

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 7, 2015, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 1:02 p.m. by the County Executive, Mr. Foley. Mr. Foley stated that this is the Board of Supervisors' organizational meeting for calendar year 2015.

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Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Election of Chairman

Mr. Foley opened the floor for nominations for Chair. He added that a nomination does not require a second.

Ms. Mallek **nominated** Ms. Jane Dittmar for Chair for Calendar Year 2015. There were no other nominations. Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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

Ms. Dittmar assumed the role of Chair and then asked for nominations for Vice-Chair.

Ms. McKeel stated that there were four newly elected Board members at their annual organizational meeting last year, which created new Board dynamics for experienced Board members and the administrative staff. She thanked everyone for their hard work and support during the past year as Vice-Chair. She congratulated Ms. Dittmar's willingness to consider the Chair and the Vice-Chair positions as part of a leadership team. Ms. McKeel said that she had learned a lot over the last year and valued the experience very much. In that spirit, she will **nominate** Ms. Liz Palmer for Vice Chair for Calendar Year 2015. She stated Ms. Palmer is interested, has the necessary flexibility in her schedule, and is willing to take on a new challenge. There were no other nominations.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

Ms. Palmer thanked Board members for the nomination.

Ms. Dittmar thanked Ms. McKeel for her kind and gracious words. She said the entire Board joins in thanking her for her service as Vice-Chair.

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

Ms. Mallek moved to **reappoint** Ms. Ella Jordan as Clerk and Mr. Travis Morris as Senior Deputy Clerk for Calendar Year 2015. Ms. McKeel **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 7. Board 2015 Calendar.

Item No. 7a. Set Meeting Times, Dates and Places for Calendar Year 2015.

Ms. Mallek **moved** to adopt the meeting times, dates and places for Calendar Year 2015 as set out in the agenda material which is: the first Wednesday of the month at 1:00 p.m., the second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road; meeting dates for **January, 2016** will be January 6, 2016 at 1:00 p.m. and January 13, 2016 at 6:00 p.m..

Ms. McKeel asked about the note in the Board's agenda packet regarding cancelation of a meeting in the summer.

Mr. Davis stated in their vote, the Board should clarify whether or not the August 12, 2016 meeting as proposed would be canceled as part of the regular meeting schedule; the other approach would be to wait until summer to see if the meeting is necessary, as they could always cancel it. He said the note in the Board's packet suggests the Board not schedule it as a meeting day.

Mr. Foley said that would be recommended, so that the Planning schedule will reflect it.

Ms. Dittmar clarified that the Board should vote on its meeting dates, places and times and to cancel the August 12, 2015 meeting. If the Board finds the need to meet, it can reschedule the meeting at a later date.

Ms. Mallek **amended** her motion to include the cancellation of the August 12, 2015 meeting. Ms. McKeel **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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

Ms. Mallek **moved** to consider zoning text amendment requests from citizens on the dates listed in the Board's packet - September 9 and December 9, 2015, and March 6 and June 8, 2016. Ms. McKeel **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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

Ms. Dittmar noted that the Board made some changes to its rules in 2014, but there was also some other suggested changes, seeking advice for ideas, incorporating policies that were already a part of the Board-adopted policies, and she asked Board members to approve the redline or bring items up for discussion.

Mr. Sheffield asked if the Board could move the public comment period before adoption of final agenda, because sometimes they hear things from the public that they either want to take action on or discuss, and if they adopt the agenda, they prevent that from happening other than general discussions.

Ms. McKeel said that with that change, the order would be Matters from the Public, Adoption of Final Agenda, and then Consent Agenda.

Ms. Palmer asked where recognitions would go on the agenda.

Mr. Sheffield said that recognitions would be done first, so it would just change the order of agenda adoption to be after public comments. He stated that the order currently seems to be backwards, because if there is an item Board members want to take action on after public comment, they cannot do that because they have already adopted the agenda.

Mr. Davis said the only nuance to this is that under the current rules, matters that are not for action can be brought up by a Board member under "Matters from the Board," so at that time a Board member can direct something to be placed for action on a future agenda. Currently if a Board members wants to act on something at a meeting that is not on the agenda, the rules indicate the member must give prior notice to the Board of that matter, or there must be unanimous consent to place it on the agenda for action.

Ms. Palmer said that currently they talk at the end of the meeting about addressing it in the future, but by that time the person who brought forth the issue has left.

Ms. Dittmar said it is an interesting idea, and perhaps they could move "From the Board" to earlier in the agenda so they can discuss it while members of the public are still present.

Mr. Sheffield said that an example would be the item they just took action on, without hearing from the public first.

Ms. Mallek said that she agrees as far as strictly administrative decisions, and is intrigued by the idea of setting the agenda afterwards as a trial. She said that she thinks the Board could probably try it to see if it makes a difference – but she is also very cautious about making it easier for end of meeting actions that have not had a chance for proper vetting and public input.

Mr. Sheffield said the Board could leave it the way it is, and if they see there is a need he will raise the issue again.

Ms. McKeel commented that the updated guidelines look more modern and are now collated into one document that pulls everything together. She pointed out text in the stated policy, page 2, "The Clerk of the Board shall establish the agenda for all meetings in consultation with the County Executive and the Chair,". She stated that she would like to see it include the Chair and the Vice Chair, so they can be prepared in the event the Chair is not present, and also to make the process more collaborative. She sees the Chair and Vice Chair working together as being very positive.

Ms. Palmer said she agrees with that suggestion.

Ms. Dittmar said that they currently have a practice of having a pre-agenda meeting.

Ms. McKeel acknowledged that, and said in the past it has been the Chair, but she and Ms. Dittmar had expanded that to include the Vice Chair, so she would like to include that in the policy to make it more formal.

Ms. Mallek said that when she was Chair, she invited the Vice Chair to attend the pre-agenda meetings, in an effort to have him hear about things sooner. She thinks that it should be up to the Chair to decide, so she would prefer to leave it alone. This would also allow the Chair to establish their own relationship with staff in the role as Chair.

Mr. Boyd said that he agrees with Ms. Mallek, and having been through this himself for four years, he would rather leave it up to the Chair, although he encouraged the inclusion of the Vice Chair.

Ms. Dittmar said that she fully intends to work with Ms. Palmer, Mr. Foley and the Clerk to prepare for Board meetings.

Mr. Sheffield said that he supports the change.

Ms. Palmer agreed.

Ms. McKeel said in the past year Ms. Dittmar had been absent for a few pre-agenda meetings, so this just confirms the attendance of the Vice Chair.

Mr. Foley said that this refers to the establishment of the agenda, so there are two things that go on now: a meeting with the Chair, the Clerk and the County Executive on the establishment of the agenda; and a "dress rehearsal," which is when the Vice Chair attends and does a final look at the agenda. He said at that point, the establishment of the agenda has already happened, and the latter meeting is just the final look a week in advance of the meeting to do some final tweaking, which has worked well.

Ms. McKeel said the text in the policy only mentions the one meeting, and she just wants to ensure that the Vice Chair is involved in the knowledge of the meeting.

Ms. Mallek said she would support this if there were a sentence added about the second meeting after the agenda was set, as a way of informing leadership.

Ms. Dittmar said they could include language that says something like, "whenever possible," or "every attempt will be made" for there to be a meeting that includes both the Chair and the Vice Chair to prepare for the upcoming meeting.

Mr. Foley said at the end of the second sentence, they could add something that says, "The Chair and Vice Chair shall be involved in final review of the agenda before it is published, which would really affect the current practice.

Mr. Davis suggested a sentence that says, "The County Executive and the Clerk shall review the agenda with the Chair and Vice Chair prior to the meeting." Board members concurred with the suggested language.

Mr. Sheffield then **moved** to adopt the Rules of Procedures/Policies as amended. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

**ALBEMARLE COUNTY BOARD OF SUPERVISORS  
RULES OF PROCEDURE  
Adopted January 7, 2015**

**Albemarle County Board of Supervisors Rules of Procedures  
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**RULES OF PROCEDURE  
ALBEMARLE BOARD OF COUNTY SUPERVISORS**

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

A. *Board Members*

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

B. *Officers*

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

C. *Clerk and Deputy Clerks*

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

D. *Meetings*

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

If the Chair (or Vice Chair, if the Chair is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)

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

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

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

E. *Order of Business*

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

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

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

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

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

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

Resolutions may be proposed by a Board member requesting the Board to take a position on an issue of importance to the Board. A Board member requesting the Board to adopt a resolution should give notice of the intent to request action on such resolution on a specified meeting date and submit a draft of the proposed resolution. The Clerk will distribute the draft resolution with background information, if available, to all Board members. Board members may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk shall forward all comments received from Board members to the Board. The Board member requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Board members to determine if a majority of the Board members support adding the resolution to the agenda for consideration. If a majority of the Board members indicate

support for considering the resolution, the resolution will be added to the proposed final agenda. If all Board members indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any member requests otherwise.

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

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

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

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

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

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

F. *Travel Reimbursement*

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

1. Board members may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:
  - a. Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Board member is appointed, from home or work, if a work day, which is not part of routine personal travel;
  - b. Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters scheduled for consideration on the Board's agenda which is not part of routine personal travel (i.e., site visits, informational meetings); and
  - c. Parades and other community gatherings not advertised as Supervisor's town hall meetings to discuss County business. Travel to use the COB office between other personal travel or meetings, shall not be covered.
2. Board members may be reimbursed for the following educational conference travel expenses, provided there are available funds:
  - a. All necessary, actual and reasonable meal, travel and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Board member represents the County, as approved by the Board; and
  - b. All necessary, actual and reasonable meal, and travel (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
3. Board members will not be reimbursed for the following travel expenses:
  - a. Travel to events which are political in nature (i.e., campaigning or partisan events);
  - b. Personal expenses incurred during travel; or
  - c. Other travel which is not part of the statutory governmental duties of the Board of Supervisors that are not provided for in Sections 1 or 2.
4. This policy will be applied and overseen in the following manner:
  - a. Reimbursement requests shall be made in writing on forms provided by the Clerk of the Board and shall itemize the date, number of miles of travel expenses and purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.
  - b. The Clerk, or his/her designee, will review all travel reimbursement requests and the Director of Finance will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.

- c. When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.

G. *Quorum*

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

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

H. *Remote Electronic Participation*

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

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

(Virginia Code § 2.2-3708.1)

I. *Meeting Decorum*

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

J. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chair and recorded by the Clerk. A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. (Article VII, § 7, Virginia Constitution)

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

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

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

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

L. *Boards and Commissions*

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

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

M. *Amendment of Rules of Procedure*

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

N. *Suspension of Rules of Procedure*

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

O. *Rules of Procedure.*

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

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

\* \* \* \* \*

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

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Agenda Item No. 9. Adoption of Final Agenda.

At this time, the Chair introduced all staff present.

It was then the consensus of the Board to move adoption of the final agenda to after Matters from the Public, renumbering it to Item 12A.

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

Mr. Boyd announced that he will be holding a town hall meeting at Sutherland Middle School on January 29, 2015 from 6:30-8:30 p.m.

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Ms. Palmer encouraged people to bring their pets inside during this very cold weather.

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Ms. Mallek stated that yesterday she attended a discussion related to One Virginia 2021 redistricting effort. One Virginia will be hosting their new website opening the following Friday, with an emphasis on citizen participation in the effort over the next four or five years.

Ms. Mallek announced that Earlysville neighbors and longtime Albemarle residents are missing Mr. James B. Murray, who passed away at age 94 on January 2, 2015. She stated that one of her

earliest memories is of Mr. Murray, who returned her teddy bear after she left it at his farm. Ms. Mallek said that for 65 years, Mr. Murray has been a wonderful neighbor. Mr. Murray was a farmer, a conservationist, and an organic farmer when very few people were doing that. She said he served from 1974-1982 in the House of Delegates, and one of his proudest accomplishments was designating the Rivanna River as the first wild and scenic river in Virginia, supporting legislation that established Piedmont Virginia Community College, and acting as the first board chair of PVCC.

Ms. Mallek said that Mr. Murray was also Chair of the County's Electoral Board for 15 years, on the Board of the Monticello Area Community Action Agency (MACAA) for 25 years, and served on the Equalization Board. Mr. Murray supported Offender Aid and Restoration, and volunteered as a child advocate for Court Appointed Special Advocates (CASA) until he was 80 years old. Ms. Mallek said that Mr. Murray donated the land for the Earlysville Volunteer Fire Company and provided the money to build the first two-bay garage in 1966.

She said that Mr. Murray and his family have been incredible leaders in conservation and stewardship, and in just the last year, the County has been working on ordinances for farms hosting non-agricultural activities. However, at Mr. Murray's Panorama Farm decades ago, he welcomed nature camps, cross country running teams – where AHS and UVA run today, mountain biking courses, a game preserve, milling of grain fields, and the commercial composting business called "Panorama Paydirt" in an effort to balance economic activity with sustainable use on their 800-acre farm. Ms. Mallek said Mr. Murray was an inspiration to all who try to wear many hats and make things better for the community, and he will be greatly missed.

Ms. Dittmar said that Mr. Murray excelled in business, was an amazing family man, and set a standard for public service to which they all try to aspire.

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Agenda Item No. 11a. Recognition: Scott Keim – Executive Fire Officer

Ms. Dittmar stated that FEMA's National Fire Academy recently announced that ACFR Battalion Chief Scott Keim has successfully completed a four-year executive fire officer program, an intensive program designed to augment already seasoned senior fire officers with the expertise they need to help lead their departments in today's challenging environment. She said that the modules that Chief Keim covered were executive development, executive analysis of community risk reduction, executive analysis of fire service operations and emergency management, and executive leadership. Ms. Dittmar said that each of the four courses required a written, applied research project to demonstrate application of course theory and real-life situations, and each project was evaluated through a formal process, with progression contingent on achieving each of the milestones. She stated that Chief Keim graduated with flying colors and received a perfect score on his last applied research project.

Fire Chief Dan Eggleston thanked the Board for recognizing Chief Keim. Chief Keim is a key person in the department – very focused on professionalism and high quality of service, and is a good employee and coworker as well as a good friend. Chief Eggleston said that the program is an intense four year program that requires the equivalent of publish a master's thesis every year for four years. He stated that the Department has already benefitted enormously from Chief Keim's efforts. Chief Keim is helping the Department focus on policies and procedures and training with the Police Department on things such as active shooter, and developing and reinforcing mental health programs. Chief Eggleston congratulated and thanked Chief Keim on this accomplishment.

Chief Scott Keim thanked the Board for the recognition, stating that it means a lot. He added that Chief Eggleston has been a great mentor. Chief Keim also thanked his family, stating that they sacrificed months and months of him being away to pursue this certification.

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Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Milton Moore, a resident of Blythe Court in the Jack Jouett District, said that since 1988 he has fought the Route 29 bypass. The North Charlottesville Business Council promoted the bypass after defeating Alternative 9, which would have had an expressway down the middle of Route 29. Mr. Moore said the opponents of Route 29 Solutions oppose the interchanges at Hydraulic Road and Rio Road and claim they will harm businesses, but he thinks it is unlikely that anyone who shopped there before would stop shopping there. He stated that the group also claims that there has been a big reduction of traffic on Route 29, but you would not know it during rush hour, especially at the busy intersections. Mr. Moore said that it would also help to have efficient parallel roads and reduce unnecessary signals on Route 29. He said he submitted a diagram of the signals some years ago that noted which ones could be taken out – with at least six that could be removed between the Route 250 Bypass and Airport Road.

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Mr. Dennis Rooker, a County resident, said this Board is being hit on by a well-financed campaign of misinformation to stop the building of the Rio overpass, the most important component of the Route 29 Solutions package. He said the original widening of Route 29 was opposed by businesses in the corridor, and the same type of scare tactics were used at that time. Mr. Rooker noted an article from

October 31, 1986 with the headline, "Hundreds protest US 29 Plan," which said that about 500 Charlottesville residents told the State Highway Department that they did not care for a plan to widen US 29 North from four to eight lanes. Mr. Rooker asked where they would be today had that widening not occurred. Even at the time, the Board of Supervisors knew there would be some inconvenience with that multi-phased project, and they also understood it was needed and would be in the long-term best interest of the community as a whole, including present and future businesses. He said that since the completion of the widening, there has been hundreds of millions of dollars of new investment in the Route 29 corridor that likely would not have occurred if the widening had not taken place. Mr. Rooker said they are at a similar place today, with perhaps a once in a lifetime opportunity to utilize \$230 million in scarce transportation funds to build projects that have been in the plans for years in this area. He emphasized that Route 29 is not a main street, as main streets are usually two-lane, slow speed, pedestrian-friendly streets with multi-story buildings fronting on the streets. This community has a Main Street that starts at Emmett Street and runs to the Downtown Mall; there is also a Main Street in Crozet and one in Scottsville. Mr. Rooker said Route 29 is an eight and ten-lane highway, with shopping centers scattered along it to take advantage of the 55,000 vehicles per day of traffic that are there. He said that the businesses both contribute to and benefit from that traffic, and will also benefit from the improvements in the Route 29 corridor that are included in this package, because in the long run congestion destroys value in a corridor, while mobility improves it.

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Mr. Scott Leake addressed the Board, conveying greetings from Congressman Hurt of the 5<sup>th</sup> Congressional District. He said that it has been a pleasure to work with the Board on pertinent issues. Mr. Leake said that there is now a federal budget that will take them through September, so there should not be any federal government shutdowns. He added that the State budget is also expected soon. Mr. Leake added that he, as is Congressman Hurt, are available at any time should the Board need him to come by.

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Mr. Saunders Midyette, a resident of the Jack Jouett District, said that he supports the Route 29 Solutions package and was pleased that the Board voted to approve it, and with Mr. Sheffield's representation on the VDOT Advisory Board. Mr. Midyette said the Smart 29 has questioned the 2014 VDOT analysis projecting increases in the Route 29 corridor traffic, particularly with regard to the Rio Road interchange, which is a key component that hopefully will continue to be supported as needing construction. He stated that Smart 29 is using outdated data that fails to take into account the current traffic flow on Route 29, which has a failing grade and needs correction in terms of what the package will bring.

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Mr. John Martin, a resident of Free Union, said that he would like to request that the vote taken in December on live video streaming be reconsidered, and that Albemarle join the mainstream of its peer communities by providing this service to County residents. He said this involves a monetary investment, and there have been questions about the return on that investment. Mr. Martin said the return would allow for a teenager to have a discussion with their parent about matters of County government, would allow a senior who might not be able to attend meetings anymore to stay involved, would allow citizens to view events for themselves and think for themselves, would allow citizens to be more informed voters, and would allow everyone to be better informed – a hallmark of good citizenship. He stated that what it really boils down to is the value of this being priceless, and he strongly encourages Board members to reconsider this matter. The County residents deserve this service.

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Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board, stating that in the Board's Rules of Procedure, they highlighted the travel expenditures they would pay for in terms of the Board, but it would also be helpful to have a quarterly report that included: what they spent, where they went, what was done, and what the benefit was to the County. Mr. Williamson said this would add to the transparency, as some of these meetings are critically important, and it would be helpful if the public had a better understanding of what they are doing at the meetings and the significant time commitment the Board puts in to attend meetings.

Mr. Williamson added that he has been opposed to interchanges on US 29 for eight years, and he wants to make it clear that there is not a uniform consensus on this moving forward. Mr. Williamson said that he will continue to stand in opposition, but will do so politely and cheerfully.

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Mr. Sheffield asked Board members if there was any interest in what Mr. Williamson suggested about the quarterly report, as an information item.

Ms. Palmer and Ms. Dittmar expressed support for the report.

Ms. Mallek asked if they would pull this from their calendars as far as where they had been and what they had done. She asked if they should include citizen meetings as part of the detail.

Mr. Sheffield said the suggestion was for an accounting of what was paid for and what was done.

Ms. Dittmar said they could work on the format and tweak it as it goes along.

Ms. Palmer said Board members probably do not need to have the name of every person they meet with; they just have to talk about how they would handle that.

Mr. Sheffield noted that if Board members are driving hundreds of miles to meet with constituents, it speaks volumes as to the size of the County.

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Agenda Item No. 12a. Adoption of Final Agenda.

Mr. Sheffield said based on some of the public comments, he would like to express to the State the Board's satisfaction with the Route 29 process thus far, and since Mr. Boyd may be on the other side of that position, they should probably take a vote on it. Mr. Sheffield said that he would like to add to the agenda sending some sort of transmittal to the State as to where they stand on Route 29, how they feel the process has gone thus far, and where they are headed.

Ms. Dittmar asked if they could consider it under their report from Mr. Mark Graham.

Mr. Boyd said he thought the Board's current rules required unanimous Board approval in order to put something on their agenda for a vote.

Mr. Davis said if it is going to be added as an action item without prior notice, it requires unanimous consent to be added.

Mr. Boyd said he would be opposed to this, but it does not mean it cannot be brought up at their next meeting.

Ms. Mallek said the Board could still talk about it today.

Mr. Sheffield asked what constitutes taking action. If the Board is talking about submitting a letter acknowledging that the process is going well, is that still action? Mr. Davis said the Board can talk about the letter and contents of the letter, but it could not vote, as a Board, to send it without making it an action item.

Mr. Foley said if the Board wants to add something to next week's agenda, it can do so, as long as it is done by the following Monday.

Mr. Boyd said as part of that, he would like the Board to discuss an economic analysis of the Route 29 Solutions package, particularly the grade-separated interchange.

Mr. Boyd stated that the other item he would like to discuss is the \$2 million that has been set aside in the CIP for more than eight years for the YMCA, in light of current discussions by City Council.

Mr. Sheffield said he would be open to taking action on the YMCA item, but not on the economic analysis.

Ms. Dittmar said the Board members could discuss the fiscal impact under Mr. Graham's report, and asked if they wanted to discuss the YMCA issue under Board matters.

Mr. Boyd said he would like to ask staff to get back to the Board as to alternative uses for the \$2 million that is currently earmarked in the CIP for the YMCA, and said he could bring it up under Other Matters from the Board.

Ms. Mallek then **moved** to approve the final agenda with the changes as discussed, adding the YMCA item under the Board matters. Mr. Sheffield **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 13. Consent Agenda. Ms. Mallek **moved** to approve Items 13.1 (as read) through 13.2a on the Consent Agenda. Ms. Palmer **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Item No. 13.1. Approval of Minutes: February 26, March 5, April 15, July 8 and October 30, 2014.

Ms. McKeel had read the minutes of February 26, 2014 and found them to be in order.

Mr. Sheffield had read his portion of the minutes of March 5, 2014 and found them to be in order.

Ms. Mallek had read the minutes of April 15, 2014 and found them to be in order.

Mr. Boyd pulled his portion of the minutes of March 5, 2014 and carried them forward to the next meeting.

Ms. Palmer pulled her portion of the minutes of March 5, 2014 and carried them forward to the next meeting.

Ms. Dittmar pulled the minutes of July 8, 2014 and carried them forward to the next meeting.

Ms. McKeel pulled the minutes of October 30, 2014 and carried them forward to the next meeting.

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

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Item No. 13.2. ACE Easement Purchases.

The executive summary states that on November 13, 2013, the Board approved the Acquisition of Conservation Easement (ACE) Committee's request to have the top five ranked properties from the April, 2013 applicant pool (see Attachment A) appraised. In May of 2014, the Caldwells voluntarily withdrew their application, and in October, Mr. Campbell decided to not sell an easement to the County, leaving only three (3) eligible properties for consideration: Henley Forest, Stargell and Woodson.

On November 5, 2014, the Board approved the recommendations of the ACE Committee and staff to: 1) accept the Henley Forest Inc. written offer to sell a conservation easement to the County for \$363,780; 2) approve the Stargell and Woodson appraisals; and 3) authorize staff to invite Stargell and Woodson to make written offers to sell conservation easements to the County for the amounts approved by the ACE Appraisal Review Committee (ARC).

Currently, the County has \$1,568,107.70 in funding available for the acquisition of eligible ACE easements (\$736,954.60 in ACE funds re-appropriated from the County's FY 14 Budget, \$640,759 of ACE funds appropriated in FY 15, of which \$120,000 is designated as grant revenue, and \$310,394.10 from two Office of Farmland Preservation (OFP) grants previously awarded and currently being held by OFP in a restricted account until the County submits a Reimbursement Claim Form for 50% of total eligible easement acquisition costs, of which \$120,000 was appropriated as part of the FY 15 Budget). With the County's impending purchase of Henley Forest, Inc.'s easement for \$363,780 and the related title insurance cost of approximately \$1,250.00, a balance of approximately \$1,203,000 will still remain for the acquisition of the Woodson and Stargell easements, both of which are eligible for the OFP grants, and all other future easements.

Funding for the purchase of these conservation easements would be paid for from existing funds in the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and grants from the Office of Farmland Preservation (OFP). If the Woodson and Stargell easements are purchased for \$72,000 and \$257,000, respectively, for a total of \$329,000, and title insurance for both easements purchased for approximately \$2,000 total, all of the currently available OFP grant funding will be used, and there will be a balance of approximately \$872,000 remaining in the County's FY 15 Budget that may be used for future qualifying ACE easement purchases. Applications for the 2014 application pool are currently being reviewed and evaluated by staff.

The ACE Committee and staff recommend that the Board accept the Woodson and Stargell written offers to sell conservation easements to the County for \$72,000 and \$257,000, respectively, for a total amount of \$329,000.

**By the above-recorded vote, the Board accepted the Woodson and Stargell written offers to sell conservation easements to the County for \$72,000 and \$257,000, respectively, for a total amount of \$329,000.**

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Item No. 13.2a. Cancel January 14, 2015 Board Meeting.

**By the above-recorded vote, the Board canceled its January 14, 2015 Board Meeting.**

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Item No. 13.3. 2014 Third Quarter Certificate of Occupancy Report, as prepared by the Community Development Department, **was received for information.**

The report states that during the third quarter of 2014, 97 certificates of occupancy were issued for 97 dwelling units. There were four permits issued for mobile homes in existing parks, at an

exchange rate of \$2,500, for a total of \$10,000. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

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Item No. 13.4. 2014 Third Quarter Building Report, as prepared by the Community Development Department, **was received for information.**

The report states that during the third quarter of 2014, 137 building permits were issued for 138 dwelling units. There were three permits issued for mobile homes in existing parks, at an exchange rate of \$2,500, for a total of \$7,500. There were no permits issued for the conversion of an apartment to a condominium.

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Item No. 13.5. Copy of letter dated December 8, 2014, from Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Virginia Land Trust, c/o Greg Baldwin, re: *AMENDMENT TO OFFICIAL DETERMINATION OF PARCEL OF RECORD – Tax Map 79, parcel 23C (noncontiguous portion) (Property of Virginia Land Trust) – Scottsville Magisterial District, was received for information.*

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Item No. 13.6. Copy of letter dated December 10, 2014, from Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Anvince Land Trust, c/o Sue A. Albrecht, Trustee, re: *LOD201400015 - OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 61, Parcel 1B1 (property of VDoT) – Jack Jouett Magisterial District, was received for information.*

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Item No. 13.7. Copy of letter dated December 11, 2014, from Sarah D. Baldwin, Senior Planner, to Cheryl Rudduck, re: *LOD201400017 - OFFICIAL DETERMINATION OF PARCEL OF RECORD – Tax Map 119, Parcel 22 – Samuel Miller Magisterial District, was received for information.*

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Agenda Item No. 14. Water Resources Program – Level of Service.

The executive summary as presented by staff states that recent Virginia mandates, including the [Virginia Stormwater Management Program \(VSMP\)](#) and the [Total Maximum Daily Load \(TMDL\) Program](#), have led to significant increases in the cost of implementing County water resources programs. To explore whether the Board should establish a dedicated funding mechanism to support these programs, the Board appointed a Water Resources Funding Advisory Committee (See attached January 8, 2014 Executive Summary, Attachment A).

The Committee is charged with providing to the Board by September 2015 a recommendation for a funding mechanism that would best meet County needs and goals (See Committee's Charge, Attachment B). Since September 2014, key staff and consultant representatives have facilitated monthly Committee meetings covering topics such as major program elements, new mandates, the condition of County streams, staff and department roles, and program gaps.

The Committee's current task is to draft a preliminary program plan, which will enable the Committee to provide direction and advice on the public engagement process and to estimate the total program costs to serve as the basis of subsequent analyses and discussion regarding funding options, rate structure options, and preliminary rates and cost distributions. The Committee will develop program and funding option recommendations to be presented to the public beginning in April 2015.

The program plan will include the various operational and capital programs that will be supported by funding sources. Before the funding study can be conducted, it is necessary to determine whether the program plan should include proactively managing the County's water resources' infrastructure and ecosystems. Infrastructure management includes operating and maintaining Stormwater management facilities and drainage conveyances (pipes and open channels). Ecosystem management includes activities that improve the quality of County streams and other natural resources, from stream buffer protection to stream restoration.

The County must determine what level of service (LOS) it will provide to maintain compliance with the County's increased MS4 permit requirements. The LOS, in turn, is relevant to evaluating the appropriate funding options.

The Committee, at its December 11, 2014 meeting, considered various questions regarding the LOS of the preliminary program plan. Those questions and the Committee's responses are summarized in Attachment C. Staff is requesting the Board's feedback on the Committee's positions and any additional thoughts or concerns regarding the preliminary program plan.

The information provided by the Board will simply inform the water resources funding study and will not affect the budget at this time.

Staff recommends that the Board provide feedback regarding the Advisory Committee's recommendations regarding the preliminary program plan and, in particular, whether the Committee

should continue to examine a level of service that includes the proactive management of the County's water resources' infrastructure and ecosystems.

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Mr. Doug Walker, Deputy County Executive, addressed the Board. He stated the Board has been in considerable discussion for the last several years regarding policy issues pertaining to water quality improvement. He said this has included addressing mandates such as the Virginia Stormwater Management Program, which requires the Board to amend its water protection ordinance, adopt a new fee schedule and implement a new program effective as of July 1, 2014; MS4 and TMDL related to stormwater, and their compliance with the Chesapeake Bay Act, part of which is governed by DEQ and part of which is governed by the EPA. Mr. Walker said that a year earlier, the Board directed staff to develop a process for engaging the public in a conversation about a variety of funding alternatives – service districts, general fund, and/or stormwater utilities – and to bring back a public engagement plan. He stated the Board reviewed it, and as a consequence the Board adopted a plan and appointed a Water Resources Funding Advisory Committee, authorized hiring a consultant, and set the plan in motion. Mr. Walker said the work has been ongoing, most actively over the last three or four months, with Ms. Mallek serving as liaison to that committee and Ms. Palmer involved as an interested Board member, and the committee working hard over the last several months to get to this point in their process. He stated the committee hired Foster Wheeler as consultants to help the Committee with the policy questions needed to frame their recommendations to the Board. Currently, the Committee is trying to get a sense of Board support of their preferences related to levels of service – which will govern in some part the consideration for the type of funding mechanism the Board will want to consider. Mr. Walker said the Committee went through this exercise a month ago, and the intent today is to share an update of the process and results of that with the Board, in hopes of receiving additional input from them.

Mr. Greg Harper, Water Resources Manager, addressed the Board, asking Committee members who were present to raise their hands. Ms. Mallek identified Committee members as Ms. Kim Swanson and Ms. Leslie Middleton.

Mr. Harper said the Committee is not asking the Board to making decisions on the levels of service the County will be implementing over the years, but simply to validate the recommendations made by the Advisory Committee on a level of service that will subsequently be utilized to play out the rest of the analysis. He said to have discussions about funding mechanisms and rates, they need to have an idea of what programs they will include as part of their assumptions, so this will provide a dollar sign on which to base everything else for planning purposes.

Mr. Harper said that many localities are in the same position as Albemarle, and all are looking at dedicated funding mechanisms to fund stormwater programs because costs have increased. He said the Advisory Committee has been meeting since September. Staff has been covering a lot of background on the programs to give the Committee a sense of what the County does currently, and to identify program gaps. Mr. Harper said AMEC has analyzed some of the County processes and can see the challenges and strengths that different mechanisms would benefit from or be challenged by. He stated they are trying to finalize the preliminary program plan to put a cost to it. In the future the Committee will be identifying different types of funding mechanisms, developing financial and user fee policies such as credits and incentives. Mr. Harper said they will then take that information to establish rate structures, and typically these efforts will determine the cost burden – who pays what portion. He then presented a description of the major programs the County currently implements. The VSMP essentially regulates development; the TMDL is the mandated program to address the Chesapeake Bay impairment and two local impairments; the MS4 program includes TMDL but also other elements such as public education, IDDE illicit discharge detection and elimination, and other programs. He said that many but not all of the County's programs have an emphasis on urbanized areas and are not necessarily countywide, i.e., the MS4 permit essentially covers the urban areas of the County. Mr. Harper stated that implementation of these programs costs the County \$2.6 million per year – approximately \$1.6 million in staff time and \$1 million per year in capital.

Mr. David Bulova, of AMEC Foster Wheeler, addressed the Board, stating that the County is facing a number of state and federal mandates, and for those kinds of items, it is a matter of figuring out how much those cost and how to efficiently implement them. Mr. Bulova said in looking at funding mechanisms, this is a good opportunity to look at what other assets the County manages and maintains to determine how it will be efficiently managed for the long term. He stated that this pertains to gray infrastructure, such as pipes and stormwater management facilities, and green infrastructure such as stream valleys and other ecosystems. Mr. Bulova said they are addressing it through this process because of the size of the program, which drives how much the County will need to raise, and how it will distribute the costs – implementing a countywide rate or areas that pay more or less. He stated that the County will want to ensure that as it is developing its program, the expectations match up with what the public is seeking, so this is an opportunity to address that. Mr. Bulova said the consulting process involved a few days of very detailed interviews with County staff to determine current measures and identify existing gaps, and they held discussions with the Committee as to how to address those through recommendations.

Mr. Bulova stated he will review the gray infrastructure and ecosystem components, which pertain to their scope of responsibility as a County. In considering what the County has done to date, it revolves primarily around maintaining the conveyance on County properties. He said in thinking about a pipe

collapse or burst or break, the things they will respond to would be on County property. Mr. Bulova said as the County become accountable for its entire systems, it is probably responsible for more than just what is on County property, as there are private properties with public stormwater easements that carry public stormwater through the properties. He said that if the pipes were to collapse or break, because they are within a public easement and it is public stormwater, the County probably has an up-front responsibility for dealing with that, not the private property owner. Mr. Bulova said that the County's obligation has expanded, and the follow-up question to that is what the County's responsibility should be for a private property owner who has public stormwater going through their property, but it is not under a public easement. He stated that it is a big question in terms of implications for the County. He then presented a map showing the stormwater infrastructure on the north section of Route 29 – which is mapped directly to public stormwater management facilities and other areas. Mr. Bulova said it is fairly extensive infrastructure, but taking into account all the roads and areas that are not mapped, one of the big challenges is that there is no map of that private infrastructure and which are in public easements. He stated that the Committee is recommending that they go through and map and assess all of that private conveyance to establish some sense of what they are facing. From a short-term standpoint they will need to budget for maintenance for the stormwater infrastructure that is within a public easement.

Mr. Sheffield asked if mapping the private infrastructure would create a public obligation to maintain it in the future, because if the County is identifying that there is a problem, it is by de facto creating an obligation or liability. Mr. Davis explained that in most instances, it is clearly a private responsibility – and where these instances arise is when there is often not a responsible party who is able to deal with a significant issue that is creating an erosion problem threatening property, or is becoming a public safety issue. In those instances, he said, the County has reviewed those on a case by case basis, and before it can expend public funds to improve private property, it must acquire an easement – which it will do when there is a potential threat to public safety or property. He said that what is being suggested is perhaps assuming responsibility for all of these things once they are mapped, but that would still require the task of acquiring easements on those properties. Mr. Davis said that gathering information does not put the County in jeopardy, but it is a huge undertaking, and would include all of the subdivisions platted prior to the year 2000. He added that before the County could enter into those properties and take any action, it would still need to be consent through an easement to establish that public property right. Mr. Davis noted that most property platted before 2000 was not required to dedicate stormwater easements to public use, so there is a huge inventory out there.

Ms. Dittmar asked if the County is allowed to map the property will, or if it has to get permission from landowners to do mapping. Mr. Davis said if the County enters onto people's property, it would need permission, but most of these could probably be established from subdivision plats and other documentation that would not require that.

Ms. Palmer said there is also the question of how these findings would impact people's property values, if they find they have a major piece of infrastructure on their property.

Mr. Bulova said it is fairly typical for mapping to include private infrastructure within the system, and for this exercise you would not be mapping the condition – so to the degree they are related, this is a good question to ask. He said once the infrastructure is mapped and there is an understanding as to the scope of the County's responsibility, the question becomes how to efficiently maintain the infrastructure for the long term. Mr. Bulova said the maintenance currently done on the system the County is primarily reactive – you wait for something to break, then you go out and fix it – and the question is whether that is the most efficient approach, as it is typically more expensive to manage by emergency than doing the maintenance and rehabilitation all along. He noted that the question posed to staff and the Committee was whether the County wanted to be more proactive with respect to how it deals with the system, beginning with the assessment component to establish the scope of the system and its condition. Mr. Bulova said the question then becomes how fast the County engages in maintenance and rehabilitation, because even if infrastructure is well-maintained, it has a lifespan of 75-100 years, and setting aside a certain percentage each year so the system can be maintained from a proactive standpoint. He said that the Committee agreed that they wanted to be able to do that, and figured that if at the very best there would be a 100-year lifespan for the pipe system, they would want to set aside one percent of the capital cost of total replacement each year.

Mr. Bulova stated that another critical piece of the infrastructure are the stormwater management facilities – dry ponds, wet ponds and bio-retention basins – and new VSMP regulations means the County will see a lot more of these, and they will be scattered, smaller, and thus more difficult to maintain in the long term. He said that the County maintains 58 smaller facilities, and 12 regional facilities. In addition to that inventory, there are about 850 facilities privately maintained through maintenance agreements with the County – and that is the inventory that is likely to increase fairly significantly over the next few years. Mr. Bulova stated there is currently not an existing immediate gap. The County recently hired someone to supplement inspections for the private infrastructure, with money set aside for the County BMPs. Over the next five years, there will probably be enough inventory to require another inspector out in the field. He said currently, most localities go out and inspect a facility; if it is not being maintained properly, a letter is sent indicating they need to maintain it properly. Therefore, the question is, what happens if that owner says "no" or does not get back to the County. Mr. Bulova said over the next five years, this will be very telling because the EPA and DEQ will be looking at what the County is doing with respect to enforcement of those maintenance agreements, and if there is a problem then it might need to reconsider a long-term maintenance strategy. He noted that Loudoun County decided years ago that it would maintain all of the

private stormwater management facilities in exchange for an easement and bringing them up to standard. In talking about urban versus rural, he said, the public and private stormwater management facilities are scattered throughout the County and are concentrated in urban areas, but because the stormwater management requirements are countywide, they are both in and out of development areas.

Mr. Bulova said ecosystems pertain to streams and stream corridors, with the issue being streams that are impaired or that have total daily maximum loads that are not mandated by law for the County to address. He said the County has far more impaired streams than ones subject to TMDLs, and if they continue to degrade they will be subject to the regulations – so the question is, at what point the County should intervene. Mr. Bulova said the Committee is recommending that the County do the necessary watershed planning to be able to identify and prioritize projects and programs to address the impairments, so the streams that are on the edge might get ahead of the regulations and avoid future mandated regulations. For those that have a TMDL anyway, he said, it gets them ahead of the curve from a compliance standpoint, as well as an asset to the County in terms of stream quality. Mr. Bulova said that they currently do not have this information, and the Committee's recommendation is to spend the next five years or so putting together comprehensive watershed plans that consider strategic opportunities for improvement or programs; then they can start putting funding in place to support those programs. He stated that the final issue relates to stream buffers and the stream buffer protection ordinance. Albemarle is one of the few counties that has adopted this type of ordinance, outside of those localities that are subject to the Chesapeake Bay Preservation Act. He said that the issue raised by the Committee and by staff is that there is not any enforcement of those buffer areas outside of being complaint-driven, although at one point there had been staff to more proactively monitor encroachments and deal with them. Mr. Bulova presented a map of all the streams protected under the water protection ordinance with a buffer. He stated that the Committee concluded that if the County is serious about continuing its stream buffer protection program, there ought to be the resources devoted to ensure there is proactive enforcement rather than reactive. Mr. Bulova said he is looking for to the Board's feedback and any other guidance for the Committee.

Ms. Palmer asked if Mr. Harper could comment on whether the County has the staff capacity and budget to actually map out the stormwater infrastructure and do the watershed analysis for the stream buffers. Mr. Harper said that along with him, there are currently two inspectors, and they will be hiring a new water resources engineer – so they will go from two to four staff positions, but they have a lot of backlog of work. He said that the infrastructure can possibly be mapped with interns or through a contract with an entity like the Soil & Water Conservation District, but the other efforts will probably require hiring a consulting to assist them. Mr. Harper said it will be possible to do that over several years, but the capacity is not currently there to deal with the specific projects pertaining to the second aspect of this work.

Ms. Palmer asked about how long the mapping of the stormwater infrastructure will take. Mr. Harper responded that the stormwater mapping will probably take about a year.

Mr. Boyd said that in 2015 there was \$400,000 designated for this, with \$1.24 million in the next five years, and asked if this is an annual expense. He also asked if Mr. Harper could break down the costs for planning, maintenance, infrastructure, etc. Mr. Harper said he can provide that information to the Board.

Mr. Boyd said he is trying to understand what the County will accomplish with this money, although not all the requirements are known yet. He also noted that the Committee is looking for direction from the Board, in terms of stormwater district, utility fee, general fund, etc.

Ms. Dittmar asked what questions the Board needs to have answered today so the Committee can keep a forward process going.

Mr. Foley asked Mr. Walker to clarify the attachment presented.

Mr. Walker said he had intended to try to clarify that on the front end as far as staff representation a year ago, specific to one funding mechanism, but the Board said that it wanted to consider all three funding mechanisms and have a public process to do that – and his thought was to reframe that around where they have been the last year and where they are currently. He stated that the Committee and the consultants have worked through the questions related to level of service, with the expectation that the funding mechanism selected would be driven in part by how much the County wants to do and how far it wants to go. He said the County is already doing slightly more than what is mandatory, but it is not doing as much as it used to because the mandates have caught up to their level of service. Mr. Walker said that in the conversation with the consultant and the Committee, they are trying to clarify the specific measures being done with regard to maintenance of stormwater infrastructure, public infrastructure and public easements – but the gap occurs because they are not doing maintenance on private infrastructure that is already in a public easement. He said even beyond that is private infrastructure on private easement, which the County cannot touch until an easement is available to do the work. Mr. Walker said these are choices the County needs to consider, which will drive costs and also may drive the relationship between the mechanism – who is paying, how much, and for what.

Mr. Bulova said the Committee did not want to give the sense that it was opening up the program and adding on all sorts of things it would like to have. The Board could think about what it has looked at in terms of mandates – which are short-term things that it must do – and then County obligations, which are not necessarily mandated, but are necessary in order to manage stormwater infrastructure. He said that the mandates are fairly short term with easily identified costs, but the Committee is focused on obligations that are longer term and may require additional cost. Mr. Bulova said that the reason the Committee did not come forth with cost distribution and different financing mechanisms is because it wanted the Board to clarify first what level of service it wanted for the County.

Ms. Dittmar said that the question is whether the Board wants to stick with the .7-cent tax increase to cover the federal mandates, or to signal the Committee to study other things.

Ms. Mallek said they could also look at the .7 cents and how to use it more efficiently.

Ms. Palmer suggested that the Board needs to know the extent, and do the mapping in order to know what it is getting into in the first place. Mr. Bulova agreed, and said like many programs, the Board will want to understand the scope of the obligation or the opportunities first. In their presentation, while they made some assumptions that the Board would want to set aside some money to proactively maintain infrastructure for the long term, the primary up-front cost is to do the mapping to get a sense of the condition of the infrastructure, and to do the watershed planning, to get a sense of where their priorities might be.

Ms. Dittmar said that seems to be the question – whether the Board would want to pay for a study first to get this information. Mr. Bulova agreed and added that the Committee's recommendation is also that the County should start saving for infrastructure maintenance and rehabilitation now.

Ms. Mallek said that one question discussed by the Committee was the most financially prudent way to accomplish things, because there is general understanding that keeping clean water clean is much cheaper than trying to clean it up later. She said there are also situations in which privately-managed stormwater basins are modified, then the water goes down into someone else's basement, because there is no knowledge base as to how to maintain these. Ms. Mallek said the other huge benefit to finding out what is out there is that there may be opportunities to do improvements in the green infrastructure side that are much less expensive and would divert some of the problems on the gray infrastructure side. She stated that all of the members on the Committee have participated in these discussions, and all of the business people have also made comments that the County must find out this information.

Ms. Dittmar asked Mr. Walker if there is cost information as to what the Board needs to provide for this study and consulting work. Mr. Walker responded that it is most likely part of the consultant's scope of work that has already been approved, and the County is not looking for anything beyond information.

Ms. Dittmar stated that she would like to know how to handle the urban versus suburban issue, and the Board needs to be able to communicate to the public what they are getting for their taxes, utility fee, or whatever model is chosen. She added that she would like to have examples from other localities.

Mr. Bulova stated that is important guidance for the Committee and the consultants to have, and perhaps it might be a good idea to run back through the items he went over to get a sense from the Board members about how they feel. He said the important thing, as mentioned by Mr. Walker, is that they will take the guidance and flesh out costs, and sometime over the summer they will run scenarios to see how programs will generate costs. The Board will then go back to the Committee and indicate which items are politically feasible and which are not.

Mr. Foley said staff did have a fair amount of debate as far as what should come first, and whether they needed to get costs before establishing levels of service.

Mr. Boyd stated that he would like to get some line item detail about what is involved in planning, mapping and costs – and depending on who he talks to, some feel that the problems occur in the urban area because of impervious surfaces, or in the rural area because of agriculture. He thinks that the Board really needs to solve that problem before deciding how to allocate out the cost of this.

Mr. Bulova said they are not asking the Board to make any decisions at this point as to how to allocate the cost out, and once they decide what the program might look like they can evaluate whether there are differences between urban and rural areas, and whether they are significant enough differentiators to charge someone in an urban area differently than someone in a rural area.

Mr. Walker emphasized that it is important to make that distinction that the regulated area related to the MS4 TMDL, which is the County's mandate, is primarily the urban area. There is a regulated area within which the County is obliged to make certain improvements; then the question is whether investments in non-regulated areas would provide overall water quality benefit to the community, and perhaps even support the mandate. He said that regardless of the funding mechanism chosen, the Board needs to establish how much money would be generated to accomplish what level of service.

Mr. Foley said if Mr. Bulova walked the Board through those choices that is about as much as the Board can do at this point, and it would be very helpful for the next step of the process.

Mr. Bulova said he would walk through the items in the Committee's report, and with the Board's direction they can run the scenarios with and without them. He said that the initial infrastructure is scope of services, mapping and assessing everything, and starting to budget for maintenance within those public easements – those areas the County knows it will be taking on responsibility for – and then deferring the decision about maintenance of areas outside of the public easement until the Board has a better sense as to the scope of the obligations.

Ms. Dittmar asked if the County is currently budgeting for maintenance, and if that is something that would normally be done anyway. Mr. Foley said that is one of the reasons they hired new staff, but Mr. Harper can be more specific.

Mr. Harper stated that the County does not actively maintain underground infrastructure, but does maintain BMPs and has a maintenance budget for that. He said the County does not have an extensive underground pipe maintenance program at all, especially when they start talking about the infrastructure on private property within public easements – which they know very little about at this time.

Mr. Foley said the second bullet is a step forward that will have a cost to it, as new development dedicates public easements to the County, but staff does not go around and make sure that everything is working well. He noted the County is currently not budgeting for anything beyond its own facilities.

Ms. Dittmar asked if the Board was supportive of the Committee's three bullet points. Ms. Mallek and Ms. Palmer responded, "yes".

Mr. Bulova said the next point is establishing what to do once they know their scope. He reiterated that currently County maintenance is reactive – waiting for a failure and then taking action, and the Advisory Committee is seeking feedback on their idea to be more proactive in maintaining that. He stated that in order to be more proactive, they need to proactively assess the system and determine where there are issues, which is a new budget item, and over a five-year period they would need to take a TV camera and inspect the system to see where the breaks are and where there are problems. He said that the County then needs to ensure that it has the capital resources to systematically rehabilitate and replace that system as it ages and deteriorates. The Committee picked 1% very conservatively, assuming that a pipe would only need to be replaced every 100 years. Mr. Bulova noted that within a year, they would have a better sense of the scope of the County's infrastructure in both categories – public and privately owned.

Mr. Boyd asked how they would know how much 1% is, without knowing the scope. Ms. Mallek responded that is why they need to get the first-year assessment done first. Mr. Bulova added that they will make some educated professional assumptions for their modeling, so they can at least come up with a ball park figure.

Mr. Boyd asked if there is a reason they had to do both at the same time. Mr. Bulova responded that the idea is that if the Board is looking at new funding mechanisms, it does not want to have that planning and then include the capital infrastructure costs because it would drive the County's rate up – and the idea is to start bringing in that money now so the rate will be leveled out.

Ms. Palmer asked if the 1% pertains only to those systems the County has already identified. Mr. Harper responded that it is also the private infrastructure within public easements, which the County is not doing currently. He added that it is mostly schools and County office buildings.

Ms. Dittmar suggested using the term "public easement" instead of "County."

Mr. Walker asked if it was fair to say that the important point here is the order of magnitude, not necessarily specific dollar amounts, and the choices made about the mechanism to generate revenue to pay for this is going to have some relationship to the order of magnitude of the services and programs provided. He said that if the Board only wants to do what it is doing now, that may lead to some conversations around one type of mechanism for funding, but if it wants to do more than that, it may lead to a conversation about a different type of funding.

Ms. Dittmar said it would be helpful to have the Committee's consensus and bring this information back to the Board to see if it is also their consensus.

Mr. Bulova said that would be the Committee's intent.

Mr. Foley clarified that this does not mean that the Committee is recommending that the County immediately set aside 1% of the funds.

Mr. Bulova said the Committee was trying to relay that the County should set this aside sooner rather than later and come up with an order of magnitude cost, because if they go to another funding mechanism with a rate for five years that just includes the cost for assessment, with year five including

replacement costs, the rates will jump up. He noted that this will be a recommendation coming forth later in the year, not right now.

Mr. Davis pointed out that most of the facilities that are on private property with public easements have been built within the last 20 years, so the County has not started experiencing the maintenance, repair and replacement crisis that it may in the future – and will have public responsibility for. He said that the County currently deals with situations on an as-needed basis, and those involve costs, but what is being suggested by the Committee is programmatically planning for the long-term replacement and repair that is going to happen over the course of years.

Ms. Mallek said that the Service Authority model where they have been setting aside a tiny bit for a very long time so they can methodically go through and replace and repair is a feasible model.

Mr. Bulova said that philosophically this is a good way to move forward, with the caveat that when they come back in September it might be too high of a cost to take on at this point, in which case they need to be prepared to re-run scenarios without that number or with a lower number included.

Ms. Mallek asked Mr. Davis if there was some County obligation commonly accepted that conveyed easements on private property are the County's responsibility. Mr. Davis said that the expectation is that they will be maintained so they do not impact other property, because if the County's easement is not properly maintained and damages other property, there is some liability for that. Ms. Mallek asked if it is a private liability for one homeowner to another if it is not a public easement. Mr. Davis responded that whomever owns the system privately may have a liability. He added that sometimes it is difficult to determine who owns it, as it can be an individual, a homeowners association, a developer, etc. – and it must be looked at on a case by case basis that can often be complicated.

Mr. Foley said the dilemma of aging infrastructure has arisen more over the last 15 years.

Mr. Bulova stated that the Committee would also like their feedback on ecosystem management, realizing that the County is legally obligated to do TMDL action plans for two impaired streams in the County now. He said that the Committee is recommended getting ahead of that with respect to protecting green infrastructure, conducting watershed planning over the next five years to identify issues and priority projects that might be put in place to protect the infrastructure. Mr. Bulova said the recommendation is also for the County to start setting aside some level of funding now to ensure that implementation can actually happen at a reasonable pace after the plans occur.

Ms. Mallek said that some of it may be enforcement of the rules that are already in place.

Ms. Palmer said the County has a lot of information already, but she is not sure about the consultant cost for the first tier of work with restoration.

Mr. Boyd said that if the Board does not know the dollar figures to coincide with the steps of maintaining what is currently required and taking the extra step makes it difficult for the Board to decide.

Mr. Foley clarified that he was interested in looking at what the scenarios might be for the level of service as the committee comes back, and costing them out would be helpful for the Board. Mr. Boyd responded that he was correct.

Ms. Dittmar asked why the Committee is asking now about doing a Needs Assessment. Mr. Walker said that the assessment will cost money, and implementing the outcomes of that study will also have associated costs.

Ms. Mallek said these are elements that could be included in the program that is funded by the new mechanism.

Ms. Palmer said they would like to do everything, depending on what it costs.

Mr. Harper said they were not asking permission to do these things, they were asking if the Board is comfortable with assuming costs in the plan that would be used to calculate rates, for example. The Committee and consultant need to know which things are assumptions in establishing a cost estimate to be divided among the 40,000 residents of the County.

Mr. Foley said the County is doing a little bit of this now, and the Board can assume it will be part of the program going forward, but the rest of the story is at what level they will do it – particularly in the areas that expand beyond mandates in urban areas.

Mr. Bulova said they want to make sure that they are not going in a direction that the Board would not even want to consider, in which case, they would not spend the time and effort to cost out.

Ms. Palmer said it would be helpful to her when the Committee comes back to have costs related to not doing anything and having to clean up problems later.

Ms. Mallek said there was a lot of work already done by organizations such as the Rivanna River Basin Commission, and that could be updated to jumpstart the watershed assessment.

Mr. Davis said that Mr. Harper's report indicated that the cost was approximately \$1 million per year to do the mandates and the existing programming that the County currently has, for each of the next five years; anything beyond that will exceed that cost estimate.

Mr. Boyd said the 0.7 cents came because of the \$1 million. Mr. Foley agreed, stating that part of the question is whether the 0.7 stays on as a general fund tax or is funded by a utility.

Mr. Bulova said the last question to discuss is the stream buffer protection, which is an existing County program, and the issue again is reactive versus proactive enforcement – and a matter of staff resources.

Ms. Mallek said when citizens complain about activity in the stream buffers, she has been told that there is not County staff available to address that.

Mr. Foley said given the fact it is already happening in the rural areas, some level of proactive approach is a good idea, and the question becomes how far the County goes with it.

Ms. Palmer stated that education is very important; some people have no idea how to deal with buffers and floodplain.

Mr. Foley said that working with farmers will have so much more impact than some other things the County can do, therefore, the County must be proactive to really move forward in this area – as called for in their strategic plan.

Ms. Palmer mentioned that there is a large development coming online in the County that is grandfathered from the new mandates, and she wondered if it is possible to get an idea of the County's cost if it took on these stormwater facilities. Mr. Bulova said the Chesapeake Bay TMDL action plan to be submitted by June 30, 2015 has a specific category that addresses that, so before any grandfathered project can be completed the County has responsibility for making sure the difference between phosphorous loadings with the old criteria and the new is actually dealt with – so the County is on the hook for finding the reductions and retrofitting somehow to achieve them. The cost falls directly on the County.

Ms. Dittmar thanked Mr. Bulova, Mr. Harper and Committee members for their attendance and discussion.

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**Recess.** At 3:12 p.m., the Board took a brief recess then reconvened their meeting at 3:27 p.m.

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Agenda Item No. 15. Board to Board Report – School Board.

Mr. Ned Gallaway, School Board Chairman, addressed the Board and said that although there have been some spending cuts at the state level, they did not cut K-12 education. He said at their last School Board meeting, the Board approved proceeding with the gym addition at Henley Middle School. At its last meeting, the Board also adopted a resolution put out from the Virginia Association of School Superintendents and Virginia School Board Association calling on the General Assembly to increase the state's share of funding for public education to the levels necessary to fully fund and meet the Standards of Quality. Mr. Gallaway said that School Boards throughout the state are adopting this resolution, and he would be happy to share it with the Board of Supervisors.

Mr. Gallaway said that for the second time in three years, the Albemarle County School Division has received a magna award from the National School Boards Association, which is national recognition of best practices and school district leadership. He said that the most recent award is for the Monticello High School Learning Commons, formerly called the media center. The new space provides flexible spaces to facilitate active instruction and learning that is impossible in traditional classrooms. Mr. Gallaway reported that Becky Fisher, Director of Education Technology, received from the Virginia Association for Supervision and Curriculum Development its statewide "2014 Impact Award," recognizing individuals and leaders who re-imagine school libraries as contemporary learning spaces. He said this has been an ongoing effort in their media centers with their Design 2015 grants along with the modernization piece in the current CIP. He invited Board members to visit the media centers at County schools, which Ms. Fisher has worked on.

Ms. Mallek commented that media centers are great places to have meetings, and she has met with the CAP students at Monticello several times in the learning commons areas. Mr. Gallaway stated that the work they had been doing in the learning commons has helped them with grants, and Delegate Steve Landes visited early in the year.

Ms. Mallek said she was excited to see in Charlottesville Tomorrow the discussion of taking world languages further and abroad. Mr. Gallaway said the School Board made sure that was part of their curriculum, especially given the changing demographics of the school population. The School Division has directed staff to develop the program as resources are available.

Ms. McKeel asked for him to forward the resolution he mentioned, so perhaps the Board of Supervisors could consider it well. Mr. Gallaway agreed, stating that letting the General Assembly know that would be a good idea.

Ms. Mallek asked if they had a number available for the gap, as she would like to have that as a talking point. Mr. Gallaway said that as the schools work through its budget, they will have that information available – but that is something that VAS and VSPA have put forward, which is getting passed onto the General Assembly.

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Agenda Item No. 16. Innovation Fund Round 2.

The executive summary forwarded to Board members states that the Board established the County's Innovation Fund in the FY 14 Budget, dedicating \$166,500 in one-time money to support the start-up of organizational initiatives that reduce costs and improve customer service and productivity. The first round of the Innovation Fund was completed in April, 2014, with nine projects selected for funding in the total amount of \$86,989.51. The remaining \$79,510.49 in FY 14 funding was re-appropriated to the current fiscal year, and an additional \$50,000 was allocated to the Innovation Fund in the FY 15 Budget, bringing the total available funding to \$129,510.49.

Round 2 of the Innovation Fund was completed in November 2014, with eight projects selected for funding in the total amount of \$78,829.87. An appropriation request (Appropriation #2015070) is included as part of the January 7, 2015 FY15 Amendment and Appropriations Executive Summary to fund seven of the awarded projects in the total amount of \$54,442.87. This executive summary provides an overview of the approved Round 2 projects.

A cross-functional team of County employees came together to create the Innovation Fund Program following adoption of the FY 14 Budget, which made Innovation Fund Program funding available. Program guidelines were developed as outlined below, along with eligibility criteria and an application and review process. The Innovation Fund program encourages a spirit of entrepreneurship and creativity exemplified by the fact that one of the Round 1 projects, Technology Training Anytime, won 1st place in the **Information Technology (IT) as Efficiency Driver – Government to Government** category at the 17th annual Commonwealth of Virginia Innovation Technology Symposium (COVITS) last fall.

**The “Inventing Albemarle” Innovation Fund supports projects that:**

- yield a return on investment, may be measured in new ideas or relationships as well as new dollars
- support an “innovation culture” in the organization
- reduce operating costs/create capacity by freeing up employee time for more productive work
- increase process efficiency, quality, and services that impact staff and/or customers
- leverage technology, including automating/standardizing routine processes
- improve customer experience – both internal and external
- establish a competitive edge

The applicants of the projects selected for funding were required to 1) provide a cost/benefit analysis, including expected return on investment (ROI); 2) identify savings and/or avoided costs, as well as a means of measuring accountability and performance; and 3) provide an analysis of how the proposed project fits into the mission, values and strategic plan goals of the County and how it supports the County's “ONE organization committed to excellence” philosophy. Quarterly progress reports are required for all funded projects to ensure that goals are being met. A full report on the status of Round 1 projects, including return on investment, will be provided during budget work sessions in February.

Twenty applications were submitted to the Innovation Fund for consideration in Round 2. Of those applications, the team approved eight for funding (list provided below) and determined that five did not meet the criteria for funding, three could be implemented without funding, and four were of interest but were not yet ready for funding. Full details on the approved projects are provided in Attachment A. Board approval of Appropriation #2015070 is being requested on January 7<sup>th</sup> to fund seven projects, and the remaining project is still being finalized for appropriation.

- **Diversity/Recruitment Video**—Police Department
- **“What to Expect During Construction”**—Office of Facilities Development
- **Digital Fire Simulator**—Fire/Rescue
- **Paperless Plan Review Pilot**—Community Development
- **Citizen Online Computer Station**—Police Department
- **Automated Check-In**—Social Services

- **Rapid Response Outreach**—Social Services
- **Agenda Management System** —Board of Supervisors (still being finalized for appropriation)

Total available funding for the Innovation Fund is \$129,510.49. Awards for Round 2 of the Innovation Fund total \$78,829.87, which will leave a balance of \$50,680.62 in the Innovation Fund.

This Executive Summary is for information only and no action is required by the Board.

Ms. Lee Catlin, Assistant County Executive, reported that the Board approved an appropriation on its Consent Agenda that included funding for projects in round two of the Innovation Fund. The Fund was established in FY14 with one-time money to encourage a sense of entrepreneurship and creativity among employees in facing challenges and opportunities within County government. Ms. Catlin said that last fall, “Technology Training Anytime” won first place in the “Information Technology as Efficiency Driver” at the Commonwealth of Virginia’s Innovation Technology Symposium. She stated the Innovation Fund supports projects that yield a return on investment; new ideas or relationships, as well as new dollars; supports an innovation culture in the organization; reduces operating costs or creates capacity; increases efficiency, quality and services; leverages technology; improves customer experience; and helps the County establish a competitive edge. In terms of the accountability and monitoring piece, she said, the projects are required to provide a cost-benefit analysis, identify savings and/or avoided costs, and provide an analysis of how the project fits in with the “one organization” mission and values.

Ms. Catlin said nine projects were funded in round one, and at this point they are six months past when the funding was appropriated; three of the projects are complete; two are about 90% complete; two of the projects are between 50 to 80% complete; and two of the projects are less than 50% complete. She said the Board had asked for some return on investment details, and staff will provide a full report on that during the upcoming budget process.

Ms. Catlin reported that for round two, they received 20 applications; of those, eight were approved for funding; three could be implemented without any funding at all; four were determined to be of interest and potential, but needed a bit more development before they can be funded and are still in the incubation stage; five were determined to not meet the criteria for funding. She stated there was a wide range of applicants – the Police Department, Fire/Rescue, Office of Facilities Development, Community Development, Social Services, and the Board of Supervisors office. Ms. Catlin said this represents 20 teams of employees coming together upon their own initiative to think about projects that will improve service, reduce costs and improve the customer experience. She recognized Blake Abplanalp from the Office of Facilities Development; Amanda Burbage from Community Development; Travis Morris, India Adams and Ella Jordan from the Board of Supervisors; and Kevin Wasilewski and Kelly Spencer from the Department of Social Services. She also thanked Matt Regis and Jody Lewis from the County Executive’s office for their work with the program.

Mr. Boyd asked for more information about the agenda management system as part of the Board of Supervisors office innovation grant. Ms. Catlin said that staff reported on this during the video streaming discussions, and said that this is a product called “Granicus” that many communities use, which will save Mr. Morris and Ms. Jordan a day or two for every meeting in terms of the preparation time needed to get the agendas through their workflow and loaded onto the Board’s iPads and onto the website with all the links in place.

Ms. Palmer asked when it was going to be completed. Ms. Jordan said she will have more information and a timeline when they meet on Friday.

Ms. Palmer said that Mr. Martin’s statement about reconsidering video-streaming was excellent, and asked if the video streaming could be added onto this package at any time. Ms. Catlin said they could add that feature at any time, but will miss a little bit of a cost savings by not buying it all at one time. She said that Mr. Sheffield had asked a question about video streaming, and the timing was such that it could be included on the County’s community survey in the spring. Ms. Catlin said that she had reserved space for a question on the survey to determine how many residents would be interested in video streaming.

Ms. Palmer said Charlottesville Tomorrow also has a poll on their site that asks this question.

Mr. Boyd asked if the cost-benefit analysis of this particular project could also be included in their report when it is provided to the Board. He said he would be interested to know if there are actual costs savings or just time savings. Ms. Catlin responded that staff will be bringing that information back to the Board.

Ms. McKeel said the new system, as she understands it, is similar to a system she was using called, “Electronic Board Docs,” and asked if Board members will receive training. Ms. Catlin said it will not change the Board’s experience in a huge amount, but staff will train them when necessary. She added that staff will actually be more impacted by the change.

Ms. McKeel asked if staff has a location for the "citizen online computer station," which sounded like a kiosk-type setup. Ms. Catlin said that it will be at COB-5<sup>th</sup> Street in the lobby of the Police Department, so that someone can come in and make a report without waiting to speak with an officer.

Ms. McKeel said the County has also been considering a similar mechanism to help people find out about construction for ongoing projects, and asked if the system tied into that. Ms. Catlin said the idea behind this is for occupiers of a building and surrounding neighbors to get something that explains what the impacts would be and how they should deal with it, to ensure that the construction is as little disruptive as possible.

Ms. Mallek asked when the Board would be considering the citizens survey. Ms. Catlin said that Ms. Louise Wyatt will bring the item to the Board in February.

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Agenda Item No. 17. Route 29 Solutions Update.

Ms. Dittmar noted that both Mr. Sheffield and Mr. Boyd have items related to this item to be discussed.

Mr. Mark Graham, Director of Community Development, addressed the Board, stating that bids have been submitted for the Route 29/250 interchange project, and the bids were under the estimate – so the award is pending along with a notice to proceed, and construction should begin within the next month or so. He said that the City has started its advisory committee for Hillsdale, involving all neighborhoods including those that lie in the County.

Mr. Graham said that regarding Rio Road/Route 29 North and Berkmar, the technical proposals came in yesterday. The technical proposals is an outline of how the three qualified vendors plan to approach the project. He said that VDOT will review the proposals over the next two weeks, and on January 20 they will receive price proposals, with intent to award within a few days of that – going to the Commonwealth Transportation Board in February for approval, with a notice to proceed to design anticipated by early March 2015.

Mr. Graham said the panel will meet on January 8 to discuss VDOT directional signage, and will be speaking with property owners about what they might be able to do in terms of providing signage in the right of way there. He stated he also provided for the Board an updated rendering of the Rio Road grade-separated interchange, and said there were some old ones floating around that do not include the small but significant changes in the new version. Mr. Graham said he has also provided Board members with a draft map of the property VDOT is looking to turn back from the defunct Western Bypass. VDOT has done two releases of it thus far and is planning a third; once the County has all of the information, staff will put it on the GIS to have it available for anyone interested in knowing which properties are being turned back. Referring to the map, he noted that the green is Phase 1, purple is Phase 2 and a third round not yet coded.

Mr. Sheffield said the right turn lane at the SunTrust Bank is a continuous right turn that will only be signalized when a pedestrian presses a button across the street, which is a significant improvement as the traffic will keep moving. He stated there will be a new video uploaded which provides a more comprehensive look at the corridor, as well as, the intersection and VDOT confirmed that the timing of the signal is realistic to what is predicted for the intersection, which is based on the synchro model used to create the video.

Mr. Graham mentioned that VDOT is working on another video that will be a drive-through simulation as to what it is like to drive through the intersection, which will be ready near the end of January.

Mr. Boyd asked if they identified where they would stage all of the equipment necessary for this project. Mr. Graham said that it is supposed to be identified in the technical proposal, so it will be a while before the County can find out what they are doing. He added that VDOT has left it to the contractor to make their own arrangements with private property owners for equipment.

Mr. Boyd asked if that meant there is no condemnation capability. Mr. Graham responded that VDOT is not planning to provide the staging area, as the contractor will have to do it. The contractor does not have condemnation authority, so they will have to make it work with somebody. He said staff has looked at this from a zoning perspective, as to whether the County can work with VDOT to provide staging areas, and think they have some answers to make it work without becoming a zoning issue.

Mr. Sheffield asked if the County could ask for compensation for any property they provide for staging this. Mr. Davis responded that he is not aware of County property available in that area.

Ms. Mallek said they would not want to use the library lot, as it has limited space already. She asked if it has been discussed by the panel whether there is an option to have a second right turn lane that could be used at high-traffic times, as those have made a huge difference elsewhere.

Mr. Sheffield commented that he does not think there is enough space for two right-turn lanes, unless the LLC that owns the SunTrust property were to redevelop that site. He added that a signalized right turn lane would be confusing, because the right lane would be continuous and the left lane would be signalized.

Ms. Mallek said that is how Hydraulic is set up currently, and it works just fine.

Mr. Sheffield said the Hydraulic intersection is confusing.

Mr. Boyd said this is a common condition, not only at Hydraulic but also at Route 250 in the Pantops area.

Mr. Sheffield stated as a member of the panel, he is close to some of the information provided about the projects. He said that he wants to convey to the State that he is still in support of them and to express his satisfaction with the level of engagement. He said that VDOT and Philip Shucet have been very responsive to the community, including the opposition, and he believes it is important to show the Board's appreciation. Mr. Sheffield stated he has not seen this level of engagement with any other project he has worked on in the southeast.

Mr. Boyd asked if he could get that same commitment from the Route 29 Solutions panel. Mr. Sheffield said the panel does not vote, they just provide input. The input the panel has given – such as the continuous right lane – came from the panel, and VDOT incorporated it.

Mr. Boyd said his question is why the Board would come out and endorse this as a great project when it cannot even get that kind of commitment from the panel. Mr. Sheffield said the panel is supposed to be representative of businesses, and by their own admission is not there to represent the community of Albemarle County.

Ms. Dittmar clarified that Mr. Sheffield's intent is to send a letter showing the County's appreciation for the extra resource that has been given through Philip Shucet and his actions, VDOT and the work being done here rather than in Richmond.

Mr. Sheffield said the Board could also remind them of the past action it has taken.

Mr. Davis said if they want to do it as a Board, they could just add it to the agenda for the following Tuesday's meeting, and they could work with staff to have the letter drafted to be considered at that time.

Ms. McKeel agreed with that approach.

Ms. Mallek said that between now and then, it would be great if individual Supervisors could send letters of their own, with a copy by email as well to expedite the message.

Mr. Sheffield said he would be happy to draft something for them to consider.

Mr. Boyd asked if he would be willing to include a concern about the fact they are not going to do an environmental impact statement, and the fact they are not going to do an economic analysis. Mr. Sheffield said that they have addressed that numerous times, and it is not a concern for him.

Mr. Boyd asked if he was concerned about the stormwater management plan they have, and stated his own concern over it. Mr. Sheffield reiterated that this has been addressed numerous times.

Ms. Dittmar asked Mr. Boyd to speak about the items he mentioned earlier in the meeting as wanting to discuss in tandem with this item.

Mr. Boyd stated that one of the items listed earlier as a possibility was an economic impact analysis, and he wants to know where that stands and how the Board might move forward with it. Ms. Catlin said staff presented the Board with a list of items, and the Board suggested the ones it wanted to see come back, so staff is currently working on the list – which they will bring back to the Board along with appropriate actions for each of those items. For the economic impact study, she stated that staff is currently considering what the methodology would be, what it would take to achieve something like that, and what the outcomes would be so the Board has a full understanding of what it would take to get that done.

Mr. Boyd asked what value that would have in March, after the contractor has already started. Ms. Catlin said the Board will have a whole menu of items in March that staff has researched, from a legal and financial perspective, and the hope is that the businesses assistance program will stem from that, with the economic impact study as a part of that.

Ms. Mallek suggested staff incorporate information from other localities where this kind of study had been done, for this size of project. She said that she does not want to start from scratch for a short-term project like this.

Ms. Catlin asked if that is the Board's understanding of where they should be with that study. Ms. McKeel, Ms. Mallek and Ms. Palmer responded yes.

Mr. Sheffield said in his experience, it is usually the business community that puts together the studies to fight for these types of projects.

Mr. Boyd said that when the business community tries to put those [studies] forward, people said the data is not valid, and somehow government understands what is going on better than the businesses themselves. His opinion is, that people who want to put a nail in the coffin of the bypass are the ones pushing this forward, including a grade-separated interchange, which he does not think is needed, nor does the people living around there.

Ms. Mallek said that is true for a few of them.

Mr. Boyd said it is quite a few.

Mr. Sheffield said he was conducting some online searches on similar corridors and examples of the intersection, and he was reminded by Dennis Rooker that there is no other road in the Commonwealth of Virginia that is eight lanes wide other than the Dulles Toll Road and the interstates. In addition this is probably also the largest intersection in the state that is at-grade. He emphasized that larger intersections have evolved to be grade-separated interchanges.

Mr. Boyd asked why they would study Hydraulic to see if it makes sense to do it, but not study Rio. Mr. Sheffield said this is one-quarter of that intersection. Ms. Mallek said the City is trying to build support for the Belmont Bridge project.

Ms. Catlin then distributed information on public engagement efforts, noting a list of activities since May 2014 in terms of communications, engagement, and outreach by VDOT, the County and the committee. She noted the highlighted items focuses on resident outreach, as well as business outreach – and mentioned that there are regularly scheduled radio interviews with WINA and NBC-29 with Mr. Shucet and Joel DeNunzio; there are public meetings ranging from individual meetings with business owners to neighborhood meetings to broader-based town halls. Ms. Catlin said the County has done a tax insert to all personal property tax holders, then revised it and sent it out to all the BPOL business members at the end of December, adding items such as reminders to contact VDOT with particular issues they wanted to discuss related to their property, including strategies for the business assistance program with a particular focus on the Rio/Route 29 interchange piece. She stated that the County has also been communicating frequently through A-mail. She highlighted information on neighborhood outreach efforts – with Emily Kilroy, the new Community Engagement Specialist, prioritizing the need to build the neighborhood database, with 70 contacts thus far. Ms. Catlin said the County invited all 70 of them to an open house at Jack Jouett in December, and while there was not a great turnout, there were about 15 attendees representing neighborhood homeowner associations, as well as representatives from VDOT, police and fire rescue. She stated after that meeting, staff followed up with some communication and encouraged them to stay connected. Ms. Catlin said the County has established a fairly active social media presence on Facebook and Twitter regarding information dissemination. Ms. Catlin said staff is working with the communications subcommittee – including representatives from VDOT, the City, TJPDC and the County – and is finalizing a communications plan for the corridor, to include construction and design milestones as well as communications and outreach strategies to align with them. She noted that staff will hold a session with the Board in February on this effort, with an emphasis on future strategies.

Ms. Dittmar commented that a lot of work has been done on this, and noted that the Frequently Asked Questions (FAQ) had differing information – with the business version clearly indicating that Route 29 would be open during the entire construction period, but she was told by the President of a homeowners association in the area that their Board was told that Route 29 was going to be closed during some of the construction. She confirmed with Mr. Graham that this was not correct, but if an entire board is thinking this, it should be clear in the FAQs. Ms. Catlin said staff will make sure to emphasize the point that Route 29 will stay open.

Ms. Dittmar said she also heard from constituents that VDOT is using old data to make its modeling decision, but the data they are using is only a year old – so they need to get that message out.

Mr. Boyd said all VDOT would have to do is supply the data.

Ms. Mallek said it is in the appendices of the long-range transportation plan, all modeled last year.

Mr. Sheffield said it is currently on Route29solutions.org, simplified by lane, turning movements, and time of day.

Mr. Boyd asked why people who are planning experts have looked at that data and said it is not good data. Mr. Sheffield said it is because they work for the opposition.

Ms. Mallek said they were hired to refute the data.

Mr. Boyd said he appreciates the work done by staff on this, but what the County is doing is saying that VDOT and government know what is best for everyone. VDOT is implying that this is going to be a great project with no disruption during construction because Route 29 will be kept open, and ignore common sense because "government knows best." He stated that there is nothing in here where the Board is asking the public for response or input; the County is telling them what it is going to do and why it is going to be good for them.

Ms. Mallek said that this may be true right now, but they have been asking people for input for the last year.

Mr. Boyd said this has been ignored.

Ms. Catlin said with the business assistance and neighborhood programs, they are very open to feedback – and if that is not obvious in the message, then they need to do a better job of that.

Mr. Boyd asked if anything could be changed with it. Ms. Catlin said staff's premise has been that decisions of that manner are being made in a place that the County is not affecting with this particular communication program. The staff's goal is for the community to stay as informed, engaged and up to speed as they can possibly be. She said if decisions happen in a way that changes that, then staff will change that approach – but until then, the reality they have is that the project is moving forward in the way they have been told it is moving forward, and staff feels that it is the County's obligation to have the residents and businesses be as involved in that reality as they can.

Mr. Boyd stated what they are doing is providing the local community with information and no options.

Mr. Sheffield said this Board has never done this level of community engagement on anything, and they defer to the professionals – for the library design, stormwater management, etc. – not government.

Ms. McKeel said they deferred to the professionals when they were talking about a bypass.

Ms. Dittmar said the Board does not defer. The Board asks professionals to advise it and then makes decisions. This Board decided that it supported this project by a super-majority vote. Now the Board is moving forward with a \$230 million investment in the community, with a lot of input and advice from residents about how to make the construction period the best it can be. She emphasized that no one is Pollyanish about the fact that construction is a real pain, adding that VDOT closed a bridge leading out of Glenmore for an entire summer, and it was inconvenient but the bridge needed to be fortified. Ms. Dittmar said the Board wants to build roads and improve Route 29, and it is a redevelopment project – which is not as easy as greenspace development.

Ms. Mallek said that at the Jack Jouett meeting held in December, there were suggestions from a whole group of people looking at the Rio Road plan as to how important it was to have signalized pedestrian crossings, because they had not been included in the first round. She said that those were immediately incorporated into the plan, so when there are ideas that the engineers agree will not cause disruption, there is tremendous willingness to consider them.

Mr. Sheffield said now is the time to make those kinds of suggestions, not when there are shovels in the ground. The public needs to be aware that the input is being considered; the question is at what level it is being put into the design – and things like a pedestrian bridge are not financially feasible.

Mr. Foley stated that regarding the issue raised about the traffic data, Philip Shucet has responded to that on the webpage to clarify the basis of VDOT's numbers, and he will forward that to the Board. He said that staff is also working on how to handle those kinds of issues and respond to them, and while they cannot respond to every comment every day, they can reply quickly to those that are factually incorrect. Mr. Foley said that VDOT is trying to focus on the panel work, and one of the important matters the County will be discussing with them over the next few weeks is how they will work together, but understanding VDOT's limits in the context of what the Board expects.

Ms. Mallek said she is more interested in accurate information even if it takes longer to gather, rather than a rapid response that may not be correct.

Ms. Dittmar stated the FAQs are a moving target as new issues come up, and if Board members start getting a fair volume of comments on a particular question or concern, they should forward them to Mr. Graham and Ms. Catlin for clarity.

Mr. Foley said that Superintendent Pam Moran is also working with staff to help disseminate information through their networks, as the schools are also starting to get a lot of questions. He emphasized that the website is the official place to get information, and staff will continue to direct people to that source.

Ms. Mallek asked Mr. Graham about the timeframe when the design public hearings will begin. Mr. Graham responded that there are no more design public hearings as they have already been held, but there will be opportunities to review the design along the way. He said the design public hearing is a defined step through VDOT. The design-build process does offer three opportunities to review the design, and the panel will be commenting on it at that time.

Mr. Sheffield noted that design public hearings are a required step, and VDOT is definitely going beyond those requirements. He said the designs will be shown at the panel meetings, at which time the public can view some of the information and provide comments.

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Agenda Item No. 18. Office of the Commonwealth's Attorney's Funding Request.

Commonwealth's Attorney, Denise Lunsford, stated that she will be presenting information as to why she thinks her office needs an additional attorney – a request that is outside what she usually asks for in terms of an increase or half-time attorney. She stated that their daily operation is fairly well-scripted, with a Circuit Court calendar that is full through the end of June, 2015, and matters scheduled in the Court into 2016. Their schedule is subject to change on a daily or even hourly basis. It would be an extremely huge task to explain how many cases, the office has at any given time, not to mention what they do every day and how they get their job done. Ms. Lunsford then highlighted her staff's work from the previous day. She mentioned what her staff members worked on the previous day, ranging from review of videos pertaining to child sexual assault, domestic violence statistics review, Circuit Court and Juvenile Court appearances, a bond hearing in which the defendant became angry and threatening, an alleged rape in an assisted living facility involving a 90-year-old victim, preparation for a larceny case and an electronic fraud issue, a sentencing in a robbery case, and consultation with the Department of Forensic Science.

Ms. Lunsford reported that her office is funded in large part by the Comp Board of Virginia, which has a fairly complicated formula to determine how many attorneys are needed to handle felony cases – and does not consider assaults, DUIs, shoplifting or misdemeanors, nor does it consider juvenile cases unless they are felonies that make it to Circuit Court. She stated that part of the calculation that the Comp Board uses is sentencing data, which comes from the Circuit Court. Ms. Lunsford said the Circuit Court fills out a guideline form that must be signed by a judge and sent to the Commission, which they count as one sentencing. Ideally there should be a form for each sentencing. She stated that in 2006, Albemarle County was shown to have 50 sentencings – which was not accurate at all – with a more realistic figure being 250 to 300 per year. She stated there was an issue in 2005 that led to Albemarle having a number of substitute judges, some who left before they had the opportunity to sign the form, so the Comp Board thought the County did not have as many cases and thus did not feel it needed as many attorneys. Ms. Lunsford said that when she came to office, she was faced with the possibility of a \$50,000 funding cut from Virginia, and came to the Board of Supervisors to request restoration from the County, which was “not a welcoming process” because Albemarle was facing the same issues as the state. She stated her impression was that this funding would not come from the Board of Supervisors, and as a result, she did not make any requests for staff until she felt she could ask for a half-time position.

Ms. Lunsford stated what prompted her to ask for this new funding immediately, rather than waiting until the normal budget cycle, is a meeting she had scheduled with Mr. Bill Letteri last October, 2014 regarding funding issues. She said at that point, she had been working about 60 hours a week focusing on a high-profile case, and had one attorney on vacation – and Mr. Letteri suggested that she come before the Board at this meeting. Ms. Lunsford said her staff can typically handle a regular caseload, but it is difficult when someone goes on vacation, more so when someone is sick because it cannot be planned ahead. She stated when they have an unusual situation, as they did in the fall, it underscores why they need an additional attorney and an additional staff person. Ms. Lunsford said her office currently has five and one-half attorneys, including her, with a part-time attorney added in 2013; there are four staff people, including one paralegal, two office assistants, and one office assistant who performs at a higher level but is paid at a lower level than the other assistants. She said except for the half-time attorney, that staffing level has been the same since 1997.

Ms. Lunsford stated that Hanover County, with a population of approximately 100,000 has more than nine attorneys, but the Commonwealth's Attorney there indicated they have 17 to 19 total employees; Charlottesville, with a population of almost 44,000, has six attorneys, three staff people, and one attorney paid for by the City of Charlottesville. She said that Pittsylvania County, with a population of 62,700, has the same staffing level as Albemarle County. Ms. Lunsford said that the Circuit Court staffing standard number for Albemarle is 461; Pittsylvania is 470, so they were very similar to Albemarle's. She stated that the 2012 misdemeanor caseload for Albemarle County courts combined had 5,919 new non-traffic cases; Pittsylvania had 3,398 in the same year, about 1,400 less than Albemarle. Ms. Lunsford said the Public Defender recently requested a funding increase, and Mr. Hingley indicated to the press at one point, that his staff in 2012 had handled 2,158 cases, 53 of which were in Albemarle County, indicating that his staff had handled 288 cases per attorney. She stated her office handles 626 defendants per attorney per year, and 1,252 offenses per attorney per year. Ms. Lunsford said one of her frustrations has been that there is no consistent reporting of cases or defendants, with Circuit Court reporting it one way, General District reporting it another way, etc.

Ms. Lunsford said, at this point, the Comp Board indicates Albemarle County should have seven full-time attorneys, while her office has five, simply to handle their felony caseload. She noted that in 2009, the Board of Supervisors hired a consultant to look at a number of different functional areas in the County, and the consultant indicated, at that time, the office needed one full-time attorney-- suggesting that the cost be split between the Comp Board and the County. She stated there are currently two judges sitting in Circuit Court, an attorney who is trying a jury case, and other attorneys who are there for various matters. Between now and June 23, 2105, there are 329 total items, with 28 of them being jury trials – which take more attorney and staff time for preparation. Ms. Lunsford said she has included items coming up for jury trial, with seven of the cases being drug cases that might be pled out – but her staff still has to prepare for them. She stated that in complex cases, they may hold off on bringing charges, so that they do not end up with several long, complicated trials back to back. Ms. Lunsford said because of these kinds of cases, their work is somewhat public safety related. She stated one of the Supervisors asked if her office had ever had an efficiency analysis, but that was difficult to do because they do not have a certain amount of output, and do have a lot of cases coming in. Ms. Lunsford said while defense attorneys and the public defender's office can refuse to take cases due to workload and other reasons, her office cannot, and their docket is controlled in some respects by other people. She stated that her office tries to be efficient in how they resolve cases, and a lot of them are resolved in General District Court – before they have to go to Circuit Court. Ms. Lunsford said while this is advantageous to the defendant, who will likely get less time through General District, it also makes her office's numbers look lower. She stated she has always suspected in some jurisdictions that while courts will resolve a case as a misdemeanor, they will still indict it as a felony, get credit for it in Circuit Court, and have it knocked down to a misdemeanor there – which takes more time and is unfair to the defendants. She has not chosen to go this route in her office.

Ms. Lunsford then presented information on some of the other things her office does besides trying cases, such as reviewing FOIA requests submitted to the Police Department and ECC Center, consultations with events such as Foxfield on how to handle arrests and whether mobile magistrate offices are permissible, unfunded mandates from the state such as multi-disciplinary teams that work on prosecution of child abuse and sexual assault cases, participating in the Crisis Intervention Team, and working with General Services and Facilities Development on court space usage issues. She presented budget information for her department from 2012-2015, noting that the revenue received from the state for costs and fee collection and the net cost to the County. Ms. Lunsford said that she does not feel the state has been an equal funding partner because they have additional mandates put on the office every year and the prosecution of misdemeanors that benefit the County. Ms. Lunsford said during this time span, her office had a net increase in cost to the County of just under \$60,000, and she emphasized that her office does not use County cars, and they do not have a lot of office expenses.

Ms. Dittmar asked for clarification as to what Ms. Lunsford is requesting for her office. Ms. Lunsford stated that the Comp Board has identified the need for two attorneys in her office for at least a few years now, but the state has not funded it. She said Albemarle is pretty high on the list of people who are in need and the extent to which they are in need, and if the Comp Board were to fund every position that has been requested, from a department that is in need, they would have to fund an additional 21 attorneys throughout the state in order for her office to get one additional attorney. Ms. Lunsford reported that fines for violations of County ordinances totals \$990,000, and typically her office contributes about \$60,000 of that amount through collection of delinquent fines and fees. She stated that the Comp Board had approved a position for her office at about \$1,500 more than what the County was paying, so they were not refunding any of that and Albemarle ended up funding the entire portion; she had the position reclassified, and now the Comp Board covers it, but that staff person is still grossly underpaid.

Ms. Lunsford said every year her office comes to the County under budget, and whenever they have been asked to cut money, they have done so. They cannot afford to lose a position because they are already understaffed. This is an extraordinary request, but it is an extraordinary time. She said that she is here today because her office is almost at a crisis.

Ms. McKeel asked for clarification that the County currently contributes 46.6% of the Commonwealth's Attorney's office budget. Ms. Lunsford said that is correct, and noted that in 2004 their budget was \$1,055,800, and the net cost to the County was \$490,000, with the net cost in 2013 at \$487,000, and in 2012 there was a 5% increase due to an across-the-board salary increase.

Ms. Dittmar asked the Board how they wished to proceed.

Ms. Mallek asked where this funding would come from, should the Board choose to fund this. Mr. Foley said it would need to come from reserves, and would be the first obligation in the Board's budget for the following year.

Ms. Lunsford noted that the net cost for the remainder of this year is \$83,497, assuming the two positions and the initial office needs. The ongoing annual cost would be \$182,275, assuming an attorney position at a level 22 and an assistant at a level 10.

Ms. Mallek asked Ms. Lunsford about the additional court days requested by the judges. Ms. Lunsford said Judge Barkley wants to add another court date, as does Judge Higgins – which would

mean two attorneys at the same time, and Judge Worrell has indicated that he also wants to add at least one day per month in Juvenile Court.

Ms. Dittmar asked what the situation would be if the County funded these right now, because this would let the state off the hook – which is part of a repeating theme of the state not stepping up and doing their funding portion, pushing it back on localities. Ms. Lunsford said the Comp Board is looking at the number of attorneys they think the County needs for Circuit Court cases. If the Comp Board was to provide funding for an additional attorney, it would offset any amount the County would be spending.

Ms. Dittmar asked if there are any strategies she might employ to get through the short period until they get to the County Executive's budget. Ms. Lunsford responded that she has tried to think of some, with one of them being assignment of a County Attorney half-time to help with misdemeanor cases, as she considers her office to work for public safety. She said that Mr. Davis recently hired a former assistant Commonwealth's Attorney, and another possibility would be hiring a post-graduate fellow or a temporary attorney. She said that graduate fellows are often paid by their universities, and their term is only one year, with a lot of training involved. Ms. Lunsford noted that every time they have posted a position, they get a flood of qualified applicants, and if the Board were to fund this position with a starting date of March 15, that would at least get them through the next budget cycle to see if they could be fully funded – but it is a stopgap measure.

Ms. Dittmar asked Mr. Davis if there would be a possibility to have one of his attorneys work part-time in her office during the stopgap period. Mr. Davis responded that he could make a similar presentation to Ms. Lunsford, stating that he is working his attorneys extremely hard right now, and they are working far beyond their capacity.

Ms. Dittmar said she does not particularly like the graduate fellow approach, due to its temporary nature.

Ms. Mallek agreed, stating that they want to get the highest level of skill possible. She asked about the size of the County's reserve fund.

Ms. Palmer stated that she truly empathizes with Ms. Lunsford, but would really prefer to look at this in the context of the whole budget, while addressing a stopgap measure.

Ms. Dittmar mentioned the panel discussion that included the schools, police department and social services office, and stated there is a lot of need out there – so to look at it globally would be helpful.

Mr. Foley said the County could better find a temporary solution than a permanent one, and they have adequate reserves to cover the \$83,000.

Ms. Lunsford clarified that the \$83,000 would cover the attorney at level 22, with the legal assistant at level 10 adding \$35,886, from March 15 to December 31, 2015.

Mr. Foley said the reserve funding is likely adequate, but the bigger issue is the one that Ms. Palmer raised.

Ms. Lunsford said the Office of Management and Budget provided her with an estimate of one full-time attorney and one full-time assistant, beginning February 1, is \$85,400.

Mr. Sheffield pointed out that the amount covers the remainder of the fiscal year.

Ms. Mallek said that one thing she hears from constituents time and time again is the need for public safety, with the hiring of police officers generating more work for the attorney's offices. She said that she supports the addition of both positions.

Ms. Palmer said that she would like to look at it in a global sense, because the needs across all departments are so great. She said she totally agrees with Ms. Lunsford's need as demonstrated, but she would like to look at a permanent position in the context of the whole budget.

Ms. Lunsford said that she did not consider a temporary attorney until that day, and that is why she did not have budget information available for it.

Ms. McKeel said Ms. Lunsford has proven her case; her office is stretched, and she agrees with Ms. Mallek's position.

Mr. Sheffield said he is ready to take action on the request and supports the positions.

Mr. Boyd stated that he is not in favor of off-budget cycle requests. He said that he did not support the transportation planner and several other positions that were presented in this way, although he sees the need for these positions. Everyone who has come to the Board has made a case for their positions of overworked staffing conditions.

Mr. Sheffield said the Board would be putting off the inevitable if it waits until the budget cycle.

Ms. Mallek **moved** to approve the request to fund one full-time attorney position and one full-time Legal Services Assistant position for the Commonwealth's Attorney office. Mr. Sheffield **seconded** the motion.

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

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

NAYS: Mr. Boyd.

Board members thanked Ms. Lunsford for her work.

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Agenda Item No. 19. Courts Project Update.

*Due to time constraints, this item was moved to the afternoon portion of the meeting.*

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Agenda Item No. 20. Closed Meeting.

At 5:16 p.m., Mr. Sheffield **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments; and under Subsection (2) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiating of easements on the County Office Building property. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 21. Certify Closed Meeting.

At 6:04 p.m., Mr. Sheffield **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 22. Boards and Commissions:  
Item No. 22a. Board Member Committee Appointments.

Ms. Palmer **moved** to reappoint Board members to continue to serve on the following committees:

Ken Boyd:

- Fiscal Impact Advisory Committee with said term to expire December 31, 2015.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2015.
- Hazardous Material Local Emergency Planning Committee with said term to expire December 31, 2015.
- Jail Authority Board with said term to expire December 31, 2017.
- Pantops Community Advisory Council with said term to expire December 31, 2015.
- Places 29 Community Advisory Council with said term to expire December 31, 2015.
- Property Committee with said term to expire December 31, 2015.

Jane Dittmar:

- Audit Committee with said term to expire December 31, 2015.
- Village of Rivanna Community Advisory Council with said term to expire December 31, 2015.
- Workforce Investment Board with said term to expire December 31, 2015.

Ann Mallek:

- Acquisitions of Conservation Easement (ACE) Committee with said term to expire December 31, 2015.
- Agricultural and Forestal Advisory Committee with said term to expire December 31, 2015.

- CIP Oversight Committee with said term to expire December 31, 2015.
- Crozet Community Advisory Council with said term to expire December 31, 2015.
- Historic Preservation Committee with said term to expire December 31, 2015.
- High Growth Coalition with said term to expire December 31, 2015.
- Piedmont Workforce Network with said term to expire December 31, 2015.
- Water Resources Advisory Committee with said term to expire December 31, 2015.

Diantha McKeel:

- Charlottesville/Albemarle/UVA Planning Coordination Council (PACC) with said term to expire December 31, 2015.
- Police Department Citizens Advisory Committee with said term to expire December 31, 2015.

Liz Palmer:

- Audit Committee with said term to expire December 31, 2015.
- CIP Oversight Committee with said term to expire December 31, 2015.
- Long Range Solid Waste Solutions Advisory Committee with said term to expire December 31, 2015.

Brad Sheffield:

- Charlottesville/Albemarle/UVA Planning and Coordination Council (PACC) with said term to expire December 31, 2015.
- Darden Towe Park Memorial Committee with said term to expire December 31, 2015.
- High Growth Coalition with said term to expire December 31, 2015.
- Places 29 Community Advisory Council with said term to expire December 31, 2015.
- Property Committee with said term to expire December 31, 2015.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Item No. 11b. Boards and Commissions Vacancies and Appointments.

Ms. Palmer **moved** to the following appointment:

- **appoint** Ms. Esther Volkan and Ms. Frances Lee-Vandell to the Agricultural and Forestal District Advisory Committee with said terms to expire April 17, 2019

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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

Ms. Nancy Carpenter, a resident of the Scottsville District, addressed the Board, stating that the community needed to remember the overnight winter temperatures and the fact there are still people unsheltered in the County and the City, and encouraging the public to reach out to those who are in need and offer assistance, or make a non-emergency call to local law enforcement so they can check on the welfare of those individuals.

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**The Board then went back to Agenda Item No. 19.**

Agenda Item No. 19. Courts Project Update.

The executive summary forwarded to Board members states that on July 1, 2014, the Board of Supervisors and City Council held a joint meeting to discuss mutual issues between the jurisdictions, including the pending courts project. The outcome of this joint meeting was the formation of a special committee that includes representation from the Board of Supervisors, City Council, and Courts Stakeholders to evaluate the challenges and opportunities associated with the expansion of the courts downtown (downtown development option), including the possibility of co-locating the general district court operations and finding reasonable parking solutions.

On July 2, 2014, the Board directed its staff to work with City staff on a Committee charge and to schedule a series of meetings for said Committee. On August 11, 2014, an organizational meeting of the Courts Committee was held. It was agreed that the formal members of the Committee would be Board Members Jane Dittmar and Ann Mallek, Mayor Satyendra Huja, City Councilor Robert Fenwick, County Executive Tom Foley, Deputy County Executive Bill Letteri, City Chief Operating Officer/Chief Financial Officer Aubrey Watts, City Manager Maurice Jones, Judge Downer, and Charlottesville Albemarle Bar Association Representative Paige Williams. Other potential participants, to include representatives of the

Sheriff's Office, the Public Defender's Office, the Commonwealth's Attorney's and Clerk's Offices, and the Circuit Court Judge, would be invited for their input. The following purpose statement was approved by the Committee: "To explore and resolve questions related to challenges, opportunities and collaboration associated with expanding the County's courts in downtown Charlottesville. The Committee, to include elected officials from both jurisdictions, will engage in a series of discussions in an attempt to reach agreement on proposed terms and conditions under which the downtown court option might proceed. The Committee will make recommendations to the jurisdictions' elected bodies for final consideration."

Past studies and findings were reviewed by the Courts Committee in order to gain a general knowledge and under-standing of the project history, current conditions of the courts, case load trends and projected future needs. The Committee also met with Courts Stakeholders to obtain their input and perspective on the Courts project. There was strong Stakeholder support for courts adjacency or co-location, as they believe the citizens benefit from courts and offices that are closer together.

There was a consensus among the Courts Committee members to focus on the downtown option for the County, and to further study the potential of co-locating the City and County General District Courts at the existing Levy Building site, which is co-owned by the County and the City. The co-location concept would involve a cost sharing agreement between the County and the City. This concept was reviewed conceptually at the last Committee meeting. The Levy Building site, if selected, would include a shared, secure entrance, co-located and split General District Court Clerk's offices, four court rooms (one for the City, two for the County and one for expansion), and the County's Commonwealth's Attorney's Office space. The City indicated support for accommodating short-term parking needs and to study longer-term needs and solutions.

On December 15, 2014, the City Council: 1) voted to support the continuation of the due diligence effort currently underway for co-locating the General District Courts at the Levy Building and further investigating interim solutions to provide immediate parking space relief to the courts operations; 2) adopted a Resolution appropriating \$7,435.00 in the City's Capital Improvement Program Contingency for one-half of the cost of the update of the General District Courts Feasibility Study; and 3) directed City staff to proceed to develop a short and long term parking availability study for the downtown courts area.

County staff is preparing to contract with an Architect to update the 2010 Levy Building study to include validation of caseload assumptions, two building design concepts with massing models, and revised cost and schedule estimates.

The Capital Improvement Project request for the Courts Project has been revised in this year's CIP cycle to allow more time in the process to determine the potential of the co-location option and for a more realistic public engagement and approval process, pushing the start of construction out two years from the adopted CIP plan to July 2018. Due to the delay, it is staff's recommendation to fund, in the interim, a modest expansion of the Commonwealth's Attorney's Office within the footprint of the existing Courts Annex building, and a limited reconfiguration of select, existing rooms within the footprint of the current office space from the existing project funding. The proposed space modifications are essential to maintain necessary staff support to the County's judicial system by positioning key staff at strategic locations to better secure the offices as well as providing suitable office space for administrative staff and ensuring efficient placement of key courts files. The funding would also cover additional courts' requests for interim storage and sound system upgrades while the larger Courts Project is being designed and executed. Staff will work closely with Courts Stakeholders to develop a plan that meets their interim needs but minimizes costs.

The total amount included in the approved CIP plan for the Courts Project is approximately \$43 million over a 7-year period and is based on the Downtown Renovation/Expansion option. As stated above, the Court's project has been revised in this year's CIP cycle, pushing the start of construction out two years from the adopted CIP plan to July 2018. The total budget impact will be dependent upon which option the Board ultimately chooses to pursue and any revisions to those options, such as the co-location of the General District Courts. The City has identified \$6.5 million in its CIP for its potential share of a relocated General District Court.

The project currently has \$2,462,683 appropriated. A separate appropriation request included as part of the FY15 Amendment and Appropriations Executive Summary (Appropriation #2015072) on the January 7<sup>th</sup> agenda seeks Board approval to re-allocate \$150,000 of this existing funding towards the necessary security and office renovations needed to allow the Commonwealth's Attorney's Office to continue to support the Courts function, improve their existing entrance security, and cover future costs of storage for the Clerk's office and a sound system upgrade for the Circuit Court.

Staff recommends that the Board: 1) support the continuation of the Committee's due diligence effort currently underway for co-locating the General District Courts at the Levy Building; and 2) approve the interim, temporary solutions to provide immediate space relief to the courts operations funded by Appropriation #2015072 included in the January 7, 2015 FY15 Amendment and Appropriations Executive Summary.

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Mr. Bill Letteri, Deputy County Executive, addressed the Board, stating that he wanted to bring them up to date on the work of the special steering committee, to further conversations with the City

regarding building downtown and so forth. He said they would also talk about a limited scope study recommended by the committee to further this conversation and work out some of the details of how the co-location court could work. Mr. Letteri said Trevor Henry would also talk about interim work staff that was necessary, in the old courthouse, due to the delay of the overall project, as limited effort should be made there to accommodate some of the operational needs of the courts. Mr. Letteri reported that the special committee was formed in July with two City Council members – Mr. Huja and Mr. Fenwick, and two Board of Supervisors members – Ms. Mallek and Ms. Dittmar, the County Executive, the City Manager, Mr. Letteri and Aubrey Watts. He said the committee had met several times over the course of several months and also had an engagement process with the stakeholders' group during that process. The committee met in October where they came up with a series of recommendations, including that the focus should be continuing to look at the downtown option.

Mr. Letteri said the City had signaled its willingness to collocate their General District Court facility in a building on the Levy site; and the City indicated its support to proceed with a plan to accommodate short-term parking needs and proceed with a formal study to examine the more permanent needs for parking downtown. On December 15, he said, City Council met and voted to support the continuation of the due diligence effort to collocate the court facilities at Levy; they adopted a resolution appropriating half of the money required to fund a limited-scope study, and directed staff to proceed with development of a short and long-term availability study to address the needs of the courts downtown. He noted that the limited scope study would take the concept of collocating these facilities and flesh it out to a degree where they can understand how the floor plan would work, how they would allocate the space, and come up with a more developed cost estimate.

Mr. Trevor Henry, Director of the Office of Facilities Development, addressed the Board, stating that the City included \$6.5 million in their CIP recommendation, estimating their contribution toward a collocated General District Court, in addition to authorizing their share of the study. He said there had been a myriad of studies done on the courts over the past decade, including a 2010 study funded by the City and the County to look at the Levy Building as a potential site for the collocated General District Court. He stated that the Mosley Architect Group reported on a series of options, and during that time period the City signaled that they would not want to proceed as an option, so the final variation of the study was that it would be a County-only use. Mr. Henry said that the request before the Board today, as recommended by the steering committee, is to work with Mosely and refresh that study – confirming the programming, update the court case trends – which have stayed relatively flat instead of increasing as predicted. He stated the study would result in a couple of designs with massing models, and they would work collaboratively with the City, with an expectation of about three months to complete. Mr. Henry said the estimated cost was \$15,000 total, with the County's share at half of that, and the study would be managed out of his office in conjunction with the City. He explained that the study would basically be an addendum to the existing study, so the work that was previously done would be built upon. Mr. Henry noted that the 2010 study with Mosely was jointly funded, and a 2012 Dewberry study was funded by the County completely. Mr. Henry said that \$2.4 million was appropriated by the County on July 1, designated for acquisition of the properties and the beginning of the design process, so they would tap that funding for the study.

He stated that the second piece of this request would be allocation of \$150,000 to make some interim improvements – primarily to the Commonwealth's Attorney's office, as well as, meeting some storage needs that have been identified and are ongoing with the courts. Mr. Henry said that staff met with the Commonwealth's Attorney's office, which has documented issues regarding their space including security issues. If the improvements can stay within the general footprint of existing space and connect it, they can improve security and circulation, which can create some additional offices that will allow the office to function better. He stated they met briefly after the last agenda item to make sure they could incorporate the last action the Board took, and they feel that they can with the given cost estimate. Mr. Henry said that the delay with not starting in July 2014, plus the City's component, and assuming that they stay downtown, the likelihood is that construction would be pushed out to July 2018 for funding.

Ms. Dittmar said the Board had tasked the committee with answering the parking question, and asked when the short-term and long-term parking studies would be usable. Mr. Letteri responded that their work on the immediate suggestions as to how to accommodate parking would go on concurrently with this study, and he would not expect the long-term detailed study to be done in that timeframe.

Ms. Mallek asked if staff could reach out to Mr. Watts regarding the parking, because the City indicated that they would move on the court issue in the beginning of the project, and she hoped that had not been lost in the context of their other planning. She added they might not have to wait four years to begin the major project, although she felt the interim improvements were still worthwhile.

Mr. Letteri said that staff's intent was to do the study and bring it back to the full Board. He stated there was some thought that the work of the committee was over – as the goal was to get the City to become a part of the project, therefore, if all goes as planned, they will proceed on that basis. He noted that if the committee needed to be reformed for any reason, they would do that.

Ms. Dittmar said she and Major Huja wanted to take this back to their respective bodies for their input, and the work group could be dormant until they were needed again.

Mr. Boyd asked if the collocation of the City and County courts was dependent on staying downtown. Ms. Mallek and Ms. Dittmar confirmed that it was.

Mr. Boyd said he was not ready to disregard the cost of going to a completely new site rather than renovation downtown, because the cost has already crept up by \$3 million over the original \$40 million.

Ms. Dittmar said the County's share would fall dramatically with a shared facility.

Ms. Mallek said it went from \$40 million to about \$26 million.

Mr. Boyd said if it was relatively cheaper than a different location and building from scratch, he was fine with that, but that had not been demonstrated to him yet. He stated, if they do not study the cost of building at another location, they cannot compare it.

Mr. Foley said he was glad Mr. Boyd raised that issue, because there was an approach staff would have to think through in terms of trying to estimate that cost. The Board has seen the greenfield cost estimates, so if that is all they are interested in, then they are fine going forward; redevelopment of another existing site is a much more complicated scenario.

Mr. Boyd asked if the parking was included in this total.

Ms. Dittmar stated that the City's parking study was comprehensive, to include the courts, and would service all the employees.

Mr. Boyd said he was concerned about the court users, as the employees parking will be covered no matter what.

Ms. Mallek said the City reiterated their assurance that the court users would have use of the parking garage in the short term, and longer term would possibly have use of a lot on 7<sup>th</sup> Street – but the cost did not include any kind of parking deck. Mr. Henry clarified that parking programmed in the Dewberry study as secured parking was intended to be used by the Commonwealth's Attorney, judges, and those officials – but would not necessarily accommodate all the staff; the downtown option numbers did not include any additional parking as part of the project.

Mr. Foley stated the parking issue has not been resolved yet, and while the City is looking into it, it was never designed to accommodate all courts staff.

Ms. Dittmar said the number provided in the 2010 report parks more people than are being parked now, and there are some dedicated spaces on the street for judges and police officers – with everyone else buying space in the garage or on the street as available.

Ms. Mallek noted that the clerks all park behind Levy, and have assigned spaces there.

Ms. Palmer asked if there had been discussion for the City to pay half the cost.

Ms. Mallek said that it was based upon actual usage, so it would not be half, it would be between one-quarter and one-third.

Mr. Letteri clarified that they would be paying for half of the study that would evaluate this.

Mr. Foley said the usage would be based on their space needs.

Ms. Mallek **moved** to support the continuation of the due diligence efforts currently underway for collocating the General District Courts at the Levy Building; and to approve the temporary solutions to provide immediate space relief to the courts operation. Mr. Boyd **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 24. **PUBLIC HEARING:** 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. (*Advertised in the Daily Progress on December 22 and December 29, 2014.*)

The executive summary forwarded to Board members 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 2012. Applications are to be submitted by the County to DHCD; however, the proposed activities may be undertaken by other agencies.

Albemarle County, as a non-entitlement community, is eligible to apply to DHCD for up to \$1.8 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. DHCD estimates that approximately \$9.8 million will be available for competitive grants in 2015 and \$5,550,000 will be available 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 2012 to fund the rehabilitation of twenty-four (24) homes in the Orchard Acres subdivision located in Crozet. Prior grants funded the installation of a sanitary sewer system and connection to 54 housing units in the Oak Hill Subdivision just south of the City off of 5<sup>th</sup> Street and the preservation and development of 134 affordable rental units, 38 of which are restricted to seniors at Crozet Meadows. Over the past 30 years, the County has received numerous CDBG grants to rehabilitate owner-occupied houses.

The Office of Housing is currently working with the Albemarle Housing Improvement Program (AHIP) for a possible application for competitive CDBG funding for a housing rehabilitation project in southern Albemarle County. The Office is also working with the Albemarle County Service Authority to apply for open submission funding for a construction-ready sewer project for an additional twenty (20) units in the Oak Hill subdivision.

For any project to be considered by the County for CDBG funding, the applicant must notify the Office of Housing no later than January 26, 2015. This notice shall include a brief description of the project, the proposed use of CDBG funds and a description of the beneficiaries of the proposed activity. A completed application that includes the proposed budget shall be submitted to the Office of Housing electronically by February 13, 2015, and the entire application, along with attachments, must be received by February 27, 2015.

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

Staff recommends that the Board receive information on available CDBG funding and eligible uses and hold the public hearing to receive input from the public on potential community development and housing needs. Staff also recommends that the Board set a public hearing on Wednesday, March 4, 2015 for the second required public hearing to review and approve the submission of any proposed applications.

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Mr. Ron White, Chief of Housing, said that each year the Commonwealth of Virginia gets an allocation of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, and these funds are primarily targeted to benefit low and moderate income. Mr. White said the funds could be used for addressing slums and blight and urgent community needs, and eligible activities include housing production, housing rehab, economic development, community facilities and community service facilities. He said the County of Albemarle is eligible to apply for funds for projects that fall in these categories, and one of the requirements for application is that two public hearings be held: one is to provide information on the availability of funds, how funds are used in the past, types of projects done in the past, and to solicit public input. Mr. White stated that the second public hearing will be held in March, and as part of the Board's motion they will set that public hearing, as applications are due at the end of the month. He said they have used a lot of the CDBG funds for housing rehab over the past 30 years, and the last project completed was sewer line extension to the Oak Hill neighborhood, which only covered about 54 units in the neighborhood, leaving about 20 additional units to be hooked up.

Mr. White said the project they are currently working on is a housing rehab project in Orchard Acres, which will involve the rehabilitation of at least 24 houses within that development in Crozet; 12 of them have been completed, with 4 more complete and awaiting inspection, and project completion slated for June. He stated that two projects have been identified as potentials for this year: phase two of the Oak Hill sewer line, which is a cooperative project with the Albemarle County Service Authority, and they have been advised by the Department of Housing and Community Development that they may not have

to go through a competitive project; the other would be a competitive application that would be due the end of March, for a potential rehab project in southern Albemarle.

Mr. Boyd asked if there would be some money left over, based on the projects they are currently working on, that the County could apply for. Mr. White said that they could apply for \$2.5 million total and currently have \$700,000 outstanding, with Oak Hill in the \$300,000 range – so that would leave \$1.5 million to apply for if they are successful in getting the Oak Hill funding.

Mr. Boyd asked how much time people had to come with ideas as to how they might apply for additional funds. Mr. White said that they would have to get the applications in by March 4, and for something that takes a lot of time, it would make more sense to be well-prepared and submit it next year.

Ms. Palmer said that she was on the ACSA Board when they did the first Oak Hill project, and staff commented that it took an incredible amount of time to go through this process – and they actually questioned the value of going through the CDBG process.

Mr. White said that the process is fairly straightforward, and the application is now online, but early on there was a lot of concern from service authority staff about getting involved with government regulations. He stated that there was a lot of concern early on but that has been alleviated somewhat, and he noted that sometimes it is the procurement process that takes time.

Ms. Palmer asked for more information about the project in southern Albemarle. Mr. White said that it was a housing rehab project, and said they had identified about 20 projects that AHIP has on their waiting list that they are trying to combine, as block grants require that projects meet “community” criteria – which makes farms and rural housing challenging. He said that they need to get guidance from DHCD to see if they will allow applications to combine a few areas, because they want them to be contiguous but the nature of the need in southern Albemarle is more scattered than community-based.

Ms. Dittmar asked if CDBG funds could be used for broadband infrastructure. Mr. White said that there was a separate telecommunications funding amount outside of this competitive grant process, and that was something the County was already pursuing.

The Chair opened the public hearing.

Ms. Nancy Carpenter addressed the Board, and stated that while these projects address moderate and low-income family needs, there is community need for homelessness prevention. She stated there are a lot of families with school-aged children that are “doubled up,” which meets the HUD definition for homelessness in that demographic. Ms. Carpenter said that she would like to see some of this money focused on programs such as the Families in Crisis program in Albemarle County Schools that help to stabilize housing. She stated that the data shows if you are unstably housed as a child, you have a higher than average risk of being homeless as an adult, and if you are doubled up, the stress of combined families can impact the ability for children to study. Ms. Carpenter stated that her hope is that in addition to the sewer projects and homes in southern Albemarle, housing for families in crisis might be part of the CDBG grants.

Mr. Neil Williamson, of the Free Enterprise Forum, said that the CDBG grants talk about developing community, but community is more than houses – and there is money available for economic development. He stated that Louisa received some of this funding a few years ago, and it was a huge challenge, but the Albemarle County community is up to the task. Mr. Williamson mentioned Ridge Schuyler’s projects, including his plans for a flash freezing facility, and said that these would be candidates for this type of funding while helping to provide career-ladder jobs for local people. He stated that it takes a \$3 million investment to be eligible for these funds, and while he does not now the cost of a flash freezing plant, his fear is that they are going to lose kids here who cannot find local jobs.

Ms. Mallek asked if Ms. Carpenter had any framework for her suggestions, such as things other localities have done. Ms. Carpenter said that with the homeless prevention grant at the Haven, where she works, they have served 85 individuals or families since August, and have kept them from falling back into the continuum of care through places like PACEM. She stated that the program keeps people stabilized and helps them get housing, particularly those who are doubled up and do not have a permanent location.

Ms. McKeel said that anecdotally, she learned, through a school principal, about a family who was living in a two-bedroom apartment, and there were 17 people in that dwelling – and those children are really at risk.

Ms. Dittmar said for this round of applications, the deadline was looming, but for some of the ideas mentioned, she wanted to know how the process might get started. Mr. White stated that for Ridge Schuyler’s project, the Economic Development Department might be the best place to begin, but anyone who has ideas and wants to learn more can be in contact with DHCD, through his office as facilitator.

Mr. Foley asked if projects typically started with a planning grant. Mr. White said that some of the projects start with a planning grant, such as the Orchard Acres project and the telecommunications

projects, so they start out with funding in the range of \$25,000. He stated that the funds to which Ms. Carpenter referred came from HUD and another pot of money, and were not connected to CDBG. Mr. White said that there would probably have to be lobbying at the state to change their program, as they have not done a lot with rental housing.

Ms. Dittmar asked how early his office would need to know that there is potential for a grant. Mr. White said that the earlier, the better, and they can get planning grants up to September providing the funds are not all used up, so the best time would be in the summer.

Ms. Dittmar suggested that Ms. Carpenter work with the school division to identify qualified projects or programs for a planning grant.

Ms. Palmer said that she would like more information on the projects in southern Albemarle.

Mr. White said that AHIP has provided him with addresses, which are mostly around the Porter's Road and Esmont area, towards Route 29. He stated that Joyce Dudek had provided him with the list, and he could send them to her.

Ms. Mallek said that DHCD has a reputation for having hoops, but they are valuable hoops as their work is based on skill development for people, and for viable projects; they want to make sure the projects were actually going to do some good. She said that when they applied for funding for the Artisan's Trail, DHCD assigned a mentor from Richmond who was immensely helpful and allowed them to be successful.

Ms. Mallek **moved** to set the public hearing for Wednesday, March 4, 2015 for the second required public hearing to review and approve the submission of any proposed. Ms. McKeel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Agenda Item No. 25. **PUBLIC HEARING:** FY15 Budget Amendment. *(Advertised in the Daily Progress on December 28, 2014.)*

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

The cumulative total of the FY 2015 appropriations itemized below is \$4,497,519.56. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2015 Budget Amendment totals \$4,497,519.55. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

General Fund	\$ 600,399.83
Special Revenue Funds	\$ 621,687.03
School Fund	\$ 50,000.00
School Special Revenue Funds	\$ 1,022,860.25
ECC	\$ 91,774.56
Capital Improvements Funds	\$ 2,010,797.89

**TOTAL ESTIMATED EXPENDITURES – All Funds** **\$ 4,497,519.56**

**ESTIMATED REVENUES**

Local Revenue	\$ (747,272.67)
State Revenue	\$ 644,129.80
Federal Revenue	\$ 2,514,948.46
Bond Proceeds	\$ 16,364.75
Proffer Revenue	\$ 233,000.00
General Fund Balance	\$ 574,024.64
Other Fund Balances	\$ 1,162,324.58

**TOTAL ESTIMATED REVENUES – All Funds** **\$ 4,497,519.56**

The budget amendment is comprised of thirty-eight (38) separate appropriations as follows, twenty-nine (29) of which have already been approved by the Board as indicated below:

Approved October 1, 2014:

- One (1) appropriation (#2015035) to re-appropriate \$572,090.82 for various General Fund projects;
- One (1) appropriation (#2015036) to re-appropriate \$404,200.54 for various internal service funds, grants, donations, and seized asset accounts;
- One (1) appropriation (#2015037) to appropriate \$119,002.92 for various school division programs and projects;
- One (1) appropriation (#2015038) to re-appropriate \$170,748.46 for various Capital Improvement Program projects;
- One (1) appropriation (#2015039) to appropriate \$25,358.00 from the Training Pool to various departments for training and professional development. This appropriation did not increase the total County budget;
- One (1) appropriation (#2015040) to appropriate \$94,478.00 for a Fire/Rescue Prevention and Training grant;
- One (1) appropriation (#2015041) to appropriate \$172,187.00 to a Capital Improvement project from the Department of Environmental Quality. This appropriation did not increase the total County budget;
- One (1) appropriation (#2015042) to appropriate \$583,897.95 in funding for various General Government Capital Improvement Program projects;
- One (1) appropriation (#2015043) to reduce the appropriation of funding for two School Division Capital Improvement Program projects (\$53,126.52);
- One (1) appropriation (#2015044) to appropriate \$53,467.00 for various Police Department grants;
- One (1) appropriation (#2015045) to appropriate \$5,000.00 in donations to the Fire Rescue Department; and
- One (1) appropriation (#2015046) to re-appropriate \$7,489.00 for the Emergency Communications Center.

Approved November 5, 2014:

- Two (2) appropriations (#2015047 and #2015053) to appropriate \$113,513.24 for various Capital Improvement Program projects; of which \$83,513.24 did not increase the total County budget;
- One (1) appropriation (#2015048) to appropriate \$365,806.43 for various school division programs and projects;
- One (1) appropriation (#2015049) to appropriate \$2,000.00 in donations to the Fire Rescue Department;
- One (1) appropriation (#2015050) to appropriate \$25,452.00 in Federal revenue to the Emergency Communications Center;
- One (1) appropriation (#2015051) to appropriate \$10,000.00 in State revenue and \$6,745.00 in Federal revenue to the Sheriff's Office;
- One (1) appropriation (#2015052) to re-appropriate \$7,351.49 in Federal revenue to Fire Rescue Department;
- One (1) appropriation (#2015054) to appropriate \$2,309.00 in Federal revenue to the Department of Social Services;
- One (1) appropriation (#2015055) to appropriate \$2,535.00 in State revenue to the Police Department;
- One (1) appropriation (#2015055) to appropriate \$144,700.00 received from VDOT as compensation for the taking of a portion of the CATEC property to a special reserve account in the CIP for a one-time CATEC capital or capital maintenance project as requested by the joint CATEC Board.

Approved December 10, 2014:

- One (1) appropriation (#2015056) to appropriate \$55,235.00 from the Reserve for Contingencies to Community Development for a Transportation Planner position. This appropriation did not increase the total County budget.
- One (1) appropriation (#2015058) to appropriate \$533,050.90 for various school division programs and projects.
- One (1) appropriation (#2015059) to appropriate \$6,700.00 from the Training pool account to various departments for training and professional development. This appropriation did not increase the total County budget;
- One (1) appropriation (#2015060) to appropriate \$42,910.00 from the Virginia Department of Emergency Management to the Police Department for law enforcement equipment and personal protective equipment.
- One (1) appropriation (#2015061) to appropriate \$5,000.00 from proffer revenue for roadside historical markers.
- One (1) appropriation (#2015062) to appropriate \$14,000.00 to the Finance Department to expand the Purchasing Card program; and
- One (1) appropriation (#2015064) to appropriate \$7,500.00 for a Local Emergency Management Performance Grant to the Emergency Communications Center.

- The nine (9) appropriations requested for Board approval on January 7, 2015 are as follows:
- One (1) appropriation (#2015063) to appropriate \$1,134,578.00 for the Regional Firearms Training Center;
  - One (1) appropriation (#2015065) to appropriate \$51,333.56 to the Emergency Communications Center;
  - One (1) appropriation (#2015066) to appropriate \$5,000.00 for various school division programs and projects;
  - One (1) appropriation (#2015067) to appropriate \$50,000.00 for anticipated school division donations;
  - One (1) appropriation (#2015068) to properly identify the revenue source within the School Fund budget pursuant to the School Fund fund balance policy;
  - One (1) appropriation (#2015069) to properly identify the revenue source for the Police Department's Crisis Intervention Team (CIT);
  - One (1) appropriation (#2015070) to appropriate \$54,442.87 from the Innovation Fund to various departments for Innovation Fund projects. This appropriation will not increase the total County budget;
  - Two (2) appropriations (#2015072 & #2015073) to appropriate \$100,000.00 for various capital improvement projects.

After the public hearing, staff recommends approval of the FY 2015 Budget Amendment in the amount of \$4,497,519.56 and approval of #2015063, #2015065, #2015066, #2015067, #2015068, #2015069, #2015070, #2015072 and #2015073 for local government and school division programs and projects as described in Attachment A (below).

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<b>Appropriation #2015063</b>		<b><u>\$1,134,578.00</u></b>
Source: Local Non-Tax	(\$	848,306.00)
Federal	\$	1,942,334.00
Borrowed Proceeds	\$	40,550.00

As a result of the Board's December 10, 2014 approval of the Regional Firearms Training Center Operational Agreement and the Ground Lease, this request is to appropriate a total of \$1,134,578.00 from the following revenue sources to support the Regional Firearms Training Center project: (a) \$40,550.00 in borrowed proceeds for a portion of the County's share, and (b) \$1,942,334.00 in federal revenue from the Abott Labs asset forfeiture funds received by the City and UVA. Additionally, this request is to reduce the currently appropriated partner shares from the City and UVA by \$848,306.00 for a net appropriation of \$1,094,028.00 in total partner shares from the City of Charlottesville and UVA. The shares are based on the funding formula and other capital considerations set forth in the Operational Agreement. This appropriation would increase the total amount of funding appropriated for this project from \$4,865,422 to \$6,000,000 pursuant to the Board's approval on December 10<sup>th</sup>.

The original cost of the project was based upon the conceptual work scope and totaled \$4.9 million. On August 15, 2014, at an executive meeting with the fiscal management staff from the County, the City, and UVA, an agreement was reached to establish a not to exceed (NTE) total project budget of \$6 Million.

<b>Appropriation #2015065</b>		<b><u>\$ 51,333.56</u></b>
Source: ECC Fund Balance	\$	51,333.56

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate:

- \$39,174.00 from the ECC fund balance for a one-time 6-month extension of the current maintenance agreement covering license, hardware, and software of the Computer-Aided Dispatch (CAD) system. The extension is from January 1, 2015 through June 30, 2015. The ECC Management Board has approved this one-time payment out of fund balance. The July 2015 through December 2015 maintenance agreement costs will be added to the FY 16 ECC operational budget.
- \$12,159.56 from the ECC fund balance to increase the salary for the Assistant Emergency Management Coordinator position from January 1, 2015 through June 30, 2015. The ECC Management Board has approved this position being moved from a 20-hour part-time position to a 40-hour full-time position effective January 1, 2015. These additional one-time costs in FY 15 have been approved by the ECC Management Board and this increase will be included in the FY 16 Emergency Management budget.

<b>Appropriation #2015066</b>		<b><u>\$5,000.00</u></b>
Source: Federal Revenue	\$	5,000.00

This request is to appropriate the School Division appropriation request approved by the School Board on November 6, 2014:

- **Carl Perkins Grant** – This request is to appropriate \$5,000.00 in increased Carl Perkins Grant funding that was received by the School Division in FY 15. This grant provides funds to increase

focus on the academic achievement of career and technical education students and strengthen the connection between secondary and post-secondary education.

**Appropriation #2015067** **\$50,000.00**  
Source: Local Revenue (Donations) \$ 50,000.00

On July 11, 2012, the Board approved streamlining the appropriation process for anticipated FY 13 School Fund revenue for grants, donations, and School Division Activity Funds. In FY 15, the School Division included an initial appropriation of \$166,411.00 in anticipated donations. As of November 24, 2014, the School Division has received over \$130,000.00 in donations and anticipates there will be additional donations through the remainder of the school year.

This request is to appropriate an additional \$50,000.00 in donation funding. Funds will not be expended until the revenues are actually received.

**Appropriation #2015068** **\$0.00**  
This appropriation will not increase the County Budget.

Source: School Fund Fund Balance (\$ 211,237.00)  
Transfer from GF School Reserve Fund \$ 211,237.00

This appropriation is to properly identify a revenue source within the School Fund budget. During the County's audit process, the Finance Department determined that a correction was necessary to properly identify the revenue source for the School Division Reserve Fund pursuant to the adopted School Division Fund Balance policy. Instead of budgeting the use of School Fund balance revenues directly in the School Fund, the fund balance funding should be appropriated to the School Fund from the School Reserve Fund.

On March 13, 2013, the Board of Supervisors adopted a School Division Fund Balance policy. This policy states that "at the close of each fiscal year before the County's audit is complete, all non-appropriated School Operating Fund balance will be transferred into the General Fund-School Reserve Fund. The Board of Supervisors will maintain in the General Fund-School Reserve Fund an amount not greater than 2% of the current year's School Division adopted operating budget. These funds will be available for School Division purposes subject to appropriation by the Board of Supervisors. The Board of Supervisors will transfer any funds in excess of that 2% to the CIP on an annual basis unless otherwise determined by the Board of Supervisors."

In order to properly reflect this policy in the County's Resolution of Appropriations, this request is to appropriate a transfer totaling \$211,237.00 from the General Fund's School Reserve Fund to the School Fund and to reduce the budgeted use of "School Fund" fund balance by \$211,237.00. This is a change in protocol and does not affect the use of fund balance monies by the School Division.

**Appropriation #2015069** **\$0.00**  
Source: State (\$ 275,858.90)  
Federal 275,858.90

The County sometimes receives federal funding as pass-through funding from the State. This appropriation request is to change the identification of the revenue source of Asset Forfeiture funding awarded to the Police Department from "State" revenue to "Federal" revenue to correctly identify this funding source in the County's financial records.

This appropriation request would properly identify the revenue source for the funding that was originally budgeted in #2014084 on April 2, 2014 for the enhancement of the Police Department's Crisis Intervention Team (CIT). The award has been received and the balance of the award was budgeted in the Police CIT fund. As a result of this adjustment, this decreases the current budgeted fund balance and expenditures by \$275,858.90 in the Police Department's State Asset Forfeiture Fund and appropriates the \$275,858.90 fund balance revenues and expenditures into the Police Department's Federal CIT Fund.

The award supports "Train the Trainer" training, crisis negotiations training, travel for training, tasers, Crisis Intervention and Crisis Negotiations Teams' cell phone consoles and a crisis negotiations response vehicle. This supports the Police Department's ability to obtain training for the County's officer's in Crisis Intervention, provide Tasers for officers in the field that do not currently have a taser, and provide enhanced capabilities of the Crisis Interventions and Negotiations Teams through cell phone consoles and a Team response vehicle.

**Appropriation #2015070** **\$0.00**  
This appropriation will not increase the County Budget.

Source: Innovation Fund \$ 54,442.87



The project was re-advertised and bids opened in November 2014. The apparent low bid was \$268,750 and exceeds available funds. The revised total project budget estimate based on the apparent low bid is \$393,000.

The difference between the 3 lowest bids was less than 1%, so the bids are representative of the current bidding climate and further redesign will not provide any substantial cost savings. Based on this information, a request has been submitted to VDOT to allow for an "intent to award," even though the low bid was 10% higher than the construction estimate, and VDOT has approved the request.

The Board's appropriation of the required additional funding is necessary to proceed with construction of the project and to maintain the grant funding. If approved the "intent to award" will be issued to the low bidder and the project will be constructed during the winter or early spring, depending on weather conditions.

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Mr. Bill Letteri addressed the Board, stating that Virginia code requires the County to hold a public hearing before amending its budget when the total amount of the funds appropriated exceeds 1% of the expenditures in the currently-adopted budget. He said that the accumulated total outlined in the executive summary is \$4.5 million, and the summary includes 38 appropriations, 29 of which were already approved by the Board in October, November and December. After the public hearing, he said, staff recommends approval of the FY15 budget amendment and the approval of nine appropriations as numbered and described in their attachment.

Ms. Dittmar asked if the additional staff for the Commonwealth's Attorney's office was reflected in this appropriation. Mr. Davis said that it would be included in a future appropriation.

Mr. Boyd asked if the \$211,000 school appropriation was over the 2% fund balance. Mr. Letteri said his understanding was that it was just an accounting change, and the schools had put it in the wrong account by mistake.

Mr. Boyd said another item he had a question about was the regional firearms training center. He stated the Board had made clear in their approval that they did not want to cap it at \$6 million if it meant cutting another 25% of the building off – and in reading the appropriation, it does not seem that was incorporated.

Mr. Foley said they were just waiting for the bids to come in so they know if they need to make an adjustment, and they are hoping it would come in under \$6 million.

Mr. Boyd said everyone hoped that, but he wanted to be sure that this reflected the Board's desire not to cut off that additional 25%.

Mr. Letteri stated that a meeting among the three parties was scheduled during the time it was out to bid, to address those concerns and issues.

Ms. McKeel said that she would not want the building to be cut, and having the Board find out later.

Mr. Foley said that staff got the message loud and clear on that one, and would convey that to the partners.

Mr. Davis pointed out that exceeding the \$6 million total would require an amendment to the agreement; that provision was added.

Board members acknowledged that they understood that step.

Mr. Foley said they have already conveyed the Board's intention to the partners.

Ms. Mallek said that it made sense to have some bid numbers to talk about, because then there would be something concrete.

Ms. Dittmar asked when the RFP results would be in, so they will know what funding would be needed. Mr. Trevor Henry stated that they were in final design review and had a meeting the following week. He plans to incorporate comments by the end of the month and to put out bids in early February. He said they would expect to have the bid results in by early March, at which time they could provide a formal report.

Ms. Mallek asked if there was still consideration of a bid for the full amount. Mr. Henry said they had not finalized their bid documents yet, and currently their plan required that they have a bid deduct so they have that information.

Ms. Mallek said that she was suggesting they add on to it. Mr. Henry said they would be unable to do that without further design.

The Chair opened the public hearing. Since no one came forward to speak, the public hearing was closed.

Mr. Davis stated that the most efficient way to accomplish this action was to approve the budget amendment and the appropriations as recommended by staff.

Ms. Mallek **moved** to approve the FY 2015 Budget Amendment in the amount of \$4,497,519.56 and approve appropriations #2015063, #2015065, #2015066, #2015067, #2015068, #2015069, #2015070, #2015072 and #2015073 for local government and school division programs and projects. Ms. McKeel **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

COUNTY OF ALBEMARLE APPROPRIATION SUMMARY			
APP#	ACCOUNT	AMOUNT	DESCRIPTION
2015063	3-9050-19000-319000-190319-3110	1327970.00	SA2015063 Regional Firearms Training Center
2015063	3-9050-19000-319000-190435-3110	256434.00	SA2015063 Regional Firearms Training Center
2015063	3-9050-33000-333000-330001-3110	1942334.00	SA2015063 Regional Firearms Training Center
2015063	3-9050-19000-319000-199900-3110	-687800.00	SA2015063 Regional Firearms Training Center
2015063	3-9050-19000-319000-199900-9999	-1744910.00	SA2015063 Regional Firearms Training Center
2015063	3-9050-41000-341000-410500-9999	40550.00	SA2015063 Regional Firearms Training Center
2015063	4-9050-31029-431010-800605-3110	1134578.00	SA2015063 Regional Firearms Training Center
2015065	4-4100-31040-435600-332100-1003	39174.00	SA2015065 ECC CAD Maintenance
2015065	3-4100-51000-351000-510100-9999	51333.56	SA2015065 ECC CAD Maintenance - Emergency Mgmt Coord
2015065	4-4100-31045-435600-110000-1003	12159.56	SA2015065 PT to FT Asst Emergency Mgmt Coord
2015066	3-3207-63207-333000-384048-6599	5000.00	SA2015066 Federal Revenue
2015066	4-3207-63207-461190-800100-6530	5000.00	SA2015066 Machinery/Equipment
2015067	3-2000-62000-318100-181109-6599	50000.00	SA2015067 Donations
2015067	4-2000-62101-461101-601300-6599	50000.00	SA2015067 Reserve - Donations & Activity Funds
2015068	4-1005-93010-493010-930001-9999	211237.00	SA2015068 Transfer to School Fund
2015068	3-1005-51000-351000-510100-9999	211237.00	SA2015068 Fund Balance
2015068	3-2000-62000-351000-512012-6599	211237.00	SA2015068 Transfer from GF - School Reserve Fund
2015068	3-2000-62000-351000-510100-6599	-211237.00	SA2015068 School Fund Fund Balance
2015069	3-1236-51000-351000-510100-9999	-275858.90	SA2015069 CIT/CNT Award Revenue Correction
2015069	4-1236-39000-439000-580905-1003	-275858.90	SA2015069 CIT/CNT Award Revenue Correction
2015069	3-1244-51000-351000-510100-9999	275858.90	SA2015069 CIT/CNT Award Revenue Correction
2015069	4-1244-31013-431010-550100-1003	114779.00	SA2015069 CIT/CNT Award Revenue Correction
2015069	4-1244-31013-431010-800125-1003	161079.90	SA2015069 CIT/CNT Award Revenue Correction
2015070	4-1000-31013-431010-360005-9980	15000.00	SA2015070 Diversity/Recruitment Video
2015070	4-1000-31013-431010-800200-9980	2000.00	SA2015070 Citizen Online Computer Station
2015070	4-1000-31013-431010-800700-9980	1500.00	SA2015070 Citizen Online Computer Station
2015070	4-1000-32012-432010-800100-9980	19425.87	SA2015070 Digital Fire Training Simulator
2015070	4-1000-43100-443100-312366-1004	2625.00	SA2015070 Innovation Fund Project
2015070	4-1000-53010-453010-800700-9980	1820.00	SA2015070 Automated Check-In
2015070	4-1000-53010-453010-800700-9980	1080.00	SA2015070 Info Delivery & Community Engagement
2015070	4-1000-53010-453010-600100-9980	6120.00	SA2015070 Info Delivery & Community Engagement
2015070	4-1000-81021-481020-800700-9980	3000.00	SA2015070 Paperless Plan Review Pilot
2015070	4-1000-81021-481020-800710-9980	1740.00	SA2015070 Paperless Plan Review Pilot
2015070	4-1000-81021-481020-550100-9980	132.00	SA2015070 Paperless Plan Review Pilot
2015070	4-1000-99900-499000-999978-9999	-54442.87	SA2015070 Distribute to Projects
2015070	4-1925-43100-443100-601700-9980	2625.00	SA2015070 What to Expect During Construction
2015070	3-1925-16000-316000-160560-1004	2625.00	SA2015070 Innovation Fund Project
2015072	3-9010-41400-341000-410530-9999	-150000.00	SA2015072 Court Facilities Borrowed Proceeds
2015072	3-9010-51000-351000-510100-9999	150000.00	SA2015072 Interim Court Facilities
2015072	4-9010-21009-421005-312350-2180	-150000.00	SA2015072 Court Facilities Add/Renov
2015072	4-9010-21005-421005-800610-2180	150000.00	SA2015072 Interim Court Facilities - Renovation
2015073	4-9010-41350-441200-950514-9999	100000.00	SA2015073 Crozet Avenue North Sidewalk (Safe Routes To School)
2015073	3-9010-51000-351000-512065-9999	25657.28	SA2015073 Crozet Ave SRTS From Liberty Hall
2015073	3-9010-51000-351000-512056-9999	9000.00	SA2015073 Crozet Ave SRTS From Wickham Pond
2015073	3-9010-51000-351000-512085-9999	13500.00	SA2015073 Crozet Ave SRTS From Wickham Pond II
2015073	3-9010-51000-351000-512063-9999	946.98	SA2015073 Crozet Ave SRTS From Grayrock
2015073	3-9010-51000-351000-512086-9999	2430.98	SA2015073 Crozet Ave SRTS From Haden Place

2015073	3-9010-51000-351000-512087-9999	1051.72	SA2015073 Crozet Ave SRTS From Grayrock West
2015073	3-9010-51000-351000-512088-9999	47413.04	SA2015073 Rio Road Avon St US Route 250 West From Avinity Proffer
2015073	3-8548-51000-351000-510100-9999	47413.04	SA2015073 Rio Road Avon St US Route 250 West From Avinity Proffer
2015073	4-8548-93010-493010-930010-9999	47413.04	SA2015073 Rio Road Avon St US Route 250 West From Avinity Proffer
2015073	3-8523-51000-351000-510100-9999	946.98	SA2015073 Crozet Ave SRTS From Grayrock
2015073	4-8523-93010-493010-930010-9999	946.98	SA2015073 Crozet Ave SRTS From Grayrock
2015073	3-8577-18977-318000-189911-9999	1051.72	SA2015073 Crozet Ave SRTS From Grayrock West
2015073	4-8577-93010-493010-930010-9999	1051.72	SA2015073 Crozet Ave SRTS From Grayrock West
2015073	3-8576-51000-351000-510100-9999	2430.98	SA2015073 Crozet Ave SRTS From Haden Place
2015073	4-8576-93010-493010-930010-9999	2430.98	SA2015073 Crozet Ave SRTS From Haden Place
2015073	3-8544-51000-351000-510100-9999	25657.28	SA2015073 Crozet Ave SRTS From Liberty Hall
2015073	4-8544-93010-493010-930010-9999	25657.28	SA2015073 Crozet Ave SRTS From Liberty Hall
2015073	3-8540-18940-318000-189911-9999	9000.00	SA2015073 Crozet Ave SRTS From Wickham Pond
2015073	4-8540-93010-493010-930010-9999	9000.00	SA2015073 Crozet Ave SRTS From Wickham Pond
2015073	3-8549-18949-318000-189911-9999	13500.00	SA2015073 Crozet Ave SRTS From Wickham Pond II
2015073	4-8549-93010-493010-930010-9999	13500.00	SA2015073 Crozet Ave SRTS From Wickham Pond II
<b>TOTAL</b>		<b>3,309,547.12</b>	

Agenda Item No. 26. **PUBLIC HEARING:** To receive comments on its intent to adopt an ordinance to amend County Code Chapter 12, Regulated Enterprises, Article I, False Alarms, by amending Section 12-101, Definitions, to amend the definition of “false alarm” by deleting “activity unauthorized by the alarm system user or activity outside the control of the alarm system user” from the list of alarms that do not constitute a false alarm and by adding “weather-related events,” as defined in the proposed ordinance, to the list of alarms that do not constitute a false alarm; by amending Section 12-102 to require that written notices issued to unregistered alarm system users be mailed to the physical address of the alarm user and to reduce the service fee for third and subsequent responses to unregistered alarm systems from \$300.00 to \$150.00; by amending Section 12-104 to increase the amount of time an individual has to pay a false alarm service fee from thirty to ninety days and to eliminate the assessment of a delinquent payment fee; and by amending Section 12-108 to eliminate the requirement that Police Department forms be used for appeals of false alarm notices and to increase the amount of time alarm system users have to submit appeals from ten to thirty days. *(Advertised in the Daily Progress on December 22 and December 29, 2014)*

The executive summary forwarded to Board members states that on August 3, 2011, the Board of Supervisors adopted the current False Alarms Ordinance. After three years of administering this Ordinance, the Albemarle County Police Department (ACPD) is recommending amendments to the Ordinance as set forth below.

Staff has prepared a draft ordinance (Attachment A) to amend County Code Chapter 12, Regulated Enterprises, Article I, False alarms. The proposed ordinance would:

- Amend the definition of “False alarm” in § 12-101. Currently the definition of “false alarm” states that “False alarms shall not include any alarms determined...to have been triggered by...activity unauthorized by the alarm system user or activity outside the control of the alarm system user.” The ACPD receives a number of appeals from homeowners who cite weather or high winds as “activity unauthorized by the alarm system user or activity outside the control of the alarm system user.” The ACPD recommends amending the definition of “false alarm” by deleting the language “activity unauthorized by the alarm system user or activity outside the control of the alarm system user” from the list of alarms that do not constitute a false alarm due to the ambiguity of the terms. However, the ACPD recommends amending the definition to provide that weather-related events triggering an alarm do not constitute a false alarm. A weather-related event is defined as “an event caused by weather conditions that results in either a) a disruption of electrical service to the building for four (4) consecutive hours or longer; or (b) damage to the building that would activate the alarm. The four-hour threshold is based on the typical time that a back-up battery provides electricity, preventing a false alarm from being triggered.
- Amend § 12-102 to require that written notices issued by the ACPD to unregistered alarm system users be mailed to the physical address of the dwelling where the alarm system is located and to the address of the owner listed in the real estate tax assessment records of the County unless the physical address and the owner’s address listed in the tax

assessment records are the same. This would establish a notice procedure for incidents in which the alarm system user is not present to receive the notice at the site of the call.

- Amend § 12-102 to eliminate the \$300.00 service fee for third and subsequent responses to an unregistered alarm system. Over the past three years, the ACPD has not found the higher fee for third and subsequent responses to be a deterrent. Because the false alarms ordinance is meant to be an enforcement tool rather than a revenue enhancement mechanism, the ACPD recommends charging a \$150.00 service fee for all unregistered alarm responses, including second and subsequent responses.
- Amend § 12-104 to increase the amount of time that an individual has to pay a false alarm service fee from thirty to ninety days. The ACPD often responds to false alarms in which the alarm system owner is out of town for an extended period of time. Allowing the alarm system user more time to pay the service fee would make the process more efficient. It would result in more alarm system users making their payments timely, eliminating the need for staff to follow up with those system users.
- Amend § 12-104 to eliminate the assessment of a delinquent payment fee equal to the original fee of a false alarm when a service fee is not paid on time. The ACPD has found that the delinquent payment fee has not been a deterrent to subsequent false alarms.
- Amend § 12-108 to eliminate the requirement that an appeal of a false alarm notice be on a form provided by the ACPD. The ACPD receives a number of such appeals, and those appeals have been processed as a courtesy to the citizens. This would clarify the current process of the ACPD and provide a simpler process for citizens to note appeals.
- Amend § 12-108 to increase the amount of time an alarm system user has to submit an appeal to the chief of police, the fire and rescue chief and the county executive from ten days to thirty days. This would provide more time for citizens to decide whether to file an appeal.

The Department of Fire Rescue (FR) rarely responds to false fire alarms and has never issued a notice. FR staff has reviewed this Executive Summary and the draft ordinance and agree with the recommendations.

Please see the chart below for the budget impact if the Board adopts the attached ordinance based on FY14 false alarm fees collected:

	Fees Collected				County's Revenue (78.5% of fees collected)			
	3 <sup>rd</sup> , subse- quent non-reg fees	Delin- quent fees	Total of both fees	Total of all fees	3 <sup>rd</sup> , subse- quent non-reg fees	Delinquent fees	Total of both fees	Total of all fees
<b>FY14</b>	\$8,100	\$38,705	\$46,805	\$177,007	\$6,358.50	\$30,383.43	\$36,741.93	\$138,950
<b>FY14 w/ changes</b>	\$4,050	-0-	\$ 4,050	\$134,252	\$3,179.25	-0-	\$ 3,179.25	\$105,387
<b>\$ Reduction</b>	\$4,050	\$38,705	\$42,755	\$ 42,755	\$3,179.25	\$30,383.43	\$33,562.68	\$ 33,563
<b>% Reduction</b>	50%	100%		24.15%	50%	100%		24.15%

The County retains a private vendor to collect false alarm fees and pays the vendor 21.5% of the fees collected by it.

If the Board adopts the attached ordinance, based on the FY14 false alarm fees collected, there would be a \$33,563.00 reduction in overall County revenues generated by false alarm fees per year, or a 24.15% reduction. However, staff believes these changes will significantly improve the process and reduce staff time spent enforcing the ordinance.

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

Lieutenant Greg Jenkins of the County Police Department addressed the Board, stating that the false alarm ordinance has been in place for about three years, and since that time they have identified a few areas to be considered for change. Lt. Jenkins said the first portion is amendment to the definition of "false alarm," as there was some ambiguity within some of that language. He stated there was the need for a clause to allow for weather-related events; the second item was written notice to unregistered alarm users to be mailed directly to the address that the officers respond to, as some of the notices were being sent out to second and third-party people but not the resident of the home; third, they would recommend a reduction in the \$300 service fee for unregistered alarms to \$150, because they have not been able to show evidence that the higher fee actually raises compliance for payment. He stated they would recommend an increase in the time a person has to pay for a false alarm fee from 30 days to 90 days. During some of the appeal process they learned as individuals were out of town, the notices were sitting in the mail and the additional fees were racking up because the owners did not know about them. Lt. Jenkins said an additional recommendation is elimination of the delinquent payment fee to the original fee

of the false alarm, when the service fee is not paid – as there was no evidence that this was a deterrent. He stated that another recommendation is to eliminate the requirement for appeals to be filed on a police department form. Also during the appeals process they get a lot of correspondence from citizens on their own stationery. Lt. Jenkins said they are also recommending an increase in the amount of time an alarm user has to submit an appeal to the Chief of Police from 10 days to 30 days, which would give citizens a better opportunity to comply with the ordinance and would allow the department to streamline the appeal process.

Lt. Jenkins said that a question was raised earlier about the service charge fee that the County's vendor, and that company – Cry Wolf – charges 21.5% service fee for managing the false alarm program for the County. He said that he was asked why the fire rescue vendor pays a 7% assessment of these fees and services, and in speaking with Chief John Oprandy, the fire department was currently not assessing fees and fines for false alarms – they were assessing fees for EMS responses. He stated that it was a \$1.6 million funding stream they were dealing with, and last year it was 6%, with this year being 5.5%, based on the amount of times they have to respond to transport. He said that the vendors try to project from year to year what those service charges will be, and right now they are at 21.5%. Lt. Jenkins said that Red-Flex, the company that manages the safety cameras on Route 29 at Rio Road, charges 20% - which is dictated by how much service they provide to the County. He stated his department does not feel that a part-time person can manage the volume of false alarms that come into the County, and the police department is a part of that appeals process. Lt. Jenkins said that Cry Wolf collected \$38,000 from fees for these services, and it would likely cost the County more to do this itself.

Ms. Dittmar asked for an estimate of the number of false alarms they deal with every year. Lt. Jenkins said that last year it was over 700; this year, for a six-month period it was 610, but overall there has been a 20% decrease in residential alarms.

Ms. Mallek stated that she was surprised that people just ignored a \$100 fine.

Ms. Palmer said that she was confused by Lt. Jenkins statement that there had been a decrease, because the six-month period was almost as much as an entire year previously.

Lt. Jenkins said that the number dropped from 363 to 307 from July to December when comparing this year to last year; residential alarms went from 337 to 303.

Ms. Palmer asked if they had an estimate as to how much the false alarms cost the department every year. Lt. Jenkins said that he did not have an exact dollar figure, but every time that alarm comes in, it requires a two-officer response, depending on gas/fuel, wear and tear on cars, location in the County, etc.

Mr. Foley said that these recommended changes were intended to make this process more efficient and spend less time on these types of calls.

Ms. Palmer said she was interested in whether the fines cover the cost of staff time.

Lt. Jenkins said years ago, there were no consequences for business owners or residential owners for false alarms, so at least fines are being assessed now.

Ms. Palmer said that a constituent in her district had some complaints about the false alarm fine and the whole process, but offered some good suggestions, some of which are reflected in these proposed changes. She asked if alarm companies were required to tell purchasers they needed to register, and if not then how people would find out they have to register. Lt. Jenkins said the companies were not required to inform their buyers, and when this ordinance was first proposed the department did a lot of media preparation and pushed the information out. He said when an officer goes to a residence or business to respond to an alarm, they leave door hanger cards that explain what the exact ordinance requirements are and how to comply with them.

Ms. Palmer asked if real estate agents gave out that information when they sold house, and if it was a reasonable thing to suggest, if a house has an alarm.

Mr. Boyd said years ago they did not charge anything for false alarms. However, they implemented these measures to cut down on the number of calls and the number of repeat offenders, not to recoup costs. He stated that the department seems to want to tweak the ordinance a bit, and he is in agreement with that. Lt. Jenkins stated that he would follow up with the realtors per Ms. Palmer's suggestion.

The Chair opened the public hearing. There being no public comment, the Chair closed the public hearing.

Mr. Boyd **moved** to adopt the proposed ordinance as presented. Mr. Sheffield **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.  
NAYS: None.

Ms. Mallek commented that she supports the changes, but still wants to make sure that people are held accountable.

### **ORDINANCE NO. 15-12(1)**

AN ORDINANCE TO AMEND CHAPTER 12, REGULATED ENTERPRISES, ARTICLE I, FALSE ALARMS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 12, Regulated Enterprises, Article I, False Alarms, is hereby amended and reordained as follows:

**By Amending:**

**Sec. 12-101**     **Definitions**  
**Sec. 12-102**     **Registration of alarm systems designed to seek a police response**  
**Sec. 12-104**     **False alarms prohibited; service fees**  
**Sec. 12-108**     **Appeals**

### **CHAPTER 12. REGULATED ENTERPRISES** **ARTICLE I. FALSE ALARMS**

**Sec. 12-100 Purpose.**

The board hereby finds that malfunctioning alarm systems, and the false alarms associated with them, constitute a hazard to public safety personnel and to the public in general. The regulation of alarm systems and false alarms is necessary to promote the health, safety and welfare of county citizens. False alerts of intrusions or robberies increase the county's public safety costs, divert public safety resources from other critical areas of work, and burden the Charlottesville-U.Va.-Albemarle Emergency Communications Center. In order to preserve the integrity and efficiency of the county's police and fire and rescue emergency services, those who utilize automatic alarm systems must be required to maintain those systems in good working order and to promptly repair any defects which may cause those systems to trigger false alarms.

**Sec. 12-101 Definitions.**

For the purposes of this article and, unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

*Alarm system* means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which a police or fire and rescue response is expected.

*Alarm system user* means: (1) any person or entity owning or leasing an alarm system; or (2) any person or entity owning or leasing the premises on which such alarm system is maintained. An "alarm system user" shall not include the United States, the Commonwealth of Virginia, or their respective agencies or political subdivisions.

*Automatic dialing device* means any device, system or equipment that automatically transmits over telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation to which a police, fire, or emergency medical services response is expected.

*Emergency communications center* means the regional 911 center known as the Charlottesville-U.Va.-Albemarle Emergency Communications Center.

*False alarm* means an alarm that causes a police or fire and rescue response when there is no actual or threatened criminal activity, fire, or other emergency requiring an immediate police or fire and rescue response. False alarms shall include, but not be limited to: negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposefully activated to summon a police or fire and rescue response in nonemergency situations; and alarms for which the actual cause is not determined. False alarms shall not include any alarms caused by failure of the equipment at the emergency communications center, any alarms determined by the responding police or fire and rescue officer to have been triggered by criminal activity, or any alarms caused by a weather-related event. "Weather-related event" shall mean an event caused by weather conditions that results in either a) a disruption of electrical service to the building for four (4) consecutive hours or longer; or b) damage to the building that would activate the alarm.

(Ord. of 4-17-91; Code 1988, § 2.2-1; Ord. 98-A(1), 8-5-98; § 12-100)

**State law reference--**Va. Code §15.2-911

**Sec. 12-102 Registration of alarm systems designed to seek a police response.**

A. *General Requirements.* Prior to installing, using or maintaining on any premises within the county an alarm system which is designed to seek a police response, an alarm system user shall register such alarm system by providing the following information, using forms provided by the county, to the chief of police or his designee:

1. The street address of the premises at which the alarm system is to be installed or used (the "premises"); the name, mailing address and telephone number of the owner and lessee, if any, of such premises; and the name and mailing address of an individual (alarm user or designee of the alarm user) to whom notices regarding the alarm system may be sent; and

2. The names, street addresses and telephone numbers of at least two (2) individuals who will have day-to-day responsibility for the premises and alarm system, who will be immediately available to be contacted in the event an alarm is activated, and who are authorized and able to deactivate the alarm system; and

3. A description of the specific type of alarm system, manufacturer's name, and the name and telephone number of the alarm company monitoring, responding to or maintaining the alarm system; and

4. If registering an alarm system that has been disconnected or disabled following a notice to disconnect or disabled issued pursuant to §12-103, documentation that the alarm system has been repaired or passed inspection by an individual or entity qualified to repair or inspect alarm systems.

B. *Changes in Alarm System Registration Information.* Whenever any registration information provided by an alarm system user pursuant to subsection A changes, the alarm system user shall provide correct, updated information to the chief of police or his designee within ten (10) business days of the change. When an individual or entity takes possession of premises equipped with an activated alarm system, the individual or entity must provide updated registration information within ten (10) business days of taking possession as required by subsection A.

C. *Failure to Register Alarm System.* Upon the first police response to an unregistered alarm system in response to a signal issued by the alarm system, the chief of police or his designee shall issue a written notice to the alarm system user that the alarm system must be registered. This notice shall be mailed to the physical address of the dwelling where the alarm system is located and to the address of the owner listed in the real estate tax assessment records of the County. If the physical address of the alarm system user is the same as the address of the owner listed in the real estate tax assessment records of the County, then only one notice shall be mailed. The alarm system user shall be assessed a service fee in the amount of \$150.00. The fee for the first offense may be waived if the alarm system user files an appeal pursuant to section 12-108, and presents satisfactory evidence that the alarm system has been registered. Upon the second or subsequent police response caused by an unregistered alarm system, the alarm system user shall be assessed a service fee in the amount of \$150.

D. Registration of an alarm system shall not create a contract, duty or obligation, either express or implied, for police to respond. Any and all liability and consequential damage resulting from the failure to respond to a notification from an alarm system is hereby disclaimed. By registering an alarm system, the alarm system user acknowledges that police responses may be based on factors such as the availability of responding units, staffing levels, priority of pending requests for services, weather conditions, traffic conditions and other emergency conditions.

**Sec. 12-103 Maintenance of alarm systems required; disconnection of alarm systems.**

A. *Maintenance of alarm systems.* Alarm system users shall maintain their alarm systems in good working order. Because alarm systems that generate multiple false alarms within a short period of time may be malfunctioning, the chief of police or his designee and the fire and rescue chief or his designee shall have the discretion to suspend responses to an alarm system after the second false alarm generated within a twenty-four (24) hour period; such suspension shall last for the remainder of the twenty-four hour period.

B. *Disconnection of alarm systems.* An alarm system user shall disconnect or disable any alarm system upon a written determination and notice by the chief of police or his designee or by the fire and rescue chief or his designee that the installation, use, operation and/or maintenance of the alarm system would constitute an unreasonable burden on police or fire and rescue resources. Any alarm system which generates eight (8) or more false alarms within any four (4) day period shall be deemed an unreasonable burden on police or fire and rescue resources. An alarm system user required to disconnect or disable an alarm system shall be entitled to register a new or repaired alarm system at any time in accordance with §12-102.

**Sec. 12-104 False alarms prohibited; service fees.**

A. *Prohibition.* No alarm system user or other person shall send or activate a false alarm that causes a police or fire-and rescue response where there is no actual or threatened crime, fire, or other

emergency requiring an immediate police or fire and rescue response. Violations of this section shall result in the assessment of service fees as provided below.

B. *Service fee amounts.* Alarm system users shall pay a service fee for false alarms within ninety (90) days of billing. The service fee shall be assessed for each false alarm during any twelve (12) month period as follows:

1. First false alarm: No charge
2. Second false alarm: No charge
3. Third false alarm: \$100
4. Fourth false alarm: \$150
5. Fifth false alarm: \$200
6. Sixth and subsequent false alarms: \$300

C. *Service fee assessments.* The county shall cause alarm system users to be billed for false alarms in accordance with the above schedule of service fees. All fees shall be paid within ninety (90) days of billing. Failure to pay a service fee within ninety (90) days of billing shall result in the initiation of civil action, as necessary, for the recovery of the unpaid fee.

(Ord. of 4-17-91; Code 1988, § 2.2-4; Ord. 98-A(1), 8-5-98, § 12-101)

**State law reference**--Va. Code § 15.2-911.

**Sec. 12-105 Deliberate false alarms a criminal offense.**

It shall be a class 1 misdemeanor for any person to knowingly and without just cause activate an alarm system to summon a police or fire and rescue response where there is no actual or threatened criminal activity, fire, or other emergency that required an immediate police or fire and rescue response.

(Ord. of 4-17-91; Code 1988, § 2.2-2; Ord. 98-A(1), 8-5-98, § 12-102)

**State law reference**--Va. Code § 27-97; false alarms, §18.2-212, 18.2-461

**Sec. 12-106 Automatic dialing devices prohibited; penalty.**

No person or entity shall install, use, or maintain on any premises within the county any automatic dialing device which delivers, or causes to be delivered, any prerecorded voice message or coded signal to the emergency communications center or any department of the county. Violations of this section shall constitute a class 4 misdemeanor.

**Sec. 12-107 Administration.**

The chief of police, the fire and rescue chief, in coordination with the director of finance, shall have joint responsibility for administering this article under the supervision of the county executive.

(Ord. of 4-17-91; Code 1988, § 2.2-5; Ord. 98-A(1), 8-5-98, § 12-104)

**Sec. 12-108 Appeals.**

A. *Appeals for Alarms Requiring a Police Response.* Any fee imposed by the police department pursuant to this article or notice to disconnect or disable an alarm system may be appealed in writing to the chief of police within thirty (30) days of the date of notice of such fee or decision. Upon receipt of such appeal, the chief of police or his designee may grant relief from the fee or notice or affirm the fee or notice. Should the fee or notice be affirmed, the alarm system user may appeal the decision of the chief of police or his designee to the county executive by filing a written appeal within thirty (30) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or notice, or affirm the fee or notice. The decision of the county executive or his designee is final.

B. *Appeals for Alarms Requiring a Fire and Rescue Response.* Any fee imposed by the county department of fire and rescue pursuant to this article may be appealed in writing to the fire and rescue chief, using forms provided by the department, within thirty (30) days of the date of notice of such fee. Upon receipt of such appeal, the chief or his designee may grant relief from the fee, or affirm the fee. Should the fee be affirmed, the alarm system user may appeal the decision of the chief or his designee to the county executive by filing a written appeal within thirty (30) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or affirm the fee. The decision of the county executive or his designee is final.

(Ord. of 4-17-91; Code 1988, § 2.2-6; Ord. 98-A(1), 8-5-98, § 12-105)

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

Item No. 27a. Clarification of December 10, 2014 motion concerning evaluation of transfer station alternatives.

Ms. Palmer stated that the Board's previous motion had read, "Conduct a high-level evaluation and comparison of possible collection and transport system alternatives, including a transfer station at Ivy with an estimate of the capital and operating costs, for consideration by the Board of Supervisors no later than March 2015." She said there seems to be some confusion communicating with the committee, and what they needed to do was provide recommendations to the Board for a solid waste management plan, and she hoped they were very specific with their proposals. Ms. Palmer said the wording of the motion that says "including a transfer station at Ivy" would suggest that they might be considering a transfer station somewhere other than Ivy. At their February 4 Board meeting, she has requested, that staff bring back a small amount of information that is already available, to let the Board make the determination that they were not looking for transfer station at some other location, just to give the committee some clarification.

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Mr. Boyd stated that this had been in the press lately, given that the County had a joint agreement with the City to provide funds for a YMCA at McIntire Park; the City had a time commitment, the County did not.

Mr. Davis said there were two different aspects to that: the City was acting on the extension of the ground lease for the YMCA, not the funding of the facility, and there was a time limit that required the facility be constructed within five years so they needed an extension. He stated that the County entered into a use agreement with the YMCA and the City, which was conditioned upon an appropriation from the County of \$2,030,000. The Board appropriated that money in each year carrying it forward with the understanding that the money would not be delivered to the YMCA until they have a project under construction. The Board's next opportunity to take action on this would be in the next appropriation, if the YMCA had not yet started construction.

Mr. Boyd said as they move forward with their CIP budget this year, he would like to propose that they get a reevaluation of how they might use some of that \$2 million to make up some of the shortfalls in the CIP or even operating costs for things like police officers, Commonwealth's Attorney's staff, etc. He added that he would like staff to come back with a report as to how that money might be used. Mr. Boyd stated it is his impression that the YMCA deal was falling apart – and it had been eight years since he had seen a business plan for the facility.

Mr. Davis said it was one-time money, so it would typically not be something the Board would apply to operating costs. He stated this would be an opportunity for the Board to request the YMCA to give an update on the project and its status. He said this project had strong support since 2008 but there have been problems getting it going. He stated that before the Board makes a decision on the YMCA, they should probably hear from the YMCA.

Ms. Dittmar said Kurt Krueger had offered to do that.

Mr. Boyd said he did not have a problem listening to what the Y's plan is now – and he was a big proponent of it when it came forward eight years ago. He stated he does not want to end up with a facility that the YMCA cannot maintain as it would end up being the responsibility of the City and County.

Mr. Davis said the provisions stipulate if they default, the facility defaults to the City and they would then have to provide the same services to the County that the YMCA would provide.

Mr. Boyd said he would like to hear from staff on this project and alternatives, at that point they can ask Mr. Krueger to address them.

Ms. Dittmar asked if this was something they could have on their February agenda. Mr. Foley said he did not see a problem with scheduling it then, and staff could cover the current arrangement and what that money might otherwise do for the CIP (because it is one-time funding) and then schedule Mr. Krueger to come and talk with the Board.

Mr. Boyd said he knows it is one-time money, but depending on how much money is transferred, there is also pay as you go money as well as debt service dollars, so there is some coalition that could be done to apply it to operating funds.

Ms. Dittmar said this could be scheduled on their agenda, and Mr. Krueger would be invited to attend.

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Ms. McKeel stated they had been talking in the meeting when Denise Lunsford came before them with another item the state was not funding, and her thought has been that they continue to express concern to legislators. She stated it might be interesting to try a different approach, and perhaps sending them a letter each time something like this happens would be more effective. She stated that over the course of a year, it would certainly be an interesting paper trail to identify the individual obligations that the Board has had to fund in lieu of state funding.

Ms. Dittmar said it was a great idea.

Ms. Mallek said it would be even more powerful if the legislators were asked to respond as to what they intended to do about it.

Ms. Palmer said they should add to the letter that the County would be using property taxes to pay for this, instead of income tax.

Mr. Foley said this was a great idea and staff could come up with a standard letter. He also noted they would be bringing forth a resolution on the lack of SOQ funding.

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Ms. Dittmar reported that shortly after the Board decided to reach out to their Congressmen and Senators to explore federal agency opportunities for their broadband project, they were invited to meet with Congressman Hurt in Charlottesville. She stated that she, Mike Culp and Ms. Mallek, met with Congressman Hurt and a staff person – John Lange, who had sent a letter outlining four future opportunities and six that they had missed. Ms. Dittmar said they had not yet made specific requests of senators.

Ms. Dittmar also mentioned that in the Board procedures, under their list of 88 boards and commissions, it calls for a list of how the leadership works, how often they have met, etc.. She stated that she would be coming back to them as to how they want information from these groups, such as a one-page annual report.

She stated that Ms. Palmer had uncovered something with the Stormwater Management issue regarding grandfathered projects. Mr. Davis said this was something that staff already had to do, and it is really not committee work, with the filing due by mid-year.

Ms. Mallek stated they were not legally required in most cases to say they have to step up to the new standards, especially if they have not broken ground yet.

Mr. Davis said the County was only grandfathering those developments that they were mandated to grandfather by state legislation, and there were specific provisions added by the General Assembly, so they have no choice. He explained that for the water protection ordinance, they were required to meet current requirements – but under the new Stormwater regulations, there are some projects that are now grandfathered from the new regulations that became effective July 1, 2014.

Ms. Dittmar asked why the County would be liable for the difference, if the state was requiring this. Mr. Davis said this was a significant unfunded mandate.

Ms. Dittmar asked if they could hear more about this. Mr. Davis said that Community Development or County Engineering would need to do.

Ms. Dittmar noted that she would not be present for the Comprehensive Plan discussion on Facilities, so Ms. Palmer would be chairing that meeting.

Mr. Sheffield asked if Mr. Foley would provide an update on economic development. Mr. Foley responded that it would be part of his report.

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

Mr. Foley said that the January County Executive's report included an update on the Economic Development Director position, but what is not reflected is the fact that the County received approximately 70 applications, including some very well-qualified candidates. He said they have done interviews with the top eight candidates and have narrowed it down to three who were recommended unanimously by the search committee, which included representatives from the Economic Development Authority, the Central Virginia Partnership for Economic Development, the Southern Environmental Law Center and the Chamber of Commerce, as well as three County staff members. He stated that this was a great community process, and the committee unanimously recommended the top three candidates. Over the next few weeks, he said, the candidates would be coming in to tour the County and would be visiting the

UVA Research Park, escorted by EDA member Rod Gentry. They will also meet with a group of business community people, as well as, Susan Stimart, and candidates would do a presentation to the group. After that, he said, they would come back and have lunch with Doug Walker and Bill Letteri, and meet with him one on one for the final interview. Based on that, he said, there would be a Survey Monkey evaluation done by interaction participants, and then he would sit down with Mr. Walker, Mr. Letteri, and Ms. Catlin to talk about their experience. He stated he would bring the final recommendation to the board at the February meeting, but as a part of the process the Board would get to meet the top candidate before the final hire, with the expectation that they would start in March.

Ms. McKeel commented that with an applicant pool that size, they must have received a broad group from in and out of state. Mr. Foley said they did, and had advertised through some economic development magazines, through the web, and so forth. He stated everyone in the search process felt very confident that these three candidates were well-qualified.

Mr. Foley stated that the Board calendar for the next few months was quite full, with the budget work session process beginning in late February going into March, with the advertised tax rate after the Board has done some review going out to the public, with a public hearing about three weeks later. He said that staff would like to talk with them more about expectations for public engagement in this process.

Ms. Catlin stated that staff would like to discuss with them their expectations and desires for public engagement during the budget process. She stated that the Board had endorsed a joint budget/communications strategy with the schools that was recommended by the subcommittee, on which Steve Koleszar and Mr. Sheffield served. She said they developed a pretty extensive list of activities, with some of the highlights being continuation of the website, including a shared budget portal page that would provide access to both budgets from there, a calendar, FAQs, and other elements of the budget. She stated they would also do A-mails, media outreach, public hearings, social media and other things they normally do. Ms. Catlin said Ms. McKeel would be holding a town hall with Kate Acuff later in the month using the schools' electronic blackboard system, which was the first time it has been used for this type of effort. She noted that this would be sort of a follow-up to the five-year plan panel meeting, and staff would also be putting together a shorter YouTube video on discrete elements of the budget, also a collaboration with the schools. Ms. Catlin said they would have Engage Albemarle as a tool this year, and would also have the annual joint Citizens Advisory Council town hall meeting in early March, providing another opportunity to discuss the budget. She stated that in the past, the bulk of the Board's town hall meetings took place after they finalize the tax rate for advertisement and before the last public hearing – which on this calendar would put it somewhere between the early to mid-March to early-April timeframe.

Mr. Foley said Ms. Mallek had raised the question that the last work session was March 11, and they may want to make some final decisions on expenditures and hold the town hall meetings after that. He stated that both Board and staff would be at many, many meetings as part of this process, so if there are any ways they can consolidate them and still meet objectives, staff would welcome those suggestions.

Ms. Mallek said she would be doing three meetings, but they would be listening events as opposed to her doing a presentation.

Ms. McKeel stated that she would be doing some of the virtual town hall meetings.

Ms. Catlin noted that it does not cost the County to do more of those meetings.

Mr. Foley said that Mr. Sheffield had also made some suggestions about moving Board meetings around, and it would be possible to hold those in different locations that followed more of the "town hall" approach.

Ms. Dittmar commented that southern Albemarle people cannot participate online, so they would need to come to an actual meeting, but if something could be sent to them they would at least stay in the loop as to what was going on.

Ms. Mallek asked about the next tax bill mailing. Ms. Catlin said the tax mailings are already done, but in the past the County has done an annual report – which they were putting together this year, as an eight-page tabloid that goes into the *Daily Progress* as an insert.

Ms. McKeel asked if they had looked into using *Cville* for that purpose, as many people – including the employees she works with at UVA – pick that up instead.

Ms. Catlin agreed that was a good idea, and she would look into it.

Ms. Palmer mentioned that the *Rural Virginian* was the paper that most people in southern Albemarle read.

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Agenda Item No. 29. Adjourn to January 13, 2015, 5:00 p.m.

At 7:57 p.m., with no further business to come before the Board, Mr. Sheffield **moved** to adjourn the meeting January 13, 2015 at 5:00 p.m. in the Lane Auditorium of the County Building. Ms. Mallek **seconded** the motion.

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

AYES: Mr. Boyd, Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: None.

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Chairman

Approved by Board
Date: 09/02/2015
Initials: EWJ