

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 3, 2016, 1:00 p.m., Lane Auditorium, 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 Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Attorney, Greg Kamptner, and Acting Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Ms. Palmer.

Ms. Palmer introduced Presiding Security Officer, Chris Levy, and County Staff present.

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Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Foley asked that the Board remove Item 8.6, Go Virginia, from the Consent Agenda and reschedule it for the first meeting in September, stating that they need more background on it and there is no urgency to it.

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Mr. Randolph asked that Item 8.5 regarding a license agreement for an historical sign on County property and Item 8.7, Blue Ridge Heritage Project, be put off for discussion to the end of the meeting.

Ms. Palmer stated that the Board would address those items.

Mr. Randolph **moved** to approve the final agenda as amended. Ms. Palmer **seconded** the motion.

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

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

NAYS: None.

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

Ms. Mallek stated that she had received an e-mail earlier in the day announcing that the Ivy MUC is reinstating daily paint collection, and said that she hopes members of the community will take advantage of this.

Ms. Mallek stated that it is the centennial year for Shenandoah National Park and that August 20 will feature the rededication of the Hawksbill viewing platform. She said there are various other events this year and she hopes that people will have a chance to participate. She mentioned that [www.snp.gov](http://www.snp.gov) is the website to access event listings.

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Mr. Dill reported that there had been a police community event at Hollymead Town Center the previous night, National Night Out, which was well attended. He said that he had spoken with some of the officers, including those who do family counseling with crime victims and animal control officers.

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Ms. McKeel informed the Board that Albemarle County Schools are finalists for a \$10 million grant offered by XQ Institute, sponsored by Steve Jobs' widow, to "redesign" high school education, and said the five winners will be announced on August 4.

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Mr. Randolph said that Mr. Chip Boyles of the Thomas Jefferson Planning District Commission had invited him to attend the Virginia Planning Association conference last week in Williamsburg. He stated that he has a copy of the Virginia Chamber Foundation's legislative report and State of the Commonwealth report, and would take a moment to summarize the findings. He said that Virginia's economy has been stagnant over the past several years and is now ranked 49<sup>th</sup> for growth. The primary reasons being sequestration and reduced government spending. Mr. Randolph noted that some good news is that inflation-adjusted incomes are higher than in all comparable regions along the Atlantic Coast, including New York City. He said that very small businesses of 10 employees or less are facing challenges with expansion, and account for a smaller percentage of total employment than 25 years ago.

Mr. Randolph noted that during the "near depression," Virginia lost 69,000 manufacturing jobs and has regained only 1,000, and salaries in service jobs are lower than they were before the near depression. He stated that technology jobs are not being regained, and said the report showed that

financial services sector has the greatest multiplier effect for job growth, with each job generating an average of \$491,636. On the other hand, he said, manufacturing generates \$186,311. Mr. Randolph reported that nearly \$9 billion was lost from the Virginia economy after the near depression and there are a series of challenges to be faced. He said that within Virginia, Charlottesville is not in the top 10 of out-migration to other states and has gained 4,400 jobs from June 2015 to June 2016. He stated that manufacturing in the Commonwealth is down 1.8%, versus a national decline of .3%; Charlottesville is the second lowest unemployment area in the Commonwealth at 3.1%.

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Ms. Palmer stated that she has some announcements to make and mentioned the arrival to the community of Marine Corps Corporal Kevin Blanchard and his fiancé Myra Kahn, noting that Corporal Blanchard was chosen by the nonprofit "Homes for our Troops" as a recipient of a new, handicapped-accessible home to be built in Crozet. She commented that these homes make an incredible difference to veterans, many of whom have lost limbs in the line of duty. Ms. Palmer stated that Corporal Blanchard was injured in an IED explosion while serving in Iraq in 2005. She said that he and his fiancé chose Crozet to be their home and will be a wonderful asset to the community, adding that she had urged them both to get involved in County government.

Ms. Mallek added that she thinks there will be volunteer opportunities for members of the community to assist with finishing the house this fall.

Ms. Palmer mentioned local residents Khazir and Khazala Khan, Goldstar parents in national news, and said that she would like to recognize them for their courage in standing up for some basic American values: liberty and equal protection of law.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6a. Proclamation recognizing August 26, 2016 as Women's Equality Day.

Ms. McKeel said they are always pleased to have this recognition and noted that Ms. Toby Zakin is here to accept it, inviting Ms. Zakin to come before the Board.

Ms. McKeel then read and **moved** to adopt the proclamation recognizing August 26, 2016 as Women's Equality Day. Ms. Mallek **seconded** the motion.

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

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

**PROCLAMATION**

**WHEREAS**, this is the **96th Anniversary** of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

**WHEREAS**, in 1848, 168 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still more work to be done to ensure reliable protection in the U.S. Constitution for women against sex discrimination in general; and

**WHEREAS**, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim

**August 26, 2016,**  
**as**  
**WOMEN'S EQUALITY DAY**

in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all; and

Ms. Zakin thanked the Board on behalf of the National Organization for Women for the proclamation, commenting that women have come a long way and still have a ways to go. She stated that there will be a reception in the McIntire Room of the Central Library on Tuesday, August 23, 2016, from 5:00 p.m., to 7:00 p.m., and she hopes that members of the public will come and celebrate. Ms. Zakin noted that they have a tradition of presenting the library with some books in honor of Women's Equality Day.

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Item No. 6b. Digital Government Award.

Ms. Palmer invited Mr. Mike Culp, Information Technology Director, to accept the award and to offer a few words about it. She stated that Albemarle County has been named to the top 10 most technologically advanced County governments of its size in the U.S. by the Center of Digital Government and the National Association of Counties in their annual Digital County Survey, with Albemarle ranking second in the nation and first in Virginia in utilizing information technology to deliver high quality service to its customers and citizens based on a population category of 150,000.

Mr. Mike Culp thanked Ms. Palmer for the opportunity to address the Board. He thanked Tom Foley for making this possible and noted that this is the 14<sup>th</sup> consecutive year they have received the award, which he feels is a great honor. Mr. Culp said this has been the best showing yet and it has been an honor to work with the team that put this together, stating that this year's application process was complex as it focused on 10 characteristics of a digital county and they had to put together a "SWAT team." He mentioned that they put together a learning event, the Digital Counties Symposium, and he invited the following contributors to join him at the podium to accept the award: Damon Petit, Mandy Burbage, Jody Lewis, and Lilly Craig from ECC. He said that this year they used a product used by the ECC to collect responses for the survey called the Virtual Emergency Operation Center (VEOC), which helps them with emergency situation management, and said they used it in a creative and collaborative way to collect responses in an organized fashion.

Mr. Foley said that getting second in the country and first in Virginia is significant, as there were hundreds of applications. He offered some reasons for why they won the award: the rollout of Granicus, a new online automated system that organizes Board meeting information and allows citizens to stay informed; the rollout and archiving of video streaming; a mobile purchasing tracking system; the police department's implementation of geo-policing technology; piloting of mobile data collection applications in the fire and rescue smoke detector census program; budget live tweets and webinars added to the budget process and the Smart C'ville budget visualization tool; networking infrastructure that allows for remote access and offsite collaboration for social service workers at UVA; a video conferencing platform between social services and the regional jail which enables certain, at-risk children to have virtual visitations with incarcerated relatives. Mr. Foley cited additional achievements as the VEOC operated by ECC, which allows people in the region to have real-time tracking of road hazards, power outages, infrastructure damage and resource requests during an emergency and greatly enhances our emergency response; cybersecurity measures put in place, use of Laserfiche for the records management system; Community Development's piloting program, which allows for planners to review plans electronically, reducing the amount of paper in the review of plans and time saving with quicker plan distribution and ease of comparing versions, funded through the County's Innovation Fund. He said these represent a commitment to excellence in innovation and learning, and said that some of these improvements are not visible as they are going on behind the scenes, and he thanked all the County staff for their good work in winning the award.

Ms. Mallek said she is very glad to have the list of accomplishments in the record, as they can look back on that in the future.

Ms. Dill agreed.

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Item No. 6c. Shawn Maddox – Executive Fire Officer.

Ms. Palmer stated that Mr. Sean Maddox had recently completed the Executive Fire Officer Program, an intensive program designed to provide senior fire officers with a broad perspective of various facets of fire administration and operations.

Albemarle County Fire Chief, Dan Eggleston, thanked the Board and said this is a huge milestone for Mr. Maddox and the department. Chief Eggleston stated that this is a four-year program at the National Fire Academy, and after completion of each year, the candidates are required to complete a project and obtain a grade of at least 3.0 in order to continue to the next course. Chief Eggleston said that Mr. Maddox is one of three in the department to achieve this level and ACFR is proud to have him on the team, and benefits from his high attention to detail. He invited Mr. Maddox to the podium and said that Mr. Maddox works very hard along with the men and women of the Prevention Division, which works to prevent fires from occurring. Chief Eggleston thanked Mr. Maddox and presented him with a Certificate of Recognition.

Mr. Foley thanked and congratulated Mr. Maddox on behalf of all County employees.

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

Mr. Paul Cantrell, a resident of the White Hall District, Chair of Albemarle Blue Ridge Heritage project steering committee addressed the Board and requests support for Item 8.7 of the Consent Agenda. Mr. Cantrell said the purpose of the project is to create a memorial in Byrom Park honoring the sacrifices of hundreds of County residents who were displaced from their homes, many forcibly, to create Shenandoah National Park. He thanked Ms. Mallek and County staff, including Mr. Tom Foley, Mr. Bob Crickenberger, Mr. Andy Herrick, Mr. Dan Mahon and Ms. Gretchen Kriebel for being very responsive.

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Agenda Item No. 8. Consent Agenda.

**(Discussion:** Regarding Item 8.7, Mr. Randolph asked about the anticipated budget impact if the memorial is added to its insurance rolls. He said that a detail like this is important to make available to the public and the Board. Mr. Foley stated that the estimate is \$200 per year for liability coverage.

Mr. Randolph said he has a concern with Item 8.5 regarding the language of the proposed plaque.

Ms. McKeel suggested that the Board discuss this item at the end of the meeting. Board members agreed.

Ms. McKeel said she would like to have a discussion at the end of the meeting on Item 8.10 regarding capital projects, specifically the Pantops Fire Station #16, which is \$300,000 over budget.)

Mr. Randolph then **moved** to approve the Consent Agenda, Items 8.1 through 8.4, and Item 8.7, to pull Items 8.5 for discussion at end of meeting, to pull Item 8.6 from the agenda, and to discuss information Item 8.10 at the end of the meeting. Ms. Mallek **seconded** the motion.

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

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

Item No. 8.1. Approval of Minutes: May 17, 2016.

Mr. Dill had read the minutes of May 17, 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 Appropriation.

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 \$14,694.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

This request involves the approval of one (1) appropriation as follows: •One (1) Appropriation (#2016087) to appropriate \$33,913.00 to the Albemarle Charlottesville Regional Jail composed of \$14,694.00 in federal reimbursement received under the State Criminal Alien Assistance Program and \$19,219.00 from the Reserve for Contingencies for insurance expenses, the latter of which will not increase the total County budget, for a net increase to the budget of \$14,694.00.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriation #2016087 for local government and school division projects and programs as described in Attachment A.

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<b>Appropriation #2016087</b>		<b>\$14,694.00</b>
Source:	Federal Revenue	\$ 14,694.00
	Reserve for Contingencies*	\$ 19,219.00

\*This portion of the appropriation does not increase the total County budget.

This request is to appropriate \$33,913.00 to the Albemarle Charlottesville Regional Jail as follows:

- \$14,694.00 in federal reimbursement from the State Criminal Alien Assistance Program (SCAAP). SCAAP reimburses localities for compensation expenses incurred for correctional officers who supervise aliens in local and regional jail facilities. Program revenues received from the State are appropriated from the locality's General Fund to the correctional facility (Albemarle Charlottesville Regional Jail) to reimburse the jail for qualifying expenses incurred.
- \$19,219.00 from the Reserve for Contingencies for the County's share of insurance expenditures in the FY16 budget. The Reserve for Contingences portion of this appropriation does not increase the total County budget. After the approval of this appropriation, the FY16 Reserve for Contingencies balance will be \$ 31,384.00.

By the above recorded vote, the Board adopted the following Rolution to approve appropriation #2016087 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 Appropriation #2016087 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016087	3-1000-33000-333000-330085-1003	14694.00	SA2016087 SCAAP Funding
2016087	4-1000-33020-433020-700002-1003	33913.00	SA2016087 ACRJ contribution
2016087	4-1000-99900-499000-999990-9999	-19219	SA2016087 Reserve for Contingencies - ACRJ
TOTAL		29,388.00	

Item No. 8.3. FY 2017 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 17 budget due to the appropriations itemized below is \$897,983.53. 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 seven (7) appropriations as follows:
- One (1) Appropriation (#2017013) to re-appropriate \$55,612.63 in Innovation Fund undesignated funds and ongoing project funds;
  - One (1) Appropriation (#2017014) to appropriate \$38,147.50 to the Office of Economic Development;
  - One (1) Appropriation (#2017015) to appropriate \$48,725.00 to the Economic Development Authority;
  - One (1) Appropriation (#2017016) to appropriate \$2,695.73 for the Sheriff’s volunteer reserve programs;
  - One (1) Appropriation (#2017017) to appropriate \$14,000.00 to convert a part-time temporary position to a part-time permanent position. This appropriation will not increase the total County budget;
  - One (1) Appropriation (#2017018) to re-appropriate \$692,965.87 for the Belvedere Bond Default Project; and
  - One (1) Appropriation (#2017019) to re-appropriate \$59,836.80 to the School Division.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2017013, #2017014, #2017015, #2017016, #2017017, #2017018, and #2017019 for local government and school division projects and programs as described in Attachment A.

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<b>Appropriation #2017013</b>	<b>\$55,612.63</b>
Source: General Fund fund balance	\$ 55,612.63

This request is to re-appropriate the \$37,426.62 of undesignated funds remaining in the Innovation Fund at the end of FY16 to support innovation initiatives that are anticipated to occur in FY 17. This will be in addition to the \$75,000 in innovation funding that is included in the Adopted FY 17 budget for a total of \$112,426.62 in available funding. In addition, this request is to re-appropriate \$18,186.01 from FY 16 to FY 17 for ongoing Innovation Fund projects being undertaken in the Information Technology Department.

<b>Appropriation #2017014</b>	<b>\$38,147.50</b>
Source: General Fund fund balance	\$ 38,147.50

This request is to re-appropriate \$38,147.50 in funding remaining in the Economic Development Office at the end of FY16 into FY17 to provide adequate resources for completion of the Economic Development Strategic Plan. This will include funding for additional part-time support needed to assist with data-gathering and creation of the Strategic Plan document and associated presentation materials

over the first half of FY17. Additional contract services are also anticipated to address questions resulting from the Board of Supervisors/Economic Development Authority (EDA)/Planning Commission joint meeting in late July. In addition, this funding will support the completion of the engineering and technical evaluation of vacant properties site inventory work, which will occur later this summer, following initial review of the Site Inventory with the Board of Supervisors.

<b>Appropriation #2017015</b>		<b>\$48,725.00</b>
Source:	EDA Fund fund balance	\$ 48,725.00

This request is to re-appropriate \$48,725.00 remaining in the Economic Development Authority's FY16 budget to FY 17 to continue implementation of the Solutions 29 Matching Grant Program. While the available grant dollars were awarded to the applicants during FY16, several of the beneficiaries had not yet finalized and/or secured their advertising plans or submitted the required documentation by the end of FY 16 in order for the funds to be disbursed in FY 16. Therefore, pay-out of the grant awards to the approved recipients will continue into FY17.

<b>Appropriation #2017016</b>		<b>\$2,695.73</b>
Source:	General Fund fund balance	\$ 2,400.39
	Sheriff Donations Fund fund balance	\$ 295.34

This request is to re-appropriate donations received in FY16 that were not yet expended in FY 16 to support the Sheriff's volunteer reserve programs. These contributions will support the various reserve programs such as Project Lifesaver, TRIAD, Search and Rescue, child fingerprinting, and any other community programs and activities in which the Reserves are involved.

<b>Appropriation #2017017</b>		<b>\$0.00</b>
This appropriation will not increase the total County budget.		
Source:	Clerk of Circuit Court PT Temp Funding	\$ 14,000.00

This request is to re-allocate funding in the Circuit Court Clerk's budget to convert a part-time temporary position to a parttime permanent position. There is no cost associated with this conversion, as the Clerk of the Circuit Court will utilize \$14,000.00 in existing part-time funding. This request creates an additional 0.45 Deputy Clerk I position in the Clerk of the Circuit Court's office and equally reduces funding available in the Clerk of Circuit Court's budget for part-time temporary support. Since the requested permanent position is less than 20 hours per week, it is ineligible for benefits such as County-funded health insurance and retirement.

<b>Appropriation #2017018</b>		<b>\$692,965.87</b>
Source:	\$692,965.87	

This request is to re-appropriate \$692,965.87 to support the Belvedere Bond Default Project. The funds are proceeds from six letters of credit that secured developer performance bonds for Belvedere Phase 1 on which the County collected payment due to the developer's non-performance. The funds are being used to complete the specific improvements secured by the bonds. The majority of the work is complete and staff is currently working on close-out items.

<b>Appropriation #2017019</b>		<b>\$59,836.80</b>
Source:	General Fund School Reserve Fund	\$ 59,836.80

This request is to re-appropriate \$59,836.80 in the School Division's FY 16 funding to FY 17 for three vehicles planned in FY16 and delivered in FY17.

**By the above recorded vote, the Board adopted the following Resolution to approve appropriations #2017013, #2017014, #2017015, #2017016, #2017017, #2017018, and #2017019 for local government and school division projects and programs:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 17 APPROPRIATIONS**

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

- 1) That Appropriations #2017013, #2017014, #2017015, #2017016, #2017017, #2017018, and #2017019 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2017013	4-1000-12200-412200-312716-9980	2500.00	SA2017013 Reapp-Innovation Fund
2017013	4-1000-12200-412200-800000-9980	2451.01	SA2017013 Reapp-Innovation Fund
2017013	4-1000-12200-412200-800100-9980	3000	SA2017013 Reapp-Innovation Fund
2017013	4-1000-12200-412200-800120-9980	7235	SA2017013 Reapp-Innovation Fund

2017013	4-1000-12200-412200-800170-9980	3000	SA2017013 Reapp-Innovation Fund
2017013	4-1000-99900-499000-999978-9999	37426.62	SA2017013 Reapp-Innovation Fund
2017013	3-1000-51000-351000-510100-9999	55612.63	SA2017013 Reapp-Innovation Fund
2017014	4-1000-81050-481050-120000-1008	15000	SA2017014
2017014	4-1000-81050-481050-210000-1008	1147.5	SA2017014
2017014	4-1000-81050-481050-310000-1008	20000	SA2017014
2017014	4-1000-81050-481050-601700-1008	2000	SA2017014
2017014	3-1000-51000-351000-510100-9999	38147.5	SA2017014
2017015	4-6850-91095-491095-301200-1008	48725	SA2017015
2017015	3-6850-51000-351000-510100-9999	48725	SA2017015
2017016	3-8408-51000-351000-510100-9999	295.34	SA2017016
2017016	4-8408-93010-493010-930009-9999	295.34	SA2017016
2017016	3-1000-51000-351000-512020-9999	295.34	SA2017016
2017016	3-1000-51000-351000-510100-9999	2400.39	SA2017016
2017016	4-1000-21070-421070-301230-1002	2695.73	SA2017016
2017017	4-1000-21060-421060-110000-1002	14000	SA2017017
2017017	4-1000-21060-421060-130000-1002	-14000	SA2017017
2017018	4-9011-91000-491000-940080-9999	692965.87	SA2017018 Belvedere Re-app
2017018	3-9011-51000-351000-510100-9999	692965.87	SA2017018 Belvedere Re-app
2017019	4-2000-62432-462340-800500-6504	59836.8	SA2017019 PO Carryforward
2017019	3-2000-62000-351000-510100-6599	59836.8	SA2017019 PO Carryforward
2017019	3-1005-51000-351000-510100-9999	59836.8	SA2017019 PO Carryforward
2017019	4-1005-93010-493010-930001-9999	59836.80	SA2017019 PO Carryforward
<b>TOTAL</b>		<b>1,916,231.34</b>	

Item No. 8.4. Albemarle County Department of Social Services Request for New Positions.

The Executive Summary forwarded to the Board states that the 2016 General Assembly appropriated additional administrative funding in the amount of \$4.2 million to assist localities with Medicaid application and renewal processing due to the increase in the volume of applications for Medicaid resulting from open enrollment on the Federal exchange. Local departments are struggling to process new applications for Medicaid within the allowed timeframe while also completing the required annual reviews of existing Medicaid cases. In FY16, the statewide average for the number of overdue Medicaid applications was 10,819 applications each month, with an average of 6,927 applications remaining pending for more than 90 days. During the same time period, the statewide average for the number of overdue reviews was 29,270 cases each month, with an average of 15,839 cases each month being more than 90 days overdue. The General Assembly responded to the statewide concerns regarding the application and renewal processing for this vital benefit program by appropriating these new monies to help support the local departments. The total amount of State funding approved for localities for FY17 is \$2,690,600. The remainder of the \$4.2 million will be covered by federal resources and local resources. This funding has become a permanent part of all local Department of Social Services budgets going forward.

Staff requests approval to recruit and hire two new positions using these new State and Federal monies: a Senior Eligibility Worker and a Department of Social Services (DSS) Specialist. Staff is not requesting any additional local monies. The Albemarle County Department of Social Services (ACDSS) workload measures data indicates that it is approximately six positions down across both Adult and Family Benefits programs. An additional Senior Eligibility position to focus on Medicaid, specifically Long-Term Care, would help alleviate the high workload, as well as improve ACDSS's performance measures. The DSS Specialist would provide vital support to Eligibility Workers as described in Attachment A, and is more cost-effective than hiring a second Eligibility Worker at a higher pay grade. The State allows some flexibility in the use of these funds and the number of positions. However, ACDSS staff believes that its request is in keeping with the goals and intended use of these funds and will help assure the County's inclusion in future allocations of this type.

The total ongoing State allocation added to ACDSS's base FY17 and ongoing budgets is \$83,326, of which 84.5% (\$70,410) will be reimbursed by the State and Federal governments. Staff will use new unrestricted, unobligated ongoing Federal money from the Central Services Cost Allocation program in the amount of \$52,057 to cover the additional costs. Adding these two new positions will require no additional money from the locality. See Attachment A for more detailed information.

Staff recommends that the Board approve the request to create one Senior Eligibility Worker position and one DSS Specialist position. If the Board approves these new positions, staff will present an appropriation request to the Board in September.

**By the above recorded vote, the Board approved the request to create one Senior Eligibility Worker position and one DSS Specialist position.**

Item No. 8.5. License Agreement for Historical Sign on County Property.

The Executive Summary forwarded to the Board states that the City of Charlottesville and its Historic Resources Committee have requested County authorization to replace the 4' X 5' sign face providing historical information within an existing 4' 6" x 7' 3" sign structure adjacent to the County Courthouse in Court Square (Tax Map and Parcel 07700-00-00-00100). The content and location of the

proposed sign are shown in Attachments A and B. Photographs of the existing sign and its location are provided in Attachment C. The existing 4' 6" x 7' 3" sign structure, including sign posts, would be unchanged.

The placement of this sign on County property requires the Board's approval and the execution of a sign license agreement between the County and the City. Staff has not been able to find a sign license agreement or any other Board approval authorizing the existing sign structure and sign face. Staff has prepared the attached draft Sign License Agreement (Attachment D). Under the proposed Agreement, the size, design, and placement of the proposed sign would be subject to the County's approval, and the City would install and maintain the sign at its own expense. Either party could terminate the Agreement. If terminated, the City would be required to promptly remove the sign and to restore the site to its prior condition.

The Sign License Agreement and the sketch accompanying the Agreement (Attachment B to the Executive Summary) have been revised since the July 6, 2016 Board meeting to clarify that the "Sign Area" refers to the horizontal space on the ground, that the dimensions of the sign structure, which is existing, will not exceed 4'6" in width and 7'3" in height, and that the sign face being replaced will not exceed 4' in width and 5' in height.

There is no foreseeable budget impact for granting authorization to the County Executive to sign the Agreement.

Staff recommends that, if the Board wishes to authorize the proposed historical sign adjacent to the County Courthouse, that it adopt the attached Resolution (Attachment D) approving the Sign License Agreement and authorizing the County Executive to sign the Agreement on behalf of the County once the County Attorney has approved the Agreement as to form and substance.

**By the above-recorded vote, the Board moved this item for discussion at the end of the meeting.**

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Item No. 8.6. Virginia Initiative for Growth and Opportunity – GO Virginia.

**By the above-recorded vote, the Board pulled this item from the agenda.**

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Item No. 8.7. Blue Ridge Heritage Project.

The Executive Summary forwarded to the Board states that the Blue Ridge Heritage Project (BRHP) is a volunteer group dedicated to preserving the memory of those displaced by the creation of the Shenandoah National Park. The BRHP plans to construct memorial chimneys in each of the eight counties represented in the National Park. The BRHP approached the County for permission to construct the Albemarle chimney in the County-owned Patricia Ann Byrom Forest Preserve Park (Attachments A and B).

While the County welcomes donations that enhance County facilities and the quality of life, the County must also be mindful to avoid assuming unnecessary risks or liability for construction that it has not procured or directly managed. To limit its risks, the County has entered into agreements with prior volunteer groups that have donated improvements on County property. These prior agreements have provided several protections for the County:

- Both the project plans and the proposed contractor are subject to the County's review and prior approval.
- The contractor is required to insure not only itself, but also the County and the volunteer group.
- The volunteer group has agreed to indemnify (or defend) the County against any claims and provide the primary insurance that covers both the County and the volunteer group, both during and after construction.

In this case, the BRHP has agreed to the first two of the above provisions, but not the third. In other words, the BRHP has agreed (a) that both its project plans and proposed contractor are subject to the County's review and prior approval, and (b) that BRHP's contractor will insure not only itself, but also the County and the BRHP. However, the BRHP has asked to be relieved of the County's customary indemnification and insurance requirements, both during and after construction, citing the group's limited resources. If the County should agree to this, it would in effect be treating this project like it would any other County run project, assuming the risk through existing coverage. Given the groups agreement to the other two provisions and the low level of risk with this type structure, the question is whether or not the value of what is being provided at no cost, through volunteer action is worth the trade-off of treating it like any other County project in terms of liability. While staff has worked cooperatively with BRHP representatives, the requested indemnification and insurance waivers cannot be granted by staff, but require Board approval.

County contracts where a third party is involved, typically require third parties to indemnify the County and to provide liability insurance both during and after construction. An indemnification agreement is a contractual promise by a person or organization to protect the other party to the contract against loss or damage. A liability insurance policy provides financial support to the indemnifying organization in the event of loss or damage: many organizations are not able to otherwise finance a large

loss. While the contractor is required to provide coverage for this project during construction, the indemnification agreement, which is on top of the contractor's coverage, transfers the risk away from the County to the volunteer organization. The insurance policy provides the risk financing to the volunteer organization contracting with the County.

In typical cases, the County's own insurance would be secondary to other parties' required insurance. In other words, the County would need to tap its own policy only after all other parties' required insurance had been exhausted. In that scenario, the other parties and/or their insurance would cover the County's insurance deductible and/or legal defense, instead of the County having to do so on its own.

However, if the Board decides not to require indemnification and insurance from the BRHP, in the unlikely event of a future loss, the County's own insurance would serve as the primary policy. In effect, the Board is being asked to treat this facility (memorial structure) as it would any other County facility or structure. As a result of providing coverage, similar to any other County facility or structure, the County may have to pay the cost of its own legal defense, a higher deductible, increased premiums, or a combination of all three should there be some accident or loss. Additionally, as with any other County facility, if an accident or loss should occur, the County's insurer could potentially alter the County's insurance coverage terms in a way that negatively impacts the County, transferring more financial risk directly to the County. Again, however, those negative outcomes would likely occur only in the unlikely event of an accident or loss and would occur as they would with any other County insured facility. Given the nature of the memorial structure, staff believes the additional risk assumed by the County is very minimal. The Board is being asked to weigh the value of the volunteer effort and funding, along with the other value of the memorial itself, against the minimal risk of taking this memorial on as another insured County facility.

In this case, the BRHP's proposed improvements are to be constructed at no cost to the County and donated to the County upon their completion. Assuming that all goes well and no incidents occur, staff does not anticipate these improvements to significantly affect the County's insurance premium.

The County Attorney has reviewed and approved the attached proposed Agreement (Attachment C).

If the Board decides not to require indemnification and liability insurance provisions in the proposed agreement with the BRHP, staff does not anticipate a significant budget impact, but cautions against the greater County exposure to future risks, as detailed above. In effect, the County would be treating this facility as it would any other County facility and the risks it may present.

Staff recommends that the County continue to obtain indemnification and insurance from volunteer groups donating improvements, whenever possible and based on the circumstances. In this particular case, staff believes the historic and memorial value of what is being provided through volunteer action, at no cost to the County is worth the trade-off of treating it like any other County project in terms of liability. If the Board wishes to waive the customary insurance and indemnification requirements for the BRHP and to accept the ownership of the proposed improvements in the Patricia Ann Byrom Forest Preserve Park, staff recommends that the Board adopt the attached Resolution (Attachment D) approving the attached Agreement and authorizing the County Executive to sign an Agreement once the County Attorney has approved the Agreement as to form and substance.

**By the above recorded vote, the Board adopted the following Resolution approving the attached Agreement and authorizing the County Executive to sign an Agreement once the County Attorney has approved the Agreement as to form and substance:**

**RESOLUTION APPROVING AN AGREEMENT  
TO ALLOW THE BLUE RIDGE HERITAGE PROJECT TO  
CONSTRUCT A MEMORIAL CHIMNEY AT THE PATRICIA ANN BYROM  
FOREST PRESERVE PARK**

**WHEREAS**, the County of Albemarle (the "Owner") is the owner of the Patricia Ann Byrom Forest Preserve Park (the "Park"); and

**WHEREAS**, the Blue Ridge Heritage Project has requested permission to construct a memorial chimney in the Park in memory of those displaced by the creation of the Shenandoah National Park; and

**WHEREAS**, the Board finds it is acceptable to allow the Blue Ridge Heritage Project to construct a memorial chimney in the Park.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the Agreement for Improvements to Patricia Ann Byrom Forest Preserve Park to allow the Blue Ridge Heritage Project to construct a memorial chimney in the Park, and authorizes the County Executive to sign an Agreement on behalf of the County once the County Attorney has approved the Agreement as to form and substance.

**AGREEMENT FOR IMPROVEMENTS TO  
PATRICIA ANN BYROM FOREST PRESERVE PARK**

THIS AGREEMENT, made this 23rd day of July 2016 by and between **BLUE RIDGE HERITAGE PROJECT** (hereafter called "BRHP"), a Virginia nonstock corporation with its principal office located at 437 Evergreen Church Road, Stanardsville, Virginia 22973, and **the COUNTY OF ALBEMARLE, VIRGINIA** (hereinafter called the "County"), a political subdivision of the Commonwealth of Virginia, located at 401 McIntire Road, Charlottesville, Virginia, 22902.

**WITNESSETH:** BRHP, through the Albemarle Blue Ridge Heritage Project Steering Committee, hereby agrees to construct in the Patricia Ann Byrom Forest Preserve Park, owned by the County:

1. Phase I -- a stand-alone chimney with memorial plaque. Budget: \$13,000
2. Phase II (contingent on BRHP funding, as detailed below) -- a post and beam structure to shelter informational kiosks and show the dimensions of a modest size house in the park survey area during the 1930's. The structure can also shelter heritage presentations of mountain culture and promote tourism. Budget: \$15,000

Phases I and II shall hereinafter be referred to collectively as the "Project". BRHP shall perform independent fundraising efforts to cover all costs of the Project and shall provide all services as described in this Agreement at no cost to the County. To ensure each phase of the Project is completed in a timely manner, unless approved otherwise by the County, no work shall commence on that Phase of the Project until sufficient funds have been raised by the BRHP to cover all anticipated costs for completion of that Phase of the Project. Specifically, construction of Phase I shall not commence until and unless sufficient funds have been raised by the BRHP to complete that Phase and, subsequently, no work shall commence on Phase II until and unless sufficient funds have been raised by the BRHP to cover all anticipated costs for completion of Phase II. Should the BRHP determine that it is unable to raise sufficient funds to complete Phase II, the BRHP shall notify the County and shall be under no further obligation to complete that Phase.

1. **Project Management.** BRHP, through the Albemarle Blue Ridge Heritage Project Steering Committee, shall manage the Project, obtain any and all required permits, and oversee the work, using the approved Contractors identified herein. Work shall be conducted and the Project completed in accordance with any required permits and the County-approved Project plans. Any variances from those plans are subject to County and BRHP review and approval prior to the commencement of any surveying, tree removal or excavation work. BRHP, through the Albemarle Blue Ridge Heritage Project Steering Committee, shall complete the Project as herein described within twelve months of County approval.

2. **Contractors.** The parties agree that Cavalier Septic Service, L.L.C. and Salvagewrights LTD. (collectively, the "Contractors") will provide services. Each Contractor must provide insurance and sign an appropriate liability agreement/release.

Each Contractor and any subcontractors providing services on the Project must provide a certificate of insurance (prior to beginning the surveying, tree removal and/or excavation) with a minimum of \$1,000,000.00 general liability insurance, and Worker's Compensation insurance covering all operations relating to work being done under this Agreement and being conducted on County property. Neither BRHP nor the County will be liable to any contractor, subcontractors, their agents, or third parties. Each Contractor must indemnify and hold harmless BRHP and the County from claims, suits, liability, damage, and expenses of any kind, including, but not limited to fire or equipment damage, which may arise as a result of the actions of either Contractor or any of its subcontractors or agents. BRHP and the County shall be named as additional insureds on the required certificates of insurance.

3. **Work-Specific Requirements.** The Project shall be sited and constructed as depicted on the attached diagrams. The Contractors shall contact MISS UTILITY prior to any excavation. The Contractors shall maintain a safe work site at all times and ensure that appropriate signage and barriers are in place. The Contractors shall remove all Project-generated debris, including excess concrete, from the property.

4. **Acceptance and Ownership of Improvements.** Upon completion of construction, BRHP shall notify the County and request County inspection of all improvements. Provided that all such improvements are constructed and completed to the County's satisfaction, ownership of such improvements shall transfer to the County upon the conclusion of such inspection.

As evidence of their agreement to the terms and conditions set forth herein, the parties affix their authorized signatures below:

BLUE RIDGE HERITAGE PROJECT

COUNTY OF ALBEMARLE, VIRGINIA

\_\_\_\_\_  
Bill Henry, President

\_\_\_\_\_  
Thomas C. Foley, County Executive

Item No. 8.8. County Grants 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 one grant application made during the time period of June 18, 2016 through July 15, 2016.

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

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

**GRANT REPORT ACTIVITY – June 18, 2016 through July 15, 2016**

No applications were made during this time period.

Awards were received for the following grants:

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Department of Criminal Justice Services	Byrne/JAG – Problem Oriented Policing (POP) Unit Supervisor	Federal	\$104,925	\$34,975	Departmental	Police	These grant funds will be used to continue to partially fund a POP Unit Supervisor position within the Police Department. This is the second year of the grant.
Department of Criminal Justice Services	Byrne/JAG – Crime Analyst	Federal	\$50,819	\$16,939	Departmental	Police	These grant funds will be used to continually partially fund a Crime Analyst position within the Police Department. This is the last year of the grant.
Department of Criminal Justice Services	Community Corrections	State	\$962,630	\$75,000	Central VA Regional Jail	Offender Aid & Restoration	These grant funds will be used for local probation services and pretrial services across nine localities.

**Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:**

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

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY17 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
						FY18	FY19	FY20	FY21	FY22
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 overtime/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 and associated costs to be absorbed in the department.	1	Grants Leveraging Fund	6/30/2020	\$104,925.00	\$ 69,754.50	\$ 104,631.75	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00
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	\$16,939.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00
*does not include local match funds						\$139,067.50	\$ 173,944.75	\$ 208,822.00	\$ 208,822.00	\$ 208,822.00

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				
					FY18	FY19	FY20	FY21	FY22
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	\$ 236,700.00	\$191,800.00	\$ 147,090.00	TBD	TBD
Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is expiring.	0	Fire Rescue Fund	6/30/2009	\$ 40,356.00	\$ 53,345.00	\$ 54,934.00	TBD	TBD
					\$ 277,056.00	\$245,145.00	\$ 202,024.00	\$ -	\$ -

Item No. 8.9. FY 2016 4<sup>th</sup> Quarter Proffer Report, ***was received for information.***

The Executive Summary forwarded to the Board states that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers. The last quarterly proffer report the Board received on May 4, 2016 included information on cash proffer revenue and expenditures and non-cash proffers for January through March, 2016. This report includes all proffer activity (both cash and non-cash) for the third quarter of Fiscal Year 2016 (April-June, 2016). The next quarterly report will be on the Board's November 2, 2016 agenda.

**Proffer Activity for Fiscal Year 2016 Fourth Quarter (April-June)**

- 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 annual adjustments to anticipated proffer revenue (not received yet, but obligated) from proffers in which annual adjustments were proffered.
- C. **3rd Quarter Cash Revenue:** The County received a total of \$328,510.31 from existing cash proffers during this quarter from developments listed in Attachment A.
- D. **Expenditure:** A total of \$607,813.90 was expended this quarter on school projects as listed in Attachment A.
- E. **Current Available Funds:** As of June 30, 2016, the available proffered cash on-hand is \$4,861,092.87 (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, \$2,252,713.60 (including interest earned) is currently appropriated (Attachment B). The net cash balance is

\$2,608,379.27 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.

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Item No. 8.10. Capital Projects Status Report 2<sup>nd</sup> Quarter CY 2016, ***was received for information.***

**(Note: This item was pulled for discussion at the end of the meeting.**

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Item No. 8.11. Environmental Quarterly Report – 4<sup>th</sup> Quarter FY 16, ***was received for information.***

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Item No. 8.12. Board-to-Board, July 2016, ***A monthly report from the Albemarle County School Board to the County Board of Supervisors, was received for information.***

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Item No. 8.13. Copy of letter dated July 5, 2016, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Mr. Daniel Falwell, ***re: LOD-2016-00008 – OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 10100-00-00-27A1 (Property of Daniel Falwell) & Parcel ID 10100-00-00-27A0 (Property of Phillip Darren & Kristen L. Hensley) – Samuel Miller Magisterial District, was received for information.***

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Item No. 8.14. Copy of letter dated July 5, 2016, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Mr. Hamilton Moses III, ***re: LOD-2016-00010 – OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 11100-00-00-00500 (Property of Hamilton & Alexandra Moses) – Samuel Miller Magisterial District, was received for information.***

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Item No. 8.15. Albemarle County Service Authority (ACSA) Fiscal Year (FY) 2017 Annual Operating and Capital Improvement Budget, ***was received for information.***

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**NonAgenda.** Ms. Mallek stated that during announcements she forgot to remind citizens that on Monday, August 8, 2016, at 2:00 p.m. and 7:00 p.m., the State Corporation Commission will hold two public hearings about proposed changes for the Cunningham to Dooms powerline, which passes through all three western and southern districts in the County. She mentioned that the hearings would be held in Lane Auditorium.

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Agenda Item No. 9. Public Awareness and Education Plan for General Obligation Bond Referendum.

The Executive Summary presented to the Board states that on June 1, 2016, during a discussion regarding the proposed General Obligation Bond Referendum, the Board discussed the importance of clearly explaining both the upcoming bond referendum process and also the specific projects to be included in the referendum to County voters. During the July 6, 2016 meeting, the Board approved the referendum question and adopted a resolution to request a special election to conduct the referendum. At that time, staff noted that they would bring a draft public awareness and education plan, including estimated budget impacts, to the Board for discussion at the August 3 Board meeting.

Virginia Code § 24.2-687 authorizes a local governing body to provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters of the locality to be distributed at the polling places on the day of the referendum election. The following expenditures are permissible and form the basis of the draft public awareness and education plan that has been developed by a staff team from the School Division and Local Government.

- The County Attorney is required to prepare any explanation of the referendum. The explanation is required to contain the ballot question and a statement of not more than 500 words, is to be written in "Plain English," using non-technical, readily understandable language and common everyday terms, is to be "neutral," and may not present arguments by either proponents or opponents of the referendum. Because the

referendum question involves the issuance of bonds by the County, the explanation is required to state the amount of the proposed bonds and the uses of the bond proceeds, and the County is required to provide for the printed explanation.

- The Board is permitted, at its discretion, to have the explanation published by paid advertisement in a newspaper with general circulation in Albemarle County. This advertisement can be published one or more times preceding the referendum.
- Virginia Code § 24.2-687 also permits the County to prepare and distribute other neutral materials about the referendum, as long as the materials do not advocate the passage or defeat of the referendum. In 2003, the Virginia Attorney General issued an opinion regarding the extent of a county's ability to disseminate neutral information about a bond referendum and the prohibited expenditure of public funds for advocacy.

Given the foregoing guidelines, staff has developed a draft public awareness and education plan that combines the use of existing local government and school division communications channels with additional expenditures permissible under Virginia Code § 24.2-687 to ensure that voters are aware of and fully informed about the upcoming general obligation bond referendum process and the specific projects that have been identified for this funding mechanism. Attachment A provides an outline of the plan, and Attachment B provides a general implementation timeline.

**Objectives of the Public Awareness and Education Plan (the "Plan"):**

Specific objectives have been identified as follows:

- Encourage maximum participation from County voters
- Provide neutral, non-advocacy materials that explain the bond referendum process and the specific projects proposed for financing
- Communicate potential fiscal impacts to taxpayers
- Respond accurately and in a timely fashion to inquiries from the public
- Maximize the use of existing engagement and communication channels
- Ensure a consistent message and a broad-based and inclusive Plan

While exact details of the Plan will not be finalized until staff receives the Board's feedback on August 3, approximate budget amounts have been identified for the major elements as follows:

**Advance Voter Awareness/Educational Materials**

- Mailing to registered voters, including fact sheet and postage (approximately 48,000) - \$25,000
- Printing of additional fact sheets/brochures (approximately 15,000) - \$2,000
- Advertising (two rounds of paid media advertising to coincide with voting deadlines plus public meeting schedule) - \$10,000
- Publication of required legal notice of the election on the referendum in a newspaper of general circulation (at least one time) - \$1,000.

**Polling Location Materials**

- Neutral referendum explanation hand-outs (approximately 60,000, assuming 1 per voter at 80% turnout rate) - \$2,000
- Neutral referendum posters (approximately 100, assuming 2 posters for each polling location and 1 in each school) - \$2,000

**Total Budget Impact - \$42,000 with costs anticipated to be shared between the School Division (40%),  
Local Government (40%), and the Registrar's Office (20%)**

**Staff Time** - Implementation of this campaign will require staff time from the Community Engagement Office and the School Division, along with some support from the Office of Management and Budget and Office of Facilities and Environmental Services. It is expected that those tasks will be accomplished within the regular ongoing responsibilities of involved staff and will not require additional resources.

Staff recommends that the Board provide any desired feedback and approve the public awareness and education plan.

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Ms. Palmer invited Lee Catlin, Assistant County Executive, to address the Board regarding the public awareness and education plan for the general obligation bond referendum.

Ms. Catlin thanked the Board for the opportunity to discuss the draft public awareness and education plan for the bond referendum, and said they have had several work sessions to discuss the referendum. She said at the most recent meeting, they discussed the importance of ensuring they have a robust plan that falls within the guidelines of the Code of Virginia as to what is appropriate for local governments to do. Ms. Catlin stated that staff is presenting a draft of a plan they believe accomplishes this, and noted that this is a joint effort of the County school division and local government staff focusing on providing neutral, non-advocacy materials to encourage participation by County voters. She thanked staff from Office of Management and Budget, Facilities and Environmental Services, the County Executive's Office, Community Engagement, the County Attorney's Office and partners in the school division including Mr. Dean Tisdal, Ms. Rosalyn Schmitt, Mr. Phil Giaramita, Mr. Tim Shea, and Ms. Jennifer Butler.

Ms. Catlin said the Board has an outline of the plan and stated that she will highlight goals of the plan, including encouraging maximum voter participation and providing neutral, non-advocacy materials

that explain the bond referendum process, as it has been 40+ years since the last bond referendum. She stated that goals include providing clarity on the specific projects to be funded using the general obligation bond financing method; communicating the fiscal impacts of passing a referendum; responding accurately and quickly to inquiries with fair and objective information; maximizing existing communication resources; and minimizing spending amounts. Ms. Catlin emphasized that there must be consistency in the County's message and inclusive outreach to make sure that all areas of the community have the opportunity to receive information. She listed those with legally designated roles, including elected officials, County staff, appointed officials and committee members; and in addition to the public, they would want to identify specific stakeholder groups that may have particular interests or concerns to address.

Ms. Catlin discussed materials that are part of their "toolbox" including printed items, presentations, and specific targeted outreach strategies. She said that although they are using existing materials to the greatest extent possible, they should consider additional investment to demonstrate that they are doing the best possible outreach, and the spending estimate for this is \$38,000. Ms. Catlin said that one area where staff feels there should be expenditure is for advanced materials, which would include a mailing of information on the referendum to registered voters; printing of fact sheets and brochures; and advertising coinciding with important voting deadlines and public meetings. She stated that another tool would be a handout explaining the referendum to be offered at polling places on the day of the election, with the registrar estimating a need for 60,000 handouts, as well as posters to put up in the polling locations. The combined cost of handouts and posters will be about \$4,000. Ms. Catlin said the staff needed to work on this project will come from school division employees and various departments, but staff did not see the need for additional staff expenditures, and the costs would be shared by the schools, the registrar, and the County at one-third each. She asked Jody Lewis to address the Board.

Ms. Jody Lewis introduced herself as Communication Specialist and showed a visual presentation with important dates in the referendum communication effort.

Ms. Catlin invited feedback/questions from the Board.

Ms. Mallek asked if the County is permitted to remind people of the deadlines to register to vote at the same time as they are providing information about the referendum. Mr. Kamptner replied that this is permissible.

Ms. Mallek asked if people could vote by absentee by mail. Ms. Catlin replied that they could.

Ms. Mallek asked if the registrar's budget was increased by \$8,000 to cover this, as that office has a tiny budget already. Ms. Catlin said that staff had spoken with the registrar, who felt that he had savings from the prior year that could be dedicated to the referendum project.

Ms. Palmer stated that in the materials it shows costs being shared 40% by the school division, 40% by local government, and 20% by the registrar's office, which differs from the cost-sharing information presented by Ms. Catlin. Ms. Catlin apologized for her error in cost-sharing responsibility percentages.

Ms. Palmer asked for the rationale behind the percentages. Ms. Catlin said the registrar has indicated that he has a vested interest in making sure that accurate information is getting to voters, but staff did not feel his cost should be at the same level as schools and County government, and all three parties agreed on the cost-sharing percentages.

Ms. McKeel asked for confirmation that the total cost would be approximately \$42,000 to be split among the three parties. Ms. Catlin replied in the affirmative.

Mr. Randolph asked if these costs are covered by the existing budget for both the school division and the County, or if these are new costs. Ms. Catlin stated that these are new costs, and she believes there is money available that it is not currently dedicated.

Mr. Dill asked if they should utilize other communication channels, such as television and radio, and if staff has considered these. Ms. Catlin responded that she appreciates the idea, noting that in some communities advocacy groups do this, but the costs are staggering. She stated that staff can leverage social media; the schools have an outreach network they are ready to use; and the Chamber of Commerce has offered to use its network. Ms. Catlin suggested that it is possible they could recommend radio/television if they find there is a hole in the communication effort, so while she would not take it completely off the table, it is not currently a strategy.

Mr. Dill said that it might be worth finding out what the public service announcement policy is for nonprofit groups since the referendum education is a nonpartisan effort. Ms. Catlin agreed and said they can also produce informational videos and post them to the school and County websites.

Ms. Mallek stated this would be a great topic for the fall town halls, and said that each avenue they take, such as radio shows, will reach a different segment of people.

Ms. McKeel pointed out that some of these communication avenues are free.

Ms. Palmer speculated that constituents will question her about tax implications of the bond issue and she wants to have a good answer for these questions. Ms. Catlin responded that they are developing an FAQ that will essentially be the script to answer those questions, and said that Mr. Kamptner is in the final stage of review of the information. She said it will then go to the bond counsel and staff will share this as soon as it has been approved by all parties so they can have consistent, accurate information. Ms. Catlin added that this would be a “living document” subject to revision based upon feedback.

Mr. Kamptner stated that the document is close to being ready and said the FAQ starts with, “What is a Bond?” and goes all the way through the improvements to be funded by the proceeds of the bond sale.

Ms. Palmer said she would like to have the “elevator” version.

Ms. Mallek then **moved** to approve the general obligation bond public awareness and education plan. Ms. McKeel **seconded** the motion.

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

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

NAYS: Mr. Randolph.

Mr. Kamptner mentioned that a key bond referendum milestone has been passed, as the County has received the entered Circuit Court Order.

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#### Agenda Item No. 10. Proposed 2017 Legislative Priorities.

The Executive Summary forwarded to the Board stated that each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC’s legislative program incorporates the County’s legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. This executive summary will provide an overview of the Board’s proposed 2017 Legislative Priorities (Attachment A).

An overview of the County’s proposed 2017 Legislative Priorities is provided in the attached “Proposed 2017 Legislative Priorities” (Attachment A). The overview includes a summary of three new proposed “top priorities,” which are also set forth below, in addition to legislative positions and policy statements for ongoing priorities. Many of the 2017 legislative positions and policy statements have been carried forward from 2016.

#### **Land Use and Growth Management**

**Priority:** Initiate or support legislation to amend Virginia Code § 15.2-2303.4 by clarifying the phrases italicized below.

Virginia Code § 15.2-2303.4(C) provides that any proffer is unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use (collectively, “residential development”). In addition to the foregoing, a proffer addressing off-site impacts, including any cash proffer, will be unreasonable unless it addresses an impact to an offsite public facility, such that the new residential development creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and the development receives a direct and material benefit from a proffer made with respect to any such public facility improvements. The phrase “specifically attributable” requires a level of certitude that may not be achievable in studies and therefore the validity of any proffer that may provide any benefit to the public that lives outside of the development is jeopardized. The phrase “in excess of existing public facility capacity” prohibits a locality from addressing the incremental impacts of development if there is existing capacity, and exposes the locality to applications to amend proffers as capacity changes over time, such as when schools are redistricted. The phrase “direct and material benefit” requires a level of certitude that may not be achievable in practical application and fails to acknowledge the lag time between the payment of a cash proffer and when the public facility for which the cash was contributed is constructed, thereby exposing the locality to a challenge to the validity of the proffer which, in turn, creates untenable uncertainty in ensuring that impacts are addressed. Virginia Code § 15.2-2303.4(D) provides that, in an action challenging the denial of a rezoning application or an amendment to an existing proffer, if the applicant “proves by a preponderance of the evidence that it refused or failed to submit an unreasonable proffer or proffer condition amendment that it has proven was suggested, requested, or required by the locality, the court must presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. With the uneven burden of proof in favor of the applicant, this provision allows an applicant to invalidate a proffer by providing evidence of the mere suggestion of an unreasonable proffer by any person at any level of local government. Therefore, amending Virginia Code § 15.2-2303.4 is necessary to provide more balanced and practical standards for determining whether a proffer is reasonable.

#### **Equal Taxing Authority for Urban Counties**

**Priority:** Initiate or support legislation granting urban counties taxing powers equal to those granted to cities, without decreasing, limiting, or changing city taxing authority.

Cities and counties have different authority to levy excise taxes on cigarettes, admissions, transient room rentals, and meals. Through their general taxing authority or by charter, cities have broad authority to levy these taxes, without caps and without the need to hold a referendum. Counties, to the contrary, cannot levy cigarette and admissions taxes. Counties may levy transient occupancy taxes subject to a restrictive cap and the requirement that the revenue generated be spent only for designated purposes. Many counties, including Albemarle County, are subject to a five percent cap and are required to spend all taxes in excess of two percent on tourism-related purposes. Lastly, counties may impose a food and beverage tax which is subject to a cap and, for all but a very limited number of counties, the tax may be established only if it is approved by the voters in a referendum. The distinction in taxing authority between cities and counties exists due to historical differences in the levels of services provided by cities (urban level) and counties (rural level). Urbanizing counties such as Albemarle County are facing increasing obligations and demands for services traditionally provided by cities. In addition, the State requires counties as well as cities to provide, deliver, and fund services in the areas of education, the environment, human services, and public safety, among others. The counties' ongoing dependency on the real property tax to fund these services and facilities is likely to grow in a way that is commensurate with the needs of the respective counties. Dependency on the real property tax adversely affects those counties with tax-exempt property and those who have real property tax programs, such as land use valuation, that promote other policies of the State. Therefore, new local taxing authority for urbanized or urbanizing counties is necessary.

Of particular note to the Board, York County has proposed working cooperatively with other counties in support of legislation to amend the enabling authority for the meals tax.

#### **Local Economic Revitalization Zones**

**Priority:** Initiate or support legislation to adopt enabling authority that gives to counties the same powers cities have in Virginia Code § 15.2-1129.2, which would enable counties to create local economic revitalization zones.

The 2007 General Assembly granted cities the enabling authority to create local economic revitalization zones. Albemarle County and many other counties would benefit from the same tool in order to provide incentives and regulatory flexibility to private entities to purchase real property and interests in real property to assemble parcels for economic development. Incentives may include reducing permit fees and user fees, reducing any type of gross receipts tax, and waiving tax liens to facilitate the sale of property. Regulatory flexibility may include special zoning for the economic revitalization zone and other incentives established by ordinance.

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

Staff recommends that the Board review the 2017 Proposed Legislative Priorities (Attachment A), and recommend any additions it feels are appropriate, to be brought back at a later date as desired by the Board for submission to the TJPDC, VACo and VML.

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Mr. Kamptner highlighted the County's 2017 proposed legislative priorities, with the first being clarification of the new proffer legislation. He displayed a slide that showed four key passages of the legislation that the County and other localities have identified as being extremely problematic, with the first being the definition of an "unreasonable proffer." Mr. Kamptner mentioned that if a proffer is invalidated by a court, the locality can be subject to attorney fees, and said that all proffers have to address impacts generated by rezoning. He stated that there is always room for argument regarding the results of a study, and this language is problematic for localities because it requires a level of certitude that is difficult to achieve in the practical world. Mr. Kamptner stated that there is also a clause that prohibits localities from accepting proffers unless the impacts on schools, for example, are in excess of existing capacity. He said it prohibits localities from dealing with incremental impacts, and he offered an example of a school that has capacity to add 100 new students, and a development that results in 99 students would not be subject to proffers. He presented information on the issue of offsite proffers, particularly cash proffers, which require a direct and material benefit. Mr. Kamptner stated that there is often lag time between when the cash proffer is made and construction begins, and state law allows up to 12 years before the money from a proffer must be spent for a capital improvement, which creates uncertainty. He said that the mere suggestion of an unreasonable proffer by any County representative might trigger a series of events, explaining that if the rezoning is not approved and the applicant is able to show that a suggestion was made, there is a presumption that the denial resulted from the applicant failing to proffer. Mr. Kamptner emphasized that there is a burden on the locality to overcome this presumption.

Mr. Kamptner asked to correct the language in Attachment A of the legislative priorities page at the bottom of the discussion to state the following: "To invalidate the governing body's denial of the rezoning." He next discussed equal taxing authority for urban counties and stated that there are four types of taxes identified: cigarettes, admissions to sporting events, transient room rentals, and meals. Mr. Kamptner explained that the first two taxes may not be imposed by localities, although there are some limited exceptions for cigarettes as two Virginia counties have been grandfathered in under old rules. He noted that there are 10 counties that allow admissions taxes and only 3 that are currently imposing them. Mr. Kamptner said that counties are subject to caps on transient room rental taxes with Albemarle's cap

being 5%, and any amount above 2% must be spent on tourism. He stated that the meals tax has a restrictive cap and is, with limited exceptions, available to a few counties and must be established through a referendum. He said that as counties have urbanized and the state has imposed mandates to provide services, they have been increasingly dependent on real property taxes, which adversely affects counties, such as Albemarle, with larger amounts of tax-exempt land. He noted that having a broader range of revenue sources would reduce the County's dependence on real property tax.

Mr. Foley said that they would add the definition of an "urban county," as it is tied to a state code referencing population density, and there are 16-18 counties that fall under this definition.

Ms. Palmer asked why there is a tax cap with a requirement that the amount above 2% go to tourism. Mr. Kamptner stated that the cap is imposed by the General Assembly, and most counties have a 5% cap.

Mr. David Blount, Legislative Liaison, with the Thomas Jefferson Planning District Commission said the rationale for the requirement is devoting a portion of the tax to attracting tourism.

Mr. Kamptner said that in FY 2014, cigarette and tobacco taxes accounted for 1.2% of the total tax revenue collected by cities. He explained that of the 30 cities that impose a cigarette tax, rates range from 15 cents per pack to over 60 cents per pack. Mr. Kamptner said the admissions tax accounted for 0.4% of total tax revenues for cities, and of the 17 cities that imposed this tax in 2015 the range was 4.1–10%.

Mr. Foley said that in the past staff has taken the numbers and attempted to equate them to the County's situation, and they can update those to provide a better idea of their potential.

Ms. Palmer asked if there is an agreement between the city and University of Virginia regarding the admissions tax. Mr. Foley said the agreement is that prior to considering an admissions tax, they would work with the University. He stated that last year he had a conversation with UVA officials about this and they calculated what the potential would be based upon John Paul Jones Arena shows, and it did not amount to anywhere near what they had thought it might. Mr. Foley said that it is something they can still pursue, but the potential is not tremendous, and a combination of equal taxing authority across the board starts to add up.

Ms. Mallek asked if they obtained information from the contractors who handle ticketing at JPJ. Mr. Foley replied in the affirmative and said that staff would share this information with the Board. He added that they did not consider admissions tax on university events, such as football games, which would be part of another discussion, and if they included football and basketball games, it would be a different number.

Ms. Mallek said that her view is to cast the net as widely as possible.

Ms. McKeel asked Mr. Kamptner what the City's cigarette tax is. Mr. Foley responded that he did not have the information with him and said that staff would retrieve this information and report back.

Ms. McKeel asked if the City has an admissions tax. Mr. Foley replied that they have been given the authority, but have not used it.

Mr. Randolph said that there are a variety of taxation vehicles they can use, but when they are looking at cigarettes, they should make it clear that they are not just trying to raise revenue but also deter and alter behavior because of the high public health costs associated with smoking that the County incurs directly and indirectly. He stated that if they do impose a cigarette tax, he would like to see it dedicated to social services, if possible, to help recover some costs associated with tobacco use.

Ms. McKeel reminded him that she had suggested that they look at "costs to recover" when considering the cigarette tax, such as fires caused by smoking.

Ms. Palmer said she has spoken with the Chairman of York County's Board, and he told her that his Board was informed that the cigarette tax is an absolute "no go" in the General Assembly. She said that a couple of years ago, she had asked Delegate Steve Landes about it and he did not seem to have much interest in it. She asked Mr. Blount to address the issue of taxation and whether there was a reason why they would not want to look at a broad sweep in considering equal taxing authority, instead of focusing on a specific tax.

Mr. Blount confirmed his experience with discussion of a cigarette tax, noting that Altria is based in Virginia and carries a lot of weight. He also mentioned the cigarette tax stamp constituents who have worked diligently to avoid a hodgepodge of taxes across the state. Mr. Blount noted that counties in Northern Virginia and Hampton Roads are working to establish a regional tax stamping entity to have uniformity. He said the TJPDC attempted to engage them last summer about potentially doing this here and this did not generate a lot of traction, adding that he did not think there would be any change in the General Assembly in terms of considering new taxes.

Mr. Foley said that he and Mr. Blount are trying to arrange a meeting with Delegate Landes to get his thoughts, the input on the best approach, and what he could support, and this meeting should occur in a couple of weeks.

Ms. Palmer said that this is a very good discussion topic for the Board to strategize with legislators in terms of the best approach to take.

Ms. Mallek commented that in the 1980s and 90s when the cigarette and meals tax passed; there was emphasis on the fact that users would be paying the tax.

Mr. Dill asked Mr. Kamptner for the percentage of the budget received from proffers. Mr. Kamptner responded that last year they collected about \$3 million from proffers, which he thinks is less than 1%.

Mr. Foley said they can follow up with specifics as to how much revenue is from proffers.

Ms. Mallek said she recalled seeing a lot of zeros in the figures for some Crozet projects and they were used to build the Crozet Library, which was a significant amount.

Mr. Foley said that the obligation is significant, but the pace of development has not generated as much.

Mr. Randolph stated that his back-of-the-envelope calculation from the Planning Commission is that it would average around a minimum of \$500K per year and could be as much as \$1.2 million; cumulatively it could average \$400,000 per year. Mr. Kamptner, citing the quarterly proffer report, said that in the second quarter of 2016, the County received \$328,000 and proffered cash on hand is \$2.2 million.

Mr. Kamptner continued with his presentation and stated that the third priority is to attempt to be on equal footing with cities, which were given the authority to establish Economic Revitalization Zones (ERZ) in 2007. He stated that an ERZ could be an additional tool to allow the County to offer incentives and regulatory flexibility in enticing areas to be revitalized and redeveloped, and the stated purpose of ERZs is to promote the purchase of private property and the assembly of parcels.

Ms. McKeel asked if Mr. Blount could comment on ERZs and asked if he has heard anything from the General Assembly about this issue. Mr. Blount said that of the three types of taxes they have discussed, this one is the most probable, as much as they talk about economic development and job creation, this one should be a no-brainer.

Ms. McKeel agreed.

Mr. Foley said that in the past, they have only projected proffer revenue in the first year of the CIP, and in the out years, they have not made projections because the pace of development is so uncertain. He noted that the Fiscal Year 2017 projection is \$1.2 million from proffers, but they do not have projections beyond that.

Ms. Palmer said that staff has asked the Board to recommend any additions they feel are appropriate to be brought back at a later date for submission to the Thomas Jefferson Planning District Commission and VACO. She suggested they also discuss how they wish to approach the upcoming meeting with legislators and asked members if they want to recommend any additions.

Mr. Randolph asked to make a comment about the presentation and stated that he applauds this year's priorities and believes they are now more strategically focused and selective in their efforts. He said they should be focused on keeping in contact with elected representatives through all stages of the policymaking process. Mr. Randolph noted that Senator Creigh Deeds had provided feedback regarding lack of information about the Board's priorities, and said that it is important they be present through the entire process. He stated that he believes it is important to publicize the County's campaign and report on progress and urge citizen support, and also stated that they should seek allies in other counties through VACO. Mr. Randolph stated that they need to be unrelenting.

Ms. Palmer agreed and invited further comment.

Ms. Mallek said that she begs everyone to take an active role and to communicate individually, not just as a Board. She said that squeaky wheels do get attention, and the County needs to step up its game.

Ms. McKeel asked for confirmation of Thursday, September 29, 2016, from 11:30 a.m.–1:00 p.m. for the legislative luncheon and asked who plans to attend. Mr. Morris replied that he would get back to them with this information.

Ms. Palmer said to Mr. Foley that she would like to see the list of urbanizing counties and the definition of an urban county. She suggested they emphasize equal taxing authority with legislators and be focused on that.

Ms. Mallek stated that in her opinion, focus is not important and it is better to use a shotgun approach. She said that finding out what other delegates will introduce, as bills will not be known until December, and that is when focus would be needed.

Mr. Foley said that last year they developed a proposal about urban counties and equal taxing authority and contacted all the localities and awaited word from Delegate Landes that he would introduce

a bill, but it never happened. He stated that he supports making early contact with him this year and drafting a white paper, as well as discussing equal taxing and ERZs. Mr. Foley said they should also contact the localities again and meet with their legislators so that in their legislative discussion meetings they are talking about the same issues. He stated that they are seeking input from Delegate Landes and other legislators as to how they should focus their efforts. He stated that he agrees that taxing authority as a certain strategy is the best way to go and that coalitions are important, and also agrees with Ms. Mallek that when something comes up that they did not expect, they need to be prepared to respond.

Ms. Palmer asked if York County is on the list of high-density counties, and also wonders why they chose to do all counties instead of just high-density counties. Mr. Foley replied affirmatively, noting that the standard position of VACO is to consider all counties. He stated that he would provide an update at the next meeting as to the conversations and strategies discussed with Delegate Landes.

Ms. Palmer thanked Mr. Blount and Mr. Kamptner for the presentation.

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Agenda Item No. 11. Program and Service Inventory Overview.

The Executive Summary presented to the Board states that the Five-Year Financial Plan presented to the Board during the Five Year Plan and FY 17 Annual Budget process demonstrated that the cumulative impacts of community and Board aspirations, growing citizen expectations, and service obligations associated with population growth is anticipated to outpace available resources into the future. During this process, the Board, staff, and the public had significant discussions about the long-term structural fiscal imbalance facing the County and the critical need to address that gap on a long-term basis. The County recognizes that finding a balance between a realistic level of revenues going forward into the future and expenditures that can be supported by that revenue is a challenging task that must be accomplished through Board of Supervisors and community dialogue, and serious choices about the allocation of available resources.

Beginning this fiscal year, the County has undertaken a priority driven budgeting process that will result in the development of a recommended balanced Two Year (FY 18 - FY 19) Fiscal Plan. This Plan will reflect Board and community priorities, support essential County services, and set the County on a path towards the achievement of a more aspirational future. This process involves the Board, staff, and the public working through a comprehensive process of identifying priority services and necessary funding levels to support those services, then aligning resources and desired services in a sustainable way for the future.

On May 17, 2016, the Board held a strategic priority setting session that initiated this process. During the next several months, the Board will continue to be actively engaged in the further clarification of its strategic priorities, in understanding specific program and service costs and impacts, and in providing direction to staff regarding resource allocation that will shape the development of the Two-Year Fiscal Plan.

Since the Board's strategic planning sessions, staff has been carefully updating its inventory of current program and services and has been working towards the development of specific recommendations that will begin to address the Board's top strategic plan priorities during the time-frame of the upcoming Two Year Fiscal plan.

On August 3, staff will present the draft FY 17 program and service inventory for the Board's review. The FY 17 inventory includes the programs and services provided by the County's general government operations, including those provided by County departments, Constitutional Officers, and agencies. The inventory also includes the County's non-departmental obligations, such as the revenue-sharing payment to the City of Charlottesville and contingencies. This version of the inventory includes the name of the program and service provider, a description of the specific program or service, the estimated number of fulltime equivalent (FTE) employees who perform the program or service, and the estimated total amount budgeted to each program and service in the current FY 17 budget. It should be noted that many of these programs and services, such as those provided by the Department of Social Services, have offsetting state or federal revenues that support some (or all) of the associated costs.

To provide an important perspective by which to view these County's programs and services, the inventory includes a column which indicates which of the programs and services are primarily:

- a) Mandated by the State or Federal Government - those which are mandated by a State or Federal constitutional, statutory, or administrative action that places requirements on local governments;
- b) Essential functions of local government - those which are not mandated, but are essential for a local government of the County's size;
- c) Provided in accordance with local ordinance or written directive - those which are primarily provided in accordance with the Board's written directives, such as the Strategic Plan and local (non-state or federal related) ordinances; or
- d) Primarily discretionary in nature - those provided in accordance with Board's discretion which do not meet any other of the aforementioned categories.

Staff recognizes that, while this categorization provides another important and useful factor in the consideration of the General Government's program and services, the following limitations should be noted:

- i) Categorization of programs and services into one of four distinct categories is subjective to a degree and not everyone may agree on each of the determinations.
- ii) Many programs and services could be included in more than one category. The category selected for each program/service is staff's best determination of the most primary classification for that particular program/service.
- iii) State or Federal mandates imposed upon local governments are not always program-specific and could impact a number of programs and services to a greater or lesser degree.

The Leadership Council will continue to review and discuss the information included in the program and service inventory and report back to the Board in September. These efforts will result in a determination of the level of effort associated with mandated programs, the results obtained, as well as the impact to the County if a non-mandated program or service were to be eliminated or reduced. The Leadership Council will also rank the list of program and services and will make recommendations as to whether efforts or financial resources could be reduced or redirected to more effectively address the County's top priorities.

The priority based budgeting process and the two year fiscal planning process will assist the Board and staff in determining and setting County priorities, given the County's fiscal environment.

This information is provided for the Board's information. In September, the Board will review the Leadership Council's initial recommendations associated with the program and service inventory, as well as the recommended resources required to address the Board's top strategic priorities. The Board's direction on these items will inform the development of the Two Year Fiscal Plan.

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Ms. Lori Allshouse, Director of the Office of Management and Budget, was invited to present to the Board.

Ms. Allshouse thanked the Board and introduced Lee Catlin as a co-presenter, stating that they have passed out a copy of the updated program and service inventory and a copy of the presentation. She stated that priority-driven budgeting depends on the program and service inventory as a core function of the process and showed a slide depicting a timeline of the efforts underway. Ms. Allshouse said the program and service inventory is a way to look at all the department efforts in the budget document in a completely different way and said she would share what the County is doing. She explained that from September to October, staff would assess programs carefully and prioritize net costs while being mindful of the Board's top priorities. She stated that they call this the "how" step, specifically how staff would produce what the Board of Supervisors and community want them to produce as a County. Ms. Allshouse said that from November to December, staff and the Board would be assessing and determining available resources as they work towards the two-year balanced fiscal plan which is what they call the "how much" category. In January and April, she said, staff would recommend the two-year balanced fiscal plan for review leading to the annual budget, and said she would discuss the timeline in more detail at the end of the presentation.

Ms. Allshouse stated that Ms. Lee Catlin is present to assist with questions about community engagement and said the program and service inventory is a view of the budget through a different lens, and reminded the Board that they have been doing this since 2012. She said the PSI provides information about general government; does not include details about the school budget; includes obligations such as revenue sharing payments to the city, donations to agencies, and contributions to joint operations; and also includes information on reserve accounts such as the training pool and innovation fund.

Ms. Allshouse stated that the version before the Board is organized alphabetically by name of program and service and includes a description of the program's function, number of FTEs dedicated to a particular program, and total cost. She stated it is important to note that it does not include net costs, as some programs receive offsetting revenues, although there are other versions she can share that show net costs. She said there are limitations as to how to organize a budget by program, service inventories and categorizations can be subjective, and staff has them organized by directives and essential government functions, local ordinances, and discretionary items. Ms. Allshouse noted that there is some overlap as some programs and services can be included in more than one category, and there is also a listing of all federal and state mandated programs. She stated that they would provide more detail this year than in the past as they review their alignment with the Board's top priorities, and analysis will include level of effort, costs, and results. Ms. Allshouse noted that it would be the main tool for priority-related allocation recommendations as part of the two-year fiscal plan development, and shared a slide with highlights of the information provided.

Ms. Allshouse stated that there are 246 programs and services, which is more than in the past, not because there are more programs, but because they have divided some programs to be more specific in order to do greater analysis. She stated that the costs of these programs and services is about \$119 million. Ms. Allshouse noted that there are 78 that are state or federal mandated, 66 are categorized as essential functions of local government, 38 support local ordinances and Board directives, and 64 are discretionary. She next displayed a chart depicting expenditures by category: 32% for state/federal mandates, 7% discretionary, 35% essential functions of local government, and 26% local ordinances/

directives. Ms. Allshouse noted that the budget has already been published and is on line, and they would add the PSI as a separate document, whereas in the past it had been a chapter in the budget. She invited questions before moving on.

Ms. Mallek asked for a digital link to something that would show salaries versus program costs for some categories as well as income receipts and said the questions the Board will have to field from constituents will require this extra information. Ms. Allshouse said she could provide net costs and some of the details of each budget. She said the most valuable information would be net costs versus total costs, and what is provided by fees and outside revenues. She asked Ms. Mallek if this is the information she is seeking.

Ms. Mallek responded that more breakdown would be helpful; pointing out that citizens will look at this and become skeptical unless the County can provide specifics as to salaries versus program costs. Ms. Allshouse offered to provide costs for FTEs, program costs, and amounts provided by fees and outside revenues.

Ms. Mallek asked for clarification that, though some items could fit into more than one category, there is no duplication. Ms. Allshouse confirmed this and said that on the first page of the program and service review, there is a detailed information sheet as to how items are classified.

Ms. Lee Catlin, Assistant County Executive, addressed the Board and said she would discuss the upcoming steps as to how they will move through the rest of the process. She said they have made progress towards milestones laid out in the May meeting: the first milestone was to establish and rank the Board's priorities by June, and this was completed; by August, they were to bring back a more defined and detailed program and service inventory, and this has been completed. Ms. Catlin stated that September and October will be busy months, and on September 14 there will be a joint session with the school board, which is an opportunity for both Boards to get together to develop a two-year fiscal plan. She said on September 14 on the regular agenda, they have set aside time to report back on priority strategic items identified in previous sessions they have been working on to turn into two-year "action items" that would form basis of the FY 17-19 strategic plan. Ms. Catlin noted that they would take feedback from the Board and towards the end of September and early October; they should have the opportunity to receive additional feedback from the Board regarding clarified objectives. She said they have set aside September 14 to obtain public comment, and she is pleased to say they have had close to 50 thoughtful responses. Ms. Catlin said that she would put together a summary of some themes of these responses to give to the Board.

Ms. Catlin stated that additional work would be what they are calling the "reconciliation moment" to bring together a recommendation from staff as to how to reconcile the program and service inventory, resources, and strategic and operational priorities; the Board will then be able to provide direction and feedback to these considerations. She said that in October, there would be the usual joint compensation meeting with the school board where important guidance will come forward about how to build a plan on salaries and benefits. Ms. Catlin said these strands feed into the first draft from staff of a two-year balanced fiscal plan to be presented in November, and in November and December there will be work sessions and public hearings to get to something they can all approve. She said that this sets the framework for the usual budget work they do from January to March, in anticipation that by April they will have a budget approved that fits within the framework and guidance set by the Board. Ms. Catlin noted that staff has tried to make things as logical and sequential as possible.

Ms. Mallek asked where early public town hall meetings would occur. She said she hopes that smaller, neighborhood meetings will get people interested in later attending the public hearings and be more involved. Ms. Catlin said the end of September or early October would be a good time for public discussion, and said they are planning a hearing for November. She invited questions.

Ms. Palmer said she appreciates the information and it is well organized.

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**Recess.** The Board recessed its meeting at 2:47 p.m., and reconvened at 3:00 p.m.

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Agenda Item No. 12. **Work Session:** Broadband Work Session.

The Executive Summary presented to the Board states that staff, as a result of Board direction and priorities, continues to evaluate strategies to expand access to high speed internet service (Broadband) in Albemarle County. A Broadband Task Force, which includes staff and two Board members, continues to meet regularly to guide the day to day efforts of this important initiative while maintaining regular communications with the full Board. More recent efforts have been focused on the development of a telecommunications plan designed to evaluate existing conditions and infrastructure and provide a series of options for how broadband might be expanded in our region. This particular effort was made possible through a grant from The Virginia Telecommunication Planning Initiative (VATPI) which awarded Albemarle County \$75,000 for the purpose of creating a telecommunication plan (the Plan). A management team was formed and engaged a consulting firm, Design Nine, to create the Plan. A first draft of the Plan has been submitted and is under review by staff. The Plan report is scheduled to be final by September 15th and shared with the Board in October.

In advance of receiving and reacting to the recommendations of the Plan, members of the Task Force and the Management Team felt it was important for the Board to consider more general,

philosophical questions related to the role of government, and the County or a County-created authority in particular, in expanding or providing broadband services in our community. The purpose of the work session will be to receive guidance from the Board on a series of important questions related to broadband, including:

1. What is the role of Government in providing broadband service in unserved areas?
2. How important is the role of Government in providing broadband service to citizens and businesses?
3. What is the Board's desired level of resources to be applied to providing broadband to unserved areas?
4. How should the Plan reflect Board aspirations?

The goal of the work session is to receive Board guidance and direction which will help inform the recommendations and final version of the Plan.

On February 4, 2015, the Board adopted a Resolution to commit the use of up to \$30,000 to supplement grant funds to develop a telecommunications plan, and that amount was appropriated to the Information Technology Department to support the grant for Broadband projects. \$11,250 of this appropriated amount is being used as the required local "match" for the VATPI Fund. Staff will ask the Board to reappropriate any unused balance of this \$30,000 to the Grant Opportunity fund upon the completion of the project. In addition, on March 2, 2016, the Board appropriated the \$75,000 grant award (Appropriation #2016066). This project is proceeding on budget.

Staff is not making any recommendations at this time. Staff will facilitate a discussion during the Board's work session to gain further guidance on the County's role in advancing the broadband effort.

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Ms. Palmer welcomed Director of Information Technology, Mr. Mike Culp, and Chief of Special Projects, Mr. Bill Fritz, as part of the broadband management team.

Mr. Culp thanked the Board for the opportunity to address them and thanked members of the broadband management team, including Mr. Andrew Cohill, President of Design Nine, hired to assist with plan development. He stated that his objective was defining the role of local government and level of support for broadband, and he hopes to develop consensus at this meeting as to their focus. Mr. Culp said his agenda today would include background and work session objectives, the definition of broadband, the perspective of the broadband management team, broadband deployment from a philosophical perspective, a recap, and a timeline.

Mr. Culp reported that in March, the County began work on a \$75,000 grant awarded through the Department of Housing and Community Development called the Virginia Telecommunications and Planning Initiative, and selected Design Nine through a competitive process that included a request for proposal. He stated that the plan is due to be completed September 30, though they are striving to have it ready by September 15. Mr. Culp said there is a need for a plan, with a primary reason being that it will allow them to submit requests for additional funding in the future and it is the best approach in terms of support for broadband service in alignment with the comprehensive plan. He next focused on the definition of "broadband," which he defines as "fast access to the internet." Mr. Culp stated that Albemarle has a rural and an urban environment, and ways to access the internet are: satellite, digital subscriber line (DSL) accessed through copper cable, coaxial cable provided by cable TV providers, mobile wireless through the air, and fixed wireless. He noted that in Albemarle, cable is provided by COMCAST, and fixed wireless uses a stationary antenna placed on the roof or a nearby pole.

Mr. Culp stated that the most useful tool to access the internet is through fiber, as it provides the most bandwidth and longevity, though it is the most expensive to install in rural areas. He stated that a solution for the County would include at least two to four of these technologies combined, which makes the process somewhat complex. He said that adding to the complexity of installing broadband is the rural nature of some areas and the hilly terrain in the western part of the County, and there are currently multiple providers. He showed a slide that included large areas in blue shading that represent FCC federally funded areas for broadband. Mr. Culp reported that CenturyLink applied for and received federal funding and has started work deploying 400 miles of fiber within the County, noting that they have until 2020 to complete the project. He said the faster they can have these blue areas completed, the faster they can increase service to County residents. Mr. Culp next pointed to green shaded areas served by Verizon, which decided not to accept federal funding, and said these areas should be a priority. He stated that there have been two developments that have occurred within the past couple of weeks that affect broadband: the first is DACD, which has funding through the Commonwealth for \$1.25 million over the next two fiscal years to work with providers to fund additional broadband projects. The second is the Central Virginia Electric Co-Op (CVEC) put out a request to internet service providers to provide plans for developing or placing infrastructure on their poles, under which they would not charge them for pole access rights, if they provide a plan in advance. Mr. Culp showed a display of Verizon-served and CVEC-served areas. He next introduced Susan Stimart to present on the impact of broadband on economic development in the County.

Ms. Susan Stimart, Economic Development Facilitator, addressed the Board and said there are several industries in the rural areas and they rely on internet service; examples are farm wineries engaged in on premises sales, such as the Gabriel Rousse farm winery tasting room. Ms. Stimart said they were having to process transactions through dialup service, which was not working well. She said that another example is several business parks in rural areas such as Earlysville Business Park, Hunters

Way, and Ivy Business Park. She provided examples of well-known area companies located in these business parks. She also gave examples of area resorts/hotels that are in rural areas and rely on internet access, as well as historical sites such as Monticello and Ash Lawn-Highland. Ms. Stimart said another area of focus is "farming efficiencies," and she allowed Mr. Culp to speak about this topic.

Mr. Culp stated that Internet of Things (IOT) is a trending term about providing service through multiple devices, and said that farms can use the internet to remotely monitor fuel levels in tractors and to monitor crop production.

Ms. Stimart referenced [www.farmlink.com](http://www.farmlink.com) as an example of IOT and said that many people are now working from home, so internet access is important. She also said that property values could be impacted by a lack of broadband resources.

Mr. Culp said that he would discuss the impact of broadband on public safety and said there are numerous "dead zones" in rural areas. He stated that public safety officials often use internet connections in their work and can utilize "hot spots" in the urban areas, but these may not be available in the rural areas. He gave an example of an emergency at a large event and how the use of drones to take aerial video can assist responders, but this process relies on an internet connection to transfer information. He stated that another example was Foxfield Races when so many attendees tried to use their smartphones that the network used by public safety officials was overloaded. Mr. Culp stated that through collaboration with the school division, public safety is now using the 2.5 MHz LTE network used by the schools for Foxfield events, and they are working on expansion so that all public safety officials will have access to this network. He noted that they have just received notice from VACO that they will receive an award for this application.

Ms. Palmer asked for clarification about the award and she wonders if they were awarded money. Mr. Culp said the award is VACO Achievement 2016, made annually in Virginia, although there is no monetary award.

Ms. McKeel said that she would give a little bit of resistance, as she sees dead zones in the urban ring as well as in the rural areas, but she would discuss this later.

Mr. Culp introduced Mr. Vince Scheivert to address the Board.

Mr. Scheivert clarified that the LTE network is 2.5 GHz, not MHz, and said that in 2016 they were the primary provider of internet services at Foxfield. He stated that they use two locations to transmit: Carter's Mountain and the rooftop of Albemarle High School, which they hope to be able to use again. He said that about 50% of students live in urban areas, and 30-40% of students have said that broadband access is an issue that prevents them from accomplishing what is expected from a 21<sup>st</sup> century student. Mr. Scheivert said that to overcome this issue, some students are having to come to school early or stay late to use the internet, and 70% of students are saying that they learn outside of school and are finding alternative methods to gain access to information they did not understand in class, with most of them using video resources to obtain this information. He stated that many students cannot use these media, as they do not have sufficient internet access and said the LTE buildout plan to provide internet access to all students within three years is paramount for them.

Ms. Palmer asked for the costs of completion of this project. Mr. Scheivert estimated the cost at \$680,000 to build out a distribution network for the schools, of which some of this money has already been spent. He pointed out that they already own the land and have connectivity with nearly all sites, so most costs will be from purchasing equipment to place at existing structures, which will cover 90-95% of the buildout.

Ms. Palmer asked if they could complete this project with the existing resources. Mr. Scheivert said that they could, as long as they continue being allowed to place equipment on existing properties, which he anticipates would be the case.

Ms. McKeel said there are students in certain urban areas, such as Hydraulic Road, Georgetown Road, and Southwood, that do not have reliable connectivity.

Ms. Palmer asked for clarification that the existing funds available would cover both urban and rural connectivity costs. Mr. Scheivert replied in the affirmative but said there are additional costs such as endpoint devices, although they are looking at ways to defray these, and they may consider a small user fee for households.

Mr. Culp introduced Mr. Bill Fritz to speak about the impact of broadband on the comprehensive plan.

Mr. Fritz stated that he is glad the rural versus urban topic was brought out, as this is really the nexus of the issue. He stated that although there certainly is need for broadband development in the rural areas, there is also a need in some urban areas, and this is where the comprehensive plan comes in. Mr. Fritz noted that the County's growth management policy directs development into specific identified areas for vibrant growth while conserving the remainder of the County for rural uses such as agriculture, forestry and resource protection. He said the comp plan also has an objective that internet access at sufficient speed should be available in all parts of the County, and it also says, "Those persons living in the rural areas should not anticipate levels of public service delivery equal to services provided in the development areas." Mr. Fritz noted that this is a consistent theme the County has had for many years, and stated that

while the provision of broadband in rural areas may support businesses, it may also encourage and support rural housing development. He said the Board may want to consider different levels of service between the rural and urban areas, with factors such as speed, as well as different regulations involving towers. He stated that they may wish to consider developing urban areas first and then rural areas.

Ms. Palmer asked for clarification of the term “public,” and whether he means service provided by the County. Mr. Fritz replied that it could be the County or a broadband authority and said they could have different regulations for size and height of cell towers in different areas.

Mr. Culp resumed addressing the Board and listed three philosophical questions about broadband for the Board to consider: What is the role of government in providing service where there is none? How important is the role of government in providing services to citizens and businesses? What is the Board’s desired level of support to providing service in unserved areas? He reminded the Board that when considering the role of government they are discussing local government, not state or federal, as there are federal and state funds for broadband development, which will be considered in the plan.

Ms. Palmer asked for the timeline under which CenturyLink is completing its operations, as well as the timeline for Verizon. Mr. Culp stated that the program they are working under is entitled “Connect America Fund II,” under which CenturyLink received \$900,000 a year for six years for Albemarle County to deploy advanced DSL. He said that Verizon has chosen not to build out service in certain areas and the County is awaiting word from the federal government regarding a potential Connect America Fund III so that other providers can apply for funding through a reverse auction process.

Ms. Mallek pointed out some areas that have been left “high and dry” by Verizon’s pullout and said that CenturyLink would not move in unless requested, and she hopes the County can encourage CenturyLink to move in to these areas. Mr. Culp said that he could work with the Board to identify certain addresses that do not show up as eligible census blocks, to send them back to the FCC.

Ms. Mallek said that she hopes Mr. Culp would review the map of service areas later in the meeting.

Ms. McKeel asked about the changing landscape for state grants that they thought they could tap into and whether this is relevant to the discussion. Mr. Culp stated that the Broadband Advisory Council is working on defining the rules for applying for \$1.25 million in state funding for this fiscal year and for FY 2018.

Ms. Palmer asked if money that in the past could come to local governments is now being directed to private companies or authorities. Mr. Culp responded that they have the ability to influence how the rules are set, and currently it is internet service providers who are the applicants for funding, adding that it is possible to change the rules to include local governments and authorities as recipients.

Ms. Palmer stated the big point is that things are shifting in terms of where funding is coming from and going to.

Ms. McKeel asked Mr. Culp if there is a deadline to this shifting landscape when rules will be defined. Mr. Culp said that he would provide the information regarding deadlines as soon as he can.

Mr. Randolph stated that this question should not be considered solely as, “What is the role of this local government?” but “What is the role of local government regionally?” and “What can Albemarle do with other adjoining counties in providing broadband?” Mr. Culp said this is an excellent point and he agrees.

Mr. Culp now addressed the question of the role of government in providing broadband service where there is none and said there are five possibilities: do nothing; get out of the way and remove barriers; keep the status quo and remove barriers, apply for grants, assist private sector; partner with private sector and create incentives and provide funding; or compete with the private sector. He noted that they are currently following the status quo. He said partnering with the private sector would indicate that they are looking to provide additional funding and this is one of the questions. Mr. Culp asked if there is an interest from the Board in partnering with the private sector or whether they wished to compete with the private sector and create their own service development. He suggests they eliminate some of the options during this discussion, and he invited questions.

Mr. Dill said that part of his understanding of where the private sector may be going in providing service in the rural areas is piggybacking on cell towers to jump over the large, unoccupied lands to get to small, rural nodes. He stated that he wonders what the private sector would need to push them to invest resources to achieve the Board’s goals while improving their own bottom line. Mr. Culp said that one example would be installation of additional poles as a relay between a larger tower and a small tower, which can assist service providers in bringing on more customers.

Mr. Randolph said that part of the criteria in the last two questions is accessibility, affordability and dependability. He said there are parts of the County where one can have high-speed internet, but the cost is prohibitive for many families, and some of the service modalities are not particularly dependable. He stated that a potential discussion could be about competing with providers in order to force them to act and build infrastructure they want and need. He said the danger of remaining with the status quo is they have families that are winners and families that are losers.

Ms. Mallek stated that the accessibility, affordability and dependability all fail in the 4-5-6 exchange because they are only wireless and go out when it rains. She said that what she gets for \$29 per month through copper, they have to pay \$139 per month for unreliable service, and she hopes there will be obligations that come with federal money that carriers will have to follow or relinquish their territory. She said they have had great success with the carrier that has the copper lines and this is the way to go, and the County should find ways to incentivize copper cable, as this is the only reliable option in the rural areas. She said her view is that incentivizing the private sector is what she is most interested in doing.

Ms. Palmer asked Mr. Culp if they were assuming the Board would take some options off the table and focus mainly on removing barriers and working with the private sector. Mr. Culp said he is not making any assumptions although perhaps they can have a straw vote to eliminate something they know they will not support.

Mr. Dill said he would eliminate the first and last options: to do nothing, or to compete with private sector. He said that getting into the business and trying to keep up with the private sector, which is probably the fastest changing industry in the world, is not doable. He suggested continuing with the status quo with the addition of removing barriers and partnering with industry.

Ms. Mallek stated that they are disenfranchised to have any influence, as the state gave permission to have COMCAST come in, and they have chosen not to provide certain types of service in certain areas.

Mr. Dill said that although they cannot do anything regarding individual cases, they could affect the overall structure and attract other providers to compete. He stated that priority areas are the schools, people with health issues, and easily accessible areas.

Ms. Palmer asked for clarification from Mr. Dill that he would not use taxpayer funds for putting lines to homes, and asked if he is supporting continuing what the County is doing along with working with the private sector. Mr. Dill responded that he would not eliminate any options, though they should have a budget for measures that can be done efficiently and effectively, and said they should not be wedded to one idea, as things will change in the future.

Ms. Palmer said that the focus for today is to give Mr. Culp, Mr. Fritz, and Design Nine direction in designing a plan.

Mr. Dill asked if the direction desired was mainly to determine how much money to provide them. Ms. Palmer replied that it was not, and said the question is about County government's place while the private sector is pursuing its efforts, which unfortunately has not been for every resident. She said the question is whether it is local government's place to enter this arena, and there is also an issue of fairness in terms of assisting people in one area but not another area.

Mr. Dill said that it is not "all or nothing," and the Board makes these types of decisions with roads and schools. He stated this is a very complicated issue and he wants to clarify what the question is before the Board at this point.

Ms. Palmer said they have already hired Design Nine to do this work and they must provide guidance as to how this plan should be targeted.

Mr. Dill said he is interested in hearing where they can get the most return on investment in terms of most homes serviced and what populations to prioritize such as schools, seniors, etc. He said he believes they should emphasize the development areas as reliable internet service, but in the rural areas, it could attract businesses, which they do not want to encourage, as well as supporting telecommuters.

Ms. McKeel said she agrees with much of what others have said, and doing nothing is not an option, nor is she interested in competing with the private sector. She asked for clarification as to the types of incentives they would use and whether they are always money or whether there are different types of incentives. She stated that she is not necessarily in favor of large monetary incentives, but they could work with Faith McClintic to identify these. She said she is supportive of the status quo at this point, and her understanding was that copper wire is an old 1990's technology although it works great. She added that it is very expensive and she is skeptical of it solving their issues in the future.

Mr. Culp gave the example of allowing a tower on public property as a non-monetary incentive. He said he agrees with her assessment of copper wire as a temporary solution, and noted that it is expensive to upgrade.

Ms. McKeel once again pointed out that there are service drop zones within portions of the urban ring that are more rural in nature, and she thinks they should focus on the most actionable items first.

Ms. Palmer asked Ms. McKeel if she is suggesting that incentives and removing barriers should be directed at certain technologies. Ms. McKeel said that one of Ms. Palmer's questions was about competing with the private sector, which she said "no" to, and she does wish to emphasize that incentives are not just monetary, so she would not be against a combination of incentives that did not involve money.

Ms. Mallek said that it is almost as if they should pull from some of the items in option #4 and expand on option #3, and stop using the term "status quo," which has a negative connotation. She said

the reason why copper wire is important to her is that it is already there and can help a lot of people very quickly. She said she wants to make sure that people are aware that when a new company comes in they often rip out the copper wire landlines which results in no service when there is a power outage. She stated that this affects things like a phone-linked heart monitor or a connection to a resident's doctor, and the County often has power outages that last for days. Ms. Mallek suggested that whatever they decide upon, they should not allow companies to rip out the copper wire.

Ms. Palmer said what they are trying to do is provide direction to Mr. Culp and not go into all these details now. She said her understanding of the views of other members is that they do not want to invest a large amount of money, they are looking primarily at incentives, and they want Design Nine to concentrate on finding ways to get good internet service to urban areas and provide some service to unserved areas. Ms. Palmer stated that the schools are working on this separately and they can discuss schools at another time.

Mr. Culp said this answers the first question and he is concerned about time. He said now that they are looking at status quo and non-monetary incentives, focusing on developing high level service to urban areas and some service to unserved areas, the real question is who will be doing this work. He asked if the Board is interested in creating a broadband authority or joining up with an existing authority and forming a regional authority, or whether they should keep the existing Broadband Management Team to work on these issues. He invited questions.

Mr. Kamptner asked Mr. Culp what he means when discussing "removing barriers" or "assisting the private sector with incentives," and whether this means building towers. Mr. Fritz replied that their report would provide a range of ideas for removing barriers and said that it could include changes in telecommunications regulations. He stated that in the rural areas, an effective way to improve wireless communications is with taller structures.

Ms. Palmer said they do not need an authority to allow taller structures, and her concern about an authority would be that there is a shifting landscape and she is not sure what advantage there would be to forming an authority within the current climate.

Mr. Sheffield said that it is about trying to assist the private sector and figuring out what it needs.

Ms. Mallek said that barriers exist in the minds of people and what works for their business model, and there are many business models.

Mr. Dill said that someone in the County has to make decisions as to what to do, whether it be an authority or a committee, and he assumes the current committee will continue. He asked Mr. Culp if the current group is capable of making these decisions.

Ms. Palmer said the Board would have to make all investment decisions, and her view is that the biggest barrier, based upon her experience working on the Planning Commission, is lack of good information as to the areas being served.

Mr. Culp said the FCC requires internet service providers to provide information on area service coverage, but it is not accurate.

Ms. Palmer said that Mr. Culp is doing a wonderful job with his outreach in finding unserved and underserved areas.

Mr. Culp said he thinks they have enough to work with and appreciates the time. He said they will look at creative solutions that require limited support yet have a big impact, whether this be incentives or working with the private sector in innovative ways. He said they do not want to move towards major government involvement, such as rollout, given consideration of an expenditure of \$27–\$32 million. He stated that in the plan recommendations, they would have three or more levels of support and targeted priority areas as well as options for moving forward creatively to bridge the gap.

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Agenda Item No. 13. **Work Session:** County Transportation Priorities – Approve Projects for HB2/Smart Scale Funding Requests.

The Executive Summary presented to the Board states that staff has been following the schedule below in presenting information to the Board regarding transportation priorities, transportation funding mechanisms, and prioritization strategies in advance of asking the Board to provide direction on transportation priorities:

April 6: General overview and lessons learned from the first Six-Year Improvement Program (SYIP) project application cycle under Virginia's new House Bill 2 (HB2) prioritization process (now referred to as the Smart Scale process). Initial input was received from the Board regarding the County Transportation Priorities List. The Board also provided comments and direction regarding projects recommended by County staff and VDOT staff for the next round of SYIP applications through Smart Scale.

May 4: Review of prioritization strategies and project recommendations for the Secondary Six Year Plan (SSYP), including road paving projects.

June 8: Public Hearing and approval of the VDOT Secondary Six Year Road Construction Program (SSYP).

**August 3: Obtain approval of projects to be submitted for funding in the SYIP through Smart Scale applications (due September 30, 2016), and review and discuss the County Transportation Priorities list.**

September/October: Complete review of County Transportation Priorities list.

As noted above, on April 6 the Board provided initial input/direction on projects recommended by County staff and VDOT staff for which to request funding in the upcoming SYIP review.

The focus of the current discussion is on projects to be submitted this year (2016) for funding through Virginia's Six Year Improvement Program (SYIP), which allocates the majority of State transportation funding for transportation improvements. HB2 required the Commonwealth Transportation Board (CTB) to develop and use a scoring process to select projects for funding as part of the annual review of the SYIP. The HB2 prioritization process, now referred to as Smart Scale, evaluates projects using the following criteria: 1) congestion mitigation; 2) economic development; 3) accessibility; 4) safety; 5) environmental quality; and 6) land use coordination. Projects are also evaluated in terms of how each project meets State transportation plans, studies, and priorities, and its overall cost/benefit. The cost/benefit aspect of the evaluation favors those projects which have prior funding/resources investment or show a commitment of funding from a source other than State sources.

One change in the Smart Scale process is that, moving forward, applications for funding will be reviewed every other year. Therefore, applications submitted in September 2016 will be for funding in FY2017 and FY2018. The next round of applications will be due in September 2018 (for FY2019 and FY2020 funding). Revenue Sharing and Transportation Alternatives applications will be accepted in 2016 (November 1) and in 2017. After 2017, Revenue Sharing and some other grant applications will also be received every other year.

Attachment A provides an overview of: 1) the projects recommended by staff to be submitted for funding for the 2017 Smart Scale application round; and 2) updates and recommended additions to the Transportation Priorities List (Attachment C).

Smart Scale is the application process for State funding of transportation projects. In order to submit a competitive application, and/or to advance the project in a timely manner, the County's commitment to share in the funding of the project may be needed. The County has contributed to previous projects through participation in the State Revenue Sharing Program (which requires a dollar for dollar local match).

Staff recommends that the Board: 1) approve the list of projects (Attachment B) to be submitted for funding for the 2017 Smart Scale application round; and 2) provide comment on the County Transportation Priorities List (Attachment C).

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Ms. Palmer invited David Benish, Acting Director of Planning, to present.

Mr. Benish said he is thrilled to introduce the new Director of Transportation Planning, Kevin McDermott, who began his position three days earlier.

Mr. Benish displayed a slide presentation and stated the purpose of this session is to provide an update on HB2 and the Smartscale application, and to obtain confirmation from the Board that they are on the right track. He stated that with time permitting, they can also discuss the transportation priorities list and obtain guidance on a few of the priorities listed, adding that they do have planned future work sessions where they can continue the discussion of these transportation priorities. He said it is a criteria-based priority setting process, and they look at projects that compete the best within HB2 funding criteria. Mr. Benish noted a change in the process for review to every other year rather than annually, and said that during the interim year, they would do revenue sharing and TAP grant applications. He noted that they will have the opportunity to submit revenue-sharing applications this year and next, and it will then change to every other year.

Mr. Benish reported that in April, there were eight projects listed as priorities and the Board eliminated a few of them, so he is reporting on the current status of these. He said that priorities one through five were presented in April and involved the Rio Mills extension connector to Berkmar Drive; Route 240/250 intersection improvements, which could include a roundabout; improvements to Proffit Road and the Route 649/Route 20 intersection currently being designed by VDOT; and the CIP sidewalk/crosswalk project in Crozet at Harris Teeter and Cloverlawn. He said they are having trouble obtaining design approval for a crosswalk and are requesting funding for a traffic circle, with traffic management issues in the area as drivers are passing through above the speed limit of 45 mph. Mr. Benish said there is construction of two links of parallel roads that are extensions of Berkmar Drive Extended, one from Hollymead Town Center to Airport Road, and the other from Innovation Drive to Lewis and Clarke Drive. He noted that adding these parallel roads would complete the Solutions 29 system and provide economic development opportunities by opening up land for the economic development strategic initiative.

Mr. Sheffield, referring to the first project, asked if Rio Mills paving is still part of the six-year plan. Mr. Benish replied that it is.

Mr. Sheffield asked how this project would affect the potential of Rio Mills Road being paved, and whether there would be a “tug of war” between two priorities.

Mr. Joel DeNunzio of VDOT stated that what they discussed at the Six-Year Secondary Road Plan work session and public hearing was how, if they build a connector road, they would likely remove the paving requirement because of the quarry trucks. He stated that they did not want to do this, as they did not feel the road surface could support this type of traffic, and current funding for Rio Mills Road can only be used if it remains unpaved. Mr. DeNunzio stated that if they build this road and get truck traffic off of that section, they could go back and do a rural rustic road. He said that if Rio Mills Road is brought down and curved into Berkmar, then the question becomes what purpose Rio Mills Road is serving.

Mr. Sheffield asked for the status of the funding for Rio Mills Road paving in the event this project is not approved and where it stands in the timeline. Mr. DeNunzio said he does not believe it is fully funded and there is no schedule for it to be.

Mr. Sheffield said his understanding is that, if the connector project goes forward, they would look at Rio Mills Road as a rural rustic road project. Mr. DeNunzio replied in the affirmative.

Ms. Mallek said if it remains as a recreational access road, it could stay as a gravel road. Mr. DeNunzio said they would still have washout issues.

Mr. Sheffield said that he anticipates questions from the public as to why they are not paving Rio Mills Road, and they may not want to see this pushed to the side, noting that they have lost the money to pave the road. Mr. DeNunzio said that if Rio Mills becomes a rural rustic road, it is much cheaper to build.

Mr. Benish said he skipped over one of the priorities, the Route 250 and 151 intersection in Nelson County. He said this falls within the Lynchburg district and is to upgrade a potential traffic signal to a traffic circle. Mr. Benish said he has an update to the information provided in the staff report, and explained that there was a staff meeting with City, County, VDOT representatives and the Planning District Commission, which resulted in an update on what the MPO is proposing to submit for projects. He stated the first item is a request for improvements to the Route 250/Free Bridge, consisting of lane improvements, a separate bicycle and pedestrian facility, and turn-lane improvements at Route 20 and High Street. Mr. Benish noted that this project came out of the Free Bridge area congestion management relief project and has been supported by the MPO, which has approved making a request for that project. He clarified the update is that they now recommend pursuing funding for Exit 118 of I-64 to construct a left turn lane on the southbound side at Route 29 to provide access to the existing eastbound on-ramp. He noted that the next part of the project is to close the existing southbound loop that provides access to I-64 East, and this eliminates the weaving movement that occurs on the bridge. Mr. Benish said this is a greatly reduced cost project and VDOT feels that it is a good candidate.

Ms. Mallek asked if they are talking about at-grade in both directions or two little flyovers. Mr. Benish responded that it is at-grade and showed an area map indicating locations of all of the proposed projects.

Ms. Mallek asked if they are considering reducing the speed limit on the approach to this exit, from both directions, as she has witnessed people driving 70 MPH near Fontaine at 5 p.m. and 18-wheelers are unable to cross over the road heading west. She said that unless the County can slow people down, she is afraid this will be a non-starter. Mr. DeNunzio said that he asked the same question of planners. He explained that there are differences in the types and number of vehicles that are going southbound versus northbound and there are fewer 18-wheelers and more gaps going southbound, so he does not think they will see the same issue going southbound as going northbound. He stated that he also asked planners if there was a need for a metering signal if there are not enough gaps in traffic, and said this is an interim solution to this interchange and not the complete fix. Mr. DeNunzio stated that they put in a request for \$130 million last year, which is not likely to be funded in the near future.

Ms. Mallek stated that the economic development angle that needs to be added here is that in order for trucking businesses located in that quadrant to remain, making the improvements from 29 North to I-64 West is really important. Mr. Benish said there are specific measures they have for this criteria and they will try to work with them, adding that the project is still under design and there is still more work to do to finalize it.

Ms. Mallek asked if a project, such as Harris Teeter and 151 had significant funding, it would be considered an asset going forward. Therefore, if the County is adding safety money to those, they will still have the funding set aside to make them more appealing to the ranking system. Mr. Benish responded that as a general rule when there is other funding set aside, programmed or committed to a project, it improves the cost/benefit analysis of it. He stated that he suspects it will be helpful to that application that there are local monies assigned to it. Mr. Benish said that one project they looked at is Sunset Avenue, which was submitted last year, and they looked at expanding it to improve its scoring and also to provide an opportunity to be helpful in the redevelopment of the Southwood area. Mr. Benish stated that they can certainly make this application, but in looking at the additions that might benefit Southwood, it does not appear it will improve its scoring as it does not hit some of the high points of the evaluation criteria, so he would not expect it to be awarded.

Ms. Palmer asked if the original project without the Southwood connection had money with it. Mr. Benish replied that it did not.

Ms. Palmer asked why it scored low. Mr. Benish explained that it is not a prioritized roadway of significance and does not have evidence of safety issues, nor does it address congestion in a significant way. He stated that what it provides is multi-modalism and some accessibility improvements, and it provides limited economic development benefit but does not measure up as a high-scoring project.

Ms. Palmer said that with Wegman's opening she is assuming the whole area will get more traffic, and is wondering if that was considered in the equation. Mr. Benish responded that from an economic development standpoint, he does not think there was an understanding that there would be a significant benefit over the prior scoring, but where it could improve is accessibility to a population with needs, multi-modalism, and interconnectivity.

Mr. Kevin McDermott, Principal Planner, Transportation, said that in relation to congestion management, they should keep in mind that the rating system is scaled and their region does not get many points for congestion management.

Ms. Mallek asked about the safety issue for those walking to Region 10 from the bus stop on 5<sup>th</sup> Street as she thought this was an important component of this project, to build a sidewalk. Mr. Benish said this project does not include that section and they are upgrading the sidewalk now. They are working on one side of the road as the other side has topographic issues.

Ms. Mallek asked about access to Southwood through Biscuit Run State Park and whether this is an important element that could help the application. Mr. Benish stated that it may help somewhat, but the feedback from VDOT was that it is probably not compelling enough to make a huge difference in scoring.

Mr. Randolph asked if this has been shared with Habitat for Humanity. Mr. Benish said he left a message with Don Franco, who may be out of town. He stated they are asking for direction now and have until September 30 so they could try to make another application, but it does take a lot of staff time. Mr. Benish stated that it would be helpful if they had known there was to be a dedication of land for the new extension. Mr. Benish added that he knows that Habitat has been working with the church from 5<sup>th</sup> Street, but he does not think they have control of that land yet. He noted that there is a timing issue as to when Southwood will be ready to go and whether the road funding matches with this public project.

Ms. Mallek asked Mr. Benish to confirm that it would not be a good candidate for revenue sharing next year. Mr. Benish said they could take another crack to see if they can break down the projects in a different way or to address other aspects of their public improvements that would provide some benefit, but under the Smartscale process, it does not seem to be a strong candidate.

Ms. Mallek stated that it is an uncertainty as to whether it is useful to keep submitting a project year after year in hopes the decision makers might finally say, "Let's just give them the money," but at the same time, you do not want to make them mad. Mr. Benish said this is only the second year of this process and each project is supposed to be looked at objectively.

Mr. Randolph stated that Smartscale works to the advantage of the larger communities such as Hampton Roads and Northern Virginia. Mr. Benish said that staff's suggestion is to move forward with six projects as County submittals, and the MPO would make applications for the other two. He explained that the Smartscale application process allows for selection of a local priority, and staff suggests the parallel road project along Route 29 North to complete Berkmar Drive, given its potential to address economic development initiatives as a priority. He said he assumes that Rio Mills is a high priority for the Board, and said that prioritizing does not affect the scoring. He stated that staff does not need an official action from the Board yet but eventually will need a resolution supporting these projects, and if they have Board, consensus they can continue working on the applications.

Ms. Mallek asked if they still have safety money to address items 3 and 6. Mr. Benish said they have existing revenue sharing money, the CIP match. Their intent is to apply for all available funds including highway safety funds.

Mr. DeNunzio said that any funds they have are applied to the HB2 scoring to lower the cost of the project, which increases the score whether it is revenue-sharing funds or secondary plan funds.

Mr. Palmer asked about a light at Tillman and 250 that Mr. DeNunzio had said VDOT was looking into. Mr. DeNunzio responded that it is not warranted and the solution, in his opinion, is a left-turn lane. He stated that they have done some tree trimming to allow more visibility of signs and flashing lights and said they have received complaints about drivers going around those, making a turn from the left-turn lane in the right-turn lanes.

Ms. Palmer asked what process that would go through and whether it would be HB2. Mr. DeNunzio said it would go through HB2.

Ms. Palmer asked if it would have to get on a priority list and compete with other things. Mr. Benish answered that it would. He said that 250 is the next priority roadway, and strategically they need to be thinking about how they will approach the highest priority projects and pull together resources to come up with a strategy to implement them or other projects the Board sees as important.

Ms. Palmer mentioned Old Lynchburg Road and the huge amount of development there, noting that she understands it is an expensive road to correct, and asked Mr. DeNunzio to comment on where they are with some spot improvements. Mr. DeNunzio said that most of the spot improvements have been completed, such as tree removal, drainage items, paving, day lighting of signs, guardrails and ditching work. He noted that one spot improvement is not yet completed as they are awaiting a right-of-entry involving a land swap with Habitat for Humanity, though he believes the land swap was just completed.

Ms. Palmer asked Mr. Foley if he believes they need a closed session to discuss these priorities. Mr. Foley responded that he does believe they should have a closed session.

Ms. Mallek asked Mr. Benish if staff would fill in the empty boxes in the presentation regarding costs before the end of September. Mr. Benish agreed and added that Old Lynchburg Road is ranked 5<sup>th</sup> on the priorities list, with the proposal being for various spot improvements.

Ms. McKeel asked about Charlottesville Area Transit (CAT) looking at a transit route for Hollymead. She said she would like to know about it before it happens, as she would like to discuss it. Mr. Benish said that last year they asked CAT to provide a cost estimate for service to Avon Street, which is called for both in the Board's priority list and the comprehensive plans, master plans, and extension of the service that is in the urban area now out to Hollymead. He asked if they would like them to work on developing a commuter route to Crozet.

Ms. Palmer thanked them for the presentation and said the Board will get back to them.

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Agenda Item No. 14. Closed Meeting.

At 4:48 p.m., Mr. Dill **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and under Subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities. Ms. Mallek **seconded** the motion.

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

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

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Agenda Item No. 15. Certify Closed Meeting.

At 6:01 p.m., the Board reconvened into open meeting and Mr. Dill **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Palmer **seconded** the motion.

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

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

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

Ms. McKeel **moved** that the Board make the following appoints:

- **appoint** Ms. Katie White to the 5<sup>th</sup> & Avon Community Advisory Committee, with said term to expire September 30, 2018.
- **appoint** Ms. Hope Robinson to the Community Policy and Management Team (CPMT), with said term to expire June 5, 2019.
- **appoint** Mr. W. Lawton Tufts to the Jail Authority Board as the joint city/county representative with said term to expire June 30, 2019.
- **appoint** Mr. Zachary Wheat to the Rivanna River Basin Commission to fill an unexpired term ending April 30, 2017.

Ms. Mallek **seconded** the motion.

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

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

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

Ms. Nancy Hunt addressed the Board and said she would discuss the overflow release mechanism in the Rosewood retention pond at Hillsdale and Greenbrier and has distributed photos. She said the mechanism may be difficult to locate as it is buried under muck. She showed a photo of the high-water mark, which she said is very close to the road, and she mentioned that this is part of the City's Hillsdale Extended project. She said they need to dig out the retention basin release mechanism so that water flows and does not back up through the three retention ponds into Branchlands. She said her first request to the Board is to contact the City and tell them to "get a move on" before they drown in muck. She said that she recently noticed a young black bear swimming across the retention pond and saw some residents of the senior citizens' center sitting outside and was concerned they might attempt to pet it thinking it was a dog, since it was caked in muck. She said she called 911 and neither animal control nor the game warden would do anything.

Ms. Palmer asked if any members of the public had questions/comments and then asked members of the Board if they had comments.

Mr. Sheffield asked Ms. Hunt to confirm she called the police and animal control and they said there was nothing they could do.

Ms. Palmer said the poor thing would probably be hit by a car.

Ms. Mallek said the bears are everywhere and if people leave them alone they walk away.

Mr. Sheffield commented that the County would follow up.

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Agenda Item No. 18. **Presentation:** Dominion Transmission Line Reconstruction Update.

Ms. Palmer introduced Ms. Susan King, External Affairs Manager, Dominion Virginia Power (DVP), to address the Board.

Ms. Susan King said she is accompanied by Transmissions Project Communications Manager, Stephanie Harrington, who will give the presentation and answer questions regarding the Cunningham to Doods 500 KV line rebuild.

Ms. Stephanie Harrington thanked the Board and stated that she has prepared some slides that she hopes will answer most of the Board's questions about this project, and will follow up on any questions that Dominion is not able to answer. Ms. Harrington said this project is part of an overarching initiative at DVP. She stated that in the 1960s, DVP built the first grouping of 500 KV lines, with the high-voltage transmission line being the backbone of the electric grid, and this particular line was built in the 1960s. Ms. Harrington said that substations, represented by triangles on the map, transmit power from high-voltage lines to low-voltage lines, which are then brought to the community. She commented that it is impossible to rebuild the entire grid at one time so they have broken it into segments, and it is important to note that they have to systematically take outages on the high-voltage lines working with Pennsylvania, Jersey, Maryland (PJM), the regional transmission organization representing 60 million customers on the East Coast within 13 states and D.C. Ms. Harrington noted that they have to coordinate with PJM as to when, where, and how they can take out service to replace infrastructure, and on this particular 33-mile segment of a 350-mile segment between Cunningham Station in Fluvanna County and Doods Substation in Augusta County, they will not need to widen the corridor as they can work within the existing right-of-way. She noted that they have already rebuilt the 99-mile segment between Storm, West Virginia and Doods, Maryland, and have also rebuilt a significant portion of the north-south on the eastern side. She stated that three is about 25 miles across Albemarle and she will show how the towers need to be taller to comply with current codes.

Ms. Harrington reported that they have mailed approximately 500 notices to property owners along the 33-mile segment and have reached out to 325 property owners, 200 of which have this line crossing their property, and 125 additional property owners that are within 500 feet. She presented a slide showing the difference in size/height between the existing towers and the proposed towers. Ms. Harrington said that the new tower design spaces the conductors out, requiring the center of the tower to be taller. She reported that the existing towers are made of COR-TEN, a type of self-rusting steel, but in some of the mountainous terrain, they have seen that the rusting did not stop and have opted for galvanized steel, and have applied to use this material as part of the application package submitted to the Virginia State Corporation Commission. She stated that she would bring in samples of both at the public hearing next week.

Ms. Harrington reported that Dominion initially reached out to state and local agencies late last year, as required by the regulatory process, and arranged for public open house meetings advertised in February in five local newspapers. She also directed the Board to [www.dom.com](http://www.dom.com), keyword: power line, which shows a list of a dozen projects, including a webpage for the Cunningham to Doods project. Ms. Harrington noted that the size of the new line is of greater voltage than the existing line and above 137 KV, placing it under the jurisdiction of the SCC. She stated that the line is projected to be in service by June 2019, and they have been working with PJM to determine a time when construction crews can work safely underneath the line without service interruptions to customers. Ms. Harrington noted that work is typically done in the fall and spring when power usage is lower, as it is easier to divert service at these

times, and mentioned that the work is done in small segments at a time. She stated that a line of this size will likely have 5-6 phases, and affected property owners will be notified at the appropriate time. She reminded the Board that the SCC will hold a public hearing next Monday at 2 p.m. and again at 7 p.m. and she and her staff would be available at that meeting. Ms. Harrington mentioned that the new structures would be 25-30 feet taller than the existing ones in compliance with today's codes and allow them to remain within the existing right-of-way. She concluded her remarks and invited questions.

Ms. McKeel said that her understanding of the self-rusting COR-TEN material is that VDOT stopped using this for guardrails due to excessive rusting. Ms. Harrington confirmed this.

Ms. Mallek said that one of her constituents was on site in the 1960s when the line was put up and was told by the people there that the lifespan of the line would be 25 years, and they have already lasted more than double their expected lifetime. She emphasized that she does not accept the assertion that COR-TEN cannot be used because they have proven that they can be used. Ms. Mallek said that she is concerned about where the extra height will be and she understands there were differences of 50-100 feet in the heights actually built versus proposed in the Lexington to Dooms line. She said there are great trust issues here and said they were told over a year ago at a meeting that this would be in the same vein as the Hollymead to Keswick rebuild, where local concerns would be taken into consideration. Ms. Mallek stated that when people went to the Henley meeting, they were told there was no need to make comments about the shiny versus non-shiny steel, and since comments were not made at the meeting, the County is stuck with shiny steel, which is a real concern. She added that the impact on the western part of the County is going to be enormous from a visual standpoint.

Ms. Harrington said the SCC has not made a ruling or directed the use of galvanized steel, although it is Dominion's proposed tower design. She stated the SCC is interested in hearing feedback and will take ideas/feedback into consideration at the hearing, and the SCC has a public website that includes information about this project.

Ms. Mallek asked about simulations to be done because of the historic districts and when these would be available. Ms. Harrington responded that they are in the process of sending out photographers to the sites and will have renderings of what the new towers will look like, but she did not know if they would be available at Monday's hearing. Ms. Harrington said they would be available on the public website and included in any application package put together by the application team. She asked if Ms. Mallek had specific locations in mind and to let Dominion know what they are, as they will consider having the photography done there.

Ms. Mallek stated that she is concerned about high-altitude sections that pass over the mountain and the visual impacts, and asked when they would be able to see the simulations and make comments, after Monday, or is Monday the final opportunity. Ms. Harrington said that Monday would not be the final opportunity, and she would be happy to present photo simulations to the Board.

Ms. Mallek stated that community meetings in the western districts would be a good approach.

Ms. Palmer asked when the comment period would be over. Ms. Harrington responded that she does not have the timeline, but the SCC welcomes comments at any time.

Ms. Palmer said she would like someone from the Planning Department to look at the photo simulations when they become available and have the opportunity to comment before this is completely finalized. Ms. Harrington said they would try to be as accommodating and responsive as possible.

Ms. Palmer asked for clarification of the range in height change. Ms. Harrington replied that the range they have posted on their website is: existing towers, minimum of 72 feet and maximum of 149 feet tall; the new towers would range from 108 to 174 feet tall; the overall difference will on average be 25-30 feet with the average difference being 28 feet.

Mr. Dill asked Ms. Harrington to spell out "COR-TEN" and asked if it is still made. He said he wonders if, after 50 years, there might be an improved version of it, and wonders how long they expect the galvanized steel towers to last. Ms. Harrington spelled it out and said she believes it is still made, and there are some instances where it might be an option. She noted that in every case in which they have applied to the SCC to replace towers, they have recommended galvanized steel, and this is what they have ordered Dominion to build. She said that in general, the lifespan is 40-60 years, depending upon topography and conditions. She stated that she appreciates the opportunity to address the Board and would follow up with additional materials on Monday.

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Agenda Item No. 19. **Presentation:** Habitat for Humanity – Status on Southwood Redevelopment Project.

Ms. Palmer introduced Mr. Dan Rosensweig, President and CEO, Habitat for Humanity,

Mr. Dan Rosensweig thanked the Board for the opportunity to address them and County staff, in particular the executive team, for working with him. He stated that there are many municipalities that do not have this sense of cooperation, and as a result, many trailer parks across the country have gone by the wayside, leaving our most vulnerable citizens homeless, displaced or worse. He said that prior to giving the Southwood update; he would like to talk to the Board about trailer park transformation. He displayed a slide showing of an aerial view of the Sunrise Trailer Court in 2004 when Habitat purchased

it, stating that residents were under threat of immediate eviction as the park had been purchased and the new owner planned to build luxury condominiums. Mr. Rosensweig said that one major challenge is the fact that trailer owners do not own the land underneath and as a declining asset, trailers cost more to haul away or deconstruct than they are worth. He stated that Habitat could not let this happen, although the organization had no idea what to do at first, but eventually planned to transform it into a mixed-income community rather than have residents displaced. He showed a photo of Sunrise today, stating that it is a neighborhood of front and back porches and open space and communal space, with housing for seniors, and it is diverse in terms of income and age. He said it was the first trailer park in the country without resident displacement, and they were able to still bring up property values 6-9% on adjacent properties.

Mr. Rosensweig reported that Habitat did a poll of all residents they have worked with since 1991 as to whether their lives had improved, and found that 100% of those in habitat homes said their lives had improved and 75% said the change was dramatic. He stated that 29 of 30 residents who answered a question about changes in their children's school grades reported that they had improved. He stated that the City of Charlottesville has invested \$100K and has seen a return on investment of 10 times in terms of gross taxes. Mr. Rosensweig reported that Habitat worked with the police to gather crime data, and he showed a comparison of calls to the police between 2011, the last year of Sunrise Trailer Court, and 2015, and there has been a 2/3 decline in calls to service. He stated that Southwood offers one of the greatest opportunities in this area to do redevelopment right, compassionately, with goals of the area in mind, and to do it in a way that empowers residents to take charge of their future. He stated that Southwood is huge with 1,500 residents and 340 trailers on 120 acres, and is the largest single concentration of affordable housing in this area. Mr. Rosensweig mentioned that Habitat has promised every resident of Southwood that they can stay if they choose, and almost everyone has indicated they will stay; for those who choose to leave, Habitat will facilitate healthy re-housing choices.

Mr. Rosensweig reported that the Weldon-Cooper Center has measured the cost savings of non-displacement at \$21 million, and for 400 families there would be a \$21 million gap between what residents can afford and what the cost of finding other housing in the community would be. He emphasized their commitment to asset-based community development, as they have learned from experience with other redevelopments that things improve once residents are able to take command of their neighborhood. He showed a graph demonstrating a 60% reduction in service calls to Southwood from 2012 to 2015, which he credits to the residents of the community. He said they are asking for volunteers from among the Southwood community to be trained in architecture, planning, entitlement, and finance, and Habitat will stand side by side with them as they design a model village. Mr. Rosensweig stated that Habitat hopes to present the model village to the Board in a year as a template for a master plan rezoning and said it will be a self-sufficient, thriving, self-sustaining neighborhood built from the ground up, and will be a huge return on investment for the County. He noted that the Weldon-Cooper study shows there will be 17-fold net increase in County tax revenue, and he anticipates a reduction in the need for services, such as police.

Mr. Rosensweig stated that Southwood embraces mixed use with communal space, modest size homes, and they plan to proffer land for a recreational facility, with trail access to Biscuit Run from Southwood also planned. He described Southwood as a "gateway" to connect multiple islands of mobility including bike and walking paths, which can be accessed by other nearby communities. Mr. Rosensweig commented that they will be "pushing back against 60 years of re-segregation," and this will be a mixed community open to everyone. He stated that they have been working with the County's economic redevelopment team and discussing locating companies there and training residents for those jobs, so this will be a neighborhood model where people can live and work. He said this community will allow them to pilot innovative planning practices and will be a model for how to redo aging urban areas in the County without gentrification or displacement.

Mr. Rosensweig stated that there will be an approximate \$50 million investment between Habitat and other partners for land, and this will leverage \$200 million of direct spending on building. He said there would be a \$1.4 billion impact to the community and Habitat cannot do this alone, so they have been reaching out to partners, NGO's, agencies, community members and the residents of Southwood, with an effort toward leveraging outside funding. Mr. Rosensweig commented that Habitat believes the aspirational, one-of-a-kind nature of the development will attract funding from across the country. He emphasized that a key partnership will be with Albemarle County, and he does not know what it will look like but it will evolve over time, and it is a key piece that needs to happen. He said there are 20 million people in the U.S. living in trailers, and in almost each case they own the trailer but not the land underneath. Mr. Rosensweig added that Southwood could innovate in a way that creates a template that can be replicated in other communities across the country.

Ms. Palmer commented that it sounds exciting.

Mr. Dill said it sounds fantastic and thinks it is wonderful. He asked about the longer term and whether Habitat anticipates real estate values to increase at Southwood, and whether there will be a change in dynamics to the original population. Mr. Rosensweig responded that there would be different levels of housing options, including permanently subsidized rental housing, Habitat partner families who purchase their own homes, who would also have the right to repurchase if the owner sells. He noted that they have mechanisms in place to avoid a situation where the housing is no longer affordable in the future.

Ms. Mallek asked Mr. Rosensweig to tell the "soccer story." Mr. Rosensweig explained that Habitat went into Sunrise with the best intentions and love for the people living there, which grew over time, and Habitat's model is that of a "hand up not a hand out." He said that when they started building

communities, they started seeing people as customers and clients rather than as partners and he thinks they went astray a bit with Southwood being an example. Mr. Rosensweig said that shortly after purchasing it, representatives from the Covenant School approached them about doing something for Southwood residents and asked what was needed. He said that Southwood's response was a community garden, which they built, but nobody used, which they saw as a marketing problem. He stated that they hung signs and created signup sheets and they did get some people to use it but it was like pulling teeth, and so they finally asked people why they were not using the garden, and the response was that they love to garden but do it at their own trailers. He said that a counter example is when a group of guys from Southwood came to Habitat and asked for a soccer field, but they resisted the urge to do it and asked residents what they were willing to do to make it happen. Mr. Rosensweig said the response from them was "everything," and the residents contacted a local construction company and had them bring in dirt, they spread the dirt by hand, built fences and goals, and created a beautiful field that is used every day by people of all ages. He said that recently the residents organized an all-day soccer tournament, and this is a metaphor for how Southwood will be created.

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**(Note: The next two agenda items were discussed jointly:)**

Agenda Item No. 20. **Public Hearing: Central Telephone Company of Virginia Easement on County-Owned Parcel.** To consider granting an easement to Central Telephone Company of Virginia, d/b/a CenturyLink, across property owned by the County located at the intersection of Old Trail Drive and Jarmans Gap Road (TMP 055E0-00-00-000A1). The easement is necessary for the installation and maintenance of communication system facilities. *White Hall Magisterial District. (Advertised in the Daily Progress on July 25, 2016.)*

The Executive Summary presented to the Board states that in conjunction with the recordation of the final subdivision plat for the Old Trail Carriage Park Subdivision in 2007, two pieces of land composing a single tax parcel (TMP 055E0-00-00-000A1, hereinafter "Parcel 55E-A1"), totaling 2.398 acres, were dedicated to the County for public use as open space. The two pieces of Parcel 55E-A1 are separated by Old Trail Drive near its intersection with Jarmans Gap Road (Attachment A). Unaware that title in Parcel 55E-A1 transferred to the County upon recordation of the Old Trail Carriage Park subdivision plat, the State Commissioner of Highways (the "State") commenced a condemnation action in 2010 against March Mountain Properties, the prior owner of Parcel 55E-A1, to establish a stormwater management facility and to relocate utilities as part of the Jarmans Gap Road project. The State recorded a certificate of take identifying March Mountain Properties, which purportedly transferred title to the State. The State installed the stormwater management facility and the utilities were relocated on Parcel 55E-A1 in conjunction with the improvements to Jarmans Gap Road. When the County learned of the taking, it informed the State that it was the owner of Parcel 55E-A1. On November 12, 2014, the Board approved the proposed conveyance of a fee simple interest in the portion of Parcel 55E-A1 to the State on which the stormwater management facility is located. That conveyance has not yet been completed. The proposed utility easement for Central Telephone Company of Virginia is another step in correcting the erroneous taking.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveying any interest in County-owned real property. The proposed deed of easement (Attachment B) would allow Central Telephone Company of Virginia, doing business as CenturyLink, to install and maintain underground cables and related facilities and structures. The cables, facilities, and structures were previously relocated as part of the Jarmans Gap Road project and the deed of easement allows the utilities to continue and be maintained in their current location along the northern edge of Parcel 55E-A1 as shown on Attachment C. The Department of Facilities and Environmental Services has confirmed that granting the easement would not interfere with the County's use of Parcel 55E-A1.

There is no budget impact.

Staff recommends that, following the public hearing, the Board adopt the attached Resolution (Attachment D) to approve the proposed conveyance and to authorize the County Executive and the County Attorney to sign the necessary documents to complete the conveyance of the easement, once those documents are approved as to content and form by the County Attorney.

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Agenda Item No. 21. **Public Hearing: Virginia Electric and Power Company Easement on County-Owned Parcel.**

To consider granting an easement to Virginia Electric and Power Company across property owned by the County located at the intersection of Old Trail Drive and Jarmans Gap Road (TMP 055E0-00-00-000A1). The easement is necessary for the installation and maintenance of facilities to distribute electric power. *White Hall Magisterial District. (Advertised in the Daily Progress on July 25, 2016.)*

The Executive Summary presented to the Board states that in conjunction with the recordation of the final subdivision plat for the Old Trail Carriage Park Subdivision in 2007, two pieces of land composing a single tax parcel (TMP 055E0-00-00-000A1, hereinafter "Parcel 55E-A1"), totaling 2.398 acres, were dedicated to the County for public use as open space. The two pieces of Parcel 55E-A1 are separated by Old Trail Drive near its intersection with Jarmans Gap Road (Attachment A). Unaware that title in Parcel 55E-A1 transferred to the County upon recordation of the Old Trail Carriage Park subdivision plat, the State Commissioner of Highways (the "State") commenced a condemnation action in 2010 against March Mountain Properties, the prior owner of Parcel 55E-A1, to establish a stormwater

management facility and to relocate utilities as part of the Jarmans Gap Road project. The State recorded a certificate of take identifying March Mountain Properties, which purportedly transferred title to the State. The State installed the stormwater management facility and the utilities were relocated on Parcel 55E-A1 in conjunction with the improvements to Jarmans Gap Road. When the County learned of the taking, it informed the State that it was the owner of Parcel 55E-A1. On November 12, 2014, the Board approved the proposed conveyance of a fee simple interest in the portion of Parcel 55E-A1 to the State on which the stormwater management facility is located. That conveyance has not yet been completed. The proposed utility easement for Virginia Electric and Power Company is another step in correcting the erroneous taking.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveying any interest in County-owned real property. The proposed deed of easement (Attachment B) would allow Virginia Electric and Power Company to install and maintain electric lines and related facilities and structures within the easement. The lines, facilities, and structures were previously relocated as part of the Jarmans Gap Road project and the deed of easement allows the utilities to continue and be maintained in their current location along the northern edge of Parcel 55E-A1 as shown on Attachment C. The Department of Facilities and Environmental Services has confirmed that granting the easement would not interfere with the County's use of Parcel 55E-A1.

There is no budget impact.

Staff recommends that, following the public hearing, the Board adopt the attached Resolution (Attachment D) to approve the proposed conveyance and to authorize the County Executive and the County Attorney to sign the necessary documents to complete the conveyance of the easement, once those documents are approved as to content and form by the County Attorney.

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Mr. Kamptner addressed the Board and said that the parcel in question is located in Old Trail, abutting Jarman's Gap Road, and was dedicated to the County in one of the early phases of Old Trail. He explained that VDOT thought the developer owned the parcel and started a proceeding to condemn the parcel as well as relocate the utilities, which the County learned about and stopped the process. Mr. Kamptner said that VDOT built a storm water management facility on the upper left corner of the property. He reported that in November 2014, the Board authorized the County Executive to sign a deed conveying in fee simple most of that portion of the tax parcel, and this still has not been completed because neither side has pushed it very quickly. Mr. Kamptner stated that there are two easements before the Board tonight, CenturyLink and Dominion Virginia Power, and the proposed easements are along the very northern portion of the two pieces. He noted that utilities are already in place, and CenturyLink equipment is primarily underground. Mr. Kamptner said that staff recommends that the Board authorize the County Executive to sign the deeds and said that Ms. Mallek had raised some concerns about third-party utilities and others attaching their equipment to the CenturyLink or VEPCO equipment. He stated that upon the Board's direction, they can remove language or to permit or only apply to the underground utilities. He invited questions.

Mr. Randolph said that he was struck by the agreement with Dominion as reflected in Attachment B, which makes it clear that the granting and assigning is a perpetual right, privilege, and a non-exclusive easement. He said that Attachment B-1 with CenturyLink indicates it is just a perpetual easement and asked if there is a possibility where CenturyLink could interpret their agreement to mean they are exclusive, as there is nothing in the language that says "non-exclusive". He commented that he is concerned that CenturyLink could interpret that they have an exclusive agreement.

Mr. Kamptner says he spoke to Mr. Jack Kelsey and given that in the upper left-hand block of this parcel there will only be a sliver after the conveyance to VDOT takes place, he is confident from Jack Kelsey that the County would have no other use. He said this paragraph not using the term "non-exclusive" or "exclusive" does give the County the right to also use that land as well.

Ms. Mallek said the reason she raised the concern with Mr. Kamptner is because in other areas of the district, the utilities are using third parties to go to houses and say they have a 100-year-old easement and claim they are going to tunnel under the house to try to have extra lines over the mountain, and people are very upset. She noted that Nelson County has seen Dominion give power to a third, for-profit company, and it has put the community at a great disadvantage so she does not want to see that happen here, which is why Mr. Kamptner had suggested an additional sentence to the easement.

Mr. Kamptner said that with the Board's direction they could go back to both utilities and tell them those provisions need to be removed, or that they be limited to only underground utilities.

Ms. Palmer asked if they still need to adopt the resolution and if it needs to come back to the Board again. Mr. Kamptner said they could handle all of the process today.

Ms. Mallek asked if the long pipe stem, shown on the drawing presented, is the storm water conveyance.

Ms. Palmer opened the public hearing and invited members of the public to comment on the two easements. There being no further public comment, she closed the public hearing on Agenda Items No. 20 and 21.

Ms. Mallek **moved** to adopt the Resolution to approve the proposed conveyance and to authorize the County Executive and the County Attorney to sign the necessary documents to complete the conveyance of the easement, once those documents are approved as to content and form by the County Attorney, with direction to the County Attorney to require third-party equipment to not be allowed above ground. The motion was **seconded** by Mr. Randolph.

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

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

**RESOLUTION APPROVING DEED OF EASEMENT  
BETWEEN THE COUNTY OF ALBEMARLE  
AND THE CENTRAL TELEPHONE COMPANY OF VIRGINIA  
(d/b/a Century Link)  
ON TAX MAP AND PARCEL NUMBER 055E0-00-00-000A1**

**WHEREAS**, the County of Albemarle owns Tax Map and Parcel Number 055E0-00-00-000A1 ("TMP 55E-A1"); and

**WHEREAS**, the Board finds that granting an easement to the Central Telephone Company of Virginia on TMP 55E-A1 is necessary for it to continue the operation and maintenance of its underground cables and related facilities and structures that were previously relocated to TMP 55E-A1 for the provision of telecommunications service as part of the Jarmans Gap Road project.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves granting an easement to the Central Telephone Company of Virginia on TMP 055E0-00-00-000A1, and authorizes the County Executive to sign a Deed of Easement, with an accompanying Plat, on behalf of the County once the County Attorney has approved the Deed (and Plat) as to form and substance.

Return To:

Prepared By:

**COMMUNICATION SYSTEM EASEMENT**

This Communication System Easement and the rights contained in it are granted by **COUNTY OF ALBEMARLE** ("Grantor"), whose address is 401 McIntire Road, Charlottesville, VA 22902.

For good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor, Grantor, for itself, its successors and assigns, grants to **CENTRAL TELEPHONE COMPANY OF VIRGINIA D/B/A CENTURYLINK**, a public service company, its successors, assigns, lessees, licensees and agents ("Grantee"), subject to the terms stated in this Communication System Easement, a perpetual easement ("Easement") to install, construct, operate, maintain, expand, replace and remove a communication system that Grantee may from time to time require, consisting of but not limited to underground cables, wires, conduits, manholes, drains, splicing boxes, surface location markers, equipment cabinets and associated wooden or concrete pads, aerial lines or cables, towers, poles, buildings and other facilities or structures as are reasonably necessary for Grantee to exercise the rights granted to it in this Communication System Easement (collectively, "Facilities"), upon, over, through, under and along a parcel of land as described on Exhibit "A" ("Easement Tract") which is attached to and incorporated by reference into this Cable Easement, said Easement Tract being a portion of real property having an address of: 800 East Jefferson Street, Charlottesville, Virginia  
in the city of Albemarle County, Virginia, 22902  
VDOT Plan number: 0691-002-258, RW-201, Sheet Number(s): 10, 10B  
Property parcel number: 33,  
Tax Map Number: 055E0-00-00-000A1, on record in the Clerk's office of the Circuit Court, Albemarle County, Virginia ("Property").

The grant of Easement also gives to Grantee the following rights: (a) the right of ingress and egress over and across the Easement Tract and Property and any real property owned or controlled by Grantor that is adjacent to the Easement Tract or Property for the purpose of Grantee exercising the rights granted to it in this Communication System Easement; (b) the right to clear and keep clear all trees, roots, brush and other obstructions from the surface and sub-surface of the Easement Tract that interfere with Grantee exercising the rights granted to it in the Communication System Easement; (c) the right to permit the carry-in and attachment of the conduit, wires, cables or other such items of any other entity or person to the Facilities; and (d) at Grantee's expense, the right to bring to and to place at the Easement Tract electrical or other

utility service for Grantee’s use, and if required by the utility, Grantor will grant a separate easement to the utility for the purpose of the utility having access to and bringing service to the Easement Tract.

Grantor will have the right to use and enjoy the Easement Tract so long as Grantor’s use does not materially interfere with the rights granted to Grantee in this Communication System Easement. Grantor will not erect any structure or plant trees or other vegetation within the Easement Tract.

Grantor warrants that Grantor is the owner of the Easement Tract and Property and will defend title to the Easement Tract and Property against the claims of any and all persons, and that Grantor has full authority to grant this Communication System Easement according to its terms. Grantor further warrants that to the best of Grantor’s knowledge, the Easement Tract and Property are free from any form of contamination and contain no hazardous, toxic or dangerous substances. Grantee will have no responsibility for environmental contamination or liabilities unless caused by Grantee.

Notice to Landowner: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

Signed by Grantor(s) this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_

GRANTOR: \_\_\_\_\_ (Printed)\_\_\_\_\_

GRANTOR: \_\_\_\_\_ (Printed)\_\_\_\_\_

**EXHIBIT A TO COMMUNICATION SYSTEM EASEMENT**

**Description of Easement Tract**

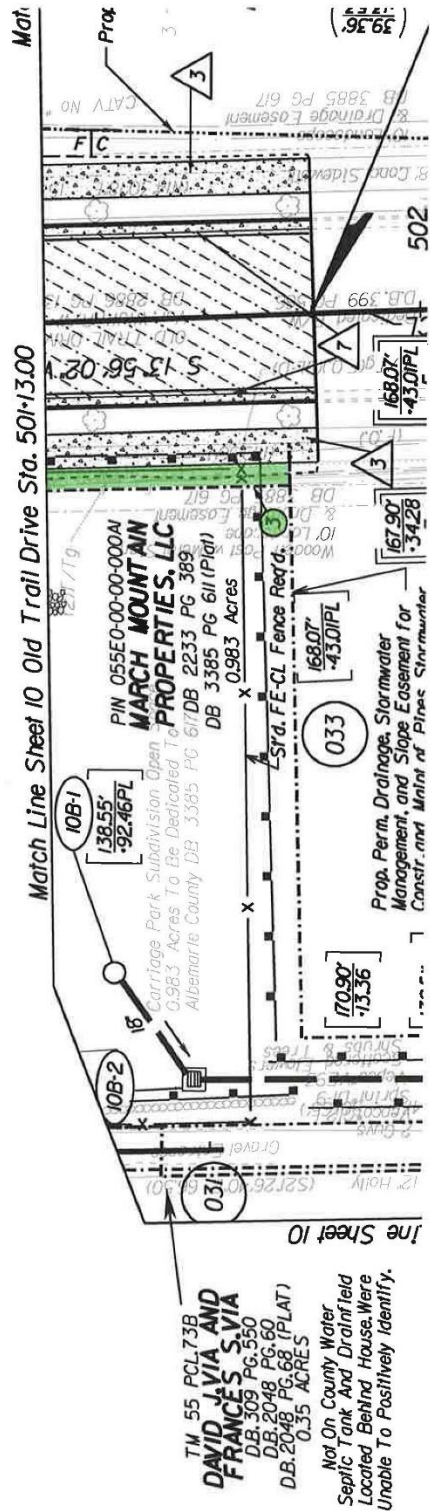
The Easement Tract is a strip of land \_\_\_\_\_ feet (\_\_\_\_’) wide being \_\_\_\_\_ feet (\_\_\_\_’) on either side of the centerline of the cable and/or facilities as installed (“Centerline”). Notwithstanding the approximate description of the Easement Tract herein, the actual location of the cable facilities as installed will control to determine the length and Centerline of the Easement Tract. Where the Centerline of the Easement Tract intersects the perimeter boundary of the Property, the sidelines of the Easement Tract shall extend to the said perimeter boundary.



MAY BE SUBJECT TO CHANGE AS DEI  
NECESSARY BY THE DEPARTMENT

- ① PROP. PERM. UTILITY EASEMENT FOR DOMINION VIRGINIA POWER AND EMBARCO CORPORATION
- ② PROP. PERM. UTILITY EASEMENT FOR ALBEMARLE COUNTY SERVICE AUTHORITY
- ③ PROP. PERM. UTILITY EASEMENT FOR EMBARCO CORPORATION

'D.C.G-6 RECD.  
TRANSITION FROM  
'D.C.G-7 TO STD C.G-6



Ms. Mallek then **moved** to adopt the Resolution to approve the proposed conveyance and to authorize the County Executive and the County Attorney to sign the necessary documents to complete the conveyance of the easement, once those documents are approved as to content and form by the County Attorney. Ms. Palmer **seconded** the motion.

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

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

**RESOLUTION APPROVING DEED OF EASEMENT  
BETWEEN THE COUNTY OF ALBEMARLE  
AND THE VIRGINIA ELECTRIC AND POWER COMPANY  
(d/b/a Dominion Virginia Power)  
ON TAX MAP AND PARCEL NUMBER 055E0-00-00-000A1**

**WHEREAS**, the County of Albemarle owns Tax Map and Parcel Number 055E0-00-00-000A1 ("TMP 55E-A1"); and

**WHEREAS**, the Board finds that granting an easement to the Virginia Electric and Power Company on TMP 55E-A1 is necessary for it to continue the operation and maintenance of its underground cables and related facilities and structures that were previously relocated to TMP 55E-A1 for the provision of telecommunications service as part of the Jarmans Gap Road project.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves granting an easement to the Virginia Electric and Power Company on TMP 055E0-00-00-000A1, and authorizes the County Executive to sign a Deed of Easement, with an accompanying Plat, on behalf of the County once the County Attorney has approved the Deed (and Plat) as to form and substance.



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between

COUNTY OF ALBEMARLE

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend of variable (----) feet in width across the lands of **GRANTOR**; and

1.2 to construct, operate and maintain a pole line including, without limitation, all wires, poles, attachments, ground connections one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said non-exclusive easement shall extend of variable (----) feet in width across the lands of **GRANTOR**.

Initials: \_\_\_\_\_

**This Document Prepared by Virginia Electric and Power Company and should be returned to:**  
Dominion Virginia Power, 1719 Hydraulic Road Charlottesville VA 22901.

(Page 1 of 5 Pages)  
DVPIDNo(s). 80-16-0117  
VDOT Project No. 0691-002-258, RW-201, C0501  
Tax Map No. 055E0-00-00-000A1

Form No. 720025-1 (Aug 2014)  
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2. The easement herein shall extend across the lands of **GRANTOR** situated in the County of Albemarle, Virginia, as more fully described on Plat(s) Numbered 80-16-0117 , attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof. Reference is made to the VDOT Project No. 0691-002-258, RW-201, C0501, Sheets 10, 10B and 11, Parcels 033 and 034.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: \_\_\_\_\_

(Page 2 of 5 Pages)  
DVPIDNo(s). 80-16-0117

Form No. 720025-2 (Aug 2014)  
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7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE**'s rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such of its facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: \_\_\_\_\_

(Page 3 of 5 Pages)  
DVPIDNo(s). 80-16-0117

Form No. 720025-3 (Aug 2014)  
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Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

**NOTICE TO LANDOWNER:** You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

**IN WITNESS WHEREOF, GRANTOR** has caused its name to be signed hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM: COUNTY OF ALBEMARLE  
By: \_\_\_\_\_  
(Name) \_\_\_\_\_  
(Title) \_\_\_\_\_ Title: \_\_\_\_\_  
State of \_\_\_\_\_  
County of \_\_\_\_\_, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the State of \_\_\_\_\_

at Large, do hereby certify that this day personally appeared before me

in my jurisdiction aforesaid \_\_\_\_\_,  
(Name of officer or agent) (Title of officer or agent)

on behalf of Albemarle County, Virginia, whose name is

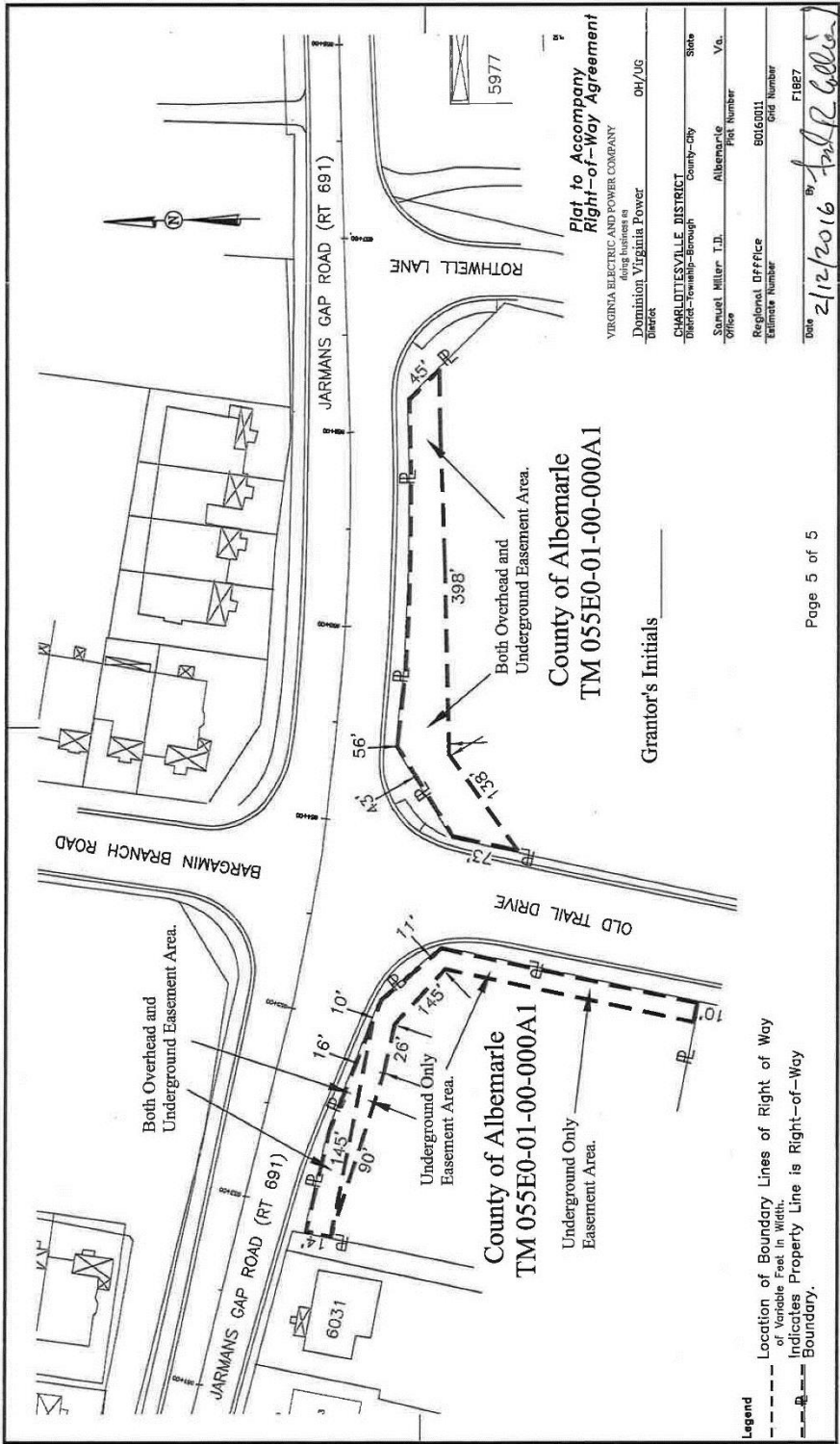
signed to the foregoing writing dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 16, and  
acknowledged the same before me.

Given under my hand \_\_\_\_\_, 20 16

\_\_\_\_\_  
Notary Public (Print Name) Notary Public (Signature)

Virginia Notary Reg. No. \_\_\_\_\_ My Commission Expires: \_\_\_\_\_  
(Page 4 of 5 Pages)

DVPIDNo(s) 80160011



Agenda Item No. 22. **Public Hearing: PROJECT: SP201600012 Chestnut Grove Baptist Church – Additional Hours.**

MAGISTERIAL DISTRICT: White Hall.  
TAX MAP/PARCEL: 01900-00-00-01700 LOCATION: 554 Buck Mountain Road.  
PROPOSAL: Amend special use permit to increase operating hours of day care.  
PETITION: Day care centers under Section 10.2.2.7 of zoning ordinance. No dwelling units proposed.  
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).  
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) within Rural Area 1.  
(Advertised in the Daily Progress on July 18 and July 25, 2016.)

The Executive Summary presented to the Board states that at its meeting on July 12, 2016, the Planning Commission voted 5:0 (Dodson absent) to recommend approval of SP201600012 with conditions.

During its review of the proposal, VDOT recommended but did not require the installation of channelizer posts within a striped area of the entrance on Buck Mountain Road. VDOT explained to the applicant how the safety of the entrance could be enhanced by installing a physical barrier on top of the striped area to ensure its function as a “right-in, right-out only” entrance.

The Planning Commission commended the applicant for improving the intersection per VDOT's recommendation, but also expressed concern regarding the channelizer posts' visual impact on the character of the Rural Areas. The channelizer posts are not included as a condition of approval because they were a recommendation, but not a requirement, of VDOT's approval. The Planning Commission encouraged the applicant to consider other types of barriers to better reflect the rural nature of the site.

The County Attorney has also made a few technical corrections to the proposed conditions for SP201600012. These changes improved the clarity of the existing conditions and were not substantive.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve SP201600012 with the conditions attached thereto.

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Mr. J.T. Newberry, Senior Planner, addressed the Board and said that prior to getting started, he would like to draw their attention to an error on the transmittal sheet on Section D re: the Planning Commission vote, which notes the vote as 5-0 with Mr. Dobson absent. He clarified that it should also list Ms. Moore as absent. Similarly, he said, on attachment B in the action letter to the applicant the vote was noted as 5-2 and should have been noted as 5-0 with the same two Commissioners absent. He apologized for the oversight and said he would take the Board through an overview of the request.

Mr. Newberry stated that the purpose of the application is to expand hours of operation for the Chestnut Grove Preschool. He explained that the current special use permit limits operation from 9 a.m. to 12:30 p.m., and the request would change this from 7 a.m. to 6 p.m., which would allow the school to offer before and after-school care for the children. He displayed an overview of the site and some photographs of the church property, which has entrances on Buck Mountain Road and Simmons Gap Road. Prior to the application, he said, the applicant was in touch with VDOT, which recommended the installation of "channelizer" posts at the main entrance to improve safety. He said the church has installed these posts, and he showed a photograph of them. Mr. Newberry said that favorable factors for this review are that it is consistent with the comprehensive plan and there are no known issues or impacts with adjacent properties; there are no factors unfavorable to consider. He showed the change from the original application to the new application: The hours of operation shall be limited from 7 a.m. to 6 p.m. The days of operation shall be limited to five days per week, Monday–Friday, or the limit approved by the Health Department, whichever is less, except that occasional school-related events may occur after 6 p.m.

Mr. Kamptner noted that Condition #3 regarding hours of operation is one that staff had recommended earlier.

The Chair then opened the public hearing.

Mr. Newberry said that a church representative is present.

Ms. Kris Moran, church representative, addressed the Board. She said that it has been their goal to be a blessing to the community and make preschool available to as many people as possible, and they have had to turn people away due to the limited hours.

Mr. Dill asked how many children are in the school. Ms. Moran responded that the school has about 25.

Ms. Mallek asked if they would have flexible hours. Ms. Moran confirmed this although she said most would attend from 9 a.m.–12:30 p.m.

There being no further public comment, Ms. Palmer closed the public hearing.

Mr. Randolph commented that he thinks Planning Commissioner Keller's recommendation that they use "not earlier than," instead of "not later than," is a good one, as this establishes a time range and they can avoid getting into the minutiae of defining the time period. He commended Commissioner Karen Firehock and said that he agrees with her that this is a beautiful location, as he has stopped there on bike rides since the church allows use of their facility as a rest stop. He commented on orange/red colored vertical markers at the entrance that he said would be visual pollution and he thinks having a triangle painted orange, even if it has to be re-painted annually, is a sounder way of going as it is a beautiful road. He commended the remarks from the Planning Commission's review as it pertained to the markers.

Ms. McKeel agreed with Mr. Randolph about the orange attenuators, stating that VDOT seems to be wedded to them, but she finds them "monstrous", and they are knocked down, turned into litter and trash and are ugly, and she thinks there must be a better way.

Ms. Mallek pointed out that they are not required by the permit and said they have tried to paint instead, but it is a safety issue as this is located at the crest of a hill, and it is important that drivers go the right. She said that until they can come up with something else, they should be allowed to leave the orange cones alone.

Mr. Randolph reminded the Board that VDOT recommended, but did not require those "ugly" posts and that is why members of the Planning Commission pushed back on them.

Ms. Mallek **moved** that the Board approve SP-2016-00012 Chestnut Grove Baptist Church for additional hours, with the conditions by adopting the proposed resolution. The motion was **seconded** by Mr. Randolph.

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

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

**RESOLUTION TO APPROVE  
SP 2016-12 CHESTNUT GROVE BAPTIST CHURCH – ADDITIONAL HOURS**

**WHEREAS**, Chestnut Grove Baptist Church (the “Owner”) is the record owner of Tax Map and Parcel Number 01900-00-00-01700 and the Chestnut Grove Baptist Church building and office building located thereon (collectively, the “Property”); and

**WHEREAS**, the Church submitted an application for a Special Use Permit to amend the existing special use permit to increase the operating hours of the day care on the property, and the application is identified as Special Use Permit 2016-00012 Chestnut Grove Baptist Church – Additional Hours (“SP 2016-12”); and

**WHEREAS**, on July 12, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-12 with conditions; and

**WHEREAS**, on August 3, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-12.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2016-12 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(7) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-12, subject to the conditions attached hereto.

\* \* \* \* \*

**SP-2016-12 Chestnut Grove Baptist Church – Additional Hours Special Use Permit Conditions**

1. The outside play area activities shall be limited to take place during daylight hours. Lighting of the play area shall not be permitted;
2. Enrollment shall be limited to up to fifty (50) children, or the limit approved by the Health Department, whichever is less;
3. The hours of operation for the school shall not begin earlier than 7:00 a.m. and shall not end later than 6:00 p.m., each day, Monday through Friday, except that occasional school-related events may occur after 6:00 p.m., or the more restrictive hours of operation required by the Health Department.

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**Item No. 8.5. License Agreement for Historical Sign on County Property.**

Mr. Randolph stated that he is concerned about a clause in the first paragraph: “Residents in the homes surrounding Court Square often owned one or two slaves who lived in their homes or nearby buildings through the antebellum period.” He said that the focus is on people in the neighborhood and that they owned slaves, but the slaves are not treated as identifiable people and he wants to know where they went after the antebellum period. He said he realized that after emancipation, many slaves moved to the outskirts of Charlottesville into what is now Albemarle County, and they should honor the fact that they moved into the County. Mr. Randolph emphasized that he did not feel like the plaque told the whole story that should be told.

Ms. Mallek said that some neighborhoods were founded in the 1870s by these families and have been rediscovered in the last few years, and by adding more information to the plaque people might be encouraged to discover these areas.

Mr. Randolph agreed with Ms. Mallek and said he would hate to see a plaque that perpetuates a historical injustice.

Mr. Dill stated that this seems to be an odd time to be doing this now, just as the blue ribbon commission is involved in redefining and researching the history of Charlottesville/Albemarle and determining how to tell a story. He said it is almost certain the plaque would have to be changed again.

Ms. McKeel agreed with Mr. Dill’s comments about the timing and said she is interested in the backstory. She said she wonders if the City approached the Board about putting up a historic sign on County property and said this is an example of a missed opportunity for our two communities to work together. She stated that she is not against a historic sign, but it would have been nice to have staff included in writing the language on the plaque, and it should be a joint effort between the City and County.

Mr. Foley said he thought the idea came from the County Attorney's Office.

Mr. Kamptner said he is not aware that any County staff worked on the language of the sign.

Ms. Palmer suggested writing a letter to the City and requesting to have a say in the plaque language.

Mr. Dill asked if the sponsor of the sign is listed on it. Mr. Palmer replied that it is the City of Charlottesville Historic Resource Committee.

Ms. McKeel said the County also has a historic resource committee.

Mr. Randolph said the plaque is not all about Charlottesville in terms of the past and present chronology. He pointed out that when Jack Jouett rode to warn of British troops he never entered the City, and that Merriweather Lewis lived in Ivy. He reiterated that the plaque makes no mention of where the slaves went after the Civil War and he feels the names of the communities where the slaves settled should be mentioned.

Ms. McKeel said she is not interested in approving the sign, based on today's discussion.

Ms. Palmer said they need to send a letter to the Charlottesville City Council and should copy the City of Charlottesville Historic Resource Committee.

Mr. Foley said he would follow up with the City Manager and through other channels.

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**Item No. 8.10. Capital Projects Status Report 2<sup>nd</sup> Quarter CY 2016.**

Ms. McKeel referenced the Facilities and Environment Services Project Management Division Capital Project Status Report that they did not vote to approve tonight. She stated she is concerned that the design has begun for Pantops Station 16 and some members of the Board have expressed reservations about spending additional money on fire, but not for rescue. Ms. McKeel noted that it is \$300K over budget and she wonders if other Board members agree with her that it should come back before the Board for some clarity as to how the money is being spent. She said the next bid opening date is September 16, 2016.

Mr. Dill agreed that he would like to have further discussion about it, and mentioned that he has been attending the safety station meetings and has met with Andrew Dracopoli, the manager of Peter Jefferson Place. Mr. Dill stated the general consensus is that it will be difficult to find volunteers for this location, there is only room for four or five cars, and it will cost a lot to regrade the steep slope. He said they should be sure they need a fire station there and put it in a place where they can have a real fire station with a community center and space for the estimated 50 volunteers, which the current location does not have the space. Mr. Dill emphasized that fire stations are the center of a community and should have room for events, adding that this is not a good location for community building.

Ms. Mallek pointed out that the volunteers are not all there at the same time and there are five or six at a time. She reminded the Board that what was approved was to move the existing ambulance from Martha Jefferson Hospital, where they are paying rent to park outside, to a station where they could begin to build a volunteer contingent. She said that when she first came to the Board, there was a great interest in buying the parking lot at Aunt Sarah's Pancake House for \$3 million to build a new fire station and she had investigated as to whether a portion of this parcel was available.

Ms. McKeel suggested they take a deep breath and have a discussion.

Ms. Mallek said she only supported the new station for rescue and she wants to make sure they are not outfitting only for fire.

Ms. McKeel agreed.

Ms. Palmer stated that it has always been said that there would eventually be fire there, and Chief Eggleston has told her that eventually, as the Pantops area develops, they will need a fire station.

Mr. Randolph said there is an argument for the need for a fire station there and he agrees that it is worth having a discussion about. He said there is an ambitious recruiting effort going on and it is not just for the ambulance, but also for fire. He said that in serving with a National Guard unit, he has come to know some firefighters and has learned about their culture, and the firehouse is a community center that is adopted by residents of the neighborhood. Mr. Randolph stated that the conundrum here is that they are building a firehouse where there is not a culture, and he thinks they should have a discussion with Chief Eggleston and Chief Tom LaBelle. He added that he totally supports the rescue portion, as it is an essential in reducing response times.

Mr. Foley said the intended use of the building is for rescue, though it has two bays so there is the flexibility to have a fire engine in the future. He said the intention was to get the rescue squad out of the basement of Martha Jefferson and into a building, and there is a need for greater rescue capacity in the area. Mr. Foley said that next month there would be a preliminary report on this topic from the Pantops community group, and if there is any reconsideration of this project that is significant, they will

need to stop spending money and re-evaluate. He reminded the Board that the previous approvals were for a substation with a single fire engine response and a rescue response. He said if the Board wants to take some time and look for a larger property to have a community center, the cost will go up and staff will need some direction, and he reminded the Board that the existing property was acquired for free.

Ms. Palmer asked if the County had ever looked at property off of Route 250 on Route 20 North. Mr. Foley said they use a specific time-to-response calculation when selecting a location and that Chief Eggleston can answer that type of question at next week's meeting, but they did look at multiple locations.

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Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek asked for the definition of a "dwelling unit," on behalf of several constituents. Mr. Foley responded that the definition of a "dwelling unit" is an issue that has been recognized as something that needs to be addressed, and it is part of zoning text amendments that will take some time and effort. He stated that staff would reply in September and let the Board know if the definition has changed and what it would take to change it.

Mr. Dill asked if it is a problem to be solved.

Ms. Mallek gave an example of an apartment in a barn and said that it often involves the concerns of neighbors with accessory buildings being rented out, and staff has to run around investigating. She said that 20 years ago, the definition was based upon the presence of a stove, but this may not apply anymore.

Mr. Kamptner said the definition does not reflect modern living and people will remove a stove just to comply with the definition.

Ms. Mallek said that a second item on the to-do list is to discuss the proliferation of Air B&B rentals and requirements to obtain a business license, and said she would like the auditors to look into this.

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Mr. Dill stated that he wishes to discuss voter registration, as this is an election year, and noted that there is a National Voter Registration Act requiring the option of registering to vote at motor vehicle offices. He said he learned that in Fairfax County, they are able to register people with a driver's license on line via the Department of Elections website, and this has reduced errors significantly. Mr. Dill suggested that they establish something similar.

Mr. Foley said he could talk to the Registrar and assess where it would be easy to do, adding that he has a copy of what Fairfax County did.

Ms. Mallek offered the use of the libraries as another avenue, as they have computers and librarians that can provide assistance. She mentioned that DMV on the Go, a mobile DMV office in the County, would be another option.

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Ms. Palmer referred to some state funding received by the Department of Social Services and she suggests that Board members write to state legislators to thank them.

Ms. McKeel suggested one letter rather than individual letters from each member.

Ms. Palmer agreed with the one letter idea.

Ms. Palmer provided an update on the Rivanna Solid Waste Authority (RSWA), as she is a member of that Board. She said they have a transfer station project underway with some design changes, mainly for safety reasons, and she was not thrilled with the changes. She stated that the committee would have more discussions about this and eventually the Board will review it before approval.

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Agenda Item No. 24. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley addressed the Board and said he has two issues to discuss: the first is to remind the Board of some joint meetings coming up with the School Board regarding compensation and benefits, as well as a meeting with state legislators and Charlottesville City Council. He said they are also trying to plan a meeting with the Planning Commission on affordable housing.

Mr. Foley said the other issue is a vacancy on the CIP Oversight Committee for a citizen representative created because of the untimely death of Mr. Chris Lee. He said that Mr. Lee had served for a long time and did a great job, and appointment to the committee is not by the Board but by the County Executive. Mr. Foley said that his office is preparing to start the process of filling the vacancy, and he thinks it is appropriate for Board members to "chime in" if they know of someone who would be good in this role and invites them to pass along to him the names of anyone they might recommend.

Mr. Dill asked for a sense of what qualities they are looking for in a committee member, and whether they were seeking someone with financial acumen and a sense of community values. Mr. Foley confirmed this.

Ms. Mallek added that it should be someone who does not own a business that has a conflict of interest.

Mr. Foley said that Mr. Chris Lee was good because he understood construction.

Ms. Palmer stated that she was recently approached by a constituent who has just retired about getting involved in the community, and he is very intelligent and was an industrial site developer, so she may provide biographical information about this person to Mr. Foley to consider.

Mr. Randolph stated that he is not comfortable with Board members passing names on to the County Executive. He said that Chris Lee played a unique and valuable role as he represented a little bit of the business community but also looked at things in a strategic, long-term way. He suggested that they make a position announcement and provide an application online and have the Board review applicants, then winnow the list down to two or three finalists and then make a recommendation to the County Executive and let him make the call.

Mr. Foley said that he agrees with making an announcement and suggests they have a candidate name ready by the September 7 meeting, as they have a deadline with this vacancy. He stated that there are typically six members on the committee: two supervisors, two School Board members, a Planning Commission representative, and a citizen representative.

Ms. McKeel says she thinks it is important that a committee member has children or has had children in the schools, so they will have a better understanding of school issues that come before the committee.

Ms. Palmer said they also need to find someone to fill an opening on the ARB.

Ms. McKeel stated that she has someone in mind.

Mr. Dill said he would be out of town from August 15-30.

Ms. Mallek read a list of RSVPs for the legislative luncheon on September 29: Del. Landes, Senator Deeds, Del. Toscano, Del. Farris, and Del. Bell; Senator Reeves has not responded.

Ms. McKeel said that Mr. Tim Keller from the Planning Commission reached out to her and they met with some leadership people from the school division, and Mr. Keller is concerned that the Commission lacks background information about schools. She stated that an outcome of the meeting is that they are planning a meeting between the Planning Commission and school division representatives to share information, and she thinks this is pretty exciting, as they have not done this before.

Agenda Item No. 25. Adjourn to August 4, 2016, 9:00 a.m., Lane Auditorium.

At 8:00 p.m., Ms. Mallek **moved** to adjourn until August 4, 2016 at 9:00 a.m. Mr. Randolph **seconded** the motion.

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

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

NAYS: None.

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Chairman

Approved by Board
Date: 07/12/2017
Initials: CKB