

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 4, 2017, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 1:01 p.m. by County Executive, Mr. Foley.

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

Agenda Item No. 4. Election of Chair.

Mr. Foley opened the floor for nominations for Chair of the Albemarle County Board of Supervisors for 2017.

Ms. Palmer **moved** to nominate Ms. McKeel for Chair for Calendar Year 2017.

As there were no further nominations, Mr. Foley closed the nominations.

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

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

Agenda Item No. 5. Election of Vice-Chair.

Ms. McKeel opened the floor for nominations for Vice-Chair of the Board of Supervisors.

Ms. Mallek **moved** to nominate Mr. Dill for Vice-Chair for Calendar Year 2017.

As there were no further nominations, Ms. McKeel closed the nominations.

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

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

Agenda Item No. 6. Appointment of Clerk and Senior Deputy Clerk.

Mr. Sheffield **moved** to appoint Ms. Claudette Borgersen as Clerk and Mr. Travis Morris as Senior Deputy Clerk for Calendar Year 2017. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Agenda Item No. 7. Board 2017 Calendar.

Item No 7a. Set Meeting Times, Dates and Places for Calendar Year 2017.

Ms. Mallek **moved** that the Board keep the same schedule as in 2016 with the meeting times, dates and places for Calendar Year 2017 as follows: the first Wednesday of the month - 1:00 p.m., and the second Wednesday of the month - 6:00 p.m., with said meetings to be held in the County Office Building on McIntire Road; to set the meeting dates for January 2018 as January 3 – 1:00 p.m., and January 10 – 6:00 p.m., with modification to have the Board meet in August unless it is determined that a meeting is not necessary. Mr. Randolph **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Item No. 7b. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.

Ms. Mallek **moved** that the Board set the dates for hearing Zoning Text Amendments requested by citizens for September 13, 2017, December 13, 2017, March 14, 2018 and June 13, 2018. Mr. Randolph **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Agenda Item No. 8. Adoption of Rules of Procedures/Policies.

Mr. Kamptner addressed the Board, stating the recommendation is that the Board adopt the rules provided to them. He said the rules are ready to be reorganized, updated and modernized to be more user friendly and to cover some gaps, as well as to update language pertaining to decorum.

Mr. Randolph asked Mr. Kamptner if his suggestion is that the rules be approved pro tempore and updated shortly. Mr. Kamptner replied that he has a draft he would share with the County Executive, Clerk and the Board to provide an opportunity for review. He explained that current rules for amendment of the rules require a motion at one Board meeting and consideration of action at another meeting, and said he is looking at February 1 or 8 as potential dates for the motion.

Mr. Randolph **moved** to adopt the Rules of Procedures/Policies. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

ALBEMARLE COUNTY BOARD OF SUPERVISORS
RULES OF PROCEDURE
Adopted January 4, 2017
Albemarle County Board of Supervisors Rules of Procedures

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RULES OF PROCEDURE
ALBEMARLE BOARD OF COUNTY SUPERVISORS

These rules of procedure are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order's Procedure in Small Boards* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the Board. Further, the Board reserves the right to amend the rules of procedure whenever a majority of the Board decides to do so or to suspend the rules by a majority plus one vote, as set forth herein. The failure of the Board to strictly comply with the rules of procedure shall not invalidate any action of the Board.

A. *Board Members*

Unless otherwise specifically provided herein, all Board members have equal rights, responsibilities, and authority. Board members will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings. Changes to rules, policies, or procedures can only be made at a public meeting of the Board.

B. *Officers*

1. *Chair.* The Board at its annual meeting shall elect a Chair who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chair shall be the head official for all the Board's official functions and for ceremonial purposes. The Chair shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423)
2. *Vice-Chair.* The Board at its annual meeting shall also elect a Vice-Chair, who, if present, shall preside at meetings in the absence of the Chair and shall discharge the duties of the Chair during the Chair's absence or disability. (Virginia Code § 15.2-1422)
3. *Term of Office.* The Chair and Vice-Chair shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
4. *Absence of Chair and Vice-Chair.* If the Chair and Vice Chair are absent from any meeting, a present member shall be chosen to act as Chair.

C. *Clerk and Deputy Clerks*

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code § 15.2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)

D. *Meetings*

1. *Annual Meeting.* The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)
2. *Regular Meetings.* The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)

If the Chair (or Vice Chair, if the Chair is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding

shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416)

3. *Special Meetings.* The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417)

A special meeting shall be held when called by the Chair or requested by two or more members of the Board. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chair, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a member of the Board, by electronic mail or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

E. *Order of Business*

1. *Agenda.* The Clerk of the Board shall establish the agenda for all meetings in consultation with the County Executive and the Chair. The County Executive and Clerk shall review the agenda with the Chair and Vice Chair prior to the meeting. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

- a. At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business.
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. From the County Executive: Report on Matters Not Listed on the Agenda.
12. Adjourn.

A Closed Meeting shall be held whenever necessary. Generally, a Closed Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment.

- b. The above order of business may be modified by the Clerk to facilitate the business of the Board.

2. *Adoption of Final Agenda.* The draft agenda will be provided to the Board six days prior to the regular meeting date. The first order of business for a regular meeting of the Board shall be to adopt a final agenda for that meeting. The Board may modify the order of business as part of the adoption of the final agenda. In addition, any Board member may propose to add additional items to the agenda presented by the Clerk for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Board members present. Any such item shall be added to the end of the agenda for discussion or action unless a majority of the members of the Board agree to consider the item earlier on the agenda. The final agenda shall be adopted by a majority vote of the members of the Board. No matter for action not included on the final agenda shall be considered at that meeting.

Resolutions may be proposed by a Board member requesting the Board to take a position on an issue of importance to the Board. A Board member requesting the Board to adopt a resolution should give notice of the intent to request action on such resolution on a specified meeting date and submit a draft of the proposed resolution. The Clerk will distribute the draft resolution with background information, if available, to all Board members. Board members may submit proposed changes to the proposed resolution to the Clerk in a redline

format. The Clerk shall forward all comments received from Board members to the Board. The Board member requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Board members to determine if a majority of the Board members support adding the resolution to the agenda for consideration. If a majority of the Board members indicate support for considering the resolution, the resolution will be added to the proposed final agenda. If all Board members indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any member requests otherwise.

3. *Brief Announcements by Board Members.* “Brief Announcements by Board Members” are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
4. *Proclamations and Recognitions.* Proclamations are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. Recognitions are ceremonial acknowledgements by the Board of a person for service or achievement.

A request to place a proclamation or recognition on the agenda must be made at least four weeks in advance of the meeting date. The request to advance a proclamation or recognition shall be submitted to the Clerk. If the request is made to a Board member, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements. Upon the submittal of the request, the Clerk will review the submittal for completeness and forward it to Board members for review. The Clerk will poll Board members to determine if a majority of the Board supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.

5. *From the Public: Matters Not Listed for Public Hearing on the Agenda.* The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, due to the number of speakers or for other reasons, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for “From the Public: Matters Not Listed for Public Hearing on the Agenda”.
6. *Consent Agenda.* The “Consent Agenda” shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board. There shall be no discussion or comment on consent agenda matters. Board members should ask the County Executive or the staff member identified in the executive summary any questions regarding a consent agenda item prior to the Board meeting. Any Board member may remove an item from the consent agenda. Any item removed from the consent agenda shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. A matter requiring only brief comment or discussion may be considered immediately after the approval of the consent agenda. A motion to approve the consent agenda shall approve consent agenda items identified for action and accept consent agenda items identified for information.
7. *General Business.* General Business shall include public hearings, work sessions, appointments and other actions, discussions, and presentations.
8. *From the Board: Committee Reports and Matters Not Listed on the Agenda.* “From the Board: Committee Reports and Matters Not Listed on the Agenda” shall be limited to matters that are not substantial enough to be considered as additional agenda items to be added to the final agenda. Such matters are not matters to be acted upon by the Board at that meeting. Routine committee reports and information updates by Board members shall be presented under this agenda item.
9. *Report from the County Executive.* The County Executive will report on matters that the County Executive deems should be brought to the Board’s attention and provide updates, if necessary, to the monthly County Executive’s Report.
10. *Zoning Public Hearings.* Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board's preference that a public hearing for a zoning matter should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.

F. *Travel Reimbursement*

Board members will be reimbursed travel expenses pursuant to uniform standards and procedures that will allow Board members to travel for official County business purposes consistent with the prudent use of County funds as follows:

1. Board members may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:
 - a. Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Board member is appointed, from home or work, if a work day, which is not part of routine personal travel;
 - b. Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters scheduled for consideration on the Board's agenda which is not part of routine personal travel (i.e., site visits, informational meetings); and
 - c. Parades and other community gatherings not advertised as Supervisor's town hall meetings to discuss County business. Travel to use the COB office between other personal travel or meetings, shall not be covered.
2. Board members may be reimbursed for the following educational conference travel expenses, provided there are available funds:
 - a. All necessary, actual and reasonable meal, travel and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Board member represents the County, as approved by the Board; and
 - b. All necessary, actual and reasonable meal, and travel (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
3. Board members will not be reimbursed for the following travel expenses:
 - a. Travel to events which are political in nature (i.e., campaigning or partisan events);
 - b. Personal expenses incurred during travel; or
 - c. Other travel which is not part of the statutory governmental duties of the Board of Supervisors that are not provided for in Sections 1 or 2.
4. This policy will be applied and overseen in the following manner:
 - a. Reimbursement requests shall be made in writing on forms provided by the Clerk of the Board and shall itemize the date, number of miles of travel expenses and

purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.

- b. The Clerk, or his/her designee, will review all travel reimbursement requests and the Director of Finance will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.
- c. When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.

G. *Quorum*

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

H. *Remote Electronic Participation*

The Board will permit a Board member to participate in a Board meeting electronically from a remote location, provided that:

1. On or before the day of the meeting, the member shall notify the Chair that the member is unable to attend the meeting due to an emergency or a personal matter or that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. The member must identify with specificity the nature of the emergency or personal matter.
2. A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members present must approve the participation; however, the decision shall be based solely on the criteria in Section H, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the Board's minutes the specific nature of the emergency, personal matter or disability and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes.
3. Electronic participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings.
4. The Clerk shall make arrangements for the voice of the absent member to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent member cannot reasonably be heard, the meeting may continue without the participation of the absent member.

(Virginia Code § 2.2-3708.1)

I. *Meeting Decorum*

1. Meetings shall be conducted so as to provide a civil decorum. To preserve the order and decorum of the meeting, persons will use civil language and will not be permitted to clap or make sounds in support of or in opposition to any matter during the meeting (except for applause during the recognitions portion of the meeting) or act in any way to disturb or disrupt the presentation of any matter on the agenda or the conduct of any discussion, public hearing, or public comment time. Signs shall be permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting. Cell phones and other electronic devices shall be muted so as not to disrupt or interrupt the meeting.
2. The Chair may ask any person whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease such conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.

J. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains

from voting on any motion, he shall state his abstention. The abstention will be announced by the Chair and recorded by the Clerk. A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. (Article VII, § 7, Virginia Constitution)

2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code § 15.2-1428)
3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chair shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chair shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

K. *Board Members Appointed to Boards, Committees and Commissions*

The Board appoints its members to a variety of boards, committees and commissions to represent the interests of the Board on those entities. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

1. *Voting Representatives.* The Board members who are appointed to boards, committees and commissions are required to vote on matters that come before those entities in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official actions of the Board on such matters.
2. *Liaison Representatives.* The Board members who are appointed to boards, committees and commissions as liaisons are to act as a resource for the board, committee and/or commission and are to report to the Board on the activities of the board committee and/or commission.

L. *Boards and Commissions*

1. Review and creation of boards and commissions shall be as follows:
 - a. By October 1 of each year, all boards and commissions shall submit a report to the Board to include key activities that support their mission and a summary of their activities and attendance.

- b. On an annual basis the list of active boards and commissions will be evaluated and purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.
 - c. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.
 - d. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.
2. Appointments to boards and commissions shall be as follows:
- a. All appointments to boards and commissions based upon magisterial district boundaries will be made by the Board. The Board will consider and/or interview candidates recommended by the supervisor of that district.
 - b. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.
 - c. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.
 - d. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.
 - e. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.
 - f. From the pool of qualified candidates, the Board, at its discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting.
 - g. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board.
 - h. All vacancies will be filled as they occur, except that vacancies occurring in Community Advisory Councils will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.
 - i. As a condition of assuming office, all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file such form annually on or before January 15.
 - j. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the Chair of the body may request the Board terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period.

M. *Amendment of Rules of Procedure*

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

N. *Suspension of Rules of Procedure*

These Rules of Procedure may be suspended by a majority plus one vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

O. *Rules of Procedure.*

Necessary rules of procedure not covered by these Rules of Procedures shall be governed by *Robert's Rules of Order Procedure in Small Boards*. Such rules provide:

1. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
2. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
3. Informal discussion of a subject is permitted while no motion is pending.
4. Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of a board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method in such meetings.
5. The chair need not rise while putting questions to vote.
6. The chair can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), the chair usually can make motions and usually votes on all questions.

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; and 1-4-2017)

Agenda Item No. 9. Adoption of Final Agenda.

Ms. McKeel introduced the presiding security officer, Officer Chris Levy, and County staff at the dais.

Ms. Mallek asked to add Item No. 27b, discussion on a future agenda about increasing the emphasis on water quality at reservoirs.

Mr. Dill **moved** to adopt the final agenda as amended. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Agenda Item No. 10. Brief Announcements by Board Members.

Ms. Mallek thanked the newly elected leaders for their willingness to serve and affirmed that the Board is composed of six equal members. She stated that she knows they will strive to lead meetings with respect for all speakers, with the highest standards of behavior demanded from participants. She expressed her anticipation of the recodification of zoning ordinances, which she said would make the rules easier to enforce. Ms. Mallek expressed hope that they can partner with other agencies to improve natural resource protections, and that they can partner with businesses and citizens to bring about desired increases in investment in an effort to diversify and strengthen the local small business economy and create career ladder jobs. Ms. Mallek commented that the County has a fantastic staff and she knows they will succeed.

Ms. Mallek congratulated Major Greg Jenkins, Police Department, for his recent graduation from the FBI academy.

Mr. Randolph added his congratulations to Mr. Jenkins, who resides in his district. Mr. Randolph said his son went through FBI training and it is rigorous and demanding, physically, socially and emotionally. He commented that everyone in the Albemarle County Police Department will benefit from Mr. Jenkins' training.

Mr. Randolph congratulated the new Chair and Vice-Chair and said they will have an active agenda, with the most active portion in the first quarter of the year as they will need to get the Economic Development Authority launched and operational. He said they will have to make decisions in hiring for a new County Executive and Economic Development Director. He said they will not have the luxury of delaying hiring of an EDA Director until a County Executive is hired, but they should hire those who would be effective working together.

Mr. Dill stated he is honored to be elected Vice-Chair and will do his best to move things along. He expressed his agreement with Mr. Randolph's comments about economic development and a new County Executive and expressed agreement with Ms. Mallek's comments about the importance of environmental considerations. He stated that a third issue of importance is education, both K-12 and higher education, as education intersects with business. Mr. Dill used the example of the University of Virginia Darden School of Business and McIntire School of Economics as providing instruction on entrepreneurship, and said the business of Albemarle County is "education" in many ways.

Ms. Palmer said she agrees with everything that has been said so eloquently.

Ms. McKeel said she agrees with what has been said and looks forward to 2017 with a lot of energy from the Board.

Agenda Item No. 11. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Randy Rogers, resident of Rio District and Manager of Insurance Counseling at Jefferson Area Board of Aging (JABA), addressed the Board. He said he would review what he does, which is assist with Medicare and Affordable Care Act insurance. Mr. Rogers stated it is important that people come to his office during the open enrollment period of October-December for Medicare Part D and prescriptions, as the insurance companies regularly change what is covered. He said they provide free, unbiased advice and want to make sure insurance meets the needs of residents, stating that they assisted 730 County residents and saved them \$492K, as well as saving \$107K for residents of the City of Charlottesville. Mr. Rogers noted that they have two employees and 32 volunteer counselors. He stated that the program receives 45% of its budget from the federal government, with the remainder coming from grants, private donors and the County. He expressed thanks for County financial support.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board and said he would speak about Agenda Item 13, Priorities for Natural Resources Program. He said the SELC is pleased with the priorities being developed and would point out some helpful tasks in the proposed priorities. Mr. Butler cited the ACE program and educating the public about the benefits of the growth management strategy as examples. He stated that three items that are listed under the category of "Additional Consideration" at the end of the memo are all incredibly important, and urged the Board to include them in the natural resources work program. He said that assessing gaps and loopholes in the water protection ordinance, particularly stream buffer provisions, are important. Mr. Butler emphasized the stream buffer provisions have a number of exemptions that are subject to multiple interpretations, and his organization believes these should be assessed as to how they impact efforts to protect and conserve stream buffers, which are vital to water quality. Mr. Butler stated that the second of the three topics is climate change and noted that the Advisory Work Group recommended that climate change be addressed in a substantive manner, with a focus not only on the effects that adapting to climate change would have on the community, but also mitigating those effects and reducing greenhouse gas emissions. He said the staff memo points out that they already have a number of great recommendations from the local climate action planning process, and urged implementation of many of the recommendations as part of the focus of a natural resources program. Mr. Butler said the last of the topics is the Biodiversity Action Plan. He summarized support of SELC for incorporating these three additional considerations, or at least some key aspects, into the natural resources work program.

Agenda Item No. 12. Consent Agenda.

Ms. Mallek **moved** to approve Item 12.1 on the consent agenda. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Item No. 12.1. FY 2017 Appropriations.

The executive summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 17 budget due to the appropriations itemized below is \$1,063,718.02. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of six (6) appropriations as follows:

- One (1) Appropriation (#2017051) to appropriate \$94,580.00 for the School Bus Replacement program;
- One (1) Appropriation (#2017052) to appropriate \$225,973.00 to the School Division;
- One (1) Appropriation (#2017053) to appropriate \$221,990.00 in General Fund fund balance to the Community Development Department, the County Attorney’s Office, and the Office of Economic Development to implement high priority strategic objectives pursuant to the Board of Supervisors’ action at its December 7, 2016 meeting;
- One (1) Appropriation (#2017054) to appropriate \$32,952.00 in State revenue to the Emergency Communications Center;
- One (1) Appropriation (#2017055) to appropriate \$486,213.00 to various School Division Capital Projects; and
- One (1) Appropriation (#2017056) to appropriate \$2,010.02 in State funding to support monitoring and enforcement of the conservation and preservation purposes of the donated land interests pertaining to the Arrowhead property.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations 2017051, #2017052, #2017053, #2017054, #2017055, and #2017056 for local government and school division projects and programs as described in Attachment A.

* * * * *

<u>Appropriation #2017051</u>		<u>\$94,580.00</u>
Source:	Local: Insurance Recoveries	\$ 94,580.00

This request is to appropriate \$94,580.00 in insurance recoveries received by the County to replace a bus that has been totaled in an accident. This funding will support vehicle replacement costs in the CIP School Bus Replacement program.

<u>Appropriation #2017052</u>		<u>\$225,973.00</u>
Source:	State Revenue	\$ 83,914.00
	Federal Revenue	\$142,059.00

This request is to appropriate the following School Division grant appropriation request approved by the School Board on October 13, 2016:

Benjamin F. Yancey Elementary School has received a 21st Century Community Learning Center grant in the amount of \$141,984.00. These funds will be used to expand student participation in the Club Yancey Program, which provides after-school academic and fitness enrichment programs to students. In addition, there is a fund balance retained by the State in the amount of \$75.00 which may be appropriated for use in FY17, bringing the total appropriation for this grant to \$142,059.00.

This request is to appropriate the following School Division grant appropriation request approved by the School Board on October 27, 2016:

Albemarle County Public Schools has been awarded \$83,914.00 from the 2016 School Security Equipment Grant Program. These funds will be used for the purchase and installation of security film and new door locks at Brownsville, Hollymead, Stony Point and Woodbrook elementary schools; an upgrade to the intercom system at Hollymead Elementary School; and security camera system upgrades to include the replacement of 16 cameras at Albemarle, Western Albemarle and Monticello high schools.

<u>Appropriation #2017053</u>		<u>\$221,990.00</u>
Source:	General Fund fund Balance	\$221,990.00

This request is to appropriate \$221,990.00 in General Fund fund balance pursuant to Board of Supervisors’ action at its December 7, 2016 meeting to implement high priority Strategic Plan strategic objectives. The County Attorney’s Office and Community Development Department will work as a team to re-organize and modernize the County’s Zoning Ordinance, as well as to implement the development of the Small Area Plan. The Economic Development Office will support the inclusion of key economic data and analysis specific to the development of the Small Area Plan.

Funding will be allocated as follows: \$144,000.00 to the Community Development Department; \$52,990.00 to the County Attorney’s Office; and \$25,000.00 to the Office of Economic Development. 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 General Fund fund balance that would be available for other uses in the future.

<u>Appropriation #2017054</u>		<u>\$32,952.00</u>
Source:	State Revenue	\$ 32,952.00

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate \$32,952.00 in Virginia Department of Emergency Management Local Emergency Management Performance grants to the ECC. This total amount includes \$25,452.00 awarded to the County of Albemarle and \$7,500.00 awarded to the City of Charlottesville. This funding will support emergency management salary and operating costs.

<u>Appropriation #2017055</u>		<u>\$486,213.00</u>
Source:	Borrowed Proceeds	\$287,640.00
	School CIP Fund fund balance	\$198,573.00

This request is to appropriate the following two School Division CIP appropriation requests approved by the School Board on November 10, 2016.

- This request is to appropriate \$180,573.00 in School CIP Fund fund balance to restore funding to the School Maintenance/Replacement Program for the Greer Elementary School Resource Classroom Renovations project which was used to fund the removal and reconstruction of an existing exterior wall of Greer Elementary that had significant cracking. During the summer construction at Greer Elementary School an unforeseen condition was revealed. During the demolition of the stage and construction of four resource rooms, it was discovered that there was significant cracking in the existing exterior wall of the building. Upon consultation of a structural engineer, it was deemed that the wall needed to be removed and reconstructed. The estimated total cost of this additional work is \$180,573.00. The original contract of the Classroom Renovations project was \$244,071.00. When including funding for the exterior wall reconstruction, the total is \$424,644.00. The contract was amended to allow this work to proceed immediately but this required the use of existing funding intended for the Albemarle High School Window Replacement project. The requested appropriation will restore funding to the Albemarle High School Window Replacement project.
- This request is to appropriate \$287,640.00 in borrowed proceeds and \$18,000.00 in School CIP Fund fund balance for a total appropriation of \$305,640.00 to support the design of the recently approved referendum projects, including \$230,000.00 for the Learning Space Modernization project, \$70,000.00 for the School Security Improvements Program for the Scottsville Elementary Security project, and \$5,640.00 for associated costs of issuing bond proceeds. In order to meet the completion schedule for Summer 2017 for the capital projects included in the 2016 bond referendum, design work for these projects is required to begin in early 2017. This does not change the total cost of these projects, but rather accelerates the design funding so that it occurs during the current fiscal year. These projects’ appropriations for FY 18 will be reduced by the same amounts. Design money for the Baker-Butler Security Addition and Woodbrook Addition have already been appropriated and is underway. This FY 17 appropriation would allow construction to begin in the summer of 2017 and would allow students to start using the spaces as soon as possible.

<u>Appropriation #2017056</u>		<u>\$2,010.02</u>
Source:	State Revenue	\$2,010.02

This request is to appropriate \$2,010.02, which is the County of Albemarle's share of the Virginia Land Conservation Foundation (VLCF) transfer fee stewardship fund. These funds will be used to support monitoring and enforcement of the conservation and preservation purposes of the donated land interests pertaining to the Arrowhead property, as directed by the VLCF.

By the above-recorded vote, the Board adopted the following resolution to approve appropriations 2017051, #2017052, #2017053, #2017054, #2017055, and #2017056 for local government and school division projects and programs:

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2017051, #2017052, #2017053, #2017054, #2017055, and #2017056 are approved; and

- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2017051	3-9000-69000-319000-199900-6599	94580.00	SA2017051 School Bus Repl Program - Totaled Bus Insurance
2017051	4-9000-63905-462320-800506-6599	94580.00	SA2017051 School Bus Repl Program - Totaled Bus Insurance
2017052	3-3219-63219-333000-384287-6599	142059	SA2017052 21st Century Grant
2017052	4-3219-63219-460000-111400-6113	22880	SA2017052 Salaries-Other Management
2017052	4-3219-63219-460000-119400-6113	80289	SA2017052 Salaries-Teacher
2017052	4-3219-63219-460000-119402-6113	8000	SA2017052 Salaires-Site Facilitator
2017052	4-3219-63219-460000-210000-6113	8439	SA2017052 FICA
2017052	4-3219-63219-460000-221000-6113	3057	SA2017052 VRS
2017052	4-3219-63219-460000-231000-6113	3000	SA2017052 Health
2017052	4-3219-63219-460000-232000-6113	600	SA2017052 Dental
2017052	4-3219-63219-460000-241000-6113	500	SA2017052 VRS Group Life
2017052	4-3219-63219-460000-312500-6113	1000	SA2017052 Prof Services - Instructional
2017052	4-3219-63219-460000-420100-6113	7894	SA2017052 Field Trips
2017052	4-3219-63219-460000-520100-6113	100	SA2017052 Postage Services
2017052	4-3219-63219-460000-550100-6113	250	SA2017052 Travel-Mileage
2017052	4-3219-63219-460000-580500-6113	100	SA2017052 Staff Development
2017052	4-3219-63219-460000-600100-6113	400	SA2017052 Office Supplies
2017052	4-3219-63219-460000-601300-6113	5550	SA2017052 Ed & Rec Supplies
2017052	3-3224-63224-324000-240900-6599	83914	SA2017052 School Security Equipment Grant
2017052	4-3224-63224-464600-800100-6530	83914	SA2017052 Machinery/Equipment - Additional
2017053	3-1000-51000-351000-510100-9999	221990	SA2017053 App Fund Balance: 12/7 BOS SP APP: CDD, CA, OED
2017053	4-1000-12040-412040-110000-1001	-5780	SA2017053 CA Salaries: BOS SP Support
2017053	4-1000-12040-412040-210000-1001	-442	SA2017053 CA FICA: BOS SP Support
2017053	4-1000-12040-412040-221000-1001	-712	SA2017053 CA VRS: BOS SP Support
2017053	4-1000-12040-412040-241000-1001	-76	SA2017053 CA VRS Group Life: BOS SP Support
2017053	4-1000-12040-412040-312100-1001	60000	SA2017053 CA Prof Services: BOS SP Support
2017053	4-1000-81021-481020-312210-1008	120000	SA2017053 CDD: BOS SP Support - Technical Support
2017053	4-1000-81021-481020-130000-1008	24000	SA2017053 CDD: BOS SP Support - Small Area Plan Proj Mgmt
2017053	4-1000-81050-481050-310000-1008	25000	SA2017053 OED: BOS SP Support
2017054	3-4100-24000-324000-240548-9999	32952	SA2017054 Alb + Cville LEMPG Emergency Mgmt Grant
2017054	4-4100-31045-435600-312105-1003	1500	SA2017054 Alb LEMPG Emergency Mgmt Grant
2017054	4-4100-31045-435600-312210-1003	1000	SA2017054 Alb LEMPG Emergency Mgmt Grant
2017054	4-4100-31045-435600-520300-1003	384	SA2017054 Alb LEMPG Emergency Mgmt Grant
2017054	4-4100-31045-435600-550100-1003	15000	SA2017054 Alb LEMPG Emergency Mgmt Grant
2017054	4-4100-31045-435600-600000-1003	5000	SA2017054 Alb LEMPG Emergency Mgmt Grant
2017054	4-4100-31045-435600-600100-1003	2568	SA2017054 Alb LEMPG Emergency Mgmt Grant
2017054	4-4100-31045-435600-110000-1003	7500	SA2017054 Cville LEMPG Emergency Mgmt Grant
2017055	4-9000-69980-464600-800949-6599	180573.00	SA2017055 Sch CIP MaintRepl Greer ES
2017055	4-9000-69983-466732-312350-6599	230000.00	SA2017055 16Ref Learning Sp Mod
2017055	4-9000-69983-466731-312350-6599	70000.00	SA2017055 16Ref Sch Security Improv
2017055	3-9000-69000-351000-510100-6599	198573.00	SA2017055 Use of Sch CIP Fund Bal
2017055	3-9000-69000-351000-512090-6599	282000.00	SA2017055 Borrowed Proceeds Transfer to Sch CIP
2017055	4-9010-93010-493010-930010-9999	282000.00	SA2017055 Borrowed Proceeds Transfer to Sch CIP
2017055	3-9010-41400-341000-410530-9999	287640.00	SA2017055 Borrowed Proceeds-16Ref Sch
2017055	4-9010-95000-495000-312807-9999	5640.00	SA2017055 Cost of Issuance-16Ref Sch
2017056	3-9010-24000-324000-240766-1007	2010.02	SA2017056 VLCF Stewardship Fund
2017056	4-9010-81010-481020-580409-1240	2010.02	SA2017056 VLCF Stewardship Fund
TOTAL		2,691,436.04	

Item No. 12.2. Board-to-Board, December 2016, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Item No. 12.3. Region Ten Community Services Board Annual Report, ***was received for information.***

Agenda Item No. 13. Priorities for Natural Resources Management Program.

The Executive Summary as presented by staff states that in December 2015, a Natural Resources Manager was hired by the County. The manager's responsibilities include developing priorities and recommendations for a natural resources program; which is outlined in the FY15-17 Strategic Plan. Specifically, the direction has been to "establish and begin implementation of priorities for a natural resource program." This work session seeks Board direction on those natural resource priorities. Following the Board's input, staff will then finalize a 3-year work plan, identify what can be accomplished with existing resources and what will require additional resources, and develop an implementation schedule. This finalized work plan will then be brought to the Board for approval and, if additional resources are needed for some strategies, a request for additional funding. Implementation of the work program will begin before June 2017.

During the summer of 2016, the Natural Resources Manager (Manager) convened a stakeholder group to assess the County's natural resources and develop ideas for effectively managing them. See Attachment B for a summary of the Advisory Work Group (AWG) details.

Based on feedback from the AWG and discussions with County staff and community members, the Manager has developed a set of priorities and recommendations for the Board to consider which are provided as Attachment A of this report.

Most of the priorities focus on the lands designated Rural Area (RA) in the Comprehensive Plan. This focus is necessary given the large land base the RA occupies, growth potential and increasing development pressure in the RA, and indicators (e.g., water quality) that the condition of resources in the RA needs to be improved.

Guiding principles associated with the strategic objective of effectively managing the County's natural resources include the following:

- County will work in partnership with other localities, agencies, nonprofits, and organizations whenever possible to increase efficiency and effectiveness.
- County will use the numerous resources in the area - nonprofit organizations, City of Charlottesville, UVA, community support - to help steward natural resources.
- Citizen involvement and volunteers are potential significant resources to include in implementing priorities.
- Incentives for properly managing natural resources are preferred to regulations.

The priorities and recommendations fall into the following five categories:

1. Continue the Growth Management Policy. Some new efforts can be undertaken to improve natural resources in the Development Areas.
2. Support and assist landowners in conserving and properly managing their land. Increased outreach and education coupled with developing incentives to create native habitat are recommended.
3. Strengthen conservation easement programs. The County should consider further strengthening the terms of ACE easements, placing a higher priority on granting easements on lands with high natural heritage value, expanding easement holdings through the Public Recreational Facilities Authority (PRFA), and promoting conservation easement programs of other organizations.
4. Strengthen land protection regulations. Requiring the use of native plants when possible and controlling non-native invasive plants are recommended.
5. Develop and implement on-the-ground conservation and restoration projects.

Three additional issues should be considered by the Board:

1. Water Protection Ordinance (WPO). Stream buffers and the WPO were often discussed by the AWG. Concern was expressed about possible gaps or inconsistencies in the WPO, as well as a general lack of knowledge about the WPO on the part of many people. The AWG expressed interest in reviewing the WPO to assess its effectiveness, clarify its requirements, and determine if revisions should be considered.
2. Climate Change. The AWG recommended the County address climate change in a substantive manner. Strategy 8a in the Natural Resources chapter of the Comprehensive Plan calls for developing a Community Resilience Plan. Such a plan will not be simple and will require the involvement of many organizations and citizens.
3. Biodiversity Action Plan (BAP). The County's Natural Heritage Committee will develop a BAP in 2017. The plan will include recommendations for Board consideration. The recommendations will likely complement or expand some of the priorities in this report.

With Board direction, staff plans to develop a base work program that fits within the available resources and will not require additional budget commitments. Beyond that base work program, staff will provide an enhanced work program for any remaining priorities, including a schedule and budget request associated with the expanded effort. As part of approving the work program, this will allow the Board to consider whether an enhanced program is needed at this time.

Staff requests the Board review the priorities and recommendations in Attachment A and direct staff if any changes are desired. With this direction, staff will finalize the priorities into a work program for Board approval, along with a schedule for implementation. Staff will plan on regular updates to the Board as implementation begins.

In addition, staff requests that the Board review the three additional considerations set forth on pages 6 and 7 of Attachment A and provide feedback.

Mr. David Hannah, Natural Resources Manager, addressed the Board and provided a presentation entitled, "Priorities and Recommendations for Natural Resources Program." He said he would present five priority items, as well as three additional items, and requests feedback from the Board so he can come back to the Board in a few months with a detailed work plan. Mr. Hannah stated that implementation of the priorities would likely occur over a three-year time frame. He referred to the Comprehensive Plans' goal for natural resources as follows: Albemarle's ecosystems and natural resources would be thoughtfully protected and managed in both the rural areas and development areas to safeguard the quality of life of present and future generations. Mr. Hannah noted agriculture and rural economy, water quality, outdoor recreation, open space and natural beauty as important considerations, and said they came up with the priorities through review of the Comprehensive and Strategic Plans.

Mr. Hannah provided a list of Members of the Advisory Work Group, which had met seven times in 2016: Ann Mallek, Board of Supervisors; Alyson Sappington, Thomas Jefferson Soil and Water Conservation District; David Powell, Virginia Department of Forestry; Paul Coleman, Albemarle County Farm Bureau; Nancy Weiss, Albemarle County Natural Heritage Committee; Kristel Riddervold, City of Charlottesville; Keith Lancaster, Southern Development Homes; and Rex Linville, Piedmont Environmental Council.

Mr. Hannah said the work group consists of members with diverse skills and backgrounds, and they have well thought-out ideas. He said the group conducted SWOT analysis (strengths, weaknesses, opportunities, threats) of the state of natural resources in the County and has provided a summary of findings to the Board. Mr. Hannah presented a slide listing Five Priorities for Consideration: conserve resources in development areas; assist landowners in conservation and land management; strengthen conservation easement programs; strengthen landscaping regulations; and develop on-the-ground conservation, restoration projects.

Mr. Hannah said he would review each of the priorities in detail. The first is to conserve resources in the development area. He said the work group is supportive of the existing growth management policy and supports continuing efforts to make the growth areas attractive places to live and work in order to reduce pressure on rural areas. He said they support neighborhood model principles, such as trails and greenways, conservation of open spaces, and protection of streams. He listed three new recommended efforts to conserve resources: urban forestry, promote native plants, control non-native invasive species, incentives to protect intermittent streams.

The second priority is to assist landowners in conservation and land management. Mr. Hannah listed the following expanded efforts: educate public and landowners about natural resources, promote agricultural/forestral districts and open space agreements. He listed the following new efforts: develop educational materials and identify gaps in information, develop incentives for landowners to restore or create native habitat, promote use of native plants and control non-native invasive species.

The third priority is to strengthen conservation easement programs. Mr. Hannah listed the following expanded efforts: stable and dedicated funding for ACE, stronger protection of resources when purchasing ACE easements, conserve more land with PRFA easements, increased frequency, data gathering of monitoring easements, actively promote all conservation easement programs to landowners.

The fourth priority is to strengthen landscaping regulations. Mr. Hannah listed the following new efforts: review lists of approved plans to maximize use of plants native to Albemarle County, improve availability and affordability of native plants.

The fifth priority is to develop on-the-ground conservation/restoration projects. Mr. Hannah listed the following new efforts: significant landscape areas (e.g., native habitat, streams, small watersheds, wildlife corridors) using all tools available, program to re-establish and maintain wooded riparian buffers.

Mr. Hannah listed three additional considerations as follows: water protection ordinance, climate change, Biodiversity Action Plan. He said the work group expressed interest in reviewing and assessing effectiveness of the water protection ordinance. He said the ordinance was established in 1998 with Agriculture and forestry lands exempt, with at least two subsequent revisions. He said buffer requirements have changed since then. He said the work group expressed a desire to not take a hard line approach to buffer enforcement. Regarding climate change, Mr. Hannah said the natural resources chapter of the Comprehensive Plan calls for the development of a community resilience plan. He said to do this would require a community-wide effort and comprehensive approach with input from EMS, Public Health, Economic Development, Agriculture and Forestry, as well as other community interests. Regarding a biodiversity action plan, Mr. Hannah said that Ari Daniels of the Natural Heritage Committee is developing a plan, with expectation of completion by the end of 2017. He concluded his presentation and invited comments.

Ms. Mallek said she has sent a list of some of her concerns to Mark Graham, who responded that the Board can choose to strengthen the water protection ordinance aspect and pull that into the active file as one way to address concerns. She said the issue of fairness is real, as a landowner may make improvements in compliance with regulations, while another landowner closer to headwaters does not, and so the landowner that made improvements can still be adversely affected. She said they should find a way to obtain better performance all around. Ms. Mallek commented that she wonders if adoption of the two chapters of the Chesapeake Bay Act would result in greater performance from agricultural forestal representatives and would

like to put this back on the table in the future. She said she hopes they can take a more active interest in strengthening things in the most effective way and would require staff guidance on this.

Ms. Palmer said she is concerned with their understanding of the definition of a “buffer area.” She said she researched the County website prior to today’s meeting and read that buffers must extend 200 feet from the 100-year floodplain around each public water supply. She expressed concern with the 1998 grandfathering and would like a definition of a buffer. Ms. Palmer said she wonders whether they can have trails and paths within them and expressed her interest in additional protections for buffers. Addressing the ACE program, she stated her support for stronger protection of resources when ACE easements are purchased. Addressing conservation restoration projects, Ms. Palmer said she has seen a lot of these consume a tremendous amount of time and effort and would like the Board to be cognizant of this.

Mr. Hannah agreed that stream restorations can use a lot of funds, and there is some judgment and discretion required to determine which projects to tackle. He said that perhaps they can focus more on terrestrial projects that require less money.

Ms. Mallek addressed the issue of separating storm water elements out of the buffers and expressed interest in finding areas where they can tighten regulations. She said she is against allowing developers in the growth area to build roads within the buffers to enable additional high ground for more housing. Ms. Mallek stated that in their desire to maximize density, they are throwing many elements under the bus and she hopes to bring more balance. She said they should protect existing streams so they can do their job, rather than destroying forest to install storm water pipes.

Mr. Randolph thanked Mr. Hannah for a comprehensive and thorough report. Addressing the “Continue the Growth Management Policy” page, he referred to a statement about continuing neighborhood model principles, such as connecting trails and greenways, and said this responsibility is shared with the Department of Parks and Recreation. He said he recently attended a community meeting with Planning Commissioner Riley, and there was misunderstanding as to what the trails network implied based upon the Fifth Street Station trail agreement proffer. He suggested they put together a task force that would include a group of citizens to work on trail planning, as well as education and communication, so they can obtain buy-in from residents.

Mr. Sheffield commented on the distinction between paved and natural trails, which Mr. Randolph acknowledged.

Mr. Randolph suggested that they communicate with HOAs and CACs to educate them as to how to stop the spreading of invasive non-native plant species. He expressed the importance of educating the public about watershed conservation efforts to develop buy-in that could result in real, lasting and effective environmental change. He referenced the point of reducing the minimal area of land under the open space category to five acres, stating that they have to be very clear about the cost of verification for staff as they are increasing the number of lots that have to be evaluated and they should balance this with what they are getting in the end. Mr. Randolph addressed the priority of expanded efforts at strengthening conservation easements programs and investigating alternative sources of funding for ACE, and stated that they should develop a case for major donors to give to ACE. Mr. Randolph referenced the bullet point of developing more restrictive easement terms to protect water quality and expressed the importance of obtaining voluntary compliance vs. regulation, and of creating incentives to get people to buy-in and voluntarily comply. He referenced the bullet point related to committing to regular monitoring of all County-held easements and wondered who from County staff would work on this, and whether additional monitoring would strain staff resources. Mr. Randolph mentioned the strict stream buffer requirements and questioned how they would obtain this and whether it would come through regulation or through voluntary compliance incentives. He wondered whether they could set up a buffer bank to provide low-cost loans to farmers to install infrastructure to increase buffers.

Mr. Dill suggested that they explore the potential of establishing an environmental education center to teach land management and conservation practices to County residents. He said he knows of a couple that has farm property and would love to participate in something like this. He cited the example of a former landfill in Brattleboro, Vermont that has been converted to an organic farming education center where residents can utilize a certain amount of land for farming.

Ms. Mallek said the committee envisioned Mr. Hannah’s office as being the go-to place for these resources as well as to connect people to the various agencies in the community. She cited the Food Hopes experimental farm as a resource to raise awareness.

Mr. Dill said he spoke with two professors in the UVA Environmental Sciences Department who expressed interest in having the County establish an Office of the Environment as a center for information, education, sharing ideas and considering complex issues.

Ms. Palmer asked Mr. Hannah what he thinks the County can do to promote environmental efforts. Mr. Hannah said that a recurring theme among the work group was the importance of education to landowners about native plants and invasive species. He noted that the County has developed a list of native plants and could consider requiring people to use these plants when planting, although he prefers voluntary compliance with carrots and sticks rather than regulation.

Ms. Mallek stated that last year the legislature expressed support for limiting imports of mail order invasive plants. She said that 10 counties around central Virginia have received an \$800,000 grant from the federal government to implement cost sharing with landowners to remove invasive plants from their property.

Mr. Hannah said the Natural Heritage Committee is dedicated to native plants and controlling non-native plants, and as they develop the biodiversity action plan this year there may be more thinking about more concrete steps that can be taken.

Ms. Palmer noted that Lowe's sells invasive plants and perhaps the committee can reach out to them.

Ms. Mallek expressed support for implementing a County standard of acceptable plants, although she does not know if they have a legal right to do so.

Ms. McKeel expressed her support for making the development areas desirable places to live to ease development pressures in the rural area. She said she gets calls from constituents about bamboo, an invasive plant which is all over the Jack Jouett District, and expressed support for having a resource that people can go to for advice about this.

Mr. Hannah agreed that it is important for people to be educated as to when and how to eradicate a plant so it does not grow back.

Ms. Mallek said that though they would love to have everyone comply voluntarily, they have to have accountability. She stated it is important to inform property owners beforehand of environmental issues, such as water drainage, so they do not create a disaster, and that rules that address driveway steepness, for example, are important.

Mr. Hannah expressed his appreciation for the feedback and would proceed with the five plus three priorities.

Ms. Mallek asked Mr. Hannah to confer with Mr. Lynch as to whether, under the land use qualifications, there are things that can be added to bring habitats or other preserved type properties in a 10-year contract as a way to raise standards on open space property so that people would not ignore it and not take action.

Mr. Mark Graham, Director of Community Development, stated that the two main points he has taken from today's meeting are the emphasis on education and strengthening of water protection. He said they would present a three-year work program to the Board in two to three months.

Agenda Item No. 14. **Presentation:** Tax Collection Policies and Procedures.

The Executive Summary as presented by staff states that during the past couple of years and in accordance with prior board direction, the Finance Department has increased its efforts to improve the overall percentage of tax collection. A number of initiatives, previously discussed with the board, include stepped up audit procedures, verification and cross checking with IRS records, and the engagement of outside collection agencies. These efforts have increased the county's overall success in collecting all taxes due. While consistent with Virginia and County codes, more aggressive collection practices have also caused some taxpayers to question the fairness and flexibility of the county's collection policies resulting in citizen inquiries and complaints to board members. The purpose of this executive summary is to outline recent efforts to improve tax collections, especially as related to unpaid business license taxes and fees; to provide information related to the county's limited discretion to deviate from the State's uniform business license ordinance; and to discuss existing and possible future improvements in procedures and communications to help inform the public and mitigate citizen complaints. The following is a brief history of recent enhanced collection efforts:

Business Personal Property Tax Reporting

Prior to January 2014, the Finance Department's Business Tax Division previously allowed businesses to omit items with an original cost of \$250 from their business personal property (BPP) tax returns. Once the Finance Director determined in 2013 that there was no enabling authority for this practice in either the Virginia or County Codes, it was discontinued.

January 2014 – Businesses were notified that all BPP items, regardless of original cost, were to be reported on their 2014 annual returns. Though this practice complied with State law, the change in practice generated some concern among the business community and the Board of Supervisors. Subsequently, with the County's support, the 2015 General Assembly adopted legislation that enabled localities to allow a taxpayer to provide, in lieu of a specific itemized list, an aggregate estimate of the total cost of certain tangible personal property used in a trade or business that has an original cost of less than \$250.

Business License Audit

Prior to July 2016, the Business Tax Audit of the Revenue Administration Unit developed and instituted an Audit Plan in 2015. The Unit shifted from performing reactive business tax audits and reviews to a more proactive approach. Specifically, staff began initiating contact with apparently non-compliant businesses. July 2016 The Finance Department alerted County taxpayers who had filed Schedule C income tax returns (indicating business income) that the County Code requires a business license for all businesses, including Rental By Owner (RBO) businesses. Because the County Code has required licenses from RBO businesses since 1973, this requirement is "grandfathered" in the County. Business owners were given until October 31, 2016 to file returns and until December 5, 2016 to pay any

unpaid business license taxes or fees. Also at this time, at staff's recommendation, the Board adopted three ordinances that included several changes to the County's license and tax ordinances.

September 2016 – Finance sent additional letters to those County businesses that had filed electronic Schedule C income tax returns, but had not yet obtained corresponding business licenses. These subsequent letters requested additional information from the Schedule C filers in order to determine if these businesses were subject to County business licensure.

Finance Department Enhanced Enforcement of Existing County Code. Though more diligent enforcement of existing business license requirements may represent a change in practice, it does not represent a change in the underlying law. For many years, County Code § 8-101(A) has required, "Each person engaging in a business in this county whose gross receipts are greater than five thousand dollars (\$5,000) shall apply for and obtain a license for each such business" if the business has legal situs in the County. For purposes of this requirement, a "business" has been defined in County Code § 8-103(4) as "...a course of dealing in any business, trade, profession, occupation or calling which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit." Exemptions from this broad requirement are relatively few. (See Virginia Code § 58.1-3703 (B), (C) and (D), which enables localities to exempt certain businesses, including those engaged in software development, and qualifying businesses under an incentive program, and which prohibits localities from imposing a license fee or tax on approximately 20 business classifications.) Again, though perhaps a change from prior practice in the County, the County's recent enforcement and collection practices are more consistent with the standard practices of other localities statewide.

County's Limited Discretion. In both the ordinance language and in the enforcement of its provisions, County discretion is limited by the Virginia Uniform Ordinance which limits the Board's discretion to amend the County's Ordinance. Virginia Code § 58.1-3702 and § 58.1-3703 enable localities to require business licenses and to impose license taxes or fees. However, Virginia Code § 58.1-3703.1 requires that every local business license ordinance include provisions "substantially similar" to the Virginia Code's uniform ordinance, and substantial deviations are not allowed. Though the County's business license ordinance (first adopted in 1973) pre-dates the Virginia Code's uniform ordinance (1996), the County ordinance does include provisions substantially similar to the Virginia Code's uniform ordinance.

As an example of the County's limited discretion, Virginia Code § 58.1-3703.1(A)(2)(d) provides: "A penalty of 10 percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date." Under this provision, the County has clear authority to have a 10 percent penalty or none at all.

County Ordinance Limits Finance Director's Enforcement Discretion. The assessment of back taxes and penalties is not at the Finance Director's discretion, but is regulated by the County's current ordinance:

a. County Code § 8-500 states in part, "If the director of finance determines that a person has not been assessed with a license tax... for any license year of the three (3) license years last past...then the director of finance shall assess such person with the proper license tax for the year or years omitted, adding thereto the penalty and interest set forth in § 8-406 and § 8-407." Virginia Code § 58.1-3903 likewise requires the addition of penalty and interest when a local assessing official ascertains that any local tax has not been assessed or has been under-assessed for any of the three preceding tax years. The only exception is "if such assessment was necessitated through no fault of the taxpayer," which Attorney Generals' opinions have narrowly construed.

b. County Code §§ 8-406 and 8-502 prescribe the number of assessable years for omitted business license taxes and when late payment penalties apply:

- County Code § 8-502 states in part, "The omitted or additional license tax and the penalty and interest provided by this chapter shall be assessed for each and every year of the six (6) license years last past and for the current license year, for which he was assessable." This provision is substantially similar to the uniform ordinance provision in Virginia Code § 58.1-3703.1(A)(4)(b): "Notwithstanding § 58.1-3903, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding license years."
- County Code § 8-406 states: "A penalty of ten percent (10%) of the tax shall be imposed upon the failure to file an application or the failure to pay the license tax or the license fee by the appropriate due date." As noted above, Virginia Code § 58.1-3703.1(A)(2)(d) enables (but does not require) a penalty of 10 percent on a failure to file an application or a failure to pay a license tax by the appropriate due date.

Notices and Communications. During the course of implementing the various enhanced collection procedures, staff acknowledged the need to provide advance notice and improved communications to citizens and businesses regarding any changes in the tax code or collection methodologies. The Executive Office, the Communications Office and Finance initiated a communications review procedure where all public notices and communications regarding tax code changes or collection procedures are reviewed prior to release.

Additionally, and pursuant Board direction, Finance has prepared an annual December notice alerting citizens and businesses to tax code changes effective in the coming year. Notwithstanding these

improved efforts, staff recognizes the need for greater clarity, frequency and timeliness of information and has outlined a number of strategies, including expanding advertisement of BPOL due dates, to include explanation of tax and who's responsible; special communications to alert citizens regarding stepped up audit/compliance efforts; development of information brochures explaining various licensure/tax obligations associated with different activities; extending circulation of brochures to banks, DMV, real estate offices, legal offices, etc.; enhance online and social media efforts to inform citizens of various tax types and due dates; outreach to various groups (Real Estate Associations, Chamber of Commerce, BAR, etc.); and consideration of an insert of information brochure in Real Estate Tax bills. Staff will outline some of these suggested strategies in more detail during the presentation.

The Finance Department's Schedule C initiative has resulted in \$496,228.02 in increased revenue (\$451,116.38 in taxes; and \$45,111.64 in late payment penalties) from July 1 through December 6, 2016. This additional revenue to date represents 4.2 percent of the total business license revenue collected in all of FY 2016 (\$11,952,435).

Finance will present a communication action plan to the Board and the public during the meeting. Both this Executive Summary and Finance's proposed communication action plan are for the Board's information. Staff would be happy to provide additional information at the Board's direction.

Ms. Betty Burrell, Director of Finance, addressed the Board. She stated that this presentation would be an overview of business taxation, and she welcomes the opportunity to provide clarification. She reminded the Board they approved an additional tax auditor position in the FY13 adopted budget, and in FY14 a new revenue administration system was implemented. She said these actions have enabled the County to increase compliance with business tax laws and increase collections. She said the Finance Department took auditing measures to ensure that all taxpayers are paying their fair share. Ms. Burrell stated that overall tax collections have increased as a result of improved processes and closer adherence to applicable laws. She said the recent freelance Schedule C tax audit resulted in collection of \$496,000, not \$11 million as had been reported by local media and \$11 million is the total BPOL tax collection. She said that as a result of this outreach effort, they would not have to make such a large outreach effort in the future. She acknowledged that the County has received some complaints, but their efforts have been to ensure compliance and fairness. Ms. Burrell stated it is a matter of basic fairness that businesses that do not pay their fair share of taxes not gain a competitive advantage over those that do.

Ms. Burrell reported that last February, a widely advertised public training session was held for businesses to learn about taxation requirements and doing business with the County. She said that over the summer months, auditors reviewed Schedule C filings to determine compliance with County license requirements, which resulted in these business owners being contacted and subsequently obtaining licenses. She stated that the effort coincided with the Board's ordinance changes, which included lowering the out-of-County contractor threshold from \$100,000 to \$25,000, removal of the proration of flat-rate fee payments for beginning businesses, and requiring of payment of flat fees with the license application. Ms. Burrell said that although the stepped-up business license tax assessments and collections were consistent with state and County codes, some questioned the fairness and flexibility of the policies. She stated that their efforts reflect standard practices of other localities statewide and local treasurers and finance directors have almost no discretion to waive penalties, except under very specific circumstances. She emphasized that home-based businesses are not excluded from business license requirements if they meet a certain income threshold. She referred to County Code 8-1036 which states, "The term definite place of business means an office or location at which a regular and continuous course of dealings for 30 consecutive days or more," and "A person's residence shall be deemed a definite place of business if there is no definite place of business maintained elsewhere."

Ms. Burrell presented a slide outlining collection activities since 2014, summarizing Finance Department responsibilities and limitations, and describing the results of assessment and collection activities. She stated the Finance Department could and would do better in communicating tax requirements and outlined communication efforts to date and plans for the future, including updated brochures for Business Personal Property (BPP), Business, Professional, and Occupational License (BPOL), and Real Estate (RE) Tax Relief for Elderly and Disabled, with newly adopted changes; an updated Finance Department website; a "What's New" brochure for businesses to be included with business license application forms; updated 2016 RE tax bills to include information about Rental by Owner (RBO) business license requirements; letters to all businesses licensed in 2016 that explained the changes; and alerts to nearby commissioners to the change with the out-of-County contractor's threshold.

She reported that the Finance Department's communication plan for 2017 is to include the "What's New" brochure with all personal property and business license renewal applications; send information regarding changes via email to A-mail subscribers; send a letter to all County-licensed CPA firms, bookkeepers, and attorneys explaining business license regulation changes and asking them to share with their clients; engage with the County's communication staff to assist with social media outreach; purchase legal advertising space to inform business customers about deadlines and requirements; send press releases containing this information to the local media outlets; place brochures, as allowed, in local Department of Motor Vehicle offices, bank branches, realtor offices, and other entities that provide services to businesses; engage with County communications staff to assist with social media outreach; and communicate with Chamber of Commerce, Charlottesville Area Association of Realtors and BAR.

Ms. Burrell concluded her presentation and invited questions.

Ms. Sheffield said he has received feedback from constituents that County staff have been patient and provided good service regarding this policy.

Mr. Randolph asked when the \$50 business fee tax was implemented. He referred to a letter he received from a constituent who operates an eBay business to supplement her income who described the \$50 fee as onerous. Mr. Kamptner stated he thinks it was implemented in 1998.

Ms. Mallek expressed dismay that when changes were made in FY13, she did not understand and challenge the use of the word “shall” to assess 10% non-compliance penalties, rather than the word “may,” as it leaves the County with no choice but to assess penalties. She said the mess was the fault of the Board, and constituents with rental houses are being assessed penalties of thousands of dollars. She expressed appreciation for the Finance Department’s efforts to educate business owners going forward.

Ms. Palmer asked Ms. Burrell how efforts would be affected were the Board to amend the requirement and follow the state requirement which enables, but does not require, late penalties. Ms. Burrell said the lack of a penalty would lessen the ability to gain compliance.

Ms. Palmer asked Ms. Burrell if she would like the flexibility to enforce or not enforce penalties. Ms. Burrell responded that it would not be wise to allow the Finance Director to make subjective decisions on a case-by-case basis. She used the expression “blindfold of justice” to make her point that everyone should be treated the same.

Mr. Randolph said if the Board were to change the use of the word “shall” to “may,” the Finance Department would be under political pressure from Supervisors and they would not have consistency and even-handedness for all. Mr. Foley said the Board should not put the Finance Director in the position of making this judgement, and he invited Mr. Kamptner to weigh in on the matter.

Mr. Kamptner said establishment of a penalty is at the Board’s discretion, but enforcement of a penalty is not at the discretion of the Finance Director. He said they cannot use the term “may,” as this would allow for discretion, and they either have a penalty or they do not have a penalty.

Ms. Mallek asked if they could elect to have the penalty apply to one year, but not to seven years. Mr. Kamptner replied that the six years plus one period is a mandatory period set by state law.

Mr. Andy Herrick, Senior Assistant County Attorney, came forward to address the Board and explained that the ability for localities to have license taxes is based on a uniform ordinance in the state code, and a locality’s business license tax must be substantially similar to that provided for in the uniform ordinance of the state code.

Mr. Foley stated that some localities do not have a BPOL tax. He reminded the Board that in 2013 they ran a deficit, and the Board felt it was important that those who owed taxes to pay them. He said the Board could decide not to impose late penalties or to not have a BPOL tax.

Ms. Mallek commended Ms. Burrell for the excellent customer service provided by her staff.

Agenda Item No.15. Presentation: Brooks Family YMCA Quarterly Report.

Mr. Kurt Krueger, Chairman of the Board of Directors of Piedmont Family YMCA, addressed the Board and introduced Mr. Jay Kessler as the owner’s representative for construction.

Mr. Kessler began the presentation with an aerial photo of the YMCA building taken May 31, 2016 at the time of his previous presentation to the Board. He showed various photos taken over several months of construction progress, as well as a recent photo taken November 22. He described current construction progress and said they expect completion by May 29, with the possibility of finishing ahead of schedule if the weather is favorable and opening scheduled for July.

Mr. Dill asked when programming would begin. Mr. Kessler replied that the soft opening period should be short and they are beginning to hire staff.

Mr. Krueger presented on program priorities and presented a slide objectives of community health – build a healthier community by making fitness affordable to all; learn to swim – partner with schools to waterproof the community by providing swimming lessons to all elementary school age students; hop the gap – improve academic outcomes for children at key educational stages, early learning, summer learning and after school; diabetes prevention – focus on behavioral changes to help children, adults and families at risk of diabetes; and togetherness – identify and lead community-wide service projects. Mr. Krueger said that his next slide lists many community partners and collaborators for the program priorities, stating that a recent presentation/meeting was attended by over 40 nonprofits that expressed interest in working with the YMCA to coordinate community and civic projects.

Recess. At 3:17 p.m., the Board recessed their meeting, and reconvened at 3:28 p.m. **Note:** Ms. Palmer did not return until 3:49 p.m.

Agenda Item. No.16. Presentation: Rivanna Water and Sewer Authority Quarterly Report.

Mr. Bill Mawyer, Executive Director of the Rivanna authorities, addressed the Board. He said he would provide an orientation of what the RSWA and RWSA are and reminded the Board that he is new to the position. He presented a slide that listed data on the RWSA, showing that it was founded in 1972, has 84 employees, serves a population of 100,000, has a \$29M annual budget, and has the Albemarle County Service Authority and City of Charlottesville Public Works as its municipal customers. Mr. Mawyer said his next slide lists the services provided: adequate water supply, treatment and distribution of high-quality drinking water which meets or exceeds state and federal regulations, collection and treatment of wastewater, and environmental stewardship, including reuse of nutrients and methane gas. He listed Rivanna's major facilities: 5 source water reservoirs, 5 drinking water treatment plants, 67 miles of water distribution piping, 9 water storage tanks, 4 wastewater treatment plants, 42 miles of wastewater collection system piping, and 7 pump stations – 3 water and 4 wastewater. Mr. Mawyer stated the next slide lists sources of the water supply: the South Fork Rivanna Reservoir, Sugar Hollow Reservoir, Ragged Mountain Reservoir, Totter Creek in Scottsville, and Beaver Creek in Crozet. He also presented slides showing a diagram of major County water facilities/reservoirs and how they interact with one another, and showing facilities within the urban portion of the County and Charlottesville.

Mr. Mawyer discussed odor control efforts at Moore's Creek, which he said is both a City and County issue. He stated that they plan to install tanks within the next 30 days and inject chemicals into the wastewater stream, which they anticipate would minimize odors, and would also install two clarifiers with covers and air scrubbers to eliminate the odors around the plant and the surrounding community.

Ms. Mallek asked how the chemicals would be retrieved after injection to the streams. Mr. Mawyer explained that some of the chemicals precipitate and come out in bio-solids that settle to the bottom, and they have a biological treatment system with digesters that have bugs that eat the waste products as well as consume some of the chemicals. He said they consist of non-toxic ferric chloride and would not impact the effluent and indicated the cost of odor control efforts at \$9.8M, with completion expected by January 2018.

Mr. Randolph asked if the additional chemicals are part of the secondary water treatment process. Mr. Mawyer responded that they are part of the primary treatment process, as the chemicals go in at the head of the plant at the beginning of the treatment process.

Mr. Mawyer provided an update on construction of a new Rivanna wastewater pump station, scheduled for completion in June 2017, stating that this facility would increase wastewater conveyance capacity from 25 to 53 MGD, reduce the possibility of sanitary sewer overflows, and improve odor control. He stated that the cost of the project is \$33.3M. Mr. Mawyer provided an update on installation of tanks at all five water treatment plants as part of granular activated carbon projects, stating that this would improve water quality by running treated water through a filter that removes disinfection products that were used to kill pathogens with liquid chlorine. He said the total cost is about \$30M.

Mr. Mawyer reviewed additional projects that are underway, including the Route 29 water main replacement from Polo Grounds Road to Hollymead Town Center, at a cost of \$3M and scheduled completion for April 2017; the Crozet finished water pump station replacement to increase pumping capacity from 1 to 1.5 MGD, at a cost of \$2.6M with scheduled completion in 2017-2018; the Crozet flow equalization tank, which a siting study is underway, and an estimated cost of \$3.7M and completion in 2019-2020; and the Schenks Branch Interceptor replacement on McIntire Road, with a cost of \$1.5M and completion in March 2017.

Mr. Randolph said there has been some inconsistency in how the County approaches the use of land around reservoirs, such as allowing mountain biking, with some facilities allowing this use and others not. He asked if there is a desire to have a consistent policy within the service area.

Mr. Mawyer responded that it is something to consider, but he does not know the answer. He referenced a recent letter he sent to the City of Charlottesville in which he indicated the treatment plants are able to handle minor pollution that may enter into the reservoirs. He said that while they would not allow swimming, recreation around the reservoirs is something they would probably allow.

Ms. Mallek said her preference is to protect the quality of water at all costs, although they could see if they can find a middle ground.

Mr. Mawyer presented a slide that lists information on the RSWA, which was established in 1990 and has nine full-time employees. He stated the RSWA operates the Ivy Material Utilization Center, the McIntire Recycling Center, and a paper sort on Meade Avenue. Mr. Mawyer reported that each year, the RSWA handles 3,288 tons of recycled material, there are 34,108 vehicles that cross the scale, and there are 7,000 tons of refuse transferred. His next slide lists services provided to the community, including management of the closed landfill at Ivy, refuse disposal at Ivy, daily paint collection, fall/spring household and bulk waste disposal days, and the McIntire Recycling Center. He said the new Ivy transfer station is scheduled for completion by summer 2018 and would provide 11,600 square feet of waste transfer, stating that the cost is \$2.5M, and he displayed a photo of a similar facility. He concluded his presentation.

Mr. Dill asked if he has an estimate of the percentage of solid waste in the County that is recycled. Mr. Mawyer responded that he does not have this figure and would get back to the Board. He said the goal is 25%.

Mr. Randolph said this information is provided in the solid waste report issued about 14 months ago.

Ms. Mallek asked if there are eventual plans to utilize the closed Ivy landfill for recreational activities. Mr. Mawyer said he once heard discussion of soccer fields, but is not aware of any plans. He said the landfill is not fully lined and would be in the post-closure process for a long time, noting that it takes 20 years for gas production to minimize, although eventual use for passive recreation, such as walking trails, is something they can discuss.

Ms. McKeel asked when the odors would completely end, noting that interim completion of odor control efforts at the Moore's Creek plant is scheduled for March 2017, but final completion not scheduled until January 2018. Mr. Mawyer responded that they are expecting chemicals to be added beginning in March to have a significant impact on odor reduction.

Agenda Item No.17. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Mr. Joel DeNunzio, VDOT Charlottesville Residency Administrator, addressed the Board. He presented information on occurrences from 2016. He reported that there were 9 fatalities in the County in 2016, which is a reduction from the 15 fatalities recorded in 2015. He said that nine is about average, but they hope to reduce this number, with four of the nine victims not wearing seat belts and one of the fatalities being a motorcyclist. He said that two of the fatalities resulted from drug or alcohol use, two fatalities were the result of distracted driving, and three involved excessive speeds. Mr. DeNunzio reported that there were two fatalities in City of Charlottesville in 2016.

Mr. Randolph asked if it is standard operating procedure to check cell phone records when a fatal accident has occurred to indicate if distracted driving was a cause. Mr. DeNunzio said he believes police investigations involve checking cell phone records though he does know the details of their efforts. He said VDOT does not have the authority to check cell phone records.

Mr. DeNunzio continued his presentation and said that all 2016 fatalities occurred on interstate or primary routes, with none on secondary or County routes. He said five of the nine fatalities involved drivers age 55 and older. He said they should encourage people to drive safely, keep speeds down, and wear seat belts in order to reduce the number of fatalities.

Mr. Dill asked if they also track other accidents that involve injury, but not death. Mr. DeNunzio replied that they also look at severe injuries, as well as property damage and the make and model of cars, when assessing the safety of roads and intersections. He said there are fewer fatalities in newer vehicles that have additional safety features. He stated that they have been looking at the 100 intersections within the Culpeper District that have the greatest number of accidents, severe injuries, and fatalities so they can prioritize allocation of resources.

Mr. Randolph asked how they determine if an accident involves a serious injury. Mr. DeNunzio responded that they look at the police report, and the transport to a medical facility is the trigger for classifying an accident as involving a serious injury.

Mr. DeNunzio discussed five intersections that have been identified for extra monitoring because they have higher than expected crash rates, noting that they are not necessarily those with the highest crash or fatality rates. He said that Route 250/Route 22 in Shadwell has been the highest priority, and they have made some improvements with signage and pavement markings, so he hopes to see crash rates decline. Mr. DeNunzio stated that the second highest priority is Route 29/Lewis & Clark Drive, stating that they are looking at developing an R-cut intersection as the northern residential section would be developed. He explained that an R-cut is a restricted U-turn, and they are looking at additional designs that do not involve installation of a traffic light that would reduce the chance for angle and rear-end collisions. He said an R-cut was recently installed on Route 29 in the southern portion of Culpeper near Eddins Ford. Mr. DeNunzio stated that the third priority intersection is Route 250/Route 240 in Crozet, and there are plans for a roundabout and smart-scale application. He said the fourth priority is at Hydraulic Road/Englewood Road, which they plan to study this year for potential improvements. He said the fifth priority is Fifth Street/Old Lynchburg Road.

Mr. Randolph commended Mr. DeNunzio and his staff for tweaking the Route 15/Route 22/Route 250 intersection and said recent changes are working much better than what was there previously, adding that he hopes the number of accidents and fatalities would continue to decline. Mr. DeNunzio replied that the improvements included paint and signs, and he believes further improvements could include asphalt.

(Note: Ms. Palmer returned at 3:49 p.m.)

Ms. Mallek said that recently in coming south from Cismont towards Charlottesville in the dark, she was not sure where the road was, and suggested they brighten up the paint on the road.

Ms. McKeel said the Hydraulic Road/Englewood Road intersection is in her district, and asked what has caused it to be near the top of the list. Mr. DeNunzio responded that he is not sure, but it is time to take a closer look at what is going on there.

Ms. Palmer asked for more specifics about the location of the intersection of Fifth Street and Old Lynchburg Road. Mr. DeNunzio replied that it is near the County Office Building at Fifth Street Extended.

Mr. DeNunzio continued his presentation, stating that VDOT has reopened its Louisa residency office, which has reduced his work load, and he has had Madison County added to his jurisdiction and Fluvanna County removed. He reviewed recent accomplishments, including the Route 29 Solutions project, with Rio Road completed on December 2, seven weeks ahead of schedule; the Best Buy ramp was completed, and landscaping and wall staining would begin shortly; Route 29 at Berkmar is ahead of schedule, with completion planned for the end of June, ahead of the previously planned completion date of late October; the Hillsdale project is underway, with completion scheduled for later this year; and Doctor's Crossing rural rustic road has been completed, as well as the Brock's Mill Road rural addition.

Mr. DeNunzio reported that in terms of current activities, there would be a public hearing for the Route 250 bridge replacement at Little Ivy Creek scheduled for January 10 at 5 p.m. at Mt. Calvary Baptist Church. He stated that the Blenheim Road bridge superstructure replacement is in the preliminary engineering phase and would soon be moved to the construction phase; the Route 810 Blackwell's Hollow Bridge superstructure replacement, which is the third structure to be worked on 810, is scheduled for early 2017; and the Bunker Hill rural rustic project with a hard surface would be completed by spring.

Mr. DeNunzio said the Route 29/Woodbrook intersection has been discussed at Route 29 Advisory Panel meetings as they look for ways to make the intersection work better, and they are considering concurrent left turns. He noted that traffic volume is heavier on one side than the other, and they are looking into whether signal changes would be sufficient.

Ms. Mallek asked if VDOT controls the light on Woodbrook at Lowe's, as she has noticed people stuck in the left turn lane because they cannot get through the light. Mr. DeNunzio confirmed that they do and said they have already made changes to the signal, which are working well although they still need to make further improvements to get the dual left-turn lanes clearing more quickly. He said they would rebuild the signal at Rio Road at Earlysville Road with a yellow flashing light to improve safety and efficiency, as there have been some crashes.

Ms. McKeel said she occasionally sees cars coming down from Earlysville toward Hydraulic Road, and there is a right-hand turn with two lanes. She said rather than stopping at the inner lane, they are going through and making a right on red from the inner lane, and asked if a right on red from an inner lane is permitted.

Ms. Mallek said this is what it was designed for intentionally, and having two lanes going south is essential so it would not be wise to remove the middle lane.

Ms. McKeel said there used to be a sign that indicated no right turn from the inner lane, and people are making a right turn on red from the middle lane. She emphasized that she is not advocating for removal of the middle lane. Mr. DeNunzio acknowledged there had been a sign, and VDOT considered putting it back, but could not because the signal was so old. He said he would make sure this is evaluated during the redesign.

Mr. DeNunzio said they are conducting a 90-day evaluation of Rio Road at Four Seasons Drive.

Ms. Mallek said she frequently takes this route home and has noticed that a backup occurs when school buses are mobilizing at Albemarle High School, which leads to motorists taking another way. She said that during most of the day, the flashing lights seem to be workable, except when school is letting out and at rush hour. She asked if they can adjust the flashing light sequences to the time of day or when a camera shows a backup.

Mr. DeNunzio said he has often received requests to change the signal from flashing to sequential, and they would continue to have discussions about this. He said the goal is to get the safest possible intersection, and he would push the option of a changing signal if it appears to be the safest option. He concluded his presentation and invited questions.

Ms. Mallek referred to a recent conversation she had with Mr. DeNunzio in which he had made suggestions as to how the Board can request traffic studies from VDOT when they would not normally be called for by traffic impacts. She asked if he would elaborate.

Mr. DeNunzio reviewed some traffic flow impacts required before VDOT would conduct a study. He explained that through the community development process, the Board can ask for studies of traffic impacts at intersections adjacent to a development. He said these would not be full-blown 527 studies that require an impact of 5,000 vehicles.

Ms. McKeel asked if a Supervisor can request that a traffic impact study be done. Mr. DeNunzio responded that he did not know the answer, and asked for input from Mr. Kamptner.

Mr. Kamptner explained that the current zoning ordinance has the same threshold as VDOT, but allows the Director of Planning to require any additional information. He said the new standards for proffers would allow them to require that an applicant provide traffic impact information.

The Executive Summary as presented by staff states that the County Transportation Planner provides a quarterly report to the Board regarding the County's transportation work items as part of the Transportation Matters. The purpose of this agenda item is to review the Community Development Department's transportation activities each quarter and to seek Board guidance on its priorities.

The Transportation Planner's Quarterly Report (Attachment A) includes a summary of the transportation items, programs, and projects that the County Transportation Planner is currently engaged in, as well as a status update on various ongoing transportation initiatives being pursued in collaboration with the Virginia Department of Transportation, the Virginia Department of Rail and Public Transit, the Charlottesville- Albemarle Metropolitan Planning Organization, and other agencies and organizations working on transportation issues within the County. The purpose of the report and presentation is to inform the Board and receive feedback in order to insure the transportation related activities of the Community Development Department are aligned with the Board's priorities.

There is no budgetary impact related to this report.

Staff recommends that the Board receive the Transportation Planner's Quarterly Report and advise staff as to any priority changes or new issues not identified in the report, as well as any feedback regarding any recommended changes to the report's format or content.

(Note: Mr. Sheffield left the meeting at 4:23 p.m.) Mr. Kevin McDermott, Principal Transportation Planner, addressed the Board. He stated that he has provided the Board with the quarterly transportation report and would review a couple of the highlights, presenting a slide with the following information:

- 2016 Smart Scale Applications: All 11 County projects were screened in \$9.25B in statewide requests for \$700-750M in High Priority Program and \$330M in requests in the Culpeper District for \$24.5-27.5M in District Grant Program.
- FY17-22 Secondary Six-Year Program: Three paving projects have come up for funding this year: Keswick Road, Preddy Creek Road, Patterson Mill Lane and property owners have been notified. Staff would provide comments and request Resolutions from the Board for final approval of these projects at the February meeting.
- FY18-23 Secondary Six-Year Program: Currently reviewing projects, updating priorities and meeting with VDOT to discuss the next SSYP. Evaluating Pounding Creek/Burch's Creek Road, Hammock's Gap Road, White Mountain Road, Heard's Mountain Road for paving requests and other secondary roads for maintenance repairs. The new SSYP would be presented to the Board for approval in April/June.
- Public Transit Program: Waiting on the draft Transit Coordination Study being prepared by the C-A MPO expected soon. Recommendations from this study could provide direction for improved communication/coordination with transit providers.
- Transit Needs: Staff has been holding off on addressing many of the identified transit needs until the structure of transit administration is better defined. Needs that are identified include service to Avon Street Extended, increased service to Hollymead to include land use planning and transit priority, Crozet commuter service, increased service on CAT Route 10, improvements to transit facilities (bus stops), etc.
- Transportation Project Prioritization: Currently reviewing project priorities as seen in Attachment B. Staff has begun running projects through a worksheet based on the current Smart Scale scoring system to evaluate how projects rank against each other through that system. The results would be presented to the Board during a work session on reprioritization efforts in the coming months.

Mr. McDermott said the submitted projects would be scored and should receive preliminary feedback later this month, although the process is very competitive. He said he was recently provided with a worksheet from a VDOT planner that mimics the Smart Scale scoring process, and he would like to run some of the priority projects through the scoring simulation and report to the Board. He invited questions.

Mr. Dill asked if there has been discussion of transit on Hillsdale Drive, as there are several senior residences and shopping, and the road parallels Route 29. Mr. McDermott responded that he thinks Charlottesville Area Transit (CAT) has some plans to reroute some existing transit to Hillsdale Drive, and the County is considering Berkmar for service.

Ms. Mallek asked if the Crozet commuter service is the service being coordinated with the University of Virginia. Mr. McDermott confirmed this and said the County is looking at having this service be available to the public and not just UVA employees, and he thinks it would make sense to have the service eventually go to downtown and perhaps all the way to Martha Jefferson Hospital.

Ms. McKeel mentioned that Brad Sheffield has left the meeting as he received a telephone call regarding his lost dog.

Agenda Item No.19. Closed Meeting.

At 4:37 p.m., Mr. Randolph **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 appointments to boards, committees, and commissions on which there are pending vacancies or requests for reappointments and (2) to conduct a mid-year performance review for the County Attorney; under Subsection (3) to discuss and consider the acquisition of real property for a public purpose within the Jack Jouett Magisterial District where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to application of the Fire Prevention Code in relation to a site proposed for the relocation of an existing local industry in Crozet and available alternatives to allow the site's reuse. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

(Note: Mr. Sheffield returned during the Closed Meeting.)

Agenda Item No. 20. Certify Closed Meeting.

At 6:09 p.m., Mr. Randolph **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. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, and Mr. Sheffield.

NAYS: None.

Ms. McKeel stated that the Board was not able to finish its work in the closed meeting and would enter into another closed meeting at the end of its regular meeting.

Ms. Mallek **moved** that the Board direct staff to facilitate an economic development relocation project on the Barnes Lumber site in Crozet, working with this Board and the Economic Development Authority to accomplish this project. Ms. Palmer **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 21. Boards and Commissions.

Item No. 21a. Board Member Committee Appointments.

Item No. 21b. Vacancies and Appointments.

Due to time constraints, these items were taken up at the end of the meeting.

Agenda Item No. 22. Special Presentation:

Item No. 22a. Year in Review

Ms. Lee Catlin, Assistant County Executive, addressed the Board. She thanked Ms. Palmer for her service as chairperson and congratulated Ms. McKeel and Mr. Dill on their new roles. She said there is a lot going on in 2017, but she would first review 2016 accomplishments. She thanked Communications Specialist, Jody Saunders for putting together tonight's video presentation. She then presented a video reviewing 2016 accomplishments.

Item No. 22b. Resolution of Appreciation for Tom Foley

Ms. Mallek then read and **moved** to adopt the following resolution recognizing Mr. Foley for his service as County Executive.

A RESOLUTION FOR THOMAS C. "TOM" FOLEY

WHEREAS, Thomas C. “Tom” Foley served the citizens of Albemarle County with superior distinction for a total of seventeen years as a member of Albemarle County’s County Executive Office, including eleven years as Assistant County Executive and six years as County Executive; and

WHEREAS, under Tom’s exceptional leadership, the County emerged from the Great Recession as a more agile, responsive organization that embodies the spirit of continuous improvement and innovation which resulted in the creation of an employee-driven Innovation Fund; a novel approach to the annual budget, using a constrained Two-Year Fiscal Plan driven by strategic priorities; leveraging citizen expertise to devise new revenue strategies; and the consolidation of the Department of Community Development and the Department of Facilities & Environmental Services to realize organizational efficiencies; and

WHEREAS, Tom was an advocate for the thoughtful expansion of the County’s departments in an effort to address proactively emerging challenges within the community through the creation of the Department of Fire Rescue to enhance public safety and the Department of Economic Development to grow and attract target industries and create quality job opportunities; and

WHEREAS, Tom’s fiscal discipline enabled the County and achieve the highest possible bond rating from each of the three major credit rating agencies. These ratings afford the County prime status, which allows for debt financing at the most competitive rates and places Albemarle among the most respected, financially-sound governmental units in the country; and

WHEREAS, Tom recognized the value of working across jurisdictional lines and in regional partnerships, working closely with the City Manager in Charlottesville and through the Rivanna Water & Sewer Authority, the Rivanna Solid Waste Authority, the Charlottesville/Albemarle Airport Authority, the Central Virginia Partnership for Economic Development, and the Planning and Coordination Council; and

WHEREAS, during his tenure, Tom championed the high performance organization model of organizational success and demonstrated the value of its practices and principles in guiding the performance of the organization, the behavior of employees and, ultimately, the effective delivery of programs, projects, and services to the residents of the County through the organizational vision: “One Organization, Committed to Excellence.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that Tom is hereby honored and commended for his many years of exceptional service to the Board of Supervisors, Albemarle County residents, the broader community in which we live with the knowledge that we are strengthened and distinguished by the contributions of County Executives such as Tom Foley, whose leadership, dedication, commitment, professionalism and compassion in responding to community needs make Albemarle County a better place in which to live and work; and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors in perpetuity as testament to the high esteem in which Tom is held by this Board and with sincere gratitude for an extraordinary life of service to this community.

Signed and sealed this 4th day of January, 2017

Mr. Sheffield **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

Agenda Item. No. 23. From the Public: Matters Not Listed for Public Hearing on the Agenda.

As there were no members of the community who wished to address the Board, Ms. McKeel closed this portion of the meeting.

Agenda Item. No. 24. **PUBLIC HEARING: Community Development Block Grant.**

To solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for potential projects in the locality. Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to comment on the County’s past use of CDBG funds. *(Advertised in the Daily Progress on December 19 and December 26, 2016.)*

The Executive Summary as presented by staff states that the Virginia Community Development Block Grant (VCDBG) is a federally-funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government (non-entitlement communities only) for projects that address critical community needs including housing, infrastructure and economic development. Albemarle County has received numerous grants in previous years to support housing and community improvement initiatives. The

VCDBG application process requires that two local public hearings be conducted. The purpose of the first public hearing is to provide information on eligible activities that may be funded by CDBG, the amount of funding estimated to be available, and past activities undertaken with CDBG funds, and to receive public comment on this information and potential community development and housing needs. The follow-up public hearing is held in order to consider proposed project applications and must take place prior to the application due date in March 2017. Applications must be submitted by the County to the DHCD; however, the proposed activities may be undertaken by partner agencies.

Albemarle County, as a non-entitlement community, is eligible to apply to the DHCD for up to approximately \$1.5 million in CDBG funding for projects that benefit low- and moderate-income persons, prevent slums and blight, or address urgent community needs. Eligible activities include economic development, housing rehabilitation, housing production, community facilities and community service facilities. Community development projects can receive varying levels of funding, depending on the nature of the activity, or by combining multiple activities. The DHCD has not released estimates for 2017, but it expects the amount of available grant funding to be similar to 2016, which was approximately \$9.8 million for competitive grants and \$5,550,000 for open submission applications.

Over the years, Albemarle County has been successful in receiving a number of CDBG grant awards. The most recent grant was awarded in 2015 to install public sewer to twenty homes in the Oak Hill subdivision.

This project was completed in September 2016. In 2012 the County received a grant to rehabilitate twenty- four (24) homes in the Orchard Acres subdivision located in Crozet. This work was completed in September 2015 with 25 homes rehabilitated. Prior grants funded the installation of a sanitary sewer system and connection to 54 housing units in the Oak Hill Subdivision and the preservation and development of 134 affordable rental units, 38 of which are restricted to seniors, at Crozet Meadows. Over the past 30 years, the County has received numerous CDBG grants to rehabilitate owner-occupied houses and to complete other community improvements. The Office of Housing is currently working with the Albemarle Housing Improvement Program (AHIP) to finalize acceptance of an \$855,000 CDBG award to rehabilitate 29 homes in the Alberene community.

For any project to be considered by the County for CDBG funding, the applicant must notify the County no later than January 20, 2017. This notice shall include a brief description of the project, the proposed use of CDBG funds, and a description of the beneficiaries of the proposed activity. A completed application that includes the proposed budget shall be submitted to the Office of Housing electronically by February 15, 2017, and the entire application, along with attachments, must be received by February 24, 2017.

There is no budgetary impact until an application is made to the DHCD and approved for a funded project. Projects approved for CDBG funding generally require some level of local funding support, which may include funding provided by the project sponsor.

Staff recommends that the Board receive information on available CDBG funding and eligible uses, and hold the public hearing to receive input from the public on potential community development and housing needs. Staff also recommends that the Board set a public hearing on Wednesday, March 8, 2017 for the second required public hearing to review and approve the submission of any proposed applications.

Mr. Ron White, Chief of Housing, addressed the Board. He stated that each year, the Virginia Department of Housing and Community Development has a competitive funding round for Community Development Block Grants, and the County has been very successful in getting them. Mr. White stated that the most recent was for a sewer project in Oak Hill to bring sewer service to 20 homes, which was added to 54 other homes in Oak Hill that received sewer service a few years ago. He said they are working with the Albemarle Housing Improvement Program (AHIP) to finalize a contract for an \$855K block grant for a housing rehabilitation project of 29 homes in Alberene. Mr. White stated that two public hearings are required to apply for a block grant, with tonight being the first hearing, and the funds can be used for economic development, housing rehabilitation, community, and community service facilities. He stated that a second public hearing would be required if any proposals come forward for the competitive round, with applications due by late March. He encouraged any proposals to be submitted within the next few weeks so he could begin working on an application to bring to the Board on March 8.

Ms. Palmer asked how people can find out about the block grant program. Mr. White replied that most nonprofits are aware of the program and timeframe, and tonight's public hearing is a way to notify the public. He stated that he is aware of only one potential application, and said the ACSA may be interested in adding sewer to another community and is conducting surveys. He said a requirement of CDBG is that they serve low and moderate income, with at least 51% of beneficiaries consisting of low/moderate income, and this is what the survey is assessing.

Ms. Palmer pointed out that many of the households in these communities consist of renters, and it was a challenge to get the homeowners to respond to the questionnaires.

Ms. McKeel opened the public hearing.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and stated that he applauds the use of these grants for sewer remediation. He said his research has shown that these

grants are also available for business district revitalization, though he has never seen a proposal brought forward in his 14 years of attending meetings, and there may be an opportunity to think bigger and address the aging center city areas.

As no one else wished to speak, Ms. McKeel closed the public hearing.

Ms. Mallek asked Mr. White how a downtown revitalization project would work and if there would be an income requirement. Mr. White responded that it would be based on the beneficiaries, which would be the workers in a business environment. He said that job creation could be a factor but acknowledged that he would have to do some research to see if this would be an eligible activity, as most of his work has involved housing and community development activities.

Mr. Randolph suggested that they have Ms. Susan Stimart look into this and report to the Board. Mr. Foley responded that they could do this, and said they are trying to identify where critical project areas would be. He stated that they have set aside a significant sum for infrastructure and economic development, which would play out over the next year, and Ms. Stimart can look at potential projects. He added that Mr. White finds target areas where there is a great need.

Ms. Mallek **moved** to hold a public hearing on March 8, 2017 for the second required public hearing to review and approve the submission of any proposed Community Development Block Grant applications. Mr. Dill **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item. No. 25. **PUBLIC HEARING: ACSA-2016-00004. Barracks Road Area Jurisdictional Area.**

To receive comments on its intent to amend the Albemarle County Service Authority (ACSA) Jurisdictional Area to provide water and sewer service to Tax Map Parcels 060A0-09-00-02400, 060A0-09-00-02500, 060A0-09-00-025A0, 060A0-09-00-02600, and 060A0-09-00-026A0. The parcels are located on the north side of Barracks Road between Huntwood Lane and Burgoyne Road. *(Advertised in the Daily Progress on December 19 and December 26, 2016.)*

The Executive Summary as presented by staff states that the property owner of TMPs 60A-09-026 and 26A (James Harris) has requested that sewer service be provided to his two properties, which are currently designated for Water Service Only. This request is not based on any existing health or safety issue and, therefore, not consistent with the County's policy for extending public water or sewer service to properties within the designated Rural Areas. However, staff's further evaluation of Mr. Harris' properties and other nearby properties along Barracks Road has identified certain characteristics which merit the Board's consideration of adding a total of five parcels to the Jurisdictional Area (JA) for sewer service, three of which should also be considered for water service (two are currently designated as "Water Only to Existing Structures," and one has no service designation). These characteristics will be discussed further in the Discussion section of this report and in Attachment D.

Most of the current designations in this area appear to have been established in the early 1980s as part of a comprehensive update of the ACSA Jurisdictional Area maps. There has been only one other JA amendment in this area. In 2001, sewer service was granted to TMP 60A-09-00-28 in 2001, the parcel adjacent to Mr. Harris' parcels. The Health Department had determined that there was not adequate location for a septic system on that parcel. Most of that parcel had been subject to substantial fill activity and the existing soils and topography of the site were inadequate to support septic systems. The Health Department inspector also noted that there was not sufficient area for additional septic systems on the adjacent parcels (including Mr. Harris' properties) due to similar fill activity, topography, and existing development on those properties.

The Comprehensive Plan strategy regarding the provision of public water and sewer service within the County as it relates to properties located in the Rural Area states that "[t]he 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."

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

While there is currently no documented health or safety issues on any of these parcels, staff believes that there are certain characteristics and circumstances regarding these five (5) parcels that merit granting sewer service to the parcels to address potential long term health and safety issues. Attachment D provides an assessment of the parcel characteristics and the issues/constraints regarding long term use of septic systems, as well an assessment of the proposed Jurisdictional Area amendment as it relates to the policies of the Comprehensive Plan for the provision of public water and sewer.

As noted in Attachment D:

- The five parcels are approximately 2 acres or less (two are 0.64 than 0.50 acres) and have limited area for new or replacement septic systems due to some combination of the parcel size, poor soils (fill areas), level of existing development, and/or the presence of a stream/stream buffer.
- Because the parcels are all zoned Rural Areas (RA) and are developed in a manner consistent with the land use recommendations of the Comprehensive Plan, the provision of sewer service to these parcels will not encourage or permit development inconsistent with the Comprehensive Plan or a higher level of residential development that could otherwise occur through the use of private systems.
- Because existing water and sewer lines are already located in this area, this amendment would not result in new water or sewer lines being extended in the Rural Areas. Impacts to water and sewer system capacities will be limited and are probably inevitable at some point in the future, as health and safety issues arise on these parcels.
- All of the parcels except TMP 60A-09-00-25A already have either a "Water Only" or "Water Only to Existing Structures" designation. Staff recommends granting water and sewer service to TMP 60A-09-00-25A, and amending the water service designations of the other four parcels to "Water and Sewer". The impact from the "Water Only to Existing Structures" to "Water and Sewer" will be minimal due to the existing zoning and parcel sizes.

In summary, staff recommends that sewer service be provided to the five parcels noted above, and that water service also be provided to TMP 60A-09-00-25A (as well as TMPs 60A-09-00-0025 and 60A-09-00-24, which are currently designated "Water Only to Existing Structures") based on the assessment and findings noted above and in Attachment D.

There is no cost to the County. The property owners would bear any costs for water and/or sewer connection.

Staff recommends that the Board approve an amendment to the Albemarle County Service Authority Jurisdictional Area to designate Tax Map Parcel (TMP) 60A-09-00-26, TMP 60A-09-00-26A, TMP 60A-09-00- 25, TMP 60A-09-00-24, and 60A-09-00-25A for Water and Sewer Service.

Mr. David Benish, Chief of Planning, addressed the Board and stated that this proposal is to provide water and sewer service to five parcels on Barracks Road west of Georgetown Road in an area zoned as Rural Areas. He reported that the tax map parcels are 060A0-09-00-02600, 026A0, 02500, 02400, and 025A0, and said the properties have various service designations, such as water only, water only to existing structure, and no service. He presented a slide showing a map of the surrounding area and parcels.

Mr. Benish presented a slide showing that the Comprehensive Plan policy is to provide public water and sewer only to areas within the ACSA jurisdictional area; to follow the boundaries of the designated development areas in delineating jurisdictional areas; and to only allow changes in jurisdictional area outside of designated development areas in cases where the property is 1) adjacent to existing lines and 2) public health and/or safety is in danger. He stated that the ACSA jurisdictional area policy is an important tool for implementing the land area use plan, and it reserves and effectively uses costly and limited water resources and treatment capacities to serve the designated development areas. Mr. Benish stated that the provision of utilities to the rural area can be a catalyst for growth, which can lead to additional development on properties beyond what can be served by well and water.

Mr. Benish said this request resulted from a request by a property owner for sewer service, but there was not a health or safety issue. Mr. Benish stated that after staff looked at the request and the surrounding area, they came to the conclusion that the area should be provided with water and sewer service, as these properties were subject to fill activity when the shopping center was upgraded. He noted that the front of the properties was filled with radium and thus do not have soils to support septic systems. Mr. Benish presented a slide showing the current zoning of parcels consistent with the Comprehensive Plan's rural area designation; the amendment would not facilitate future development inconsistent with the plan's land use recommendations; all parcels are approximately .2 acres or less, and three of the parcels are already developed to the density limits of the rural area zoning; stream buffers and presence of fill activity on some properties further restricts area available for well and septic; there are existing water and sewer lines in the area and amendment would not result in new water or sewer lines being extended in the rural area; all of the parcels except 60A-09-00-25A already have either a water only or water only to existing structures designation; and the impact to water and sewer capacities would be limited and is probably inevitable due to site characteristics.

Mr. Benish said that staff's recommendation is to approve an amendment to the ACSA jurisdictional area to designate the effected tax map parcels for water and sewer service.

Ms. Palmer asked for clarification as to why one of the properties that has soil deemed to not be good for water and septic is not on the list. Mr. Benish responded that this particular parcel was provided water and sewer service in 2001; however, the Health Department Inspector determined that fill from the shopping center upgrade has likely affected several properties with the same issue of soils that are not supportive of septic.

Ms. McKeel opened the public hearing.

Mr. John Hawes, resident of the County, addressed the Board. He said he owns one of the affected lots and does not agree that a health or safety issue is not involved. He said the installation of water and sewer would involve land disturbance, with soil pushed towards the back and fit into a tight area. He said the process of granting water and sewer service in a hodge podge one-at-a-time manner is laborious, time consuming, inefficient and likely unfair.

Mr. Benish addressed Mr. Hawes' statements. He said the recommendation is based on the fact that the small parcels involved have limited opportunities for private systems.

Ms. McKeel closed the public hearing.

Ms. Mallek said the proposal is a really good idea as it is downhill, straight to the reservoir and the water and service is there.

Ms. McKeel **moved** to approve an amendment to the Albemarle County Service Authority Jurisdictional Area to designate Tax Map Parcel (TMP) 60A-09-00-26, TMP 60A-09-00-26A, TMP 60A-09-00-25, TMP 60A-09-00-24, and 60A-09-00-25A for water and sewer service. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 26. **PUBLIC HEARING: Blight Ordinance for 2514 Smithfield Road.**
To receive comments on its intent to adopt an ordinance to declare the Property located at 2514 Smithfield Road (Tax Map Parcel 060D0-00-0F-00700) a "blighted property." This ordinance would authorize the County Executive or his designee, on behalf of the Board, to acquire or repair the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, in accordance with Virginia Code § 36-49.1:1.
(Advertised in the Daily Progress on December 19 and December 26, 2016.)

The Executive Summary as presented by staff states that on April 6, 2016, the Board directed staff to begin addressing problem properties using the County's spot blight abatement authority under Code of Virginia § 36-49.1:1. County staff identified the property at 2514 Smithfield Road (Tax Map Parcel 060D0-00-0F-00700) as a "blighted property," and initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted, and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive, on November 2, 2016, County staff requested that the Board schedule and advertise a public hearing in January 2017 to consider an ordinance declaring 2514 Smithfield Road as blighted. The Board approved the recommendation to advertise and schedule this public hearing. Although not required under Code of Virginia § 36-49.1:1, the County Building Official subsequently sent the property owners a letter informing them of the Board's action of November 2, and the possible consequences of an official spot blight determination. No response to that letter was received. County staff is now requesting that the Board adopt an ordinance declaring the property as blighted (Attachment A). Under Virginia Code § 36-49.1:1(D), no spot blight abatement plan prepared by the County may be effective until an ordinance declaring the property as blighted has been adopted by the Board.

An ordinance (Attachment A) has been prepared by the County Attorney's Office. The Facilities and Environmental Services Department has prepared a spot blight abatement plan. (Attachment B). Based on previous Board discussions of this issue, staff believes the ordinance advances the Board's intent.

Any abatement costs (as outlined in Attachment B) must be appropriated by the Board for the County to act if the ordinance is adopted. If the Board adopts this ordinance, an appropriation request of \$23,752 will be presented to the Board at a future meeting. If the actual cost of repairs exceed this estimate, staff will advise the Board of the need for additional funding and request a second appropriation. If the ordinance is adopted and work completed, the County will have a lien on all property repaired under an approved spot blight abatement plan to recover the cost of improvements to bring the blighted property into compliance with applicable building codes. However, the experience of other localities suggests that it could be a number of years until these funds are recovered.

Staff recommends that the Board adopt the attached ordinance (Attachment A) declaring 2514 Smithfield Road as a "blighted property", enabling work to proceed under an approved spot blight abatement plan.

Mr. Mark Graham, Director of Community Development addressed the Board in place of Mr. Jay Schlothauer, who was not able to attend tonight's meeting due to a personal matter. Mr. Graham presented a March 2016 photo of vultures entering a hole in the roof of the home, stating that the property owner was sent a notice requiring an abatement plan and did not respond, but towards the end of 2016 some repairs were made to the roof and the hole is no longer visible.

Mr. Graham presented a slide indicating that a building official specified property that appeared blighted and required the owner to provide an abatement plan; the property owner has been nonresponsive to correspondence; a building official requested the Board to advertise a spot blight ordinance to allow inspections and repairs to be made; the building official visited the site on January 3, 2017 and indicated that repairs could not be verified without an inspection of the interior; the proposed ordinance allows the County to obtain a warrant to inspect the property and determine if additional repairs are needed; the ordinance also allows the County to make needed repairs and place a lien on the property to recover the cost of those repairs; and if the ordinance is adopted, staff would proceed with seeking a warrant to inspect the property and commence any needed repairs subject to appropriation of funds.

Mr. Graham stated that staff's recommendation is for the Board to adopt the ordinance as provided in Attachment A.

Ms. McKeel opened the public hearing.

Mr. James Donahue, resident of the Jack Jouett District and President of Canterbury Hills Neighborhood Association, addressed the Board. He said the house in question has been vacant for about 10 years, and the association has received numerous complaints about the deplorable condition of the house and complete lack of maintenance and upkeep of the property. He said that buzzards have been entering the hole in the roof, with rain and snow undoubtedly resulting in mold and mildew, and he believes the house is unsafe and uninhabitable. Mr. Graham stated that the neighborhood association has sent a letter to the building inspector and Board of Supervisors expressing their concern, and County staff inspected the property and reported its conditions to the Board on October 10. He said the property owners, Mr. and Mrs. Sherwin H. Terry, were sent a letter notifying them of the condition of the property and requiring corrective action within 30 days, but a plan has not been submitted. He said that research of County records indicates the property is valued at \$211,000, of which \$106,000 represents the land value. He said that neighboring homes in Canterbury Hills have suffered from lower appraisals due to the poor condition of the Terry property. Mr. Donahue stated that if County inspectors were to inspect the interior of the house, the appraised value would undoubtedly be reduced. He said the association requests that the County declare the Terry property a spot blight and require its demolition and removal, if the owners would not repair the property.

Mr. Jeff Benacci, resident of Canterbury Hills, addressed the Board. He said the house has been vacant for 10 years, is in deplorable condition, has had rain entering for several years, and has mold growing in the interior. Mr. Benacci stated that it is likely beyond repair and mold remediation is probably not possible. He expressed his view that the property owners have the financial resources to maintain the property, but simply refuse to do so.

Ms. McKeel closed the public hearing.

Ms. McKeel **moved** that the Board adopt the proposed ordinance declaring 2514 Smithfield Road a blighted property, enabling work to proceed under an approved spot blight abatement plan. Mr. Randolph **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Mrs. Vivian Donahue asked if the County would notify the mortgage holder of the property when they notify the property owner. Mr. Graham replied that they did contact the listed mortgage company, which indicated that the mortgage had been sold to another mortgage company, but they would not provide information about the new company. He noted that it can take some time before the transaction is in the record.

Ms. Mallek asked Mr. Kamptner if this would interfere with their ability to move forward. Mr. Kamptner said it would not.

(The adopted ordinance is set out below:)

ORDINANCE NO. 17-A(1)

AN ORDINANCE TO DECLARE THE PROPERTY LOCATED AT 2514 SMITHFIELD ROAD A BLIGHTED PROPERTY

WHEREAS, on June 17, 2016, the County's Building Official, as designee of the County Executive, made a preliminary determination ("Building Official's Determination") that the property located at 2514 Smithfield Road, further described as Tax Map Parcel 060D0-00-0F-00700 ("Property"), is a blighted property; and

WHEREAS, notice of the Building Official's Determination was provided to the owner of the Property in accordance with the requirements of *Virginia Code* § 36-49.1:1(B), and the owner failed to respond with a spot blight abatement plan to address the blight within a reasonable time; and

WHEREAS, the Board conducted a duly noticed public hearing on this Ordinance on January 4, 2017, and the Board has considered all of the information and recommendations presented.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Albemarle County hereby finds and declares the Property located at 2514 Smithfield Road to be a “blighted property,” as that term is defined in *Virginia Code* § 36-3. The County Executive or his designee is authorized, on behalf of the Board, to acquire or repair the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, all in accordance with *Virginia Code* § 36-49.1:1.

Agenda Item No. 27. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No 27a. **Discussion:** County Transit Options.

Ms. Mallek stated that the request is for a presentation to be made to the Board before February 16, 2017, to educate them about transit options for the County. She said there are ways the County can do more with transit, and she would like to learn about these before her next neighborhood meeting. She stated that she has heard the County could be a recipient of federal grants and would like to learn how this can be accomplished.

Mr. Sheffield suggested that in addition to learning about transit, they articulate their concerns and expectations of where transit may go. He encouraged them to come to an agreement regarding transit in an effort to better direct County staff.

Ms. McKeel reminded the Board of a discussion the previous summer about establishing a regional transit authority with Charlottesville, and the Board had passed a resolution in support of regional transit. She said it is her understanding that 10 of the 12 CAT bus routes pass through Albemarle County, and they were looking to partner with Charlottesville to have more of a voice at the table in regards to decision making. Ms. McKeel said the City had agreed to discuss this in early 2017 with a series of educational meetings; however, she has heard from City Councilors that they need to push this meeting off. She stated that they are expecting a report from Chip Boyles of the Thomas Jefferson Planning District Commission about transit.

Mr. Dill referenced a study conducted in 2008 regarding transit on Route 29 North and wonders whether they can learn some things from this study.

Mr. Sheffield emphasized the importance of informing planners that transit needs to be able to connect people to jobs, which the study did address, and said that with recent growth they should update the information they have.

Ms. McKeel said she read the 2008 transit report recommendations and its multiple transit options, stating that she believes discussion about transit stopped after that as a result of the economic downturn. She offered to provide Supervisors with copies of the report and minutes of the meeting with City Council.

Mr. Foley said they could arrange a work session and develop background materials, including minutes of previous discussions. He paraphrased what he believes the Board would like to learn about transit as the following: Could the County receive state and federal funding apart from the transit system if it were independent? If so, how much would they need to take over County routes? Is there capacity for expansion? He asked Supervisors if there are specific areas of concern with current transit service.

Mr. Sheffield said his concerns are of a general nature and not necessarily with existing transit service.

Mr. Randolph asked Mr. Sheffield if he is talking about the configuration of transit and how it is delivered in the region, and if they should be looking at other ways of doing this at lower cost to residents.

Mr. Sheffield suggested an approach whereby they look at what optimal transit could be, then compare it to existing transit and see if there is a mismatch. He said this would not just look at bus routes, but also amenities and technology.

Mr. Foley noted that some of this would require research of other transit systems.

Mr. Randolph replied that this might be something to look at in the future, but as a first step he suggests they look at the 2008 study and look to update it based upon the strategic priorities and where they wish to allocate resources in the future for economic development in the County. He agrees that they should have a discussion amongst themselves before meeting with the City.

Mr. Foley said he would use the 2008 study as a basis from which to begin staff research.

Mr. Sheffield clarified that they are not being critical of existing transit services and the Transit Director is an excellent operator, clarifying that they are trying to be more definitive of where they would like to see things.

Ms. McKeel proposed February 8 as a date to discuss transit, and it was suggested by Mr. Foley that they allow staff to begin work and then suggest a date. The Board agreed.

Item No. 27b. **Discussion:** Ragged Mountain Reservoir Recreational Use.

Ms. Mallek stated that there is a difference between protecting the highest water quality and supplying adequate water, and asked the Board if they would like to have a future discussion about setting the highest water quality as the top priority. She warned that recreational use could compromise the quality of the water.

Ms. Palmer asked Mr. Kamptner if the subject of water quality is best addressed in the water ordinance with Board discussion, or something to immediately bring to the ACSA. Mr. Kamptner responded that the enabling authority to protect water quality gives localities significant authority under zoning, state storm water management law, and general police powers. He stated there are different tools available to protect water quality, and while the City owns the reservoir it is within County jurisdiction, so the County has the ability to regulate it to prevent pollution. He suggested they look at the regulations that were enacted in the 1980s and likely preceded zoning, in some cases. Mr. Kamptner said that science has improved, and the areas surrounding the reservoirs have different human activities permitted. He said that while the RWSA is responsible for cleaning the water when it comes out of the reservoir, the County's authority is to prevent pollution in the first place.

Ms. Palmer asked if they need to define pollution and said that RWSA defines it as "chemical and biological," which is addressed in the water treatment process. She asked about specifying what water quality and pollution are. Mr. Kamptner said he would have to look in the code as it is not defined in the enabling authority, and in a broad sense pollution is anything that is foreign to the water itself.

Mr. Randolph referenced the Ashokin Reservoir in New York, which provides water to New York City, stating that they permit cycling to the reservoir, but not around it. He referenced the Metropolitan District Commission, which manages the Hartford, Connecticut water supply, and said they have a paved trail around the reservoir to reduce the potential for pollution. He said that mountain bikes have a large tread, which increases soil runoff, and he agrees with Ms. Mallek that they should attempt to optimize water quality.

Ms. McKeel, Mr. Randolph and Ms. Palmer agreed that they should put discussion of water quality on a future agenda.

Agenda Item No. 28. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley said this report is a way to put forth follow-up items that may not be on the agenda, and brief updates on the status of some projects. He stated the other part identifies major agenda items for the next two to three months, and there are at least seven meetings in February, including joint meetings with the School Board and City Council and meetings involving the budget process. Mr. Foley noted that February 8, 2017, would likely be the most convenient date to have a discussion about water quality.

Non-Agenda Item. Closed Meeting.

At 7:42 p.m., Mr. Randolph **moved** that the Board go into a closed meeting pursuant to Section 2.2-33711A of the Code of Virginia under Subsection (1) to discuss and consider appointments to boards, committees and commissions for which there are pending vacancies or requests for reappointments. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Non-Agenda Item. Certify Closed Session.

At 8:36 p.m., Mr. Randolph **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor'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 session were heard, discussed or considered in the closed session. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

(At this time the Board went back to Agenda Item No. 21.)

Agenda Item No. 21. Boards and Commissions.

Item No. 21a. Board Member Committee Appointments.

Mr. Dill **moved** to make the following Board member committee appointments:

Norman Dill:

- Audit Committee with said term to expire December 31, 2017.

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2017.
- CIP Oversight Committee with said term to expire December 31, 2017.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2017.
- High Growth Coalition with said term to expire December 31, 2017.
- Pantops Community Advisory Committee, Board liaison, with said term to expire December 31, 2017.
- Places 29 (North) Community Advisory Committee, Board liaison, with said term to expire December 31, 2017.

Ann Mallek:

- Acquisition of Conservation Easement (ACE) Committee with said term to expire December 31, 2017.
- Agricultural and Forestal Advisory Committee, Board liaison, with said term to expire December 31, 2017.
- CIP Oversight Committee with said term to expire December 31, 2017.
- Crozet Community Advisory Committee, Board liaison, with said term to expire December 31, 2017.
- Economic Development Authority, Board Liaison with said term to expire December 31, 2017.
- Historic Preservation Committee, Board liaison, with said term to expire December 31, 2017.
- High Growth Coalition with said term to expire December 31, 2017.
- Piedmont Workforce Network Council (designee in absence of Chair) with said term to expire December 31, 2017.
- Workforce Investment Board (designee in absence of Chair) with said term to expire December 31, 2017.

Diantha McKeel:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2017.
- Places 29 (Hydraulic) Community Advisory Committee, Board liaison, with said term to expire December 31, 2017.
- Police Department Citizens Advisory Committee, Board liaison, with said term to expire December 31, 2017.
- Workforce Investment Board with said term to expire December 31, 2017.

Liz Palmer:

- 5th and Avon Community Advisory Committee with said term to expire December 31, 2016.
- Audit Committee with said term to expire December 31, 2017.
- Broadband Steering Team with said term to expire December 31, 2017.
- Metropolitan Planning Organization (MPO) with said term to expire December 31, 2017.

Rick Randolph:

- 5th and Avon Community Advisory Committee with said term to expire December 31, 2017.
- Broadband Steering Team with said term to expire December 31, 2017.
- Hazardous Materials Local Emergency Planning Committee with said term to expire December 31, 2017.
- Property Committee with said term to expire December 31, 2017.
- Village of Rivanna Community Advisory Committee, Board liaison, with said term to expire December 31, 2017.

Brad Sheffield:

- Darden Towe Park Memorial Committee with said term to expire December 31, 2017.
- Fiscal Impact Advisory Committee with said term to expire December 31, 2017.
- Places 29 (Rio) Community Advisory Committee, Board liaison, with said term to expire December 31, 2017.
- Property Committee with said term to expire December 31, 2017.

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

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

NAYS: None.

Item No. 21b. Vacancies and Appointments.

Mr. Dill **moved** the following appointments/reappointments:

- **reappoint** Mr. Richard Keeling to the Acquisition of Conservation Easement Committee

- (ACE) with said term to expire August 1, 2018.
- **reappoint** Mr. Ross Stevens to the Acquisition of Conservation Easement (ACE) Appraisal Review Committee with said term to expire December 31, 2017.
- **appoint** Mr. Frank Stoner to the Architectural Review Board to fill an unexpired term ending November 14, 2018.
- **reappoint** Mr. Bruce Wardell and Mr. Fred Missel to the Architectural Review Board with said terms to expire November 14, 2020.
- **reappoint** Ms. Tammie Moses as the Jack Jouett District representative, Mr. William Cromwell as the Rio District representative, Mr. Peter Wiley as the Scottsville District representative, Mr. Steven Janes as the Rivanna District representative and Ms. Nancy Fleischman as the White Hall district representative to the Equalization Board with said terms to expire December 31, 2017.
- **reappoint** Mr. Peter Wiley to the Historic Preservation Committee with said term to expire June 4, 2019.
- **appoint** Mr. Chris Scharnbeck and Mr. Benjamin Ledford to the Places 29 North Community Advisory Committee with said terms to expire August 5, 2017.
- **reappoint** Mr. Jay Fennell, Ms. Charlotte (Sherry) Buttrick and Ms. Angela Lynn to the Public Recreational Facilities Authority with said terms to expire December 13, 2019.
- **recommend for reappointment** to the Rivanna Solid Waste Authority, Mr. Michael Gaffney with said term to expire December 31, 2018.
- **recommend for reappointment** to the Rivanna Water and Sewer Authority, Mr. Michael Gaffney with said term to expire December 31, 2018.

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

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

Agenda Item No. 29. Adjourn to January 18, 2017, 4:00 p.m., Lane Auditorium.

Ms. McKeel stated that if more than three Supervisors would be attending the “High Schools of the Future” open forum event at Monticello High School on January 17 at 6:30 p.m., they would need to adjourn to that meeting instead.

Mr. Randolph, Ms. Palmer, Mr. Dill and Ms. McKeel all indicated they were attending.

Mr. Kamptner stated that this would constitute a meeting of the Board if they participate in the discussion, and then adjourn to the January 18, 2017 meeting from there. He clarified that if not all four end up attending, it still qualifies as a meeting of members, but they would not have a quorum.

Mr. Foley noted that in the past, this has required the Board to call a special meeting the following day, in this case, January 18, 2017.

At 8:45 p.m., Ms. McKeel **moved** to adjourn the meeting until January 17, 2017 at 6:30 p.m. at Monticello High School. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

Chairman

Approved by Board
Date: 04/05/2017
Initials: CKB