

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of October 4, 2017</p>		
		October 5, 2017
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:02 p.m., by the Chair, Ms. McKeel. All BOS members present with the exception of Brad Sheffield. Also present were Doug Walker, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of By a vote of 5:0:1 (Sheffield absent), ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that the Crozet Arts Festival and the Montpelier Fire Festival would be held on October 7 and 8. Requested scheduling of a discussion on fire rules and clarification of Albemarle County's stream crossing rules. Congratulated staff on the CAC joint meeting held on Monday. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Announced that he attended the AHIP Gala and the Southwood Community Meetings. <p><u>Norman Dill:</u></p> <ul style="list-style-type: none"> Announced that he attended the Rivanna Renaissance Festival. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that the Rivanna Pump Station ribbon cutting would take place on October 5. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Marta Keane</u>, JABA CEO, announced open enrollment for Medicare Part D and provided information on scheduling counseling appointments. <u>Neil Williamson</u>, Free Enterprise Forum, spoke towards agenda item #9. <u>Clark Tracy</u>, Kingfishers Fishing Club, commented on the access to and the development of boat ramps. <u>Sally Thomas</u>, former Supervisor, presented the Board with gifts its Sister City from the Italian province of Prato. <u>Tim Hulbert</u>, Charlottesville Regional Chamber of Commerce, announced it was St. Francis of Assisi's day. 		
<p>8.2 FY 2017 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve Appropriations #2017106, #2017107, #2017108, #2017109, and #2017110 for local government and school division projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)</p>	

8.3	<p>Police Department Career Development Program Revision.</p> <ul style="list-style-type: none"> AUTHORIZED the following actions: <ul style="list-style-type: none"> Make one-time lump sum payments to affected officers to cover the retroactive pay for August 1, 2015 through September 30, 2017. Change the current hourly rates of affected officers effective October 1, 2017 to conform to the current Career Development Program standards. 	<p><u>Police/HR:</u> Proceed as authorized.</p>	
8.4	<p>Acquisition of Conservation Easements (ACE) Appraisals and Purchases for FY 17 Applicant Class.</p> <ul style="list-style-type: none"> AUTHORIZED staff to invite Kerley and Earnhardt to make written offers to sell conservation easements to the County for no more than: an income adjusted value of \$122,400 for the Kerley easement and full value of \$248,000 for the Earnhardt easement; and ACCEPT offers from either or both of these owners to sell conservation easements for no more than the above amounts; and AUTHORIZED the County Executive to sign the Deeds of Easement and related forms on behalf of the County for either or both of these two easements once such documents are approved by the County Attorney. 	<p><u>Ches Goodall:</u> Proceed as Authorized.</p> <p><u>County Attorney:</u> Provide clerk with fully executed copy of deeds.</p>	
9.	<p>Work Session: Rural Recreation.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED Resolution of Intent. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)</p>	
10.	<p>Discussion: Update on Stormwater Utility and Program Costs.</p> <ul style="list-style-type: none"> HELD. 		
11.	<p>BF Yancey Transition Planning.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), AUTHORIZED the Interim County Executive to appoint a BF Yancey Transition Advisory Committee. 	<p><u>Interim County Executive:</u> Proceed as directed.</p>	
	<p>Recess.</p> <ul style="list-style-type: none"> At 3:04 p.m., the Board recessed and reconvened at 3:17 p.m. 		
12.	<p>Board-to-Board, September 2017, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</p> <ul style="list-style-type: none"> RECEIVED. 		
13.	<p>2017 Citizen Survey Results.</p> <ul style="list-style-type: none"> RECEIVED. 		
14.	<p>Albemarle County Service Authority Quarterly Report.</p> <ul style="list-style-type: none"> RECEIVED. 		
15.	<p>Rivanna Water and Sewer Authority (RWSA) Quarterly Report.</p> <ul style="list-style-type: none"> RECEIVED. 		
16.	<p>Closed Meeting.</p>		

<ul style="list-style-type: none"> At 4:54 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (1), to discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointment. Under Subsection (3), to discuss the expansion of an existing business where no previous announcement has been made of business' interest in expanding its facilities in the community. Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about: <ol style="list-style-type: none"> Activities on a preservation tract in a rural preservation development; and Litigation related to a real estate assessment appeal, because a public discussion would adversely affect the negotiating or litigating posture of the County. 		
17. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:02 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
18. Boards and Commissions: <ol style="list-style-type: none"> Vacancies and Appointments. <ul style="list-style-type: none"> APPOINTED, Mr. George Ray to the Economic Development Authority as the Rio District representative to fill an unexpired term ending January 19, 2018. APPOINTED, Mr. Larry Brown to the Pantops Community Advisory Committee with said term to expire June 30, 2019. APPOINTED, Supervisors Diantha McKeel and Ann Mallek to the Regional Transit Partnership with said terms to expire December 31, 2017. 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	
19. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> There were none. 		
20. Virginia Department of Transportation (VDOT) Quarterly Report. <ul style="list-style-type: none"> RECEIVED. 		
21. County Transportation Planner Quarterly Report. <ul style="list-style-type: none"> RECEIVED. 		
22. Transportation Funding/Grant Application Review. <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ENDORSED grant applications. By a vote of 5:0:1 (Sheffield absent), ADOPTED resolutions for two Transportation Alternatives Set-Aside Grant applications. 	<u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 3).	
23. FY 2018 Budget Amendment and Appropriations and Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED resolution to approve appropriations as amended. 	<u>Clerk:</u> Forward copy of signed resolutions to OMB and County Attorney's office. (Attachments 4 and 5)	

	<ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), APPROVED appropriations #2018027, #2018028, #2018029, #2018030, #2018031, #2018032, #2018034, #2018035, #2018036, #2018037, #2018038, and #2018039 for local government and school division projects and programs. By a vote of 5:0:1 (Sheffield absent), ADOPTED Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 		
24.	<p>Implementation of \$25.00 Will Probate Fee.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED ordinance. 	<u>Clerk:</u> Forward copy of signed ordinance to Clerk of the Circuit Court and County Attorney's office. (Attachment 6)	
	<p>Non-Agenda: From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>David Ball</u>, resident of Buckingham addressed the Board and introduced himself as an Independent Candidate for the 59th District. 		
25.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Asked if an agenda date has been set for a Burn Ordinance and regulation discussion. Asked for an update on Stream Crossings. Asked if the County had the ability to have a vehicle idling ban. Mentioned CATEC as it relates to its Strategic Plan and a potential relocation to PVCC. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Requested that staff send a letter to the Kingfishers Fishing Club in regards to the boat ramp. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Reminded Supervisors that he may not be present for the October 11 Board meeting. <p><u>Greg Kamptner:</u></p> <ul style="list-style-type: none"> Commented on the Virginia Outdoor Foundation Open-space easement at Boyd Tavern and mentioned that he will provide the Board with an update at its October 11 meeting. 	<p><u>County Executive/County Attorney:</u> Notify Clerk when ready to schedule.</p> <p><u>County Executive:</u> Proceed as requested.</p>	
26.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 		
27.	<p>Adjourn to October 11, 2017, 3:30 p.m., Lane Auditorium, County Office Building.</p> <ul style="list-style-type: none"> The meeting was adjourned at 7:38 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 17 Appropriations

Attachment 2 – Resolution of Intent

Attachment 3 – Resolution – Cale Elementary School Bike and Pedestrian Improvement Project and Resolution – Greer/Jouett Bike and Pedestrian Improvement Project

Attachment 4 – Resolution to Approve Additional FY 18 Appropriations

Attachment 5 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

Attachment 6 – Ordinance No. 17-15(3)

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2017106, #2017107, #2017108, #2017109, and #2017110 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, 2017.

RESOLUTION OF INTENT

WHEREAS, the Rural Area Chapter of the Albemarle County Comprehensive Plan states that one of the objectives of the County is to “promote rural and historic landscapes,” and one of the strategies to achieve that objective is to “review the zoning regulations related to recreational uses to see whether updates are needed to better reflect rural recreational activities that should be available by special use permit in the Rural Area”; and

WHEREAS, Albemarle County Code §18-10 lists permitted by-right and special use permit recreational uses in the Rural Areas zoning district; and

WHEREAS, it is desired to implement the Rural Area Chapter of the Comprehensive Plan by reviewing all zoning regulations related to recreational uses in the Rural Areas zoning district and amending the Albemarle County Zoning Ordinance to reflect which rural recreational activities should be permitted in the Rural Areas zoning district.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §18-10 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

RESOLUTION

WHEREAS, the Albemarle County Board has identified the Cale Elementary School Bike and Pedestrian Improvement Project, defined to include construction of a pedestrian crossing of Avon Street Extended and associated sidewalks to provide safe and convenient access to the school, as a transportation priority for the County through the Transportation Improvement Prioritization Process; and

WHEREAS, the County intends to submit an application for funding of the project through the Transportation Alternatives Set-Aside Program as a Safe Routes to School project; and

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that Albemarle County submit a resolution requesting the Virginia Department of Transportation establish a Transportation Alternatives Set-Aside project to be administered by Albemarle County; and

NOW, THEREFORE, BE IT RESOLVED that Albemarle County requests the Commonwealth Transportation Board establish the Cale Elementary School Bike and Pedestrian Improvements Project.

BE IT FURTHER RESOLVED, that Albemarle County hereby commits to provide the 20% matching contribution for this project and any additional funds necessary to complete the project, and

BE IT FURTHER RESOLVED, that Albemarle County hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project, and

BE IT FURTHER RESOLVED, that Albemarle County will be responsible for maintenance costs of the improvements on school property and will work with the Department on arrangements to maintain those portions on the public road system, and

BE IT FURTHER RESOLVED, that if Albemarle County subsequently elects to cancel this project, they hereby agree to reimburse the Department for the total amount of costs expended through the date the Department is notified of such cancellation. Albemarle County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

BE IT FURTHER RESOLVED, that Albemarle County Board of Supervisors hereby grants authority for the County Executive to execute project agreements for this project for Fiscal Year 2019.

RESOLUTION

WHEREAS, the Albemarle County Board has identified the Greer/Jouett Bike and Pedestrian Improvement Project, defined to include construction of a shared-use path along Lambs Road and Lambs Lane from Hydraulic Road to Greer Elementary School to provide safe and convenient access to the schools, as a transportation priority for the County through the Transportation Improvement Prioritization Process; and

WHEREAS, the County intends to submit an application for funding of the project through the Transportation Alternatives Set-Aside Program as a Safe Routes to School project; and

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that Albemarle County submit a resolution requesting the Virginia Department of Transportation establish a Transportation Alternatives Set-Aside project to be administered by Albemarle County; and

NOW, THEREFORE, BE IT RESOLVED that Albemarle County requests the Commonwealth Transportation Board establish the Greer/Jouett Bike and Pedestrian Improvements Project.

BE IT FURTHER RESOLVED, that Albemarle County hereby commits to provide the 20% matching contribution for this project and any additional funds necessary to complete the project, and

BE IT FURTHER RESOLVED, that Albemarle County hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project, and

BE IT FURTHER RESOLVED, that Albemarle County will be responsible for maintenance costs of the improvements on school property and will work with the Department on arrangements to maintain those portions on the public road system, and

BE IT FURTHER RESOLVED, that if Albemarle County subsequently elects to cancel this project, they hereby agree to reimburse the Department for the total amount of costs expended through the date the Department is notified of such cancellation. Albemarle County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

BE IT FURTHER RESOLVED, that Albemarle County Board of Supervisors hereby grants authority for the County Executive to execute project agreements for this project for Fiscal Year 2019.

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 18 Budget is amended to increase it by \$15,287,215.13.
- 2) That Appropriations #2018027, #2018028, #2018029, #2018030, #2018031, #2018032, #2018034, #2018035, #2018036, #2018037, and #2018038 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

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

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

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

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$8,576,034.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

* * * * *

Exhibit A
Bond Funded Projects

General Government

Cost of Issuance	\$ 168,158
------------------	------------

School Division

Learning Space Modernization Project	\$ 1,827,683
--------------------------------------	--------------

School Security Improvements Program	\$ 205,125
--------------------------------------	------------

School Maintenance/Replacement Program	\$ 5,915,358
--	--------------

Western Albemarle high School Environmental Studies Academy Phase 2	\$ 440,820
---	------------

Woodbrook Elementary School Addition-Modernization	\$ 18,890
--	-----------

Total	\$ 8,576,034
--------------	---------------------

ORDINANCE NO. 17-15(3)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE V, TAX ON PROBATE OF WILLS OR GRANTS OF ADMINISTRATION, 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 15, Taxation, Article V, Tax on Probate of Wills or Grants of Administration, is hereby amended as follows:

By Adding:

Sec. 15-501 Tax in lieu of probate tax

By Renumbering:

Sec. 15-501 Collection, payment to director of finance to Sec. 15-502

CHAPTER 15. TAXATION

ARTICLE V. TAX ON PROBATE OF WILLS OR GRANTS OF ADMINISTRATION

Sec. 15-500 Imposed; amount.

There is hereby imposed and levied by the county a tax equal to one-third (1/3) of the amount of the state tax collectable for the state on the probate of a will or the grant of administration.

(Code 1967, § 9-9; Code 1988, § 8-10; Ord. 98-A(1), 8-5-98)

State law reference--Authority of county to impose probate tax, Va. Code § 58.1-1718.

Sec. 15-501 Tax in lieu of probate tax.

There is hereby imposed and levied by the county a tax of twenty-five dollars (\$25.00) for the recordation of a list of heirs or an affidavit listing real estate owned by an intestate decedent in addition to the state tax and fee imposed for such recordation pursuant to Virginia Code § 58.1-1717.1.

State law reference – Authority of county to impose recordation fee, Va. Code § 58.1-1718

Sec. 15-502 Collection, payment to director of finance.

The clerk of the circuit court of the county shall collect the tax imposed by this article and pay the same to the director of finance.

(Code 1967, § 9-10; Code 1988, § 8-11; Ord. 98-A(1), 8-5-98)

State law reference –Va. Code § 58.1-3803