

A special meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 7, 2017, at 9:00 a.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was called by the Chair, Ms. McKeel for the purpose of discussing and taking action on items previously scheduled and posted on the Board's June 7, 2017 agenda.

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 9:03 a.m., by the Chair, Ms. McKeel.

Ms. McKeel also introduced staff present and the presiding security officer, Officer Turner Lowery.

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Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Ms. McKeel noted some recent violent incidences that have occurred. She cited Montgomery County, Maryland; Portland; Orlando; the United Kingdom; and Paris, France and asked for they use the Moment of Silence to think about the victims, perpetrators and their families.

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Agenda Item No. 4. Adoption of Final Agenda.

**Motion** was offered by Ms. McKeel to adopt the final agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

Mr. Sheffield noted his 18-year-old daughter had graduated from Albemarle High School the previous evening.

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Ms. McKeel noted that 474 students graduated from Albemarle High School this year, which was the largest class ever. She noted that Western Albemarle High School had its graduation the previous Friday with 250 graduates.

Mr. Dill noted that the Monticello High School graduation would be later that night.

Ms. McKeel noted that today's meeting is being held at an earlier time than usual so Supervisors can attend the graduation ceremony.

Ms. Palmer noted that CATEC had held its graduation a few weeks ago.

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Ms. Mallek reported that the Rivanna River Basin Commission Board met on June 6, and this year's work plan calls for adding the urban area section to the river corridor plan, which was being addressed by a City and County process. She said they would extend out into the rural areas of Albemarle, Fluvanna and Greene in order to obtain a more complete picture of the river basin, and work is being done to have the main basin extend to the tributaries, such as the Mechums, Mormons and the North Fork up to Greene County.

Ms. Mallek announced "Putt Putt with the Police," is scheduled for June 13 from noon to 4 p.m. at Ella's Place on Rio Road. She said it is a wonderful fun adventure that allows children to meet police officers.

Mr. Dill noted this Tuesday, June 13, is primary day and reminded people to vote at their usual polling stations.

Ms. Palmer apologized for not bringing information about rides to the polls and invited those interested to contact her for this information.

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Mr. Sheffield said he has a Rio area traffic meeting scheduled for June 13 at 7:00 p.m. at Seminole Trail Fire Department. He said residents would have the opportunity to voice their traffic concerns to the police, staff and VDOT.

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Ms. Palmer said she had attended a recent meeting in Batesville about traffic, which was well-attended. She noted that Kevin McDermott and Joel DeNunzio of VDOT were present. She said that during the meeting she witnessed cars speeding by on Plank Road, and she pleaded for people to drive slower so as to avoid a fatal accident.

Ms. Mallek noted a similar problem with speeding on Earlysville Road near the market where customers walk across the road throughout the day. She expressed hope that the County could persuade VDOT to introduce traffic calming measures, such as bricks and rumble strips in this area.

Ms. McKeel noted that Mr. Walker would be informing the Board about signage.

Mr. Walker interjected that he would have a formal proposal to acquire additional devices and pay for the ongoing operational costs. He said the Albemarle County Police Department is conducting an assessment on how many of these devices they could reasonably manage.

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Agenda Item No. 6. Recognitions.

Item No. 6a. Resolution of Appreciation for David Bass.

Ms. McKeel noted that Mr. Bass had represented the citizens of Albemarle County for many years in a wonderful way.

Ms. Mallek said Mr. Bass is an example of how the County succeeds with a very small staff because there were so many citizens who give their tremendous expertise to help them do their job as well as they possibly can.

Ms. Mallek read and offered **motion** to adopt the following Resolution of Appreciation for Mr. David Bass for service on the Board of Zoning Appeals:

#### RESOLUTION

**WHEREAS,** David Bass has been a member of the Albemarle County Board of Zoning Appeals since January 1, 1996; and

**WHEREAS,** David Bass has been the Chairman of the Board of Zoning Appeals (BZA) since February 7, 2006; and

**WHEREAS,** in his commitment to provide his best service as a new BZA member, David voluntarily became the first Albemarle County BZA member to attend the Virginia Certified BZA Program; and

**WHEREAS,** David has provided consistently high quality facilitation which always valued appropriate substantive and procedural due process for the BZA meetings for over 11 years as Chairman; and

**WHEREAS,** in his role as a BZA member for over 21 years, David's tact and respect for the rights and thoughts of all individuals are clearly evident and have represented the public well; and

**WHEREAS,** in his calm, poised and principled manner, David has provided thoughtful and consistent leadership to the BZA and staff.

**NOW, THEREFORE, BE IT RESOLVED,** that, we, the Albemarle County Board of Supervisors, do hereby commend and thank David Bass for his 21 years of service to Albemarle County as a member of the Board of Zoning Appeals.

Signed and sealed this 7<sup>th</sup> day of June, 2017.

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

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

NAYS: None.

Mr. Bass thanked the Board and thanked Ms. Mallek's mother for encouraging him to serve when there was a vacancy. He commented that County planning and zoning staff were very professional and citizen oriented, stating that Albemarle is a great County and should be kept that way.

Mr. L. F. Wood of the Board of Zoning Appeals appeared before the Board. He said he had the pleasure of serving with Mr. Bass and praised his skill in running the Board of Zoning Appeals. He said Mr. Bass takes a methodical and thorough approach and noted his attention to detail. He said the County would greatly miss Mr. Bass after his 21 years of service.

Ms. Mallek noted that new Board of Zoning Appeals member Mr. John Shepherd is present today. The entire Board and meeting attendees applauded the service of Mr. Bass.

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

Mr. Don Richardson of the White Hall District addressed the Board. He said he is a retired physician of almost 40 years and a resident of Whitehall for nearly 50 years. He noted that he was good friends with Ms. Mallek's father and has known her for a long time. He said he is Chairman of the Board of Regents Classic Christian School, stating that the school is looking to expand and had looked at potential building sites, including one on Insurance Lane near State Farm. He said the landowner had agreed to a purchase price, but the nine-month special use permit waiting period required by the County was too long a wait and so the landowner sold the property to someone else. Mr. Richardson said the nine-month waiting period was an undue burden and he asked the Board to create a fast track approval process.

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Mr. Bill Love of the Jack Jouett District, appeared before the Board. He said he speaks as Vice-Chair of Albemarle County Electoral Board and is joined by Mr. Jake Washburn, Registrar of Voters. He asked the Board, in considering what to do with Yancey Elementary School, for it to serve as a polling location for 1,500 registered voters. Mr. Love stated that it is located in an area where it would be very challenging to find an alternative polling location, especially by the time of the November elections. He noted the bureaucratic steps required to make a polling location compliant with various regulations.

Ms. McKeel suggested that Mr. Love stay until later in the meeting when School Board Chair, Ms. Kate Acuff, would be present for their joint meeting.

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Mr. Neil Williamson of the Free Enterprise Forum addressed the Board. He noted that his organization had emphasized how long certain processes take to be approved by the County. He said the case posed by Mr. Richardson with Regents School is one example. He suggested the Board review the nine-month wait for a special use permit and look for ways to make local government more efficient.

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Agenda Item No. 8. Consent Agenda.

**(Discussion:** Mr. Dill asked that Item 8.2 regarding the Wireless Service Authority be pulled for further discussion.

Mr. Sheffield asked that Item 8.10 regarding naming of roads taken into the secondary system be pulled for further discussion.)

**Motion** was then offered by Mr. Dill to approve the Consent Agenda, Items 8.1 through 8.11, with the exception of Items 8.2 and 8.10, for discussion. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 8.1. FY 2017 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 17 budget due to the appropriations itemized below is \$2,420,209.83. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

- One (1) Appropriation (#2017099) to appropriate \$2,033,897.00 in State revenue for sidewalk projects;
- One (1) Appropriation (#2017100) to appropriate \$1,047.22 in State revenue to the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals;
- One (1) Appropriation (#2017101) to appropriate \$32,325.00 from the School Board Reserve to Human Resources for a compensation consultant. This appropriation will not increase the total County budget;
- One (1) Appropriation (#2017102) to appropriate \$306,549.00 to Offender Aid and Restoration (OAR) to continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail;
- One (1) Appropriation (#2017103) to appropriate \$74,920.76 to the School Division for various programs; and

- One (1) Appropriation (#2017104) to appropriate \$3,795.85 in hazardous materials (Hazmat) recovered cost revenue to the Department of Fire Rescue for supplies for the Hazmat Response Team.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2017099, #2017100, #2017101, #2017102, #2017103, and #2017104 for local government and school division projects and programs as described in Attachment A.

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<b>Appropriation #2017099</b>		<b>\$2,033,897.00</b>
Source:	State Revenue	\$ 2,033,897.00

This request is to appropriate \$2,033,897.00 in State revenue from the Virginia Department of Transportation (VDOT) Revenue Sharing (RS) Program funds that was unexpended for various projects including the Meadow Creek/John Warner Parkway construction project, Jarmans Gap Road construction project, and the US29-Signal/Traffic Services project to support various sidewalk improvement capital projects outlined below. Pursuant to the Board's approval on April 5, 2017, this revenue supports:

- \$1,278,000.00 for the Ivy Road Sidewalk (US Route 250 West) to build the full project (Old Ivy Road to Stillfried Lane). This additional appropriation will address the project's funding shortfall that resulted from higher underground utility relocations and construction costs for the segment between Colonades Drive and Stillfried Lane. This sidewalk improvement capital project is currently in design. The construction is estimated to begin in the fall of 2018 and the project is anticipated to be substantially completed in the spring of 2019.
- \$755,897.00 for the State Farm Boulevard portion of the Crozet Avenue North & South Pantops Drive/State Farm Boulevard sidewalk capital project. This portion of the project, Hickman Road to S. Pantops Drive, was removed from the original scope when the original bids exceeded the project budget. This sidewalk improvement capital project's design was previously completed, and the construction is estimated to begin in the summer of 2017 and to be substantially completed in the winter of 2017.

<b>Appropriation #2017100</b>		<b>\$ 1,047.22</b>
Source:	State Revenue	\$ 1,047.22

This request is to appropriate \$1,047.22 in State revenue to support the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals' (SPCA) spay and neuter services. This revenue is provided by the State specifically for this purpose and is provided in addition to the County's formula-based contribution to the SPCA.

<b>Appropriation #2017101</b>		<b>\$0.00</b>
This request will not increase the total County budget.		

Source:	School Fund Instruction Category	\$ 32,325.00
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This request is to appropriate the following School Division appropriation request approved by the School Board on April 13, 2017:

This request is to appropriate \$32,325.00 from School Fund Instruction category to the School Fund Administration category for an external consultant to assist with evaluation of the current teacher compensation strategy.

The School Board and Board of Supervisors approved a Total Compensation Strategy to target classified employee salaries at the median and teacher salaries at the 75% percentile of their jointly-adopted competitive market, with benefits slightly above market levels. The Boards have continued to recognize the importance of providing competitive salaries and benefits to attract and retain a high quality workforce. To that end, the School Board directed staff at the December 8, 2016 meeting to evaluate the current teacher compensation strategy to ensure alignment with School Division objectives.

School Division staff is currently analyzing data (including turnover data, exit survey analysis, teacher applicant data, and feedback from principals). Additionally, staff is conducting a survey to identify teachers' sentiments around their work, compensation, and engagement.

The next steps in the work plan include 1) establishing a formalized team to address identified areas of improvement, and 2) identifying and selecting an external consultant. The consultant will work with the team, interview school leadership, facilitate teacher and administrator focus groups, and gather external data, research viable special pay scales for hard to fill jobs, share best practices, and develop a summary report of findings and recommendations. Staff has retained Titan-Gallagher, an experienced compensation and human resources consulting firm, to assist with this work.

<b>Appropriation #2017102</b>		<b>\$306,549.00</b>
Source:	Local Revenue - Central Virginia Regional Jail	\$ 75,000.00
	Federal Revenue	\$ 231,549.00

This request is to appropriate \$306,549.00 in funding to Offender Aid and Restoration (OAR) to continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail. This amount

includes \$231,549.00 in grant funding from the Department of Criminal Justice Services with the County acting as fiscal agent and a local match of \$75,000.00 from the Central Virginia Regional Jail located in the Town of Orange.

<b>Appropriation #2017103</b>		<b>\$74,920.76</b>
Source:	Local Non-Tax Revenue	\$ 25,000.00
	State Revenue	\$ 49,920.76

This request is to appropriate the following School Division appropriation requests approved by the School Board on May 11, 2017:

This request is to appropriate \$49,820.76 in State grant funding to various schools. Albemarle County Public Schools has been awarded a Career and Technical Education (CTE) Competitive Innovation Program Equipment Grant in the amount of \$37,500.00 and an additional enrollment based CTE Equipment Grant in the amount of \$12,320.76. Both grants are to be used to purchase equipment for High-Demand and Fast-Growth Industry Sectors. These funds will be used to purchase a total of eight zSpace 300 All-In-One systems, software, and accessories for Monticello High, Walton Middle, and Burley Middle schools.

This request is to appropriate \$100.00 in increased State funding to pay for testing materials in the Alternative Education Fund. The mission of this Fund is to supplement existing General Equivalency Diploma (GED) services by developing specialized occupational training and employment necessary for students 16 years of age or older to become productive and contributing citizens.

This request is to appropriate \$25,000.00 in grant funding from Google to support the Making Spaces Program. This program is a partnership between Google, Maker Ed, and the Children's Museum of Pittsburgh. The project goal is to develop a strategy for sustainably integrating making into schools across the country and to create a national resource network.

<b>Appropriation #2017104</b>		<b>\$3,795.85</b>
Source:	Recovered Costs	\$ \$3,795.85

This request is to appropriate \$3,795.85 in hazardous materials (Hazmat) recovered cost revenue to the Department of Fire Rescue for supplies for the Hazmat Response Team. These recovered costs are related to the Department's response to and the abatement of Hazmat incidents.

**By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2017099, #2017100, #2017101, #2017102, #2017103, and #2017104 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 #2017099, #2017100, #2017101, #2017102, #2017103, and #2017104 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
2017099	3-9010-24000-324000-240231-1004	2,033,897.00	SA2017100 VDOT Surpluses
2017099	4-9010-41350-441200-950517-9999	1,278,000.00	SA2017100 Sidewalk, Ivy Road (US Route 250 West)
2017099	4-9010-41350-441200-950038-9999	755,897.00	SA2017100 Sidewalk, Crozet Ave N & South Pantops Dr/State Farm Blvd
2017100	3-1000-22000-322000-220106-9999	1,047.22	SA2017100 SPCA State Revenue
2017100	4-1000-39001-439000-565510-1003	1,047.22	SA2017100 SPCA State Revenue
2017101	4-2000-62410-460100-999981-6501	-32,325.00	SA2017101 School Board Reserve Fund
2017101	4-2000-62420-462140-312700-6501	32,325.00	SA2017101 HR-Prof. Ser. Consultants
2017102	3-1520-24000-324000-240440-1009	231,549.00	SA2017102 DCJS-COMMUNITY CORRECTION
2017102	3-1520-19000-319000-190216-1003	75,000.00	SA2017102 OTHER RECOVERED COSTS
2017102	4-1520-29406-421090-580300-1003	306,549.00	SA2017102 OFFENDER AID & RESTORATION
2017103	3-3105-63105-324000-240900-6530	49,820.76	SA2017103 Revenue-State
2017103	4-3105-63105-461313-800100-6599	54,820.76	SA2017103 Machinery/Equipment - ADDL
2017103	3-3105-63105-318000-181279-6530	25,000.00	SA2017103 Revenue-Local
2017103	4-3105-63105-461313-312500-6599	5,000.00	SA2017103 Prof Svcs - Instructional
2017103	4-3105-63105-461313-580500-6599	15,000.00	SA2017103 Staff Development
2017103	3-3142-63142-324000-240203-6599	100.00	SA2017103 Categorical Aid - State
2017103	4-3142-63142-460410-601300-6530	100.00	SA2017103 Ed/Rec Supplies
2017104	3-1805-19000-319000-199904-1003	3,795.85	SA2017104 APP: FR Hazmat Recovered Costs
2017104	4-1805-32013-432010-600000-1003	3,795.85	SA2017104 APP: FR Hazmat Recovered Costs
<b>TOTAL</b>		<b>4,840,419.66</b>	

Item No. 8.2. Wireless Service Authority Draft Resolution and Articles of Incorporation - Set Public Hearing.

The Executive Summary forwarded to the Board states that staff, as a result of Board direction and priorities, has continued since the November 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. At the March 1, 2017 Board meeting, the Board directed staff to provide draft versions of the necessary Resolution and Articles of Incorporation for the Wireless Service Authority.

From November 2016 through February 2017, staff continued efforts to identify the formation, risks, benefits, and characteristics of wireless service authorities. Attachment A is the draft version of the Wireless Service Authority Articles of Incorporation and Attachment B is the draft Resolution required for the public hearing on August 2, 2017.

***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 §§ 15.2-5431.3 - 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. At its March 1, 2017 meeting, the Board decided that the authority board be composed of two members of the Board of Supervisors, two County staff, and one or two citizens. The Board is currently interviewing potential citizens for the citizen member. 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 June 7, 2017 meeting in order for them to be identified in the Articles of Incorporation that will be available for public inspection for at least 30 days prior to the August 2, 2017 public hearing.

Staff recommends that the Board set the public hearing for August 2, 2017 and staff will then advertise the August 2, 2017 public hearing and provide the final version of the Articles of Incorporation for public review.

No budget impacts.

As a follow-up from the March 1, 2017 decision to proceed with formation of a Wireless Service Authority, Staff is requesting that the Board take the following actions:

- 1 - Conditionally appoint the Board of Directors of the proposed Wireless Service Authority composed of two members of the Board of Supervisors, two County staff members (Mike Culp and Bill Fritz) recommended) and one or two citizens;
- 2 - Approve the attached Draft Articles of Incorporation and Resolution;
- 3 - Authorize staff to advertise the August 2, 2017 public hearing and provide the final version of the Articles of Incorporation for public review.

**By the above-recorded vote, the Board pulled this item for discussion later in the meeting.**

Item No. 8.3. Business License Ordinance Amendments (Chapter 8).

The Executive Summary forwarded to the Board states that upon review of the County's business license ordinance, the Finance Department is recommending updates and improvements to three sections of Chapter 8, Licenses, of the Albemarle County Code. These proposed revisions are intended both to improve the County's collection practices and to conform the County Code with changes in State law.

Staff is proposing revisions to three sections of Chapter 8 (Licenses) of the Albemarle County Code:

**\* Sec. 8-101** - Business License threshold - This proposal would increase from \$5,000 to \$25,000 the minimum gross receipts threshold over which businesses must obtain a County business license. This proposed amendment would exempt businesses with gross receipts of up to \$25,000 from the license requirement. This same threshold already applies to the Albemarle-based gross receipts of out-of-County contractors.

Purpose of this proposed change: To allow business owners who do not generate over \$25,000 in gross receipts per year to be exempt from the business license requirement.  
Consequence of this change: Business License tax revenue reduction of approximately \$62,050.

**\* Sec. 8-505** - License tax; businesses ceasing operations. - This proposal would allow a person, firm, or corporation that ceases business in one year, but attempts to settle existing, outstanding accounts in the next year, to pay a license tax based on the estimate of the current year's gross receipts instead of the previous year's gross receipts. At the time all accounts are closed, the amount paid would be adjusted for actual gross receipts. Penalties would apply if the person, firm, or corporation provided an unreasonable estimate, or if the person, firm, or corporation continued to operate the business during such a year.

Purpose of this proposed change: To conform with recent changes to *Virginia Code* § 58.1-3710.  
Consequence of this change: County staff does not expect any negative fiscal impact from this change.

**\* Sec. 8-617** - Business License - This proposal would delete the duplicate "travel bureau or tour agent" from the retailer license listing in section 8-617 because it is also listed as a "repair, personal, business, and amusement" service under section 8-616.

Purpose of this change: This is an administrative correction to the County Code.

Consequence of this change: County staff does not expect any negative fiscal impact from this change.

Though the budgetary impact of these proposed amendments is difficult to predict with any certainty, the following are staff's best estimates of the fiscal impact of each proposal:

\* Business License threshold - Persons subject to licensure - \$62,050 (1,241 businesses with gross receipts of up to \$25,000, based on 2017 filings). (§8-101)

**The following changes are not expected to generate or cause a loss in revenue:**

\* Refund of license tax if business terminated (§ 8-505)

\* Deleting (duplicate) "travel bureau or tour agent" from retailer license class. (§ 8-617)

Staff recommends that the Board schedule and advertise a public hearing for August 2, 2017 to consider the attached proposed ordinance amendments.

**By the above-recorded vote, the Board set the public hearing for August 2, 2017 to consider the proposed ordinance amendment.**

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#### Item No. 8.4. Tax Ordinance Amendments (Chapter 15).

The Executive Summary forwarded to the Board states that upon review of the County's tax ordinance, the Finance Department is recommending updates and improvements to two sections of Chapter 15 (Taxation) of the Albemarle County Code. These proposed revisions are intended both to improve the County's collection practices and to conform the County Code with a recent change in state law.

Staff's attached proposals would revise two sections of Chapter 15 (Taxation) of the County Code:

**\* Sec. 15-1101** - To exempt "All-terrain vehicles, and off-road motorcycles as defined in § 46.2-100" from personal property taxes.

Purpose of this proposed change: To ensure fair and equitable treatment of all-terrain vehicles and off-road motorcycles for tax purposes. Revenue Administration relies heavily on the Department of Motor vehicles (DMV) for information about taxable property. Currently, the DMV does not require registration of all-terrain vehicles and off-road motorcycles, making taxation of these vehicles inconsistent and unequitable. In addition, these exemptions would create operational efficiencies for Revenue Administration.

Consequence of this change: This proposal would decrease County revenues by \$24,766.82.

**\* Sec. 15-1101.2** - Business Tangible Personal Property minimum reporting threshold - To raise the minimum threshold of the Business Tangible Personal Property reporting from original cost of \$250 to \$500, as required by a 2017 amendment to *Virginia Code* § 58.1-3506(A)(46).

Purpose of this proposed change: To align the County Code with new Virginia Code requirements.

Consequence of this change: County staff does not expect any negative fiscal impact from this change.

Though the budgetary impact of these proposed amendments is difficult to predict with any certainty, the following are staff's best estimates of the impact of each proposal:

\* To expand Personal Property tax exemptions to "All-terrain vehicles, and off-road motorcycles (§15-1101) -- \$24,766.82

**The following changes are not expected to generate or cause a loss in revenue:**

Business tangible personal property minimum reporting threshold (§ 15-1101.2)

Staff recommends that the Board schedule and advertise a public hearing for August 2, 2017 to consider the attached proposed ordinance amendments.

**By the above-recorded vote, the Board set the public hearing for August 2, 2017.**

Item No. 8.5. Memorandum of Understanding between the Economic Development Authority and the Board of Supervisors.

The Executive Summary forwarded to the Board states that on November 2, 2016, the Board considered a Memorandum of Understanding (MOU) between the County and the Economic Development Authority (EDA). (See Attachment A for the MOU and Attachment B for the November 2, 2016 Executive Summary.) The Board directed staff to present the EDA with the proposed MOU for its consideration and approval. Once the EDA approved the MOU, the Board requested staff to return the MOU for its consideration.

The EDA approved the MOU by a vote of 5 to 1 at its November 15, 2016 meeting.

There is no budget impact.

Staff recommends that the Board adopt the proposed MOU (Attachment A).

**By the above-recorded vote, the Board adopted the following resolution to approve the Memorandum of Understanding:**

**RESOLUTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA AND THE ECONOMIC DEVELOPMENT AUTHORITY OF ALEBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the Board finds that it is in the best interest of the County to enter into a Memorandum of Understanding with the Economic Development Authority of Albemarle County, Virginia that describes the respective roles of the County and the Economic Development Authority.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Memorandum of Understanding with the Economic Development Authority of Albemarle County, Virginia and authorizes the County Executive to execute the Memorandum of Understanding on behalf of the County once it has been approved as to substance and form by the County Attorney.

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**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is dated June 7, 2017, and is entered into by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), and the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "EDA").

The purpose of this Memorandum of Understanding is to state the respective roles of the County and the EDA in implementing the County's policies, objectives, and goals pertaining to economic development as provided in the County's Comprehensive Plan.

The County and the EDA agree that the County's goal for economic development – to create and maintain a strong, diverse, and sustainable economy, to retain existing businesses, and to promote new local ventures, all of which will benefit the County's citizens – is also the goal of the EDA.

The County and the EDA also agree that promoting and assisting in the retention or expansion of existing businesses is a higher priority than attracting new businesses, and that the actions of the County and the EDA described below should be guided by that prioritization.

Lastly, the County and the EDA acknowledge that successful economic development is intrinsically tied to the sound planning policies and principles established in the County's Comprehensive Plan.

**1. The EDA will, to the extent that it is authorized under the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900, et seq.), and to the extent that it has funding for these purposes:**

A. Promote new employment activities, particularly those target industries identified in the 2012 Target Industry Study on lands designated as Development Areas in the Comprehensive Plan. (ED Strategy 1a)

B. Promote agriculture, forestry, and agricultural business enterprises on lands designated as Rural Area in the Comprehensive Plan that help support the Rural Area goals for a strong agricultural and forestal economy. (ED Strategy 1b)

C. Promote and assist business retention and expansion on lands designated as Development Areas in the Comprehensive Plan. (ED Strategy 2b)



- D. Use the 2012 Target Industry Study to guide its actions pertaining to business retention and expansion and new business. (ED Strategy 3a)
  - E. Assist existing businesses where agriculture is a main component. (ED Strategy 3g)
  - F. Assist existing agricultural businesses. (ED Strategy 3h)
  - G. Promote and assist in the establishment and expansion of businesses on lands designated as Development Areas in the Comprehensive Plan on appropriately zoned lands. (ED Strategy 4b)
  - H. Promote and assist in the redevelopment of underutilized commercially- and industrially-zoned lands designated as Development Areas in the Comprehensive Plan. (ED Strategy 4c)
  - I. Promote and assist, on its own or in conjunction with other organizations or public bodies, small, locally owned, local agricultural businesses, minority-owned businesses, and micro-enterprises in their start-up and early operation efforts. (ED Strategy 6d)
  - J. Create appropriate incentives that address the needs of the target industries and emerging businesses. (ED Strategy 6e)
  - K. Promote and assist in relocating nonconforming businesses in the Rural Areas zoning district to lands designated as Development Areas in the Comprehensive Plan. As provided in Section 4(A), the EDA will obtain the Board of Supervisors' prior consent before it assists a business in establishing or expanding its use on lands designated Rural Area in the Comprehensive Plan if the business use is inconsistent with the Comprehensive Plan.
  - L. Allocate its emphasis on the following tasks as prioritized by the Board of Supervisors and directed in the Economic Development Strategic Plan:
    - 1. Existing business retention or expansion
    - 2. New business establishment
    - 3. Workforce development
    - 4. Real estate development and redevelopment
    - 5. Business attraction
- 2. The County, through its Board of Supervisors, will:**
- A. Reasonably and timely consider all matters of the EDA which federal or state law or this Memorandum of Understanding requires action by the Board, including any proposed bond issuance by the EDA.
  - B. Continue the Economic Opportunity Fund, subject to appropriation.
- 3. The County and the EDA will:**
- A. Work cooperatively and in close coordination to achieve the County's goal for economic development.
  - B. Consider entering into a new Memorandum of Understanding after the County's Board of Supervisors adopts an Economic Development Strategic Plan.
- 4. The EDA will obtain prior consent of the County's Board of Supervisors before it:**
- A. Promotes and advocates establishing or expanding a business on lands designated as Rural Area in the Comprehensive Plan in order to allow a business to be established, or an existing business to be expanded, in the Rural Area if the business use is inconsistent with the Comprehensive Plan, including the land use policies of the Rural Area chapter of the Comprehensive Plan.
  - B. Acquires by any means possible, or assists any business or venture in acquiring, lands designated as Rural Area in the Comprehensive Plan in order to allow a business to be established, or an existing business to be expanded, in the Rural Area if the business use is not allowed by right or by special use permit in the Rural Areas zoning district.
- The parties affirm that, on lands designated as Rural Area in the Comprehensive Plan, the primary role of the EDA is to promote the economic development of the Rural Area in a manner that is fully consistent with the land use policies of the Rural Area chapter of the Comprehensive Plan and, in particular, promoting agriculture, forestry, and agricultural business enterprises that help support a strong agricultural and forestry economy.
- 5. Interpretation and implementation.** This Memorandum of Understanding shall be interpreted and implemented as follows:
- A. The interpretation of the Comprehensive Plan shall be the sole responsibility of the Board of Supervisors or its express designee.
  - B. The terms used in this Memorandum of Understanding, including, but not limited to, "Development Areas," "Rural Area," and "Target Industry," will be interpreted as they are defined or described in the County's Comprehensive Plan or Zoning Ordinance, as applicable in the context in which they are used.
  - C. As used in Section 4, the term "expanded" means any change that increases the building footprint of an existing building or adds a new building.
  - D. Notwithstanding Sections 4(A) and (B), neither the EDA nor its individual members shall be prohibited from discussing potential economic development projects with landowners and businesses in order to gather information for the Board of Supervisors' consideration and deliberation. The EDA will communicate relevant information to the Board of Supervisors.
- 6. Amendment.** This Memorandum of Understanding may be amended at any time in writing by mutual agreement of the County and the EDA.
- 7. Termination.** This Memorandum of Understanding may be terminated at any time by

mutual agreement of the County and the EDA, or by the County after first providing 60 days' written notice to the chair of the EDA.

**8. Legislative powers preserved.** This Memorandum of Understanding does not restrict or alter any legislative power of the Board of Supervisors under the Industrial Development and Revenue Bond Act or any other law.

**COUNTY OF ALBEMARLE, VIRGINIA**

\_\_\_\_\_  
Diantha H. McKeel, Chair  
Board of County Supervisors

**ECONOMIC DEVELOPMENT AUTHORITY OF  
ALBEMARLE COUNTY, VIRGINIA**

\_\_\_\_\_  
W. Rod Gentry, Chair  
\_\_\_\_\_

Item No. 8.6. Virginia Department of Health (VDH) Lease Amendment.

The Executive Summary forwarded to the Board states that the County and the City of Charlottesville jointly own the Health Department building and property on Rose Hill Drive and have leased it to the Virginia Department of Health, originally under a 1995 Deed of Lease (Attachment D), subsequently amended in 2009 (Attachment C). Though the current lease term is set to expire on June 30, 2017, the parties are interested in extending the VDH's use of the property. The current resolution proposes a second amendment to the parties Deed of Lease.

As the new fiscal agent for the Health Department facility, the City of Charlottesville has taken the lead in negotiating the proposed lease extension. The proposed second amendment to the lease includes the following amendments:

- \* Term -- Section 1 would extend the lease for an additional five (5) years, through June 30, 2022.
- \* Rent -- Section 2 would increase the VDH's rent from \$55,000 per year to \$251,655 per year.
- \* Purpose and Use of Premises -- Section 3 would acknowledge (a) the Charlottesville Free Clinic's occupancy of a portion of the property, under a License Agreement approved in 2009 and (b) a statemandated Firearms Rider.
- \* Improvements by County/City -- Section 5 would require the County and City to make certain improvements outlined in a 2015 Property Condition Assessment Report.
- \* Utilities and Routine Maintenance -- Section 6 would make the VDH responsible for utilities and janitorial services, and would make the County and City responsible for elevator maintenance and inspections, snow and ice removal, and exterior landscaping
- \* Improvements and Alterations -- Section 8 would allow the VDH to make improvements and alterations to the property, with the consent of the County and City.

As noted above, the proposed lease would increase the Health Department's rent from \$55,000 per year to \$251,655 per year. Though Section 5 of the proposed lease amendment would require the County and the City to make a City-estimated \$512,186 in improvements and provide an estimated \$711,336 in services (many of them new) over the proposed five-year extended term, these additional expenses would be more than offset by \$1,258,275 in state-authorized rent over that same period. With increased income expected to more than offset increased expenses, the proposed lease amendment is not expected to have a negative budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to authorize the execution of the proposed Second Amendment to the Deed of Lease between the City of Charlottesville, the County of Albemarle and the Commonwealth of Virginia, Department of Health.

**By the above-recorded vote, the Board adopted the following Resolution to authorize the execution of the proposed Second Amendment to the Deed of Lease between the City of Charlottesville, the County of Albemarle and the Commonwealth of Virginia, Department of Health:**

**RESOLUTION APPROVING THE SECOND AMENDMENT TO THE  
DEED OF LEASE BETWEEN THE CITY OF CHARLOTTESVILLE,  
THE COUNTY OF ALBEMARLE, AND  
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

**WHEREAS**, the City of Charlottesville and the County of Albemarle jointly own the Health Department property and building located at 1138 Rose Hill Drive leased to the Commonwealth of Virginia (Thomas Jefferson Health Department); and

**WHEREAS**, the current lease, dated July 1, 1995, was amended July 22, 2009 to extend the lease term and to consent to the execution of the License Agreement between the Health Department and the Charlottesville Free Clinic for the Clinic's sole use of 3,386 square feet of the facility; and

**WHEREAS**, the parties subsequently have agreed on certain amendments to their existing lease, including increased rent, specified improvements and services, and an extended lease term through June 30, 2022.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to sign, in a form approved by the County Attorney, a Second Amendment to the Deed of Lease between the City of Charlottesville, the County of Albemarle and the Commonwealth of Virginia Department of Health to extend the Health Department Lease through June 30, 2022.

\*\*\*\*\*

## **SECOND AMENDMENT TO DEED OF LEASE**

This **SECOND AMENDMENT TO DEED OF LEASE** (this "Second Amendment"), by and between the CITY OF CHARLOTTESVILLE and the COUNTY OF ALBEMARLE, Virginia (together, "Lessors") and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF GENERAL SERVICES ("Lessee") amends that certain Deed of Lease dated July 1, 1995 (the "Original Lease") by and between the Lessors and the Virginia Department of Health ("VDH"), as previously amended by the Lessors and VDH dated July 22, 2009 (the "First Amendment")(together, the "Lease").

### **WITNESSETH:**

**WHEREAS** the parties hereto desire to amend the Lease, and for and in consideration of the terms, conditions, covenants promises, benefits and agreements herein provided, the sufficiency of which is acknowledged by each party,

**NOW, THEREFORE**, the parties do hereby set forth their agreement for amendment of the Lease, as follows:

1. **TERM. Section 1** of the Lease is deleted and replaced with the following:

- (A) Pursuant to the First Amendment, the Lease expires on June 30, 2017. The parties hereby agree to a new lease term of five (5) years (the "Extended Term"), commencing on July 1, 2017 ("Commencement Date") and continuing until midnight on June 30, 2022 ("Expiration Date"). Sections 10 and 11 of the Lease shall be and remain in full force and effect and shall apply to the Extended Term, except that the three (3) month notices referenced in Section 11(A) are hereby changed to six (6) months. Throughout the Lease, all references to the "initial term" shall be deemed and construed as including the Extended Term.
- (B) Holdover tenancy: in the event that Lessee timely gives the notice required by section 1(B), above, and the parties are negotiating rent in good faith beyond the Expiration Date, then the Lessee shall be deemed a month-to-month Tenant subject to all terms and conditions of the expired Lease. The month-to-month tenancy shall terminate on such date as either party gives notice to the other in accordance with Section 12 of the Lease.

2. **RENT. Section 2** of the Lease is deleted and replaced with the following:

Lessee covenants to pay Lessors the sum of **\$251,655** per year, as rent for the Demised Premises ("Rent"), payable in equal quarterly installments due and payable in arrears on the last day of each fiscal quarter. Rent shall be made payable to the City of Charlottesville and mailed or delivered to: Attention: Department of Finance, P.O. Box 911, Charlottesville, Virginia, or to such other party or address as the Lessors may from time to time designate in writing.

3. **PURPOSE AND USE OF DEMISED PREMISES. Section 3** of the Lease is deleted and replaced with the following:

- (A) The Demised Premises may be used and occupied by the Lessee, for and in connection with the operations and services of the Charlottesville-Albemarle Health Department of the Thomas Jefferson Health District, a department of the Commonwealth of Virginia, its officials, employees and agents. The Demised Premises may not be used for any other purpose(s) or use(s) other than as may be authorized by the Lessors' advance written consent; and
- (B) The Lessee may authorize the Charlottesville Free Clinic (the "Licensee"), a Virginia non-profit corporation, to use and occupy the Demised Premises during Lessee's tenancy under the Lease, under such terms and conditions as may be authorized by the Lessee within a written License Agreement. Any such License Agreement shall not contain terms inconsistent with any provisions of this Lease, and it shall not constitute an assignment of this Lease, in whole or in part. The Licensee shall have no privity of contract with the Lessors. The Lessors acknowledge that the License Agreement dated June 12, 2009 was consented to by them in the First Amendment.
- (C) Lessee requires that the Lessors must include as part of this Lease the Firearms Rider attached hereto as **Exhibit B**. The Lessee acknowledge that the Firearms Rider is not a negotiated term of this Lease, but one that has been imposed by the Virginia Department of General Services pursuant to Executive Order 50 of the Governor of the Commonwealth of Virginia. Under no circumstances shall the Lessors' approval of this Lease, or their execution of this Lease document, be deemed a violation of Virginia Code

§15.2-915(A), or any other state statute that prohibits or restricts localities from regulating the possession or carrying of firearms. Lessors shall have no obligation, and shall undertake no responsibility, for enforcement or administration of the provisions of the Firearms Rider.

4. **IMPROVEMENTS BY LESSORS.**

**Section 5(D)** of the Lease is deleted and replaced with the following:

(D) Lessors shall make the following improvements to the Demised Premises pursuant to the attached **Exhibit A** of the Property Condition Assessment Report by EMG dated October 3, 2015) as follows:

**Within 12 months of the Commencement Date:**

- (1) All ADA improvements completed:
  - o 356172
  - o 356164
  - o 356170
  - o 356169
  - o 356171
  - o 356165
  - o 356168
  - o 356167
  - o 356166
- (2) Fire alarm control panel replacement:
  - o 356319
- (3) Replace all water damaged ceiling tiles.

**Within 24 months of the Commencement Date:**

- (4) Brick upper exterior pointed
  - o 356207 Caulking, expansion joints, 1"x1/2", remove and replace
  - o 356206 Repair precast concrete panels due to minor cracks and rust
  - o 356204 Point brick wall upper floor
  - o 356209 Curtain wall, metal and seal maintenance
- (5) Patch/repair/seal asphalt and sidewalks in parking lots

**Within 36 months of the Commencement Date:**

- (6) Interior refurbishment other than ceiling tiles
  - a. 356287 Gypsum Board/Plaster/Metal, Interior Wall, Prep & Paint
  - b. 356289 Vinyl Tile Flooring, Replace
  - c. 356288 Carpet, Standard Commercial, Medium Traffic, Replace

**Within 48 months of the Commencement Date:**

- (7) Replace acoustical tile ceiling
  - o 356290

5. **Section 5** of the Lease is further amended, to add a new section 5(E), as follows:

5(E) Lessors reserve a right of entry, pursuant to which Lessors, their employees, agents and contractors, shall have the right to enter and/or pass through any part of the Demised Premises, without prior notice: (i) in case of emergency and (ii) to provide scheduled maintenance services, and (iii) to exercise any other right or obligation of Lessors under this Lease. If Lessors exercise this right of entry in an emergency, then as soon as practicable before or after such emergency entrance, Lessors shall contact the VDH Business Manager and advise that official of such entry. With respect to entry under item (iii), notice of such entry shall be given in advance of such entry. In any event, nothing herein gives to Lessors or their employees, agents or contractors any right to violate the privacy of the patients of the clinic, and due care shall be given at all times to avoid any such invasion of privacy.

6. **UTILITIES AND ROUTINE MAINTENANCE.** **Section 6** of the Lease is amended to add new sections 6(D), 6(E), 6(F), 6(G) and 6(H), as follows:

6(D) *Utilities*--Lessee shall obtain and pay for all heating, air conditioning, electricity, water, and sewage, and other utilities, as may be necessary or desirable for its use and occupancy of the Demised Premises.

6(E) *Janitorial*--Lessee shall provide and pay for janitorial services and supplies as may be necessary or desirable for its use and occupancy of the Demised Premises. Lessor shall provide for collection of refuse from a centralized dumpster.

6(F) *Elevator maintenance and inspections*--Lessors shall provide and pay for routine maintenance and inspections, as well as repair and replacement, of the building elevator.

6(G) *Snow and ice removal*--Lessors shall provide and pay for snow removal from the parking lots, pedestrian walkways, vehicle travel ways, handicapped-accessible ramp, and other exterior areas appurtenant to and part of the Demised Premises.

6(H) *Exterior landscaping*--Lessors shall provide and pay for routine mowing and other maintenance of grass and all landscaping appurtenant to the Demised Premises.

7. **IMPROVEMENTS AND ALTERATIONS OF DEMISED PREMISES.** Section 8 of the Lease is deleted and replaced with the following:

- (A) Lessee, or a licensee of Lessee with Lessee's permission, may make such alterations, modifications, additions and/or improvements upon or to the Demised Premises as Lessee deems desirable or advisable; provided, however, that any structural, mechanical or electrical alterations (e.g., alterations to the building roof, building foundation; load-bearing interior walls; exterior walls; replacement of windows; heating and air conditioning systems; electrical systems; fire suppression and/or alarm systems, elevator, etc.) shall require the prior written consent of the Lessors, following an opportunity to review plans for such work. Fixtures and non-structural partitions made and/or installed by Lessee shall remain the property of Lessee and, upon termination of this Lease may, at Lessee's option, be removed.
- (B) Lessors shall have the right to make such alterations, modifications, additions and/or improvements upon or to the Demised Premises as Lessors deem necessary or advisable for the purposes of complying with its obligations under this Lease.

8. **DISCLOSURES; NON-WAIVER; APPROPRIATIONS.** Section 11 of the Lease is amended as follows:

The Section heading is changed to read as follows:

**11. TERMINATION; IMMUNITY OF GOVERNMENT ENTITIES; APPROPRIATIONS**

**Sections 11(B) and (C)** of the Lease are deleted and replaced with the following:

- 11 (B) Sovereign Immunity. Lessors understand and acknowledge that Lessee and VDH are agencies of the Commonwealth of Virginia and with respect to tort liability for acts or occurrences on or about the Demised Premises, including product liability, the Commonwealth, Lessee and VDH are either (i) constitutionally immune (or partially immune) from suit, judgment or liability, (ii) insured, or (iii) covered by a financial plan of risk management that is in the nature of self-insurance, all as determined by applicable laws, government policies and practices. No provision, covenant or agreement contained in the Lease shall be deemed to be a waiver of the sovereign immunity of the Commonwealth of Virginia, Lessee or VDH, from tort or other liability. Lessors hereby expressly reserve all sovereign, governmental and official immunity(ies) available to them under the laws of the Commonwealth of Virginia.
- 11 (C) No Indemnification. Lessors understand and acknowledge that Lessee and VDH have not agreed to provide any indemnification or save harmless agreements running to Lessors. Lessee understands and acknowledges that Lessors have not agreed to provide any indemnification or save harmless agreement running to Lessee or any licensee of Lessee.

**New sections 11(D), 11(E) AND 11(F)** are added, as follows:

- 11 (D) Choice of Law. The Lease shall be governed by, and construed according to, the laws of the Commonwealth of Virginia.
- 11 (E) Dissolution or Restructuring of VDH. Notwithstanding any other provision of the Lease, if VDH shall cease to exist, and is not replaced by a successor entity with similar powers and purposes, or its powers and authority are limited so as to not permit the continued use of the Demised Premises for its intended purpose and use, then the Lease shall terminate.
- 11 (F) Non-Appropriation. Agencies of the Commonwealth of Virginia, and political subdivisions of the Commonwealth, cannot expend funds unless appropriated by the Virginia General Assembly or their governing bodies, respectively, and may not obligate a future session of the Virginia General Assembly or of a local governing body. It is further understood that the Rent paid by Lessee is derived from appropriations (or federal funding) made to VDH and paid over to Lessee. Therefore, notwithstanding any provision in the Lease to the contrary, if any session of the Virginia General Assembly fails to appropriate funds for the

continuance of the Lease for all Occupants, the Lease and all obligations hereunder shall automatically terminate upon depletion of the then currently appropriated or allocated funds. Likewise, the performance of Lessors' obligations under the Lease are expressly made subject to the availability and appropriation of funds for such purpose by Lessors' respective governing bodies. In the event that the Lessors are unable to meet their obligations herein due to a lack of sufficient appropriation, Lessee reserves the right to terminate this Lease.

9. **NOTICES. Section 12** of the Lease is amended as follows:

12(B): The address for notices to the Division of Real Estate Services, as previously amended in ¶ 4 of the First Amendment, is changed to the following: Division of Real Estate Services, ATTN: Director, 1100 Bank Street, 3rd Floor, Richmond, Virginia 23219.

**A new section 12(D) is added, as follows:**

12(D) It being acknowledged that the Lessors herein are two distinct governmental bodies, and that any action taken by one does not constitute the action of the other, the following rules apply with respect to notices:

- (1) Any notice sent to the Lessee must be sent by both Lessors. If a notice is sent by only one Lessor it shall have no effect whatsoever. However, if a subsequent identical notice is sent by the other Lessor, then the provisions of such notice shall be deemed effective as of the receipt of the second notice.
- (2) If a request is sent by the Lessee seeking the consent of the Lessors to take some action (e.g., to make improvements to the Demised Premises), the action shall be approved when both Lessors have approved it. If the consent is made conditional, then the consent shall be deemed conditioned only to the extent that both Lessors have set out the same conditions. However, to the extent that the Lessors have an obligation under the Lease, as amended, to act reasonably, and one Lessor fails to respond in a reasonable time to a request by the Lessee while the other Lessor has approved the request, the request shall be deemed approved.
- (3) To the extent that the Lessors have any obligation to perform an action (e.g., lawn maintenance), the obligation shall be deemed to be that of both Lessors, with the understanding, however, that if either Lessor fulfills the obligation then the obligation will be deemed fulfilled.

10. **MODIFICATION AND ASSIGNMENT. Section 15** of the Lease is deleted and replaced with the following:

15(A) This Lease shall not be modified, altered or amended except by mutual written agreement executed by Lessors and Lessee with the same formality as the Lease.

15(B) Lessee may not assign this Lease, or sublet the Demised Premises, without the written consent of the Lessors, which consent shall not be unreasonably withheld or delayed, except that Lessee may assign this Lease to another agency of the Commonwealth of Virginia without Lessors' consent. Any assignment of the Lease shall be subject to all of the terms, conditions and requirements of this Lease.

15(C) Lessors acknowledge that the Lease has been assigned by VDH to the Commonwealth of Virginia, Department of General Services. Lessors consent to this assignment. The Department of General Services, through its Division of Real Estate Services, is responsible for the leasing of space for the use of agencies of the Commonwealth of Virginia. The Department, as Lessee herein, does not contemplate that it will occupy the Demised Premises itself, but rather that the Premises will be used by VDH. VDH shall have the benefit of any rights of Lessee associated with the Lease. VDH is authorized to deal directly with Lessors concerning routine maintenance and repairs, building access, entry of Lessors onto the Demised Premises and similar matters; provided, however, that nothing herein prevents Lessee from dealing directly with Lessors as to any such matters. Lessors shall deal solely with Lessee as to change orders, major repairs, insurance, untenability, breaches or defaults, termination, extensions of the term (including any option terms), and additional charges imposed by Lessors (as may be authorized by the Lease or subsequent agreement of the parties).

11. **MISCELLANEOUS.**

(A) Except as amended by this Second Amendment to Deed of Lease, the Lease provisions shall be and remain in full force and effect.

(B) This Second Amendment to Deed of Lease shall not be effective or binding unless and until signed by all parties and approved by the Governor of Virginia pursuant to Section 2.2-1149 of the Code of Virginia (1950), as amended.

IN WITNESS WHEREOF, the parties have affixed their signatures and seals.

**LESSOR: CITY OF CHARLOTTESVILLE**

By: Maurice Jones, City Manager  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**LESSOR: COUNTY OF ALBEMARLE**

By: Douglas C. Walker, Interim County Executive  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**LESSEE: COMMONWEALTH OF VIRIGNIA  
DEPARTMENT OF GENERAL SERVICES**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Recommend Approval:  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF GENERAL SERVICES

\_\_\_\_\_  
Director

**APPROVED BY THE GOVERNOR**

Pursuant to Section 2.2-1149 of the Code of Virginia (1950), as amended, and by the authority delegated to me under Executive Order 88 (01), dated December 21, 2001, I hereby approve this Second Amendment to Deed of Lease and execute this instrument for and on behalf of the Governor or Virginia.

\_\_\_\_\_  
Secretary of Administration

\_\_\_\_\_  
Date:

**EXHIBIT A  
Property Condition Assessment Report**



**CITY OF CHARLOTTESVILLE**  
Department of Public Works Facilities Management  
305 4<sup>th</sup> Street, Northwest  
Charlottesville, Virginia 22903  
**Mr. Tim Breitenbach**



**PHYSICAL NEEDS ASSESSMENT  
AND LIMITED ADA ASSESSMENT REPORT  
of  
HEALTH DEPARTMENT-CHARLOTTESVILLE**  
1138 Rose Hill Drive  
Charlottesville, Virginia 22903

**PREPARED BY:**

EMG by Joseph Abbate;  
10461 Mill Run Circle, Suite 1100  
Owings Mills, Maryland 21117  
800.733.0660  
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**REVIEWED BY:**

Edward Beeghly  
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EMG Project #: 116643.15R-001.170  
Date of Report: October 3, 2015  
On site Date: September 22, 2015





Cost Description	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
12 1/2" Heat Pump, 4.5 to 5 Tons, Replaced	12	1	14	1	6A	\$8,234.92	\$4,421																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	

2. Notwithstanding anything in the Lease to the contrary, signs indicating the prohibition against carrying firearms, whether open or concealed, shall be posted at all State Offices and may be posted in or on Common Areas, including parking lots and parking facilities. Signs shall be of a size and design approved by the Commonwealth of Virginia, Department of General Services and shall be paid for and installed by the Commonwealth of Virginia.

LANDLORD: CITY OF CHARLOTTESVILLE  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

COUNTY OF ALBEMARLE  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Item No. 8.7. Acquisition of Conservation Easements (ACE) Ranking Order for FY17 Applicant Pool.

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

On October 31, 2016, four new applicants enrolled in the FY17 applicant class. Staff recently evaluated each of the properties from this applicant pool according to the ACE Ordinance ranking evaluation criteria. These objective criteria include: open space resources; threat of conversion to developed use; natural, scenic and cultural resources; and County fund leveraging from outside sources. Based on the results of the evaluation, staff has determined the eligibility of the properties and has ranked them in order (see Attachments A and B). Since the initial evaluation, one of the applicants (Bloch) has withdrawn his application, leaving three eligible applicants. These results were presented to the ACE Committee, which unanimously approved the proposed ranking at its May 8, 2017 meeting.

All three properties under consideration scored enough points to be eligible for ACE funding. With \$704,271 of County funding available for this class (carry-over and reimbursements from VDACS Farmland Preservation), \$48,293 left over from a 2017 VDACS Farmland Preservation grant, and \$250,000 from the FY16 appropriation (see Attachment C), the County has enough funds to acquire easements on at least two of the three properties. The large carry-over resulted when three applicants from last year's class withdrew after receiving the County's invitations to sell the County an easement.

Based on the final ranking order and eligibility status of these properties, the ACE Committee recommends that the Board authorize appraisals of all three properties: Robertson, Kerley, and Earnhardt. Although the total ACE budget for FY17 may be insufficient to purchase easements on all three properties, staff and the ACE Committee believe it is prudent to have the authorization to appraise all three properties in the event that either additional funding becomes available or a higher ranking applicant withdraws from the Program.

The acquisition of easements on these three properties would eliminate 44 development rights and would protect:

- 1) 619 acres of farm and forest land
- 2) 10,300 feet of common boundary with other protected lands
- 3) approximately 6,000 of state road frontage
- 4) approximately 2,000 feet of riparian buffers
- 5) 250 acres of "prime" farm and forest land
- 6) 1 property in the watershed of a drinking water supply reservoir
- 7) 2 properties in a Rural Historic District
- 8) 1 working family farm.

After purchasing two (2) easements from last year's ACE applicant pool (Brigish and Moon), the County has \$1,002,564 to acquire new easements from the FY17 pool. This amount of funding reflects a combination of County funds (re-appropriated), VDACS Farmland Preservation grants, and funds from the FY16 appropriation. VDACS Farmland Preservation holds the County's grant money until the County submits for re-imbursement for 50% of the acquisition, appraisal, and closing costs. Funding for the purchase of these conservation easements would come from the CIP-Community Development-Conservation budget (line-item 4-9010-81010-481020-580409-1240). See Attachment C for additional budget information.

The ACE Committee and staff recommend that the Board:

- 1) Approve the final ranking order for the FY17 applicant pool as shown on Attachments A and B;
- 2) Authorize appraisals of the top three properties: Robertson, Kerley, and Earnhardt.

**By the above-recorded vote, the Board approved the final ranking order for the FY17 applicant pool, and authorized appraisals of the top three properties: Robertson, Kerley, and Earnhardt.**

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Item No. 8.8. Extension of deferral request for SP201400014 - Faith Temple Church (new sanctuary addition).

The Executive Summary forwarded to the Board states that the applicant submitted a special use permit application on October 20, 2014 to allow an expansion to the church to include a new sanctuary, pastor's office, bathrooms, and lobby (SP2014-00014). The applicant subsequently deferred the application twice, exhausting the allowable number of administrative deferrals permitted by County Code § 18-33.4(r)(2) (See Attachment A) without Board approval. The first deferral request was granted on January 9, 2015. An extension of the deferral was granted by the Planning Director, as permitted by County Code § 18-33.4(r)(2), on January 12, 2016 for a one (1) year period, ending on January 12, 2017, to allow the applicant more time to resolve several outstanding issues. This latest request was submitted just prior to the expiration date of the last deferral, which tolled the deferral expiration until the request is reviewed by the Board. The application has not been reviewed by the Planning Commission.

Since the extension of the indefinite deferral was granted by the Planning Director in January 2016, the applicant has been diligently working to relocate an unauthorized human grave on its property. The family members of the deceased have been unresponsive to the church, which has offered to pay for the relocation of the body to the onsite cemetery. In an effort to move forward, the church has hired legal counsel and is seeking legal action to remedy the issue. The applicant is requesting an additional extension of the deferral for one (1) year, which would extend the expiration date to June 7, 2018. As noted above, the applicant has exhausted the administrative deferrals permitted in County Code § 18-33.4(r)(2), and additional extensions must be granted by the Board. Staff opinion is that the extension is justified in order to allow the applicant time to address issues identified during the review process, including the relocation of the gravesite.

If the extension is not granted by the Board, the applications will be deemed withdrawn under County Code §18-33.4(r)(2) and the applicant will have to file new applications in order to proceed.

There is no budget impact related to this report.

Staff recommends that the Board approve the deferral of SP201400014, Faith Temple Church (new sanctuary addition), extending the expiration date to June 7, 2018.

**By the above-recorded vote, the Board approved the deferral of SP201400014, Faith Temple Church (new sanctuary addition), extending the expiration date to June 7, 2018.**

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Item No. 8.9. Recommendation on Extended Hours at McIntire Recycling Center.

The Executive Summary forwarded to the Board states that the Solid Waste Alternatives Advisory Committee (Committee) was established by the Board at its March 2, 2016 meeting as a standing advisory committee. The Committee is charged with developing policies for consideration by the Board related to waste and litter reduction, materials reuse, recycling and composting, greenhouse gas reduction, and waste disposal. Policy recommendations are to be supported by evaluations of budgetary and environmental impacts. The Committee delivered its first semiannual general update to the Board on February 1, 2017 and will provide specific policy recommendations as they are developed.

The Committee has investigated the expansion of operating hours at the McIntire Recycling Center to better serve the public. The Committee notes that usage of the Center has decreased between the years 2007 and 2016 and suggests several reasons for this reduction. The Committee also notes that a recent survey of users of the Center indicates a widespread interest in expanded operational hours.

The Committee communicated its consideration of expanded hours to management at the Rivanna Solid Waste Authority (RSWA), the operator of the McIntire Recycle Center. The RSWA provided costs for existing hours and for two expanded-hour options.

The Committee recommends expanding the hours of operation during Daylight Savings Time on open days and increasing the total number of days open by adding Monday to the schedule.

RSWA estimates that the expansion of hours at the McIntire Recycling Facility will cost an additional \$19,200 per year. The RSWA director, Bill Mawyer, has indicated that this increase can be accommodated in the current RSWA budget.

Staff recommends that the Board endorse the Committee recommendation and direct the Albemarle County representatives on the RSWA Board of Directors to sponsor consideration of the recommendations at the next RSWA Board meeting.

**By the above-recorded vote, the Board endorsed the Committee recommendation and directed the Albemarle County representatives on the RSWA Board of Directors to sponsor consideration of the recommendations at the next RSWA Board meeting.**

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Item No. 8.10. Resolution to accept road(s) in Hollymead Towncenter - Meeting Street Phase I and Phase II into the State Secondary System of Highways. (*Rivanna Magisterial District*)

**By the above-recorded vote, the Board pulled this item for discussion later in the meeting.**

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Item No. 8.11. Resolution to accept road(s) in Timberwood Boulevard Phase I and Phase II Subdivision into the State Secondary System of Highways. (*Rivanna Magisterial District*)

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

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7<sup>th</sup> day of June, 2017, adopted the following resolution:

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

WHEREAS, the street(s) in **Timberwood Boulevard Phase I and Phase II**, as described on the attached Additions Form AM-4.3 dated **June 7, 2017**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Timberwood Boulevard Phase I and Phase II**, as described on the attached Additions Form AM-4.3 dated **June 7, 2017**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

\* \* \* \* \*

- 1) **Timberwood Boulevard (State Route 1721)** from Laurel Park Lane (private) to .13 miles northwest to Perseco Lane (private), existing VDOT road, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2416, pages 21-24, 26 and 28, for a length of 0.13 miles.
- 2) **Timberwood Boulevard (State Route 1721)** from Meeting Street (State Route 1718) to 0.05 miles west to Lockwood Drive (private), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3265, pages 73-80, for a length of 0.05 miles.
- 3) **Timberwood Boulevard (State Route 1721)** from Seminole Trail (State Route 29) to 0.14 miles west to Conner Drive (private), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3265, pages 73-80, for a length of 0.14 miles.
- 4) **Timberwood Boulevard (State Route 1721)** from Conner Drive (private) to 0.10 miles west to Meeting Street (State Route 1718), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3265, pages 73-80, for a length of 0.10 miles.

Total Mileage – 0.42

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Item No. 8.12. 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 brief descriptions of one grant application submitted and one grant award received during the time period of April 15, 2017 through May 13, 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 – April 15, 2017 through May 13, 2017

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Department of Criminal Justice Services	FY 18 Justice Assistant Grant – Problem Oriented Policing (POP)	State	\$69,950	\$69,950	Police Department	Police	These grant funds will be used to provide continued funding for a police Sergeant position to lead the ACPD Problem Oriented Policing (POP) Team.

Awards received during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Department of Housing and Community Development	Alberene Housing Rehabilitation	Federal	\$855,000	\$0	None	Housing	These grant funds will provide support for housing rehabilitation in coordination with the Albermarle Housing Improvement Program (AHIP) for 29 homes in the Alberene community.

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

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

Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY18 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes 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	\$69,950.00	\$ 104,925.00	\$ 139,900.00	\$ 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	6/30/2017	\$0.00	Starting in FY18 this position was fully funded by the County				
							\$ 104,925.00	\$ 139,900.00	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00
*does not include local match funds											

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 Entity		Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	Potential Financial Impact				
							FY19	FY20	FY21	FY22	FY23
Federal Emergency Management Agency	2006 Assistance to Firefighters	This grant provided funds for the purchase of turn out 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	\$ 191,800.00	Starting in FY20 the turnout gear purchased with this grant will have been replaced based on the date of manufacture of 2008 and a useful life of 10 years after the date of manufacture.				
Virginia Department of Emergency Management	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	\$ 53,345.00	\$ 54,934.00	TBD	TBD	TBD	TBD
							\$ 245,145.00	\$ 54,934.00	\$ -	\$ -	\$ -

Item No. 8.13. Annual Report of Board of Zoning Appeals, ***was received for information.***

Item No. 8.14. Natural Heritage Committee Annual Report, ***was received for information.***

**Note: The Board took up** Item No. 8.2. Wireless Service Authority Draft Resolution and Articles of Incorporation - Set Public Hearing.

Mr. Dill said this item cannot be approved without first appointing members to the Broadband Authority.

Mr. Dill then offered **motion** to make the following appointments to the Albemarle Broadband Authority:

- Supervisors Rick Randolph and Liz Palmer with said terms to run concurrent with elected term of office on the Board of Supervisors; and
- Mr. William Fritz, Mr. Michael Culp, Mr. Landon McDowell and Mr. William Walsh with said terms to expire June 7, 2021.

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

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



NAYS: None.

\*\*\*\*\*

**Motion** was then offered by Mr. Dill to approve the Draft Articles of Incorporation and Resolution; and authorize staff to advertise the August 2, 2017 public hearing and provide the final version of the Articles of Incorporation for public review. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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**Note: The Board took up** Item No. 8.10. Resolution to accept road(s) in Hollymead Towncenter - Meeting Street Phase I and Phase II into the State Secondary System of Highways. (*Rivanna Magisterial District*)

Mr. Sheffield expressed concern with this road naming. He said bringing the Meeting Street development at Hollymead Town Center into the secondary road system while building an extension to Berkmar would create confusion as road names change.

Mr. Mark Graham, Director of Community Development, responded to Mr. Sheffield's comments and said Mr. Sheffield had previously expressed his concern. Mr. Graham stated that staff needs direction from the Board about considering a name change and bringing the road into the secondary system, and he would then bring this back to the Board. He said Meeting Street was ready to be accepted and needs to be brought before the Commonwealth Transportation Board to get it into the state maintenance system.

Mr. Sheffield noted there was urgency to this, as Berkmar would open in a few weeks and if the street is not opened the current owner could keep it blocked off. He asked Mr. Graham if the connection at the entrance to Kohl's, Harris Teeter and Starbucks to the traffic circle is still owned by Route 29 LLC or if it had transferred. Mr. Graham said the road had been transferred over but a little piece of right-of-way adjoining the road had not, although he thought it had been resolved.

Ms. Mallek asked Mr. Graham if Berkmar would go to Airport Road in the long term. Mr. Graham confirmed that it would.

Mr. Sheffield expressed concern that once Berkmar opens, traffic going to the airport would cut through neighborhoods, particularly on Timberwood, and this would be a huge problem especially given the number of children in the area. He said it would be important to have the connection from Meeting Street, soon to be Berkmar, to Airport Road. Mr. Graham responded that the County plans to submit a Smart Scale application in the next funding cycle.

Ms. Mallek commented that this is four years away. Mr. Sheffield said they should have a plan and not leave things up to VDOT.

Ms. McKeel asked Mr. Graham if they could discuss both the road naming and the issue of traffic to Airport Road at his presentation the following month. Mr. Graham agreed.

Mr. Sheffield suggested that Mr. Graham consult with the Albemarle County Police Department about heightened speed enforcement for the corridor once Berkmar opens.

Mr. Sheffield then **moved** to adopt the proposed resolution to accept roads in Hollymead Towncenter - Meeting Street Phase I and Phase II into the State Secondary System of Highways. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7<sup>th</sup> day of June, 2017, adopted the following resolution:

#### RESOLUTION

WHEREAS, the street(s) in **Hollymead Towncenter - Meeting Street Phase I and II**, as described on the attached Additions Form AM-4.3 dated **June 7, 2017**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Hollymead Towncenter - Meeting Street Phase I and II**, as described on the attached Additions Form AM-4.3 dated **June 7, 2017**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the



Department's Subdivision Street Requirements; and

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

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

\* \* \* \* \*

- 1) **Meeting Street (State Route 1718)** from Timberwood Boulevard (State Route 1721), new section, to .06 miles north to Laurel Park Lane (private), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3265, pages 73-80, for a length of 0.06 miles.
- 2) **Meeting Street (State Route 1718)** from Phase II Meeting Street (State Route 1718) to 0.6 miles north to Timberwood Boulevard (State Route 1721) new section, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3265, pages 73-80, for a length of 0.06 miles.
- 3) **Meeting Street (State Route 1718)** from Laurel Park Lane (private) to .01 miles north to end of State maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3265, pages 73-80, for a length of 0.01 miles.
- 4) **Meeting Street (State Route 1718)** from Towncenter Boulevard (State Route 1719) to .21 miles north to Phase I, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4000, pages 30-30A, for a length of 0.21 miles.

Total Mileage – 0.34

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Agenda Item No. 9. City/County MOU Update.

The Executive Summary as presented to the Board states that the Albemarle County Board of Supervisors and the Charlottesville City Council agreed on a set of four Memorandums of Understanding (MOUs) at a joint meeting on March 1, 2016; adopted by the Board of Supervisors on May 11, 2016, dealing with collaborative efforts in the areas of environment, education, transportation, and redevelopment and affordable housing. These MOUs are provided as Attachment A. Current activities and opportunities for future collaboration for each MOU topic area were presented to the Board and Council at a joint meeting on October 4, 2016. At the joint meeting, the Board and City Council directed staff to implement the short-term opportunities. The two bodies also agreed to review the long-term opportunities individually in preparation for another discussion about collaboration at a joint meeting this fall, which has been scheduled for September 19, 2017.

This agenda item will focus on the initiatives identified in the attached implementation matrices that outline short and long-term opportunities for each of the four MOU topic areas.

**Short Term Opportunities** - as was discussed with the Board during the joint meeting with City Council on October 4, 2016, these initiatives can be implemented in the next 12 to 18 months with no significant resource needs or policy changes. Based on direction provided at that meeting, work on these short term opportunities (Attachment B) is currently underway, so no further discussion is needed about these items at the current time.

**Long Term Opportunities** - as was discussed with the Board during the joint meeting with City Council on October 4, 2016, these initiatives need additional resources or policy direction before they can be implemented. Staff will provide an overview of the long-term opportunities (Attachment C) in the following two categories:

- Opportunities that clearly align with the Board's FY17 - 19 strategic plan that are either already underway or that could be incorporated into the ongoing strategic plan work.
- Opportunities that do not clearly align with the Board's FY17 - 19 strategic plan that could be considered for inclusion when the next two-year strategic plan is developed.

**Focus on Expansion of GO Program** The Education MOU identified a long term opportunity related to expansion of the successful Charlottesville Growing Opportunity (GO) Program into Albemarle County. The Board indicated support for this initiative during its FY18 budget development process, and the economic development fund was identified as a potential funding source to support this initiative once more details were available. Staff will provide options for implementing a pilot project to expand the GO program focusing on bus driver training for the Board's direction.

If the Board decides to proceed with expansion of the GO program, funding will need to be provided from the Economic Development Fund created in the FY18 budget. Funding is estimated at approximately \$75,000 for a pilot program, with the specific amount to depend on the option selected by the Board.

Staff is asking for confirmation that certain of the long-term MOU initiatives align with the strategic objectives as indicated.

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Ms. Lee Catlin, Assistant County Executive, presented to the Board. She said she is accompanied by Ms. Susan Stimart, Economic Development Facilitator, and would discuss options for expanding the Go Program. She said they will focus on long-term initiatives identified by the City/County MOU process and take Board feedback and direction after their presentation. She gave a PowerPoint presentation beginning with a summary of the MOU process, which included a series of joint meetings with the City of Charlottesville during which MOU language was confirmed, ongoing efforts and collaborative opportunities were discussed, and short and long-term actions were identified. She reminded that both the City and County Boards gave approval for action on short-term items utilizing existing resources, while long-term items were to be deliberated by the respective boards prior to the joint meeting scheduled for September. She referenced Attachment B that Board members have, which focuses on short-term initiatives and said these items could be discussed today though the primary focus of her presentation would be the long-term items. She said some items directly align with FY17-19 Strategic Plan, while other items did not have a direct connection.

She said Attachment C had details of the initiatives, though her presentation would just take a high-level look. She said the first category of items related to the environment, including green infrastructure planning and the Rivanna River Corridor Plan, which were aligned with the Strategic Plan. She said the Better Business Challenge and Rivanna River Basin Commission were items not directly aligned with the Strategic Plan, though funding had been provided for the commission in the FY18 budget.

Ms. Mallek stated she thought a correction needed to be made, as the RRBC was a partner in the renaissance and started this effort, and thus should be folded in with high-priority items.

Ms. Catlin thanked Ms. Mallek for this suggestion, which she would note.

Mr. Dill commented that the renaissance plan is the same thing as the Rivanna River Corridor Plan and asked for confirmation that this is accurate. Ms. Mallek replied that it is the same effort that began with the RRBC.

Ms. Catlin said the MOU called for the commission to be kept in good standing until permanent resources were identified to grow the organization within its mission limits.

Ms. Palmer stated the RRBC had started the renaissance plan and was very involved in it, though they were two different things. She said she is a bit confused by Ms. Mallek's comments.

Ms. Mallek explained that it should not be listed under the "Not Directly Aligned" category as it is an integral part of the corridor plan.

Mr. Walker said the Rivanna River Basin Commission is not a direct connection to the Rivanna River Corridor planning effort, which was a Strategic Plan priority of the Board. He said if the Board directed them, staff could make this connection.

Ms. Mallek said she would like three Board members to join her in correcting this.

Mr. Randolph said he sees them delineated as two different offspring and reminded that last year the County did not fund the RRBC which is now under the auspices of the Thomas Jefferson Planning District Commission.

Ms. Mallek said it is not under the auspices of the Thomas Jefferson Planning District Commission. She said the RRBC provided a staff report, and this year they were funded by every jurisdiction.

Mr. Randolph said that last year they were not funded, and the RRBC is now managed by the Thomas Jefferson Planning District Commission. He said the reason why staff is approaching these as distinct and different is because the RRBC had been an ongoing organization and the Board had the option to be involved, whereas the corridor item was very much a part of a strategic commitment of the Board. He said they were different offspring with different funding streams and levels of commitment, and it is important for the public to understand they are different.

Mr. Dill said the organizational splitting of hairs did not make a difference and the RRBC is doing the planning for the Rivanna River Corridor Plan which is why the County is funding it. He said it is technically a separate organization but aligns with the strategic plan.

Ms. Palmer agreed with Mr. Dill and said the mission of the Rivanna River Basin Commission is aligned with the strategic plan.

Mr. Walker said staff would make this modification.

Ms. Catlin said a further discussion when they meet with City Council would pertain to how funding and policy direction would focus on these initiatives.

Ms. Mallek said this is an altogether separate issue from what she was talking about.

Mr. Dill said City Council is also on the RRBC, and this was perfectly aligned with what the County was trying to do with the MOU.

Ms. Catlin continued her presentation with the category of "Transportation." She said staff had found both the Charlottesville/Albemarle Metropolitan Planning Organization (MPO) and the Charlottesville Area Transit (CAT) to be aligned with the strategic plan.

Ms. Catlin presented the next category, "Redevelopment and Affordable Housing." She stated that neither of the two items are aligned with the strategic plan and the items establish a regional agreement for use of housing choice vouchers and partnerships with nonprofit organizations that receive funding support from both the City and County. She emphasized that although these items are not aligned with the strategic plan, this does not mean they are not important or not a priority.

Mr. Walker interjected to provide clarification, stating that the strategic plan clearly articulated Southwood as an initiative, although the housing choice vouchers have not been identified as a strategic plan priority in the context of the MOU with Charlottesville.

Ms. Mallek said the two jurisdictions have different state and federal statutory responsibilities.

Mr. Randolph said that since this was developed as a long-term set of objectives, the Thomas Jefferson Planning District Commission board had committed to approaching affordable housing as a regional issue. He said this was more involvement than the Board had originally assumed when looking at long-term affordable housing and redevelopment.

Ms. Catlin stated the last MOU pertains to education. She identified the following items as aligning with the strategic plan: the Charlottesville-Albemarle Education Task Force, Home Visiting Collaborative, Outcome Collaborative, Kids College at PVCC, and the Growing Opportunities (GO) Program.

Ms. Palmer referenced Attachment B containing short-term implementation with no significant resource or policy changes. She said that under the Rivanna Solid Waste Authority item, it says UVA/City/County are currently collaborating on a pilot to support a local compostable collection model, with no additional resources required for the near-term strategy, and evaluation of the need for additional resources associated with longer-term strategies. She noted that Black Bear Composting had closed and the University of Virginia is keeping compost at Ivy and periodically trucking it to Richmond. She said that both the City and County are very interested in a composting program. Ms. Palmer commented that this item seems to overlap with climate change issues such as LCAP and should be under both short and long-term items. She noted that it is slightly confusing in terms of how it was presented.

Ms. Catlin introduced Ms. Susan Stimart to present on potential County participation in the GO Program, which had been discussed during the budget process.

Ms. Susan Stimart, Economic Development Facilitator, presented. She said she would discuss recruitment efforts for County school bus drivers, as they have been perpetually understaffed for many years. She described school bus driving as a pretty exciting but challenging job, stating that the goal was to create a career pipeline and if a pilot effort was successful, they would see less focus on recruitment and better candidates to match the job requirements. She said there could be cost savings by outsourcing recruitment and job readiness curriculum to one of their partners, noting that the proposal was to fund a one-year pilot effort to target 10 students, in partnership with Piedmont Virginia Community College with a potential for expansion. She said a strength of the PVCC curriculum is that it could be adapted to match what is already in place with County school staff. She said Charlottesville's GO bus driver program had run about six times and is pretty well established and successful, though it does not match what the County schools have in place. She said the PVCC program also offers flexibility for timing, while the City's GO Program is offered twice per year.

Ms. Catlin said the City had offered seats to the County in its GO Program, but it would be challenging to tailor its program to meet the scheduling needs of the County. She said the PVCC program offers this flexibility.

Ms. Stimart reported that they are looking to PVCC as a resource in the career recruitment and training process, expanding recruitment beyond traditional places and sources, and PVCC would assist with background checks, screening, and CDL certification and licensing. She said their program also emphasizes soft skills training and can also address students with specific needs. Ms. Stimart used an example of a student that required eyeglasses, for which the program was able to pick up the cost.

Mr. Randolph noted that the highest rates of unemployment were in the southern portions of the County and said they should think about opening a PVCC program at Yancey Elementary School, so they can go beyond a Charlottesville-centered recruitment strategy and be where people would be most interested in a part-time job as a bus driver.

Ms. Palmer said she likes this idea, but that they will have to wait for the schools to provide input.

Ms. McKeel said they could put this on the list for their next discussion with the schools, and asked Ms. Catlin what she is seeking from the Board. Ms. Catlin responded that they are asking the

Board's endorsement to continue pursuing something with PVCC, and for school administration and transportation staff to put more shape to the project. She said they are confident they can keep the pilot program cost under \$35,000.

Mr. Randolph said they should not include the \$35,000 in funding under the category of General Government, but should instead put it under the school division portion of the budget because they are committing resources to enhance school division services.

Mr. Walker said this is an interesting perspective as their current understanding of this investment is that it is driven by economic and workforce development.

Ms. Stimart clarified that the program is really about increasing and enhancing recruiting efforts to get the best person into these career pathways.

Ms. Mallek stated that school bus drivers are so important to the safety and success of kids, as they have them at the most vulnerable, at-risk time of the day, and the County should have the very best people who are trained to cope with children's behaviors and are focused on safety.

Mr. Sheffield asked Ms. Catlin if she foresees them ever cooperating with Charlottesville's GO Program.

Ms. Catlin said they do, but want to get things started so they can get their hands around how it works and they can then sit down with the City and see if they can do the same program together.

Mr. Sheffield commented that the three police jurisdictions use the same training facility, but the five area passenger transportation entities all have their own training. He expressed support for finding a way for them to pool together training so they can recruit better candidates.

Ms. McKeel said this can be a good discussion for the future transit partnership.

Mr. Randolph said the other side of this would be to have greater symmetry in the wage scale.

Ms. McKeel agreed with Mr. Randolph, noting that they could train people and then end up losing them to higher paying jurisdictions.

Mr. Sheffield commented that Mr. Jim Foley of People Transport did a great job, and said he had heard great things from those drivers.

Mr. Jim Foley came forward to address the Board. He thanked them for their support over the years in the area of driver wages and the capital program, and thanked Mr. Sheffield for his comments. He said this training program had two exciting pieces as they would be recruiting from a new pool as well as teaching soft skills.

After obtaining Board consensus, Ms. McKeel suggested the Board provide direction for staff to continue with their efforts.

Ms. Mallek then **moved** that the Board adopt the recommendation to use the PVCC partnership. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Kamptner stated that the other specific action needed is for confirmation that the long-term MOU initiatives align with strategic objectives, as modified in today's discussion.

Ms. Mallek **moved** that the Board approve the MOU initiatives. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 10. **Presentation:** Board-to-Board, May 2017, ***A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.***

Ms. Kate Acuff, Chair of the Albemarle County School Board, presented. She stated that though there is a lot happening with schools, she would focus all of her remarks today on Yancey. She reported that on May 27, the School Board voted to close Yancey and reassign students to Red Hill or Scottsville Elementary schools, with 44 Yancey students attending Red Hill and 60 attending Scottsville Elementary. She said they have deployed a transition plan they routinely use when redistricting to help acclimate kids to the new facilities. She said last Friday they held picnics and took children to the new schools, where they met classmates and teachers. She said the events had a lot of energy and were successful. Ms. Acuff noted that the schools in the southern feeder pattern are all rather small and class sizes would still be the smallest in the County, even with the additional students. She stated that both schools would offer multiple open houses during the summer, and Yancey students would attend summer school at their

newly assigned schools. She said the respective Parent Teacher Organizations have been very welcoming.

Ms. Acuff stated that in addition to acclimating the students and reassigning Yancey teachers, they must address the impact on the CIP for the two schools. She noted that Red Hill School was recently renovated, which modernized it but did not increase capacity, and they are still utilizing two trailers. She added that there is still plenty of space for the new children. She said Phase II of the Red Hill improvement plan was to expand the half-sized gym and add some offices, and this may need to be moved up in the CIP. She said the additional students at Scottsville Elementary would present more of a challenge, and they may need two additional classrooms in that school. She said one existing room was being used for other purposes and could be used as a classroom, while the other could be created with the security improvement project that was approved under the referendum. She said it would move the office from the center of the building to the front and would free up space, and in the short term they may need a mobile classroom.

Ms. Acuff commented that they are also planning for the transition of Yancey Elementary, stating that the previous week the joint chairs met with school and County officials to discuss the transition. She said the schools own the building and state code provides for three options: retain the building, sell the building, or transfer the deed to the County. She said the school division is committed to keeping the building open with minimal staff, such as a custodian and office person, since they must remain open to serve as a polling location for the November election. She stated that transition planning would require fairly quick decision making. She outlined the long-term transition planning process as follows: seek input from School Board and Board of Supervisors during the summer as to which stakeholders should be involved in planning, conduct a community needs assessment by September, share results from the assessment with the community and boards, and reach a decision about the facility's future by the end of October.

Mr. Randolph said it is important to create a committee that includes School Board members and Supervisors to facilitate the discussion, adding that there are still hurt feelings in the community about the loss of their community school. He suggested they look for a neutral outside entity, such as the Thomas Jefferson Planning District Commission, to conduct the community needs assessment, rather than the School Board, as they would likely obtain more buy-in from community members and do not have a stake in the closure of the school. He said the schedule presented by Ms. Acuff is realistic, and the community is looking for a plan. He praised Ms. Acuff and the School Board for their timeline and process, but suggested they make a couple of tweaks.

Ms. Palmer said she had attended the school orientation picnic and had spoken to many people, and the Board needs to hear from the community as to whether an outside consultant should be utilized.

Ms. Acuff addressed Mr. Randolph's comments and said they do need to hear from members of the community, with the School Board wanting to obtain feedback from all of these groups and work jointly with the County. She said she would be concerned about the timing if they were to use an outside group, and asked Mr. Walker, Ms. McKeel and Mr. Dill if they have any thoughts on this as they are present at the meeting.

Ms. McKeel responded that they had discussed timing, with the need for a decision by October so they could move forward with budgetary issues. She said that in July, the Board will have an agenda item that would allow Supervisors to give input on the use of the building. She emphasized that although the Board of Supervisors and community would offer input, the decision would be up to the school division.

Ms. Mallek asked if someone would circulate the report produced two years ago.

Ms. Palmer said she would like to know how the use of the Yancey building during the summer would be affected by the use of the Porters community. Ms. Acuff responded that short-term usage of the building during the summer had not been decided, and organizations that have regularly scheduled meetings at the school have been notified that a decision had not been made so they probably would need to find other venues.

Mr. Dean Tistadt, Albemarle County Schools Chief Operating Officer, addressed the Board. He said the only event scheduled over the summer is a class reunion and the schools had informed the group that Yancey would not be available. He said the Parks and Recreation Department summer recreation program is being held at Scottsville and Red Hill, and Yancey students can attend the program at these locations.

Ms. Mallek noted that since the Board of Supervisors raised funds to make improvements and to buy the school, she would assume the Board would have a say as to whether the building is sold.

Ms. Acuff said the School Board had not had a discussion about it yet, and she would be surprised if a decision to sell the school were the outcome. She said the building is 27,000 square feet total, and they need to plan for optimal usage for the community and the County.

Mr. Dill said there may be groups that have proposals that the community might welcome, such as use of the building for a driver education program, food bank, or Martha Jefferson clinic.

Mr. Randolph noted that Chip Boyles of Thomas Jefferson Planning District Commission had been present at the meeting, as well as School Board members. He reminded the Board that the TJPDC

had recently put in a \$40,000 grant request to the State Department of Housing and Community Development for a capacity study for addition to the Scottsville Community Center, which would primarily be for the Jefferson Area Board of Aging (JABA) and a potential telemedicine unit for UVA or Sentara. He added that PVCC had expressed interest in opening an offsite learning center. He said the Board of Supervisors would in no way consider using scarce CIP funds to build additional capacity in Scottsville when Yancey can offer capacity.

Ms. Palmer said the new broadband wireless authority is considering a rural development grant for telemedicine and emergency services equipment, and this is a consideration in looking at the Porters area.

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Agenda Item No. 11. **Presentation:** Community Health Improvement Plan.

Ms. Denise Bonds, Director of the Thomas Jefferson Health District, addressed the Board and said this is the third health improvement plan for the health district. She listed their values of teamwork, accountability, inclusivity and respect. She presented a slide indicating the MAPP Health Engagement Framework, which she said was composed of a core group doing primary administrative day-to-day work and including members of the Health Department, Sentara Martha Jefferson, the University of Virginia Health System and the Department of Health Sciences. She said the Thomas Jefferson Health District includes a number of counties and the City of Charlottesville, and each local community has a local community health council, with Albemarle and Charlottesville having a joint council. She said a leadership council makes final decisions and recommendations for the district.

Ms. Bonds next presented a slide of the four assessments comprising the MAPP process, stating that at the end of the assessments they end up with a community health improvement plan as a living document, with goals and strategies that could change as they realize what is realistic, feasible and doable. She said that over 100 community partners and 10 community coalitions contributed to the plan, commenting that it truly had buy in from the entire community. Ms. Bonds' next slide listed the Charlottesville/Albemarle Community Health Assessment Members. She next reviewed the first of the four assessments – the Local Public Health System Assessment – and stated that this looked at all the players providing public health and the 10 essential services of public health. Ms. Bonds said that many of the health partners link to or provide care, as well as serving to inform, educate or empower citizens and mobilize community partnerships. She said they also looked at what forces of change might impact the ability to implement the community health assessment, such as cultural diversity and humility, access to health services, laws and policies of the community, and economics.

Ms. Bonds stated that her favorite part of the assessment was going out to the community and asking citizens what they felt made the community a healthy place to live and what the community should improve. She said they went to a variety of community events, made the survey available online and provided paper surveys at partner locations. She said that almost 600 individuals completed the survey, which found that the number one strength of the community was health care, followed by food options, outdoor amenities, and safe streets rounding out the top five. Under areas for improvement, the most cited was mental health services, followed by housing, alcohol and drug abuse prevention services, and several others. Ms. Bond said they looked at all the available data they could find to determine how the community was doing and that the data was available online. She presented a slide showing population growth figures, as well as population distribution by age and gender, and noted the large number of baby boomers, with the age 80-84 demographic continuing to grow.

Ms. Bonds next focused on the four health priorities, with the first being to promote healthy eating and active living in an effort to increase access to healthy food and recreation in order to decrease the rate of obesity, which continues to be a problem. She said the health district had chosen two strategies, with the first being to increase the availability of fresh fruits and vegetables at corner markets, and the second being to implement a tax on sugar-sweetened beverages. Ms. Bonds acknowledged that the latter probably is not feasible given the Dillon rule in Virginia. She said they are also looking at ways to restrict the availability of unhealthy snacks in public venues, with the elimination of vending machines that only serve sweetened beverages and the addition of those that serve healthier snacks.

Ms. McKeel recalled a very interesting discussion a few years ago about vending machines in the schools.

Ms. Mallek noted that the reason vendors would not change is the profit generated from soda.

Ms. Bonds presented a map indicating expenditures on fruits and vegetables in different areas of the County, with greater expenditures in the northern part of the County and less in the southern portion. Her next slides showed a map of the County indicating soda and alcohol consumption, noting that there is a high level of alcohol consumption, which she attributes to the region's wine and beer production.

Ms. Bonds reported that the second health priority was mental health and substance issues, stating that there is an active and strong Community Mental Health and Wellness Coalition taking the lead on this. She reviewed three objectives of this priority: reduce the need for mental health and substance use hospitalization through improved access to upstream outpatient care; increase capacity of partners to provide mental health and substance use disorders services by 10%; and leverage partnerships across local coalitions to implement policy, system and environmental changes. She said strategies include increasing culturally and linguistically appropriate mental health and substance abuse services, implementing a public awareness and stigma reduction campaign, and developing a culturally and

linguistically appropriate behavioral health workforce. Ms. Bonds said the community included a large number of mental health providers, with one for every 1,294 individuals in Albemarle as compared to one for every 998 individuals statewide. The next slide presented results of a 2012-2013 Thomas Jefferson Health District survey asking respondents how many days within the past 30 they had felt their mental health was not good. She said about one third of citizens have at least one bad day, with many having more than a week where they self-declared their mental health was not good.

Ms. Palmer noted that the number of residents per provider in Albemarle is higher than the state average and speculated that people from other communities come to the area for treatment.

Ms. Bonds confirmed this and added that there are barriers to receiving mental health care, with one being that insurance companies still do not provide equitable care for mental health and a second reason being that those with mental health issues do not typically initiate access to care. She said that having local care available was key to having access, which is why they try to provide access to those in rural areas.

Ms. Mallek asked how the number of providers were distributed among specialties, as she speculated there were few providers for the crisis mode. Ms. Bonds agreed, stating that the coalition is looking at ways to come up with better metrics that gave an indication of the number of appointments. She said the coalition was made up primarily of those who offered services to the uninsured and underinsured, who she described as being our most vulnerable citizens. She offered to come back with information on the number of visits offered, but noted that this did not necessarily address the need.

Mr. Randolph said that even if there had been an improvement from the 2013 figures shown in the slide, they are facing a reality with proposed changes in the way the Affordable Care Act operates, as mental health would no longer be a valid service under governmental provision. He noted the figures showed the number of residents per provider, but this did not mean they would have affordable access to mental health services. He said that in all likelihood access would change for the worse.

Ms. Bonds said access and need are challenging statistics to obtain. She said the best indicator she had was from the Behavioral Risk Factor Surveillance System, which she had provided in the slide. She said residents were telephoned for a one-hour survey and the state would be adding additional questions this year about wellness, though she would not have this data until it had been completed.

Mr. Randolph commented that many providers offer a sliding scale of payments but do not mention this on their websites, so patients do not learn about this until they come in.

Ms. Bonds presented a slide with a graph depicting drug arrests per 100,000 population in five area counties and Charlottesville from 2010–2014. She continued with the third priority, to improve health disparities and access to care. She stated that they sought to increase health equity and narrow the gap through outreach and education, adding that they have always focused on the African-American mortality rate and are now also focusing on cultural humility and workforce diversity. She presented a slide depicting Virginia and Thomas Jefferson Health District infant mortality rates by race from 2003–2014, noting that the region had lower infant mortality rates than the state average, though there was a racial gap that continues to be addressed. Ms. Bonds said there was an active coalition working to improve pregnancy outcomes, and that group continues to observe this data and develop strategies, with some improvements made but additional work needed.

Ms. Bonds said the final area of focus is fostering a healthy and connected community, increasing well-being across the lifespan by looking at education, prevention, advocacy, and evidence-based programming. She said their objectives were looking at child and adult abuse and neglect, strengthening healthy relationships across the lifespan, and decreasing the rate of unintentional injury hospitalization due to falls. Ms. Bonds said the strategies chosen by the coalition were to expand evidence-based programs for healthier relationships and to decrease sexual assault by implementing a measure of wellness across the age continuum. She said the final strategy was to provide information on parenting skills and resources when children entered school. She presented a slide showing child abuse and neglect rates per 1,000 children from 2000–2013 in five area counties and Charlottesville, noting that Albemarle had a relatively low neglect and abuse rate. Ms. Bonds' next slide depicted causes of unintentional hospitalizations from injuries in 2000–2013 within the Thomas Jefferson Health District. She said falls were the biggest factor, noting that the full report and data slides could be found and downloaded from the website at [vdh.virginia.gov](http://vdh.virginia.gov). She noted that Putnam Ivy was leading this effort at the Health Department and provided her contact information.

Ms. Palmer said she has a question on an unrelated topic. She noted that Ms. Bonds was involved in permitting of wells and that recently there was a meeting about a leaky underground storage tank, which Ms. Bonds had attended along with Department of Environmental Quality representatives. She commented that years ago, there was uncertainty among the DEQ and the Health Department about responsibilities and tasks in coordinating the location of leaking underground storage tanks, with well permitting and the issues at Red Hill being an example. She asked how this coordination is going under new directorship. Ms. Bonds responded that she had confirmed that DEQ sent a list of known leaks so that her staff had the ability to look up this information when they went out in the field.

Ms. Mallek asked if this information is public, as she feels that neighbors around a leaky tank should be notified. Ms. Bonds explained that her organization received this as an email attachment and did not know if this is available on the DEQ website and if it is public or not though she noted all information may be obtained through FOIA. She offered to find out and notify the Board.

Mr. Graham said this information is kept on the GIS, is updated monthly by DEQ, and is available to the public. He noted that the County building code ordinance requires that when a new well is drilled within 2,000 feet of an identified leak in an underground storage tank, they have to provide testing for BTEX (Benzene, Toluene, Ethylbenzene, Xylene), which are the most common gases found in fuel oil.

Ms. Mallek asked if it is required that leaky tanks be removed. Mr. Graham replied that it is not the County's determination but that of the DEQ.

Ms. Palmer said there are a lot of tanks that DEQ managed or remediated. She said some tanks could not be remediated, such as the one in Ivy, and they let bacteria resolve it over time. Mr. Graham commented that at any time there are 50 to 100 leaking tanks in the County.

Ms. McKeel asked Ms. Bonds what the Health Department is doing regarding climate change. Ms. Bonds replied that among the 140 data categories provided in the report are some related to the environment. She stated that she does not have a mandate for this issue, though she is happy to educate people about what impacts on health might be caused by increasing temperature and mitigation steps they could take. She emphasized that policy enactment would be at the state level.

Ms. Mallek commented that the migration patterns of disease-bearing insects are within the Health Department's purview, with the Zika virus being an example.

Ms. Bonds said the County does not have a mosquito control board though one could be established, and offered to provide information as to the usefulness of this type of board. She said she had trained staff that went to homes and facilities to teach people how to reduce mosquito populations, adding that her department monitors for all insect-borne diseases such as Lyme disease, Zika and other tick-borne diseases. She said a mild winter has resulted in a higher than normal tick population this year and the area has not yet had a case of Zika virus, but if they do her department will implement a cascade of measures.

Mr. Dill noted that he had recently attended a Farm Bureau meeting at which farmers expressed concern with Lyme disease and the fact that doctors are often not properly diagnosing it.

Ms. Bonds said there are things one can do to prevent tick-borne diseases, such as dressing in light colored clothing, long sleeves and pants, noting that there is clothing available that is permethrin permeated to repel ticks. She noted the Health Department offers free insect repellent, which is safe for kids and pregnant women. She said that keeping grass cut short and lawn barriers are helpful, and that every night people should check their bodies for ticks and remove them with tweezers as soon as possible. She said the Health Department captures Lyme disease data if it is reported to them, but not all physicians report it and the disease is often not properly diagnosed.

Mr. Randolph commented that for a reportable case of Lyme disease there must be a positive western blot test, and there could be false negatives. He speculated that they are only seeing the tip of the iceberg.

Ms. Bonds confirmed this and said there are specific guidelines they must follow, and agreed that there is probably an underestimate of the actual level of occurrence in the community.

Ms. Mallek said a no-standing-water ordinance passed by the County a few years ago was helping to cut the mosquito burden.

Ms. Bonds said mosquitoes are "homebodies" and do not fly far, so the best way to prevent them is to take care of one's own property and empty standing water from birdbaths or dog water at least once per week.

Ms. McKeel asked Ms. Bonds to let the Board know if they are missing anything in terms of mosquito control efforts and invited her to send an email with suggestions.

Ms. Bonds said she would like to conduct education outreach to Women Infants Children (WIC) program recipients.

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**Recess.** At 11:21 a.m., the Board recessed. The Board reconvened at 11:29 a.m.

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Agenda Item No. 12. **Presentation:** Hydraulic Area Project Advisory Panel Update.

Mr. Mark Graham, Director of Community Development addressed the Board and reminded them that both the Route 29 widening and Berkmar projects are supposed to open within the next three weeks. He said a ribbon cutting would occur but they had not made arrangements yet. He said that Craig Eddy of Michael Baker International had stepped in to fill the role of Philip Shucet, and he is glad to see him providing leadership. Mr. Graham said some initial design concepts had been presented and they are focusing on three: one would have Hydraulic Road passing under Route 29 and creating some public space; a second would have Route 29 passing under Hydraulic Road and creating a public plaza; and a third concept would have a public space near the Seminole Square entrance. He said there are issues with all three concepts and none of them is a clear winner. Mr. Graham stated that they hope to have the



concepts screened by June 23 and a core area plan developed by late August. He said the project is on schedule and moving very quickly, and after they have selected one of the three concepts they will present it to the consultant, Kimley Horn. He said the Rio/Route 29 project is on an almost parallel path, and they will look to have both efforts work in unison rather than bumping into each other.

Ms. Mallek commented that pedestrian access across Hydraulic Road is the primary issue, in her opinion, and asked if this would be addressed.

Mr. Graham stated that their vision and goals speak to three things: place making, creation of a sustainable community, and a vibrant economy. He said they are looking to tie everything together with multimodal transportation that functions and works for everyone.

Ms. McKeel commented that green space was also part of the discussion the previous day, and Chip Boyles had made a presentation at the Senior Center about this issue. She said that people want a pedestrian and bicycle friendly concept that contains green space, but still moves traffic.

Mr. Graham said they have a lot of green space in the area but it tends to be pocketed, and they are looking to tie the greenspace together to create a desirable location. He said a draft core plan should be ready by the end of August with a draft plan by mid-September. He concluded his remarks and invited questions and comments.

Ms. Mallek commented that she is grateful this project is happening after such a long time.

Mr. Graham said he was impressed by the sophistication of the community and how involved people were.

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Agenda Item No. 13. **Presentation:** Transformational Initiatives Update.

Mr. Bill Letteri, Deputy County Executive, addressed the Board and stated that they have talked about the notion of being action oriented in advancing the Board's strategic priorities: maintaining and advancing the concept of a quality organization, thoughtful investments in the future, and mandates and obligations. He said the notion of transformation looks to realign the organization to achieve cost savings, efficiencies, and to create capacity in the organization. He reminded them that at the May 10 meeting, Ms. Kristy Shifflett had provided an update on strategic priorities and the advancements and progress made. He said they have made significant progress towards achievement of the Board's top strategic priorities, including long-term structural realignment and accessibility to County information on the website.

Mr. Letteri reminded them that the Board had asked him to come back at a future meeting to provide additional detail on transformational initiatives. He listed agenda items as follows: time and attendance, website redesign, records management, and housing transition. He said the outcomes from today's presentation are to make the Board aware of major upcoming transformation milestones as well as the progress on projects identified as transformational initiatives. He said staff had really embraced these items and made important progress in advancing these efforts. Mr. Letteri stated that four staff members would assist with the presentation, with Melissa Anderson presenting about time and attendance, Jody Saunders addressing website redesign, Mike Culp discussing records management, and Ron White addressing housing initiatives.

Ms. Melissa Anderson, Project Implementation Manager for the Time and Attendance Project, stated that she would provide an overview of the project focus, intended outcomes, and anticipated benefits to employees, as well as a project timeline. She said the County had contracted with Kronos, Inc. for a time and attendance system for both local government and schools employees. She said the system is intended to automate timekeeping and employee leave management, which are currently handled by paper processes that result in duplication of efforts. She said the new system will integrate several existing computer systems that currently do not communicate well or at all, including the fire/rescue scheduling application, the schools' substitute teacher management system, and the payroll system.

Ms. Anderson presented a slide with a list of four project objectives, which she said aligns with the strategic focus of the transformational initiatives to achieve cost savings, operational efficiencies, and capacity for the future. Ms. Anderson stated that manual processes can result in inaccuracies in data capturing, as people write things down on paper and then someone else reenters the information into the system. She said the new system would enable the County to more easily demonstrate compliance with federal, state and local labor regulations and would provide faster access for staff. She said the final objective is to empower managers and leaders with data that is challenging to access, enabling them to make decisions about things like overtime and recognition of employees with exemplary attendance records. She said the system would also provide benefits to employees, including easy access to annual leave data and the ability to focus on more value-added work.

Ms. Anderson presented a slide with an estimated project timeline broken into three primary phases. She said they are currently in the design phase, which involves internal meetings and meetings with stakeholders. She said they intend to go live at the start of FY19, and they are currently doing a lot of talking, configuring and establishing specs. She said they will have a period of several months to provide training at the employee, bookkeeper and manager levels.

Mr. Sheffield noted they will be using Great Plains software and asked if time and attendance

would be integrated into Great Plains or vice versa. Ms. Anderson confirmed that the systems would be integrated.

Ms. Mallek asked if Great Plains has improved its accessibility, as 10 years ago the system was not user friendly. Ms. Anderson said Mr. Kerr is leading efforts to upgrade the payroll system and they are expecting short-term improvements, with further improvements realized when systems are able to communicate with one another. She said the vendor has a proven history of integrating with this payroll system, as well as with the substitute teacher management system, and they own TeleStaff, the scheduling system used by police and fire/rescue.

Ms. Mallek noted that many years ago when they were discussing fee structures for community development, there was a dilemma due to lack of an accurate way to keep track of the amount of time a staff member spent on a project. She asked if they will have this capability with the new system. Ms. Anderson responded that she had spoken with Mr. Graham about this issue and learned that the system would provide some capability at a higher project level but may not offer the necessary level of granularity, though this would be addressed with the Kronos team.

Ms. Mallek asked if the new system would have the potential to eventually expand to provide this information. Ms. Anderson confirmed this.

Mr. Dill asked if the system would impact the number of employees or particular positions. Ms. Anderson said there is potential that through attrition, they may not need to fill some positions, but they do not expect to eliminate any existing employees. She said they expect to achieve some cost savings over time.

Mr. Dill asked if the system would have an effect on employees working from home. Ms. Anderson responded that she is not aware of any impact to employees working from home.

Mr. Walker interjected that with the new system, they are looking to accommodate various work environments for employees, including those working from home and in the field, as well as bus drivers.

Ms. Mallek asked if IT staff would be analyzing the compatibility of future purchases with the systems used by police and fire/rescue. Ms. Walker said that in the request for proposal process, compatibility had been identified as a factor.

Mr. Letteri noted the importance of compatibility is always a consideration as they add or modify systems.

Ms. McKeel commented that this is a win-win in a lot of ways.

Ms. Jody Saunders presented on the website redesign effort. She said Mr. Brian Betts, Manager of Software Applications and Digital Records, is working with her on this project and they are excited to present this update. She said the current website is kind of "bloated and clunky," difficult to navigate, lacks search engine optimization, and is not ADA compliant. She said the new site would address these issues. Ms. Saunders stated that they are envisioning a responsive website that works well with every device and is personalized so that users can find what they need in an easy and accessible way. She said the site would be transparent and data driven so that it would evolve over time as users interact with it, would be engaging, would provide users with information and interactive conversations, and would evolve with changing technology.

Ms. Saunders presented a slide listing three strategic goals and objectives of the website redesign that align with what the Board has identified. She said the website is the primary method of citizen engagement with the County besides appearing in person. She said Civica has been selected to provide design, consulting, migration, ongoing support and training services, and they are excited to partner with the County. She said Civica's sites are fun and easy to interact with, and they specialize in sites for local governments. Ms. Saunders stated that the current County website was designed by department hierarchy and that users must first know which department they need, while the future website would help users find information in a way that caters to a visitor's individual approach.

Ms. Saunders presented a slide with the project timeline that had started in April 2017 with contract execution, and said they are currently at the second of five milestones, with the vendor's in-house team developing the design, layout and navigation based on feedback provided by the County's web editors, and a team of web champions helping to identify ways to improve ways of doing business online. She noted that she and Mr. Betts will meet with external stakeholders to obtain suggestions. She said the third milestone will be achieved later this summer when the final design would be integrated with the current site so they can observe how it interacts. She said the fourth milestone will occur this fall with implementation of all the content provided by the County and the desired navigation structure, and at the end of this milestone they will conduct training with staff. She said the fifth milestone will occur later this fall or early winter when the site will be launched.

Mr. Randolph said the current site is primarily hierarchical and organizational, and it is important the new site be adaptive so that links with other, related sites are available.

Ms. Mallek said she had played with the Carlsbad, California website and it is extremely fast.

Mr. Sheffield asked how they selected Civica.

Ms. Saunders said they conducted an RFP using a rubric of important criteria, and met with a number of vendors and solicited proposals, with Civica having the best offering at the best price.

Mr. Sheffield commented that he had accessed their website and it appeared to be more than just a website and could be described as information management. He said that it is pretty impressive and the services and products they offer go well beyond a simple web design.

Mr. Dill asked if they would have to obtain more hardware to support improved information technology and asked her to comment on security issues. Ms. Saunders responded that they would not, and invited Mr. Brian Betts to address the question about security.

Mr. Brian Betts, Manager of Software Applications, explained that the infrastructure was hosted outside, which offered some cost savings. He said it is protected in the government cloud, commenting that staff was impressed by the security backups and was certain the company would meet and exceed the County's needs. He said they wanted to create an architecture so information is delivered in an adaptable fashion, focusing not just on technology architecture but also the architecture of departmental processes, including publishing those to the external website. He said they are forming teams and working with individuals in departments to understand how they push information out to the public and how they can better respond to public needs.

Mr. Mike Culp reported that the County has used Laserfiche for digital records management for almost 15 years. He reviewed project objectives, with the first being cost reduction. He said storage costs are growing because many records are produced, and the County has had to lease new space. Mr. Culp reported that the second objective was to improve effectiveness and efficiency so items could be looked up digitally instead of by paper; a third objective was providing access to County records so that members of the community could examine items, such as building permits and certificates of occupancy instead of having to physically come into the County Building. Mr. Culp said the fourth objective was business continuity in case of a disaster, stating that they currently do not have a backup system if files are damaged by fire or water, and with a digital domain they would be able to spread records across multiple locations. He summarized the benefits they obtain with the use of Laserfiche, such as integration with existing systems. He said they recently purchased a forms package, which allowed them to start with online forms instead of having to first complete paper forms that then needed online integration, which would save time and effort. He said Human Resources and Community Development recently transposed personnel records to the digital domain, with the school division digitizing student records.

Mr. Culp presented a slide with an estimated project timeline, stating that they will provide the Board with quarterly reports regarding cost savings and benefits. He presented a slide showing annual labor costs for searching for and retrieving files. He used the example of the Community Development Department and its 23,000+ project files and 107,000 documents, noting that moving them from paper to digital provided both space and cost savings. He said that file cabinets are no longer needed, and an entire kiosk-based office that could accommodate three to four cubicles had been freed up. He summarized some benefits of Laserfiche, including the use of technology to enable automated recordkeeping without paper.

Mr. Dill asked if there is a time period requirement before documents can be discarded. Mr. Culp responded that there is a Library of Virginia records retention schedule, though he did not know the specifics, and said that Laserfiche is tied into the Library of Virginia retention schedule.

Mr. Letteri mentioned that a consultant was hired about one year earlier to inventory all the documents they are required to keep, and had developed a manual to keep track of the length of time records must be retained and the process for destroying records.

Mr. Dill asked how much space is currently taken up by paper records that would gradually be reduced through destruction. Mr. Culp responded that he could provide this information although it is constantly changing. He said the schools have a large amount of student files that are being moved out.

Ms. Palmer expressed hope that security is keeping up with all the changes being made. Mr. Culp confirmed this.

Mr. Ron White, Chief of Housing, presented and stated that he would talk briefly about housing transformation initiatives. He said they are looking at options and changes in policies for the future integration of housing and community improvement initiatives while maintaining affordable housing as a strategic priority. He said that during a recent discussion of the issue, it was brought up that the County may appear to be somewhat neglecting the affordable housing issue, but this was not the objective, the objective was to achieve some efficiencies for staff and customers. Mr. White stated that both housing policy and block grants were involved, and they would involve community and funding partners in the discussion. He stated that a staff team had been formed to consider the future of housing and community improvement initiatives and preliminary work had begun. Mr. White noted that the transfer of the housing choice voucher program from the Office of Housing to the Department of Social Services is moving along ahead of schedule, and he introduced John Freeman to present about it.

Mr. John Freeman, Assistant Director of Department of Social Services, addressed the Board. He said that when Social Services learned they would be receiving the housing choice voucher program, they formed a work group that began working in January and February 2017 and had been meeting regularly. He stated that they have sought to identify internal questions about housing needs and met with

Mr. White and his staff to learn more about the program. He said they have identified key themes to investigate, including process management, budget and financial operations, personnel and HR issues, technology, and space and equipment. Mr. Freeman said they learned that other social services departments in localities around the state supported and managed this program, so he has reached out to these departments to find out how they structure, supervise and deliver the program. He said this has been interesting and informative and is currently ongoing.

Mr. Freeman presented a slide listing major milestones of the Housing and Social Services consolidation, stating that the first step was work group formation, followed by research to determine what questions to ask of other social services departments. He said this summer's activities would include breaking into work groups and working on identified issues and that by late fall they expect to move to full integration. He said they need to determine Department of Housing and Urban Development (HUD) requirements for shifting the Office of Housing, and Mr. White is having conversations with that agency. He said they are determining the best structural and supervisory model and are working with HR on related personnel issues. He said they are also working with IT on the technology issue. He stated that they are determining where the best efficiencies can be gained and believe there are opportunities in the area of process management, which should result in cost savings. Mr. Freeman said they would ultimately bring the five Housing staff members involved with the voucher program over to Social Services, and they are moving along at a good pace.

Mr. Dill asked about the relative size of the group being integrated into Department of Social Services, in comparison to the existing personnel level. Mr. Freeman replied that it is the same group of five that is currently working with the program which includes two case managers, one housing specialist, a clerical/intake process employee, finance manager, and housing inspector. He said as they integrate the program they may find the potential for staff saving but currently anticipate bringing in the entire group.

Mr. Dill clarified that his question was referring to the size of Department of Social Services. Mr. Freeman replied that current staffing is about 117 employees. He said they are already starting to integrate the Housing staff and had held a staff meeting, with further events scheduled to foster personnel inclusion.

Mr. Letteri stated he hopes the presentation was helpful and that it is clear staff had made good progress. He said they would come to the Board in the future as they continue to make progress and as other issues arise that may need to be addressed by the Board.

Ms. Mallek commented that one of her biggest fears is the number of staff that will be retiring and that it is good they are planning ahead.

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Agenda Item No. 14. Closed Meeting.

At 12:29 p.m., Mr. Randolph **moved** that the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1) to: 1. Discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; 2. Discuss and consider the resignation of an employee of the Board of Supervisors; and 3. Discuss and consider the annual performance appraisal of the County Attorney.
- Under Subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about: 1. Commercial uses on private water systems; and 2. Probable litigation arising from 3 claims where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County. The claims relate to alleged injuries sustained to private property by a falling tree, to alleged personal injuries resulting from a moving police vehicle, and alleged personal injuries resulting from an arrest.

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

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

NAYS: None.

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Agenda Item No. 15. Certify Closed Meeting.

At 1:07 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 in the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

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

**Note: Mr. Sheffield arrived at 1:09 p.m.**

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

- **reappoint** Ms. Cynthia Chiles to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Management Board, with said term to expire June 30, 2019.
- **reappoint** Ms. M. Waltine Eubanks to the Jefferson Area Board for Aging Advisory Council, with said term to expire May 31, 2019.
- **appoint** Ms. Lynda White to the Jefferson Area Board for Aging Advisory Council, with said term to expire May 31, 2019.
- **reappoint** Mr. Rob Neil, Mr. Louis Lopez, Ms. Olivia Branch, and Mr. Jason Inofuentes to the Pantops Community Advisory Committee with said terms to expire June 30, 2019.
- **appoint** Ms. Stephanie Lowenhaupt and Mr. Calvin Morris to the Pantops Community Advisory Committee, with said terms to expire June 30, 2019.
- **reappoint** Mr. A. Bruce Dotson to the Piedmont Virginia Community College Board, with said term to expire June 30, 2021

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

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

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

There were none.

Agenda Item No. 18. **Public Hearing: FY 18 Appropriations and On-going Funding of Multi-Year Capital Projects.** *(Advertised in the Daily Progress on May 28, 2017.)*

The Executive Summary as presented to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the FY 2018 appropriations itemized below is \$74,260,230.21. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2018 Budget Amendment totals \$74,260,230.21. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED REVENUES	
Local Revenue	\$ 972,799.84
State Revenue	4,770,673.10
Federal Revenue	159,000.00
Bond Proceeds	1,499,400.00
Other Fund Balances	66,858,357.27
TOTAL ESTIMATED REVENUES - All Funds	\$ 74,260,230.21
ESTIMATED EXPENDITURES	
Special Revenue Funds	694,785.82
Capital Improvements Funds	73,565,444.39
TOTAL ESTIMATED EXPENDITURES - All Funds	\$ 74,260,230.21

The budget amendment is comprised of two (2) separate appropriations as follows:

- One (1) Appropriation (#2018001) to appropriate \$104,096,502.21 for the County's On-Going Multi-Year Capital Projects for the remaining balance (net of transfers between CIP funds) of encumbered purchase orders and contracts and of the unencumbered special revenue projects and capital projects in a single resolution; and
- One (1) Appropriation (#2018002) to appropriate (\$29,836,272.00) for various School Capital projects included in the FY 18-23 Recommended CIP which are primarily projects that needed to start in FY 17 and other projects supported by General Obligation Bond funding issued in FY 17.

After the public hearing, staff recommends that the Board: 1) adopt the attached Resolution of On-Going Multi-Year Capital Projects Appropriation #2018001 (Attachment B); and 2) adopt the attached

Appropriation Resolution (Attachment C) to approve Appropriation #2018002 for local government and school division projects and programs as described in Attachment A.

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**Appropriation #2018001** **\$104,096,502.21**

This request is to appropriate \$104,096,502.21 in various revenues described in the Resolution for the County's On-Going Multi-Year Capital Projects (Attachment B) for the remaining balance (net of transfers between CIP funds) for both the encumbered purchase orders and contracts and the remaining unencumbered special revenue project and capital project funds.

The County does not currently have State enabling authority to appropriate CIP projects that span multi-years just one time.

This lack of enabling authority, combined with the County's desire to appropriate funding for School CIP projects funded in FY 18 to be able to start in the spring, resulted in the need to have three sets of appropriations. This annual Capital carryforward request and the corresponding Appropriation #2018002 constitutes the third step in this series.

The first set of appropriations were approved by the Board of Supervisors on April 5, 2017 and enabled the School Division to enter into contractual construction agreements and begin construction of critical school projects in FY 17, while students are out of school during the summer. For administrative consistency, the April appropriations also included FY 17 funding for School Division projects included in FY 19 of the FY 18 – FY 23 Recommended CIP and funding for the School Division's CIP School Bus Replacement Program.

The second step in this sequence of appropriations was taken on May 15, 2017. At that time, the Board approved the FY 18 appropriation of funding for the FY 18 School CIP projects that were included in the FY 18 Capital Budget.

The third step in this series includes two appropriations. This appropriation request combines the unexpended balances of these School Division FY 17 CIP project appropriations with the others included in the County's current CIP end-of-the fiscal-year carry-forward process. The accompanying appropriation request, Appropriation #2018002 described below, then reduces the appropriation amounts for those FY 18 School Division projects appropriated on May 15, to ensure that the final net appropriation amounts for these projects are correct.

Moving forward, the School Division plans to adjust the timing of future School Capital projects in the CIP, so that the projects will receive funding in the fiscal year in which the projects are scheduled to begin.

**Appropriation #2018002** **(\$29,836,272.00)**

Source:	Local revenue: Interest Earnings	\$ (2,000.00)
	State revenue	\$ (1,026,000.00)
	Bond proceeds	\$ (7,677,224.00)
	School CIP Fund fund balance	\$ (21,131,048.00)

This request is to reduce the appropriated FY 18 Budget by \$29,836,272.00, net of transfers, to reconcile the budget for various School Capital projects for FY 18 projects costs included in the FY 18-23 Adopted CIP that were previously appropriated in FY 17 on April 5, 2017 by Appropriation #2017088. These projects were primarily those that needed to begin in FY 17. This appropriation also includes other projects that are supported by General Obligation Bond funding issued in FY 17. The unexpended balance of these projects are included the carry forward Appropriation #2018001 as described above.

School CIP Fund Revenues		School CIP Fund Expenditures	
Interest	-\$ 2,000.00	High School Capacity Planning	-\$ 400,000.00
State School Bus Categorical Aid	-\$ 300,000.00	Learning Space Modernization Project*	-\$2,996,200.00
State Technology Grant	-\$ 726,000.00	School Maintenance/Replacement Program	-\$6,588,689.00
Use of Fund Balance	-\$21,131,048.00	School Security Improvements Program Project*	-\$1,385,000.00
Bond Proceeds Transfer^	-\$ 7,526,690.00	Scottsville Elem. Sch. Sitework Improvements	-\$ 200,000.00
		Western Albemarle H S Environmental Studies Academy Phase 2 Project*	-\$ 450,000.00
		Woodbrook Elem. Sch. Addition-Modernization Project*	-\$14,901,849.00
		Administrative Technology	-\$ 263,000.00
		Instructional Technology	-\$ 575,000.00
		State Technology Grant	-\$ 726,000.00
		School Bus Replacement Program	-\$ 1,200,000.00
School CIP Fund Revenues Total	-\$29,685,738.00	School CIP Fund Expenditures Total	-\$29,685,738.00
General Government CIP Fund Revenues		General Government CIP Fund Expenditures	
Bond Proceeds	-\$7,677,224.00	Borrowed Proceeds Transfer^	-\$7,526,690.00
		Cost of Issuance	-\$ 150,534.00
General Government CIP Fund Revenues Total	-\$7,677,224.00	General Government CIP Fund Expenditures Total	-\$7,677,224.00

\*Designates Referendum funded projects  
^Designates Transfer between funds

Ms. Lori Allshouse, Director of the Office of Management and Budget, presented. She stated the County does not have enabling authority to appropriate multi-year CIP projects that exceeded a fiscal year, though many projects have timelines that do so. She said each year at this time, staff asks the Board to re-appropriate funding from one year to the next for CIP projects. She said that due to the cumulative amount, there is legislative requirement for a public hearing. Ms. Allshouse pointed out the amount to be requested this year exceeds typical amounts from prior years, primarily due to proactive action taken by the Board in April to appropriate FY18 CIP funding for school division projects so they could begin in summer 2017. She noted that this better accommodates their contracting requirements and provides more lead time for projects that need to occur during the summer months. She said a three-step administrative adjustment was made, and this is the third step. She said the budget amendment includes a total net of \$74.3M consisting of two appropriation requests and two separate resolutions.

Ms. Allshouse reported that the Executive Summary included three attachments, with Attachment A containing detailed information about the two appropriations and Attachment B being a resolution to appropriate FY18 ongoing funds for multi-year capital projects. She noted that this identified CIP projects included in the carry-forward request as well as authority to the County Executive to adjust the amounts downward, if necessary, to accurately reflect actual amounts at the end of FY17. She said Attachment C was a resolution to amend the budget by the net amount and to approve appropriation 2018-002. Ms. Allshouse stated they are asking the school division to plan CIP projects in the year when funding would need to begin. Secondly, she said they are working with attorneys and encouraging the Board to request enabling authority from the state so the County could appropriate multi-year CIP projects. She said that after the public hearing, staff recommends the Board approval of the appropriations and the resolutions.

Mr. Randolph mentioned the \$2.471M school bus replacement program, which was a CIP expenditure, and asked if the school buses are normally included on an annual basis on the pie chart that separates general government from the school division.

Ms. Allshouse responded that they are not included in the school division but in the CIP. She said the budget book chapter on the CIP included pie charts showing the separation between general and school funding.

Ms. McKeel opened the public hearing.

There being no speakers from the public, Ms. McKeel closed the public hearing.

Mr. Randolph offered **motion** to adopt the proposed Resolution of On-Going Multi-Year Capital Projects Appropriation #2018001. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Resolution to Appropriate FY 18 On-going Funding of Multi-Year Capital Projects

For the Fiscal Year Ending June 30, 2018  
Appropriation # 2018001

**Whereas**, purchase orders and contracts encumbered at the end of the fiscal year must be carried over into the next year for payments; and

**Whereas**, capital and special revenue projects that are not completed within one fiscal year necessitate the budgeting and appropriation of the remaining balance of project funds from one fiscal year to the succeeding fiscal year; and

**Whereas**, the encumbrances are estimated at \$9,766,614.15 as of June 30, 2017, and approval of an estimated remaining balance of \$94,329,888.06 for unencumbered capital project balances and special revenue project balances will give the responsible departments and agencies continuous access to project funding; and

**Whereas**, the total amount of estimated encumbrances and unencumbered capital project balances and special revenue project balances, net of transfers, is \$104,096,502.21 set forth as follows:

**Total School Division Capital Improvement Fund:**

School Division Capital Improvement Fund Appropriations	
Administrative Technology	\$578,779.33
Agnor Hurt Elementary School Addition/Renovation	\$28,616.62
CATEC Contingency	\$144,700.00
High School Capacity Planning	\$499,919.50
Instructional Technology	\$872,930.00
Learning Space Modernization Referendum Project	\$9,210,908.87
Red Hill Elementary School Modernization	\$53,031.88
School Bus Replacement Program	\$2,471,396.47

School Maintenance/Replacement Program	\$7,932,706.23
School Security Improvements Program	\$3,166,213.26
Scottsville Elementary School Sitework Improvements	\$200,000.00
State Technology Grant	\$726,000.00
Telecommunications Network Upgrade	\$1,341,534.98
Western Albemarle High School Environmental Studies Academy	\$53,857.62
Western Albemarle High School Environmental Studies Academy Phase 2	\$5,830,000.00
Woodbrook Elementary School Addition-Modernization	\$16,705,741.36
<b>Total School Division Capital Improvement Fund Appropriations</b>	<b>\$49,816,336.12</b>
<b>School Division Capital Improvement Fund Sources</b>	
Revenue From Local Sources (Other Transfers)	\$94,385.00
Revenue From Other Local Sources	\$2,000.00
Revenue From the Commonwealth	\$1,026,000.00
Use of Fund Balance	\$48,693,951.12
<b>Total School Division Capital Improvement Fund Sources</b>	<b>\$49,816,336.12</b>
<b>Total General Government Capital Improvement Fund:</b>	
<b>General Government Capital Improvement Fund Appropriations</b>	
ACE Program	\$956,281.54
Burley & Lane field pole light replacement	\$225,499.51
City-County Owned Facilities Maintenance/Replacement	\$269,458.14
City-County Owned Parks Maintenance/Replacement	\$883,219.75
Computer Assisted Mass Appraisal	\$29,290.36
Cory Farm Greenway Connector	\$45,417.00
Cost of Bond Issuance	\$179,934.00
County E911 Road Sign Upgrade	\$270,569.03
County Owned Facilities Maintenance/Replacement	\$2,045,778.20
County Owned Parks Maintenance/Replacement	\$1,178,574.63
County Server Infrastructure Upgrade	\$262,172.84
County View Project	\$8,339.12
Court Facilities Addition/Renovation	\$3,507,848.00
Crozet Park Maintenance/Replacement and Improvements	\$115,621.88
Earlsville Volunteer Fire Company Command Vehicle	\$42,500.00
ECC Emergency Telephone System	\$96,282.12
ECC Integrated Public Safety Technology Project CAD	\$1,441,884.90
ECC Regional 800 MHz Communication System	\$9,534,838.13
Economic Development Office Renovations	\$21,640.92
Fire Rescue Airpack Replacement	\$930,984.36
Fire Rescue Apparatus Replacement Program	\$1,458,871.30
GIS Project	\$396,205.23
Greenway Program	\$9,532.63
Greenways/Blueways Program	\$633,322.00
Hedgerow Park	\$15,000.00
Increased Redundant Internet Services	\$25,600.00
Ivy Landfill Remediation	\$225,393.29
Ivy Materials Utilization Center (MUC) New Facility	\$2,469,849.58
Keene Landfill	\$10,000.00
Microsoft Upgrade	\$4,004.67
Pantops Master Plan	\$108,731.45
Pantops Public Safety Station	\$3,211,128.14
Parks Restroom Renovation/Modernization	\$670,164.00
Pilot Fundraising Parks Project	\$20,000.00
Places 29 Small Area Study	\$113,186.00
Police Mobile Data Computers Replacement	\$168,885.60
Police Patrol Video Cameras Replacement	\$96,060.00
Police Tactical Truck Replacement	\$150,000.00
Police Technology Upgrade	\$245,198.42
Preddy Creek Park Phase II	\$169,625.20
Rescue 8 Renovation	\$815,143.54



Rio Property-Northside Library & Storage	\$8,541.00
Rivanna Master Plan	\$50,000.00
Roadway Landscaping	\$39,898.30
Seminole Trail VFD Renovation/Addition	\$12,184.28
Sidewalk, Crozet Ave N & South Pantops Dr/State Farm Blvd	\$230,696.65
Sidewalk, Fontaine Avenue	\$13,818.66
Sidewalk, Hollymead-Powell Creek Drive	\$61,494.83
Sidewalk, Hydraulic & Barracks Rd	\$1,534,037.17
Sidewalk, Ivy Road (US Route 250 West)	\$1,031,625.50
Sidewalk, Old Lynchburg Road	\$250,000.00
Sidewalk, Rio Rd. Avon St. Rt 250	\$3,466,292.82
Street Improvement - Local	\$1,360.44
Time and Attendance System	\$232,525.05
Borrowed Proceeds Transfer	\$7,526,690.00
Transportation Revenue Sharing Program	\$1,720,000.00
<b>Total General Government Capital Improvement Fund Appropriations</b>	<b>\$49,241,200.18</b>
<b>General Government Capital Improvement Fund Sources</b>	
Borrowed Proceeds	\$9,176,624.00
Revenue From Local Sources (Other Transfers)	\$3,634,202.36
Revenue From Other Local Sources	\$972,799.84
Revenue From the Commonwealth	\$4,476,995.10
Use of Fund Balance	\$30,980,578.88
<b>Total General Government Capital Improvement Fund Sources</b>	<b>\$49,241,200.18</b>
<b>Total Regional Firearms Training Center Capital Improvement Fund:</b>	
<b>Regional Firearms Training Center Capital Improvement Fund Appropriations</b>	
Regional Firearms Training Center	\$289,922.88
<b>Total Regional Firearms Training Center Capital Improvement Fund Appropriations</b>	<b>\$289,922.88</b>
<b>Regional Firearms Training Center Capital Improvement Fund Sources</b>	
Use of Fund Balance	\$289,922.88
<b>Total Regional Firearms Training Center Capital Improvement Fund Sources</b>	<b>\$289,922.88</b>
<b>Total Water Resources Capital Improvement Fund:</b>	
<b>Water Resources Capital Improvement Fund Appropriations</b>	
Carrsbrook Sinkhole Repair	\$1,772.85
Chapel Hill Stream Restoration	\$520,156.00
Dam Break Study 2015	\$20,045.50
Hollymead Dam Spillway Improvement	\$2,713,219.46
Large-Scale BMP Retrofits on Private Lands	\$318,000.00
Stormwater Management Program	\$1,755.60
Stormwater Utility Formation	\$98,447.80
Water Resources TMDL	\$380,860.00
<b>Total Water Resources Capital Improvement Fund Appropriations</b>	<b>\$4,054,257.21</b>
<b>Water Resources Capital Improvement Fund Sources</b>	
Revenue From Local Sources (Other Transfers)	\$365,891.10
Revenue From the State	\$293,678.00
Revenue From the Federal Government	\$159,000.00
Use of Fund Balance	\$3,235,688.11
<b>Total Water Resources Capital Improvement Fund Sources</b>	<b>\$4,054,257.21</b>
<b>Total Special Revenue Funds:</b>	
<b>Special Revenue Capital Improvement Fund Appropriations</b>	
Albemarle Place-Stonefield Proffer Fund	\$295,700.00
Avinity Proffer Fund	\$823,247.04
Avon Park Proffer Fund	\$64,596.33
Cascadia Proffer Fund	\$21,000.00

Charlottesville-Albemarle Joint Health Center Fund	\$48,960.00
Estes Park Proffer Fund	\$503,153.30
Glenmore Proffer Fund	\$6,589.00
Grayrock West Proffer Fund	\$83,020.00
Haden Place Proffer Fund	\$37,133.00
Hollymead Area C Proffer Fund	\$103,049.79
Hollymead Area D Proffer Fund	\$31,146.37
Kenridge Proffer Fund	\$31,056.42
Leake Proffer Fund	\$174,151.00
Liberty Hall Proffer Fund	\$6,432.22
Livengood Proffer Fund	\$483,555.09
Martha Jefferson Hospital Proffer Fund	\$430,764.17
North Pointe Proffer Fund	\$8,451.43
Old Trail Village Proffer Fund	\$150,507.00
UVA Research Park Proffer Fund	\$117.72
Water Resources Fund	\$365,891.10
Westhall 1.2 Proffer Fund	\$9,858.71
Westhall 3.3 Proffer Fund	\$3,170.90
Wickham Pond II Proffer Fund	\$53,096.00
Wickham Pond Proffer Fund	\$30,538.17
Willow Glenn Proffer Fund	\$329,293.70
Total Special Revenue Capital Improvement Funds Appropriations	\$4,094,478.46
Special Revenue Funds Sources	
Use of Fund Balance	\$4,094,478.46
Total Special Revenue Funds Sources	\$4,094,478.46
<b>Total Belvedere Bond Default Project Fund:</b>	
Belvedere Bond Default Project Fund Appropriations	
Belvedere Bond Default Project	\$694,785.82
Total Belvedere Bond Default Project Fund Appropriations	\$694,785.82
Belvedere Bond Default Project Fund Sources	
Use of Fund Balance	\$694,785.82
Total Belvedere Bond Default Project Fund Sources	\$694,785.82

**Whereas**, approval of an estimated remaining balance amount at the beginning of the fiscal year facilitates the payment of outstanding bills and ensures continuity of ongoing projects; and

**Whereas**, a properly advertised public hearing was held on June 7, 2017 on the proposed amendment to the FY 18 Budget and all citizens who asked to speak were heard;

**Now, therefore, be it resolved that the Albemarle County Board of Supervisors:**

1. Does hereby budget and appropriate the remaining balance of \$104,096,502.21 for encumbered purchase orders and contracts and the unencumbered capital and special revenue project balances of June 30, 2017, as set forth above;
2. Does hereby authorize the County Executive to adjust this amount downward, if necessary, to accurately reflect the actual encumbered amounts and actual unencumbered capital and special revenue project amounts at the end of FY 17; and
3. Does hereby authorize the County Executive to close out a Capital project and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance.

This resolution shall become effective on July 1, 2017.

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Mr. Randolph then offered **motion** to adopt the proposed Resolution to approve Appropriation #2018002 for local government and school division projects and programs. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE  
ADDITIONAL FY 18 APPROPRIATIONS**

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

- 1) That the FY 18 Budget is amended to increase it by \$74,260,230.21;
- 2) That Appropriation #2018002, is approved; and
- 3) That the appropriation referenced in Paragraph #2, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018001	4-9000-91040-491040-999999-6599	49,816,336.12	SA2018001 Carry Fwd from FY17
2018001	3-9000-69000-315000-150101-6599	2,000.00	SA2018001 Carry Fwd from FY17
2018001	3-9000-69000-324000-240202-6599	300,000.00	SA2018001 Carry Fwd from FY17
2018001	3-9000-69000-324000-240265-6599	726,000.00	SA2018001 Carry Fwd from FY17
2018001	3-9000-69000-351000-510100-6599	48,693,951.12	SA2018001 Carry Fwd from FY17
2018001	3-9000-69000-351000-512054-6599	94,385.00	SA2018001 Carry Fwd from FY17
2018001	4-9010-91040-491040-999999-9999	49,241,200.18	SA2018001 Carry Fwd from FY17
2018001	3-9010-19000-319000-190207-1007	93,746.84	SA2018001 Carry Fwd from FY17
2018001	3-9010-24000-324000-240049-1007	69,000.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-24000-324000-240231-1004	3,807,208.10	SA2018001 Carry Fwd from FY17
2018001	3-9010-41400-341000-410530-9999	9,176,624.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-510100-9999	30,980,578.88	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512037-9999	117.72	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512046-9999	103,049.79	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512053-9999	31,146.37	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512054-9999	56,122.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512055-9999	64,596.33	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512056-9999	30,538.17	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512059-9999	9,858.71	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512065-9999	6,432.22	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512069-9999	8,451.43	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512072-9999	295,700.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512075-9999	430,764.17	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512078-9999	48,960.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512083-9999	503,153.30	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512084-9999	3,170.90	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512085-9999	53,096.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512086-9999	37,133.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512087-9999	83,020.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512088-9999	823,247.04	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512089-9999	329,293.70	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512066-9999	31,056.42	SA2018001 Carry Fwd from FY17
2018001	3-9010-16000-316000-160531-1007	310,053.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-19000-319000-190204-2180	500,000.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512040-9999	6,589.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512096-9999	483,555.09	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512097-9999	21,000.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-51000-351000-512095-9999	174,151.00	SA2018001 Carry Fwd from FY17
2018001	3-9010-24000-324000-240900-1004	669,787.00	SA2018001 Carry Fwd from FY17
2018001	4-9050-31029-431010-999999-3110	289,922.88	SA2018001 Carry Fwd from FY17
2018001	3-9050-51000-351000-510100-9999	289,922.88	SA2018001 Carry Fwd from FY17
2018001	4-9100-91040-491040-999999-9999	4,054,257.21	SA2018001 Carry Fwd from FY17
2018001	3-9100-24000-324000-240049-9999	33,600.00	SA2018001 Carry Fwd from FY17
2018001	3-9100-24000-324000-240052-1008	260,078.00	SA2018001 Carry Fwd from FY17
2018001	3-9100-51000-351000-510100-9999	3,235,688.11	SA2018001 Carry Fwd from FY17
2018001	3-9100-51000-351000-512050-9999	365,891.10	SA2018001 Carry Fwd from FY17
2018001	3-9100-33000-333000-330034-1004	159,000.00	SA2018001 Carry Fwd from FY17
2018001	4-9011-91000-491000-800605-9999	1,819.95	SA2018001 Carry Fwd from FY17
2018001	4-9011-91000-491000-940080-9999	692,965.87	SA2018001 Carry Fwd from FY17
2018001	3-9011-51000-351000-510100-9999	694,785.82	SA2018001 Carry Fwd from FY17
2018001	3-8520-51000-351000-510100-9999	6,589.00	SA2018001 Carry Fwd from FY17
2018001	4-8520-93010-493010-930010-9999	6,589.00	SA2018001 Carry Fwd from FY17
2018001	3-8525-51000-351000-510100-9999	117.72	SA2018001 Carry Fwd from FY17
2018001	4-8525-93010-493010-930010-9999	117.72	SA2018001 Carry Fwd from FY17
2018001	3-8527-51000-351000-510100-9999	103,049.79	SA2018001 Carry Fwd from FY17
2018001	4-8527-93010-493010-930010-9999	103,049.79	SA2018001 Carry Fwd from FY17
2018001	3-8528-51000-351000-510100-9999	31,146.37	SA2018001 Carry Fwd from FY17
2018001	4-8528-93010-493010-930010-9999	31,146.37	SA2018001 Carry Fwd from FY17
2018001	3-8529-51000-351000-510100-9999	430,764.17	SA2018001 Carry Fwd from FY17
2018001	4-8529-93010-493010-930010-9999	430,764.17	SA2018001 Carry Fwd from FY17
2018001	3-8534-51000-351000-510100-9999	64,596.33	SA2018001 Carry Fwd from FY17
2018001	4-8534-93010-493010-930010-9999	64,596.33	SA2018001 Carry Fwd from FY17
2018001	3-8537-51000-351000-510100-9999	150,507.15	SA2018001 Carry Fwd from FY17
2018001	4-8537-93010-493010-930004-9999	94,385.15	SA2018001 Carry Fwd from FY17
2018001	4-8537-93010-493010-930010-9999	56,122.00	SA2018001 Carry Fwd from FY17
2018001	3-8538-51000-351000-510100-9999	8,451.43	SA2018001 Carry Fwd from FY17
2018001	4-8538-93010-493010-930010-9999	8,451.43	SA2018001 Carry Fwd from FY17
2018001	3-8540-51000-351000-510100-9999	30,538.17	SA2018001 Carry Fwd from FY17
2018001	4-8540-93010-493010-930010-9999	30,538.17	SA2018001 Carry Fwd from FY17
2018001	3-8542-51000-351000-510100-9999	9,858.71	SA2018001 Carry Fwd from FY17
2018001	4-8542-93010-493010-930010-9999	9,858.71	SA2018001 Carry Fwd from FY17
2018001	3-8543-51000-351000-510100-9999	3,170.90	SA2018001 Carry Fwd from FY17

2018001	4-8543-93010-493010-930010-9999	3,170.90	SA2018001 Carry Fwd from FY17
2018001	3-8544-51000-351000-510100-9999	6,432.22	SA2018001 Carry Fwd from FY17
2018001	4-8544-93010-493010-930010-9999	6,432.22	SA2018001 Carry Fwd from FY17
2018001	3-8545-51000-351000-510100-9999	31,056.42	SA2018001 Carry Fwd from FY17
2018001	4-8545-93010-493010-930010-9999	31,056.42	SA2018001 Carry Fwd from FY17
2018001	3-8547-51000-351000-510100-9999	295,700.00	SA2018001 Carry Fwd from FY17
2018001	4-8547-93010-493010-930010-9999	295,700.00	SA2018001 Carry Fwd from FY17
2018001	3-8548-51000-351000-510100-9999	823,247.04	SA2018001 Carry Fwd from FY17
2018001	4-8548-93010-493010-930010-9999	823,247.04	SA2018001 Carry Fwd from FY17
2018001	3-8549-51000-351000-510100-9999	53,096.00	SA2018001 Carry Fwd from FY17
2018001	4-8549-93010-493010-930010-9999	53,096.00	SA2018001 Carry Fwd from FY17
2018001	3-8572-51000-351000-510100-9999	174,151.00	SA2018001 Carry Fwd from FY17
2018001	4-8572-93010-493010-930010-9999	174,151.00	SA2018001 Carry Fwd from FY17
2018001	3-8574-51000-351000-510100-9999	483,555.09	SA2018001 Carry Fwd from FY17
2018001	4-8574-93010-493010-930010-9999	483,555.09	SA2018001 Carry Fwd from FY17
2018001	3-8575-51000-351000-510100-9999	329,293.70	SA2018001 Carry Fwd from FY17
2018001	4-8575-93010-493010-930010-9999	329,293.70	SA2018001 Carry Fwd from FY17
2018001	3-8576-51000-351000-510100-9999	37,133.00	SA2018001 Carry Fwd from FY17
2018001	4-8576-93010-493010-930010-9999	37,133.00	SA2018001 Carry Fwd from FY17
2018001	3-8577-51000-351000-510100-9999	83,020.00	SA2018001 Carry Fwd from FY17
2018001	4-8577-93010-493010-930010-9999	83,020.00	SA2018001 Carry Fwd from FY17
2018001	3-8578-51000-351000-510100-9999	503,153.30	SA2018001 Carry Fwd from FY17
2018001	4-8578-93010-493010-930010-9999	503,153.30	SA2018001 Carry Fwd from FY17
2018001	3-8580-51000-351000-510100-9999	21,000.00	SA2018001 Carry Fwd from FY17
2018001	4-8580-93010-493010-930010-9999	21,000.00	SA2018001 Carry Fwd from FY17
2018001	3-1650-51000-351000-510100-9999	365,891.10	SA2018001 Carry Fwd from FY17
2018001	4-1650-93010-493010-930202-9999	365,891.10	SA2018001 Carry Fwd from FY17
2018001	3-8550-51000-351000-510100-9999	48,960.00	SA2018001 Carry Fwd from FY17
2018001	4-8550-93010-493010-930010-9999	48,960.00	SA2018001 Carry Fwd from FY17
2018002	4-9000-69985-466730-312350-6301	-400,000.00	SA2018002 High School Capacity Planning
2018002	4-9000-69983-466732-312350-6599	-296,200.00	SA2018002 Learning Space Modernization Project
2018002	4-9000-69983-466732-800605-6599	-2,700,000.00	SA2018002 Learning Space Modernization Project
2018002	4-9000-69980-464600-800949-6599	-6,588,689.00	SA2018002 School Maintenance/Replacement Program
2018002	4-9000-69983-466731-312350-6599	-130,000.00	SA2018002 School Security Improvements Program Project
2018002	4-9000-69983-466731-800200-6599	-405,000.00	SA2018002 School Security Improvements Program Project
2018002	4-9000-69983-466731-800605-6599	-850,000.00	SA2018002 School Security Improvements Program Project
2018002	4-9000-69985-466730-312350-6109	-15,000.00	SA2018002 Scottsville Elementary School Sitework Improvements
2018002	4-9000-69985-466730-800200-6109	-170,000.00	SA2018002 Scottsville Elementary School Sitework Improvements
2018002	4-9000-69985-466730-999999-6109	-15,000.00	SA2018002 Scottsville Elementary School Sitework Improvements
2018002	4-9000-69983-466730-312350-6302	-450,000.00	SA2018002 Western Albemarle high School Environmental Studies Academy Phase 2 Project*
2018002	4-9000-69983-466730-800200-6112	-1,467,750.00	SA2018002 Woodbrook Elementary School Addition-Modernization Project
2018002	4-9000-69983-466730-800605-6112	-12,227,343.00	SA2018002 Woodbrook Elementary School Addition-Modernization Project
2018002	4-9000-69983-466730-999999-6112	-1,206,756.00	SA2018002 Woodbrook Elementary School Addition-Modernization Project
2018002	4-9000-69990-468200-800700-6599	-263,000.00	SA2018002 Administrative Technology
2018002	4-9000-69990-468300-800700-6599	-575,000.00	SA2018002 Instructional Technology
2018002	4-9000-69990-468300-800707-6599	-726,000.00	SA2018002 State Technology Grant
2018002	4-9000-63905-462320-800506-6599	-1,200,000.00	SA2018002 School Bus Replacement Program
2018002	3-9000-69000-315000-150101-6599	-2,000.00	SA2018002 Interest
2018002	3-9000-69000-324000-240202-6599	-300,000.00	SA2018002 School Bus Categorical Aid
2018002	3-9000-69000-324000-240265-6599	-726,000.00	SA2018002 Technology Grant
2018002	3-9000-69000-351000-510100-6599	-21,131,048.00	SA2018002 Use of Fund Balance
2018002	3-9000-69000-351000-512090-6599	-7,526,690.00	SA2018002 Bond Proceeds Transfer
2018002	3-9010-41400-341000-410530-9999	-7,677,224.00	SA2018002 Bond Proceeds
2018002	4-9010-93010-493010-930004-9999	-7,526,690.00	SA2018002 Borrowed Proceeds Transfer
2018002	4-9010-95000-495000-312807-9999	-150,534.00	SA2018002 Cost of Issuance
<b>TOTAL</b>		<b>141,656,037.64</b>	

Agenda Item No. 19. **Public Hearing: Ordinance to amend County Code Chapter 4, Animals and Fowl.** To receive comments on its intent to adopt an ordinance to amend Chapter 4, Animals and Fowl, of the Albemarle County Code, by amending Article II, Dogs, Division 4, Dangerous and Vicious Dogs, Section 4-218 Dangerous dogs. The proposed ordinance would amend the definition of a dangerous dog to exclude canines or canine crossbreeds that, upon investigation by a law-enforcement officer or animal control officer, nip or bite a person one time resulting in only a scratch, abrasion, or minor injury, and would reduce from 45 days to 30 days the period within which (i) an owner of a dog found to be dangerous is required to obtain a dangerous dog registration certificate and (ii) a convicted owner of a dangerous dog is required to comply with certain provisions, consistent with Virginia Code § 3.2-6540. *(Advertised in the Daily Progress on May 22 and May 29, 2017.)*

The Executive Summary as presented to the Board states that Virginia Code § 3.2-6540 currently defines a “dangerous dog” to mean a canine or canine crossbreed (“dog”) that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or has killed a companion animal that is a dog or cat. Under the current law, a law enforcement officer or animal control officer who has reason to believe that a dog is a dangerous dog must apply to a magistrate for a summons to be issued requiring

the dog's owner or custodian, if known, to appear before a general district court at a specified time. The court determines in all cases whether a dog is dangerous or whether any of the statutory exceptions apply, such as when the resulting injury to the person or companion animal is minor.

The 2017 General Assembly amended Virginia Code § 3.2-6540 to authorize law enforcement officers or animal control officers to determine whether a dog is dangerous. The County implements Virginia Code § 3.2-6540 in County Code § 4-218.

Effective July 1, 2017, Virginia Code § 3.2-6540 will provide that a dog that has bitten, attacked, or injured a dog or cat is not a dangerous dog if, upon investigation a *law enforcement officer or animal control officer* finds: (1) no serious physical injury, as determined by a licensed veterinarian; (2) the animals are owned by the same person; or (3) the attack occurred on the property of the attacking or biting dog's owner or custodian. Virginia Code § 3.2-6540 will also provide that a dog that has bitten, attacked, or injured a person is not a dangerous dog if a *law enforcement officer or animal control officer* finds that the injury inflicted by the dog on the person consists solely of a *single nip or bite* resulting only in a scratch, abrasion, or other minor injury.

Under amended Virginia Code § 3.2-6540, a law enforcement officer or animal control officer has the option to seek a summons as described in the Background section and have the court determine whether a dog is dangerous or whether a statutory exception applies, or whether there is other good cause as to why the dog is not dangerous or a threat to the community.

The draft ordinance (Attachment A) would amend County Code § 4-218 to incorporate the amendments to Virginia Code § 3.2-6540. If adopted the ordinance will become effective on and after July 1, 2017. The Animal Control Unit of the Police Department has confirmed that the amendments to County Code § 4-218 would not have any adverse impact on its operations.

The adoption of the proposed ordinance would have no impact on the County's budget.

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

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Lieutenant Terry Walls, Community Support Division Commander, and Officer Larry Crickenberger, of the Albemarle County Police Department, addressed the Board.

Lt. Walls reported that the amendment to the ordinance would mirror a state code change made this year that becomes effective in July. He said the main change would allow more discretion for Animal Control Officers by changing the wording from "would" to "shall," as well as language changes regarding severity of injuries. Lt. Walls noted that a nip or scratch would no longer be sufficient under the dangerous dog statute to qualify as a bite.

Ms. Palmer said she is glad to see they will have more discretion, but is concerned there are not enough Animal Control Officers, so regular police officers often have to make these calls. She asked if they will receive training in order to be able to make this discretion. Lt. Walls replied that regular training is conducted and agreed there are many occasions when regular officers have to take the initial report. He said most situations are reviewed by Animal Control Officers by the following day, and they make the dangerous dog determination.

Ms. Palmer asked if policy would require that Animal Control Officers make these determinations or if it would be more lax than that. Lt. Walls replied there would not be any need to change policy for this amendment.

Ms. Palmer asked if this means that only Animal Control Officers currently make the dangerous dog determination. She asked if the policy is written or just a generally understood policy. Lt. Walls confirmed this and said he could not think of any situation when this was not the case. He said he thought the policy is standard operating procedure.

Ms. Palmer said these situations can become explosive and get out of hand and she would like to understand the policy so she can better respond to constituent inquiries. Lt. Walls explained that for any type of bite, an officer responds and takes an initial report. He said they can call an Animal Control Officer if the situation warrants immediate action, such as seizure of the dog. He said they then follow a case management process that the Animal Control Officer reviews.

Mr. Randolph said this is a welcome change and described a situation with a neighbor who had rescued a one-eyed dog that was normally kept in the house but got out and nipped a neighbor. He said the neighbor was so outraged and spread word in the community that the dog was dangerous and the neighbors ended up moving as a result. He said the existing code created a burden on them whereby they felt their dog could be viewed as a dangerous, which would not be the case under these terms. He recounted how one of his daughters was bitten in the calf by a German shepherd several years ago that had come off the property into the street and assaulted her. He said the four-inch wound required her to be hospitalized and the infection spread and she nearly died. Mr. Randolph stated that under the existing code, the dog was forced to be removed. He distinguished between a dog that nips, which does not truly pose a threat, versus a dog that bites, and expressed support for the change to allow officers more discretion.

Ms. Mallek said the biggest challenge would be consistency, and she worries they are putting officers in a box in which they have so much flexibility that they would be under attack, instead of the dog owner who should have controlled the dog. She said it is often the owner and not the dog that creates these things.

Officer Crickenberger emphasized it is the Judge who determines if a dog is dangerous and not the officers, and said he believes the new criteria and language changes would allow for more leniency. He agreed with Ms. Mallek that the public may expect more from Animal Control Officers, and they may not be able to meet some of the criteria to get cases to court. He said some other changes in the ordinance would allow less time for the owner to comply if a dog is deemed to be dangerous, which he feels is an excellent provision. He said the definition of what constitutes an attack had been hard to determine throughout the state, and it could mean there was no contact but that the dog showed aggression. He said this would be more difficult, but if they do not mirror the State Code they might lose some cruelty cases, and they have to be equal to the State Code or a bit more stringent.

Ms. Mallek asked if the changes would be more stringent than the State Code. Officer Crickenberger replied that the existing code is already slightly more stringent than the State Code. As an example, he said if a dog tugs on your pant leg, it could be determined to be dangerous. He emphasized that these actions have to take place off of the dog owner's property to be classified as dangerous, which the new code specifies.

Ms. Palmer noted she is a veterinarian and has seen both sides of the issue. She said sometimes a dog is overly playful and ends up hurting somebody. She stated that she likes the idea that a trained professional would make the evaluation, with some discretion. Ms. Palmer said a benefit of having a written policy is that it is easier to defend a position taken by officers, and as an elected official it would be easier for her to confidently respond to constituent inquiries about this issue.

Officer Crickenberger said he is fairly certain that current standard operating procedure calls for Animal Control Officers to do most of the investigative work, though a regular officer might take the initial report.

Ms. McKeel said it is always a good thing to have a policy.

Ms. Mallek asked for confirmation that a dog leaving its property put it into another category of behavior under which the owner would have to be more responsible. Officer Crickenberger confirmed this. He said the state is looking at little nips and bites that only scratch the surface when the dog was defending its own property. He recounted a recent case where a dog left its property twice over an eleven day period and bit cyclists with the first injury being very minor while the second had a couple of teeth prints. He said the Judge put the owner on a six month advisement. He said they have only had a couple of instances where dogs were deemed vicious and required to be euthanized.

Ms. McKeel recounted a case in her neighborhood when a dog known for nipping actually bit her while she was walking her dog. She said the dog was euthanized. She said she is using this example to show how behavior can escalate.

Ms. Mallek noted the ordinance allows one instance before action must be taken with a dog. She said if a second bite incidence occurs then action needs to occur. Lt. Walls confirmed the statute allows for one free pass although many cases are not reported and they do not find out about past instances until they are informed about them.

Ms. McKeel opened the public hearing. As nobody stepped up to address the issue, Ms. McKeel closed the public hearing.

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

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

#### **ORDINANCE NO. 17-4(1)**

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, DOGS, DIVISION 4, DANGEROUS AND VICIOUS DOGS, 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 4, Animals and Fowl, Article II, Dogs, Division 4, Dangerous and Vicious Dogs, is hereby amended as follows:

**By Amending:**  
Sec. 4-218      Dangerous Dogs

#### **CHAPTER 4**

#### **ARTICLE II. DOGS**

#### **DIVISION 4. DANGEROUS AND VICIOUS DOGS**

**4-218 Dangerous dogs.**

A. As used in this section, "*dangerous dog*" means:

(1) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. When a dog attacks, bites, or inflicts injury on a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous if, upon investigation, a law enforcement officer or animal control officer finds that:

(a) no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite;

(b) both animals are owned by the same person; or

(c) such attack occurred on the property of the attacking or biting dog's owner or custodian.

(2) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

B. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

C. Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within its jurisdiction is a dangerous dog may apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. The court, upon finding the animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code §§ 19.2-260 *et seq.* The Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. No canine or crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.

E. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.

F. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

G. The owner of any animal found to be a dangerous dog shall, within ~~forty-five (45)~~ thirty (30) days of such finding, obtain a dangerous dog registration certificate from the county for a fee of one hundred and fifty dollars (\$150.00), in addition to other fees that may be authorized by law. The county shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of eighty-five dollars (\$85.00) and in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dogs Registry.

H. All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence of:

- (i) the animal's current rabies vaccination, if applicable;
- (ii) that the animal has been spayed or neutered; and
- (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.

In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:

- (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and
- (ii) the animal has been permanently identified by means of electronic implantation.

All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least one hundred thousand dollars (\$100,000.00) that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least one hundred thousand dollars (\$100,000.00).

I. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to section 4-105. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

J. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry as established under Virginia Code § 3.2-6542, within forty-five (45) days of such a finding by any appropriate court. The owner shall also cause the local animal control officer to be promptly notified of: (i) the names, address, and telephone numbers of all owners; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) chip identification; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

K. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal: (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, is given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten (10) days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has been moved and the new address to which the animal has been moved.

L. Any owner or custodian of a canine or canine crossbreed or other animal:

1) shall be guilty of a class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

2) shall be guilty of a class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

3) shall be subject to prosecution pursuant to Virginia Code § 3.2-6540 if the owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animals is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

M. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a class 1 misdemeanor.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.



Upon conviction, the court may (i) order the dangerous dog to be disposed of by the county pursuant to Virginia Code § 3.2-6562 or (ii) grant the owner up to forty-five (45) days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to Virginia Code § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

N. All fees collected pursuant to this section, less the costs incurred by the county in producing and distributing the certificates and tags required by this section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry shall be paid into a special dedicated fund of the county for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

(Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13)

**State law reference**—Va. Code § 3.2-6540.

This ordinance shall be effective on and after July 1, 2017.

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Agenda Item No. 20. **Public Hearing: Compensation of Board of Supervisors.** To receive comments on its intent to adopt an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2% effective July 1, 2017 from \$15,946.00 per annum to \$16,265.00 per annum. (*Advertised in the Daily Progress on May 22 and May 29, 2017.*)

Mr. Kamptner reported that the proposed ordinance would amend County Code 2-202 to increase the annual salary of Supervisors from \$15,946 to \$16,265 which would parallel the 2% increase approved by the Board for County staff and falls within the limits of the state statute that limits the percentage increase in a year. He invited questions.

Ms. McKeel opened the public hearing.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board, stating that this item provides an opportunity to ask if the Board is the right size and if the tasks being asked of Supervisors are commiserate with the pay. He stated that it is a big job, and Albemarle has more demands of Supervisors than other localities. Mr. Williamson said the current remuneration limits who could run for the Board, although the state limits what can be done in this area, and having full-time Supervisors would present other problems. He expressed appreciation for the long hours of work put in by Supervisors in public and community meetings.

Mr. Gerry Fisher addressed the Board. He said he previously had the privilege and honor to serve on the Board and it was terrible. He expressed appreciation for the work the Board is doing. He recalled that when the County Office Building opened 40 years ago, he was concerned the public would be upset with the expense and that it could affect the election. However, he said people told him the building was wonderful and more convenient. He said the salary he received was \$150 month, which was not enough. He said Supervisors should be paid more and encouraged them to raise the compensation gradually, when they could.

Mr. Dill noted there are many volunteers at nonprofits who work hard. He said Supervisors receive benefits, such as intellectual stimulation and camaraderie, and it would be good for democracy if people could run for office and not have to worry about the compensation.

Ms. McKeel stated there are other barriers besides compensation, such as the time of meetings. She suggested that they look at these other barriers.

Ms. McKeel closed the public hearing.

Ms. Palmer said she had been asking for a larger increase for a very long time.

Mr. Dill reminded them that they had discussed having the ability to raise future Boards' salaries, as it presents a bad image to raise one's own salary.

Mr. Randolph expressed his opinion that Supervisors should not have the ability to raise their own salaries and that if they do approve an increase, it should be for a two-year term. He said an increase should take effect June of the fiscal year prior to the next two-year election, as this would present the opportunity for up to three Board members to be replaced in case the public did not agree with the salary increase.

Ms. Palmer described the compensation as being "really, really low" and said she hopes the 2%

increase will not be rejected. She recounted how two years earlier, she had raised the issue of approving increases for future boards, and County Attorney, Larry Davis had explained the process they would have to follow to enact this. She said they could go over this if the Board wants.

Mr. Kamptner explained that it has to be an election year and the Board would have to take action before July 1, with the increase not taking effect until January 1 of the following year. He said this would conform to Mr. Randolph's desire that it become part of the election.

Ms. McKeel reminded the Board that they have an agreement with the School Board that their compensation would be increased at the same rate as the Board of Supervisors. She said the School Board should be included in any discussion about making changes to the process. She noted that for many years they have given themselves the same percentage pay increase as they have given to classified staff, and recalled fights among the Boards many years ago over pay raises.

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

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

NAYS: Mr. Randolph.

Ms. Mallek commented that when they do have a raise, the most appropriate thing is that it not be more than a raise approved for staff. She emphasized the importance of being mindful of the burden higher salaries would have on taxpayers.

Ms. McKeel invited former Supervisor Gerry Fisher to make remarks about his days on the Board.

Mr. Fisher recounted how prior to the construction of the County Office Building, they met in the annex attached to the courthouse, and he also recalled the big, angry crowds.

#### **ORDINANCE NO. 17-2(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARD OF SUPERVISORS, 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 II, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of Board of Supervisors, as follows:

#### **CHAPTER 2. ADMINISTRATION**

#### **ARTICLE II. BOARD OF SUPERVISORS**

##### **Sec. 2-202 Compensation of board of supervisors.**

The salary of the board of supervisors shall be sixteen thousand two hundred sixty-five dollars (\$16,265.00) for each board member effective July 1, 2017. In addition to the regular salary, the vice-chairman shall receive a stipend of thirty-five dollars (\$35.00) for each and every meeting chaired and the chairman shall receive an annual stipend of one thousand eight hundred dollars (\$1,800.00).

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05, Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16)

**State law reference**--Compensation of board of supervisors, Va. Code § 15.2-1414.3.

**This ordinance shall be effective on and after July 1, 2017.**

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Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Palmer noted that Charlottesville had joined the Mayor's Climate Change Action Agenda and asked if there is Board consensus to discuss the issue of climate change. She said the Virginia Association of Counties (VACO) did not have anything similar, and noted how the Board had passed resolutions for the Chesapeake Bay and other initiatives. She pointed out that the Comprehensive Plan core values include a resiliency plan. She speculated they could pass a resolution in the area of climate change.

Mr. Randolph said it would be a great idea to start the ball rolling and put together language for a resolution.

Ms. Mallek said it could be based on the LCAP study and expressed support for doing as much

as they could locally.

Ms. McKeel said resolutions are great and she supports this, however, they really need to figure this out and expressed support for a regional resiliency plan to work with surrounding localities. She said she wonders what language they would have to work with.

Mr. Walker said staff could work on this if the Board so desired and mentioned a potential symposium with the Sierra Club in August. He suggested that they link climate change with energy self-sufficiency efforts and said they could also pursue a regional resiliency plan.

Ms. Palmer commented that composting with University of Virginia and Charlottesville would go into this plan.

Mr. Dill suggested that Mr. Walker look at the language used by the Sierra Club in their climate change statement.

After obtaining consensus from the Supervisors, Ms. McKeel directed Mr. Kamptner to have staff draft a resolution.

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Agenda Item No. 22. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Walker reported that the County is in the preliminary steps of formally recognizing historic artifacts, monuments and buildings, particularly those on County property. He said they would begin by having staff conduct an inventory of historic assets and then work with the Board and the community.

Mr. Randolph expressed approval, stating that this is a delicate, highly valued, latent issue.

Ms. McKeel recalled that the Board had discussed conducting a work session around revenue sharing and its history, and said this is on their agenda for August, with Mr. Kamptner presenting.

Mr. Walker stated that regarding monthly reports to the Board, staff is implementing a new way of capturing, tracking and reporting on projects as part of a new project management theory being utilized in Facilities Development. He pointed out that the most recent monthly report provided to the Board included some additional pages that reflects the new template, stating that the objective is to implement a dynamic project management and tracking system for County Executive initiatives and the Board's strategic priorities. He reviewed benefits of the system, which included allowing staff to better manage projects and communicate internally and to the Board in a more transparent and accountable manner. He said an expanded presentation of the use of the new tool to address strategic priorities will be made in August by Ms. Kristy Shifflett, and in September staff would like to train Supervisors on its use as they would have direct access to the system from their computers. He said they would be able to track the status of every strategic priority project, and noted that they are building a project management portal with the use of SharePoint, Microsoft 365 and Power BI. He gave a brief demonstration of how Supervisors could link to the portal and access information and said he hopes they can use the portal to replace the paper reports currently presented to the Board. He added that the portal would allow users to access real time information instead of making phone calls and sending emails to make inquiries.

Mr. Dill asked how staff works on projects and if they are in the same room together. Mr. Walker responded that face time among staff is important, but they expect the portal to improve productivity.

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Agenda Item No. 23. Closed Meeting.

At 2:20 p.m., Mr. Randolph **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider the annual performance appraisal of the County Attorney.
- Under Subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about: 1. Probable litigation arising from 3 claims where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County. The claims relate to alleged injuries sustained to private property by a falling tree, to alleged personal injuries resulting from a moving police vehicle, and alleged personal injuries resulting from an arrest. 2. County liability related to the actions of another public body.

Mr. Kamptner clarified that the performance appraisal is for the County Attorney.

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

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

NAYS: None.

**Certify Closed Meeting.**

At 3:27 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 in the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 24. Adjourn to June 14, 2017, 4:00 p.m., Lane Auditorium.

At 3:28 p.m., Ms. Palmer offered **motion** to adjourn to June 14, 2017, 4:00 p.m. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

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Chairman

Approved by Board
Date 09/13/2017
Initials CKB