

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 6, 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, Mr. Rick Randolph, and Mr. Brad Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:03 p.m., by the Chair, Ms. McKeel.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Ms. McKeel introduced the presiding security officer, Officer Kate Kane, and County staff on the dais.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Sheffield **moved** that the Board adopt the final agenda, moving Item 22 to before Item 9. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

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

Ms. Mallek recognized the death of Mr. John Sweeney, whom she said was a founding member of the Earlysville Fire Department, member of the Ruritans, VFW post, and a longtime Chief of Fire Station 4. She described him as a real leader and announced a celebration of his life on Saturday, December 9th, with details provided in the newspaper.

Ms. Mallek encouraged those interested in the stormwater program to reach out to the Board and said information will be ready by January 3.

Mr. Randolph announced there was discussion among the Glenmore community about changing the homeowners' association (HOA) policy on rental restrictions, which he described as being fairly Draconian and strict. He said they decided to maintain existing rules, which prohibit short-term residential transient housing of less than 30 days.

Ms. McKeel commented that the 30-day restriction is common among HOAs. Mr. Randolph agreed.

Agenda Item No. 6s. Proclamations and Recognitions: Innovation Award from Virginia Government Finance Officers' Association.

Ms. Betty Burrell, Director of Finance, addressed the Board and said the Innovation in Government award is presented for an implemented outstanding e-government and technology project. She said that County employee, Ms. Rocio Lamb, applied for the award after the late May opening of the County payment kiosk, which provides 24-hour, 365-day-per year-access for County residents to pay taxes. She said she hopes residents continue to take advantage of this technology. She noted that Ms. Lamb applied for innovation grant funding for the project in May 2016, obtained an award for partial funding, and then applied for and was granted the VGFOA award at the fall session. Ms. Burrell said that, as a member of VGFOA, she is proud to present the award to Ms. Lamb. She also acknowledged the contributions of Department of Facilities and Environmental Management associates Blake Abplanalp, Trevor Henry, and Steve Allshouse, as well as the contributions of Department of Finance associates Daniel and Jonathan. She thanked the Board of Supervisors for providing funding and recognizing the value of the kiosk. She presented the award to Ms. Lamb, and members of the audience and Board applauded.

Mr. Rocio Lamb stated she is very honored to accept the award on behalf of the team. She said it involved collaboration among multiple County departments, including Jody Saunders, Louise Wyatt, who managed the Innovation Fund, Steve Hoffman, and James Dubovksi of the Department of Information Technology. She thanked the Board for its support.

Mr. Jeff Richardson thanked Finance Department staff for their hard work and leadership over the previous week in assisting County residents. There was applause from Supervisors and members of the audience.

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

Mr. Jim Hingeley, former Charlottesville/Albemarle Public Defender, addressed the Board and said he would speak on the topic of courts relocation and outline the impact that relocation would have on the operations of the Public Defender's Office. He said the office is operating above capacity and strains to provide services to those it represents. He commented that colocation of the City and County courts in Court Square enables them to operate efficiently as there is minimal travel time for staff, whereas a relocation to the County would result in additional travel time. He concluded by saying the move of the courts from Court Square would have a tremendous impact on the Office of the Public Defender.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board and said he would speak about the stream buffer review, which is an agenda action item for this meeting. He expressed appreciation for the thorough public input process undertaken by staff and said he has attended a number of roundtables and public meetings, which have resulted in helpful insight regarding the public's understanding of what stream buffer provisions allow and do not allow, as well as provisions that are unclear. Mr. Butler stated that he is glad they are entering the phase where specific improvements would be fleshed out. He noted that staff has proposed to move forward in two phases, first focusing on the development areas and secondly on the rural areas. He said that while his organization is not opposed to this approach, they did want to emphasize that some of the biggest loopholes in current buffer protections are involved when rural area land is proposed for development, and these issues should be addressed as soon as possible.

Regarding the first phase focus on the development areas, Mr. Butler urged the Board to clarify how some exemptions for development-related activity in the current ordinance, such as infrastructure and stream crossings, are interpreted and applied. He urged that Phase 1 should include a clear explanation from staff as to what is permitted under the current provision that allows development within the landward 50 feet of a stream buffer. He said it is difficult to know how and if this allowance needs to be improved without having a good grasp of how it is currently being applied. He said that provisions that allow crossings of streams also suffer from a lack of clarity, and efforts to assess their effectiveness would benefit from a clear explanation of how they are currently being interpreted and applied. He urged the Board to ensure that the next phase of work on stream buffers include an explanation of current allowances for development activities so the public can knowledgeably assess whether improvements are necessary.

Ms. Nancy Hunt, resident of the Rio District and member of Places 29/ Rio Community Advisory Committee (CAC), addressed the Board. She announced that a resolution was passed by the CAC in appreciation of Rio District Supervisor, Brad Sheffield. She read the resolution: "The members of Places 20/Rio Community Advisory District express their profound appreciation to Rio District Supervisor Brad Sheffield for his leadership, guidance, and advocacy in support of our CAC. His guidance and vision in our early days gave us an understanding of our mission which would carry us forward as we undertake development of Rio/Route 29 as a mixed-use center and transportation hub in Albemarle County. Unanimously approved, November 30, 2017." Board, staff, and meeting attendees applauded.

Ms. Marta Keane, resident of the Rio District and CEO of the Jefferson Area Board for Aging (JABA), addressed the Board. She thanked the Board for its support and said she would share some progress that has been made. Ms. Keane reported that fuel assistance outreach to five senior housing sites and Southwood was conducted in November. She said they have been working closely with Albemarle Rescue and the Department of Social Services, on the "Humanes" project, which is for frequent utilizers of the rescue squad. She said they have become involved with the Department of Health "MAP to Health" project, as well as the Central Virginia Transitions Collaborative, and have raised awareness and hope to decrease the use by high utilizers who have social determinants as a cause. She announced that Medicare Part D counseling would close on December 7, with this effort growing by 18% over last year, with 1,500 individuals counseled, and JABA has increased the number of volunteers and found additional sites besides Hillsdale. She said that about half of those counseled are County residents and they have saved participants over \$1M, and she thanked the Board for allowing them to continue to provide these services.

Mr. Bruce Williamson addressed the Board regarding courts relocation. He referred to a recent newspaper article that appeared after Mr. Lang of the NCSE presented to the Board last month. He described the article as mentioning that an expert said either option would work. Mr. Williamson said any option would work, as the court would continue operating and the quality of justice would remain the same, but there are tremendous benefits to having the three City and three County courts located at Court Square. He noted the Stantec report estimates it would cost \$10 to \$15 million additional to move the courts versus keeping them where they are. He recalled that former County Executive, Tom Foley, encouraged the Board to consider moving the courts as a way to save money, which they now know is not the case. He commented that the estimated additional cost to move the courts also did not consider the loss of real estate tax revenue that would result from the removal of 5-10 acres of prime developable

land that would be taken out of the tax base, as well as the loss of sales and BPOL taxes that could have come from whatever development that could have resulted.

Mr. Leigh Middleditch, resident of the White Hall District, addressed the Board. He said his law office is in the Court Square area and noted that the overwhelming majority of area lawyers have gone on record as supporting the existing location of the courts. He said the consultant's report indicates the least expensive option is to maintain the current location of the courts. He referenced Mr. Williamson's letter to the County Attorney, which expresses his opinion that a referendum should be held, and he asked the County Attorney to respond to the letter. Mr. Middleditch emphasized that if the County Attorney determines there is not a need to hold a referendum then litigation would be likely, which he said the community does not need and should be avoided. He said he is a member of *Charlottesville Tomorrow*, which has taken up this issue and issued a series of reports that have been published in *The Daily Progress*. He invited Supervisors to attend a *Charlottesville Tomorrow*-sponsored coffee conversation on December 15 at City Space to discuss this issue.

Mr. Elaine Poon, Managing Attorney of the Charlottesville office of the Legal Aid Justice Center, addressed the Board. She stated that her office provides free legal services to low income, low wealth families in Albemarle County, as well as to those who end up in Albemarle County courthouses. She urged the Board to vote against the relocation proposal and noted that on November 2, 2016, the Board passed a resolution stating that the goal of considering relocation and enhancement of the courts is to improve the administration of justice and to best serve the needs of all County residents. Ms. Poon stated that relocation would undermine the constituents her office serves, noting that the consultant's report found that public transportation is currently not able to support this move and that many of her clients do not have cars. She emphasized that rural area residents can utilize public transportation to get downtown but not to the proposed site. She noted that the two courts share a language interpreter and by moving the court, they would lose this cost-reducing efficiency. She commented that sometimes people go to the wrong court, and when this error is made, they can easily walk across the street to the appropriate court. She concluded by stating that adding this physical and geographical hurdle would be an injustice in and of itself.

Mr. Robert Tracci, resident of Samuel Miller District and Albemarle County Commonwealth's Attorney, addressed the Board. He reiterated his strong opposition to dismantling historic Court Square. He referenced a letter submitted to the Board in November 2016, by himself as well as several other members of the criminal justice community, in which they expressed their strong opposition to what he described as a very efficient, co-located complex. He listed the signees of the letter as follows: Robert Tracci; John Zug, Albemarle Clerk; Chip Harding, Albemarle Sheriff; Charlottesville Sheriff James Brown; Public Defender Elizabeth Murtaugh; Pat Smith of Offender Aid and Restoration; and Steven Meeks of the Albemarle County Historical Society. Mr. Tracci asked to resubmit the letter for the record. He stated that justice is so much more important than economic development and efficiency and it is so important the current status be preserved, maintained, and improved. Mr. Tracci said the report presented by the court study group has not changed the opinion of anybody in this group. He quoted remarks made by Albemarle Circuit Court Judge Cheryl Higgins to the Board of Supervisors as follows: "I strive to hear cases in an efficient, timely manner. What makes this possible is proximity to City and County courts, including the Juvenile and Domestic Relations Court. Justice is best promoted by judicial efficiency, timeliness, and public convenience. Severing Albemarle and Charlottesville courts would undermine these objectives. While we are not equipped to assess economic development claims, we are united in the view that justice must never be sacrificed to economic development." Mr. Tracci commented that it is important that these words be respected by the Board, and he urged the Board to maintain the current location of the courts and improve them to make them even more accessible to the public.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board and said his organization believes the best and brightest future for Albemarle is one that is shared and closely tied with Charlottesville, and the community would be strongest if they move forward together instead of pulling farther apart. Mr. Werner stated that his organization opposes the moving of the courts from Court Square, noting that this is the majority view of County residents, court users, and stakeholders, as well as the findings of the consultant's study, which found that remaining on Court Square would cost significantly less and meet projected needs. He said it is the near unanimous opinion of the legal community that a move would be disruptive and damaging to the judicial process. Mr. Werner emphasized that this is a monumental decision and if the Board believes there is a compelling argument to support the move, then they should make that case and allow County residents to vote in a referendum, as required by state code.

Mr. Werner stated that a move of the courts out of the City would strain the City/County relationship and pit them as adversaries. He said a vibrant and prosperous City is critical to having a vibrant and prosperous County, and vice versa. He stated that the County should not view its judicial services primarily as a hoped-for catalyst to support a mixed-use future retail development. He said the City and County are part of one community, and the relationship must be mutual and symbiotic that is anchored in a shared identity and commitment to a shared future. He said it is unthinkable that City and County leaders cannot sit down together, acknowledge the shared future, and do the heavy lifting needed to move forward as one community. Mr. Werner said that what is needed is leadership, a phone call, and an invitation to talk, and he reminded Supervisors that two City Councilors appeared before the Board last year to express their desire to work with the County to resolve parking issues and other concerns.

Ms. Palma Pastilnik, resident of the Rio District and an attorney at Central Virginia Legal Aid Society, addressed the Board. She urged the Board not to move the courts, as her needy clients would be harmed. She said she is able to simultaneously serve several clients in the Juvenile and Domestic Relations District Court in both the County and City, as well as in the County and City General District Courts, at the same docket time. She said that moving the courts would impact women and children who would not be able to obtain protective orders and support in an accompanying criminal matter when a civil attorney is needed.

Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Mallek and Mr. Dill asked to pull their minutes.

Mr. Randolph said he would like to hear the Albemarle County Chief of Police reassure County residents that the issues of communication between state and local authorities have been addressed in the event coordination is necessary in the future, within the County/City/University of Virginia emergency operations plan.

Mr. Ron Lantz, Chief of Police, addressed the Board in response to Mr. Randolph's request. He said they are fully prepared to work with partners at the Virginia State Police, University of Virginia, and Charlottesville, using one radio. He noted that at the annual Foxfield Races, they have state troopers come to provide assistance and they are able to use the same channel by hitting a switch at ECC. He said they also work together at University of Virginia football games and are very versed in being able to talk with one another. He said he also provides state police, who are assigned to assist the County, with a County radio, in addition to the state police portable radios that are in their cars.)

Mr. Randolph **moved** that the Board approve the consent agenda, minus the pulled minutes. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: September 6, September 13, September 19, and October 17, 2017.

By the above-recorded vote, the minutes were pulled and moved to the next meeting.

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 2018 budget due to the appropriations itemized in Attachment A is \$2,252,223.00. 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 #2018053, #2018054, #2018055, and #2018056 for local government and school division projects and programs as described in Attachment A.

Appropriation #2018053		\$256,673.00
Source:	Fire Rescue Services Fund balance	\$ 256,673.00

This request is to appropriate \$256,673.00 from the Fire Rescue Services Fund's fund balance to the ten volunteer fire and rescue stations for vehicle repair and maintenance expenses that exceeded the County's contributions for those expenses in FY 15 and FY 16.

At the April 18, 2017 budget work session, the Board of Supervisors directed staff to provide additional operating funding to any volunteer fire rescue station whose actual vehicle repair and maintenance expenses exceeded the County's contribution for those expenses for FY 15, FY 16, and FY 17. This funding was planned to be provided in two phases, the first of which was completed at the end of FY 17. The below amounts, listed by station, provide the final phase of this funding:

Station	Amount
Charlottesville Albemarle Rescue Squad	9,735.00
Crozet	5,730.00
Earlsville	82,456.00
East Rivanna	36,375.00
North Garden	2,996.00
Scottsville Fire	16,163.00
Scottsville Rescue	7,997.00
Seminole Trail	69,234.00
Stony Point	10,720.00
Western Albemarle Rescue Squad	15,267.00
Total	256,673.00

Appropriation #2018054	\$70,550.00
Source: Building Permit Fees	\$ 70,550.00

This request is to appropriate \$70,550.00 to the Community Development Department for a Building Inspector position and related operating and one-time costs. This request is in response to an increased workload and a recent Insurance Services Office (ISO) rating of the building inspection program and is pursuant to the Board of Supervisors' action at its November 1, 2017 meeting. This funding will be provided from anticipated building permit fees.

Appropriation #2018055	\$1,400,000.00
Source: General Fund fund balance	\$ 1,400,000.00
Project Management Services*	\$ 53,352.00

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

Pursuant to the Board's approval on November 8, 2017, this request is to appropriate \$1,400,000.00 in General Fund fund balance for the Neighborhood Improvements Funding Initiative (NIFI). This request also appropriates \$53,352.00 currently budgeted for Project Management Services in the General Fund to the General Government CIP fund. This appropriation reflects the proposed appropriation included in Attachment A of the November 8, 2017 Executive Summary entitled Neighborhood Improvement Funding Initiative Project Requests, as amended and approved during the Board's discussion.

CAC	Project	Amount	PM Costs
5 th & Avon	5th & Avon Cale Crosswalk	\$125,000	\$2,880
5 th & Avon	Avon Street Study	\$75,000	\$3,200
Crozet	The Square	\$200,000	\$6,680
Pantops	Old Mills Trail @ Free Bridge	\$200,000	\$9,200
P29-Hydraulic	Sidewalk clearing - Commonwealth & Greenbrier	\$5,000	\$80
P29-Hydraulic	Greer-Jouett-Albemarle Ped. Connections (SRTS)	\$195,000	\$6,560
P29-North	Baker-Butler Connectivity Improvements	\$200,000	\$10,125
P29-Rio	Pedestrian Crossing at E. Rio & Greenbrier	\$200,000	\$10,125
VOR	Rivanna Greenway Trail erosion	\$55,273	\$4,422
Contingency	General	\$44,727	\$0
Contingency-5 th & Avon	Available funds for future appropriations towards Avon Street Study	\$100,000	\$0
Total		\$1,400,000	\$53,272

Pursuant to Paragraph 6 of the FY 18 Resolution of Appropriations adopted on May 15, 2017, after the Board approves this appropriation, the County Executive has the authority to further administratively allocate funding within the NIFI category as may be required.

Appropriation #2018056	\$525,000.00
Source: Local Revenue	\$ 525,000.00

This request is to appropriate \$525,000.00 in Land Use Rollback Taxes for tax overpayment refunds based on anticipated expenditures in FY 18.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2018053, #2018054, #2018055, and #2018056 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 #2018053, #2018054, #2018055, and #2018056 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.

APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018053	3-1805-51000-351000-510100-9999	256,673.000	SA2018053 FR FB: Volunteer Fleet Overages from FY 15 and FY 16
2018053	4-1805-32020-432020-560700-1003	2,996.000	SA2018053 Prior Year Fleet Overage - North Garden
2018053	4-1805-32020-432020-560800-1003	16,163.000	SA2018053 Prior Year Fleet Overage - Scottsville Fire
2018053	4-1805-32020-432020-560900-1003	5,730.000	SA2018053 Prior Year Fleet Overage - Crozet
2018053	4-1805-32020-432020-561000-1003	82,456.000	SA2018053 Prior Year Fleet Overage - Earlysville
2018053	4-1805-32020-432020-561100-1003	36,375.000	SA2018053 Prior Year Fleet Overage - East Rivanna
2018053	4-1805-32020-432020-561200-1003	10,720.000	SA2018053 Prior Year Fleet Overage - Stony Point
2018053	4-1805-32020-432020-561300-1003	69,234.000	SA2018053 Prior Year Fleet Overage - Seminole Trail
2018053	4-1805-32030-432030-565000-1003	9,735.000	SA2018053 Prior Year Fleet Overage - CARS
2018053	4-1805-32030-432030-565100-1003	15,267.000	SA2018053 Prior Year Fleet Overage - WARS
2018053	4-1805-32030-432030-565200-1003	7,997.000	SA2018053 Prior Year Fleet Overage - Scottsville Rescue
2018054	3-1000-13000-313000-130308-1000	70,550.000	SA2018054 CDD Building Inspector: permit fees
2018054	4-1000-34050-434050-110000-1003	25,521.000	SA2018054 CDD Building Inspector: salaries
2018054	4-1000-34050-434050-210000-1003	1,952.000	SA2018054 CDD Building Inspector: fica
2018054	4-1000-34050-434050-221000-1003	3,144.000	SA2018054 CDD Building Inspector: vrs
2018054	4-1000-34050-434050-241000-1003	334.000	SA2018054 CDD Building Inspector: group life
2018054	4-1000-34050-434050-231000-1003	5,602.000	SA2018054 CDD Building Inspector: health
2018054	4-1000-34050-434050-232000-1003	147.000	SA2018054 CDD Building Inspector: dental
2018054	4-1000-34050-434050-550100-1003	2,000.000	SA2018054 CDD Building Inspector: training
2018054	4-1000-81021-481020-600100-1008	100.000	SA2018054 CDD Building Inspector: office supplies
2018054	4-1000-34050-434050-580100-1003	100.000	SA2018054 CDD Building Inspector: dues and memberships
2018054	4-1000-34050-434050-601100-1003	100.000	SA2018054 CDD Building Inspector: uniforms
2018054	4-1000-34050-434050-360000-1003	300.000	SA2018054 CDD Building Inspector: Advertising
2018054	4-1000-34050-434050-800200-1003	2,500.000	SA2018054 CDD Building Inspector: Furniture
2018054	4-1000-34050-434050-800700-1003	3,750.000	SA2018054 CDD Building Inspector: Computer, phone, licensing
2018054	4-1000-34050-434050-800500-1003	25,000.000	SA2018054 CDD Building Inspector: Vehicle - Truck
2018055	3-1000-51000-351000-510100-9999	1,400,000.000	SA2018055 FY16 Year End Bal NIFI Projects
2018055	4-1000-43100-443300-930027-9999	1,303,465.000	SA2018055 NIFI - Transfer to Capital
2018055	4-1000-43100-443300-312366-1004	-53,352.000	SA2018055 NIFI-PM
2018055	4-1000-43206-443340-301221-9999	5,000.000	SA2018055 NIFI - Comm Dr Greenbrier Dr Sidewalk Clearing
2018055	4-1000-43206-443340-312366-9999	80.000	SA2018055 NIFI - Comm Dr Greenbrier Dr Sidewalk Clearing
2018055	4-1000-43100-443300-999999-1004	144,807.000	SA2018055 NIFI - Contingency
2018055	3-9010-51000-351000-510109-9999	1,303,465.000	SA2018055 NIFI - Transfer to Capital
2018055	4-9010-41020-443310-312350-9999	75,000.000	SA2018055 NIFI - Avon St Ext Study
2018055	4-9010-41020-443310-950081-9999	125,000.000	SA2018055 NIFI - Cale ES
2018055	4-9010-41020-443320-950081-9999	200,000.000	SA2018055 NIFI - The Square
2018055	4-9010-71018-443330-312350-9999	200,000.000	SA2018055 NIFI - Free Bridge
2018055	4-9010-41020-443340-950081-9999	195,000.000	SA2018055 NIFI - Alb-Jouett-Greer
2018055	4-9010-41020-443350-312350-9999	200,000.000	SA2018055 NIFI - Baker-Butler
2018055	4-9010-41020-443360-312350-9999	200,000.000	SA2018055 NIFI - Greenbrier Drive
2018055	4-9010-71018-443370-950026-9999	55,273.000	SA2018055 NIFI - Rivanna Greenway Stabilization
2018055	4-9010-41020-443310-312366-9999	3,200.000	SA2018055 NIFI - Avon St Ext Study
2018055	4-9010-41020-443310-312366-6114	2,880.000	SA2018055 NIFI - Cale ES
2018055	4-9010-41020-443320-312366-9999	6,680.000	SA2018055 NIFI - The Square
2018055	4-9010-71018-443330-312366-9999	9,200.000	SA2018055 NIFI - Free Bridge
2018055	4-9010-41020-443340-312366-9999	6,560.000	SA2018055 NIFI - Alb-Jouett-Greer
2018055	4-9010-41020-443350-312366-9999	10,125.000	SA2018055 NIFI - Baker-Butler
2018055	4-9010-41020-443360-312366-9999	10,125.000	SA2018055 NIFI - Greenbrier Drive
2018055	4-9010-71018-443370-312366-9999	4,422.000	SA2018055 NIFI - Rivanna Greenway Stabilization
2018056	4-1000-92010-492010-580301-9999	525,000.000	SA2018056 Tax Overpayment Refunds
2018056	3-1000-11000-311000-110161-1000	525,000.000	SA2018056 Tax Overpayment Refunds
TOTAL		7,111,376.000	

Item No. 8.3. Charlottesville-UVA-Albemarle Regional Emergency Operations Plan.

The Executive Summary forwarded to the Board states that the County of Albemarle is vulnerable to a variety of hazards such as flash flooding, major river flooding, hurricanes, winter storms, tornadoes, hazardous materials incidents, resource shortages, civil unrest and terrorism. The Commonwealth of Virginia Emergency Services and Disaster Laws of 2006 (Code of Virginia, § 44-146.19) requires that local governments develop and maintain a current Emergency Operations Plan (EOP) to be prepared for such events. Every four years, the local EOP must be updated and re-adopted by the governing body. The Virginia Department of Emergency Management must receive a resolution from the governing body certifying the currency of the EOP to be consistent with this provision of Title 44. The County's Director of Emergency Management is the County Executive. The day-to-day activities of the emergency management program have been delegated to the Emergency Management Coordinator in the Charlottesville-UVA-Albemarle County Emergency Communications Center Office of Emergency Management.

The updated Regional EOP is Attachment B. Additional items include three support annexes and four hazard specific annexes.

There is no budget impact associated.

Staff recommends that the Board adopt the attached Resolution (Attachment A) approving the updated Charlottesville-UVA-Albemarle Regional Emergency Operations Plan (Attachment B).

By the above-recorded vote, the Board adopted the following Resolution approving the updated Charlottesville-UVA-Albemarle Regional Emergency Operations Plan (copy on file in Clerk's office):

RESOLUTION FOR EMERGENCY OPERATIONS PLAN

WHEREAS, the Board of Supervisors of Albemarle County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, the County has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, the County has established and appointed a Director and Coordinator of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this Board.

Item No. 8.4. Appointment of Replacement Assistant Fire Marshals.

The Executive Summary forwarded to the Board states that Albemarle County Code § 6-111 establishes the Office of the Fire Marshal pursuant to Virginia Code § 27-30 and allows for the appointment of Assistant Fire Marshals pursuant to Virginia Code § 27-36. Albemarle County Code § 6-111 further provides that the Fire Marshal and/or Assistant Fire Marshals shall be authorized to exercise all of the powers authorized by Title 27 of the Virginia Code and the Virginia Statewide Fire Code, which includes the authority to be appointed with police powers as authorized by Virginia Code § 27-34.2:1.

The Fire Rescue Department's budget includes five positions in the Office of the Fire Marshal. Captain Micaiah Ledford and Firefighter Zachary Matthews were transferred into the office to fill positions that were vacated by Assistant Fire Marshal Melvin Bishop and Firefighter Donna Walker upon their respective retirements. Captain Ledford and Firefighter Matthews have completed the required training to fulfill the role of Assistant Fire Marshal with police powers.

The appointment of Captain Micaiah Ledford and Firefighter Zachary Matthews as Assistant Fire Marshals with police powers is necessary for the efficient operation of the Albemarle County Fire Marshal's Office. Adoption of the attached resolutions (Attachments A and B) to appoint Captain Micaiah Ledford and Firefighter Zachary Matthews as Assistant Fire Marshals with police powers would authorize them to fulfill all the necessary duties of the Office of the Fire Marshal and to exercise the same powers as a sheriff, police officer or other law enforcement officer as provided for in Title 27 of the Virginia Code and the Virginia Statewide Fire Code.

There is no additional budgetary impact.

Staff recommends that the Board adopt the attached resolutions (Attachments A and B) appointing Captain Micaiah Ledford and Firefighter Zachary Matthews as Assistant Fire Marshals with police powers.

By the above-recorded vote, the Board adopted the following resolutions appointing Captain Micaiah Ledford and Firefighter Zachary Matthews as Assistant Fire Marshals with police powers:

**RESOLUTION TO APPOINT Micaiah Ledford
AS AN ASSISTANT FIRE MARSHAL WITH POLICE POWERS**

WHEREAS, Virginia Code § 27-30 provides that the governing body of a county may appoint a fire marshal and Albemarle County Code § 6-111 establishes the Office of the Fire Marshal; and

WHEREAS, Albemarle County Codes §§ 6-111, 6-200 and 6-201 recognize the Fire Marshal as Albemarle County's Fire Official for the duties and responsibilities as established by Title 27 of the Virginia Code, the Virginia Statewide Fire Code, and the Albemarle County Code; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize the fire marshal to have the same police powers as a sheriff, police officer or law-enforcement officers upon completion of the training discussed in such section; and

WHEREAS, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

WHEREAS, the appointment of Micaiah Ledford as an Assistant Fire Marshal with police powers will promote the efficient and effective operation of the Albemarle County Department of Fire and Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Micaiah Ledford as an Assistant Fire Marshal with full police powers of the Fire Marshal as authorized in Virginia Code §§ 27-34:2:1 and 27-36 and Albemarle County Code § 6-111.

**RESOLUTION TO APPOINT Zachary Matthews
AS AN ASSISTANT FIRE MARSHAL WITH POLICE POWERS**

WHEREAS, Virginia Code § 27-30 provides that the governing body of a county may appoint a fire marshal and Albemarle County Code § 6-111 establishes the Office of the Fire Marshal; and

WHEREAS, Albemarle County Codes §§ 6-111, 6-200 and 6-201 recognize the Fire Marshal as Albemarle County's Fire Official for the duties and responsibilities as established by Title 27 of the Virginia Code, the Virginia Statewide Fire Code, and the Albemarle County Code; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize the fire marshal to have the same police powers as a sheriff, police officer or law-enforcement officers upon completion of the training discussed in such section; and

WHEREAS, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

WHEREAS, the appointment of Zachary Matthews as an Assistant Fire Marshal with police powers will promote the efficient and effective operation of the Albemarle County Department of Fire and Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Zachary Matthews as an Assistant Fire Marshal with full police powers of the Fire Marshal as authorized in Virginia Code §§ 27-34:2:1 and 27-36 and Albemarle County Code § 6-111.

Item No. 8.5. Arrowhead Farm Lane Road Name Change.

The Executive Summary forwarded to the Board states that The property owner of TMP 88-20B, Montgomery Bird Woods, is requesting to change the road name of Arrowhead Farm Lane to Arrowhead Farm.

The landowner of the property served by Arrowhead Farm Lane has submitted a request to change the road name of Arrowhead Farm Lane to Arrowhead Farm. In accordance with the Road Naming and Property Numbering Ordinance and Manual (Part 1 Section 6(e)), the road can be renamed with the approval of a majority of the property owners. Because Mr. Woods is the only property owner served by Arrowhead Farm Lane, this requirement has been met. Staff has reviewed the road name request for Arrowhead Farm at its intersection with Monacan Trail Road, and the property owner has signed a letter of agreement to the new road name.

New road signs will be fabricated to replace the existing Arrowhead Farm Lane sign and the property owner is responsible for the cost.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving changing the road name of Arrowhead Farm Lane to Arrowhead Farm and authoring staff to implement the change.

By the above-recorded vote, the Board adopted the following Resolution approving changing the road name of Arrowhead Farm Lane to Arrowhead Farm and authoring staff to implement the change:

**RESOLUTION TO CHANGE THE NAME OF
ARROWHEAD FARM LANE TO ARROWHEAD FARM**

WHEREAS, Virginia Code § 15.2-2019 enables the County to rename any road at any time; and

WHEREAS, the County's Road Naming and Property Numbering Ordinance and Manual establish policies and guidelines for naming roads; and

WHEREAS, the County's Road Naming and Property Numbering Ordinance and Manual provide that a road can be renamed with the approval of a majority of the property owners; and

WHEREAS, the landowner of the one property served by Arrowhead Farm Lane has submitted a request to change the road name of Arrowhead Farm Lane to Arrowhead Farm, and the above-referenced requirement has been met.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby changes the

name of Arrowhead Farm Lane to Arrowhead Farm, and directs the Board Clerk to forward a certified copy of this Resolution to the Albemarle County Circuit Court Clerk pursuant to Virginia Code § 15.2-2019, and directs staff to implement the change.

Item No. 8.6. Downtown Crozet Initiative Resolution for DHCD Commercial District Affiliate Status.

The Executive Summary forwarded to the Board states that on November 15, 2017 the Crozet Community Advisory Committee (CCAC) passed a resolution to support the Downtown Crozet Initiative's (DCI) application for Virginia Department of Housing and Community Development (DHCD) Commercial District Affiliate Status. (See Attachment B.) The DCI now requests the County support its application for the DHCD Commercial District Affiliate (CDA) program.

The CDA program supports communities that are exploring downtown revitalization and assists these localities in developing public/private partnerships to revitalize their downtown commercial areas. A CDA status would allow DCI to access all DHCD Virginia Main Street training and limited onsite assistance, as DHCD resources permit.

DCI's goal for applying for CDA status is to revitalize the designated Crozet Downtown District within the context of historic preservation using the Main Street Approach. The revitalization of this area will require an on-going commitment that requires continuous attention and hopefully a public-private partnership. The Main Street program will be one of several economic and community development tools used to revitalize this area. Participation as a CDA Affiliate Community does not guarantee selection as a Designated Main Street Community; however, DCI will be eligible to receive Affiliate Community services from the Virginia Main Street program as long as it meets the requirements stated in the program guidelines. The County's Department of Economic Development will assist with the submission of the application for CDA status.

DCI requests that the County support its participation in the CDA program as it works to revitalize the Downtown Crozet District.

There is no budget impact.

Staff recommends the Board adopt the attached Resolution (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution authorizing participation in the DHCD Commercial District Affiliate Program:

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE
DHCD COMMERCIAL DISTRICT AFFILIATE PROGRAM**

WHEREAS, the Virginia Main Street has established the DHCD Commercial District Affiliate Program in the Virginia Department of Housing and Community Development to assist localities in developing public/private efforts to revitalize their downtown commercial areas, and;

WHEREAS, interested Virginia cities, towns, and counties that are exploring downtown revitalization, those that may not be eligible for designation or those that do not wish to meet Main Street requirements may participate as an Affiliate, and;

WHEREAS, Affiliate communities will have access to all Virginia Main Street training and limited on-site assistance, as resources permit, and;

WHEREAS, the DOWNTON CROZET INITIATIVE, INC. IN COLLABORATION WITH THE COUNTY OF ALBEMARLE desires to participate in the DHCD Commercial District Affiliate Program.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY OF ALBEMARLE

SECTION 1. That the DOWNTON CROZET INITIATIVE, INC. IN COLLABORATION WITH THE COUNTY OF ALBEMARLE applies for selection to participate in the DHCD Commercial District Affiliate Program with the specific goal of economically revitalizing the designated downtown district within the context of historic preservation using the Main Street Approach;

SECTION 2. It is recognized that downtown revitalization requires an on-going commitment, continuous attention and a full public-private partnership. The Main Street program is considered one of many economic and community development tools used by a locality.

SECTION 3. The DOWNTON CROZET INITIATIVE, INC. AND COUNTY OF ALBEMARLE understand that participation as an Affiliate Community does not guarantee selection as a Designated Main Street Community, and we will be eligible to receive Affiliate Community services from Virginia Main Street as long as the requirements stated in the Program Guidelines are met.

SECTION 4. That the ALBEMARLE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT is designated to assist in the submission of the application.

SECTION 5. This resolution does not imply any future County funding obligations. Like other

organizations, the DCI will comply with the County's recently adopted policy, "Community Grants Policy" in applying for potential matching funding to Main Street Affiliate programming.

Item No. 8.7. Extension of Deferral Request for ZMA2010-00018 Crozet Square.

The Executive Summary forwarded to the Board states that the applicant submitted a rezoning application on December 20, 2010 (ZMA 2010-00018) to rezone a portion of properties in downtown Crozet with a proffered plan. The applicant subsequently deferred these applications twice (Attachment A), exhausting the allowable number of deferrals permitted by County Code § 18-33.4(r)(2) (Attachment B) without Board approval.

After the Planning Director granted the last extension of deferral, the applicant began work in earnest with County staff and the Virginia Department of Transportation (VDOT) to resolve outstanding issues. Progress has been made, but the applicant has requested additional time to secure right-of-way commitments from affected property owners and for the County to receive notification from VDOT on Revenue Sharing requests for downtown Crozet that were submitted in November of this year. (See Attachment C.) The County will not receive word from VDOT regarding the Revenue Sharing request until the spring. If the request is successful, additional time will be needed for the applicant to work out agreements with the County for road building. If the request is not successful, the applicant may wish to modify his rezoning request. As mentioned above, all administrative deferrals have been exhausted and if ZMA2010-00018 is to remain active, the Board will need to grant additional time. Staff supports the applicant's request for additional time to receive information from VDOT and from affected property owners that will allow him to complete his submittal and proffers. If the extension is not granted by the Board, the application will be deemed withdrawn under County Code § 18-33.4(r)(2) and the applicant will have to file a new application in order to proceed. Staff recommends that an extension of one year be granted to allow for resubmittal of a plan and proffers after Revenue Sharing decisions are made and public hearings by the Planning Commission and the Board of Supervisors.

There is no budget impact.

Staff recommends that the Board approve an extension of deferral for the application to be heard by the Board of Supervisors no later than December 12, 2018 for ZMA2010-00018 Crozet Square.

By the above-recorded vote, the Board approved an extension of deferral for the application to be heard by the Board of Supervisors no later than December 12, 2018 for ZMA2010-00018 Crozet Square.

Item No. 8.8. ZMA201300012 Rivanna Village - Special Exception Request.

The Executive Summary forwarded to the Board states that the applicant is requesting to amend two tables within the Code of Development, Table 7.1-Parking Schedule and Table 3.3 – Lot Regulations for Rivanna Village. The applicant is requesting that Table 7.1 be amended to allow the guest parking requirements within the COD to match those required in the Zoning Ordinance. The applicant is also requesting changes to Table 3.3 to modify setbacks within the residential lots. Further information and analysis is provided in the staff analysis in Attachment B.

County Code §18-8.5.5.3 and §18-33.5 allow 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 exceptions.

By the above-recorded vote, the Board the following Resolution to approve the special exceptions:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA2013-12 RIVANNA VILLAGE
TO VARY THE CODE OF DEVELOPMENT**

WHEREAS, the Owner of Tax Map Parcel Numbers 07900-00-00-025A0, 08000-00-00-04600, 08000-00-00-046A0, 08000-00-00-046C008000-00-00-046D0, 08000-00-00-046E0, 08000-00-00-05000, 08000-00-00-05100, 08000-00-00-052A0, 08000-00-00-055A0, 093A1-00-00-00300, 093A1-00-00-00400, 093A1-00-00-00200 filed a request for special exceptions to vary the Code of Development approved in conjunction with ZMA2013-12 Rivanna Village to amend the guest parking space requirements of Table 7.1 and to amend the lot regulations of Table 3.3.

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 exceptions to vary the Code of Development approved in conjunction with ZMA2013-12 Rivanna Village, as described hereinabove, subject to the conditions attached hereto.

* * *

ZMA 2013-12 Rivanna Village – Special Exception Conditions

1. Table 7.1 shall be revised as shown on the Exhibit entitled "Request for Special Exception for a Variation to the Code of Development Regarding "Guest Parking Spaces" for ZMA 2013-12 Rivanna Village" dated August 30, 2017.
2. Table 3.3 shall be revised as shown on the Exhibit entitled "Rivanna Village – ZMA 2013-12 – Variation Request, 3.3 Lot Regulations (Proposed)" dated May 30, 2017.

Item No. 8.9. SDP201600029 Spring Hill Village Special Exception Request.

The Executive Summary forwarded to the Board states that the applicant is requesting minor changes to the Application Plan and Code of Development (COD) for Spring Hill Village. Specifically, the applicant is proposing a realignment of the internal road system resulting in minor changes to acreage of adjacent blocks and green space. The applicant also proposes a minor change to phasing.

County Code §18-8.5.5.3 and §18-33.5 allow 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. This request is consistent with the above noted considerations. 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 exceptions.

By the above-recorded vote, the Board adopted the following Resolution to approve the special exceptions:

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR ZMA201300007 SPRING HILL VILLAGE TO VARY ROAD ALIGNMENT, BLOCK SIZES AND PHASING ON APPLICATION PLAN AND CODE OF DEVELOPMENT

WHEREAS, the Owner of Tax Map Parcel Number 09000-00-00-02800 filed a request for a special exception to vary the Application Plan and Code of Development approved in conjunction with ZMA201300007 Spring Hill Village to vary the road alignment, block sizes and phasing as shown on the Exhibit entitled "Spring Hill Village Application/Block Plan" dated August 4, 2017 and the revised code of development.

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 Application Plan and Code of Development approved in conjunction with ZMA201300007 Spring Hill Village, as described hereinabove.

Item No. 8.10. Resolution to accept road(s) in VDOT Project 9999-002-900, C-501, B-676 into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following Resolution:

RESOLUTION

WHEREAS, the street(s) in VDOT Project 9999-002-900, C-501, B-676, as described on the attached Additions Form AM-4.3 dated December 6, 2017, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in VDOT Project 9999- 002-900, C-501, B-676, as described on the attached Additions Form AM-4.3 dated December 6, 2017, to the secondary

system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

- 1) **Berkmar Drive (State Route 1403)** from Segment D to north to Segment E, for a length of 1.99 miles.
- 2) **Berkmar Drive (State Route 1403)** from Segment C to north to Segment D, for a length of 0.14 miles.
- 3) **Berkmar Drive (State Route 1403)** from Segment B to north to Segment C, for a length of 0.30 miles.

Item No. 8.11. Resolution to accept road(s) in the Connor's Ridge Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following Resolution:

RESOLUTION

WHEREAS, the street(s) in Connor's Ridge Subdivision, as described on the attached Additions Form AM-4.3 dated December 6, 2017, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Connor's Ridge Subdivision, as described on the attached Additions Form AM-4.3 dated December 6, 2017, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

- 1) **Cassidy Mountain Road (State Route 858)** from Lost Valley Road (State Route 857) to the cul-de-sac end of State maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2789, page 170, for a length of 0.07 miles.
- 2) **Lost Valley Road (State Route 857)** from Markwood Road (State Route 664) to Cassidy Mountain Road (State Route 858), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2789, page 170, for a length of 0.13 miles.

Total Mileage – 0.20

Item No. 8.12. County Grant Application/Award Report, ***was received for information.***

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

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

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

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

GRANT REPORT ACTIVITY – October 13, 2017 through November 13, 2017

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match	Match Sources	Department	Purpose
Virginia Department of Housing and Community Development	Virginia Telecommunications Initiative with Comcast 2018	State	\$473,366	Comcast \$202,871 County \$0	N/A	Information Technology	This grant will provide for broadband expansion to the Greenwood area of the County in partnership with Comcast and will offer broadband to 178 residential and commercial locations as well as the Greenwood Community Center.
Virginia Department of Housing and Community Development	Virginia Telecommunications Initiative with CenturyLink 2018	State	\$372,000	CenturyLink \$66,000 County \$27,000	Grants Leveraging Fund	Information Technology	This grant will provide for broadband expansion to the Howardsville area of the County in partnership with CenturyLink and will offer broadband to approximately 267 “living units” in addition to businesses in the area.
Virginia Department of Housing and Community Development	Virginia Telecommunications Initiative with SCS Broadband 2018	State	\$166,510	SCS Broadband \$193,492 County \$22,100	Grants Leveraging Fund	Information Technology	This grant will provide for wireless broadband expansion in partnership with SCS Broadband to five different areas of the County using existing commercial towers offering service to approximately 2,740 primarily rural homes as well as businesses in these regions of the County: <i>Saddle Hollow, Crozet, Beaver Creek Reservoir, Greenwood, Overton, Rolling Road, Advanced Mills Road, Watts Passage, Covesville, North Garden, and Signal Hill</i>
Virginia Department of Criminal Justice Services	Thomas Jefferson Area Community Criminal Justice Board Strategic Planning Initiative	Federal	\$50,000	\$0	N/A	Offender Aid & Restoration (OAR)	This grant will provide resources to create a comprehensive three-year strategic plan for the Thomas Jefferson Area Community Criminal Justice Board including action steps

							to address the most significant challenges facing member jurisdictions.
Virginia Department of Criminal Justice Services	2018 Byrne JAG Program - Minority Officer Recruitment through Community Outreach & Education (Year 2)	Federal	\$18,000	\$ 2,000	Dept. (in kind)	Police	This grant will provide continued funding to establish positive relationships through education and community outreach in minority communities, with the hope of increasing the percentage of minority applicants for available County police officer job openings.

No awards received during this time.

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.

Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	Potential Financial Impact					
						FY19	FY20	FY21	FY22	FY23	
Federal Emergency Management Agency	2006 Assistance to Firefighters	This grant provided funds for the purchase of 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	\$ -	\$ -	\$ -	

Item No. 8.13. FY 18 Q1 General Fund Financial Report; FY 18 Q1 Quarterly Economic Indicators Report, ***was received for information.***

The Executive Summary forwarded to the Board states that the attached Unaudited Quarterly Financial Report (UQFR) (Attachment A) provides information regarding the County's FY 18 General Fund and School Fund performance as of September 30, 2017. The Quarterly Economic Indicator Report (QEIR) (Attachments B and C) provides an overview of recent general economic conditions of the County.

Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through September 30, 2017, the end of the first quarter (Q1) of FY 18. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR.

Highlights from the QFR include:

Revenues - YTD Actual

YTD total revenues in Q1 FY 18 were \$16,986,786 compared to \$16,971,739 in Q1 FY 17. In percentage terms, FY 18 YTD actual revenues as a percentage of FY18 Revised Budget revenues were 6.19%, compared to 6.57% in FY 17.

Expenditures - YTD Actual

YTD total expenditures in Q1 FY 18 were \$66,749,333 compared to \$65,379,148 in Q1 FY 17. In percentage terms, FY 18 YTD actual expenditures as a percentage of FY 18 Revised Budget expenditures were 24.31%, compared to 25.30% in FY 17.

County Executive Authorized Transfers and Appropriations A table listing the County Executive authorized transfer and appropriations made during the third quarter of FY 18 is included on page 7.

ACPS Quarterly Financial Report

As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of September 30, 2017 is included as a table on page 10 of the QFR.

An *Investment Activity Summary* for the Quarter Ended September 30, 2017 is included on page 11.

Quarterly Economic Indicators Report

The Quarterly Economic Indicators Report (QEIR) (Attachment B and C) shows the state of the County's economy. The QEIR contains data taken from the most recently available quarter and compares this data with data from the same quarter of previous fiscal years. General economic activity, as measured by five select revenue streams, grew between Q4 FY 16 and Q4 FY 17 (the most recent quarter for which complete data is readily available for all of the revenue streams), although there was substantial variation in the performance of the revenue streams. The unemployment rate in Albemarle declined slightly between Q1 FY 17 and Q1 FY 18, dropping from 3.57% to 3.43%. This year-over-year performance was consistent with the behavior of the national and state unemployment rates. Nominally, the County appears to have reached "full employment." The County's jobs base, meanwhile, appears to have experienced robust growth between Q3 FY 16 and Q3 FY 17, again the most recent quarter for which information is available. The total number of jobs increased from 51,954 to 54,653. This growth of 2,699 positions, roughly 5%, is consistent with a strong local labor market. The revenue stream, unemployment rate, and jobs data suggest that the County's economy grew at a healthy pace in the most recent year, a situation that is consistent with the U.S. and state economies. Looking forward to the remaining quarters of FY 18, staff thinks that, assuming the U.S. economy remains healthy, the County's unemployment rate should remain around 3.5%, and the jobs base should grow by about 2% over the final FY 17 level.

Revenues and expenditures data contained in the UQFR reflects the state of the County's FY 18 budget-to-actual financial performance as of September 30, 2017. Data shown in the QEIR 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.

Item No. 8.14. 2016 Planning Commission Annual Report, ***was received for information.***

The Executive Summary forwarded to the Board states that at its meeting on October 31, 2017, the Planning Commission voted to recommend approval of their 2016 Annual Report and forward that report to the Board of Supervisors for its information. Attachments A and B are the report and minutes from the October 31 meeting.

The Planning Commission's 2016 Annual Report includes information on actions of the Commission as provided annually to the Board. This year it also contains indicators of progress in implementing the Comprehensive Plan and a capacity analysis. The capacity analysis describes the ability of the County's Development Areas to absorb projected population growth through the year 2040.

This report is for information only. No action by the Board of Supervisors is necessary.

Item No. 8.15. Albemarle County 2017 3rd Quarter Building Report, ***was received for information.***

The report states that during the third quarter of 2017, 142 building permits were issued for 156 dwelling units. There was one permit issued for a mobile home in an existing park, at an exchange rate of \$2,500, for a total of \$2,500. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 8.16. Albemarle County 2017 3rd Quarter Certificate of Occupancy Report, ***was received for information.***

The report states that during the third quarter of 2017, 115 certificates of occupancy were issued for 133 dwelling units. There were no permits issued for a mobile home in an existing park. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

Item No. 8.17. Copy of letter dated October 26, 2017, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Ms. Julie L. Norris, **LOD201700009-OFFICIAL DETERMINATION OF PARCELS OF RECORD AND DEVELOPMENT RIGHTS-Tax Map 7, Parcels 60 & 59C – White Hall Magisterial District, was received for information.**

(At this time, the Board took up Agenda Item No. 22.)

Agenda Item No. 22. Commonwealth Attorney Position/Supplement Request and Memorandum of Understanding.

The Executive Summary forwarded to the Board states that pursuant to the direction of prior Boards, the County offers Constitutional Officers the opportunity to include their employees in the County's pay and classification system, resulting in market-based pay and benefits, as well as pay raises comparable to other County employees. In addition to assuring that Constitutional Officer employees are paid at a market level comparable to other County employees, it assures these employees that they will receive County-approved pay raises rather than raises provided by the State. The County entered into Memorandums of Understanding with the Sheriff and the Clerk of Circuit Court in 2016 (Attachments A and B). Those documents required the Sheriff's and Clerk's employees to adhere to most County personnel and administrative policies in exchange for having the employees placed on the County's pay and classification system. The MOUs provide that the employees of the Constitutional Officers will not be covered under the grievance policy, several policies related to hiring, discipline, and termination of employees, and any policies or provisions that are superseded by State law. The policies that will apply to the Constitutional Officers' employees include those related to salary administration, leave, benefits, and course reimbursement. Benefits will not accrue to the Constitutional Officers themselves, only to their employees. The MOUs also clarify which County administrative policies will apply to the Constitutional Officers' employees. Staff continues to negotiate an MOU with the Commonwealth Attorney (see Attachment C). As of today, staff and the Commonwealth's Attorney have not been able to achieve an agreement on proposed MOU terms.

On October 25, 2017, the Commonwealth Attorney presented a letter to the Board of Supervisors (Attachment D) noting that based on his repeated requests he was informed in June that the State Compensation Board approved an additional full time Assistant Commonwealth's Attorney position. Given the cost of living in Albemarle County and to assist in attracting and retaining this new position, the Commonwealth's Attorney requested that the Board provide a supplement for this position. The estimated annual salary range is \$80,000 - \$95,000 and the new State Compensation Board approved annual funding of \$54,956. As such, the Commonwealth's Attorney has requested an annual supplement from the County in the range of \$53,605 to \$68,605.

Constitutional Officers and their operations are legally separate and independent from localities, except that localities are required by State law to provide office space and certain limited benefits. State law requires that a locality provide constitutional officer employees two weeks of paid leave, seven days of sick leave, and health insurance. In Albemarle County, the operations of the constitutional officers receive substantial subsidies and benefits beyond those required by State law. If a constitutional officer employee is on the County pay plan, they receive a substantial salary supplement beyond the salary provided by the State Compensation Board to assure they are paid at a market rate and comparable to other County employees in similar positions. To establish and clarify what employment rules, procedures, and benefits apply to constitutional office employees, common practice is for constitutional officers to enter into an MOU with the local government. Based on previous Board direction, absent a MOU, Constitutional Officers have not formally agreed to follow Albemarle County policies, and their employees are not entitled to benefits enjoyed by other County employees. Mr. Tracci will address the Board regarding his concerns regarding the proposed MOU.

Actual expenditures for the Commonwealth Attorney's operation for FY 17 according to the County's unaudited financial report totaled \$1,156,859, which was \$118,205 below budget. A significant portion of this under- expenditure was due to salary lapse. At the end of the year, unspent funds are returned to the County's General Fund fund balance. If the Board chooses to supplement the additional fulltime Assistant Commonwealth Attorney in FY18, the Board could utilize funds from the General Fund fund balance. Alternatively, the Board could choose to utilize funding in the FY 18 Reserve for Contingencies. In either case, the County would then include on-going funding for this position beginning with the FY 19 Budget. If the Board approves this supplement, an appropriation request would be provided to the Board in January.

If the Board agrees to supplement the position effective January 1, 2018, the total cost for half a year will be between \$59,800-\$68,900, including operating and start-up costs, depending on where in the salary range the new attorney is hired. The State Compensation Board budget for the position is \$54,956. Assuming the County receives half of that in the current year, the net cost to the County in FY18 will be \$32,300-\$41,400. The ongoing, full-year, net cost to the County is \$55,500-\$73,700 and would be included in the County's proposed budget for FY 19. There is no budget impact associated with the approval of the MOUs.

Staff recommends approval of the position and associated supplement request. Staff also continues to support the establishment of an MOU with all constitutional officers who participate in the County's Pay Plan.

Ms. McKeel said it is her understanding that the Memorandum of Understanding would not be addressed at this meeting and had been pulled.

Mr. Sheffield said that last month, he presented the prospect of using the Commonwealth's Attorney's office FY17 surplus to cover the request until the Board considers the FY19 budget. He said he is prepared to make a motion to fund the request.

Mr. Tracci came forward and thanked the Board for supporting the position, which he noted was created by the State Board of Compensation at the request of some Supervisors. He recognized that

County taxpayers already bear a considerable burden and he sought the establishment of the new position immediately upon assuming office.

Mr. Sheffield informed the Board that Mr. Tracci made the request six months ago. Mr. Tracci corrected Mr. Sheffield and noted that it was two years ago.

Mr. Sheffield **moved** that the Board allocate surplus funds from FY17 to fund the new Commonwealth's Attorney position requested by Mr. Tracci. The motion was **seconded** by Ms. Palmer.

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

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

Ms. Palmer thanked Mr. Tracci for his service and recognized that the new position is needed.

Agenda Item No. 9. Review of County Stream Buffer Regulations.

The Executive Summary forwarded to the Board states that during a work session on May 3, 2017, the Board endorsed a Natural Resources Program for the County consisting of seven objectives. The first objective is to "Conduct a thorough public review of the stream buffer requirements of the Water Protection Ordinance." Staff has completed this review and is presenting its findings with this executive summary, with the assumption that the Board has a strong interest in improving water quality and stream health in the County.

Beginning in April 2017, staff conducted a public review of the County's stream buffer regulations. Attachment A is a report of the review process and results. Attachment B is an overview of the County's stream buffer regulations.

The primary goal of the process was to solicit input, hear various perspectives on stream buffers and regulations, and assess if changes to the regulations should be considered. The process included an online survey, meetings with three stakeholder groups, two public meetings, an informational presentation to the Planning Commission, and a web page to serve as a source of information about the process. Email and other communications were also part of the process.

The public provided a very wide range of ideas and perspectives. A clear division was observed between residents and advocates of the Rural Areas (RA) as designated in the Comprehensive Plan and residents and others interested in Development Areas (DAs) as designated in the Comprehensive Plan. Despite clear geographical and philosophical differences among portions of the County's population, there was agreement on many issues related to stream buffers. Some areas of agreement include the growth management policy, need for more education, limitations of a "one size fits all" approach, process issues, enforcement issues, frustration with "loopholes," and developing landowner incentives.

A large number of issues and questions related to potential changes in stream buffer regulations were identified during the review process. Some issues were general, while others were specific to the DAs or the RA. There are significantly more issues to address in the RA and many of those issues are complex in nature.

After completing the public review process and analyzing all comments, staff supports separating the work on the DAs and completing it first. Given the smaller number of issues identified, and the less complex nature of them, potential revisions to regulations would take less time and allow quicker implementation of any desired changes. Currently, staff spends significantly more time on DAs projects and properties than those in the RA. Addressing the DAs during phase one would be the more efficient use of staff time. Lessons learned during phase one could be applied when addressing RA issues, hopefully resulting in a more timely and efficient process and use of resources.

Staff proposes beginning work on phase one immediately with the intention of returning for a work session with the Board in spring of 2018.

There is no budget impact at this time. Future recommendations and decisions regarding stream buffer regulations, including implementation and enforcement, could have budget impacts.

With the intent to improve water quality and stream health in the County, staff recommends that the Board:

1. Endorse the staff recommendation to address the stream buffer review process in two phases, treating the Development Areas and the Rural Area as separate phases.
2. Endorse staff recommendation to address the Development Areas in the first phase.

Mr. David Hannah, Natural Resources Manager, addressed the Board and stated that he would explain the public review process for stream buffers. He defined a buffer as follows: "An area of vegetation adjacent to streams, rivers, reservoirs, wetlands or ponds that is managed and protected." He presented a photograph of the Doyle's River in western Albemarle, which he said is a great example of a stream buffer, and said it is a wide area of healthy, structurally diverse, native vegetation that is adjacent

to the stream. He pointed out that there is a ground layer of vegetation, as well as shrubs and a tree canopy, and the stream is connected to its floodplain enabling it to overflow its banks, which is natural and normal. He said there is no evidence of human disturbance, especially in terms of erosion and sedimentation.

Mr. Hannah presented a slide entitled, "First Objective of County Natural Resources Program," which is to conduct a thorough public review of the stream buffer requirements of the Water Protection Ordinance. He reminded Supervisors that in January they had endorsed the seven objectives that comprise the Natural Resources Program. He recognized Frank Pohl, Bill Fritz, and Mark Graham for their efforts on the stream buffer issue and noted they were both present to answer any questions. He stated that the review is consistent with many strategies and objectives in the Natural Resources chapter of the Comprehensive Plan.

Mr. Hannah listed the following agenda for his presentation: overview of stream buffer regulations; brief legal and historical information; description of public review process; results of public review process; staff recommendations based on public input, discussion; and questions and answers. He noted that Supervisors have been provided with a two-page packet that contains the stream buffer regulations and offered to skip this portion of the presentation. He reviewed the legal background, noting that the Chesapeake Bay Preservation Act enables localities to regulate activities that impact water quality, with stream buffers being one of the major tools in the act. He said the act was enacted in 1989 and focuses on land use planning and management to preserve water quality in Virginia. He said the act is mandatory in the Tidewater region, east of I-95, and voluntary west of I-95, with Albemarle being the first locality to enact a local ordinance and more recent ordinances enacted by the City of Charlottesville and Fluvanna and Powhatan Counties. He listed the County ordinances as follows: Water Resources Protection Areas Ordinance (1991) and Water Protection Ordinance (1998).

Mr. Hannah covered the public review process and listed the following events:

- April – Online survey (281 respondents)
- May – Three stakeholder group meetings (Farming and Forestry community, Development and Business Community, Conservation Community)
- August – Public meeting
- October – Public meeting presentation to Planning Commission.

Mr. Hannah emphasized that staff did not attempt to assess or judge the input of public comments. He described the stakeholder meetings as well attended and lively, and he thanked Ms. McKeel for attending all three meetings and Ms. Mallek for attending the first. He said that over 50 people attended the August public meeting, which he described as being very lively, with coverage provided by *Charlottesville Tomorrow*. He said about 25 people attended the October meeting, including Mr. Dill, with media coverage provided by *The Daily Progress*. He said the Planning Commission has expressed interest in providing input to the process. He indicated that it is staff's opinion that they had already been successful in gathering public input from a wide variety of individuals and groups. He referenced the six-page report that provides a list of identified questions categorized by rural and development area issues and said there are too many issues to discuss in this presentation, but he would review some broad issues that were identified. Mr. Hannah stated that they were surprised to learn that many residents knew little or nothing about stream buffer regulations, though many expressed an interest in learning more. He said there has been a wide variety of ideas and perspectives, including a strong desire for protection of resources such as water quality and stream health, as well as an emphasis on protecting property rights and encouraging economic development. He said they recognized a clear division between the opinions of residents and advocates of the rural area vs. the development area.

Ms. Mallek interjected that in the rural area, the opinions of residents represent the complete spectrum, and the divide is not just between rural and development area residents.

Mr. Hannah reviewed areas of common ground that were discovered during the public review process, stating that one area of agreement concerns the growth management policy and a belief that the rural and development areas should be treated differently, with a strong sentiment to preserve the rural character of the County. He said a second area of common ground concerns the importance for property owners to know what they can and cannot do with their property, resulting in a need for more education. Mr. Hannah reported that another theme was enforcement, and the sentiment is that the County should not have regulations in place unless it is prepared to enforce them. He said that a fourth item was residents' frustration with loopholes and county, state, and federal rules that did not adequately protect resources. He said that many people suggested they be more site specific and not take a "one-size-fits-all" approach that applies broad rules over a large geographic area. He said they received a clear and consistent message throughout the public review process regarding the desire to create incentives to improve water quality and stream health in development areas.

Mr. Hannah indicated that as a result of the public review process, staff is making two recommendations. The first is to work separately on stream buffer proposals for the development and rural areas, which would help to make it more manageable, ensure improvements are made in a timely manner, would allow lessons learned from Phase 1 to be applied to Phase 2, and would allow for education efforts. He said the effort would likely involve other County departments, the schools, agencies, and community groups. He said the second recommendation is to work on the development areas first, which would reduce pressure for development in rural areas. Mr. Hannah noted that staff spends far more time on development area projects and properties than on rural area projects, and they believe that addressing development area issues first would be the most efficient use of staff time. He said the fact

that development area issues are generally less complex is another factor, and he presented aerial photos of two stream buffers. Mr. Hannah concluded his presentation and offered to answer questions.

Ms. Palmer commented that there is a lot of support in the rural areas for water protection and stream buffers. She referred to Morgan Butler's request that they address how regulations are currently applied and interpreted, as well as infrastructure placement, and said she assumes he is referring to water and sewer lines, road, and stream crossings. She asked Mr. Hannah to address Mr. Butler's comments. Mr. Hannah replied that Mr. Butler asked for clarification of the water ordinance that permits, under some circumstances, the landward 50 feet of a stream buffer to be used to provide infrastructure for reasonable use of the property. He acknowledged that there is no real definition of "infrastructure" or "reasonable use" and offered to review what has been done in the past. He said the second issue brought up by Mr. Butler relates to stream crossings. He said that stream crossings and the reasonable use phrase apply countywide in both development and rural areas. He said if they decide to address development areas first, this would not preclude them from addressing these two issues.

Ms. Palmer asked if the interpretation and application of how they deal with regulations would be done during the analysis of the development area. Mr. Hannah said they hope to better clarify what rules and regulations are and can look at the history of past projects. He invited Mr. Kamptner to comment.

Mr. Kamptner responded that interpretations would play a part in how the ordinance is revised, as would current philosophy and state standards. He said the infrastructure in the buffer has been present since 1998, at which time they also allowed stormwater management facilities in the floodplain. He said that although the County's approach has changed over the years, the regulations have not always kept up. He said there would be a thorough review of regulations as part of this process.

Mr. Randolph said there is a need to have some degree of consistency in order to avoid a potential accusation that the County is making arbitrary and unreasonable decisions. He indicated that there is a fine line that would have to be walked between having a one-size-fits-all approach and a more specific approach, and he looked forward to how they address this. Mr. Randolph commented on the establishment of performance measures as a way of dealing with buffer issues. He said this could reduce some of the need for incentives for developers, as they would know what is expected ahead of time, which could make things easier for developers and allow them to move through the process more quickly. Mr. Randolph mentioned the small survey sample, pointing out that only .0027% of residents completed the survey, and he emphasized that it is dangerous to form any conclusions since those most likely to respond to the email survey are those who are most interested in government. He suggested that in the future they include survey alerts to residents when they send out tax bills, in an effort to have a more robust and accurate measure.

Mr. Hannah addressed Mr. Randolph's comment about one size fits all. He said this reflects feedback from the public and is not from staff input. He acknowledged Mr. Randolph's comment about consistency and agreed that issues can arise from being too site specific and that it would be a balancing act. Mr. Hannah said that staff is considering how to maximize the objective measure of results, noting that the email survey was conducted to provide staff with a little bit of background about the level of public awareness and that they are not using survey results to formulate recommendations on buffers. He commented that the email survey was probably the least important of the steps in the process, and the only conclusion they are taking from the survey is that there is a lot of unawareness.

Ms. Mallek said she would present several questions and did not expect to obtain answers today; stating that her first question under exemptions is what is a public runway. Mr. Kamptner replied that this was created for the runway extension at the airport.

Ms. Mallek noted that she had thought it had something to do with woods and streams. She commented that the photo of Doyles River must have been taken a long time ago or upstream from where someone was legally allowed to pull down the bank with machines and put in a pipe or crossing under a 20-year-old permit, whereas now the rules have completely changed. She said they were precluded from requiring the permit holder to do what is now considered to be the standard and she hopes they would be able to change this, as it is frustrating to staff, herself, and neighbors who continuously call about things. She noted that work is generally done on weekends quickly with heavy machinery, with the damage done within the first two hours. She said it is false that they think they are protecting something, and they must do a better job with education and enforcement. She commented that the property rights issue is always fascinating, as zoning and other rules can be created by communities but one's property rights stop at the edge of a property because properties downstream can be affected. She asked if they are referring to piping within the growth area, noting that 20 years ago people were putting all their water in pipes whereas now there is more appreciation for daylighting and enhancements to the environment for function and amenities.

Ms. Mallek stated that she is intrigued by performance measures, though only if they have engagement to be able to make some changes. She said the backdoor side of the stormwater discussion may help people to understand the benefits to doing something better that would save them money in the long run on the other side. Ms. Mallek commented that many in the Whitehall District are concerned about streams and waterways, they have a lot to do, and she is impatient to get to the rural area. She said that if they do not fix the rural area then the growth area would be stuck, as rural water comes to the growth area and would make its troubles even greater, which means they should try to prevent this from making things worse. Mr. Hannah responded that there were many comments about the growth areas, adding that intermittent streams are not protected while perennial streams are. He said that many want to prohibit

the piping and covering of intermittent streams and want to create incentives for daylighting streams that have been piped.

Ms. McKeel praised the wonderful job done by the University of Virginia with the daylighting of streams and waterways on its property. She suggested that they tour areas of Adele and off Jefferson Park Avenue to view the impressive work in stream daylighting.

Ms. Mallek agreed and commented that it takes deep pockets to do this.

Mr. Dill agreed that it makes sense to focus on the development areas, and there appears to be consensus that education is valuable. He asked how they would balance the low-hanging fruit in the rural areas while emphasizing the development areas and educating people on items such as the use of native plants. He said he has heard it is difficult to avoid a buffer from becoming composed of brambles and non-native plants, and it takes a lot of work to keep it native and healthy. Mr. Hannah replied that the education piece did not have to focus only on the development areas but could be countywide, as many concepts are in play throughout. He acknowledged that vegetation could be a challenge as they seek to control non-native and invasive plants that are common in buffer areas.

Ms. Mallek mentioned that they have non-governmental organization (NGO) partners who would be part of the education process. Mr. Hannah agreed that they have some community partners and non-profits, including the Natural Heritage Committee, which seeks to promote native plants in the community.

Ms. McKeel pointed out that if they provide education to students, they are also educating parents.

Ms. Palmer said she presented a constituent suggestion to Mark Graham, who has consulted with the County Attorney, though she does not know if a response had been made. She said the suggestion was that rather than mandating a specific 100-foot buffer on farms in the rural areas, they should require continuing education credits that would be connected to the land use tax break. She commented that she finds this idea interesting.

Ms. McKeel stated that the report presented by Mr. Hannah was really great, describing it as concise, easy to read, and straight to the point.

Mr. Hannah asked if he has the Board's endorsement on the two points. Ms. McKeel asked Mr. Kamptner if an endorsement is necessary. Mr. Kamptner replied that an endorsement made in the form of a motion would be appropriate.

Ms. McKeel **moved** that the Board endorse staff's recommendation to address the stream buffer issue in two phases, with the development and rural areas addressed separately, and with the development area addressed in the first phase. The motion was **seconded** by Ms. Palmer.

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

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

NAYS: None.

Ms. Mallek offered one more item to her list. She recalled that in 1991 the state had agricultural buffers that went away with some rules modifications. She asked staff to retrieve some of these old rules.

Agenda Item No. 10. **Work Session:** Stormwater Infrastructure Management Program.

The Executive Summary forwarded to the Board states that through a number of actions, the Board has expressed its interest in the County developing and administering a proactive program to manage portions of the stormwater infrastructure system not already under County responsibility. Stormwater - or grey - infrastructure includes conveyance features such as pipes, channels, culverts, manholes, inlets, and other similar features. On September 7, 2016, the Board supported the formation of a stormwater utility - in part to support a recommended grey infrastructure program, and affirmed the level of service recommended by the advisory committee in a 10-year program plan. In addition, the Board has twice in the last two years agreed with private property owners requesting the County take responsibility for infrastructure failures due to the infrastructure serving more than just their private property. The Board's interest is made explicit by the inclusion of a goal in the FY17 - 19 Strategic Plan to "determine role and responsibility of local government for maintaining (stormwater) infrastructure not already dedicated to public use."

The anticipated costs of a grey infrastructure program must be incorporated into the stormwater utility planning. As part of the development of the 2016 stormwater utility recommendations, staff - with the assistance of a consultant - developed preliminary cost estimates for water resources programs to be supported by the utility, including those related to a grey infrastructure program. On October 4, 2017, staff provided the Board with revised cost projections for all programs except the grey infrastructure program.

Estimating the cost of the proposed infrastructure program requires first defining the program scope. Scope is a function of the extent of service (EOS) - or the quantity of infrastructure the County will manage, and the level of service (LOS) - or the intensity of work that will be done to manage the infrastructure.

Level of Service Staff from the Facilities and Environmental Services Department, the Community Development Department, and the County Attorney’s Office worked together to envision program LOS based on information collected from other localities, Virginia Department of Transportation (VDOT) protocols, drainage common law, Board sentiment, and local conditions.

The proposed LOS of the envisioned program includes the following:

Mapping The County will continue to develop a geo-database (a database associated with spatial features) of all stormwater infrastructure within the County, no matter the responsible party; the map will contain attribute data such as type, size, material, age, and spatial characteristics, such as length and depth.

Asset management system The geodatabase will serve as the foundation of an asset management system, which will contain additional data - such as condition and responsible party - and facilitate the scheduling and tracking of maintenance and repair work

Assessment and cleaning The County will initially focus on assessing the condition of infrastructure (using video) to identify issues and assign priority to repair and rehab work. Based on the amount of work, staff will determine whether a County crew or contractors would be more cost-effective; accessing storm sewer systems with video equipment requires some level of cleaning (for instance, the removal of debris and sediment).

Repair and rehabilitation Structural issues identified during assessment will be addressed, as appropriate; repairs and rehab may include replacing or lining corroded metal pipes, filling cracks or gaps at joints, and stabilizing eroding channels; work will be prioritized based on the severity of the issue and consequence of failure.

Easements The County would obtain public easements or other rights of entry, as needed, to perform the work.

Staff developed estimates of costs per unit length (mile) of infrastructure to implement the proposed LOS based on data obtained from other localities and industry standards. Cost factors include the age of infrastructure, estimates of the percentage of infrastructure needing repairs and rehab, and the frequency and timing of work.

Extent of Service

In order to estimate the quantity of infrastructure the County will likely manage it was necessary to: 1) predict the total amount of infrastructure throughout the County; and 2) determine the portion of the total amount for which the County would assume responsibility. The remaining infrastructure would continue to be managed by either VDOT or the owner of the property on which the infrastructure lies.

Staff has mapped approximately 185 miles of infrastructure as of November 2017. Staff used two separate methods to predict that there is approximately 225 miles of infrastructure located within the County’s urban areas and within residential subdivisions in the rural areas. It is improbable the County will assume responsibility for infrastructure in rural areas outside of residential subdivisions.

Of the total amount of infrastructure outside of VDOT rights-of-way, staff assigned proportions the County would likely manage for a variety of land use categories. The assignments were made using professional judgement informed by an examination of various example properties. For instance, much of the infrastructure located on commercial properties serves only that property - similar to a sanitary lateral - but a portion (staff estimates 25%, on average) may convey offsite stormwater through the property - similar to a sanitary *trunk line*. There is likely a public interest in assessing the trunk lines and repairing and rehabbing only a portion of the trunk lines.

The assignments and the resulting amounts of infrastructure for which the County would be responsible are summarized as follows:

Land use	Typical proportion of County responsibility	
	Cleaning and assessing	Repairing and rehabbing
County & school properties	100%	100%
within public easements	100%	100%
SFR - small lots (urban)	100%	60%
SFR - medium to large lots (rural)	5-50%	3-30%
non-SFR (commercial, multi-family residential)	25%	15%
Resulting amount of infrastructure under County management	100 miles	68 miles

Scope and Costs

Using the unit costs developed to reflect the LOS and the quantities of infrastructure reflecting the EOS, staff developed total infrastructure program cost estimates for the 10-year utility planning period. These costs are included with other revised water resource program costs, reviewed by the Board on October 4, 2017, and summarized as Attachment A.

Staff believe the program and cost assumptions described above are appropriate for estimating program costs as part of the process to develop a stormwater utility. Prior to the commencement of the proposed program, staff intends to develop policies dictating the parts of the infrastructure system for which the County would generally have an interest in assuming responsibility. Once the program is launched and as it matures, the policies can be refined and used as guidance to make case-by-case determinations of responsibility.

This update on work progress does not have an effect on the budget. The estimated costs of implementing an infrastructure program will be used to inform the development of a stormwater utility.

No action is required. This work session is an opportunity for staff to update the Board on work efforts related to establishing a stormwater utility.

Mr. Trevor Henry, Director of Facilities and Environmental Services, and Mr. Greg Harper, Chief of Environmental Services, presented. Mr. Henry said this would be the third of four work sessions that began in July on this topic, and he is not seeking a vote. He listed an agenda for his presentation as follows: Update on Stormwater Utility, Describe Proposed Stormwater Infrastructure Program, Describe Methodology to Develop Cost Projections, and Board Feedback. He noted that an advisory panel would meet later that night and would propose the methodology and logic for conducting a fee assessment. He said that once this has been vetted by the panel and by staff, they would add this to staff's recommendation in January and kick off an aggressive public engagement program.

Mr. Harper said there are several strategic plan objectives related to this effort, which he listed as follows:

- **Objectives Requiring Further Development:** Determine desired levels of service for water resource protection programs; and then identify and implement permanent funding sources to support those levels of service.
- **Revitalize Aging Urban Neighborhoods:** By April 2017, staff would develop technologies and procedures to map stormwater infrastructure not already mapped and commence mapping throughout the County. By January 2018, Board would determine role and responsibility of local government for maintaining infrastructure not already dedicated to public use.

Mr. Henry presented an updated funding mechanism timeline, which showed they began in 2014 with the identification of new mandates and a recognition that the County infrastructure is aging and beginning to fail, leading to the conclusion that they should develop a program that proactively addresses infrastructure maintenance. He reminded the Board that a committee was appointed, a consultant was hired, and a public engagement process was implemented. He said the committee recommended the establishment of a stormwater utility and made additional recommendations that were adopted by the Board in September 2016. Mr. Henry said this presentation would review the concept of grey infrastructure and the revised cost estimates for this program. Mr. Henry reviewed the cost components as follows: operating, TMDL, dam safety, green infrastructure, grey infrastructure. He said he would review cost estimate revisions and present a 10-year cost estimate so they can develop a rate per billing unit. He stated that the program to be implemented is countywide, with a recommendation to have a countywide fee. He presented a slide showing that operating, dam safety, and grey infrastructure are cost components of both urban and rural areas, while TMDL is specific to urban areas and green infrastructure is specific to rural areas. He emphasized that the program is not being developed from nothing, as they already have a \$3 million per year water resource protection program with 16 staff involved. He said they would not have to hire new employees, but would fund positions or parts of positions from the stormwater utility. He also emphasized that they have an existing capital program and that although there would be a cost bump resulting from the addition of green and grey infrastructure, they have already been dedicating funds to stormwater management.

Ms. Mallek said the way Mr. Harper has described this is different from what she had envisioned, adding that engineers who review plans should be paid for through the fees that have to do with the plans and not out of the utility fee.

Mr. Harper offered to review the fee structure. He said the current program is partly funded by the Virginia Stormwater Management Program (VSMP) fee paid by developers to support the time engineers dedicate to plan reviews. He said he does not believe this fee covers the entire cost of the program, though these fees would be maintained.

Mr. Kamptner interjected that the fees are supposed to cover costs, but they are set by the state.

Mr. Harper added that besides VSMP fees, there is a 0.7-cent earmark to support current programs, as well as some borrowed money and grants that fill in the gaps. He said these would be replaced by the utility, though the VSMP fees would remain.

Mr. Harper reviewed the grey infrastructure program, which he said is designed to address infrastructure failures and hopefully result in cost savings. He emphasized that costs are driven by level and extent of service with level of service determined by cost per mile and extent of service by the number of miles. He presented a list of grey infrastructure program levels of service components, including mapping and asset management, construction inspections, video assessment and cleaning, obtain easements, and maintenance and repair. He said that in some cases they would be able to add existing private infrastructure to the county-maintained system, while in some cases they would have to obtain easements.

Ms. Palmer asked if this would also involve rural area neighborhoods. Mr. Harper replied that for the cost analysis, they have assumed that a lot of urban area infrastructure would be brought into the County system, as well as some rural subdivisions. He added that other properties in the rural areas are not likely candidates to be added to the County system, as the County would not want to step in and serve just one property.

Ms. Palmer said there are some instances in the rural areas where there are stormwater catchments.

Mr. Harper reviewed the levels of service, noting that they do not currently inspect the construction process but do erosion and sediment control and building inspections. He said they have assumed some of the new positions would be for Community Development field inspectors. He said that during the first two years, they would place video cameras in the pipes to conduct inspections. He provided the following unit costs per activity: video access (\$4,500/mile), cleaning (\$20,000/mile), repairs (\$250,000/mile), and major rehabilitation (\$1,250,000/mile). He said they assume 20% of the pipes would require cleaning before the video assessment could be conducted.

Mr. Randolph asked if these are Department of Public Works or third-party contractor costs. Mr. Harper replied that they have not specified this. He added that the estimates reflect both public works and contractor costs and have been developed using information from other jurisdictions.

Ms. Mallek asked if some infrastructure is above ground. Mr. Harper confirmed this. He next presented a map of existing infrastructure, including pipes, channels, inlets and manholes, which showed that 185 miles have been mapped with an estimated 40 miles remaining unmapped, for a total of 225 miles. He pointed out that the map depicts infrastructure in the urban areas as well as rural, residential subdivisions.

Mr. Dill asked how they would determine which residential subdivisions would be added to the County-maintained infrastructure, as he speculated that HOAs would prefer to turn over maintenance to the County. Mr. Hannah responded that he believes the decision would not revolve around how well the infrastructure has been maintained or its condition, but on whether or not it would serve a County purpose. He indicated it is unlikely the County would want to adopt infrastructure that serves only one property, noting that they are differentiating between laterals and trunk lines in the cost analysis.

Ms. Palmer asked if there is a map of rural area subdivisions that are most likely to be considered or adopted. Mr. Hannah responded that the question is not whether they would maintain a particular subdivision, but whether there are portions of infrastructure in every subdivision that should or should not be maintained. He continued that they have extensive data from maps regarding pipe age and size, which has been incorporated into the financial analysis. He said they have estimated the proportion of various types of land use properties that would be under the County's responsibility for cleaning and assessing, as well as repairing and rehabilitating, with around 100 miles estimated for cleaning and assessing, and 68 miles for repairing and rehabilitating.

Mr. Dill asked how they would arrive at decisions and if there would be a review panel for situations when a property owner disagrees. Mr. Hannah responded that they have been working through this process, but are not at the point at which they are prepared to set the rules. He said many existing programs are reviewed by staff on a case-by-case basis, and they could develop principles and guidelines for staff to use and ask the Board to review them. He said it may be up to the County Attorney's and County Executive's offices to make some of these decisions.

Ms. Mallek emphasized that VDOT handles some infrastructure along roads and the County should not deprive them of that responsibility.

Mr. Hannah stated they estimate that just over half the County's infrastructure would stay as privately maintained, with another portion to be maintained by VDOT and about 68 of the 225 miles to be maintained by the County. He presented an infrastructure map of the Rio Hills Shopping Center and surrounding properties, with pipes and properties color-coded for County, private, and VDOT maintenance, as an example of how they would conduct assessments. He presented a similar color-coded map of the Raintree and Fieldbrook residential subdivisions.

Ms. Palmer asked if the County would take on infrastructure for new residential subdivisions. Mr. Hannah confirmed this, but said the County would only take on conveyances and not stormwater and water quality treatment facilities.

Mr. Hannah presented a slide with program cost estimates for years 1 through 10, calculated using a formula of unit costs per activity times miles, and he distributed figures that have been updated since the executive summary was prepared. He said the current estimates are about 15% higher than

those provided to the Board two years ago, with some of the increase attributable to inflation assumptions.

Ms. Palmer asked if the sinkhole at Carrsbrook would be an example of a pipe repair. Mr. Hannah replied that the sinkhole would be more like a pipe rehabilitation or replacement, and he explained that pipe repairs involve repairing joints. He pointed out that if they had lined the Carrsbrook pipe a few years ago before it failed, they could have saved several hundred thousand dollars.

Mr. Randolph asked what the cost of the Carrsbrook rehabilitation would be. Ms. McKeel pointed out that VDOT shares the cost of this project. Mr. Henry confirmed that VDOT and the County split the cost 50/50 and recalled the County's share to be about \$300,000, and he offered to research this and to provide the exact figure.

Mr. Hannah said the updated cost estimates he has provided would be used to determine the stormwater rate. He presented a timeline of next steps, which include a meeting with the advisory panel later that afternoon to firm up the rate model and credit policies, followed by a community engagement plan to be developed by January, with a public hearing in April and ordinance amendment adoption by the Board in May. Mr. Hannah noted that the first billing is scheduled for May 2019. He next reviewed the community engagement process, which he said would involve the history and background, rate structure and credit policy, online fee lookup, and customer service contracts. He presented a list of venues to include CACs, councils, and community meetings, as well as a web page, video and a fact sheet. He concluded and invited questions.

Ms. Mallek reiterated her concern that developer fees not be put into countywide billing and said she wants to ensure the fee assessment is sufficient to cover costs, so that low-income residents would not end up assuming costs that are not theirs. She asked if they are still working with the driveway access unit throughout the County. Mr. Hannah confirmed that they are working with the driveway access unit.

Mr. Randolph said he would find it valuable if they could show voters what the existing water protection program consists of in terms of the number of staff and which staff positions are paid by the 0.7-cent tax and which are covered by general government operating funds. Additionally, he said he would like to know how personnel under the stormwater utility program would be paid. Mr. Randolph said he anticipates that voters will want to know what the status quo looks like in terms of configuration and costs and how these would be reflected in the new stormwater utility program. He said he anticipates that stormwater utility fees would be a bigger issue to constituents in January and February than the budget, and he would like to be prepared to answer their questions. He recognized the efforts of Mr. Hannah, the committee, and staff. Mr. Hannah agreed to provide this information.

Ms. McKeel commended staff for an excellent report.

Ms. Mallek expressed agreement with Mr. Randolph's comments. She said her constituent questions have pertained to government funding of the program, not the program itself, and that by having more clarification they could reduce the fear that they would be hiring many new people. She stated that people are concerned about efficiency, but also want to get the work done.

Mr. Dill said his sense from constituents is that there is a concern about intrusion and the details of what would be involved more than the cost, adding that it seems to be more of a psychological issue than a cost issue. Mr. Hannah replied that staff would address a lot of these concerns, adding that they would not be introducing new mapping procedures or technologies.

Ms. Palmer said she has received many emails about this topic over the past week, with many questioning whether the County has the ability to conduct accurate mapping. She asked if a short statement that provides the County's capabilities could be drafted.

Mr. Hannah replied that after the panel meeting later that evening, they would have some real information, and he offered to provide a statement by the end of the following week.

Mr. Randolph suggested that they consider the establishment of an appeals process and determine who would be involved. He said there is a fear and lack of confidence among some people about the GIS and an assumption that the County is obtaining information from Google mapping, whereas the reality is that they have obtained information from building site applications and then input it into the County's GIS system.

Mr. Kamptner added that there are several existing programs that allow for appeal, such as the Steep Slopes Overlay District, which relies on mapping and allows the landowner to request a review of their particular situation by County staff. He noted that he expects they would have similar relief for the stormwater program.

Ms. Palmer pointed out there is out-of-date information about assessments on the County's website, which causes people to question how much is known about their property. She acknowledged that the County Assessor's Office has been understaffed for many years and is working on this.

Mr. Dill said that some are questioning why a separate taxing authority is needed and believe it is just another method of taking money. He said the idea is to get people to take positive steps to improve their impervious surfaces, and he asked how they expect to motivate people and not just add something to the tax rate.

Ms. Mallek explained that the stormwater authority is a funding mechanism and is not a way to get people to do things, but a way to place funds in the right bucket to comply with state mandates and the Board's objectives. She explained that her rural constituents have said there is a need to have different ways to evaluate their situations that include measures they have already taken with their properties as well as density factors. She said the only way to achieve this is with a utility.

Mr. Kamptner added that state and federal permitting authorities are looking for localities to have dedicated revenue streams for these programs.

Mr. Henry summarized that in January they will provide the Board with a fact sheet and direct staff to begin the community engagement process, noting that the County's share of the Carrsbrook project was \$180,000.

Recess. At 3:29 the Board recessed and reconvened at 3:42 p.m.

Agenda Item No. 11. **Work Session:** Two Year Balanced Fiscal Plan in Context of Five Year Financial Plan with Public Comment on 2 Year Balanced Fiscal Plan.

The Executive Summary forwarded to the Board states that long-range financial planning is an important component of the County's fiscal processes that provides a venue for discussion regarding important longer-term priorities and creates a framework within which the next fiscal year's budget development will take place.

On November 8, the Board of Supervisors and the School Board received information regarding the School Division and General Government's Five Year Financial Plans, including revenue projections. The Boards also received an overview of General Government's Recommended Balanced Two Year Fiscal Plan.

In accordance with the budget development schedule, the Board of Supervisors will have two additional work sessions on the Recommended Two Year Fiscal Plan. At the work session on December 6, staff will provide additional details about the Plan and the public will have an opportunity to provide comments. On December 13, staff will request the Board approve the Two Year Fiscal Plan, with the understanding that it is for planning purposes only, and provide any further guidance for the upcoming budget development.

There is no budget impact; however, the results of these work sessions provide guidance to staff as they develop the County's Recommended FY 19 budget.

Staff recommends that the Board of Supervisors provide direction that will inform the upcoming budget processes.

Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board and introduced Ms. Laura Vinzant as Senior Budget Analyst as a lead in this. She explained that this is the second of three work sessions, with the next on December 13, and presented the desired outcome as the Board providing guidance regarding options and approaches as the County embarks on the annual budget development process. She said this is an opportunity to allow for public comment, provide a recap of the plan, provide some additional information in key areas, and to seek Board guidance. She said at the following week's session, they would seek final direction that informs the annual budget development.

Ms. Allshouse listed the following revenue assumptions: the economy looks healthy going forward, positive housing market, local economy remains strong, and positive variance provides one-time money. She pointed out that FY19 revenue projections are not yet complete and will be ready by mid-January, noting that the FY17 CAFR will be presented after her presentation. She said real estate reassessments would be complete by mid-January, which can make a difference in the final numbers. She recalled that on November 8, the Board was presented with the Five-Year and Two-Year Balanced Plans, as well as the school's Five-Year Plan, and the composite index used by the state to determine school aid has changed in an unfavorable way and is still being assessed.

Ms. Allshouse explained they have set up the assumption sheet and document to focus on three areas: Sustain a Quality Organization, Advance Strategic Priorities, Maximize Transformation and Address Emerging Issues. She explained that the category of Sustaining a Quality Organization includes support for education, capital programs (including debt service), existing workforce, and maintaining current levels of service to the community. Under the category of Advancing Strategic Priorities, she listed the following initiatives: Economic Development, Infrastructure Investment, Environmental Protection, Acquisition of Conservation Easements Program, Incentivizes Broadband Access, Bright Stars Program, Family Finders Program, Strategic Plan Implementation Support, and Water Resources – Stormwater Utility. Under the category of Maximizing Transformation and Addressing Emerging Issues, she listed the following: Establishes Affordable Housing Fund, Implements Transformational Initiatives (Records Management, Time and Attendance, Technology Needs Assessment), Increases Analytics, and Addresses Emerging Issues.

Ms. Allshouse next reviewed specific areas that she said could sometimes cross over different categories. She listed the following areas she would review: Tax Rate Changes, Staffing, Capital/Debt Service, Economic Development Fund, Affordable Housing Fund, Savings and Efficiencies. She presented a slide that showed the real estate tax rate assumptions included in the Two-Year Fiscal Plan as: current rate: 83.9, FY19 rate: 85.4, and FY20 rate: 86.7. Ms. Allshouse noted that her slide shows that the FY19 rate includes 1.5 cents dedicated to costs associated with the CIP, and the FY20 rate includes 2 cents dedicated to costs associated with the CIP and 0.7 cents due to the implementation of a stormwater utility.

Ms. Palmer asked for confirmation that the 1.5 cents in FY19 was associated with the school bond referendum and the 2 cents in FY20 was dedicated to costs associated with the CIP is for courts. Ms. Allshouse responded that both of these were planned from the bond referendum and other costs associated with the CIP. She said the courts are still coming forward as an expense, and part of it could be paying for equity towards courts, with debt service for courts would be in the out years.

Ms. McKeel and Mr. Randolph interjected that the 2 cents was dedicated to PVCC and the Senior Center.

Ms. Allshouse's next slide showed that the Two-Year Fiscal Plan assumes an additional \$15.7 million for CIP and debt service, with \$6.8 million for a one-time use of the fund balance, \$4.5 million for FY19 (includes \$2.5 million dedicated tax rate), and \$4.4 million in FY20 (includes \$3.6 million dedicated tax rate). She emphasized that the two tax rate changes are solely dedicated to capital related expenses.

Mr. Randolph stated that this is a significant increase over the last two-year budget.

Ms. Allshouse agreed, noting that total funding for CIP and debt service over the two years is \$70 million.

Ms. Allshouse presented a graph indicating the number of staff in FY07 compared to FY18 for seven County functions of government. The graph highlighted that the County population has grown by 16% over this period, while staffing grew by 13%. It showed the compounded annual population growth as 1.4% compared with a compounded annual staffing increase of 1.1%. Ms. Allshouse emphasized that for 11 years, there was no growth in Parks and Recreation staff, and there were decreases in Public Works and Community Development staffing levels.

Mr. Randolph noted that the County's adoption of geo-policing required additional public safety staff and said it would be interesting to remove Public Safety from the overall County staffing figures to see what the growth would be. He said he suspects this would show a lower growth rate in staffing levels, demonstrating that the County is trying to be as cost-effective as possible in personnel costs despite significant population growth over the last 10 years.

Ms. Allshouse offered to provide this.

Ms. Mallek asked for a further breakdown within the function of Public Safety, as she believes that only 10 of the additional 58 personnel were police officers.

Mr. Dill asked what functions are included in the Public Safety category. Ms. Laura Vinzant responded that Public Safety includes Police, Fire and Rescue, as well as a small portion of Community Development that provides building inspections of public safety facilities.

Ms. Palmer asked if a breakdown of Community Development staffing over the last four years could be provided. Ms. Allshouse's next slide showed projected staff numbers for the seven County functions of government by FY20. It highlighted that the County population is expected to increase by 20%, with a projected staff increase of 18.6%, compounded annual population growth of 1.4%, and compounded annual staffing growth of 1.3%.

Mr. Dill said his understanding was that as metropolitan area populations increase, there are fewer staff per 1,000 people, reflecting economies of scale.

Ms. Allshouse offered to conduct some research to determine if this was so.

Mr. Randolph said it would be interesting to look at figures provided by the Virginia Association of Counties (VACO) for comparable counties. He said that each year he tries to look at how Albemarle compares with other localities and the County has a higher poverty rate than most comparable counties, which requires increased costs for government. He suggested they also compare themselves with the Cities of Richmond and Arlington.

Ms. Allshouse added that it is important to be mindful that County staffing levels did not include the jails, which are regional entities supported through an agency, whereas some counties have their own jails.

Ms. Allshouse's next slide included a graph indicating the number of general government positions per 1,000 population in the County from FY07 to FY20, and she noted that the graph showed a slight downward trend during the recent recession years with a more recent upward trend towards the levels of FY07.

Ms. Mallek pointed out that the drop in staff was far more than the figures demonstrated, as the population of the County grew during this period.

Ms. Allshouse emphasized that the majority of department funding requests did not make it into the Two-Year Fiscal Plan. She reminded the Board that they established an economic development fund in the current fiscal year with \$1.1 million in the FY18 budget, and 2.3 million recommended for the Two-Year Plan. She provided a list of potential uses of the fund: match for specific state grant opportunities, economic investment for development areas, neighborhood revitalization support, and priority economic development initiatives.

Mr. Dill asked how they arrived at a total economic development fund figure of \$3.4 million and if they had specified particular uses. Ms. Allshouse explained that they used positive year-end variance funding and came up with this number as a starting point for the Board to consider, noting that there was not something specific in mind. She explained that the fund did not support ongoing operations of the Economic Development Authority, but served as a separate fund.

Ms. Palmer asked if the Board is supposed to approve this particular amount next week. Ms. Allshouse replied that instead of looking for a formal approval of the plan, staff is looking for the Board to provide guidance.

Ms. Palmer added that if they advertised they have these funds available for economic development, it would become a target for those seeking funding.

Ms. Mallek said she is not prepared to give blanket approval to anything and would like to review specifics. She said that in prior discussions, the economic development fund had been considered as a source to provide matching.

Ms. Allshouse explained that the plan establishes an affordable housing fund from Fund Balance of \$1 million and listed the following potential near-term uses: support for the Board's Strategic Priority of establishing a Southwood redevelopment to partner with Habitat for Humanity, grants leveraging, activities related to the City/County affordable housing memorandum of understanding.

Ms. Palmer asked if they would use this for a tax deferral of an affordable housing project. Ms. Allshouse responded that it would not be a deferral but an incentive.

Mr. Doug Walker, Deputy County Executive, addressed Ms. Palmer's question. He said the structure would require the Board to first receive the tax revenue and then rebate this through the EDA, while this structure would have money available for projects that could be considered on a case by case basis by the Board.

Ms. Mallek added that The Crossings housing for homeless was an example of when the County put in cash to supplement cash provided by the City.

Ms. Allshouse emphasized that they focus on savings and efficiencies and that the transformational initiatives save time, refocus staff, conduct cost avoidance activities, and lead the County to become more efficient. She reviewed some examples, such as the new time and attendance technology, website redesign, automated records management using Laserfiche, Department of Housing and Department of Social Services housing transition, and a technology assessment that staff hopes would lead to future cost avoidance opportunities.

Ms. Allshouse reviewed savings and efficiencies in the Two-Year Plan. She said the Children's Services Act (CSA), a program managed in coordination with the schools, is a volatile program they monitor and ensure sufficient funding for within the fund balance. She explained that staff believes they can find savings through additional matching funds. She said the health insurance program has shown positive results leading to potential cost savings with premiums remaining level. She reviewed some additional examples of savings and efficiencies such as the utilization of volunteers by Parks and Recreation, and by the Fire/Rescue, Police, and Sheriff's departments. Ms. Allshouse said that a second example is the increasing use of purchasing cards, which she said reduces the number of checks the County issues and provides bank rebates; a third example is the increasing use of grant funding to support the community; and a fourth example is energy savings.

Mr. Randolph added that since Congress must fund the CHIP program, the County may be asked to commit more resources and this will be clearer by the following week. He said this could be an unexpected curveball, as he is not confident that Congress and the President will come to an agreement.

Ms. McKeel referenced a *Richmond Times Dispatch* article that indicates there are 68,000 women in Virginia and 6 million nationwide who will lose coverage, which she commented is very concerning.

Ms. Allshouse said there is a lot going on that needs to be constantly monitored, with potential changes that could impact them suddenly.

Ms. McKeel asked if the new website would provide a way to track efficiencies. She said it should be possible to pull something up about efficiencies by typing the word into the search engine.

Ms. Allshouse replied that they have a site listing efficiencies that is updated annually. She thanked Ms. McKeel for the suggestion and said that staff will check in on this.

Ms. Allshouse said she would review projected available one-time funds and presented a chart that showed the June 30, 2016 audited fund balance at \$47.9 million. She said that higher than expected revenues and lower than expected expenditures resulted in a net increase of \$7.7 million, resulting in a projected fund balance for June 30, 2017 of \$55.68 million. She next reviewed the policy use of fund balance as determined by the Board. She said the first use is for a 10% unassigned fund balance reserve, which she said is \$33 million and represents a percentage of the general fund and school fund minus the transfer between these funds. Ms. Allshouse stated that there is a \$1.9 million school fund that is held in reserve; next is the committed and non-spendable fund balance, which she explained was due to inventory and prepaid items that came out of the Finance Department and could not be used since they were already designated for use; and last was the Board-approved 1% stabilization reserve equaling \$2.7 million. She summarized that these items total \$38.8 million, which the Board has directed may not be appropriated for use at this time.

Ms. Allshouse next reviewed what the Board appropriated from the fund balance in FY18, totaling \$1.6 million. She explained that during the year, the Board approved the appropriation of \$1 million from this balance. She reviewed the calculation to arrive at the unappropriated General Fund fund balance of \$14.1 million, which she emphasized did not include other funds in the County. She presented the following list of proposed uses of one-time funds for FY18 and FY19:

FY18:

- November re-appropriations	\$186,625
- December appropriation – NR	\$1,400,000
- Transfer to Capital Improvement Funds	\$6,770,000
- Economic Development Fund Contribution	\$2,000,000
- Broadband Incentives	\$200,000
- Capital Outlay	\$370,000
- Total FY18 Proposed Uses	\$10,925,605

FY19:

- Economic Opportunities Fund	\$300,000
- Grants Matching Fund	\$100,000
- Innovation Fund	\$300,000
- Reserve for Contingencies – one-time	\$300,000
- Arts & Culture Initiative	\$250,000
- Implementation of Technology Needs Assessment	\$500,000
- Two-Year Plan One-Time Operating Costs	\$415,156
- Contribution to County's Housing Fund	\$1,000,000
- Total FY19 Proposed Uses	\$3,165,156

Ms. Palmer recalled that funding for the Ivy transfer station was from both capital and ongoing funds, and asked if Ms. Allshouse has those figures available. Ms. Allshouse offered to provide these figures at the Board's December 13 meeting.

Ms. Allshouse asked the Board for feedback on what she had presented. Mr. Dill said he would make three points. He expressed support for low-income housing and suggested they go all in on the Southwood redevelopment project; it is important to use non-profits to support the goals of the strategic plan; and they can trust Habitat for Humanity because that organization knows what it is doing. Mr. Dill expressed support for broadband, as it enhances quality of life, education, and key goals, and he asked if staff knows how many people have broadband access. He expressed support for prioritizing early childhood education programs.

Ms. Mallek said there should be extra help for Rivanna Station in the proposed funding and asked for an update.

Mr. Randolph asked if Ms. Allshouse would create a survey for Supervisors to prioritize items on a scale of 1 to 5 as a way to save time and provide a clearer picture of where they stand. He said he would like to have a lengthier discussion about Scottsville Rescue Squad support and the \$400,000 plus volunteer grant received by the fire department to develop volunteer recruitment and how this is working, especially in southern, western, and eastern Albemarle.

Ms. Mallek suggested they rank the items, but believes there should be a bigger list.

Ms. McKeel said it would be very concerning to her if they were to pit items against each other.

Ms. Mallek countered that if they do not rank items they will want everything.

Ms. Palmer indicated that the list of items is too general to rank.

Mr. Sheffield said they could start asking staff for the information they need to make a better decision.

Ms. Palmer expressed that it is not clear to her where they are in terms of meeting the needs of social services.

Ms. Allshouse said she would work with Mr. Richardson to develop an inquiry for next week's meeting.

Agenda Item No. 12. **Presentation:** FY17 Comprehensive Annual Financial Report (CAFR).

Ms. Betty Burrell, Director of Finance, introduced Mr. David Foley, CPA, Audit Manager of Robinson, Farmer, and Cox, who would provide the results from the annual audit.

Mr. Foley said the FY17 audit is complete and he will present the results. He thanked Ms. Burrell and Department of Finance staff for their hard work and preparation. He said that a lot of the schedules presented in the audit report are prepared by the County's finance staff. He reviewed the three parts of the audit as follows: audit of financial statements to make sure they have been prepared in accordance with generally accepted accounting principles; audit of internal controls to make sure they are operating efficiently and effectively; and Federal Compliance Audit, which makes sure the County is in compliance with federal grant programs. He reviewed the four sections of the CAFR: Introduction, Financial, Statistical, and Compliance. He said they have issued an unmodified opinion on the County's financial statements, the cleanest of the opinions, reflecting that the County's financial statements were prepared in accordance with generally accepted accounting principles. He said the report on the County's financial controls was clean, with no significant deficiencies or material weaknesses in internal controls over financial reporting. He said the County has strong internal controls over financial reporting in place and said the report on compliance with federal programs was clean, with no significant deficiencies or material weaknesses. He summarized that all three reports were clean and there were no other items or concerns that arose.

Mr. Dill said he serves on the Audit Committee with Ms. Palmer and that having all three reports be completely clean is very rare, and he commended Ms. Burrell and her staff.

Mr. Richardson expressed his appreciation to the Board for its interest in the results of the audit, as well as to Mr. Dill and Ms. Palmer for serving on the Audit Committee. He said a perfect audit is uncommon for an organization of this size, with the complexities of federal and state agency requirements and the volume of what they do.

Ms. Burrell thanked the Board for their kind comments. She recognized Lisa Breeden, Chief of Financial Management, Tammy Critzer, and their respective teams for their work in preparing the CAFR. She said Ms. Breeden and her team are preparing a citizens' report of the CAFR that will be in layman's terms.

Ms. McKeel asked Ms. Burrell to list all the names of team members.

Ms. Burrell read the following list of names: Cecelia Baber, Daniel Green, Jonathan Kern, Ed Koontz, Davrae Stokes, Susan Worrell, and Robinson, Farmer, Cox.

Ms. Palmer **moved** that the Board accept the CAFR for the Fiscal Year ending June 30, 2017. The motion was **seconded** by Mr. Dill.

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

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

NAYS: None.

Agenda Item No. 13. **Presentation:** Board-to-Board, November 2017, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Ms. Kate Acuff, Chair, Albemarle County School Board, presented. She listed major accomplishments, including the closing of Yancey Elementary School; selection of a new Superintendent to assume office July 1, 2018; commissioning of a teacher compensation study; establishment of a citizens advisory redistricting committee, which made recommendations to the superintendent last week; and reconceptualization of the high schools, which includes curriculum revision, capacity issues, learning environment, equity, and access.

Ms. Acuff said that Delegate Steve Landes has agreed to carry a bill that would give local licensing authority to superintendents for career and technical education, which would make it easier to hire instructors that have experience but lack credentials. She said Senator Deeds attended a presentation given last week by the student advisory council, which focused on the lack of mental health resources in our schools. She said they did a very good job in coming up with concrete recommendations for both the school and state levels. She noted that four years ago when she came on to the school board it was the end of the SAMSA-granted healthy schools/safe schools project, which was broader than mental health and had success in increasing the number of contacts, with students wanting referrals for mental health services, and a decrease in the number of students who said they had thought about or attempted suicide. She said that since the grant expired they have not backfilled the positions and

currently have one FTE student advisory professional at Albemarle High School, and ½ FTE at Monticello and Western Albemarle High Schools and the student presentation recommended adding staff. She said Senator Deeds suggested they add additional data and then resubmit the report to his office with a possibility that he might invite them to present to the Mental Health Commission he chairs in the General Assembly.

Ms. Acuff said they visited the Health and Medical Sciences Academy at Monticello High School, where they have recently activated “Alex,” their simulation dummy that talks, conducts preliminary histories, and can be programmed to simulate many health conditions. She noted the project was funded in its entirety by the University of Virginia.

Ms. Acuff noted there has been bad news from the state regarding the recalculation of the composite index. She said as a result of the County's personal income growing by 28%, compared to the state average of 11%, as well as coming ahead of state growth averages for real property values and rental sales, they would see a reduction next year of \$2 million - \$3 million from state revenues. She said they have not yet fully factored in the impacts of the reductions. She reviewed the issue of student transportation to the pocket or specialty academies, to which any student from each of the three traditional high schools can apply. As the district does not provide bus transportation to academies, she said most academy students attend the one closest to their homes. She said she hopes they can establish a transportation pilot, which she believes would have a dramatic impact in allowing students to attend the academy of their choice. She said that for the first two years they could rely on additional staff time to provide transportation though in the long run they would require additional buses.

Ms. McKeel reminded Ms. Acuff that the City and County have established a transportation partnership and that Charlottesville Area Transit (CAT) runs school bus service for Charlottesville. She said she hopes they can eventually utilize the partnership to provide transportation to the academies and added that Jim Foley, Director of Albemarle County School Transportation, would attend the next partnership meeting.

Ms. Acuff added that Mr. Foley believes that providing additional transportation at the school level would aid bus driver retention, as drivers would have more hours to work.

Ms. Acuff continued that the consultant would provide final recommendations to address high school overcrowding at the December 14 meeting. She said they are considering three options. The first option is to have two smaller centers instead of building a new high school, which she said would be the least disruptive. She said the second option is to build a new high school, which she believes would be the most expensive and most disruptive option. She noted that Albemarle High School is over capacity by 200 students, with projections of continued growth in the number of students. However, she noted the percentage growth at Western Albemarle High School is more significant, with a projection of a 21.6% increase over the next eight years, which the consultant has indicated is the peak. She said they must think broadly about the issues of capacity, improved learning environments, access, and equity. She said a new high school up north would not address the issues at Western Albemarle High School and expressed her opinion that the village model, consisting of two smaller centers, would address all the necessary criteria. She invited questions.

Ms. McKeel requested that the Board be provided with the dates for when Pam Moran would present the schools division funding request. Ms. Acuff replied that it would probably be January 25 and she would inform the Board.

Ms. Palmer requested that the Board be provided with more detail on the changes to the composite index. Ms. Acuff agreed to provide this.

Ms. McKeel congratulated Pam Moran and the School Division for being the recipients of the 2018 “Making It Happen” award by the International Society for Technology and Education. She read the description of the award from the newspaper as advancing technological opportunities for students.

Agenda Item No. 14. **Presentation:** GO Virginia Grants.

Ms. Shannon Holland, Special Projects Manager of the Central Virginia Partnership for Economic Development, stated that she is present in place of Helen Cauthen, who is traveling. She said that CVPED is the support organization for the Virginia Initiative for Growth and Opportunity, Region 9, and representatives are attending meetings of boards of supervisors and planning commissions in the region to present their story. She provided copies of her presentation to the clerk for distribution to the Board. She presented a slide entitled, “What is GO Virginia?” that listed the following description: GO Virginia supports programs to create more high-paying jobs through incentivized collaboration between business, education and government to diversify and strengthen the economy in every region. The next slide was titled, “Why is GO Virginia Needed?” and listed the following points:

- **Virginia urgently needs strong private-sector growth.** Federal cutbacks have exposed our overdependence on public sector jobs. Virginia needs strong private sector growth and job creation.
- **Growth in Virginia's diverse regions requires collaboration.** To grow and diversify our economy, business, education, and government must collaborate effectively in each region.

- **State government must be a catalyst and partner.** State government must provide incentives for strategic, job-focused collaboration in each region of the Commonwealth.

Ms. Holland's next slide listed various job sectors, with the corresponding average job contribution to gross state product. She emphasized that since the recovery from the 2008 recession, they have replaced more low scale jobs than higher scale jobs, resulting in a loss of \$6 billion to the state economy. The next slide presented a map of the GO Virginia regions, followed by a slide that listed the names of the chair and vice chair of the Region 9 Council. She next presented a timeline covering the period from October 2016 – December 2017, during which the organization was founded and began operations. She said the state would begin reviewing initial project applications next week, adding that the local council recently voted to submit its per capita applications by April 3, 2018 so they can maximize all opportunities and get the best use of funding.

Ms. Holland explained that the program has two pots of money available with the first amounting to approximately \$800,000, allocated to the region on a per capita basis, and the second amounting to \$11.3 million, available through competitive collaborative applications of two or more regions. She said the goal of the projects is to create higher paying jobs and address the needs of a region's growth plan with a one-to-one match and a minimum contribution of \$50,000. She encouraged the Board to have conversations with parties that may be interested in applying. She next listed the recommended opportunities for Region 9 as follows: talent development, growing existing businesses, innovation/start-ups/commercialization, site readiness, other. She identified industries they would target as follows: financial and business services, food & beverage manufacturing, information technology, light manufacturing, biomedical & biotechnology. She next presented a list of potential projects by category of opportunity. She reviewed the types of projects for which the grants may not be used as follows: construction of transportation projects (except as ancillary to site development), incentive grants to private companies, economic development marketing, trade missions, and quality of life projects. She reviewed the project scoring guidelines as follows: Economic Impact = 35 points, Regional Collaboration = 30 points, Project Readiness = 20 points, Project Sustainability = 15 points.

Ms. Holland explained that the work of GO Virginia representatives includes presenting at public meetings, holding regional council meetings that are open to the public, and a task force that develops ideas. She presented a slide that listed five steps involved in the grant application process. She provided her contact information, concluded, and invited questions.

Ms. McKeel noted that Ms. Holland would present to the Economic Development Authority. Ms. Holland confirmed this.

Ms. Mallek asked Ms. Holland if she has heard any ideas she can share that could jump start their thinking. Ms. Holland replied that they have had 17 inquiries or pre-applications, and two are in the works: an apprenticeship program to be integrated with community colleges; and workforce training for skilled machinists at a central location, with several companies collaborating.

Ms. Palmer asked for the number of community colleges that are located within Region 9. Ms. Holland listed Piedmont Virginia, Germanna, and Lord Fairfax Community Colleges. She said Frank Friedman and Jan Gullickson are at the table and involved in some of the conversations. She added that another group is looking to establish an incubator program for entrepreneurship or to offer training so businesses can scale up. She said some sites have been identified in their plan and they are working on a region-wide basis to get these to the next level.

Agenda Item No. 15. Closed Meeting.

At 5:26 p.m., Mr. Randolph **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointment.
- Under Subsection (3), to discuss and consider the acquisition of real property in the southern part of the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
- Under Subsection (5), to discuss the expansion of an existing business in the County where no previous announcement has been made of the business' interest in expanding its facilities in the community.
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about activities on a preservation tract in a rural preservation development.

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

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

Agenda Item No. 16. Certify Closed Meeting.

At 6:04 p.m., Mr. Randolph **moved** that the Board certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirement 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. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 17a. Boards and Commissions: Vacancies and Appointments.

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

- **reappoint**, Mr. Ross Stevens to the Acquisition of Conservation Easements (ACE) Appraisal Review Committee with said term to expire December 31, 2018.
- **reappoint**, Mr. Brian Campbell and Mr. Eric Walden to the Charlottesville/Albemarle Joint Airport Commission with said terms to expire December 1, 2020.
- **appoint**, Ms. Emily Luebke, Ms. Dorothy Tompkins and Mr. Michael Rodemeyer to the Natural Heritage Committee with said terms to expire September 30, 2021.
- **appoint**, Ms. Rita Krenz to the Pantops Community Advisory Committee with said term to expire June 30, 2019.
- **reappoint**, Mr. Zachary Wheat to the Rivanna River Basin Commission with said term to expire April 30, 2021.

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

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

Agenda Item No. 18. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Vikki Bravo, resident of Charlottesville, addressed the Board on behalf of IMPACT, a group of 28 City/County faith congregations that works to improve quality of life in the community. She pointed to several members of her organization, who were present in the audience. She said they are continuing to work on the issue of affordable housing to seniors and those with disabilities, which she described as an important and urgent issue as 2,800 senior households in the County struggle to keep a roof over their head, of which 933 of these households pay more than half their income towards housing. She said they have heard many stories of struggle from seniors over the past three years and briefly related several of these individual stories. She expressed appreciation to the Board for its commitment to meeting this need, as evidenced in the Comprehensive Plan. She said she looks forward to the Board's promised report at the end of the year. She acknowledged that the Board is concerned about affordable housing for all County residents, but that seniors and the disabled require special attention as they are more vulnerable.

Ms. Julia Sakellarios, representing the Thomas Jefferson Memorial Unitarian Universalist Church and network representative for IMPACT, addressed the Board. She read the following statement: "Ever since I returned to Charlottesville, which would be two years in March, I've been struggling to find a safe and affordable place to live. I currently live in the City at 254C Stribling Avenue. When I came here I moved into Woods Edge apartments where I had lived a few years ago, however, unfortunately they privatized and raised the rent by \$100/month and I was told they would continue to raise it by \$50 each year for several years. I knew I could not afford to live there on an ongoing way. I was here because I have a granddaughter and daughter, who has a serious health issue, who live here. I decided to be proactive and to move out of Woods Edge and moved into a basement apartment with a family member, which did not have a kitchen and was also very expensive and did not work out for me to be there for family reasons. I was able to secure a place in the City for \$630/month, which is about half of my social security. I am age 77 and a retired public school teacher and don't have a pension because I did not teach full time as I stayed home with my kids and divorced. I moved into this charming little apartment, which is not convenient for someone in my condition as an elder as there is no washer and dryer. The stairs make it hard to bring groceries in, the sidewalk is broken and doesn't feel safe plus I fell and broke my arm and wrist which made it twice as hard. I've been looking for a place to live and I'm on a long waiting list and don't know how long it would take to get there."

Mr. John Zug, resident of Rio District and Clerk of Court, addressed the Board. He said he would talk about the potential relocation of the courts. He advocated for the plan to keep the courts downtown. He explained that frequent users of the court with whom he works on a daily basis, such as title examiners and title companies, use both the City and County courts and would be horribly impacted by a relocation. He noted that many land records for City properties are held by the County. He acknowledged that the City has been a less than ideal partner with regards to the issues facing the County in the downtown area and the location of the courts. He asked that the Board of Supervisors be a better person

than the City has been, as they are having difficulty in just governing and running the City. He said this is a social justice issue and asked the Board to reach out to City officials again to work towards a plan that keeps the courts downtown.

Mr. Gary Grant, resident of Rio District, addressed the Board. He said he is fired up about the burn ordinance and learned from Ms. Mallek that the issue would be discussed in January or February. He said he does not have a problem with his new neighbor, who precipitated his concern by burning a lot of trees, shrubs, and vegetative debris on his two-acre property. He said he has never burned on his six acres in 32 years and does not understand the need for open burning when they have a great landfill where one can turn debris into mulch to be used on people's properties. He referred to Section 6-407 of the burn ordinance and expressed concern with language that asks property owners to minimize the amount of material that is burned. He asked how a zoning or law enforcement official could make a determination with this lack of specificity. He said the ordinance requires the best possible combustion with a minimum of smoke, and that the burn pile may not smolder past the time needed for destruction. He asked who could judge these requirements, as they lack specificity, and asked that they review the burn ordinance and add specificity.

Agenda Item No. 19. **Public Hearing: Virginia Community Development Block Grant**. To solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for potential projects in the locality. Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to comment on the County's past use of CDBG funds. *(Advertised in the Daily Progress on November 20 and November 27, 2017.)*

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

The VCDBG application process requires that two local public hearings be conducted. The purpose of the first public hearing is to provide information on eligible activities that may be funded by CDBG, the amount of funding estimated to be available, and past activities undertaken with CDBG funds, and to receive public comment on this information and potential community development and housing needs. The follow-up public hearing is held in order to consider proposed project applications and must take place prior to the application due date in March 2018. Applications must be submitted by the County to the DHCD; however, the proposed activities may be undertaken by partner agencies. Albemarle County, as a non-entitlement community, is eligible to apply to the DHCD for up to approximately \$1.5 million in CDBG funding for projects that benefit low- and moderate-income persons, prevent slums and blight, or address urgent community needs. Eligible activities include economic development, housing rehabilitation, housing production, community facilities and community service facilities. Community development projects can receive varying levels of funding, depending on the nature of the activity, or by combining multiple activities. The DHCD has not released estimates for 2018. Previous years funding was \$9.8 million for competitive grants and \$5,550,000 for open submission applications.

Over the years, Albemarle County has been successful in receiving a number of CDBG grant awards. The most recent grant was awarded in 2016 to improve 29 owner-occupied homes in the Alberene neighborhood. The more recent completed project provided public sewer to twenty homes in the Oak Hill subdivision. Prior grants have resulted in improved infrastructure and preservation of owner-occupied homes and rental units. The Office of Housing is currently working with Habitat for Humanity on a CDBG Planning Grant for community organizing in Southwood and has submitted a second CDBG Planning Grant application to assist in developing a preliminary design for the first village in Southwood. For any project to be considered by the County for CDBG funding, the applicant must notify the County no later than January 5, 2018. This notice shall include a brief description of the project, the proposed use of CDBG funds, and a description of the beneficiaries of the proposed activity. A completed application that includes the proposed budget shall be submitted to the County electronically by February 9, 2018, and the entire application, along with attachments, must be received by February 23, 2018.

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

Staff recommends that the Board receive information on available CDBG funding and eligible uses, and hold the public hearing to receive input from the public on potential community development and housing needs. Staff also recommends that the Board set a public hearing on March 7, 2018 for the second required public hearing to review and approve the submission of any proposed applications.

Mr. Ron White, Chief of Housing, presented. He explained that the block grant is a federally funded program administered by the Virginia Department of Housing and Community Development, and since its establishment in 1982 has provided funding for eligible units of local government such as

Albemarle that are not entitlement communities. He explained that the projects address critical community needs, such as housing, infrastructure, and economic development, and the County has been successful in obtaining a number of grants over the years and recently has received grants for infrastructure, housing rehabilitation, and contributing to the development of housing for the elderly in Crozet. He said the application process requires two public hearings, with the first one later that night, to receive information about funding availability and past activities, as well as to hear public comment about housing and community development needs. He explained that following the public hearing, if they receive any applications, they would hold a second public hearing to review these.

Mr. White said that as a non-entitlement community, they are eligible to apply for \$1.4 million in grants out of a total of \$2.5 million, as they currently have an \$860,000 grant to rehabilitate 29 homes in the Alberene community as well as a \$10,000 grant for community organizing in Southwood. He explained that they have applied for a second grant for Southwood to help with design of their first village. He said grant applications are due in March and asked that any potential applicants notify the County by January 5 to provide sufficient time to prepare an application by the March public hearing. He said the request does not have any budgetary impact and if a grant is awarded, they would address budget issues at that time. He said that a local match, while not required, is helpful in the competitive bidding process. Mr. White said he expects about \$9.8 million to be available statewide, although they do not know what the federal government will do regarding CDBG, the home program, and some tax credits – with everyone in the housing industry waiting to understand what will happen going forward. He asked the Board to open a public hearing and set a March 7 public hearing if any applications are made. He invited questions.

Ms. Mallek asked Mr. White if this grant could help with addressing issues for seniors and the disabled. Mr. White replied that the grants are primarily for bricks and mortar, in terms of housing. He said in the area of community development, it would be for projects like water and sewer.

Ms. Palmer added that some of this money does go to repair houses for the elderly and disabled.

Ms. Mallek acknowledged this and said it would require a partner who is already building something to join with the County to make a significant change.

Mr. White replied that there are grants available for accessibility, if a family is income eligible, such as low-interest loans. He said the Albemarle Housing Improvement Program would be the best contact for this.

Ms. Palmer asked if a community block grant could be made for handicapped accessibility to public buildings. Mr. White replied that block grants could be used for community service facilities but not specifically for accessibility. He emphasized that the block grant is primarily to deal with slums and blight for those of low or moderate income.

Ms. McKeel, acknowledging they are eligible to apply for approximately \$1.5 million in grants, asked what criteria makes them eligible for this amount.

Mr. White replied that \$2.5 million is the maximum of outstanding grants that any community may have. He reiterated that he has deducted the current outstanding grants from the total.

Mr. Dill asked if there is anything the Board could do to support a grant for rehabilitations. Mr. White said this would be an AHIP issue and that block grants are for neighborhood-based, impact areas and are not eligible for scattered site projects.

Ms. McKeel opened the public hearing.

As no one stepped forward to speak, Ms. McKeel closed the public hearing.

Ms. Mallek **moved** that the Board set a public hearing for March 7, 2018 to review and approve the submission of any proposed applications for the Virginia Community Development Block Grant. The motion was **seconded** by Ms. Palmer.

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

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

Agenda Item No. 20. B.F. Yancey Near-Term Uses.

The Executive Summary forwarded to the Board states in May 2017, the Albemarle County School Board voted to close BF Yancey Elementary School and on September 25, 2017, the building transferred to the Board of Supervisors. For the remainder of FY 18, the School Division will continue to maintain and operate the building and grounds at a reduced operating mode that would support limited community use during this transition period, including elections, Open Gym, and a food pantry. In addition, the playground and external grounds continue to be available for open community use. At the October 4 Board meeting, staff were directed to bring back for consideration some additional near-term uses that could enhance community use of the building, recommended by the BF Yancey Transition Advisory Committee.

While BF Yancey is in this transition period from a property operated and maintained by the School Board to a property operated and maintained by the Board of Supervisors, the Board of Supervisors directed staff to bring potential near-term uses with community support in December 2017. Near-term uses for BF Yancey are those that could begin operating quickly, have minimal resource needs, and would not encumber the community or the Board from determining the best long-term use strategy for the building, and would be approved uses during the transition period, now through June 30, 2018.

The BF Yancey Transition Advisory Committee provided the recommendations in Attachment A, which have been vetted by the staff work group. County properties allowing community uses charge user fees for cost recovery, in line with cost for providing for the use of the facility. For reference, Local Government's policy for facility rentals is included in Attachment B. The recommended near-term uses through June 30, 2018 are estimated to have a total cost of \$5,600.67. If the Board were interested in supporting a portion or all of these costs through the County's FY 18 budget, Facilities & Environmental Services' operating budget and Reserve for Contingencies are two potential sources. In either scenario, in order to better understand demand for uses, users would be asked to submit sign-in sheets to the County.

Based on the uses recommended and a user fee model, no budget impacts are expected.

Staff recommends the Board of Supervisors consider approval of the BF Yancey Transition Advisory Committee recommendations for near-term uses, with cost recovery through user fees or supported through the FY 18 funding sources identified above.

Ms. Emily Kilroy, Community Engagement Coordinator, presented. She said she is joined by Michael Freitas, Chief of Public Works, and said they are the staff leads assisting with the BF Yancey transition process. She reminded the Board that at the October meeting, they agreed to return in December to present on potential short-term uses during the transition period. She reviewed a to-date timeline and asked Supervisors to refer to Attachment A of the Executive Summary for a list of proposed uses. She explained their aim is to provide additional opportunities for community use of the building beyond what the school division is supporting, while not encumbering long-term use decision making, and to proceed without any capital investment. She listed the following existing uses: polling place, food pantry pick-up location, and a Parks and Recreation Department open gym program. She explained that by next July, they would focus on a long-term strategy for the building. She reviewed the following proposed uses: internet café and community programs during the twice per month open gym, continuing exercise class led by the community twice per week, Girl Scouts troop meetings twice per month, and a quarterly community meeting to share BF Yancey transition progress. She said supervision by community volunteers would be required for the internet café, as it is not near the gym. She next reviewed the following proposed uses that were submitted by County departments and community volunteers: Police Activity League (PAL) weekend basketball games; police officer access of office, telephone, internet and restrooms during shifts; and monthly use by JABA fellowship program for Esmont/Scottsville Community Center participants. She turned the presentation over to Mr. Freitas to review additional costs and budget impacts for operation of the building and providing an attendant.

Mr. Freitas stated the County currently has a policy to allow community use of its facilities that applies to the two County office buildings, provided operations are not affected. He explained that users fall under three tiers of classification for determining fees. He explained that County government and school-affiliated or related groups are not charged a fee, while youth agencies, education, recreational, political, civic, charitable, social, veterans and religious organizations are charged a reduced fee of \$18 during regular business hours and \$40/hour during non-business hours. He said that profit-making or private groups, organizations, and businesses pay a fee, which is based on the cost to support the use. He provided the following cost estimates: \$25.83/hour for building operation, \$12/hour for a building attendant. He listed user fees, the reserve for contingencies, and the Facilities and Environmental Services operating budget as potential sources of funds to cover these costs. He suggested that they create a line item in the budget for ease of tracking purposes regardless of the source of funding.

Ms. Kilroy announced the conclusion of the presentation and invited questions.

Ms. Mallek suggested they schedule multiple activities simultaneously as a way to reduce costs.

Ms. Kilroy replied that the Girl Scouts prefer weekday, early evening hours, but are willing to co-use the building with other users. She said that both the Girl Scouts and the exercise class instructor are not charged a user fee, and the exercise class is free to anyone.

Ms. Palmer remarked that this is a great first step and the committee is working well together. She asked if, assuming the Board were to approve funding for a building attendant, this would take care of these costs. Mr. Freitas replied that this funding would cover the costs of that individual but not additional costs associated with running the building such as utilities, grounds keeping, and general maintenance. Ms. Palmer replied that this extra money is rolled into the \$90,000 figure provided for emerging uses, which covers both the cost of the individual as well as additional costs. Ms. Kilroy replied that the \$90,000 is for this position.

Mr. Freitas said the \$90,000 covers the individual's pay and benefits, as well as gasoline, cell phone costs, and personal protective equipment. He emphasized that it is not associated with

maintenance or operation of the building, although the attendant could be charged with some custodial responsibilities.

Ms. Palmer commented that it would be nice, as they enter the budget cycle, to have a better understanding of what they have in the budget to expand this. Mr. Freitas replied that the 2019 budget includes all additional costs that would be incurred to operate Yancey, using certain assumptions.

Mr. Randolph stated he is very sensitive to the economic realities of the community around Yancey, as he is sensitive to the realities of the community surrounding Scottsville Community Center. He thanked Mr. Crickenberger and his staff for sending him an email in response to his inquiry regarding the maintenance expenditures for the Scottsville Community Center. He noted that from FY11 – FY17, repairs and maintenance expenditures, which include operating and capital, totaled \$211,035. He stated that the Boys and Girls Club came to an agreement with the County in 2014 and have made some repairs at the community center. He said it is programmed to receive \$246,138 for FY18 capital repairs and maintenance, including HVAC replacement, a parking area, a back service entrance, and basketball court repaving, as well as restroom and Americans with Disability Act upgrades. He said the average annual cost to the County for other operating costs has been \$30,000. He noted that JABA operates a one day per week program at Scottsville Community Center with no charge, and they charge the Boys and Girls Club \$1/year. He said he wants the Board to be aware that if they replicate the Scottsville Community Center at Yancey, they would undertake responsibility for operation, maintenance and depreciation of everything that is in the building. He pointed out that by not charging a fee or by charging a minimal fee, they are having all County taxpayers support programs in a local community. In contrast, he said, they charge rent to users of Crozet Elementary School, which exceeds the annual cost of building maintenance. He asked Supervisors to think about what they are prepared to take on, as other schools may close in the future.

Ms. Mallek added that they have focused on bricks and mortar, but that the wonderful programming is also needed in other areas. She suggested they be deliberative and attempt to determine how best to provide programming to people.

Ms. McKeel recalled that Piedmont Virginia Community College President, Frank Friedman, had inquired about using the building to hold classes, and she asked why this was not in the presentation.

Ms. Kilroy replied that the focus has been on the short term, while use by PVCC would be reviewed by the committee in March for a longer term. She added that JABA also has plans for a longer-term use, but also proposed a short-term use.

Mr. Dill said it would be interesting to know what programs are available in schools.

Ms. McKeel said she would be interested in hearing about the parity issue from staff.

Mr. Randolph pointed out that an existing near-term user can apply to be a longer-term user.

Ms. Kilroy explained that the committee would have to analyze the space needs of the various users so they would have a better sense of what would be available for community use. She reviewed the items for consideration from this meeting, which were for the Board to consider the near term uses provided in Attachment A and provide direction on a revenue source.

Ms. Palmer stated that the timing was not ideal, as the committee's recommendation would not be ready until March and the Board would have to decide by spring.

Ms. Kilroy asked Mr. Kamptner if he prefers one motion or two.

Ms. McKeel asked that they first discuss funding options.

Ms. Kilroy said the first option listed is to utilize operating funds in the FES budget, if available, and to look for the reserve for contingencies to cover approved near-term uses, with a total of \$5,600, as shown in Attachment A. She said the second option would be to collect user fees associated with the costs of usage, as outlined in Attachment A. She said the third option is to collect user fees, with exceptions for the Girl Scouts and the exercise class, as these were not previously charged and would be funded through the FES operating budget, if available, and then the reserve for contingencies.

Ms. McKeel asked for the amount of the cost difference. Ms. Mallek advised that the cost for everything would be \$5,600 and about \$4,000 for the previous users.

Mr. Randolph expressed support for allowing these short-term uses without the imposition of a user fee while they build confidence in the community that for the longer term they would look at programs that would benefit them and generate some income to cover maintenance and operation expenses. He added that they have learned through Chip Boyles at TJPDC that many elementary schools throughout the Commonwealth would be closing and they are not the only community that is attempting to address a need for social services while ensuring they do not incur additional liabilities and costs.

Ms. Palmer **moved** that the Board approve the BF Yancey Transition Advisory Committee recommendations for near-term uses, supported through FY18 funding sources identified by staff. The motion was **seconded** by Mr. Randolph.

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

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

Agenda Item No. 21. 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.

At its November 8, 2017 meeting, the Board requested staff to amend the proposed Agreement to ensure the Senior Center operates the Center at Belvedere. The amended Agreement (Attachment A) provides that the Senior Center will return the County's entire \$2 million contribution if the Center ceases to operate the Center at Belvedere within five years after the County issues the facility's certificate of occupancy.

The Senior Center will return a portion of the County \$2 million contribution on a prorated basis in years six through ten after the County issues the facility's certificate of occupancy if the Senior Center ceases to operate the Center at Belvedere. In year six, the Center would refund the County \$1 million. In year seven, the Center would refund the County \$800,000. In year eight, the Center would refund the County \$600,000. In year nine, the Center would refund the County \$400,000. In year ten, the Center would refund the County \$200,000.

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, addressed the Board and stated that the item has come back to them from the November 8 meeting, at which time he and Mr. Kamptner presented a draft funding agreement in connection with the County's contribution to the Senior Center. He offered to provide some background for the benefit of the public. He said the Senior Center has asked for a \$2 million County contribution towards the new \$23 million facility, which would be almost three times the size of the existing facility and include an acre of useable outdoor program and event space. He explained that the majority of funding would come from private contributions, and last year the Board adopted a CIP program with \$500,000 of funding to the center each year for four years. He said the Board had directed

staff to negotiate a funding agreement with the Senior Center and to identify conditions required for release of the annual funding allocations. He reminded the Board that the proposed draft was presented on November 8 and the Board appeared agreeable to the terms of the agreement, but suggested they add an additional term that requires a minimum period of operation. Mr. Letteri advised the Board that Section 5 had been modified to require that all contributed funds shall be returned in their entirety if the Senior Center ceases to operate within five years, and advised that Section 6 provides for a prorated return of funds during the years 6 through 10 of operation. He said the Executive Committee and Board of the Senior Center were agreeable to the new terms.

Mr. Kamptner explained that the agreement still has some technical clean ups to be addressed and that the resolution authorizes the County Executive to sign the agreement, subject to the approval of the County Attorney, as to subject and form.

Mr. Randolph asked Peter Thompson of the Senior Center and others at the center for their patience with the Board of Supervisors, as the Board is seeking to maximize the County's protection of the considerable investment of the taxpayers funds.

Mr. Sheffield **moved** that the Board adopt the proposed Resolution authorizing the Chair to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

RESOLUTION TO APPROVE THE AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE AND THE SENIOR CENTER, INCORPORATED

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County to enter into an Agreement with the Senior Center, Incorporated (the "Senior Center"), regarding the County's financial contribution to the Senior Center to be used for the design and construction of Phase One of a new Senior Center facility within the Belvedere development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement with the Senior Center and authorizes the Chair to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

AGREEMENT

THIS AGREEMENT is made and entered into on November ____, 2017, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), and the **SENIOR CENTER, INCORPORATED**, a Virginia corporation (the "Senior Center"), and its successors and assigns.

Recitals

- R-1** The Senior Center is the owner of that parcel identified as Tax Map Parcel Number 06100-00-00-15400 (the "Property"), which is located within the Belvedere Development ("Belvedere") in Albemarle County; and
- R-2** The Senior Center intends to establish a new center on the Property to provide facilities and services for the County's and the region's senior population (the "Center at Belvedere"); and
- R-3** The proposed Center at Belvedere will have the capacity to meet the needs of the County's and the region's expanding senior population, as well as dedicated functional space appropriate to the multidimensional activities; and
- R-4** The proposed Center at Belvedere's design includes greater accessibility and the first phase of the Center at Belvedere ("Phase One") will include an equipped fitness center, 2 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; and
- R-5** The County has received a onetime funding request in the amount of \$2,000,000 from the Senior Center to support the costs of design and construction of Phase One; and
- R-6** The total estimated project cost for the proposed Center at Belvedere is \$23,000,000 and the Senior Center will seek the majority of the funding required for construction from private contributions; and
- R-7** Construction of Phase One is currently scheduled to begin by December 2018 and to be completed between July 2021 and June 2022.

Terms and Conditions for the County's Contribution and the Senior Center's Use of Funds

The parties agree as follows:

1. **Authority.** The contributions by the County to the Senior Center as provided in this Agreement are made pursuant to Virginia Code § 15.2-953. The County, through its Board of Supervisors (the "Board of Supervisors") is enabled by Virginia Code § 15.2-953 to appropriate funds to charitable institutions. The Senior Center is a charitable institution that is eligible to receive appropriations of public funds under Virginia Code § 15.2-953.
2. **Contribution by the County.** The County agrees to appropriate and then contribute to the Senior Center a total of \$2,000,000 as provided in Section 4 of this Agreement. The contribution by the County in any fiscal year is subject to nonappropriation by the Board of Supervisors as provided in Section 9 of this Agreement.
3. **Purposes for Which Contributed Funds may be Used.** The funds contributed by the County to the Senior Center shall be used solely for designing and constructing Phase One, which shall include the facilities and services described in recitals R-3 and R-4 of this Agreement.
4. **Timing of the Contribution of Funds by the County to the Senior Center.** The County will make up to a total of 4 contributions to the Senior Center when the following 4 milestones are reached as provided below:
 - A. \$500,000 will be contributed to the Senior Center in Fiscal Year 2019 or later, when the Senior Center provides written evidence to the satisfaction of the County Executive that it has obtained actual donations, formal pledges, and bank financing, when combined with the County's total contribution, to fund 75% of Phase One. The funds contributed by the County shall be deposited in an escrow account managed by an escrow agent selected by the County. The funds shall be released by the escrow agent to the Senior Center upon written instruction by the County Executive that the Senior Center has issued a notice to proceed to its contractor to begin work on the construction of Phase One.
 - B. \$500,000 will be contributed to the Senior Center in Fiscal Year 2020 or later, when the Senior Center provides written evidence to the satisfaction of the County Executive that it has issued a notice to proceed to its contractor to begin work on the construction of Phase One.
 - C. \$500,000 will be contributed to the Senior Center in Fiscal Year 2021 or later, when the Senior Center provides written evidence to the satisfaction of the County Executive that the construction of Phase One is 50% completed, based upon the contractor's payment applications.
 - D. \$500,000 will be contributed to the Senior Center in Fiscal Year 2022 or later, when the Senior Center provides written evidence to the satisfaction of the County Executive that it has obtained a certificate of occupancy from the County for Phase One.

The Senior Center shall provide the written evidence to the County Executive at the following address: County Executive, 401 McIntire Road, Charlottesville, Virginia, 22902; provided that the written evidence may be transmitted to the County Executive by email or other electronic means as agreed to by the County Executive and the Senior Center's Executive Director.

Any contribution by the County to the Senior Center will be appropriated and then contributed within 30 days after the County Executive is satisfied that the written evidence provided by the Senior Center demonstrates that the applicable milestone has been reached.

5. **Return of Contributed Funds.** The funds contributed by the County to the Senior Center shall be returned to the County in their entirety in any of the following circumstances:
 - A. The Senior Center does not obtain a building permit from the County to construct Phase One by June 30, 2021.
 - B. The Senior Center does not obtain a certificate of occupancy from the County for Phase One by June 30, 2024.
 - C. The Senior Center loses its status as a charitable institution under the rules of the United States Internal Revenue Service on or before November 8, 2017.
 - D. The Senior Center ceases to own the Property on or before the Senior Center expends all of the County's contribution, subject to the proviso in Section 8(C) of this Agreement.
 - E. The Senior Center, or its successors or assigns, ceases to operate the Center at Belvedere and provide the facilities described in recitals R-3 and R-4 of this Agreement, and related appropriate activities, for the County's and the region's senior population, within five (5) years after the date the County issues the certificate of occupancy for Phase One.

- 6. Prorated Return of Contributed Funds.** The funds contributed by the County to the Senior Center shall be returned to the County on a prorated basis in the following circumstances.
- A. If the Senior Center, or its successors or assigns, ceases to operate the Center at Belvedere and provide the facilities described in recitals R-3 and R-4 of this Agreement, and related appropriate activities, for the County's and the region's senior population six (6) years after the date the County issues the certificate of occupancy for Phase One, the Senior Center, or its successors or assigns will return \$1,000,000 of the funds contributed to the County.
 - B. If the Senior Center or its successors or assigns, ceases to operate the Center at Belvedere and provide the facilities described in recitals R-3 and R-4 of this Agreement, and related appropriate activities, for the County's and the region's senior population, seven (7) years after the date the County issues the certificate of occupancy for Phase One, the Senior Center, or its successors or assigns will return \$800,000 of the funds contributed to the County.
 - C. If the Senior Center or its successors or assigns, ceases to operate the Center at Belvedere and provide the facilities described in recitals R-3 and R-4 of this Agreement, and related appropriate activities, for the County's and the region's senior population, eight (8) years after the date the County issues the certificate of occupancy for Phase One, the Senior Center, or its successors or assigns will return \$600,000 of the funds contributed to the County.
 - D. If the Senior Center or its successors or assigns, ceases to operate the Center at Belvedere and provide the facilities described in recitals R-3 and R-4 of this Agreement, and related appropriate activities, for the County's and the region's senior population, nine (9) years after the date the County issues the certificate of occupancy for Phase One, the Senior Center, or its successors or assigns will return \$400,000 of the funds contributed to the County.
 - E. If the Senior Center or its successors or assigns, ceases to operate the Center at Belvedere and provide the facilities described in recitals R-3 and R-4 of this Agreement, and related appropriate activities, for the County's and the region's senior population, ten (10) years after the date the County issues the certificate of occupancy for Phase One, the Senior Center, or its successors or assigns will return \$200,000 of the funds contributed to the County.
- 7. Security for the County's Contribution in the Event of the Senior Center's Failure to Complete Phase One.** The County, in its sole discretion, may record an instrument against the Property to secure the return of its contributed funds under any of the circumstances described in Section 5 of this Agreement. The Senior Center will sign the documents necessary to allow the County to record its instrument, and will not otherwise prevent, or seek to prevent, the County from recording its instrument. The County instrument will be subordinate to any instrument recorded by one or more financial institutions to secure its funding provided to the Senior Center for Phase One and Phase Two of the Center at Belvedere. The County will sign the documents necessary to subordinate its instrument to the instrument recorded, or to be recorded, by the financial institution, and will not otherwise prevent, or seek to prevent, the financial institution from recording its instrument. The County will promptly and timely release any instrument that it records to secure the return of its contributed funds as provided under this Section when the Senior Center is no longer obligated to return contributed funds as provided under Section 5. The Senior Center shall not be responsible for any costs, including recording costs, incurred by the County for it to record any instrument under this Section.
- 8. Obligations of the Senior Center.** The Senior Center shall:
- A. Complete Phase One and obtain a certificate of occupancy from the County for Phase One in an expeditious manner.
 - B. Maintain its status as a charitable institution under the rules of the United States Internal Revenue Service at least until it obtains a certificate of occupancy from the County for Phase One.
 - C. Continue to own the Property at least until it obtains a certificate of occupancy from the County for Phase One; provided that the Board of Supervisors may, in its sole discretion, determine that a change in the legal status of the Senior Center as a corporation (e.g., from a corporation to another entity) is not a change in ownership for purposes of this Agreement.
 - D. From the date of this Agreement and until the design and construction is 100% funded, diligently conduct a capital campaign to obtain contributions to pay for the cost of design and construction of Phase One and subsequent phases of the Center at Belvedere.
 - E. Provide access to the Center at Belvedere to all eligible residents of Albemarle County.

- F. Operate the Center at Belvedere and provide the facilities described in recitals R-3 and R-4 of this Agreement, and related appropriate activities, for the County's and the region's senior population for at least 10 years after the date the County issues the certificate of occupancy for Phase One, provided that this requirement may be satisfied by any successor or assign of the Senior Center.
 - G. Not discriminate against any person in its employment, membership, or services on any basis prohibited by federal or state law.
9. **No Goods or Services Received by the County.** The contributions made by the County pursuant to this Agreement are solely to enable the Senior Center to design and construct Phase One of the Center at Belvedere. The descriptions of the services that will be provided by the Senior Center at the Center at Belvedere in recitals R-3 and R-4 of this Agreement state the public and charitable purposes that may be served by the County's contribution, and are not a description of goods or services being procured by the County by this Agreement.
10. **Nonappropriation.** The obligation of the County to contribute funds as provided in Sections 2 and 4 of this Agreement is subject to, and dependent upon, appropriations being made from time to time by the Board of Supervisors. Under no circumstances shall this Agreement be construed to establish an irrevocable obligation on the County to contribute the funds.
11. **Non-severability.** If any provision of this Agreement is determined by a court having jurisdiction to be unenforceable to any extent, the entire Agreement is unenforceable.
12. **Entire Agreement.** This Agreement states all of the covenants, promises, agreements, conditions and understandings between the County and the Senior Center regarding the County's contribution of funds.
13. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.
14. **Amendments.** This Agreement may be amended by a written amendment signed by the authorized representatives of the parties.
15. **Force Majeure.** In the event the Senior Center's timely performance of Section 5(A) or 5(B) of this Agreement is interrupted or delayed by any occurrence not occasioned by the conduct of either the Senior Center or the County, whether the occurrence is an Act of God such as lightning, earthquakes, floods, or other similar causes; a common enemy; the result of war, riot, strike, lockout, civil commotion, sovereign conduct, explosion, fire, or the act or conduct of any person or persons not a party to or under the direction or control of either the Senior Center or the County, then performance of Section 5(A) or 5(B) of this Agreement shall be excused for a period of time as is reasonably necessary after the occurrence to remedy the effects thereof.

WITNESS, the following authorized signatures:

SENIOR CENTER, INCORPORATED

[Insert name and title]

COUNTY OF ALBEMARLE, VIRGINIA

Chair, Board of Supervisors

Agenda Item No. 23. FY17-FY19 Strategic Plan Annual Report.

The Executive Summary forwarded to the Board states that beginning May 2016, the Board worked through a comprehensive process to identify and rank strategic priorities, review the County's program and service inventory, and provide direction to shape the FY17 - 19 Strategic Plan and the balanced Two-Year Fiscal Plan adopted in November 2016. In May 2017, staff reviewed the progress and projects underway for each priority. In June 2017, the Interim County Executive provided a preview of a new restructured County Executive Monthly Report to include a preview of the Strategic Plan report which uses tools to provide a way to capture, track and ultimately report all projects to the Board and the community. In August 2017, staff provided an overview of the on-going implementation activities to include the project management techniques. To capture, track and report on the twenty-two initiatives that make up the Strategic Plan, staff developed a project management system. The new restructured reporting tool pulls data from the project management system to enable the Board of Supervisors to view project status and upcoming milestones. The new Strategic Plan report was provided to the Board in early September in preparation for the Strategic Plan work session. The September work session provided time for staff to report current project milestones and for the Board to provide feedback to staff regarding current project assumptions to enable alignment of County resources with strategic priorities. Staff then reflected these resource needs to the greatest extent possible in the long-range financial planning processes.

At the December 6th meeting, staff will review the 2017 implementation activities and project milestones related to the FY17- FY19 Strategic Plan.

There is no immediate budget impact associated with this information item.

This presentation is provided for information only. Staff recommends that the Board provide feedback/reaction.

Ms. Kristy Shifflett, Senior Project Manager for Strategic Planning, presented. She said her goal for today's presentation is to take a moment to reflect on progress made this year and to express appreciation for the work and accomplishments of the Board and staff. She noted that the strategic priorities are listed on page 3 and presented a slide that listed these priorities. She reviewed the following steps taken to develop the plan: defining project scope, developing teams, collaborating across functional areas, and communication. She next presented a slide that listed a timeline of notable accomplishments during January – March 2017 as follows:

- Neighborhood Improvement Funding Initiative (NIFI) Launches.
- Board endorses Phase 1 of Small Area Plan establishing desired vision for Route 29 intersection.
- Board endorses initiation of Small Area Plan Phase 2, including form-based code.
-

She emphasized that she only listed 3 of the 10 accomplishments in order to keep her presentation brief.

She listed the following notable accomplishments for April – June 2017 from a total list of 20:

- Consultant, AMFC under contract and stormwater utility development effort begins.
- Finding Family pilot approved by the Board.
- Human Resources implements salary compression remedy for staff.
- Natural Resources Program plan provided to Board.
- Wireless Services Authority draft resolution and articles of incorporation.

She reviewed the following 6 of 16 accomplishments for the July – September period:

- Expansion for public works coverage of Route 29 North.
- Woodbrook Phase 1 complete.
- AARP's network of age-friendly communities accepts Albemarle into its program.
- Crowdfunding park project proposed.
- Board and City Council approve memorandum of understanding on Jefferson Area Regional Transit Partnership.
- Board strategic plan work session on implementation of priorities.

She reviewed the following 4 of 10 major initiatives for the October – December period:

- Board of Supervisors, Planning Commission and Economic Development Authority endorse mission and guiding principles from draft economic development strategic plan.
- Two-Year Fiscal Plan includes strategic priorities resource needs.
- Government operations/courts relocation opportunities analysis and advisory services updates. (Criteria and Reports, Recommendation and Board of Supervisors direction)
- Stormwater infrastructure management program.

Ms. Shifflett said the County has made great progress and presented a slide with all the accomplishments made during the period of the timeline. She concluded the presentation with a list of projects that are under development and would be ready to move forward soon:

- Redevelop Rio/Route 29 Intersection Area.
- Revitalize Aging Urban Neighborhoods
- Establish direction, compete, design and begin construction for project to expand the General District Court.
- Board adopts updated Pantops Master Plan including a joint Rivanna River Corridor Plan with Charlottesville.

Agenda Item No. 24. Open-air Burning and Air Quality Complaints. County Open Burning Permissibility.

The Executive Summary forwarded to the Board states that the Board has addressed the issue of open air burning on a number of occasions previously. Specifically, the Board was briefed on open burning associated with land clearing on July 02, 2008 (Attachment D), barring open air burning of trash on January 09, 2013 (Attachment E) and increasing open air burning permit fees associated with land clearing on March 04, 2015 (Attachment F).

The purpose of regulating open-air burning is to provide for fire safety and healthy air quality. The County regulates open air burning in accordance with Federal Codes, Virginia Code, the Statewide Fire Prevention Code, the regulations promulgated by the Virginia Air Pollution Control Board (Attachment A) and Albemarle County Code Chapter 6, Article IV (Attachment B). The local code must conform to the provisions of federal and state codes, including the model open-air burning code adopted by the Virginia Air Pollution Control Board. Any change to local open-air burning code requires the approval of the

Virginia Air Pollution Control Board prior to enactment. Local codes can be more stringent, but not less stringent.

Albemarle County Fire Rescue's approach to the control of open-air burning includes emergency response, education, engineering and enforcement.

Emergency response accounts for the vast majority of the interactions regarding open-air burning and is usually handled by responders without referral to Fire Marshal staff. Consequently, no data is readily available as to the specific findings from these incidents. Fire Marshal staff investigated two open-air burning inquiries (complaints) from the public in FY 16 and six in FY 17. The majority of these burns were related to land clearing/development.

Education is an important aspect of Albemarle Fire Rescue's efforts to deal with open-air burning issues. This includes the use of printed materials, including a burn law pamphlet (Attachment C), and providing educational programs, such as the Certified Open-Air Burn class, multiple times per year. Education also includes interactions on the scene with the open-air burner through the permitting process or in response to a complaint. If compliance and understanding can be reached, there is no need to graduate to punitive sanctions.

Engineering involves providing processes (such as the requirement of a permit) that identify the what, where, and when related to burning. Permit stipulations/requirements may include the use of special equipment to minimize impacts from the open-air burn, requiring that some debris is hauled away without burning, or limiting the times the permit holder is allowed to burn. An engineering type alternative to burning is grinding debris and using the chips as mulch to influence soil health.

Enforcement is typically the method of last resort when controlling open-air burning. Enforcement may include a warning, a notice of violation, a cease order, a summons, or arrest and prosecution for non-compliance. Violations of the open-air burn laws are a class 1 misdemeanor and carry a potential penalty of up to a \$2500 fine and up to 12 months in jail for each offense. Rarely does an issue escalate as far as prosecution and jail time.

Open air burning is allowed in Albemarle County under the conditions set forth in the County Code. It often occurs as a part of the cleanup of yard waste, land maintenance, storm cleanup and the clearing of land for development. A permit is not required for burning associated with private residence yard maintenance or land maintenance on agricultural or larger properties where owners/staff have attended the Albemarle Fire Marshal Certified Open Burn class. Permits are required for land clearing operations associated with construction and land development.

The effects of open air burning are a concern for some citizens and generate complaints to the Virginia Department of Environmental Quality (DEQ), the Air Pollution Control Board, the Board of Supervisors and County staff. The complaints generally address odors, air quality and ash deposits. Lately the frequency of these complaints has raised concerns and questions about open-air burning processes in Albemarle County.

Staff has examined open-air burning processes among comparable Virginia jurisdictions (Attachment G). Most were in DEQ mandated ozone zones, so open-air burning is banned in many of these jurisdictions annually from May through September. Albemarle County is not in a DEQ ozone control zone, so this state code restriction does not apply. However, restricting burning during the "ozone season" is an option the Board may wish to consider.

Controlling the timing of burning is utilized by a few jurisdictions analyzed. In Henrico County, burning cannot begin prior to 8 am (4 pm during the forestry restrictions Feb 15-April 30) and must be finished by 8 pm. Stafford prohibits open-air burning from noon on Friday through the weekend. Roanoke County requires burning to be completed by midnight. The Board may wish to consider similar limitations in Albemarle County.

Identifying specifically in code what materials are permissible to burn may also be a strategy the Board wishes to consider in addressing this issue. This may be particularly effective if the County Code becomes more restrictive than the Statewide Fire Code and DEQ regulations. Most jurisdictions ban the burning of household trash, but some even ban open-air burning of leaves and yard debris. A factor in these bans is the availability of roadside leaf clean up, leave pick-up and trash service. The availability of convenience sites for disposal are also factors. A concern for implementing similar bans may be the availability, or lack thereof, of services for disposal, which transfers the cost and burden to the citizen. This could negatively impact the maintenance of property, thus affecting overall health and safety within the County.

Another tactic is designating where open-air -burning may take place. None of the jurisdictions examined ban open-air burning jurisdiction-wide. Most ban burning based on zoning districts. Typically, burning is prohibited in developed, residential and urban areas. Although this does limit the negative effects of burning (such as smoke and odors) in congested/developed areas, often specific district enforcement is problematic. On one side of a "map line," one can burn and the on the other, one cannot. Meanwhile, smoke and odors may travel for miles.

Separation distance from occupied structures and property lines is yet another tactic to better control open-air burning. If minimum distances that burns occur from occupied structures are increased, fewer complaints may occur. The obvious advantage is that the smoke is less intrusive over the longer

distance. Currently, Albemarle County utilizes a 300-foot minimum distance for residential burns and 500 feet for land clearing burns. Increasing the land clearing distance requirement to 1000 feet (approx. 1/5th of a mile) for occupied structures is an option the Board may wish to consider. This change would limit burning to areas with more separation distance available (typically more rural areas) and may not negatively impact burning currently occurring related to farming and agricultural practices. It is important to note that, even with a minimum distance requirement, burns may still occur closer to occupied structures if permission is first obtained from the structure's owner/occupants.

Albemarle County Code Section §6 -407 already requires adherence to conditions imposed by the Fire Official (Office of the Fire Marshal). As written, the code allows the Office of the Fire Marshal to require as a condition of the permit, the use of special processes such as "air curtain" machinery and trenches (Attachment H). This ensures more complete combustion and reduces the carbon footprint of the burn by minimizing smoke emissions. The Board may wish to consider codifying the use of such equipment as opposed to the current practice of allowing the Fire Marshal discretion within the permit process.

The budget impact varies significantly based on the degree to which the Board wishes to regulate open-air burning. The County currently assesses a fee of \$500 for a burn permit specific to land clearing. Should the Board desire to ban burning completely or limit it by district, the budget impact will be a reduction in permit revenue of up to approximately \$21,000 annually. Should the Board endorse staff's recommendations (see below), there will be no budget impact.

This matter is scheduled for discussion at the request of the Board. If, after discussion, the Board is interested in pursuing any amendments to the current regulations, staff would, at a minimum, recommend two specific changes: 1) increasing the required distances from the burn location to occupied structures and property lines, and 2) requiring the "air curtain/trench" process for land clearing open air burning. Since these changes are more restrictive than the Virginia Air Pollution Control Board model code, a request for approval of the code changes will need to go to them before the changes can be enacted locally.

Staff also requests that the Board identify which, if any, of the other options in the discussion section the Board wishes to pursue with additional discussion or regulations.

Chief Howard Lagomarsino, Fire Marshal, addressed the Board and presented a definition of open burning: "The burning of any material in such a manner that the products from combustion are emitted directly into the atmosphere without passing through a stack or chimney." He commented that if someone were to burn trash in an open barrel and place a chimney on top, the County would not be able to regulate it. He said there are two kinds of open burning, with the first being land clearing, whereby a developer clears land or when land is cleared for agricultural development such as grazing. He explained that the developer would be required to have a permit, while the owner of the agricultural land would either be required to have a permit or to participate in the Certified Burn Program, in which they attend a class given by the County that provides instruction on how to burn safely and cleanly. He said the second kind of burning occurs on an individual's home property when leaves or brush are burned, and he noted that the County does not provide leaf pick up service. He emphasized that any County burn ordinance must comply with federal and state regulations that permit a locality to impose more restrictive but not more lenient rules. He said the County must have any proposed changes reviewed by the Air Pollution Control Board and then hold a public hearing. He pointed out that while the Air Pollution Control Board permits burning of garbage, the County does not.

Mr. Lagomarsino reviewed the five principles of fire code regulation: education, engineering, enforcement, economic incentive, and emergency response. He emphasized the importance of education, commenting that an informed public is the best way for them to deliver their mission. Examples he provided were the Certified Burn Class, information sessions, information booths, fire prevention week activities, and handouts. He explained that engineering could involve changing process or equipment, with air curtain machines above pit burns as an example. He explained that enforcement efforts range from warnings to a Class 1 misdemeanor, which could be punishable by up to one year in jail. He reviewed economic incentives, such as waiving the permit fee if an air curtain machine is used as a positive incentive, and fines as a negative incentive. He explained how an air curtain works, stating that a fire is allowed to burn for about 15 minutes until the heat level is sufficient to allow the air curtain to push particulates down into the burn. He said the air curtain machines have improved to the point where they are passing the air emission opacity test. He said that a lot of burn issues are brought to light through emergency response when someone reports burning, and property owners are often thankful to learn how to come into compliance with the code. He provided a timeline of dates when the issue has been addressed:

- July 2008: Discussion on limiting burning in development areas.
- July 2012: Discussion on trash burning.
- January 2014: Adoption of trash burning ordinance.
- March 2015: Fee schedule adoption that included an increase in the open burn permit fee.

Mr. Lagomarsino explained that during the 2008 discussion, they concluded that if they were to increase distances and require air curtains they could deal with almost all issues. He said that in 2012, they realized it would be difficult to enforce the existing code as it proved nearly impossible to determine what materials had been burned after they had turned into ash, which led to the conclusion that the easiest way to address this was to ban the burning of trash, since there are private companies that can

take away trash or it can be brought to the resource center on Dick Woods Road. He said another option for property owners was to retrofit burn barrels with smoke stacks or cut additional holes to achieve a cleaner burn.

Ms. Palmer asked for confirmation that plastic may not be burned, which she said has been happening a lot. Mr. Lagomarsino confirmed that plastic may not be burned.

Mr. Randolph noted the cost to purchase an air curtain machine can run as high as \$160,000, and he asked where they can be rented in the area. Mr. Lagomarsino replied that he would address this in a future slide. He stated that in March 2015, the burn permit fee was increased to \$500. He next presented a slide with the following information:

- FY08 resulted in 157 open burn permits and 10 complaints investigated by the Fire Marshal.
- FY16 resulted in 41 open burn permits and 2 complaint investigations.
- FY17 resulted in 42 open burn permits and 6 complaint investigations.
- Open-air burning is highly visible and concerns include exposure and environmental impact.

Mr. Lagomarsino provided some alternatives they could consider, such as jurisdiction-wide, specific area, or specific material open-air burns. He explained potential consequences of a ban, such as more enforcement responses and impacts to agriculture, agro-tourism, and to the ACE program. He said it could also have an impact on economic development, as burning is cheaper than the cost of hauling and could impact the development of affordable housing. He said that additional situations when burning is conducted included after-storm damage to a property and to animal carcasses, which he said people could not do if they impose a ban. He related that he recently spoke with a counterpart in Hanover County and learned they impose bans based on the zoning ordinance. He explained that a property on one side of a road may be permitted to burn, while a property across the street may not. He explained that Albemarle only allows the burning of natural wood and does not permit the burning of plastic or trash. He said that treated or painted wood may not be burned, and most construction debris is not burned in the County.

Mr. Lagomarsino reviewed process alternatives, including hauling, grinding, distance requirements, and specialized equipment, noting that each of these has positive and negative aspects. He pointed out that properly conducted open-air burns leave less of a carbon footprint than hauling or grinding, as the equipment requires fuel. He also noted the noise impact of trucks and equipment. He described the potential requirement of a permit for burns within 1,000 feet of a dwelling as an attractive solution to think about. Mr. Lagomarsino discussed the potential use of roll-off machine trucks, which cost up to \$200,000 and haul a few tons of material at a time. He explained that if they were to require specialized equipment for all open-air burning, participants in the ACE program would have to have one of these machines to clear their land. He said that Prince William County requires the use of an air curtain for all open-air burns. He emphasized they should be cognizant of how their actions could affect normal citizens, as well as developers. He added that open-air burning triggers some Environmental Protection Agency and Department of Environmental Quality (DEQ) regulations. He said DEQ only looks at the opacity, or particulate count, of the emission. He said that he is seeking Board direction.

Mr. Sheffield expressed his desire to offer more composting and mulching options to residents.

Ms. Palmer added that they are seeking an area for composting within the Master Plan for the Ivy MUC.

Ms. McKeel pointed out that most people do not have a pickup truck with which to haul the materials.

Ms. Mallek commented that for \$25, there are people who would haul whatever you want to the landfill. Additionally, she said the marketplace is taking care of this and there are businesses that will bring stump grinders to your property and companies that palletize slash from a lumber cut. She expressed her preference not to allow any open burns due to their negative effects to health, and pointed out that allowing burns in specific areas or under particular circumstances creates additional work for the Fire Marshal. She stated they are making a big mistake by just pretending this is not a problem.

Ms. Palmer said that during her house-to-house visits during the election, she was horrified at all the trash burning she witnessed. She said some residents asked if the County could do something because they cannot breathe when a neighbor is conducting a burn, though they are afraid to report this. She related her own dilemma over what to do with a large brush pile on an inaccessible area of her property and has considered dumping the debris in the river or burning it. She expressed that she does not feel comfortable with banning all burning, but would rather find a way to get a handle on the really toxic situations, such as when a man was reported to have burned a television set.

Mr. Lagomarsino related an example of someone who was burning insulation and was warned, and then fined upon discovery of a second violation. He explained there are incremental steps they can take, with the first potential measure being to increase the distance requirement. He pointed out the fire code exempts cooking and recreational fires, though they sometimes receive calls from neighbors about these situations. He pointed out that some fires smolder for days and said they can consider the imposition of time limits.

Mr. Randolph related that in northwestern Connecticut, where he previously resided, the burn permit prohibited burning before 4:00 p.m. in order to minimize winds. He noted that under pages 6-11 –

6-12, Section 6-406 #7 of the County Code, "Permissible Open Burning," it reads as follows: "The burning shall be conducted only when the prevailing winds are away from any city, town, or built up area." He said he could be burning during a hurricane or a tornado, with 120 mph winds, and suggested they establish that burning cannot occur if the wind speed is above a certain level. Mr. Randolph suggested that they also establish permissible times of day, as the winds die down in the evening. He gave examples of burn times established by several other Virginia localities and proposed they allow burning from 4:00 p.m. to midnight. He commented that matter is neither created nor destroyed, and the burning of organic material converts matter from a solid to a gaseous form. Mr. Randolph called for a realistic and tighter burning policy while also creating an organic recycling facility at Ivy, which was recommended by the committee in 2015, as well as organic material recycling incentives.

Mr. Randolph referenced Page 6-13, Section 6-407A, under Permits: "The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by the fire official." He said this put fire officials in the position of being arbitrary, and suggested that they add a time period to tighten up the rule. He asked Mr. Lagomarsino if this would be helpful. Mr. Lagomarsino responded that the last line is addressed in the fee schedule and is a 60-day permit. He explained that they handle many restrictions as a process rather than in the code. He said the state code requires a restriction on burning from February 15 – April 30 and only allows it from 4:00 p.m. – 12:00 a.m., which has to do with the relative humidity. He explained there is more of a fire danger during the daytime when it is drier as things heat up. He said that some localities in northern Virginia have smog issues and impose ozone restrictions, restricting burns during certain times of the year.

Ms. Mallek said she could envision small steps towards a combination of things, with examples being the imposition of time restrictions, the elimination of the hauling tipping fee, and recycling at Ivy to incentivize mulching. She said she prefers a carrot and stick approach. She recalled a situation in the Steel Creek neighborhood where a burn went on for weeks, and the Fire Department would extinguish the fire and the offender would pour gasoline and start the fire again. She said neighbors were in misery for an entire season and that those with respiratory problems were not able to go out under these circumstances. She explained that in Virginia, it takes the imposition of fines over a substantial time period before a situation can be addressed in court.

Ms. McKeel asked for confirmation that they cannot do anything with penalties. Mr. Lagomarsino confirmed they cannot increase penalties and informed the Board that the maximum penalty for a fire code violation is a Class 1 misdemeanor with up to 12 months in jail and up to a \$2,500 fine. He said that in the past when they have brought cases to the judicial system, the typical fine has been \$25. He said the County has developed a reputation over the past several years that when it brings something to court it is egregious, and he recalled the last time he brought an issue to court was when a burn became out of control and burned a neighbor's fence. He said the judge imposed a one-year sentence, which he then suspended.

Ms. Palmer commented that it would be easy to determine the cost to the County of eliminating the tipping fee, as they can check with the Finance Department.

Ms. Mallek commented that this seems like the only incentive that is reasonable.

Mr. Dill asked if Panorama is charged a fee. Mr. Sheffield said they are not charged a fee to drop off, adding that he believes the incentive portion should be addressed at another time and they should address the penalty portion now.

Ms. Mallek asked Mr. Lagomarsino if, based on what he has heard, he could come up with any suggestions. Mr. Lagomarsino responded that his takeaway from this discussion is to look at the time and distance issues as first steps. He suggested they waive the permit fee for those who use an air curtain.

Mr. Sheffield expressed that it is important for Fire and Rescue to realize that the urban and rural areas have different concerns and that the open-air burn complaints he hears involve developers or neighbors burning leaves that encroach on other yards. He suggested that when exploring solutions, they be sensitive to the urban/rural context. Mr. Lagomarsino responded that this is exactly what they are seeing in the field and that if they were to increase the distance to 1,000 feet, it would not mean a person would be prohibited from burning leaves in the yard, but that neighbors would have to be informed in advance and give their permission.

Ms. Mallek adamantly disagreed with the assumption that those who live in the country do not have the same responsibilities to their neighbors as those in urban areas. Mr. Lagomarsino responded that in the rural areas, unless one has a huge property, surrounding properties would be impacted and permission from a neighbor would be required even with a 1,000-foot distance requirement.

Mr. Sheffield pointed out that he chose to live within 10 feet of his neighbor because he does not mind having to go over and talk to them and ask for their permission, whereas someone in the country with 30 acres may have a different mindset. He said he believes people in the urbanized areas would welcome a requirement that they speak with neighbors if the burn distance requirement were to be expanded.

Ms. Mallek said they need to remember that it can create hostility and if one person out of 50 neighbors objects because they have a respiratory problem, they can become stigmatized. She said there is pretty strong intimidation going on in some of the rural areas, and some are afraid to call because it has happened too many times that their names have been identified.

Ms. McKeel surveyed the Board to see if there was any consensus.

Mr. Sheffield recommended they work with Greg Gezalt's office to come up with specific ordinance changes.

Mr. Kamptner added that they would also speak with Mr. Lagomarsino with respect to the comments made earlier today by Mr. Grant. He said the ordinance has provisions that could be reviewed to determine if they created enforcement difficulties for the fire department. He noted that the County's 20-year-old ordinance was based on the state's model ordinance, and they would have to go through the Air Pollution Control Board to be able to do more.

Ms. McKeel asked if they ever determined it was too dry or windy to conduct burning, recognizing the fires in California and commenting that she is very concerned. Mr. Lagomarsino replied affirmatively. He said the fire code allows them to ban burning based on atmospheric conditions.

Ms. McKeel said she has never heard this and asked how they advertise. Mr. Lagomarsino responded that they would advertise through the media.

Ms. Mallek noted that she used to live in Massachusetts, where burning was only allowed during certain times of the year and at certain times of the day to get rid of orchard trimmings, and never for construction demolition or land clearing. She said that a permit and inspection were required when she burned on her property and that the wind picked up quickly so they had to embarrassingly call the fire department. She said fire requires great care and people do not always understand the danger they are in. She expressed her opinion that an inspection be required before allowing the burning of brush, as this would provide an opportunity to educate if the burn is set up wrong or on how to put out the fire if winds were pick up.

Ms. McKeel recalled that during her trip to New Zealand, she saw fire warning signs all over, with warnings regularly updated, though she acknowledged that for the County to do this it would require personnel.

Noting that Ms. Mallek mentioned some residents were afraid to report issues, Mr. Kamptner asked Mr. Lagomarsino how his office receives complaints.

Mr. Lagomarsino listed various ways they learn of issues including when an engine company calls the Fire Marshal upon realizing something does not conform to the code, a telephone call to the office, or a complaint is filed through the website. He offered to review the process to determine if it can be improved.

Ms. Palmer asked what is done when it is obvious that a property owner has burned, but was not burning at the time a fire official drove by the property. Mr. Lagomarsino responded that they are bound by the search and seizure codes. He said they are able to deal with something that is an imminent threat but if not, they must develop a case. He explained that the Assistant Fire Marshal would follow up and may do surveillance on the property, depending on the severity of the problem and what the person was trying to do. He recalled the Campbell Road fires, which he said began as an emergency response but revealed that illegal activities were occurring, and the resident was criminally charged.

Ms. Palmer recalled in that case, the person was burning at a time when it was illegal. She added that he was acquitted.

Mr. Lagomarsino said there were several code violations, including the time involved and leaving the burn unattended. He confirmed that the person charged hired an attorney and was acquitted.

Ms. Mallek asked if the individual had to make restitution to the County for its costs of fighting the fire. Mr. Lagomarsino replied that restitution was not imposed because the offender was acquitted. He said his takeaway is to look at distances, timeframe, materials, and the reporting process.

Ms. Mallek added individual permits to the list of issues for Mr. Lagomarsino to research.

Ms. Palmer stated that even if they were to ban burning, they would still have issues with some people and said she likes the incentive approach.

Agenda Item No. 25. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Sheffield said he had replaced some carpeting with hardwood floors and brought the carpet to the landfill. He expressed surprise that credit cards are not accepted for the \$20 fee and suggested they promptly begin accepting credit cards as a convenience, as he was told that some people turn around and do not come back and that attendants refer to this as the "Crozet Run," as they know the location of the nearest ATM to direct people to.

Ms. Palmer said this particular issue has not come up and it would be simple to change, though it would incur a cost. She said funding has been cut and they have been completely starved down and were

about to close. She said they have spent a lot of time considering how to make it more convenient for users and she would address the credit card issue.

Mr. Sheffield relayed that the attendants were friendly, helpful, and patient.

Ms. Mallek announced that the Piedmont Workforce Network had sent a reminder that incumbent worker training funds are available for businesses that want job training for new skills for their current staff. She said the application period runs through March, and the network can send forms to those who wish to participate.

Ms. Mallek asked Mr. Kamptner if a timeline had been established for Airbnbs coming forward. She asked if they had a registry, which was supposed to be part of Step 2. Mr. Kamptner replied that he would have to check with Community Development.

Ms. Mallek asked for an update on the issue of bees being treated as livestock.

Ms. Palmer informed Supervisors that Sugar Hollow is down by almost 11 feet, and she has asked Bill Mawyer to review the plan at the next RWSA Board meeting as to when they would stop the water transfer.

Ms. Mallek stated that if Sugar Hollow is not spilling then they should not be treating it as if it were spilling.

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

There were none.

Agenda Item No. 27. Closed Session.

At 8:23 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 (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about: 1) an agreement to which the County is a party which pertains to a County supported public body; and 2) the applicable procedures to relocate the County courthouse if the Board directs staff to further examine that option at an upcoming Board meeting. The motion was **seconded** by Ms. Mallek.

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

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

At 8:47 p.m., Mr. Randolph **moved** that the Board certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 28. Adjourn to December 13, 2017, 2:00 p.m., Lane Auditorium.

At 8:48 p.m., with no further business, the Board adjourned its' meeting to December 13, 2017, 2:00 p.m. in Lane Auditorium.

Chairman

Approved by Board
Date: 03/07/2018
Initials: CKB