

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 4, 2015, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer 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 1:04 p.m., by the Chair, Ms. Dittmar.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Dittmar introduced County staff members.

Mr. Boyd stated that he would like to add a discussion of outdated or unnecessary proffers to the regular agenda. This relates specifically to a road closure at Pantops that was part of an old proffer.

Ms. Palmer stated that she would like to pull Consent Agenda Item #7.10 – Broadband Update, for discussion on the regular agenda.

Ms. Dittmar said the proffer item will be heard as Agenda Item No. 25b and the broadband matter will follow the consent agenda.

Motion was offered by Ms. Palmer to adopt the final agenda, as amended. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

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

Mr. Sheffield stated he had recently attended the Governor's Transportation Conference and had found it very informative, and encouraged Board members to attend in the future.

Ms. Mallek asked if he was able to discuss the Hillsdale Drive stoplight. Mr. Sheffield responded he had attended in his JAUNT capacity, but noted that Route 29 did not come up in any of the presentations.

Ms. Palmer stated she had also attended the annual Virginia Recycling Association conference, which was held in October at the OMNI hotel in Charlottesville. She said they had talked a lot about what is happening on the world market with respect to commodities and why recyclable values are so depressed, as well as where Virginia is headed and what items can still generate revenue.

Ms. McKeel reported the John Baker legacy dinner supporting the African-American Teaching Fellows, celebrating the 10th anniversary of that organization, had been very successful with a sellout crowd of 273 attendees.

Ms. Mallek reported that Luca Paschina, winemaker at Barboursville Vineyard for the past 25 years, has been awarded the Order of Merit of the Italian Republic. She commented that although Orange County has the winery, most of the grapes are grown in Albemarle.

Ms. Mallek reported the amendment to allow triple trailers and 10,000 pounds or heavier trucks has been defeated in Congress.

Ms. Mallek stated she had distributed an email from Eric Johnson regarding the proposed changes to the Virginia Department of Health Regulations, which they will need to monitor along with VACo.

Ms. Mallek reported the Life Journey Church congregation had held a thank you service and luncheon for first responders in Western Albemarle. The police department, Crozet Fire, and Western Albemarle Rescue Squad were represented at the event recognizing recently passed Deputy Fire Chief Richard Martin. She stated the skill level and training of responders has improved tremendously, and rescue personnel had recently brought Buck Gentry back to life after his heart had stopped.

Ms. Mallek reported the Building Goodness Foundation had recently recognized Dr. Ray Ford for his many years of work as a pediatrician and his founding of a clinic in Haiti.

Ms. Dittmar reported that several Board members plan to attend the VACo Annual Conference for Supervisors from around the state, and she will be facilitating two of the sessions.

Ms. Dittmar reported the Governor's Commission on Broadband will meet on November 5 to formulate recommendations for the Governor and General Assembly, and she will bring back any information to the Board.

Ms. Dittmar reported that the Oak Hill Subdivision has received a \$300,000 Community Development Block Grant to move that neighborhood from septic to public water and sewer.

Ms. Mallek pointed out that John Martin had been the one to generate attention for the issues in Oak Hill, starting in about 2008 when he was on the Albemarle County Service Authority Board.

Ms. Dittmar also recognized Ron White and his staff for their work on this.

Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Bob Breci addressed the Board, stating that he is a resident of Free Union and stated that in January a neighbor on Ballard's Mill Road had begun an application for a special use permit in order to hold weddings and special events. Mr. Breci said the neighbor has an outside business partner experienced in the Charlottesville wedding industry, and they have already established a website and are actively soliciting customers for "an inspired business they share." He stated that their plans call for weddings and other events for up to 150 attendees to be held 14 times per year, with two nonprofit fundraisers. Mr. Breci said that traffic generated to support large events of this type will result in 37-40 vehicles and 74 trips on Ballard's Mill Road, creating a hazardous driving situation. He stated that residents have been opposed to the special use permit because of those conditions and the potential to destroy the tranquil, rural, country lifestyle of the neighborhood, and neighbors on the road are overwhelmingly opposed to the proposal. Mr. Breci stated that neighbors in the Free Union community have united in their opposition, and owners of 74 individual properties have signed a petition against the application. He said the owner of the property in question has told neighbors that if they would not compromise with her on a special use permit, she would open a farm winery and hold weddings and other events by right. Mr. Breci noted that she has since withdrawn her SP application and intends to open a farm winery on "Waterperry Farm," which is not a farm at all engaged in the bona fide production of agricultural products. He stated that he and his wife have owned their property for almost 20 years, and their retirement dream was to build their home on Ballard's Mill Road to enjoy a quiet, tranquil lifestyle, which is now threatened.

Mr. Jeff Lowell of Ballard's Mill Road addressed the Board and presented a video on Ballard's Mill Road, depicting its rural character.

Mr. Bill Pritchard addressed the Board, stating that he lives across the road from Waterperry Farm and wants to talk about the status of land conservation in the area. Mr. Pritchard stated the farm is surrounded by 3,803 acres of land in conservation easements held by the Virginia Outdoors Foundation and Virginia Department of Forestry, representing 71% of the local area acreage. He stated that a commercial venture, such as a wedding venue, is directly contrary to the intent of conservation and the nature of the community, and will cause significant noise problems, during setup and the events themselves; damage to the road; and danger from increased traffic that would force those who enjoy running, walking or riding along the road to stop doing so. Mr. Pritchard said that adding light pollution and the significant hazard posed by drunk revelers would establish a venture that is 100% against the intent of rural conservation and directly opposed to the overwhelming desire of those in the community. He stated this is running a party business in an area that is deeply committed to conservation and asked where this will end in the County if a property can simply call itself a "winery" with no regard to the impact on neighbors. Mr. Pritchard emphasized there must be a way to require those who call themselves a farm winery, brewery or distillery to be in the business they claim to be in, such as requiring that the majority of their income be from the sale of their agricultural product, the majority of their acreage be dedicated to production of the crop that creates their product, and that the majority of their product be created on their property. He asked the Board to join neighbors in their effort to ensure that the properties applying for and receiving a license to be a farm winery are true to the intent of that legislation, and enhance the rural nature of the County rather than destroy it.

Ms. Monique Pritchard of Ballard's Mill Road addressed the Board and presented a video that focuses on the use of shuttle buses to the Waterperry Farm site and the limiting road characteristics.

Ms. Nancy Breci of Ballard's Mill Road addressed the Board, stating the road is three miles long and dates back to the 1700s, and one half of the length of the road is posted at 10-15 MPH. She presented a video showing the road and "Hail Mary Hill," noting the presence of steep embankments, many higher than the roof of a car; drop-offs; blind curves; and susceptibility to potholes, wash-boarding,

and major washouts after moderate rainfalls. Ms. Brecki stated that due to the terrain, the road cannot be widened and paving alone would not resolve the hazardous driving conditions. She said these conditions have created a conducive environment for neighbors and many others to use Ballard's Mill Road as a recreational road for walking, jogging, horseback riding and bicycling, and they cannot imagine a more intrusive and impactful situation than to have an event business operating on the road. Ms. Brecki noted that neighbors are estimating an increase of at least 2,400 vehicle trips per year, but feels that number can reach 4,000 or 5,000 or more, depending on how attendees would be transported to the events. She stated that a 150-attendee wedding can generate 74+ road trips on the day of the wedding and as many as 186 trips as traffic would not be limited to the day of the event. Ms. Brecki said that dangerous conditions will be created as the road becomes cluttered with drivers who are not familiar with the road and are possibly drinking and/or using recreational drugs, and noted the road has already seen numerous accidents. She stated that events are the owner's goal and the faux-winery status is a fix to use Waterperry as a for-profit event business, with uses likely to escalate in the future.

Ms. Elizabeth Neff addressed the Board, and stated that she has lived on Ballard's Mill Road for the past 23 years. Ms. Neff stated there is a major flaw in the winery/brewery/distillery ordinance, and said the ordinance to allow by-right events was created to augment income and help offset expenses incurred in the production of wine, beer or spirits. She emphasized there is no formula in which to gauge the income as a result of the events versus the production of alcoholic beverages, and this concerns her because this area of Free Union is quite rural. Ms. Neff stated the owners of Waterperry Farm would like to host 15 weddings or similar events per year of up to 200 guests per event, and the property has been featured in *Virginia Living* and *C'ville*, which promoted the gardens at the location as an ideal wedding venue. She said the entire neighborhood and 74 property owners have opposed the special use permit for events, so the owners decided to pursue the farm winery designation as a Class A farm winery, and plans to rent four acres of wine-producing grapes in Nelson County, with one-half acre of hybrid grapes grown at Waterperry and the minimum required amount of equipment purchased. Ms. Neff noted that none of the articles or their website mentions wines or winery, because the owners' intent is not to produce wine, but to stage wedding events as by-right to having a farm winery. She emphasized that unless the Board adds criteria to ensure the farm winery ordinance is not abused, it surely will be.

Mr. Ed Strange addressed the Board, stating that he is before them to speak about the transfer station at Ivy and noting that his land is contiguous to the site on the western side of the site. Mr. Strange stated the landfill was started in 1968 and neighbors were assured at the time that it would be a short-term landfill, but it is now slated for improvements. He said that since earlier this year, County officials had been discussing plans for the site including building of a canopy to comply with DEQ regulations or constructing a 15,000 square foot replacement station, with Tom Frederick putting the latest estimates at \$750,000 to \$2.3 million for construction and an annual operating subsidy of \$390,000 to \$620,000. Mr. Strange stated this is a lot of money for limited benefit, and said that raising the real estate tax every year is not the answer, as the County does not have a revenue problem, it has a spending problem.

Ms. Palmer stated that there are three speakers from Post High: Diane Gobbi, LauraLee Messimer and Nicole Casteen.

Ms. Diane Gobbi addressed the Board, stating that VSA Charlottesville-Albemarle is the local organization on arts and disability and was formed in 2000 to provide arts and arts education opportunities for people with disabilities and to increase access to the arts for all. Ms. Gobbi thanked the Board for their continued support and presented them with the VSA's book of poems and short stories.

Ms. Nicole Casteen read a poem.

Ms. Mallek thanked the group for their books.

Ms. Palmer noted the Supervisors had attended the VSA art show before and encouraged the public to attend.

Ms. McKeel mentioned that their artwork is displayed in the first floor of the County Office Building.

Ms. Kaki Dimick of Schuyler addressed the Board, stating she is Executive Director of the Thomas Jefferson Area Coalition for the Homeless and wants to present their community plan to end homelessness and acknowledge the County's support. Ms. Dimick stated the tone of the community plan reflects a different approach as it speaks to the possibilities of ending homelessness, not just responding to the basic needs of those who are homeless. She said it also addresses the need for changes in the overall system of care, with a focus on housing as being a solution to ending homelessness and serving those most in need first. Ms. Dimick stated their plan also reflects specific measurable goals, including reducing the number of people experiencing homelessness by 20% every year; reducing the time people experience being homeless by 20%; and reducing the number of people exiting homeless service programs for a permanent housing program by 40%. She noted there has been a 43% reduction in the number of people who were chronically homeless over the last five years, because they have been targeted as being the most in need. Ms. Dimick recognized the service of Ron White, Kathy Ralston, Phyllis Savides and Sharon Root on the coalition's governance board.

Mr. John Lowry addressed the Board and stated the Citizens Resource Advisory Committee will present their report later, and because the revenue challenge for Albemarle is both a long-term and immediate need, now is the time to speak about moving from the drawing board to the cash register. Mr. Lowry stated the study offers a thorough and commendable list, but there are only a few items that will generate \$1 million or more annually, while the deficit in revenues is much greater, but he can see the basis of a plan for growing revenue. He said that he read in the press that state government “ties our hands” at doing anything, but that complaint is not valid as people in Albemarle own their land, not the state. Mr. Lowry stated they need to make their assets work for them, and already in progress is the land use revalidation that will likely garner more real estate taxes, and the land use ordinance can also change. He said that exempt property is another area to consider, as collecting pilot revenue from currently exempt properties, such as those owned by UVA, can generate significant cash. Mr. Lowry stated that tourism is also a standout opportunity for growth in Albemarle that can be stoked with a little vision to be much bigger, and added debt invested wisely can help future taxation offset what is borrowed today. He said that consideration of economic development has significant revenue potential, and the study group has pointed out what they already know, that there is a paucity of industrial land ready for use. Mr. Lowry emphasized that the four incumbent Board members will need to carry the ball, and said that there is no reason why the 5% level for growth must be maintained. He thanked Mr. Boyd for his many years of service.

Mr. Neil Williamson addressed the Board, stating they had taken action about a year earlier regarding cash proffers and reform, with a committee studying the issue and preparing a memo and meeting with the Planning Commission about it. Mr. Williamson stated the Board now has the memo dated June 22, 2015, but the County still has no plan as to how they will match state code. He said that five days before the memo came out, the Supreme Court had ruled on signs in Arizona, and Albemarle’s legal staff had spent a great deal of time reformatting the code so it matched that decision, and he wonders why they are delaying a decision on cash proffers. Mr. Williamson stated it was clear in the memo drafted by staff that they were not eager to take this on, and they had requested the Board establish a specific time frame for the committee to complete its review of models and consider competing staff assignments that the Board wants in the near term.

Referencing the homelessness report presented, Ms. McKeel asked about the lack of an education piece for the community in the organization’s goals.

Ms. Dimick responded it had not been a specific strategy identified in the plan but is a natural byproduct for every person and service provider serving the homeless through emergency shelters, permanent supportive housing, and with the TJAC Board and service provider council to convey information through public presentations and work within the community. She emphasized their education efforts need to be almost continuous to counter the information people are assuming by what they see as a homeless problem.

Agenda Item No. 7. Consent Agenda.

Motion was offered by Ms. Palmer to approve Items 7.1 (as read) through 7.5 on the consent agenda. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Item No. 7.1. Approval of Minutes: May 13 and June 10, 2015.

Ms. McKeel had read the minutes of May 13, 2015, and found them to be in order.

Mr. Sheffield had read the minutes of June 10, 2015, and found them to be in order.

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

Item No. 7.2. FY 2016 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 16 budget due to the appropriation itemized below is \$197,353.80. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of six (6) appropriations as follows:

- 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 will 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 will 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 will 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.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016035, #2016036, #2016037, #2016038, #2016039, and #2016040 for local government and school division projects and programs as described in Attachment A.

Appropriation #2016035 **\$7,475.00**
Source: Insurance Recoveries \$ 7,475.00

This request is to appropriate \$7,475.00 in insurance recoveries for a totaled vehicle to the Vehicle Replacement Fund. This funding, in combination with \$12,373.00 from a Vehicle Replacement Fund contingency planned for this purpose, will purchase a replacement vehicle for the Community Development Department for \$19,828.00 pursuant to state contract pricing.

Appropriation #2016036 **\$0.00**
This appropriation will not increase the County Budget.
Source: Bright Stars Fund \$ (5,650.00)
General Fund \$ 5,650.00

This request is to reduce the Bright Stars fund by \$5,650.00 and to appropriate this funding to the Department of Social Services for centralized management of the department's training costs.

Appropriation #2016037 **\$61,885.00**
Source: Federal Revenue \$ 61,885.00
Grants Leveraging Fund* \$ 2,608.00

*The Grants Leveraging Fund component of this appropriation will not increase the County Budget.

This request is to appropriate three Police Department grants:

- Appropriate \$37,730.00 from the Department of Motor Vehicles (DMV) DUI Reduction grant and the local match of \$1,843.00 from the Grants Leveraging fund. This grant will be used to fund overtime hours in the Police Department to provide DUI enforcement. The purpose of this grant is to reduce DUI accidents through increased DUI enforcement along with other traffic safety enforcement including speeding and safety restraint usage. This grant funding will support overtime hours for DUI patrols, DUI checkpoints, and saturation patrols.
- Appropriate \$10,000.00 from the Department of Motor Vehicles (DMV) Speed Reduction grant and the local match of \$765.00 from the Grants Leveraging fund. This grant will be used to fund overtime hours in the Police Department to provide speed enforcement. The purpose of this grant is to reduce motor vehicle accidents through increased speed enforcement and saturation patrols. This effort will be conducted along with other traffic safety enforcement including DUI and safety restraint usage.
- Appropriate \$14,155.00 from the Department of Justice grant. This grant will be used to fund overtime hours of current officers in support of reducing crime and improving public safety through more Community Policing efforts. There is no local match.

Appropriation #2016038 **\$7,993.80**
Source: Recovered Costs \$ 7,993.80

This request is to appropriate \$7,993.80 of hazardous materials (Hazmat) cost recovery revenue to the Department of Fire Rescue for the purchase of turnout gear and hoses. These recovered costs are related to the Department's response to and the abatement of Hazmat incidents.

Appropriation #2016039 **\$0.00**
This appropriation will not increase the County Budget.
Source: Reserve for Contingencies \$ 2,972.00

This request is to appropriate \$2,972.00 from the Reserve for Contingencies to the Virginia Department of Health to offset state salary adjustments.

After this appropriation, the FY 16 Reserve for Contingencies balance is \$195,123.00.

Appropriation #2016040		\$120,000.00
Source:	Proffer Revenue	\$120,000.00

This request is to appropriate \$120,000.00 in proffer funds designated for affordable housing initiatives to the Office of Housing. These funds will be used in partnership with Habitat for Humanity to produce six (6) affordable housing units for sale to Habitat clients. The structure of Habitat sales and financing will allow the units to retain their affordability for the long-term, providing future lower-income homebuyers an affordable housing option. The project is being developed as a pilot and could lead to future funding requests from Habitat or other organizations to structure similar proposals.

By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2016035, #2016036, #2016037, #2016038, #2016039, and #2016040 for local government and school division projects and programs:

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2016035, #2016036, #2016037, #2016038, #2016039, and #2016040 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016035	3-9200-19000-319000-190800-9999	7475.00	SA2016035 Insurance receipts - totaled CDD vehicle
2016035	4-9200-34050-412560-800500-9999	19848.00	SA2016035 Replacement totaled CDD vehicle
2016035	4-9200-91085-412560-999988-9999	-12373	SA2016035 Contingency to CDD for totaled vehicle
2016036	3-1553-51000-351000-512004-9999	-5650	SA2016036 Transfer to Bright Stars
2016036	4-1553-51154-453010-550100-1005	-750	SA2016036 Bright Stars Budget - Prgm Mgr
2016036	4-1553-51151-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Agnor Hurt
2016036	4-1553-51152-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Cale I
2016036	4-1553-51156-453010-550100-1005	-400	SA2016036 Bright Stars Budget - Cale II
2016036	4-1553-51122-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Greer I
2016036	4-1553-51157-453010-550100-1005	-500	SA2016036 Bright Stars Budget Greer II
2016036	4-1553-51155-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Red Hill
2016036	4-1553-51153-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Scottsville
2016036	4-1553-51129-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Stone Robinson
2016036	4-1553-51159-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Stony Point
2016036	4-1553-51150-453010-550100-1005	-500	SA2016036 Bright Stars Budget - Woodbrook
2016036	4-1000-53010-453010-550100-1005	7105	SA2016036 DSS Administration
2016036	4-1000-53150-453010-550100-1005	-1455	SA2016036 Family Support
2016036	4-1000-53010-453010-930208-1005	-5650	SA2016036 Transfer to Bright Stars
2016037	3-1533-33000-333000-330011-1003	37,730.00	SA2016037 Grant Revenue - DMV Federal (DUI)
2016037	3-1533-31010-431013-210000-1003	1,843.00	SA2016037 Transfer From - Grant Leveraging Fund
2016037	4-1000-99900-499000-999974-9999	(2,608.00)	SA2016037 Grants leveraging fund
2016037	4-1000-93010-493010-930200-9999	2,608.00	SA2016037 transfer to new fund
2016037	4-1533-31013-431010-120000-1003	24,080.00	SA2016037 Overtime
2016037	4-1533-31013-431010-210000-1003	1,843.00	SA2016037 FICA
2016037	4-1533-31013-431010-800100-1003	13,650.00	SA2016037 Machinery and equipment
2016037	3-1529-33000-333000-330011-1003	10,000.00	SA2016037 Grant Revenue - DMV Federal (Speed)
2016037	3-1529-31010-331013-210000-1003	765.00	SA2016037 Transfer From - Grant Leveraging Fund
2016037	4-1529-31013-431010-120000-1003	10,000.00	SA2016037 Overtime
2016037	4-1529-31013-431010-210000-1003	765.00	SA2016037 FICA
2016037	3-1519-33000-333000-300001-1003	14,155.00	SA2016037 Grant Revenue - Federal
2016037	4-1519-31013-431010-120000-1003	13,149.00	SA2016037 Overtime Wages
2016037	4-1519-31013-431010-210000-1003	1,006.00	SA2016037 FICA
2016038	3-1805-19000-319000-199904-1003	7993.8	SA2016038 APP - cost recovery haz mat
2016038	4-1805-32015-432010-601104-1003	7108.8	SA2016038 APP - cost recovery haz mat - to gear
2016038	4-1805-32015-432010-800100-1003	885	SA2016038 APP - cost recovery haz mat - hoses
2016039	4-1000-99900-499000-999990-9999	-2972	SA2016039 Reserve for contingencies
2016039	4-1000-59000-459000-560100-1005	2972	SA2016039 Health Department contribution
2016040	3-1000-51000-351000-512066-9999	120,000.00	SA2016040 Transfer from proffer fund #8570
2016040	4-1000-81030-481030-563110-1008	120,000.00	SA2016040 Habitat for Humanity
2016040	3-8570-51000-351000-510100-9999	120,000.00	SA2016040 App fund balance
2016040	4-8570-93010-493010-930010-9999	120,000.00	SA2016040 Transfer to General Fund
TOTAL		628,623.60	

Item No. 7.3. FY 2015 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the

budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 15 budget due to the appropriation itemized below is \$180,000.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of one appropriation (#2015116) to appropriate \$180,000.00 to the Comprehensive Services Act (CSA) fund from federal revenue, state revenue and CSA fund balance.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriation #2015116 as described in Attachment A.

Appropriation #2015116		\$180,000.00
Source:	Federal Revenue	\$ 153,242.00
	State Revenue	\$ 9,684.00
	Special Revenue Fund Balances	\$ 17,074.00

This request is to appropriate \$180,000.00 for Comprehensive Services Act (CSA) expenditures based on actual expenditures for this fund. These expenditures are funded through \$153,242.00 in federal revenue, \$9,684.00 in state revenue and \$17,074.00 in CSA Fund balance. Because CSA expenditures can vary significantly year-to-year, the CSA fund maintains a fund balance for this circumstance.

By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2015116:

**RESOLUTION TO APPROVE
ADDITIONAL FY 15 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2015116 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2015.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2015115	3-1551-33000-333000-330005-1005	153,242.00	SA2016038 Federal revenue
2015115	3-1551-24000-324000-240109-1005	9,684.00	SA2016038 State revenue
2015115	3-1551-51000-351000-510100-9999	17,074.00	SA2016038 App fund balance
2015115	4-1551-53120-453010-581001-1005	180,000.00	SA2016038 CSA mandated services
TOTAL		360,000.00	

Item No. 7.4. Crozet Avenue North, State Farm Boulevard and South Pantops Drive Sidewalks Project.

The Executive Summary forwarded to the Board states that the Office of Facilities Development conducted the bid opening for the following Virginia Department of Transportation (VDOT) Revenue Sharing projects on August 4, 2015: Crozet Avenue North, State Farm Boulevard and South Pantops Drive Sidewalks Project. These projects are combined into one VDOT project code and were required to be bid and managed together. Only three (3) bids were received and the apparent low bid exceeded the project budget by approximately \$300,000. Analysis of the bids indicated that the cost of improvements was very high on all bids. The individual unit prices varied considerably; however, if a price was high, it was generally more than 25 percent higher than the consultant's estimated value. In follow-up calls to contractors who did not submit bids, staff learned that there were many projects (public and private) on the market and contractors had to prioritize and choose which ones to pursue. It is staff's conclusion that bidders believed that it was not going to be very competitive and priced their bids accordingly. The County's consultant also learned from other localities and from VDOT that the market is extremely busy and that they are also noticing recent price increases.

Staff has discussed the bid results with VDOT and agreed that the current bids had to be rejected due to their exceeding the final construction cost estimate by more than 10% (VDOT policy) as well as exceeding the project budget. Staff believes it is unlikely that the current market would support a lower price if the project were re-bid exactly as it is currently, and that in order to move forward, the project must be modified and then re-bid. The options discussed with VDOT were to: (1) build only the Crozet Avenue North sidewalk; (2) build only the State Farm Boulevard and South Pantops Drive sidewalk; (3) fully fund the project with the County making up the difference in cost (~\$300K); or (4) build the Crozet Avenue North sidewalk based on the current plans but reduce the scope of the State Farm Boulevard sidewalk to build only the portion of new sidewalk between Route 250 (Richmond Road) and Hickman Road, and bid the South Pantops Drive sidewalk as an additive alternate (Attachment A). Option 4 allows the de-scoped portion of State Farm Boulevard to be built at a later date once fully funded.

Based on the bids, options 1, 2, and 4 may reduce the cost to stay within the current project budget. Staff's preference and recommendation is option 4, to build the Crozet Avenue North sidewalk based on the current plans, to de-scope the State Farm Boulevard project to build only the portion of new sidewalk across the developed parcels between Route 250 and Hickman Road, and to bid the South Pantops Sidewalk as an additive alternate. This would provide a pedestrian link to the traffic signal being modified by the "Chick-fil-A" site improvements (north side of Route 250) and allow for the coordination of a future pedestrian crossing with VDOT.

Staff discussed the above options and recommendation with the Crozet Advisory Committee at its September 16, 2015 meeting and the Pantops Advisory Committee at its September 28, 2015 meeting. The completion of their respective sidewalks are very important to those Committees, as they are improvements recommended in the Committees' "Master Plans," they provide for pedestrian mobility in their "Plan" areas, and they help to establish the framework for future development/redevelopment. The Pantops Advisory Committee was supportive of staff's recommendation, provided there was a commitment made to pursue the funding needed to complete the State Farm Boulevard portion of the sidewalk project in the near future.

Should the Board approve staff re-bidding the project as set forth in option 4, staff recommends including the South Pantops Drive sidewalk portion as an additive alternate in the Invitation for Bids in the event the bids for the full scope of option 4 come in higher than expected. With the Board's concurrence, staff will begin modifying the bid documents for an advertisement in December.

Staff recommends that the Board authorize staff to re-bid the project based on option 4 with the Crozet North Avenue plans as they are currently, the reduction of the scope of the State Farm Boulevard sidewalk to build only the portion of new sidewalk between Route 250 (Richmond Road) and Hickman Road, and with the inclusion of the South Pantops Drive sidewalk as an additive alternate.

By the above-recorded vote, the Board authorized staff to re-bid the project based on Option 4 with the Crozet North Avenue plans as they are currently, the reduction of the scope of the State Farm Boulevard sidewalk to build only the portion of new sidewalk between Route 250 (Richmond Road) and Hickman Road, and with the inclusion of the South Pantops Drive sidewalk as an additive alternate.

Item No. 7.5. Resolution to accept road(s) in Wickham Pond into the State Secondary System of Highways. (*White Hall Magisterial District*)

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

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 4th day of November, 2015, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Wickham Pond Subdivision**, as described on the attached Additions Form AM-4.3 dated **November 4, 2015**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Wickham Pond**, as described on the attached Additions Form AM-4.3 dated **November 4, 2015**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

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

The road(s) described on Additions Form AM-4.3 is:

- 1) **Wickham Pond Drive (State Route 1323)** from 0.2 miles south of Route 40 to 0.183 miles south of Route 1334 (Wickham Pond Circle), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3148, pages 523-526, for a length of 0.18 miles.
- 2) **Wickham Way (State Route 1324)** from intersection of Route 1323 (Wickham Pond Drive) to northwest to Wickham Place, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3441, pages 613-618, for a length of 0.06 miles.

- 3) **Painted Sky Terrace (State Route 1333)** from Route 1324 (Wickham Way) north to end of cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3441, pages 613-618, for a length of 0.07 miles.
- 4) **Wickham Pond Circle (State Route 1334)** from Route 1323 (Wickham Pond Drive) to Route 1323 (Wickham Pond Drive), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3346, pages 659-674, for a length of 0.11 miles.
- 5) **Wickham Way (State Route 1324)** from the intersection of Route 1323 (Wickham Pond Drive) south east to Route 1323 (Wickham Pond Drive), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3441, pages 613-618, for a length of 0.13 miles.

Total Mileage – 0.55

Item No. 7.6. County Grant Application/Award Report, **was received for information.**

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

The attached Grants Report provides a brief description of five grant awards received during the time period of September 18, 2015 through October 16, 2015. This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

GRANT REPORT ACTIVITY – September 18, 2015 through October 16, 2015

Applications were made for the following grants:

None at this time.

Awards were received for the following grants:

Granting Entity	Grant	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Office of Intermodal Planning and Investment	Urban Development Planning Grant	State	\$65,000.00 for consulting services	None	None	Community Development	This grant will be used to provide planning consultant assistance in undertaking the Small Area Plan originally recommended in the Places29 Master Plan and adopted by the Board of Supervisors on June 3, 2015 as a priority objective in the County's FY 15-17 Strategic Plan.
Green Infrastructure Center and Virginia Department of Forestry	Technical Assistance Grant	State	\$10,000.00 in technical assistance services	\$9,031.08 in services	Community Development Budget	Community Development	This grant will be used to provide technical assistance in creating a landscape scale green infrastructure map series and plans.
Department of Justice	Justice Assistance Grant, Community Policing	Federal	\$14,155.00	\$0	None	Police	This grant will be used to provide support for the Police Department's Community Policing overtime activities such as bike patrols, participation in community events, etc.
Department of Transportation National Highway Traffic Safety Administration	Department of Motor Vehicles (DMV) Driving Under Influence (DUI) Reduction	Federal	\$37,730.00	\$1,843.00	Grants Leveraging Fund	Police	This grant will be used to provide additional funds for increased DUI enforcement in the County, leading to reduced DUI related traffic crashes.
Department of Transportation National Highway Traffic Safety Administration	Department of Motor Vehicles (DMV) Speed Reduction	Federal	\$10,000.00	\$765.00	Grants Leveraging Fund	Police	This grant will be used to provide additional funds for increased traffic safety enforcement in the County.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

The following chart includes grants that are expected to end within the next five years and an estimate of the County's cost over the next five years if the grant-supported position, project or program is continued after the grant ends. The continuation of those positions, projects and programs will be considered as part of the County's annual budget process.

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY16 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
						FY17	FY18	FY19	FY20	FY21
FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Grants Leveraging Fund	6/30/2020	\$125,910.00	\$ 35,961.74	\$ 73,308.49	\$ 112,096.36	\$ 152,383.46	\$155,383.98
FY16 Byrne/Justice Assistance Grant (JAG) Crime Analysis	This grant provides funding for the current Crime Analyst position. The grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Police Department	6/30/2018	\$33,879.00	\$ 52,420.18	\$ 71,785.57	\$ 73,752.87	\$ 75,798.46	\$ 77,925.47
						\$ 88,381.92	\$ 145,094.07	\$ 185,849.23	\$ 228,181.92	\$233,309.45

The following chart includes an estimate of the County's cost over the next five years for the replacement of equipment that was purchased with grant funding. The replacement of such equipment will be considered as part of the County's annual budget process.

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	Potential Financial Impact				
					FY17	FY18	FY19	FY20	FY21
2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	\$ 158,068.76	\$236,700.23	\$ 191,830.46	\$ 147,090.10	TBD
Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is now expiring.	0	Fire Rescue Fund	6/30/2009	\$ 37,878.00	\$ 39,117.00	\$ 40,356.00	\$ 53,345.00	\$ 54,934.00
					\$ 195,946.76	\$275,817.23	\$ 232,186.46	\$ 200,435.10	\$ 54,934.00

Item No. 7.7. Board-to-Board, October 2015, *A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors*, **was received for information.**

Item No. 7.8. Environmental Quarterly Report - First Quarter FY 16, **was received for information.**

Item No. 7.9. Office of Facilities Development (OFD) Capital Projects Status Report 3rd Quarter CY 2015, **was received for information.**

Item No. 7.10. Update on Broadband, **was received for information.**

The Executive Summary forwarded to the Board states that the County is working toward its goal of deploying broadband to its rural areas. Broadband deployment requires a telecommunications planning process, and there are state and federal grants available to localities for the creation of a telecommunications plan. The County has submitted a grant application to the Department of Housing and Community Development (DHCD) for a \$75,000 grant through the Virginia Telecommunications Planning Initiative (VATPI) to develop a comprehensive telecommunications plan for residential and agri-business telecommunications in the County's rural areas, as well as a grant application to the DHCD for a \$30,000 grant to develop a telecommunications plan that would be focused on job creation through advancing rural agri-business. Staff has a Request for Proposal (RFP) ready to release as soon as the County is notified of the award status of these grants. Staff intends to contract with one or more qualified bidders to work with the County to develop the telecommunications plan.

The purpose of this Executive Summary is to provide information and a progress update regarding the funding options for completing the telecommunications plan.

If the County is not awarded one of the grants, staff will request a meeting with the DHCD to discuss the award evaluation process and to determine the availability of any other funding options. Based on the outcomes of the meeting, the County will either "scale back" the RFP by removing some of the requirements or will request that the Board appropriate additional funding. Staff intends to continue its efforts to develop a telecommunications plan, regardless of whether the County is awarded grant funding.

The two pending grant applications are:

\$75,000 VATPI grant - this would fund the creation of a comprehensive telecommunications plan to cover residential and business, rural or otherwise. This plan will include comprehensive current coverage mapping as well as assessments of the various network efforts in progress and being planned. A telecommunications plan will assist the County in understanding various strategies for moving broadband forward through technology and provide guidance and options around various funding decisions.

\$30,000 CDBG grant (through the Community Development Block Grant Program) - this would fund the creation of a telecommunications plan with a limited focus on job creation through advancing rural agribusiness.

If the County is not awarded either grant, staff will provide information regarding other funding options to the Board for its consideration at a future Board meeting.

To date, the Board of Supervisors has appropriated \$3,900 to contract with the Thomas Jefferson Planning District Commission (TJPDC) to support the CDBG grant application and approved the transfer of \$30,000 from the Grant Leveraging Fund to the IT Operating Budget. The purpose of the \$30,000 is to complete a Community Telecommunications Plan.

This Executive Summary is for information only. No action is required by the Board at this time.

Item No. 7.11. The Thomas Jefferson Area Coalition for the Homeless ([TJACH](#)) - Revised Community Plan to End Homelessness, ***was received for information.***

Item No. 7.12. Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Management Board Annual Report, ***was received for information.***

Item No. 7.13. VDOT Culpeper District, Albemarle County Monthly Report, November 2015, ***was received for information.***

(Discussion: Item No. 7.10. Update on Broadband.)

Mr. Michael Culp, Director of Information Technology, addressed the Board and reported that on October 30, 2015 the County was notified of a grant award of \$75,000 through the Virginia Telecommunication Planning Initiative. Mr. Culp said Albemarle is one of four counties in the Commonwealth to receive the highest level of communication planning funding, provided by the state's Secretary of Commerce and Trade. He noted that Ms. Palmer and Ms. Dittmar have been working tirelessly on this effort, and he would talk briefly about the funds and development of the community's telecommunication plan. Mr. Culp reported that over the next year, working with the school division, public safety, private sector, and various other broadband stakeholders, they will use the funds to develop a comprehensive community-based telecommunications plan, setting the course to bringing affordable, reliable high-speed internet to all Albemarle County residents and business. He stated the plan is intended to define their telecommunication goals and to structure their plan to achieve them, directed by the Commonwealth and with input from partners, citizens and others. Mr. Culp said the plan will contain 10 distinct sections and will be developed over a period of nine months, with work starting as soon as consultants are selected through an RFP process approved by the Commonwealth. He thanked the Commonwealth, the school division, the County Attorney's office, the ECC and public safety departments, the Planning Department, the Thomas Jefferson Planning District Commission, the Center for Innovative Technology, local telephone and internet service providers, UVA, PVCC, the Chamber of Commerce, small business owners, citizens such as Bebe Williams, and many others who have contributed to the effort.

Ms. Dittmar thanked Mr. Culp and his team for their work on the grant, stating that it puts them one step closer to their goal of deploying broadband for businesses and citizens in the rural area.

Ms. Palmer thanked both Mr. Culp and Ms. Dittmar for their efforts.

Ms. Mallek asked if the work being done under this grant will generate an accurate propagation map. Mr. Culp responded the goal is to get a corrected map, but he cannot say for certain that it will be an outcome, although they will at least have the accurate information that comprises the map.

Ms. Dittmar stated that it will at least map their assets to the greatest extent possible, without providers offering what they consider to be competitive information.

Agenda Item No. 8. Community Development Department Work Plan (deferred from October 7, 2015).

The Executive Summary, as presented by staff, states that a proposed work program was reviewed and discussed by the Board in October, 2015. That report is provided as Attachment A. Following its discussion, the Board showed an interest in an expanded work program and requested additional information on staff resource capacity needed to undertake potential work program initiatives beyond what was submitted. The purpose of this work session is to review that additional information with the Board and to seek endorsement of a work program.

Staff has analyzed each of the requested initiatives and compiled the information set forth in this Executive Summary and Attachment B. Attachment B provides a list of the initiatives and the resources anticipated to complete each initiative, expressed both in terms of work hours and full time equivalents, assuming the work is done in one year. Additionally, the far right column of the chart includes

staff's estimate as to whether the outcome of each initiative is likely to increase or decrease future resource demands. That is to avoid the Board being surprised to find an initiative may result in additional requests for staff. Staff is not providing an estimate of what the future resource demands will be, as the extent of those demands will be determined by future program decisions. However, this becomes important in considering future capacity. For example, staff notes a recent news article that stated Richmond's proposal for transient lodging would require 3 FTEs to administer. If the transient lodging initiative in the County requires 1 FTE to administer, implementing this new program would require that a choice be made between: 1) adding staff to Community Development, 2) ending something else, or 3) some combination of the two. There was some question as to whether the Board wanted staff's analysis of the Dark Skies initiative, so that information is provided separately at the bottom of the table. Please note there may well be staff impacts in other departments outside of Community Development. Community engagement, for example, is becoming a central part of policy development and should be expected to be integral to any new community development initiatives. Similarly, the County Attorney's Office will be obligated to provide essential legal support in conjunction with policy implementation and code enforcement.

As noted in Attachment B, working on all of the initiatives would require between .75 and 1 full time employee (FTE). This would be accomplished by first training a new planner to assume basic responsibilities, then freeing experienced staff to spend time on the initiatives. The Community Development Department (CDD) has recommended a new planner as its highest priority for FY17. Assuming this position were funded for FY17, CDD anticipates it could be filled in 2-3 months and the new planner would need a minimum of six months of training before freeing others to work on these initiatives. Paradoxically, during that training period, work capacity goes down rather than up, as time must be diverted to training the new person. This timeline makes the increased capacity available early in calendar year 2017. Alternatively, the Board may choose to re-prioritize work activity previously identified in the work plan in order to free up existing capacity to address new priority initiatives. Any re-prioritizing of current capacity would require a corresponding adjustment to the work plan. Please note the Work Plan initiatives timeline included as Attachment C. Finally, staff has estimated the Crossroad Community plans would require .5 FTE of a Rural Areas planner for approximately three years to complete seven community plans. A Rural Areas planner has also been prioritized for FY17 and it is assumed that this work would commence when that position is filled.

The October work program was developed based on currently available resources, without any assumption of additional funding. Adding a planner for implementation of the proposed initiatives is estimated to have a FY17 expense of \$73, 417 and ongoing annual expense of \$68,967. The Rural Areas planner needed for the Crossroad Communities would have a similar expense. Any additional staff resource impacts, as noted in the discussion above, have not been quantified.

Staff requests that the Board review the provided information, note any desired changes to the work program, then direct CDD staff to proceed with the implementation of the work program. Work on new initiatives would begin as the capacity became available either through the addition of a new staff position and explained above or through the re-allocation of current staff resources and corresponding adjustment to the anticipated timing of identified work plan priorities. Staff believes that any decision to increase funding for new staffing should be made in the context of the 5-Year Financial Plan and annual budget process.

Mr. Mark Graham, Director of Community Development, addressed the Board and stated this is a follow-up to the previous month's discussion and direction, and the plan was to assess the Board-requested initiatives and set the direction for the work program and the outlying years of 2017-2020. He stated that from the October meeting there were priorities listed and scheduled related to the Board's strategic plan, and there was no desire expressed to modify those schedules although the Board had added a number of initiatives to be considered, including the implementation items following the economic development assessment, rural area small churches, drive-through windows, the dark skies and lighting provisions, transient lodging, rural area events, stormwater, wineries, breweries and distilleries, and crossroad communities. Mr. Graham stated that staff has included with its report an outline of what they saw as the work required with each task, and he had noted the cumulative FTE those tasks equates to, as well as, the impact on resource demands for staff. He noted that staff has looked at crossroads communities and assessed there are seven communities as an ongoing effort by a half-time staff person for at least three years. Mr. Graham stated the dark skies item is a bit of a question mark, with 124 total hours needed as requested by the Planning Commission for the research that will yield a conceptual framework, and an additional 100 staff hours to formulate an ordinance that can be vetted.

Mr. Graham stated the resources needed to do the additional work will be part of what was applied through the FY17 budget process, and in April 2016 they will know they had the funding available and advertise for the position, which would then backfill for other more experienced staff. He said they also considered using a consultant, which shortens the amount of time needed, and that person can take over some of the ministerial functions that will free up staff. Mr. Graham noted that it would also be easier to end a contract with a consultant than a staff person, but consultants are much more expensive and previous use of them to write ordinances or master plans had been a dismal failure, with staff having to rewrite in the case of Crozet and Places 29. He stated it would not include future capacity, which is pertinent to the question of whether they see the new initiatives resulting in an increased resource demand, and there will always be additional costs related to oversight and management of consultants.

Mr. Graham referenced the information provided in his staff report and the impact on the FY17 budget, adding that the Board needs to consider the future resource demands needed for

implementation, as additional resources will be needed above and beyond what are currently available, whether the Board sees this as a one-time effort or expansion of ongoing programs, and whether there are specific initiatives they desire be pursued. He stated if there are select measures, it would be helpful for the Board to prioritize them.

Mr. Boyd asked Mr. Graham for a refresher as to why it takes so long to do things such as ordinance modifications, as in the case of rural churches. Mr. Graham responded that with rural churches, about 40 hours of staff time was needed to develop that ordinance, but it is also anticipated that there will be a public process to solicit comments from the community, including public hearings. He said there is also additional time needed for wrap-up and implementation, and when adding all of those hours together the entire process is estimated to take just over 100 hours.

Mr. Boyd commented that the time frames are due to their regulatory requirements, and stated the Board is an elected body representing its constituents, not to let everyone come in and comment on every issue in terms of how they feel things should be done.

Ms. Palmer stated the community wants to be involved in the decision-making process, and if the Board cuts them out they will be unhappy.

Mr. Boyd said the majority of the County's 108,000 people do not come before the Board on these items, only a small group with a special interest or involvement with those items.

Ms. Palmer and Ms. Mallek expressed the input is usually related to those topics.

Ms. Mallek stated that one clarity they need to provide for Community Development in several of these issues is the exact question that needs to be asked, not redoing everything related to things such as rural area churches. She said if they can refine the question related to an application it would probably limit the amount of input, and if it is a broad question or new construction that will be different.

Mr. Graham explained they had gone through a fairly involved process for a small rural area church the previous month, which was new construction, but even if it had been an expansion of use by right, all of the things that require the Board to place conditions will no longer be there and the neighbors will not have a basis for levying concerns. He stated the scope of the question is where they should cross the threshold between something that should be allowed by right versus something that should have an opportunity for discussion.

Ms. Mallek said she is referring to the 150 square foot storage shed, such as what they had encountered with Lebanon, and the other example was Grace Episcopal, which was a bigger addition and had additional review because of VDOT's requirements. Mr. Graham said it would be great if there was universal agreement on what the threshold was.

Ms. Mallek stated when there is expansion of a building for use by humans for things such as classrooms that should be one category, with a lawnmower shed being a different category.

Ms. Palmer asked if the Board should be trying to reach some agreement on what they were talking about. Ms. Mallek responded they should not be sending Mr. Graham to work on it without clarifying those points.

Mr. Foley said if they are able to define an issue very narrowly, the question is whether staff can just process a change to the ordinance.

Ms. Mallek stated the clarification to be made is if it changes the amount of time spent by staff, because the Board would only be asking for a narrow change.

Ms. Palmer asked if it is the shed that has prompted this concern. Ms. Mallek and Mr. Boyd said that sheds have been problematic numerous times.

Mr. Graham stated there have been instances besides the shed items, such as a church trying to add a small space for a bathroom, so there will need to be a determination as to where to draw the line past which Board consideration is required before an application can proceed.

Mr. Boyd said they had already contemplated all of this with country stores, and he does not understand why they need to reinvent the process. Mr. Graham stated it would be great if they could just copy that as a basis for the rural area churches.

Ms. Mallek said that parking and plumbing improvements would be starting points. Mr. Graham noted this is why they have time for the research and analysis on the front end, to look at all of the possible issues, and they will not have that until they do the research. He stated that work sessions are used for Board direction, but staff needs to do enough research and analysis up front to ensure they have a handle on the issues.

Mr. Foley said the Board can certainly narrow this down so the ordinance change is just about sheds, which will dramatically reduce the review process, but his guess is that they would want to handle all of the other related issues comprehensively.

Mr. Wayne Cilimberg, Assistant Director of Community Development, stated that what had been seen over time is that fairly straightforward ZTAs are worked out with the Planning Commission, and if the Board is most interested in having amenity changes not be subject to a special use permit, staff can work with that and go to the Planning Commission to get a new resolution from them. He pointed out that small changes to historic landmark churches can be a big deal, depending on how they are done, so staff wants to make sure they are not closing the door on a review the Board wants. Mr. Cilimberg said it takes a little bit of time to prepare staff reports, have an item go to the Commission, and set a public hearing, and it was not that an item needs to be staff-intensive, they just need to be sure not to miss anything and take the time to work through the sequence of things that needs to be done.

Mr. Davis stated it is the unintended consequences that come back to haunt the Board, and the special use permit for churches was established in the 1980s to get them out of being nonconforming uses, so there are actually two classifications of churches: nonconforming, and those with special use permits. He added there are also new federal regulations pertaining to rural area churches.

Mr. Boyd said he agrees with the point about unintended consequences, but was reminded of the extensive process taken for the church at Stony Point to add a small addition and a bathroom. He asked why they cannot just follow the same process as the country stores, because he attended a meeting for the church and the only people in attendance were congregation members, so it seems like a useless step.

Mr. Davis said that Community Development learns from the process being done and builds on those things, but there are still requirements that need to be followed.

Mr. Boyd commented that perhaps there were unintended consequences when the Board decided to require community meetings on every project.

Ms. Mallek said there can be fewer staff people attending the meetings.

Mr. Foley noted that Albemarle believes in an involved process, and he was surprised when he arrived 16 years ago at the level of input, but that has been an important principle.

Ms. Dittmar stated they do have a transparent engagement process, and they have made additional efforts over the past several years to alert people to opportunities for input. She said that going forward they might see the need for more or less input on specific items, but they are still finding their way.

Mr. Foley said that since they had last discussed the work plan, economic development had been incorporated within current staffing, with two positions identified that could be submitted during the budget process to accelerate the pace of the other items, but that would be prioritized among other budget requests.

Ms. McKeel asked Mr. Graham if building maintenance code, which is an additional item on his list, can work in tandem with the Board's strategic priority of urban area revitalization. Mr. Graham responded there is some overlap, and staff is working to get the items from the Board retreat before them as specific proposals.

Ms. McKeel said she had also seen "economic development" listed as two separate categories. Mr. Graham clarified that staff has included it as a placeholder, as the Board has prioritized an economic development assessment, and staff anticipates that specific tasks for Community Development will emerge from that process, but it is unclear how much work will be involved.

Mr. Foley said that on December 2 they will be reviewing a full process of developing an economic development strategic plan, and the priority item already identified in that area is completion of a comprehensive site assessment.

Ms. Mallek stated she is not sure what they will have the ability to do in terms of urban revitalization, so that is a future question for staff. She said the Matters from the Public item is an indication of what they are going to face in terms of rural area events, and if they do not address the issue quickly, then all of the planning for Community Development time will be in jeopardy as they will be responding to these concerns. Ms. Mallek said there is a need to clarify the intent of the original ordinances and the refinements made last year, and she knows there had been a draft of text done in the spring so she hopes that can come forward quickly instead of waiting until 2018 as shown on staff's chart.

Ms. Palmer asked if they have some recourse now, in light of the recent change by the state legislature. Ms. Mallek responded that it does not affect events, and the issue is related to the County's own event ordinance.

Ms. Palmer said that her understanding is that all anyone has to do if they want to hold wedding events is to become a farm winery.

Mr. Davis explained that the Virginia Farm Wineries Act has created some mandates on localities in terms of their obligation to allow farm wineries to hold events that are "customary, usual, and promote the sale of wines." He stated that Albemarle's ordinance tried to come into compliance with that and took a leadership role in how it was applied, and it has been modeled by other localities. Mr. Davis said that the challenge is that the state determines what a farm winery is through their licensing process, so staff

needs to look at that and see whether or not there can be other layers to ensure that a farm winery is promoting an agricultural use and that the events meet the criteria. He noted this is complicated and is under a microscope by the industry, and it is unfortunate that it has unintended consequences under the state mandate. Mr. Davis said that Mr. Graham and Greg Kamptner have already done a significant amount of work on this, and staff is bringing a revised ZTA before the Board in the near future that attempts to address some of these issues.

Ms. Mallek responded she has heard from staff that this will need to be reprioritized in order to move forward at all, and said the legislature does not preclude the County from using health and safety standards, but they do not have enough standards in which to apply it. She said the bona fide agriculture is something they can apply and has been suggested by members of the winery community as a way to protect them and the County from the end run that is getting ready to happen.

Ms. Palmer asked Mr. Graham to comment on this.

Ms. McKeel said there are two items that will reduce resource needs, and suggested that it might be advisable to prioritize those first in an effort to free up staff's time: the rural area churches and the by-right drive-through.

Mr. Foley said the key to that is those items cannot be accomplished without additional staffing.

Mr. Graham stated those items are accelerated ahead of others, and staff is trying to do the smaller things that frees up resources first in order to provide additional capacity later. He noted they are trying to get both of those items done in 2016, with the drive-through item expected to be done very quickly based on the outcome of their November 11 meeting.

Ms. Mallek said she had interpreted the column of "needs more resources" as meaning that it will require more resources after changes are made, and she wants to know if it means that more staff is needed for the ordinance rewrite.

Mr. Graham stated he does not know that it will reduce the staff workload because they are going to have to analyze whether each business is legitimate and deal with the violations of those that are believed not to be legitimate, and it could potentially increase the workload.

Ms. Mallek said her goal is to have really clear standards so that people who do not qualify will not even start.

Mr. Cilimberg stated they will still need to review the records submitted from the businesses that apply, so there is work involved in any case.

Ms. Dittmar asked if they want to weigh in on prioritization at this point.

Ms. Palmer said she does not feel she has all of the information, as this discussion is bringing up a lot of questions that she needs to have answered on the side.

Mr. Foley stated that staff has put forth a list of priorities based on past actions and prior Board direction as of October 7, with economic development being the only additional item moved over the line, but there can be additional items prioritized if more resources are added or items are moved down on the list in favor of other priorities.

Ms. Palmer said she has some additional questions related to farm wineries, but she does not want to take up another hour so they can bring it up during their budget discussions after things are more fully understood.

Ms. Mallek said there will never be an hour better than the one before them now, as they have been trying to address the farm wineries issue for five years yet they never quite get it nailed down.

Ms. Dittmar asked what the best way is to have this discussion, offline so the priorities can be researched and resources assigned. Mr. Foley stated if there is a desire to get additional priorities done, staff will have more research for the Board as part of the budget process, as that will be required as part of funding requests.

Ms. Dittmar said that individual Supervisors can seek additional information from staff on specific items, and asked how they will bring those items back.

Mr. Graham suggested that staff start on the items presented as priorities and that individual Board members work directly with him. There is a lot of information behind the summaries, and he can make sure he is properly framing their interest in the issues and to explore some options with them.

Mr. Boyd asked if it will be possible to establish a "strike force" of staff members within Community Development that can be available to respond to changing Board priorities, such as rural area churches. He said staff will have to let the Board know which staff assignments will be impacted by the change, but that is to be expected.

Ms. Mallek stated they had done this several years ago with farm stands and signs, and it was very effective although it likely caused some disruption internally.

Ms. Palmer suggested making a motion to approve this as presented, then during the budget season they can tweak it.

Mr. Sheffield noted they will also have two new Board members in place.

Motion was then offered by Ms. Palmer to adopt the Work Plan as presented. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: None.

Mr. Boyd suggested that the Board discuss the proffer item he had raised, since the appropriate staff is present.

Ms. Dittmar agreed, but pointed out that they have to stop at 4:00 p.m. sharp for closed meeting.

Discussion: Outdated Proffers.

Mr. Boyd stated the issue arose because of a proffer made with the original developer of a property at Pantops to close a particular road if another cross-section road was put in, and there was discussion as to whether it was required by VDOT or the Planning Commission. He said VDOT has said it is not that important of a proffer for them to have done now, and it will definitely impact businesses because just a recent temporary closure has caused a 50% drop at one business due to some directional signage problems. Mr. Boyd clarified the location of the road is on Route 250 at the new entrance to Chick-Fil-A, which is a right in/right out only. He stated the bigger issue is the fact that this proffer and perhaps others may not make sense anymore and may no longer be required.

Mr. Davis explained when a proffer is offered, it becomes part of the Zoning Ordinance and is treated just like any other zoning regulation. He said that under state law there is some flexibility in how proffers can be amended, and a proffer amendment is not required to have a public hearing or recommendation by the Planning Commission, but by County policy in the ordinance, they are automatically sent to the Commission for a public hearing and recommendation. Mr. Davis said that additionally, under legislation adopted a few years ago, an amendment to a proffer at the Board level is not required to have a public hearing if the proffer does not affect the use or density of the development. He stated the current process is that a proffer amendment is handled like any other zoning matter, with full public hearings by both the Planning Commission and the Board, but that is not required by state code. He said the down side of changing the process is the lack of public input, and it is hard to predetermine the impacts that proffers may or may not have on adjacent properties.

Mr. Cilimberg stated the initiative to amend the proffer cannot be an initiative of the staff or Board, it must be the applicant. Mr. Davis confirmed that is the case, as a proffer is a zoning map amendment.

Mr. Boyd noted the road in question had been closed the day before, but it brought up the bigger issue of dealing with outdated proffers, and the property owner said that according to VDOT it will cost him \$15,000 a year for signage to direct people to his business.

Mr. Davis stated the procedure would require the property owner to identify something that is no longer relevant and consult with staff as to what the remedy would be, and if that involves removing the proffer then staff can provide that direction.

Mr. Boyd mentioned that in his specific example, the business person is not the property owner, he is just leasing the property.

Mr. Davis stated that hopefully those issues will be identified in a zoning review, and he is not aware of this being a pervasive problem, with most proffers as part of a development plan having other means by which to be changed.

Mr. Sheffield commented that he expects a lot more stale proffers to emerge in the future, as the recession has led to redevelopment of properties that would likely have proffers attached.

Mr. Cilimberg stated that what tends to happen is that on a case by case basis staff will get approached about a "stale proffer," and they will need an application to get started. He said what the Board will need to decide is whether they can run an expedited process that will allow a decision to get made much more quickly.

Mr. Sheffield suggested that staff come back with ideas to help the Board address this.

Mr. Davis said that at the end of the day it is a legislative act, and the Board has to adopt a zoning map amendment to amend a proffer, and the only way to expedite it being waived or changed is in the process leading up to it.

Mr. Sheffield suggested having staff come back with what those options could be, either a committee approach or a short process.

Mr. Boyd said he is fine with that.

Mr. Graham said it will be relatively informal, without staff reports.

Mr. Foley stated that staff will do an abbreviated process.

Agenda Item No. 9. Pantops Public Safety Station Community Engagement.

The Executive Summary, as presented by staff, states that following discussions at Board meetings in June and July 2015, the Board voted on August 5 to proceed with the design of the Pantops Public Safety Station in FY2016. During the August 5 discussion, Board members expressed strong interest in forming a work group to creatively partner with stakeholders from the Pantops community on initiatives related to the new facility, including volunteer recruitment and retention, community support and ownership, and future public safety needs and initiatives. The Board also acknowledged the importance of involving members of the County's Fire Rescue system in decisions regarding operational issues. Following the vote, Board members asked staff to come back with a recommended approach for engaging the community, including the creation of the appropriate work groups.

A draft community engagement plan is attached (Attachment A) for the Board's consideration. The plan includes the engagement of two specific work groups and the general Pantops community regarding the design, construction and operation of a new public safety station. The two work groups are outlined as follows:

- **Pantops Public Safety Station Stakeholders Work Group** - A group of community representatives to align mission and objectives and to help identify broad goals, framework and strategies for partnerships to maximize the positive impact of the new station. Details on roles and responsibilities, membership and work products are outlined in the attached plan.
- **Pantops Public Safety Station Coordinating Work Group** - A group of Fire & EMS (FEMS) Board members and staff charged with guiding the staffing and operations strategy for the new station. Details on roles and responsibilities, membership and work products are outlined in the attached plan.

There is no budget impact related to this Executive Summary.

Staff recommends that the Board direct the County Executive to implement the attached Community Engagement plan, beginning with the formation of the two designated work groups to ensure the Pantops community's active engagement in the earliest stages of the new public safety station.

Fire Chief Dan Eggleston addressed the Board, stating that he and Lee Catlin will discuss the community engagement plan for the Pantops station. Mr. Eggleston said they had held a meeting on August 5 at the time the Board approved moving forward with design of the station, and a lot of good ideas and suggestions were brought forth, but it was clear that a plan was needed to guide them in the process. He stated that he and Ms. Catlin have developed a plan that establishes two distinct groups: a stakeholder group and a coordinating group. Mr. Eggleston said the proposal for the coordinating group is for them to meet and help develop recommendations on staffing and operations, with a focus on maximizing the use of volunteers. He noted this group would be comprised of Albemarle County Fire Rescue staff, East Rivanna Volunteer Fire Company representative, and the Office of Facilities Development. Mr. Eggleston stated he has already shared this with FEMS Board members and they are supportive of the idea, with appointments made as early as their December meeting.

Ms. Lee Catlin, Assistant County Executive, addressed the Board, stating the stakeholder work group will engage stakeholders in the Pantops community to talk about community support and ownership, volunteer recruitment and retention, and initiatives that would extend the positive impact of the facility once it is in place. Ms. Catlin said in addition to the coordinating group, as Mr. Eggleston mentioned, there is also a stakeholder work group that will embody that creative partnership opportunity. She stated the charge of that group will be to work with staff to provide suggestions and guidance for establishing positive and productive partnerships to maximize the positive impacts of the station, give guidance on volunteer recruitment and retention, and to promote ownership in the general Pantops community. Ms. Catlin said the Executive Summary outlines expected work products for this group, membership selection possibilities, suggesting that they be appointed by the County Executive, and stakeholders from the Pantops Community Advisory Council, JABA, State Farm and Westminster Canterbury.

Ms. Palmer asked what the delineation is that has members appointed by the County Executive as opposed to the Board. Mr. Foley responded that it is just a method that Boards have used in the past to avoid a lot of process in terms of meeting advertisement and so forth, so their approval of this plan would mean approval of the appointees as stated, but they can make it a Board-appointed group if they desire.

Mr. Boyd asked why the Pantops Community Advisory Council would not be used for this. Ms. Catlin responded that the council already has a pretty active schedule and staff's sense has been that the Board wants a focused group on this, with members of the council suggested as being members of this group.

Ms. Palmer stated there is a new Rivanna District Supervisor coming on, and that is why she had asked the question about how the committee is being established.

Ms. Mallek said it would be challenging for a new Board member to appoint a person to this, and her question is whether the businesses represented on the committee understand the expectations as to their role as partners in the creation of the new station.

Ms. Dittmar stated it would be reflected in the charge. Ms. Catlin said they will make that clearer in the charge.

Ms. Palmer said she would like to keep the door open as to whether the new Supervisor has particular individuals that he would like to serve on this committee.

Ms. Dittmar asked if there is input needed on membership selection and process. Mr. Boyd responded that it makes sense to have this be a County-manager appointed committee, but the Board can define who the people are.

Ms. Dittmar asked if Stony Point should be added to East Rivanna for membership in the coordinating workgroup, as including them keeps them on the inside. Mr. Eggleston responded that East Rivanna is the station currently serving Pantops and he would like to have the FEMS Board work on this, but they can certainly make the change in language.

Ms. Catlin also agreed to tighten the language related to the charge.

Ms. Mallek asked if they are looking for this to be a County-supported station or a volunteer station. Mr. Eggleston responded that they would be looking at their experience at Ivy to maximize use of volunteers, and they would likely have to scrutinize it further before answering that question.

Ms. Catlin added that she will reach out to the newly-elected Supervisor, Norman Dill, to get his input on the membership piece.

Ms. McKeel then **moved** to direct the County Executive to implement the proposed Community Engagement Plan, beginning with formation of two designated work groups to ensure the Pantops Community's active engagement in the earliest stages of the new public safety station, to include representation from the Stony Point Station to the Coordinating Work Group. Ms. Palmer **seconded** motion.

Ms. Mallek stated that she wants to ensure a balance of membership with the coordinating group, as the whole basis from investing in the Ivy station was the presupposition that it would be volunteer run.

Mr. Eggleston noted the proposal will go before the FEMS Board before coming back to the Board of Supervisors, and emphasized that the Ivy Fire Station effort was tremendous, with volunteers serving there all the time.

Ms. Mallek said she wants Pantops to have a community approach, and if people assume someone else will pick up the slack they will be less inclined to put in effort.

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

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: None.

Community Engagement Plan – Pantops Public Safety Station, October 2015

Project Description:

This project involves engaging two specific work groups and the general Pantops community regarding the design, construction and operation of a new public safety station for the Pantops area. The two work groups are defined as follows:

- Pantops Public Safety Station Stakeholders Work Group – A group of community representatives to work with staff and the Board to align mission and objectives and to help identify broad goals, framework and strategies for partnerships to maximize the positive impact of the new station
- Pantops Public Safety Station Coordinating Work Group – A group of FEMS Board and staff charged with guiding the staffing and operations strategy for the new station

Milestones and Decisions by the Board to date:

- Board has authorized design phase of the facility.
- Board has already determined cost and scope of the new Pantops facility.
- Site has already been identified.
- A daytime career staffed ambulance is currently operating out of the Martha Jefferson Hospital and will transfer to the new station when completed.
- Board has directed the formation of a community engagement process including a stakeholders work group to align mission and outcomes and to identify partnership opportunities.

Critical Issues:

- The Board of Supervisors is interested in exploring partnership opportunities that can best increase community buy in/ownership and leverage the positive impact of this new public safety asset.

- Volunteer recruitment and retention is a priority.
- Project design and construction guidelines need to be determined by fire rescue staff with input from FEMS partners.
- Project budget and site constraints set significant limits as to design and space usage possibilities.
- The Pantops community needs to be informed about and aware of the progress of the station's design, construction and ultimate operations to promote community support of the new facility.

Public Participation Goals:

- Establish a stakeholders work group that will work closely with County staff to identify broad goals for public/private partnerships that can advance the mission of the station, promote volunteer recruitment and retention and build community support and ownership.
- Establish a coordinating work group that will guide station staffing and operations strategy.
- Keep the community aware of and updated about the design and construction process for the station.

Roles and Responsibilities:

- **Board of Supervisors** – The Board has the final decision making authority for station scope, including overall capital and operating budget.
- **Staff** – Staff will work with the Stakeholders Work Group and the Coordinating Work Group; provide complete and up to date information to keep the community informed; communicate any critical feedback to the Board; ensure that staffing and operations strategies align with currently established policies and procedures to maintain seamless and effective public safety services.
- **Pantops Public Safety Station Stakeholders Work Group** – The Stakeholders Work Group will provide suggestions and guidance for establishing positive, productive partnerships that will maximize the positive impact of the station, give guidance on effective volunteer recruitment and retention strategies, and give guidance on the best ways to reach out to and engage the general Pantops community.
- **Pantops Public Safety Station Coordinating Work Group** - The Coordinating Work Group will provide professional expertise and guidance during the development of the station's staffing and operations strategy.

Expected Work Product:

The Pantops Public Safety Station Stakeholders Work Group is expected to produce recommendations regarding mission alignment, community outreach and partnership opportunities related to the new Pantops Public Safety Station. Specific strategies and actions will be developed by the Work Group to correspond with significant project milestones.

The Pantops Public Safety Station Coordinating Work Group is expected to work with County Fire Rescue staff to provide guidance and feedback regarding technical aspects of the station, including staffing and operations strategy.

Membership Selection

The Pantops Rescue Station Stakeholders Work Group will be appointed by the County Executive and will be composed, at a minimum, of the following representatives:

- Two members of the Board of Supervisors to serve as liaisons
- One member of the Pantops Community Advisory Committee
- One representative of the Martha Jefferson Hospital
- One representative of Westminster Canterbury
- One Pantops commercial business representative
- One representative of JABA
- One representative of State Farm
- One property owner representative
- Albemarle County Fire Rescue Chief
- One representative of the Albemarle County Police Department
- One representative of the Albemarle County Executive's Office

The Pantops Rescue Station Coordinating Work Group will be appointed by the County Fire Rescue Chief and will be composed, at a minimum, of the following representatives:

- Representatives from the County Fire Rescue Department
- Representatives from the FEMS Board including East Rivanna Station and Stony Point Station

Representative(s) from the Office of Facilities Development

Agenda Item No. 10. Ivy MUC – Transfer Station Upgrade.

The Executive Summary, as 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 part, the evaluation of alternatives for the continued use of the Ivy MUC has been driven by the need to bring the facility into compliance with applicable Virginia Department of Environmental Quality (VDEQ) regulations. Those regulations require that the transfer station operation be covered to prevent the waste material from being exposed to precipitation.

The Ivy MUC is owned and operated by the Rivanna Solid Waste Authority (RSWA) pursuant to an operating agreement involving RSWA, the County, and the City of Charlottesville. RSWA holds the VDEQ permit governing the transfer station operation and is guided currently by a Letter Agreement with the VDEQ to prepare and present by December 31, 2015 a detailed plan for bringing the transfer station into regulatory compliance. The RSWA and the County have been working collaboratively to develop viable alternatives for consideration by the Board and the RSWA that will address the compliance issues and retain the Ivy MUC's use as a transfer station.

Following a discussion of transfer station options at its meeting on March 11, 2015, the Board reached consensus regarding the need to work closely with RSWA to refine the scope and estimated costs for options that involve the modification of the existing facility, as well as options that require the development of a new facility on a portion of the Ivy MUC property referred to as the "western site." Further, recognizing that the RSWA is the owner of the property and the holder of the VDEQ permit, the Board directed staff to determine if there was opposition by the RSWA to one or more of these options so that the Board could have that input prior to a final determination. As part of its March 11 discussion, the Board indicated little interest in a larger, 15,000 plus square foot new transfer station facility. Accordingly, staff and RSWA have not evaluated that alternative further.

The purpose for this meeting is for the Board to indicate its clear preference for one of four options for upgrading the Ivy MUC transfer station. Doing so will give clear indication of the level of investment desired by the Board for this facility for financial planning purposes and will enable the County to continue its work with RSWA to resolve all issues that have bearing on the development and submittal of a detailed plan to VDEQ by the deadline of December 31, 2015.

The options being considered by the Board are detailed in the Draper Aden Associates final report that was presented initially to the Board on October 7, 2015. The final report is attached (Attachment A). This report, prepared in close collaboration with key representatives of RSWA and with Supervisors Palmer and Mallek, provides a comprehensive assessment of four basic options - two of which involve modifications to the existing transfer station facility and two of which involve the construction of a new transfer station facility on the "western site" as previously described. The report includes the identification of key assumptions that inform the assessment of the four options and provides relevant background information regarding the changes in the use of the facility over the last several years. The report also contains summary descriptions of the options under consideration, a comparison of key aspects that may be meaningful in the relative comparison of the options, and detailed cost estimates for each option related to both capital and operating impacts. The report also includes preliminary site plans and building elevations so that the Board can better visualize how the various options will "fit" on Ivy MUC property.

Planning level *capital* cost estimates for the four distinct options under consideration range from \$750,650 to \$2,587,200. The County currently has \$1.2M in the FY16 Capital Budget for use on this project, which could be used to offset in whole or in part the capital portion of any of the four options.

Preliminary *operating* cost estimates vary for each option, depending upon key assumptions involving multiple factors including, but not limited to, debt service/amortization and depreciation, compaction and associated haul weights, personnel requirements, tonnage received, and the assumed useful life of the facility.

Given all represented assumptions, including using debt service for the capital investment, the estimated total annual net cost to the County ranges from \$493,612 for option 1A to \$696,512 for option 2B.

The RSWA FY16 budget includes \$351,426.50 in County funding support for the Ivy MUC transfer station operation. When comparing this FY16 budgeted contribution to the estimated total annual net cost to the County, the resulting increase in projected annual cost to the County is as follows:

Option 1A - \$142,165.50
Option 1B - \$235,285.50
Option 2A - \$300,085.50
Option 2B - \$345,065.50

Please note that a capital fund cash contribution could be used to reduce or eliminate the need for debt service, depending on the specific option selected.

Staff recommends the Board select its preferred option for upgrading the transfer station facility at the Ivy MUC. Doing so will enable the County to indicate its clear preference to RSWA and to then focus timely attention to resolving any outstanding issues pertaining to the governing Operating Agreement so that RSWA is able to develop and submit the project plan to VDEQ by the deadline of December 31, 2015.

Mr. Doug Walker, Deputy County Executive, addressed the Board, stating this issue has come before them several times over the past two years, most recently in October when they were presented with a final report on four scenarios for upgrade to the transfer station at the Ivy MUC. Mr. Walker said the presentation was preceded by consensus and conversation in March when the Board expressed interest in evaluating those scenarios that addressed modification to the existing operation and consideration of a new facility to improve the transfer station operations. He noted the Board was well

aware of the relationship between the County and the Rivanna Solid Waste Authority, their ownership of the property and permit, and the DEQ requirement that the operation be covered, and the December 31 deadline to bring the DEQ a detailed plan for how that will be accomplished. Mr. Walker stated that there had been a lot of work involved in this process to bring them to this point, with the intent of the last month being to offer the Board time to contemplate the October report and come to a decision at this meeting.

Mr. Walker introduced Lynn Klappich of Draper Aden and Glen Reynolds of Reynolds Architects, who have been working with County staff in conjunction with RSWA staff on the information provided. He noted that they would not be providing any new information at this time, but could reference the report already presented.

Ms. Palmer stated this had been a long process and she recognized staff for their work. She said the Ivy MUC is an important community asset and she had been unaware as to the level of that importance because previous Board discussions had focused on the reduction in tonnage over the past several years. Ms. Palmer said that large compacting trucks were going out of the County and using private transfer stations, but Ivy continues to serve a lot of residents and small businesses. She stated she had asked the RSWA to provide the number of vehicles that had passed over the scale from January 1 to October 31, 2015, and almost 29,000 vehicles had crossed the scale, not including the "tag and bag" people who did not cross the scales and just threw their items in the dumpster. Ms. Palmer emphasized they are not trying to compete with private companies, but instead are trying to provide an important service to the community. She added this service is very important to small businesses, and several small businesses have indicated they would go out of business if they did not have this service, with masonry and construction companies using the site for clean fill at \$8 per ton, much less than what private transfer stations charge.

Ms. Palmer stated she is very much in favor of the building addition to the site and the passive load system, which eliminates the compactor and cleans up the area for other uses. She said she feels the facility should be accepting paints, but that is something to be decided in the future. Ms. Palmer stated she supports Option 2B to do the larger building with a 10,000 square feet tipping floor, which will provide them with 2,500 square feet for a small recycling facility, and she is hoping the rest of the Board will agree to go along with that option.

Ms. Mallek stated she also supports 2B, and said the Board has heard residents from the Whitehall District come and talk about how important this is as a location for a collection center, and the need for a recycling center, which had money allocated for a Crozet recycling center in 2008. She said if they proceed with Option 2B, they will have the current paved area where much better recycling operations can happen. Ms. Mallek stated she has learned that trucks have been doing long-distance hauling at great expense, not full because of the way the mixture of materials is loaded, with mattresses and stumps and other materials that limit capacity. She said this kind of building will allow for separation of those kinds of materials, and having multiple places where people can pull up at the same time will speed up the process and encourage others to use the facility. Ms. Mallek emphasized that improvement in solid waste is a core service, and one they have not lived up to thus far.

Mr. Boyd commented that his understanding is that a small contractor can take material to a convenience center as long as their material comes from one job.

Ms. Palmer stated they can do that, but contractors are not always coming from one site and are having to come in frequently, so they need a tipping floor for those kinds of businesses. She said there are dumpsters at large construction sites which will go to the large transfer stations, then small businesses will be hired to come do the cleanup, and they are bringing that material to the convenience centers.

Mr. Boyd asked if there are hundreds of those companies. Ms. Palmer responded that she doubts there are that many, but they do not really know and there are likely many who are unlicensed.

Ms. Mallek stated they had heard from dozens in Crozet alone.

Ms. McKeel said she is also supporting Option 2B, and staff has done a significant amount of work on this.

Ms. Palmer commented the consultants have also done a tremendous amount of work.

Ms. Dittmar stated that whichever option they support, it sounds as though they will definitely meet their DEQ deadline.

Ms. Palmer said she would also like to start a public engagement plan for the area so the community can continue to have a dialogue about this.

Motion was then offered by Ms. Palmer to approve Option 2B as the preferred option for upgrading the transfer station facility at the Ivy MUC. Ms. Mallek **seconded** motion.

Mr. Boyd stated he will vote against this, because he feels it is too expensive and a previous Board had brought forth a better plan.

Ms. Dittmar noted she had met with Ms. Palmer specifically to review costs, and the difference with this option has negligible impact on taxes.

Mr. Boyd stated it is based on 50 tons per day.

Ms. Palmer clarified the financial plan is based on 30 tons per day, and 50 is provided merely as an example to see what the impact would be. She stated they are getting about 30 tons per day now, and given that the County's solid waste budget is \$354,000, which is an amazingly small amount for a locality the size of Albemarle, and lower than surrounding counties. Ms. Palmer stated the next best option is about \$110,000 less per year, and she feels this is a reasonable thing to do given their limited investment over the years in this area and the fact it is a core government service.

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

AYES: Ms. Palmer, Mr. Sheffield, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: Mr. Boyd.

Ms. Palmer said she hopes Ms. Catlin can look at how public engagement might proceed to get the community involved.

Ms. Palmer then **moved** that Ms. Catlin come back to the Board with a community engagement plan.

Ms. Mallek stated she wants to make sure the community understands they are not revisiting this decision, although she would support a process in which citizens are asked which services they find most desirable.

Ms. Palmer stated she completely agrees, but she wants to ensure the community learns what they are doing, because so many people have used this facility over the years without any publicity for it. She said many people do not know the center is even there, and it is important that they make sure they do not do something to disrupt people's lives, yet provide useful services for them.

Ms. Dittmar noted that general consensus to direct Ms. Catlin to come back with a community engagement plan would suffice, without a formal motion.

Agenda Item No. 11. 2016 Thomas Jefferson Planning District Legislative Program.

Mr. David Blount, TJPDC Legislative Liaison, addressed the Board, stating there are six priorities and three top priorities for the coming year, with the top priority for 2016 being public education funding. He stated this aligns with the legislature's position to put more money into K-12 education, with this being a re-benchmarking year when state costs are reapportioned. Mr. Blount added the Governor had indicated that K-12 education funding is his top priority in the budget he will introduce in December. He reported the other top priorities are equalized revenue authority and their stance on unfunded mandates and cost shifting.

Mr. Blount stated there is a new position under the economic and workforce development statement regarding support of business community's efforts to have the state be a catalyst in growing and diversifying the economy, referred to as the "Go Virginia" initiative. He said there is a strong focus on regionalism and regional collaboration with this initiative, involving local governments, the business community, and higher education as well as nonprofits and other stakeholders. Mr. Blount noted there will definitely be some legislation related to this, and possibly even budget initiatives related to regionalism, economic development, innovation and research, and perhaps even a capital component. He added the Virginia Association of Planning District Commissions had a group working very closely with those behind this effort. Mr. Blount said that also under the economic and workforce development statement is new language to strengthen their position on broadband, particularly to put greater emphasis on funding and incentives for broadband in underserved areas, to support linkages between the public and private sectors, and to support the sharing of utility and roadway easements.

Mr. Blount reported that under water quality there is language consistent with the County's draft position concerning state funding for BMPs, stormwater plants, treatment plants, and funding for DEQ as it works with the stormwater program. He stated the regional legislative program also includes a statement consistent with the County's in support of changes to the laws regarding noxious weeds. Mr. Blount said the last position is under public safety, addressing the use of law enforcement body cameras.

Mr. Blount stated the process going forward is for approval of the regional program from all the local governing bodies in the region, communicated to legislators, followed by discussion of the priorities, which will be held December 1 at the County Office Building. He said they have also invited Chris Lloyd, who will present on the Go Virginia initiative.

Ms. Mallek asked if the seatbelt primary item is on the list. Mr. Blount and Mr. Davis confirmed that it is.

Ms. Dittmar stated they are still a bit uncertain as to what they want to do in terms of articulating the need for a comprehensive broadband policy and implementation. She said the state of New York has set a deadline for two years, and it is an economic development, workforce training, public safety and land use issue. Ms. Dittmar stated in Virginia it has been approached in piecemeal fashion, and she hopes at the December 1 meeting with legislators they can agree on the importance of a plan and implementation.

Ms. McKeel said she and Ms. Palmer have a TJPDC meeting this week, and perhaps they can mention it at that time.

Ms. Palmer **moved** to adopt the 2016 Regional Legislative Program as presented. Ms. McKeel **seconded** the motion. Roll was then called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: None.

**Thomas Jefferson Planning District
2016 LEGISLATIVE PROGRAM
DRAFT**

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

November 2016

Andrea Wilkinson, Chairman
Chip Boyles, Executive Director
David Blount, Legislative Liaison

TOP LEGISLATIVE PRIORITIES

Public Education Funding

PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality without making policy changes that reduce funding or shift funding responsibility to localities.

The State will spend about \$5.6 billion on public education in FY16; however, K-12 state direct aid funding remains below its 2009 peak and does not reflect the true costs of local K-12 education. Localities go beyond state mandates to meet Standards of Learning and Standards of Accreditation requirements, having spent nearly \$7 billion for school division operations in FY14. This amount represents 56% of State/local K-12 funding and is \$3.6 billion above the state-required effort. A Spring, 2015 survey of school divisions revealed they have been reducing staff and adding additional duties to remaining staff; over 70% have increased class sizes and 20% have reduced employee compensation in recent years.

Reductions in state public education dollars the last four to five years have been accomplished mainly through policy changes that are decreasing the state's funding obligations moving forward. The State also made policy changes (e.g. mandatory teacher 5% for 5%) to the Virginia Retirement System (VRS) that increased local costs and did nothing to reduce the unfunded teacher pension liability. Education expenditures are expected to continue increasing, as the percentage of at-risk students climbs (now about one-third of students) and state and local VRS contribution rates will drive additional spending in the coming years.

Equalized Revenue Authority

PRIORITY: The Planning District localities urge the governor and legislature to equalize the revenue-raising authority of counties with that of cities.

A number of state-level studies, dating back as far as the early 1980's, have noted that the differences between city and county taxing authority exist due to historical distinctions in the services provided, and that they should be eliminated. This distinction has become less prevalent with increased urbanization and suburbanization, as a growing number of counties now provide levels of services similar to cities. Levels of funding, the degree of service responsibility and standards related to delivery of such services often are topics of debate between the State and localities. Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority.

The real property tax relied upon by localities is providing a smaller percentage of local resources and likely will not grow commensurate with local needs. To compensate, many localities have increased or adopted new taxes and fees and have taken significant actions to control spending.

This proposal essentially removes the caps that currently apply to county authority to levy the meals, lodging, cigarette and amusement taxes, as well as the requirement that meals taxes in counties be subject to approval by referendum. It stands to help diversify and broaden the revenue base of counties by further reducing dependency on real property taxes. We believe that, at a minimum, equalizing revenue authority for counties with that of cities should be "on the table" as Virginia examines modernizing its tax system to comport with the realities of a global, information-driven economy, which will rely less on federal and other government spending and more on new, private sector business models.

State Mandates and Funding Obligations

PRIORITY: The Planning District localities urge the governor and legislature to 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.

Locality budgets remain challenged by slowly-recovering local revenues, recession-riddled state funding and additional requirements. While state general fund appropriations have increased by about \$2.8 billion since FY09 (from \$15.9 billion to nearly \$18.8 billion in FY16), state assistance to local government priorities has remained stagnant (at about \$8.2 billion). More state dollars continue to flow for Medicaid expenditures (now 21% of the general fund budget) and debt service (where expenditures have doubled the past 10 years and will reach nearly \$700 million in FY16).

Accordingly, we take the following positions:

→We urge policymakers to preserve existing funding formulas rather than altering them in order to save the State money and/or shift costs to localities.

→We oppose unfunded state and federal mandates and the cost shifting that occurs when the State fails to fund requirements or reduces or eliminates funding for state-supported programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the State or demanded by residents.

→The State should not alter or eliminate the BPOL and Machinery and Tools taxes, or divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. Instead, as previously noted, the legislature should broaden the revenue sources available to localities.

→Finally, we believe the State should examine how services are delivered and paid for in the future as a different economy takes hold in Virginia.

OTHER PRIORITY ITEMS

Water Quality

PRIORITY: The Planning District localities support the goal of improved water quality, but as we face mounting costs for remedies, including stormwater management, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective.

As local governments are greatly impacted by federal and state initiatives to reduce pollutants into state waters, it is imperative that aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels occurs. This investment must take the form of authority, funding and other resources to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent. This includes costs associated with stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices.

Specifically concerning stormwater management, we support adequate funding and training to enable the State and local governments to meet ongoing costs associated with local stormwater management programs that became effective on July 1, 2014. Any proposed legislation to streamline the State's stormwater and erosion/sediment control programs should recognize that localities need funding and technical assistance to implement the changes. We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current "opt-out" provisions, or financial burdens on local governments.

We oppose efforts that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

Transportation Funding and Devolution

PRIORITY: The Planning District localities urge the State to continue to enhance funding for local and regional transportation needs. We also oppose legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

We urge the State to remain focused on providing revenues for expanding and maintaining all modes of our transportation infrastructure that are necessary to meet Virginia's well-documented highway and transit challenges and to keep pace with growing public needs and expectations. As the State continues to move forward with the prioritization process established by HB 2 (2014) and the new distribution formula for highway construction projects established by HB 1887 (2015), it should be focused on the goal of getting money flowing to important local and regional projects in the state's nine VDOT construction districts. Further, we support additional authority to establish mechanisms for funding transit and non-transit projects in our region.

We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast

differences among existing road systems in different localities, potentially placing the State at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

Finally, while we opposed closing of VDOT's Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property if available.

Land Use and Growth Management

PRIORITY: The Planning District localities encourage the State to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.

In the past, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

Current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. Therefore, we believe the General Assembly should grant localities additional tools necessary to meet important infrastructure needs. These include the following: 1) impact fee and proffer systems that are workable and meaningful for various parties, without weakening our current proffer authority; 2) impact fee authority for costs for facilities other than roads; and 3) authority to enact adequate public facility ordinances for determining whether public facilities associated with new developments are adequate.

We support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Finally, concerning land preservation, we request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

LEGISLATIVE POSITIONS and POLICY STATEMENTS

Children's Services Act

The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the State and local government. Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

CSA Administration:

We request increased state dollars for local CSA administrative costs, as localities pay the overwhelming majority of costs to administer this shared program. State dollars for administration have not increased since the late 1990's, while at the same time, costs have jumped due to additional data collection and reporting requirements.

Pool Expenditures:

- The State should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need.
- The State should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.
- Categories of populations mandated for services should not be expanded unless the State pays all the costs.

Efficiency:

- The State should be proactive in making residential facilities and service providers available, especially in rural areas.
- In a further effort to help contain costs and provide some relief to local governments, we recommend that the State establish contracts with CSA providers to provide for a uniform contract management process in order to improve vendor accountability and to control costs.

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely links the goals of economic and workforce development and the State's efforts to streamline and integrate workforce activities and revenue sources. We encourage equipping the workforce with in-demand skill sets so as to align workforce supply with anticipated employer demands. We also support continuing emphasis on regional cooperation in economic, workforce and tourism development.

Economic Development:

- We support efforts to grow and diversify the private sector in each region, with the State serving as a catalyst and partner to provide financial incentives, technical support and other incentives for collaboration by business, governments, educational institutions and communities to spur economic development, job creation and career readiness.
- We support legislation that dedicates income and sales tax revenues generated by corporations and limited liability companies within an economic development project to such locality in cases where the locality has expended local funds for such project and state grant funds or incentives were not involved.

Broadband:

We encourage and support continuing state and federal efforts and financial incentives that assist communities in deploying universal, affordable access to broadband technology, particularly in underserved areas. We believe such efforts should include:

- A focus on correcting the accuracy and availability of statewide broadband maps;
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences;
- Provisions that provide for sharing utility and road right of way easements for expanding broadband;
- Maintaining local land use, permitting, fees and other local authorities; and
- Development of a statewide comprehensive plan for broadband and state support for local governments that are developing local or regional broadband plans.

Planning District Commissions:

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional programs and projects, and support funds for the Regional Competitiveness Act to initiate and sustain such efforts.

Agricultural Products and Enterprises:

We encourage state and local governments to work together and with other entities to identify, to provide incentives for and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

Education

The Planning District's member localities believe that state funding for K-12 education in Virginia should recognize actual needs, practices and costs of local school divisions; otherwise, more of the funding burden will fall on local taxpayers.

School Division Finances:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to VRS in order to facilitate such sharing.
- The State should not eliminate or decrease funding for benefits for school employees.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

Literary Fund:

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs.

Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

Chesapeake Bay Preservation Act:

We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.

Biosolids:

We support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

Alternate On-Site Sewage Systems:

We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

Dam Safety:

We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.

Water Supply:

The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects.

Noxious Weeds:

We support changes to the *Code* and to the Virginia Invasive Species Management Plan that direct efforts to prevent and control damage caused by invasive species.

Program Administration:

The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

Finance

The Planning District's member localities believe the State should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy.

Local revenues:

The State should not confiscate or redirect local general fund dollars to the state treasury. It should reverse action taken in 2012, and then expanded in 2015, which directed to the Literary Fund a portion of fines and fees collected at the local level from the enforcement of local ordinances.

Fiscal Impacts:

We support reinstatement of the "first day" introduction requirement for bills with local fiscal impact.

Transient Occupancy Tax:

The State should ensure the appropriate collection of transient occupancy taxes from online transactions.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

Local Government Operations:

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose attempts to reduce sovereign immunity protections for localities.

Elections:

As elections administration has become more complex and both federal and state financial support for elections has been decreasing, we urge funding to address coming critical shortfalls in elections administration dollars and urge state funding for voting equipment replacement, as many older voting machines are exhibiting end-of-life problems.

Freedom of Information Act:

- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure, and 3) provisions concerning creation of customized records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

Quality of Life Issues:

- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services is critical. The delivery of such services must be a collaborative effort by federal, state and local agencies.

Funding:

- We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry.
- We support increased investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services.
- We urge state funding to offset any increased costs to local governments for additional responsibilities for processing applications for the FAMIS program.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

Social Services:

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We believe the current funding and program responsibility for TANF employment services should remain within the social services realm.

Prevention:

We support continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs. This would include the Virginia Preschool Initiative and the Child Health Partnership and Healthy Families program, as well as Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Childcare:

The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised daycare facilities and support efforts for families to become self-sufficient.

Housing

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Regional planning and solutions should be implemented whenever possible.

Affordable Housing:

We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

Homelessness:

We support measures to prevent homelessness and to assist the chronic homeless.

Historic Structures:

We support incentives that encourage rehabilitation and preservation of historic structures.

Green Buildings:

We encourage and support the use of, and request state incentives for using, environmentally friendly (green) building materials and techniques.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

Funding:

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from them, but increase money needed for their operation.
- We support returning funding responsibility for the Line of Duty Act (LODA) to the State. In the absence of that, we support efforts to improve the administration of LODA and to ensure the long-term fiscal stability of the program.
- We urge continued state funding of the HB 599 law enforcement program in accordance with Code of Virginia provisions.
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has cut in half the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

Jails:

- The State should restore per diem payments to localities 1) for housing state-responsible prisoners to \$14 per day, and 2) for housing local responsible offenders to \$8 per day.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.

Offender Programs and Services:

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

Body Cameras:

We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities.

Agenda Item No. 12. 2016 Legislative Priorities.

The Executive Summary, as presented by staff, states that each year the Board considers and approves its legislative priorities for the upcoming General Assembly session. The priorities inform our legislative delegation as well as the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML) of the Board's position on important legislative issues. On August 5, 2015 the Board reviewed the General Assembly's bills related to the 2015 Legislative Priorities and the Board reviewed and approved its initial 2016 Legislative Priorities. The Citizens Resource Advisory Committee met on October 21, 2015 and its report will be presented at the November 4, 2015 Board meeting. Issues identified in this report and other initiatives can be considered or added prior to the final adoption of the Board's 2016 Legislative Priorities. The TJPDC 2016 Legislative Priorities will also be presented at the November 4, 2015 Board meeting.

During the Board's review of the preliminary 2016 Legislative Priorities, two new priorities were identified by the Board:

- (1) **Noxious Weeds:** *Support changes to the Virginia Code and to the Virginia Invasive Species Management Plan that direct efforts to prevent and control damage caused by invasive species.* This priority is included in the TJPDC legislative priorities, as well.
- (2) **Seat Belts:** *Support legislation that would make the failure to use a seat belt a primary offense.*

In addition, since the Board's preliminary review, the following four issues have been identified by the Board, VACo, or VML as important legislative priorities:

- (1) **Broadband:** *Support legislation by the Commonwealth and the Federal Government that would assist communities in their efforts to deploy universal affordable access to broadband for all areas, particularly in underserved and rural areas while preserving local land use, permitting, fees, and other local authority.*
- (2) **Body Worn Cameras:** *Support legislation to amend Virginia Code § 2.2-3706 of the Virginia Freedom of Information Act to clarify that local law enforcement agencies have the authority to withhold from mandatory disclosure under FOIA those records, including body worn camera and dashcam video, that contain identifying information of a personal, medical or financial nature where the release of such information could jeopardize the safety or privacy of any person.*
- (3) **Drones:** *Support legislation enabling local governments to have authority to regulate the use of unmanned aerial vehicles in their jurisdictions not preempted by federal law.*
- (4) **Stormwater Management:** *Oppose any legislation that would impact the resource and funding needs of the Department of Environmental Quality (DEQ) to fully administer, enforce, and maintain the Stormwater Management Laws.* This issue was raised at VACO's Environment and Agricultural Steering Committee meeting on October 14, 2015 and staff recommends that a position be included in the 2016 Legislative Priorities.

Finally, the County has received a request from the Chesapeake Bay Foundation to support the following: adequate funding for agricultural best management practices, stormwater grant funding Initiatives, funding for wastewater treatment plant upgrades, and oyster replenishment program funding (Attachment B). Staff has added the following position to the draft 2016 Legislative Priorities to support the first three of these items that could directly affect the County:

Water Quality and Resources: *Support state funding for the following: 1) agriculture best management practices, 2) stormwater grant initiatives, and 3) wastewater treatment plant upgrades.*

The County's legislative priorities seek to ensure that the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

Staff recommends that the Board approve its 2016 Legislative Priorities (Attachment A), with any additions or deletions it feels are appropriate.

Mr. Larry Davis stated the Board annually sets its own legislative priorities in conjunction with TJPDC regional priorities, and staff had presented the preliminary list to them in August, with final approval anticipated at this meeting in order to meet the timeframe needed to prepare for the General Assembly session. Mr. Davis said at the Board meeting in August, there were several issues raised, and noxious weeds and the primary seatbelt law, are included in the list of priorities. He stated that Arlington County is working on the noxious weeds issue so Albemarle can partner with them, and the focus on the seatbelt law is underscored by the fact that 10 out of 16 of the County's motor vehicle fatalities last year were individuals who were not wearing seatbelts.

Ms. Palmer asked what a primary offense is. Mr. Davis explained that a primary offense occurs when an officer observes someone not wearing a seatbelt and can stop their vehicle and cite them for that violation. He said a secondary offense occurs when an officer stops someone for another legitimate offense and also cites them for not wearing a seatbelt.

Ms. McKeel commented that Albemarle County police officers have spoken passionately about this issue multiple times when reporting on the fatal crashes last year.

Mr. Davis reported that broadband has also been added to the list of priorities, as have the police body cameras item. He explained that Hanover County had raised this issue and initiated an opinion from the FOIA Advisory Council advising that in non-criminal incident use of video cameras, such as officers serving papers at a residence or helping a citizen, there are certain situations where the video would have to be produced under a FOIA request. Mr. Davis further explained that if there is any information that should be protected, it would have to be redacted with the remainder of information provided. He noted this creates an administrative nightmare for a police department for them to handle that level of redaction, so this legislative item attempts to proactively address changes in FOIA laws so that body camera use can be implemented practically without those problems. Mr. Davis reported the other legislative priority pertains to use of drones, which is a prominent issue nationwide, as drones flying above 400 feet are regulated by federal laws but there is no enabling legislation to permit regulation at the local level for drones flying below 400 feet.

Mr. Davis noted another legislative priority pertains to stormwater management, which stems from the VACo Agriculture & Environmental Steering Committee meeting wherein they recommend that there be support for the stormwater resource and funding needs of DEQ that might get addressed at the General Assembly level. Mr. Davis stated the last priority also relates to water quality resources as part of a request from the Chesapeake Bay Foundation that recommends support for state funding for agriculture best management practices, stormwater grant initiatives, and wastewater treatment plant upgrades. He said they had not added a legislative item suggested by the Rivanna Water and Sewer Authority to establish a position on nutrient allocation, which arose from a Chesterfield local issue that was not clear as to its statewide impacts, although it may be addressed in the future if it is deemed to impact local facilities.

Ms. Mallek stated the presentation at the last committee meeting on nutrient trading was confusing and bewildering, so they decided to leave it alone for the time being. Mr. Davis said that staff's recommendation is for the Board to adopt the legislative priorities as presented so they can be passed onto local legislators and discussed at their legislative luncheon scheduled for early December.

Ms. Palmer asked if they can add a priority regarding less gerrymandering with redistricting. Ms. Dittmar responded they do have a position on that, with the One Virginia 21 initiative.

Ms. Mallek clarified that she means the non-partisan approach. Mr. Davis stated it has not been added to their priorities at this point.

Ms. Mallek said they can pile onto a letter when it hits the General Assembly floor.

Ms. McKeel suggested they include the resolution at the meeting with the legislators, and have it in their packets. Mr. Davis agreed that staff can do that.

Ms. Mallek asked if the body camera proposal protects information gathered at a domestic dispute, as she has heard very troubling comments about what type of information it can reveal. Mr. Davis responded there are, indeed, concerns about what type of information about surroundings in a home can be revealed in the footage and exposed by FOIA, and if an incident cannot be protected under the criminal incident exception it will fall under another set of regulations requiring only information that would cause harm to an individual to be redacted. He stated the issue is the progression of information that has to be produced and redacted, which would be extremely expensive to implement if there are FOIA requests.

Ms. Mallek said that she never dreamed someone would be able to use a FOIA request to find out what is in her house, and it is mind-boggling to her.

Ms. Palmer stated in the future, she would like to talk about mental health court as a legislative priority.

Ms. McKeel commented that local government usually tries to coordinate its priorities with the School Board.

Mr. Davis thanked her for mentioning that, and said the School Board will be reviewing its priorities with school staff at a meeting the following day, and they are still meshed with local government priorities from last year, with further discussion at the legislative luncheon.

Ms. Mallek **moved** to approve the 2016 Albemarle County legislative priorities as presented. Ms. Palmer **seconded** the motion. Roll was then called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: None.

Albemarle County's 2016 Legislative Priorities

Growth Management, Land Use and Transportation

Noxious Weeds – Support changes to the Virginia Code and to the Virginia Invasive Species Management Plan that direct efforts to prevent and control damage caused by invasive species.

Water Quality and Resources – Support state funding for the following: 1) agriculture best management practices, 2) stormwater grant initiatives, and 3) wastewater treatment plant upgrades.

Stormwater Management – Oppose any legislation that would impact the resource and funding needs of the Department of Environmental Quality (DEQ) to fully administer, enforce, and maintain the Stormwater Management Laws.

Broadband – Support legislation by the Commonwealth and the Federal Government that would assist communities in their efforts to deploy universal affordable access to broadband for all areas, particularly in underserved and rural areas while preserving local land use, permitting, fees, and other local authority.

Transportation Funding - Support legislation to 1) establish a new dedicated funding source for a Charlottesville-Albemarle Regional Transit Authority; 2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and 4) fund maintenance of rural road systems. The County also strongly opposes any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads.

Biosolids - Support legislation enabling localities, as part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.

Local Authority - Support legislation to strengthen localities' authority by enabling them to utilize adequate public facilities ordinances, and encourage the General Assembly to refrain from passing legislation that preempts or circumvents existing local authority to regulate land use.

Impact Fee Authority - Support impact fee legislation that allows for 1) effective implementation through simple locally-based formulae and reasonable administrative requirements; 2) does not cap or limit localities' impact fee updates; and 3) does not diminish the existing proffer system.

Conservation Easements - Support legislation that augments local efforts in natural resource protection through 1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increased incentives for citizens to create conservation easements.

Scenic Protection and Tourist Enhancement - Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. Such legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

Health and Human Services

Comprehensive Services Act (CSA) - Request that the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA, and 2) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

Child Care for Low Income Working Families - Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Local Department of Social Services (LDSS) - Request the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

Local Government Administration and Finance

Body Worn Cameras – Support legislation to amend Virginia Code § 2.2-3706 of the Virginia Freedom of Information Act to clarify that local law enforcement agencies have the authority to withhold from mandatory disclosure under FOIA those records, including body worn cameras and dashcam video, that contain identifying information of a personal, medical or financial nature where the release of such information could jeopardize the safety or privacy of any person.

Seat Belts – Support legislation that would make the failure to use a seat belt a primary offense.

Drones – Support legislation enabling local governments to have authority to regulate the use of unmanned aerial vehicles in their jurisdictions not preempted by federal law.

Taxation - Support legislation granting counties taxing powers equal to those granted cities and towns, without decreasing, limiting or changing city and town taxing authority.

School Bus Video-Monitoring Systems - Request the General Assembly to amend Virginia Code Section § 46.2-844 to allow for service of summonses by mail for violations of passing stopped school buses recorded by school bus video monitoring systems similar to the authority in Virginia Code Section § 15.2-968.1, for the service of summonses for running red lights recorded by a traffic signal enforcement program.

Virginia Retirement System - The County supports restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the plan without further devolving the funding responsibility to localities.

June Primary Elections – Support legislation to move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places.

Composite Index - Support legislation to amend the Composite Index Funding Formula by re-defining 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

Community College Capital Costs – Support legislation for the state to fund 100% of public funding required for community college costs. Currently, localities are required to fund a portion of operating and capital costs.

Public Defender funding - Request the state to adequately fund compensation for public defenders in Commonwealth jurisdictions.

Full Funding of State Mandates - Request full funding for state mandates in all areas of local government including, but not limited to, the Standards of Quality (SOQs) and other mandates imposed on local school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Drug Court Funding - Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

Agenda Item No. 13. **Presentation:** Citizen Resource Advisory Committee Update.

The Executive Summary, as presented by staff, states that on June 3, 2015, the Board approved a comprehensive approach to evaluate ways to address the gap between projected revenues and expenditures reviewed during last year's financial planning process. The approved approach recognized the importance of citizen involvement in considering additional resources for the future as well as the roles of the Board of Supervisors and the School Board in considering existing funding formulas and establishing expenditure priorities. The approach included the formation of a Citizens Resource Advisory Committee to involve citizens in providing input regarding ways to best address the challenges in funding future services as part of the Five Year plan process with direction to the Committee to report back to the Board in early November 2015.

The Board established the Citizens Resource Advisory Committee with the following charge: “*The charge of the committee is to understand current and future funding challenges and service demands and develop a prioritized set of strategies to meet future resource needs. Strategies may include, but are not limited to, identifying new sources of funding, considering various methods of raising funds and the*

potential enhancement of existing revenue sources. While examining expenditure priorities will also be an important consideration in ultimately addressing the gap, those options will be separately reviewed by the Board of Supervisors and School Board. The Committee will provide a final report to the Board of Supervisors by the Board's first regular meeting in November for consideration during the Five-Year Financial Plan process." The Committee is made up of the eight members listed below who have background and experience in business and government finance, economics, and management, and who are not currently serving in public office.

Cole Hendrix *Former Charlottesville City Manager/Consultant*
Mark Roberts *Managing Director, Alveraz & Marsal North America*
Dennis Rooker *Former Albemarle Board of Supervisors member; Attorney*
Steve Runkle *Retired Developer; Real Estate III*
Leonard Sandridge *Retired University of Virginia Vice President/Chief Operating Officer*
J. Thomas Weaver *Retired Program Director Buccaneer Data Services, LLC., CDAC Operations*
Roxanne White *Former Assistant County Executive; Consulting*
Bernard Whitsett *Chief Operating Officer, Legacy Asset Mgmt.*

The Committee has met seven times since its formation in June and has developed a report, including recommendations to present to the Board at its November 4 meeting. Due to the committee meeting timeline, the draft final report is not ready as an attachment to this executive summary but will be provided by email in advance of the November 4 meeting. While the Board will receive the report on November 4 and Supervisors are welcome to make any comments they would like to at that point, a full discussion of the report is scheduled for the joint Board of Supervisors/School Board meeting on November 11.

There is no immediate budget impact from the presentation of this report. Budget implications for specific strategies are outlined in the report in cases where that information is available.

Staff recommends that the Board accept the Committee's report and have a full discussion of the report at the November 11 joint meeting with the School Board.

Mr. Tom Foley recognized committee members in attendance, Cole Hendrix, Bernard Whitsett, Tom Weaver, Leonard Sandridge, Roxanne White, and Dennis Rooker, who will be giving the report. He also recognized committee members Mark Roberts and Steve Runkle, and noted that the group was great to work with.

Mr. Dennis Rooker addressed the Board, stating the committee held seven meetings between June and November to review and discuss strategies that can be implemented by Albemarle County to provide additional revenue. He stated the group had a quorum at every meeting and there were very few meetings missed by committee members. Mr. Rooker said the committee began its work by gaining an understanding of the County's budget, financial policies and current challenges, and discussed and evaluated numerous revenue enhancement possibilities and ideas. He stated that excellent information and presentations were presented by staff, and he extended his thanks to them on behalf of the committee, with special recognition going to Tom Foley, Lee Catlin, Larry Davis, Betty Burrell, Bill Letteri, Faith McClintic and Lori Allshouse. Mr. Rooker noted while there was lively debate and many viewpoints expressed during the committee's meetings, the report was adopted and approved with no dissension.

Mr. Rooker stated through their work, the committee established that Albemarle County is an urbanizing county with increased service demands and resource challenges that will continue to cause budgetary pressures and impacts for its citizens; the current tax rate does not accurately portray the resources available to the County; Albemarle County has a tax rate of 81.9 cents per \$100 of assessed value but operates on an effective tax rate of 61.9 cents because of the costs of revenue sharing and land use tax, making it one of the lowest tax rates among its peer communities in Virginia. He said that while none of the strategies recommended will entirely close the identified budget gap, collectively they represent a diversification of revenue sources and tools that can have a cumulative impact over time. Mr. Rooker stated if alternative revenue generation strategies or expense reduction solutions are not implemented, it was clear to the committee that the County will find itself forced to substantially reduce services or significantly increase real estate taxes in order to stay fiscally sound.

Mr. Rooker said the committee was surprised at the legal restrictions that prevents the County from implementing seemingly reasonable approaches to diversifying revenue streams, with staff pointing out limitations due to the need for legislative approval, which is difficult to obtain. He said it is noted that many of the strategies considered are available to cities and towns, but not counties, and the committee urges continued engagement with local legislators in an attempt to obtain approval for additional revenue streams. Mr. Rooker stated the committee feels that its final report does a thorough job of responding to the charge established by the Board of Supervisors to look at alternative revenue-generating strategies, but also feels that a similar level of review should be applied to the expenditure side of County operations to produce a more effective and complete set of long-term recommendations, preferably by a similarly appointed and structured Citizens Advisory Committee. He said the committee also recommends that regular, independent efficiency and effectiveness studies by experts be done for both local government and the school division.

Mr. Rooker reported the committee's specific recommendations are grouped into three tiers of strategies: those for immediate implementation, those for further study, and those investigated but not recommended. He said in assigning recommendations to those tiers, the committee considered the

amount of potential revenue, the difficulty of implementation, and whether an ongoing revenue stream was likely to be recurring. Mr. Rooker stated that for example, an admissions tax was initially thought to be a high-priority, but because of the small amount of potential revenue, the need for legislative approval, and the requirement to revise the three-party agreement, it is not a recommended strategy. He stated they went through a similar vetting process for a one-cent local gasoline tax, which was recommended by a transportation funding options committee about 10 years earlier, but given the lack of success by other counties and the need for legislative approval in light of the current makeup of the General Assembly, it was not a recommended strategy.

Mr. Rooker stated the committee grouped tools into three categories: tools that will generate recurring revenue, those that would apply to specific projects, and process tools. He said that starting on page 4 of their report, there is a table summarizing strategies and assigning them to the described tiers and categories. Mr. Rooker noted it is important that they not solely rely on the tables and carefully read the descriptions of strategies and recommendations beginning on page 11, in order to get the full context. He cited the example of economic development as contained in the report, with specific strategies such as working with UVA to attract businesses to the UVA Research Park, and emphasizing workforce training efforts to match unemployed and underemployed citizens with available jobs. Mr. Rooker said another example is the recommendation to raise the ceiling on the motor vehicle registration tax to \$40.75 per year, but the clarifying language indicates the additional estimated \$224,000 in revenue should be assigned to the VDOT revenue-sharing program, so the recommendation is tied to the Board's willingness to commit to revenue sharing.

Ms. Dittmar noted that committee member Steve Runkle had joined the meeting.

Ms. McKeel stated she appreciates the report, which she found to be succinct and understandable, and the Board's next step is to get to work and study it and see how it can best be utilized.

Ms. Mallek said they should also redouble their efforts to get enabling authority from the legislature to be able to do some of these things, despite previous failures.

Ms. McKeel commented that many members of the public are unaware of the limitations the Board faces with some of these measures.

Mr. Rooker said the committee members were surprised by this.

Ms. McKeel stated this should be part of the discussion around budgets and five-year planning, and the community engagement process.

Mr. Foley noted this will be part of their joint meeting with the School Board the following week, and they will be using it as part of the budget process.

Ms. Dittmar emphasized this is not a study that will just sit on a shelf, and she would like to see it presented to the Citizens Advisory Committees around the County.

Ms. McKeel noted that with the establishment of the 29 and Hydraulic Advisory Committee, she had requested a presentation on the County's Capital Improvement Program.

Ms. Mallek commented that the report is so readable, it can be sent out to those groups without setting up a meeting to present it.

Ms. Dittmar stated there will be a very thorough orientation process for the two new Board members coming on in January, and she would ensure they are familiar with the report.

Mr. Rooker emphasized the committee feels strongly about the need to establish another committee to look at the expense side of the County's finances.

Motion was then offered by Ms. McKeel to **accept** the report. Ms. Palmer **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Agenda Item No. 14. Closed Meeting.

At 3:58 p.m., Mr. Sheffield **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to Boards, Committees, and Commissions in which there are pending vacancies or requests for reappointments; and to discuss the performance of the County Executive; and under Subsection (7) to consult with be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: 1) the negotiation of agreements for the Ivy Landfill Transfer Station; 2) the negotiation of easements on the County Office Building property; and 3) the negotiation of an agreement for court facilities. Ms. Mallek **seconded** the motion.

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

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Agenda Item No. 15. Certify Closed Meeting.

At 6:13 p.m., Mr. Sheffield **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. McKeel **seconded** the motion.

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

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Agenda Item No. 16. Boards and Commissions: Vacancies and Appointments.

Motion was then offered by Ms. Palmer to make the following appointments/reappointments:

- **appoint** Mr. Dean Johnson to the Joint Airport Commission and the Joint Airport Authority with said term to expire December 1, 2018
- **reappoint** Mr. John Post to the Joint Airport Commission with said term to expire December 1, 2018.
- **appoint** Ms. Dawn Kidd to the Monticello Area Community Action Agency (MACAA) to fill an unexpired term ending October 31, 2018.
- **reappoint** Ms. Peggy Cornett to the Natural Heritage Committee with said term to expire September 30, 2019.
- **appoint** Ms. Olivia Branch to the Pantops Community Advisory Committee with said term to expire June 30, 2017.
- **reappoint** Mr. George Emmitt and Mr. Ronald Cottrell to the Pantops Community Advisory Committee with said terms to expire June 30, 2017.
- **appoint** Mr. George Ray, Jr. to the Places 29 (Rio) Community Advisory Committee with said term to expire September 30, 2018.
- **appoint** Mr. Elliott Harding to the Region Ten Community Services Board, to fill an unexpired term ending June 30, 2017.

Ms. Mallek **seconded** motion. Roll was called and the motion carried with the following recorded vote.

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Agenda Item No. 17. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

Agenda Item No. 18. **Public Hearing: ZTA 2015-00012 29 Solutions Temporary Signs.** Ordinance to amend Secs. 4.15.4A, Signs authorized by temporary sign permit, 4.15.12, Regulations applicable in the C-1, CO and HC zoning districts, 4.15.13, Regulations applicable in the PD-SC and PD-MC zoning districts, and 4.15.14, Regulations applicable in the HI, LI and PD-IP zoning districts, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 4.15.4A to authorize a class of temporary sign permits allowing temporary signs on lots located within the limits of a VDOT construction project until the VDOT construction project is substantially complete, and to authorize temporary signs of up to 48 square feet on lots having 4 or more businesses on that lot or an abutting lot within the project area; and amend Secs. 4.15.12, 4.15.13, and 4.15.14 to refer to the increased sign area (48 square feet) allowed for certain temporary signs described herein. *(Advertised in the Daily Progress on October 19 and October 26, 2015.)*

The Executive Summary, as presented by staff, states that this is the second sign ordinance amendment to address business impacts from the Rio-29 Grade Separated Intersection. The first amendment allowed temporary signage during the project for those signs that would be removed as a result of the construction (See Attachment E for May 6, 2015 Executive Summary). From June through August 2015, staff reached out in numerous ways to businesses in the Route 29 corridor to discuss their

signage needs (See Attachment A, Business Outreach Findings.) The majority opinion was that additional temporary signage is needed during the project. The businesses also supported incentives for multiple businesses to aggregate their temporary signage. Many requested that the County reduce or eliminate the sign permit fee during this time (included as part of ZTA 2015-11, which was adopted on October 14, 2015, effective November 1).

Staff prepared an ordinance that intended to address the businesses' concerns described above. See the October 6, 2015 Planning Commission staff report (Attachment C) for details regarding the ordinance. Prior to the October 6, 2015 Commission meeting, the County received an inquiry from the Free Enterprise Forum asking whether businesses on lots within the VDOT project area, but not abutting a public street, would be eligible to be included on the temporary signs allowed by this ordinance. To address this concern, staff drafted a revision (Attachment B), which the Commission recommended for approval (See Attachment D for October 6, 2015 Commission Minutes). The revision allows those properties without frontage to be identified on a temporary sign and be counted towards the aggregate number of businesses, potentially qualifying for the larger sign available for those signs serving four or more businesses.

No measurable budget impact is expected due to the limited applicability and time period for qualifying temporary signs. Due to this limited scope, even though the County is not charging fees for these temporary signs and therefore not recovering staff costs, it is expected to be a minimal impact.

Staff recommends that, after the public hearing, the Board adopt the attached proposed ordinance (Attachment B).

Mr. Stewart Wright, Senior Permit Planner, addressed the Board, stating this zoning text amendment is intended to address signage for businesses that will be impacted by construction of the Rio/29 grade-separated interchange. He presented a map of the Rio/29 interchange project, stating the project limits of construction extend from the 29th Place signal to Woodbrook Drive, and from the Berkmar/Rio Road intersection to the mall entrance at Rio Road East. Mr. Wright stated that Phase One is very targeted in scope and addresses temporary signs for those businesses whose permanent signs are slated for removal as a result of utility work associated with the project, and the number of impacted signs has decreased from nine to four signs, and staff is only aware of two signs that have been removed thus far. He said they are also aware that VDOT is relaxing some requirements and eliminating fees for tourist-oriented directional signage during the construction period, which will allow 16 businesses identified to be advertised with directional information on signs that drivers are already familiar with seeing and following. Mr. Wright noted that VDOT plans to pay for two years of annual fees for businesses that qualify, and a number of the signs have already been installed.

Mr. Wright reported this sign ordinance work is being done in the context of a broader County-initiated business assistance program that addresses technical assistance, marketing, communication, signage and regulatory strategies. He clarified the temporary signage addressed with Phase One and Two amendments is in addition to the regular temporary sign provisions such as for sales and grand openings in place currently. Mr. Wright stated that Phase Two involves an examination of additional temporary sign provisions for businesses within the construction project that are not otherwise covered with the Phase One sign amendments; and based on initial concerns that the grade-separated interchange can impact business visibility, Phase Three is to consider whether amendments to the permanent sign regulations are needed.

Mr. Wright explained that for a three-month period over the summer, County staff engaged the business community in several different forms on multiple occasions. He said there was a lot of support for additional temporary sign allowances to run the full construction period; good support for incentives for businesses that are aggregating signage; and support for the reduction or elimination of the temporary sign fees during this period, which have already been incorporated into the fee ordinance amendment ZTA 2015-00011 adopted October 14 and effective November 1. Mr. Wright noted that with regard to Phase Three, considerations to changes to permanent sign regulations, staff has not received input that suggests it is necessary at this time and thus does not have plans for Phase Three action. He said the County is already in the midst of a more comprehensive sign ordinance amendment to address the recent Supreme Court case requiring content neutrality for regulation.

Mr. Wright reported that to reduce the proliferation of signs in the construction zone and to encourage businesses to work together toward creative solutions, the ordinance allows one temporary sign per lot, and to offer the greatest flexibility, staff wants to allow businesses to decide whether to use the same sign or change out signs to meet their needs. He said the Commission asked that they consider extending the temporary signage period to 30 days past the end of the construction project, and staff discussed this with VDOT and revised the ordinance to reflect the additional time. Mr. Wright stated that to encourage consolidation while recognizing the need for larger signs to effectively list multiple businesses, staff recommended an increase from 32 square feet to 48 square feet for signs serving four or more businesses. He said that prior to the Planning Commission meeting, the Free Enterprise Forum raised the question about signage for businesses that do not have public road frontage, yet are part of the same shopping center served by the same road as those businesses with frontage that do qualify. Mr. Wright stated that staff looked at several examples and proposed a minor revision to incorporate those businesses so they could be included in signs on road frontage and could count toward the number of establishments to qualify those with four or more businesses for 50% larger signs. He said that in reviewing the number of properties that qualify for this expansion provision, staff found it to be a very small number.

Mr. Wright reported that staff recommends each parcel within the project limits qualify for one temporary sign with no permit fee for the duration of the construction period as follows: 32 square feet for parcels with up to three businesses on it, and 48 square feet for parcels with four or more businesses. He stated this expanded sign area attempts to encourage consolidation while recognizing the need for more sign area on which to place copy. Mr. Wright presented a slide with language reflecting the two revisions mentioned, and stated that staff's recommendation following the public hearing is for approval of the ZTA addressing Phase Two Route 29 Solutions business signage impacts. He noted that while the zoning ordinance language is not specific to the Route 29 project, it is hoped it can be used as a pilot for signage needs during major construction projects in the future, and can always adjust the provisions for future situations.

Mr. Boyd asked if the ordinance is also intended to accommodate the closure of the intersection altogether, as he does not know how far back those roads will be closed. Mr. Wright asked about the particular roads to which he is referring. Mr. Boyd responded they will be closing off Rio Road so that you cannot cross Route 29, so you will have to turn on Berkmar Drive or somewhere else if you want to get to the Hardee's and other businesses, and he wants to know if the directional signage will accommodate that.

Mr. Sheffield stated the TODS (directional sign) discussion that took place at the last two Route 29 Solutions meetings addressed that point, and those signs will help direct people to specific destinations, and Mr. Graham will review that information.

The Chair then opened the public hearing. There were no comments from the public, and the Chair closed the public hearing.

Ms. Palmer stated that Mr. Neil Williamson had wanted to extend thanks to staff for their assistance with businesses that do not have Route 29 frontage.

Ms. Amelia McCulley, Zoning Administrator, said Deputy County Attorney Greg Kamptner had put in the thought behind the crafting of the ordinance.

Motion was then offered by Mr. Sheffield to adopt the proposed ordinance. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: None.

ORDINANCE NO. 15-18(9)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

- Sec. 4.15.4A Signs authorized by temporary sign permit
- Sec. 4.15.12 Regulations applicable in the C-1, CO and HC zoning districts
- Sec. 4.15.13 Regulations applicable in the PD-SC and PD-MC zoning districts
- Sec. 4.15.14 Regulations applicable in the HI, LI and PD-IP zoning districts

Chapter 18. Zoning

Article II. Basic Regulations

Sec. 4.15.4A Signs authorized by temporary sign permit

A permit shall be required for each temporary sign (hereinafter, a "temporary sign permit"), prior to its erection, alteration, replacement or relocation, as provided herein:

- a. *Application.* An application for a temporary sign permit shall be submitted to the department of community development, together with payment of the fee required for the application pursuant to section 35.1, and comply with the application requirements of subsection 4.15.4(a).
- b. *Application review and permit issuance.* A temporary sign permit application shall be reviewed and acted upon by the zoning administrator only as provided herein:
 - 1. *Action on application.* Within seven (7) days after receipt of a complete application, the zoning administrator shall either: (i) approve the application; (ii) deny the application; or (iii) refer the application to the applicant for more information as may be required by section 4.15.4(a)(3). An application shall be denied only if the proposed temporary sign is a prohibited sign or does not comply with the regulations set forth in this section 4.15. If the application is denied, the reasons shall be specified in writing.

2. *Failure to timely act.* If the zoning administrator fails to take one of the actions described herein within seven (7) days after receipt of a complete sign application for a temporary sign, the permit shall be deemed approved as received.
- c. *Administration.* The following regulations shall apply to the administration of temporary sign permits:
 1. *Number of permits.* No more than six (6) temporary sign permits shall be issued by the zoning administrator to the same establishment, or lot not containing an establishment, in any calendar year, provided that a temporary sign erected to replace a permanent sign as provided in subsection (c)(2)(b) shall not count toward this limit.
 2. *Period of validity.* Each temporary sign permit shall be valid for the following periods:
 - (a) *Generally.* Except as provided in subsection (c)(2)(b), for a period not to exceed fifteen (15) consecutive days after the erection of the sign, provided that a temporary sign permit issued while a permanent sign is being made may be valid for longer than fifteen (15) days until the permanent sign is erected.
 - (b) *Within limits of VDOT construction project during construction; where existing permanent sign removed.* For the period between the date the sign is erected, which shall be on or after the date the Virginia Department of Transportation ("VDOT") issues a notice to proceed for a VDOT construction project, until the date of project construction completion as evidenced by the date that is thirty (30) days after the date VDOT issues a form C-5 or makes an equivalent written determination, or until a permanent sign to replace the removed permanent sign is installed at the establishment or on the lot, whichever occurs first, provided that: (1) the temporary sign is erected to replace a permanent sign on a lot abutting a primary arterial or other public street within the project limits of the construction project that includes the primary arterial; and (2) the permanent sign was required by VDOT to be removed in conjunction with the construction project.
 - (c) *Within limits of VDOT construction project during construction.* For the period between the date the sign is erected, which shall be on or after the date the Virginia Department of Transportation ("VDOT") issues a notice to proceed for a VDOT construction project, until the date of project construction completion as evidenced by the date that is thirty (30) days after the date VDOT issues a form C-5 or makes an equivalent written determination, provided that: (1) not more than one (1) sign authorized by this subsection per lot may be erected; (2) the lot has an existing primary use or a structure for a pending primary use is under construction; (3) the lot abuts a primary arterial or other public street within the project limits of the construction project that includes the primary arterial; (4) the lot is within a zoning district subject to sections 4.15.12, 4.15.13, or 4.15.14; and (5) the sign area of the sign shall not exceed either thirty-two (32) square feet if the sign identifies three (3) or fewer establishments, or forty-eight (48) square feet if the sign identifies four (4) or more establishments, where the establishments identified on the sign may be those located on the lot on which the sign is located and any lot that abuts the lot on which the sign is located, provided that the abutting lot is also within the project limits of the construction area and does not abut a primary arterial or other public street.
 3. *Aggregate duration for temporary signs in calendar year.* Temporary signs shall not be erected at an establishment for more than sixty (60) days, in the aggregate, in a calendar year, provided that this limit shall not apply to a temporary sign authorized by subsections (c)(2)(b) and (c)(2)(c).
 4. *Portable signs; stabilization.* A temporary sign that is a portable sign shall be stabilized so as not to pose a danger to public safety. Prior to the sign being erected, the zoning administrator shall approve the method of stabilization.
- d. *Exemptions.* A temporary sign permit is not required for a sign exempt from the sign permit requirement under section 4.15.6 or nonconforming signs subject to section 4.15.24.

(Ord. 12-18(2), 3-14-12)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.12 Regulations applicable in the C-1, CO and HC zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Commercial (C-1), Commercial Office (CO) and Highway Commercial (HC) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Temporary**	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the cornice line	5 feet
Wall*	As calculated pursuant to section 4.15.20	In the C-1 and CO zoning districts, 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 100 square feet; in the HC zoning district, 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet	Not to exceed the cornice line	Same as that applicable to structure

*Each establishment may have both a projecting sign and a wall sign. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty-two (32) square feet).

**Temporary signs within the limits of Virginia Department of Transportation construction projects may have a sign area of up to forty-eight (48) square feet as provided in section 4.15.4A(c)(2)(c).

(12-10-80; 7-8-92, § 4.15.12.5; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12; Ord. 12-18(5), 9-12-12)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.13 Regulations applicable in the PD-SC and PD-MC zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Planned Development-Shopping Center (PD-SC) and Planned Development-Mixed Commercial (PD-MC) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
Directory	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
Freestanding	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	16 feet	5 feet
Projecting*	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Temporary**	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the cornice line	5 feet
Wall*	As calculated pursuant to section 4.15.20	1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet	Not to exceed the cornice line	Same as that applicable to structure

*Each establishment may have both a projecting sign and a wall sign. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty-two (32) square feet).

**Temporary signs within the limits of Virginia Department of Transportation construction projects may have a sign area of up to forty-eight (48) square feet as provided in section 4.15.4A(c)(2)(c).

One (1) sandwich board sign is permitted for each establishment, subject to the requirements of section 4.15.16(i).

(12-10-80; 7-8-92, § 4.15.12.6; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code § 15.2-2280.

Sec. 4.15.14 Regulations applicable in the HI, LI and PD-IP zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Heavy Industry (HI), Light Industry (LI) and Planned Development-Industrial Park (PD-IP) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
<i>Directory</i>	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	5 feet
<i>Freestanding</i>	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, aggregate, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	16 feet	5 feet
<i>Projecting*</i>	1 per street frontage	32 square feet	30 feet, but not to exceed the top of the fascia or mansard	5 feet
<i>Temporary**</i>	1 per street frontage per establishment	32 square feet	12 feet, if freestanding sign; 30 feet if wall sign, but not to exceed the cornice line	5 feet
<i>Wall*</i>	As calculated pursuant to section 4.15.20	1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet	Not to exceed the cornice line	Same as that applicable to structure

*Each establishment may have both a projecting sign and a wall sign. If the establishment has both such signs, the allowed sign area of the wall sign shall be reduced by the sign area of the projecting sign (which may not exceed thirty-two (32) square feet).

**Temporary signs within the limits of Virginia Department of Transportation construction projects may have a sign area of up to forty-eight (48) square feet as provided in section 4.15.4A(c)(2)(c).

Within the PD-IP zoning district, one (1) sandwich board sign is permitted for each establishment, subject to the requirements of section 4.15.16(i).

(12-10-80; 7-8-92, § 4.15.12.7; Ord. 01-18(3), 5-9-01; Ord. 12-18(2), 3-14-12)

State law reference – Va. Code § 15.2-2280.

Agenda Item No. 19. **Transportation Matter:** Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.

Mr. Mark Graham addressed the Board and stated that as the Tourist Oriented Directional Signage (TODS) came up in conversation, it was established that there were 24 signs for Phase One, covering 35 businesses and representing how the roads work currently. He stated Phase One is set up so that signs can be modified in May 2016 when they go into the closure period of Rio Road for Phase Two, and they will change the TODS at that time.

Mr. Boyd asked if they have identified the businesses that need to be included. Mr. Graham responded that PDAP has spent a lot of time going through all the phases and all the signs, and they are fairly confident they have covered all of the businesses, with VDOT having done extensive outreach to them, and only two businesses declining out of all that were approached. He stated that additionally there will be construction detour signage, which will be the focus of the next few meetings.

Mr. Boyd asked what they are going to do with the southbound traffic entering Fashion Square and other businesses on that side of 29. Mr. Graham responded that for Fashion Square it is much easier because of the 29th Street entrance, which is their only signal at this point, but for the others it is a detour routing that will direct people to go to Berkmar south, and at which time they can make a left and head back north on Route 29.

Mr. Boyd asked if that is how people will get to Albemarle Square. Mr. Graham confirmed that it is, and said it will offer a route in lieu of people driving through Fashion Square's parking lot, as VDOT is discouraging use of private property for detours. He noted there is a U-turn at the temporary signal north of Rio Road, but the one south of Rio Road does not provide for U-turn movement.

Mr. Boyd asked how people will reach a store in Albemarle Square if they are coming south on Route 29. Mr. Graham responded that you will either cross over to Berkmar at Hilton Heights, Woodbrook, or at Rio Road, making a right turn, and then take a left turn on Berkmar and take it all the way down Route 29. He pointed out that at all times there will be through lanes both north and south on Route 29.

Mr. Boyd commented that his office is there, and he is concerned about that access.

Ms. Mallek pointed out that the right lanes are going to stay all the time anyway, so there will be a right turn from 29 South, etc.

Mr. Graham stated they are working diligently at PDAP to simplify the routes and detours.

Mr. Graham reported that VDOT is changing the evening construction hours at Rio and Route 29 to accommodate the pile driving, which is being done to speed up the process. He stated the plan was always to get that done before Thanksgiving and the Christmas shopping season.

Mr. Sheffield stated the schedule is for that part of the project to be completed by November 20.

Mr. Graham said he visited the area at night to experience the impact, and the noise level is not necessarily consistent with proximity to the pile driving, as you can hear it very clearly at Greenbrier but barely at all at some closer points. He stated that crews are doing what they can to minimize the noise, but it is as intrusive as everyone had expected. Mr. Graham said VDOT has corrected some of the road failures and repairs and will need to think harder about the construction phasing. He stated this has raised concerns about snow removal, and whether the contractor will be doing snow removal in some areas with VDOT doing the remainder, and the plan for the through lanes of Rio and 29 is for VDOT to plow them, but the contractor plowing the areas where there are steel plates. Mr. Graham said the contractor is also providing assurances to VDOT that they can maintain the same level of snow removal that VDOT will.

Ms. Mallek commented that they will have to truck some of that snow away because they cannot have big banks of snow. Mr. Graham responded it is possible that they will be hauling snow to another location, as it will likely interfere with construction. He stated that utility relocations are winding down over the next months, with the major parts done and new utilities to be installed. Mr. Graham said there is a new traffic signal to be installed at Berkmar and Woodbrook, and part of the preparation is related to detouring traffic movements.

Mr. Sheffield stated the new signal will allow for people traveling south on Berkmar to have a green arrow to turn onto Woodbrook at Kroger and Lowe's, with a dedicated left turning lane.

Mr. Graham said at Hilton Heights where the bridge crosses the Rio the clearing had begun, with VDOT already having that right of way and preparing for the bridge construction. He confirmed that north of Rio Mills is also VDOT property already, and some of what is visible there is a Phase Three archeological study, and they had found a threatened bat species, the Virginia Long-Eared Bat, so they are being careful to work around that. Mr. Graham stated the County is working through with VDOT on a holiday work restriction to ensure businesses have access, with no closure or blocking of driveways allowed from the day before Thanksgiving through January 1. He said there are a few exceptions for stormwater facilities, which should be located away from entrances anyway, and there are some trenches where they need to lay cables where conduit has been placed. Mr. Graham stated that VDOT has been working closely with business owners to ensure understanding of that process.

Mr. Graham reported that VDOT had just submitted some initial lighting plans to the County for review, and they are trying to come up with a pedestrian lighting system that is similar to that in Crozet. He stated he has asked for a review of the pedestrian/bicycle crossing for Route 29 on that widening project, and he wants to verify that there can be a good crossing there. Mr. Graham said for the Route 29/250 interchange, the widening for the ramp is getting close to what is needed, and they have not done any of the sound walls or the actual road, but Route 29 itself has the curbs and backfill, and paving will start to occur on the lanes there.

Ms. McKeel stated that it is still very dangerous for people to merge on that ramp onto Route 250, and she has heard from several constituents whether it might be possible to close one lane to through traffic so that people can merge directly onto Route 250.

Mr. Sheffield noted this had been raised with VDOT at a meeting, but they had indicated that it would cause more accidents because of people getting off on Barracks Road, and people getting on and off of Route 250 with just one lane would cause even more problems.

Ms. Palmer said she has those same concerns, and it has always been a difficult area to navigate.

Mr. Graham said if you constrain the area, as it is now, it actually makes it safer. He stated VDOT has very few recorded incidents, but it still does not feel quite right as you are driving it.

Ms. Mallek asked if there is already a reduction in speed to 35 MPH, and if there are signs that note left lane only for through traffic and right lane only for Barracks Road as that would encourage people to separate sooner.

Mr. Graham responded that the 35 MPH has only been in place for when they are closing one of the lanes to provide additional space for construction, and VDOT has not agreed to put up signs, although some drivers are voluntarily moving over to minimize conflicts. He encourages the Board to contact him if they hear from their constituents about problems.

Agenda Item No. 20. **Transportation Matter:** Place Naming for Route 29/Rio Intersection Area.

The Executive Summary, as presented by staff, states that the Route 29/Rio intersection project is a major element of the Route 29 Solutions Package and involves both short-term and longer-term impacts to traffic patterns and flow in that area of the County. Effective signage that provides clear direction for navigation will be critical during and after construction. As part of the signage program, the Virginia Department of Transportation (VDOT) has been working with its Project Delivery Advisory Panel (PDAP) to develop an overall place naming strategy for the signs. VDOT's marketing research/communications consultant Southeastern Institute of Research (SIR) has developed a suggested place naming strategy, and the PDAP is seeking the County's reaction to that recommendation before an approach is finalized for the signage program.

The place naming strategy established for the Route 29/Rio Intersection project provides the opportunity to not only aid in traffic flow and navigation but also to create identity and a sense of place for this critical commercial and residential area of the County. SIR developed its naming recommendations using a comprehensive approach that applied a variety of research and public engagement tools.

SIR Research Initiative Process

- *SIR conducts quantitative survey -Winter 2014* - a total of 400 telephone surveys were completed to gain initial feedback on optimal naming considerations
- *SIR conducts qualitative focus groups -Summer 2015* - a total of nine separate focus groups were convened with a total of 40 participants to identify the most promising names and related rationale for the Route 29-Rio Road intersection and its four parts.
- *SIR taps into online panel to finalize recommendations -Summer 2015* - Follow-up questions were sent to participants in the qualitative focus groups, 16 people completed questionnaire.
- *Present draft report -September 3, 2015* - VDOT and the Route 29 PDAP shared SIR's final report with Albemarle County representatives at a PDAP meeting for the County's consideration.

SIR Recommendations: SIR provided a full report to the PDAP on its findings; a copy of the presentation is included as Attachment A. The final recommendations are summarized below:

- Name the intersection and immediate area "Rio."
- Name the four intersection parts "corners" and include their respective geographic orientation:
 - Rio Northeast Corner
 - Rio Southeast Corner
 - Rio Northwest Corner
 - Rio Southwest Corner
- Include "descriptor terms" on roadway signs to help direct people.
 - Rio Northeast - *to Rio Road East and Downtown Charlottesville*
 - Rio Southeast - *to Rio Road East and Downtown Charlottesville*
 - Rio Northwest - *to Rio Road West and Rio Hill*
 - Rio Southwest - *to Rio Road West and Northside Library*

County's Engagement Process: The County is a critical partner in the development and finalization of a place naming strategy given the impact of the naming on the identity of this critical commercial and residential area. As part of bringing this recommendation to the Board for discussion, County staff provided opportunities for businesses and neighbors in the affected area to react to the SIR recommendations. While the County's small area plan process for this area would have been an ideal opportunity to gather feedback on this issue, the timing for that plan was too late for this process, so other methods were utilized.

A survey was prepared to obtain input and was distributed using the following methods (80 responses were gathered):

- Email to Places29 Community Advisory Committees, Albemarle County's business contact list for 29 Solutions and Albemarle County's homeowners/neighborhood association contact list for those in the Places29 Master Plan area (332 contacts)
- Facebook (969 people reached)
- Twitter (1,644 followers)

Full results of the survey are available as Attachment B. As expected, the results demonstrate a wide variety of opinion, but there appeared to be general agreement with the recommendation to name the area Rio. While there was concern expressed about the use of directional names for the corners and descriptor terms, there was no clear agreement on an alternative that was preferred by a majority of respondents. The most common suggestions involved including the names of current business establishments which is problematic from a longevity point of view.

County staff also had a focus group discussion with the Route 29 Solutions Business Assistance subgroup and is planning a discussion with the three newly formed Places29 Community Advisory Committees at their first meeting on October 26. Results of this discussion will be reported at the November 4 meeting.

Next Steps: Any direction provided by the Board related to the place naming recommendations will be communicated to PDAP at its November 12 meeting, with the expectation that a final place naming

strategy will be in place by the end of the calendar year to allow VDOT to move ahead with the signage program and to be utilized in the collective marketing campaign beginning in early spring, 2016.

No funding is being requested from the County to implement this initiative.

Staff recommends that the Board provide any feedback regarding the place naming recommendations developed by SIR so that information can be passed along to the PDAP for consideration at its November 12 meeting.

Ms. Lee Catlin addressed the Board and stated she will discuss place-naming recommendations for the Route 29/Rio intersection and surrounding area. Ms. Catlin stated that while it might seem easy to name an area, when there are a lot of people involved with a very familiar area, it is not always easy. She said the intersection is the major element of the Route 29 Solutions package, it will have short and long-term impacts to traffic patterns and flow, and clear and effective signage for navigation will be critical during and after construction. Ms. Catlin stated that as part of the signage program, VDOT has been working with PDAP to develop an overall place-naming strategy for the signs, and their marketing consultant, SIR, has suggested a place-naming strategy based on research they had done. She said SIR had presented this to PDAP, which in turn is bringing it to the County to provide an opportunity for feedback before they finalize an approach. Ms. Catlin said that PDAP will be meeting the following week and plan to finalize the place-naming by the end of the year so VDOT can proceed with the sign construction process.

Ms. Catlin reported that signage and place-naming are important for traffic flow and navigation, and this provides an opportunity to build an identity for this critical business and residential part of the County. She noted the Board had talked in their strategic plan session about urban places and fostering a sense of place, and this was a foundational step in doing that for this part of the County.

Ms. Catlin reported that SIR had gone through an extensive research process and performed a quantitative survey in late 2014 to assess familiarity with the Route 29 Solutions project itself to help inform VDOT's communication program, and they also wanted to gather initial feedback on naming. She stated the methodology is a telephone survey, a mix of landline and cell phone interviews, followed up by focus groups to garner a better understanding as to how businesses and other area stakeholders will approach and react to a naming of the intersection area, to help build a greater sense of place and help with navigation. Ms. Catlin said that SIR hopes, in this process, to uncover the most promising names and rationale for naming the intersection and its parts, and they did nine separate groups with a total of 40 participants in the focus group discussion. She stated that as a last opportunity for feedback and vetting, the company provided an online panel, which generated almost 20 additional responses. Ms. Catlin said that all of the information gathered resulted in the recommendations and draft report brought forward to PDAP in September, which included the place-naming recommendations as presented, and now there is an opportunity for the County to provide feedback on it.

Ms. Catlin reported that as SIR communicated with people through the different methods described, they arrived fairly easily at criteria that were deemed to be important in helping assess how a naming strategy should be put together: something related to the area; something leveraging local history and special attributes of area; something simple and memorable, not too complicated; something timeless; and something marketable. She stated that SIR asked a lot of people a lot of questions regarding the general name for the area, and not surprisingly the word "Rio" clearly emerged. She said the quadrant naming piece is also important, and people prefer to call those "corners," with a preference for directional type naming: northeast, southeast, northwest, southwest. Ms. Catlin noted there were some suggestions to use names that were already familiar such as "Fashion Square," but it was decided that those names were not timeless as businesses could change in the future. Ms. Catlin stated that people felt the geographic directional naming would work best if there were descriptors attached, such as destinations where people were headed, but these got the most pushback. She said the suggestions included "Rio Northeast to Rio Road East and Downtown Charlottesville," "Rio Southwest to Rio Road West and Northside Library," and "Rio Road Northwest to Rio Road West and Rio Hill." She noted the hierarchy was essentially the higher level naming of "Rio," then directional naming, then descriptors.

Ms. Catlin stated that before this was presented to the Board, staff wanted to get input from citizens on the naming, and the business assistance subcommittee for marketing was included in the discussions. She said the County conducted an online survey with the community advisory committees, the business contact list, the homeowners' association list, social media and other sources. Ms. Catlin stated the survey generated about 80 responses and she has provided a copy of the full survey results, and they also discussed it with the community advisory committees. She noted the ideal time to conduct this type of exercise would be during the small area plan process, but the timing does not align. She said the survey revealed general agreement that "Rio" is a favorable name; the geographic directional naming is a concern because of the potential for confusion, but no consistent alternatives were provided and respondents feel that people will eventually understand it; and descriptors are felt to be the weakest suggestion, with respondents feeling that including names such as "airport" or Earlysville would be better.

Mr. Boyd asked why this is so important and said that other major intersections such as the intersection of Route 29 and Route 250 do not have a name. Ms. Catlin responded that areas like Pantops and The Corner have a name, and the idea is for the Rio area to start developing an identity and putting something in place so that people and businesses feel they are part of a district.

Ms. Mallek said that calling it “Rio” is perfect because it tells people exactly where it is, but she is surprised the consultants are so hung up on the use of north, south, east and west. Ms. Catlin clarified it is not the consultants, it is some of the people who responded to the survey.

Ms. Palmer said in the document provided it shows the votes for “Rio” and “Rio Corner,” and it seems that “Rio” by itself got the least number of votes, so she wonders why that name choice emerged. Ms. Catlin responded they feel “Rio” is the most basic thing that everyone agrees on, and wants to be respectful of the small area plan process, so “Rio” is felt to be base enough that a different name can emerge from a small area plan process. She said that “Rio” is something that can be built upon as the community there comes together to talk about how they see themselves.

The Board members stated they enjoyed reading respondents’ comments, and thanked Ms. Catlin for her work.

Agenda Item No. 21. **Transportation Matter:** Greensbrier Drive and Hillsdale Drive Intersection, Draft Letter.

Mr. Sheffield stated the day before he had forwarded a letter to Board members articulating their position requesting that VDOT reduce the speed limit on Hillsdale Drive to 25 MPH so when the new section is built there will not be acceleration between the two sections, culminating at Greenbrier Drive. He stated he had mentioned this to John Lynch, Philip Shucet and others, and they seem very receptive to it. He noted that Hillsdale Drive will probably need to be downgraded in its functional class in order to drop the speed limit, but there was no pushback on the idea. Mr. Sheffield stated his other idea is to put the money in escrow for when the signal is needed so they will not have to compete for the money, and that would save a lot of time in the future.

Ms. Mallek asked if they will go ahead and put the signal up now and just have it blinking. Mr. Sheffield responded that they were not at all open to the idea of putting it up, as it will require maintenance and will have other issues.

Ms. Dittmar asked how Branchlands residents are reacting to this, as her anecdotal conversations have revealed great concern. Mr. Sheffield responded they have been reacting poorly because years ago they had been promised a light, and there were legitimate concerns about driver confusion and safety. He said the intersection will be a two-way stop, and if drivers are heading north on Hillsdale coming out of Seminole Square there is a stoplight there, but the minute they get past it toward Pepsi-Cola and the post office they will start gunning it because of the speed limit change to 35 MPH. Mr. Sheffield said everyone would like to have a signal, but at least the speed limit change is something.

Ms. McKeel commented it would be nice to put the money in escrow for the light, so there would not be a delay when it comes time to actually install it. Mr. Sheffield responded the County would just need to make a formal request, and VDOT would have to explore a few options for that.

Ms. McKeel asked if the plan is for the Board to take action on this now. Mr. Sheffield responded it is not in the official Board packet, but he does not see this as a controversial item.

Ms. McKeel asked if he feels this should go ahead and send the request now. Mr. Sheffield responded there is no real time crunch with this.

Ms. Dittmar said the letter is excellent, and suggested they add a line requesting that VDOT advise them of their response.

Ms. Mallek also suggested adding something related to citizen concerns about this, so that VDOT knows it is not just the Board who is troubled by the situation.

Motion was offered by Mr. Sheffield to authorize Chair to send letter requesting VDOT to consider reducing the speed limit on Hillsdale Drive to 25 mph and to find some way of escrowing funds to provide for a signal when it is warranted. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Agenda Item No. 22. **Transportation Matter:** Radar Speed Signs.

The Executive Summary, as presented by staff, states that the Board directed staff to evaluate use of radar speed signs as a traffic calming measure in neighborhoods experiencing excessive speeding on local residential streets. A radar speed sign is a changeable message sign that displays to approaching drivers the speed at which they are traveling, and may be installed in conjunction with a Speed Limit sign.

Research indicates that radar speed signs often achieve their objective of a reduction in speeds. Depending on the application and problem being addressed, reductions in speeds ranged from small to significantly large. The long-term impact of such signage varied; in some cases it was reported to have a

positive impact over time (e.g., many months), while in other cases radar speed signs were reported to lose effectiveness within weeks of their deployment.

Reasons, or warrants, for the placement of radar speed signs are related to mean speeds, 85th percentile speeds, Average Daily Traffic (ADT), speed limit compliance issues, accident history, pedestrian presence, and posted speed limits. A second level of warrants is related to location-specific applications of radar speed signage, which includes school and park zones, locations where street conditions such as transition areas, curves, etc., are a concern, and work zones. This can include local neighborhood streets. Speed limit compliance issues have been raised in Carrsbrook and neighboring communities, therefore radar speed signs along their neighborhood streets are warranted pursuant to the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).

Section 2B.13 of the MUTCD addresses the location of speed limit signs. Although this section does not discuss radar speed signs in detail, it does provide a standard relative to where such signs should be placed. Specifically, the text indicates that the placement of radar speed signs should follow the convention set forth for ordinary stationary signage. In other words, radar speed signs (either post mounted or mobile) should be placed where speed changes occur (e.g., school zones, neighborhood streets, municipal boundaries, etc.). This would indicate that such devices should be placed where other existing speed limit signage is present rather than in a random location.

In order for VDOT to fund the acquisition, installation and maintenance of radar speed signs, approval through the traffic calming program is required. With the Board's direction, County staff will initiate and take the lead role in coordinating the traffic calming process (radar speed sign installation), and VDOT staff will provide technical support. Local residential streets experiencing speed limit compliance issues include Carrsbrook Drive, Huntington Road, Northfield Road and Old Brooke Road. Staff is certain that Carrsbrook Drive (State Route 854) will qualify under the traffic calming program for signage. It is uncertain if the other roads will qualify. Board direction is requested on the number of radar speed signs to be installed.

Some general items that should be planned for when considering radar speed sign deployment include:

- Plan and budget for routine maintenance work and parts replacement (Installation and maintenance costs to be worked out with VDOT)
- Plan and budget for occasional heavy maintenance needs. Accuracy checks on vehicle speeds being measured by radar need to be conducted with the help of the manufacturer (maintenance to be worked out with VDOT).
- Avoid or minimize deployment in areas of excessive tree canopy cover when using solar power.
- Consider visibility of the sign to motorists, particularly in areas of visual clutter (significant signage, tree branches, etc.).
- Consider the potential for vandalism and address accordingly through increased police patrols or other measures.
- Consider the performance capabilities and maintenance needs of battery power, either as a primary or backup power source.

The radar speed sign located in the City of Charlottesville at the McIntire Road/John Warner Parkway Interchange cost \$7,710.30:

Labor: \$1778.20

Equipment: \$1050.00

Solar Sign w/ Concrete Base: \$4882.10

Staff believes that installing a similar radar speed sign would cost approximately the same amount.

If the Board decides to pursue the installation of radar speed signs on any of the four roads, VDOT would fund the acquisition, installation and maintenance of the signs if they are approved through the traffic calming program. If a road does not qualify through the traffic calming program or if the Board decides to bypass that process and fund the signs, the cost is estimated at \$7,710 per sign on each road, for a maximum total cost of \$61,680 for eight signs on four roads.

Funding is available in the County's FY 16 Reserve for Contingencies account established for unanticipated priority needs. After the Board approves the appropriation requests included on the November 4 agenda, the FY 16 Reserve for Contingency Account is anticipated to have a balance of \$195,123, of which \$50,000 has been reserved for a potential FY 16 primary election.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to initiate the traffic calming process on Carrsbrook Drive. If Carrsbrook Drive qualifies under the program, staff will monitor the success of the radar speed signs and will report back to the Board in 2016 with a recommendation regarding the installation of signs on Huntington Road, Northfield Road and Old Brooke Road.

Mr. Gerald Gatobu, Principal Planner-Transportation, addressed the Board, stating they had directed staff to evaluate the use of radar speed signs as a traffic-calming measure for neighborhoods

experiencing excessive speeding on local residential streets. Mr. Gatobu said staff has looked into radar speed signs and compiled an executive summary, and explained the signs change as each car approaches to show drivers their speed in relation to the speed limit. He stated that research indicates that radar speed signs often achieve a reduction in speed, but it depends on the application and problem being addressed, and often police enforcement is used with it to ticket drivers and change driver behavior long term. Mr. Gatobu noted there is one radar speed sign located prominently at McIntire and the John Warner Parkway, and he was able to establish from the City of Charlottesville that the cost is \$7,710. He stated the reasons for putting up a sign are speed limit compliance issues, accident history, pedestrian presence, and to achieve speed limits during construction.

Mr. Gatobu said there is often questions about where to place the radar speed signs, and they should be placed where speed limits change such as school zones, neighborhood streets, and municipal boundaries. He stated staff has spoken with VDOT about the process for using the signs, and in order for them to fund the signs the County would have to go through the traffic-calming program. Mr. Gatobu mentioned that staff is certain that Carrsbrook Drive will qualify for radar signage under the traffic-calming program, and for Northfields, Huntington and Old Brook, the police had done a speed study, and VDOT's requirement is that the average speed exceeds the posted limit by 5 MPH. He said Carrsbrook qualifies because the speed limit is 25 and the average driver speed is 31, but for Northfields, Huntington and Old Brook the speed limit is 30 and the average speeds are 32, 33 and 34 so they are below the threshold. Mr. Gatobu noted that Sgt. Stoddard of the Police Department had sent him the data collected for the speed study.

Ms. Mallek asked where they had done the speed study on Huntington, and whether it was northbound north of the speed bump, because people are flying on that road toward Still Meadow. Mr. Gatobu responded that he can send her the data collected, which shows the exact location of the study area. He stated he has included information in his report on VDOT's traffic-calming program, with that process being an option if they want them to fund the radar signs, but if the County does not want to go through those steps it can fund its own signs. Mr. Gatobu said the cost is approximately \$7,710 per sign, with two needed on each road totaling about \$15,000 per road. He stated that staff recommends the Board adopt the attached resolution to initiate the traffic-calming process on Carrsbrook Drive, which will qualify under the program. Mr. Gatobu said that staff will monitor the success of the radar signs and he will report back to the Board on the efforts so they can evaluate whether they want to put them on the three other roads.

Ms. McKeel commented the Carrsbrook measure will essentially be a pilot, and it will include using traffic police officers to provide occasional random enforcement. Mr. Gatobu stated there are also enhanced speeding fines on Carrsbrook already, so the radar signs will be an additional measure.

Ms. McKeel asked how long it will take to get this installed, as it looks as though the process has four or five steps.

Mr. Sheffield said it seems to embody VDOT's full bureaucracy, whereas having the County buy it will skip that process.

Ms. McKeel asked if the County will be required to maintain it long term if they buy it themselves.

Mr. Gatobu stated if the County funds it, they will just need to get a permit to install it in the right of way, and staff will have to contact the equipment provider and the installation company to get estimates. He said once that is done, staff will contact VDOT to get the permits, then the company will install it.

Mr. Sheffield asked how long it will take to go through the VDOT process. Mr. Gatobu responded it will probably take two or three months, and he would have to put together information that shows the street qualified, but the biggest part of the process will be getting 75% of the Carrsbrook community to agree that they want it installed.

Ms. McKeel said Mr. Sheffield can just schedule a meeting and have the input at that point.

Mr. Sheffield stated he understands the process to be followed, but it seems cumbersome and they need to get the end result as quickly as possible, and although Old Brook is impacted more than Carrsbrook, it will be easier to get VDOT to sign off on Carrsbrook.

Ms. Mallek suggested the \$65,000 can fund an additional police officer to provide enhanced enforcement, and requiring 75% seems excessive, and the minute anyone gets killed on the road, the residents will be up in arms.

Ms. McKeel said VDOT probably does not want to get in between any disagreement among neighborhood residents.

Motion was then offered by Mr. Sheffield to adopt the resolution to initiate the traffic calming process on Carrsbrook Drive. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Mr. Boyd asked if this is the version by which VDOT will install it and pay for it. Staff confirmed that it is.

**RESOLUTION TO SUPPORT TRAFFIC CALMING MEASURES
ON CARRSBROOK DRIVE**

WHEREAS, Carrsbrook Drive (Route 854), is a local residential street as defined by VDOT with a posted speed limit of 25 miles per hour; and

WHEREAS, speeding has been identified as a major concern of the residents of the Carrsbrook Subdivision; and

WHEREAS, the Albemarle County Police Department collected speed data on Carrsbrook Drive, and has concluded that there is a speeding problem and acknowledges that it is impacting safety and quality of life for Carrsbrook Subdivision residents; and

WHEREAS, the Albemarle County Board of Supervisors finds that a speeding problem continues to exist on Carrsbrook Drive, and that it creates a potential hazard for residents in the Carrsbrook Subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby requests that the Virginia Department of Transportation install additional traffic calming measures on Carrsbrook Drive, specifically, the installation of Radar Speed Signs at strategic locations to increase speed limit awareness and encourage slower speeds.

(Note: With regard to Agenda Items No. 23 and 24, Mr. Sheffield disqualified himself from participating in the discussions. He read the following Transactional Disclosure Statement: "I am employed as Executive Director of JAUNT, a regional public transportation provider owned by the City of Charlottesville and the counties of Albemarle, Fluvanna, Louisa, Nelson, Buckingham, and Amherst located at 104 Keystone Place, Charlottesville, Virginia 22902, and have a personal interest in JAUNT because I receive an annual salary from JAUNT that exceeds \$5,000 annually." JAUNT is the subject of these agenda items and could realize a reasonably foreseeable direct or indirect benefit or detriment as a result of any decision related to JAUNT. He then left the meeting at 7:25 p.m.)

Agenda Item No. 23. **Transportation Matter:** Hollymead Transit Route (JAUNT Commuter Route).

The Executive Summary, as presented by staff, states that JAUNT has proposed establishing a morning and evening commuter transit service to Hollymead. At its meeting on September 2, 2015, the Board directed staff to evaluate the proposal and to determine the steps necessary to implement the service. The provision of transit service would be consistent with the recommendations of the County's Comprehensive Plan and Places29 Master Plan. Requests for transit service have also been received from residents living in the Hollymead and Forest Lakes area. The commuter route would also help relieve traffic congestion along the Route 29 corridor during the widening of Route 29, and during the construction of the grade separated interchange at the intersection of Rio Road and Route 29.

Staff has discussed the proposed Hollymead transit route with JAUNT staff. In designing the proposed route, JAUNT gave preference to high priority commuter destinations. Proposed route maps are attached (Attachments B and C). The University of Virginia Campus/hospital and the Downtown Mall were identified as popular, high commuter destinations. A route with stops at the Food Lion at Forest Lakes and the Hollymead Town Center (Kohl's), proceeding to the University of Virginia with a stop at the Downtown Mall, is considered most viable. Exact bus stop locations will be finalized at a later date.

JAUNT staff met with representatives from the Forest Lakes Home Owner's Association and found that there is strong interest in the proposed Hollymead bus route. A JAUNT survey conducted within the Forest Lakes community confirmed community interest in the route and the times it would be offered, as well as acceptance of the proposed fare. The proposed bus service would operate Monday through Friday. Funding and other details regarding the proposed route can be found in Attachment A.

A portion of the funding for this route is anticipated to come from proffered funds. A Hollymead Town Center (Area A-1) proffer (Attachment E) approved by the Board on December 11, 2013 is to provide funding specifically for public transit operating expenses. Proffer number four (4) states that within 30 days after demand by the County after public transportation service is provided to the project, the owner shall contribute \$50,000 to be used for operating expenses relating to such service for a ten (10) year period. Because service has not yet been provided to Hollymead, the proffered transit funds have not yet been requested or received; therefore, the County would have to provide \$50,000 to begin the service, plus any other expenses deemed necessary to commence the transit service. Once the transit service is operational, the County would demand the proffered funds to be used to cover operating expenses related to the transit service. The owner is to contribute \$50,000 cash to the County each year for a period of ten (10) years for a total of five hundred thousand dollars (\$500,000). It is important to note that it can be difficult to obtain proffer commitments from a responsible party in a timely manner and, because of this possibility, the County may need to fund the service until the proffers are received.

JAUNT is ready to commence the Hollymead bus route service in January, 2016. Two new 18 seater buses will be used for the service. Once operational, JAUNT staff will review the bus route in 1.5 years to assess operations, costs and performance. Additionally, JAUNT's quarterly reports to the Board will provide updates on the bus route. JAUNT is proposing to provide fare free service for a two month period in order to promote the service, and is requesting that the County provide funding in the amount of \$2,520 to offset the lost fare revenues for that period. The property owner has proffered to install two benches within 30 days after transit service begins. However, without the agreement of the property owner, the County will not be able to provide a bus shelter at the Hollymead Town Center (Kohl's) location. A bus could stop there for pick-up, but there would be no shelter. If the property owner consents to the location of a shelter, the County would need to fund the purchase and installation of a concrete pad, trash can and shelter at that location at an estimated cost of \$5,000.

As set forth in Attachment A, the estimated annual operating cost of the proposed new route is \$113,411, and the estimated annual revenue expected totals \$114,255 (\$15,120 from the fare box, \$49,146 in federal revenue, and \$50,000 in proffer revenue). If the Board decides to add this route, the County would need to appropriate up to \$57,520 (\$2,520 to offset the one-time lost fare revenue for the initial two months of free service on the route, the possible one-time \$5,000 cost of the new bus stop, and \$50,000, which could be reimbursed to the County from the Hollymead Town Center proffer).

While funding is available in the County's FY 16 Reserve for Contingencies account established for unanticipated priority needs, after the Board approves the appropriation requests included on the November 4 agenda, the FY 16 Reserve for Contingency Account is anticipated to be down to a balance of \$195,123, of which \$50,000 has been reserved for a potential FY 16 primary election.

Staff recommends that the Board determine the value of adding this commuter route at this time and direct staff accordingly. If this route is supported by the Board, staff will work with JAUNT to establish the new proposed Hollymead bus route as soon as possible and will bring an appropriation request for up to \$57,520 back to the Board for its consideration on December 2, 2015. Further, staff intends to treat the County obligation of \$50,000 as an additional on-going annual expense for purposes of planning and budgeting until and unless the identified off-setting proffer funds are actually provided by the responsible party.

Mr. Gatobu reported that JAUNT had proposed establishing a morning and evening commuter transit service to the Hollymead Town Center, and the provision of transit service will be consistent with the Comp Plan and Places 29 master plan. He stated the County has also received some requests from residents leaving the Hollymead and Forest Lakes area for transit service, and he included some letters in his report. Mr. Gatobu noted the University and Downtown Mall have been identified as popular high commuter destinations, and JAUNT staff has met with representatives from Forest Lakes Homeowners Association and found through surveys that there is strong interest in the bus route. He added the proposed bus service will operate Monday through Friday, morning and evening.

Ms. McKeel mentioned that months ago she had asked about a commuter transit route, which was supported by Ms. Mallek, and she wanted to clarify that despite NBC-29 reports, JAUNT has not asked for this service, the County asked JAUNT and CAT for estimates to do the service, and both had provided cost estimates and service proposals. She stated at this point the County is considering using JAUNT for the service because the funding and the system itself are more flexible.

Mr. Boyd asked when they had voted on this as a Board to request an RFP. Ms. McKeel said she had asked Mark Graham months ago because of the opportunity provided by the construction in that area, to see if there was a way to get people out of cars.

Mr. Boyd stated that he did not recall voting on an RFP for this. Mr. Gatobu said that CAT had provided information to the County on expenses for the service, which were quite high, and JAUNT estimated a much lower cost with a federal match available and the County's requirement being only \$50,000.

Ms. McKeel stated she did not recall the exact dates on which they had the discussion. Mr. Boyd noted he did not recall directing staff to put out an RFP. Ms. McKeel responded she did not say it was an RFP, and perhaps she had misspoken.

Mr. Boyd said that staff's inquiry was the equivalent of doing that if they asked CAT and JAUNT to provide costs. Mr. David Benish, Acting Director of Planning, clarified that staff had just inquired on costs for what a potential service would be, and they would view the Board's further conversations as their determination about whether to move forward and to establish the feasibility of the project.

Ms. Mallek said they will make that decision now.

Ms. McKeel added that now is the time for the Board to determine what they should do.

Mr. Gatobu stated a portion of the funding for this project is anticipated to come from proffered funds, with the rest coming from federal funding, and the Hollymead Town Center developer will have to proffer \$50,000 per year for 10 years towards transit service. He said he has been asked what is holding up this project, with people asking him at meetings about whether there will be a bus service here.

Mr. Boyd asked if there has been any thought about how people will cross from Forest Lakes to Hollymead Town Center. Mr. Gatobu confirmed the bus service route will stop at the Food Lion at Forest Lakes.

Mr. Boyd asked if the service will serve more than just Hollymead Town Center, as only the proffer money for that project will be used. Mr. Gatobu said the beginning of the route is at Food Lion.

Mr. Boyd asked if Food Lion and Stonefield will be contributing to this, since the route includes those stops. Ms. Mallek stated the proffer is for the benefit of transit, not specifically for Hollymead, and the proffer is for the route along the area.

Mr. Gatobu said they can start the route at Hollymead, if desired, and it is just a matter of where people will want to park.

Mr. Boyd asked if Food Lion is in agreement with the plan to use their lot. Mr. Gatobu said Food Lion has been very accommodating, and they will get a formal agreement from them for the transit service.

Ms. McKeel commented that people will want to do their grocery shopping when the bus drops them off in the afternoon.

Mr. Boyd stated he does not know the specifics of this proffer, but generally proffers come into play once a project is developed, and there has not been any buildout of this particular section of the Hollymead Town Center.

Mr. Davis clarified the proffer says that within 30 days after demand by the County, after public transportation service is provided to the project, which is the Hollymead Town Center, the owner shall contribute \$50,000 to the County for operating expenses related to such service. He stated the proffer simply states that once the service is provided to the shopping center, the County can demand the \$50,000 payment, and pursuant to the proffer, can be used for operating expenses for the service, and there are no other qualifying restrictions.

Mr. Boyd asked how they can pay for it if the property is not even developed, and he does not understand those economics. Ms. Mallek responded there are other parcels in the rezoning that have been developed.

Mr. Benish suggested that staff finish their presentation.

Mr. Gatobu reported that JAUNT is ready to commence bus service in January 2016 and two new 18-seater buses will be used for the service. He said JAUNT is planning to offer free fares for two months with the County providing about \$2,520 to offset the fares, and after that passengers will be charged \$1.50. He said the property owner has proffered to put in two benches within 30 days after the service commences, and the County will need to provide \$5,000 for the new bus stop and \$50,000 for the operating costs, to be reimbursed by Hollymead. Mr. Gatobu stated that staff recommends the Board determine the value of adding the commuter route at this time, and direct staff accordingly.

Ms. McKeel asked where the benches will be placed. Mr. Gatobu said they will be side by side.

Mr. Benish stated there had been a location approved for a bus stop as part of the site plan process, and said he has spoken with the current property owner, Wendell Wood, to get a better understanding of his concerns. Mr. Benish said Mr. Wood's concern is the ability to fund the proffer at this time given the status of the property that is subject to the proffer, as it is not fully developed and thus is not providing a revenue stream. Mr. Benish stated that Mr. Wood has also expressed concern about the fairness of the proffer, as there is a single entity subsidizing a portion of the cost of this service without any other private parties participating. Mr. Benish noted Mr. Wood is present at the meeting to answer questions.

Ms. Palmer said the proffer form in their Board packets states, "The owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the property to planned development/mixed commercial as requested, the owner shall develop the property in accordance with the following proffers...these conditions are currently voluntarily proffered as part of a request for rezoning." She asked for confirmation that the proffers are tied to rezoning and not to buildout.

Mr. Benish stated the property owner wants them to clearly understand that he was not the property owner at the time who offered the proffers, and purchased the property at a later date.

Ms. Palmer noted that in purchasing the property, he took on the proffers. Mr. Benish confirmed that the proffers run with the land.

Mr. Davis pointed out that Mr. Wood did sign these proffers, as they were amendments of proffers submitted by the prior owner, with changes requested by Mr. Wood in 2013, at which time they were reapproved. He confirmed they are not associated with buildout, and there are no restrictions or conditions other than what is in the scope of the document.

Ms. Dittmar asked Mr. Wood if there is anything he would like to say to the Board regarding the proffers.

Mr. Wendell Wood addressed the Board, stating that in 2008 he had sold this land to developers from Washington, D.C. and New York, who had initially planned for this project to have 6-story buildings, almost 2,000 residential units, and almost 600,000 square feet of commercial area. Mr. Wood said those developers went through the process and offered the proffers, but it was not feasible to do the project so they defaulted and he took it back from them. He stated he had paid for Hollymead Town Center, Town Center Drive from Route 29 to Airport Road, had widened Route 29, built Meeting Street, and put in water and sewer for the area, at a cost of about \$4 million. Mr. Wood pointed out that the rest of the area was not under restriction to put any money for bus transit, including Target, Harris Teeter, Forest Lakes, and the newly approved Martha Jefferson Hospital at Airport Road. He said that \$50,000 per year for 10 years is a burden that cannot be sustained on this piece of property without it being built out, and it is not fair for other neighbors to be exempt from this restriction especially since it was put on by a previous owner who defaulted. Mr. Wood stated it is not fair for this particular piece of property to pay for service to Forest Lakes, Target, UVA Research Park, Martha Jefferson Hospital, and Northpointe, and those are entities he has to compete with. He said he is willing to participate in public transit on an equitable basis, but he does not think he should be the one to pay for it for the entire corridor. He suggested the Board direct staff to do a survey as to what other projects like this had put up to contribute to the bus service, and said this is basically a lien on his property, which is a relatively small piece at just nine acres. Mr. Wood emphasized he is not trying to get out from paying his fair share, but it should be a fair share. He said he has been a developer for 55 years and paid a significant amount of taxes, and would like to continue to be able to do so.

Ms. Mallek referenced the second paragraph referring to the 2005 rezoning, which was the original rezoning of all the properties, and said that ZMA 2010-014 was when it was updated. She asked for confirmation from Mr. Davis that the discussion about busses in 2004 pertained to the overall rezoning. Mr. Davis responded that Section A was actually approved in 2007 with a portion approved in 2004, but it was not all approved at the same time, and Section A was originally approved in September 2007, at which time there was a different developer developing this portion of Hollymead Town Center. Mr. Davis said after the developer defaulted, Mr. Wood took the property back and came to the County to request amendments to the proffers, and they were all approved again in 2013. He stated that Mr. Wood owned the property in question at that time, and this proffer was likely inherited from the prior developer, but it was part of the original rezoning.

Ms. Mallek said she wants to clarify this proffer is not something that was added on later. Mr. Davis confirmed that it was not, as it was part of the original rezoning.

Ms. Palmer emphasized the proffers were associated with the rezoning, not with profit on the property, and the profit was in the original rezoning of the property. Mr. Davis stated the proffer was intended to offset the impacts associated with the rezoning, and in the 2007-2008 timeframe, there was a lot of Board focus on transit, with similar proffers offered for Biscuit Run, 5th Street Extended, and other major projects. He said staff was suggesting at the time that transit was an appropriate proffer to offset the traffic impacts associated with these types of developments.

Mr. Boyd asked if the Board had adjusted the 5th Street proffer. Mr. Davis confirmed that 5th Street developers had a proffer based on dollars per square foot of space, and they came back when they were redeveloping their concept and asked that the proffer be removed, which the Board had consented to.

Ms. McKeel asked if the Hollymead proffers had just been redone in 2013. Mr. Boyd said the 2013 changes pertained to pedestrian passages, not this particular proffer.

Mr. Davis confirmed that Mr. Wood was asking for changes to the proffers, which were dealt with as an entire package of proffers. Mr. Davis said that Mr. Wood had a number of the proffers changed but the transit one was not one of them, and he had resubmitted the entire proffer package under his signature.

Mr. Benish pointed out that Stonefield and Peter Jefferson Hospital have both provided proffer monies toward transit.

Mr. Boyd asked how much Stonefield is contributing to this service, and how many years. Mr. Benish responded they had initially proffered a larger amount of money for a jitney service, which never came to fruition, so they ended up proffering \$25,000 toward transit, although he is not sure if that applies to multiple years. He stated that Peter Jefferson had also proffered money for transit, which was done in a way that could be applied to other transportation improvements consistent with the language of the proffer.

Ms. McKeel stated the reality is that there are proffers all over the place, and they are all a bit different based on the situation, what is needed, and the potential impacts.

Mr. Boyd said the recommendation for the transit proffer was made because of the huge development that was going to happen there, but that is not going to happen.

Ms. Palmer stated it is because of the rezoning and its effects.

Mr. Boyd said he understands how the law works, and the assumption was made that there would be a lot of development that would support the need for the transportation.

Ms. McKeel stated the proffers came back in 2013, which was only two years ago.

Ms. Mallek said there were huge assumptions offered as evidence in the 2004 rezoning portraying tens of millions of dollars in annual sales tax receipts, and just because there had been a delay did not mean that everything should be thrown out.

Ms. McKeel asked if Karen Davis from JAUNT would like to comment on the transit service. Ms. Karen Davis addressed the Board, stating that JAUNT had looked at numerous transit route options and Food Lion is just one possibility, although they want to make sure that people from Hollymead can walk or bike to catch the bus. She stated the drop-off points can be moved from Stonefield to UVA instead, and when a commuter route was developed they tried to be responsive to the commuters on a given bus. Ms. Davis said JAUNT had done some time trials up and down Route 29 to see what the best pick-up and drop-off times would be, but the parameters included in the draft plan were just placeholders.

Ms. Dittmar asked if JAUNT anticipates a healthy amount of ridership on this route. Ms. Davis responded that they feel it will be, and said they had done a survey of Forest Lakes residents through their newsletter, with 25 people offering information that they were interested in commuting to UVA and the downtown area. She said they also looked at the pick-up and reverse commute options to get people north or people who are working at Target, Harris Teeter, etc.

Mr. Boyd asked if this puts JAUNT in direct competition with CAT, and whether their structure allows them to do that. Ms. Davis replied that JAUNT and CAT overlap in a number of different areas, such as the complimentary paratransit service offered by JAUNT, and this will be considered a rural originated route, which is provided for Albemarle County. She stated it is in the rural zone of transit funding, even though it is in a growth area and will be a natural place for a fixed route in the future.

Mr. Boyd asked if she is saying that having 25 residents in a 5,000 household neighborhood is sufficient to operate a bus service. Ms. Davis responded that Americans love their cars, and 25 residents without any advertising is a good start in terms of momentum, with a positive mood toward transit commuting. She stated that Americans would need to learn to embrace bus commuting, carpooling and biking, but once people are on the bus they enjoy it, and JAUNT hopes to make it as efficient and fast as possible so they are not deviating and delaying, which can be frustrating to workers.

Ms. McKeel said one of the things that is nice about JAUNT busses in a commuter route is that they can scoot around traffic problems and provide flexibility.

Mr. Boyd asked if Ms. Davis is familiar with the bus route CAT had run referred to as "Big Blue," which had been a total failure so they discontinued it.

Ms. Dittmar asked Ms. Davis how she will get the word out and encourage ridership so they are not funding empty busses. Ms. Davis said the best way will be to work with the community associations on both sides of Route 29, as well as to push the information out to UVA employees. She stated she would also like to see radio used, and JAUNT is proposing to take the two new busses and route them uniquely for this commuter route so that people will see it. Ms. Davis commented that commuter routes often start slowly, but with Buckingham, for example, they have to buy new 28-passenger busses to accommodate the demand. She said it has backed off a little bit, but JAUNT is flexible to accommodate those changes.

Ms. McKeel said that low gas prices may be impacting usage.

Ms. Mallek stated that parking fees at UVA are still pretty expensive.

Ms. McKeel said they are about \$1,200 per year.

Mr. Boyd asked if the math works on this without the proffer. Ms. Davis responded they would need local funding to make it work, and JAUNT looked at the proffer to try to make something work within the budget.

Ms. Dittmar asked if they anticipate the need for future County subsidies in the out years. Ms. Davis responded that it depends on the Board's commitment to transit in that corridor, and if there is demand, the service can grow based on their support.

Mr. Boyd asked if the rural area service allows JAUNT to charge whatever amount they want to. Ms. Davis responded the fares are flexible.

Ms. Dittmar asked if they are signing a contract, and if this is an annual commitment to JAUNT. Mr. Benish stated the first step is for the Board to agree that they want to provide the service, and the recommendation from staff, including the Office of Management and Budget and the County Executive's Office, is to assume this is a commitment over a number of years depending on the status of receiving the proffer.

Mr. Boyd asked if the County will have to collect the proffer money and then turn it over to JAUNT. Mr. Benish explained the County cannot request the proffer until the service actually starts, so they can front end the first year and then get reimbursed from the proffers.

Mr. Boyd said it will have to come through taxpayer dollars and will have to be an appropriation made by the Board to allocate \$50,000 a year to JAUNT, in addition to the \$820,000 they are already appropriating. Mr. Foley explained it will be an appropriation in the first year and future years, with revenue to offset \$50,000 a year for 10 years, and after that they would need to determine whether to continue the service through an appropriation to JAUNT. He said this is not really a contract with JAUNT that they are obligated to meet for 10 years, it is a budget decision by the Board, and if they proceed for 10 years they will have the revenue offset that will bring down other federal monies. Mr. Foley stated after that they will have to decide as they do with other transit routes, whether to continue or extend the route, and that will typically depend on ridership.

Mr. Benish stated staff has requested that JAUNT provide in this year's budget request a cost for this service so that the Board had an understanding of the cost in the future.

Ms. Mallek said it may take a few years to build ridership on the route, but there are more houses approved that will be going up in this area.

Ms. Dittmar stated the County has a significant number of proffers they may not end up using, but this one is an asset and should at some point be executed, so she wants to know if they can start the service and interrupt it if the ridership is not there, then wait until the density becomes higher to reinstate it.

Mr. Davis said the proffer is a little bit ambiguous, but the way it is being construed is that it must be funded in consecutive years.

Ms. Dittmar said Mr. Wood has asked them to consider whether it is fair to him, and although he inherited it from another developer it was part of the rezoning. She stated the question is whether they should pull the trigger now or wait until there is more density.

Ms. Mallek asked if there is an expiration date on the proffer. Mr. Davis responded that there is no limit with this proffer, although there is with the Stonefield transit proffer.

Mr. Boyd asked if they can get more information on the Big Blue bus service, how long it ran, the cost to the County, and who pulled the plug on it, because he recalls it was the County who had discontinued it.

Ms. Palmer stated the mood for public transit has changed dramatically in the last few years and a lot more people are interested in it, and asked Ms. Davis if that is the trend. Ms. Davis responded that the community supports different options for commuting.

Ms. Mallek asked if JAUNT had added a route over the mountain to Waynesboro and Augusta County. Ms. Davis stated there had been a joint MPO meeting to discuss it, and they are considering adding that route.

Ms. Palmer asked how full the routes from surrounding counties are. Ms. Davis responded that the ridership from those areas is very strong, and at one point they had two commuter routes for Fluvanna, but due to budgetary cuts they had to be combined. She said Nelson uses smaller vehicles, but they are full.

Ms. Mallek noted that Albemarle County riders can hop on the busses coming in from those counties.

Ms. McKeel asked if the JAUNT busses can accommodate bicycles. Ms. Davis stated the busses will have bike racks.

Ms. Dittmar asked Mr. Gatobu if he feels there is good demand for this and that now is the time to start this. Mr. Gatobu responded that he does.

Ms. McKeel stated she feels it is a very advantageous time to start this.

Ms. Palmer stated she appreciates Mr. Wood's comments about fairness, but this is a proffer associated with a rezoning and that is what triggered it, and a deal is a deal.

Ms. McKeel said she does not see this as a fairness issue.

Ms. Dittmar stated that where fairness comes into it is the route itself, and whether there should be special consideration for Mr. Wood's properties given that his property is going to fund it.

Ms. Palmer said there are only two stops.

Ms. Dittmar clarified this transit is intended because of growth stimulated by the rezoning, and since Mr. Wood has properties in that area, it would help with the fairness issue to have bus stops on his properties.

Mr. Boyd asked if they can differentiate their fares based on where riders are picked up.

Board members stated they feel that is too complicated.

Ms. Davis stated there has been a bus stop already identified and a cutout established at the Kohl's property.

Mr. Benish said that staff will get something scheduled with Mr. Wood to discuss the specifics.

Mr. Wood stated the amount of ridership is the key to what they are talking about here, and JAUNT's projections show that it will cost \$100,000 in the first year, with \$15,000 received back from riders in fares; in the second year the cost will exceed \$200,000.

Ms. Dittmar said it is true in terms of fares, but mass transit is a subsidized service, and she asked where those figures are coming from.

Mr. Gatobu stated it is subsidized \$50,000, but then federal funds are awarded to JAUNT.

Ms. Dittmar clarified that Mr. Wood's question is whether the costs will escalate to \$200,000 in the second year. Mr. Wood responded that JAUNT's own information shows the increase, and most of the funding is coming from taxpayer dollars, and he wonders if the federal government will continue to provide the funding.

Mr. Boyd asked if the federal revenue will continue to be at the \$50,000 per year level for the next 10 years. Ms. Davis explained that in the rural areas, the cost is a 50/50 split between federal and local dollars after fares are deducted.

Ms. Dittmar suggested they focus on the final sources, which will be the \$50,000 proffered amount.

Mr. Boyd commented that if this is the kind of deal the federal government makes, it is no wonder they are running such a deficit.

Ms. McKeel noted that Virginia is a donor state, and any federal dollars brought back for local services is a good thing. Ms. Davis stated that she is not sure where the projections Mr. Wood cited had come from, but she would be happy to look into that.

Ms. Dittmar said there are no appropriations to be done at this point, and asked staff to come back with the projected budget for 10 years, taking into consideration the proffer, the federal subsidy for transit, and the out of pocket costs would be for the County with fare escalation factored in. She stated that a future Board may decide they are moving in a different direction, but the County will lose the proffer if they are not ready.

Motion was then offered by Ms. McKeel to approve the JAUNT commuter route subject to appropriation approval on December 2, 2015.

Mr. Benish asked Ms. Davis if she can help with the information mentioned. Ms. Davis asked for clarification if they are seeking the cost of the route over 10 years, without growth taken into account.

Mr. Boyd stated that Attachment A has that number included, with total revenue of \$114,286 per year, over \$1 million over a 10-year period, and he does not understand how the federal government can operate under such a losing proposition.

Ms. McKeel clarified that it is \$50,000 from the proffer and \$50,000 from matching funds.

Ms. Mallek noted this is the match as it has been provided for rural service for 10 years.

Ms. Dittmar stated that highway funds are assigned to transporting people, typically on roads, but also on transit and rail.

Mr. Boyd said he grew up in Washington, D.C. and took the bus everywhere, but they had the density to afford it, which is not the case in Albemarle County. He stated he does not think the bus will fill up, and they would likely be subsidizing \$100,000 per year for 10 or 12 riders maybe even 2 or 3 riders.

Ms. Mallek stated they are filling up the busses in Louisa, Nelson and Fluvanna.

Mr. Boyd said they are filling them up where they are offered for free.

Ms. Mallek stated those riders are charged for riding, and those localities are also subsidizing.

Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: Mr. Boyd.

ABSTAIN: Mr. Sheffield.

Recess. At 8:22 p.m., the Board took a brief recess, and reconvened at 8:30 p.m.

Agenda Item No. 24. **Transportation Matter:** JAUNT's Annual Report.

Ms. Karen Davis addressed the Board and stated that JAUNT is celebrating its 40th anniversary this year, providing transportation to local communities. Ms. Davis recognized the Albemarle County JAUNT Board members in attendance, Fran Hooper and Ben Wench, with members Juan Wade and Ray East not in attendance, and said that all board members brought their expertise and service. Ms. Davis reported that JAUNT had 300,000 trips this year and had reached 18 million trips total as an organization. She stated the largest local funding shares are from Albemarle and Charlottesville, because of ADA service in the urban zone, and there are also contributions from Nelson, Fluvanna, Louisa and Buckingham. Ms. Davis stated that JAUNT receives 44% of its funding from local sources, fare revenue at 10%, federal and state subsidies, and excess agency revenue.

Ms. Davis reported that JAUNT expenses are at an 80/20 split between operations and administration, with most of that going toward salaries and benefits, and fuel also being a factor. She presented an Albemarle service summary over a three-year period, with an overall increase of 4% despite an agency decrease of more than 18%. Ms. Davis presented information on rural service in Albemarle County and the number of hours allocated in the JAUNT budget, and their goal is to offer as many service trips as possible for the hours designated, and they are trending well in that area. She stated the Albemarle service in the urban area is the ADA service provided, which has increased substantially in recent years, and for FY16 they have already provided 3,000 more hours than planned in their budget. Ms. Davis stated that Albemarle County public operating revenues are similar to those for JAUNT overall, with local funding at 47% and fare revenues at 9%, with federal subsidies at 25% and excess agency revenue making up the difference. She noted that operating expenses also align with JAUNT overall, with an 80/20 split.

Ms. Davis presented a slide showing the differences between urban and rural transit and how it is funded, and said when providing transit in the rural area, once fares are removed it becomes a 50/50 match with federal funds. She noted that state funds are used to supplement local funds, so there is more ability to get public funds to help support transit in the rural area. Ms. Davis said the ADA money is a fixed amount, with urban money divided between CAT and JAUNT at a 75/25 split, and that is a stagnant amount of money. She stated that JAUNT is never allowed to turn down an ADA trip, but can negotiate the trip hours by an hour on either side, and the fare is a fixed ratio to CAT fares, so the most that can be charged is \$1.50, and the service always parallels the fixed route service so JAUNT runs from 6 a.m. to midnight. Ms. Davis said they have traditionally made up the difference with excess agency revenue, but that is declining so they do not have to revisit the Board each year with a budget request. She noted that some of the things that drive up those costs are the fact that Charlottesville/ Albemarle is a retirement area and facilities within an ADA zone, which allows residents to qualify for ridership.

Ms. Mallek asked if the Colonnades and Westminster Canterbury will be examples of that. Ms. Davis responded the Colonnades might be in the County, but Westminster Canterbury is an example, Golden Living, Charlottesville Health & Rehab, Albemarle Health & Rehab, Rosewood Village, etc. She stated that ADA can be used for anything, so once a rider is certified the service can be used for trips beyond medical appointments.

Ms. Mallek asked for an example of what is meant by "agency." Ms. Davis responded that agency trips primarily refer to Medicaid trips in the area, which are brokered in Virginia by Logisticare, with JAUNT being one of those providers, and some transportation providers only doing those types of trips. She said that JAUNT is also providing transportation for the PACE program, which serves seniors.

Ms. Dittmar asked for clarification that JAUNT is required to match CAT's hours. Ms. Davis explained that an individual with a disability has the right to transit at the same hours as those who can ride regular transit, so their services must be kept exactly parallel.

Ms. Mallek asked about the split of federal funds between CAT and JAUNT, and asked if that is in the ADA category. Ms. Davis confirmed that is correct.

Ms. Mallek asked if JAUNT is getting the necessary proportional split for the riders as far as the split with CAT. Ms. Davis responded the TJPDC is taking a fresh look at the RTA and all of the coordinated transit, including how it was initially conceived and whether it still is relevant today. She noted that CAT uses their portion of the urban funds for the fixed route, and JAUNT uses theirs for the ADA service.

Ms. Davis presented a brief video featuring JAUNT, which had been created by two UVA interns who worked with the organization over the summer. She thanked the Board for allowing her to present today.

Mr. Boyd asked for a copy of her report.

Ms. Dittmar thanked JAUNT's board members for being in attendance, and Ms. Palmer thanked them for staying so late at the meeting.

(Note: Mr. Sheffield rejoined the meeting at 8:54 p.m.)

Agenda Item No. 25. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek reported that people had mentioned several things to her at the polls the previous day, particularly concerns about traffic speeding through the construction zone on Route 29, and she is not sure if there is a way to increase the visible deterrent of police officers there.

Mr. Sheffield stated that police officers are out there during construction and pointed out that VDOT pays for those officers during construction times, stating that perhaps the offenses are happening during non-construction times.

Ms. Mallek said that perhaps the officers are not out there as much from 9 to 5 when construction is reduced, so local response may be needed.

Ms. Mallek stated that a constituent had also raised concerns about the lack of follow up from "Matters from the Public," and this person had suggested having the questions answered during the meeting or provide better response after the meeting.

Ms. Mallek stated there have also been concerns raised by multiple people, including builders and engineers, about the Neighborhood Model and how it is evolving, and the impacts from other developments when new phases come online. She said what is presented to buyers and their expectations are not able to be delivered on, such as changes in street design that has eliminated parking on one side in order to accommodate fire engines. Ms. Mallek stated the consensus she has heard from constituents is that the Board is the entity that needs to stand up to the demands from infrastructure, primarily from fire and rescue, and perhaps they do not need to have the biggest fire trucks in use. She commented they are running the risk of destroying the quality of what they are trying to achieve, and perhaps they can talk about it further at a future meeting.

Item No. 25a. Voting Credentials for VACo Annual Business Meeting.

Ms. Dittmar asked if Ms. Mallek has an item related to voting credentials. Ms. Mallek clarified that they need to make sure someone is designated to vote on Tuesday for VACo.

Ms. Dittmar asked Mr. Boyd if he would be willing to do that. Mr. Boyd responded that he would prefer not to.

Ms. Mallek said she would, and it was agreed that Ms. Dittmar would serve as alternate.

Motion was then offered by Mr. Boyd to authorize Ms. Mallek to serve as the Board representative, and Jane Dittmar as the alternate, to cast votes at the Annual Business Meeting. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.

NAYS: None.

Ms. Dittmar stated Mr. Neil Williamson had raised the issue of outdated proffers, and she said that a number of committees had worked hard and come up with great reports, with Mr. Boyd having worked with the Proffer Committee.

Mr. Boyd stated the Proffer Committee had presented its report to the Planning Commission because that was the next step in the process, and the committee had come up with some recommendations as well as being directed by the Commission to look at the issue again with a broader scope. Mr. Boyd said the committee had recommended adjusting the proffer amount to comply with current legislation, and said that Mr. Davis may have an issue with how the recommended amount was derived.

Mr. Davis emphasized that the County's proffer policy is not out of compliance with state law, technically because the policy establishes a maximum proffer amount, not a minimum, and if a person wants to proffer a lesser amount, they can certainly do that.

Mr. Boyd agreed, but said that he feels they should still reestablish their proffer policy. He said Mr. Davis had attended most of their committee meetings and had pointed out that the Board's charge was to look at the credits that can be established, but that limited the committee from looking at affordable housing proffers, and it becomes a moot point when the minimum becomes known, as it represents a significant drop. He asked if this item will be coming before the Board in December.

Mr. Foley clarified the report from the Planning Commission will come to the Board in December.

Mr. Boyd reiterated the Planning Commission had wanted the committee to broaden its scope, and that would have to be done by the Board.

Ms. Dittmar said that Mr. Foley is going to look into the bridges certification, and asked if that will be coming back to the Board. Mr. Foley stated that staff is working with VDOT to get the status of those.

Ms. Dittmar commented that in the report from the Citizen Resource Committee, it was noted that 20 cents had been whittled off the tax rate because of land use and revenue sharing, but she also wants to point out that 20 cents of that is for mandates, so the County is really operating off of 40 cents for expenses.

Ms. Dittmar stated she and Ms. Mallek had been working with Ms. Catlin on a draft of a resolution to establish a management committee overseeing the proper allocation of tourism revenue, so that will be on the Board's agenda the following week.

Ms. Palmer reported that the Citizens Resource Advisory Committee had suggested having a committee to focus on expenses next year, and perhaps they can convene beginning in the spring. Mr. Foley suggested they approach it in the same way as that committee was established, and that would happen as part of the budget process, to take place in the next fiscal year.

Ms. Mallek asked if there is already an advisory group as part of the budget process. Mr. Foley responded the committee's suggestion was to have another efficiency and effectiveness study, and the previous study done several years earlier was an efficiency study that cost about \$80,000. He explained that an effectiveness study is a bit more complex as it includes standards for effectiveness, and the County will need to do an RFP unless it is done as it had been through VCU. Mr. Foley said he feels it is a good idea to do an efficiency study after more than five years, but they will need to look carefully at what is meant by "effectiveness," with the Board providing input. He emphasized that efficiency and effectiveness in businesses are measured by bottom lines, so it will be different when dealing with things like social services.

Ms. Catlin clarified that Ms. Palmer is referring to the resource committee's suggestion to look at the expenditure side of the County's operations.

Ms. Palmer said that is what she is referring to.

Mr. Foley said he is referring to the same thing, but said the committee had referred to it as an efficiency and effectiveness study.

Ms. Mallek cautioned them not to get too carried away, because the resource utilization study they had done previously included many recommendations to spend more money on things, and some of the people involved in that process seemed to be biased when asking their questions. She said it took a huge amount of time, and a huge more amount of time was spent in trying to decide which recommendations they kept and which they discarded.

Mr. Foley stated that staff will definitely bring a response back on that recommendation.

Mr. Boyd noted that Mr. Foley is correct in his distinction between efficiency and effectiveness, as they are two very different things.

Mr. Foley said he supports them making some effort in this, but he wants to make sure it is done thoughtfully so they do not head down a path that is not effective.

Ms. McKeel stated they will be having that conversation with the School Board also.

Mr. Foley said they had that same recommendation for the schools, so they will need to revisit that at that time also.

Mr. Boyd commented that regarding the comment about effective tax rate, it should be noted that Albemarle has a considerably higher cost of living and higher household cost.

Ms. Dittmar said her intent is not to show a low tax rate, but to show how much is committed away from general government.

Ms. McKeel stated in a recent article about this area being a good place for retirement, the low cost of housing was cited.

Other Board members noted it is low in comparison to large cities.

Mr. Foley said the article must have been comparing the area to a lot of other college towns.

Agenda Item No. 26. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley stated the next three Board meetings will include a review of the five-year plan, starting with the joint School Board meeting, which will begin to help prepare them for the annual budget process.

He stated the legislators' luncheon will be held on December 4.

Mr. Foley stated staff has already been in contact with new Board members and are putting together an orientation for them with the assistance of Ms. Mallek and Ms. Dittmar. He said that some of the items they will be covering may also be of interest to existing Board members, and he will review that list with them at their meeting on November 11.

Agenda Item No. 27. Adjourn to November 11, 2015, 2:00 p.m., Room 241.

At 9:16 p.m. Ms. Mallek **moved** that the Board adjourn to November 11, 2015 at 2:00 p.m. in Room 241 of the County Office Building. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel.
NAYS: None.

Chairman

Approved by Board
Date: 02/03/2016
Initials: EWJ