

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 1, 2015, at 1:00 p.m., Lane Auditorium, 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 1:03 p.m. by the Chair, Ms. Dittmar

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel **moved** to adopt the agenda as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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

Ms. Palmer announced that on July 7, 2015 from 5:00-7:00 p.m. at the 5<sup>th</sup> Street County Office Building, there will be a community meeting for residents to receive information and ask questions about a proposed amendment to the Comprehensive Plan expand boundaries of the development area at the 29/64 Interchange at the southwest quadrant.

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Ms. Mallek announced there will be numerous 4<sup>th</sup> of July events in the White Hall District, including three parades – Saturday, July 4 in Earlysville at 1 p.m. and on Sunday, July 5 at 5:00 p.m. at both Crozet and Free Union. She said that in Crozet there will be music and games after the parade and fireworks to start at 9:30 p.m.

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Ms. Dittmar thanked the Board for supporting extension of hours for the Scottsville Library, which had started that day, and the Friends of the Library for helping to provide tuition or scholarships for those people near Scottsville to use the library, as the fee is \$30 per year, which is a hardship for some. She stated they had tried to work through the Jefferson-Madison Regional Library but could not work out a solution, so this is their chosen approach.

Ms. Dittmar announced there will be a parade in the Town of Scottsville on July 4<sup>th</sup> at 9:00 a.m.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6a. Recognition of Greg Kamptner as the 2015 Cherin Award for Outstanding Deputy or Assistant Local Government Attorney by the Local Government Attorneys of Virginia, Inc.

Mr. Davis stated that the Local Government Attorneys of Virginia, Inc. is a professional association with more than 650 public and private attorneys who provide legal services to local governments across the Commonwealth. He stated that each year they present the Cherin Award to a Deputy or Assistant Local Government Attorney who demonstrate distinguished public service that reflects a personal commitment at the highest ethical and professional principals, and who have enhanced the image of local government attorneys in the Commonwealth. Mr. Davis reported the LGA has awarded the 2015 Cherin Award to Greg Kamptner. Mr. Davis stated Mr. Kamptner has dedicated the last 20 years of his legal career to public service in the Albemarle County Attorney's Office, joining the office as an assistant in 1995 and promoted to deputy in 2005. He said that over the course of his career, Mr. Kamptner has become a recognized leader in local government law, particularly in the specialized area of land use law. Mr. Davis said he is highly regarded by County staff and by the legal community for his expertise and willingness to share his knowledge with others, and he is a skilled litigator and advisor. He stated that Mr. Kamptner is the primary legal advisor to the County's Community Development Department, the Planning Commission, the Architectural Review Board and numerous other land use related committees. Mr. Davis stated that Mr. Kamptner has played a vital role in developing significant and complex land use ordinance amendments in such specialized areas as wireless telecommunications, noise, ministerial and legislative processes, subdivisions, signs and storm water control. Mr. Davis noted that these ordinances are regarded by County staff and the development community as being well founded in the law and as models for others to follow. The Albemarle County Land Use Handbook authored by Mr. Kamptner is used as a resource by attorneys, planners and public officials across the Commonwealth to answer land use questions. Mr. Davis said that Mr. Kamptner is an annual presenter

to the Virginia Certified Board of Zoning Appeals Program and the Zoning Officials Certification Test Preparation Program, and over the years has been a speaker for LGA conferences, the Charlottesville-Albemarle Bar Association, the Virginia Association of Zoning Officials, The American Planning Association, classes at the University of Virginia, the Certified Planning Commissioners Program and various land use planning seminars, this reflects his knowledge of the law as well as his status among his peers. He stated Mr. Kamptner is also a mentor and inspiration to law students interested in local government service, sharing his expertise with the University of Virginia Law students whose internships he has overseen in the County Attorney's Office for many years. Mr. Davis stated that the LGA Board of Directors, in recognizing Mr. Kamptner, found that he has exemplified a personal commitment to the highest ethical standards and professional principals and has served the public in a way that enhances the image of all Virginia local government attorneys. Mr. Davis thanked Mr. Kamptner on behalf of the Board of Supervisors and County staff for his public service, distinguished representation of Albemarle County and congratulated him on receiving the 2015 Cherin Award.

Ms. Palmer said when she saw that Mr. Kamptner was receiving this award, she volunteered to say a few words on behalf of the Board. She stated she has only been on the Board for a year and a half but has already run into many thorny dilemmas, and said that sometimes citizens have real problems for which the County's policies and regulations offer no solutions. She said this does not make their problems less significant – only makes them more frustrating. Ms. Palmer stated that recently Mr. Kamptner had helped two of her constituents work through one of these particularly vexing problems, and his patience, professionalism, willingness to think broadly and attention to detail is very impressive. Ms. Palmer said they are very fortunate to have him on staff.

Ms. Mallek said that with all the farmers and other folks who were involved in the development of the ACE Ordinance in 1999 and 2000, that process gave Mr. Kamptner his first gray hairs. She stated that Mr. Kamptner has done a wonderful job, and while it is a challenging experience for him, he helped bring it along and it has been very successful.

Ms. Dittmar added that she had recently shared with Mr. Kamptner a comment made to her about him from an attorney in town practicing land use law, and she reported everyone in their firm, even those in Richmond, had to read the manual that he authored, the Albemarle Land Use Manual, before they were able to do any work in the County. She noted that it is considered across the state to be an incredible work product.

Mr. Kamptner stated that the handbook's origins were out of self-preservation because prior to email, the way the office would render advice was by issuing opinions to the constituents, and it would go to the planner, then he would get the same question a month later. He said his clients are reading his opinions and maybe following them but also throwing everything away, so for self-preservation he started compiling all of it, and over twenty years it developed to be a lot. Mr. Kamptner said that on his first day, Mr. Davis and Zoning Administrator Amelia McCulley were in a meeting with a landowner and his attorney, and they were having it out, and that was the first thorny issue he had encountered. Mr. Kamptner that it has been 20 challenging but fun and engrossing years, and it has been wonderful being in the office with Mr. Davis and everyone else.

Ms. McKeel stated that Mr. Kamptner is very kind with his time to pitch in for School Board meetings as a fill in for the schools' attorney, and he is always knowledgeable on school issues as well.

Mr. Kamptner stated he is able to hide his panic very well, as it is a very interesting area of the law, and he enjoys the opportunity.

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

Mr. John Martin of the White Hall District, addressed the Board and spoke about the status of the Ragged Mountain fill progression, the Moorman's River instream release thresholds, and the status of the Sugar Hollow Reservoir. Mr. Martin presented a chart containing information that shows everything is going well and according to plan. He said as of that morning, the Ragged Mountain Reservoir is 62.9% full, and the Sugar Hollow Reservoir pool level is about seven feet down, having been full at the beginning of May, and will go down further. He emphasized that everyone needs to know the decline is part of the plan, it is expected to continue to decline but will refill in the fall, and everyone, including the DEQ, knew it would drop and that it is part of the water supply plan. He said when the threshold is reached of the next level of 10 million gallons per day (MGD), it is the lesser of natural inflow or 10 MGD. Mr. Martin stated that in August and September the flow of the Mechum's River will decline and can be 2, 3 or 4 MGD. He said there have been some discussions with the RWSA Board, because of the drop in the Sugar Hollow Reservoir, to disconnect the Sugar Hollow pipeline and flat line the fill of the Ragged Mountain Reservoir for a while. Mr. Martin stated he is not in favor of that approach and would rather keep to the plan and stay the course. Mr. Martin said the pipeline from South Fork Rivanna Reservoir to Ragged Mountain needs to be built, so the Sugar Hollow Reservoir can be maintained and is an integral part of the plan. He said there is money in the CIP for route design for the following fiscal year, but that is it, and he feels it should be expedited to the fullest extent possible.

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Ms. Stacy Norris, Co-President of Voices of Animals and the founder and director of the House Project, stated that she had intended visit sooner closer to the close of the House Project a few months ago. She said she has been busy preparing a proposal for the Board, per a request over a year ago, for direction and improvements to the local animal codes. She said that along with several others who are

better versed in animal law, they are close to a final draft to present to the Board, and noted that it has been a little tricky finding pro bono animal law assistance. Ms. Norris stated that for seven years Houses has worked with outside dogs in need, providing everything from improved shelters, no-tip water buckets, to straw bedding, medical care, spay and neuter and education to animal's people, all free to those receiving the organization's help and all with a non-judgmental approach. She said that the goal is to improve the lives of outdoor dogs in the area, Charlottesville and surrounding counties, Albemarle included. Ms. Norris said they help approximately 200 animals a year, and year after year they witness the same mistreatments by those who fly under the arm of the law because the codes are written too loosely. She stated these people either do not know or do not care to know a better way for their animals and Animal Control's hands are often tied because of the ambiguity and unenforceability of the current codes. She said she is excited to soon complete the proposal on a variety of improvements of the companion animal codes, including those addressing adequate care, adequate water, adequate treatment, adequate shelter, the definition of abandonment and the penalties for violations of care of companion animals. She said this will further the Board's good work from 2011, and said that she will contact the Board when the proposal is ready for submission. Ms. Norris stated she has given the clerk some literature to be distributed, and asked them to review the photos and stories. She said all the Albemarle dogs that are seen in the photos are victims of the archaic animal ordinances ironically set in place to protect them, and it is her hope they can work together to correct this and set the bar for companion animals in Albemarle County.

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Mr. Bryan Thomas addressed the Board and asked for approval of the Route 29 Solutions Business Assistance Plan. He said he has met with Amanda Burbage and Susan Stimart at Kurt's Homemade Ice Cream with five other business owners in that area, and in reviewing the plan, it looks like a very good plan to help assist during the time that Rt. 29 and the grade-separated interchange will be challenging those businesses. He stated that after reviewing the tier two spreadsheet with Ms. Burbage and Ms. Stimart, those business owners are from that area and feel it will be very expected and hopefully approved for the Board to move forward with it. As a business leader in that area, he asked that Section 4-15.7 under Temporary Signage be looked at because during the time of construction it only allows for 90 days of temporary signage and the construction may take longer. He thanked Ms. Burbage and Ms. Stimart for dropping into the business meeting to provide the information, and reiterated his support for this plan.

Mr. Davis stated the Temporary Signage section allows for the signage for the duration of the construction project, not just the 90-day period.

Ms. Dittmar stated they will have to get that word out.

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Mr. Beverly Webb, Vice President of Dumbarton Properties, which represents management and leasing at Albemarle Square Shopping Center, addressed the Board and appreciates what is being done to find assistance for the merchants and others in the community. He said that in reading some comments from the Chamber that a lot of the merchants do not seem to care, they do care, but just cannot always attend meetings during normal business hours because they are always there breaking their backs to help their businesses survive. Mr. Webb stated they would appreciate any assistance that can be given, even though they are disappointed that this project is going forward.

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Mr. Phil Jaderborg, owner of PJ Networks Computer Services, said that he could not make it to any meetings lately but wants to thank Susan Stimart and Mandy Burbage for their time to come out and meet with the business owners. Mr. Jaderborg said that since the beginning of last year with the initial meeting on whether the project would go through, business owners were assured that it would be a priority to provide as much assistance either financially or legislatively as possible to the affected businesses. He said, as seen with other construction projects, other businesses like the Cville Coffee Shop, construction projects near businesses can be devastating. He said that as the previous gentleman stated, there was a comment made that there were not a whole lot of businesses representing themselves, so it must not mean much to them. Mr. Jaderborg said he wants the Board to know that he had literally left a client emergency this morning and showed up five minutes late, and being at this meeting is costing him \$125 an hour. He said if he does not show up for a meeting, it is not because he does not care, it is because he has other things he has to be doing, and his clients depend upon him. Mr. Jaderborg stated the biggest recommendations that Ms. Stimart and Ms. Burbage are making are that businesses affected should be promoted in advance of the project. He said it is common sense, as with Cville Coffee, that loyal clients who know where businesses are will make their way through the traffic, dirt and construction to visit a business. Mr. Jaderborg said that new potential clients will not make that effort and would likely avoid construction areas, as he did with McIntire and 250 for pretty much the duration of that project going alternate routes to downtown. He stated his request is not just extending temporary banner permits for companies that will be affected, but that the temporary signs be put up as soon as possible, as it is the best chance to survive the construction and help generate a loyal client base. He stated it does not cost the County any money except for the \$10 temporary banner permit fee that businesses would normally pay.

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Mr. Mark Lloyd addressed the Board and stated that he works and lives in the Rio District, operating the Storage Solutions business, and he would like the Board to approve the Route 29 Business Assistance Program. He said he believes this will motivate all to get on board and spend money and he

believes this is an excellent program. Mr. Wood said the staff has been wonderful to work with and he has attended some of the meetings, adding that those in the Rio area will do to make the area as good as possible after it is all done.

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Mr. Neil Williamson, President of the Free Enterprise Forum, addressed the Board and stated that Chamber President Tim Hulbert had sent them an email regarding the Business Assistance Program, and asked the Board what they are prepared to do to support businesses in the area.

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Ms. Karen Weiner, Mall Manager of Charlottesville Fashion Square, asked the Board to support the plan and commented that it is a good and modest plan. She said she believes that the most important part of it is the marketing and communications aspect, along with the signage. Ms. Weiner stated that a road project of this magnitude has not been seen before, and with a professional consultant that can actually craft a message and place media that will be effective, the return on that investment for the whole community will be well worth the effort and investment. She said this project is not just for those in that intersection, as the workers come from all over the County. Ms. Weiner stated that this affects everyone, and they are looking to the Board to support the businesses in the area.

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Mr. Jeff Werner with the Piedmont Environmental Council stated that he is glad to see this community talking, and about a year and half ago he had come to the Board and shared with Lee Catlin some plans that had been done in other parts of the country during construction re: business assistance. Mr. Werner said that he often was told what he was against and what he opposed, but the PEC had urged the Board to get involved with the business community and it is nice to see people coming together on this.

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Mr. Denic Dikman, a business owner in the Rio/29 Intersection, said that he owns a Turkish restaurant on the corner. He stated that he also supports the business assistant program, as it will definitely help small business owners during the construction process.

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Ms. Palmer stated for the public that they do not necessarily need to show up for meetings, as the Board reads their emails and other communications very carefully and pays close attention to them. She also provided a clarification to John Martin's comments, stating that the Sugar Hollow Reservoir goes down normally, whether they will be filling up the Ragged Mountain Reservoir or not.

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Ms. Amanda Burbage, Senior Planner, clarified what has changed with the temporary sign regulations, stating there has been a zoning text amendment approved by the Board in May that was to extend the 90-day temporary sign limit, but it is only for the very limited number of businesses losing their signs as a result of the project. She said the decision to extend that period for other businesses in the affected area will be discussed in September. Ms. Burbage said that is part of why they are doing the business outreach over the summer, to get input from the businesses which will be brought before the Board in September, but it has not been extended for any other businesses other than the ones losing signs at this point.

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#### Agenda Item No. 8. Consent Agenda.

**(Discussion:** Mr. Sheffield, Ms. Mallek and Mr. Boyd stated that they would need to pull their assigned minutes.)

Ms. McKeel **moved** to approve the Consent Agenda as amended. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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Item No. 8.1. Approval of Minutes: October 1, November 5, and November 12, 2014; and January 13, February 10 and February 23, 2015.

Ms. Mallek pulled the minutes of October 1, 2014, pages 36(begin with Item #10) – end; and the minutes of February 23, 2015, and carried them forward to the next meeting.

Mr. Boyd pulled the minutes of November 5, 2014, pages 1-34(end with #13), and carried them forward to the next meeting.

Mr. Sheffield pulled the minutes of November 5, 2014, pages 34 (beginning with #13) – end, and carried them forward to the next meeting.

Ms. Palmer had read the minutes of November 12, 2014, pages 29(beginning with Item #15) – end, and found them to be in order.

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

Ms. McKeel had rad the minutes of February 10, 2015, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of as read and carried the remaining minutes to the next meeting.**

Item No. 8.2. FY 2015 Budget Amendment and Appropriations.

The executive summary 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 \$127,338.74. 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 two (2) appropriations as follows:

- One (1) appropriation (#2015108) to appropriate \$127,338.74 to General Government CIP for borrowed proceeds of School projects and
- One (1) appropriation (#2015109) to appropriate \$25,572.64 for the School CIP Maintenance/Replacement Program project at the Ivy Creek School. This will not increase the total County budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2015108 and #2015109 for local government and school division projects and programs as described in Attachment A.

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|---------------------------|---------------|
| Appropriation #2015108    | \$ 127,338.74 |
| Source: Borrowed Proceeds | \$ 127,338.74 |

This request is to appropriate borrowed proceeds in the General Government CIP fund related to School Capital projects as follows:

- Appropriate \$15,463,405.75 in borrowed proceeds from the School Division CIP Fund to the General Government CIP Fund, and then appropriate the same amount back to the School Division CIP Fund. The County's Auditors recently clarified that, because the County is ultimately required to repay the debt, borrowed proceeds should be first accounted for in the General Government CIP Fund and then transferred to the School Division CIP Fund pursuant to the Governmental Accounting Standards Board (GASB) Comprehensive Implementation Guide. This portion of the appropriation will not increase the total County budget.
- Appropriate \$127,338.74 in borrowed proceeds to the General Government CIP Fund, and then appropriate the same amount to the School Division CIP Fund, for the costs associated with the 2015 Economic Development Authority (EDA) School Bond Issuance approved by the Board of Supervisors on April 1, 2015.

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|---|---|
| Appropriation #2015109                                  | \$0.00                                    |
| This appropriation will not increase the County Budget. |   |
| Source: Local Revenue                                   | \$ 25,572.64 School CIP Fund Fund Balance |
|   | \$ (25,572.64)                            |

This request is to appropriate \$25,572.64 in reimbursement revenue from Piedmont Regional Education Program (PREP) and to equally reduce the use of School CIP fund balance for a project at the Ivy Creek School that is budgeted in the School CIP Maintenance/Replacement Program. This will not increase the total County budget.

**By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2015108 and #2015109 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 #2015108 and #2015109 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, 2015.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

| APP#    | ACCOUNT                         | AMOUNT        | DESCRIPTION                                     |
|---------|---------------------------------|---------------|---|
| 2015108 | 3-9000-69000-341000-410500-6599 | -13350582.00  | SA2015108 School CIP Borrowed Proceeds          |
| 2015108 | 3-9000-69000-341000-410530-6599 | -2112823.75   | SA2015108 School CIP Borrowed Proceeds          |
| 2015108 | 3-9000-69000-351000-512090-6599 | 15590744.49   | SA2015108 GGCIP Trs to SCHCIP for Bond Proceeds |
| 2015108 | 4-9000-95000-495000-312807-9999 | 127338.74     | SA2015108 2015 Cost of Issuance                 |
| 2015108 | 3-9010-41400-341000-410530-9999 | 15590744.49   | SA2015108 School Borrowed Proceeds in GGCIP     |
| 2015108 | 4-9010-93010-493010-930004-9999 | 15590744.49   | SA2015108 School Borrowed Proceeds in GGCIP     |
| 2015109 | 3-9000-69000-319000-199900-6599 | 25572.64      | SA2015109 PREP Reimbursement-Sch CIP Maint      |
| 2015109 | 3-9000-69000-351000-510100-6599 | -25572.64     | SA2015109 PREP Reimbursement-Sch CIP Maint      |
| TOTAL   |                                 | 31,436,166.46 |   |

Item No. 8.3. FY 2016 Budget Amendment and Appropriations.

The executive summary 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 \$145,561.29. 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 (#2016002) to appropriate \$83,961.00 to the Emergency Communications Center;
- One (1) appropriation (#2016003) to appropriate \$2,980.00 from the Reserve for Contingencies to the Board of Supervisors' Budget for insurance. This appropriation will not increase the total budget;
- One (1) appropriation (#2016004) to appropriate \$5,258.29 in various donations and grants to the Sheriff's Office;
- One (1) appropriation (#2016005) to re-appropriate \$2,289,272.00 in General Government CIP revenue. This appropriation will not increase the total budget;
- One (1) appropriation (#2016006) to appropriate \$47,555.00 in grant funding to Fire Rescue from the Virginia Department of Fire Programs; and
- One (1) appropriation (#2016007) to re-appropriate \$8,787.00 to Fire Rescue for the continuation of the Fire Prevention Project Risk grant.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016002, #2016003, #2016004, #2016005, #2016006, and #2016007 for local government projects and programs as described in Attachment A.

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|-------------------------------|-------------|
| Appropriation #2016002        | \$83,961.00 |
| Source: ECC Fund Fund Balance | \$83,961.00 |

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate \$83,961.00 from the ECC Fund fund balance for the one-time extended maintenance coverage on the hardware and software of the fourteen year old Public Safety Computer Aided Dispatch (CAD) System. This will provide maintenance coverage until the new CAD System is operational.

|   |            |
|---|------------|
| Appropriation #2016003                                  | \$0.00     |
| This appropriation will not increase the County budget. |            |
| Source: Reserve for Contingencies                       | \$2,980.00 |

This request is to appropriate \$2,980.00 from the Reserve for Contingencies to the Board of Supervisors Budget for insurance costs related to the Economic Development Authority (EDA) and the Public Recreation Facilities Authority (PRFA), both of which are appointed by the Board. Subsequent to the development of the FY16 Budget, a review of the County's insurance policies identified the need for separate policies for these entities. The FY16 Adopted Budget includes a Reserve for Contingencies of \$201,075. If this appropriation is approved, the remaining balance will be \$198,095.

|                               |            |                   |
|-------------------------------|------------|-------------------|
| <u>Appropriation #2016004</u> |            | <u>\$5,258.29</u> |
| Source: Donations             | \$ 658.29  |                   |
| General Fund Fund Balance     | \$4,600.00 |                   |

- This request is to appropriate \$5,258.29 for the following programs in the Sheriff's Office:
- Sheriff Contribution Fund: This request is to re-appropriate the remaining FY 15 balance of \$4,000.00 to support the Sheriff's volunteer reserve programs. In addition, this request is to appropriate an additional \$658.29 in donations received but not yet appropriated for the reserve programs. These contributions will support the various reserve programs such as Project Lifesaver, TRIAD, Search and Rescue, child fingerprinting, and any other community programs and activities in which the Reserves are involved.
  - Fingerprinting Fees: This request is to re-appropriate the remaining FY 15 balance of \$600.00 in fingerprinting fees to purchase volunteer reserves' uniforms, equipment, and other miscellaneous items.

|   |                  |               |
|---|------------------|---------------|
| <u>Appropriation #2016005</u>                           |                  | <u>\$0.00</u> |
| This appropriation will not increase the County budget. |                  |               |
| Source: State Revenue                                   | \$ 2,289,272.00  |               |
| General Gov't CIP Fund                                  | \$(2,289,272.00) |               |

This request is re-appropriate the remaining FY 15 balance of \$2,289,272.00 in state revenue from the Virginia Department of Transportation (VDOT) Revenue Sharing (RS) Program funds that were unexpended for the Meadow Creek/John Warner Parkway construction project. This revenue supports the Rio Road, Avon Street, and US Route 250 West sidewalk improvement projects. This appropriation will equally reduce the use of General Government CIP Fund fund balance and, as a result, it will not increase the total County budget.

|                               |             |                    |
|-------------------------------|-------------|--------------------|
| <u>Appropriation #2016006</u> |             | <u>\$47,555.00</u> |
| Source: State Revenue         | \$47,555.00 |                    |

This request is to appropriate \$47,555.00 to Fire Rescue from the Virginia Department of Fire Programs for the purchase of a vehicle prop. This prop will be used to improve training opportunities of car fires to the career and volunteer firefighters. Fire Rescue also plans to offer the use of the prop to adjoining localities.

|                               |            |                    |
|-------------------------------|------------|--------------------|
| <u>Appropriation #2016007</u> |            | <u>\$ 8,787.00</u> |
| Source: Federal Revenue       | \$8,787.00 |                    |

This request is to re-appropriate \$8,787.00 to Fire Rescue from the Department of Homeland Security for the continuation of the Fire Prevention and Safety grant. This grant continues to provide funds to purchase smoke detectors and to conduct the prevention program.

**By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2016002, #2016003, #2016004, #2016005, #2016006, and #2016007 for local government projects and programs:**

(Note: The resolution as adopted is set out in full below.)

**RESOLUTION TO APPROVE  
ADDITIONAL FY 16 APPROPRIATIONS**

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

- 1) That Appropriations #2016002, #2016003, #2016004, #2016005, #2016006, and #2016007 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   |
|---------|---------------------------------|-------------|---|
| 2016002 | 3-4100-51000-351000-510100-9999 | 83961       | SA2016002 App fund balance                            |
| 2016002 | 4-4100-31040-435600-332100-1003 | 83961       | SA2016002 CAD system maintenance                      |
| 2016003 | 4-1000-11010-411010-530700-1001 | 2980.00     | SA2016003 BOS insurance for EDA and PRFA              |
| 2016003 | 4-1000-99900-499000-999990-9999 | -2980.00    | SA2016003 Reserve for Contingencies to BOS            |
| 2016004 | 4-1000-21070-421070-301230-1002 | 4658.29     | SA2016004 Sheriff donations reappropriation           |
| 2016004 | 4-1000-21070-421070-301235-1002 | 600.00      | SA2016004 Fingerprinting reappropriation              |
| 2016004 | 3-1000-51000-351000-510100-9999 | 4600.00     | SA2016004 Sheriff donations reappropriation           |
| 2016004 | 3-1000-51000-351000-512020-9999 | 658.29      | SA2016004 Donations from Nov 2014, Apr 2015, May 2015 |
| 2016004 | 4-8408-93010-493010-930009-9999 | 658.29      | SA2016004 Donations from Nov 2014, Apr 2015, May 2015 |
| 2016004 | 3-8408-18110-318000-181117-9999 | 658.29      | SA2016004 Donations from Nov 2014, Apr 2015, May 2015 |
| 2016005 | 3-9010-24000-324000-240231-1004 | 2289272.00  | SA2016005 Re-appropriate TRSP Reimbursement           |
| 2016005 | 3-9010-51000-351000-510100-9999 | -2289272.00 | SA2016005 Re-appropriate TRSP Reimbursement           |
| 2016006 | 3-1555-24000-324000-240417-1003 | 47555.00    | SA2016006 State Revenue                               |
| 2016006 | 4-1555-32013-418120-800100-1003 | 47555.00    | SA2016006 Purchases                                   |



|         |                                 |            |                                      |
|---------|---------------------------------|------------|--------------------------------------|
| 2016007 | 3-1602-51000-351000-512004-9999 | 8787.00    | SA2016007 Federal Revenue            |
| 2016007 | 4-1602-32013-432010-350000-1003 | 587.94     | SA2016007 Brochures/handouts         |
| 2016007 | 4-1602-32013-432010-360000-1003 | 3788.00    | SA2016007 Media ads                  |
| 2016007 | 4-1602-32013-432010-601300-1003 | 1821.80    | SA2016007 Smoke alarms, Buzz E house |
| 2016007 | 4-1602-32013-432010-800700-1003 | 2589.26    | SA2016007 Panasonic Tough Pads       |
| TOTAL   |                                 | 292,439.16 |                                      |

Item No. 8.4. Carrsbrook Drive Pipe Repair.

The executive summary states that the upper and lower lakes along Carrsbrook Drive are separated by a dam over which Carrsbrook Drive (State Route 854) runs. Drainage from the upper lake flows through two 42-inch pipes, which serve as the principal and emergency spillways for an approximate 206 acre drainage area. As staff informed the Board last July, these corrugated metal pipes have deteriorated and repairs are needed to restore the integrity of the dam.

At the Board's direction last summer, staff scheduled and oversaw an emergency project to fill and stabilize a sinkhole on the Eastlack property at 210 Carrsbrook Drive. The Board further directed staff to explore longer- term solutions with the Virginia Department of Transportation (VDOT) and neighboring property owners, including the Eastlacks. It should be noted that the area of the project is outside of normal County responsibility.

After discussions with County staff, VDOT has agreed to procure replacement of the failing underground pipe, provided that the County shares equally in the cost of the initial replacement and assumes all future maintenance responsibility for the replacement pipe.

Replacement of the existing pipes would be accomplished by excavating and removing the two (2) existing 42- inch deteriorated pipes and installing a new 60-inch pipe, manhole and riprap outlet channel in its place.

Travel on Carrsbrook drive would be affected during replacement of the underground pipe. VDOT proposes temporarily closing Carrsbrook Drive for 3 to 4 weeks to allow open-cutting of the road and replacing the deteriorating pipes with a single pipe and new outfall structure.

VDOT would manage this cost-sharing project, with construction scheduled to begin as soon as possible upon the Board's adoption of the attached Resolution (Attachment B). Construction is anticipated to take 3 to 4 weeks and is scheduled for completion before County schools reopen in the fall.

The estimated construction cost for this project is approximately \$250,000. Under a proposed 50/50 cost-sharing agreement, VDOT would contract for the construction of the new underground pipe and associated improvements. The County would pay VDOT one-half of the final estimated cost before construction would begin. Once construction was completed, one-half of any remaining balance would be returned to the County, or if actual construction expenses exceeded the original estimate, the County would reimburse VDOT for one-half of such expenses.

VDOT proposes to completely close the road during construction, and staff supports VDOT's recommendation.

VDOT's recommendation includes open-cutting the road, which would:

- 1) Shorten the duration of the construction when compared to other possible repair options (such as jack-and- bore);
- 2) Enhance worker safety because traffic would be prohibited from passing over the dam and through the construction zone;
- 3) Enhance trench safety because the excavation could be sloped instead of needing to use piling to retain slopes;
- 4) Allow the removal rather than the abandonment of existing pipes. Abandoning the pipes could cause potential seeping/piping issues in the future that could again compromise the dam;
- 5) Lessen the cost of construction when compared to jack-and-boring a new pipe under the road; and
- 6) Require the removal of trees on the downstream slope of the dam within 15 to 20-ft of the new pipe.

In addition to the road closure, a waterline would need to be taken out of service for approximately 8 hours before construction could begin since the waterline crosses the dam and is routed over the pipes.

The construction and closure is scheduled for completion while schools are on summer break to mitigate impacts to buses/school traffic. The closure has been coordinated with police, fire departments and school summer programs. VDOT has determined that the detour route(s) to be used will be Old Brook Road, Northfield Road, or Huntington Road, all of which connect to Rio Road (see Attachment A).

The appropriated budget for this project is \$167,236.00. The estimated construction cost is \$250,000, of which \$125,000 would be the County's 50 percent share. In addition, the County would also pay for associated surveying, platting, and tree removal costs, all of which should fall within the project budget.



Staff recommends that the Board adopt the attached Resolution (Attachment B) to:

- 1) approve a cost-sharing agreement with VDOT and authorize the County Executive to sign the agreement once it is approved as to form by the County Attorney; and
- 2) support the closure of Carrsbrook Drive (Route 854) for up to four weeks during the period of July 2015 through early August 2015.

**By the above-recorded vote, the Board adopted the following Resolution to approve a cost-sharing agreement with VDOT and authorize the County Executive to sign the agreement once it is approved as to form by the County Attorney; and to support the closure of Carrsbrook Drive (Route 854) for up to four weeks during the period of July 2015 through early August 2015:**

**A RESOLUTION SUPPORTING APPROVAL OF A COST SHARING AGREEMENT  
WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION  
AND THE TEMPORARY CLOSURE OF  
CARRSBROOK DRIVE (ROUTE 854) DURING CONSTRUCTION PERIOD**

**WHEREAS**, the Albemarle County Board of Supervisors approves entering into a cost sharing agreement with the Virginia Department of Transportation (VDOT) for the replacement of the drainage pipe under Carrsbrook Drive (Route 854) and concurs with VDOT's request to temporarily close Carrsbrook Drive in Albemarle County, Virginia, during construction activities; and

**WHEREAS**, the closure of Carrsbrook Drive (Route 854) is proposed for approximately 3 to 4 weeks during the months of July through August 2015 to allow for the removal and replacement of a deteriorated and failing emergency overflow pipe between the upper and lower lakes of Carrsbrook.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Albemarle County Board of Supervisors hereby approves a cost sharing agreement with VDOT for the replacement of the drainage pipe under Carrsbrook Drive (route 854) and authorizes the County Executive to execute on behalf of the County the cost sharing agreement with VDOT once the agreement is approved as to content and form by the County Attorney, and for purposes of public necessity, convenience and general welfare, hereby supports VDOT's request to close Carrsbrook Drive (Route 854) for approximately 3 to 4 weeks to allow for stormwater pipe repairs during the months of July 2015 through August 2015.

\*\*\*\*\*

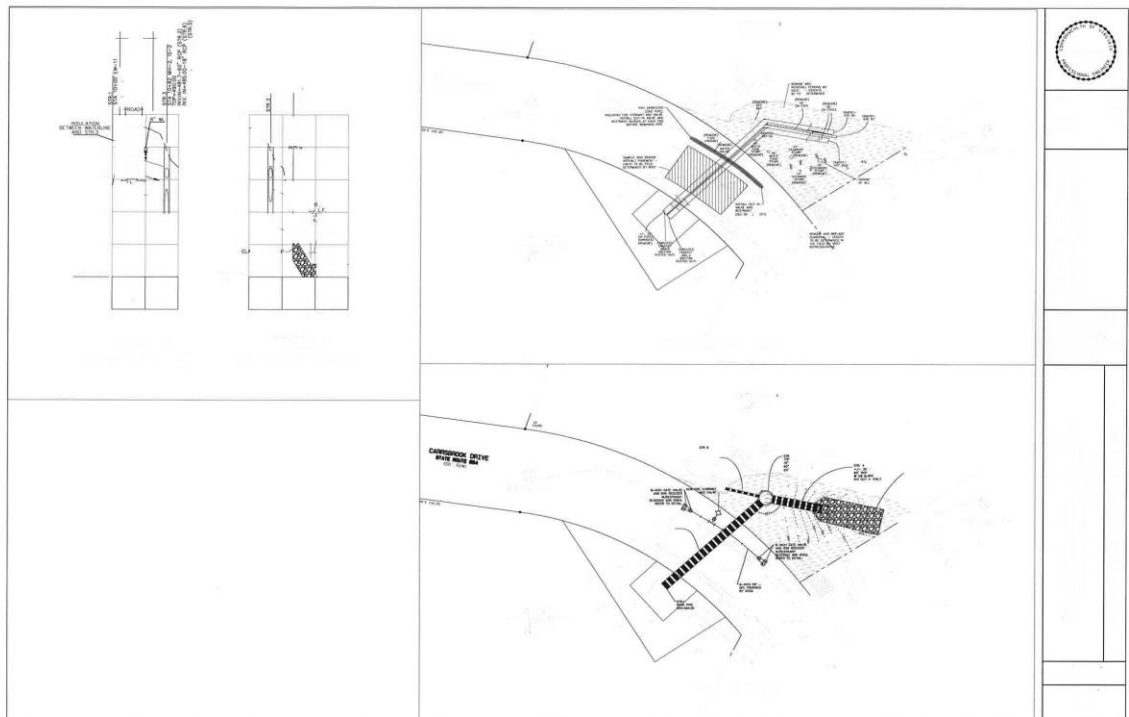
**Underground Pipe Replacement and Maintenance Agreement**

This agreement by and between the County of Albemarle, Virginia, (hereafter the "County"), and the Commonwealth of Virginia, Department of Transportation, (hereafter the "Department"), for the replacement and maintenance of the drainage pipe under Carrsbrook Drive (Route 854), is made this 2<sup>nd</sup> day of July, 2015.

1. The County and Department both agree (with signatures below) to equally share the cost to construct a new underground pipe and associated improvements under Carrsbrook Drive (Route 854), as shown on the attached "Layout Plan and Profile." Each party agrees to pay one-half of final cost of construction, except as otherwise provided in Paragraph 4.
2. The pipe is located under Carrsbrook Drive (Route 854), approximately 0.25 miles east of its intersection with U.S. Route 29 in Albemarle County, Virginia. The inlet end of the underground pipe is located on Parcel 45B1-1-B-1A, also known as the Birkhead Property. The outlet end of the underground pipe is located on Parcel 45BI-3-A-1, also known as the Eastlack property.
3. The Department will contract for the construction of the new underground pipe and associated improvements, as shown on the attached "Layout Plan and Profile." The County must pay \$100,000 (one-half of the contractor's estimated cost of construction) to the Department before construction begins.
4. Once construction of the underground pipe is completed, the County shall reimburse the Department for one-half of construction expenses exceeding the original \$200,000 estimate. If the actual costs are less than the estimate, the County shall forfeit their share of the cost to the Department.
5. Once construction of the underground pipe is completed, the County shall be responsible for all future maintenance of the underground pipe necessary for continued Department's, or its successors, maintenance of Carrsbrook Drive (Route 854). Nothing herein shall be deemed to obligate the County to maintain the underground pipe for any other purpose, or for the benefit of any third party.

COUNTY OF ALBEMARLE, VIRGINIA  
BY: \_\_\_\_\_  
Thomas C. Foley, County Executive

COMMONWEALTH OF VIRGINIA,  
DEPARTMENT OF TRANSPORTATION:  
BY: \_\_\_\_\_  
John D. Lynch, District Administrator



Item No. 8.5. ZMA-2012-008. Special Exception to Vary Estes Park Application Plan.

The executive summary states that a zoning amendment was approved for Estes Park (ZMA 2010-011) on April 11, 2012 that rezoned the property from R-1 to Planned Residential Development (PRD), inclusive of an Application Plan and Proffers, both of which were amended on December 2012 (ZMA 2012-008). A subdivision plat is now under review for this property (SUB 2014-186). There have been four previously approved variations. The Applicant has requested a special exception to allow a variation from the approved Application Plan to replace a privacy fence with landscape screening. The requested variation is necessary before the final certificate of occupancy can be approved by staff.

During the original rezoning for Estes Park (ZMA 2010-011), the adjacent neighbors within Forest Ridge (along Moubry Drive) requested that screening in the form of an eight (8) foot fence and landscaping be provided between the two developments. The applicant agreed and the screening was added to the Application Plan and remained on the Application Plan during the rezoning amendment (ZMA 2012-008) (Attachment C). Estes Park has since been added to the Forest Lakes HOA, and is under its covenants. One of the covenants prohibits privacy fencing; therefore, the applicant is requesting that the fencing be eliminated and replaced with additional landscaping in the form of Leyland Cypress Trees. The affected adjacent owners are in favor of this change as evidenced by their signature on the Applicant's letter requesting the change (Attachment B).

County Code § 18-8.5.5.3 allows special exceptions to vary approved Application Plans and Codes of Development upon considering whether the variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Staff opinion is that the requested variation meets the five criteria listed. A detailed analysis is provided in the Staff Report (Attachment A).

There are no budget implications related to this request

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception for variation #5 subject to the following condition:

- 1. The proposed landscaping shall be located solely on the Estes Park property.

**By the above-recorded vote, the Board adopted the following Resolution approving the special exception for variation #5 subject to one condition:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR ZMA 2012-0008, ESTES PARK – PROFFER AMENDMENT**

**WHEREAS**, Estes Park, LLC (“Estes Park”) is the owner of Tax Map and Parcel Number 03200-00-00-03300 (the “Property”); and

**WHEREAS**, Estes Park filed a request for a special exception in conjunction with SUB 2014-00186, Estes Park – Phase 2 – Final Subdivision Plat, to vary the Application Plan approved in conjunction with

ZMA 2012-00008, Estes Park, to replace the planned eight foot fence located between the Estes Park and Forest Ridge developments with landscaping in the form of Leyland Cypress trees.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff's supporting analysis included in the executive summary, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.8, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan approved in conjunction with ZMA 2012-00008, Estes Park – Proffer Amendment, as described hereinabove and as depicted on the drawing attached to the March 10, 2015 special exception request subject to the condition attached hereto.

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**ZMA 2012-0008 Estes Park–Proffer Amendment or  
SUB 2014-186, Estes Park–Phase 2–Final Subdivision Plat  
Special Exception**

1. The proposed landscaping shall be located solely on the Estes Park property.

Item No. 8.6. Reappointment of Juandiego Wasde as the County of Albemarle's Proxy of JAUNT.  
(moved to regular agenda).

Item No. 8.7. Board-to-Board, July 2015, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information**.

Item No. 8.8. County Grant Applications/Awards Report, **was received for information**.

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

The attached Grants Report provides a brief description of one grant application made and one grant award received during the time period of April 18, 2015 through June 12, 2015.

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

This report is for information only.

**GRANT REPORT ACTIVITY – April 18, 2015 through June 12, 2015**

Applications were made for the following grants:

| Granting Entity                       | Grant   | Type     | Amount Requested | Match Required | Match Source        | Department   | Purpose  |
|---------------------------------------|---|----------|------------------|----------------|---------------------|--|--|
| National Fish and Wildlife Foundation | 2015 Chesapeake Bay Stewardship Fund - Innovative Nutrient and Sediment Reduction Grant | National | \$191,000        | \$191,000      | Water Resources CIP | General Services and Center for Watershed Protection (CWP) | This grant will be used to support an evaluation of the County making enhancements to privately-owned stormwater management facilities as a means to cost-effectively meet the County's Chesapeake Bay pollution reduction goals. The project will include the following elements: assessment of legal feasibility, analysis and initial prioritization of facilities, owner outreach, field reconnaissance, final prioritization, pollutant accounting, conceptual plan development, and after the evaluation process is complete, may include final plan development and the construction of three enhancements for actual pollution reduction credit. |

Awards were received for the following grants:

| Granting Entity                      | Grant                       | Type  | Amount Requested | Match Required | Match Source | Department  | Purpose   |
|--------------------------------------|-----------------------------|-------|------------------|----------------|--------------|-------------|---|
| Virginia Department of Fire Programs | Fire Services grant Program | State | \$47,555         | 0              | N/A          | Fire/Rescue | This grant will be used to provide funds for the purchase of a vehicle prop to improve training opportunities of vehicle fires for career and volunteer staff. This prop will also be shared with other localities in the region. |

Item No. 8.9. VDOT Culpeper District, Albemarle County Monthly Report, July 2015, **was received for information**.

Agenda Item No. 8a. Reappointment of Juandiego Wade as the County of Albemarle's Proxy for JAUNT.

**(Note:** Mr. Sheffield 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." He stated that since he was part of a larger group, he could participate fairly in the discussion and decision. Mr. Sheffield stated that, therefore, he would need to disqualify himself from the vote to reappoint Juandiego Wade to the JAUNT Board.

The following letter addressed to Mr. Foley, dated June 19, 2015 was received:

"JAUNT will hold its annual stockholders' meeting to formally approve appointment of Board members on Wednesday, July 8<sup>th</sup>, 2015 at 9:45 AM in the JAUNT Conference Room. The proxy-holders in each locality should attend this very brief meeting to ensure that there is a quorum to vote your shares.

JAUNT will need a proxy for Albemarle County, the previous proxy agreement identifying Juan Wade as your proxy has expired.

Your proxy may be the County Executive or one of your appointed Board members. Also, you may appoint the proxy for only this meeting, or, to simplify matters, for the length of his/her term of office (if a Board member).

Enclosed is a form to be returned to JAUNT officially designating the Proxy. Also enclosed is a list of JAUNT Board members with their terms of office.

Thank you for your assistance with this procedure. I apologize for the short notice. With the transition to Executive Director I was not aware the proxies were appointed year-to-year, and all of the proxies for the localities had expired. The proxy can be designated by the County Executive, but if this poses a problem for your office or if you have questions regarding this submittal, please let me know."

Ms. Mallek **moved** to reappoint Mr. Juandiego Wade as proxy for Albemarle County on the JAUNT Board valid until September 30, 2017. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

ABSTAIN: Mr. Sheffield

Agenda Item No. 9. Pantops Fire Rescue Station (*deferred from June 3, 2015*).

The executive summary as presented by staff states that the Pantops Fire Rescue Station is necessary to support the County's Land Use Policy by providing an urban level of service consistent with development area expectations and the risk profile associated with the area. The following specific information highlights the need for the station:

1. The Pantops area currently sees inadequate response times, with an average response time of 7:00 minutes and a fractile (or 90%) response time of 10:20. Further, with more than 200 concurrent calls a year, the East Rivanna Volunteer Fire Company is overtaxed covering both Pantops and their region.
2. The Pantops region is a high risk area for both fire and EMS calls. People over 65 are at the greatest risk of injury and illness, and with over 640 elderly care units, more than 27% of the Pantops population is over the age of 65. Additionally, due to lightweight construction and dense housing, Pantops has the potential for rapid fire spread.

The need to construct a fire rescue station in Pantops was reaffirmed in the 2007 Regional Fire and Rescue Study (Attachment A) commissioned by the City of Charlottesville and County of Albemarle. In addition, in April 2010, the Board and Charlottesville City Council agreed to the formation of a subcommittee to evaluate areas of possible further collaboration and cooperation between the Departments of Fire Rescue for each jurisdiction. The committee's final report (Attachment B) reaffirmed the need for the City's Fontaine station and the County's Ivy and Pantops stations.

Based on the need to provide some level of coverage to Pantops, during the FY13 budget process the Board approved three fire fighter/ALS positions to staff a daytime ambulance. The Board further directed County staff to inquire about possible space at the new Martha Jefferson Hospital (MJH) facility for the County to temporarily locate an ambulance service until a County facility could be funded and constructed. Staff negotiated a three-year renewable lease with MJH for 151 sq. ft. of office space, and the Board approved the lease agreement on July 11, 2012.

The leased space at MJH was intended to be a temporary solution and has certain limitations that affect response time and working conditions for staff.

1. The fire fighter/ALS personnel assigned to the MJH occupy a 10 x 15 ft. space 12 hrs./day, 5 days/week. The room is inadequate for the type of work performed. Staff must decontaminate and shower in a shared space and they have no access to laundry facilities. There is no space to prepare meals.
2. Response times are affected because the ambulance is parked outside of the MJH parking deck (the ambulance will not fit within the parking deck). It takes about 2 ½ minutes to walk from the office space to the ambulance. The turn-out time goal for staffed stations is 1 minute.
3. State and federal regulations require that drugs and IV fluids stocked on an ambulance be kept at a certain temperature. Because the ambulance is parked outside, the ambulance must be kept running to maintain the proper temperature during times of significant heat or cold weather.

During its June 3rd meeting and work session, the Board reviewed the history associated with and the need for the Pantops Fire Rescue Station. The Board further directed staff to contact the City of Charlottesville and the Martha Jefferson Hospital (MJH) to discuss opportunities for collaboration with MJH and/or partnering with the City Fire Department. The Board expected the results of these discussions to be presented during the July 1st meeting.

#### Martha Jefferson Hospital

Staff met with the MJH staff to explore options to extend the current lease or relocate the ambulance and fire fighter/EMTs to a more accommodating location within the MJH complex. While MJH staff is willing to work with the County to extend the current lease for the existing space, the option will not address the space limitations as outlined above. MJH staff is also willing to explore the use of an alternative space within the complex that better meets the County's needs, but the process would likely involve relocating existing MJH operations and some level of demolition and construction. Because federal law prohibits MJH from providing in-kind services to the County's emergency medical services, the County would be responsible to pay for any constructions costs associate with new space and would also be required to pay fair market value for rent on any expanded/more adequate space.

#### City of Charlottesville

Staff met with the City Manager and City Fire Chief to explore opportunities for the City and County to partner for the construction and/or staffing of the Pantops Fire Rescue station. While both the City and County agree that the Pantops station would benefit both localities, the station does not directly benefit the City in terms of faster response times. Therefore, the City does not see an advantage to participating financially in the construction or operation of the station. Furthermore, the City's Insurance Service Office (ISO) rating of 1 is based on City's current station and staffing distribution model. Therefore, the City would not benefit from a joint staffing arrangement because a redistribution of City resources to help staff the Pantops station will likely jeopardize the City's ISO rating. In spite of the circumstances regarding the Pantops station, County and City staff strongly support and will continue ongoing collaboration and cooperation to identify additional areas for regional cooperation.

#### Staffing options

Should the Board agree to move forward with the design of the Pantops Fire Rescue Station in FY2016, the decision does not commit the Board to a particular future staffing option. As previously discussed during the June 3, 2015 work session, staff provided the Board with options to phase in staffing under various scenarios. More discussion will about the options will occur during the 5-year plan work sessions.

The Pantops Fire Rescue Station is included in the proposed, funded Capital Improvement Plan.

Staff recommends that the Board proceed with the design of the Pantops Fire Rescue Station in FY2016.

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Ms. Dittmar stated this item was deferred last month from vote in order to get further information on alternatives, which may save money in terms of capital and operational expenses.

Fire Chief Dan Eggleston, Director of Fire and Rescue, said that last month they held a work session to talk about the evolution of the fire and rescue system and particularly the strategy they have used to address gaps in coverage through station construction and enhancements to their system. He said that towards the end of that session they became engaged in conversations about risk profile associated with the Pantops development area and about the Pantops station. He said, in general, there is support for the station, and staff proposed going ahead with the station design and the FY16 CIP as proposed, but some of the Board wanted to check in with Martha Jefferson and the City of Charlottesville, to ensure they are not missing an opportunity to collaborate on the Pantops Station. He said he is before them to discuss the results of those meetings, and what the Board has before them is an executive summary that provides some background for the need of the station along with the issues and challenges associated with the current space leased from Martha Jefferson. He said the summary explains the outcome of the conversations with both Martha Jefferson and the City of Charlottesville.

Mr. Eggleston reported that staff had met with Martha Jefferson to explore opportunities, and they continue to be very cooperative, with a great group of people to work with that is open to all kinds of opportunities to expand and better accommodate the fire and rescue staff and an ambulance, including

the possible reconfiguration of existing space. However, he said, federal anti-kickback laws prohibits Martha Jefferson from providing in-kind of services to the County's EMS agency. He stated the County will be responsible for any demolition and any construction in leasing of space that will be reconfigured for its use. Mr. Eggleston stated that MJH is willing to do a lot of things, including extending the current lease, but as outlined in his executive summary, there are some fairly significant challenges associated with the space they have now. He stated staff does not recommend that it is an avenue to be pursued.

Mr. Eggleston stated that Mr. Foley and he had met with both the City Manager and the City Fire Chief to discuss the opportunities of participating in the construction of the Pantops station as well as opportunities of joint staffing. He stated they had also discussed what the City's strategy has been in the last 10 years, and they are focused on obtaining an ISO Class 1 rating. He said their strategy includes relocating their station from Ivy Road to Fontaine, as well as deploying a staffing model that will ensure they obtain an ISO Class 1 rating and maintains it over time. Mr. Eggleston said that while they agree that the Pantops Station will enhance services to the region, including the City, because they do rely upon Albemarle County for back-up, they do not see a financial benefit to participate in the construction of the station. He said they also discussed joint staffing opportunities, but it is the same situation, as their staffing model is dependent on supporting that ISO Class 1, so if they are to reconfigure or redeploy any existing staffing, that rating can be in jeopardy.

Mr. Eggleston stated that from the City's point of view there is not an advantage to partner at this time; however, they are aware of the enhancement and it will be a benefit to the region. He said this does not stop joint ventures with the City, as they are working together now, probably closer than they ever have previously, and will continue to evolve that relationship going forward. He stated if they decide to move forward with design and construction of this station, it really does not commit them to any particular staffing model, and he realizes there is shock when looking at the operating costs of the Pantops Station in the CIP document. Mr. Eggleston said the last time they met, it was explained there were a lot of options from just moving the ambulance staffing over to the station to looking at phasing in the staffing over time, and they will probably have more discussion as they move into five-year plan discussions. He stated there have been conversations about private/public partnerships, and the land currently for the Pantops Station is from a successful partnership with the Worrell Family, as they came forth and donated a very expensive piece of land that otherwise would have been purchased. Mr. Eggleston said there are probably other opportunities in the future that will drive them to a partnership, to help focus on the operating costs on this station, but at this point feels they are posed to move forward with design and construction of the station as is.

Ms. Dittmar asked about Chief Reid's proposal to Mr. Eggleston regarding only doing rescue, and enhancing the volunteer capacity for Stony Point and East Rivanna.

Mr. Eggleston responded that he has engaged with Chief Reid and had sent an email to the Board, and they have been talking to him for some time. Mr. Eggleston said Chief Reid's motivation is to keep his volunteers active, and he has proposed moving his station to the Proffit Road/Route 20 area. Mr. Eggleston reported that ACFR staff has analyzed this for him and had many discussions with him about it. He said they had run a GIS analysis and found that relocating the station there would not have much of an impact, and they still have the limitation with the Proffit Road Bridge so there will not be much of an impact to the west on Proffit Road, and it will probably degrade service to some degree to the northern and northwestern parts of the county. Mr. Eggleston said that in terms of coverage to Pantops, it does not come close to reaching the Pantops area, and it is about five miles from that location to the edge of the development area, so it will not have an impact at all. Mr. Eggleston stated that ACFR does not feel it is worth pursuing any further and has talked to Chief Reid about it, and if the chief's concerns are about activity with the station, they can look at other things, such as specialty teams and other things, to keep the members active. He emphasized they believe that relocation of the station is not the long term solution to the challenges they have now. Mr. Eggleston presented a graphic depicting the five-minute response time from that station as compared with the proposed location on Peter Jefferson Parkway, and said it is almost ideal as they have close to 100% penetration in the Pantops development area. He noted it is also positioned to back up East Rivanna and provide relief to that station. Mr. Eggleston said that in comparing the two, this is a much better choice than what is being proposed by Stony Point.

Ms. Palmer asked when the Proffit Bridge is scheduled to be redone.

Ms. Mallek said it has just been redone and will not be changed for quite some time.

Mr. Eggleston stated they had a lot of discussions with the railroad and VDOT, and the bridge still has a 16-ton weight limit, which is not sufficient to cross with larger apparatus.

Ms. Mallek said that was to get the school bus over but not the 22-ton fire engine.

Mr. Boyd said he thought the rationale behind it was that the people who lived in the area were opposed to it, and they saw it as a traffic calming device. He said that VDOT had offered at the time to build a much sturdier bridge, but the community was opposed to it.

Ms. Mallek commented that it would have pretty much demolished the Village of Proffit.

Mr. Foley said one of the other issues discussed with the City Manager and Chief Werner was that ultimately the County would like to move to a mutual aid agreement with the City, and one of the reasons the County has continued to pay them is that the City does not believe the County has the resources in place to have a mutual partnership. Mr. Foley stated that in conversations with Chief

Werner, he had said the Pantops station is one of the things that will push the County and City closer to the mutual aid agreement. He noted that Ms. Mallek has been in conversations about this with City Councilors in the past. Mr. Foley said the County pays roughly \$200,000 a year to the City, and the Pantops Station will help move County Fire and Rescue closer to a true mutual aid, which most communities have rather than payment for services. He said that hopefully in the long run this will be of benefit in the long run.

Ms. Palmer asked how much the operational costs are for Monticello and Hollymead. Mr. Eggleston responded he had received her email that morning, and he has not had time for staff to parse that out. He said the estimate for Pantops Station is an additional \$30,000 per year for operating costs, from a model done by OMB that is based on operational costs for Ivy because it is a similar footprint to that station. He said they already have the daytime ambulance crew there, so they are paying for operating costs of that ambulance, the crew and supplies, so just the utilities and maintenance for the Pantops Station is estimated at \$30,000.

Ms. Palmer asked about the whole operating cost of \$1.7 million when it is completely operating full capacity. Mr. Eggleston said that includes 20 personnel, which was certainly something the Board is not in favor of, and this is why they have discussed phasing it in over time.

Ms. Mallek stated that when there is a building and an ambulance crew, it will be a great opportunity to draw new volunteers, and there are a lot of people who want to run rescue. She said that 12 volunteers were picked up in Earlsville last year and without the structure, there was no place for them to work and no place for them to be drawn to create a stronger rescue element. She said starting the design will put them in a position to obtain a bid to build the building is a really good first step.

Mr. Boyd stated that he was reminded as he read the material submitted that they have been studying this Pantops Fire Station for 15 years and it has been through study after study. He said there have been two groups of consultants – one in 2000 and one in 2007 – and they have had negotiations with the City about it, and it is time to move forward with this particular project.

Mr. Sheffield asked if that is a motion.

Mr. Boyd then **moved** to approve the funding for design of the Pantops Fire Station. Ms. Mallek **seconded** the motion.

Ms. Palmer stated she appreciates staff's interest in looking at the operational costs, which she feels are pretty daunting, but she still has some things she would like to look at so she would like to postpone the decision until their August meeting.

Ms. Dittmar asked about the operational costs and if the design is for a rescue operations, or a design for a full-blown rescue station. Mr. Eggleston responded the design for the station is a substation style with two bays and living quarters, so it will accommodate an engine in the future but would immediately accommodate that ambulance. He said it will be a smaller station compared to the other stations, but one that will accommodate both an ambulance and an engine.

Ms. Palmer asked about the policy of having an engine accompany an ambulance when there is a fear of cardiac arrest, and how will that be handled on Pantops if there is just a rescue there. Mr. Eggleston said they will handle it as they do today, and the ambulance will get there to immediately start work, and help will arrive later on with additional people.

Ms. Mallek said if there are two ambulances that will be a way to keep the engines in East Rivanna and Stony Point where they belong, as it is the hands that are needed as opposed to the machinery.

Mr. Eggleston said that is exactly correct, and explained the reason they show up on the fire truck is that they are staffing it for fire reasons, but they are also available hands. He stated there are a number of different ways to look at this, and they are always looking for ways they can optimize their staffing and their deployment model. Mr. Eggleston said they are looking at ways of going out into the community and even engaging with people who have chronic problems to help prevent them from calling 911 in the first place. He said they are always looking at very innovative ways to manage this, as the very last thing they want to do is add another staffed unit, and they want to look at optimizing what they have.

Ms. Mallek said the region in Pantops is similar to the operations in Crozet, where there are a lot of people who live and work right there, and accessory hands will come from work straight to the site instead of having to run and get another piece of apparatus when it is a rescue situation. She stated if they have that from the start, they could make a lot of improvements to services and takes some of the stress away from the other engines.

Mr. Boyd agreed with Ms. Mallek, and noted there are tens of thousands of daytime people on that mountain, between the people who work there and residences, and there are two more developments going out there now.

Ms. Dittmar said she believes she voted to delay from June to July, but Mr. Boyd wants to bring it back and she respects that. She said their delay was not because there was doubt in the need for enhancement, but whether there is a partner that can help defray the capital expense when they build the station. She said this will leave them the opportunity to discuss operating partners if the City is open it, and there will be time for it because the station has not been built. She asked if they are ready to say they have



exhausted the ability to seek partners to make a difference in capital expense and move ahead with the design, and asked what one more month will offer.

Ms. Palmer stated she would like to discuss the operating costs within the scope of the entire project, so she is not ready to move forward.

Mr. Sheffield noted they have not started the bid process for the design of the Pantops station, and it is a few months process, so even if this is approved tonight it can still be nixed.

Mr. Eggleston said he believes the greatest impact is seeking partnerships on the operational side, and because of the donated land they are in the best shape they can be in bringing the capital costs down, because it is land that would otherwise cost \$2 million. He said he believes there are opportunities out there to bring the operational costs down.

Ms. Mallek emphasized those partnerships are not going to appear if there is no place to work, and they may have the business owners of the retirement communities participate in the operations, but they need to see a building there to see an operation going on there.

Mr. Boyd said he can assure everyone because he was on the Board when they were looking at sites on Pantops, and they were seeing \$2 million land costs, so they worked through the relationship with the Worrells and got that site donated, and are way ahead of the game.

Ms. McKeel said she agrees with Ms. Palmer that they should wait another month, and she thought this was coming back in August to allow for more conversations between the Board and the community.

Ms. Mallek emphasized the Board has asked staff to reach out to entities in the community, and they have done so, but if individual Supervisors are having conversations they are not representing her point of view.

Ms. Dittmar said she is willing to wait a month, but wonders what will be accomplished during that time.

Ms. Palmer stated she would like to have a conversation about volunteers, and she does not see how having this as a rescue station exclusively would impact the five-minute response times for fire. She said she recognizes the need, but would feel more comfortable having those conversations.

Mr. Eggleston said he understands and shared the same concerns, and he has been separating the operating, and phasing in how it will be staffed from the construction of the station. He stated he believes there will be more detailed conversations and options discussed as they start to approach the five-year plan discussions. He emphasized this is more about getting the station underway, and with operations there are wide ranges of options including the use of volunteers in the staffing scenarios.

Mr. Foley reminded everyone that even after the design starts there is time for continuing to pursue those things.

Mr. Boyd reminded them that the \$1.7 million is for totally paid staff 24/7 and there are different tiers and scenarios that includes volunteers. He said he agrees with Ms. Mallek that if there is no location to recruit volunteers, they will not get volunteers, as people are certainly not going to hang around a small room at Martha Jefferson Hospital.

Mr. Sheffield said he is ready to move forward.

Mr. Boyd clarified he had not intended to make a formal motion.

Ms. Mallek noted that over 75 percent of the calls in the Pantops area are for rescue, which is why that is going to be implemented first, and when the fire engines can much more easily come in from accessory places. She stated when the engines are coming in from companion stations three or four times a day, it has an impact on the system.

Mr. Boyd stated he is willing to wait another month.

Ms. Palmer stated she will make sure to get her legal questions answered, and will meet with staff to understand exactly what the volunteer opportunities are there and what it means not to have fire there.

Ms. Dittmar stated they will vote on this in August.

Mr. Foley said staff will not provide any additional information.

Ms. Dittmar said Board members can reach out individually to get their questions answered.

Mr. Boyd said he did have a conversation with the volunteers at Stony Point over a year earlier, and had come to the conclusion that Chief Reid's solution will not solve the problem. He stated that Chief Reid is not coming up with a viable solution in his mind, although he continues to support the station.

Ms. Mallek suggested that if the call volume is down at Stony Point, those volunteers trained in rescue could do shifts at Pantops.

Mr. Eggleston said that is an option, as they had implemented at the Ivy Station. He stated any help is appreciated and they work together as an entire system.

The Board reached consensus to defer to August 5, 2015.

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Agenda Item No. 10. Approval of the FY 16-20 Capital Improvement Plan (CIP).

The executive summary as presented by staff states that on May 6, 2015, the Board adopted the FY 16 Budget Resolution approving the FY 16 Operating and Capital Budget, and on June 3, 2015, the Board adopted the Annual Resolution of Appropriations approving the FY 16 Operating and Capital appropriations.

The adopted FY 16 Capital Budget represents an approval of the first year of the Five-Year CIP. Although the FY16-20 CIP has been reviewed as part of the Budget Public Hearing and deliberation process, it has not yet been approved by the Board.

On May 13, the Board held a work session on the Recommended FY 16-20 CIP, and on June 3, the Board held a work session on the County's Fire Rescue Services, which included information regarding the County- wide combined system, the new Fire Rescue Services Fund, and the proposed Pantops Fire Station project. The funding for the design of the Pantops Fire Station is currently included in the approved FY 16 Capital Budget, however, this funding will not be expended until the Board finalizes its decision regarding the timing of the construction of the Station. The Board will further discuss the construction of the Pantops Fire Station on July 1, 2015. After the Board finalizes a decision on this construction project, staff will request approval of the FY 16-20 CIP.

This executive summary includes two options for the Board's consideration:

Attachment A - Option 1: If the Board approves the design and construction of the Pantops Fire Station as included in the Recommended FY 16-20 CIP, staff recommends approval of the CIP as outlined in Option 1 and summarized in Attachment A, which reflects the CIP that was recommended to the Board on May 13.

Attachment B - Option 2: If the Board decides to not approve the design and construction of the Pantops Fire Station at this time, staff recommends approval of the CIP as outlined in Option 2 and summarized in Attachment B. Option 2 includes the FY 16-20 CIP as recommended to the Board on May 13, less the costs associated with the design and construction of the Pantops Fire Station.

In addition to the issue regarding the Pantops Fire Rescue Station, the Recommended FY 16-20 CIP, proposed for your consideration at Wednesday's meeting, directs the additional dedicated revenue resulting from a portion of the Calendar Year 2015 tax rate increase (\$1.3 Million in FY 16) to be used as cash equity funding, which would reduce the amount of borrowed proceeds planned for the 2016 bond issuance. Applying these funds in FY16 as cash equity would decrease the amount of future debt service payments required as well as reduce the amount of anticipated tax rate increases that would otherwise be required in future years.

For FY16 - FY20, the dedicated revenues would become part of the General Fund transfer to the CIP to be used as cash equity for projects or for the payment of debt service.

The FY 16-20 Capital Improvement Plan is a long-term financial plan that addresses the capital needs of the County over the next five-year time period.

1. Staff recommends that, after the Board makes a determination on the design and construction of the Pantops Fire Station, the Board adopt the Resolution to approve the FY 16-20 CIP as described in either Option 1 (Attachment A) or Option 2 (Attachment B).

If the Board decides to not approve the Pantops Fire Station (Option 2), staff will bring an appropriation request to the Board recommending amendment of the FY 16 Capital Budget to de-appropriate the Pantops Fire Station Design funding that's currently included in the FY 16 CIP Budget.

2. Staff also recommends the Board amend the FY 16 Capital Budget to direct the \$1.3 million to be applied as cash equity for projects, thereby reducing the amount of borrowed proceeds planned for the 2016 bond issuance. For FY17 through FY20, the \$1.3 million will become part of the General Fund transfer to CIP to be applied as either additional cash equity for projects or towards the payment of debt service.

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Ms. Dittmar noted Mr. Boyd had a question about the CIP item related to the Pantops station design.

Mr. Foley stated that based on their conversation and the need to take action, they can take action on the CIP without that item.

Mr. Sheffield asked if they can approve the CIP with the contingency of approval of design.

Mr. Davis suggested approving the CIP and then removing the item later, if necessary, which will be a cleaner process.

Mr. Trevor Henry, Director of Facilities Development, stated this action is on the heels of the Pantops discussion and is a follow-up to their May work session on the CIP to determine which program they want to approve. He stated that what was currently approved for the FY16 Budget included a \$1.3 million reserve, which was based on the Board's action on dedicating partial penny to CIP. Mr. Henry said the Board's decision was to place this in reserve. He noted it was reviewed in May with a staff recommendation to take that \$1.3 million and apply it across several projects to use as cash in lieu of debt service in order to bring down the overall future needs on capital. He also said by taking that \$1.3 million, it reduces the FY17 anticipated needs by a penny, and gets them closer to the \$2 million dollar reserve at the end of the day. Mr. Henry said that based on the discussions, he would recommend proceeding with Option 1 for adoption, with the caveat that no work can occur on the Pantops Station until the Board authorizes it. He also stated that it is similar to what was done with courts for FY16, at which time \$2.3 million was appropriated for court design, and they did nothing with that until the Board authorized a small amount of money for a study in January 2015. Mr. Henry said there is a precedent, but it is important that the CIP be adopted so they can move forward in their FY2017 planning as well as allocating that \$1.3 million funding.

Mr. Boyd asked how critical the allocation of \$1.3 million is in reducing debt service. Mr. Henry said it is critical in that it reduces in the model what the anticipated future need is, and there is a timing decision because it is this year's money, and they need to know if it will be spent in cash or debt, as that would affect their borrowing.

Ms. Lori Allshouse, Director of the Office of Management and Budget, said she does not have the exact number but she recalled during the budget season there was talk about a 2.1-cent increase for FY2017, and now if the additional money put towards capital will go towards reducing debt, it will reduce the potential for increase in taxes next year.

Mr. Boyd said he hopes the final audit will be done by late October, and he is concerned there will be no funding to assist in the pedestrian and bicycle crossing over 250 and 29 North. He stated this is a missing link to their urbanization plan and the Neighborhood Model plan. He said he is guessing there will be surplus somewhere but it will not be verified until October, which is projected, and he does not know if that can be allocated for the crossings. Mr. Boyd noted this CIP does not include the \$1.3 million.

Ms. Palmer said in the fiscally constrained capital improvement program, they do have the \$1 million for the sidewalk down to State Farm and it can be prioritized to build the pedestrian and bicycle crossing instead. She said having the \$1 million, for what Mr. Boyd is describing is a much stronger and more important use of the funding than the sidewalk down to State Farm. She said staff was recommending it, but it seems that there is an opportunity.

Mr. Boyd noted that was tied in with matching funds from VDOT for Crozet.

Mr. Foley said all of that will come back to the Board as they complete the audit and start the CIP process, and there will be another opportunity to address all of the issues the Board feels should be prioritized differently. He said when they find out the year-end number, once they meet fund balance requirements by policy, they will see what is left. Mr. Foley said there will be some left over because of the nature of raising the taxes the one time in this fiscal year, the Board had already spoke about ACE money potentially coming from that. He said all of that will be coming back to the Board to prioritize and review, and added that what the Board has before them is the result of the process followed this past year.

Mr. Henry said that the two options before the Board linked to the CIP are Option One, which includes Pantops and the distribution of \$1.3 million; or Option Two, which would pull the Pantops Station out of the program but still fund the \$1.3 million as cash in lieu of debt.

Ms. Mallek asked if the \$1.3 million will be used for cash maintenance projects that will not need to be borrowed for. Mr. Henry confirmed that it will, adding that it has been recommended to help fund for the 800 megahertz radio replacements, the server infrastructure upgrade and the PBX replacement, basically technology projects that have a shorter life cycle, which will be paid for with cash rather than debt funding them.

Ms. Mallek asked if those items are all on the approved CIP list. Mr. Henry confirmed they are all FY16 funded items.

Mr. Sheffield said he supports the CIP but does not agree with the sidewalk project at Pantops. He said he likes the idea that they are adopting this and indicating there will have to be future pennies dedicated to it.

Ms. McKeel noted that in addition to what Mr. Sheffield stated about future pennies dedicated, the CIP is absent of capital money for schools. She said the County has schools now that are bursting at the seams and at some point that will have to be dealt with, and that is another concern and that will not be solved now. Ms. McKeel said that as the Board is looking at what additional tax money is in this plan, they are going to have to deal with urban ring schools that are bursting at the seams.

Ms. Mallek commented that it would be good if the School Board would prioritize that.

Ms. Dittmar said that in approving this, there is a projection, all things remaining the same, that they will need a tax increase. She said some variables may change this, such as the court project, which may trigger less money depending on how it goes. She said they can do a referendum that will help them obtain a lot of capital dollars, but that would be a different kind of tax increase. Ms. Dittmar noted this will be discussed by the Funding the Future Committee.

Mr. Foley noted this is a plan and not an appropriation.

Mr. Sheffield commented this is not a commitment to increasing taxes.

Ms. McKeel said that it is fluid.

Ms. Palmer **moved** to adopt the CIP without the Pantops Fire Station.

Ms. Mallek said she would rather have the choice of one first.

Mr. Davis suggested that Board members follow what Mr. Henry had recommended, which is Option One, because it is a lot easier to remove it later, if necessary.

Ms. Mallek **moved** to adopt the resolution approving FY16-20 Capital Improvement Plan as stipulated in Option One. Mr. Sheffield **seconded** the motion.

Mr. Boyd said that he cannot support anything with a tax increase.

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

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

(The adopted resolution is set out below:)

FY 16 – 20 CAPITAL IMPROVEMENT PLAN RESOLUTION

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

- 1) That the Capital Improvement Plan for the County for Fiscal Years 16-20 is summarized in the attached document; and
- 2) That the Capital Improvement Plan for the County for Fiscal Years 16-20 is approved.

| FY 16 – 20 CIP Recommendations for Adoption  |            | Attachment A – Pantops F S Project is Funded |            |            |            |            |                |
|--|------------|--|------------|------------|------------|------------|----------------|
| Debt & CIP Financial Summary                 | FY 16      | FY 16-20 Recommendation for Adoption:        |            |            |            |            |                |
| Net of Transfers                             | ADOPTED    | FY 16  | FY 17      | FY 18      | FY 19      | FY 20      | Total FY 16-20 |
| General Fund Transfer (GFT) to Debt & CIP    |            |  |            |            |            |            |                |
| General Fund Transfer (GFT) to Debt & CIP    |            | 18,601,419                                   | 19,109,101 | 19,588,748 | 20,063,279 | 20,516,407 | 97,878,953     |
| Additional Pennies Required for Debt Service |            |  | 0.50       |            |            |            |                |
| Additional Pennies Required for CIP          |            |  | 0.40       |            | 2.10       |            |                |
| Total GFT to Debt & CIP                      | 19,968,744 | 19,968,744                                   | 22,029,997 | 22,607,372 | 26,928,495 | 27,595,794 | 119,130,402    |
| DEBT SERVICE OBLIGATION                      |            |  |            |            |            |            |                |
| Existing Debt Service                        | 18,092,217 | 18,092,217                                   | 17,038,319 | 15,494,761 | 15,220,670 | 14,639,070 | 80,485,037     |
| Projected Debt Service                       | 653,834    | 653,834                                      | 5,273,545  | 5,274,701  | 8,904,633  | 8,904,994  | 29,011,707     |
| Total Debt Service Obligation                | 18,746,051 | 18,746,051                                   | 22,311,864 | 20,769,462 | 24,125,303 | 23,544,064 | 109,496,744    |
| Other Debt Service Revenues                  | 366,872    | 366,872                                      | 1,069,906  | 1,103,664  | 1,422,821  | 1,310,777  | 5,274,040      |
| GFT to Debt Service                          | 18,379,179 | 18,379,179                                   | 21,241,958 | 19,665,798 | 22,702,482 | 22,233,287 | 104,222,704    |
| Total Debt Service Revenues                  | 18,746,051 | 18,746,051                                   | 22,311,864 | 20,769,462 | 24,125,303 | 23,544,064 | 109,496,744    |
| CAPITAL PROGRAM REVIEW                       |            |  |            |            |            |            |                |
| Net GFT to CIP                               | 1,589,565  | 1,589,565                                    | 788,039    | 2,941,574  | 4,226,013  | 5,362,507  | 14,907,698     |
| Other CIP Revenues                           | 12,160,471 | 12,160,471                                   | 3,707,330  | 2,431,851  | 2,325,671  | 2,342,005  | 22,967,328     |
| Borrowed Proceeds                            | 27,472,469 | 27,472,469                                   | 19,788,794 | 14,786,512 | 31,644,140 | 14,665,267 | 108,357,182    |
| Total CIP Revenues                           | 49,262,934 | 41,222,505                                   | 24,284,163 | 20,159,937 | 38,195,824 | 22,369,779 | 146,232,208    |
| Beginning CIP Fund Balance                   | 13,489,542 | 12,166,094                                   | 6,676,374  | 2,385,023  | 1,669,556  | 980,520    |                |
| Total Available CIP Revenue                  | 62,752,476 | 53,388,599                                   | 30,960,537 | 22,544,960 | 39,865,380 | 23,350,299 |                |
| Projects                                     | 48,054,550 | 46,712,225                                   | 28,575,514 | 20,875,404 | 38,884,860 | 21,539,914 | 156,587,917    |
| CIP Fund Balance                             | 6,657,497  | 6,676,374                                    | 2,385,023  | 1,669,556  | 980,520    | 1,810,385  |                |

- This plan reflects:
- Inclusion of the Pantops Fire Station design and the construction project as recommended to the Board on May 13
  - Administrative changes to reflect: the Board's 6/3/15 direction regarding the Fire Rescue Services Fund and the Board's approval of the FY 16 Resolution of Appropriations

Upon Approval of this plan, staff will bring an appropriation request to the Board recommending amendment of the FY 16 Capital budget to direct the \$1.3M be applied as cash equity for projects, thus reducing the amount of borrowed proceeds planned for the 2016 issuance.

FY 16 – 20 CIP Recommendations for Adoption Attachment A – Pantops F S Project is Funded

| FY 16 PROJECTS BY SCORING CLASSIFICATION                               |  |  | Status Key  | FY 16 Ranking | FY 16-20 REQUEST | FY16-20 TRC/FRC | FY16-20 OC | FY16-20 REC+CHG | FY16-20 Final Rec. | Revenue Key | NET COST TO COUNTY |
|--|--|--|---|---------------|------------------|-----------------|------------|-----------------|--------------------|-------------|--------------------|
| Net of Transfers   |  |  |   |               |                  |                 |            |                 |                    |             |                    |
| Project Status Key: ^New Project m-Multi-Year ★ Changes From CE Recomm |  |  | Revenue Key: f-Fire Rescue Revenue r-Revenue Offset w-Water Resources Revenue |               |                  |                 |            |                 |                    |             |                    |

|                                    |   |          |    |           |    |           |    |           |   |  |
|------------------------------------|---|----------|----|-----------|----|-----------|----|-----------|---|--|
| MANDATES                           |   |          |    |           |    |           |    |           |   |  |
| County E911 Road Sign Upgrade      |   | Priority | \$ | 543,165   | \$ | 543,165   | \$ | 543,165   |   |  |
| Hollymead Dam Spillway Improvement | m | Priority | \$ | 2,759,700 | \$ | 2,759,700 | \$ | 2,760,017 | w |  |
| Voting Machine Replacements        | m | Priority | \$ | 75,345    | \$ | 75,345    | \$ | 75,345    |   |  |
| Water Resources TMDL               |   | Priority | \$ | 3,997,820 | \$ | 3,997,820 | \$ | 3,997,820 | w |  |

|  |   |          |    |            |    |            |    |            |    |              |
|--|---|----------|----|------------|----|------------|----|------------|----|--------------|
| OBLIGATIONS  |   |          |    |            |    |            |    |            |    |              |
| Trailer Relocation   | ^ | Board    | \$ | -          | \$ | -          | \$ | -          | \$ | 25,000       |
| Solid Waste & Recycling Solution (Previously Convenience Center) |   | Priority | \$ | 1,073,908  | \$ | 1,073,908  | \$ | 1,200,000  |    |              |
| Moore's Creek Septage Receiving                                  | m | Priority | \$ | 547,205    | \$ | 547,205    | \$ | 547,205    |    |              |
| Ivy Landfill Remediation   | m | Priority | \$ | 2,615,000  | \$ | 2,615,000  | \$ | 2,615,000  |    |              |
| Ivy Fire Station 14 Maintenance Obligation                       | ^ | Priority | \$ | 250,000    | \$ | 250,000    | \$ | 250,000    |    |              |
| ECC Regional 800Mhz Communication System                         | m | Priority | \$ | 18,808,000 | \$ | 18,808,000 | \$ | 18,808,000 | r  | \$ 9,498,041 |
| Court Facilities Addition/Renovation                             | m | Priority | \$ | 27,600,707 | \$ | 27,600,707 | \$ | 27,630,517 |    |              |

|   |     |      |    |            |    |            |    |            |   |              |
|---|-----|------|----|------------|----|------------|----|------------|---|--------------|
| MAINTENANCE/REPLACEMENT PROJECTS                            |     |      |    |            |    |            |    |            |   |              |
| School Maintenance/Replacement                              | m   | MR01 | \$ | 32,530,134 | \$ | 32,530,134 | \$ | 32,677,718 |   |              |
| Police County 800Mhz Radio Replacements                     | m   | MR02 | \$ | 2,804,136  | \$ | 2,804,136  | \$ | 2,804,136  |   |              |
| School Bus Replacement Program                              | m ★ | MR03 | \$ | 7,500,000  | \$ | 7,500,000  | \$ | 6,000,000  | r | \$ 4,500,000 |
| Fire Rescue Airpaks   |     | MR04 | \$ | 2,997,780  | \$ | 2,997,780  | \$ | 2,997,780  | f |              |
| County-Owned Facilities Maintenance/Replacement             | m   | MR05 | \$ | 6,825,334  | \$ | 6,825,334  | \$ | 6,826,228  | r | \$ 6,640,444 |
| State Technology Grant                                      | m   | MR06 | \$ | 3,760,000  | \$ | 3,760,000  | \$ | 3,760,000  | r | \$ -         |
| Fire Rescue Apparatus Replacement-Program                   | m   | MR07 | \$ | 9,863,482  | \$ | 9,863,482  | \$ | 9,863,481  | f |              |
| Police Patrol Video Cameras Replacement                     | m   | MR08 | \$ | 644,451    | \$ | 644,451    | \$ | 644,451    |   |              |
| Commonwealth Attorney Case Management System Replacement    | ^   | MR09 | \$ | 50,000     | \$ | 50,000     | \$ | 50,000     | r | \$ 36,500    |
| COB McIntire Window Replacement                             | ★   | MR10 | \$ | 3,098,661  | \$ | 3,098,661  | \$ | 3,099,323  |   |              |
| Fire Rescue Mobile Data Computers Replacement               | m   | MR11 | \$ | 77,660     | \$ | 77,660     | \$ | 77,660     | f |              |
| Time and Attendance System                                  |     | MR12 | \$ | 846,000    | \$ | 846,000    | \$ | 846,000    |   |              |
| Police Mobile Data Computers Replacement                    | m   | MR13 | \$ | 1,062,258  | \$ | 1,062,258  | \$ | 1,062,258  |   |              |
| GIS Project   | m   | MR14 | \$ | 81,480     | \$ | 81,480     | \$ | 81,480     |   |              |
| County Owned Parks Maintenance/Replacement                  | m   | MR15 | \$ | 3,921,419  | \$ | 3,921,419  | \$ | 3,922,212  | r | \$ 3,602,212 |
| County Server Infrastructure Upgrade                        | m   | MR16 | \$ | 2,387,799  | \$ | 2,387,799  | \$ | 2,387,799  |   |              |
| Instructional Technology                                    | m   | MR17 | \$ | 2,875,000  | \$ | 2,875,000  | \$ | 2,875,000  |   |              |
| Telephony Solution Replacement (Previously PBX Replacement) | m   | MR18 | \$ | 560,000    | \$ | 560,000    | \$ | 560,000    |   |              |
| City-County Owned Parks Maintenance/Replacement             | m   | MR19 | \$ | 896,530    | \$ | 896,530    | \$ | 896,929    | r | \$ 582,353   |
| Administrative Technology                                   | m   | MR20 | \$ | 1,311,000  | \$ | 1,311,000  | \$ | 1,311,000  |   |              |
| City-County Owned Facilities Maintenance/Replacement        | m   | MR21 | \$ | 282,216    | \$ | 282,216    | \$ | 282,331    | r | \$ 93,223    |
| Crozet Park Maintenance/Replacement and Improvements        | m   | MR22 | \$ | 452,857    | \$ | 452,857    | \$ | 452,971    |   |              |
| Police Tactical Truck Replacement                           | ^   | MR23 | \$ | 150,000    | \$ | 150,000    | \$ | 150,000    |   |              |
| Fire Rescue Volunteer Facilities Assessments                | ^   | MR24 | \$ | 81,000     | \$ | 81,000     | \$ | 81,000     | f |              |
| Burley-Lane Field Poles Lighting Replacement                |     | MR25 | \$ | 503,057    | \$ | 503,057    | \$ | 503,513    |   |              |
| Police Mobile Command Center Replacement                    |     | MR26 | \$ | 194,086    | \$ | 194,086    | \$ | 194,086    |   |              |

FY 16 – 20 CIP Recommendations for Adoption Attachment A – Pantops F S Project is Funded

| FY 16 PROJECTS BY SCORING CLASSIFICATION                               |  |  | Status Key  | FY 16 Ranking | FY 16-20 REQUEST | FY16-20 TRC/FRC | FY16-20 OC | FY16-20 REC+CHG | FY16-20 Final Rec. | Revenue Key | NET COST TO COUNTY |
|--|--|--|---|---------------|------------------|-----------------|------------|-----------------|--------------------|-------------|--------------------|
| Net of Transfers   |  |  |   |               |                  |                 |            |                 |                    |             |                    |
| Project Status Key: ^New Project m-Multi-Year ★ Changes From CE Recomm |  |  | Revenue Key: f-Fire Rescue Revenue r-Revenue Offset w-Water Resources Revenue |               |                  |                 |            |                 |                    |             |                    |

|   |     |      |    |            |    |           |    |           |     |              |
|---|-----|------|----|------------|----|-----------|----|-----------|-----|--------------|
| NON-MAINTENANCE/REPLACEMENT PROJECTS                        |     |      |    |            |    |           |    |           |     |              |
| Red Hill Elementary School Modernization                    |     | NM01 | \$ | 1,237,153  | \$ | 1,237,153 | \$ | -         | \$  | 100,400      |
| Fire Rescue Pantops Fire Rescue Station 16                  |     | NM02 | \$ | 3,912,467  | \$ | 3,912,467 | \$ | 3,912,467 | f/r | \$ 3,485,752 |
| Learning Space Modernization (Contemporary Learning Spaces) | ^ ★ | NM03 | \$ | 37,915,110 | \$ | 6,000,000 | \$ | 1,000,000 |     | 899,600      |
| School Security Improvements Program                        | m   | NM04 | \$ | 2,001,701  | \$ | 2,001,701 | \$ | 2,002,386 |     |              |
| Telecommunications Network Upgrade                          | m   | NM05 | \$ | 1,800,000  | \$ | 1,800,000 | \$ | 1,800,000 |     |              |
| Transportation Revenue Sharing Program                      | m   | NM06 | \$ | 27,866,446 | \$ | 5,767,697 | \$ | -         |     |              |
| Fire Rescue Rescue 8 Renovation                             | ^   | NM07 | \$ | 894,697    | \$ | -         | \$ | 894,697   | f   |              |
| ACE Program   | m   | NM08 | \$ | 5,362,466  | \$ | 3,440,806 | \$ | 250,000   |     | 250,000      |
| Fire Rescue Public Safety Training Facility                 |     | NM09 | \$ | 4,134,234  | \$ | -         | \$ | -         | f   |              |
| PVCC Student Center Facility                                |     | NM10 | \$ | 542,844    | \$ | -         | \$ | -         |     |              |
| Woodbrook Elementary School Addition-Modernization          | ^   | NM11 | \$ | 12,358,050 | \$ | -         | \$ | -         |     |              |
| Western Albemarle High School Environmental Studies Academy | ^   | NM12 | \$ | 3,245,415  | \$ | -         | \$ | 643,397   | r   | \$ 529,415   |
| Sidewalk Construction Program                               | m   | NM13 | \$ | 11,409,100 | \$ | -         | \$ | -         |     |              |
| Parks Athletic Field Improvements                           |     | NM15 | \$ | 2,533,052  | \$ | -         | \$ | -         |     |              |
| Central Library Renovations                                 |     | NM16 | \$ | 4,373,150  | \$ | -         | \$ | -         |     |              |
| Police Public Safety Training Academy                       |     | NM17 | \$ | 11,605,525 | \$ | -         | \$ | -         |     |              |
| Fire Rescue Station IT Infrastructure                       |     | NM18 | \$ | 265,000    | \$ | -         | \$ | -         | f   |              |
| Darden Towle Park Athletic Field Improvements               |     | NM19 | \$ | 2,054,149  | \$ | -         | \$ | -         | r   | \$ 1,443,589 |
| Police District Police Station                              |     | NM20 | \$ | 1,937,053  | \$ | -         | \$ | -         |     |              |
| PVCC Main Academic Building Renovation                      |     | NM21 | \$ | 101,823    | \$ | -         | \$ | -         |     |              |
| Walnut Creek/Totier Creek Fishing Accessibility             |     | NM22 | \$ | 524,404    | \$ | -         | \$ | -         |     |              |
| Fire Rescue Mobile Data Computers-New                       |     | NM23 | \$ | 243,100    | \$ | -         | \$ | -         | f   |              |
| Parks Greenways/Blueways                                    | m   | NM24 | \$ | 1,352,344  | \$ | -         | \$ | 655,897   | r   | \$ 19,844    |
| Buck Island Creek Park                                      |     | NM25 | \$ | 327,102    | \$ | -         | \$ | -         |     |              |
| City-County Owned Parks Enhancements                        |     | NM26 | \$ | 674,866    | \$ | -         | \$ | -         |     |              |
| Scottsville Library Renovation-Expansion                    |     | NM27 | \$ | 111,657    | \$ | -         | \$ | -         |     |              |
| Crozet Growth Area Community Park Facilities                |     | NM28 | \$ | 4,646,569  | \$ | -         | \$ | -         |     |              |
| Fire Rescue Earlysville Volunteer Fire Company Extra bay    | ^   | NM29 | \$ | 234,232    | \$ | -         | \$ | -         |     |              |
| Northern Urban Area Community Park                          |     | NM30 | \$ | 2,652,210  | \$ | -         | \$ | -         |     |              |
| Police Bomb Tech Robot                                      |     | NM31 | \$ | 165,000    | \$ | -         | \$ | -         |     |              |
| Parks Facilities Improvement                                |     | NM32 | \$ | 56,697     | \$ | -         | \$ | -         |     |              |
| Places 29 Small Area Study                                  |     | NM33 | \$ | 119,860    | \$ | -         | \$ | 120,000   |     | 120,000      |
| Rivanna Village Park  | ^   | NM34 | \$ | 428,235    | \$ | -         | \$ | -         |     |              |
| Finance Department Renovations                              | ^   | NM35 | \$ | 348,097    | \$ | -         | \$ | -         |     |              |
| Website Enhancements  |     | NM36 | \$ | 56,340     | \$ | -         | \$ | -         |     |              |
| South Fork Rivanna Reservoir Boat Access                    |     | NM37 | \$ | 1,115,158  | \$ | -         | \$ | -         |     |              |
| Southern Urban Area Library Facility                        |     | NM38 | \$ | 8,819,529  | \$ | -         | \$ | -         |     |              |

FY 16 – 20 CIP Recommendations for Adoption Attachment A – Pantops F S Project is Funded

| FY 16 PROJECTS BY SCORING CLASSIFICATION                               |     |            |              | Status<br>Key | FY 16<br>Ranking | FY 16-20<br>REQUEST   | FY16-20<br>TRC/FRC | FY16-20<br>OC | FY16-20<br>REC+CHG | FY16-20<br>Final Rec. | Revenue<br>Key | NET COST TO<br>COUNTY |
|--|-----|------------|--------------|---------------|------------------|---|--------------------|---------------|--------------------|-----------------------|----------------|-----------------------|
| Net of Transfers   |     |            |              |               |                  |   |                    |               |                    |                       |                |                       |
| Project Status Key: *New Project m-Multi-Year ★ Changes From CE Recomm |     |            |              |               |                  | Revenue Key: f-Fire Rescue Revenue r-Revenue Offset w-Water Resources Revenue |                    |               |                    |                       |                |                       |
| NON-MAINTENANCE/REPLACEMENT PROJECTS                                   |     |            |              |               |                  |   |                    |               |                    |                       |                |                       |
| Mobile Workforce Innovations   |     | NM39       | \$ 172,780   |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Darden Towe Park Master Plan   |     | NM40       | \$ 395,064   |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               | r                     | \$             | 328,772               |
| Rivanna River Corridor Design Plan                                     |     | NM41       | \$ 92,700    |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Park System Redesign   |     | NM42       | \$ 297,495   |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Police Evidence and Specialty Vehicle Storage                          |     | NM43       | \$ 3,752,945 |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Walnut Creek Park Master Plan  |     | NM44       | \$ 57,568    |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Commonwealth Attorney Space Modification                               | *   | NM45       | \$ 95,802    |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Hedgerow Property Trail Park   |     | NM46       | \$ 450,436   |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Crozet Plaza Study   |     | NM47       | \$ 83,867    |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Police Mobile Observation Unit   |     | NM48       | \$ 69,000    |               | \$ -             | \$ -  | \$ -               | \$ -          | \$ -               |                       |                |                       |
| Project Management Services  |     |            |              |               |                  |   |                    |               |                    |                       |                |                       |
| Future Project Management Services                                     | m   | Multi-Year | TBD          |               | \$ 2,309,228     | \$ 2,175,492  | \$ 2,057,330       | \$ 2,057,330  |                    |                       |                |                       |
| Carrsbrook Sinkhole Repair   | m   | Multi-Year |              |               |                  |   | \$ 3,407           | \$ 3,407      |                    |                       |                |                       |
| Court Facilities Interim Modification                                  | m   | Multi-Year |              |               |                  |   | \$ 13,627          | \$ 13,627     |                    |                       |                |                       |
| Economic Development Office Renovations                                | m   | Multi-Year |              |               |                  |   | \$ 13,627          | \$ 13,627     |                    |                       |                |                       |
| Agnor Hurt Elementary School Addition/Renovation                       | m   | Multi-Year |              |               |                  |   | \$ 25,551          | \$ 25,551     |                    |                       |                |                       |
| Church Road Basin  | m   | Multi-Year |              |               |                  |   | \$ 3,407           | \$ 3,407      |                    | w                     |                |                       |
| Henley Middle School Auxiliary Gym Addition                            | m   | Multi-Year |              |               |                  |   | \$ 15,331          | \$ 15,331     |                    |                       |                |                       |
| Regional Firearms Training Center                                      | m   | Multi-Year |              |               |                  |   | \$ 57,916          | \$ 57,916     |                    |                       |                |                       |
| Rio Property-Northside Library & Storage                               | m   | Multi-Year |              |               |                  |   | \$ 3,407           | \$ 3,407      |                    |                       |                |                       |
| Seminole Trail VFD Renovation/Addition                                 | m   | Multi-Year |              |               |                  |   | \$ 1,703           | \$ 1,703      |                    |                       |                |                       |
| Sidewalk, Crozet Avenue North  | m   | Multi-Year |              |               |                  |   | \$ 27,595          | \$ 27,595     |                    |                       |                |                       |
| Sidewalk, Fontaine Avenue  | m   | Multi-Year |              |               |                  |   | \$ 17,034          | \$ 17,034     |                    |                       |                |                       |
| Sidewalk, Hollymead-Powell Creek Drive                                 | m   | Multi-Year |              |               |                  |   | \$ 13,627          | \$ 13,627     |                    |                       |                |                       |
| Sidewalk, Hydraulic & Barracks Rd                                      | m   | Multi-Year |              |               |                  |   | \$ 49,228          | \$ 49,228     |                    |                       |                |                       |
| Sidewalk, Ivy Road (US Route 250 West)                                 | m   | Multi-Year |              |               |                  |   | \$ 38,335          | \$ 38,335     |                    |                       |                |                       |
| Sidewalk, Old Lynchburg Road   | m   | Multi-Year |              |               |                  |   | \$ 20,441          | \$ 20,441     |                    |                       |                |                       |
| Sidewalks, Rio Road - Avon St - US Route 250 West                      | m ★ | Multi-Year |              |               |                  |   | \$ 2,327,700       | \$ 38,428     |                    |                       |                |                       |
| Sidewalk, South Pantops Dr/State Farm Blvd                             | m   | Multi-Year |              |               |                  |   | \$ 27,595          | \$ 27,595     |                    |                       |                |                       |
| Stormwater Management Program  | m   | Multi-Year |              |               |                  |   | \$ 8,517           | \$ 8,517      | w                  |                       |                |                       |
| Stormwater Multi-facility Maintenance/Enhancement                      | m   | Multi-Year |              |               |                  |   | \$ 6,814           | \$ 6,814      | w                  |                       |                |                       |
| Street Improvement - Local   | m   | Multi-Year |              |               |                  |   | \$ 6,728           | \$ 6,728      |                    |                       |                |                       |

Ms. Mallek then **moved** to amend the FY 16 Capital Budget to direct the \$1.3 million to be applied as cash equity for projects, thereby reducing the amount of borrowed proceeds planned for the 2016 bond issuance. For FY17 through FY20, the \$13 million will become part of the General Fund transfer to CIP to be applied as either additional cash equity for projects or towards the payment of debt service Mr. Sheffield **seconded** the motion.

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

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

Mr. Henry clarified that these actions mean that staff will not proceed with any action on design of the Pantops Station until after the Board’s August meeting.

Board members confirmed that this is the case.

Agenda Item No.11. F Ordinance to Establish Separate Classification of Personal Property for (1) Business Personal Property with Original Cost of Less than \$250; and (2) Clean Special Fuel Vehicles.

The executive summary as presented by staff states that Virginia Code § 58.1-3506 defines different classes of personal property that are subject to local taxation. Though Albemarle County has consistently taxed all personal property at the same rate, the Virginia Code allows localities to tax specifically-enabled classes of property at different rates. Recently, separate requests have been made regarding the taxation of (1) business personal property with original cost of less than \$250; and (2) clean special fuel vehicles.

1.
- Business Personal Property -- Although 2013 County tax forms instructed users to exclude BPP items with an original cost of less than \$250, no provision of the Virginia Code specifically authorized that practice at the time. This exclusion was corrected on the 2014 BPP tax returns, and business owners were advised of the change.

As part of the Board’s legislative agenda, the 2015 General Assembly adopted House Bill 2098, which amended Virginia Code § 58.1-3506 to create a separate class of BPP for items with an original cost of less than \$250, effective July 1, 2015. This newly-enacted legislation also enables localities to allow these items to be reported as an aggregated estimate, rather than an itemized list. Therefore, a locality creating a special classification for this type of property could do so to reduce either (a) the tax reporting requirements and/or (b) the tax rate for these items.

2.
- Clean Special Fuel Vehicles - Since 1994, Virginia Code § 58.1-3506 has also allowed for motor vehicles which use clean special fuels (as defined in Virginia Code § 46.2-749.3) to be treated as a separate class of property for taxation purposes. Virginia Code § 46.2-749.3 defines "clean special fuel" as “any product or energy source used to propel a highway vehicle, the use of which, compared to conventional gasoline or reformulated gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof. The term includes compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen,



hythane (a combination of compressed natural gas and hydrogen), and electricity.” The Virginia Department of Motor Vehicles has determined that this definition includes gas-electric hybrids. The sole reason for creating a special classification for clean special fuel vehicles would be to tax these vehicles at a different rate.

Though these separate items may be addressed in the same section of the County Code, staff recommends that they be considered separately.

1. Business Personal Property -- Staff recommends adopting a separate classification for business personal property with original cost of less than \$250, for the purpose of allowing that property to be reported as an aggregated estimate. Establishment of this separate classification also allows the board the option to consider a lower tax rate for this classification, if deemed appropriate, during the upcoming budget review process.

If the Board were to create this separate class of business personal property for tax purposes, the Finance Department has already prepared a communication plan to engage the business community to communicate the change in the reporting requirement for business personal property with an original purchase price of less than \$250:

- The Business Personal Property Tax brochure (displayed in the Revenue Administration lobby) would be updated to include information regarding the new BPP classification. (Attachment C)
  - Instructions would be included in the 2016 BPP return regarding the new classification of BPP.
  - A Finance Department sponsored public information session would be held for businesses in January or February 2016 to inform business owners. Revenue Administration Division staff would lead a session on the BPP filing requirements, and Purchasing Division staff would lead a session on “How to do Business with Albemarle County.”
2. Clean Special Fuel Vehicles - Staff could find only one other Virginia locality currently taxing clean special fuel vehicles at a lower rate than personal property generally. Chesterfield County sets a tax rate that is 10 percent lower for natural gas/propane vehicles than for personal property generally. Other localities that previously provided lower tax rates for wider range of clean special fuel vehicles have discontinued them. For example, Loudoun County originally desired to incentivize purchase of clean special fuel vehicles due to energy use, pollution prevention and the higher costs of such vehicles when they first came out. As time went on, as the purchase price of the vehicles came down, Loudoun decided that further incentive was no longer needed and discontinued the lower rate. Based on the prevalence and lower cost of these vehicles staff is not recommending a special classification for this category of vehicles.

In preparation for the public hearing, staff has prepared a draft ordinance (Attachment A) to amend County Code Chapter 15, Taxation, by adding § 15-1101.2, Separate Classification of Certain Items of Personal Property, for the Board's consideration. As drafted, the proposed ordinance would classify both clean special fuel vehicles and BPP with an original cost of less than \$250 separately for taxation purposes and would enable the Board to tax either or both of these two classifications differently. The proposed ordinance would not reduce taxes on either type of property. The tax rates for these and other items of personal property would still be set each year in the annual tax rate resolution. If the Board elects not to consider establishing a separate classification for special fuel vehicles, then paragraph B of the draft ordinance could simply be removed from the final version.

Business Personal Property -- The proposed ordinance is expected to have minimal impact on business personal property tax collections. There should not be a significant difference from the previously provided revenue projections in the five year plan. Further, the new revenue administration system could accommodate multiple classifications and tax rates on a single BPP tax return without incurring customization expenses.

Clean Special Fuel Vehicles -- The fiscal impact of creating a separate class for clean special fuel vehicles would depend on the rate at which that new class was taxed. The lower the rate, the greater the fiscal impact.

Staff estimates tax revenues derived from this class of vehicles is currently as much as \$900,000 per year.

Staff recommends scheduling a public hearing on August 5, 2015 to consider the proposed ordinance.

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Ms. Betty Burrell, Director of Finance, stated the 2015 General Assembly enacted enabling legislation for localities to establish a classification of Business Personal Property with an original cost of less than \$250, and allowing those items to be reported in aggregate. She said that presuming the Board will enact this legislation, staff has included a sample of the brochure that will be published so businesses can get instruction and information on what that means for them for reporting purposes. Ms. Burrell said staff will update the instructions on the 2016 filing form and plans to hold an education session, making it a dual education effort on how to do business with Albemarle County and to help businesses that may be



having difficulty with completing the form with the newly enacted \$250 original cost and reporting it in aggregate rather than individually itemized lists.

She stated the second item has to do with Special Clean Fuel Vehicles, and since 1994 Virginia Code has allowed these vehicles to be classified separately for taxation purposes. Ms. Burrell said that based upon research it has been revealed that no other jurisdiction in Virginia currently taxes them separately. She said staff has recognized and added the vehicles that are completely operated by electricity.

Mr. Davis said his office has done additional research on this issue, and as Ms. Burrell indicated, there is existing enabling legislation that allows for a separate class of property to be established for personal property taxation purposes: one for special clean fuel vehicles, as defined by the DMV, which would include hybrid cars as well as all other types of clean fuel vehicles. He stated this classification specifically excludes vehicles that are powered solely by electricity, and those are authorized by a class of their own, so there can be clean fuel vehicles in a class that excludes electric vehicles, or an additional class of electric vehicles. Mr. Davis said that staff's investigations found there is only one jurisdiction in the state that provides a separate tax rate for these vehicles, which is Chesterfield County, and that locality provides a slight tax break of 10% for those vehicles. He stated there are localities in Northern Virginia that did give tax breaks, Loudoun County and a few others, but they have all discontinued that practice. He said that because of the increase in numbers of these types of vehicles it is a significant hit to tax collections of personal property for cars, and as these vehicles become more and more popular it will become more significant depending upon how much of a tax break is given.

Mr. Davis said the option for the Board for public hearing is to consider a class of business personal property, the option of doing clean special fuels which will exclude electric cars, adding clean special fuels in one class and electric cars in a separate class, or just electric cars in a special class. He said the Board can provide guidance if they are interested in having separate tax rates or lower tax rates on these classes of property, but the actual decision point will be during the budget process next year for the tax rate resolution, as the Board sets these tax rates on an annual basis. Mr. Davis said staff recommends going forward with the Business Personal Property decision so the reporting requirements can be implemented, but they will not need a decision at this time for the lower tax rate on property with an original cost of \$250 or less. He said on the Clean Special Fuels and Electric Vehicles, there is no reason to adopt the special classes unless the Board intends to give them a separate or lower tax rate. He said the Board can decide now or leave that debate for the spring, but if they are not interested in doing that, there is no need to proceed with that part of the ordinance.

Ms. Dittmar asked if the Board would want to have a public hearing to see if they want to change this. Mr. Davis said the Board is required to have a public hearing on the ordinances, and what staff is asking for is direction on what to advertise for August or September when they bring this back to the Board.

Ms. Mallek asked if they are already working on the ordinance text or if the Board is deciding now on assigning that task. Mr. Davis stated the ordinance is quite simple, and if they include all three classes this will be the ordinance that will go to public hearing.

Ms. Palmer stated that she agrees with staff and does not believe they need a special category for hybrid or more efficient cars. She said that as someone who has been driving one of these cars for nine years, she was very annoyed when her tax rate went up on her personal property tax when the McDonnell administration decided to tax hybrid vehicles at a higher rate. She said she does not think it is an incentive for anyone to buy these cars, as they are part of the mainstream auto world now, and they are no more expensive than other cars. Ms. Palmer noted that she agrees with that, and the recommendations for business personal property.

Mr. Boyd asked if they approve the under \$250 ordinance, it will not be implemented until FY 2017. Mr. Davis stated it will be implemented in the 2016 tax year, it will be effective for the taxes imposed in calendar year 2016, and the Board will set that tax rate during the budget process in April 2016, and those rates will be applied to the June bills.

Ms. Mallek asked if this will affect the personal property tax forms being filled out in fall 2015. Mr. Davis confirmed that people will fill it out on those forms, but it will take effect in 2016.

Ms. Dittmar said if they do not feel this will add an incentive to purchase certain types of vehicles, then it will not be worth it to create a more complicated tax structure.

Ms. Mallek commented that while everyone talks about electric cars being cleaner, that electricity needs to come from somewhere.

Ms. Palmer said in this area, that is mostly from coal-fired plants.

Board members agreed to direct staff to proceed with establishing classification of business personal property with original cost of less than \$250.

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**Recess.** At 2:34 p.m., the Board recessed their meeting, and reconvened at 2:48 p.m.

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Agenda Item. No.12. Route 29 Solutions Business Assistance Plan (continued from June 3, 2015).

The executive summary as presented by staff states that on June 3, 2015, the Board considered final recommendations for a Business Assistance Program for the Route 29 Solutions Project. At that meeting, the Board directed staff to begin working on strategies as outlined in the implementation matrix, excluding the marketing and communications workshops, the collective marketing campaign, and the matching grant program. The Board requested staff to provide additional details on these three programs at its July 1 meeting. The Board also requested that staff provide an analysis of a proposal by the Charlottesville Regional Chamber of Commerce that the County erect large temporary signs for businesses impacted by the construction to help inform motorists as part of the County's Route 29 Solutions communication and outreach efforts. Both of these topics are discussed in detail below.

**Business Assistance Plan - Marketing Elements.** Board members requested additional details regarding the marketing elements of the proposed Business Assistance Plan and the justification for why the County should consider funding these particular elements. Based on our research into other communities across the country and on communication and engagement with the business community, staff believes that a comprehensive marketing program is a reasonable and effective method of encouraging customer loyalty and continued patronage of this important business district in Albemarle County. This proposed investment is important to businesses in the area, as evidenced by attendance and comments at the many open house and drop in opportunities that were provided, and can make a real difference for businesses who depend on the continued flow of customers and traffic through the most intense periods of construction.

The business assistance plan, including the marketing elements, is intended to support the vitality and well-being of individual businesses and to protect tax revenues that support critical County services. The Board has acknowledged the value of the construction project and its ultimate outcomes for the community on many occasions, and has also indicated its desire to ensure the least amount of disruption to business operations in the area. The collective marketing campaign would encourage local citizens and tourists to continue visiting the area and patronizing these businesses and local tourism destinations instead of mistakenly believing that it is too difficult to attempt a trip through the construction zones.

In summary, the intended outcomes of the collective marketing campaign are:

- encourage customer loyalty and minimize disruption to impacted businesses and their employees
- support the larger tourism industry in the County, as many of the visitors who support the County's tourism destinations are from locations such as northern Virginia/Washington DC and travel to the area using Route 29 North.
- protect tax revenues generated from the general business district along the Route 29 corridor

The Board expressed an interest in partnership opportunities to further the impact of the marketing program. The Virginia Department of Transportation (VDOT) is funding a notification campaign focused on helping people navigate through construction zones. The VDOT advertising campaign is an important foundational level of communication that provides basic construction update and traffic management messages. The proposed marketing plan will build on VDOT's notification campaign to achieve the intended outcomes mentioned above which are an extension beyond VDOT's information/communications role.

Board members were interested in more detail regarding exactly what the marketing campaign would entail and how the proposed funding would be spent. Attachment A provides a general outline of what such a campaign might involve, with the understanding that the details of the campaign would be finalized once an advertising agency was engaged to provide guidance.

Marketing and communications workshops and the matching grant program are intended to support the marketing approach described above by providing training and mentoring that would allow businesses to develop their own effective advertising and by leveraging dollars invested by individual businesses for promotional efforts with some level of a County matching grant provided by the Economic Development Authority. Additionally, the workshops would build business expertise and capacity in the Route 29 business district that would help with the future vibrancy of the area. As explained in the program outline presented to the Board on June 3, only businesses that have demonstrated a willingness to be a positive partner by attending a workshop or other outreach activity will be eligible for the matching grant program. The Business Assistance Program will remain a work in progress during the course of construction so that it can be adapted to respond to conditions and needs as they occur.

**Chamber of Commerce Signage Request.** At the June 3 meeting, the Board requested that staff conduct research in response to the Chamber's May 29 request to place four signs along the Route 29 corridor prior to and during construction of the Route 29-Rio interchange (Attachment B). In response to this request, Community Development staff assessed issues, including sign size, sign location, sign content, and duration of display, which is outlined in Attachment C for the Board's consideration. If pursuing a sign program is directed by the Board, exact details pertaining to the duration, size, location and other related issues will be finalized in partnership with the Chamber, and the cost would be included as an expense in the collective marketing campaign. Staff will bring these issues for discussion and further direction to the Board at its July 1 meeting.

As noted on June 3, while many of the strategies can be accomplished using existing resources, the three (3) marketing elements would require \$167,000 of funding, as outlined below, from several sources. It is important to note that all of this funding has already been dedicated to economic development and does not involve any additional revenues not already designated for that purpose. The County's total proposed level of support is \$152,000.

1. \$17,000: Targeted Marketing & Communications workshops, to be provided by Small Business Development Center and Senior Corp of Retired Executives speakers, counselors and other technical consultants
  - a. Source: \$2,000 Economic Development Office budget
  - b. Source: \$15,000 from the Economic Development Authority (EDA) budget
2. \$100,000: Collective Marketing campaign to place focus on the area during and after construction (would include signage as suggested by the Chamber if approved by the Board)
  - a. Source: \$80,000 FY16 Economic Development Office budget (to be reappropriated from FY15)
  - b. Source: \$20,000 FY17 Economic Development Office budget
3. \$50,000: Matching grant program, to leverage and extend the impact of existing business investments in marketing and branding in the affected area
  - a. Source: \$50,000 funding in the adopted FY16 Budget dedicated to the Route 29 Solutions project

Staff recommends that the Board approve funding for the three remaining strategies in the Business Assistance Plan - (1) the marketing and communications workshops, (2) the collective marketing campaign, and (3) the matching grant program. Staff also recommends that through discussion at Wednesday's meeting, the Board provide final direction regarding development signage in partnership with the Chamber.

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Ms. Lee Catlin, Assistant County Executive, said on June 3 the Board had considered final recommendations for the Business Assistance Program and staff provided the Board with an implementation matrix that had a number of strategies on it. Ms. Catlin stated they had approved a majority of them but there were three pertaining to the marketing elements of the program, and asked staff to provide additional details. She said the Board also wanted more information on a proposal by the Charlottesville Regional Chamber of Commerce about some large temporary signs that could be erected for the duration of the Route 29 Project.

Ms. Catlin said she would start with the marketing elements portion, as the Board wanted additional details about the justification for why it should be considered to fund the marketing elements. She said that based upon staff's research into other communities across the country and communication and engagement with the business community locally over the last 8 to 10 months, staff believes that a comprehensive marketing program is a reasonable and effective method of encouraging customer loyalty and continue patronage of this important business district in Albemarle County. She said the Business Assistance Plan including the marketing elements is intended to support the vitality and well-being of individual businesses, and is also very focused on protecting tax revenues that support critical County services as well.

Ms. Catlin stated that when this was discussed with the Board last time, there were four specific issue or concern areas they had raised. She said there was discussion if it would set precedent and if it would set an expectation of whether this type of program is to be rolled out every time there was a construction project in the future. She brought to the Board's attention the Route 29 Solutions Package Business Assistance Program outline, provided to the Board with executive summaries on both March 4 and June 3, 2015 and on the first page of this outline there is a section called "Justification for Use of Business Assistance for Route 29 Solutions." Ms. Catlin read, "While road construction projects of varying magnitude occur on a regular basis in the County, Albemarle is considering the implementation of a comprehensive construction mitigation program for the Route 29 Solutions Package based on a number of criteria that make this a unique circumstance, including the following." She stated the justification language goes on to discuss four important criteria areas: the duration of this project, with the work already having begun in 2015 and extending well into 2017; the significant number of businesses, over 200, that are located in the combined footprint of the Route 29 Solutions projects; this is a public infrastructure improvement project that benefits the entire County and the larger region; and, this is construction that occurs along a U.S. designated highway and an entrance corridor of the County. Ms. Catlin said that in discussions with the Board, staff and the County Attorney's Office, it was deemed the combination of these four factors for this particular project takes it to a level that justifies use of a plan, and in their collective memory they have never seen these four combination criteria come up before. She noted that if they were to come up again, staff would probably be before the Board again for a Business Assistance Program.

Ms. Catlin stated the second area of focus for the Board has been the potential impact of a marketing campaign, and is there support from the business community for this. Ms. Catlin said that as far as potential impact, marketing and advertising is a frequently used construction mitigation strategy

among the communities that staff has researched in the work they had been doing over the past month. She said that in the most extensive study they saw, which they looked at 35 to 50 cities across the country and the strategies they used, 79% of those communities used a combination of paid advertising and promotional signage to encourage support to impacted businesses. Ms. Catlin commented that staff thought this was truly a tried and true strategy that communities were using. She said that in terms of support from the business community, the Board had heard some of that today, and local businesses have been indicating support for this program through a variety of venues. Ms. Catlin said the Chamber had sent letters to the Board twice indicating their support of the marketing and other aspects of the program; and businesses had been participating in venues such as an open house, round tables and on site drop in sessions throughout the course of the development of this program. She stated there have been more than 100 businesses at the open house; 17 stakeholders came to the Board's invited session; and there have been three or four rounds of on-site drop-ins where there were 35 to 40 total businesses represented. Ms. Catlin said that businesses really felt when they were attending those events their support would be passed on to the Board, as they mentioned that sometimes these meeting times were problematic for them to come to in person. She said she appreciates Supervisor Palmer's advice to businesses that they can convey their support in other ways, but she feels the businesses believe the attendance they showed at other venues besides Board meetings was intended to show support of these programs.

Ms. Catlin said the third area of focus is the "leveraging partnerships area," i.e. what the partners are doing that will extend the reach of this marketing campaign. She stated the County recently had a series of productive meetings with Chamber representatives, leadership of the Chamber by themselves, leadership of the Chamber with the North 29 Business Council and with the entire Board of Directors. Ms. Catlin said that while they recognize there are still issues about certain elements of the project, the overriding attitude with the Chamber recently is that these projects are moving forward and they want to help assist businesses as much as they possibly can. She said the Board has been copied on several letters from the Chamber sent recently that expressed their willingness to do "Open for Business" messages to their members and to the community via their communication channels. Ms. Catlin said the Chamber is partnering with VDOT in developing the "Get Around Map" that will be circulated, and they will offer referrals for businesses that are seeking financial assistance in some form or fashion during the construction projects. She stated they are also considering having special events programming in the affected area, such as an "Under Construction After Hours" that can help bring visibility to the impacted area.

Ms. Catlin said that with VDOT as a partner, there have been many conversations about how the County's efforts in business assistance, particularly marketing, can add onto or extend what VDOT is already doing. She said VDOT is conducting a very significant notification campaign already, which is a very important foundational level of communication that provides basic construction updates and traffic management information. She said because VDOT is doing that, the County does not have to do that in their marketing, so their campaign can be focused on achieving goals regarding promoting businesses, encouraging customer loyalty, and letting people know the path to tourism destinations are still open. Ms. Catlin stated the VDOT campaign and the County's campaign layered on top of it will deliver a "one-two punch" in terms of getting the word out. She said VDOT has been working aggressively individually with affected businesses on making sure their access will be maintained, seeing if there are parking issues, and the kinds of things that will ensure the businesses' day-to-day operations will be impacted as little as possible.

Ms. Catlin said with the marketing campaign it was never staff's intent to make this a consultant-heavy program, and when they are talking about hiring an outside firm, they are talking about hiring an advertising agency that has expertise in graphic design, promotional campaigns, media buys that can bundle the purchasing of ads, and someone who can pinpoint the target audiences and tailor advertising accordingly. Ms. Catlin said staff has attached to the executive summary a very preliminary concept of what a marketing campaign might look like, and staff has considered goals to be that everyone knows the area is open for business and customers are welcome, and to communicate the message that there is still easy access to broader tourism assets and other destinations for visitors who travel to the area along Rt. 29 North. She stated the Board is probably aware the bulk of tourism and visitation comes from the Northern Virginia, Washington D.C. and further north area; and the County does not want them to have the misperception that it will be difficult for them to come down Rt. 29 to get to Monticello, or the vineyards or any other kinds of things. She said staff also looked at this as an opportunity to brand and give an identity to the Route 29 business corridor as a vibrant commercial retail and entertainment place. Ms. Catlin said this is a place-making opportunity, and the funding for marketing can have a long term lasting impact on the area, and not just be about routing people around during construction. She said the attachment has more information on the campaign elements and campaign timeline, and there will be several phases. Ms. Catlin said they will want to launch a phase in September 2015 because that is when the grading of the intersection will be visible and people will become concerned even though the road will not be impacted at that point. Ms. Catlin said that phase two is the holiday period, and they want to make sure there is a strong message out during that very critical holiday shopping period. She said that phase three is the pre-summer 2016 intersection closure point, the most important time to have plenty of advertising and promotion out there.

Ms. Catlin stated that regarding budget impact, staff has provided an implementation matrix with all the costs outlined, which are still the same as what the Board has seen in the previous month. She said the targeted marketing and communication workshops are approximately \$17,000 – \$2,000 from the current year's economic development office budget that has not been expended that will be appropriated to next year and \$15,000 from the Economic Development Authority (EDA) budget. She stated that \$100,000 for the collective marketing campaign will take \$80,000 from the current year's budget that will

be rolled forward and \$20,000 will be from the next year's budget. Ms. Catlin said that \$50,000 will come from a matching grant program the Board has adopted in their FY16 Budget dedicated as \$50,000 to the Route 29 Solutions Project. She emphasized that all the funds planned to support this program have already been intended for dedication to economic development in some form or fashion, so this is not taking any revenues from another program that will be underfunded or that needs to be refunded at some point. Ms. Catlin said they appreciate the partnership of VDOT and the Chamber and groups such as Small Business Development Council (SBDC), and the Thomas Jefferson Planning District Commission are a partner. Ms. Catlin concluded by stating that staff feels this is a reasonable and appropriate program to put in place for business support during this construction project.

Ms. Dittmar stated that she and Ms. Palmer had received a warm welcome from the Chamber of Commerce in June, at which time Ms. Catlin had presented the Business Assistance Plan, with Mr. Foley present as a community representative on the Board of Directors.

Mr. Boyd thanked staff for the expanded presentation on how the Business Assistance Program will be put together and he plans on supporting this. He commented that his frustration should have been placed towards VDOT and was unintentionally directed at the business community. He said he thought they had promised business all along that they would be provided this type of help, and he will support this.

Ms. Mallek stated she believes it is a good idea, and the reason she is supporting the professional marketing is because she sees the incredible quality the CACVB has achieved with their short videos by hiring someone who is really good and knows the area, so her level of expectation is that they will get someone who is able to do it and will not have to train someone on the job.

Ms. Palmer asked how the matching grant program will work. Ms. Catlin replied there are a fair number of businesses in that area who may not have large advertising budgets, but may be able to put several thousand or some amount of money towards advertising, and the County will match it. Ms. Catlin stated that staff will ensure these are businesses that have come through one of the workshops or other opportunities established for education, technical, expertise, and so forth. She said if they show that level of commitment to supporting their businesses are willing to put in some money but do not have the kind of funding that can make a difference, a match from the County will be a good faith effort in helping them to do that. She said if there are certain criteria the Board believes are important, the program is not yet completely formed, and the County can do a 1:1 match or a 2:1 match or something similar. Ms. Catlin said there will be a certain amount of money out there along with established criteria, and businesses will have to go through the training and have a focused message. She stated there is a certain amount of money available and it will be first come first serve in order to put a fair opportunity out there for those motivated to take advantage of it.

Ms. Palmer asked if all 200 businesses in the area will be eligible for the matching grants. Ms. Catlin responded the matching grant program is for the Tier 2 area – those in the intersection who are located in the Rio/29 intersection in the most affected areas.

Ms. Palmer expressed concern that it will not have anything to do with the businesses' ability to pay for advertising.

Ms. McKeel expressed concern that they will be picking and choosing specific businesses. She said there are businesses in that area that have the ability to pay for advertising, and everyone in Tier 1 and Tier 2 will benefit from the targeted marketing and collective marketing campaign.

Ms. Catlin said all businesses will benefit from the collective marketing campaign, but some elements of the workshop will be eligible only for Tier 2, as opposed to the open opportunities for Tier 1. She agreed with their concerns about the grant qualifications, so for the matching grant program, they may need to make sure it is benefiting the businesses they are concerned about who have more limited advertising budgets. She said they can use parameters as the City of Charlottesville did with the McIntire Plaza, as they required that two or three business come together so that they are better leveraging the opportunity. Ms. Catlin said they can put criteria in the program that will focus on smaller businesses that do not have big advertising budgets.

Ms. Palmer stated that she has concern with the program, including philosophical issues, and she will need to see the criteria fleshed out. She said she appreciates all the excellent work that staff has done.

Ms. Dittmar said she is fine with voting for it now, but perhaps the Board wants criteria developed before funds are released.

Ms. Catlin said they can certainly do that.

Ms. Mallek stated this can be similar to the ACE Program, where there is needs-based level in a way, with higher priority given to those who need it the most and some kind of point system, including extra ranking for those working with neighbors as opposed as coming by themselves.

Ms. Catlin said that will be a good way to do it and reminded the Board that the total amount of the grant program is \$50,000 so in order to spread it around, no single business will receive more than \$2,000 or \$2,500. She stated for businesses that fall into the large business category, that is almost not enough money for them to be interested, but for smaller businesses, \$2,500 can make a difference for

them to run a newspaper ad or radio spots. Ms. Catlin said that when thinking about the number of businesses, the plan is to spread the \$50,000 as widely as possible. She commented that it is seed money, starter money, helper money for the businesses that need it to get to the place where they can do advertising as opposed to supplement the budget of those who already advertise in the \$10,000 to \$100,000 range themselves.

Mr. Foley stated this will be clear when staff brings it back to the Board.

Mr. Sheffield asked how they will measure the success of this program. Ms. Catlin said there are some high level metrics that the Economic Development Office is developing to establish sales tax and BPOL and those types of things. She said they are planning on doing a survey at the beginning to get some baseline information about the businesses, so there will be some attitudinal measures. She said they will work with the Chamber to see what they can do in terms of measurement. Ms. Catlin said there is a portion of this that they will have to take on faith. If they are putting money, promotion and marketing out there and they are still seeing levels of tourism remain the same or grow, that may not be the only factor, but they hopefully make a correlation that it helped rather than hurt. She said if there are specific things the Board thinks will be good measures, she would love to hear them.

Mr. Sheffield said that is something to be discussed with the Chamber and those who know business better, but it would be good to define those criteria for success, and he believes they will go through the funds faster than anticipated. He said he has no doubt that staff will come back and ask for additional funds, and if their efforts are successful he will continue to support it.

Ms. Mallek asked if there is already baseline data about what businesses are in operation right now, as opposed to ones that are empty. She stated this is essential because she does not want someone coming back in a year and saying their business had failed because of the road, when in reality the business was gone in 2012.

Mr. Foley stated the Finance Department is in the process of completing the baseline information, which had been a fairly extensive effort, and vacancy rates are something they will continue to track.

Mr. Sheffield stated he is disappointed they are moving forward on the business assistance side of this, but they still have not done much on the neighborhood side. He said there is cut-through traffic already on a lot of these roads and there is no doubt the residents believed there will be more cut-through traffic during construction. He said they have suggested numerous ideas that VDOT does not even need to do. Mr. Sheffield stated they have talked about the flashing radar feedback signs that, after looking online, he estimated a cost of \$10,000 to buy and install a solar-powered one so they do not have to tap into electrical lines. He said they are not even doing these types of things, yet they are moving forward with allocating \$150,000 for businesses and that is disappointing. Mr. Sheffield said that it is his district, his neighborhoods, and his name being thrown out there as "nothing is being done" to solve these traffic problems.

Ms. Catlin said there is a neighborhood mitigation plan that Mr. Walker has been developing that is intended to address these issues.

Mr. Foley said that Mr. Sheffield has talked to him about this and they are working through the process on what can be put in place quickly. Mr. Foley said Mr. Sheffield is probably just expressing some frustration on the time it will take to get some of these things done, and stated he will work with staff personally to be sure they have the list of possible measures clarified. He stated he will put it on the Board's August agenda so if expenditures need to be authorized it can be done.

Ms. McKeel said she had spent a Saturday morning speaking to people in an area tucked between Barracks Road and Hydraulic Road that is being used now for cut-through traffic, with those neighbors having been told over the years that nothing can be done. She stated this will be a great opportunity to help the County's residents and its citizens, and \$50,000 will be better spent helping some of the neighborhoods with cut-through traffic instead of helping big businesses that are already spending hundreds of thousands of dollars. She said if she can get some criteria that shows the smaller businesses will be helped and that \$2,500 will really help them, then that is a different matter.

Ms. Dittmar asked to separate out the two, though she believes Mr. Sheffield bringing up the neighborhood issues is very appropriate now and not to forget the two traffic policemen. Mr. Sheffield responded those officers will not be on the ground for another year.

Ms. Dittmar and Ms. Mallek responded that it is a start.

Mr. Sheffield asked if Mr. Mark Graham or Mr. Joel DeNunzio to bring up to discuss Polo Grounds Road regarding the traffic lights when Route 29 Solutions is discussed.

Ms. Palmer said she will vote against this if the \$50,000 for the matching grants is in.

Ms. McKeel suggested having a separate vote for each item.

Ms. Mallek **moved** to approve funding for the three remaining strategies in the Business Assistance Plan - (1) the marketing and communications workshops, (2) the collective marketing campaign, and (3) the matching grant program adopt the Route 29 Solutions Business Assistance Plan as presented, with more details coming forth next month. Mr. Boyd **seconded** the motion.

Mr. Davis reiterated the staff recommendation is for the Board to approve funding, with some or most of the funding to be routed through the EDA, so staff will have to come back to the Board to make appropriate appropriations for the funds as this develops. He said some of this is carryover funding from the fiscal year that ended June 30, and stated there will be several more decisions on appropriations, at least on how the money is appropriated.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek and Mr. Sheffield.

NAYS: Ms. McKeel and Ms. Palmer.

Ms. Dittmar provided assurance that the Board will not allocate funding until they approve the criteria for the matching grant program.

Mr. Davis stated that he does not know how this will come back to the Board, but the money will have to be appropriated for expenses.

Ms. Catlin said staff needs assurance they can move forward with the understanding that funding will be available, except for the \$50,000 matching grant program pending clarification of criteria.

The Board confirmed that is their intent.

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Ms. Amanda Burbage, Senior Planner, referenced the concept illustration submitted on May 29 by the Chamber of Commerce, and said it was a concept diagram and not a specific sign to be considered. She said the Board had requested that staff come back with guidance on the Chamber's request, and she was before the Board to frame several issues for them so direction can be given to staff if it is something to be pursued. Ms. Burbage stated the Chamber requested that the County place four signs total, two in each direction placed in advance of the construction zones and outside of the right-of-way with a message conveying that businesses are open during construction. She said the Chamber's specific rendering shows a number of businesses listed, but she is going to address the proposal more generally. Ms. Burbage said that in terms of things staff feels are important for the Board to consider, the first is sign size. She stated the Chamber had requested that these signs be oversized signs, and County ordinances actually prohibited signs that are over 32 square feet, which are considered billboards and are prohibited in all zoning districts. Ms. Burbage stated that staff will recommend that signs be under 32 square feet in size, with the exception being resurfacing an existing billboard, which is permitted under the zoning ordinance, and they will remain the same size.

Ms. Burbage said that regarding the detail of availability, James Cathrow in the Economic Development Department did some research and talked to Lamar Advertising, and there is only half of a billboard space available currently, in Ruckersville on 29 southbound. She stated the space costs are noted in her staff report attachment, and it is fairly expensive, four panels for sixteen months will be \$180,000, so it is an expensive option, but under the regulations is permitted. Ms. Burbage said that costs associated with a sign that is 32 square feet provided by a local sign manufacturer are \$394.00 per sign, so four signs will be approximately \$1,500 and there are installation costs as well. She stated that in terms of sign location, the Chamber is interested in having them placed outside of the right-of-way, so that will mean locating them on private property, which is under the purview of County regulations. Ms. Burbage said these will be subject to off-site sign regulations, because even if they are not advertising specific businesses, they are advertising a use that is not located on the lot where the sign is located. She noted this will limit their placement as far as what properties they can go on, and they will have to qualify under off-site sign regulations. She said if the County were to place these on private property there will be a lease or license agreement with the property owner, and the sign will count against the property's free-standing signage allowance. Ms. Burbage said currently in the commercial and industrial zoning districts that is a 32 square foot limit, if they already allocated some of that for a sign of their own, this sign would count towards the total.

Ms. Burbage stated that in terms of placing the signs in the VDOT's right-of-way, staff has communicated with VDOT, and they do not allow marketing signage in the right-of-way. She said they do have their TODs program, tourist oriented directional signs, the blue signs seen on the sides of the highway, and this does not fit within that program very well. Ms. Burbage stated that staff's understanding is that this sign, as proposed, will not really belong in the VDOT right-of-way. Ms. Burbage said in terms of sign content, in the illustration that the Chamber provided they have a number of businesses on the sign, and staff believes that listing individual businesses can be problematic for a number of reasons. She said the primary concern is legibility, particularly when it is a 32 square foot sign trying to have business names in addition to a message, as it will become very hard to read on a high-speed corridor like Route 29. She said in addition it is very difficult to single out several businesses on a sign when there are over 200 businesses being affected by the project. Ms. Burbage said staff will recommend a more general message such as "U.S. 29 Open for Business," "Please Support 29 Businesses During Construction", messages that reinforce the idea of supporting businesses but do not call out specific businesses to support. She said regarding duration of display, if these are erected as permanent signs, even though they will not be up forever this will place them outside the 90-day temporary sign limitation, in which case staff would recommend 16 months to allow for the signs to go up before construction begins, possibly in September of this year and carrying through to the project's substantial completion at the end of 2016. She said if the sign is on private property, it will be negotiated with that property owner to ensure the space is available during the period that is desired. She said these are the issues that staff has identified and they will like direction from the Board if this is something they



want to pursue, with the funding coming out of the collective marketing fund that are allocated through the Business Assistance Plan.

Ms. Mallek said she understands that having ten businesses listed on a 4'x8' sign are not going to be readable, but wonders if quadrants can be identified. She explained that through the marketing campaign in the newspaper and on the radio, if the sign said, "We are open for business during construction; turn here for the Blue Quadrant," then it will not be too many words. She also commented that of those 200 businesses, almost none of them have a sign on Route 29 now, so this might help strengthen their marketing.

Ms. Catlin said they are thinking of this as an integrated marketing program, so signage will coordinate with what the marketing campaign is doing, which will coordinate with VDOT's quadrant branding work, so it will definitely be coordinated in the way Ms. Mallek is referencing.

Ms. Palmer asked if this is something the professional marketing person should deal with rather than the Board and staff. Ms. Catlin replied that it will be part of what they will be doing as part of an overall campaign.

Mr. Foley said that Mr. Sheffield's concept is the one working through the process.

Mr. Sheffield stated they are in the beginning stages of naming the quadrants and it may be premature to do it with this signage, but they can always be updated along with other marketing efforts.

Mr. Foley said they are also trying to coordinate this with the small area plan, so they do not have one identity going and then come up with another one later.

Mr. Mark Graham, Director of Community Development, stated that in June VDOT had held a number of focus groups meetings with the businesses in the Rio/29 area, to focus on the place-naming and branding, and they were supposed to be compiling that feedback and sharing that with the County. Mr. Graham said the idea was that staff would take the information and either through the small area plan, or through separate action with the Board see if they had any suggested names, as a longer term permanent solution. He stated that by the end of the calendar year, VDOT needs to have feedback so they can start incorporating it for the sign designs of the big overhead signs, so if there are temporary signage it would be ideal if that would work with the permanent signage, so people would not be learning one thing now and then learning something else later. He commented that it may be a bit premature to try to meet a September timeline with a very detailed message such as the naming of quadrants.

Mr. Sheffield stated that it may be the County will need to implement one thing and then update it to be consistent with VDOT, and this pertains to the overhead signs along roads to help people identify the areas and quadrants, or whatever they will end up being called.

Ms. Mallek suggested they incorporate "NW" or "SE" with the name Rio, rather than coming up with all new names.

Mr. Sheffield stated VDOT has pulled together focus groups of businesses and residents from this area to consider the most identifiable branding, and whatever is decided will probably have to go through an evolution.

Ms. Catlin said the question is whether the Board wants to continue pursuing these signs and if there is specific guidance for them.

Ms. Dittmar stated that she likes Ms. Palmer's and Ms. McKeel's idea of asking the advertising experts.

Ms. Mallek commented that their work will be on the design.

Mr. Foley stated that staff's recommendation is for the Board to direct them to work with the Chamber regarding the signage and the regulations.

Ms. Mallek said it needs to be something more than "open for business," and if they cannot do very large signs for a two-year period, which she will support, then multiple 4'x8' signs will be effective.

Ms. Catlin stated they will need to convey to the advertising experts that these signs are tools in their tool box, and to make sure it works with the rest of what they are doing in order to make it effective.

Mr. Sheffield said his hesitation is having the Board implement and maintain the signage, and when this idea was first pitched, it was the businesses having the Board relax the ordinances so they could do something like this. He said that he does not like the Board being responsible for the signage, but he is trying to get used to the idea.

Ms. Mallek responded it is only for the short term.

Mr. Sheffield said he understands that, but it is a weird place for the County to be in, to be putting up signage for businesses.

Ms. Palmer agreed, stating she has problems with some of this also, particularly related to dealing with individual businesses and advertising, and she hopes they will not hear back from staff that they need to expand this and need more money.

Ms. Catlin assured her that staff has no intention of coming back to the Board for more, and the plan is phased so there will be a continuous stream of money to carry them through construction.

Ms. Dittmar commented that she is pleased to hear members of the public coming forward and complimenting staff on their work and their collaborations with other agencies.

Mr. Foley stated that staff has worked really hard on this, and he appreciates Ms. Dittmar's acknowledgement of that.

Ms. Catlin stated that staff will be back to the Board with criteria for the grant matching and may reach out to members individually to be sure they are on track with what the Board feels is important.

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Agenda Item No.13. **Presentation:** Route 29 Solutions Monthly Update.

Mr. Mark Graham reported the project under construction is the Route 29/250 interchange, by Best Buy, and crews continue to work on the drainage installation on Route 29 and are also getting ready to build the retaining wall on the ramp in front of Best Buy. He said another thing to note is the overhead sign further up on Route 29, and there was a plan and public announcements to take the sign down the previous night, because of the need to shift lanes and avoid confusing the people. He said the weather was prohibitive, so that did not happen, and VDOT will have to reschedule. Mr. Graham said with the Rio Road/29 interchange project, that is moving forward and the 60% plans have been reviewed and are moving on. He said the project delivery advisory panel is working with VDOT and the contractor regarding architectural appearances on the bridge and retaining wall, and they are trying to match it with other projects. He stated there are concepts going back and forth and they should have more on that for next month's meeting.

Mr. Graham said regarding the Route 29 widening north of the South Fork Rivanna, that has moved forward and the 60% plans have been completed and approved. He said there are some minor issues they are still trying to work through, the pedestrian zones in the middle for pedestrian crossings, making sure there is something safe there; and the possibility of eventually widening Polo Grounds Road and placing another turn lane there. He said Berkmar is still waiting on the 60% plans, but they are moving forward with some other studies that are planned as part of the project. Mr. Graham said they are trying to ensure that there is no impact on the archeological and wildlife amenities in the area, including some potentially threatened species.

He reported that with the Route 29/Rio interchange project, the utility and duct work will be ongoing for the next four or five months. He said that regarding the Polo Ground's underpass, that has been raised with VDOT and they have explained that it is outside the scope of Route 29 Solutions. Mr. Graham said this does not mean there are no other possibilities, and that is being explored, but right now it is not on any of the County's six-year plan lists, and it is not going to fit within Rt. 29 Solutions. He stated he is also curious as there is a major rezoning that has been submitted on Polo Grounds, and it may be a solution for traffic management there but it is too early to know. He said that as mentioned, VDOT had held focus groups regarding place naming and branding in June, and once they compiled that information he will share it with the Board.

Mr. Graham said that on July 16, there is a fair for disadvantaged business enterprises and small business outreach, as there is set aside in the federal contracts for those kinds of business enterprises, and this will be an opportunity for those small businesses to come in and see how they might be eligible for some of the work under the contracts.

Ms. Mallek asked how they are reaching out to them. Mr. Graham responded that VDOT is doing that outreach.

Mr. Sheffield explained that there are two different Disadvantaged Business Enterprise DBE approaches the public should be aware of: DBE, which is a federal designation a business has to go through to obtain, and that is not a state provision; and SWAM, small women and minority-owned businesses, which is the state's small business approach. He said that there was a DBE goal that VDOT was trying to achieve, and there were DBE vendors in this area; and then there are SWAM vendors – which are not de-facto DBEs, as they have to go through a fairly lengthy process to become certified as a DBE. He stated if they are interested in doing that, the County can provide information or they can Google "Virginia DBE" to the contact information. Mr. Sheffield said it is important if there are minority and women owned businesses interested in obtaining the designation, they should start now to become qualified, and that will give them a leg up to get business from Lane/Corman.

Mr. Graham said it is a daunting process to get qualified, and assistance will be provided at the DBE fair. He stated the primary contractor, Lane/Corman, will hold a job fair on July 28, to be held at their trailers on Woodburn Road, with a goal of providing job opportunities for local people.

Mr. Sheffield stated they are having some concerns of activity on the site on Woodburn Road, and VDOT has been very diligent in addressing it, but they may see some media coverage as some residents are concerned with the late night work that is going on at the site. He also said they have very

little control over it because Albemarle County's noise ordinances do not apply to VDOT worksites, and Faulconer Construction is actually using it to do late night work at the University of Virginia.

Ms. McKeel asked if this has anything to do with the Route 29 Solutions package of work. Mr. Graham responded this is property up on Woodburn owned by VDOT and at one time it was part of the proposed bypass right-of-way, and they acquired it from Faulconer then leased it back to them. He said Faulconer had arranged with Lane/Corman for them both to use it for their construction staging and trailers. Mr. Graham noted that whenever there are jobs of this size, they have to have an office offsite, and this is the closest location they can find to the construction areas.

Ms. Dittmar asked for clarification that they are working at UVA, as Mr. Sheffield had said. Mr. Sheffield said Faulconer is using it as an operating point, including late at night.

Mr. Graham stated there are a lot of businesses that have an interest in late-night construction to avoid impacting people during the day, but that strategy also potentially impacts neighborhoods with construction traffic. He said this is an issue staff is looking into, and Board members may likely hear something.

Mr. Sheffield noted the City, State and County ordinances related to construction activity do not align, and VDOT is working with residents to mitigate the situation on Woodburn to keep the noise down.

Ms. Mallek said that as long as the community knows ahead of time, they are usually in favor of having crews work as long as possible to get the job done as quickly as possible.

Ms. McKeel asked about possible commuter shuttle service from 29 North during construction that might come into the City or the University of Virginia, and if there has been any thought or discussion on it. Mr. Graham answered that is a new suggestion to him, but they can certainly look into it.

Ms. McKeel said it had come up in the past over the years as to whether shuttle services might work, and what the interest of the community might be during the construction phase.

Mr. Graham said they will look into it and report back.

Mr. Boyd stated when they closed the Proffit Road Bridge while reconstructing that, it was a long way from the Polo Grounds area, but somehow VDOT worked it out to put the temporary lighting in the underpass. He noted that was even further away than what the widening of 29 will be.

Mr. Graham said the question is whether the project will divert traffic onto Polo Grounds, because with the way they are proposing the construction on the Route 29 widening, there will always be two lanes during the construction phase, so it is not like they are restricting movement. He said that right now it is out of the scope of the project, and they are looking at other ways to try to address this.

Ms. Mallek asked how VDOT is reaching out to the SWAM and DBE businesses. Mr. Lou Hatter, Communications Manager for 29 Solutions, stated that Lane/Corman is taking the lead on the job fair and Disadvantaged Business Enterprise event at the DoubleTree Hotel. He said they will be doing some newspaper advertising and they plan, after the Fourth of July Holiday, to send out a news release to local media and try to gather some earned media out of that by providing some publicity. He noted it will be both for the DBE job fair on July 16 and the job fair on July 28, and Lane/Corman is handling paid advertising.

Ms. Dittmar suggested getting information out to the Chamber, and noted they have both a Business Women's Roundtable and a Minority Business Roundtable, so they can get the information out through their networks. Mr. Hatter stated they are cooperating with the Chamber each week about the Route 29 Business Solutions and contacting them weekly for items to put in their electronic newsletter.

Ms. Mallek commented that she is glad to see them going beyond just having the information on a website.

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Agenda Item No.14. Closed Meeting.

At 3:55 p.m., Mr. Sheffield **moved** that the Board go into a 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 were pending vacancies or requests for reappointments and to discuss the appointment of the Director of the Department of Social Services; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning agreements relating to the Ivy Landfill. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

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Agenda Item No.15. Certify Closed Meeting.

At 6:02 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. Mallek **seconded** the motion.

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

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

NAYS: None.

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

Ms. Palmer moved the following appointments and reappointments to boards, committees and commissions:

- **appoint** Mr. Dennis Rooker, Mr. Cole Hendrix, Ms. Roxanne White, Mr. Steve Runkle, Mr. Leonard Sandridge, Mr. Mark Roberts and Mr. Tom Weaver to the Citizens Resource Advisory Committee.
- **reappoint** Ms. Cynthia Chiles to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Management Board with said term to expire June 30, 2017.
- **reappoint** Ms. Susan Bressack to the Community Policy and Management Team (CPMT) with said term to expire May 31, 2018.
- **reappoint** Mr. Jeff Werner and Mr. David van Roijen to the Fiscal Impact Advisory Committee with said terms to expire July 8, 2017.
- **reappoint** Mr. K. Edward Lay to the Historic Preservation Committee with said term to expire June 4, 2018.
- **appoint** Ms. Katie Collins to the Historic Preservation Committee with said term to expire June 4, 2018.
- **reappoint** Mr. Brian LaFontaine and Mr. Gary Grant to the Jefferson-Madison Regional Library Board with said terms to expire June 30, 2019.
- **reappoint** Ms. Diane Caton, Mr. John Chavan and Mr. Lynwood Bell to the Pantops Community Advisory Committee with said terms to expire June 30, 2017.
- **appoint** Mr. Will Norton to the Pantops Community Advisory Committee to complete an unexpired term ending June 30, 2016.
- **appoint** Ms. Darlene Lee-Hill, Mr. Jason Inofuentes and Mr. Rob Neil to the Pantops Community Advisory Committee with said terms to expire June 30, 2017.
- **reappoint** Mr. Daniel Krasnegor to the Region Ten Community Services Board with said term to expire June 30, 2018.

Ms. McKeel seconded the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

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Ms. Palmer **moved** to appoint Mr. John Freeman as Acting Director of the Department of Social Services. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

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

Ms. Nancy Carpenter, resident of Albemarle County, said she would like to have a meeting between the County Human Resources Director and those citizens who have been trying to reach out to her to talk about the County banning the box on their County Applications. She said for those who are listening and do not know "Ban the Box" is an initiative that asks employers to remove that check box that states if you do or do not have a criminal record. Ms. Carpenter said the National Employment Law Project this year has identified almost a hundred cities and counties that have adopted that measure; some have also had the mandate private employers to do that as well. She said they have also identified 18 states, including Virginia just this year, who have also deleted those boxes off their State Job Applications. She said, in addition there are seven states, including Hawaii back in 1998, that have

mandated that private employers also ban that box on their job applications and the EOC back in 2012 has stated that banning the box is a best practice.

Ms. Carpenter stated, as the Board may know, the City Charlottesville within the last year and half has adopted that with their City Applications and she is hoping Albemarle County will embrace this and remove that barrier as well to level the playing field. She said there are some great benefits to doing this, helping the economy, improve public safety, employers can find valued workers and it also mitigates the suffering of children and families when people with records cannot find work. She said it is an initiative that Albemarle County should look into and all that the citizens are asking is to have that initial conversations to talk about the philosophies of why or why not.

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Agenda Item No. 18. **PUBLIC HEARING:** Old Crozet School Arts (OCSA) lease for portion of Old Crozet Elementary School. To consider approving a new lease with Old Crozet School Arts for a portion of the old Crozet Elementary School property, located at 1408 Crozet Avenue, Crozet, Virginia 22932 (Parcels 05600-00-00-06100 and 05600-00-00-06200), to continue its use of the property as a private school. *(Advertised in the Daily Progress on June 21, 2015.)*

The executive summary as presented by staff states that the Old Crozet Elementary School was built in 1924 and was used as a public school until 1990. From 1991 through 2007, the Charlottesville Waldorf School leased the facility. The facility was then vacant from 2007 until 2009, when the Board approved leases with the OCSA and the Field School of Charlottesville for separate portions of the facility. The OCSA currently leases 4,826 square feet and the Field School of Charlottesville leases 13,270.23 square feet. Both have been excellent tenants.

The fifth and final annual term of the OCSA's existing lease expires on July 31, 2015. The OCSA has expressed an interest in continuing to lease its current space. The attached proposed lease (Attachment A) includes the following provisions:

- An initial one-year term beginning August 1, 2015;
- Automatic annual renewals, unless written notice is given no later than 60 days prior to a term expiration;
- An effective rental rate of \$4.67 per square foot (consistent with the rate being charged the Field School of Charlottesville) and a rent escalator for subsequent years based on an inflation index;
- A utility provision under which the County would provide water, sewer, electricity, and heating as part of the Tenant's rent;
- A mechanism to add additional square footage to the leased space and a methodology for calculating the additional rent.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to the proposed conveyance of this interest in County-owned real property.

The lease is expected to generate \$22,534.86 in its first year.

After the public hearing, staff recommends that the Board adopt the attached resolution (Attachment B) approving a lease with the OCSA for a portion of the Old Crozet Elementary School and authorizing the County Executive to execute a lease in a form acceptable to the County Attorney.

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Mr. Michael Freitas, Chief of Public Works, Department of General Services, stated that before the Board is a lease agreement with the Old Crozet School Arts (OCSA) for a portion of the Old Crozet Elementary School, as they are requesting to lease approximately 4,800 square feet of the facility, which is what they are currently occupying. He said that both OSCA and the other tenant, the Field School of Charlottesville, have been in the building since 2009. Mr. Freitas said the lease is consistent with the one they have with the Field School and the rent they are being charged currently, and the County will receive a little more than \$22,000 of annual revenue from this lease.

Mr. Boyd asked if there is a standard rent escalation clause in the lease contracts. Mr. Freitas responded that there is, and at the end of each term, based on what the CPI is, there is a fraction imposed on whatever the lease is. He said it has increased about 2% each year over the last several years, with the increase being part of a standard clause regardless of location.

Mr. Sheffield asked if this is only a one-year lease. Mr. Freitas said it is a one-year term, with the lease renewable indefinitely with both parties consenting.

Mr. Davis noted there are automatic renewals and either party can terminate with 60-days' notice, and confirmed that it will not have to come back to the Board.

Ms. Palmer asked if the rates are based on other commercial rentals. Mr. Freitas said the rate is based on 2009 when they did the initial lease, which was based on what the previous tenant, The Waldorf School, was being charged. He stated they escalated it to what it would be in 2009, and that is what is being continued at this time.

Mr. Davis said the square footage rental rate is low, or at least appears low, but there are some restrictions on this property because of its zoning and the limitations of the building itself. He said it is not

a very marketable building except for the types of usages that are in it, which are private school types of operations, so that decreases the fair market value of that rental space. Mr. Davis said the analysis that was done going back to the Waldorf School was that it is beneficial to the County to have this space occupied because that maintains the life of the building, and if it is vacant for a period of time the County will incur a much more substantial cost to maintain it.

Ms. Mallek said the upgrades and improvements such as the dance floor that have been made in the building are spectacular.

The Chair opened the public hearing.

Ms. Sharon Tolczyk addressed the Board and stated she is the Artistic Director of the organization, and along with Mollie Washburn the co-founder of Old Crozet School Arts, now doing business as "Crozet Arts." She said they began their lease on August 1, 2009 and went into a building that had been sitting vacant for two years, with a month to bring it up to a place where they could invite students to participate to the classes proposed. She stated the grounding part of Crozet Arts is the ballet program which she teaches, and they need a strong dance floor, so a local contractor came in and installed a sprung floor and put a Marley dance floor on top of that. She said they also removed the old ice cube tray aluminum lights and installed green florescent lights and have made a beautiful dance space. She said they had music and art rooms that were decrepit and in great need of paint, so they had a group of volunteers to help paint and clean. Ms. Tolczyk said a month later they opened their doors to probably a couple dozen students and a handful of teachers. She said that now six years later, they have welcomed 450 people through their doors for various sorts of classes that range from year-long ballet instruction, a Pilates workshop, yoga, music programs for all ages, a theater program for adults, and the Hamner Theatre ran an improve session. She said their mission is to nurture lifelong engagement in the arts through affordable and high quality arts instruction and she feels confident that because they have access to the space in the Old Crozet School at the affordable rate they are allowed to offer, they are succeeding. Ms. Tolczyk said the organization has received their 501c3 status so they are now a nonprofit organization, and feels they are an important and meaningful part of the community.

There being no other public comments, the Chair closed the public hearing.

Ms. Mallek **moved** to adopt the resolution approving a lease with the OCSA for a portion of the Old Crozet Elementary School and authorized the County Executive to execute a lease in a form acceptable to the County Attorney. Ms. Palmer **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

#### **RESOLUTION TO APPROVE AN AGREEMENT OF LEASE BETWEEN ALBEMARLE COUNTY AND OLD CROZET SCHOOL ARTS**

**WHEREAS**, the Board finds it is in the best interest of the County to lease a portion of the Old Crozet Elementary School, located at 1408 Crozet Avenue, Crozet, VA 22932 (TMP 05600-00-00-06200), to Old Crozet School Arts.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute an Agreement of Lease between the County of Albemarle and Old Crozet School Arts, in a form approved by the County Attorney.

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#### AGREEMENT OF LEASE

THIS LEASE AGREEMENT is made as of May 12, 2105, by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and OLD CROZET SCHOOL ARTS, a Virginia non-stock corporation, Tenant.

#### ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the rents and covenants herein set forth, Landlord hereby leases to Tenant, and Tenant hereby rents from Landlord, the premises described on Exhibit A attached hereto and made a part hereof together with any and all improvements thereon (the "Leased Premises"). The Leased Premises shall be occupied by Old Crozet School Arts.

#### ARTICLE II. TITLE: QUIET ENJOYMENT

So long as Tenant is not in default hereunder, Tenant shall have peaceful and quiet enjoyment, use and possession of the Leased Premises without hindrance on the part of the Landlord or anyone claiming by, through, or under Landlord.

#### ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease shall commence on August 1, 2015 (the "Date of Commencement") and shall expire July 31, 2016. All references to the "term" of this

Lease shall, unless the context indicates a different meaning, be deemed to be reference to the term described herein.

Section 3.2. Renewal. This Lease shall automatically renew for additional 12-month terms unless written notice is given by either Landlord or Tenant no later than 60 days prior to the expiration of any term.

#### ARTICLE IV. RENT

Section 4.1. Annual Rent. Commencing upon the Date of Commencement, during the first year of this Lease, Tenant agrees to pay to Landlord annual rent of \$22,534.86, payable in equal monthly installments, in advance, on the first day of each month during the term hereof. Gross square feet shall be calculated within the perimeter of the area to be used solely by Old Crozet School Arts as shown in Exhibit A.

After the first year of this Lease, the rent for subsequent years of the term of the Lease shall be indexed for inflation and shall be calculated by first establishing a fraction, the numerator of which shall be the level of the CPI Index (as defined herein) as of the first day of that month which is two months before the month in which the Date of Commencement occurs in the subsequent years, and the denominator of which shall be the level of the CPI Index as of the first day of that month which is two months before the initial Date of Commencement. The resulting fraction shall be multiplied by the rent agreed upon or established for the first year of the term of the Lease to determine the annual rent due for the year. The rental figure shall be revised each year based upon this formula. The CPI Index shall be the U.S. Bureau of Labor Statistics Consumer Price Index (all items, all urban consumers, 1982-1984 = 100). If the CPI Index shall be discontinued, Landlord shall designate an appropriate substitute index or formula having the same general acceptance as to use and reliability as the CPI Index and such substitute shall be used as if originally designated herein. Notwithstanding the foregoing, in no event shall the rent due for any lease year decrease below the rent payable for the first year.

Upon mutual written agreement of the parties, this Lease may be amended to add additional square footage to the Premises. Should additional square footage be added to the Premises during any term of this lease, the total rent will be increased by the product of multiplying the additional square footage by the base rental rate for the term during which the additional square footage is to be added and prorated for the number of months remaining in that term. The base rental rate is defined as the then-current total rent for the term during which the additional square footage is to be added divided by the then-current gross square feet for the term during which the additional square footage is to be added.

Section 4.2. Address for Rent Payment. All payments of rent due Landlord pursuant to Section 4.1 shall be made to Landlord at the address specified in Section 18.3, or to such other party or at such other address as hereinafter may be designated by Landlord by written notice delivered to Tenant at least ten (10) days prior to the next ensuing monthly rental payment date.

#### ARTICLE V. UTILITIES AND SERVICES

Landlord shall provide water, sewer, electricity, and heating services as part of Tenant's rent. Tenant shall exercise reasonable and responsible care to conserve these utilities. The Tenant agrees that the monthly rent stipulated above may be adjusted to reflect any change in the cost to the Landlord of providing those utility services above. The Landlord shall provide the Tenant with prompt notice of any such change, and shall make available evidence of its actual utility costs. Tenant shall provide telephone, janitorial, garbage disposal, snow removal and all other services.

#### ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. Tenant shall have use of the Leased Premises as a private school. No other use of the Leased Premises is permitted without the prior consent of the Landlord.

Section 6.2. Parking. Tenant shall be entitled to the use of parking spaces in the parking lot and an access easement to the Leased Premises. Landlord reserves the nonexclusive right to use the parking lot after 5 p.m. in conjunction with the community use of the Upper Athletic Field.

#### ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

##### Section 7.1. Installation by Tenant.

(a) Tenant may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements which do not damage or alter the Leased Premises, provided that Landlord's consent shall have first been obtained in writing, and provided that Tenant shall obtain all required governmental permits for such alterations, additions or improvements. All such alterations, additions or improvements shall be at the sole expense of the Tenant.

(b) Tenant may, from time to time, make interior structural alterations, additions or improvements, only with Landlord's prior written consent to plans and specifications therefor, which consent shall not be unreasonably withheld. All such alterations, additions or improvements shall be at the sole expense of the Tenant. Upon the expiration or sooner termination of this Lease, Landlord shall have the option (exercisable upon sixty (60) days notice to Tenant except in the case of a termination of this Lease due to a default by Tenant, in which case no such notice shall be required) to require Tenant to remove at Tenant's sole cost and expense any and all improvements made by Tenant to the Leased Premises or to



elect to keep such improvement as Landlord's property. In the event Tenant is required to remove any improvements, (i) Tenant shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if Tenant fails to properly remove such improvements or provide for the repair of the Leased Premises, Landlord may perform the same at Tenant's cost and expense.

Section 7.2. Signs. Tenant shall have the right to place signs on the interior or exterior of the Leased Premises with the prior written approval of Landlord.

#### ARTICLE VIII. MAINTENANCE OF LEASED PREMISES

Section 8.1. Maintenance. Tenant shall keep the Property clean, neat, orderly, presentable and in good repair at all times. Landlord shall deliver the Property to Tenant at the beginning of the term in its present condition. Landlord shall be responsible for all repairs and maintenance for the Leased Premises, except as provided below, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, plate glass and windows. Tenant shall be responsible for routine repairs and maintenance (excluding repairs and maintenance of the building and structural components identified above), except that the Tenant's obligation for such routine repairs and maintenance shall not exceed \$2,500.00 in anyone year of the initial or subsequent term(s). Notwithstanding the foregoing, Tenant shall be responsible for all maintenance and repairs necessitated by the negligence of Tenant, its employees and invitees.

Section 8.2. Right of Entry. Landlord reserves the right for itself, its agents and employees to enter upon the Leased premises at any reasonable time to make repairs, alterations or improvements; provided, however, that such repairs, alterations, or improvements shall not unreasonably interfere with Tenant's operations. Such right to enter shall also include the right to enter upon the leased premises for the purposes of inspection.

Section 8.3. Surrender of Leased Premises. At the expiration of the tenancy hereby created, Tenant shall surrender the Leased Premises and all keys for the Leased Premises to Landlord at the place then fixed for the payment of rent and shall inform Landlord of all combinations on locks, safes and vaults, if any, which Landlord has granted permission to have left in the Leased Premises. At such time, the Leased Premises shall be broom clean and in good condition and repair, commensurate with its age. If Tenant leaves any of Tenant's personal property in the Leased Premises, Landlord, at its option, may remove and store any or all of such property at Tenant's expense or may deem the same abandoned and, in such event, the property deemed abandoned shall become the property of Landlord.

#### ARTICLE IX. INSURANCE

Section 9.1. Liability Insurance of Tenant. Tenant covenants and agrees that it will, at all times during the term of this Lease, keep in full force and effect a policy of public liability and property damage insurance with respect to the Leased Premises and the business operated by Tenant and any sub-tenants of Tenant on the Leased Premises in which the limits of public liability for bodily injury and property damage shall not be less than One Million Dollars (\$1,000,000) per accident, combined single limit. The policy shall name Landlord as additional insured. The policy shall provide that the insurance thereunder shall not be cancelled until thirty (30) days after written notice thereof to all named insureds.

Section 9.2. Fire and Extended Coverage. Landlord agrees that it will, during the initial and any renewal term of this Lease, insure and keep insured, for the benefit of Landlord and its respective successors in interest, the Leased Premises, or any portion thereof then in being. Such policy shall contain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage," as the same may exist from time to time. Landlord agrees to name Tenant as an additional insured on such policy, as its interest may appear.

Section 9.3. Evidence of Insurance. Copies of policies of insurance (or certificates of the insurers) for insurance required to be maintained by Tenant and Landlord pursuant to Sections 9.1 and 9.2 shall be delivered by Landlord or Tenant, as the case may be, to the other upon the issuance of such insurance and thereafter not less than thirty (30) days prior to the expiration dates thereof.

Section 9.4. Waiver of Subrogation. Tenant hereby releases the Landlord from any and all liability or responsibility to Tenant or anyone claiming through or under it, by way of subrogation or otherwise, from any loss or damage to property caused by any peril insured under Tenant's policies of insurance covering such property (but only to the extent of the insurance proceeds payable under such policies), even if such loss or damage is attributable to the fault or negligence of Landlord, or anyone for whom the Landlord may be responsible; provided, however, that this release shall be applicable and in force and effect only with respect to loss or damage occurring during such time as any such release shall not adversely affect or impair the releasor's policies or insurance or prejudice the right of the releasor to recover thereunder.

#### ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. Tenant shall not commit or suffer to be committed any waste or any nuisance upon the Leased Premises.

Section 10.2. Governmental Regulations. During the term of this Lease, Tenant shall, at Tenant's sole cost and expense, comply with all of the requirements of all county, municipal, state, federal and other

applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to the Leased Premises or Tenant's use and occupancy thereof.

#### ARTICLE XL. FIRE OR OTHER CASUALTY

If the Leased Premises shall be damaged so as to render two-thirds (2/3) or more of the Leased Premises untenable by fire or other casualty insured against under the insurance required to be carried by Landlord pursuant to Section 9.2, Landlord may elect to either terminate this Lease as of the date of damage or repair the Leased Premises. Unless Landlord elects to terminate this Lease, such damage or destruction shall in no way annul or void this Lease except that Tenant shall be entitled to a proportionate reduction of the rent payable under Article IV while such repairs are being made, such proportionate reduction to be based upon the proportion of the Leased Premises rendered untenable as a result of such damage. Notwithstanding the foregoing, if any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, Tenant may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to Landlord.

#### ARTICLE XII. CONDEMNATION

If the whole or any part of the Leased Premises shall be taken under the power of eminent domain, then this Lease shall terminate as to the part so taken on the day when Tenant is required to yield possession thereof, the Landlord shall make such repairs and alterations as may be necessary in order to restore the part not taken to useful condition; and the rent payable under Article IV shall be reduced proportionately as to the portion of the Leased Premises so taken. If the amount of the Leased Premises so taken is such as to impair substantially the usefulness of the Leased Premises for the purposes for which the same are hereby leased, then either party shall have the option to terminate this Lease as of the date when Tenant is required to yield possession.

#### ARTICLE XIII. DEFAULT OF TENANT

Section 13.1. Default. The occurrence of any of the following shall be deemed a "default" under this Lease:

(a) Tenant fails to pay when due any amount of rent, additional rent or other monies due under this Lease, including Articles IV and V, and such payment is not received by Landlord within ten (10) days after written notice of such failure is received by Tenant; or

(b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from Landlord.

Section 13.2. Remedies. In the event of any default or breach hereof by Tenant, Landlord shall have the right (in addition to all other rights and remedies provided by law) to terminate this Lease or to re-enter and take possession of the Leased Premises, peaceably or by force, and to remove any property therein without liability for damage to and without obligation to store such property, but may store the same at Tenant's expense, and to collect from Tenant all rent then due and which would accrue for the unexpired portion of the term hereof, together with reasonable attorney's fees. In addition, in the event of a failure to pay rent, additional rent or other money within five (5) days of its due date, Tenant shall pay to Landlord the greater of Twenty-Five and no100 Dollars (\$25.00) or one half (1/2) of one percent (1 %) of such sum for each day after the fifth day such rent or other money is late.

#### ARTICLE XIV. HOLDING OVER, ASSIGNS, SUCCESSORS

Section 14.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of Landlord, shall be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and shall otherwise be on the terms and conditions herein specified as far as applicable.

Section 14.2. Showing the Leased Premises. During the last ninety (90) days of the term hereof, Tenant shall allow Landlord, or its agents, to show the Leased Premises to prospective tenants or purchasers at such times as Landlord may reasonably desire.

Section 14.3. Successors. All rights and liabilities herein given to, or imposed upon the respective parties hereto, shall extend to and bind the heirs, executors, administrators, successors and permitted assigns of the parties. All covenants, representations and agreements of Landlord shall be deemed the covenants, representations and agreements of the fee owner from time to time of the Leased Premises and Landlord shall be automatically released of all liability under this Lease from and after the date of any sale by Landlord of the Leased Premises. All covenants, representations and agreements of Tenant shall be deemed the covenants, representations, and agreements of the occupant or occupants of the Leased Premises.

#### ARTICLE XV. BROKER'S FEES

Tenant and Landlord hereby warrant that there are no brokerage commissions due in connection with this Lease.

ARTICLE XVI. NO ASSIGNMENT

Tenant shall not assign this Lease or sublet all or any portion of the Leased Premises, either directly or indirectly, without the prior written consent of Landlord. No assignment, sublease or transfer of this Lease by Tenant shall (i) be effective unless and until the assignee, subtenant or transferee expressly assumes in writing Tenant's obligations under this Lease, or (ii) relieve Tenant of its obligations hereunder, and Tenant shall thereafter remain liable for the obligations of the Tenant under this Lease whether arising before or after such assignment, sublease or transfer.

ARTICLE XVII. SUBORDINATION OF LEASE

This Lease and all rights of Tenant hereunder are and shall be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Leased Premises, including any and all renewals, replacements, modifications, substitutions, supplements and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, Tenant shall promptly upon the request of Landlord execute and deliver an instrument in recordable form satisfactory to Landlord evidencing such subordination; and if Tenant fails to execute, acknowledge or deliver any such instrument within ten (10) days after request therefor, Tenant hereby irrevocably constitutes and appoints Landlord as Tenant's attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any such instruments on behalf of Tenant. Tenant further agrees that in the event any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, Tenant shall not withhold or delay its consent thereto.

ARTICLE XVIII. MISCELLANEOUS

Section 18.1. Waiver. The waiver by Landlord or Tenant of any breach of any term, covenant or condition contained herein shall not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of rent hereunder by Landlord or Tenant, respectively, shall not be deemed to be a waiver of any breach by Tenant or Landlord, respectively, of any term, covenant or condition of this Lease regardless of knowledge of such breach at the time of acceptance or payment of such rent. No covenant, term, or condition of this Lease shall be deemed to have been waived by Tenant or Landlord unless the waiver be in writing signed by the party to be charged thereby.

Section 18.2. Entire Agreement. This Lease, and the Exhibits attached hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between Landlord and Tenant concerning the Leased Premises; and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced in writing and signed by them.

Section 18.3. Notices. Any notice, demand, request or other instrument which may be, or is required to be given under this Lease, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

(a) if to Landlord, at  
County of Albemarle  
County Executive's Office  
401 McIntire Road  
Charlottesville, Virginia 22902  
or at such other address as Landlord may designate by written notice;

(b) if to Tenant, at  
Old Crozet School Arts  
1408 Crozet Avenue  
Suite 102  
Crozet, Virginia 22932

or at such other address as Tenant shall designate by written notice.

Section 18.4. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way do they affect this Lease.

Section 18.5. Partial Invalidity. If any term, covenant or condition of this Lease, or the application thereof, to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant, or condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

Section 18.6. Recording. Upon request of either party, a memorandum of lease will be executed and recorded. Such memorandum shall contain any provisions of this Lease which either party requests except for the provisions of Article IV, which shall not be included. The cost of recording such memorandum of lease or a short form hereof shall be borne by the party requesting such recordation.

Section 18.7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Section 18.8. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

TENANT  
OLD CROZET SCHOOL ARTS,  
a Virginia non-stock corporation  
By: (Sharon D. Tolczyk)  
Print Name: Sharon D. Tolczyk  
Title: Artistic Director

LANDLORD

This Lease is executed on behalf of the County of Albemarle by Thomas C. Foley, County Executive, following a duly-held public hearing, and pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA  
By: (Thomas C. Foley)  
Thomas C. Foley, County Executive

EXHIBIT A

DESCRIPTION OF LEASED PREMISES

All that certain space (the "Space") situated in the County of Albemarle, Virginia, located in the Old Crozet Elementary School at 1408 Crozet Avenue, Crozet, Virginia, containing 4,826 square feet, more or less, on the floor plan attached hereto and incorporated herein. Reference is made to the floor plan for a more particular description of the location of the described space. This Space is a portion of Albemarle County Parcel ID 05600-00-00-06200, containing 5.399 acres, more or less.



Agenda Item No. 19. **PUBLIC HEARING:** Ordinance to Amend Definition of Private Animal Shelter. An ordinance to amend Chapter 4, Animals and Fowl, of the Albemarle County Code, Article I, In General, Section 100, Definitions. The proposed amendment would clarify that the purpose of a private animal shelter is to find permanent adoptive homes for animals, consistent with Virginia Code § 3.2-6500. (Advertised in the Daily Progress on June 15 and June 22, 2015.)

The executive summary as presented by staff states that the 2015 General Assembly adopted Senate Bill 1381 amending the definition of "private animal shelter" in Virginia Code § 3.2-6500 to clarify that the purpose of a private animal shelter is to find permanent adoptive homes for animals. The proposed ordinance is necessary to make the County Code consistent with the Virginia Code.

Staff has prepared a draft ordinance (Attachment A) to amend County Code § 4-100, Definitions. The proposed ordinance would amend the definition of “private animal shelter” to mean “a facility operated for the purpose of finding permanent adoptive homes for animals” that is “owned or operated by an incorporated, nonprofit, and nongovernmental entity.”

The amended definition makes it clear that one of the purposes of private animal shelters is to find permanent homes for animals. The Executive Director of the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals (SPCA) has confirmed that the amendment was supported by the SPCA and would not have any impact on its operations.

The adoption of the proposed ordinance will have no impact on the budget.

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

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Mr. Davis reported the General Assembly session had amended the definition of private animal shelters in the state code to eliminate an ambiguity about the purpose of private animal shelters to clarify that they should operate to find permanent adoptive homes for the animals. He said this is a term used for limited purposes in the County’s own animal ordinance, so it needs to be made consistent with the state code. He said the President of the Albemarle County SPCA lobbied for this with the General Assembly, and she indicated that she supports the change.

Ms. Dittmar opened the public hearing.

There were no speakers from the public, and the Chair closed the public hearing.

Ms. Mallek asked if this takes into consideration equine rescue or retirement homes for race horses, is this strictly dogs and cats, because there are retirement places where people send their horses to when they are unable to care for them. Mr. Davis responded that he is unsure.

Ms. Palmer **moved** that the Board adopt the ordinance as presented. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

#### **ORDINANCE NO. 15-4(1)**

#### **AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS AND FOWL, 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 4, Health and Safety, is hereby amended as follows:

**By Amending:**  
**Sec. 4-100 Definitions**

#### **CHAPTER 4**

#### **ANIMALS AND FOWL**

#### **ARTICLE I. IN GENERAL**

#### **Sec. 4-100. Definitions.**

...

(31) *Private animal shelter.* The term “private animal shelter” means a facility operated for the purpose of finding permanent adoptive homes for animals, that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

...

**State law reference**--Va. Code § 3.2-6500.

(Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 09-4(1), 7-8-09; Ord. 11-4(1), 2-2-11; Ord. 13-4(1), 7-3-13; Ord. 14-4(1), 6-4-14, effective 7-1-14)

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Agenda Item No. 20. **PUBLIC HEARING:** Ordinance to Establish Local Taxes for Limited Distiller’s Licenses. An ordinance to amend Chapter 8, Licenses, of the Albemarle County Code by amending Article VI, Schedule of Taxes, Section 8-600, Alcoholic Beverages. The proposed amendment would decrease the annual local license tax for distillers that manufacture more than 5,000 gallons but not

more than 36,000 gallons during a year from \$1,000 to \$750, consistent with Virginia Code § 4.1-231. (Advertised in the Daily Progress on June 15 and June 22, 2015.)

The executive summary as presented by staff states that the 2015 General Assembly adopted Senate Bill 1272 to amend Virginia Code § 4.1-233 to establish a limited distiller's license for distilleries that manufacture no more than 36,000 gallons of spirits per calendar year. The bill also established the framework for local and state taxes for limited distiller's licenses. The proposed ordinance is necessary to make the County Code comply with Virginia Code 4.1-233.

Staff has prepared a draft ordinance (Attachment A) to amend County Code § 8-600, Alcoholic Beverages. The proposed ordinance would:

- Establish a \$750 license tax for distillers producing more than 5,000 gallons but not more than 36,000 gallons per year.
- Retain the \$1,000 license tax for distillers producing more than 36,000 gallons per year.

These maximum license taxes are established by Senate Bill 1272 effective July 1, 2015.

The adoption of this state-mandated license tax reduction for certain distillers is not expected to have a significant fiscal impact. Only three (3) distillers currently operate in the County.

Staff recommends that following a public hearing, the Board adopt the attached ordinance (Attachment A.)

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Mr. Davis said this is a housekeeping measure that is required by change in the State Enabling legislation adopted by this year's General Assembly. He said the Legislature amended the state law that decreases the maximum amount a county can charge for a distiller's licenses tax from \$1,000 to \$750 for distilleries that manufacture more than 5,000 but not more than 36,000 gallons per year, so it reduces the maximum from \$1,000 to \$750. Mr. Davis said under the enabling authority, the state actually set the maximums for all the alcohol-related taxes and also determines the categories. He said the Finance Department has indicated there are only three distilleries in the County, and he is not sure if any of them fall into that category, but it is not a significant revenue change at any rate. Mr. Davis stated it is a housekeeping measure and he would recommend the Board adopt the ordinance amending the distillery license tax amount.

Ms. Dittmar said she had learned at a Rotary Club meeting that the oldest distillery in the Commonwealth is in Ms. Palmer's district.

Ms. Palmer commented it is interesting that there is no such tax on wines. Mr. Davis said it is not based on quantity, and the maximum tax for wineries is \$50.

Ms. Dittmar opened the public hearing.

There were no speakers from the public, and the Chair closed the public hearing.

Ms. Palmer **moved** to adopt the ordinance as presented. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

#### **ORDINANCE NO. 15-8(1)**

#### **AN ORDINANCE TO AMEND CHAPTER 8, LICENCES, 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 8, Licenses, is hereby amended as follows:

**By Amending:**  
**Sec. 8-600      Alcoholic Beverages**

#### **CHAPTER 8**

#### **LICENSES**

#### **ARTICLE VI SCHEDULE OF TAXES**

#### **DIVISION I GENERALLY**

#### **Sec. 8-600. Alcoholic Beverages.**

Each person engaged in the following alcoholic beverage businesses shall be subject to the applicable license tax, and other provisions, set forth herein:

A. The following annual tax rates shall apply:

1. For each distiller, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, \$750; if more than 36,000 gallons manufactured during such year, one thousand dollars (\$1,000.00); and no license shall be required for any person who manufactures not more than five thousand (5,000) gallons of alcohol or spirits or both during the license year.

...

(3-15-73, § 25; 4-21-76; Ord. 96-11(1), 11-13-96, § 11-27; Code 1988, § 11-27; Ord. 98-A(1), 8-5-98; Ord. 14-8(1), 9-3-14)

**State law reference**--Va. Code § 4.1-233.

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Agenda Item No. 21. **PUBLIC HEARING:** Ordinance to Establish Personal Property Tax Relief for Certain Leased Vehicles. An ordinance to amend Chapter 15, Taxation, of the Albemarle County Code by amending Article XI, Personal Property - In General, Section 15-1103, Personal Property Tax Relief. The proposed amendment would exempt the first \$20,000 on certain qualifying vehicles leased by an active duty member of the United States military or his or her spouse, consistent with Virginia Code § 58.1-3524. (*Advertised in the Daily Progress on June 15 and June 22, 2015.*)

The executive summary as presented by staff states that the 2015 General Assembly adopted House Bill 1589 to amend Virginia Code § 58.1-3524 to require each locality receiving personal property tax reimbursement (PPTR) from the Commonwealth to ensure that the reimbursement covers all of the tax attributable to the first \$20,000 of value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring the active duty member to pay the tangible personal property tax on such vehicle, if the vehicle would not be taxed in Virginia if it were owned. This new state law requires a corresponding amendment to the County Code regarding the County's administration of personal property tax relief locally.

Personal property tax relief applies only to vehicles personally owned for personal use. However, with many vehicle leases, even though a vehicle is primarily used by individual(s), the vehicle remains titled with a corporate lessor that is often ineligible for personal property tax relief. The terms of many leases shift responsibility for the property taxes to the individual user(s), even though the individual does not own title to the vehicle.

The new law was intended to provide tax relief to active duty members of the U.S. military and their spouses who lease vehicles, and whose leases require them to pay the personal property tax on their vehicles. The new law requires localities to extend this relief to these affected military members and their spouses.

Staff has prepared a draft ordinance (Attachment A) to amend County Code § 15-1103, Personal Property Tax Relief, to comply with House Bill 1589.

The proposed ordinance would have no fiscal impact on the County. However, because the new state law mandates the County to allocate PPTR to certain leased vehicles previously unqualified for relief, it could impact the amount of relief available for allocation to other qualifying vehicles.

Staff recommends that following the public hearing, the Board adopt the attached ordinance (Attachment A).

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Mr. Davis stated this is also another housekeeping measure as a result of change in the enabling legislation from the 2015 General Assembly. He said the purpose of this bill is to allow the spouses of active duty military to take advantage of the Personal Property Tax Relief that applies to motor vehicles if they are leasing their vehicles. Mr. Davis said there is an inequity because if a car is being leased and the title is in the name of the rental company, they do not qualify under the current legislation. Mr. Davis said this will allow them to qualify for that tax relief, and the ordinance before the Board will implement that requirement in the state code. He said there is no fiscal impact to the County from this change because they receive a fixed amount of tax relief from the state; this will just redistribute it among all the taxpayers who are receiving that tax relief. Ms. Davis said most private car owners receive a certain amount of relief that is applied against their tax bill, and said staff will recommend that the Board adopt this ordinance.

Ms. Palmer said that if they are doing housekeeping, she noticed in the executive summary has just "his spouse," and she wonders about "her spouse."

Mr. Davis said that it follows exactly the archaic way the state code proposes this wording, and under the County Code there is a provision that deals with these articles and provides that "his" can be "hers" or vice versa in the appropriate context.

The Chair opened the public hearing. There were no speakers, and the Chair closed the public hearing. The matter was placed before the Board.

Mr. Sheffield **moved** to adopt Ordinance 15-15(1), as presented. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:



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

**ORDINANCE NO. 15-15(1)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, 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, is hereby amended as follows:

**By Amending:**  
**Sec. 15-1103 Definitions**

**CHAPTER 15**

**TAXATION**

**ARTICLE XI. PERSONAL PROPERTY—IN GENERAL**

**Sec. 15-1103 Personal property tax relief.**

A. Purpose; definitions; relation to other sections.

1. The purpose of this section is to provide for the implementation of the changes to the Personal Property Tax Relief Act of 1998, Virginia Code §§ 58.1-3523 *et seq.* ("PPTRA") effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

2. Terms used in this section that have defined meanings set forth in the PPTRA shall have the same meanings as set forth in Virginia Code § 58.1-3523.

3. To the extent that the provisions of this section conflict with any other provision of the county code, this section shall control.

B. Method of computing and reflecting tax relief.

1. For tax years commencing in 2006, the county adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for the PPTRA and the reporting of such specific dollar relief on the tax bill.

2. Any amount of the PPTRA relief not used within the county's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.

3. Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

C. Allocation of relief among taxpayers.

1. Allocation of the PPTRA relief shall be provided in accordance with the general provisions of this section.

2. Relief shall be allocated in such a manner as to eliminate personal property taxation of (a) each qualifying vehicle with an assessed value of \$1,000 or less and (b) the first \$20,000 in value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring him, his spouse, or both to pay the tangible personal property tax on such vehicle. The provisions of this subdivision (b) apply only to a vehicle that would not be taxed in Virginia if the vehicle were owned by such military member, his spouse, or both.

3. Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is calculated fully to use all available state PPTRA relief.

D. Transitional provisions.

1. Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the county director of finance is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

2. Penalty with respect to bills issued pursuant to subsection (D)(1) of this section shall be computed on the entire amount of tax owed. Interest with respect to bills issued pursuant to subsection (D)(1) of this section shall be computed at the percentage provided in section 15-100 (E) from the due date of the supplemental personal property tax bill provided for in subsection (D)(1) herein.

(Ord. 06-15(1), 1-4-06, effective 1-1-06)

**State law reference** – Va. Code § 58.1-3524(C); Item 503, Chapter 951, 2005 Acts of Assembly

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Agenda Item No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 22a. Addition of potential guardrail along Route 240 in Crozet on Northern Boundary of Western Ridge.

Ms. Mallek introduced the idea of asking VDOT to put in guardrail in a stretch of Three Notch'd Road by Western Ridge, Route 240. She said within the last six months there have been three or four different cars that have gone off the roads into people's backyards, smashing children's swing sets and so forth. She stated that Joel DeNunzio and VDOT have been working diligently to try to keep people on the road, but none of the improvements, such as building up the shoulder, and others have helped. Ms. Mallek said the neighbors have been told by VDOT that the Board has to approve a guardrail before they can proceed.

Ms. McKeel said that years ago there was a home on Barracks Road that had so many cars ending up in their yard. She said that Georgetown Road makes a T at Barracks Road and in taking a left, that intersection was sloped incorrectly, which VDOT admitted to years ago, so it almost pushes the cars towards the yard. She said the neighborhood association petitioned VDOT, who did a study and said that it deserved a guardrail, so it went up. Ms. McKeel said then the neighborhood association was able to ask VDOT to do a study and to approve or disapprove it, and asked if the process was that it came through the Board or could go either way.

Ms. Mallek said that over the last few years the Board request had been added to the layers of process, so that it was more efficient. She stated this was just relayed to her by one of the six families that was affected, and she just wanted to receive assurance from the Board that no one has any difficulty with the guardrail as an option.

Board members offered consensus that it can be an option.

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Item No. 22b. Broadband/Wireless Service across Albemarle County.

Ms. Mallek said she had read an article in the *Daily Progress* regarding a broadband project that appears to be going forward, and she reached out to Vince Scheivert to help her understand the elements of the article. She said after the article came out, she heard from several constituents who did not want their homes as a wireless transmitter and asked if there was any way to prevent this. Ms. Mallek emphasized she wants to continue to understand the state of this project.

Ms. Palmer said she had met with Mr. Scheivert twice regarding this, and those meetings had been informative.

Mr. Bill Letteri, Deputy County Executive, stated the schools are trying to connect all their school facilities with fiber optics, and a secondary measure will be to connect those fibers to some sort of wireless system or towers that will then serve their constituents. He said they have not done, at this point, any real research or propagation maps to understand where those towers will be, or how many or how high they will be, so that is a work in progress. He said the extent of the work they have done with the fiber at this point has been about their clusters like Western Albemarle and Brown Elementary and he believes they have done work with Albemarle High and Jack Jouett.

Ms. Palmer said that in addition, the towers they are using right now are existing towers; they have a pilot program with the Heards Mountain tower and one other.

Ms. McKeel said they are using existing structures, and they will not be going out building new structures.

Ms. Mallek said they will be adding more distributors, and the concern is not the tower but what is coming off of it. She emphasized it is important that if this goes forward as described in the newspaper the Board has a deliberate public process, because this is not something that everyone agrees about, and before using public funding, she wants to make sure this is something everyone agrees about.

Ms. Dittmar said her understanding is that they cannot take certain things into consideration in providing this service, such as "health concerns."

Mr. Davis explained that under the Telecommunications Act that regulates how localities must deal with approval of wireless facilities, one restriction is that localities cannot take into effect the environmental impacts of wireless signals for considerations of denying a tower. He said based on

findings the FCC has made, they have determined this is not a valid criteria for denying a tower, so that is something the County has been careful about not using as a reason to deny a tower in the County's land use approval process.

Ms. Mallek stated what she is speaking of is the public investment in the school division, which is entirely separate from that.

Ms. Dittmar said she does not know why the federal government would have made an act prohibiting a locality from denying it unless they thought it was safe, and asked if there is science based on that.

Mr. Davis stated there is science-based evidence that it is not dangerous but some people do not believe it, and even in the school system there is debate about it when they are deploying wireless facilities. He said it is an issue people feel strongly about on both sides, but the federal government is definitive in a land use context that it is not a basis to use.

Ms. McKeel said the issue was sent to the Health Advisory Board and they came back with no concerns about health issues, as they supported the science that there were no health risks, and that report is still available. She said the School Board has strong experts from the University of Virginia, so there was a pretty thorough vetting process regarding the health risks at the time, and it is not that the School Board has taken this lightly over the years. She said the article in the *Progress* does not contain anything new, but is really just a recap of the process and an update of where they hope to be, and there are pictures of cell towers that may have put people off.

Ms. Mallek stated what set people off is the quote of that these boosters will be spread along the County roads.

Mr. Foley said the schools are not at a stage of identifying where those will go, what will be co-located, and where they might have to implement other solutions in cases where they have gaps in coverage.

Ms. McKeel said they are looking at existing structures.

Mr. Foley said they are looking at ECC towers to see how much coverage they have, and there is nothing new in their plan.

Ms. Mallek said the U.S. needs to not think that they know better than the rest of the world that is studying this in more depth, as many of the studies here have been funded by the cell tower industry.

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Item No. 22c. Biosolids and the Listing of Spreading of Biosolids on County Property Records of the land.

Ms. Mallek stated she does not know if they are able to put information in local records regarding lands using biosolids.

Mr. Foley stated he had forwarded Ms. Mallek an email stating that this is already in the County's GIS mapping, so land that has been permitted by DEQ is listed in the GIS, and every three months they receive an update from DEQ that they add in.

Ms. Mallek said that the reason this came up is that a whole lot of new properties were added to the Sykes permit, and neighboring residents are very concerned and contacted DEQ by letter. She said Ms. Sykes withdrew her application when she found out people were against it, and this is another situation where there is a huge disagreement about doing this in the long and short term. She said in another situation in Mr. Sheffield's district on the river, there is a large property where they spread biosolids, the neighbors in Carrsbrook were very concerned, as several of them have health problems and could not go outside for weeks because it smelled so bad, with trucks going through the neighborhood. Ms. Mallek stated there is no testing for heavy metals and pharmaceuticals, only for bacteria.

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Item No. 22d. Change to Sign Ordinance to Accommodate Standardized Sign for Artisan Trail.

Ms. Palmer stated that she had a conversation with Zoning Administrator, Ms. Amelia McCulley about this, which is basically way finder signs for people on the Artisan Trail. She said what Amelia explained is that they are looking at this in a more comprehensive way, and she would like to come back to the Board at a later date.

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Ms. Palmer said the A-mail came out with the notice about the community meeting the following Tuesday for the possible expansion of the development areas in the Comprehensive Plan at the 29/I64 Interchange, and the notice did not include where it was in the title. She said it is sort of a boring title that is buried, and a lot of people could skip over it, so she wanted to ask if another email can go out that explains it more clearly.

Mr. Foley said he had passed this onto staff, which got together with Community Development, and they have done three or four things beyond what they typically do, including sending notices to more than adjoining property owners but to the whole area, with the resolution of intent included. He stated A-mail is not something they typically do, but they can certainly modify it per her suggestions.

Ms. Palmer stated it is important to have more than "Comprehensive Plan Amendment" in the email subject.

Mr. Foley asked if "Development Area Boundary Adjustment" might be better, but noted that some Board members feel there is sometimes too much information included. Ms. Palmer responded that it would be, perhaps with a comment about the location near an interchange.

Mr. Foley said that staff will follow up, but said most people probably know this meeting is going on.

Ms. Palmer stated she had a lot of constituents on 29 South that complain about the traffic, and she wants to make sure they know the meeting is going on and what is happening.

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Ms. McKeel announced that New York City has banned Styrofoam, and Starbucks, which sells thirty cups of coffee a second, is piloting now in three states an alternative to Styrofoam to their cups of coffee. She also complimented the University of Virginia because they took Styrofoam out of their cafeterias about a year ago.

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Ms. Palmer announced the McIntire Recycling location is now accepting plastic bags and film packaging, including the plastic that goes over napkins, paper towels, toilet paper wraps, produce bags, newspaper bags, bread bags, case wraps from bottled water, retail bags, dry cleaning bags, and so forth.

Ms. Mallek asked where she can take fluorescent tubes.

Ms. Palmer said she can take them to Staples office store.

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Ms. Dittmar announced the Town of Scottsville has a new park called the Van Clief Nature Area, which is 63 acres, and said the town has been working very hard to enhance it. She said they had an idea that it should be marketed to the community and beyond that there are three beautiful parks in Albemarle, and asked for suggestions as to how to connect them to others. She mentioned they have received a grant from the Department of Conservation and Recreation.

Ms. Mallek suggested connecting them with Bob Crickenberger and Dan Mahon with County Parks and Recreation.

Ms. Palmer noted the County has a list of all parks on its website.

Ms. Mallek said that it is for County parks.

Ms. Palmer stated perhaps they will list a town park.

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Ms. Mallek asked when the Work Program will come before them.

Mr. Foley stated the Work Program for Community Development comes up in August, following the Joint Meeting with the Planning Commission, and that will give some direction. He said the Work Program should come before them in the next month.

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Agenda Item. No. 23. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley stated his report includes the Annual Plan, and as they look at the document they will notice the Board meetings, with a lot coming up on the horizon.

Mr. Foley stated he had wanted to update the Board on the Citizen Resource Advisory Committee, and staff will be sending out a letter the following day. He also said he does not expect everyone to make every meeting so they will be videotaping all the presentations, and they will specifically ask the Board and School Board to attend because there is a lot of background information that is important for the five-year process and some of the big policy issues being discussed. He said the first meeting is July 16, the second one on July 29, and the third on August 12, all from 3:00-5:00 p.m. in Room 241. He said they will go over the major drivers both on the revenue and expenditure side and become grounded in terms of the picture of the future. Mr. Foley said they will also have Mr. David Blount come and talk about the latest efforts at the legislative level, including the possibility of moving from an equal taxing authority for all counties to an equal taxing authority for urban counties, which face the same challenges. He said that staff will be giving the committee the full picture so they have a good foundation for this work. Mr. Foley said they will not be assembled there for action or business, but can come as part of the education process, adding that it is open to the public as well.

Mr. Boyd suggested that a press release be sent out with the dates, times and people who will be serving on the committee.

Board members and staff agreed that it is an excellent idea.

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Agenda Item. No. 24. Adjourn to July 8, 2015, 3:30 p.m., Room 241.

At 7:10 p.m., Ms. Mallek **moved** to adjourn the Board meeting to July 8, 2015, 3:30 p.m., Room 241. Mr. Boyd **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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Chairman

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| Approved by Board |
| Date: 11/11/2015  |
| Initials: EWJ     |