

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 6, 2016, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 1:01 p.m. by the County Executive, Mr. Foley. Mr. Foley stated that this is the Board of Supervisors' organizational meeting for calendar year 2016.

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Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Election of Chairman

Mr. Foley opened the floor for nominations for Chair. He added that a nomination does not require a second. He added that if there are multiple nominations, votes will be taken in order with the first successful majority vote choosing the Chair.

Ms. Mallek **nominated** Ms. Liz Palmer for Chair for Calendar Year 2016. There were no other nominations. Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 5. Election of Vice-Chairman.

Ms. Palmer assumed the role of Chair, and then introduced County staff that was on the dais. She then asked for nominations for Vice-Chair.

Mr. Sheffield **nominated** Ms. Diantha McKeel for Vice Chair for Calendar Year 2016. There were no other nominations.

Roll was then called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 6. Appointment of Clerk and Senior Deputy Clerk.

Ms. Mallek moved to **reappoint** Ms. Ella Jordan as Clerk and Mr. Travis Morris as Senior Deputy Clerk for Calendar Year 2016. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 7. Board 2016 Calendar.

Item No. 7a. Set Meeting Times, Dates and Places for Calendar Year 2016.

Ms. Palmer noted the Board's second April meeting happens to fall on April 13, which is Thomas Jefferson's birthday and a day that County offices are closed. She stated that she and Ms. McKeel had discussed with Mr. Foley the possibility of keeping County offices open on Jefferson's Birthday and closing instead on Veteran's Day, and she asked Mr. Foley to comment.

Mr. Foley stated that he would bring back to the Board the history of establishing that holiday and information on how many other offices are closed on Veteran's Day. He said he is not recommending an extra holiday, and the switch is intended to address this particular conflict in 2016.

Ms. Mallek then **moved** to approve the meeting times, dates and places for calendar year 2016, with the exception of the April 14 date, as follows: first Wednesday of the month - 1:00 p.m., and the second Wednesday of the month - 6:00 p.m., with said meetings to be held in the County Office Building on McIntire Road; and the meeting dates for January 2017 as January 4 – 1:00 p.m., and January 11 – 6:00 p.m.; and to cancel the August 10, 2016 as a regular scheduled meeting date. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

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Item No. 7b. Set Meeting Times for Budget Work Sessions.

Ms. Palmer stated that if the Board approves the proposed schedule, the budget work sessions will be held from 3:00 p.m. to 5:00 p.m., with the County Executive's budget presentation on February 19 at 12:00 p.m.

Ms. Mallek pointed out that in the past, budget work sessions have been held from 9:00 a.m. to 12:00 p.m., giving them a total of three hours each, and beginning at 3:00 p.m. effectively cuts off the equivalent of an entire meeting. She suggested they consider starting the work sessions earlier in the day, and noted that they had not talked about this yet.

Mr. Foley stated that in the past they had talked about a 3:00 p.m. to 6:00 p.m. timeframe, and said that they also talked at the Chair/Vice-Chair meeting about having the public involved, so they could conceivably hold the budget work sessions in Lane Auditorium and have them videotaped. He noted this is the first year they have had that ability, and since the work sessions usually do not draw a large crowd, this provides the opportunity for the public to view the discussions live and see the taped discussions as part of the County's website archives. Mr. Foley said that in the past they had started some of the work sessions at 9:00 a.m., but in the last few years shifted to the afternoons with 3:00-6:00 p.m. as a possible timeframe.

Ms. Mallek said her only concern is that the time is getting shortened, and asked if it would be possible to have all of the dates and times circulated among Board members so they have time to check their calendars.

Ms. Palmer stated this seems reasonable to her.

Mr. Sheffield stated that his only conflict is on March 3 with the work session originally planned for 11:00 a.m.-1:00 p.m., and a PDAP meeting in the afternoon will conflict if the work sessions are shifted to 3:00-6:00 p.m.

Board members agreed to keep that work session at its original time.

Ms. Palmer asked Ms. Mallek if she would prefer that they delay approval of the schedule until their meeting the following week. Ms. Mallek responded that she would like to have other Board members review the schedule for any conflicts, adding that it is not acceptable to her to have Mr. Sheffield have to miss his meeting, and others may have similar issues to resolve.

Mr. Foley said that staff will circulate a proposed schedule to the Board ahead of their next meeting.

Ms. McKeel stated that she appreciates the idea of having the work sessions in the Auditorium so they can be recorded so the public can watch the live stream.

Mr. Foley said they can definitely accommodate that, and if there are additional staff costs they will be slight if they go to 6:00 p.m., since their regular hours are until 5:00 p.m.

Board members agreed to defer action on this item until January 13 to allow them an opportunity to look at the dates to see if there are any other conflicts with their schedules.

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Item No. 7c. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.

Ms. Mallek **moved** to consider zoning text amendment requests from citizens on the dates listed in the Board's packet - September 16 and December 14, 2016, and March 8 and June 14, 2017. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 8. Adoption of Rules of Procedures/Policies.

Ms. Palmer asked Board members if they had any issues with current policies. She added that last year they had briefly discussed rules for recognitions and proclamations. She stated the issue had been whether it is appropriate to bring all recognitions and proclamations to the Board prior to approval, and at that time they agreed to have the Chair and Vice-Chair review anything that is controversial and bring it back to the Board as deemed necessary.

Mr. Sheffield **moved** to adopt the Rules of Procedures/Policies as presented. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

**ALBEMARLE COUNTY BOARD OF SUPERVISORS  
RULES OF PROCEDURE  
Adopted January 6, 2016  
Albemarle County Board of Supervisors Rules of Procedures  
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**RULES OF PROCEDURE  
ALBEMARLE BOARD OF COUNTY SUPERVISORS**

These rules of procedure are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order's Procedure in Small Boards* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the Board. Further, the Board reserves the right to amend the rules of procedure whenever a majority of the Board decides to do so or to suspend the rules by a majority plus one vote, as set forth herein. The failure of the Board to strictly comply with the rules of procedure shall not invalidate any action of the Board.

A. *Board Members*

Unless otherwise specifically provided herein, all Board members have equal rights, responsibilities, and authority. Board members will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings. Changes to rules, policies, or procedures can only be made at a public meeting of the Board.

B. *Officers*

1. *Chair.* The Board at its annual meeting shall elect a Chair who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chair shall be the head official for all the Board's official functions and for ceremonial purposes. The Chair shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423)
2. *Vice-Chair.* The Board at its annual meeting shall also elect a Vice-Chair, who, if present, shall preside at meetings in the absence of the Chair and shall discharge the duties of the Chair during the Chair's absence or disability. (Virginia Code § 15.2-1422)
3. *Term of Office.* The Chair and Vice-Chair shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
4. *Absence of Chair and Vice-Chair.* If the Chair and Vice Chair are absent from any meeting, a present member shall be chosen to act as Chair.

C. *Clerk and Deputy Clerks*

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code § 15.2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)

D. *Meetings*

1. *Annual Meeting.* The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)
2. *Regular Meetings.* The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)

If the Chair (or Vice Chair, if the Chair is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416)

3. *Special Meetings.* The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417)

A special meeting shall be held when called by the Chair or requested by two or more members of the Board. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chair, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a member of the Board, by electronic mail or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

E. *Order of Business*

1. *Agenda.* The Clerk of the Board shall establish the agenda for all meetings in consultation with the County Executive and the Chair. The County Executive and Clerk shall review the agenda with the Chair and Vice Chair prior to the meeting. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

- a. At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business.
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. From the County Executive: Report on Matters Not Listed on the Agenda.
12. Adjourn.

A Closed Meeting shall be held whenever necessary. Generally, a Closed Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment.

- b. The above order of business may be modified by the Clerk to facilitate the business of the Board.

2. *Adoption of Final Agenda.* The draft agenda will be provided to the Board six days prior to the regular meeting date. The first order of business for a regular meeting of the Board shall be to adopt a final agenda for that meeting. The Board may modify the order of business as part of the adoption of the final agenda. In addition, any Board member may propose to add additional items to the agenda presented by the Clerk for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Board members present. Any such item shall be added to the end of the agenda for discussion or action unless a majority of the members of the Board agree to consider the item earlier on the agenda. The final agenda shall be adopted by a majority vote of the members of the Board. No matter for action not included on the final agenda shall be considered at that meeting.

Resolutions may be proposed by a Board member requesting the Board to take a position on an issue of importance to the Board. A Board member requesting the Board to adopt a resolution should give notice of the intent to request action on such resolution on a specified meeting date and submit a draft of the proposed resolution. The Clerk will distribute the draft resolution with background information, if available, to all Board members. Board members may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk shall forward all comments received from Board members to the Board. The Board member requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Board members to determine if a majority of the Board members support adding the resolution to the agenda for consideration. If a majority of the Board members indicate support for considering the resolution, the resolution will be added to the proposed final agenda. If all Board members indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any member requests otherwise.

3. *Brief Announcements by Board Members.* “Brief Announcements by Board Members” are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
4. *Proclamations and Recognitions.* Proclamations are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. Recognitions are ceremonial acknowledgements by the Board of a person for service or achievement.

A request to place a proclamation or recognition on the agenda must be made at least four weeks in advance of the meeting date. The request to advance a proclamation or recognition shall be submitted to the Clerk. If the request is made to a Board member, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements. Upon the submittal of the request, the Clerk will review the submittal for completeness and forward it to Board members for review. The Clerk will poll Board members to determine if a majority of the Board supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.

5. *From the Public: Matters Not Listed for Public Hearing on the Agenda.* The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, due to the number of speakers or for other reasons, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for “From the Public: Matters Not Listed for Public Hearing on the Agenda”.
6. *Consent Agenda.* The “Consent Agenda” shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board. There shall be no discussion or comment on consent agenda matters. Board members should ask the County Executive or the staff member identified in the executive summary any questions regarding a consent agenda item prior to the Board meeting. Any Board member may remove an item from the consent agenda. Any item removed from the consent agenda shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. A matter requiring only brief comment or discussion may be considered immediately after the approval of the consent agenda. A motion to approve the consent agenda shall approve consent agenda items identified for action and accept consent agenda items identified for information.
7. *General Business.* General Business shall include public hearings, work sessions, appointments and other actions, discussions, and presentations.
8. *From the Board: Committee Reports and Matters Not Listed on the Agenda.* “From the Board: Committee Reports and Matters Not Listed on the Agenda” shall be limited to matters that are not substantial enough to be considered as additional agenda items to be added to the final agenda. Such matters are not matters to be acted upon by the Board at that meeting. Routine committee reports and information updates by Board members shall be presented under this agenda item.
9. *Report from the County Executive.* The County Executive will report on matters that the County Executive deems should be brought to the Board’s attention and provide updates, if necessary, to the monthly County Executive’s Report.
10. *Zoning Public Hearings.* Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board’s preference that a public hearing for a zoning matter should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County’s deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.

F. *Travel Reimbursement*

Board members will be reimbursed travel expenses pursuant to uniform standards and procedures that will allow Board members to travel for official County business purposes consistent with the prudent use of County funds as follows:

1. Board members may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:
  - a. Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Board member is appointed, from home or work, if a work day, which is not part of routine personal travel;
  - b. Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters scheduled for consideration on the Board's agenda which is not part of routine personal travel (i.e., site visits, informational meetings); and
  - c. Parades and other community gatherings not advertised as Supervisor's town hall meetings to discuss County business. Travel to use the COB office between other personal travel or meetings, shall not be covered.
2. Board members may be reimbursed for the following educational conference travel expenses, provided there are available funds:
  - a. All necessary, actual and reasonable meal, travel and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Board member represents the County, as approved by the Board; and
  - b. All necessary, actual and reasonable meal, and travel (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
3. Board members will not be reimbursed for the following travel expenses:
  - a. Travel to events which are political in nature (i.e., campaigning or partisan events);
  - b. Personal expenses incurred during travel; or
  - c. Other travel which is not part of the statutory governmental duties of the Board of Supervisors that are not provided for in Sections 1 or 2.
4. This policy will be applied and overseen in the following manner:
  - a. Reimbursement requests shall be made in writing on forms provided by the Clerk of the Board and shall itemize the date, number of miles of travel expenses and purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.
  - b. The Clerk, or his/her designee, will review all travel reimbursement requests and the Director of Finance will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.

- c. When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.

G. *Quorum*

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

H. *Remote Electronic Participation*

The Board will permit a Board member to participate in a Board meeting electronically from a remote location, provided that:

1. On or before the day of the meeting, the member shall notify the Chair that the member is unable to attend the meeting due to an emergency or a personal matter or that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. The member must identify with specificity the nature of the emergency or personal matter.
2. A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members present must approve the participation; however, the decision shall be based solely on the criteria in Section H, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Board's minutes the specific nature of the emergency, personal matter or disability and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes.
3. Electronic participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings.
4. The Clerk shall make arrangements for the voice of the absent member to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent member cannot reasonably be heard, the meeting may continue without the participation of the absent member.

(Virginia Code § 2.2-3708.1)

I. *Meeting Decorum*

1. Meetings shall be conducted so as to provide a civil decorum. To preserve the order and decorum of the meeting, persons will use civil language and will not be permitted to clap or make sounds in support of or in opposition to any matter during the meeting (except for applause during the recognitions portion of the meeting) or act in any way to disturb or disrupt the presentation of any matter on the agenda or the conduct of any discussion, public hearing, or public comment time. Signs shall be permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting. Cell phones and other electronic devices shall be muted so as not to disrupt or interrupt the meeting.
2. The Chair may ask any person whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease such conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.

J. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chair and recorded by the Clerk. A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. (Article VII, § 7, Virginia Constitution)
2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code § 15.2-1428)



3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chair shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chair shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

K. *Board Members Appointed to Boards, Committees and Commissions*

The Board appoints its members to a variety of boards, committees and commissions to represent the interests of the Board on those entities. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

1. *Voting Representatives.* The Board members who are appointed to boards, committees and commissions are required to vote on matters that come before those entities in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official actions of the Board on such matters.
2. *Liaison Representatives.* The Board members who are appointed to boards, committees and commissions as liaisons are to act as a resource for the board, committee and/or commission and are to report to the Board on the activities of the board committee and/or commission.

L. *Boards and Commissions*

1. Review and creation of boards and commissions shall be as follows:
  - a. By October 1 of each year, all boards and commissions shall submit a report to the Board to include key activities that support their mission and a summary of their activities and attendance.
  - b. On an annual basis the list of active boards and commissions will be evaluated and purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.
  - c. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.

- d. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.
- 2. Appointments to boards and commissions shall be as follows:
  - a. All appointments to boards and commissions based upon magisterial district boundaries will be made by the Board. The Board will consider and/or interview candidates recommended by the supervisor of that district.
  - b. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.
  - c. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.
  - d. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.
  - e. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.
  - f. From the pool of qualified candidates, the Board, at its discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting.
  - g. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board.
  - h. All vacancies will be filled as they occur, except that vacancies occurring in Community Advisory Councils will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.
  - i. As a condition of assuming office, all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file such form annually on or before January 15.
  - j. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the Chair of the body may request the Board terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period.

M. *Amendment of Rules of Procedure*

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

N. *Suspension of Rules of Procedure*

These Rules of Procedure may be suspended by a majority plus one vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

O. *Rules of Procedure.*

Necessary rules of procedure not covered by these Rules of Procedures shall be governed by *Robert's Rules of Order Procedure in Small Boards*. Such rules provide:

1. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
2. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
3. Informal discussion of a subject is permitted while no motion is pending.
4. Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of a board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method in such meetings.
5. The chair need not rise while putting questions to vote.
6. The chair can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), the chair usually can make motions and usually votes on all questions.

\* \* \* \* \*

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016)

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Agenda Item No. 9. Adoption of Final Agenda.

Ms. Mallek **moved** to adopt the final agenda as presented. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 10. Brief Announcements by Board Members.

Mr. Dill commented that he is happy to be here.

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Mr. Sheffield stated that in conversations with some City Councilors, they had suggested having a joint Board/Council meeting to discuss shared priorities, given that there are two new members serving on each body.

Ms. Palmer asked if he would like to add it as an agenda item or put it under "Matters from the Board" at the end of the meeting. Mr. Sheffield responded they can include it under "Matters from the Board," and his goal is to provide Mr. Foley with any direction he might need.

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Mr. Randolph stated there was no Scottsville Town Council meeting held in December, but in the future he will try to report to the Board on Town of Scottsville issues, as he reports to the Council on County issues. Mr. Randolph noted that he and Mr. Dill will be present at the Council meeting on January 21, 2016 and will hopefully have an opportunity to update the Board on that at their February meeting.

Ms. Mallek commented that the "Matters from the Board" agenda item would be a good time to present that report.

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Ms. Mallek presented each Board member with a copy of the native plant guide published and distributed by the Thomas Jefferson Soil and Water Conservation District.

Ms. Mallek congratulated new Board members on their victories, and stated that she looks forward to all Board members representing citizens in the year ahead.

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Ms. McKeel stated that she would like to have Item 13.6 relating to the Ivy Road sidewalk project pulled from the informational items and included for discussion.

Ms. Palmer clarified the item is on the Consent Agenda and can be pulled at that time.

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Ms. Palmer announced there is composting service at the McIntire Recycling Center, and there are bags available at the center as well as at Kroger, Whole Foods Market and Harris Teeter.

Ms. Palmer reported the County of Albemarle and AHIP have been awarded a planning grant to determine the need for housing rehabilitation in southern Albemarle, specifically in the Alberene area, with eligibility based on income. She stated there will be a community meeting on January 13 at 6:00 p.m. at the Alberene Church, and said that interested parties can contact Albemarle Housing Director, Ron White, AHIP, or her for more information.

Ms. Mallek encouraged everyone to take that information to churches and neighborhood groups, as it is difficult to get the information out to those who need it.

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#### Agenda Item No. 11. Recognitions:

##### Item No. 11a. Larry Davis as the 2016 Fellow of the Virginia Law Foundation.

Ms. Mallek read a recognition in honor of County Attorney, Larry Davis, who was selected in October 2015 to be a fellow of the Virginia Law Foundation's 2016 Fellows' Awards Class through a unanimous vote of the Board of Directors of the Foundation. She stated that Mr. Davis will be inducted into the Fellows' Class at the Virginia Bar Association's annual meeting at the end of January. Ms. Mallek said the Virginia Law Foundation, through philanthropy, promotes law-related education, the rule of law, and access to justice throughout the state, and has provided millions of dollars in grants to supporting groundbreaking rule of law projects, the court-appointed special advocates (CASA) program, lawyers helping lawyers, and many other projects. Ms. Mallek said the Fellows Program was created in 1984 to encourage and recognize excellence in the practice of law and public service, and to support the programs and objectives of their Foundation. She noted this year's class totals 30 members, and the current fellows' membership over the program's 30 years is 433 members. Ms. Mallek stated that candidates are nominated and submitted to a rigorous evaluation process, and are all people of high integrity and character that maintains the highest standards of the profession, are outstanding in the community, distinguished in the practice of law, and have demonstrated a dedication to public service. She said the Board is pleased to recognize Mr. Davis' outstanding accomplishment in being selected as a fellow this year, and appreciates his forthrightness and kindness in helping to reel them back in to prevent them from making grievous errors that would be detrimental to the County. Ms. Mallek noted that Mr. Davis is very well respected around the state and is known for his conservativeness, but it is for good reason because he does not want them to get in trouble by mistake.

Mr. Foley stated that, speaking on behalf of staff, he wants to state that Mr. Davis adds a whole lot more value to the organization, the County and the community by what he does beyond just legal advice. He emphasized that Mr. Davis is an important part of the County's leadership team and an important part of the decisions that staff makes, which are brought forth to the Board as recommendations. Mr. Foley said that Mr. Davis brings tremendous value and goes well beyond what most county attorneys do around the state in terms of being a leader in the organization and making a difference in the community as a whole.

Mr. Davis thanked them for the recognition.

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##### Item No. 11b. Government Finance Officers Association (GFOA) Budget Award.

Ms. McKeel reported that Charles Ramsey, President of the Government Finance Officers Association (GFOA), will present the GFOA Award to the Office of Management and Budget. She stated the GFOA was founded in 1906 as an international organization dedicated to serving the needs of more than 18,000 appointed and elected officials; its mission is to enhance and promote the professional management of government financial resources by identifying, developing and advancing fiscal strategies, policies and practices for the public benefit. Ms. McKeel said the award recognizes Albemarle County's efforts to meet its organizational value of financial stewardship, and this is the 10<sup>th</sup> year the County has received the award.

Mr. Charles Ramsey addressed the Board and stated he will present the GFOA's Distinguished Budget Presentation Award, which has been promoting the preparation of high quality budget documents since 1984, with the purpose of encouraging and assisting governments in preparing excellent budget documents for the benefit of citizens and other parties with a vital interest in government finances. He said that during the 31 years the program has operated, it has gained widespread recognition as the premier indicator of excellence in governmental budget reporting. Mr. Ramsey stated that to earn this award, Albemarle County has to substantially conform to the program's demanding criteria, and such a record reflects the professionalism and commitment of numerous individuals, as well as many hours of hard work, and a high degree of dedication and leadership. He said this is the 10<sup>th</sup> time that Albemarle County has won the award, which covers the period beginning July 1, 2015, and the GFOA hopes that it will serve as an example and encourage others to strive for the same level with their own budget documents. Mr. Ramsey congratulated County staff and asked members of the OMB staff to come up and accept the award.

Mr. Andy Bowman of the Office of Management and Budget (OMB), addressed the Board and recognized other members of the OMB team: Lindsay Harris, Kristy Shifflett, Lori Allshouse, Laura Vinzant and Tia Mitchell.

Mr. Foley thanked the OMB team on behalf of County staff for their commitment to excellence, stating that the OMB team is thoughtful and thorough in producing high-quality work and are always seeking improvements in the document.

Board members thanked and congratulated the Office of Management and Budget team.

Ms. Palmer thanked Mr. Ramsey for presenting the award.

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Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Robbi Savage addressed the Board, congratulating the County on the GFOA award and Mr. Davis for his award. Ms. Savage reported that the Rivanna Conservation Society and StreamWatch have officially merged as of January 1, 2016. This has been under discussion for many years, with a committee and the two boards of the organizations working diligently to make it happen. She explained that the merger will mean that they will be blending cleanups and buffers, education programs, recreation, conservation and restoration programs, and bring them together with benthic and bacteria monitoring programs that are certified by DEQ. Ms. Savage stated this means they will continue to get the highest quality data certified by DEQ, and the RCS/StreamWatch partnership will tell the County what the data means and how it might be used and implemented to address the issues before them. She said the new name for the organization is the "Rivanna Conservation Alliance," with a new office in the same building and a new board, mission statement, science advisory committee, as well as an integrated staff working together. Ms. Savage emphasized the Alliance will be more efficient and effective, will increase use of data, and will provide some thoughts as to how the County might even better manage its water quality programs.

Ms. Mallek stated they will be looking forward to the next Rivanna River conference with assistance from the Alliance.

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Mr. Kirk Bowers, Rivanna District, addressed the Board, wishing them a Happy New Year and stating that citizens look forward to more good things from them.

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Mr. Mitch Willie addressed the Board and extended congratulations to the new Board. He stated that he and his wife have owned the Clifton Inn for 32 years and have filed a zoning text amendment with the County, which was considered by the Planning Commission on December 15, 2015 with unanimous motions to send it onto the Board and to expedite the application. Mr. Willie thanked the Board for their consideration and the community for their support of Clifton over the last 20 years, particularly after the recent tragic fire. He emphasized that Clifton is a family and they are all appreciative of this support.

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Ms. Nancy Carpenter addressed the Board, stating she was formerly a resident of the Scottsville District but now lives in the City, and continues to serve on the Monticello Area Community Action Agency as an at-large member. Ms. Carpenter said she wants to talk with them about affordable housing, stating that a person making \$7.25 minimum wage will have to work 86 hours a week to be able to afford a one-bedroom apartment. She stated the urban ring around the City calls for denser development, and she hopes that the Board and Planning Commission will urge developers to set aside some rental units, with the inventory level being at its lowest point in 30 years. Ms. Carpenter noted this causes people to double up in the rural areas, which affects students and commuters, and she hopes the Board will hold developers to providing additional types of units. She said that places like San Francisco and Asheville, that lack affordable housing, have coordinated with developers to provide tax advantages that allows them to create housing just for teachers.

Mr. Randolph asked Ms. Carpenter to send the document regarding the 86 hours mentioned.

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Mr. Neil Williamson addressed the Board, stating that he appreciates Ms. Carpenter's comments and has been reading about land trusts in other communities to see how they might work under Virginia's confines. Mr. Williamson said there is another side to affordable housing involving jobs and bringing up wages, and he encourages them to look into the regulatory environment. He recounted a situation from 12 years earlier in which a church wanted to build a shed for their lawnmower, and after spending about \$2,000, the church found that it could not be done. He said that Board members, at that time, expressed frustration and said that something needed to be done, but 12 years later the situation is still not rectified. Mr. Williamson asked the Board to take a look at all County processes, as they impact how much it costs to do business, whether as a for-profit or non-profit entity.

Ms. Palmer asked Mr. Foley to gather some information regarding the specifics of what Mr. Williamson is talking about. Mr. Foley said that he would.

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Agenda Item No. 13. Consent Agenda.

**(Discussion:** Mr. Sheffield stated he would like to pull the study for the pedestrian crossings at Route 29 and Route 250. He added that he is fine with waiting to discuss this until the end of the meeting.

Ms. Palmer suggested they put the item as Item 26a.

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Mr. Randolph requested that Item 13.4 be pulled for discussion at the end of the meeting.

Ms. Palmer suggested they put the item as Item 26b.

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Ms. McKeel stated she has some questions about the Ivy Road sidewalk project, which is Item 13.6. She said that staff is recommending the Board approve option two for the sidewalk, which they said can be modified with a VDOT waiver to provide a separate bike lane with curb and gutter along the south side eastbound. She said this seems to be an appropriate project for a dedicated bike lane, specifically in the area where they are looking at this, noting that it is contiguous with the City boundary and they have a bike lane. Ms. McKeel stated she is wondering about the language that says "could be modified," and said that she would be more comfortable if they could clarify that to make sure it happens with this project adding that she had mentioned this to Mr. Foley earlier in the day.

Ms. Palmer asked if they should talk about this in the context of their work plan discussion.

Mr. Foley said it is possible for Trevor Henry to make a quick comment about it.

Mr. Sheffield suggested they discuss it right after the Consent Agenda while Mr. Henry is still present at the meeting.

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Mr. Sheffield then **moved** to approve the Consent Agenda with items 13.3, 13.4 and 13.6 pulled for further discussion. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

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Item No. 13.1. Approval of Minutes: June 3, August 5 and October 7, 2015.

Ms. Mallek had read the minutes of June 3, 2015, and October 7, 2015, pages 1-27 (end Item #12), and found them to be in order.

Ms. Palmer had read the minutes of August 5, 2015, and October 7, 2015, pages 27 (begin Item #12) – end, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes as read.**

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Item No. 13.2. FY 2016 Appropriations.

The executive summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 16 budget due to the appropriation itemized below is

\$304,982.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of five (5) appropriations as follows:

- One (1) appropriation (#2016043) to appropriate \$29,266.00 in federal grant funds to the Department of Social Services for a part-time Supplemental Nutrition Assistance Program (SNAP) worker;
- One (1) appropriation (#2016050) to appropriate \$33,452.00 to the Emergency Communications Center;
- One (1) appropriation (#2016051) to appropriate a total of \$146,285.31 to reallocate and reconcile fund balances for planned transfers. This will not increase the total County budget.
- One (1) appropriation (#2016052) to appropriate \$250,000.00 for the Acquisition Conservation Easement (ACE) program; and
- One (1) appropriation (#2016053) to appropriate \$600.00 from the Reserve in the Fire Rescue Services Fund to the Crozet Volunteer Fire Department. This appropriation will not increase the total County budget.

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Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016043, #2016050, #2016051, #2016052, and #2015053 for local government and school division projects and programs as described in Attachment A.

<b>Appropriation #2016043</b>	<b>\$29,266.00</b>
Source:	Federal Revenue
	\$29,266.00

This request is to appropriate \$29,266.00 in federal research pilot EveVATE grant funding passed through the state and awarded to the Department of Social Services. This grant will fully fund a part-time temporary Supplemental Nutrition Assistance Program (SNAP) Education and Training (ENT) worker for a three-year period. As a part of this pilot, DSS will deliver training and employment services to SNAP recipients in coordination with the Piedmont Virginia Community College (PVCC). This funding originates from the United States Department of Agriculture Food and Nutrition Services.

<b>Appropriation #2016050</b>	<b>\$33,452.00</b>
Source:	State Revenue
	\$25,452.00
	ECC Fund Balance
	\$8,000.00

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate the following:

- \$25,452.00 from the Virginia Department of Emergency Management Local Emergency Management Performance grant to the ECC. The funds will be used to support operating costs; and
- \$8,000.00 from the ECC fund balance for one-time training costs.

<b>Appropriation #2016051</b>	<b>\$0.00</b>
Source:	Proffer Fund balance
	\$ 5,000.00
	CIP Fund fund balance
	\$(22,875.31)
	General Fund fund balance
	\$ 17,875.31

This request is to re-appropriate funding to reconcile FY 15 appropriations that were approved but not completed administratively before FY 15 year-end, and to reconcile current (FY 16) appropriated Capital Program and Debt funds:

- Re-appropriate \$22,875.31 in General Fund fund balance to transfer the full General Fund amount to the Capital program funds as appropriated in FY 15 but not completed administratively before FY 15 year-end. This request will also equally reduce the use of Capital program funds' fund balance in FY 16 by \$22,875.31;
- Re-appropriate \$5,000.00 in Belvedere Proffer funds to complete the transfer to the General Fund that was appropriated in FY 15 but not completed administratively before FY 15 year-end. This request will also equally reduce the use of General Fund fund balance by \$5,000.00; and
- Reconcile the General Fund transfers to Capital Program and Debt funds by reducing the General Fund Transfer to Debt Service funds by \$118,410.00 and equally increasing the transfer to Capital program funds by \$118,410.00.

The proposed use of the General Fund fund balance for these items will not reduce the County's 10% unassigned fund balance reserve, however, it does reduce the amount of FY 15 expenditure savings that would be available for other uses in the future.

<b>Appropriation #2016052</b>	<b>\$250,000.00</b>
Source:	General Fund fund balance
	\$250,000.00

This request is to appropriate \$250,000.00 in General Fund fund balance for the Acquisition Conservation Easement (ACE) Program pursuant to the Board of Supervisors' action at its April 7, 2015 FY 16 budget

work session. This appropriation was contingent on the completion of the audit, which is complete, to confirm there is available fund balance resulting from the FY 15 General Fund year-end.

The proposed use of the General Fund fund balance for this item will not reduce the County's 10% unassigned fund balance reserve, however, it does reduce the amount of FY 15 expenditure savings that would be available for other uses in the future.

<b>Appropriation #2016053</b>		<b>\$0.00</b>
Source:	Fire Rescue Services Fund Reserve	\$ 600.00

This request is to appropriate \$600.00 from the Reserve in the Fire Rescue Services Fund to the Crozet Volunteer Fire Department for the increased cost of a permit fee for a public fireworks display. This request was made by a member of the Board of Supervisors at its October 7, 2015 meeting and is provided to the full Board for its consideration and approval.

**By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2016043, #2016050, #2016051, #2016052, and #2015053 for local government and school division projects and programs:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 16 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1)
- That Appropriations #2016043, #2016050, #2016051, #2016052, and #2015053 are approved; and
- 2)
- That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016043	3-1000-33000-333000-330021-1005	29266.00	SA2016043 Federal Revenue - Assistance
2016043	4-1000-53010-453010-110000-1005	20500.00	SA2016043 Salary
2016043	4-1000-53010-453010-210000-1005	1568	SA2016043 FICA
2016043	4-1000-53010-453010-270000-1005	20	SA2016043 Workers Comp
2016043	4-1000-53010-453010-332104-1005	205	SA2016043 Maintenance Contract - DP Equipment
2016043	4-1000-53010-453010-520100-1005	313	SA2016043 Postal Services
2016043	4-1000-53010-453010-520300-1005	441	SA2016043 Telecommunications
2016043	4-1000-53010-453010-550100-1005	510	SA2016043 Travel/Training/Education
2016043	4-1000-53010-453010-550104-1005	255	SA2016043 Mileage
2016043	4-1000-53010-453010-600100-1005	545	SA2016043 Office Supplies
2016043	4-1000-53010-453010-601200-1005	130	SA2016043 Books & Subscriptions
2016043	4-1000-53010-453010-601700-1005	185	SA2016043 Copy Supplies
2016043	4-1000-53010-453010-800200-1005	3035	SA2016043 Furniture
2016043	4-1000-53010-453010-800700-1005	1559	SA2016043 ADP Equipment
2016050	4-4100-31045-435600-120000-1003	1000	SA2016050 Minimum Staffing Wages
2016050	4-4100-31045-435600-312105-1003	1500	SA2016050 Consulting Services
2016050	4-4100-31045-435600-520300-1003	384	SA2016050 Telecommunications
2016050	4-4100-31045-435600-550100-1003	22000	SA2016050 Travel/Training/Education
2016050	4-4100-31045-435600-600000-1003	5098	SA2016050 Materials and Supplies
2016050	4-4100-31045-435600-800700-1003	3470	SA2016050 ADP Equipment
2016050	3-4100-24000-324000-240548-9999	25452	SA2016050 LEMPG grant
2016050	3-4100-51000-351000-510100-9999	8000	SA2016050 app fund balance for training
2016051	4-1000-93010-493010-930004-9999	70642.66	SA2016051 Transfer Reconciliation-GFT to Sch CIP
2016051	4-1000-93010-493010-930010-9999	70642.65	SA2016051 Transfer Reconciliation-GFT to GG CIP
2016051	4-1000-93010-493010-930003-9999	-118410	SA2016051 Transfer Reconciliation-GFT to Sch Debt
2016051	3-9000-69000-351000-510100-9999	-11437.66	SA2016051 Transfer Reconciliation-Sch CIP fb
2016051	3-9010-51000-351000-510100-9999	-11437.65	SA2016051 Transfer Reconciliation-GG CIP fb
2016051	3-9000-69000-351000-512004-6599	11437.66	SA2016051 Transfer Reconciliation-GFT to Sch Debt
2016051	3-9010-51000-351000-512004-9999	11437.65	SA2016051 Transfer Reconciliation-GFT to GG CIP
2016051	3-1000-51000-351000-510100-9999	17875.31	SA2016051 Transfer Reconciliation-GF fb
2016051	3-1000-51000-351000-512068-9999	5000	SA2016051 Transfer Reconciliation-belvedere to GF
2016051	4-8536-93010-493010-930009-9999	5000.00	SA2016051 Transfer Reconciliation-belvedere to GF
2016051	3-8536-51000-351000-510100-9999	5000.00	SA2016051 Transfer Reconciliation-belvedere to CDBG
2016052	3-1000-51000-351000-510100-9999	250000.00	SA2016052 FY 15 Year End Savings to ACE
2016052	4-1000-93010-493010-930027-9999	250000.00	SA2016052 FY 15 Year End Savings to ACE
2016053	4-1805-32020-432020-560900-1003	600.00	SA2016053 Crozet Volunteer Fire - permit
2016053	4-1805-99900-499000-999999-1003	-600.00	SA2016053 FR Service Fund Reserve
TOTAL		681,186.62	



Item No. 13.3. Study for Pedestrian Crossing(s) on Route 29 North Route 250 East.

The executive summary forwarded to the Board states that the County has seen increasing residential and commercial development along the Route 29 north corridor (in the Development Area), and the Route 250 east corridor in Pantops, which has increased vehicular and pedestrian traffic in those areas. Residents and businesses along both corridors have requested pedestrian crossings that would provide a more pedestrian friendly environment for residents and tourists to access destination locations. The Places29 Master Plan shows proposed pedestrian crossings at various locations along the Route 29 north corridor, and the Pantops Master Plan calls for pedestrian crossings along the Route 250 east corridor. The County has a term contract with Kimley-Horn for consultant services under which Kimley-Horn could be used to conduct a pedestrian crossing feasibility study for potential pedestrian crossings on Route 29 North between Hydraulic Road and Rio Road and in the vicinity of Timberwood Boulevard, and on Route 250 east in the Pantops area between the Rivanna River and I-64. The consultant would perform specific tasks and provide deliverables at the end of the contract period that would include: a feasibility study of potential at-grade and above grade pedestrian crossing locations, projected future pedestrian volumes that would potentially be using the proposed crossings, rough estimated costs for each scenario, and sketches of crossings.

Staff first discussed this proposal with the Board of Supervisors at its September 2, 2015 meeting. At that time, the Board directed staff to add Timberwood Boulevard (in the Hollymead Area of Route 29) to the study. Since that time, Planning and Facilities Development staff have been working with the consultant to include this additional area and to finalize the scope of the study.

The purpose of this initiative is to:

1. Determine where pedestrian crossing(s) along the Route 29 North and 250 East corridors are needed; and
2. Determine the type of pedestrian improvements needed to facilitate pedestrian crossings at the identified locations and planning level cost estimates.

The scope of work for the feasibility studies to be conducted for potential pedestrian crossing along both corridors (Attachments A and B) outlines and summarizes the anticipated locations to be studied and the tasks required to achieve the above purposes, and have been revised based on Board input. The Timberwood Boulevard location has been added as a study location along the Route 29 Corridor in the Hollymead area.

The study would conclude with a technical report that would include: a summary of the data collected, existing conditions and recommendations, projected pedestrian volumes, at-grade alternatives, above grade alternatives, recommended types of pedestrian movements, sketches of crossings, and planning level cost estimates.

The study would help determine the need for pedestrian crossings along the Route 29 and Route 250 corridors, and would help evaluate and prioritize the projects for local funding, as well as for inclusion in the Six Year Improvement Program if the County pursues funding for the projects through the Commonwealth Transportation Board. In addition, the study's inclusion of the initial location study and planning phase of the projects, which furthers the projects' status toward being "shovel ready", could improve the projects' potential to receive grant awards. Kimley-Horn can provide the services described in Attachments A and B for \$107,856.62. Key factors influencing the cost include Project Management, formulation of recommendations, the number of study intersections, the number of peak periods for which data will be collected, and developing planning level cost estimates for proposed recommendations.

It is proposed that this study be funded from the Pantops Master Plan Implementation fund (4-9010-81110-481020-950560-1240), which has a current available balance of \$108,731.45. Please note that the Places 29 Master Plan Implementation fund is currently obligated in full to support the Rt. 29/Rio Small Area Plan and not available for other purposes at this time.

Staff recommends that the Board direct staff to proceed with the pedestrian crossing studies detailed in Attachments A and B using funds available in the Pantops Master Plan Implementation fund (4-9010-81110-481020-950560-1240) to pay the consultant.

**(Note: This item was pulled from the consent agenda and renumbered as Item No. 26a.)**

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Item No. 13.4. County Code Regulations Regarding Applications for Rezonings and Special Use Permits.

The executive summary forwarded to the Board states that Virginia Code § 15.2-2302 authorizes the Board to waive the requirement for a public hearing when an applicant for a rezoning seeks only to amend existing proffers that do not affect use or density. County Code § 18-33.7(f) implements Virginia Code § 15.2-2302 and allows applications to first come to the Board to decide whether to require the Planning Commission to hold a public hearing, whether to refer the application to the Planning Commission at all, and whether the Board will require itself to hold a public hearing on the application.

Albemarle County Code § 18-33.4 authorizes an "owner" to apply for rezonings and special use permits, which is defined in Albemarle County Code § 18-3.1 as the fee simple owner of the parcel to which the application pertains. It has become apparent from a recent inquiry from an electric utility

interested in upgrading its electric transmission lines that the definition may be too restrictive where, as in the case of the electric utility, the prospective applicant is an easement holder seeking a special use permit for a use allowed by the deed of easement. Without the amendment, the owner of the fee simple interest in a parcel retains complete control over how the easement lands may be used under the Zoning Ordinance, even though the owner previously sold the property right to the easement holder to use the easement lands for a particular purpose.

**Proffer Procedures and Requirements** Although the Board may waive the requirement for a public hearing when an applicant for a rezoning is seeking only to amend existing proffers that do not affect use or density, County Code § 18-33.4 still requires an applicant for such a rezoning to comply with a number of requirements that apply to all rezoning applications, including: (1) a pre-application meeting, unless it is waived by the director of planning; (2) submitting a complete application in the requisite number of copies; (3) paying the applicable fee for a rezoning (the current fee regulations do not distinguish this type of application from any other rezoning application); (4) holding a work session, if required by the director of planning; and (5) holding a community meeting, if required by the director of planning.

Some applications to amend proffers that do not affect use or density may be minor, technical, or noncontroversial, and a further simplified application process may be warranted in the Board's discretion. Thus, County Code § 18-33.7 could be amended to simplify the application requirements for such rezonings, allow the Board to decide whether work sessions and community meetings may be eliminated in conjunction with its decision as to whether public hearings will be required, and establish a separate fee for this class of zoning map amendment. With each such application, the Board would decide the appropriate level of public engagement and whether Planning Commission and board public hearings would be required.

**Definition of "Owner"** The definition of "owner" in County Code § 3.1 could be amended to clarify that certain easement holders may be eligible to apply for a special use permit when the permit they seek is consistent with the uses for which the easement was acquired.

An analysis of the budget impact related to the ordinance amendments will be provided as part of the ordinance amendment discussion.

Staff recommends that the Board adopt the resolutions of intent (Attachments A and B).

**(Note: This item was pulled from the consent agenda and renumbered as Item No. 26b.)**

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Item No. 13.5. Hydraulic Road and Barracks Road Sidewalk Project.

The executive summary states that the Office of Facilities Development has received Virginia Department of Transportation (VDOT) approval to commence the right-of-way and easement acquisitions for the locally administered Hydraulic Road and Barracks Road Sidewalk ("Project") Revenue Sharing project. The Project will construct 1,700 feet of sidewalk on the north side of Hydraulic Road and three segments of sidewalk along the north side of Barracks Road totaling 1,650 feet. The acquisition of public rights-of-way and/or easements across 25 parcels will be necessary to construct this project. The costs of acquiring the rights-of-way and easements are subject to a state match from VDOT's Revenue Sharing Program. As a condition of the Revenue Sharing Program, VDOT requires that the County determine the amount of just compensation for the rights-of-way and easements, and that the County inform the property owners of their right to receive just compensation.

This executive summary is to request that the Board approve the County's purchase of all rights-of-way and easements necessary to complete this project at a price not to exceed the just compensation amount and not to exceed the current project budget. This would be a significant process improvement in the County's current property acquisition process, which is to separately bring the purchase of each right-of-way and/or easement to the Board for its approval after the owners have signed the required purchase agreement, deed and plat. This Project will require the acquisition of 25 rights-of-way and/or easements as shown on the Project Maps in Attachment A and as listed in Attachment B, based on current County tax records. The current practice of bringing each acquisition to the Board separately, or waiting until all negotiations have been completed to bring all the acquisitions to the Board, would delay VDOT authorization to begin the Construction Phase. With construction advertising scheduled for June or July, 2016, the property acquisition phase needs to progress as efficiently as possible.

Office of Facilities Development and County Attorney's Office staff agree that this approach would facilitate the property acquisition process. In addition, this approach is consistent with Locally Administered VDOT Revenue Sharing project requirements.

The budget for this project has been approved and appropriated. This action will have no impact on the current budget.

Staff recommends that the Board adopt the attached Resolution (Attachment C) authorizing the purchase of the rights-of-way and easements necessary for the Hydraulic Road and Barracks Road Sidewalk Project for amounts not to exceed just compensation, as confirmed by the County Attorney, in amounts not to exceed the current project budget; and authorizing the County Executive to sign, in a form approved by the County Attorney, all documents necessary to complete the acquisitions.

By the above-recorded vote, the Board adopted the following Resolution authorizing the purchase of the rights-of-way and easements necessary for the Hydraulic Road and Barracks Road Sidewalk Project for amounts not to exceed just compensation, as confirmed by the County Attorney, in amounts not to exceed the current project budget; and authorized the County Executive to sign, in a form approved by the County Attorney, all documents necessary to complete the acquisitions.

**RESOLUTION TO AUTHORIZE ACQUISITION OF RIGHTS-OF-WAY  
AND/OR EASEMENTS ON TWENTY-FIVE PARCELS  
LOCATED ON HYDRAULIC ROAD AND BARRACKS ROAD**

**WHEREAS**, the County’s Office of Facilities Development is completing the right-of-way and easement acquisition phase for the Hydraulic Road and Barracks Road Sidewalk Project; and

**WHEREAS**, rights-of-way and/or easements on twenty-five parcels are necessary to construct the Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the acquisition of rights-of-way and/or easements on twenty-five parcels (listed below) that are necessary for the Hydraulic Road and Barracks Road Sidewalk Project for an amount not to exceed just compensation as confirmed by the County Attorney or his designee, in amounts not to exceed the current project budget, and further authorizes the County Executive to execute all documents in a form approved by the County Attorney that are necessary to complete the acquisitions.

<u>Hydraulic Road</u>	<u>Barracks Road</u>
06100-00-00-04100	060A0-00-02-000A0
06100-00-00-041A0	060A0-09-00-02400
06100-00-00-041A1	060A0-09-00-02500
06100-00-00-041B0	060A0-09-00-025A0
06100-00-00-041DO	060A0-09-00-02600
06100-00-00-041E0	060A0-09-00-026A0
06100-00-00-041F0	060A0-09-00-02800
06100-00-00-041HO	060D0-00-0A-00200
06100-00-00-041I0	060D0-00-0A-00300
06100-00-00-044A0	060D0-00-0A-00400
06100-00-00-044B0	060D0-00-0E-00100
06100-00-00-41C0	
061W0-03-00-021A0	
061W1-00-00-10000	

Item No. 13.6. Ivy Road Sidewalk Project.

The executive summary forwarded to the Board states that Ivy Road sidewalk project is a Virginia Department of Transportation (VDOT) Revenue Sharing funded and locally managed project to extend approximately 3,000 feet of sidewalk from the City of Charlottesville sidewalk at the Ivy Road/Old Ivy Road intersection westward to the Route 29/250 Bypass, and to provide crosswalks, pedestrian signals, bike lanes and/or paved shoulders, curb, and storm drainage improvements, and possibly street trees and pedestrian lighting. An overview map of the project is provided as Attachment A. This portion of Ivy Road is functionally classified as an Urban Principal Arterial with a posted/design speed limit of 35 mph. It is generally characterized as a 3-lane roadway, with 11 foot long wide through and shared turn lanes, and right-turn lanes at Stillfried Lane, Colonnade Drive, and a few of the commercial entrances. There are drainage issues along the north side of the road (westbound) and there is a history of drainage issues with the storm water system on the south side (eastbound).

The County’s consultant on the project, Kimley-Horn and Associates, has completed the topographic and utility survey, collected detailed field data for analysis and design, and generated initial design options for the road typical cross section. Several agency stakeholder meetings were conducted with County staff and representatives from the City of Charlottesville, the University of Virginia, and VDOT. Through these meetings, the design concepts were refined into 3 design options. The project scope, cost and impact to the adjacent properties and the railroad right-of-way along the north side of Ivy Road vary with each option. The option descriptions, benefits and disadvantages are summarized in Attachment B and illustrated in Attachment C. After staff and the consultant evaluated the options based on input from the stakeholder meetings, the reports and/or studies completed in the past, and data collected for this study, staff recommends proceeding with Option 2.

The survey and scoping cost analysis for the design, right-of-way and easement acquisition, utility relocations, and construction indicates that Option 2 has the lowest cost; however, the cost for the entire project will be beyond the available budget. Utility relocations identified by the survey and right-of-way acquisitions are significant cost factors. Phasing of the design and construction is necessary and is both supported and preferred by VDOT. The University of Virginia has not yet made plans for its property west

of Stillfried Lane, so other options and opportunities for exploration still remain. Therefore, staff recommends proceeding with final sidewalk design from the City of Charlottesville limits to Stillfried Lane and phasing the construction to maximize the amount of sidewalk that may be built within the budget. The proposed phasing is identified on Attachment A as "Proposed Phase" and "Future Phase". A separate Revenue Sharing application could be made for any remaining portion of the sidewalk, and because the design would already be complete, the project would rank higher.

This request has no effect on the currently approved budget.

Staff recommends that the Board direct staff to proceed with the project from the City of Charlottesville limits to Stillfried Lane based on Option 2, and to phase the construction as shown on Attachment A to maximize the amount of sidewalk that may be built within the budget.

**(Note: This item was pulled from the consent agenda and moved to later in the agenda for discussion.)**

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Item No. 13.7. Community Development Block Grant, Approve Plans and Certifications of Compliance required to receive CDBG Funds.

The executive summary forwarded to the Board states that Albemarle County has been awarded CDBG funding for the Oak Hill Sewer Phase II project and is proposing to submit an application for funding in March 2016 for a housing rehabilitation project in southern Albemarle County. The sewer project is expected to provide assistance to 20 homeowners if approved. Up to 25 properties are expected to receive assistance through the housing rehabilitation project if approved. The use of CDBG funds is considered a "federal action" which requires that the local governing body receiving the funds comply with a number of regulations. Requirements related to Equal Opportunity is a part of the County's Personnel Policy Manual (P-21), and requirements for handicapped accessibility, including grievance procedures, were adopted in February 2009.

The following Plan and Certification are general requirements.

Local Business and Employment Plan - The County must approve a plan to designate the project area boundaries for the purpose of utilizing, to the greatest extent possible, businesses and lower-income residents located in the project area to carry out the CDBG-funded activities. The proposed Plan (Attachment A) designates the entire County as the project area and requires that the public be notified of this through publication of an advertisement in a local widely-circulated newspaper. While the Plan can cover any project, the ad soliciting Section 3 businesses and individuals is project-specific.

Fair Housing Certification - This certification (Attachment B) states that the County will take at least one action annually to affirmatively further fair housing. The action must be from a list of VDHCD-approved actions or must otherwise be approved by the VDHCD.

The following Certification is project-specific and two Plans are attached (Attachment C for Oak Hill Sewer Project and Attachment D for Southern Albemarle Housing Rehabilitation Project).

Residential Anti-Displacement and Relocation Assistance Plan Certification - These certifications state that the County will notify the public and advise the State in the event that a CDBG-funded activity will result in the demolition or conversion of residential units. Furthermore, should displacement occur, the County and/or the development owners will provide relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Oak Hill Sewer Project will not involve the demolition or conversion of residential units which result in displacement. The Southern Albemarle Housing Rehabilitation Project is not expected to cause permanent displacement, but may cause the need for temporary relocation. In the past, AHIP has worked with the families who had to relocate temporarily, and typically the affected individual has stayed with family members or friends. These are isolated cases when extensive work is necessary and are very infrequent. Any temporary relocation cost that may be necessary is grant eligible for funding.

There are no budget impacts associated with the approval of these items. The cost of the required Local Business and Employment Plan advertisement is a CDBG grant-eligible expenditure, which is reimbursable upon the execution of the CDBG contract.

Staff recommends that the Board: 1) approve and authorize the County Executive to execute the Local Business and Employment Plan (Attachment A); 2) authorize the County Executive to execute the Fair Housing Certification (Attachment B); and 3) authorize the County Executive to execute the Residential Anti-Displacement and Relocation Assistance Plan Certifications (Attachments C and D).

**By the above-recorded vote, the Board approved and authorized the County Executive to execute the Local Business and Employment Plan; authorized the County Executive to execute the Fair Housing Certification; and authorized the County Executive to execute the Residential Anti-Displacement and Relocation Assistance Plan Certifications.**

**SECTION 3  
BUSINESS AND EMPLOYMENT PLAN**

1. The *County of Albemarle* designates as its Section 3 Business and Employment Project Area the County of Albemarle.
2. The *County of Albemarle*, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies the *County of Albemarle*, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the County:
  - (a) The *County of Albemarle* shall identify the contracts required to conduct the CDBG activities.
  - (b) The *County of Albemarle* shall identify through various and appropriate sources including:

The Daily Progress  
Local Newspaper of General Circulation

the business concerns within the County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.

- (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.
  - (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.
4. The *County of Albemarle* and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:
  - (a) The *County of Albemarle* in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.
  - (b) The *County of Albemarle* shall advertise through the following sources

The Daily Progress  
Project Area Newspaper of General Circulation

\_\_\_\_\_  
the availability of such positions with the information on how to apply.

- (c) The *County of Albemarle*, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
  - (d) To the greatest extent feasible, the *County of Albemarle*, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).
5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1974, as amended*, the *County of Albemarle* shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Duly adopted at the regular meeting of the Albemarle County Board of Supervisors on January 6, 2016.

\_\_\_\_\_  
Signature of Authorized Official

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**FAIR HOUSING CERTIFICATION**

**Compliance with Title VII of the Civil Rights Act of 1968**

**Whereas**, the County of Albemarle has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

**Whereas**, recipients of funding under the Act are required to take action to affirmatively further fair housing;

**Therefore**, the County of Albemarle agrees to take at least one action to affirmatively further fair housing each year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

\_\_\_\_\_  
Signature of Authorized Official

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**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION**

The County of Albemarle will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County of Albemarle will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate- income households in the jurisdiction.

The County of Albemarle will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The County of Albemarle FY 15 project includes the following activities:

*Construction of public sewer and connection of 20 homes to public sewer in the Oak Hill Subdivision*

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The County of Albemarle will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

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Signature of Authorized Official

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## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION

The County of Albemarle will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County of Albemarle will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate- income households in the jurisdiction.

The County of Albemarle will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The County of Albemarle's proposed FY 16 project includes the following activities:

### *Rehabilitation of existing housing units in southern Albemarle County*

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The County of Albemarle will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

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Signature of Authorized Official

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### Item No. 13.8. Community Development 2016 Work Program – Amendment 1.

The executive summary forwarded to the Board states that on November 4, 2015, the Board endorsed the staff recommended 2016 work program for Community Development. (Attachment A). On December 9, 2015, as part of a zoning text amendment to address State mandated requirements for farm distilleries, the Board expressed an interested in modifying this work program to accelerate work on regulations addressing both the cumulative and substantial impacts resulting from events and activities associated with farm wineries, breweries, and distilleries. Staff noted an opportunity for accomplishing this by deferring planned work on the Pantops Master Plan / Rivanna River Corridor Plan (Pantops), as well as the Rural Areas churches zoning text amendment. The Board appeared to conceptually agree with this change, but requested it be brought forward at the January 6, 2016 meeting.

The adopted work program included two initiatives intended to address special events in the Rural Areas. The first, Phase 2 Farm Wineries, Breweries, and Distilleries (Phase 2) is focused on assuring that events at these facilities properly complemented this important agricultural industry. The second, Rural Areas Special Events (RA Events), is focused on assuring that any events for other purposes in the Rural Areas are properly aligned with the County's policies for the Rural Areas. Staff believes it is important that these two initiatives be considered together in order to avoid potential conflicts. With this proposed change to the work program, work on these two items would begin in early 2016 rather than in 2017. This effort is anticipated to take the time equivalent of one-half FTE for six to

nine months to develop a recommendation for the Board. Staff believes this amount of time is appropriate, noting concurrence with industry representatives who spoke at the December 9th Board meeting on the complexity and need to avoid unanticipated consequences. Staff will strive for consensus through the public engagement process before forwarding a recommendation to the Board.

At the December 9 meeting, staff stated that the Rivanna River Corridor Plan would be deferred because the City, the County and the Thomas Jefferson Planning District Commission had not yet established funding or a work plan for the river corridor study. The Board's Strategic Plan and Community Development's 2016 work program both anticipated the River Corridor Plan being integrated into the Pantops Master Plan update. Staff also stated that the work on the Rural Areas churches zoning text amendment could be deferred if the Board believes the Phase 2 zoning text amendment is more time sensitive. Deferring those two items until the completion of the Phase 2 and RA Events would free up the needed staff resources. Attachment B provides the modified work program, with the changes shown in red.

This modification to the adopted work program does not alter resource needs or require any additional funding.

B. Staff recommends that the Board adopt the amended work program as presented in Attachment

**By the above-recorded vote, the Board adopted the following amended Work Program:**

[illegible][illegible][illegible]



Item No. 13.9. Legislative Support Against Hostile Attempts to Require Re-Justification or Elimination of Nutrient Allocation.

The executive summary forwarded to the Board states that It was recently brought to the County's attention that efforts were underway to submit and pass Statewide legislation that would adversely impact the County's efforts to protect and manage its waterways. The attached letter (Attachment A) from Tom Frederick provides background regarding this proposed action.

Tom Frederick, Executive Director of the Rivanna Water and Sewer Authority, was informed by Chris Pomeroy, general counsel for the Virginia Association of Municipal Wastewater Agencies, that legislation was being proposed that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region and may lead to elimination of nutrient allocation from organizations, including RWSA.

Mr. Frederick urged the County to request inclusion in the Albemarle County Board of Supervisors legislative priorities a statement in opposition to any legislative effort for re-justification or elimination of nutrient allocation. The recommended position included below is identical to that recently approved by the Charlottesville City Council.

There is no budgetary impact for this item.

Staff recommends that Board of Supervisors add the following legislative position to its legislative program: The County opposes any effort that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

**By the above-recorded vote, the Board added the following legislative position to its legislative program: "The County opposes any effort that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region."**

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Item No. 13.10. 2015 Third Quarter Certificate of Occupancy Report as prepared by the Community Development Department, ***was received for information.***

The report states that during the third quarter of 2015, 95 certificates of occupancy were issued for 95 dwelling units. There was one permit issued for a mobile home in an existing park, at an exchange rate of \$2,500, for a total of \$2,500. There were no permits issued for the conversion of an apartment to a condominium.

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Item No. 13.11. 2015 Third Quarter Building Report as prepared by the Community Development Department, ***was received for information.***

The report states that during the third quarter of 2015, 118 building permits were issued for 182 dwelling units. There were no permits issued for mobile homes in an existing park. There were no permits issued for the conversion of an apartment to a condominium.

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Item No. 13.12. Board-to-Board, December 2015, *A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors*, ***was received for information.***

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Item No. 13.13. County Grant Application/Award Report, ***was received for information.***

The executive summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides a brief description of one grant award received during the time period of November 13, 2015 through December 11, 2015. This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs.

No County funds will be used to fund the continuation of those projects and programs without Board approval.

The budget impact is noted in the summary of each grant.

**GRANT REPORT ACTIVITY – November 13, 2015 through December 11, 2015**

Applications were made for the following grants:

None at this time.

Awards were received for the following grants:

Granting Entity	Grant	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Virginia Department of Emergency Management	FY16 Local Emergency Management Performance Grant (LEMPG)	State	\$25,452.00	\$8,484 by the County, The City, and UVA (for a total of \$25,452)	Budgeted within ECC Department Budget	Emergency Communications Center	This grant will be used to support the development and maintenance of a Comprehensive Emergency Management Program. The funding will be used to support the Office of Emergency Management by augmenting salary, website support, training and education, materials and supplies, and technology equipment to update the Emergency Operations Center.

Item No. 13.6. Ivy Road Sidewalk Project, **Discussion.**

Ms. McKeel stated that ideally they would be looking at having bike lanes on both sides, but given funding constraints it would be nice to at least have one on the south side.

Mr. Trevor Henry, Director of the Office of Facilities Development, addressed the Board and stated the Chief Project Engineer, Brian McPeters of Kimley Horn Associates, is present. He stated that how staff wrote the waiver is accurate and they can certainly pursue the waiver from VDOT that would allow them to build the bike lane, but cannot guarantee approval. Mr. Henry said the feedback from the Board was they want to get the bike lanes in, and two of the three options included them but at a higher cost, so staff can do an early assessment with VDOT to gauge the likelihood of approval of the waiver.

Mr. Sheffield asked if the reconfiguration of the road to accommodate a bike lane is the difference between option one and two. Mr. Brian McPeters explained that option one would include a paved shoulder, not a bike lane, on the north side, and that adds cost because of the elements that exist on the north side of Ivy Road. Mr. McPeters said the width of the typical section, regardless of the waiver being approved or not, would not change. He noted the placement of the stripes would be changed so they would have the ability to go back and add in the bike lane if and when the road is widened.

Ms. McKeel stated it is rare to go back and add them, and it seems the right time to put them in is when the projects are being done, with the County often being in the position of not having them, such as with Georgetown Road and Commonwealth Drive. Mr. McPeters said the waiver signals to VDOT that this is the intent.

Mr. Foley asked for confirmation that if the waiver is approved, they would be proceeding with the bike lane. Mr. McPeters said that is the case, and it would only change how the road is striped, not what is actually built in asphalt and curb.

Mr. Foley commented that the budget is adequate to ensure that happens. Mr. McPeters confirmed that the width is acceptable as long as they are only talking about the eastbound direction.

Mr. Foley noted it is just a matter of VDOT approval.

Ms. McKeel stated that she is uneasy leaving it as something they “could” do, and she just wants to make sure there is an understanding that they will try to get the waiver.

Mr. Sheffield asked Mr. Henry if option one would satisfy what staff is looking to do as well as the bike lane. Mr. Henry replied that it would not.

Ms. Mallek asked if there is any alternative to do this that does not involve a suicide lane because they are already trying to address the current middle lane at the Clover Lawn area on 250 West that is a disaster, and creating another disaster close into town is concerning to her. She asked if there is any way to achieve a bike lane without creating a running turn lane that people in both directions use at high speed, as that is a bad idea, and currently there is a left turn in the left hand travel lane of the two lanes. Mr. Henry responded there is also an existing condition of a suicide lane in that area, and staff has not studied eliminating that, which would require an expansion and widening of the road amidst cost challenges already faced.

Ms. Mallek asked if they had studied and discarded having a westbound bike lane but no sidewalk on the north side, which could be accomplished with a minimal addition of shoulder and paving. Mr. Henry said that option one included the westbound bike lane.

Ms. Mallek stated that option one also included a sidewalk, which is way over the cost, and she wants to know if they could just do a bike lane going west. Mr. Henry clarified that option one does not have a sidewalk on the northbound side, only on the southbound side.

Ms. Palmer asked if the Board would like to have more information on this before making a decision. Mr. Foley suggested that staff could possibly come back at the end of the meeting with answers

to some of their questions, and if more work needs to be done to resolve it, they could bring it back in February.

Mr. Henry noted they may need to reach out more formally to VDOT for clarification.

Mr. Foley asked if there is a critical timeline. Mr. Henry responded there is not.

Mr. Sheffield said he would like to have this come back at their meeting the following week, as items often take longer than anticipated and he would like to see this project done by fall.

Mr. Foley stated that staff would add it to the end of their work session on January 13.

Board members agreed with that approach.

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Agenda Item No. 14. Reorganization of the Department of General Services and the Office of Facilities Development.

The executive summary as presented by staff states that the Department of General Services currently includes the functional areas of public works and environmental services. In 2007, the Office of Facilities Development (OFD), previously a part of the Department of General Services (GS), was established as a separate office to provide a more focused approach to the management and execution of the County's expanding Capital Improvement Program (CIP), including school construction. Today, under the leadership of its current director, the OFD operation has evolved into a highly experienced, effective office employing talented project managers and best management practices. Re-combining the Department of General Services and the Office of Facilities Development would allow for greater effectiveness in the delivery of services and would align the organization to meet future urbanization needs.

The laws protecting natural resources have evolved over the last 25 years, as has the County's commitment to protecting our natural resources. The Board's adoption of Goal 6, Natural Resources, of the County's Strategic Plan emphasizes that the stewardship of our natural resources and the environment is a County priority. Staff continues to work to bring the County, as an organization, into alignment with the Strategic Plan Goal. Virginia Code § 15.2-518 enables the Board to establish departments that it deems necessary to the proper conduct of the business of the County.

Staff proposes re-combining the Departments of General Services and the Office of Facilities Development into a new department entitled "Facilities and Environmental Services". The new department would include three separate divisions: Environmental Services, Public Works, and Project Management. (See Attachment A-Facilities and Environmental Services Realigned Organizational Chart.) The County Executive's Office recommends the appointment of the current OFD Director as the director of the new department.

Staff has identified a number of key advantages associated with combining and reorganizing these departments. First, the alignment would create greater efficiencies in the routine operations of the departments by eliminating duplication and by leveraging the use of staff across functions, which is expected to result in improved communications and collaboration. Second, the vacancy created by the elimination of the General Services department head position would allow for the creation of an Environmental Services Chief position to oversee the newly formed Environmental Services Division. This new division would create an opportunity to advance key Board priorities involving natural resources and water resources protection, materials management, recycling, and environmental compliance. Finally, the reorganization would create an opportunity to leverage the talents and leadership abilities of a key leader in the organization with a proven track record of success.

Staff recognizes the important link and common focus between the new division of Environmental Services and the natural resources function in the Community Development Department. Establishing a cross-departmental work team between these two departments, or some other form of routine work group collaboration and communication, would be a vital part of this reorganization.

Budgetary impacts are not anticipated, however, minor impacts may result from the retirement of a senior staff member as well as staff reassignments and program expansions. There are no anticipated changes in the number of FTE positions as a result of this reorganization, however, staff will be proposing the addition of a Sustainable Materials Management Coordinator position in the FY 17 budget in accordance with the recommendations of the Long Range Solid Waste Committee.

Staff recommends that the Board: 1) adopt the attached Resolution to approve the establishment of the Facilities and Environmental Services Department effective February 1, 2016, which will combine the Department of General Services and the Office of Facilities Development, and will consist of the divisions of Environmental Services, Public Works, and Project Management (Attachment B); and 2) adopt the attached Resolution to appoint the current director of the Office of Facilities Development as the director of the new Department of Facilities and Environmental Services effective February 1, 2016 (Attachment C).

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Mr. Bill Letteri, Deputy County Executive, addressed the Board and congratulated Mr. Randolph and Mr. Dill for their election, stating that he looks forward to working with them. Mr. Letteri said the item

before them is a proposal to consolidate the Department of General Services and the Office of Facilities Development into a newly formed department under the proposed name of "Facilities and Environmental Services." He stated that staff is continually looking at efficient and effective ways to run their departments and to continue to advance the goals and aspirations of the Board, and this consolidation will help to make that happen in an effective way. Mr. Letteri said the purpose of this agenda item is to obtain Board approval to create the new department and to appoint Trevor Henry as its new director.

Mr. Letteri stated that both the Department of General Services and Office of Facilities Development share a number of similar activities, and staff feel that consolidating related services pertaining to project management, facilities maintenance, facilities assessment and evaluation, management and improvements, and major projects into one focused coordinated department will help with the ability to execute those functions. He said the consolidation will allow them to create a division of Environmental Services, which will provide focus around stewardship and compliance issues, water quality and protection, and materials management. Mr. Letteri noted this consolidation forms a structure that reflects best management practices, and in looking at other localities, especially those that are becoming more urbanized, this prepares the County to be more responsive to urbanization needs. He said it fosters a higher level of communication and coordination to provide additional efficiency and enables them to use staff resources more effectively. Mr. Letteri stated the related activities between the divisions includes environmental operations, maintenance staff, project management staff, major maintenance installations, shared administrative support, and engineering staff.

Mr. Letteri referenced the proposed new organizational chart, with the department under one leadership and administrative office creating three separate divisions: environmental services, public works, and project management. He emphasized this consolidation creates a vacancy, which will allow them to fill a Chief of Environmental Services position. Mr. Letteri recognized George Shadman for his leadership and years of service to the County, noting that he will soon be retiring.

**(Note:** Mr. George Shadman stood and was recognized by the Board and meeting attendees.)

Mr. Letteri reported that one of the divisions will be "Project Management Services" and will mirror in large part the work previously under Facilities Development, which provided project management services for major capital programs for both local government and schools. He noted they also provided services to General Services and Building Services on major maintenance installations, and said that staff sees this continuing, with funding from the capital fund revenues. Mr. Letteri said it is hoped the project management function will be extended to other areas of the County, such as major software installations or major equipment projects, or other things that have critical timelines. He stated the second division will be "Public Works," involving issues of ground and building maintenance, custodial operations, oversight of the copy center, fleet maintenance and management, room reservations and set-ups, and the citizen engagement center.

Mr. Letteri reported the third division will be "Environmental Services," which will include some services already provided and will bring in a new chief to oversee various functions: environmental management, water resources, and materials management recycling. He stated that in the area of environmental management, there will be continued focus on areas of compliance with federal and state mandates, oversight of the County's environmental management system (EMS), pollution prevention and energy management programs, such as energy management and Energy Star, the SAFER chemical program, and the LEAP program. Mr. Letteri said that water resources will include a focus on storm water, stream restoration projects, runoff and water quality issues, adherence to TMDLs and associated programs, and MS4 programs. He stated that materials management recycling will focus on issues of solid waste recycling, roadside and illegal dumping activities, bulky waste collection, and the County's interface with the Rivanna Solid Waste Authority.

Mr. Letteri stated he will address the relationship of the work of this department with the work in Community Development, particularly as it relates to the newly approved Natural Resources Manager position, which will focus on strategic plan objectives, the County's comprehensive plan and ordinances, and broad policy objectives related to natural resources and protection of the environment. He said those efforts and development of policies will impact the work of the new Environmental Services department, and conversely that department's work will influence and inform some of the creation of ordinances and policies. Mr. Letteri stated that staff would like to create a work team, a structure within the organization that allows for high-level coordination between the two areas so they can best leverage the work of both areas. He clarified that one area is more policy and development oriented, with the new division relating more to the operation and implementation of the ordinances.

Ms. Palmer said when they approved the Natural Resources Manager position, she did not get the impression that it was a policy person, and asked what it is at this point. Mr. Letteri responded that it will be about the identification of those issues and recommendations about current policies and potential changes. He noted that Mark Graham is present and can speak more specifically to the role of that position.

Mr. Foley stated they can talk about that more at the end of the discussion, and Mr. Graham can provide details at that time.

Mr. Letteri clarified the Board's formal action is to adopt the resolution establishing the Department of Facilities and Environmental Services, and the second action is to adopt the resolution appointing the current director of the Office of Facilities Development as director of the new department.

Board members had no questions, but said they would like to discuss the Natural Resources Manager item later.

Mr. Randolph then **moved** to adopt the proposed resolution to approve the establishment of the Facilities and Environmental Services Department effective February 1, 2016, which will combine the Department of General Services and the Office of Facilities Development, and will consist of the divisions of Environmental Services, Public Works, and Project Management. Ms. Mallek **seconded** the motion, which passed unanimously (6-0).

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

**(The adopted resolution is set out below:)**

**RESOLUTION APPROVING THE ESTABLISHMENT OF  
THE DEPARTMENT OF FACILITIES AND ENVIRONMENTAL SERVICES**

**BE IT RESOLVED** by the Board of Supervisors of Albemarle County, Virginia, upon the recommendation of the County Executive, that the Department of Facilities and Environmental Services, which will combine the Department of General Services and the Office of Facilities Development, and which will consist of the divisions of Environmental Services, Public Works, and Project Management, is hereby established, effective February 1, 2016.

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Mr. Sheffield **moved** to adopt the resolution to appoint the current director of the Office of Facilities Development as the director of the new Department of Facilities and Environmental Services, effective February 1, 2016. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

**(The adopted resolution is set out below:)**

**RESOLUTION APPOINTING THE DIRECTOR OF THE  
DEPARTMENT OF FACILITIES AND ENVIRONMENTAL SERVICES**

**BE IT RESOLVED** by the Board of Supervisors of Albemarle County, Virginia, upon the recommendation of the County Executive, that Trevor Henry is hereby appointed the Director of the Department of Facilities and Environmental Services effective February 1, 2016.

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Agenda Item No. 15. **Presentation:** Brooks Family YMCA - Construction Status Update.

Mr. Kurt Krueger addressed the Board, stating that he serves as Chair of the Piedmont Family YMCA and will provide them with an update on construction status and programs. He introduced CEO Jessica Maslaney and Jay Kessler, construction consultant and owners' representative, and said they will provide updates for the Board. Mr. Krueger stated the project has been a long time in the making, but the Piedmont Family YMCA has served the community since 1994, and three of their board members, Suzanne Jessup Brooks, Steve McLean, and him, have served since its inception. He noted the board consists of 14 local community members who govern the YMCA, and they have a ground lease from the City of Charlottesville, which they obtained in 2008 for approximately five acres of land in McIntire Park. Mr. Krueger said the park is located across the parking lot from the softball fields in McIntire Park where some picnic shelters used to be located, and further to the west is the fire station on the Route 250 bypass. He stated the YMCA has a use agreement that is basically a three-party agreement between the "Y", the City and the County, and it provides that the facility will be open to any citizen and calls for a \$1.25 million contribution from the City toward two swimming pools, one competitive and one warm water, and \$2 million from the County toward the entire facility, both of which have been funded at this point.

Mr. Krueger stated that as required by the ground lease, the YMCA has presented a financial plan to show they can complete the construction and has the funds in terms of donated dollars, pledges and loans. He said the plan was presented to City Manager, Maurice Jones, in September with a copy given to Mr. Foley. Mr. Krueger stated the "Y" closed on its construction loan with Sona Bank in October and held groundbreaking for the facility in early November, with construction slated for completion in May 2017. He said the facility is being named "The Brooks Family YMCA" after its largest contributors, Suzanne Jessup Brooks and Rob Brooks. Mr. Krueger said that for the past 17 years, the YMCA has operated as a program-based organization with no members and grew to be the largest non-facility "Y" in Virginia, offering a variety of programs mostly aimed at youth sports. He stated the facility will allow them to greatly expand the offering of programs and the people the "Y" can serve, and noted they currently operate a vibrant childcare operation in the Jefferson School in the City and a modest facility at Claudius Crozet Park, based on a lease with the park board. Mr. Krueger said the lease is up at the end of 2016.

and they are hopeful the park will renew it, noting there are more than 3,500 members there, which is triple what was initially projected. He stated there are approximately 2,700 in the U.S., with more than 70 in Virginia including one in Richmond that has 13 branches. He noted that Paul McIntire, for whom McIntire Park was named, spoke enthusiastically as a "Y" Board member in 1923 about the need in the community for a "Y", and it is hoped that the new facility will fulfill that dream.

Mr. Krueger said the most important aspect of this project is that it is a leading example of the collaboration that can happen between the City, the County and a nonprofit to bring something to the community that none of those bodies alone could bring. He stated that both the City and the County had conducted needs assessments in 2006 regarding indoor recreational needs, and determined that over the next 10 years more than 100,000 square feet of indoor recreation space would be needed in the community, and this facility will provide 77,000 of that. Mr. Krueger noted that by partnering with the "Y", the City and County will be able to bring a project with hard costs of \$14.5 million without having to spend nearly that much. He stated this facility will be open to all members of the community without respect to financial means, as no one will be turned away because of ability to pay.

Mr. Jay Kessler addressed the Board, stating that construction was launched in early November after securing financing, and got off to a slow start because all light poles in the park were owned by Dominion Power and had to be moved. Mr. Kessler stated that the "Y" provides an overview of the initial steps taking place in the first 30-45 days, and significant progress had been made on the site. He referenced some aerial photographs that show the park remains relatively undisturbed, with two shelters lost and shelter two still remaining along with the walking trail. Mr. Kessler said they have been removing a lot of dirt and have put in soil erosion measures, with 50% of rough grading completed. He pointed out the location of a new parking lot and said that about 15 feet of fill has already been placed there. Mr. Kessler noted the placement of the aquatics area and said the swimming pool is actually above the sediment basin in place. He mentioned the location of the first building foundation and said the footing was being poured that day. Mr. Kessler highlighted the location of the gym wing and stated the entrance to the "Y" is off the old shelter one pad, with the center on the high point of the site. He added the contractor is on schedule and the next report will likely include significant activity.

Ms. McKeel commented that she is excited about the project and the benefit it will provide families, especially children, in the community who are learning to swim.

Ms. Jessica Maslaney addressed the Board, stating that she will update them on fundraising progress and discuss facility plans and programming opportunities. Ms. Maslaney stated the "Y" had obtained all 2015 pledges receivable, totaling about \$4.55 million, and had also received some surprise year-end gifts totaling about \$50,000. She said they are actively bringing in 2016 pledges, with the total needing to be collected at \$1.8 million, and all totals were reflected in the September 10, 2015 pro-forma presented to the County and the City. Ms. Maslaney said the YMCA has financed about \$12 million to secure all funding needed for project completion, so their goal is to pay it down as quickly as possible so they can reinvest dollars back into the community, and to that end the "Y" is launching a \$3 million capital campaign during construction to help pay down that debt.

Ms. Maslaney provided an outline of the five program focuses for the facility once it opens. She stated the first is community health, to ensure that fitness, aquatics and family recreation are accessible to all in the community, which will be accomplished through scholarship programs. She said the second is the learn to swim program, with the vision of partnering with City and County schools to provide swimming lessons to all second graders, and they have already partnered with Gordon Hair in the "Ben Hair Swim for Life" program, which has provided a \$500,000 endowment. Ms. Maslaney stated the next three programs are national initiatives, which allows the "Y" to take a national framework and implement it on a local level. She said that "Hop the Gap" has the goal of improving the academic outcomes for children at key educational stages, early learning, summer learning through camps, and after-school programs. Ms. Maslaney stated their diabetes prevention program is a national initiative that can be implemented locally, focusing on behavioral changes to help children, adults and families reduce the risk of diabetes. She said the last program is the "Together hood Program," which invites YMCA members to give back to the community by leading local service projects.

Ms. Maslaney stated the "Y" is the leading nonprofit nationally committed to the social wellbeing of communities by helping people to feel more connected, encouraging them to be active, and to learn, grow and thrive. She said they are excited to partner with the County and the City to impact the lives of all people in the community, not just those who can afford it. Ms. Maslaney thanked them for the opportunity to report on their progress and offered to answer any questions.

Mr. Randolph said he wonders if the YMCA, given the degree of concern in the private sector when plans to open the facility with public money emerged, had done a strategic growth marketing analysis of the potential impact of the opening of an athletic workout facility at the proposed new Senior Center, and the impact on the "Y's" potential market for its new facility. He stated that knowing this is something that will come before the Board in the future, he feels it is a good opportunity to ask the "Y" about it.

Mr. Krueger responded he is in almost constant contact with Peter Thompson at the Senior Center, talking about the facilities and programs the "Y" will offer and the things they could each design to be compatible and mutually beneficial. He stated the YMCA facility and its programs will utilize a lot of volunteer work from seniors because it will provide Senior Center participants an opportunity to interact with younger people at the "Y", and to develop mentoring relationships with them. Mr. Krueger said that both the "Y" and the Senior Center view this as a collaborative effort, not competitive, to bring health and

wellness to the community. He stated the “Y” has not run a current needs study, as this is a very expensive endeavor, but given the experience at Crozet in which they projected having 1,200 members but ended up with 3,500, there is clearly a need in the community for this effort. Mr. Krueger stated the “Y” is working closely with Bob Crickenberger of County Parks & Rec and Brian Daley of City Parks & Rec to offer complimentary programs and services, so this is viewed as a community-wide solution.

Ms. McKeel stated that swimming lessons were discussed often when she served on the School Board, because students in the County had limited opportunities to learn how to swim, and this facility will be great for students in the urban ring.

Ms. Mallek said they are trying to get this going in Crozet currently, as the pool is located right next to the elementary school.

Ms. McKeel commented this project may actually exceed the timeframe of the Meadowcreek Parkway.

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Agenda Item No. 16. **Presentation:** Albemarle County Service Authority (ACSA) Quarterly Update.

The following report was provided to the Board from Mr. Gary O’Connell, Executive Director:

“We at the ACSA again appreciate the regular opportunity to update the Board of Supervisors on our projects and issues. We look forward to presenting our quarterly report and being available for questions at your January 6, 2016 meeting:

1. **Imagine a Day Without Water** – Our student art contest received 570 posters, with some very creative artwork centered around our theme of the importance and value of water (see the winners in the attachment). This was a partnership with the City and RWSA, for a very successful November event and art contest.
2. **Budget and Rates** – Budget season has begun, and the recommendations to the ACSA Board will be presented at the April meeting. An informational flyer is planned to be sent to our customers in May on the proposed budget and rates.
3. **Private Development and the ACSA** – We review all the water and sewer plans for the new development in the County and inspect up to completion, for acceptance into the ACSA system. The current list of active projects we have under inspection is attached.
4. **New ACSA Website** – [www.serviceauthority.org](http://www.serviceauthority.org). Check it out!
5. **Several RWSA Projects of Interest** –
  - **Wholesale Metering**- As part of the water supply plan, we wanted to be sure the allocation for the ACSA and the City water use is more accurate. The result is the start of construction on a metering project that will measure monthly, through 27 wholesale meters, the City and ACSA water use. As you may recall, the Water Supply Plan had a trigger, that when the City exceeded their allocated capacity (use), they would pay a surcharge as provided in the agreement. The ACSA wanted to ensure that the use is accurate and fair, and this metering project will do that.
  - **Comprehensive Wastewater Study**- Another regional study to look at wastewater flows coming from the ACSA and the City. This data will be used for cost allocation purposes as spelled out in the recent Wastewater Cost Allocation agreement.
  - **Crozet Water**- The CIP for next year will include a “capacity” study to look at the need for expanding the Crozet Water Treatment Plant. As you know, a tremendous amount of growth has occurred in Crozet, and we suspect we will soon be nearing the long term capacity of the plant.
  - **Crozet Wastewater Capacity**- Again, as growth in Crozet has occurred, we need to study the capacity of the wastewater lines in Crozet.
  - **GAC**- The advanced water treatment project for GAC (granular activated carbon) has begun at the three urban water treatment plants (South Fork Rivanna, North Rivanna, and Observatory) and work will start in the spring at the Crozet and Scottsville Water Treatment Plants. The work is expected to be completed in late 2017, at which time we will have a much higher quality of water to provide to our customers.
6. **Vulnerability Assessment**- We are partnering with the City, RWSA, and UVA for a third party review of our infrastructure facilities from a perspective of potential threats (manmade and natural), and a review of our critical assets. The result will be a set of recommendations and review of the existing physical protection systems and security policies including cyber security. This is a proactive approach to identify any facility deficiencies that need correcting. We are also coordinating with the Health Department, as well as Albemarle County Police and Fire and Rescue.



7. **ACSA Capital Projects Update:**

- **Key West Water Main Replacement** – A waterline project to replace an existing line that is old and deteriorating. In addition to a new waterline, additional fire hydrants will be added to increase the level of fire protection in Key West. This contractor started the installation of a new 12 inch water main in early April; about 2/3 of the project is complete. Twenty-six (26) new fire hydrants have been installed to date.
- **Westmoreland Water Main Replacement** – This project is to replace a 50 year old waterline that has recently experienced multiple leaks. The Westmoreland subdivision is located between the Carrsbrook and Northfields subdivisions that are also scheduled for future waterline upgrades. Project surveying has been completed. Design is nearing completion. The next step is geotechnical borings and soil corrosiveness testing. Easement acquisition work will continue.
- **Michie Tavern Water Main Replacement** – A new waterline is being designed that would connect near PVCC on Route 20. The current line is over 70 years old and badly deteriorating. A contract is being completed for construction work to begin.
- **Ivy Water Main Extension** – This is a new water main extension to serve residences and businesses in the Village of Ivy, adjacent to Route 250 West, that have had their wells contaminated by leaking underground fuel tanks. This is a DEQ funded project. The design work is at the 50% stage.
- **Berkeley Water Main Replacement** – This is another one of our waterline replacement projects for an older line, nearly 60 years old. We have completed 100% of the design. We are also coordinating with Charlottesville Gas, as the neighborhood is very interested in new gas service. Easement acquisition work is beginning.
- **Glenmore Water Tank Project** – This project is designed to add an emergency backup to the Village of Rivanna area, as there is a single 4½ mile waterline to the east to serve this area. The easements needed for the project have been completed. The final site plan has been approved, and the County as co-owner has executed the Deed of Easement. We have completed the 90% design documents. The timing of the bid is dependent on the rough grading schedule for the Rivanna Village development, so as to coordinate the two projects and not have conflicts.
- **Water Tank Maintenance** – Annual Comprehensive Program for the maintenance and rehabilitation of the eight (8) ACSA water tanks. Services include cleaning, inspection, coating evaluation and repairs. A Request for Proposals is being prepared to establish a maintenance contract.
- **Ivy Road-Flordon Water Connection** – This project, located near Ivy Nursery at Route 250, is an interconnect project to connect to the West Leigh area for water system and fire protection redundancy in emergencies. The water lines to the bridge and along Route 250 have been completed. VDOT has awarded their bridge relocation project, which constructs a portion of this new water main connection; this bridge work has started, but has been delayed.
- **Ednam Water Pump Station Upgrade** – This project will provide an alternate source of water to West Leigh by upgrading the existing pump station and increasing pumping capacity. Design is complete and bids will be advertised in January.
- **Orchard Acres Waterline Extension** – One of our Crozet area waterline replacement projects to upgrade and replace aging waterlines. This project is at the 100% stage in the design documents. The easement acquisition stage of the project will begin in early 2016.
- **Sewer System Rehabilitations** – Work is near completion in the Ednam Sewer System. We are working with Farmington on sewer upgrades to their private system that connects into the Ednam System. The study phase of the PVCC Sewer Drainage Basin has been completed and the rehabilitation work has been underway.
- **Greenbrier Drive Sewer Replacement** – As the City's Hillsdale Drive Extension Project is being designed, we are coordinating to replace a 700 foot section of sewer. This is a future CIP project, so doing the work now in conjunction with the City project will be a significant cost savings.
- **Oak Hill Sewer (Phase 2)** – The ACSA staff continues to appreciate the work of the Albemarle Housing Office to assist in seeking CDBG grant funding for this new sewer line project to serve 20 additional properties that have failing septic systems. We have completed easements and the design has been completed. The grant application has been approved and contract documents are the next step.
- **West Leigh Waterline Replacement** – Work has been completed to replace existing waterlines on Devonshire Road, Wendover Drive, Suffolk Road and Cornwall Road. A new water line has also been installed on Croydon Road, and the work is nearly complete.
- **Sanitary Sewer Rehabilitation** – We continue our ongoing program to rehab the sewer system, lines and manholes. Relining projects include the Woodbrook area, Camelot, Ednam, PVCC and the Woolen Mills area.
- **Route 29 Solutions (VDOT Project) – Utilities** – As the Board is well aware, road work for this project is under a design-build contract for construction. The project consists of the three parts: (1) Rio Road/Route 29 Grade Change Intersection, (2) 29 North Widening, and (3) Berkmar Drive Extended. All these projects have major impacts on both ACSA and RWSA utilities. This includes utility line relocations in a number of areas. Construction of water lines on Rio and Route 29 has been completed.



- **Crozet Water Main Replacement Phase 3 (New Proposed FY 2016 CIP Project)** – This project continues our work to replace aging, undersized, and deteriorating water mains in the Crozet Water System. The proposed work will be on Jamestown Road, and a section of Park Road to Dunvegan Lane. The work proposed for next year is the design of the new water mains to provide a more reliable water distribution system.
- **Key West – Dunlora Water Connection (New Proposed FY 2016 CIP Project)** – To continue the ACSA goal of building redundancy into the water system, this project provides another major water main connection across the Rivanna River. By creating a loop with the Dunlora subdivision and the Key West subdivision, this new waterline will help fortify the water system on the east side of the Urban Ring. It also improves water quality in Key West. The design is complete, and the work will be coordinated with the ongoing Key West Water Main Replacement Project.
- **Camelot Drainage Basin Sewer Study (New Proposed FY 2016 CIP Project)** – This project continues the ACSA work to identify sewer system areas in need of rehabilitation to reduce infiltration and inflow (I/I). The study areas include the older portions of Camelot and Briarwood, as well as the Rivanna Station area. The study will be completed in FY 2016 and rehabilitation work will carry over into FY 2017.
- **Oak Forest Pump Station Abandonment (New Proposed FY 2016 CIP Project)** – This wastewater pump station was constructed 35 years ago and is deteriorating, and the original pumps are in need of replacement. With the development of the Stonefield area (and the associated sewer lines), we have identified a sewer main extension project that could eliminate this aging pump station and avoid an expensive upgrade.
- **Peter Jefferson Place Pump Station Improvements (New Proposed FY 2016 CIP Project)** – This pump station constructed 17 years ago was designed to serve a large drainage basin with the potential for dense development. To date the potential development within the drainage basin has been slow, and as a result the pumps are oversized for the amount of flow received at the station. Due to the lower flows the pumps are not operating efficiently and this is increasing the wear and tear on the equipment. A study to evaluate options to improve the efficiency of the pumps without replacing them will be undertaken to determine the best approach.
- **Airport Sewer Collector Upgrade Evaluation (New Proposed FY 2016 CIP Project)** – The original sewer collector serving the airport and the area west of Route 29, which now includes the Hollymead Town Center and Willow Glen, was originally sized to serve the light industrial zoning designated for that area at the time of construction. As a result, the increased density specified in the County Comprehensive Plan for the same drainage basin, at build-out, will exceed the capacity of the existing sewer main. This project will review the current zoning, the County's Places 29 Master Plan and the existing conditions of the sewer system to develop a plan for upgrading the capacity of the Airport Sewer Collector.

Thank you for your continued support, and for giving us a regular opportunity to update the Board on the ACSA activities as we work to provide high quality water and service to our 18,500 Albemarle County customers. Happy New Year 2016!"

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Mr. O'Connell addressed the Board and congratulated newly elected Board members. Mr. O'Connell reported that in conjunction with the Rivanna Water & Sewer Authority, the ACSA had sponsored an art contest pertaining to "Imagine a Day Without Water," to foster appreciation of water. He stated there were 570 students in the City and County who participated, and copies of the winning artwork was included in the Board packets and would be displayed at various public buildings around the community. Mr. O'Connell said they would likely do something similar next year, hopefully with a bit more lead time and better involvement from the schools.

Mr. O'Connell reported the ACSA's budget season had started, and the capital improvement program went to their board in March with the proposed budget and rates scheduled for April, with approval in June. He stated he would update the Board on that in his next quarterly report, including proposed changes. Mr. O'Connell said the ACSA reviewed all new water and sewer plans for new development, and inspectors looked at construction before water and sewer were accepted into the system, with 23 such projects underway. He noted it takes a lot of effort from an engineering standpoint to keep track of that, which is a piece of what goes on with development in the community that might not be readily apparent. Mr. O'Connell mentioned the ACSA has a new website, [serviceauthority.org](http://serviceauthority.org), with the goal of modernizing it and making it more convenient, with new elements such as usability from mobile phones.

Mr. O'Connell reported the ACSA has engaged in a partnership with the RWSA, the City and the University regarding planning for emergencies, looking at all of the facilities that have water and sewer in the ACSA system and, in general, in the community. He stated this will be a fairly comprehensive study, assessing manmade threats and natural events, and the process will include police and fire departments, the health department, and some other organizations. He reported the ACSA has 40 active capital projects including some major water line replacements underway in Key West, Crozet, West Leigh, Ivy Road, Flordon, Michie Tavern and Ednam. He stated the ACSA is spending most of its capital dollars on replacement and rehabilitation of current systems. Mr. O'Connell said the ACSA has a customer newsletter that will be distributed within the next month, and noted the authority is in the fourth year of its strategic plan, with the big project within the next year to be looking at a facility master plan. He stated

they are at a point where they need to look at handling additional storage, office space, etc., and they own a property on Avon Street that is a piece of that equation.

Mr. O'Connell stated that Board members have spoken with him about several specific items, and he will discuss them briefly now with a plan to get more in depth at a future meeting. He said there is overall capacity, in general, in the sewer system to be able to handle new development, and there is a fairly comprehensive plan that is currently being revised to assess that capacity for the next 50 years. Mr. O'Connell said that while there is adequate capacity overall, that is not the case with accommodating projected future growth in Crozet, primarily the major interceptor lines leading to Crozet. He stated there is a study planned to evaluate how to address that, with a flow equalization basin or facility being one possible approach.

Ms. Palmer asked if this was discussed when the buildout plans for Crozet were discussed.

Ms. Mallek said they may have been asked, but there were 4,000 units approved between 2004 and 2007, and only half of them have been built thus far so they are a long way from being up to date. She noted there was discussion of putting a tank in the Three Notch'd area near the railroad trestle in Crozet to keep the flow going at the right level.

Mr. O'Connell stated he is just giving them a heads-up now, and this will come up again. He added they had the same issue with the water treatment plant in Crozet, and in the next two years they will do a complete capacity study that contemplates upgrades. Mr. O'Connell said this is also fueled by growth, and if they do not have capacity over the next 5-10 years, another project might be forthcoming. He stated that a lot of development is occurring on quite hilly property, with some of the properties in the jurisdictional area for water and sewer but some for water only, and in some cases these projects are having great difficulty trying to provide sewer. Mr. O'Connell said that ideally those issues would have been addressed during rezoning, with the properties in question having been rezoned for a long time, and noted the Board may see more of these situations in the future. He mentioned that Ms. Palmer and Ms. McKeel had raised instances of individual properties that have public sewer available but had not connected, with Ms. Palmer having suggested compiling a list of candidate projects for grants. Mr. O'Connell said that perhaps there is some limited grant money available for some of the individual properties, but not for long line extensions. Mr. O'Connell noted that Community Development Block Grant funding is being used to install public sewer at Oak Hill, which has had septic problems, and that project is in its second phase, ready to go out to bid with the legal documents being finalized.

Ms. McKeel asked if the list to which he is referring is the same as the map of the problem areas that she had discussed with him. Mr. O'Connell said they will take information from the map and the list, which includes scattered sites, so they can give it to the Soil and Water Conservation District as they apply for grants for residential and commercial. He stated there is a limited pool of money, but this may be one way to help address it. Mr. O'Connell said they have the map, but do not yet have individual properties, but he hopes they will have a complete list in two or three weeks.

Ms. McKeel stated that she heard from constituents about this, usually people living in older houses that had not been connected to the system. Mr. O'Connell said those are primarily individual properties with a few in subdivisions, and in 2009 there had been a fairly lengthy discussion between the ACSA Board and the Board of Supervisors about subdivisions that did not have service, and back then it was a \$20 million project. He stated that overall the ACSA has 18,500 customers, with about 2/3 on water and sewer and roughly 1/3 on water only. Mr. O'Connell said that in some cases those properties are not in the jurisdictional area for sewer, but in other cases it can be done and it is a matter of the expense. He stated the ACSA had held some conversations with the Economic Development Office about the economic development strategy and identification of some properties, which is prompting them to do some research into what other communities are doing in terms of options when there is not public sewer. Mr. O'Connell noted the ACSA had a pay for growth policy with connection fees, and it is fairly pricey to put sewer in the ground, but they do surveying periodically to ensure they are in synch. He stated he would provide the list of properties that are not connected, but connecting them individually is a pretty expensive solution.

Mr. Randolph asked if there is an expected date on the Michie Tavern water main replacement, as he anticipates it will have an impact on Route 20 or Route 53. Mr. O'Connell explained they will go under the roadway from Piedmont Virginia Community College through the University property and then come around the back, so with the exception of going under the roadways it will not likely have any traffic impact.

Mr. Randolph asked if the ACSA has received a grading schedule update from the developers of Rivanna Village to indicate when the Glenmore water tank project can get started. Mr. O'Connell responded he is not aware of that information being provided.

Ms. Mallek asked Mr. O'Connell to let them know if there were changes made in approval requirements to prevent the hilly pumping situations as they faced in December, and perhaps the new zoning requirements do a better job. Mr. O'Connell said that with new developments it is built into the process, and if a property was rezoned years ago without utilities being considered, there is probably not a good solution today.

Ms. Mallek said the one in Crozet was approved in 2008, but they had probably not discussed it enough at the time to be able to realize what the problems were. Mr. O'Connell stated that as part of a

larger development it can be an issue, generally sewer, not water, and more and more development is being done on hillsides.

Ms. Mallek asked if they are still making a mistake by including those sites and encouraging people to build on them, as in California, and perhaps that is not the best thing to do.

Ms. Palmer asked if staff worked on that.

Ms. Mallek said she did not know if there were gaps, and that is what she wants to find out.

Ms. Mallek stated that as part of the vulnerability assessment, she wants to mention the irrigation hydrants are completely open, and she would like to see a more secure approach, such as lockdowns or code access. Mr. O'Connell responded there are 2,500 hydrants in the system that are fairly invisible, and unless all of them are locked down they cannot absolutely protect it.

Ms. Mallek said that people are more aware of potential threats to water systems now than they were 10 years ago.

Mr. Dill asked about the cost of the wholesale metering project, as he had heard \$3 million initially but a Board member had corrected him on that number.

Ms. Mallek said that she thought it was \$6 million.

Mr. O'Connell responded it is projected to be \$6.8 million, but the recent bids had come in at less than anticipated, with an estimate of about \$4.5 million. He said from a County perspective, the water supply plan was negotiated on the basis of having more accurate water usage data, and if the current figures are correct it may shift some of those allocations either now or in the future, with new meters going in at all the plants and surrounding the City/County borders that will provide better information.

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Agenda Item No. 17. **Presentation:** Rivanna Water and Sewer Authority (RWSA) Quarterly Update.

The following report was provided to the Board from Mr. Tom Frederick, Executive Director:

"I am preparing this as a report in advance of a scheduled briefing with the Board of Supervisors on January 6, 2016, and I am also distributing it to City Council as a written update. I am happy to schedule a similar briefing with Councilors if desired. I would also look forward to serving either Board by addressing questions or other topics, either at scheduled briefings, or by e-mail or telephone:

1. Appointments to the Boards: We are very grateful to Mr. Ken Boyd and Ms. Kathy Galvin, who will each complete a four-year term on the RWSA and RSWA Boards of Directors expiring December 31, 2015. In January 2016 it is anticipated that the Board of Supervisors and the City Council will each appoint its representative(s) for a new term, in time that these representatives may sit on the Board at the next RWSA Board Meeting on January 26 and next scheduled RSWA Board Meeting on February 23. Based on the Articles of Incorporation, each elected body now appoints a representative to each Board from among officials serving on the elected body as of January 2016, for a term defined as the remaining tenure of that representative as an elected official up to a maximum of four years. The appointed representative may be but is not required to be the same individual to serve on both the RWSA and RSWA Boards.

Mr. Gaffney's current term as Chair of both Boards expires December 31, 2016, and all other Board members are ex-officio.

2. New Website: In early December the Rivanna Authorities launched a new website, the result of several months of effort. Our new website is "mobile friendly", more visual with less text, and provides a better opportunity for citizens to get to know what our organizations do as well as expand interactions between our organizations and the public. We've also eliminated the old "landing page" where before visitors had to choose up front if they wanted to view the RWSA or the RSWA, so that the public now sees more clearly that within our organization we interact as one organization even if the RWSA and RSWA are incorporated for legal purposes as two separate organizations.

Much of the initial feedback we have received on the new website is very positive. We welcome further feedback to help us continue to improve, including feedback from elected officials.

As we reflect more closely on how we provide a clear and transparent message to the public on our true purpose through our website, we are reminded that further guidance from our elected officials is needed at some point on the purpose of the RSWA. RSWA was formed in 1990 to receive all solid waste from within the boundaries of the County and City and to establish as well as implement policies toward reduce, reuse, recycle, and disposal of solid waste, while the two localities retained authority over waste collection at individual homes and businesses. Today the localities are authorizing most of the solid

waste to go directly to separate facilities for recycling or disposal in Fluvanna or Greene Counties, limiting RSWA's regional role (both City and County) to whatever service from time to time for which either or both localities wish to contract and agree to subsidize. Subsidies are needed even for revenue producing services, because the services that are presently being requested have a small market and therefore limited revenue.

3. Capital Improvement Plan: A new update to RWSA's five-year capital improvement program is due to be introduced to the Board and public on January 26. The major focus of new projects for the next five years will focus on repairing or replacing old and antiquated infrastructure associated with drinking water treatment and water pipeline transmission. Of significance is a proposed major overhaul of the Observatory Water Plant, where most of the technology remains today what was constructed in the 1950s. Furthermore, RWSA continues to rely on piping systems constructed as early as 1908 and 1927. On the positive side, the CIP has successfully met many challenges within the past ten years; as a result a significant amount of wastewater infrastructure has been replaced or upgrading, making it more current and reliable.

This Plan will also identify that we anticipate an expansion of the capacity of the Crozet Water Treatment Plant early in the 2020s, based upon growth in water demand occurring in that area. A preliminary site plan for the future expansion is proposed within the next year.

We do want to thank the County for its recent incorporation into its Comprehensive Plan of critical elements of our proposed water system to serve the northern part of Albemarle County.

4. Schenks Branch Interceptor Replacement: The City's Schenks Greenway public park is presently closed for RWSA to construct a new 30-inch interceptor between Harris Street and the entrance to the McIntire Recycling Center. A fence has been installed to shield the construction zone from surrounding development and construction is being limited to business hours. Construction is presently behind schedule, and efforts are being coordinated by RWSA to obtain from the Contractor a recovery schedule to improve progress.

A second section of this new 30-inch pipeline remains on hold. That section is from the entrance to the McIntire Recycling Center to in front of the County Office Building. For RWSA to proceed, either the County must grant an easement on County property, or the City must grant permission for the new sewer to be installed under McIntire Road. To install under McIntire Road the road would need to be closed during construction. Due to topography and existing development, no alternatives other than the two described above are practicable. We understand discussions are continuing between the County and City.

5. Water Treatment Plant Activated Carbon Filtration Improvements: Construction is underway to incorporate advanced carbon filtration technology at RWSA's water treatment plants, supporting an interest developed from within the community. This project will advance water provided to our citizens by ACSA and the City, which is already high quality, to a superior level. Completion is anticipated in late 2017. Major elements of work to-date include scheduled demolition and site work at the South Rivanna and Observatory Water Plants, along with major piping installation and work associated with foundation preparation and reinforced concrete construction of new building foundation and walls. Shop drawing reviews and ordering of equipment is moving forward for all five plants. The contractor expects to begin active construction work at Crozet and North Rivanna Water Plants early in 2016, and the Scottsville Water Plant later in 2016, while maintaining progress at other facilities. The contract documents do allow the contractor to stagger work among the plants to best utilize the efficiency of different work disciplines as a part of his means and methods.

Construction work at the Crozet Water Treatment Plant will be in proximity to residential areas, and we will continue our previous and current efforts to work closely with those neighborhoods and keep them informed.

6. New Rivanna Pump Station: Excavation of the new tunnel between the existing Woolen Mills site and the new site on RWSA's Moores Creek property is completed. Installation of a new 60-inch sewer pipe within the tunnel is underway. Production concrete work for the new pump station foundation and walls are also underway. The project is due for completion by mid-20 17.
7. Wastewater Plant Odor Control: Bids were received for construction of significant elements of this project on December 17, 2015. All bids were over budget and one of the bidders has protested the low bid. Staff is reviewing the issues and is in consultation with counsel. A bid award is desired by January 26, but will depend upon the time required to resolve current bid issues.
8. Ivy Materials Utilization Center: In 2014 the Virginia Department of Environmental Quality required a Letter Agreement with RSW A to address outdated design of the old transfer station at the Ivy MUC, and that letter was revised in March 2015 to set a December 31, 2015 deadline for a narrative plan and milestone schedule to remedy the transfer station's

deficiencies. The City is no longer providing funding to RS W A to support continuing to operate the transfer station, but the County expressed an interest in retaining the function and accepted responsibility to decide on a remedy. In November 2015 the County's Board of Supervisors voted to finance the construction of a new transfer station on the Ivy site, and on December 16 RSWA submitted a narrative plan on the County's behalf defining the County's choice as the means of addressing current deficiencies.

RSWA is preparing a Request for Proposals (RFP) from engineering firms to design the new station to meet a deadline of January 31 to issue an RFP. The next deadline, due March 31, is the execution of a contract between the County and RSW A defining the responsibilities of each party for this project. We are hearing that the County is discussing the potential terms of such a contract in one-on-one conversations with the City."

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Mr. Tom Frederick, Executive Director of the Rivanna Water and Sewer Authority and Rivanna Solid Waste Authority, addressed the Board and welcomed the new Supervisors. He asked that Board members contact him any time they have questions or items to discuss. Mr. Frederick stated that Rivanna has revamped its website, an effort led by Communications Manager, Teri Kent, and the site is now more mobile-friendly and more visual with less text, providing better interaction with citizens. He noted they are already talking about a version 2.0, which will offer further enhancements. Mr. Frederick said he is amazed at the high level of interest in the community about reservoir levels, and there may be an effort to make that more visual on the website. He stated this reflects the community's interest in natural resources and noted that the reservoirs are in good shape due to the recent abundance of rain. Mr. Frederick encouraged the Board to look at the website, [www.rivanna.org](http://www.rivanna.org) and to share their comments and ideas or those of constituents.

Mr. Frederick stated that Rivanna updates its capital improvement plan for water and wastewater every year, with the newest update to come before the Board later in January. He said that Rivanna is reviewing it with staff at the ACSA and the City, and they are continuing their focus on upgrades to old drinking water infrastructures. Mr. Frederick stated they have done an excellent job over the last 12 years of updating the wastewater system, and once the new Rivanna pump station and Schenk's Branch Interceptor are completed, they will have a world class system. He said there is an issue in the CIP regarding the need to construct a flow equalization basin or tank, which will have to be sited, and it will be necessary for peak flow. Mr. Frederick stated the other alternative is taking the full series of pump stations from the railroad trestle to the Birdwood Golf Course and try to upgrade that system, but he feels that a better approach would be to capture the peak flows in a tank, aerate it, provide odor control, and bleed it back into the system when the peaks pass. He noted that peaks on sewer systems occur when it rains and are not a reflection of the planning area established for Crozet; they are really about wet weather.

Ms. Mallek commented it is not washing machines all going on at 5:00 p.m., in the afternoon. Mr. Frederick responded the issue is when all of the machines are running and it is also raining hard.

Ms. Mallek asked if the INI improvements that Rivanna and the ACSA have been working on, such as putting new covers on to stop infiltration, are taking a significant amount of the pressure off or are only expected to do a small part of the job. Mr. Frederick responded that when they were negotiating with the ACSA and City several years ago regarding inflow and infiltration goals, there was an agreement reached that for all parts of the City system and most parts of the ACSA system, the goal was to remove 25% of the inflow and infiltration measured in 2006 and 20% by the year 2020. He stated that at the time, Mr. Fern was Director of the ACSA, and suggested that a different goal of 70% should be obtained for Crozet. Mr. Frederick said that in his experience, a 70% goal for most systems is impossible to obtain within any reasonable cost. He stated that sewer systems have to be vented and should never be completely water tight, with an amount of the system that needs to be carried as part of the infrastructure for the interceptors and the cost-effective inflow and infiltration needing to be removed. Mr. Frederick said he had concerns when that goal was set that it could not be achieved, and the ACSA has indicated they have gone through their entire system in Crozet, with Rivanna going through its system up to pump station four, and it is evident they will not meet their goal.

Mr. Frederick reported the granular-activated carbon filtration improvements project is on schedule, with the contractor's sites having excavation site work and underground piping, conduit and foundations, and reinforced concrete structures to hold water. He stated the new Rivanna pump station is the other large project underway, with the completion scheduled for mid-2017. While the contractor has said he can meet that schedule, Rivanna staff's opinion is that it will be very challenging to do so as the contractor had difficulty with some of his subcontractors and is currently behind schedule. Mr. Frederick said that Rivanna is monitoring it very closely and is very concerned, but will keep pushing it. He stated the pipe for the new Rivanna pump station is within about 100 feet of being completed, so it is in the tunnel from Woolen Mills almost to the Moore's Creek site.

Mr. Frederick said that Rivanna has been working on the odor control project for quite some time, and it is a very expensive project at \$9.3 million with individual elements identified to meet the project goals. He stated that bids had been submitted by December 17, 2015, but all were over budget so he recommended to the Rivanna Board that they reject all bids. Mr. Frederick said he has gone back to Rivanna engineers to find ways to cut costs without sacrificing the project's objectives, with the new target date of March 22 for award of a contract.

Mr. Randolph asked if Rivanna is required, under its statutory authority, to come up with the most cost-effective solution, the one that follows best management practices, or the one that provides the best long-term benefit to the community. Mr. Frederick responded that he would answer carefully as he is not an attorney, but as a manager he tries to follow best practices, and to some degree what is best for the community is decisions made by the Board of Supervisors, such as the implementation of granular-activated carbon and the Rivanna pump station, both of which are more expensive projects than other alternatives.

Mr. Dill asked if there is any economic benefit by sharing costs with the City, or whether it is simply a matter of billing and allocation. Mr. Frederick responded that in 1983, there was a "working agreement" adopted by the City and ACSA, and while it has Rivanna's name on it as the implementer, it is essentially a two-party agreement. He explained it was decided under that agreement that meters at both water and wastewater facilities in the urban area would be read and maintained by Rivanna, and said the two retail entities were to submit accounting records to Rivanna on a monthly basis on what they sold to consumers. Mr. Frederick stated that in all cases, if the metering was reasonably accurate, the flow measured at the water plants would be higher than the flow that was metered out and billed by the two retail entities, known as "non-revenue water." He said the working agreement said the non-revenue water would be allocated on the basis of the percentage of the sum of the billed flow from the two retail entities. Mr. Frederick stated that as part of the Ragged Mountain Dam cost allocation agreement in 2012, the City and ACSA had decided to put in a wholesale metering project to establish a better record of flow. He said his understanding was that it did not change the working agreement adopted in 1983, nor did it authorize Rivanna to change the way it allocated flow on a monthly basis when sending out wholesale water bills. Mr. Frederick clarified that it did put the City on notice that if their allocation, in the future, of the water they were using as determined through the meters increased above the percentage of what they agreed to pay for Ragged Mountain project, there was a reimbursement clause for that. He stated the ACSA had talked with him about changing the way the monthly metering is done, but he has responded to them that such an action would require an agreement to modify the 1983 working agreement.

Ms. Mallek said the new meters are supposed to take care of any leaking water that one party or the other is getting billed for. Mr. Frederick responded that it would be better, but would not measure every drop. He said the City and ACSA said in concept they would like to meter all of the water coming through, they looked at maps and determined there are about 400 locations where this occurs. Mr. Frederick noted it takes about \$15 million to fix the issue, and the parties do not wish to spend that amount of money so they did not move forward. He stated the meters will measure the largest sources of leaks, but not everything. Mr. Frederick said the systems are not set up as three different entities, they just grew that way, so it is not as clean a process as it would have been if they had started with a clean slate.

Ms. Mallek said she appreciates the daily emails on water levels, and stated that she looks forward to reconvening the group addressing recreational use at Sugar Hollow and the parking lot there.

Mr. Frederick said that Rivanna is ready to cooperate and will support it if the City and County will get their Departments of Parks and Recreation moving.

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**Recess.** At 2:54 p.m., the Board recessed, and reconvened at 3:08 p.m.

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Agenda Item No. 18. **Transportation Matter:** VDOT Culpeper District, Albemarle County Monthly Report, January, 2016.

Ms. Mallek asked if Mr. DeNunzio can include street names when doing his report, because it is difficult to know all of the state route numbers.

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Mr. Sheffield stated that Corporal Wallace is going to be recognized for saving a baby's life, after responding to an early morning emergency call in which the baby was not breathing.

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Mr. Joel DeNunzio, Resident Engineer of VDOT's Charlottesville Residency, addressed the Board. Mr. DeNunzio stated that he will inform them of changes to the residency that will impact other counties but not Albemarle, and noted that in 2009 VDOT had made some significant structural changes to the residencies. He said at that time they reduced the four residencies in the Culpeper District office down to two, Warrenton and Charlottesville, but now that activity has picked up, VDOT has decided to reopen the Louisa residency effective July 1, 2016. Mr. DeNunzio explained that Charlottesville will continue to include Albemarle and Greene, but not Louisa and Fluvanna, and will also take on Madison County, so each of the three residencies will cover three counties. He noted that VDOT is recruiting for the Louisa Resident Engineer position, and in the interim Travis Estes of the Culpeper District office, who manages the contracts of I-66 and I-64, is serving in that capacity. Mr. DeNunzio said that some personnel, such as Jamie Glass, will be going back to the Louisa residency, so there may be some new faces, but it should be a seamless transition.

Ms. Mallek asked if each residency will be complete or if some County staff will have to run down to Louisa to meet. Mr. DeNunzio responded that land development staff is in his office now, having been

moved within the past year, so the residency will be all-inclusive with permitting, land development and engineering services, and this role will continue to be enhanced.

Mr. DeNunzio reported there had been two truck crashes within the last few days, both on Route 29 South at Red Hill Road, Route 708. He stated he was very concerned to get information about the second crash because it initially appeared to be in the same location as the first crash so he thought it might be pavement failure, but it turns out the accidents took place in different locations. Mr. DeNunzio said the second crash was much different and was in an area further south on Route 29, and there is no shoulder on that road and no way to put a guardrail there, or much that can be done without major construction. He noted the truck hit a power pole and knocked communications out, and a lot of people in that area lost power for a long time.

Mr. DeNunzio stated when he was before them in the fall, he talked about a project for the Route 29 corridor, which will address both of the crashes in the last few nights and will add shoulder and edge-line rumble strips, similar to those on I-64. He said the second crash was in a very flat area, so it is unlikely he was pulled off the road, and rumble strips should hopefully get drivers' attention as they veer off. Mr. DeNunzio said the earlier crash was due to lack of shoulder, and VDOT will need to add some shoulder to address the problem, which will be part of the \$2.2 million comprehensive Route 29 project in the County. He noted it might not be a standard 10-foot shoulder, but will be at least a 4-foot shoulder, and the rumble strips will add a bit of recovery area and alert drivers who might be drowsy.

Ms. Palmer said she receives a lot of questions about this particular area, and asked when he expects the shoulder to be added. Mr. DeNunzio responded that construction should begin in April and be completed by November, and bids will be issued soon.

Ms. Palmer asked him to explain the second crash. Mr. DeNunzio stated that from the photos he had seen it is a very flat and recoverable area, and if the truck driver fell asleep he just never recovered, so rumble strips might alert a driver to that situation, and the accident occurred north of the Red Hill Road intersection, where it is very flat. He added that he hopes to get more information on the specifics of the crash.

Ms. Palmer said Mr. DeNunzio had mentioned to her previously that it is a site distance issue with the Red Hill Road intersection, which will take a major construction project to correct. Mr. DeNunzio responded that neither one of these crashes had to do with the intersection, they just happened to be around it, and outside of the rumble strips and warning signs it would take a major multimillion dollar grading project to correct the situation. He added the run-off-the-road crashes are a much worse situation at this point, and the edge-line rumble strips are well worth the money at this point, so those are two different problems and projects.

Mr. DeNunzio said as VDOT opens the Louisa residency, he is getting a small budget to do small engineering projects within the Culpeper residency, mostly safety projects that are not in the six-year plan. He stated that one of those projects is Old Lynchburg Road to address issues where the road goes from four lanes to two lanes, as well as standing water problems. Mr. DeNunzio said that VDOT has a plan and there are two property owners that need to grant right of entry in order to put in a good ditch, increase the site distance and take the water off the road. He noted it will also require a culvert replacement, and VDOT has obtained verbal confirmation from both landowners, one of which is the State Department of Conservation and Recreation, which owns Biscuit Run. Mr. DeNunzio added that VDOT also has a ditching permit for the entire length of Old Lynchburg Road on both sides, from the four-lane intersection down to the east side of Red Hill Road. He said they had discussed this plan at the meeting at the church in that area, and would also remove dead trees and make some pavement improvements.

Ms. Palmer asked if VDOT will also be able to maintain those ditches. Mr. DeNunzio responded the existing ditches have not been maintained for a while but need to be, and this is a big ditch maintenance project.

Ms. Mallek asked if there are extra rock installation in the ditches as they approach streams, in order to slow down the flow of water. Mr. DeNunzio responded there can be rock-check dams and similar measures placed, and that is all part of the permit received from the environmental section.

Mr. DeNunzio reported that the second project is the intersection of Route 20 North and Route 649. As you come out Proffit Road and look left onto Route 20, there is a site distance issue and some resulting accidents. He stated that VDOT has been working with the landowner, and there is a Virginia Outdoors Foundation easement there so it has been more of a process, but it did result in clearance for the project. Mr. DeNunzio said there is also a government fiber optic line in a spot where grading will be required and VDOT needs a minimum of 48 inches cover, which is exactly what they have currently, so they cannot grade there. He noted he has asked the traffic staff about other options for that intersection to improve site distance, such as adding auxiliary lanes, but nothing has been clarified yet.

Mr. Dill asked if it is a bigger problem in the short term because of Route 29 construction and people using it as a cut-through to avoid that. Ms. Mallek responded that people have always done it, and for people like her it is the preferred way to go even without construction.

Mr. DeNunzio said a lot of people use it as a shortcut from Pantops to get on Route 29, and he uses it on his way back to Culpeper. He stated that VDOT had made some signage improvements last year and made the advisory speeds lower following a fatal crash in which the driver had run the stop sign,



but there is other crash history that needs to be addressed and he hopes to see some fixes in the coming months.

Ms. Mallek asked if the fiber optic line is in the VDOT right of way. Mr. DeNunzio responded it is in and out of the VDOT right of way, and the cost estimate for relocating that line is \$130,000 so he wants to make sure they get that value out of the project if they decide to move forward. He said this was why he asked the traffic division to look at it to make sure it was the right thing to do in terms of safety improvements, and if it will improve safety, he feels it is well worth the money.

Ms. Mallek asked if the southbound speed north of the intersection is already 35 mph. Mr. DeNunzio stated the yellow advisory speeds as you approach the intersection are 35, lowered from 45 last year, and it is not an enforceable speed limit.

Ms. Mallek asked if it would be possible to make them white signs with 35 mph. Mr. DeNunzio responded it would be very difficult to make that change.

Ms. Mallek asked if it is possible to put a right-turn lane in. Mr. DeNunzio said he understands the interest in doing that, but the concern is that cars waiting to take a left onto 20 North and a car coming around them would create worse site distance looking north. He clarified that as a car looks across another car and has an embankment, another site obstruction can cause more crashes, so it is probably not something they want to do.

Mr. DeNunzio stated that VDOT is working on improvements to the narrow section of Route 810 and has a plan, and in the meantime will put some more visible delineators along the embankment.

Ms. Mallek said she is trying to contact the landowner, and said the large signs are very beneficial, but were removed and replaced with small ones that are hardly visible. Mr. DeNunzio responded they will be increased to the larger black and yellow signs.

Mr. DeNunzio reported that VDOT has approved lowering the speed limit on Route 22 from the intersection with Route 250 all the way to Cismont to 45 mph, so there will no longer be a 50-mph stretch leading to the post office. He said they are still doing the sign study, and the pavement markings that go along the entire merge lane have made it more visible that it is a merge condition, so the improvements are a continuing process.

Mr. Randolph thanked Mr. DeNunzio for his responsiveness and creative problem-solving for the Shadwell intersection, which has caused a lot of problems for people in the area. He commented the day after he had met with Mr. DeNunzio, he observed a most considerate merging driver as he was heading west on Route 250, and realized it was Mr. DeNunzio.

Ms. Mallek said that usually at the stream by the old Luck Stone entrance, people move into the left lane and floor it to 70, so it is terrifying to try to merge. Mr. DeNunzio responded that getting the trucks out of there has helped the situation.

Mr. DeNunzio stated that he received a small discretionary budget to address these small safety projects, with \$200,000 received this year, and the VDOT commissioner had indicated he would get a bit more next year. He said the funding can be carried over and can be used for safety projects as long as they do not require right of way acquisition and public hearings, such as turn lane extensions and additions.

In reference to his monthly report, Mr. DeNunzio said there have been some changes, and in the past he had printed out Board of Supervisors manuals, but instead he will include a link to it on the top of each of his monthly reports. He stated the manual provides good reference information, but not all of the details. Mr. DeNunzio said that VDOT has created a call center in Salem and has reinstated the old residency number to be a public number, and said that 422-9373 will go directly to the office, with 293-0011 for anyone to call with options for either the office or the call center. He said the call center can field calls related to potholes and other road issues, so hopefully these changes will improve their calling system and get information disseminated sooner.

Ms. Mallek thanked him and said it will be a really big help

Mr. DeNunzio reported that regarding Route 29 Solutions projects, the temporary signal at Ashwood Boulevard will be going up in the next few weeks, with poles and tether lines already across. He stated that with Hydraulic Road corridor upgrades, there had been a meeting earlier that day with VDOT traffic engineers and the Route 29 team, and they are putting controller upgrades and broadband capabilities for all the signals from Rio West down Hydraulic Road to Georgetown Road to Barracks Road, and to Barracks and the bypass. Mr. DeNunzio said that hopefully the upgrade signals will be able to better respond to traffic demands, and that will be done before the Rio median closure in May, and this will be a permanent installation.

Ms. McKeel said this is wonderful, because currently the backups go from Barracks to Georgetown all the way to Hydraulic, starting at about 3:30 p.m. Mr. DeNunzio responded there still may be some lane capacity issues, but he thinks the signal improvements will provide much greater efficiency.

Mr. DeNunzio reported the pile driving on Rio Road continues and will be done by January, and all projects are on time or ahead of schedule.



Ms. Palmer commented that the stop sign north on Barracks Road getting onto the bypass to head east on Route 250 causes some confusion. Mr. DeNunzio responded that VDOT has angled the sign as much as possible, and it is hoped the acceleration lane there will reopen soon.

Ms. McKeel said her neighbor had a car totaled there when someone ran into him.

Ms. Mallek stated the speed limit is still pretty high, and lowering it to 35 mph will make a difference here and in other trouble spots. Mr. DeNunzio said that is true as long as people drive the speed limit.

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Agenda Item No. 19. Transportation Matter: County Transportation Planner Quarterly Update, January 2016.

The executive summary as presented to the Board states that staff began providing quarterly reports to the Board regarding the County's transportation work items as part of the Transportation Presentations in October 2015. The purpose of this agenda item is to review the Community Development Department's transportation activities for this quarter and to seek Board guidance on its priorities.

The Transportation Planner's Quarterly Report (Attachment A) includes a summary of the transportation items, programs, and projects that the County's transportation planner is working on, as well as a status update on various ongoing transportation initiatives being pursued in collaboration with the Virginia Department of Transportation (VDOT). This will allow the Community Development Department to assure its work efforts are aligned with the Board's priorities.

There is no budget impact related to this report.

Staff recommends that the Board receive the Transportation Planner's Quarterly Report and advise staff as to any priority changes or new issues not included in the report.

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Mr. Gerald Gatobu, Principal Planner for Transportation, addressed the Board, stating the County has a priority list that was reviewed last April, and they will be revisiting it this April to consider additions and changes. Mr. Gatobu reported the County had made some House Bill 2 applications in August, with that deadline being September 30, including four projects: Exit 118 on I-64 and Route 29; Exit 124 on Route 250 and I-64; Proffit Road improvements; and Sunset Road. He stated the Exit 118 project was done by the MPO, with the County pursuing the other three, and they will hear back by mid-January in terms of scores for those projects and potential funding. Mr. Gatobu said they will be talking about the six-year secondary program in a few months, and he is working with the GIS department to try to get roads mapped in GIS. He commented it will be fascinating to see all of the unpaved and rural rustic roads on maps, and he will put it up by magisterial district to see who had the most done, as well as overlaying crash data that he is also using to update the GIS information. Mr. Gatobu said all of these things are related, and he will try to present all of it to the Board for feedback.

Mr. Gatobu reported he had sent an email with the new technology being used by the Town of Culpeper, 15-inch movable radar signs that can be mounted on a speed sign, then moved to another location at another time, as desired. Mr. Gatobu said that Sgt. Stoddard of County Police is obtaining quotes for the devices, and the County will not have to go through the traffic-calming process so it will be much faster. He stated they will be discussing the pedestrian crossings, an item which had been pulled from the Consent Agenda, and said he will answer questions.

Ms. Mallek asked if there is an update on when the new speed study for the truck ban will be discussed. Mr. Gatobu responded that he got the final report on December 29 and has already started the Executive Summary, so they will likely be talking about it at a February meeting. He stated the summary is due next week and he has to notify those who use the trucks in the Earlysville business park.

Ms. Mallek asked if they have crossed the threshold necessary in terms of the number of trucks in combined categories to allow the restriction. Mr. Gatobu said they have, adding that he will go through the criteria to ensure they meet the through-truck restrictions, and he will be doing that over this week and next.

Ms. Mallek thanked him for his work and said it is good they are nearing a decision point.

Mr. Gatobu reported he had received an email regarding Reas Ford Road and was doing some research on truck restrictions on the south end, as there may have been some at the time the property was redeveloped.

Ms. Mallek said that David Benish might remember that. Mr. Gatobu noted he had checked with him first.

Mr. Randolph commented he found the activity overview to be very helpful and said that Mr. Gatobu had asked for Board input on priorities. Mr. Randolph stated he would like staff to take a serious look at bike lanes and the interfacing of the County's road infrastructure in the urban ring with the City's roads and bike lanes. He said the City is actively trying to encourage bike ability, and the County needs to encourage that on their end. Mr. Randolph said they cannot assume that very low-priced gasoline will

sustain at that level, but in looking at comparable communities nationwide and internationally, he would like to encourage staff to work with VDOT on bike lane sustainability along with road improvements. Mr. Gatobu responded this is very important, and the County is working on a regional bike plan with the MPO, which will be updated within the next few months.

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Ms. Palmer asked if this is a good segue into the Ivy sidewalk/bike lane discussion, which had been scheduled as Agenda Item 26a. Board members concurred.

#### **Ivy Road Sidewalk Project.**

Mr. Jack Kelsey, Transportation Engineer, addressed the Board and stated that Ms. Mallek had referred to a suicide lane on Ivy Road, which he had called a “shared turn lane” in the executive summary and concept plans. He noted it is essentially a continuous left-turn lane for eastbound traffic, and staff has not yet looked at whether sections can be filled in with medians, with several commercial entrances through there and different spacing requirements, so typically they end up with a continuous long left-turn lane.

Mr. Kelsey said the Board had a question about the differences in the Ivy sidewalk options, and said that option one includes widening of the existing asphalt on the railroad side of the roadway in order to create a bike lane, but that will require a grading easement from the railroad and relocating underground utilities, which will be quite cost prohibitive. Mr. Kelsey said that option two basically uses the existing edge of pavement and doing everything to the south. He noted it will be nice if they can widen the entire roadway to provide bike lanes on both sides, but that will impact some of the parking lots on the south side of the road way, and there is one parking lot commercial area that sits higher on the roadway with a steep bank leading to it. Mr. Kelsey said there is an underground detention pipe along the curb there, and if they try to widen that as much as they want to, it will impact that area and make the parking lot substandard, as well as the costs associated with additional right of way. He stated that option two utilizes existing lane widths and make the width adjustments as possible on the south side to provide the sidewalk and buffer strip, and if VDOT were to grant the waiver to allow the lanes, they would have a widened strip along the curb for a bike facility.

Ms. McKeel said she wants to make sure the County will pursue the waiver from VDOT. Mr. Kelsey stated if that is the action the Board wants to take then staff will proceed, and if for some reason they cannot get approval he will come back and let them know.

Ms. McKeel said this project will really be enhanced by having a dedicated bike lane.

Mr. Foley said that staff feels pretty optimistic that VDOT will approve this, but if that does not happen staff will come back with some proposed solutions.

Ms. McKeel commented the area almost demands it.

Ms. Palmer added the cost is still within the limits.

Ms. McKeel said it would be a shame to let that go.

Mr. Randolph asked if the cyclists traveling east and west will be on the same lane. Mr. Kelsey explained the option was drawn up as a shared route, but if the waiver is obtained there will be width for a bike facility against the curb heading eastbound, with westbound cyclists sharing a lane with vehicles.

Mr. Randolph asked if there will be a clear white line for the westbound lane separating traffic from cyclists. Mr. Kelsey responded this will not be the case for westbound cyclists, and it will be similar to Route 250 West of the bypass where “Share the Road” is painted, but there will not be a separate lane designating a bike lane.

Mr. Randolph asked how under state traffic code motorists will know to give three feet to cyclists if there is no line to demarcate the road from the bike lane. Mr. Kelsey stated there will be a white edge line and a painted share road marker, which is different from the bike lane symbol, but not a separate designated lane.

Ms. Mallek asked Mr. Gatobu if his mapping can also include a map overlay for “do not pave” gravel roads, such as Dick Woods Road, which has been agreed upon as not being paved. She stated that people trying to sell their properties will often tell potential buyers that the roads are scheduled to be paved, but paving is not always the answer to road issues.

Mr. Foley noted that staff is looking for Board approval of option two as included in the Executive Summary under the recommendation.

Mr. Davis said the Board can move approval of Item 13.6 with the Board’s additional direction to bring back information about the bike lane if the waiver is not approved by VDOT.

Ms. McKeel then **moved** to approve Item 13.6 to direct staff to proceed with the project from the City of Charlottesville limits to Stillfried Lane based on Option 2, and to phase the construction as shown on Attachment A (to the staff report) to maximize the amount of sidewalk that may be built within the

budget; and to direct staff to request waiver from VDOT to allow a reduction of lane width to 11 feet to allow for bike lane on the southside. Ms. Mallek **seconded** the motion.

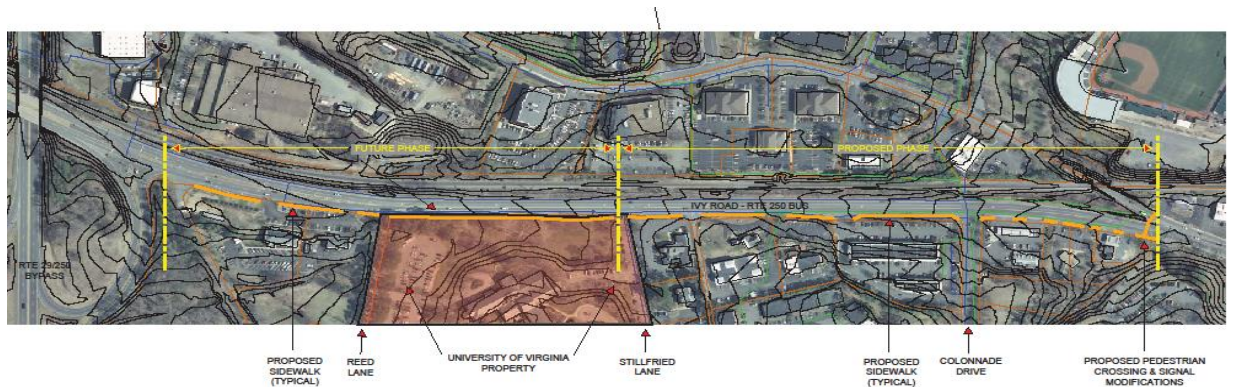
Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

**Option 2:**

Widens only the south side of Ivy Road to provide for shared vehicle/bike lanes. On the south side (eastbound) there would be curb and gutter, a variable width buffer strip (4' to 6') and a 5' wide sidewalk. Sharrows (share the road symbols) would be painted along both sides of the road similar to those painted on Rte. 250 west of the Rte. 29/250 Bypass interchange. With a VDOT waiver to allow for 11' shared center-turn and eastbound through lanes, this option could be modified to provide a separate 4' bike lane with curb and gutter along the south side (eastbound).



Agenda Item No. 20. Transportation Matter: Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.

Mr. Mark Graham, Director of Community Development, addressed the Board and welcomed Mr. Randolph and Mr. Dill.

Mr. Graham distributed a map showing the project areas and the website address, [route29solutions.org](http://route29solutions.org). He stated the advisory panel was formed when VDOT got this project rolling, with about \$230 million total in the projects, and the panel's role was to advise VDOT on how these issues were affecting localities. Mr. Graham said that Mr. DeNunzio has already covered some of the requested updates, and the other one mentioned in December related to the steel plates that had shifted in the intersection, and VDOT found the problem, which damaged several vehicles, and addressed it. He stated the other projects currently being discussed are the pedestrian and traffic lighting patterns as well as the architectural appearances with the intersection.

Mr. Graham noted the Board had also expressed concern about the finding of "no significant impact" for the environmental assessment done for Hillsdale, and one of the remaining questions was whether the County should respond to that with respect to a signal at the Greenbrier intersection. He said it can be done and he has spoken with VDOT representatives to try to get answers on that, but it is a rigid process and it has the potential of elevating it to the next step if it is considered not to find under the finding of "no significant impact," which can slow the project down greatly. Mr. Graham stated that he feels the County will be better served by pushing on the signalization at Greenbrier through other means.

Ms. Palmer said they also had the Consent Agenda item pulled regarding pedestrian crossings across Route 250 at Pantops and on Route 29 North, and asked Board members if they have any questions of Mr. Graham.

Mr. Dill stated the Pantops pedestrian bridge was part of the master plan going back as far as 2002, and there had been a lot of interest in it with Montessori School on one side and Giant on the other, which seems to be the focal point of it. He said he is concerned about it getting lost as part of a larger future study of seven or eight pedestrian crossings on 29, some of which are not even near residential areas where there will be a lot of usage, and wonders if there is a way to isolate the Pantops project where the need has already been established. Mr. Dill added that neighbors have said they would like to see some type of progress with the bridge, and it seems the current study is for on-grade crossings. Mr. Graham responded that Mr. Gatobu is much more informed on this, but staff can certainly back off of a larger study and focus on a limited number of potential crossings, either elevated or at-grade.

Mr. Dill said he had read the email from Mr. Graham on pricing that indicated the study would cost about \$100,000, which did not seem to have any short-term results, whereas a bridge at Pantops would provide something more current.

Mr. Gatobu stated they are looking at Route 250 and Route 29 crossings, both at-grade and above-grade, and the study will just provide the knowledge and data needed to make a decision. He said if they are looking at above-grade pedestrian crossings, there is an element of justification needed in

terms of numbers and how many pedestrians are going across 250 to the other side, and whether there are at-grade possibilities with a lower cost. Mr. Gatobu noted they are just doing their due diligence to make sure there is a return on investment they can use, and the other aspect is the movement toward a process in which project development is very important. He stated with House Bill 2, cost estimates and project scope are required to be explained, and if they are going to pursue some of these projects and look for funding, he needs to be confident they have the correct data and the right cost estimates. Mr. Gatobu said he needs to be able to stand behind a project and ensure the projects are regional, helping the City and the County. He stated that when doing a study he uses those numbers to put in applications, and the best data makes his job easier as well as making a project more likely to be funded. Mr. Gatobu emphasized the purpose of a study sometimes gets lost, as they provide the groundwork for project justification and return on investment.

Ms. Mallek said the pedestrian crossing at Pantops is a revenue-sharing project, not a regional project in the House Bill 2 category, so that can possibly be pulled out and looked at independently to ensure they have a take-off and landing. She stated there is not a large number of pedestrians crossing there now because it is lethal, with one person killed trying to cross, so they should not hang their hat on current pedestrian volume. Ms. Mallek said she is willing to spend the money to gather appropriate data, and she agrees with Mr. Dill that perhaps the study should focus on Pantops and not all potential crossings, as combining them might only yield small economies of scale. Mr. Gatobu responded that he looks to the Board for that kind of direction in terms of priorities, and a technical analysis might show if they want at-grade or above-grade crossings.

Ms. Mallek said the Board has been told by Mr. DeNunzio that at-grade pedestrian crossings will not be compatible with the In-Sync light computerization, which is why there has been a greater emphasis on getting separation with a pedestrian bridge. Mr. DeNunzio responded that the In-Sync traffic signal system can accommodate pedestrian push-button crossings.

Ms. Mallek stated it will stop the entire corridor. Mr. DeNunzio said it will stop certain phases of the corridor, and of course, there will be traffic impacts with any at-grade crossing.

Ms. Mallek noted it will disrupt the very good traffic flow in place now, which is why people find the pedestrian over-bridge alternative to be so appealing.

Ms. Palmer said there are a lot of sidewalk projects and asked where it stands among other priorities, adding they can always be changed.

Mr. Dill responded that one of the reasons it is a high priority to him and a lot of Pantops neighbors is that it is meant to be a community area with a museum, the hospital and other medical facilities, the Rivanna River, local restaurants and other amenities, with hundreds of residences there and more being built that have no access to that part of the community. He stated it is more than just a traffic study/pedestrian movement kind of issue, and having a bridge welcoming people to the community is an additional benefit, and it can be a prototype for Hollymead and other neighborhood centers in the urban ring. Mr. Dill said there will likely be community involvement with the bridge at Pantops, so with VDOT sharing those expenses it might not be too expensive.

Ms. McKeel asked for clarity on the revenue-sharing money and House Bill 2, and she is concerned about having a project leapfrog over others that have been in the pipeline for a while. She stated she also does not fully understand the full safety issues and needs more information, and she does not have a sense of what is already underway for pedestrian movement elsewhere. Ms. McKeel said she does not feel comfortable having a project accelerate ahead of others until she understands how long those other communities have been waiting for those projects. She does understand the active involvement of the Pantops group and Mr. Dill's desire to move this forward.

Mr. Randolph stated that Albemarle sold its planned residential developments as "bikeable or walkable," but on the north side of 250 or the east side of 29 you cross the highway taking your life into your own hands. He emphasized this is not really "bikeable and walkable," and they need to get beyond the fiction and address it, and urged them to harness the County's creativity by using UVA's School of Architecture, the Batten School and others. Mr. Randolph said when the Belmont Bridge project was discussed, they were considering at-grade or above-grade architecture, and it was the students who came up with the idea to make the crossing subterranean. He stated that going up and over mitigated against anyone being able to go over unless they carry their bike up and over, and it will be problematic to hike it up the stairs, walk it across, and walk it back down again.

Ms. Mallek and Mr. Dill pointed out there will be a ramp on one end of the bridge and an elevator on the other.

Mr. Randolph said that perhaps you would not want someone on a bike coming down a ramp with pedestrians walking, and stated he would rather have them look at a series of creative designs involving the community, and then talking about a pilot study.

Ms. Palmer said this is an excellent segue into Mr. Sheffield's idea.

Mr. Sheffield said it is great to see a project like this that students can really get into, but his objection to moving forward with this is that he had numerous conversations with staff over the last two years regarding dysfunction in the Rio District. He stated they are suddenly focusing on this big, shiny, new project while some of the older neighborhoods still do not have pedestrian and bike networks. Mr.

Sheffield emphasized they have limited resources, money and staff time, and the Pantops project and pedestrian bridge study seems to be getting more attention than those things at the neighborhood level. He said he would like to get some clarity from the Board on how this should be prioritized for staff, as there are about a dozen items in his district that he would like to have done, but he is sensitive to the fact that there are only so many hours in a day and staff can only move so quickly. Mr. Sheffield added the day to day distractions that keep them from achieving these larger objectives are a factor.

Ms. McKeel stated that Mr. Sheffield is alluding to what she is saying regarding looking at individual projects in the context of other priorities, and said that she would like more information about a lot of this, perhaps in a work session.

Mr. Foley said Mr. Sheffield's point is well-taken, and there is clearly not consensus about moving the Pantops item forward. He stated that staff would like the Board to step back and look at the comp plan and strategic plan to get more focused and clarify their most important priorities. Mr. Foley said the strategic plan is coming to them in February, and he would like to take this input and do some more thinking on it, particularly the issue regarding working neighborhoods. He stated that building a bridge over a highway is a big deal and they will need to be very thoughtful about it and figure out how it fits among some other things, possibly including some critical sidewalk connections. Mr. Foley said that staff is trying to be responsive to what the Board has indicated over the last several months, but there is more thought that needs to go into the big picture.

Ms. Palmer stated Mr. Dill's point about citizens and companies may be willing to help finance the bridge, perhaps students can get started on that information so they can get back to the neighborhood that might be willing to pay for it.

Mr. Foley acknowledged it is very important to get the community involved, but it has to be measured against whether this is the priority project on which staff should be spending its time. He stated that community processes are really valuable but are time-consuming, and they will need to determine where they stack up against other priorities.

Mr. Sheffield said the Northside Library on Rio Road is great, but has very little in the way of pedestrian, bike or transit connections, and this is the number one complaint he hears from constituents. He stated that someone has to cross five lanes of traffic to catch the bus, and the frustrations of accessing the project are real. Mr. Sheffield said that similarly, a pedestrian bridge crossing across sounds good, but accessing it is another matter, and one of the preliminary conceptual plans he has seen places the bridge end at Dominion and Route 29, but the sidewalk ends about 200 feet off of Route 29, so there is no way for Commonwealth residents to reach the bridge. He emphasized that some of the smaller neighborhood elements are missing, so there is a tug of war between the big new projects and the smaller items.

Mr. Foley stated the small area plan for Rio is a great example of how they need to start thinking about this, and it will require that they focus on areas and learn from that process, which might mean they cannot spread themselves across the entire urban area. Mr. Foley said this will allow them to start putting the pieces together and doing them in a sequence that makes sense. He stated that staff will be bringing a new strategic planning approach to the Board in February, and rather than having a list of goals and objectives they will think about an overall direction and how those things fit into that concept.

Mr. Sheffield said one of the things he has learned in his time as a Supervisor is that some of the ideas brought forth by planners are great, but the neighbors do not always want them. He stated that in discussions with some residents within certain neighborhoods, they do not necessarily want elements, such as bike lanes, that raise the value of their property.

Mr. Foley stated they really need to talk about this in a work session setting.

Ms. Mallek emphasized this needs to start at the advisory council level for those areas that have them, and within neighborhoods, because there is no way to move forward with sidewalks without that right of way being contributed by those residents. She stated the Board cannot just dump all of this onto limited staff and expect them to do all the work, it is the Board's job to find out neighborhoods' priorities in small conversations, and people will come talk to them if they find out there is an interest.

Mr. Sheffield stated that multiple meetings were required and the Rio neighborhood meeting drew a lot of attention, with Mr. Graham and Mr. Gatobu both present.

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#### Agenda Item No. 21. Closed Meeting.

At 4:19 p.m., Mr. Dill **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1): to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments; and to discuss the retirement of a department head; and under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: the negotiation of an agreement for the Ivy Landfill transfer station; the negotiation of easements on the County Office Building property; and the negotiation of an agreement for Court facilities. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

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Agenda Item No. 22. Certify Closed Meeting.

At 6:03 p.m., Mr. Dill **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

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Agenda Item No. 23. Boards and Commissions:

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Item No. 23a. Board Member Committee Appointments.

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Item No. 23b. Boards and Commissions Vacancies and Appointments.

**Due to time constraints these items were moved to the end of the meeting.**

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Agenda Item No. 24. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Jeff Werner, Charlottesville/Albemarle Land Use Counselor for the Piedmont Environmental Council, addressed the Board and welcomed Mr. Randolph and Mr. Dill. Mr. Werner stated the PEC was founded in 1972 and covered a nine-county region from Loudoun to Albemarle and Charlottesville. He said the PEC has five key goals, including to promote rural land preservation, primarily through voluntary conservation easements and funding for PDR programs like ACE; to promote smarter growth through land use planning, as protecting the rural area is not possible unless there are growth areas that are desirable places to live; to promote the agricultural economy through the "Buy Fresh/Buy Local" program; to promote natural resource protection, including a program to restore and establish wildlife habitats; and to promote the protection of scenic, cultural and historic resources. Mr. Werner said the PEC works with the community to engage them in the process, and with landowners to protect their land, market their produce, reestablish habitats or seek historic designation for their properties.

Mr. Werner stated that Rex Linville will be before them the following week to provide an easement update and an update on some issues pending in the General Assembly, and said the small-town feel, mountain views and rural setting marketing in real estate ads and touted in development brochures are what the PEC works to protect. He said that PEC has helped the County develop its cell tower policy, which became a national model; led the effort to keep the water supply within the local watershed; worked with Monticello to acquire and protect Mount Alto; and had a role in establishing almost all of the County's rural and historic districts, which covered almost one-third of the County. Mr. Werner stated the PEC was instrumental in establishing the Journey through Hallowed Ground, a 175-mile historic corridor from Gettysburg to Monticello, with the southern 120 miles of the corridor entirely within Virginia, and presented four copies of *Hallowed Ground* to the Board, with more coming at their next meeting. Mr. Werner offered to be assistance to the Board members at any time.

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Agenda Item No. 25. **PUBLIC HEARING: Virginia Community Development Block Grant (CDBG)**. To solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for potential projects in the locality. (*Advertised in the Daily Progress on December 21 and December 28, 2015.*)

The executive summary presented to the Board states that the Virginia Community Development Block Grant (VCDBG) is a federally-funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government (non-entitlement communities only) for projects that address critical community needs including housing, infrastructure and economic development. Albemarle County has received numerous grants in previous years to support housing and community improvement initiatives. The VCDBG application process requires that two local public hearings be conducted. The purpose of the first public hearing is to provide information on eligible activities that may be funded by CDBG, the amount of funding estimated to be available, and past activities undertaken with CDBG funds, and to receive public comment on this information and potential community development and housing needs. The follow-up public hearing is held in order to consider proposed project applications and must take place prior to the



application due date in March 2016. Applications are to be submitted by the County to the DHCD; however, the proposed activities may be undertaken by other agencies.

Albemarle County, as a non-entitlement community, is eligible to apply to the DHCD for up to \$2.2 million in CDBG funding for projects that benefit low- and moderate-income persons, prevent slums and blight, or address urgent community needs. Eligible activities include economic development, housing rehabilitation, housing production, community facilities and community service facilities. Community development projects can receive varying levels of funding, depending on the nature of the activity, or by combining multiple activities. The DHCD has not released estimates for 2016, but it expects the amount of available grant funding to be similar to 2015, which was approximately \$9.8 million for competitive grants and \$5,550,000 for open submission applications.

Over the years, Albemarle County has been successful in receiving a number of CDBG grant awards. The most recent grant was awarded in 2015 to install public sewer to twenty homes in the Oak Hill subdivision. In 2012 the County received a grant to rehabilitate twenty-four (24) homes in the Orchard Acres subdivision located in Crozet. This work was completed in September 2015 with 25 homes rehabilitated. Prior grants funded the installation of a sanitary sewer system and connection to 54 housing units in the Oak Hill Subdivision and the preservation and development of 134 affordable rental units, 38 of which are restricted to seniors at Crozet Meadows. Over the past 30 years, the County has received numerous CDBG grants to rehabilitate owner-occupied houses and to complete other community improvements.

The Office of Housing is currently working with the Albemarle Housing Improvement Program (AHIP) for a possible application for competitive CDBG funding for a housing rehabilitation project in southern Albemarle County. The Office is also working with Habitat for Humanity on a potential CDBG Planning Grant for the Southwood community.

For any project to be considered by the County for CDBG funding, the applicant must notify the County no later than January 20, 2016. This notice shall include a brief description of the project, the proposed use of CDBG funds, and a description of the beneficiaries of the proposed activity. A completed application that includes the proposed budget shall be submitted to the Office of Housing electronically by February 12, 2016, and the entire application, along with attachments, must be received by February 26, 2016.

There is no budgetary impact until an application is made to the DHCD and approved for a funded project. Projects approved for CDBG funding generally require some level of local funding support, which may include funding provided by the project sponsor.

Staff recommends that the Board receive information on available CDBG funding and eligible uses, and hold the public hearing to receive input from the public on potential community development and housing needs. Staff also recommends that the Board set a public hearing on Wednesday, March 9, 2016 for the second required public hearing to review and approve the submission of any proposed applications.

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Mr. Ron White, Chief of Housing for Albemarle County, addressed the Board and stated that this is a public hearing for Community Development Block Grant (CDBG) funds, made available through the Virginia Department of Housing and Community Development (DHCD). Mr. White stated that each year, DHCD makes available federal CDBG funds through both competitive and non-competitive applications to non-entitlement communities in the state such as Albemarle County. He explained that in order to meet public participation requirements, a community must hold at least two public hearings, the first of which is to provide information on available funds and uses, and to seek input on community development and housing needs. He noted that information is also to be provided on the past usage of CDBG funds, and a second public hearing is required prior to the submission of any applications, and this hearing is to meet the requirements of the first.

Mr. White reported that DHCD anticipates approximately \$9.8 million for competitive grants this year, and Albemarle is eligible to apply for grants totaling up to \$2.2 million, with the maximum of \$2.5 million and an outstanding \$300,000 grant currently underway. He stated that projects must benefit low to moderate income persons, prevent slums and blight, or address urgent community needs. Mr. White said that eligible activities include economic development, housing rehabilitation, housing production, community facilities such as water and sewer, and community service facilities, such as community centers and fire stations. He stated the County's most recent award is for \$300,000 to install public sewer in the Oak Hill subdivision and connect 20 homes to that sewer line. He stated that a housing rehabilitation project was just completed in September in the Orchard Acres subdivision in Crozet, where 25 homes received repairs including energy-related improvements. Mr. White said the County typically contracts with other entities to implement the grant-related work, partnering with the Albemarle County Service Authority (ACSA) for Oak Hill, and with the Albemarle Housing Improvement Program (AHIP) for Orchard Acres. He noted the County is also working with AHIP to implement a CDBG planning grant to conduct a needs assessment for housing rehabilitation in Alberene, the results of which can lead to submission of a CDBG application in March of 2016.

Mr. White said that while the County can accept proposals for other projects, it is important to note that it generally takes at least a year to do the necessary ground work to support a successful application, and DHCD offers planning grants on a first-come, first-served basis for this type of

preparation. He stated that those interested in pursuing a grant or considering a planning grant for any eligible activity are encouraged to contact the appropriate County department, such as the Office of Housing for housing-related projects, or the Economic Development Department for economic development activity. Mr. White noted the IT Department has also received a telecommunications planning grant, worked on jointly with the Thomas Jefferson Planning District Commission (TJPDC). He said that staff recommends the Board hold a public hearing on potential community development and housing needs, and to set a public hearing for March 9, 2016, to review and approve the submission of any proposed applications.

The Chair opened the public hearing.

Ms. Nancy Carpenter addressed the Board, stating that she is a resident of the City and wishes to comment on CDBG housing needs that are apparent to her. Ms. Carpenter said that in reading through some news feeds, she became aware of a Reverend Carr in Nashville, TN, who successfully raised money to provide six micro-homes to help address the city's homeless problem. She stated the micro-homes were placed on a trailer and provided a bed, heat and cooling, a lockable place for belongings and a front porch, and the units were distributed by lottery. Ms. Carpenter said that perhaps there is a parcel of County-owned land that might be appropriate for this use. She stated there is also a need for permanent support of housing options that come with wrap-around services for those re-entering the community, as incarceration has replaced mental health facilities as the place to warehouse people who act in ways contrary to society due to mental health needs. Ms. Carpenter said that housing is a good place to start by giving people an address and helping them get things like a driver's license or DMV-issued picture ID.

Mr. Werner addressed the Board and stated that his cousin is a policeman in Jacksonville, Florida, which has a program in which each of the public school properties has a trailer that is sold to a police officer to live in as a way to provide a presence on the school property, but also to provide affordable housing. He stated this is not a cure-all, but is a positive step in the right direction.

There being no further public comment, the Chair closed the public hearing.

Mr. Dill **moved** to set the second required public hearing for March 9, 2016, to review and approve the submission of any proposed applications. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 26. **PUBLIC HEARING: PROJECT: SP-2015-00021. Tandem School.**  
MAGISTERIAL DISTRICT: Scottsville.  
TAX MAP/PARCEL: 09100-00-00-002A0.  
LOCATION: 279, 285, 295 and 305 Tandem Lane.  
PROPOSAL: Addition of a middle-school building to an existing private school.  
PETITION: Private schools under section 13.2.2.5 of the Zoning Ordinance. No dwelling units proposed.  
ZONING: R-1 Residential – (1 unit/acre).  
ENTRANCE CORRIDOR: Yes.  
COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial; Urban Area 4.  
(Advertised in the Daily Progress on December 21 and December 28, 2015.)

The executive summary presented to the Board On November 17, 2015, the Planning Commission recommended approval of SP201500021 by a vote of 5:0 with the conditions as recommended by staff. The Planning Commission's action letter, staff report, and minutes from the meeting are attached (Attachments B through D).

The staff report for the November 17, 2015 Commission public hearing (Attachment C) provides a complete analysis of the application. The Commission recommended approval of the special use permit with the conditions described in the November 17, 2015 staff report. After the Planning commission public hearing, staff further reviewed condition 2 and recommends that it be amended. In the prior special use permit approved for Tandem School, Condition 3 was amended to restrict enrollment from exceeding 250 students. Earlier special use permits for Tandem School had included school staff in this limitation. Conditions restricting only enrollment at private schools and day care centers, instead of restricting both enrollment and staffing, has been the approach the Board has taken in the past few years for private schools and day care centers. Condition 2, however, has not been updated and continues to state: "Additional buildings or increase in total enrollment/staffing may only be authorized by a new special use permit." Because Condition 3 no longer restricts the amount of staffing, it is reasonable for Condition 2 to be revised to make the two conditions consistent with one another. Because Condition 3 caps the number of students that may be enrolled, staff recommends that Condition 2 be revised to apply only to additional buildings: "Additional buildings may only be authorized by a new special use permit or an



amendment to this special use permit.” The revised recommended conditions are attached to the proposed Resolution (Attachment A).

Staff recommends that the Board adopt the attached Resolution (Attachment A) approving the Special Use Permit subject to the conditions listed therein.

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Mr. Scott Clark, Senior Planner, addressed the Board and stated this public hearing is for a special use permit amendment for Tandem School on Mill Creek Drive. Mr. Clark explained the request is to add a new middle school building to the site without increasing enrollment, so this is just creating more space for the existing middle school numbers to provide for their educational needs. He noted the location of the Tandem School property on Mill Creek Drive across from Monticello High School and referenced an aerial view of the property showing the existing school and gym properties and proposed location for the new middle school building.

Mr. Clark said the new building will be a two-story structure for middle school use with a footprint of about 15,000 square feet, and the area in which it will be built is currently partly open grass and woods, with a section of an access road that will be built over as it is not needed. He added that approximately one-half acre of wooded land will be cleared for construction and storm water management. Mr. Clark presented a plan of the entire school site and noted the location of the proposed new building, and pointed out the 15,000 square foot footprint between the existing buildings and parking lot as well as the existing and revised tree lines.

Mr. Clark stated that regarding some of the main concerns for special use permits under public health, safety and general welfare, the character and scale of use will not change, and there will not be new impacts except for the footprint of the building itself. He noted the project is consistent with the Comp Plan, with this area recently re-designated as Neighborhood Density Residential in the Comp Plan review, a designation that includes supporting uses such as places of worship, schools, etc.

Mr. Clark stated that staff’s recommendation is for the Board to adopt the provided resolution approving the special use permit, subject to the three conditions therein: the site be developed in accordance with the plan as shown, any buildings beyond this would require a special use permit; and total school enrollment shall not exceed 250, a number established with the last special use permit several years earlier.

Mr. Dill asked how many students are enrolled in Tandem now. Mr. Clark responded there are 250 students.

The Chair opened the public hearing.

Mr. Tom Culbert, Director of Finance and Operations for the Tandem Friends School, addressed the Board and stated the school currently has 224 students and does not anticipate growing to 250 in the near future, so there is still some available capacity.

Mr. Sheffield asked what level of carpooling they see at Tandem. Mr. Culbert responded that one of his children carpools with three other students from the Earlysville area, and that is his sense of the typical arrangement at the school.

Mr. Sheffield said his perception has been there is a lot of carpooling.

Mr. Andy Jones-Wilkins, Head of school at Tandem and a resident of the Scottsville District, addressed the Board. He stated the current building proposal has been in the works since 1995, but the community has grown weary of new buildings so they refrained from moving forward at that time. Mr. Jones-Wilkins said that Tandem’s middle school is thriving and is a great program, but it is in a very inadequate space and it is time for a new building. He added the school has a great site and has retained an architect, and they are very excited about the project.

There being no further comment, the Chair closed the public hearing.

Mr. Randolph noted he had made the motion on the Planning Commission to approve SP2015-00021, and will make the same **motion** on the Board of Supervisors to adopt the proposed resolution subject to the three conditions recommended by staff. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

**RESOLUTION TO APPROVE  
SP 2015-21 TANDEM SCHOOL**

**WHEREAS**, Tandem Friends School is the record owner (the “Owner”) of Tax Map and Parcel Number 09100-00-00-002A0; and

**WHEREAS**, the Owner submitted an application for a Special Use Permit, and the application is identified as Special Use Permit 2015-00021 Tandem School ("SP 2015-21"); and

**WHEREAS**, on November 17, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-21 with conditions; and

**WHEREAS**, on January 6, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-21.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2015-21 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-13.2.2(5) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-21, subject to the conditions attached hereto.

\* \* \*

#### **SP-2015-21 Tandem School Conditions**

1. The development of the use shall be in general accord with the concept plan entitled "Special Use Permit Plan for Tandem Friends School," prepared by Dominion Engineering, and dated 07/20/15, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plan, development and use shall reflect the following major elements as shown on the plan:

- building orientation
- building size
- location of the buildings
- limits of disturbance
- parking - lot layout and landscaping

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

2. Additional buildings may only be authorized by a new special use permit; and
3. Total school enrollment shall not exceed two hundred and fifty (250).

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#### **Item No. 13.4. County Code Regulations Regarding Applications for Rezonings and Special Use Permits.**

Mr. Randolph stated the reason he had pulled this item is because he wants to review situations in which proffers will not affect use and density, and to have the Board discuss whether it will be appropriate to have the Planning Commission see it prior to the Board's formal approval. Mr. Randolph said that Neil Williamson had asked him why he is requesting the item be pulled, and he explained to him that he feels it will be valuable for Planning Commission members to be aware of the circumstances in which this will apply. He stated that while the Commission is deferential to the Board to set the terms on proffers, they are aware that proffers enter into the discussion about the nature of the project and how it will affect the community, and whether there is adequate benefit to the community given the cost and impact of the proposed development. Mr. Randolph said after he saw Mr. Kamptner's comprehensive list, it added to his feeling that the Planning Commission should at least see this prior to the Board approving it.

Mr. Davis clarified what this is actually requesting is for the Board of Supervisors to adopt a resolution of intent to send it to the Planning Commission for review, so it will initiate the review that he feels is important.

Ms. Palmer said she had not had a chance to read Mr. Kamptner's list, although she is sure it is wonderful and thorough.

Mr. Greg Kamptner, Deputy County Attorney, stated the list he had sent out earlier that day by email has 18 proffers identified that do not affect use or density, so they can be amended without the hearing process, but with each application there will need to be a case-by-case analysis, and ultimately the Board will have the final say as to whether an application goes through the typical process or an alternative process. Mr. Kamptner said that with the proffer to provide affordable housing or cash in lieu thereof, there may be an application that seeks to amend the proffer for one particular development where whatever request an applicant is making may be a substantial change, so it might be staff's recommendation, and the Board's decision, to require that it go through the entire process. Conversely, he said, there may be a situation in which an applicant only needs to change a date or move units from one block to another, so the Board may choose to expedite that application.

Ms. Mallek asked Mr. Kamptner if he anticipates when the Planning Commission is doing its work and the Board is reconsidering an application that there are distinctions to be made in order to provide

clarification as to the substantive nature of changes. Mr. Kamptner responded that staff is still envisioning there will be a pre-application meeting with the applicant, and staff has a good idea as to which proposed amendments will be significant, where there will be public interest, and Commission or Board concern. He stated the Board will ultimately decide because they have to waive a public hearing for a particular application, and the Department of Community Development will act as a gatekeeper and suggest which applications should proceed with the full process because they are significant amendments.

Mr. Davis said the failsafe will always be that if an application comes back to the Board without a Planning Commission review or public hearing, the Board always has the option of referring it back to the Commission for a public hearing, so if it becomes controversial on the way to the Board they will have that opportunity. Mr. Davis emphasized that where the gap comes in is when people do not know about the project. There will be adjacent property owner notice, as required by state code, but there may not be a public hearing notice published.

Mr. Kamptner mentioned the current regulations actually provide for the expedited process without public hearing, but there is only a single fee on all application and procedural requirements such as community meetings. He said this amendment will address those applications where the Board ultimately decides that the expedited process is justified and the application requirements simplified, because some of the information will not be relevant, and the community meetings can be sidestepped as the Board is deciding they are not necessary.

Ms. Mallek said she will vote for the resolution of intent, but has concerns because it brings her back to a time when there were different rules for different people, fostering feelings of inequity, and the fact that the decisions were largely subjective put the County in a lot of jeopardy. Mr. Kamptner responded that with Community Development serving as gatekeeper they will likely be conservative, and over time, based upon the body of Board decisions that will develop as to which items will more likely warrant having the expedited procedure, there will be further clarification. He said it is recognized that the Board, Planning Commission and staff are sensitive to public engagement, so any close case will likely tip in favor of the full process.

Ms. Mallek commented that over the years there have been many times in which they did not anticipate situations that ended up blowing up, and they need to take that as a given. Mr. Kamptner said the Board may have already decided that a process is not needed, but can decide based on the perceived need for public engagement to send something back to the Planning Commission for the full public hearing process.

Ms. Mallek stated that she sees that as very unlikely, because people will be enraged that they are not told to do that first and after going through the whole process will be sent back to the Planning Commission. She said she is also concerned about who can file and the lack of participation by the owner, because in other localities utilities have moved forward with egregious measures without the owners even knowing. Ms. Mallek added that a place on the applications where signatures have to be provided by the owners will be an easy way to address the issue, but she will not support something where someone can apply without the owners' knowledge. Mr. Kamptner responded that staff will be sensitive to that issue.

Ms. Palmer requested that it be spelled out in the title when an Executive Summary is going back to the Planning Commission, so the staff recommendation is very clear. Mr. Kamptner said they can add that to the Executive Summary.

Mr. Davis said there are two resolutions of intent, one dealing with proffers and the other addressing the application issue as raised by Ms. Mallek. He stated the Board can just approve Consent Agenda Item 13.4.

Ms. Mallek then **moved** to approve Consent Agenda Item 13.4. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

## RESOLUTION OF INTENT

**WHEREAS**, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures and requirements for applications for zoning map amendments ("rezonings") and special use permits; and

**WHEREAS**, Virginia Code § 15.2-2302 enables local governing bodies to establish an expedited process to amend proffers that do not affect use or density, and Albemarle County Code §§ 18-33.4 and 33.7 establish the procedures and requirements for rezonings in which the applicant seeks to amend such proffers, but applicants are currently required to file the application, pay the fee, and comply with certain procedural requirements, that apply to any other applicant-initiated rezoning; and

**WHEREAS**, in order to improve the efficiency of applications for rezonings seeking to amend proffers that do not affect use or density, it may be desirable to amend the regulations in Albemarle County Code §§ 18-33 and 18-35.1 pertaining to the application and procedural requirements, as well as the fees, for such rezonings.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-33 and 18-35.1, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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#### **RESOLUTION OF INTENT**

**WHEREAS**, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures and requirements for applications for zoning map amendments (“rezonings”) and special use permits; and

**WHEREAS**, Albemarle County Code § 18-33.4 authorizes an “owner” to apply for rezonings and special use permits, which is defined in Albemarle County Code § 18-3.1 as the fee simple owner of the parcel to which the application pertains, and it has become apparent that the definition may be too restrictive in those cases where the prospective applicant is an easement holder seeking a special use permit for a use allowed by the deed of easement; and

**WHEREAS**, in order to improve the efficiency of the special use permit application process, it may be desirable to amend the definition of “owner” in Albemarle County Code § 18-3.1 to clarify that certain easement holders may be eligible applicants for special use permits when the permit they seek is consistent with the uses for which the easement was acquired.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-3.1, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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**NonAgenda.** Ms. Mallek asked staff if a resolution of intent is needed for **Item 13.9** regarding legislative support against hostile attempts. Mr. Davis explained that staff was aware of the issue in November, but no bill had been proposed and David Blount indicated there may not be anything coming forward about it. He said that over the holidays, Tom Frederick had contacted Tom Foley and said the Rivanna authorities’ legislative advisor had said that a bill was going to be introduced. Mr. Davis noted that he has not seen that bill yet, but this action provides the County with a position and he will be watchful for the bill.

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Agenda Item No. 27. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. McKeel said the Board had received an email this week indicating that Delegate Steve Landes had agreed to sponsor a bill that would require mandatory objective criteria to be used by the General Assembly in redistricting decisions. She stated that One Virginia 2021 had strongly supported the bill and had helped in its drafting, and she had spoken recently with Brian Canon, that organization’s Executive Director, to try to get some more information. Ms. McKeel said that she brought this up to the Board because she would like for Mr. Davis to follow the bill closely, as they may wish to support it once they see some of the final details. She added that the TJPDC will also want to get involved and possibly VACO, which at one time had a position on this.

Mr. Davis stated that VML had a general position on it, but VACO’s final legislative packet did not include one, nor did the TJPDC’s. He said the Board of Supervisors is on record as supporting One Virginia 2021, having adopted a resolution that they presented to legislators in December. Mr. Davis noted that the County has a position at this point and will probably not want to take a formal action on any bill unless they see it first. He said if it is going to be introduced, it will happen in the next several days, and staff will flag it for action by the Board in their February meeting, which will be timely in terms of where the General Assembly will be at that point.

Ms. Palmer said that apparently House Bill 26 and Senate Bill 59 addresses this, and she is not sure if that covers it.

Mr. Davis noted this had just happened yesterday.

Ms. McKeel asked if it would be too late for VACO to get on board if this turns out to be a really strong bill. Ms. Mallek responded she does not think it is too late, and David Blount's suggestion of taking it to the Mayors and Chairs meeting at the PDC level is a good approach.

Mr. Foley stated he can get in touch with VACO the following day and find out where they are with it, and the more support they can get for it the better.

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Ms. Mallek stated the 19-year-old son of Buckingham Supervisor Cassandra Stish had just been killed in an accident, and encouraged Board members to reach out to her.

Ms. Mallek stated that in reading through the Tandem application materials, it occurred to her that perhaps schools within the urban ring can go through a special exception process rather than a special use permit.

Mr. Wayne Cilimberg, Director of Planning, explained it would have to start out as a special exception when it is created in order to be a special exception in subsequent changes. He explained if it was a special use permit originally, any changes will be amendments to the special use permit or would need to be in accordance with the conditions or the conditions would need to be changed, and that will not allow it to become a special exception.

Ms. Mallek asked if that is a requirement in the enabling statute or a County process. Mr. Cilimberg responded if it starts as a special use requirement and anything needs to be changed, it will be an amendment to the permit requiring the same process that the original went through.

Mr. Davis said the alternative would be to make it a by-right use with some performance standards, and if they want to exceed those standards they can require a special exception, but the consequence will be that all the conditions of the special use permit will be nullified.

Mr. Cilimberg noted that staff is being more careful about how to condition special use permits in the beginning so there is some flexibility built in for smaller scale kinds of changes, and this is something they will want to pay attention to going forward.

Ms. Mallek said it is difficult because they have to lay out so many steps in order to be fair.

Mr. Randolph stated they also have to be aware of the slippery slope because once they do it for schools, the churches will be lining up to do it as they are also nonprofit organizations, and suddenly can grow very quickly. He said it will be challenging to separate out which are justifiable and which are not, which is the concern Ms. Mallek had earlier about being arbitrary and capricious.

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Mr. Randolph reported that he and Ms. Palmer had visited Yancey Elementary School over the holidays to see the opening of All God's Children daycare program, which the Board had originally approved for Christ Church - Glendower but will now be located in Yancey. Mr. Randolph stated this will be a terrific shot in the arm for the community and something that it has needed for a long time.

Ms. Mallek asked for clarification if the daycare will just be at the school and not the church. Mr. Randolph responded that the program still has to work out septic permitting at the church property, and at this point they will stay at Yancey for the foreseeable future since space is available there.

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Ms. McKeel reported that at the December 10 meeting, the School Board voted to transfer \$200,000 from its fund balance to the Comprehensive Services Act (CSA) program as a result of the program exceeding projections. She stated that CSA is one of the programs that puts the school division at risk for unexpected expenditures, and this situation may have been for one or more students. Ms. McKeel said that last year, the Board was contemplating \$200,000 as the amount allocated to cover the schools' funding gap, so it is important to recognize that they can be hit with these significant expenses in the middle of the year.

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Ms. Palmer stated she had sent an email about the solid waste solutions implementation committee, following up on the work of last year's solid waste solutions policy committee. She said that she has spoken with staff and asked that the item put that on the Board's agenda for February.

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Ms. Mallek said she would like to get more detail about the job description for the natural resources position from staff, because when they were talking about this last year they were concerned about limited staff availability for implementation or follow-up on natural resources issues such as buffer invasions. She stated they had also discussed having a site review person who would be at the site review table in order to interface with other departments in advocating for natural resources positions

regarding things like stormwater facilities siting. Ms. Mallek said she was concerned to hear earlier that the position will now be developing policy instead of being boots on the ground.

Mr. Foley stated those were Bill Letteri's comments in the context of the department merger, and he made reference to that person being involved in some policy. He asked Mark Graham to provide further clarification.

Mr. Graham explained the primary focus of the position is implementation of natural resource strategies that are already in place and what the Board has set forth in its strategic plan as far as an objective for natural resources. He stated the other primary function identified is support for the Natural Heritage Committee as they come forward with their data layer and a plan for its implementation. Mr. Graham said that beyond that, the natural resources position will respond to issues with natural resources that staff currently struggles with, such as biosolids. He stated that staff is not envisioning that this person will be involved in day to day site review, but will be involved with legislative actions such as rezonings and special use permits that have special environmental issues. Mr. Graham emphasized they are trying to avoid having this person get involved in day to day enforcement issues, as there is already engineering staff dealing with that, although this person can assist that staff with technical issues such as interpretation of stream buffers.

Ms. Palmer said the Board concerns are that this person will be focused mostly on policy. Mr. Graham responded that it will involve policy from the standpoint of what is in the natural resources section of the Comp Plan and associated strategies for implementation. He said the other facet for this position will be public engagement and community outreach, as the County has not had the resources for education or partnership opportunities.

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Ms. Mallek said she is horrified at the high-grading of the forest at Rio Mills, and the entire 100 acres have been logged, so having that person meet with landowners to discuss other opportunities will provide a lot of benefit. She stated they basically killed off all of the habitat north of the road that VDOT is trying to protect south of the road, and this is why they need boots on the ground and not someone behind a desk. Ms. Mallek said she also assumed that it will be this person's job to investigate calls related to buffer infringement.

Mr. Graham clarified that they will not do the initial investigation as much as the follow-up, to ensure that mitigation plans are being done properly.

Ms. Mallek asked who will be doing the initial investigation, because it has not been done so far. Mr. Graham said the investigation had been done, but where they had suffered is with the mitigation plans and how to address problems.

Mr. Randolph stated that his experience thus far has been that the Board members are the boots on the ground, and the ones walking onto sites to meet with landowners.

Ms. Mallek said she is fine with that, but there also needs to be someone at the staff level to respond to Board member calls about these issues.

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Mr. Sheffield asked if there is interest from the Board regarding his suggestion to have a joint City/County meeting, preferably before they get into the budget season.

Ms. McKeel said she would like to have some brief updates for the Board and Council regarding certain positions.

Mr. Dill stated he would like to have that provided in writing ahead of time, because he attended the last joint meeting and it seemed to be mostly a review of what had already happened.

Mr. Foley said the two staffs can put together an update on the latest information, and the other part of the agenda can just be topics for discussion.

Mr. Sheffield said it would be helpful to assess the topics for joint discussion and then teaming up to go from there.

Ms. McKeel stated it is also an opportunity for the Board and Council just to get together to get off to a good start.

Mr. Davis asked if the meeting will be facilitated. Mr. Sheffield said that his opinion is no, because if Ms. Palmer and Mr. Signer can get together beforehand it will go smoothly.

Mr. Foley stated that in the past, the City Manager, County Executive, Chair and Mayor had gotten together ahead of time to set the agenda and prepare for the meeting.

Mr. Sheffield said that would work perfectly.

Mr. Foley commented this seems like more of an open discussion to see where there are areas of common interest.

Ms. McKeel said this will provide an opportunity for the Board and Council to meet one another and start off the new terms.

Mr. Foley stated that he had received confirmation earlier that day from City Manager, Maurice Jones, so they will begin scheduling that.

Mr. Randolph said that one topic can be law enforcement leadership and possible collaboration in the recruitment process, since both the City and County are looking for police chiefs.

Ms. McKeel stated that Pre-K education would also be an appropriate topic, as both localities are working to address it.

Mr. Randolph said that affordable housing is another topic on which they need to be thinking regionally.

Ms. McKeel commented that these items can emerge from the meeting itself.

Mr. Foley stated that staff can provide a summary in advance on the Pre-K issue, as a lot has happened in that arena, rather than turning that agenda item into a long update.

Ms. Mallek said there is a housing study that talks about the statutory codes for the City and the County, since the City is an entitlement community, and sharing that ahead of time will be valuable.

Mr. Davis asked if she is talking about federal funding authority.

Ms. Mallek clarified the previous study of pass-through monies had revealed that the County is not permitted to fund affordable housing in the same way the City can, and in the past when this had been discussed, the Board had agreed that it was best to stick with the voucher program because of the differences in approach.

Mr. Randolph suggested that they also include economic development as a topic.

Ms. McKeel said there may be a need for individual committees to be established to address these topics.

Mr. Randolph commented there may be room to do that.

Ms. Palmer added multi-modal transit as a possible topic.

Mr. Foley said he will work with her on developing a list of possible joint meeting topics.

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Agenda Item No. 28. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley stated he is continuing to pursue the equal taxing authority position with Delegate Steve Landes, and said that Delegate Landes had put a placeholder bill out there, but he is not sure whether it had evolved into an actual bill or what the status of other support was. Mr. Foley said he had been in contact with all of the other urban localities that are interested in this, and he will update the Board with any progress.

Mr. Foley reported that February will be full of budget meetings, presentations and work sessions, and staff will bring forth a schedule in the near future. He stated that slated for discussion on their February 10 afternoon work session is a discussion on a potential bond referendum, with the objective of the Board learning more about what is involved in a bond referendum and reviewing some potential scenarios as to what might go before voters. Mr. Foley said there was some strategy involved with that, so staff would provide several alternative approaches to determine whether this is something the Board really wants to pursue. He stated this will help them as they enter the budget process and the CIP so they can make some final decisions, with the goal of getting consensus from the Board on how to proceed.

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Agenda Item No. 29. Closed Meeting.

At 7:10 p.m., Mr. Dill **moved** that the Board go into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

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Agenda Item No. 30. Certify Closed Meeting.

At 8:08 p.m., Mr. Dill **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

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Agenda Item No. 23. Boards and Commissions:

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Item No. 23b. Boards and Commissions Vacancies and Appointments.

Ms. McKeel then offered **motion** to make the following appointments:

- **appoint** Ms. Leah Jung to the Acquisition of Conservation Easements (ACE) Committee with said term to expire August 1, 2018.
- **appoint** Ms. Angela Lynn to the Agricultural/Forestral District Advisory Committee with said term to expire April 17, 2020.
- **appoint** Mr. Richard Armstrong as the Scottsville District representative to the Albemarle County Service Authority with said term to expire December 31, 2019.
- **reappoint** Mr. Bill Kittrell as the White Hall District representative and Mr. Clarence Robert as the Rivanna District representative to the Albemarle County Service Authority with said terms to expire December 31, 2019.
- **appoint** Mr. Victor Schiller to the Charlottesville-Albemarle Joint Airport Commission to fill an unexpired term ending December 1, 2017.
- **reappoint** Mr. James Atkinson as the Samuel Miller District representative and Mr. Elton Oliver as the Scottsville District representative to the Economic Development Authority with said terms to expire January 19, 2020.
- **appoint** Mr. Peter Wiley as the Scottsville District representative to the Equalization Board with said term to expire December 31, 2016.
- **reappoint** Ms. Tammie Moses as the Jack Jouett District representative, Ms. Nancy Fleischman as the White Hall District representative, Mr. Steven Janes as the Rivanna District representative and Mr. John Lowry as the Samuel Miller District representative to the Equalization Board with said terms to expire December 31, 2016.
- **appoint** Lt. Todd Hopwood to the Jefferson Area Community Criminal Justice Board with said term to expire June 30, 2018.
- **reappoint** Col. Steve Sellers to the James River Alcohol Safety Action Program with said term to expire January 1, 2019.
- **appoint** Ms. Nancy Weiss and Mr. Peter Hatch to the Natural Heritage Committee with said terms to expire September 30, 2019.
- **reappoint** Mr. J. Timothy Keller as the At-Large representative to the Planning Commission with said term to expire December 31, 2017.
- **reappoint** Ms. Julia Monteith as the UVA representative to the Planning Commission with said terms to expire December 31, 2016.
- **appoint** Ms. Daphne Spain as the Rivanna District representative, Ms. Jennie More as the White Hall District representative and Ms. Pam Riley as the Scottsville District representative to the Planning Commission with said terms to expire December 31, 2019.
- **appoint** Mr. Trevor Henry to the Rivanna Solid Waste Authority effective February 1, 2016 with said term to expire April 1, 2017.
- **reappoint** Mr. Tom Foley to the Rivanna Solid Waste Authority with said term to expire April 1, 2017.
- **reappoint** Mr. Tom Foley and Mr. Gary O'Connell to the Rivanna Water and Sewer Authority with said terms to expire April 1, 2017.
- **reappoint** Ms. Elizabeth Knotts as the Scottsville District representative, Ms. Angela Lynn as the White Hall District representative and Mr. Lynwood Bell as the Rivanna District representative to the Social Services Advisory Board with said terms to expire December 31, 2019.
- **reappoint** Mr. Stephen Elliott to the Thomas Jefferson Emergency Medical Services Council with said term to expire January 1, 2019.
- **reappoint** Mr. Stephen Murray to the TJ Water Resource Protection Foundation with said term to expire January 31, 2020.

Ms. Mallek **seconded** the motion.



Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: None.

Item No. 23a. Board Member Committee Appointments.

Ms. McKeel then offered **motion** to make the following Board member committee appointments:

Norman Dill:

- Audit Committee with said term to expire December 31, 2016.
- CIP Oversight Committee with said term to expire December 31, 2016.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2016.
- High Growth Coalition with said term to expire December 31, 2016.
- Pantops Community Advisory Committee, Board liaison, with said term to expire December 31, 2016.
- Places 29 (North) Community Advisory Committee, Board liaison, with said term to expire December 31, 2016.
- Rivanna River Basin Commission with said term expire December 31, 2017.

Ann Mallek:

- Acquisition of Conservation Easement (ACE) Committee with said term to expire December 31, 2016.
- Agricultural and Forestal Advisory Committee, Board liaison, with said term to expire December 31, 2016.
- CIP Oversight Committee with said term to expire December 31, 2016.
- Crozet Community Advisory Committee, Board liaison, with said term to expire December 31, 2016.
- Historic Preservation Committee, Board liaison, with said term to expire December 31, 2016.
- High Growth Coalition with said term to expire December 31, 2016.
- Metropolitan Planning Organization (MPO) with said term to expire December 31, 2017.
- Rivanna River Basin Commission with said term to expire December 31, 2017.
- Piedmont Workforce Network Council (designee in absence of Chair) with said term to expire December 31, 2016.
- Workforce Investment Board (designee in absence of Chair) with said term to expire December 31, 2016.

Diantha McKeel:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2016.
- Jail Authority Board to fill an unexpired term ending December 31, 2017.
- Metropolitan Planning Organization (MPO) with said term to expire December 31, 2017.
- Places 29 (Hydraulic) Community Advisory Committee, Board liaison, with said term to expire December 31, 2016.
- Police Department Citizens Advisory Committee, Board liaison, with said term to expire December 31, 2016.

Liz Palmer:

- 5<sup>th</sup> and Avon Community Advisory Committee with said term to expire December 31, 2016.
- Audit Committee with said term to expire December 31, 2016.
- Piedmont Workforce Network Council with said term to expire December 31, 2016.
- Rivanna Solid Waste Authority with said term to expire December 31, 2017.
- Rivanna Water and Sewer Authority with said term to expire December 31, 2017.
- Workforce Investment Board with said term to expire December 31, 2016.

Rick Randolph:

- 5<sup>th</sup> and Avon Community Advisory Committee with said term to expire December 31, 2016.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2016.
- Property Committee with said term to expire December 31, 2016.
- Thomas Jefferson Planning District Commission (TJPDC) with said term to expire December 31, 2017.
- TJPDC Rural Transportation Advisory Council with said term to expire December 31, 2017.

- Village of Rivanna Community Advisory Committee, Board liaison, with said term to expire December 31, 2016.

Brad Sheffield:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2016.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2016.
- Fiscal Impact Advisory Committee with said term to expire December 31, 2016.
- Places 29 (Rio) Community Advisory Committee, Board liaison, with said term to expire December 31, 2016.
- Property Committee with said term to expire December 31, 2016.
- Thomas Jefferson Planning District Commission (TJPDC) with said term to expire December 31, 2017.
- TJPDC Foundation Board with said term to expire December 31, 2017.

Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

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Agenda Item No. 31. Adjourn to January 13, 2016, 3:00 p.m., Room 241.

At 8:16 p.m., Ms. Mallek **moved** to adjourn the meeting to January 13, 2016, 3:00 p.m., Room 241. Ms. McKeel **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.  
NAYS: None.

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Chairman

Approved by Board
Date: 03/09/2016
Initials: EWJ