

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 3, 2016, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz 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 1:03 p.m., by the Chair, Ms. Palmer.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Palmer introduced County staff present.

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

Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek stated the Board has been discussing proffers and have been hearing from developers about how Habitat for Humanity will be building affordable housing for them. She stated that Wickham Pond is the only one that has an official agreement where a project will be going forward, due to a landowner providing a discounted lot and money from the "cash in lieu of" fund going toward the price of the land with Habitat funding the balance of the land. Ms. Mallek said this seems like a wonderful partnership, and she would like to know how this can be institutionalized, as well as establishing a way to make sure that Habitat has agreed to build the housing after a developer indicates they are a partner.

Ms. Palmer asked if she wants to discuss this topic more at the end of the meeting. Ms. Mallek responded that she does not have any further information and does not expect staff to be able to comment at this meeting, but would like to get some feedback at their next meeting.

Mr. Davis stated the Planning Commission is currently reviewing affordable housing policies and this item is on their radar, so staff will make sure this specific item is passed onto the Commission's workgroup and will report back to the Board.

Mr. Dill stated *The Daily Progress* has reported that Charlottesville is the fastest growing area in the U.S. for startup investments, with venture capital up 55% since 2010, particularly because of UVA being more cooperative with commercializing inventions. He said this has created an atmosphere of business entrepreneurship especially in the IT world, so the image of Charlottesville being slow to embrace technology and entrepreneurship might be changed by this national report.

Mr. Randolph reported there is a three month composting initiative at McIntire Recycling Center, and there has been significant buy-in from both the City and the County, which creates a good possibility for composting at Ivy in the future.

Ms. Palmer said that Sandy Houseman had a wonderful story about that on NPR.

Mr. Dill added that there was also an interview with Tom Frederick of the Rivanna Solid Waste Authority.

Mr. Randolph commented there has been great concern about the Zika virus, and said that public health officials locally will do all that they can to stem the virus and make sure there is quarantining and accurate reporting. He stated it will inevitably touch them in Albemarle County, and said that officials at UVA and Martha Jefferson will certainly be able to recognize the symptoms.

Ms. McKeel stated that she is glad the Board passed the standing water ordinance last year, as the Health Department really wanted them to approve it.

Ms. Palmer reported that she had represented the Board of Supervisors at the 31st first annual Martin Luther King, Jr. celebration the previous weekend, including a performance from the Martin Luther King Community Choir, and said that it was a great event.

Mr. Randolph reported that regarding the Village of Rivanna project, ACSA Executive Director, Gary O'Connell, has indicated that grading is targeted to begin on March 1, with tree clearing to be completed by April 15. He stated there will be 290 units there, and the planned residential development will have a significant impact on the County's tax base.

Agenda Item No. 6. Recognitions.

Item No. 6a. Travis O. Morris, Certified Municipal Clerk.

Ms. Palmer recognized Senior Deputy Clerk, Travis Morris, for receiving the distinguished IIMC (International Institute of Municipal Clerks) designation of Certified Municipal Clerk. This professional certification is a testament to Mr. Morris' dedication, integrity and strong commitment to excellence in his role as a Municipal Clerk. IIMC grants the CMC designation only to those Municipal Clerks who complete demanding education requirements, and who have a record of significant contributions to their local government, their community and their state. Lifelong learning is not only desirable, it is necessary for all in local government to keep pace with growing demands and changing needs of the citizens we serve. The CMC designation is designed to raise the standards of the Municipal Clerk profession and is only bestowed on Clerks after completion of advanced education and professional contributions. Ms. Palmer said what is even more impressive is that Travis was able to complete the requirements for his CMC designation in two years, when it normally takes 5 years. She asked that everyone join in congratulating Travis as she presented him with his CMC certificate as well as his CMC lapel pin.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Joseph Wallace of John Davenport Engineering, representing Rockydale Quarries, addressed the Board and stated that he will discuss the Earlysville Road through-truck restriction study. Mr. Wallace said the study has been completed, and the Board's policy is to either advance it to a public hearing or not advance it. He stated that he wants to address some of the merits of the study, stating that four criteria must be met in order to have a through-truck restriction. Mr. Wallace stated the alternate route must be reasonable as an alternative in terms of having the same width, so if Earlysville Road is anywhere from 10-21 feet wide, the alternate must be the same and must also be adequate for trucks. He said that Rockydale is located on Rio Mills Road, and based off of the through-truck restriction from Woodlands Road to Dickerson Road, the quarry would be forced to use Rio Mills. That is not the same type of road and thus is not a reasonably adequate alternative roadway. Mr. Wallace said the study indicated that trucks are not an issue with safety. Of the three-year standard there was only one truck involved in an accident out of 60 accidents in a three-year period. He stated the roadway also must be of residential nature, which it is not, and must be a rural major collector. Mr. Wallace explained that the roadway is a rural major collector from Woodlands to Dickerson, but if there is a restriction signed from Hydraulic, any vehicle missing the signing will be trapped at Woodland and Earlysville and there will not be a means of bypassing it. He stated the conclusion is that the study does not support the through-truck restriction.

Mr. David Willis addressed the Board, representing Rockydale Quarries, and said he will also speak to the through-truck restriction. Mr. Willis stated that Rockydale has been operating for 83 years and is a family business with eight locations in Virginia, acquiring the Rivanna quarry and opened it in 2011. He said the quarry operated in the 1960s and 1970s, receiving its current zoning in 1981, with the mining permit being active throughout that time. Mr. Willis noted that they produce construction aggregates, which are an important component of regional economic development, and the quarry is wholly dependent on trucks for the delivery of product to the end user. He stated the cost of trucking can be equal to or greater than the cost of the product itself, and having to use alternate routes or increase distance or time, that affects the profitability of the corporation and the margins at which it operates. Mr. Willis said that by putting this restriction on, the County will increase the road miles traveled and will push the trucks onto other routes, including some going through neighborhoods. He stated that as Mr. Wallace had mentioned, Rio Mills Road is an unimproved surface not designed to handle truck traffic, and thus it will not be considered an alternative route. Mr. Willis said that alternate routes also increase time and distance and do not meet the study criteria. Mr. Willis stated the second part of the study pertains to character and frequency, and this road will be anticipated to have at least 2% truck traffic, but it only has 1.5% of truck traffic of trucks with three axles as defined in the study. He noted that 66% of the accidents on that road involved SUVs with only one truck accident, and there was no correlation drawn between the three-year data and truck traffic on this route. Mr. Willis emphasized that he does not understand the Board's initiative to take this on and asked them to reconsider the restriction.

Mr. Tom Wharton of the Whitehall District addressed the Board and stated that he grew up in Earlysville and currently works at Rockydale Quarries. Mr. Wharton stated that Rockydale services Free Union, Whitehall, Earlysville, Crozet, Dyke and every part north of Albemarle County, and to get there as efficiently as possible, they take backroads. He said the plan is to put the trucks on Route 29 to get to the areas they need to service, and he finds it interesting that the Board wants to put trucks back on 29 when

the County, state and federal government are involved in a \$160 million project to reduce traffic on that road. Mr. Wharton said it takes more than twice as long to run down Route 29 to get to the 250 bypass than if they were to run Earlysville Road to the 250 bypass. He stated the plan to close Earlysville Road to truck traffic will double time, double costs, and put more traffic on the Route 29 corridor. Mr. Wharton said he would like to think they can discuss this matter and enable his company to serve the community in the best and most efficient way possible.

Mr. William Tomlin addressed the Board, stating that he is a resident of Earlysville Road and commenting that his interest is for the safety of people on that road. Mr. Tomlin stated that he has no business interest in Rockydale or any trucking company, and has lived on the road long enough to understand its history in terms of the volume of traffic, the condition of the road, the curves, the accidents, and the heavy truck traffic, including those going to the airport delivering freight and fuel. Mr. Tomlin noted that one of the fuel delivery trucks got involved in a near-accident right in front of his house, but thanks to former Supervisor Dennis Rooker, fuel truck deliveries were banned from the road because it crossed a bridge over the water supply. He presented a petition that had been circulated in the community, and he has had no one come forth in disagreement with it. Mr. Tomlin encouraged the Board to move the matter onto the state level.

Ms. Colleen Keller addressed the Board, stating that she is before them on behalf of the Charlottesville Free Clinic, which operates in the health department building owned by the City and the County. Ms. Keller stated that Item 8.4 on their Consent Agenda is to approve a renovation, which will work within the existing footprint and remove a few walls to offer a fourth dental laboratory that will offer hygiene and engage more community dentists. She said the renovation will also allow a chart storage room to be converted into a small office with a window, which will allow workers to see patients as they arrive. Ms. Keller asked the Board for their support of the MOU, and said the renovation is focused on improving the quality of what the clinic offers.

Mr. Greg Smith addressed the Board, stating that he is the Executive Director of the Virginia Center for the Creative Arts in Amherst, VA, and is a resident of the Scottsville District. He offered to be available to answer questions during the ZTA item discussion.

Ms. Erica Viccellio addressed the Board, stating that she is a resident of the Rio District and wants to bring to their attention to the work of the Charlottesville/Albemarle Early Education Task Force, reflected in an item that is on the Consent Agenda. Ms. Viccellio stated that Albemarle County has set a great example with its work to extend preschool placements to 250 at-risk children through multiple efforts, including adding a preschool classroom at Cale Elementary and raising the class size by one child in each existing pre-K class. She thanked the Board of Supervisors for covering the extra classroom costs above and beyond the Virginia Preschool Initiative funds, and said that a resource plan for an additional classroom has been submitted. Ms. Viccellio stated the task force will meet with the Charlottesville School Board and the Charlottesville Area Community Foundation Board about the pre-K initiatives, and said the group is committed to keeping the issue in the forefront. She noted that research has reinforced that high-quality pre-K is necessary not just because it is the right thing to do but because investments now will reduce future investments in remediation and rehabilitation. Ms. Viccellio read a comment from Bob Pianta, an internationally known early childhood education expert who lives in the community, wrote that investments in early education return financial benefits downstream, and an analysis of various statewide and experimental studies estimated a total return on investment of \$3-\$7 for each \$1 spent on pre-K. She stated that findings consistently show the benefits of high-quality programs significantly exceed costs with immediate improvements in school readiness, reduce spending related to retention and special education, and long-term impacts related to reduced delinquency and increased productivity, benefits leading to a savings of \$9,000 per child, making pre-K a highly cost effective intervention.

Ms. Palmer thanked her and the task force for their work, and noted that the Board will be discussing the item later in the day, after 4:00 p.m.

Mr. Gary Grant addressed the Board, stating that he has been an Earlysville property owner and taxpayer for about 30 years, and noting that he has spent 13 years serving on numerous boards including the Albemarle County School Board, the JABA Advisory Board, and the Jefferson-Madison Regional Library Board. Mr. Grant said during that time, none of those bodies ever held a closed meeting to appoint members of their boards to committees, but at their organizational meeting on January 6, 2016, the Supervisors discussed their own appointments to boards, committees and commissions in a closed meeting. Mr. Grant stated that an attorney for the Virginia Coalition for Open Government, of which he is a member, has opined that they should not have done so and he is of the same belief. He stated that the Board that has already been "hired" by the public via the ballot box, and they do not need to go into a closed meeting to discuss their appointments.

Mr. Jeff Werner, Piedmont Environmental Council, addressed the Board, stating that as they are aware, the General Assembly is considering bills, specifically House Bill 770, that will further weaken localities' authority to negotiate proffers. Mr. Werner said that while he agrees that what is proffered to a locality must be fair and reasonable, this bill goes too far. He explained that currently those seeking

rezoning proffered to a locality cash, usually on a per-unit basis that by state code must go to public infrastructure related to new residents; land for public use, such as school sites or parks; or conditions or agreements to do certain things, such as providing affordable housing, fund the County's affordable housing program, complete an archeological survey or protect an important habitat. Mr. Werner stated that HB 770 will further limit cash proffers and is clearly written to benefit the development community and intends to discourage localities from even pursuing proffers, with the threat of legal action written into the legislation language. He said if an application were to offer conditions such as affordable units and the County accepted, the proffers are still at risk because a developer can request amendments to them. Mr. Werner stated that the text on proffer amendments is also troubling, as it appears to open the door to amend previously approved proffers, which must be "reasonable" as defined by this bill. He noted that the key is the definition of reasonable, and the County stands to lose not just higher revenues from prior cash proffers, but also prior proffered conditions and agreements such as the provision of affordable housing, which sponsors of the bill have claimed it intends to support. Mr. Werner urged Board members to go beyond working with David Blount as part of their legislative agenda and reach out and take action as individuals. He stated he is a former builder and feels that proffers need to be fair and reasonable, but this bill is written for and by developers, and how it fiscally impacts a community is not their concern.

Mr. Neil Williamson, Free Enterprise Forum, addressed the Board, stating that HB 770 does try to make proffers fair and accountable and limits them to three things: public education, transportation and public safety, which are core functions of government. Mr. Williamson said Albemarle County is not the worst offender in the state, as there are localities that are using proffers to fund things like museums. He stated the language in the bill specifically says "impacts specific and unique to the development," and the proponents are looking to make this fair and transparent. Mr. Williamson said it seems reasonable to him to have clear language, and he is thrilled the Albemarle County Deputy Attorney has said the cash proffer amount will be what is in the FEAC report. Mr. Williamson emphasized this bill proposes a reasonable, rationale change to proffers, is fair, and addresses the idea of who should pay when the community makes decisions to buy things, the newcomer or the community.

Mr. Davis stated that Deputy County Attorney Greg Kamptner will be presenting an update on this bill under the legislative item at the end of the agenda, and staff may request that the Board take action at that time.

Mr. Randolph asked Mr. Davis to address Mr. Grant's comments about FOIA requirements. Mr. Davis responded that he does not agree with him.

Ms. Palmer noted they can discuss this later in the meeting.

Mr. Donnie Foster, Rio District, addressed the Board, stating he has lived on Earlysville Road for 39 years and has seldom seen any accidents on the road, adding that he does not believe that through-truck traffic should be limited on that road. Mr. Foster said he is also the owner of Earlysville Industrial Park, which is mostly for warehousing and does not have any actual manufacturing. He stated that he leased approximately half of the facility to Crutchfield, and about half of the truck traffic is related to their business, a lot of which probably comes from Route 29. Mr. Foster said that Woodlands Road is a horrible road for a tractor-trailer to take, and he does not feel that Route 743 is problematic for this type of traffic and does not feel it should be shut off to through trucks.

Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Mallek stated that she needs to pull the November 11, 2015 minutes. She added that she would like to pull Item 8.7 to discuss as part of Agenda Item No. 25a.

Mr. Randolph said he appreciates the representative from the Charlottesville Free Clinic coming in to speak to the Board as to the nature and the value of the project for which she is requesting funding.

Ms. Palmer stated that she needs to pull her assigned minutes of December 1, 2015 and December 4, 2015.)

Ms. Mallek **moved** to approve Items 8.1 (as read) through Item 8.7a, with the exception of Item 8.7 which was pulled for further discussion. Ms. McKeel **seconded** the motion.

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

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

Item No. 8.1. Approval of Minutes: November 4, November 11, December 1, December 2 and December 4, 2015.

Ms. Mallek asked that the minutes of November 11, 2015, be pulled and carried forward to the next meeting.

Ms. Palmer asked that the minutes of December 1 and December 4, 2015, be pulled and carried forward to the next meeting.

Mr. Sheffield had read his portion of the minutes of November 4, 2015, pages 1-35 (end Item #18), and found them to be in order.

Ms. Palmer had read her portion of the minutes of November 4, 2015, pages 35 (begin Item #18) to end, and found them to be in order.

Ms. McKeel had read the minutes of December 2, 2015, and found them to be in order.

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

Item No. 8.2. Resolution to designate Route 685, Bunker Hill Road, as Rural Rustic Road (Rivanna Magisterial District).

By the above-recorded vote, at the request of the Virginia Department of Transportation, the Board adopted the following resolution:

The Board of Supervisors of Albemarle County, in regular meeting on the 3rd day of February, 2016, adopted the following:

RESOLUTION

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 685 Bunker Hill Road, From: Route 616 Black Cat Road To: End of State Maintenance should be designated a Rural Rustic Road; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

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

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.

Item No. 8.3. Western Albemarle High School (WAHS) Kitchen Upgrade Capital Project.

The executive summary forwarded to the Board states that a Western Albemarle High School Kitchen upgrade Capital Improvement project is currently included in the Adopted FY 16-FY 20 Capital Improvement Plan as a part of the School CIP maintenance and replacement funding. The project is planned to be completed in FY 17. This project includes a complete renovation to the 3,257 square foot Western Albemarle High School kitchen and serving lines, including replacement of the freezer, cooler, other kitchen equipment and mechanical services to ensure that the kitchen and equipment are laid out in a safe and efficient manner.

In order to allow adequate time for the project to be operational by the fall of 2016 for the start of school, school division staff requests that the funding for this project be appropriated in FY 16 instead of FY 17, so that the kitchen equipment can be ordered as soon as possible and the project be completed before the start of school. Based on current information, the lead time for ordering the equipment for this project is 12-16 weeks. The Board will be requested to approve the appropriation of \$770,000.00 in funding for this project as part of the February 3 Budget Amendment and Appropriations agenda item (Appropriation #2016060). In addition, adoption of the attached Resolution of Intent to Reimburse

Expenditures with Proceeds of a Borrowing (Attachment A) is legally necessary if borrowed funds are to be used to fund the project.

The proposed revenue source for this project is borrowed proceeds and is currently included in the adopted CIP.

If the Board approves the appropriation of FY 16 funding for this project (Appropriation #2016060 in a separate February 3 Budget Amendment and Appropriations Executive Summary), staff recommends that the Board adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment A). This resolution would allow the County to use up to \$770,000.00 in borrowed proceeds to reimburse the capital budget for expenditures incurred prior to the programmed borrowing of funds for this project.

Staff recommends that the Board adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing:

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower"), plans for the Western Albemarle High School Kitchen Upgrade (herein the Project) have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

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

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$770,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de Minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately upon its passage.

Item No. 8.4. Health Department – Charlottesville Free Clinic Renovation Project.

The executive summary forwarded to the Board states that the County of Albemarle and the City of Charlottesville jointly own the building and property located at 1138 Rose Hill Drive. The localities lease the property to the local Health Department under a 1995 Deed of Lease, and a subsequent First Amendment to Deed of Lease dated July 22, 2009. Since the lease term expired on June 30, 2014, the County and the City have been negotiating with the Virginia Department of Health for a new 5-year lease. In the meantime, the local Health Department remains a "holdover" tenant, occupying the locally-owned space on a month-to-month basis as provided in the expired lease.

The lease authorizes the Health Department to grant the Charlottesville Free Clinic (CFC) a license for the sole occupancy of office and dental clinic space totaling 3,386 square feet. The CFC was

founded in 1992 to provide high quality health care to working people without health insurance or access to free care elsewhere.

The partnership between the CFC Board and the Health Department has successfully provided patients with a convenient central location to access a variety of their health care needs.

In order to accommodate its growing needs, the CFC is proposing some minor internal renovations in the building to expand the dental clinic. These renovations are agreeable to the Health Department. County and City approval is needed for the CFC to proceed with these proposed internal renovations.

The CFC requested a relatively minor renovation project for expansion of its dental suite. This proposed renovation would be within the current footprint of the building and would entail the removal of several non-load bearing walls, the creation of several windows, and the relocation of several security doors.

The proposed renovation would create a new front office and a much needed fourth operatory. Attachment A shows the proposed renovations. The estimated project cost of approximately \$100,000 would be funded solely by the CFC.

In order for the CFC to proceed with the interior renovation work, formal approval must be obtained from the County and the City. County and City staff have prepared a proposed Memorandum of Understanding (MOU) (Attachment B) to document the understanding between the County, the City, and the CFC regarding approvals required by the parties and the parties' roles and responsibilities in the construction process. The MOU would require that the City's Office of Facilities Development review and approve permit documents prior to their submission to the City's Building Code Official, would require that a building permit be obtained prior to commencement of any work, and would provide the City's Office of Facilities Development the right to inspect the work in progress. The MOU would also require that the City Office of Facilities Development provide formal notice to all parties when the work is accepted as finally completed.

City staff is requesting that City Council approve the renovations and the MOU at its February 2, 2016 meeting.

There would be no financial impact to the County, as the CFC would be responsible for funding all renovations.

Staff recommends that the Board adopt the attached resolution (Attachment C) to authorize the interior renovations proposed by the CFC at the Health Department building and to authorize the County Executive to sign the Memorandum of Understanding once approved as to form and content by the County Attorney.

By the above-recorded vote, the Board adopted the following resolution to authorize the interior renovations proposed by the CFC at the Health Department building and to authorize the County Executive to sign the Memorandum of Understanding once approved as to form and content by the County Attorney:

RESOLUTION TO AUTHORIZE THE RENOVATION OF THE CHARLOTTESVILLE FREE CLINIC

WHEREAS, the County of Albemarle and the City of Charlottesville jointly own certain real estate, located at 1138 Rose Hill Drive, Charlottesville, Virginia, and lease that property ("Leased Property") to the Commonwealth of Virginia for use and occupancy by the Charlottesville/ Albemarle Health Department ("Health Department"); and

WHEREAS, the Charlottesville Free Clinic ("CFC") operates within the Leased Property pursuant to a written license agreement with by the Health Department, and the CFC and Health Department desire to construct certain improvements and alterations to the existing building located on the Leased Property; and

WHEREAS, the CFC agrees to fully fund and implement said improvements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the renovation proposed by the CFC, and authorizes the County Executive to execute a Memorandum of Understanding between the County of Albemarle, the City of Charlottesville, and the Charlottesville Free Clinic regarding approvals required by the parties and the parties' roles and responsibilities in the construction process once approved as to form and content by the County Attorney.

MEMORANDUM OF UNDERSTANDING

THIS **MEMORANDUM OF UNDERSTANDING** (MOU) is made as of _____, 2016 by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter, the "County") the CITY OF CHARLOTTESVILLE, VIRGINIA (hereinafter, the "City"), and the CHARLOTTESVILLE FREE CLINIC (hereinafter, the "Free Clinic").

WHEREAS, the City and County (collectively, hereinafter, the "Owners") jointly own certain real estate, located within the City of Charlottesville, Virginia, at 1138 Rose Hill Drive, Charlottesville, Virginia, which is identified as Parcel 30.2 on City Real Property Tax Map 44, and the Owners lease that property ("Leased Property") to the Commonwealth of Virginia for use and occupancy by the Charlottesville/Albemarle Health Department ("Health Department"); and

WHEREAS, the Free Clinic operates within the Leased Property pursuant to a written license agreement granted by the Health Department, and the Free Clinic and Health Department desire to construct certain improvements and alterations to the existing building located on the Leased Property; and

WHEREAS, the Free Clinic desires to fully fund and implement said improvements;

NOW, THEREFORE, in consideration of the premises and covenants herein set forth, the parties hereby set forth their agreement and understanding for construction of said improvements:

A. AUTHORIZATION BY OWNERS

1. **Approval by Owners.** Execution of this MOU does not constitute authorization to proceed with any application for a building permit or commencement of any work or alterations at the Leased Property. Formal approval by the Charlottesville City Council and Albemarle County Board of Supervisors must be granted prior to any such activities by the Free Clinic.
2. **Approval by Property Managers.** Subsequent to approval by the Owners, and prior to submitting any construction plans to the City's building official, the Free Clinic shall submit to the City's Office of Facilities Development (i) a written consent from and endorsement of such plans by the local health director, and (ii) copies of the construction drawings and documents intended to be submitted with an application for a building permit ("Construction Plans") for review and approval. The City's Office of Facilities Development may direct such changes to the scope of work and drawings which, in its sole discretion, it deems necessary for the protection of the Owners' interests in the Leased Property.
3. **Approval by City Building Official.** Following approval by the Owners and approval by the City's Office of Facilities Development, the Free Clinic may submit an application for a building permit to the City's Building Official, accompanied by the Construction Plans approved by the City's Office of Facilities Development. The Free Clinic shall not commence work without an approved building permit.

B. CONSTRUCTION

1. **Oversight by Owners' Representatives.** In addition to any inspection(s) required or performed by the City's Building Official, the City's Office of Facilities Development shall have the authority to inspect the work in progress for deviations from the approved Construction Plans.
2. **Unforeseen Conditions.** The Free Clinic shall notify the City's Office of Facilities Development in the event of unforeseen circumstances which may require deviation from the approved scope of work or threaten the health or safety of occupants. The City shall review proposed solutions, and must approve in writing any subsequent alteration to the scope of work.
3. **Final Approval of Work.** The City's office of Facilities Development shall be included in any substantial completion inspection(s), and shall provide formal notice to all parties to this Agreement when it accepted the work as finally complete.

C. MISCELLANEOUS

1. **Notices.** Any notice, demand, request or other instrument which may be, or are required to be given under this MOU, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:
 - a. if to the Owners, at
City of Charlottesville
Office of Facilities Development
Charlottesville, Virginia 22902
or at such other address as the City shall designate by written notice; and
 - b. if to the Free Clinic, at
Charlottesville Free Clinic
Colleen Keller, Executive Director
1138 Rose Hill Drive #200, Charlottesville, Virginia 22903
or at such other address as the City shall designate by written notice; and

COUNTY OF ALBEMARLE, VIRGINIA

This MOU is executed on behalf of the County of Albemarle by Thomas C. Foley, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

By: _____
Thomas C. Foley, County Executive

By: _____
Maurice Jones, City Manager

CHARLOTTESVILLE FREE CLINIC

By: _____
Colleen Keller, Executive Director

Item No. 8.5. Resolution Authorizing the County Executive to Sign Emergency Medical Services (EMS) Cost Recovery Documents.

The executive summary states that in 2009, the Board enacted Chapter 6, Article V of the Albemarle County Code which authorized the Albemarle County Department of Fire and Rescue and any volunteer rescue squad that obtains a permit from the County to charge fees for emergency medical services (EMS) vehicle transports.

EMS cost recovery program fees are primarily paid by Medicare, Medicaid, and private insurance companies. In order to charge fees to the Medicare and Medicaid programs for EMS vehicle transports, the County must enroll in those programs. The enrollment documents require the signature of an authorized official to whom the Board has granted the legal authority to enroll the County in the programs. Albemarle County Code §6-503 authorizes the County Executive to establish policies and procedures to implement the EMS vehicle transport cost recovery program. However, the cost recovery program ordinance does not specifically authorize the County Executive to sign and execute other documents for the program.

Recently, the County has procured a different billing vendor, Digitech Computer, Inc., to act as the County's billing agent for its EMS vehicle transport cost recovery program. In order for this new vendor to bill the Medicare and Medicaid programs for EMS vehicle transports, the County must submit updated enrollment forms. The enrollment forms must be signed by an official who has been authorized by the Board to enroll the County in the programs. In the future, the County will have to submit updated enrollment forms with Medicare and Medicaid anytime there is a change in the County's billing vendor or in the contact information of the billing vendor or the County's Department of Fire Rescue staff contacts. In order to have an efficient administrative process in place for the County to timely submit appropriate enrollment forms and other documents necessary to implement the cost recovery program, staff recommends that the Board authorize the County Executive to execute all documents necessary for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment documents. The attached proposed Resolution (Attachment A) would authorize the County Executive to execute all documents necessary for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment documents.

There is no budget impact associated with this request.

Staff recommends that the Board adopt the attached Resolution (Attachment A) authorizing the County Executive to execute any documents necessary for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment documents, provided that such documents are approved as to form and content by the County Attorney.

By the above-recorded vote, the Board adopted the following Resolution authorizing the County Executive to execute any documents necessary for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment documents, provided that such documents are approved as to form and content by the County Attorney:

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN
DOCUMENTS FOR THE EMS COST RECOVERY PROGRAM
ON BEHALF OF THE COUNTY**

WHEREAS, on September 9, 2009, the Albemarle County Board of Supervisors enacted Chapter 6, Article V of the Albemarle County Code, which authorizes the Albemarle County Department of Fire and Rescue and any volunteer rescue squad that obtains a permit from Albemarle County to charge fees for emergency medical services (EMS) vehicle transports; and

WHEREAS, the County procures the services of private companies to act as the County's billing agent for its EMS vehicle transport cost recovery program; and

WHEREAS, the County must enroll in the Medicare and Medicaid programs in order for the County's billing agent to bill Medicare and Medicaid for EMS vehicle transports, and updated enrollment forms must be filed when the billing agent changes or when there are changes in the contact information of the billing agent or Albemarle County Fire Rescue staff; and

WHEREAS, the enrollment documents require the signature of an authorized official who has been authorized by the Board to enroll the County in the programs; and

WHEREAS, the efficiency of government is improved by delegating to the County Executive the authority to sign any documents necessary for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment documents.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute, on behalf of Albemarle County, all documents for the cost recovery program, including but not limited to Medicare and Medicaid program enrollment forms, provided that such documents are approved as to form and content by the County Attorney.

Item No. 8.6. A Resolution Supporting General Assembly House Bill, HB 555 and Senate Bill 59, Congressional and State Legislative Districts.

By the above-recorded vote, the Board adopted the following resolution:

**A RESOLUTION SUPPORTING GENERAL ASSEMBLY HOUSE BILL HB 555 and
SENATE BILL 59 CONGRESSIONAL AND STATE LEGISLATIVE DISTRICTS**

WHEREAS, the Albemarle County Board of Supervisors strives to promote and support ideas that improve the democratic process and citizens' representation and engagement in civic life; and

WHEREAS, the current redistricting process has rendered up to 90 percent of Virginia General Assembly and Congressional districts noncompetitive, including those held by both parties representing parts of Albemarle County; and

WHEREAS, the need is critical to restore trust, compromise and fair competition to Virginia politics; and

WHEREAS, General Assembly House Bill 555 and Senate Bill 59 provide criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest and would prohibit use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors fully supports the goals of HB 555 and SB 59 to draw state legislative and Congressional lines based on specified and consistent criteria and requests that HB 555 and SB 59 be enacted into law.

Item No. 8.7. Resolution Supporting The Virginia Community College System (VCCS) Workforce Credentialing Initiative.

Ms. Mallek asked that this item be pulled for discussion under Agenda Item No. 25a.

Item No. 8.7a. Declaration of A Local Emergency in Albemarle County.

By the above-recorded vote, the Board adopted the following resolution:

**DECLARATION OF A LOCAL EMERGENCY
IN ALBEMARLE COUNTY**

WHEREAS, a severe winter storm was predicted to occur on January 22 through January 24, 2016 in Albemarle County, with a projection of 18 to 30 inches of snow accumulation; and

WHEREAS, due to the potential of high snow accumulation, the likelihood of a condition of extreme peril to life and property necessitated the proclamation of the existence of a local emergency; and

WHEREAS, a local emergency was declared by the Albemarle County Director of Emergency Services throughout Albemarle County beginning on January 21, 2016 to address the public safety needs.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Virginia Code § 44-146.21, the Albemarle County Board of Supervisors hereby confirms the January 21, 2016 declaration of a local emergency.

BE IT FURTHER RESOLVED, that during the existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency services organizations of Albemarle County were those prescribed by state law and the ordinances, resolutions, and approved plans of Albemarle County to mitigate the effects of the local emergency.

BE IT FURTHER RESOLVED, that the local emergency declaration ended on January 26, 2016.

Item No. 8.8. Environmental Quarterly Report – 2nd Quarter FY 16, ***was received for information.***

Item No. 8.9. Capital Projects Status Report, 4th Quarter CY 2015, *as prepared by the Department of Facilities & Environmental Services Project Management Division*, ***was received for information.***

Item No. 8.10. County Grant Application/Award Report, ***was received for information.***

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 December 11, 2015 through January 15, 2016.

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 – December 12, 2015 through January 15, 2016

Applications were made for the following grants:

No applications were made during this period.

An award was received for the following grant:

Granting Entity	Grant	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Virginia Department of Emergency Management	FY16 Local Emergency Management Performance Grant (LEMPG)	Federal	\$7,455.00	0	N/A	Police	This grant will be used to support a one-time purchase to replace needed communication equipment for the Crisis Intervention Team.

Item No. 8.11. FY 2016 2nd Quarter Cash Proffer Report, ***was received for information.***

The executive summary forwarded to the Board states that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers. The last quarterly proffer report the Board received on November 11, 2015 included information on cash proffer revenue and expenditures and non-cash proffers for July through September, 2015. This report includes all proffer activity (both cash and non-cash) for the second quarter of Fiscal Year 2016 (October-December). The next quarterly report is planned for the Board’s May 4, 2016 agenda.

Proffer Activity for Fiscal Year 2016 Second Quarter (October-December)

- A. New Proffered Revenue:** There were no rezoning requests approved this quarter that provided new cash proffers.
- B. Total Proffered Revenue:** Total proffered revenue is \$49,234,856.45. This reflects 2014 annual adjustments to anticipated proffer revenue (not received yet obligated) from proffers in which annual adjustments were proffered.
- C. 2nd Quarter Cash Revenue:** The County received a total of \$191,937.34 from existing cash proffers during this quarter from developments as listed in Attachment A.
- D. Expenditure:** There were no expenditures of proffer revenue this quarter.
- E. Appropriations:** A total of \$120,000 (which includes interest) was appropriated for affordable housing programs.

Current Available Funds: As of December 31, 2015, the available proffered cash on-hand is \$5,017,691.52 (including interest earnings on proffer revenue received). Some of these funds were proffered for specific projects, while others may be used for general projects within the CIP. Of the available proffered cash onhand, \$3,016,114.46 (including interest earned) is currently appropriated (Attachment B). The net cash balance is \$2,001,577.06, and Attachment C provides information on how the net cash balance may be used for future appropriations to CIP projects. The Community Development Department and Office of Management and Budget staff monitor proffer funds on an ongoing basis to ensure that associated projects not currently in the CIP move forward and to ensure that funding is appropriated to projects before any proffer deadlines.

Cash proffers are a source of revenue to address impacts from development and they support the funding of important County projects which would otherwise be funded through general tax revenue. Using cash proffer funding for current or planned FY17-FY19 CIP projects builds capacity in the CIP by

freeing up funding for other projects. In addition, non-cash proffers provide improvements that might otherwise need to be funded by general tax revenue.

This Executive Summary is for information only and no action is required by the Board.

Item No. 8.12. Charlottesville-Albemarle Early Education Task Force – Status Report, ***was received for information.***

The executive summary forwarded to the Board states that on April 23, 2015, the United Way and Charlottesville Tomorrow co-hosted a summit focused on pre-Kindergarten needs in the region and in the Charlottesville and Albemarle communities specifically. With participation of approximately 80 community members representing businesses, non-profits, local schools and local governments, the summit concluded with a stated interest in undertaking work to address the current gap between the number of at-risk four-year olds currently receiving pre-K services in the City and County and those who would be eligible for pre-K but are not currently being served. This gap, estimated at about 250 to 300 children in the two localities combined, highlights the fact that current programs are not serving all at-risk children.

In response to the interest expressed by participants at the Pre-K Summit, the local United Way initiated a community-based effort to bring together a broad cross-section of stakeholder representatives from the City and County to actively pursue a vision for the community to provide access to high quality early education programs for every at-risk child. The United Way drafted a summary work plan, including a stated purpose and vision, and the identification of specific outcomes as indicators of near-term success. Given that the intent of this effort is to compliment the investments already being made by the two localities, it is expected that primary focus on options and opportunities to close the identified pre-K gap will be on approaches not currently used and/or not fully utilized, such as available Virginia Pre-school Initiative funding from the Virginia Department of Education that is not currently being matched with the County's Bright Stars program. In this way, it is envisioned that it is possible to increase access to pre-K and close the gap without reliance on additional local tax dollars.

The Board of Supervisors endorsed this plan at its meeting on August 5, 2015.

The Early Education Task Force has prepared and provided updated information for the Board in an effort to keep the Board aware of progress to date and anticipated upcoming actions and activities. In this regard, the following documents are attached: A summary of activity including the stated purpose of the effort, shared vision and highlights of accomplishments to date (Attachment A); a draft work plan with identified goals, objectives, action steps and target dates (Attachment B); and a roster of Task Force members and Key Advocates/Keepers of the Vision (Attachment C).

It is not expected currently that the participation in this community lead effort specifically will have a direct budget impact. Outcomes from this effort may impact future consideration of funding for pre-K programs and services. It is assumed that staff time dedicated for this effort will be reasonable.

This matter is being provided for information only and no action is recommended.

Item No. 8.13. Board-to-Board, February 2016, ***A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, was received for information.***

Item No. 8.14. Copy of letter dated December 22, 2015, to Ms. Doris M. Fitzgerald Living Trust, c/o Teresa F. Pirkey, Trustee, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, ***re: LOD-2015-00015 – OFFICIAL DETERMINATION OF PARCELS OF RECORD AND THEORETICAL DEVELOPMENT RIGHTS – Tax Map 55, Parcel 22 – White Hall Magisterial District, was received for information.***

Item No. 8.15. Copy of letter dated December 28, 2015, to Roger W. Ray & Associates, Inc., from Mr. Francis H. MacCall, Principal Planner, ***re: LOD-2015-00016 – OFFICIAL DETERMINATION OF PARCEL OF RECORD AND DEVELOPMENT RIGHTS – Parcel ID 01400-00-00-05100 (property of Ronald W and Eileen F. Lavis) – Scottsville Magisterial District, was received for information.***

Item No. 8.16. Copies of Financial Reports for Year Ended June 30, 2015 as prepared by Robinson, Farmer, Cox Associates for the following entities: *Blue Ridge Juvenile Detention Commission, Albemarle-Charlottesville Regional Jail Authority, Albemarle-Charlottesville Emergency Communications Center, Darden Towe Memorial Park, and Charlottesville-Albemarle Joint Health Center Building Fund Modified Cash Basis (on file in Clerk's Office), was received for information.*

Agenda Item No. 9. Applicant Requested Zoning Text Amendments - Impact on Work Program.

The executive summary presented by staff states that two separate applicant-initiated Zoning Text Amendments (ZTAs) have been requested and the respective applicants have asked in each case that their project be advanced as soon as possible. These two ZTAs ("ZTA A" and "ZTA B") have similarities in that they relate to historic preservation, yet they are distinct requests. ZTA A is for resident

artist communities in historic buildings (Attachment B). ZTA B would allow changes and expansions to taverns and inns in historic buildings which are operating under a special use permit (Attachment C). ZTA A is not yet identified on the CDD Work Program and ZTA B, which relates to transient lodging, can reasonably be considered with that specific work identified in the CDD Work Program to begin in the second quarter of 2017.

Staff acknowledges that both referenced ZTAs are worthy of thoughtful consideration and will require significant work by County staff, the Planning Commission and the Board of Supervisors as part of the County's land use policy review process. Staff is concerned, however that it does not currently have capacity to work on either of these two issues without affecting the current Work Program approved by the Board in November and later modified in January. It should be noted that the Planning Commission has considered this matter and recommended deferral of ZTA A and recommended proceeding with consideration of ZTA B as soon as possible. The Planning Commission did not recommend specific changes to the approved Work Program. Minutes of the Planning Commission meeting of December 15, 2016 are provided in Attachment D.

This matter is being brought to you for consideration with respect for the interests of the applicants involved and with the understanding that staff utilization is guided in large part by the approved Work Program. In order to advance ZTA A, ZTA B, or both, without additional staff resources, an adjustment to the current CDD Work Program will be necessary. It should be noted that neither ZTA A nor ZTA B is the type of amendment that would benefit from consultant assistance.

The advancement of ZTA A and/or ZTA B at this time would only impact the budget if additional resources are provided to increase staff resource capacity.

Staff recommends that ZTA A (resident artist communities) be tabled until the Work Program includes the task to study alternative uses for historic structures or transient lodging, as suggested by the Planning Commission.

Staff recommends that ZTA B (taverns and inns in historic buildings) be tabled until the County studies transient lodging which is currently scheduled for the 2nd quarter of 2017.

Alternatively, if the Board desires to proceed with either or both of the applicant-initiated ZTAs, it is recommended that staff bring back to the Board a proposed modified CDD Work Program for further consideration.

Ms. Elaine Echols, Acting Chief of Planning, addressed the Board and stated that she will discuss the requests from applicants for zoning text amendments and their impact on the work program. She stated that Mr. Smith had started the discussion of resident artist communities, and the Board at the time was persuaded to include language in the Comp Plan about them, but when it came time to create priority strategies, the Board indicated that it did not rank as a high priority but they would consider it sometime in the future. Ms. Echols said since that time, a second ZTA has come in, which is a request to change an historic landmark that will allow for expansion of historic inns or taverns. She noted that while an applicant will have to apply for a special use permit for the use, the ZTA itself pertains to expanding the buildings.

Ms. Echols stated the Board had covered this topic in discussing preservation of historic structures, and in their discussion of transient lodging, which resulted in the Board ultimately stating that the level of transient lodging existing currently as bed & breakfasts is sufficient, but that B&Bs need to be studied in the future because of the potential number not being reported and potential tax revenue. She said there were questions during the Comp Plan review about what historic landmarks are, and explained that they are historic sites designated in the plan, which just means that the sites are on the national or state historic register. Ms. Echols stated the Board had said that for resident artist communities they could be a form of historic preservation, so they are both dealing with historic structures.

Ms. Echols reported there has been a process for applicant-initiated ZTAs for many years, and after an applicant makes a request, the staff reviews it and it goes to the Planning Commission. She stated the Commission then decides whether it has merit to adopt a resolution of intent, and if it is adopted it goes in the queue of ZTAs being worked on or it gets accelerated. Ms. Echols said that staff then works on the amendment and takes it back to the Commission, which receives staff's input and decides when to hold a public hearing. She stated they then hold a public hearing and the ZTA goes to the Board of Supervisors, which holds a work session and public hearing and ultimately adopts, or does not adopt, the ZTA.

Ms. Echols said the Comp Plan was adopted in 2015 with the Board spending a lot of time on these topics and adopting a strategic plan as well as setting a work program for staff. She stated what had changed in this flow is the need for the Board to weigh in on whether the ZTA gets in the queue or is accelerated. Ms. Echols said the Board has looked at the work program a lot, and presented an image showing the topics that are already underway, noting that transient lodging as a topic is due to be started in the second quarter of 2017.

Ms. Mallek asked if the chart reflects fiscal years or calendar years. Ms. Echols responded they are calendar years, not fiscal years. She stated that staff is checking in with the Board on whether they are to continue with their work program, or change the order of priorities at the Board's direction.

Ms. Mallek noted that an applicant pays a fee and the process begins, and asked if there is any timetable built in as far as a certain number of days expected for something to happen. Ms. Echols responded that the process is to get a text amendment to the Planning Commission to see if they feel it is worthwhile to pursue. The Commission is not making a commitment to change the zoning ordinance when adopting a resolution of intent, they are just moving it through and developing a text amendment to see if they want to adopt it. She added that usually the Board does not get it until the Commission has gone through that whole process first, and there are 90 days to get it to the Planning Commission for the resolution of intent. Ms. Echols stated that in both cases a ZTA goes to the Planning Commission, with one held up because of the Comp Plan update and the second one advancing much more quickly. She said that staff knew the Board was contemplating the work plan, so they wanted to get the ZTA up in the queue for the Planning Commission, and their recommendation is before the Board.

Ms. Mallek asked if that is the limit to the obligation the process has. Mr. Davis clarified that the application for a ZTA is different than a zoning map amendment (ZMA) application, which is required to get processed through the Commission and come to the Board for a decision. He stated that a ZTA application is simply a request for the Board or the Planning Commission to initiate a ZTA, and there is no requirement that it ever be initiated, only that it be reviewed for a decision for the Commission to act on it. Mr. Davis said that typically these would not be brought to the Board unless the Commission has initiated a resolution of intent and decided to go to public hearing and make a recommendation, and if the Commission does not advance it, it simply would not be brought forward.

Mr. Randolph asked what Ms. Echols' estimate of staff hours that have been devoted to date to this single application, because the argument has been made that the County is failing to provide an expedited decision given the \$1,000 fee. Mr. Randolph stated that he is aware from the last Historic Preservation Committee meeting that there were four employees from Community Development that were present for that meeting, and in previous meetings there had been at least two staff members, as well as numerous Community Development staff members present when this item came before the Planning Commission, with all seven commissioners present. He asked Ms. Echols if she can estimate the cumulative staff time total at about 300-400 hours. Ms. Echols responded that she cannot guess, but she can state there has been considerable time put into this.

Mr. Randolph stated the applicant is getting a high level of professional attention on a proposal, and if 300 total staff hours has been spent on this, the applicant is getting work at a rate of about \$3 per hour, far below minimum wage anywhere in the industrial world.

Ms. Palmer asked Ms. Echols how the Board should handle direction to staff that they want a minor amount of information on a topic rather than an in-depth evaluation, so that it will take up less staff time. Ms. Echols responded that it will depend on the topic and the depth to which staff needs to study it in order to get even minor information back to the Board, noting that there is a month needed from a staff report perspective and a month of study time to prepare the report. She stated that with a zoning text amendment, for example, if the Board asks for information on how many communities have a similar ordinance amendment, staff might spend 20 hours on it, but if it is a question as to how it has worked in those communities and what possibilities existed, it can take many more hours. Ms. Echols said if the Board were to ask how long it will take to get information, it will be whatever that is plus a month to get it prepared for the meeting.

Mr. Mark Graham, Director of Community Development, stated that Ms. Echols is correct that it is a spectrum and not a defined number, and it depends on the issue and the amount of research and analysis requested, with some being done quickly and easily and some requiring quite a bit of time.

Mr. Dill said that it seems there are certain barriers as the Board does not want to waste a lot of staff time and has the ability to read VACO information and other materials, adding that he would like to be able to discuss things without an enormous amount of staff time being spent. He stated he has stayed in Air B&Bs all over the country, and apparently other communities are figuring out how to have them. Mr. Dill said there are many things he wants to discuss doing in Albemarle County, but he is afraid to bring them up if they will take this amount of time, such as the idea proposed to him by constituents for a cricket field.

Ms. Mallek commented that there is such a field at Darden Towe Park.

Mr. Foley suggested the Board use a term such as "white paper" when requesting information from staff to determine whether to go to the next phase, and noted that many issues are more complicated than they seem, but there is a policy analyst on staff now who can work closely with Community Development, as they have done with the issue of drones. He emphasized that things related to land use are usually far more complex, and this community believes for good reasons in a lot of process to engage the public, so perhaps using the term "white paper" will serve as a tool to provide a quick overview.

Mr. Randolph stated the he wants to make sure this is not perceived as a whitewash, because the Town of Scottsville is eager and receptive to having the artists' community located within the town, and going forward, this will remove the VCCA from some of the code handicaps with the definitions of historic districts, historic homes, and artists' community. He added that Mr. Foley's suggestion is a good one.

Mr. Foley said that producing a white paper is not always as easy as he has stated, and said that staff will be coming to the Board in March with a new, improved process for Executive Summaries to try to

get to issues in a briefer format, with options and pros and cons. He added the white paper will be a higher level assessment than an Executive Summary.

Ms. Mallek stated that even longtime Board members have many questions they are not sure if they should ask, but encouraged fellow Supervisors to ask them anyway. Ms. Mallek said that one of her first steps is to ask Mr. Davis whether they have the enabling authority to do something, and most of the time they do not, but it is important that they do not give up, and staff is capable to say they cannot move forward or to pull information from previous review of a topic.

Mr. Foley said he might need to be more aware when an item comes from a Board member as to whether there is enough support to move forward with a staff assessment of some kind.

Ms. Palmer commented that they also need to understand what "looking into something" means when there are four or more Board members in favor of it.

Mr. Randolph stated that he feels there is real merit in staff's recommendation to table the discussion on the ZTA for resident artist community until the work program includes that task, with a white paper summarizing all of the work that has been done on the Historic Preservation Committee and the Planning Commission, so the Board can make a decision on it. He said he does not see similar merit in delaying the ZTA on Clifton, because it is an existing business that is at a competitive disadvantage unless they have the capability to have people residentially on the property for weddings and special events. Ms. Palmer responded that it will still be a while and would have an impact on the work program.

Ms. Echols stated the first thing the Board needs to do is to tell staff which of the projects ahead of it in the queue this should take priority over. She emphasized there are some significant questions to be answered, and there is not an entity currently to advise the Board or Commission as to whether or not a change to a historic landmark is appropriate. Ms. Echols said they cannot count on the Department of Historic Resources to do that, and they have a design planner with an education background in architectural history, but not a designated board that is constituted to do this work. She stated the Architectural Review Board and Historic Preservation Committee are not, so the first question is who will advise them as to what a change in a historic structure will do to damage that landmark status. Ms. Echols said the other question is what should be eligible to be able to have this type of use in it, for the resident artist community and other historic property uses. She noted that currently you cannot expand an historic structure for the business and have to conduct everything inside that building, so in terms of how far they want to let things go, there are other parameters that take some discussion and time. Ms. Echols noted that Clifton is transient lodging, and the question will arise as to why it is different than other transient lodging, so they will go down that path of discussion. She stated the first step is for the Board to direct what items this will jump ahead of.

Mr. Graham stated if the Board is interested in moving this ahead, staff will come back with a recommendation as to what will be needed in terms of resources to explore it.

Ms. Mallek said there was a lot of discussion at the Historic Preservation Committee meeting as to who will advise them, but they pertain to the artists' community, not an existing bed and breakfast property that wants to add a separate building away from the main structure.

Ms. Echols stated that they applied because it is an historic landmark, regardless of whether it is a resident artists' community or an existing historic landmark, and whatever is changed to it must be determined as to whether it will damage the integrity, that is why they are both being considered together.

Mr. Foley said he would like to avoid having the question asked one month and staff come back a month later with another answer, and the work plan is not something the Board should be too deeply involved in, but staff does need some direction as to the priorities in the plan and the desire to push this item in front of some other plan items.

Mr. Sheffield stated he is not clear on the harm for the Clifton Inn to wait on this. Mr. Randolph responded that the longer it takes the Clifton Inn to be able to build their capacity, the less business they are able to acquire in terms of rental of the facility. He stated that one of the decisions made was a transition from dining that shrunk the overall size of the dining operation, and they are looking to expand it as a special event venue to be competitive with other sites in the area. Mr. Randolph said that everyone knows how hard it is to operate historic inns in the area during the winter months, and one of the goals is to expand housing, which they can do by right on the eastern part of their property. He stated that critical to their operation will be to add housing capacity as soon as possible, and noted that Mr. Bo Carrington from Clifton Inn and developer Mr. Katurah Roell are present at the meeting to comment.

Mr. Sheffield stated he feels comfortable moving this up in favor of delaying something else, such as rural area churches.

Ms. Palmer said they have already delayed the discussion of rural area churches.

Mr. Randolph stated that he does not feel comfortable now that they can change the priorities, and he would like for staff to come back and indicate how time can be freed up.

Ms. Mallek said that Mr. Foley has already asked that they provide some direction to staff as to which items this will move ahead of, and she agrees with Mr. Sheffield that it can bump ahead of rural area churches.

Ms. Echols noted the rural area churches do not come in until the first quarter of 2017, so this will not really help them.

Mr. Foley said they have the drive-throughs, parking garages, etc. that can be moved.

Mr. Graham emphasized that if they really want this to be accelerated, they will need to move it ahead of the strategic plan objective of revitalizing urban areas, because the Rio small area plan is moving forward with grant funding, and the transportation options have different resources that cannot be swapped around. He stated that in considering bringing this back, the Board may want to consider moving the whole transient lodging item up and swapping it out with the revitalizing urban areas item, and it will overlap with the historic structures item.

Ms. Mallek asked if the Board will be discussing the strategic item soon. Mr. Foley said it will be coming up on the agenda in a few minutes.

Mr. Dill asked how much time they actually should spend on this because it is just one restaurant that want to add some rooms to, and it seems hard to fathom that they will push back consideration of an entire urban renewal project. He emphasized they are not the same scope, and it is a 100 to 1 difference in terms of time and resources, unless they are planning to write a text amendment that will apply to a lot of different situations.

Ms. Mallek commented that when they focus on just one business it often leads to trouble, and there are many other transient lodging situations, such as farmhouses rented on the weekends, so she understands the need for a wider approach. She said this also helps the applicant because it lessens the possibility of having legal entanglements down the road.

Mr. Foley stated the Board's consideration is whether to change policy, which affects numerous projects, and they have to do that before this happens in a way that is not consistent with policy.

Ms. Echols said there are parameters under which the Board will be evaluating any requests, and there can be multiple requests later, so there is the issue of equity in terms of other businesses that may wish to provide the service that this particular business wants to expand. She added that staff's concern is that there is time needed to decide which parameters are excessive, and this will also get into the use for retreat centers, which the Board has said it does not want but will come back up with transient lodging. Ms. Echols said it will also get into a discussion of how many rooms are appropriate for an expansion, and the resource itself because they need to have the right people able to make the recommendation, so it is really much more than a simple thing for one business.

Ms. Palmer noted the rural area churches discussion will not need as much time. Mr. Graham agreed, stating the rural area churches will be relatively simple compared to this.

Mr. Foley suggested that staff come back at their work session and meeting the following week with a recommendation on this.

Ms. Palmer agreed that they can spend some more time talking about the work plan and understanding it more.

Ms. Mallek said to inform that discussion in part, the consideration of Agenda Item 13 will be helpful.

Agenda Item No. 10. Fire/Rescue Personnel Over-hires.

The executive summary presented by staff states that in December of 2010, the Albemarle County Department of Fire Rescue (ACFR) recommended that the Board authorize ACFR to "over-hire" up to two positions to more effectively manage vacancies, leave, and restricted duty (Attachment A). These over-hires did not change the official FTE count and are funded through a combination of overtime savings and salary lapse from vacant positions. The Board authorized the over-hires and ACFR has been successful in implementing this strategy by reacting to staffing changes more quickly and remaining within the operations salary budget for the past three fiscal years.

Now, due to the expansion of service and an increase in the number of employees on light or restricted duty, ACFR is again unable to effectively manage scheduled and unscheduled leave in the current staffing model without a sharp increase in the number of mandatory overtime shifts. ACFR seeks Board approval to over-hire an additional two firefighter positions, for a total of four over-hire positions.

Since 2010, ACFR has expanded service to include the Ivy Fire Rescue station, the Berkmar Drive ambulance, and the Pantops daytime ambulance, adding a minimum of 10 staffing positions daily. Furthermore, due to the demands of 24/7 service, ACFR must fill positions that are vacant due to unscheduled leave (including sick leave, illness in family, death in family, leave without pay, worker's comp, light duty, and Family and Medical Leave Act leave). Light duty is a restricted assignment given to employees of ACFR who, due to injury, illness, disability, or pregnancy, are temporarily unable to perform their regular assignments. Light duty is not leave because the employee is, in fact, working. Light duty is viewed like leave for purposes of this discussion, however, because it creates a vacancy in a minimum staffing position in the field, just as other unscheduled leave does. In this vein, light duty is ACFR's largest category of unscheduled leave, accounting for 43% of all unscheduled leave in FY15. Historically, ACFR

has had two to three personnel on light duty throughout the year, and with personnel aging, this trend is likely to continue. This need to fill unscheduled leave, combined with the additional daily demand on staffing due to ACFR's expanded service, has made the two over-hire positions less effective and has resulted in more erratic overtime usage and record high mandatory overtime. In the first six months of FY 16 ACFR has experienced more staff hold-over than in all of FY 15 (Attachment B, slide 2).

Mandatory overtime is created when no employees voluntarily accept overtime necessary for ACFR to maintain minimum staffing, requiring ACFR to "hold" someone from the off-going shift. This mandatory overtime predominantly consists of 12 hour shifts from 6am to 6pm, occurring after the employee has just completed a 24-hour shift. These resulting 36-hour shifts impact the employees by effecting their ability to reliably plan for basic necessities on their scheduled days off, such as child care or medical appointments. As the need for mandatory overtime increases, employees are less likely to accept voluntary overtime in an attempt to avoid working more hours than desired, compounding the problem by creating more mandatory overtime. This high amount of mandatory overtime has a profound negative affect on employee morale, which can lead to higher employee turnover and increased costs. Additionally, overworked personnel are more likely to make mistakes or have accidents while performing their duties. The increase in holdover shifts puts employees and citizens at increased risk.

ACFR has reviewed several options with the Office of Management and Budget and the County Executive's office to address this issue, including:

Do nothing

If ACFR fails to address this issue, erratic overtime and high mandatory holdovers will likely continue. This has already led to poor employee morale and will likely result in higher employee turnover, increased cost, and loss of experience and skill in the field.

Increased volunteers

Whenever possible, ACFR uses volunteers to fill slots created by unscheduled leave. However, this is often difficult because the primary need is Monday through Friday during the day (Attachment B, slide 4), and many of the volunteers have jobs during this time. ACFR is currently providing staffing at several volunteer stations during this time due to lack of volunteer availability.

Furthermore, even when a volunteer is available during the day, the individual must have the same level of minimum certifications required for the slot being filled. This is frequently not the case. As ACFR continues to recruit new daytime volunteers and as current daytime volunteers have the time to continue with advanced certification training, ACFR may see the volunteers having a larger impact on managing leave and overtime. In the immediate future, however, mandatory overtime will still be required.

Part-time personnel

Part-time personnel could ease the burden on staff during peak overtime periods, but it may be difficult to successfully institute this program while maintaining current minimum training standards. ACFR currently provides a ten-week recruit school followed by four weeks of field training prior to personnel filling minimum staffing positions. Due to the time commitment, it is unlikely an individual seeking part-time employment would be willing or able to complete this process. If someone were willing to make that initial commitment, the individual would have to be compensated for the entire 14 week period prior to ACFR seeing any impact on daily staffing. This represents a significant investment for part-time personnel who will have a higher level of turnover than full-time employees.

Browning out stations

Closing stations as staffing levels become critical will address the staffing problems and create cost savings, but it will also have a detrimental impact on service delivery and will result in complaints from the citizens served by those stations.

Increase over-hire positions

Increasing approved over-hire positions from two to four would allow ACFR to hire the appropriate number of employees based on the available budget, number of vacancies, amount of employees on FML or restricted duty, and available volunteers. This option would allow ACFR to address the problem in a consistent and reliable manner while remaining within the salary budget. Over-hiring is a common practice that is already being utilized within the County not only by ACFR, but also by the Police Department and the ECC. ACFR has five years of successful history with this strategy, and staff believes this success will continue with the proposed increased number of over-hires. To recognize the full impact in FY17, the additional over-hires should be made available by March of FY16 to allow for hiring and training processes. Based on current revenue and expenditure projections, ACFR, in conjunction with OMB, believes this can be accomplished within the current FY 16 budget.

It is not anticipated that the increase of two over-hire positions will impact the ACFR budget.

Staff recommends that the Board authorize ACFR to over-hire two additional firefighter positions for a total of four over-hire positions above the current FTE count.

Chief Dan Eggleston addressed the Board, stating that he is before them to seek authorization to increase ACFR's overhires from two to four positions to help curtail holdovers in the department. Chief Eggleston stated this is a cost-neutral initiative, and it has been reviewed and verified by the Office of Management and Budget and supported by Human Resources. He explained that in 2010, Fire and Rescue had a long discussion with the Board and shared the strategy used to determine staffing, which is

a combination of a staffing factor used by the industry, use of volunteers, and use of overtime to come up with the most cost-effective staffing model. Chief Eggleston said that because they maintain a very lean staffing model, any unexpected vacancies, injuries or illnesses above their projected threshold occasionally triggers additional holdover and overtime. He noted that when a vacancy occurs due to illness or injury, such as someone calling out sick the night before their shift, there is a process to determine who will fill that shift. Chief Eggleston stated if they are unable to fill the shift, they will have to hold over someone who has just completed a shift, which is not an ideal situation especially if that person has been up all night running calls.

Chief Eggleston stated that after their discussions in 2010, the Board authorized ACFR to over hire two positions, which allowed them to bring down the number of holdovers and maintain their budget. He said since 2010, however, they have added 10 new minimum staff positions to staff the 24/7 ambulance at the Berkmar Drive station, a daytime ambulance at Pantops, and a 24/7 engine and ambulance at the newly opened Ivy station. Chief Eggleston noted that since they added a lot of positions but did not increase holdovers, they now find themselves in a similar situation as six years ago, with a dramatic increase in holdovers. He stated there have been 180 instances of holdovers in the last six months, which is far exceeding last year's rate, and this is leading to employee fatigue and morale issues within the department. He stated there has also been an increase in light duty injuries, which takes a person out of staffing due to minor injuries, illnesses or pregnancy, and returns them once the situation resolves. Chief Eggleston noted there are also concerns about turnover, with employees lost in the last 30 days to Henrico, Fairfax and Chesterfield, and a six-month timeframe necessary to hire and train new personnel.

Chief Eggleston stated that in light of these dynamics, ACFR is proposing the addition of two additional positions for overhires, which will be paid for through overtime savings and salary lapse, as verified by OMB.

Mr. Sheffield said that he is not clear on how this is cost neutral, and why things have changed since the last budget discussion. Chief Eggleston responded that they are adding more positions, so when a person is held over they have to be paid time and a half.

Mr. Sheffield said he has this same issue at JAUNT with workers out on workman's comp and such, but he either has to pay for holdovers or a salary to avoid holdovers, so it seems to equal out. He added that he does not see how it can be cost neutral because the hours are static. Chief Eggleston explained that with 10 additional staff, there are more instances of possible overtime paid at time and a half, and while there will still be some overtime, that will be brought down to pay for the two new overhires.

Mr. Foley commented that the number of staff hired multiplies the amount otherwise paid, so adding two to a much larger force is easier to overcome with lapse and overtime, and the number of staff is a factor.

Mr. Sheffield said he does not understand where the breakdown has occurred, and asked if there are just more people out on leave. Chief Eggleston responded the personnel out on light duty as well as turnover have contributed, and they tried to estimate both of those numbers, but those factors exacerbated the situation.

Mr. Sheffield asked whether the light duty personnel are still paid when they are out. Chief Eggleston responded that they are.

Mr. Sheffield commented that paying someone overtime is cheaper than paying for an entire other position. Chief Eggleston said that at a certain point it is, but they have reached the threshold where it is more cost effective for overhires because that person can be paid a regular salary rather than time and a half.

Mr. Foley stated this is not a request for more appropriation, but staff can provide a model that provides more detail.

Mr. Sheffield said this seems to be more appropriate during a budget discussion, even if it is budget neutral, and he does not see how this will be free of cost.

Chief Eggleston explained that one of the reasons it is coming forward now is because there are four vacancies, and with the overhires they can do one recruit school for six people, which is much more cost efficient than doing it piecemeal throughout the year.

Ms. Mallek stated they need to start thinking about the additional overhires needed when regular staff are hired, which is a 5:1 ratio, and noted that this is the third time they have gone through this since she has been on the Board. Ms. Mallek commented the Board has always been told that it will pay for itself, but suddenly they have six new people that requires salary and benefits, and it is hard for her to comprehend how this is not an increase in staff. Chief Eggleston responded that he accepts full responsibility for how this played out, and ACFR tries to be aware of all factors to create the most efficient staffing model, and it is better to underestimate the numbers needed rather than hire too many employees. He stated it is a constantly moving piece, but at the end of the day he feels this is the most cost efficient approach, and also addressed the issue of holding over people who have worked long shifts.

Mr. Randolph thanked Chief Eggleston for the helpful graphs he has provided and asked him if peer localities such as Spotsylvania, are facing similar challenges, and how frequently overhires are used as a standard operating procedure. Chief Eggleston responded that other localities do have this issue although he does not have those numbers before him, adding that Spotsylvania's staffing factor is higher than Albemarle's and that locality does not likely have the same issue with holdovers. He added that Albemarle operates with a much leaner staff, and tries to operate as efficiently as possible.

Mr. Randolph stated there is not a chart for what is driving light duty, and it would be helpful to understand the reason for employees taking light duty. He asked if they have the right blend of exercise equipment available for fire/rescue and police to try to mitigate, as much as possible, the kinds of injuries seen, and whether they are doing PE tests with a frequency needed to ensure that people are physically fit enough to handle these assignments. Mr. Randolph said it would be helpful to have a pie chart to help isolate the source of injuries and for future comparison.

Chief Eggleston said he can provide that to the Board, and noted that ACFR works with a health and wellness coordinator, LeAnn Knox, to evaluate all workman's comp claims and injuries to ensure they are doing the right things to keep employees safe and healthy. He stated the system has a number of orthopedic injuries that can often be prolonged, such as back, knee and shoulder issues because of the nature of fire/rescue activities, and they are always looking for ways to improve.

Ms. Palmer asked if he feels this pattern of injuries will continue or if it is a spike. Chief Eggleston responded that he feels it can be tied to an aging workforce, and this is an active profession, with lifting patients being difficult at times.

Mr. Foley noted the County had done its workman's compensation report in the last week and can provide it to the Board, and because the fire department is growing they are dealing with issues they have not had in the past.

Mr. Randolph stated there may be some equipment changes that can be made to help mitigate those injuries, and sometimes the most cost effective equipment approach ends up costing more in the long run because of injuries to personnel, and hospitals have adjusted to that with special lifts to get patients in and out of beds. He said even if it is an additional expense for equipment, it may be offset by reducing workplace injuries.

Ms. Palmer asked if this change in overhires is expected to have a budget impact in future years. Chief Eggleston responded that it will not, and said they have looked at this closely and have had OMB engaged from the beginning. He stated they looked at the model several ways and this is why they are recommending overhires instead of increasing the FTE count.

Mr. Dill then **moved** to authorize the ACFR to over-hire two additional firefighter positions for a total of four over-hire positions above the FTE count. Mr. Randolph seconded the motion.

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

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

NAYS: Mr. Sheffield.

Agenda Item No. 11. Ivy Materials Utilization Center (MUC) Public Engagement Plan.

The executive summary presented by staff states that over the past two years, the Board has considered various options regarding the current transfer station facilities and operation at the Ivy Materials Utilization Center (MUC). In November 2015, the Board approved an option for addressing the Virginia Department of Environmental Quality compliance issues and retaining the Ivy MUC's use as a transfer station. The approved option provides for the construction of an 11,800 square foot stand-alone top load transfer station located to the west of the existing scales. This facility will be large enough to continue current activities and will allow for the possible expansion of recycling services. The construction project will be managed by the Rivanna Solid Waste Authority (RSWA). The Board directed staff to prepare a preliminary public engagement plan regarding the new facility for its review and discussion.

Staff has developed a draft public engagement plan (Attachment A) focused on ensuring an effective method for communicating with adjacent residents and regular users regarding the parameters and potential impacts of the upcoming construction project and in a later future phase involving the larger community in discussions about the types of services, particularly recycling, that should be considered as the transfer station is improved. Implementation of this plan will be conducted in partnership with the RSWA, who will be constructing and managing the facility at the request of the County.

The specific goals of the plan are as follows:

- Residents in the vicinity of the Ivy MUC and regular users of the facility are fully aware of the project during the design phase and have the opportunity to provide input in those instances where their feedback can affect positive change as the project is developed.
- All project stakeholders share realistic expectations about the process and timeline for design and construction of the facility.
- Residents in the vicinity and users of the Ivy MUC have adequate notice of construction scheduling and any impacts that might affect their use of the facility.

- County residents have an opportunity to provide their input and preferences about the types of services, particularly related to recycling that should be considered as the transfer station is improved.
- Citizens understand the value of this new public infrastructure investment in improving services.
- The Ivy MUC transfer station is viewed by area residents as a model facility for sustainable materials management with the potential for similar facilities in other locations in the future.

Discussions with adjacent neighbors and regular users should begin as soon as possible to inform the initial planning and design stages.

There is no budget impact associated with the proposed public engagement plan.

Staff recommends that the Board provide any desired changes and approve the public engagement plan.

Ms. Lee Catlin, Assistant County Executive, addressed the Board, stating that she will address the Ivy Materials Utilization Center public engagement plan and point out some highlights from the staff report. Ms. Catlin reported that this is not the typical construction process because County staff is not actively managing the project although it is being managed and overseen on the County's behalf by the Rivanna Solid Waste Authority, so the County applied the same approach and standards as any capital project being run by the County itself. Ms. Catlin stated she had shared the draft plan with RSWA Executive Director, Tom Frederick, and had good conversations with him about it. He was generally supportive of it, but had some clarifications, particularly in the goals section of the plan.

Ms. Catlin stated that she will discuss the public engagement goals with the Board to ensure they are all on the same page about expectations for a public engagement plan. The first goal is to make sure that nearby residents are aware of and able to provide input in the project in instances where their feedback can be incorporated within the project parameters. She noted that Mr. Frederick wants to be sure the County is clear that it is not encouraging public engagement that is going to change the scope of the plan beyond what he has been directed to do, but that opportunities will be pointed out where the public can influence the project moving forward within decisions the Board has already made and communicated to RSWA. Ms. Catlin said they feel it is very important that nearby residents and users have adequate notice of construction activities and related impacts, and that citizens, in general, have the opportunity to provide input about types of services, including recycling that may be offered in the future. She stated other goals are to make sure citizens understand the value of this new public infrastructure improvement and to make sure the new facility is a prototype or model-type facility in that it allows people to see the valuable public service being offered in harmony with other community objectives. Ms. Catlin said this might be something they want to put in other places, and this provides the opportunity for people to see what is meant when talking about this kind of facility so they can understand what impacts realistically would and would not happen.

Ms. Mallek noted they are not contemplating location of a transfer station anywhere else in the County, and it is important to point that out to the public. Ms. Catlin responded this is just so people can see a transfer station in action and understand what it is.

Ms. Palmer stated it is also important to clarify that there had been discussion of a model for recycling centers that could go out in the rest of the community, so at one point they had discussed that in a "tag-a-bag" section that there could be a model recycling area at Ivy that might be exported into the rest of the community if those communities chose to have that.

Mr. Randolph pointed out that those would be without the transfer station.

Ms. Mallek and Ms. Palmer confirmed that this would be the setup, and Ms. Mallek commented that Crozet has been wanting a recycling center since 2006.

Ms. Catlin thanked them for providing further clarification.

Ms. Catlin presented a map of the impacted area and mentioned that stakeholders would be general citizens, neighbors in the vicinity of the Ivy MUC facility, particularly those within a half-mile radius, and people who are on the main routes leading to the site. She said that staff feels it is important to confirm with the Board what communities of interest will be beyond just general citizens, and offered to answer any questions.

Mr. Randolph stated that he feels Ms. Catlin and her staff have done an excellent job with this, and suggested the County create a "project compliance committee" and open it up to the affected parties, which could meet quarterly and provide an opportunity for civic participation. He said this will allow the public to offer input on the project, and the Supervisor and Commissioner from that district can sit in on some of those meetings. Mr. Randolph commented that as the report read, it can be interpreted that the residents will have the opportunity to provide input where their feedback can effect change, and his concern is who determines that, as it seems to imply the County is controlling this and will determine when there will be civic participation and when there will not be. He stated he had learned on the Planning Commission with the Keene landfill issue is the more the public can be engaged early on, the greater the likelihood of success, and an ad-hoc committee will be useful in that regard. Mr. Randolph

said that with the 5th Street project implementation, they would have been well served to have a similar type of committee, because many residents notified the previous Scottsville District Supervisor and Commissioner with their concerns, and having quarterly meetings could have reduced some anxiety.

Ms. Palmer stated that as the Supervisor in that district and having done a lot of outreach in that area, in addition to the work of the Long-Range Solid Waste Solutions Advisory Committee that brought in some of those constituents to get their feedback, she would suggest having some initial meetings with neighbors to understand their desired approach. Ms. Palmer explained that when it was explained to neighbors that they would be taking an existing service and bringing it indoors, they immediately felt that it would be a good thing, so she is not against having an ad-hoc committee if they want to, but it would be a good idea to ask citizens first.

Ms. Mallek said she thought they were going to reinstitute the implementation side of the solid waste committee, which is the perfect place to have that input rather than starting a whole new group. She pointed out that the report provided by the long-range committee last fall included their suggestions for members of the implementation committee, so they could get rolling with this without losing the momentum of the other work.

Ms. Palmer noted the solid waste committee item is going to be on a March BOS consent agenda.

Mr. Foley confirmed that staff will bring it back in March, perhaps not as a consent agenda item, so there can be discussion, and it will include the committee formation and charge, and start the process of appointments.

Ms. Mallek asked what has happened to the charge already presented by the committee, and stated they were aiming to do this in January so it would align with the construction, so she would like for it not to slide and would like some reassurance about it. Mr. Foley explained it is coming forward in March, and staff has worked with Ms. Palmer and some of the former committee members to draft the charger, but the original charge of the committee was a study committee that had a specific charge to develop a long-range plan, which was complete. He said that on an ongoing basis, the committee will play a different role.

Ms. Palmer stated she has been trying to keep the momentum as much as possible, so the best approach seems to be to work with Bill Letteri of County staff and some of the committee members to move this along as quickly as possible.

Mr. Sheffield asked for some clarification of how much will be required in terms of staff hours. Ms. Palmer responded that her questions are along those same lines, and the committee will have a limited number of things they can do but they have some experience with public engagement, which is a big part of their role.

Ms. Catlin commented that the committee will definitely be a resource, and Teri Kent is now with the RSWA and can be leveraged to establish what resources will be available.

Ms. Palmer stated that engaging the RSWA is critical, and having Teri Kent, who is a member of the committee, working on public relations will ensure positive collaboration.

Ms. Catlin stated that Mr. Tom Frederick had said an active public engagement program is important, but it is important that the parameters already decided are clear so the public does not feel they have input into things such as location on the site and what type of building should be constructed. She emphasized they do not want to frustrate citizens by making them think they have input into decisions that have already been made.

Ms. Mallek commented that the firing range public engagement was very good, with the website working well and information kept current.

Mr. Dill stated the "encore shop" is one of the positive comments that he heard from constituents, and asked if there is any sense as to opportunities for architectural salvage or reuse of wood that can provide a reuse facility rather than just recycling. Ms. Palmer responded this is a consideration they should all talk about, and while it will not be part of the transfer station there will be space left over that might be utilized in that way.

Ms. Catlin said her understanding from the Board discussion is that staff should wait until there is input from neighbors and see where the solid waste committee is headed prior to creating any kind of ad-hoc committee.

Ms. Mallek then **moved** to approve the proposed public engagement plan with the clarification in the first goal that public engagement be included where possible but decisions and parameters already established by the Board would not be revisited. Ms. McKeel **seconded** the motion.

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

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

Recess. At 2:57 p.m., the Board recessed its' meeting, and then reconvened at 3:11 p.m.

Agenda Item No. 12. Earlysville Road (Route 743) Through Truck Restriction.

The executive summary presented by staff states that in 2014, at Supervisor Mallek's request, the Board directed staff to evaluate the potential to restrict through truck traffic (truck, truck and trailer, and semi-trailer combination, except pickup and panel trucks) on Earlysville Road (Route 743) between Woodlands Road (Route 676) and Dickerson Road (Route 606). Petitions signed by property owners in the subdivisions along Earlysville Road (Attachment A) were submitted with the request in accordance with the County's Through Truck Restriction Process adopted by the Board on December 6, 2000 (Attachment B). The petitions identified the terminus points of the restriction and the reasons for making the request. A map showing the proposed restriction route is provided for reference (Attachment C).

Staff conducted a preliminary assessment of the request based on the criteria described in the Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways" adopted by the Commonwealth Transportation Board on October 16, 2003 (Attachment D). To be eligible for a restriction for trucks, the Guidelines require that a primary or secondary highway meet the following two criteria: 1) a reasonable alternate routing is provided; and 2) the character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. In addition, the Guidelines require that the highway must be residential in nature or be functionally classified as either a local or collector roadway. The preliminary assessment focused mainly on whether a reasonable alternative route was possible and on the classification of Earlysville Road (Route 743). The results of that assessment were summarized in the July 9, 2014 Executive Summary (Attachment E) as follows:

Is the road residential in nature? The VDOT Guidelines consider a roadway residential in nature if there are at least 12 dwellings (within 150' on both sides of the road centerline) per 1000 feet of the roadway. Based on the County mapping data, the average along this roadway is only 2 dwellings per 1000 feet. Therefore, staff has determined that this roadway is not residential in nature.

Is the road functionally classified as a local or collector road? The functional classification of Earlysville Road (State Route 743) by VDOT is rural major "Collector" beginning at its intersection with Woodlands Road (State Route 676). This classification allows the road to be considered for Through Truck restrictions.

Is a reasonable alternative route possible? The alternate route for truck traffic would be Seminole Trail (US-29), Airport Road (Route 649), and Dickerson Road (Route 606) (Attachment C). US-29 is a multi-lane divided highway designed and constructed to accommodate truck traffic, and will be widened from a four-lane divided highway to a six-lane divided highway from Polo Grounds Road (Route 643) to Towncenter Drive (Route 1719) in northern Albemarle County as part of the Route 29 Solutions projects. The US-29 widening project will make this a viable alternate route for truck traffic and is scheduled to be complete by October 2017. Airport Road was reconstructed using Airport Access Improvement funds to create a four-lane divided roadway and a round-about at Dickerson Road designed to accommodate truck traffic. Realignment and improvements were also made to Dickerson Road (south of Airport Road) as part of the Airport Authority's Runway Safety Improvements Project and included a round-about at Earlysville Road, also built to accommodate truck traffic. Completion of Berkmar Drive from Hilton Heights Road to Towncenter Drive will also improve access and routing options for trucks in this area.

On July 9, 2014, the Board directed staff to proceed with a detailed road assessment and to present an appropriation request to fund a traffic engineer study on Earlysville Road (Rte. 743). On May 6, 2015, the Board approved Appropriation #2015-092 in the amount of \$7,900 to fund the detailed road assessment.

A detailed assessment of Earlysville Road (Rte. 743) at the proposed area of the through truck restriction has been conducted (Attachment F). The detailed assessment was mainly focused on whether truck traffic is compatible with the affected area. The assessment included collecting, analyzing and summarizing traffic and accident data, as well as conducting a field inspection and documenting the geometric and engineering characteristics of the roadway and the alternate route.

Based on staff's preliminary assessment and on the detailed road assessment, staff has determined that the proposed area of the through truck restriction meets VDOT's criteria to be eligible to restrict through truck traffic. Staff's summary analysis is attached (Attachment G).

Staff also identified and requested input from businesses and industries currently utilizing this roadway. Business owners (Earlysville Business Park) and the Rockydale Quarry, who have trucks that use Earlysville Road (Rte. 743), have expressed concerns that their businesses will be greatly impacted by the proposed through truck restriction. The reopening of the Rockydale Quarry has been cited as a cause for increased truck traffic along Earlysville Road. Businesses and Industries utilizing the roadway assert that the amount and composition of traffic that would be affected by the through truck restriction would be minimal because most truck traffic along Earlysville road is considered local traffic as opposed to through traffic. For existing businesses and industries currently utilizing the roadway, rerouting of trucks emanating from the local Rockydale Quarry off of Earlysville Road is considered a better solution or alternative course of action that would have a greater impact than the proposed through truck restriction.

Staff sent a copy of the finalized road assessment to businesses currently utilizing the roadway and would anticipate comments from these business if the County proceeds forward to a public hearing process.

To advance the through truck restriction request, Virginia Code § 46.2-809 requires that the Board conduct a public hearing on the request and that the Board adopt a Resolution after the public hearing to formally request the Commissioner of the Virginia Department of Transportation to restrict through truck traffic on Earlysville Road. Pursuant to Virginia Code § 46.2-809, the Commonwealth Transportation Board shall decide whether to restrict truck traffic on Earlysville Road within nine months of its receipt of the County's request.

No anticipated budget Impacts.

Staff recommends that the Board schedule a public hearing on the proposed through truck restriction on March 9, 2016.

Mr. Gerald Gatobu, Principal Planner-Transportation, addressed the Board and stated that Jack Kelsey will be assisting him with the presentation. Mr. Gatobu reported that he will be going through the enabling legislation and authority available for the County to enact a through-truck restriction on Earlysville Road, and will review the state code guidelines associated with such a restriction. He explained the through-truck restriction request was started in 2014 at Ms. Mallek's request, and the Board directed staff to evaluate the potential to restrict through-truck traffic, with petitions signed by property owners in subdivisions along Earlysville Road, as reflected in Attachment A of staff's Executive Summary. Mr. Gatobu noted the signatures are extensive, with subdivisions signing on behalf of almost every person with a residence in the area.

Mr. Gatobu stated that staff conducted a preliminary assessment of the request based on the criteria established by the Commonwealth Transportation Board, which is what Mr. Kelsey started out with. He said that based on that, there are guidelines that must be followed to be eligible for a through-truck restriction: there must be a reasonable alternate route provided; the character and frequency of truck traffic in the area has to be proven to not be compatible with the affected area; and the highway must be residential in nature or functionally classified as local or collector. Mr. Gatobu noted that Mr. Kelsey had started a preliminary assessment, and the results were summarized in an Executive Summary presented to the Board on July 9, 2014, as reflected in Attachment E.

Mr. Gatobu stated that after the Board meeting, staff was directed to proceed with a detailed road assessment and present an appropriations request for a traffic engineering study for Earlysville Road, which was approved in May 2015 in the amount of \$7,900. He said the detailed road assessment was conducted between May 15, 2015 and May 22, 2015, with tube counters used to provide the classification of the cars and trucks using Earlysville Road. Based on the assessment, he said, it was staff's opinion that the substandard road width, lack of adequate shoulders and recoverable areas, and history of run off the road incidents gave credence to the petitioners claim that the physical characteristics of Earlysville Road created an incompatible and unsafe environment between truck/trailer and semi/trailer combinations and other vehicles using the roadway.

Mr. Gatobu said that in going through the criteria, the first step was to find a reasonable alternate route, and staff provided an alternate in which truck traffic would have to go down Route 29 to Airport Road and then up Dickerson Road onto Earlysville Road to go north. He stated that he and Mr. Kelsey had done a test run the previous day, going through Earlysville and also using Route 29, and the Earlysville route was 10 minutes, whereas the Route 29 route was 14 minutes. Mr. Gatobu noted the character and frequency of truck traffic on the route is not compatible with the affected area, and there has been mention of many run-off-the-road incidents. He stated there has also been an assessment of the radius for having several cars on the road, and VDOT criteria stipulates the road is supposed to be at least 12 feet wide in terms of lanes, and in some areas it is actually 10 and 11 feet wide. Mr. Gatobu said this is why when a car meets a truck coming in the other direction, they are forced to run off the side, with the road needing to have six-foot shoulders but having no shoulders in many places. He stated the proposal also meets the fourth criteria, because it is functionally classified by VDOT as a "major collector," which is from Woodlands Road to Dickerson Road at the established point for the restriction.

Mr. Gatobu presented a map showing the area in question, noting the stretch on which there will be through-truck restriction, which is about 3.1 miles total, and pointed out the alternate route. He stated the travel time difference is approximately four minutes, and staff's recommendation is for the Board to schedule a public hearing on the restriction for March 9, 2016. Mr. Gatobu said this is the next step in ensuring that everyone will be heard, and at that point the Board can decide whether to forward this to the VDOT Commissioner.

Ms. Mallek noted that it is a bit unclear on the map, but the restriction is different in either direction, so southbound from Rio Mills to Woodlands it will be restricted, but between Rio Mills and the roundabout at Dickerson Road, trucks will be allowed to exit northbound on Rio Mills, turn right, and go to the traffic circle.

Mr. Sheffield asked how many other roads in the County have truck restrictions on them. Mr. Davis responded there are three: Rio Road between Hillsdale and Park Street, Proffit Road between Seminole Trail and Stony Point Road, and Georgetown Road between Barracks Road and Hydraulic Road.

Ms. Mallek said there is one other across from Albemarle Ciderworks, which does not have an official description, but has a sign in large letters that it is not suitable for tractor-trailers.

Mr. Davis noted the three he has mentioned are the only ones the Commonwealth Transportation Board has taken action on to prohibit through-truck traffic.

Ms. Palmer asked if the Proffit Road restriction is due to the bridge. Mr. Davis confirmed that it is.

Mr. Sheffield asked if more than the traffic report was used to make this assessment. Mr. Gatobu responded there is more information being used.

Mr. Sheffield stated there is a lot of documentation because this has been going on for more than two years now, and it is important for the public to be aware that it is not just the traffic study the decision is being made on. Mr. Gatobu said he will condense everything, and noted that he also has a road assessment summary that is not included in the Board packet.

Mr. Sheffield stated this is in his district, and one of the biggest complaints he receives is related to traffic issues on this road, and through-truck traffic is a part of that. He said it is interesting to try to balance because they are looking out for the access and mobility of truck traffic, but also the quality of life of residents along the road. Mr. Sheffield stated there are other issues on the road, and he hopes that police enforcement can also be enhanced along this road.

Mr. Dill said this relates to the Route 231/22 situation and similar issues there with bad shoulders or no shoulders, but he wonders if there are any measures in between that can be enacted, because on Route 231 and 22 they would be happy just not to have tractor-trailers. He commented that a 40-foot box truck does not have the same impact as a semi, and he wonders if they might be in different categories.

Mr. Sheffield asked if Joel DeNunzio of VDOT will be present for the public hearing. Mr. Dill said he can clarify it at that time.

Ms. Mallek emphasized the Routes 231/22 situation is an alternative route issue, and in the Earlysville case there is an alternative, so she does not want that to cloud this matter.

Ms. Palmer stated she would like to have clarification on the definition of "truck," as others have mentioned, and what is being restricted if trucks are restricted. Mr. Gatobu said he will find that clarification.

Mr. Randolph commented that Mr. Gatobu has laid this application out very well, and would like to address the "contagion effect" and the potential for future requests to restrict trucks. He stated the real issue, as identified, is the lack of adequate shoulders and recoverable areas, and the history of run off the road incidents. Mr. Randolph said these issues are prevalent in other areas around the County for motorized and non-motorized vehicles such as bicycles, and many County roads are designed for horse and buggy and are now being used by automobiles and drivers without regard to physics. He stated it would be helpful to know how many other connector roads in the County has this lack of shoulders and recoverable areas, and a history of run-off-the roads, because if this is permitted, other people will come in. Mr. Randolph noted that many business people spoke to the fact that they use Earlysville Road and factor this into their cost of business, and said it is important to be sensitive to the implications to the business community as well as the residents. He stated the data, as presented, seems to indicate that if the trucks are shut down tomorrow and they revisit this a year from now, they will see a similar number of accidents due to the nature and configuration of the road. Mr. Randolph said that having this information would be helpful for him to make an educated decision.

Mr. Sheffield said he would encourage them to follow up with studying this after the through-truck restriction is in place, to see how effective it may have been in improving safety.

Ms. Palmer stated that trying to find out every road in the County that meets this criteria seems to be a really large undertaking, and asked Ms. Mallek if she would like to comment.

Ms. Mallek said they have been working on this for about 16 years, and there are very particular requirements, including identifying an alternative route that is easily available, and in her time working on this, no one has come forward trying to accomplish the same thing. She stated it is not clear how many of the 66 single-vehicle accidents are related to people swerving off the road to avoid trucks, but she knows there are many that happen because people are trying to avoid others. Ms. Mallek noted that her great concern with what Mr. Randolph has proposed is that it might cloud this carefully laid out issue, and perhaps his suggestion can be visited in the future as part of a larger discussion.

Mr. Randolph stated he does not intend for it to be a delay tactic or to cast dispersions on this particular proposal, but he feels it would be helpful for them, as a Board, to be aware that there may be a ripple effect down the line with other communities coming forward with their own road problems. He said the Board needs to be sensitive to the fact that there are trucks that need to provide service to the houses in a given area.

Ms. Mallek stated this restriction only applies for trucks that are passing through, not the trucks that are servicing houses or properties in the restricted area. She said Mr. Gatobu has indicated this does not qualify for the strict VDOT regulations that a house has to be within 150 feet of the road, but there are many people who only have Earlysville Road access to get to their homes.

Mr. Gatobu stated the strict criteria requires for through-truck restriction, such as having an alternative route or serving as a collector road, automatically eliminates many roads from qualifying for through-truck restriction. He said that Ms. Palmer's question about the definition of "truck" relates to number of axles on a vehicle, and staff has the data to show which trucks should be captured, with two axles, six tires being the minimum truck size restricted.

Ms. Palmer commented that it would be good to have that information for the public hearing, and she drives the road every day and feels that cars are as big of a concern as trucks.

Mr. Dill stated that similarly to his comments about the Clifton Inn, looking at things individually or as a class is an interesting dynamic for them to contemplate, as this is an isolated situation versus a broader category of roads that can be impacted by this. He said that perhaps Mr. Gatobu can develop a white paper in the form of a list of roads that would or would not qualify, and it is not something that he should spend three months studying in detail.

Mr. Foley stated the question is whether they have issues on their roads because they do not have shoulders, and Albemarle County has one of the highest fatality rates in Virginia because of the rural road conditions. He said Mr. DeNunzio can help provide more insight into road classifications and shoulder issues, and while this might not lead to truck restrictions, it can lead to a better understanding of area roads. Mr. Foley stated that until citizens start to complain and drive this to a petition stage, they will not have an issue, but it is good to get a general sense of this, and Mr. DeNunzio can help in that regard. He said that staff probably will not need to do a white paper, but will follow up.

Ms. McKeel then **moved** to set a public hearing on the proposed through-truck restriction on Earlysville Road for March 9, 2016. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 13. Progress Report on FY 15-17 Strategic Plan.

The executive summary presented to the Board states that the Board of Supervisors has formally engaged in the County's strategic planning efforts since 2001. The Board provided direction and guidance for the development of the FY15-17 Strategic Plan during a retreat held on June 10, 2014. After additional discussion at subsequent Board meetings, the Board gave final approval of eight goals and associated Year One Priorities at its October 1, 2014 meeting. In June, 2015, the Board approved objectives for Years Two and Three of the Plan. This report provides a progress report on the status of the approved goals and objectives as of January, 2016, and outlines a conceptual approach for prioritizing strategic areas for future implementation of the strategic plan. A prioritized approach acknowledges the challenge of spreading resources across a large number of goals and objectives that makes it difficult to achieve measurable progress in any one area by focusing attention on a limited number of issues that are the most urgent to accomplish in the shorter term. This discussion will allow Board members to comment on their thoughts regarding a more targeted approach than staff has been able to employ in the past when no priorities were established among the many goals and objectives of the strategic plan.

Attached is a progress report that provides that status of all Year Two and Three objectives for each goal of the FY 15-17 Strategic Plan. While meaningful work continues and will continue across all goals of the strategic plan as evidenced by this progress report, staff is considering a priority based approach that will allow staff to concentrate more significant efforts in two areas that staff believes can have an immediate and positive impact in the community. All the details have not yet been developed, but staff is enthusiastic about the potential for this conceptual approach to help spur much needed improvements in the quality of life and sense of place for the County's urban neighborhoods and commercial areas and in the protection of the County's natural resources.

The first priority area is development/redevelopment/revitalization of the Route 29/Rio Road area. Staff proposes that we intentionally focus our efforts around the development/redevelopment/revitalization of the Route 29/Rio Road area as a short-term objective for the next 18 months. This immediate results-oriented work in a narrowly-defined geographic area will in turn inform our future approach for revitalization efforts in other areas in the urban ring. Supervisors spent a day last fall at the Board's strategic retreat talking about issues surrounding urbanization. Staff believes that focusing on a well-defined geographic area is a manageable, and also significant, step forward on this important strategic issue and will provide a replicable model for moving to other urban focus areas in a more productive and expedient manner. Examples of the types of strategies that might be pursued in this approach could include reprioritization of capital projects to provide multi-modal access to the new Northside Library, redirection of Parks and Recreation trail/greenway efforts to increase pedestrian connectivity in this area, implementation of a special taxing district to provide funds for priority projects, and regulatory changes and financial incentives to spur desired development.

Rationale for initial focus on Route 29/Rio Road area:

- Already existing investment of \$230 million in transportation infrastructure improvements provides momentum and opportunity to leverage other investments

- This area is already identified as a priority area in the Places29 master plan - identified in that plan as “midtown”
- Because this area functions as the commercial/retail hub for a much larger area of the County, any improvements in that location will have a positive spill-over impact on surrounding neighborhoods, some of which are feeling negative pressures of urbanization
- The County is already in the process of initiating a small area plan for Route 29/Rio vicinity with grant support and significant community interest that can serve as a vehicle for re envisioning/redeveloping the area
- Public investment building blocks that are in place (e.g., Northside Library, Seminole Trail Fire Station, public school complex) can serve as anchors/focal points for future activity

To accomplish this work, we envision the creation of a multi-functional urban strike force team to pull together the many strategic efforts required for a successful urban revitalization project including, but not limited to these strategies that are already identified in the approved strategic plan:

- Rio/29 Small Area Plan (Goal 3 - Development Areas)
- Strategies to revitalize urban areas, including redevelopment possibilities (Goal 3 - Development Areas)
- Urban infrastructure needs (Goal 2 - Critical Infrastructure)
- Levels of service for urban areas and potential use of Urban Service Districts (Goal 3 – Development Areas)
- Expanded multi-model transportation options (Goal 3 - Development Areas)
- Economic Development work plan (Goal 4 - Economic Prosperity)
- School space needs (Goal 2 - Critical Infrastructure)
- Meaningful citizen engagement, including Places 29/Rio citizens advisory council (Goal 1 – Citizen Engagement)

The second priority area is natural resource protection and management. Similar to the envisioned approach for the urbanization efforts, a team would be created to pull together the many strategic efforts required for this priority area.

Rationale for concentrated focus on natural resource protection and management:

- Solid waste service delivery and water funding decisions are imminent
- Improvements to the Ivy Materials Utilization Center (MUC) have already been approved
- Recent creation of the Department of Facilities and Environmental Services provides additional focus/capacity for this type of work

This team would pull together and coordinate work on the many objectives already identified in the approved strategic plan related to this topic to ensure a cohesive and well organized effort including:

- Rivanna River Corridor Small Area plan (Goal 3 - Development Areas)
- Water quality program (Goal 6 - Natural Resources)
- Natural resources program (Goal 6 - Natural Resources)
- Implementation of Rural Area strategies for Comp Plan update (Goal 8 - Rural Areas)
- Meaningful citizen engagement (Goal 1 - Citizen Engagement)

As is best practice, staff will align County resources with these strategic priorities, and these priorities will be reflected to the greatest extent possible in the County Executive’s budget that will be presented later in February.

As this is still a conceptual approach, no budget impact is available at this point, but initial budget impacts will be included in the County Executive’s budget.

Staff recommends that the Board provide feedback/reaction to the progress report and to the priority area approach outlined above.

Mr. Foley stated the Board has in their packets the typical update done at least twice per year on the strategic plan status, which is also included in the monthly report and is referenced in staff Executive Summaries. Mr. Foley said rather than focusing on the status report, staff would like to talk about a new approach that will help prioritize those things the Board has identified as the most critical items in the strategic plan, with the idea that they will proceed with those priorities.

Ms. Catlin addressed the Board, stating that the progress report, as presented, demonstrates important and meaningful activity across all the goals of the strategic plan, with the completion of year one objectives and actions underway to accomplish the identified year two and three objectives. She stated the progress report also demonstrates the challenge of making immediate substantial progress in any one area, giving equal focus and attention across 8 goals and 29 objectives, which makes it hard to see visible progress in any one area. Ms. Catlin said that setting priorities is effective until there are so many priorities that effectiveness is lost, and having lots of top priorities essentially means having no priorities. Ms. Catlin stated that staff wants to discuss with the Board how to put together a prioritized approach that gets them to the “doing” on the things deemed most urgent to accomplish in the shorter term. She said staff has been looking forward to this discussion because they all have a big stake in it and some anxiousness to get it right. Ms. Catlin noted that staff has not figured all of this out and is eager

to hear from the Board, because it is hard to see what they are trying to achieve when there are so many different top priorities.

Ms. Catlin said staff is suggesting to the Board that they concentrate more significant effort in several areas that will have an immediate and positive impact in the County, and while the plan is not complete staff feels they are ready to bring this to the Board. She stated the first area of effort staff wants to discuss is protecting natural resources, with the second being creating urban places. Ms. Catlin said that protecting natural resources seems to be a fairly self-evident category, with significant work already invested, including the solid waste work, water resources work and funding, the hiring of a natural resources manager, and restructuring of one of the County's departments to accommodate that. She stated that urban places is another category of focus, and what staff feels they have heard from the Board and community is that the County needs to do a better job in putting more emphasis on creating urban places. Ms. Catlin stated the challenge the County now has is that there are 35 square miles of urban places, 3.5 times the size of the City of Charlottesville, and putting equal attention on all of them again creates the issue of how substantial and meaningful progress will be measured. She stated the idea from staff is to put a tighter focus on one geographical area, spend some time making short-term progress there, and figure out approaches that will be replicable in other areas, continuing that approach throughout the County.

Ms. Catlin stated that staff has suggested Rio Road and Route 29 as the first area of focus because of elements such as the Route 29 Solutions projects and \$230 million of infrastructure improvements, development and redevelopment opportunities that can be leveraged. Ms. Catlin noted that area is also identified in the Comp Plan, with the Places 29 Master Plan as a priority area, and the plan realizes that strategic investment areas are a more managed way to move urban areas forward. She said staff feels this is such a strong and important commercial and retail hub in the County that the things they do to make that more attractive and functional as an urban place will have strong spillover effect to the surrounding areas, which are feeling the stress of urbanization, so it will serve as a catalyst kind of area. Ms. Catlin said they already have the small area plan that is funded and is getting underway, which will serve as a vehicle to help pull together energy and attention and community discussion about the future of that area of the County. She stated there are also public investment building blocks in place, a new library, the newly expanded Seminole Trail Fire Department, and schools that can be worked and leveraged. Ms. Catlin said the County has taken this approach in the past with Esmont in the Yancey community, which resulted in Simpson Park and the Yancey school center; the Southwood Mobile Home Park, which includes County police; and the downtown Crozet projects. She stated those focused around specific projects, and the new approach will be a more sustained, structural way to build the focus on those two important areas for the long term.

Mr. Wayne Cilimberg, Director of Planning, addressed the Board and stated that at the Board's strategic planning retreat, they talked about what urban place-making meant to them, especially on a large scale, and they came out of that effort with a recognition of the things they aspired an urban place to look, feel and function like, as well as noting some existing and future challenges. He said that ultimately it is about understanding that there are limited resources, so as they look at the things they might want to achieve in the context of challenges, the Board will want to look at how to best use and prioritize resources to accomplish things. Mr. Cilimberg stated that in looking at how to do that, it is moving from vision to execution, moving from planning to doing, and taking the opportunities to harness energy around doing this work. He said the small area planning effort will bring a lot of people together to talk about the Route 29/Rio area, and that will be an ideal time to focus on some of the more immediate improvement projects that can be undertaken within the resources available. Mr. Cilimberg commented they will be doing some planning, but will also be focusing on things that can be accomplished in the same area. He stated that ultimately they are identifying those things, addressing them through the kinds of projects that are doable, and learning from that, all part of a process that will inform future efforts in this area and other targeted urban place areas.

Mr. Cilimberg emphasized this does not mean there will be no progress in other areas identified for strategic planning, but it does mean that progress might be slower in some areas for some objectives, and they are moving forward in particular areas to be more action oriented. He stated this does not mean the urban area focus is only on Rio and 29, but it does mean the area will be the focus for particular things, and general plan work will continue with new strategies identified because of work in the Rio/29 area that can be applied in other areas. He said some of the work in Crozet will inform this new approach, as will the Board's strategic planning and Comp Plan work, identifying actions that move them forward.

Mr. Doug Walker, Deputy County Executive, addressed the Board and stated there are many facets of County government that plays a role in making this effective, and planning is an absolutely key function in this, but actually doing the work will involve all of Community Development, the schools, parks and recreation, police and fire/rescue, the housing department, the County Attorney's office, and others. He stated that in looking at these functional areas, it is important to understand why they need to be engaged, and some are better understood than others in terms of their roles in urban place-making, such as the planning department and zoning office. Mr. Walker said they will next need to define urban area boundaries, as there are a lot of boundaries that are already part of the urban area lexicon, such as Places 29, 29 Solutions, Midtown, or small area plan, so they will need to understand the right scale and scope in order to be effective, but also be meaningful in terms of replicability. Mr. Walker noted the team will get together and form an action plan, which will be presented to the Board in April.

Mr. Randolph commented that Rio/29 is a logical place for them to focus for FY15-17, and he hopes they will use this as a model as they move that focus in FY18-20 to 5th Street, Avon Street, Route

20 or Pantops. He said he will advocate for 5th Street, Avon Street and Route 20 to be next because of the state's emerging plan to develop Biscuit Run as a state park, PVCC's continued growth, a group of residents seeking a new library, a group of residents urging an Avon Street corridor study and a small area study especially in connecting bike and pedestrian paths to the City. Mr. Randolph emphasized that he is enthusiastic about beginning in the Route 29/Rio, but he wants to ensure they are committed to moving around the area to address urban infrastructure, as it will take that kind of attention to stay on top of the issues that are there. He stated that for too long in the County, there was a willingness for people to ignore the urbanization of Albemarle County, but it was very apparent to him when he returned in the late 1990s after having been a student here in the 1960s to see the growth of the urbanization in the County.

Mr. Randolph said it is also very important for the Board and County to figure out how to work with the Planning Commission to get their input on the urban place effort, particularly bringing them into the process as the boundaries are defined and the action plan is formulated. He stated he would also like them to think comprehensively about whether to have a court complex in this corridor and also a County office building in this corridor, and those questions are appropriate at this time regardless of what they work out with the City, as it will serve them well to address the long term to pose questions about what will be the best growth pattern in the County.

Ms. Mallek stated that it struck a chord with her when staff commented about engaging citizens and the need for a team approach, and there will be an extra challenge with the Rio/29 area because there is not really a community organization around this area as there is in Crozet. She explained that she inherited a 30-year-old community organization in Crozet, which was quite fortunate, and they were the driver behind the improvements there, including the new library, which provides a great foundation for community building. Ms. Mallek said the existing community groups in the Places 29 area should be buoyed up as much as possible, and trying to get businesses and residents there to work together and establish what they want the most will be challenging.

Ms. McKeel commented that they both made excellent points, and stated that the timing of this urban vision is excellent in terms of tying in with their economic development work, and she hopes they can partner together tightly. Ms. Catlin responded that staff has discussed this at length and agreed with her point, and stated they feel this is a great opportunity as to what desirable economic development in an urban setting would look like, as well as what they will have to do to enable it.

Ms. McKeel stated the elephant in the room is time and staff, and they still have all of the other items they had covered in previous discussions, so there are a lot of things in the pipeline and she is not sure how to separate them out.

Mr. Foley said if the Board agrees this is the right approach, as other things arise and try to get into the work plan, staff will actually recommend that they not proceed with those new initiatives because of the urban place priorities.

Ms. Mallek commented that this has a position in the work plan already, and she does not want this to imply it is bumping other things out of the way. Mr. Foley responded that the ZTA, for example, can go above it and push it down.

Ms. McKeel said she just wants to make sure they recognize that. Ms. Catlin said staff wants the Board to recognize that possibility, and stated there are a lot of players that came to the table so this does not fall on just one department.

Ms. Palmer said they had a scheduled period of time the following week that they can use to get some more clarity on this and the ZTA and what the timing means.

Mr. Randolph commented that the Rio Road Small Area/Places 29 Master Plan update begins in the first quarter of 2017, with multi-modal transportation options also in that year, with revitalizing urban areas and urban service districts also coming in at this time, so there is already a clear staff commitment in this area.

Mr. Sheffield commented that he is always time ambitious with projects and often expresses his impatience with timelines, sometimes apologetically. He said the Planning District Commission used to be more involved with this type of planning, and asked Mr. Cilimberg if there is a reason why. Mr. Cilimberg responded that on the planning side, he continues to have meetings with the PDC about the small area plan to ensure they bring forth the full right plan and not just a big picture plan. He stated that the PDC, along with VDOT, the MPO and the consultant, are able to get through the grant process, and he will provide the Board with a progress report on where things stand.

Mr. Sheffield said it seems the PDC is trying to be more inclusive, and hopefully their work will parallel what the County is doing. He also stated that it is important to distinguish between urban neighborhood places and urban mixed-use or commercial places, because at Rio/29 they are trying to create a framework to grow what that can look like. Mr. Sheffield said there will be little investment from the County other than proactive rezonings or policy changes, but at the neighborhood level it is things like sidewalks and traffic-calming measures.

Mr. Dill stated his thought is that this should be a rolling process and not try to come up with the perfect plan before they start doing things. He said in the retail world they come up with an innovation to see if it is good, then in 5 stores to see if it is replicable, and then in 100 stores if it is working. Mr. Dill

emphasized if the urban planning is working, then they should put it into Pantops and Avon right away rather than finishing one plan and “declaring victory” in ten years and then moving onto the next area. He stated that Crozet is a tight community that expanded, and it will be hard to find that intensity elsewhere so perhaps they should not really be looking for it, with the geographic areas based more around schools than commercial districts. Mr. Dill said he does not know if the Rio/29 plan is going as far as Brookhill, and he has spoken with Daphne Spain of the Planning Commission about the challenge of creating a greenfield in an area that is all paved and/or deserted. He stated the most obvious way to include nature will be to use the river as a boundary and having a walkway to the river to serve as an ecological center. Mr. Dill said it seems to him that infrastructure from an economic point of view is having high-speed fiber internet, and there had been discussion of the Economic Development Authority owning or financing a building for incubator companies, possibly even a solar-powered facility. He stated the speed of change will require this urban plan to be flexible and to be the symbol of things happening quickly, which will carry out to the rest of the County. Mr. Dill said the urban place community can be defined in part by a small transportation system with busses, like the Google busses in San Francisco. He stated that he wonders whether it might be good to have all of the Supervisors serve on different committees related to the urban place effort in order to get more complete buy in.

Ms. Palmer said there seems to be a general good will about this, and some of the questions are related to timing and what those timelines mean. Geographic area and all of those things can be better addressed when the Board has more time, discussed along with the ZTA and transient occupancy issues. She asked if this can be covered in the February 10 work session. Mr. Foley responded that it sounds as though this is more of a conversation that needs to happen as opposed to a staff-driven exercise, and said the referendum discussion is probably not timely until the budget comes forward. He stated there has been some conversation among Board members about better understanding the plans currently in place and how they have been driving things, with the idea that a better understanding might lead to redirection, so that seems to be consistent with this exercise.

Ms. Palmer agreed that it is consistent, but there are also some items that need clarification, such as the geographic area covered by the Rio/29 urban place, and what will be placed on the back burner.

Mr. Foley said the first step is to determine whether the Board feels this is a good approach and there seems to be consensus about prioritizing, so it seems there is an opportunity to move this discussion to the next level at their worksession the following week with the work plan conversation folded into that. Ms. Palmer agreed that this is a reasonable approach.

Ms. Mallek said they can just continue the discussion and she does not really expect staff to recreate something entirely different.

Ms. Catlin commented that keeping the conversation going would be valuable.

Ms. Mallek asked if the natural resources conversation can also occur at that time.

Ms. Palmer said that would be an excellent approach.

Staff and board members agreed.

Agenda Item No. 14. Department of Social Services Annual Report.

The executive summary presented by staff states that pursuant to Virginia Code 63.2-300, all counties in Virginia are required to establish a local board to oversee the provision of social services to its residents. The Board of Supervisors established the Albemarle County Department of Social Services Advisory Board in 1997. One of its required duties is to make an annual report to the Board of Supervisors, concurrent with the Department’s budget presentation, concerning the administration of the public welfare program.

The FY15 Annual Report provides a summary of the Department’s programs and services, including the number of cases in each program area for the year, coupled with stories of some of those served and the roles carried by our staff. Also included are the Department’s Key Performance Indicators and its unaudited finances. Of particular note in this report is the significant increase in the number of individuals receiving Medicaid Assistance, as well as increases in the number of adopted children receiving Adoption Subsidy payments, and the number of visitors to our Career Center.

Funding the Department of Social Services is included in the County’s annual operating budget.

Staff recommends that the Board receive the Department of Social Services Advisory Board’s FY15 Annual Report as presented. No formal action is required.

Ms. Debbie Stone, Chair, Albemarle County Department of Social Services Advisory Board, addressed the Board and stated that she will present the DSS annual report, a specific duty of the Advisory Board as defined in the Code of Virginia. Ms. Stone recognized DSS staff members Heather Taylor, Emily Swift and Lisa Jordan. She stated the report follows the same format as in previous years, and referenced a letter from the Advisory Board that includes information on how the board conducts business. Ms. Stone noted the theme of the report this year relates the various roles that department staff play, stewards, facilitators, advocates, change catalyzers, and conveners, and their tagline continues

to be “listening to the need, working together for solutions.” She stated their role in fulfilling the promise of that brand is realized in their efforts to listen and learn, as well as to be an advocate for the important work of the department.

Ms. Stone referenced the FY15 key performance indicators (KPIs) and said the department regularly monitors 36 outcome measures specific to its programs, but for this purpose the leadership team chose 11 KPIs on which to focus. She stated that while there is good news to share with some of the indicators, it is clear the department is not able to meet targets with most of them, and DSS is particularly concerned about their inability to meet targets in child protection and foster care, as well as protection of elderly against abuse, neglect and exploitation. Ms. Stone said they are also unable to process Medicaid renewals and applications within established timeframes. She noted that each shortfall is felt to be due to specific challenges of new governmental mandates and system changes, along with chronic staffing shortages, as depicted in the report, and the measures equate to a staffing shortage of about 18.5 positions for mandated programs alone.

Ms. Stone explained that pages 6-17 of the report describe the programs and services of the department and highlighted best practices, as well as stories of staff commitment to the promise of listening to need and working together toward solutions. She mentioned that foster care, adoption and Medicaid are all showing continued upward trends, with child and adult protection and other benefit programs showing slightly downward trends. Ms. Stone said despite the fact that some of the numbers are decreasing, the complexity of the cases have increased both in terms of benefits and services. She noted that page 18 highlights the department's attempts to increase the community's awareness of DSS programs and services and the number of limited English proficiency clients coming through the door.

Ms. Stone said that although DSS receives wonderful support from Albemarle County, the department works diligently to leverage money to bring additional funds into the community to bring quality services to customers. She reported that over \$107 million came into the community in FY15 as a result of state and federal programs operated by the department, and these funds support citizen recipients as well as the community at large in terms of payments to grocery stores, retailers, healthcare, housing, etc. Ms. Stone stated that a 7.6% investment in local dollars, which is what was invested in FY15, leveraged a substantial sum of federal and state funds for the community. She thanked the Board and offered to answer questions.

Mr. Dill said he does not see adoptions in the list of key indicators and asked how many adoptions are done from foster care.

Ms. Stone responded the KPIs listed are only 11 out of 36.

Phyllis Savides, DSS Director, addressed the Board, stating that a critical measure of adoption is whether it can be finalized with 24 months of terminating parental rights. She stated this is not a key performance indicator for the department, but the foster care adoption unit reviews it regularly, and over the last two years they have had a record number of adoptions with 13 or 14 just last year, on pace this year to exceed that.

Mr. Dill asked if both the child and parents in those situations will be in Albemarle County. Ms. Savides responded the child definitely is a resident of the County when he or she comes into the foster care program, but the parents might not necessarily be residents, and foster and adoptive parents often reside outside the County.

Mr. Dill asked if the statistic given is for foster parents or legal adoptive parents. Ms. Savides stated that “finalized adoptions” refer to legal adoption, with most of those happening with the foster parents who have the child throughout the tenure of foster care, but that is not always the case, and a child may be in a foster home when the termination of parental rights goes through and that home might not be an adoptive home. She emphasized that DSS tries not to move children between locations, but sometimes it is unavoidable.

Ms. McKeel asked for clarification about the 18-position shortfall for mandated programs. Ms. Savides responded these are the programs they are mandated to administer, which will not include programs such as Bright Stars and Family Support. She explained that DSS uses a tool that is several years old that assesses the staffing shortage according to a case waiting system, so they routinely submit information, on a monthly or quarterly basis, that allows them to track how many positions are needed to achieve their target. Ms. Savides noted they have never been able to meet that target, but has been able to get some positions over the past several years and reduce that gap.

Ms. Stone stated that DSS is doing a tremendous job with the limited staff that they have, and found ways to compensate for those shortages.

Ms. McKeel said the Board will likely be having some discussions during the budget cycle about shortfalls in the workload in this particular situation. She stated the other concern she has in her neighborhood and in adjacent neighborhoods is elderly abuse, and she has become very aware of this with the aging population. Ms. McKeel said she wants to ensure they are providing the resources or at least the support and information for people, adding that there are resources such as the Senior Center and JABA.

Ms. Savides commented that DSS has seen an increase in financial exploitation cases, and one of the challenges with this dynamic is that an adult has the right to refuse help.

Ms. Mallek stated she has been consistently amazed at the devotion that DSS personnel has for its clients in the face of overwhelming workloads, and asked Ms. Savides and Ms. Stone to think about where a staff person might be best utilized should that be added to their budget.

Mr. Randolph said the curve for adoptive children supported with subsidy payments is going up, and the CPS referrals dropped off in FY15 from 426 to 307, which may have been an anomaly, and it certainly seems that child safety issues remain of paramount importance in the County. He stated in looking on page 17, the number of individuals receiving services has increased, yet referrals to Adult Protective Services had decreased in FY15. Mr. Randolph said the Board had received a proposal within the last day seeking more resources for the Commonwealth's Attorney to deal with adult services, and he wants to point out the DSS graphs show a more compelling need for services for children, so if they have to choose between the two because of scarce resources, that is the right place to put them. He thanked Ms. Savides and Ms. Stone for their work, and said they are the real heroes of the community.

Ms. Palmer asked Ms. Savides and Ms. Stone if they deal with known cases of financial abuse, or if they deal more with phone scams and potential abuse cases. Ms. Savides responded that she can get more specific information, but most referrals regarding any type of adult protective service issue comes from mandated reporters or family members, but over the last year and a half, there have been two cases where an adult was a victim of a scam wherein someone was calling from the Caribbean and extorting money.

Ms. Palmer noted that a police officer had told her the police receive about six calls per day regarding these types of scams, and that does not take into account the people who do not call.

Ms. Palmer thanked them for their work.

Ms. Savides expressed her appreciation for the DSS Advisory Board representatives.

Agenda Item No. 15. Bright Stars Annual Report for FY15.

The executive summary presented by staff states that as a result of the Virginia Pre-School Initiative (VPI) funding initiated by Governor Wilder in 1994, the Board established the County's Bright Stars program as a collaboration among the Department of Social Services, the School Division, and Local Government. The Department of Social Services serves as the coordinator and fiscal agent for the program. The first classroom was established at Stone Robinson Elementary School, and this year (FY16) the program has eleven classrooms in eight elementary schools, including two at Greer and three at Cale and one classroom each at Agnor-Hurt, Red Hill, Scottsville, Stone Robinson, Stony Point and Woodbrook. In 2009, the Pre-School Network for Albemarle County was established to oversee the blending of funding streams from the VPI, Title 1 and Early Childhood Special Education programs to serve more children in inclusion classrooms.

The FY15 Annual Report includes a review of the Pre-School Network services, including the number of children served and the results of educational and family outcomes. Also included are the Program's Key Performance Indicators and VPI unaudited finances.

Continued funding for the program is being requested in the FY17 budget.

Staff recommends that the Board accept the FY15 Bright Stars Annual Report.

Ms. Ann McAndrew, Bright Stars Program Coordinator, addressed the Board and stated that she works with teachers and family coordinators who are the foundation of a successful Bright Stars program. Ms. McAndrew recognized Emily Swift of the DSS office for her work on the report, which she said describes the activities and outcomes for children in 10 Bright Stars classrooms in eight Albemarle County schools during the 2014-15 school year. She stated these classes include students funded by Title I monies, early childhood special education, and the Virginia Preschool initiative. Ms. McAndrew thanked the Board for their substantial financial support and commitment to the welfare and development of some of the County's most vulnerable citizens, as evidenced by the financial commitment that allowed Bright Stars to open its 11th classroom, which in tandem with the addition of one student to each existing class has allowed them to serve 28 additional children in the fall.

Ms. McAndrew reported the diversity of participants in 2015 is consistent with past years, and Bright Stars students are more likely than other County students to be from a minority population, have limited English proficiency, and qualify for free or reduced lunch. She stated the percentage of students whose first language is something other than English continues to climb and appears to be increasing at a faster rate than the general population in County schools. She noted that 83% of students live with one or both biological parents, and approximately 50% of those children live with only one parent. Ms. McAndrew reported that almost half of Bright Stars students have one parent who did not finish high school; 9% live in a home where no caretaker is employed; and 81% qualifies for free and reduced lunch.

Ms. McAndrew reported that once again this year, Bright Stars students made significant progress with beginning academic skills, and noted the progress they have made with the Pre-K Phonological Literacy Awareness Screening (PALS), as well as improvements in numeracy skills with 17% passing in the fall and 73% in the spring. She presented information on how Bright Stars students compare in reading to their peers in the same schools over time, and they perform well up to 5th grade but

then drop off. Ms. McAndrew stated she has delved further into that data to determine why there is drop-off, and she spoke with Deb Collins about this and discussed the possibility of SOL scores at that point being a factor, and teachers may just be exercising caution to ensure these students get adequate service in middle school. She added that in math, Bright Stars students' performance stays close to their peers in 5th grade.

Ms. McAndrew stated that Bright Stars has a substantial family support component, with each Bright Stars classroom having a family coordinator who builds a working relationship with the parents and follows that family through 5th grade, building trusting relationships that allows them to help in a myriad of ways. She said that coordinators assist families by encouraging regular school attendance and participation in parent conferences, and works to engage parents in school events with the goal of making school a safe and welcoming place for parents that hopefully will increase their contact with the school over the years, which helps with student functioning. Ms. McAndrew reported that coordinators also help facilitate students' good health by helping parents with scheduling of and transportation to medical and dental appointments, and helps parents with their own education, housing and employment circumstances.

Ms. McAndrew emphasized that Bright Stars takes children's social and emotional development very seriously, with some indication that it is the best predictor of later academic performance, and pointed out that there is considerable growth across the areas of self-concept, self-control, social interaction and social problem-solving. She stated they measure success in part by how parents of students feel about the program, and presented a chart showing their consistent satisfaction with Bright Stars, with parents reporting "major progress" in their children's development across domains and 96% indicating they would recommend the program to others. Ms. McAndrew reported that in 2015, Bright Stars won the Youth Service Award through the Charlottesville Albemarle Community Foundation, and began use of the funds in late January. She stated they meet for dinner at Greer Elementary School on Monday evenings and break into two classes, one in English and one in Spanish, led by Dr. Amanda Williford and her students from the Curry School of Education. Ms. McAndrew stated this work will help families provide consistent responses to their children's behavior at home, and greater consistency for their children between home and school.

Ms. McAndrew reported that they use data gathered from the report each year to look for ways to improve the program, and one of the data points used is the number of parents that are able to get into the schools at least four times per year. She stated there had been a drop-off in that number the year before last, and family coordinators looked for new ways to attract parents to school, emphasizing the critical importance of their involvement as part of the Bright Stars contract and varying the time of day, day of events, and types of events offered. Ms. McAndrew said that potluck suppers were held that encouraged families to bring in a special dish from their family to share with others, followed by dancing and yoga while learning about the importance of gross motor development for kids. She stated that parents were also invited to come in and make Play-Dough with their children, with an emphasis on fine motor skills; and PB&J events were held that focuses on nutrition, food safety, and getting children to try new foods. Ms. McAndrew noted they also offered preschool pop-in times for parents to visit their children's classrooms, and the percentage of parents attending class events at the two schools increased to 94%.

Ms. McAndrew stated they can make a strong case for successfully readying students to go into kindergarten more prepared, and they are grateful for local government support for Bright Stars. She offered to take Supervisors on a tour of a Bright Stars classroom, and recounted a story of a student at Woodbrook who was blind and was involved with the Bright Stars class, presenting a video of the work of teacher Kelly Huffman and Judy Blakey, Woodbrook's family coordinator, who grew up with a deaf parent and was fluent in American Sign Language.

Ms. Mallek commented that one of her favorite parts of work with the Museum of Natural History was visits from Bright Stars children, with noticeable improvement in the children's progress between fall and spring.

Mr. Randolph stated that when he was campaigning he visited a home where a resident asked in the context of Bright Stars why the community has to have so many International Rescue Committee people here, and noted the increase in limited English proficiency students in the Bright Stars program from 13% to 26% to 32%, which he anticipates will rise as the community continues to become more multi-cultural. Mr. Randolph asked what percentage of Bright Stars students are IRC children. Ms. McAndrew responded that with the Bright Stars classroom at Greer, there are seven languages represented and many of those children are likely from the IRC, but it is probably less likely in other schools.

Ms. Savides stated the City has seen a lot more students coming through the IRC, but that number is increasing for the County as well. She said she does not know whether the data point is collected at the time a child enrolls, so while they can ascertain how many children do not speak English as their primary language, it may not be possible to determine how they came into the country.

Mr. Randolph commented that the half penny dedicated to Bright Stars is the best spent money in the County.

Ms. McKeel stated the Board received information from the school system during the last budget cycle that the IRC traditionally had placed 80% of its students in the City, and 20% in the County, but over the last year, that has flipped.

Mr. Randolph said he is interested in terms of IRC kids' migration into Bright Stars, but his sense is that they probably are not.

Mr. Dill commented that the students seem to have caught up in terms of their confidence.

Ms. McAndrew stated there was one child placed in the Bright Stars classroom who cried every day for three weeks because he had never been outside his home and English was not his family's first language, but he completely caught up with his peers.

Ms. McKeel said that DSS used to provide data about Bright Stars student performance as they passed elementary school, and asked if they are still able to follow them. Ms. McAndrew responded they do not have a system in place to track them, but she has tried to look at seniors to see how they are doing. She stated they end up with about 30 students located, but that number will increase because there are more Bright Stars classrooms now.

Ms. Mallek commented that several years ago, about a dozen Bright Stars students who were graduating seniors came into the Board and talked about the program and what a difference it has made for them, and some of them have enrolled in PVCC for certificate programs, with others going off to liberal arts colleges, and it is a very powerful presentation.

Ms. Palmer stated the Board of Supervisors and City Council will be meeting March 1, and there seems to be strong support for making early childhood education a topic of that discussion, and how both localities can improve it.

Agenda Item No. 16. Closed Meeting.

At 5:01 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 Board appointee; under section (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: the negotiation of easements on the County Office Building property; and the negotiation of an agreement for Court facilities. Mr. Sheffield **seconded** the motion.

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

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

Agenda Item No. 17. Certify Closed Meeting.

At 6:00 p.m., the Board reconvened into open meeting, and 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: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill.
NAYS: None.

Agenda Item No. 18. Boards and Commissions:

Item No. 18a. Vacancies and Appointments.

Ms. McKeel **moved** to appoint/reappoint to the following individuals to boards, committees and commissions:

- **appoint** Supervisor Liz Palmer to the Charlottesville/Albemarle/UVA Planning and Coordination Council with said term to expire December 31, 2016.
- **appoint** Ms. Betsy Baten to the Historic Preservation Committee with said term to expire June 4, 2018.
- **appoint** Mr. Ariel Daniels to the Natural Heritage Committee with said term to expire September 30, 2019.
- **appoint** Mr. Bill Palmer as the UVA representative to the Planning Commission with said term to expire December 31, 2016.
- **reappoint** Mr. George Emmitt and Mr. Hamilton Moses to the Public Recreation Facilities Authority with said terms to expire December 13, 2018.
- **appoint** Ms. Alice Nye Fitch to the Route 250 West Task Force with said term to expire September 5, 2018.
- **reappoint** Ms. June Tate and Ms. Bonnie Samuel to the Route 250 West Task Force with said terms to expire September 5, 2018.

Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Agenda Item No. 19. Recognitions:

Item No. 19a. Tom Loach, White Hall District Representative, Planning Commission.

Ms. Mallek recognized Mr. Tom Loach for his eight years of service as Whitehall representative on the Planning Commission, from January 2008 until December 2015, stating that Mr. Loach had been appointed because of his longtime involvement with land use and growth issues in Crozet, including work on the group to develop the first community plan in 1980, and a role as one of the founding members of the community association. Ms. Mallek said Mr. Loach had joined the Planning Commission during a time when the first update of the Crozet Master Plan was underway, and it changed significantly from its initial 2005 draft due to significant community involvement. She stated that Mr. Loach had worked on many Comp Plan initiatives including Places 29, the Rivanna Master Plan, and the economic development policy, on which he took the lead. Ms. Mallek stated that Mr. Loach was a key player in zoning text amendments that were very important to rural area production including country stores; farm wineries, distilleries and breweries; farm sales, wayside stands and farmers markets, which happened in a very short timeframe. She said Mr. Loach had worked on steep slopes ordinances and many rezonings from Avon Park to Rivanna, to the Hollymead Town Center changes, 5th Street Station, Springhill, Estes Park, the Lofts, Out of Bounds, and Riverside.

Item No. 19b. Cal Morris, Rivanna District Representative, Planning Commission.

Former County Supervisor, Mr. Kenneth Boyd, addressed the Board and stated that he is before them to present a recognition to Cal Morris, whom he has known for more than 30 years and had appointed to the Planning Commission. Mr. Boyd said when he moved into the Key West neighborhood 34 years ago, his wife asked him to go to a meeting about the redistricting of Greer to Stony Point Elementary, where their daughter went, and Mr. Morris, who was unofficial “mayor” of Key West, heard about the meeting and got Mr. Boyd involved with the Key West Club and then the homeowners association. Mr. Boyd stated that because of his tenure it was easy to nominate Mr. Morris to the Planning Commission, and he served for all 12 years of Mr. Boyd’s tenure on the Board of Supervisors.

Mr. Cal Morris addressed the Board and thanked them for the honor, stating that it has been a pleasure serving with the Board and the staff, whom he feels are the finest people in the Commonwealth of Virginia. Mr. Morris stated that he became involved in the community when Tom Loach helped the “Association of Associations,” which had representatives from each neighborhood association.

Ms. McKeel noted she had represented Canterbury Hills.

Mr. Morris stated that it was great to see Mr. Loach pull them all together and work toward the betterment of Albemarle County, and commented that they are continuing to do so.

The Board applauded and thanked him for his service.

Ms. Palmer thanked Mr. Boyd for all of his work for the County.

Agenda Item No. 20. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Tom Eckman, said he is a resident of the Rivanna District, and a member of the Church of the Incarnation and IMPACT, which works with 28 congregations to address serious community issues in Charlottesville and Albemarle. Mr. Eckman stated that last year by working with PACEM, he took more than 20 men and women shopping, and on one particular trip he picked up a man named Kevin from the Moore Center, an addiction treatment facility. Mr. Eckman said this was the first time Kevin had sought help, having spent previous stints in jail and having his family disown him. He stated he had recently run into Kevin at Wal-Mart, and Kevin told him it was his one-year anniversary of being clean and that he would not have been able to do it without the Moore Center. Mr. Eckman said that men have the option to go to the Moore Center, but there is nothing like it for women within 70 miles of Charlottesville. He stated that thanks to commitments from Region Ten, the City and the County, Region Ten has plans to open a residential recovery center that will serve 50 women and up to 100 children per year, by April 2017, and IMPACT supports this proposal. Mr. Eckman said many women fighting drug addiction end up committing suicide or landing in jail, and during house meetings where concerns are shared, almost every person has a family member who has been fighting drug addiction. He emphasized that these women need care, not jail. Mr. Eckman stated that IMPACT looks forward to seeing Board members to ask for their support, and at the Nehemiah action meeting to be held May 3.

Agenda Item 21. FY 2016 Budget Amendment and Appropriations.

The executive summary presented by staff 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 cumulative total of the FY 2016 appropriations itemized below is \$4,443,307.31. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2016 Budget Amendment totals \$4,443,307.31. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

General Fund	\$	606,552.01
Special Revenue Funds	\$	1,926,161.55
School Fund	\$	(31,864.50)
School Special Revenue Funds	\$	293,188.18
ECC Funds	\$	25,726,977.49
Capital Improvements Funds	\$	(24,077,707.42)
TOTAL ESTIMATED EXPENDITURES - All Funds	\$	4,443,307.31

ESTIMATED REVENUES

Local Revenue	\$	310,636.54
State Revenue	\$	2,786,117.84
Federal Revenue	\$	996,479.48
Bond Proceeds	\$	(703,913.00)
Proffer Revenue	\$	181,261.17
General Fund Balance	\$	1,125,426.17
Other Fund Balances	\$	(252,700.89)
TOTAL ESTIMATED REVENUES - All Funds	\$	4,443,307.31

The budget amendment is comprised of fifty-nine (59) separate appropriations as follows, fifty-two (52) of which have already been approved by the Board as indicated below:

Approved July 1, 2015

- One (1) appropriation (#2016002) to appropriate \$83,961.00 to the Emergency Communications Center;
- One (1) appropriation (#2016003) to appropriate \$2,980.00 from the Reserve for Contingencies to the Board of Supervisors' Budget for insurance. This appropriation did not increase the total budget;
- One (1) appropriation (#2016004) to appropriate \$5,258.29 in various donations and grants to the Sheriff's Office;
- One (1) appropriation (#2016005) to re-appropriate \$2,289,272.00 in General Government CIP revenue. This appropriation did not increase the total budget;
- One (1) appropriation (#2016006) to appropriate \$47,555.00 in grant funding to Fire Rescue from the Virginia Department of Fire Programs; and
- One (1) appropriation (#2016007) to re-appropriate \$8,787.00 to Fire Rescue for the continuation of the Fire Prevention Project Risk grant.

Approved July 8, 2015

- One (1) appropriation (#2016008) to re-appropriate \$773,096.55 to the Emergency Communications Center.

Approved August 5, 2015

- One (1) appropriation (#2016009) to re-appropriate \$11,315.00 for intern wages in the Office of Management and Budget and the County Executive's Office;
- One (1) appropriation (#2016010) to appropriate \$(1,342,325.00) pursuant to the Board's action related to the approval of the FY16-20 Capital Improvement Program on July 1, 2015;
- One (1) appropriation (#2016011) to appropriate \$61,261.17 in proffer revenue for the Crozet Avenue North and South Pantops Drive/State Farm Boulevard Sidewalk project;
- One (1) appropriation (#2016012) to appropriate \$125,910.00 for a Department of Criminal Justice Services grant awarded to the Albemarle County Police Department;
- One (1) appropriation (#2016013) to appropriate \$300,000.00 for a Department of Criminal Justice Services grant awarded to Offender Aid and Restoration with the County acting as fiscal agent;
- One (1) appropriation (#2016014) to re-appropriate \$38,164.00 in grants to the Police Department;
- One (1) appropriation (#2016015) to re-appropriate \$43,000.00 from Emergency Communication Center (ECC) fund balance to the ECC;

- One (1) appropriation (#2016016) to appropriate local revenue recovered from project partners for three ECC projects from the County's General Government CIP fund to the ECC capital project fund. This did not increase the total County budget;
- One (1) appropriation (#2016017) to re-appropriate \$13,385.97 in grants in the Sheriff's Office; • One (1) appropriation (#2016018) to appropriate \$80,000.00 to the Economic Development Authority for disbursing funding to 20 Paces and Kelly Turkeys pursuant to the Board's authorization on June 3, 2015 to match the \$40,000 grant from the Department of Agriculture and Consumer Services Agriculture and Forestry Industries Development Fund. The \$40,000.00 County match will be provided from the Economic Opportunity Fund and did not increase the total appropriated County budget; and
- One (1) appropriation (#2016049) to appropriate \$25,000.00 from the Reserve for Contingencies to the Office of Economic Development. This appropriation did not increase the County Budget.

Approved September 2, 2015

- One (1) appropriation (#2016019) to appropriate \$159,000.00 for the Route 29 Solutions Business Assistance Program. Note: \$50,000.00 of this amount did not increase the County's total budget;
- One (1) appropriation (#2016020) to re-appropriate \$229,618.05 in federal revenue for the continuation of a Community Development Block Grant;
- One (1) appropriation (#2016021) to appropriate \$30,000.00 from the Grants Leveraging fund to the Information Technology Department. This did not increase the total County budget;
- One (1) appropriation (#2016022) to appropriate \$82,693.00 in seized asset forfeiture funding to the Police Department;
- One (1) appropriation (#2016023) to appropriate \$295,860.00 for two CIP projects. Note: \$79,720.00 of this amount did not increase the County's total budget;
- One (1) appropriation (#2016024) to appropriate \$7,479.15 in donations to the Department of Fire Rescue; and
- One (1) appropriation (#2016025) to appropriate \$10,457.50 in grant funds to the Clerk of the Circuit Court Approved October 7, 2015
- One (1) appropriation (#2016026) to appropriate a \$2,500.00 donation to the Department of Parks and Recreation;
- One (1) appropriation (#2016027) to re-appropriate \$134,304.04 for various Capital Improvement Program projects;
- One (1) appropriation (#2016028) to re-appropriate \$768,986.05 for various General Fund, Fire Rescue Services Fund, Bright Stars Fund, Computer Maintenance and Replacement Fund, and School Fund projects;
- One (1) appropriation (#2016029) to re-appropriate \$383,896.59 for various Special Revenue Funds;
- One (1) appropriation (#2016030) to appropriate \$22,679.06 for rental income and expenses related to the Old Crozet Elementary School;
- One (1) appropriation (#2016031) to appropriate \$211,685.00 to the Emergency Communications Center;
- One (1) appropriation (#2016032) to appropriate \$34,474.01 to the School Division;
- One (1) appropriation (#2016033) to appropriate \$168,475.31 to the Acquisition Conservation Easement (ACE) program; and
- One (1) appropriation (#2016034) to appropriate \$30,000.00 from the Compression Reserve to the Human Resources Department. This appropriation did not increase the total County budget.

Approved November 4, 2015

- One (1) appropriation (#2016035) to appropriate \$7,475.00 in insurance recoveries for a vehicle replacement;
- One (1) appropriation (#2016036) to appropriate \$5,640.00 from the Bright Stars Fund to the Department of Social Services to centralize training costs. This appropriation did not increase the County Budget;
- One (1) appropriation (#2016037) to appropriate \$64,493.00 in federal grant revenue and local match from the Grants Leveraging Fund to the Police department. The \$2,608.00 local match portion of this appropriation did not increase the County Budget;
- One (1) appropriation (#2016038) to appropriate \$7,993.80 of hazardous materials (Hazmat) cost recovery revenue to the Department of Fire Rescue;
- One (1) appropriation (#2016039) to appropriate \$2,972.00 to the Charlottesville Albemarle Health Department from the Reserve for Contingencies for salary adjustment. This appropriation did not increase the County Budget; and
- One (1) appropriation (#2016040) to appropriate \$120,000.00 in affordable housing proffer revenue to the Office of Housing.

Approved December 2, 2015

- One (1) appropriation (#2016041) to appropriate \$57,520.00 from the Reserve for Contingencies to JAUNT for a new Hollymead route. This appropriation did not increase the County Budget;
- One (1) appropriation (#2016042) to re-appropriate \$43,408.87 in remaining FY15 grant funding to pay the University of Virginia for services it provided in FY15 that were related to the grant;

- One (1) appropriation (#2016044) to appropriate \$10,000.00 in grant funds from the Virginia Department of Emergency Management and \$10,000 from the Grants Leveraging Fund to Fire Rescue. The Grants Leveraging Fund portion of this appropriation did not increase the County budget;
- One (1) appropriation (#2016045) to appropriate \$191,000.00 in grant funds from the National Fish and Wildlife Federation to the Water Resources fund;
- One (1) appropriation (#2016046) to appropriate \$258,714.17 to the School Division;
- One (1) appropriation (#2016047) to appropriate \$18,470.79 in grant funds from the Virginia Department of Environmental Quality to the Department of General Services; and
- One (1) appropriation (#2016048) to appropriate \$7,000.00 from the Reserve for Contingencies to the Juvenile and Domestic Relations Court for furniture. This appropriation did not increase the County Budget.

Approved January 6, 2015

- 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 did 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 did not increase the total County budget.

The seven (7) appropriations requested for Board approval February 3, 2016 are as follows:

- One (1) appropriation (#2016054) to appropriate \$39,260.26 to the School Division;
- One (1) appropriation (#2016055) to re-appropriate \$30,000.00 in proffer revenue for the continuation of a Community Development Block Grant that has been previously re-appropriated. This appropriation is a reconciliation and will not increase the total County budget;
- One (1) appropriation (#2016056) to appropriate \$7,500.00 to the Emergency Communications Center for a Local Emergency Management Performance Grant;
- One (1) appropriation (#2016057) to appropriate \$676.72 to reconcile and close the Metropolitan Planning Grant Fund. This appropriation will not increase the total County budget;
- One (1) appropriation (#2016058) to appropriate \$3,478.68 in recovered costs and donations to the Fire Rescue Department;
- One (1) appropriation (#2016059) to appropriate \$7,445.00 to the Police Department for a Virginia Department of Emergency Management (VDEM) grant; and
- One (1) appropriation (#2016060) to appropriate \$770,000.00 to the Western Albemarle High School Kitchen Upgrade capital project.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the FY 2016 Budget Amendment in the amount of \$4,443,307.31 and to approve appropriations #2016054, #2016055, #2016056, #2016057, #2016058, #2016059, and #2016060 for local government and school division projects and programs as described in Attachment A.

Appropriation #2016054 **\$39,260.26**

Source: Local Non-Tax Revenue \$ 39,260.26

This request is to appropriate the School Division's appropriation request approved by the School Board on December 10, 2015:

- This request is to appropriate \$39,260.26 in local non-tax revenue to the School Division. The School Division's Department of Transportation serves our community by offering transportation services to non-profit and/or student-centered organizations in the County. These services range from maintenance of vehicles to transportation for field trips. External agencies are invoiced for the School Division for these services. This request reflects the \$39,260.26 in revenue collected from these external organizations.

Appropriation #2016055 **\$0.00**

This appropriation will not increase the total County budget.

Source: Proffer Revenue \$ 30,000.00
Federal Grant Revenue \$ (6,271.75)
CDBG Fund fund balance \$(23,728.25)

This request is to re-appropriate \$30,000.00 in Belvedere proffer funding to a Community Development Block Grant (CDBG)/Albemarle Housing Improvement Program (AHIP) fund from which AHIP provides housing rehabilitations for low and moderate income residents. Re-appropriating the proffer funding

reconciles FY 15 appropriations that were approved but not completed administratively before FY 15 year-end and reconciles the current FY 16 appropriated CDBG/AHIP fund (previously re-appropriated on 9/2/15 in Appropriation #2016020). This reduces the use of federal revenue by \$6,271.75 and reduces the use of CDBG fund balance by \$23,728.25. This appropriation will not increase the total County budget.

Appropriation #2016056		\$7,500.00
Source:	State Revenue	\$ 7,500.00

This request is to appropriate \$7,500.00 to the Emergency Communications Center (ECC) for a Local Emergency Management Performance Grant (LEMPG). This grant was awarded to the City of Charlottesville by the Department of Emergency Management (VDEM) from the U. S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA). The City will manage the grant. The grant funding will be transferred from the City to the County, as the fiscal agent for the ECC, upon City Council's approval of the City's appropriation, scheduled on its February 1, 2016 agenda. This appropriation will transfer those funds to the ECC to supplement the salary of the Assistant Emergency Management Coordinator.

Appropriation #2016057		\$0.00
This appropriation will not increase the total County budget.		
Source:	Grant Fund fund balance	\$ 676.72
	General Fund fund balance	(\$676.72)

This request is to reconcile the Metropolitan Planning Grant Fund by appropriating \$676.72 from the grant fund's fund balance and by providing a corresponding reduction in the budgeted use of General Fund fund balance. This grant fund is no longer active as of FY16.

Appropriation #2016058		\$3,478.68
Source:	Recovered Costs	\$ 3,102.83
	Donations	\$ 375.85

This request is to appropriate \$3,478.68 to the Fire Rescue Services Fund as follows:

- \$3,102.83 in hazardous materials (Hazmat) recovered cost revenue to the Department of Fire Rescue for supplies for the Hazmat Response Team. These recovered costs are related to the Department's response to and the abatement of Hazmat incidents.
- \$375.85 from the Fire Rescue Donations Fund to the Department of Fire Rescue. These donations support various efforts, such as the car safety seat program, public education and one-time equipment or station furnishing purchases.

Appropriation #2016059		\$7,445.00
Source:	Federal Revenue	\$ 7,445.00

This request is to appropriate \$7,445.00 in grant funding from a 2015 State Homeland Security Program Grant awarded from the U.S. Department of Homeland Security through the Virginia Department of Emergency Management. The funds will provide for the replacement of needed communication equipment for the Crisis Intervention Team operating in crisis situations such as a barricaded subject. This is a one-time equipment purchase grant with no local match required.

Appropriation #2016060		\$770,000.00
Source:	Borrowed Proceeds	\$ 770,000.00

This request is to appropriate \$770,000.00 in borrowed proceeds for the Western Albemarle High School Kitchen upgrade project. This project includes a complete renovation to the 3257 square foot kitchen and serving lines, including replacement of the freezer, cooler, other kitchen equipment and mechanical services to ensure that the kitchen and equipment are laid out in a safe and efficient manner.

The project is currently included in the County's FY 16 Adopted Capital Improvement Plan as a part of the School CIP maintenance funding planned for FY 17, and the funding was included in all FY 17 CIP budget scenarios that have been prepared to date. In order to allow adequate time for installation so that the project will be operational by the fall of 2016 for the start of school, staff requests that the funding be appropriated in FY 16, so that the kitchen equipment can be ordered as soon as possible. Based on current information, the lead time for ordering the equipment is 12-16 weeks.

In a separate agenda item, the Board will be requested to adopt a Resolution of Official Intent to Reimburse Expenditures with the Proceeds of a Borrowing for this project. This project is programmed to be paid for with borrowed proceeds planned to be borrowed in the fall of 2017 (FY 18). This Resolution will allow the County to reimburse any funds expended prior to the issuance of the 2017 bonds with those bond proceeds.

Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board, stating that Virginia Code requires the County to hold a public hearing before amending its budget when the total aggregate appropriated exceeds 1% of expenditures in the current adopted budget, and the cumulative total of the proposed appropriations is \$4.4 million. She stated the Executive Summary

includes 59 appropriations, 52 of which had been approved by the Board since July 1, and staff recommended approval of the additional 7 budget amended appropriations not yet approved by the Board, as presented in Attachment A.

Mr. Sheffield asked if this is because of the cafeteria item. Ms. Allshouse responded there is usually an appropriation that triggers the 1%.

Mr. Foley said it is not the only new item that has not been previously approved.

Ms. Allshouse said that is a large appropriation included in the 7, but there is a point at which any dollar amount can trigger the provision to hold a public hearing.

Mr. Dill asked why the cafeteria is not part of the usual budget cycle. Ms. Mallek responded that it is, but the schools want to get started on procurement before July 1 so they can get the project done in time.

Ms. Palmer opened the public hearing. There being no public comment, the Chair closed the meeting and the matter was placed before the Board.

Ms. Mallek **moved** to adopt the Resolution to approve FY 2016 Budget Amendment in the amount of \$4,443,307.31 and to approve appropriations #2016054, #2016055, #2016056, #2016057, #2016058, #2016059, and #2016060 for local government and school division projects and programs. Ms. McKeel **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

**RESOLUTION TO APPROVE BUDGET AMENDMENT
AND ADDITIONAL FY 16 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 16 Budget is amended by \$4,443,307.31;
- 2) That Appropriations #2016054, #2016055, #2016056, #2016057, #2016058, #2015059, and #2016060 are approved; and
- 3) That the appropriations referenced in Paragraph #2, 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
2016054	3-2000-62000-316000-189900-6599	39260.26	SA2016054 Misc. Revenue - Transportation
2016054	4-2000-62432-462320-127100-6504	23833.48	SA2016054 OT/Wages-Bus Drivers
2016054	4-2000-62432-462320-210000-6504	1823.28	SA2016054 FICA
2016054	4-2000-62432-462340-600900-6504	13553.5	SA2016054 Vehicle & Equip. Repairs
2016054	4-2000-62432-462340-331500-6504	50	SA2016054 Repair & Maint. of Equip. - Vehicles
2016055	4-8536-93010-493010-930232-9999	30000	SA2016055 Transfer Reconciliation-belvedere to CDBG
2016055	3-8536-51000-351000-510100-9999	30000	SA2016055 Transfer Reconciliation-Belvedere fb
2016055	3-1224-51000-351000-512068-1008	30000	SA2016055 Transfer Reconciliation-belvedere to CDBG
2016055	3-1224-51000-351000-510100-1008	-23728.25	SA2016055 Transfer Reconciliation-CDBG Prior Fiscal Yrs
2016055	3-1224-33000-333000-330009-1008	-6271.75	SA2016055 Transfer Reconciliation-CDBG FY 16
2016056	3-4100-24000-324000-240548-9999	7500	SA2016056 LEMPG grant - City
2016056	4-4100-31045-435600-110000-1003	7500	SA2016056 Expenses for City LEMPG grant - salaries
2016057	3-1000-51000-351000-512006-9999	676.72	SA2016057 transfer from fund #1208
2016057	3-1000-51000-351000-510100-9999	-676.72	SA2016057 App fund balance
2016057	3-1208-51000-351000-510100-9999	676.72	SA2016057 App fund balance
2016057	4-1208-93010-493010-930009-9999	676.72	SA2016057 transfer to General Fund
2016058	3-1805-19000-319000-199904-1003	3102.83	SA2016058 HaxMatRecovered Costs
2016058	3-1805-51000-351000-512008-9999	375.85	SA2016058 Transfer from Donations Fund #8405
2016058	4-1805-32013-432010-600000-1003	3102.83	SA2016058 HazMat Recovered Costs
2016058	4-1805-32015-432010-600000-1003	375.85	SA2016058 Donations
2016058	3-8405-18000-318000-181114-9999	375.85	SA2016058 Donations
2016058	4-8405-93010-493010-930050-9999	375.85	SA2016058 Transfer to FR Fund #1805
2016059	3-1548-33000-333000-330412-1003	7445	SA2016059 Federal Revenue
2016059	4-1548-31013-431010-800100-1003	7445	SA2016059 Machinery & Equipment
2016060	4-9000-69980-464600-301210-6302	770000	SA2016060 WAHS Kitchen Upgrade
2016060	3-9000-69000-341000-410530-6599	770000	SA2016060 WAHS Kitchen Upgrade
TOTAL		1,717,473.02	

Agenda Item No. 22. Update on Route 29 Solutions Business Assistance Plan.

The executive summary presented to the Board stated that in July 2015, the Board approved a multi-pronged Business Assistance Program designed to limit negative economic impacts to businesses during construction of the Route 29 Solutions projects. The program identified a series of technical,

marketing, communications, and regulatory strategies to support businesses before, during and immediately after construction with a concentrated focus on businesses in the footprint of the Route 29/Rio Road intersection project during the most intense construction period of that project, roughly April 2016 - September 2016. The program was developed and is being implemented by a public-private partnership, including representatives from the Small Business Development Center (SBDC), the Senior Corps of Retired Executives (SCORE), the Charlottesville Regional Chamber of Commerce, the Albemarle County Economic Development Authority, the Virginia Department of Transportation, the Thomas Jefferson Planning District Commission, and businesses from the affected area. This agenda item is intended to provide an update on the status of major strategies of the Business Assistance Program.

Staff provided an implementation matrix to the Board as part of the Business Assistance Program when the program was approved last year. Attachment A is an up-to-date matrix showing the status of the approved strategies, including funding sources and levels. At the February 3 Board meeting, staff will provide a more in-depth update on the three major strategies listed below, which involve the great majority of the County's funding obligation.

Collective Marketing Campaign - The Business Assistance Program includes a collective marketing campaign focused on promoting customer loyalty and continued patronage of businesses in the construction footprint of the Route 29/Rio intersection project. The campaign will build on the Virginia Department of Transportation (VDOT) notice campaign about the status of construction work with an additional focus on sustaining the corridor's current patrons and reassuring residents and potential visitors that the area is navigable and open for business. The collective marketing campaign was originally funded with \$100,000 from the County. After the Board's adoption of the Business Assistance Program, Virginia Secretary of Transportation Aubrey Layne announced an additional \$200,000 from the State for the collective marketing campaign for a total of \$300,000. Representatives from Southeastern Institute of Research (SIR), the marketing firm that is handling the VDOT notice campaign and whose contract was extended by VDOT to also handle the collective marketing effort, will be present at the February 3 Board meeting to share high level concepts and a timeline for the campaign.

Matching Grant Program - The Business Assistance Program also includes a matching grant program to boost the impact of specific business focused marketing during the construction program. Businesses meeting the criteria that were approved by the Board last year (Attachment B) are eligible for grants of up to \$2000 to equally match amounts that the businesses are willing to spend that support the message of customer loyalty and continued patronage for businesses in the construction footprint of the Route 29/Rio intersection project. The matching grant program is funded with \$50,000 from the County and is being administered by the Albemarle County Economic Development Authority. The grant application period opened on January 4, 2016 with an application deadline of January 29, 2016 for the first round of awards. Because that deadline is after the due date for this executive summary, staff will provide an update at the Board meeting.

Baseline Measures - The Economic Development Office is working with the Finance Department to identify 2014 baseline levels for assessed value and tax revenues for the following financial measures that were approved by the Board and to track these measures annually during and for a period after construction. Data for 2014 and 2015 for the first four items is compiled in Attachment C and will be presented at the meeting. The vacancy rates will also be presented at the meeting. The sales tax values are not yet available from the 2015 holiday retail season, so the sales tax revenues will be included in the next report.

- Business Professional and Occupational License (BPOL) Taxes
- Business Personal Property and Machinery and Tools Taxes
- Excise Taxes (meals and lodging)
- Real Estate Taxes
- Sales Taxes
- Vacancy Rates

There is no budget impact associated with this updated report.

This report is provided for information only. No action is required by the Board.

Mr. Foley stated that staff had planned to have Mr. Steve Allshouse from Finance review some of the base data to track business changes on 29 North, but he is under the weather and will present on baseline revenue data and occupancy information at a future meeting.

Ms. Lee Catlin addressed the Board, stating that she will provide an update on the overall 29 Solutions program status, including the matching grant program and the collective marketing campaign. Ms. Catlin reported that when the Board approved the plan in 2015, there was a fairly complex implementation matrix that laid out all of the business assistance strategies to be implemented for 18-24 months, and staff has provided an updated version that shows the status. She stated there is a category of strategies called "technical," which focuses on education and assistance from the Small Business Development Center (SBDC) and other partners, and in that category, 11 workshops ranging from general marketing to social media to financial readiness and resilience had been held, with 30 consultations arranged between business owners and the SBDC.

Ms. Catlin reported there are a number of strategies in the category of “communication,” with a lot of those pertaining to VDOT and its work from a road condition standpoint. Ms. Catlin said County staff has done five onsite canvasses of that district since that time, distributing information, dropping in and seeing how people are doing, and seeing what kind of assistance can be provided. She stated the County, VDOT and the Chamber of Commerce are in the final processes of the collaborative “get around guide” map, which will be shared with the Board in March, which shows in an appealing graphical format the best way to get to businesses as the construction continues into the spring and summer.

Ms. Catlin said the regulatory category pertains to what businesses might be facing from a regulatory standpoint, and the Board had approved phase one and phase two sign ordinance changes having to do with signage during the construction itself, and signage changes for permanent after-construction signage in the area will come back to the Board in the future. She stated they had also discussed the small area plan in the context of its use as a tool to help put some regulatory aspects in place in that area to help.

Ms. Catlin stated that staff feels the plan is meeting the short-term goal of supporting small businesses during construction disruption, as well as the long-term goal of building business capacity and resilience in a critical commercial, tax-generating area of the County. She reported that \$50,000 is approved and allocated to the Economic Development Authority (EDA) to be the dispensing organization for the matching grant program, and the map presented shows the tier one and tier two businesses, those impacted by the Route 29 projects, including those in the intersection itself. She stated the matching grant program is only for tier two businesses, those that are within the intersection of Rio Road and Route 29, and no grant award will exceed \$2,000. Ms. Catlin stated the grants are only for those businesses with 100 employees or less, and requires a match for funds that businesses put up themselves, with businesses required to attend either one of the workshop programs or having to arrange for a consultation or mentoring session, to ensure that these businesses are serious and focused on their own resilience in addition to being part of the grant program. She added that any business that applies for the matching grant program must let the County know how many media views their ads get, when it runs and in what types of publications, so they can track what kind of impact the message has in terms of getting out to the community.

Ms. Catlin reported the County opened the application period on January 4, 2016, and the initial plan was to close at the end of January, but it was extended into early February. She stated that 27 applications have been received to date, and the initial review shows that they fall within the established criteria, with staff doing a final review to make sure. Ms. Catlin noted if all grant applications are awarded, the maximum will stay within the \$50,000 total, with grants anticipated to be awarded by mid-February. She stated the requirement is for advertising to run between March and December to coincide with the Rio/29 intersection is most constrained.

Ms. Catlin stated the Board had also supported \$100,000 in funding for a collective marketing campaign, with VDOT adding another \$200,000 for a total of \$300,000, and staff is working with their marketing consultant to work on this marketing campaign. She introduced Mr. J.R. Hipple of SIR Marketing Consultants, stating that he will walk the Board through material done to date. Ms. Catlin commented that this has been a very collaborative process, with six or seven meetings including some businesses in the quadrant serving as a “subcommittee.”

Mr. J.R. Hipple of SIR Communications addressed the Board and stated he is standing in for Mr. Matt Thornhill, who has been working with Ms. Catlin for quite some time. Mr. Hipple stated the purpose of this campaign is to support businesses in the Rio/29 area, and VDOT will be concurrently advertising around road closures, detours and safety. He noted he will be reviewing some of the marketing strategies, the creative concepts that will be used, an overview of the media plan and placements, and efforts such as social media, websites and other PR, as well as touching on the Chamber’s March 15 event. Mr. Hipple said he is reluctant to use the term “branding” for the area, but it is important to create an identity so that people understand the geography and the organizations within it. He added their information will also focus on the human aspects of those affected by the construction.

Mr. Hipple reported that “Worth the Drive” is the campaign slogan, to focus on the benefits of the area and encourage people to continue to do business with the establishments they have patronized for such a long time. He stated the campaign will have a TV, web and social media component, as well as a newspaper presence, and their emphasis will go beyond a straight media buy, with the Spurrier Group serving as media partners. Mr. Hipple said there will be a lot of value-added media, with media outlets in the area agreeing to go beyond just purchased spots in terms of mentioning the businesses. He added they will also feature personal stories of business owners in the area, and the call to action will be for people to support the local business people who are impacted. Mr. Hipple stated they will be doing a print run of 2,500 stickers similar to the “OBX” oval stickers, with a brand awareness for the Rio/29 area. He presented some examples of ads, and said that Jen Pool of the frame shop will be featured in an upcoming ad, with comments from her as to how long she has been in business and why the area is important to her. Mr. Hipple said that businesses need to lean into their relationships and draw on the support and loyalty they have built over the years. He stated there will be a TV spot run featuring the same people from the newspaper ads, alternating them in a rotation, and the same will be done with social media. He stated the pre-launch will begin with radio and quarter-page ads in March, with the most intensity in May, and monitoring to see what they need to be doing. Mr. Hipple noted the radio stations have offered to come out and do live remotes, so the marketing team will be pushing for them to do that during the construction period. He added the TV spots will be longer format pieces, “mini-documentaries” that can also be used with social media.

Ms. Catlin stated the Chamber of Commerce has been committed to doing its after-house events from March through September at locations in the Route 29 corridor, with the March 15 event taking place at Colonial Auto. She said the Chamber has agreed for the marketing materials to be debuted at that time, including the get-around map and door hangers, and businesses from the area will be encouraged to attend the open house to get a preview of the campaign efforts.

Ms. Mallek stated she really likes the logo that Mr. Hipple has created, and she is already envisioning use of the four colors on each of the corners in the Rio/29 area.

Ms. Palmer asked how the door hangers will be distributed. Mr. Hipple responded they have not yet worked out the distribution plan, but they will be getting them out in an appropriate way.

Board members thanked him for his work.

Ms. Catlin stated there was a very collegial effort involved with the businesses in getting the branding solidified, and there were several iterations before they got to the "worth the drive" slogan, with the subcommittee feeling positive about the materials.

Ms. McKeel commented the "worth the drive" branding has staying power beyond the construction period.

Ms. Mallek asked if there is still a plan to promote this identity to Northern Virginia audiences and others beyond construction. Ms. Catlin responded there definitely is, but they want to put something in place that will work for the campaign that can also be built upon in the small area plan and some of the other work being done, so this is a nice entre into the place-making they have been discussing.

Mr. Randolph said Ms. Catlin's information had identified that there were 4,000 applicants that had applied for the grant and not enough money to cover those requests. Ms. Catlin clarified that there had been 27 applicants, and there was enough money to cover those grant applications.

Mr. Randolph said one suggestion he had when they had talked about this on the Planning Commission was to have the 4,200 businesses in the corridor submit business cards and randomly choose one per week and feature them on the Albemarle County website, with a link to these businesses' own websites and contact information. He stated it would be fun to use the County's website to support these businesses. Ms. Catlin agreed that it is a good idea, and the website being created for this project will be a good vehicle.

Mr. Randolph asked why they would exclude one or the other, and there are enough businesses for both. Mr. Davis explained there are some legal limitations because featuring businesses on the County website might create an open public forum, which would mean the County cannot control its content, so he will need to review that idea more carefully to make sure this does not create a bigger problem than it would be worth.

Mr. Dill said it will look like the County is selling advertising. Ms. Catlin stated what is presented is the base of the program, and the marketing team is completely open to any ideas the Board might have going forward.

Mr. Dill asked what the timeframe is on the permanent signage going up. Ms. Catlin responded that she will need to check with Mark Graham on that to see when it will come back to the Board.

Mr. Dill commented at that point they will have a pretty good plan for the small area. Ms. Catlin noted this will all be integrated into that work.

Ms. Palmer stated that with respect to the website, the County will need to be careful about appearing to promote one business over another, as there are other businesses in the community that may sell the same thing, so that is a good reason to keep this neutral. Ms. Catlin agreed, emphasizing that in terms of fairness and equity they are working from the construction footprint identified by VDOT as being impacted by the project, so they are dealing with a boundary that would have been difficult for the County to draw on its own. She stated the language in the campaign materials focuses on retaining customer loyalty, and this is not about taking business from any other part of the County, so the theme is continuing to patronize these businesses and keeping dollars where people have always shopped.

Ms. Catlin mentioned that they are getting ready to re-gear to address the neighborhood impacts of this work, and staff has put together a good plan to ensure the neighborhoods are ready for what is going to happen.

Agenda Item No. 23. Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.

Mr. Mark Graham addressed the Board, stating the work is continuing on schedule and despite the snow and loss of a week for construction, everything remains on schedule and VDOT does not anticipate any schedule problems. He stated that crews are starting to put up the posts for the sound wall and are finishing up a lot of the storm drainage work. He has not been able to confirm a date as to when the Barracks Road ramp will resume its normal condition, but he is trying to push VDOT on that as there is a lot of interest in getting that done. Mr. Graham said the timeline seems to indicate that by late March

or early April the pavement should be down if everything stays on schedule. He stated there will continue to be significant lane closures at night between now and May 23 when there is full closure for construction, and mentioned there is a lot of work at Berkmar for the south abutment of the river crossing, which will continue for the next several months, including some pile driving.

Mr. Graham reported that phase one of the Route 29 widening drainage project is ongoing, and the paving on the southbound lanes should be done before May, and at that point VDOT will shift the traffic over with a detour, with the construction beginning on the east side. He stated the Hillsdale Drive final design should be finished up in February, with VDOT planning to go out for bids in March and closing in April, with award and notice to proceed with construction by late May or early June. Mr. Graham stated there are still two outstanding issues regarding the County's work with the PDAP committee, one pertaining to the bridge lighting and landscaping maintenance at the Rio intersection, with VDOT stating that they will not maintain it and the County currently working through those issues; and the other pertaining to the landscaping for the widening north of the river, which VDOT has also said they will not maintain, but will turn over to the County.

Ms. Mallek asked if there are trees planned to be put back in the median once the construction is done. Mr. Graham responded they are working on that, but the issue is that there is a "clear zone" for the median and the sides and there will be vegetation put back, with the question being whether there will be shrubs or trees installed.

Ms. Mallek stated anything that will block the headlights will be helpful, and said the County will likely have to put up a bond for future maintenance, and asked for confirmation there has been an original Route 29 bond for the trees that NVCC had put in. Mr. Graham responded there is an agreement, but he does not think there is a bond.

Mr. Davis confirmed there actually is a bond from years earlier that is still in place on 29, and Ms. Mallek may be aware of it because of the Route 20 issue.

Ms. Mallek said there is a procedure available to get help for the plantings, to make it look less institutional.

Mr. Dill asked if Hillsdale Drive will be complete all the way to the City side. Mr. Graham responded that it will be completed from Hydraulic upward, and the target date for completion is October 2017.

Mr. Sheffield stated they should put the landscaping piece on their agenda for discussion, because landscaping will start to be installed in October, and they need to make a firm discussion and decision about it.

Mr. Graham said he does plan to bring it back to the Board, as it is an obligation for the County to assume and he wants to be sure the Board is endorsing what is being done there. He stated that within the next few months he is anticipating coming back to them with it, and confirmed the initial plantings will be done as part of the construction, and the planter boxes on the bridge will need to be watered.

Ms. Mallek stated that in Lynchburg, the businesses had adopted pieces along Route 29 and have maintained the areas with beautiful landscaping, so there is a nearby model that had been underway for 20 years.

Ms. McKeel commented that many years ago, she worked hard to get VDOT's permission to allow a business to maintain a median at Barracks Road, and it does end up working.

Ms. Mallek stated the garden club that took care of the one on Fontaine did make a lot of progress in that regard.

Agenda Item No. 24. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek reported that a "transit 101" is in the process of being organized for all Board members and City Councilors to help them understand all of the acronyms and terms used, and if they can get it scheduled quickly, it will be helpful for them going into budget discussions. Ms. Mallek said there is a transit steering committee formed which includes a large number of stakeholders that will function almost as a third party in the process.

Ms. Mallek asked Mr. Davis if there is an update on the Route 20 South tree bond, or if that is something he needs more time on. Mr. Davis responded that Mr. Andy Herrick in his office is working with General Services to try to resolve that issue, and they are waiting for a response from VDOT and hoping it will be treated the same way as they did on Route 29.

Ms. Mallek said she had circulated an email with photographs and layouts that Chris Jensick had sent to her, with a proposal from tree stewards who are ready to plant trees all the way down to PVCC, and in order to work in the median there has to be permission from various officials.

Ms. Palmer reported there will be a meeting on March 1 with City Council, and suggested the Board take some time at their February 10 meeting to discuss what they would like to have on their joint meeting agenda.

Ms. McKeel stated she had just learned there is a meeting on Friday, and she has not sent out information yet because she thought there was more time.

Ms. Palmer responded there was definitely more time, and apologized for the information gap, stating she and Ms. McKeel had met with the City Council chair and vice-chair about the joint meeting, and this information is going to be circulated to the Board and does not have to be commented on by Friday. She said in order to find a time where Mr. Foley and Mr. Jones of the City can all be together, they scheduled it for this Friday, and she is bringing it up to let Board members know that they can discuss it at their February 10 meeting.

Ms. Mallek suggested they start the meeting at 3:00 p.m., and she does not think it is enough time to discuss the MOU that has been talked about as well as all of the Board's strategic planning items. She added she does not feel that just a chair/vice-chair format is appropriate in this situation, as she feels it is best for the whole Board to discuss it with the whole Council.

Ms. Palmer responded she is trying to get to that format by virtue of her question to the Board regarding agenda topics, and suggested they have a quick conversation about whether to talk about it after the regular evening meeting on February 10. She asked if the public hearings at that meeting are expected to be lengthy, noting the topics are the Charlottesville Beautiful Minds, in her district, and the Old Trail oversized sign request.

Mr. Foley stated the Old Trail item will be pretty straightforward.

Ms. Mallek asked if this is the item that is going before the Planning Commission regarding doubling the Old Trail sign size. Mr. Greg Kamptner, Deputy County Attorney, clarified they are seeking to modify the sign height and dimension standards in the special exception.

Ms. Mallek said she is going to pull that item off of the Consent Agenda, as there is no way that is going to be granted without some discussion first.

Mr. Randolph reported that the Albemarle Health and Rehabilitation Center will open on February 11 and will be offering 120 full-time and 50 part-time positions, with no service districts and no changes to intersections needed to bring these jobs.

Ms. Mallek stated that regarding Gary Grant's comment earlier in the meeting about them having Board member appointments to committees in open session, she has no problem with the Board doing that, she had just never thought about it.

Mr. Davis responded that the Freedom of Information Act does not limit their discussion of appointments in the manner suggested by Mr. Grant, and it is absolutely legal for the Board to discuss appointments to committees in a closed meeting, although there may be policy reasons why some would argue that they should not do that.

Mr. Sheffield said it is something to consider, and can possibly speed up their self-appointment process.

Agenda Item No. 25. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley distributed information on the timeline for selecting a new Clerk of the Board of Supervisors.

Ms. Jordan announced that she had given Board members notice that she will be retiring on June 1, 2016.

Mr. Foley stated that what is before the Board is the process for selecting a new Clerk, and there is a desire to have a replacement on board as close to May 1 as possible. He said the job description and profile will be developed between now and March 1, and there is a desire to discuss possible revision of the job responsibilities, which is likely the most time-intensive aspect of the process and will need the Board's approval, so that is something to be managed as quickly and efficiently as possible. Mr. Foley stated that once the Board approves the position description, the advertisement will be posted by March 1, typically with a 30-day window. He said that interviewing and screening will take place from April 1 to May 15, and HR usually helps with the initial screening to look for candidates who have met minimum qualifications, but the Board can look at all resumes, if desired. Mr. Foley noted that the process will include three interviews, beginning with a telephone screening, narrowing the pool down to 10 or fewer applicants for in-person interviews, and then a final interview of the top two to three candidates. He stated they do not have to decide the exact process tonight, but the question is whether the Board wants to do all of the interviews itself and whether they will want to involve a subcommittee. Mr. Foley added that Doug Walker will contact the Board about finalizing the process, and will discuss this more with the Board in the near future, with the goal of May 1 for getting someone on board.

Mr. Foley also reported that the County Attorney position has been advertised, with applications due back on March 1 and a target June 1 timeframe.

Mr. Randolph commented that it is important for the Board to follow the process they have agreed upon even though they have a strong in-house candidate, and it is important for the community, as well as the Board, to follow a public search process and use a similar type of procedure in terms of screening potential candidates.

Ms. Palmer commented her concern is that the Clerk position is very important and comes out of the Board's budget, and in addition to looking at the job description she would like for them to consider the grade of the position. She said she had suggested having two Board members taking that task on and looking at their budget and talking with other Board members about it prior to coming back for their open discussion.

Ms. McKeel stated that Human Resources will be reviewing the Clerk and County Attorney positions as part of the process, as well as updating those job descriptions.

Mr. Foley said the only question is whether the Board wants the basic responsibilities of those positions to change at all, which might affect what type of candidate will fill them, and HR can help them create that.

Ms. McKeel stated part of that is standard operating procedure, and the time to look at positions is when someone leaves, to make sure that nothing has changed in terms of roles and responsibilities.

Ms. Palmer said the Clerk is the Board's position and someone they work with on a regular basis. She wants to make sure the whole Board understands what their options are, so perhaps it will be more productive if two Board members with different skill sets get together and look at this and ask what other Supervisors think. She stated this will help inform their discussions and ensure the Board really owns this process, and she is not sure what Board members will want to know or what their questions will be.

Ms. McKeel commented that it has been 31 years since anyone has done this.

Ms. Mallek noted the position has certainly not been static for all that time.

Board members agreed.

Ms. Palmer said the position has evolved and is probably much different than it was to begin with, and she wants to be sure the Board understands its options.

Mr. Dill commented that the Clerk position is decided by the Board, but the Deputy Clerk position is not and it will be affected by any changes made to the Clerk's responsibilities.

Mr. Randolph stated that given Mr. Walker's experience doing job descriptions, it would be smart to have him take a shot at this, and Ms. Jordan has likely started listing her primary responsibilities. He said the Board is getting ready to enter its busiest season in terms of the budget process, and he would hate to delay this and fall behind schedule. Mr. Randolph said that given there is strong expertise in-house, he would suggest that Mr. Walker prepare a draft job description that the Board will review as he has done with the County Attorney's position, which resulted in a very attractive finished product that satisfied the interests and concerns of everyone on the Board.

Mr. Dill asked if it is appropriate to ask Mr. Walker to help with that, as it seems it is not his normal job description.

Mr. Foley explained what Mr. Randolph is suggesting is the model just followed with the County Attorney's position, which did work well, and Mr. Walker would be a key person along with HR. He stated it would be critical to get Ms. Jordan's input on this because she knows what it takes to get the job done and whether the Clerk has the ability to take on any other role the Board would like that person to play, and she will also be most familiar with what the Deputy Clerk needs to do in order to get those things accomplished.

Ms. Mallek said she agrees with Mr. Randolph that they should provide input to Mr. Walker for his development of the job description, rather than going around and around on it.

Ms. Palmer stated her concern is that this is coming out of the Board's budget, and they have not had much discussion about what they do with that money. Mr. Foley responded the budget is a completely separate matter and staff can certainly provide the Board with information on that, but he would want to keep Mr. Walker focused on the HR part of this, because the job description and updating is a big chore that will require their input. He stated the Board budget will be before them within a month as part of the overall County budget process, and asked for confirmation from the Board that they want to follow the County Attorney recruitment process for the Clerk position.

Board members agreed.

Mr. Dill said he still likes the idea of having two Board members focused on this, and he will volunteer although he has the least knowledge of what the Clerk does.

Ms. Mallek stated that all six of them just need to focus in and share their ideas with Mr. Walker and let him compile it.

Ms. Palmer said it is important for them to understand what the position is, and this is a very professional position that should be used wisely. She reiterated this is an important part of their budget, and as a Board they should know and appreciate what they spend money on, and her concern is if they do not own it, they will not understand it as well.

Mr. Foley stated that staff can send them the Board budget and schedule it as a future agenda item, and asked for direction as to whether the Clerk recruitment is going to involve two members or all of them.

Mr. Sheffield said he thought two members was fine, but he would like to see at least one of the new members involved.

Ms. Palmer said the reason she had suggested it in the first place was to increase the conversation, and her thought was to include Mr. Dill because he has experience with hiring many different types of people, and Ms. McKeel because she has experience in the public sector and HR knowledge through her work at UVA.

Mr. Sheffield stated he is fine with those two working on it.

Ms. Palmer said they need to be sure to include everyone.

Mr. Dill agreed, adding he would like to have a lot of help.

Mr. Foley clarified that Mr. Dill and Ms. McKeel will work with Mr. Walker on the initial look at the Clerk position job description, in preparation of reviewing it with the entire Board.

Ms. Palmer commented that she does not feel this will slow things down, and Mr. Dill and Ms. McKeel responded they feel it will actually speed it up.

Mr. Foley stated that staff will be providing to the Board the process of filling the Planning Director position, and this will lay out the process planned to be used, including all of the stakeholders that will be involved and how the Board will be involved in developing and providing input into the profile. He noted staff will also provide them with a list of all of the organizations that will be involved in the interview process, such as the Piedmont Environmental Council and Southern Environmental Law Center.

Mr. Foley reported that staff is also planning for a continuation, based on discussions with Board members, of the discussion from January 13 regarding Board governance and relations, with the goal of building a highly effective Board and maximizing Board and staff teamwork. He noted the date for that has been set, February 24, from 8:30 a.m. to 3:30 p.m., and Tyler Sinclair would like to do an hour-long interview with Board members on February 8, or can contact them and arrange a time.

Item No. 25a. Update on Pending Legislative Bills.

With regard to Consent Agenda Item No. 8.7, which is a resolution supporting House Bill 1206 relating to the Comprehensive Community Colleges Non-Credit Workforce Credentials Act, Mr. Davis said he learned that it had been killed in the house the previous day. He stated that a parallel bill, Senate Bill 575, is still alive in the Senate, and suggested the Board pass the resolution replacing the bill information.

Ms. Mallek **moved** to adopt the proposed Resolution Supporting The Virginia Community College System (VCCS) Workforce Credentialing Initiative. Mr. Randolph **seconded** the motion.

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

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

NAYS: None.

A RESOLUTION SUPPORTING THE VCCS WORKFORCE CREDENTIALING INITIATIVE

WHEREAS, Albemarle County is home to Piedmont Community College, a campus which is part of the Virginia Community College System, and the Albemarle County Board of Supervisors strives to promote and support opportunities to diversify the County's economy and boost its competitiveness; and

WHEREAS, increasingly, workforce development equates to economic development and a large and increasing disparity between the job-filling needs of enterprise and available training and certification exists; and

WHEREAS, the need is critical to establish a determined, effective, performance-based program to train and prepare an adequate, on-going and growing number of our citizens with industry-recognized credentials; and

WHEREAS, the Virginia Community College System Workforce Credentialing Initiative offers a specific plan to expand the number of workforce training credentials and certifications to a level needed to meet the demands of Virginia's workforce; and

WHEREAS, General Assembly Senate Bill 575 establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program, to be administered by the Virginia Community College System (System), and requires, among other things, the System to approve a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors fully supports SB 575 and the implementation of the VCCS Workforce Credentialing Initiative as an innovative approach to building Virginia's existing workforce through an effective program to train and prepare citizens with such industry-recognized credentials and best position the Commonwealth to meet the demands of a diversifying, dynamic global economy and requests that SB 575 be enacted into law.

Mr. Davis stated the General Assembly process is fast-moving, and it is practically impossible to stay completely updated, although David Blount, VML and VACO do a great job with that. He said that once crossover happens, which this year will be February 17, staff will know whether there are serious bills that have passed one house and need focus. Mr. Davis stated that staff will continue monitoring and asking the Board's participation on particular bills, as will VACO, and while it is not insignificant now it will be more important after crossover. He noted there are 2,000-3,000 bills, with staff having just discovered some that have relevance to local government.

Mr. Davis said he wants to bring particular focus on two bills, one related to composite index and one related to proffers. He explained there are actually two bills related to composite index: one regarding a study that will look at the effect of land use on the composite index, as found in HB Joint Resolution 50; and HB 191, which will put into effect the use of land use values rather than real property values, with that bill having a significant positive impact on the amount of state funding for schools. Mr. Davis said he has been told this bill is a long shot, and had just been referred to the Appropriations Committee today. He stated the study resolution had been reported out of the subcommittee the previous week, which is a small step forward in giving this serious consideration. Mr. Davis said if the Board is comfortable with this, he would suggest they adopt the resolution as presented in support of House Bill Joint Resolution 50 and House Bill 191.

Mr. Randolph **moved** to adopt the proposed Resolution Supporting General Assembly House Bill HB 191 and House Joint Resolution Composite Index. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

A RESOLUTION SUPPORTING GENERAL ASSEMBLY HOUSE BILL HB 191 and HOUSE JOINT RESOLUTION 50 COMPOSITE INDEX

WHEREAS, the Albemarle County Board of Supervisors strives to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds; and

WHEREAS, the current Composite Index Funding Formula utilizes the true value of real property rather than the tax value of property under land use taxation; and

WHEREAS, the purpose of the Composite Index is to determine a locality's ability to pay for the costs of the Standards of Quality (SOQ) for education; and

WHEREAS, the Albemarle County Board of Supervisors supports legislation to amend the Composite Index Funding Formula by redefining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program to more fairly reflect a locality's ability to pay SOQ costs; and

WHEREAS, General Assembly House Bill 191 provides criteria for the General Assembly to amend the Composite Index Funding Formula to include the land use taxation value of real property rather than the fair market assessed value for localities which provide for the use valuation and taxation of real estate devoted to agricultural use, horticultural use, forest use and open-space use, and HJ 50 requests the Department of Education to undertake a study of the same.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors fully supports the goals of HB 191 and HJ 50 to amend and study the Composite Index Funding Formula and requests that HB 191 and HJ 50 be enacted into law.

Ms. Mallek noted that House Appropriations can receive letters from the Board individually or collectively at any time, and the sooner the better.

Mr. Davis offered for his office to provide talking points if they need them.

Regarding the proffer bills, Mr. Davis stated there is one in the Senate and one in the House.

Mr. Greg Kamptner, Deputy County Attorney, reported that both bills have made it out of committee, with the Senate bill having a minor amendment. He stated that Albemarle County is one of many localities in Virginia that accepts proffers in conjunction with rezonings, and said that proffers are conditions that address the impacts resulting from the rezonings, and they can be in the form of cash contributions, dedication of land, performance of certain actions, making certain improvements, phasing of development, and other types of proffers. Mr. Kamptner said under current state law, proffers have to be "reasonable," and for application of that term under Constitutional principles, what is required is "a nexus" and "rough proportionality," with mathematical precision or certitude not required under the current standards. He stated these two bills will change that, and applies to residential rezonings and all types of proffers, not just cash proffers, and applies to offsite and onsite improvements as well as all subject matter that proffers can address. Mr. Kamptner noted that for offsite proffers, these bills will limit the scope of permissible public facilities that can be addressed through proffers to transportation, public safety, schools and parks. He said that under the current law, the County also includes impact to public libraries and other types of public facilities impacted from rezonings, so this change is one of the key components of the bill.

Mr. Kamptner reported these bills will also increase the standard by which reasonableness would be determined, and if the bills are approved the proffers will have to address an impact that is "specifically attributable" to the new residential development. He stated that for any offsite proffers, including any cash proffers, the residents in the new development must receive a "direct and material benefit." Mr. Kamptner said the terms "specifically attributable" and "direct and material benefit" seem to require what appears to be a much heightened level of exactness in the proffer addressing the impact. He stated the bill prohibits localities from accepting any proffer that do not meet those standards, so unless it can be established that the proffer addresses impacts specifically attributed to that development, the County cannot accept it. Mr. Kamptner emphasized that there is also a legal challenge component to the bill, and an applicant might challenge a proffer that is accepted, and can also file a rezoning application far into the future and request that a particular proffer be eliminated. He stated that if the County were to deny the application to remove the proffer, it can be legally challenged as being unreasonable. Mr. Kamptner said that if a school site accepted five years earlier as a proffer for a development that ended up producing a lower number of students for that school than estimated when the proffer was made, it could be argued that the proffer was not specifically attributable because the school site exceeded what the impacts were resulting from that particular proffer.

Mr. Davis stated that if an applicant were successful in that litigation, they would be awarded attorney's fees and, under one of the bills, compensatory damages.

Mr. Kamptner said the other impact of the legal challenge is that the proffer does not go back to what the applicant established was specifically attributable, as that entire proffer would be eliminated from the proffer statement.

Mr. Kamptner stated that rezonings are legislative processes, and reasonable minds can disagree as they go through the rezoning process as to what the impacts might be, so this creates problems down the road. He said there is a second component to these bills that more than likely will affect codes of development, which the County accepts for the Neighborhood Model district, and those are the regulations that applies to that particular development. Mr. Kamptner said these bills will prohibit codes of development, including requirements for such matters as building materials, finishes, methods of construction, or design features. He noted there is a period in the late 1990s when developers were proffering those types of elements, but it has been a long time since those types of features were included in proffer statements and has been a while since they showed up in codes of development. Mr. Kamptner added if they are going to show up at all, it would likely be in the declaration of covenants recorded in conjunction with the subdivision or site plans that attach to the development.

Mr. Kamptner said the difference between the two bills had occurred earlier that day, in which the Senate committee voted for approval deleting "compensatory damages" as one of the remedies available in the event of a successful legal challenge. He added that staff's recommendation is for the resolution presented to be adopted by the Board.

Mr. Davis commented that this was a homebuilders' bill, and if passed in its present form would effectively eliminate cash proffers as a meaningful part of the land use process, which he feels is their intent. He stated it will have a devastating impact on affordable housing proffers and on addressing offsite impacts that are only in part attributable to a development, which is often the case. Mr. Davis added that it will also make it very difficult for Boards in the future to address substantial impacts from new zoning applications they have to consider.

Ms. Palmer asked if this is something the Governor can veto if it passes, and asked if there is a plan of attack along those lines. Mr. Davis responded that there is always that possibility since the Governor will have to sign any bill passed by the House and Senate, but there is no guarantee if it is passed by a strong majority in both houses that he will do that.

Ms. Palmer asked what the timeline for a veto would be. Mr. Davis explained it will be known in late February or early March whether the bills have passed, and the Governor has 30 days from the end of the session to veto legislation.

Mr. Kamptner noted the timeframe will be early to mid-April.

Ms. Mallek asked for confirmation that the Board is not required to grant a rezoning. Mr. Davis responded that it is a legislative act, and if a rezoning application is fairly debatable as to whether it should be approved, the Board can deny it.

Ms. Mallek said that "fairly debatable" sounds like a legal term to her. Mr. Davis responded that it is a legal term.

Mr. Kamptner explained if there is any evidence in the record that supports the reasonableness of the Board's decision, then their decision will stand, even in the face of expert testimony on the other side. He stated that proffers make it easier to approve rezonings because they address impacts, but if the impacts cannot be addressed, the record can be there to support the Board's decision not to approve a rezoning application because impacts are too significant.

Ms. Mallek stated that about five years ago when this was faced, the most powerful arguments that Roger Wiley and others made to the homebuilders was that this would be an end to rezonings in most of the counties in Virginia, and they could not afford to continue to take all of the impacts from new projects onto the local tax base. She said in the past, local developers had wanted a proffer policy so they could have some more predictability rather than constant negotiation of each application being treated differently, and the item she heard the most about in 2007 from longtime and new residents was the impact of new units on infrastructure. Ms. Mallek pointed out that significant proffer monies were assigned to the Crozet Library, and the thought of that no longer being an option is horrifying to her, because the community benefit is being completely thrown out the window in favor of the benefit to one subset of residents.

Mr. Sheffield said it is really a philosophical debate about whether to prepare for growth identified versus reacting to the growth already approved.

Ms. Mallek responded that there would be no planning ahead if this bill goes through.

Mr. Sheffield said the intent of the Comp Plan is to provide a basis for them to make community decisions on schools, police and so forth, so the question is whether they invest to prepare for growth or to respond to it.

Mr. Davis stated there is a quarterly proffer report on their Consent Agenda for this meeting, with a long list of projects that have been supported by proffer funds, and given the status of the CIP in recent years, proffer funds have played an important role in supporting the capital fund. He said if these proffer funds go away, they will need to find other sources of revenue to support even a maintenance CIP.

Ms. Mallek **moved** to adopt the proposed Resolution Opposing House Bill 770 and Senate Bill 549, Restricting Localities' Authority to Address the Impacts from New Residential Development Through Proffers. Mr. Sheffield **seconded** the motion.

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

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

A RESOLUTION OPPOSING HOUSE BILL 770 AND SENATE BILL 549, RESTRICTING LOCALITIES' AUTHORITY TO ADDRESS THE IMPACTS FROM NEW RESIDENTIAL DEVELOPMENT THROUGH PROFFERS

WHEREAS, the General Assembly has declared in Virginia Code § 15.2-2283 that the purposes of zoning regulations include reducing or preventing congestion in public streets, facilitating the creation of convenient, attractive, and harmonious communities, and facilitating the provision of adequate police and fire protection, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; and

WHEREAS, the Albemarle County Board of Supervisors fully supports these State purposes and recognizes that proffers accepted in conjunction with zoning map amendments (rezoning) allow the County to address, in whole or in part, the impacts resulting from a rezoning for new residential development in order to achieve the purposes of zoning stated above; and

WHEREAS, under current State law, proffers must be *reasonable*, and under Constitutional principles, *reasonableness* is determined by whether there is an *essential nexus* between the proffer and the identified impact, and the obligation created by the proffer is at least *roughly proportional* to the impact to be addressed; and

WHEREAS, the Board of Supervisors strongly opposes all legislation that would restrict local governing bodies from accepting proffers under current standards of reasonableness that address the

impacts resulting from a rezoning because such legislation would make it more difficult to achieve the purposes of zoning in Virginia Code § 15.2-2283.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors opposes HB 770 and SB 549 because those bills would restrict the scope of public facilities for which proffers may be accepted and establish a new standard for evaluating whether proffers are *reasonable* that would require a level of certitude that may not be achievable, thereby exposing any future approved rezoning or denied rezoning to challenge on that basis; and

BE IT FURTHER RESOLVED that HB 770 and SB 549 are unduly punitive to not only localities but also their taxpayers because, in a legal challenge, those bills eliminate the longstanding presumption of validity that applies to legislative actions such as rezonings where proffers have been accepted, shift the evidentiary burden to localities, and if the challenge is successful, expose the locality to liability for compensatory damages (under SB 549 only) and attorneys fees, even where the locality merely *informally suggested* a particular proffer later found to be unreasonable under the new standard.

Ms. Mallek commented that there was nothing adopted locally pertaining to fracking, and the state agency is now doing an end run around their policy for localities to get information, so it is a fiasco. She noted that Arlington County has been doing well on the noxious weed policy, and continues to move forward with that.

NonAgenda. At 7:57 p.m., Mr. Dill **moved** that the Board go into a Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia 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 easements on the County Office Building property; and the negotiation of an agreement for courts facilities. Ms. Mallek **seconded** the motion.

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

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

At 8:33 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: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill.
NAYS: None.

Agenda Item No. 26. Adjourn to February 10, 2016, 3:30 p.m.

At 8:35 p.m., Mr. Sheffield **moved** to adjourn the Board meeting to February 10, 2015 at 3:30 p.m. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Chairman

Approved by Board
Date: 06/01/2016
Initials: TOM