



FLUVANNA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING AGENDA

Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055

February 7, 2024

Regular Meeting at 5:00 pm

Budget Work Session at 7:00 pm

| TAB | AGENDA ITEMS |
|-----------|---|
| 1 | CALL TO ORDER |
| 2 | PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE |
| 3 | ADOPTION OF AGENDA |
| 4 | COUNTY ADMINISTRATOR'S REPORT |
| 5 | PUBLIC COMMENTS #1 (5 minutes each) |
| 6 | APPOINTMENTS |
| A | Board, Commission, and Committee Appointments – Eric Dahl, County Administrator |
| 7 | PRESENTATIONS (normally not to exceed 10 minutes each) |
| B | Blue Ridge Health Department Update – Ryan McKay, BRDH Health Director |
| 8 | ACTION MATTERS |
| C | TJPDC Multi-Jurisdictional Safety Action Plan Letter of Support – Curtis N. Scarpignato, TJPDC Regional Planner and Sandy Shackelford, AICP, TJPDC Director of Planning & Transportation |
| D | Resolution Designating Off-Leash Trails, Dog Parks, and Dog Exercise Areas – Dan Whitten, County Attorney |
| E | Resolution to Approve Local Funding for the Live Fire Training Structure – Eric Dahl, County Administrator |
| F | Requesting an Administrative Program Specialist position for the Public Utilities Department – Robert Popowicz, Director of Public Utilities |
| G | Resolution opposing House Bill 636 and Senate Bill 567 which gives the SCC the authority to override local comprehensive plans and zoning ordinances for the siting of utility-scale solar, wind and battery storage facilities– Dan Whitten, County Attorney |
| H | Resolution opposing House Bill 800 and Senate Bill 713 which shifts make ready costs for broadband expansion to electric cooperatives – Dan Whitten, County Attorney |
| 9 | PUBLIC HEARING |
| 10 | CONSENT AGENDA |
| I | Minutes of January 17, 2024 – Caitlin Solis, Clerk to the Board |
| J | Minutes of January 24, 2024 – Caitlin Solis, Clerk to the Board |
| K | Amendment of the November 15, 2023 Meeting Minutes – Caitlin Solis, Clerk to the Board |
| L | Approval of Open Space Agreement for April Mae Baber – Andrew M. Sheridan, Jr., Commissioner of the Revenue |

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- M Resolution to Assign a Road Name: Carols Lane – Kelly Harris, Assistant County Administrator
- N Building Official Position Description Update – Donna Snow, Director of Human Resources
- O Services Term Contract - Sydnor Hydro, Inc. – Dan Whitten, County Attorney
- P Project Agreement - Sydnor Hydro, Inc. – Dan Whitten, County Attorney

11 – UNFINISHED BUSINESS

TBD

12 – NEW BUSINESS

TBD

13 – PUBLIC COMMENTS #2 (5 minutes each)

14 – CLOSED MEETING AND DINNER RECESS

TBD

RECESS – DINNER BREAK

RECONVENE @ 7:00pm

A - BUDGET WORK SESSION

County Administrator’s FY25 Budget Proposal and FY26-29 Projected Budgets (The Five-Year Financial Plan) – Eric Dahl, County Administrator

FY25 Revenues and Expenditures – Eric Dahl, County Administrator

B – CLOSED MEETING

TBD

C – ADJOURN



County Administrator Review

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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.

GENERAL RULES OF 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 defamatory or abusive language directed at any member of the Board or other person, to create excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches, however, the Board may by majority vote of the Board members present and voting to overrule the judgment of the Chair.
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.

RULES OF PROCEDURE FOR PUBLIC HEARINGS

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

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FLUVANNA COUNTY BOARD OF SUPERVISORS BCC APPOINTMENTS STAFF REPORT

TAB A

| | | | |
|---|---|--------------------|------------------|
| MEETING DATE: | February 7, 2024 | | |
| AGENDA TITLE: | Board, Commission, and Committee Appointments | | |
| MOTION: | I move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s): | | |
| Board/Commission/Committee | Appointees | Begins Term | Ends Term |
| Jefferson Area Board for Aging (JABA) Advisory Council - Citizen Representative | Allison Pace Christopher L. Baca, Sr. | 02/07/2024 | 06/30/2025 |

| BCC VACANCIES AND APPLICANTS | | | | |
|---|--------------------------|------|------------|--|
| BCC Vacancies | Applicants | Appt | District | Current BCC Appointments / Other Notes |
| Jefferson Area Board for Aging (JABA) Advisory Council - Citizen Representative | Allison Pace | Appt | Columbia | Term to begin immediately and end June 30, 2025. |
| Jefferson Area Board for Aging (JABA) Advisory Council - Citizen Representative | Christopher L. Baca, Sr. | Appt | Cunningham | Term to begin immediately and end June 30, 2025. |

| | |
|--------------------|--|
| DISCUSSION: | <ul style="list-style-type: none"> Jefferson Area Board for Aging (JABA) Advisory Council - Citizen Representative – One position available with a term to begin immediately and end June 30, 2025. |
| ENCLOSURES: | Candidate Applications |



APPLICATION TO SERVE ON BOARDS/COMMISSION/COMMITTEES

County of Fluvanna

Applicants are considered as vacancies occur and your application will be kept on file for three years.

Fluvanna County does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services. Before completing the application, please review the membership requirements for the Board, Commission, or Committee for which you are interested. Applicants who do not meet membership requirements will not be put forward for consideration.

| | |
|--|---|
| Name: Allison Pace | Election <input checked="" type="checkbox"/> Columbia <input type="checkbox"/> Cunningham <input type="checkbox"/> Fork Union District: <input type="checkbox"/> Palmyra <input type="checkbox"/> Rivanna <input type="checkbox"/> Other |
| EXPERIENCE/PROFESSIONAL EXPERTISE/EDUCATION (Please provides dates of education and experience. You may also provide a resume/CV.): I have a Bachelors degree in Sociology from Elizabeth City State University and a Master's degree in Human Services with a Specialization in Community and Social Services from Capella University. I have worked in the child welfare system both private and public sector since 2005. I have been employed with Fluvanna County DSS since 2016 as a Family Services Specialist (foster care, cps, intake worker) and Family Services Supervisor (foster care, adoption, family recruitment). For the last year and a half, my role at the agency has been the Adult Services/Adult Protective Services Supervisor. | |
| CURRENT OR PRIOR SERVICE ON BOARDS/COMMISSIONS/OR COMMITTEES: I am currently serving on the Louisa Fluvanna Housing Foundation board. I am also the facilitator/coordinator for Fluvanna Interagency Council and participate in the monthly Board Meetings at Fluvanna County DSS (as a supervisor, not board member). | |
| CIVIC ACTIVITIES AND MEMBERSHIPS (Roles with fraternal, business, church, or social groups – please provide dates): I attend Calvary Chapel Fluvanna church and I am a member of Alpha Kappa Alpha Sorority Inc. | |
| REASON(S) FOR WANTING TO SERVE FLUVANNA COUNTY: Due to my role in the Adult Services program, I am aware of the needs and concerns of the community and will be a strong advocate. I believe the partnership with JABA and my experience with Social Services will be greatly beneficial. | |

Fluvanna County Board, Committee, and Commission Attendance Policy

(Approved June 17, 2015)

1. BCC members shall attend at least two-thirds of all scheduled meetings in each calendar year while serving.
2. The Chairperson of the board, commission, or committee shall notify the Clerk to the Board of Supervisors of any absences exceeding this policy.
3. The Clerk shall report these findings to the Board of Supervisors, typically in closed session.
4. Appointees who do not meet the attendance requirement without a valid reason(s) may be deemed to have rendered an implied resignation of that appointment.
5. The Board may choose to accept the resignation and appoint another person to fill the appointed position. The Board may also override the implied resignation and extend the appointment, if extenuating circumstances so dictate.
6. This requirement shall apply to all boards, commissions, or committees listed on the attached application form, provided however, that if State or County Ordinance addresses attendance requirements in an alternative manner, such law shall prevail.

**PLEASE INDICATE BELOW THE BOARDS, COMMISSIONS, OR COMMITTEES (BCC)
ON WHICH YOU WISH TO SERVE.**

| X | BCC | X | BCC | X | BCC |
|---|--|---|---|---|--|
| | Agricultural/Forestral District Advisory Committee | | Finance Board | | Piedmont Virginia Community College (PVCC) Board |
| | Board of Equalization (BOE) | | Fluvanna Partnership for Aging Committee (FPA) | | Planning Commission (PC) |
| | Board of Zoning Appeals (BZA) | | Fork Union Sanitary District (FUSD) Advisory Committee | | Region Ten Community Services Board |
| | Building Code of Appeals Board | | James River Water Authority (JRWA) | | Rivanna River Basin Commission |
| | Central Virginia Regional Jail (CVRJ) Authority | | JAUNT Board | | Social Services Board |
| | Columbia Task Force (CARE) | X | Jefferson Area Board of Aging (JABA) Advisory Council | | Thomas Jefferson Planning District Commission (TJPDC) |
| | Community Policy & Management Team (CPMT) | | Jefferson Area Board of Aging (JABA) Board of Directors | | Thomas Jefferson Water Resources Protection Foundation |
| | Economic Development Authority (EDA) | | Library Board of Trustees | | |
| | Economic Develop. & Tourism Advisory Council (EDTAC) | | Monticello Area Community Action Agency (MACAA) | | |
| | Family Assessment and Planning Team (FAPT) | | Parks & Recreation Advisory Board (RAB) | | |

Submit by email (clerk@fluvannacounty.org) or mail to:

County of Fluvanna, Attention: Clerk, Board of Supervisors, PO Box 540, Palmyra, VA 22963

By signing below you are indicating that you have read and understand the Fluvanna County BCC Attendance Policy and that you agree to abide by the Bylaws of any Board, Commission, or Committee to which you may be appointed.

In accordance with Virginia Code §2.2-3705.1, by submitting this application, it is presumed that you are providing your personal contact information to be used for communicating with the County, and unless otherwise indicated by you, your personal contact information will not be shared publicly.

| | | | |
|---|-----------------------|---------------------------------|-----------------------------|
| Applicant's Signature <i>(Typing name below serves as digital signature)</i> Allison Pace | | Date | |
| Mailing Address (including City, State, & ZIP) 1932 Stage Junction Road, Columbia, VA 23038 | | Physical Address (if different) | |
| Years Lived in Fluvanna 10 | Phone # [REDACTED] | Alternate Phone # [REDACTED] | Email Address [REDACTED] |

Office Use Only

| | | | |
|--------------------------|-----------|--------------------------|---------------|
| Application Received On: | 1-17-2024 | Application Received By: | Leontyne Peck |
| Acknowledgement Sent: | 1-18-2024 | | |
| Renewal Date: | | Remarks: | [REDACTED] |
| Renewal Date: | | | |
| Renewal Date: | | | |
| Renewal Date: | | | |



APPLICATION TO SERVE ON BOARDS/COMMISSION/COMMITTEES

County of Fluvanna

Applicants are considered as vacancies occur and your application will be kept on file for three years.

Fluvanna County does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services. Before completing the application, please review the membership requirements for the Board, Commission, or Committee for which you are interested. Applicants who do not meet membership requirements will not be put forward for consideration.

| | |
|--|---|
| Name: Christopher L. Baca, Sr. | Election <input type="checkbox"/> Columbia <input checked="" type="checkbox"/> Cunningham <input type="checkbox"/> Fork Union District: <input type="checkbox"/> Palmyra <input type="checkbox"/> Rivanna <input type="checkbox"/> Other |
| EXPERIENCE/PROFESSIONAL EXPERTISE/EDUCATION (Please provides dates of education and experience. You may also provide a resume/CV.): Fluvanna Leadership Development Program 23-24 | |
| CURRENT OR PRIOR SERVICE ON BOARDS/COMMISSIONS/OR COMMITTEES: | |
| CIVIC ACTIVITIES AND MEMBERSHIPS (Roles with fraternal, business, church, or social groups – please provide dates): Rotary Club of Ketchikan First City-Alaska Board member 2011/2013. President Elect 2013/14, President 2014/15, Past President 2015/16 Rotary Club of Greater Spokane Valley President Elect 2020/21, President 2021/22, Past President 2022/23 | |
| REASON(S) FOR WANTING TO SERVE FLUVANNA COUNTY: I want to be a part of the future decision makers and policy developers of our county to ensure we continue to intentionally grow and change for the improvement of services for our citizens and visitors. | |

Fluvanna County Board, Committee, and Commission Attendance Policy

(Approved June 17, 2015)

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ON WHICH YOU WISH TO SERVE.**

| | | | | | |
|---|--|---|---|---|--|
| X | BCC | X | BCC | X | BCC |
| X | Agricultural/Forestral District Advisory Committee | X | Finance Board | X | Piedmont Virginia Community College (PVCC) Board |
| X | Board of Equalization (BOE) | X | Fluvanna Partnership for Aging Committee (FPA) | X | Planning Commission (PC) |
| X | Board of Zoning Appeals (BZA) | X | Fork Union Sanitary District (FUSD) Advisory Committee | X | Region Ten Community Services Board |
| X | Building Code of Appeals Board | X | James River Water Authority (JRWA) | X | Rivanna River Basin Commission |
| X | Central Virginia Regional Jail (CVRJ) Authority | X | JAUNT Board | X | Social Services Board |
| X | Columbia Task Force (CARE) | X | Jefferson Area Board of Aging (JABA) Advisory Council | X | Thomas Jefferson Planning District Commission (TJPDC) |
| X | Community Policy & Management Team (CPMT) | X | Jefferson Area Board of Aging (JABA) Board of Directors | X | Thomas Jefferson Water Resources Protection Foundation |
| X | Economic Development Authority (EDA) | X | Library Board of Trustees | | |
| X | Economic Develop. & Tourism Advisory Council (EDTAC) | X | Monticello Area Community Action Agency (MACAA) | | |
| X | Family Assessment and Planning Team (FAPT) | X | Parks & Recreation Advisory Board (RAB) | | |

Submit by email (clerk@fluvannacounty.org) or mail to:

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In accordance with Virginia Code §2.2-3705.1, by submitting this application, it is presumed that you are providing your personal contact information to be used for communicating with the County, and unless otherwise indicated by you, your personal contact information will not be shared publicly.

| | | | |
|---|-----------------------|---------------------------------|-----------------------------|
| Applicant's Signature <i>(Typing name below serves as digital signature)</i> C. Baca (from file) | | Date 01-06-2024 | |
| Mailing Address (including City, State, & ZIP) 40 Turkeysag Trail Palmyra, VA 22963 | | Physical Address (if different) | |
| Years Lived in Fluvanna 2 | Phone # [REDACTED] | Alternate Phone # | Email Address [REDACTED] |

Office Use Only

| | | | |
|--------------------------|------------|--------------------------|--|
| Application Received On: | 01-06-2024 | Application Received By: | |
| Acknowledgement Sent: | 01-08-2024 | Leontyne Peck | |
| Renewal Date: | | Remarks: | |
| Renewal Date: | | | |
| Renewal Date: | | | |
| Renewal Date: | | | |

Christopher L. Baca, Sr.

40 Turkeysag Trail
Palmyra, VA 22963

OBJECTIVE

Executive with 25+ years experience in progressively larger academic clinical department operations; six years experience in new program development, community collaboration, workforce and secondary school teacher training, seeking COVID-19 Contact Tracer or Investigator opportunity in team-oriented organization.

Certificate of Completion, ASTHO and NCSD, Completed 12/26/2021
Making Contact: A Training for COVID-19 Case Investigators and Contact Tracers

CORE EXPERTISE/SUMMARY

- Obtained LEAN – Green Belt, PeaceHealth Medical Group
- Managing clinics on two islands in Southeast Alaska
- Extensive knowledge and experience in academic clinical department administration areas including budgeting, personnel management, project management, clinical practice operations and billing, federal grants administration – pre and post award, residency and fellowship programs.
- Over five years experience in workforce training and secondary school teacher development program planning.
- New program development within educational, economic development, state government setting.
- Developing programs to compliment university priorities and industry cluster needs.
- Organization of Advisory Committees, and Advisory Board for the Center.

Office of Biotechnology –

- Collaboratively addressed: marketing, joint oversight, and design of UT Research Park (a collaboration of UT HSC Houston and UT/MDA CC)
- Researched Biotechnology and Life Sciences Workforce issues with community-based task force
- Created small office incubator facility within office for start up operations of faculty

Academic Clinical Departments –

- Led multiple school of medicine-wide task forces and committees to address TQM of physician practice operations, ambulatory clinic processes, improve quality and accuracy of physician billing practices
- Oversaw Enterprise-wide physician practice clinical system conversion from SMS to IDX at TTU HSC MS
- Created systems for administrating multiple clinical departments to improve efficiencies and reduce operational expenses

- Approved and implemented local area network in two departments to increase staff efficiencies, and records retention.

MANAGERIAL ROLES:

- **Clinic Manager, PeaceHealth Medical Group, Ketchikan, AK**, September 19, 2011 – June 21, 2019 Primary Care, Psychiatry, Pediatrics, OB/Gyn, Hospitalists, Off site Primary Care Clinic Prince of Wales - Craig
- **Clinic Manager, UTMB- Prison Management, Polunsky Prison, Livingston, TX**, 2009 – 2011 3,000 prisoner population
- **Director, Quality Control, Harris County Hospital District, Physician Practice**, 2008 – 2009

ACADEMIC APPOINTMENTS

- **Research Associate Professor**, College of Technology, Department of Engineering Technology, University of Houston, June 2005- September 2008
- **Fluvanna County School District**, Substitute teacher, August 2022 – May 2023

ADMINISTRATIVE APPOINTMENTS

- **Executive Director**, Center for Life Science Technology, College of Technology, Engineering Technology, University of Houston, June 2005- September 2008 (Created Center for Life Sciences Technology- www.texasbiotech.org)
- **DIRECTOR**, Office of Biotechnology, The University of Texas HSC – Houston, TX, 2001 to June 2005 (Established Center for Life Sciences Technology)
- **DIRECTOR MANAGEMENT OPERATIONS**, Departments of Internal Medicine and Dermatology; University of Texas HSC - Houston, Medical School, June 1995 to April 2002 (Administration of academic clinical department, worked through 6 years of declining operational budget representing ~ 40% clinical revenue budget decline, established budgeting of clinical revenues by CPT/RVU, DMO Lead- school-wide team on centralizing billing and clinic operations reengineering)
- **ASSISTANT TO THE CHAIR**, Department of Surgery, University of Texas Medical Branch @ Galveston, TX., June 1992 to June 1995 (participated in CQI projects for campus, led multi-level team on clinic access)
- **ADMINISTRATOR**, Department of Surgery, Georgetown University Medical Center, Washington, D.C., July 1988 to May 1992 (Installed Local area network for clinical department, negotiated physician managed care contracts)
- **DIRECTOR**, Texas Tech Health Sciences Center, Medical Practice Income Plan (MPIP) Lubbock, Amarillo, El Paso, Odessa, Lubbock, TX, April 1987 to July 1988 (Oversight of faculty practice plan operations in Lubbock, Odessa, Amarillo, and El Paso, responsible for successful enterprise-wide practice plan computer conversion, responsible for enterprise computer conversion and installation – SMS to IDX)

EDUCATION

MA Organizational Management, University of Phoenix, 2002-2004. Focused on Organizational Management

BBA, Business Economics, New Mexico State University, 1971-1976, Minor in Accounting

RECOGNITION

Omicron Delta Epsilon, Economic Honors Society, member 1975 – 1976, Vice President 1975-1976

Admiral of the Texas Navy, Commissioned July 1993, by Governor Ann Richards

United Who's Who, Lifetime Member, 2003

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB B

| | | | | | |
|-----------------------------|---|---------------|-------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Blue Ridge Health Department Update | | | | |
| MOTION(s): | N/A | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, which goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Presentation | Action Matter | Public Hearing | Consent Agenda | Other |
| | X | | | | |
| STAFF CONTACT(S): | Eric Dahl, County Administrator | | | | |
| PRESENTER(S): | Ryan McKay, BRDH Health Director | | | | |
| RECOMMENDATION: | N/A | | | | |
| TIMING: | Routine | | | | |
| DISCUSSION: | Ryan McKay, BRDH Health Director will give the Board of Supervisors a Virginia Department of Health update. | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | None. | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | | X |

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB C

| | | | | | |
|--------------------------|---|---------------|-------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | TJPDC Multi-Jurisdictional Safety Action Plan | | | | |
| MOTION(s): | I move the Board of Supervisors adopt a Resolution of Commitment to Roadway Safety Goals, as presented. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, which goal(s): | | |
| | | | | | |
| AGENDA CATEGORY: | Presentation | Action Matter | Public Hearing | Consent Agenda | Other |
| | | | | | |
| STAFF CONTACT(S): | Kelly Harris, Assistant County Administrator | | | | |
| PRESENTER(S): | Curtis N. Scarpignato, TJPDC Regional Planner and Sandy Shackelford, AICP, TJPDC Director of Planning & Transportation | | | | |
| RECOMMENDATION: | Adopt | | | | |
| TIMING: | Normal | | | | |
| DISCUSSION: | <p>The Bipartisan Infrastructure Law (BIL) established the Safe Streets and Roads for All (SS4A) discretionary grant program, providing \$5-\$6 billion in grants over the next 5 years. The goal of this funding is to prevent roadway deaths and serious injuries. To be eligible to receive project implementation funding, applicants must first have developed an approved Comprehensive Safety Action Plan. Since none of the localities within the Thomas Jefferson Planning District have such a plan in place, the Planning District Commission applied for and was awarded funding through the SS4A program to develop a Comprehensive Safety Action Plan on behalf of participating localities in the region.</p> <p>In September 2022, TJPDC requested a letter of support for the Safe Streets and Roads for All Comprehensive Safety Action Plan Grant. The Board approved the letter of support and committed a local match in an amount not to exceed \$30,000, with funding to come from the FY23 Board of Supervisors contingency line.</p> <p>The TJPDC is requesting its member localities commit to a letter of resolution reaffirming their jurisdiction’s commitment to actively participate in the planning process with the aim of reducing and eliminating deaths and serious injuries on the roadway network. This letter of commitment will serve to satisfy SS4A requirements for leadership commitment to the plan and the goals on the SS4A program.</p> | | | | |
| FISCAL IMPACT: | This is a federal grant with a 20 percent local match requirement. Fluvanna County has committed and paid its \$26,107.00 share toward the 20 percent local match requirement for the SS4A grant program. | | | | |
| POLICY IMPACT: | N/A | | | | |

| | | | | | |
|-----------------------------|---|---------|------------|----|----------|
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | TJPDC Safe Streets For All – Memo Draft Resolution of Commitment to Roadway Safety Goals | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | | X |



Thomas Jefferson Planning District Commission
 POB 1505, 401 E. Water St, Charlottesville, VA 22902 www.tjpd.com
 (434) 979-7310 phone • info@tjpd.com email

Memorandum

To: Fluvanna County Board of Supervisors
From: Curtis Scarpignato, Regional Planner
Date: January 30, 2024
Reference: Letter of Commitment - Safe Streets and Roads for All Comprehensive Safety Action Plan

Purpose:

The Bipartisan Infrastructure Law (BIL) established the Safe Streets and Roads for All (SS4A) discretionary grant program, providing \$5-\$6 billion in grants over the next 5 years. The goal of this funding is to prevent roadway deaths and serious injuries. To be eligible to receive project implementation funding, applicants must first have developed an approved Comprehensive Safety Action Plan. Since none of the localities within the Thomas Jefferson Planning District have such a plan in place, the Planning District Commission applied for and was awarded funding through the SS4A program to develop a Comprehensive Safety Action Plan on behalf of participating localities in the region.

Background:

The Notice of Funding Opportunity states that “the purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The program provides funding to develop the tools to help strengthen a community’s approach to roadway safety and save lives.”

While localities in the Thomas Jefferson Planning District prioritize safety in their grant funding applications, the process to obtain funding for infrastructure projects is highly competitive and implementation is incremental. There are limited opportunities to understand systemic problems and possible solutions with the current resources available.

Safety Action plans developed through the SS4A program are required to take a systems approach, identifying larger trends contributing to safety issues and developing comprehensive strategies to resolve these concerns that may include considerations beyond roadway improvements. Required elements of a safety action plan developed through the SS4A funding opportunity include:

- Leadership commitment to the reduction and eventual elimination of roadway fatalities and serious injuries;
- The establishment of a group to oversee the development, implementation, and monitoring of the action plan;



Thomas Jefferson Planning District Commission
 POB 1505, 401 E. Water St, Charlottesville, VA 22902 www.tjpd.org
 (434) 979-7310 phone • info@tjpd.org email

- A comprehensive analysis of safety data;
- Robust public and stakeholder engagement;
- The use of inclusive and representative processes in the plan development;
- An evaluation of existing processes and policies;
- Identification and prioritization of a comprehensive set of projects and strategies; and
- Measurement of progress over time as an outcome of the Safety Action Plan.

To satisfy these requirements, the Planning District Commission will administer the grant and coordinate the overall development of the Safety Action Plan. Localities will benefit from the economies of scale of regional data collection and analysis and cross-jurisdictional information sharing and stakeholder engagement, while maintaining autonomy over the development of the specific elements of the action plan based on local needs and resources. Once the Safety Action Plan is adopted, localities will be eligible to apply for additional funding for implementation of priority projects identified in the plan.

This is a federal grant with a 20 percent local match requirement. Fluvanna County has committed and paid its \$26,107.00 share toward the 20 percent local match requirement for the SS4A grant program.

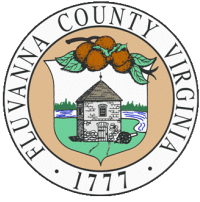
Request:

The TJPDC is asking local governments to commit to a letter of resolution re-affirming their jurisdiction's commitment to actively participate in the planning process with the aim of reducing and eliminating deaths and serious injuries on the roadway network. This letter of commitment will serve to satisfy SS4A requirements for leadership commitment to the plan and the goals on the SS4A program.

Included attachments:

- U.S. Department of Transportation Safe Streets and Roads for All Fact Sheet
- U.S. Department of Transportation Action Plan Components
- ~~Examples of eligible implementation grant activities~~ (from Safe Streets and Roads for All grant website - <https://www.transportation.gov/grants/SS4A>)

If there are any questions or comments, please contact Curtis Scarpignato at cscarpignato@tjpd.org.



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia
RESOLUTION No. 03-2024

RESOLUTION OF COMMITMENT TO ROADWAY SAFETY GOALS

WHEREAS, 108 people were killed or seriously injured in crashes that took place in Fluvanna County from 2018 to 2022 and have lasting impacts on victims, loved ones, and communities at large; and

WHEREAS, achieving the goal indicated in the 2035 Thomas Jefferson Planning District Commission’s Rural Long Range Transportation Plan, which is referenced in Fluvanna County’s Comprehensive Plan adopted in 2015, of providing a safe and secure transportation system in Fluvanna County will require collaboration among Fluvanna residents and other jurisdictions, as well as regional, state, and federal organizations; and

WHEREAS, the Bipartisan Infrastructure Law established the Safe Streets and Roads for All (SS4A) discretionary program and funds regional, local, and Tribal initiatives through grants to prevent roadway fatalities and serious injuries; and

WHEREAS, Move Safely Blue Ridge—the safety action plan for the Thomas Jefferson Planning District Commission (TJPDC) —will identify and prioritize roadway safety improvements in the region; and

WHEREAS, the federal grant received by the TJPDC requires that this safety action plan contain an official public commitment to an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries; and

WHEREAS, Fluvanna County is committed to the Virginia Strategic Highway Safety Plan (SHSP)’s vision of zero deaths and serious injuries and its goal to reduce roadway fatalities and serious injuries by half by 2045;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Fluvanna County that the County supports Move Safely Blue Ridge, will actively participate in the planning process, and will prioritize implementation of the recommended safety countermeasures, all with the eventual goal of zero roadway fatalities and serious injuries.

RESOLVED, that Fluvanna County commits to undertake efforts to one day eliminate roadway fatalities and serious injuries; and

RESOLVED, that Fluvanna County commits to undertake efforts to reduce the combined number of roadway fatalities and serious injuries in the County by 50 percent by 2045.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors on this 7th day of February, 2024.

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Christopher Fairchild, Cunningham District | | | | | | |
| D. Mike Goad, Fork Union District | | | | | | |
| Timothy M. Hodge, Palmyra District | | | | | | |
| Anthony P. O’Brien, Rivanna District | | | | | | |
| John M. Sheridan, Columbia District | | | | | | |

Attest:

 Christopher Fairchild, Chair
 Fluvanna County Board of Supervisors

S | S SAFE STREETS AND ROADS FOR ALL 4 | A (SS4A) FACT SHEET

BOS2024-02-07 p.23/162

What is this program and its goal?

The Bipartisan Infrastructure Law (BIL) establishes the new Safe Streets and Roads for All (SS4A) discretionary program that will provide \$5-6 billion in grants over the next 5 years. Funding supports regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. The SS4A program supports the Department's [National Roadway Safety Strategy](#) and a goal of zero deaths and serious injuries on our nation's roadways.

Who is eligible to apply?

- Metropolitan planning organizations;
- Counties, cities, towns, and other special districts that are subdivisions of a State;
- Federally recognized Tribal governments; and
- Partnerships comprised of the entities above.

What kind of activities are eligible?

- Develop or update a "Comprehensive Safety Action Plan" or Action Plan (e.g., Vision Zero plans).
- Conduct planning, design, and development activities in support of an Action Plan.
- Carry out projects and strategies identified in an Action Plan. Illustrative examples of projects and strategies could include but are not limited to:
 - **Implementing improvements** along an expanded multimodal network of reconfigured roads with separated bicycle lanes and improved safety features for pedestrian crossings.
 - **Applying low-cost safety treatments** such as rumble strips, wider edge lines, flashing beacons, and better signage along high-crash rural corridors.
 - **Conducting speed management projects** such as implementing traffic calming road design changes and setting appropriate speed limits for all road users.
 - **Installing safety enhancements** such as safer pedestrian crossings, sidewalks, and additional lighting for people walking, rolling, or using mobility assistive devices.
 - **Addressing alcohol-impaired driving** along key corridors through education, outreach, and publicized sobriety checkpoints on weekends and holidays.
 - **Making street design changes** informed by culturally competent education and community outreach.
 - **Creating safe routes to school and public transit services** through multiple activities that lead to people safely walking, biking, and rolling in underserved communities.

When can I apply for funding?

A Notice of Funding Opportunity (NOFO) is anticipated to be released in the **spring of 2022, likely in May**. Award announcements are expected to be made by the end of 2022 or early 2023.

What should I be preparing for in the meantime?

The development and establishment of an Action Plan is a key component of this program. If you are interested in applying for funds to develop a new Action Plan, start identifying who your partners will be, such as government stakeholders (e.g., in transportation, planning, health, law enforcement), private-sector entities, and community groups. Consider how to engage community members, specifically those historically underrepresented in transportation decision-making. Applicants seeking funding for projects and strategies identified in an established Action Plan could begin considering which specific activities and projects would address their most pressing roadway safety issues. For potential projects, consider the extent to which additional planning and design is needed, and assess the applicability of laws such as the National Environmental Protection Act or the National Historic Preservation Act.

[Subscribe to email updates](#) to receive program announcements and get notified when the NOFO is released.

This document is not meant to replace the NOFO. Applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information: <https://www.transportation.gov/SS4A>

Leadership Commitment and Goal Setting



An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following:

- (1) the target date for achieving zero roadway fatalities and serious injuries, OR
- (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.



Planning Structure

A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.



Safety Analysis

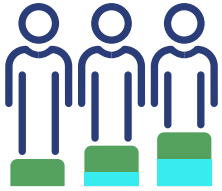
Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).



Engagement and Collaboration

Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.





Equity Considerations

Plan development using inclusive and representative processes. Underserved communities* are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.



Policy and Process Changes

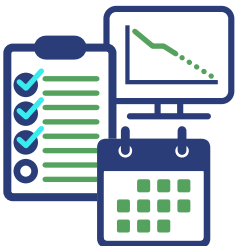
Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.



Strategy and Project Selections

Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated.

Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.



Progress and Transparency

Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

* An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf> and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table <https://datahub.transportation.gov/stories/s/tsyd-k6ij>; any Tribal land; or any territory or possession of the United States.



**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB D

| | | | | | |
|------------------------------|--|---------------|------------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Resolution designating off-leash trails, dog parks, and dog exercise areas that are exempt from the prohibition in Section 4-2-5 of the Fluvanna County Code | | | | |
| MOTION(s): | I move that the Board of Supervisors approve the resolution to designate off-leash trails, dog parks, and dog exercise areas that are exempt from the prohibition in Section 4-2-5 of the Fluvanna County Code | | | | |
| STRATEGIC INITIATIVE? | Yes | No | If yes, list initiative(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | X | | | |
| STAFF CONTACT(S): | Dan Whitten, County Attorney | | | | |
| PRESENTER(S): | Dan Whitten, County Attorney | | | | |
| RECOMMENDATION: | Approve resolution | | | | |
| TIMING: | Resolution in effect upon adoption | | | | |
| DISCUSSION: | <p>On January 17, 2024, the Fluvanna County Board of Supervisors amended the Fluvanna County Code to enact section 4-2-5 which prohibits dogs from running off-leash within the boundaries of any property owned, leased, controlled or operated by the County. There is an exception in the code section for dogs within areas designated by a resolution approved by the Fluvanna County Board of Supervisors as off-leash trails, dog parks and dog exercise areas.</p> <p>County staff recommends that the Fluvanna County Board of Supervisors designate the northwestern part of Pleasant Grove Park as shown on the attached map as an off-leash area to include the follow trails:</p> <ul style="list-style-type: none"> (i) part of the Heritage Trail; and (ii) all of the Birding, North Hill, Cross Hill and Burke Heights Trails. <p>County staff also recommend that the Fluvanna County Board of Supervisors designate the southeastern part of Pleasant Grove Park as shown on the attached map as an off-leash area to include the following trails and areas:</p> <ul style="list-style-type: none"> (i) part of the Heritage and Rock Brook Trails; (ii) all of the Discovery, Horseshoe, River Bluff, Sandy Beach and River Anne Trails; (iii) 6 acres of open fields; and (iv) the dog park. | | | | |

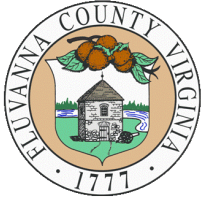
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| | The prohibition regarding off-leash dogs on County property will go into effect on February 16, 2024 | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | <ul style="list-style-type: none"> • Resolution • Map showing off-leash areas | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | X | | | | |



PROPOSED MAP UNDER NEW ORDINANCE

(Off-leash area is inside of the red lines)





BOARD OF SUPERVISORS

County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 04-2024

A RESOLUTION DESIGNATING OFF-LEASH TRAILS, DOG PARKS AND DOG EXERCISE AREAS THAT ARE EXEMPT FROM THE PROHIBITION IN SECTION 4-2-5 OF THE FLUVANNA COUNTY CODE

WHEREAS, on January 17, 2024, the Fluvanna County Board of Supervisors amended the Fluvanna County Code to enact section 4-2-5 which prohibits dogs from running unrestricted within the boundaries of any property owned, leased, controlled or operated by the County; and

WHEREAS, there is an exception to the prohibition for dogs within areas designated by a resolution approved by the Fluvanna County Board of Supervisors as off-leash trails, dog parks and dog exercise areas; and

WHEREAS, the Fluvanna County Board of Supervisors desires to designate the northwestern part of Pleasant Grove Park as shown on the attached map as an off-leash area to include the follow trails:

- (i) part of the Heritage Trail;
- (ii) all of the Birding, North Hill, Cross Hill and Burke Heights Trails; and

WHEREAS, the Fluvanna County Board of Supervisors desires to designate the southeastern part of Pleasant Grove Park as shown on the attached map as an off-leash area to include the following trails and areas:

- (i) part of the Heritage and Rock Brook Trails;
- (ii) all of the Discovery, Horseshoe, River Bluff, Sandy Beach and River Anne Trails;
- (iii) 6 acres of open fields;
- (iv) the dog park; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fluvanna County:

1. Designates the northwestern part and southeastern part of Pleasant Grove Park as shown on the attached map as an off-leash area and exempt from the prohibition in Section 4-2-5 of the Fluvanna County Code.
2. This Resolution shall be in effect upon adoption.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 7th day of February 2024:

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Christopher Fairchild, Cunningham District | | | | | | |
| D. Mike Goad, Fork Union District | | | | | | |
| Timothy M. Hodge, Palmyra District | | | | | | |
| Anthony P. O'Brien, Rivanna District | | | | | | |
| John M. Sheridan, Columbia District | | | | | | |

Attest:

Christopher Fairchild, Chair
Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB E

| | | | | | |
|--------------------------|--|---------------|------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2023 | | | | |
| AGENDA TITLE: | Resolution to Approve Local Funding for the Live Fire Training Structure | | | | |
| MOTION(s): | I move the Board of Supervisors approve “A Resolution to Approve Local Funding for the Live Fire Training Structure”, with the not to exceed amount of \$550,000 local funding amount to come from Unassigned Fund Balance. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | X | | | |
| STAFF CONTACT(S): | Eric Dahl, County Administrator | | | | |
| PRESENTER(S): | Eric Dahl, County Administrator | | | | |
| RECOMMENDATION: | Approve | | | | |
| TIMING: | Routine | | | | |
| DISCUSSION: | <ul style="list-style-type: none"> • August 2017: Fluvanna County was awarded the Live Fire Training Structure Grant (aka Burn Building) for a Prototype 2 <ul style="list-style-type: none"> ○ \$450,000 for construction ○ \$30,000 for A&E ○ \$630,000 original cost estimate, \$150,000 County Contribution • June 2018 – November 2022: Issued numerous Solicitations for a Prototype 2; RFP for Design/Build, two Invitation For Bids and redesigns to try and save costs. <ul style="list-style-type: none"> ○ Minimum \$1M project costs, which did not include a contingency fund, site work, special inspections, construction administration, electric and water hookups. • September 2021 – Attended the Virginia Fire Services Board meeting requesting additional grant funding due to significant costs increases for Live Fire Training Structures. The request was denied. • Winter 2022/2023 – Burn Building Committee was looking for additional cost effective burn building options. • April 2023 – A presentation was made to our Live Fire Training Building Committee for a Prototype 4 - container type fire training structure. • With the challenges we have encountered to build a Prototype 2 in a cost effective manner and knowing two other localities (City of Richmond and Goochland County) have received approval from the Fire Services Board for a Prototype 4 - container style structure (which currently is not approved under the grant), it was important to pursue this request to serve the training needs of our volunteer firefighters and therefore serving our community. | | | | |

- August 2023 - A presentation was brought forward to the BOS to determine moving forward with a special request to the Virginia Fire Services Board and what Prototype 4 design that would be. Our local committee recommended the following:
 - Design “B” – A 5 container structure total, but 1 vertical container. The estimated current cost of containers, props, equipment, training and shipping for this configuration is \$675K (previously estimated at \$585K). If approved to use this type of prototype structure with the grant funds, \$450K could be used toward the structure costs only. The \$675K does not include costs for a contingency fund, site work, special inspections, construction administration, electric and water hookups (some items could be reduced/removed). The estimated costs to be \$325K, for an estimated maximum project price of \$1M, with \$450K potential to be covered by the grant if authorized by the Fire Services Board. The estimated maximum cost to the County would be \$550,000.
- September 2023 – Made a presentation to the Virginia Fire Services Board – Live Structure Committee for the Prototype 4 - container style structure request and another grant extension. The Live Fire Training Structure Committee approved the request and a one year grant extension. The full Virginia Fire Services Board tabled the approval until their December 1, 2023, waiting to get more information from their engineers on a Prototype 4.
- December 2023 – Attended the Virginia Fire Services Board meeting, where Fluvanna and an additional locality was requesting approval of a Prototype 4 - container style structure from the full Virginia Fire Services Board. The City of Hopewell was approved and Fluvanna was tabled again to present to the Virginia Fire Services Board – Live Fire Training Structure Committee in February 2024 for the following reasons:
 - More information was required and that the locality had received multiple extensions.
 - There was a comment about the County’s funding commitment for the project.
- To date, the County has received 5 grant extension approvals.
- February 2024 – Requesting the Board of Supervisors to take formal action on the funding commitment for the project.
- February 2024 – Attendance to the Virginia Fire Services Board – Live Fire Training Structure Committee, if the Board of Supervisors approves a funding commitment, to address the Live Fire Training Structure Committee to provide any additional design and funding progress and request a grant extension.

| Description | Cost |
|--|------------------|
| Costs: containers, props, equipment, training and shipping | \$680,000 |
| Grant funding - Applies to Structure only | (\$450,000) |
| County Cost | \$230,000 |
| Costs: contingency fund, site work, special inspections, construction admin., electric and water hookups | \$320,000 |
| TOTAL ESTIMATED COUNTY COST | \$550,000 |

| | | | | | |
|-----------------------------|---|----------|------------|----|----------|
| FISCAL IMPACT: | Approval of the resolution would reduce unassigned fund balance by a not to exceed amount of \$550,000. | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | <ul style="list-style-type: none"> • A Resolution to Approve Local Funding for the Live Fire Training Structure • Live Fire Training Structure Design | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | X | | | X |

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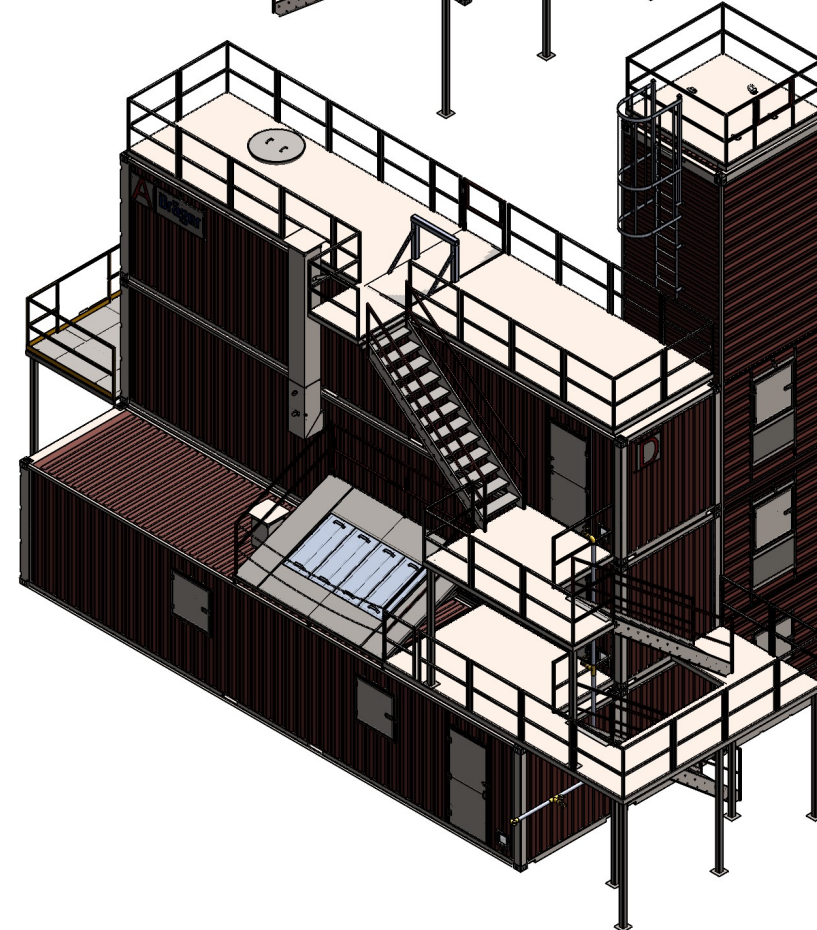
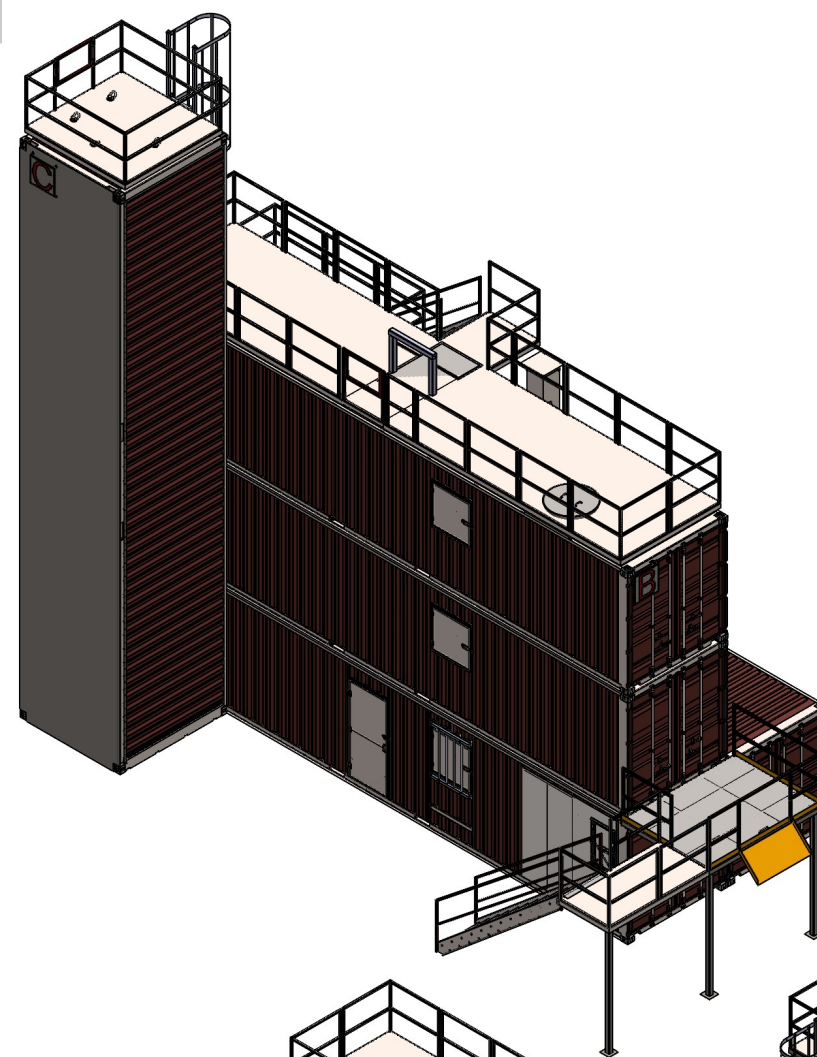
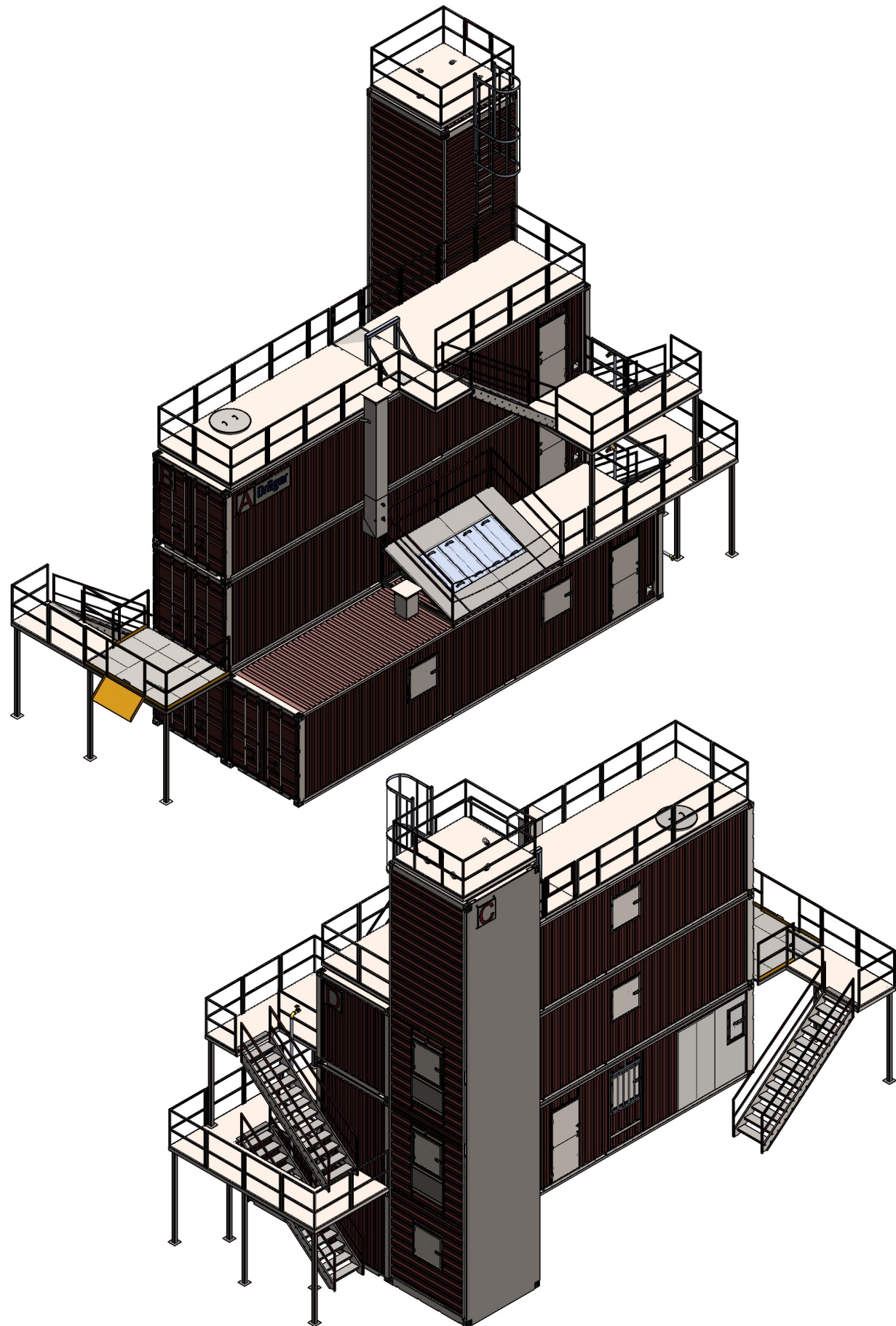
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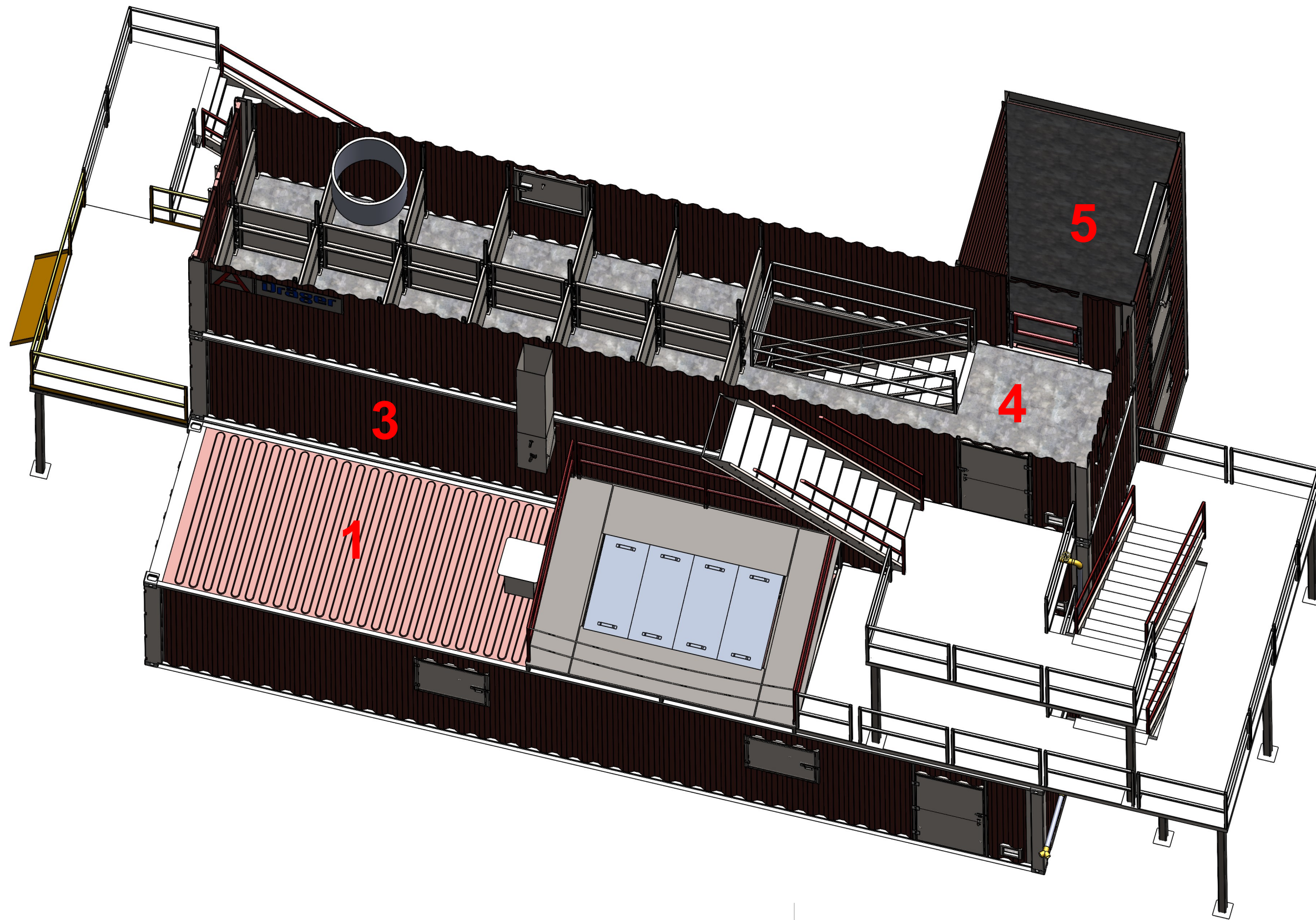
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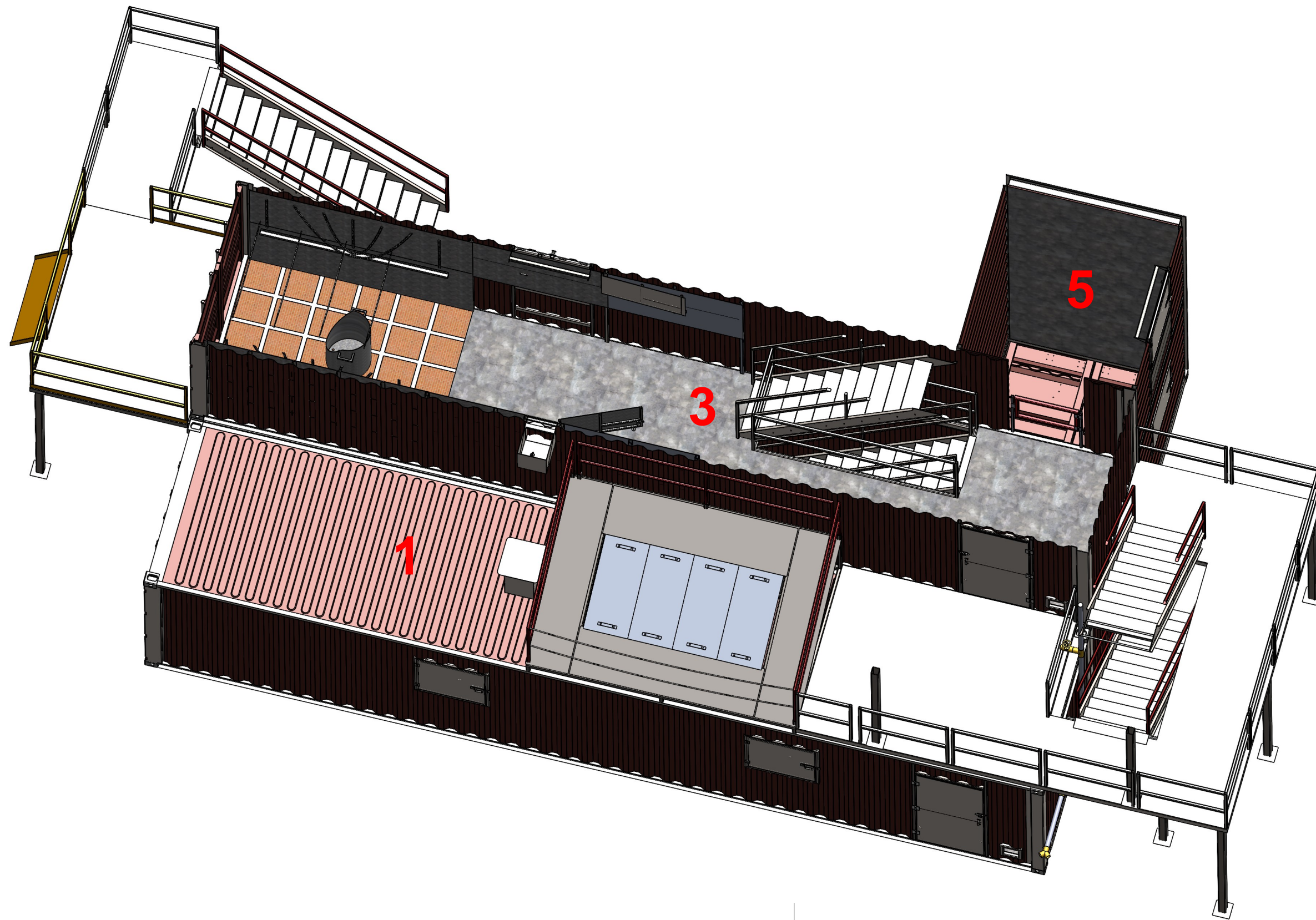
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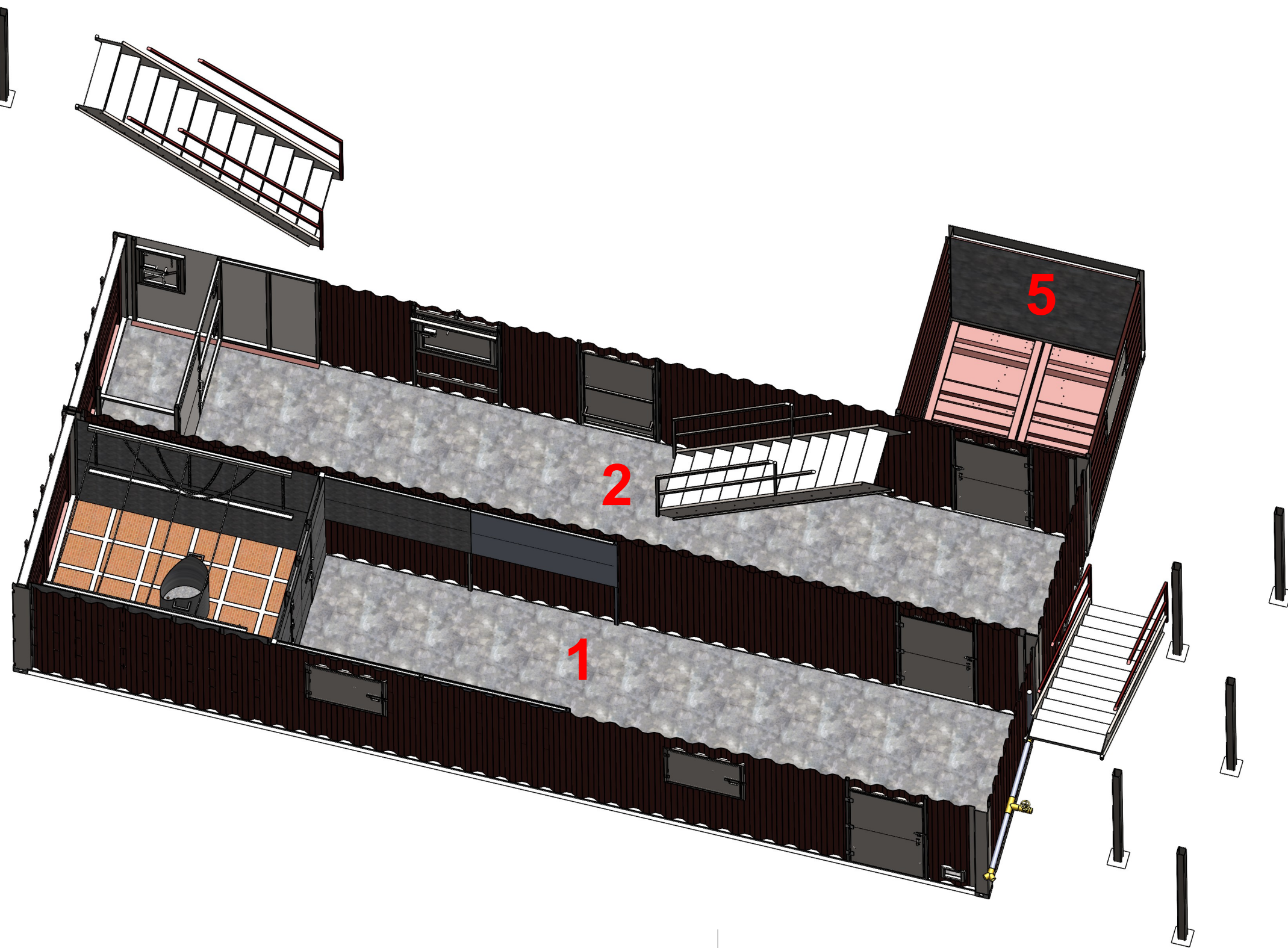
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FLUVANNA, VA

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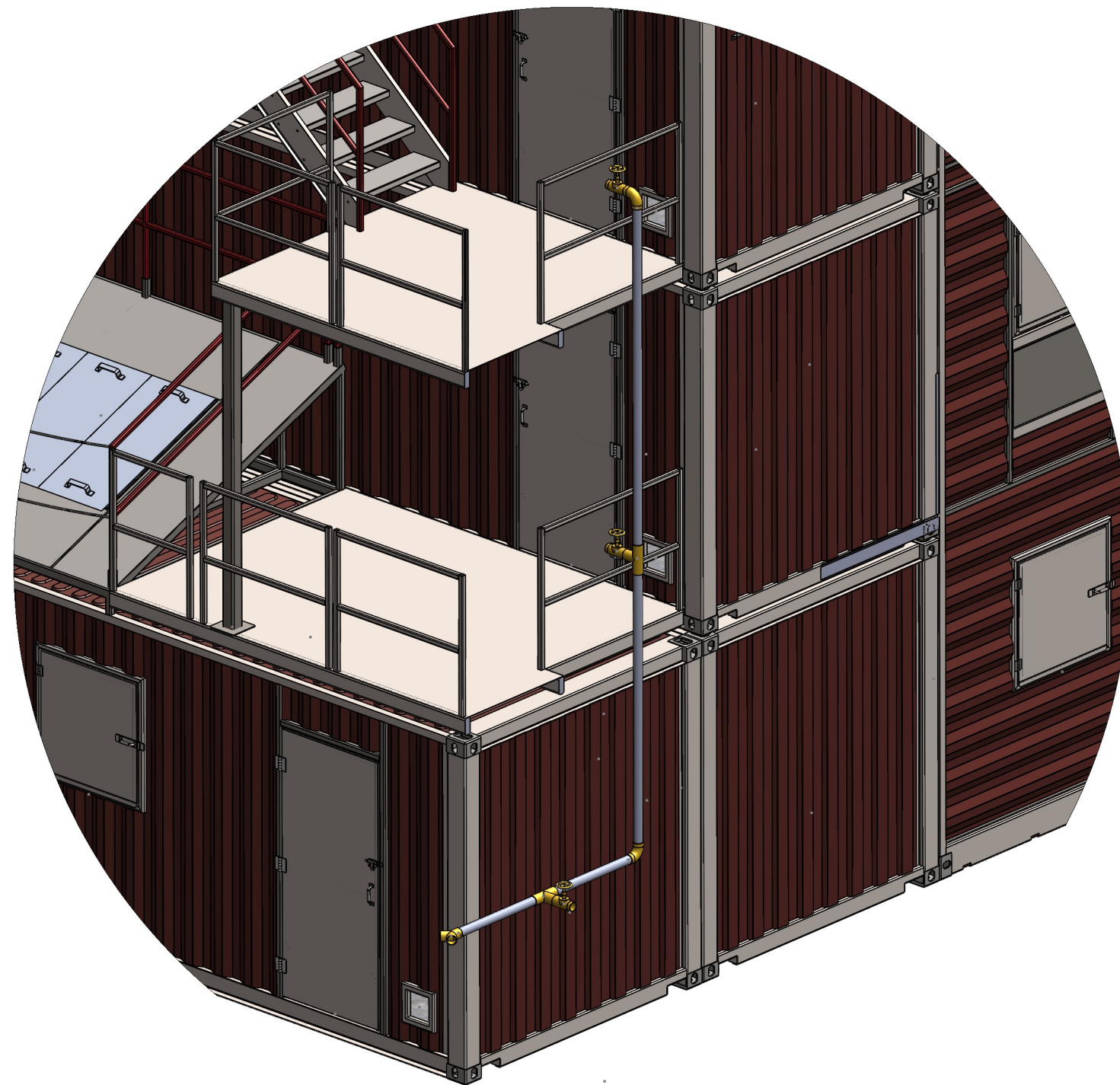
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BOS2024-02-07 p.41/162

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PRODUCT
PHASE II MODIFIED

CUSTOMER
FLUVANNA, VA

TITLE
STANDPIPE

DWG NO.
SHEET 5 OF 6

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GENERAL NOTES

1. THE POINT LOADS SHOWN ARE BASED ON CONTAINER TARE WEIGHTS WITH ALLOWANCES MADE FOR ANCILLARY STRUCTURES. NO WIND LOADS OR SOIL ANALYSIS WERE TAKEN INTO CONSIDERATION FOR THESE LOADS.
2. THE EXACT LOCATION OF THE CONTAINERS ON THE PADS/SLAB TO BE AS PER THE DESIGN OF THE FOUNDATION. PADS MUST BE TRUE LEVEL.
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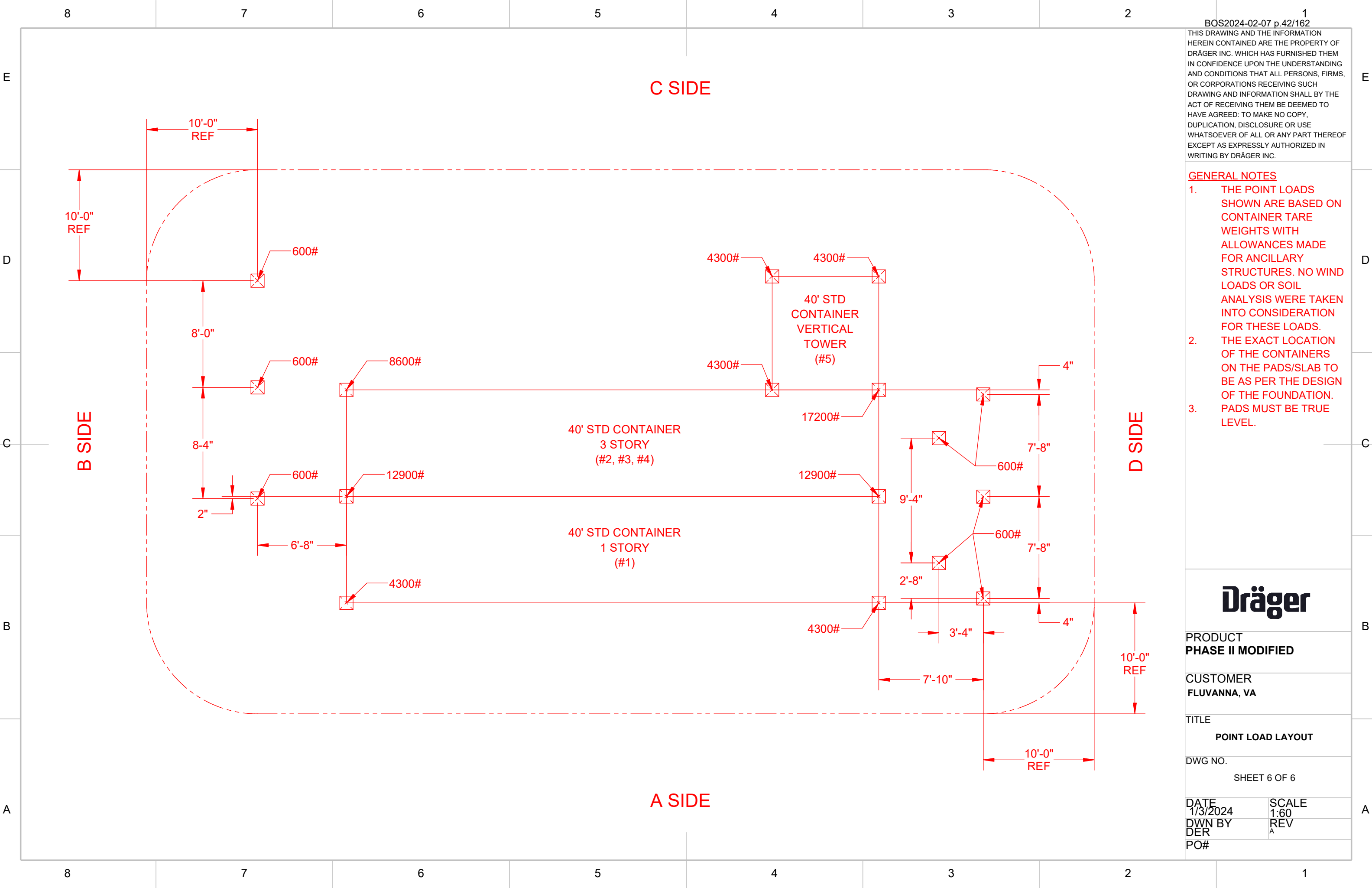
PRODUCT
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CUSTOMER
FLUVANNA, VA

TITLE
POINT LOAD LAYOUT

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SHEET 6 OF 6

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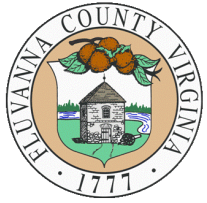


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A SIDE



BOARD OF SUPERVISORS

County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 07-2024

A RESOLUTION TO APPROVE LOCAL FUNDING FOR THE LIVE FIRE TRAINING STRUCTURE

WHEREAS, a fire training need was identified for our locality and the construction of a Live Fire Training Structure for our volunteer firefighters was brought forward to serve that need; and

WHEREAS, the County received a Live Fire Training Structure grant from the Virginia Department of Fire Programs in 2017 for \$480,000, \$30,000 for engineering and \$450,000 for construction; and

WHEREAS, the County has issued numerous solicitations between 2018 and 2022, to include a Request For Proposal for a Design/Build project and two Invitation For Bids for a Prototype 2 Live Fire Training Structure; and

WHEREAS, the County has yet to achieve cost effective total results over the years for a Live Fire Training Structure project of less than \$1,100,000; and

WHEREAS, in an effort to reduce project costs, a Prototype 4 Live Fire Training Structure was identified as a cost effective option; and

WHEREAS, the County requested from the Virginia Fire Services Board to use the \$450,000 Live Fire Training Structure grant to construct a Prototype 4 Live Fire Training Structure; and

WHEREAS, an approval from the Virginia Fire Services Board would require local funding above the \$450,000 construction grant; and

WHEREAS, the total cost to complete the Live Fire Training Structure project with a Prototype 4 is approximately \$1,000,000.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Fluvanna County hereby approves local funding for the Live Fire Training Structure project in an amount not to exceed \$550,000.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 7th day of February 2024:

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Christopher Fairchild, Cunningham District | | | | | | |
| D. Mike Goad, Fork Union District | | | | | | |
| Timothy M. Hodge, Palmyra District | | | | | | |
| Anthony P. O'Brien, Rivanna District | | | | | | |
| John M. Sheridan, Columbia District | | | | | | |

Attest:

Christopher Fairchild, Chair
Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB F

| | | | | | |
|------------------------------|--|---------------|------------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Requesting an Administrative Program Specialist position for the Public Utilities Department | | | | |
| MOTION(s): | I move the Board of Supervisors to approve a Full-time Administrative Program Specialist for the Public Utilities department, with the funding to come from the vacant Utilities Operator position. | | | | |
| STRATEGIC INITIATIVE? | Yes | No | If yes, list initiative(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | X | | | |
| STAFF CONTACT(S): | Robert Popowicz, Director of Public Utilities and Donna Snow, Director of Human Resources | | | | |
| PRESENTER(S): | Robert Popowicz, Director of Public Utilities | | | | |
| RECOMMENDATION: | Approve | | | | |
| TIMING: | Normal | | | | |
| DISCUSSION: | <p>This request is for a full-time Administrative Program Specialist position for the Public Utilities department. The County had a longevity employee resign in the Public Works Department in January, due to moving out of the County. The Administrative Program Specialist in the Public Works Department split duties between Public Works and Public Utilities. With this resignation, it was determined to move forward with restructuring the position and have an Administrative Program Specialist position in each department to focus on their individual growing needs. Currently, Public Works is in the hiring process to back fill its vacant Administrative Program Specialist position. With the growth of the Public Utilities department and the expansion of the water and sewer systems in the County, it is important for Public Utilities to have its own Administrative Program Specialist to focus more specifically on daily customer service for water and sewer customers, performing monthly utility billing processing, becoming a subject matter expert for the Munis utility billing module, and handling the daily administrative functions of the department.</p> <p>To offset the cost for this position request, the Public Utilities department has a vacant Utilities Operator position it is requesting to transfer the funding instead for the Administrative Program Specialist position, therefore creating no new additional cost for the department.</p> | | | | |
| FISCAL IMPACT: | The proposed request for the position will have no fiscal impact on the County, since the vacant Utilities Operator position funding will offset the request. | | | | |
| POLICY IMPACT: | N/A | | | | |

| | | | | | |
|-----------------------------|---|----------|------------|----------|-------------|
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | <ul style="list-style-type: none">• Job description Administrative Program Specialist (Public Utilities) Redline• Job description Administrative Program Specialist (Public Utilities) Final | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | X | | X | COAD |



Fluvanna County, Virginia
Department of Public Works
Job Description

ADMINISTRATIVE PROGRAM SPECIALIST (PUBLIC UTILITIES)

| | |
|---------------------|------------------------------|
| Job Class #: | #### |
| Pay Grade: | 14 |
| Category: | Full-Time (with benefits) |
| FLSA Status: | Non-Exempt |
| Reports To: | Director of Public Utilities |

SUMMARY

Performs difficult financial and office administrative work, providing a variety of administrative, -clerical, record-keeping, and billing duties; does related work as required. Work is performed under minimal supervision.

ESSENTIAL FUNCTIONS

Serving as office manager; preparing, maintaining, retrieving, and receiving records and files; assembling data, preparing reports and spreadsheets; greeting and assisting the public; performing accounting and billing functions; performing typing, word, and data processing duties.

- Maintains bookkeeping and record control systems.
- Manages and performs billings for public utilities customers.
- Prepares accounting, fiscal, and statistical reports.
- Prepares general correspondence, memoranda, reports, schedules, official notices, statistical tables, ordinance amendments, reports, resolutions, and other materials from rough drafts, copy, marginal notes, or verbal instruction.
- Gathers and compiles detailed information for inclusion in special and/or complex reports; prepares reports in accordance with instructions.
- Prepares reimbursement forms.
- Gathers and enters a variety of complex data into computer systems; prepares various complex and specialized reports; handles confidential data and other sensitive information.
- Receives work requests; summons and dispatches responders in critical or time-sensitive situations.
- Researches and provides financial data and other information on request.
- Keeps inventory and orders supplies for the department.
- Codes bills for accounts payable and receivable.
- Maintains cross-referenced office files and a variety of other specialized records.
- Gathers, sorts, indexes, files, and assembles information and material alphabetically, numerically, geographically, or by other classification.
- Operates standard office, data entry, and word processing equipment.
- Serves as a receptionist for the office, greets visitors, answers telephone, and gives information in response to public inquiries.
- Takes, transcribes, and/or types minutes of meetings of a complicated nature; prepares and distributes minutes; collects agenda materials; prepares, assembles, and distributes agendas.
- ; schedules appointments; participates on committees.
- Trains and assists employees in weekly time entry.
- Performs related tasks as required.
- Other duties as required.

| REQUIRED KNOWLEDGE, SKILLS AND ABILITIES | | | |
|---|---|--|---------------------------------------|
| <p>Thorough knowledge of office practices and procedures; thorough knowledge of and ability to use correct grammar, vocabulary, and spelling; general knowledge of office automation equipment and software including word processing, database management, and spreadsheets; knowledge of basic accounting and its uses in general office work; ability to communicate ideas effectively in oral and written forms; knowledge of bookkeeping terminology and methods; knowledge of public utilities billing terminology and methods; general knowledge of routine accounting principles and practice; ability to enter data, key or type at a reasonable rate of speed; ability to establish and maintain effective working relationships with associates and the general public; ability to maintain financial records and to prepare financial reports accurately; ability to research, gather and provide basic information and instructions on departmental programs based on inquiries.</p> | | | |
| ACCEPTABLE EDUCATION, EXPERIENCE, AND TRAINING | | | |
| <ul style="list-style-type: none"> • High School diploma or equivalent. • Post-secondary-school coursework/training in accounting, bookkeeping, and business. Experience in bookkeeping. • Experience in accounts payable and receivable. | | | |
| WORKING CONDITIONS AND PHYSICAL REQUIREMENTS | | | |
| <p>This is sedentary work requiring the exertion of up to 10 pounds of force occasionally, and a negligible amount of force frequently or constantly to move objects; work requires, grasping, and repetitive motions; vocal communication is required for expressing or exchanging ideas utilizing the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, operation of machines, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is not subject to adverse environmental conditions. Reasonable accommodations may be made to enable individuals with disabilities to perform essential tasks.</p> | | | |
| POST OFFER REQUIREMENTS | | | |
| <ul style="list-style-type: none"> • Background check • Valid driver's license | | | |
| Department Head Recommended: | HR Director Approval as to Form: | County Administrator Recommended: | Board of Supervisors Approved: |
| January 5, 2024 | January 5, 2024 | January 5,2024 | |



Fluvanna County, Virginia
Department of Public Works
Job Description

ADMINISTRATIVE PROGRAM SPECIALIST (PUBLIC ~~WORKS~~UTILITIES)

| | |
|---------------------|---|
| Job Class #: | 1051#### |
| Pay Grade: | 14 |
| Category: | Full-Time (with benefits) |
| FLSA Status: | Non-Exempt |
| Reports To: | Director of Public Works Utilities |

SUMMARY

Performs difficult financial and office administrative work, providing a variety of administrative, clerical, record-keeping, and billing duties; does related work as required. Work is performed under minimal supervision.

ESSENTIAL FUNCTIONS

Serving as office manager; preparing, maintaining, retrieving, and receiving records and files; assembling data, preparing reports and spreadsheets; greeting and assisting the public; performing accounting and billing functions; performing typing, word, and data processing duties.

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

- Maintains bookkeeping and record control systems.
- Manages and performs billings for public utilities customers.
- Prepares accounting, fiscal, and statistical reports.
- Prepares general correspondence, memoranda, reports, schedules, official notices, statistical tables, ordinance amendments, reports, resolutions, and other materials from rough ~~draft~~drafts, copy, marginal notes, or verbal instruction.
- Gathers and compiles detailed information for inclusion in special and/or complex reports; prepares reports in accordance with instructions.
- Prepares reimbursement forms.
- Gathers and enters a variety of complex data into computer ~~systems~~systems; prepares ~~a variety of various~~ complex and specialized reports; handles confidential data and other sensitive information.
- Receives work requests; summons and dispatches responders in critical or ~~time-sensitive~~time-sensitive situations.
- Researches and provides financial data and other information on request.
- Keeps inventory and orders supplies for ~~the~~ department.
- Codes bills for accounts payable and receivable.
- Maintains ~~cross-referenced~~cross-referenced office files and a variety of other specialized records.
- Gathers, sorts, indexes, files, and assembles information and material alphabetically, numerically, geographically, or by other classification.
- Operates standard office, data entry, and word processing equipment.
- Serves as a receptionist for the office, greets visitors, answers telephone, and gives information in response to public inquiries.
- Takes, transcribes, and/or types minutes of meetings of a complicated nature; prepares and distributes minutes; collects agenda materials; prepares, assembles, and distributes agendas.
- ~~Arranges meetings~~; schedules appointments; participates on committees.

| | | | |
|--|---|---|---|
| <ul style="list-style-type: none"> • Trains and assists employees in weekly time entry. • Trains employees in basic computer operation. • Performs related tasks as required. • Other duties as required. | | | |
| REQUIRED KNOWLEDGE, SKILLS AND ABILITIES | | | |
| <p>Thorough knowledge of office practices and procedures; thorough knowledge of and ability to use correct grammar, vocabulary, and spelling; general knowledge of office automation equipment and software including word processing, database management, and spreadsheets; knowledge of arithmetic basic -accounting and its uses in general office work; ability to communicate ideas effectively in oral and written forms; knowledge of bookkeeping terminology and methods; knowledge of public utilities billing terminology and methods; general knowledge of routine accounting principles and practice; ability to enter data, key or type at a reasonable rate of speed; ability to establish and maintain effective working relationships with associates and the general public; ability to maintain financial records and to prepare financial reports accurately; ability to research, gather and provide basic information and instructions on departmental programs based on inquiries.</p> | | | |
| ACCEPTABLE EDUCATION, EXPERIENCE, AND TRAINING | | | |
| <ul style="list-style-type: none"> • High School diploma or equivalent. • Post-secondary-school coursework/training in accounting, bookkeeping, and/or business. Experience in bookkeeping. • Experience in accounts payable and/or receivable. | | | |
| WORKING CONDITIONS AND PHYSICAL REQUIREMENTS | | | |
| <p>This is sedentary work requiring the exertion of up to 10 pounds of force occasionally, and a negligible amount of force frequently or constantly to move objects; work requires fingering, grasping, and repetitive motions; vocal communication is required for expressing or exchanging ideas utilizing the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, operation of machines, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is not subject to adverse environmental conditions. Reasonable accommodations may be made to enable individuals with disabilities to perform essential tasks.</p> | | | |
| POST OFFER REQUIREMENTS | | | |
| <ul style="list-style-type: none"> • Background check • Valid driver’s license | | | |
| Department Head Recommended: | HR Director Manager Approval as to Form: | County Administrator Recommended: | Board of Supervisors Approved: |
| 4/15/2016 <u>January 5, 2024</u> | 4/15/2016 <u>January 5, 2024</u> | 4/15/2016 <u>January 5, 2024</u> | 4/20/2016 |

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB G

| | | | | | |
|--------------------------|--|---------------|------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Resolution opposing House Bill 636 and Senate Bill 567 which gives the SCC the authority to override local comprehensive plans and zoning ordinances for the siting of utility-scale solar, wind and battery storage facilities. | | | | |
| MOTION(s): | I move that the Board of Supervisors approve the resolution to oppose House Bill 636 (Delegate Richard C. "Rip" Sullivan, Jr.) and Senate Bill 567 (Senator R. Creigh Deeds) which gives the Virginia State Corporation Commission (SCC) the authority to override local comprehensive plans and zoning ordinances for the siting of utility-scale solar, wind and battery storage facilities. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | X | | | |
| STAFF CONTACT(S): | Dan Whitten, County Attorney | | | | |
| PRESENTER(S): | Dan Whitten, County Attorney | | | | |
| RECOMMENDATION: | Approve resolution | | | | |
| TIMING: | Resolution in effect upon adoption | | | | |
| DISCUSSION: | <p>The 2024 Virginia General Assembly has convened to consider the passage of legislation that would amend laws affecting the authority and operation of Virginia local governments. Staff suggests that the Board of Supervisors approve a resolution to oppose House Bill 636 and Senate Bill 567 which gives the SCC the authority to override local comprehensive plans and zoning ordinances for the siting of utility-scale solar, wind and battery storage facilities. The proposed legislation would allow applicants to essentially bypass the Planning Commission and Board of Supervisors when seeking approval for the siting and operations of solar projects with a rated generation capacity 50 megawatts (MW) or more, wind projects of 100 MW or more, and energy storage facilities of 50 MW or more.</p> <p>Also, the proposed legislation essentially requires one statewide ordinance that defines the parameters of what qualifies as a compatible renewable energy ordinance with specific limitations on what a locality can require regarding facility setbacks, height and other design and operating features.</p> <p>In addition, if the locality fails to act on the application within a specified time, or if it denies the application for land use approval, even though such application complies with minimum requirements of the statewide ordinance, then it may apply for approval from the SCC. If the SCC approves the application, then it "shall be exempt</p> | | | | |

| | | | | | |
|-----------------------------|--|---------|------------|----|-------|
| | from obtaining approvals or permits, including any land use approvals or permits under the regulation and ordinances of the host locality. | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | <ul style="list-style-type: none"> • Resolution opposing HB636 and SB 567 • House Bill 636 and Senate Bill 567 | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | X | | | | |

INTRODUCED

24102984D

HOUSE BILL NO. 636

Offered January 10, 2024

Prefiled January 9, 2024

A *BILL to amend and reenact §§ 15.2-2316.6 through 15.2-2316.9 of the Code of Virginia and to amend the Code of Virginia by adding in Title 56 a chapter numbered 31, consisting of sections numbered 56-626 through 56-636, relating to siting of energy facilities; approval by the State Corporation Commission.*

 Patron—Sullivan

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2316.6 through 15.2-2316.9 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 56 a chapter numbered 31, consisting of sections numbered 56-626 through 56-636, as follows:

Article 7.3.

Siting of Solar Projects and Energy Storage Projects Facilities.

§ 15.2-2316.6. Definitions.

As used in this article, unless the context requires a different meaning:

"Energy facility" means a solar energy facility, wind energy facility, or energy storage facility.

"Energy storage facilities" facility" means the energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored a system that absorbs, stores, and discharges electricity. "Energy storage facility" does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel inputs.

"Energy storage project" means the energy storage facilities within the project site.

"Host locality" means any locality within the jurisdictional boundaries of which construction of a commercial solar project or an energy storage project an energy facility is proposed.

"Solar facilities" energy facility" means commercial solar photovoltaic (electric energy) generation facilities a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property. "Solar energy facility" includes related equipment and facilities such as: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures. "Solar facilities" energy facility" does not include any solar project energy facility that is (i) described in § 56-594, 56-594.01, 56-594.02, or 56-594.2, or (ii) five megawatts or less.

"Solar project" means the solar facilities, subject to this chapter, that are within the project site.

"Wind energy facility" means a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property. "Wind energy facility" includes related equipment and facilities such as: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

§ 15.2-2316.7. Negotiations; siting agreement.

A. Any applicant for a solar project or an energy storage project the construction of an energy facility shall give to the host locality written notice of the applicant's intent to locate in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality. *Within 30 days following the initial meeting, the host locality shall notify the applicant if the host locality has a compatible renewable energy ordinance, as that term is defined in § 56-626.*

B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project energy facility; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality,

INTRODUCED

HB636

59 (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host
 60 locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9,
 61 in such locality.

62 **§ 15.2-2316.8. Powers of host localities.**

63 A. The governing body of a host locality shall have the power to:

64 1. Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to
 65 the siting of a solar project or energy storage project *an energy facility*;

66 2. Meet, discuss, and negotiate a siting agreement with an applicant; and

67 3. Enter into a siting agreement with an applicant that is binding upon the governing body of the
 68 host locality and enforceable against it and future governing bodies of the host locality in any court of
 69 competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be
 70 assignable at the parties' option.

71 B. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement,
 72 the host locality shall schedule a public hearing, pursuant to subsection A of § 15.2-2204, for the
 73 purpose of consideration of such siting agreement. If a majority of a quorum of the members of the
 74 governing body present at such public hearing approve of such siting agreement, the siting agreement
 75 shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the
 76 applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is
 77 amended, revoked, or suspended.

78 **§ 15.2-2316.9. Effect of executed siting agreement; land use approval.**

79 A. Nothing in this article shall be construed to exempt an applicant from any other applicable
 80 requirements to obtain approvals and permits under federal, state, or local ordinances and regulations.
 81 An applicant may file for appropriate land use approvals for the solar project or energy storage project
 82 *energy facility*, as applicable, under the regulations and ordinances of the host locality at or after the
 83 time the applicant submits its notice of intent to site a solar project or energy storage project *an energy*
 84 *facility* as set forth in subsection A of § 15.2-2316.7. *Notwithstanding any other provision of law, such*
 85 *land use approvals for the energy facility shall be approved or denied no later than 120 days after*
 86 *filing. The applicant and the host locality may jointly agree to extend this deadline by up to 120 days.*

87 B. Nothing in this article shall affect the authority of the host locality to enforce its ordinances and
 88 regulations to the extent that they are not inconsistent with the terms and conditions of the siting
 89 agreement.

90 C. Approval of a siting agreement by the local governing body in accordance with subsection B of
 91 § 15.2-2316.8 shall deem the solar project or energy storage project *energy facility* to be substantially in
 92 accord with the comprehensive plan of the host locality, thereby satisfying the requirements of
 93 § 15.2-2232.

94 D. The failure of an applicant and the governing body to enter into a siting agreement may be a
 95 factor in the decision of the governing body in the consideration of any land use approvals for a solar
 96 project or energy storage project *an energy facility*, but shall not be the sole reason for a denial of such
 97 land use approvals.

98 *E. Notwithstanding the provisions of this chapter, any local zoning ordinance, or any other provision*
 99 *of law, an applicant who is issued a certificate by the State Corporation Commission in accordance*
 100 *with Chapter 31 (§ 56-626 et seq.) of Title 56 for an energy facility shall be exempt from obtaining*
 101 *approvals or permits, including any land use approvals or permits under the regulations and ordinances*
 102 *of the host locality.*

103 **CHAPTER 31.**

104 **WIND, SOLAR, AND STORAGE FACILITY CERTIFICATION.**

105 **§ 56-626. Definitions.**

106 *"Aircraft detection lighting system" means a sensor-based system designed to detect aircraft as they*
 107 *approach a wind energy facility and that automatically activates obstruction lights until they are no*
 108 *longer needed.*

109 *"Applicant" means an applicant for a certificate.*

110 *"Certificate" means a certificate issued for an energy facility under § 56-631.*

111 *"Community-based organization" means a workforce development and training organization, labor*
 112 *union, local governmental entity, Virginia-recognized or federally recognized tribe located in the*
 113 *Commonwealth, environmental advocacy organization, or an organization that represents the interests of*
 114 *underserved communities.*

115 *"Compatible renewable energy ordinance" means an ordinance that provides for the development of*
 116 *energy facilities within the locality, the requirements of which are no more restrictive than the*
 117 *provisions of subsection H of § 56-631. A local governing body is considered not to have a compatible*
 118 *renewable energy ordinance if it has a moratorium on the development of energy facilities in effect*
 119 *within its jurisdiction.*

120 *"Construction" means any substantial action taken constituting the placement, erection, expansion, or*

121 repowering of an energy facility.

122 "Dark sky-friendly lighting solution" means a light fixture that is designed to minimize the amount of
123 light that escapes upward into the sky.

124 "Energy facility" means an energy storage facility, solar energy facility, or wind energy facility. An
125 energy facility may be located on more than one parcel of property, including noncontiguous parcels,
126 but shares a single point of interconnection to the grid.

127 "Energy storage facility" means a system that absorbs, stores, and discharges electricity. "Energy
128 storage facility" does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel
129 inputs.

130 "Host locality" means locality in which all or part of a proposed energy facility will be located.

131 "Independent power producer" or "IPP" means a person that is not an electric utility but owns or
132 operates facilities to generate electric power.

133 "Light intensity dimming solution technology" means obstruction lighting that provides a means of
134 tailoring the intensity level of lights according to surrounding visibility.

135 "Light-mitigating technology" means an aircraft detection lighting system, a light intensity dimming
136 solution technology, or a comparable solution that reduces the impact of nighttime lighting while
137 maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the
138 wind energy facilities.

139 "Maximum blade tip height" means the nominal hub height plus the nominal blade length of a wind
140 turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not
141 listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the
142 actual blade length.

143 "Nameplate capacity" means the designed full-load sustained generating output of an energy facility.
144 Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if
145 components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

146 "Nonparticipating property" means a property that is adjacent to an energy facility and that is not a
147 participating property.

148 "Occupied community building" means a school, place of worship, day-care facility, public library,
149 community center, or other similar building that the applicant knows or reasonably should know is used
150 on a regular basis as a gathering place for community members.

151 "Participating property" means real property that either is owned by an applicant or that is the
152 subject of an agreement that provides for the payment by an applicant to a landowner of monetary
153 compensation related to an energy facility regardless of whether any part of that energy facility is
154 constructed on the property.

155 "Repowering" means, with respect to an energy facility, replacement of all or substantially all of the
156 energy facility for the purpose of extending its life. Repowering does not include repairs related to the
157 ongoing operations that do not increase the capacity or energy output of the energy facility.

158 "Solar energy facility" means a system that captures and converts solar energy into electricity, for
159 the purpose of sale or for use in locations other than solely the solar energy facility property. "Solar
160 energy facility" includes related equipment and facilities such as: photovoltaic solar panels; solar
161 inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings;
162 foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching
163 facilities; circuit breakers and transformers; overhead and underground control; communications and
164 radio relay systems and telecommunications equipment; utility lines and installations; generation tie
165 lines; solar monitoring stations; and accessory equipment and structures.

166 "Wind energy facility" means a system that captures and converts wind into electricity, for the
167 purpose of sale or for use in locations other than solely the wind energy facility property. "Wind energy
168 facility" includes related equipment and facilities such as: wind towers; wind turbines; access roads;
169 distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles;
170 crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers
171 and transformers; overhead and underground control; communications and radio relay systems and
172 telecommunications equipment; monitoring and recording equipment and facilities; erosion control
173 facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring
174 stations; and accessory equipment and structures.

175 **§ 56-627. Applicability of chapter.**

176 A. This chapter shall apply to any (i) solar energy facility with a nameplate capacity of 50
177 megawatts or more, (ii) wind energy facility with a nameplate capacity of 100 megawatts or more, and
178 (iii) energy storage facility with a nameplate capacity of 50 megawatts or more and an energy
179 discharge capability of 200 megawatt hours or more.

180 B. To obtain a certificate for an energy facility, an electric utility or IPP shall comply with the
181 requirements of §§ 56-628 and 56-629, and then submit to the Commission an application as described

182 in § 56-630.

183 C. If the Commission has issued a certificate for an energy facility, the electric utility or IPP may
184 make minor changes, as defined by the Commission, to the site plan if the changes are within the
185 footprint of the previously approved site plan.

186 D. The provisions of this chapter shall not apply to an energy facility that is owned or controlled by
187 a locality and is located entirely within such locality.

188 **§ 56-628. Certificate application; procedure and qualification.**

189 A. An electric utility or independent power producer that proposes to construct an energy facility
190 shall give to each host locality written notice of the applicant's intent to locate in such host locality and
191 request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such
192 locality in accordance with the provisions of Article 7.3 (§ 15.2-2316.6 et seq.) of Title 15.2.

193 B. If, within 30 days following a meeting described in subsection A, the local governing body of each
194 host locality notifies the electric utility or IPP planning to construct the energy facility that the host
195 locality has a compatible renewable energy ordinance, then the electric utility or IPP shall file for
196 approval with each host locality. A local governing body with which an application is filed shall
197 approve or deny the application within 120 days after receiving the application. The applicant and
198 locality may jointly agree to extend this deadline by up to 120 days.

199 C. An electric utility or IPP may submit an application for a certificate issued by the Commission if
200 (i) a host locality fails to timely approve or deny an application, (ii) the application complies with the
201 requirements of subsection H of § 56-631 but a host locality denies the application, or (iii) a host
202 locality amends its zoning ordinance after it has notified the electric utility or IPP that it has a
203 compatible renewable energy ordinance, and the amendment imposes additional requirements on the
204 development of energy facilities that are more restrictive than those in subsection H of § 56-631.

205 D. At least 60 days prior to submitting an application pursuant to subsection C, an electric utility or
206 IPP shall hold a public meeting in each host locality if a public meeting was not previously held in
207 such host locality in accordance with the provisions of § 15.2-2316.7. At least 30 days before such a
208 meeting, the electric utility or IPP shall notify the clerk of the host locality in which a public meeting
209 will be held of the time, date, location, and purpose of the meeting and provide a copy of the site plan
210 as described in § 56-629 or the website address where a site plan for the energy facility is available
211 for review. At least 14 days before the meeting, the electric utility or IPP shall publish notice of the
212 meeting in a newspaper of general circulation in the host locality or in a comparable digital alternative.
213 The notice shall include a copy of the site plan or the website address where the site plan is available
214 for review. The Commission shall further prescribe the format and content of the notice.

215 E. Nothing in this section shall be construed to limit remedies available to an applicant to appeal a
216 denial by a locality under any other law.

217 **§ 56-629. Site plan.**

218 A. A site plan for an energy facility shall meet general requirements established by the Commission.
219 The site plan shall include (i) the location and a description of the energy facility; (ii) a description of
220 the anticipated effects of the energy facility on the environment, natural resources, and solid waste
221 disposal capacity, which may include records of consultation with relevant state, tribal, and federal
222 agencies; and (iii) additional information required by any Commission rule or order that directly relates
223 to the site plan.

224 B. When it submits a site plan to the Commission, an electric utility or independent power producer
225 shall submit a copy to the clerk of each host locality.

226 **§ 56-630. Application requirements.**

227 A. An application for a certificate submitted to the Commission shall contain:

- 228 1. The complete name, address, and telephone number of the applicant;
- 229 2. The planned date for the start of construction and the expected duration of construction;
- 230 3. A description of the energy facility, including a site plan as described in § 56-629;
- 231 4. A description of the expected use of the energy facility;
- 232 5. Expected public benefits of the proposed energy facility;
- 233 6. The expected direct impacts of the proposed energy facility on the environment and natural
234 resources and how the applicant intends to address and mitigate these impacts;
- 235 7. Information on the effects of the proposed energy facility on public health and safety;
- 236 8. A description of the portion of the community where the energy facility will be located;
- 237 9. A statement and reasonable evidence that the proposed energy facility will not commence
238 commercial operation until it complies with applicable state and federal environmental laws;
- 239 10. A summary of the community outreach and education efforts undertaken by the electric utility or
240 independent power producer, including a description of the public meetings and meetings with elected
241 officials;
- 242 11. Evidence of consultation, before submission of the application, with the Department of
243 Environmental Quality and the Department of Energy and other relevant state and federal agencies

244 before submitting the application;

245 12. Interconnection queue information for the applicable regional transmission entity;

246 13. If the proposed site of the energy facility is undeveloped land, a description of feasible
247 alternative developed locations, including vacant industrial property and brownfields, and an
248 explanation of why they were not chosen;

249 14. If the energy facility is reasonably expected to have an impact on television signals, microwave
250 signals, agricultural global position systems, military defense radar, radio reception, or weather and
251 Doppler radar, a plan to minimize and mitigate that impact. Information in the plan concerning military
252 defense shall not be disclosed by the Commission or the electric utility or independent power producer;

253 15. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at
254 the expense of the electric utility or IPP. The applicant shall make reasonable efforts to consult with
255 relevant local officials before submitting the application and shall include evidence of those efforts in its
256 application;

257 16. A fire response plan and an emergency response plan;

258 17. A decommissioning plan that is consistent with agreements reached between the applicant and
259 other landowners of participating properties and that ensures the return of all participating properties
260 to a useful condition similar to that which existed before construction, including removal of
261 above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan
262 shall include financial assurance in the form of a bond, a parent company guarantee, or an irrevocable
263 letter of credit, but shall exclude cash. The amount of the financial assurance shall not be less than the
264 estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a
265 third party with expertise in decommissioning, hired by the applicant. However, the financial assurance
266 may be posted in increments as follows: (i) at least 25 percent by the start of full commercial operation,
267 (ii) at least 50 percent by the start of the fifth year of commercial operation, and (iii) 100 percent by
268 the start of the tenth year of commercial operation; and

269 18. Other information reasonably required by the Commission.

270 B. Within 60 days after receipt of an application, the Commission shall determine whether the
271 application is complete. If the Commission determines that the application is incomplete, the
272 Commission shall advise the applicant in writing of the information necessary to make the application
273 complete. If the Commission fails to timely notify the applicant that an application is incomplete, the
274 application is considered to be complete.

275 **§ 56-631. Certificate; requirements for approval.**

276 A. Upon filing an application with the Commission, the applicant shall make a one-time payment to
277 each host locality for an amount determined by the Commission but not more than \$75,000 per host
278 locality. Each host locality shall use such funds to cover costs associated with participation in the
279 proceeding on the application for a certificate.

280 B. Upon filing an application with the Commission, the applicant shall provide notice of the
281 opportunity to comment on the application in a form and manner prescribed by the Commission. The
282 notice shall be published in a newspaper of general circulation in each host locality or a comparable
283 digital alternative. The notice shall be written in plain, nontechnical, and easily understood terms and
284 shall contain a title that includes the name of the applicant and the words "NOTICE OF INTENT TO
285 CONSTRUCT _____ FACILITY", with the words "WIND ENERGY", "SOLAR ENERGY", or
286 "ENERGY STORAGE", as applicable, entered in the blank space. The Commission shall further
287 prescribe the format and contents of the notice.

288 C. The Commission shall conduct a proceeding on the application for a certificate. A host locality,
289 participating property owner, or nonparticipating property owner may intervene by right.

290 D. The Commission may assess reasonable application fees to the applicant to cover the
291 Commission's administrative costs in processing the application, including costs for consultants to assist
292 the Commission in evaluating issues raised by the application. The Commission may retain consultants
293 to assist the Commission in evaluating issues raised by the application and may require the applicant to
294 pay the cost of the services.

295 E. The Commission shall approve the application and issue a certificate or deny the application not
296 later than one year after a complete application is filed.

297 F. In evaluating the application, the Commission shall consider the feasible alternative developed
298 locations described under subdivision A 13 of § 56-630, if applicable, and the impact of the proposed
299 facility on local land use, including the percentage of land within the locality dedicated to energy
300 generation. The Commission may condition its approval of the application on the applicant taking
301 additional reasonable action related to the impacts of the proposed energy facility, including (i)
302 establishing and maintaining for the life of the facility vegetative ground cover except for an application
303 for an energy facility that is proposed to be located entirely on brownfield land; (ii) providing for
304 community improvements in the host locality; and (iii) making a good-faith effort to maintain and

305 provide proper care of the property where the energy facility is proposed to be located during
306 construction and operation of the facility.

307 G. The Commission shall approve the application and issue a certificate if it determines that:

308 1. The public benefits of the proposed energy facility justify its construction. For the purposes of this
309 subdivision, public benefits include expected tax revenue paid by the energy facility to local taxing
310 districts, payments to owners of participating property, community benefits agreements, local job
311 creation, and any contributions to meeting identified energy, capacity, reliability, or resource adequacy
312 needs of the Commonwealth. In determining any contributions to meeting identified energy, capacity,
313 reliability, or resource adequacy needs of the Commonwealth, the Commission may consider integrated
314 resource plans approved pursuant to Chapter 24 (§ 56-597 et seq.), renewable energy plans, or other
315 proceedings before the Commission, at the applicable regional transmission entity, or before the Federal
316 Energy Regulatory Commission, as determined relevant by the Commission;

317 2. The energy facility complies with all applicable state and federal environmental laws;

318 3. The applicant has considered and addressed impacts to the environment and natural resources,
319 including sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic
320 and cultural sites, and threatened or endangered species;

321 4. The applicant has met the conditions established in § 56-632;

322 5. The proposed energy facility will not unreasonably diminish farmland, including prime farmland
323 and, to the extent that evidence of such farmland is available in the evidentiary record, farmland
324 dedicated to the cultivation of specialty crops; and

325 6. The proposed energy facility does not present an unreasonable threat to public health or safety.

326 H. An energy facility meets the requirements of subdivision G 6 if it complies with the following
327 standards, as applicable:

328 1. For a solar energy facility:

329 a. The following minimum setback requirements, with setback distances measured from the nearest
330 edge of the perimeter fencing of the facility: (i) for occupied community buildings and dwellings on
331 nonparticipating properties, a minimum of 300 feet from the nearest point on the outer wall; (ii) for a
332 public road right-of-way, a minimum of 50 feet measured from the nearest edge of a public road
333 right-of-way; and (iii) for nonparticipating parties, a minimum of 50 feet measured from the nearest
334 shared property line;

335 b. Fencing for the solar energy facility complies with the latest version of the National Electric Code
336 as of the effective date of the amendatory act that added this section or any applicable successor
337 standard approved by the Commission as reasonable and consistent with the purposes of this subsection.

338 c. Solar panel components do not exceed a maximum height of 25 feet above ground when the
339 arrays are at full tilt.

340 d. The solar energy facility does not generate a maximum sound in excess of 55 average hourly
341 decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent
342 nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American
343 National Standards Institute;

344 e. The solar energy facility will implement dark sky-friendly lighting solutions; and

345 f. The solar energy facility will comply with any more stringent requirements adopted by the
346 Commission. Before adopting such requirements, the Commission shall determine that the requirements
347 are necessary for compliance with state or federal environmental regulations.

348 2. For a wind energy facility:

349 a. The following minimum setback distances, measured from the center of the base of the wind
350 tower: (i) for occupied community buildings and dwellings on nonparticipating properties, a minimum of
351 2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure; (ii) for
352 dwellings and other structures on participating properties, a minimum of 1.1 times the maximum blade
353 tip height to the nearest point on the outside wall of the structure; (iii) for nonparticipating property
354 lines, 1.1 times the maximum blade tip height; (iv) for a public road right-of-way, 1.1 times the
355 maximum blade tip height to the center line of the public road right-of-way; and (v) for overhead
356 communication and electric transmission, not including utility service lines to individual houses or
357 outbuildings, 1.1 times the maximum blade tip height to the center line of the easement containing the
358 overhead line;

359 b. Each wind tower is sited such that any occupied community building or nonparticipating residence
360 will not experience more than 30 hours per year of shadow flicker under planned operating conditions
361 as indicated by industry standard computer modeling;

362 c. Each wind tower blade tip does not exceed the height allowed under a Determination of No
363 Hazard to Air Navigation by the Federal Aviation Administration under 14 C.F.R. Part 77;

364 d. The wind energy facility does not generate a maximum sound in excess of 55 average hourly
365 decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent
366 nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American

367 National Standards Institute;

368 e. The wind energy facility is equipped with a functioning light-mitigating technology. To allow
 369 proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with
 370 temporary lighting until the permanent lighting configuration, including the light-mitigating technology,
 371 is implemented. The Commission may approve a temporary exemption from the requirements of this
 372 subdivision e if installation of appropriate light-mitigating technology is not feasible. A request for a
 373 temporary exemption shall be in writing and state (i) the purpose of the exemption, (ii) the proposed
 374 length of the exemption, (iii) a description of the light-mitigating technologies submitted to the Federal
 375 Aviation Administration, (iv) the technical or economic reason a light-mitigating technology is not
 376 feasible, and (v) any other relevant information requested by the Commission;

377 f. The wind energy facility meets any standards concerning radar interference, lighting, subject to
 378 subdivision e, or other relevant issues as determined by the Commission; and

379 g. The wind energy facility complies with any more stringent requirements adopted by the
 380 Commission. Before adopting such requirements, the Commission shall determine that the requirements
 381 are necessary for compliance with state or federal environmental regulations.

382 3. For an energy storage facility:

383 a. The following minimum setback requirements, with setback distances measured from the nearest
 384 edge of the perimeter fencing of the facility: (i) for occupied community buildings and dwellings on
 385 nonparticipating properties, a minimum of 300 feet from the nearest point on the outer wall; (ii) for a
 386 public road right-of-way, a minimum of 50 feet measured from the nearest edge of a public road
 387 right-of-way; and (iii) for nonparticipating parties, a minimum of 50 feet measured from the nearest
 388 shared property line;

389 b. The energy storage facility complies with the most recent version of NFPA 855 "Standard for the
 390 Installation of Stationary Energy Storage Systems" or any applicable successor standard adopted by the
 391 Commission as reasonable and consistent with the purposes of this subdivision;

392 c. The energy storage facility does not generate a maximum sound in excess of 55 average hourly
 393 decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent
 394 nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American
 395 National Standards Institute;

396 d. The energy storage facility will implement dark sky-friendly lighting solutions; and

397 e. The energy storage facility complies with any more stringent requirements adopted by the
 398 Commission. Before adopting such requirements, the Commission shall determine that the requirements
 399 are necessary for compliance with state or federal environmental regulations.

400 I. The certificate shall identify the location of the energy facility and its nameplate capacity.

401 J. If construction of an energy facility is not commenced within five years after the date that a
 402 certificate is issued or within five years after any applicable appeals are exhausted, whichever is later,
 403 the certificate is invalid. The electric utility or IPP may seek a new certificate for the proposed energy
 404 facility. The Commission may extend the five-year period at the request of the applicant and upon a
 405 showing of good cause without requiring a new contested case proceeding.

406 **§ 56-632. Community agreements.**

407 A. The applicant for a certificate shall enter into a host community agreement with each host
 408 locality. The host community agreement shall require that, upon commencement of any operation, the
 409 energy facility owner shall pay the host locality \$2,000 per megawatt of nameplate capacity located
 410 within the host locality. The payment shall be used as determined by the host locality.

411 B. If a host locality refuses to enter into a host community agreement after good-faith negotiations
 412 with the applicant, the applicant may enter into a community benefits agreement with one or more
 413 community-based organizations within, or that serve residents of, the host locality. The amount paid by
 414 the applicant under this subsection shall be equal to, or greater than, what the applicant would pay to
 415 the host locality under subsection A. Community benefits agreements shall prioritize benefits to the
 416 community in which the energy facility is to be located.

417 C. A host community agreement or community benefits agreement is legally binding and inures to the
 418 benefit of the parties and their successors and assigns. The Commission shall enforce this requirement,
 419 but not the actual agreements, which are enforceable in a court of competent jurisdiction.

420 **§ 56-633. Completion Report.**

421 Before commencing commercial operations, an applicant shall file a completion report certifying
 422 compliance with the requirements of this act and any conditions contained in the Commission's
 423 certificate.

424 **§ 56-634. Confidentiality.**

425 The Commission shall issue orders necessary to protect the information in an application for a
 426 certificate, or in other documents required by the Commission for the purposes of certification, if the
 427 Commission reasonably finds the information to be confidential.

428 **§ 56-635. Other proceedings.**

429 *The Commission may consolidate proceedings under this chapter with other relevant proceedings, as*
430 *determined by the Commission.*

431 **§ 56-636. Effect of chapter on other laws.**

432 A. *This chapter shall control in any conflict between this chapter and any other state law.*

433 B. *If a certificate is issued for an energy facility under this chapter:*

434 1. *The certificate and this chapter shall control over any zoning ordinance, local policy, practice,*
435 *regulation, rule, or other ordinance that prohibits, regulates, or imposes additional or more restrictive*
436 *requirements than those specified in the Commission's certificate; and*

437 2. *A zoning ordinance or limitation imposed after the electric utility or IPP submitted the application*
438 *for the certificate to the Commission shall not be construed to limit or impair the construction,*
439 *operation, or maintenance of the energy facility.*

440 C. *If a certificate is not issued, all local policies, practices, regulations, rules, or ordinances relating*
441 *to the siting of energy facilities, including the local zoning authority's power to grant variances, shall*
442 *remain in full force and effect.*

443 D. *No local ordinance shall prohibit or regulate testing activities undertaken by an electric provider*
444 *or independent power producer for purposes of determining the suitability of a site for the placement of*
445 *an energy facility.*

446 E. *Except as provided in this section, this chapter shall not exempt an electric utility or IPP to whom*
447 *a certificate is issued from obtaining any other permit, license, or approval to engage in the*
448 *construction or operation of an energy facility that is required by this title or any other state or federal*
449 *law.*

450 F. *Commission approval of a certificate shall not confer the power of eminent domain and shall not*
451 *be considered to be a determination of public use for the purposes of the power of eminent domain.*

INTRODUCED

24104898D

SENATE BILL NO. 567

Offered January 10, 2024

Prefiled January 10, 2024

A BILL to amend and reenact §§ 15.2-2316.6 through 15.2-2316.9 of the Code of Virginia and to amend the Code of Virginia by adding in Title 56 a chapter numbered 31, consisting of sections numbered 56-626 through 56-636, relating to siting of energy facilities; approval by the State Corporation Commission.

Patron—Deeds

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2316.6 through 15.2-2316.9 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 56 a chapter numbered 31, consisting of sections numbered 56-626 through 56-636, as follows:

Article 7.3.

Siting of Solar Projects and Energy Storage Projects Facilities.

§ 15.2-2316.6. Definitions.

As used in this article, unless the context requires a different meaning:

"Energy facility" means a solar energy facility, wind energy facility, or energy storage facility.

"Energy storage facilities" facility" means the energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored a system that absorbs, stores, and discharges electricity. "Energy storage facility" does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel inputs.

"Energy storage project" means the energy storage facilities within the project site.

"Host locality" means any locality within the jurisdictional boundaries of which construction of a commercial solar project or an energy storage project an energy facility is proposed.

"Solar facilities" energy facility" means commercial solar photovoltaic (electric energy) generation facilities a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property. "Solar energy facility" includes related equipment and facilities such as: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures. "Solar facilities" energy facility" does not include any solar project energy facility that is (i) described in § 56-594, 56-594.01, 56-594.02, or 56-594.2, or (ii) five megawatts or less.

"Solar project" means the solar facilities, subject to this chapter, that are within the project site.

"Wind energy facility" means a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property. "Wind energy facility" includes related equipment and facilities such as: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

§ 15.2-2316.7. Negotiations; siting agreement.

A. Any applicant for a solar project or an energy storage project the construction and operation of an energy facility shall give to the host locality written notice of the applicant's intent to locate in such locality and request a meeting. Such Within 60 days after such written notice is given, the host locality and the applicant shall meet, to discuss, and negotiate a siting agreement with such locality. Within 30 days following the initial meeting, the host locality shall notify the applicant if the host locality has a compatible renewable energy ordinance, as that term is defined in § 56-626.

B. The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project energy facility; (ii) financial compensation to the host

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2 of 8

59 locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality,
 60 (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host
 61 locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9,
 62 in such locality.

63 **§ 15.2-2316.8. Powers of host localities.**

64 A. The governing body of a host locality shall have the power to:

65 1. Hire and pay consultants and other experts on behalf of the host locality in matters pertaining to
 66 the siting of a solar project or energy storage project an energy facility;

67 2. Meet, discuss, and negotiate a siting agreement with an applicant; and

68 3. Enter into a siting agreement with an applicant that is binding upon the governing body of the
 69 host locality and enforceable against it and future governing bodies of the host locality in any court of
 70 competent jurisdiction by signing a siting agreement pursuant to this article. Such contract may be
 71 assignable at the parties' option.

72 B. If the parties to the siting agreement agree upon the terms and conditions of a siting agreement,
 73 the host locality shall schedule a public hearing, pursuant to subsection A of § 15.2-2204, for the
 74 purpose of consideration of such siting agreement. If a majority of a quorum of the members of the
 75 governing body present at such public hearing approve of such siting agreement, the siting agreement
 76 shall be executed by the signatures of (i) the chief executive officer of the host locality and (ii) the
 77 applicant or the applicant's authorized agent. The siting agreement shall continue in effect until it is
 78 amended, revoked, or suspended.

79 **§ 15.2-2316.9. Effect of executed siting agreement; land use approval.**

80 A. Nothing in this article shall be construed to exempt an applicant from any other applicable
 81 requirements to obtain approvals and permits under federal, state, or local ordinances and regulations.
 82 An applicant may file for appropriate land use approvals for the solar project or energy storage project
 83 energy facility, as applicable, under the regulations and ordinances of the host locality at or after the
 84 time the applicant submits its notice of intent to site a solar project or energy storage project an energy
 85 facility as set forth in subsection A of § 15.2-2316.7. *Notwithstanding any contrary provision of law,*
 86 *general or special, such land use approvals for the energy facility shall be approved or denied no later*
 87 *than 120 days after the application is deemed complete by the host locality. The applicant and the host*
 88 *locality may jointly agree to extend this deadline by up to 120 days.*

89 B. Nothing in this article shall affect the authority of the host locality to enforce its ordinances and
 90 regulations to the extent that they are not inconsistent with the terms and conditions of the siting
 91 agreement.

92 C. Approval of a siting agreement by the local governing body in accordance with subsection B of
 93 § 15.2-2316.8 shall deem the solar project or energy storage project energy facility to be substantially in
 94 accord with the comprehensive plan of the host locality, thereby satisfying the requirements of
 95 § 15.2-2232.

96 D. The failure of an applicant and the governing body to enter into a siting agreement may be a
 97 factor in the decision of the governing body in the consideration of any land use approvals for a solar
 98 project or energy storage project an energy facility, but shall not be the sole reason for a denial of such
 99 land use approvals.

100 E. *Notwithstanding any contrary provision of law, general or special, an applicant who is issued a*
 101 *certificate by the State Corporation Commission in accordance with Chapter 31 (§ 56-626 et seq.) of*
 102 *Title 56 for an energy facility shall be exempt from obtaining approvals or permits, including any land*
 103 *use approvals or permits under the regulations and ordinances of the host locality.*

104 **CHAPTER 31.**

105 **WIND, SOLAR, AND STORAGE FACILITY CERTIFICATION.**

106 **§ 56-626. Definitions.**

107 "Aircraft detection lighting system" means a sensor-based system designed to detect aircraft as they
 108 approach a wind energy facility and that automatically activates obstruction lights until they are no
 109 longer needed.

110 "Applicant" means an applicant for a certificate.

111 "Certificate" means a certificate issued for an energy facility under § 56-631.

112 "Community-based organization" means a workforce development and training organization, labor
 113 union, local governmental entity, Virginia-recognized or federally recognized tribe located in the
 114 Commonwealth, environmental advocacy organization, or an organization that represents the interests of
 115 underserved communities.

116 "Compatible renewable energy ordinance" means an ordinance that provides for the development of
 117 energy facilities within the locality, the requirements of which are no more restrictive than the
 118 provisions of subsection H of § 56-631. A local governing body is considered not to have a compatible
 119 renewable energy ordinance if it has a moratorium on the development of energy facilities in effect
 120 within its jurisdiction or a maximum acreage that can be developed for any type of energy facility.

121 "Construction" means any substantial action taken constituting the placement, erection, expansion, or
 122 repowering of an energy facility.

123 "Dark sky-friendly lighting solution" means a light fixture that is designed to minimize the amount of
 124 light that escapes upward into the sky.

125 "Energy facility" means an energy storage facility, solar energy facility, or wind energy facility.

126 "Energy storage facility" means a system that absorbs, stores, and discharges electricity.

127 "Host locality" means locality in which all or part of a proposed energy facility will be located.

128 "Independent power producer" or "IPP" means a person that is not a Virginia electric utility but
 129 owns or operates facilities to generate electric power.

130 "Light intensity dimming solution technology" means obstruction lighting that provides a means of
 131 tailoring the intensity level of lights according to surrounding visibility.

132 "Light-mitigating technology" means an aircraft detection lighting system, a light intensity dimming
 133 solution technology, or a comparable solution that reduces the impact of nighttime lighting while
 134 maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the
 135 wind energy facilities.

136 "Maximum blade tip height" means the nominal hub height plus the nominal blade length of a wind
 137 turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not
 138 listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the
 139 actual blade length.

140 "Nameplate capacity" means the designed full-load sustained generating output of an energy facility.
 141 Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if
 142 components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

143 "Nonparticipating property" means a property that is adjacent to an energy facility and that is not a
 144 participating property.

145 "Occupied community building" means a school, place of worship, day-care facility, public library,
 146 community center, or other similar building that the applicant knows or reasonably should know is used
 147 on a regular basis as a gathering place for community members.

148 "Participating property" means real property that either is owned by an applicant or an affiliate of
 149 the applicant or that is the subject of an agreement that provides for the payment by an applicant to a
 150 landowner of monetary compensation related to an energy facility or otherwise provides an applicant
 151 with rights to use such real property regardless of whether any part of that energy facility is constructed
 152 on the property.

153 "Repowering" means, with respect to an energy facility, replacement of all or substantially all of the
 154 energy facility for the purpose of extending its life. Repowering does not include repairs related to the
 155 ongoing operations that do not materially increase the capacity or energy output of the energy facility.

156 "Solar energy facility" means a system that captures and converts solar energy into electricity, for
 157 the purpose of sale or for use in locations other than solely the solar energy facility property. "Solar
 158 energy facility" includes related equipment and facilities such as: photovoltaic solar panels; solar
 159 inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings;
 160 foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching
 161 facilities; circuit breakers and transformers; overhead and underground control; communications and
 162 radio relay systems and telecommunications equipment; utility lines and installations; generation tie
 163 lines; solar monitoring stations; and accessory equipment and structures.

164 "Wind energy facility" means a system that captures and converts wind into electricity, for the
 165 purpose of sale or for use in locations other than solely the wind energy facility property. "Wind energy
 166 facility" includes related equipment and facilities such as: wind towers; wind turbines; access roads;
 167 distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles;
 168 crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers
 169 and transformers; overhead and underground control; communications and radio relay systems and
 170 telecommunications equipment; monitoring and recording equipment and facilities; erosion control
 171 facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring
 172 stations; and accessory equipment and structures.

173 **§ 56-627. Applicability of chapter.**

174 A. This chapter shall apply to any (i) solar energy facility with a nameplate capacity of 50
 175 megawatts or more, (ii) wind energy facility with a nameplate capacity of 100 megawatts or more, and
 176 (iii) energy storage facility with a nameplate capacity of 50 megawatts or more and an energy
 177 discharge capability of 200 megawatt hours or more.

178 B. To obtain a certificate for an energy facility, an electric utility or IPP shall comply with the
 179 requirements of §§ 56-628 and 56-629, and then submit to the Commission an application as described
 180 in § 56-630.

181 C. If the Commission has issued a certificate for an energy facility, the electric utility or IPP may

182 make minor changes, as defined by the Commission, to the site plan if the changes are within the
183 footprint of the previously approved site plan.

184 D. The provisions of this chapter shall not apply to an energy facility that is owned or controlled by
185 a locality and is located entirely within such locality.

186 **§ 56-628. Certificate application; procedure and qualification.**

187 A. An electric utility or independent power producer that proposes to construct an energy facility
188 shall give to each host locality written notice of the applicant's intent to locate in such host locality and
189 request a meeting. Such applicant and the host locality shall meet to discuss and negotiate a siting
190 agreement in accordance with the provisions of Article 7.3 (§ 15.2-2316.6 et seq.) of Title 15.2.

191 B. If, within 30 days following a meeting described in subsection A, the local governing body of each
192 host locality notifies the electric utility or IPP planning to construct the energy facility that the host
193 locality has a compatible renewable energy ordinance, then the electric utility or IPP shall file for
194 approval with each host locality. A local governing body with which an application is filed shall
195 approve or deny the application within 120 days after receiving the application. The applicant and
196 locality may jointly agree to extend this deadline by up to 120 days.

197 C. An electric utility or IPP may submit an application for a certificate issued by the Commission if
198 (i) a host locality fails to timely approve or deny an application, (ii) the application complies with the
199 requirements of subsection H of § 56-631 but a host locality denies the application, or (iii) a host
200 locality amends its zoning ordinance after it has notified the electric utility or IPP that it has a
201 compatible renewable energy ordinance, and the amendment imposes additional requirements on the
202 development of energy facilities that are more restrictive than those in subsection H of § 56-631.

203 D. At least 60 days prior to submitting an application pursuant to subsection C, an electric utility or
204 IPP shall hold a public meeting in each host locality if a public meeting was not previously held in
205 such host locality in accordance with the provisions of subsection B of § 15.2-2316.8. At least 30 days
206 before such a meeting, the electric utility or IPP shall notify the clerk of the host locality in which a
207 public meeting will be held of the time, date, location, and purpose of the meeting and provide a copy
208 of the site plan as described in § 56-629 or the website address where a site plan for the energy facility
209 is available for review. At least 14 days before the meeting, the electric utility or IPP shall publish
210 notice of the meeting in a newspaper of general circulation in the host locality or in a comparable
211 digital alternative. The notice shall include a copy of the site plan or the website address where the site
212 plan is available for review. The Commission shall further prescribe the format and content of the
213 notice.

214 E. Nothing in this section shall be construed to limit remedies available to an applicant to appeal a
215 denial by a locality under any other law.

216 **§ 56-629. Site plan.**

217 A. A site plan for an energy facility shall meet general requirements established by the Commission.
218 The site plan shall include (i) the location and a description of the energy facility; (ii) a description of
219 the anticipated effects of the energy facility on the environment, natural resources, and solid waste
220 disposal capacity, which may include records of consultation with relevant state, tribal, and federal
221 agencies; and (iii) additional information required by any Commission rule or order that directly relates
222 to the site plan.

223 B. When it submits a site plan to the Commission, an electric utility or independent power producer
224 shall submit a copy to the clerk of each host locality.

225 **§ 56-630. Application requirements.**

226 A. An application for a certificate submitted to the Commission shall contain:

- 227 1. The complete name, address, and telephone number of the applicant;
- 228 2. The planned date for the start of construction and the expected duration of construction;
- 229 3. A description of the energy facility, including a site plan as described in § 56-629;
- 230 4. A description of the expected use of the energy facility;
- 231 5. Expected public benefits of the proposed energy facility;
- 232 6. The expected direct impacts of the proposed energy facility on the environment and natural
233 resources and how the applicant intends to address and mitigate these impacts;
- 234 7. Information on the effects of the proposed energy facility on public health and safety;
- 235 8. A description of the portion of the community where the energy facility will be located;
- 236 9. A statement that the proposed energy facility will not commence commercial operation until it
237 complies with applicable state and federal environmental laws;

238 10. A summary of the community outreach and education efforts undertaken by the electric utility or
239 independent power producer, including a description of the public meetings and meetings with elected
240 officials;

241 11. Evidence of consultation, before submission of the application, with the Department of
242 Environmental Quality and the Department of Energy and other relevant state and federal agencies
243 before submitting the application;

- 244 12. Interconnection queue information for the applicable regional transmission entity;
- 245 13. If the proposed site of the energy facility is undeveloped land, a description of feasible
- 246 alternative development locations, including vacant industrial property and brownfields, and an
- 247 explanation of why they were not chosen;
- 248 14. If the energy facility is reasonably expected to have an impact on television signals, microwave
- 249 signals, agricultural global position systems, military defense radar, radio reception, or weather and
- 250 Doppler radar, a plan to minimize and mitigate that impact. Information in the plan concerning military
- 251 defense shall not be disclosed by the Commission or the electric utility or independent power producer;
- 252 15. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at
- 253 the expense of the electric utility or IPP. The applicant shall make reasonable efforts to consult with
- 254 relevant local officials before submitting the application and shall include evidence of those efforts in its
- 255 application;
- 256 16. A fire response plan and an emergency response plan;
- 257 17. A decommissioning plan that is consistent with § 15.2-2241.2. The decommissioning plan shall
- 258 include financial assurance to the locality in the form of a bond, a parent company guarantee, or an
- 259 irrevocable letter of credit, but shall exclude cash. The amount of the financial assurance shall not be
- 260 less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as
- 261 calculated by a third party with expertise in decommissioning, hired by the applicant. However, the
- 262 financial assurance may be posted in increments as follows: (i) at least 25 percent by the start of full
- 263 commercial operation, (ii) at least 50 percent by the start of the fifth year of commercial operation, and
- 264 (iii) 100 percent by the start of the tenth year of commercial operation; and
- 265 18. Other information reasonably required by the Commission.
- 266 B. Within 60 days after receipt of an application, the Commission shall determine whether the
- 267 application is complete. If the Commission determines that the application is incomplete, the
- 268 Commission shall advise the applicant in writing of the information necessary to make the application
- 269 complete. If the Commission fails to timely notify the applicant that an application is incomplete, the
- 270 application is considered to be complete.
- 271 **§ 56-631. Certificate; requirements for approval.**
- 272 A. Upon filing an application with the Commission, the applicant shall make a one-time payment to
- 273 each host locality for an amount determined by the Commission but not more than \$75,000 per host
- 274 locality. Each host locality shall use such funds to cover costs associated with participation in the
- 275 proceeding on the application for a certificate.
- 276 B. Upon filing an application with the Commission, the applicant shall provide notice of the
- 277 opportunity to comment on the application in a form and manner prescribed by the Commission. The
- 278 notice shall be published in a newspaper of general circulation in each host locality or a comparable
- 279 digital alternative. The notice shall be written in plain, nontechnical, and easily understood terms and
- 280 shall contain a title that includes the name of the applicant and the words "NOTICE OF INTENT TO
- 281 CONSTRUCT _____ FACILITY", with the words "WIND ENERGY", "SOLAR ENERGY", or
- 282 "ENERGY STORAGE", as applicable, entered in the blank space. The Commission shall further
- 283 prescribe the format and contents of the notice.
- 284 C. The Commission shall conduct a proceeding on the application for a certificate. A host locality,
- 285 participating property owner, or nonparticipating property owner may intervene by right.
- 286 D. The Commission may assess reasonable application fees to the applicant to cover the
- 287 Commission's administrative costs in processing the application, including costs for consultants to assist
- 288 the Commission in evaluating issues raised by the application. The Commission may retain consultants
- 289 to assist the Commission in evaluating issues raised by the application and may require the applicant to
- 290 pay the cost of the services.
- 291 E. The Commission shall approve the application and issue a certificate or deny the application not
- 292 later than one year after a complete application is filed.
- 293 F. In evaluating the application, the Commission shall consider the feasible alternative development
- 294 locations described under subdivision A 13 of § 56-630, if applicable, and the impact of the proposed
- 295 facility on local land use, including the percentage of land within the locality dedicated to energy
- 296 generation. The Commission may condition its approval of the application on the applicant taking
- 297 additional reasonable action related to the impacts of the proposed energy facility, including (i)
- 298 establishing and maintaining for the life of the facility vegetative ground cover except for any portions
- 299 of an energy facility proposed to be located on brownfield land; (ii) providing for community
- 300 improvements in the host locality; and (iii) making a good-faith effort to maintain and provide proper
- 301 care of the property where the energy facility is proposed to be located during construction and
- 302 operation of the facility.
- 303 G. The Commission shall approve the application and issue a certificate if it determines that:
- 304 1. The public benefits of the proposed energy facility justify its construction. For the purposes of this

305 subdivision, public benefits include expected tax revenue paid by the energy facility to local taxing
 306 districts, payments to owners of participating property, community benefits agreements, local job
 307 creation, and any contributions to meeting identified energy, capacity, reliability, or resource adequacy
 308 needs of the Commonwealth. In determining any contributions to meeting identified energy, capacity,
 309 reliability, or resource adequacy needs of the Commonwealth, the Commission may consider the RPS
 310 Program requirements and the generating and energy storage capacity requirements of § 56-585.5,
 311 integrated resource plans approved pursuant to Chapter 24 (§ 56-597 et seq.), renewable energy plans,
 312 or other proceedings before the Commission, at the applicable regional transmission entity, or before
 313 the Federal Energy Regulatory Commission, as determined relevant by the Commission;
 314 2. The energy facility complies with all applicable state and federal environmental laws;
 315 3. The applicant has considered and addressed impacts to the environment and natural resources,
 316 including sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic
 317 and cultural sites, and threatened or endangered species;
 318 4. The applicant has met the conditions established in § 56-632; and
 319 5. The proposed energy facility does not present an unreasonable threat to public health or safety.
 320 H. An energy facility meets the requirements of subdivision G 5 if it complies with the following
 321 standards, as applicable:
 322 1. For a solar energy facility:
 323 a. The following minimum setback requirements, with setback distances measured from the nearest
 324 edge of the perimeter fencing of the facility: (i) for existing occupied community buildings and dwellings
 325 on nonparticipating properties, a minimum of 300 feet from the nearest point on the outer wall; (ii) for
 326 an existing public road right-of-way, a minimum of 50 feet measured from the nearest edge of a public
 327 road right-of-way; and (iii) for nonparticipating parties, a minimum of 50 feet measured from the
 328 nearest shared property line;
 329 b. Fencing for the solar energy facility complies with the latest version of the National Electric Code
 330 or any applicable successor standard approved by the Commission as reasonable and consistent with
 331 the purposes of this subsection.
 332 c. Solar panel components do not exceed a maximum height of 25 feet above ground when the
 333 arrays are at full tilt.
 334 d. The solar energy facility does not generate a maximum sound in excess of 55 average hourly
 335 decibels as modeled at the nearest outer wall of the nearest existing dwelling located on an adjacent
 336 nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American
 337 National Standards Institute;
 338 e. The solar energy facility will implement dark sky-friendly lighting solutions; and
 339 f. The solar energy facility will comply with any more stringent requirements adopted by the
 340 Commission. Before adopting such requirements, the Commission shall determine that the requirements
 341 are necessary for compliance with state or federal environmental regulations.
 342 2. For a wind energy facility:
 343 a. The following minimum setback distances, measured from the center of the base of the wind
 344 tower: (i) for existing occupied community buildings and dwellings on nonparticipating properties, a
 345 minimum of 2.1 times the maximum blade tip height to the nearest point on the outside wall of the
 346 structure; (ii) for existing dwellings and other structures on participating properties, a minimum of 1.1
 347 times the maximum blade tip height to the nearest point on the outside wall of the structure; (iii) for
 348 nonparticipating property lines, 1.1 times the maximum blade tip height; (iv) for an existing public road
 349 right-of-way, 1.1 times the maximum blade tip height to the center line of the public road right-of-way;
 350 and (v) for existing overhead communication and electric transmission, not including utility service lines
 351 to individual houses or outbuildings, 1.1 times the maximum blade tip height to the center line of the
 352 easement containing the overhead line;
 353 b. Each wind tower is sited such that any existing occupied community building or nonparticipating
 354 residence will not experience more than 30 hours per year of shadow flicker under planned operating
 355 conditions as indicated by industry standard computer modeling;
 356 c. Each wind tower blade tip does not exceed the height allowed under a Determination of No
 357 Hazard to Air Navigation by the Federal Aviation Administration under 14 C.F.R. Part 77;
 358 d. The wind energy facility does not generate a maximum sound in excess of 55 average hourly
 359 decibels as modeled at the nearest outer wall of the nearest existing dwelling located on an adjacent
 360 nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American
 361 National Standards Institute;
 362 e. The wind energy facility is equipped with a functioning light-mitigating technology. To allow
 363 proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with
 364 temporary lighting until the permanent lighting configuration, including the light-mitigating technology,
 365 is implemented. The Commission may approve a temporary exemption from the requirements of this
 366 subdivision e if installation of appropriate light-mitigating technology is not feasible. A request for a

367 temporary exemption shall be in writing and state (i) the purpose of the exemption, (ii) the proposed
 368 length of the exemption, (iii) a description of the light-mitigating technologies submitted to the Federal
 369 Aviation Administration, (iv) the technical or economic reason a light-mitigating technology is not
 370 feasible, and (v) any other relevant information requested by the Commission;

371 f. The wind energy facility meets any standards concerning radar interference, lighting, subject to
 372 subdivision e, or other relevant issues as determined by the Commission; and

373 g. The wind energy facility complies with any more stringent requirements adopted by the
 374 Commission. Before adopting such requirements, the Commission shall determine that the requirements
 375 are necessary for compliance with state or federal environmental regulations.

376 3. For an energy storage facility:

377 a. The following minimum setback requirements, with setback distances measured from the nearest
 378 edge of the perimeter fencing of the facility: (i) for existing occupied community buildings and dwellings
 379 on nonparticipating properties, a minimum of 300 feet from the nearest point on the outer wall; (ii) for
 380 an existing public road right-of-way, a minimum of 50 feet measured from the nearest edge of a public
 381 road right-of-way; and (iii) for nonparticipating parties, a minimum of 50 feet measured from the
 382 nearest shared property line;

383 b. The energy storage facility complies with the most recent version of NFPA 855 "Standard for the
 384 Installation of Stationary Energy Storage Systems" or any applicable successor standard adopted by the
 385 Commission as reasonable and consistent with the purposes of this subdivision;

386 c. The energy storage facility does not generate a maximum sound in excess of 55 average hourly
 387 decibels as modeled at the nearest outer wall of the nearest existing dwelling located on an adjacent
 388 nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American
 389 National Standards Institute;

390 d. The energy storage facility will implement dark sky-friendly lighting solutions; and

391 e. The energy storage facility complies with any more stringent requirements adopted by the
 392 Commission. Before adopting such requirements, the Commission shall determine that the requirements
 393 are necessary for compliance with state or federal environmental regulations.

394 I. The certificate shall identify the location of the energy facility and its nameplate capacity.

395 J. If construction of an energy facility is not commenced within five years after the date that a
 396 certificate is issued or within five years after any applicable appeals are exhausted, whichever is later,
 397 the certificate is invalid. The electric utility or IPP may seek a new certificate for the proposed energy
 398 facility. The Commission may extend the five-year period at the request of the applicant and upon a
 399 showing of good cause without requiring a new contested case proceeding.

400 **§ 56-632. Community agreements.**

401 A. The applicant for a certificate shall enter into a host community agreement with each host
 402 locality. The host community agreement shall require that, upon achieving commercial operation, the
 403 energy facility owner shall pay the host locality \$2,000 per megawatt of nameplate capacity located
 404 within the host locality. The payment shall be used as determined by the host locality.

405 B. If a host locality refuses to enter into a host community agreement after good-faith negotiations
 406 with the applicant, the applicant may enter into a community benefits agreement with one or more
 407 community-based organizations within, or that serve residents of, the host locality. The amount paid by
 408 the applicant under this subsection shall be equal to, or greater than, what the applicant would pay to
 409 the host locality under subsection A. Community benefits agreements shall prioritize benefits to the
 410 community in which the energy facility is to be located.

411 C. A host community agreement or community benefits agreement is legally binding and inures to the
 412 benefit of the parties and their successors and assigns. The Commission shall enforce this requirement,
 413 but not the actual agreements, which are enforceable in a court of competent jurisdiction.

414 **§ 56-633. Completion Report.**

415 Before commencing commercial operations, an applicant shall file a completion report certifying
 416 compliance with the requirements of this act and any conditions contained in the Commission's
 417 certificate.

418 **§ 56-634. Confidentiality.**

419 The Commission shall issue orders necessary to protect the information in an application for a
 420 certificate, or in other documents required by the Commission for the purposes of certification, if the
 421 Commission reasonably finds the information to be confidential.

422 **§ 56-635. Other proceedings.**

423 The Commission may consolidate proceedings under this chapter with other relevant proceedings
 424 including applications for certificates of public convenience and necessity, as determined by the
 425 Commission.

426 **§ 56-636. Effect of chapter on other laws.**

427 A. This chapter shall control in any conflict between this chapter and any other state law.

SB567

8 of 8

428 *B. Notwithstanding any contrary provision of law, general or special, if a certificate is issued for an*
429 *energy facility under this chapter:*

430 *1. The certificate and this chapter shall control over any zoning ordinance, site plan approval,*
431 *building plan approval, local policy, practice, regulation, rule, or other ordinance that prohibits,*
432 *regulates, or imposes additional or more restrictive requirements than those specified in the*
433 *Commission's certificate; and*

434 *2. A zoning ordinance or limitation imposed after the electric utility or IPP submitted the application*
435 *for the certificate to the Commission shall not be construed to limit or impair the construction,*
436 *operation, or maintenance of the energy facility.*

437 *C. If a certificate is not issued, all local policies, practices, regulations, rules, or ordinances relating*
438 *to the siting of energy facilities, including the local zoning authority's power to grant variances, shall*
439 *remain in full force and effect.*

440 *D. Notwithstanding any contrary provision of law, general or special, no local ordinance shall*
441 *prohibit or regulate testing activities undertaken by an electric provider or independent power producer*
442 *for purposes of determining the suitability of a site for the placement of an energy facility.*

443 *E. Except as provided in this section, this chapter shall not exempt an electric utility or IPP to whom*
444 *a certificate is issued from obtaining any other permit, license, or approval to engage in the*
445 *construction or operation of an energy facility that is required by this title or any other state or federal*
446 *law.*

447 *F. Commission approval of a certificate shall not confer the power of eminent domain and shall not*
448 *be considered to be a determination of public use for the purposes of the power of eminent domain.*



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia

RESOLUTION No. 05-2024

A RESOLUTION TO OPPOSE HOUSE BILL 636 (DELEGATE RICHARD C. “RIP” SULLIVAN, JR.) AND SENATE BILL 567 (SENATOR R. CREIGH DEEDS) WHICH GIVES THE VIRGINIA STATE CORPORATION COMMISSION (SCC) THE AUTHORITY TO OVERRIDE LOCAL COMPREHENSIVE PLANS AND ZONING ORDINANCES FOR THE SITING OF UTILITY-SCALE SOLAR, WIND, AND BATTERY STORAGE FACILITIES

WHEREAS, the 2024 Virginia General Assembly has convened to consider the passage of legislation that would amend laws affecting the authority and operation of Virginia local governments; and

WHEREAS, the Board of Supervisors opposes House Bill 636 and Senate Bill 567 which gives the SCC the authority to override local comprehensive plans and zoning ordinances for the siting of utility-scale solar, wind and battery storage facilities; and

WHEREAS, the legislation would allow applicants to essentially bypass the Planning Commission and Board of Supervisors when seeking approval for the siting and operations of solar projects with a rated generation capacity 50 megawatts (MW) or more, wind projects of 100 MW or more, and energy storage facilities of 50 MW or more; and

WHEREAS, the legislation essentially requires one statewide ordinance that defines the parameters of what qualifies as a compatible renewable energy ordinance with specific limitations on what a locality can require regarding facility setbacks, height and other design and operating features; and

WHEREAS, if the locality fails to act on the application within a specified time, or if it denies the application for land use approval, even though such application complies with minimum requirements of the statewide ordinance, then it may apply for approval from the SCC. If the SCC approves the application, then it “shall be exempt from obtaining approvals or permits, including any land use approvals or permits under the regulation and ordinances of the host locality;” and

WHEREAS, local review and approval of utility-scale solar, wind and battery storage projects are necessary to determine if the use and location are consistent with a locality’s land use goals and objectives.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Fluvanna County hereby expresses its opposition of House Bill 636 and Senate Bill 567 which gives the SCC the authority to override local comprehensive plans and zoning ordinances for the siting of utility-scale solar, wind and battery storage facilities.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 7th day of February 2024:

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Christopher Fairchild, Cunningham District | | | | | | |
| D. Mike Goad, Fork Union District | | | | | | |
| Timothy M. Hodge, Palmyra District | | | | | | |
| Anthony P. O’Brien, Rivanna District | | | | | | |
| John M. Sheridan, Columbia District | | | | | | |

Attest:

 Christopher Fairchild, Chair
 Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB H

| | | | | | |
|-----------------------------|--|---------------|------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Resolution opposing House Bill 800 and Senate Bill 713 which shifts make ready costs for broadband expansion to electric cooperatives | | | | |
| MOTION(s): | I move that the Board of Supervisors approve the resolution to oppose House Bill 800 (Delegate Charniele L. Herring) and Senate Bill 713 (Senator David W. Marsden) which shifts make ready costs for broadband expansion to electric cooperatives | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | X | | | |
| STAFF CONTACT(S): | Dan Whitten, County Attorney | | | | |
| PRESENTER(S): | Dan Whitten, County Attorney | | | | |
| RECOMMENDATION: | Approve resolution | | | | |
| TIMING: | Resolution in effect upon adoption | | | | |
| DISCUSSION: | <p>The 2024 Virginia General Assembly has convened to consider the passage of legislation that would amend laws affecting the authority and operation of Virginia local governments. County staff suggests that the Board of Supervisors oppose House Bill 800 and Senate Bill 713 which seeks to shift responsibility for costs associated with “make ready” efforts, which are efforts necessary to prepare existing electrical infrastructure, including poles, for the colocation of fiber and related communications infrastructure necessary to support broadband expansion.</p> <p>The legislation would shift responsibility for these costs to electric cooperatives, and such costs are not necessary to the electrical system. The legislation would require rural ratepayers to foot the bill for broadband construction costs which is inequitable shift from large for-profit companies to individual homes. The electrical cooperatives would be responsible for the cost of pole upgrades in order to accommodate attachments for broadband. Electrical cooperatives do not have excess margins available for unplanned and unnecessary infrastructure upgrades. Accordingly, the legislation will significantly raise utility costs for members of electric cooperatives.</p> | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |

| | | | | | |
|---------------------------|--|---------|------------|----|-------|
| ENCLOSURES: | <ul style="list-style-type: none">• Resolution opposing HB800 and SB713• House Bill 800 and Senate Bill 713 | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | X | | | | |

INTRODUCED

24105075D

HOUSE BILL NO. 800

Offered January 10, 2024

Prefiled January 9, 2024

A *BILL to amend and reenact § 56-466.1 of the Code of Virginia, relating to public service companies; pole attachments; cable television systems and telecommunications service providers.*

Patrons—Herring, Austin, Hayes, Lopez, Clark, Henson, Maldonado, Martinez, Shin, Wiley and Wyatt

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:**1. That § 56-466.1 of the Code of Virginia is amended and reenacted as follows:****§ 56-466.1. Pole attachments; cable television systems and telecommunications service providers.**

A. As used in this section:

"Cable television system" means any system licensed, franchised or certificated pursuant to Article 1.2 (§ 15.2-2108.19 et seq.) of Chapter 21 of Title 15.2 that transmits television signals, for distribution to subscribers of its services for a fee, by means of wires or cables connecting its distribution facilities with its subscriber's television receiver or other equipment connecting to the subscriber's television receiver, and not by transmission of television signals through the air.

"Electric cooperative" means a utility services cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1.

"FCC" means the Federal Communications Commission.

"National electrical safety standards" means standards provided in the National Electrical Safety Code.

"Pole attachment" means any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, right-of-way or similar facility owned or controlled by a public utility.

"Public utility" has the same meaning ascribed thereto in § 56-232.

"Rearrangement" means work ~~performed~~ necessitated solely by and at the request of a telecommunications service provider or cable television system to, on, or in an existing pole, duct, conduit, right-of-way, or similar facility owned or controlled by a public utility that is necessary to make such pole, duct, conduit, right-of-way, or similar facility usable for a pole attachment. "Rearrangement" shall include replacement, necessitated solely by and at the request of a telecommunications service provider or cable television system, of the existing pole, duct, conduit, right-of-way, or similar facility if the existing pole, duct, conduit, right-of-way, or similar facility does not contain adequate surplus space or excess capacity and cannot be rearranged so as to create the adequate surplus space or excess capacity required for a pole attachment.

"Telecommunications service provider" means any public service corporation or public service company that holds a certificate of public convenience and necessity to furnish local exchange telephone service or interexchange telephone service.

B. Upon request by a telecommunications service provider or cable television system to a public utility, both the public utility and the telecommunications service provider or cable television system shall negotiate in good faith to arrive at a mutually agreeable contract for attachments to the public utility's poles by the telecommunications service provider or cable television system. *The terms of such contract shall comply with the orders, rules, and policies of the FCC governing attachments to utility poles, including as provided in 47 C.F.R. § 1.1401 et seq. but excluding FCC rules regarding recurring pole attachment rates or resolutions of disputes by the FCC or its staff.*

C. After entering into a contract for attachments to its poles by any telecommunications service provider or cable television system, a public utility shall permit, upon reasonable *nondiscriminatory* terms and conditions and the payment of *just and* reasonable annual charges and the *reasonable, actual* cost of any required rearrangement, the attachment of any wire, cable, facility, or apparatus to its poles or pedestals, or the placement of any wire, cable, facility, or apparatus in conduit or duct space owned or controlled by it, by such telecommunications service provider or cable television system that is authorized by law, to construct and maintain the attachment, provided that the attachment does not interfere, obstruct, or delay the service and operation of the public utility or create a safety hazard.

D. Notwithstanding the provisions of subsection C, a public utility providing electric utility service may deny access by a telecommunications service provider or cable television system to any pole, duct, conduit, right-of-way, or similar facility owned or controlled, in whole or in part, by such public utility, provided such denial is made on a nondiscriminatory basis on grounds of insufficient capacity or reasons

INTRODUCED

HB800

HB800

2 of 2

59 of safety, reliability, or generally applicable engineering principles. *Insufficient capacity shall not exist if*
60 *an arrangement can be accomplished consistent with national electrical safety standards currently in*
61 *effect or in effect at the time such pole line or other part was constructed.*

62 E. This section shall not apply to any pole attachments *or any public utility* regulated pursuant to 47
63 U.S.C. § 224.

64 F. A public utility shall establish and adhere to pole attachment practices and procedures that
65 comply with FCC rules and policies governing attachments to utility poles, as provided in FCC orders
66 and 47 C.F.R. § 1.1401 et seq. but excluding FCC rules regarding recurring pole attachment rates or
67 resolutions of disputes by the FCC or its staff.

68 G. The Commission is authorized to enforce the provisions of subsections F and H and to determine
69 just and reasonable rates, and terms and conditions of service, excluding safety and debt collection, for
70 attachments to electric cooperative poles by telecommunications service providers or cable television
71 systems if, following good faith negotiations to do so, the parties cannot reach agreement thereon;
72 however, the Commission shall not determine rates or terms and conditions for any existing agreement
73 until it expires or is terminated pursuant to its own terms. The terms of an expired or terminated
74 agreement shall continue to govern while good faith negotiations or Commission review pursuant to this
75 section are pending. Such determinations shall be made in accordance with the following:

76 1. Just and reasonable pole attachment rates and terms and conditions of service to be determined by
77 the Commission shall include, without limitation, rearrangement and make-ready costs, pole replacement
78 costs, and all other costs directly related to pole attachments and maintenance, replacement, and
79 inspection of poles or pole attachments, and right of way maintenance essential to pole attachments,
80 provided, however, that cost recovery for rearrangement, make-ready, and pole replacement shall be
81 addressed in terms and conditions; and shall not also be included in annual rental rates;

82 2. In determining pole attachment rates, the Commission shall consider (i) any effect of such rates on
83 the deployment or utilization, or both, of broadband and other telecommunications services, (ii) the
84 interests of electric cooperatives' members, and (iii) the overall public interest;

85 3. The Commission may develop and utilize alternative forms of dispute resolution for purposes of
86 addressing disputes (i) arising under this subsection and (ii) falling within the scope of the Commission's
87 authority established hereunder;

88 4. *The Commission shall resolve disputes (i) arising under subsections F and H within 120 days and*
89 *(ii) concerning all other matters arising under this section within 90 days;*

90 5. The Commission is authorized to assess reasonable application fees to recover appropriate
91 Commission costs of proceedings arising under this subsection; and

92 ~~5-~~ 6. The Commission is authorized to develop, if necessary, rules and regulations, including a
93 definition of good faith negotiations, to implement this section.

94 H. *Notwithstanding any other provision of law, a public utility subject to this section shall not*
95 *apportion to a telecommunications service provider or cable television system the cost of replacing a*
96 *pole that, at the time when such telecommunications service provider or cable television system requests*
97 *to attach to such pole, fails to meet either the current national electrical safety standards or the public*
98 *utility's current specifications. However, such public utility may apportion to a telecommunications*
99 *service provider or cable television system the incremental cost of a taller or stronger pole that is*
100 *necessitated solely by the new facilities of such telecommunications service provider or cable television*
101 *system.*

INTRODUCED

24105000D

SENATE BILL NO. 713

Offered January 19, 2024

A *BILL to amend and reenact § 56-466.1 of the Code of Virginia, relating to public service companies; pole attachments; cable television systems and telecommunications service providers.*

Patrons—Marsden and Bagby

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 56-466.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-466.1. Pole attachments; cable television systems and telecommunications service providers.

A. As used in this section:

"Cable television system" means any system licensed, franchised or certificated pursuant to Article 1.2 (§ 15.2-2108.19 et seq.) of Chapter 21 of Title 15.2 that transmits television signals, for distribution to subscribers of its services for a fee, by means of wires or cables connecting its distribution facilities with its subscriber's television receiver or other equipment connecting to the subscriber's television receiver, and not by transmission of television signals through the air.

"Electric cooperative" means a utility services cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1.

"FCC" means the Federal Communications Commission.

"National electrical safety standards" means standards provided in the National Electrical Safety Code.

"Pole attachment" means any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, right-of-way or similar facility owned or controlled by a public utility.

"Public utility" has the same meaning ascribed thereto in § 56-232.

"Rearrangement" means work ~~performed~~ necessitated solely by and at the request of a telecommunications service provider or cable television system to, on, or in an existing pole, duct, conduit, right-of-way, or similar facility owned or controlled by a public utility that is necessary to make such pole, duct, conduit, right-of-way, or similar facility usable for a pole attachment. "Rearrangement" shall include replacement, necessitated solely by and at the request of a telecommunications service provider or cable television system, of the existing pole, duct, conduit, right-of-way, or similar facility if the existing pole, duct, conduit, right-of-way, or similar facility does not contain adequate surplus space or excess capacity and cannot be rearranged so as to create the adequate surplus space or excess capacity required for a pole attachment.

"Telecommunications service provider" means any public service corporation or public service company that holds a certificate of public convenience and necessity to furnish local exchange telephone service or interexchange telephone service.

B. Upon request by a telecommunications service provider or cable television system to a public utility, both the public utility and the telecommunications service provider or cable television system shall negotiate in good faith to arrive at a mutually agreeable contract for attachments to the public utility's poles by the telecommunications service provider or cable television system. *The terms of such contract shall comply with the orders, rules, and policies of the FCC governing attachments to utility poles, including as provided in 47 C.F.R. § 1.1401 et seq. but excluding FCC rules regarding recurring pole attachment rates or resolutions of disputes by the FCC or its staff.*

C. After entering into a contract for attachments to its poles by any telecommunications service provider or cable television system, a public utility shall permit, upon reasonable *nondiscriminatory* terms and conditions and the payment of *just and* reasonable annual charges and the *reasonable, actual* cost of any required rearrangement, the attachment of any wire, cable, facility, or apparatus to its poles or pedestals, or the placement of any wire, cable, facility, or apparatus in conduit or duct space owned or controlled by it, by such telecommunications service provider or cable television system that is authorized by law; to construct and maintain the attachment, provided that the attachment does not interfere, obstruct, or delay the service and operation of the public utility or create a safety hazard.

D. Notwithstanding the provisions of subsection C, a public utility providing electric utility service may deny access by a telecommunications service provider or cable television system to any pole, duct, conduit, right-of-way, or similar facility owned or controlled, in whole or in part, by such public utility, provided such denial is made on a nondiscriminatory basis on grounds of insufficient capacity or reasons of safety, reliability, or generally applicable engineering principles. *Insufficient capacity shall not exist if*

INTRODUCED

SB713

SB713

2 of 2

59 *an arrangement can be accomplished consistent with national electrical safety standards currently in*
60 *effect or in effect at the time such pole line or other part was constructed.*

61 E. This section shall not apply to any pole attachments *or any public utility* regulated pursuant to 47
62 U.S.C. § 224.

63 F. A public utility not regulated pursuant to 47 U.S.C. § 224 shall establish and adhere to pole
64 attachment practices and procedures that comply with FCC rules and policies governing attachments to
65 utility poles, as provided in FCC orders and 47 C.F.R. § 1.1401 *et seq.* but excluding FCC rules
66 regarding recurring pole attachment rates or resolutions of disputes by the FCC or its staff.

67 G. The Commission is authorized to enforce the provisions of subsections F and H and to determine
68 just and reasonable rates, and terms and conditions of service, excluding safety and debt collection, for
69 attachments to electric cooperative poles by telecommunications service providers or cable television
70 systems if, following good faith negotiations to do so, the parties cannot reach agreement thereon;
71 however, the Commission shall not determine rates or terms and conditions for any existing agreement
72 until it expires or is terminated pursuant to its own terms. The terms of an expired or terminated
73 agreement shall continue to govern while good faith negotiations or Commission review pursuant to this
74 section are pending. Such determinations shall be made in accordance with the following:

75 1. Just and reasonable pole attachment rates and terms and conditions of service to be determined by
76 the Commission shall include, without limitation, rearrangement and make-ready costs, pole replacement
77 costs, and all other costs directly related to pole attachments and maintenance, replacement, and
78 inspection of poles or pole attachments, and right of way maintenance essential to pole attachments,
79 provided, however, that cost recovery for rearrangement, make-ready, and pole replacement shall be
80 addressed in terms and conditions, and shall not also be included in annual rental rates;

81 2. In determining pole attachment rates, the Commission shall consider (i) any effect of such rates on
82 the deployment or utilization, or both, of broadband and other telecommunications services, (ii) the
83 interests of electric cooperatives' members, and (iii) the overall public interest;

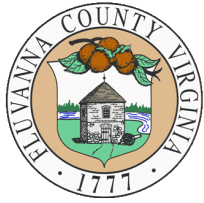
84 3. The Commission may develop and utilize alternative forms of dispute resolution for purposes of
85 addressing disputes (i) arising under this subsection and (ii) falling within the scope of the Commission's
86 authority established hereunder;

87 4. *The Commission shall resolve disputes (i) arising under subsections F and H within 120 days and*
88 *(ii) concerning all other matters arising under this section within 180 days;*

89 5. The Commission is authorized to assess reasonable application fees to recover appropriate
90 Commission costs of proceedings arising under this subsection; and

91 ~~5-~~ 6. The Commission is authorized to develop, if necessary, rules and regulations, including a
92 definition of good faith negotiations, to implement this section.

93 H. *Notwithstanding any other provision of law, a public utility not regulated pursuant to 47 U.S.C.*
94 *§ 224 and subject to this section shall not apportion to a telecommunications service provider or cable*
95 *television system the cost of replacing a pole that, at the time when such telecommunications service*
96 *provider or cable television system requests to attach to such pole, fails to meet either the current*
97 *national electrical safety standards or the public utility's current specifications. However, such public*
98 *utility may apportion to a telecommunications service provider or cable television system the*
99 *incremental cost of a taller or stronger pole that is necessitated solely by the new facilities of such*
100 *telecommunications service provider or cable television system.*



BOARD OF SUPERVISORS

County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 06-2024

A RESOLUTION TO OPPOSE HOUSE BILL 800 (DELEGATE CHARNIELE L. HERRING) AND SENATE BILL 713 (SENATOR DAVID W. MARSDEN) WHICH SHIFTS MAKE READY COSTS FOR BROADBAND EXPANSION TO ELECTRIC COOPERATIVES

WHEREAS, the 2024 Virginia General Assembly has convened to consider the passage of legislation that would amend laws affecting the authority and operation of Virginia local governments; and

WHEREAS, the Board of Supervisors opposes House Bill 800 and Senate Bill 713 which seeks to shift responsibility for costs associated with “make ready” efforts, which are efforts necessary to prepare existing electrical infrastructure, including poles, for the colocation of fiber and related communications infrastructure necessary to support broadband expansion; and

WHEREAS, the legislation would shift responsibility for these costs to electric cooperatives, and such costs are not necessary to the electrical system; and

WHEREAS, the legislation would require rural ratepayers to foot the bill for broadband construction costs which is an inequitable shift from large for-profit companies to individual ratepayers; and

WHEREAS, the electrical cooperatives would be responsible for the cost of pole upgrades in order to accommodate attachments for broadband; and

WHEREAS, the internet service providers or grant dollars should pay for the upgrades to the poles; and

WHEREAS, electrical cooperatives do not have excess margins available for unplanned and unnecessary infrastructure upgrades; and

WHEREAS, the legislation will significantly raise utility costs for members of electric cooperatives.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Fluvanna County hereby expresses its opposition of House Bill 800 and Senate Bill 713 which shifts make ready costs for broadband expansion to electric cooperatives.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 7th day of February 2024:

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Christopher Fairchild, Cunningham District | | | | | | |
| D. Mike Goad, Fork Union District | | | | | | |
| Timothy M. Hodge, Palmyra District | | | | | | |
| Anthony P. O’Brien, Rivanna District | | | | | | |
| John M. Sheridan, Columbia District | | | | | | |

Attest:

Christopher Fairchild, Chair
Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB I

| | | | | | |
|-----------------------------|--|---------------|-------------------------------|----------------|----------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Adoption of the Fluvanna County Board of Supervisors January 17, 2024 Meeting Minutes. | | | | |
| MOTION(s): | I move the meeting minutes of the Fluvanna County Board of Supervisors Regular Meeting on Wednesday January 17, 2024, be adopted. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goals(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | | | XX | |
| STAFF CONTACT(S): | Caitlin Solis, Clerk to the Board | | | | |
| PRESENTER(S): | Eric Dahl, County Administrator | | | | |
| RECOMMENDATION: | Approve | | | | |
| TIMING: | Routine | | | | |
| DISCUSSION: | None. | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | Draft Minutes January 17, 2024. | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | | X |

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
January 17, 2024
Budget Work Session 5:00pm
Regular Meeting 6:00pm**

MEMBERS PRESENT: Chris Fairchild, Cunningham District
Mike Goad, Fork Union District
Timothy M. Hodge, Palmyra District
Tony O’Brien, Rivanna District (*entered meeting at 5:09pm*)
John M. (Mike) Sheridan, Columbia District (*entered meeting at 5:04pm*)

ABSENT: None.

ALSO PRESENT: Eric M. Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Dan Whitten, County Attorney
Caitlin Solis, Clerk for the Board of Supervisors

WORK SESSION – CALL TO ORDER

At 5:02pm, Chair Fairchild called to order the Budget Work Session of January 17, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

FY24 NON-PROFIT BUDGET PRESENTATIONS

- Legal Aid Justice Center*
 - Piedmont Virginia Community College – Dr. Jean Runyon, President and Dr. Scott Jeffries, Vice President of Finance and Administrative Services
 - Hospice of the Piedmont – Sarah-Grace Parr, Director of Donor Services and Business Intelligence Analyst
 - Ready Kids (formerly Children, Youth & Family Services)*
 - Region Ten Community Services Board*
 - Southeast Rural Community Assistance Project, Inc. (SERCAP)*
- *Did not present.

RECESS FOR DINNER AND CLOSED SESSION

CLOSED MEETING

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | At 5:30pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel – Former employee of the Department of Emergency Services, Legal Matters – Background check policy for employees/volunteers. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | | Motion | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | At 6:02pm, move Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session and “BE IT RESOLVED, the Board of Supervisors does hereby certify to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting.” | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

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

At 6:02pm, Chair Fairchild called to order the Regular Meeting of January 17, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- Mr. Dahl asked to move Public Hearings after Presentations on the agenda and move Resolution Authorizing Participation in Application of Aqua Virginia, Inc. for an Increase in Rates ahead of *Amendment to the Board of Supervisors’ Bylaws and Rules of Practice and Procedures.*

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | Accept the Agenda, for the January 17, 2024 Regular Meeting of the Board of Supervisors, as amended. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Second | | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

4 - COUNTY ADMINISTRATOR’S REPORT

Mr. Dahl reported on the following topics:

Announcements and Updates - New Employees

- Benjamin Sheridan, Economic Development, Small Business and Tourism Specialist, Started January 9th

Staff and Community Recognitions

- Fluvanna County Department of Social Services coordinated the Christmas sponsors program again this year. 33 sponsors provided Christmas gifts for 30 seniors and 121 children! A big thanks to Jane Wilson who does a phenomenal job coordinating the program every year and to all of our sponsors.

Tax Help 2024 at the Fluvanna Library

- Fluvanna Library - 214 Commons Blvd, Palmyra, Thursdays (12-4 p.m.) & Saturdays (9-12 noon) By Appointment Only.

SBDC Business Plan 101

- February 20, 2024, from 11:30am to 1:30pm, Class will discuss types of business plan models, components of a business plan, and the importance of a “living” business plan.

SBA Portable Assistance Program

Central Virginia Small Business Development Center, in partnership with the Economic Development Office was one of fifteen in the country selected to receive a \$100,000 grant from the US Small Business Administration’s Portable Assistance Program.

- Fork Union Business Revitalization Strategy – Year One will allow for:
 - a part-time SBDC Business Advisor at Community Center two days a week, to provide business advising and connections to resources
 - a consultant to engage community stakeholders by conducting community meetings to strategize the creation of a Fork Union Revitalization Plan
- If benchmarks are met, grant may be renewed for 2 additional years

NEXT BOS MEETINGS:

| Day | Date | Time | Purpose | Location |
|-----|--------|---------|---|------------------------|
| Wed | Jan 24 | 5:00 PM | BOS Budget Work Session – Non-Profit Presentations | Morris Room |
| Wed | Feb 7 | 5:00 PM | Regular Meeting | Performing Arts Center |
| Wed | Feb 7 | 7:00pm | County Administrator’s FY25 Budget Proposal and Revenue/Expenditure Brief | Performing Arts Center |
| Wed | Feb 21 | 5:00 PM | Budget Work Session – FCPS FY25 Adopted Budget Presentation | Performing Arts Center |

5 - PUBLIC COMMENTS #1

At 6:11pm, Chair Fairchild opened the first round of Public Comments. With no one wishing to speak, Chair Fairchild closed the first round of Public Comments at 6:11pm.

7 - ACTION MATTERS

Resolution Authorizing Participation in Application of Aqua Virginia, Inc. for an Increase in Rates – Dan Whitten, County Attorney

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | Approve the resolution to authorize participation in application of Aqua Virginia, Inc. for an increase in rates, SCC Case No. Pur-2023-00073. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Second | Motion | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

Amendment to the Board of Supervisors’ Bylaws and Rules of Practice and Procedures – Eric Dahl, County Administrator

- The Board agreed to change the start time of the second meeting of the month to 6:00pm and reorder the agenda.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Adopt the 2024 Board of Supervisors’ Bylaws and Rules of Practice and Procedures with the changes as amended. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Second | Motion | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

Reclassification of Two Clerk of the Circuit Court Positions - Tristana Treadway, Clerk of the Circuit Court

This request is to reclassify a Deputy Clerk I to a Deputy Clerk III. This change is necessary based on the change in job duties & requirements. With the current job descriptions, a Deputy Clerk III manages matters pertaining to probate of will, etc. When Ms. Frazier was hired her duties did not include any probate matters. Over the last 2 years she has trained and taken over all probate responsibilities from the Clerk.

In regard to the second request for a Deputy Clerk I to Deputy Clerk II position, given the current job description for a Deputy Clerk I, and the vacancy that has occurred in my office, a Deputy Clerk I position is not adequate to fill the vacant position. Based on the duties performed by the Deputy Clerk I who left employ, the duties performed are more accurately reflected by a Deputy Clerk II position.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Approve the re-classification of a Full-time Deputy Clerk I, to a Full Time Deputy Clerk III for the Clerk of the Circuit Court’s office. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Motion | Second | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | Approve the re-classification of a Full-time Deputy Clerk I, to a Full Time Deputy Clerk II for the Clerk of the Circuit Court’s office. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Second | Motion | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

Ambulance CIP Funding for the Department of Emergency Services – Jim True, EMS Supervisor

The Fluvanna County Department of Emergency Services is in need of a newer ambulance, due to the age and condition of the existing fleet and the need for reserves. The County has had to borrow ambulances from other agencies within the last month Due to the current condition of the fleet and numerous ambulances needing to be out for repairs at the same time. A brand new ambulance was approved in the FY23 CIP and has been ordered, with the expected delivery to take place in November 2024.

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | Approve a supplemental appropriation for the Department of Emergency Services for an ambulance purchase in the amount of \$310,000 to purchase a 1-2 year old demo ambulance and power load system, with \$125,907 of funding to come from the Cynthia L. Morgenstern Trust that was transferred to the County, due to the dissolution of Fluvanna County Rescue Squad, Inc. and \$184,093 to come from Unassigned Fund Balance. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Motion | | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

Amended FY25 Budget Calendar – Tori Melton, Finance Director

- Ms. Melton reviewed the changes made to the Budget Calendar. Second BOS meetings of the month start at 6:00pm, January 24, 2024 Budget Work Session – Non Profit Presentations was added, and Budget Work Sessions without Regular meetings will be held at 5:30pm in the Morris Room, County Administration Building.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Approve the Amended FY25 Budget Calendar, as amended. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Motion | | | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

7A – BOARDS AND COMMISSIONS

| | | | | | |
|--|---|----------|---------------------|--------------------|------------------|
| MOTION: | Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s): | | | | |
| BOARD/COMMISSION/COMMITTEE | APPOINTEES | | APPT/ REAPPT | BEGINS TERM | ENDS TERM |
| Thomas Jefferson Water Resources Protection Foundation - Fluvanna Citizen Representative | John Easter (I) | | Reappt | 02/01/2024 | 01/31/2028 |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Motion | | | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

6 - PUBLIC HEARING

AFD 23:01 Creation of Quaint Lea of Nahor Agricultural and Forestal District – Jason Overstreet, Senior Planner
 AFD 23:01 Quaint Lea Nahor– A request to create an Agricultural and Forestal District in the A-1, Agricultural, General District under §3.1-4 on 404 +/- acres and known as Tax Map 16 Section A Parcels 37 and 42; Tax Map 17 Section A Parcel 27. These parcels are generally located on the north and south sides of Nahor Manor Road (SR 636) and east of North Ruritan Drive in the Rural Residential Planning Area and Cunningham Election District.

- Request for the creation of a new Agricultural and Forestal District in the Cunningham election district
- 3 parcels totaling 404 acres in the core (200 required)
- Rural Residential Planning Area
- Ten (10) year review period requested by applicants
- AFD Advisory Committee recommends approval 6-0
- Planning Commission recommends approval 5-0
- Meets all code requirements of Chapter 3.1-5. – Criteria for evaluating application

The existing conditions of the parcels to be included in the Quaint Lea of Nahor Agricultural and Forestal District meet the requirements for designation as an AFD. The creation of AFDs is supported by the Comprehensive Plan. AFDs were, “established to conserve, protect, and encourage the development of agricultural and forestal lands for food and other agricultural and forestal products. The districts conserve and protect agricultural and forestal lands as valued natural and ecological resources that provide open space for watershed protection, wildlife habitat, and aesthetic purposes”. Preservation of land through the creation of the Quaint Lea of Nahor AFD will help to conserve and promote the rural character of the county.

- Mr. Von Ottenritter (Applicant) spoke in favor of the creation of the Quaint Lea of Nahor Agricultural and Forestal District.

At 7:09pm, Chair Fairchild opened the Public Hearing.

- Tom Diggs, 947 Jefferson Dr, spoke in favor of AFD 23:01 Creation of Quaint Lea of Nahor Agricultural and Forestal District.

With no one else wishing to speak, Chair Fairchild closed the Public hearing at 7:10pm.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Approve the ordinance to create AFD 23:01, the creation of the Quaint Lea of Nahor Agricultural and Forestal District to include Tax Map 16 Section A Parcels 37 and 42; Tax Map 17 Section A Parcel 27 totaling 404 +/- acres. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | Second | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

SUP 23:10 Antioch Baptist Church – Jason Overstreet, Senior Planner

SUP 23:10 Antioch Baptist Church – A Special Use Permit request in the A-1, Agricultural, General District to operate a Daycare center under §22-4-2.2 on 9.3 ± acres and known as Tax Map 26 Section A Parcel 15. The existing church is located at 4422 Antioch Road and it is located in the Rural Preservation Area and Cunningham Election District.

- Preschool services for up to 37 children
- Compatible with existing by right uses
- Supported by the Comprehensive Plan
- Strong community support
- Planning Commission recommends approval 5-0
- Required improvements have been completed.
- The Building Official is prepared to issue the necessary A3/E certificate of occupancy required for operation of the facility once ADA door handles are added to the newly installed exterior doors that were required for this use.
- Septic system will be replaced or tied into a new system by 2026. Improvements have been completed to the existing system that will accommodate 39 children and 8 adults. The current system will be monitored

SUP 23:10 Recommended Conditions

- Daycare center hours of operation shall be 7:00 am to 6:00 pm, Monday through Friday.
- The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
- Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

At 7:13pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public hearing at 7:13pm.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Approve SUP 23:10, a request to permit a daycare center with respect to 9.3 ± acres of Tax Map 26 Section A Parcel 15 with the three conditions as described in the staff report. <ol style="list-style-type: none"> 1. Daycare center hours of operation shall be 7:00 am to 6:00 pm, Monday through Friday. 2. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time. 3. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Motion | | Second | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

ZTA 23:01 Marina Point at Lake Monticello, Inc. – Kelly Harris, Assistant County Administrator/Acting Planning Director

Zoning Text Amendment 23:01 Marina Point at Lake Monticello, Inc. – is a request to amend Chapter 22, Zoning, Article 8 of the Fluvanna County Code by the addition of the following text under § 22-8-3 (C):

The permitted residential density for such permitted uses meeting the requirements in 22-8-3(B) shall be between two and nine-tenths (2.9) and five (5.0) units per acre by *special use permit only*.

Current Zoning Ordinance Text

Sec. 22-8-3. - Area and residential density regulations.

(A) The minimum lot area for permitted uses not utilizing central or public water and central or public sewerage systems shall be 87,120 square feet (2 acres). The maximum permitted residential density for such uses shall be one dwelling unit per two acres.

(B) The minimum lot area for permitted uses utilizing both central or public water and central or public sewerage systems shall be fifteen thousand (15,000) square feet. The maximum permitted residential density for such uses shall be two and nine-tenths (2.9) dwelling units per acre

Proposed Zoning Ordinance Text Amendment

Sec. 22-8-3 Area and residential density regulations

Board of Supervisors Minutes

(A) The minimum lot area for permitted uses not utilizing central or public water and central or public sewerage systems shall be 87,120 square feet (2 acres). The maximum permitted residential density for such uses shall be one dwelling unit per two acres.

(B) The minimum lot area for permitted uses utilizing both central or public water and central or public sewerage systems shall be fifteen thousand (15,000) square feet. The maximum permitted residential density for such uses shall be two and nine-tenths (2.9) dwelling units per acre.

(C) The permitted residential density for such permitted uses meeting the requirements in 22-8-3(B) shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.

At 7:42pm, Chair Fairchild opened the Public Hearing.

- Wayne Nye, 176 Village Blvd, spoke in opposition to ZTA 23:01.
- Gary Hannifan, 953 Jefferson Dr, spoke in opposition to ZTA 23:01.
- John Danna, 951 Jefferson Dr, spoke in opposition to ZTA 23:01.
- Steve Smith, 6 Sunset Ct, spoke in opposition to ZTA 23:01.
- Tom Diggs, 947 Jefferson Dr, spoke in opposition to ZTA 23:01.

With no one else wishing to speak, Chair Fairchild closed the Public hearing at 8:04pm.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Finding that the proposed zoning ordinance amendment is not appropriate for the public necessity, convenience and general welfare and is not good zoning practice, I move that the Board of Supervisors deny ZTA 23:01 – An Ordinance to amend Chapter 22 Zoning, Article 8 of the Fluvanna County Code by the addition of the following text under Section 22-8-3(C): The permitted residential density for such permitted uses meeting the requirements in 22-8-3(B) shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Motion | Second | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

SUP 23:07 Marina Point at Lake Monticello, Inc. – Kelly Harris, Assistant County Administrator/Acting Planning Director

ZTA 23:01 Marina Point at Lake Monticello, Inc. was denied, the Board of Supervisors could not move forward with SUP 23:07.

- At 8:28pm, the Mr. Hodge made a motion to take a five minute recess, Mr. Goad seconded with a 5-0 vote.

Amend Section 20-1-5 of the County Code to Authorize the Treasurer to Approve Refunds up to \$10,000 – Dan Whitten, County Attorney
State Authority

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

Proposed amendments

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

Purpose and Reporting of Refund

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

At 8:42pm, Chair Fairchild opened the Public Hearing. With no one wishing to speak, Chair Fairchild closed the Public hearing at 8:42pm.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Approve the ordinance to amend Section 20-1-5 of the Fluvanna County Code to authorize the Treasurer in accordance with Virginia Code Section 58.1-3981(A) to approve refunds up to \$10,000 without the approval of the Board of Supervisors upon certification of the Commissioner of Revenue with the consent of the County Attorney that such refund is the result of an erroneous assessment | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Motion | | | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

There has been an increase in dog related incidents at Pleasant Grove Park over the past few years. This includes issues at the soccer fields, main road around the Pleasant Grove House, trails, and the Library parking lot and entrance area. About 95% of these issues involve a dog off-leash without the owner in sight of the dog to keep the dog under control. Interactions with dogs off-leash is a contributing factor for not getting more visitors to the Park. Parks and Recreation deals with dogs off-leash almost daily while working in the park and on the trails.

The County Attorney has advised that an ordinance for this issue could alleviate the issues and work better than the current policy. There is suggested wording attached to amend the current Fluvanna County Code to clarify that dogs are only allowed off-leash in areas designated by the Board to include certain trails, the dog park, and the dog exercise areas shown on the attached map of the park. The draft ordinance also contains certain exemptions for services dogs, law enforcement dogs, and dogs at county-approved trainings and clinics. After two warnings, there would be a \$50 civil penalty. Signage will be posted at Pleasant Grove Park to inform the public of the designated off-leash areas which will be approved by the Board of Supervisors. The ordinance would be effective 30 days after adoption.

At 8:55pm, Chair Fairchild opened the Public Hearing.

- Patricia Beers Block, 103 Island Hill Rd, spoke in opposition to Section 4-2-5 of the County Code.
- Patricia Grunau, 342 Gravel Rd, spoke in opposition to Section 4-2-5 of the County Code.
- Amy Floyd, 4746 Rolling Road South, spoke in opposition to Section 4-2-5 of the County Code.
- Gary Grunau, 342 Gravel Rd, spoke in opposition to Section 4-2-5 of the County Code.

With no one else wishing to speak, Chair Fairchild closed the Public hearing at 9:08pm.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Approve the ordinance to amend the Fluvanna County Code to enact Section 4-2-5 to prohibit dogs from running unrestricted within the boundaries of property owned, leased, controlled or operated by the County with exemptions for (i) dogs within designated off-leash areas; (ii) service dogs; (iii) law enforcement canines; and (iv) dogs in county approved off-leash events | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Motion | Second | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

8 – PRESENTATIONS

Children’s Services Act Semi-Annual Report – Bryan Moeller, CSA Program Manager

Mr. Moeller presented a mid-year update of the Children’s Services Act program including FY23 Purchase of Services and Total Expenditures, CSA Expenditure History, CSA Expenditures by Month, FY23 Per Capita Spending in the Region, funding increases, CPMT’S long term plan, and legislation changes.

MOTION TO EXTEND

- At 9:57pm, a motion was made to extend the Board of Supervisors meeting.

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | Approve a motion to extend the January 17, 2024 Regular Board of Supervisors meeting to 11:00pm. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Second | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

9 - CONSENT AGENDA

The following items were discussed before approval:

J - *CRMF - CEN-ECSE Playground Accessibility* – Don Stribling, FCPS Executive Director

The following items were approved under the Consent Agenda for January 17, 2024:

- *Minutes of January 3, 2024 Meeting* – Caitlin Solis, Clerk to the Board
- *General Professional Engineering & Architectural Services Term Contract* - Architectural Partners, P.C. – Dan Whitten, County Attorney
- *General Professional Engineering & Architectural Services Term Contract* - Dewberry Engineers Inc. – Dan Whitten, County Attorney
- *General Professional Engineering & Architectural Services Term Contract* - Hurt & Proffitt, Inc. – Dan Whitten, County Attorney
- *General Professional Engineering & Architectural Services Term Contract* - Rummel, Klepper & Kahl, LLP– Dan Whitten, County Attorney

Board of Supervisors Minutes

- *General Professional Engineering & Architectural Services Term Contract* - TRC Engineers Inc. – Dan Whitten, County Attorney
- *Accept Dedication of Utility Easements from ZionsCo, LLC.* – Dan Whitten, County Attorney
- *JPMorgan Chase Bank Debt Proceeds Projects* – Eric Dahl, County Administrator
- *Fire and Rescue CIP Transfer* – Tori Melton, Finance Director
- *Approval of Open Space Agreement for Betty Sue Castle, Trustee of the Betty Sue Castle Trust dated December 22, 1997, and Mark Luther* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Betty Sue Castle, Trustee of the Betty Sue Castle Trust dated December 22, 1997* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Jacob Czajkowski and Nicole Deanne Czajkowski* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Thomas Bryon Sandridge and Cheryl Sandridge* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *CRMF - CEN Fire Controls* – Don Stribling, FCPS Executive Director
- *CRMF - CEN-ECSE Playground Accessibility* – Don Stribling, FCPS Executive Director
- *CRMF - FCHS Pleasant Grove Well* – Don Stribling, FCPS Executive Director

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | Approve the consent agenda, for the January 17, 2024 Board of Supervisors meeting. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Second | | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

10 - UNFINISHED BUSINESS

Speed Cameras – Mr. Sheridan brought up speed cameras in school zones, and asked the Sheriff to speak on the matter. Sheriff Hess offered to ask Blue Line Solutions to visit the county to conduct a speed study in school zones and then give the Board a presentation at a later date.

Solar Work Sessions – The Board discussed solar issues, and the possibility of scheduling an additional Solar Work Session.

- After much discussion, Chair Fairchild relinquished the gavel to Vice Chair Sheridan at 10:42pm so he could make a motion.

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Direct staff to find out everything they can about what the County of Appomattox enacted regarding solar and A1 zoning. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | Motion | Second | | | |
| VOTE: | Yes | Yes | Yes | No | No |
| RESULT: | 3-2 | | | | |

- At 10:45 Vice Chair Sheridan returned the gavel to Chair Sheridan.

11 - NEW BUSINESS

None.

12 - PUBLIC COMMENTS #2

At 10:46pm, Chair Fairchild opened the second round of Public Comments. With no one wishing to speak, Chair Fairchild closed the second round of Public Comments at 10:46pm.

14 - ADJOURN

| | | | | | |
|----------------|--|----------|-----------|-------------|--------------|
| MOTION: | Adjourn the regular meeting of Wednesday, January 17, 2024 at 10:47pm. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | | Second | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

Christopher Fairchild
Chair



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 02-2024

A RESOLUTION AUTHORIZING PARTICIPATION IN APPLICATION OF AQUA VIRGINIA, INC. FOR AN INCREASE IN RATES, SCC CASE NO. PUR-2023-00073

WHEREAS, Aqua Virginia, Inc. (“Aqua”), a state-wide, investor-owned water and sewer utility company, owns and operates several water and wastewater systems in Fluvanna County; and

WHEREAS, Aqua is a utility company whose rates are regulated by the Virginia State Corporation Commission (“Commission”) and has filed a rate case in the Commission, Application of Aqua Virginia, Inc. for an Increase in Rates, Case No. PUR-2023-00073, seeking an increase in water and sewer rates; and

WHEREAS, Aqua is seeking an increase in its water revenues of \$5,214,892 and an increase in wastewater revenues of \$1,696,121, for a combined increase of \$6,911,013; and

WHEREAS, the requested increases constitute an approximate 33.88% increase in water revenues and a 21.08% increase in wastewater revenues, for a combined increase of 29.49% with potentially much greater impacts on certain individual customers in Fluvanna County; and

WHEREAS, this increase in rates would have deleterious effects on the County and its citizens and appears unjustified based on the filings made in the aforementioned case.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fluvanna County:

1. Authorizes and directs the County Attorney to file a Notice of Participation in the aforementioned rate case and to participate therein as a litigant, and to keep the Board informed of the progress of the case;
2. Calls upon the Staff of the Commission and the Office of the Attorney General Office of Consumer Counsel to investigate the application carefully and thoroughly analyze the basis therefor, if any;
3. Authorizes and directs the County Administrator and County Attorney to take or cause to be taken such other and further actions as may be necessary to protect the interest of the County and its citizens in this regard, and to keep the Board informed of the progress of the case regularly; and
4. This Resolution shall be in effect upon adoption.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 17th day of January 2024:

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Christopher Fairchild, Cunningham District | X | | | | | |
| D. Mike Goad, Fork Union District | X | | | | | |
| Timothy M. Hodge, Palmyra District | X | | | | | X |
| Anthony P. O’Brien, Rivanna District | X | | | | X | |
| John M. Sheridan, Columbia District | X | | | | | |

Attest:

Christopher Fairchild, Chair
Fluvanna County Board of Supervisors

**AN ORDINANCE TO APPROVE THE CREATION OF THE QUAINT LEA OF NAHOR
AGRICULTURAL AND FORESTAL DISTRICT**

WHEREAS the owners of certain lands hereinafter described have made written request to create a certain agricultural and forestal district, known as the **Quaint Lea of Nahor** Agricultural and Forestal District; and

WHEREAS the Board has referred such request to the Fluvanna County Planning Commission and the Agricultural and Forestal Districts Advisory Committee for their recommendations; and

WHEREAS the said Commission and Committee, after public notice, public hearing and due deliberation, all in accordance with law, have both recommended that such District be created; and

WHEREAS the Board, after public notice, public hearing and due deliberation in accordance with law approved the said District on **January 17, 2024**; and

NOW THEREFORE BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, in accordance with Virginia Code Section 15.2-4309 and County Code Section 3.1-8, that the action of the Board taken on **January 17, 2024** creating the **Quaint Lea of Nahor** Agricultural and Forestal District, containing approximately **404 +/- acres** and composed of **3** parcels more particularly described on the list of properties below, BE, AND IT IS HEREBY, APPROVED as the **Quaint Lea of Nahor** Agricultural and Forestal District, such approval to be effective as of **January 17, 2024**; and

BE IT FURTHER ORDAINED that the conditions of the said District shall be as set forth in Sec. 3.1-8 of the County Code, and the period before the first review of the district shall be until **January 17, 2034**, a date **10** years from the date of its creation; and

BE IT FURTHER ORDAINED that the Clerk of the Board cause copies hereof to be submitted in accordance with the provisions of Virginia Code Section 15.2-4309(C) and with the provisions of County Code Section 3.1-8(E).

Quaint Lea of Nahor Agricultural and Forestal District property list:

- 126 acres of **Tax Map 16 Section A Parcel 37**
- 120.2 acres of **Tax Map 16 Section A Parcels 42**
- 157.9 acres of **Tax Map 17 Section A Parcel 27**

Adopted this 17th day of January 2024
by the Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
 AGENDA ITEM STAFF REPORT**

TAB J

| | | | | | |
|-----------------------------|--|---------------|-------------------------------|----------------|----------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Adoption of the Fluvanna County Board of Supervisors January 24, 2024 Meeting Minutes. | | | | |
| MOTION(s): | I move the meeting minutes of the Fluvanna County Board of Supervisors Regular Meeting on Wednesday January 24, 2024, be adopted. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goals(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | | | XX | |
| STAFF CONTACT(S): | Caitlin Solis, Clerk to the Board | | | | |
| PRESENTER(S): | Eric Dahl, County Administrator | | | | |
| RECOMMENDATION: | Approve | | | | |
| TIMING: | Routine | | | | |
| DISCUSSION: | None. | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | Draft Minutes January 24, 2024. | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | | X |

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Morris Room, County Administration Bldg.
132 Main St, Palmyra, VA 22963
January 24, 2024
Budget Work Session 5:00pm**

MEMBERS PRESENT:

Chris Fairchild, Cunningham District
Mike Goad, Fork Union District
Timothy M. Hodge, Palmyra District
Tony O’Brien, Rivanna District (*entered meeting at 5:02pm*)
John M. (Mike) Sheridan, Columbia District (*entered meeting at 5:04pm*)

ABSENT:

Caitlin Solis, Clerk for the Board of Supervisors

ALSO PRESENT:

Eric M. Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Dan Whitten, County Attorney

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

At 5:00pm, Chair Fairchild called to order the Budget Work Session of January 24, 2024. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

Non-Profit Budget Presentations

OAR – Jefferson Area Community Corrections – W. Ross Carew III, Executive Director
Thomas Jefferson EMS Council – Peppy Winchel, Executive Director
Child Health Partnership – Jon Nafziger, Executive Director
Foothills Child Advocacy Center – Emily Taylor, Director of Development and Communications
Jefferson Area Board for Aging – JABA – Ginger Dillard, COO & Christina Evans, HR Director
Jaunt, Inc. – Mike Murphy, Interim CEO
Monticello Area Community Action Agency (MACAA) – Sarah Hanks, PhD., Executive Director
Piedmont Housing Alliance – Tasia White, Director of Program Management & Strategic Initiatives
Sexual Assault Resource Agency – Kenna Campfield, Rural Advocate
Shelter for Help in Emergency – Sarah Ellis, Fundraising & Development Coordinator
Fluvanna County Arts Council*
Central Virginia Partnership for Economic Development – Helen Cauthen, President
Community Investment Collaborative – Rosi Beachy, Assistant Director
Virginia Career Works – Piedmont Region – Sarah Morton, Executive Director
Fluvanna Leadership Development Program (FLDP) – Charlie White, Co-Chair
Fluvanna Chamber of Commerce – Christina Monfalcone, President
Rivanna Conservation Alliance – Claire Sanderson, Monitoring Program Manager
Thomas Jefferson Planning District Commission*
Thomas Jefferson Soil & Water Conservation District – Anne Coates, Executive Director
Fluvanna-Louisa Housing Foundation – Dave Vogt, President and Kim Hyland, Executive Director

*Did not present

15 - ADJOURN

| | | | | | |
|----------------|---|----------|-----------|-------------|--------------|
| MOTION: | Adjourn the regular meeting of Wednesday, January 24, 2024 at 9:08pm. | | | | |
| MEMBER: | Mr. Fairchild | Mr. Goad | Mr. Hodge | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | Second | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

Christopher Fairchild
Chair

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB K

| | | | | | |
|-----------------------------|---|---------------|-------------------------------|----------------|----------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Adoption of the Fluvanna County Board of Supervisors November 15, 2023 Amended Meeting Minutes. | | | | |
| MOTION(s): | I move the meeting minutes of the Fluvanna County Board of Supervisors Regular Meeting on Wednesday November 15, 2023, be amended. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goals(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | | | XX | |
| STAFF CONTACT(S): | Caitlin Solis, Clerk to the Board | | | | |
| PRESENTER(S): | Eric Dahl, County Administrator | | | | |
| RECOMMENDATION: | Approve | | | | |
| TIMING: | Routine | | | | |
| DISCUSSION: | After listening to the audio, the November 15, 2023 meeting minutes were updated to include a clarified motion for a solar work session. | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | Amended November 15, 2023 Minutes. | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | | X |

**FFLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
November 15, 2023
Regular Meeting 7:00pm**

MEMBERS PRESENT:

Mozell Booker, Fork Union District, Chair
Patricia Eager, Palmyra District, Vice Chair
John M. (Mike) Sheridan, Columbia District
Tony O’Brien, Rivanna District
Chris Fairchild, Cunningham District

ABSENT:

None.

ALSO PRESENT:

Eric M. Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Dan Whitten, County Attorney
Caitlin Solis, Clerk for the Board of Supervisors

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

At 7:01pm, Chair Booker called to order the Regular Meeting of November 15, 2023. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

- Mr. Dahl asked to add the second solar work session to unfinished business.

| | | | | | |
|----------------|---|------------|---------------|-------------|--------------|
| MOTION: | Accept the Agenda, for the November 15, 2023 Regular Meeting of the Board of Supervisors, as amended. | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | | Motion | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

4 - COUNTY ADMINISTRATOR’S REPORT

Mr. Dahl reported on the following topics:

Announcements and Updates - New Employees

- Joanna Lehtinen, Planning and Zoning, Planner/GIS Technician, Started November 6th
- Patrick McGee, Emergency Services, EMT Basic Life Support (BLS), Started November 6th
- Holly Hilliard, Social Services, Human Services Assistant III , Started November 6th
- Keyara Bolling, Social Services, Benefit Programs Specialist, Started November 6th

Next BOS Meetings

| Day | Date | Time | Purpose | Location |
|-----|--------|---------|--------------------------------|------------------------|
| Mon | Nov 20 | 8:30am | Elected Officials Meeting | Library |
| Wed | Dec 6 | 5:00 PM | Regular Meeting | Performing Arts Center |
| Wed | Dec 20 | 7:00 PM | Regular Meeting | Performing Arts Center |
| Wed | Jan 3 | 5:00 PM | Organizational/Regular Meeting | Performing Arts Center |

5 - PUBLIC COMMENTS #1

At 7:07pm, Chair Booker opened the first round of Public Comments.

- James Shoenster, 843 Jefferson Dr, asked the Board for input on where he can serve the County. With no one else wishing to speak, Chair Booker closed the first round of Public Comments at 7:09pm.

6 - PUBLIC HEARING

None.

7 - ACTION MATTERS

None.

| | | | | | |
|---|---|------------|---------------------|--------------------|------------------|
| MOTION: | Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s): | | | | |
| BOARD/COMMISSION/COMMITTEE | APPOINTEES | | APPT/ REAPPT | BEGINS TERM | ENDS TERM |
| Thomas Jefferson Planning District Commission (TJPDC) – Fluvanna Citizen Representative | Keith Smith (I) | | Reappt | 1/1/2024 | 12/31/2026 |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | | Motion | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

| | | | | | |
|--|---|------------|---------------------|--------------------|------------------|
| MOTION: | Move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointments(s): | | | | |
| BOARD/COMMISSION/COMMITTEE | APPOINTEES | | APPT/ REAPPT | BEGINS TERM | ENDS TERM |
| Social Services Board (SSB) – Palmyra Representative | Martha Brown-Snyder (I) | | Reappt | 1/1/2024 | 12/31/2027 |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Second | Motion | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

8 – PRESENTATIONS

Fluvanna County Facilities and Dogs Off-leash – Aaron Spitzer, Director of Parks and Recreation and Dan Whitten, County Attorney

- Over the past several years, the number of dogs running off-leash in Pleasant Grove Park has gotten out of control. We are starting to get many complaints about patrons on the trail being bitten by a dog off leash with the owner not in the vicinity.
- We have also been getting complaints about situations with individuals with multiple dogs on trails that are off leash and not in their view.
- We have been getting many complaints about dogs on/around soccer fields at Pleasant Grove Park while children are practicing and playing.
- The Library has started to become a big problem as well as patrons using the trail access there are letting their dogs out of the vehicle running free around children and adults causing issues with bites and frightened patrons.
- Another issue that has started to arise this year is patrons of the park taking their dogs inside of buildings with others in the building whom are frightened of dogs, especially when they are trapped and can’t get out away from the dog.
- With our current policy, we are unable to enforce any offenses with dogs off leash except to charge the owners with “trespassing” in accordance with Virginia Code 18.2-119 which is a class 1 misdemeanor.
- If there were to be an ordinance for County property then there would be more enforcement with possible civil penalties.

Proposed New Ordinance Restrictions

- No dog shall run unrestricted, as defined in this section, on County property.
- “Unrestricted” means not under the control of the owner or his agent either by leash, cord, chain, or primary enclosure when off the property or premises of the owner or custodian. An electronic device does not qualify as a leash, cord or chain.
- Any person who is the owner or custodian of a dog found unrestricted in the County shall be in violation of this section.
- Any dog found unrestricted shall be impounded, except that if the rightful owner of the dog can be immediately ascertained and located, then that owner shall be allowed to have custody of the animal, but may be subject to issuance of a civil penalty for violation of this Section.

Proposed New Ordinance Exemptions

- 1) Service dogs whose handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe effective performance of work or tasks.

Board of Supervisors Minutes

- 2) Law Enforcement Dogs
- 3) Dogs within county-designated, off-leash trails, dog park and exercise areas.
- 4) County approved event including obedience training class or show, agility training or field trials, or similar activity where dogs are under the control of the owner or custodian.

Proposed New Ordinance Penalties

- A violation of this section is punishable through a civil penalty of twenty-five dollars (\$25.00) for the first offense, and fifty dollars (\$50.00) for second and subsequent offenses.
 - The Board of Supervisors directed staff to proceed with the new ordinance.

Short-Term Rental Ordinance – Eric Dahl, County Administrator and Dan Whitten, County Attorney
Fluvanna County does not have a short-term rental ordinance enacted. Fluvanna County currently permits the rental of rooms to tourists as a part of our Home Occupation zoning ordinance definition. The Home Occupation definition is summarized as an accessory use of a dwelling unit and/or an accessory structure for gainful employment involving the production, provision, or sale of goods and/or services, which is clearly incidental to or secondary to the residential use of a parcel. Home occupations shall include the rental of rooms to tourists. Home occupations must be conducted in accordance with all applicable federal, state and local statutes and regulatory requirements. (The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit) taken from Section 22-17-19 Home Occupation – General Standards (included in as an enclosure) which limits a Home Occupation to 25% of the home.

Currently, short-term rental of an entire house is not permitted; however, a property owner could rent out one room of their home, provided that a member of the household is on the premises; and the rental of room(s) was mainly intended to provide short term stays of visiting tourists. If a homeowners’ association does not permit short-term rentals in their covenants, then it would not be allowed.

9 - CONSENT AGENDA

The following items were discussed before approval:

The following items were approved under the Consent Agenda for November 15, 2023:

- *Minutes of November 1, 2023* – Caitlin Solis, Clerk to the Board
- *Approval of Open Space Agreement for Janet Green* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Agreement for Franklin Keith Jones* – Andrew M. Sheridan, Jr., Commissioner of the Revenue

| | | | | | |
|----------------|---|------------|---------------|-------------|--------------|
| MOTION: | Approve the consent agenda, for the November 15, 2023 Board of Supervisors meeting. | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | | | | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

10 - UNFINISHED BUSINESS

Second Solar Work Session – Eric Dahl, County Administrator

Mr. Dahl asked the Board of Supervisors for guidance with the timing of the second solar work session. After much discussion, the Board agreed to allow additional solar work sessions at future meetings.

| | | | | | |
|----------------|--|------------|---------------|-------------|--------------|
| MOTION: | Allow citizen defenders of Fluvanna County to make a 90 minute presentation to at the January 3, 2024 Board of Supervisors work session. | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Second | Motion | | |
| VOTE: | Yes | Yes | Yes | No | Yes |
| RESULT: | 4-1 | | | | |

| | | | | | |
|----------------|---|------------|---------------|-------------|--------------|
| MOTION: | Allow Farm Bureau, Dominion Energy, Cooperative Extension, and any other speaker suggestions from other Board members to make a 90 minute presentation at a future Board of Supervisors work session. | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O’Brien | Mr. Sheridan |
| ACTION: | | Second | | Motion | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

11 - NEW BUSINESS*Planning Commission Appointment*

After some discussion, the Board directed staff to advertise the Fork Union Planning Commission Representative position on the website and appoint the position at the January 3, 2024 meeting.

12 - PUBLIC COMMENTS #2

At 8:59pm, Chair Booker opened the second round of Public Comments.

- James Schoenster, 843 Jefferson Dr, spoke in support of requiring qualifications for speakers who present during work sessions.

With no one else wishing to speak, Chair Booker closed the second round of Public Comments at 8:59pm.

13 - CLOSED MEETING

| | | | | | |
|----------------|--|------------|---------------|-------------|--------------|
| MOTION: | At 8:59pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.7, & A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Litigation – Gate Plaza LLC v. Fluvanna County Board of Supervisors, Legal Matters – Skill Games; Fluvanna Rescue Squad, Inc.; and Israel Resolution. | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Second | Motion | |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

| | | | | | |
|----------------|--|------------|---------------|-------------|--------------|
| MOTION: | At 10:16 pm, move Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session and “BE IT RESOLVED, the Board of Supervisors does hereby certify to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting.” | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | | Motion | Second |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

Donation of Equipment and Funds from Fluvanna Rescue Squad, Inc.

| | | | | | |
|----------------|---|------------|---------------|-------------|--------------|
| MOTION: | Adopt “A RESOLUTION APPROVING DONATION OF FUNDS FROM FLUVANNA RESCUE SQUAD, INC.” | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | | Second | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

Agreement between Fluvanna County and Barbara Wright Goshorn and J. Robert Meceda, Trustees of the Cynthia L. Morgenstern Trust

| | | | | | |
|----------------|--|------------|---------------|-------------|--------------|
| MOTION: | Adopt “A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN FLUVANNA COUNTY AND BARBARA WRIGHT GOSHORN AND J. ROBERT MECEDA, TRUSTEES OF THE CYNTHIA L. MORGENSTERN TRUST” | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | | Second | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

14 - ADJOURN

| | | | | | |
|----------------|---|------------|---------------|-------------|--------------|
| MOTION: | Adjourn the regular meeting of Wednesday, November 15, 2023 at 10:20pm. | | | | |
| MEMBER: | Mrs. Booker | Mrs. Eager | Mr. Fairchild | Mr. O'Brien | Mr. Sheridan |
| ACTION: | | Second | | | Motion |
| VOTE: | Yes | Yes | Yes | Yes | Yes |
| RESULT: | 5-0 | | | | |

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

Mozell H. Booker
Chair

APPROVED



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 38-2023

**A RESOLUTION APPROVING DONATION OF FUNDS
FROM FLUVANNA RESCUE SQUAD, INC.**

WHEREAS, Fluvanna Rescue Squad, Inc. wishes to contribute Eight Thousand Six Hundred and Eighteen Dollars and Fifty-One Cents (\$8,618.51) in funds (“Funds”) to the County; and

WHEREAS, the County is authorized under Virginia Code Section 15.2-951 and Virginia Code Section 44-146.27(C) to accept the donation of the Funds; and

WHEREAS, the County desires to accept the donation of the Funds; and

WHEREAS, the County appreciates the generosity of the Fluvanna Rescue Squad, Inc.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Fluvanna County that the County accepts the donation of the Funds from the Fluvanna Rescue Squad, Inc. for the use by the Fluvanna County Department of Emergency Services.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 15th day of November 2023:

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Mozell H. Booker, Fork Union District | X | | | | | |
| Patricia B. Eager, Palmyra District | X | | | | | |
| Christopher Fairchild, Cunningham District | X | | | | | |
| Anthony P. O’Brien, Rivanna District | X | | | | | X |
| John M. Sheridan, Columbia District | X | | | | X | |

Attest:

Mozell H. Booker, Chair
Fluvanna County Board of Supervisors



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 39-2023

A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN FLUVANNA COUNTY AND BARBARA WRIGHT GOSHORN AND J. ROBERT MECEDA, TRUSTEES OF THE CYNTHIA L. MORGENSTERN TRUST

WHEREAS, the agreement (“Agreement”) is among the County of Fluvanna, Virginia (“County”) and Barbara Wright Goshorn and J. Robert Meceda, Trustees (“Trustees”) of the Cynthia L. Morgenstern Trust (“Trust”); and

WHEREAS, the Agreement allows for a final distribution (“Distribution”) in the amount of \$125,907.29 from the Trust to the County; and

WHEREAS, the Trustees desire to make the Distribution to the Department of Emergency Medical Services under the County; and

WHEREAS, the County agrees to accept the Distribution and to apply the Distribution to capital improvement purchases for the Department of Emergency Medical Services in memory of Cynthia L. Morgenstern.

NOW, THEREFORE, BE IT RESOLVED, that the Fluvanna County Board of Supervisors accepts the Agreement and that the County Administrator is directed to execute the Agreement subject to approval as to form by the County Attorney.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors at a meeting of the Board held on the 15th day of November 2023:

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--|-----|-----|---------|--------|--------|--------|
| Mozell H. Booker, Fork Union District | X | | | | | |
| Patricia B. Eager, Palmyra District | X | | | | | X |
| Christopher Fairchild, Cunningham District | X | | | | | |
| Anthony P. O’Brien, Rivanna District | X | | | | | |
| John M. Sheridan, Columbia District | X | | | | X | |

Attest:

Mozell H. Booker, Chair
Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
 AGENDA ITEM STAFF REPORT**

TAB L

| | | | | | |
|-----------------------------|--|---------------|-------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Approval of Open Space Agreement for April Mae Baber | | | | |
| MOTION(s): | I move to approve the open space agreement for April Mae Baber for tax map parcel 12-A-38; agreement shall remain in effect for a term of five (5) consecutive years. | | | | |
| BOS GOALS? | Yes | No | If yes, which goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | | | X | |
| STAFF CONTACT(S): | Andrew M. Sheridan, Jr., Commissioner of the Revenue | | | | |
| PRESENTER(S): | Andrew M. Sheridan, Jr., Commissioner of the Revenue | | | | |
| RECOMMENDATION: | Approval | | | | |
| TIMING: | Immediate | | | | |
| DISCUSSION: | This property qualifies for an open space agreement with Fluvanna County in accordance with Code Section 58.1-3230 et. seq. of the Virginia State Code. | | | | |
| FISCAL IMPACT: | None | | | | |
| POLICY IMPACT: | In accordance with Section 58.1-3230 et. seq. of Virginia State Code. | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | - April Mae Baber’s executed open space agreement - Map of tax map parcel 12-A-38 | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | | |

Prepared by (Landowner's name and address):

Baber, April Mae

4442 Dogwood Drive

Palmyra, VA 22963

Tax Map Parcel: 12-A-38

Return to: County of Fluvanna
132 Main Street
Palmyra, VA 22963

This instrument is exempt from Clerk's fees pursuant to Virginia Code Sections 17.1-266 and 17.1-279(E)



OPEN SPACE USE AGREEMENT

THIS AGREEMENT, made this 12 day of Jan, 2024, by and between April Mae Baber, party(ies) of the first part, hereinafter called the Grantor (whether one or more), and the COUNTY OF FLUVANNA, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter called the County:

WITNESSETH

WHEREAS, the Grantor owns certain real estate, described below, hereinafter called the Property; and

WHEREAS, the County is the local governing body having real estate tax jurisdiction over the Property; and

WHEREAS, the County has determined:

- A. That it is in the public interest that the Property should be provided or preserved for conservation of agricultural and forestal land and of wildlife; and
- B. That the Property meets the applicable criteria for real estate devoted to open-space use as prescribed in Article 4 (Section 58.1-3230 et. seq.) of Chapter 32 of Title 58.1 of the

Code of Virginia, and the standards for classifying such real estate prescribed by the Director of the Virginia Department of Conservation and Recreation; and

- C. That the provisions of this agreement meet the requirements and standards prescribed under section 58.1-3233 of the Code of Virginia for recorded commitments by landowners not to change an open-space use to a non-qualifying use; and

WHEREAS, the Grantor is willing to make a written recorded commitment to preserve and protect the open-space uses of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment, and the Grantor has submitted an application for such taxation to the Commissioner of the Revenue of the County pursuant to Section 58.1-3234 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code; and

WHEREAS, the County is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Grantor's commitment to preserve and protect the open-space uses of the property, and on the condition that the Grantor's application is satisfactory and that all other requirements of Article 4, Chapter 32, Title 58.1 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code are complied with.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual benefits, covenants and terms herein contained, the parties hereby **COVENANT** and **AGREE** as follows:

- 1. This agreement shall apply to all the following described real estate:

Tax Map Parcel: 12-A-38 (17.42 acres)

- 2. The Grantor agrees that during the term of this agreement:
 - A. There shall be no change in the use or uses of the Property that exist as of the date of this agreement to any use that would not qualify as open-space use. The qualifying use for the Property is conservation of agricultural and forestal land and of wildlife.
 - B. There shall be no display of billboards, signs or other advertisements on the property except to (i) state solely the name of the Grantor and the address of the Property, (ii) advertise the sale or lease of the Property, (iii) advertise the sale of goods or services produced pursuant to the permitted use of the Property, or (iv) provide warnings. No sign shall exceed four feet by four feet.
 - C. There shall be no construction, placement or maintenance of any structure on the Property unless such structure is either:
 - 1) on the Property as of the date of this agreement; or
 - 2) related to and compatible with the open-space uses of the Property which this agreement is intended to protect or provide for.

- D. There shall be no dumping, storage, or accumulations of trash, garbage, ashes, waste, junk, abandoned property or other unsightly or offensive material on the Property.
 - E. There shall be no filling, excavating, mining, drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials which alters the topography of the Property, except as required in the construction of permissible building structures and features under this agreement.
 - F. There shall be no construction or placement of fences, screens, hedges, walls or other similar barriers which materially obstruct the public's view of scenic areas of the Property.
 - G. There shall be no removal or destruction of trees, shrubs, plants and other vegetation, except that the Grantor may: (1) engage in agricultural, horticultural or silvicultural activities, provided that there shall be no cutting of trees, other than selective cutting and salvage of dead or dying trees, within 100 feet of a scenic river, a scenic highway, a Virginia Byway or public property listed in the approved State Comprehensive Outdoor Recreation Plan (Virginia Outdoors Plan); and (2) remove vegetation which constitutes a safety, a health or an ecological hazard, e.g., vegetation classified as a noxious weed pursuant to the Code of Virginia (1950), as amended.
 - H. There shall be no alteration or manipulation of natural water courses, shores, marshes, swamps, wetlands or other water bodies, nor any activities or uses which adversely affect water quality, level or flow.
 - I. On areas of the Property that are being provided or preserved for conservation of land, floodways or other natural resources, or that are to be left in a relatively natural or undeveloped state, there shall be no operation of dune buggies, all-terrain vehicles, motorcycles, motorbikes, snowmobiles or other motor vehicles, except to the extent necessary to inspect, protect or preserve the area.
 - J. There shall be no industrial or commercial activities, conducted on the Property, except for the continuation of agricultural, horticultural or silvicultural activities; or activities that are conducted in a residence or an associated outbuilding such as a garage, smokehouse, small shop or similar structure which is permitted on the property.
 - K. There shall be no separation or split-off of lots, pieces or parcels from the Property. The Property may be sold or transferred during the term of this agreement only as the same entire parcel that is the subject of this agreement, provided, however, that the Grantor may grant to a public body or bodies open-space, conservation or historic preservation easements which apply to all or part of the Property.
3. This agreement shall be effective upon acceptance by the County, provided, however, that the real estate tax for the Property shall not be extended on the basis of its use value until the next succeeding tax year following timely application by the Grantor for the use assessment and taxation in accordance with Section 20-4-2(d) of the Fluvanna County Code. Thereafter, this agreement shall remain in effect for a term of 5 years () consecutive tax years.

4. Nothing contained herein shall be construed as giving to the public a right to enter upon or to use the Property or any portion thereof, except as the Grantor may otherwise allow, consistent with the provisions of this agreement.
5. The County shall have the right at all reasonable times to enter the Property to determine whether the Grantor is complying with the provisions of this agreement.
6. Nothing in this agreement shall be construed to create in the public or member thereof a right to maintain a suit for any damages against the Grantor for any violation of this agreement.
7. Nothing in this agreement shall be construed to permit Grantor to conduct any activity or to build or maintain any improvement which is otherwise prohibited by law.
8. If any provision of this agreement is determined to be invalid by a court of competent jurisdiction, the remainder of the agreement shall not be affected thereby.
9. The provisions of this agreement shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.
10. Words of one gender used herein shall include the other gender, and words in the singular shall include words in the plural, whenever the sense requires.
11. This agreement may be terminated in the manner provided in Section 15.2-4314 of the Code of Virginia for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.
12. Upon termination of this agreement, the Property shall thereafter be assessed and taxed at its fair market value, regardless of its actual use, unless the County determines otherwise in accordance with applicable law.
13. Upon execution of this agreement, it shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia, at the Grantor's expense. The Grantor, as evidenced by the Grantor's signature below, hereby authorizes the County to deliver this agreement to the Clerk's Office for recordation.
14. NOTICE: WHEN THE OPEN SPACE USE OR USES BY WHICH THE PROPERTY QUALIFIED FOR ASSESSMENT AND TAXATION ON THE BASIS OF USE CHANGES TO A NONQUALIFYING USE OR USES, OR WHEN THE ZONING FOR THE PROPERTY CHANGES TO A MORE INTENSIVE USE AT THE REQUEST OF THE GRANTOR, THE PROPERTY, OR SUCH PORTION OF THE PROPERTY WHICH NO LONGER QUALIFIES SHALL BE SUBJECT TO ROLLBACK TAXES IN ACCORDANCE WITH SECTION 58.1-3237 OF THE CODE OF VIRGINIA. THE GRANTOR SHALL BE SUBJECT TO ALL OF THE OBLIGATIONS AND LIABILITIES OF SAID CODE SECTION.

Witness the following duly authorized signatures and seals.

April Baber (SEAL)
Landowner

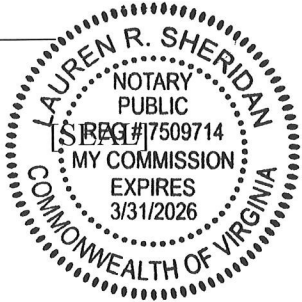
STATE OF Virginia

CITY/COUNTY OF Fluvanna, to-wit:

The foregoing instrument was acknowledged before me this 12th day of January,
2024, by April Mae Baber.

Lauren R. Sheridan
Notary Public

My commission expires: 3/31/2026
Notary registration number: 7509714



Landowner (SEAL)

STATE OF _____

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
_____, by _____.

Notary Public

[SEAL]

My commission expires:
Notary registration number:

COUNTY OF FLUVANNA, VIRGINIA

By: _____ (SEAL)
County Administrator

STATE OF VIRGINIA

COUNTY OF FLUVANNA, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
_____, by Eric M. Dahl, County Administrator, on behalf of the County of Fluvanna, Virginia.

Notary Public

[SEAL]

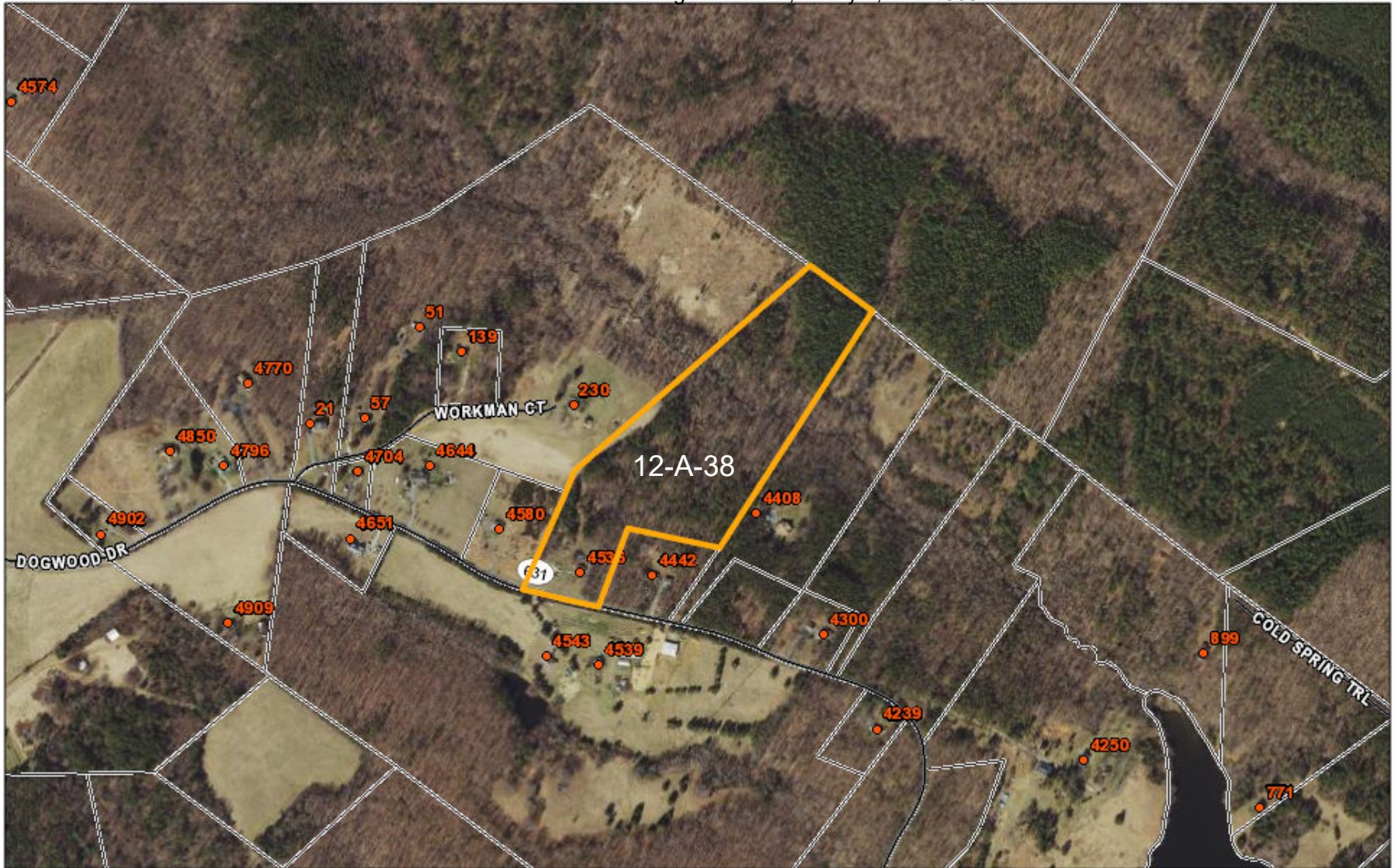
My commission expires:
Notary registration number:

Approved as to form:

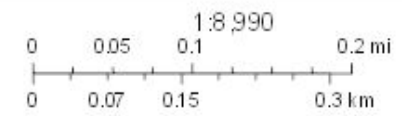
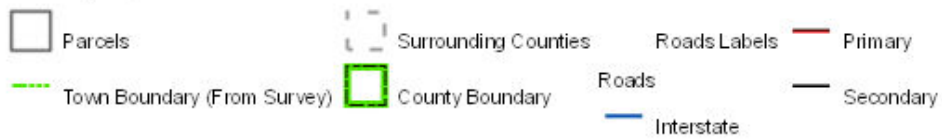
Fluvanna County Attorney

Fluvanna County, VA WebGIS Parcels - PIN: 12 A 38

Parcel located at 4442 Dogwood Drive, Palmyra, VA 22963



January 12, 2024



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Virginia Geographic Information Network (VGIN)

**FLUVANNA COUNTY BOARD OF SUPERVISORS
 AGENDA ITEM STAFF REPORT**

TAB M

| | | | | | |
|-----------------------------|---|---------------|-------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Resolution to Assign a Road Name: Carols Lane | | | | |
| MOTION(S): | I move the Board of Supervisors adopt a Resolution to Assign a Road Name: Carols Lane, to the private road in Carol Farm subdivision. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, which goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Presentation | Action Matter | Public Hearing | Consent Agenda | Other |
| | | | | X | |
| STAFF CONTACT(S): | Jason Overstreet, Senior Planner/Acting Zoning Administrator | | | | |
| PRESENTER(S): | Kelly Harris, Assistant County Administrator | | | | |
| RECOMMENDATION: | Approval | | | | |
| TIMING: | Normal | | | | |
| DISCUSSION: | The private road serving Carol Farm subdivision has had a third residence added requiring that the road be named. The name of the road was approved by the recordation of the subdivision plat according to Sec. 18-2(b). | | | | |
| FISCAL IMPACT: | None | | | | |
| POLICY IMPACT: | None | | | | |
| LEGISLATIVE HISTORY: | Sec. 18-2. - Naming of streets, roads and alleys. (A) The Board of Supervisors may, from time to time, by resolution, name streets, roads and alleys within the County. Such names shall take precedence over any other designation except those primary highways conforming to section 33.1-12 of the Code of Virginia, and shall be employed in references to property abutting thereon. (B) The name of each street shown on a subdivision plat approved pursuant to Chapter 19: Subdivisions of this Code and subsequently recorded in the office of the clerk of the circuit court shall be deemed to have been approved pursuant to this section. | | | | |
| ENCLOSURES: | Draft Resolution to Assign a Road Name: Carols Lane Recorded Subdivision Plat | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | | |



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia
RESOLUTION No. 08-2024

A RESOLUTION TO ASSIGN A ROAD NAME: Carols Lane

WHEREAS, the E911 emergency system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and,

WHEREAS, a third address has been assigned to the private road serving Carols Farm subdivision which requires that a name be assigned; and,

WHEREAS, Section 18-2 (B) of the Code of Fluvanna provides that the name of each street shown on a subdivision plat approved pursuant to Chapter 19 of the Code of Fluvanna and subsequently recorded in the office of the clerk of the circuit court shall be deemed to have been approved pursuant to this section; and,

WHEREAS, the Board of Supervisors is empowered to name streets, roads and alleys within the County in accordance with Section 18-2 of the Fluvanna County Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fluvanna County pursuant to Section 18-2 of the Fluvanna County Code that the private road located off of Kidds Dairy Road that provides access to Carol Farm subdivision, be named Carols Lane.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors on this 7th day of February 2024.

| | AYE | NAY | ABSTAIN | ABSENT | MOTION | SECOND |
|--------------------------------------|-----|-----|---------|--------|--------|--------|
| Chris Fairchild, Cunningham District | | | | | | |
| John M. Sheridan, Columbia District | | | | | | |
| Mike Goad, Fork Union District | | | | | | |
| Timothy Hodge, Palmyra District | | | | | | |
| Anthony P. O'Brien, Rivanna District | | | | | | |

Attest:

Christopher S. Fairchild, Chair
Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
 AGENDA ITEM STAFF REPORT**

TAB N

| | | | | | |
|-----------------------------|--|---------------|------------------------------|----------------|-------------|
| MEETING DATE: | Feb 7, 2024 | | | | |
| AGENDA TITLE: | Building Official Position Description Update | | | | |
| MOTION(s): | I move the Board of Supervisors to approve the updated position description for the Building Official. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | | | X | |
| STAFF CONTACT(S): | Donna Snow, Director of Human Resources | | | | |
| PRESENTER(S): | Donna Snow, Director of Human Resources | | | | |
| RECOMMENDATION: | Approve | | | | |
| TIMING: | Normal | | | | |
| DISCUSSION: | The requested change is administrative. The Building Official previously reported to the Director of Community Development. A departmental restructuring in January 2024 removed the Building Official from the supervision of the Director of Community Development and placed it under the Assistant County Administrator. | | | | |
| FISCAL IMPACT: | N/A | | | | |
| POLICY IMPACT: | None | | | | |
| LEGISLATIVE HISTORY: | None | | | | |
| ENCLOSURES: | Building Official Position Description – Redline Building Official Position Description - Clean | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | | | | X | COAD |



Fluvanna County, Virginia
Building Inspections Department
Job Description

BUILDING OFFICIAL

| | |
|---------------------|--------------------------------|
| Job Class #: | 2250 |
| Pay Grade: | 25 |
| Category: | Full-Time (with benefits) |
| FLSA Status: | Exempt |
| Reports To: | Assistant County Administrator |

SUMMARY

Performs difficult technical administrative and field work overseeing the compliance and enforcement of state building codes. Serves as a leader and supervisor for all Building Inspections staff. Work is performed under general supervision of the Assistant County Administrator.

ESSENTIAL FUNCTIONS

Planning, coordinating, supervising and participating in building, electrical, mechanical and plumbing inspection activities; reviewing plans; issuing permits; maintaining records and files; preparing reports.

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

- Oversees and participates in the implementation and enforcement of building codes and erosion and sediment control ordinances.
- Develops and implements procedures, policies and process improvements.
- Reviews building and land disturbing plans; enforces building and E&SC regulations relating to new construction; coordinates plan review and inspection activities with architects, developers, and contractors.
- Serves as Erosion and Sediment Control program administrator; reviews bonds for acceptance; releases bonds when projects are complete; issues land disturbing permits and notices of violations; issues stop work orders in coordination E&SC Plans Reviewer.
- Directs, coordinates and participates in inspection, office and field activities.
- Prepares and monitors operating budget.
- Issues building and land disturbance permits; calculates fees.
- Issues notices of violations and stop work orders on building and land disturbing activities.
- Hears and makes investigation of complaints of inspection activities; takes appropriate action.
- Prepares evidence and testifies in court on building and E&SC code violation cases, as required.
- Performs related tasks as required.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

- Thorough knowledge of the principles and practices of building, electrical, plumbing, mechanical inspection
- General knowledge of erosion and sediment control regulations
- Ability to plan, direct and coordinate the various phases of inspection services
- Ability to plan and supervise the work of subordinates

- Ability to establish and maintain effective professional working relationships with associates, contractors, government officials and the general public.
- Ability to present facts and recommendations effectively in oral and written form; firmness and tact in enforcing building codes and erosion and sediment control ordinances.

ACCEPTABLE EDUCATION, EXPERIENCE, AND TRAINING

Minimum

- High School Diploma or equivalent
- Minimum 3-5 years of experience as a building inspector, erosion and sediment control inspector, or in construction management
- Supervisory experience

Preferred

- Bachelor’s Degree in architecture, engineering, building surveying/inspection, or related field.
- Certified Building Official

WORKING CONDITIONS AND PHYSICAL REQUIREMENTS

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects; work requires climbing, balancing, standing, walking, and grasping; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, and hazards. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.

SPECIAL REQUIREMENTS

- Possession of a valid Virginia driver's license
- Must obtain Certified Building Official designation within one year of appointment

POST OFFER REQUIREMENTS

- Criminal Background Check

| Department Head Recommended: | HR Manager Approval as to Form: | County Administrator Recommended: | Board of Supervisors Approved: |
|------------------------------|---------------------------------|-----------------------------------|--------------------------------|
| January 22,2024 | January 22, 2024 | January 22,2024 | February 7, 2024 |



Fluvanna County, Virginia
Building Inspections Department of ~~Community Development~~
Job Description

BUILDING OFFICIAL

| | |
|---------------------|--|
| Job Class #: | 2250 |
| Pay Grade: | 25 |
| Category: | Full-Time (with benefits) |
| FLSA Status: | Exempt |
| Reports To: | Director of Community Development <u>Assistant County Administrator</u> |

SUMMARY

Performs difficult technical administrative and field work overseeing the compliance and enforcement of state building codes. Serves as a leader and supervisor for all Building Inspections staff. Work is performed under general supervision of the ~~Director of Community Development~~ Assistant County Administrator.

ESSENTIAL FUNCTIONS

Planning, coordinating, supervising and participating in building, electrical, mechanical and plumbing inspection activities; reviewing plans; issuing permits; maintaining records and files; preparing reports.

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

- Oversees and participates in the implementation and enforcement of building codes and erosion and sediment control ordinances.
- Develops and implements procedures, policies and process improvements.
- Reviews building and land disturbing plans; enforces building and E&SC regulations relating to new construction; coordinates plan review and inspection activities with architects, developers, and contractors.
- Serves as Erosion and Sediment Control program administrator; reviews bonds for acceptance; releases bonds when projects are complete; issues land disturbing permits and notices of violations; issues stop work orders in coordination E&SC Plans Reviewer.
- Directs, coordinates and participates in inspection, office and field activities.
- Prepares and monitors operating budget.
- Issues building and land disturbance permits; calculates fees.
- Issues notices of violations and stop work orders on building and land disturbing activities.
- Hears and makes investigation of complaints of inspection activities; takes appropriate action.
- Prepares evidence and testifies in court on building and E&SC code violation cases, as required.
- Performs related tasks as required.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

- Thorough knowledge of the principles and practices of building, electrical, plumbing, mechanical inspection
- General knowledge of erosion and sediment control regulations
- Ability to plan, direct and coordinate the various phases of inspection services
- Ability to plan and supervise the work of subordinates

- Ability to establish and maintain effective professional working relationships with associates, contractors, government officials and the general public.
- Ability to present facts and recommendations effectively in oral and written form; firmness and tact in enforcing building codes and erosion and sediment control ordinances.

ACCEPTABLE EDUCATION, EXPERIENCE, AND TRAINING

Minimum

- High School Diploma or equivalent
- Minimum 3-5 years of experience as a building inspector, erosion and sediment control inspector, or in construction management
- Supervisory experience

Preferred

- Bachelor’s Degree in architecture, engineering, building surveying/inspection, or related field.
- Certified Building Official

WORKING CONDITIONS AND PHYSICAL REQUIREMENTS

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects; work requires climbing, balancing, standing, walking, and grasping; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, and hazards. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.

SPECIAL REQUIREMENTS

- Possession of a valid Virginia driver's license
- Must obtain Certified Building Official designation within one year of appointment

POST OFFER REQUIREMENTS

- Criminal Background Check

| Department Head Recommended: | HR Manager Approval as to Form: | County Administrator Recommended: | Board of Supervisors Approved: |
|------------------------------|---------------------------------|-----------------------------------|--------------------------------|
| 12/20/2016 | 2/7/2020 | 12/20/2016 | 12/20/2016 |

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB O

| | | | | | |
|-----------------------------|---|---------------|------------------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Services Term Contract- Sydnor Hydro, Inc. | | | | |
| MOTION(s): | I move the Board of Supervisors approve the Term Contract for services with Sydnor Hydro, Inc. and authorize the County Administrator to execute the Agreement, subject to approval as to form by the County Attorney. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goal(s): | | |
| | | x | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | | | X | |
| STAFF CONTACT(S): | Dan Whitten, County Attorney | | | | |
| PRESENTER(S): | Dan Whitten, County Attorney | | | | |
| RECOMMENDATION: | Recommend approval | | | | |
| TIMING: | Routine | | | | |
| DISCUSSION: | <ul style="list-style-type: none"> ❖ An RFP was issued on December 20, 2023 for As-Needed Water and Wastewater Operators and Management. Task orders would be issued by the County to a provider of such services as services are needed and may include sampling services related to as-needed water and wastewater operators and management or other matters set forth in the RFP. ❖ We received 1 proposal from Sydnor Hydro, Inc. ❖ Sydnor Hydro, Inc. has worked well for staff by providing water operator services in the past. ❖ Term contract will be used by County Staff on an as- needed basis to provide County with As-Needed Water and Wastewater Operators and Management ❖ All task orders will be approved by the board prior to any work being done. ❖ The initial contract term will be for one year with up to four (4) one-year renewal options | | | | |
| FISCAL IMPACT: | ❖ Costs will be based on the attached rates sheet as well as # of hours expected to complete task order. | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | <ul style="list-style-type: none"> ❖ Term Contract with Sydnor Hydro, Inc. ❖ Proposal to include 2024 Rate Sheet | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | X | | X | | |



County of Fluvanna
132 Main Street
P.O. Box 540
Palmyra, VA 22963

January 19th, 2024

Attn: Steven McVey, Purchasing Officer
SMcVey@FluvannaCounty.org
434-591-1937

Subject: RFP #2024-03
As-Needed Water and Wastewater Operators and Management Services

Mr. McVey.

Sydnor Hydro, Inc is pleased to submit this proposal for services to Fluvanna County. Sydnor has been in business for over 130 years offering services to municipalities, industries, and commercial customers. Sydnor brings a strong staff including former regulatory officials to provide water and wastewater services to the county.

An estimate for Task Order Number 1 follows this letter. Estimated costs is \$7,519.60 per month

Please review our attached proposal and let me know if you have any questions.

I am best reached on my cell at 804-363-0174 or by email at JLROYALL@SydnorHydro.Com

Sincerely
Sydnor Hydro, Inc

A handwritten signature in black ink, appearing to read "Jesse L. Royall, Jr.", is written over the typed name and title.

Jesse L. Royall, Jr., P.E.
Executive Vice President



COUNTY OF FLUVANNA, VIRGINIA
Request for Proposals (RFP) #2024-03
As-Needed Water and Wastewater Operators and Management for Fluvanna County Public Works
– Utilities Division and Fork Union Sanitary District
Issue Date: December 20, 2023
Due Date: January 20, 2024 at 2 p.m. local time

Procurement Contact:

County of Fluvanna
 Steven McVey, Purchasing Officer
 132 Main Street
 P.O. Box 540
 Palmyra, VA 22963
 Ph: (434) 591-1937
 Email: smcvey@fluvannacountyv.org

Issuing Department Contact:

Fluvanna County
 Attn: Robert Popowicz,
 Director of Public Utilities
 160 Commons Blvd Palmyra, VA 22963
 Ph: (434) 591-1925
 Email: rpopowicz@fluvannacountyv.org

All sealed proposals shall be turned in no later 2:00 p.m. local time, January 20, 2024. All Proposals that are delivered via mail or are hand delivered must be addressed to the “Procurement Contact” listed above. Any Proposals that are turned in late will be rejected and returned unopened. Any Proposals sent in via facsimile, telephone, or email shall not be considered.

Proposal documents may be picked up at the Fluvanna County Department of Finance located at 132 Main Street, 2nd floor, Palmyra, VA 22963 or by clicking on the following link: <https://www.fluvannacountyv.org/rfps>.

1. PURPOSE AND BACKGROUND

- A. Fluvanna County, a political subdivision of the Commonwealth of Virginia (the “County”) and the Fluvanna County Board of Supervisors (the “Board”) is issuing this Request for Proposal (“RFP”) to establish a term contract with an Offeror(s) (also interchangeably referred to herein as “Contractor(s)”) to provide for as-needed water operator and wastewater operator services for the County’s water and wastewater systems and for the Fork Union Sanitary District’s (“FUSD”) water systems (collectively the “Systems”, and as used herein System includes future systems and extensions of Systems of the County or FUSD) and as needed related services for the Systems and operation thereof, as hereinafter more specifically defined.
- B. The County requires back-up and additional water operator(s) and wastewater operator(s) and related services for Systems from time to time as needed. The County currently has full-time employees in positions as operators, however the County desires to have coverage when existing personnel is on vacation, sick or otherwise unable to perform the duties of their position, in cases of emergency, and in cases where operators employed by the County need additional assistance. In addition, the County anticipates it may put into service in the future additional systems or extensions to Systems adding capacity which would impact on System operations and potentially create the need for additional water operator, wastewater operator or related services. The County desires to purchase certain on-call and as-needed task-based water

Task Order Number 1- Sampling Services

- Sydnor has been performing similar services over the last 18 month.
 - Monthly hours have varied between 34 and 49 hours with an average of 41 hours per month
 - Mileage has varied between 657 miles and 984 miles with an average of 856 miles.

- Using the average hurs and milage and assuming a class 4 operator performs all the work this Tak Order Number 1 would be estimated at
 - 41 hours at \$150.00 per hour = \$6,150.00 per month
 - 856 miles at \$1.60 per mile = \$1,369.60 per month
 - =====
 - **Estimated average monthly cost \$7,519.60 per month**

RFP 2024-03
As-Needed Water and Wastewater Operators and Management for Fluvanna County Public Works
Utilities Division and Fork Union Sanitary District

Project/Account Manager

Jesse L. Royall, Jr, PE
Sydnor Hydro, Inc.
2111 Magnolia Street
Richmond VA, 23223
804-643-2725 x 242
804-363-0174 cell

Sydnor Organization

See attached table for a partial list of Sydnor personnel and their role.

Project Full Specification and Demonstrated History

Sydnor has been in continuous operation since 1889 providing water and wastewater services. In the 1930's Sydnor began constructing, owning, and operating water and wastewater utilities. In the 1990's Sydnor began offering Operational Services. Currently Sydnor Provides Operational and support Services to approximately 70 Water and Wastewater Systems including:

- City of Petersburg
- Powhatan County
- Goochland County
- Charles City County Utilities
- Charles City Schools
- Gloucester Schools
- King William Schools
- Mathews Schools
- Fluvanna County
- Federal Reserve Bank
- Commonwealth of Virginia Facilities

Sydnor has in house staff to

- Operate water and wastewater systems.
- Repair water mains and fire hydrants
- Install new connections.
- Upgrade water and wastewater facilities
- Test fire hydrants
- Perform water quality testing.
- Design improvements to water treatment facilities
- Interface and coordinate with VDH/ODW and DEQ
- Perform water loss analysis.
- Manage System Operations

- Manage Construction Projects

Proposed Sub-Consultants

Sydnor does not anticipate using sub-consultants.

| Sydnor Organization | | |
|----------------------------|----------------------------|--|
| Title | Name | Role |
| Executive Vice President | Jesse L. Royall, Jr., P.E. | Overall Project Management and Oversight |
| Chief Engineer | Tom Hamner, P.E. | Technical Support and Engineering Design Services |
| Senior Utility Engineer | Steve Shaw, P.E. | Engineering Design and Regulator Compliance Oversight |
| Manager of Utilities | Gregg Arrington | Management of Operators, Lead and Copper Compliance and Water Quality Sampling Manager |
| Project Manager | Jeff Bryant | Management and oversight of repair and construction projects |
| Project Manager | Sam Sleem | Management and oversight of repair and construction projects |
| Operator Class 3 | Jesse L. Royall, Jr., P.E. | Wastewater Class 3 Operator |
| Operator Class 4 | Gregg Arrington | Class 4 water operator and Wastewater Operator in Training |
| Operator Class 4 | Chesdan Hayes | Class 4 water operator and Wastewater Operator in Training |
| Operator In Training | Caleb Capps | Water and Wastewater Operator in Training |
| Operator In Training | Brian Dehnert | Water and Wastewater Operator in Training |
| Operator In Training | Casey Miller | Water and Wastewater Operator in Training |
| Plumber | Sam Miller | Pumphouse piping and main repair |
| Plumber | Brian Dehnert | Pumphouse piping and main repair |
| Plumber | Richard Upshaw | Pumphouse piping and main repair |
| Electrician | Gordon Weitz | Electric and Controls Services |
| Electrician | Chris Moore | Electric and Controls Services |

**APPENDIX II
VENDOR DATA SHEET**

Note: The following information is required as part of your response to this solicitation. Failure to complete and provide this sheet may result in finding your bid nonresponsive.

1. Qualification: The vendor must have the capability and capacity in all respects to satisfy fully all of the contractual requirements.

2. Vendor's Primary Contact:

Name: Jesse L. Ryall Phone: 804 643-2725

3. Years in Business: Indicate the length of time you have been in business providing this type of good or service:

100 Years 0 Months

4. Vendor Information:

FIN or FEI Number: 54-1945981 If Company, Corporation, or Partnership

5. Indicate below a listing of at least four (4) current or recent accounts, either commercial or governmental, that your company is servicing, has serviced, or has provided similar goods. Include the length of service and the name, address, and telephone number of the point of contact.

| | |
|--|------------------------------------|
| Company: <u>Grayco Inc</u> | Contact: <u>Russ Haranson</u> |
| Phone: <u>804 359-8444</u> | Email: <u>rharanson@grayco.com</u> |
| Dates of Service: <u>2005 to current</u> | \$\$ Value: <u>\$75,000 Annual</u> |

| | |
|--|--|
| Company: <u>Piedmont Granite</u> | Contact: <u>Kathy Schmepp</u> |
| Phone: <u>434 422 4103</u> | Email: <u>Kathy.Schmepp@DBHDS.Virginia.gov</u> |
| Dates of Service: <u>2015 to current</u> | \$\$ Value: <u>10,000 Annually</u> |

| | |
|--|---|
| Company: <u>Shenandoah Crossing</u> | Contact: <u>Melanie Baker</u> |
| Phone: <u>540 832-9400</u> | Email: <u>Melanie.Baker@Bluegreenwest.com</u> |
| Dates of Service: <u>Nov 2022 to present</u> | \$\$ Value: <u>100,000 Annual</u> |

| | |
|--|--|
| Company: <u>Charles City County</u> | Contact: <u>Monica Duncan</u> |
| Phone: <u>804 652-4730</u> | Email: <u>MDUNCAN@CharlesCityVA.US</u> |
| Dates of Service: <u>2015 to present</u> | \$\$ Value: <u>\$100,000 Per Yr</u> |

I certify the accuracy of this information.

Signed: Jesse Ryall Title: Executive V.P

Date: 1/19/24

PLEASE RETURN THIS PAGE WITH BID SUBMISSION - [REQUIRED]

PROOF OF AUTHORITY TO TRANSACT BUSINESS IN VIRGINIA

THIS FORM MUST BE SUBMITTED WITH YOUR PROPOSAL/BID. FAILURE TO INCLUDE THIS FORM MAY RESULT IN REJECTION OF YOUR PROPOSAL/BID

Pursuant to Virginia Code §2.2-4311.2, an Offeror/Bidder organized or authorized to transact business in The Commonwealth pursuant to Title 13.1 or Title 50 of the Code of Virginia shall include in its proposal/bid the identification number issued to it by the State Corporation Commission ("SCC"). Any Offeror/Bidder that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law shall include in its proposal/bid a statement describing why the Offeror/Bidder is not required to be so authorized. Any Offeror/Bidder described herein that fails to provide the required information shall not receive an award unless a waiver of this requirement and the administrative policies and procedures established to implement this section is granted by the County Administrator, as applicable. If this quote for goods or services is accepted by the County of Fluvanna, Virginia, the undersigned agrees that the requirements of the Code of Virginia Section 2.2-4311.2 have been met.

Please complete the following by checking the appropriate line that applies and providing the requested information. **PLEASE NOTE: The SCC number is NOT your federal ID number or business license number.**

A. Offeror/Bidder is a Virginia business entity organized and authorized to transact business in Virginia by the SCC and such vendor's Identification Number issued to it by the SCC is 05151303.

B. Offeror/Bidder is an out-of-state (foreign) business entity that is authorized to transact business in Virginia by the SCC and such vendor's Identification Number issued to it by the SCC is _____.

C. Offeror/Bidder does not have an Identification Number issued to it by the SCC and such vendor is not required to be authorized to transact business in Virginia by the SCC for the following reason(s):

Please attach additional sheets if you need to explain why such Offeror/Bidder is not required to be authorized to transact business in Virginia.

Legal Name of Company (as listed on W-9) Sydnar Hydro, Inc
Legal Name of Offeror/Bidder Sydnar Hydro, Inc
Date 1/19/24
Authorized Signature Jesse L. Royall, Jr
Print or Type Name and Title Jesse L. Royall, Jr, EXECUTIVE VICE PRESIDENT

PLEASE RETURN THIS PAGE WITH BID SUBMISSION - [REQUIRED]

CERTIFICATION OF NO COLLUSION

The undersigned, acting on behalf of Syndor Hydro Inc does hereby certify in connection with the procurement and proposal to which this Certificate of No Collusion is attached that:

This bid is not the result of, or affected by, any act of collusion with another person engaged in the same line of business or commerce; nor is this bid the result of, or affected by, any act of fraud punishable under Article 1.1 of Chapter 12 of Title 18.1 of the Code of Virginia, 1950, as amended (18.2-498.1 et seq.).

Respectfully submitted this 19 day of January, 2024

Complete if Bidder is an Entity:

WITNESS the following duly authorized signature and seal:

Name of Entity: Syndor Hydro Inc.
By: Jesse L. Royall Jr. (SEAL)
Signature
Print Name: Jesse L. Royall Jr.
Print Title: Executive Vice President

STATE OF Virginia
COUNTY/CITY OF Chesterfield, to-wit:

The foregoing instrument was acknowledged before me this 19th day of January (month), 2024 (year) by Jesse L. Royall Jr. (Print Name), Executive Vice President (Print Title) on behalf of Syndor Hydro, Inc. (Name of Entity).

Wanda C. Pulley [SEAL]
Notary Public

My commission expires: 10/31/2024
Notary registration number: 340394

Complete if Bidder is a Sole Proprietor:

Witness the following signature and seal:

(SEAL)
Signature
Print Name: _____

STATE OF _____
COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____ (month), _____ (year) by _____ (Print Name), a sole proprietor. [SEAL]

Notary Public

My commission expires: _____
Notary registration number: _____

PLEASE RETURN THIS PAGE WITH BID SUBMISSION - [REQUIRED]

OFFEROR STATEMENT

BOS2024-02-07 p.135/162

The undersigned Bidder/Offeror (hereinafter "Bidder") hereby certifies that the Bidder has carefully examined all instructions, plans, conditions, specifications and other documents or items of this Invitation for Bid or Request for Proposals and hereby submits this bid/proposal pursuant to such instructions, plans, conditions, specifications and other documents or items. By submitting a bid/proposal, the Bidder covenants and agrees that he has satisfied himself, from his own investigation of conditions to be met, that he fully understands his obligation and that he will not make any claim for, or have right to cancellation or relief from the resulting contract because of any misunderstanding or lack of information; Certifies and warrants that the Bidder is properly licensed to provide the goods/services specified in the Request for Proposal and has the appropriate License or Certificate and classification(s) required to perform the work included in the scope of the proposal documents, prior to submitting the proposal, in accordance with Title 54.1, Chapter 11 of the Code of Virginia. If any Bidder shall fail to obtain the required license prior to submission of his proposal, he shall be deemed to be in violation of § 54.1-1115 of the Code of Virginia (1950), as amended, and his proposal will not be considered; Bidder further agrees that conditions herein have been carefully read and this proposal is submitted subject to all requirements stated herein. The undersigned hereby acknowledges and agrees, if this proposal is accepted, to furnish all services agreed upon in strict accordance with the contract.

Complete if Bidder is an Entity: WITNESS the following duly authorized signature and seal:

Name of Entity: Sydnor Hydro, Inc.
By: [Signature] (SEAL)
Signature
Print Name: Jesse L. Royall, Jr. Print
Title: Executive Vice President

STATE OF Virginia
COUNTY/CITY OF Chesterfield, to-wit:

The foregoing instrument was acknowledged before me this 19th day of January (month), 2024 (year) by Jesse L. Royall, Jr. (Print Name), Executive Vice President (Print Title) on behalf of Sydnor Hydro, Inc. (Name of Entity).

[Signature] [SEAL]
Notary Public

My commission expires: 10/31/2024
Notary registration number: 340344

Complete if Bidder is a Sole Proprietor: Witness the following signature and seal:

(SEAL)
Signature

Print Name: _____

STATE OF _____
COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____ (month), ____ (year) by _____ (Print Name), a sole proprietor. [SEAL]

Notary Public

My commission expires: _____
Notary registration number: _____

PLEASE RETURN THIS WITH BID SUBMISSION – [REQUIRED]

Exhibit 1

Rate Schedule Form:

The hourly labor rates shall be in the form of a firm price for the entire contract period. The hourly labor rates must include all charges required for performing the services, such as contractor provided tools, equipment, insurance, administrative, travel and all other related costs. Rates must conform to all terms specified in RFP to which this Pricing Worksheet is attached and to the Contract. Charges not specified in the proposal will not be honored.

Regular Rates: Monday through Friday, 7 a.m. to 5 p.m. local time

Overtime Rates (includes Holiday, Non-Regular rates): Federal Holidays, weekends, or Monday through Friday outside of regular rate hours (after 5 p.m. to before 7 a.m. local time)

Please complete for all Labor Types applicable. If Offeror does not provide services from that Labor Type, please write "N/A" for not available. If other Labor Types are offered, please add in "Other" rows below. Insert additional pages if needed.

If Overtime Rates are left blank, then Regular Rates shall apply at all time.

| LABOR TYPE | REGULAR RATE | OVERTIME RATE |
|---|----------------------|----------------------|
| Operator in Charge | \$ 160 ⁰⁰ | \$ 240 ⁰⁰ |
| Water Engineering Technician | 200 ⁰⁰ | \$ 250 ⁰⁰ |
| Class 4 Water Operator | \$ 150 ⁰⁰ | \$ 225 ⁰⁰ |
| Class 3 Water Operator | \$ 160 ⁰⁰ | \$ 240 ⁰⁰ |
| Water Operator Trainee | \$ 110 ⁰⁰ | \$ 165 ⁰⁰ |
| Class 4 Wastewater Operator | _____ | _____ |
| Class 3 Wastewater Operator | \$ 250 ⁰⁰ | \$ 375 ⁰⁰ |
| Wastewater Operator Trainee | 110 ⁰⁰ | \$ 165 ⁰⁰ |
| Other: SENIOR ENGINEER | 250 ⁰⁰ | \$ 375 ⁰⁰ |
| Other: ELEC/CONTROLS MASTER MECHANIC | 130 ⁰⁰ | \$ 195 ⁰⁰ |
| Other: PLUMBER MASTER MECHANIC | 130 ⁰⁰ | \$ 195 ⁰⁰ |
| Other: HELPER | 90 | \$ 135 ⁰⁰ |
| Other: _____ | | |

Mileage Rates, complete if applicable: Pickup Truck @ 1.60/mi

Cannot Conflict with RFP, see Section .

If the Contractor is permitted to do work outside of regular hours at overtime rates on a project then such shall be specifically approved in writing in the Task Order signed by the County.

Other, if applicable: OTHER SERVICES CAN BE
PROVIDED IN ACCORDANCE WITH SUPPLEMENTARY
STANDARD T&M RATES IN EFFECT AT
TIME OF SERVICE

I certify the accuracy of this information.

Signed: [Signature] Title: EXECUTIVE VICE PRESIDENT

Date: 1/19/24

**TERM CONTRACT BETWEEN COUNTY AND
SYDNOR HYDRODYNAMICS FOR SERVICES**

This Term Contract Between COUNTY and Contractor for Services (the “Contract”) dated this ____ day of _____, 2024 is between the **COUNTY OF FLUVANNA** (the “COUNTY”), a political subdivision of the Commonwealth of Virginia and **SYDNOR HYDRO, INC.** (the “CONTRACTOR”), a Virginia corporation, and is binding among and between these parties as of the date of the COUNTY’s signature.

RECITALS:

1. The legal address for the COUNTY and for the Contractor and the addresses for delivery of Notices and other documents related to the administration of this Contract are as follows:

COUNTY:

ATTN: County Administrator
Fluvanna County
P.O. Box 540
Palmyra, VA 22963
Telephone: (434) 591-1910
Facsimile: (434) 591-1911

CONTRACTOR:

Sydnor Hydro, Inc
ATTN: Jesse L. Royall, Jr., Executive Vice President
P.O. Box 27186
Richmond, VA, 23261
Telephone: (804) 643-2725
Facsimile: (804) 788-9058

2. On December 20, 2023, the COUNTY issued Request for Proposals #2019-01 (the “RFP”) for As-Needed Water and Wastewater Operators and Management as more specifically set out in such RFP attached hereto as Exhibit 1, which is incorporated herein as a material part of this Contract. The original proposal submittal by the Contractor to the RFP dated January 19, 2024 (the “Proposal”) is attached hereto as Exhibit 2 and is incorporated herein as a material part of this Contract. All the provisions and requirements, including, but not limited to, the purpose and scope, of the RFP and the Proposal are incorporated herein by reference. Task orders (“Task Orders”) shall be issued by the COUNTY to a provider of such services as services are needed and may include sampling services related to as-needed water and wastewater operators and management or other matters set forth in the RFP. The purposes, functions, criteria and general requirements for the scope of work on the Task Order or particular project will be set forth in a Task Order executed by the COUNTY and the Contractor.

3. The rights and duties of the COUNTY and Contractor applicable to the COUNTY's projects under this Contract are set forth in the following Contract Documents: (i) this Contract including all Task Orders executed under this Contract; (ii) the RFP and all of the terms of the County of Fluvanna General Terms, Conditions and Instructions to Bidders and Contractors; and (iii) the Proposal. In the event of any conflict between the terms of this Contract and any exhibit hereto, the following shall be the order of control in resolving such conflicts (i) controls over (ii) and (iii); and (ii) controls over (iii). Whenever possible the documents shall be read together.

4. One or more Task Orders may be entered into with the Contractor during the contract term ("Contract Term"). Although the potential exists for multiple projects during the Contract Term, the COUNTY does not represent or guarantee that the Contractor will receive one or more task orders during the Contract Term. The COUNTY has no obligation to enter into any task order(s) with the Contractor.

5. The COUNTY specifically reserves the right to procure services that fall within the scope of this Contract from other sources. Without limiting the procurement procedures that may be followed by the COUNTY, the COUNTY may (i) issue RFP's for similar work and other projects as the need may occur; (ii) specifically reserves the right to enter into other term agreements for services similar to this Contract; and (iii) specifically reserves the right to enter into Task Orders with other contractors under term contracts based on its evaluation of each contractor's qualifications, expertise, current workload, capabilities, performance record, locations or distance to the project and other factors as may be pertinent to the particular project.

THEREFORE, in consideration of the Recitals set forth above, and good and valuable consideration as set forth below, the parties agree as follows:

1. Recitals: The Recitals are incorporated herein by reference.
2. Scope of Services: The Contractor agrees that he is willing and able during the Contract term to provide the services ("Services") on an "as needed" basis during the Contract term. The Services may include certain on-call and as-needed task-based water operator and wastewater operator services and related services as more specifically described in the RFP. The purposes, functions, criteria and general requirements for the scope of work on the task or particular project will be set forth in a Task Order issued to the Contractor.
3. Task Orders; Limitation: Individual projects will be negotiated at a lump sum amount or based on hourly rates as set forth in Exhibit 2. The hourly rates set forth in Exhibit 2 shall control for all Task Orders during the Term. Task Orders shall be entered into for each individual project, specifying additional contract terms applicable to the individual project, including but not limited to the following: (i) detailed scope of work for the project; (ii) pricing of the project; (iii) billing schedule for the project (whether periodic or on completed project basis); (iv) timing requirements for project performance; (v) identification of the COUNTY's project manager for the project, to whom invoices and other contacts regarding the specific project shall be directed.
4. Contract Term: This Contract shall be in effect from the date of signature by the COUNTY for a one (1) year period (the "Initial Term"). This Contract shall automatically renew thereafter for

four (4) additional one (1) year terms unless the COUNTY notifies the Contractor prior to the end of the current term that it does not intend to renew this Contract. The Term of the Contract is the Initial Term and all renewals thereof.

In witness whereof the undersigned duly authorized representatives have executed this Contract on the dates set forth beside their respective signatures:

CONTRACTOR:
Sydnor Hydro, Inc.

COUNTY:
County of Fluvanna, a political subdivision of the Commonwealth of Virginia

By: _____ Date: _____ By: _____ Date: _____

Name: _____ Name: _____

Title: _____ Title: _____

APPROVED AS TO FORM:

Fluvanna County Attorney

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB P

| | | | | | |
|-----------------------------|---|---------------|-----------------------|----------------|-------|
| MEETING DATE: | February 7, 2024 | | | | |
| AGENDA TITLE: | Services Term Contract- Sydnor Hydro, Inc. | | | | |
| MOTION(s): | I move the Board of Supervisors approve the Project Agreement #01 for services with Sydnor Hydro, Inc. and authorize the County Administrator to execute the Project Agreement #01, subject to approval as to form by the County Attorney. | | | | |
| BOS 2 YEAR GOALS? | Yes | No | If yes, list goal(s): | | |
| | | X | | | |
| AGENDA CATEGORY: | Public Hearing | Action Matter | Presentation | Consent Agenda | Other |
| | | | | X | |
| STAFF CONTACT(S): | Dan Whitten, County Attorney | | | | |
| PRESENTER(S): | Dan Whitten, County Attorney | | | | |
| RECOMMENDATION: | Recommend approval | | | | |
| TIMING: | Routine | | | | |
| DISCUSSION: | <ul style="list-style-type: none"> ❖ An RFP was issued on December 20, 2023 for As-Needed Water and Wastewater Operators and Management. Task orders would be issued by the County to a provider of such services as services are needed and may include sampling services related to as-needed water and wastewater operators and management or other matters set forth in the RFP. ❖ The Term Contract will be approved at the February 7, 2024 Board meeting. ❖ Sydnor submitted a proposal for a Task Order for monthly water sampling services. ❖ The not to exceed rate will be \$7519.60 per month unless there is prior written approval from the County. | | | | |
| FISCAL IMPACT: | ❖ Costs will be based on the rates sheet in the term contract as well as # of hours expected to complete task order. | | | | |
| POLICY IMPACT: | N/A | | | | |
| LEGISLATIVE HISTORY: | N/A | | | | |
| ENCLOSURES: | <ul style="list-style-type: none"> ❖ Project Agreement 01 with Sydnor Hydro, Inc. ❖ Proposal for the task order | | | | |
| REVIEWS COMPLETED: | Legal | Finance | Purchasing | HR | Other |
| | X | | | | |



County of Fluvanna
132 Main Street
P.O. Box 540
Palmyra, VA 22963

January 19th, 2024

Attn: Steven McVey, Purchasing Officer
SMcVey@FluvannaCounty.org
434-591-1937

Subject: RFP #2024-03
As-Needed Water and Wastewater Operators and Management Services

Mr. McVey.

Sydnor Hydro, Inc is pleased to submit this proposal for services to Fluvanna County. Sydnor has been in business for over 130 years offering services to municipalities, industries, and commercial customers. Sydnor brings a strong staff including former regulatory officials to provide water and wastewater services to the county.

An estimate for Task Order Number 1 follows this letter. Estimated costs is \$7,519.60 per month

Please review our attached proposal and let me know if you have any questions.

I am best reached on my cell at 804-363-0174 or by email at JLROYALL@SydnorHydro.Com

Sincerely
Sydnor Hydro, Inc

A handwritten signature in black ink, appearing to read "Jesse L. Royall, Jr.", is written over the typed name and title.

Jesse L. Royall, Jr., P.E.
Executive Vice President

PROJECT AGREEMENT # 01
SERVICE CONTRACT BETWEEN COUNTY AND SYDNOR HYDRO, INC.

This Project Agreement #01 (the "Project Agreement") made this ___ day of _____, 2024 between Fluvanna County, Virginia (the "County"), a political subdivision of the Commonwealth of Virginia, and Sydnor Hydro, Inc. (the "Contractor"), a Virginia corporation authorized to transact business in Virginia, is an addendum to that TERM CONTRACT BETWEEN COUNTY AND SYDNOR HYDRO, INC. FOR SERVICES dated the ___ day of _____, 2024 (including all exhibits, and as modified by any amendments or addendums thereto the "Agreement"). All defined terms in the Agreement shall have the same meaning in this Project Agreement unless the context used herein requires otherwise.

Whereas, pursuant to the Agreement the County shall issue written task orders to the Contractor as services are needed;

Whereas, the Consultant submitted a proposal letter dated January 19, 2024 (the "Proposal") which is attached hereto as **Exhibit 1** and made a material part hereof;

Whereas, the County desires that the Contractor complete the work and services set forth in the Proposal, including, without limitation, the services ("Services") described therein as:

- Sampling services with monthly hours between 34 and 49 hours with an average of 41 hours.
- Mileage between 657 and 984 miles with an average of 856 miles.

For good and valuable consideration, the parties hereby agree as follows:

ARTICLE I: THE AGREEMENT

The foregoing recitations are incorporated by reference into this Project Agreement.

This Project Agreement is an addendum to and made a material part of the Agreement. The parties hereto agree that except as specifically and expressly modified hereby that Agreement remains in full force and effect and the provisions of the Agreement are incorporated herein and are a material part hereof.

ARTICLE II: TASK ORDER

Contractor shall provide all work and services as needed and necessary or desired to complete Services on the Task Order consistent with all provisions of this Project Agreement, the Proposal and the Agreement.

The County's project manager for technical inquiries relating to this Project Agreement shall be:

Bobby Popowicz, MSML
 Director of Public Utilities
 132 Main Street
 Palmyra, VA 22963
 Phone: (434) 591-1925 Ext. 1051
 E-mail: rbpopowicz@fluvannacounty.org

Billing inquiries should be directed to Steven McVey, Procurement Officer, whose contact information appears below in Article VI.

ARTICLE III: EXHIBITS AND RESOLVING CONFLICTS

The rights and duties of the County and Contractor applicable to the County's projects under this Project Agreement are set forth in the following Agreement Documents:

- i. This Project Agreement;
- ii. Exhibit 1 hereto;
- iii. The Agreement including exhibits thereto; and
- iv. The County of Fluvanna General Terms Conditions and Instructions to Bidders and Contractors, being a portion of Attachment 1 which is attached to and a part of the Agreement.

Whenever possible, the terms of the above Agreement Documents shall be read together, however in the event of a conflict, the order of preference above shall govern which Agreement Document will control. In other words, (i) shall control over (ii) to (iv) above, and (ii) shall control over (iii) and (iv) and so forth.

ARTICLE IV: FEES

The Consultant shall receive up to a not-to-exceed total of SEVEN THOUSAND FIVE HUNDRED AND NINETEEN DOLLARS AND 60/100 (\$7,519.60) per month based on actual time worked; and which shall be payable by the County MONTHLY based on actual time worked upon Final Completion of the Services.

The flat fee is a not-to exceed amount. The hourly fees up to the not-to-exceed total per task shall be payable by the County upon proper invoice by the Consultant as described herein. The Contractor shall submit invoices to the County monthly for services actually rendered on each subtask and upon final completion. The invoice shall describe the services rendered to date with specificity. The Contractor will be paid within forty-five (45) days of receipt of a valid invoice following final acceptance of all work by the County in the County's sole discretion ("Final Completion"). No invoice may be provided by the Contractor to the County until the items or services purchased have been delivered to, inspected by and accepted by the County. In no event shall the fees invoiced or due under this Project Agreement exceed \$7,519.60 per month without prior written approval of the County.

Notwithstanding anything to the contrary contained in the Proposal, the Contractor shall be paid the lower of the hourly rate for the title/type of person actually performing the work set forth in the Proposal hereto or the hourly rate set forth in Exhibit 3 to the Agreement; up to the not-to-exceed fees for the Task Order Services set forth in this Project Agreement. The County shall be billed for increments of an hour based on Contractor's standard procedure except as otherwise required by the Agreement.

The fee includes all fees, costs and charges of any kind to perform all the services and work, including supplying at its own cost and expense any necessary tools, equipment or materials necessary or desirable for completion of the task specified.

ARTICLE V: TERM

Contractor shall with due diligence and dispatch assiduously pursue this Task Order to completion. In any event such Services and work on this Task Order must be completed on a monthly basis to the sole satisfaction of the County and shall continue for twelve (12) months after execution of this Agreement.

ARTICLE VI: MISCELLANEOUS

As appropriate to the context, the singular will include the plural and vice versa, and reference to one gender will include the others. This Project Agreement may be executed in one or more counterparts, each of which will be considered the Project Agreement for all purposes of proof. In addition to allowing electronic signatures upon an electronic copy of this Project Agreement, as provided by Virginia law, facsimile signatures upon any signature page will be considered to be original signatures. This Project Agreement contains the entire understanding of the parties with respect to the subject matter hereof and is to be modified only by a writing signed by the parties to this Project Agreement. This Project Agreement will be binding upon and inure to the benefit of the respective parties and their successors. This Project Agreement is not assignable by either party, except by operation of law. The legal address for the County and for the Contractor and the addresses for delivery of Notices and other documents related to the administration of this Project Agreement are as follows:

County:

ATTN: Steven McVey, Procurement Officer
Fluvanna County
P.O. Box 540
Palmyra, VA 22963
Telephone (434) 591-1937
FAX (434) 591-1931

Consultant:

ATTN: Jesse L. Royall, Jr, PE
Sydnor Hydro, Inc.
2111 Magnolia Street
Richmond, Virginia 23223
Telephone: (804) 643-2725 x 242
Mobile: (804) 363-0174

Any party may substitute another address for the one set forth above by giving a notice in the manner required. Any notice given by mail will be deemed to be received on the fifth (5th) day after deposit in the United States mail. Any notice given by hand will be deemed to be received when delivered. Notice by courier will be deemed to have been received on the date shown on any certificate of delivery.

[Signature page to follow.]

In witness whereof the undersigned duly authorized representatives have executed this Project Agreement on the dates set forth beside their respective signatures.

Consultant:
Sydnor Hydro, Inc.

County:
Fluvanna County:

By: _____

By: _____

Name: _____

Name: Eric M. Dahl

Title: _____

Title: County Administrator

Date: _____

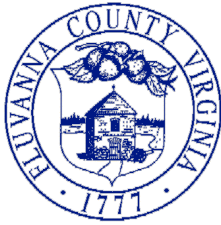
Date: _____

Approved as to form:

By: _____
Fluvanna County Attorney

**FLUVANNA COUNTY BOARD OF SUPERVISORS
MEETING PACKAGE ATTACHMENTS**

| Incl? | Item |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | BOS Contingency Balance Report |
| <input checked="" type="checkbox"/> | Building Inspections Report |
| <input checked="" type="checkbox"/> | Capital Reserve Balances Memo |
| <input type="checkbox"/> | Fluvanna County Bank Balance and Investment Report |
| <input checked="" type="checkbox"/> | Unassigned Fund Balance Report |
| <input type="checkbox"/> | VDOT Monthly Report & 2020 Resurfacing List |
| <input type="checkbox"/> | ARPA Fund Balance Memo |
| <input checked="" type="checkbox"/> | The Board of Supervisors Two Year Plan |



COUNTY OF FLUVANNA

“Responsive & Responsible Government”

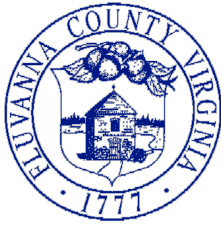
BOS2024-02-07 p.151/162
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

MEMORANDUM

Date: February 7, 2024
From: Theresa McAllister – Management Analyst
To: Board of Supervisors
Subject: FY24 BOS Contingency Balance

The FY24 BOS Contingency line balance is as follows:

| | |
|---|------------------|
| Beginning Original Budget: | \$146,615 |
| Less: Consulting Services Agreement with B.W. Murray, Inc. – Registrar – BOS Approval 07.05.23 | -\$20,000 |
| Less: Agreement with VDOT regarding “Watch for Children” signs – Public Works - BOS Approval 09.20.23 | -850 |
| Less: Annual Card Terminal Fees – Information Technology – BOS Approval 10.04.23 | -2,736 |
| Available: | \$123,029 |



COUNTY OF FLUVANNA

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BOS2024-02-07 p.155/162
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

MEMORANDUM

Date: January 17, 2024
From: Theresa McAllister – Management Analyst
To: Board of Supervisors
Subject: FY24 Capital Reserve Balances

The FY24 Capital Reserve account balances are as follows:

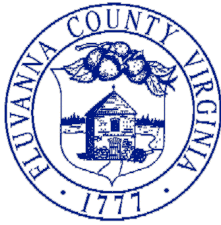
County Capital Reserve:

| | |
|--|---------------------|
| FY23 Carryover | \$540,987.90 |
| FY24 Budget Allocation: | \$250,000 |
| Add: Closed CRM Projects 07.24.23 | 6,477.05 |
| Add: Closed CRM Projects 08.21.23 | 3,769.97 |
| Less: Lower Court Clerk's Office Mold Remediation. 11.01.23 | -37,079 |
| Less: Replace Turbo Assembly and minor repairs to Ambulance 49. 12.06.23 | -6,198.36 |
| Less: Commonwealth Attorney's Office Restoration. 12.20.23 | -78,504 |
| Less: Fluvanna County Attorney's Office Restoration. 12.20.23 | -180,720 |
| FY24 Available: | \$498,733.56 |

Schools Capital Reserve:

| | |
|---|------------------|
| FY23 Carryover | \$258,993.42 |
| FY24 Budget Allocation: | \$200,000 |
| Add: Closed CRM Projects 07.24.23 | 365.93 |
| Add: Closed CRM Projects 08.21.23 | 3,071 |
| Less: Quality CCTV Systems Abrams Academy. 09.06.23 | -11,800 |
| Less: Bluebird Buses. 09.06.23 | -9,994.74 |

| | |
|--|---------------------|
| Less: Central Elementary Capital and Budget Electric. 09.20.23 | -5,785 |
| Less: HAVTECH at FCHS. 09.20.23 | -12,861.39 |
| Less: Replace Transceiver and Supply Boards | -10,570.82 |
| Less: VPS Recreation | -46,675.00 |
| Less: Replace Pump and Motor at Pleasant Grove | -7,864.81 |
| FY24 Available: | \$356,878.59 |
| | |



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

MEMORANDUM

Date: February 7, 2024
From: Theresa McAllister– Management Analyst
To: Board of Supervisors
Subject: Unassigned Fund Balance

BOS2024-02-07 p.157/162
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

| | |
|--|---------------------|
| FY23 Year End Audited Total Unassigned Fund Balance: | \$26,584,082 |
| Unassigned Fund Balance – 12% Target Per Policy: | \$11,198,981 |
| Unassigned Fund Balance – Excess Above Policy Target: | \$15,385,101 |
| Less: Palmyra Village Streetscape Project – BOS Approval 08.02.23 | -118,169 |
| Less: EMS for an Ambulance Purchase – BOS Approval 01.17.24 | -184,093 |
| | |
| | |
| | |
| Current Unassigned Fund Balance – Excess Above Policy Target: | \$15,082,839 |

The Board of Supervisors Two Year Plan – *Adopted September 21, 2022*

| # | Complete | 2022 Two Year Goals | Year 1 | Year 2 | Notes |
|-----------|----------|---|--------|--------|---|
| A | | SERVICE DELIVERY | | | |
| A1 | | Work with FRA to identify support options for Fire and Rescue volunteers. | | X | |
| A2 | | Perform comprehensive review of existing partnerships with local area support and non-profit groups providing services to Fluvanna residents; review service gaps and identify needed partnerships. | X | X | Begin in Year 1; complete in Year 2 |
| A3 | | Initiate comprehensive review of traffic throughout the county with a particular focus on high-traffic areas around the Lake Monticello community. | | X | |
| A4 | | Community transportation options and alternatives. | | X | Shared school buses/drivers providing transportation for county residents; TJPDC Rural Transportation work group; JAUNT |
| A5 | | Implement annual county volunteer recognition ceremony. | | X | |
| A6 | | Design implementation plan for professional Fire Chief position. | | X | |
| B | | COMMUNICATION | | | |
| B1 | | Develop communication plan to inform residents of County projects, accomplishments, and where tax dollars are spent. | | X | |
| C | | PROJECT MANAGEMENT | | | |
| C1 | | Continue Columbia area renewal efforts. | X | X | |

| # | Complete | 2022 Two Year Goals | Year 1 | Year 2 | Notes |
|----------|----------|---|--------|--------|---|
| C2 | | Complete a Master Water and Sewer (Plan Phase I) to identify sources for the county's long-term water needs; particularly for each of its community planning areas. | X | | |
| C3 | | Continue Palmyra Village Streetscape | X | X | Phase I: project begins in 2025, street flow, sidewalks, and street parking on Stone Jail Street side of Civil War Park. Phase II: Crosswalks, sidewalks and parking on Main Street. |
| | | C3.1 Review and pursue opportunities and options for a Palmyra Village Streetscape project to improve safety, parking, walkability, and overall appearance. | X | | 2022 Smart Scale Grant Awarded. |
| | | C3.2 Research options for civic displays (flags, banners, Notable Residents, etc.) | | X | |
| C4 | | Successfully oversee and manage Fluvanna County aspects of the James River Water Project. | X | X | |
| C5 | | Successfully oversee and manage the design and construction of the Zion Crossroads water and sewer system. | X | X | |
| C6 | | Pursue Fork Union revitalization. | | X | |
| | | C6.1 Research options for civic displays (flags, banners, Notable Residents, etc.) | | X | |
| C7 | | Oversee New Administration Building project. | X | X | Multi-year project. |
| | | C7.1 Create and Issue Request for Proposal for Design | X | | |
| | | C7.2 Select Design Firm for design of New Admin Building | | X | |
| D | | COMMUNITY DEVELOPMENT & ENRICHMENT | | | |
| D1 | | Draft and a formal County-wide economic development and tourism strategy inclusive of an implementation schedule. | X | X | |

| # | Complete | 2022 Two Year Goals | Year 1 | Year 2 | Notes |
|----|----------|--|--------|--------|---|
| | | D1.1 Adopt Economic Development Strategic Plan. | X | | |
| | | D1.2 Implement five-year Economic Development Strategic Plan. | | X | |
| D2 | | Seek opportunities to coordinate development activity at Fluvanna's northern border with Louisa County. | X | X | |
| D3 | | Hold an Economic Development Discussion Forum for local businesses with planning, zoning, building inspections, infrastructure components. | X | | |
| D4 | | Investigate options for utilizing Dominion proffer - \$500,000 for recreation, green space. | X | X | |
| D5 | | Investigate opportunities to support expanded recreation opportunities, arts, and tourism. | X | X | Coordination with State agencies regarding the installation of additional boat ramps along the Rivanna and James Rivers. Fluvanna After Five @ Pleasant Grove. |
| D6 | | Research creating a "teaching farm" at PG Park. | | X | Collaborative effort - FCPS? Cooperative Extension? Farm Bureau? |
| D7 | | Implement stronger Code Enforcement on the County's Spot Blight Abatement program | X | X | |
| D8 | | Review the Subdivision Ordinance on Cluster subdivisions; large lot subdivisions. | | X | |
| D9 | | Review the Zoning Ordinance to look at higher density options between CPA and R4. | | X | |
| E | | FINANCIAL STEWARDSHIP AND EFFICIENCY | | | |

| # | Complete | 2022 Two Year Goals | Year 1 | Year 2 | Notes |
|----|----------|--|--------|--------|-------|
| E1 | | Reduce the County's reliance on creating and mailing paper checks for payments and implement expanded ACH/EFT transaction options. | X | | |
| E2 | | Implement credit card payment option for citizen at all County funds collection points through MUNIS Cashiering process. | X | X | |
| E3 | | Plan for ways to adequately fund, implement and standardize the Capital Improvement Plan, eliminating deferred CIP projects. | | X | |