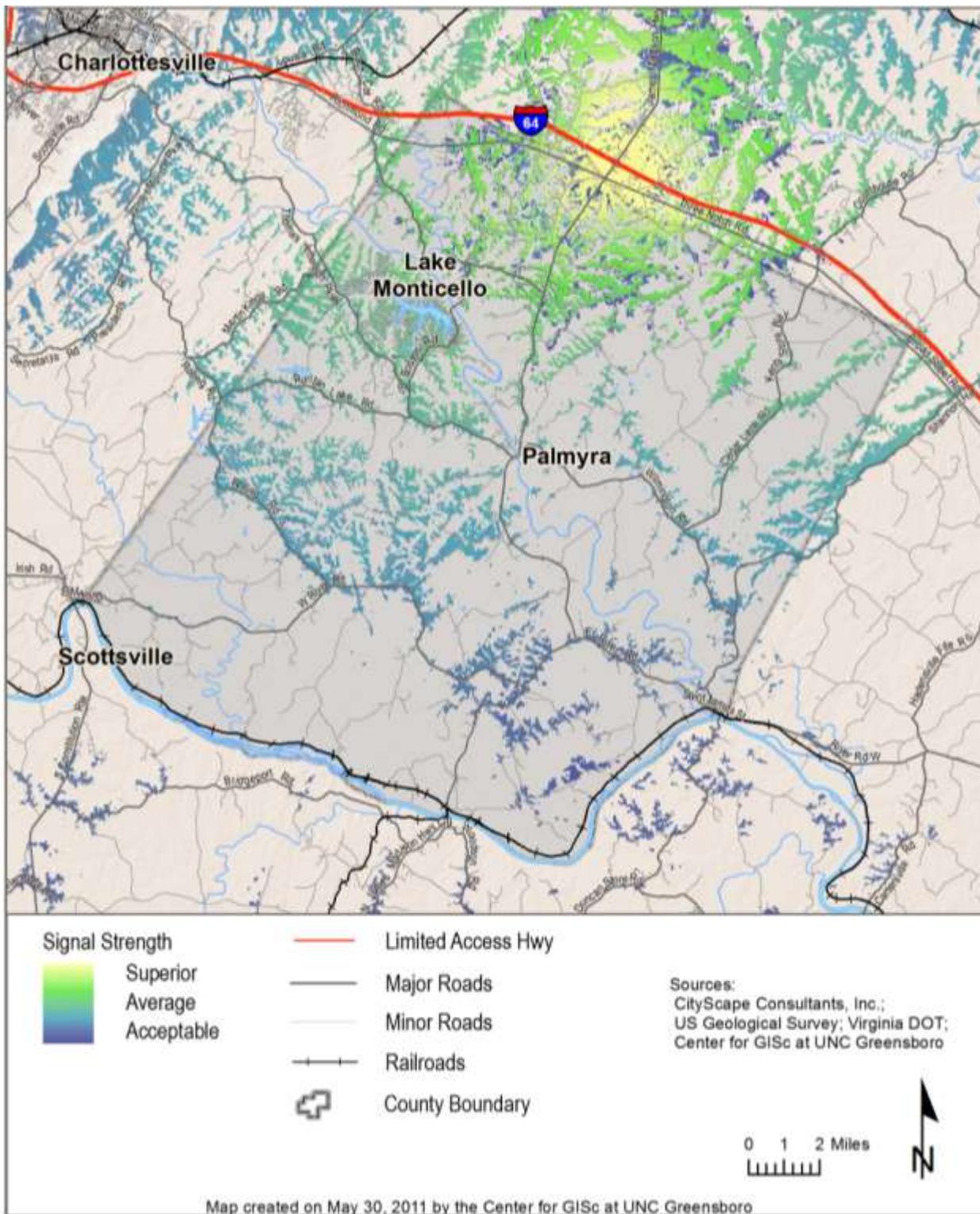


Figure 28: Theoretical Coverage Provider B in the 2300 MHz frequency

## Chapter 4 Public Safety Proposed Tower Analysis

### Background

On December 9, 2010 the County held the Kick-off and scoping meeting for the wireless telecommunications master planning process. At this meeting the citizenry learned about the Telecommunications Act of 1996 and public policy strategies to regulate new tower infrastructure. Additionally they participated in a survey pertaining to preferable types of future infrastructure, heights for future towers and geographic preferences for future facilities. Comments received from those completing the surveys indicated a great need for improved wireless network coverage county-wide with concern to tower heights and aesthetics.

A second public meeting was held on April 11, 2011 at the Fluvanna County Public Library. This meeting had significant greater attendance as compared to the December 9<sup>th</sup> meeting and included a summary of the presentation given at the previous meeting and an interactive participant activity to further ascertain community commentary on how to regulate future wireless network deployments. The public participation at this meeting was great and the overall consensus from the attendees was to consider taller and fewer tower structures in geographic areas that would provide the largest service coverage in lieu of numerous shorter towers county-wide.

Simultaneous to the wireless telecommunications master planning the County is also reviewing the future needs of the County’s public safety communications network. The County hired RCC Consultants to review options for improving the County’s emergency services coverage. RCC’s report, “Comparative Analysis of Public Safety Radio Communication Options” dated February 9, 2011, identifies the use of nine tower locations countywide (existing and proposed) in their propagation modeling scenarios. CityScape was directed to study locations in the RCC report in combination with the existing tower infrastructure owned by the wireless industry as the basis of evaluating the “fewer and taller” tower possibilities. Table 5 lists the nine tower sites in the RCC report and the corresponding CityScape identification (ID) used by CityScape on CityScape’s propagation maps.

CityScape’s Site ID	RCC’s Site Name	General Location	Proposed antenna mounting locations (feet)
A	Site #4 Fluvanna Correctional	NW County	150 & 199
B	Site #8 (New UHF N)	North Fluvanna	150 & 199
C	Site #7 (New UHF W)	Cunningham	150 & 199
D	Kents Store	NE County	150 & 199
E	Fluvanna County Dispatch	Central County	150 & 199
F	Fluvanna High School	Central County	150 & 199
G	Site #5 (Replacement)	SW County	150 & 199
H	Site #6 (New UHF E)	Columbia	150 & 199
I	Bremo Bluff	SE County	150 & 199 & 330

**Table 5: Public Safety Tower Locations for Consideration**

### *Propagation maps*

Using the public safety antenna locations identified by RCC Consultants and listed in Table 5 CityScape developed a series of propagation maps to illustrate the coverage from these towers if they were also used by the wireless telecommunications service providers in the 800 and 1900 megahertz (MHz) frequencies. The proposed sites are identified by a red dot.

The first series of maps anticipates all nine emergency service towers built at 199 feet. This is the tallest tower allowed by the FCC without a continuous blinking warning light system. The scenario accounts for antenna mounting elevations (referenced as RAD centers) at the 199'; 190'; 180' 170' 160; and 150' locations on each tower. Antenna arrays mounted at the higher elevations will actually have a greater propagation radius than the lower mounted antenna. For this reason the lower antenna mounting elevations are necessary to show the propagation from the lowest mounting elevation antenna on the tower rather than the highest elevation illustrating the least possible coverage area. The propagation maps in Figures 29 and 30 shows the service coverage area from the lowest antenna mounted elevation at 150' by an 800 or 1900 MHz wireless service provider, respectively. All of the propagation maps include terrain, summer foliage and rural population density variables.

The areas in yellow identify geographic areas with superior signal strength; green equates to areas with average signal strength; shades of blue symbolize acceptable signal strength; and gray shades show marginal or no signal strength.

Figure 29 illustrates the coverage from the nine locations in the 800 MHz frequency with an antenna mounting elevation of 150 feet as generally complete with the exception of a geographic area approximately 2.5 miles east of site G and approximately 2.5 miles west of Site I.

Figures 30 illustrates the coverage from the nine locations in the 1900 MHz frequency does not transmit as great a distance as in the 800 MHz frequency and the coverage area is significantly reduced. Geographic areas in grey indicate little or no wireless coverage.

Figure 31 and 32 illustrates the 800 MHz and 1900 MHz frequency coverage, respectively, from the nine proposed locations by RCC Consultants and also includes the existing towers in and around Fluvanna County used for wireless telecommunications by the wireless industry. Existing towers up to one hundred and fifty feet in height assume an antenna mounting elevation of 100'; and existing towers in excess of one hundred and ninety-nine feet assume an antenna mounting elevation of 150'. Figure 31 illustrates almost one hundred percent coverage in the 800 MHz frequency county-wide. Figure 32 illustrates a much greater coverage area in the 1900 MHz with smaller geographic gaps.

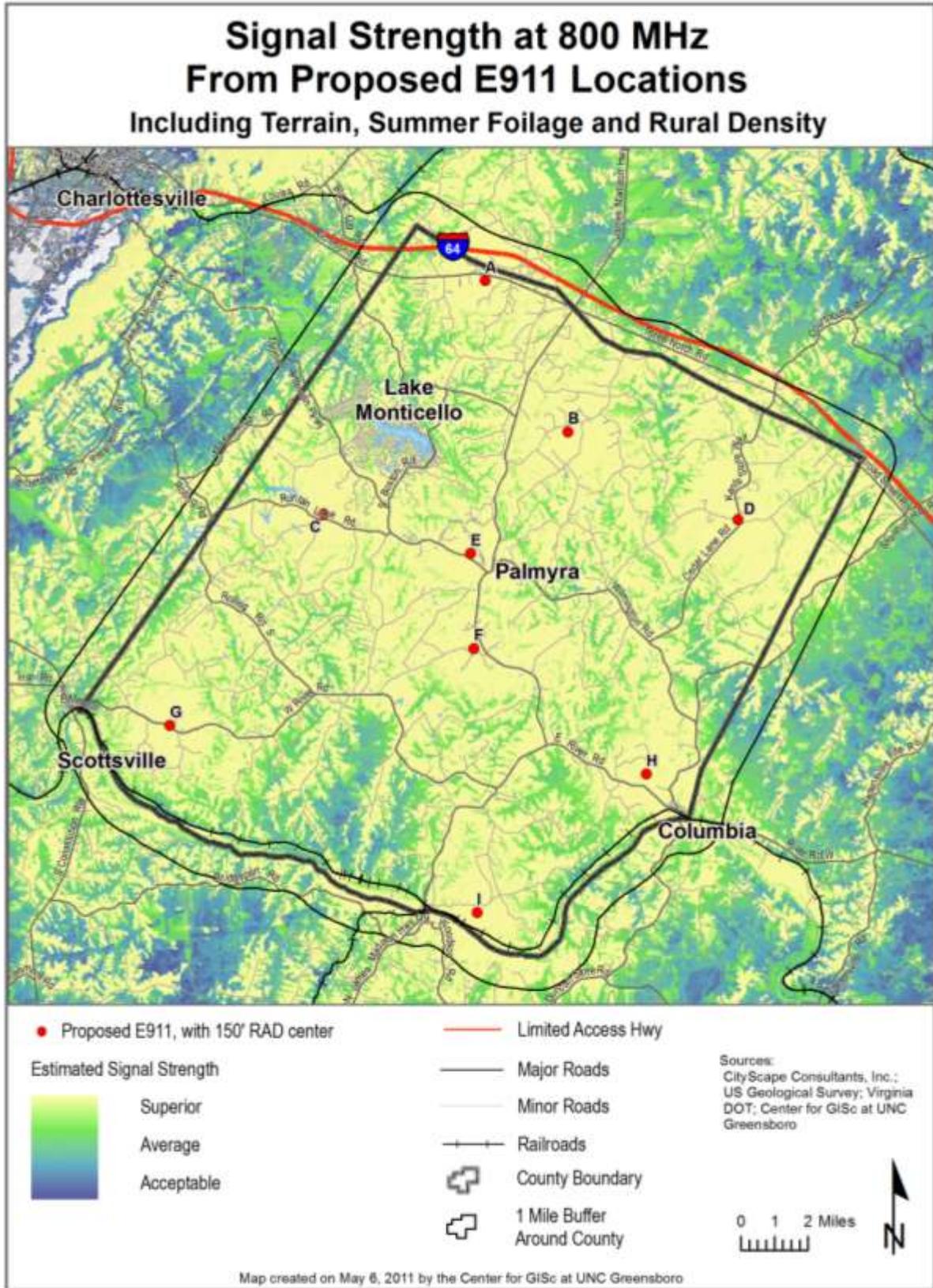


Figure 29: Propagation Map 800 MHz from proposed RCC sites

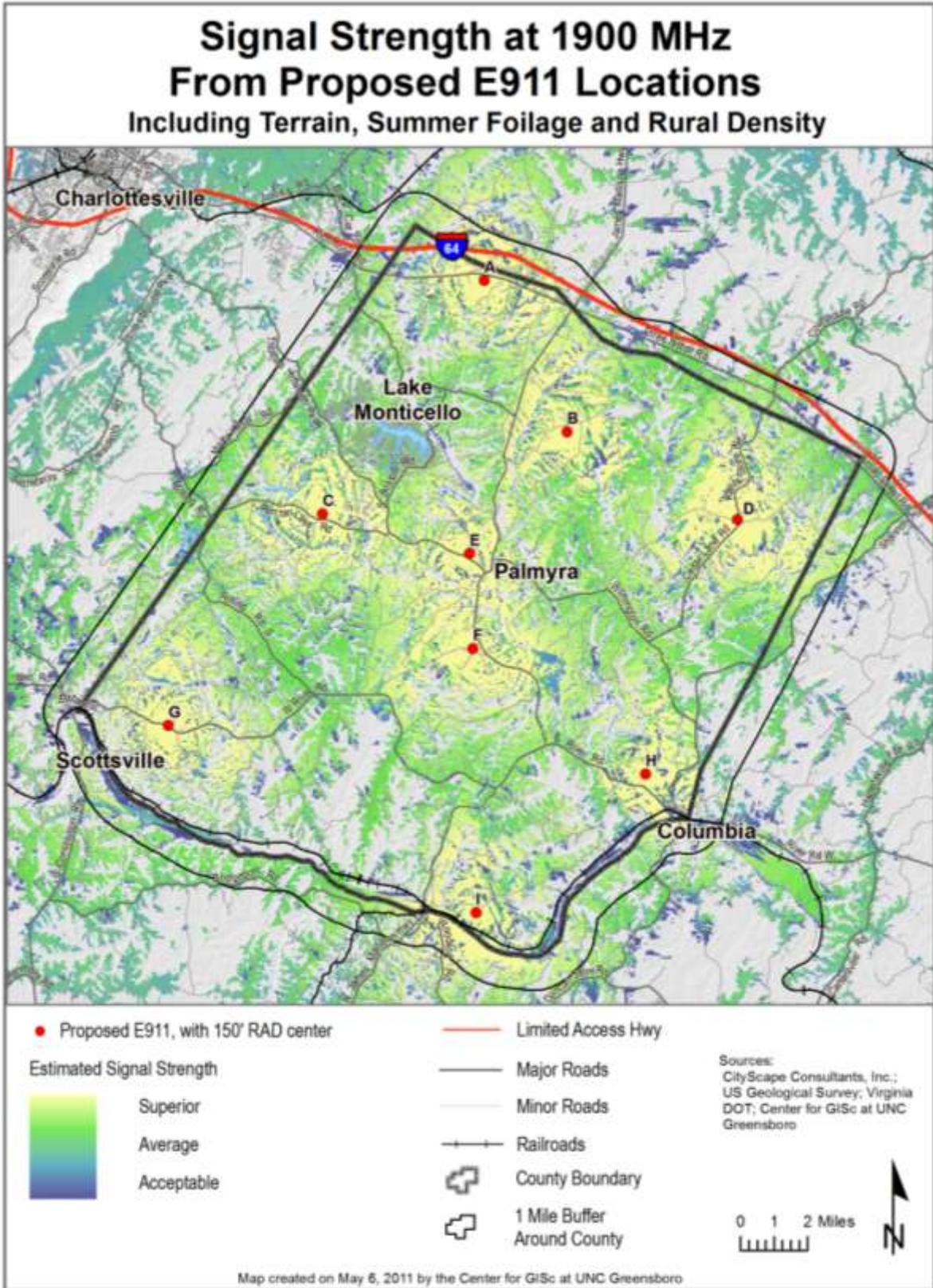


Figure 30: Propagation Map 1900 MHz from proposed RCC sites with 150 RAD centers

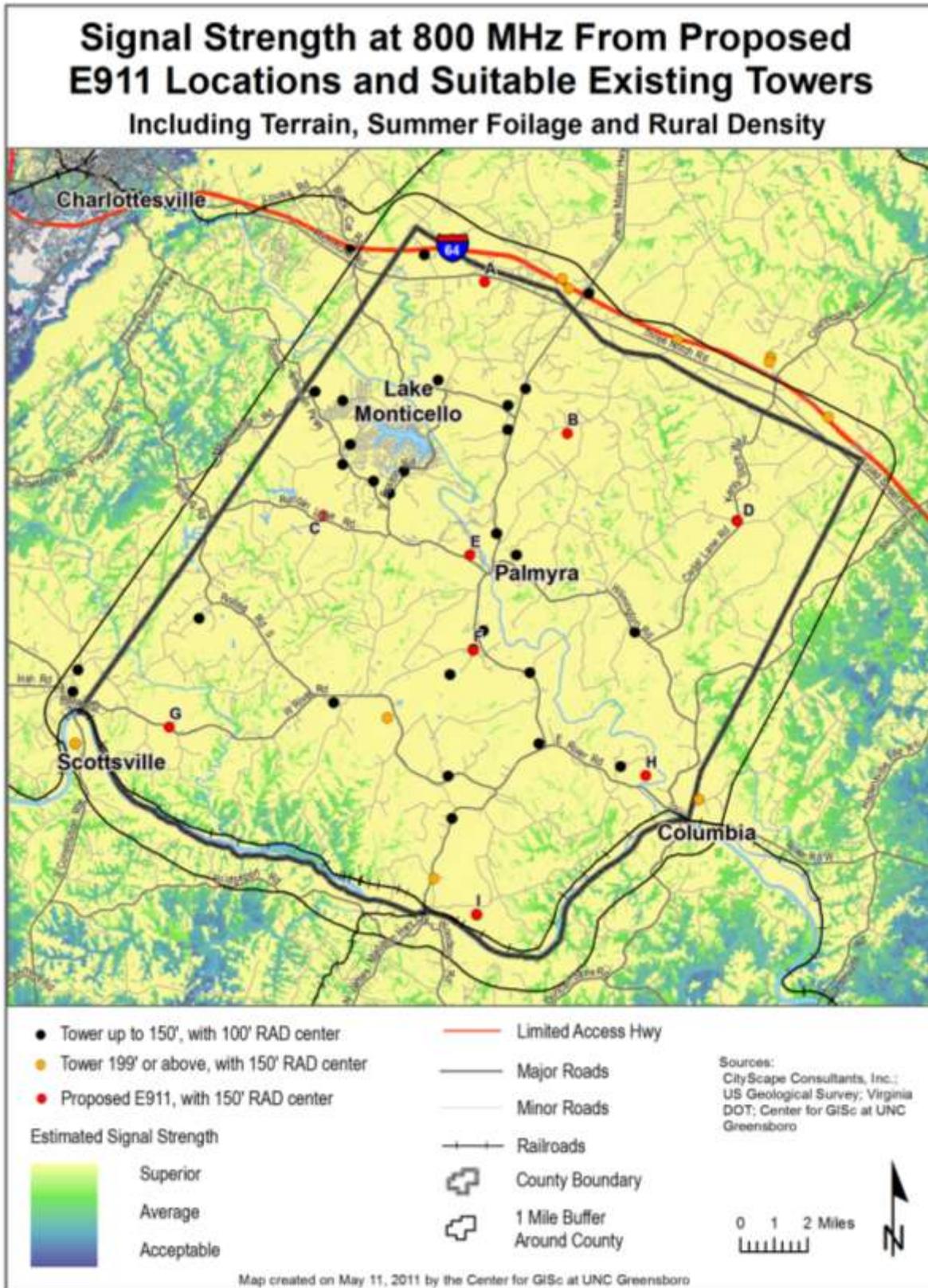


Figure 31: Propagation Map 800 MHz from proposed RCC sites and existing towers

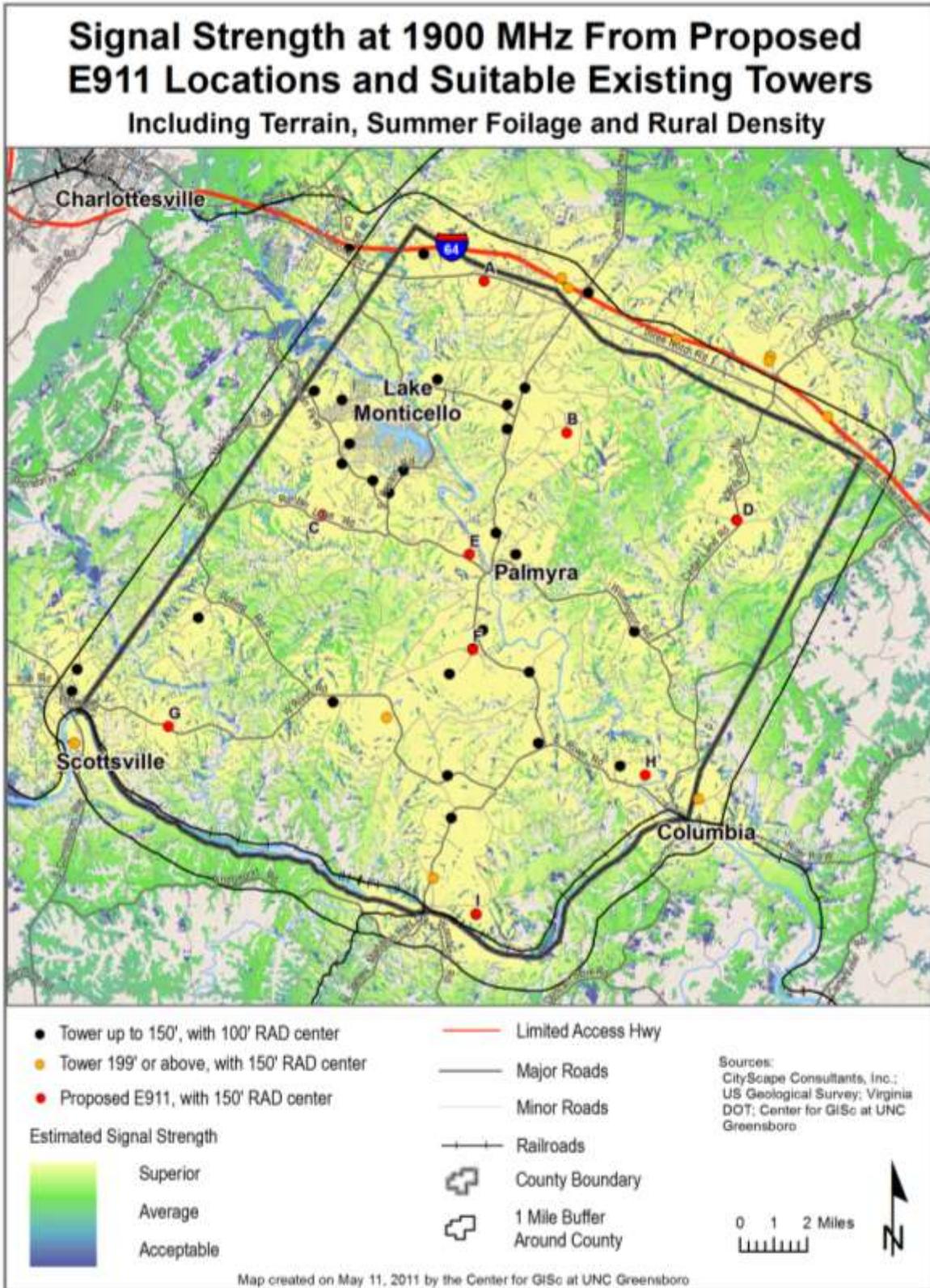


Figure 32: Propagation Map 1900 MHz from proposed RCC sites with 150 RAD centers and existing towers

*County-owned properties*

The County provided CityScape a list of eleven (11) County-owned properties as potential locations for new wireless telecommunications infrastructure. CityScape went to each property and reviewed the following site development criteria for each location: lot size; accessibility; existing and adjacent land uses; proximity to existing towers; and potential use of the land for new telecommunications infrastructure. All eleven (11) locations identified were found acceptable for potential future infrastructure. Providing lease space to the wireless telecommunications industry on these properties could gross the County millions of dollars over the next twenty years.

At the public meeting held on April 11, 2011 at the Fluvanna County Public Library the participants reviewed the public land sites and voted on the type of wireless infrastructure they would be willing to support on each property. Table 6 lists the public lands and the winning votes for the type of telecommunications facility the attendees thought best for each site.

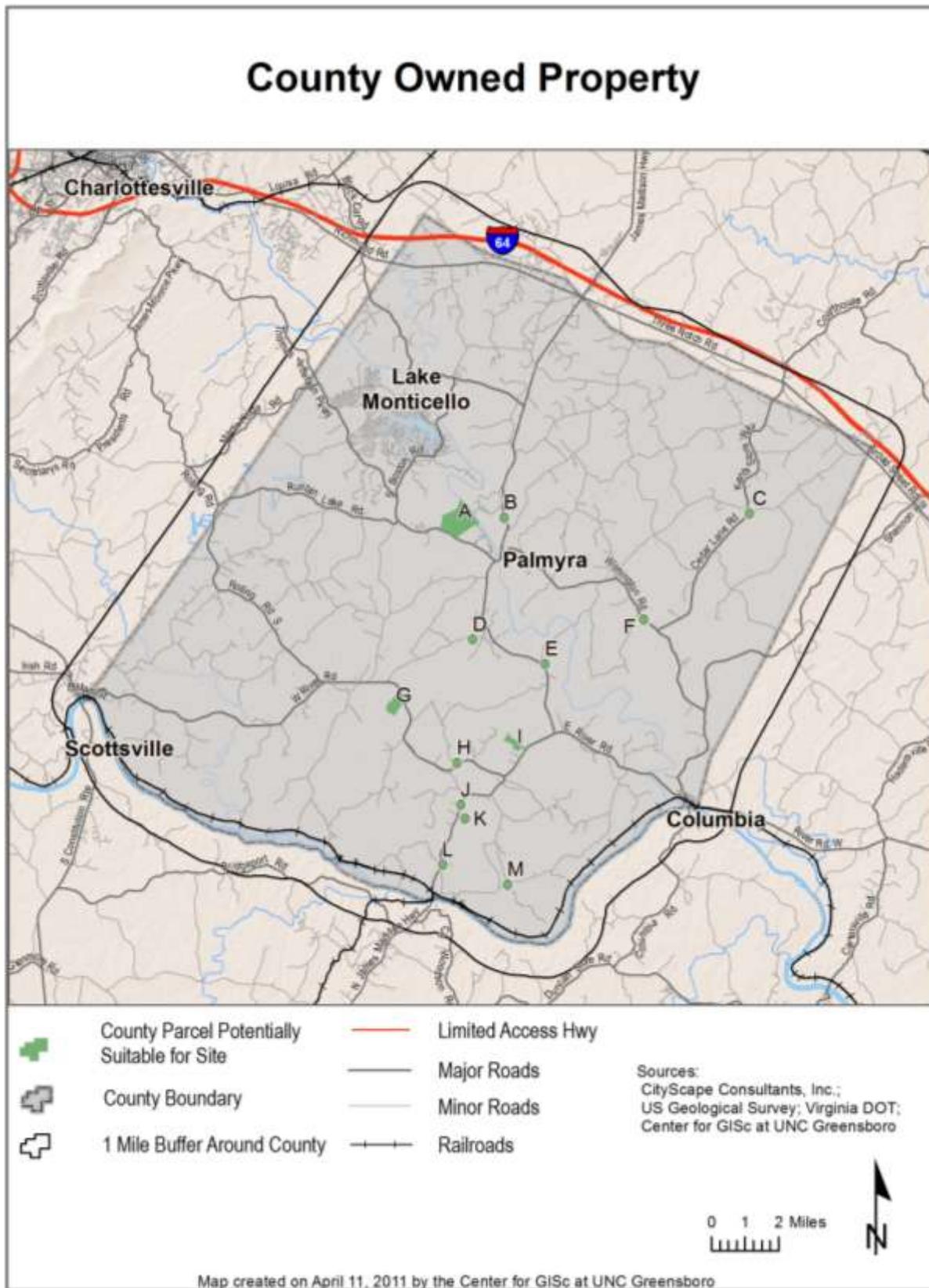
<b>Site ID</b>	<b>Location</b>	<b>Suggested Height</b>	<b>Suggested Type of Telecommunication Facility</b>
<b>A</b>	Pleasant Grove Road	>200'	Light Stanchion
<b>B</b>	Palmyra Fire House	≤199'	Monopole
<b>C</b>	Kent Store Fire House	>200'	Monopole
<b>D</b>	Central Elementary School	>200'	Light Stanchion or no pole
<b>E</b>	Carysbrook Complex	≤199'	Light stanchion
<b>F</b>	Columbia Elementary School	≤199'	Light Stanchion
<b>G</b>	Fluvanna County Solid Waste Convenience Center	≤199'	Monopole
<b>H</b>	Omohundro Water Tank	≤199'	Attachment
<b>I</b>	Future Fork Union Fire House	≤199'	Monopole, Slick Stick, or Flag Pole
<b>J</b>	Weber City Water Tank	≤199'	Attachment
<b>K</b>	Weber City/Melton Property	≤199'	Monopole
<b>L</b>	Bremo Bluff Property	>200'	Faux Fire Tower
<b>M</b>	Bottom Road Property	>200'	Painted Monopole

**Table 6: Public land listing**

The County-owned properties are listed in Table 6 and shown in Figure 33.

In effort to improve 1900 MHz network coverage in Figure 32, CityScape added the use of identified publicly-owned lands to the study.

The scenario assumes a 199' tower at each identified public property with an antenna mounting elevation at 150'. Figure 34 indicates certain geographic areas with improved network coverage from the addition of the publicly-owned lands. One reason the coverage improvements appear marginal is that most of the publicly-owned lands already have existing infrastructure on them in the form of an existing tower or water tank.



**Figure 33: Public Properties**

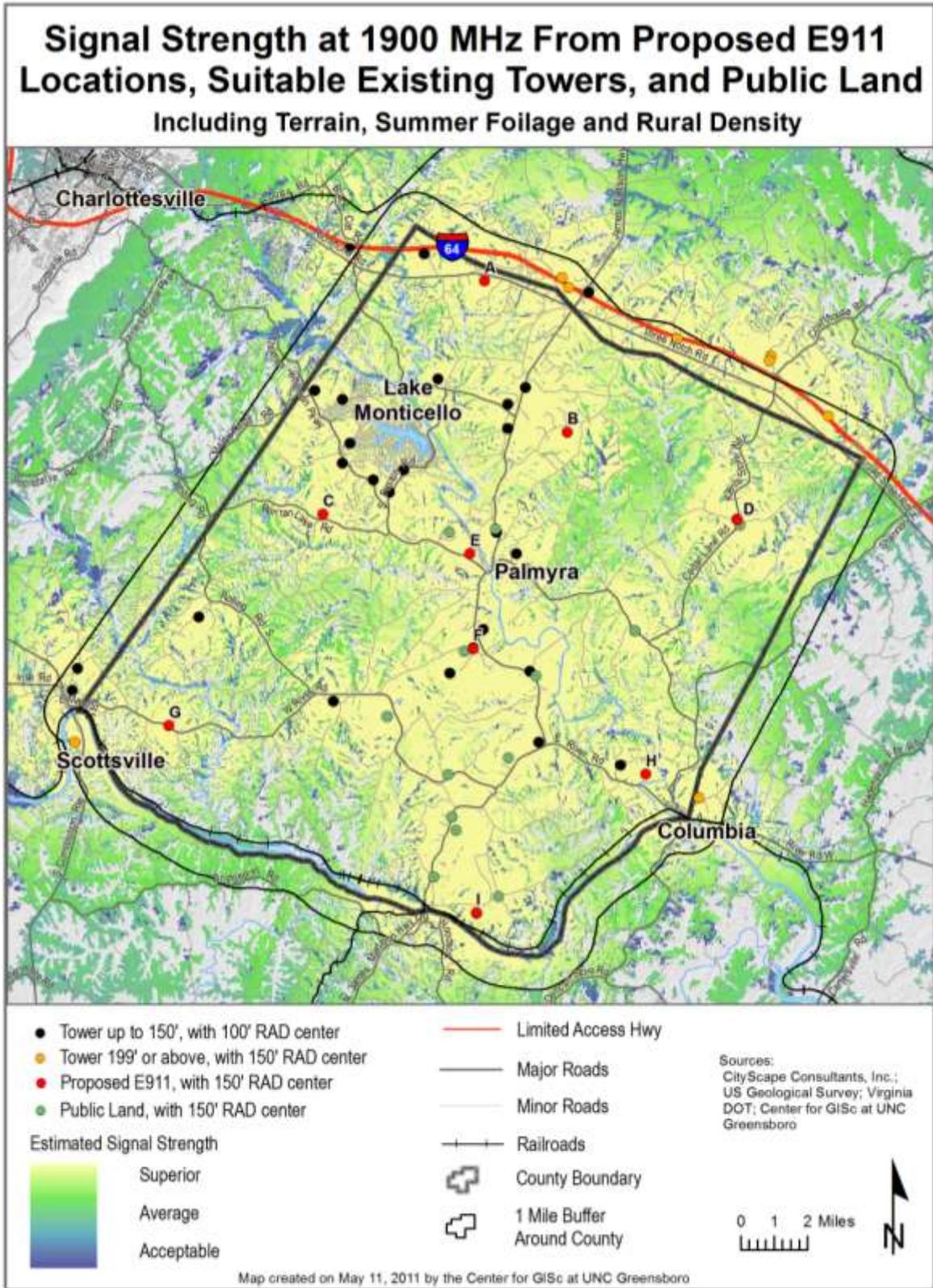


Figure 34: Propagation Map 1900 MHz from proposed RCC sites with 150 RAD centers and existing towers including publicly-owned land

Attempting to improve network coverage predictions for the 1900 megahertz frequencies CityScape changed the tower height and antenna mounting elevations for the nine emergency services towers to 250'. The scenario accounts for antenna mounting elevations (RAD centers) at the 250'; 240'; 230' 220' 210; and 190' locations on each emergency service tower. The propagation for these maps is based on the 190' antenna mounting elevation and shown in Figure 35.

Figure 35 includes the existing towers county-wide up to one hundred and fifty feet in height assuming antenna mounting elevation of 100'; and existing towers in excess of one hundred and ninety-nine feet with an antenna mounting elevation of 150'. Figure 34 also includes the publicly-owned lands with a 199' tower with an antenna mounting elevation at 150'.

Figures 35 and 36 show an improvement in coverage area with the increase in antenna mounting elevation height.

Figure 37 provides a side-by-side comparison of the network coverage maps with the 150' and 190' RAD center elevation variations in the 1900 MHz frequency. The comparison between the two propagation maps illustrates that network gaps are generally the same in both models but the quality of the signal strength is improved from average to superior in the geographic areas of the emergency service towers.

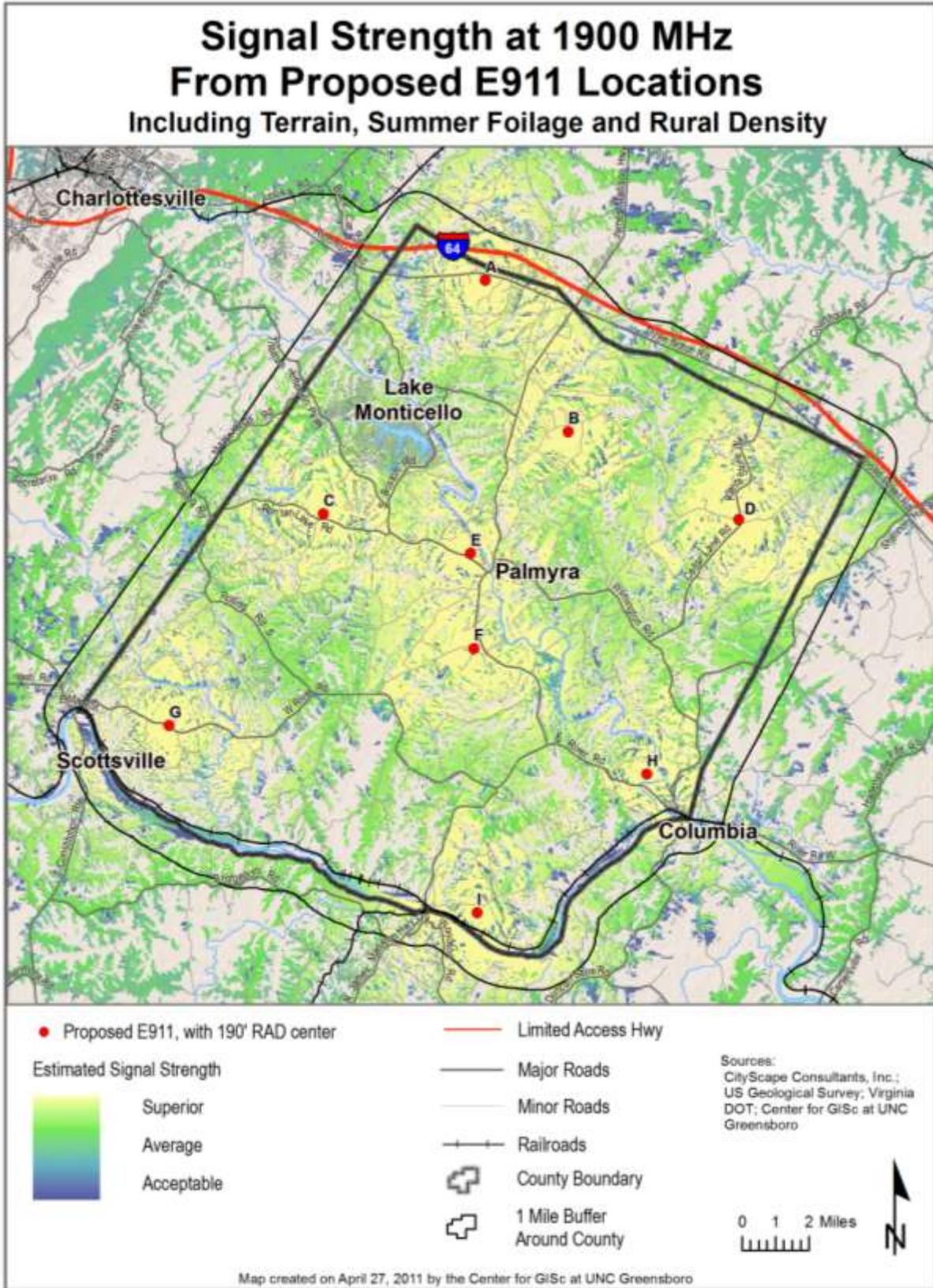
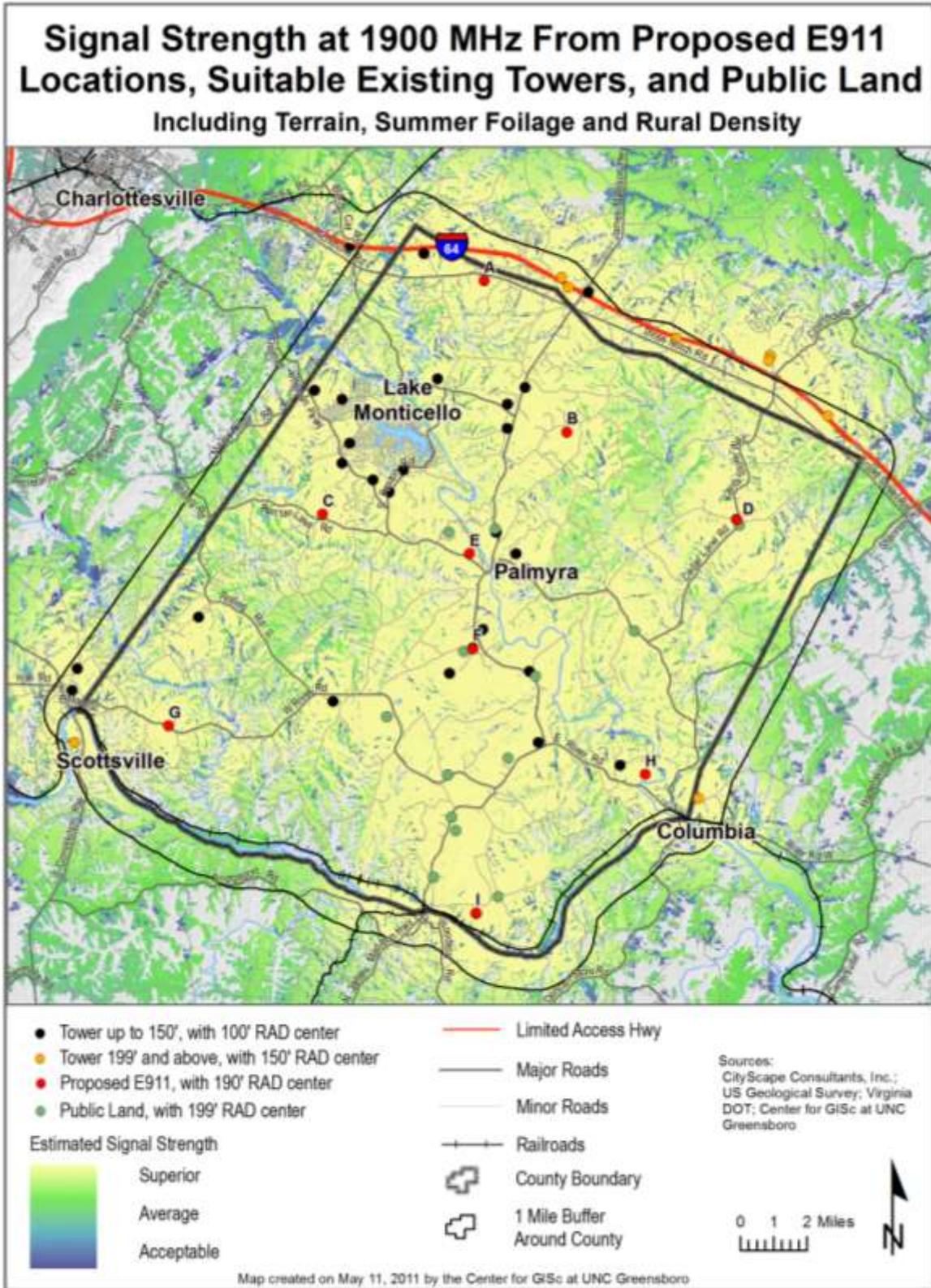
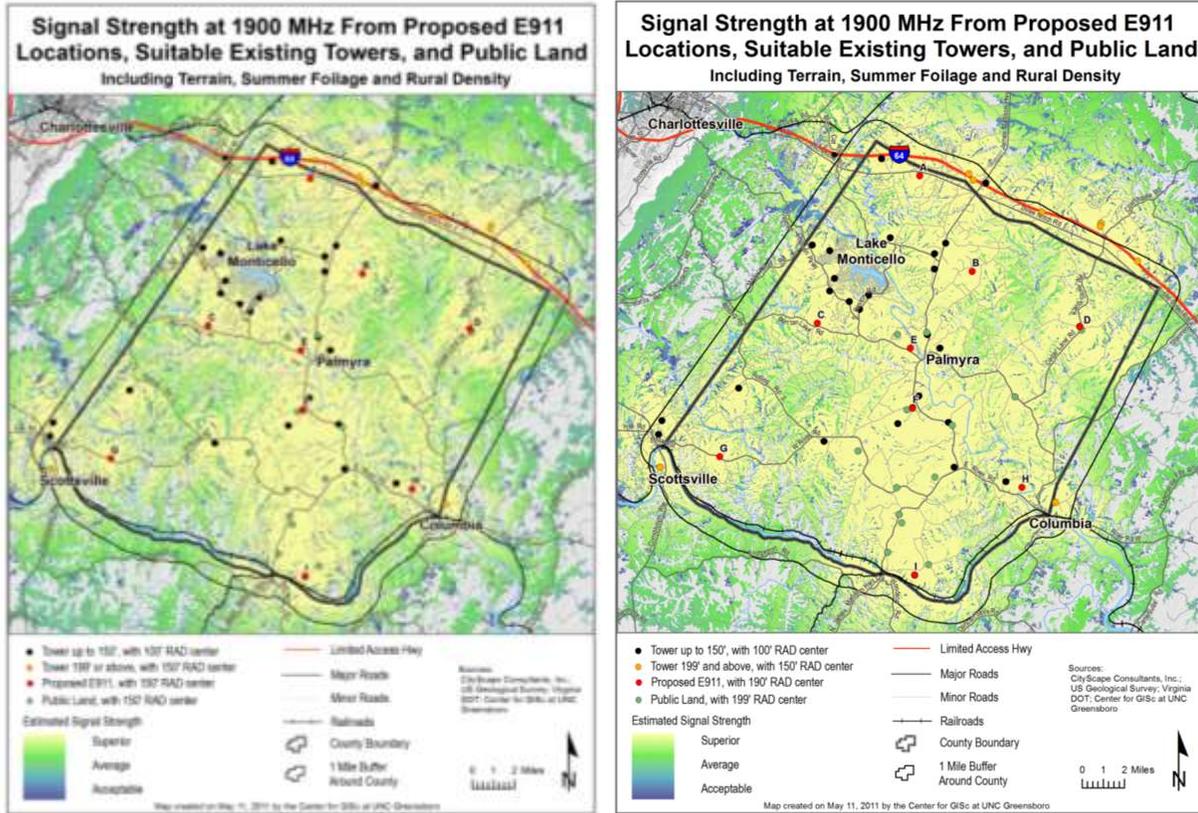


Figure 35: Propagation Map 1900 MHz from proposed RCC sites with 190 RAD centers



**Figure 36: Propagation Map 1900 MHz from proposed RCC sites with 190 RAD centers and existing towers including publicly-owned land**



**Figure 37: Side by side comparison of propagation maps at 1900 MHz frequency with 150’ and 199’ RAD centers with existing towers and publicly-owned land**

Results of the propagation maps support the use of the existing and proposed emergency services tower locations as described in the RCC Consultants report. The emergency services tower locations are existing or proposed in areas where future wireless telecommunications service providers will also need access. For this reason it is highly probable that the County could benefit from either having certain towers built by the industry; or by having future colocation lease revenues on the emergency service towers - provided these towers are built and managed with this objective.

CityScape recommends the County consider the additional need for service in the geographic area circled on the map in Figure 38. The RCC Consultants maps show this area with marginal service; the 800 MHz frequency maps in this study show marginal service; and the 1900 MHz maps in this study show little and no service.

Figure 39 illustrates the effects of adding a facility in this geographic area (new site J). Also note in Figure 39 the increased tower elevation for RCC’s proposed tower “I”. In RCC’s report this facility is actually proposed to be 330’. Figure 39 illustrates the propagation from that facility from an antenna mounting elevation of 280’.

### *Zoning observation*

Another objective of the propagation analysis pertained to future heights for new wireless telecommunications towers. The increase in tower height from 125' to 199' will certainly reduce the overall number of towers needed county-wide by increasing the coverage area from each antenna array and allowing for multiple colocation opportunities on each facility. While the increase in height to 199' will not require tower lighting, they will have a greater visual impact on the landscape in comparison to the existing towers at 125'. Increasing the tower heights to 250' will require the towers to have twenty-four hour lighting systems and will help to improve the quality of the wireless network service area; but not necessarily improve gaps in coverage. Additional towers will still be needed in those specific geographic areas regardless of the tower being 199' or 250' in elevation.

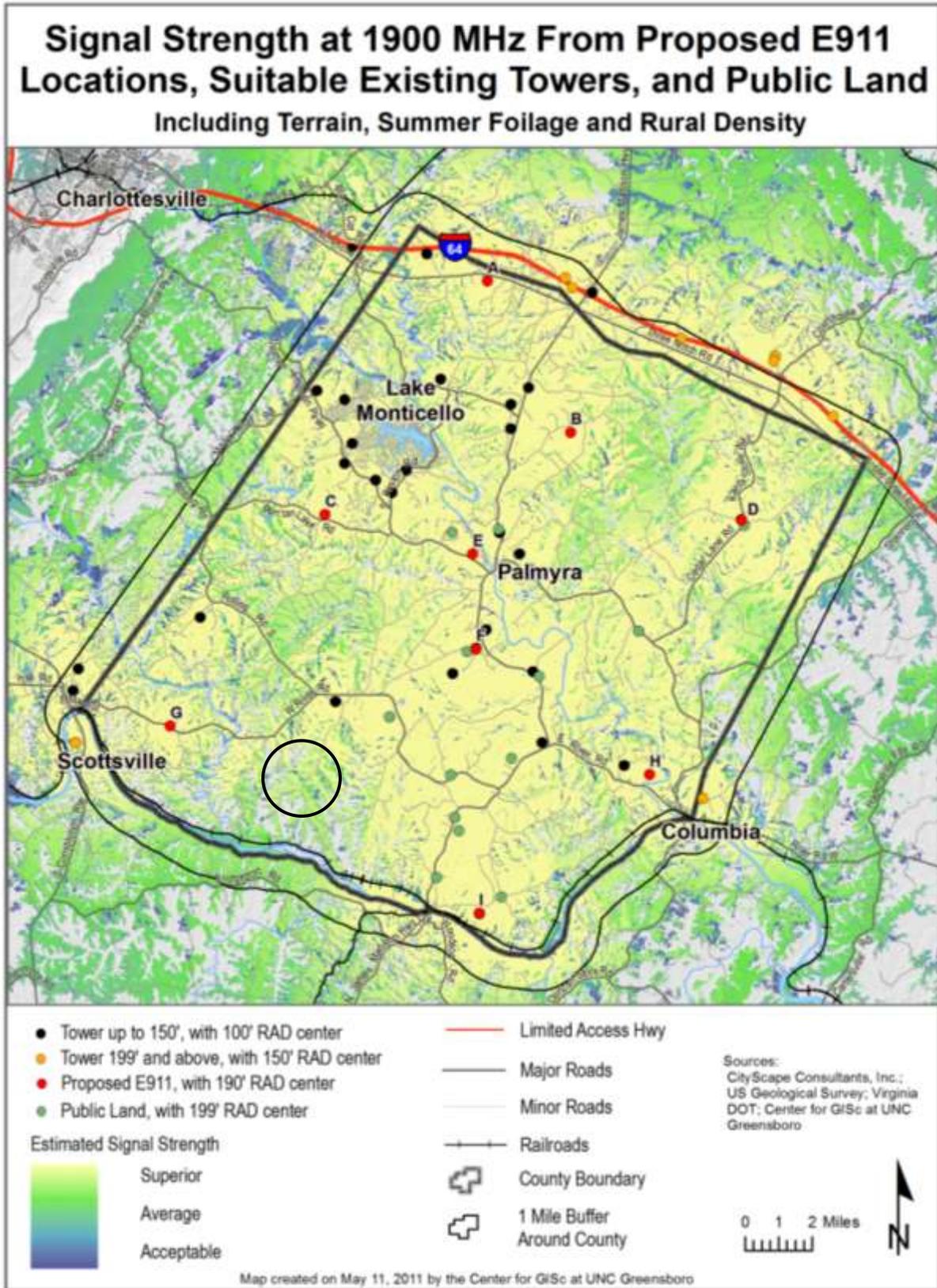


Figure 38: Identification of Geographic Area for Potential Additional Emergency Services Facility

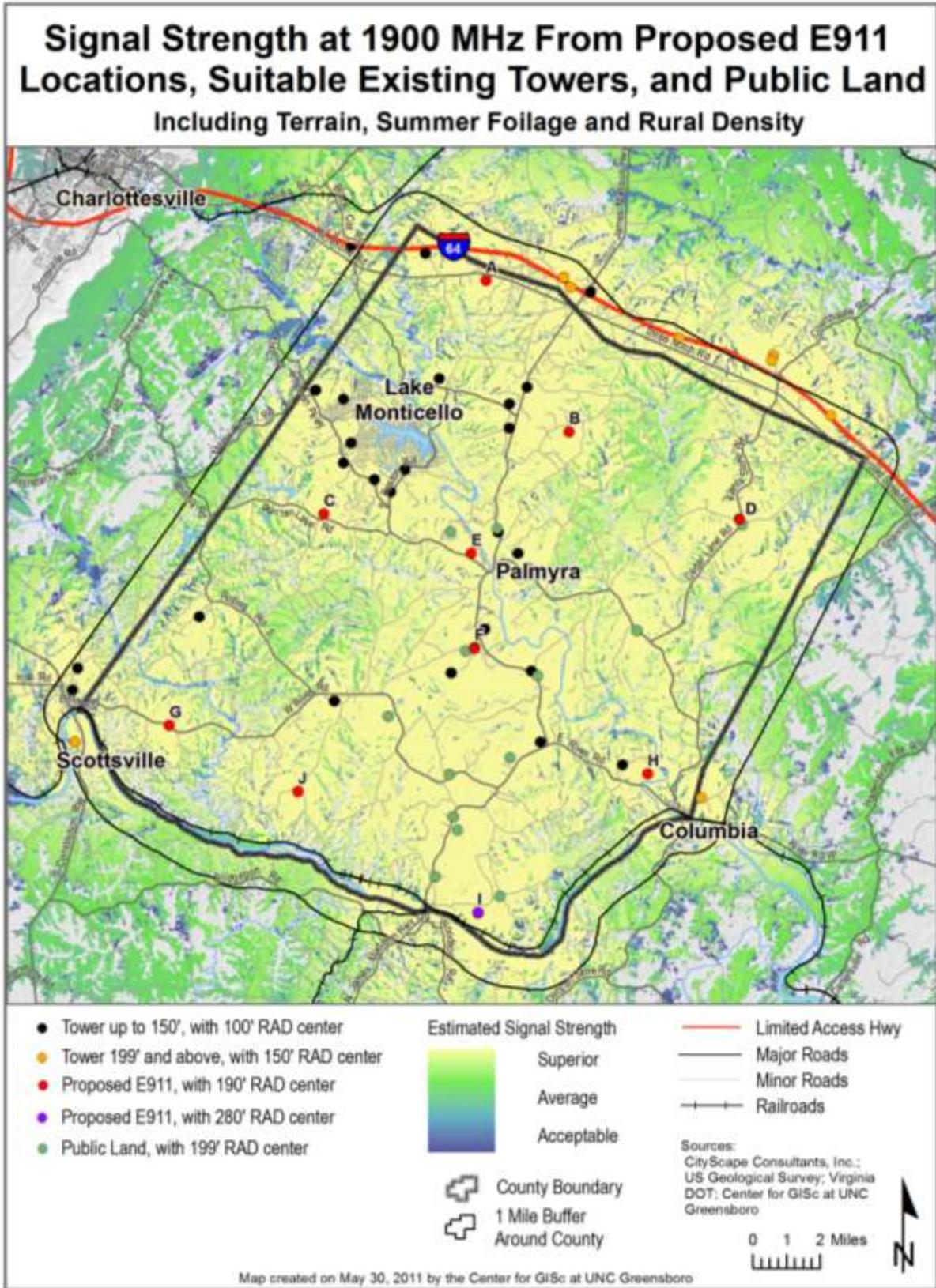


Figure 39: Propagation Map 1900 MHz with proposed new site “J”

## Chapter 5 Future Infrastructure

### Population analysis

Fluvanna County is located in north central Virginia south of Interstate 64, east of Charlottesville, and west of Richmond. According to the United States Census (the Census) the physical size of the County is approximately 287.37 square miles. The Census further estimates the 2009 population for the County at 25,732. This equates to an average of around 70 persons per square mile. The largest population center is Lake Monticello. Figure 40 illustrates the population density by census block group.

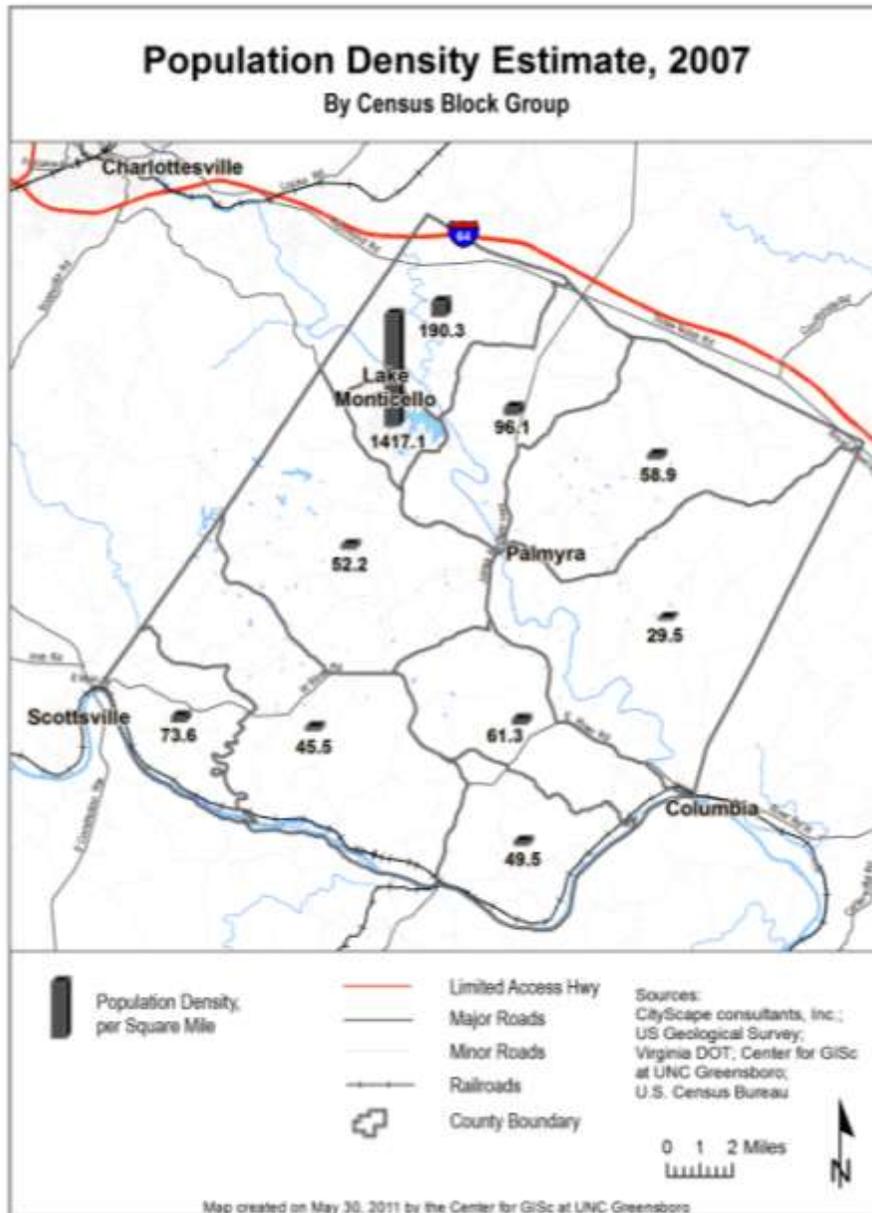


Figure 40: Fluvanna County Population by Census Block Group (2009)

According to the Fluvanna County Comprehensive Plan the population for Fluvanna County increased about 43 percent from 2000 to 2010. A 30 percent increase is projected between 2010 to 2020 equating to an estimated population of 37,433 in 2020 and up to 47,010 by 2030 (34, Comprehensive Plan).

The propagation patterns for 800 MHz are almost complete assuming the same 800 MHz provider utilizes all the existing and proposed emergency services towers for their wireless network. However, the 1900 MHz maps illustrate significant deficiencies in network coverage. The correlation between the more densely populated area with coverage and low population areas with unacceptable or no coverage is well illustrated in propagation maps. This pattern of network coverage relative to population density illustrates common wireless deployment practices. The larger centers of population offer more potential for wireless subscribers. The larger the subscriber base the more quickly the industry can recover the return on their investments. Wireless network to rural areas will improve over time especially with changes in land use and population growth.

### *Subscribers and wireless network planning*

Up to this point the Master Plan has focused on existing wireless base station coverage, however current network coverage is only one aspect of wireless service. The primary objective of the first phase of network development is to create coverage over a large service area. When network coverage is achieved wireless service providers begin to monitor the number of calls. Once the number of simultaneous calls consistently reach “x” (a predetermined maximum number), and the facility cannot support the subscriber base, the wireless network exceeds the capacity design of the system. Exceeding network capacity equates to overloading the network which results in lost service, dropped calls, rapid busy signals, and the inability to make calls. To overcome problems caused by over-capacity challenges, additional antenna and base stations are required.

Carriers use varying methods for maintaining a sufficient level of service for their network design such as base population estimates. Usually it is derived from a projected number of people within reach of a base station. As network penetration levels increase and the duration of calls grows longer, carriers will reduce the projected number of people within reach of a base station, therefore shrinking size of the subject cell which creates the need for additional "drop-in" facilities.

According to 2009 data the federal penetration rates of subscribers with wireless telephone service for the United States indicate a level of around 77 percent. Cell phone service was projected to increase to about 80 percent by the end of 2010, and may exceed that with the success of “smartphones.”

Carriers use base population estimates for their network design. Population density is what controls the separation distance between base stations. The existing network design, based on local wireless penetration rates and usage, has each site facilitating the use of between 1750 and 2500 separate devices. As wireless devices increase in number *and* usage (particularly more intensive bandwidth usage like email, facebook, and mobile tv), each site will need to *decrease*

its geographic area and serve a smaller number of subscribers in order to avoid overloading its systems. In other words, a projection of 1750 to 2500 users per site will shrink significantly over the next 10 years, with estimates ranging from 500 to 1200 devices per site, depending on the particular carrier, services offered, and number of overall subscribers. Concurrent with the shrinkage of number of users per site will be an increase in the total number of sites needed in order to provide service to subscribers.

### *Wireless broadband*

Wireless broadband is analogous to the communications of voice via wireless phones but for the transmission of high speed wireless data. Wireless broadband is the transfer of data (wireless internet) via radio waves between computers, hand held wireless phones and other wireless devices. First generation (1G) wireless deployments launched the analog hand held phones operating in the 800 MHz frequency. Second generation (2G) wireless deployments launched the digital wireless voice network in the 800 and 1900 MHz frequencies. Third and fourth generation (3G and 4G) wireless deployments add the capability of wireless data networks generally in the 700 and 2400 MHz frequencies, although many carriers are using their designated voice channels for broadband.

Traditional service providers such as AT&T, Verizon, and Sprint/Nextel have added wireless broadband to their platforms. Newer wireless handsets (phones) can communicate both voice (phone) and access the internet (broadband). Additionally there are service providers like Clear Wire, Cricket, Next Generation, Frontier, and other smaller regional services whose business plan is to provide wireless internet (broadband) to its subscriber base as an alternative to Roadrunner or other local cable and dial up internet providers.

The infrastructure for wireless broadband is similar to that in use for wireless phones; i.e. elevated antenna with a base station for each service provider. The base station foot print for wireless broadband is smaller in comparison due to the limited spectrum and operating frequency available from the Federal government for the wireless broadband industry. For example to cover a geographic area of approximately five square miles the following would be required:

- 1G – Analogue - 1 cell site
- 2G – Cell phone - Digital TDM – 6 cell sites
- 3G – Smart phone - Digital CDMA – 14 sites
- 4G – Universal personal communicator devise - Digital CFDM or LTE - 36 sites

Complete fourth generation broadband network deployment is anticipated to begin in 2013 beginning in the urban markets.

### *Future tower site projections through 2010*

Each wireless phone and/or broadband network has unique deployment needs, and might need antennas at varying heights. Just because one provider locates on a building, does not mean that building height will work for the next provider. Additionally, the rapid change in how people are

using technology will continue to impact the existing network infrastructure. More and more devices on the market can transfer data via cell signals (Kindles, iPads, Nintendo DS, etc.) The addition of wireless objects such as these coupled with the ongoing popularity of text messaging will require new antenna locations not due to increased wireless network traffic, but the evolvement of high speed wireless broadband devices, even with a stagnant population.

As a result of the present growth models and the current wireless market penetration rate, along with the rate of wireless network evolution from 3G to 5G, CityScape’s prediction for future antenna deployment is based on network growth from the existing antenna locations. Each year in the future the number of new colocations, antenna attachments, and tower facilities will vary. Subscriber demand on the network will control future deployments.

To effectively and efficiently provide network coverage County-wide over the next ten years, CityScape anticipates it will require about 22 to 25 new antenna support facilities to provide a comprehensive network to fill in the service coverage and capacity gaps. Table 7 generally describes the breakdown of proposed facilities.

<b>Approximate new facility projection</b>	<b>General description of anticipated locations</b>
9	Proposed RCC Consultants emergency service locations
1	Proposed additional emergency service by CityScape Consultants
5	Publicly-owned lands presently void of an existing antenna support structure
4	Proposed telecommunication facilities in residential areas at approximately 150’ in height.
14	Proposed telecommunication facilities in rural areas at approximately 199’ in height.
<b>22</b>	<b>Total</b>

**Table 7: Explanation of proposed in-fill telecommunication facilities**

Yearly population increases cannot be anticipated to be evenly divided as customer demand on the network will control future deployments. As a rule of thumb the County could anticipate an average (of any combination) of approximately two new tower sites and/or two to four colocations and/or antenna attachments per year over the next ten years. This estimation is based on the mathematics of the population density; subscriber base and usage; transient movement through the County, and how many calls a base station can simultaneously serve at any given time.

This projection model is based on various new tower heights keeping in mind aesthetic concerns while allowing for maximum colocation opportunities and the reduction of multiple towers within the same geographic search areas. The geographic areas of where these new facilities are projected are shown in Figure 41.

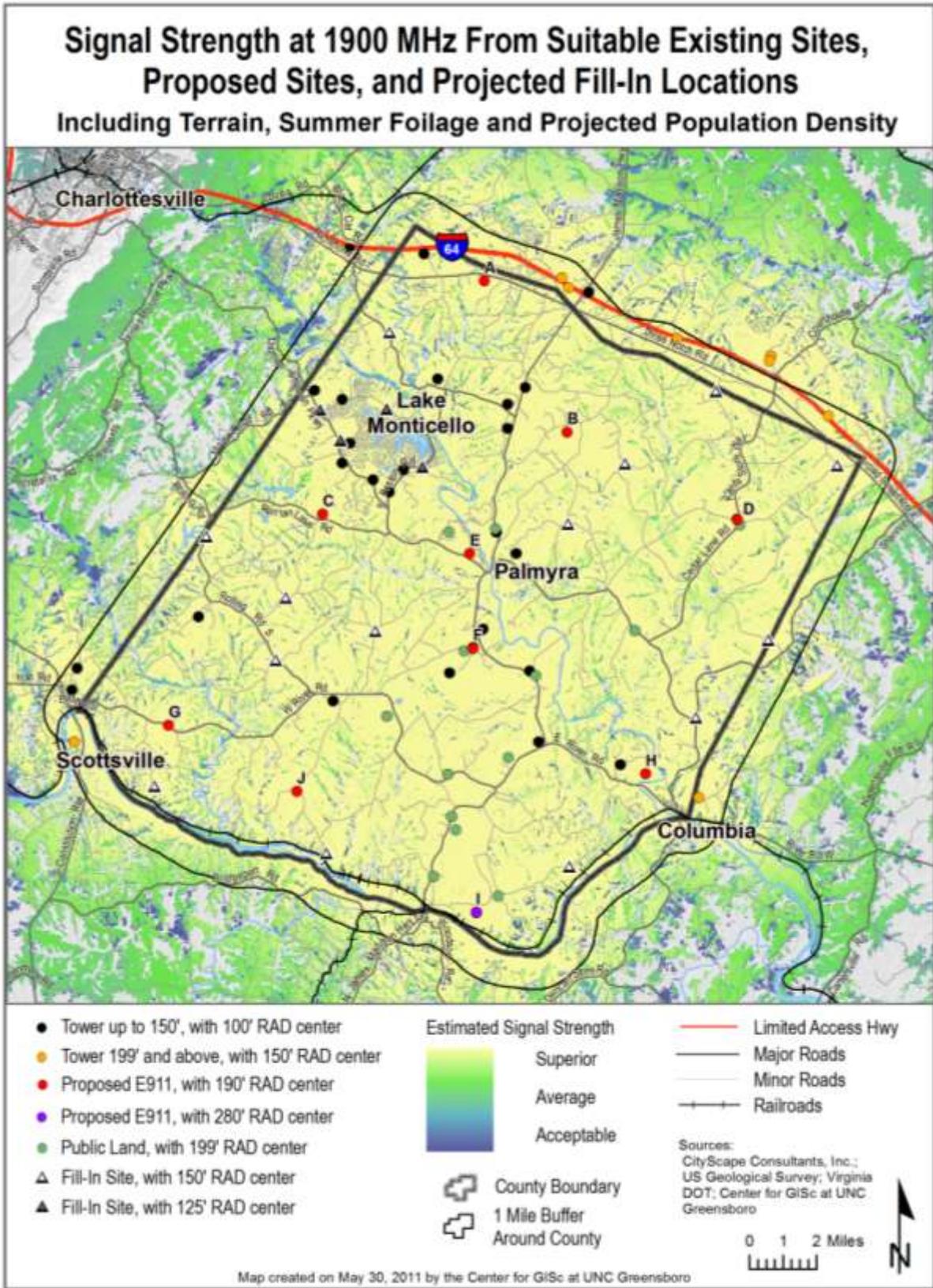


Figure 41: Projected new infrastructure infill sites

## Chapter 6 Zoning

### Zoning Analysis

CityScape has reviewed Article 17. entitled, General Provisions Sec. 22-17-14 and 14.1 relative to how the County currently regulates communication towers and offers the following comments.

Height: The current policy sets a 125 foot height maximum for new towers. This elevation limits network service coverage areas and limits the number of colocation opportunities on the tower. It is likely the industry will choose to develop facilities in other localities where they can get a return on investment. The current policy allows for taller towers to facilitate colocation but the vast majority of the towers in the County are less than 130 feet in height which sends a warning to the industry that taller towers may not be approved. Tower heights should be increased to allow for improved network coverage and increased opportunity for colocations.

Broadcast facilities: The existing Ordinance does not separate radio broadcasting towers and antennas from wireless telecommunications facilities. Yet the two land uses are different. There are specific regulatory requirements through the 1996 Federal Telecommunications Act that apply only to wireless telecommunications and broadcast facilities and not vice versa. Land use development standards for broadcast facilities should to be addressed separate from wireless telecommunications.

Land Use Development Standards: CityScape has attended two public meetings and met with County staff and citizenry to discuss wireless telecommunication deployment practices, goals and objectives. Based on the feedback from those meetings CityScape can affirm the following:

- Monopole tower structures are the highly preferable non-concealed tower type option; and
- Monopoles painted dark brown, deep green or black, flag poles (with and without the flag) and light stanchions are the concealed highly preferable favorites; and
- Use of utility distribution poles and utility right-of-way for new towers and colocations is highly preferable; and
- Locating new non-concealed telecommunications facilities in commercial and office districts and on public property is highly preferable over allowing new towers in residential districts; and
- Allowing concealed facilities Countywide is more highly preferable to non-concealed towers; and
- Improving infrastructure for emergency services ranked very important; and
- Protecting the visual impacts and appearances of the towers is also very important; and
- Prioritizing locations for new towers is ranked very important; and
- Minimizing site disturbances and keeping existing vegetation is very important.

Sec. 22-17-14 does not sufficiently address these land use development standards for new wireless telecommunications infrastructure. The existing policy is vague and uses terminology

like “single poles” and “substantial detriment” which are non-industry terms and arbitrary in nature, respectively. CityScape suggests that detailed development standards addressing the bulleted items be added to the zoning ordinance. Pictures of the types of preferred facilities are pictured below.



Monopole



Flag Pole



Light Stanchion



Slick Stick



Painted Monopole

Hierarchy recommendation A Siting Hierarchy is a zoning tool to encourage the use of existing antenna support structures, and the use of publicly owned property for future telecommunications infrastructure. Providing a Siting Alternative Hierarchy is one way to encourage the use of existing facilities and county-owned properties as locations for new wireless telecommunications infrastructure. Adding the hierarchy of preferable infrastructure options also addresses the visual and locational preferences of future network installations. The draft siting hierarchy below is based on the feedback received from the attendees at the public meetings.

Siting hierarchy. Siting of a new antenna array or new TASF shall be in accordance with the preferred siting hierarchy in the order outlined below. All siting options are preferred to be located on publicly-owned property, as identified in the County’s Telecommunications Master Plan, as a first option. The location of antenna array or other facilities on non publicly-owned property is acceptable as a secondary option within each category.

- (1) Concealed attached antenna
- (2) Colocation; antenna modification; combined antenna(s) on existing TASF
- (3) Colocation or new TASF in utility right-of-way
- (4) Non-concealed attached antenna
- (5) Replacement of existing TASF
- (6) Mitigation of existing TASF
- (7) Concealed freestanding TASF
- (8) Non-concealed freestanding TASF
  - (a) Monopole
  - (b) Lattice
  - (c) Guyed

The order of ranking preference, highest to lowest, shall be from 1 to 8c. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in the development standards in this Article including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed TASF.

The order of ranking preference, highest to lowest, shall be from 1a to 8b(iii). Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in the development standards in this Article including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed telecommunications facility.

Telecommunications Facility Permitted Use Table: A permitted use table that organizes the type of infrastructure permitted within the different zoning districts and the process by which the request would be submitted for review is helpful to all stakeholders. The draft permitted use table below is based on information received from the public meeting attendees.

### Siting Preference Table

Zoning Districts	Permitted Telecommunications Facilities & Level of Development Standards						
	Amateur Radio Facility & Comparable Antenna Element Replacement	Concealed Attached; Antenna Colocation, Antenna Modification; Noncomparable Antenna Element Replacement, Combining; and Non-concealed Attached Antenna	Replacement Antenna Support Facility	Mitigation of Existing Antenna Support Facility	Concealed Freestanding Antenna support facility	Non-Concealed Freestanding Antenna support facility	Broadcast Facility
A-1	B	B	B	S	B	S	S
R-1	B	B	B	S	B	S	Not allowed
R-2	B	B	B	S	S*	Not allowed	Not allowed
R-3	B	B	B	S	S*	Not allowed	Not allowed
R-4	B	B	B	S	S*	Not allowed	Not allowed
B-1	B	B	B	S	B	S	Not allowed
B-C	B	B	B	S	B	S	Not allowed
I-1	B	B	B	S	B	S	S
I-2	B	B	B	S	B	S	S
MHP	B	B	B	S	B	Not allowed	Not allowed
PUD	B	B	B	S	B	S	S

B: By Right – Administrative

S: Special Use Permit – Public Hearing Process

S\* Any mitigation of an existing SUP requires an amendment through the SUP process

County-owned properties recommendation: The County intends to lease county-owned land, towers and water tanks for future wireless telecommunications infrastructure. The practice of installing infrastructure on publically-owned sites is common throughout the United States and is rooted in the enabling text of the federal legislation that revolutionized the wireless communications industry, the Telecommunications Act of 1996 (the Act).

#### *Legal Opinion*

The opinions provided herein relate solely to federal law and FCC decisions and regulations specifically and do not relate to any applicable state or local regulation. Anthony T. Lepore, Esq., CityScape’s Vice President, devotes his practice exclusively to telecommunications issues, is a member of the Florida and Massachusetts Bars and is qualified to practice before the Federal Communications Commission.

The Act requires local governments to treat wireless telecommunications providers (who provide functionally equivalent services) equally and that those governments not enact regulations that hinder or prevent the development and provision of wireless services to consumers. Those provisions of Section 704 of the Act are well known, but lesser known sections provide that the federal government makes available property for wireless facilities stating in part:

*“(c) AVAILABILITY OF PROPERTY- Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes” (emphasis added).*

Clearly, the congressional intent behind this language was to enable the utilization of Federal property for wireless services and to encourage state and local governments to make public property available for wireless purposes. The FCC interpreted the language in its *Wireless Siting Fact Sheet #1* (April 23, 1996)<sup>1</sup> to mean: “Federal agencies and departments will work directly with licensees to make federal property available for this purpose, and the FCC is directed to work with the states to find ways for states to accommodate licensees who wish to erect towers on state property, or use state easements and rights-of-way”.

However, there is no federal telecommunications regulation prohibiting the extent to which a city, county or town desires to regulate the placement of wireless communications facilities to *favor* public property over private property. Indeed, based on the foregoing language, it would appear that Congress’ intent is to encourage siting on public property. Of course, if the effect of such a provision were to prevent the implementation of wireless services (for example, by mandating that a provider had to construct on public property and there was no public property available in the geographic search ring for the proposed facility), then such regulation would have the effect of prohibiting wireless services and that could be a violation of the Act.

Leasing public lands for purposes of new wireless infrastructure can create new sources of public revenue. As new sites are developed on public land, the community generates lease revenue from that tower owner and tenant. Some communities are generating millions of dollars over the term of multiple contracts just from leasing public facilities to the wireless service providers. This revenue is created without bonds and without an increase in state and local taxes.

Ordinance revisions are intended to limit the visibility of new wireless telecommunications support structures on the landscape, reduce the number of new antenna support structures, and utilize publicly-owned lands for the purposes of wireless infrastructure deployment. Text amendments should also address concerns regarding tower proliferation, and include strategies to control future growth of the wireless telecommunications industry throughout the City.

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<sup>1</sup> <http://wireless.fcc.gov/siting/fact1.html>

Leasing public-owned lands assures the community the preference of concealment materials and technologies presently available to the industry. As public sites are developed, the infrastructure installed becomes the precedent of how future sites should be developed on private land. For example, many “tree towers” and “flag pole” towers are available to the industry, as well as other creative ideas for concealment towers; some are more aesthetically pleasing and more practical than other types. As the local government utilizes these products, their applications become the standard for future tower sites on both public and private land. As public land sites are considered and utilized for these purposes, staff gains invaluable knowledge on how wireless sites are constructed, which will aid them in reviewing and processing future site plan designs and evaluations on both public and private properties. Leasing public lands for purposes of new wireless infrastructure can create new sources of public revenue. As new sites are developed on public land, the community generates lease revenue from that tower owner and tenant.

Ordinance revisions: Rather than amending the existing Article 17 CityScape recommends creating a new Article entitled, “Telecommunications Facilities” which would be a comprehensive zoning tool to manage the telecommunications industry and address the goals and objectives of the Master Plan. The new Article should include industry specific definitions, and land use development standards that support the goals and objectives discussed at the recent public meetings. The Article would likely be lengthy but necessary to promote organized future infrastructure deployments with an emphasis on having future towers built in strategic locations to meet emergency services, wireless phone and wireless broadband objectives.

## Chapter 7 Inventory

### Purpose of the inventory

#### *Procedure*

CityScape conducted an assessment of the existing antenna locations and potential County-owned properties throughout the County by driving to all locations. Data for the assessments was obtained from a number of sources including actual permits obtained from the County for wireless infrastructure, research of FCC registered site locations, direct information from existing wireless service providers and tower owners active in the County, the County GIS, and through actual site visits to each location. County account map references are provided for all antenna support structures and County-owned parcels whose exact location could be verified.

#### *Inventory catalogue existing antenna(s) and towers*

Pictures of existing antenna support structures, properties where towers have been approved but not yet built and proposed new infrastructure are included in the inventory catalogue. The site locations are identified numerically on Figure 42. Existing towers are identified by a black dot. White dots represent locations where towers have been approved but not yet built. Water tanks are symbolized by blue dots and orange dots identify sites under consideration.

#### *Structural evaluation*

Based on a visual inspection of antenna arrays already on existing antenna support structures, CityScape has made a judgment as to whether each support structure is likely to physically accommodate more antennas. The number of estimated colocations is referenced as future antenna colocation possibilities. The suggested colocation is based on visual observations only. In this consideration, adding antennas equates to adding another wireless antenna platform consisting of several antennas and associated heavy coaxial cable. Prior to mounting new antennas and related equipment, the structure must be examined and analyzed by a structural engineer for its ability to support the proposed addition.

#### *Publicly-owned property*

Figure 43 identifies the County-owned property and property owned by the Fluvanna County School Board that could be used for future telecommunications facilities is also included in the inventory. Proposed infrastructure type and height recommendations are provided per the data and information collected from the attendees at the two public wireless telecommunications workshops.

#### *Site photographs*

Photographs of both inventories are provided following the corresponding Figures 42 and 43.

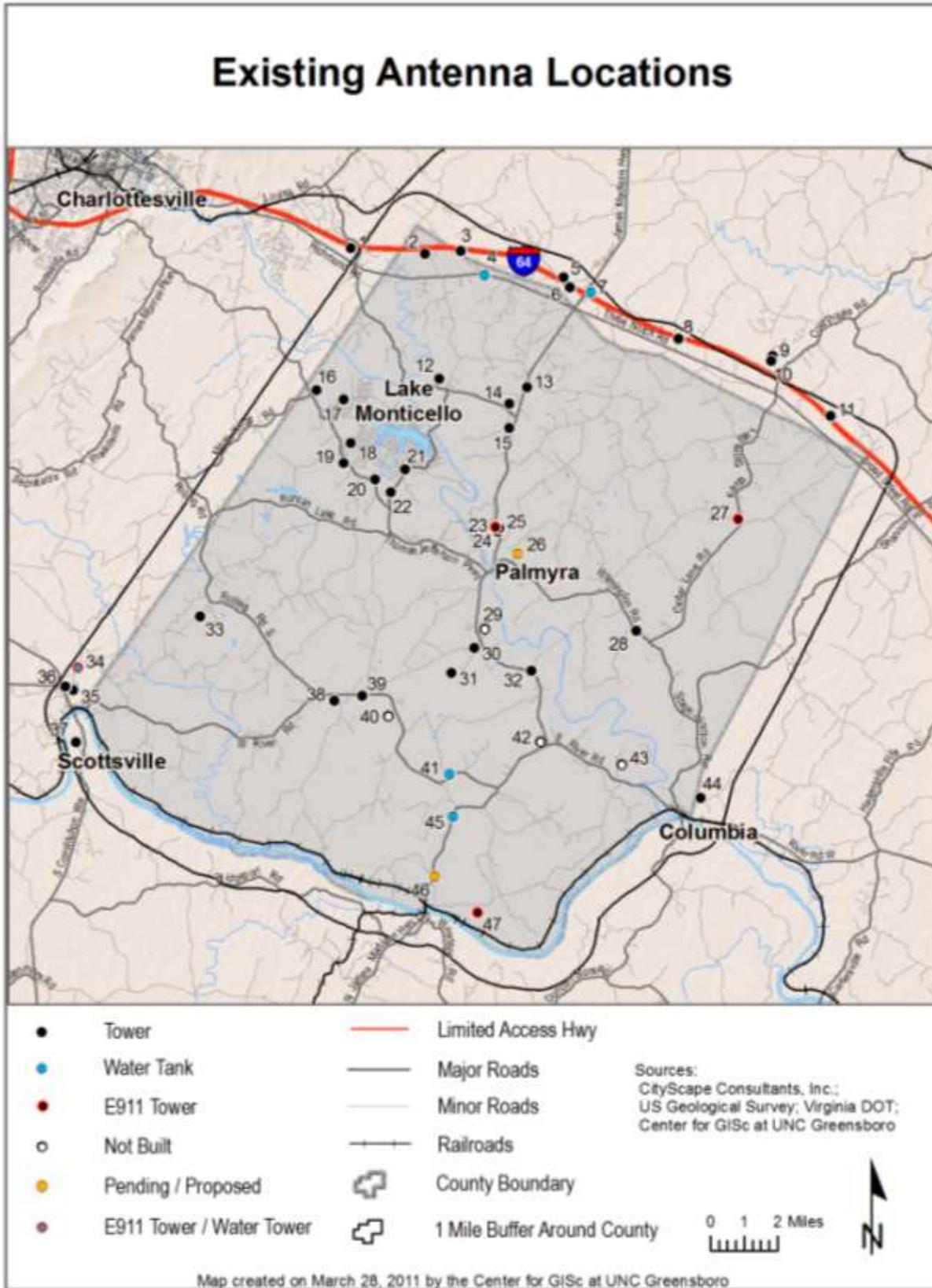


Figure 42: Existing Wireless Telecommunications Inventory

Inventory

	<p><b>SITE LOCATION 1</b>                  Crown Castle International                  FCC #: N/A                  CCI ID: 816316                  Rt. 20 (Albemarle County)                  Latitude: 37-59-48.98 N                  Longitude: -78-20-30.8 W</p> <hr/> <p>Height: 149'                  Type: Lattice                  Future Capacity: 0-1</p>		<p><b>SITE LOCATION 2</b>                  American Tower Corporation                  FCC #: 1004677                  ATC ID: 99354                  CO SUP: 96-05                  2038 Beaver Dam Road                  Latitude: 37-59-40.29 N                  Longitude: -78-18-3.97 W</p> <hr/> <p>Height: 125'                  Type: Monopole                  Future Capacity: 2</p>
	<p><b>SITE LOCATION 3</b>                  Crown Castle International                  FCC #: N/A                  CCI ID: 861959                  532 Edd Ridge Lane (Louisa County)                  Latitude: 37-59-44.72 N                  Longitude: -78-16-54.25 W</p> <hr/> <p>Height: 190'                  Type: Monopole                  Future Capacity: 4</p>		<p><b>SITE LOCATION 4</b>                  Commonwealth of VA                  Water Tank                  FCC #: N/A                  2130 Richmond Road                  Latitude: 37-59-6.1 N                  Longitude: -78-16-8.3 W</p> <hr/> <p>Height: Unknown                  Type: Water Tank                  Future Capacity: 0 -3</p>
	<p><b>SITE LOCATION 5</b>                  Crown Castle International                  FCC #: 1055136                  CCI ID: 816425                  1022 Zion Road (Louisa County)                  Latitude: 37-59-3 N                  Longitude: -78-13-32 W</p> <hr/> <p>Height: 193'                  Type: Lattice                  Future Capacity: 3</p>		<p><b>SITE LOCATION 6</b>                  Crown Castle International                  FCC #: N/A                  CCI ID: 849923                  306 Zion Road (Louisa County)                  Latitude: 37-58-46.99 N                  Longitude: -78-13-18.89 W</p> <hr/> <p>Height: 190'                  Type: Monopole                  Future Capacity: 4</p>
	<p><b>SITE LOCATION 7</b>                  Louisa County                  FCC #: N/A                  Zion Cross Road (Louisa County)                  Latitude: 37-58-39.36 N                  Longitude: -78-12-39.13 W</p> <hr/> <p>Height: 135'                  Type: Water Tank                  Future Capacity: Unsure</p>		<p><b>SITE LOCATION 8</b>                  Crown Castle International                  FCC #: N/A                  CCI ID: 849845                  310 Rock Quarry Road (Louisa County)                  Latitude: 37-57-26.92 N                  Longitude: -78-9-46.12 W</p> <hr/> <p>Height: 190'                  Type: Monopole                  Future Capacity: 4-5</p>

■ EXISTING OR APPROVED AND NOT BUILT ■ WATER TANK ■ PROPOSED ■ PUBLIC SAFETY

Inventory

	<p><b>SITE LOCATION 9</b>                      Crown Castle International                      FCC #: 1023616                      CCI ID: 814735                      488 Land's End Road                      (Louisa County)                      Latitude: 37-56-59.21 N                      Longitude: -78-6-41.46 W</p> <hr/> <p>Height: 286'                      Type: Guy                      Future Capacity: 4-5</p>		<p><b>SITE LOCATION 10</b>                      American Tower Corporation                      FCC #: 1018675                      ATC ID: 272631                      465 Land's End Road                      (Louisa County)                      Latitude: 37-56-51.72 N                      Longitude: -78-6-44.43 W</p> <hr/> <p>Height: 200'                      Type: Lattice                      Future Capacity: 4</p>
	<p><b>SITE LOCATION 11</b>                      Crown Castle International                      FCC #: N/A                      CCI ID: 849853                      892 Hasher Road (Louisa County)                      Latitude: 37-55-25.51 N                      Longitude: -78-4-48.3 W</p> <hr/> <p>Height: 194'                      Type: Monopole                      Future Capacity: 4</p>		<p><b>SITE LOCATION 12</b>                      SBA Towers II LLC                      FCC #: 1260692                      SBA ID: VA11283                      SUP: 07-011                      569 North Boston Road                      Latitude: 37-56-25.37 N                      Longitude: -78-17-36.89 W</p> <hr/> <p>Height: 127'                      Type: Monopole                      Future Capacity: 1-2</p>
	<p><b>SITE LOCATION 13</b>                      SBA Towers II LLC                      FCC #: 1256578                      SBA ID: VA11336-A                      SUP: 06-002                      18956 James Madison Highway                      Latitude: 37-56-11.3 N                      Longitude: -78-14-44.7 W</p> <hr/> <p>Height: 129'                      Type: Monopole                      Future Capacity: 1-2</p>		<p><b>SITE LOCATION 14</b>                      Crown Castle International                      FCC #: N/A                      CCI ID: 804890                      SUP: 08-001                      215 Poorhouse Lane                      Latitude: 37-55-45.83 N                      Longitude: -78-15-19.38 W</p> <hr/> <p>Height: 124'                      Type: Monopole                      Future Capacity: 2</p>
	<p><b>SITE LOCATION 15</b>                      Altel                      FCC #: N/A                      SUP: 95-003                      332 Wildwood</p> <hr/> <p>Latitude: 37-55-7.88 N                      Longitude: -78-15-19.14 W</p> <hr/> <p>Height: 105'                      Type: Monopole                      Future Capacity: 1</p>		<p><b>SITE LOCATION 16</b>                      Altel                      FCC #: 1246776                      SUP: 04-005                      8200 block of Thomas Jefferson Parkway                      Latitude: 37-56-7.8 N                      Longitude: -78-21-39 W</p> <hr/> <p>Height: 125'                      Type: Monopole                      Future Capacity: 2</p>

■ EXISTING OR APPROVED AND NOT BUILT ■ WATER TANK ■ PROPOSED ■ PUBLIC SAFETY

Inventory

	<p><b>SITE LOCATION 17</b>                  US Cellular Corporation                  FCC #: N/A                  SUP: 97-012                  21 Burns Plaza</p> <hr/> <p>Latitude: 37-55-53.63 N                  Longitude: -78-20-45.06 W</p> <hr/> <p>Height: 120'                  Type: Monopole                  Future Capacity: 0-1</p>		<p><b>SITE LOCATION 18</b>                  Alltel                  FCC #: 1017511                  CO SUP: 94-007                  397 Jefferson Drive West</p> <hr/> <p>Latitude: 37-54-45.3 N                  Longitude: -78-20-30.7 W</p> <hr/> <p>Height: 125'                  Type: Monopole                  Future Capacity: 2</p>
	<p><b>SITE LOCATION 19</b>                  Crown Castle International                  FCC #: N/A                  CCI ID: 801477                  SUP: 00-0010                  6021 Thomas Jefferson Parkway</p> <hr/> <p>Latitude: 37-54-14.28 N                  Longitude: -78-20-45.51 W</p> <hr/> <p>Height: 134'                  Type: Monopole                  Future Capacity: 1</p>		<p><b>SITE LOCATION 20</b>                  US Cellular Corporation                  FCC #: 1246097                  SUP: 03-008                  4878 Thomas Jefferson Parkway</p> <hr/> <p>Latitude: 37-53-48.4 N                  Longitude: -78-19-44.3 W</p> <hr/> <p>Height: 125'                  Type: Monopole                  Future Capacity: 2</p>
	<p><b>SITE LOCATION 21</b>                  Roundtop Ltd Partners                  FCC #: N/A                  SUP: 03-010                  21 Centre Court</p> <hr/> <p>Latitude: 37-54-3.7 N                  Longitude: -78-18-44.3 W</p> <hr/> <p>Height: 125'                  Type: Monopole                  Future Capacity: 2</p>		<p><b>SITE LOCATION 22</b>                  Crown Castle International                  FCC #: N/A                  CCI ID: 801478                  SUP: 00-006                  509 Boston Road</p> <hr/> <p>Latitude: 37-53-28.92 N                  Longitude: -78-19-12.54 W</p> <hr/> <p>Height: 122'                  Type: Monopole                  Future Capacity: 2</p>
	<p><b>SITE LOCATION 23</b>                  Fluvanna County                  FCC #: N/A                  SUP: 92-011                  14455 James Madison Highway</p> <hr/> <p>Latitude: 37-52-26.52 N                  Longitude: -78-15-42.08 W</p> <hr/> <p>Height: 195'                  Type: Monopole                  Future Capacity: 2-3</p>		<p><b>SITE LOCATION 24</b>                  Fluvanna County School Board                  FCC #: N/A                  14455 James Madison Highway</p> <hr/> <p>Latitude: 37-52-26.5 N                  Longitude: -78-15-42.09 W</p> <hr/> <p>Height: 145'                  Type: Monopole                  Future Capacity: 0</p>

■ EXISTING OR APPROVED AND NOT BUILT ■ WATER TANK ■ PROPOSED ■ PUBLIC SAFETY

Inventory

	<p><b>SITE LOCATION 25</b> ComCast FCC # : N/A 14500 James Madison Highway  Latitude: 37-52-29 N Longitude: -78-15-36.4 W  Height: Not available Type: Guy Future Capacity: 0</p>		<p><b>SITE LOCATION 26</b> Verizon FCC # : 1004677 OO CUP: 11-001 Pending 94 Georges Mill Road  Latitude: 37-51-52.89 N Longitude: -78-15-03.27 W  Height: 125' Proposed Type: Monopole Proposed Future Capacity: 3</p>
	<p><b>SITE LOCATION 27</b> Fluvanna County FCC # : N/A SUP: 03-007 0-100 Kents Store Way  Latitude: 37-52-45.05 N Longitude: -78-7-48.94 W  Height: 125' Type: Monopole Future Capacity: 3</p>		<p><b>SITE LOCATION 28</b> Fluvanna County School Board FCC # : N/A  Latitude: 37-49-51.94 N Longitude: -78-11-10.99 W  Height: Not available Type: Monopole Future Capacity: 0</p>
	<p><b>SITE LOCATION 29</b> Lum, Robert L Trust ET AL FCC # : N/A SUP: 03-009 300 block Terre Haute Lane  Latitude: 37-49-54.85 N Longitude: -78-16-8.9 W  Height: 125' (not built) Type: Monopole Future Capacity: 3</p>		<p><b>SITE LOCATION 30</b> Fluvanna County School Board FCC # : N/A 3717 Central Plains Road  Latitude: 37-49-26.18 N Longitude: -78-16-28.81 W  Height: 140' Type: Monopole Future Capacity: 0</p>
	<p><b>SITE LOCATION 31</b> American Tower Corporation FCC # : 1017471 ATC ID: 99317 SUP: 94-008 2226 Central Plain Road Latitude: 37-48-47 N Longitude: -78-17-14.6 W  Height: 110' Type: Monopole Future Capacity: 1</p>		<p><b>SITE LOCATION 32</b> Fluvanna County School Board FCC # : N/A 9172 James Madison Highway Latitude: 37-48-49.91 N Longitude: -78-14-37.4 W  Height: 110' Type: Monopole Future Capacity: 0</p>

■ EXISTING OR APPROVED AND NOT BUILT ■ WATER TANK ■ PROPOSED ■ PUBLIC SAFETY

Inventory

	<p><b>SITE LOCATION 33</b>                  Transco                  FCC # : N/A                  1300 block Transco Road</p> <hr/> <p>Latitude: 37-50-15 N                  Longitude: -78-25-28 W</p> <hr/> <p>Height: Unknown                  Type: Guy                  Future Capacity: 0</p>		<p><b>SITE LOCATION 34</b>                  FCC # : N/A</p> <hr/> <p>(Albemarle County)                  Latitude: 37-48-55 N                  Longitude: -78-29-27 W</p> <hr/> <p>Height: Unknown                  Type: Water Tank                  Future Capacity: 1-3</p>
	<p><b>SITE LOCATION 35</b>                  Ownership Unknown                  FCC # : N/A                  AM transmitter                  253 Hardware Street                  (Albemarle)                  Latitude: 37-48-20 N                  Longitude: -78-29-37 W</p> <hr/> <p>Height: Unknown                  Type: Guy                  Future Capacity: 0</p>		<p><b>SITE LOCATION 36</b>                  American Tower Corporation                  FCC # : 1017514                  ATC ID: 99330                  253 Hardware Street                  (Albemarle County)                  Latitude: 37-48-20.6 N                  Longitude: -78-29-37 W</p> <hr/> <p>Height: 130'                  Type: Lattice                  Future Capacity: 2</p>
	<p><b>SITE LOCATION 37</b>                  US Cellular Corporation                  FCC # : 1023035                  533 Hancock Mill Road                  (Buckingham)</p> <hr/> <p>Latitude: 37-46-60 N                  Longitude: -78-29-32 W</p> <hr/> <p>Height: 400'                  Type: Guy                  Future Capacity: 0</p>		<p><b>SITE LOCATION 38</b>                  Fluvanna County School Board                  FCC # : N/A                  479 Cunningham Road</p> <hr/> <p>Latitude: 37-48-3.42 N                  Longitude: -78-21-3.66 W</p> <hr/> <p>Height: 110'                  Type: Monopole                  Future Capacity: 0</p>
	<p><b>SITE LOCATION 39</b>                  Owner unknown                  FCC # : N/A                  West River Road</p> <hr/> <p>Latitude: 37-48-11.2 N                  Longitude: -78-20-9.7 W</p> <hr/> <p>Height: Unknown                  Type: Private Fire Tower                  Future Capacity: 0</p>		<p><b>SITE LOCATION 40</b>                  Fluvanna County                  FCC # : N/A                  SUP: 08-003                  11206 West River Road</p> <hr/> <p>Latitude: 37-547-39.5 N                  Longitude: -78-19-17.93 W</p> <hr/> <p>Height: 195' not built yet                  Type: Monopole                  Future Capacity: 4</p>

■ EXISTING OR APPROVED AND NOT BUILT ■ WATER TANK ■ PROPOSED ■ PUBLIC SAFETY

Inventory

	<p><b>SITE LOCATION 41</b>                  Fluvanna County                  FCC # : N/A                  2900 block Gold Mine Road</p> <p>Latitude: 37-46-8.84 N                  Longitude: -78-17-18.58 W</p> <hr/> <p>Height: 147'                  Type: Water Tank                  Future Capacity: 3</p>		<p><b>SITE LOCATION 42</b>                  Verizon                  FCC # : N/a                  County SUP: 07-015                  7000 block James Madison Highway</p> <p>Latitude: 37-46-58.84 N                  Longitude: -78-14-20 W</p> <hr/> <p>Height: 125' not built yet                  Type: Monopole                  Future Capacity: 2-3</p>
	<p><b>SITE LOCATION 43</b>                  Verizon                  FCC # : N/A                  County SUP: 07-013                  200 Bryants Ford Road</p> <p>Latitude: 37-46-23.26 N                  Longitude: -78-11-39.57 W</p> <hr/> <p>Height: 125' Not built yet                  Type: Monopole                  Future Capacity: 2-3</p>		<p><b>SITE LOCATION 44</b>                  National Communication Towers                  FCC # : 1264736                  2706 Marie Road (Gooch)</p> <p>Latitude: 37-45-31.3 N                  Longitude: -78-9-6 W</p> <hr/> <p>Height: 199'                  Type: Lattice                  Future Capacity: 4</p>
	<p><b>SITE LOCATION 45</b>                  Fluvanna County                  FCC # : N/A                  2900 James Madison Highway</p> <p>Latitude: 37-45-3.2 N                  Longitude: -78-17-11.5 W</p> <hr/> <p>Height: 114'                  Type: Water Tank                  Future Capacity: 3</p>		<p><b>SITE LOCATION 46</b>                  Fluvanna County                  FCC # : N/A                  County SUP: 08-02 Pending                  200 Brems Bluff Road</p> <p>Latitude: 37-43-29.82 N                  Longitude: -78-17-47.43 W</p> <hr/> <p>Height: 195' Proposed                  Type: Monopole                  Future Capacity: 4</p>
	<p><b>SITE LOCATION 47</b>                  Virginia Electric &amp; Power Company                  FCC # : 1016964                  County SUP: 78-001                  2139 Brems Road</p> <p>Latitude: 37-42-33.12 N                  Longitude: -78-16-23.88 W</p> <hr/> <p>Height: 327'                  Type: Guy                  Future Capacity: 0</p>		

■ EXISTING OR APPROVED AND NOT BUILT ■ WATER TANK ■ PROPOSED ■ PUBLIC SAFETY

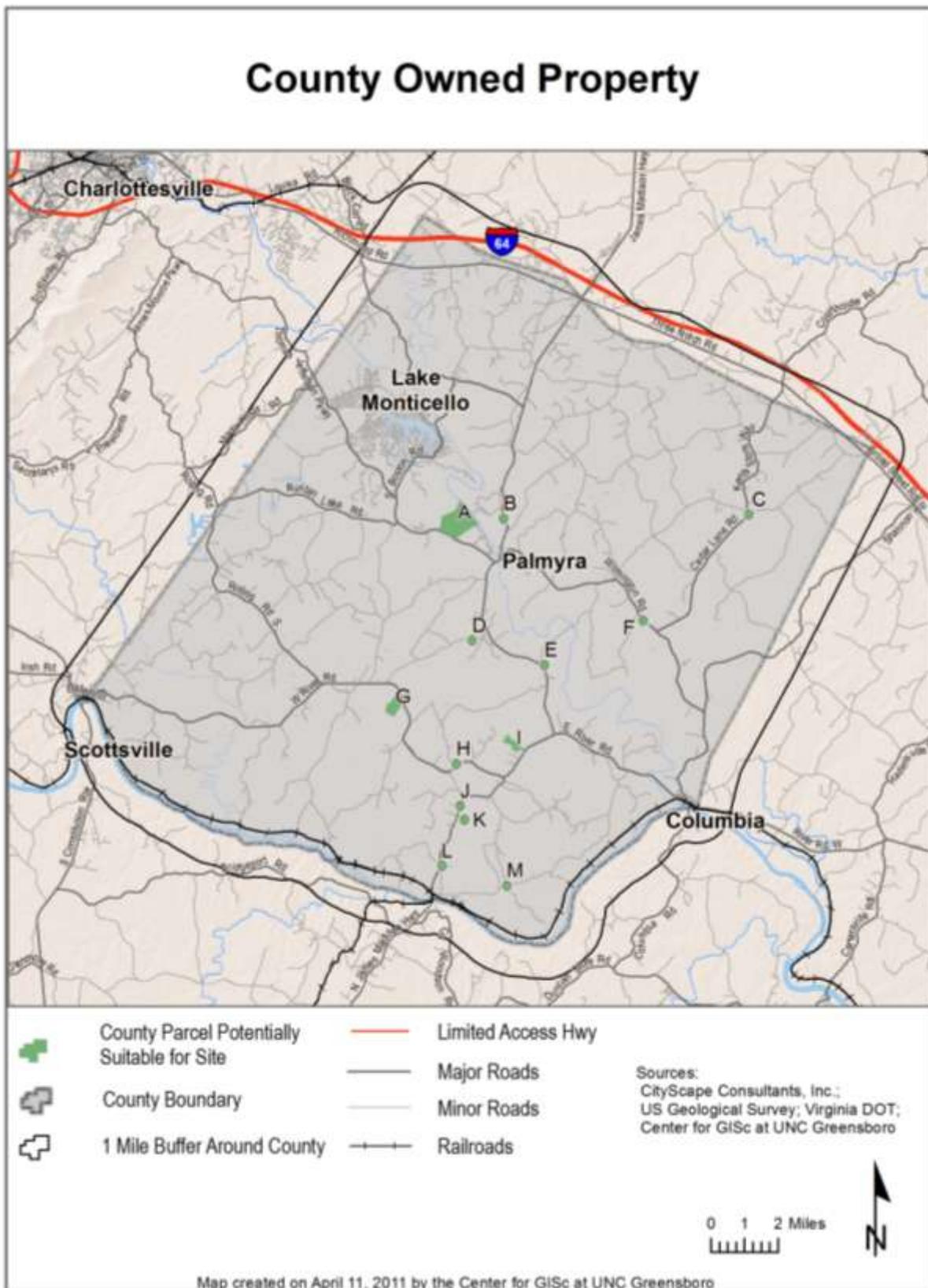


Figure 43: County-owned lands

**Public Land Inventory**



**SITE LOCATION A**

Fluvanna County  
 Address: Pleasant Grove Road  
 PIN: 30 A.1 & 30 A.3  
 Zoning: A-1  
 Planning: Community Planning Areas  
 Acreage: 508 & 196  
 Current Land Use: Pleasant Grove Park, Library, Sheriff's Office  
 Latitude: 37-52-26.65 N  
 Longitude: -78-17-14.9 W

Proposed Infrastructure Type: Light Stanchion  
 Proposed Height: >199'



**SITE LOCATION B**

Fluvanna County  
 Address: N. James Madison Highway  
 PIN: 19 A 39B  
 Planning: Community Planning Areas  
 Acreage: 3.058  
 Zoning: A-1  
 Current Land Use: Palmyra Fire Station  
 Latitude: 37-52-31.32 N  
 Longitude: -78-15-44.56 W

Proposed Infrastructure Type: Monopole  
 Proposed Height: ≤199'



**SITE LOCATION C**

Fluvanna County  
 Address: Kents Store Way  
 PIN: 22 A 62  
 Zoning: A-1  
 Planning: Rural Preservation  
 Acreage: 0.858  
 Current Land Use: Kent Store Fire Station  
 Latitude: 37-52-36.52 N  
 Longitude: -78-7-43.33 W

Proposed Infrastructure Type: Monopole  
 Proposed Height: >199'



**SITE LOCATION D**

Fluvanna County School Board  
 Address: Central Plains Road  
 PIN: 41 9 28  
 Zoning: A-1  
 Planning: Rural Preservation  
 Acreage: 29.764  
 Current Land Use: Central Elementary School  
 Latitude: 3-49-21.15 N  
 Longitude: -78-16-46.97 W

Proposed Infrastructure Type: Light Stanchion or no pole  
 Proposed Height: >199'

■ PUBLICLY-OWNED PROPERTY

Public Land Inventory



**SITE LOCATION E**

Fluvanna County  
 Address: N. James Madison Highway  
 PIN: 42.1.4A  
 Zoning: A-1  
 Planning: Rural Preservation  
 Acreage: 9.100  
 Current Land Use: Carysbrook Complex  
 Latitude: 37-48-42.47 N  
 Longitude: -78-14-25.45 W

---

Proposed Infrastructure Type: Light Stanchion  
 Proposed Height: ≤199'



**SITE LOCATION F**

Fluvanna County School Board  
 Address: Wilmington Road  
 PIN: 43.A.22  
 Zoning: A-1  
 Planning: Rural Preservation  
 Acreage: 7.60  
 Current Land Use: Columbia Elementary School  
 Latitude: 37-49-51.94 N  
 Longitude: -78-11-10.99 W

---

Proposed Infrastructure Type: Light Stanchion  
 Proposed Height: ≤199'



**SITE LOCATION G**

Fluvanna County  
 Address: West River Road  
 PIN: 40.A.16  
 Zoning: I-1  
 Planning: Rural Preservation  
 Acreage: 100.288  
 Current Land Use: Convenience Center  
 Latitude: 37-47-39.5 N  
 Longitude: -78-19-17.93 W

---

Proposed Infrastructure Type: Monopole  
 Proposed Height: ≤199'



**SITE LOCATION H**

Fluvanna County  
 Address: Route 6  
 PIN: 51.A.6  
 Zoning: A-1  
 Planning: Rural Preservation  
 Acreage: 0.519  
 Current Land Use: Omohundro Water Tank  
 Latitude: 37-46-8.84 N  
 Longitude: -78-17-18.58 W

---

Proposed Infrastructure Type: Attachments  
 Proposed Height: ≤199'

■ PUBLICLY-OWNED PROPERTY

**Public Land Inventory**



**SITE LOCATION I**

Fluvanna County  
 Address: N. James Highway  
 PIN: 51 A 129A  
 Zoning: I-1  
 Planning: Community Planning Areas  
 Acreage: 84.528  
 Current Land Use: Future Fork Union Fire Station Site  
 Latitude: 37-46-34.45 N  
 Longitude: -78-15-20.58 W

Proposed Infrastructure Type: Monopole, Slick stick, flag pole, no pole  
 Proposed Height: ≤199'



**SITE LOCATION J**

Fluvanna County  
 Address: Route 15  
 PIN: 51 A 78  
 Zoning: A-1  
 Planning: Community Planning Areas  
 Acreage: 0.50  
 Current Land Use: Weber City Water Tank  
 Latitude: 37-45-32 N  
 Longitude: -78-17-11.5 W

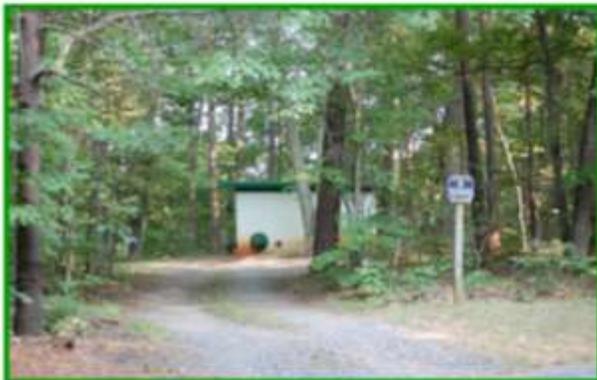
Proposed Infrastructure Type: Attachments  
 Proposed Height: ≤199'



**SITE LOCATION K**

Fluvanna County  
 Address: N. James Madison Highway  
 PIN: 59 4 2D  
 Zoning: A-1  
 Planning: Community Planning Areas  
 Acreage: 0.326  
 Current Land Use: Undeveloped  
 Latitude: 37-44-41.95 N  
 Longitude: -78-17-3.15 W

Proposed Infrastructure Type: Monopole  
 Proposed Height: ≤199'



**SITE LOCATION L**

Fluvanna County  
 Address: N. James Madison Highway  
 PIN: 58 A 8B  
 Zoning: A-1  
 Planning: Rural Residential  
 Acreage: 1.67  
 Current Land Use: Undeveloped  
 Latitude: 37-43-29.82 N  
 Longitude: -78-17-47.43 W

Proposed Infrastructure Type: Faux fire tower, Slick stick  
 Proposed Height: >199'

■ PUBLICLY-OWNED PROPERTY

Public Land Inventory



**SITE LOCATION M**

Fluvanna County  
Address: Bottom Road  
PIN: 59 A 68A  
Zoning: A-1  
Planning: Rural Preservation  
Acreage: 0.358  
Current Land Use: Undeveloped  
Latitude: 37-42-58.81 N  
Longitude: -78-15-40.1 W

Proposed Infrastructure Type: Painted monopole  
Proposed Height: >199'

■ PUBLICLY-OWNED PROPERTY

## **Appendix A**

“A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance”

## **Appendix B**

“Electromagnetic fields and public health; Base Stations and wireless technologies.”

**AN ORDINANCE TO AMEND AND REENACT PORTIONS OF  
CHAPTER 22 OF THE FLUVANNA COUNTY CODE WITH RESPECT TO THE  
REGULATION OF TELECOMMUNICATION FACILITIES INCLUDING THE  
REPEAL OF SECTIONS 22-17-14 AND 14.1, AND THE ADDITION OF  
ARTICLE 27.**

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

**~~Sec. 22-17-14. Height regulations applicable to certain structures.~~**

~~Notwithstanding any other provisions of this chapter limiting the height of structures, public and semipublic communications structures and public utility structures, not including buildings, may be erected to a maximum height of 125 feet, including antennae, with the approval of a special use permit pursuant to section 22-17-4 of this chapter, upon a showing by the applicant of the following:~~

- ~~(1) The additional height is required for the facility in question for specific identifiable reasons of a scientific or engineering nature; and~~
- ~~(2) The height at which the proposed structure is to be erected is the minimum height which will reasonably achieve the intended purpose and use of the facility; and~~
- ~~(3) The proposed installation and structure will not endanger the safety of adjoining property owners; and~~
- ~~(4) The proposed structure will not be of substantial detriment to adjacent property and the character of the district will not be changed as a result of the erection of the structure; and~~
- ~~(5) In the case of structures other than single poles, the structure which is proposed is the minimum structure which is adequate for the provision of the service proposed, and a single pole cannot be substituted therefore for specific, identifiable reasons, other than cost.~~

~~The governing body may permit such structures to be constructed to a height greater than 125 feet upon showing the foregoing and, in addition, upon a finding that either (a) such additional height is necessary to provide essential public safety services which cannot reasonably be provided at a lesser height; or (b) such additional height will reasonably facilitate collocation of wireless communications antenna on an existing structure. For purposes of this section, the term "public safety services" shall be deemed to include (a) the Sheriff of the County; (b) the Virginia State Police; (c) any other police agency established under the laws of the Commonwealth and certified by the Sheriff as providing public police services within the County; and (d) fire and/or emergency medical services companies and departments as defined in Virginia Code Section 27-8.1. (Ord. 8-2-06)~~

**~~Sec. 22-17-14.1. Special provisions related to amateur radio antennas.~~**

~~An amateur radio antenna may be deemed to be an accessory structure to any permitted use, provided that the same shall conform to the definition of accessory structure. The maximum height regulations set forth in the district in which such antenna is located and in Sec. 22-17-14 shall not apply to any such antenna; provided that such antenna shall be the minimum height which will reasonably achieve its intended purpose as permitted by the Federal Communications Commission. There shall be no restriction of the number of support structures for such antenna. Reasonable and customary engineering practices shall be followed in the erection of such antennas. Any person erecting any such antenna shall provide to the zoning administrator a statement from a licensed professional engineer certifying that such erection conforms to reasonable and customary engineering practices. The zoning administrator shall require that each such antenna be so located as to protect adjacent properties and uses in consideration of its design. The zoning administrator may require reasonable screening of each such antenna from adjacent properties. (Ord. 6-15-05)~~

**Article 27. Regulation of Telecommunications Facilities.**

**Sec. 22-27-1. Statement of intent.**

The purpose of this article is to establish general guidelines for the siting of telecommunications antenna support facilities (TASFs) used for wireless telecommunications and broadcast facilities including the support facility, antenna(s), ground equipment, and accessory facilities related to telecommunications infrastructure.

The purpose and intent of this article is to promote the health, safety, and general welfare of the public, including but not limited to, such instances as:

- Potential injury to people around an antenna support facility and their appurtenant compounds;
- Potential damage to property;
- Potential injury and damage to low-flying public and private aircraft; and
- Potential negative economic impacts on the heritage and scenic tourist industry.

Further, the goals of this article are to:

- (1) Minimize the impacts of telecommunication antenna support facilities (TASFs) on surrounding land uses by establishing standards for location, structural integrity, and compatibility;
- (2) Avoid potential injury to persons and properties from telecommunication antenna support facility (TASF) failure and ice hazards through structural standards and setback requirements;

- (3) Preserve the scenic and visual character of the geographic area by encouraging the location, design and architectural treatment of TASFs to avoid the disruption of the natural and built environment, and to insure harmony and compatibility with surrounding land use patterns;
- (4) Facilitate the provision of telecommunication services to residents, businesses, and visitors;
- (5) Provide a uniform and comprehensive framework for evaluating proposals for TASFs;
- (6) Encourage builders and tenants of TASFs and antennas to locate them, to the extent possible, in areas where the visual impact on the community is minimal;
- (7) Encourage the location and colocation of telecommunication equipment on existing TASFs thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional TASFs;
- (8) Accommodate the growing need and demand for telecommunication services;
- (9) Encourage coordination between suppliers and providers of telecommunication services;
- (10) Establish predictable and balanced codes governing the construction and location of TASFs, within the confines of permissible local regulations;
- (11) Establish review procedures to ensure that applications for TASFs are reviewed and acted upon within a reasonable period of time;
- (12) Respond to the policies embodied in the Telecommunications Act of 1996, if applicable, in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services;
- (13) Encourage the use of public lands, buildings, and emergency services facilities as locations for telecommunications infrastructure demonstrating where possible concealed technologies and revenue generating methodologies; and
- (14) Consideration of and compatibility with the goals and objectives of the County's Comprehensive Plan.

**Sec. 22-27-2. Existing telecommunications antenna support facilities.**

Telecommunications antenna support facilities (TASFs) existing or permitted prior to the adoption of this Article shall be subject to the provisions of Article 16 of this ordinance.

**Sec. 22-27-3. Exempt telecommunications antenna support facilities.**

The following items are exempt from the provisions of this Article; notwithstanding any other provisions:

- (1) Satellite earth stations that are one meter or less in diameter in all residential zoning districts and two meters or less in all other zoning districts; and
- (2) A government-owned TASF:
  - A) upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the County designee; except that such facility must comply with all federal and state requirements; and
  - B. erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide telecommunications for public health and safety;
- (3) A temporary, commercial antenna support facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the County and approved by the County; except that such facility must comply with all federal and state requirements. The telecommunications antenna support facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency; and
- (4) A temporary, commercial antenna support facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to administrative zoning approval by the County, except that such facility must comply with all federal and state requirements. Said telecommunications antenna support facility will be exempt from the provisions of this division up to one week after the duration of the special event.

**Sec. 22-27-4. Applicability.**

This Article shall apply to the development activities including installation, construction, or modification of all TASFs including but not limited to:

- (1) Antenna support facilities used for amateur radio station antennas;
- (2) Existing TASFs;
- (3) Proposed TASFs (concealed and non-concealed);
- (4) Public antenna support facilities;
- (5) Replacement of existing TASFs;
- (6) Mitigation of TASFs;
- (7) Colocation on an existing TASF;
- (8) Attached antenna (concealed and non-concealed);
- (9) Broadcast facilities; and
- (10) Wireless broadband facilities.

**Sec. 22-27-5. Abandonment and/or discontinued use.**

In the case of any TASF which was erected pursuant to the provisions of this Article, notice shall be provided to the Department of Planning and Community Development when the use of a telecommunications antenna support facility is discontinued. If the use of the telecommunications antenna support facility has been discontinued for a continuous period of two years, then the TASF owner/operator or the property owner shall remove the telecommunications antenna support facility, but not including the base (foundation), within ninety (90) days of removal notification by the County.

An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause. If the TASF and all attachments thereto are not removed within this time, the County may give notice that it will contract for removal within thirty (30) days following written notice to the owner. Thereafter, the County may cause removal of the TASF with costs being borne by the owner.

Upon removal of the TASF, antenna, and equipment compound, the development area shall be returned to the extent possible to its natural state, with topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal.

## **Sec. 22-27-6. Definitions.**

For purposes of this Article 27, the following terms shall be defined as follows:

**ABANDONED:** Any antenna support facility without any mounted transmitting and/or receiving antennas in continued use.

**ALTERNATIVE STRUCTURE:** A facility that is not primarily constructed for the purpose of supporting antennas but on which one or more antennas may be mounted. Alternative facilities include, but are not limited to, buildings, water tanks, light stanchions, pole signs, billboards, church steeples and electric power transmission antenna support facilities.

**AMATEUR RADIO TOWER:** Any antenna support facility used for amateur radio transmissions consistent with the “Complete FCC U.S. Amateur Part 97 Rules and Regulations” for amateur radio facilities.

**ANCILLARY STRUCTURE:** For the purposes of this Article, any form of development associated with a telecommunications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

**ANTI-CLIMBING DEVICE:** A piece or pieces of equipment, which are either attached to an antenna support facility, or which are freestanding and are designed to prevent people from climbing the facility. These devices may include but are not limited to fine mesh wrap around facility legs, “squirrel-cones,” or other approved devices, but excluding the use of barbed or razor wire.

**ANTENNA:** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television telecommunications. Types of antenna include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas. (In most AM broadcast station situations the antenna support facility(s) is/are the antenna(s)).

**ANTENNA ARRAY:** A group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support facility for the sole purpose of transmitting or receiving electromagnetic waves.

**ANTENNA ELEMENT:** Any independent single unit which individually or collectively with other elements comprise a transmit/receive antenna.

**ANTENNA SUPPORT FACILITY:** A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support facilities do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet. Types of support facilities include but are not limited to the following: guyed, lattice, monopole, concealed flag pole, slick stick, faux tree, faux fire tower, light stanchion facilities.

**ANTENNA SUPPORT FACILITY BASE:** The foundation, usually concrete, on which the antenna support facility and other support equipment are situated. For measurement calculations, the antenna support facility base is that point on the foundation reached by dropping a perpendicular line from the geometric center of the antenna support facility.

**ANTENNA SUPPORT FACILITY HEIGHT:** The vertical distance measured from the grade line to the highest point of the antenna support facility, including any antenna, lighting, lightning protection or other equipment affixed thereto.

**ANTENNA SUPPORT FACILITY SITE:** The land area that contains, or will contain, a proposed antenna support facility, support facility and other related buildings and improvements.

**ASR:** The Antenna Facility Registration Number as required by the FAA and FCC.

**ATTACHED ANTENNA:** A facility which is not primarily constructed for the purpose of holding antenna(s) but on which one or more antenna(s) may be mounted. Examples include but are not limited to water tanks, rooftops, light poles and utility distribution poles.

**BASE STATION:** The electronic equipment utilized by the telecommunication provider(s) for the transmission and reception of radio signals.

**BREAKPOINT TECHNOLOGY:** The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum side or rear yard setback requirements for that zoning district, whichever is greater.

**BROADCAST FACILITIES:** Antenna support facilities, antennas, and/or antenna arrays for FM/TV/HDTV broadcasting transmission facilities, and antenna support facility(s) utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission.

**COLOCATION:** The practice of installing and operating multiple wireless service providers, and/or radio common carrier licensees on the same antenna support facility or attached telecommunication facility using different and separate antenna, feed lines and radio frequency generating equipment.

**COMBINED ANTENNA:** An antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.

**CONCEALED:** An antenna support facility; ancillary facility; or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed facilities: 1) antenna

attachments, and 2) freestanding. Examples of a concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or facility, faux windows, dormers or other architectural features that blend with an existing or proposed building or facility. Freestanding concealed antenna support facilities usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell antenna support facility, clock antenna support facility, light standard, flagpole with or without a flag, or tree.

**DEVELOPMENT AREA:** The area occupied by a telecommunications antenna support facility including areas inside or under the following: an antenna-support facility's framework, equipment cabinets, ancillary facilities and access ways.

**EQUIPMENT CABINET:** Any facility above the base flood elevation including: cabinets, shelters, pedestals, and other similar facilities. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

**EQUIPMENT COMPOUND:** The fenced area surrounding the ground-based communication facility including the areas inside or under the following: an antenna support facility's framework and ancillary facilities such as equipment necessary to operate the antenna on the antenna support facility that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar facilities.

**FAA:** The Federal Aviation Administration.

**FACILITY:** Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

**FCC:** The Federal Communications Commission.

**FEED LINES:** Cables used as the interconnecting media between the transmission and/or receiving base station and the antenna.

**FLUSH MOUNTED:** Any antenna or antenna array attached directly to the face of the support facility or building such that no portion of the antenna extends above the height of the support facility or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support facility or building to the inside edge of the antenna.

**GUYED ANTENNA SUPPORT FACILITY:** A style of antenna support facility consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

**GEOGRAPHIC SEARCH RING:** An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

**HANDOFF CANDIDATE:** A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first “tier” surrounding the initial wireless facility.

**INTERMODULATION DISTORTION:** The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

**LATTICE ANTENNA SUPPORT FACILITY:** A tapered style of telecommunication antenna support facility that consists of vertical and horizontal supports with multiple legs, crisscross-bracing and metal crossed diagonal strips or rods to support antennas.

**LEASE VISUALLY OBTRUSIVE PROFILE:** The design of a telecommunication antenna support facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

**MITIGATION:** A modification of an existing telecommunication antenna support facility to increase the height or to improve its integrity, by replacing or removing one or several facilities located in proximity to a proposed new antenna support facility in order to encourage compliance with this Article or improve aesthetics or functionality of the overall wireless network.

**MONOPOLE ANTENNA SUPPORT FACILITY:** A style of free-standing telecommunication antenna support facility consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support facility is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building’s roof.

**NON-CONCEALED:** A telecommunication antenna support facility that is readily identifiable as such and can be either freestanding or attached.

**PERSONAL WIRELESS SERVICE:** Commercial mobile services, licensed or unlicensed wireless services, and common carrier wireless exchange access services, as defined in the *Telecommunications Act of 1996*.

**PUBLIC SAFETY TELECOMMUNICATIONS FACILITY:** All telecommunications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the County and operating within a frequency range of, including but not limited to, 150 MHz, 450 MHz, 700 MHz, 800 MHz, 1,000 MHz, VHF, UHF, and any future spectrum allocations at the direction of the FCC.

**RADIO FREQUENCY EMISSIONS:** Any electromagnetic radiation or other telecommunications signal emitted from an antenna or antenna-related equipment on the ground, antenna support facility, building, or other vertical projection.

**REPLACEMENT ANTENNA SUPPORT FACILITY:** The removal of an existing telecommunication antenna support facility for purposes of erecting a new telecommunication antenna support facility for the purposes of improving structural integrity.

**SATELLITE EARTH STATION:** A single or group of parabolic (or dish) antennas are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless telecommunications signals with satellites.

**TELECOMMUNICATION ANTENNA SUPPORT FACILITY** (hereinafter “TASF”): Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other telecommunications, and usually consistent of an antenna support facility (see definition), feed lines, base station(s), and antenna(s) and antenna array(s). The following are included in the telecommunication antenna support facility: new, mitigated, replacement, and/or existing concealed and non-concealed antenna support facilities, public antenna support facilities, colocations, antenna attachments, broadcast, and wireless broadband facilities.

**WIRELESS BROADBAND FACILITY:** An unstaffed location for the wireless transmission and/or reception of broadband data services exclusively, usually consisting of an antenna support facility, an antenna or group of antennas, transmission cables, and equipment cabinets.

**Sec. 22-27-7. Siting hierarchy.**

Siting of a new antenna array or new TASF shall be in accordance with the preferred siting hierarchy in the order outlined below. All siting options are preferred to be located on publicly-owned property, as identified in the County's Telecommunications Master Plan, as a first option. The location of antenna array or other facilities on non publicly-owned property is acceptable as a secondary option within each category.

- (1) Concealed attached antenna
- (2) Colocation; antenna modification; combined antenna(s) on existing TASF
- (3) Colocation or new TASF in utility right-of-way
- (4) Non-concealed attached antenna
- (5) Replacement of existing TASF
- (6) Mitigation of existing TASF
- (7) Concealed freestanding TASF
- (8) Non-concealed freestanding TASF
  - (a) Monopole
  - (b) Lattice
  - (c) Guyed

The order of ranking preference, highest to lowest, shall be from 1 to 8c. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in the development standards in this Article including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed TASF.

**Sec. 22-27-8. Siting preference table.**

New antennas and TASFs shall be allowed per the Siting Preference Table. The column on the left identifies the County’s zoning district classifications. The columns across the top lists the different TASFs listed in the siting hierarchy.

<b>Siting Preference Table</b>							
<b>Zoning Districts</b>	<b>Permitted Telecommunications Facilities &amp; Level of Development Standards</b>						
	Amateur Radio Facility & Comparable Antenna Element Replacement	Concealed Attached; Antenna Colocation, Antenna Modification; Noncomparable Antenna Element Replacement, Combining; and Non-concealed Attached Antenna	Replacement Antenna Support Facility	Mitigation of Existing Antenna Support Facility	Concealed Freestanding Antenna support facility	Non-Concealed Freestanding Antenna support facility	Broadcast Facility
A-1	B	B	B	S	B	S	S
R-1	B	B	B	S	B	S	Not allowed
R-2	B	B	B	S	S*	Not allowed	Not allowed
R-3	B	B	B	S	S*	Not allowed	Not allowed
R-4	B	B	B	S	S*	Not allowed	Not allowed
B-1	B	B	B	S	B	S	Not allowed
B-C	B	B	B	S	B	S	Not allowed
I-1	B	B	B	S	B	S	S
I-2	B	B	B	S	B	S	S
MHP	B	B	B	S	B	Not allowed	Not allowed
PUD	B	B	B	S	B	S	S

B: By Right – Administrative

S: Special Use Permit – Public Hearing Process

S\* Any mitigation of an existing SUP requires an amendment through the SUP process

**Sec. 22-27-9. Development standards.**

**Sec. 22-27-9.1. Special provisions related to amateur radio antennas.**

An amateur radio antenna may be deemed to be an accessory structure to any permitted use, provided that the same shall conform to the definition of accessory structure. The maximum height regulations shall not apply to any such antenna; provided that such antenna shall be the minimum height which will reasonably achieve its intended purpose as permitted by the Federal Communications Commission. There shall be no restriction of the number of support structures for such antenna. Reasonable and customary engineering practices shall be followed in the erection of such antennas. Any person erecting any such antenna shall provide to the zoning administrator a statement from a licensed professional engineer certifying that such erection conforms to reasonable and customary engineering practices. The zoning administrator shall require that each such antenna be so located as to protect adjacent properties and uses in consideration of its design. The zoning administrator may require reasonable screening of each such antenna from adjacent properties. (Ord. 6-15-05) Additionally the applicant shall provide a valid FCC amateur operator's license.

**Sec. 22-27-9.2. Antenna element replacement.**

For any replacement of a comparable existing antenna element (size, weight and frequency) on an antenna support facility, prior to making such replacement, the applicant shall submit and provide the following:

- (1) A written statement setting forth the reasons for the replacement;
- (2) A stamped or sealed certification from a registered professional engineer that the replacement antenna(s) (i) have a lower wind and weight profile; (ii) the number of antenna elements will not increase, (iii) there is no significant change in frequency utilization; and (iv) there is no requirement for a new structural analysis; and
- (3) There shall be no increase in the size or number of existing feed lines utilized for the existing antenna and/or antenna array.

**Sec. 22-27-9.3. Concealed attached antenna.**

Concealed attached antenna shall be subject to the following:

- (1) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or facility; and
- (2) When an attached antenna is to be located on a nonconforming building or facility, then the existing permitted nonconforming setback shall prevail; and
- (3) Feed lines, antennas and hardware shall be designed to architecturally match the façade, roof, wall, or facility on which they are affixed so that they blend with the existing structural design, color, and texture; and

(4) Equipment cabinets shall be located within the existing building or behind an opaque enclosure matching the architectural designs and colors of the principal building or facility; and

(5) New equipment cabinets are subject to the underlying zoning setbacks.

**Sec. 22-27-9.4. Non-concealed antenna attachments.**

Non-concealed attachments shall only be allowed on electrical transmission support facilities and as light stanchions subject to approval by the Department of Planning and Community Development and the utility company and subject to the following:

(1) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or facility; and

(2) New equipment cabinets are subject to the underlying zoning setbacks.

**Sec.22-27-9.5. Colocation, colocation modifications, antenna element replacements of different size, weight or frequency utilization, or combining antenna.**

(1) A collocated or combined antenna or antenna array shall not exceed the maximum height prescribed in the Special Use Permit (if applicable) or increase the height of an existing facility by more than twenty (20) feet and shall not affect any antenna support facility lighting;

(2) New antenna mounts shall be flush-mounted onto existing facilities, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area;

(3) The new equipment cabinet shall be subject to the setbacks of the underlying zoning district. If the colocation or combined antenna is located on a nonconforming building or facility, then the existing permitted nonconforming setback(s) shall prevail; and

(4) Equipment cabinets shall be located within the existing equipment compound. If the existing equipment compound is not sized adequately to accommodate the new proposed ground equipment, then a revised site plan of the original TASF site shall be submitted addressing the overall ground space for said TASF.

**Sec. 22-27-9.6. Replacement antenna support facility.**

(1) Height: The height of a replacement antenna support facility shall equal the height of the facility being replaced. If the replacement TASF exceeds this threshold then it will be reclassified as a mitigation facility.

(2) Setbacks: A new TASF approved for replacement of an existing TASF shall not be required to meet new setback standards so long as the new TASF and its equipment compound are no closer to any property lines or dwelling units as the TASF and equipment compound being mitigated.

- (3) Breakpoint technology: A newly replaced monopole antenna support facility shall use breakpoint technology in the design of the replacement facility; and
- (4) Buffers: At the time of replacement, the antenna support facility equipment compound shall be brought into compliance with any applicable buffer requirements; and

**Sec. 22-27-9.7. Mitigation antenna support facility.**

Mitigation shall accomplish a minimum of one of the following: 1) reduce the number of TASFs; or 2) reduce the number of nonconforming TASFs; or 3) replace an existing TASF with a new TASF to improve network functionality resulting in compliance with this Article. Mitigation is subject to the following:

- (1) Height: TASF approved for mitigation shall not exceed one hundred and twenty (120%) percent of the height of the tallest TASF that is being mitigated. (For example a 100' existing TASF could be rebuilt at 120'). Mitigated SUPS require a SUP amendment;
- (2) Setbacks: A new TASF approved for mitigation of an existing TASF shall not be required to meet new setback standards so long as the new TASF and its equipment compound are no closer to any property lines or dwelling units as the TASF and equipment compound being mitigated. (For example, if a new TASF is replacing an old one, the new one is allowed to have the same setbacks as the TASF being removed, even if the old one had nonconforming setbacks.) The intent is to encourage the mitigation process, not penalize the TASF owner for the change out of the old facility;
- (3) Breakpoint technology: A newly mitigated monopole antenna support facility shall use breakpoint technology in the design of the replacement facility. Certification by a registered professional engineer licensed by the Commonwealth of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.
- (4) Buffers: At the time of mitigation, the TASF equipment compound shall be brought into compliance with any applicable buffer requirements;
- (5) Visibility: Mitigated TASFs shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots; and
- (6) If the mitigation includes the removal of an existing TASF, then that facility, excluding the antenna support facility foundation, shall be removed within ninety (90) days of the construction of the new TASF.

**Sec. 22-27-9.8. New telecommunication antenna support facility.**

All new TASFs shall meet the following requirements:

- (1) No new TASF shall be permitted unless the applicant demonstrates that no existing TASF can accommodate the applicant's proposed use; or that use of such existing TASF would prohibit personal wireless services in the geographic search area to be served by the proposed TASF.
- (2) Setbacks: New freestanding TASFs and equipment compounds shall be subject to the setbacks described below:
  - (a) If the TASF has been constructed using breakpoint design technology (see **Section 22-27-6. Definitions.**), the minimum setback distance shall be equal to 110 percent of the distance from the top of the facility to the breakpoint level of the facility, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.
  - (b) Concealed TASFs in residential districts not constructed using breakpoint design technology; the minimum setback distance shall be equal to the height of the proposed TASF from all existing structures.
  - (c) All other non-broadcast TASFs not constructed using breakpoint design technology; the minimum setback distance shall be equal to the height of the proposed TASF from all property lines.
- (3) Equipment Compound: The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a TASF equipment compound, and the compound shall not be used as habitable space.
- (4) Equipment cabinets: Cabinets shall not be visible from pedestrian views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (5) Fencing: All equipment compounds shall be enclosed with an opaque fence. Alternative equivalent screening may be approved through the site plan approval process described in "Buffers" below.
- (6) Buffers shall be provided as described in Article 24 of this ordinance.

- (7) Signage: Commercial messages shall not be displayed on any antenna support facility. Noncommercial signage shall be subject to the following:
- (a) The only signage that is permitted upon a TASF, equipment cabinets, or fence shall be informational, and for the purpose of identifying the TASF (by the FCC ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e. the address and telephone number, security or safety signs, and property manager signs (if applicable).
  - (b) Identification signage shall be provided at all TASFs.
  - (c) If more than two hundred twenty (220) volts are necessary for the operation of the facility and is utilized within the equipment compound or on the TASF, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter four (4) inches) the following: “HIGH VOLTAGE - DANGER.”
- (8) Lighting: Lighting on TASF shall not exceed the Federal Aviation Administration (FAA) minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.
- (9) Balloon Test:
- (a) The applicant shall arrange to raise a balloon of a color or material that provides maximum visibility and no less than three feet in diameter, at the maximum height of the proposed facility and within 50 horizontal feet of the center of the proposed TASF.
  - (b) The applicant shall inform in writing the zoning administrator, abutting property owners, elected Board of Supervisor, and appointed Planning Commissioners of the district of the date and times of the test at least 14 days in advance.
  - (c) The applicant shall request in writing permission from the abutting property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
  - (d) The date, time and location of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date. The advertisement shall also include an alternate inclement weather date for the balloon test.
  - (e) Signage similar to rezoning signage shall be posted on the property to identify the location on the property where the balloon is to be launched. This signage shall be posted by the applicant a minimum of seventy-two hours prior to the balloon test. If unsuitable weather conditions prevail on the date of the balloon test then cancellation of the test shall be clearly noted on the signage.

- (f) The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen.
- (g) The applicant shall record the weather during the balloon test. If the wind during the balloon test is above 20 miles per hour then the balloon test shall be postponed and moved to the alternate inclement weather date provided in the advertisement
- (10) All TASFs up to 120 feet in height shall be engineered and constructed to accommodate no less than three (3) antenna arrays. All TASFs between 121 feet and 150 feet in height shall be engineered and constructed to accommodate no less than five (5) antenna arrays. All TASFs taller than 151 feet in height shall be engineered and constructed to accommodate no fewer than six (6) antenna arrays.
- (11) Grading shall be minimized and limited only to the area necessary for the new TASF and equipment compound, along with any necessary access easements or rights-of-way.
- (12) Parking. One parking space is required for each TASF development area. The space shall be provided within the leased area, or equipment compound or the development area as defined on the site plan.
- (13) Emergency Generators shall be allowed at each TASF site.
- (14) Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. The sound level for emergency generators shall not exceed 70 db at the property limits and testing shall only be between 9 AM to 4 PM Monday through Friday.

**Sec. 22-27-9.8.A. Additional development standards for concealed telecommunications antenna support facility.**

All new concealed antenna support facilities shall meet the following requirements:

- (1) In residential districts, new concealed TASFs shall only be permitted on lots whose principal use is not single-family residential including but not limited to: schools; places of worship; and fire stations, parks, and other public property.
- (2) Height:
  - (a) Where permitted in residential districts the maximum height shall be 140’.
  - (b) In all other districts the maximum height shall be limited to 199’.
- (3) Visibility: New concealed TASFs shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties. The applicant shall provide simulated photographic evidence of the proposed TASF and antenna appearance from any and all residential areas within 1,500-foot and vantage points approved by the zoning administrator or designee including the facility types the applicant has considered and the impact on adjacent properties including:
  - (a) Overall height;
  - (b) Configuration;
  - (c) Physical location;
  - (d) Mass and scale;
  - (e) Materials and color;
  - (f) Illumination;
  - (g) Architectural design; and
  - (h) New concealed freestanding TASFs shall be designed to match adjacent facilities and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

**Sec. 22-27-9.8.B. Additional development standards for non-concealed telecommunications antenna support facility.**

(1) Height.

It is intended that all new non-broadcasting TASFs, other than amateur radio towers, be 199' or less in height. However, should there be a demonstrated need for a TASF in excess of 199', under no circumstance shall any non-broadcast or non-emergency service facility exceed 250' feet in height. All new non-broadcast facilities shall be subject to the following additional requirements:

- (a) Propagation maps and corresponding data including but not limited to topographic and demographic variables for the intended service area shall be provided for review illustrating with detail that the service area and intercoupling hand-off will be sufficiently compromised to require an additional TASF for network deployment, which would not otherwise be required.
  - (b) The TASF shall be designed to allow for a future reduction of elevation to no more than 199', or the replacement of the TASF with a monopole type facility at such time as the wireless network has developed to the point that such a reduction in height can be justified.
- (2) In the Agricultural, General, A-1 district, new non-broadcast facilities shall be setback a minimum 500' from any single-family dwelling unit, either on the same zone lot or from all adjacent lots of record.
- (3) Freestanding non-concealed antenna support facilities shall be limited to monopole type antenna support facilities, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

**Sec. 22-27-9.8.C. Additional development standards for broadcast antenna support facility.**

- (1) Height for broadcast facilities shall be evaluated on a case by case basis; the determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the antenna support facility height required for such broadcast facilities.
- (2) New broadcast facilities and anchors shall be setback a minimum of 500' from any single-family dwelling unit located on the same parcel or lot; and the antenna support structure (but not the anchors for a guyed structure) shall be setback a minimum of 1' for every 1' of antenna support facility height from all adjacent lots of record.
- (3) Except for AM broadcast facilities, cabinets shall not be visible from pedestrian views.
- (4) All broadcast antenna support facilities, AM antenna support facilities, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

**Sec. 22-27-9.9. Wireless broadband facility.**

- (1) A Wireless Broadband Facility may be colocated in accordance with the provisions of Sec. 22-37-13.8; and
- (2) A Wireless Broadband Facility proposed for a new physical site shall comply with the provisions of Sec. 22-27-8. hereinabove.

**Sec. 22-27-10. Submittal requirements for all TASFs.**

- (1) Completion of the “Telecommunications Facility Application”;
- (2) Application fee;
- (3) Two sets of site plans (drawn to scale) addressing all development standards specific to the proposed installation.
- (4) Compliance with siting hierarchy (**Sec.22-27-7**): A report and supporting technical data demonstrating that all antenna attachments and colocations including all potentially useable utility distribution antenna support facilities and other elevated facilities within the proposed service area, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons existing facilities such as utility distribution and other elevated facilities are not acceptable alternatives to a new freestanding antenna support facility. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant’s need or the needs of service providers indicating that no existing TASF could accommodate the applicant’s proposed facility shall consist of any of the following:
  - (a) No existing TASF located within the geographic area meet the applicant’s engineering requirements, and why; and
  - (b) Existing TASFs are not of sufficient height to meet the applicant’s engineering requirements, and cannot be increased in height; and
  - (c) Existing TASFs do not have sufficient structural integrity to support the applicant’s proposed telecommunications facilities and related equipment, and the existing facility cannot be sufficiently improved; and
  - (d) Other limiting factors that render existing TASFs unsuitable.

**Sec. 22-27-10.1. Additional submittal requirements for antenna element replacement.**

For any replacement of an existing antenna element on a TASF of comparable size, weight and frequency use, the applicant must, prior to making such modifications, submit the following:

- (1) A written statement setting forth the reasons for the modification.
- (2) A description of the proposed modifications to the antenna, including any proposed modifications to antenna element design, type and number including manufacturer’s model number of the existing and proposed antenna elements; as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.

**Sec. 22-27-10.2. Additional submittal requirements for attached antenna (concealed and non-concealed); colocations; colocation modifications; antenna replacements of different size, weight or frequency, and antenna combining.**

- (1) A written statement setting forth the reasons for the request.
- (2) A description of the proposed request, including any proposed modifications to antenna element design, type and number including manufacturer's model number of the existing and proposed antenna elements; as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
- (3) A stamped or sealed structural analysis of the proposed antenna support facility prepared by a registered professional engineer licensed by the State of Virginia indicating the proposed and future loading capacity of the antenna support facility is compliant with EIA/TIA-222-G (as amended).
- (4) A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards relating to interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards relating to human exposure to RF energy.
- (5) A stamped or sealed structural analysis of the existing facility prepared by a registered professional engineer licensed by the State of Virginia indicating that the existing TASF as well as all existing and proposed appurtenances meets Virginia Building Code requirements (including wind and ice loading) for the antenna support facility.

**Sec. 22-27-10.3. Additional submittal requirements for all freestanding telecommunication and broadcast antenna support facilities.**

- (1) One original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of Virginia showing all existing uses, facilities, and improvements.
- (2) Site development plan regulations as set forth in Article 23 of this ordinance.
- (3) Proof that a property and/or antenna support facility owner's agent has appropriate authorization to act upon the owner's behalf (if applicable). A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (4) A stamped or sealed structural analysis of the proposed antenna support facility prepared by a registered professional engineer licensed by the State of Virginia indicating the proposed and

future loading capacity of the antenna support facility is compliant with EIA/TIA-222-G (as amended).

- (5) A written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility, if applicable.
- (6) A pre-application conference will be required for any new broadcast facility.
- (7) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (8) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and “Objects Affecting Navigable Airspace,” if applicable.

**Sec. 22-27-10.3.A. Additional submittal requirements for non-broadcast TASFs.**

- (1) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of Virginia or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed TASF, and accompanying maps and calculations demonstrating the need for the proposed TASF.
- (2) A map showing the geographic search ring.
- (3) The applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed TASF and equipment on all adjacent residential zoning districts.
- (4) Materials detailing the locations of existing TASFs to which the proposed TASF will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.
- (5) A radio frequency propagation plot indicating the coverage of existing TASFs, coverage prediction, and design radius, together with a certification from the applicant’s radio frequency (RF) engineer that the proposed facility’s coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, colocation, or new TASF. NOTE: These documents are required to justify a facility and to determine if the proposed location is the only or best one in the designated geographic area of the proposed facility.
- (6) A stamped or sealed certification from a registered radio frequency engineer demonstrating compliance with **Section 22-27-7** (Siting alternatives hierarchy). If a lower ranking alternative is proposed the certification must address why higher ranked options are not technically feasible, practical or justified given the location of the proposed telecommunications facility.

**Sec. 22-27-10.3.B. Additional submittal requirement for broadcast antenna support facilities.**

Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.

**Sec. 22-27-11. Approval processes**

**Sec. 22-27-11.1 “By right” application**

- (1) The zoning administrator or designee shall review the request, application, and submitted documents for compliance with all requirements of this Article. The County may, at its discretion, obtain additional technical assistance to review and assess the technical merits of the documents.
- (2) If the zoning administrator or designee determines the application and documentation meets all of the requirements of this Article, the County shall approve the application package and the applicant may proceed to request a building permit.
- (3) If the zoning administrator or designee determines the application and/or documentation fails to meet all the requirements of the Article, then the County shall provide written notification to the applicant as to the materials which need to be amended or supplied for review. The applicant shall provide to the County any requested materials for review. This process shall continue until the County has approved the application package, at which time the applicant may proceed to request a building permit.
- (4) If the zoning administrator or designee determines the application and documentation fails to meet the intent of this Article, the County may deny the request in writing.
- (5) Appeals from a decision made by the zoning administrator shall be to the Board of Zoning Appeals.

**Sec. 22-27-11.2. Special Use Permit application**

The approval of a Special Use Permit shall be governed by the processes described in **Section 22-17-4.**

## **Sec. 22-27-12. Interference with public safety communications.**

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a colocation shall agree in a written statement to the following:

- (1) Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
- (2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (3) In the case of an application for colocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the County’s public safety telecommunications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
- (4) Whenever the County has encountered radio frequency interference with its public safety telecommunications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
  - (a) The County shall provide notification to all wireless service providers operating in the County of possible interference with the public safety telecommunications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.
  - (b) If any equipment owner fails to cooperate with the County in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety telecommunications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within twenty-four (24) hours of County’s notification.

**Sec. 22-27-13. Publicly-owned property.**

- (1) Pursuant to applicable law, the County may contract with a third party to administer publicly-owned sites for purposes of developing the sites as part of a master telecommunications plan, consistent with the terms of this Article. Except as specifically provided herein, the terms of this Article, and the requirements established thereby, shall be applicable to all TASFs to be developed or collocated on County-owned sites.
- (2) If an applicant requests a permit to develop a site on County-owned property, the permit granted hereunder shall not become effective until the applicant and the County have executed a written agreement setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted, and no permit granted under this section shall convey any right, privilege, permit, or franchise to occupy or use the publicly-owned sites of the County for delivery of telecommunications services or any other purpose except as provided in such agreement.

**Sec. 22-27-14. Fees for Supplemental Review**

Where the County deems it appropriate because of the complexity of the methodology or analysis required to review an application for a wireless communication facility, the county may require the applicant to pay for a technical review by a third party expert, selected by the County, the costs of which \$4,000.00 shall be borne by the applicant, and be in addition to other applicable fees. Site plan review for antenna element replacements only may be reduced to \$1,800 provided the applicant meets all the requirements for an antenna element replacement. If however, during the antenna element replacement site review it is determined the request does not meet the definition of an antenna element replacement, then review of the application will cease until the correct fee and correct plans are submitted. Further, if additional information is needed to evaluate the applicant's request, the applicant, shall make such additional information available as the County might reasonably request.

**Sec. 22-27-15. Height, setback and other dimensional regulations**

Except as otherwise expressly provided in this ordinance with respect to public safety services facilities or with respect to the provisions of any existing special use permit, the provisions of this Article shall control as the maximum permitted height, minimum setback and any other dimensional requirements for any TASF.

**City of Charlottesville**

Satyendra Huja  
Genevieve Keller

**Albemarle County**

Ann H. Mallek  
Dennis S. Rooker, Treasurer

**Fluvanna County**

Joe Chesser, Chair  
Keith Smith

**Greene County**

Carl Schmitt  
Andrea Wilkinson, Vice Chair

**Louisa County**

Tommy Barlow  
Fitzgerald Barnes

**Nelson County**

Fred Boger  
Connie Brennan

**Executive Director**

Stephen Williams

August 30, 2011

Mr. John Gooch, Chairman  
Fluvanna County Board of Supervisors  
P.O. Box 540  
Palmyra, Virginia 22963

Dear Mr. Gooch:

I soon will be developing the first draft of the 2012 Thomas Jefferson Planning District Legislative Program. Accordingly, as I typically do, I would like to appear before the Board to explain the process for developing the program, to highlight some of the issues being considered for inclusion in the program, and most importantly, to receive input from the Board concerning items it would like to see in the program. For your information, I have attached a summary of the priority items from this past year.

Specifically, I would like to come before the Board at its September 7<sup>th</sup> meeting. My presentation would be very brief, to be followed by any suggestions/discussion board members may wish to have. I plan to circulate a copy of the draft program to you (early October) and will request to come before the Board again in November to seek concurrence with the program.

Thank you for your attention to this request. I look forward to seeing you soon.

Sincerely,

David C. Blount  
Legislative Liaison



## ***Thomas Jefferson Planning District 2011 Legislative Priorities***

**(Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson & Charlottesville City)**

### **CHESAPEAKE BAY TMDL**

- The state and federal governments must provide major and reliable forms of financial and technical assistance for comprehensive water quality improvement strategies.
- We support fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, along with accompanying authority and incentives for all sectors to meet such requirements.
- We will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources.

### **STATE/LOCAL FUNDING and REVENUES**

- The state should honor its funding obligations to localities and resist cost-shifting to localities.
- In the face of continuing state budget woes and funding reductions to localities, the state should relax state requirements or provide flexibility for meeting requirements, and should not further restrict local revenue authority.

### **PUBLIC EDUCATION FUNDING**

- The state should fully fund its share of realistic costs of the Standards of Quality (SOQ) without making formula changes that shift the funding burden to localities.

### **TRANSPORTATION FUNDING**

- We request separate and dedicated state revenues for all transportation modes.
- The state should restore formula allocations for secondary/urban construction.

### **LAND USE and GROWTH MANAGEMENT**

- We request additional tools to manage growth without preempting or circumventing existing local authorities in this area.

### **COMPREHENSIVE SERVICES ACT**

- We urge a better partnership between the state and localities in containing the costs of CSA, and in balancing CSA responsibilities. We support additional state funding for administering CSA, as localities foot the bill for most of these costs.



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

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

## STAFF REPORT

**To:** Fluvanna County Board of Supervisors

**From:** Steve Tugwell

**Case Number:** EST 11:01

**District:** Columbia

**Tax Map:** Tax Map 30, Section A, portion of Parcel 84

**Date:** September 7, 2011

**General Information:**

This request is to be heard by the Board of Supervisors on Wednesday, September 7, 2011 at 2:00 pm in the Circuit Court Room in the Courts Building.

**Owner/Applicant:**

John C. and Kathryne K. Zehler

**Representative:**

Forbes R. Reback, Boyle, Bain, Reback & Slayton, Attorneys

**Requested Action:**

To amend Conservation Easement 07:01 to add 16.195 acres of Tax Map 41-A-66 to the existing adjoining easement of 107.586 acres Tax Map (30-A-84), for a total of 123.781 acres. (Attachment A)

**Location:**

The affected property is located to the south of U.S. Route 15 (James Madison Highway), and adjacent and east of the Rivanna River. (Attachment B)

**Existing Zoning:**

A-1, Agricultural, General

**Planning Area:**

Rural Residential Planning Area

**Existing Land Use:**

Wooded, open land

**Adjacent Land Use:**

The surrounding area is zoned A-1, Agricultural, General.

**Zoning History:**

The subject property was originally placed in a conservation easement in October 2007 (EST 07:01).

## **Purpose of Conservation Easements**

As stated in Sec. 5.5-2. of the Fluvanna County Code, “The Board of Supervisors finds that a substantial area of rural land in the County has been converted to uses not consistent with or conducive to agriculture, forestry, or other traditional rural uses; that regulatory land-use planning tools may not, in themselves, be sufficient to inhibit the conversion of farm and forest land, clean water and airsheds, biological diversity, scenic vistas and rural character have a public value as well as a private value. Therefore, the Board of Supervisors has determined that it is advisable to establish a program, pursuant to Virginia Code Sec.10.1-1700, *et seq.*, by which the County can acquire conservation easements voluntarily offered by owners to serve as one means of assuring that the County’s resources are protected and efficiently used; to help in preserving open-space and the rural character of the County by (a) preserving farm and forest lands; (b) conserving and protecting water resources; (c) conserving and protecting biodiversity and wildlife and aquatic habitat; (d) improving the quality of life for the inhabitants of the County; (e) assuring availability of lands for agricultural, forestall, recreational, or open-space use; and (f) promoting tourism through the preservation of scenic resources”. (Ord. 06-21-06)

## **Comprehensive Plan:**

### **Natural Environment**

As of 2010, there were 27 conservation and historic easements in the County, totaling 12,022.5 acres. Most of the easements are owned by the Virginia Outdoors Foundation. The Board of Supervisors created a County easement program whereby the County, as a jurisdiction, may hold and protect easements. In 2007, the County accepted the first easement under this program, which is the easement that is being added to with this application.

### **Land Use Planning Area**

The Comprehensive Plan designates this area as within the Rural Residential Planning Area. The Rural Residential Planning Area encourages the preservation of open-space and discourages development.

## **Analysis:**

The Easement is granted to Fluvanna County exclusively, and will be held in perpetuity. Restrictions on the property include:

1. The land may not be subdivided;
2. Boundary line adjustments are allowed only with approval of the Board of Supervisors;
3. Only the existing single-family home will be permitted on the property;
4. Both the number and size of non-residential ~~properties~~ *structures which* will be allowed;
5. Most industrial and commercial uses are prohibited. Uses will be generally limited to equestrian, agricultural, and small outdoor activities;
6. Forest management will take place in accordance with a Forest Stewardship Management Plan approved by Virginia Department of Forestry;
7. Land disturbing activities will be limited in nature and will be consistent with best management;
8. Trash will not be allowed to accumulate on the property;

9. The types of signs will be limited in type and will be no larger than nine (9) square feet;
10. A 100 foot riparian buffer will be established adjacent to the Rivanna River;
11. The County has the right to enter onto the property to inspect it for compliance with the easement.

Staff is recommending the modification of restriction # 4, per above.

**Technical Review Committee:**

At the August 11, 2011 Technical Review Committee meeting, the Health Department inquired if there would be any restrictions on the property if it were placed in a conservation easement; and also that no soils work would be required. The applicant's representative stated that the property would not be subdivided;

The Fire Official was present and stated that he had no issues with this request.

The full list of Technical Review Committee comments is attached to this staff report (Attachment C).

**Conclusion:**

Staff believes that EST 11:01 meets the intent of Chapter 5.5, Conservation Easement Program and the Fluvanna County Comprehensive Plan. Therefore, approval of this application may be appropriate.

**Suggested Motion:**

I move that the Board of Supervisors **approve/deny** EST 11:01, a request to amend Conservation Easement 07:01 to add 16.195 acres of Tax Map 41-A-66 to the existing adjoining easement of 107.586 acres Tax Map (30-A-84), for a total of 123.781 acres [if approved] subject to the property restrictions listed in the staff report, and the amended Deed of Easement being subject to approval as to form by the County Attorney.

**Attachments:**

- A – Application
- B – Sketch Plan & letter from Attorney Reback
- C – TRC Comment Letter
- D – Amended Deed of Easement
- E – Chapter 5.5 of the Fluvanna County Code

Copy:

Applicant – Mr. & Mrs. John C. Zehler, 240 Stoneleigh Road, Palmyra, VA 22963

Representative – Mr. Forbes R. Reback, Boyle, Bain, Reback & Slayton, 420 Park Street, Charlottesville, VA 22902

File

Reset Form

Print Form



# Application for the Creation of a CONSERVATION EASEMENT

**FEES payable with application:**

Establishment of a new easement = \$750.00 plus mailing costs\*

\*Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified

**Owner Information:**

1. The property is owned by: (check one)

- One or more persons
- General Partnership
- Limited Partnership
- Corporation
- Limited Liability Company
- Trust
- Other \_\_\_\_\_

2. Names and contact information for all owners. (For business entities, list general partners, president, trustees or managers, as the case may be)

Name: John C. & Kathyne K. Zehler	Phone Number 804-337-9009
Address: 240 Stoneleigh Road, Palmyra, VA 22963	Email Address: _____
Name: _____	Phone Number _____
Address: _____	Email Address: _____
Name: _____	Phone Number _____
Address: _____	Email Address: _____
Name: _____	Phone Number _____
Address: _____	Email Address: _____
Name: _____	Phone Number _____
Address: _____	Email Address: _____

3. Source of title (Deed Book and Page Number). If title comes from will, inheritance or other source, please include citation to will book and page number of will or list of heirs or other source document. (Attach a copy of deed/will/list of heirs/other source.)

Deed Book 764, page 440 - Please see attached.

4. Do you own other land in Fluvanna County?  No  Yes

If yes, is the other land contiguous to the land which is the subject of this application?  No  Yes

If yes, please give Tax Map and Parcel Number for each contiguous parcel. TMP #30-A-84 (Portion)

5. How long has the subject parcel been owned by the current owner or members of the family? March 28, 2008

6. List all other persons having interests in the property, including, but not necessarily limited to, lessees, owners of easements in the property and lienholders. (Lienholders must sign to evidence their approval of the easement. Owners of other interests may need to sign as well.) Attach separate sheet listing names and contact information for such persons, as well as a copy of current title report.

**Property Information:**

Tax Map and Parcel(s): 30-A-84 (Portion) Election District: \_\_\_\_\_

Zoning: A-1 Acreage: 16.195 acres Nearest State Highway: US Rt. 15

Comprehensive Plan Planning Area: Palmyra

Buildings/other improvements on this parcel: N/A

Principal uses of property at present time (list all that apply, e.g., Vacant land  
grazing, timber, crops, hunting/fishing, private recreation: \_\_\_\_\_

Existing Buildings and other improvements on each parcel: N/A

Please describe particular physical features of the property (e.g., historic buildings, cemeteries, streams, unusual topographic features): Frontage on the Rivanna River; adjacent to current conservation easement property

**Proposed restrictions to be imposed by this easement:**

1. Please give a summary of the restrictions you propose to apply to this property. If more than one parcel, please indicate if different restrictions are proposed for different parcels: Please see attached draft deed

2. Please indicate whether the applicant volunteers to have the property be subject to greater restrictions than those contained in the standard sample deed of easement, and if so, delineate those voluntary, additional restrictions. N/A

3. Please give a description of the reasons you believe the proposed easement will support the purposes of the Fluvanna County Conservation easements Program: Enhances the conservation values of the current easement; provides for protection of a significant amount of riparian areas along the Rivanna River

4. Please attach copy of proposed deed of easement.

I/We hereby make application to Fluvanna County for the donation of development rights on the tax parcel(s) identified above on this application form pursuant to Fluvanna County Ordinance Conservation Easements Program. I/We understand and acknowledge that I/we incur no obligation by completing this application, and that Fluvanna County incurs no obligation by its acceptance of this application. I/We hereby certify that, to the best of our knowledge, the information contained in this application and attached materials are true and correct. I/We grant permission to the Conservation Easements Program Administrator or his/her designee to enter the property, after reasonable notice to the owner, for the purposes of evaluating the parcel(s) and verifying required information on the application form. This application form is not a legally binding agreement between the Applicant(s) and Fluvanna County. It is strictly for informational purposes in processing this application.

**ALL OWNERS OF RECORD MUST SIGN AND DATE THIS APPLICATION!**

*Signature*  *Print Name* John C. Zehler, Jr. *Date* 7/11/11

*Signature*  *Print Name* Kathryn K. Zehler *Date* 7/11/11

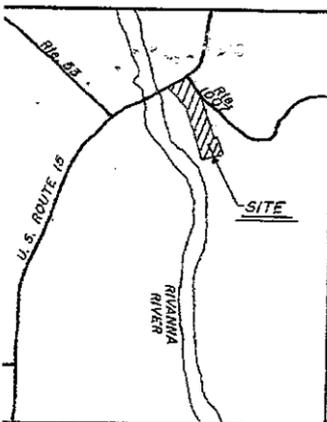
*Signature* \_\_\_\_\_ *Print Name* \_\_\_\_\_ *Date* \_\_\_\_\_

*Signature* \_\_\_\_\_ *Print Name* \_\_\_\_\_ *Date* \_\_\_\_\_

*Signature* \_\_\_\_\_ *Print Name* \_\_\_\_\_ *Date* \_\_\_\_\_

LINE BEARING & DISTANCES

1	N 43°51'44" E	114.26'
2	S 53°09'38" E	40.05'
3	S 16°46'31" E	25.39'
4	S 78°25'09" W	50.00'
5	S 11°34'51" E	51.50'
6	N 82°06'07" E	30.00'
7	N 05°10'48" W	65.23'
8	N 07°10'48" W	105.73'
9	N 10°40'48" W	106.63'
10	N 03°48'48" W	51.21'
11	N 29°58'48" W	139.90'



VICINITY SKETCH  
SCALE: 1" = 1200'

**WAL**

Adjustment of TMS 30-(A)-84 to John C. & Kathryn K. Zehler (a portion of TMS 41-(A)-66) Acres Total. Parcel A is recorded in Plat in Palmyra District, Fluvanna County, Virginia with the free consent and in accordance of the undersigned owners.

Date: 10/23/08

22963  
Date: 10/23/08

**CERTIFICATE**

That to the best of my knowledge and contents of the Board of Supervisors Fluvanna County, Virginia, regarding Boundary Line Adjustment within herein complied with.

Date: 7-28-08

Adjustment as shown hereon has approved by the undersigned in accordance with regulations and may be completed.

Date: 11/01/09

Commissioner of Revenue Note:  
Please change the Tax Map Number TMS 41-(A)-66, the 2.631 Acres Residue indicated on the Boundary Line Adjustment Plat dated July 28, 2008 and sealed by Gregory D. Hosaflook, to TMS 30-A-34B. D.K. Coffey

CURVE DATA

R	T	L	C
541.34'	92.77'	183.76'	N 42°17'06" E 182.88'
309.54'	0.57'	1.15'	S 53°03'17" E 1.15'
5616.47'	180.57'	361.01'	S 09°44'22" E 360.95'
5646.47'	57.52'	115.03'	S 07°18'52" E 115.03'
1054.93'	50.34'	100.61'	S 03°59'55" E 100.57'

Property is Zoned A-1.

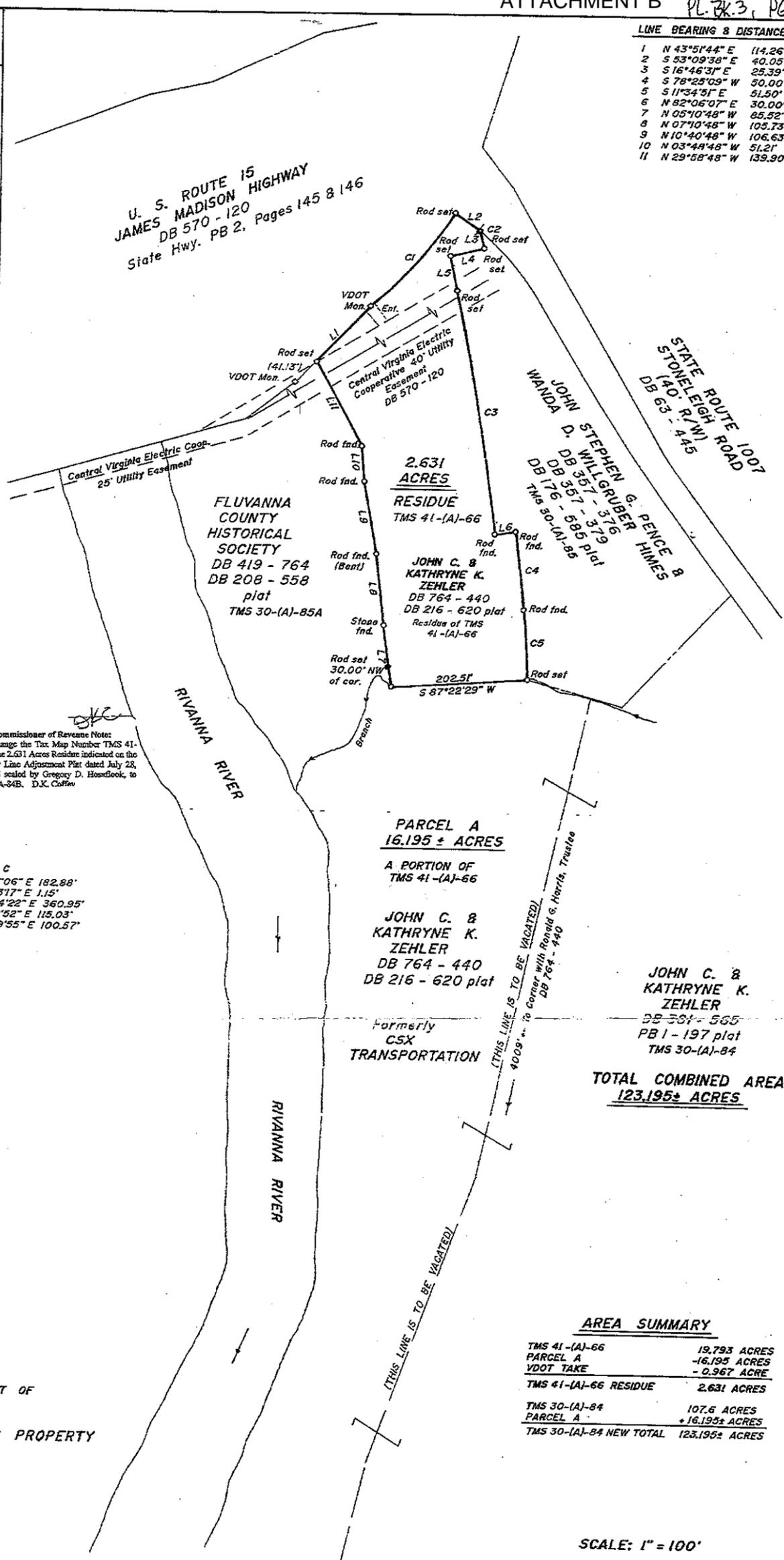
Boundary line between Parcel A, 16.195± Acres and TMS 41-(A)-66 is hereby vacated and Parcel A is the permanent part of TMS 30-(A)-84 making a combined acreage of 123.195± Acres.

This plat was prepared without the benefit of a title search and therefore may have encumbrances that are not shown on this plat.



SHOWING A BOUNDARY LINE ADJUSTMENT OF TMS 30-(A)-84 AND 41-(A)-66 TO JOHN C. & KATHRYNE K. ZEHLE PROPERTY, FLUVANNA COUNTY, VIRGINIA, 2008 SCALE: 1" = 100'

Gregory D. Hosaflook, P.C. LAND SURVEYOR, 1000 W. HARRIS ROAD, VIRGINIA 23064



PARCEL A  
16.195 ± ACRES  
A PORTION OF TMS 41-(A)-66

JOHN C. & KATHRYNE K. ZEHLE  
DB 764 - 440  
DB 216 - 620 plat

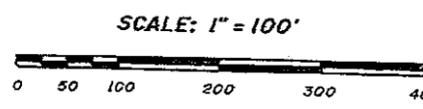
Formerly CSX TRANSPORTATION

JOHN C. & KATHRYNE K. ZEHLE  
DB 581 - 585  
PB 1 - 197 plat  
TMS 30-(A)-84

TOTAL COMBINED AREA  
123.195± ACRES

AREA SUMMARY

TMS 41-(A)-66	19.793 ACRES
PARCEL A	-16.195 ACRES
VDOT TAKE	-0.967 ACRES
TMS 41-(A)-66 RESIDUE	2.631 ACRES
TMS 30-(A)-84	107.6 ACRES
PARCEL A	+16.195± ACRES
TMS 30-(A)-84 NEW TOTAL	123.195± ACRES



# BOYLE, BAIN, REBACK & SLAYTON

Attorneys and Counsellors at Law

Forbes R. Reback  
Marshall M. Slayton  
Timothy I. Kelsey  
C. Connor Crook  
Jonathan S. Woodruff

420 Park Street  
Charlottesville, Virginia 22902  
Telephone (434) 977-6155  
Facsimile (434) 977-3298  
www.bbrs.net

Edward H. Bain, Jr.  
(Of Counsel)

Jack N. Kegley  
(Retired)  
Robert P. Boyle  
(1930-1992)

June 14, 2011

Mr. William P. Scudder  
Fluvanna County Administrator  
P. O. Box 540  
Palmyra, Virginia 22963



Re: Mr. & Mrs. John C. Zehler, Jr.  
Proposed Amendment to Conservation Easement dated 10/25/07

Dear Mr. Scudder:

On behalf of Mr. & Mrs. Zehler, I would like to initiate the process to amend their 2007 deed of gift of easement to Fluvanna County made pursuant to the County Conservation Easement Program (County Code Chapter 5.5).

The sole purpose of this proposed amendment is to add 16.195 acres (TMP 41-A-66) to the easement on the adjoining 107.586 acre tract (TMP 30-A-84). The parcel to be added lies adjacent to the east bank of the Rivanna River and adds significantly to the conservation values protected by the 2007 easement.

In connection with this proposed additional donation I have drafted an amended deed of gift of easement, a copy of which is enclosed for your review and consent. I am also sending a copy to Fred Payne, Esq. for his review.

I request that you add this matter to the agenda of the next appropriate meeting of your Board of Supervisors for their approval and acceptance.

If you need anything further from the donors or myself please let me know. We look forward to completing this additional gift this year.

Sincerely,

A handwritten signature in cursive script that reads "Forbes R. Reback".

Forbes R. Reback

FRR/elw  
Enclosures

Cc: Mr. & Mrs. John C. Zehler, Jr. (with enclosures)  
Mr. Frederick W. Payne, Esq. (with enclosures)  
Mr. Brian C. Jones (with enclosures)



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**COUNTY OF FLUVANNA**

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

August 11, 2011

Boyle, Bain, Reback, & Slayton (Erin L. Wilson)  
420 Park Street  
Charlottesville, VA 22902

Delivered via Fax: 434-977-3298

**Re: EST 11:01 – John C. & Kathyne K. Zehler Conservation Easement Amendment  
Tax Map 41-A-66**

**August 11, 2011 TRC Comments**

Dear Ms. Wilson:

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

1. Gary Rice with The Health Department asked if there would be any restrictions on this property if it were placed in a conservation easement, and that no soils work would be required. The applicant responded that the property would not be subdivided.
2. The Fire Official was present and stated that he had no issues with this request.

You may, if you feel it is necessary to clarify any Tax Map numbers or show additional information related to this application, provide a minimum of 14 11"x 17" copies of the revised sketch plans and deed information and any other materials or documentation that is to be included in the Board of Supervisors packet by **Tuesday, August 23, 2011**. Submitting revisions by this deadline will place your request on the **September 7, 2011** Board meeting agenda.

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

Sincerely,

Steve Tugwell

Planner

Dept. of Planning &amp; Community Development

cc: Mr. & Mrs. John C. Zehler, 240 Stoneleigh Road, Palmyra, VA 22963  
File

Prepared by: Boyle, Bain, Reback & Slayton  
 420 Park Street  
 Charlottesville, VA 22902

Tax Map No.: 30-A-84

Exempted from recordation tax  
 under the Code of Virginia (1950), as amended,  
 Sections 58.1-811 (A) (3), 58.1-811 (D)  
 and from Circuit Court Clerk's fee under Section 17.1-266

THIS AMENDED DEED OF GIFT OF EASEMENT (this "Easement"), made this \_\_\_ day of May, 2011, by between and among John C. ZEHLER Jr. and Kathryn K. ZEHLER, husband and wife, (together, the "Grantors"), and the COUNTY OF FLUVANNA, a political subdivision of the Commonwealth of Virginia, whose business address is P.O. Box 540, Palmyra, Virginia 22963 ("Grantee");

**WITNESSETH:**

**WHEREAS**, by Deed of Gift of Easement made the 25<sup>th</sup> day of October, 2007, by and between John C. Zehler, Jr. & Kathryn K. Zehler, husband and wife, and Grantee, recorded in the Clerk's Office of the Circuit Court of the County of Fluvanna, Virginia in Deed Book 748, page 286, Grantors conveyed an open-space easement on 107.586 acres, more or less, to Grantee (the "2007 Easement"); and

**WHEREAS**, by deed dated March 28, 2008 of record in said Clerk's Office in Deed Book 764, page 440, the Grantors acquired an additional 16.195 acres as further described as Parcel Two on Schedule A attached hereto and recorded herewith, which parcel is adjacent to and contiguous with the above-mentioned 107.586 acre parcel subject to the 2007 Easement; and

**WHEREAS**, the Grantors now desire to amend the said 2007 Easement in order to add the additional acreage to the 2007 Easement and to clarify the legal property description and boundaries of the parcels subject to the Easement; and

**WHEREAS**, Grantee is a political subdivision of the Commonwealth of Virginia and a "qualified organization" and "eligible donee" under §170(h)(3) of the Internal Revenue Code of 1986, as amended (and corresponding provisions of any subsequent tax laws)(IRC) and Treasury Regulation §1.170A-14(c)(1), and is willing to accept a perpetual conservation and open-space easement over the Property as herein set forth; and

**WHEREAS**, Chapter 461 of the Acts of 1966, codified in Chapter 17, Title 10.1, §§10.1-1700 through 10.1-1705 of the Code of Virginia (1950) as amended (the "Open-Space Land Act"), declares that the preservation of open-space land serves a public purpose by curbing urban sprawl, preventing the spread of urban blight and deterioration

and encouraging more economic and desirable urban development, helping provide or preserve necessary park, recreational, historic and scenic areas, and conserving land and other natural resources, and authorizes the acquisition of interests in real property, including easements in gross, as a means of preserving open-space land; and

**WHEREAS**, pursuant to §§10.1-1700 and 10.1-1703 of the Open-Space Land Act, the purposes of this Easement include retaining and protecting open-space and natural resource values of the Property, and the limitation on division, residential construction and commercial and industrial uses contained in Section II ensures that the Property will remain perpetually available for agriculture, livestock production, game management, forest or open-space use, all as more particularly set forth below; and

**WHEREAS**, the Grantee is a public body within the definition in §10.1-1700 of the Open-Space Land Act and pursuant to the public policy of the Commonwealth to encourage preservation of open-space land, is authorized to hold real property or any estate or interest therein for the purpose of preserving the natural, scenic, historic, scientific, open-space and recreational lands of the Commonwealth; and

**WHEREAS**, this conservation and open-space easement in gross constitutes a restriction granted in perpetuity on the use which may be made of the Property, and is in furtherance of and pursuant to the clearly delineated governmental policies set forth below:

(i) Land conservation policies of the Commonwealth of Virginia as set forth in:

a. § 1 of Article XI of the Constitution of Virginia, which states that it is the Commonwealth's policy to protect its atmosphere, lands and waters from pollution, impairment or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth;

b. The Open-Space Land Act cited above;

c. The Virginia Land Conservation Incentives Act, Chapter 3 of Title 58.1, §§58.1-510 through 58.1-513 of the Code of Virginia (1950) as amended, which supplements existing land conservation programs to further encourage the preservation and sustainability of the Commonwealth's unique natural resources, wildlife habitats, open spaces and forest resources;

d. Chapter 32, of Title 58.1, §§58.1-3230 through 58.1-3244 of the Code of Virginia (1950) as amended, which authorizes special use-value tax assessments for real estate devoted to agricultural, forestal, horticultural and open-space use;

(ii) Land use policies of the County of Fluvanna as delineated in:

a. its Comprehensive Plan 2000 adopted November 9, 2000 to which plan the restrictions set forth in this deed conform and which contains promotion goals, objectives and strategies hereinafter set out.

b. its County Code Chapter 5.5 adopted June 21, 2006 effective July 1, 2006 setting forth the County's Conservation Easement Program pursuant to which this Easement is given and accepted; and

**WHEREAS**, this Easement will yield significant public benefit to the citizens of Fluvanna County and the Commonwealth as set forth in Section I; and

**WHEREAS**, Grantor and Grantee desire to protect in perpetuity the conservation values of the Property as specified in Section I by restricting the use of the Property as set forth in Section II; and

**WHEREAS**, Grantee has determined that the restrictions set forth in Section II of the 2007 Easement (the "Restrictions") will preserve and protect in perpetuity the conservation values of the Property, which values are reflected in Section I of the 2007 Easement; and

**WHEREAS**, Grantee has determined that the Restrictions will limit use of the Property to those uses consistent with, and not adversely affecting, the conservation values of the Property and the governmental conservation policies furthered by the Easement; and

**WHEREAS**, Grantee, by acceptance of this Easement, designates the Property as property to be retained and used in perpetuity for the preservation and provision of open-space land pursuant to the Open-Space Land Act; and

**WHEREAS**, the Property possesses significant scenic, natural, open-space, wildlife habitat and historic values (the "Open-Space Values"), the preservation of which will benefit the citizens of the Commonwealth; and

**WHEREAS**, the Property lies in the vicinity of other lands under open-space easement deeded to the Virginia Outdoors Foundation and contributes to the open-space values of such other lands under easement; and

**WHEREAS**, the Property fronts on both sides of Stoneleigh Road (State Route 1007), and contributes to the scenic views enjoyed by the public therefrom; and

**WHEREAS**, the Property lies immediately outside the historic Village of Palmyra, the county seat for Fluvanna County, and overlooks the Fluvanna Court House Historic District, an area of historic and architectural significance; the Fluvanna County Court House built in 1932 located within the Fluvanna Court House Historic District is listed in the Virginia Landmarks Register and the National Register of Historic Places;

the historic Palmyra Lock and Mill Site adjoins the Property and is located along the Rivanna River in the Palmyra Village area; and

**WHEREAS**, situated within the Property are two historic cemeteries or burial grounds; the first within the curtilage of the principal residence contains the remains of members of the Thomas family in whose family the property remained for over 100 years; and the second, an abandoned public cemetery on Chinguapin Hill, contains the remains of members of the family of Ambrose Madison, brother of James Madison, marked by a stone obelisk replica of the Presidents' marker at Montpelier as well as Potters Field in which were interred the remains of paupers and Chinese and Italian immigrants who died during construction of the now abandoned Chesapeake and Ohio railway line and bridges; and

**WHEREAS**, the Property will have significantly longer frontage of nearly one mile on the east bank of the Rivanna River as a result of this Amendment, the river being designated a Virginia Scenic River pursuant to §10.1-416 of the Code of Virginia (1950) as amended and a component of the Virginia Scenic Rivers System, and contributes to the scenic views enjoyed by the public therefrom; and

**WHEREAS**, the Property contains agricultural fields, forest land, and wetlands, and a significant portion of it is adjacent to the Rivanna River, a tributary of the James River and a major waterway within the Chesapeake Bay watershed; and

**WHEREAS**, the protection of water quality within the Chesapeake Bay watershed and specifically along riparian corridors of significant waterways within the watershed such as the James River, contributes to the following governmental conservation policies: (1) the Virginia Water Quality Improvement Fund was enacted in part to meet the Commonwealth of Virginia's commitments under the Chesapeake Bay Agreement, § 10.1-2124 of the Code of Virginia (1950) as amended; (2) in the Chesapeake 2000 Agreement, the Governor of the Commonwealth of Virginia and the Administrator of the United States Environmental Protection Agency acknowledged that "future development will be sustainable only if we protect our natural and rural resource land, limit impervious surfaces and concentrate new growth in existing population centers;" and (3) a goal of the Chesapeake 2000 agreement is to "expand the use of voluntary and market-based mechanisms such as easements ... to protect and preserve natural resource lands"; and

**WHEREAS**, protection of the waters of the Rivanna River and its tributaries, including Ballinger Creek, will implement the goals of the Chesapeake Bay Preservation Act; and

**WHEREAS**, the 2002-2003 Biennial Report of the Virginia Land Conservation Foundation, dated January 2004, states that meeting Virginia's land preservation goals under the Chesapeake 2000 Agreement "requires the conservation of 432,535 acres by 2010 or 61,791 acres per year." ; and

**WHEREAS**, the protection of the Property from intensive development will contribute to the goal of the Virginia Scenic Rivers Act to “protect and preserve certain rivers or sections thereof possessing natural or pastoral beauty”; and

**WHEREAS**, the Board of Supervisors of Fluvanna County has recognized the value of the Property for its agricultural and forestal resources by establishing its eligibility for Use Value Assessment for purposes of the County’s real estate taxes; and

**WHEREAS**, the protection of the Property from intensive development will contribute to the goal of the 2002 Virginia Outdoors Plan to “encourage partnerships through the establishment of private/public conservation easements along designated Scenic Rivers”; and

**WHEREAS**, the Comprehensive Plan 2000 of Fluvanna County, Virginia, adopted by the Board of Supervisors of said County, includes Chapter 4 on the Environment which has the following goals among others:

Goal 1: Preserve and protect the natural, rural, and open-space character of Fluvanna County; and

Goal 2: Encourage agricultural and forestal operations and productivity and ensure the availability of agricultural lands for the continued production of crops, livestock and timber; and

Goal 3: Protect water resources; and

Goal 4: Protect Natural Resources, including water, soil, air, scenery, and fragile ecosystems . . . Promote the placement of conservation / scenic easements on lands within view of Rivanna [River] and seek to protect the scenic value of these lands when land use decisions and plans are made; and

**WHEREAS**, in the implementation of Goals 1 and 4 cited above, the Board of Supervisors of Fluvanna County “encourage(s),” “facilitate(s)” and “promote(s) . . . the donation of open-space and conservation easements on land that meets the minimum IRS criteria for easement donation”; and

**WHEREAS**, the Grantee has determined that the restrictions hereinafter set forth (the “Restrictions”) will preserve and protect in perpetuity the “Open-Space Values” of the Property, which values are reflected in the preceding paragraphs, the Grantee’s evaluation of the Property, and the documentation of the condition of the Property as contained in its files and records; and

**WHEREAS**, the conservation purpose of this easement is to preserve and protect in perpetuity the Open-Space Values of the Property; and

**WHEREAS**, the Grantee has determined that the Restrictions will limit the uses of the Property to those uses consistent with, and not adversely affecting the Open-Space Values of the Property, the scenic values enjoyed by the general public, and the governmental conservation policies furthered by this easement; and

**WHEREAS**, this Easement is intended to constitute "a restriction (granted in perpetuity) on the use which may be made of real property", which is "a qualified real property interest" under IRC § 170(h)(2)(c); and

**WHEREAS**, this Easement is granted "exclusively for conservation purposes" under IRC §170(h)(1)(C) because it effects "the preservation of certain open-space (including farmland and forest land)." The preservation of open-space on the Property as provided in this Easement (i) is pursuant to certain clearly delineated state and local governmental conservation policies referred to in the preceding preamble clauses that indicate the type of property identified by Grantees as worthy of preservation and (ii) will yield a significant public benefit, in that among other things it will: (1) protect the Property from inappropriate development, which existing and foreseeable trends in the vicinity of the Property indicate is increasing and which could contribute to the degradation of the scenic and natural character of the area; (2) prevent excessive development, soil disturbance, and pollution on the Property thus enhancing water quality in the James River and the Chesapeake Bay; (3) is consistent with existing conservation programs in the area and augments open-space easements held by the Virginia Outdoors Foundation on other tracts of land in the Palmyra Magisterial District of Fluvanna County, Virginia, which also help to (a) preserve the scenic local and regional landscape in general and the historic landmarks therein, (b) attract tourism and commerce to the area, and (c) enhance the quality of life for area residents and visitors;

**NOW, THEREFORE**, in consideration of the premises and pursuant to the Fluvanna County Conservation Easement Program and the mutual covenants herein and their acceptance by Grantee, the Grantors do hereby GIVE, GRANT and CONVEY to Grantee a conservation and open-space easement in gross over, and the right in perpetuity to restrict the use of, the Property, which is described in SCHEDULE "A" attached hereto and made a part hereof, and consists in the aggregate of 123.195 acres, more or less, located in Palmyra Magisterial District, Fluvanna County, Virginia, near Palmyra, on Stoneleigh Road (State Route 1007) to-wit:

[SEE ATTACHED SCHEDULE A]

The Property is shown as Tax Map No. 30A-84 among the land records of the County of Fluvanna, Virginia. Even if the Property consists of more than one parcel for real estate tax or any other purpose, it shall be considered one parcel for purposes of this Easement, and the restrictions and covenants of this Easement shall apply to the Property as a whole.

Parcel Two, which is hereby added to the 2007 Easement, is hereby further restricted to prohibit the construction thereon of any dwelling, building or structure.

In all other respects the 2007 Easement is hereby ratified and confirmed by the parties in its entirety.

WITNESS the following signatures and seals:

[Counterpart signature pages follow]

DRAFT

[Counterpart signature page 1 of 2]

\_\_\_\_\_  
Grantor: John C. Zehler, Jr.

\_\_\_\_\_  
Grantor: Kathryn K. Zehler

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_, TO WIT:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by John C. Zehler, Jr..

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(SEAL)

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, TO WIT:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by Kathryn K. Zehler.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(SEAL)

[Counterpart signature page 2 of 2]

County of Fluvanna

By: \_\_\_\_\_  
Chairman, Board of Supervisors

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_, TO WIT:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_ 2011, by \_\_\_\_\_ as Chairman of the Board of  
Supervisors and on behalf of the County of Fluvanna.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(SEAL)

APPROVED AS TO FORM:

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

SCHEDULE A  
LEGAL DESCRIPTION

Tax Map Parcel #30-A-84:

Parcel One:

All that certain lot or parcel of land lying and being situate in the Palmyra Magisterial District of Fluvanna County, Virginia, containing 107.586 acres, more or less, with metes and bounds as shown on plat of survey made by Robert L. Lum, C.L.S., dated February 10, 1995, and recorded in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia in Plat Book 1, page 197, and further being identified as Fluvanna County Tax Map Parcel No. 30-0A-84;

BEING the same property conveyed to the Grantors by deed of Milton P. Miller, Trustee, dated June 24, 1996 and recorded in the aforesaid Clerk's Office in Deed Book 381, page 565; and

Parcel Two:

All that certain tract or parcel of land lying and being situate in the Palmyra Magisterial District of Fluvanna County, Virginia, containing 16.195 acres, more or less, as further described and shown as Parcel A' on a plat of survey made by Gregory D. Hosaflook, P.C., dated July 28, 2008, and recorded in the aforesaid Clerk's Office in Deed Book 782, page 210;

BEING a portion of the property conveyed to the Grantors by deed of partition with Ronald G. Harris, Trustee of the Ronald G. Harris 2003 Revocable Living Trust, dated March 28, 2008 and recorded in the aforesaid Clerk's Office in Deed Book 764, page 440.

Chapter 5.5  
**CONSERVATION EASEMENTS PROGRAM<sup>1</sup>**

**Sec. 5.5-1. Short title.**

This Chapter shall be known and may be cited as the "conservation easements program" or "the Program", as the context may require. (Ord. 06-21-06)

**Sec. 5.5-2. Purpose.**

The board of supervisors finds that a substantial area of rural land in the County has been converted to uses not consistent with or conducive to agriculture, forestry or other traditional rural uses; that regulatory land-use planning tools may not, in themselves, be sufficient to inhibit the conversion of farm and forest land to other uses; and that farm and forest land, clean water and airsheds, biological diversity, scenic vistas and rural character have a public value as well as a private value. Therefore, the board of supervisors has determined that it is advisable to establish a program, pursuant to Virginia Code Sec. 10.1-1700, *et seq.*, by which the County can acquire conservation easements voluntarily offered by owners to serve as one means of assuring that the County's resources are protected and efficiently used; to help in preserving open-space and the rural character of the County by (a) preserving farm and forest lands; (b) conserving and protecting water resources and environmentally sensitive lands, waters and other natural resources; (c) conserving and protecting biodiversity and wildlife and aquatic habitat; (d) improving the quality of life for the inhabitants of the county; (e) assuring availability of lands for agricultural, forestal, recreational, or open-space use; and (f) promoting tourism through the preservation of scenic resources. (Ord. 06-21-06)

**Sec. 5.5-3. Applicability.**

The Program shall be available for all lands in the County, except those lands under the ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired under the Program shall be voluntarily offered by the owner. Each such easement shall be subject to the approval of the board of supervisors to determine that the acceptance of such easement shall further the purposes of this Chapter in accordance with Sec. 5.5-6. (Ord. 06-21-06)

**Sec. 5.5-4. Definitions and construction.**

A. The following definitions shall apply in the interpretation and implementation of the Program:

(1) Conservation easement. The term "conservation easement" means a nonpossessory interest of the County in real property, whether easement appurtenant or in gross, acquired through gift, purchase, devise, or bequest imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.

(2) Program administrator. The term "Program administrator" means the director of the department of planning and development.

(3) Parcel. The term "parcel" means a lot or tract of land, lawfully recorded in the clerk's office of the circuit court of the County, or any lawfully described portion of such lot or tract.

B. Construction. Because a conservation easement may contain one or more parcels, for purposes of the Program the term "parcel" shall include all parcels covered by, or proposed to be covered by, a particular conservation easement. (Ord. 06-21-06)

**Sec. 5.5-5. Designation of Program administrator; powers and duties.**

A. Designation. The director of the department of planning and development is hereby designated as the Program administrator.

B. Powers and duties. The Program administrator, or his designee, shall administer the Program and shall have the powers and duties to:

1. Establish reasonable and standard procedures and forms for the proper administration and implementation of the Program.
2. Promote the Program by providing educational materials to the public, conducting informational meetings and otherwise.
3. Investigate and pursue state, federal and other programs available to maximize private participation.
4. Evaluate all applications to determine their eligibility and make recommendations thereon to the board of supervisors.
5. Provide educational materials regarding other land protection programs to the public.
6. For each conservation easement, assure that the terms and conditions of the deed of easement are monitored and complied with by coordinating a monitoring program with each easement holder, and if the other easement holders are either unable or unwilling to do so, monitor and assure compliance with the terms and conditions of the deed of easement. (Ord. 06-21-06)

**Sec. 5.5-6. Eligibility criteria.**

In determining whether to accept a proposed conservation easement, the board of supervisors shall consider the following criteria:

- (i) the use of the parcel subject to the conservation easement shall be consistent with the comprehensive plan as in effect at the time of the proposed dedication; (ii) the proposed terms of the conservation deed of easement shall be consistent with the minimum terms and conditions set forth in Sec. 5.5-7; and (iii) the acceptance of the proposed conservation is consistent with the purposes of this Chapter. (Ord. 06-21-06)

**Sec. 5.5-7. Easement terms and conditions.**

Each conservation easement shall conform with the requirements of the Open-Space Land Act of 1966 (Virginia Code § 10.1-1700 et seq.) and of this Chapter. The deed of easement shall

be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

A. Restriction on division. No parcel shall be divided so as to create any parcel containing less than one hundred (100) acres.

B. No buy-back option. The owner shall not have the option to reacquire any property rights relinquished under the conservation easement.

C. Other restrictions. The parcel also shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to: (i) the accumulation of trash and junk; (ii) the display of billboards, signs and advertisements; (iii) the management of forest resources; (iv) grading, blasting or earth removal; (v) the number and size of residential outbuildings and farm buildings or structures; (vi) the conduct of industrial or commercial activities on the parcel; and (vii) monitoring of the easement. (Ord. 06-21-06)

**Sec. 5.5-8. Application and evaluation procedure.**

Each application for a conservation easement shall be processed as follows:

A. Application materials to be provided to owner. The application materials provided by the Program administrator to an owner shall include, at a minimum, a standard application form, a sample deed of easement, and information about the Program.

B. Application form. Each application shall be submitted on a standard form prepared by the Program administrator. The application form shall require, at a minimum, that the owner: (i) provide the name of all owners of the parcel, the address of each owner, the acreage of the parcel, the County tax map and parcel number, the zoning designation of the parcel, and permission for the Program administrator to enter the property after reasonable notice to the owner to evaluate the parcel. The application form shall also include a space for an owner to indicate whether he volunteers to have the parcel be subject to greater restrictions than those contained in the standard sample deed of easement, and to delineate those voluntary, additional restrictions.

C. Additional application information required by Program administrator. The Program administrator may require an owner to provide additional information deemed necessary to determine whether the proposed easement can be recommended for acceptance.

D. Submittal of application. Applications shall be submitted to the office of the Program administrator. An application may be submitted at any time.

E. Evaluation by Program administrator. The Program administrator shall evaluate each application received and determine within fifteen (15) days whether the application is complete. If the application is incomplete, the Program administrator shall inform the owner in writing of the information that must be submitted in order for the application to be deemed complete. When an application is deemed complete, the Program administrator shall determine whether, in his judgment, the proposed easement satisfies the eligibility criteria set forth in Sec. 5.5-6.

F. Evaluation by board of supervisors. The board of supervisors shall review the proposed easement and determine whether or not the same should be accepted. The determination as

to whether or not a particular easement should be accepted shall be in the sole discretion of the board of supervisors, and nothing in this Chapter shall obligate the board to accept a particular conservation easement.

G. Reapplication. An owner whose proposed conservation easement is not accepted may reapply at a later time.

H. Easement established. A conservation easement shall be deemed to be accepted when all the owners of the subject parcel shall have signed the deed of easement; such deed of easement shall have been approved in writing as to form by the county attorney; and the same shall have been accepted by an authorized agent of the board of supervisors on its behalf. The deed shall be recorded in the office of the clerk of the circuit court of the County at the expense of the applicant. A single conservation easement may be established for more than one parcel under the same ownership.

I. Costs. The applicant shall be solely responsible for the cost of preparing and recording each such easement, including, but not necessarily limited to, environmental site assessments, surveys, recording costs and other charges associated with closing; and shall pay to the County a fee sufficient to defray the actual and reasonable expenses of the County's review of the application and the proposed deed of easement. The amount of such fee shall be established from time to time by resolution of the board of supervisors. The County shall not pay fees incurred for independent appraisals, legal, financial, or other advice, or fees in connection with the release and subordination of liens to the easement conveyed to the County. (Ord. 06-21-06)

#### **Sec. 5.5-9. Program non-exclusivity.**

This Chapter shall not be construed in any way as a limitation upon the County's authority to acquire land for public purposes, nor shall this Chapter be construed to prohibit the holding of easements for conservation of resources by entities other than, or in conjunction with, the County. (Ord. 06-21-06)

#### **ENDNOTES:**

<sup>1</sup> Ordinance adopted 6-21-06 enacting Chapter 5.5, Conservation Easements Program, is effective on and after July 1, 2006.



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

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## MEMORANDUM

TO: Board of Supervisors  
FROM: Jay Scudder, County Administrator  
SUBJECT: 2013 General Reassessment  
DATE: August 30, 2011

As you are aware, Fluvanna County is due for a General Reassessment for real property, scheduled for 2013. A request for bids (RFB) was advertised and proposals are due August 31, 2011. To date, we have received several viable proposals for consideration. In the past, staff reviewed proposals and selected a candidate. Because of the importance of this upcoming reassessment and the overall interest that has been expressed from the community regarding the outcome, I feel a committee would be helpful in selecting a firm to do the work, commensurate with the community's expectations. My recommendation is that a member of the Board of Supervisors Mr. Don Weaver, Commissioner of the Revenue Mr. Mel Sheridan, Planning Commission Member Mr. Barry Bib, Citizen Realtor (to be determined) and County Administrator Mr. Jay Scudder serve as the selection committee.

A recommended timeline for the review and selection process would be as follows: receive proposals for review on September 9, 2011; and review the proposals, collectively, at a meeting September 14, 2011, at 9am in the County Administrators office. The purpose of this meeting would be to select 2 to 3 candidate firms for interviews. I would like to tentatively schedule September 19, 2011, beginning at 9am for conducting interviews of candidate firms. The selection of a firm will be made following completion of interviews. The committees recommendation will be announced at the September 21, 2011 Board of Supervisors meeting for contract award.



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# COUNTY OF FLUVANNA

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## MEMORANDUM

TO: Board of Supervisors  
FROM: Crystal Besecker, Budget Analyst  
SUBJECT: Contingency Balance  
DATE: August 26, 2011

OK *CB*

The balances for the BOS and grant contingency lines for FY12 are as follows:

<u>Board of Supervisors contingency:</u>	\$100,000.00
Minus Donation to Town of Columbia 8.3.11	<u>    3,000.00</u>
	\$ 97,000.00
<u>Grant contingency:</u>	\$ 0

# PROJECT STATUS REPORT

Updated September 2011

Project	Step/Status	Responsible Party/Date
Water Line	Citizen Water Committee recommendations presented to the Board of Supervisors on July 21 <sup>st</sup> 2010. The Board to make a decision how to proceed at the BOS meeting on August 4 <sup>th</sup> 2010.	County Administrator
Palmyra Sewer Expansion Project	This project is completed. Awaiting the connection of the new high school to the new sewer line.	John Robins
Fire Buildings (Kents Store and Fork Union)	The Kents Store Firehouse is completed.  The Fork Union Firehouse design and bid came in over budget is being redesigned to bring into budget.	John Robins
Human Services Building	The interior is 80% complete, the GEO Thermo wells have been installed and work has begun on the HVAC system.	John Robins
Turkeysag Trail	VDOT is moving this project forward and has modified it to provide sidewalks on both the east and west sides of Turkeysag Trail. A crosswalk with a concrete pedestrian refuge will be located across Turkeysag Trail near the Jefferson Pharmacy. VDOT is working on any necessary easements for this design concept. The design is expected to be completed and bid in 2011. Construction is anticipated in 2012.	Pat Groot Darren Coffey
Fork Union Streetscape Project	The 90% review documents, including environmental reviews, bid doc preparation, bids, construction is underway. The project will consist of 5' wide sidewalk, a brick "utility" strip, on-street parking, five crosswalks, street lights, and some landscaping and street furnishings as the construction bidding permits. Project construction will be in 2012.	Darren Coffey Pat Groot
Recreation Access Road	VDOT has completed the road paving work for the Pleasant Grove road. Staff will work with VDOT concerning the road speed limit and stop signs for safety. The new road will be designed as Rc. 721 in the VDOT secondary road system.	Dwight Godwin

Project	Step/Status	Responsible Party/Date
Western Trailhead Project	Staff is reviewing the bid documents from LPDA for the Comfort Station and Parking Lot project. These documents will be submitted to VDOT for authorization to advertise the project.	Dwight Godwin & Pat Groot
Pleasant Grove House Project	The design drawings have been completed with modifications to the site plan and bidding documents. The approval by VDOT of the bid documents is expected by the beginning of June 2010.	John Robins
Pleasant Grove Active Park Master Plan	Staff is evaluating the master plan needs assessment surveys. A second public meeting will be held in November to review the survey results.	Dwight Godwin

  
 Jay Scudder, County Administrator