

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

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, and Clerk, Claudette Borgersen.

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

Ms. McKeel welcomed the new County Executive, Mr. Jeff Richardson, to the team and said she is looking forward to introducing him to the community.

Ms. McKeel recognized the leadership of Mr. Doug Walker over the last ten months in moving the County forward and supporting the organization.

Supervisors all stood and applauded the service of Mr. Walker.

Ms. McKeel thanked the entire leadership team for their work in reflecting the mission of the community and enhancing the wellbeing and quality of life for all citizens through the highest level of public service.

Mr. Richardson thanked the Board and expressed his excitement to work in the county executive position with Mr. Walker, staff, and members of the leadership council. He said he looks forward to working with a great team in a great community.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel introduced staff present at the dais and the presiding security officer, Lieutenant Walls.

Mr. Dill **moved** that the Board adopt the final agenda as presented. The motion was **seconded** by Mr. Randolph. Roll was called and the motion carried by the following recorded vote:

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

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

Mr. Randolph announced that CASA will host a free trauma workshop at the Paramount Theater on Tuesday, November 28, at 9:00 a.m. which will be conducted by two outside presenters. He said CEU and CLE credits will be offered and registration for the event can be made on the website, www.pcasa.org.

Ms. Mallek congratulated the Rivanna Conservation Alliance for earning a USDA Earth Team award in recognition of progress made in expanding programs and broadening its volunteer base to water quality monitors, UVA student volunteers, community volunteers, bacterial monitoring, leading workshops, and for drawing attention to the river.

Ms. Mallek reported that attendees at the Earlysville town hall were pleased that flashing lights were installed below the speed sign and that motorcycle police have been handing out tickets as a result of three recent morning accidents in the center of the village.

Ms. Mallek invited citizens to offer comments on the Shenandoah Park Trust or Shenandoah Park websites regarding the National Parks Service proposal to increase the park pass fee from \$25 to \$70, which is more than what had been expected. She offered to provide those interested with links to the websites.

Ms. Mallek noted her attendance at the Governor's Local Government Committee meeting the previous day where several presentations on various topics were made. She said the public safety office is creating process templates for localities to use in order to better prepare for permitting for public events and protests and to make sure they have the assets necessary. Ms. Mallek stated that Aubrey Lane had given interesting reports about transportation successes but warned about uncertainty with finances. She

said that Finance Director, Rick Brown, had also presented with the takeaway being they should be patient, as it is too early to determine how things will go.

Mr. Dill reported that the Pantops Citizen's Advisory Council had become very active in redoing the Pantops Master Plan, which had not been updated in 10 years. He noted there were a lot of activities beyond what was typical when updating a master plan, such as working on the Rivanna River, including upgrading on both the City and County sides, Darden-Towe Park, and Peter Jefferson Place. He said it would be interesting to figure out what is needed and what will work.

Mr. Dill stated that Rescue Station 16 is almost complete and they are actively recruiting volunteers for positions as EMTs and administrative personnel.

Ms. Palmer announced that the groundbreaking for the construction ribbon-cutting ceremony for the new transfer station was proposed for November 17, and an announcement would be distributed soon.

Ms. McKeel invited everyone to drive on Barracks Road to view the new mural on the concrete wall, which is being painted by Lorenzo. She said the artist is being assisted by UVA and high school students, the project was funded by donations, and it is expected to be complete within a week.

Agenda Item No. 6a. Proclamations and Recognitions: Outstanding Deputy of the Year Award.

Ms. Maggie Reagan, Commissioner of Revenue for the City of Staunton and President of the Commissioners of Revenue Association for the Commonwealth, presented the award. She said that each year their membership bestows an award to one of its members for outstanding commitment and excellent service to the community, peers, and to the association. She announced that Mr. Tim Conrad is the recipient of this year's award. She then read one of the letters of nomination in support of Mr. Conrad:

"As I read the requirements of the Margaret Ann Anderson Outstanding Deputy Award, 1) had demonstrated achievement or excellence during the current year and that enhances the operations of their local office, 2) had unselfishly given time by working on behalf of the association, and 3) had contributed to the professionalism of their office and of the association over a long period of time.

There was one specific person that comes to mind. The individual I nominate has been a constant and consistent go to person in our association for a long time. This individual answers every call from commissioners and deputies, assisting with everything from business license to sales tax to audit. This individual is known for his remarkable ability to give answers, retrieve information, or get you to the right person when in need. I am certain that some of our members have this person on speed dial.

This individual served in a Commissioner of Revenue office for 15 years and has served the past seven years within a County Department of Finance, with the first two years as a business auditor, this individual discovered over \$1.3 million in additional revenue. Through his own initiative he had linked the business license, business personal property, and GIS systems together, thus enabling him to track and discover new property which results in new revenue. He unselfishly shares his knowledge, tools, and helping hand almost daily with commissioners and deputies.

Over the past seven years this individual had served as a Virginia Association of Local Tax Auditors Corresponding Secretary. It was from this position that many had gotten to know him and come to count on him. He not only answers the phone, sends emails, organizes meetings and arranges speakers, he actually shows up in offices throughout the Commonwealth to help train new audit hires. In July of 2012 this individual earned the designation of Master Deputy Commissioner of Revenue and had since earned his Master of Governmental Deputy Treasurer designation.

This individual was truly one of the most humble people I know. He was well respected by commissioners and deputies alike. For these reasons and many more I am so proud to nominate Tim Conrad, Business Auditor with Albemarle County Department of Finance, for the 2017 Margaret Ann Anderson Outstanding Deputy Award."

Members of the audience and Supervisors applauded.

Mr. Conrad thanked the Board and said it is the second time he had won the award. He welcomed Mr. Richardson to the County.

Ms. McKeel thanked Mr. Conrad for his good work on behalf of the County.

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

Ms. Daniela Pretzer, Executive Director of Bridgeline, addressed the Board. She said the organization serves those within Charlottesville and the surrounding counties of the Thomas Jefferson Health District who have suffered brain injuries. She said they have four programs, including a residential program that serves people in their homes, an independent living program in which patients live in their

own homes but utilize services, a pre-vocational day program, and a case management program. She emphasized that the pre-vocational day and case management programs serve Albemarle County residents. She thanked the Board for authorizing a grant last year, which she said makes a difference in the service and support they can provide. She invited Supervisors to visit their office and enjoy a meal with residents. She invited all to attend the “Bridgeline Blues Dance Your Pants Off” fundraising event this Saturday at Carver Recreation Center, with tickets available online and at the door.

Agenda Item No. 8. Consent Agenda.

(Discussion: Mr. Sheffield asked to pull Item 8.6 on beautification to obtain comments and gain Board agreement.)

Ms. Mallek **moved** that the Board approve the Consent Agenda with Item 8.6 removed for discussion. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: June 15, August 2, August 9, and September 8, 2017.

Ms. McKeel had read the minutes of June 15, 2017 and August 9, 2017, and found them to be in order.

Mr. Randolph had read the minutes of August 2, 2017 and September 8, 2017, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 8.2. FY 2018 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 18 budget due to the appropriations itemized in Attachment A is \$ 1,060,901.80. 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.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2018040, #2018041, #2018042, #2018043, #2018044, #2018045, #2018046, #2018047, #2018048, #2018049, #2018050, #2018051, and #2018052 for local government and school division projects and programs as described in Attachment A.

Appropriation #2018040		\$193,620.00
Source:	General Fund fund balance	\$ 142,300.00
	Fire Rescue Services Fund fund balance	\$ 50,000.00
	Federal Revenue	\$ 1,320.00

The following requests are to re-appropriate funding from the FY 17 General Fund fund balance, Fire Rescue Services Fund fund balance, and Federal Revenue to FY 18 for the following one-time expenditure requests. The proposed use of the General Fund fund balance for the following items will not reduce the County’s 10% unassigned fund balance reserve, however, it does reduce the amount of FY 17 expenditure General Fund savings that would be available for other uses in the future.

General Fund

- Requests the appropriation of \$50,000.00 to the Innovation Fund. The program is designed to have funding available in every quarter for employees’ innovative ideas. In the first quarter of FY18, employees requested over \$155,000.00 in funding. This appropriation will bring the total Innovation Fund in FY18 to \$203,674.62.
- Requests the appropriation of \$35,000.00 to the Community Development Department for contract services to complete a pilot neighborhood level inventory and initial planning for a comprehensive inventory of the County’s development areas. This pilot inventory will record the condition of the assets (e.g. sidewalks, crosswalks, street lighting, etc.) of a specific neighborhood with defined boundaries and refine and improve the data collection process before conducting a larger scale inventory.

- Requests the appropriation of \$22,500.00 to the Police Department for software for the Office of Professional Services. This software will improve upon the existing in-house database by streamlining data entry, keeping all relevant data in one place, and improving access within the department.
- Requests the appropriation of \$16,000.00 for the tuition reimbursement program. This appropriation will bring the total available for FY18 to \$40,027.25.
- Requests the appropriation of \$13,760.00 to fund a pilot litter control program in partnership with the Regional Jail. The total cost of the initial pilot program will be \$23,760.00, with \$10,000 provided by current Facilities and Environmental Services part-time wages. Offender labor crews will work on roadside beautification within and along designated entrance corridors in Albemarle County.
- Requests the appropriation of \$6,360.00 to the Department of Social Services (DSS) for a Navigator Workstation for the DSS lobby to assist customers applying for benefits and a Laserfiche module to allow secure data exchange and bulk uploading capabilities between the County's LaserFiche program and the State's Document Management Imaging System (DMIS). This appropriation includes \$1,320.00 in Federal revenues.

Fire Rescue Services Fund

The following items will be funded by re-appropriating available FY17 Fire Rescue Fund fund balance to FY18 and not from the General Fund:

- Requests the appropriation of \$31,000.00 for the replacement of Knox Boxes, which are wall mounted safes used by all fire rescue stations to provide non-destructive emergency access to properties. Fire Rescue has been notified that the current boxes will no longer be supported by the vendor and the replacement Knox Boxes may be purchased at a 38% reduced cost if purchased before December 15.
- Requests the appropriation of \$19,000.00 for ballistic vests and helmets. This will provide vests and helmets for the use of department and volunteer first responders during large scale events and times of civil unrest.

Appropriation #2018041 **\$125,260.03**

Source:	Federal Revenue	\$ 125,260.03
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This request is to appropriate the following School Division's appropriation requests approved by the School Board on September 14, 2017:

This request is to appropriate a grant in the amount of \$41,754.43 received by Mary Carr Greer Elementary to participate in the United States Department of Agriculture Fresh Fruit and Vegetable Program (FFVP) during the 2017-18 school year. The FFVP is a federally-funded program which provides free fresh fruits and vegetable snacks to students in participating schools during the school day. The goal is to improve children's overall diet and create healthier eating habits to positively impact their present and future health.

This request is to carry forward into FY 18 the balance \$83,505.60 in the School Improvement Funds remaining at the end of FY 17. For the 2016-17 school year, Albemarle County Public Schools was approved for School Improvement Funds under Section 1003(a) of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the No Child Left Behind Act of 2001 (NCLB) for B.F. Yancey Elementary School. These funds remained in effect until September 30, 2017, which is the deadline for all expense submissions related to the grant.

Appropriation #2018042 **\$28,734.00**

Source:	Federal Revenue	\$ 28,734.00
	Grants Leveraging Fund*	\$ 2,198.15

*The Grants Leveraging Fund component of this appropriation will not increase the County Budget.

This request is to appropriate two Police Department grants:

- Appropriate \$20,000.00 from the Department of Motor Vehicles (DMV) DUI Reduction grant and the local match of \$1,530.00 from the Grants Leveraging fund. This grant will be used to fund overtime hours in the Police Department to provide DUI enforcement through patrols, checkpoints, and saturation patrols. The purpose of this grant is to reduce DUI accidents through increased DUI enforcement along with other traffic safety enforcement including speeding and safety restraint usage.
- Appropriate \$8,734.00 from the Department of Motor Vehicles (DMV) Speed Reduction grant and the local match of \$668.15 from the Grants Leveraging fund. This grant will be used to fund overtime hours in the Police Department to provide speed enforcement. The purpose of this grant is to reduce motor vehicle accidents through increased speed enforcement and saturation patrols.

Appropriation #2018043 **\$16,292.07**

Source:	State Revenue	\$ 16,292.07
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This request is to reconcile and closeout the Police Department's Grace Project for gang prevention budget originally funded by a grant from the Virginia Department of Criminal Justice Services by re-appropriating \$16,292.07 in State revenue not used in FY 17 to FY 18.

Appropriation #2018044 **(\$445,769.29)**

Source:	Local – Project Partners	\$ (431,733.62)
	ECC Fund fund Balance	\$ (14,035.67)

On July 5, 2017, the Emergency Communication Center (ECC) requested that the County, acting as fiscal agent for the ECC, re-appropriate ECC funding for various projects that continued from FY 17 to FY 18. This request is to reconcile the following ECC project budgets that were approved by the Board in Appropriation #2018005 to correctly reflect the amount of revenue funding that will be received in FY 18 based on year-end accounting reconciliation. These adjustments between fiscal years result in a decrease to the County's FY 18 Total Budget by \$445,769.29.

- Reduction of \$11,552.42 in various local and state revenues from the project partners for the ECC 800 MHz Regional Communications System Replacement Project in FY 18. This project supports the replacement and upgrade of the infrastructure for the regional 800 MHZ Public Safety Radio System. The project partner shares are: City of Charlottesville – 25.2%, County of Albemarle – 51.1%, University of Virginia – 15.9%, Charlottesville/Albemarle Airport – 2.4%, RWSA – 2.4%, ACSA – 2.0%, and ACRJ – 1.0%.
- Reduction of \$420,181.20 in various local and state revenues from the project partners for the Regional Computer Aided Dispatch (CAD)/Technology Project in FY 18. This project supports the replacement of multiple outdated computer systems for all public safety agencies within the City, County and University. The project partner shares are: City of Charlottesville – 39.77%, County of Albemarle – 47.10%, and University of Virginia – 13.13%.
- Reduction of \$14,035.67 in ECC Fund fund balance supporting the 800 MHz radio system augmentation project which improves system coverage and replacement of equipment such as generators, uninterrupted power supplies, and recorders for 800 MHz radio system users.

Appropriation #2018045 **\$73,931.96**

Source:	General Gov't CIP Fund fund Balance	\$ 73,931.96
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This request is to re-appropriate the remaining FY 17 balance of \$ 73,931.96 for the Sidewalk Contingency Program to support project costs of current sidewalk projects or to support sidewalk projects and improvements that may be necessary to address safety issues.

Appropriation #2018046 **\$43,305.00**

Source:	General Fund fund balance	\$ 43,305.00
	Reserve for Contingencies*	\$ 29,812.00

*The Reserve for Contingencies portion of this appropriation will not increase the total County budget.

This request is to appropriate \$73,117.00 to the Police Department pursuant to Board of Supervisors action at its October 4, 2017 meeting to revise the Police Department's Career Development Program in order to provide greater pay equity among officers going forward and to retroactively compensate officers impacted by this revision. Funding is recommended to be provided as it was identified in the October 4, 2017 executive summary as follows:

- The one-time cost for retroactive pay of \$43,305.00 is recommended to be provided from General Fund fund balance. This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance reserve, however, it does reduce the amount of FY 17 expenditure savings that would be available for other uses in the future.
- The ongoing cost for salaries and related benefits for the remainder of FY 18 of \$29,812.00 is recommended to be provided from the Reserve for Contingencies. After the Board of Supervisors' approval of all of the November
- 1, 2017 appropriations, the FY 18 General Fund Reserve for Contingencies balance will be \$226,819.00.

Appropriation #2018047 **\$5,015.00**

Source:	Fire Rescue Services Fund fund balance	\$ 5,015.00
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This request is to re-appropriate \$5,015.00 in Fire Rescue Services Fund fund balance to replace self-contained breathing apparatus (SCBA) equipment damaged and covered by insurance in FY 17. The replacement SCBA equipment was received in FY 18 and this appropriation carries forward the related funding.

Appropriation #2018048 **\$0.00**

This request will not increase the total County budget.

Source:	Reserve for Contingencies	\$ 55,553.00
	Fire Rescue Services Fund Reserve	\$ 21,269.00

This request is to appropriate \$55,553.00 from the Reserve for Contingencies to the Police Department and Sheriff's Office and \$21,269.00 from the Fire Rescue Services Fund Reserve to the Fire Rescue Department for the State of Virginia's Line of Duty Act (LODA) program. The LODA program is established in the Code of Virginia and provides benefits to eligible family members of eligible employees and volunteers killed in the line of duty and to those eligible employees and volunteers disabled in the line of duty and their eligible family members.

Effective July 1, 2017, the State transferred management of the program to the Virginia Retirement System and Virginia Department of Human Resource Management (DHRM). Since that time, the costs of these past liabilities have increased significantly, causing the County's total cost to provide LODA coverage to increase.

After the Board of Supervisors' approval of all of the November 1, 2017 appropriations, the FY 18 General Fund Reserve for Contingencies balance will be \$226,819.00.

Appropriation #2018049 **\$140,032.25**

Source: ECC Fund Balance \$ 140,032.25

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate funding for the following purposes as approved by the ECC Management Board, which would be funded by ECC fund balance:

- \$84,032.25 for the upgrade of the pictometry mapping software for the region;
- \$50,000.00 for carpet and flooring replacement in the ECC; and
- \$6,000.00 for replacement batteries for the regional 800 MHz Radio cache.

Appropriation #2018050 **\$134,120.00**

Source: General Govt. Capital Fund fund balance \$ 134,120.00

This request is to appropriate \$134,120.00 in General Government Capital Fund fund balances to complete implementation of the Time and Attendance Project. This includes \$74,620.00 for the time clock purchase, installation, and maintenance, \$24,500.00 for vendor consulting, and \$35,000.00 for the project contingency.

Appropriation #2018051 **\$200,000.00**

Source: Proffer Revenue \$ 200,000.00

Pursuant to a October 14, 2015 Board resolution to support the Thomas Jefferson Planning District Commission's ("TJPDC") Transportation Alternative Program (TAP) grant application for Moore's Creek Trail and Trailhead Park Project, this request is to appropriate \$200,000.00 in cash proffer funds from the 5th Street Station (Fifth Street Avon) proffer approved by the Board on September 12, 2012. This funding will be used as the County's contribution for the TAP grant awarded to the TJPDC in June 2016 for the design and construction of a bicycle "hub" at the Fifth Street Station development and for connecting trails along Moore's Creek to Fifth Street and south under I-64 to an abandoned road used as an informal bicycle/pedestrian trail.

This appropriation is dependent on the Board's approval of Item 8.5 on the November 1, 2017 Board Consent Agenda - Moore's Creek Trail and Trailhead Park Project.

Appropriation #2018052 **\$546,360.78**

Source: Tech. Equip. Comp. Repl. Fund fund balance \$ 546,360.78

This request is to appropriate the School Division's appropriation requests approved by the School Board on October 12, 2017:

Re-appropriate \$546,360.78 in Technology Equipment Computer Replacement Fund fund balance. The Technology Equipment Computer Replacement Fund ensures all eligible school staff and student designated computers and other instructional technology is replaced as it becomes obsolete, unsupported, or unserviceable and is retired from service. These funds will be used to provide students and staff reliable access to technology and support the 1:1 student computer initiative.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2018040, #2018041, #2018042, #2018043, #2018044, #2018045, #2018046, #2018047, #2018048, #2018049, #2018050, #2018051, and #2018052 for local government and school division projects and programs as described above:

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018040, #2018041, #2018042, #2018043, #2018044, #2018045, #2018046, #2018047, #2018048, #2018049, #2018050, #2018051, and #2018052 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, 2018.

COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018040	3-1000-51000-351000-510100-9999	142,300.00	SA2018040 App fund Balance: Nov Re-app
2018040	3-1000-33000-333000-330020-1005	1,320.00	SA2018040 Re-app: DSS Federal Revenue - Administration
2018040	4-1000-31013-431010-312716-1003	22,500.00	SA2018040 Police: Professional Standards Software
2018040	4-1000-81021-481020-312210-1008	35,000.00	SA2018040 CDD: Neighborhood Inventory
2018040	4-1000-43206-443200-301200-1004	23,760.00	SA2018040 FES: Pilot Program Contract Wage & Reallocated PT Wages
2018040	4-1000-43206-443200-130000-1004	-10,000.00	SA2018040 FES: Revenue from Part-Time Wages
2018040	4-1000-99900-499000-999978-9999	50,000.00	SA2018040 Increase Innovation Fund
2018040	4-1000-12030-412030-382000-1001	16,000.00	SA2018040 Tuition Reimbursement
2018040	4-1000-53010-453010-800200-1005	2,800.00	SA2018040 Re-app: DSS Navigator Workstation & Laserfiche-DMIS integration
2018040	4-1000-53010-453010-800710-1005	3,560.00	SA2018040 Re-app: Laserfiche-DMIS integration
2018040	3-1805-51000-351000-510100-9999	50,000.00	SA2018040 App Fund Balance: FR Nov Re-app
2018040	4-1805-32015-432010-601100-1003	19,000.00	SA2018040 Re-app: Ballistic Vests/Helmets
2018040	4-1805-32013-432010-800100-1003	31,000.00	SA2018040 Re-app: Knox Boxes
2018041	3-3010-63010-333000-330001-6599	41,754.43	SA2018041 Revenue - FFVP
2018041	4-3010-63010-460204-129300-6520	1,000.00	SA2018041 OT Wages Food Service
2018041	4-3010-63010-460204-139300-6520	5,000.00	SA2018041 PT Wages Food Service
2018041	4-3010-63010-460204-210000-6520	459.00	SA2018041 FICA
2018041	4-3010-63010-460204-600200-6520	4,000.00	SA2018041 Food Supplies
2018041	4-3010-63010-460204-600220-6520	29,295.43	SA2018041 Student Snacks/Meals
2018041	4-3010-63010-460204-800100-6520	2,000.00	SA2018041 Addl. Machinery/Equipment
2018041	3-3172-63172-333000-330001-6599	83,505.60	SA2018041 Title I School Improvement
2018041	4-3172-63172-461101-312700-6113	83,505.60	SA2018041 Prof. Serv. Consultants
2018042	3-1249-33000-333000-330011-1003	20,000.00	SA2018042 FY18 DMV Alcohol Grant (# M6OT-2018-58368-8368)
2018042	3-1249-51000-351000-512004-9999	1,530.00	SA2018042 FY18 DMV Alcohol Grant (# M6OT-2018-58368-8368) - Transfer from Grant Leveraging Fund
2018042	4-1249-31013-431010-120000-1003	20,000.00	SA2018042 FY18 DMV Alcohol Grant (# M6OT-2018-58368-8368) - Overtime
2018042	4-1249-31013-431010-210000-1003	1,530.00	SA2018042 FY18 DMV Alcohol Grant (# M6OT-2018-58368-8368) - FICA
2018042	3-1250-33000-333000-330011-1003	8,734.00	SA2018042 FY18 DMV Speed Grant (# FSC-2018-58309-8309)
2018042	3-1250-51000-351000-512004-9999	668.15	SA2018042 FY18 DMV Speed Grant (# FSC-2018-58309-8309) - Transfer from Grant Leveraging Fund
2018042	4-1000-99900-499000-999974-9999	-2,198.15	SA2018042 FY18 DMV Alcohol Grant (# M6OT-2018-58368-8368) and FY18 DMV Speed Grant (# FSC-2018-58309-8309) - Transfer Grants Leveraging Fund
2018042	4-1000-93010-493010-930200-9999	2,198.15	SA2018042 FY18 DMV Alcohol Grant (# M6OT-2018-58368-8368) and FY18 DMV Speed Grant (# FSC-2018-58309-8309) - Transfer to New Grant Fund
2018042	4-1250-31013-431010-120000-1003	8,734.00	SA2018042 FY18 DMV Speed Grant (# FSC-2018-58309-8309) - Overtime
2018042	4-1250-31013-431010-210000-1003	668.15	SA2018042 FY18 DMV Speed Grant (# FSC-2018-58309-8309) - FICA
2018043	3-1233-24000-324000-240403-1003	16,292.07	SA2018043 State Asset - Revenue
2018043	4-1233-31013-431010-130000-1003	5,238.14	SA2018043 Part-Time Wages
2018043	4-1233-31013-431010-210000-1003	275.18	SA2018043 FICA
2018043	4-1233-31013-431010-312210-1003	10,778.75	SA2018043 Contract Services
2018044	3-4110-19000-319000-160502-9999	-2,911.21	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	3-4110-19000-319000-160503-9999	-5,903.29	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	3-4110-19000-319000-160512-9999	-1,836.83	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	3-4110-19000-319000-160534-9999	-277.26	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	3-4110-19000-319000-160627-9999	-277.26	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	3-4110-19000-319000-160633-9999	-231.05	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	3-4110-19000-319000-181314-9999	-115.52	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	4-4110-31058-435600-950185-1003	-11,552.42	SA2018044 Re-app Recon-ECC 800MHz Reg Com System
2018044	3-4110-51000-351000-510100-9999	-14,035.67	SA2018044 Re-app Recon-ECC 800MHz Augmentaion
2018044	4-4110-31060-435600-540000-1003	-14,035.67	SA2018044 Re-app Recon-ECC 800MHz Augmentaion
2018044	3-4117-19000-319000-160502-9999	-167,106.07	SA2018044 Re-app Recon-ECC PS CAD Tech System
2018044	3-4117-19000-319000-160503-9999	-197,905.34	SA2018044 Re-app Recon-ECC PS CAD Tech System
2018044	3-4117-19000-319000-160512-9999	-55,169.79	SA2018044 Re-app Recon-ECC PS CAD Tech System
2018044	4-4117-31061-435600-310000-1003	-301,085.20	SA2018044 Re-app Recon-ECC PS CAD Tech System
2018044	4-4117-31061-435600-312710-1003	-5,025.00	SA2018044 Re-app Recon-ECC PS CAD Tech System
2018044	4-4117-31061-435600-550100-1003	644.87	SA2018044 Re-app Recon-ECC PS CAD Tech System
2018044	4-4117-31061-435600-800700-1003	-114,071.00	SA2018044 Re-app Recon-ECC PS CAD Tech System
2018044	4-4117-31061-435600-999999-1003	-644.87	SA2018044 Re-app Recon-ECC PS CAD Tech System

2018045	4-9010-41350-441200-999999-9999	73,931.96	SA2018045 Re-app CIP Sidewalk Contignency
2018045	3-9010-51000-351000-510100-9999	73,931.96	SA2018045 Re-app CIP Sidewalk Contignency
2018046	3-1000-51000-351000-510100-9999	43,305.00	SA2018046 GF FB: Police Career Dev Prog Retroactive pay
2018046	4-1000-31013-431010-110000-1003	64,810.00	SA2018046 APP: Career Dev Prog Adjust Salaries & Retroactive Pay
2018046	4-1000-31013-431010-210000-1003	4,957.00	SA2018046 APP: Career Dev Prog Adjust FICA
2018046	4-1000-31013-431010-221000-1003	3,028.00	SA2018046 APP: Career Dev Prog Adjust VRS
2018046	4-1000-31013-431010-241000-1003	322.00	SA2018046 APP: Career Dev Prog Adjust VRS Group Life
2018046	4-1000-99900-499000-999990-9999	-29,812.00	SA2018046 Reserve for Conting: Police Career Dev Prog Adjust
2018047	3-1805-51000-351000-510100-9999	5,015.00	SA2018047 Re-app: FR SCBA Insurance Reimburse
2018047	4-1805-32015-432010-601400-1003	5,015.00	SA2018047 Re-app: FR SCBA Insurance Reimburse
2018048	4-1000-21070-421070-250200-1002	681.00	SA2018048 App: LODA - Sheriff
2018048	4-1000-31013-431010-250200-1003	54,872.00	SA2018048 App: LODA - Police
2018048	4-1000-99900-499000-999990-9999	-55,553.00	SA2018048 App: LODA - Sheriff and Police
2018048	4-1805-32015-432010-250200-1003	19,141.00	SA2018048 App: LODA - FR and volunteer
2018048	4-1805-32016-432010-250200-1003	2,128.00	SA2018048 App: LODA - FR and volunteer
2018048	4-1805-99900-499000-999999-1003	-21,269.00	SA2018048 App: LODA - FR and volunteer
2018049	3-4100-51000-351000-510100-9999	140,032.25	SA2018049 App: ECC FB 11/1/17 appropriations
2018049	4-4100-31040-435600-331800-1003	50,000.00	SA2018049 ECC carpet/flooring replacement
2018049	4-4100-31048-435600-800300-1003	6,000.00	SA2018049 ECC 800 Mhz battery replacement
2018049	4-4100-31040-435600-800712-1003	84,032.25	SA2018049 ECC pictometry software upgrade
2018050	3-9010-51000-351000-510100-9999	134,120.00	SA2018050 Time and Attendance
2018050	4-9010-12147-412140-800710-1150	134,120.00	SA2018050 Time and Attendance
2018050	4-1000-12143-412140-320000-1001	57,245.00	SA2018050 Time and Attendance
2018050	4-1000-12143-412140-332120-1001	-57,245.00	SA2018050 Time and Attendance
2018051	4-9010-79000-479000-562500-1007	200,000.00	SA2018051 Moore's Creek Trail and Trailhead Park
2018051	3-9010-51000-351000-512099-9999	200,000.00	SA2018051 Proffer revenue from 5th Street Station
2018051	3-8581-51000-351000-510100-9999	200,000.00	SA2018051 5th Street Station 3 Proffer
2018051	4-8581-93010-493010-930010-9999	200,000.00	SA2018051 5th Street Station 3 Proffer
2018052	3-3907-63907-351000-510100-6599	546,360.76	SA2018052 Use of Fund Balance
2018052	4-3907-63907-468200-800700-6599	546,360.76	SA2018052 Equipment
TOTAL		2,526,199.86	

Item No. 8.3. Petty Cash Resolution.

The Executive Summary forwarded to the Board states that Virginia Code Section 15.2-1229 provides that the County may adopt a resolution to establish petty cash funds not exceeding \$5,000 to be used to transact daily County business

The Board of Supervisors last established petty cash funds by a Resolution adopted on September 7, 2016. The Commonwealth's Attorney has requested the elimination of its \$300 petty cash fund. The Commonwealth's Attorney and staff now use P-cards for purchases previously reimbursed from petty cash funds, therefore there is no longer a need for petty cash.

There is no budgetary impact.

Staff recommends that the Board adopt the attached Resolution to amend the existing petty cash funds.

By the above-recorded vote, the Board adopted the following Resolution to amend the existing petty cash funds:

RESOLUTION

WHEREAS, Virginia Code §15.2-1229 provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors adopted a Resolution on September 7, 2016 establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend the September 7, 2016 Resolution by eliminating the petty cash fund for the Commonwealth's Attorney.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia re-establishes the following petty cash funds:

Finance Department	\$4,350.00
Community Development	100.00
Police Department	2,500.00
Fire and Rescue	150.00
Parks & Recreation	100.00
Total	\$7,200.00

Item No. 8.4. Fiscal Year 2018 County of Albemarle and State Health Department Local Government Agreement.

The Executive Summary forwarded to the Board states that Virginia Code §32.1-31 allows local governing bodies to enter into contracts with the State Board of Health for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the State Board and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Thomas Jefferson Health District (TJHD), in cooperation with the Virginia Department of Health, is the primary provider of public health services and programs for Albemarle County and surrounding localities. TJHD offers specific health programs targeted at preventing and controlling infectious diseases as well as initiatives aimed at improving the health of low-income women, children and infants. In addition, the Health District provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the State, County and other neighboring jurisdictions. Non-local funding for these TJHD programs is provided by the Commonwealth of Virginia, grants and income from local fees charged to individual clients. The localities served by TJHD provide matching local funds for the allocations made by the State and allocate resources for Local-Only Programs such as food safety. The Virginia Department of Health requires that local governments enter into agreements stipulating the scope of health services to be provided by the TJHD to citizens in their respective jurisdictions. The FY 18 agreement (Attachment A) has been reviewed and approved as to form by the County Attorney's Office. Attachment B is an attachment to the Agreement, and sets forth services to be provided by the TJHD.

Pursuant to the funding formula set by the Joint Legislative Audit and Review Commission and based on the State's FY18 contribution of \$860,123.00 to the TJHD, the County's required FY 18 match of \$703,737 for Cooperative State and Local Matched Programs was appropriated in FY 18, as well as \$47.00 in one-hundred percent local funds, for a total appropriation of \$703,784.00. The Health Department had a FY 17 year-end positive variance, of which \$33,005.84 will either be used to offset the County's required contribution for Cooperative State and Local Matched Programs, reducing the required County FY 18 contribution for those Programs to \$670,731.16, or to fund other potential one-time needs that have been identified by Health Department staff if approved by the Board of Supervisors. Additional information regarding the other potential uses may be provided to the Board for its consideration at a future meeting.

Based on the vital nature of the services provided by the TJHD, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the FY 18 County of Albemarle and State Health Department Local Government Agreement (Attachment A) and to authorize the County Executive to execute that Agreement.

By the above-recorded vote, the Board adopted the following Resolution to approve the FY 18 County of Albemarle and State Health Department Local Government Agreement and authorized the County Executive to execute that Agreement:

**RESOLUTION TO APPROVE THE FY18 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Health for the operation of the local Thomas Jefferson Health District Health Department.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 18 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute it on behalf of the County in a form approved by the County Attorney.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Albemarle County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the **Code of Virginia** (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$860,123, from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Albemarle County** will provide by appropriation and in equal quarterly payments a sum of \$703,737 local matching funds and \$47.00 one-hundred percent local funds for a total of \$703,784 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Albemarle County** Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A (1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2017. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
 - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A (1.) and A (2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A (1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.
 - C. Services listed in Attachment A (2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Albemarle County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
 - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Marissa J. Levine, MD MPH, FAAFP
State Health Commissioner
Virginia Department of Health

Local authorizing officer signature

Authorizing officer printed name

Authorizing officer title

Date

Date

Approved as to form by the Office of the Attorney General on August 29, 2011.
Attachments: Local Government Agreement, Attachment A(1.) **(copy on file)**
Local Government Agreement, Attachment A(2.) **(copy on file)**

Item No. 8.5. Moore's Creek Trail and Trailhead Park Project.

The Executive Summary forwarded to the Board states that The Thomas Jefferson Planning District Commission (TJPDC), working on behalf of the County and City, has been awarded a Transportation Alternatives Program (TAP) Grant to fund the design and construction of multi-use trails and a trailhead park along Moore's Creek. TAP Grants require a minimum 20% local match. Cash proffers received from the Fifth Street Station development, contributed for the purpose of greenway development, can be used to cover the required match.

On October 14, 2015, the Board adopted a Resolution endorsing the project and authorizing the value of the dedicated land and the cash proffer be used as the local match for the grant. See Attachments A and B for the 2015 Executive Summary and Resolution.

The grant has been awarded to the TJPDC. The attached Agreement between the County and the TJPDC (Attachment C), which has been approved by the County Attorney, sets forth the responsibilities and payment terms for the project.

There is no direct budget impact to construct the trail. If the Board approves Appropriation #2018051, which is included as part of the FY18 Appropriations request being presented to the Board for its consideration on November 1, 2017 under a separate Executive Summary, the \$200,000 in proffer funds will be used for the required 20% match.

Staff recommends that the Board: 1) adopt the attached resolution (Attachment D) approving the Agreement; and 2) approve Appropriation #2018051.

By the above-recorded vote, the Board adopted the following Resolution to approve the Agreement with the Thomas Jefferson Planning District Commission, authorized the County Executive to execute the Agreement on behalf of the County once it has been approved as to the substance and form by the County Attorney, and approved Appropriation #2018051, as part of the appropriations set out in Item No. 8.2:

**RESOLUTION TO APPROVE THE AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE THOMAS JEFFERSON PLANNING DISTRICT COMMISSION**

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County to enter into an Agreement with the Thomas Jefferson Planning District Commission regarding the Transportation Alternatives Project for the 5th Street Station Hub & Bicycle Connections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement with the Thomas Jefferson Planning District Commission and authorizes the County Executive to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

**AGREEMENT FOR THE TRANSPORTATION ALTERNATIVES PROJECT
FOR 5TH STREET STATION HUB & BICYCLE CONNECTIONS**

PURPOSE OF AGREEMENT:

The purpose of this agreement is to identify the responsibilities and payment terms for the tasks required for the Transportation Alternatives Program (TAP) Project for 5th Street Station Hub & Bike Connections.

PARTIES TO AGREEMENT:

Thomas Jefferson Planning District Commission (TJPDC)
Chip Boyles, Executive Director
401 E. Water Street/PO Box 1505
Charlottesville, VA 22902-1505
Telephone: 434-979-7310 ext 110
E-mail: cboyles@tjpd.org

County of Albemarle (the County)
Jeffrey Richardson, County Executive
401 McIntire Road
Charlottesville, VA 22902
Telephone: (434) 296-5841
E-mail: tfoley@albemarle.org

PERIOD OF AGREEMENT:

This agreement covers the period from November 16, 2016 to October 1, 2020 for activities carried out in accordance with the Standard Project Administration Agreement, Project No. EN16-002-102, P101, C501, UPC 109609 with the Virginia Department of Transportation (VDOT), attached.

FUNDING:

Funding for the project consists of:

- \$399,880 in federal funds, provided by VDOT

- \$200,000 in local funds, and dedicated land on the Fifth Street Station Property, provided to Albemarle County through the Proffer Statement for Fifth Street – Avon Center, dated September 4, 2012.

PROJECT DESCRIPTION

The grant will be used for the design and construction of a bicycle “hub” at the Fifth Street Station development and connecting trails along Moore’s Creek to Fifth Street and south under I-64 connecting with an abandoned road used as an informal bicycle/pedestrian trail.

SCOPE OF WORK:

TJPDC prepared and submitted the MAP-21 Transportation Alternatives Program (TAP) application, and will serve as the Project Sponsor and carry out the required activities identified in the agreement between VDOT and TJPDC, using contractors procured through the project period:

1. Professional Engineer
2. General Contractor
3. Materials Testing

As the Project Sponsor and Grantee, TJPDC will carry out all project management activities, file all necessary reports and reimbursement requests, and undertake all activities to close out the project. VDOT will conduct all environmental studies necessary to complete a NEPA compliant environmental document.

Albemarle County will:

- A. Provide the \$200,000 of local funds committed as cash match for the project, per the Resolution endorsing the project adopted by the Board of Supervisors on October 14, 2015.
- B. Retain ownership of the land and improvements on the land, and be responsible for the maintenance and operating costs of facilities constructed on County property with Transportation Alternatives Program funds.
- C. Provide staff support to assist with design direction, review of designs of the proposed improvements, securing needed rights of way, coordination with TJPDC, VDOT, and the City of Charlottesville, and public outreach.

PAYMENT

Upon execution of this agreement, the Thomas Jefferson Planning District Commission (TJPDC) will submit an invoice to the County for the \$200,000 in local match.

Accepted by:

County of Albemarle

By: _____
Jeffrey Richardson, County Executive

Date

Thomas Jefferson Planning District Commission (TJPDC)

By: _____
Charles P. Boyles II, Executive Director

Date

Item No. 8.6. Memorandum of Agreement (MOA) for Albemarle Entrance Corridor Beautification Program.

The Executive Summary forwarded to the Board states that the accumulation of litter along the roadways of Albemarle County is a growing concern. The Virginia Department of Transportation (VDOT) sponsors an Adopt-A-Highway program for individuals and groups who volunteer to pick up litter along designated sections of highway. VDOT also uses an inmate labor force to perform certain roadside maintenance tasks, to include litter control. VDOT has used this labor force to respond to County staff requests for litter cleanup. This work supports the County’s following strategic priority: Revitalize Aging Urban Neighborhoods: By January 2019, work with partners to increase efforts to address aesthetic appearance of entrance corridors and high visibility urban public spaces.

Staff has prepared a draft MOA (Attachment A) to address, in part, the Board’s strategic initiative regarding the aesthetic appearance of the entrance corridors as it pertains to roadside litter. In March 2017, Facilities and Environmental Services (FES) staff met with Albemarle-Charlottesville Regional Jail Col. Martin Kumer to discuss the availability of offender work crews to assist in addressing the litter issue. Col. Kumer suggested the use of weekend inmates. FES staff briefed the Board at its March 28th meeting and recommended proceeding with this opportunity. Under this agreement, the Jail will provide inmate labor crews on Saturdays and Sundays, eight hours a day. The Jail will provide supervision, transportation, meals, work zone traffic safety devices, and all other incidentals. The County will identify work sites and compensate the Jail \$45.00 per hour for each Jail Officer supervising an offender labor crew under this program. If this agreement is approved, FES will establish a pilot program in FY18, using existing funding supplemented with a request for FY 17 carry-over funds, to judge the program’s effectiveness. If the outcome of the pilot program is favorable, specific funding will be requested in future

budget submittals.

A request for FY 17 carry over funding is included in the November 1st consent agenda appropriations request.

If the Board wishes to enter into this agreement, staff recommends the Board adopt the attached resolution (Attachment B) approving the MOA.

Discussion: Mr. Sheffield said this item involves a Memorandum of Understanding about mowing and maintenance and he is seeking Board and staff support for the VDOT Wildflower Program. He said this would involve minimal investment but could have a big enough return to impact the cost of mowing. He urged the Board to direct staff to come up with an ambitious wildflower plan and suggested they review a plan developed by CATEC to assist in finding opportunities and determining costs.

Mr. Trevor Henry, Director of Facilities and Environmental Services, addressed the Board. He said the memorandum of agreement was between the County and the Jail for use of resources for weekend litter pick up, and not for mowing or other services. He reminded Supervisors that at September's strategic planning session they had discussed the VDOT Pollinator Program, and Facilities had been conducting a pilot program at 5th Street with the planting of native plants, in an effort to learn about and expand plantings to medians and on/off ramps. He said that his understanding was that the Board had provided direction to implement the pilot and to report on findings.

Mr. Sheffield commented that his idea was for the initiative to be more ambitious.

Mr. Trevor stated that he and Michael Freitas had met with the VDOT Program Manager under the assumption there would be an extension of the program to localities, though they had learned that this was not so. He said they had started the process with the planting of some flower beds at 5th Street.

Ms. McKeel asked if this is an item that should be discussed during the budget cycle. Mr. Sheffield responded that the planting season would be over by the time of the budget process.

Mr. Walker addressed the Board in response to Ms. McKeel's question and offered to identify funding opportunities within the Two-Year Balanced Plan, if the Board so directed.

Ms. Mallek expressed support and suggested that they consult with the Thomas Jefferson Soil and Water Conservation District, which has various similar programs.

Mr. Randolph expressed support and urged the Board to look at this as a comprehensive beautification program and look for natural alliances with garden clubs, homeowners associations, and other organizations.

Ms. Mallek emphasized that there are two types of flower bed opportunities: center medians and steep areas that are hard to mow. She pointed out that there are many large, pollinator flower beds along I-95 in Maryland, and asked Mr. Henry if he has both types of flower beds in mind. Mr. Henry confirmed this.

Mr. Dill urged that they look for native species and, in addition to pollinator plants, consider plants that could serve as food for migrating Monarch butterflies.

Ms. Palmer commented that she assumed the costs would be minimal but would like to see what they would be. She expressed agreement with comments made by other Supervisors.

Mr. Sheffield then **moved** that the Board adopt the proposed Resolution approving the MOA and to authorize the County Executive to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Executive. Ms. Mallek **seconded** the motion.

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

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

Ms. McKeel encouraged Supervisors to read a report distributed from the Charlottesville-Albemarle Regional Jail regarding its workforce program, which involves litter pick up by inmates.

**RESOLUTION TO APPROVE THE MEMORANDUM OF AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND THE ALBEMARLE-CHARLOTTESVILLE REGIONAL
JAIL AUTHORITY FOR ALBEMARLE ENTRANCE CORRIDOR BEAUTIFICATION PROGRAM**

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County to enter into an Agreement with the Albemarle-Charlottesville Regional Jail Authority regarding the County's use of offender labor crews for roadside beautification within and along the designated entrance corridors in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement with the Albemarle-Charlottesville Regional Jail Authority and

authorizes the County Executive to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

**MEMORANDUM OF AGREEMENT
FOR
ALBEMARLE ENTRANCE CORRIDOR BEAUTIFICATION PROGRAM**

1. **PARTIES TO THIS AGREEMENT:** This Agreement is by and between the County of Albemarle, Virginia, hereinafter referred to as “the County”; and the Albemarle- Charlottesville Regional Jail Authority, hereinafter referred to as “the Jail”.
2. **DESCRIPTION AND LIMITS OF PROJECT:** This Agreement is for the use of offender labor crews for roadside beautification within and along designated entrance corridors in Albemarle County (hereinafter, the “Program”). Offender labor crews will be used for appropriate operations during favorable conditions. A minimum of one work crew will be involved with the Program. Additional crew(s) may be added to meet area needs, upon the agreement of both parties. The parties will jointly address other factors which may contribute to actual usage, such as Executive Orders, Department directives affecting changes in funding allocated for providing the services, inclement weather, and lock-downs.
3. **LEGAL AUTHORITY:** This Agreement is authorized and governed by §§ 53.1-128 through 53.1-131 of the *Code of Virginia*, as amended.
4. **CONSIDERATION:** The County will pay the Jail \$30.00 per hour for each Jail Officer supervising offender labor crew(s) under this Agreement.
5. **WORK SCHEDULES:** Though offender labor crews will typically work on Saturdays and/or Sundays from 7:00 a.m. to 3:00 p.m., the Jail coordinator will have the ultimate responsibility for establishing crews’ working hours and schedule, in coordination with the responsible County official(s).
6. **SOVEREIGN IMMUNITY:** Nothing herein shall be construed as a waiver of the sovereign immunity of either the County of Albemarle or the Jail, which is expressly reserved.

GENERAL RESPONSIBILITIES:

- I. The responsibilities of the Jail under this Agreement are:
 - a. To transport the offender labor crew(s) and its supervisory staff to and from assigned work sites, at the Jail’s expense.
 - b. To provide approved signage and warning devices in accordance with the Manual of Uniform Traffic Control Devices and Virginia Work Area Protection Manual.
 - c. To provide adequate Personal Protective Equipment (PPE) to allow offender labor crews to safely perform assigned tasks. Safety attire will meet the requirements of the Virginia Work Area Protection Manual.
 - d. To maintain and provide any and all equipment for completing any maintenance and labor tasks under this Agreement.
 - e. To provide all meals and beverages to the Officers and offender labor crews under this Program, at the Jail’s expense.
 - f. To staff each offender labor crew with at least one Correction Officer to supervise the tasks and transportation of each offender labor crew. Correction Officers will wear Jail-designated uniforms, firearms, and safety equipment at all times.
 - g. During any hours designated as billable to the County under this Agreement, the offender labor crews shall operate only within and along designated entrances corridors in Albemarle County.
 - h. To coordinate worksites and crew(s) with designated County representative(s) prior to starting work. The Jail shall provide the County with at least 48 hours’ advance notice of any intended work.
 - i. To ensure that all trash, litter and/or refuse collected by offender labor crews is properly disposed.
 - j. To provide accurate daily documentation of the names, hours, and locations worked by each offender labor crew. All documentation must be verified by an authorized representative of the County’s Facilities and Environmental Services Department. Any invoices for payment must include all documentation for the

hours worked and shall be submitted to the County no more than once a month for payment.

- k. To pay all officers' wages relating to this Agreement and to carry any necessary Worker's Compensation insurance coverage.
- l. Each party shall be responsible for its own acts and omissions and shall be liable for payment of that portion of any and all claims, liabilities, injuries, suits and demands and expenses of all kinds that may result or arise out of any alleged malfeasance or neglect caused or alleged to have been caused by said party, its employees, agents or subcontractors, in the performance or omission of any actor responsibility of said party under this Agreement. In the event that a claim is made against both parties, it is the intent of both parties to cooperate in the defense of said claim and to cause their insurers to do likewise. Both parties shall, however, retain the right to take any and all actions they believe necessary to protect their own interests.
- m. To assign an Officer to supervise and coordinate the Program, and to act as a liaison with the County under this Agreement.
- n. To inform the County of any change(s) in planned operations, including any early cessation of work.
- o. To screen and select appropriate offenders for work crew(s) participating in this Program.
- II. The responsibilities of the County under this Agreement are:
 - a. Upon receipt of completed documentation, to compensate the Jail \$30.00 per hour for each Jail Officer supervising an offender labor crew under this Program.
 - b. To ensure that approved invoices from the Jail are processed in a timely manner for payment within 30 days.

SIGNATURES: The parties hereto agree to abide by all the provisions of this Agreement.

IN WITNESS WHEREOF, the parties sign and cause this Agreement to be executed on the date(s) indicated below.

COUNTY OF ALBEMARLE	ALBEMARLE – CHARLOTTESVILLE REGIONAL JAIL AUTHORITY
BY:_____	BY:_____
TITLE:_____	TITLE:_____
DATE:_____	DATE:_____
SIGNATURE OF WITNESS:_____	SIGNATURE OF WITNESS:_____
DATE:_____	DATE:_____

Item No. 8.7. Special Exception: ZMA2002-00002 Hollymead Town Center.

The Executive Summary forwarded to the Board states that the applicant is requesting a change to the Code of Development (COD) for Hollymead Town Center, specifically in Block VII, to allow the maximum number of dwelling units to increase by two units. The COD allows a maximum of 70 residential units at density of 32.41 units/acre. The change to the COD will result in 72 units at a density of 33.34 units/acre. The overall density of the development will remain the same with a maximum of 370 dwelling units.

County Code §18-8.5.5.3 and §18-33.5 allows special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Please see Attachment B for full details of staff's analysis.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception.

By the above-recorded vote, the Board adopted the following resolution to approve the special exception to vary the Code of Development approved in conjunction with ZMA2002-00002 Hollymead Town Center, subject to the conditions:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA2002-00002 HOLLYMEAD TOWN CENTER
TO VARY BLOCK VII IN TABLE B WITHIN THE CODE OF DEVELOPMENT**

WHEREAS, the Owner of Tax Map Parcel Numbers 032B0-01-00-000A0 and 032B0-01-00-101A0 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA2002-00002 Hollymead Town Center to vary the maximum number of dwelling units in Block VII as shown on the Exhibit entitled "Proposed Changes to Existing Code of Development" dated August 2017.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA2002-00002 Hollymead Town Center, as described hereinabove, subject to the conditions attached hereto.

* * *

**Special Exception to Vary ZMA2002-002 Hollymead Town Center Code of Development
Special Exception Condition(s)**

1. The maximum number of units permitted in Block VII shall be seventy-two (72) units.
2. The maximum total number of units in the development shall be (unchanged at) three hundred seventy (370) units.

Item No. 8.8. VACo 2017 Annual Meeting Voting Credentials.

By the above-recorded vote, the Board authorized Ann Mallek to serve as the Board representative, and Norman Dill to serve as the alternate, to cast votes at the Annual Business Meeting.

Item No. 8.9. 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 two grant applications submitted during the time period of September 10, 2017 through October 12, 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.

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.

Byrne Justice Grants have 10% match first year, 25% 2nd, 50% 3rd, 75% 4th and 100 percent in 5th year. Updated FY18 to match request

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				
							FY19	FY20	FY21	FY22	FY23
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
*does not include local match funds							\$ 104,925.00	\$ 139,900.00	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00

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

						Potential Financial Impact					
Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	FY19	FY20	FY21	FY22	FY23	
Federal Emergency Management Agency	2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	\$ 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	
						\$ 245,145.00	\$ 54,934.00	\$ -	\$ -	\$ -	

GRANT REPORT ACTIVITY – September 10, 2017 through October 12, 2017

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Sources	Department	Purpose
Virginia Department of Housing and Community Development	COBG - 2017 Community Organizing Planning Grant: Southwood Redevelopment Phase 1 Preliminary Design	Federal	TBD - DHCD will make offer based on proposal	TBD	TBD	Housing	This grant will support the development of a preliminary design plan for the housing portion of Phase 1 of the Southwood community including an assessment of the infrastructure needed for this phase.
Virginia Department of Emergency Management	2017 Local Emergency Management Performance Grant (LEMPG)	Federal	\$25,452	\$0	None	Emergency Communications Center (ECC)	This grant will augment the ECC's public outreach, training, and exercises for the region.

No awards received during this time.

Item No. 8.10. Board-to-Board, October 2017, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Item No. 8.11. Environmental Quarterly Report - 1st Quarter FY18, **was received for information.**

Item No. 8.12. Capital Projects Status Report 3rd Quarter CY2017, **was received for information.**

Item No. 8.13. Copy of letter dated September 14, 2017, from Mr. Francis H. MacCall, Principal Planner, to Roger W Ray & Associates, Inc., **re: LOD2017-000020 – OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 06600-00-00-01100 (Property of the ST MARGARET'S FARM LLC) - Rivanna Magisterial District, was received for information.**

Agenda Item No. 9. Financial Management Policies - Fund Balance/Reserves.

The Executive Summary forwarded to the Board states that according to the Government Financial Officers Association (GFOA) guidelines and the County's Financial Advisors, financial policies should be reviewed periodically to ensure they are current and effective. The County's Financial Policies were initially adopted by the Board of Supervisors on October 5, 1994, with amendments approved by the Board on October 11, 2000, August 1, 2012, March 13, 2013, and September 6, 2017.

On September 6, the Board approved all of staff's recommended amendments to the County's Financial Management Policies except those in the Fund Balance or Reserve Policies section.

On September 6, 2017, the Board directed staff to bring back further information regarding the recommendation to establish a more formalized Budget Stabilization Reserve. This work was to formalize a practice that has been followed for many years in which staff identifies and holds a separate reserve as part of the unassigned fund balance based on an assumption of volatility risks in a given fiscal year.

After discussing the conceptual elements of the Budget Stabilization Reserve on September 6, noting the value of codifying a current practice in policy, and hearing from Albemarle County Schools Chief Operating Officer Dean Tisdadt, the Board reached a consensus that the County's Financial Policies should include the establishment of a Budget Stabilization Reserve. Prior to the Board's formal approval of the Reserve in the Financial Policies, however, the Board directed staff to provide more details about the potential uses for the Reserve and the proposed Board's approval process. On November 1, staff will further clarify the uses and approval process. Attachment A is the current version of the County's Financial Management Policies, which includes the amendments the Board approved on September 6, 2017, as well as staff's proposed revisions to the Fund Balance or Reserve Policies section regarding the 1% Budget Stabilization Reserve. Attachment B includes additional details about the uses of the Reserve and a recommended approval process.

The County's Financial Policies provide guidance to the County's budget development and fiscal management processes. The recommended policy regarding a Budget Stabilization Reserve will provide additional clarity for approved uses of a Stabilization Reserve, such as the Rainy Day Fund/Stabilization Fund currently included in the FY 18 Budget.

Staff recommends that, after the Board's discussion of the Budget Stabilization Reserve uses and approval process, the Board approve the recommended revisions to the "Fund Balance or Reserves Policies Section of the County's Financial Management Policies as set forth in Attachment A.

Ms. Lori Allshouse, Director of the Office of Management and Budget, stated that she and the Director of Finance, Ms. Betty Burrell, would review the County's financial management policies for fund balance and reserves. She said at the conclusion of the presentation, she would review the process of the positive variance discussion. She listed and reviewed the following background items: in 1994, the Board adopted financial policies; in 2000, 2012, and 2013, the Board amended financial policies; on September 6, 2017, the Board amended the County's financial management policies, except for those included in the fund balance or reserves policy section; and the Board requested further information on the proposed budget stabilization reserve, including proposed uses and an approval process.

Ms. Allshouse stated that staff is seeking a formal budget stabilization reserve to be added to the County's policy. She emphasized that they often establish a stabilization reserve, but wish to formalize this practice as a policy. She presented a slide with a summary of the Budget Stabilization Reserve, which listed the following: in addition to maintaining the 10% target level, a target amount equal to 1% of the County's General Fund revenues shall be reserved as an unassigned Budget Stabilization Reserve; the FY18 Reserve was \$1.75 million and the target would be \$2.7 million; and the Budget Stabilization Reserve may be used to meet unanticipated one-time emergencies and unanticipated expenditures required to pay operating costs necessary to maintain the quality or level of current services, or to smooth/offset revenue fluctuations within a fiscal year.

Ms. Palmer asked for clarification of the term "unassigned." Ms. Burrell replied that the Government Accounting Standards Board had changed the language and used terms such as "committed," "assigned," and "unassigned" instead of the previously used terms of "reserve" and "unreserved." She said they showed this money as separate and apart from the 10% set aside for cash flow and other purposes, and she described it as accounting speak for being "held."

Mr. Dill asked for confirmation that 1% would be set aside the first year and this would not be increased in future years, maintaining the same level of 1%. Ms. Allshouse confirmed his understanding.

Ms. Allshouse indicated that she would review what they would use these funds for and how they would unlock the funds.

Mr. Sheffield asked if a public hearing would be required to appropriate funds. Ms. Allshouse replied that it would depend on whether the 1% of current budget expenditure threshold had been reached.

Ms. Palmer asked if there was money set aside for emergencies, such as natural disasters. Ms. Allshouse confirmed that there was and said it would be part of the rate stabilization fund.

Ms. Allshouse reviewed potential uses of the Budget Reserve for Contingencies, including unfunded mandates, insurance adjustments, mid-year staffing adjustments, or other Board approved uses that could not be provided for within the existing departmental budgets. She pointed out that the School Division had a reserve fund equal to up to 2% of its budget. She reviewed potential uses of the proposed Budget Stabilization Reserve, equal to 1% of the General Fund, including natural disasters, revenue downturns, and other Board-approved expenses not provided for. She pointed out that there was still a 10% unassigned General Fund balance reserve, which is used primarily to maintain cash flow and is not to be used for another purpose, except in the case of a catastrophic event. She reviewed some other reserves, such as the healthcare reserve and CSA reserve.

Mr. Randolph stated that given the volatility in state and federal pass-through funding, it is essential to establish an extra margin of stabilized reserves in order to maintain the quality of services offered by the County. He commented that there was a likelihood of federal tax cuts resulting in reduced pass-through funding, and what they seek to do with the stabilization fund is good, conservative financial management.

Ms. Allshouse reviewed some additional potential uses of a budget stabilization reserve: emergency funding to address expenses associated with natural or manmade disasters, meeting unexpected unfunded necessary operational expenses, such as unexpected increases in utility or fuel costs, and stabilization of the County's revenues in a given fiscal year due to an unexpected economic downturn or unexpected loss of state and federal revenues. She offered one additional potential use of the reserve which was shared by Davenport & Associates and utilized by James City County: to take advantage of unanticipated financial opportunities that would enhance the wellbeing of Albemarle County or protect its long-term fiscal security.

Mr. Randolph expressed concern that there could be a temptation to dip into the fund for an economic development opportunity and then an unexpected economic downturn could result in a shortfall with no funds available.

Ms. Palmer expressed her view that if they were to have a reserve for economic development, it should fall under economic development and would be misleading to have it in a stabilization fund. She expressed agreement with Mr. Randolph's earlier comments about the unpredictability of state and federal pass-through funds.

Ms. Mallek stated that this is renaming and clarifying the bucket of money they have now, and she found this very comforting. She reminded Supervisors of what occurred in 2008 when millions in promised funding was rescinded. She recalled the earthquake in Louisa several years ago and said a stabilization fund could be of help in a similar emergency until insurance money is received. Ms. Mallek expressed her preference for using reserve funds to cover lost revenues rather than for expenditures on new things.

Mr. Dill expressed his support for this and asked what kinds of financial instruments the fund would invest in and whether they would be liquid.

Ms. Burrell responded that they used the state's Local Government Investment Pool (LGIP), run by the state treasurer. She said they must follow the Public Deposit Act, which limits the types of investments they could make. She said LGIP funds are available within hours of a request and even in the extended maturity program funds are available within one week of a request. Ms. Burrell stated that the last page of the financial report provided to the Board contains the performance results of their investments with LGIP.

Ms. Allshouse asked the Board for feedback on the final option listed, to include unanticipated financial opportunities as one of the potential uses of the fund.

Ms. McKeel asked Mr. Richardson for his thoughts. Mr. Richardson expressed his understanding of the comments made by some Supervisors, but said it is a good job to point out how it has been framed as an economic development opportunity in some other counties and that he would be fine with adding this option.

Ms. Allshouse reviewed the steps that would be required to access funds from the reserve. She said the Office of Management and Budget and the County Executive would review a request to make sure it meets an approved use and that no other funding is available; the next step would involve preparation of an Executive Summary that would include a description of the need, clarification and rationale for the request; and the next step would be a presentation to the Board of Supervisors. She noted that the Board could approve or direct staff to return with additional information or a second reading before approval, and if funding were approved they would plan to replenish the reserve within three years.

Ms. Allshouse added that there are two additional items they are asking the Board to approve; one involving the uses of end-of-year positive variance, and the other involving other fund reserves. The Uses of End-of-Year Positive Variance was worded as follows: "The Board... may appropriate funds in excess of the unassigned 10% General Fund fund balance policy level and the 1% Budget Stabilization Reserve to the capital improvement program in support of pay-as-you-go funding, or for other one-time uses." The Other Fund Reserves recommendation was worded as follows: "The County would also establish targeted fund balances for other County funds, such as the Health Care Fund and the Children's Services Act Fund, to meet cash flow needs and to address unexpected expenditure or revenue shortfalls."

Ms. Palmer **moved** that the Board approve the recommended revisions to the "Fund Balance or Reserves Policies Section of the County's Financial Management Policies, without the additional language. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Ms. Allshouse said that one Supervisor had asked her to review the end-of-year positive variance process. She presented a slide that listed the following steps in the process:

- Step 1: Finance identifies initial end-of-year General Fund positive variance
- Step 2: OMB tentatively reserves funds for: 10% unassigned fund balance reserve, school reserve, budget stabilization reserve, currently appropriated uses of fund balance.

- Step 3: Staff provides recommended one-time uses of fund balance to Board during 2 Year/5 Year financial planning process.
- Step 4: After annual audit was presented and accepted by the Board, staff would request Board approval for any one-time uses of fund balance approved by Board for the current fiscal year.
- Step 5: The County Executive's recommended budget would include recommended use of positive variance for the following fiscal year.

Ms. Mallek asked if prior to Step 2, all the bills would have been paid or if a list would be created of all the bills that must be paid before the audit. Ms. Burrell responded that the final Comprehensive Annual Financial Report (CAFR) includes results for everything associated with FY17, including any encumbrances that may have been made, but the goods were received before June 30. She said that any bills owed or money received before August 15 were part of the final calculation and part of what they would present as a positive variance for FY17.

Agenda Item No. 10. Legislative Priorities:

Item No. 10a. Proposed 2018 Legislative Priorities.

The Executive Summary forwarded to the Board states that each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. This executive summary provides an overview of the Board's proposed 2018 Legislative Priorities (Attachment A). The two current statutes related to the proposed legislative priorities are in Attachment B. The Board's proposed 2018 Legislative Positions and Policy Statements are included as Attachment C.

On-street Parking Priority: Initiate legislation to amend Virginia Code § 46.2-1222 to add Albemarle County to the list of those counties enabled to regulate on-street parking on public streets in the State's secondary system of highways.

Snow and Ice Removal Priority: Initiate or support legislation to amend Virginia Code § 15.2-2025 to enable counties outside of Northern Virginia with urban areas, such as Albemarle County, to adopt ordinances requiring the landowners and other persons in charge of any occupied property to remove accumulations of snow and ice from public sidewalks.

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

Staff recommends that the Board approve the 2018 proposed legislative priorities (Attachment A) for submission to the TJPDC, VACo and VML.

Mr. Kamptner stated that he would review three priorities as well as policy statements and positions that would be revised or added from last year. He explained that the first priority was to initiate or support legislation to amend Virginia Code § 46.2-1222, with the purpose of adding Albemarle to those counties that may regulate on-street parking on secondary roads. He said this would allow the County to address some existing on-street parking issues in urban areas. He stated that a question was posed as to the County's authority to tow vehicles, and he explained that they have the authority to tow vehicles that are a traffic hazard on public roads, and the County has an ordinance that allows private property owners to have vehicles removed from private property.

Mr. Sheffield asked if VDOT has the authority to tow. Mr. Kamptner replied that he does not believe so and they would have to rely on the police.

The second priority reviewed by Mr. Kamptner was to initiate or support legislation to amend Virginia Code § 15.2-2025. He explained that this would enable counties outside of Planning District 8 to adopt an ordinance requiring persons in urban areas within the County to remove snow and ice from public sidewalks fronting their property.

The third priority reviewed by Mr. Kamptner was to initiate or support legislation to amend Virginia Code § 15.2-1535. He explained that this would enable members of elected governing bodies to be appointed to a body or board established under a joint exercise of powers agreement to promote the resources and advantages of the participating localities. He said the Virginia Constitution requires specific authority for elected officials to sit on other bodies that were within the scope of constitutional limitations. He said the statute lists 16 bodies and would add bodies that were created to promote resources and advantages of the participating localities, and this would affect bodies having to do with tourism.

Ms. McKeel added that Charlottesville had included this priority in its legislative packet.

Mr. Kamptner next reviewed positions and policy statements, noting that he is going through those within the draft 2018 Attachment C and most are materially unchanged, though he had reorganized,

cleaned up language, and listed them alphabetically, highlighting areas of change. He said the first recommended change is to add statements to broadband to support legislation that would ensure that coverage maps used to determine underserved and unserved areas or blocks are accurate and to clarify the meaning of “coverage,” so that coverage actually exists in an area or census block and was substantial (as opposed to a household). He reviewed changes to the impact fee authority, where he had deleted the statement that the authority would not “diminish the existing proffer system.”

Mr. Kamptner said they had added a statement on proffers this year, which was also included in Thomas Jefferson Planning District Commission’s draft legislative program. He said that another new policy statement was transit funding, which was also part of the TJPDC and Virginia Association of Counties’ draft legislative program. He said that concern with the state’s expiring revenue bonds had created an urgent need for the state to come up with new funding for transit that would allow localities to be matched with federal grants. Mr. Kamptner reviewed the Children’s Services Act policy, which he said had been significantly revised to add initiatives.

Mr. Kamptner stated that his recommendation is to proceed with the priorities, positions, and policy statements as proposed, with the additions and changes he had highlighted. He invited questions, comments, and suggestions.

Ms. Mallek asked for an explanation of the difference between open space easements and conservation easements. Mr. Kamptner explained that conservation easements are held by private entities such as The Nature Conservancy, whereas open space easements are held by public entities such as the County.

Ms. Palmer said she wants to be sure that the difference between open space and conservation easements do not refer in any way to how the easement and land is used. Mr. Kamptner replied that it is a difference in state statute terminology focused on the easement holder.

Mr. Kamptner had one final suggestion, which was to model the County’s legislative agenda that was presented to elected officials on the School Board’s legislative agenda.

Ms. McKeel **moved** that the Board approve the 2018 proposed Legislative Priorities, as amended, for submission to the TJPDC, VACo and VML. Mr. Randolph **seconded** the motion. Mr. Sheffield stated that he would abstain due to the motion’s inclusion of transit funding.

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

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

NAYS: None.

ABSTAIN: Mr. Sheffield.

2018 Legislative Priorities

On-street Parking

Priority: Initiate legislation to amend Virginia Code § 46.2-1222 to add Albemarle County to the list of those counties enabled to regulate on-street parking on public streets in the State’s secondary system of highways.

Summary of the Current Law: Virginia Code § 46.2-1222 currently enables Fairfax, James City, Loudoun, Montgomery, Prince George, Prince William, and York Counties to adopt ordinances that may (1) restrict or prohibit parking on any part of the state secondary system of highways within their respective boundaries; (2) create vehicle classifications that would or would not be subject to these restrictions and prohibitions; and (3) provide that the violation of the ordinance would be a traffic infraction and prescribe penalties.

On-street parking regulations would apply only on those street segments that are signed or marked to prohibit or restrict on-street parking.

Rationale: The authority, if granted, would enable Albemarle County to adopt an on-street parking ordinance that would allow the County to address some existing on-street parking issues in certain urban neighborhoods.

Snow and Ice Removal

Priority: Initiate or support legislation to amend Virginia Code § 15.2-2025 to enable counties outside of Northern Virginia with urban areas, such as Albemarle County, to adopt ordinances requiring the landowners and other persons in charge of any occupied property to remove accumulations of snow and ice from public sidewalks.

Summary of the Current Law: Virginia Code § 15.2-2025 currently enables only those counties in Northern Virginia Planning District 8 (Arlington, Fairfax, Loudoun, and Prince William Counties) to require owners or occupants to remove snow and ice from public sidewalks. An ordinance must “include reasonable time frames for compliance and reasonable exceptions for handicapped and elderly persons, and those otherwise physically incapable of meeting the criteria and requirements for such removal.” A penalty of up to \$100 may be imposed for violating an ordinance.

Rationale: This authority, if granted, would enable a greater number of counties with urbanized areas to

make those areas more livable and walkable during periods when snow and ice have accumulated on public sidewalks.

Regional Board to Promote Resources and Advantages of the Participating Localities

Priority: Initiate or support legislation to amend Virginia Code § 15.2-1535 to allow members of elected governing bodies to be appointed to a board of directors, governing board, or advisory council or committee of a public body established under a joint exercise of powers agreement to promote the “resources and advantages” of the participating localities.

Summary of the Current Law: Members of local governing bodies are prohibited from being elected or appointed to other public offices unless expressly authorized by law. Virginia Code § 15.2-1535 lists 16 public bodies to which members of local governing bodies may be appointed. Other enabling authority allows elected officials to be appointed to other public bodies. For example, the Virginia Wireless Service Authorities Act allows members of the locality’s governing body to be appointed to the wireless service authority’s board of directors.

Rationale: Programs and projects that promote the resources and advantages of a locality pursuant to Virginia Code § 15.2-940 are funded by the locality. The proposed amendment to Virginia Code § 15.2-1535 would give localities exercising this authority under a joint exercise of powers agreement more direct oversight over these programs and projects. These programs and projects, in turn, promote regional economic development.

Item No. 10b. Draft 2018 TJPDC Legislative Program.

Mr. David Blount, TJPDC Legislative Liaison, addressed the Board and stated that the top three priorities in the regional program has some refreshed language to reflect new data or more recent discussions. He said he would point out a new item concerning the revamping of the communications sales and use tax, as it relates to broadband within a local revenue priority. He said the TJPDC had elevated expansion of broadband to the rural areas from a position to a priority and had included many of the statements from the previous legislative year, but had also added a statement indicating that broadband is critical infrastructure for the 21st Century. He stated that the key ask is related to the communications sales and use tax, which was implemented 10 years ago as a consolidation of various communications taxes and set at 5% to match the then rate for the general sales tax. He pointed out that the sales tax is now 5.75% and they seek to match this increase and bring new technologies such as prepaid phone cards and streaming under the tax coverage, and use the increased revenue to advance broadband. He estimated that the increased revenue would be approximately \$25 million.

Ms. Mallek asked where revenue from the tax is currently designated.

Mr. Blount replied that the revenue is distributed back to localities in accordance with a formula, with Albemarle receiving around \$4 million. He said localities are currently receiving about 20% less today than they were 10 years ago.

Mr. Blount said they had elevated some budget proposals from position to priority within the Children’s Services Act, which would limit some state services provided under the Act. He said the proposal was to move special education dollars to the Department of Education from the Children’s Services Act, which more than likely would mean distribution of these dollars on a per-pupil basis rather than on a sum-sufficient basis. He said the concern was that if there was not enough funding, the state would cap funding and the local governments would be left with the responsibility to cover the shortfall to pay for required services. Mr. Blount stated that a second piece of this was to request additional flexibility to use state dollars for services that could be provided in schools, as opposed to current requirements that they be in a residential or non-residential program, which he said they see increasingly due to growth in the number of students with autism.

Mr. Blount noted there was a statement supporting reauthorization of the CHIP program at the federal level, which is under the Health and Human Services section of the proposed program. He also pointed out that under the transportation funding and devolution position, they support new revenue streams for transit capital. He concluded and invited questions.

Mr. Randolph noted that the School Division is concerned about charter schools and had taken the position that decisions regarding establishment of these schools should be up to localities and not imposed by the state. He asked if Mr. Blount envisioned taking a position in the future in favor or against this. Mr. Blount responded that this is something they could consider for a future discussion.

Mr. Randolph said that all the Supervisors he had spoken with recognized the cardinal principle of local control over resources, and this is a position that would resonate with them and could provide backing to the School Division’s position on this controversial issue.

Ms. McKeel pointed out that there are two charter schools in Albemarle County.

Ms. Mallek **moved** that the Board approve the 2018 Thomas Jefferson Planning District Commission Legislative Program, as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.
ABSTAIN: Mr. Sheffield.

**Thomas Jefferson Planning District
2018 LEGISLATIVE PROGRAM**

DRAFT

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

November 2017
Genevieve Keller, Chair
Chip Boyles, Executive Director
David Blount, Legislative Liaison

TOP LEGISLATIVE PRIORITIES

State Budget and Funding Obligations

PRIORITY: The Planning District localities urge the governor and legislature to enhance state aid to localities, and to not impose mandates on or shift costs for state programs to localities.

While state general fund revenues are expected to continue their upward crawl in the current fiscal year. Development of the next state biennial budget will be challenged by several factors, including the following: 1) the re-benchmarking of public education costs (likely to be over one-half billion dollars); 2) increases in Medicaid costs, which have jumped by over 6% per year since 2010; 3) more pressure on Children's Services Act funding; and 4) replacement of some one-time "fixes" in the current budget plan.

We encourage the State to develop revenue and spending priorities that support K-12 education, economic development, public safety, and other public goals. Localities continue to be the state's go-to service provider, despite local budgets being subject to slowly-recovering local and state dollars. State investment in local service delivery must be enhanced, as many mandated programs have been level funded since 2009. Funding levels for others, such as the Children's Services Act and HB 599, are less than the 2009 amounts.

We take the following positions:

→We oppose unfunded state and federal mandates and the cost shifting that occurs when the state or federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the State or federal government or demanded by residents.

→We urge the State to resist placing additional administrative burdens on local governments without sufficient resources or flexibility; otherwise, the quality of services delivered at the local level is jeopardized.

→We urge policymakers to preserve existing funding formulas rather than altering them in order to save the State money and/or to shift costs to localities.

→The State should not confiscate or redirect local general fund dollars to the state treasury.

Public Education Funding

PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.

The State will spend just over \$6 billion on direct aid to public education in FY18. While we appreciate additional state teacher salary dollars this past year, we believe that the State should significantly increase its commitment to K-12 education. In the past decade, overall state funding has increased just seven percent, and while the state-funded per pupil amount has jumped back above the FY09 level, state dollars do not reflect the true costs of K-12 education. Local governments consistently go "above and beyond" to close the funding gap by appropriating twice as much K-12 funding as required by the state.

We believe localities need an adequately defined SOQ that closes the gap between what school divisions are actually providing and what the state currently funds in the SOQ. This could include recognizing additional instructional positions and, as recommended by the Board of Education, increasing state-funded staffing ratios for various, non-instructional positions. This would be a welcome change of course, as state policies that have been revised since the Great Recession have reduced the state's funding obligations to public education.

Local Revenue Authority

PRIORITY: The Planning District localities urge the governor and legislature to diversify the revenue options available to localities, to include equalizing the revenue-raising authority of counties with that of cities, and to not restrict local revenue-raising authority.

We support the legislature making additional revenue options available to diversify the local

revenue stream, which could reduce dependency on real property taxes, rather than removing or restricting local revenue authorities. One way to do this is to eliminate the differences between city and county taxing authority, which exist due to now less-prevalent distinctions in the services provided. This would mean removing the restrictions that currently apply to county authority to levy the meals, lodging, cigarette and amusement taxes. Equalizing revenue authority for counties with that of cities also should be included as part of a needed modernization of the state's tax system to comport with the realities of a global, information-driven economy, which will rely less on governmental spending and more on new, private sector business models. We also believe any tax reform efforts should examine the financing and delivering of state services at the local level.

We take the following positions:

→The State should refrain from establishing local tax policy at the state level and allow local governments determine the equity of local taxation policy.

→The State should not expect local governments to pay for new funding requirements or the expansion of existing ones on locally-delivered services, without a commensurate increase in state financial assistance or new local taxing authority (see above).

→The State should not alter or eliminate the BPOL and Machinery and Tools taxes.

→The State should support the appropriate collection of transient occupancy taxes from online transactions.

→The State should revamp the Communications Sales and Use Tax (CSUT). Revenues from the CSUT coming back to localities are 20% less than 10 years ago, primarily because the tax does not reflect modern technology patterns of consumption. Accordingly, we support 1) leveling the current 5% CSUT with the state sales tax rate of 5.3%; 2) broadening the coverage of the tax to include audio and video streaming and prepaid calling services; and 3) targeting the additional revenues generated to support rural area broadband expansion.

OTHER PRIORITY ITEMS

Broadband

PRIORITY: The Planning District localities encourage and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology, particularly in unserved and underserved areas.

Access to broadband, or high-speed internet, is a critical necessity in the 21st century. It has become basic, not optional, infrastructure, just like roads and electricity, that is essential for economic growth, equity in access to public education, community growth, and consumer communications and information. Many communities, particularly those in unserved rural areas, need thoughtful, longer-term strategies to bridge the broadband gap. This may be an approach that utilizes both fiber and wireless technologies, private/public partnerships and regulated markets that provide a choice of service providers and competitive prices.

Accordingly, we believe state and federal support should include the following:

→Development of a statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans;

→Provisions that provide for sharing utility and road right-of-way easements for expanding broadband;

→Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences;

→Maintaining local land use, permitting, fee and other local authorities;

→Amending the current 5% Communications Sales and Use Tax to apply to previously uncovered technologies and to mirror the state sales tax rate of 5.3%, and targeting the additional revenues generated to rural area broadband expansion; and

→Consideration of proposals that would subject broadband to stricter and more developed regulation as a public utility.

Children's Services Act

PRIORITY: The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the State and local government. The State should resist attempts to shift costs of serving children through CSA to localities and schools.

Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

This past session, the General Assembly appropriated an additional \$85.7 million to address increasing caseloads and costs in CSA, an increase largely attributable to private special education day placement costs. The budget also included language directing a review of options for these placements and how their cost and quality could be better managed. Localities are concerned about proposals that would move CSA "lump sum" funding to the Department of Education, with any resulting funding shortfalls becoming the responsibility of localities (rather than the current process where localities request supplemental state funding). Such a scenario could limit services and funding that are necessary for students who may need more intensive services at any time.

Accordingly, we support 1) the ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; and 2) maintaining cost shares on a sum sufficient basis by both the State and local governments.

Changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.

We also support the following:

- Enhanced state funding for local CSA administrative costs;
- A cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children; and
- The State being proactive in making residential facilities and service providers available, especially in rural areas.

Land Use and Growth Management

PRIORITY: The Planning District localities encourage the State to resist preempting or circumventing existing land use authorities, and to provide additional tools to plan and manage growth.

Over the years, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use. We oppose legislation that weakens these key local responsibilities; this would include recent efforts to 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.

We also believe the General Assembly should provide localities with necessary tools to meet important infrastructure needs, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. This would include more workable impact fee authority for facilities other than roads, and changes to the currently-enacted proffer system. Proffer legislation approved in 2016 limits the scope of impacts that may be addressed by proffers, and establishes specific criteria for when a proffer is deemed to be unreasonable. We support changes to the law to provide more balanced and practical standards for determining whether a proffer is reasonable and to restore a climate where localities and applicants can openly discuss rezoning applications.

Further, we support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Finally, concerning land preservation, we request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

LEGISLATIVE POSITIONS

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We encourage enhanced coordination with K-12 education to equip the workforce with in-demand skill sets so as to align workforce supply with anticipated employer demands. We also support continuing emphasis on regional cooperation in economic, workforce and tourism development.

Economic Development:

- We support continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region, with ongoing state financial incentives, technical support and other incentives to support collaboration by business, governments, educational institutions and communities that spur economic development, job creation and career readiness.

- We support legislation that dedicates income and sales tax revenues generated by corporations and limited liability companies within an economic development project to such locality in cases where the locality has expended local funds for such project and state grant funds or incentives were not involved.

Planning District Commissions:

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional programs and projects.

Agricultural Products and Enterprises:

We encourage state and local governments to work together and with other entities to identify, to provide incentives for, and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

Education

The Planning District's member localities believe that the state should be a reliable funding partner with localities by recognizing the operational, personnel, and capital resources necessary for a high-quality public education system (see priority position on *Public Education Funding*).

School Division Finances:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to VRS in order to facilitate such sharing.
- The State should not eliminate or decrease funding for school employee benefits.

- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

Literary Fund:

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs.

Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We support protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

Chesapeake Bay Preservation Act:

We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions; 2) allow localities to use other practices to improve water quality; and 3) provide funding for other strategies that address point and non-point source pollution.

Biosolids:

We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

Alternate On-Site Sewage Systems:

We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

Dam Safety:

We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.

Water Supply:

The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects.

Program Administration:

The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities.

Internet-based Businesses and Services:

We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions. Rather, the State should support local authority concerning collection and auditing of taxes, licensing and regulation. There should be a level playing field for competition among businesses offering goods and services to ensure safety, reliability and fair access to such offerings by consumers and the general public.

Local Government Operations:

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We support local flexibility regarding public parking regulation and enforcement.
- We oppose attempts to reduce sovereign immunity protections for localities.

State-Supported Positions:

- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State.

Elections:

As elections administration has become more complex and both federal and state financial support for elections has been decreasing, we urge funding to address coming critical shortfalls in elections administration dollars. We also support state funding for voting equipment replacement, as many older voting machines are exhibiting end-of-life problems.

Freedom of Information Act (FOIA):

- We request that any changes to FOIA preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure, and 3) provisions concerning creation of customized records.

- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

Quality of Life Issues:

- We oppose changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. The delivery of such services must be a collaborative effort by federal, state and local agencies.

Funding:

- We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry.
- We support increased investment in the ID waiver program for adults and young people and Medicaid reimbursement for children's dental services.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

Social Services:

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support changes to the Code to provide that a judicial finding be controlling of administrative findings in alleged child abuse and neglect cases.

Prevention:

We support continued operation and enhancement of early intervention and prevention programs. This includes the Virginia Preschool Initiative, Part C of the Individuals with Disabilities Education Act (infants and toddlers), and federal reauthorization of funding for the Children's Health Insurance Program (CHIP) in order to provide health coverage for vulnerable children.

Childcare:

The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised daycare facilities and support efforts for families to become self-sufficient.

Housing

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Regional planning and solutions should be implemented whenever possible.

Affordable Housing:

We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

Homelessness:

We support measures to prevent homelessness and to assist the chronic homeless.

Historic Structures:

We support incentives that encourage rehabilitation and preservation of historic structures.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for local law enforcement (and state police), emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

Funding:

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding Constitutional offices or divert money away from them, but increase dollars needed for their operation.
- We support returning funding responsibility for the Line of Duty Act (LODA) to the State. In the absence of that, there should be no new or enhanced benefits that increase locality costs.
- We urge state funding of the HB 599 law enforcement program in accordance with Code of Virginia provisions.
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has cut in half the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

Jails:

- As the state prisoner reimbursement rate is insufficient to cover actual costs, the State should restore per diem payments to localities 1) for housing state-responsible prisoners to \$14 per day, and 2) for housing local responsible offenders to \$8 per day. If a state-responsible prisoner is sentenced to serve in jail for more than one year, then the State should compensate the jail for the actual cost of incarceration.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.

Offender Programs and Services:

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

Body Cameras:

We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities.

Transportation Funding and Devolution

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges and for keeping pace with growing public needs and expectations. We believe the state should continue to enhance funding for local and regional transportation needs, including the Revenue Sharing Program with localities. We also remain opposed to attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

Transit Capital Funding:

Capital Project Revenue bonds, approved in 2007 to provide \$600 million over 10 years for transit capital, are expiring. Failure by the state to provide replacement funding will jeopardize safe and reliable transit service and will result in the loss of federal funds if they are unable to be matched, which would mean a double hit for transit agencies funded primarily at the local/regional level. Therefore, it is critical that the State identify new funding sources for transit capital investments.

Smart Scale:

- As the State continues to implement the prioritization process established by HB 2 (2014), known as "Smart Scale," and the distribution formula for highway construction projects established by HB 1887 (2015), there should be adequate funding, and local authority to generate transportation dollars, for important local and regional projects.

Devolution:

- We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

Local and Regional Authority:

- We support additional authority to establish mechanisms for funding transit in our region.
- We support VDOT utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.

Water Quality

The Planning District's member localities support the goal of improved water quality, but as we face ongoing costs for remedies, including stormwater management, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective.

Funding:

- We urge aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We believe these investments include authority, funding and other resources to achieve success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent.
- We support dollars being targeted to stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices.

Stormwater Management:

- We request that any stormwater requirements be balanced and flexible, and that adequate funding and training be available for the State and local governments to meet ongoing costs associated with local stormwater programs.
- We support continued investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects.
- We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current "opt-out" provisions, or financial burdens on local governments.
- We oppose further amendments to the regulation of stormwater which would require a locality to waive stormwater charges.

Nutrient Allocations:

- We oppose efforts that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

Agenda Item No. 11. Mid-year Request for an Additional Building Inspector Position.

The Executive Summary forwarded to the Board states that the purpose of this agenda item is to request the Board authorize Community Development to increase staffing by one Full Time Employee (FTE) who will serve as a building inspector. This request is in response to a much higher workload than anticipated when the FY 18 budget was developed, as well as a recent review of the Building Inspections program by the ISO indicating a lower rating of our program is likely without additional staff being put in place.

- 1) Recent Building Activity Reports and Community Development data (Attachment A) demonstrate the workload for the building inspectors has significantly jumped in the last two years. Staff is not seeing any evidence this trend is changing. It is also noted that permit fee revenues have significantly increased and exceeded budgeted amounts by about \$282,000 in FY16 and \$362,000 in FY17.
- 2) The ISO performed a review of the Building Inspections program in spring 2017. The last ISO review was done in 2013. This information is used by many insurance companies for setting rates with both commercial and residential structures, based on the measured effectiveness of the County's inspections program. If the County's score drops, many property owners would see their insurance costs increase. While the County has always received scores that are comparable to its peer communities, preliminary results suggest the County's program would be downgraded; the primary factor was the number of inspections and plan reviews per inspector. Fortunately, this was offset by the experience and certification levels of the current staff and the County's score was maintained.
- 3) Three of the eight building inspectors are currently eligible for full retirement and two more will be eligible in the next two years. Experience has shown it typically takes two years for a trainee to become fully proficient as a building inspector. Staff retirements are anticipated to significantly reduce the County's experience level for the building inspection program and that reduction would adversely impact our program's ISO rating.

Considering all three points, staff recommends the Board authorize Community Development to add an inspector position. The cost of this position is anticipated to be fully offset by the increased permit fees seen in recent years. Additionally, given the anticipated retirements in the next few years, Community Development can easily adjust staffing levels should building activity significantly drop.

This position is anticipated to be a Grade 12 or 13 building inspector, with a first-year cost of \$98,510. This includes a recurring expenditure of \$67,610 and a start-up expense of \$30,900 for a vehicle, furniture, computer, phone and other equipment. Recognizing building fee revenues exceeded budget by about \$282,000 in FY16 and by about \$363,000 in FY 17, it is anticipated the cost of this position is fully offset by building permit fees.

Staff recommends that the Board authorize Community Development to increase its staffing level by one building inspector position. If the Board supports this request, staff will immediately begin advertising for this position, but it will not be filled until the Board approves an appropriation request that covers this expense at a future meeting.

Mr. Mark Graham, Director of Community Development, explained that the request for the new position is a result of a 45% increase in the workload over the past five years, as measured by the number of inspections performed. Additionally, he explained that three of their eight inspectors would become eligible for full retirement, two more would be eligible for early retirement in 2018, and they anticipated losing several inspectors. He emphasized that the insurance services survey had initially downgraded Albemarle's building inspection program, but the County was able to maintain its rating through the experience of staff and adjustments to the plan review program. He explained that this rating is used by insurance companies to set premiums for homeowner's insurance policies, and a low score would result in a cost to property owners, though he is not privy to the numbers. He explained that he is making this request at mid-year since it takes two years for a new inspector to be fully trained, which means they should accelerate hiring. He pointed out that they are collecting more revenue from building permit fees than budgeted, so the new position could be funded with an existing revenue surplus. He said they are only allowed to charge fees that cover the cost of the program, and if they do not hire a new inspector they will have to consider lowering the fee.

Mr. Graham said he will review what will happen if the request for a new inspector is not approved or if they hire a new inspector and the workload drops. He presented a slide with the following scenarios:

Scenario 1: Building activity maintains current levels and not funded.

- Risk of inspection oversights was high
- Staff burnout likely to increase
- Possible ISO rating drop, which could increase home insurance costs

- Need to consider fee adjustment so fees were more than program costs
- Scenario 2: Building activity shrinks to 2014 level and not funded
- Risk of staff burnout and errors diminishes
 - ISO finds acceptable inspector workload
 - Reduced revenue for future budgets
- Scenario 3: Portfolio funded and building activity shrinks to 2014 level
- Staffing reduction could be made through anticipated retirements
 - Department had proven record of making similar adjustments

Mr. Graham provided staff's recommendation as follows: to authorize Community Development to increase its staffing level by one building inspector. He said that if approved, staff would immediately begin advertising for the position, but it would not be filled until an appropriation request is approved by the Board.

Mr. Randolph said he will support this, but with the caveat that his support is due to it being budget neutral, that a trend analysis had been provided as he had requested last December, and that it is needed for retirement replacement. He stated that the trend lines presented in Attachment A were clear last fall and a request to add a position should have been made in the spring so it could have been subsumed in the overall budget rather than at mid-year, which he feels is not helpful to the integrity of the budget process. He urged Mr. Graham to provide a graph that demonstrates the number of inspections per building inspector per annum when making personnel requests in the future. He explained that this would provide an idea of the workload, productivity, and efficiency, which could help to determine how to make the lives of inspectors easier. Another statistic he requests for future requests is to divide the amount of permit fees raised per annum by the number of building inspector employees as a way to determine how efficiently they are working.

Mr. Graham replied that it is difficult to project future demand and that he conducts an estimate 18 to 30 months in advance. He indicated that he thought they were at a top in 2016, but building activity had continued to grow to record levels.

Mr. Sheffield asked how much time they would take to recruit for the position. Mr. Graham replied that he expects it to take two to three months to bring someone on board, and he had spoken with the Office of Management and Budget about an appropriation request although he expects to begin advertising and interview before the appropriation.

Ms. McKeel stated that it is really important to keep in mind that it takes two years to fully train an inspector, and that losing people is very expensive.

Ms. Palmer **moved** that the Board authorize the additional building inspector position mid-year request. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 12. Senior Center at Belvedere.

The Executive Summary forwarded to the Board states that the County received a \$2 million funding request from the Senior Center, Inc. to support the design and construction of the proposed new Senior Center within the Belvedere development off of Rio Road (the "new facility"). The new facility will replace the current facility located at 1180 Pepsi Place, which opened in 1991. The Senior Center's request for funding from the County is to pay for part of the design and construction costs for the new facility's first phase ("Phase One"). The total estimated project cost for the facility is \$23 million. The Senior Center will seek the majority of the funding required for the project from private contributions. The Senior Center purchased the land on which the new facility will be located in 2015.

The new facility will have three times the indoor space of the current facility and nearly an acre of usable outdoor program and event space. Phase One will have the capacity to meet the needs of the County's and the region's expanding senior population and will include: an equipped fitness center, two group exercise rooms, a lifelong learning suite with flexible-use, scalable classrooms, an auditorium for performing arts rehearsals and programs, a fine arts studio space, an expanded volunteer center, an expanded travel center, a café for social engagement, a game room, and several rooms for massage and other wellness and personal services.

Phase One construction is currently scheduled to start by December 2018 and to be completed between July 2021 and June 2022. The Senior Center does not plan to request funding from Albemarle County for current or future operations.

The Senior Center is a 501(c)(3) charitable institution that is eligible to receive contributions of public funds appropriated by localities pursuant to Virginia Code § 15.2-953. The Senior Center's new facility is described in the Board's capital improvement program (CIP) adopted as part of its FY 18 budget as follows:

"Funding for the Senior Center at Belvedere project is anticipated to assist in the generation of the private funding that will be used to build the center." The CIP has programmed \$500,000 contributions

from the County to the Senior Center for four successive fiscal years beginning with FY 18. The Board's Resolution of Appropriations for FY 18, adopted on May 15, included a \$500,000 appropriation for the Senior Center. The County's contributions in FY 19, FY 20, and FY 21 would be subject to appropriation by future Boards. The following is a summary of the Agreement (Attachment A); paragraph numbers below coincide with section numbers in the Agreement:

1. **Authority.** Virginia Code § 15.2-953 is the authority for the Board to contribute funds to qualifying charitable institutions such as the Senior Center.
2. **County contribution.** The County's total contribution will be \$2 million made over four years, subject to non-appropriation in future fiscal years.
3. **Purposes for which contribution may be used.** The County's contributed funds are to be used for designing and constructing Phase One of the Senior Center at Belvedere.
4. **Timing of the County's contribution.** The timing of the County's four \$500,000 contributions will be as follows: (1) when Phase One is 75% funded from all sources, and the contribution will be released from escrow when a notice to proceed is issued to the contractor; (2) a notice to proceed is issued to the contractor; (3) Phase One is 50% completed; and (4) a certificate of occupancy for Phase One is issued by the County.
5. **Circumstances when the County may require reimbursement.** The County may require the Senior Center to reimburse the contributions if: (1) the Senior Center fails to obtain a building permit by June 30, 2021; (2) the Senior Center fails to obtain a certificate of occupancy for Phase One by June 30, 2024; (3) the Senior Center loses its status as a charitable institution under IRS rules before it expends all of the County's contributions; or (4) the Senior Center ceases to own the Property before it expends all of the County's contributions.
6. **Security.** In its sole discretion, the County may record an instrument against the Property to provide security for its contribution in the event reimbursement is required because the Senior Center fails to complete Phase One. The County's instrument would be subordinate to a deed of trust recorded against the Property to secure financing from a lending institution.
7. **Obligations of the Senior Center.** The Senior Center is obligated to complete Phase One, to maintain its status as a charitable institution under IRS rules, to continue to own the Property at least until a certificate of occupancy is issued for Phase One, to diligently raise funds for the project, provide all eligible County residents with access to the new facility, and not discriminate against any person.
8. **No goods or services received by the County.** To distinguish this contribution from an expenditure by the County to procure goods or services, the County's contribution is to allow the Senior Center to design and construct Phase One in order to enable it to provide public and charitable services.
9. **Non-appropriation.** Because the Board would be making contributions in subsequent fiscal years under the Agreement, each fiscal year's contribution (beyond FY 18) is subject to non-appropriation by a future Board.
- 10-14. **(Multiple standard sections).** These sections are a non-severability provision, a statement that this Agreement is the entire agreement, a statement that Virginia law is the controlling law, a statement that any amendment to the Agreement must be in writing, and a "force majeure" clause, which extends the deadline for the Senior Center to obtain a building permit or a certificate of occupancy if some Act of God or other catastrophic event makes it impossible to meet either deadline.

Staff's opinion is that the Agreement fairly reflects the County's commitment to the project and the expected benefits to eligible County residents, while at the same time ensuring that the County's contribution will be used for its intended purpose.

Funding for the Agreement is included in the FY 18 Adopted CIP and would be appropriated at the agreed upon intervals.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the Agreement.

Mr. Bill Letteri, Deputy County Executive, reported that this item involves a formal funding agreement between the County and the Senior Center, as per the Board's decision to make a contribution to the Senior Center for its new facility. He said he will provide some background and Mr. Kamptner will then review the agreement. Mr. Letteri stated that a \$2 million request was received from the Senior Center, which is to be made in four annual installments of \$500,000. He said the facility would cost \$23 million, is an order of magnitude larger than the existing facility, and includes outdoor space for programming and events, with the majority of funding from private sources. He reminded the Board that it had approved the four-year funding plan last year in the CIP for FY 19-22. He said the Board had then directed staff to negotiate a formal funding agreement that specified terms and conditions under which they would release each of the annual payments, and that accommodated the needs of the Senior Center while protecting the County's resources. He turned the presentation over to Mr. Kamptner and expressed hope the Board would approve the attached resolution to authorize the Chair to sign the agreement.

Mr. Kamptner said he is distributing the final version of the agreement that has two changes, which are highlighted in yellow on pages 3 and 4. He said the change in Section 6 pertains to the County agreeing to release the instrument if they record a security instrument against the property and pay the cost of recording. He said the Senior Center had requested the addition of Section 14 in order to provide

it with relief if a catastrophic event such as a force majeure, or if an act of God prevents them from meeting their deadline. He reviewed Section 1, which he said identifies the Senior Center as a 501(c) (3) charitable institution, making them eligible to receive County contributions under Virginia Code 15.2-953. He reviewed Section 2, which he said calls for the County to contribute \$2 million to the center over four years and subject to future appropriations by the Board in subsequent years. He reviewed Section 3, which he said requires the funds to be used for design and construction of Phase One. Mr. Kamptner reviewed Section 4, which included milestones for when the County's contributions would be made available. He said the first contribution would be made when 75% of funding is reached and would be deposited to an escrow account to be released when the Senior Center issues a notice to proceed to the contractor. He said the second milestone would be reached when the notice to proceed is issued, the third milestone would be reached when Phase One is 50% complete, and the fourth milestone would be reached when a Certificate of Occupancy has been issued. He said it would be the responsibility of the County Executive to determine if a milestone has been reached, with evidence presented by the Senior Center.

Mr. Kamptner reviewed Section 5, which he said contains claw-back provisions in the event the Senior Center were to lose its status as an eligible 501(c)(3) or as owner of the property. He reviewed Section 6, which he said provides protection to taxpayers as it authorizes the County to record a security instrument against the property. He reviewed Section 7, which identifies the obligations of the Senior Center, including timely completion of Phase One. He stated that Sections 8 through 13 are standard contract provisions.

Mr. Dill asked why in Section 7c regarding the obligations of the Senior Center it was stated that they must continue to own the property at least until it obtains a Certificate of Occupancy from the County. He wonders why it is not for a longer time. Mr. Kamptner replied that it is just while the County is participating in the contribution, so they are dealing with the same party during the active life of the agreement. He said the Senior Center can change its organizational status or sell it to a successor entity.

Ms. Mallek emphasized that in order to receive County funding, they are obligated to continue to provide the services they had promised to provide.

Ms. Palmer indicated that she had been expecting Mr. Kamptner to make this point very clearly.

Mr. Kamptner replied that he could provide more express language, stating that the contribution is for it to be designed and constructed and clearly envisions that it would be used and made available to all County residents, but they could add a provision to eliminate any doubt.

Mr. Sheffield pointed out that as developers go bankrupt they must sell their assets, and this provision would prevent the Senior Center from selling its assets in the event it were not able to complete construction. He said that his understanding was that once construction had been completed, the County would no longer be at risk of a loss of its investment.

Ms. Palmer said she wants to make sure the County is protected in case some really strange thing occurs. She added that she wants to make sure it functions as a senior center for some length of time and they should allow the County legal department to determine what term is reasonable. Mr. Kamptner replied that the best way to deal with this would be to expressly address it.

Ms. Mallek said she would want the money back if the facility no longer functions as a senior center, and if they were to sell it, they should have to return the County's contribution in order to protect taxpayers. Mr. Kamptner said they could add a claw back agreement in the event the facility ceased to be used as a senior center, if there was Board consensus for this.

Mr. Sheffield asked if they could legally provide capital assistance to a nonprofit and then ask for the money back one year later if an asset funded by the County were sold. Ms. Palmer said she would be comfortable with a period of time that legal deems to be reasonable, indicating that it seems unreasonable to think they could control something for an indefinite amount of time. Ms. Mallek responded that it would be worth a try.

Mr. Randolph said the provision should ensure that the Senior Center remain a nonprofit organization. He posited a situation where the Senior Center is made an enticing offer by a private entity and then public access would no longer be assured. He said they should add a claw back provision that deals with a change in legal status.

Mr. Letteri pointed out that there are also private donors and they may be amenable to a claw back provision, though staff would need to engage with them to determine this.

Ms. Mallek said that perhaps the Senior Center should provide an affidavit that describes its planned operations so this could be part of the agreement.

Ms. McKeel asked Mr. Richardson for comment. Mr. Richardson responded that staff could look at what time period would be reasonable for a claw back.

Mr. Kamptner said they would consult with other donors and consider the life expectancy of the building and potential growth that would create a need for another location, in order to come up with a reasonable period of time.

Ms. McKeel commented that it appears a decision would be deferred based on what Supervisors had said.

Mr. Sheffield urged the Board not to defer the item. He listed other entities the County funds such as volunteer stations, the YMCA, and others for which had not imposed claw back provisions. He said the purpose of the closed session is to iron out these issues.

Ms. Mallek said she really wants to make sure the Senior Center lives up to what the Board is asking.

Ms. Palmer said she thinks it is reasonable to take a week to confer with the Senior Center about assurances in the contract.

Mr. Letteri said they could try to establish what period of time to have for a claw back and return before the Board on November 8.

Mr. Sheffield expressed that he cannot envision the Senior Center, which has been established for 50 years, spending \$23 million and then abandoning the facility.

Mr. Hi Ewald, Chairman and President of the Senior Center, addressed the Board and said the center had tried to give every protection they could to the County without impeding the project's success. He said he cannot predict the future, but as far as anyone on the Senior Center's Coard could tell this would be a senior center. He said he appreciates the intent to protect taxpayer dollars and expressed a willingness to establish a provision for a finite period.

Mr. Randolph commented that his father used to use the adage "never say never," and said the Board feels the need to be extra careful. He emphasized that it is good, prudent, fiscal management policy to seek a reasonable guarantee for a period of time, which he does not feel needs to be more than 10 years. He said it should protect taxpayers and not tie the hands of the Senior Center.

Mr. Sheffield stated that this seems like an eleventh hour item. He expressed a preference for a defined term over an indefinite term and said this would set a precedent for future partnerships.

Ms. McKeel asked Mr. Kamptner to put this on the agenda for November 8.

Recess. At 3:13 p.m., the Board recessed, and reconvened at 3:24 p.m.

Agenda Item No. 13. **Presentation:** FY 17 Unaudited Annual Financial Report (UAFR) and FY 17 Annual Economic Indicators Report (AEIR).

The Executive Summary forwarded to the Board states that the attached Unaudited Annual Financial Report (UAFR) (Attachment A) provides information regarding the County's FY 17 General Fund and School Fund performance as of June 30, 2017. The Annual Economic Indicator Report (AEIR) (Attachments B and C) provides an overview of FY 17 general economic conditions in the County.

Unaudited Annual Financial Report

The preliminary Unaudited Annual Financial Report (UAFR) reflects year-end data through June 30, 2017, the end of FY 17. The revenue information in the attached UAFR is organized in a way that is consistent with the revenue section of the County's budget document. Expenditure data is presented following the format of Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Line item titles in the UAFR match the line item titles in these two documents. The columns in the UAFR show FY 17 Adopted Budget revenues and expenditures, Revised Budget revenues and expenditures, as well as Year End actual revenues and expenditures. Each of these Year End figures subsequently is expressed as a dollar difference from, as well as a percentage of, the amount of the relevant dollar amount in the FY 17 Revised Budget.

Highlights of the attached report include:

<u>FY 2017 Revenues</u>		<u>FY 2017 Expenditure</u>	
Revised Budget	\$ 265,866,149	Revised Budget	\$ 265,866,149
Actual Revenues	269,345,110	Actual Expenditures	261,591,082
(including Transfers In)	_____	(including Transfers In)	_____
Amount Over (Under Budget)	\$ 3,478,960	Amount Over (Under Budget)	\$ (4,275,067)
% Difference	1.31%	% Difference	-1.61%

Details of the significant revenue and expenditure variances are found on pages 3-4 of the UAFR.

FY17 Fund Balance & Use of FY17 Fund Balance

The General Fund estimated FY17 ending fund balance will be approximately \$55,687,097. After reserving the portion of fund balance necessary to maintain the County's 10% fund balance policy and future approved/planned uses of fund balance, the anticipated balance of \$14,186,950 (equal to 5.34% of the FY 17 General Fund budget) will be available for FY 18 budget, capital projects, or other uses. The Schools Division estimated FY17 ending fund balance will be transferred to the General Fund-School

Reserve in accordance with the County's fund balance reserve policy. The \$1,975,506 estimated fund balance is below the 2% maximum reserve and will be available for School Division purposes subject to appropriation by the Board of Supervisors.

Annual Economic Indicators Report

The Annual Economic Indicators Report (AEIR) (Attachments B and C) shows the state of the County's economy. The AEIR contains data taken from FY 17 and compares this data with corresponding figures from previous fiscal years. General economic activity, as measured by six select revenue streams, grew between FY 16 and FY 17, although there was substantial variation in the performance of the revenue streams. The unemployment rate in Albemarle declined slightly between FY 16 and FY 17, dropping from 3.54% to 3.48%. This essentially flat year-over-year performance was consistent with the behavior of the national and state unemployment rates. Nominally, the County appears to have remained at "full employment." The County's jobs base, meanwhile, appears to have experienced extremely strong growth between FY 16 and FY 17. The total number of jobs jumped from 52,715 to 55,349. This growth of 2,635 positions is consistent with a very strong local labor market but, as a caveat, much of the leap in the jobs base took place in the retail sector and accommodation and food services sector, i.e., in industries that contain a large number of part-time positions. The revenue stream, unemployment rate, and jobs data suggest that the County's economy grew at a reasonably strong pace between FY 16 and FY 17, a situation that is consistent with the U.S. and state economies. The revenue, unemployment rate, and jobs projections for FY 18 suggest that the County's economy will continue to grow during the course of the current fiscal year but perhaps at a more moderate pace than in FY 17.

Revenues and expenditures data contained in the AUFR reflects the state of the County's FY 17 budget-to-actual financial performance as of June 30, 2017. Data shown in the AEIR reflects economic variables that affect the County's current and future revenues and expenditures

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

Ms. Burrell reported that these items were prepared by staff of the Office of Management and Budget, the Finance Department and the Fiscal Services office of the School Division. She recognized Ms. Lisa Breeden, Chief of Financial Management for Albemarle County, for her presence in the audience, and thanked staff members for their work. She noted that the report was unaudited, though the majority of transactions that would be included in the official, final comprehensive annual report were included in this draft. She stated that the draft audited report would be given to the audit committee on November 29 and the final report would be provided on December 6 by external auditors. She said she would briefly review highlights of revenues and expenditures as well as changes in the fund balance. She emphasized that the report only focused on the General and School Operating Funds, with information pertaining to debt service, capital projects, and special revenue funds not included, though they would appear in the Comprehensive Annual Financial Report.

Ms. Burrell presented a slide with graphs of revenues and expenditures and reported a \$7.75 million positive variance in FY17, with a total revised budget of \$265.9 million, including \$269.3 million in revenues collected, or \$3.48 million above budget. She reported that expenditures and transfers equaled \$261.6 million, or \$4.27 million below budget. She emphasized that both revenues and expenditures were within the 5% tolerance as recommended by the Government Finance Officers Association (GFOA). With the next slide she presented items that resulted in increased revenues and explained that real estate tax revenues exceeded budget by \$4.9 million, which she attributed largely to increased new construction as well as to fewer assessment appeals. Next she reported that collections of personal property taxes exceeded projections by \$2.1 million and that a strong local economy resulted in increased revenue from sales and business license taxes. She stated that federal categorical aid, which generally had corresponding expenditures, also exceeded budget.

Ms. Burrell reported that in several categories, revenues were modestly less than budgeted for, with the largest variance occurring in the budgeted use of fund balance. She stated that although for the purpose of providing legal, budgetary authority for corresponding expenditures, the budgeted use of fund balance was unnecessary. She said the net of revenues and transfers compared to budget equates to a \$3.48 million positive variance. On the expenditure side, she said the County realized savings from salary lapses over multiple departments along with significant savings in contingency accounts, as well as within other categories, equaling \$4.27 million. She said Ms. Allshouse would present to the Board next week on its General Fund FY17 estimated fund balance table, which was included on Page 8.

Ms. Burrell next reviewed revenues and expenditures of the School Division Operating Fund, which was contained in the unaudited report found on Page 12. She said the overall budget was \$173.5 million and included \$171.3 million in revenues, \$2.2 million below budget, and expenditures \$2.4 million below budget, for a positive variance of \$200,000. She stated that these figures were as of June 30, 2017. She stated that the preliminary, unaudited, financial report for FY17 provided the Board with a reasonable estimate of year-end financial results. Ms. Burrell said that Robinson, Farmer, Cox and Associates, the County's external auditor, would present audited results at the December Board meeting. She invited questions.

Mr. Sheffield commented that he is always impressed by the complexity of the County's financial reports, and asked if any department was over budget in spending for FY17. Ms. Burrell replied that she does not believe so, although Ms. Allshouse would be a better person to consult.

Ms. Palmer asked if her assumption that a discussion about potential options for the use of the positive variance funds would be next week is correct. Ms. Burrell confirmed this.

Mr. Sheffield commented that federal aid is up 125% over budget, and a discussion of why this occurred is important.

Ms. McKeel encouraged Supervisors to send staff their questions for the following week's meeting so they could be better prepared to respond.

Mr. Sheffield said his general question would be what revenues are at risk in the coming years.

Ms. Palmer said her question would be about property tax revenue expectations.

Mr. Dill noted that contingencies are less than budgeted, but construction contingencies are being used up due to increased costs.

Ms. Burrell replied that the reports she had given today were specific to the General and School funds and do not include information about the Capital Improvement Fund (CIP). She said contingencies were set aside for utilities and other General Fund contingencies.

Ms. Mallek thanked Ms. Burrell for making the presentation comprehensible and asked if she were to purchase feed at the County location of Southern States, the sales tax would go to Albemarle, Richmond, Atlanta, or to the location that contained its headquarters.

Ms. Burrell said that in general, all sales taxes that pass through Albemarle County are received by the County. She praised staff for doing an extraordinary job in making sure new businesses are aware of where they should remit taxes. She confirmed that the point of sale determines the jurisdiction for the sales tax.

Ms. Palmer asked how transient occupancy taxes are collected from an organization such as Stay Charlottesville, which is based in Charlottesville, but may represent locations in the County. She said she does not expect a response today.

Mr. Randolph referenced the budget narrative contained in the "Annual Economic Indicators Report," Attachment B, "Results and Projections." He quoted a section as follows: "The flattening of transient occupancy tax revenue minus .35%, which in Table 1 includes the transfer to tourism amount, might reflect a lull or, alternatively, might reflect the growth of new hotel space in the City of Charlottesville in the past year or so." He expressed concern that the construction of new hotels and motels, which the County had encouraged, was not factored in. He said it would be helpful to have data on transient occupancy taxes from the City to see if its tax yields were down. He commented that if both County and City revenues were down, it could be due to pressure from Airbnb. He next referenced manufacturing, which he said was not identified as a key sector on Page 4 of the report and did not appear to be a growth or declining sector. He said his ability to comparatively analyze Albemarle with similar counties would be helped if a five-year analysis of job growth, unemployment rate, government fiscal results, sales tax, business and professional license tax, recording tax, and food and beverage tax were provided. He said he suspected that other counties were seeing declines, whereas Albemarle was seeing declines and indicated that the Thomas Jefferson Planning District Commission may be able to provide regional data.

Ms. Burrell said the Auditor of Public Accounts issued the Comparative Costs Report, which lists results by jurisdiction and is available online. She said it did not provide a five-year history, though years of history are available, and offered to send Mr. Randolph a link to the report.

Ms. Mallek commented that she had been informed that a 1% budget variance in a large budget was tiny, and they should not worry about getting closer, as one big storm could blow this away.

Agenda Item No. 14. **Presentation:** Parks and Recreation Community Recreation Needs Assessment.

Mr. Bob Crickenberger, Director, Parks & Recreation, presented. He said he will share the process, methodology and intended outcomes as they move forward with the parks and recreation needs assessment. He said the study is a vision to identify important unmet needs for parks facilities and programs, adding that he wished to allow the Board the opportunity to provide feedback now rather than at the conclusion of the study. He said they were pleased to have "Pros," a national full service planning and consulting firm, as the lead consultant. He said that Mike Stetz, the Senior Project Manager for Pros, used to be Director of Parks and Recreation for the City and has an understanding of area needs.

Mr. Mike Stetz, Pros Senior Project Manager, presented. He explained that he will provide an overview of the process and obtain Board feedback. He emphasized the importance of providing regular updates in a transparent and comprehensive manner, and to obtain feedback now rather than waiting until the end. Mr. Stetz presented a list of the following desired outcomes:

- Engage Albemarle County community, leadership and stakeholders through innovative, multi-lingual public outreach.
- Utilize a wide variety of data sources and best practices.

- Determine unique level of service standards to develop appropriate actions to support current planning efforts and community needs.
- Shape financial and operational preparedness through innovation and “next” practices.
- Create a realistic, prioritized implementation road map that represents the community.

Mr. Stetz said that a statistically valid survey was in progress, with results expected around Thanksgiving. He indicated that by “unique levels of service,” he is referring to what is most important to a community. He stated that Parks and Recreation is never in a position to be able to provide everything to everybody, and the determination of what is most important is critical to the process. He emphasized the importance of making sure they have the financial capacity to implement programs in the short, mid, and long-term.

Mr. Stetz recalled that Pros was a lead consultant when he worked for Charlottesville, which had resulted in many improvements, and he said the firm has been in existence for about 20 years, with consulting work performed throughout the country. He listed several Virginia localities for which Pros had worked on master plan needs assessment projects. Mr. Stetz noted that Land Planning and Design is a sub-consultant based in Albemarle County that focuses on parks and facilities assessments and capital cost estimating, with the ability to provide technical detail levels of assessment. He said the ETC Institute is a firm they have worked with on over 400 projects and will be administering the survey.

Mr. Stetz reviewed the proposed Community Values Model process involving assessment of six areas: community mandated priorities, financial revenue, standards, partnerships, levels of service, and governance/organization. He said they will review prior planning efforts made by Charlottesville and Albemarle to create a foundation around which the plan will be built. He reviewed key questions to ask: Where are we today? Where are we going tomorrow? How do we get there? He said there would be a collaborative public input process with four key aspects: curiosity, clarity, creativity, and confidence. He reviewed four steps of the public input process, which will involve focus groups with stakeholders, user groups, and partners, interviews with key leaders, public meetings to gather community priorities, and intercept surveys. He said they are seeking at least 350 geographically and demographically representative responses for the statistically valid survey. He emphasized how they would analyze similarities and differences between surveys of those in the growth areas in comparison to other areas of the County.

Mr. Stetz said Land Planning Design is gathering information on existing parks, facilities and trails. He said they will treat trails as a different system and expects the survey to demonstrate trails to be of the highest need in the community. He emphasized that parks are set up to provide different experiences, with an idea to provide a balance of park typologies to meet the experiences people are expecting. He said the assessment of levels of service would not only analyze current services provided, but look at where they need to be 10 years in the future. He explained the benefit of using zoning maps to identify gaps in service and provide an understanding of where there are opportunities to develop parks in the future as well as to determine where overlaps exist. Mr. Stetz stated that he is hesitant to do benchmark comparisons, as it is difficult to compare apples to apples, and he would prefer to shift dollars allocated to benchmarking to a study of staffing, though they would be more than happy to conduct benchmark comparisons if they could find several that would work. He next explained that they would conduct a partnership analysis to make sure they are mutually beneficial and that neither party feels as though they are being taken advantage of.

Mr. Stetz reviewed program assessment and revenue recovery, which he said would involve a review of programs to determine if they are best meeting community needs and where they are in the lifecycle. He said they would use a classification methodology based on level of benefit to classify services, with some that are heavily taxpayer funded and others that are supported through user fees. Mr. Stetz stated that this would provide a justification to create a pricing policy based on level of benefit. He said they would conduct a maintenance assessment and look at staffing levels, maintenance standards, task time analysis, and several other factors. He said they would use all of this information to provide a data-driven list of prioritized needs.

Mr. Randolph pointed out that one of the listed priorities is adult fitness and wellness, and that this will also include fitness and wellness for seniors. He asked if they would take into account the fact that the County has committed \$2 million to the Senior Center, to factor in duplication of services so the County would not be unintentionally competing with itself.

Mr. Stetz replied that this ties in with levels of service inventory, which determine what is publicly accessible. He said the system should be right-sized and not overbuilt to the point where they compete with partners.

Mr. Stetz next reviewed how they will determine total cost of ownership, which would include capital investment, operations and maintenance, and lifecycle replacement. He reviewed the Capital Improvement Plan, which will be presented in three buckets: repair, renovate, and redo. He said the repair bucket will involve lifecycle replacement and will analyze expanded services that can be provided within the existing park system to meet a community need. He explained that the redo bucket is for big picture items, such as purchasing land and developing additional parks and facilities. He said they will work with the County to identify the best, most implementable and sustainable funding strategies. He explained they can assess the economic impact a facility such as a multi-purpose sports complex, would have. He explained that the ultimate result would be an action plan matrix that involves goals, strategies, and tactics as well as determining who is responsible and when something should be done and prioritized.

Mr. Dill asked how they incorporate new sports and activities in their assessments, with pickle ball and nature activities for the emotionally disturbed as examples. Mr. Stetz responded that they could tap into data sources that tap into trends and take these into consideration.

Ms. Palmer identified two key needs that had been brought to her attention by constituents: soccer fields and conveniently accessible trails. She identified dog parks as another need, as it was estimated that 36% of households have dogs and there is a lack of room to exercise dogs in urban areas.

Ms. Mallek asked if they took past assumptions into account, such as a decision made many years ago to focus on lakes rather than having swimming pools. Mr. Stetz stated that the needs assessment is a potential game-changer for how parks and recreation is viewed, as past philosophical directions and decisions are based on a different population demographic.

Ms. Mallek asked if the assessment would fold in other nearby facilities that may not be under the jurisdiction of Parks and Recreation, and asked if there is a fourth bucket for situations where land has been donated to the County but a facility had not been opened. Mr. Stetz responded that the inventory will include publicly accessible facilities and not country clubs and private HOA facilities. He indicated that land donations would fall within the third bucket, which looks at park development and land acquisition.

Ms. Mallek asked if the statistical survey would only include County residents. Mr. Stetz confirmed this.

Agenda Item No. 15. **Presentation:** Lewis and Clark FY 19 Funding Consideration.

The Executive Summary forwarded to the Board states that in March 2013, the Lewis and Clark Exploratory Center (LCEC) advised the County that its fundraising efforts had fallen short of its goal and requested a total of \$260,000 in assistance from both the City and the County to ensure that the Lewis and Clark educational building, an access road and parking area, and a connecting trail network at Darden Towe Park were completed.

On April 3, 2013, the Board of Supervisors approved an appropriation of \$130,000.00 in CIP fund balance to the Economic Development Authority (EDA) for the purpose of funding a loan for the Lewis and Clark Exploratory Center, subject to: 1) an agreement between the County and the EDA regarding the EDA's reimbursement of the funds to the County when the LCEC repaid the loan to the EDA; 2) a note or some other instrument acceptable to the County Attorney by which the LCEC would agree to repay the loan to the EDA with a specific time table; and 3) the City of Charlottesville contributing or committing to contribute the other \$130,000 required to make up the \$260,000 shortfall. By previous action, the Board and EDA have extending the due date for the loan on multiple occasions due to the LCEC's inability to repay the loan.

Representatives of the LCEC Board have drafted a request of the Board (Attachment A) to assist them with the repayment of this loan. Sally Thomas, LCEC current President will address the Board at the November 1st meeting. The County could provide a donation in the amount of \$130,000 plus any unpaid interest and late fees from the CIP Fund fund balance to the EDA on behalf of the LCEC conditioned upon the donation being used to pay off the loan. This donation would require a Board approved appropriation from the CIP Fund fund balance. Upon the repayment of the loan, pursuant to the agreement between the County and the EDA, the EDA would return the \$130,000, as well as all interest and late fees collected to date, back to the County. The Board could then appropriate the proceeds back to the CIP Fund fund balance. An appropriation would be brought to the Board in December to fund this option. Alternatively, the Board could direct LCEC to return to the EDA to renegotiate an extension to the existing loan. In addition to the request letter, the attachments include unaudited financial statements of the LCEC.

If the Board decides to make a donation to LCEC and the funds are applied against the outstanding loan, the EDA will then return these funds to the County which will offset the donation and return the funds to fund balance.

This item is for the Board's consideration and is not making a recommendation.

Mr. Bill Letteri presented to the Board. He introduced Ms. Sally Thomas of the Lewis and Clark Exploratory Center and explained that she is seeking a County donation to curtail the center's loan with the County. He said the County had provided a VDOT pass-through enhancement grant, which was largely responsible for allowing the building to be constructed. He explained that the contractor had encountered rock during excavation for the road and parking areas, which had led to a cost overrun. He explained that the Center had requested and was granted \$130,000 loans from both the City and County, which enabled the project to be finished. He said the Center had not been able to raise enough in donations to pay off the loan, which had undergone three extensions.

Ms. Sally Thomas addressed the Board and thanked the County for its funding assistance which made completion of the road possible. She extended her personal welcome to the new County Executive and invited him to visit the Lewis and Clark Exploratory Center. She recognized Members of the Board of Directors who are present, including Dianne Amatucci as Vice-President, Ken Boyd as Treasurer, Chauncey Hutter, and John Conover. She said they have been in the new building for a year and a half

and have discovered what they can and cannot do and have lots of ideas as to how to increase and improve operations.

Ms. Thomas stated that visitation to the center had been robust and she provided an example of how they obtain revenue from sources such as renting the space for a wedding, but said the center relies on grants and donations for most funding. She said she is pleased to announce that they were able to raise sufficient funds to obtain a challenge match of \$30,000 from the Perry Foundation. She explained that most grants have strings attached, and the Perry Foundation grant was required to go towards safety improvements to the parking lot, road, and building site. She said they pay \$10 to the County annually in a lease, though they are owned by the County. She said construction began in 2011 with a budget of \$1.25 million, of which \$500,000 was allotted to the LEED qualified building, \$750,000 was allotted to grade and install the access road and parking lot, with a 15% contingency built in. She said they were awarded \$800,000 in a Transportation Enhancement Grant as a federal earmark with the remaining \$450,000 raised from private donations.

Ms. Thomas stated that things had been going well until the construction company, Mathers, encountered rock and indicated that blasting would not be an option as the building had already been sunk into the ground and there were surrounding playgrounds. She said that a more expensive option that cost \$260,000 had to be utilized to remove the rock. She said the City made a loan, but six months later had decided it would change this to a grant if the County did the same. She said the Economic Development Authority had been patient with them, despite the reality that as a nonprofit they would never make a great profit or employ many people, although they could be a potential boost to tourism. She said the number of out of town guests had dwindled, but appears to have spiked up recently.

Mr. Dill asked if she has a sense as to how many people go down to the river from the Lewis and Clark Exploratory Center. Ms. Thomas replied that some people take a nap in the parking lot while some take their boats to the river to fish. She said the architect commented that it was amazing how many people use the center as a portal to the river. She said they have a trail they had improved that leads to an old quarry, with an accompanying lesson plan for teachers who wish to teach geology.

Mr. Dill said he views the center as having more of an educational aspect than as a museum or historical site.

Ms. Mallek expressed her support for the request, commenting that they delivered \$1.6 million in assets between the building, road, and parking lot. She noted that she serves on the Board of the Lewis and Clark Exploratory Center.

Ms. Palmer indicated her concern is that the Center may not be able to raise sufficient revenue to continue operations and that the County might eventually have to take over the facility. Ms. Thomas replied that they have been successful with fundraising, although this is something they would have to do year after year. She said they have a very creative Executive Director, which is essential for grants writing as it is necessary to pique the interest of the donor, and she offered to bring the business plan to a future meeting.

Ms. McKeel asked if there are other loans the Center is paying off. Ms. Thomas said they are repaying the EDA \$625/quarter and a loan to the brother of founding member Fran Lawrence in the amount of \$707. She said that in both cases they are paying principal, not interest.

Ms. McKeel invited the Chair of the Economic Development Authority to address the Board.

Mr. Rod Gentry, Chair of the Albemarle County Economic Development Authority, said that in his mind, as a banker, a loan was made to be repaid, and if it could not be repaid it means the business is not viable. Mr. Gentry said it is not a good practice, especially with taxpayer dollars, to give money to a business that is not viable. He said they want Lewis and Clark to be tremendously successful and they have extended an offer to make incredibly generous repayment terms. He said that although he understands the complications that have occurred, his opinion is that the business plan was very flawed from the beginning, although he understands it may have been adjusted. He said the EDA unanimously disagreed with the notion of forgiveness and said it also does not seem appropriate to forgive the County's debt, but not an individual's debt.

Ms. Palmer said she is inclined to forgive the loan but feels that some type of performance standard should be established. She asked if, in the event Lewis and Clark were to cease operations, the County would get the building.

Mr. Kamptner replied that the lease agreement provides the County with the option to require the Lewis and Clark Exploratory Center to remove the building, but if they were to go out of business they would not have the resources to remove it.

Mr. Gentry said the \$130,000 would not put the Center out of business, and the circumstances that took place were the same things any business would confront and have to overcome, but they do not have the option of asking a bank for loan forgiveness. He said they were told some things early in the process that led them to believe revenues would be higher than what they had been. He said it is time for a reset and they would bend over backwards to help figure out a way for them to make the repayments.

Mr. Ken Boyd, former Supervisor, addressed the Board and said he was taken aback by the needs assessment of the Parks and Recreation Department. He said he had been in the room during the

meeting between Larry Davis and Tom Foley, and it was always their intent to make this a gift and not a loan, although legal aspects required that it be in the form of an Economic Development Authority loan. He said he had known Mr. Gentry for many years and had appointed him to the EDA, but he disagrees with his assumption in this case. He expressed an understanding of Mr. Gentry's perspective, but in this case it was always intended as a grant and they went through the EDA based on legal advice.

Mr. Dill agreed with Mr. Gentry's logic that a business owner would be expected to repay a loan. He expressed his view that the government's role differs from that of a private bank and the request was to rectify a mistake that was made, as the County would not have a nonprofit be responsible for putting in a road and blasting rock on County property. He said the County would supervise the work and would have a contingency for problems and should have paid for this in the beginning. He pointed out that they are getting a road, access to the river, and a dog park.

Ms. Mallek stated this was the poster child for the realization that the County had to have its own onsite project manager for everything. She said they do a much better job now of handling long-term capital projects. She said another poster child for doing things differently was \$200,000 for tennis court construction at Crozet Park, which was reallocated by the Board to the Crozet Park Board, which leveraged \$1.2 million in donations and in-kind work to get the park building improved so the YMCA could move in. Ms. Mallek stated that this has been an incredible asset for the western half of the County's recreation assets. She said she would not use the word "forgiveness," but views it as buying back or recognizing the investment. She said that for \$130,000 investment they have received a facility valued at \$1.7 million and expressed support for loan forgiveness.

Mr. Randolph stated that it would set a terrible precedent for Albemarle County to wash an EDA loan. He said it would establish a moral hazard issue and that, despite what the discussion was historically, the reality is it was a loan. He expressed support for an effort to boost the fundraising capabilities of the Center, stating that there had been a need for a better marketing study in the beginning. He expressed support for directing the EDA to renegotiate and extend the existing loan, commenting that it is a little bit of "pie in the face" to learn that a private loan is being repaid yet the loan from the EDA is not being repaid.

Mr. Sheffield said it would be interesting to see more than just a year and a half of progress to see where they are headed to help the County identify ways to help promote greater use.

Ms. McKeel described the EDA offers as "generous" and encouraged Lewis and Clark staff to go back to the EDA, as she is confident they will work with them. She said they all want the center to be successful and she supports what the EDA is recommending.

Ms. Palmer encouraged the Lewis and Clark Exploratory Center staff to sit down with the EDA representatives. She said if she were to change her vote from last time it would be 3-3 and not go anywhere, but is very inclined to do something with the loan in the future.

Mr. Letteri interjected that the EDA will meet in November and entertain an extension and then come before the Board in December.

Agenda Item No. 16. **Presentation:** Commonwealth Attorney Position Request.

The following letter was received by the Board:



**OFFICE OF THE COMMONWEALTH'S ATTORNEY
for the
COUNTY OF ALBEMARLE**

ROBERT NEIRA TRACCI
COMMONWEALTH'S ATTORNEY

October 25, 2017

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KARI K. MUNRO

Board of Supervisors
County of Albemarle, Virginia
401 McIntire Rd
Charlottesville, VA 22902

Dear Chair McKeel and Albemarle Board of Supervisors,

The following letter is intended to provide the Board of Supervisors with additional information concerning the operation of the Albemarle County Commonwealth's Attorney's Office as it considers approving supplemental support to a full-time Assistant Commonwealth's Attorney position approved by the State Compensation Board in July. The County Executive's Office suggested that I submit this letter in lieu of an Executive Summary prepared by that office.

The Albemarle County Commonwealth's Attorney's Office (CAO) is dedicated to pursuing justice and protecting the rights and safety of our citizens and residents. As part of that mission, the CAO works to enhance public safety and welfare through the vigorous enforcement of criminal laws in a fair, ethical, and just manner. In order to accomplish this mission, the Commonwealth's Attorney and Assistant Commonwealth's Attorneys maintain a proactive role in the community by working with our law enforcement partners and community members to identify, divert, and prevent crime while prosecuting matters with integrity, judgment, and fairness.

I am cognizant of the tax burdens imposed upon Albemarle citizens. This office works with other entities to ensure collection of court and administrative costs. Some of these fees help

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offset supplemental county support provided by Albemarle County taxpayers.¹ This office is grateful for the supplemental support provided by the citizens of Albemarle County and authorized by the Board of Supervisors, and is appreciative of the relationship it has with the Board and County Executive’s office.

CAO Workload, Personnel, and County Support

The caseload of the CAO has increased steadily in recent years, as has the complexity of criminal threats to Albemarle residents. In addition to the Commonwealth’s Attorney, the office currently employs six full-time Assistant Commonwealth’s Attorneys (one position is vacant), a part-time Assistant Commonwealth’s Attorney (approved in FY 2013 and supported entirely by the county), a paralegal, three legal assistants and one Office Associate. While I would *never* condition the prosecution of misdemeanor drunk driving or domestic violence cases upon an increase of county funds, county support helps ensure the recruitment and retention of the outstanding legal representation to which are citizens are entitled.

Significant Program Changes or Requirements

Child Protection

The CAO has attached greater priority to protecting children, strengthening efforts to identify and prosecute online predators, and prosecuting those who produce, distribute or possess sexually explicit images of minors. This will require additional training and public outreach. This office is aggressively prosecuting crimes against children and has placed additional emphasis upon child pornography offenses.

Sexual Assault Resource Team (SART)

In 2009, Commonwealth’s Attorneys were provided statutory responsibility to coordinate a multi-disciplinary response to sexual violence in their communities. In consultation with the Sexual Assault Resource Agency (SARA) and others, the CAO is working to expeditiously reauthorize a Sexual Assault Resource Team (SART) to facilitate identification and

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	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18 YTD
Fines Collected	123,576	121,171	119,720	119,917	125,646	126,157	120,374	77,994
Expenditures								
Payment to State	-	61,228	57,995	59,106	59,250	61,999	64,379	59,764
Transfer to County for PT Attorney	-	-	60,000	60,000	60,000	60,000	60,000	-
Total	-	61,228	117,995	119,106	119,250	121,999	124,379	59,764
Annual Balance	123,576	59,943	1,725	811	6,396	4,158	(4,005)	18,230
Fund Balance	123,576	183,519	185,244	186,054	192,450	196,608	192,604	210,833

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prosecution of sexual crimes. CAO participation in the SART and formalization of protocols will require additional training of law enforcement personnel and enhanced cooperation and coordination with our partners throughout our community, including the University of Virginia. A Memorandum of Understanding incorporating UVA into this response was signed on October 13, 2016.

Elder Abuse and Exploitation

Albemarle County is among the best places in America to retire and should be among the safest. The Jefferson Area Coalition to End Elder Abuse and Exploitation was established on June 15, 2016. The establishment of this coalition has resulted in enhanced communication among interested parties, and enhanced prosecution of those who commit crimes against the elderly, including those who reside in assisted living facilities.

Crime Prevention and Community Outreach

The CAO is seeking to expand its effort to identify and prevent crime. The CAO intends to take a more proactive role in these efforts, including the Gang Reduction through Active Community Engagement (GRACE) initiative. GRACE is a comprehensive Gang Model endorsed by the Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Model's "key distinguishing feature is a thorough strategic planning process that empowers communities to assess their own gang problems and create a complement of anti-gang strategies and program activities."² The CAO has attached greater priority to efforts to reduce or prevent crime through community outreach, education, and engagement. Earlier this year, I joined the Executive Board of this organization.

Criminal Justice Reform

The CAO also strives to improve the quality of the criminal justice system by assessing and advocating legal reforms. These include expansion of the DNA Database, mental health, lethality assessment, crisis intervention, and the implementation of a mental health therapeutic docket that is likely to be authorized by the Virginia Supreme Court in the near future. This office has also sought enhanced criminal penalties for driving offenses.

Memorandum of Understanding

The CAO continues to explore a Memorandum of Understanding with the County of Albemarle that would protect the distinct constitutional autonomy of this office, ensure adequate resources and support, and provide greater flexibility to ensure that CAO employees are compensated in a manner commensurate with their responsibilities.

²https://www.albemarle.org/upload/images/forms_center/departments/Police/forms/GRACE_Executive_Summary_03.08.14.pdf

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Supplemental Support

In January and February 18, 2016, I wrote the Board to highlight the workload and priorities of the Albemarle Commonwealth's Attorney's Office for the upcoming fiscal year. In these letters, I requested county support for two additional Assistant Commonwealth's Attorneys and one Legal Assistant.

I am fully cognizant of the tax burden carried by Albemarle citizens, and have sought alternative sources to help alleviate this burden. As a result, I have repeatedly requested additional support for full time assistant attorney positions from the State Compensation Board. In June of this year, the Board approved an additional full time Assistant Commonwealth's Attorney position for this office. These funds have been disbursed but not yet been expended. Given the cost of living in Albemarle County and to help attract and retain the legal representation our community deserves, I request that this attorney be provided the supplemental made available to all other attorneys in this office.

The estimated salary for this position would be around \$80,000-\$95,000.

- Salary - \$80,254-\$95,000
- Benefits - \$28,313

New Comp Board approved funding - \$54,956

Therefore, the County Supplement would be - \$53,605-\$68,605

Additional costs associated with parking, training, office supplies, computer, furniture, etc. are also requested. These expenses include: training \$1,300; books \$400, parking \$240, bar dues \$500, and other one-time expenses including a phone, computer, and printer.

Thank you for your consideration of this request.

Respectfully,



Robert N. Tracci

Mr. Robert Tracci, Commonwealth's Attorney, presented. He said the request is to fully supplement support for the newly authorized full-time Assistant Commonwealth's Attorney. He expressed appreciation for the support the Board provides to his office and stated he would never condition the prosecution of any case upon support for the office. He expressed appreciation for the cooperative relationship he has with the Board and County staff. He referenced a letter he submitted to the Board which emphasizes some new priorities of the office. Mr. Tracci expressed pride in his office for breaking new ground, in particular with the mental health docket to be implemented soon, which will reduce costs to the Police Department and ensure that those who require mental health services receive the necessary support. He recalled his last request for a new staff member in 2015 when he talked about the increased case load and how Albemarle compares to similarly sized jurisdictions.

Mr. Tracci stated that he was asked at that time why he had not approached the State Board of Compensation to ask for additional support and that soon after that meeting he wrote a letter to that Board, which approved a new position earlier this year. He expressed his belief that this was the first time in 20 years the State Board of Compensation had approved the addition of a position. He acknowledged the burden that is already being borne by County taxpayers, which is why he requested and received support in Richmond. He emphasized that he is not seeking authorization for a new Commonwealth's Attorney, but for a supplement to ensure the attorney receives a competitive salary and enables them to recruit the kind of legal talent the community deserves. He said the supplement would be consistent with the supplement provided to every other assistant commonwealth's attorney in the office. He commented that the community has seen a spike in violent crime over the last year and that community safety is the first priority of government and asked the Board to help ensure security and safety by supporting the supplement. He invited questions.

Mr. Randolph stated that a spike is not a trend. He noted that Mr. Tracci had provided an explanation as to how the funds would be used, but has not specified the duties and responsibilities of the new assistant commonwealth's attorney. Mr. Tracci concurred that a spike is not a trend although the County has had five homicides this year compared to one last year. He explained that the threats to the community are increasingly complex, such as gang violence, which he hopes is just a blip and not permanent. He said he does not believe they have the luxury to assume these threats would not continue, and he wants to make sure the attorney is qualified to handle some of the complex felony events in the community, ranging from misdemeanor offenses to violent felonies.

Mr. Randolph asked if it is not the case that Gang Reduction through Active Community Engagement (GRACE), Thomas Jefferson Crime Task Force, Virginia State Police, Drug Enforcement Agency, and Federal Bureau of Investigation operate with the Charlottesville and Albemarle police in a regional effort to address issues of crime, organized crime, opioids, and gang violence. Mr. Tracci confirmed there is a multi-jurisdictional approach to some of these issues. He recognized Ms. McKeel for being a very important voice with respect to GRACE, of which he is pleased to serve on the executive board, to ensure they are proactive in identifying gang threats and diverting people from the criminal justice system before they engage in violent activity. He said they cannot incarcerate everybody and must be smart, selective, and aggressive.

Ms. Palmer asked if the salary is higher than for some other attorneys. Mr. Tracci replied that this is not really the case, noting that his office is looking for someone with extensive felony docket experience.

Ms. Palmer asked Mr. Tracci to comment on the resources the mental health court would require. Mr. Tracci said he will personally deal with this docket. He stated that it will require them to look at issues in a new way, such as considering the mental health needs of defendants and making decisions after a defendant pleads guilty, passes through a therapeutic docket team, and is evaluated.

Ms. McKeel asked for confirmation that he has the position and is asking the Board for a supplement. Mr. Tracci confirmed that the position was authorized by the State Board of Compensation in June, and funds had been appropriated and transmitted to his office.

Mr. Dill said it seems to him that this is a human resources issue more than a budget issue, and asked why this had come separately from other human resource requests made at budget time. Mr. Letteri replied that they learned about this in October and it was not in time to get into the budget cycle. He said they are currently in the two and five-year budget processes and there was an opportunity to incorporate this request into that process so they can understand and compare this request to others.

Ms. McKeel stated that she would like this to rollover into the budget process so it can be evaluated along with other budget requests, adding that going outside the budget process concerns her.

Ms. Palmer commented that if they were to approve this during the budget process, the funds would not be available until July 1, and to provide funding earlier they would have to find funds from somewhere.

Ms. Mallek asked Mr. Letteri if they have identified a source of funding. Mr. Letteri responded that it will likely be from the reserve for contingencies.

Ms. Mallek recalled this issue coming up during last year's budget discussion in the spring. She said it is important to her that caseloads be manageable so that non-headline grabbing matters can be addressed and expressed her preference that they provide funding now rather than waiting until July.

Mr. Dill expressed agreement with comments made by Ms. Mallek. He said that in the future the positions of law constitutional officers should go through the normal human resource and budget process. Mr. Tracci replied that he is completely amenable to the request of Mr. Dill and is presenting today because Mr. Letteri had suggested it was an appropriate time.

Mr. Sheffield indicated that he does not agree they should wait until the budget process to staff positions, as many offices try to project needs 18 to 24 months in the future. He pointed out that there is a two-year plan in next year's budget and they had agreed to add a position, and in the current budget Mr. Tracci had asked to accelerate this last year to upgrade a position per the FY19 expectation. He said they would have a decision to make about FY19, as this was a plan that they all agreed on. He noted that the Commonwealth's Attorney Office FY17 budget was \$118,000 under budget and \$140,000 under budget in FY16. He asked why this was and if these funds could be utilized for the supplement. Mr. Tracci replied that he did not know right offhand. He said that when he assumed office there had been a very ambitious renovation scheduled, which he had cancelled because he determined it was not necessary, resulting in substantial savings totaling over \$100,000.

Mr. Letteri added that it was the cancellation of the renovation and some hiring lapses.

Mr. Sheffield commented that if there is excess left over in the budget they should tap into this.

Ms. McKeel asked if Mr. Tracci could look into this and return before the Board with this information to help Supervisors in their decision making. Mr. Tracci stated that the operating assumption and the first priority of his management of the office is that they are stewards of the taxpayer trust. He said taxpayers are burdened more than ever before and they need to be cognizant of this.

Mr. Letteri emphasized that the budget surplus was due to one-time savings and funds would not necessarily be available ongoing, although there had been savings that could be applied to funding the position this year.

Mr. Sheffield said that if the Board follows the plan to add to the position in FY19, they would be collecting revenues for a position that could have existed January 1, which aligns with what Mr. Tracci is requesting. He said he would like to see if they are on track to be under budget again in FY18 to

determine if they can find funding from this budget. He asked if they could also provide the Two-Year Fiscal Plan, which would be helpful to educate as to where they had agreed the office is heading.

Mr. Letteri agreed to come back with recommendations as to how they might fund the position with one-time savings and ongoing in the future.

Mr. Randolph said he is inclined to support Mr. Tracci and that they all have a desire for accountability and to ensure a good judicial process, which was premised on having the Commonwealth's Attorney bringing cases before the courts. He said he would find it helpful to review the caseloads per attorney over the past five years and where the new attorney position fits in. He said it would also be helpful to see figures on the number of convictions per case as a way to assess how they are functioning as a department. Mr. Tracci replied that it would be very difficult to compile caseloads per attorney. He said there are figures from the Clerk of the Supreme Court that identifies the number of sentencing events in the General District and Circuit Courts. In response to Mr. Randolph's comment that the Commonwealth's Attorney office is a County department, he replied emphatically that it is not, which for the very important reason that in the state constitution, prosecutorial authority is vested in an independently elected representative to ensure that politics never inform prosecutorial decision making.

Mr. Randolph said they are treating Mr. Tracci's office as a department in the sense of equal and equitable treatment, and he is asking that he recognize they are trying to use the same kind of measures to evaluate performance when his office is asking for authorization of County taxpayer funds. Mr. Tracci expressed hope that there is recognition that the Commonwealth's Attorney office is uniquely different from other departments and any other organizations the County provides financial support. He said it has been this way since the Board began supporting his office, and he would like to know what has changed and if this is the new direction for his office in terms of demanding that he provide detailed information on what each attorney is doing in order to obtain future support.

Mr. Randolph stated he does not think anything has changed, and if Mr. Tracci's predecessor or successor were to come with the same request he would have the same expectation. He said the Board is trying to figure out a way to provide funds and to measure whether funds would be used in a meaningful way, which is his responsibility to constituents. Mr. Tracci replied that they will provide information on caseloads although this is the first time he has heard this request.

Mr. Sheffield asked Mr. Tracci if he had to provide some metrics to the state when he asked for funding and if he could provide the same metrics to the Board. Mr. Tracci replied that he provided docket figures to the state and could easily do so.

Ms. McKeel commented that while the Commonwealth's Attorney office is not a department, she sees a connection as a department because of the healthcare benefits. She said she would like to have a better understanding of how this all works.

Mr. Letteri commented that he thinks Mr. Tracci understands the relationship with the pay plan and that they have made good progress in revising the memorandum of understanding.

Mr. Tracci emphasized that the memorandum of understanding explicitly insulates the Commonwealth's Attorney from political pressure, adding that he is trying to build a "wall of separation" between those who legislate and those who enforce the law.

Ms. Palmer commented on the importance of having a wall of separation as mentioned by Mr. Tracci.

Agenda Item No. 17. Closed Meeting.

At 4: 54 p.m., Mr. Randolph **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1), to discuss and consider appointments to boards, committees, and commissions in which there were pending vacancies or requests for reappointment; and to discuss the performance of the deputy county executive while he served as interim county executive; under Subsection (3), to discuss and consider the disposition of County-owned real property located in the Crozet area, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about the preservation of historical records and historical artifacts. The motion was **seconded** by Mr. Sheffield.

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

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

Agenda Item No. 18. Certify Closed Meeting.

At 5:32 p.m., Mr. Randolph **moved** that the Board certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. Palmer.

Call to Order. At 6:14 p.m., Ms. McKeel called the meeting back to order and announced that Ms. Palmer had left the meeting to attend to a family matter.

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

Mr. Dill **moved** that the Board appoint/reappoint the following individuals to boards and commissions:

- **reappoint** Mr. Roger Schickedantz, Mr. Daniel Heuchert and Mr. David Storm to the 5th & Avon Community Advisory Committee with said terms to expire September 30, 2019.
- **appoint** Mr. Craig Roller and Mr. Glen Michael to the 5th & Avon Community Advisory Committee with said terms to expire September 30, 2019.
- **appoint** Mr. Benjamin Baer to the Agricultural and Forestal District Advisory Committee with said term to expire April 17, 2020.
- **appoint** Ms. Sara Robinson to the Pantops Community Advisory Committee with said term to expire June 30, 2019.
- **appoint** Mr. Jeffrey B. Richardson to the Rivanna Solid Waste Authority with said term to expire April 2021.
- **appoint** Mr. Jeffrey B. Richardson to the Rivanna Water and Sewer Authority with said term to expire April 2021.

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

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

NAYS: None.

ABSENT: Ms. Palmer.

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

There were none.

Agenda Item No. 21. **Presentation:** Hydraulic/29 Small Area Plan – Draft Plan Presentation.

The Executive Summary forwarded to the Board states that at its meeting on October 17, 2017, the Planning Commission reviewed and provided comments on a draft Hydraulic Small Area Plan (SAP). The Executive Summary and staff analysis presented to the Planning Commission are attached. Staff notes the accelerated schedule for this work is to accommodate a June 1, 2018 deadline for submitting a preliminary “Smart Scale” application to VDOT that requests funding of anticipated road improvements associated with this SAP.

Given the limited time since the Planning Commission review, it was not possible to provide draft minutes of the Planning Commission’s consideration. Staff will provide an overview of comments as part of its presentation, but notes the Planning Commission was supportive of the staff recommendation for initiating a Comprehensive Plan Amendment for the Core Area of this SAP.

Staff recommends the Board endorse the Hydraulic Small Area Plan for consideration as a Comprehensive Plan Amendment (CPA) that is limited to the Core Area, as shown in the plan. Staff anticipates this will be an abbreviated process and a CPA will be presented to the Board by May 2018 for consideration.

Mr. Graham stated that he will provide an overview of the plan that had been developed through a contract with the Metropolitan Planning Organization, as well as share the perspective of the Planning Commission and establish next steps.

Mr. Graham presented a slide listing several following factors pertaining to why there was VDOT interest in an accelerated schedule for the plan:

- Building on the success of Route 29 Solutions, there was an opportunity to address Hydraulic/29 area while still mobilized.
- Smart Scale application deadline of June 2018 means a rapid action is required or a need to wait until 2020.
- Recognition that land use and transportation planning must be integrated to have an effective solution that scores well for a Smart Scale application.

Mr. Graham stated that the Advisory Panel and consultant had developed a vision statement which contains the following four elements: Strong Sense of Place, Support a Vibrant and Dynamic Economy, Connected by Efficient Multi-Modal Transportation System, and Environmentally Sustainable Development. He said they developed a framework for a 50-Year Plan with a street network grid, connected open space features, and a central public place. He said that from this they developed a Conceptual Land Use Plan which matches closely to the existing Comprehensive Plan, with the most significant difference being more emphasis on mixed-use development. From this he said they developed a Core Area Plan which he said is the heart of the matter of what they are trying to do. Mr. Graham presented an architectural drawing of the plan, with numbers representing specific features, and he pointed to the proposed multi-modal Zan Overpass, which will allow pedestrians and cyclists to easily cross back and forth. He pointed to the Sperry Property, where they plan mixed-use development, and said they want to provide an integrated connection of green spaces.

Ms. McKeel wished to clarify that Northrop Grumman is not being hurt by this and is excited about having a pedestrian and bicycle bridge. She said they had looked at the plans and felt that everything was good. Mr. Graham stated that the Core Area Plan only affects two property owners: Stonefield and Northrop Grumman.

Mr. Dill asked where the Zan Road Bridge lands on the east side. Mr. Graham replied that it is a little further north than the existing Zan Road and is proposed to be along the masonry wall line between the Stonefield and Northrop Grumman parking lots, where the existing travel way in Stonefield is located. He said there is an elevation difference along the wall line with the Northrop Grumman parking area at an elevation that is about 1.5 floors lower than what the road would be, which provides a way to offer parking under the building while also providing the potential that Northrop Grumman could maintain its existing parking lot and have a building above it.

Ms. Mallek asked if the Zan Road crossing is above or below grade. Mr. Graham replied that it would be above grade.

Mr. Graham said the reasons for focusing on the Core Area alone were because it fits in with the Smart Scale application and showed VDOT that they were being consistent with VDOT's transportation plan; it was an area of significant change; it avoided impacts to existing residential neighborhoods; and it fit within the time scale of the Smart Scale application. He said the major recommendations in the plan include a development code somewhat similar to what had been discussed for Rio/29, noting that they were looking for re-simplification and that recodification is currently underway. Mr. Graham said there would be a big emphasis on mixed-use and avoiding a one-size-fits-all aspect, which fits in well with the development code. He said that since the Core Area is on the City/County boundary, they would have to find ways to have a more unified approach so development interests do not become confused over which side of the road they were on. He said the advisory panel is formulating a transportation plan.

Mr. Graham presented a slide with a list of Planning Commission perspectives as follows:

- Support moving forward with Comprehensive Plan amendment for Core Area.
- Strong focus needed on multi-modal solutions that were attractive to pedestrians and bicyclists.
- Needs well integrated transit services.
- Need to have a strong sense of identity for the area.
- Important to consider the bigger picture of how it fits in with Rio/29.
- More green space/stronger connection between green spaces and low impact development.

Mr. Graham emphasized that the Planning Commission had not issued an action item or minutes and that the list is his view of its perspective.

Mr. Graham listed the following critical milestones:

- | | |
|---|----------|
| - Significant completion of technical work | February |
| - Complete alternative comparison table | March |
| - Select preferred alternatives/project phasing | March |
| - City/County Planning Commission perspectives | April |
| - Board adopts CPA and endorses Smart Scale | May |
| - Smart Scale Application creation deadline | June 1 |
| - Complete Smart Scale applications | July |
| - Smart Scale submission deadline | August |

Mr. Graham emphasized the importance of meeting the deadlines, as they would have to wait until 2020 to make applications if they were to miss next year's deadline. He concluded his presentation with recommendations to the Board to endorse the plan concept and to agree to initiate a Comprehensive Plan Amendment. He said the effort would be limited to the Core Area and incorporated planned transportation improvements that are still under development with final considerations. He invited questions.

Ms. Mallek asked if the consultant is only working on the first item listed on the timetable. Mr. Graham replied that the first three items are driven largely by the consultant, and they expect to have all alternatives and comparisons available by March.

Ms. Mallek noted that the term “vertical mixed use” had been used and this is sometimes not financeable. She said this was the situation with development in Crozet when bankers would not lend to developers, and requested that the County make this a suggestion rather than a requirement. Mr. Graham replied that the idea was to have the flexibility for doable projects.

Mr. Randolph asked who prepared the plan, which he described as capturing the vision of what could be. Mr. Graham responded that it was Kimley Horn, under contract.

Mr. Randolph **moved** that the Board endorse the Hydraulic Small Area Plan for consideration as a Comprehensive Plan Amendment (CPA) that is limited to the Core Area, as shown in the Plan. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Palmer.

Agenda Item No. 22. **Riverside Village Sewer Easement.** To consider conveying a sanitary sewer easement across the County-owned park property, adjacent to Riverside Village (Tax Map Parcel 078G0-00-06-000A0), to the Albemarle County Service Authority. *(Advertised in the Daily Progress on October 23, 2017.)*

The Executive Summary forwarded to the Board states that The Albemarle County Service Authority (ACSA) has requested that the County grant an easement for the installation of a sanitary sewer line on or adjacent to the Riverside Village Park (Parcel 078G0-00-06-000A0), which the County owns.

The subject property was dedicated to the County for use as a public park. The specific location of the proposed easement is set forth in the attached plat (Attachment B). The sewer line would be buried within the easement and there would be no above ground facilities. The proposed easement would not interfere with the use of the property as a public park.

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

There is no budget impact.

Staff recommends that, after receiving public comment, the Board adopt the attached Resolution (Attachment C) approving the proposed easement.

Mr. Andy Herrick, Senior Assistant County Attorney, presented. He said the property is located just south of Darden-Towe Park along the east bank of the Rivanna River and appears as Exhibit D in the Board’s agenda and is shown as Exhibit B on a plat. He noted that a public hearing was required for requests to dispose of County property, and he recommends the Board approve conveyance of the property to Albemarle County Sewer Authority for an easement, for which his office has prepared a resolution. He invited questions.

Mr. Dill said he has discussed this and is happy with it.

Mr. Herrick added that he had talked to Parks and Recreation representatives, and they had said this would not have an impact on the park property.

Ms. Mallek said she was reassured from looking at the maps that this would occur along the border of the park and not require destruction of woods.

Mr. Herrick said the origin of the easement was due to an oversight on somebody else’s part, as it should have been entirely on adjacent private property.

Ms. McKeel opened the public hearing.

As no one came forward to speak on the matter, Ms. McKeel closed the public hearing.

Mr. Dill **moved** that the Board adopt the proposed resolution conveying a sanitary sewer easement across the County-owned park property, adjacent to Riverside Village (Tax Map Parcel 078G0-00-06-000A0), to the Albemarle County Service Authority and authorized the County Executive to sign, in a form approved by the County Attorney, a Deed of Easement with ACSA for a sanitary sewer easement across Parcel 078G0-00-06-000A0. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Palmer.

**RESOLUTION APPROVING DEED OF EASEMENT BETWEEN
THE COUNTY OF ALBEMARLE AND
THE ALBEMARLE COUNTY SERVICE AUTHORITY**

FOR SERVICE TO RIVERSIDE VILLAGE SUBDIVISION

WHEREAS, the County of Albemarle owns certain property located adjacent to the Riverside Village Subdivision (Parcel 078G0-00-06-000A0); and

WHEREAS, an easement across this County-owned property is necessary for the Albemarle County Service Authority (ACSA) to provide sanitary sewer service to the Riverside Village Subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the granting of this certain easement to the ACSA, and authorizes the County Executive to sign, in a form approved by the County Attorney, a Deed of Easement with ACSA for a sanitary sewer easement across Parcel 078G0-00-06-000A0.

PREPARED BY:

Albemarle County Attorney's Office
401 McIntire Road, Suite 325
Charlottesville, Virginia 22902

Parcel ID 078G0-00-06-000A0

This deed is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and from Clerk's fees under *Virginia Code* § 17.1-266.

This **DEED OF EASEMENT**, dated this _____ day of _____, 20_____, is by and between the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia, Grantor (the "County"); **RIVERSIDE VILLAGE PROPERTIES, INC.**, a Virginia corporation, Additional Grantor; and the **ALBEMARLE COUNTY SERVICE AUTHORITY**, Grantee, whose address is 168 Spotnap Road, Charlottesville, Virginia 22911 (the "Authority").

WITNESSETH:

WHEREAS, the Authority has requested and the Grantor has agreed to grant the Authority a sanitary sewer line easement located on the Grantor's property in Albemarle County, Virginia, which easement is shown on the following plat (the "Plat"):

Plat entitled "Easement Plat, Additional ACSA Sanitary Sewer Easement, Block 5 & Block 6, Riverside Village, Rivanna Magisterial District, Albemarle County, Virginia" dated January 30, 2017, and last revised March 13, 2017, prepared by Roger W. Ray & Assoc., Inc., which plat is attached hereto and recorded herewith.

WHEREAS, as shown on the Plat, the proposed easement crosses a portion of the property conveyed to the County by deed recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 4632, page 234 (the "Public Park"); and the County is the fee simple owner of the said property as of the date hereof.

WHEREAS, by deed recorded in said Clerk's Office in Deed Book 4632, page 234, the Additional Grantor reserved unto itself a non-exclusive perpetual non-disturbance and buffer easement along the southeastern boundary of the Public Park (the "Tree Preservation Area").

WHEREAS, the Additional Grantor wishes to join in this Deed of Easement to subject its interest in the Tree Preservation Area to this Deed of Easement.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby GRANT and CONVEY with SPECIAL WARRANTY OF TITLE unto the Albemarle County Service Authority a perpetual right of way and easement to construct, install, maintain, repair, replace and extend sanitary sewer line(s) consisting of pipes and appurtenances thereto, over, under and across the real property of the Grantor located in the Rivanna Magisterial District of Albemarle County, Virginia, the location and width of the easement hereby granted and the boundary of the properties being more particularly described on the Plat as "Additional ACSA Sanitary Sewer Easement on County of Albemarle, Virginia Property." Reference is made to the aforesaid Plat for the exact location and dimension of the permanent easement hereby granted and the property over which the same crosses.

The Grantor, its successors and assigns agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions, except as provided for below, shall not be placed within the easement conveyed herein. The County shall have the right to construct trails and related improvements ("Park Improvements") within the easement hereby granted. The Grantor, its successors and/or assigns shall also have the right to construct other utility line(s) within the easement hereby granted, provided that no such line(s) shall be within five (5) feet horizontally of the sewer line(s) installed hereunder.

As a part of this easement, the Authority shall have the right to enter upon the above described properties within the easement for the purpose of installing, constructing, maintaining, repairing, replacing and extending sewer line(s), and appurtenances thereto within such easement,

and the right of ingress and egress thereto as reasonably necessary to construct, install, maintain, repair, replace and extend such sewer line(s). If the Authority is unable to reasonably exercise the right of ingress and egress over the right-of-way, the Authority shall have the right of ingress and egress over the property of the owner adjacent to the right-of-way.

Whenever it is necessary to excavate earth within such easement, the Authority agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as practical to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation.

The easement provided for herein shall include the right of the Authority to cut any trees, brush and shrubbery, remove obstructions, not including Park Improvements (without the County's prior written consent), and take other similar action reasonably necessary to provide economical and safe sewer line installation, operation and maintenance. Following the removal of any Park Improvements, the Authority shall replace or restore such Park Improvements at its expense. The Authority shall have no obligation to replace or reimburse to the County the replacement cost of said trees, brush, shrubbery or obstructions, if cut or removed or otherwise damaged. Any and all trees, brush, shrubbery or obstructions cut or removed by the Authority shall be disposed of at the Authority's expense at a location not within the Public Park, unless the County consents in writing to such disposal within the Public Park.

The facilities constructed within the permanent easement shall be the property of the Authority, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the permanent easement as are consistent with the purposes expressed herein.

By joining in this Deed of Easement, the Additional Grantor hereby subjects its interest in the Tree Preservation Area to this Deed of Easement.

WITNESS the following signatures and seals:

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Douglas C. Walker, Interim County Executive

RIVERSIDE VILLAGE PROPERTIES, INC.
By: _____
Paul B. Manning, President

ALBEMARLE COUNTY SERVICE AUTHORITY
By: _____
Gary O'Connell, Executive Director

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

Ms. Mallek asked Mr. Kamptner about carrying properties forward in land use. She asked if the County has the right, under adopted land use provisions, to require a property owner to incorporate extra costs when a property is sold and subdivided so the new owners of subdivided property are not assessed with rollback taxes. She stated the importance of the land use program and the need to make sure it works properly. Mr. Kamptner replied that this is an intriguing question and he would look into it.

Mr. Randolph informed the Board that ABA is continuing to deliberate, discuss, and reach a consensus on policies and procedures as a board and is looking at ways to fund ISPs when opportunities are presented. He noted that he and Ms. Palmer serve on its board.

Mr. Randolph informed the Board he had received an inquiry from a business that had expressed interest in purchasing County-owned property off Mill Creek Road, within the Scottsville District. He relayed that his response to the inquiry was that the decision would be the responsibility of the Building Committee, which he did not believe would look at this request favorably, nor did he believe the Board would look upon this favorably. He said he had arranged a meeting with the business owner, but the owner did not show up for the meeting.

Ms. McKeel reminded Board members that tomorrow John Lynch of VDOT would make a presentation to the Chamber of Commerce about the Hydraulic plan.

Ms. McKeel noted that Mr. Randolph had suggested they add the Innovation Fund program to the agenda after the first of the year. She said this is a great idea to have the opportunity to show the public how much money they had saved. She said she would look to add this to the agenda if there is Board consensus.

Ms. McKeel asked Supervisors to allow her to ask Ms. Cathy McGee, Director of the Highway Research Council, to give a presentation on autonomous vehicles. She suggested the presentation be at a time when they are discussing transportation matters.

Ms. Mallek and Mr. Sheffield expressed their approval.

Ms. Mallek reported that at the Governor's local government meeting held the previous day, she had learned that other communities are seeking ways to leverage broadband provider companies to encourage them to expand to rural areas. She noted that other localities are fighting the same battle to try to get coverage for rural areas.

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

Mr. Walker stated that they had been approached by the Warren County Board of Supervisors with a request to take a position in opposition to the proposed fee increase for national parks. He said staff had prepared a draft resolution expressing concern about the fee increase, which he offered to present at the following week's meeting. He read a portion of the draft: "The Albemarle County Board of Supervisors requests that the National Park Service reconsider its proposed entrance fee increase for Shenandoah National Park. The Albemarle County Board of Supervisors respectfully requests that its congressional delegation, including the Honorable Senators Mark Warner and Timothy Kaine and Representative Tom Garrett, support our position and actually seek to have the Park Service reject the proposed significant increase due to its potential detrimental impact on tourism in Albemarle County."

Ms. McKeel suggested they put the resolution on the consent agenda for the following week and acknowledged affirmation from other Supervisors. She said it could be pulled from the consent agenda if any concerns are expressed.

Mr. Randolph suggested that they work with Thomas Jefferson Planning District Commission to encourage Nelson and Greene Counties to join the resolution.

Agenda Item No. 25. Closed Session *(if needed)*.

There was no need for an additional Closed Meeting.

Agenda Item No. 26. Adjourn to November 8, 2017, 2:00 p.m., Lane Auditorium.

With no further business to, at 6:54 p.m., Ms. McKeel adjourned the Board meeting to November 8, 2017 at 2:00 p.m. in Lane Auditorium.

Chairman

Approved by Board
Date 02/07/2018
Initials CKB