

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 4, 2016, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 1:02 p.m., by the Chair, Ms. Palmer.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Palmer introduced County staff and the officer present, Officer Levy.

Ms. McKeel **moved** to adopt the final agenda. Mr. Sheffield **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

Ms. Mallek reported that she had attended her first VACO Board of Directors meeting as representative from District 5, and said there were a lot of good presentations, including a NACO insurance program that will help offset deductibles and provide other benefits.

Mr. Dill reported that this is the 100th birthday of the late Jane Jacobs, author of *The Death of Cities*, a copy of which had been given to him by his Planning Commissioner, Daphne Spain of UVA. He stated this book is essentially the inspiration for everything the County is doing in terms of the Neighborhood Model and dynamic urbanization.

Ms. McKeel asked Mr. Dill if he would share a copy of the book with the Board.

Mr. Dill responded that he would try to get everyone a copy, except for Mr. Sheffield, who studied under Ms. Spain at the UVA School of Architecture.

Mr. Randolph reported that he had attended Cale Elementary School's "Bike to School Day," organized by principal Dede Jones and parent Amanda Brookman, and said that bicycles are an important part of multi-modal transportation. He stated the event hosted a variety of bicycle models, with approximately 35 cyclists participating, and the organizing team was looking at ways to replicate it at other elementary schools in the County.

Mr. Randolph said that five incumbents will be returning to Scottsville Town Council, with Nancy Gill elected as mayor, and two new members, Shannon Bostick and Joshua Peck, who is under 25 years old.

Ms. Palmer stated the County held a volunteer appreciation event to recognize those who serve on boards and commissions, and it was a reminder of how many talented people there are in the community who volunteer their time to help. She encouraged members of the public to serve on these bodies in the future if they have a special interest of some kind. Ms. Palmer stated that in the evening after the meeting, they will be celebrating the volunteer fire and rescue members, with 7,500 active volunteers in those departments who risk their lives to fight fires.

Ms. Palmer reported that it is National Drinking Water Week, and they will be celebrating the new Ragged Mountain Dam with an event on May 5 from 10:30 a.m. to 12:00 p.m., with the City's Parks and Recreation Director leading a 45-minute walk on the trails up to the new floating bridge over the Ragged Mountain Reservoir and a dedication of the new dam. She noted there would be a 10:00 a.m. event for public officials, with the general public event starting at 10:30 a.m.

Ms. Mallek stated she will be there with the water shed model from the Virginia Museum of Natural History.

Ms. McKeel reported the new commuter transit service started May 2, and if people want to get to UVA, the medical center, or downtown, there are two different runs in the morning, with ridership increasing from Tuesday over Monday, and the service will be free until July.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6a. Proclamation recognizing Healthcare Decisions Month.

Ms. McKeel read the following proclamation recognizing Healthcare Decisions Month, and **moved** to adopt same. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

The Board presented a certificate of recognition to JABA Executive Director, Marta Keane, and said that County Human Resources will be sending out an email to all employees to inform them of the proclamation, as well as sending a link for people to access the form if they are interested.

Ms. Keane thanked the Board of Supervisors for supporting this effort, which has been a collaboration between JABA, UVA, Martha Jefferson/Sentara, and Hospice of the Piedmont.

**PROCLAMATION
HEALTHCARE DECISIONS**

WHEREAS, *Healthcare Decisions recognition events are designed to raise public awareness of the need to plan ahead for health care decisions related to end of life care and medical decision-making whenever people are unable to speak for themselves and to encourage the specific use of Advance Directives to communicate these important health care decisions; and*

WHEREAS, *it is important for all individuals 18 and older to exercise their right to have their voices heard during the point in their life when they may not be able to express those wishes for their families and caregivers. It is estimated that only about 20% of Virginians have executed an Advance Directive due to lack of knowledge and confusion; and*

WHEREAS, *a principal goal of Healthcare Decisions related events is to encourage health care providers and community leaders to participate in a State-wide effort to provide clear and consistent information to the public about advance directives, as well as to encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of citizens with advance directives; and*

WHEREAS, *JABA, University of Virginia Health System, Sentara Martha Jefferson Hospital, Hospice of the Piedmont, and other organizations throughout this community have endorsed this effort and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and*

WHEREAS, *as a result the promotion of Healthcare Decision Events more citizens will have conversations about their health care decisions; more citizens will execute Advance Directives to make their wishes known; and **fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient;***

NOW, THEREFORE, BE IT RESOLVED *that we, the Albemarle County Board of Supervisors, do hereby recognize **May 2016**, as **HEALTHCARE DECISIONS MONTH** in Albemarle County, and call this observance to the attention of all our citizens.*

Signed and sealed this 4th day of May, 2016

Item No. 6b. Proclamation recognizing Fair Housing Month.

Mr. Dill read the following proclamation Fair Housing Month, and **moved** to adopt same. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

The Board presented a certificate of recognition to Albemarle County Housing Director, Ron White.

Mr. Ron White addressed the Board and thanked them for the recognition, stating that the County practices fair housing year-round, but April is the official month of recognition.

Ms. Mallek commented that it is good to bring attention to it.

**PROCLAMATION
FAIR HOUSING MONTH 2016**

WHEREAS, April is Fair Housing Month and marks the 48th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and

WHEREAS, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness); and

WHEREAS, the Fair Housing Act supports equal housing opportunity throughout the United States; and

WHEREAS, fair housing creates healthy communities, and housing discrimination harms us all;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year

Signed this 4th day of May 2016.

Item No. 6c. Proclamation recognizing Public Service Recognition Week May 1-7, 2016.

Mr. Sheffield read the following proclamation recognizing Public Service Recognition Week, and **moved** to adopt same. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Louise Wyatt, Organizational Development Manager for Albemarle County, accepted the recognition on behalf of County staff.

Proclamation
Public Service Recognition Week 2016

WHEREAS, *Americans are served daily by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation working; and*

WHEREAS, *public service is among the most demanding and noble of professions; and*

WHEREAS, *Public Service Recognition Week is observed annually to celebrate and recognize the valuable service that public servants provide to the nation; and*

WHEREAS, *over 3,000 Albemarle County Local Government and Schools employees work tirelessly to serve our residents, businesses, and visitors, providing them with outstanding customer service while maintaining careful stewardship of the resources with which they have been entrusted; and*

WHEREAS, *we appreciate the many accomplishments and contributions made daily by these public servants;*

NOW, THEREFORE, BE IT RESOLVED *that we, the Albemarle County Board of Supervisors, do hereby recognize*

May 1-7, 2016
as
Public Service Recognition Week

and call upon the citizens of Albemarle County to join their fellow citizens across the County to recognize the significant and important contribution that public employees make to our community.

Signed and sealed this 4th day of May, 2016

Item No. 6d. Proclamation recognizing May 1 through 7 as Municipal Clerks Recognition Week.

Ms. Palmer read the following proclamation recognizing Municipal Clerks Week, and **moved** to adopt same. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

The Board thanked Ms. Jordan and Mr. Morris for the work as Clerk and Deputy Clerk, and Ms.

Palmer noted that May is Ms. Jordan's last month as Clerk.

***Municipal Clerks Week
May 1-7, 2016***

Whereas, *the Municipal Clerk is a time honored and vital part of local government that exists throughout the world and serves as an information center on functions of local government and community; and*

Whereas, *the Municipal Clerk is the oldest among public servants and provides a professional link between the citizens and local governing bodies and agencies of government at all levels; and*

Whereas, *Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and*

Whereas, *Municipal Clerks continually strive to improve the administration of the affairs of the Office of Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, province, county and international professional organizations; and*

Whereas, *it is most appropriate that we recognize the accomplishments of the Municipal Clerk;*

Now, Therefore, Be It Resolved *that, we, the Albemarle County Board of Supervisors, do hereby recognize*

May 1 – 7, 2016 as Municipal Clerks Week

and further extend appreciation to Ella W. Jordan, CMC (Certified Municipal Clerk) Clerk, and Travis O. Morris, CMC, Senior Deputy Clerk, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Signed and sealed this 4th day of May, 2016.

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

Mr. David Hannah addressed the Board, stating that he was hired in December as the new Natural Resources Manager for the County and looks forward to working with the Supervisors. Mr. Hannah reported the Natural Heritage Committee is appointed by the Board to advise them of matters related to biological diversity, and the highlight of his work to date has been working with the committee, which has recently added some new members. He noted the committee's annual report is part of their Consent Agenda, and the committee would like to come before the Board later in the year to provide an update on its work. Mr. Hannah stated the committee was formed in 2005, with the Biodiversity Work Group, on which he served, formed in 2002, with its work completed in 2004. He said that both the Natural Heritage Committee and Biodiversity Work Group benefitted from the expertise, hard work, and dedication of Scott Clark, who worked with the group in 2002 as a rural area planner. Mr. Hannah stated that Mr. Clark also worked with the Natural Heritage Committee from 2005 to 2015, and the only regret to date is the lack of public recognition for his work. He said the committee was adamant about recognizing Mr. Clark's work publicly, and stated that Tom Olivier, the first chair of the Natural Heritage Committee and a member of the Biodiversity Work Group, would provide that acknowledgement.

Mr. Tom Olivier of the Samuel Miller District addressed the Board and stated that he had worked with Scott Clark from 2002 to 2004 on the Biodiversity Work Group, and later as a member of the Natural Heritage Committee. Mr. Olivier stated that Mr. Clark had written and edited much of the work group's 2004 three-volume report, and the committee, with Mr. Clark as supporting staff, proposed 20,000+ acres of the County to be recognized as biodiversity high-priority conservation sites, created a biodiversity public education committee, and developed a software tool that automatically alerts planning staff of biological resources on properties under consideration as they are reviewing site plans and special use permits. Mr. Olivier reported that Mr. Clark now serves as staff for the Public Recreational Facilities Authority, a County-created entity that holds many open space easements and has become the go-to organization for landowners who wish to place their properties under easements with strong commitments to natural resource protection. He stated that those who have worked with Mr. Clark on the committee and the work group feel that Mr. Clark should be recognized, and he read a Certificate of Appreciation signed by Devin Floyd, the current Natural Heritage Committee chair. Mr. Olivier presented the recognition to Mr. Clark.

Ms. Mallek commented that no one cares more about the quality of life in Albemarle County than Mr. Clark, and she thanked him for his continued work.

Mr. Olivier stated that Mr. Clark is also a talented nature photographer, and Mr. Hannah presented Mr. Clark with a bird painting done by conservationist and artist Rose Brown.

Mr. Scott Clark expressed his gratitude for the recognition.

Mr. Ben Habermeyer addressed the Board, introducing his government classmates from Monticello High School, Tyler Kersley, Brittany Bibb, Owen Munzenrider, and Aveshi Mooney, who have been investigating the public policies surrounding the County budget. He stated the issue of balancing a budget is always a complicated one that faces new and increasing challenges every year and given the circumstances of this year's economic changes and developments, his group supports a greater increase in the County's tax rate. Mr. Habermeyer said that due to the slowing economy and real estate property values, paired with an increase in mandates and other costs, a tax rate increase was inevitable for the FY17 budget, but they cannot be satisfied by achieving the bare minimum. He stated that complying with debt service obligations and Children's Services Act mandates alone make up a significant portion of the additional revenue requirements, but in order for the community as a whole to grow and be strong, they need to expand and improve public services within the County, not just maintain their current states.

Mr. Tyler Kersley stated that the Albemarle County School Board's new budget requirements are correct, given the changing nature of the school system, such as the near doubling in the number of English as a Second Language students, and the number of free or reduced lunch students and those requiring special needs accommodations. Mr. Kersley said that while a 2% pay increase for employees is a step forward, more needs to be done to attract prospective students and teachers to the County schools, and professional development is one key element to train teachers for the changing nature of education, but is not the magic solution to keeping the schools great for the years to come. He emphasized the bottom line is that the schools need more than what a 2-cent tax increase allows, which is why his group favors a larger increase.

Ms. Brittany Bibb addressed the Board, stating that while some public service expenditures may seem trivial, such as sidewalk maintenance, the current tax rate increase does not provide enough to adequately provide for the growing County population. She said that while not increasing the number of police and fire positions does save money but is not a sustainable solution, especially when low per-capita statistics are already low. Ms. Bibb stated the County must also maintain programs that the state cuts back on, such as the JAUNT program, and make the County attractive to incoming business with reconstruction, planning and fixing up sidewalks.

Mr. Owen Munzenrider addressed the Board, stating there is no easy solution to this issue, and the County has done their part in reducing expenditures and investing in efficiency studies to make this process easier in future years. Mr. Munzenrider stated that Mr. Foley's plan title of "Overcoming the Challenge" is accurate, and the County's future plan of action should look at schools and public services not as unfortunate money spenders, but as the most important institutions. He said the 2-cent tax increase does not go far enough toward solutions, and his group hopes in future plans they will consider increasing it to help strengthen the community.

Dr. Denise Bonds addressed the Board and stated that she is with the Health Department, but is representing a community-wide effort including JABA, UVA, Martha Jefferson, and a number of other community agencies. She stated that over the past several months, they have been reviewing existing data to determine the health of the community and will be asking residents what they feel are the strengths and areas of improvement. Dr. Bonds presented a copy of the survey the group will be using and said they will be asking three simple questions: where people live, what they feel strengths are, and what areas need improvement.

Ms. Mallek asked if the obesity task force is still operating.

Dr. Bonds responded that the existing task forces that came out of the last health assessment are still ongoing and part of the evaluation of data collected will help determine how they work with existing task forces, whether they are rolled into the community health plan, and whether there will be new activities pursued. She stated their work is not necessarily done, so the consortium will be trying to figure out how to incorporate their efforts into the new health plan.

(Note: Mr. Sheffield left the meeting at 1:42 p.m.)

Ms. McKeel asked how the survey will be distributed.

Dr. Bonds responded that the survey will be available online, and she will be sending the link around as well as accessible at www.tjdh.org. She stated they will also be at many community events, such as the Scottsville Farmer's Market and Southwood Day, and volunteers will be wearing T-shirts with a logo designed by a young member of the community.

Ms. Mallek stated that parade season is a great opportunity to reach out to people who will not be able to connect with the survey online, and perhaps community organizations can help in that regard.

Dr. Bonds responded that organizations such as JABA, Jefferson Area CHIP, and Ready Kids has already agreed to help in that regard.

Ms. June Seay addressed the Board, stating that she is a resident of the Scottsville District and is before them to ask for her road, Route 712, Coles Rolling Road, to be paved. She stated that she had been working with Ms. Dittmar in the past, but has not had a chance to talk with Mr. Randolph about it. Ms. Seay stated the traffic count on her road in 2012 was approximately 310 cars a day, which is a fairly high count, and perhaps they can get it paved as a rural rustic road as it qualifies under that designation. She said the current Six-Year Secondary Road Plan has an error on it which confuses Route 712 with another road in the North Garden area, and it is also a pass-through road for people coming from

Woodridge or Jefferson Mill Road trying to get to Route 20. Ms. Seay stated the road is probably 30-feet wide and seems to qualify for rural rustic paving. She emphasized the road is poorly maintained by VDOT and washes out frequently and has standing water, sometimes impassable from both ends.

Ms. Meredith Richards of the City addressed the Board and stated that she has asked Supervisors to approve letters to Senator Mark Warner and Senator Tim Kaine, and noted that she is planning to meet with those Senators' Chiefs of Staff when she presents the letters in Washington, D.C. the following day. Ms. Richards reported that she had been working with the National Association of Railroad Passengers (NARP), and the FAST Act and Omnibus Transportation Bill includes for the first time since Amtrak was formed in 1971 an official recognition of passenger rail, and for the first time in history there is a provision for funding inner-city passenger rail. She stated that one new program will be especially helpful for the Charlottesville region given the inadequacies of the local Amtrak Station, and both Amtrak and the Department of Rail and Transportation want improvements to be made before expanding service. Ms. Richards explained that the Consolidated Rail Infrastructure and Safety Improvements Act is authorized for up to \$190 million for a variety of rail projects, including passenger rail-specific projects. She stated the Transportation Subcommittee of the U.S. Senate stripped the language that would have made passenger-specific goals eligible for funding, and NARP, as well as other advocates around the country, are working to reverse that. Ms. Richards said it will require an amendment on the Senate floor when the bill comes to the floor, and the letters ask Senator Warner and Senator Kaine to support the amendment or introduce it if another senator is not prepared to do so. She expressed her appreciation to the Board for their support.

Ms. Mallek thanked Ms. Richards for her 15+ years of work on this initiative, and Ms. Palmer added her appreciation to Ms. Richards for her many years of public service.

Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Mallek said she had not read her assigned minutes and needs to pull them.

Ms. Palmer said she had not read her assigned minutes and needs to pull them.

Ms. Mallek stated that Item 8.15-C shows the Grey Rock proffers in some place other than Crozet, so they need to be moved into the correct place.)

Ms. McKeel **moved** to approve Item 8.1 (as read) through Item 8.13a, on the consent agenda. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Item No. 8.1. Approval of Minutes: January 19, February 3, February 10, February 19, February 23, February 24, February 25, February 29, March 1, March 3, March 15, March 17, March 23A, March 23N, March 30, and March 31, 2016.

Ms. Palmer pulled her assigned minutes of January 19, February 10, pages 21 (begin with Item #13)-end, March 15, March 17, March 23 (morning), March 23 (afternoon) and March 31, 2016, and carried them forward to the next meeting.

Mr. Sheffield pulled the minutes of February 3, pages 1-25 (end at Item #13) and February 23, 2016, and carried them forward to the next meeting.

Mr. Randolph read the minutes of February 10, 2016, pages 1-21 (end #13), and found them to be in order with some minor typographical errors.

Mr. Dill read the minutes of February 19 and March 1, 2016, and found them to be in order.

Ms. Mallek pulled her assigned minutes of February 24, February 25 and March 30, 2016, and carried them forward to the next meeting.

Ms. McKeel read the minutes of February 29 and March 3, 2016, and found them to be in order.

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

Item No. 8.2. FY 2016 Appropriations.

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

budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 16 budget due to the appropriation itemized below is \$7,082.61. 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 (#2016078) to appropriate \$7,082.61 in recovered costs and donations to the Fire Rescue Department; and
- One (1) Appropriation (#2016079) to appropriate \$28,245.66 to purchase mobile data computers for volunteer stations. This appropriation will not increase the total County budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016078 and #2016079 for local government and school division projects and programs as described in Attachment A.

Appropriation #2016078		\$7,082.61
Source:	Donations	\$ 3,840.00
	Recovered Costs	\$ 3,242.61

This request is to appropriate \$7,082.61 to the Fire Rescue Services Fund as follows:

- \$3,840.00 from the Fire Rescue Donations Fund to the Department of Fire Rescue. These donations support various efforts, such as the car safety seat program, public education, and one-time equipment or station furnishing purchases.
- \$3,242.61 in hazardous materials (Hazmat) recovered cost revenue to the Department of Fire Rescue for supplies for the Hazmat Response Team. These recovered costs are related to the Department's response to and the abatement of Hazmat incidents.

Appropriation #2016079		\$28,245.66
This does not increase the total County budget.		

Source:	Fire Rescue Apparatus Repl. Program	\$ 28,245.66
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This request is to appropriate \$28,245.66 from the Western Albemarle Rescue Squad (WARS) Ambulance 501 Capital Apparatus Replacement project to support the purchase of approximately 5 mobile data computers for volunteer stations. Upon approval of this request, the mobile data computers will be purchased and will be operational by August 2016. Each mobile data computer will result in an operating budget impact of approximately \$40 per month for broadband connection, which will be funded through the volunteer stations' operating budgets. The WARS Ambulance Replacement was recently completed under budget.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2016078 and #2016079 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 #2016078 and #2016079 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
2016078	3-8405-18000-318000-181114-9999	3840.00	FR Donations
2016078	4-8405-93010-493010-930050-9999	3840.00	Transfer to FR Fund
2016078	3-1805-19000-319000-199904-1003	3242.61	Hazmat Recovered Costs
2016078	3-1805-51000-351000-512008-9999	3840.00	Transfer from Fund #8405
2016078	4-1805-32013-432010-800100-1003	1262.93	hazmat recovery funds-equipment associated with mazmat response
2016078	4-1805-32013-432010-600000-1003	1979.68	hazmat recovery funds-supplies associated with mazmat response
2016078	4-1805-32015-432010-800201-1003	1600.00	donations-furniture for station
2016078	4-1805-32015-432010-350000-1003	1440.00	donations-signs for station
2016078	4-1805-32015-432010-310000-1003	300.00	donations-install signs above station

2016078	4-1805-32015-432010-600000-1003	500.00	donations-supplies for station
2016079	4-9010-32030-432030-815502-3140	28245.66	WARS 501 to Vol MDC
2016079	4-9010-32010-432010-800317-3140	28245.66	WARS 501 to Vol MDC
TOTAL		21845.22	

Item No. 8.3. Acquisition of Conservation Easements (ACE) Ranking Order for FY 2015-16 Applicant Class.

The executive summary states that pursuant to sections A.1-110(G) and A.1-110(H) of the ACE Ordinance, the Board of Supervisors reviews the list of parcels ranked by the ACE Committee and identifies parcels on which it desires to acquire conservation easements. Each conservation easement identified by the Board for purchase is appraised by an independent appraiser chosen by the County.

On October 31, 2015, five new applicants enrolled in the FY16 applicant class. Staff recently evaluated each of the properties from this applicant pool according to the ACE Ordinance ranking evaluation criteria. These objective criteria include: open space resources; threat of conversion to developed use; natural, scenic and cultural resources; and County fund leveraging from outside sources. Based on the results of the evaluation, staff has determined the eligibility of the properties and has ranked them in order (see Attachments A and B).

These results were presented to the ACE Committee, which unanimously approved the proposed ranking at its April 11, 2016 meeting.

All five properties under consideration scored enough points to be eligible for ACE funding. With \$908,392 of County funding available for this class (carryover, new appropriations, and reimbursements from VDACS Farmland Preservation), plus another \$155,807 of unused VDACS Farmland Preservation grant funds (see Attachment C), the County should be able to acquire easements on at least the three highest ranked properties. However, based on the final ranking order and eligibility status of these properties, the ACE Committee recommends that the Board authorize appraisals of all five properties: Brigish, Moon, Evans, G. Clarke, and P. Clarke. Although the total ACE budget for FY16 may be insufficient to purchase easements on all five properties, staff and the ACE Committee believe it is prudent to have the authorization to appraise more properties in the event that either additional funding becomes available or a higher ranking applicant withdraws from the Program.

The acquisition of easements on these five properties would eliminate 42 development rights and would protect:

- 1) 583 acres of farm and forestland
- 2) 6,500 feet of common boundary with other protected lands (including 2,600 feet on Walnut Creek Park)
- 3) approximately 10,000 of state road frontage, including 4,000 feet on Route 6, a state scenic byway
- 4) approximately 4,000 feet of riparian buffers, including 3,800 on the South Fork Hardware River
- 5) 266 acres of “prime” farm, forest and orchard land
- 6) 119 acres of mountain protection, including a unique rock outcrop and habitat
- 7) 2 properties in the watershed of a drinking water supply reservoir
- 8) properties that are working family farms or forestland.

After purchasing two (2) ACE easements from last year’s applicant pool (Sweeney and Clark), the County has \$1,064,199 to acquire new easements from the FY16 pool. This amount of funding reflects a combination of County funds (new and re-appropriated) and grants awarded from the VDACS Office of Farmland Preservation (OFP). OFP holds the County’s grant money until the County submits for reimbursement for 50% of the acquisition, appraisal, and closing costs. Funding for the purchase of these conservation easements would come from the CIP-Community Development-Conservation budget (line-item 4 -9010-81010-481020-580409-1240). See Attachment C for additional budget information.

The ACE Committee and staff recommend that the Board:

- 1) Approve the final ranking order for the FY15-16 applicant pool as shown on Attachments A and B;
- 2) Authorize appraisals of the top five properties: Brigish, Moon, Evans, G. Clarke, and P. Clarke.

By the above-recorded vote, the Board approved the final ranking order for the FY15-16 applicant pool as recommended by staff and authorized appraisals of the top five properties: Brigish, Moon, Evans, G. Clarke, and P. Clarke.

Item No. 8.4. Community Grant Process.

The executive summary forwarded to the Board states that these guidelines outline the process to partner and collaborate with a community committee or group to submit a grant proposal to the County, in which the County will be the sole or primary grant applicant.

As the number of community advisory committees and other community committees and groups has grown, the County is eager to collaborate and support the community grant proposals that advance the County's Strategic Plan Objectives. The attached Community Grants Process (Attachment A) is an initiative to define the roles and responsibilities of staff and the community committees and groups when initiating and administering a grant. All grant proposals in which the County is the sole or primary applicant, regardless of how the proposal is initiated, must undergo a review process similar to the process set forth in the County's Grants Process Policy (AP-11) prior to grant submission to improve chances for success. This process allows the County to fully review all applications for alignment with strategic priorities, coordinate grant proposals originating in different departments, identify opportunities for collaboration across departments, understand short- and long-term resource impacts of an application, and ensure legal compliance.

The Community Grants Process was provided to the community advisory committee chairs on March 19, 2016 and was reviewed at the Community Advisory Committee Chair meeting on March 22, 2016. Staff offered an opportunity for feedback, and none was received. Staff recommends that the Board approve the attached Community Grants Process (Attachment A).

There is no expected direct budget impact related to the approval of the Community Grants Process; however, approval of the policy may result in the award of a greater number of grants that will support and advance the County Strategic Plan Objectives.

By the above-recorded vote, the Board approved the following Community Grants Process:

Community Grants Policy

Purpose

These guidelines outline the process for a community committee or community group to submit a grant proposal to the County, in which the County will be the sole or primary grant applicant.

Staff Contact

Contact the Budget & Special Programs Analyst in the Office of Management and Budget, as soon as interest in applying for a grant opportunity is identified, at 434-872-4516

Criteria

During the review process, County staff will consider the following questions.

- What are the short-term budget and/or resource impacts outside of the grant funds (0-3 years)? Can the County provide this support within existing departmental budgets?
- What are the long-term budget or resource impacts outside of the grant funds (3-5 years)? Can the County provide this support within existing departmental budgets?
- Does this grant proposal require matching funds from the County? Can the County commit to providing that match, if awarded?
- Does this grant proposal require support from County departments? Have those departments agreed to provide the support, if awarded?
- Does this grant proposal compete with another grant application being submitted by the County?
- Does this grant proposal meet the grantor's criteria?
- Does this grant proposal align with the priorities identified in the adopted Capital Improvement Plan, Strategic Plan, Comprehensive Plan, and the Master Plan for this area of the County?

Review Process

All grant proposals in which the County is the sole or primary applicant, regardless of how the proposal was initiated, must undergo the review process prior to grant submission. This process allows the County to fully vet all applications for alignment with strategic priorities, coordinate grant proposals originating in different departments, identify opportunities for collaboration across departments, understand short- and long-term resource impacts of an application, and ensure legal compliance. The timeline below represents a 16 business day review. It is ***strongly recommended that all grant proposals be submitted 30 days in advance of the submission deadline*** to allow ample time for revisions that may be necessary prior to approval.

Office of Management & Budget (4 day review)
Deputy County Executive (3 day review)
County Attorney's Office (5 day review)
County Executive (4 day review)

Supplemental Materials Required by Albemarle County

Reporting & Compliance

For all grant proposals, a plan must be provided to the County for meeting the grantor's reporting and compliance requirements. This can include periodic narrative, data, or financial reports; audits and/or periodic site visits by the grantor; and end of project final reports. A Memorandum of Understanding (MOU) between the community organization and the County will be required to define roles and responsibilities for all of the reporting and compliance measures required for the grant, to include at a minimum:

- Primary contact at the community committee or group and at the County
- Grant administration
- Project management and oversight
- Reporting required by the grantor, including ongoing reports and the final report
- Financial reporting

Community Support

It is critically important that the community committee or group preparing the grant proposal support both the application and the project, if awarded. When a proposal is submitted to the County, a record of the vote by the committee or group indicating its support for the grant proposal must be provided.

Grant Award Acceptance

When a grant is awarded to the County, the Board of Supervisors must approve acceptance of the award. Prior to that, the Memorandum of Understanding will need to be executed between the community committee or group and the County's Office of Management & Budget.

Item No. 8.5. Memorandums of Understanding between the County and the Sheriff and the Clerk of the Circuit Court.

The executive summary forwarded to the Board states that pursuant to the direction of prior Boards, the County offered Constitutional Officers the opportunity to include their employees in the County's pay and classification system, resulting in market-based pay and benefits as well as pay raises comparable to other County employees. In addition to assuring that Constitutional Officer employees were paid at a market level comparable to other County employees, it assured these employees that they would receive County-approved pay raises rather than raises provided by the State. The County entered into Memorandums of Understanding (MOUs) with the Sheriff and Clerk of Circuit Court in 2012. Those documents required the Sheriff's and the Clerk's employees to adhere to most County personnel and administrative policies in exchange for having the employees placed on the County's pay and classification system.

The Department of Human Resources, the County Executive's Office, and the County Attorney's Office have been working with the Sheriff and the Clerk of Circuit Court to develop updated MOUs. Staff has prepared the attached MOUs between the County and the Sheriff (Attachment A), and the Clerk of Circuit Court (Attachment B). The MOUs provide that the employees of the Constitutional Officers will be covered under the County's Classification and Pay Plan and will be subject to all of the County's personnel policies except for the grievance policy, several policies related to hiring, discipline, and termination of employees, and any policies or provisions that are superseded by State law. The policies that will apply to the Constitutional Officers' employees include those related to salary administration, leave, benefits, and course reimbursement. Benefits will not accrue to the Constitutional Officers themselves, only to their employees. The MOUs also clarify which County administrative policies will apply to the Constitutional Officers' employees.

Staff continues to negotiate an MOU with the Commonwealth's Attorney. As of today, staff and the Commonwealth's Attorney have not been able to achieve an agreement on proposed MOU terms. Localities, except that localities are required by State law to provide office space and certain limited benefits. State law requires that a locality provide constitutional officer employees two weeks of paid leave, seven days of sick leave, and health insurance. In Albemarle County, the operations of the constitutional officers receive substantial subsidies and benefits beyond those required by State law. If a constitutional officer employee is on the County pay plan, they receive a substantial salary supplement beyond the salary provided by the State Compensation Board to assure they are paid at a market rate and comparable to other County employees in similar positions. To establish and clarify what employment rules, procedures, and benefits apply to constitutional officer employees, common practice is for constitutional officers to enter into an MOU with the local government. Based on previous Board direction, absent a MOU, Constitutional Officers have not formally agreed to follow Albemarle County policies, and their employees are not entitled to benefits enjoyed by other County employees.

Employees of the Sheriff and the Clerk of Circuit Court are currently participating in the County's Classification and Pay Plan. Therefore, there is no budget impact associated with the approval of the MOUs.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the MOUs between the County and the Constitutional Officers, and authorizing the County Executive to execute those MOUs.

By the above-recorded vote, the Board adopted the following Resolution approving the MOUs between the County and the Constitutional Officers, and authorizing the County Executive to execute those MOUs:

**RESOLUTION TO APPROVE MEMORANDUMS OF UNDERSTANDING
BETWEEN THE COUNTY OF ALBEMARLE AND THE SHERIFF
AND THE CLERK OF CIRCUIT COURT**

WHEREAS, the Board finds it is in the best interest of the County to enter into Memorandums of Understanding with the Sheriff and the Clerk of Circuit Court to formalize the agreement whereby the Constitutional Officers' employees adhere to certain County personnel and administrative policies in exchange for participating in the County's pay and classification system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Memorandums of Understanding between the County of Albemarle and the Sheriff and the Clerk of Circuit Court, and authorizes the County Executive to execute the Memorandums of Understanding after approval as to form and content by the County Attorney.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF ALBEMARLE, VIRGINIA AND
THE CLERK OF THE CIRCUIT COURT FOR ALBEMARLE COUNTY**

This Memorandum of Understanding (the "Agreement") is made and entered into on the ____ day of March, 2016, by and between the County of Albemarle, Virginia (the "County") and the Clerk of the Circuit Court for Albemarle County (the "Clerk");

WHEREAS, the County and the Clerk desire to enter into an agreement setting forth their understanding with respect to compensation, benefits and personnel policies applicable to the employees of the Clerk;

NOW THEREFORE, the parties hereto covenant and agree as follows:

1. Personnel Policies. All Personnel Policies referenced in this Agreement are the personnel policies applicable to Albemarle County classified employees. Personnel Policies shall be referenced as Policy P-(number of policy) for purposes of this Agreement.

2. Employee Status. Individuals employed by the Clerk are, and shall remain, appointees and employees of the Clerk and are not employees of the County. Nothing in this Agreement shall alter or diminish the Clerk's duties and rights with respect to his employees pursuant to Virginia Code §§ 15.2-1603 and 15.2-1604. The Clerk's employees shall not be covered by the County's employee grievance procedure contained in Policy P-03 and remain, in all respects, at-will employees of the Clerk.

3. Compensation. The County and the Clerk agree that employees of the Clerk shall participate and be included in the County's classification and pay plan. The Clerk understands that future compensation increases funded by the Commonwealth of Virginia through the Compensation Board will not be passed automatically to the Clerk's employees because his employees will be covered by the County's pay plan. Notwithstanding the above, compensation for the employees of the Clerk will be no less than the compensation approved by the Compensation Board.

Employees of the Clerk shall be eligible to receive any market rate salary increase that County employees are eligible to receive. An employee of the Clerk shall receive the market rate salary increase upon the Clerk submitting a completed satisfactory performance review to the Human Resources Department pursuant to Policy P-23. The Clerk's employees will not be eligible to receive any additional merit-based salary increase dependent upon the County's performance review process.

4. Benefits. Health insurance, annual and sick leave (except as limited by state law, including Virginia Code § 15.2-1605), insurance protection, tuition assistance repayment, retirement programs, participation in deferred compensation programs, and certain other benefits available to Albemarle County employees shall be available to the employees of the Clerk and governed by the personnel policies and procedures of Albemarle County. However, because employees of the Clerk are not County employees, they will not be included for recognition at the annual Albemarle County employee recognition ceremony.

5. County Personnel System. Without diminishing the Clerk's authority to appoint, hire or discharge his employees, the Clerk agrees that he and his employees will follow the County's personnel policies in force during the period of this Agreement except as otherwise required by law (such as the six-week vacation leave accrual limit imposed by Va. Code § 15.2-1605 for constitutional officer employees) and except as specifically excluded by this section. The Clerk agrees to follow all such policies **except** the following:

1. Assignment and Transfer (Policy P-38)

2. Employee Reduction in Force Procedures (Policy P-30)
3. Employee Discipline (Policy P-22)
4. Employee Grievance Procedure (Policy P-03)
5. Employee Relations Principles (Policy P-01)
6. Termination of Employment (Policy P-26)

The County agrees to provide assistance and services to the Clerk concerning the personnel matters referenced in this Agreement through its Department of Human Resources and its Finance Department. The Parties agree that the Department of Human Resources shall maintain all documents related to the employment of the employees of the Clerk except for documents related to payroll, which shall be maintained by the County's Finance Department. The Clerk agrees to forward any such documentation to the appropriate County department in a timely fashion.

The Clerk agrees not to fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of appointment or employment, because of such individual's race, color, religion, sex, or national origin pursuant to Virginia Code § 15.2-1604 (A). The Clerk agrees to assume all liability if he disregards employment advice provided by the Department of Human Resources. Further, the Clerk agrees that he will conduct all aspects of a prospective employee background check except for a criminal background check. The Department of Human Resources will conduct the prospective employee's criminal background check.

6. Administrative Policies. The Clerk further agrees to comply with all Albemarle County Administrative Policies except AP-1 (Grants Process) and AP-5 (Media Relations).

7. Limitations on Benefits to Clerk. The County and the Clerk agree that only the Clerk's employees shall receive the compensation and benefits as set forth herein. Such compensation and benefits shall be available to the Clerk only to the extent required by applicable State law, such as Va. Code § 15.2-1517(B) regarding group life, accident and health insurance.

8. Holidays. The County and the Clerk acknowledge that the current holiday schedules maintained by the Commonwealth of Virginia and the County are not congruent. The Clerk agrees to have his employees follow the legal holidays recognized by the Commonwealth of Virginia pursuant to Virginia Code §§ 15.2-1605 and 2.2-3300. However, the Clerk shall be subject to the other provisions of Policy P-81 (Holidays).

9. Term of Agreement. This Agreement shall take effect upon the full execution of this Agreement by the Clerk and the County and shall remain in force for the duration of the Clerk's term in office (including terms for which he is re-elected), unless terminated by either party upon thirty (30) days prior written notice. This Agreement may be amended only upon the written agreement of both the Clerk and the County.

CLERK OF THE CIRCUIT COURT FOR ALBEMARLE COUNTY

By: _____ Date: _____
Jon R. Zug, Clerk

COUNTY OF ALBEMARLE, VIRGINIA

By: _____ Date: _____
Thomas C. Foley, County Executive

MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA
AND THE SHERIFF FOR ALBEMARLE COUNTY

This Memorandum of Understanding (the "Agreement") is made and entered into on the ____ day of March, 2016, by and between the County of Albemarle, Virginia (the "County") and the Sheriff for Albemarle County (the "Sheriff");

WHEREAS, the County and the Sheriff desire to enter into an agreement setting forth their understanding with respect to compensation, benefits and personnel policies applicable to the employees of the Sheriff;

NOW THEREFORE, the parties hereto covenant and agree as follows:

1. Personnel Policies. All Personnel Policies referenced in this Agreement are the personnel policies applicable to Albemarle County classified employees. Personnel Policies shall be referenced as Policy P-(number of policy) for purposes of this Agreement.

2. Employee Status. Individuals employed by the Sheriff are, and shall remain, appointees and employees of the Sheriff and are not employees of the County. Nothing in this Agreement shall alter or diminish the Sheriff's duties and rights with respect to his employees pursuant to Virginia Code §§ 15.2-1603 and 15.2-1604. The Sheriff's employees shall not be covered by the County's employee grievance procedure contained in Policy P-03 and remain, in all respects, at-will employees of the Sheriff.

3. Compensation. The County and the Sheriff agree that employees of the Sheriff shall participate and be included in the County's classification and pay plan. The Sheriff understands that future compensation increases funded by the Commonwealth of Virginia through the Compensation Board will not be passed automatically to the Sheriff's employees because his employees will be covered by the County's pay plan. Notwithstanding the above, compensation for the employees of the Sheriff will be no less than the compensation approved by the Compensation Board.

Employees of the Sheriff shall be eligible to receive any market rate salary increase that County employees are eligible to receive. An employee of the Sheriff shall receive the market rate salary increase upon the Sheriff submitting a completed satisfactory performance review to the Human Resources Department pursuant to Policy P-23. The Sheriff's employees will not be eligible to receive any additional merit-based salary increase dependent upon the County's performance review process.

4. Benefits. Health insurance, annual and sick leave (except as limited by state law, including Virginia Code § 15.2-1605), insurance protection, tuition assistance repayment, retirement programs, participation in deferred compensation programs, and certain other benefits available to Albemarle County employees shall be available to the employees of the Sheriff and governed by the personnel policies and procedures of Albemarle County. However, because employees of the Sheriff are not County employees, they will not be included for recognition at the annual Albemarle County employee recognition ceremony.

5. County Personnel System. Without diminishing the Sheriff's authority to appoint, hire or discharge his employees, the Sheriff agrees that he and his employees will follow the County's personnel policies in force during the period of this Agreement except as otherwise required by law (such as the six-week vacation leave accrual limit imposed by Va. Code § 15.2-1605 for constitutional officer employees) and except as specifically excluded by this section. The Sheriff agrees to follow all such policies except the following:

1. Assignment and Transfer (Policy P-38)
2. Employee Reduction in Force Procedures (Policy P-30)
3. Employee Discipline (Policy P-22)
4. Employee Grievance Procedure (Policy P-03)
5. Employee Relations Principles (Policy P-01)
6. Termination of Employment (Policy P-26)

The County agrees to provide assistance and services to the Sheriff concerning the personnel matters referenced in this Agreement through its Department of Human Resources and its Finance Department. The Parties agree that the Department of Human Resources shall maintain all documents related to the employment of the employees of the Sheriff except for documents related to payroll, which shall be maintained by the County's Finance Department. The Sheriff agrees to forward any such documentation to the appropriate County department in a timely fashion.

The Sheriff agrees not to fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of appointment or employment, because of such individual's race, color, religion, sex, or national origin pursuant to Virginia Code § 15.2-1604 (A). The Sheriff agrees to assume all liability if he disregards employment advice provided by the Department of Human Resources. Further, the Sheriff agrees that he will conduct all aspects of a prospective employee background check except for a criminal background check. The Department of Human Resources will conduct the prospective employee's criminal background check.

6. Administrative Policies. The Sheriff further agrees to comply with all Albemarle County Administrative Policies except AP-1 (Grants Process) and AP-5 (Media Relations).

7. Limitations on Benefits to the Sheriff. The County and the Sheriff agree that only the Sheriff's employees shall receive the compensation and benefits as set forth herein. Such compensation and benefits shall be available to the Sheriff only to the extent required by applicable State law, such as Va. Code § 15.2-1517(B) regarding group life, accident and health insurance.

8. Holidays. The County and the Sheriff acknowledge that the current holiday schedules maintained by the Commonwealth of Virginia and the County are not congruent. The Sheriff agrees to have his employees follow the legal holidays recognized by the Commonwealth of Virginia pursuant to Virginia Code §§ 15.2-1605 and 2.2-3300. However, the Sheriff employees shall be subject to the other provisions of Policy P-81 (Holidays).

9. Term of Agreement. This Agreement shall take effect upon the full execution of this Agreement by the Sheriff and the County and shall remain in force for the duration of the Sheriff's term in office (including terms for which he is re-elected), unless terminated by either party upon thirty (30) days prior written notice. This Agreement may be amended only upon the written agreement of both the Sheriff and the County.

SHERIFF FOR ALBEMARLE COUNTY

By: _____
J.E. "Chip" Harding, Sheriff

Date: _____

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Thomas C. Foley, County Executive

Date: _____

Item No. 8.6. Resolution to accept road(s) in Grayrock West Subdivision into the State Secondary System of Highways. (*White Hall Magisterial District*)

By the above-recorded vote and at the request of the Department of Community Development, the Board adopted the following resolution:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 4th day of May, 2016, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Grayrock West Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 4, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Grayrock West Subdivision**, as described on the attached Additions Form AM-4.3 dated **May 4, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

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

- 1) **Kendall Court (State Route 1306)** from Lanetown Way (Rte 1387) to end of cul-de-sac, shown on plat recorded in office of the Clerk of Circuit Court of Albemarle County in Deed Book 4439, pages 110-112, with a 54-foot right-of-way width, for a length of 0.09 miles.

Total Mileage – 0.09

Item No. 8.7. Building Permit #B201600215ATWR Verizon Wireless Innovation Drive Personal Wireless Service Facility. (*Rio Magisterial District*)

The executive summary forwarded to the Board states that a request has been submitted by Verizon Wireless associated with its building permit application to add a fifth antenna array to the existing 148 foot tall lattice tower at 1756 Airport Road. The applicant requests a special exception to waive the requirements of County Code § 18-5.1.40(a)(4)(f) for a tree survey and of County Code § 18-5.1.40(b)(3) for a tree conservation plan, to modify the requirements of County Code § 18-5.1.40(b)(2)(a), which limits the number of arrays to three, to allow a fifth array, and to modify the requirements of County Code § 18-5.1.40(b)(2)(c) to allow antennas to project beyond 18 inches from the tower structure, as measured from the back of the antenna.

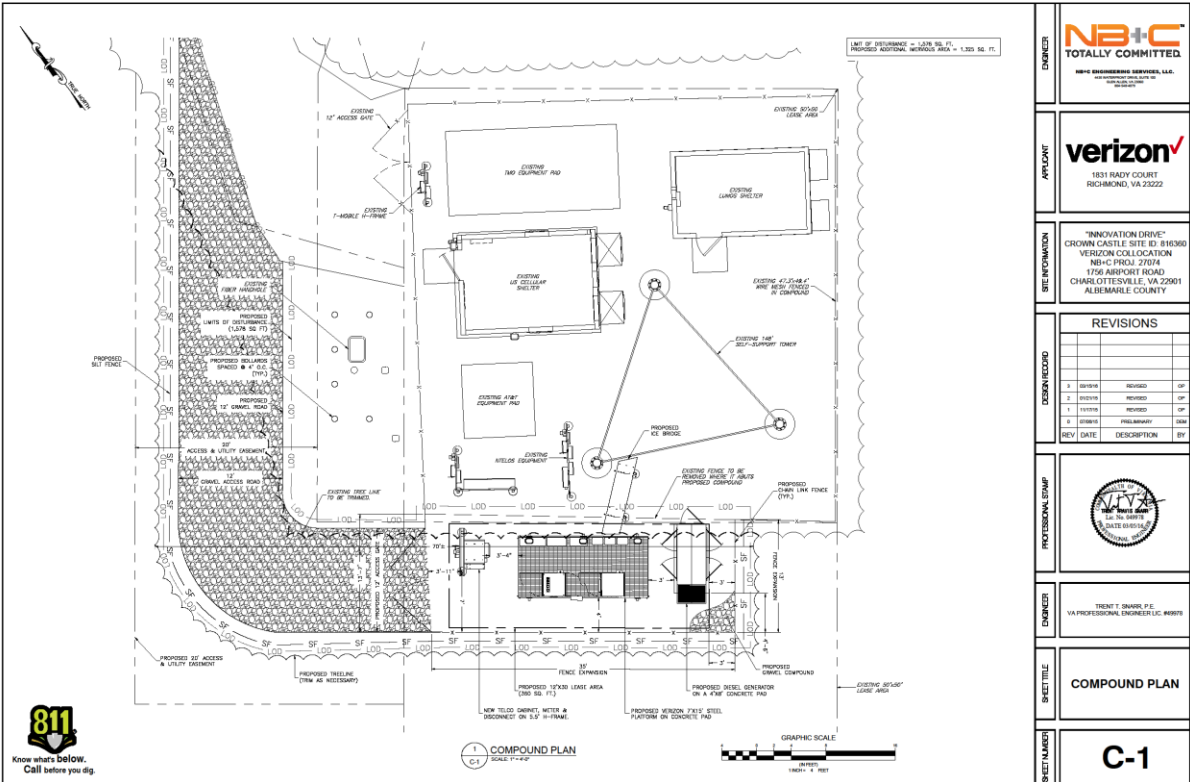
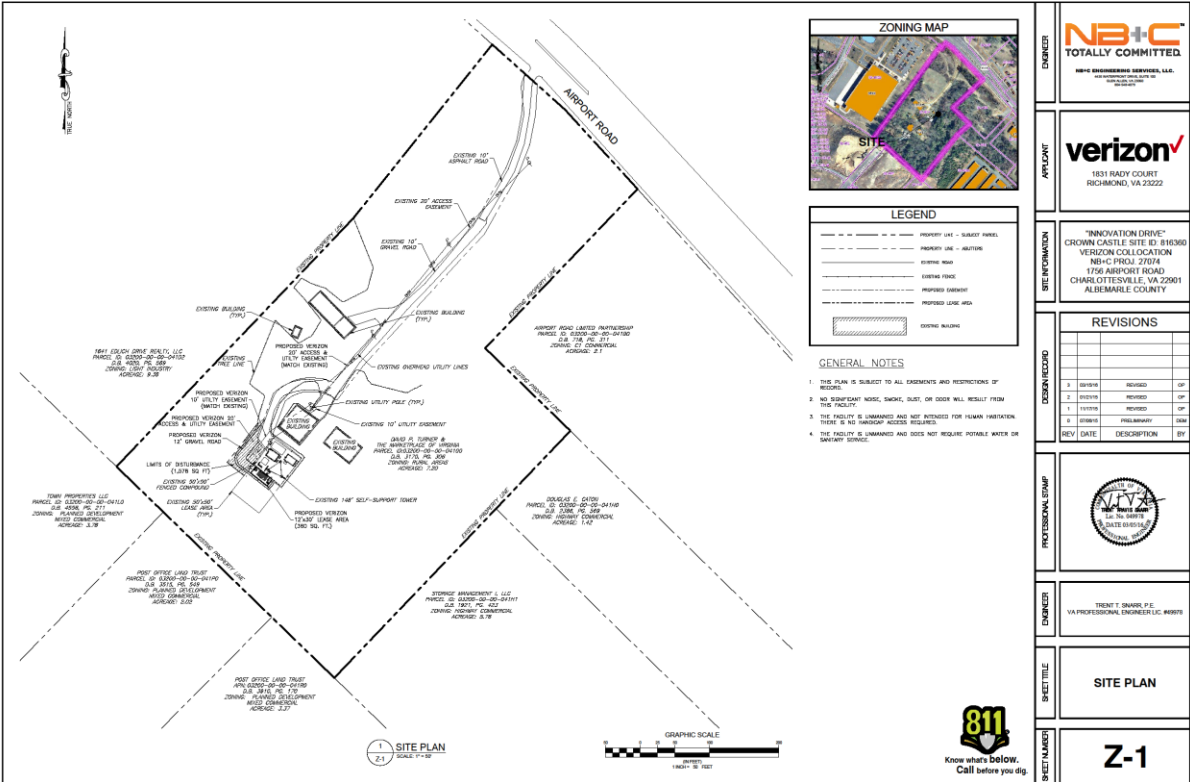
County Code §§ 18-5 and 18-33.5 allow special exceptions to waive or modify the requirements of County Code § 18-5.1.40 for personal wireless service facilities. A detailed analysis is provided in the attached Staff Report (Attachment A).

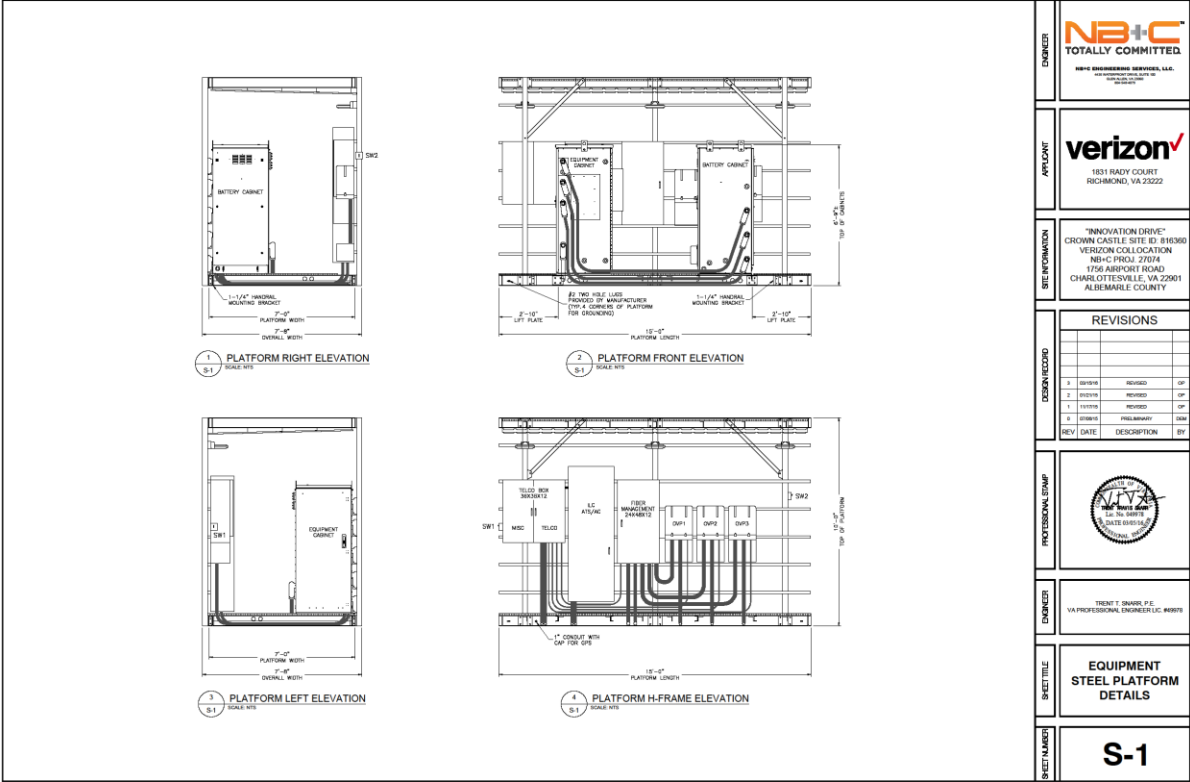
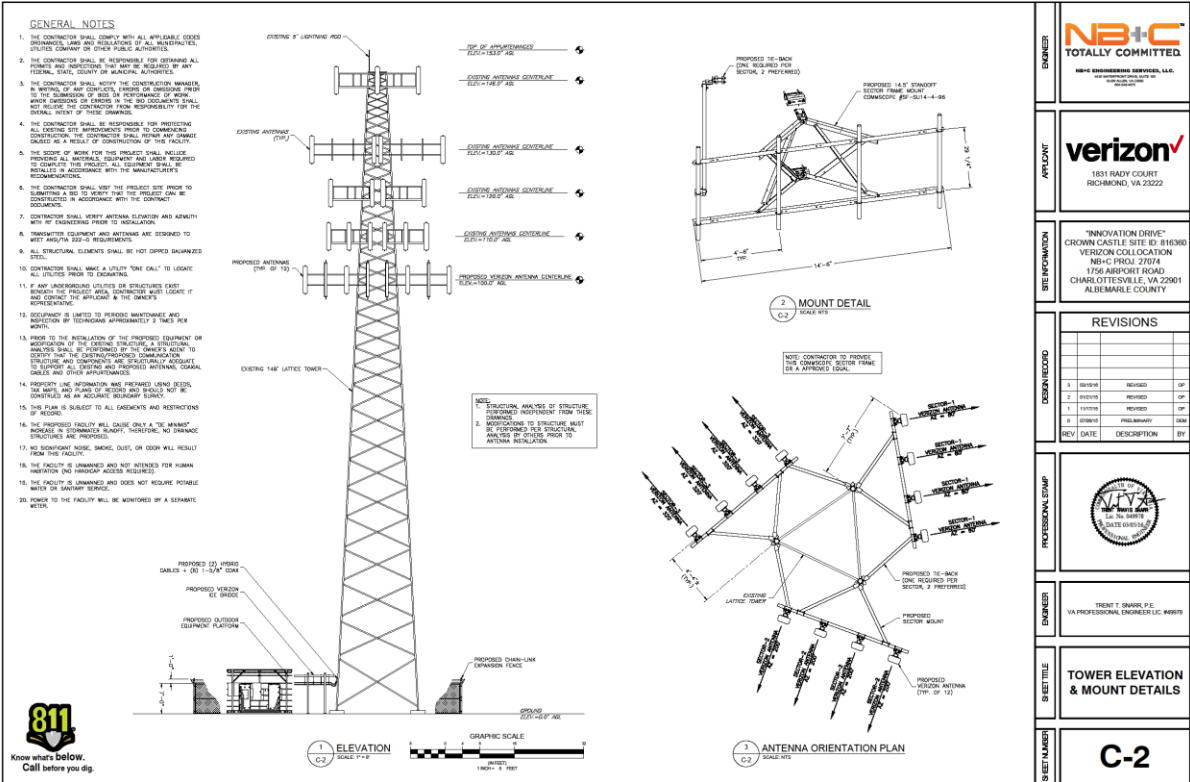
There is no budget impact related to the approval of this special exception.

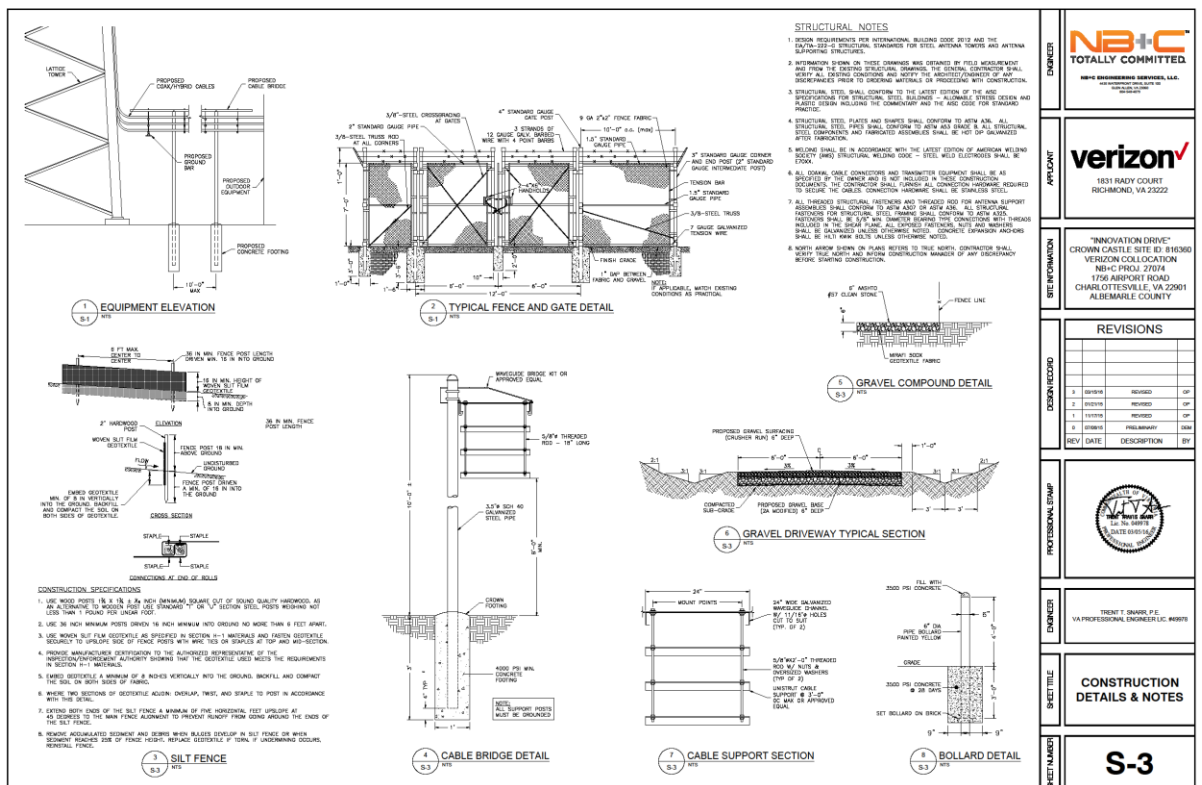
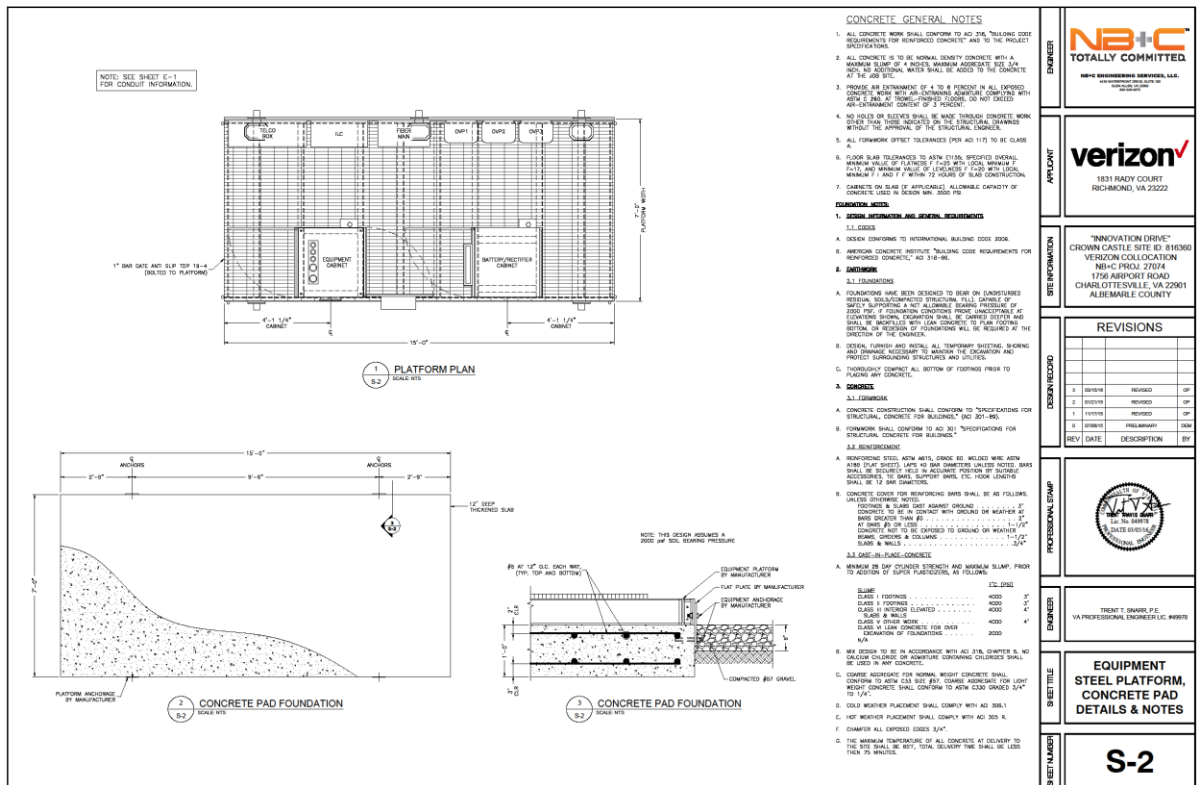
Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception subject to the conditions attached thereto.

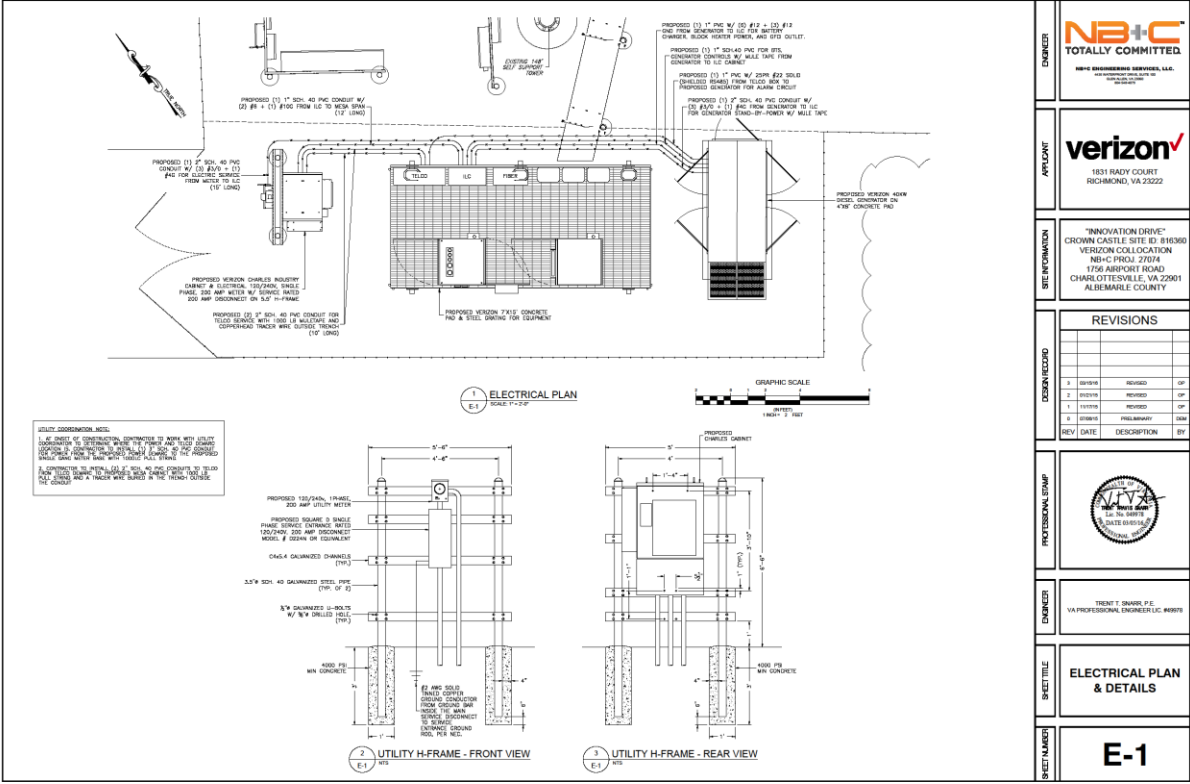
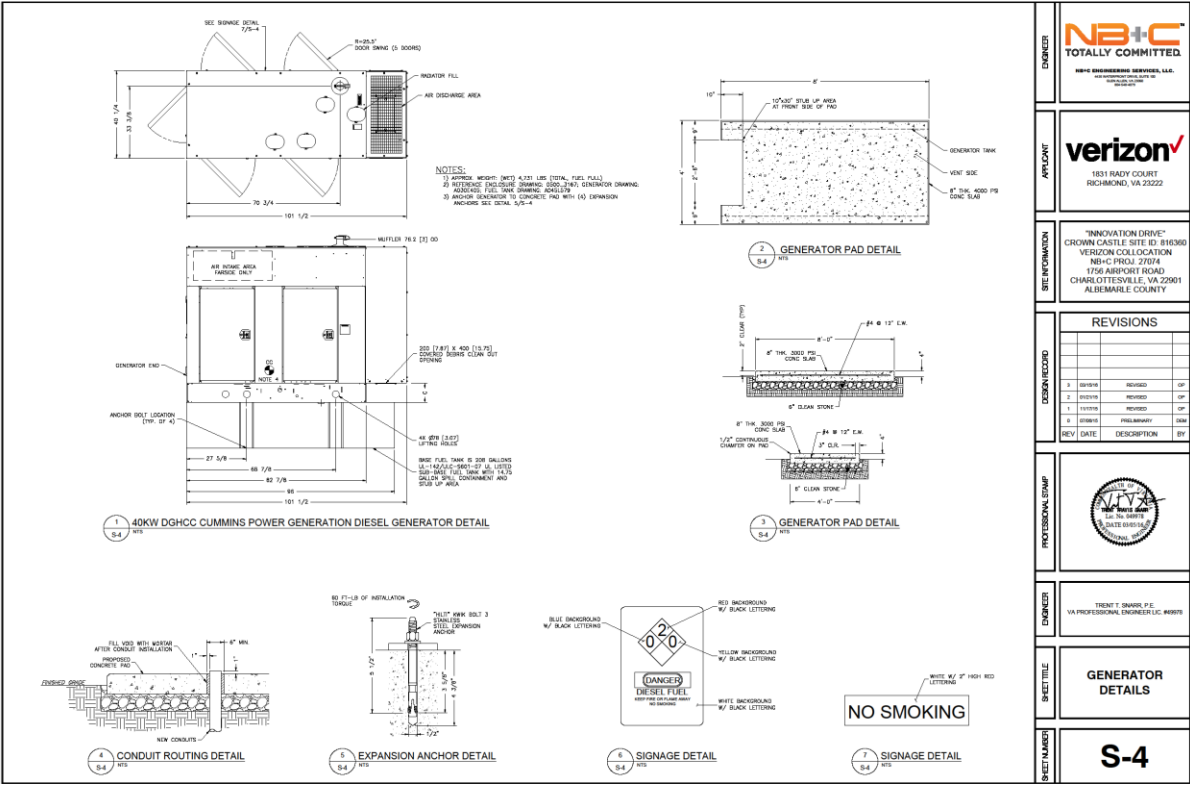
By the above-recorded vote, the Board adopted the following Resolution approving the special exception subject to the conditions attached thereto:

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR B201600215ATWR VERIZON WIRELESS INNOVATION DRIVE PERSONAL WIRELESS SERVICE FACILITY

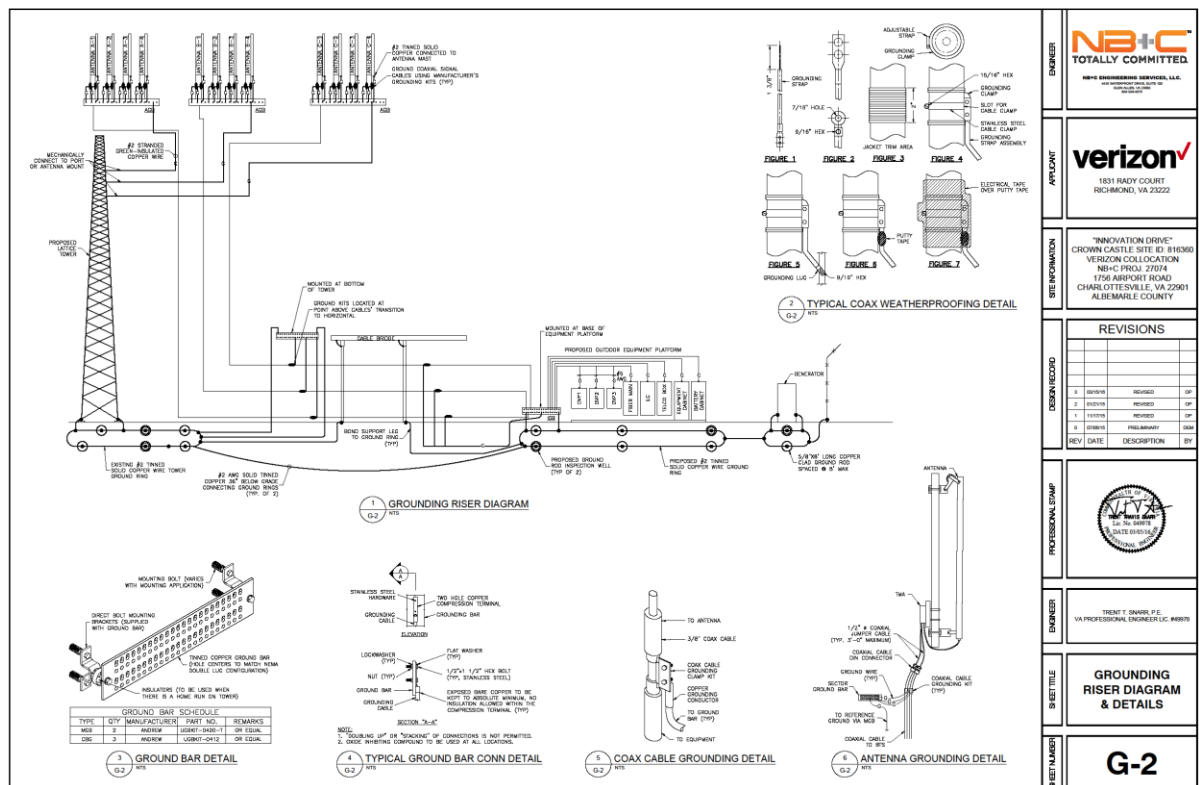
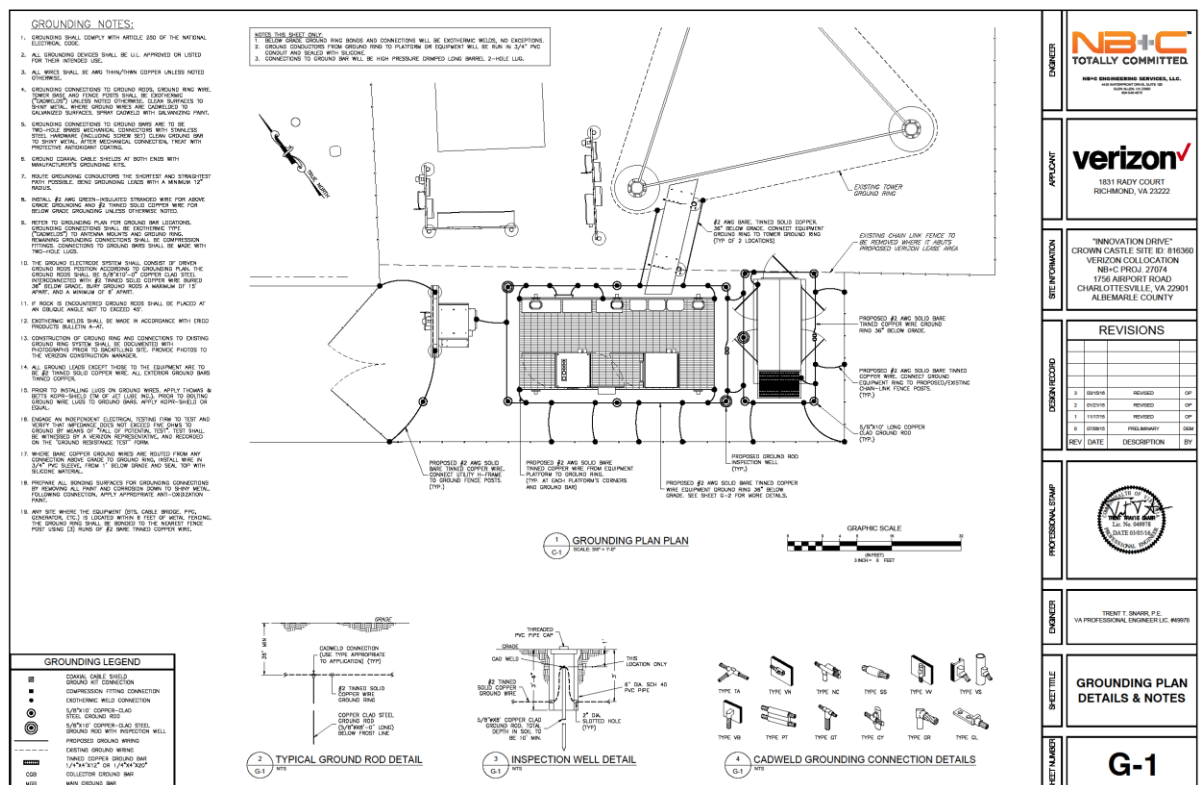








[illegible][illegible]



Item No. 8.8. Set public hearing for June 1, 2016, on an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, **to amend Section 2-202, Compensation of Board of Supervisors**, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2% effective July 1, 2016.

By the above-recorded vote, the Board set a public hearing for June 1, 2016 on a proposed ordinance to increase the compensation of the members of the Board of Supervisors.

Item No. 8.9. EMS Cost Recovery Rate Increase.

The executive summary forwarded to the Board states that on September 9, 2009, the Board adopted an ordinance authorizing the County to establish an emergency medical service (EMS) cost recovery program, which would charge fees for EMS vehicle transports provided by the Department of Fire and Rescue and any volunteer rescue squad that applied for and was issued a permit to charge fees. The Board directed staff to establish a billing system to be operable by February 1, 2010.

Soon after the Board's September 9, 2009 meeting, the County procured the services of a contractor to act as the billing agent for the County and the Scottsville Volunteer Rescue Squad ("SVRS"), the only volunteer rescue squad that applied for and was issued a permit to charge fees as of that date.

The Board adopted a Resolution to establish fees for EMS transports on December 2, 2009, and directed that fees be periodically reviewed to assure that such fees stay within the industry average and to keep pace with Medicare and Medicaid rates, which typically increase annually. Staff and members of the SVRS worked together to develop and implement an extensive public information plan to inform the public about the EMS Cost Recovery program, and on February 1, 2010, ambulances stationed at Monticello, Hollymead, and Scottsville Volunteer Rescue Squad began billing for EMS transports.

On March 7, 2012, the Board adopted a Resolution to establish a new schedule of fees for EMS transports based on changes to the Medicare Allowable Rates and the updated "Usual and Customary Charges" paid by private insurance companies. The Board also approved the Albemarle County Resident Program, in which bona fide County residents are not responsible for any charges, including co-pays or deductibles, after all applicable insurance payments have been collected. Although this Program was approved in March 2012, it was not implemented until July 1, 2014 due to the requirement that the County obtain an advisory opinion letter from the Department of Health & Human Services Office of Inspector General that the County's Revenue Recovery Program met specific federal requirements. Once the Resident Program was implemented, other volunteer agencies applied for and were issued permits to participate in the EMS Cost Recovery Program. Earlysville Volunteer Fire Company began billing in August 2014 and Western Albemarle Rescue Squad began in September 2014.

After the Albemarle County Rescue (ACFR) staff's annual review of the EMS Cost Recovery program and transport fees, ACFR staff believes it is appropriate to increase the fees, and is seeking Board approval of the fee increases as set forth below and in the attached Resolution (Attachment A).

Billing Rates

In March 2012, the Board adopted the current fees for EMS Transport. Those fees, which were based on Medicare Allowable Rates and "Usual & Customary Charges" paid by private insurance companies, are as follows:

- \$450 - Basic Life Support
- \$550 - Advanced Life Support 1
- \$750 - Advanced Life Support 2
- \$13.00/mile

Medicare Allowable Rates have increased since then. In addition, most private insurance companies pay at a higher rate than Medicare, and the County's billing company has noted that in some cases, private insurance companies are paying 100 percent of the transport fee; an indication that they will pay higher rates than the County's current fees. ACFR proposes the following rates:

- \$500 - Basic Life Support
- \$600 - Advanced Life Support 1
- \$850 - Advanced Life Support 2
- \$15.00/mile

Consistent with the fees established in 2012, increasing the fees to this level will place them approximately 40% above Medicare Allowable Rates, which will allow ACFR to recover higher reimbursements from private insurance companies. Eighty-two percent (82%) of the transports are for County residents, and the County provides transport services to them at no additional cost over their insurance payment. Accordingly, increasing the rates will not be a burden to County residents. Instead, it will decrease the burden on County taxpayers by recouping reasonable reimbursements from private insurance companies. The County has a compassionate billing policy to address any non-residents that are unable to pay the County's fees.

Patient Payer Mix (the type of monies received)

The current payer mix is:
Medicare/Medicaid: 58.7%
Private Insurance 39.6%
Private Pay/Self Pay: 1.7%

This analysis assumes that the new rates will be in effect for transport services provided on or after July 1, 2016. Due to the billing process, there is an estimated three to five-month delay before the County will receive payment at the increased rates. Pursuant to the County Finance accrual policy, July 2016 (FY 17) revenues will be accrued back to FY 16 so that EMS Cost Recovery revenue is reported for the time frame of August 1 - July 31. Therefore, the FY 17 figures shown below with the recommended rate change assumes four months of revenue at the old rates and eight months of revenue at the increased rates. FY 18 projections are included to demonstrate an entire fiscal year at the new rate.

If no rate change is implemented:

FY 17 Projected Revenue:	\$1,815,252
FY 17 Anticipated Expenditure:	<u>\$ 86,548</u>
FY 17 Anticipated Net Revenue:	\$1,728,704

With Recommended Rate Change:

FY 17 Projected Revenue:	\$1,933,520
FY 17 anticipated Expenditures:	<u>\$ 91,575</u>
FY 17 Anticipated Net Revenue:	\$1,841,945

FY 18 Projected Revenue:	\$2,022,785
FY 18 anticipated Expenditures:	<u>\$ 95,368</u>

FY 18 Anticipated Net Revenue: \$1,927,417

ACFR staff recommends that the Board adopt the proposed Resolution to Establish a New Schedule of Fees for Emergency Medical Services Vehicle Transport Services (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution to Establish a New Schedule of Fees for Emergency Medical Services Vehicle Transport Services:

**RESOLUTION TO ESTABLISH A NEW SCHEDULE OF FEES FOR
EMERGENCY MEDICAL SERVICES VEHICLE TRANSPORT SERVICES**

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

WHEREAS, on December 2, 2009, the Board established a schedule of fees for EMS vehicle transport services; and

WHEREAS, on March 7, 2012, the Board amended the schedule of fees based on the market review of those fees; and

WHEREAS, based on a market review of current fees for EMS vehicle transport services, the Board has determined that an increase in fees is reasonable.

NOW, THEREFORE, BE IT RESOLVED that the following EMS vehicle transport service fees are hereby increased and a new schedule of fees is established, effective July 1, 2016, for all EMS vehicle transport services provided in accordance with Chapter 6, Article V of the County Code:

1. For Basic Life Support (BLS) transport services: \$500. BLS is defined as the emergency response and transport of a patient that requires assessment and treatment by a BLS Technician and no Advanced Life Support procedures.
2. For Advanced Life Support Level 1 (ALS1): \$600. ALS1 is defined as the emergency response and transport of a patient that requires assessment and treatment by an ALS Technician and one or more Advanced Life Support procedures.
3. For Advanced Life Support Level 2 (ALS2): \$850. ALS2 is defined as the transport of a patient that requires defibrillation, pacing, intubation, or the administration of 3 or more Schedule IV medications.
4. For Ground Transport Miles (GTM): \$15.00/mile. GTM is defined as the charge per patient transport mile.

BE IT FURTHER RESOLVED THAT no person shall be denied transport services due to his or her inability to pay.

Item No. 8.10. ACSA-2015-00001, W.A. Wells Request for Water Service. *Rivanna Magisterial District*,

The executive summary forwarded by staff states that the applicant is requesting ACSA Jurisdictional Area designation for water service to two 2.3 acre parcels (TMP 046000000023D0 and TMP 046000000023D1), each with an existing single-family home. The parcels are located on the south side of Polo Grounds Road, just east of the SOCA field site and south of the Montgomery Ridge development. The parcels are located within the designated Rural Area and are in the Rivanna Magisterial District. Polo Grounds Road in this area forms the boundary between the Development Area (north side) and Rural Area (south side). A spring located on the Montgomery Ridge development property across Polo Grounds Road has historically served these parcels, but has been failing and is no longer a reliable source for water. The on-site well now serving these parcels contains a high level of iron and sediment, which make the water undrinkable and have caused damage to water filter systems (see the applicant's request, Attachment A). The Virginia Department of Health has evaluated the information provided by the applicant and determined that the current wells create a health issue (see Attachment B), and there are no other viable well locations on-site where potable water can be assured.

The Community Facilities chapter of the Comprehensive Plan includes Strategy 9a regarding the provision of public water and sewer service, which states: "Continue to provide public water and sewer in jurisdictional areas." The explanatory text following Strategy 9a is provided below, and the specific criteria for the provision of public water or sewer service to the designated Rural Areas is underlined.

"Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Develop Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries.

Delineation and adoption of utility project jurisdictional areas by a local governing body is provided for in Virginia Code §15.2-5111. The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger.

Strategy 9a addresses the fact that public water and sewer systems are a potential catalyst for growth, and that capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception, as the further extension of lines into the Rural Area will strain limited water resources and capacity.

While water and sewer services by policy are intended to serve the designated Development Areas, this jurisdictional area request meets the Comprehensive Plan conditions for a Rural Area service exception noted in the criteria above because water lines are located on adjacent property to the north and there is a health or safety condition present on-site. There appear to be no other likely viable private water supply options available on-site.

If this request is approved, there will be no budget impact to the County. The property owner will bear the cost of the water connection.

Staff recommends that the Board set a public hearing for June 1, 2016 to consider amending the ACSA Jurisdictional Area to include Tax Map Parcel 046000000023D0 and 046000000023D1 for water to the existing structures only.

By the above-recorded vote, the Board set a public hearing for June 1, 2016 to consider amending the ACSA Jurisdictional Area to include Tax Map Parcel 046000000023D0 and 046000000023D1 for water to the existing structures only.

Item No. 8.11. Ivy Material Utilization Center Programs Agreement.

The executive summary forwarded to the Board states that the Rivanna Solid Waste Authority ("RSWA") has operated the Ivy Material Utilization Center ("Ivy MUC") at the request of the County since July 1, 2011 pursuant to Section 4.3 of the Solid Waste Organizational Agreement. Prior to 2011, the Ivy MUC had been operated on behalf of the County and the City of Charlottesville as a regional service for both localities. The County entered into the Ivy Material Utilization Programs Agreement effective July 1, 2011 with the RSWA that established that the Ivy MUC services would be provided at the sole cost of the County and set forth the terms and conditions for its continued operation.

On November 4, 2015, the Board requested that the RSWA oversee the design and construction of a new top load transfer station facility at the Ivy MUC to continue and to improve the transfer station services provided by the RSWA. This request necessitated the negotiation of an amended Agreement to address the issues arising from the construction and operation of the new facility.

The proposed Amended and Restated Ivy Material Utilization Center Programs Agreement between the County of Albemarle and the Rivanna Solid Waste Authority is attached (Attachment A). This amended Agreement provides that the RSWA will continue the operations and services for the County at the Ivy MUC. It also provides that the RSWA will design, construct, and operate a new top load transfer station facility to continue and improve the transfer station services at the Ivy MUC.

Pursuant to Section 4.3 of the Solid Waste Organizational Agreement, the County agrees that the construction of the new facility and the cost of the services will be provided at the sole cost of the County. The amended Agreement provides how the County's financial support will be determined and paid, how tipping fees will be established, and how the new facility will be constructed, and it establishes escrow funds to assure the County's financial obligations. The amended Agreement continues the existing services provided at the Ivy MUC as modified by the amended Agreement into the future on a year-to-year basis unless terminated by the County.

The proposed amended Agreement was approved by the RSWA Board at its April 26, 2016 meeting. The Resolution prepared for the County's approval of the amended Agreement is attached (Attachment B).

The estimate of the cost of the new top load transfer station facility, including equipment, is \$2,587,000, and this funding is included in the County's approved CIP. Any additional operating costs associated with the new facility, as determined by the RSWA, will be at the sole cost of the County. In FY16, the County provided \$355,328 in financial support to the RSWA for the Ivy MUC services.

The County's contribution to RSWA for the total estimated net annual operating cost for IVY MUC and Recycling is expected to be \$647,952 for an increase of \$108,881 over the FY 17 adopted budget. The IVY MUC portion is based on preliminary estimates developed by the County's engineering consultant. The IVY MUC is expected to be operational in FY 18. The associated debt service with the new facility is estimated to be an additional \$141,999 annually and begin in FY 19.

Staff recommends that the Board adopt the Resolution to Approve the Amended and Restated Ivy Material Utilization Center Programs Agreement between the County of Albemarle and the Rivanna

Solid Waste Authority (Attachment B) and to authorize the County Executive to sign the Agreement after approval as to content and form by the County Attorney.

By the above-recorded vote, the Board adopted the proposed Resolution to Approve the Amended and Restated Ivy Material Utilization Center Programs Agreement between the County of Albemarle and the Rivanna Solid Waste Authority and authorized the County Executive to sign the Agreement after approval as to content and form by the County Attorney:

**RESOLUTION TO APPROVE AMENDED AND RESTATED
IVY MATERIAL UTILIZATION CENTER PROGRAMS AGREEMENT**

WHEREAS, the County and the Rivanna Solid Waste Authority (“RSWA”) entered into an Agreement dated August 23, 2011 providing for the County’s financial support for, and the RSWA’s operation of, the Ivy Material Utilization Center (“MUC”); and

WHEREAS, the County and the RSWA entered into Amendment Nos. 1, 2, 3, and 4 to extend the term of the Agreement through December 31, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, respectively; and

WHEREAS, the Board finds it is in the best interest of the County to enter into a new agreement with the RSWA to continue the operations and services for the County at the Ivy MUC, and to provide for the design, construction and operation of a new top load transfer station facility at the Ivy MUC.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Amended and Restated Ivy Material Utilization Center Programs Agreement between the County of Albemarle and the Rivanna Solid Waste Authority and authorizes the County Executive to sign the Agreement after approval as to content and form by the County Attorney.

**AMENDED AND RESTATED
IVY MATERIAL UTILIZATION CENTER PROGRAMS AGREEMENT
BETWEEN
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amended and Restated Ivy Material Utilization Center Programs Agreement** (this “Agreement”) is made this 4th day of May, 2016 by and between the **County of Albemarle, Virginia** (the “County”) and the **Rivanna Solid Waste Authority** (the “Authority”, individually a “Party”, and together referred to as the “Parties”).

WHEREAS, on November 20, 1990, the City of Charlottesville (the “City”) and the County entered into a certain Solid Waste Organizational Agreement (the “Organizational Agreement”) for the purpose of forming the Authority to own and operate the Ivy Landfill (the “Landfill”) and to provide all waste disposal services, including both landfilling and recycling programs for waste collected within the City and County as determined by a Board of Directors appointed by the City and County;

WHEREAS, the Landfill operated continuously from 1968 until it ceased to accept municipal solid waste in 1998, and then continued to operate Cell 2-Unlined accepting construction and demolition debris until final closure of the Landfill in 2001;

WHEREAS, the Authority continues to provide more limited waste management services to the City and County and has continuing obligations with respect to the closure, remediation and monitoring of the closed Landfill;

WHEREAS, the Authority constructed a transfer station at the Landfill site (the “Existing Ivy Transfer Station”) pursuant to a decision by its Board of Directors in 1997 as an outdoor facility;

WHEREAS, the Authority operates the Existing Transfer Station and provides other waste and recycling services at the Landfill site, all such operations collectively referred to as the “Ivy Material Utilization Center” (the “Ivy MUC”), which excludes the areas of the Landfill that have been closed and are subject to remediation and monitoring;

WHEREAS, the City, the County, the Authority and the University of Virginia entered into a Memorandum of Understanding dated January 10, 2005 with respect to the sharing of costs related to the closure, remediation and monitoring of the Landfill (as may be amended from time to time, the “Environmental Expenses MOU”);

WHEREAS, the closure of the Landfill, together with the absence of City and County ordinances requiring that all waste generated within each of their jurisdictions be delivered to the Authority pursuant to Section 6.1 of the Organizational Agreement, reduced substantially the Authority’s revenues and operating capital and has required the Authority to have local government financial support to continue to deliver services requested by County and City;

WHEREAS, the City, the County and the Authority entered into a Local Government Support Agreement

dated December 17, 2007, as amended by First Amendment to Local Government Support Agreement dated July 1, 2010, providing for City and County financial support to the extent reasonably managed expenses exceeded revenues ("Financial Support") in order to allow the continued operation of the McIntire Recycling Center and Paper Sort Facility (collectively the "Recycling Services") as well as the Existing Ivy Transfer Station at the Ivy MUC, which agreement expired on December 31, 2010;

- WHEREAS, the City elected effective July 1, 2011 to no longer participate in the provision of Financial Support for the services offered by the Authority at the Ivy MUC;
- WHEREAS, the County elected for the Authority to continue the provision of services and operation of the Ivy MUC;
- WHEREAS, the County and the Authority entered into an Ivy Material Utilization Center Programs Agreement dated August 23, 2011, and effective July 1, 2011, to continue the services and operation of the Ivy MUC for the County, and the County agreed to provide all required Financial Support for the Ivy MUC;
- WHEREAS, the Ivy Material Utilization Center Programs Agreement has been extended for the continuation of the services and operation of the Ivy MUC by the Authority for the County by Amendment No.1 dated June 7, 2013, Amendment No.2 dated October 23, 2013, Amendment No.3 dated April 16, 2014, and Amendment No.4 dated July 1, 2015;
- WHEREAS, in 2014 the Virginia Department of Environmental Quality ("VDEQ") notified the Authority that the Existing Ivy Transfer Station's outdoor facility would not comply with VDEQ requirements for separation of waste leachate from stormwater and required the Authority to submit plans including a milestone schedule by March 31, 2015 to upgrade, replace, or close the Existing Ivy Transfer Station (the "Correction Plan");
- WHEREAS, the City did not wish to participate in the improvements needed to comply with VDEQ requirements and the County accepted the responsibility for evaluating options and selecting its preferred means for VDEQ compliance, and at the request of the County the Authority sought and received from VDEQ an extension until December 31, 2015 to submit the Correction Plan;
- WHEREAS, on November 4, 2015 the County Board of Supervisors approved the making of a request to the Authority that the Authority oversee the design and construction of a new top load transfer station (the "Facility") at the Authority's Ivy site as well as operate it after its construction;
- WHEREAS, the Authority presently establishes the tipping fees for the Existing Ivy Transfer Station as well as fees and charges for other services within the Ivy MUC, and the County has requested that the Authority set tipping fees for the Facility when it becomes operational subject to terms in this Agreement; and
- WHEREAS, the County and the Authority have agreed to enter into this Amended and Restated Ivy Materials Utilization Center Agreement pursuant to which the Authority will provide for the design, construction, and operation of the Facility on behalf of the County and the County will continue to provide for Financial Support to the Authority to include the necessary capital, administration and operating expenses allocated to the services provided by the Authority at the Ivy MUC as defined herein and in the Authority's adopted budget.

NOW, THEREFORE, the Parties agree as follows:

1. County Request for Continued Operation of the Ivy MUC with Replacement of Existing Transfer Station with the Facility

The County has determined the need for the continued operation of, and provision of services at, the Ivy MUC, to include replacement of the Existing Transfer Station with the Facility and the County, pursuant to Section 4.3 of the Organizational Agreement, hereby directs the Authority, and the Authority hereby agrees, to continue such operation and provide such services, subject to the terms and conditions set forth herein.

2. County's Financial Support of Expected Expenses Over Revenues

Based upon cost estimates and advice provided by an engineering firm selected and retained by the County ("County's Engineer"), it is the expectation of the County that funding for the operating and administrative expenses of the Ivy MUC from the tipping fees charged for use of the Facility and other revenues projected (designated as the sum of Ivy Tipping Fees, Ivy MSW Tipping, Material Sales-Ivy, and Other Revenues in the Authority's operating budget) will be insufficient to cover such expenses. The Authority shall prepare and adopt a budget, with revenues based upon the tipping fees set pursuant to Paragraph 3 below, and expenses based upon the Authority using all reasonable efforts to effectively and efficiently operate the Facility and including reasonable reserves, balanced by using revenue to be contributed by the County. The Ivy MUC expenses shall be the sum total of Ivy Operations and MSW-Ivy Transfer as well as a reasonably allocated percentage of the

total Administration Services expenses of the Authority, such percentage to be determined based upon reasonable estimates of the portion of Administration Services expected to be devoted to the permitting, design, construction and operation of the Facility, all as shown in the operating budget of the Authority. The County agrees to fund that portion of the budget balanced by revenues to be contributed by the County as provided below. An example of the calculations required by this Paragraph is set forth in Exhibit 1 attached hereto (which are based upon the tipping fees adopted by the Authority effective July 1, 2015 as set forth in Exhibit 2), and such calculations shall be made by the Authority in a manner consistent with the example in Exhibit 1. The percentage of Administration Services expenses assumes that an additional portion of the Authority's total Administration Services expenses will be allocated under the Local Government Support Agreement for Recycling Programs among the City, the County and the Authority (as may be amended from time to time, the "Recycling Programs LGSA"), and therefore the Parties hereto agree that this Agreement and the Authority's continuation of the Ivy Material Utilization Center programs with the level of the County's funding determined by such percentage is contingent upon entry by the County and the City into the Recycling Programs LGSA, and in the event of any extension of the term of this Agreement pursuant to Paragraph 8 below, upon an extension for the same period of the term of the Recycling Programs LGSA.

3. **Tipping Fees and Other Charges for Ivy MUC**

Tipping fees and other charges for the Ivy MUC adopted by the Authority effective July 1, 2015 for the Authority's fiscal year ending June 30, 2016 are attached hereto as Exhibit 2. The Authority shall consult with the County prior to proposing any change to the tipping fees or other charges for the Ivy MUC and shall, to the extent permitted by law and subject to the requirements of Virginia Code Section 15.2-5136, propose any changes to tipping fees and other charges for use of the Ivy MUC for adoption by the Authority's Board of Directors as requested by majority vote of the County's Board of Supervisors. The Ivy MUC expenses have included and the Authority is authorized to continue to include equipment depreciation expenses which are reserved for future capital equipment repair and replacement. The Authority has maintained records of the depreciation charges for the Existing Ivy Transfer Station since 2003 as well as capital equipment and repair expenses against such charges, though these records are not established as a separate reserve fund. Furthermore, the revenues funding much of the depreciation expenses were obtained from tipping fees charged for waste delivered to the Existing Ivy Transfer Station for which the Authority is unable to determine whether such waste originated in the County or City. To the extent that the Authority's records show an excess of budgeted depreciation charges for the Existing Ivy Transfer Station over capital equipment and repair expenses at the time when the Facility begins operation and the Existing Ivy Transfer Station permanently ceases to operate and closure is complete as approved by VDEQ, the Authority agrees that such excess would no longer be required to be held and could be released as a one-time only payment to the County and City. Provided that the County and City reach a written agreement, separate from this Agreement, on how the two localities will split these excess funds, the Authority agrees to distribute such excess in accordance with such agreement. Notwithstanding the terms of such agreement, the Authority may charge depreciation expenses provided in its annual budget for the Facility during the time in which the Authority operates such Facility, and use such expenses for capital equipment and repair of the Facility, and requirements for operating the Facility. Furthermore, the Authority has charged separate depreciation expenses to other Ivy MUC programs, Ivy landfill remediation, and recycling programs, and such funds are not subject to the provisions of this Paragraph.

4. **Quarterly Payments**

To the extent that the Authority's proposed annual budget for the Ivy MUC is balanced by revenues to be contributed by the County, the County agrees to provide such revenues by payments to the Authority made quarterly on the first day of July, October, January, and April of such fiscal year of the Authority.

5. **Increase or Decrease in Ivy Material Utilization Center Financial Support**

Payments by the County to the Authority for any particular fiscal quarter shall be increased or decreased, as appropriate to take into account any extraordinary increases or reductions in Ivy MUC expenses and/or reductions or increases in revenue not anticipated by the adopted budget for such year upon the Authority's submission to the County of an amended budget approved by the Authority's Board of Directors at least 30 days prior to the due date of the next payment. Upon completion of an independent audit of the Authority for the prior fiscal year, the County's payments to the Authority shall be increased or decreased, as appropriate, to take into account increases or decreases in audited actual Ivy MUC expenses (including depreciation expenses, payments to escrow, and allocations of administrative expenses) and/or reductions or increases in actual revenues from those anticipated by the adopted budget. In the event the amount of the County's payments exceed the amount of revenues needed by the Authority pursuant to Paragraph 2 above, the Authority shall remit such excess to the County, or in the event that the County extends this Agreement as provided in Paragraph 8 below, the Authority may carry such excess over to the next fiscal year giving the County credit during such year for such excess.

Furthermore, in the event the amount of County's payments is less than the amount of revenues needed by the Authority pursuant to Paragraph 2 above, the County shall remit such excess to the Authority.

6. Construction of Facility, Operating Reserve and Existing Facility Closure Costs

- A. The Authority will construct and operate the Facility consistent with the conceptual floor plan and site plan prepared by the County's Engineer (the "Conceptual Plan"), approved by the County, and submitted by the Authority on the County's behalf to VDEQ in its response dated December 16, 2015 ("Response Letter") to the VDEQ Letter of Agreement dated March 19, 2015, except as provided in Paragraph 6.E below. The Facility shall be designed and constructed at the sole cost of the County with the design and construction cost to be initially budgeted at the preliminary estimate developed by the County's Engineer of \$2,587,000, including equipment. The County appropriated \$1,200,000 in June, 2015 toward design and other costs related to the Facility. Prior to the Authority executing a construction contract for the Facility pursuant to subparagraph E. below, the County shall appropriate, subject to Paragraph 11 below, (i) additional funds in the amount of \$1,387,000, which together with the previously appropriated amount equals the County Engineer's preliminary estimate of \$2,587,000, plus (ii) any additional funds which the County has agreed to appropriate in order to increase the project budget pursuant to subparagraph E. below. The Facility will be operated by the Authority under an amendment of the VDEQ permit by rule designated as Permit 132, subject to approval by VDEQ.
- B. Following completion of the preliminary design based upon the Conceptual Plan and before proceeding with the detailed design phase, the Authority will present the preliminary design to the County's Board of Supervisors reflecting any modifications or additions to the Conceptual Plan. The Authority will provide the County's Director of Facilities and Environmental Services or his designee with a copy of the completed preliminary design one week in advance of presentation of the same to the Board of Supervisors. The Authority will present progress drawings of the detailed design based upon the preliminary design at 50% completion and again at completion of detailed design. The Authority will provide the County's Director of Facilities and Environmental Services or his designee with a copy of such progress drawings one week in advance of presentation of the same to the Board of Supervisors. The Authority will incorporate all reasonable requests for changes to the preliminary design and detailed design from the Board of Supervisors consistent with the Authority's responsibilities under this Agreement. The County agrees to schedule presentations of the preliminary design and detailed designs to the Board of Supervisors as needed to allow the Authority to meet the time constraints imposed by this Agreement. Except as otherwise provided above, the Authority may make interpretations regarding further details in design and construction consistent with the Conceptual Plan without further direction from the County subject to decisions made by vote of the Authority's Board of Directors, or delegated by the Authority's Board of Directors to its Executive Director.
- C. The Authority will be responsible for the permitting, design and construction of the Facility. The Facility shall be constructed on a timeline consistent with or in advance of the proposed milestone schedule attached to the Response Letter, or any approved extensions thereof, to the extent of the Authority's reasonable control. Reasonable efforts will be made to expedite construction where practicable and within the reasonable control of the Authority.
- D. The design engineer for the Facility shall be chosen by the Authority after consultation with the County's Director of Facilities and Environmental Services, or his designee. The design engineer's contract shall be subject to approval by the Authority's Board of Directors.
- E. The Authority will provide professional project management services throughout the design, bidding and construction of the Facility. Such services include establishing and appropriately revising monetary allotments within the overall project budget to project phases or work breakdown, updating costs estimates for construction, engineering, and management services at appropriate intervals as determined by the Authority, and updating project schedules. The Parties agree that the overall project costs for design and construction of the Facility will depend upon numerous factors, many of which are beyond the direct control of the Authority including, but not limited to, market changes in commodity prices, bid competitiveness within the construction industry, competency and performance of the construction contractor which must be selected within the limitations of the Virginia Public Procurement Act, and subsurface conditions later identified but not fully known at the beginning of design. The Authority may make adjustments to the project scope during design, bidding and construction based upon its reasonable updated projections of cost and time, in order to maintain a high probability that the project will be completed within the County's budget; provided,

however, that to the extent such project scope adjustments may materially affect the County's Conceptual Plan as further developed by the preliminary design and detailed design, the Authority will consult with the County before making such adjustments. To the extent the County may not desire project scope adjustments materially affecting the Conceptual Plan as further developed by the preliminary design and the detailed design that the Authority has concluded are necessary to manage the project within budget, the County may authorize an increase in the project budget and make any additional appropriation required therefor and/or modify the project schedule in such a manner that the Authority may confirm the project scope adjustments are no longer necessary, provided that the County acts within a timeframe permitting the Authority to meet the timeline obligations in subparagraph C as reasonably determined by the Authority. The Authority may authorize such change orders as it deems necessary and appropriate for the management of the construction contract and within timeframes necessary to avoid delay claims from the contractor, and will consult with the County's Director of Facilities and Environmental Services, or his designee, prior to execution of any material change order. The Authority's Executive Director shall obtain the approval of the Authority's Board of Directors prior to executing any change order in an amount which would exceed the total contract contingency previously authorized by the Board of Directors. The construction contract for the Facility shall be subject to approval by the Authority's Board of Directors. The Authority will provide the County staff or its Board of Supervisors with periodic updates during construction of the Facility as may be requested by the County.

- F. The County will pay the Authority the amounts approved by the Authority for payment pursuant to the design and construction contracts for the Facility on a monthly basis, within thirty (30) days of the Authority's written request for such payment, which request shall include copies of the contractor's invoice.
- G. Before operation of the completed Facility begins, the Authority may require the County to fund an operating reserve of up to \$200,000 for unbudgeted operating costs of the Facility incurred by the Authority. The Authority shall maintain a general liability insurance policy with a minimum of two million dollars of coverage and an excess liability policy with a minimum of ten million dollars of coverage. In addition, the Authority shall maintain an environmental policy with a minimum of one million dollars in coverage. The County will be responsible for any claims arising out of the operation of the Ivy MUC that exceeds the applicable coverage limits.
- H. The Authority shall be responsible for the closure of the existing transfer station facility. All closure costs shall be paid by the Authority, to the extent of available reserves, and any closure costs in excess of reserves shall be paid by the County.

7. Legal Challenges and Escrow Fund

- A. The County shall be responsible for any Authority legal fees, costs, and any judgment awarded not covered by applicable insurance coverage arising from any challenge to the amendment of Permit 132 or the legal authority to operate the Facility, whether based on nuisance or other legal theory.
- B. The County shall establish an escrow fund with the Authority to cover legal costs incurred by the Authority arising from the operation of the IVY MUC in the amount of \$50,000 upon the execution of this Agreement. The Authority may use the escrow fund to pay any such unbudgeted expense if the County fails to pay the amount of the unbudgeted expense to the Authority within thirty days of a written request by the Authority to the County to do so. Should the County fail to pay the Authority's legal costs, the Authority may attempt to settle the lawsuit in a way to minimize the Authority's further legal expenses.

8. Term of Agreement

- A. This Agreement shall be effective upon execution and the County's financial participation requirements shall be retroactive to July 1, 2011 and shall continue for the Authority's fiscal year ending June 30, 2016. Subject to Paragraph 2 above, the term of this Agreement shall be extended for additional one (1) year terms unless terminated by the County by written notice received by the Authority not later than January 1st prior to the then applicable expiration date of the Agreement.
- B. Notwithstanding the above, this Agreement may be terminated upon thirty days written notice by the Authority to the County if (i) the County fails to appropriate, within the timeframes required under this Agreement, the funds necessary to (a) construct the Facility under Paragraph 6 of this Agreement, (b) fund any excess expenses over revenues projected in the operating budget for the Facility under Paragraph 2 of this Agreement, (c) fund any reserves or escrows required under Paragraphs 6 and 7 of this Agreement, or (d) fund any amounts in excess of existing reserves necessary to close the Existing Ivy Transfer Station; (ii) the

County fails to pay when due any amounts owed to the Authority under the terms of this Agreement and the County fails to make such payment within thirty days of such written notice; or (iii) the County breaches any other term of this Agreement and fails to cure such breach within ninety days of such written notice. The Authority, upon termination of this Agreement, may recover its net expenses up to the date of termination from operating reserves or the escrow fund without prejudice to any claim for remaining expenses, including costs of collection and legal fees. Upon any such termination, the Authority shall cease any further design and/or construction of the Facility, terminate any operation of the Facility and decommission the Facility (if construction has commenced). The County shall reimburse the Authority for all costs incurred by the Authority (including, but not limited to, any amounts owed under Paragraphs 6.F, 6.G, and 7.A above, design and consultants fees, legal fees and other “soft” costs and decommissioning costs for the Facility, if any) in connection with the design, construction and/or operation of the Facility (collectively, the “Authority Costs”) and the Authority’s obligations to design, construct and operate the Facility shall terminate.

9. **Solid Waste Organizational Agreement**

The Parties enter this Agreement notwithstanding any provisions in the Organizational Agreement conflicting with this Agreement, and agree that in the event of any such conflicting provisions, this Agreement shall control.

10. **Voluntary County Funding**

Nothing in this Agreement shall be construed as creating a claim, cause of action, or right of recovery against either the County by the Authority or by any creditor or claimant of the Authority. The Authority acknowledges that the County is not under any legal or equitable obligation to provide funding to the Authority, but that it has voluntarily chosen to do so for the sole reason of insuring the continuation of a certain level of solid waste disposal and recycling services being provided by the Authority at the Ivy MUC, and the County acknowledges that in the event such funding is not made available to the Authority, the Authority will necessarily have to curtail those services.

11. **Non-Appropriation**

This Agreement is subject to the approval, ratification, and annual appropriations by the Albemarle County Board of Supervisors of the necessary money to fund this Agreement for this and any succeeding fiscal years. Should the County fail to appropriate the necessary funding, it shall give prompt written notice to the Authority of such non-appropriation and this Agreement shall automatically terminate without further notice by or to any Party.

12. **Amendment**

Any amendment to this Agreement must be made in writing and signed by the Authority and the County.

13. **Governing Law**

This Agreement shall be governed in all respects by the laws of the Commonwealth of Virginia.

14. **Notices**

Any notice, invoice, statement, instructions, or direction required or permitted by this Agreement shall be addressed as follows:

- a. To the County: Office of the County Executive
401 McIntire Road
Charlottesville, VA 22902
- b. To the Authority: Office of the Executive Director
Rivanna Solid Waste Authority
P.O. Box 979
Charlottesville, Virginia 22902-0979

or to such other address or addresses as shall at any time or from time to time be specified by any Party by written notice to the other Party.

15. **Integration Clause**

This Agreement, and any amendment or modification that may hereafter be agreed to in accordance with the provisions herein, constitutes the entire understanding between the Parties with respect to the matters addressed, and supersedes any and all prior

understandings and agreements, oral or written, relating hereto, except for the Environmental Expenses MOU.

16. **Execution**

This Agreement may be executed 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.

WHEREAS, these terms are agreeable to the County of Albemarle and the Rivanna Solid Waste Authority, and each Party offers its signature as of the date below.

THE COUNTY OF ALBEMARLE:

_____	_____
Thomas C. Foley	Date
County Executive	

RIVANNA SOLID WASTE AUTHORITY:

_____	_____
Lonzy E. Wood	Date
Interim Executive Director	

EXHIBIT 1
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR IVY MATERIAL UTILIZATION CENTER PROGRAMS
EXAMPLE OF CALCULATION FOR DETERMINING COUNTY FUNDING

Example Budget

	<u>Total Budget</u>	<u>Amount Applied per Agreement</u>	Notes:
Revenues			
Ivy Tipping	\$ 180,920	\$ 180,920	Included 100%
Ivy MSW Tipping	468,400	468,400	Included 100%
Material Sales-Ivy	171,000	171,000	Included 100%
Recycling Revenues	171,700	-	Not Included
Other Revenues	70,000	70,000	Included 100%
Interest & Fees	<u>7,920</u>	<u>-</u>	Not included
	1,069,940	890,320	
Expenses			
Ivy Operations	\$ 277,800	\$ 277,800	Included 100%
MSW Transfer - Ivy	766,137	766,137	Included 100%
Recycling Operations	290,740	-	Not Included
Administration	403,421	201,711	Included 50%
Debt Service	<u>-</u>	<u>-</u>	Not Included
	1,738,098	1,245,648	
		\$ (355,328)	
Payment by Albemarle County		\$ 355,328	
Quarterly Amount		\$ 88,832	25% of Total

EXHIBIT 2
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR IVY MATERIAL UTILIZATION CENTER PROGRAMS
RSWA TIPPING FEES RATE SCHEDULE FOR FISCAL YEAR 2016

TIPPING FEES PER TON:

IVY MUC:			
Clean Fill Material	\$ 20.00*	Pallets	\$ 48.00
Grindable Vegetative Material	\$ 48.00	Tires, Whole	\$190.00
Non-Freon Appliances	\$105.00	Sludge-Rivanna	\$ 8.00
MSW & CDD – Ivy Transfer Station	\$ 66.00		

TIPPING FEES PER ITEM (IVY MUC):

Freon Appliances	\$ 17.00	Truck Tire Off Rim	\$ 17.00
Non-Freon Appliances	\$ 9.00	Truck Tire With Rim	\$ 33.00
Passenger Car Tire Off Rim	\$ 6.00	Passenger Car Tire With Rim	\$ 13.00

OTHER CHARGES FOR GOODS & SERVICES:

Mulch or Lumber Log	\$ 30.00 per ton*	Trash Stickers	\$ 24.00 for 12
Ticket request	\$ 1.00 each	Minimum Charge	\$ 6.00 per load
Service fee per ticket		Credit Application	\$ 35.00 each
County	\$ 1.00 each		
Other-Non County	\$ 10.00 each		
General Hauling	\$ 100.00 each		
Hauling Surcharges:			
Delivery Within 1 st Area	\$ 22.00 each		
Delivery Within 2 nd Area	\$ 32.00 each		
Delivery Over County Line	\$ 42.00 each		

*Maximum charge

Item No. 8.12. Cancel May 11, 2016, Night Meeting.

By the above-recorded vote, the Board cancelled the May 11, 2016 regular night meeting.

Item No. 8.13. Change start time of June 1, 2016, Day Meeting from 1:00 p.m. to 9:00 a.m.

By the above-recorded vote, the Board changed the start time of the June 1, 2016 regular day meeting from 1:00 p.m., to 9:00 a.m., to allow Board members the ability to attend County high school graduations.

Item No. 8.13a. Letters dated May 4, 2016, to Senator Tim Kaine and Senator Mark Warner, re: Amtrak train station service.

By the above-recorded vote, the Board authorized the Chair to sign the following letters to Senator Tim Kaine and Senator Mark Warner:

May 4, 2016

The Honorable Senator Tim Kaine
231 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Kaine:

I am writing on behalf of the Albemarle County Board of Supervisors to seek your help with an item in the Transportation Budget Bill making its way through the U.S. Senate.

We are grateful for your consistent support for intercity passenger rail. The Charlottesville-Albemarle region has enjoyed many benefits from the highly successful Lynchburg-DC Northeast Regional Amtrak service which began during your administration. This train has resulted in a three-fold increase in the number of passengers at the Charlottesville Amtrak station, which reached 134,000 in FY2015. Yet Amtrak facilities at the privately-owned station remain exactly as they were in 1998, when annual ridership was only 28,000.

In 2015, 190,000 passengers boarded or alighted the Northeast Regional at stations between Lynchburg and Washington, DC, with Charlottesville the most robust station on the route in terms of ridership and revenue. The Commonwealth has committed to a second frequency of the Lynchburg train, which is needed to add capacity as ridership continues to grow. Yet, in spite of these successes, and partially as a result of them, the future of passenger rail for our region is at risk.

Amtrak and Virginia Department of Rail and Public Transportation (VDRPT) are dissatisfied with the facilities at the Charlottesville station and have informed us there must be major improvements, as well as a return to public ownership, before service to Charlottesville will be expanded. Because many Albemarle County citizens patronize Amtrak at the Charlottesville station, the Board of Supervisors has an equal interest in solving this problem. The Charlottesville-Albemarle MPO is leading a planning study for the station project, but there is little doubt that federal matching grants will be needed before the public ownership and station upgrades required by Amtrak and DRPT can be achieved.

A promising new source of such grants was introduced in the Fixing America's Surface Transportation (FAST) Act. The Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program was authorized for up to \$190 million in order to cover a broad range of rail projects. However, the Senate Appropriation Transportation Housing and Urban Development (THUD) Subcommittee narrowed the scope of the program by stripping eligibility for passenger-specific goals such as investment in stations, upgrades to reduce train congestion, and enhancements to facilitate ridership growth. With this restriction on the use of funds, projects like the Charlottesville station will be unable to receive these federal funds for the necessary improvements to support the region's growing demand for passenger rail.

We are writing to request your support for restoring passenger specific goals to the CRISI Program.

As we understand it, this will require a motion for a germane amendment to restore the original references to passenger rail in the CRISI portion of the bill. More specifically, we request that you introduce such an amendment when the bill comes to the Senate floor.

On behalf of the citizens of Albemarle County, we thank you for considering our request.

May 4, 2016

The Honorable Senator Mark R. Warner
475 Russell Senate Office Building
Washington, DC 20510

Dear Senator Warner:

I am writing on behalf of the Albemarle County Board of Supervisors to seek your help with an item in the Transportation Budget Bill making its way through the U.S. Senate.

We are grateful for your consistent support for intercity passenger rail. The Charlottesville-Albemarle region has enjoyed many benefits from the highly successful Lynchburg-DC Northeast Regional Amtrak service begun during your administration. This train has resulted in a three-fold increase in the number of passengers at the Charlottesville Amtrak station, which reached 134,000 in FY2015. Yet Amtrak facilities at the privately-owned station remain exactly as they were in 1998, when annual ridership was only 28,000.

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Amtrak and the Virginia Department of Rail and Public Transportation (VDRPT) are dissatisfied with the facilities at the Charlottesville station and have informed us there must be major improvements, as well as a return to public ownership, before service to Charlottesville will be expanded. Because many Albemarle County citizens patronize Amtrak at the Charlottesville station, the Board of Supervisors has an equal interest in solving this problem. The Charlottesville-Albemarle MPO is leading a planning study for the station project, but there is little doubt that federal matching grants will be needed before the public ownership and station upgrades required by Amtrak and DRPT can be achieved.

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We are writing to request your support for restoring passenger specific goals to the CRISI Program. As we understand it, this will require a motion for a germane amendment to restore the original references to passenger rail in the CRISI portion of the bill. More specifically, we request that you introduce such an amendment when the bill comes to the Senate floor.

On behalf of the citizens of Albemarle County, we thank you for considering our request.

Item No. 8.14. County Grant Application/Award Report, ***was received for information.***

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

The attached Grants Report provides a brief description of two grant applications made during the time period of March 17, 2016 through April 14, 2016.

This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

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

GRANT REPORT ACTIVITY – March 17, 2016 through April 14, 2016

Applications were made for the following grants:

Granting Entity	Grant	Type	Amount Requested	Match Required	Match Source	Department	Purpose
FEMA	Assistance to Firefighters Grant	Federal	\$401,823	None	None	Fire Rescue	These grant funds would be used to expand the marketing campaign for volunteer recruitment, to support the cost of new volunteers, and to provide training for focused volunteer retention.
Virginia Department of Criminal Justice Services	FY17 Victim Witness Program	Federal and State	\$131,692	None	None	Police	These grant funds would be used to support the Victim Witness Program, and to cover the expenses for two Victim Witness Services providers, for a new part-time Victim Witness Advocate, and for training, dues, and victim services.

Awards were received for the following grants:

None at this time.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

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

Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY16 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
							FY17	FY18	FY19	FY20	FY21
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Grants Leveraging Fund	6/30/2020	\$125,910.00	\$ 35,961.74	\$ 73,308.49	\$ 112,096.36	\$ 152,383.46	\$155,383.98
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Crime Analysis	This grant provides funding for the current Crime Analyst position. The grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Police Department	6/30/2018	\$33,879.00	\$ 52,420.18	\$ 71,785.57	\$ 73,752.87	\$ 75,798.46	\$ 77,925.47
*does not include local match funds							\$ 88,381.92	\$ 145,094.07	\$ 185,849.23	\$ 228,181.92	\$233,309.45

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

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

Item No. 8.15 FY 2016 3rd Quarter Proffer Report, ***was received for information.***

The executive summary forwarded to the Board stated that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers. The last quarterly proffer report the Board received on February 3, 2016 included information on cash proffer revenue and expenditures and non-cash proffers for October through December, 2015. This report includes all proffer activity (both cash and non-cash) for the third quarter of Fiscal Year 2016 (January-March, 2016). The next quarterly report will be on the Board's August 3, 2016 agenda.

DISCUSSION: Proffer Activity for Fiscal Year 2016 Second Quarter (January-March)

- A. **New Proffered Revenue:** There were no rezoning requests approved this quarter that provided new cash proffers.
- B. **Total Proffered Revenue:** Total proffered revenue is \$49,234,856.45. This reflects 2014 annual adjustments to anticipated proffer revenue (not received yet obligated) from proffers in which annual adjustments were proffered.
- C. **3rd Quarter Cash Revenue:** The County received a total of \$134,113.93 from existing cash proffers during this quarter from developments listed in Attachment A.
- D. **Expenditure:** A total of \$154,481.80 was expended this quarter on sidewalk projects.
- E. **Current Available Funds:** As of March 31, 2016, the available proffered cash on-hand is \$5,132,598.96 (including interest earnings on proffer revenue received). Some of these funds were proffered for specific projects, while others may be used for general projects within the CIP. Of the available proffered cash on-hand, \$2,860,527.50 (including interest earned) is currently appropriated (Attachment B). The net cash balance is \$2,272,071.46 and Attachment C provides information on how the net cash balance may be used for future appropriations to CIP projects. The Community Development Department and Office of Management and Budget staff monitor proffer funds on an ongoing basis to

ensure that associated projects not currently in the CIP move forward and to ensure that funding is appropriated to projects before any proffer deadlines.

Cash proffers are a source of revenue to address impacts from development and they support the funding of important County projects which would otherwise be funded through general tax revenue. Using cash proffer funding for current or planned FY17-FY19 CIP projects builds capacity in the CIP by freeing up funding for other projects. In addition, non-cash proffers provide improvements that might otherwise need to be funded by general tax revenue.

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

Item No. 8.16. Q3 FY 16 Unaudited Quarterly Financial Report; Q3 FY 16 General Fund Revised Financial Projections Report; and Q3 FY 16 Quarterly Economic Indicators Report, ***was received for information.***

The executive summary forwarded to the Board states that the attached Unaudited Quarterly Financial Report (UQFR) (Attachment A) provides information regarding the County's FY 16 General Fund and School Fund performance as of March 31, 2016. The General Fund Revised Financial Projections Report (Attachments B and C) includes projected General Fund revenues and expenditures for FY 16. The Quarterly Economic Indicator Report (Attachments D and E) provides an overview of recent general economic conditions in the County.

Unaudited Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through March 31, 2016, the end of the third quarter of FY 16. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR. Highlights from the QFR include:

Revenues - YTD Actual

YTD total revenues in Q3 FY 16 were \$136,241,227 compared to \$128,104,421 in Q3 FY 15. In percentage terms, FY 16 YTD actual revenues as a percentage of FY 16 Revised Budget revenues were 54.37%, compared to 52.85% in FY 15.

Individual revenue streams performed fairly consistently in Q3 FY 16 when compared to Q3 FY 15. Five revenue streams did experience significant year-to-year variance. These revenue streams included Other Local Taxes, Permits and Fees, Use of Money and Property, Contributions from Other Entities, and Revenues from Federal Government. For additional information about this revenue variance, please see the analysis on page 2 of the QFR.

Expenditures - YTD Actual

YTD total expenditures in Q3 FY 16 equaled \$184,778,815 compared to \$184,695,025 in Q3 FY 15. In percentage terms, FY 16 YTD actual expenditures as a percentage of FY16 Revised Budget expenditures, were 73.74%, compared to 76.19% in FY 15.

Individual expenditure streams performed fairly consistently in Q3 FY 16 when compared with Q3 FY 15. Ten expenditure streams did experience significant year-to-year variance. These expenditure streams included the Fire/Rescue, Fire Rescue Services, Contributions to Public Safety, General Services, Contributions to Agencies and Tax Relief, Transfer to Schools Debt Service, Contributions to Libraries, Contributions to Community Development, Transfers Out to Accounts, and Refunds. For additional information about these expenditure variances, please see the analysis on pages 2 through 4 of the QFR.

ACPS Quarterly Financial Report

As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of March 31, 2016 is included as a table in the QFR.

General Fund Revised Financial Projections Report

The General Fund Revised Financial Projections Report (GFRFPR) provides a streamlined summary of forecasted revenues and expenditures. The GFRFPR indicates that by June 30, 2016, actual revenues, including transfers, are forecasted to be above appropriated revenues and transfers by \$1.276 million. This amount reflects in part the real property tax rate of \$0.839 that the Board adopted on April 13, 2016. The increase in the adopted tax rate is estimated to result in an increase of \$1.6 million in real estate tax revenue in FY 16. Without this additional revenue, actual revenues plus transfers would have fallen short of budget by roughly \$0.324 million, largely as a result of a lower-than-expected increase in the January 1, 2016 reassessed value of real property. Expenditures, including transfers, are projected to be \$1.854 million below appropriated expenditures and transfers. The difference between appropriated expenditures and forecasted expenditures is due primarily to savings associated with salary lapse and insurance costs. Excess revenues and expenditures savings are projected to result in a net of \$3.130 million additional fund balance by the end of FY 16. Please note that this forecasted \$3.130 million in additional fund balance equals only 1.26% of the forecasted \$248.719 million FY 16 expenditures and transfers; this small percentage "buffer" reflects a tight budgetary environment.

Quarterly Economic Indicators Report

The Quarterly Economic Indicators Report (QEIR) offers a glimpse of the state of the County's economy. The QEIR contains data taken from the most recent quarter for which complete information is

available, and compares this data with data from the same quarter of previous fiscal years. General economic activity, as measured by six select revenue streams, apparently was mixed between Q3 FY 15 and Q3 FY 16; some revenues grew while others declined. The unemployment rate in Albemarle, however, dropped from 4.13% to 3.42% between Q3 FY 15 and Q3 FY 16. This year-over-year decline (0.71 pp) was the largest in the Q3 FY 12 to Q3 FY 16 period and suggests that there is relative strength in the County's labor market. Note that the County's jobs base exhibited strong growth (+2.59%) between Q4 FY 14 and Q4 FY 15, the most recent quarter for which complete information is available. This performance, although somewhat dated, also suggests an acceleration in the recovery of the County's labor market.

Revenues and expenditure data contained in the Quarterly Financial Report reflects the state of the County's FY 16 budget-to-actual financial performance as of March 31, 2016. Year-end projections contained in the General Fund Revised Financial Projections Report are subject to change, based on the result of actual collections and expenditures through June 30, 2016. Data shown in the QEIR reflects economic variables that impact the County's current and future revenues and expenditures.

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

Item No. 8.17. Capital Projects Status Report 1st Quarter CY 2016, ***was received for information.***

Item No. 8.18. Environmental Quarterly Report – 3rd Quarter FY 16, ***was received for information.***

Item No. 8.19. Board-to-Board, ***A monthly report from the Albemarle County School Board to the County Board of Supervisors, was received for information.***

Item No. 8.20. Natural Heritage Committee Annual Report, ***was received for information.***

Item No. 8.21. Copy of letter dated April 11, 2016, from Mr. Francis H. MacCall, Principal Planner, to Mr. Fred Miller, ***re: LOD-2016-00004- OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 06200-00-00-0700 (property of MARGARET NEALE MILLER ESTATE) – Rivanna Magisterial District, was received for information.***

Agenda Item No. 9. FY 17 Resolution of Appropriations.

The executive summary as presented by staff states that the Board of Supervisors adopted the County's FY17 Operating and Capital Budgets totaling \$375,574,669 on April 13, 2016. The School Board adopted the School Fund and the School Self-Sustaining Fund budgets on April 14, 2016.

To provide the authority from the Board to spend these funds, an Annual Resolution of Appropriations for the fiscal year ending on June 30, 2017 is required. In addition, the Board's approval of a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing is required to provide the County with the authority to use bond proceeds to reimburse capital program expenditures for the specified projects.

This Executive Summary includes two attachments.

Attachment A: The Annual Resolution of Appropriations: The Annual Resolution of Appropriations is a comprehensive resolution that appropriates the total County budget, including both general government and school operating and capital funds, School Self-Sustaining Funds, and Other General Government Fund appropriations in a single resolution. The Annual Resolution also includes the following:

Budget Amendment: The attached FY17 Annual Resolution of Appropriations includes an amendment to accommodate the School Board's April 14 adoption of its budget for the School Fund that was for \$118,836 more than the School Fund Budget approved by the Board of Supervisors. This net change is due to local, state and federal revenue adjustments and the School Division's inability to jointly fund a new School Resource Officer position in FY 17 given the School Division's revenue limitations. This amendment does not exceed one percent of the FY17 total budgeted expenditures and therefore does not require a public hearing.

County Executive Authority: As in previous years, to continue to provide administrative efficiency and effectiveness throughout the year while providing transparency in budgeting, the FY17 Resolution continues to authorize the County Executive to transfer funding from specific Board approved FY 17 non-departmental reserve accounts to the appropriate department accounts for expenditure. For FY 17, these specific reserve accounts are: 1) the General Government's Training Pool, 2) the Innovation Fund, 3) the Salary Reserve for Reclassifications, 4) the Fuel and Utilities Contingency Reserve, 5) the Priority Driven Budgeting Support Reserve, and 6) the Transformation/Efficiency Reserve. The resolution also continues to authorize the

County Executive to administratively approve budget transfers of unencumbered funds for up to \$50,000.00 per fund in the fiscal year from one classification, department or project to another within the same general government fund and to allocate the County-wide salary lapse budget between department budgets to appropriately reflect where salary lapse actually occurs.

To further enhance administrative efficiency, this Resolution requests that the Board also authorize the County Executive to administratively transfer funding that is initially estimated and budgeted for specific capital project's project management services to other projects, when necessary and appropriate, to fully reflect where the project management services are actually performed.

In accordance with current practice, all of these transfers or distributions will be reported to the Board of Supervisors as part of the County's quarterly financial reports.

Attachment B: Reimbursing Expenditures with Proceeds of a Borrowing: The Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing allows the County to use up to \$26,198,286 in bond proceeds to reimburse capital program expenditures in the FY17 Capital Budget.

Staff recommends approval of the Annual Resolution of Appropriations for FY17 (Attachment A) that allocates a total of \$375,574,669 to various General Government and School Division operating, capital improvement, and debt service accounts for expenditure in FY17 and provides administrative authority for the transfer of reserve account funding as outlined above.

This appropriation totals \$375,574,669 and is made up of the following major funds:

General Fund	\$257,500,398
General Fund School Reserve Fund	1,367,403
School Fund	172,672,938
School Special Revenue Funds	17,946,303
Other General Government Funds	40,119,320
Capital Projects	48,954,680
Debt Service	21,690,433
SUBTOTAL	\$560,251,475
 Less Inter-fund Transfers	 (\$184,676,806)
TOTAL (new appropriations)	\$375,574,669

Additionally, in accordance with the funding plan presented in the Capital Budget, staff recommends approval of the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment B) to allow the County to use up to \$26,198,286 in bond proceeds to reimburse capital program expenditures.

Ms. Lori Allshouse addressed the Board and stated that on April 13, the Board adopted the County's FY17 operating and capital budget, and on April 14, the School Board adopted the School Fund and self-sustaining fund budgets. Ms. Allshouse stated that this resolution authorizes expenditure of funds in FY17 and utilize bond proceeds to reimburse the capital program, and the resolution includes an amendment of \$118,836 to the school budget due to a combination of local, state and federal revenue adjustments. She said the resolution also authorizes the County Executive to do some transfers, giving him the authority to do transfers of up to \$50,000 from one department to another within the same fund, and allowing him to allocate salary lapse budget and transfer funding from specific Board-approved reserve accounts to appropriate line items for accounting purposes. Ms. Allshouse noted that this year's reserve funds include the training pool, the innovation fund, the salary reclassification reserve, the fuel and utilities contingency reserve, priority-driven budgeting support reserve, and the transformation efficiency reserve. Ms. Allshouse stated that additional County Executive authority was also requested for an item done every year, transferring funding initially budgeted for capital projects for project management, and this would allow him to make that adjustment.

Ms. Allshouse stated that what is before the Board is approval of the FY17 appropriations, allocating \$375.5 million to various general government and school division operating, capital, and debt service accounts, as well as the County Executive transfer authorities. She stated there is also a resolution of intent to reimburse expenditures with the proceeds of borrowing to allow the County to use up to \$26 million in bond proceeds to reimburse capital program expenditures. Ms. Allshouse emphasized that this is not the bond referendum, but is the lease revenue bonds as typically done.

Ms. McKeel asked if the County Executive authority is standard operating procedure as has been done in the past.

Ms. Allshouse responded that there were changes in the names of specific funds from which he can transfer, but there is also one change in which the actuals in program management fees for capital projects are allocated. She explained this basically provides the County Executive authority to administratively transfer funding initially budgeted for capital projects to cover management fees, as those amounts are estimated at the beginning of the year with accounting done at the end of the year to reconcile.

Ms. Mallek commented that if there is any extra, it goes into the capital fund.

Ms. Allshouse confirmed that is the case, adding that it is just a true-up of what is spent per project.

Ms. McKeel said that when she served on the CIP Oversight Committee, it was determined that the school division was being charged for projects that did not really need management.

Ms. Allshouse confirmed that they used to assess a percentage across the entire capital program, but have worked through those issues and strengthened the process so that only the projects getting the work are reflecting those costs.

Ms. Mallek asked how the reporting is done for the transfers, whether it is quarterly or at the end of the year.

Ms. Allshouse responded that it is put in the quarterly reports.

Mr. Dill asked how much flexibility is offered with the \$50,000 provision for the County Executive, as it can add up if it is used often.

Ms. Allshouse responded this is used carefully and infrequently and is similar to what other localities have for their executive or administrator, and even if they are small amounts they will be shared with the Board, but not put before them for approval. She stated the intent with this is to reduce the number of appropriations brought before the Board and increase administrative efficiency.

Ms. Palmer asked how the transfers of under \$50,000 are brought to the Board.

Ms. Allshouse stated they will be presented in the quarterly reports to the Board.

Ms. Mallek stated that when this was first created it simplified the process, and although she initially had concerns, it has worked out fine.

Ms. Allshouse added that some of the appropriations were as low as \$25.

(Note: Mr. Sheffield filed the following Transactional Disclosure Statement with the Clerk: "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 and Buckingham 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.")

Ms. Mallek **moved** to approve the annual resolution of appropriations for FY17 as included in Attachment A. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING JUNE 30, 2017**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2017; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2017:

Paragraph One: GENERAL MANAGEMENT AND SUPPORT

Board of Supervisors	\$687,508
County Executive	\$1,311,677
Human Resources	\$644,772
County Attorney	\$1,063,239
Finance Department	\$5,257,855
Management and Budget	\$453,099
Information Technology	\$3,003,829
Voter Registration/ Elections	<u>\$659,435</u>
	\$13,081,414

Paragraph Two: JUDICIAL

Circuit Court	\$104,694
General District Court	\$41,328

Magistrate	\$4,050
Juvenile Court	\$126,445
Public Defender's Office	\$76,663
Clerk of the Circuit Court	\$914,181
Sheriff's Office	\$2,423,671
Commonwealth's Attorney	<u>\$1,275,064</u>
	\$4,966,096

Paragraph Three: PUBLIC SAFETY

Police Department	\$17,223,824
Transfer to Fire Rescue Services Fund - Operations	\$11,854,182
Inspections and Building Codes	\$1,389,452
Emergency Communications Center	\$2,354,327
Albemarle Charlottesville Regional Jail	\$3,745,702
Community Attention Home	\$60,149
Juvenile Detention Center	\$831,568
Foothills Child Advocacy Center	\$31,297
Offender Aid and Restoration	\$154,402
SPCA Shelter Contribution	\$570,389
Virginia Juvenile Community Crime Control	<u>\$52,231</u>
	\$38,267,523

Paragraph Four: GENERAL SERVICES / PUBLIC WORKS

Facilities and Environmental Services	\$4,398,035
Rivanna Solid Waste Authority	<u>\$539,072</u>
	\$4,937,107

Paragraph Five: HUMAN SERVICES

Department of Social Services	\$12,366,640
Transfer to Bright Stars Fund	\$930,064
Transfer to Children Services Act (CSA) Fund	\$3,732,110
Tax Relief for Elderly/Disabled	\$910,000
Health Department	\$692,311
Region Ten	\$723,260
Agency Budget Review Team (ABRT)	\$17,132
Boys & Girls Club	\$20,000
Charlottesville Free Clinic	\$116,699
ReadyKids	\$68,291
Computers 4 Kids	\$13,379
Jefferson Area Board for Aging (JABA)	\$317,985
Jefferson Area CHIP	\$301,500
JAUNT	\$1,512,723
Legal Aid Justice Center	\$38,700
Piedmont CASA	\$9,270
Piedmont Workforce Network	\$15,556
Sexual Assault Resource Agency (SARA)	\$20,600
Shelter for Help in Emergency (SHE)	\$88,079
Thomas Jefferson Area Coalition for the Homeless (TJACH)	\$20,405
United Way	<u>\$117,100</u>
	\$22,031,804

Paragraph Six: EDUCATION

Piedmont Virginia Community College	\$23,981
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Paragraph Seven: PARKS, RECREATION AND CULTURE

Department of Parks & Recreation	\$2,640,554
Jefferson-Madison Regional Library	\$4,243,565
African American Festival	\$2,700
Ashlawn Highland Festival	\$3,800
Literacy Volunteers	\$25,287
Municipal Band	\$8,000
Piedmont Council of the Arts	\$5,000
Virginia Festival of the Book	\$10,000
Virginia Film Festival	\$10,000
Visitor's Bureau	<u>\$776,378</u>
	\$7,725,284

Paragraph Eight: COMMUNITY DEVELOPMENT

Department of Community Development	\$4,592,536
Housing Office	\$482,913
VPI Extension Service	\$208,683
Soil & Water Conservation	\$118,107
Office of Economic Development	\$371,899
Albemarle Housing Improvement Program (AHIP)	\$400,000
Charlottesville Area Transit	\$1,054,244
Central Virginia Small Business Development Center (CVSBDC)	\$12,000
Monticello Area Community Action Agency (MACAA)	\$63,200
Piedmont Housing Alliance	\$34,716
Planning District Commission	\$127,587
Streamwatch	<u>\$10,380</u>

\$7,476,265

Paragraph Nine: REVENUE SHARING AGREEMENT

Revenue Sharing Agreement \$15,767,084

Paragraph Ten: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:

Refunds and Abatements \$167,000

Paragraph Eleven: OTHER USES OF FUNDS

Transfer to School Fund - Recurring	\$116,892,513
Transfer to Debt Service Funds	\$20,615,345
Transfer to Capital Projects Funds	\$1,640,203
Transfer to Water Resources Fund	\$1,156,443
Transfer to Fire/Rescue Capital/Debt	\$660,825
Disability Reserve	\$10,000
Economic Development Fund	\$160,000
Development Areas/Urbanization Initiatives	\$250,000
Grants Leveraging Fund	\$100,000
Innovation Fund	\$75,000
Fuel and Utilities Contingency	\$257,000
Training Pool	\$51,000
Reserve for Contingencies	\$244,761
Salary Reserve - Reclassifications	\$150,000
Efficiencies/Savings	(\$150,000)
Transformation/Efficiency Study/Implementation	\$125,000
Priority Driven Budget Support	\$50,000
VERIP Program	\$768,750
	\$143,056,840

Total GENERAL FUND appropriations for the fiscal year ending June 30, 2017: **\$257,500,398**

To be provided as follows:

Revenue from Local Sources	\$224,552,842
Revenue from the Commonwealth	\$23,237,624
Revenue from the Federal Government	\$5,134,906
Transfers In from Other Funds	\$3,259,026
Use of Fund Balance	\$1,316,000

Total GENERAL FUND resources available for fiscal year ending June 30, 2017: **\$257,500,398**

SECTION II: GENERAL FUND SCHOOL RESERVE FUND

That the following sums of money be and the same hereby are appropriated for GENERAL FUND SCHOOL RESERVE FUND purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: GENERAL FUND SCHOOL RESERVE FUND

Transfer to the School Fund \$1,367,403

Total GENERAL FUND SCHOOL RESERVE FUND appropriations for fiscal year ending June 30, 2017: **\$1,367,403**

To be provided as follows:

Use of Fund Balance \$1,367,403

Total GENERAL FUND SCHOOL RESERVE FUND resources available for fiscal year ending June 30, 2017: **\$1,367,403**

SECTION III: REGULAR SCHOOL FUND

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: REGULAR SCHOOL FUND

Instruction	\$131,243,851
Administration, Attendance, and Health	\$7,796,070
Pupil Transportation	\$9,922,358
Operation and Maintenance	\$16,045,655
School Food Services and Other Non-Instructional Services	\$0
Facilities	\$489,388
Debt Service and Fund Transfers	\$4,049,683
Technology	\$3,125,933
Contingency/Reserve	\$0

Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2017: **\$172,672,938**

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$116,892,513
Revenue from Other Local Sources	\$2,382,010
Revenue from the Commonwealth	\$48,638,514
Revenue from the Federal Government	\$2,992,498
Transfers	\$400,000
Transfer from General Fund School Reserve Fund	\$1,367,403

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2017:	\$172,672,938
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SECTION IV: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: OTHER SCHOOL FUNDS

Instruction	\$7,649,957
Administration, Attendance, and Health	\$0
Pupil Transportation	\$1,109,702
Operation and Maintenance	\$279,986
School Food Services and Other Non-Instructional Services	\$7,506,658
Facilities	\$0
Debt Service and Fund Transfers	\$400,000
Technology	\$1,000,000
Contingency/Reserve	\$0

Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2017:	\$17,946,303
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To be provided as follows:

Revenue from Local Sources	\$9,086,277
Revenue from the Commonwealth	\$537,059
Revenue from the Federal Government	\$6,595,606
Transfers	\$1,654,053
Use of Fund Balance	\$73,308

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2017:	\$17,946,303
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SECTION V: OTHER GENERAL GOVERNMENT FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: OTHER GENERAL GOVERNMENT FUNDS

Computer Maintenance and Replacement	\$303,653
Commonwealth's Attorney Delinquent Fines and Fees	\$60,000
Victim-Witness Program	\$125,493
Crime Analysis Grant	\$69,313
Problem Oriented Police (POP) Grant	\$139,509
Regional Firearms Training Center	\$200,280
Fire Rescue Services	\$14,255,832
Criminal Justice Grant Programs	\$731,081
Water Resources	\$1,639,662
Facilities Development	\$932,945
Courthouse Maintenance	\$28,500
Old Crozet School Operations	\$85,559
Vehicle Replacement	\$1,182,985
Bright Stars Program	\$1,407,064
Child Services Act	\$12,225,328
MJ Health Grant	\$5,000
Darden Towe Memorial Park	\$279,003
Tourism Enhancement	\$1,626,334
Proffer Funds	\$1,301,779
Economic Development Authority	\$80,000
Housing Assistance Fund	\$3,440,000

Total OTHER GENERAL GOVERNMENT FUNDS appropriations for fiscal year ending June 30, 2017:	\$40,119,320
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To be provided as follows:

Revenue from Local Sources	\$3,964,870
Revenue from the Commonwealth	\$8,083,744
Revenue from the Federal Government	\$3,456,939
Transfers In from Other Funds	\$22,585,769
Use of Fund Balance	\$2,027,998

Total OTHER GENERAL GOVERNMENT FUNDS resources available for fiscal year ending June 30, 2017:	\$40,119,320
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SECTION VI - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2017:

Paragraph One: COURTS

Court Facilities Addition/Renovation	<u>\$1,316,595</u>
	\$1,316,595

Paragraph Two: PUBLIC SAFETY

ECC Regional 800Mhz Communication System	\$263,200
Police County 800Mhz Radio Replacements	\$632,604
Police Mobile Data Computers Replacement	\$453,000
Police Patrol Video Cameras Replacement	\$96,060
Fire Rescue Apparatus Replacement Program	\$1,648,647
Pantops Public Safety Station	\$3,205,166
Rescue 8 Renovation	<u>\$66,477</u>
	\$6,365,154

Paragraph Three: PUBLIC WORKS

City/County Co-Owned Maintenance/Replacement	\$122,293
County Owned Facilities Maintenance/Replacement	\$2,102,423
Ivy Landfill Remediation	\$523,000
Ivy Materials Utilization Center New Facility	\$1,426,000
Moores Creek Septage Receiving	<u>\$109,441</u>
	\$4,283,157

Paragraph Four: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Sidewalk Construction Program	\$165,755
Street Improvement	\$8,169
Transportation Revenue Sharing Program	<u>\$1,720,000</u>
	\$1,893,924

Paragraph Five: PARKS, RECREATION & CULTURE

City/County Owned Parks Maintenance/Replacement	\$775,718
County Owned Parks Maintenance/Replacement	\$1,210,858
Crozet Park Maintenance/Replacement and Improvements	\$235,835
Parks Restroom Renovation/Modernization	\$697,449
Pilot Fundraising Parks Project	\$20,000
Predy Creek Park Phase II	<u>\$3,268</u>
	\$2,943,128

Paragraph Six: TECHNOLOGY AND GIS

County Server/Infrastructure Upgrade	\$427,232
GIS Project	<u>\$40,000</u>
	\$467,232

Paragraph Seven: OTHER USES OF FUNDS

Cost of Issuance	\$466,664
Transfer to School Division Capital Improvements Fund	\$12,151,203
Future General Government Project Management Services	<u>\$35,000</u>
	\$12,652,867

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2017:	<u>\$29,922,057</u>
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To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$1,640,203
Revenue from Local Sources (Other Transfers)	\$2,390,279
Revenue from Other Local Sources	\$832,237
Borrowed Funds	\$22,064,542
Use of Fund Balance	<u>\$2,994,796</u>

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2017:	<u>\$29,922,057</u>
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SECTION VII: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: EDUCATION (SCHOOL DIVISION)

Administrative Technology	\$261,000
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Henley Middle School Auxiliary Gym Addition	\$1,634
Instructional Technology	\$575,000
Red Hill School Modernization	\$1,090,691
School Bus Replacement	\$1,200,000
School Maintenance/Replacement	\$7,193,551
School Security Improvements	\$1,712,185
State Technology Grant	\$726,000
Telecommunications Network Upgrade	\$900,000
Western Albemarle High School Environmental Academy	\$1,634
Woodbrook Elementary School Addition-Modernization	\$1,000,000
	<u>\$14,661,695</u>

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2017:	<u>\$14,661,695</u>
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To be provided as follows:

Revenue from Other Local Sources	\$2,000
Revenue from the Commonwealth	\$1,026,000
Revenue from Local Sources (General Govt Capital Programs Transfer)	\$12,151,204
Use of Fund Balance	\$1,482,491

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2017:	<u>\$14,661,695</u>
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SECTION VIII: WATER RESOURCES CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the WATER RESOURCES CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: WATER RESOURCES PROJECTS

General Government CIP Transfer	\$1,000,000
Hollymead Dam Spillway Improvement	\$2,545,993
Water Resources TMDL	<u>\$821,667</u>
	\$4,367,660

Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2017:	<u>\$4,367,660</u>
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To be provided as follows:

Revenue from Local Sources (Water Resources Fund Transfer)	\$673,532
Use of Fund Balance	\$1,000,000
Borrowed Funds	\$2,694,128

Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2017:	<u>\$4,367,660</u>
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SECTION IX: REGIONAL PUBLIC SAFETY FIREARMS TRAINING CENTER FUND

That the following sums of money be and the same hereby are appropriated from the REGIONAL PUBLIC SAFETY FIREARMS TRAINING CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: PUBLIC SAFETY FIREARMS TRAINING CENTER

Regional Firearms Range Facility	<u>\$3,268</u>
	\$3,268

Total REGIONAL FIREARMS TRAINING CENTER FUND appropriations for fiscal year ending June 30, 2017:	<u>\$3,268</u>
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To be provided as follows:

Use of Fund Balance	\$3,268
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Total REGIONAL FIREARMS TRAINING CENTER FUND resources available for fiscal year ending June 30, 2017:	<u>\$3,268</u>
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SECTION X: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2017:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND

Debt Service - School Division	\$13,555,134
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Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2017:	\$13,555,134
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To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$13,153,688
Revenue from Other Local Sources	\$168,075
Revenue from the Commonwealth	\$154,491
Revenue from the Federal Government	<u>\$78,880</u>
Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2017:	\$13,555,134

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND

Debt Service - General Government	\$8,122,482
Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2017:	\$8,122,482

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$8,122,482
Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2017:	\$8,122,482

Paragraph Three: WATER RESOURCES DEBT SERVICE FUND

Debt Service - Water Resources	\$12,817
Total WATER RESOURCES DEBT SERVICE appropriations for fiscal year ending June 30, 2017:	\$12,817

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$12,817
Total WATER RESOURCES DEBT SERVICE resources available for fiscal year ending June 30, 2017:	\$12,817

GRAND TOTAL - DEBT SERVICE FUNDS	<u>\$21,690,433</u>
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TOTAL APPROPRIATIONS INCLUDED IN
SECTIONS I - X OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING June 30, 2017

RECAPITULATION:

Appropriations:

Section I	General Fund	\$257,500,398
Section II	General Fund School Reserve Fund	\$1,367,403
Section III	School Fund	\$172,672,938
Section IV	Other School Funds	\$17,946,303
Section V	Other General Government Funds	\$40,119,320
Section VI	General Government Capital Improvements Fund	\$29,922,057
Section VII	School Division Capital Improvements Fund	\$14,661,695
Section VIII	Water Resources Capital Improvements Fund	\$4,367,660
Section IX	Regional Public Safety Firearms Training Center Fund	\$3,268
Section X	Debt Service	<u>\$21,690,433</u>
		\$560,251,475

Less Inter-Fund Transfers	(\$184,676,806)
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GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS	<u>\$375,574,669</u>
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SECTION XI: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2017:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center	<u>\$5,566,088</u>
Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2017:	\$5,566,088

To be provided as follows:

Albemarle County	\$2,354,327
City of Charlottesville	\$1,533,737
University of Virginia	<u>\$746,537</u>

Revenue from Other Local Sources	\$302,833
Revenue from the Commonwealth	\$625,000
Revenue from the Federal Government	<u>\$3,654</u>
Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2017:	\$5,566,088

SECTION XII

All of the monies appropriated as shown by the contained items in Sections I through X are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance and Clerk to the Board of Supervisors are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

The County Executive is authorized to:

1) administratively approve budget transfers of unencumbered funds of up to \$50,000.00 per fund in the fiscal year from one classification, department, or project to another within the same general governmental fund;

2) allocate funding from the below identified classifications to appropriate budget line-items for expenditure:

Expenditure Classifications Eligible for Transfer Under this Resolution:

- Training Pool
- Innovation Fund
- Salary Reserve - Reclassifications
- Fuel and Utilities Contingency Reserve
- Priority Driven Budgeting Support
- Transformation/Efficiency Study/Implementation

3) allocate salary lapse between department budgets; and

4) administratively approve budget transfers of unencumbered capital project management services funds in the fiscal year from one project to another within the same general governmental fund.

Paragraph Seven

The Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, for the appropriations made to these funds for the period covered by this appropriation resolution.

Paragraph Eight

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Nine

This resolution shall become effective on July first, two thousand and sixteen.

Ms. Mallek **moved** to adopt the resolution of intent to reimburse expenditures with proceeds of borrowing as included in Attachment B. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

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

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

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

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$26,198,286.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

Exhibit A

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 2016/17**

Schools	Amount (\$)
Red Hill E S Modernization	1,025,250
School Bus Replacement	900,000

School Maintenance/Replacement	6,776,500
School Security Improvements	1,609,454
Telecommunications Network Upgrade	900,000
Woodbrook Elementary School Addition-Modernization	940,000
Schools Subtotal	12,151,204

General Government	Amount (\$)
Cost of Issuance	485,464
County 800Mhz Radio Replacements	594,648
County Owned Parks Maint/Repl	370,849
County Server Infrastructure Upgrade	401,598
County-Owned Facilities Maintenance/Replacement	719,478
Court Facilities Addition/Renovation	767,599
Crozet Park Maintenance/Replacement and Improvements	161,845
ECC Regional 800 MHz Communication System	247,408
Fire Rescue Apparatus Replacement-Program	820,000
Hollymead Dam Spillway Improvement	2,036,794
Ivy MUC New Facility	1,426,000
Pantops Public Safety Station	2,448,449
Transportation Revenue Sharing Program	1,470,000
Water Resources TMDL	657,334
General Government Subtotal	12,122,002
TOTAL DEBT ISSUE - FY 16/17 Projects	24,758,670

PREVIOUSLY APPROPRIATED PROJECTS TO BE BOND FUNDED

Schools	Amount (\$)
Western Albemarle High School Kitchen Upgrade	770,000
Schools Subtotal	770,000
General Government	Amount (\$)
Cost of Issuance	28,228
Ivy MUC New Facility	384,900
Pantops Public Safety Station	256,488
General Government Subtotal	256,488
TOTAL DEBT ISSUE – ALL PROJECTS	26,198,286

Agenda Item No. 10. **Work Session:** Capital Improvement Program (CIP) General Obligation Bond Referendum Work Session.

The executive summary as presented by staff states that on March 8, 2016, during the FY17 Budget review work session, the Board directed staff to schedule a follow up discussion on the Capital Improvement Program and the possibility of adding projects that could be included on a November 8, 2016 bond referendum coincident with the presidential election.

Staff will review the following at the May 4, 2016 work session:

1. The extent and timing of a potential November 2016 General Obligation Bond Referendum, including the process, public engagement roles and responsibilities, experience of peer counties, and key schedule milestones.
2. A proposed package of projects and their timing and tax implications.
3. A schedule for the adoption of an amended CIP that includes a review and recommendation by the CIP Oversight Committee and Planning Commission.
Schedule to proceed, including the timing of review and adoption of a new amended CIP and opportunity for feedback from the Planning Committee.

There is no direct budget impact related to this work session; however, the adoption of an amended CIP with additional projects will have future budget and tax implications.

Staff recommends that the Board utilize this work session to discuss options for a November 2016 General Obligation Bond Referendum. If the Board directs staff to proceed with planning for a

referendum, staff recommends that the Board preliminarily determine which candidate projects should be included.

Mr. Bill Letteri, Deputy County Executive, addressed the Board and stated that he is joined by fellow staff members Trevor Henry, Director of Facilities and Environmental Services, and Lee Catlin, Assistant County Executive, to discuss the option of issuing general obligation bonds through the process of referendum, as one strategy when considering financing for capital improvement projects. Mr. Letteri stated the option of issuing general obligation bonds to referendum is an important strategy for the Board to consider and involves the engagement of the public in terms of decisions about capital programs, as well as providing the possibility of achieving the best possible interest rate. He said they will go through a series of discussions in this worksession and encouraged the Board to allow staff to go through the presentation first, with questions from the Supervisors at the end of that information.

Mr. Letteri stated that staff is seeking direction from the Board, particularly as it relates to the timing of a referendum in the fall, and once the decision is made, staff will be asking the Board to make a decision on which projects to include on a referendum. He said that Ms. Catlin will talk about the public engagement plan, scope, and key milestones that need to happen between now and November. Mr. Letteri said that Mr. Henry will also talk about the collection of projects to be put before them for consideration, as well as tax implications if those projects are included. He stated at the conclusion of this discussion, staff will pose three questions they hope to resolve: whether the Board supports the timing of the referendum for this November, whether they support the stated purpose of this particular bond referendum, and whether they support the particular projects put forth for approval. Mr. Henry read a statement developed by staff: "To seek voter approval through utilizing general obligation bond financing for identified projects with full understanding of the resulting tax implications." He stated this is an opportunity to further leverage the AAA-bond rating to achieve the best possible financing rate for these recommended projects.

Mr. Letteri said that in previous worksessions, they had discussed what a bond referendum is and the associated issues, and said the general obligation bonds, in this case, would be issued by the County, which would need to be done by referendum. He stated that because this carries the full faith and credit of the County, the best possible interest rates are secured, and unlike lease revenue bonds, GO bonds would require the County to re-establish its AAA-rating, using three separate rating agencies as has been done in the past. Mr. Letteri said that once a bond referendum is passed, there is a specific amount of time to act on that, in this case eight years, with two years' extension in certain circumstances. He noted that as they look around the state and country, there are any number of types of projects included on a referendum, but typically schools, public safety projects and roads. Mr. Letteri said that some localities use referendums on a regular basis, some infrequently, and some only during election years. He stated that a referendum can pass or fail, and if it passes it moves along as expected, with a design phase then a construction phase, and the bonds would be issued at a time when the cash is needed to support the project. He stated if the bond referendum fails, there are several things to keep in mind, explaining that if the referendum includes school projects and the County decides to move forward with them anyway, there is a delay of about two years for VPSA funding. Mr. Letteri said there could also be implications with the use of lease revenue bonds if the project had been proposed to the public and failed, including a possible impact on the interest rate.

Ms. Lee Catlin addressed the Board and said she will discuss the public engagement aspects of a referendum, stating that one of the most critical elements of public engagement is the strategic development of the questions to be put to voters at the ballot box. She stated if they move ahead, substantial time will be dedicated in the very near future to question development. Ms. Catlin said that staff has included in the Board's information all of the 2013 and 2014 referenda from Virginia related to local capital projects, including the full text of the questions and the results, so they could get a sense of what they look like. She stated there is strong similarity among the question format put to voters, with consistency in purpose, relating only to contracting debt and issuing a general obligation bond, not about the desirability of a particular project. Ms. Catlin said that while voters might perceive that this is the question being put before them, it is asked in the manner of identifying a funding mechanism in the form of a general obligation bond. She stated that some of the communities were able to accomplish the projects mentioned in the general obligation bonds within their existing capital resources, and some of them had to have additional resources through a tax increase. Ms. Catlin noted that while this is not part of a question that appears to voters, tax implications would need to be an important and transparent part of any education and awareness program shared with voters.

Ms. Catlin stated that another area of question development to consider is the level of specificity of projects to be included, but bond proceeds can only be used as specified in the referendum questions asked. She noted that Caroline County in 2013 asked a specific question about a specific project, and if that question passes then the money cannot be used for a different project. She stated that Arlington and Fairfax counties have questions that are more general in nature and are affiliated with a particular type of construction, such as school projects, so it provides more flexibility as to how the bonds can be used. Ms. Catlin pointed out that the issue here is balancing the public's desire of wanting to know what the bond issuance will be used for, which might help in terms of building support, balanced with the flexibility and recognition that needs and priorities might emerge and change during the lifetime of the bond that could affect spending decisions. Ms. Catlin stated the last area of consideration is the grouping of projects, and there could be bundling of projects in categories such as schools, public safety, or parks and recreation. She added that staff has built the opportunity for question development into the timeline, should the Board decide to go forward with the referendum.

Ms. Catlin stated that when the meals tax was passed in Albemarle County, different entities played distinct roles with local government having a very well-defined and legally prescribed role, educating but not advocating, so the things the County works on will be to put full and accurate information out that does not take a position on the desirability of passing the referendum. Ms. Catlin said this will include providing educational materials about specific projects, responding to inquiries with factual information, helping voters understand the referendum process, including what the ballot questions will look like. She noted that those are appropriate roles for local government, and when Supervisors or School Board members or committees are acting in their roles, those are the roles in which they are prescribed to stay. Ms. Catlin emphasized that when they are acting as individuals, they are able to step into more of an advocacy role, and staff will talk with the Board more about that going forward. She stated that in the County's role as information-provider, it will likely be interacting with special interest and advocacy groups who hold a certain position for or against the referendum.

Ms. Catlin presented information on referenda from throughout the state, noting that Fairfax County's single ballot question passed, with organizations like the Chamber of Commerce getting very involved in advocacy through voter contact. She stated that Arlington County had a four-question ballot in which a coalition of groups worked toward passing the referendum, and Falls Church had a single-ballot referendum for a school project. Ms. Catlin said that Spotsylvania had more varied results, which demonstrates that the purpose of the referenda is for a funding mechanism, there is definitely a perception of desirability of project question that can create mixed results, with roads, schools and public safety questions passing, but solid waste and county facilities not passing. She stated the other bond referendum in 2014 that failed was a new library for Accomack County, and several media outlets had reported that the Board of Supervisors and Library Board there had disagreed about how much money should be placed on the referendum, so this underscored the importance of unity when seeking voter support.

Ms. Catlin stated that Mr. Randolph had put forth a question as to the success of localities that did serial referenda, and in looking at other AAA localities, Hanover did one in 2014 and 2015, both of which passed; Henrico did one in 2004 but then not again for a long time; James City County did one in 2004 and one in 2005 with two questions, both of which passed. Ms. Catlin said that Arlington did bond referenda in 2000, 2002, 2008, 2010, 2012, 2014, with anywhere from three to five questions, and all of the questions passed. She stated that Fairfax started in 2007 putting one larger question on the ballot, such as schools or transportation, and each time the questions have passed. Ms. Catlin said that Loudoun County has been the most active, doing referenda questions every year except 2009, with anywhere from two to nine items on the referenda, and all of them passed.

Mr. Trevor Henry addressed the Board and stated that he will report on the project management portion of the referendum, starting with the timeline, and said that his impression of the timeline is that it is tight and they will need to meet the key milestones and dates as outlined in order to meet the referendum requirements for the November election. Mr. Henry stated the biggest action will be direction today from the Board, and staff will immediately try to schedule a presentation with the Planning Commission, School Board, which will need to take formal action, and the CIP Oversight Committee. He said that staff will be back before them in June with an amended CIP recommendation, and in July the Board will need to adopt a resolution formally requesting the special election to conduct the referendum and agree on the question that would be formally asked. Mr. Henry stated if they meet all of those deadlines, then August to November will be the public education component.

Mr. Henry presented a slide depicting the FY17 budget, which reflects a CIP that focuses on obligations, mandates, and maintenance/replacement programs, with a few expansion and capacity projects, and the capital budget for FY17 is just under \$36 million, with five-year totals at just under \$145 million. He referenced a slide showing the current adopted plan and projects funded through the Board's action at this meeting, many of which are obligations and mandates, and many of the projects had funding last year or this year for current work. Mr. Henry stated that the FY17 adopted budget shows what will be adopted as of July 1, and it is also important to see that projects, such as the courts, have multiple phases of work planned for the next six years, and his information shows impact from a total project cost perspective. He said there is a lot of work going on separately for the courts project, and the CIP assumes a downtown model at \$47 million over seven years, with the City contributing about \$6.5 million to the overall cost.

Mr. Henry reported that the budget shows the County's share of transportation revenue-sharing VDOT projects, with the state doubling that amount over two years, and the Board has yet to identify the projects to be put forward as part of that match. He stated the Board had added the funding for design of the Woodbrook modernization project during their budget worksessions in the spring and as part of the adopted plan today. Mr. Henry presented a slide showing total unfunded requests in the CIP, stating that there was about \$145 million funded in the FY17-21 period, and an additional \$204 million unfunded, with another \$170 million from the capital needs assessment for the out years. He stated that the "hold the line" strategy applied to the operating budget was also reflected in capital, with a lot of work from staff and the Board on strategic planning, priority-based budgeting, and best allocation of resources. Mr. Henry said that as it relates to the referendum, staff still feels it is the appropriate strategy with the exception of addressing the most urgent needs now. He stated that as they go through the referendum process, there is consideration at the outcome of their strategic planning and priority-based budgeting that there may be other categories of projects considered potentially in the FY18 year. Mr. Henry noted these might fit well into the next referendum, such as public safety requests to pursue partnerships modeled after the regional firing range training center that would allow joint funding to make the projects more affordable. He stated there are a lot of parks requests, but staff feels strongly that a needs assessment is necessary

to refresh the priorities from 10 years ago, and these projects may be candidates for inclusion in a few years.

Mr. Henry stated the recommendation from staff today is to consider the School Board's recommendation for school projects that will meet both capacity needs, security improvements, and start the modernization program. He said this would touch all campuses throughout the County, with the most critical need for capacity as identified by the schools as Woodbrook, and construction could start as early as FY18 once the design is completed. Mr. Henry stated there has been discussion of future proffers of sites to the north, with a rezoning to come before the Board sometime this year, and staff recommends that they move forward with the Woodbrook addition modernization request as currently scoped, and if something changed then the request could be modified. He noted that other capacity needs include high school capacity planning, with funding to get the work started for either an addition at Albemarle High School or another solution. Mr. Henry stated the environmental studies science academy at Western Albemarle High School included a lab and greenhouse, and the proposed project would allow an addition and classroom to bring the program on par with Monticello and Albemarle High School. He stated that the requests for these projects over the two years would be \$35.5 million.

Regarding the impacts of the additional \$35.5 million, Mr. Henry presented information on the County's current tax rate and stated the model uses the same format applied throughout the budget worksessions, with an additional 1.3-cent tax increase over the five-year model to cover those capital projects costs. He stated this would bring the tax rate to 89 cents, and in FY19 the current adopted plan already assumed a 2.1-cent increase dedicated to the CIP, so the 1.3 cents would be on top of other increases for capital already factored in. Mr. Henry stated that over the past four or five years, managing the debt and reimbursables has become increasingly complex, and adding \$35.5 million of capital projects with a different set of debt funding and reporting requirements would further add to that.

Ms. Palmer asked where that information appears in the Board's materials.

Ms. Mallek noted that the Board has the expenditure savings at the bottom, but not his comment.

Ms. Palmer asked Mr. Henry if he would email that comment to the Board, and he agreed.

Mr. Henry said they are now back to the set of questions they started with.

Ms. Palmer suggested that the Board go through questions for clarification from each section and then move to the general discussion.

Mr. Randolph thanked Mr. Letteri for responding to his email regarding the increased debt load over 20 years of both the courts project and the proposed school projects, which would result in an increased debt load of \$5.3 million annually or 3.3125 cents of additional outlay, or 2% of revenue. Mr. Randolph said that Mr. Letteri noted a "savings" of \$13-14 million due to retirement of debt, and asked if this directly translates into \$1.6 million divided into \$13-14 million and how many pennies would be coming off of the existing tax rate.

Mr. Letteri responded that staff has already modeled the debt curtailment that happens over time in the current five-year model, and that was the \$13-14 million every year. He emphasized that they would not borrow all of the funds at the same time for both the courts and school projects, but only at the time they needed to be borrowed, which is what they modeled. Mr. Letteri added that Mr. Henry is referring to a 1.3-cent increase as an increment associated with adding the school projects.

Ms. Mallek asked if the 1.3 cents over the five years would be added each year.

Mr. Letteri stated that it would increase by 1.3 cents in the first year, and those funds would be dedicated to these capital projects going forward.

Ms. Palmer asked for clarification as to the delay in use of VPSA financing and the impact on rate for EDA bonds, in the event the referendum fails.

Mr. Letteri explained that if they decide to go out and finance it through the EDA through lease revenue bonds, they would have to disclose to rating agencies that this was a project put before the public for approval and failed. He stated that disclosure could impact the rating by a notch, which is usually 30-50 basis points, or about ½%.

Ms. Mallek stated this would essentially wipe out the savings anticipated by having the bond referendum, which is why they have been told not to put something on the bond referendum that must be done.

Mr. Letteri commented that lease revenue versus bond referendum is about ½% difference in the current rate environment, so lease revenue would be a half-point below the bond referendum rate, and if they had another failed project it would be another half-point below the lease revenue rate.

Ms. McKeel asked for clarification as to the difference between the school projects financed through VPSA and the EDA.

Mr. Letteri explained the last few times they have financed school projects, they have used lease revenue, not VPSA, because there is not a benefit realized with VPSA when Albemarle is pooled with

other localities lacking a AAA rating that qualifies them for the best rate. He stated there would be a two-year delay in the County's ability to finance through VPSA if the projects failed through referendum. Mr. Letteri noted that Albemarle County was the issuer of the lease revenue to take advantage of their AAA rating, and going to referendum will provide even more benefit in terms of rate.

Mr. Davis pointed out that the VPSA rate is a full faith and credit rate backed by a legal obligation, so for most localities who are not AAA, the VPSA rate is a favorable rate, and VPSA would love to have Albemarle participate because it pulls the pool upward. He added that the VPSA rate is typically a AA+ rate, and Albemarle can do a bit better in the current market.

Mr. Dill asked if the three tiers from high to low would be VPSA, then general obligation, then referendum.

Mr. Letteri responded that is the case, VPSA, lease revenue, referendum.

Mr. Dill asked why the 1.3-cent increase would only cover five years.

Mr. Letteri responded that it would continue for the full 20 years, but this model only covers 5 of them.

Mr. Dill commented that it seems as though every referendum mentioned had passed.

Ms. Catlin stated that she only had time to report on AAA localities, with all but two passing in 2014, and some communities with less than a AAA rating were less successful.

Mr. Dill asked if the pass percentage was 80/20, for example, or less or more.

Ms. Catlin responded that the success rate varies greatly, but she had seen most as being in the 65-73% pass range.

Mr. Dill commented that the likelihood of it passing is extremely high because this is a well-educated community that places a high priority on schools, and given the experience of other localities.

Ms. Catlin stated the challenge in this community would be education and ensuring public understanding of what is being asked and the implications, because this community is not familiar with bonds as a financing mechanism, so the County would want to be thoughtful and strategic to make sure they are creating the most informed, supportive voter base possible. She said that staff has already had some preliminary conversations with schools, and those AAA communities with continued success have a well-established infrastructure in place, so Albemarle would need to create that.

Mr. Foley stated that staff is indicating the timing on this is important so they would have time to do it right, and the data from the International City/County Managers Association shows about a 70% pass rate in communities around the country that are similar to Albemarle.

Mr. Davis said the biggest challenge is the compressed timeline from what most localities would be in with a bond referendum, primarily because the projects anticipated to be included on the bond referendum are not in the CIP being adopted. He stated that typically this process would start a year earlier than now, and in looking at this issue 10 years ago, bond counsel recommended the process starting a year before the bond referendum would be held. Mr. Davis noted that the schedule put forward is feasible but has an aggressive timeline that will require some decisions by the Board as to the extent of the public process in the amendment of the CIP. He stated that Mr. Henry's schedule has this going to the CIP Oversight Committee, then Planning Commission, and back to the Board, all by June 1, but it does not include a public hearing although that could be added at the Commission or Board stage. Mr. Davis noted that other than that, the timeline is in fairly good shape.

Ms. Palmer commented that the school projects would still require an aggressive schedule because while they are in the CIP, they are not high enough in the ranking.

Mr. Davis confirmed they are considered in the CIP process, but are not in the adopted CIP.

Mr. Dill and Ms. McKeel asked why this dynamic complicated it.

Mr. Davis explained that a project included in a bond referendum has no legal requirement to be in the CIP, but the CIP is the County's legal plan for capital improvements and a financial plan for capital improvements, so in considering the education aspects of the bond referendum, it would be advantageous to have a legally adopted document showing the projects and the financial plan that will pay for them.

Mr. Foley stated that would all have to be done by June 1 according to the schedule, and they would need to decide whether to incorporate a public hearing.

Ms. McKeel said it sounds as though it can be accommodated.

Mr. Davis responded that it can, but it is a very compressed schedule.

Mr. Randolph commented that it is ambitious.

Mr. Henry stated that when a project is said to be in the CIP, that means it is in the adopted CIP, not just requested projects that have come through the process.

Ms. Mallek said that to meet the legal obligation, the discussion at the public hearing would relate to moving the projects from the needs assessment and out years into the current five-year CIP.

Mr. Dill noted that it is not a legal obligation.

Ms. Mallek responded that it will make it the best case scenario.

Mr. Randolph stated that most of the localities mentioned in Ms. Catlin's report had referenda passed prior to the recession, when a lot of communities were inclined to support them, but Arlington had experienced some controversy about some of its approved projects in back-to-back referenda, which created turmoil within their council. He said they were criticized for approving and funding some projects too quickly, rather than taking the time and making sure they had a CIP stamp of approval with community consensus. Mr. Randolph stated there is a note of caution for Albemarle to venture into a back-to-back scenario, and Ms. Catlin's point about having organized groups is valuable, because these groups do not sprout up overnight. He said he is concerned about a serial scenario, and there are other things they should talk about, including the significant jump in the tax rate in FY18, which is also an election cycle. Mr. Randolph urged the Board not to rush on this, stating that it is really important to get it right, and emphasized that there is a very unclear picture of the courts, with the County Office Building usage also uncertain, but possibly to be tied into the courts project. He stated this exceeds the schools' \$35.5 million in projects, and he feels they should look cumulatively at what they need to be bonding over the next two years rather than looking at this piecemeal, as it can come back to haunt them.

Mr. Foley asked if the Board is supportive of projects within that \$35.5 million that might affect whether or not they go to bond referendum.

Ms. Palmer said that is a very good question, and perhaps the Board should provide input on whether they want to proceed with just the school projects, or not consider the referendum at all.

Mr. Foley responded they can also consider whether they want to do all the school projects or one really important project, etc., because a smaller amount through EDA financing might determine whether or not they go to referendum. He stated the decision about going to bond referendum may have something to do with how many projects are on the list.

Ms. Palmer asked how they would do EDA financing if they do not have the money to pay the debt service.

Mr. Foley explained that EDA financing would be done with the same assumption that they may have to raise the tax rate as they would with a bond referendum, but it is not clear which projects the Board supports because they are beyond what is in the adopted CIP. He stated that going with EDA financing would allow other things to get consideration, as Mr. Randolph was suggesting, and if the list ended up at \$15 million it might impact their decision to pursue the referendum.

Ms. Mallek said the adopted project highlights list in the staff report shows 4½ projects completed in FY17 but paid for throughout the five years, and asked if the dam spillway, Ivy MUC, and school projects would roll off in terms of financing.

Mr. Henry responded that the financing would be over 20 years for all the projects, even with the construction completed sooner.

Mr. Foley stated that debt is being retired every year, and that is factored into the estimates.

Mr. Henry explained that the five-year CIP model accounts for debt service, retired debt, and new debt.

Ms. Palmer stated that she is still interested in the school funding and would like to hear comments from someone from the schools.

Mr. Dill said it is hugely important to look at this seriously and spend adequate time on it, so they should not rush it, but on the other hand, they have got to do something with the schools, and if they are not going to do this then they are going to have to do something else. He stated that to him this is a modest proposal, and they need to do something fairly dramatic. Mr. Dill emphasized that the \$35.5 million really is not building any new schools, it is improving the existing ones and providing some modernization. He stated the County has not built a new school since 2002, and it seems that they have put things off for 15 years, so now it is coming back to haunt them in terms of the desperate need for school capacity. Mr. Dill emphasized this is not rushing it and is actually way behind what they should be doing.

Mr. Foley clarified there have been school additions to handle that capacity, and the facilities have been adequate up to this point, but now they need to make a decision.

Mr. Dill commented that there is nothing in the CIP over the next five years for new capacity.

Ms. Mallek stated that the \$1 million invested beginning July 1 is what is needed next to do the Woodbrook design, and this will provide them with the information needed to get the right answer about improvements to that school. She said that her concern, which staff has mentioned many times over the last six months, is that they need to have all their ducks in a row before proceeding, and having been involved as a citizen in the campaign to pass the meals tax, she knows this is not an easy task. Ms. Mallek stated the projects on the list are all valuable, and her understanding is that there will be six modernization projects instead of the ten listed, and that Woodbrook is going to have an intermediate phase with information coming back to the Board from the schools. She said that she agrees with Mr. Randolph that they have questions they need answers for, and there seems to be a lot to accomplish between now and June 1.

Mr. Foley reiterated his point that the County has added to the schools since 2002 to address capacity issues, but in looking to the future there is a serious issue of capacity, which just emerged from the Long-Range Planning Committee recommendations about redistricting, which the School Board felt was not the right approach for the future. Mr. Foley said the other items on the list are important things brought forward by the schools as needing upgrades, but the issue of running out of space was created by the redistricting issue.

Ms. Palmer stated that she appreciated the letter that School Board Chair, Kate Acuff, sent to the Board the previous week, which explained the need for the Woodbrook addition and the issue of how redistricting was not going to take care of the situation even though there had been much discussion about it.

(Note: Mr. Sheffield left the meeting at 2:08 p.m.)

Ms. McKeel commented that within two years, 43% of students will be in schools that are overcrowded, with 33% in overcrowded schools now, and in her opinion, the County has allowed this to become a critical issue. She stated that she would like to put this before the voters as a bond referendum for schools to let them decide, and in an education-centered committee, they can make a case for a bond referendum centered around education for things like upgrading 50-year-old science classrooms. Ms. McKeel said that she would not want to combine local government projects with school projects, and feels they should be separate referendum questions. She stated that much like the major transportation projects they are embarking on now, it is time to get something through for schools and if they are not going with a bond to address capacity, they will need to figure out another approach because the schools are in desperate need of both capacity and modernization. Ms. McKeel said they cannot wait another three or five years, and a year or so ago they said the presidential election year was the time to do it, and now it is May of a presidential election year. She emphasized that it is critical to get the schools modernized so the children here have the same ability to compete with other school systems building new schools and already having new science labs. She stated that while it may be bad to compare, perhaps they should have separate discussions on the education referendum and local project referendum.

Ms. Mallek said that is a risky bit of logic because some referenda have better success when they are all combined because they draw supporters for all the different contingencies, but this is a decision that those with more experience will have to make.

Mr. Randolph stated that Mr. Foley had raised the question as to whether the Board has concerns about the School Board's proposed \$35.5 million, and he referenced a letter from Mr. James Tierney, who had written to Mr. Sheffield on May 2 indicating his support of the Woodbrook addition. Mr. Randolph said that Mr. Tierney's letter asked the Board to take a look at the overall proposal, stating that school safety improvements and capacity issues should be part of a baseline budget, not through referendum. He stated that in past years school security improvements were made incrementally in the CIP, and noted there is \$500,000 in the CIP for high school capacity planning, and whether it is funded through the CIP or referendum will not build the additional capacity. Mr. Randolph said they have put a Band-Aid on the problem, and Mr. Tierney raises a good question as to whether it is important to have it as a bond referendum item. He commented that he does not have a problem with bonding \$15.2 million to deal with the elementary school capacity issue in the future, either Woodbrook or another elementary school, and said the County will be doing the research this year to see what the design will look like.

Mr. Randolph said that he looked closely at the learning space modernization concept from Dean Tistadt and the schools, with additional doors planned so that students have access to the outside, but that raises safety concerns, in his mind, given school shootings and the possibility of doors being propped open with students coming and going. He stated that even though this is a different age, students still need to learn from quality teachers. Mr. Randolph said that Buddha, Mohammed, and Jesus were all teachers and did not have to have tables on casters that could be shuffled around, and the Board needs to look at the empirical evidence that modernized school spaces actually yields the desired outcomes. He added that he would support funding through a bond referendum a Woodbrook addition or northern elementary school addition.

Ms. Palmer stated she would like to hear from the schools as to the capacity issue versus other needs, and would like them to comment on the items that are not in the CIP, but are in the capital needs assessment (CNA).

Mr. Dean Tistadt, Chief Operating Officer, School System, addressed the Board and stated that he has been working on bond referendums since he was hired in Fairfax County in 1979, and they had passed all of theirs, with school bond referenda typically passing in the 70-80% range, and other questions for parks and other projects passing at slightly lower levels than the schools. He stated the

timing of the school referendums he worked on were the odd years, so they were not presidential or congressional election years, but they still got high approval ratings. Mr. Tistadt stated there were mechanisms for success, such as the chamber of commerce, but the reason for the success was also the fact that Fairfax followed through with the referendum items, which built up the public trust over time. He added that although that locality did not itemize its projects in the referendum, they were shared in the information given to the public, and the county ended up funding the projects exactly as they were laid out in the CIP. Mr. Tistadt said that while he appreciates the County Attorney's concern about a tight timeframe, if the Board acts on the timeline presented, he feels they can ramp up the public information effort and get this on the ballot for November. He stated that since these projects are not funded in the CIP already, he does not know what would cause it to get funded other than through a bond referendum, so to him this is not a risky proposition.

Mr. Tistadt expressed concern about having a single-item referendum vote, such as a Woodbrook addition, because it may not pass if it only impacts one area of the County, and he has always said that a referendum needs to have something for all parts of the County so everyone has a vested interest in its success or failure. He stated the modernization projects would affect all schools in the system except Red Hill, which is already being done, and security projects would touch a number of schools in different parts of the County. Mr. Tistadt said that Rosalind Schmidt's information to be presented will show the distribution of the funding by the feeder patterns to show the widespread benefits to the County, and his fear is that if they narrow it too far down, they may not garner the necessary support from the community that is necessary for a successful referendum.

Ms. Palmer asked if they do a bond referendum for schools only if they would be able to drill down to the specifics at the next Board meeting, and what that might look like.

Mr. Foley responded that it would be helpful to determine if they are talking about any local government projects, as that will simplify things, and establishing the list of projects that will go to referendum needs to happen today because the timeline is so tight.

Ms. Palmer suggested that the Board weigh in as to whether they want to do local government and schools or just schools, and suggested that they move onto the discussion of roads and other agenda items.

Mr. Foley added that there is also an important closed session, and clarified that the Board should decide on which projects would be included in the referendum given the tight timeline.

Ms. Palmer asked if there is support for both school and local government projects for referendum.

Mr. Dill responded that he would prefer to move forward with just the school for now, since they are considering doing several referenda in succession.

Ms. McKeel stated she would only support the schools for referendum at this point.

Ms. Palmer asked Ms. Mallek if she would support just the schools or is interested in a general government bond referendum.

Ms. Mallek responded that she did not see a list of local government projects and is in favor for the bricks and mortar capacity school items, as well as the classroom addition, and the Western Albemarle science academy.

Ms. Palmer stated that she is in support of some kind of school referendum, which would make it a majority, and they will need to decide at this meeting what those items are.

Mr. Dill commented that the schools have done an incredible amount of research on this and have been very thoughtful, so he does not feel the Board needs to micromanage it, but he would still like to hear more from them.

Ms. Palmer said her only concern is the planning money as she has some questions about it, as well as the security issues, but they need to move forward with their agenda.

Ms. Mallek stated the school people could answer their questions and then go home, and noted that she has not had a chance to review any of this information as it just came in.

Mr. Davis suggested that if the Board is inclined to move the process forward, the purpose of the next 30 days is to have a process to decide what goes into the CIP, and he is not sure if it makes a lot of difference now what goes on the list because they will have the public hearing June 1 and make the decision on July 6 as to what would go on a bond referendum question.

Ms. McKeel stated they can decide today to support a bond referendum for education, but would not have to decide now which projects would go on it.

Mr. Davis agreed, stating that the one requirement on the timeline the School Board has to meet is the need to pass a resolution requesting a bond referendum on the projects they want, but that is already part of their schedule now to do that. Mr. Davis said the schools will be ahead of the Board in

that decision-making process, but that is an appropriate order and ultimately it is the Board's decision which projects go into the CIP and which go to bond referendum.

Mr. Foley stated it would be helpful to have a vote as to whether they want to proceed with a bond referendum, because it would be good to know there are four members seated now who are in support of it, and if staff ends up moving forward with work and it ends up as a 3-3 vote, all of that work would be wasted.

Ms. Mallek agreed, stating they have talked about this many times over the past few years, and the Board has punted it, not staff. She stated that she is supportive of the bricks and mortar projects, and they will figure out the details later.

Ms. McKeel **moved** to go forward on a bond referendum for education only. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Mr. Foley stated that staff will proceed with the schedule as put together, with the schools starting to work on it and the Board ultimately deciding what will go on the ballot.

Ms. Mallek asked if the Board needs to send a request to the Planning Commission to hold a public hearing in the third week of May that they can advertise, because they are an important step in the CIP development process.

Mr. Davis responded that this detail was not reflected in staff's timeline, and a public hearing is not required by the Planning Commission unless the Board requests it, and there is no specific advertising requirement for it, so if they want the Commission to hold a public hearing, staff would advertise it appropriately and request the Commission to have it.

Ms. Mallek suggested they could possibly have it as an extra meeting on a Tuesday in May when they are not otherwise meeting.

Mr. Davis responded that he is not sure this is scheduled by the Commission at this point, but staff could look into it.

Ms. Mallek stated the reason she feels strongly about this step is because the sooner the processes start, the more the information will trickle out, and one of the biggest challenges will be making the wider community aware of this. She added that it is important to have these opportunities for good discussion, and the people who are advocating for these projects need to be participating and step up as part of their responsibilities.

Mr. Foley stated they can request that the Planning Commission hold a public hearing, and he would assume they would look at the entire list and get feedback from the community.

Ms. McKeel said that she would like to have the opportunity to review what was presented, and asked if they could carve out an hour for the schools to come back, and the Board would want to ask questions of the schools.

Mr. Foley stated that their meeting the following week has some time either before or after their regular meeting, at which time they could hold that discussion.

Ms. Mallek said they would have to rescind their cancellation of the May 11 meeting tonight.

Ms. Palmer suggested they take a brief recess to clarify what is necessary.

Mr. Davis stated they would not need to rescind the decision, they could just continue this meeting to May 11.

Ms. Mallek said that she wants to make sure the public knows what they will be discussing and when.

Ms. McKeel added that this would also provide an opportunity for the public to participate by way of live streaming.

The Board took a brief recess at 3:36 p.m. and reconvened at 3:46 p.m.

Agenda Item No. 11. **Work Session:** Review prioritization strategies and project recommendations for the Secondary Six Year Plan (SSYP).

The executive summary presented by staff states that staff is presenting information on County transportation priorities, transportation funding mechanisms, and prioritization strategies in advance of the Board's final review and approval of the County's Transportation Priority List. This is the second of a planned series of transportation discussions following the schedule below:

- April: Provide overview/refresher and lessons learned from first application cycle under Virginia's new prioritization process. Determine if any projects should be added to or removed from the County Transportation Priorities List for the next cycle.
- **May: Review prioritization strategies and review project recommendations for the Secondary Six Year Plan (SSYP).**
- June: Hold a public hearing and set priorities on secondary roads.
- July - August: Obtain approval of projects for HB2 application and approval of County Transportation Priorities List

In following this schedule, on May 4, 2016, staff will seek Board input on: 1) Review of Secondary Road (unpaved roads) prioritization strategies, and 2) project recommendations for the Secondary Six Year Plan (SSYP) for FY 2016-17 through FY 2021-22.

The SSYP is typically reviewed annually. The SSYP establishes the program for expending state funds allocated to localities for road improvements to the Secondary Road System. The majority of the available funding must be used for paving unpaved roads. The attached staff report (Attachment A) provides information on the projected funding allocations, the status of the projects currently in the SSYP, and County and VDOT staff recommendations for any changes or additions to the SSYP.

Staff has also attached information regarding the process for reviewing and prioritizing unpaved road projects. (Attachment A3). This work session is focused on 1) the review of the prioritization strategies for unpaved roads, and 2) input on project recommendations for the SSYP for fiscal year FY 2016-17 through FY 2021-22. Based on the direction received from the Board, staff will make any adjustments to the prioritization strategies and priority list of projects as directed by the Board, and will work with VDOT staff to finalize the SSYP for public hearing and adoption in June.

The SSYP is for the expenditure of State/VDOT secondary road construction funds allocated to the County. The SSYP program does not require the expenditure of County funds except to the extent that a project may also utilize revenue sharing funds or otherwise necessitate County resources in support of the project.

Staff recommends that the Board: 1) Provide input on the unpaved road review and prioritization process; 2) Approve the recommended projects set forth in the staff report for inclusion in the County's draft FY17-22 SSYP; and 3) schedule a public hearing on the SSYP for June 8, 2016.

Mr. Gerald Gatobu addressed the Board and stated that he and Mr. Benish will be presenting this information along with VDOT, starting with the unpaved road prioritization strategies and moving onto the six-year secondary project recommendations for FY16-FY22. Mr. Gatobu said that staff requests the Board provide comments on the strategies and then on the recommendations. He stated the Board annually reviews the County's transportation priority list in May, followed up in June with a public hearing on the same issue to ensure concerns are voiced.

Mr. David Benish addressed the Board and stated they had received a worksheet summarizing the unpaved road process, and said the County has always considered unpaved roads a low-priority improvement because the focus of the Comp Plan and infrastructure policy has been to target resources to the development areas. Mr. Benish stated there is also concern that paving unpaved roads would change the character of rural areas, with one of the Comp Plan goals being to protect that, and many times when roads are paved, new issues arise such as speeding issues and increases in the number or types of crashes. He said that staff has never proactively gone out to inventory and prioritize every single roadway, and the Board has relied on the community to identify which projects are important for them to upgrade, which provided a sense that there is desire for improvements. Mr. Benish noted there are a few exceptions that County staff recommended to the Board, and they have always expended the minimum amount of money required, except for Gillum's Ridge Road, which required a realignment over railroad tracks. He said the state's approach is that they want all roads paved, which is different from the County's approach, and the monies available through the state are only available for road paving with no exceptions to allocate the money to another project.

Mr. Benish explained that after a request is received, the County evaluates that request to determine what the source of it is, and many times when a request is made for paving it ends up being another issue, such as inadequate drainage. He stated that if an individual or Board member makes a request, staff tries to validate that there is broader community interest through a petition or multiple letters. Mr. Benish said that for road selection, the County works with VDOT to determine whether the road is eligible for paving, and there are a few criteria including minimal traffic, feasibility for paving, rural rustic paving qualification, and whether the problem can be addressed in a different way. He stated that once they do the vetting with VDOT for rural rustic paving, at the Board's direction from a few years ago, staff establishes a list of those eligible projects versus regular road paving projects. Mr. Benish noted that with regular road paving projects, there must be a design public hearing and right of way has to be acquired, and these projects are not typically pursued unless there are very significant issues that need to be addressed. He said that Rio Mills Road and Dickerson Road are examples of such projects, and it has been a long time since a regular construction project was done because they often significantly change the character of an area.

Mr. Benish reported that once there is a list of projects established, they look at a series of criteria and first determine whether a project is in the rural area or development area, with the goal of focusing funding in areas designated for development. He stated there are only three secondary roads that provide a significant service to the development area or are in the development area, Rio Mills Road, Dickerson Road, and Ragged Mountain Road. Mr. Benish said the next criteria considered is traffic volume, then crash data, road surface condition, and whether the road goes through or dead ends. He stated the crash data often relates to the amount of traffic on the roadway, so once the traffic volume is noted, the rest of the criteria do not really help create a significant difference in priorities. Mr. Benish emphasized that most roads in the rural area are in pretty bad shape, are narrow, do not have shoulders, and have similar crash ratings relative to the traffic on them. He stated there are exceptions and could be a case where the situation is very bad, which is why they have the criteria, but typically the volume of traffic is the primary factor and to some extent crash data, with consideration given for whether a road is a through road or dead end.

Ms. Palmer asked Mr. Benish to clarify what he had said about Ragged Mountain.

Mr. Benish clarified that the unpaved roads remaining in the development area are Rio Mills Road, which runs around the boundary but serves as a connector and parallel; Dickerson Road, near the airport; and Ragged Mountain Road.

Ms. Mallek mentioned that the road is named "Reservoir Road," and it is a dead-end road with prescriptive right of way, so the thought of paving it is shocking to her.

Mr. Benish explained that there has been discussion about it but opposition has been raised, and the approach has been more to look at safety issues, such as blind corners.

Mr. Benish reported that a decision had been made at the direction of the Board to keep a project on the list at the place it was prioritized when it entered the list, with the intention of allowing projects with lower traffic volumes to filter up and not always stay at the bottom. He noted the only time a priority is set is when a road enters the list, and the County has been functioning that way for the last 6-10 years, and if they want to do something differently they would need to revisit this.

Ms. Mallek said they will need to come back to it because that approach is a huge problem.

Mr. Benish mentioned that the Board has always prioritized rural rustic roads over conventional roads, and rural rustic is more of a pave in place type of program with a hard surface treatment versus actual paving, which is less impactful but creates a harder surface than unpaved. He added that once a project gets into the year of construction, staff notifies the public to let them know the project would be paved and learn of any concerns about the paving, at which time staff would come back to the Board with direction as to whether to pursue a project. Mr. Benish said the reason they do not do the vetting on the front end is because many of the projects sit on the list for a long time, and people can move in and out of an area by the time a project moves up on the list.

Ms. McKeel asked if there is any way of handling an area in the development area that is considered private, but is in bad disrepair and is contributing to blight in the urban ring because of the deterioration, and residents have no way to fix it up. She stated that Mr. DeNunzio has gone out and looked at it with her.

Mr. Benish explained that it is typically inappropriate and nearly impossible for public dollars to be used on private property, and it would require some sort of dedication for public use so it could be addressed, but in the case to which Ms. McKeel is referring, the property involves a number of properties with no homeowners association.

Ms. McKeel stated the developer is responsible, but it is not even clear who that was. She said that these situations are contributing to blight in the urban ring, and she will continue to bring it up because she is seeking a solution and this is not what the County wants.

Ms. Palmer asked if surface treatments cannot be used on rural roads if the roads are not wide enough.

Mr. Benish responded that VDOT can provide more specifics, but in vetting eligibility there are a number of criteria for rural rustic roads including traffic volume limits, and there have not been many projects that are ineligible, but they want to make sure they are eligible, and many of the improvements needed may require something more than what can be done under the rural rustic road program.

Ms. Palmer stated that some of the roads on the list, including Decca Lane, are too narrow and the shoulders drop off in certain areas, and it would be so expensive to repave or do the rural rustic road that it would likely never get done. She added that she would like to take the roads off the list if they cannot be done.

Mr. Joel DeNunzio, VDOT, Charlottesville Residency, addressed the Board and stated that VDOT looks first at traffic count, with a minimum of 50 vehicles per day on a road in order for it to qualify for rural rustic; second they look at crash data to see if safety improvements are needed, but often hard surfacing can resolve problems because many issues are due to skidding; then they look at criteria such as the width of a road, with a minimum of 16 feet required but preferably 18-20 feet. Mr. DeNunzio stated that

this criteria comes out of the American Association of State Highway Transportation Officials book, *Very Low-Volume Roads*, which provides design criteria for roads that are under 400 vehicles per day, with categories of 1-250 vehicles per day, which is a 16-foot hard surface, or 250 vehicles per day, which is an 18-20 foot surface.

Ms. Palmer asked if there are roads on the list that are not going to meet elements like shoulders and width and should just be removed.

Mr. Benish responded that periodically the County has VDOT re-evaluate the list, and what is attached to the Board's report is last year's list, which highlighted the projects that were re-evaluated that were on the regular construction list determined to be eligible. He stated that he does not know how closely VDOT looks at whether there will be problems with rural rustic roads, but he feels they are pretty well vetted. Mr. Benish said the County would probably want to concentrate on the regular road construction list and the problematic or costly roads on that list.

Mr. DeNunzio stated that two years ago, VDOT reviewed all of the roads on both lists again and added a number of unpaved roads to rural rustic that they felt would be eligible, and the purpose of the rural rustic road program is to hard-surface roads that would otherwise be unpaved, and bringing them up to full standard would cost millions versus a few hundred thousand. He added that the rural rustic program has been around for about 10 years, and there is more experience now with what criteria is considered accepted and safe, which is why it is being re-evaluated now.

Ms. Palmer asked if they will be doing the traffic count and other measures again if the Board decides to get rid of that policy.

Mr. Benish responded that they would continue to look at the same criteria and staff would show the Board where new projects rank on the list, with the understanding that some projects may never get approved that are put on the list because things keep coming forward. He stated they would continue to use the same criteria, but they may see a new project with 300 vehicle trips that would be ranked against the whole list to see where they fall.

Ms. Palmer commented that they would still need to get the traffic count data from the other roads.

Mr. DeNunzio responded that they still do the counts every three years and if there is a count that should be redone, VDOT can quickly put some traffic counters in place.

Ms. Mallek stated the reason she raised this issue is because for five of the last nine years, there was not a strong justification for the roads at the top of the list, they were simply advocated for by constituents, sometimes getting on the list with one phone call. She said that she was glad to hear staff say they were back to verifying roads, and would like the County to go back to the previous method of having to petition to get on the list so there is not a huge expenditure of funding to pave a road unnecessarily. Ms. Mallek stated the other situation that arose was having most residents against paving and having to come before the Board to oppose it, with Dick Woods Road being an example of a road scheduled for paving that residents wanted to keep as gravel.

Mr. Benish responded that staff has always tried to assure that there is a consensus moving forward, but will continue to emphasize that and let the Board know what the consensus is.

Ms. Mallek commented that she has had constituents tell her that their realtor told them Dick Woods Road was going to be paved, and they need to take those roads off the list because it leads to this kind of manipulation.

Mr. Benish stated that staff has not created a "no-build" list yet, but would like to have some definitive comment from the Board on White Mountain Road, noting Catterton Road, Bleak House Road, and a section of Dick Woods Road were also potential no-build candidates.

Ms. Mallek said the residents of White Mountain Road are in disagreement over whether or not to pave the road, which is why the universal signature is required.

Mr. Benish stated it is on the list but staff has noted that there is opposition, so it would either need to stay on the list or move off, with the Board directing whether or not to assign funding to it in the future.

Ms. Palmer commented that they need consensus on whether to have a no-pave list, and a consensus to remove the prioritization process currently in place that says a project stays in place once it is put on the list, and then talk about having better criteria.

Mr. Benish stated that staff will reassess whether there needs to be a change going back to looking at it annually, but he feels the current criteria are good, so they will assess if something is happening at the time they do the annual update.

Ms. Palmer asked the Board if they are in favor of a no-pave list and said that she will support it.

Ms. McKeel stated that she does not have a problem with it.

Mr. Dill asked for confirmation that there will be a way to take a road off the list in the future if the residents decide they want it paved.

Ms. Palmer explained the roads will need to meet the criteria that are in place now, including appropriate traffic counts, and all residents on the road would need to sign a petition to have it paved.

Mr. Benish suggested having a list that the Board has chosen not to pave, so that when there is a request of a future Board there is a record of the action and an acknowledgement that a decision had been made on that road in the past, and he sees their message as being that Boards make decisions on certain roads at a certain point in time, and that should be documented somewhere.

Ms. Palmer asked if there should be a vote on a specific list at the Board's meeting in June.

Mr. Benish responded that he would also like to get direction on what needs to go to public hearing in the six-year secondary plan in June, and staff will be coming back to them to discuss and finalize the transportation priority list already started, and the new list will become a part of that.

Ms. Palmer suggested that the Board reach consensus on getting rid of the policy that a road stays on the list in the same place indefinitely, and asked if anyone has an issue with that.

Mr. Dill said that he agrees with the consensus.

Ms. Palmer clarified that there needs to be more substantial criteria beyond the sole fact it has been on there a long time.

Mr. Dill commented that he is hearing several different things about the list.

Mr. Davis stated that in 2004, the Board changed the process because every year people were coming forward and saying their road had been on the list for 40 years and the County had been promising to pave it all that time. He said the thought was that if the Board kept re-evaluating the road with changing criteria, they may never get their road paved, which they felt was unpaved, so the Board addressed that issue by keeping projects in place on the list so the roads would eventually get paved. Mr. Davis noted that this did result in the concern Ms. Mallek has articulated regarding roads with less urgent paving needs than other roads, and the Board had consistently held that policy for the last 12 years.

Ms. Palmer commented that things are different now with a lot less money for paving roads, so they had to prioritize, but she acknowledged that there would be people who are very angry with the Board.

Mr. Davis agreed that some people will be angry, and stated that the public hearing on June 8 should be interesting.

Mr. Benish stated it would be incumbent upon staff to keep track of those projects that are not funded, because in any given year the Board might make a conscious decision to allow a project to move up depending on what other projects there are. He said that while it will be more complicated to allow a reassessment of all projects, including lower priority projects, the same criteria will dictate need and it is really all about traffic.

Ms. Mallek asked staff to remind the Board when they will be hammering out the criteria in the development areas.

Mr. Benish responded that it will be sometime in August.

Ms. Mallek asked if that will still be in time to do local funding and get into HB2.

Mr. Benish responded that it will, and given the workload on staff and the Board's agendas, August is probably realistic.

Mr. Gatobu stated that he will yield his time to VDOT for a discussion of funding projections for secondary roads.

Mr. DeNunzio introduced Greg Banks of VDOT and said that they need the Board to make decisions on how to spend two allotments of money, as well as deciding what to do with Rio Mills Road.

Mr. Greg Banks addressed the Board, stating that for discussion purposes there are two pots of money to be used for the next six years, one for hard-surfacing existing gravel roads, which is a larger pot of money at about \$3.6 million; and a pot of money to be used for hard-surface or gravel roads totaling \$1.9 million. Mr. Banks stated the gravel roads must carry at least 50 vehicles per day, and in terms of projects in the existing six-year secondary plan there are several bridge projects that have been completed, several rural rustic projects that have been completed, and a rural addition project, Brock's Mill Road, that is fully funded. He said that Bunker Hill Road, Keswick Road, Preddy Creek, and Rio Mills Road in the six-year secondary road plan that are receiving funds in future years.

Mr. Banks stated there is still about \$1 million to be allocated to a future project, and if Rio Mills were taken out of the plan there would be about \$2.7 million in unpaved road plans that could be

allocated to other projects at the Board's discretion, which could provide about 10 additional miles in rural rustic road improvements. Mr. Banks stated the tele-fee funds, which could be used for hard-surface or gravel roads, at \$318,000 annually would also be freed up for the entire length of the plan, for a total of \$1.9 million over six million, and with \$311,000 already acquired last year the total would be \$2.2 million. He noted that one of the mandates coming out of VDOT is that all projects in the six-year secondary plan must be funded by January 1, 2018, and the carryover funding helped bring the total to the \$2.5 million.

Ms. Mallek asked if either of the pots of money could be local money put toward HB2 funds to do a bigger project.

Mr. Banks responded that it definitely could be and was factored into project totals, so the more money put in locally helps a project score better as an HB2 candidate because it means that less state money is needed. He stated if they do not receive HB2 funds as of January 1, 2018, they may have to reassess where that \$2.5 million goes and put it toward another project, but if the project is under that amount, then they would not run that risk.

Ms. Mallek commented that most rural rustic projects done over the last few years have been at least \$500,000, and the millions go pretty quickly even for short stretches.

Mr. Banks responded that three or four years ago, VDOT hired contractors for rural rustic projects at a much higher cost, and now they are back to using state forces with hired equipment, and Pocket Lane at 7/10 of a mile was over \$100,000 but nowhere near \$500,000.

Mr. Dill asked if there is a reason they would not want to do Rio Mills Road.

Mr. Banks responded that it is one of the more expensive projects, but it is at the Board's discretion.

Ms. Mallek stated they are nowhere near having the money to do it because the cost is \$3 million+ as a full paving project, and asked if the Board needs to decide it today.

Mr. DeNunzio responded that it would be good to have the decision for the six-year secondary plan public hearing this year, and said that Rio Mills does not qualify for rural rustic because of the amount of heavy trucks from the quarry, as they would tear it up quickly. He stated that with the construction of Berkmar, it serves a very similar purpose as Rio Mills Road, and if they are to consider a connector road they might remove the need to have Rio Mills Road as a high-cost project, and if they can get the truck traffic off of it then they might not need the road at all.

Mr. Benish said that staff's recommendation to the Board is to put the Rio Mills connector road in the six-year secondary plan and place the discretionary non-paving funds on that project, which will help with the HB2 application. He stated that early feedback from the Board received in April put that as a high-priority project, so staff is making that recommendation in their report to identify the Rio Mills connector road in the six-year plan and put assigned discretionary money to it to help the County's application. Mr. Benish stated that Mr. Banks is referring to what is in the six-year secondary plan as having unpaved road monies allocated to it, which would be freed up from Rio Mills connector to go to other projects.

Ms. Palmer asked if the Board needs a vote or just general consensus.

Mr. Benish responded that it is in the staff report, so if the Board agrees that is consensus enough for staff to draft the document for the public hearing.

Board members expressed their consensus for reallocating the Rio Mills connector funds as described.

Mr. Benish clarified that the other unpaved road projects already identified in the six-year plan for full funding will continue to be pursued as planned.

Ms. Palmer asked if the extra money will be used for those that are not already funded, and asked staff to point out which roads they are.

Mr. Gatobu presented a list of roads, stating that Bunker Hill and Preddy Creek are funded, with the next on the list being Patterson Mill and Harris Creek going all the way down. He stated the next project in line is White Mountain, but there has been opposition to that project, so they can skip that and go onto North Garden Lane. Mr. Gatobu asked the Board if they want to just go down the list, or if they have other criteria or projects.

Ms. Palmer stated that she is very familiar with White Mountain Road, and asked if there had been a petition with all the residents.

Mr. Gatobu responded that there is usually one resident who is very vocal about it, with many others who do not want it paved.

Ms. Palmer commented that the opponents are pretty vocal also, and asked what the traffic count is on that road.

Mr. Gatobu responded that the traffic count is about 300, which is high.

Ms. Palmer asked what the amount is for the project, as it is a fairly long road.

Ms. Mallek said there is no budget for it at this point.

Ms. Palmer stated that she does not feel they can go forward with it without consensus from the neighbors, and said that she did hear from one man who is active on it that he was going to get the list together.

Mr. Gatobu stated that Mr. Benish had circulated a nicely done petition for another road, so if the improvements are pursued, at least there will be evidence that it is something everyone agrees on, or at least 90%. He said the question is whether it is just a few vocal residents or a lot of people either for or against it, as it helps inform the use of limited resources.

Ms. Palmer said the road has serious drainage issues, which VDOT has tried to correct, and asked if any part of the money could be used to deal with the drainage issue more aggressively.

Mr. DeNunzio stated that the drainage issue had a lot to do with a ditch on the right side of the road as you are going downhill, which VDOT tried to stabilize with rip-rap, but the stone on the hill gets washed down by the turbid water coming down the hill. He said that VDOT placed a berm in front of a neighbor's affected property, which is working well, and had spoken with that person within the last month or two. Mr. DeNunzio noted any gravel road dealing with rain needs to be reworked and will continue to be washed out.

Ms. Palmer asked if there is a way to pave just a section of a road if those neighbors agreed.

Mr. DeNunzio responded that VDOT can do spot paving, but his concern is that it just moves the problem further down the road, and some people are very upset about that. He stated that 300 vehicles per day is a lot of traffic for a gravel road, so between that volume, the washout and the steep hill, they really just need to keep grading it.

Ms. Palmer stated that it would be a very expensive project to pave, given the long length of the road.

Mr. DeNunzio noted that Bluffton Road as a contract project was about \$600,000, but VDOT's state crews are doing projects for \$150,000-\$200,000 per mile.

Mr. Benish stated that based on the cost per mile of unpaved roads, the list would get down to Route 723, Sharon Road, and possibly Cove Garden Road. He said that some of this information is fairly new, but staff will get with VDOT and work towards that list. Mr. Benish said that Sharon Road has lower volume, which is why he wanted to bring it to their attention.

Ms. Mallek said that it would be helpful if staff could send the Board a duplicate of the file, but when using the standards described with the vehicles traveled first and the safety issues marked, because it would be great not to continue on with where they have been going.

Mr. Benish responded the concern is that they need a list by June for public hearing, so staff can include fewer roads and then add more next year, but he can provide summary comments for all of the projects.

Ms. Palmer asked what will happen if the Board did a vote on those at their May 11 meeting, or if staff would rather leave them off.

Mr. Benish responded that he is not sure he can have it for them the following week, but can make sure they have it for their public hearing in June, and the Board can let staff know prior to the hearing if there is a non-starter.

Mr. DeNunzio stated that VDOT needs some guidance as to what to have at the public hearing on June 8, and asked if the Board is sure whether or not this list reflects their priorities.

Ms. Palmer responded that the only concern is whether to take some of the roads off that have a lower traffic count and put some on that have a higher traffic count.

Mr. DeNunzio pointed out that all of the roads on the list are eligible for rural rustic.

Ms. Palmer commented that one of them has a vehicle count of 70.

Mr. Benish suggested that they go as far as Burton Road, which has a lower traffic volume, and most of the roads have a higher count.

Ms. Mallek stated that Dick Woods Road would actually go above it once its numbers are corrected.

Mr. Dill noted that White Mountain Road will be skipped.

Mr. Benish said he just wants to confirm that the first six projects on the list are already in VDOT's list.

Mr. DeNunzio asked for confirmation that VDOT is going to draft a six-year secondary plan for public hearing June 8 that removes Rio Mills Road from the plan, reallocating money to a new Rio Mills/Berkmar connector road, with \$2.5 million on that project to go towards an HB2 application, assuming it needs additional funding. He stated the remaining \$2.7 million will fund up to 10 miles of rural rustic road projects, and he will work with Mr. Benish on that, but would basically work down the Board's list of priorities.

Mr. Gatobu mentioned that staff had corrected what Ms. Seay had commented about regarding Butler Road.

Ms. Mallek said that in terms of using money to leverage other money, she wants confirmation that this funding can only be used for six-year secondary roads.

Mr. DeNunzio confirmed that is the case.

Ms. Palmer stated that this is Mr. Gatobu's last meeting and said the Board appreciates the work he has done.

Mr. DeNunzio said that he and VDOT will also miss Mr. Gatobu.

Agenda Item No. 12. VDOT Quarterly Report.

Mr. DeNunzio reported that last month was Workzone Awareness Week, and VDOT had held a vigil for workers who had been killed in their duty working on roads. He stated there were 7 driver fatalities in workzones last year, and a lot of accidents were due to distracted driving. Mr. DeNunzio said that according to the NHTSA, there are 3,000 fatalities and 400,000 injuries in the U.S. each year due to distracted driving, with Harvard University estimating that the cost of distracted driving is about \$50 billion each year. He stated that Virginia has a primary offense texting law, which is defined as using a phone to enter multiple letters to communicate, and this is one of the biggest problems in highway safety.

Mr. DeNunzio reported the Route 29 rumble strips had no bidders and VDOT would be re-advertising it, stating that the reason there were no bidders was because they combined the widening of shoulders with the rumble strips, and a contractor for one part of the project may not feel comfortable doing the other.

Ms. Mallek asked where this project is.

Mr. DeNunzio responded the projects are countywide, but there are some specific areas on Route 29 South where trucks keep going off the road, and while there have been pavement repairs they also want to do widening and rumble strips.

Mr. DeNunzio reported that there is new information on the intersection plan for Route 250 and Route 151, stating that VDOT's approach is to put a temporary signal in while an HB2 application for a roundabout can be pursued in the fall.

Ms. Mallek said that if more of the eastbound 250 people could have a longer line on Route 151, they would get out of the way, as there are fewer people who want to go west.

Mr. DeNunzio responded that VDOT will need to figure out the lane configurations, with the 151 approach and number of lanes and width needing to be resolved, as well as putting a friction surface coming down the hill, but there will be adequate warning.

Mr. DeNunzio reported that the Best Buy ramp is on schedule to be completed May 21, with the remaining sound walls, paving and striping to be completed. He stated that VDOT is starting to widely distribute map books related to the Rio Road grade-separated interchange, and reported that the Rio/Hydraulic signal work to get the signals upgraded around Georgetown, Hydraulic and Barracks Road are almost completed and will be done by the end of May. Mr. DeNunzio stated that the Hillsdale Drive project will have bids submitted by May 16, with work to be completed by October 2017. He said the work on Berkmar Bridge is proceeding quite well, and the contractor feels the work might be done by the end of the calendar year. Mr. DeNunzio reported that construction will start this spring and summer on two of the bridges on Route 810 as identified in the bridge priority list from Fire Chief, Dan Eggleston, which will help their response times. He stated that Doctor's Crossing and Brock's Mill resurfacing will be done at the same time and should be completed within the next month, and noted that he will try to get a list for their June meeting that shows what the contract includes for resurfacing and repaving projects in the County this year. Mr. DeNunzio reported that he made a new request for an Earlysville Road traffic study, and VDOT will be moving forward with a crosswalk and curb ramps on South Pantops Drive.

Ms. Palmer asked why Brock's Mill had been put on the list suddenly.

Mr. DeNunzio responded that the County had a resolution back in the 2000s for rural additions, with \$250,000 dedicated for that, and all of the citizens on that road dedicated land to make it a rural addition. He said the rural addition program takes a road that has been in service for at least 20 years

and perhaps should have been added into the state system can be added, but there is a very small amount of money for it.

Ms. Palmer asked if some of the money freed up from Rio Mills can be used for bridges.

Mr. DeNunzio responded that the unpaved road money could not be used for bridges, although the \$2.5 million could possibly be used, but the federal bridge program was actually good, and the list of improvements basically followed what was recommended by the fire department.

Agenda Item No. 13. Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.

Mr. Mark Graham stated that Route 29/250 ramp will open within two weeks and the Rio Road grade-separated interchange will be starting on May 23. He reported that the neighbors have been notified of the blasting starting at Berkmar, and construction crews have done all of their work ahead of time to verify conditions and seem to be in good shape.

Ms. McKeel asked how long that will go on.

Mr. Graham responded that it will take about 2-3 weeks, weather permitting.

Mr. Graham stated that the Rio intersection project will move very quickly in terms of excavation work, and they should be finished by mid-June, with excess material being trucked to the Berkmar right of way. He said the Rio construction is a 24/7 operation, so the Berkmar trucking will also be 24/7.

Ms. Mallek asked if the people at Templeton have been notified.

Mr. Graham responded that his understanding is yes, although he has not confirmed it personally, and VDOT has indicated they have worked with everyone there on it. He reported there is a map on the Route 29 Solutions website, route29solutions.org, on the disposition of the properties in the alignment of the defunct Western Bypass.

Ms. McKeel asked if the Route 29 Solutions projects are on time and on budget.

Mr. Graham responded that they are on time and on budget and even ahead of schedule, stating that the timeline for the Route 29/Route 250 intersection and ramp is ambitious, but should be completed in the next two weeks.

Ms. Catlin presented the Board with the alternate routes map from VDOT showing the routes from a further-out view, as well as a get-around guide showing a closer-in view, and stated that a mailing to 8,000 would be going out later in the week along with an email communication to homeowners associations with an offer to attend any of their community meetings. Ms. Catlin said that beginning the following week, there would be an exhibit at the Northside Library with project maps, videos, and other material. She stated that she does not often quote the Free Enterprise Forum, but a recent blog entry spoke to what the County is doing and complimented both the County and VDOT for their work during the challenging construction period and their follow-through on what they had promised.

Ms. Mallek asked Ms. Catlin if she would provide a link to materials so she can include them in her newsletters to constituents.

Ms. Palmer asked if VDOT is going to put bleachers out in front of the Hardee's during the summer.

Ms. Catlin responded that VDOT is talking about having a viewing area, but she is not aware that they are able to do that yet, and there is a live-cam showing the building of Berkmar Bridge and a video simulation of the intersection from all four quadrants.

NonAgenda.

Mr. Davis reported that Mr. Sheffield has requested that the Chair be advised he is unable to attend the meeting today because of a family personal matter, but would like to participate remotely in the closed meeting, which requires approval from the Board.

Ms. McKeel **moved** to approve Mr. Sheffield's remote participation in the closed meeting. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 14. Closed Meeting.

At 5:03 p.m., Mr. Dill **moved** that the Board go into a closed meeting pursuant to Section 2.2-

3711(A) of the Code of Virginia under Subsection (1): 1. To consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments; and 2. To discuss and consider a candidate for the County Police Chief position; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice related to the negotiation of an agreement for court facilities. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 15. Certify Closed Meeting.

At 6:09 p.m., Mr. Dill **moved** that the Board certified by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

NonAgenda.

Mr. Randolph **moved** to have staff undertake an economic impact analysis to explore the siting in the County of the existing courts, currently located in the City of Charlottesville, including the relocation of the County Office Building. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

NonAgenda.

Ms. Mallek **moved** to adopt a substitute letter to Mark Warner to correct the error she had made earlier. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

May 4, 2016

The Honorable Senator Mark R. Warner
475 Russell Senate Office Building
Washington, DC 20510

Dear Senator Warner:

I am writing on behalf of the Albemarle County Board of Supervisors to seek your help with an item in the Transportation Budget Bill making its way through the U.S. Senate.

We are grateful for your consistent support for intercity passenger rail. The Charlottesville-Albemarle region has enjoyed many benefits from the highly successful, state-supported Lynchburg-DC Northeast Regional Amtrak service which began in 2009. This train was partially paid for with funds from the Virginia's Rail Enhancement Program that began under your administration. The train has resulted in a three-fold increase in the number of passengers at the Charlottesville Amtrak station, which reached 134,000 in FY2015. Yet Amtrak facilities at the privately-owned station remain exactly as they were in 1998, when annual ridership was only 28,000.

In 2015, 190,000 passengers boarded or alighted the Northeast Regional at stations between Lynchburg and Washington, DC, with Charlottesville the most robust station on the route in terms of ridership and revenue. The Commonwealth has committed to a second frequency of the Lynchburg train, which is needed to add capacity as ridership continues to grow. Yet, in spite of these successes, and partially as a result of them, the future of passenger rail for our region is at risk.

Amtrak and the Virginia Department of Rail and Public Transportation (VDRPT) are dissatisfied with the facilities at the Charlottesville station and have informed us there must be major improvements, as

well as a return to public ownership, before service to Charlottesville will be expanded. Because many Albemarle County citizens patronize Amtrak at the Charlottesville station, the Board of Supervisors has an equal interest in solving this problem. The Charlottesville-Albemarle MPO is leading a planning study for the station project, but there is little doubt that federal matching grants will be needed before the public ownership and station upgrades required by Amtrak and DRPT can be achieved.

A promising new source of such grants was introduced in the Fixing America's Surface Transportation (FAST) Act. The Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program was authorized for up to \$190 million in order to cover a broad range of rail projects. However, the Senate Appropriation Transportation Housing and Urban Development (THUD) Subcommittee narrowed the scope of the program by stripping eligibility for passenger-specific goals such as investment in stations, upgrades to reduce train congestion, and enhancements to facilitate ridership growth. With this restriction on the use of funds, projects like the Charlottesville station will be unable to receive these federal funds for the necessary improvements to support the region's growing demand for passenger rail.

We are writing to request your support for restoring passenger specific goals to the CRISI Program. As we understand it, this will require a motion for a germane amendment to restore the original references to passenger rail in the CRISI portion of the bill. We request your support for a motion to add such an amendment when the bill comes to the Senate floor.

On behalf of the citizens of Albemarle County, we thank you for considering our request.

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

Due to time constraints, this item was moved to the end of the meeting.

Agenda Item No. 17. Proclamations and Recognitions:

Item No. 17a. Proclamation Recognizing Fire/Rescue Volunteers.

Ms. Palmer stated that the evening portion of the meeting will begin with proclamations and recognitions.

Ms. Mallek **moved** to adopt a resolution recognizing the volunteer fire and EMS agencies throughout the County. She recognized individual companies and mentioned their statistics for 2015: the Crozet Volunteer Fire Department, founded in 1910 and running 1,032 calls, with 81 volunteers, 71 actives and 10 support; Scottsville Volunteer Fire Department, founded in 1936 and having 60 members; Charlottesville Rescue Squad, founded in 1960 and running 647 calls, with 222 members; Earlysville Volunteer Fire Department, founded in 1960 and running 634 calls, with 38 active members and 6 support personnel; East Rivanna, founded in 1969 and running 1,299 calls, with 28 active members and 48 support personnel; North Garden Volunteer Fire Department, founded in 1970 and running 646 calls, with 28 active members and 9 support members; Stony Point Volunteer Fire Department, founded in 1972 and running 384 calls with 30 active members; Scottsville Rescue Squad, formed in 1974 and running 890 calls, with 43 actives, 5 supports, and 1 of 2 water rescue personnel; Seminole Trail Volunteer Fire Department, founded in 1976 and running 2,264 calls, with 74 actives and 2 support personnel; and Western Albemarle, formed in 1978 and running 1,517 calls, with 63 actives and two supports.

Ms. Mallek distributed certificates of recognition to each department.

Ms. Palmer stated that there are over 475 active volunteer firefighters in the community, and those individuals are trained to go out on calls, with the chiefs putting in a tremendous amount of time.

Mr. Dill commented that these volunteers are not just going to one meeting per month.

Mr. Foley noted that there were more than 13,000 calls run in 2015.

Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Proclamation Recognizing Fire/Rescue Volunteers

WHEREAS, *the citizens of Albemarle County receive professional fire and rescue services each day through the volunteer fire and EMS agencies of the county; and*

WHEREAS, *over 600 citizens unselfishly risk their lives and donate many hours of personal time to meet the needs of our community by membership in rescue squads and fire departments serving the County; and*

WHEREAS, *these members of the Charlottesville Albemarle, Scottsville, Western Rescue Squads and Crozet, Earlysville, East Rivanna, Hollymead, Ivy, Monticello, North Garden, Scottsville, Stony Point fire departments and the Albemarle County Fire Corps continue to set the example of community spirit, pride, interest in their community and love for their fellow citizen; and*

WHEREAS, *the Albemarle County Board of Supervisors is aware of the tremendous value of the services performed by these volunteers, not only in terms of human needs met, but also in consideration of the financial asset which their volunteer services provide to the County; and*

WHEREAS, *the Albemarle County Board of Supervisors desire to recognize these dedicated volunteer public servants who contribute so much to the health and safety of their community as part of our overall recognition of County volunteers;*

NOW, THEREFORE, BE IT RESOLVED, *that, we, the Albemarle County Board of Supervisors do hereby recognize and express its gratitude to the men and women who serve as members of the Volunteer Fire Departments, Rescue Squads and Fire Corps serving Albemarle County and encourage all other organizations and media to express appreciation to our volunteers.*

Signed and sealed this 4th day of May, 2016

Agenda Item No. 18. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. John Lowry, Samuel Miller District, addressed the Board, stating that although there is a water line running across the front of the Froehling & Robertson property on 250 West, staff is recommending denial of County water service. Mr. Lowry said that staff references Chapter 7 of the Comp Plan, which directs the use of water and sewer to limit growth in the rural areas, but he wonders why they did not reference Chapter 6, which says the County needs and promotes an economically vibrant tax base. He stated there are always two sides to an issue, and he asked why there is not a discussion of pros and cons here, adding that the Board may make exceptions to policies if they have a reasonable basis for their action. Mr. Lowry stated that the County Executive did an excellent job of selling the FY17 budget to the community, and said repeatedly that "tough choices are needed", and economic development is needed to strengthen the tax base and close the gap between a structured imbalance between expenses and revenues. He said he has heard Supervisors talk about the need to grow current business and the need to redevelop business where it currently exists, as well as reflecting constituent comments about wanting new jobs in the community, and Froehling is a growing business that is hiring right here. Mr. Lowry stated that three years ago, the Thomas Jefferson Foundation asked for and was granted in one meeting the right to have County water and sewer, and Monticello dug up the mountain and all the water and sewer is in, but Monticello is not in the growth area and pays no real estate tax. He emphasized that F&R is on a highway with lots of other development around it, they own their land and they are taxpayers, and the County should turn on their water to make them feel welcome. Mr. Lowry stated that AAA credit ratings are not static, and Exxon lost its AAA rating last week, with the City of Detroit having an imbalance between expenses and revenues and ultimately going bankrupt. He said that all it takes is for the downgrade process to get going for a staff person to perceive Albemarle as not being very friendly to business and put the County on credit watch, and he does not feel they are facing up to real-world consequences.

Mr. Joseph Knighton addressed the Board and stated that he is a Monticello High School senior and a government student who had to pick a CAP policy that should be changed, so his group chose internet access. Mr. Knighton stated that the group learned there is the LTE project for students, but not for neighbors and other residents, and in looking into the issue they discovered there is a ridge that blocks the signal getting over the ridge. He said that his group does not have a technical solution, but knows there are a lot of areas in the County that are poor and cannot afford to pay for what it would take to get high-speed internet service.

Mr. Dill stated it is an important issue, and thanked Mr. Knighton for attending.

Ms. McKeel commented that there are also students who live off of Hydraulic Road who cannot access the school's intranet because of the topography of the land.

Agenda Item No. 19. **Action:** ACSA-2016-00001 Froehling & Robertson Request for Water Service. (*White Hall Magisterial District*)

The executive summary presented by staff states that the applicant will be constructing a new office building on Tax Map Parcel 055000000110 to replace an existing office located on the adjacent parcel to the east of this site. The parcel is 1.76 acres with one old uninhabited house, and is designated for Water Only to Existing Structures. The applicant is requesting a Water Only designation to allow the new office to be served by public water. If the Water Only designation is not granted, the new office

building will be served by a private well. See the applicant's request and supporting information provided in Attachment A. The parcel is located on the south side of Route 250 West in the White Hall Magisterial District, generally in the area between Western Albemarle High School and the Yancey Lumber Yard/I-64 Interchange. This property, and the immediate surrounding area, is designated Rural Area and is located south and west of the Crozet Development Area. This area contains old, or "stale" commercial zoning which in many cases predates the comprehensive downzoning that occurred in 1980 to implement the County's growth management policy, and in some cases predates the County's comprehensive planning (pre-1971). This particular parcel is zoned HC, Highway Commercial. The proposed office is a by-right use.

The Crozet Master Plan includes the following recommendation for the Rural Area fringe areas around the Crozet Development Area: "that the Rural Areas outside of the Community of Crozet remain rural, including the stretch of Route 250 West between the Development Area boundary and the interstate interchange." The Master Plan provides the following Specific Recommendations for Route 250 West:

- Do not approve any rezoning for new development along the Route 250 West Corridor
- Preserve the rural scenic character of Route 250 West.
- Develop corridor-specific design guidelines for Route 250 West in and near Crozet.
- Where special use permits or waivers to requirements are allowed, only approve uses which have the least impact on the Rural Areas, environmental resources, and transportation systems.

There are two Jurisdictional Area Amendment requests that have been reviewed in this area. Water Only service was requested and approved in 1987 to the Yancey Lumber Yard site after a fire occurred on the site. The Water Only designation was granted by the Board to address fire response/safety issues at this site. In 2008, Water Only designation was requested to the then vacant parcel where Restore'n Station is now located. The service designation at that time was Water Only to Existing Structure. The Board denied the request for a Water Only designation to that parcel because there was no documented health or safety issue associated with the request as outlined in the Comprehensive Plan's policy for extending public utility services to Rural Area properties.

The Community Facilities chapter of the Comprehensive Plan includes Strategy 9a regarding the provision of public water and sewer service, which states: "Continue to provide public water and sewer in jurisdictional areas." The explanatory text following Strategy 9a is provided below, and the specific criteria for the provision of public water or sewer service to the designated Rural Areas is underlined.

"Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Develop Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries. Delineation and adoption of utility project jurisdictional areas by a local governing body is provided for in Virginia Code §15.2-5111. The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger."

Strategy 9a addresses the fact that public water and sewer systems are a potential catalyst for growth, and that capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception as the further extension of lines into the Rural Area will strain limited water resources and capacity.

Water and sewer services by policy are intended to serve the designated Development Areas. There is no documented health or safety issue identified on site that would be addressed by providing service to this site; therefore, this request is not consistent with the County's policy for extending service.

As noted in the applicant's request and supporting information, the existing water line running along this section of Route 250 is a non-looped, or "dead-end," water line. This line periodically requires flushing because of the low level of water use along this section of line. The flushing is to avoid water standing in the dead-end line for long periods of time. The Albemarle County Service Authority has provided comments regarding this condition (see Attachment D). ACSA has not indicated that this existing condition is a health/safety issue.

The approval of this request would have no budget impact to the County. The property owner would bear the cost of the water connection.

This request is not consistent with County Policy regarding the extension of Water and Sewer Service, and staff recommends not setting a public hearing on this request.

Mr. David Benish addressed the Board and reported that this is a request for water service on a 1.7-acre parcel to serve a new office building for the business, stating that the property is currently in the jurisdictional area but is designated for water only to existing structures. He stated there is one inhabited house on the property and the applicant is going to be moving into it, and that building received the designation. Mr. Benish said the request requires a water-only designation to allow service to the new building, the property is located in the rural area, and it is zoned HC, which has been there for quite some

time. He stated the Comp Plan policy of providing utility service to the rural areas is intended to provide service only to those areas designated in the jurisdictional area, and to provide that service to the development areas only so it follows the boundaries. Mr. Benish noted there are exceptions allowed in the case of defined public health and safety issues and in cases of adjacency, which is the case with this property as there is another parcel across the street with an existing water line.

Mr. Benish stated that the purpose of the policy is a growth management tool as identified in the Comp Plan, intended to help the County implement the land use plan and effectively use and reserve water resources and treatment capacities for the areas designated for growth. He added that there is also concern with provision of service in the rural areas, which can be a catalyst for growth, and those areas are discouraged for development. Mr. Benish said the other concern is that in certain circumstances, undeveloped properties may be able to provide for development beyond what could be supported by private systems, which is not encouraged in the rural areas. He stated that staff usually evaluates other requests made in the area, with water provided to the Yancey Lumber Yard in 1987 after a fire occurred on the site, to provide for better fire protection, which was identified as a safety issue. Mr. Benish said that water-only designation was requested on a vacant parcel that is now the Restore N' Station site, and the Board denied that request because there was no documented health or safety need.

Mr. Benish said that in the Froehling & Robertson case, there is also no documented health or safety issue identified on the site that would require service be provided to the site, and therefore it is not consistent with the second aspect of the criteria and thus not consistent with the policy. He noted that there is a dead-end/non-looped line, which has issues due to stagnation, and the line on this property does require periodic flushing to ensure the water remains fresh and potable. Mr. Benish stated that the Albemarle County Service Authority has provided comments regarding the condition of that line, and they have not indicated that there is a health or safety issue, so staff has not deemed it as such but wanted to mention it. He said the request is not consistent with the policies in the Comp Plan for extending water and sewer service in the rural area, and staff recommends that a public hearing not be set. Mr. Benish stated that should the Board decide to hold a public hearing, it could be done at the June 8 meeting. He pointed out the location of the property on a map, noting the location on 250 West just east of the intersection with I-64 and the development area boundary, as well as the jurisdictional area and properties currently served by water and/or sewer.

Ms. Palmer stated that the Albemarle County Service Authority had indicated in their letter that the proposed connection may slightly reduce the volume of flushing required, so it is a fairly minimum improvement.

Mr. Benish noted that he asked the ACSA to come to the meeting, but they were unable to attend.

Mr. Dill asked for clarification that the applicant already has an office in the development area.

Mr. Benish clarified that the existing structure is just adjacent to the area highlighted in purple on the map, the parcel in question, and the applicant's building is the adjacent parcel just to the east of it. He said the applicant is proposing to build a new building on the property they own immediately to the west of their existing office building, and he pointed out the location in the context of the development area and the rural area.

Mr. Clyde Simmons addressed the Board and stated that he manages Froehling & Robertson's office in Crozet, emphasizing that Strategic Plan Goal #2 in the report says that "changes should only be allowed when the area to be included is adjacent to existing lines," which F&R is, and "if public health and safety is in danger." Mr. Simmons stated that the ACSA would not be draining the lines periodically if public health and safety was not in danger, and said the company was unable to get from the ACSA exactly how much water was being drained from the line. He said that he took exception to the budget impact statement in the staff report that says the request would have no budget impact to the County, as F&R would pay a connection fee of about \$20,000 and would pay for its water usage of about 10,000 gallons per month. Mr. Simmons stated that in addition, the County would eliminate losses associated with periodic water leases both in terms of water wasted and man hours utilized to perform these actions. He added that F&R is a local business that has been part of the community for over 40 years and he is a Crozet resident, with the majority of the staff living in Charlottesville or Albemarle County. Mr. Simmons said that F&R's plans are not the kind of growth the County tries to discourage and are not for a gas station or fast food restaurant, and the company does not generate traffic or a lot of noise and bright lights. He commented that he understands the County's use of water rights as a means to control growth, but feels there is an extenuating circumstance with the stale water that needs to be considered. Mr. Simmons thanked the Board for considering his request.

Mr. Dill asked how many people will be working at the new office.

Mr. Simmons responded that the company currently has 20 employees and would like to continue to grow, but he cannot see it exceeding 30 employees.

Mr. Dill asked if the water is being used industrially or just for normal purposes.

Mr. Simmons responded that it is mostly for routine employee uses such as bathrooms, but they do cure concrete test specimens in their lab and a moist environment is required for that.

Ms. McKeel commented that this would not require a lot of water.

Mr. Simmons confirmed that it does not, and is just kind of a mist.

Ms. Palmer stated that the ACSA letter indicates they are using 10,000 gallons per month at this point. She said at the end of a line, there are byproducts building up, and those are flushed, but she learned from many years on the ACSA Board that 10,000 per month is not enough to flush the line. She said that she does not see a health safety issue from that standpoint, and she is a big proponent of the development lines delineated with water and sewer service. Ms. Palmer said she feels it is very important for the County to keep the policy it has had in place since 1980 of delineating water and sewer lines, which has served them well in reducing sprawl all over the County. Ms. Palmer emphasized that she is concerned about connecting anything outside of the development area and recognizes that the business will have to drill a well, and if something is wrong with that well then it would be another issue.

Ms. Mallek pointed out that there would be a communication from the Board of Health declaring a health and safety issue if it was unusable, which has only happened twice over the last nine years, and in those cases the water was completely unusable.

Mr. Dill commented that as a businessperson he can see both sides of this issue, but he also sees that they cannot keep nibbling away at the edges of the policy. He added that he would be incredibly frustrated if he were the applicant, but digging a well is not that big a deal, and that is what the company would be doing if the line was not there.

Ms. Mallek stated that she had a meeting with the business several months ago about a different topic, and while she was there they explained their intention to hire more people, build a bigger building and dig a well. She said that F&R is a very well-respected and popular business in the western part of the County, and she explained the slippery slope of this request because the Board would need to think about it in the context of other issues it had faced. Ms. Mallek emphasized that this stretch of road has been a battleground for water service over the years, and the other issue denied was for the same reason. She stated that she would propose that they not take this to public hearing because there is no way for her to reconcile what she had done for the other applicant, and it would be difficult to grant this without granting the other, as it would not be fair and would not stand up.

Mr. Randolph stated that he understands what Mr. Dill is wrestling with from a human standpoint, but feels that the Comp Plan is the operant and controlling document, and it made it clear that changes to the boundaries outside of the development areas should only be allowed when the area to be included is adjacent to existing lines and the public health and safety is in danger. He said the County does not have that in this situation, so he regrets not being able to vote to move it to public hearing.

Ms. McKeel asked Mr. Davis to help clarify the precedent setting and the past denial, and the issue if the Board does move it forward.

Mr. Davis explained that the County's growth management plan, which has been in effect since 1980, was built on a hard-edge growth area that divided the growth areas from the rural area, and there are many situations that appeal to common sense to move the edge a bit further for utilities because the policy encourages the County to provide utilities for the entire growth area. He stated that maintaining the hard edge of the jurisdictional areas is the key to not expanding the growth area without a comp plan amendment, and the precedent in Albemarle has been to consistently apply the policy, which requires that the only time to extend the jurisdictional area for water and sewer is if there is a demonstrated health hazard. Mr. Davis said that as Ms. Mallek has indicated, there has only been a handful of those situations, and as a result of that, the County's consistent application of the policy has been significant to legally defending their policy of hard-edged growth areas. He stated this has been in most people's estimation a very successful growth management policy, in contrast to peer localities that have not done that and have experienced unconstrained growth at different periods over the last 30 years. Mr. Davis emphasized that the best position the County can be in is to consistently apply its comprehensive plan in order to keep its best posture to maintain its growth management strategy.

Ms. McKeel asked if there had been a similar request in the past.

Mr. Davis explained there had been a request in the past that the Board considered and denied, which had very similar circumstances to this property, and his guess is that if this is granted, the Board will likely see the other application again. He stated that as Mr. Benish has pointed out, this particular area of the County is rural but has stale commercial zoning, but without water and sewer, the intensity of uses is constrained. Mr. Davis noted that the Comp Plan would say that this is not an area where intense, commercial use is desired, because it is rural area designated along a scenic corridor. He said the argument that there is a water line adjacent to this site reflects a situation that is prevalent throughout the County, with miles of rural area with either water or sewer lines existing, and if that were the basis for

granting jurisdictional area, there would be miles of roadways through rural areas that would have more intense commercial uses or other uses with extension of water and sewer to those properties.

Ms. Mallek mentioned that the Crozet Master Plan prescribes that the higher intensity use be focused on downtown, away from 250, to allow the arterial corridors to move cars and not develop into highly commercialized as other entrance corridors have. She said the master plan implementation approach for water lines is also very important.

Ms. McKeel asked if the option for this business is to dig a well.

Mr. Davis said that is correct, and in order to get a building permit they would have to demonstrate that there is an appropriate water source, so if they can dig a well with existing zoning, they would be able to build their office building. He noted that in the future if the well fails for an existing business, the applicant could reapply for a jurisdictional area amendment, because the well failure would qualify as a health hazard that would qualify them for the jurisdictional area designation. Mr. Davis stated that in past interpretations, the inability to dig a well would not constitute a health danger.

Ms. Mallek **moved** to deny the request to go to public hearing on the water extension as presented. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Dill and Ms. McKeel.

ABSENT: Mr. Sheffield.

Mr. Dill commented to the applicant to dig the well first before building the building.

Ms. Mallek commented that a positive change has been that the building permit requires the water to be done first.

Agenda Item No. 20. **Public Hearing: Proposed Easement – East Rivanna Fire Station Easements.** to receive comments on the County's proposed conveyance of a twenty-foot temporary construction, and grading, drainage and landscaping easement along the northern, eastern, and southern boundaries and a sixty-foot temporary construction, and grading, drainage, stormwater management, trails and landscaping easement along the western boundary of approximately 1.355 acres of the East Rivanna firehouse property, known as Parcel ID 093A1-00-00-00200, located at 3501 Steamer Drive, which is jointly owned by the County and the East Rivanna Volunteer Fire Company, to Rivanna Village LLC to serve the Rivanna Village development. *Scottsville Magisterial District. (Advertised in the Daily Progress on April 25, 2016.)*

The executive summary as presented by staff states that staff has worked with the East Rivanna Volunteer Fire Company (ERVFC) to negotiate the sale of certain easements to Rivanna Village LLC (Rivanna Village) across unused portions of the unused East Rivanna fire station property (TMP 93A1-2), which is jointly owned by the County and the ERVFC. Rivanna Village is seeking construction, grading, drainage, stormwater management, trails and landscaping easements to serve its neighboring development.

The Fire Station property was acquired by proffer when the Glenmore Planned Development was approved in 1990. The six-acre parcel was proffered for a fire station and/or other public facilities. The ERVFC currently utilizes approximately 2.62 acres for the fire station, leaving a balance of 3.38 acres. The proposed easements affect approximately 1.355 acres around the perimeter of the site, but do not affect the existing building envelope at the center of the property, including approximately two acres potentially available for future development. The proposed easements are non-exclusive, and for the limited purposes of grading, drainage, stormwater management, trails and landscaping only. Therefore, the County and ERVFC will retain all other non-conflicting property rights within the easement areas.

Staff is recommending that the Board adopt the attached Resolution (Attachment D) approving the conveyance of these easements to Rivanna Village.

The attached proposed Agreement to Grant Easements (Attachment A) has been reviewed and approved by the ERVFC Board and Rivanna Village. Under the proposed Agreement, in exchange for the requested easements, and at its sole cost and expense, Rivanna Village would:

- a. Connect the East Rivanna Fire Station property to the public sewer system serving the Rivanna Village Property upon certain milestones;
- b. Connect the East Rivanna Fire Station property to the public water system serving the Rivanna Village Property upon certain milestones;
- c. Donate \$25,000 to the ERVFC to be used to purchase, upgrade, and detail an all-terrain utility vehicle designed and outfitted to serve as an emergency vehicle;

- d. Resurface the two existing asphalt parking lots on the East Rivanna Fire Station property, and to the extent that the resurfacing work costs less than \$50,000, complete exterior renovations to the East Rivanna Fire Station; and
- e. Coordinate with the ERVFC on site plan design issues that affect the East Rivanna Fire Station property to ensure continuous access to and from the East Rivanna Fire Station property, to ensure that drainage plans are appropriately designed, and to address other design issues.

The County Attorney's Office has reviewed and approved the proposed Agreement as to form. Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveying this interest in County-owned property.

Under the proposed contract, the ERVFC would receive \$25,000 in property (all-terrain emergency vehicle) and \$50,000 in improvements (parking lot resurfacing and possible exterior building renovations). With the subject property's six acres assessed at \$1,157,000, the \$75,000 offered equates to 28.7% of the full value of the 1.355 acres subject to the proposed easements.

Staff recommends that, after the public hearing, the Board adopt the attached Resolution (Attachment D) approving the conveyance of these easements across the East Rivanna Fire Station property to Rivanna Village and authorizing the County Executive to execute the Agreements (Attachments A and B) once they have been approved as to substance and form by the County Attorney.

Andy Herrick, Assistant County Attorney, addressed the Board and stated that the County had been approached by the Rivanna Village LLC, developers of the same-named subdivision, which is interested in acquiring easements across the property for construction, drainage, landscaping, trails, and storm water. He stated the proposed easements affect approximately 1.3 acres of a 6-acre property, and the center of the property remains unaffected and available for other development. Mr. Herrick stated that in exchange for the easements, the developer has offered five items of consideration for the volunteer fire company: connection to the public water when that becomes extended to Rivanna Village, connection to the sewer system when it becomes extended to Rivanna Village, \$25,000 to purchase and equip an all-terrain utility vehicle to be used for emergency purposes, resurfacing of the parking lot and access drives to the facility up to \$50,000, with any balance used for improvements to the facility, and coordinating with the fire company site plan design to ensure continuous access to the property even during the construction and use of these easements. Mr. Herrick stated that the \$75,000 in in-kind consideration is worth about one-quarter of the value of the property affected by the easements, which is what the County typically looks for in valuing easement property. He said that his office has reviewed and approved the form of the two agreements that would implement the conveyance of property, and said that Valerie Long is present representing Rivanna Village, with Chief Eggleston representing the fire station.

Ms. Mallek expressed surprise that the site is co-owned by Rivanna Village and the County.

Mr. Davis responded that this was a proffered site that was co-owned from the beginning.

The Chair opened the public hearing.

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

Mr. Randolph stated the Glenmore Community Association and the Village of Rivanna CAC were both informed that the proposed easements were under discussion, and there were no concerns brought forth.

Mr. Randolph **moved** that the Board adopt the resolution as presented approving the conveyance of the easements across the East Rivanna Fire Station property to Rivanna Village, and authorizing the County Executive to execute the agreements as reflected in Attachment A and B once they have been approved in substance and form by the County Attorney. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

RESOLUTION APPROVING CONVEYANCE OF EASEMENTS TO RIVANNA VILLAGE LLC

WHEREAS, the County of Albemarle and the East Rivanna Volunteer Fire Co., Incorporated jointly own Parcel 093A1-00-00-00200 (the "Property"); and

WHEREAS, the Board finds it is in the best interest of the County to convey a twenty-foot temporary construction, and grading, drainage and landscaping easement along the northern, eastern, and southern boundaries and a sixty-foot temporary construction, and grading, drainage, stormwater management, trails and landscaping easement along the western boundary of the Property to Rivanna Village LLC to serve the Rivanna Village development.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Agreement to Grant Easements and the Easement Agreement between the County, the East Rivanna Volunteer Fire Co., Incorporated, and Rivanna Village LLC and authorizes the County Executive to execute the Agreements once they have been approved as to form and content by the County Attorney.

AGREEMENT TO GRANT EASEMENTS

This AGREEMENT TO GRANT EASEMENTS (this "Agreement") is made and entered into as of _____, 2016, by and among the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County"), EAST RIVANNA VOLUNTEER FIRE CO., INCORPORATED, a Virginia corporation (the "ERVFC"; and collectively with the County, the "Owner") and RIVANNA VILLAGE LLC, a Virginia limited liability company (the "Developer"), and, and recites and provides as follows:

RECITALS:

A. Owner is the owner of a parcel of land (the "ERVFC Property") located in the Scottsville District, Albemarle County, Virginia, currently identified by Tax Map Parcel No. 093A1-00-00-00200, as further shown on a Plat of Roudabush, Gale & Associates, Inc., entitled "Easement Plat TMP 093A1-00-00-00200 Property of East Rivanna Volunteer Fire Co., Incorporated, Scottsville District, Albemarle County, Virginia", dated July 30, 2015, last revised February 2, 2016, a copy of which is attached hereto as Exhibit A and made a part hereof (the "Plat").

B. Developer is the owner of thirteen parcels of land (collectively, the "Rivanna Village Property") located in the Scottsville District, Albemarle County, Virginia, in the vicinity of the ERVFC Property, and currently identified by Tax Map Parcel Nos. 07900-00-00-025A0, 08000-00-00-04600, 08000-00-00-046A0, 08000-00-00-046C0, 08000-00-00-046D0, 08000-00-00-046E0, 08000-00-00-05000, 08000-00-00-05100, 08000-00-00-05200, 08000-00-00-052A0, 08000-00-00-055A0, 093A1-00-00-00300, and 093A1-00-00-00400, as shown in part on the Plat.

C. In connection with Developer's plans to develop the Rivanna Village Property as a residential and commercial development (the "Development"), Developer has asked, and Owner has agreed, to grant certain easements, subject to the terms and conditions of this Agreement.

AGREEMENT:

Now therefore, for and in consideration of the above-referenced premises, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

1. Recitals. The Recitals above are hereby incorporated into the terms of this Agreement.
2. Easements. Owner agrees to grant and convey to Developer as of the date hereof (i) a twenty-foot temporary construction, and grading, drainage, and landscaping easement along the northern, eastern and southern boundaries of the ERVFC Property, and (ii) a sixty-foot temporary construction, and grading, drainage, stormwater management, trails and landscaping easement along the western boundary of the ERVFC Property, pursuant to an easement agreement in the form annexed hereto as Exhibit B.
3. Developer's Covenants. Developer covenants as follows:
 - (a) Developer shall, at its sole cost and expense, cause the ERVFC Property to be connected to the public sewer system serving the Rivanna Village Property as soon as reasonably practicable after such system has been constructed and is fully operational, and is within 800 feet of the ERVFC Property.
 - (b) Developer shall, at its sole cost and expense, cause the ERVFC Property to be connected to the public water system serving the Rivanna Village Property as soon as reasonably practicable after such system has been constructed and is fully operational.
 - (c) Promptly upon the execution of this Agreement, Developer shall donate Twenty-Five Thousand Dollars (\$25,000) to the ERVFC to be used to purchase an all-terrain utility vehicle designed and outfitted to serve as an emergency vehicle, and, to the extent that any surplus is available after such purchase, to cover the costs of upgrading and detailing the vehicle in ERVFC's sole discretion.
 - (d) Contemporaneously with the resurfacing of Steamer Drive in connection with the Development, Developer shall, at its sole cost and expense, cause the two existing asphalt parking lots on the ERVFC Property to be resurfaced. In the event that the cost of completing the resurfacing work on the ERVFC Property is less than Fifty Thousand Dollars (\$50,000), the difference between such cost and Fifty Thousand Dollars (\$50,000) shall be used for exterior renovations to the building on the ERVFC Property, reasonably acceptable to Owner and Developer. In the event that the cost of the resurfacing work on the ERVFC Property exceeds Fifty Thousand Dollars (\$50,000), Developer shall cover the total cost of

such resurfacing work.

- (e) Developer shall coordinate with ERVFC on site plan design issues that affect the ERVFC Property to ensure continuous access to and from the ERVFC Property, ensure that drainage plans are appropriately designed, and address other design issues. Such obligation shall include (i) providing ERVFC a draft copy of any site plan that involves the ERVFC Property, and a reasonable period to review and comment on any such plan; and (ii) prior to commencing construction of the Development, providing ERVFC with a detailed construction coordination plan demonstrating how it will provide continuous ingress and egress to the ERVFC Property during construction.

4. Cooperation. The parties agree to do and take such further and additional acts and actions and to execute, acknowledge, and deliver such further and additional documents, instruments and writing which are not specifically referred to herein as may be necessary, required or appropriate for the purpose of fully effectuating the provisions of this Agreement.

5. Miscellaneous.

A. Binding Effect. The obligations of this Agreement shall be binding upon the parties hereto, their respective successors and permitted assigns.

B. Notices. Notices under this Agreement shall be sent by (a) registered or certified mail, return receipt requested, (b) hand delivery, or (c) overnight mail service, addressed as follows:

Developer: Rivanna Village LLC
314 East Water Street
Charlottesville, VA 22902

With a copy to: Valerie W. Long, Esq.
Williams Mullen
321 East Main Street
Suite 400
Charlottesville, VA 22902

ERVFC: East Rivanna Volunteer Fire Co., Incorporated
c/o Board of Directors
3501 Steamer Drive
Keswick, Virginia 22947

With a copy to: Rick Carter, Esq.
Zunka, Milnor & Carter, Ltd.
PO Box 1567
Charlottesville, VA 22902

County: County of Albemarle, Virginia
Attn: Office of the County Attorney
401 McIntire Road
Charlottesville, Virginia 22902

Notices shall be deemed received upon delivery or when delivery is refused. Any party to this Agreement may designate a substitute address by notice sent in writing in accordance with the provisions of this Section.

C. Waiver. The parties agree that the failure by any party to insist upon strict observance of any of the terms or conditions of this Agreement at any time shall not be deemed a waiver of such party's right to insist upon strict observance thereafter.

D. Modification. This Agreement may not be modified in any manner except by an instrument in writing executed by the party against which enforcement is sought.

E. Severability. The invalidity or unenforceability of any covenant, agreement term or condition of this Agreement or the application thereof, shall not affect the validity, enforceability or applicability of any other provision in this Agreement.

F. Applicable Law. This Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Virginia without regard to its conflict of laws or provisions.

G. Relationship of Parties. Nothing herein contained shall be construed to constitute a partnership or joint venture between or among any of the parties to this Agreement.

H. Headings. The headings of the sections of this Agreement are inserted for convenience only and do not comprise a part of this Agreement.

I. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[SIGNATURE PAGES FOLLOW]

WITNESS the following signatures and seals:

RIVANNA VILLAGE LLC

By:_____

Printed Name:_____

Title:_____

EAST RIVANNA VOLUNTEER FIRE CO., INCORPORATED

By:_____

Printed Name:_____

Title:_____

COUNTY OF ALBEMARLE, VIRGINIA

By:_____

Thomas C. Foley, County Executive

Approved as to Form:

Albemarle County Attorney

Exhibit A

Plat

[attached]

Exhibit B

Form of Easement Agreement

[attached]

*Prepared by and after
recording return to:*
Valerie W. Long, Esq.
Williams Mullen
321 E. Main Street
Suite 400
Charlottesville, VA 22902

Tax Map Parcel Nos.
093A1-00-00-00200
07900-00-00-025A0
08000-00-00-04600
08000-00-00-046A0
08000-00-00-046C0
08000-00-00-046D0
08000-00-00-046E0
08000-00-00-05000
08000-00-00-05100
08000-00-00-05200
08000-00-00-052A0
08000-00-00-055A0
093A1-00-00-00300
093A1-00-00-00400

EASEMENT AGREEMENT

This EASEMENT AGREEMENT (this "Agreement") is made and entered into as of _____, 2016, by and is made and entered into by and among the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County"), EAST RIVANNA VOLUNTEER FIRE CO., INCORPORATED, a Virginia corporation (the "ERVFC"; and collectively with the County, the "Owner") and RIVANNA VILLAGE LLC, a Virginia limited liability company (the "Developer"), and, and recites and provides as follows:

RECITALS:

A. Owner is the owner of a parcel of land (the "ERVFC Property") located in the Scottsville Magisterial District, Albemarle County, Virginia, identified on the current Albemarle County tax maps as Tax Map Parcel No. 093A1-00-00-00200, as further shown on a Plat of Roudabush, Gale & Associates, Inc., entitled "Easement Plat TMP 093A1-00-00-00-00200 Property of East Rivanna Volunteer Fire Co., Incorporated Scottsville District Albemarle County, Virginia," dated July 30, 2015, last revised February 2, 2016 (the "Plat"), which Plat is attached hereto, incorporated herein and recorded herewith.

B. Developer is the owner of thirteen parcels of land (collectively, the "Rivanna Village Property") located in the Scottsville Magisterial District, Albemarle County, Virginia, in the vicinity of the ERVFC Property, and currently identified on the current Albemarle County tax maps as Tax Map Parcel Nos. 07900-00-00-025A0, 08000-00-00-04600, 08000-00-00-046A0, 08000-00-00-046C0, 08000-00-00-046D0, 08000-00-00-046E0, 08000-00-00-05000, 08000-00-00-05100, 08000-00-00-05200, 08000-00-00-052A0, 08000-00-00-055A0, 093A1-00-00-00300, and 093A1-00-00-00400, as shown in part on the Plat.

C. In connection with Developer's plans to develop the Rivanna Village Property as a mixed use community known as "Rivanna Village" (the "Development"), Developer has asked, and Owner has agreed, to grant certain easements, subject to the terms and conditions of this Agreement.

AGREEMENT:

Now therefore, for and in consideration of the above-referenced premises, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

1. Recitals Incorporated. The Recitals above are hereby incorporated into the terms of this Agreement.

2. Grant of Easements. Owner hereby grants and conveys to and for the benefit of Developer, its successors and assigns, as an appurtenance to the Rivanna Village Property, the following easements across the ERVFC Property:

(a) a temporary, non-exclusive easement for construction, and a permanent, non-exclusive easement for grading, drainage and landscaping, in the area shown on the Plat as "New 20' Construction, Grading, Drainage, Landscaping Easement" (the "Twenty Foot Easement Area").

(b) a temporary, non-exclusive easement for construction, and a permanent, non-exclusive easement for grading, drainage, stormwater management, trails and landscaping, in the area shown on the Plat as "New 60 Construction, Grading, Drainage, SWM/BMP, Trails and Landscaping Easement" (the "Sixty Foot Easement Area", and, collectively with the Twenty-Foot Easement Area, the "Easement Area").

3. Scope of Easements Granted. The foregoing easements shall only be for the purposes of:

(a) grading the Easement Area in accordance with an approved site plan for the Development (the "Site Plan");

(b) installing, maintaining, adding to, or replacing present or future landscaping within the Easement Area;

(c) establishing a new and permanent slope in the Easement Area (which slope Developer shall thereafter maintain at its sole cost and expense);

(d) constructing such other site improvements within the Easement Area as are reasonably necessary to comply with the approved site plan;

(e) constructing, operating, maintaining, adding to, or replacing present or future storm drainage pipes, necessary structures, and appurtenances necessary for the collection of storm water and its transmission through and across the Easement Areas;

(f) solely with respect to the Sixty-Foot Easement Area, installing, operating, maintaining, replacing, and adding to a storm water management facility; and

(g) solely with respect to the Sixty-Foot Easement Area, constructing, maintaining, adding to, or replacing present or future multi-use trails.

Developer shall have full and free use of the Easement Area for the purposes named only, and shall have all rights and privileges reasonably necessary to the enjoyment and exercise of the same, including the right of access to and from the Easement Area and the right to use adjoining land where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual surveying, construction, reconstruction or maintenance. Developer shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in the Easement Area which interfere with the proper and efficient construction, grading, maintenance, or other permitted use of the Easement Area; provided, however, that Developer shall restore, as nearly as possible, the Easement Area to its original condition, such restoration to include the back filling of trenches, but not the reestablishment of the original grading of the Easement Area.

4. Duration of Temporary Construction Easements. The temporary construction easements granted hereunder shall automatically terminate and be of no further force or effect on the date that is sixty (60) days after the work necessary for such temporary construction easements are completed.

5. Indemnification. Developer hereby agrees to indemnify, defend and hold Owner, its agents, employees, successors and assigns, harmless from any and all costs, liabilities, damages, losses, claims, actions or proceedings including, for injury to persons which may be claimed to have arisen out of any damage, accident, injury or other similar occurrences in connection with the use and operation of trails within the Easement Area by Developer, and its tenants, employees, guests, invitees, agents, contractors, successors and assigns.

6. Future Action. The parties agree to do and take such further and additional acts and actions and to execute, acknowledge, and deliver such further and additional documents, instruments and writing which are not specifically referred to herein as may be necessary, required or appropriate for the purpose of fully effectuating the provisions of this Agreement.

7. Easements Run with the Land. The mutual obligations and rights exchanged herein shall run with the lands of and be binding upon the parties, and their successors and assigns such that any transfer of the Rivanna Village Property or the ERVFC Property (or any part of either the Rivanna Village Property or the ERVFC Property) shall be subject to the terms and conditions of this Agreement, with the successors in title being expressly responsible for all obligations of its predecessors in title.

8. Miscellaneous.

A. Binding Effect. The obligations of this Agreement shall be binding upon the parties hereto, their respective successors and permitted assigns. Nothing contained herein shall be construed or deemed to restrict the parties' right to sell or otherwise transfer the ERVFC Property and the improvements and appurtenances associated therewith, provided that any such sale or transfer shall be in accordance with and subject to the terms and conditions of this Agreement.

B. Notices. Notices under this Agreement shall be sent by (a) first class mail, postage

prepaid, registered or certified mail, return receipt requested, (b) hand delivery, or (c) overnight mail service, addressed as follows:

Developer: Rivanna Village LLC
314 East Water Street
Charlottesville, VA 22902

With a copy to: Valerie W. Long, Esq.
Williams Mullen
321 East Main Street
Suite 400
Charlottesville, VA 22902

ERVFC: East Rivanna Volunteer Fire Co., Incorporated
c/o Board of Directors
3501 Steamer Drive
Keswick, Virginia 22947

With a copy to: Richard Carter, Esq.
Zunka, Milnor & Carter, Ltd.
PO Box 1567
Charlottesville, VA 22902

County: County of Albemarle, Virginia
Attn: Office of the County Attorney
401 McIntire Road
Charlottesville, Virginia 22902

Notices shall be deemed received upon receipt, or when delivery is refused. Any party to this Agreement may designate a substitute address by notice sent in writing in accordance with the provisions of this Section.

C. Waiver. The parties agree that the failure by any party to insist upon strict observance of any of the terms or conditions of this Agreement at any time shall not be deemed a waiver of such party's right to insist upon strict observance thereafter.

D. Modification. This Agreement may not be modified in any manner except by an instrument in writing executed by the party against which enforcement is sought.

E. Severability. The invalidity or unenforceability of any covenant, agreement term or condition of this Agreement or the application thereof, shall not affect the validity, enforceability or applicability of any other provision in this Agreement.

F. Applicable Law. This Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Virginia without regard to its conflict of laws or provisions.

G. Relationship of Parties. Nothing herein contained shall be construed to constitute a partnership or joint venture between or among any of the parties to this Agreement.

H. Headings. The headings of the sections of this Agreement are inserted for convenience only and do not comprise a part of this Agreement.

I. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[SIGNATURES PAGES IMMEDIATELY FOLLOW]

WITNESS the following signatures and seals:

DEVELOPER:

RIVANNA VILLAGE LLC

By: _____
Andrew Boninti, Manager

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Andrew Boninti, the Manager of Rivanna Village LLC, on behalf of the company.

My commission expires: _____

Notary Public

ERVFC:

**EAST RIVANNA VOLUNTEER FIRE CO.,
INCORPORATED**

By: _____

Printed Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by
_____, as _____ of East Rivanna Volunteer Fire Co.,
Incorporated, on behalf of the corporation.

My commission expires: _____

Notary Public

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Thomas C. Foley, County Executive

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF _____, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Thomas C. Foley, as County Executive of the County of Albemarle, Virginia, on behalf of the County.

My commission expires: _____

Notary Public

Approved as to Form:

Albemarle County Attorney

Agenda Item No. 21. **Public Hearing: Noise Ordinance.** An ordinance to amend Chapter 7, Health and Safety, of the Albemarle County Code by amending Section 7-105, Specific Acts Prohibited, to provide that sound produced by construction, demolition and maintenance work performed by a contractor or subcontractor of a government entity, either off-site or outside of the public project's limits, would be prohibited between 10:00 p.m. and 7:00 a.m. if the sound is audible 100 feet or more from the property line or from inside a dwelling or hotel room (Section 7-105(E)); by amending Section 7-106, Exempt Sounds, to clarify that sound produced by on-site construction, demolition, or maintenance work for public projects would continue to be exempt from the County's noise standards; and by amending Section 7-108, Violation and Penalty, making a violation of Section 7-105(E) a class 4 misdemeanor punishable by a fine of up to \$250.00. (*Advertised in the Daily Progress on April 18 and April 25, 2016.*)

The executive summary as presented by staff states that the County regulates noise under County Code Chapter 7, Health and Safety, and Chapter 18, Zoning. The noise regulations under Chapter 7 regulate certain types of sound created from specific sound sources, such as construction and demolition activities, motor vehicles, electronic devices such as sound amplification equipment, and sounds generated near noise-sensitive institutions such as schools, courts, and hospitals. The Zoning Ordinance regulates other types of noise generated by land uses.

County Code § 7-105 prohibits certain sounds from being audible from a distance of 100 feet or more from the property line on which the activities are located or from within a dwelling unit or a hotel room. County Code § 7-105(E) prohibits sounds from construction, demolition, and maintenance activities between 10:00 p.m. and 7:00 a.m. County Code § 7-106 exempts a number of sounds from the noise standards, including sound produced from construction, demolition, or maintenance activities between 7:00 a.m. and 10:00 p.m. Sound produced from public facilities and public uses are exempt from the noise standards entirely. By interpretation, this "public use" exemption has been extended to construction activities related to public facilities.

The Route 29 Solutions project created a new noise issue, primarily as part of the Best Buy ramp project. State contractors and/or subcontractors left the project area and dumped construction soil on a vacant parcel along Rio Road after 10:00 p.m. Banging dump truck gates and backup warning sounds produced noise that generated complaints from residents in nearby residential neighborhoods. The overnight work was relatively limited in duration, but as the Route 29 Solutions project expands, there is a possibility that late off-site night dumping work may begin again.

The proposed ordinance would amend County Code § 7-105(E) to provide that construction, demolition, and maintenance work performed by a contractor or subcontractor of a government entity, either off-site or outside of the public project's limits, would be subject to the County's noise standards between 10:00 p.m. and 7:00 a.m. This amendment would not prohibit the work from being performed outside of those hours, but only make it subject to the noise standards. In turn, the proposed amendment may encourage the haulers to change their practices to reduce the off-site noise generated late at night. The Police Department has recommended that a person who violates subsection 7-105(E) be deemed to be guilty of a class 4 misdemeanor, which subjects the violator to a fine of not more than \$250.00. Sound

generated from on-site construction, demolition, or maintenance work for public projects would continue to be completely exempt as provided in the proposed clarification to County Code § 7-106(D).

Staff also will soon be recommending initiating a zoning text amendment to restrict fill and waste activities to the hours between 7:00 a.m. and 9:00 p.m.

There is no budget impact related to this ordinance.

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

Mr. Greg Kamptner addressed the Board and stated that before them is a noise ordinance intended to address a situation that had occurred last summer along Rio Road related to the Route 29 Solutions project, primarily the Best Buy Ramp portion, which was causing some hauling of fill dirt to be dumped on Rio Road. He stated the police were receiving late-night complaints about it, but the County had not been receiving any complaints and has surmised that the activity is no longer going on. Mr. Kamptner said that VDOT's proposal for the next phases of the Route 29 Solutions project will be for the hauling activities to remain within the project area, although it will be a 24/7 operation. He stated the current noise regulations subject construction activities to the noise regulations between 10 p.m. and 7 a.m., and during daylight hours the noise is exempt from the noise regulations. Mr. Kamptner said that under Chapter 7 regulations, a violation has occurred if the sound is audible from a distance of 100 feet from the property line, or from within a dwelling unit or a hotel room. He emphasized that the Chapter 7 regulations are an audibility standard, which is different from the noise regulation standards, which are based on an objective decibel standard.

Mr. Kamptner stated the Chapter 7 noise regulations also exempt all sound produced from public facilities and public uses, and by interpretation last summer it was concluded that the late-night dumping activities were exempt from the Chapter 7 noise regulations, so the proposed ordinance amendment rectifies that situation. He said that once contractors and subcontractors leave the 29 Solutions project area, they are considered independent contractors that are operating on their own, and the ordinance is tailored to address those particular circumstances where there is dumping activity occurring after 10 p.m. or before 7 p.m., the activities are being performed by a contractor or subcontractor on behalf of a government entity, and they are doing the dumping activity offsite, outside of the project area. Mr. Kamptner noted that the ordinance will also amend Section 7-106 to expressly exempt from the noise regulations the onsite construction activities being performed in conjunction with a public project. He stated the third recommended amendment will be to amend the penalties for violations of the noise standards resulting from construction noise, reducing the penalties from a Class I misdemeanor to a Class IV misdemeanor as recommended by the police department, with the penalties for Class IV being a fine up to \$250.

Mr. Kamptner stated that staff does not anticipate the remainder of the 29 Solutions project will create the scenario of last summer, so in some ways the ordinance amendment is preemptive, and the other step being taken is to amend the zoning regulations, particularly fill and waste regulations, which in the zoning ordinance currently restrict borrow fill and waste activities that use industrial type power equipment from between 7 a.m. and 9 p.m. He noted the proposed amendments attempt to close the loophole and expand the hours of operation to all types of fill activity.

Ms. Mallek stated that she does not understand why they are reducing the penalties, because the deterrent will go away if this becomes a cheap escape.

Mr. Kamptner explained that the people who are likely to be cited onsite are likely to be the haulers, who are working under the direction of an employer, and if these problems do arise they would likely be enforced as a zoning violation. He stated that at least with the regulations in place, the police can go to the violators and speak to them with instruction that they are violating the ordinance, asking them to cease the activity.

Ms. Mallek commented that there is no accountability for the general contractor who asked the workers to do it.

Mr. Kamptner responded this is correct, because the person cited is the one who is creating the noise as the violator, as with most noise violations, although the employer may end up paying the fine.

Ms. Palmer stated that the haulers may have different contractual agreements with the contractor with respect to the terms of the contract, with some working as employees of one contractor and others working solely as independent contractors.

Ms. Mallek commented that she just does not want this to be a "cost of doing business" if they ignore the violation and keep doing what they are doing.

Mr. Dill asked how common this is and whether it is a very big issue.

Mr. Kamptner responded that to the County's knowledge, it is a one-time event over an isolated three-week period over the summer, as far as the known complaints.

Lieutenant Todd Hopwood and Sergeant Chuck Woycik of the Albemarle County Police Department addressed the Board. Lt. Hopwood stated that Sgt. Woycik was the midnight shift supervisor dealing with the issues on 29, and said the reason for reducing the fine from Class I to Class IV is that the police would be dealing with the subcontractor who was doing what he was told to do and did not feel it rose to the level of a \$2,500 fine and up to one year in jail. He stated that with the changes made, this is a deterrent by which the subcontractor can go back to their boss and say they are not dumping there anymore because they do not want another ticket. Lt. Hopwood stated that in his 25 years on the ACPD, he did not recall having any previous incidents of construction noise on a public project before this incident.

Sgt. Woycik stated that having been the midnight supervisor for about two years, he was aware of another incident that made him aware of the difficulties enforcing the law. He said that about six months prior to this complaint, UVA contractors were bringing dirt out of the City, through the County, and back into the City, and these same issues were being raised then. Sgt. Woycik stated that although this has not been a problem in the past, with all of the improvements happening in the northern part of Albemarle County, it could be an issue again. He said that as Ms. Mallek brought up, there needs to be something more to deter the contractors, and with Lochlyn Hills they did not care. Sgt. Woycik explained that they wanted to fight every ticket tooth and nail, had their own sound equipment, and contractors told police they were not violating the law and said to go ahead and issue a ticket so they could move on. He stated this put the police department in a very bad position because at that point the only person who had a ticket was the dump truck driver who was essentially doing what they were told. Sgt. Woycik added that this creates a lot of problems to enforce this law as written, and said he is willing to help out as necessary.

Ms. Palmer commented that this does not solve the problem of the people who are going to do it anyway, it just allows them not to charge the contractor.

Ms. Lisa Green of Community Development addressed the Board and stated that the hope is the County will hear from the police so that staff can seek out the contractor who is in charge of the subcontractors and then initiate the zoning complaint and enforcement.

Mr. Kamptner stated the County will also be providing the ordinance to VDOT, who will work with the contractors and subcontractors so they are aware of the noise standard and can modify their behavior, and while this does not prohibit the activity itself, it helps them ensure they are dumping with a way that complies with the noise regulations. He added that there are modifications that can be done to their activities that allow them to continue, but stay in compliance with the noise standard.

Ms. McKeel asked if part of this complaint is based on the fact the work is being done for public entities, and she is trying to recall situations with neighborhoods on either side of construction sites.

Mr. Kamptner responded they are talking about contractors who are leaving the site, and even though they are engaged in construction of a public improvement, and in the case of the Rio Road situation they are leaving a project site and dumping fill across from a residential area. He stated this ordinance is narrowly tailored, and a public project, such as the hauling and dumping activity, will take place in the next phase of the 29/Rio intersection, where fill dirt will be dumped along Berkmar Extended. Mr. Kamptner said the County is balancing the need to get these projects completed in a timely manner against the impacts on the neighbors, and in the situation of Berkmar Extended, the dumping is on the public site.

Ms. McKeel asked for confirmation that this is trying to address contractors leaving a site, in contrast to contractors doing some construction on one particular place that it is on a public road but may have neighborhoods around it.

Mr. Kamptner said it will also address public projects, especially those that will be 24/7 operations that require a tight timeframe.

Ms. McCulley stated this is distinct from a contractor working on a private development and not having the benefits of exemption that a public project would. She added that the hybrid approach of having it in the County code section that police enforce and in the zoning ordinance allow them to tag team, with police officers responding to the issues at night and the zoning office having the flexibility to enact civil penalties or issue tickets without immediately taking an enforcement action.

Mr. Kamptner stated that regarding the Class I versus Class IV misdemeanor, there is a different stigma associated with someone attached to a Class I versus Class IV misdemeanor, and that can have long-term impacts to that person.

Ms. Mallek asked if the penalty goes up the chain to a higher standard with repeat offenses.

Mr. Kamptner responded that it does not currently, but the Commonwealth Attorney has been involved in this with staff and may look at it as part of a larger review of penalties.

Mr. Davis stated the Class IV misdemeanor has a maximum fine of \$250, so an offender may not be fined the full amount with the first incident, but if he does it three days in a row he probably will be, so the action works within the range of the penalty itself.

Ms. Mallek commented that they could make it so that numerous bad actions would lead to Class I.

Sgt. Woycik explained that there is a criminal code section for failing to comply, so if the same person continues to violate the regulation and failed to comply with the cease and desist, that would be a Class I misdemeanor.

Ms. McKeel commented that Mr. Sheffield has both of these issues in his district.

The Chair opened the public hearing.

No public comment was offered, and the chair closed the public hearing.

Mr. Randolph **moved** to adopt the resolution for changes to the ordinance 1607. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

ORDINANCE NO. 16-07(1)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, ARTICLE I, NOISE, 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 7, Health and Safety, Article I, Noise, is hereby amended and reordained as follows:

By Amending:

Sec. 7-105	Specific acts prohibited
Sec. 7-106	Exempt sounds
Sec. 7-108	Violation and penalty.

Chapter 7. Health and Safety

Article I. Noise

Sec. 7-105 Specific acts prohibited.

It shall be unlawful for any person to produce sound from the following acts that meets or exceeds the applicable sound levels:

A. *Motor vehicle or motorcycle operation.* The sound is produced by: (i) the absence of a muffler and exhaust system conforming to Virginia Code §§ 46.2-1047 and 46.2-1049 on a motor vehicle or a motorcycle; (ii) jackrabbit starts, spinning tires, racing engines, or other similar acts in a motor vehicle or on a motorcycle; or (iii) a refrigeration unit mounted on a motor vehicle, and either:

1. *On a street or on public property.* The motor vehicle or motorcycle is operated or parked on a street or on public property, and the sound is audible from a distance of one hundred (100) feet or more from the motor vehicle or motorcycle; or

2. *On private property.* The motor vehicle or motorcycle is operated or parked on private property, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the motor vehicle or motorcycle is located; or (ii) from inside a dwelling unit or hotel room.

B. *Radios, tape players, television receivers, musical instruments, electronic sound amplification equipment, and other sound producing or reproducing devices.* The sound is produced by a radio, tape player, television receiver, musical instrument, electronic sound amplification equipment, phonograph, compact disc player, MP3 player, or other similar device intended primarily for the production or reproduction of sound (hereinafter, collectively and singularly a "device") and either:

1. *Device within or on a motor vehicle on a street or on public property.* The device is within or on a motor vehicle that is operated or parked on a street or on public property, and the sound is audible from a distance of one hundred (100) feet or more from the motor vehicle;

2. *Device within or on a motor vehicle on private property.* The device is within or on a motor vehicle that is operated or parked on private property, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;

3. *Device within a place of public entertainment.* The device is located within a place of public entertainment, and the sound is audible for a duration of five (5) continuous minutes or more, without an interruption of the sound for thirty (30) or more consecutive seconds during the five (5) minute period, within any one (1) hour period: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the place of public entertainment is located; or (ii) between the hours of 10:00 p.m. and 7:00 a.m. from inside a dwelling unit or hotel room;

4. *Device within a dwelling unit.* The device is located within a dwelling unit and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room;

5. *Device producing outdoor amplified music or serving as an outdoor public address system.* The device is located to produce outdoor amplified music, to serve as an outdoor public address system, or both, including any such device used in conjunction with an agricultural activity, and the sound is not otherwise regulated under subsections (B)(1) through (4) or exempt under section 7-106, and the sound is audible from inside a dwelling unit or hotel room; or

6. *Device in other locations.* The device is located other than within or on a motor vehicle, a place of public entertainment, a dwelling unit, or is not producing a sound subject to subsection (B)(5), and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room.

C. *Off-road vehicles.* The sound is produced by an off-road vehicle operated in a location other than on a street, where the off-road vehicle use is not an authorized primary use under chapter 18 of the Code, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the off-road vehicle is located; or (ii) between the hours of 10:00 p.m. and 7:00 a.m. from inside a dwelling unit or hotel room.

D. *Proximity to sound-sensitive institutions.* The sound is produced on any street adjacent to any school, hospital, nursing home or court (hereinafter, collectively referred to as "institutions"), provided that conspicuous signs are posted and visible on the street(s) adjacent to the institution stating that the street is adjacent to a school, hospital, nursing home or court and either:

1. *Schools and courts.* The sound is audible from inside the school building or the court between the hours of 7:00 a.m. and 10:00 p.m. when the school or court is in session; or

2. *Hospitals and nursing homes.* The sound is audible from inside the hospital or nursing home.

E. *Construction, demolition, or maintenance activities.* Either of the following:

1. Sound produced by construction, demolition, or maintenance activities between the hours of 10:00 p.m. and 7:00 a.m., and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

2. Sound produced by construction, demolition, or maintenance activities related to a public facility, a public use, or a public improvement between the hours of 10:00 p.m. and 7:00 a.m., but which is produced by a contractor of a governmental entity, or a subcontractor of such a contractor, either off-site or outside of the project limits when the project limits are established in writing by the governmental entity, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

F. *Silvicultural activities.* Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to logging activities, between the hours of 10:00 p.m. and 6:00 a.m. or at any time if the silvicultural activities, including logging activities, are determined to not be lawfully permitted bona fide silvicultural activities, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

G. *Solid waste collection.* Sound produced by the collection of solid waste between the hours of 10:00 p.m. and 6:00 a.m. within a residential zoning district established under chapter 18 of the Code, and between the hours of 10:00 p.m. and 5:00 a.m. within any non-residential zoning district established under chapter 18 of the Code, including any mixed-use site, and the sound is audible: (i) from

a distance of one hundred (100) feet or more from the solid waste collection activity; or (ii) from inside a dwelling unit or hotel room.

H. *Yard maintenance activities.* Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing between the hours of 10:00 p.m. and 7:00 a.m. within a residential zoning district established under chapter 18 of the Code, and between the hours of 10:00 p.m. and 6:00 a.m. within any non-residential zoning district established under chapter 18 of the Code, including any mixed-use site, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

(Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09; Ord. 13-7(2), 9-4-13)

State law reference--Va. Code § 15.2-1200.

Sec. 7-106 Exempt sounds.

The following sounds are not prohibited by this article:

- A. *Agricultural activities.* Sound produced by an agricultural activity.
- B. *Animals.* Sound produced by animals including, but not limited to, barking dogs, which are subject to the animal noise regulations in chapter 4 of the Code.
- C. *Bells or chimes from place of religious worship.* Sound produced by bells, chimes or other similar instruments or devices from a place of religious worship.
- D. *Construction, demolition, or maintenance activities.* The following sounds:
 - 1. Sound produced by construction, demolition, or maintenance activities, except as provided in section 7-105(E).
 - 2. Sound produced by construction, demolition, or maintenance activities related to a public facility, a public use, or a public improvement, where the sound is produced on-site or within the project limits established in writing by the governmental entity.
- E. *Emergency operations.* Sound produced in the performance of emergency operations including, but not limited to, audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger, or sound produced by power generators during power outages and other emergency situations.
- F. *Firearms.* Sound produced by the lawful discharge of a firearm, including any sound produced at a gun club, shooting range, shooting preserve, or target, trap or skeet range; provided that this sound is otherwise subject to the noise regulations in chapter 18 of the Code.
- G. *Home appliances.* Sound produced by the normal use of home appliances such as generators, air conditioners, heat pumps, vacuum cleaners, washing machines, dryers and dishwashers, provided that the appliances are in good repair.
- H. *Outdoor amplified music or outdoor public address systems.* Sound produced by an outdoor amplified music system or outdoor public address system if the sound is outdoor amplified music at a farm winery subject to the farm winery regulations in section 18-5.1.25(e) or is sound produced in conjunction with an outdoor music festival authorized by special use permit under chapter 18 of the Code.
- I. *Parades, fireworks and similar officially sanctioned events.* Sound produced by parades, fireworks or other similar events which are officially sanctioned, if required; provided that the exemption for fireworks shall apply only to fireworks displays duly issued a permit pursuant to chapter 6 of the Code.
- J. *Person's voice.* Sound produced by a person's voice, except as provided in section 7-105(B).
- K. *Protected expression.* Sound produced by any lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution, but not amplified expression; provided that the sound is not prohibited by section 7-105.
- L. *Public facilities, public uses, and public improvements.* Sound produced by the operation of a public facility, ~~or~~ public use, or public improvement, including, but not limited to, any sound which would not be an exempt sound if it was produced by the operation of a non-public facility, or non-public use.
- M. *School athletic contests or practices, and other school activities; private schools.* Sound produced by private school athletic contests or practices, and other private school activities.

N. *Silvicultural activities.* Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to, logging activities, except as provided in section 7-105(F).

O. *Solid waste collection.* Sound produced by the collection of solid waste, except as provided in section 7-105(G).

P. *Telephones.* Normal sound produced by landline and wireless telephones.

Q. *Transportation.* Transient sound produced by transportation including, but not limited to, public and private airports (except as otherwise regulated), aircraft, railroads and other means of public transit, and sound produced by motor vehicles and motorcycles, except as provided in section 7-105(A).

R. *Warning devices.* Sound produced by a horn or warning device of a vehicle when used as a warning device, including back-up alarms for trucks and other equipment.

S. *Yard maintenance activities.* Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing, except as provided in section 7-105(H).

(§ 12.1-7, 9-10-80, § 7; Code 1988, § 12.1-7; Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09; Ord. 13-7(1), 5-8-13; Ord. 13-7(2), 9-4-13)

State law reference--Va. Code § 15.2-1200.

Sec. 7-108 Violation and penalty.

Any person who violates any provision of this article shall be deemed to be guilty of a class 1 misdemeanor, provided that any person who violates subsection 7-105(E) shall be deemed to be guilty of a class 4 misdemeanor. The person operating or controlling a sound source shall be guilty of any violation caused by that source. If the sound source cannot be determined but its presence on a parcel can be determined, any owner, tenant or resident physically present on the parcel where the sound is being produced is guilty of the violation.

(§ 12.1-8, 9-10-80, § 8; Code 1988, § 12.1-8; Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Agenda Item No. 22. **Public Hearing: ZTA-2016-00004. Flood Hazard Overlay District.** An ordinance amending Sec. 18-30.3.2, Flood Insurance Rate Map and Flood Insurance Study, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-30.3.2 to refer to and incorporate the flood insurance rate maps and flood insurance study effective on and after May 16, 2016. (*Advertised in the Daily Progress on April 18 and April 25, 2016.*)

The transmittal as presented by staff states that on April 26, 2016, the Planning Commission recommended approval of ZTA 2016-04 by a vote of 7:0, as recommended by staff. The Planning Commission's staff report and draft minutes from the meeting are attached (Attachments A & B).

The staff report for the April 26, 2016 Commission public hearing (Attachment A) outlines the background and provisions of the proposed ordinance amendment.

Staff recommends that the Board adopt the proposed zoning text amendment (Attachment C).

Ms. Mandy Burbage, Senior Planner, Community Development, addressed the Board and reported that the flood hazard overlay district restricts development in the 100-year floodplain to prevent the loss of life and property associated with a flooding event. Ms. Burbage stated the floodplain boundary is established by FEMA through its flood insurance rate maps (FIRMS), and Albemarle County's flood hazard overlay district was adopted in conjunction with the original zoning ordinance in 1980, and the County was last required to update the regulations in 2014 to retain compliance with national flood insurance program standards. She said that adoption of these standards is required for participation in the flood insurance program, and the County exceeds these standards and is often recognized at the state and national level as having a model floodplain ordinance in the state.

Ms. Burbage stated that the floodplain boundaries are not being changed by the zoning text amendment, and the current amendment simply incorporates a new effective date for the firm and flood insurance study. She said the current language found in Section 30.3.2, which references all subsequent revisions and amendments, cannot apply to a new map effective date but does include letters of map revision and map amendment frequently submitted by applicants in conjunction with their engineering studies. Ms. Burbage noted the reason for the new effective date is the result of the Scottsville levy going from provisionally accredited to accepted, which will be effective on May 16, and this date will be changed on the FIRM panel and the flood insurance study. She stated the ordinance needs to reflect the date change or the County will lose its flood insurance, and the Department of Conservation and Recreation is requesting language from the Attorney general to allow for auto-adoption of these kinds of changes in the

future, but that does not currently exist so they are using the zoning text amendment process. Ms. Burbage added that the County needs to adopt the ordinance by May 16 or it will lose its flood insurance.

Mr. Dill asked why these restrictions are stronger than FEMA's.

Ms. McCulley responded that it is a longstanding provision that predates her tenure in zoning, and it is also true of things like state health department regulations, which require a 50% septic reserve area, but the County requires 100%. She stated the County has chosen to be more careful and further restrict development in areas that would be subject to flooding, and has experienced extremely low loss numbers when compared to the rest of the state.

The Chair opened the public hearing.

There was no public comment, and the chair closed the public hearing.

Mr. Randolph **moved** to approve ZTA 2016-0004 Flood Overlay District for the Count to bring the overlay district into compliance. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

ORDINANCE NO. 16-18(5)

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

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

By Amending:

Sec. 30.3.2 Flood Insurance Rate Map and Flood Insurance Study

Chapter 18. Zoning

Article III. District Regulations

Sec. 30.3.2 Flood insurance rate map and flood insurance study

The flood hazard overlay district shall be composed of all areas of the county within the special flood hazard areas delineated on the Flood Insurance Rate Map for Albemarle County, Virginia and Incorporated Areas and the Independent City of Charlottesville, most recently amended effective on and after May 16, 2016 (the "Flood Insurance Rate Map"), and the Flood Insurance Study for Albemarle County and Incorporated Areas and the Independent City of Charlottesville prepared by the Federal Emergency Management Agency, most recently amended effective on and after May 16, 2016 (the "Flood Insurance Study"), and includes all subsequent revisions and amendments to the Flood Insurance Rate Map and Flood Insurance Study.

The Flood Insurance Rate Map and the Flood Insurance Study are incorporated herein by reference. The Flood Insurance Rate Map, including all of the special flood hazard area zones designated thereon, is hereby adopted as the zoning map of the flood hazard overlay district.

(§ 30.3.02.1 (part), 12-10-80; 6-10-87; Ord. 05-18(1), 1-5-05, effective 2-5-05; § 30.3.2, Ord. 14-18(1), 3-5-14)

This ordinance shall be effective on and after May 16, 2016.

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

Federal law reference – 44 CFR § 60.2(h).

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek reported that she will provide an update on the proffer bill discussion from VACO's perspective and said that Albemarle is not alone in its disgruntlement with the legislature. Ms. Mallek stated that many legislators feigned unawareness of constituents' concerns about the bill, and while many people said it was a communication problem, that is not the whole picture as there were many in-person meetings and phone calls to legislators. She said that one of the more poignant comments was from Sharon Bulova of Fairfax, who asked what they are supposed to do since Dick Saslaw was the sponsor of the bill. Ms. Mallek stated that it seems that many legislators either do not understand land use or are

unwilling to read what constituents sent them, so this has been an incredibly frustrating experience. She said that some localities have instructed their staffs not to talk to applicants after July 1 because it could be construed as making proffer demands, which would ruin communication between staff members and applicants, and many people anticipate a blowback on rezoning approvals. Ms. Mallek noted that there is a homebuilders association attorney named Bill Thomas who has said he would be glad to meet with counties and their planners, and she feels that all 100 counties should meet with him at various times to help him understand the issue. She suggested that the County staff keep track of the unintended consequences of the bill, and while it is almost impossible to show up to committee meetings in Richmond with 24 hours' notice, there does not seem to be another way to address this. Ms. Mallek noted that Phyllis Randall of Loudoun had been introduced to be recognized, but the Cities, Counties and Towns Committee only took 45 seconds to introduce the bill, had no discussion, and did not call on her to vote. She stated this has happened several times to her and to Jane Dittmar, but it is the reality of what they are dealing with, and there must be adequate time for localities to formulate a position and develop wording for discussion, so it is not possible to make comments any earlier despite legislators' contention that objections should have been stated earlier.

Ms. Palmer stated that she and Mr. Foley had discussed with the clerks the possibility of trying to get the legislative luncheon done in September so there could be a conversation at another level.

Mr. Davis responded that this will back up the schedule significantly, so the Board would need to start its legislative process in July.

Ms. Palmer said that would be fine if the legislators would agree to meet with them then.

Ms. Mallek emphasized that Mr. Davis is referring to all of the work that staff does leading up to the legislative meetings.

Ms. McKeel stated the County could have an earlier conversation with legislators about specific issues, such as the proffer bill, without having to have an approved legislative packet ready to go forward.

Mr. Davis said the County has done that in the past with the December meeting where there were topics in which they presented issues of concern to the County, and last year the only issue that emerged was the tax issue, which Albemarle had worked on first with TJPDC and others. He stated that if the County has an issue of major concern, getting to the legislators early is a good idea, but getting them to come early has been difficult, and one of the purposes of the legislative meeting has been for the County to present its legislative priorities, but also to hear the legislators' priorities. Mr. Davis said that those are not often formed until later in the year, so the Board would need to decide whether to have an earlier meeting then another one later in the year, or make a decision about whether the meetings have been effective later in the year.

Ms. Palmer responded that she does not feel they have been effective and would like to have something besides just the wish list discussions, so she would like to change the process to a more in-depth conversation that includes legislators' opinions of certain issues. She said she would like to know from legislators why they feel localities do not get to them on time, as well as how they feel about certain items the County feels are mandates but legislators might not, and how legislators would approach fixing the tax situation. Ms. Palmer emphasized that she feels it is time to hear from the legislators rather than them hearing from the County, and not just hear that localities can fix their tax situation with economic development.

Ms. McKeel stated that the current process has not been working, and they have all been doing it more than 2 or 3 years, adding that she has been doing it for 18 years with the same results.

Mr. Davis said the taxation discussion has been going on for 30 years, and he does not know that any strategy will be effective with this General Assembly, and that is just a reality they face. He stated this does not mean the County should stop fighting, but the chances for success in the near term are not positive.

Ms. McKeel suggested that the County take a break in December other than supporting VACO's platform, and instead have a discussion in August or September around a few very important topics, which would be a very different conversation.

Ms. Mallek suggested that the Board, as a group, only talk to one legislator at a time, so the others do not just sit there silently, which would help have the conversation they want to have. She noted that the Air B&B bill is going to resurface out of study, and VACO has suggested that localities by October document their unintended consequences for the proffer bills, adding that Jeff McKay had commented that half the bills of a legislative year are to fix the mistakes of the previous year.

Mr. Davis said that as he had said to them last summer, they spend most of their time playing defense, and the proffer bill was not made public until December so they did not know what it would look like, with the Air B&B bill not made public until late in the process. He stated that while the Board would not have much experience with the proffer bill to lobby for changes, Mr. Kamptner has already discussed with other attorneys the possibility of tinkering with the bill, so they would want to get that organized early, and a serious discussion about taxation is probably not going to happen.

Ms. Palmer stated that she feels they need to get an idea of what the legislators think, as one had said to her the only way the County would be able to deal with this is to combine things with the City, and others that say they need to do more economic development, but there is only so much tax revenue that can be generated from businesses like COSTCO.

Mr. Dill said that he wonders how open the legislators would be with them anyway, given the nature of the current legislature, and he wonders if a strategy might be to group some of the issues such as the wineries, Air B&B, and taxing issue under the single umbrella of economic philosophy or ideology. Mr. Dill stated that it does not really help for Supervisors to tell legislators that the proffer bill will mean that localities are not allowed to take money from developers, because they already know it and want it to be that way, so perhaps having a developer talk to legislators about the positive aspects of proffers would be more effective.

Ms. Palmer stated that the Board could have members of the public come in and talk about one subject, but regardless of how they do it they need to do it earlier, so if the Board can agree to do it earlier they can then talk about the content and focus.

Mr. Dill stated that in the short term, several legislators, Delegate Rob Bell, Delegate Steve Landes, and Delegate David Toscano, would be present at the Senior Statesmen event on May 11 at the Senior Center.

Mr. Davis suggested that they involve the TJPDC in this discussion, as their legislative calendar is currently on the same track as Albemarle's, and there may be some value in coordinating with them because they have been helpful in this regard in the past.

Mr. Foley stated that based on the Board's previous conversations, he is hearing that they should shoot for a meeting in September and get ahead of the other items, with a focused conversation on two or three major issues the Board is concerned about. He emphasized that it is important to work with David Blount on this, as he represents them in the General Assembly and can do a lot of research and provide history that will help them develop approaches to be successful going forward. Mr. Foley said that staff can work to arrange a meeting in September and try to get some legislators there, and should put this on the Board's agenda for June or July so that staff can be sure to gather the background necessary to move forward.

Ms. Palmer commented that the Board will need to have some more discussion as to what that meeting would look like, but at this point they want to provide direction that they want to have the meeting earlier.

Ms. McKeel suggested that they at least get the meeting date on the calendar with the legislators as soon as possible.

Ms. Mallek added that none of the legislators are up for election this year, which is typically why the County delays having the meeting.

Mr. Davis commented that in the odd years it would be more difficult to get people from the House of Delegates to come to a September meeting.

Ms. McKeel stated that she does not want to have the same meeting with the TJPDC and David Blount that they always have in December, and while she has no problem involving them, using the same strategy with the legislators has not really worked.

Mr. Randolph reported that he went to the naturalization ceremony of a friend on April 15 and introduced himself to Judge Conrad, who told him that he occasionally needs someone to speak to the new citizens and asked him to do so. Mr. Randolph stated that he addressed about 40 new naturalized citizens and was inspired by the tapestry of people that are new U.S. citizens, from Africa, Asia, Central America, South America, Canada and the United Kingdom.

Mr. Randolph also reported that he thought he was going to Farmington for a workforce meeting, but arrived early and accidentally went into a board meeting of a company, with no mention from this local company about local taxes, but instead a focus on branding and increasing market share. He said that he made some suggestions to them about marketing, which the CEO thanked him for.

Mr. Randolph reported that he and Ms. Mallek, as well as Mr. Kamptner, had attended four roundtables on the issue of farm distilleries, cideries, wineries and breweries, and this had been very valuable. He stated that he has total confidence that Mr. Kamptner and staff will come forward with recommendations for the Board as to how to address a single problematic situation. Mr. Randolph commented that the roundtables were very well done by staff.

Mr. Randolph reported that there was a lot happening on the broadband front, and the consultant, Design Nine/Andrew Cohill, is getting up to speed and will be coming back with a map of all existing cell towers and the 500kb system that can potentially be piggybacked onto for cell tower transmission. He stated that he and Vince Schivert will be launching public information sessions, and he feels very encouraged by the broadband committee and the participation by new members, Tim Keller and Bill Fritz.

Ms. Palmer stated that in a separate meeting, Bill Letteri had a line of questioning for the Design Nine consultant, and the shared concern is that, at this point, there is no real information or direction from the Board as to whether they are going to spend money to get broadband to the rural areas and what that will look like. She added that there is also concern with what the County's involvement with any authorities would be. She said after that meeting, she, Mr. Letteri and Mr. Dill talked about coming up with something to bring to the Board to generate direction as to what they will be willing to spend money on, and the three of them agreed that it could be under a "Matters from the Board" item on their next agenda. Ms. Palmer stated that invitations have been sent for the meeting on May 18 with authorities to share their experiences, and the consultant feels the authority approach is the way to go.

Mr. Randolph stated he wants to make sure that Vince Schivert, as well as someone from the police department, address the public safety aspects.

Ms. McKeel asked what time the meeting on May 18 is, as she is planning to attend.

Ms. Palmer responded that it is at 1:00 p.m.

Ms. Mallek asked if there had been discussions with the broadband committee consultant regarding the fact that a system that is designed has to be able to be built, because they do not want to do what other communities have done in spending a lot of money on something that could have been implemented.

Ms. Palmer responded that there had been, which is why there is a meeting on the 17th and deliberate effort to provide information to the Board to make sure everyone knows what they are doing.

Ms. Mallek asked if Design Nine did the implementation.

Ms. Palmer responded that they did not implement, but the broadband group has spent a lot of time emphasizing that they want something buildable.

Ms. Mallek commented that this could be a problem, and she does not know how they can do both without experience.

Ms. Palmer said that she thought Design Nine had done some, but had not been hired here.

Ms. Mallek responded that she understands that, but one of the major takeaways from the VACO meeting last November was not to do that.

Mr. Dill reported that he had recently spent a good bit of time with a USDA undersecretary at the Charlottesville Food Hub, with Charlottesville Schools, the chef from St. Anne's, and several other interested parties involved in local food, with the chef cooking a gourmet meal at St. Anne's that used local foods. He stated there was a commitment from the group to try to use more local foods, and the only other County person besides him was the Hollymead Elementary School cook. Mr. Dill said that all of the County schools and most of the City schools have full kitchens and have the capability to cook meals, which is different than some school systems that only had microwaves. He noted that he would be continuing to work with this group on the local food project.

Agenda Item No. 24. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley reported that staff looked at the Planning Commission's schedule for public hearing and they have a meeting on May 24 at which they could consider the School Board's information from May 12, with the topic coming back to the Board on June 1, at which time they would adopt the CIP. He added that staff will follow up with more information to clarify that meeting.

Ms. Palmer asked if they can have a further discussion on May 11 about what will go on the referendum.

Mr. Foley responded that the Board will just need to determine whether to meet beforehand on May 11 or continue with their meeting into 6:00 p.m.

Ms. Palmer said she cannot meet beforehand because of other meetings and the Board's 3:00 worksessions, and they will just continue on with their meeting to set aside an hour for that discussion at 6:00.

Mr. Foley stated that staff will revise the agenda for May 11 and add that item, and said they will also be discussing the strategic priorities worksession on May 17 and receiving some materials for that meeting. He noted that he would also be meeting with Supervisors, two at a time, to help them prepare for those meetings. Mr. Foley said that staff wants to provide in July an update on the economic development plan progress, particularly the information on the inventory of industrial properties in the development area and results from focus groups, and staff feels it can be a joint meeting with the Planning Commission and the Economic Development Authority.

Closed Meeting.

At 7:55 p.m., Mr. Dill **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Certify Closed Meeting.

At 8:22 p.m., Mr. Dill **moved** that the Board certified 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 carried by the following recorded vote:

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

Boards and Commissions: Vacancies and Appointments.

Ms. McKeel **moved** to appoint the following:

- **APPOINT**, Ms. Peggy Gilges and Mr. Paul Grady to the Solid Waste Alternatives Advisory Committee (SWAAC) with said terms to expire May 31, 2020.
- **APPOINT**, Mr. Jesse Warren and Mr. Leo Mallek to the Solid Waste Alternatives Advisory Committee (SWAAC) with said terms to expire May 31, 2019.
- **APPOINT**, Mr. Charles Riegle, Ms. Ammy George and Ms. Lesley Hamilton to the Solid Waste Alternatives Advisory Committee (SWAAC) with said terms to expire May 31, 2018.

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

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

Agenda Item No. 25. Adjourn to May 6, 2016, 9:00 a.m., Lane Auditorium.

Ms. Mallek **moved** to adjourn the Board meeting to May 6, 2016 at 9:00 a.m. in Lane Auditorium. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

The meeting was adjourned at 8:23 p.m.

Chairman

Approved by Board
Date: 12/07/2016
Initials: TOM