

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 7, 2016, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: Ms. Diantha H. McKeel.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 1:05 p.m., by the Chair, Ms. Palmer.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Palmer stated that she would remove the Boards and Commissions part of the agenda from the closed meeting, as additional communication is needed from the applicants.

Ms. Mallek said she would like to add Item 25a to the Agenda.

Mr. Randolph **moved** to approve the final agenda as modified. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. McKeel.

Ms. Palmer announced that Ms. McKeel is traveling and is absent from today's meeting.

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

Ms. Mallek announced that VACO is soliciting volunteers for steering committees and has issued a form by which to apply, with a deadline of December 31, 2016. She said that even if a Supervisor is already serving on a committee, the form needs to be submitted to be reappointed for next year. She said that serving on committees at both the County and state levels has been a valuable experience for her. Ms. Mallek reported that she had attended a recent VACO meeting and representatives from Henrico County urged the state government to re-fund the Six-Year Secondary Road Plan. She said the legislation dealing with this was not advanced this year, but would be more fully developed for next year.

Ms. Mallek reported that she had attended a recent meeting of the State Workforce Board and they had developed a strategic plan last year known as "At Your Place." She said it includes a credentials program developed through the community college system and funded by the legislature that has been wildly successful, with 1,800 students working towards credentials enrolled since July 1. She noted that this includes students at Piedmont Virginia Community College. Ms. Mallek said that Southwest Virginia received a \$6 million grant for job training at a one-stop center, which caught her attention, and she said the County should look to bring some training dollars to Albemarle. She said the meeting was held at the Virginia Biotech Center, which she described as a great model Albemarle could do on a smaller scale, as it is an incubator for start-up companies and provides resources to them.

Ms. Palmer said she served on the VACO Finance Committee and was disappointed that they held their meetings on the same days the County held its Board meetings.

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Mr. Dill announced that a County historical marker, financed by the Rosenwald Fund and the County, would be dedicated this Saturday, December 10, at 10 a.m. to honor the African American school completed in 1923. He said Reverend Kelvin Hawkins led a restoration of the school located at 1569 St. John's School Road in Keswick. Mr. Dill noted that hundreds of Rosenwald schools were established by the fund and Bernice Mitchell, an alumnae of the St. John's School, and Justin Seraphin of Preservation Virginia, would present a history of the school and Rosenwald schools in general.

Mr. Palmer mentioned that she had read an article in the newspaper about this.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6a. Recognition of Citizens - Grant for Training Oil Spill First Responders.

Ms. Palmer said she was contacted last fall by a constituent, Mr. Tom Schlesinger, about Bakken crude oil shipments that travel along the James River in southern Albemarle. She said Mr. Schlesinger,

as well as several other residents of the Howardsville area, expressed concern about environmental and safety issues from potential derailment. She said multiple trains carrying highly flammable oil pass through the area every week, and community residents organized a meeting with first responders and were able to obtain a \$10,000 grant from Virginia Emergency Management along with a \$10,000 match from the County to develop pre-plans and provide responder training for emergencies involving crude oil shipments. She introduced Mr. John Oprandy, Deputy Chief, to read the recognition.

Mr. John Oprandy stated that Mr. Dan Eggleston, Fire Chief, sent his best wishes and wished he had been able to attend the meeting to acknowledge the work of citizens. He said that citizens had gone above and beyond in expressing their concern, and have researched federal and state regulations to gain understanding of how they could support mitigation efforts. Mr. Oprandy stated that many believe it was the work of these citizens that enabled the County to receive a state grant and recognized their proactive and collaborative approach, which resulted in a detailed action plan and training for emergency services. He said that community meetings were held, as well as a tabletop exercise which allowed first responders to practice an evacuation of Scottsville. He said this provided a huge benefit to emergency services for both the Scottsville area and the County. He stated that Mr. Eggleston has created a commemorative plaque to be given to the citizens involved, and invited Mr. Schlesinger to accept his plaque.

Mr. Schlesinger said that Fire and Rescue did most of the work and expressed his appreciation to the Supervisors. He accepted the plaques.

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

Ms. Liz Emrey, Pastor of New Beginnings Christian Community, and a resident of the Scottsville District addressed the Board. She stated that she is representing IMPACT, an organization of 27 congregations that work together to address community problems. She asked the Board to approve the appropriation of \$75,000 to fund operating expenses of the Women's Treatment Center within the Region Ten budget. Ms. Emrey stated that Region Ten has raised funds for construction of a facility, but they need funding for operating expenses. She said her church was specifically founded to reach out to alcoholics, addicts, offenders and the homeless, and told the story of a woman they helped named Ms. Georgia Barber, who she described as a dear friend and longtime community resident. Ms. Emrey said that Ms. Barber was a wife, mother and teacher, as well as a former Peace Corps volunteer in Africa, volunteering at the Salvation Army, Montpelier, local soup kitchens, and church missions to Mexico and Costa Rica. She said that Ms. Barber also served as a volunteer at the University of Virginia Art Museum for 26 years. She described her as being kind and generous, though she suffered from bipolar disorder, which she dealt with through the use of alcohol. Ms. Emrey said Ms. Barber often could not find treatment in the community and on one occasion was jailed for public drunkenness and took her own life. Ms. Emrey said that if there had been a local treatment center for women, Ms. Barber might be alive today, adding that we should stand up and offer the same treatment for women that is offered to men in the community.

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Ms. Sara Kelley, Pastor of Faith Hope Church in Hickory Hill, addressed the Board. She stated that she also represents IMPACT and supports funding for the women's treatment center. She said she experienced problems with alcohol before committing her life to Christ, and a similar facility was the only place to go.

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Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He said the idea came up at last week's Historic Preservation Committee meeting to possibly name the new bridge for Berkmar Drive Extension in a manner that memorializes that area's history. He said the area around Woodburn Road used to be known as "Cartersburg," and the area to the north was called "Allentown." He suggested the name of "Cartersburg-Allentown" Bridge. Mr. Werner stated that the committee is looking for two things from the Board: a Board directive to have them conduct an evaluative study to find an appropriate name; and a request to VDOT to study potential construction of historical markers. He said the Cartersburg area used to have two antebellum plantations, and after the Civil War it became an integrated community of small lots with numerous cemeteries. Mr. Werner noted that Mr. Carter was a shoemaker and is buried in the Tyler cemetery behind Agnor-Hurt School, although it is not known when he arrived in the area.

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Mr. Steve Janes of the Rivanna District addressed the Board and said he wished to make comments regarding the recent election. He expressed appreciation to Registrar, Jake Washburn, and to Clarice Schermerhorn for their work. Mr. Janes said he was stationed at Baker-Butler School and, though he expected people to be testy and contentious, people behaved very courteously. He said that County turnout was 74%, which he described as a huge turnout.

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Ms. Palmer closed the public portion of the meeting as there were no further speakers.

Ms. Palmer asked Board members if they would like to have a brief discussion at the end of the meeting to address Mr. Werner's suggestion about naming the bridge. She said she received an email from a constituent suggesting it be named "Freedom Bridge."

Ms. Mallek expressed her interest in having a discussion.

Agenda Item No. 8. Consent Agenda.

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

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

NAYS: None.

ABSENT: Ms. McKeel.

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Item No. 8.1. Approval of Minutes: May 4, 2016 and May 11, 2016.

Ms. Mallek had read the minutes of May 4, 2016, pages 1 – 47 (end at Item #10), and found them to be in order.

Mr. Sheffield had read the minutes of May 11, 2016, found them to be in order.

**By the above-recorded vote, the Board approved the minutes of May 4, 2016 and May 11, 2016, as read.**

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Item No. 8.2. Expansion of Video Stream Capabilities to Room 241.

The Executive Summary forwarded to the Board states that in February, 2015, the Board of Supervisors authorized an initial phase of live video streaming of Board meetings, which involved outfitting Lane Auditorium to broadcast meetings occurring in that space. The installation of equipment and launch of this first phase was coordinated with the implementation of the new Granicus agenda management software, which manages the live streaming and video archiving. Video streaming commenced at the Board's September 2015 meeting.

When the initial phase of video streaming began, staff intended to assess usage and determine whether the service should be expanded to any other venues. One year after the launch of video streaming, staff's analysis reveals a 155 per meeting average number of viewers (either live or archived) for 2016. The per-meeting totals range from a high of 439 viewers per meeting in January to a low of 68 in April. Staff believes this robust level of viewership justifies additional investment to expand the County's video streaming capability to Room 241.

Another factor in the decision to expand the service involves meeting location. All work sessions and joint meetings have been moved to Lane Auditorium to take advantage of the video streaming technology. Video streaming capability in Room 241 will allow the Board to resume its work sessions and joint meetings in an environment that is more suited to those types of sessions. If this reappropriation is approved, staff plans to have the system installed and functional in Room 241 by early February 2017.

The reappropriation request is for \$28,706.45 to fund one time purchase of equipment and installation costs to set up the system. There is an additional annual cost of approximately \$1,200 for expenses related to the Granicus Software program that can be covered within existing resources.

Staff recommends that the Board approve this reappropriation and direct staff to move forward with installing the system.

**By the above-recorded vote, the Board approved the proposed reappropriation to expand video stream capabilities to Room 241, 401 McIntire Road, and directed staff to move forward with installing the system.**

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Item No. 8.3. Resolution to accept road(s) in Wickham Pond Phase II Subdivision into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution to accept roads in Wickham Pond Phase II Subdivision into the State Secondary System of Highways:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7<sup>th</sup> day of December, 2016, adopted the following resolution:

**R E S O L U T I O N**

WHEREAS, the street(s) in **Wickham Pond Phase II Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Wickham Pond Phase II Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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- 1) **Delila Drive (State Route 1358)** from Chesi Circle (State Route 1359) to .14 miles north to Wickham Way (State Route 1324), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4454, pages 1-14, for a length of 0.14 miles.
- 2) **Wickham Way (State Route 1324)** from Delila Drive (State Route 1358) to .02 miles west to end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4454, pages 1-14, for a length of 0.02 miles.
- 3) **Wickham Place (State Route 1349)** from Three Notch'd Road (State Route 240) to .01 miles south to Wickham Way (State Route 1324), as shown on plat recorded in the office the Clerk of the Circuit Court of Albemarle County in Deed Book 4454, pages 1-14, for a length of 0.10 miles.
- 4) **Wickham Place (State Route 1349)** from Wickham Way (State Route 1324) to .123 miles south to Chesi Circle (State Route 1359), as shown on plat recorded in the office the Clerk of the Circuit Court of Albemarle County in Deed Book 4454, pages 1-14, for a length of 0.12 miles.
- 5) **Chesi Circle (State Route 1359)** from Wickham Place (State Route 1349) to .05 miles south (to circle) to Delila Drive (State Route 1358), as shown on plat recorded in the office the Clerk of the Circuit Court of Albemarle County in Deed Book 4454, pages 1-14, for a length of 0.05 miles.
- 6) **Wickham Way (State Route 1324)** from Delila Drive (State Route 1358) to .06 miles east to Wickham Place (State Route 1349), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4454, pages 1-14, for a length of 0.06 miles.

Total Mileage – 0.49

Item No. 8.4. Resolution to accept road(s) in Old Trail Subdivision, Blocks 4 A and 13A into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution to accept road(s) in Old Trail Subdivision, Blocks 4 and 13A into the State Secondary System of Highway:.**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7<sup>th</sup> day of December, 2016, adopted the following resolution:

#### R E S O L U T I O N

WHEREAS, the street(s) in **Old Trail Subdivision Blocks 4 and 13A**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Subdivision Blocks 4 and 13A**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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- 1) **Claremont Lane (State Route 1908)** from Golf Drive (State Route 1816) to .08 miles south to Upland Drive (State Route 1905), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4009, pages 364-371, for a length of 0.08 miles.
- 2) **Claremont Lane (State Route 1908)** from Golf Drive (State Route 1816) to .03 miles north to end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4373, pages 237-245, for a length of 0.03 miles.
- 3) **Upland Drive (State Route 1905)** from Claremont Lane (State Route 1908) to .074 miles west to Claremont Drive (State Route 1908), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4009, pages 364-371, for a length of 0.07 miles.
- 4) **Golf Drive, Extension (State Route 1816)** from Old Trail Drive (State Route 1815) to .06 miles east to Claremont Drive (State Route 1908), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4445, pages 687-691, for a length of 0.06 miles.
- 5) **Golf Drive, Extension (State Route 1816)** from Claremont Lane (State Route 1908) to .011 miles east to Fielding Run Drive (State Route 1909), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4009, pages 364-371, for a length of 0.01 miles.

Total Mileage – 0.25

Item No. 8.5. Resolution to accept road(s) in Old Trail Village Subdivision, Block 14 into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution to accept road(s) in Old Trail Village Subdivision, Block 14 into the State Secondary System of Highways:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7<sup>th</sup> day of December, 2016, adopted the following resolution:

#### **R E S O L U T I O N**

WHEREAS, the street(s) in **Old Trail Village Subdivision, Block 14**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Village Subdivision, Block 14**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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- 1) **Glen Valley Drive (State Route 1906)** from Claremont Lane (State Route 1908) to .01 miles east to Fielding Run Drive (State Route 1909), as shown on plat

recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 434+, pages 571-579, for a length of 0.10 miles.

- 2) **Fielding Run Drive (State Route 1909)** from Glen Valley Drive (State Route 1906) to .08 miles north to Upland Drive (State Route 1905), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4445, pages 687-691, for a length of 0.08 miles.

Total Mileage – 0.18

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Item No. 8.6. Resolution to accept road(s) in Old Trail Village Subdivision, Phase 9 Block 11 into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution to accept road(s) in Old Trail Village Subdivision, Phase 9 Block 11, into the State Secondary System of Highways:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7<sup>th</sup> day of December, 2016, adopted the following resolution:

#### R E S O L U T I O N

WHEREAS, the street(s) in **Old Trail Village Subdivision, Phase 9, Block 11**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Village Subdivision, Phase 9, Block 11**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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- 1) **Glen Valley Drive (State Route 1906)** from Old Trail Drive (State Route 1815) to .08 miles east to Claremont Lane (State Route 1908), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4257, pages 377-388, for a length of 0.08 miles.
- 2) **Claremont Lane (State Route 1908)** from Glen Valley Drive (State Route 1906) to .08 miles north to Upland Drive (State Route 1905), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4257, pages 377-388, for a length of 0.03 miles.

Total Mileage – 0.16

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Item No. 8.7. Resolution to accept road(s) in Old Trail Village Subdivision, Phase 9 Block 13B into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution to accept road(s) in Old Trail Village Subdivision, Phase 9 Block 13B into the State Secondary System of Highways:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7<sup>th</sup> day of December, 2016, adopted the following resolution:

#### R E S O L U T I O N

WHEREAS, the street(s) in **Old Trail Village Subdivision, Phase 9 Block 13B**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Village Subdivision, Phase 9 Block 13B**, as described on the attached Additions Form AM-4.3 dated **December 7, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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- 1) **Fielding Run Drive (State Route 1909)** from Upland Drive (State Route 1905) to .01 miles north to Golf Drive (State Route 1816), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4445, pages 687-691, for a length of 0.10 miles.
- 2) **Golf Drive, Extension (State Route 1816)** from Fielding Run Drive (State Route 1909) to .07 miles west to Claremont Lane (State Route 1908), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4349, pages 571-579, for a length of 0.07 miles.
- 3) **Upland Drive (State Route 1905)** from Claremont Lane (State Route 1908) to .103 miles east to Fielding Run Drive (State Route 1909), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4215, pages 254-261, for a length of 0.10 miles.

Total Mileage – 0.27

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

Item No. 8.9. 2016 Third Quarter Certificate of Occupancy Report as prepared by the Community Development Department, ***was received for information.***

Item No. 8.10 2016 Third Quarter Building Report as prepared by the Community Development Department, ***was received for information.***

Item No. 8.11 Q1 FY 17 Quarterly Financial Report; Q1 FY 17 General Fund Revised Financial Projections Report; and Q1 FY 17 Quarterly Economic Indicators Report, ***was received for information.***

Agenda Item No. 9. Two Year Balanced Fiscal Plan/Consideration of Service Districts with Public Comment.

Ms. Lori Allshouse, Director of the Office of Management and Budget, and Doug Walker, Deputy County Executive, addressed the Board. Ms. Allshouse stated that she would discuss the Two-Year Fiscal Plan and service districts. She presented slides, with the first showing that staff would ask for Board direction at their work session about key concepts and would ask for approval at their meeting on December 14.

Ms. Allshouse stated that the fiscal plan addresses three key concepts: 1) how well the plan advances the Strategic Plan; 2) how well the plan maximizes transformation; and 3) how well the plan retains the County's quality organization. She presented a slide listing plan highlights as follows: building blocks established by long-range planning and the FY17 budget; utilizes funding formulas for schools and the CIP, shaped by strategic plan and priority-driven budgeting; opportunities provided by stronger than previously projected revenues and one-time year-end funds; strategic use of new revenue and one-time money; no tax rate increases for operating costs and CIP tax rate increase delayed; incorporates transformation concepts that reduce costs and improve productivity; enhances use of dedicated revenue for specific services; continue to face unmet needs; and the plan provides general guidance for development of the FY18 budget.

Ms. Allshouse addressed follow-up items identified at the November 17 work session. She said a Board member had requested that a line showing federal revenues as a percentage of the general fund budget be added to the chart showing state revenues as a percent of the budget. She said the revised graph shows federal revenues staying flat at approximately 2%, while state revenues are at 9-10% currently and

would continue to decline. Ms. Allshouse stated that federal funding is mainly social services pass-through money for programs such as Medicaid.

Ms. Allshouse said another request from a Board member was to provide information on general government funding to the school division. She said that schools receive approximately \$2 million from general government, and displayed a slide showing how this money is allocated among different departments. She said that Robinson Farmer Cox Associates prepared a Central Services Cost Allocation Plan in April that provides this information. Ms. Allshouse noted that she has the plan document in her office and would be glad to provide copies to Supervisors.

Ms. Allshouse said a third area of follow up requested by the Board was to direct additional resources to implement priority projects that would be or have been identified in small area plans. She said they would ensure additional resources are directed to this item during the budgeting process, and options could include: A) utilization of funding currently reserved in the FY17 budget for support of small-scale community improvements/economic development initiatives; or B) redirect a portion of transportation revenue-sharing funding included in the Two-Year Fiscal Plan for the CIP in FY19.

Ms. Allshouse acknowledged an email she received from Ms. Palmer the previous day asking about changes in transportation revenue sharing. Ms. Allshouse confirmed that there would be some changes, including going from an annual to every other year approach. She said they expect the process to obtain revenue sharing to be more competitive, and that a whole project may have to be in place, not partial projects.

Ms. Palmer acknowledged that Ms. Allshouse has addressed her questions about changes in transportation revenue sharing.

Ms. Allshouse said her next slide poses the following question to the Board: Did the Board concur that they should utilize standard formula/funding guidelines as a starting point in the budgeting process? She noted that this formula applies to funding for the school division, CIP/debt, fire and rescue, water resources (transitioning to stormwater fees in FY19.) She said the CIP is 10%, and fire and rescue is a dedicated 6.6 cents on the tax rate for real estate.

Mr. Randolph noted that several small area plans have been included in the CIP repeatedly over several years, but not funded. He suggested that they direct surplus from FY16 to the CIP as an appropriate way of managing the funds and setting a precedent that the CIP fund small area plans.

Mr. Foley asked if Mr. Randolph wants to show this as a project the CIP has funded.

Mr. Randolph said this is correct and he believes the amount is \$240K.

Mr. Foley corrected him and said the amount is \$320K. He offered to provide a breakdown of potential small area plan funding from the surplus at the next meeting.

Ms. Mallek stated that she looks forward to seeing how the funding breaks out.

Mr. Dill asked if they tracked the percentage of the total budget represented by Fire and Rescue and CIP/debt, since these are funded by formulas.

Ms. Allshouse confirmed that staff tracks this and could provide percentages.

Ms. Mallek asked if the CIP being 10% of new revenue could be compared to the old funding policy of three cents on the year so she could more easily understand.

Ms. Allshouse said the budget document includes a chart showing how funding formulas work.

Ms. Allshouse continued with Focus Area 1, "Advancing Strategic Priorities." She presented a slide showing targeted use of one-time monies to support the Pantops Master Plan/Rivanna River Corridor and to implement improvements identified in neighborhood planning efforts: provide transportation revenue sharing from the CIP to support neighborhood revitalization; include targeted staffing resources to advance the Strategic Plan; and establish an economic development fund to match specific state grant opportunities, encourage economic development investment in development areas to support neighborhood revitalization, and implement priority economic development initiatives.

She asked the Board if they are in agreement with these priorities, and several Supervisors expressed their agreement.

Ms. Mallek asked if one of the three priorities listed under the economic development fund would incorporate matches for grants.

Ms. Lee Catlin addressed Ms. Mallek's question, stating that the Economic Opportunity Fund (EOF) is structured to only match state grants, but they could look at redefining that program or use the other priorities to match smaller scale economic development proposals.

Ms. Mallek suggested they add a fourth priority to the EOF.

Mr. Foley offered to bring this forward for discussion during the budget process.



Ms. Allshouse continued with Focus Area 1 and listed several additional priorities as follows: fully implement salary compression remedy, with the police department being the highest priority; replace dedicated tax rate funding in FY19 for water resources support with stormwater fees; strategically use one-time monies to support educational opportunities for at-risk four year olds; and the Pantops Master Plan/ Rivanna River Corridor.

Mr. Sheffield asked how they identify small-scale community improvements to address and determine the costs involved. He said he did not think the \$320K allocated for these improvements was enough to address safety and quality of life improvements. He said they had decided to ask the CACs to come up with ideas and then present them to staff for cost estimates.

Mr. Foley said they have just started a process to coordinate with CACs as the suggestion was made by Mr. Sheffield just two weeks ago.

Mr. Sheffield suggested they engage with outside help and said he believes funding opportunities would arise, but they would need to have clear plans prepared to apply for these opportunities.

Mr. Foley offered to come back to the Board next week with proposals on establishing a process to identify funding needs for these improvements.

Mr. Sheffield stated that he would like the Board to be in agreement as to how to approach this and to not be the only one to speak about this.

Ms. Mallek said they are all eager to get going but there is uncertainty involved, and she thinks that once the small area plan for Rio is done they would have learned how to do the next level.

Mr. Sheffield said the small area plan at Rio affects land use changes, which is different than what he is thinking in terms of improving conditions in the neighborhoods regarding safety, quality of life, and multi-modalism.

Ms. Palmer expressed her support for Mr. Sheffield's suggestions.

Mr. Randolph said the small area plans are very different in terms of depth, breadth and detail. He said there is community involvement in support of the Rivanna River Corridor and Avon Street Extended, and they could potentially utilize student interns from the Batten School of UVA to develop plans. He said the area around Rio is more complicated and multi-dimensional, and he thinks they would need outside expertise.

Mr. Sheffield said he agrees with Mr. Randolph and that County staff is at capacity.

Ms. Mallek said that County staff knows what the playing field looks like, and she is hesitant to bring in an outside consultant as they would have to spend time training them.

Mr. Sheffield responded that there are plenty of local firms.

Mr. Foley offered to have staff come back with a broad look at this issue.

Ms. Allshouse resumed her presentation with Focus Area 2, "Maximizing Transformation," with a slide listing the following priorities: implement office associate pool; transform the Office of Housing; develop a centralized approach to fleet management; transition copy center to an imaging center; advance records management effort and expand funding for the County's Innovation Fund.

Mr. Sheffield asked if the County cooperates with Charlottesville and the schools in data storage and imaging and digitizing of records, and suggested they have a centralized effort as a cost-saving effort.

Mr. Foley said they do not have a joint effort, although they are currently working on this with the schools.

Ms. Mallek emphasized the importance of maintaining accessibility to records in the event they make any changes to their current process.

Mr. Foley said they are using a consultant to help with development of a system, and offered to provide an update at a future date.

Mr. Randolph said that both software and hardware has to be saved. He asked Mr. Foley if they use an outside service for records destruction and what the school division does.

Mr. Foley replied that he would provide this information, but did not have it available today.

Ms. Allshouse next presented Focus Area 3, "Sustain a Quality Organization," and said they would implement a 2% market adjustment for employee compensation as recommended by Human Resources. She stated that they would conduct classification reviews of positions in the public safety departments.

Ms. Mallek asked if the classification reviews are related to compression, which is identified in Focus Area 1. She asked if, after the reviews are completed, the Board would be able to decide which areas to support in the event they do not have all the funds they need.

Mr. Doug Walker addressed her question. He said there is a sequence of considerations, and public safety had its last classification three or four years ago, with different departments reviewed on a rotating basis. Mr. Walker stated that compression and market adjustment are separate from classification reviews. He said the two-year plan anticipates a larger than usual funding requirement, as the departments they would review are large. Mr. Walker stated that if staff has budgeted appropriately, they would not come before the Board, but if they have underestimated the costs, they may have to come before the Board.

Mr. Dill asked if the public safety departments are part of the "Maximizing Transformation" focus area.

Mr. Walker replied that the primary focus of transformation involves public safety relationships with counterparts in the City of Charlottesville.

Ms. Allshouse next presented a slide entitled "Capital Plan," noting that it lists the following initiatives: includes additional one-time funds and delays capital tax rate increase to second year of the plan; moves out timing of courts based on current timing and studies underway; includes an additional \$2 million for transportation revenue sharing to address strategic priorities. She stated the final slide lists issues the Two-Year Fiscal Plan does not address, including: a constrained CIP, staff capacity challenges, continued threat of uncertain economy, school division's needs-based forecast, and aspirations not fully met.

Mr. Doug Walker, Deputy County Administrator, addressed the Board regarding service districts. He said the Two-Year Fiscal Plan calls for alternative funding strategies, and service districts could be one of them. He said that staff is asking the following of the Board today: determine whether the Board believes the service district is an appropriate alternative funding strategy and should be one of the tools in the County's funding mechanism tool box. Mr. Walker stated that if so, staff would develop a more specific business case for consideration as a pilot, and would return to the Board with a recommendation and a choice of two possible applications.

Mr. Walker presented a slide entitled "Background," which listed the following information about service districts: service districts are a tool that have been authorized for decades; the general purpose of a service district is to provide additional and more complete or timely government services than are desired for the locality or localities as a whole; service districts are geographic areas composed of less than all of the County's territory and whose boundaries are established by the Board of Supervisors; the Board may levy and collect an annual tax on real property within the service district to pay for the facilities authorized to be provided in the district; and the tax is ad valorem.

Mr. Walker's next slide showed examples of how other counties use service districts: branding and marketing, physical enhancements and services in the Ballston area of Arlington; marketing, visitor information and landscaping in the Crystal City area of Arlington; landscaping for Midlothian Turnpike in Chesterfield; plan and construct infrastructure and transit routes and operate a transit system for the Tysons Corner area of Fairfax; storm water management facilities in Fairfax; streetlights, sidewalks, storm water management facilities, and trees in Fauquier County; purchase development rights (open space easements) in Fauquier County; and public water and sewer infrastructure for industry in the Dulles area of Loudoun County.

Mr. Walker's next slide showed a list of pros and cons, with the pros as: provides specific facilities and/or services in a targeted manner; provides facilities and services more quickly; provides facilities and services that might not otherwise be provided at all, or at the levels desired; new/additional tool being used successfully in other Virginia localities; may foster greater community involvement in support of enhanced services and facilities, and reflects a rational nexus between who pays and who benefits. He stated that the cons are: higher tax for those within the district may be perceived by some as unfair; it may affect the ability to increase overall tax rates to support countywide needs; is a brand new approach to funding projects and services, which would require time to work through details and would require significant public education; and could have some effect on bond ratings and interest rates on debt.

Ms. Mallek asked for clarification about how a service district could affect the bond rating. Mr. Walker said if they are careful, thoughtful and deliberate, they would not likely have an issue with the bond rating. He stated that ratings agencies have become familiar with service districts as a tool.

Mr. Foley said he thinks their focus should remain on living within the policy guidelines they have set for debt levels to maintain a AAA bond rating.

Mr. Dill asked for examples of service districts that could be established in Albemarle. Mr. Walker stated the next portion of his presentation would present two potential service district areas: the first would be in Crozet from Eastern Avenue – Phase 1 being from Route 250 to Westhall, including Lickinghole Creek Bridge. He said the project cost is \$10.5 million in 2022 dollars, and the project is identified in the Master Plan and CNA. He said it would be funded by a bond to be amortized over 20 years. Mr. Walker stated the boundary would be the entire Crozet development area and would be funded 60% from the state and 40% from the service district-generated funding. He showed a map of the proposed service district.

Mr. Walker presented his next slide, showing two potential scenarios for County and service district funding of the project. He said that Scenario 1 would have the service district provide 100% of local funding, with an annual cost equivalent to 2.8 cents on the tax rate beginning in 2022; the tax rate increase would be equivalent to \$98 for an average home. Mr. Walker said that Scenario 2 would have a \$2 million contribution

from the County and the remainder from the service district, and the annual cost would be equivalent to an increase of 1.6 cents on the tax rate beginning in 2022, or an increase of \$56 for an average home.

Mr. Randolph asked about Scenario 1, which he said puts the full burden on the service district residents. He asked if this scenario was utilized in any of the examples of service districts he provided earlier in the presentation.

Mr. Walker and Mr. Kamptner said they did not look into the specifics of the funding when researching examples of service districts.

Mr. Randolph said that if too stiff a fee is imposed on a service district, it could deter buy-in from other communities and it would be useful to know how other service districts have allocated funding between the district and the locality.

Ms. Mallek expressed her view that a 20-year payment schedule is too great a burden to place on residents of a service district, and they may want to look at smaller projects that could be paid off within a few years.

Mr. Walker said a smaller area would result in less value to add to the additional rate to generate funding.

Ms. Mallek stated that she is not suggesting they reduce the area but the scope of a project, and they would need to fine tune that balance.

Mr. Walker presented a second potential service district area that would provide sidewalk construction within the urban ring, stating that it would include all urban areas and adjacent areas with urban zoning and over 12 miles of sidewalks. He said the cost per mile of construction would range from \$400K to \$4M, and the illustration he provided assumes an average cost of \$1M per mile. Mr. Walker displayed a map of the proposed service district, which he said excludes Hollymead. He said his next slide shows a funding assumption consisting of 50% from the service district and 50% from state transportation revenue sharing; it also showed that each additional cent added to the tax rate of urban ring residents would generate \$585K, which could support up to \$7M in borrowed proceeds, which could provide for \$14M in sidewalk construction or all of the priority sidewalk projects currently identified in the urban ring.

Mr. Randolph said that with the president-elect expressing support for infrastructure projects, they might have a plan that is shovel ready for next year.

Mr. Walker presented a slide listing some other potential service districts: urban areas around Charlottesville, in support of strategic plan objectives using service districts to enable more place-making at nodes/centers; transit use and access; and Hydraulic Road/Rt. 29 – City/County cooperative venture using a service district construct.

Mr. Sheffield expressed concern that service districts in poorer neighborhoods with lower assessed values could suffer from less investment in infrastructure. He said they should keep this in mind and make sure that richer areas do not receive more robust funding just because their assessments are higher.

Mr. Randolph added to Mr. Sheffield's comments by pointing out that senior citizens could be discouraged from living in a service district if the tax rate becomes too high, which could lead to demographic change within a community.

Ms. Palmer said she has experience with service districts from serving on the board of the Albemarle County Service Authority (ACSA), as they imposed additional fees on property owners where new sewer lines were installed.

Mr. Dill asked if they could use a service district for an environmental purpose, such as preserving a lake or a forest for which residents of an area would be willing to contribute.

Mr. Kamptner replied that a service district could be used to acquire open space easements, and Fauquier has done this in a process known as purchasing development rights.

Mr. Walker said the Stormwater Advisory Committee considered the service district plan, but did not bring it forward. He concluded his remarks and asked for direction from the Board.

As no Board members expressed disapproval, he assumed a consensus direction and said that staff would present the Board with options at a future date.

Ms. Palmer invited members of the public to make remarks regarding the service district issue.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and stated that a downside to having worked in his position for 13 years is seeing the same ideas come back that they were opposed to previously. He said the Board had called the idea of service districts "super taxes" when they were proposed in 2009 during development of the Places 29 plan. He described it as a "seismic shift" in their planning directives. Mr. Williamson said the focus for 30 years has been to focus population growth within 5% of the County and to make these areas so attractive that people want to live, work, play in the same area to make it more efficient to deliver government services, and they pay more in taxes to live there. He asked them to consider the seismic shift and impact on the planning directives of the past 30 years.

Ms. Palmer closed the public comment portion of the meeting.

Ms. Palmer commented that the Board has discussed the idea of service districts several times in the past and that now may just be the right time.

Ms. Mallek commented that while there is a lot to learn about service districts, one positive aspect is the establishment of a pool of resources for each of these areas, which allows local residents to figure out the best way to leverage money to accomplish the most important elements for their community. She stated that she sees this as an improvement over having one big pot with everyone competing for it and said they have to find a way to have regional accountability so that everyone feels they have a stake in growth area improvements. Ms. Mallek commented that while she is not sure this is the answer, they could start a discussion.

Mr. Randolph said that they are not looking at service districts because they are a “tax and spend” ideologically driven crowd, but because there is a demand from residents who are looking at the level of services they are receiving and taxes they are paying. He said residents are saying they should be getting more from their taxes that assures safety, quality of life, mobility and public schools, particularly those attached to and within the urban ring.

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Agenda Item No. 10. FY16 Comprehensive Annual Financial Report (CAFR).

The Executive Summary as presented by staff states that each year the Board of Supervisors is presented an audited Comprehensive Annual Financial Report (CAFR) for the Board’s review and acceptance, in accordance with Virginia Code §15.2-2511. As in previous years, the CAFR contains a detailed accounting of the County’s financial operations for the 2015-2016 fiscal year:

Highlights of the CAFR include:

1. The Transmittal Letter to the Board of Supervisors and the Citizens of Albemarle County (pages vii - xiii) that provides a summary of the County’s geographic, demographic, economic, and financial features. It also includes a discussion of current and future County initiatives;
2. The Independent Auditor’s Report (pages 1 - 3) that notes the financial statements are “present fairly, in all material respects, the respective financial position” of the County as of June 30, 2016;
3. The Management’s Discussion and Analysis (pages 5 - 16) that provides a summary of the County’s financial activity for the fiscal year, including tables and graphs that accompany the summaries;
4. A determination that the County’s FY16 financial position remained in compliance with the Board’s fund balance and debt policies; and
5. Detailed information about the County’s financial activity for the fiscal year, including statistical tables that provide historical economic and demographic information, as well as the auditor’s Compliance Report.

The CAFR was presented to the Board’s Audit Committee at its meeting on November 28, 2016 by Robinson Farmer Cox Associates, the County’s external auditing firm.

There is no budget impact related to the presentation and acceptance of the FY16 CAFR.

Staff recommends that the Board officially accept the FY16 Comprehensive Annual Financial Report.

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Ms. Betty Burrell, Director of Finance, addressed the Board. She introduced Mr. David Foley of Robinson Farmer Cox Associates, to discuss the FY16 year-end fiscal report as well as some of the schedules. She pointed out that the cover of the report has a photo of horses at Farmington, which they used to represent the growing equine industry in the County. She introduced the following staff: Ms. Susan Worrell, Ms. Cecelia Baber, Ms. Lisa Breeden and Ms. Tammy Critzer. She said they put forth the most effort among staff towards completion of the CAFR, and each year they have been improving their processes for development of the CAFR.

Mr. David Foley of Robinson Farmer Cox Associates addressed the Board and said he is a member of the County’s audit team. He expressed thanks to Ms. Burrell and staff of the Finance Department for their hard work in preparation for the audit. He stated that there are three pieces to the annual audit: an examination of the financial statements to make sure they are in accordance with generally accepted accounting principles; an examination of internal controls; and an examination of the County’s compliance with major federal grant programs. He stated there are three reports that provide results of the audit, including the independent auditor’s report found on page 1 of the financial section. He said this relates to County management and auditor’s responsibilities and contains the auditor’s opinion of the financial statements. He said they have issued an unmodified opinion, which means the County’s

financial statements have been prepared in accordance with generally accepted accounting principles and is the cleanest of the opinions an organization could receive.

Mr. Foley next reviewed the second report concerning internal controls. He described the report as being "clean," with no significant deficiencies or material weaknesses in internal controls. He said the third report concerning compliance with federal grant programs is also clean, with no significant deficiencies or material weaknesses. Mr. Foley stated that all three reports were clean with no instances of matters that require reporting in a separate management letter.

Mr. Foley stated that he would highlight a few exhibits in the report, with the first being Exhibit 3 on Page 25, the County's balance sheet for governmental funds. He said this reports assets, liabilities and fund balance. He reported that total assets as of the end of FY16 were \$101M compared to liabilities and deferred inflows of \$15M, with an ending fund balance of \$86M. He cited Exhibit 5 on Page 27, "Statement of Revenues, Expenditures and Changes in Fund Balance for the County's governmental funds." He said the general fund increased by over \$8M, with total funds increasing by \$27M. He concluded his presentation and invited questions.

Ms. Palmer stated that it is wonderful and amazing and she is proud that the County has a Finance Department that could provide an unmodified opinion.

Mr. Dill said that as a member of the Audit Committee, it was impressive how clearly everything was presented, as he imagined it would be a jumble of numbers. He said the report is understandable and easy to read, and he learned a lot about the County's finances.

Mr. Sheffield **moved** to accept the FY 16 Comprehensive Annual Financial Report (CAFR) as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. McKeel.

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Agenda Item No.11. Strategic Plan Objective FY17 Resource Request.

The Executive Summary as presented by staff states that the Board has identified the redevelopment of the Rio/Route 29 area as one of its Highest Priority Strategic Objectives; included within this objective are Board Intentions that outline and give specificity to the desired outcome of redevelopment. These intentions include the initiatives to:

- Accelerate the revitalization and redevelopment of the Rio/Route 29 interchange area to promote business vitality and a vibrant urban environment working collaboratively with the small area plan process;

- Establish and implement a plan to complete proactive rezonings to reflect Board land use aspirations and intentions including enacting regulatory reforms/redefining zone districts, etc. that encourage desired form by right.

This work will be undertaken primarily by the County Attorney's Office (CAO) and the Community Development Department (CDD), where current resource levels are not adequate to carry out the development and implementation of these objectives. The Economic Development Office also plays an important role in the development of the Small Area Plan by providing key economic data and analysis.

The County Attorney's Office and Community Development Department staff will work as a team to reorganize and modernize the Zoning Ordinance, as well as to implement the development of the Small Area Plan. The Economic Development Office is positioned to support the inclusion of key economic data and analysis specific to the development of the Small Area Plan. Staff of these departments have identified one-time resources needed to accomplish the objectives established by the Board.

*County Attorney's Office:* The County Attorney is requesting additional one-time resources during the second half of FY 17 to:

- outsource the work their office does on behalf of the Department of Social Services (DSS); and
- provide back-up for one full-time attorney who will be going out on maternity leave. Some portion of the funding for this position will be covered by a salary savings.

The additional one-time resource requested is in the form of a temporary full time attorney for the second half of FY 17. This reorganization and support of the CAO's time and capacity would provide the currently existing full-time attorneys the necessary ability to focus on the modernization of the Zoning Ordinance and the new zoning regulations implementing the Small Area Plan.

*Community Development Department:* The Community Development Department is requesting additional one- time resources during the second half of FY 17 (and all of FY 18) in the form of outsourced technical work such as site plan review. Doing so will enable appropriate, experienced CDD staff to focus on the Zoning Ordinance modernization as well as completion of the Small Area Plan. The time needed to devote to this work breaks down to the resource equivalent of:

- 0.75 FTE for work on Zoning Ordinance amendments/modernization,
- 0.75 FTE for work on the Small Area Plan,
- and 0.5 FTE for a project manager to assure the efforts are well coordinated.

*Economic Development Office:* This office is seeking up to \$25,000 in one-time funding for contracted technical services to perform economic analysis specific to the development of the Small Area Plan so that the County economic development interests can be best reflected in the context of the vision for redevelopment in that project area. A scope of work has not yet been developed for this initiative.

Attachment A provides more detail on the work each office will be undertaking to implement the Redevelopment of the Rio/Route 29 Intersection Area strategic objective.

The budget impact for FY17 is estimated to be approximately \$229,000. This amount includes the following components:

- \$120,000 - CDD Technical Support
- \$60,000 - CAO Temporary Staffing
- \$25,000 - Economic Development Analysis for Small Area Plan
- \$24,000 - Project Management for Small Area Plan

It is assumed currently that there are off-setting savings in the Community Development Department and the County Attorney's Office in FY17 that can be reallocated to support this work. Similarly, the Economic Development Office may also have funding available that can be utilized in whole or in part for any associated work on this project. Staff is prepared to bring to the Board in January an appropriation ordinance specific to this work for FY17 with corresponding sources and uses of funding needed including the recommended use of Fund Balance for any amount that cannot be covered within existing budgets.

Please note that this amount is more than the \$214,500 sum previously identified for FY17 resource requirements shared with the Board. This difference is attributable to the proposed use of third party technical support for site plan review rather than the use of additional full-time CDD staffing. Staff thinks that the use of one-time funding for technical support is, potentially, a more cost-effective approach long term than hiring full-time staff given that this initiative is viewed as a stand-alone project. It is noted that without the benefit of specific experience with this type of out-sourced work, staff is mindful that the actual cost for such work may be more than anticipated depending on multiple variables including the number of site plans submitted and the time required for each site plan reviewed by contract forces. Please know that, if approved, staff will monitor the use of outside technical resources carefully to assure that assumptions are accurate or adjusted accordingly, funding remains adequate and that the contractual arrangement remains in the best interest of the County.

Staff recommends that the Board endorse this proposed use of one-time money to advance its high priority strategic objectives related to redevelopment in the area of Rio Road and Route 29 with specific emphasis on the current Small Area Plan process, modernization of the Zoning Ordinance and preparations for pro-active rezoning associated with the implementation of the Small Area Plan once complete. If supported by the Board, staff will return in January with an appropriation ordinance as indicated above.

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Ms. Palmer asked if there were any comments from Board members.

Hearing no comments from Board members, Ms. Mallek **moved** that the Board approve the proposed use of one-time money to advance its high priority strategic objectives related to redevelopment in the area of Rio Road and Route 29 with specific emphasis on the current Small Area Plan process, modernization of the Zoning Ordinance and preparations for pro-active rezoning associated with the implementation of the Small Area Plan once complete, as presented by staff. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: Mr. Randolph.

ABSENT: Ms. McKeel.

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**Recess.** At 3:08 p.m., the Board recessed their meeting, and reconvened at 3:16 p.m.

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Agenda Item. No.12. Ivy Materials Utilization Center (MUC) – Design Update.

The Executive Summary as presented by staff states that on November 4, 2015, the Board of Supervisors selected Option 2B as the preferred option for replacing the transfer station facility at the Ivy Materials Utilization Center (MUC). Option 2B considers the construction of an 11,800 square foot standalone passive-load (top load) transfer station located to the west of the existing scales. This facility consists of a 10,000 square foot tipping floor and 1,800 square foot loading bay.

The County and the Rivanna Solid Waste Authority (the Authority) entered into an agreement dated May 4, 2016; the Amended and Restated Ivy Material Utilization Center Programs Agreement (attached), pursuant to which the Authority will provide for the design, construction, and operation of the

facility on behalf of the County and the County will continue to provide financial support to the Authority to include the necessary capital, administration and operating expenses allocated to the services provided by the Authority at the Ivy MUC.

In accordance with the 2016 agreement and prior to proceeding with the detailed design phase, the Authority is presenting the preliminary design to the Board of Supervisors reflecting any modifications or additions from the conceptual design. The Authority will incorporate all reasonable requests from the Board for changes to the preliminary design that are consistent with the Authority's responsibilities under the Agreement.

The capital budget currently appropriated for this project is \$2,587,338.

Staff recommends that the Board support proceeding with the detailed design phase based on review of the preliminary design to be presented at the Board meeting.

Mr. Trevor Henry, Director of Facilities and Environmental Services, addressed the Board and reminded them that last November, they had approved a concept plan developed by Draper Aden and County staff relating to a new materials utilization center at the Ivy site. He said the County has worked with Rivanna Solid Waste Authority (RSWA) to develop the project, which is being managed by RSWA, and there was an amendment to the agreement passed this May that stipulated the scope of the work. He said that staff is here today to review with the Board a couple of check-in points in the agreement. Mr. Henry stated that the first is to review the submission to the County by RSWA of the preliminary site plan conducted November 1. He said they would solicit feedback from the Board and hope to move to the next phase of a detailed design.

Mr. Henry introduced Mr. Bill Mawyer, Executive Director of the Rivanna Authorities. He said Mr. Mawyer began serving in his position in November and was previously Assistant Director of Public Utilities in Henrico County, where he served for 15 years. He said Mr. Mawyer attended Albemarle County High School, has a bachelor's degree in civil engineering from the University of Virginia, an MBA from Averett University, and is a licensed professional engineer in Virginia. He said that Mr. Mawyer was Director of Community Development, Public Works and Engineering in Albemarle County from 1997-2001.

Mr. Bill Mawyer addressed the Board. He said he is glad to be back in the County and looks forward to working with the Board. He said he would provide an update on the transfer station and presented slides, with the first being a photo of a transfer station constructed in Henrico County. He noted that he and Rivanna Project Manager, Mr. Phil McKalips, had recently visited this station to see how it works. Mr. Mawyer said the next slide provides a timeline of the history of the transfer station project: in 1999, the existing transfer station began operations; in 2014, the Virginia Department of Environmental Quality notified RSWA that the station no longer complied with regulations; in November 2015, the Board of Supervisors approved a request that the RSWA oversee design and construction of a new transfer station; in December 2015, the RSWA presented a Correction Plan to VA DEQ and set milestones for a project schedule; in December 2016, the RSWA is presenting a preliminary design to the Board of Supervisors.

Mr. Mawyer reported that his next slide shows an aerial map of the site depicting the new transfer station, existing transfer station, existing scale house and existing recycling station. He said the new facility would be on the northwest side of the site and entering vehicles would pass over the scales and enter to the west. He next showed the preliminary conceptual design, which is an architectural drawing, prepared by Draper Aden. He demonstrated how traffic would enter the transfer station. Mr. Mawyer explained that the next slide compares the original Draper Aden design plan and the current plan, noting that the original consisted of an 11,800-square foot building with capacity for 50 tons per day, top load, full tunnel, tag-a-bag. Major recycling stays where they are and there would be waste segregation in the building. He said the current plan reduces square footage of the building to 11,600 with the same capacities, and explained that the three modifications are to remove double lane and transfer trailer parking near tunnel as trailer storage is unneeded and decreases storm water runoff; to enter building from the west to reduce backing up and increase safety and efficiency; and to remove loading scales, which is redundant so removing it reduces capital and operating costs.

Mr. Mawyer said they removed the double lane that went around the lower side of the building and transferred this to a western entrance to improve access and efficiency of the facility. He said they reduced 200 square feet out of the loading tunnel by removing the scales. He said they could utilize the existing outside scale and do not require two sets of scales. Mr. Mawyer explained that commercial haulers would enter through the northern side, pass the scale house, go around the western entrance and drive into the facility and then back up to the chute area. He said they would have a quick drop area for residential customers to keep these vehicles out of the commercial vehicle flow, who could back up to a barrier and dump the load and then the refuse could be pushed into the chute. Mr. Mawyer noted that all vehicles would exit to the north and said that an operator inside would direct traffic. He stated that there was discussion as to whether the facility would have covered walls and they decided the entrance would be open access, allowing four to five vehicles to enter and exit. He said the east end would have an open area in the wall where they could dispose of construction debris and steel; the west side would be closed except for the entrance area; the south side is fully enclosed with a wall. Mr. Mawyer said the lower portion of the walls would be concrete, as the managers of the Henrico transfer station suggested this because it is less susceptible to damage than a steel wall; thus, the first eight feet would be concrete and the remainder would be steel.

Mr. Mawyer presented a slide listing the project schedule:

1/31/16 Issue RFP for Design Engineer; Completed 2/26/16  
3/31/16 Execute Inter-local Agreement; Completed 5/4/16  
4/30/16 Execute Contract with Design Engineer; Completed 4/26/16  
6/13/16 Execute Work Authorization #1 with SCS; Completed 4/26/16  
8/11/16 Solid Waste Alternatives Advisory Committee Mtg.  
9/29/16 Community Outreach Meeting at Henley M.S.  
10/31/16 Complete Site Plan Design, Site Plan Application; Completed 11/1/16  
12/7/16 Project Update to Board of Supervisors  
1/31/17 Mtg. with DEQ – Plans and Permit-by-rule requirements  
3/15/17 County completes plan review, storm water permit  
4/2/17 Bidding documents, NOI to construct, NOI to close existing transfer station  
5/23/17 Complete bidding, contract award  
7/31/18 Construction complete, facility operational

Mr. Mawyer said they expect to complete the project within budget and invited questions.

Mr. Dill asked what the tonnage capacity would be. Mr. McKalips replied that the permit allows up to 300 tons per day, with 150 tons as a 30-day daily average, and they currently average 35-40 tons per day.

Ms. Palmer said that at times they were moving 300 tons per day, but the average was 150 tons. She said the hope is that more efficient traffic flow at the facility would lead some haulers that have left the County to return. She said she learned from RSWA staff that 60% of the residential customers that use the facility are actually small business people, such as contractors, and thus the facility supports the economic purposes of many businesses.

Ms. Mallek emphasized that a major point was to assist small businesses so they would not have to drive an extra 30 minutes to another facility.

Ms. Palmer said the Solid Waste Advisory Committee met RSWA a few months ago and listened carefully, and they had a great dialog and made a few changes. She commended them for their work.

Mr. Dill asked about recycling capabilities of the proposed facility. Mr. Mawyer said the Board has asked them to reserve 2,500 square feet for recycling, which has been designated for the eastern part of the facility. He requested Board input as to what type of recycling they wish to have. He suggested that private, dual-purpose haulers with refuse and comingled recyclables could pull up, and the facility could have one truck that accepts refuse and another to accept comingled recyclables.

Mr. Dill asked if they would have different bins for different recyclables. Mr. Mawyer said they could add additional containers beyond what they already have at the existing transfer station.

Ms. Palmer said the plan is for the Solid Waste Advisory Committee to present recommendations about recycling options to the Board.

Mr. Dill said he is amazed at the types of debris he could throw onto the conveyor belt at the recycling center, and asked if it is possible for this to be repurposed to condense things.

Mr. Mawyer said they could take a look at this and explained that part of the regulatory noncompliance was that this was not covered and rainwater washed through, creating leachate. He said they recently spent money to rebuild the conveyor belt.

Ms. Mallek asked if loading is straight off into the tray or if they have to pick it up and bring it over a low wall. Mr. Mawyer replied that the design is a straight push through a funnel into the chute of the trailer.

Ms. Palmer recognized Ms. Peggy Gillen of the committee, as well as Mr. Henry, for all of their work on this project.

Ms. Palmer asked Mr. Kamptner what would be needed to provide direction to the RSWA regarding their efforts with the new transfer station. Mr. Kamptner said a Board consensus would suffice.

Mr. Foley suggested the Board take a vote, given the contract and formality that has been put into the effort.

Ms. Mallek **moved** to proceed with the transfer station as proposed by the Executive Director of the Rivanna Authorities. Mr. Randolph **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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Agenda Item No.13. Board-to-Board, November 2016, *a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.*

Mr. Stephen Koleszar, Vice Chairman of the Albemarle County School Board, addressed the Board and said he would discuss high school planning for FY22 in response to the changing needs of the work place, changing needs of students, and overcrowding at Albemarle County High School. He said the School Board is taking a serious look at what high schools should be and the state is also involved, noting that all School Board members have conducted individual research including site visits to innovative programs around the state. Mr. Koleszar stated that they would conduct a work session at tomorrow night's Board of Education meeting, and they plan to have a process that would involve the community and educators to determine what skills would be needed by students in the future and how schools could best prepare them. He said they discussed this in a meeting with legislators last week and Steve Landes, Chairman of the House Education Committee, suggested that Albemarle serve as a pilot program for changes made at the state level. Mr. Koleszar said he prefers they get ahead of the curve and tell the state where they need to go, rather than the state telling the County what to do. He stated that they discussed internet access for students, and they emphasized to legislators how changing demographics are impacting the schools.

Mr. Koleszar thanked the Board for their support of efforts leading to passage of the bond referendum while acknowledging that the Board of Supervisors must legally remain neutral regarding bond referenda. He acknowledged that Dr. Pam Moran received an award for music education; Debbie Collins, Director of K-12 Instruction, received a statewide award; Dee Jones, Principal of Cale Elementary, was recognized as an administrator for the central region. Mr. Koleszar said she has done a phenomenal job with the dual language immersion program, and all students receive at least 120 minutes of Spanish instruction per week, with half of them in a true dual immersion program where they receive instruction in Spanish for half the school day. He said they have expanded this model to Woodbrook and Merriweather Lewis Schools. He invited questions from the Board.

Ms. Mallek said she thinks students and families in the western part of the County are still reeling from Eric Benthouser's loss, as it is a big blow. She said that although arts and other non-academic classes may be considered to be second tier in importance, they make the day survivable and wonderful for so many children who need other outlets.

Mr. Koleszar stated that despite budget problems in the past, the schools have never cut art, music or physical education, and they consider them to be a critical component, particularly in terms of creativity required of the modern work place.

Mr. Randolph commented that Cale is a fantastic school.

Mr. Koleszar, citing that 30-40% of the Cale student body consists of English language learners, said they turned a problem into a strength.

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Agenda Item No.14. Final Report on Route 29 Solutions Business Assistance Program.

The Executive Summary as presented by staff states that in July 2015, the Board approved a multi-pronged Business Assistance Program designed to limit negative economic impacts to businesses during construction of the Route 29 Solutions projects with the following highlights:

- a series of technical, marketing, communications, and regulatory strategies to support businesses before, during and immediately after construction
- a concentrated focus on businesses in the footprint of the Route 29/Rio Road intersection project during the most intense construction period of that project, roughly April 2016 - September 2016
- a public-private partnership, including representatives from the Small Business Development Center (SBDC), the Senior Corps of Retired Executives (SCORE), the Charlottesville Regional Chamber of Commerce, the Albemarle County Economic Development Authority, the Virginia Department of Transportation, the Thomas Jefferson Planning District Commission, and businesses from the affected area.

This agenda item provides a final update on the status of major strategies of the Business Assistance Program following completion of the Route 29/Rio Road intersection construction.

Staff provided an implementation matrix to the Board as part of the Business Assistance Program when the program was approved last year. Attachment A is an up-to-date matrix showing the status of the approved strategies, including funding sources and levels. At the December 7 Board meeting, staff will provide a more in-depth update on the three major strategies listed below, which involve the great majority of the County's funding obligation. Staff will also report on the most up-to-date financial metrics that are being tracked for this area.

1. **Collective Marketing Campaign** - The Business Assistance Program included a collective marketing campaign focused on promoting customer loyalty and continued patronage of businesses in the construction footprint of the Route 29/Rio intersection project. The collective marketing campaign was originally funded with \$100,000 from the County. After the Board's adoption of the Business Assistance Program, Virginia Secretary of Transportation Aubrey Layne announced an additional \$200,000 from the

State for the collective marketing campaign for a total of \$300,000. An advisory committee comprised of representatives from businesses in the impact area and local partners met frequently to provide feedback and guidance to the marketing campaign consultant.

**Highlights:**

**- Budget**

Funding provided by County	\$100,000
Funding provided by VDOT	<u>\$200,000</u>
Total Funding	<u>\$300,000</u>
Total amount expended during campaign	<u>\$278,000</u>
Unexpended Funds	\$ 22,000

**- Impact**

Total media impressions: approximately 10 million  
4.43 million traditional media  
5.56 million digital media  
Landing page traffic for campaign website:  
4,866 total visits - peak performance occurred in May, with 2,337 visits  
25,000 printed maps distributed and 590+ landing page map downloads completed

2. **Matching Grant Program** - The Business Assistance Program also included a matching grant program to boost the impact of marketing conducted by individual businesses during the construction project. Businesses meeting approved criteria were eligible for grants of up to \$2,000 to equally match amounts spent to support the message of customer loyalty and continued patronage. The matching grant program was funded with \$50,000 from the County and was administered by the Albemarle County Economic Development Authority.

**Highlights:**

**- Budget:**

Funding provided by the County	\$50,000
Total amount expended during grant program	<u>\$35,000</u>
Unexpended funds	\$17,000

**- Impact:**

# of businesses applying for grants 28  
# of businesses awarded grants 27  
# of businesses utilizing grants 20

3. **Technical Assistance** - The Business Assistance Program included a partnership with the Small Business Development Center to provide specialized workshops and trainings on site in the construction footprint as well as one-on-one mentoring and coaching opportunities.

**Highlights**

**- Budget:**

Funding provided by the County	\$17,000
Total amount expended	<u>\$17,000</u>
Unexpended funds	\$ 0

**- Impact:**

Workshops/training events	14
Workshop/training participants	72
Individual counseling/mentoring sessions	34

**Program Indicators:**

Due to earlier than anticipated completion of the intersection project and minimal significant negative impacts on businesses in the construction footprint, the two marketing efforts were concluded sooner than originally planned resulting in approximately \$37,000 in unexpended funds.

- Approximately \$22,000 resides with the Thomas Jefferson Planning District Commission who acted as fiscal agent for the combined \$300,000 collective marketing campaign.
- Approximately \$15,000 resides with the Economic Development Authority who administered the matching grant program on the County's behalf

Staff recommends that the County receive the unexpended funds back from the two agencies named above and reserve the funds for redevelopment/revitalization initiatives related to the Route 29 corridor.

Ms. Lee Catlin, Assistant County Executive, addressed the Board. She said that VDOT issued a news release yesterday announcing the Route 29/Rio Road intersection has been completed on time, with design and construction of the grade-separated intersection taking 15 months and finishing within budget.

Ms. Catlin reminded the Board of their adoption in July 2015 of a multi-pronged Business Assistance Program for Route 29 Solutions. She said there was a general acknowledgement that the project had enough unique circumstances, such as its long duration, involvement of many businesses,

public infrastructure improvements to benefit the entire community, and location along a major traffic artery, to justify doing something different from what they had done in the past. She said there was much discussion, including roundtables with business to discuss ways to mitigate negative impacts. She identified goals of the program: to communicate accurate and complete information to help businesses impacted to plan for the construction period; to provide resource expertise to support affected businesses before, during and after, including rapid response communication; to offer fair and equitable assistance to make sure they identified all qualifying businesses to provide assistance; to leverage partnerships to take advantage of ideas, services, and relationships that partners in the community could offer to help businesses manage challenges; and to actively engage the construction contractor in an effort to positively affect business outreach and support.

Ms. Catlin reported that the plan had five areas of focus: technical, marketing, communications, signage, and regulatory issues. She said a lot of the concern and angst focused on the grade-separated interchange at Route 29 and Rio Road. She said that for the technical support focus, they obtained funding from the County's Economic Development Authority (EDA), which enabled them to conduct 14 onsite workshops from August 2015 – May 2016, in which 72 businesses participated. She said they also had 34 individual coaching/mentoring sessions. Ms. Catlin recognized Betty Hogue of the Small Business Development Center (SBDC) for being a great partner. She said that not only did this effort help during construction and preconstruction, but also helped build capacity in this critical, tax-generating area, and she expects to continue to see positive benefits over the long term. Ms. Catlin noted that the cost of technical assistance was \$17,000.

Ms. Catlin next discussed the collective marketing campaign with their logo and tagline: "Rio – Worth the Drive." She said they had a business assistance subcommittee in partnership with VDOT that consisted of 8-10 businesses assisting with this campaign, which focused on maintaining business loyalty during construction. She recognized Lou Hatter of VDOT for his help and said that funding from the County started at \$100,000, with \$200,000 obtained from VDOT. She said the campaign produced over 10M media impressions with 5.6 million from social media, advertising and sharing, and \$4.4 million were from traditional print, television and radio media. She said media outlets helped the County in putting together advantageous advertising packages. She identified additional components of the marketing campaign, including "Get-Around Guide" maps, decals and door hangars and a dedicated website. She said that \$22,000 remains from these funds. Ms. Catlin said they developed an advertising matching grant program with the County, providing \$50,000 to the EDA to administer, encouraging local businesses to have their contribution of up to \$2,000 matched by the EDA for advertising. She stated that participating businesses were required to participate in one of Betty Hogue's workshops to demonstrate their willingness to be proactive in promoting their own business. Ms. Catlin noted that 28 businesses applied for the grants and 27 were accepted, with funding provided to 20 of them and \$15,000 remaining from the unused matching grants. She thanked partners, including the Charlottesville Regional Chamber of Commerce, Thomas Jefferson Planning District Commission, and Small Business Development Center. She thanked the following County staff members: Ms. Emily Kilroy, Ms. Susan Stimart and Ms. Jody Lewis.

Ms. Catlin presented a summary of achievements and a list of next steps for the business assistance program: plan goals successfully achieved; financial indicators do not demonstrate significant, adverse effects; remaining balance of \$37,000. She said the next steps are to continue monitoring financial indicators, to recoup unexpended funds from partners, and to consider allocating unexpended funds. She said the TJPDC is holding the money from the collective marketing campaign. She said VDOT has recently announced the availability of \$2 million for the Hydraulic Road/Route 29 Small Area Plan, and there would likely be a local match required from the County. She said one potential use of the remaining funds would be for this potential match.

Ms. Catlin said the Route 29/Rio Road study area generates almost 60% of County sales tax revenue, and a report from the Chamber found that gross sales tax revenue for the County in the first half of 2016 increased by almost 7.5% over 2015. She said the County Finance Department is working with EDA to track the following indicators: BPOL, Business Property and Machinery Tools Tax, Meals and Lodging Tax, and Real Estate Property Tax in the construction area. She said they went back to 2014 to establish a baseline and the aggregate data did not show significant adverse effects, adding that they would continue to look at the trend to see if there was any impact.

Mr. Foley thanked staff and the leadership of Ms. Catlin. He said there was no prior model of how to do this, and said it is one of the most organized projects he has seen in his career.

Mr. Randolph described this as the default model for a community engagement process. He urged Mr. Foley to present their efforts to VACO so that other counties could learn. He recalled the rancor three years ago about 29 Solutions from members of the business community, and their efforts have brought good will.

Ms. Mallek said she was proud that they were able to draw small businesses in to run radio advertising and said they were powerful, as she heard these more than she saw printed advertising.

Ms. Catlin said the ability to use the same advertising agency that VDOT uses allowed them to leverage the relationship.

Mr. Kamptner suggested they have a motion to set aside leftover funds.

Mr. Randolph **moved** to set aside the leftover funds as stipulated by staff. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. McKeel.

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Agenda Item No.15. Lewis and Clark Exploratory Center Update.

Ms. Heather Riser, President of the Lewis and Clark Exploratory Center, addressed the Board and said she would explain who they are and their mission. She said she has worked for 23 years as a special collections librarian at the University of Virginia and in 1995 and 2002, she curated exhibits at the library of the Lewis and Clark expedition. She said the Lewis and Clark Exploratory Center Board meets 10 times a year and is an active group representing current and former government officials, local business owners, and those with expertise in legal, financial and educational matters. She provided a document to Supervisors that provides a list of Board members, who focus on planning and implementation for the center. She said the center provides important services to the community and has proven to be a useful and attractive place for government and educational groups to meet, with many programs that bring in area children. She said they are committed to getting kids away from screens, off the couch, and out into nature. She introduced Alexandra Searls, Executive Director.

Ms. Alexandra Searls, Executive Director of the Lewis and Clark Exploratory Center, addressed the Board and presented a series of slides. She reported that they opened to the public May 14, 2016, noting that May 14 was the date Lewis and Clark set out for their expedition from St. Louis. She stated that programs have been created for students from elementary through high school, and showed slides featuring photos of children engaged in activities organized by the center, including construction of boats. Ms. Searls said the center is a member of the Artisan Trail Network, has an organized group of volunteers, and would partner with Madison House at University of Virginia. She said the center not only serves students in Virginia, but from neighboring states as well. She said they run summer camps for the City and County, including a kayaking camp for the disabled, in which they combine kayaking with science, history and journaling. She said they also serve adults, including seniors, who have taken tours of the center. Ms. Searls noted that they plan to do more extensive marketing, and the Center for Nonprofit Excellence has sponsored her for two seminars at Darden Business School in leadership and marketing. She described several additional programs and initiatives in which the center is involved.

Mr. Dill said he enjoyed being on the Board, adding that the center is a good City/County cooperative effort.

Ms. Palmer invited Ms. Searls to introduce members of the Board.

Ms. Searls introduced Mr. Bob Fenwick of Charlottesville City Council, Mr. Fran Lawrence, and Ms. Sally Thomas, all of whom were present at meeting.

Ms. Mallek praised them for efforts to get kids into water and dirt.

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Agenda Item No.16. Closed Meeting.

At 4:36 p.m., Mr. Dill **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to discuss and consider: the resignation of a County officer; and the appointment of a successor to that County officer; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice: 1) relating to probable litigation arising from a claim, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County. The claim relates to alleged injuries sustained by a minor resulting from actions of employees of Region Ten and the County sheriff's office; and 2) relating to an ordinance being considered by Charlottesville City council regarding permitted activities at Ragged Mountain Reservoir. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. McKeel.

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Agenda Item No.17. Certify Closed Meeting.

At 6:01 p.m., 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. Mallek **seconded** the motion.

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

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

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**Non-Agenda Item.** County Executive Resignation.

Mr. Foley addressed the Board. He announced his resignation, effective February 1, 2017, to become the Stafford County Administrator. He described his time in Albemarle as being both challenging and rewarding, and expressed his thanks for the opportunity to serve the community and the Board. He said that while leaving is difficult, he is excited about the new and challenging opportunities that lie ahead. Mr. Foley stated that he has enjoyed working on numerous projects and initiatives to move the County forward, and feels fortunate to have worked with such a talented and committed staff and is proud of what they have accomplished together. He said he would miss the staff and wishes them the very best in the years ahead. He said he recommends the Board move immediately to begin a search for a replacement and to approve a request for proposal to select an executive search firm to assist the Board with recruitment of a new County Executive.

Ms. Palmer commented that she thinks everyone on the Board, as well as staff and the community, feel privileged to have had Mr. Foley work for the County. She expressed appreciation for his service during difficult financial times and excellent leadership.

Mr. Randolph **moved** to accept the resignation of the County Executive. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Mr. Sheffield said he would miss their candid conversations and expressed admiration for his leadership.

Mr. Dill described the work of County staff under Mr. Foley's leadership as being "high performance," and said many positive things in the County have happened.

Ms. Mallek said Mr. Foley has brought many wonderful improvements.

Mr. Randolph thanked Mr. Foley for his strategic patience and sense of time of knowing when and when not to move.

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Ms. Mallek **moved** to develop a request for proposals to select an executive search firm. Mr. Randolph **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

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Ms. Palmer stated that they need to quickly appoint an Interim County Executive, effective February 1, 2017. She suggested they select Mr. Doug Walker, Deputy County Executive, and asked Mr. Foley for his opinion.

Mr. Foley said Mr. Walker is very experienced and has been a City Manager, County Administrator and Deputy County Executive. He said Mr. Walker would do a fine job.

Ms. Palmer **moved** that the Board appoint Doug Walker as Interim County Executive, to be effective February 1, 2017. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

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Agenda Item No. 18a. Boards and Commissions: Vacancies and Appointments.

During adoption of the final agenda, the Board removed this item from the agenda.

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**Non-Agenda Item.** Resolution to Disallow Claim for Damages.

Mr. Dill **moved** that the Board adopt the proposed resolution to disallow claim for damages. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. McKeel.

### **RESOLUTION TO DISALLOW CLAIM FOR DAMAGES**

**WHEREAS**, Alexandra Elliott, mother of James Andrade, a minor, has asserted a claim against Albemarle County as set forth in the letter dated November 8, 2016, for alleged injuries that James Andrade sustained from an alleged incident involving employees of Region Ten and the Albemarle County Sheriff's Office on May 12, 2016; and

**WHEREAS**, the Board of Supervisors finds that the claim should be disallowed because it does not state a cognizable claim against Albemarle County as required under Virginia Code § 15.2-209; and

**WHEREAS**, the Board of Supervisors finds that the claim against Albemarle County is not supported by the facts or by law.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia disallows the claim of Alexandra Elliott, mother of James Andrade, a minor, for alleged injuries sustained by James Andrade on May 12, 2016.

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Agenda Item No. 19. From the Public: Matters Not Listed for Public Hearing on the Agenda and Public Comment on Balanced Two Year Fiscal Plan.

Ms. Mary Jane Pudhorodsky, Rio District, said she is a member of the Church of the Incarnation and IMPACT, a group of 27 diverse area congregations. She said that two years ago, IMPACT voted to address the problem of crime and drug addiction in the community. She said they learned that over 3,000 individuals who go through the regional jail each year struggle with substance abuse, and encouraged the Board to provide annual operating cost funding to support the new women's residential treatment center to be constructed and administered by Region Ten. She said that operating costs for FY17-18 would be \$75K, and asked the Board to have this item included in the County budget.

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Ms. Suzanne Smith, a resident of the Jack Jouett District and member of Congregation Beth Israel, said her congregation belongs to IMPACT. She stated that she has been in recovery for 11 years and thanked the Board for providing recovery resources in Charlottesville. Ms. Smith stated that she has the opportunity to guide women in sobriety and told the story of a woman she recently helped. She said the woman was married with children and suffered from addiction and mental illness and at one point entered the SHE shelter with her son to escape domestic abuse. She said that she and the woman's sister struggled for two days to have her admitted to the emergency room of UVA for detoxification and the woman was then sent to a treatment center 70 miles away from her support system and family. She said the woman finished the program and was to be driven home by her brother-in-law, but she left the facility with another patient who had also just been discharged. Ms. Smith said that instead of coming directly home, they went to a house with other addicts and she overdosed and died. She said that this paints a perfect picture as to why the need for a local facility is important, and if they do not have a facility, she would have to go to more funerals. She emphasized that every recovery improves the world in astonishing ways.

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Mr. Dan Bieker, of the Samuel Miller District, said he would address the issue of expanded use of the Ragged Mountain Natural Area. He said that although the City owns the property, it is very much a County issue as residents use the area and there is a longstanding ordinance that only permits hiking and fishing at this location, as well as at Sugar Hollow. He said the ordinance was designed to limit active recreation around reservoirs and to allow the passive, peaceful enjoyment of nature, free of mechanization. He said it is a valuable asset to the community to have areas like this. Mr. Bieker stated that City Council voted to end this ordinance, and there is disagreement as to whether the City or County has jurisdiction, with their respective attorneys disagreeing. He said the City Council approved mountain biking and expanded mountain bike trails well beyond what was recommended by the Charlottesville Parks Advisory Board, noting that the trails encroach onto ecologically sensitive areas identified by a study the City commissioned. He said that several Councilors explained the reason for their vote being that Ragged Mountain is accessible by walking or biking, but he disagrees with this characterization and said there is a small gravel road of two miles leading from Fontaine Avenue to the area, which he described as dangerous. Mr. Bieker suggested that the City and County work together to develop a joint park in the new Hedgerow property adjacent to Ragged Mountain for active recreation, which would be a fair compromise.

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Mr. Tom Olivier, of the Samuel Miller District, said he is the Conservation Chair of the Piedmont Group of the Sierra Club. He stated that he would speak about the recently passed City ordinance pertaining to Ragged Mountain. He has provided Supervisors with copies of the Sierra Club statement made at the public hearing on Monday evening. He said the ordinance under consideration has been controversial, and the City has been receiving public input regarding expanded trails and use of mountain bikes and other potential recreational uses. Mr. Olivier stated that the mountain biking clubs around town are very supportive of the ordinance, while hikers have been opposed, as they feel it would destroy the tranquility of the area. He said local biologists have expressed concern that increased use would endanger a number of biological resources. He said the Albemarle Natural Heritage Community wrote a

four-page letter to Charlottesville Parks and Recreation in August that raised a variety of concerns regarding potential impacts and offered to identify risks to biodiversity and to develop conservation measures. He stated that, to his knowledge, nobody from the City has responded in any meaningful way to their overtures. Mr. Olivier emphasized that there seems to have been no effort made by the City to evaluate ecological impacts of the recreational changes in the ordinance, and Councilors Bellamy and Fenwick sought to delay action on consideration of the ordinance so that it could be better understood; however, three Councilors voted to support the ordinance, which the Sierra Club believes to be regrettable. He said that in this morning's newspaper, one of the Councilors is quoted as saying she sees Ragged Mountain Natural Area as "an urban amenity." He requested the Board urge the City to protect the Ragged Mountain Natural Area biodiversity.

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Ms. Ruth Douglas, of the Rivanna District, addressed the Board. She expressed her support for the statements made by Mr. Bieker and Mr. Olivier regarding Ragged Mountain. She said she is a member of the Virginia Native Plant Society and an invasive plant educator. She said wavy leaf grass entered the state in 1996 and has been spreading, and is now within one-tenth of a mile of Ragged Mountain. She said it is spread by animals and people and suppresses native plant growth. She said she has provided Supervisor Dill with a copy of a letter she wrote to the City about this issue.

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Agenda Item No. 20. Recognitions:

Item No. 20a. Reaccreditation Certificate – Albemarle County Police Department.

Mr. Dill announced that Col. Anthony Pike would give the police department four-year accreditation. He said Mr. Pike was appointed as Chief of the Virginia Division of Capital Police in Richmond and is responsible for sworn and support personnel serving the capital community, legislative, executive and judicial branches. Mr. Dill said he has learned the Capitol Police is the first organized policing agency in the nation with roots in the Jamestown settlement, when a force of 10 men was organized to protect the Governor.

Mr. Anthony Pike, Virginia Capitol Police, addressed the Board. He stated that he is one of 12 commissioners on the Virginia Law Enforcement Commission for Professional Standards. He stated that he would speak about the status of the Albemarle County Police Department as it relates to its fifth reaccreditation assessment, which began June 13. He said they have a three-member assessment team with 106 years of combined law enforcement experience. He said the assessment occurred over a three-day period, and 190 standards were reviewed. Mr. Pike explained that part of the assessment included interviews with personnel as well as a ride-along with an officer in a patrol vehicle. He said they also reviewed the evidence collection facility.

Mr. Pike read the following statement presented to him by the assessment team: "The agency's policies and practices promote responsiveness to the community's law enforcement needs. The team members are in total agreement that the employees of the Albemarle Police Department demonstrate a high-level of job knowledge, competence and satisfaction which reflects most favorably on the agency as a whole. Chief Lantz is very supportive of his employees and the same holds true for the respect and support he receives from his employees. The Albemarle Police Department is an agency that is committed to providing professional service to its citizens of Albemarle County and those who visit this County. The assessment team is convinced from observations, file reviews, and interviews that the commitment to the citizens of Albemarle County is due to the strong leadership of Chief Lantz and his command staff". He presented Chief Lantz with Albemarle's fifth accreditation award and read the document as follows: "This document certifies that the Albemarle Police Department came before the Virginia Law Enforcement Professional Standards Commission on August 16, 2016 and has met the requirements set forth by the commission, is therefore certified as an accredited agency for the period of four more years." He offered his congratulations, and there was a round of applause.

Mr. Ron Lantz, Chief of Albemarle County Police, addressed the Board. He thanked Colonel Pike for his presence and said that he had only been in his position as Chief for two weeks when the assessment occurred. Chief Lantz said they had been working almost year round to make sure they are in compliance and had conducted their own assessment. He said they only had one "minor," which is very rare in the state. He said on behalf of the men and women of the police department he could not be prouder of this accomplishment.

Ms. Palmer said they are very proud of the police department and invited Chief Lantz to present on the state of the department.

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Agenda Item No. 21. **Presentation:** State of the Albemarle County Police Department.

Chief Ron Lantz addressed the Board and said it has been six months since he began his position and last appeared before the Board. He cited the great work of former Chief Steve Sellers and said they are making great strides, though there is always room for improvement. He presented slides, with the first comparing some statistics from 2010 to 2016: in 2010, there were 106 police officers, whereas currently they have 129 with authorization for 140; there are seven recruits in the pipeline with full staffing level expected to be reached by July 1, 2017. He said that geo-policing began in 2012, and it typically takes four years to determine the success level of geo-policing. Mr. Lantz said they measure this through response times and reduction in crime: in 2010, the urban response time average was 4:48,

which has improved to 3:55 today; in 2010, the rural response time average was 11:37, which has improved to 9:23 today. He said their goal is for response times of under 5 minutes 85% of the time in the urban area and under 10 minutes 85% of the time in the rural area. He attributed the improved response times to the increased number of officers and to the geographic-based policing, with officers working primarily in the same area where they know people and short cuts.

Mr. Lantz said that Albemarle is one of nine counties in Virginia with its own police department as the remainder are policed by sheriff's departments. He said that in 2010, Albemarle ranked fifth, while today they rank first in safety of the nine County departments. He said they have had a 65% reduction in Part 1 crimes since 2010, including a 15.9% reduction last year. He said that traffic safety is an issue of importance to him and that vehicle crashes and fatal crashes have declined: in 2011, there were 2,466 crashes, which declined to 1,996 in 2015; year to date, there have been 1,985 crashes in 2016; in 2010, there were 13 fatal crashes; in 2015, there were 14 fatal crashes; and through 11/30/16, there have been 5 fatal crashes. He attributes the lower crash and fatality rate to enforcement, education and prevention measures, such as designated drivers, and public service announcements.

Mr. Lantz said that his next slide shows the following statistics comparing 2010 to 2016: 73 citizen complaints in 2010; 38 citizen/8 internal complaints today; 79 citizen commendations in 2010; 118 citizen commendations today; 0 citizen outreach through social media in 2010; 11,207 social media followers today, messaging reaches 20,000-30,000 people weekly; 1 formal citizen feedback group in 2010; and 5 formal citizen feedback groups today.

Mr. Lantz defined a commendation as when a citizen writes a letter, card or email in support of an officer. He said that some citizens even bring in food for the officers, which they do not count as a commendation. He said the citizen feedback groups provide input on improvements and have been providing fantastic feedback. Mr. Lantz reported that they recently began "Fair and Impartial Policing Training," a six-hour class in which 16 officers have participated, with a goal to have all officers trained. He said the training raises awareness of implicit bias and to recognize it when dealing with citizens on the street. He stated that mental health crisis calls are astronomical, and noted that they began tracking them about a year and a half ago as part of the Compstat tracking system, displaying a graph that shows a gradual upward trend in mental health calls since 2010. Mr. Lantz said they average 50 mental health calls per month, which is a reason why they would like to have more officers despite a drop in crime. He said that mental health calls require more of an officer's time as they have to get them admitted to treatment, and as a result, they have implemented a 40-hour Crisis Intervention Training class in which 63 officers have participated. He said the training teaches how to calm down and mitigate situations to have a peaceful resolution and get needed services to those requiring it. Mr. Lantz said this type of training is not offered in the police academy and is offered three times a year with three seats in the class allocated to Albemarle County. He said they are looking into having a class once a year just for their department.

Mr. Lantz listed the following four priorities for the department: continue to move forward with geo-policing; establish a regional partnership for basic public safety training; analyze exit interview data (implemented in July 2016); and continue to build capacity to be able to specialize. He stated that they would like to eventually have their own public safety academy as their standards are higher than the training offered at the academy in Weyers Cave. He said the attrition rate is about eight officers per year, and he hopes to provide a report to the Board at a future date based upon exit interviews they are now conducting. He said his next slide shows why geographic-based policing is important: to improve officer and community safety; access to federal grants; improve accountability; address organized crime (gangs); and the taskforce on 21st century policing. Mr. Lantz listed the following geo-policing community events: National Night Out, Toy Lift, Virginia Summer Rules Camp, Coffee with a Cop, Pizza with the Police, African American Pastor's Council Breakfast, Scottsville Chili Cook Off, Mint Springs Fishing Event, church fairs, town hall meetings, bike rodeos, and Read with the Police.

Mr. Lantz concluded his presentation by discussing how the number of people taking the police test is declining with only 26 taking the most recent test, while in the past they would typically have over 100. He attributed this to targeted police killings that have been publicized in the media and said that fewer individuals are seeing law enforcement as a calling. He said they are becoming more creative in their recruiting efforts and have created a diverse recruiting team with a goal to have a more diverse police force. He invited questions.

Ms. Mallek asked if he is considering reinvigorating the youth explorer program. Mr. Lantz responded that he is and said it is a great pipeline and recruiting tool that became dormant. He said they would bring the light back into it and recruit high school students to become part of the department.

Ms. Mallek asked about squad-based policing and what it means. Mr. Lantz responded that they need more officers, which would enable them to have officers that work the same shift and have the same supervisor every day, which does not occur currently as officers are on different rotations and thus work with different colleagues and supervisors. He said squad-based policing allows them to have community-based policing and to get to know members of the community they police.

Mr. Randolph thanked Mr. Lantz and the members of his department for their dedication and their heartfelt commitment to the best interests of citizens of the County.

Ms. Palmer stated there is a perception that there is more reckless driving, particularly on rural roads, and asked if this is true or just a perception. Mr. Lantz said he would need to review data to see if



this is true. He gave some anecdotal evidence of reckless driving and said that rural roads are not designed to be driven in the way some people do.

Mr. Palmer thanked Mr. Lantz and his officers for their work and offered Board support of recruitment efforts, if needed.

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Agenda Item No. 22. **Presentation:** Update on Albemarle County Biodiversity – Natural Heritage Committee.

Mr. David Hannah, Albemarle County Natural Resources Manager, addressed the Board and thanked them for the opportunity to present. He introduced Ariel Daniels, who would give the first half of the presentation.

Mr. Ariel Daniels, member of the Albemarle County Natural Heritage Committee, addressed the Board. Mr. Daniels said he serves on the education subcommittee and is employed as a water resources engineer for Center for Watershed Protection, Inc. He stated the committee was previously known as the Biodiversity Work Group and is composed of biologists, ecologists, professors and engineers, describing their purpose as being an expert advisory board.

Mr. Daniels presented a slide listing the functions of the committee: report on natural resources in the County; identify, assess, and catalog important sites; and inform flag layer – relates to planning, zoning, development decisions. He said there are three subcommittees: Biodiversity Action Plan, Education, Climate Change/Invasive Species. He said his next slide is titled, “Why We Do It (and why you should care)” and listed the following reasons why their work is needed: natural resources are delicate and important, public support, quality of life, quality and quantity of business/revenue, long-term viability. He described the area of the County as beautiful and said this is one of the reasons why tourists are drawn here. He invited Mr. Hannah to continue with the presentation.

Mr. Hannah addressed the Board and displayed a map showing 8 of the 64 important biodiversity sites in the County, including the southern Albemarle mountains and Ragged Mountain Natural Area. He said most of the sites contain locally rare species and some include G1 globally rare habitats. He said the Green Infrastructure Center (GIC) is nearing completion of its grant-funded project of GIS analysis of the County’s landscape. He displayed a map of core habitat areas that the GIC has identified. He invited Supervisors to learn about the concepts of interior forested land, habitat fragmentation and habitat connectivity, which are discussed in the Comprehensive Plan document. He said habitat connectivity is important to preserving biodiversity, noting that the GIC identified six landscape characteristics, including 325 unique combinations of these features in Albemarle.

Mr. Hannah concluded his presentation with a slide entitled “Biodiversity Action Plan (BAP).” He said Strategy 4A of the Comprehensive Plan calls for an action plan, and they are working towards one to be accomplished by 2017. Mr. Hannah said the Plan would include recommendations for the Board of Supervisors to consider, and the slide listed these additional measures included in the BAP: consider climate change and non-native species, for which a UVA student is helping identify and quantify resilience factors; work to get more UVA students/faculty involved; and Green Infrastructure Center data to be analyzed. He invited questions.

Ms. Mallek expressed that it is important for the Board to have environmental data when making decisions. She asked if the flag layer would be available to provide extra information in time to make decisions.

Mr. Hannah said the flag layer is a function of what they already know about important sites and confirmed that they could add to this information. He said the flag layer would allow planning staff and County staff to be aware of resources before a site is developed.

Ms. Palmer asked, when they identify unusual biodiversity in Albemarle, how much is a result of stumbling upon something and how they know something is unusual for the County. Mr. Hannah responded that he does not believe there has been a systematic or holistic survey of the County. He said the Biodiversity Work Group, which identified these unusual landscape features, consisted of many talented individuals with expertise who knew the County extremely well. He said the GIC study would provide additional information moving forward.

Mr. Daniels stated that in knowing about specific combinations of landscape features and how they create a certain type of habitat, they would be able to locate areas they would want to see, which in many cases would be on private land. He said they would have the opportunity to reach out to these landowners to educate them about what they may have on their site and offer to help protect it.

Mr. Dill asked if the County has important wetlands and migratory paths. Mr. Hannah said that some of the identified sites are wetlands and bird areas. He said Albemarle is within the Atlantic Flyway, which is a continental scale migratory bird path, though he is not aware of anything specific to the County. He said he is aware that migratory raptors pass through Afton Mountain in the fall. He said birds are part of the equation within the sites they want to protect in the long term.

Mr. Bieker said there have been several hundred bird species identified in the County. He said the County is not rich in wetlands, which makes the ones we have all the more important, as there are rare birds who utilize them throughout the seasons. He said they are not within a major flyway as they are

between the Midwest and Atlantic Flyways; however, they do get migratory birds and wetlands and marshlands are critical since there are so few of them.

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Agenda Item. No. 23. **PUBLIC HEARING: FY 2017 Budget Amendment and Appropriations.**  
(Advertised in the Daily Progress on November 27, 2016.

The Executive Summary as presented by staff 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 cumulative total of the FY 2017 appropriations itemized below is \$4,713,011.62. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2017 Budget Amendment totals \$4,713,011.62. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES	
General Fund	\$ 1,225,825.91
Special Revenue Funds	2,169,252.52
School Special Revenue Funds	239,515.03
School Program Funds	1,200,000.00
ECC Funds	(15,577.55)
<u>Capital Improvements Funds</u>	<u>(106,004.29)</u>
TOTAL ESTIMATED EXPENDITURES - All Funds	\$ 4,713,011.62

ESTIMATED REVENUES	
Local Revenue	\$ (171,310.50)
State Revenue	62,087.07
Federal Revenue	505,294.57
General Fund Balance	976,016.19
<u>Other Fund Balances</u>	<u>3,340,924.29</u>
TOTAL ESTIMATED REVENUES - All Funds	\$4,713,011.62

The budget amendment is comprised of forty (40) separate appropriations as follows, thirty-two (32) of which have already been approved by the Board as indicated below:

Approved August 3, 2016

- 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.

Approved September 7, 2016

- One (1) Appropriation (#2017009) to appropriate \$207,906.75 for the National Fish and Wildlife Foundation grant supporting the Large-Scale BMP Retrofits on Private Lands capital project. \$159,000.00 of this request does not increase the total County budget and results in a net increase to the budget of \$48,906.75;
- One (1) Appropriation (#2017020) to re-appropriate \$45,952.51 in state revenue and \$1,231.29 in matching funds to complete the DHCD Virginia Telecommunication Planning Initiative;
- One (1) Appropriation (#2017021) to appropriate \$44,291.00 in grant federal revenue from the Department of Criminal Justice Services for the Victim Witness program;
- One (1) Appropriation (#2017023) to appropriate \$10,343.00 for the completion of a Virginia Department of Emergency Management grant to develop an emergency response plan to a crude oil spill;
- One (1) Appropriation (#2017024) to appropriate \$122,467.00 in federal and state revenue to the Department of Social Services for a Senior Eligibility Worker and a Department of Social Services (DSS) Specialist;

- One (1) Appropriation (#2017025) to appropriate \$23,712.00 to the Office of Economic Development from the Vehicle Replacement Fund. This appropriation does not increase the County Budget;
- One (1) Appropriation (#2017026) to re-appropriate \$49,000.00 for the Emergency Communication Center;
- One (1) Appropriation (#2017027) to appropriate \$51,443.76 to the Department of Voter Registration and Elections to support the 2016 Presidential Election;
- One (1) Appropriation (#2017028) to reduce the appropriation for ECC projects continuing from FY 16 to FY17 by (\$240,445.79); and
- One (1) Appropriation (#2017029) to appropriate \$1,630,414.00 from the General Fund and the School Fund to the Healthcare Plan Fund.

Approved September 14, 2016

- One (1) appropriation (#2017030) to appropriate \$42,000.00 for a General Obligation Bond Referendum Public Awareness and Education Plan pursuant to the Board of Supervisors' action at its August 3, 2016 meeting. Of the total amount, \$16,800.00 will be appropriated from the Reserve for Contingencies, \$16,800.00 from the School Fund, and \$8,400.00 from the General Fund fund balance for a net increase to the budget of \$8,400.00. The School Fund and Reserve for Contingencies portions of the appropriation are existing appropriated sources and will not increase the total County budget.

Approved October 5, 2016

- One (1) appropriation (#2017012) to re-appropriate \$174,931.96 for various Capital Improvement Program projects;
- One (1) Appropriation (#2017022) to appropriate \$64,903.12 for rental income and expenses related to the Old Crozet Elementary School;
- One (1) Appropriation (#2017031) to re-appropriate \$542,678.50 for various General Fund and Fire Rescue Services Fund projects;
- One (1) Appropriation (#2017032) to re-appropriate \$325,072.52 for various Special Revenue Funds;
- One (1) Appropriation (#2017034) to appropriate \$(92,699.58) for capital projects;
- One (1) Appropriation (#2017035) to appropriate \$200,000.00 for Fire Rescue Apparatus equipment purchase; this appropriation will not increase the total County budget;
- One (1) Appropriation (#2017036) to appropriate \$52,000.00 for the County's 800 MHz Radio Replacements capital project;
- One (1) Appropriation (#2017037) to appropriate \$2,694,128.00 in borrowed proceeds to the General Government CIP fund from the Water Resources CIP fund. This appropriation will not increase the total County budget;
- One (1) Appropriation (#2017038) to appropriate \$196,478.23 to the School Division;
- One (1) Appropriation (#2017039) to appropriate \$33,468.00 in federal revenue and \$1,847 from the Grants Leveraging Fund for a Department of Motor Vehicles speed reduction grant and a Department of Motor Vehicles DUI reduction grant. The Grants Leveraging Fund component of this appropriation will not increase the total County budget.

Approved November 2, 2016

- One (1) Appropriation (#2017033) to appropriate \$77,273.62 to the Emergency Communications Center;
- One (1) Appropriation (#2017040) to re-appropriate \$308,794.83 for various General Fund and Fire Rescue Services Fund projects;
- One (1) Appropriation (#2017041) to appropriate \$314,347.69 to the School Division; and
- One (1) Appropriation (#2017042) to appropriate (\$344,902.79) for School Division capital projects.

The budget amendment is comprised of eight (8) separate appropriations as follows:

- One (1) Appropriation (#2017043) to appropriate \$181,216.39 to the Computer Maintenance and Replacement Fund;
- One (1) Appropriation (#2017044) to appropriate (\$2,267.38) for the Emergency Communication Center;
- One (1) Appropriation (#2017045) to appropriate \$30,680.32 for the Regional Firearms Training Center capital project. This will not increase the total County budget;
- One (1) Appropriation (#2017046) to appropriate \$105,674.00 to the Community Development Department from the Reserve for Contingencies and General Fund Fund Balance. The Reserve for Contingencies component of this appropriation, which is \$77,935.00, will not increase the total County Budget;
- One (1) Appropriation (#2017047) to re-appropriate \$39,763.00 for a Capital Improvement Program project; One (1) Appropriation (#2017048) to appropriate \$14,659.00 from the Department of Justice for a grant supporting community policing efforts. There is no local match;
- One (1) Appropriation (#2017049) to appropriate \$74,416.00 to the Emergency Communications Center;
- One (1) Appropriation (#2017050) to appropriate \$28,706.45 for the purchase and installation of live video streaming equipment in Room 241 of the County Office Building.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2017043, #2017044, #2017045, #2017046, #2017047,

#2017048, #2017049, and #2017050 for local government and school division projects and programs as described in Attachment A.

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<b>Appropriation #2017043</b>		<b>\$181,216.39</b>
Source:	Computer Maint./Repl. Fund fund balance	\$181,216.39

This request is to re-appropriate the FY 16 balance of \$181,216.39 in the Computer Maintenance and Replacement Fund to FY 17. This fund is used for replacement and maintenance of desktop personal computers, laptops, mobility devices, and printers. In addition, this fund pays for the enterprise agreement for Microsoft Office.

<b>Appropriation #2017044</b>		<b>(\$2,267.38)</b>
Source:	ECC Fund Balance	\$ (2,267.38)

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, reduce the appropriated FY 17 budget by \$2,267.38 to reconcile the re-appropriated budget in FY 17 to the available FY 16 ending balance for the 800 MHz radio system augmentation project, which improves the Emergency Communications Center's system coverage and replacement of equipment such as generators, uninterrupted power supplies, and recorders for 800 MHz radio system users.

<b>Appropriation #2017045</b>		<b>\$0.00</b>
This request will not increase the total County budget.		

Source:	General Gov't CIP Fund Fund Balance	\$ 30,680.32
	Reg. Firearms Training Ctr CIP Fund Bal.	\$(30,680.32)

This request is to appropriate \$30,680.32 in General Government CIP Fund balance to the Regional Firearms Training Center (RFTC) capital project, budgeted in a separate fund, to support reconciliation of the project's revenues, as the project is substantially complete. This request also decreases the appropriated use of RFTC CIP Fund fund balance equally by \$30,680.32 which results in no change to the total county budget.

<b>Appropriation #2017046</b>		<b>\$27,739.00</b>
Source:	General Fund Fund Balance	\$ 27,739.00
	Reserve for Contingencies*	\$ 77,935.00

\*The Reserve for Contingencies component of this appropriation will not increase the total County Budget.

This request is to appropriate \$105,674.00 to the Community Development Department for half-year funding for one Planner position, one Senior Planner position, and for temporary permit intake support pursuant to Board of Supervisors' action at its November 2, 2016 meeting. This funding will be provided from the following sources:

- \$27,739.00 from the General Fund's fund balance for temporary permit intake support and one-time start-up costs for the two planners. The proposed use of the General Fund fund balance for this item will not reduce the County's 10% unassigned fund balance reserve, however, it does reduce the amount of FY16 expenditure savings that would be available for other uses in the future.
- \$77,935.00 from the Reserve for Contingencies for the on-going half-year costs for the two planners. After the approval of this appropriation, the FY17 Reserve for Contingencies balance will be \$225,178.00, of which \$16,400.00 has been reserved for a citizen survey.

<b>Appropriation #2017047</b>		<b>\$39,763.00</b>
Source:	General Gov't CIP Fund Fund Balance	\$ 39,762.00

This request is to re-appropriate \$39,762.00 remaining in the FY 16 Commonwealth Attorney's Case Management System Replacement capital project to complete the project closeout in FY 17. This project is a new case management system that replaced the prior system.

<b>Appropriation #2017048</b>		<b>\$14,659.00</b>
Source:	Federal Revenue	\$ 14,659.00

This request is to appropriate \$14,659.00 in grant funding from the Department of Justice. This grant will be used to fund overtime hours of current police officers to support reducing crime and improving public safety through community policing efforts. There is no local match.

<b>Appropriation #2017049</b>		<b>\$74,416.00</b>
Source:	ECC Fund Balance	\$ 74,416.00

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate \$74,416.00 from the ECC Fund Balance for the following purposes:

- \$40,470.00 to upgrade software for 80 portable 800 MHz hand units that are managed by the ECC for various public safety agencies;
- \$7,500.00 for software testing programs that will be used during the applicant selection process for Public Safety Communications Officers; and
- \$26,446.00 to support the restoration of the County's Health Care Plan Fund reserve to a more sustainable level.

<b>Appropriation #2017050</b>		<b>\$28,706.45</b>
Source:	General Fund Fund Balance	\$ 28,706.45

This request is to appropriate \$28,706.45 to the Board of Supervisors' Budget for the purchase and installation of equipment to outfit Room 241 of the County Office Building for live video streaming of Board of Supervisors meetings and work sessions. The proposed use of the General Fund fund balance for this item will not reduce the County's 10% unassigned fund balance reserve, however, it does reduce the amount of FY16 expenditure savings that would be available for other uses in the future. Additional background on this request is provided on the consent agenda of the Board of Supervisors' December 7, 2016 meeting.

Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board and said Virginia Code requires the County to hold a public hearing before amending its budget when the total amount of appropriated funds exceed 1% of expenditures in the currently adopted budget. She said the proposed FY17 budget amendment totals approximately \$4.7 million. She stated the amendment includes 40 appropriations, of which 32 have already been approved by the Board. She said the remaining eight appropriations include re-appropriations, adjustments, grant funding appropriations and appropriations for previously approved Board initiatives. She said staff recommends adoption of the resolution to approve appropriations 2017-043, 2017-044, 2017-045, 2017-046, 2017-047, 2017-048, 2017-049 and 2017-050, after the public hearing.

Ms. Palmer opened the public hearing.

As there were no individuals who wished to speak, Ms. Palmer closed the public hearing.

Mr. Sheffield **moved** to adopt the proposed resolution to approve appropriations #2017043, #2017044, #2017045, #2017046, #2017047, #2017048, #2017049, and #2017050 for local government and school division projects and programs as described. Mr. Randolph **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

**RESOLUTION TO APPROVE  
ADDITIONAL FY 17 APPROPRIATIONS**

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

- 1) That the FY 17 Budget is amended to increase it by \$4,713,011.62;
- 2) That Appropriations #2017043, #2017044, #2017045, #2017046, #2017047, #2017048, #2017049, and #2017050 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2017043	4-1935-12200-412200-800700-1001	181216.39	SA2017043 Re-app FY16 Comp Maint/Repl Balance
2017043	3-1935-51000-351000-510100-9999	181216.39	SA2017043 Re-app FY16 Comp Maint/Repl Balance
2017044	4-4110-31060-435600-800150-1003	-2267.38	SA2017044 ECC Re-app adjustment
2017044	3-4110-51000-351000-510100-9999	-2267.38	SA2017044 ECC Re-app adjustment
2017045	3-9050-51000-351000-510100-9999	-30680.32	SA2017045 Reconciling County Share
2017045	3-9050-51000-351000-512031-9999	30680.32	SA2017045 Reconciling County Share
2017045	3-9010-51000-351000-510100-9999	30680.32	SA2017045 Reconciling County Share
2017045	4-9010-93010-493010-939999-9999	30680.32	SA2017045 Reconciling County Share
2017046	3-1000-51000-351000-510100-9999	27739	SA2017046 App Fund Balance - CDD Workload Positions
2017046	4-1000-81021-481020-110000-1008	54876	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-130000-1008	17500	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-210000-1008	5537	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-221000-1008	6760	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-241000-1008	719	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-231000-1008	9574	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-232000-1008	253	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-270000-1008	55	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-332104-1008	300	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-520300-1008	1150	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-550100-1008	250	SA2017046 CDD Workload Positions

2017046	4-1000-81021-481020-580100-1008	200	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-601100-1008	200	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-601200-1008	200	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-601400-1008	100	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-800700-1008	4000	SA2017046 CDD Workload Positions
2017046	4-1000-81021-481020-800200-1008	4000	SA2017046 CDD Workload Positions
2017046	4-1000-99900-499000-999990-9999	-77935.00	SA2017046 Reserv. For Conting. - CDD Workload Positions
2017047	4-9010-22010-422010-800710-1002	39763.00	SA2017047 Re-app CA Case Management System
2017047	3-9010-51000-351000-510100-9999	39763.00	SA2017047 Re-app CA Case Management System
2017048	3-1247-33000-333000-300001-1003	14659.00	SA2017048 Grant Revenue - Federal
2017048	4-1247-31013-431010-120000-1003	13617.28	SA2017048 Overtime Wages
2017048	4-1247-31013-431010-210000-1003	1041.72	SA2017048 FICA
2017049	3-4100-51000-351000-510100-9999	74416.00	SA2017049 App Fund Balance: 12/7 ECC Apps
2017049	4-4100-31040-435600-800712-1003	47970.00	SA2017049 Software - Applicant Testing and upgrade 800 MHz cache
2017049	4-4100-88000-488000-560020-9999	26446.00	SA2017049 ECC Health Infusion
2017050	3-1000-51000-351000-510100-9999	28706.45	SA2017050 App Fund Balance: Room 241 Videostreaming
2017050	4-1000-11010-411010-800700-1001	28706.45	SA2017050 Room 241 Videostreaming
TOTAL		789,825.56	

Agenda Item. No. 24. PUBLIC HEARING: **ACSA-2016-00004 – Avionics Jurisdictional Area Request.**  
MAGISTERIAL DISTRICT: White Hall.  
TAX MAP/PARCEL: 03200-00-00-06600.  
LOCATION: 3367 Earlysville Road.  
PROPOSAL: Amend the Albemarle County Service Authority (ACSA) Jurisdictional Area to provide water and sewer service to Tax Map Parcels 03200-00-00-06600. The parcel is located on Earlysville Road, approximately 0.5 miles north of its intersection with Dickerson Road (3367 Earlysville Road). The property is designated for Light Industrial use in the County's Comprehensive Plan, Places29 Master Plan.  
*(Advertised in the Daily Progress on November 21 and November 28, 2016)*

The Executive Summary as presented by staff states that the owners of the Avionics Specialties site have requested an ACSA Jurisdictional Area designation for water and sewer service for the 12.04 acre parcel located on Earlysville Road, approximately one-half mile north of its intersection with Dickerson Road. The parcel is located within the Hollymead Development Area and is designated for Light Industrial use in the Places29 Master Plan. The property is zoned LI, Light Industry and is currently not designated for any level of public water or sewer service. The site is developed with a 24,500 square foot building and is currently served by two domestic wells and a private sewer treatment system. A soil and groundwater contamination condition was identified on the site in 1997 (see applicant's request, Attachment A).

The Comprehensive Plan provides the following concerning the provision of water and sewer service to the Development Areas:

Chapter 12.1, Community Facilities, Strategy 9a: Continue to provide public water and sewer in jurisdictional areas. Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Development Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries. Delineation and adoption of utility project jurisdictional areas by a local governing body is provided for in Virginia Code §15.2-5111. The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger."

The Comprehensive Plan recommends serving the Development Areas with public water and sewer service. This parcel is located within the Hollymead Development Area, so the ACSA Jurisdictional Area for public water and sewer service would be consistent with County policy for the provision of water and sewer service. Providing service to this parcel will also help address potential groundwater/well contamination issues on-site and support the County's economic development efforts by improving the viability of this existing industrial development.

The property owners would bear the costs for water and sewer connections.

At the conclusion of the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment D) to approve an amendment to the ACSA Jurisdictional Area to include Tax Map Parcel 03200-00-00-06600 for water and sewer service.

Mr. David Benish, Chief of Planning, addressed the Board. He said the request is for water and sewer service on a 12.04-acre parcel, as the property is not currently designated for any level of water or sewer service. Mr. Benish reported that the property is located on Earlysville Road, one half mile north of the intersection with Dickerson Road. He said the parcel is in the Hollymead Development Area, which is designated for light industrial use under the Places 29 Master Plan. He stated that the site is developed with a 24,500 square foot building and is currently served by two domestic wells and a private sewer

treatment system, and a soil and groundwater contamination condition was identified on the site in 1997. He displayed an aerial map of the area and parcel. Mr. Benish stated that the Comprehensive Plan recommends serving the development areas with public water and sewer service, and the parcel is within the Hollymead Development Area, so provision of water and sewer service would be consistent with County policy. He said providing service to the parcel would help address groundwater contamination issues onsite and support the County's economic development efforts by improving viability of this existing industrial development. He said that staff recommends the Board adopt the resolution provided with the staff report (Attachment D) to approve an amendment to the ACSA Jurisdictional Area to include Tax Map Parcel 032000000066 for water and sewer service. He said the applicant is not present although he was supposed to be.

Mr. Randolph stated that a constituent talked with him today about this. He asked if there are criteria or normal guidelines for extension of the jurisdictional area. Mr. Benish replied in the affirmative and pointed to the recommendation of the Comprehensive Plan that encourages water and sewer to be provided in the development areas. He said they usually see requests for extensions in the rural areas and that, if there is a documented health or safety issue and it is adjacent to an existing line, the criteria is met to allow the Board to approve an extension.

Mr. Randolph said a concern has been expressed that they are engaging in spot extensions and a question was posed to him as to why there would be businesses on the north side of 250, east of I-64 and the 250 intersection at Shadwell. He said he explained to the questioner the rationale that there is a dedicated waterline to Glenmore, which was part of the agreement that there would not be any further tie-ins that would affect that waterline. He said he is comfortable with it, but there is some misunderstanding in the business community about why certain people in certain cases could get an extension to the jurisdictional area and why others cannot. He said he understands why they permit this in cases of a health risk, and it is justifiable, though he sees a need for greater clarity. He wonders whether they have a clear policy that the public could understand so they could have businesses understand why they do things when they do them.

Mr. Benish explained that the primary goal is to implement the growth management policy within the designated development areas. He said the area of Shadwell east of I-64 is not an area that is designated for development and only in cases of health and safety could they allow extension of water and sewer. He said they could certainly bring the policy back for further consideration and clarity, if necessary.

Ms. Mallek said there have been six or seven applications she has seen over the past 10 years, and they have been evenly split between those that clearly qualified and those that did not. She said in two of the cases, wells were poisoned by nearby gas stations. She said there would always be people who do not meet the criteria who still want access to water and sewer.

Ms. Palmer pointed out that the extension line is being fully paid by the landowner.

Ms. Palmer opened the public hearing.

As there were no individuals who wished to speak, Ms. Palmer closed the public hearing.

Ms. Mallek **moved** that the Board adopt the proposed Resolution to approve an amendment to the ACSA Jurisdictional Area to include Tax Map Parcel 03200-00-00-06600 for water and sewer service. Mr. Dill **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. McKeel.

**RESOLUTION TO APPROVE  
ACSA201600004 AVIONIC SPECIALTIES, INC  
FOR TAX MAP PARCEL 03200-00-00-06600**

**WHEREAS**, the owner of Tax Map Parcel 03200-00-00-06600 (TMP 32-66) has requested an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include TMP 32-66 for water and sewer service, and the application is identified as ACSA201600004 (ACSA 2016-04); and

**WHEREAS**, on December 7, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2016-04.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for ACSA 2016-04 and all of its attachments, the information presented at the public hearing, and the factors relevant to the ACSA Jurisdictional Area in Virginia Code § 15.2-5111 and in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, as well as the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves ACSA 2016-04.

Ms. Mallek said she has a letter from the County of Fairfax to its Board about continuing funding K-12 through the General Assembly. She said the Board could consider at the next meeting whether they would like to send a similar letter to their representative. Ms. Mallek stated that a second item is whether they would consider biannual deadlines for applications for the real estate tax relief program, and provided an example of someone who turns age 65 on January 1 who must wait a full year to qualify. She said she is proud of the tax relief program, and it is the only line item she would be proud have go over budget, as it demonstrates their willingness to meet the needs of senior citizens to enable them to stay in the County in their old age.

Ms. Burrell addressed Ms. Mallek's request for biannual applications. She said that first-time applicants have until October 1 and renewal applicants have until April 1. She said a person has to have turned age 65 by December 31, which she believes is state law.

Mr. Kamptner offered to research the source of the law and report back to the Board.

Ms. Mallek encouraged people to serve as chaperones for high school students next year for the annual tech tour, as it is absolutely fabulous and she has participated for three consecutive years. She said Susan Stimart could put those interested on the notification list for the next tech tour.

Ms. Mallek asked if any Board members are interested in asking for help from the Historic Preservation Committee with bridge naming in historic neighborhoods. She said a lot of people are interested, and it is a way of connecting people to what was there before. She said the marker for the chimney at Byrom was very well received by the descendants of the Shenandoah families.

Ms. Palmer and Mr. Sheffield expressed their interest.

Mr. Dill asked for the origin of the name "Berkmar."

Ms. Mallek responded that nobody is sure. Since some Board members expressed interest in naming the bridges, she would communicate this to the members of the Historic Preservation Committee.

Ms. Palmer said they need another representative to fill a seat on the Solid Waste Advisory Committee and they have been looking for someone with industry expertise. She said the committee has been looking at how they would use Ivy for recycling and what items to recycle, and would meet the following day with Rivanna Executive Director, Bill Mawyer, and Mark Brownlee from Ivy to discuss different options, which would eventually be brought to the Board for consideration.

Ms. Mallek said the committee's charge is to look at education and implementation of the adopted plan and not to get involved in the design of the facility. She said that a considerable amount of time has been spent by the designers and RSWA staff because of items the committee has raised which were not part of its charge. She stated it is taking a lot longer to do things than they were expecting.

Ms. Palmer said this is not the case, and said the new RSWA Director has suggested some changes to the plan and a lot of the discussion was because of this. She said she met with them because she wanted to make sure the traffic flow was appropriate and the committee did comment on the traffic flow as well as the push over. She said last summer the committee discussed the need to change the barrier and she appreciated their involvement. She said the meeting was instrumental in getting them back on track and does not think they spent an inordinate amount of time on this.

Mr. Foley said there would be a number of decisions to be made as RSWA brings the new transfer station to its final state, and there are a lot of operating issues, including recycling, for which Mr. Mawyer would probably require direction from the Board. He said it would be a good idea to look at the charge of the committee to be sure it is doing what they want it to do. He said they are using the committee as an advisory board before issues are brought to the Board.

Ms. Palmer said the committee is supposed to look into recycling options and education.

Mr. Foley said staff is a little confused over what their role should be, and said it would be simple enough to have the policy board to look at the charge and bring it before the Board for consideration.

Mr. Randolph said that he would address Ms. Mallek's proposal in all rural areas and rural area residential districts where there is no provision for public water to place a restriction on golf courses' utilization of well water resources. He said Mr. Kamptner told him there would be a three-step process to get to this, with the first step being a text amendment supported by a study; the second step would be for the Board to accept the invitation in the current Comprehensive Plan to further study the appropriate recreational uses in the rural area and proceed directly to consider amending the zoning ordinance by changing the recreational uses allowed in the rural area zoning districts; and the third step would be to amend the Comprehensive Plan so there are non-agricultural districts within the boundaries of the Comp Plan's rural area. Mr. Randolph said that some of those districts allow golf, tennis and swimming facilities by special use permit. He expressed interest in having the Board get ahead of this saying an ounce of prevention is worth a pound of cure. He said they should study this and look to make changes where appropriate.

Mr. Kamptner stated that a lot of that study may have already been done.



Ms. Mallek asked for clarification of what the study would be and what the procedural hoops are. Mr. Kamptner said that with any zoning or Comp Plan amendment they would want some kind of study, which could vary in terms of complexity and length, to provide a basis to make a change. He said they would need a resolution of intent to start the CPA and any zoning text amendment, and they would both go through the Planning Commission and then to the Board for final action.

Mr. Foley suggested the Board let Community Development know of their intentions.

Mr. Kamptner said they already have language in the newly adopted Comp Plan that is stronger than the language of the prior version, and if a matter were to come forward they have language they could rely on, though it could be more strongly stated.

Mr. Randolph said they need language that could withstand the scrutiny of a bevy of New York City lawyers.

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Item No. 25a. **Discussion:** Application Policy for Properties Under Easement.

Ms. Mallek said the County policy does not require a letter of approval from the easement holder prior to acceptance of an application for a land use change. She said she strongly suggests they make a change so staff would not spend time chasing something that would not go somewhere because the easement holder has the right to say no. She invited input from other Board members and from County Attorney Kamptner.

Mr. Kamptner addressed a question Ms. Mallek had posed to him in an email asking if they have to do anything. He said that to get information when land is under open space easement, it is not specifically provided in the application materials for someone applying for rezoning or a special use permit that the planning director has the authority to require any other supplemental information that they deem to be relevant. He said they could amend the regulations to require that additional information. Mr. Kamptner said they cannot recognize that an open space or conservation easement is beyond the scope of the zoning ordinance and zoning authority. He said they could ask for that information but not squelch an application, stating that open space and conservation easements are kind of unique because they are created on the assumption that allowed uses are consistent with the Comprehensive Plan. He said it ties into the analysis of whether or not the proposed use is consistent with the Comprehensive Plan, and based on his experience, they, at least, have to process the application. He said that a decision by the Board becomes much stronger if the regulations are amended and build this into the ordinance and into the Comprehensive Plan. Mr. Kamptner said the older VOF easements lack clarity, and over the past few years, the Virginia Supreme Court has knocked down the easement holders' ability to control the activity because the language in the deed was not specific enough.

Ms. Mallek said they could ask the question and require an answer, but cannot refuse to take the \$2,500 and the application. Mr. Kamptner confirmed this and added that they must process the application. He said an example that comes up every few years is the application under the zoning ordinance, under the subdivision ordinance, to do something that the recorded, restricted covenants in the particular subdivision say is prohibited. He said the County is obligated to process the application and the party that is the beneficiary of those recorded, restrictive covenants is then obligated to enforce their covenants as the covenants control whether or not the land owner could do what they want to do under the zoning or subdivision ordinance.

Ms. Mallek asked if there is anything in their existing process that requires notification to the easement holder. Mr. Kamptner said this is something they could add. He said they do have certain provisions that the County has adopted and some that are required by state law, whereby the notice is not given prior to the public hearing and has to be given within 10 days after the application is received.

Ms. Mallek asked how big a burden this would be on staff. Mr. Kamptner said it would go through the full process, but putting these matters into the application requirements is not a big deal. He said there are some other ones he has shelved related to the new proffer legislation, and they could roll this into that.

Mr. Foley asked what the action is that they wish staff to work on, and if they also need to make changes to the Comprehensive Plan. Mr. Kamptner said they need to amend the zoning related application section of the ordinance, mainly due to the new proffer legislation to require studies. He indicated they would not be making a change to the Comprehensive Plan.

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

Mr. Foley said his understanding of the Board's opinion of the Two-Year Fiscal Plan is that they are satisfied with the assumptions used in balancing the plan, with the exception of additional information to be brought back next week related to how the CIP would be adjusted to account for small area plans. He said that would identify specific areas and an amount of money so that things could move forward once the CA's give some direction to priority projects in those areas. He said they hope the Board approves the plan next week and wants to confirm that they plan to do so, as it is on the agenda for 3:00 p.m.

He said the joint meeting with City Council is scheduled for January 5 and there would be facilitated discussions with the Regional Transit Authority on February 2 and 16, a joint meeting with the School Board on health insurance on February 8, and a joint meeting with the Planning Commission on February 8. He said that on February 17, the budget will be presented, with a public hearing the following Tuesday, February 21.

Ms. Mallek said the February 2, 2017 meeting with the RTA has been cancelled.

Mr. Foley said the project status sheet that Supervisors have with the monthly report is under major revision, and the revised version would provide much more clarity now that the strategic priorities have been identified.

Ms. Mallek asked Supervisors if they would like to consider any changes to the date of the business license fee collection and how it is being retroactively applied.

Mr. Sheffield said people have paid retroactively, and it would be a mess to figure out what was paid when and to pay people back.

Mr. Foley said they would have to evaluate whether the deadlines are a state code requirement or whether the Board has flexibility to change them. He said staff could conduct research and present findings to the Board.

Ms. Mallek suggested they have educational outreach efforts regarding the new business license requirements, and she wonders whether the \$50 they are collecting is worth the animosity generated.

Mr. Randolph said he thinks it has affected some good will in the community, and he has spent more time on the phone speaking with constituents about this issue than any other. He said people understand the reason for this tax as a way of getting away from the property tax, but feel they have been caught by surprise. He suggested they provide an opportunity for residents to address the Board about this issue and express their concerns.

Ms. Burrell addressed the Board. She said she wants to bring to their attention that this is an audit, and the people who are subject to the tax and have paid are now caught up and would never get into this situation again. She said that as a result of this massive cleanup, there would be fewer people in the future subject to this.

Mr. Kamptner said that when they began aggressively enforcing the zoning ordinance, there were a number of constituents who complained about staff enforcing the ordinance, but they have not heard complaints in 10 or 15 years.

Mr. Randolph asked if staff, when they report back to the Board, could furnish information as to the cost to the County of implementing this program and the amount of revenue generated.

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Agenda Item No. 27. Adjourn to December 14, 2016, 3:00 p.m., Lane Auditorium.

At 8:19 p.m., Ms. Palmer **moved** to adjourn the meeting until December 14, 2016 at 3 p.m. in Lane Auditorium. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. McKeel.

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Chairman

Approved by Board
Date: 07/05/2017
Initials: CKB