

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

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

ABSENT: None.

OFFICERS PRESENT: Interim County Executive, Doug Walker, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel introduced staff present and the presiding security officer, Officer R. Vanderveer.

Motion was offered by Mr. Dill, to adopt the final agenda. Mr. Sheffield **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

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

Mr. Sheffield reminded Board members that he will have to leave today's meeting early and will not be present for the public hearings.

Ms. Palmer announced that she will hold a town hall meeting at 7:30 p.m. on March 2 at the North Garden Fire Department to discuss the budget and that County Assessor, Peter Lynch, will be present, in an effort to answer questions about recent assessments.

Ms. Mallek announced that she will hold a town hall meeting on March 9 at 7:00 p.m. at the Field School in Crozet in conjunction with the Crozet Community Association, and that County Assessor, Peter Lynch, will be present to answer questions about recent assessments.

Ms. Mallek announced the 2017 Drinking Water Clinic sponsored by the Virginia Cooperative Extension Service, which will offer water test kits for \$55 instead of the normal \$200 fee, and she encourages residents to order a test kit.

Ms. Mallek said that several landscape architects have told her they have witnessed pruning of canopy trees at 6 to 8 feet in height at entrance corridors, with the intent of maintaining the visibility of buildings from the highway. She said the Architectural Review Board policy does not permit the changing of the shape of native trees, and she wants people to be aware of this rule during spring pruning season.

Ms. Mallek said the Unmanned Aircraft Systems Conference met at King Family Vineyards earlier that morning and provided learning opportunities for multiple teams from various state agencies. She stated that they practiced retrieving various objects placed on the ground around the property and described it as a really great adventure. Ms. Mallek noted that Derek Goodbar of Piedmont Virginia Community College is a leader of the conference and helped her to understand more about Virginia Department of Emergency Management Systems, which fosters collaboration among the various emergency management departments.

Mr. Randolph announced that he has been holding community meetings, with the next one to occur at Monticello High School on the night of March 6.

Mr. Dill announced that earlier that morning, he had met with the group that installed solar panels at Monticello High School, and said they are planning to install panels on the roof of the County Office Building on 5th Street, with virtually no cost to the County, with expectations of long-term savings.

Ms. McKeel announced that she plans to run for re-election in November to serve a second term representing the Jack Jouett District. She stated that it has been a privilege to represent residents of the district and asked for their vote. Ms. McKeel said her intent in running for election was to improve the

quality of life for residents, and that this is done best when they work together in a spirit of unity on issues such as education, transportation, the environment, regional partnerships and the economy. She stated that she is proud of the quality of life investments made during her term. Ms. McKeel indicated that if re-elected, her objectives would include support of public education, expansion of affordable housing, prioritization of teachers and safety officers, land use and transportation improvements to relieve congestion at the US 29/Hydraulic Road intersection, mutually beneficial and sustainable public-private partnerships in a cost-effective manner to strengthen the County's infrastructure, support for growth of local businesses and the creation of mid-level job opportunities, creation of career pathways for citizens to improve workforce skills, expansion of the commercial tax base to reduce reliance on property taxes, improvement to transit services to better connect citizens to job opportunities, full implementation of the neighborhood policing model, and improvements to aging infrastructure within the growth area.

Ms. McKeel stated that community leaders are facing governing challenges as never before, and said her governing principles include a high quality public education system, protections of civil and voting rights, belief in the strength that comes from a diverse community, protection of the environment, fiscal responsibility, and the role of government as a catalyst for opportunity. She said these principles are essential to an exceptional quality of life in the County, and asked for the opportunity to position the County as a resilient community ready to face the challenges ahead, offering thanks for the opportunity.

Ms. McKeel said copies of the 2018 recommended budget are next to the meeting sign-in sheet and invited people to review it to see what the budget looks like at this point in the process.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6a. Proclamation recognizing THE BIG READ 2017: "Silver Sparrow" by Tayari Jones.

Ms. Palmer read the Proclamation recognizing THE BIG READ 2017: "Silver Sparrow", and offered **motion** to adopt same. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Proclamation
THE BIG READ 2017:
"Silver Sparrow"
by Tayari Jones

WHEREAS, The Big Read is designed to restore reading to the center of American culture and provides our citizens with the opportunity to read and discuss a single book within our community; and

WHEREAS, the Jefferson-Madison Regional Library invites all book lovers to participate in the Big Read that will be held throughout March 2017. The library's goal is to encourage all residents of Central Virginia to read and discuss "Silver Sparrow" by Tayari Jones; and

WHEREAS, the novel takes place in 1980s Atlanta and examines the lives of two teenage girls and their families, connected by their father, who is married to each of their mothers; and

WHEREAS, the Big Read is an initiative of the National Endowment for the Arts in partnership with Arts Midwest, and is supported by the Art and Jane Hess Fund of the Library Endowment.

NOW, THEREFORE, BE IT RESOLVED that I, Diantha McKeel, Chair of the Board of Supervisors of Albemarle County, proclaim the Big Read during March 2017 and encourage all residents to read "Silver Sparrow" during this time.

Signed and sealed this 1st day of March, 2017

Ms. Palmer then presented the proclamation to Ms. Abby Harris, Public Communications Specialist, Jefferson-Madison Regional Library.

Ms. Harris stated that they are excited to do the Big Read for the 11th time, and especially excited that the author will be coming to discuss the book at Northside Library on March 17 and at the Jefferson School African American Heritage Center on March 18.

Item No. 6b. Proclamation proclaiming *March 22 through March 26, 2017* as 23rd Annual Festival of the Book.

Mr. Dill read the Proclamation recognizing *March 22 through March 26, 2017* as the 23rd Annual Festival of the Book, and offered **motion** to adopt same. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

**PROCLAMATION
VIRGINIA FESTIVAL OF THE BOOK**

WHEREAS, Albemarle County believes that literacy is critical to active and engaged citizenship, and is committed to promoting reading, writing, and storytelling within and outside its borders; and

WHEREAS, reading stimulates the creative and intellectual growth of individuals, while also building community through shared experiences and understanding; and

WHEREAS, the **VIRGINIA FESTIVAL OF THE BOOK** draws attendees and authors from the region, the Commonwealth, other states, and indeed the world, serving as an economically significant event for this area, while providing the majority of programs free of charge; and

WHEREAS, the Virginia Foundation for the Humanities, the Virginia Center for the Book, the University of Virginia, local businesses and schools, as well as cultural and civic organizations collaborate with the **VIRGINIA FESTIVAL OF THE BOOK** to promote literacy and reading;

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

**Wednesday, March 22 through Sunday, March 26, 2017
as the Twenty-third annual
VIRGINIA FESTIVAL OF THE BOOK**

and encourage community members to participate fully in the wide range of available programs and activities.

Signed this 1st day of March 2017.

Mr. Dill then presented the proclamation to Ms. Jane Kulow, Director, Virginia Center for the Book.

Ms. Kulow accepted the proclamation and on behalf of the organization, expressed her appreciation to the Board. She stated that reading offers a powerful pathway to civic engagement as well as economic and social independence and an opportunity to understand human experiences that are different from one's own, as well as the simple but powerful need for story in our lives. Ms. Kulow stated that their work supports the County's Strategic Plan goals in three areas: engaged citizens, economic prosperity and educational opportunities for all. She said they have over 200 community partners and over 300 volunteers, and last year's festival attracted over 24,000 attendees who patronized restaurants and hotels and purchased books. She said that 23 County schools will host or attend an author program, with over 100 visits by authors to the schools.

Ms. Mallek invited everyone to attend a community planning and loving your community program at the Crozet Library on Wednesday, March 22, which is part of the book festival.

Ms. Mallek announced that last night they escorted 30 spotted salamanders to cross the road and handed out flyers to passing motorists to make them aware of what was going on. She asked drivers to drive slowly on Rio Mills Road and Polo Grounds Roads.

Item No. 6c. Proclamation recognizing the Charlottesville Area Alliance.

Mr. Sheffield read the Proclamation recognizing the Charlottesville Area Alliance, and offered **motion** to adopt same. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**Proclamation
Charlottesville Area Alliance**

WHEREAS, the Charlottesville Area Alliance (CAA) formed to provide leadership for developing an age-friendly community through education, advocacy, engagement, planning, and evaluation; to develop a common understanding of the needs and issues; to develop policy recommendations; and to encourage the implementation by government, non-profit organizations, the general public and businesses; and

WHEREAS, the vision of the CAA is "The Greater Charlottesville area will be the most Age-Friendly community in the country"; and its mission is to lead the advancement of an age friendly community; and

WHEREAS, the CAA is a collective of Albemarle's regional partners, who aim to lead the advancement of an age-friendly community, being mindful of the unique needs of this region and taking action when needed; and

WHEREAS, the CAA has identified five goal areas of work, including **1. Assessment/Monitoring 2. Planning 3. Advocacy 4. Education & Public Relations 5. Engagement** and will utilize the World Health Organization's age-friendly cities framework; and

WHEREAS, the Albemarle County Board of Supervisors has adopted a strategic objective to establish and implement an approach to consider age-friendly community needs as part of County planning in its FY17-19 Strategic Plan and participation by staff in efforts to promote regional consideration and advancement in these areas is in the best interest of our community; and

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors, do hereby recognize the Charlottesville Area Alliance and commends the Albemarle County Office of the County Executive staff participation in the ongoing efforts of the CAA.

Signed this 1st day of March 2017.

Mr. Sheffield then presented the proclamation to Ms. Marta Keane.

Ms. Keane accepted the proclamation and thanked the Board for their support. Ms. Keane stated that the senior population is projected to grow significantly by 2024 – to 25% of the area's population – and JABA would like for this area to be the most age-friendly community in the country. She listed the eight areas cited by the World Health Organization for creating age-friendly communities, including respect and social inclusion, housing, community support and health services, transportation, civic participation and employment, outdoor spaces and buildings, social participation and communication and information. Ms. Keane said they look forward to becoming an AARP and WHO age-friendly community.

Mr. Dill asked how long it takes to be recognized as an age-friendly community and if goals must be achieved. Ms. Keane stated that the AARP has a five-year timeline, although they plan to attain the designation within a shorter time span. She said there are 16 organizations that are part of the alliance, with new ones being added.

Ms. McKeel asked her to review the organizations that make up the alliance. Ms. Keane listed the following organizations: JABA, the Senior Center, Alzheimer's Association, JAUNT, OLLI, Charlottesville Village, Westminster-Canterbury, Hospice of the Piedmont, TJPDC, Region 19, City and County staff, Sentara Martha Jefferson Hospital, the UVA Health System, Thomas Jefferson Public Health Department, and AHIP.

Ms. McKeel then presented Ms. Palmer with a plaque recognizing her service as Chair of the Board in 2016 and read the recognition aloud.

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

Mr. David Stackhouse, resident of Charlottesville, addressed the Board and stated that he is the past President of the Charlottesville Area Mountain Bike Club (CAMBC), which has 700 members. He said he met Mr. Randolph last week at a charitable event where his group was repairing bicycles for the Safe Routes to School Program, and learned from Mr. Randolph that the Board would be forming a position statement on mountain biking at the Ragged Mountain Natural Area. Mr. Stackhouse stated that Mr. Randolph invited him to address the Board. He referenced an open letter written by Ms. McKeel to the Charlottesville City Council calling for a facilitated meeting and mentioning that County Code prohibits cycling at Ragged Mountain and inferring that biking would pollute the reservoir. Mr. Stackhouse emphasized that biking does not cause pollution and assumed she meant that bikes could cause erosion or harm wildlife, which he said is a common misperception. He said that numerous scientific studies have determined that the impact on wildlife and trails caused by biking is not significantly different from hiking, and he would leave references to the studies for the Board to review. He said the greatest threat posed by trails is the potential for water runoff of silt, although sustainable trail design can mitigate this erosion. Mr. Stackhouse said CAMBC has studied this issue and trains its volunteers to create sustainable trail designs, noting that he recently hiked the proposed shared-use trails at Ragged Mountain and found that the trail running from the dam to the floating bridge is poorly designed and already eroded, and too steep and narrow for shared use. He said he met with Chris Gensic, the City's trail planner last week and provided CAMBC's recommendation, which he would leave for the Board to review. Mr. Stackhouse said his group designed the trails at Preddy Creek and is ready to do more work there and at Ragged Mountain, and invited the Board to come to Preddy Creek to review the trails.

Mr. Sam Lindblom, President of CAMBC and Head Coach of the Monticello High School Cycling Team, addressed the Board. He said that CAMBC was formed in 2003 and have had a memorandum of understanding with the County since their formation, as well as forming additional agreements with University of Virginia, Fluvanna County, the U.S. Forest Service, the Virginia Department of Conservation and Recreation, the City of Charlottesville and the Rivanna River Trails Foundation. He reviewed

accomplishments that the biking community has made to the quality of life of the area such as Take a Kid Mountain Biking, Spinathon with the Boys and Girls Club, women's clinics, Bike Build, and the Christmas Toy Lift. He said area bike shops employ 30 people, generate \$5 million to \$7 million in gross revenue, and provide over \$1 million in employee wages. Mr. Lindblom stated that by next fall, every school in the County and City will have a cycling team, which will be a first in Virginia. He noted that he would leave additional remarks and contact information with the Clerk.

Mr. Tom Olivier of the Samuel Miller District addressed the Board. He thanked the Board for challenging the City's plan to expand recreational cycling at Ragged Mountain and said the primary concern is that increased human activity tends to threaten wildlife, such as birds, and he offered to provide the Supervisors with an article about this that appeared in the *Scientific Journal Review*. Mr. Olivier stated that it is not a matter of trail erosion or anything specific to biking, but is related to increased human activity overall. Mr. Olivier emphasized the importance of maintaining a sustainable ecosystem to maintain water quality. He stated that only the County seems to be interested in preserving area biodiversity, and it is important that it strengthen and enforce its policies and rules aimed at protecting biodiversity and other natural resources.

Mr. Manuel Lerdau, resident of Charlottesville and member of Albemarle Natural Heritage Committee, addressed the Board. He said he is a professor of Environmental Science and Biology at the University of Virginia and has studied east coast forests since 1994, and he is an avid mountain biker. Mr. Lerdau suggested that in making decisions, the Board should consider the use of locally obtained data, such as a report that describes the biodiversity issues but does not make recommendations, and also suggested that they confer with UVA's resources related to ecology and conservation. He stated that Ragged Mountain is one of the best preserved natural areas in the County, and increased trail use would increase the spread of invasive species. He noted that he is aware that a County property owner has said the County code does not apply to him, and expressed hope that this would be part of the discussion.

Ms. Ruth Douglas, resident of the Rivanna District, addressed the Board. She said the theme of what she will speak about is similar to that of Mr. Lerdau, although they did not collaborate. She emphasized the importance of protecting biodiversity, which is in great abundance at Ragged Mountain, and stated that increased traffic would disturb wildlife and plant communities. Ms. Douglas expressed concern with invasive species and said she is the invasive plant educator for the Virginia Native Plant Society. She said there are already some invasive plants in the areas near trail entrances, and increased human activity would cause these to spread, stating that wavy leaf grass poses a threat to the area because it spreads easily and is very difficult to get rid of.

Mr. Brian Cohen, Public Relations and Marketing Manager for JAUNT, addressed the Board and said that recent studies show that citizens cite transportation near the top of the list of desired resources in their communities. Mr. Cohen stated that JAUNT is the only source of public transportation available in certain areas, and they are putting together a series of videos called "Connections," which would tell this story of how JAUNT can make life easier for certain segments of the community. He said these will be used for commercials, public service announcements, transportation conferences, and staff and driver training programs. Mr. Cohen stated that they are a nationally recognized transportation system with high performance standards and rely on funding from local, state and federal grants.

Mr. Chris Rowland of JAUNT, presented the Connections video mentioned by Mr. Cohen. The portion of the video presented is about five minutes long and profiles a man who rides JAUNT regularly to run errands and get around.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board to discuss the issue of form-based code land planning for the Rio Road/Route 29 Small Area Plan. He stated that the County, using a state grant, has completed Phase 1 of the plan, though Phase 2 would be more difficult and might move in many directions. Mr. Williamson asked the Board to give confidence and direction to planners to move boldly forward with form-based code in their transformational small area plans. He requested that the Board provide direction in two areas: to remove Architectural Review Board jurisdiction and to protect existing property rights. He said the Free Enterprise Forum's position is that the ARB should weigh in on the code while it is being developed but then step away, and that no projects under form-based code should be subject to ARB review. He said the Forum believes the land uses proposed within the Rio Road/Route 29 district should be of equal or higher density than is currently permitted, stating that height restrictions must be carefully considered when creating mixed-use buildings. Mr. Williamson recommended the Board use form-based code as an optional overlay, stating that development and implementation of the Rio/29 form-based code would take courage and firm direction from the Board.

Ms. Nancy Weiss of the Rivanna District addressed the Board and commented that her interactions with Supervisors have shown her how seriously they take their jobs. Ms. Weiss expressed support for the County's efforts to work with the City in addressing the Ragged Mountain trail issue and said that although she is a mountain biker herself, the habitat and biodiversity of Ragged Mountain needs to be protected. She said the trails are not the issue, but they will allow access to other areas as people will go off trail. Ms. Weiss emphasized that there is a right place and a wrong place for bikes.

Ms. Carol Wise addressed the Board and thanked them for taking steps to provide protection for the Ragged Mountain reservoir. She stated that it is a reservoir first, as well as a significant area of biodiversity. Ms. Wise said the restriction of cycling will help preserve the area by reducing sedimentation and invasive species, and while she is a cyclist and loves to ride, this should not be done near a water supply. Ms. Wise stated that she knew Jane Hayward, the owner of Hedgerow, and believes Ms. Hayward would have supported Hedgerow as an alternative for biking trails.

Mr. Dan Bieker, resident of Samuel Miller District, addressed the Board and stated that reservoir properties are not just repositories for water, but also for biodiversity. He said the issue is not that bikes cause more damage than hikers, but the scale of this use. Mr. Bieker said the enthusiasm and support for biking at Ragged Mountain shown by the biking community is evidence of how usage will increase, and the current plan would double the amount of trails. He offered the Hedgerow property as a compromise, as it is larger than the Ragged Mountain property and would disperse activity over a larger area. Mr. Bieker stated that the allowance of increased activity at Ragged Mountain will set a precedent and as the population of the area grows, there will be increased pressure on development and recreation, which makes it important to preserve what exists today. He asked the Board to stand firm on the zoning ordinance, and if they change it, they should strengthen it by adding biodiversity protection as already implied in the ordinance.

Ms. McKeel said she recently vacationed in New Zealand and learned they have a problem with invasive species. She stated that the New Zealand customs officials asked travelers if they had boots or hiking shoes in their suitcases and actually washed and returned them to prevent spread of invasives.

Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Mallek pulled her assigned minutes of June 8, 2016. Ms. Palmer pulled her assigned minutes of June 1, 2016.)

Motion was then offered by Mr. Randolph to approve Items 8.1 (as read) through 8.5 on the consent agenda. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: June 1, 2016; June 7, 2016; June 8, 2016; June 14, 2016.

Mr. Randolph had read the minutes of June 7 and June 14, 2016, and found them to be in order.

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

Item No. 8.2. FY 2017 Appropriations.

The Executive Summary forwarded to the Board states that the 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 \$555,122.57. A budget amendment public hearing is not required because the amount of the cumulative

This request involves the approval of ten (10) appropriations as follows:

- One (1) Appropriation (#2017066) to appropriate \$19,541.00 in Federal revenue to the Albemarle Charlottesville Regional Jail.
- One (1) Appropriation (#2017067) to appropriate \$2,031.64 in local donations to the General Fund's Reserve for Contingencies.
- One (1) Appropriation (#2017068) to appropriate \$260,078.00 in State revenue for a grant from the Virginia Department of Environmental Quality to the Environmental Services Division and \$271,148.00 from the Water Resources TMDL capital project to support the Chapel Hill Stream Restoration capital project. \$271,148.00 of this request will not increase the total County budget, resulting in a new increase to the budget of \$260,078.00.
- One (1) Appropriation (#2017069) to re-appropriate \$10,658.24 in grant revenue from the Virginia Department of Housing and Community Development (VHCD) to the Information Technology Department for the FY17 close out of the Virginia Telecommunication Planning Initiative project.

- One (1) Appropriation (#2017070) to appropriate \$29,017.69 in funding received from the Thomas Jefferson Planning District Commission and Economic Development Authority to support the County's share of the Route 29/Hydraulic Road small area plan.
- One (1) Appropriation (#2017071) to re-appropriate \$5,000.00 in Martha Jefferson Hospital Health Grant funding from FY16 to FY 17 to support costs of dental needs for local children.
- One (1) Appropriation (#2017072) to appropriate \$157,355.00 from the School Division to the Health Insurance Fund.
- One (1) Appropriation (#2017073) to appropriate \$71,441.00 for the School Division's share of a project to digitize employee records and \$30,000.00 for the General Government's share of the project. \$30,000.00 of this request will not increase the total County budget, resulting in a net increase to the budget of \$71,441.00.
- One (1) Appropriation (#2017074) to appropriate \$50,000.00 from the Efficiency Study/Implementation Reserve to the Information Technology Department. This appropriation will not increase the total County budget.
- One (1) Appropriation (#2017075) to appropriate \$20,000.00 from the Efficiency Study/Implementation Reserve to the Information Technology Department and to reallocate \$30,000.00 in salary savings to the website redesign project. This appropriation will not increase the total County budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2017066, #2017067, #2017068, #2017069, #2017070, #2017071, #2017072, #2017073, #2017074 and #2017075 for local government and school division projects and programs as described in Attachment A.

Appropriation #2017066 **\$19,541.00**

Source: Federal Source \$ 19,541.00

This request is to appropriate \$19,541.00 in Federal revenue from the State Criminal Alien Assistance Program (SCAAP) to the Albemarle Charlottesville Regional Jail. SCAAP reimburses localities for compensation expenses incurred for correctional officers who supervise aliens in local and regional jail facilities. Program revenues received are appropriated from the locality's General Fund to the correctional facility (Albemarle Charlottesville Regional Jail) to reimburse the jail for qualifying expenses incurred.

Appropriation #2017067 **\$2,031.64**

Source: Local non-tax revenue - contributions \$ 2,031.64

This request is to appropriate \$2,031.64 in donations received by the County in past fiscal years that were not specifically designated to support a specific function or department. This request is to appropriate these contributions into the General Fund's Reserve for Contingencies account.

Appropriation #2017068 **\$260,078.00**

Source: State Revenue \$260,078.00
Water Resources TMDL* \$271,148.00

*This portion of the appropriation will not increase the County budget.

This request is to appropriate \$260,078.00 in state grant revenue provided by the Virginia Department of Environmental Quality Stormwater Local Assistance Fund (SLAF) to the Facilities and Environmental Services' (FES) Environmental Service Division and \$271,148.00 from the Water Resources TMDL capital project to support the Chapel Hills Stream Restoration Capital Project. This appropriation includes the necessary funding to also support the associated project management fees. The Water Resources TMDL capital project is currently supported with 80% borrowed proceeds and 20% equity. The Chapel Hills Stream Restoration Capital Project budget totals \$531,226.00. The project is to restore a 1,140-foot section of stream utilizing natural channel design. The project will result in a more stable channel, less erosion, and improved water quality to comply with State mandates. The project is estimated to be completed by the end of summer 2018. The net increase to the County's budget is \$260,078.00.

Appropriation #2017069 **\$10,658.24**

Source: Special Revenue Fund fund balance \$ 10,658.24

This request is to re-appropriate \$10,658.24 for the Department of Housing and Community Development (DHCD) Virginia Telecommunication Planning Initiative funding awarded to the Information Technology Department. This grant funding is required to be re-appropriated into FY 17 to support the completion and closeout of the project.

Appropriation #2017070 **\$29,017.69**

Source: Local Non-Tax Revenue \$ 29,017.69

This request is to appropriate \$29,017.69 in funding received from the Thomas Jefferson Planning District Commission and the Economic Development Authority that was anticipated to be expended for the Route 29 Business Assistance Collective Marketing Campaign, but the funding was not required. These funds are requested to be redirected to support the County's share of costs associated with the Route 29/Hydraulic Road small area plan.

Appropriation #2017071 **\$5,000.00**

Source: Special Revenue Fund fund balance \$5,000.00

This request is to re-appropriate \$5,000.00 from the Martha Jefferson Hospital Health Grant fund FY 16 fund balance to FY 17 to support the costs of dental needs for indigent and low-income children enrolled in early intervention programs. The grant, administered by the Department of Social Services, seeks to advance early detection and treatment of dental issues as part of its mission to improve community health.

Appropriation #2017072 **\$157,355.00**

Source: School Fund Fund Balance \$157,355.00

This request is to appropriate the School Division's appropriation request approved by the School Board at its January 26, 2017 meeting.

This request is to appropriate \$157,355.00 from the School Fund fund balance to the Health Care Fund.

In December 2015, the School Board approved the School Administration's recommendation to set aside \$1.2 Million of its General Fund-School Reserve Fund fund balance. This was the estimated school share of costs estimated to be required by the County's Health Care fund at that time, which turned out to be \$157,000 less than the final calculated amount.

In June 2016, The Board of Supervisors approved the School Board's request to appropriate \$1.2 Million into a specific health care reserve account to segregate this amount of funding from the School Division's general reserve. School Administration informed County staff that the School Division's remaining share of \$157,000 would be provided to infuse the Health Care Plan upon completion of the FY 16 year-end audit.

Appropriation #2017073 **\$71,441.00**

Source: School Fund fund balance \$ 71,441.00
Efficiency Study/Implementation Reserve* \$ 30,000.00

*This portion of the appropriation will not increase the total appropriated County budget.

This request is to appropriate the School Division's appropriation request approved by the School Board at its January 26, 2017 meeting.

This request is to appropriate \$71,441.00 from the School Fund's fund balance to the Department of Human Resources (HR) for the School Division's share of a project to digitize employee records, which will improve efficiency and support digital storage of the County's HR records. General Government also requests an appropriation of \$30,000.00 for General Government's share of the project, and to reduce the currently appropriated Efficiency Study/Implementation Reserve budget equally by \$30,000.00.

Appropriation #2017074 **\$0.00**

This appropriation will not increase the total County budget.

Source: Efficiency Study/Implementation Reserve \$ 50,000.00

This request is to appropriate \$50,000.00 to the Information Technology (IT) Department and equally reduce the currently appropriated Efficiency Study/Implementation Reserve budget by \$50,000.00 to begin implementation of a digital transformation project. This funding will support the purchase of Microsoft Office365 licenses, which will provide improved technology capabilities for staff as well as a cloud-based solution for the County's technology storage needs that will allow the County to begin to reduce the number of physical servers requiring management and maintenance. The first phase of this project will significantly enhance efficiency, including project management and reporting capabilities across the County.

Appropriation #2017075 **\$0.00**

This appropriation will not increase the total County budget.

Source: Efficiency Study/Implementation Reserve \$ 20,000.00
IT Department Salary Lapse \$ 30,000.00

This request is to appropriate \$20,000.00 to the Information Technology (IT) Department and equally reduce the currently appropriated Efficiency Study/Implementation Reserve budget by \$20,000.00 for implementation of the website redesign project. In addition, \$30,000.00 in IT's FY 17 salary savings will be reallocated to support this project, for a total of \$50,000.00.

The County's current website was re-designed in 2009. However, the content management system has been in use since 2003. The site has not kept up with evolving technology: it is not mobile friendly and it is not search engine optimized. With a new website, the County will address these issues and will work towards building an eGovernment framework.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations 2017066, #2017067, #2017068, #2017069, #2017070, #2017071, #2017072, #2017073, #2017074 and #2017075 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 #2017066, #2017067, #2017068, #2017069, #2017070, #2017071, #2017072, #2017073, #2017074 and #2017075 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
2017066	3-1000-33000-333000-330085-1003	19,541.00	SA2017066 App: SCAAP Funding to ACRJ
2017066	4-1000-33020-433020-700002-1003	19,541.00	SA2017066 App: SCAAP Funding to ACRJ
2017067	3-1000-18110-318110-181109-1001	2,031.64	SA2017067 App: Gen Fund General Contributions
2017067	4-1000-99900-499000-999990-9999	2,031.64	SA2017067 App: Gen Fund General Contributions
2017067	3-8405-51000-351000-510100-9999	2,031.64	SA2017067 App: Gen Fund General Contributions
2017067	4-8405-93010-493010-930009-9999	2,031.64	SA2017067 App: Gen Fund General Contributions
2017068	4-9100-82046-482040-800605-9999	-260,078.00	SA2017068 Water Resources TMDL Project
2017068	3-9100-24000-324000-240052-1008	260,078.00	SA2017068 DEQ Stormwater Grant
2017068	4-9100-82040-482060-312350-1301	76,240.00	SA2017068 Chapel Hill Design
2017068	4-9100-82040-482060-800605-1301	443,916.00	SA2017068 Chapel Hill Construction
2017068	4-9100-82046-482040-312366-9999	-11,070.00	SA2017068 Water Resources TMDL PM
2017068	4-9100-82040-482060-312366-1301	11,070.00	SA2017068 Chapel Hill PM
2017069	3-1213-51000-351000-510100-9999	10,658.24	SA2017069 Appropriation - Fund Balance
2017069	4-1213-12200-412200-392000-1001	10,658.24	SA2017069 Contractual Services
2017070	3-1000-19000-319000-199910-9999	29,017.69	SA2017070 Rt. 29 Marketing Reimbursement
2017070	4-1000-81050-481050-600120-1008	29,017.69	SA2017070 Rt. 29/Hydraulic Small Area Plan
2017071	3-1563-18120-318000-181222-1005	5,000.00	SA2017071 Fund fund balance
2017071	4-1563-51156-453010-311008-1005	5,000.00	SA2017071 MJH Health Grant fund
2017072	3-2000-51000-351000-510100-9999	157,355.00	SA2017072 School Fund Balance
2017072	4-2000-88000-488000-560020-9999	157,355.00	SA2017072 Health Fund Infusion
2017073	4-1005-93010-493010-930001-9999	71,441.00	SA2017073 HR Digitize Employee Records
2017073	3-1005-51000-351000-510100-9999	71,441.00	SA2017073 HR Digitize Employee Records
2017073	4-2000-62420-462140-301200-6501	101,441.00	SA2017073 HR Digitize Employee Records
2017073	3-2000-62000-351000-510100-6599	71,441.00	SA2017073 HR Digitize Employee Records
2017073	3-2000-62000-319000-190250-6599	30,000.00	SA2017073 HR Digitize Employee Records
2017073	4-1000-99900-499000-999952-9999	-30,000.00	SA2017073 HR Digitize Employee Records
2017073	4-1000-12030-412030-390057-1001	30,000.00	SA2017073 HR Digitize Employee Records
2017074	4-1000-99900-499000-999952-9999	-50,000.00	SA2017074 Office365
2017074	4-1000-12200-412200-800718-1001	50,000.00	SA2017074 Office365
2017075	4-1000-99900-499000-999952-9999	-20,000.00	SA2017075 Website Redesign
2017075	4-1000-12200-412200-110000-1001	-27,868.00	SA2017075 Website Redesign
2017075	4-1000-12200-412200-210000-1001	-2,132.00	SA2017075 Website Redesign
2017075	4-1000-12200-412200-310000-1001	50,000.00	SA2017075 Website Redesign
TOTAL		1,317,190.42	

Item No. 8.3. Virginia Department of Agriculture and Consumer Services (VDACS) Grant.

The Executive Summary forwarded to the Board states that the Virginia Department of Agriculture and Consumer Services ("VDACS") Office of Farmland Preservation has offered a \$86,950 grant to the County under a program first established by the 2007 General Assembly to provide funds for the preservation of working farms and forest lands.

Because the 2016 General Assembly appropriated only \$500,000 statewide for this year's grant program, the County's award is its smallest since 2011. The County previously has been awarded grants of \$411,890 in 2016, \$286,883 in 2015, \$149,678 in 2014, \$160,716 in 2013, \$110,952 in 2012, \$55,290 in 2011, \$93,932 in 2010, \$49,900 in 2009 and \$403,220 in 2008. Albemarle County is one of only six localities to receive a grant this year, and one of only five to receive the full amount requested.

VDACS has furnished a FY17 Intergovernmental Agreement (the "IGA") (Attachment A) as a condition for receiving this grant. While the County has yet to identify the specific easement(s) to which to

apply these funds, they most likely will be applied to the highest-ranking easements from the most recent applicant pool, received on October 31, 2016. However, this grant will remain available to (partially) reimburse any qualifying purchase for up to two years from the date of the IGA. The key provisions of the IGA are the same as in past years and summarized below.

1. The IGA would obligate VDACS to set aside the grant amount in a restricted account and reimburse the County for its eligible costs for the purchase of conservation easement(s). The County's funds would be restricted exclusively for the County's qualifying costs for a period of up to two years.
2. The IGA also would restrict conversion or diversion of a subject property from open-space use, unless the conversion or diversion satisfied the requirements of the Open Space Land Act. Conversion or diversion of land is permitted under the Open-Space Land Act in limited circumstances upon the concurrence of the County and the Public Recreational Facilities Authority and upon the placement of substitute land of equal or greater value and quality under an open-space easement. The Agreement would entitle VDACS to reimbursement of its pro rata share of the market value of the easement if conversion or diversion ever occurred.
3. In exchange for the state's grant commitment, the IGA would obligate the County to:
 - appropriate matching funds equal to the grant amount for the purchase of a subject easement;
 - apply the grant funds to the purchase of the easement;
 - provide VDACS with annual progress reports (while the grant Agreement is in force) describing the County's efforts to obtain easements on other working farms, and its programs for public outreach, stewardship and monitoring, and measuring the effectiveness of the County's efforts to bring working farms under easement;
 - maintain sufficient title insurance for the subject easement(s), which is already a standard County practice, and allow VDACS the opportunity to review easement instruments and the title insurance policy prior to closing;
 - provide copies of the recorded easement instrument after closing;
 - provide notice to VDACS if the County receives an application to convert or divert a subject easement from its permitted easement uses; and
 - enforce the terms and conditions of the deed of easement.

Staff has reviewed the terms of the proposed FY17 IGA between VDACS and the County and finds its terms acceptable.

In addition, VDACS provided a Pre-award Notification (Attachment B) to the County, which allows any ACE easement(s) recorded after November 18, 2016, but before the full execution of the FY17 IGA, to be reimbursable under the terms of the FY17 IGA, provided that: 1) any such easement must conform to the requirements and procedures outlined in the FY17 IGA; 2) any approved reimbursement will not be paid to the County until after the FY17 IGA is fully executed; and 3) VDACS is under no obligation to reimburse the County if the recorded easement does not meet the requirements set forth in the FY17 IGA or if VDACS' matching funds to the County are reprogrammed, reduced, or eliminated prior to the full execution of the FY17 IGA. Staff has reviewed the Pre-award Notification and also finds its terms acceptable.

The County's execution of the FY17 IGA would allow the County to receive \$86,950 in state funding to apply to the ACE program. In order to receive these funds, the County itself must have appropriated matching funds of at least \$86,950. That local match is available through funds previously appropriated for ACE by the Board in FY17.

Staff recommends that the Board adopt the attached Resolution (Attachment C) authorizing the County Executive to execute the Agreement (Attachment A) and the Pre-award Notification (Attachment B) on behalf of the County after approval as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the following Resolution authorizing the County Executive to execute the Agreement and the Pre-award Notification on behalf of the County after approval as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE THE FY17 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Agriculture and Consumer Services as a condition of receiving a FY 17 grant award for the preservation of working farms and forest lands through the ACE Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 17 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Agriculture and Consumer Services, as well as the Pre-Award Notification, and

authorizes the Interim County Executive to execute the FY 17 Agreement and the Pre-Award Notification, on behalf of the County after approval as to form and substance by the County Attorney.

INTERGOVERNMENTAL AGREEMENT
Between
Virginia Department of Agriculture and Consumer Services
and
Albemarle County

This INTERGOVERNMENTAL AGREEMENT is entered into this 31st day of December, 2016, in the City of Richmond, Virginia, between the Virginia Department of Agriculture and Consumer Services ("VDACS") and Albemarle County (collectively, "the Parties") to provide mutually advantageous terms for cooperation between VDACS and Albemarle County to implement VDACS' contribution of funds in support of Albemarle County's purchase of agricultural conservation easements.

WHEREAS, the General Assembly, by Chapter 780 of the 2016 Acts of Assembly, appropriated \$1,000,000.00 in the fiscal year ending June 30, 2017, to VDACS for the continuation of a state fund to match local government purchase of development rights program funds for the preservation of working farms and forest lands; and,

WHEREAS, § 3.2-201 of the Code of Virginia authorizes VDACS' Office of Farmland Preservation to develop methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements, and to distribute these funds to localities under policies, procedures, and guidelines developed by VDACS' Office of Farmland Preservation; and,

WHEREAS, for all purposes of this INTERGOVERNMENTAL AGREEMENT, the term "agricultural conservation easement" shall mean a negative easement in gross that has the primary conservation purpose of preserving working farm and/or forest land; and,

WHEREAS, the Albemarle County Board of Supervisors has enacted an ordinance or passed a resolution that: authorizes, in accordance with Title 10.1, Chapter 17 of the Code of Virginia ("the Open-Space Land Act") and other applicable law, Albemarle County to purchase agricultural conservation easements from landowners (each hereinafter called "Grantor"); sets forth a clear, consistent, and equitable administrative process governing such purchases; and outlines the goals and purposes of Albemarle County's farmland preservation program; and,

WHEREAS, Albemarle County has agreed to maintain a public outreach program designed to educate various stakeholders in Albemarle County—including farmers, landowners, public officials, and the non-farming public—about Albemarle County's initiatives to preserve working farms and forest lands; and,

WHEREAS, Albemarle County has agreed to establish a transparent and replicable process for valuation of agricultural conservation easements; and,

WHEREAS, the purchase of agricultural conservation easements is one component of Albemarle County's broader farmland preservation program; and,

WHEREAS, Albemarle County has agreed to use a deed of easement that is sufficiently flexible to allow for future agricultural production in purchases of agricultural conservation easements for which Albemarle County uses funds contributed to it by VDACS; and,

WHEREAS, Albemarle County has agreed that any agricultural conservation easement purchased as per the terms of this INTERGOVERNMENTAL AGREEMENT shall meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in § 58.1-3230 of the Code of Virginia; and,

WHEREAS, Albemarle County has agreed to establish a clear strategy for monitoring and enforcing the terms of the agricultural conservation easements that Albemarle County purchases; and,

WHEREAS, Albemarle County has agreed to establish a process that Albemarle County will use to evaluate the effectiveness of its farmland preservation program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations; and,

WHEREAS, VDACS, in reliance on the veracity of the foregoing recitals, certifies Albemarle County is eligible to receive contributions of funds from VDACS in reimbursement for certain costs Albemarle County actually incurs in the course of purchasing agricultural conservation easements; and,

WHEREAS, Albemarle County, and the agents and employees of Albemarle County, in the performance of this INTERGOVERNMENTAL AGREEMENT, are acting on behalf of Albemarle County, and not as officers or employees or agents of the Commonwealth of Virginia;

NOW, THEREFORE, VDACS and Albemarle County agree their respective responsibilities, pursuant to this INTERGOVERNMENTAL AGREEMENT, shall be defined as follows:

1. VDACS Responsibilities

- a. VDACS shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, restrict \$86,950.00 (hereinafter "the Allocation Amount") in an account, from which VDACS shall withdraw funds only to pay contributions of funds that Albemarle County is eligible to receive pursuant to this INTERGOVERNMENTAL AGREEMENT, except that upon the expiration of two (2) years from the date of this INTERGOVERNMENTAL AGREEMENT, or immediately upon Albemarle County's failure to perform any of its obligations under the terms of this INTERGOVERNMENTAL AGREEMENT, VDACS shall have the right to withdraw any funds then remaining in such account and the right to redirect those funds to other localities that VDACS certifies as being eligible to receive matching funds and that enter into an intergovernmental agreement with VDACS to govern the distribution of matching funds for the purchase of agricultural conservation easements. The allocation amount from this and any prior INTERGOVERNMENTAL AGREEMENT shall not be considered to be a grant as that term is used in paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT.
- b. Upon Albemarle County or any agent acting on behalf of Albemarle County's recordation of a deed evidencing Albemarle County's purchase of an agricultural conservation easement in the circuit court of the city or county where the Grantor's land is located and Albemarle County's submission to VDACS of a completed claim for reimbursement, on a form prescribed by VDACS, together with the supporting documentation required under paragraph 2(e) of this INTERGOVERNMENTAL AGREEMENT, VDACS shall reimburse Albemarle County fifty percent (50%) of the reimbursable costs that Albemarle County actually incurred in the course of purchasing that agricultural conservation easement, limited to that portion of the allocation amount remaining in the account maintained by VDACS pursuant to paragraph 1(a) of this INTERGOVERNMENTAL AGREEMENT. The following shall not be considered to be reimbursable costs that Albemarle County actually incurred and shall be subtracted from the total amount of reimbursable costs considered for reimbursement by VDACS in connection with any particular agricultural conservation easement transaction: grants made by the United States of America, the Virginia Department of Agriculture and Consumer Services (VDACS), the Virginia Department of Conservation and Recreation (DCR), the Virginia Outdoors Foundation (VOF), or any other governmental agency or political subdivision of the Commonwealth of Virginia; payments made by any other funding sources either directly to the landowner or to reimburse Albemarle County; or in-kind donations or contributions. VDACS may make alternative arrangements for the distribution of funds pursuant to this

INTERGOVERNMENTAL AGREEMENT, provided Albemarle County presents a written request for such alternative arrangement to the Commissioner of VDACS or the Commissioner of VDACS's designated agent (referred collectively hereinafter as "the Grant Manager") prior to incurring any expense for which Albemarle County seeks a distribution of funds under the proposed alternative arrangement.

For purposes of this INTERGOVERNMENTAL AGREEMENT, "reimbursable costs" include:

1. The purchase price of the agricultural conservation easement actually incurred by Albemarle County, at present value, including any portion that Albemarle County will pay over time pursuant to an installment purchase agreement;
 2. The cost of title insurance actually incurred by Albemarle County;
 3. The cost actually incurred by Albemarle County of any appraisal of the land by a licensed real estate appraiser upon which Albemarle County purchases an agricultural conservation easement;
 4. The cost actually incurred by Albemarle County of any survey of the physical boundaries of the land by a licensed land surveyor upon which Albemarle County purchases an agricultural conservation easement, including the cost of producing a baseline report of the conditions existing on the land at the time of the conveyance of the agricultural conservation easement;
 5. Reasonable attorney fees actually incurred by Albemarle County associated with the purchase of an agricultural conservation easement, where reasonable attorney fees include those fees associated with outside counsel required for the completion of the easement, but do not include fees related to county or city attorneys serving as staff and who are paid regular salary in the county's or city's employ;
 6. The cost actually incurred by Albemarle County of issuing public hearing notices associated with Albemarle County's purchase of an agricultural conservation easement that Albemarle County is required by law to issue; and
 7. Any recordation fees actually incurred by Albemarle County that Albemarle County is required to pay pursuant to the laws of the Commonwealth of Virginia.
- c. VDACS shall only be responsible for reimbursing Albemarle County under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT for reimbursable costs that Albemarle County actually incurs in the course of purchasing an agricultural conservation easement when Albemarle County or any agent acting on behalf of Albemarle County acquires, by such purchase, a deed of easement that, at a minimum, provides:
1. The primary conservation purpose of the easement conveyed by the deed of easement is the conservation of the land in perpetuity for working farm and/or forestal uses.
 2. The Grantor and Albemarle County agree that the land subject to the agricultural conservation easement shall not be converted or diverted, as the Open-Space Land Act employs those terms, until and unless the Grant Manager, with the concurrence of Albemarle County or an assignee of Albemarle County's interest in the agricultural conservation easement, certifies that such conversion or diversion satisfies the requirements of the Open-Space Land Act.

3. The Grantor and Albemarle County agree that, in the event of an extinguishment of the restrictions of the agricultural conservation easement that results in the receipt of monetary proceeds by Albemarle County or an assignee of Albemarle County's interest in an agricultural conservation easement in compensation for the loss of such property interest, VDACS shall be entitled to a share of those proceeds proportional to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT.
4. If the Grantor conveys the agricultural conservation easement for less than its fair market value, the Grantor and Albemarle County mutually acknowledge that approval of the terms of this Deed of Easement by VDACS and/or its legal counsel does not constitute a warranty or other representation as to the Grantor's qualification for any exemption, deduction, or credit against the Grantor's liability for the payment of any taxes under any provision of federal or state law.
5. All mortgagors and other holders of liens on the property subject to the restrictions contained in the deed of easement have subordinated their respective liens to the restrictions of the deed of easement acquired by Albemarle County. All such mortgagors and other holders of liens shall manifest their assent to the easement's priority over their respective liens by endorsing the deed of easement.
6. A baseline report documenting the conditions existing on the land at the time of the conveyance of the agricultural conservation easement is incorporated into the deed of easement by reference.

2. Albemarle County Responsibilities

- a. Albemarle County shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, have available local funds greater than or equal to the allocation amount for the purpose of purchasing agricultural conservation easements.
- b. Albemarle County shall use matching funds that VDACS contributes to Albemarle County, pursuant to this INTERGOVERNMENTAL AGREEMENT, only for the purpose of purchasing agricultural conservation easements that are perpetual and that have the primary conservation purpose of preserving working farm and/or forest lands.
- c. Within one (1) year from the date of this INTERGOVERNMENTAL AGREEMENT, and for each subsequent year in which the INTERGOVERNMENTAL AGREEMENT or a subsequent agreement is in force, Albemarle County shall submit to VDACS a progress report that:
 1. describes any properties that Albemarle County has identified as prospects for Albemarle County's purchase of agricultural conservation easements and the status of any negotiations for the purchase of such agricultural conservation easements;
 2. estimates the timeframes within which Albemarle County will execute contracts for any such purchases, close on such purchases, and request reimbursement of reimbursable costs for those purchases from VDACS;

3. describes the measures Albemarle County has undertaken to develop and/or maintain a public outreach program designed to educate various stakeholders in Albemarle County's community—including farmers, landowners, public officials, and the non-farming public—about Albemarle County's agricultural conservation easement program and other initiatives to preserve working agricultural land;
 4. describes the measures Albemarle County has undertaken to develop and/or maintain a formal plan for stewardship and monitoring of the working agricultural land on which Albemarle County acquires agricultural conservation easements; and
 5. describes the measures Albemarle County has undertaken to develop and/or maintain a process that Albemarle County will use to evaluate the effectiveness of its program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations.
- d. For any purchase of agricultural conservation easements for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall obtain a policy of title insurance on its purchased interest that covers at least an amount equal to the amount for which Albemarle County requests reimbursement from VDACS.
- e. Prior to closing on a purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall submit, for review and approval by VDACS and its legal counsel, the following documentation:
1. a written agreement setting forth, in the manner prescribed by Albemarle County's ordinance or resolution governing its program to acquire agricultural conservation easements, the terms of Albemarle County's purchase of the agricultural conservation easement, including the purchase price;
 2. a written confirmation from the Albemarle County Commissioner of Revenue or Director of Finance, or the Albemarle County Commissioner of Revenue's or Director of Finance's designated agent that the property/properties to be encumbered by the agricultural conservation easement meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in § 58.1-3230 of the Code of Virginia;
 3. a written description of the agricultural, environmental and social characteristics of the property/properties to be encumbered by the agricultural conservation easement;
 4. any installment purchase agreement;
 5. the deed of easement that the Grantor will deliver to Albemarle County at closing, including all exhibits, attachments, and/or addenda;
 6. a title insurance commitment for a policy to insure the easement interest under contract indicating an amount of coverage at least equal to the amount of funds for which Albemarle County requests reimbursement from VDACS; and
 7. an itemized list of all reimbursable costs that Albemarle County has or will, up to the time of closing, incur in the course of purchasing the agricultural conservation easement.

Albemarle County shall make whatever changes to the proposed deed of easement and/or the installment purchase agreement, where applicable, that VDACS and/or its legal counsel deem necessary to ensure compliance with applicable state law and the requirements and purposes of this INTERGOVERNMENTAL AGREEMENT. If Albemarle County closes on any purchases of easement prior to the review and acceptance of VDACS or its legal counsel, VDACS may withhold part or all of the allotment amount until VDACS approves of the deed of easement.

Albemarle County may fulfill its obligation under this paragraph by submitting accurate and complete copies of all documents enumerated in this paragraph, provided that Albemarle County shall deliver or make available the original documents to VDACS for review at VDACS' request.

- f. Together with any claim for reimbursement pursuant to this INTERGOVERNMENTAL AGREEMENT that Albemarle County submits to VDACS, Albemarle County shall also submit the following supporting documentation:
 - 1. a copy of the recorded deed of easement that VDACS and/or its legal counsel approved prior to closing, showing the locality, deed book, and page of recordation, and including all exhibits, attachments, and/or addenda;
 - 2. copies of invoices, bills of sale, and cancelled checks evidencing Albemarle County's incursion of reimbursable costs in the course of purchasing the agricultural conservation easement;
 - 3. a copy of any executed installment purchase agreement related to the purchase, which shall indicate the purchase price; and
 - 4. a copy of any deed of trust related to the purchase.
- g. Albemarle County shall provide the Grant Manager immediate written notice of Albemarle County's receipt of any application or proposal for the conversion or diversion of the use of any land upon which Albemarle County or its assignee, where applicable, holds an agricultural conservation easement, for the purchase of which VDACS contributed funds pursuant to this INTERGOVERNMENTAL AGREEMENT.
- h. Albemarle County, or any assignee of Albemarle County's interest in an agricultural conservation easement for which Albemarle County receives a contribution from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT shall at all times enforce the terms of that easement. Albemarle County shall provide the Grant Manager immediate written notice of any actions, whether at law, in equity, or otherwise, taken by locality to enforce the terms of the easement or to abate, prevent, or enjoin any violation thereof by any Party. Any failure by Albemarle County or such assignee to perform its enforcement responsibility shall constitute a breach of this INTERGOVERNMENTAL AGREEMENT, for which VDACS shall have a remedy by way of a civil action for specific performance of that enforcement responsibility; or, VDACS shall have the right and authority, at its option, to demand and receive from Albemarle County a portion of the full market value of the agricultural conservation easement at the time of the breach in proportion to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT.
- i. For any purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle

County shall derive its valuation of the agricultural conservation easement according to the valuation methods prescribed by ordinance or resolution.

3. **Merger and Supersedure of Prior Agreement**

The Parties agree that terms of any INTERGOVERNMENTAL AGREEMENT previously entered into between the Parties to govern VDACS' distribution of funds to Albemarle County in support of Albemarle County's purchase of agricultural conservation easements shall be merged into the instant INTERGOVERNMENTAL AGREEMENT, the latter of which shall supersede all former INTERGOVERNMENTAL AGREEMENTS to the extent that there are any inconsistencies between the terms of these INTERGOVERNMENTAL AGREEMENTS. Notwithstanding the language of this paragraph, VDACS shall be required to restrict the allocation amount(s) provided in paragraph 1(a) of any prior agreement(s) in addition to the current allocation amount, but shall only be required to restrict any prior allocation amount(s) until the expiration of two (2) years from the date of execution of the prior agreement(s).

4. **Recertification**

This INTERGOVERNMENTAL AGREEMENT pertains exclusively to VDACS' contribution of funds that the General Assembly has appropriated to VDACS through the fiscal year ending June 30, 2017. VDACS shall not contribute other funds in the future to Albemarle County except upon VDACS' recertification of Albemarle County's eligibility to receive such funds. VDACS may establish and communicate to Albemarle County certain benchmarks of program development that VDACS will impose upon Albemarle County as preconditions to Albemarle County's recertification for future contributions.

5. **Governing Law**

This INTERGOVERNMENTAL AGREEMENT is governed by and shall be interpreted in accordance with the laws of the Commonwealth of Virginia. In all actions undertaken pursuant to this INTERGOVERNMENTAL AGREEMENT, preferred venue shall be in the City of Richmond, Virginia, at the option of VDACS.

6. **Assignment**

Albemarle County shall not assign this INTERGOVERNMENTAL AGREEMENT, either in whole or in part, or any interest in an agricultural conservation easement for the purchase of which VDACS contributes funds pursuant to this INTERGOVERNMENTAL AGREEMENT, without the prior, written approval of the Grant Manager.

7. **Modifications**


The Parties shall not amend this INTERGOVERNMENTAL AGREEMENT, except by their mutual, written consent.

8. **Severability**

In the event that any provision of this INTERGOVERNMENTAL AGREEMENT is unenforceable or held to be unenforceable, then the Parties agree that all other provisions of this INTERGOVERNMENTAL AGREEMENT have force and effect and shall not be affected thereby.

In witness, whereof, the Parties hereto have executed this INTERGOVERNMENTAL AGREEMENT as of the day and year first written above.

(The rest of this page is intentionally left blank. Signatures manifesting the Parties' mutual assent to the terms contained in this INTERGOVERNMENTAL AGREEMENT appear on the next page.)


Sandra J. Adams Date
Commissioner
Virginia Department of Agriculture &
Consumer Services

County Executive Date

APPROVED AS TO FORM ONLY:

APPROVED AS TO FORM ONLY:


Assistant Attorney General Date

County Attorney Date



COMMONWEALTH of VIRGINIA

Sandra J. Adams
Commissioner

Department of Agriculture and Consumer Services
PO Box 1163, Richmond, Virginia 23218
Phone: 804/786-3501 • fax: 804/371-2945 • Hearing Impaired: 800/828-1120
www.vdacs.virginia.gov

January 9, 2017

TO: Ches Goodall, ACE Program Coordinator, Department of Community Development, County of Albemarle


FROM: Andy Sorrell, Coordinator, Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services

RE: **Pre-award notification for VDACS' FY 2017 state matching funds to Albemarle County's Purchase of Development Rights (PDR) Program**

It is the intent of the Virginia Department of Agriculture and Consumer Services (VDACS) to allow any recordation of a deed evidencing Albemarle County's purchase of an agricultural conservation easement after November 18, 2016, but before the full execution of the FY 2017 Intergovernmental Agreement (IGA) between VDACS and the county, to be considered reimbursable under the terms of the FY 2017 IGA once fully executed provided that the following stipulations are agreed to by both parties:

- Any easement recorded during the time-frame outlined above must conform to the requirements and procedures outlined in the attached FY 2017 IGA template to be considered reimbursable under the FY 2017 IGA;
- Any approved reimbursement will not be paid to Albemarle County until after the FY 2017 IGA is fully executed; and
- VDACS is under no obligation to reimburse Albemarle County should the recorded easement not meet the requirements as established in the FY 2017 IGA or should funding for VDACS' matching funds to Albemarle County be reprogrammed, reduced, or eliminated prior to the full execution of the FY 2017 IGA.

Signature below indicates concurrence with the provisions of the pre-award notification.


Sandra J. Adams
Commissioner
Virginia Department of Agriculture
and Consumer Services

01/09/2017
Date

Signature
County Executive
County of Albemarle

Date

Item No. 8.4. Resolution to Authorize the County's Acceptance of an Unmanned Aircraft System in Search and Rescue Operations.

The Executive Summary forwarded to the Board states that in recent years, the use and ownership of unmanned aircraft systems ("UAS") in the United States has substantially grown. On December 21, 2015, the Federal Aviation Administration (the "FAA") required all UAS owners to register their aircraft with the FAA by February 19, 2016. Over 325,000 individuals registered their UASs with the FAA, eclipsing the 320,000 airplanes registered with the FAA.

As UAS ownership has expanded, the potential uses for the aircraft have also broadened. UASs are utilized by both private and public sector entities for a variety of activities, including but not limited to, deliveries, photography, training, farming, mapping, and surveying.

James R. Stone and Steve Trotta are offering to donate UASs that weigh approximately 3 pounds each without attachments to the Albemarle County Sheriff's Office (the "Sheriff") to assist the Sheriff's search and rescue capabilities. Federal regulations require that the County own the UASs in order for the aircrafts to receive a public use Certificate of Authorization from the FAA.

The Sheriff's Search and Rescue Division performs search and rescue functions for missing persons cases in the County. Virginia Code § 19.2-60.1 permits the use of UASs by law enforcement agencies to assist the agencies' search and rescue efforts during Amber Alerts, Blue Alerts, Senior Alerts, or to alleviate an immediate danger to any person. Additionally, as permitted by Virginia Code § 19.2-60.1, the Sheriff's Office may perform incident situation awareness and incident scene documentation functions with the UASs that are not for law enforcement purposes.

In order to use a UAS for search and rescue operations, a public use Certificate of Authorization must be obtained from the FAA. Pursuant to 49 U.S.C. § 40102(a)(41), only a political subdivision, such as the County, may receive a public use Certificate of Authorization to own and operate a UAS. The Sheriff's Office is not a political subdivision of Virginia.

On June 21, 2016, the FAA released new regulations for drones. The FAA now has a "UAS registration" process for drones weighing between .55 pounds and 55 pounds. All UASs that weigh less than .55 pounds do not need to register with the FAA. All UASs that weigh more than 55 pounds will have to follow the FAA traditional aircraft registration process. However, these rules are not applicable to public entities, as they are already covered by the public use Certificate of Authorization process.

In order for the Sheriff's Office to operate a UAS for search and rescue functions, the UAS must be owned by the County. If the County accepts the donation of the UASs from James Stone and Steve Trotta, the County can then apply for public use Certificates of Authorization. Virginia Code § 15.2-951 authorizes counties to receive gifts of personal property.

The County will also need to execute the attached Memoranda of Understanding ("MOUs") with the Sheriff's Office in order to allow the Sheriff's Office to perform search and rescue functions with the UASs. The County Attorney and the Sheriff have reviewed and approved the attached MOUs (Attachments B and C), and the County Attorney has prepared the attached Resolution (Attachment A) authorizing the County's acceptance of the UASs and authorizing the County Executive to execute the MOUs once they have been approved as to form and substance by the County Attorney.

There is no budget impact related to the County's acceptance of the UAS.

Staff recommends that the Board adopt the attached Resolution (Attachment A) authorizing the County's acceptance of the UASs and authorizing the County Executive to sign the MOUs.

By the above-recorded vote, the Board adopted the following Resolution authorizing the County's acceptance of the UASs and AUTHORIZED the County Executive to sign the MOUs:

**RESOLUTION TO AUTHORIZE
ACCEPTANCE OF PROPERTY**

WHEREAS, James R. Stone is offering to donate a DJI Phantom 4 unmanned aircraft system ("UAS"), as well as associated accessories, to the County of Albemarle for use by the Albemarle County Sheriff's Office; and

WHEREAS, Steve Trotta is offering to donate a DJI Phantom 3 UAS, as well as associated accessories, to the County of Albemarle for use by the Albemarle County Sheriff's Office; and

WHEREAS, Virginia Code § 15.2-951 authorizes counties to accept gifts of personal property; and

WHEREAS, a Memorandum of Understanding between the County and the Sheriff's Office is necessary in order to allow the Sheriff's Office to perform search and rescue and training functions with the UASs pursuant to Virginia Code § 19.2-60.1(C) and non-law enforcement situation assessments pursuant to Virginia Code § 19.2-60.1(D).

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County's acceptance of James Stone's donation of the DJI Phantom 4 unmanned aircraft system and its accessories, and of Steve Trotta's donation of the DJI Phantom 3 unmanned aircraft system and its accessories, and authorizes the Interim County Executive to execute the Memorandums of Understanding once they have been approved as to form and substance by the County Attorney.

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

This Memorandum of Understanding (the "Agreement") is made and entered into on the ____ day of February 2017, by and between the County of Albemarle, Virginia (the "County") and the Sheriff for Albemarle County (the "Sheriff");

WHEREAS, James R. Stone, M.D., Ph.D donated a DJI Phantom 4 unmanned aircraft system and associated accessories to the County; and

WHEREAS, the intent of Dr. Stone's donation is for the Sheriff's Office to use the DJI Phantom 4 unmanned aircraft system for search and rescue operations; and

WHEREAS, the County and the Sheriff desire to enter into an agreement setting forth their understanding with respect to the use and operation of the DJI Phantom 4 unmanned aircraft system.

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

A. Ownership. The DJI Phantom 4 unmanned aircraft system (hereinafter "UAS") shall remain the property of the County.

B. Certificate of Authorization. The County shall apply for a public use Certificate of Authorization from the Federal Aviation Administration.

C. Use. Upon receipt of a public use Certificate of Authorization from the Federal Aviation Administration, the County will transfer possession of the UAS to the Sheriff.

D. Specific UAS Operations. The Sheriff shall use the UAS for search and rescue operations, pursuant to Virginia Code §19.2-60.1(C). The Sheriff may use the UAS for incident situation assessment functions that are non-law enforcement purposes pursuant to Virginia Code §19.2-60.1(D). Additionally, the Sheriff may use the UAS for training purposes for the aforementioned search and rescue operations pursuant to Virginia Code § 19.2-60.1(C).

E. Insurance. The County shall maintain property insurance on the UAS for the duration of this agreement. The Sheriff's Office shall maintain liability insurance for operations related to the UAS for the duration of this agreement.

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

By: J.E. "Chip" Harding, Sheriff Date: 2/15/17

COUNTY OF ALBEMARLE, VIRGINIA

By: _____ Date: _____
Douglas C. Walker, Interim County Executive

Approved as to Form:

Amelia B. Jones
County Attorney

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

This Memorandum of Understanding (the "Agreement") is made and entered into on the ____ day of March 2017, by and between the County of Albemarle, Virginia (the "County") and the Sheriff for Albemarle County (the "Sheriff");

WHEREAS, Steve Trotta donated a DJI Phantom 3 Advanced unmanned aircraft system and associated accessories to the County; and

WHEREAS, the intent of Mr. Trotta's donation is for the Sheriff's Office to use the DJI Phantom 3 Advanced unmanned aircraft system for search and rescue operations; and

WHEREAS, the County and the Sheriff desire to enter into an agreement setting forth their understanding with respect to the use and operation of the DJI Phantom 3 Advanced unmanned aircraft system.

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

A. Ownership. The DJI Phantom 3 Advanced unmanned aircraft system (hereinafter "UAS") shall remain the property of the County.

B. Certificate of Authorization. The County shall apply for a public use Certificate of Authorization from the Federal Aviation Administration.

C. Use. Upon receipt of a public use Certificate of Authorization from the Federal Aviation Administration, the County will transfer possession of the UAS to the Sheriff.

D. Specific UAS Operations. The Sheriff shall use the UAS for search and rescue operations, pursuant to Virginia Code §19.2-60.1(C). The Sheriff may use the UAS for incident situation assessment functions that are non-law enforcement purposes pursuant to Virginia Code §19.2-60.1(D). Additionally, the Sheriff may use the UAS for training purposes for the aforementioned search and rescue operations pursuant to Virginia Code § 19.2-60.1(C).

E. Insurance. The County shall maintain property insurance on the UAS for the duration of this agreement. The Sheriff's Office shall maintain liability insurance for operations related to the UAS for the duration of this agreement.

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

By: John S. Harding, Sheriff Date: 2/15/17
J.E. "Chip" Harding, Sheriff

COUNTY OF ALBEMARLE, VIRGINIA

By: _____ Date: _____
Douglas C. Walker, Interim County Executive

Approved as to Form:

Amelia S. Jones
County Attorney

Item No. 8.5. Hardy Parking License.

The Executive Summary forwarded to the Board states that in 2004, the County and the City of Charlottesville contracted to renovate the Juvenile & Domestic Relations District Courthouse (the "Juvenile Court") shared by the two localities. As part of the project, a new reserved parking deck was constructed behind the renovated Courthouse. Completion of the parking deck required acquisition of portions of neighboring properties, including a property owned by R. Franklin Hardy. As part of the compensation offered to Mr. Hardy for his property and lost parking, the City and County agreed to convey an irrevocable license to 15 reserved spaces in the new Courthouse parking deck to him (Attachment A, Section 3). From the opening of the completed parking deck in 2008, by mutual agreement, the County, the City, and Mr. Hardy have each enjoyed the use of their respective designated parking spaces.

Attorneys for the County, the City, and Mr. Hardy have agreed on proposed language for the required License Agreement (Attachment B), which both the City and Mr. Hardy have already signed. Despite the localities' existing contractual obligation to convey an irrevocable parking license, this "disposal" of public property requires a public hearing under Virginia Code § 15.2-1800(B).

In addition, attorneys for the County and City have also agreed on proposed language for an agreement between the two localities reflecting the allocated cost and use of the new deck (Attachment C).

Because the City and County already (a) maintain the Juvenile Court parking deck and (b) are contractually obligated to convey a license for 15 parking spaces, the proposed License Agreement has no additional fiscal impact to the County.

Staff recommends that the Board authorize a public hearing to consider the conveyance of an irrevocable license for 15 spaces in the Juvenile Court parking deck to R. Franklin Hardy on April 5, 2017.

Staff will seek the Board’s approval of both the License Agreement and the Parking Agreement at the conclusion of that public hearing.

By the above-recorded vote, the Board set the public hearing for April 5, 2017.

Item No. 8.6. County Grant Application/Award Report, ***was received for information.***

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

The attached Grants Report provides a brief description of one grant award submitted during the time period of January 13, 2017 through February 10, 2017. This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive’s proposed annual budgets for the Board’s consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

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

This report is to provide information only. No action is required.

GRANT REPORT ACTIVITY – January 13, 2017 through February 10, 2017

No applications were made during this time.

Awards were received for the following grants:

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Department of Environmental Quality	Stormwater Local Assistance Fund	State	\$260,078	\$260,078	CIP Stormwater budget	General Services	This grant will be used to provide funds for the Chapel Hills Stream Restoration project. The project will provide highly cost-effective pollution reduction.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

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

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY17 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
						FY18	FY19	FY20	FY21	FY22
FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes overtime/equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired and associated costs to be absorbed in the department.	1	Grants Leveraging Fund	6/30/2020	\$104,925.00	\$ 69,754.50	\$ 104,631.75	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00
FY16 Byrne/Justice Assistance Grant (JAG) Crime Analysis	This grant provides funding for the current Crime Analyst position. The grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Police Department	6/30/2018	\$16,939.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00
*does not include local match funds						\$139,067.50	\$ 173,944.75	\$ 208,822.00	\$ 208,822.00	\$ 208,822.00

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

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	Potential Financial Impact				
					FY18	FY19	FY20	FY21	FY22
2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	\$ 236,700.00	\$191,800.00	\$ 147,090.00	TBD	TBD
Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is expiring.	0	Fire Rescue Fund	6/30/2009	\$ 40,356.00	\$ 53,345.00	\$ 54,934.00	TBD	TBD
					\$ 277,056.00	\$245,145.00	\$ 202,024.00	\$ -	\$ -

Item No. 8.7. Copy of letter dated December 27, 2016, from Mr. Ronald L. Higgins, Chief of Zoning /Deputy Zoning Administrator, to Oakdale Corporation, **RE: ACE LOD-2016-00022 – OFFICIAL DETERMINATION OF PARCELS OF RECORD AND DEVELOPMENT RIGHTS – Tax Map 81, Parcel 63 – Rivanna Magisterial District, was received for information.**

Item No. 8.8. Copy of letter dated December 27, 2016, from Mr. Ronald L. Higgins, Chief of Zoning /Deputy Zoning Administrator, to Mr. Joe L. or Ms. Cyndra F. Kerley, **RE: ACE LOD-2016-00023 – OFFICIAL DETERMINATION OF PARCELS OF RECORD AND DEVELOPMENT RIGHTS – Tax Map 92, Parcel 58 – Scottsville Magisterial District, was received for information.**

Agenda Item No. 9. Wireless Service Authority Strategy.

The Executive Summary presented to the Board states that staff, as a result of Board direction and priorities, has continued, since the Nov. 2, 2016 decision of the Board for the County to pursue a regional wireless service authority, to evaluate strategies to expand access to high speed internet service (Broadband) in Albemarle County. A telecommunications plan designed to evaluate existing conditions and infrastructure and provide a series of options for how broadband might be expanded in the region was developed. One of the strategic considerations in the telecommunications plan was to create a wireless service authority.

From November 2016 through February 2017, staff continued efforts to identify the formation, risks, benefits, and characteristics of wireless service authorities.

Regional or County-Specific Wireless Service Authority

Staff is recommending a two-step approach to the Board considering to become a member of a

regional wireless service authority by first creating a County-specific authority. This will allow the County authority to develop its own capabilities and understand potential limitations before making the financial and staffing commitment that joining a regional authority may require.

Wireless Service Authority Benefits

The benefits from forming a wireless service authority include: 1) flexibility in how the authority is managed and how goals are defined; 2) development of management structure for future efforts; 3) formation of an entity that can receive state/federal grants; and 4) formalizing a Board-sponsored team that is focused on advancing broadband in the community through partnerships with private service providers or other means of incentivizing the expansion of broadband services. In short, the wireless service authority can create focus and structure for advancing broadband in the community.

Wireless Service Authority Risks

The risks of forming a wireless service authority involve the perceived competition the wireless service authority may pose to private service providers and the perception that if the wireless service authority owns and operates a network it will be an unsustainable ongoing expense. Each of the perceived risks can be managed through the thoughtful and deliberate development of the wireless service authority goals.

Wireless Service Authority Characteristics

The characteristics of wireless service authorities can vary. Some authorities are formed to plan, build, own and operate the network. In our case, the intent of the wireless service authority does not include an objective to build, own, and operate the network. The objectives, when defined, will align with the benefits listed in the section above. Some authorities operate with an ongoing budget; with inherent risks that costs may exceed revenues. In our case, the wireless service authority has no full or part time staff, does not have an ongoing budget, and proceeds with the understanding that funding requests must be approved by the Board.

In summary a wireless service authority can be formed without a budget, without dedicated staff, and still accomplish the need to create additional focus and structure for advancing broadband in the community.

Wireless Service Authority Formation

A wireless service authority is created by the Board through adopting a resolution after it has held a public hearing. The resolution includes articles of incorporation that: (1) state the name of the authority and the address of its principal office; (2) the name of the County and the names, addresses, and terms of office of the first members of the authority board; and (3) a statement that the authority is being created for the purpose of providing qualifying communications services. Notice of the public hearing must be published at least 30 days before the public hearing is held. If the Board adopts the resolution, the articles of incorporation will be filed with the State Corporation Commission and, if the Commission determines that the articles conform to law, it will issue a certificate of incorporation or a charter to the authority. An alternative procedure exists by which the question of whether to create an authority is put to the voters in a referendum. (Virginia Code §§ 15.25431.3 - 15.2-5431.8)

Composition of a Wireless Service Authority Board

Under the Virginia Wireless Service Authorities Act, a wireless service authority board may have either a five member board or the number equal to the number of members of the governing body (in Albemarle County that would be a six-member board). Members of the Board of Supervisors are authorized to also serve on an authority board. Staff is recommending that the authority board be composed of two members of the Board of Supervisors, two County staff, and one citizen. Such membership, staff argues, would allow for direct citizen involvement, staff support on the authority and less difficulty in scheduling meetings. The Board's policy for appointments of citizens to public bodies requires that the position be advertised followed by a minimum 30day application period. In addition, the Board is required to identify the first members of the authority board in the proposed articles of incorporation, which must be available for public inspection for at least 30 days prior to the public hearing. Therefore, the Board will need to conditionally appoint the authority board members at its May 3 meeting in order for them to be identified in the articles of incorporation that will be available for public inspection prior to the June 7, 2017 public hearing.

If the Board decides to proceed with creating a wireless service authority, staff will return to the Board on May 3, 2017 to consider the authority's draft articles of incorporation.

No budget impacts.

If after its deliberation the Board is supportive of moving forward with consideration of creating a Wireless Service Authority, staff recommends that the Board: 1) direct staff to schedule and advertise a public hearing on June 7, 2017, at which time the Board will consider adopting a resolution to create a wireless service authority, together with articles of incorporation; 2) determine that the authority board will be composed of two Board members, two County staff, and one citizen; and 3) direct the clerk to advertise for the citizen member of the authority board.

Mr. Bill Letteri, Deputy County Executive, addressed the Board and said staff has been looking at a number of opportunities to extend broadband to underserved areas. Mr. Letteri said these efforts began in 2014 and have included round table discussions with users and service providers. He noted that the County had applied for and received a telecommunications grant, stating that they formed a management

team to oversee the work of a consultant that was hired with the grant funds, and he has made a number of recommendations. Mr. Letteri said the County has formed a Broadband Task Force, with Ms. Palmer and Mr. Dill serving as members of the group, which reviews the various opportunities and communicates them with staff. He stated that they have worked with Chip Boyles of the Thomas Jefferson Planning District Commission to investigate regional opportunities and said the Board may wish to consider the establishment of a broadband authority, which he believes is viable. He said that Mike Culp will provide an overview of the pros and cons of an authority and then provide an opportunity for Board discussion. Mr. Letteri said if the Board decides to proceed, the second half of the presentation will review the steps necessary to go forward.

Mr. Mike Culp, Director of Information Technology, addressed the Board. He displayed a slide that shows the topics of his discussion and a slide citing Code of Virginia 15.2-5431.1 regarding establishment of a wireless service authority: "The governing body of a locality may by resolution, or two or more localities may by concurrent resolutions, create an authority, the name of which shall contain the word 'authority.' The authority shall be a public body politic and corporate. The resolution creating the authority shall not be adopted or approved until a public hearing has been held in each participating locality on the question of its adoption or approval." Mr. Culp said a public hearing to form an authority would be required with 30 days advance notice. He stated that the Virginia Wireless Services Act of 2003 allows formation of authorities and that Nelson, Louisa and Orange Counties have formed authorities through the act. He cited the Roanoke Valley Broadband Authority and the Rockbridge Area Network Authority as examples of regional authorities, but stated that the broadband needs for Albemarle are different from those of some surrounding counties.

Mr. Culp presented a slide showing steps that have been taken to research the issue of establishing a broadband authority: November 2, 2016 – the broadband planning consultant, Design Nine, recommended formation of an authority; the Board directed staff to continue work on analysis of authorities, especially in regard to a regional approach; the TJPDC is conducting a due diligence on a regional approach for a wireless service authority; and staff determined that a County-specific authority could merge with or be the keystone of a regional authority. His next slide indicated that staff recommends the formation of a County-specific authority for three reasons: the authority would develop its own capabilities and goals; the authority would analyze all options available to it for regional projects; and the authority would understand the potential limitations before making the financial and staffing commitment that joining a regional authority may require.

His next slide listed drawbacks and benefits to the establishment of a regional wireless service authority: it requires coordination with multiple localities or other regional authority; they can continue to work on County specific projects; they can work on cross-jurisdictional lines when considering projects; and efficiencies of scale include partnerships with private providers, funding, operations, and shared assets. Mr. Culp's next slide listed benefits of establishing a wireless service authority: it further establishes the County's commitment to broadband; it allows expansion to address regional projects; it focuses on building partnerships; it provides a flexible funding mechanism with funding from a wider variety of sources, independent funding applications, and puts a mechanism in place to apply for grants and loans; and it secures dedicated efforts from wireless service authority members. Mr. Culp's next slide listed the risks of having a wireless service authority: many authorities own and operate broadband networks, which is not an intended goal; and authorities are often seen as competition to private service providers, whereas the County's goal is to partner with private providers and to advance broadband with private provider assistance and assets.

Mr. Culp invited questions and encouraged Board discussion.

Ms. Palmer said she appreciates Mr. Culp emphasizing that they do not intend to form their own network, and recognized the need to obtain grant funding to have individual areas served. She emphasized the need for the Board to provide funding if the establishment of an authority is to move forward. Mr. Culp said that funding from the County would be beneficial; however, the authority could still be effective without direct County funding, as there is an option to obtain federal funding for an authority. He said they are still awaiting word from the Virginia Telecommunications Initiative regarding funding for viable projects submitted to the state by two providers. He expressed confidence that if a wireless service authority were to be established, it could coordinate efforts with service providers. Mr. Culp emphasized that they do not have to provide a lot of money to get things off the ground.

Ms. Palmer said there would always be the issue of equity if they establish an authority, as residents of some areas may feel that special attention is being given to serving other areas with their tax dollars. She asked Mr. Culp if he believes they can get things going using federal money without matching funds. Mr. Letteri replied to Mr. Palmer and said that if there were an opportunity to apply for a federal or state grant that requires matching funds, the authority would require approval from the Board of Supervisors.

Mr. Randolph said the authority they would establish would be different from those in Roanoke and in the Shenandoah Valley, and the County would have a lot of flexibility to determine how an authority would function. Mr. Randolph said he sees the County's role as being that of a facilitator and not an operator. He stated that if the CIP comes into this, it would be on a priority basis where it would be serving the greatest number of people in partnership through a facilitated operation with another entity. He said it would take time to cover all areas of the County, and they should ask the public to be patient as they work to roll out broadband census tract by census tract. He mentioned President Trump's remarks about spending \$1 trillion on infrastructure through public-private partnerships, which would include a wireless service authority.

Mr. Dill, responding to Ms. Palmer's remarks about equity, said it is inevitable that there would be haves and have nots, and they cannot worry about this too much. He expressed support for the formation of an authority, as he does not believe it would require a large amount of County funding and it is unlikely there would be CIP issues.

Ms. Mallek said the quality and distribution of regular landline telephone service has declined in the rural areas over the past year. She said that Glen Butler, who represents the provider that works with the federal government, has explained to her and community residents that they determine a certain return on investment necessary in order to provide service to an area, and he has suggested that neighborhoods raise \$25K so that the return on investment is sufficient to provide service. Ms. Mallek expressed concern that a similar situation could develop with broadband and asked Mr. Culp to address her concern. Mr. Culp replied that the wireless service authority has a more formal structure to bring people to the table. He stated that the establishment of an authority shows commitment and provides flexibility, as well as encouraging cooperation.

Ms. Palmer said she thought an authority would allow them to obtain more grants. Mr. Culp said it could make them eligible for more grants, but this is yet to be determined as the FCC is putting together the rules for the next auction, which he hopes will be out in another two months. He stated that there could be \$2 billion available for authorities and providers once the FCC rules come out, and by having an established authority, they would have an advantage in applying for funding.

Mr. Dill asked Mr. Culp what types of positions would be on the authority and if these people would have special expertise. Mr. Culp replied that the answer to this question is in the second half of his presentation. He presented a slide listing the steps to forming a wireless service authority as outlined in the Virginia Code: pass a resolution creating authority to include articles of incorporation; advertise the resolution and provide notice of public hearing; hold hearing and referendum; file articles of incorporation; and issue a certificate or charter. Mr. Culp said the Virginia Code requires a wireless service authority Board consist of at least five members, which would include two Supervisors, two County staff members, and one citizen. He said the County has the ability to add additional members that could include those with expertise.

Ms. Mallek said the Wireless Authority Board in Louisa County includes all members of its Board of Supervisors, which she sees as a positive as everyone can be informed instead of the two Supervisors on the Authority Board having to convince other Board of Supervisors members regarding issues.

Mr. Kamptner stated that state law allows one or more members of a governing body to be on an authority Board and allows the size of the authority Board to increase to the size of the governing body.

Mr. Randolph noted the large amount of funding the Louisa Board has given to its wireless service authority as they are installing infrastructure, whereas what they are proposing for Albemarle would have minimal County funding and still allow the Board of Supervisors to have representation. He expressed his opinion that having two Supervisors serve on the authority Board would be sufficient.

Ms. McKeel asked Supervisors for their opinion as to whether they should approve the formation of an authority and direct staff to take the next steps. She asked Mr. Kamptner if a motion is needed. Mr. Kamptner suggested they have three motions for the three next steps.

Mr. Randolph made **motion** to direct staff to schedule and advertise a public hearing for June 7, 2017 to consider creating a Wireless Service Authority together with Articles of Incorporation. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Palmer said she has some questions to pose before moving on with the additional motions. Addressing Mr. Randolph's earlier comment that they would proceed in an organized manner by census block, she said this is not what they have had before them as they have had discussions with service providers, who have offered to service specific areas if the County puts in a specific amount of funding. Ms. Palmer stated that she does not have an issue with having just two Supervisors serve on the authority Board, and said she understands the concern of Ms. Mallek as questions of equity may come up if they spend certain amounts to provide service in some areas. She stated that this kind of issue is one for the entire Board to address.

Ms. McKeel said that decisions of this type would come back to the Board of Supervisors.

Ms. Palmer said there could be issues of deadlines to obtain grants.

Ms. McKeel said they could adjust to the timing to accommodate deadlines.

Mr. Randolph clarified his remarks about census tracts and said his intention was not to say there would be a linear methodology, but that there could be an ISP that is prepared to add two or three census tracts. He said there could then be additional census tracts identified that could serve a large number of people, and he sees it as more of a patchwork process from which they grow out to additional areas and eventually have it all interconnected.

Mr. Letteri said that part of the thinking in determining the composition of the authority Board is practicality and convenience. He noted that any authorization of funding would have to be approved by the Board of Supervisors.

Ms. McKeel asked Ms. Palmer and Ms. Mallek if their concerns about only having two Supervisors on the authority Board have been allayed.

Ms. Palmer indicated that they have.

Ms. Mallek said they have not, but said it does not surprise her if she is not with everybody else. She said she wants to make sure they do a good job of keeping everyone on the Board fully informed at all times.

Mr. Randolph commented that it would be important to select Supervisors to serve on the authority Board who would provide feedback in a regular and timely manner.

Mr. Kamptner said the Board can adopt resolutions and establish other policies to give written direction to the two Supervisors serving on the authority Board. He said he thinks they can be confident that the authority Board would act under the direction of the Board of Supervisors.

Ms. Mallek said she wants to empower the staff who serve on the authority Board and not have them feel they should be quiet if a Board member is saying something that needs to be corrected.

Ms. Palmer said there are huge policy issues here and it is important to have discussions about how to spend taxpayer funds in individual areas, and she would accept the suggested authority Board composition if these discussions by the full Board can occur.

Mr. Randolph then made **motion** to determine that the Wireless Service Authority Board would be composed of five members (two Board members, two County staff and one citizen). Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Mallek said the question of who to select as a citizen member of the authority Board could bring up conflict of interest issues, stating that there needs to be a determination of what people's roles are to avoid a situation such as having an industry representative advising decision makers and then bidding on a project. She asked Mr. Kamptner to put some thought into this and come up with a proposal to address it.

Ms. Palmer asked why they cannot have more than one citizen representative on the authority Board. Mr. Kamptner responded that the maximum number of authority board members equals the number of Supervisors, which is six.

Mr. Randolph then made **motion** to direct staff to advertise for citizen members of the Wireless Service Authority Board. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Recess. The Board recessed at 2:50 p.m., and reconvened at 3:01 p.m.

Agenda Item No. 10. **Work Session:** Rio / 29 Small Area Plan, Phase 1 and Phase II Crossover.

The Executive Summary presented to the Board states that in October 2015 the County received a \$65,000 grant from the Virginia Office of Intermodal Planning and Investment in consultant services to be provided by the team of Renaissance Planning Group (RPG) and Michael Baker International to support the Rio/29 Small Area Plan project. As part of the scoping for the project, the work was divided into two phases. Funding for Phase 1 was covered by a state grant. It is now complete and has provided the preferred land use alternative for the Study Area. Phase 2 will work from the preferred land use alternative to develop a final land use plan, urban design plan, transportation plan and implementation action plan for the Study Area and a final report. A template and form-based zoning code pilot trial for vetting is also expected with Phase 2, as well as an organization of nodal development and their intensities (i.e. how much activity: employment, residents, retail, traffic,... each can sustain) to address the majority of future growth needs (?)

The consultant team and staff presented findings to a joint meeting of the Board and Planning Commission in January. At the March 1st Board meeting, staff will present a summary of their conclusions about Phase I of the Small Area Plan. These include what worked and what did not for the public outreach, validation of the nodal development concept, general marketing information, validation of guidelines for development of a template for the node centered at Rio/29 as defined in the preferred

alternative.

Staff will discuss how Phase II is expected to proceed and what the outcomes/deliverables will be for Phase II. Phase II will include greater detail on how the nodal area centered on Rio/29 will be laid out. Once the area detail is provided, transportation and economy modeling (principally how much mixed use, employment and school impact the area can sustain) will be undertaken to define a workable vision for the nodal area. Then, implementation strategies and the necessary policy and regulatory framework, principally constituted by an integrated hybrid form based code (FBC). The presentation will give an illustration as to what this FBC could be. Staff will also suggest necessary process considerations for successful integration of the development needed to achieve the area vision.

Finally, as is customary practice for large community engagement processes, staff has developed a draft Public Engagement Plan for the Board's review and consideration. That draft is included as Attachment A, and an opportunity for Board comment and feedback will be provided as part of this agenda item.

Consultant services for Phase 1 of the Small Area Plan were funded through the Urban Development Area Planning Grant. The FY2015-16 budget and department work programs includes Phase 2 of the project. Phase 2 may also be eligible for grant funding (an additional \$65,000 for the {urban} design of the template, but could be covered, if necessary, by the \$120,000 currently allocated for the Small Area Plan in the FY2015-16 budget.

Staff recommends that the Board:

1. Endorse staff's conclusions regarding Phase 1, and provide feedback on the proposed development of Phase 2
2. Approve the draft Phase II Public Engagement Plan.

Mr. Andrew Gast-Bray, Director of Planning, addressed the Board. He said his presentation is about developing a new land use process for the Rio/29 Small Area Plan. He said the Board set guidelines at its October 11, 2016 meeting for the highest priority strategic plan objectives and presented a slide outlining the objectives: Phase 1 – Vision: By April 2017, Board adopts desired vision as an early outcome of the small area plan process; Phase II – Concept: By October 2017, Board receives recommendations to increase opportunities for by-right development that meets the urban form established in the Comprehensive Plan through proactive rezoning and improves balance between commercial, industrial and residential tax base; and Phase III – Implement: By May 2018, present draft ordinances to implement the Rio/29 vision and encourage by-right implementation of desired urban land use form. Mr. Gast-Bray said a key concept of the plan is to have a community with a walkable radius of 10-20 minutes with a center and an edge. He said they have identified three potential nodes defined with phasing, with the first priority to be that of Rio/29. He said Phase II would have a detailed design of the nodes, a strategy for transportation, and an implementation strategy that would likely include form-based code.

Mr. Gast-Bray reviewed Phase I and presented architectural drawings of what a pulse node could look like. He said they are using the Urban Land Institute's principles for "Reinventing the Suburban Strip," which identifies 10 core principles. He said the use of nodes allows them to center things, and the public was strongly on board with the nodal development pattern and gave clear support for an initial focus on Rio/29. Mr. Gast-Bray reviewed the possible composition of the node, which could include residential, office, retail, and a hotel. He said the inner core of a node would include retail and commercial space, with the outer ring consisting of residential.

Mr. Gast-Bray next explained the integrated hybrid form-based code. He stated that conventional zoning focuses on use and density with a small emphasis on form, while form-based code places strong emphasis on form with smaller emphasis on use and density. He said the hybrid form includes transportation and economy. Mr. Gast-Bray presented a slide that compared conventional zoning with integrated hybrid form-based code, noting that conventional zoning focuses on segregating land uses; controls development by regulating density, setbacks, building heights, and parking requirements; and constrains economy and transportation, encouraging strip development and preventing mixed use. He said that integrated hybrid form-based code addresses the relationship between buildings and streets; identifies the desired form as well as uses, mass and scale of buildings and the scale and type of streets and blocks; is keyed to a specific plan to achieve the desired performance and character of development; and integrates transportation, especially transit and park once designed, and economy into requirements.

Mr. Gast-Bray said that conventional zoning is presented primarily in words, while a form-based code is presented in words, diagrams, and other visuals for clarity and precision. He said that key elements of a form-based code are the questions of the location of parking lots and the desired level of density and traffic. He said a form-based code can include details of building design and streetscapes, if desired, and this is a question to be analyzed in Phase II. Mr. Gast-Bray stated that there is potential to not go with a full form-based code, but to borrow some elements of it.

Mr. Gast-Bray next explained templates, stating that they are the design of a key area at the center of the node in a way that meets all the objectives and goals of the Comprehensive Plan. He said the use of templates would allow them to address 80% of targeted and needed development, and the return on investment would occur in and around nodes, with 5-10 key nodes in the development area possibly needed to address future growth. He said if this is done properly, it could take pressure off of growth in the rural areas. Mr. Gast-Bray stated that if they are able to form a node template with

strategies in place, they can then model around it. He said that adoption of a form-based code may require significant changes in review processes within the form-based code districts and can result in a better process, as a key element is administrative efficiency through clearly defined and streamlined application and project review processes. He stated that another improvement in the process is that a comprehensive rezoning to a form-based code district reduces the need for zoning map amendment reviews and the uncertainty associated with the approval or denial of those requests. Mr. Gast-Bray said a form-based code maintains the Board of Supervisors as part of the review process by directing staff with regard to implementation and enforcement of the code, and by being the authority as needed when staff are challenged with enforcement. He concluded his presentation by discussing two probable outcomes of the adoption of a form-based code: prioritization of transit, and the discouragement of the kind of development they have had in the past but wish to avoid. He invited questions.

Ms. Mallek said she noticed retail seems to be a huge focus in the node, and asked if it is implied within this node that there would be substantial employment opportunities. She said she wants to be sure they are emphasizing the employment side as much as possible, which may require some tweaking within the matrix they adopted some years ago. Mr. Gast-Bray replied affirmatively and said that under commercial, he should have indicated office.

Ms. Mallek said that commercial/R&D flex would be appropriate.

Mr. Randolph stated that this was a tremendous presentation, and he hopes they can at last establish a center of the County within the southern portion of the node in terms of a center of commerce, County government including offices and courts, an arts center, a senior center, and relocating the Northside Library to this area. He said all of this would create a center of community and could also create a County transportation hub. He stated that he is excited about creating public/private partnerships with the Economic Development Authority having a role, and they are on the verge of a brave new world in terms of doing business in the County, economic development, and revitalization.

Ms. Mallek said they should be mindful of the situation in the downtown Crozet district, where owners have had difficulty obtaining financing for vertical integration. She said she has spoken with some local bankers who said they would not finance a condominium with residential and office in the same building. She stated that the Crozet Master Plan is the only plan that identifies vertical integration, while other plans are vertical/horizontal, though she is trying to push them to go back to this as they are being too narrow in their focus. She said she hopes they would not be so restrictive that they are pushing vertical as a requirement, as it would make it difficult for people. Ms. Mallek noted that her other question is what the consultant would be doing in Phase II.

Mr. Gast-Bray responded that every community struggles a bit with this and stated it is key to involve stakeholders as partners in the public process, including financing, as they often become the champions of the effort. He said that in New Hampshire, where he previously worked, the EDAs would take on the residential portion of vertical mixed-use after the localities made sure the buildings were constructed, although the process is not easy, nor is it guaranteed. He said the County is a bit difficult and the typical approach that would normally come from an inexpensive template form-based code would not address local needs, so staff should be an integral part of the process. He said they are looking at obtaining grant funding for a portion of the project and subsuming this underneath a staff-controlled process.

Ms. Mallek stated that it is important to her to keep this on "a short leash."

Mr. Dill asked if the potential transit hub could include rail. Mr. Gast-Bray replied that the density would not be sufficient to support rail anytime in the near future.

Mr. Randolph said that even if there were sufficient density for rail, the City of Arlington has demonstrated that it would be a difficult political proposition. Mr. Gast-Bray said he would not worry about this and they should focus on getting the place to happen, commenting that a good land-use plan is a good transportation plan. He said there are various options with bus transit including signal priorities, express bus lanes, and shared lane strategies. He said they could eventually have bus/rail transit.

Ms. Mallek said that in 2002, the Board approved a third lane on Route 29 with the expectation this would eventually become a bus lane.

Ms. Palmer said she is happy with everything Mr. Gast-Bray has said, and she is interested in increasing tax dollars per acre, so it is time to move on and do it.

Ms. McKeel commented that it sounds absolutely wonderful.

Ms. Emily Kilroy, Community Engagement Specialist, presented to the Board. She said this would be a big shift for the community, and staff wants to make sure they have a good strategy. Ms. Kilroy referred to an attachment in the executive summary which outlines several ideas and strategies for doing so. She emphasized there is flexibility with the plans and said that in Phase I, the community meetings did not go very well in terms of obtaining quality feedback, so they tried other ways of engagement, including talking to parents of children playing soccer at Darden-Towe Park, focus groups with business stakeholders, and meeting with parents involved with the Agnor-Hurt Elementary School PTO. She said that instead of holding one big meeting, they went out into the community, which allowed them to obtain a higher caliber of feedback that helped to shape things.

Ms. Kilroy outlined the goals of the public engagement process, which included: inform the public throughout, educate stakeholders on the form-based code and facilitate input, disseminate community input to decision makers, establish realistic expectations about the process and timeline, and provide a transparent process for how public input is used. She next identified three critical periods for engagement: a kickoff scheduled for April, which would include education and orientation; program development to occur in May and June; and refinement, which would begin in August and work towards a recommendation to the Board by October. She said the consultants would conduct detail work in June and July relating to transportation and economic impacts that the performance model considers.

Ms. Kilroy next provided lists of high-tech and high-touch engagement activities, with high-tech activities to include the County website and a Rio portal, press releases, A-mail using the Places 29 list, YouTube videos and a survey instrument; and high-touch activities including focus groups, community meeting, the Places 29 Community Advisory Council, a survey instrument, special convening at the Tom Tom Founders Festival, a charrette series, and a display at City Space.

Ms. McKeel summarized what she believes to be the Board consensus that they are satisfied with the conclusions from Phase I and moving forward with Phase II. She asked if a vote is needed to approve the public engagement plan.

Mr. Gast-Bray stated that staff typically asks the Board to vote on a public engagement plan and suggested a motion that would endorse the conclusions of Phase I and approve a public engagement plan in one vote.

Mr. Randolph said he thinks the Planning Commission should have a role and suggested they be available for a public hearing. He stated that they could be instrumental with each of the CACs in being persuasive about the value of the project and making the public aware of the process. He said they would need political and economic commitment in the County, as well as within the corridor to move the project forward.

Mr. Dill expressed agreement with Mr. Randolph's comments, and said there is top notch expertise with form-based planning currently on the Planning Commission.

Ms. McKeel said the only stakeholders missing are the courts and the law community, and stated that court users should be added to the list of stakeholders.

Ms. Palmer commented that the court relocation decision is not related to this.

Ms. McKeel concurred with Ms. Palmer, but said they could make better decisions with their input.

Mr. Randolph offered **motion** to approve the draft Phase II Public Engagement Plan. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Rio+29 Small Area Plan Phase II Public Engagement Plan DRAFT

Project Description

The Rio+29 Small Area Plan is a planning effort underway to articulate a detailed vision for the area around the Rio+29 grade separated intersection to ensure that land use, transportation, infrastructure, and other recommendations both incorporate the new intersection design and provide guidance for the larger area, which has been identified as a future focal point for new urban development and redevelopment.

Phase I of the project began in May 2016 and is expected to be formally endorsed by the Planning Commission and Board of Supervisors by Spring 2017. Phase I included defining the study area, existing conditions analysis, market assessment, and land use map alternative generation. Coming out of Phase I, the key takeaways are:

- The future vision is transformational
- Key concept for transformation is 10-20 minute walkable community
- Concept organizes future development/redevelopment into walkable nodes
- Three potential nodes defined-intent for phasing – Rio/29 being the priority

Phase II, expected to begin in March 2017, will further address the following issues identified in Phase I:

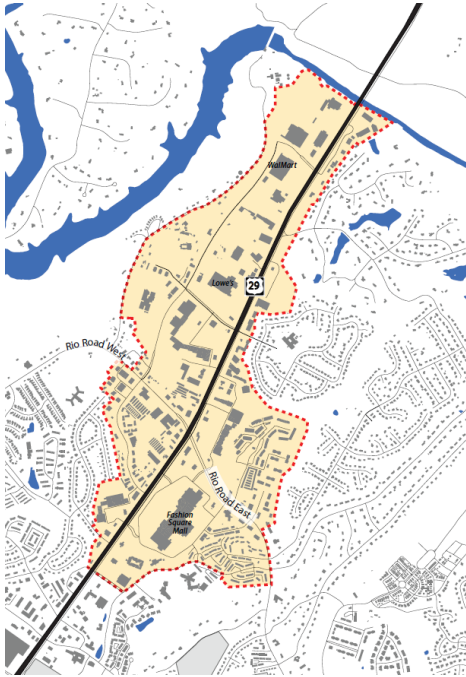
- Transportation challenges posed by increasing development & economic activity in the area
- Further analyzing market factors affecting development potential, such as demographic change influences (for example, "aging up" millennials and baby boomers, and increasing income and purchasing power)
- Incorporating Economic Development Strategic Plan influences into the area plan

With a focus on developing the following:

- Detailed design of node(s)
- Transportation strategy for this vision
- Form-based Code/zoning, infrastructure, and other implementation strategies needed to accomplish the vision

Study Area

The Rio+29 Small Area Plan is being developed for the 29 North commercial corridor, from Branchlands Boulevard up to the Rivanna River.



Work Product for this Project

The Small Area Plan will become an amendment to the Places29 Master Plan once approved and adopted by the Board of Supervisors. The process will encourage identification of implementation strategies that can be pursued parallel to the planning process and/or shortly after the plan's adoption. One of these strategies, the Form-based Code, would be enacted as an amendment to the County's zoning ordinance.

Phase I (May 2016 – March 2017)

The report for this phase included:

- Study area analysis of existing conditions
- Market assessment
- Land use alternatives

Phase II (March – December 2017)

The report for this phase will include:

- Transportation analysis
- Transportation improvements plan
- Transportation plan
- Final land use plan
- Implementation action plan, including a Form-based code and design "template"

Public Participation Goals

- Keep public informed about the Small Area Plan as it moves through the process
- Educate Places29 stakeholders on the form-based code concept and facilitate community input on the design of a form-based code for this area.
- Disseminate community input to ultimate decision-makers for their consideration
- Establish realistic expectations about the process and timeline for completion
- Provide a transparent process for how public input is used in developing alternatives and strategies

Stakeholders

Target:

- Property owners (Rio/29 core area are primary; others who may be part of other core areas may also be important)
- Community Advisory Committee members (Places29 in particular, but educating all CACs)
- Developers and businesses, including North Charlottesville Business Council
- Current and future residents/stakeholders/customers – millennials, baby boomers (Charlottesville Area Alliance), non-profit partners working with existing communities
- Design consultants
- Real estate brokers/realtors – commercial/residential
- Financers/lenders
- Real estate/development attorneys
- Professional organizations – local Urban Land Institute/ULI Young Leaders, Charlottesville Area Development Roundtable
- Architectural Review Board (ARB)

Others:

- Institutional (Sentara Martha Jefferson Hospital, Seminole Trail Fire, Northside Library)
- Residents, through geographically applicable CACs, Agnor-Hurt and Woodbrook ES PTOs, area homeowners associations
- Charlottesville Area Development Roundtable
- County development advisor consultant
- UVA A-school students/faculty – including student volunteers to assist with activities/events
- Technical/Advisory – VDOT, ACSA, other utilities, WiFi/internet, CATS
- City – particularly re: FBC for Strategic Investment Area
- University of Virginia
- Charlottesville Tomorrow as cohost/partner – can provide City Space as venue

Public Engagement Activities

In Phase I of the project, public engagement that “met people where they are” resulted in information-sharing and feedback from stakeholders that do not normally engage in local government meetings. This included both online opportunities and in-person meetings and resulted in thoughtful comments from a broad cross-section of the community. During Phase I, the following activities occurred:

- Pop-up at a local park
- Presenting to the Agnor-Hurt PTO
- Focus group discussions with area business, developer, and landowner stakeholders and young professionals
- Display at the Northside Library
- Two videos sharing information on the project
- Two online comment cards to provide feedback on a series of questions

For Phase II, a similar outreach agenda will be executed. In addition, the County proposes three new convenings, described below, designed to bring interested community members and topical experts into the design process for the form-based code design template.

- TomTom Founders Festival Hometown Summit – half-day session with leaders in placemaking, innovation, and urban design from across the US create visions for the area around three themes, multimodalism, placemaking, and a small business hub
- Charrette – three to four sessions where urban designers work with invited stakeholders to collaboratively build form-based code design template alternatives; this event will be open to the public
- CitySpace – August First Fridays and month-long display at gallery space with feedback opportunity

Concurrent with Phase II, the Thomas Jefferson Planning District Commission is leading an effort to complete a Small Area Plan for the Hydraulic + 29 intersection. Staff will coordinate with TJPDC to leverage outreach opportunities and avoid conflicting schedules.

Engagement will be organized around three critical periods:

- April/May 2017: Kickoff/Orientation
- May/June 2017: Program Development/Charrette
- August/September 2017: Preview of Recommendation/Refinement

Public Participation Tools

- Project website on Albemarle.org
- Press Release
- A-mail – Places29 Master Plan list
- YouTube videos

- Focus groups
- Community Meeting
- Places29 CAC meetings
- Survey instrument
- Special convenings – Tom Tom Founders Festival, Charrette, CitySpace
- Site visit
- Digital visualization tools

Roles & Responsibilities

- Board of Supervisors – The Board of Supervisors has the final decision-making authority for approving all updates to Master Plans, of which the Small Area Plan will be apart. The Board of Supervisors will conduct their required public process, including work sessions and a public hearing, on the draft Small Area Plan, with the opportunity to adopt the Small Area Plan as an amendment to the Place29 Master Plan. The Board of Supervisors will be briefed in March, June, and October 2017.
- Staff – Work with the community to ensure the effectiveness of the public engagement process, provide review and recommendations to the ultimate decision-makers in accordance with established county policies and plans, keep community informed about the progress of the small area plan, communicate how public input has shaped decisions about the study, present final recommendations to the Planning Commission and the Board of Supervisors.
- Planning Commission – Phase II of the Small Area Plan will culminate in an amendment to the Place29 Master Plan. The Planning Commission directs updates to the Master Plans and will be expected to manage this update in their legally prescribed role. The Commission will conduct its required public process, including work sessions and a public hearing, on the draft Small Area Plan, resulting in a recommendation to the Board of Supervisors. The Planning Commission will be briefed on this project in February, May, August, and October 2017.
- Architectural Review Board – Send one ARB member to the Technical Committee meetings, receive regular updates on the process at ARB meetings, provide regular feedback to the Technical Committee, ensure that all existing Entrance Corridor (EC) guidelines design review elements are addressed in either the form-based code or in revised EC guidelines for the project area, make recommendations for corresponding changes to the overall EC guidelines and ARB review process as necessary, and provide comments on the draft code and template near the end of the process. The ARB members will also be invited to participate in the charrettes.
- Technical Committee – Provide general coordination and guidance on the technical aspects of the Small Area Plan research process. Provide assistance in data collection, identify data collection needs, and ensure continuity between this project and other County and regional studies and initiatives. The Technical Committee will be comprised of staff from various Albemarle County departments and divisions, ARB, VDOT, MPO, ACSA, and JMRL.
- Focus groups – Focus groups will be invited to provide input on discrete topics as identified. A targeted focus group will include representatives of the North Charlottesville Business Council, Chamber of Commerce, large landowners/property managers and area businesses with a particular emphasis on early identification of potential business development initiatives and incentive strategies. Another will be comprised of young professionals to better understand needs and desires of area “millennials”.
- Community At-large– One community meeting will be held during the course of Phase II, the to obtain input on the draft template(s) developed through the charrette process. Additional community meetings will be scheduled as determined to be necessary.

Feedback Loop

The public participation plan will ensure dissemination of public input to decision-makers and back to the public at-large to demonstrate how comments and concerns have been recorded, understood, and accurately communicated. It will also show the public how their input has been translated and how it influenced the outcome of the project. Staff will make available the following resources as part of the public participation feedback loop:

- The Small Area Plan website will be updated with information on all meetings and other events
- All comments generated at public meetings will be recorded and available to review on the project website.
- The Places29 Amail list will be used to keep interested citizens up-to-date
- Press releases and other materials will be sent out as appropriate to keep the community informed about the process.
- Survey instruments will be used in-meetings and afterwards online to allow for feedback to be recorded and summaries of the feedback received will be posted on the project site.
- YouTube will be used to share information about the project for people who are unable to attend meetings in person

Easements on County-Owned Parcel.

The Executive Summary presented to the Board states that on August 3, 2016, the Board held a public hearing and adopted two resolutions authorizing the conveyance of utility easements to Virginia Electric and Power Company ("Dominion") and Central Telephone Company ("Century Link") on County-owned property located at the intersection of Old Trail Drive and Jarmans Gap Road, identified as Tax Map Parcel 055E0-00-00-000A1 ("TMP 55E-1") (Attachment A). The Board's motion adopting the resolutions stated that the conveying deeds "require thirdparty equipment to not be allowed above ground." The relevant background of these easements is explained in the August 3, 2016 executive summary for the Dominion easement (Attachment B).

The condition requiring undergrounding was included in the Board's August 3, 2016 action to reduce the potential visual impacts of utility equipment along Jarmans Gap Road. The utilities' equipment and structures were relocated in 2012 or earlier as part of the Jarmans Gap Road project along the northern edge of TMP 55E-1. Maps showing their locations are included as Attachments C and D. The relocated utilities include above-ground utility lines, as shown in Attachment E.

Attorneys from Sands Anderson, who represent the Virginia Department of Transportation in the Jarmans Gap Road project, have requested that the Board reconsider the condition requiring that third party equipment not be located above ground. Their request is included as Attachment F and they will present additional information at the Board meeting.

Sands Anderson represents that third-party equipment already exists on Dominion's aerial lines, as well as "pedestals" outside of the proposed easement area that serve the aerial lines. Dominion has now proposed an amendment to its standard deed language that would restrict third-party equipment only to that serving Dominion's internal communications. Century Link's equipment is currently underground, and it has proposed an amendment to its standard deed language that would require County approval before any third-party equipment, or electrical or other utility service for its own use is located within the easement (Attachment G).

The Board's condition is consistent with Strategy 10d of the Capital Facilities chapter of the Comprehensive Plan, which states: "Locate utilities to minimize impacts on the visual and natural environment." The supporting discussion states that properly locating utilities in the Development Areas is important, and further explains that: "Underground electric, telephone, and fiber optic lines can improve the visual environment and the requirement to locate these utilities underground should continue. Above ground apparatuses... should be located in a manner that minimizes the impact on the surrounding area and should be adequately screened when installed." However, there are mitigating factors in this case: (1) the utilities were relocated in conjunction with VDOT's Jarmans Gap Road project, rather than in conjunction with a private development; and (2) Dominion's utility lines were above-ground before being relocated. In addition, staff believes that the amendments that Dominion and Century Link have proposed will allow any visual impacts from third parties to be minimized or otherwise addressed.

There is no budget impact.

If the Board decides to delete or amend the condition prohibiting third-party equipment from being located above ground, staff recommends that the Board direct staff to advertise a public hearing to be held on April 5, 2017 to consider granting the easements with the proposed revisions described in this executive summary.

Mr. Kamptner stated that this matter came before the Board on August 3, 2016 for a public hearing, to consider granting easements to two utilities on County property at the intersection of Old Trail Drive and Jarman's Gap Road. He said the Board approved conveyance of the easements and requested that the deeds prohibit the grantees from allowing third-party equipment to be placed above ground within their easement. He said the two utilities have expressed concern about the restriction, and he invited them to come before the Board to make their case. Mr. Kamptner showed an architectural map of the affected area, as well as a more detailed drawing of the Dominion and Centel easement areas. He showed a photo of the existing above ground Dominion utility lines and said the Centel utility lines are below ground within the area of the easement.

Mr. Kamptner said that Mr. Jeffrey Geiger, a VDOT right-of-way attorney, has proposed a restriction that only third-party equipment serving Dominion's internal communications would be allowed on their equipment within the easement. He said CenturyLink has proposed a restriction that would require County approval of any third-party equipment that would be installed. He said Mr. Geiger from Dominion is available to answer questions and stated that if the Board agrees, then staff and utility representatives would revise the deed language and return to the Board for a required public hearing on April 5.

Ms. Mallek stated that existing developments have made a huge investment to have utilities underground, and there is community concern that the companies, if not restricted, would use the above-ground business to expand and install additional utility poles. She said it is very important to keep utilities throughout the County to their business and not use their status as utilities to further the interests of other companies and create blight. Ms. Mallek stated that she assumes they intend to install wireless boosters for smart meters that would hang from the poles, and asked if this is the case. Mr. Jeffrey Geiger responded and said the internal communications devices are designed to assure the lines are in operation, and the original easement filed with the acquisition in 2010 was only for the operation,

maintenance and construction of telephone and power facilities, and is limited to that extent. He noted that the equipment permitted within the easement being proposed would only be for the benefit of the telephone or power line equipment and not for add-on technology.

Ms. Mallek asked for confirmation that a company, such as Comcast, would not be able to lay its equipment and the easement would be restricted to Dominion and Centel. Mr. Geiger replied that it restricts it to two entities with respect to the operation of their facilities, insofar as the services being discussed. He stated that the cable company is a separate service, and these are replacement utility easements. Mr. Geiger said he understands there have been concerns as to how the easements would be used, and he hopes their installation and service provision is in keeping with the vision for Crozet.

Ms. Mallek responded that Dominion has sent other contractors out that have mistreated the residents and threatened them to sign to approve installation of cables, and she has complained about this to Susan King of Dominion. She said this is why she has concerns and wants to be sure this provision would only be for Dominion's operations and not anything else. Mr. Geiger replied affirmatively, adding that the company's operations means third-party easement holders' operations to do the telephone and power.

Mr. Kamptner asked Mr. Geiger if CenturyLink is willing to restrict third-party equipment to serve only itself. Mr. Geiger said that Central Telephone or CenturyLink, formerly Centel, has below-ground facilities, though he cannot speak as to what would happen in the future. He pointed out that this is why they agreed to have language that says any modification would require approval of the easement grantor, which is the County.

Mr. Kamptner said the final language would apply to above-ground equipment, and CenturyLink would need to come back and amend the easement to allow above-ground equipment.

Ms. Palmer asked if there is a staff recommendation. Mr. Kamptner replied that staff recommends that, with the revised restrictions, the Board should set a public hearing for April 5 with action after the hearing.

Mr. Randolph offered **motion** to set a public hearing for April 5, 2017 to consider granting the easements with the proposed revisions. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 12. **Presentations:** Board-to-Board, February 2017, **A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.**

Ms. Kate Acuff, School Board Chair, presented to the Board. She noted that her in-person reports are scheduled to be quarterly, while the written reports are monthly, and she asked the Board to consider whether more frequent in-person reports would be useful. She outlined her presentation, which she said would focus on Red Hill School modernization, a bond referendum update and a High School 2022 planning update.

Ms. Acuff displayed a slide that reviewed the progress of Phase I of the Red Hill modernization, stating that the previous week had been the ribbon cutting for the opening of the modernization project, which was attended by parents, community members, alumni, the School Board and Board of Supervisors' members. She said the project included adding a secure entrance and substantial modernizations, including a new library, art room, kindergarten space, multi-age classrooms for 1st, 2nd, 3rd, 4th and 5th grades, a special education suite, and a new front entrance and office suite. Ms. Acuff showed a photo of the new entrance. She stated that Phase II, which is way down the list of priorities, would include an expansion of a new gymnasium. Ms. Acuff presented photos of some new classrooms, with additional windows added.

Ms. Acuff provided an update on the \$35 million bond referendum, which was approved by 74% of County voters in November. She reviewed the four categories of projects which are scheduled for two phases: Woodbrook Elementary School expansion and modernization; security improvements at four schools; Phase II of Western Albemarle High School Environmental Studies Academy labs and modernization of seven offices; and modernization that would impact 24 County schools. She displayed a calendar listing the timeline for projects at the various schools and displayed a slide of key activities since November: BOS-approved acceleration of \$300K to fund design work for learning space modernization and Scottsville security; BOS-approved additional project management resources to support the capital program; hiring of architects; and frequent meetings of the design committees.

Ms. Acuff next displayed a slide that included an aerial drawing of what the Woodbrook addition and modernization would look like, stating that activities underway include the site plan process, construction documents and contractor prequalification. She said the total project budget is \$16.2 million and is scheduled for completion by August 2018. Ms. Acuff said the impetus for expansion was to ease overcrowding at Greer, Agnor-Hurt and Woodbrook elementary schools. She said this fall, they will be convening a citizens' redistricting advisory committee to make recommendations for redistricting, which may impact middle schools. She said the Woodbrook addition contemplates space for up to three additional pre-kindergarten classrooms, which should be in place for the 2018 school year. She presented

a slide that reviewed learning space modernization at several schools, with a Phase I cost of \$3.2 million, to include: Albemarle High School – 6 spaces; Western Albemarle High School – 4 spaces; Jack Jouett Middle School – 4 science labs; Walton Middle School – 3 science labs; elementary school furniture for Broadus Wood, Murray, Scottsville, Stony Point, and Yancey; and a Scottsville Elementary School media center.

Ms. Acuff said the third big project underway is high school planning, stating that administration has been considering curriculum changes and what the profile for a 2022 graduate might look like. She said the replacement of No Child Left Behind in December 2015 by the Every Student Succeeds Act has led the state education department to work towards development of a new student profile. Ms. Acuff stated that the County schools have been working with several planning groups, both school and community based, including an advisory group of professionals from University of Virginia. She stated that they have an interesting multi-strand conceptual paper on the profile of a graduate, and she offered to send Supervisors a link to the paper. She said that one big emphasis is to engage students in the community in junior and senior years, which would include community-based projects, job shadowing, and internships. She said that high school curriculum planning informs their thinking on bricks and mortar in terms of what kind of spaces are needed to teach in a project-based, collaborative environment, as well as the impact on space and schedule needs if a large percentage of students spent extensive periods out of the classroom.

Ms. Acuff emphasized the urgency for the Board to make a decision as to whether they would build a new high school or renovate and enlarge Albemarle High School, as the recent addition of eight mobile classrooms would be sufficient for four additional years, at which time they would be at capacity. She said that a bond referendum to pay for school expansion would have to be on the ballot by November 2018, and she invited questions and comments.

Mr. Randolph encouraged Ms. Acuff to involve a Planning Commissioner in the process, as the Comprehensive Plan five-year update would be in 2020, and they would be happy to liaison with the School Board and bring expertise. He asked her to consider the possibility of having an urban high school in the Rio Road/Route 29 area, as internship opportunities would be nearby along with cultural organizations and the Senior Center.

Ms. Acuff responded that she has communicated with members of the Planning Commission at the suggestion of the Board of Supervisors, and they had scheduled a meeting for February, but this had to be cancelled and they are looking at scheduling another date to meet. She said this is absolutely something the Planning Commission should be part of.

Mr. Randolph requested that Ms. Acuff have some teachers and students address the Board about some of the new programs so the Board can get up to speed with what is going on in the classroom.

Agenda Item No. 13. **Presentations:** Thomas Jefferson Planning District Commission FY 2018 Annual Work Program.

Mr. Chip Boyles, Executive Director of the Thomas Jefferson Planning District Commission, presented to the Board and summarized the area the district encompasses: the City of Charlottesville and Albemarle, Fluvanna, Greene, Louisa and Nelson counties. He displayed a slide showing the FY17 budget, which showed total revenues at just over \$2 million, stating that the revenue sources include federal at 58%, state at 18%, local contracts at 16%, local member per capita at 7.5%, and rent and interest at .5%. Mr. Boyles said that expenses include employee compensation at 37%, rent at 4%, contracts at 3%, pass-through payments at 46%, and other operating costs at 10%. He gave an example of pass-through payments as Department of Housing and Urban Development Funding for affordable housing coming to the Commission and then being passed onto organizations, such as Habitat for Humanity and AHIP. He gave several examples of contractual projects they have with local governments, including assisting County Community Development with plan review services, the broadband plan, and the 5th Street Station transportation alternatives program. He also gave examples of regional efforts they have undertaken including the legislative forum, legislative liaison services, I-64 corridor study, regional transit study, Rivanna River Corridor facilitation, and Scottsville regional social services hub.

Mr. Boyles said that in recent meetings with mayors and chairs of local governments the TJPDC serves, it was recommended that the TJPDC spend 75% of its time on regional programs and 25% on direct, local government programs. He next reviewed proposed regional programs for FY18 including GO Virginia, regional broadband coordination, regional rural transportation planning, regional educational and training presentations, a regional quality of life report, regional staff and program facilitation, the MPO Long-Range Transportation Plan, the Rural Long-Range Transportation Plan, and the Lunch and Learn series.

Mr. Boyles displayed the FY18 funding request for Albemarle County, stating that the per-capita request, based on a population of 105,052, is \$65,132. He said this would be spent as an MPO match of \$20,205, a rural match of \$2,620, and a legislative liaison deficit of \$10,148, with a remaining balance of \$32,973. Mr. Boyles said the balance would be divided with 75% to regional programs and 25% to Albemarle County, which would allow them to devote approximately 100 hours of staff time to the County. He asked the Board to direct him as to how to devote the 100 hours.

Ms. Mallek asked if the 25% devoted to local programs is something new and if this is set in

stone. Mr. Boyles confirmed that this is something new.

Mr. Dill asked if regional time must include all participating localities. Mr. Boyles replied that regional means there are three local governments involved, and the 75/25 split would be monitored as to time spent and may vary in the future, but this is a starting point.

Mr. Walker stated that his staff recommends they prioritize the 100 hours towards the wireless services authority initiative and the neighborhood improvement funding initiative.

Ms. Mallek asked if intergovernmental reviews are still coming from DEQ and other agencies. Mr. Boyles replied that they are.

Ms. McKeel asked if they are still moving forward with establishment of a regional partnership with Charlottesville Area Transit. Mr. Boyles responded that a framework is being formulated to look at what the Board and its responsibilities would look like, as well as the reporting requirements for transit providers. He said that once the framework is put together, they can come to the Board along with input from JAUNT, CAT, Rideshare and UTS.

Ms. McKeel asked if another joint meeting with Charlottesville would be required or if they would each receive a separate presentation. Mr. Boyles suggested a joint meeting and said they should have the framework ready by the next scheduled joint meeting.

Agenda Item No. 14. **Presentations:** Region Ten Community Services Board Information for Appropriations Considerations.

Mr. Robert Johnson, Executive Director of Region Ten, presented to the Board. He acknowledged and thanked Mr. Walker for being a partner and working closely with Region Ten on many projects. He stated that the organization served approximately 9,437 individuals last year, which was an increase of 1% over the previous year. Mr. Johnson said that 2,243 of these were Albemarle residents, representing 24% of those served. He presented a slide that listed the top three adult disorders: depression, bipolar disorder, and trauma/stress-related disorder. He noted that the top three children's disorders are attention deficit/hyperactivity, depression, and trauma/stress related disorder. He said Region Ten is one of 40 community service boards in Virginia, and he believes they are the most innovative. Mr. Johnson stated that alcohol is at the top of the list of substance abuse users, with recent increases in the use of opiates and heroin. He said that almost 1,000 Virginia residents died last year as a result of opiate abuse, and they have not seen this level of use of opiates and heroin previously. He said that to address this, Region Ten has upgraded outpatient services, including men's residential services. He said they are renovating and adding beds to the Mohr Center, which will include four detoxification beds to enable treatment with medicated assisted therapy over a two-week to one-month period for those addicted to opiates. He said the capital campaign raised \$1 million for the women's treatment center and thanked the Board for providing \$75K of annual funding. He said they would break ground later this month with plans to open by late October, and the facility would contain eight beds with room for up to two school-age children.

Mr. Johnson next provided a list of ongoing needs for Region Ten, including case management, which continues to have a growing list of demands imposed by regulatory requirements; medical services/psychiatry, which continues to operate at a deficit of \$836K annually and has increased by \$200K since FY15; and emergency services, which operates at an annual deficit of \$1.02 million and has increased by \$273K since FY15. He said that 25 of 69 programs operated by Region Ten require additional support from unrestricted funds. Mr. Johnson stated that the County receives an excellent return on investment for the \$573,611 it has allocated for the FY17 budget, noting that this does not include the recently added \$75K for the women's treatment center, and for every dollar they spend they receive a return of \$17.

Mr. Johnson reported on Region Ten's statistics for FY16, stating that individuals served increased by 7%; individuals utilizing mental health services increased by 5%; individuals utilizing intellectual and developmental disability services increased by 3%; and individuals utilizing substance use disorder services increased by 26%.

Mr. Johnson emphasized that the increase in substance abuse is not unique to Albemarle and has occurred throughout the state, affecting all economic, ethnic and racial groups. He concluded his presentation by conceding that every year, they request funding increases from the County, but they try very hard to find additional funding sources and applied for \$2.5 million in grants last year and received \$1.7 million. He said this year they have applied for \$4 million in grants and part of their strategic plan is to continually look for additional funding sources in addition to state, Medicaid and local funding.

Mr. Johnson introduced Caruso Brown, who retired in February 2016 after 31 years of service, but returned to assist with the establishment of the women's treatment center.

Mr. Caruso Brown, former Deputy Executive Director of Region Ten, addressed the Board. He said the women's treatment center attempts to meet a critical need, and the uniqueness of the program is the ability to provide services to clients' children ages 0-4 while the mother obtains treatment. He said that many women choose not to enter treatment over concerns about their children. Mr. Brown stated that the capital campaign for the women's treatment center was the largest they have ever conducted, and acknowledged a Perry Foundation grant as well as a major donation from Dorothy Batten, which together represents 75% of the funds raised. He said the remaining 25% was from people in the community who

genuinely care about the needs of people who are suffering. He said the County and City commitments to provide annual operating funding were instrumental in convincing donors to give.

Agenda Item No. 15. **Presentations:** Charlottesville-Albemarle SPCA Annual Report.

Ms. Jackie Bright, Executive Director Charlottesville-Albemarle SPCA, addressed the Board. She introduced Dr. Kristin Scheller, Director of Veterinary Services, and said the SPCA's contract fulfills Virginia Code 3.2-6546, which requires each county and city to maintain a public animal shelter or to contract with a private firm to provide services. Ms. Bright reviewed the SPCA's services, including provision of shelter to all animals delivered by animal control officers or by community members, shelter for animals under bite quarantine, companion animals as directed by the court, veterinary services used by animal control for court cases, transportation of small wildlife animals to the Wildlife Center of Virginia, licenses for County residents, lost and found services, basic health screenings, emergency care, and euthanasia, if necessary. She said that additional services beyond what are contracted by the County are funded by private donations, and these include low and no-cost veterinary care, such as spay and neuter services, and routine care and vaccinations for pets of underserved community members. She said the SPCA also responds to referrals from local veterinarians for emergency needs in the event a customer cannot pay for services. Ms. Bright said they provide rabies vaccinations and implanted over 3,000 microchips in pets in 2016, with plans to increase this number. She stated that they provide trap and return feline spay and neuter services to reduce the stray cat population, and provide support to animal control for stray cat issues. She stated that in 2006, they adopted a no-kill mission and have maintained a 94% or higher live release rate.

Ms. Bright stated that in 2016, they saw a 2% decrease in canine intake, an 8% increase in feline intake, and a 69% increase in intake of small animals with an overall increase of 5% over 2015 across all categories. She said the total number of animals served was 1,927, and listed some other services SPCA provides, such as food and veterinary services for companion animals to seniors, disabled residents and those living in poverty. She stated that in 2017, they would launch a caravan service consisting of a mobile unit to deliver veterinary services to underserved communities, which will operate two days per week and be funded by private donations. She said she will provide the Board with a copy of the 2015 audit and would soon have and distribute the 2016 audit. Ms. Bright reported that the mission of the organization is very dear to her heart, and she took the position seeing an opportunity to strengthen the infrastructure of the organization, ensure transparency, to ensure that tax dollars are spent wisely and that services provided are of the highest quality. She offered to address two questions that have been posed. She said that one question is about how the fee is calculated, and explained that it is not based on the square footage of the shelter but on population estimates furnished by the U.S. Bureau of the Census and the per-capita amount based on the CPU provided by the Bureau of Labor. She stated that the second question was about the removal of animal reports from the USDA website, and said a statement was made that this decision is not final and she hopes this will be reversed.

Ms. Palmer asked if this has to do with a recent ruling from the U.S. Department of Agriculture. Ms. Bright responded that it was a directive from the new administration, and explained that the National Humane Society has put the administration on notice that the organization intends to file a lawsuit. Ms. Bright said she wants to be mindful of the SPCA's transparency and that statistics are available, noting that the shelter is accessible 24/7 to animal control. She noted that their database is available and they want to make sure the Board feels comfortable with the services they are providing.

Ms. Palmer stated that veterinary services are not covered by taxpayer dollars, although the City has a contract with SPCA to provide some funding. Ms. Bright said they have a memorandum of understanding with the City about the benefits of the trap and release program and are focusing on that rather than having animal control bring animals to the shelter. She said their staff only provides care in emergency situations. She said in the case of an owner relinquishing a pet, the care and support comes from the private side of the shelter, which is separate from the contract with the County.

Ms. Palmer said that as a practicing veterinarian for 20 years, she has seen the SPCA grow and provide incredible services, and she is very proud of them.

Agenda Item No. 16. **Presentations:** Emergency Response Apparatus, Access and Road Widths.

The Executive Summary presented to the Board states that Albemarle County embraces the Neighborhood Model form of development within the County. The Neighborhood Model calls for designs that are more human, pedestrian, bicycle and public transportation friendly while promoting economic prosperity at the grass roots level, within the neighborhood. One aspect in achieving these goals requires streets that are more "human centric" rather than vehicle focused. Smaller streets and traffic calming engineering are two processes that achieve the human focus. While it may appear that the design of emergency apparatus, emergency response efforts and the fire code are in opposition to the Neighborhood Model, early involvement in the plans review process along with open communications provides for flexibility where possible and ensures that conflicts are resolved in a mutually beneficial manner.

The purpose of this discussion is to explore the effect of road widths for emergency apparatus access provisions in the Virginia Statewide Fire Prevention Code (SFPC) on the development goals of Albemarle County.

Virginia Code § 27-94, which is part of the Virginia Statewide Fire Prevention Code Act, directs the Virginia Board of Housing and Community Development to adopt a Virginia SFPC. The Virginia SFPC is a minimum standards code. In other words, locally there is no authority to lessen the requirements of these codes, but in the case of the Virginia SFPC, it allows stricter standards to be adopted by a local governing body should it choose to do so. (SFPC § 101.5)

Under SFPC § 503.2.1, fire apparatus roads must have an unobstructed width of not less than 20 feet, exclusive of shoulders. There is an exception for single-family dwelling and townhouse developments that are fully sprinklered as provided under the International Residential Code, in which case the minimum unobstructed width, exclusive of shoulders, is 18 feet. Under SFPC § 503.2.2, the fire marshal is authorized to require an increase in the minimum access widths where they are inadequate for fire or rescue operations. The purpose of these regulations is to allow emergency apparatus to pass abreast on these roads during emergency operations and provide operational space for the emergency response efforts.

Emergency vehicle size is a factor in the issue at hand. National Fire Protection Association (NFPA) standards for apparatus design, EPA emission standards, OSHA requirements, staffing ability, station placement, community size, response times and response objectives all play roles in apparatus size. As an example, areas with a less developed water supply system require larger water tanks on fire apparatus. Objectives often dictate multiple roles for one vehicle, especially when stations are geographically more distant from each other, as can be the case in Albemarle County. Minimum storage and equipment requirements set by NFPA also affect the size. As a result, newer apparatus is taller, longer and appear more bulky than older apparatuses. However, width remains constant due to USDOT and highway standards and the need for manufacturers to meet the needs of customers across the country. Current specifications for Albemarle County Emergency Response Apparatus fall within these guidelines and the designs serve the response needs we face.

Emergency apparatus design, the need for emergency access and the Virginia Statewide Fire Prevention Code may appear at first glance to be in opposition to the type of development, healthy communities and economic programs desired and expressed in the strategic initiatives from the Board and the community. With parking added, streets are wider to meet the travel way requirements in the code. Wide streets equate to more pavement, increased runoff, dangerous traffic, and do not provide the desired level of community health and vitality. In fact, the code even appears in contrast with VDOT standards for low volume roads, which allow for a travel way of fifteen (15) feet. However, this does not tell the whole story of the County's efforts to ensure the health, vitality and safety of our communities.

Community Risk Reduction is a major goal of the Albemarle County Fire Rescue Department (ACFR) and the Albemarle County Community Development Department. It includes adhering to "Best Practices" as identified by the Congress for New Urbanism and the Local Government Commission. This includes cooperative efforts between the community, developers, the development authority and emergency responders. These "Best Practices" address traffic-calming, community "footprint", emergency apparatus designs, street designs to meet the desires of the governing authority and emergency responders mutually. To achieve this, County staff engages in open dialogue at all levels, including involvement of the emergency response community at the earliest stages of planning.

There are a number of examples of cooperative successes in meeting the goals of the community and Board. ACFR and Community Development staff engage in the pre-application meeting process and discuss concerns with developers before submission of official plans or construction begins, which leads to mutually agreeable compromises. Specific examples of the benefits of this collaboration include development projects such as Oakleigh off Rio Road, Dunlora Forest, Riverside Village and Charlottesville Catholic School. Each of these projects had access challenges. Innovation, communication, and compromise overcame those issues while ensuring safety and community goals.

Compromise on street designs and traffic calming initiatives, such as bump-outs, pavement markings to give an illusion of narrow roads, interconnected street designs, roll-over curbs, roundabouts, and innovative efforts in planning parking combine to ensure we meet the intent of the safety codes without adverse effect on the development goals. Response strategies that emphasize strategic placement of apparatus and pre-planning response routes helps with these efforts. Strategic emergency apparatus designs embraced by ACFR such as roll-up doors, fire protection features, including the strategic placement of hydrants/water supplies, and the use of sprinkler systems are representative of the many ways staff has aligned safety goals with development goals.

Collaboration and engagement with the community, developers and other stakeholders, such as VDOT, the water authorities and emergency response partners is the norm for Albemarle County staff. ACFR staff guidance is to ensure the intent of the code in regards to the situation at hand rather than a blanket application for all projects. Compromise is important and flexibility is valued where appropriate. This open communication and honest assessment on the merits of each project occurs early in the process and is the hallmark of the County staff efforts in this regard.

No direct budget impact.

Staff recommends the continuance of joint efforts of ACFR, Community Development, VDOT and the development community.

Mr. Howard Lagomarsino, Albemarle County Fire Marshal, presented to the Board. He emphasized that the presentation and process is a joint effort among many different departments in the County working closely together, and is in response to questions about road widths and how they would play into economic vitality and development goals. Mr. Lagomarsino said one question was whether the size of fire trucks is dictating the road widths and if smaller trucks could be purchased so they could build smaller roads. He explained that fire trucks have gotten bigger but not wider, and emphasized that fire apparatus design is governed by laws, national standards, rules, regulations and ordinances, and manufacturers utilize a set of standards for consistency. He said that other factors driving design include mission, needs, water supply and equipment. He stated that VDOT rules require vehicles to be 102 inches or less in width, with a maximum height of 13 feet 6 inches.

Mr. Lagomarsino stated that Albemarle's water tanks are larger than average, as they are needed in the rural areas where there are fewer hydrants, and thus the trucks have to be larger to accommodate the tanks. He said that state standards require fire access roads to provide an unobstructed 20-foot wide travel way and access to within 150 feet of all the exterior walls of the first floor of a building. The Chief explained that the intent of the code is to provide working space and the ability for another emergency vehicle to pass by, and said that when designing streets, one can look at the letter of the law or the spirit of the law, and Albemarle looks at the spirit of the law. He stated that they have embraced the concepts of the Congress for New Urbanism, which refers to smart streets, livability, and pedestrian-friendly streets. He noted that a common misconception is that the fire and rescue world is in direct opposition to this, but the Congress for New Urbanism has worked with emergency responders, developers and planners to find common ground.

Mr. Lagomarsino provided some solutions to making apparatus and equipment less space consuming, such as roll up doors, rear hose connections, and storage of ladders inside the truck. He said the Congress for New Urbanism has issued some best practice recommendations, including interconnecting streets, traffic calming, apparatus design, and communication between developers and fire and rescue. He provided some examples of creative ways to obtain fire access routes, with diagrams of new developments at Darden Towe Park, Dunlora Forest, Oakleigh, and Old Trail. He concluded his presentation and invited questions.

Ms. Mallek asked for an update on Upland Drive. Mr. Lagomarsino responded that the developer has put up "No Parking" signs, and said this street was originally planned to not have parking as it is not wide enough to meet fire access standards.

Ms. Mallek said she hopes they can seek a solution, as older residents have to walk 100 yards to their homes, sometimes carrying groceries.

Mr. Dill asked how often they do what the minimum legal requirement calls for, and how often they use more stringent standards because there might be a safety factor. He said his understanding is that some standards are required and others provide options. Mr. Lagomarsino replied that the minimum road width for fire access is 20 feet. He said side streets, if designed so they do not have to be fire access roads, can be less stringent. He said there is a process by which developers can request a variance by submitting an application and asking if something meets the intent of the code. The Chief said the code allows the width to be reduced to 18 feet if the structure has sprinklers, and said they stick to what the minimum of the code requires and are not more stringent.

Mr. Dill asked how a developer would find out if something is negotiable. Mr. Lagomarsino said this would occur in the pre-application process and meeting, which is attended by their plans reviewer.

Mr. David Benish, Chief of Planning, stated that staff always recommends that developers confer with fire and rescue, even for very elementary projects. He said that fire and rescue is part of the site review committee, and initial site plans require their input and comment.

Mr. Dill cited the example provided by Ms. Mallek and asked how the developer would obtain an occupancy permit. Mr. Benish explained that there is a reluctance during construction to post street signs and stripes because of the damage that occurs during construction, though they are finding that they need to be more proactive in this area so that property owners and purchasers know the situation beforehand.

Ms. Mallek said she had hoped they could disentangle themselves from some sections of the state fire code, but Mr. Kamptner has informed her that even if they take a partial adoption, they are still required to enforce portions related to open burning fire lanes, fireworks, and hazardous materials.

Mr. Kamptner stated that fire lanes are different from the fire apparatus access roads.

Mr. Lagomarsino said if they un-adopt it, this just means they do not locally enforce it, but it is still an enforceable code at the state level.

Mr. Sheffield said it is still unclear to him what Mr. Lagomarsino is trying to enforce versus VDOT. He said that for developers, this is an uncertain thing, and they are making preliminary investments and assumptions before they engage with fire and rescue. He commented that uncertainty with developers can create uncertainty with residents.

Mr. Joel DeNunzio of the VDOT Charlottesville Residency, replied to Supervisors' questions. He

said VDOT standards are based on a 15-foot clear area with parking, while fire access road standards are based on a 20-foot clear area with parking. He said that VDOT has a 24-foot face-to-curb minimum and would never get down to a 20-foot road unless it were one way. He stated the 15-foot clearance area was designed for areas with intermittent parking, which they are not seeing in many higher density developments, such as Belvedere, so they have to look at options that would allow more flexibility for parking. Mr. DeNunzio said that to be a state road, the minimum standard must be met, which is a 15-foot clear area for lower volume roads. He said if a locality has a higher standard, VDOT adopts it as its own.

Mr. Kamptner said that in the node area, they are looking at blocks of 200-400 feet in length. He said that roads under 300 feet that have connectors on the ends would meet the 150-foot distance for fire trucks and hydrants, so the County is able to get around this problem for those internal roads.

Mr. Sheffield asked Mr. Lagomarsino what kind of guidance he is seeking from the Board. Mr. Lagomarsino replied that he was asked to provide a presentation about what and why the Fire Marshal's office does what they do.

Ms. McKeel asked the Board if they need to schedule more time to discuss this issue.

Ms. Mallek said they can have a discussion among themselves if they want to do any more. She said the presentation was helpful and she appreciates everything they have learned today.

Note: Due to time constraints, the Board took a recess, but did not go into Closed Meeting. Agenda Items 17, 18 and 19 were taken up at the end of the Board meeting.

Agenda Item No. 17. Closed Meeting.

Agenda Item No. 18. Certify Closed Meeting.

Agenda Item No. 19. Boards and Commissions: Vacancies and Appointments.

Recess. At 6:00 p.m., the Board recessed and reconvened at 6:27 p.m.

Note: Mr. Sheffield did not return to the meeting.

Agenda Item No. 20. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

Agenda Item No. 21. **Public Hearings: Ordinance Amendment - Polling Location Change for the Free Union Precinct in the White Hall Magisterial District.** The proposed ordinance would change the polling place for the Free Union Precinct of the White Hall Magisterial District from Free Union Baptist Church, Millington Road, to Free Union Country School, 4220 Free Union Road. *(Advertised in the Daily Progress on February 13 and February 20, 2017.)*

The Executive Summary presented to the Board states that Virginia Code § 24.2-307 requires that the Board of Supervisors establish polling places by ordinance. Albemarle County Code § 2-106(C)(4) establishes Free Union Baptist Church as the polling place for the Free Union Precinct in the White Hall Magisterial District. Free Union Baptist Church provided written notice on April 8, 2016, of its intent to terminate its Polling Place Agreement with Albemarle County (Attachment A). The Agreement terminated after the November 8, 2016 general election.

The Albemarle County Electoral Board investigated alternative polling place locations for the Free Union Precinct and recommends that the polling place be relocated to Free Union Country School. The Free Union Country School has agreed to have the School serve as a polling place. The attached map (Attachment B) shows the former Free Union Baptist Church location and the proposed new Free Union Country School location.

The County Attorney has prepared the attached proposed ordinance (Attachment C) to reflect this polling place change in County Code Chapter 2, Administration, Article I, Elections, Section 2-106(C)(4), White Hall Magisterial District, Polling Places, Free Union Precinct.

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

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

Mr. Kamptner addressed the Board and stated that polling places are identified in the County Code. He reported that in April 2016, Free Union Baptist Church provided notice to the Registrar and

Board of Elections that they no longer wanted their building to serve as a polling place, so staff has found another polling location at Free Union Country School, which is willing to serve as a polling location. He stated that the ordinance is ready for action, and they would enter into a licensing agreement with the school that would set out terms and conditions. He said that County Registrar, Mr. Jake Washburn, is in the audience and available to answer questions.

Ms. McKeel invited Mr. Washburn to address the Board.

Mr. Jake Washburn addressed the Board and explained that Free Union Baptist Church has served as a polling location for 13 years, and the County pleaded with them to serve for one more election in November, which they agreed to do. He said the Free Union School officials have been very cooperative and interested in serving as a polling location, and said the school is about half a mile from the Free Union Baptist Church, so there will not be any inconvenience to voters.

Ms. Mallek noted that the 10-year agreement with the church was a result of an elevator that was installed there. She said she knows that Free Union School officials would love to have a blinking light, and asked if providing something like this is possible. She noted this would be a separate process and said she would speak to Mr. Washburn about this later.

Ms. McKeel opened the public hearing. As no one came forward to speak, she closed the public hearing.

Ms. Mallek offered **motion** to adopt the proposed ordinance. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

ORDINANCE NO. 17-2(1)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE I, ELECTIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article I, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-106 White Hall Magisterial District

Chapter 2. Administration

Article I. Elections

Sec. 2-106 White Hall Magisterial District.

The White Hall Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district:* Beginning at the intersection of Batesville Road (State Route 636) and the Albemarle/Nelson county line; then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then continuing northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to the Albemarle/Rockingham county line; then southwest along the Albemarle/Rockingham county line to its intersection with the Albemarle/Augusta county line; then south along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.

B. *Precincts:* The district shall be divided into four (4) precincts, as described herein:

1. *Brownsville Precinct:* Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then southwest along the Albemarle/Augusta county

line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then northeast along the Mechums River to its intersection with the CSX Railway right-of-way; then west along the CSX Railway right-of-way to its intersection with Crozet Avenue (State Route 240); then south along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road to its intersection with the Albemarle/Augusta county line, the point of origin.

2. *Crozet Precinct*: Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then northeast along the Albemarle/Augusta county line to its intersection with the Albemarle/Rockingham county line; then northeast along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering southwest along the Mechums River to its intersection with the CSX Railway right-of-way; then west along the CSX Railway right-of-way to its intersection with Crozet Avenue (State Route 240); then south along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road (State Route 611) to its intersection with the Albemarle/Augusta county line, the point of origin.

3. *Earlysville Precinct*: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with Dyke Road (State Route 810); then south along Dyke Road to its intersection with Markwood Road (State Route 664); then south along Markwood Road to its intersection with Davis Shop Road (State Route 671); then southwest along Davis Shop Road to its intersection with Buck Mountain Creek; then meandering southeast along Buck Mountain Creek to its confluence with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.

4. *Free Union Precinct*: Beginning at the Albemarle/Rockingham/Greene county line; then southwest along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its confluence with Buck Mountain Creek; then meandering northwest along Buck Mountain Creek to its intersection with Davis Shop Road (State Route 671); then northeast along Davis Shop Road to its intersection with Markwood Road (State Route 664); then north along Markwood Road to its intersection with Dyke Road (State Route 810); then north along Dyke Road to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with the Albemarle/Rockingham/Greene county line, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Brownsville Precinct*: Brownsville Elementary School, 5870 Rockfish Gap Turnpike.
2. *Crozet Precinct*: Crozet Elementary School, 1407 Crozet Avenue.
3. *Earlysville Precinct*: Broadus Wood Elementary School, 185 Buck Mountain Road.
4. *Free Union Precinct*: Free Union Country School, 4220 Free Union Road, Free Union.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(6), § 2-106; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11; Ord 17-2(1), 3-1-17)

State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

Agenda Item No. 22. **Public Hearings: Old Crozet School Arts Lease Amendment.** To consider amending the County's lease to Old Crozet School Arts of a portion of the old Crozet Elementary School property, located at 1408 Crozet Avenue, Crozet, Virginia 22932 (Parcels 05600-00-00-06100 and 05600-00-00-06200), to allow a rent credit for certain tenant improvements. (*Advertised in the Daily Progress on February 20, 2017.*)

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

The Old Crozet Elementary School is not accessible to those with disabilities. Because the facility does not house County programs, the Americans with Disabilities Act (ADA) does not require the County to make the facility accessible. The two entrances to the OCSA's leased space are very difficult, if not impossible to negotiate by those with mobility challenges. To accommodate staff and visitors, especially those who would have difficulty entering the facility, the OCSA partnered with the Building Goodness Foundation to design and build a solution. The OCSA has proposed the construction of a sidewalk on the north side of the building that would make the entrance on that side of the building accessible. Because the proposed sidewalk is outside of the OCSA's leased space, the OCSA requested permission from the County to construct the sidewalk. The County has prepared an agreement (Attachment A) that, once executed, would allow the OCSA to construct the sidewalk. Construction of the sidewalk will cost the OCSA \$7,200.00. The OCSA is asking for a rent credit to offset that cost. The attached proposed lease amendment (Attachment B) would provide for that credit.

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

The credit would decrease the FY2017 revenue supporting the facility's operating budget by \$7,200.00. Based on past annual operating costs, the budget can absorb this decrease without adversely affecting current operations.

After the public hearing, if the Board wishes to fund the proposed rent credit, staff recommends that the Board adopt the attached resolution (Attachment C) approving a lease amendment with the OCSA for a portion of the Old Crozet Elementary School and authorizing the Interim County Executive to execute a lease amendment once it has been approved as to form and substance by the County Attorney.

Mr. Michael Freitas, Chief of Public Works, addressed the Board. He stated that the school has been open for 93 years and served as a public school from 1924-1990, was leased to Charlottesville Waldorf School from 1991-2007, and since 2009 two tenants – including the arts organization and the Field School – have leased 72% of the square footage of the building. He said the building is not easily accessible for those with disabilities, and to accommodate them, the arts organization has partnered with the Building Goodness Foundation to design and build a sidewalk, which would make one of the entrances accessible. He said that Old Crozet School Arts has requested permission from the County to construct the sidewalk. He said an agreement has been prepared that would allow them to do so at a cost of \$7,200 to Old Crozet School Arts. He stated that they have asked for a rental credit to offset the cost, and the County has proposed a lease amendment that would allow this credit. He said the Code of Virginia requires a public hearing prior to Board action and said the operating budget for the building is funded entirely from the rent of the two tenants. Mr. Freitas noted that if the request is approved, it would decrease funding by \$7,200, although based on past annual operating costs, it would not adversely affect current operations there. He said if the Board chooses to fund the proposed credit, staff recommends adoption of the prepared resolution approving the lease amendment and authorizing Mr. Walker to execute the lease amendment. He said that Carolyn Lawler, Old Crozet School Arts Board Chair; Ms. Elizabeth Nisos, Old Crozet School Arts Board Member; and Sharon Tolczek, Artistic Director and Co-Founder, were in the audience to answer questions.

Ms. McKeel opened the public hearing.

Ms. Carolyn Lawler addressed the Board. She said the effort to provide ADA accessibility has been long in the making, and the arts association has been considering how to fund it since they have a small budget. She said two new board members happen to have disabilities, and one of them applied to the Building Goodness Foundation, which awarded a grant to install an ADA bathroom, although they still lack wheelchair access to the building. She said they have had to turn away art students who are in wheelchairs, grandparents who want to see productions, as well as Board members, and the organization holds its board meetings at the Crozet Library because of this. Ms. Lawler noted that the Building Goodness Foundation donates labor, but the school must pay for materials.

Ms. McKeel closed the public hearing.

Ms. Palmer asked if there are any similar situations of buildings that have ADA-compliant bathrooms, but lack overall ADA access. Mr. Freitas responded that there are no other similar situations.

Ms. Mallek then offered **motion** to adopt the proposed Resolution approving a lease amendment with the OCSA for a portion of the Old Crozet Elementary School and to authorize the Interim County Executive to execute a lease amendment once it has been approved as to form and substance by the County Attorney. Mr. Dill **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

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

WHEREAS, the Board finds it is in the best interest of the County to amend the existing lease to a portion of the Old Crozet Elementary School, located at 1408 Crozet Avenue, Crozet, VA 22932 (TMP 05600-00-00-06200), to Old Crozet School Arts, in order to provide a rent credit for certain approved exterior alterations, additions, or improvements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute an Amended Agreement of Lease between the County of Albemarle and Old Crozet School Arts, once it has been approved as to form and substance by the County Attorney.

AGREEMENT FOR IMPROVEMENTS TO OLD CROZET ELEMENTARY SCHOOL

THIS AGREEMENT, made this 28th day of July 2017 by and between **OLD CROZET SCHOOL ARTS** (hereafter called "OCSA"), a Virginia corporation with its principal office located at 1408 Crozet Avenue, Suite 102, Crozet, Virginia 22932, and the **COUNTY OF ALBEMARLE, VIRGINIA** (hereinafter called the "County"), a political subdivision of the Commonwealth of Virginia, located at 401 McIntire Road, Charlottesville, Virginia, 22902.

WITNESSETH: OCSA hereby agrees to create an ADA accessible sidewalk entrance at the Old Crozet Elementary School, **1408 Crozet Avenue, Suite 102, Crozet, Virginia 22932** (hereinafter the "Project"). Unless otherwise provided in the parties' lease, OCSA shall provide all services as described in this Agreement at no cost to the County.

1. Project Management. OCSA shall manage the Project and oversee the work, using the approved Contractor identified herein. Work shall be conducted and the Project completed in accordance with the County-approved Project plans. Any variances from those plans are subject to County and OCSA review and approval prior to the commencement of any surveying, tree removal or excavation work. OCSA shall complete the Project as herein described within twelve months of County approval.

2. Contractor. The parties agree that Michael Gallahue of Greer & Associates, Inc. (the "Contractor") will provide services on a voluntary basis. The Contractor must provide insurance and sign an appropriate liability agreement/release.

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

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

4. OCSA Insurance and Indemnification. OCSA shall provide the County a certificate of insurance prior to the commencement of the Project, with a minimum of \$1,000,000.00 general liability insurance and Worker's Compensation insurance covering all operations relating to work being done under this Agreement and being conducted on County property. OCSA shall indemnify and hold harmless the County and its employees and agents from claims, suits, liability, damage, and expenses of any kind including, but not limited to, fire or equipment damage that may arise as a result of OCSA's actions. The County shall be named as an additional insured on the required certificate of insurance.

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

OLD CROZET SCHOOL ARTS

COUNTY OF ALBEMARLE, VIRGINIA

Carolyn Lawlor, Chair

Douglas C. Walker, Interim County Executive

Date

Date

AMENDED AGREEMENT OF LEASE

THIS LEASE AMENDMENT is dated this _____ day of March, 2017, by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and OLD CROZET SCHOOL ARTS, a Virginia non-stock corporation, Tenant.

WHEREAS, Landlord and Tenant entered into an Agreement of Lease (the "Lease") dated May 12, 2015 for the lease of a portion of the Old Crozet Elementary School; and

WHEREAS, Landlord and Tenant desire to amend the Lease Agreement;

NOW, THEREFORE, Landlord and Tenant, for the sum of ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. The following Section 7.1.(c) is hereby added to the parties' Lease:
"(c) During the first annual term of this lease following this Amendment, certain costs associated with exterior alterations, additions, or improvements may be deducted from the rent due during that term. All such exterior alterations, additions, or improvements shall be subject to the Landlord's prior written consent. With prior approval from the Landlord, documented paid costs for labor or material (excluding costs of donated labor or material) may be deducted. Documentation shall consist of the original invoice from a business duly licensed to provide such material or services. The total deductions authorized under the provisions of this section shall not exceed \$7,200.00."

In all other respects, the parties' Lease shall remain in full force and effect as previously executed.

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

TENANT

OLD CROZET SCHOOL ARTS,
A Virginia non-stock corporation

By: _____
Carolyn E. Lawlor, Chair

LANDLORD

This Amended Agreement of Lease is executed on behalf of the County of Albemarle by Douglas C. Walker, Interim County Executive, following a duly-held public hearing, and pursuant to a Resolution adopted by the Albemarle County Board of Supervisors on March 1, 2017.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Douglas C. Walker, Interim County Executive

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

Ms. Mallek said she would distribute some information about cottage concepts for small lots within the growth area, which would require some modification to zoning requirements such as minimum lot size. She said she hopes that after reading about this concept, Supervisors would be willing to hear from someone about cottage concepts.

Ms. Palmer said the Brookdale project that Pinnacle was going to build for affordable housing was moving forward, but needs to obtain investment tax credits from corporations to build the affordable housing. She said that since the Trump Administration has said it would lower corporate tax rates, the corporations have decided to not participate because they are thinking the tax credits would not be worth as much. She said that William Park of Pinnacle called her Friday and said he was talking to Ron White about obtaining tax abatements from the County for improvements on the land to make up for the difference on the tax credits. She stated that she told him she believed it was a long shot and that she

would first bring the matter to the attention of the County Attorney before making the case to the Board. She said she is bringing it up at this meeting, as they need to make a decision quickly and she wants Supervisors to be aware of it. She said Mr. Kamptner would research whether there is any precedent for this, but apparently Blacksburg has done this for Pinnacle, so it is apparently legal.

Ms. Mallek pointed out that she did not think this was legal.

Mr. Kamptner said he had a brief conversation with Mr. Ron White on Monday about the budget work session, and at that point he did not have any material information. He stated that they would look at what Blacksburg did.

Mr. Randolph commented that, though he is a pet owner and supports the work of the SPCA, it is interesting that the County appropriates a similar dollar amount to Region Ten as to SPCA, despite a drug epidemic, and that the SPCA's budget is considerably larger than that of the Alzheimer's Association. He commented that it is an interesting contrast in terms of priorities, values, and policies. He said he will not bring this up again but feels obligated to make this observation.

Ms. McKeel said the opiate crisis they heard about earlier today is very concerning and something they may wish to further explore.

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

Mr. Walker reminded the Board that there is a budget meeting scheduled for the following afternoon, as well as a budget work session scheduled for March 28. He said he and Ms. Palmer have a wireless service authority/RSWA Board meeting at 2 p.m. the same day, so they have asked to begin the work session at 3:30 p.m. Mr. Walker stated that staff does not feel comfortable shortening the budget work session, as there is extensive information to review for the fire and rescue budget and they would also have to complete remaining work in order to advertise for a public hearing.

Ms. McKeel, after conferring with fellow Supervisors, approved having the budget work session last an extra 30 minutes.

Mr. Walker announced the County has received AAA ratings from each of the three bond rating agencies, which he said is a reflection of the Board and its leadership as well, as the work of staff. He said that County staff met with the ratings analysts in New York City in February, and the process is very thorough, with analysts now very familiar with Albemarle County.

Mr. Randolph asked how often the ratings agencies conduct a review. Mr. Walker replied that it depends on how much the County borrows. He said that they met with rating agency representatives two years ago, and if they borrow again two years from now they will go through the ratings process again.

Ms. Palmer asked if the rating was a result of the bond referendum. Mr. Walker replied affirmatively.

Agenda Item No. 25. Closed Meeting.

At 6:54 p.m., Mr. Randolph offered **motion** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1), to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and under subsection (5), to discuss a possible grant pertaining to a prospective business because there has been no previous announcement of the business's interest in locating in the County; and under subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: 1. Activities at the Ragged Mountain Natural Area; and 2. The requirements imposed by State and Federal law on County and School Division employees in their interactions with immigrants. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Item No. 25a. Certify Closed Meeting.

At 7:53 p.m., the Board reconvened into open meeting, and 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. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 19. Boards and Commissions: Vacancies and Appointments.

Mr. Dill offered motion to make the following appointments:

- **appoint** Mr. Mark Graham and Ms. Diantha McKeel to the Hydraulic Area Project Advisory Panel.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 26. Adjourn to March 2, 2017, 3:00 p.m. Room 241.

At 7:54 p.m., **motion** was offered by Ms. Mallek, **seconded** by Mr. Dill, to adjourn to March 2, 2017, 3:00 p.m., Room 241. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Chairman

Approved by Board
Date 08/02/2017
Initials CKB