

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 1, 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 1:03 p.m. by the Chair, Ms. Dittmar

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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. Adoption of Final Agenda.

Ms. Mallek **moved** to adopt the agenda as presented. Ms. McKeel **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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

Ms. Mallek congratulated the Ronnie Morris family on Bluffton Road and Fox Mountain Farm, who have been awarded the Thomas Jefferson Soil & Water Conservation District "Clean Water Farm" award for 2014. She said that the farm has incorporated spectacular management, stewardship, stream fencings, and have worked difficult and steep properties for generations.

Ms. Mallek said that March 31 had been a very bad day in terms of wind and the blatant irresponsibility of people who lit brush fires to burn brush, and she has been told that Albemarle has almost no regulations they can hold people accountable for, compared to other places she has lived where you had to get permits and inspections for brush fires – not just those of a certain size. She stated that she would like to see if there are ways to strengthen the regulations the County has, because this laissez-faire attitude is putting firefighters and neighbors at risk, and she hopes that fire officials might offer some suggestions.

Mr. Foley said that they can do an overview of what is in place and how far beyond that they can go.

Ms. Mallek said that most people just go out and light something, and when things get bad they call the fire department – so if people can make arrangements first, fire engines will not be chasing after things that do not need supervision as much.

Ms. McKeel stated that she would be interested in knowing if there are repeat offenders, and she does not know if there is a way of tracking that, but it seems that would be a place they can look, if they have one or two people who are repeat offenders.

Ms. Mallek said that the dispatch logs would show when firefighters went certain places. She stated that she had raised the concern several years ago over allowing burning in the growth area for construction debris, as a lot of places require that to be either ground up or trucked away, and the smoke coming across I-64 from the construction site burning has made it hard for a lot of people.

Ms. McKeel suggested that it can be rolled into one discussion.

Ms. Mallek said that it all has to do with fire, but one is related to construction permits and the other is related to burning in dry weather.

Mr. Foley clarified that she is talking about open burning restrictions as well as possible additional regulation on construction burning as a separate item.

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Ms. Dittmar reported that there had been a press conference earlier that morning to announce that the County's ISO rating has gone to a "3," and the County is now ranked as an overall system – showing itself to be effective and efficient. She said that this also might result in savings with homeowners' insurance policies, and a woman from Towe Insurance came to speak with the County and recommended that before policies turn over again, people have them re-evaluated.

Ms. Dittmar stated that the Governor had spoken at a breakfast that morning and signed into law the bill they had worked on related to business property tax, which they will hear more about later. She said that she, Ms. Mallek and Mr. Boyd had attended the Viticulture and Enology program's celebration of

10 years, which was held at Mont Alto, and a lot of vineyards were present – as well as people who had been instructing for the past 10 years. Ms. Dittmar said that the Governor had mentioned that Virginia was fifth in the nation – tied with Texas – with wine production, and wants to move them to fourth before he leaves office. She stated that she also had a meeting with Monticello this month and presented a booklet they have produced, explaining that Monticello staff will be taking a journey to China to take the legacy of Jefferson and the founding of the nation, and to bring attention to the Charlottesville area.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6a. Introduction of Dr. Denise Bonds, Health Director, Thomas Jefferson Health District.

Ms. Palmer recognized Dr. Denise Bonds, the new Health Director of the Thomas Jefferson Health District, which provides services for Planning District 10. Ms. Palmer said that Dr. Bonds has a master's degree in public health in addition to her medical degree, and has worked in the National Heart, Lung and Blood Institute at the National Institutes of Health.

Dr. Denise Bonds addressed the Board and explained that the health district covers environmental health services, emergency planning in conjunction with other agencies, clinical services, disease tracking and epidemiology, and health promotion activities. She stated that the health district is structured under the Virginia Department of Health, Community Health Services. She stated that she is always happy to come before the Board to discuss any health issues of concern, or to send a designee from her staff with that particular expertise. Dr. Bonds reported that within the district's environmental health services purview, they do restaurant permitting – and there were 37 new restaurants permitted last year, and 521 establishments that underwent food safety inspections. She stated that the health district also responded to rabies exposure or concerns about potential exposure, and they investigate potential environmental health risks such as the stagnant water issue being discussed later in the meeting. Dr. Bonds said that the district handles well permits or sewage applications, which is a big part of their job in the environmental division because of the rural nature of Albemarle and the other counties within the health district. She stated that they also provide a fair number of clinical preventative services, including family planning clinics, with 500+ patients seen and over 1,000 visits in the last year. She stated that they also do outreach to family planning, and they provide car seats and safe sleep kits – which have yielded a dramatic reduction in the number of SIDS deaths in the region, to citizens who need those. Dr. Bonds stated that the district provides immunizations and is also responsible for tuberculosis control and testing.

Dr. Denise Bonds stated that county health rankings, done by the Robert Wood Johnson Foundation in conjunction with the University of Wisconsin, has just been released, and Albemarle County ranked very well. She said that the foundation does two health rankings: a health outcomes measure using length of life and quality of life, and a health factors measure, and she noted that more detail about the rankings and methodology is available online. Dr. Bonds said that health factors looks at health behavior, clinical care, social and economic factors and the physical environment. She stated that Albemarle is ranked second in health outcomes and eighth in health factors in the state of Virginia overall for 2014, with the health outcomes measure up from four in the previous survey, which is a testament to the work citizens and leaders have done in the County and the recognition of how important health is. Dr. Bonds highlighted information on the measures that go into the outcomes, noting that Albemarle is ranked #1 in quality of life in the state of Virginia, with very few poor health days as rated by citizens, poor fiscal health days, poor mental health days, and a relatively low percentage of low-birthweight babies. She reported that premature deaths in the County continues to fall and has been declining since the early 2000s, another indication of the quality of life in Albemarle.

Dr. Bonds reported that the health factors are a combination of a variety of topics, and health behaviors include things like obesity, smoking, physical activity, the food index, drinking, teen birth rate, and other factors – and Albemarle ranked 7<sup>th</sup> in the state for this. She said that obesity is a rising problem in the County, as well as across the nation, and is now at 26% in the County, with 28% in Virginia overall, but 25% nationwide. Dr. Bonds emphasized that there is still a lot of work to be done in this area, and said that there is great access to exercise opportunities, with 77% of individuals living within a mile of an exercise opportunity. She said that there are two major medical groups in clinical care – UVA and Martha Jefferson Hospital – which is reflected in access to primary care physicians, and for every 730 individuals there is one primary care, and that exceeds what is seen with top U.S. performers. Dr. Bonds stated that dental access is equivalent, but access to mental health providers lags behind the nation and Virginia overall. She said that Virginia is ranked 19<sup>th</sup> out of 133 counties in socio-economic factors, due to the relatively higher unemployment rate and the number of children in poverty. Dr. Bonds said that Albemarle has a lower rate of violent crime, and few injury deaths. She stated that Albemarle's sub-performance category is physical environment, due primarily to the long commute required for people because of distance to Charlottesville, with nearly 80% of workers driving alone to work.

Dr. Bonds referenced the Mobilizing Action for Planning and Partnerships (MAPP), which is the community's health assessment and health improvement plan, and said that there will be a meeting on April 6 for an annual update. She said that the health district will be working with UVA and Martha Jefferson along with other stakeholders to do a combined effort, as they did in 2012, to get a comprehensive view of the health of citizens in the district and in Albemarle specifically. She said that as this moves forward, she will report to the Board on which measures will be looked at and queried from citizens, and asked them to suggest any specific measures they feel should be added. Dr. Bonds said that this is done in close conjunction with the Public Health Department at UVA, providing an excellent educational opportunity for those MPH students to learn how to do a health assessment.

Mr. Boyd asked her to provide her contact information. Dr. Bonds responded that she can give it to Ms. Jordan.

Ms. Palmer said that she is a veterinarian, and a kitten testing positive for rabies had been found off of Harris Street, so the Health Department was able to take care of the animal for testing – and the next week, they had nine people in for post-exposure vaccines.

Dr. Bonds stated that the department always has someone on call for rabies, and urged them to make contact if there is a suspicious animal.

Ms. Mallek asked if 300+ investigations is a high number, as it seems high to her.

Dr. Bonds said that she will look into whether it is high, but with Albemarle County being a rural county, rabies cases are more common – and not all cases tested positive. She stated that anytime there is a bat in the house, they like to investigate, because if people wake up to a bat in their room there is no way to know if they have been bitten, so the best course is to capture the bat for testing.

Ms. Mallek said that it is distemper that is seen most frequently in wild animals, which is often mistaken for rabies because of their movement and behavior.

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Item No. 6b. Introduction of Faith McClintic, Director of Economic Development.

Ms. Dittmar recognized the work of Ms. Lee Catlin and Ms. Susan Stimart in advance of the County being able to launch an Economic Development Department. She stated that the Board met Faith McClintic at the end of a long and thorough interview process, and said that the County Executive recommended her for hire. Ms. Dittmar said that Ms. McClintic is a 22-year veteran of local government, in both public finance and economic development, with 15 of those years spent in the economic development arena. She stated that the County hopes that Ms. McClintic's multi-jurisdictional economic development work will help Albemarle work well as a regional partner, but also because some of the jurisdictions are urban and some rural, that she will understand Albemarle from the start. Ms. Dittmar said that Ms. McClintic has a BS in Public Administration from James Madison, an MBA from the University of Richmond, and numerous other certifications and programs toward her expertise.

Ms. Faith McClintic addressed the Board, thanking them for their endorsement of her and for their support of economic development. She said that she is excited to become a member of the community and part of the team that works in economic development for the County. Ms. McClintic said that she will remind them periodically that they need to stay the course, and that it will take time to build relationships and learn more about the community's assets and challenges. She stated that she knows that she will learn a lot along the way, and hopefully bring some very positive and successful outcomes for the community.

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Item No. 6c. Resolution Proclaiming April, 2015 as National County Government Month in Albemarle County.

Ms. Lee Catlin, Assistant County Executive, addressed the Board, stating that National County Government Month provides an opportunity to recognize county government, and she recognizes the County's video team of Jody Lewis, India Adams and Matt Regis for creating a video featuring Albemarle County government, which she played for the Board. Ms. Catlin said that there will be a volunteer appreciation event in connection with the recognition month, an open house at the new Northside Library – which will be officially launched to the community on April 18. Ms. Catlin said that on April 29, the County will be reinstituting a neighborhood leadership summit, for which they have invited the 110 Homeowner Association Presidents, plus the County's community advisory councils. She said that this event will allow them to better connect with County staff and get updated on programs, issues and initiatives that are particularly impactful to neighborhoods.

Ms. Mallek read the following proclamation in recognition of National County Government Month, April 2015:

**Proclamation**

**National County Government Month - April 2015**  
**"Counties Moving America Forward: The Keys are Transportation and Infrastructure"**

WHEREAS, the nation's 3,069 counties play a critical role in maintaining a healthy, vibrant, safe, and economically competitive America, and America's counties provide transportation and infrastructure services that play a key role in everything from residents' daily commutes to shipping goods around the world; and

WHEREAS, Albemarle County takes pride in fulfilling its responsibility to protect and enhance its community by building infrastructure, educating citizens, providing health care, administering justice, maintaining community safety,

running elections, protecting the environment, keeping records and much more; and

WHEREAS, Albemarle County consistently ranks as an outstanding location to live, work and play based on high quality services, sound fiscal practices and an engaged and energetic citizenry, demonstrating the unique strength of local government to positively impact residents; and

WHEREAS, Albemarle County's local government and school employees are dedicated to providing quality services and critical capital projects to the County's residents that strengthen and support our community;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors, does hereby proclaim April 2015 as National County Government Month and encourage all County officials, employees, schools and residents to participate in county government celebration activities.

Ms. Mallek **moved** to adopt the proclamation as presented. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

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

Mr. Doug Arrington addressed the Board, stating that he would speak about the budget and the Comp Plan, as he feels they are connected. Mr. Arrington acknowledged Ms. McKeel and Mr. Sheffield's political courage on stepping forward with discussion of increasing taxes into the future. He said that he had lived 55 years in Fairfax County and has been paying taxes in Albemarle County for more than 25 – and noted that the Fairfax rate is \$1.09, Loudoun is \$1.15, Prince William is \$1.14, Stafford is \$1.01, and Arlington is at \$.99. Mr. Arrington said that as development goes from north to south, property rates are going up, and the explanation is that development does not pay for itself – because it requires more services, which requires a rise in tax rates. He stated that he foresees taxes rising in Albemarle County year after year to keep up. Mr. Arrington said that he has streamed most of the meetings during the Comp Plan and budget proposals, and keeps hearing about shortfalls of capital budgets, and the notion of moving money from one department to another – which seems like a shell game. He stated that he also heard that their debt service obligations are catching up to them, and the idea that bond referendums are a proposed solutions, but that is just kicking the can down the road. Mr. Arrington said that he would like to see the development areas in the Comp Plan carried forward outside of the Comp Plan so that more attention can be given to the details of how they develop, and do it smartly, in conjunction with transportation and infrastructure that is already in place.

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Mr. Neil Williamson addressed the Board on behalf of the Free Enterprise Forum, stating that they will receive a report from Mark Graham regarding a proposed across the board increase of fees in that department by 7.5%. Mr. Williamson said that this is a semi-automatic proposed increase due to actions by a previous Board, who decided that as staff costs increase fees should also increase because labor is the highest part of the equation. He stated that there are efficiencies in the private sector that would be identified, and he hears about plans in the County coming back and forth five or six times – with different comments on applications. Mr. Williamson provided an anecdotal example of one application that had \$23,000 in engineering fees, re-engineering plans. He stated that the multiplicity of ordinances that have to be applied is rather complex, and staff has to deal with those – often times in conflicting Comp Plan goals – with some state-mandated and others not. Mr. Williamson noted that there have been numerous committees such as Development Review, Streamlining, DISC, etc., and no more are needed. He emphasized that what they need is to streamline the approval process to get it right and get it right the first time. Mr. Williamson said that there is multiplicity in submission of applications, and stated that he is thrilled to see a new Economic Development Director. He stated that if they move forward with fee increases, he encourages the Board to engage that department to see how new development in the community might be impacted. Mr. Williamson said that the fees put forth support the community, and because of that, he feels the community should share in some of those costs.

There are no further public comments, and the Chair closed the matters from the public portion of the meeting.

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Agenda Item No. 8. Consent Agenda.

**(Discussion:** Mr. Sheffield stated that he would like to pull out Item 8.4 – the traffic calming for Fontana Subdivision – for discussion.

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Ms. Mallek stated that she has not completed her September 3, 2014 minutes. Ms. Palmer said that she would need to pull her July 9, September 9 and September 10, 2014 minutes. Ms. McKeel said that she needs to pull her July 2, 2014 minutes.

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Mr. Sheffield **moved** to approve Items 8.1 (as read) through 8.4 on the consent agenda. Ms. McKeel **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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Item No. 8.1. Approval of Minutes: July 2, July 8, July 9, August 13, August 26, September 3, September 9, September 10, October 7, October 29, November 11, December 4, December 9 and December 16, 2014.

Ms. Dittmar had read the minutes of July 8, August 13, August 26, October 7 and December 16, 2014 and found them to be in order.

Ms. Mallek had read the minutes of October 29 and December 4, 2014 and found them to be in order.

Mr. Sheffield had read the minutes of November 11, 2014 and found them to be in order.

Mr. Boyd had read the minutes of December 9, 2014 and found them to be in order.

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

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Item No. 8.2. FY 2015 Budget Amendment and Appropriations.

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

The total increase to the FY 15 budget due to the appropriation itemized below is \$2,204,702.15. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget. This request involves the approval of five (5) appropriations as follows:

- One (1) appropriation (#2015087) to appropriate \$1,949,702.15 for various school division programs and projects;
- One (1) appropriation (#2015088) to appropriate \$250,000.00 for school division donations and miscellaneous revenue;
- One (1) appropriation (#2015089) to appropriate \$3,170.90 in proffer revenue for various CIP projects. This appropriation does not increase the total County budget;
- One (1) appropriation (#2015090) to appropriate \$5,000.00 in available fund balance for the Martha Jefferson Health Grant; and
- One (1) appropriation (#2015091) to appropriate \$200,000.00 for the Henley Middle School Auxiliary Gym Addition. This appropriation does not increase the total County budget.

Staff recommends approval of appropriations #2015087, #2015088, #2015089, #2015090, and #2015091 for general government and school division programs and projects as described in Attachment A.

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**Appropriation #2015087** **\$1,949,702.15**

Source:	Local Non-Tax Revenue	\$ 283,556.54
	State Revenue	\$ 10,000.00
	Federal Revenue	\$ 1,133,472.57
	Use of Fund Balance	\$ 522,673.04

This request is to appropriate the School Division's appropriation request approved by the School Board on February 12, 2015:

- **McIntire Trust** – This request is to appropriate \$4,000.00 received from the McIntire Trust fund. This fund is a trust fund established by Paul G. McIntire in 1929 for the Albemarle County Public Schools and is managed by the Bank of America. Pursuant to the Trust Agreement, the School Board annually receives the interest income from the fund to be used each year to purchase and provide a medal, as well as a cash prize in the amount of \$100.00, to each of two high school graduates based on their outstanding character and scholarship. Interest income receipts this year exceeded the original appropriation of \$10,000 by \$4,000.00. This brings the total appropriation for this year to \$14,000.00.
- **KOVAR Corporation Grant** – This request is to appropriate \$19,676.00 in grant funding from the KOVAR Corporation. KOVAR is a charitable corporation established by the Virginia Knights of Columbus in 1971, dedicated to assisting Virginians with intellectual disabilities. These funds will

be used to purchase iPad mini devices that will be equipped with software to improve communication for students with intellectual disabilities.

- **Families in Crisis Grant** – This request is to re-appropriate \$41,660.08 in available fund balance from the Families in Crisis Grant. The mission of this grant is to provide an effective structure to meet the needs of homeless students, whose families are in crisis, ensuring they receive equitable access to Division services in support of the Division's strategic plan. There was a balance of \$41,660.08 remaining at the end of FY 14 that is requested to be re-appropriated to FY 15.
- **English Literacy/Civics Education Grant and Tuition** – This request is to appropriate \$34,004.28 for the English Literacy/Civics Education program. There was a fund balance of \$24,004.28 remaining at the end of FY 14 that is requested to be re-appropriated to FY 15. In addition, \$10,000.00 in tuition has been collected in FY 15 and requires appropriation. The mission of the grant is to incorporate civics education into adult English for Speakers of Other Languages (ESOL) classes in which many participants are parents of Albemarle County students. Parents participating in their own educational pursuits, especially within a Family Literacy setting, positively affect their children's learning in support of the Division's strategic plan.
- **Community Public Charter School** – This request is to appropriate \$9,078.35 for the Community Public Charter School. The mission of the Community Public Charter School is to provide an alternative and innovative learning environment, using the arts, to help children in grades six through eight learn in ways that match their learning styles. Seeking to serve students who have not succeeded in school, the program is designed to close their achievement gap by offering a balance of literacy tutorials and an arts-infused curriculum. This appropriation includes \$8,000.00 in funding from the Virginia Department of Education, \$1,021.68 in donations, and the re-appropriation of \$56.67 in fund balance that was remaining in the fund at the end of FY 14.
- **Investing in Innovation Grant** – This request is to appropriate \$1,133,472.57 in grant funding for the Investing in Innovation program. The Albemarle County, City of Charlottesville, and Fluvanna County public schools consortium was awarded this grant by the U.S. Department of Education. Funding will continue until December 2017 and is expected to total \$2,989,541.00. Albemarle County will serve as the fiscal agent. The Investing in Innovation program is a natural progression from the growing emphasis in education on the "maker curriculum" in elementary, middle, and high schools. This approach emphasizes project based learning in which students develop their creativity and critical analysis skills as well as their ability to work in teams and communicate their findings. Grant funds will be used to purchase advanced 3D printers, laser cutters and computers, and for professional development programs to prepare teachers for this new instructional model. This appropriation request is for the FY 15 grant award of \$1,133,472.57. Of this grant amount, it is anticipated that \$431,434 will be spent by Albemarle County in support of the program.

This request is to appropriate the School Division appropriation request approved by the School Board on March 12, 2015:

- **Algebra Readiness** – This request is to appropriate \$2,000.00 for the Algebra Readiness program. The program provides mathematics intervention services to middle school students who are at risk of failing. State revenue for this program exceeds the original appropriation by \$2,000.00 and requires appropriation.
- **E-rate Program Funds** – This request is to appropriate \$248,858.86 for the E-rate program. This program is designed to ensure that all eligible schools and libraries have affordable access to modern telecommunications and information services. The E-rate Program, which was established by the Federal Government, provides discounts for eligible telecommunications services, depending on economic need and location (urban or rural). The level of discount is based on the percentage of students eligible for participation in the National School Lunch Program or other federally approved alternative mechanisms. These funds will be used to provide students and staff reliable access to technology by supporting the construction of the school division's wide area wireless project.
- **Special Revenue Fund Re-appropriations** – This request is to re-appropriate funding associated with Special Revenue Funds. The funding requested for re-appropriations has not been expended as of June 30, 2014 and is expected to occur in FY 15.
  - **Miscellaneous Grants** – This request is to re-appropriate \$120,785.58 in miscellaneous grants. The Miscellaneous Grant fund is used to track competitive grants that are typically \$5,000.00 or less. The funds received are primarily from local organizations and occasionally from state or federal subsidiaries.
  - **Teachers for a New Era (TNE) Partnership Grant** – This request is to re-appropriate \$10,191.38 from the TNE grant. This grant provides professional development and instructional resources for both novice teachers and Novice Teacher Network Advisors. This includes affording novice teachers the opportunity to visit experienced colleagues, meet with their advisors for more extended periods of time, providing them with professional literature and reflective study groups.
  - **KOVAR Corporation Grant** – This request is to re-appropriate \$613.33 in available fund balance from a KOVAR Corporation Grant received in the previous year.
  - **Carl Perkins Grant** – This request is to re-appropriate \$17,853.06 in available fund balance from the Carl Perkins Grant. 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.
  - **Computer Equipment Replacement Fund** – This request is to re-appropriate \$305,799.60 in available fund balance for the Computer Equipment Replacement Fund.
  - **Special Education Local Improvement (SLIVER) Grant** – This request is to re-appropriate \$1,700.56 in available fund balance from the SLIVER grant. The SLIVER Grant

funds allow Special Education teachers to increase the level of achievement of students with disabilities on SOL content areas assessments.

- **Alternative Education Grant** – This request is to re-appropriate \$8.50 in available fund balance from the Alternative Education Grant.

**Appropriation #2015088** **\$250,000.00**

Source: Local Non-Tax Revenue \$ 250,000.00

On July 11, 2012, the Board approved a streamlined appropriation process for anticipated School Fund revenue associated with grants, donations, and School Activity Funds. In FY 15, an appropriation of \$250,000.00 is needed to cover donations and other miscellaneous revenue, such as small non-recurring grants, received to date and for anticipated contributions through the end of the fiscal year.

This request is to appropriate an additional \$250,000.00 in donation funding. Funds will not be expended until the revenues are actually received.

**Appropriation #2015089** **\$0.00**

This appropriation does not increase the total County budget.

Source: Proffer Revenue-Westhall 3.3 \$ 3,170.90  
Proffer Revenue-Westhall 1.2 \$ (3,170.90)

This request is to appropriate \$3,170.90 in Westhall 3.3 proffer revenue and reduce the currently appropriated Westhall 1.2 proffer revenue for the Cory Farm Crozet Greenway Connector. Proffer revenue from Westhall 1.2 (CIP/Eastern Avenue funds) was appropriated in 2013; however, funds should have been provided from the Westhall 3.3 proffer, which was specifically proffered for use towards the greenway bridge. This appropriation will not increase the total County budget.

**Appropriation #2015090** **\$5,000.00**

Source: Use of Grant Fund fund Balance \$ 5,000.00

This request is to appropriate \$5,000.00 in available grant fund fund balance to support the increased needs of children served by the Martha Jefferson Hospital School Community Health Partnership award. The grant is administered by the Department of Social Services and provides funds for the early detection and treatment of dental issues for low-income children enrolled in early intervention programs.

**Appropriation #2015091** **\$0.00**

This appropriation does not increase the total County budget.

Source: Borrowed Proceeds \$ 105,000.00  
School CIP Fund Fund Balance \$ (105,000.00)

This request is to appropriate \$200,000.00 in project balances from currently appropriated projects described below to the Henley Middle School Auxiliary Gym Addition Capital Project. The currently appropriated construction budget totals \$1,672,720.00. The additional funding for this project is necessary to complete the project and will not increase the project scope as originally bid. This funding supports the unanticipated increase in costs due to market conditions.

Staff has worked with the BCWH Architect firm to produce a practical design for the gym addition that will benefit the school and the community. The project was put out for bid in February 2015 and the results were returned on March 3, 2015. Unfortunately, the bid results were not favorable. The bids ranged from \$1,981,293 to \$2,561,400, with the top two bids within \$6,700 of each other. There were six bidders, and the low base bid was from Artisan Construction in the amount of \$1,981,293, which is \$308,573 over budget. While staff is planning to negotiate with the low base bidder, including value engineering, to lower project costs, it is necessary to request the additional funding at this time.

The currently appropriated projects to be reduced were identified by School Division staff and include the Capital School Bus Replacement program and the School Maintenance/Replacement Program. Scheduled school bus replacements will be reduced \$95,000.00 to reflect actual replacement needs based on the condition of existing fleet; Building Services has identified equipment replacement projects in the Capital Maintenance program that can be deferred one more year to accommodate the need for the additional \$105,000.00.

This project is scheduled to break ground in April, 2015, with project completion anticipated in January, 2016.

**By the above-recorded vote, the Board approved Appropriations #2015087, #2015088, #2015089, #2015090, and #2015091 for general government and school division programs and projects, as set out below:**

**COUNTY OF ALBEMARLE  
 APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2015087	3-3104-63104-351000-510100-6599	120785.58	SA2015087 Fund Balance
2015087	4-3104-63104-460700-601300-6101	380.00	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6103	723.67	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6106	1000.00	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6109	748.49	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6110	206.49	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-312500-6111	205.31	SA2015087 Prof Services - Instructional
2015087	4-3104-63104-460700-601300-6113	2983.05	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6114	332.17	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6115	2500.00	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6253	2500.00	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6254	11058.97	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6301	1000.00	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6302	200.00	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-580500-6303	6500.00	SA2015087 Staff Development
2015087	4-3104-63104-460700-601300-6303	20000.00	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6304	4328.51	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-460700-601300-6530	59447.92	SA2015087 Ed & Rec Supplies
2015087	4-3104-63104-461311-580500-6599	6671.00	SA2015087 Staff Development
2015087	3-3142-63142-351000-510100-6599	8.50	SA2015087 Fund Balance
2015087	4-3142-63142-460410-112100-6530	7.89	SA2015087 Salaries-Teacher
2015087	4-3142-63142-460410-210000-6530	0.61	SA2015087 FICA
2015087	3-3152-63152-324000-240405-6599	2000.00	SA2015087 Revenue-Algebra Readiness
2015087	4-3152-63152-463333-132100-6599	1857.88	SA2015087 PT/Wages-Teachers
2015087	4-3152-63152-463333-210000-6599	142.12	SA2015087 FICA
2015087	3-3156-63156-351000-510100-6599	10191.38	SA2015087 Fund Balance
2015087	4-3156-63156-461101-580500-6530	10191.38	SA2015087 Staff Development
2015087	3-3159-63159-318120-189913-6599	19676.00	SA2015087 KOVAR Grant
2015087	3-3159-63159-351000-510100-6599	613.33	SA2015087 KOVAR Grant
2015087	4-3159-63159-461102-800100-6599	20289.33	SA2015087 Machinery/Equipment-Addl
2015087	3-3207-63207-351000-510100-6599	17853.06	SA2015087 Fund Balance
2015087	4-3207-63207-461190-800100-6530	17853.06	SA2015087 Machinery/Equipment - Addl
2015087	3-3211-63211-351000-510100-6599	1700.56	SA2015087 Fund Balance
2015087	4-3211-63211-461102-601600-6530	198.04	SA2015087 Data Processing Supplies
2015087	4-3211-63211-461102-800710-6530	1502.52	SA2015087 Data Processing Software
2015087	3-3221-63221-318000-180450-6599	10000.00	SA2015087 EL/Civics Program Miscellaneous Revenue
2015087	3-3221-63221-351000-510100-6599	24004.28	SA2015087 EL/Civics Program Fund Balance
2015087	4-3221-63221-461101-111400-6501	4821.12	SA2015087 Salaries-Other Management
2015087	4-3221-63221-461101-210000-6501	359.64	SA2015087 FICA
2015087	4-3221-63221-461101-221000-6501	750.18	SA2015087 Virginia Retirement
2015087	4-3221-63221-461101-231000-6501	389.70	SA2015087 Health Insurance
2015087	4-3221-63221-461101-232000-6501	12.66	SA2015087 Dental Insurance
2015087	4-3221-63221-461101-241000-6501	57.36	SA2015087 Group Life Insurance
2015087	4-3221-63221-461101-132100-6530	10000.00	SA2015087 PT/Wages-Teacher
2015087	4-3221-63221-461101-135000-6530	6000.00	SA2015087 PT/Wages-Office Clerical
2015087	4-3221-63221-461101-210000-6530	1224.00	SA2015087 FICA
2015087	4-3221-63221-461101-312700-6530	3000.00	SA2015087 Prof. Ser. Consultants
2015087	4-3221-63221-461101-550100-6530	1500.00	SA2015087 Travel/Training
2015087	4-3221-63221-461101-580500-6530	2000.00	SA2015087 Staff Development
2015087	4-3221-63221-461101-601300-6530	3889.62	SA2015087 Educational & Recreation Supplies
2015087	3-3225-63225-333000-330225-6599	1133472.57	SA2015087 Federal Revenue
2015087	4-3225-63225-461313-111400-6530	89468.00	SA2015087 Salaries-Other Management
2015087	4-3225-63225-461313-112100-6530	116940.00	SA2015087 Salaries-Teacher
2015087	4-3225-63225-461313-160300-6530	33000.00	SA2015087 Stipends-Staff/Curriculum Development
2015087	4-3225-63225-461313-210000-6530	18315.00	SA2015087 FICA
2015087	4-3225-63225-461313-221000-6530	25000.00	SA2015087 VRS
2015087	4-3225-63225-461313-231000-6530	31614.57	SA2015087 Health
2015087	4-3225-63225-461313-232000-6530	1000.00	SA2015087 Dental
2015087	4-3225-63225-461313-241000-6530	1500.00	SA2015087 VRS Group Life
2015087	4-3225-63225-461313-301210-6530	498785.00	SA2015087 Prof Services-Instructional
2015087	4-3225-63225-461313-520100-6530	250.00	SA2015087 Postage Services
2015087	4-3225-63225-461313-550100-6530	5500.00	SA2015087 Travel-Mileage
2015087	4-3225-63225-461313-580500-6530	62250.00	SA2015087 Staff Development
2015087	4-3225-63225-461313-600100-6530	1000.00	SA2015087 Office Supplies
2015087	4-3225-63225-461313-600260-6530	1500.00	SA2015087 Food/Meals for Meetings
2015087	4-3225-63225-461313-601300-6530	40500.00	SA2015087 Ed & Rec Supplies
2015087	4-3225-63225-461313-601700-6530	850.00	SA2015087 Copy Supplies
2015087	4-3225-63225-461313-800100-6530	206000.00	SA2015087 Machinery/Equipment-Addl
2015087	3-3304-63304-351000-510100-6599	41660.08	SA2015087 Grant Fund Balance
2015087	4-3304-63304-461101-111400-6501	7002.00	SA2015087 Salaries-Other Management
2015087	4-3304-63304-461101-210000-6501	524.00	SA2015087 FICA
2015087	4-3304-63304-461101-221000-6501	1000.00	SA2015087 VRS

2015087	4-3304-63304-461101-231000-6501	520.00	SA2015087 Health Insurance
2015087	4-3304-63304-461101-232000-6501	17.00	SA2015087 Dental
2015087	4-3304-63304-461101-241000-6501	77.00	SA2015087 VRS Group Life Insurance
2015087	4-3304-63304-461101-112100-6530	2291.00	SA2015087 Salaries-Teacher
2015087	4-3304-63304-461101-132100-6530	15000.00	SA2015087 PT/Wages-Teacher
2015087	4-3304-63304-461101-210000-6530	1319.00	SA2015087 FICA
2015087	4-3304-63304-461101-221000-6530	357.00	SA2015087 VRS
2015087	4-3304-63304-461101-231000-6530	468.00	SA2015087 Health Insurance
2015087	4-3304-63304-461101-232000-6530	16.00	SA2015087 Dental
2015087	4-3304-63304-461101-241000-6530	280.00	SA2015087 VRS Group Life Insurance
2015087	4-3304-63304-461101-579001-6530	6000.00	SA2015087 Housing Assistance Payments Homeless
2015087	4-3304-63304-461101-580004-6530	6789.08	SA2015087 Miscellaneous Expense for Homeless
2015087	3-3380-63380-318100-181080-6599	1021.68	SA2015087 Community Public Charter School Donations
2015087	3-3380-63380-324000-240806-6599	8000.00	SA2015087 Community Public Charter School State Grant
2015087	3-3380-63380-351000-510100-6599	56.67	SA2015087 Community Public Charter School Fund Balance
2015087	4-3380-63380-461101-132100-6280	4458.89	SA2015087 PT/Wages-Teacher
2015087	4-3380-63380-461101-210000-6280	341.11	SA2015087 FICA
2015087	4-3380-63380-461101-580500-6280	1100.00	SA2015087 Staff Development
2015087	4-3380-63380-461101-601200-6280	1000.00	SA2015087 Books & Subscriptions
2015087	4-3380-63380-461101-601300-6280	2178.35	SA2015087 Educ. & Recreation Supplies
2015087	3-3501-63501-315000-150102-6599	4000.00	SA2015087 Paul G. McIntire Fund
2015087	4-3501-63501-463080-601300-6599	4000.00	SA2015087 McIntire Trust Fund
2015087	3-3907-63907-319000-190241-6599	248858.86	SA2015087 Recovered Costs - E Rate
2015087	3-3907-63907-351000-510100-6599	305799.60	SA2015087 Fund Balance
2015087	4-3907-63907-461101-800700-6599	554658.46	SA2015087 Technology Equipment
2015088	3-2000-62000-318100-181109-6599	52789.60	SA2015088 Contributions
2015088	4-2000-62101-461101-580240-6599	52789.60	SA2015088 Donations-Flow Through
2015088	3-2000-62000-318000-189900-6599	197210.40	SA2015088 Miscellaneous Revenue
2015088	4-2000-62101-461101-580250-6599	197210.40	SA2015088 Misc Revenue-Flow Through
2015089	3-8542-51000-351000-510100-9999	-3170.90	SA2015089 Proffer Correction Trf to Cory Farm Greenway-Westhall 1.2
2015089	4-8542-93010-493010-930010-9999	-3170.90	SA2015089 Proffer Correction Trf to Cory Farm Greenway-Westhall 1.2
2015089	3-9010-51000-351000-512059-9999	-3170.90	SA2015089 Proffer Correction Trf to Cory Farm Greenway-Westhall 1.2
2015089	3-9010-51000-351000-512084-9999	3170.90	SA2015089 Proffer Correction Trf to Cory Farm Greenway-Westhall 3.3
2015089	3-8543-51000-351000-510100-9999	3170.90	SA2015089 Proffer Correction Trf to Cory Farm Greenway-Westhall 3.3
2015089	4-8543-93010-493010-930010-9999	3170.90	SA2015089 Proffer Correction Trf to Cory Farm Greenway-Westhall 3.3
2015090	3-1563-99999-999999-909990-9999	5000.00	SA2015090 Reappropriation of fund balance
2015090	4-1563-51150-453010-311008-1005	2000.00	SA2015090 Woodbrook
2015090	4-1563-51151-453010-311008-1005	100.00	SA2015090 Agnor Hurt
2015090	4-1563-51155-453010-311008-1005	2000.00	SA2015090 Red Hill
2015090	4-1563-51129-453010-311008-1005	900.00	SA2015090 Stone Robinson
2015091	4-9000-63905-462320-800506-6599	-95000.00	SA2015091 From Sch Bus Repl to Henley M S Aux Gym
2015091	4-9000-69980-464600-800949-6599	-105000.00	SA2015091 From Sch CIP Maint/Repl to Henley M S Aux Gym
2015091	4-9000-69985-466730-800605-6252	200000.00	SA2015091 Henley M S Aux Gym
2015091	3-9000-69000-351000-510100-6599	-105000.00	SA2015091 Sch CIP Maint/Repl Use of Fund Balance
2015091	3-9000-69000-341000-410500-6599	105000.00	SA2015091 Henley M S Aux Gym Borrowed Proceeds
<b>TOTAL</b>		<b>4,409,404.30</b>	

Item No. 8.3. Acquisition of Conservation Easements (ACE) Ranking Order for FY14-15 Applicant Class.

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

On October 31, 2014, six (6) new applicants enrolled in the FY14-15 ACE applicant class. One of the applicants (Calderwood) withdrew their application shortly thereafter. Staff recently evaluated the remaining five properties from the applicant pool according to the ACE Ordinance ranking evaluation criteria. These objective criteria include: open space resources; threat of conversion to developed use; natural, scenic and cultural resources; and County fund leveraging from outside sources. Based on the results of the evaluation, staff has determined the eligibility of the properties and has placed them in a

ranking order (Attachments A and B). These results were presented to the ACE Committee, which unanimously approved the proposed ranking at its February 9, 2015 committee meeting.

All five (5) properties under consideration scored enough points to be eligible for ACE funding. With \$922,196 of County funding available for this class, plus another \$242,948 in an unused Farmland Preservation grant (Attachment C), the County can acquire easements on two or three of the highest ranked properties. Based on the final ranking order and eligibility status of these properties, the ACE Committee recommends that the Board authorize staff to order appraisals for the following properties: Sweeney, Clark, and Dollard. Although the total ACE budget for FY14-15 may be insufficient to purchase easements on all three properties, staff and the ACE Committee believe it is prudent to obtain appraisals on more properties than funding will allow in the event that additional funding becomes available or a higher ranking applicant withdraws from the Program.

The acquisition of easements on the three highest ranked properties would eliminate 42 usable development rights and result in the protection of the following resources:

- 696 acres
- 17,500 feet of common boundary with other protected lands
- 1/3 properties in a drinking water supply reservoir watershed
- 1/3 properties lie within a historic district or have historical buildings
- 5,400 feet of state road frontage; >1,000 feet on Route 53, a major entrance corridor
- 2/3 properties are working family farms
- protect over 500 acres of "prime" farm and forestland
- would protect 95 acres of mountaintop (Gay Mountain)
- would establish a riparian buffer along 8,900 feet of the Rivanna River, a state scenic river

After closing on three (3) ACE properties in early 2015 (Henley Forest, Stargell, and Woodson), the County has \$1,165,145 to acquire new easements from the FY14-15 class. This amount of funding reflects a combination of County funds (new and re-appropriated) and grants from the VDACS Office of Farmland Preservation. Staff has applied for a Natural Resources Conservation Service (NRCS) matching grant, which may yield over \$400,000 in funding, if awarded. Funding for the purchase of these conservation easements would come from the CIP-Planning-Conservation budget (line-item 9010-81010-481020-580409-1240). See Attachment C for additional budget information.

The ACE Committee and staff recommend that the Board:

- 1) Approve the final ranking order for the FY14-15 applicant pool as shown on Attachments A and B;
- 2) Authorize staff to order appraisals for the Sweeney, Clark, and Dollard properties

**By the above-recorded vote, the Board approved the final ranking order for the FY14-15 applicant pool and authorized staff to order appraisals for the Sweeney, Clark, and Dollard properties.**

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Item No. 8.4. Traffic Calming in Fontana Subdivision (*pulled for discussion*).

The executive summary states that the residents of the Fontana Subdivision have expressed concern about speeding in the subdivision since 2006. Virginia Department of Transportation (VDOT) staff and various County staff have worked with the Fontana Owners Association, Inc. (FOAI) since 2008 in an effort to evaluate and resolve speeding issues in the subdivision. VDOT and the County have installed measures and conducted enforcement activities to address the neighborhood concerns, but they have been ineffective at reducing vehicle speeds to date, or the level of comfort felt by walking/biking residents who must share this road.

The April 9, 2014 Enhanced Speeding Fines executive summary (Attachment A) described the history of traffic issues and pedestrian conflicts in the Fontana subdivision and summarized the results of the speed studies that were conducted. Staff from VDOT, the Office of Facilities Development, and the Police Department acknowledged that the traffic/pedestrian conflicts experienced by the Fontana neighborhood were the result of vehicle speed and the lack of pedestrian facilities along the streets.

In response to the pedestrian safety concerns VDOT installed an "all way stop" at the Fontana Drive/Verona Drive/Fontana Court intersection; painted crosswalks at the pedestrian trail crossings; improved pedestrian crossing and warning signage; and installed an additional speed limit sign on Fontana Drive. At the request of the Board of Supervisors, VDOT also installed signs to establish an additional maximum \$200 fine for exceeding the established speed limit on Fontana Drive, Verona Drive and Olympia Drive pursuant to Virginia Code § 46.2-878. In the fall of 2014, the effectiveness of the measures were evaluated by conducting new speed studies and reviewing the data, and by collecting resident observations. Staff found that the installed measures had marginal or no effect on reducing vehicle speeds or the comfort level of pedestrians.

In December 2014, staff recommended that VDOT consider installing additional "all way stops" as suggested in the McCormick Taylor report prepared for VDOT's Traffic Division. VDOT did not support the recommendation; however, in a subsequent meeting, VDOT recommended that additional traffic measures, including but not limited to, speed pillows, be installed at strategic locations along Fontana

Drive and Verona Drive (Attachment B). Speed pillows are a traditional traffic calming measure that function in a similar manner as speed humps, but have gaps that allow emergency response vehicles (with wider wheel-base) to navigate through with little delay to response time (Attachment C). Although only Fontana Drive meets the VDOT criteria for traffic calming, VDOT is willing to install temporary traffic calming measures on Verona Drive that VDOT will maintain until such time that a sidewalk is constructed along Fontana Drive due to the resident testimonies and observations that have indicated an issue with pedestrian/vehicle conflicts. The "Sidewalk Construction Program - Project List", maintained by the Chief of Planning, includes a Fontana Neighborhood Sidewalk project, which is currently unfunded.

To implement these traffic calming measures, the Board must adopt a Resolution requesting VDOT to install traffic calming measures on Fontana Drive and to install the temporary measures on Verona Drive. VDOT staff will meet with emergency services staff and HOA representatives to determine the exact type and location for traffic calming measures.

VDOT will fund the traffic calming measures with secondary road construction funds and will maintain the measures as part of the State road maintenance.

Staff recommends that the Board adopt the attached Resolution (Attachment D) requesting that VDOT install traffic calming measures on Fontana Drive and that VDOT install and maintain temporary traffic calming measures on Verona Drive until such time that a sidewalk is constructed along Verona Drive.

Item No. 8.5. 2014 Planning Commission Annual Report, **was received for information.**

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

**GRANT REPORT ACTIVITY – February 14, 2015 through March 13, 2015**

Applications were made for the following grants:

Granting Entity	Grant	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Department of Fire Programs	FY15 Regional Fire Services Training Facilities Grant	State	\$47,555	0	N/A	Fire Rescue	This grant will be used to provide funds for Fire Rescue to purchase a vehicle prop, which is a training aid designed for realistic vehicle fire and hazard response training for front line personnel in controlled conditions.
Department of Homeland Security	2014 FEMA SAFER Retention and Recruitment Grant	Federal	\$407,000	0	N/A	Fire Rescue	This grant will be used to provide funds for Fire Rescue for a full volunteer recruitment marketing campaign and a volunteer retention project. This is for a four year grant period.  This grant will not provide funding for staffing, nor will it require on-going funding after the grant ends.

Awards were received for the following grants: None at this time.

Item No. 8.7. VDOT Culpeper District, Albemarle County Monthly Report, April 2015, **was received for information.**

**At this time the Board returned to Item 8.4 for discussion - Traffic Calming in Fontana Subdivision.**

Mr. Sheffield said that he does not intend to vote against this, and is glad the residents in Fontana are finally getting some traffic-calming measures, but he has similar problems on the Rio side and is not getting those results. He stated that he has been told they need trip counts, speed studies, etc. – none of which were included in the packet for Fontana.

Mr. Boyd stated that they may not have been included, but they were done.

Ms. Mallek said that it took seven years to get to this point.

Mr. Sheffield said that he is seeing no movement on the issues in Rio, which have existed longer than seven years but have been his responsibility for the last year, in Carrsbrook and other areas with cut-through traffic. He stated that he is frustrated to see things moving forward at Pantops, but nothing happening with the issues he has presented to staff over the last year.

Ms. Mallek said that it is VDOT's purview.

Mr. Foley suggested that staff bring forward the process they follow and the things that have to be done, and to provide a status as to where those items are, and Mr. Benish can comment as well.

Mr. David Benish, Chief of Planning, stated that with Gerald Gatobu now on staff, they are going to work on the list of projects provided for the Office of Facilities Development and provide a status update to the Board – as well as how to get them moving forward – within the next month or two.

Mr. Foley said that the new transportation planner should also help make progress with this, and he has been on board for about a month now.

Ms. Mallek emphasized that it is an issue that took time, and in Crozet they had made multiple submissions before finally getting a VDOT engineer to approve their suggestions, and those things have taken five years. She noted that they had been told for 20 years that they could not have pillows, but are finally getting them.

Mr. Sheffield said that he is using this as a springboard for his complaint, and stated that it should not take them five years to get resolution to these very small issues. He stated that he found this unacceptable, as these are easy items to tackle.

Ms. Mallek said that what has taken the longest time is changing the entire culture at VDOT, which does not allow the pillows statewide, and they have only recently decided to allow them.

Mr. Boyd said that he shared that frustration about eight years earlier.

Mr. Sheffield said that he is hoping to send a message to staff now that Mr. Gatobu is on board, and he hopes it is a priority for all Board members, not just him.

Mr. Foley said that this is something that staff should clarify, and said there is a level of work they can do without a big Board action – but they should also review the role of County staff versus VDOT, along with a status update.

Mr. Sheffield said that in Mr. Boyd's case, there is a public perception that nothing is getting done, but that is not the case.

Mr. Boyd clarified that the police department and Mark Graham are involved with the Homeowners Association at Fontana, so there was a lot of staff support, but it just took a lot of time to get it done.

Mr. Sheffield stated that it is simply unacceptable to the public to hear that it will take five years to get a speedbump put in, especially given the size of county that Albemarle is.

Mr. Boyd **moved** to adopt the proposed Resolution requesting that VDOT install traffic calming measures on Fontana Drive and that VDOT install and maintain temporary traffic calming measures on Verona Drive until such time that a sidewalk is constructed along Verona Drive. Mr. Sheffield **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

**RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION  
TO INSTALL ADDITIONAL TRAFFIC CALMING MEASURES IN FONTANA SUBDIVISION**

**WHEREAS**, the residents of the Fontana Subdivision have expressed concerns about speeding and pedestrian safety in the subdivision since 2006; and

**WHEREAS**, the Virginia Department of Transportation (VDOT) and the Albemarle County Police Department have conducted multiple speed studies on Fontana Drive (Rte 1765), Verona Drive (Rte 1771) and Olympia Drive (Rte 1770), which demonstrated that Fontana Drive meets the criteria for traffic calming per VDOT's policy; and

**WHEREAS**, staff from VDOT, the Office of Facilities Development, and the Police Department have acknowledged that the traffic and pedestrian conflicts experienced by the Fontana Subdivision residents have been the result of vehicle speed and the lack of pedestrian facilities along the streets; and

**WHEREAS**, on April 9, 2014, the Albemarle County Board of Supervisors adopted a Resolution to request an additional maximum \$200 fine for speeding in the subdivision; and

**WHEREAS**, VDOT and the County have installed measures and conducted enforcement activities to address the neighborhood concerns, but these measures have been ineffective at reducing vehicle speeds and the comfort level of walking and biking residents who must share the road; and

**WHEREAS**, the Board of Supervisors finds that a speeding problem continues to exist on Fontana Drive (Rte 1765) and Verona Drive (Rte 1771), and that it continues to create a potential hazard for pedestrians and residents in the Fontana Subdivision; and

**WHEREAS**, VDOT has recommended that additional traffic calming measures be installed at strategic locations along Fontana Drive, and that temporary traffic calming measures be installed and maintained at strategic locations along Verona Drive until such time that a sidewalk is constructed along Verona Drive.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that the Virginia Department of Transportation install traffic calming measures on Fontana Drive

and install and maintain temporary traffic calming measures on Verona Drive until such time that a sidewalk is constructed along Verona Drive.

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Agenda Item No. 9. Stagnant Water Ordinance.

The executive summary forwarded to the Board states that Virginia Code § 15.2-901 enables localities to adopt ordinances regulating nuisances. Under this authority, in 2009, the County adopted an ordinance to regulate uncontrolled vegetation on certain vacant or undeveloped properties outside the Rural Areas. The existing ordinance allows County staff, after providing notice to property owners, to remove uncontrolled vegetation from certain properties and to charge the owners for the cost of removal. Though the state enabling authority has recently been expanded to allow removal of uncontrolled vegetation from occupied properties as well, the current County ordinance continues to apply only to uncontrolled vegetation on certain vacant or undeveloped properties.

The Board has asked staff to provide information regarding a possible stagnant water ordinance. Virginia Code § 15.2-901 enables a county to regulate nuisances caused by “dangerous or unhealthy substances which have...been allowed to accumulate in or on any place...”. The County currently receives very few complaints regarding standing water on private property, although County staff sometimes discovers stagnant or standing water when investigating a complaint regarding a “junk yard”.

Staff surveyed several localities with stagnant water regulations regarding their enforcement methods and the number of violations each year, among other things. Though a locality’s staff is usually tasked with local ordinance enforcement, many localities reported working in partnership with their local Health Departments, who often provide public education toward voluntary compliance. The attached table (Attachment A) summarizes the findings.

County staff also met with Thomas Jefferson Health District (TJHD) staff in February 2015. TJHD staff indicated receiving only five or fewer mosquito/stagnant water complaints each year in the entire five-county area it serves. Like Health Departments elsewhere, the TJHD currently responds to complaints by educating property owners and seeking voluntary abatement of stagnant waters. However, without an ordinance, the County currently cannot compel the removal of stagnant waters if/when a property owner does not do so voluntarily.

Staff has prepared a draft Nuisance Ordinance (Attachment B) for the Board’s consideration. The Ordinance would treat and enforce stagnant water as another type of nuisance, much as uncontrolled vegetation is handled currently. Specifically, the proposed amended Ordinance would:

- 1) Make it unlawful for any property owner or occupant to allow any stagnant water to remain or accumulate in any swimming pool, hot tub, or other container;
- 2) Provide that, after having given reasonable notice to the owner, the County could remove any stagnant water and bill the owner for the cost of such removal, and that such cost would be added to and collected in the same manner as the real estate tax on such property, with a lien being recorded in the Circuit Court Clerk’s office if such amount remained unpaid for sixty days; and
- 3) Provide that such violations be subject to a civil penalty in the amount of \$50 for the first violation, and \$200 for each subsequent violation, not to exceed \$3,000 in a twelve month period.

Code Compliance Officers in the Department of Community Development would enforce the proposed ordinance in much the same manner as the existing uncontrolled vegetation ordinance, in response to citizen complaints.

Based on the low volume of complaints currently received by TJHD, the adoption of the proposed ordinance is not expected to have a sustained impact on the budget or staff workloads. However, if there are a large number of complaints, there is currently limited staff capacity to administer the additional enforcement responsibilities.

This summary is provided for the Board’s information in considering whether to adopt a stagnant water ordinance. If the Board is interested in adopting such an ordinance, staff recommends that the Board schedule a public hearing for the attached draft Nuisance Ordinance (Attachment B).

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Mr. Ron Higgins, Chief of Zoning, addressed the Board and stated that Community Development and the Zoning Division were asked to look at the issue of whether or not they could deal with a stagnant water issue during the warm months, if it were to become a mosquito haven or a health hazard. Mr. Higgins said that they did some research across the state and conferred on possible ordinances with the County Attorney and staff, and stated that he will provide a report on those findings.

Mr. Higgins reported that Virginia Code enables localities to adopt ordinances that regulate some nuisances, and in Albemarle there is a nuisance ordinance that deals with uncontrolled vegetation, such as high grass – but it is limited to vacant, undeveloped properties, and is done on a complaint basis. He said that the Board has asked staff to explore whether stagnant water is currently covered under ordinances, but it currently is not. Mr. Higgins said they talked to health departments and localities across the state that have stagnant water included in their nuisance list, and most of them received very few complaints. He stated that while they do not have an ordinance dealing with stagnant water, many times

they get complaints about trash and junkyards, and they see containers full of water that may have been sitting there for weeks. Mr. Higgins presented a slide of a business with junk stored onsite, including a series of drums and containers, many of which were holding water. He showed examples of other vessels holding water. Mr. Higgins said that in speaking with the local health department about stagnant water, they explained that their use of the term is limited to anything standing more than a week, with the health hazard being development of mosquitos, and from egg to adult takes one week. He stated that it took less than an inch of water to cause that to happen, and the best prevention is to prevent standing water of any kind. Mr. Higgins said the County has also received complaints about vacant houses, with a big swimming pool in the backyard full of standing water. He presented a slide showing a pool that had been drained, but had begun to collect water again in the bottom of it.

Mr. Higgins stated that staff surveyed a number of localities that have some kind of nuisance ordinance that has stagnant water included in the list. They also met with the local health department's environmental health team, and their process is also complaint-driven. He stated the health department will go out and investigate, and use it as an opportunity to provide information to the property owner that explains the problem and how to prevent it. Mr. Higgins said that 99% of the time, this results in an abatement and a solution to the problem, but without a local ordinance pertaining to stagnant water, the state cannot do anything with just its own regulations. He stated that if localities have ordinances, they can enforce them, and can cause it to be corrected – and bill the property owner, similar to what the County does with uncontrolled vegetation. Mr. Higgins presented a list of localities staff have talked with who have a standing water ordinance, and said that Charlottesville is an exception. He stated that Prince William County is an anomaly, with hundreds of complaints, and they have a whole division in Public Works that deals specifically with this issue. Mr. Higgins said that Prince William does a massive education campaign with handouts and such, but other localities have stagnant water included in their nuisance ordinance, and those health departments will call on local government to help them enforce.

Mr. Higgins said that in working with the County Attorney's office, staff has taken the nuisance regulations section in Chapter 7 and proposed adding stagnant water as a nuisance, making it unlawful for a property owner to allow stagnant water to remain in swimming pools, hot tubs or other manmade containers or vessels. He stated they are talking about manmade containers only – buckets, tubs and pools – with water sitting for more than seven days. Mr. Higgins said the addition will provide that after reasonable notice, the County can remove the stagnant water and bill the property owner, as a civil penalty process. He stated that it will start out with a \$50 first fine and \$200 for each subsequent one, going to \$3,000. Mr. Higgins said the County's Zoning Division has three code compliance officers to cover the whole County, and this will provide for them to respond to a complaint or a referral from the health department. He noted that the health department has assured staff they do not get many of these complaints, about five per year, but when there is a lot of media coverage over things like the West Nile virus, those numbers go up. Mr. Higgins said that this is a warm weather issue that picks up in the summer, so they would expect an uptick in the workload.

Mr. Higgins stated that Mark Graham will be addressing enforcement priorities, and they are not just zoning-related, but also deal with roads, water protection ordinance, and other codes of the County not all done by zoning. He noted that the top priority is for things dealing with immediate health and safety, and stagnant water can become a health hazard as a breeding ground for mosquitos. He said that the Board will consider whether or not they want to pursue an ordinance in the code to add stagnant water, and staff has provided a draft ordinance from the County Attorney's office. Mr. Higgins stated that if the Board wishes to pursue this, they should direct staff to schedule a public hearing.

Ms. Palmer asked if he will be reviewing the definition of "container." Mr. Higgins stated that the number one parameter is that a container must be manmade, as swales and dips in the grass are typically addressed through the water protection ordinance, grading plans and similar measures. He said that staff has received information via email as to different ways you could have standing water, such as a pothole, but that will typically not be stagnant water for seven days and will most likely dissipate. That would be in the construction maintenance of the site itself, including the parking lot, the driveway and the road. Mr. Higgins added they will not be enforcing rules about water standing in the right of way, but virtually anything manmade that can hold water will be a container. He stated that they will not pursue water collection in gutters, as that will be a different issue altogether, and the idea of the ordinance is to get onsite and informing people of things that are holding water.

Ms. Amelia McCulley, Zoning Administrator, said that the current draft ordinance does not have a definition of "container," but Albemarle is purposefully narrow – with most localities being exceptionally broad, not limiting it to manmade and with more of a focus on noxious substances.

Ms. Palmer said that one of the concerns she has is neighbor disputes, because if a pump goes out for a fish pond it may not be fixed in seven days, and asked staff how they will handle these situations.

Mr. Higgins stated that both he and Ms. McCulley have been in the business a long time, and they will handle that the same way they would handle any complaint – they investigate, they try to advise or educate, and try to encourage the owner to correct the problem. He said that if a pump goes out on a fountain and mosquitos are swarming two weeks later, he does not know how staff can differentiate between that and a bucket sitting full of water – but they will pursue both, and the goal is self-correction, not force.

Ms. McCulley said that the goal for all violations is voluntary compliance, but there is more urgency in the case of mosquito breeding grounds. She stated that staff works with property owners to

find out what their timetable is, and as long as they are cooperative and there is a reasonable timeframe and an effort toward resolution, staff is content with that and will monitor it. She said that staff's desire to get in and take measures themselves is a last resort – and that is reserved for when they are not getting cooperation.

Mr. Sheffield asked why letters to residents informing them that they have standing water could not be sent by the County now, just requesting them to take care of the issue, rather than having an ordinance that forces them to. He said that the ordinance gives this some teeth, but a letter from the County might be a catalyst to correct the situation. Mr. Higgins said that if it went beyond the letter, staff will not have anything to point to. He stated that typically, the health department gets the call and they do exactly that – inform the property owner of the potential health hazard, and helps them understand how to get rid of it. Mr. Higgins said that he has been on properties before where he reached over and dumped out the offending water source.

Mr. Sheffield said he wants to make sure they actually need teeth with this, since they can implement the softer measures anyway. Mr. Higgins said that he will say the same thing about overgrown vegetation, and property owners will go out and cut it right away, and those who went for months without cutting it – with an overgrown forest of weeds 15-20 feet tall. He stated that when it reaches that point, the public deserves a response, and if the County does not have the ability to take it to the next step and abate it, then they are not doing much good. Mr. Higgins said that it will not hurt to have it in the ordinance, and despite a possible flurry of activity with a new ordinance, he does not anticipate that it will be a huge problem, based on the experience of other people around the state.

Ms. Mallek asked if he means the huge problem of taking care of it, or of the problem existing. Mr. Higgins said that he does not see it for either, and the numbers they are getting from localities around the state – with the exception of Prince William County – as well as national numbers going back 15 years, are not significant.

Ms. McKeel stated that it is good that staff does not anticipate a big problem with this, but it is important to have an ordinance with teeth. She said that she had received multiple complaints last summer about a swimming pool in an urban neighborhood, and the pool had been unmaintained for five or six years – so an ordinance at that point would have allowed the County to handle it. Ms. McKeel said that what eventually happens is that the renters of the house moved out, and the property owner sent in a pool company to put it back in pristine condition – but no one has rented the property, so the pool is declining again. She emphasized that the County will not likely need the ordinance very often, but when they need it, they really need it. Ms. McKeel said that she has a pool in her backyard and spent one summer with the pump broken and the line was leaking, but there were things she could do to the water to keep the mosquitos from breeding, so it did not become a breeding ground. She added that there are things that people can do, working with County staff and the health department, while they are waiting to get some resolution on a mechanical problem. Ms. McKeel emphasized that this is a real issue for close-in neighborhoods with large areas that have turned into mosquito breeding grounds. She said in that neighborhood, they now have multiple families spraying for mosquitos because of this one issue, and she would like to have the water cleaned up so there are not so many chemicals put down.

Ms. Palmer asked if while they are waiting for the ordinance, the health department cannot do anything about the swimming pools. Mr. Higgins said that the health department will need to address that directly.

Dr. Bonds, Director of Health Department, stated that apart from education and trying to make individuals understand the importance of removing stagnant water, there is not much else they can do. She said that their first goal is to educate, and 90%+ of the time it is enough.

Ms. Palmer asked if they try to educate people when they get a call about a pool, and notify the County. Dr. Bonds said that at this point in time, if they receive a call, they will go investigate the complaint and try to find the owner, and try to educate the individual as to the importance of removing standing water and the health issues associated with it. She said that typically, it will be handled at that moment in time, but if not the department is limited in what they can do, so they will call the County.

Ms. Dittmar said that she has never received an email or call about this in her district, but had a friend call from Ivy to ask about birdbaths and dog bowls. She stated that they need to be careful about containers, especially in the case of watering animals, and she hopes there is not a concern for people that people will be coming onto others' property.

Ms. Mallek said that she does not think that is an issue. Mr. Higgins said that it is complaint-driven, like other issues.

Ms. McKeel said that it is a complaint, so staff will treat it like any other complaint. Mr. Higgins stated that it is unlikely that neighbors will be able to see a bucket of standing water on a 10-acre property, but if for some reason staff is called about it, they will have to get permission to enter that property.

Mr. Sheffield asked for clarification that this ordinance applies only to the development area. Mr. Higgins said that it is for both the development and rural areas.

Ms. Mallek explained that this started in Free Union, where there are smaller lots and people who leave abandoned kiddie pools right at their border and refuse the requests of their neighbors to deal with it.

Ms. Dittmar said that the ordinance language states that this excludes the corporate limits of Scottsville, the Monticello Historic District, and rural areas. Ms. McCulley said that refers to uncontrolled vegetation.

Mr. Higgins said that if staff gets a complaint, they can go to a property and walk up to the front door and talk to the person – but they cannot conduct a search if they do not allow it.

Ms. Mallek said that is true right now, but if the ordinance is passed and they have a complaint, they can investigate. Mr. Higgins said that they can walk up to the front door and ask.

Mr. Davis said that the wording before them is being incorporated within the framework of the nuisance ordinance, and confirmed that the exclusions apply only to specific sections.

Ms. Dittmar asked what is included and what is not.

Ms. Mallek said that the nuisance ordinance exists as it is, and they will be adding paragraph 505.

Mr. Davis stated that the penalties and procedures in Sections 504, 507 and 508 would apply to a violation of the stagnant water provision found in 7-505.

Ms. McKeel said that the stagnant water provision will be embedded into the existing ordinance.

Ms. Dittmar asked if it applies to the Town of Scottsville. Mr. Davis said that it could.

Mr. Boyd noted that there are no jurisdictional boundaries, and this applies to the entire County. Mr. Davis explained that if the standing water is not visible from offsite, and without the consent of the property owner, staff will not go onto the property – unless they have a basis for a complaint and felt it was serious enough that they could get an administrative search warrant. He said that under those circumstances they could enter onto a property, but that is rarely done although it has been done in the past.

Ms. McKeel stated that the reality is that this will play out in an area where there are neighbors close by and being impacted, but is less likely on a large farm.

Ms. Mallek said that anything they can do to minimize the use of mosquito spraying, the better, and people in Northern Virginia neighborhoods are sickened by the chemicals. She stated that she has been taken to task on the radio for “regulating puddles,” which is ridiculous – as this is intended for pools and things like that. Ms. Mallek said that the tiger mosquitos that carry dreadful diseases have already moved from Central America to South Carolina, so they need to be sensible and do something small but appropriate.

Mr. Boyd said that he had received a complaint a few years earlier about a pigpen, which had all kinds of standing water around it, and asked if that would be considered manmade. Mr. Davis stated that the new ordinance had been narrowed to the point that it would not be applicable to that situation.

Mr. Sheffield said that some further education needs to be done for people regarding rain barrels, which can remain stagnant for a week.

Ms. Mallek said that they are sealed, otherwise they do not function.

Mr. Sheffield said that he has seen many open ones. Mr. Higgins said that they should be closed systems, but that is an educational issue also.

Mr. Sheffield said that mosquitos can form in a rain barrel, they just need access.

Ms. McKeel **moved** to proceed with a public hearing on the stagnant water ordinance at the earliest available date. Ms. McKeel **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

Mr. Sheffield stated that this will be a good topic for the neighborhood citizens’ academy, and asked when it starts.

Staff confirmed that it is at the end of April.

Mr. Higgins stated that this is a great idea.

Mr. Doug Walker, Deputy County Executive, said that this will be on the Board’s May 6 agenda for public hearing.

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Agenda Item No. 10. **Work Session:** Community Development Fees.

The executive summary forwarded to the Board states that in December 2007, the Board reviewed a comprehensive fee study presented by Community Development, and directed staff to implement fee increases and establish a policy for regular future fee adjustments (Attachment A). In August 2008, the Board adopted an ordinance to increase the fees for the Water Protection and Building Regulations Ordinances (Attachment B). At the same time, the Board also adopted a policy for biennial fee adjustments using the County's salary percentage increase as a basis for the adjusted fees. As stated in that executive summary, this was done in recognition that over 80% of the County's cost related to applications was associated with staff salaries. In May 2009, the Board adopted fee increases to the Subdivision Ordinance (Attachment C). On August 4, 2010, the Board adopted fee increases to the Zoning Ordinance (Attachment D). The Building Regulations fees have captured the majority of the direct costs associated with that program while maintaining alignment with fees in similar localities. The Water Protection, Subdivision, and Zoning Ordinance fees, although in line with fees in similar localities, capture only part of the program costs, varying between 10% and 50% of the County's costs. The Board's interest when deciding on fee amounts was to maintain alignment with similar localities.

When the biennial fee adjustment policy was adopted in 2008, neither staff nor the Board envisioned the County would experience years with no salary increases or 1% salary increases. Staff delayed consideration of fee adjustments until the combined merit increases would result in at least a 5% change in fees due to the fact that the costs associated with revising the ordinances, updating the information and forms, and educating the customers could exceed the potential revenue increase from a small fee increase. As shown in Attachment E, that threshold was reached in Fiscal Year 2015. Although staff included updating the fees in Community Development's 2014 Work Program, staff was unable to bring this to the Board until now due to their workload.

Staff notes that using salary increases as a basis for future fee adjustments greatly simplifies the process of regular fee adjustments. In considering the policy in 2007 and 2008, the Board recognized that the last comprehensive fee adjustment had occurred in 1991, 16 years earlier. It was recognized that the primary reason for that long delay was, without a simplified approach to fees, the level of effort required to update fees made this a lower priority.

As outlined in Attachment E, the cumulative salary increases since adoption of all three ordinances reached a 5% increase in July 2014. If the Board is interested in including the proposed 2.3% FY16 merit increase in this fee adjustment, the recommended increase would go from 5% to 7.5%. Staff has reviewed the fee increases and determined that a 7.5% increase in advance of the FY16 salary increases would not result in fees exceeding costs. Therefore, staff recommends that the fees be adjusted by 7.5% in anticipation of the FY16 merit increase.

Staff is recommending several new fees for consideration. These include a fee for Special Exception requests, which are a process put into place after the Zoning fees were last adjusted, and new fees associated with wireless facilities in response to changes mandated by the Federal Communication Commission's ("FCC") regulations. With respect to Special Exceptions, staff recommends this fee be the same as that currently imposed for Variations under County Code § 14-207 H of the Subdivision Ordinance, as the work is very similar. With respect to wireless facility fees, staff will determine what fees it recommends following the Board public hearing on the zoning text amendment for the FCC mandated changes, which is scheduled for the April 8<sup>th</sup> Board meeting. Staff plans to include fees that capture the County's anticipated cost of processing the new wireless applications, but will also include a recommendation that would align the fees with other Zoning Ordinance applications. The Board can then consider if reductions from the advertised fees are appropriate.

With a percentage increase, staff recommends the fees be rounded to the nearest dollar to simplify forms and administration of the fees.

While the proposed fee increases follow current Board policy to recover costs, it has been several years since fee increases have been introduced. Staff plans to hold one public roundtable discussion for all three proposed ordinances prior to the public hearings. Following the roundtable, staff will summarize the public comments and will present them to the Board at the public hearing. The Building Regulations Ordinance does not require a Planning Commission public hearing, but the Subdivision and Zoning Ordinances will require a Planning Commission public hearing prior to Board consideration. Staff plans to hold the public hearings for both ordinance amendments at the same Planning Commission meeting.

Assuming the Board adopts a 7.5% fee adjustment effective July 1, 2015, fee revenue is anticipated to increase in FY16 as follows:

- Building Ordinance – Approximately \$90,000/yr
- Subdivision Ordinance – Approximately \$6,000/yr
- Zoning Ordinance – Approximately \$10,000/yr

Cumulatively, this is anticipated to increase Community Development Department (CDD) revenues by \$106,000 in FY 16. Since the development of the FY16 budget preceded the revised fee proposal, the projected additional revenue was not considered as part of FY16 budget process. No additional expenses are anticipated as a result of the fee changes.

Staff recommends that the Board:

1. Direct staff to prepare ordinance amendments that include a 7.5% increase for all fees in the Building Regulations, Subdivision and Zoning Ordinances with an effective date of

- July 1, 2015 or the date of Board adoption, whichever is later, and provide at least one opportunity for public discussion (roundtable) prior to the public hearing;
2. Authorize staff to advertise the Building Regulations Ordinance Amendment for a Board public hearing; and
3. Adopt the attached Resolutions of Intent to amend the fees in the Subdivision and Zoning Ordinances (Attachments F and G).

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Mr. Mark Graham, Director of Community Development, stated that it had been a few years since the County had put new fees in place, and by the Board's policy they are somewhat overdue for this – although salary increases, which were not implemented for several years, had been the basis for consideration of the fees. He said that he wants to review three things with the Board at this meeting: the 2007 fee study as mentioned in the executive summary, the actions that had taken place since 2007, and setting the direction for updating the fees.

Mr. Graham said that the recommendations include improving the data quality of the fees, as there is a lot of confusion about what fees went with what – and that has been accomplished through various ordinance amendments that have been adopted since then. He stated that the second recommendation is to reduce the number of fee titles in the schedule through the simplification and combination of several of them, which has been accomplished through the ordinance amendments. He said that the third was to develop a board-approved cost recover policy, which was discussed with the Board in December 2007, at which time they agreed to a blended approach to fees, seeking to have cost recovery up to 100% when possible, with a focus on consistency of fee amounts with neighboring and similar localities. Mr. Graham said that the fourth recommendation was to adjust the fees based on the budget growth each year, which was accomplished through a Board policy calling for biannual fee increases based on the budgeted salary increases. He noted this was the area they should have been looking at for a number of years, but since there were no increases they did not – and with 1%, the cost of processing the fee amendment would likely exceed the revenue gained by it. Mr. Graham said that the fifth recommendation from the study was to look at the actual time spent to provide the service related to each fee and how it should be captured, and the committee recommended a detailed timekeeping system, which has not yet been addressed. He said that this had been shelved during the recession, but there is a CIP recommendation before them for a timekeeping system that includes the ability to develop this kind of tracking system. Mr. Graham reported that the sixth recommendation was to establish a time period for a comprehensive review of the development fees, which will require that the timekeeping system be in place for a minimum of two years. He stated that an alternative to that if they did not have the timekeeping system would be another comprehensive fee study, but when they did that in 2006 and 2007, the consultant fee was \$200,000 and it required more than 1,000 hours of staff time.

Mr. Graham stated that the fee changes that have happened since 2007 included the building regulations, done in August 2008, which was the easiest because Albemarle's rate structure was such that they could set the fees to recover 100% of estimated direct costs based on workload. He said that in 2008 with the water protection ordinance, they adopted simplified fees in the same timeframe and recovered about 50% of the direct costs. Prior to July 2014, the County adopted new fees related to the Virginia Stormwater Management Program mandate, and those fees were designed to recover 100% of direct costs with the VSMP, and maintain the 50% cost recovery with the other programs – the groundwater and the stream buffers. Mr. Graham said that staff plans to revisit the VSMP program both for updates needed to simplify the administration, and to look at possible fee adjustments in the next year. He stated that the subdivision ordinance was done in May 2009, effective July 2009, and per Board direction the fees were set to achieve 50% of cost recovery, and maintain consistency with fees in similar localities. He said that since 2009 there have been some process improvements related to costs, specifically the elimination of the provision from the ordinance that required subdivision applications to be called up to the Planning Commission, which staff estimated to have generated 10% of direct cost savings. Mr. Graham said that other process improvements were related to efficiency but did not significantly reduce cost, and the reason for that was that the ordinance requirements were not being changed, and staff still has to perform the same review that it has always done – and the only way to cut those costs is to look at reducing some of the ordinance requirements. He stated that the improvement that took the longest was the zoning ordinance, which was done in 2010, and the Board had struggled with that – with two previous public hearings in 2009 and 2010 at which time the Board decided against revising the fees, then directed staff to bring it back. Mr. Graham said that in August 2010, they adopted the fees as originally proposed. He noted that the zoning fees average the lowest recovery of direct costs, based on the PFM study, primarily because legislative matters are very complex and take tens of thousands of dollars of staff time to get to public hearing – and comparable fees in other localities are not set very high.

Mr. Graham presented a slide showing fee revenues from year to year, and said there were three years prior to any of the fees being amended. He said that the biggest jump occurred when building fees and water protection ordinance fees jumped, and there were similar jumps in fee revenue when the subdivision fees and zoning fees were implemented. Mr. Graham pointed out his cursory estimate on what he thought the FY15 revenues would be without the fee changes, noting that it would have taken hundreds of staff hours to get a true estimate as it would require going through all 3,000 applications received. He stated that said fee increases since 2008 have resulted in approximately \$650,000 per year.

Ms. Palmer asked why it will go down so much this year without the fee changes. Mr. Graham said that this was going back to 2008 as a cursory estimate of what he thought the fees would be right now.

Mr. Graham explained that the general fund support required for Community Development would be calculated by taking the expense of the department less the fee revenue collected, and even since the recession, they have been able to significantly reduce the expense of the department and keep it fairly low.

Ms. Palmer asked if that is because there are fewer employees now. Mr. Graham said that most of the operating costs are associated with staff, and his cost calculations attempt to show what the net cost to the department would have been had they never implemented the fee changes starting in 2008, which was about \$650,000 additional per year.

Mr. Graham stated that the first step going forward is to follow the Board policy of revising the fees based on the budgeted salary increases, and as noted there are a few years where there were no changes, and a year with 1% – but looking at the cumulative increases since 2008, the total is approximately 7.5%, assuming that the FY16 budget is adopted with the proposed 2.3% salary increase. Mr. Graham said that the next step will be to consider the public process for revising the fees, and with building regulations that come directly to the Board and do not stop at the Planning Commission first. He stated that the subdivision and zoning ordinances will both require a public hearing before the Commission, followed by a Board public hearing, and in addition staff is recommending holding a roundtable for all three ordinances in advance of the hearing, to hear from the community as to their concerns and impressions.

Mr. Boyd asked if the calculations of the cumulative salary increase includes the 5% VRS-driven increase. Mr. Graham responded that he did not include it, and left it out entirely.

Mr. Graham said that staff feels that a comprehensive fee analysis needs to be done but wants to wait at least two years after getting the timekeeping system in place, so there is enough good data to provide the Board something they can use reliably in making their decisions.

He stated that staff's recommendation is to prepare the ordinance amendments to include a 7.5% fee increase for all three ordinances, to advertise the building regulations for a Board public hearing as soon as it is ready – after holding the roundtable – and that they adopt the provided resolutions of intent to update the subdivision and zoning ordinance fees.

Mr. Boyd said that he and Mr. Graham had spoken recently about a project in the Rivanna District, which is a small addition to an existing church there, and talked about the possibility of scaling the fees down by size of project. Mr. Boyd asked if this is the time to talk about that, or if that is more of a process discussion.

Mr. Graham stated that this has to do with a small rural area church addition, and currently the ordinance requires them to go through the special use permit process. He said that in looking at the Community Development work program, there has been an initiative that keeps getting pushed to the back burner that would look at ways for those types of church additions to be done without going through the special use permit process.

Mr. Boyd noted for fellow Board members that this pertains to a small church that received a death bequeath from one of its parishioners, and the money was all used up in fees before they could fund construction.

Ms. Mallek said that she recalls the discussions after the church in Greenwood came in and thought the County had adopted the changes, so she is shocked to learn it is still languishing out there.

Mr. Graham said that is a situation where they want to put a storage shed behind the church, and the processing cost for the special use permit was more than the cost of the shed, so they were looking at a way to make that an allowed by-right use as long as certain conditions were done – but that has not been addressed yet. He stated that the main objective is to find a way so they would not have to go through the special use permit process for the small changes, because of the cost of processing and the delays of getting it through the public hearing process.

Ms. Mallek stated that the cost will decrease dramatically if it is only a zoning clearance or a special exception. Mr. Graham said that a building permit or zoning clearance would be much less.

Mr. Boyd said that in the case of the church in his district and the fact it is a special use permit, they had to get VDOT involved with it, and had to put in handicapped parking spaces, so it turned into an insurmountable project for this small rural chapel.

Ms. Mallek said that there had been two years of work from 2008-2010, and the Board refused to follow through on what it had supported in the previous two years, but she does not recall going from 50% to 70% of cost recovery, and she thought all of those percentages had been abandoned.

Mr. Graham stated that the fees had first come before the Board in December 2009, at which time they were tabled, and the Board reconsidered them in February 2010 but it was not approved; later in the year it was reconsidered, and the proposal was adopted in August 2010. He explained that the subdivision fees had been recommended by the Planning Commission at 75% of direct cost, but after looking at comparable communities and considering the fees, the Board decided to go to 50% – so the ordinance was adopted with fees that were designed to recover 50% of direct costs, as part of the

subdivision ordinance. Ms. Mallek said that in a chart that had been presented, the numbers showed that Albemarle's fees were miniscule as a per-unit cost, although it looked like a lot with percentages.

Mr. Boyd said that it is not the fees that were out of line, it is the process, and they did not compare the amount of time it takes to get a special use permit or zoning map amendment done, and that is where they are seeing pushback from the business community, because of the delay in the amount of time it takes.

Mr. Sheffield said that it is not just businesses, as he has a resident in Lochlyn Hills who is frustrated by the fact it has taken six months to get a waiver as to where his house can be placed.

Ms. Dittmar said that she and Ms. McKeel have met with Planning Commission leadership to look at the process, and wanted a big component of their joint meeting in June or July to study the process part of this, including the work of the group that had been formed to study efficiency. She stated that they are looking at the fees for the time being, but they can address the process at a future meeting. Ms. Dittmar said that the Board needs to decide if they want Mr. Graham to prepare ordinance amendments with this kind of increase, and then hold a roundtable for good input, and then advertise a public hearing.

Board members agreed that they would like to proceed with the roundtable.

Ms. Palmer asked who is on the roundtable.

Ms. Mallek said that the roundtable includes only members from the business community, who will be the stakeholders in terms of those affected as far as paying – but everyone in the County is a stakeholder paying for the rest of the balance.

Mr. Graham stated that there are lists of people who have asked to be notified about anything related to Community Development, so they shotgun these things to anyone they can think of, as they are trying to be as inclusive as possible.

Ms. Palmer **moved** to adopt the Resolution of Intent to amend the Subdivision Ordinance fees and the Resolution of Intent to amend the Zoning Ordinance fees. Ms. McKeel **seconded** the motion.

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

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

NAYS: Mr. Boyd.

Ms. Mallek said that she is always asking new people in the development community about what it is like to work in Albemarle County, and not once have they said it is worse than every other place they have been. She stated that these developers have worked in Northern Virginia or New Jersey where they have complete accountability, and they have found the staff and the process here to be a dream. Ms. Mallek said that she has been concerned from the beginning about an enormous expenditure for timekeeping, because it seems to have emerged from a lack of trust as to how the basis for this is being reported. She commented that perhaps this is spending money foolishly, and perhaps they can just say the department is doing the best job it could – because it seems they are forcing the Community Development department to chase its tail on a whole lot of things that may not be necessary.

Mr. Foley stated that depending on the direction of the Board, if they want a review of this, it should start with what they have reviewed before as far as how the process works.

Mr. Boyd said that staff will also bring back the results of the roundtable.

Mr. Graham said that they will definitely bring them back.

Ms. Mallek suggested that they also review the 2005 Development Review Task Force's work, which was a tremendous effort by Mr. Graham to streamline the process and consolidating the department into a one-stop shop.

**(The adopted resolutions are set out below:)**

#### **RESOLUTION OF INTENT**

**WHEREAS**, Section 14-203, Fees, of the Subdivision Ordinance (Chapter 14 of the Albemarle County Code) establishes a schedule of fees for services provided for various subdivision and related applications and approvals under the Subdivision Ordinance (the "services"); and

**WHEREAS**, the County conducted an extensive fee study to determine the cost of services provided by the County under the Subdivision Ordinance in conjunction with the comprehensive amendment to Albemarle County Code § 14-203 in 2009; and

**WHEREAS**, since 2009, the County's cost of providing services under the Subdivision Ordinance has increased and the current fees are inadequate to cover the County's reasonable costs; and

**WHEREAS**, it is desired to amend the fee schedule in Albemarle County Code § 14-203 in an amount that corresponds to the County's increased costs to provide those services.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 14-203 to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the subdivision text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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#### **RESOLUTION OF INTENT**

**WHEREAS**, Section 18-35.1, Fees, of the Zoning Ordinance (Chapter 18 of the Albemarle County Code) establishes a schedule of fees for services provided for various zoning and related applications and approvals under the Zoning Ordinance (the “services”); and

**WHEREAS**, the County conducted an extensive fee study to determine the cost of services provided by the County under the Zoning Ordinance in conjunction with the comprehensive amendment to Albemarle County Code § 18-35.1 in 2009; and

**WHEREAS**, since 2009, the County’s cost of providing services under the Zoning Ordinance has increased and the current fees are inadequate to cover the County’s reasonable costs; and

**WHEREAS**, the County has recently added services under the Zoning Ordinance for which no fee has been established; and

**WHEREAS**, it is desired to amend the fee schedule in Albemarle County Code § 18-35.1 in an amount that corresponds to the County’s increased costs to provide those services, and to establish fees for services for which no fee is currently imposed.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-35.1 to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

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Agenda Item No.11. **Work Session:** Transportation Priority Setting.

The executive summary forwarded to the Board states that each year, the Board of Supervisors determines its priorities for funding transportation improvements and transit services in VDOT’s Six Year Improvement Program (SYIP), the County’s Capital Improvements Program (CIP), and the County’s Operating Budget. The list of priorities is derived from a number of sources:

- The Metropolitan Planning Organization’s (MPO) 2040 Long Range Transportation Plan (LRTP);
- The Thomas Jefferson Planning District Commission’s (TJPDC) 2035 Rural Long Range Transportation Plan (RLRP), which includes the non-MPO area of Albemarle County;
- The County’s Comprehensive Plan, associated Master Plans and other allied transportation documents; and
- Other projects and services identified by the public, VDOT and/or County staff and other public agencies.

In the past the Board has approved two separate priority lists each year, one for secondary road improvements (typically reviewed in the Spring of each year in conjunction with the review of the VDOT Secondary Six Construction Program) and a second for primary road, transit, and enhancement improvements (the “primary road priorities” typically reviewed in late Summer/early Fall). From time to time, there has been some confusion as to the relationship between the two lists and questions about how each list affects overall transportation funding decisions.

This year, in an effort to assist the Board’s consideration of the County’s overall transportation improvement needs, staff has put together a comprehensive list of prioritized transportation improvements and transit services (Attachment A). Staff is recommending that the Board approve the list to be used as the basis for the projects that will be funded from the various funding sources noted above. Please note the following:

- This list breaks down and prioritizes the projects eligible for funding by type: *Roads Projects* (by Primary System and Secondary System roads); *Bridge Projects*; *Transit Projects*; and, *Pedestrian, Bike and Enhancement Projects*. It includes projects that were included in the previously approved separate priority lists except for Unpaved Road projects and those projects that have either been completed (e.g., Dry Bridge) or removed from one of the source plans/documents (e.g., Sunset-Fontaine connector and

Southern Parkway have been removed from the priority list based on recommendations in the draft Comprehensive Plan update).

- While there is a placeholder for Unpaved Road projects, the list of projects is still being completed and will be reviewed at a Board work session on May 6, 2015 as part of the Board's consideration of the VDOT Six year Secondary Six Year Road Construction Program.
- This list also includes projects that have already been fully funded in the SYIP.
- Comprehensive Plan/Master Plan projects on the list are those identified as short to mid-term projects (projects recommended to be initiated within the next ten years).
- The potential funding information is a very general assessment of typical funding sources that *could* be used for each project. CIP and Revenue Sharing funds could also be used towards almost all of the projects on the list.

Regarding the recommended priorities within the list:

- Primary system priorities place an emphasis on: 1) improvements to the I-64/Rt. 29 interchange consistent with the Long Range Transportation Plan priorities; and 2) improving the safety, capacity, and operation of Rt. 250 throughout the County. With major improvements to the Rt. 29 North corridor under development, emphasis should now move to providing similar upgrades to the Rt. 250 corridor.
- Emphasis/priority on pedestrian crossing improvements on Rt. 250, Rt. 29, and Rio Road.
- Emphasis/priority for expansion of transit to unserved portions of the Urban Area and Communities (Avon Street area, Hollymead, and Crozet).

The list is intended to provide the basis for County decisions regarding funding transportation improvements and transit services from various funding sources, including the County's CIP and Operating Budget.

The purpose of Wednesday's work session is for the Board to review and discuss the attached information and your transportation priorities. No specific action is requested at that time. The Board is scheduled to hold an additional work session on the Secondary Six Year Plan (SSYP) on May 6<sup>th</sup> with an expected public hearing and Board action on the SSYP in June. Ultimately, a Board approved, prioritized list of transportation improvements and transit services should serve as a basis for determining projects that will be funded in VDOT's Six Year Improvement Program (SYIP), the County's Capital Improvements Program (CIP), and the County's Operating Budget.

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Mr. David Benish, Chief of Planning, addressed the Board, stating that he will provide a quick refresher on the transportation project planning and funding process, which is beneficial to give the Board the context as to how the priority lists are used, and then they will go through and discuss the new format for the priority list and the projects listed on it. Mr. Benish said that he and Mr. DeNunzio had reviewed a presentation last year that gave them some highlights of the process. He explained that the state highways are divided into different systems – there is an interstate system, and primary systems – with those roads having route numbers below 600, serving more as regional network type roads and arterial roads that carry volumes of traffic between regions, intrastate and inter-county roadways. Mr. Benish said that secondary roads are more like local roads that focus on providing local access to properties, and between neighborhoods and areas within the County. He stated that they are local and collector-type roadways, with route numbers of 600 or greater, and said that there is also the urban system that serves the cities in the state as well as two counties that are outside of the secondary system process.

Mr. Benish said that it is important in the review process because the opportunity for localities to comment and make recommendations for improvements in the interstate and primary system fall during the state's six-year improvement program (SYIP) process, and there is an additional process established by the state in which counties and localities have more input into funding for secondary road improvements. He stated that the state requires that the SYIP be adopted each year, and it is a document that guides how available funding is allocated statewide over the six-year period. Mr. Benish said that public input is taken by the Commonwealth Transportation Board at the beginning of the process, usually in the summer or early fall, and the County priority list they have had in the past has been used as the input to the state as to what projects they feel are important to be included in the six-year improvement program. Mr. Benish said that there is also the state's secondary six-year plan (SSIP), and explained that there are state laws that create a partnership between VDOT and localities for secondary system road improvements. He stated that the state process requires Boards of Supervisors to establish priorities for six-year secondary road improvements, and VDOT is responsible for allocating funding to those priorities as the County has established. Mr. Benish said that there is a public hearing process held locally each year, in which the County essentially approves the draft six-year secondary improvement program, which is reflective of the County priorities, and that process will be started in the next few months.

Mr. Benish said that the priority list is where the Board establishes priorities for transportation road improvements, and those priorities are used in the SYIP and the SSIP, as well as by County staff in developing the CIP and considerations for the operational budget specific to transit. He stated that to date, the County essentially maintains two priority lists – one developed specifically for a presentation during the six-year improvement program, and one that listed exclusively secondary road improvements. Mr. Benish stated that those two are reviewed annually and corresponded to the six-year improvement program and secondary six-year process, and the lists of projects on those lists are derived from the

Comp Plan, master plans, the MPO plans, the long-range transportation plan, and the PDC Rural Area Long-Range Plan, which covers the part of Albemarle County that is not in the MPO area. Mr. Benish said that there may occasionally be projects that might be identified by VDOT or staff as unique projects to meet specific needs. He stated that the priority list created does not guarantee funding or construction, and projects are programmed for construction and funding through the state programs he had mentioned – and the list is simply the County's priorities forwarded to the state or used in consideration of drafting the CIP. Mr. Benish said that the list is a long list, exceeding the monies that are likely available over the next 20 years of the plan, and it establishes a prioritized inventory of projects that are needed.

Mr. Benish said the new format before the Board essentially combines the two other lists into one list, and staff put it in a format that is similar to the MPO's long-range transportation plan. He said that staff recommends looking at this project once per year instead of twice, which the Board can discuss as an option, and said that the list will still be used in the same way – for all of the transportation programming processes, the six-year plans and the CIP. He stated that staff feels that the list simplifies information presented to the public from what they currently have, and make it easier for both County and VDOT staff to use. Mr. Benish said that the list includes projects that are on the prior two lists, and the projects added are those identified in the Comp Plan update, or more recently in master plans, and in the long-range transportation plan and rural long-range plan. He said that there is also information that provides potential funding sources, and it marks off the type of funds that can be used but is not necessarily an indication of funding committed to the projects.

Mr. Benish reported that the highest priority project in the MPO's long-range transportation plan is the I-64/Route 29 interchange replacement, and with the funding of the Route 29 solutions projects, five of the projects were the previous top priority projects on the priority list. He said that the next important project on that list is the beginning of improvements to the 250 corridor. In terms of transit improvements, he said that they have identified three transit improvements in the long-range transportation plan that will provide service to unserved or underserved development areas – Hollymead, Avon Street, and Crozet. He said that for pedestrian improvements, they have tried to focus on crosswalks, as they are important to the Route 250 and 29 corridors as well as a portion of Rio Road. Mr. Benish stated that the goal of this meeting is to receive comments on the format and priorities, and said that they can set future work sessions if needed.

Mr. Boyd said that one of the problems he has had over the years is the changing rules from VDOT and how much that impacts the list, and asked how they are going to deal with those from a priority standpoint in the future. He noted that he is referring mostly to rural rustic and secondary roads that have been on the list for years, but have been bumped off and on yet still not completed.

Mr. Benish stated that this usually occurs with unpaved roads, and they are not provided to the Board as part of this report. He said that his impression from VDOT is that there will be more consistency in the application of the standards applied, with the criteria being more liberally applied so there will not be so much back and forth on the list. He stated he is not sure they can guarantee that, as ultimately they are subject to VDOT's interpretation of the standards. They are trying to take the approach that if they qualified on one list they would stay on the list and not be allowed to be bumped back and forth if there is uncertainty as to whether they will consistently stay on the list.

Mr. Boyd said that consistency will be the true answer here, but if VDOT does not reach that point, they should at least reserve a placeholder for them.

Ms. Mallek said they can also take them off, because the standard now is that anyone who calls and wants their road paved – regardless of traffic volume – gets on the list. She stated that there may be many people who live on the road who do not want it paved, and she hopes that all of the Board's comments will be fused to yield improvement on this process.

Ms. Palmer said they will talk about secondary roads in June, and asked if that will be #14 under "secondary roads – unpaved roads/various." Mr. Benish said this is a placeholder for that specific list.

Ms. Palmer said that the public hearing is in June, with the discussion in May, and she wants to figure out how to get people in for discussion because it seems backwards. She asked Mr. Benish if he will be prepared to comment on the roads on the list during the Board meeting in May, so that people can come in for the work session.

Ms. Mallek asked if the June public hearing is the VDOT public hearing, not the County's.

Ms. Palmer said that is when everyone attends.

Mr. Benish clarified that it is to approve the priorities in the state's plan, but the County sets the public hearing.

Mr. Boyd asked if he wants to talk about specific projects on the list at this point. Mr. Benish said that it is up to the Board, and at the higher level this includes larger projects, most of which have been vetted through a planning process already – the Comp Plan and/or long-range plan – so this is just assimilating them and giving them some priority order. He said that if the Board is comfortable with the priorities as set, they can accept them and work from that list, or they can set a future worksession for more discussion.

Mr. Boyd said that he has noted two projects that may be better for a future discussion – safety issues on Polo Grounds Road, and the Ashwood Boulevard extension.

Ms. Mallek said that she is surprised to see Ashwood on the list because it goes through a rural area and should not be something the County is “pre-zoning” by putting it on the list. Mr. Benish stated that in the Places 29 Master Plan, it is timed with the Berkmar Drive extension, and it calls for that interconnection as being important in providing value and potentially capacity benefits to 29 North. He said that the way Places 29 is structured, now that Berkmar Drive is moving forward quickly, raises in that priority for the Board’s consideration.

Mr. Boyd said that he is unsure how to move that forward as a possibility to consider under the Solutions 29 package.

Mr. Sheffield said that he can talk to Mr. Benish on the side and figure out what path to take, and it will require the MPO to consider it, which will mean the Board will need to direct him and Ms. Mallek on it.

Ms. Mallek said that at the one town hall she had attended of Mr. Boyd’s, citizens said no to wanting cars on this, but are in favor of bicycle and pedestrian access, so there is not universal support of moving forward with this.

Mr. Sheffield said that he is not as interested in moving forward as he is with vetting the project, so they know what direction they are going in with it – because items just sitting on a list either fall off or suddenly jump to the top.

Mr. Boyd said that the reason he is bringing it up is because he was under the impression there may be leftover funds from the Route 29 Solutions package that could accommodate this particular connection.

Ms. Dittmar said that they should talk about it under the 29 Solutions item on the agenda.

Mr. Boyd said that it will allow Albemarle High School students to cross without having to go out on Route 29, and it will also be a way to Hollymead Town Center.

Ms. Dittmar suggested that the County may want to hold a work presentation every year for citizens to attend so they have a resource, and it might be good to have that in the spring prior to starting the annual process each year. She said that providing some history of each item will help the Board figure out all the particulars, so they may want to add to their process an update as to how a road gets on the list, how long it has been there, what, if any, actions have been taken, and projection on how long it will take to have it move forward. She stated that HB2 is also going to impact the funding and the process.

Mr. Boyd noted that HB2 is only going to impact primary roads, not secondary roads.

Ms. Dittmar said that they still look at primary roads as part of this process.

Mr. Sheffield asked for an update on HB1887 in their work session, as it applies to secondary roads. Mr. Benish stated that HB2 can impact how they set these priorities in the future, because they will want to measure their ability to meet the criteria, which is still in process. He said that the suggestion for one meeting per year where staff can provide information to the public might be coordinate with MPO to provide a presentation on the process.

Mr. Boyd said that it will also help to explain how the funding works for each of the categories, and said that he is not clear as to whether they will use sidewalk funds for pedestrian and bicycle access or what category that falls into from VDOT’s standpoint.

Mr. Gerald Gatobu, Transportation Planner, stated that staff has information on all transportation assistance programs from VDOT, so he will make sure that they provide this to the Board.

Mr. Boyd said that it will also help to know what qualifies for matching funds.

Mr. Benish said that the list he has provided is a broad-brush assessment of what the project entails and what funding sources might be able to be used, and what Mr. Boyd is seeking is how realistic those sources are and how to make those determinations.

Mr. Benish stated that staff will use the secondary list that is embedded in this report and will continue to use it for the Board, with discussion about it during the secondary process.

Mr. Boyd asked when they will talk about rural rustic or unpaved roads. Mr. Gatobu said that it will be next, at the same time as the secondary process, and asked that the Board email him with any questions about specific roads – such as Doctors Crossing, for which he had recently sent out letters. He said that hopefully in the next month or two they will get things moving along and help ease some frustration.

Mr. Benish said that the Board has indicated wanting more detailed discussion of the process staff used for including projects on the unpaved road list, and staff recommendations about to how to address that process.

Mr. Boyd and other Board members said that they would like to hear that, but Mr. Boyd said that he would also like to emphasize consistency as being the biggest factor. Mr. Benish said that he will make sure to discuss that with Joel DeNunzio, but that has been a difficult thing to solidify with VDOT.

Mr. Boyd said that he realizes it is not in Mr. DeNunzio's control.

Ms. Palmer asked if staff can be prepared to answer questions for constituents who want to talk about specific roads. Mr. Benish said that they will be.

Ms. Mallek said that there are also issues related to some roads that are fine for farm traffic, but now that they are used for wineries, the maintenance of the gravel roads and steep hills is impossible for VDOT to keep up with them.

Mr. Boyd said that sometimes it makes sense just to pave those roads.

Ms. Mallek said that is exactly what she is suggesting.

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**Recess.** The Board recessed its meeting at 3:20 p.m., and reconvened at 3:35 p.m.

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#### Agenda Item No.12. Photosafe Program.

The executive summary forwarded to the Board states that in 2007, the General Assembly enacted Virginia Code §15.2-968.1 enabling localities to establish, by ordinance, traffic light signal photo-monitoring systems. The Virginia Code permits one traffic light photo enforcement location per 10,000 residents upon completion of the required traffic safety engineering studies. The County adopted an ordinance to authorize a traffic light signal monitoring system on August 5, 2009. Under this authority, the County Executive can approve the installation of photo-monitoring systems at up to ten intersections in the County.

On December 12, 2010, the Albemarle County Police Department activated the Photosafe Program, a traffic light signal monitoring system, at the intersection of Seminole Trail and Rio Road. Due to the success of the Photosafe Program, staff has identified another location where the Photosafe Program is recommended for photo enforcement. Staff is also reviewing how the current location at the intersection of Seminole Trail and Rio Road will be impacted by the Route 29 Solutions Project.

Following a traffic safety analysis of the County's top crash locations controlled by a traffic signal, as well as a survey of red light violations and an engineering analysis, the Police Department identified the intersection of Richmond Road and Stony Point Road as the most suitable location for an additional traffic signal monitoring system site. In 2013, the intersection of Richmond Road and Stony Point Road was selected as a recommended second photo monitoring system location. However, due to construction in that area, implementation of the system was postponed. In selecting the Richmond Road and Stony Point Road intersection for inclusion in the Photosafe Program, the Police Department considered the factors set forth in Virginia Code § 15.2-968.1(J), including (i) the accident rate at the intersection, (ii) the rate of red light violations occurring at the intersection, (iii) the difficulty experienced by law enforcement officers in apprehending violators, and (iv) the ability to apprehend violators safely within a reasonable distance from the violation.

Prior to the activation of the Photosafe Program at the Richmond Road and Stony Point Road intersection, the County must do the following: (1) complete an engineering safety analysis that addresses signal timing and other location-specific safety features; (2) if recommended by the analysis, make reasonable location-specific improvements, including signs and pavement markings; (3) install conspicuous notification signs within 500 feet of the intersection; and (4) conduct a public awareness program advising the public that the Photosafe Program is being expanded to the intersection.

The Virginia Department of Transportation intends to begin construction on a grade separated interchange at the intersection of Seminole Trail and Rio Road in April or May of 2016. The traffic light signal monitoring system at that location will need to be removed when that construction begins. If the County elects to permanently discontinue the use of the Seminole Trail/Rio Road traffic light signal monitoring system, the County could owe Redflex Traffic Systems, Inc. any unamortized costs related to that location pursuant to the current contract. The amount, if any, of unamortized costs is currently being determined. Another option is to negotiate with Redflex to move the Seminole Trail/Rio Road traffic light signal monitoring system to another location. One possible site being considered is the intersection of Seminole Trail and Burnley Station Road. Consideration of this and other possible locations is on-going and there is no recommendation at this time.

Albemarle County Deputy Chief of Police Ron Lantz addressed the Board, and said that Crime Analyst Jenny Zalwitz was also present.

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Mr. Sheffield noted that he has been very impressed with the information that has come from Ms. Zalwitz's office, and noted that her position is partially grant-funded and he hopes it can be fully funded in the coming years.

Mr. Ron Lantz said that the executive summary talks about going to a second location, and he wants to focus on three primary topics: a year in review for 2014 at Route 29 and Rio, in comparison to earlier years; Stony Point and Richmond Road, as Col. Sellers had mentioned, which was delayed by a construction issue but has now been analyzed; and the projected impacts of construction at 29 and Rio in 2016.

Mr. Lantz reported that at Rio and 29 there had been 34 accidents in 2014, as compared to 31 accidents in 2012 and 2013 – but in 2011 when they first implemented the system, there had been 46 accidents, with higher numbers typical when a new photo red light was installed. He stated that Ms. Zalwitz had broken the data down into more detail, and in looking at crash analysis, she was able to determine that in monitored lanes – particularly southbound on Seminole and Rio – the actual number of crashes have been reduced. He said that there have also been a reduction in the number of angle crashes, which cause serious injury and are consistent with people running red lights. Mr. Lantz stated that there were more than 6,100 summons issued during Photo-Safe's first year in 2011; it dropped to 5,600 in 2012; and then to 4,600 in 2013. He said that it should be a typical decline in years because people become aware of it, and the number one goal of the program – besides reducing crashes – is to change driving behavior. Mr. Lantz said that in 2013, the system was shut down on southbound Seminole Trail between May 31 and July 9, due to significant mowing there. He stated that in 2014, there were 5,114 total summonses issued.

Mr. Lantz reported that the Photo-Safe cameras were implemented in December 2010, and remained for 30 days as a grace period, so the first data was the full year of 2011. He said that in the first year, there were \$82,000 in violations; in 2012, that number increased; in 2013, the number decreased to \$57,000; in 2014, that was \$54,000. Mr. Lantz stated that the data is based on when an offender pays the fines, so the calendar year assessments are not completely accurate – but provides a baseline for the program as it relates to that intersection.

He said that a lot of people have asked how photo red-light works, and he explained that as a driver approaches the intersection of southbound Route 29, they have a 4.5-second grace period before the camera takes a picture. Mr. Lantz said that the standard is 4 seconds, but the County has provided the extra 0.5. He stated that a picture is taken and sent to Red-Flex along with the video, and the company vets them to see which ones are true violations – and they reject a certain number of them if they cannot determine it is an actual violation, and sends the remainder back to the police department. Mr. Lantz said that there is a sworn traffic officer whose sole function is to review all of the cases sent by Red-Flex and vet even more out. He stated out of the 9,000 he reviewed between 2010 and 2013, that number was reduced to approximately 5,000. Mr. Lantz stated that if a case goes forward from that point, the department is 100% certain that the driver ran a red light, using the combination of the photo and the video. He also said that they received a lot of questions about the right turn on red, and Red-Flex stated that it averages each year that 50% of violations are for right turn on red, and 50% are straight through or making a left turn. Mr. Lantz said that there is a sensor in the right-turn lane that indicates speed and informs the camera as to whether a person slowed down or stopped completely. He said that the system will only ticket for a no-brake right turn on red, and of those about 70% are thrown out each year, giving the benefit of the doubt to the driver.

Mr. Lantz stated that the department did a study of Stony Point and Richmond Road, and since 2013 there have been modifications to the intersection. He reported that there were 12 traffic crashes there between 2010 and 2012, in 2013 there were six crashes, and in 2014 there were 10 traffic crashes. Mr. Lantz said that there is far less volume at this intersection than the estimated 46,000 vehicle trips per day at Seminole and Rio, but there is a lot of traffic. He stated that Red-Flex set up at Stony Point and Richmond on February 24, 2015, and in a 12-hour period there were 351 red-light violations – including right turn on red violations, but also many straight through and left turn violations. Mr. Lantz said that he and Colonel Sellers strongly support putting a red-light camera at that location, and asked the Board in March 2014 to proceed with that. He stated that the benefits will be a reduction in the number of crashes, improvement to driver decision-making related to approaching an intersection and running a red light, and the "red light camera ahead, slow down" signs as required by state code help alert drivers before they get to the intersection, as part of public education before the intersection will go live. Mr. Lantz said that the next step will be to have an engineering study come out to determine the length of the light and grace period; Route 29 and Rio is 4.5 seconds, but the Stony Point/Richmond Road intersection may not be as big and will be up to the engineers to determine.

Mr. Lantz stated that in April to May 2016, the cameras will have to move from the Rio/29 intersection due to construction, and they have been looking at different locations for them – as staff has indicated that it will not be able to go back to the intersection. He said that they have looked at Route 29 and Burnley Station and asked Red-Flex to do a study of that location, but the number of accidents directly related to the intersection were fairly low. Mr. Lantz stated that a December 30, 2014 study showed that 120 northbound cars and 53 southbound cars ran the light in a 12-hour period, making it a potential intersection for the red-light camera.

Mr. Lantz said that a lot of people think that the red-light cameras are money generators, but they are not, and any revenue from the program goes back into traffic safety. He said that they take money and buy kids' helmets for bike safety, put on bike rodeos, buy child safety seats, buy new radar and LIDAR units – so that is not necessarily revenue as it goes back into the community for traffic safety and

prevents them from having to use operating funds. Mr. Lantz said that in using the money for traffic safety, the red light at Route 29 and Rio has helped reduce traffic crashes by 9% since its inception.

Ms. Mallek asked for clarification that the width of the intersection and the time it takes to get through the intersection are irrelevant, and if it is determined by whether you passed the stop bar after the light turned red, plus 4.5 seconds. Mr. Lantz said that the light turns yellow, and 4.5 seconds from that point until it turns red is the grace period. He stated that the picture and the video will not be taken until a vehicle is behind the intersection marker – which is considered running the stoplight – and it will not take your picture if you enter the intersection on yellow.

Ms. Mallek asked if they are planning to do statistics at Hilton Heights, because that is where she sees people running full blast through the red light. Mr. Lantz responded that they have considered it, but are not sure of the impact from construction, and they are envisioning a lot of cut-through traffic as a result of the construction. He added that Hilton Heights is definitely on their radar.

Mr. Sheffield asked if the revenue shown is County revenue, and asked him to explain the split of revenue between Red-Flex and the County. Mr. Lantz said that he does not know the percentage that Red-Flex gets, but the summons is \$50, the maximum civil fine for each violation – but he is not sure of what the split would be. Mr. Davis responded that there is a fixed cost paid per intersection, anything above that is County revenue.

Mr. Sheffield asked if he can get that number at some point. Mr. Lantz said that he will provide it.

Mr. Sheffield stated that stemming from discussions of Greenbrier, he is not supportive of the red-light cameras because he feels that safety should be addressed through infrastructure improvements. He said that he is not sure if Mr. Boyd has discussed the possibility of converting any of the lanes into continuous right-turn lanes rather than implementing this kind of program.

Mr. Boyd said that he had received one email from a person who lived at Stony Point Road who was opposed to it. He stated that the red-light camera at Rio and 29 has changed his habits, because knowing that it is there encourages him to stop.

Ms. Dittmar said that a lot of the violations at the Stony Point intersection are left-turn violations, which is very concerning to her.

Mr. Sheffield stated that he has no doubt there are safety issues, but he dislikes that they are not addressing the safety concerns through improvements that they can make. He said that they went through with the Rio red-light cameras in a time period when there was no money for infrastructure improvements, and he would rather focus on making the traffic move well, rather than penalizing people who are trying to beat the system. Mr. Sheffield said that people should be penalized for running red lights, but from a transportation/infrastructure standpoint, he is not a huge proponent of the cameras – which is the equivalent of putting in traffic-calming measures instead of an officer. He stated that he struggles with not giving ACPD the tools needed to do their jobs and taking additional resources away from the department to do extra initiatives is problematic to him, as he does not want to make a decision that counters what staff needs to get their job done.

Ms. Mallek said that in 2002, they had discussed having a roundabout at Stony Point and Route 250, which would have kept everyone moving slowly and eliminated this problem. She said that prior to getting infrastructure improvements, she was willing to support the red-light camera systems because of the reduction in serious crashes, at least as a temporary measure.

Mr. Sheffield asked if the police department ever gets requests for data to justify accident claims. Mr. Lantz responded that they do get FOIA requests for that intersection.

Mr. Sheffield said that one positive outcome is that there is actually proof for fault of accident. Mr. Lantz stated that he agrees that a change in environment is needed, and if that will keep people from running a red light – and they did not have the camera or accidents – he would be quite pleased, but they have to take advantage of the technology that they have, because they cannot put an officer out there. He said that prior to putting a camera at Richmond Road and Stony Point, he would try to get an officer out there as much as possible, because there are indications of problems with that intersection.

Ms. McKeel said that speaking with Officer Stoddard about what he has observed on the scene of these accidents is very startling, and makes it clear they have to do something as a lot of innocent people are being seriously hurt.

Mr. Sheffield stated that at least this will help provide good data, and he hopes they will do a good job in showing these results to the public.

Ms. Mallek said that she would also like to revisit a conversation that was previously had with the police about the difficulty of personally enforcing violations at those intersections, because there is no way for them to get across the traffic, accelerate to speed from a stop, and catch someone blasting through at 55 mph – and she would much rather take their picture.

Mr. Lantz emphasized that this is a great point, because it doubles the danger for the officer to have to catch the violator.

Ms. Palmer asked if there has ever been a discussion about having a continuous right turn at the Pantops intersection, as there is quite a bit of room for a right-turn lane there.

Mr. Boyd said it has been discussed as part of the Pantops congestion committee, but it is not as easy as it seems to put a right turn lane there, mainly because they do not have right of way and because of the power lines there. He stated that the avoidance is now to cut through Fontana, which is what has generated much of the recent concern.

Ms. Dittmar said that Mr. Sheffield had asked for a vote, but her interpretation is that the County Executive is authorized to go ahead with this.

Mr. Davis stated that there are very specific criteria about the intersections and the County Executive is authorized to approve up to 10 lights maximum, allowed by statute – but this has become more controversial than what was envisioned so they have brought a lot of information to the Board. He said that the County Executive has the authority to go forward, unless the Board provides other direction.

Mr. Boyd said that they had hoped at some point in time that the red-light cameras would become obsolete because of changing patterns.

Ms. Mallek responded that it is getting there.

Mr. Boyd said that is due in part to it being cut off because of construction there.

Mr. Sheffield said he would not agree it is getting there.

Mr. Boyd agreed, adding that the hope was that behavior would be changed so that it dropped below the \$5,000 cost for the vendor.

Mr. Sheffield stated that a few years is not enough time to really define a trend, and said that the hope was that this same theory would work for the bus cameras because people would realize they would be photographed passing a bus.

Ms. Dittmar asked the Board if there is any direction from the Board other than authorizing the County Executive to go forward. Mr. Foley said that he will proceed based on the analysis the police department has done.

Mr. Lantz thanked the Board, and they thanked him.

Mr. Sheffield asked if there is a timeline for the light being installed. Mr. Lantz responded that a study had just been done and they will need to do the rest of it to comply with state code, which includes the signage and public education campaign.

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Agenda Item No.13. **Presentation:** Board-to-Board, April 2015, *a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.*

Item No. 13a. Recognition of Dr. Pam Moran as Region 5's Superintendent of the Year.

Mr. Sheffield recognized Dr. Pamela Moran, who was recently named Region Five School Superintendent of the Year by the Virginia Association of School Superintendents. He said that Region Five encompasses about 20 school systems in Central Virginia, and stated that Dr. Moran had been serving as Superintendent since 2006, oversees 13,000 students and 600 teachers, with graduation rates having increased to 94% with dropout rates at 2%, and SAT and SOL tests continuing to rank highly. Mr. Sheffield stated that under her leadership, Albemarle County was the first school district ever in the U.S. to receive the Magna award – from the National School Boards Association (NSBA) – twice. He said that on a personal note, his daughters were in the school system and it was good to have a Superintendent who cared about the kids.

The Board and meeting attendees applauded.

Dr. Pam Moran addressed the Board and said that she did not typically like awards, but thanked them for presenting the honor and recognizing the 1,200 teachers and 1,200 transportation workers, custodians, cafeteria managers who did what they did so that the students would be as successful as they are.

Item No. 13b. Recognition of Vince Scheivert, National Technology Leadership Award.

Mr. Sheffield stated that Vince Scheivert had recently received the Withrow award, presented by the Consortium for School Networking (CoSN). He said that the award recognized people like Mr. Scheivert who took the leadership to champion technology and foster ways of expanding the learning experience. Mr. Sheffield stated that Mr. Scheivert joined Albemarle County Public Schools, and there have been numerous improvements during his tenure – including improved response times and instituting new technologies for student assessments. He said that his 5<sup>th</sup> grader thoroughly enjoys every aspect of technology, and Mr. Scheivert's leadership has fostered ways to improve children's learning experience through technology.

(The Board members and meeting attendees applauded.)

Mr. Scheivert addressed the Board and said that he shared the award with his team. He stated that while some of his requests generate challenges for the County, they really try to do things that are in the best interest of kids, while not always the easiest to do.

Dr. Moran told a story about Mr. Scheivert while he was attending the CoSN Association of Chief Technology Officers conference in Atlanta, and she received a YouTube video that shows Mr. Scheivert accepting the award and stating that what makes Albemarle special is that they put kids first – even if it requires harder work from the adults.

The Board and meeting attendees applauded.

School Board Chair Ned Gallaway addressed the Board and referenced the “Board to Board Report” as included in their packets. He stated that highlights included Congressman Robert Hurt’s recent visit to Sutherland Elementary, and information about the learning commons at Monticello High School – which is what had earned Albemarle the NSBA Magna award. Mr. Gallaway said that in recognition of that award, there will be an open house event on April 20 in the learning commons. He stated this has been his first NSBA conference attendance, and it was a pleasure to stand in front of 6,000 school board members to receive the award a second time, and he noted that Albemarle was talked about throughout the conference because of that achievement.

Mr. Gallaway reported that Lillian Shue, a junior at Western Albemarle High School, has earned the highest grade of any student in the U.S. competing in the recent Biology Olympiad, which serves 10,000 students as part of the Center for Excellence in Education. He stated that the schools’ robotics team has won a state championship, the scholastic bowl team has won an academic championship, and there were many more accomplishments throughout the year. Mr. Gallaway said that there are several spring musicals planned, including *Beauty and the Beast*, *West Side Story*, and *The Addams Family*. He noted that the Environmental Studies Academy will hold an open house on April 29 from 4:30-5:30 p.m., and the School Board has seen phase one of the lab – which is already in the CIP – with the schematic design already moving forward.

Mr. Sheffield asked if they have changed the last day of school yet. Mr. Gallaway said that the final day is June 9, and noted that they have been able to get some make-up days put into the school calendar this year.

Ms. Mallek commented that it is nice to see many different robotics teams from the schools at the regional event, and said that the program emphasizes team-building and collegiality.

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Agenda Item No.14. **Presentation:** Route 29 Solutions Update.

Ms. Lee Catlin, Assistant County Executive, addressed the Board, stating that the media for Route 29 Solutions is now out in the public in a very aggressive way, and the ads, updates and information is running in 15 newspapers in a 16-county region surrounding the Route 29 corridor. She said that it is also out on 28 TV and radio stations in the same general region. Ms. Catlin stated that there is a whole plan as to how this will be phased over the next 2.5 years, and the imagine really starts to peak in March 2016, remaining at a high sustained level through September/October during the intersection construction time. She said that the County has received a lot of good feedback on the Route 29 Solutions FAQ geared mostly toward neighborhood people, which contains a lot of information about the fire rescue fund and other specific items of interest to neighborhoods. Ms. Catlin stated that staff has gathered a mailing list of approximately 8,000 people that live in the area that will be predominantly impacted by this, and they will be getting a copy of the FAQ in the next week or so. She said that in working with Lou Hatter and other VDOT officials, they are in the process of planning a major employers’ information breakfast, as that is a group staff has not reached out to as aggressively as the businesses and residents of the area. Ms. Catlin stated that staff has done research on employers of 15+, and they will be invited to an open house to discuss how both their customers and employees will be impacted during the construction time.

Ms. Catlin asked if people have been hearing and seeing the ads.

Board members commented that they have been, and said that they were very well done.

Mark Graham, Director of Community Development, reported that at the last Route 29 Solutions meeting, staff got to meet the Lane-Corman team, and started to better understand the sequencing of the Rio Road project, with a 30% or basic level of plan showing the improvements currently being reviewed. He stated that the committee members have received a similar set of plans on the Route 29 widening, which will be discussed at the committee meeting on April 2. Mr. Graham said that the Berkmar project is somewhat behind the other two, and staff is expecting that plan in a few months. He stated that everything seems to be going well with all the projects, and he is very impressed with the construction team, with expectation for a fairly detailed schedule within a few months to show where things stand with various phases of the project – and that seems to be moving forward well. Mr. Graham said that they also had the opportunity to discuss the Best Buy project, which seems to be proceeding well, and there has been construction started there along with advertisements advising people of what is going on. He stated that he appreciates the effort VDOT is making in terms of trying to get the word out on their

website regarding Route 29 Solutions website, and they have done quite a bit of work to improve the way the information flows.

Mr. Boyd stated that he has gotten a significant amount of concern from the people on Proffit and Polo Grounds Road that they will have a huge amount of traffic once the Route 29 widening, and he wonders if this has been discussed at Route 29 solutions – as it needs to be. He said that he had received three calls over the last week regarding near accidents on Polo Grounds Road at the railroad underpass, and people are experiencing road rage incidents there, so things are heating up and needs to be addressed. He stated that when they closed Proffit Road Bridge, they put a temporary light on Polo Grounds Road, and the residents would love to have a permanent light put in there.

Ms. Mallek said that she would definitely support having a permanent light installed. Mr. Graham stated that nothing has been decided yet, and that is still on the table.

Mr. Sheffield said that if there is unanimous support for that on the Board, he would suggest sending a letter to VDOT requesting a permanent – or at least temporary – light.

Ms. Mallek said that if they are going to put it up they should leave it up, as it does not make sense to take it down.

Mr. Boyd stated that the two soccer fields near those roads are putting a lot of young drivers on that, and in addition to that there is a lot of speeding. He noted that people must cross the road to get to their mailboxes because the regulations are such that they can only be on one side of the road, and having them moved so that people do not have to cross the road would be helpful.

Ms. Mallek said that they can request that from the post office if there is a safety issue on the road and after Mr. Herring was killed in Crozet she got that information.

Mr. Sheffield asked if there is consensus to prepare a letter to VDOT requesting the light on Polo Grounds.

Ms. Mallek said that he should also carry the message verbally to the MPO meeting.

Mr. Boyd stated that it will make the residents who live along that road feel better. He also said that the intersection at Route 20 and Proffit Road is becoming a huge problem area, and there had been a young boy killed there a few months earlier. He said that it does not have good site distance and residents would like for VDOT to consider putting a light there. Mr. Boyd stated that it takes him a long time to come out of his neighborhood, and timing it recently it took him four minutes to pull out and turn right onto Route 20.

Ms. Mallek said that the people on Route 20 often travel at 55-60 mph, so there is no way to jump out into traffic. She stated that since there is no right turn lane, a long queue built up when one driver wants to travel north on 20 and the drivers behind him want to turn south toward Pantops.

Mr. Graham stated that staff has discussed the fact that Proffit Road may be used as a possible detour during Route 29 construction, and VDOT is looking at an appropriate response.

Mr. Boyd said that it is already being done now, and he is getting complaints from people who live in the northern section of Proffit Road, because that is the only way they can get out of their neighborhoods – and they are stating that it is becoming increasingly difficult to get out of their neighborhoods.

Ms. Palmer stated that it is confusing trying to get off of Route 250 and get onto Barracks Road, and asked if VDOT will cut off the exit altogether at any point during construction. Mr. Graham responded that there is no plan for that.

Ms. McKeel clarified that Ms. Palmer is referring to the stretch where the Jersey barriers went up the ramp and ran along toward Barracks Road. Mr. Graham stated that he has raised the concern with VDOT as to whether there is enough warning for the westbound 250 traffic, because the merge on the ramp is very short, and whether that traffic is being adequately warned.

Ms. Mallek said that the westbound bypass speed limit should be lowered to 35 mph so that people can safely get out. Mr. Graham agreed, stating that the contractor may need to put up some additional signage, and he is concerned about the merge distance.

Ms. Palmer said that the big barrels extend almost all the way out into the turn lane off of Barracks, and it is very confusing as to what you are supposed to do there, so if they can make that a little more clear, that would be helpful.

Ms. Mallek said that the lack of street lights make it very hard to see. She asked if there has been any discussion about keeping some of the berm with the widening of Route 29. Mr. Graham stated that they are trying to do that, but his concern is the pine trees that will have even less support in the wind as the road is narrowed. He added that they are trying to figure it out.

Ms. Dittmar asked if there is any update available on the Route 29 Solutions plan lawsuit against the Commonwealth, as mentioned by Governor McAuliffe earlier that day, and asked if it is impacting their

progress with the project. Mr. Davis responded that the only information he has heard is that the lawsuit was not served until the last week of March, so it is still in the answer process – and from his observation, VDOT has not changed any of its plans as a result of the suit.

Ms. Mallek asked if the 30-day period will now go to April 20<sup>th</sup> or so. Mr. Davis said that it is 30 days from whenever they are served.

Ms. Dittmar stated that she had received an email inquiring as to the progress of selling bypass right of way. Mr. Sheffield responded that some of it had been bought back.

Ms. Dittmar asked to whom she should refer this person to for information. Mr. Davis stated that he saw the email, and it looked as though the email sender had directed her question to two people who will be able to answer that.

Mr. Graham said that staff is trying to track that in terms of what properties are being made available for sale, and there has been two phases, with a third phase yet that staff has not seen anything on – and most of it is ready to go on the GIS, so people can see what is going on with the properties with a GIS layer that says “Western Bypass right of way.”

Ms. Palmer asked who the right people are to contact for information. Mr. Davis clarified that the VDOT representatives are controlling the process, and staff will communicate with them to establish who their exact contact person is.

Mr. Boyd stated that there is a large development planned for the corner of Polo Grounds Road and Route 29, and there will likely be a lot of construction traffic going on.

Mr. Sheffield noted that it is a by-right development.

Mr. Boyd agreed, stating that the project will probably move along quickly and add to the congestion on Polo Grounds Road.

Mr. Graham said that staff is making sure that VDOT is being kept in the loop.

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Agenda Item No.15. Closed Meeting.

At 4:35 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. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

NAYS: None.

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Agenda Item No.16. Certify Closed Meeting.

At 6:05 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: Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd, Ms. Dittmar and Ms. Mallek.

NAYS: None.

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

Ms. Palmer **moved** to make the following appointments/reappointments:

- **reappoint** Ms. Jennifer Lafferty More, Ms. Mary Gallo, Mr. Jon McKeon, Ms. Beth Bassett, Mr. John Savage and Ms. Alice (Lisa) Marshall to the Crozet Community Advisory Committee with said terms to expire March 31, 2017.
- **appoint** Ms. Alice Lucan to the Crozet Community Advisory Committee with said term to expire March 31, 2017.
- **reappoint** Mr. Richard Lindsay and Mr. Robert Gest III to the Jefferson Area Board for Aging (JABA) with said terms expire March 31, 2017.
- **appoint** Ms. Susan Friedman to the Jefferson Area Board for Aging (JABA) with said term to expire March 31, 2017.
- **reappoint** Mr. Richard Wagaman, Ms. Carole Milks, Mr. Dennis Odinov, Ms. Paula Pagonakis and Ms. Linda Porterfield to the Village of Rivanna Community Advisory Committee with said terms to expire March 31, 2017.

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

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

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Agenda Item No.18. Recognition: CustomInk as one of the 2015 *Fortune* 100 Best Companies to Work For.

Ms. Dittmar reported that she and Ms. McKeel had visited CustomInk to celebrate their recent expansion. The company is ranked on Fortune 500's list of the 100 best companies to work for. She then recognized Team Services Manager, DeLois Wood, and General Manager of In-House Productions, Don Churms.

Ms. Dittmar stated that the company is also ranked the top company in Virginia for which to work, and employs more than 1,300 people nationwide. She said that CustomInk is a leading online provider of custom apparel and accessories for groups and occasions – and believes that T-shirts and other custom products have the power to bring people together and strengthen their sense of community. Ms. Dittmar said that she and Ms. McKeel felt that when they were at the event. She also noted that the company was founded in 2000 and has produced over 50 million T-shirts, currently producing approximately 10,000 T-shirts per day.

Ms. Dittmar said that the jobs at the company include production, printing, production art, customer care, maintenance and technology. She stated that the company opened locally in January 2011, and the CEO stated that the reason they chose Albemarle is because of the ideal location for shipping and the spirit of the community.

Ms. Dittmar said that how they determine the best companies to work for is through distribution of random surveys, whereby employees were asked to talk about their own company in terms of management credibility, overall job satisfaction and camaraderie. She stated that 98% of team members at CustomInk feel great pride in the work they do; 86% feel that their work is more than just a job, citing connections they feel with their customers; and 80% of employees said their managers consistently acted with integrity and care, and provided clear directions and vision for the company.

Mr. Don Churms addressed the Board, stating that the company likes to win awards, but it is really important to them to be one of the top places to work – and they are very fortunate to be in a community that continues to win awards for best places to live. He said that putting those two things together has been very effective for them, and the people the company has hired thus far have been very good.

Ms. DeLois Wood addressed the Board and stated that the company is hiring.

Ms. Mallek said that CustomInk had produced 450 swim team T-shirts for her grandchildren's team last summer, and the company offered spectacular service all around.

Ms. McKeel said that during the tour, she and Ms. Dittmar really did get the sense that employees loved working there, and there is a real camaraderie that is not always felt in a work situation.

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Agenda Item No.19. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

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Agenda Item No. 20. **PUBLIC HEARING: VPSA Bonds.** To receive comments on proposed issuance of general obligation school bonds of Albemarle County in the estimated maximum principal amount of \$10,000,000. The purpose of the proposed bonds is to finance capital projects for public schools. (*Advertised in the Daily Progress on March 16 and March 23, 2015.*)

Item No. 20a. Final Decision on Financing Options.

The executive summary forwarded to the Board states that the Board received preliminary information on February 4, 2015 (Attachment A) and additional information from the County's Financial Advisor on March 4, 2015 (Attachment B) regarding a Plan of Finance for expenditures already budgeted for, appropriated, and to a large extent expended from the School Division's CIP fund. The proposed Plan is to issue debt in advance of the County's usual biennial financing cycle to pay for cash funded project expenditures already incurred or anticipated to be incurred in FY 15.

The County's annual budget process includes the Board's adoption of a Reimbursement Resolution, which allows the County to spend cash on appropriated capital projects and then reimburse itself once loan proceeds are secured. The County needs approximately \$9.5 million in bond revenue in FY15 to reimburse cash funded Schools CIP expenditures through June 30, 2015. The recommended Plan of Finance would not jeopardize the County's current credit rating. It would allow the County to maintain adequate cash and fund balances and to take advantage of the current low interest rate environment.

The County's Financial Advisor, Davenport and Company, presented a funding strategy overview to the Board on March 4, 2015 (Attachment C). The Board approved the dual-track approach

recommended by Davenport, which would authorize borrowing approximately \$9.5 million for the School Division CIP in FY15 to support the projected expenditures through June 30, 2015. The Plan directed staff to pursue both a Direct Bank Loan financing option, as well as a Virginia Public School Authority (VPSA) "Spring 2015" pool financing option.

A public hearing is advertised for the April 1, 2015 meeting to consider the VPSA option. The Board is required to hold a public hearing prior to adopting a resolution authorizing the issuance of bonds in connection with the VPSA financing option. The Albemarle County School Board adopted a resolution on March 12, 2015 authorizing participation in the VPSA "Spring 2015" pool in order to secure the \$9.5 million in project costs. No collateral is necessary for VPSA financing. The interest rate(s) for VPSA financing will not be known until bonds are sold in late April.

Davenport solicited bids from local, regional, and national banks in order to determine whether it is in the County's best interest to pursue a Direct Bank Loan financing option through the County's Economic Development Authority (EDA) or whether the County would be better served to participate in the VPSA "Spring 2015" financing pool. The bidding for the Direct Bank Loan financing option will close on March 25<sup>th</sup>. Davenport will present its recommendation to the Board on April 1<sup>st</sup> regarding whether it is in the County's best interest to pursue the EDA lease financing through a direct bank loan or by a VPSA school bond. At the EDA's March 18, 2015 meeting, the EDA was provided an overview of the Direct Bank Loan financing option. The EDA is willing to proceed if the Board decides to pursue financing with the EDA, should that be necessary for the Direct Bank Loan financing option.

The specific projects related to this financing are included on the attached list (Attachment D).

The FY16 budget includes an estimated debt service amount for this debt. It is unlikely that the actual interest rate will be more than the estimated rate used to calculate the debt service amount. Accordingly, the FY16 budget, as proposed, anticipates and includes the anticipated debt service payment related to this financing. Staff anticipates that the budgetary impact for FY 16 will not be substantially impacted by the financing option that is chosen.

Staff recommends that the Board approve either the VPSA financing option or the Direct Bank Loan financing option based on the information shared Wednesday. Should the Board decide to authorize participation in the Spring 2015 VPSA financing pool, the Board must adopt the proposed Resolution Authorizing Issuance of a General Obligation School Bond (Attachment E). Should the Board decide to utilize the Direct Bank Loan financing option, the Board must adopt the proposed Resolution Approving a Plan of Lease Financing with the Economic Development Authority (Attachment F). (The Resolutions will be updated prior to the meeting to include necessary information not currently available.)

The County's current contract with Redflex expires on December 30, 2016. The County has the option to renew the current contract for two additional two (2) year terms. Notice for the first extension must be given to Redflex by December 1, 2016. The contract and all renewal terms will expire on December 31, 2020.

No County funds have been required to support this program. Redflex assumes the preliminary costs associated with expansion of the Photosafe Program (cameras, signs, engineering safety analysis, signs, etc.). Net revenue to the County from the Photosafe Program was \$70,271.71 in FY 13 and \$45,901.01 in FY 14. This revenue is designated solely for traffic safety programs. The expansion of the Photosafe Program will continue to be supported by revenue from civil penalties assessed for violations of the Traffic Light Signal Monitoring Systems Ordinance, and any additional net revenue would be designated solely for traffic safety programs.

Unless given different direction by the Board, the County Executive intends to authorize the expansion of the Photosafe Program to include a traffic light signal photo-monitoring system at the intersection of Richmond Road and Stony Point Road upon its meeting all of the Virginia Code requirements.

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Ms. Betty Burrell, Director of Finance, addressed the Board, stating that the public hearing pertains to \$9.5 million in school CIP financing and noted that they had discussed the item in February and March. Ms. Burrell stated that the Board had already approved and appropriated the expenditures, but the cash was expended at a pace faster than anticipated, so the County is borrowing money ahead of the normal borrowing schedule. She said that at the conclusion of the public hearing, staff would talk with the Board about their options, including recommendations of both financial advisors and staff.

The Chair opened the public hearing.

There was no comment from members of the public, and the Chair closed the public hearing.

Ms. Dittmar stated that Davenport and Company would address the Board.

Mr. Courtney Rogers addressed the Board, stating that his partner David Rose had presented to them at an earlier meeting and discussed available options, and stated that the County had sent out an RFP to local, regional and national banks. He said that at that time it was uncertain whether a 20-year fixed rate would be available, so they asked for a 15-year rate, but several 20-year fixed rates were offered, including one excellent rate. Mr. Rogers stated that this is due to an accelerated project and is not part of the normal borrowing cycle they will be going back through next year, as typically they borrow

every other year. He said that the other option is the Virginia Public School Authority, so if the Board decides not to go with the private option, they can go with the VPSA. Mr. Rogers noted that he had provided a comparison of options in their report.

Mr. Rogers reported that interest rates have been very volatile so far this year, and fortunately have come back down recently, so they are able to get some very competitive rates from the banking institutions that had provided proposals. He said that since they had run the analysis several days ago, interest rates have edged up slightly. Mr. Rogers stated that they sent the proposals out on March 6, and on March 25 received proposals from five institutions: American National Bank out of Danville, Bank of America, Cardinal Bank from Northern Virginia, Capital One, and Key Bank. He said that on the 20-year rate, they received offers from American National, Cardinal and Capital One – and Cardinal Bank had the best rate at 2.35%, with American National next at 3.36%. Mr. Rogers said that they also asked for a line of credit, with one response from American National, and because the banks were so receptive to the either/or proposition for 15 or 20 years, there is only the one line of credit offer. He stated that the Cardinal Bank proposal provided up to \$10 million borrowing capacity, a rate of 2.20% for 15 years and 2.35% for 20 years – with the call date for refinance being any time, versus 10 years with VPSA. Mr. Rogers said that the terms of the loan could be prepayment at any time, without any penalty, with five days' notice. He stated that the bank would need to be informed by April 6 as to whether the County is moving forward with them, with closing by April 30. He stated that one additional covenant is to provide audits within six months, which is typical.

Mr. Rogers stated that Davenport has produced an estimated debt service schedule on this 20-year transaction, with approximately \$610,000-\$612,000 per year anticipated for debt service, with total debt service being \$12,237,000. He noted that his report includes a comparison to the VPSA estimate, prepared on the same day that the bids were received. Mr. Rogers said that the rates will change – as interest rates can go down or up – and the bank will sell the bonds on April 23. He stated that the rates are very structured and would not have any principle as they are set up date-wise in FY16, so the first principle does not take place until FY17 and that is the way the bonds had to be structured. Mr. Rogers said that the direct comparison between the two offers compares \$12.2 to \$12.8, with the VPSA schedule being about \$600,000 higher based on the market rates that day. He stated that FY16 has a slight increase in debt service due to the timing and the nature of the VPSA dates and the way they are structured; the County's loan will start amortizing a bit sooner – but the savings realized will be \$576,000 based on the market on that day. Mr. Rogers said that Davenport's recommendation is to move forward with the Cardinal Bank transaction at a fixed 2.35% rate for 20 years, which is 1% better than the next-best bid. He noted that by taking this offer, the rate will not change and they will close by April 30, and the prepayment penalty is much better with Cardinal as a call anytime versus a 10-year call with VPSA. Mr. Rogers said that either debt issuance stayed within all the County's fiscal policy guidelines.

Mr. Rogers said that the next steps will be the School Board meeting the following day, at which time they will have a resolution to approve this, and on April 14 the EDA will have to approve some documents as well, with closure estimated for the week of April 20.

Ms. Palmer commented that she is stunned at how low the interest rate is.

Ms. Mallek asked Mr. Rogers if they had experience with Cardinal Bank, as she wants to make sure they are not going to fold. Mr. Rogers said that the bank is located in Northern Virginia, and Davenport has closed a number of transactions with them for other clients.

Mr. Foley stated that in addition to the savings from the bid comparison, this is also a savings to the County's CIP over the five years of about \$600,000, to help meet other capital needs.

Ms. Dittmar asked if there are other considerations beyond the direct cost savings. Mr. Rogers responded that the key is the interest rate and taking the risk off the table, and said that there are numerous marketplace factors that affect the rates. He said that the prepayment penalty is also an advantage, even though a rate that low will make it unlikely for the County to want to refinance this – although it is possible that a 1.5% rate might become available within the term of the loan.

Ms. Mallek said that the County has repackaged debt in the past, so this will provide the flexibility to do that.

Ms. Dittmar asked Mr. Foley to clarify for the public what the money will be used for, as it is not going toward new projects. Mr. Foley stated that he will let staff address that.

Ms. Burrell said that this includes Agnor-Hurt Elementary additions and renovations, contemporary learning spaces, Henley Middle School auxiliary gymnasium addition, Murray High School addition, school maintenance and replacement, school security improvements, and telecommunications network upgrade.

Mr. Davis stated that the action the Board would be recommended to take is to adopt the updated resolution before them at Attachment F, as prepared by bond counsel, and said that the resolution will approve the plan of lease financing for the Economic Development Authority. He noted that Chris Culp from Hunton & Williams bond counsel is present if the Board has any questions about the process.

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

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

**A RESOLUTION APPROVING A PLAN OF LEASE FINANCING WITH THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA, APPROVING THE FORM OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE SAME**

**WHEREAS**, the Board of Supervisors (the "County Board") of Albemarle County, Virginia (the "County"), desires to finance the costs of various capital improvements for school and other governmental purposes, including but not limited to (a) additions to and renovations of Agnor Hurt Elementary School, (b) redesign, renovation and refurbishment of existing classroom, library and other school facilities, (c) addition of an auxiliary gym and other related space to Henley Middle School, (d) additions and renovations to Murray High School, (e) maintenance and replacement projects at existing school facilities, (f) security improvements, modifications and renovations to existing school facilities and (g) upgrades to the County's telecommunications infrastructure (collectively, the "Project");

**WHEREAS**, the Economic Development Authority of Albemarle County, Virginia (the "Authority"), was created under and is authorized to exercise all the powers set forth in the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49, Code of Virginia, as amended (the "Act"), which include, among other things, the powers (a) to make loans to, among others, a county in furtherance of the Act, (b) to finance or refinance facilities and lease facilities for use by, among others, a county, (c) to issue its revenue bonds, notes and other obligations from time to time for such purposes and (d) to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source, as security for the payment of principal of and interest on any such obligations;

**WHEREAS**, the County Board desires to undertake the Project through a lease financing structure with the School Board of Albemarle County, Virginia (the "School Board"), and the Authority, pursuant to which the County and the School Board would lease the Agnor Hurt Elementary School property (as more specifically described in the hereinafter defined Prime Lease, the "Premises") to the Authority pursuant to the terms of the Prime Lease (as hereinafter defined) and the Authority would lease such real property back to the Authority pursuant to the terms of a Lease Agreement (as hereinafter defined);

**WHEREAS**, the County Board has requested that the Authority (a) issue one or more series of lease revenue bonds or notes (collectively, the "Bond") pursuant to the terms of the Lease Agreement, (b) loan the proceeds of the Bond to the County pursuant to the terms of the Lease Agreement to pay the costs of the Project, including all or a portion of the costs of issuing the Bond, and (c) secure the repayment of the Bond by a lease of the Premises to the County and the School Board pursuant to the terms of the Prime Lease (as hereinafter defined) and the Lease Agreement;

**WHEREAS**, the County has requested Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor"), to solicit bids from banking and other financial institutions for the purchase of the Bond; and

**WHEREAS**, there have been presented to this meeting drafts of the following documents (collectively, the "Documents") that the County proposes to execute in support of the transactions described above, copies of which shall be filed with the records of the County Board:

(a) Prime Lease (the "Prime Lease"), between the Authority, the County and the School Board, pursuant to which the County and the School Board will lease the Premises to the Authority; and

(b) Bond Purchase and Lease Agreement (the "Lease Agreement"), between the Authority, the County, the School Board and the Bondholder (as hereinafter defined), pursuant to which (1) the Authority will issue the Bond, (2) the Authority will agree to sell, and the Bondholder will agree to purchase, the Bond, (3) the Authority will use proceeds thereof to finance the Project and (4) the Authority will lease the Premises to the County and the School Board.

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:**

1. The following plan of lease financing for the Project is hereby approved: (a) the Authority shall issue the Bond in a principal amount not to exceed \$10,000,000, (b) the County and the School Board will lease the Premises to the Authority pursuant to the terms of the Prime Lease, with an expiration not later than December 31, 2040, and (c) the Authority will lease the Premises back to the County and the School Board pursuant to the terms of the Lease Agreement, with an expiration not later than December 31, 2035. The County will undertake to make payments to the Authority of basic rent ("Basic Rent") and additional rent ("Additional Rent") under the terms of the Lease Agreement in amounts sufficient to pay when due the principal of, and premium (if any) and interest on the Bond and to pay the fees and expenses of the Authority. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bond will be limited to the payments of Basic Rent and Additional Rent received from the County. The undertaking by the County to make payments of Basic Rent and Additional Rent will be subject to appropriations from time to time by the County Board of sufficient amounts for such purposes. Upon an event of default

or an event of non-appropriation by the County Board under the Lease Agreement, the Authority shall have the right to exercise any remedies provided in the Lease Agreement, including the right to terminate the Lease Agreement and exclude the County and the School Board from possession of the Premises for the remainder of the term of the Prime Lease. The Bond will be secured in part by an assignment to the Bondholder of the Authority's rights to receive payments of Basic Rent. This plan of lease financing shall contain such additional requirements and provisions as the County Executive (which term for purposes of this Resolution includes any Deputy County Executive) may approve and determine to be in the best interests of the County.

2. Subject to the pricing parameters of the Bond described below, the County Board hereby authorizes the County Executive, in consultation with the Financial Advisor and the Authority, to review the bids received and to select the bid that the County Executive determines to be in the best interests of the County. The banking or other financial institution submitting such winning bid shall be selected as the bondholder (the "Bondholder").

3. The County Executive is authorized and directed to execute the Documents, which shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Executive, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. In making completions to the Lease Agreement, the County Executive shall provide for payments of Basic Rent on terms equivalent to the Bond, which (a) shall mature in installments ending no later than December 31, 2035; (b) shall have an aggregate principal amount not exceeding \$10,000,000; (c) shall have an initial interest rate not exceeding 4.50% per year; (d) shall be subject to optional redemption on such terms that the County Executive and the Chairman or Vice-Chairman of the Authority determine to be in the best interests of the County and the Authority; (e) shall be sold to the Bondholder at a price not less than 100% of the aggregate principal amount thereof; and (f) may be structured either as a long-term, short-term or line of credit financing, as the County Executive and the Chairman or Vice-Chairman of the Authority determine to be in the best interests of the County and the Authority. Following the sale of the Bond, the County Executive shall file a certificate with the records of the County Board setting forth the final terms of the Bond and the Lease Agreement. The actions of the County Executive in approving the terms of the Bond and the Lease Agreement shall be conclusive, and no further action shall be necessary on the part of the County. As set forth in the Lease Agreement, the County undertakes to pay from legally available funds such "late charges" and other charges as described therein.

4. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all actions necessary or desirable in connection with the execution and delivery of the Documents and the completion of the lease financing.

5. The undertaking by the County to pay any amounts under the Lease Agreement shall be limited obligations payable solely from funds to be appropriated by the County Board for such purpose. Nothing herein or in the Lease Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

6. The County Board believes that funds sufficient to make payment of all amounts payable under the Lease Agreement can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the County Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future County Boards do likewise during the term of the Lease Agreement. The County Board directs the County Executive, the Director of Finance or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Lease Agreement an amount sufficient to make the payment of all amounts payable under the Lease Agreement. Within 10 days after adoption of the County's annual budget and related appropriation resolution, but not later than 10 days after the beginning of each fiscal year, the County Executive is authorized and directed to deliver to the Authority and the Bondholder a certificate stating whether an amount equal to or credited to the payment of Basic Rent and Additional Rent that will be due during such fiscal year has been budgeted and appropriated by the County Board. So long as the Bond is outstanding, if at any time during any fiscal year of the County, the amount appropriated in the County's annual budget in such fiscal year is insufficient to pay when due the amounts payable under the Lease Agreement, the County Board directs the County Executive or Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the County Board a request for a supplemental appropriation sufficient to cover the deficit.

7. (a) The County covenants that it will not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause the interest due on the Bond to be includable in the gross income of the holder thereof under existing statutes. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the funds received under the Lease Agreement, unless the County receives an opinion of nationally recognized bond counsel

that such compliance is not required to prevent interest on the Bond from being includable in the gross income for federal income tax purposes of the holder thereof under existing law.

(b) The County covenants that during the term of the Lease Agreement it shall not permit the proceeds of the Bond or the facilities financed therewith to be used in any manner that would result in (a) 10% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of such facilities, (b) 5% or more of such proceeds or facilities being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the holder thereof under existing law, the County need not comply with such covenants.

8. Such officers of the County as may be requested by bond counsel for the County are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Lease Agreement in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with bond counsel for the County, and such elections shall be made after consultation with bond counsel.

9. All costs and expenses in connection with the undertaking of the Project and the issuance of the Bond, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel for the Authority, the Bondholder and counsel to the Bondholder, shall be paid from the proceeds of the Bond or other legally available funds of the County. If for any reason the Bond is not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

10. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

11. All other actions of the officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of this lease financing are approved and ratified.

12. All resolutions or parts of resolutions in conflict herewith are repealed.

13. This Resolution shall take effect immediately.

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Agenda Item. No. 21. **PUBLIC HEARING:** To receive comments on Proposed Operating and Capital Budgets for FY 2015/2016, and Calendar Year 2015 Tax Rates. (*Advertised in the Daily Progress on March 22, 2015.*)

Mr. Foley stated that he will provide an overview of the originally proposed budget brought to the Board a few months earlier, as well as a list of potential adjustments the Board is considering and will hear public comment on it at this hearing. He said that this information has gone through extensive review, public engagement, public meetings, 13 town hall meetings, a public hearing, community stakeholder meetings, and extensive information including presentations on the County's website and the Engage Albemarle software online, which allows the public to interact in the process. Mr. Foley stated that staff has also distributed handouts that provided additional details.

Mr. Foley said that every year as they put their budget together, they start by looking at the County's vision: "We aspire to be a thriving county anchored by a strong economy and an excellent education system, that honors its rural heritage, scenic beauty, and natural and historic resources while fostering attractive and vibrant communities." He stated that this is an important vision used to help drive the decisions and proposals made going forward, and as an organization that is trying to thrive and excel, there has been excellent work done by staff and the two boards – School Board and Board of Supervisors – to achieve a high level of excellence. Mr. Foley said that both schools and local government have been recognized with a list of accomplishments, as presented to the Board. He stated that they have talked over the last year about the challenges the County is facing, and some of them in the five-year financial plan have also shown up in the one-year plan. Mr. Foley said that some of the things they have talked about fairly extensively with the community, as included in the proposed budget, are those challenges. He explained that some examples includes police staffing on a per-capita basis, and in 133 jurisdictions in Virginia with law enforcement agencies, the County ranked 126<sup>th</sup> because of low police staffing levels. Mr. Foley stated that the County is down 23 positions in the Department of Social Services, according to state standards, with staff there working at 163% of capacity and overtime expenses increasingly dramatically since 2009. He said that in the school system, the County is challenged by a changing demographic of students, which has led to increasing numbers in those receiving free and reduced lunch – with those numbers up 44% between FY10 and FY15.

Mr. Foley stated that they talked about these challenges during their five-year financial plan and tried to project revenues and expenditure needs, and in looking at the graph provided, the top line

represents the projected expenditure needs – to focus primarily on core services and keeping up with enrollment growth in schools, and population growth in the County. He said that the bottom line represents where staff feels the revenues will be over that period of time, and the gap represents the challenge they are facing as they started to develop the budget. Mr. Foley noted that they had some success in partially closing that gap, at least in the first year, and he will address some things in this budget proposal that have helped to do that and what they have had to do to achieve it.

Mr. Foley said that this budget takes some steps toward their vision, but is very focused on critical core needs because the revenues are not there to go beyond some of those items, represented in the struggle the County is facing. Mr. Foley said that the budget does meet state and federal mandates in terms of water protection and water quality, and addresses the operating impacts of some new facilities opened – a fire station and two libraries that have opened over the last few years, which now have operating impacts. He stated that in terms of supporting an adaptable and efficient organization, the County has continued to have an innovation fund, which sets aside a small amount of money to provide an incentive for staff to come up with new ideas and creative ways to save money and drive efficiency in the organization. Mr. Foley said that local government and schools have proposed at the staff level to work on other opportunities for efficiency to save money and improve services.

Mr. Foley stated that this budget targets a salary increase for classified employees in school and local government, as well as teachers, using market information to develop a proposal that will keep the County competitive and diminish the possibility of losing staff to other localities. He said that the budget also supports staff capacity by putting more money into training and professional development needs, for what is actually a smaller staff than the County had through the recession years. Mr. Foley stated that this budget has funded new police officers and social services workers, and makes some big steps towards fire and rescue needs. He reported that there is a \$4 million increase for the school system, to support their needs and enrollment growth, increased costs for the regional jail system, increased pay for performance salary increases for staff, health insurance increases, and increases support for regional library services.

Mr. Foley said that in order to achieve those things, they had to make some tough decisions because of the challenges mentioned. He stated the money that would typically be sent to the capital improvement program for future investments, because of the struggles to meet core service needs. He said that changes in the school system, such as increased free and reduced lunch students, have put pressure on core services, which have forced them to make tough decisions to redirect money from the capital program for some things that might be considered enhancements rather than core. Mr. Foley stated that this strategy moves about one penny of the tax rate from capital to operating; however, things taken out of the CIP are things that might be considered enhancements rather than core. He said that the Acquisition of Conservation Easement (ACE) program has been reduced, the sidewalk construction program is reduced, and modernization of schools is also reduced in favor of core needs. Mr. Foley noted that the CIP continues with all other items approved through the process – including the maintenance of current facilities at a high level, as well as critical public safety needs such as the firing range, a new court system, and a 911 system that needs to be replaced. He said that the budget includes a one-cent tax increase, as was the original proposal, to pay for the increased demands in the fire rescue system – and because there are significant changes needed and significant growth in that area to meet service demands, there is a penny dedicated in a separate segregated fund to show the public exactly where the money is going and why it is needed for that critical core service.

Mr. Foley reported that the Board has spent the last month reviewing the originally proposed budget that came from the County Executive and staff, and has looked at the things they felt were important and critical. He said that Board members have developed a list of items for consideration to reflect their own priorities and to solicit input from the public, and have proposed an increase of 1.5 cents more maximum on the real estate tax rate, to consider whether some of these things are important enough to fund. Mr. Foley stated the things that have been adjusted for the public hearing, based on the Board's review, are for the real estate tax rate to increase – in addition to the one cent for the fire rescue fund – another 1.5 cents to pay for some other priorities. He said that the County has received a little bit of extra revenue from the state, approximately \$400,000, and there is one-time money available to pay for one-time items such as small capital projects that will not have an ongoing impact.

Mr. Foley stated that the Board had \$3.2 million available based on the proposed increase, and referenced a list of items for consideration and possible funding: additional support for the school system of \$750,000 to close the funding gap between the proposed level of funding and the extra needs they have identified; starting the employee salary increase a quarter earlier, as a way to accelerate getting to market levels sooner; reinstating ACE funding by \$250,000; increasing the Bright Stars program to help underprivileged pre-K students; and adding two traffic safety officers to address speeding in neighborhoods, two additional social services worker, and a new natural resources manager – as well as some other small budget items.

Mr. Foley said that the County budget will total \$375 million, with 43% of revenue coming from real estate and personal property taxes; 22% coming from sales tax and meals tax; and the rest coming from the state – most of which goes to the school system to support their operations. He stated that use of fund balance, federal revenue, and money borrowed for the capital program made up the remainder of the pie. On the expenditure side, he said, about 54% is going to the school system for operations, debt service on capital projects; and about 42% goes to general government including debt and capital; with 4% going to the City of Charlottesville for revenue-sharing. Mr. Foley said that this is a 6.6% increase over the current fiscal year, a 4.4% increase in combined operating expenditures between schools and local government, an 18.2% increase in the capital budget, and is built on a 2.5-cent increase in the tax

rate, or 82.4 cents on \$100 of assessed value. He stated that revenues have grown modestly, increasing 4.4% for the general fund; and there are modest increases in property values, with the average home going up about 2.6%, varying depending on the property. Mr. Foley said that state and federal revenues are up slightly at just 2.2%. He stated that during the recession, the average tax bill had decreased but is now slowly starting to increase, and for the first time since then, the proposed tax rate will mean that the bill will exceed the 2009 level – with an average \$120 increase over the current year.

Mr. Foley stated that the process the County follows to establish the budget is to look at its strategic plan and direction, then put it into financial terms in a five-year financial picture, which then leads them to the annual budget process. He said that the challenges have been talked about throughout the process, and they will not go away with the budget proposed – so the Board and staff have proposed the formation of a citizen committee to get the public more involved in looking at the challenging issues and talking to the County about the aspirations of the community and how to get there. Mr. Foley emphasized that the proposed budget addresses core needs and tries to make some step forward, and the County recognizes that they will have to think about how to fund the future in order to meet the needs of citizens. He stated that they will hold another public hearing on April 8 to provide another opportunity for the public to comment on the budget or the tax rate, and the Board will need to make a decision either then or on April 14, which is the last date they have the ability to act on a final adopted budget. Mr. Foley said that they also have a final work session scheduled for April 7.

Ms. Dittmar said that the advertised rate at 82.4 cents does not provide enough money to fund all of the items on the list plus the penny for fire rescue, and stated that the Board will meet again the following week to process all of the information and input from the public – possibly voting for the budget and tax rate on April 8, with April 14 as their final date for a vote.

Ms. Palmer asked Mr. Foley to clarify the reduction in the ACE program, sidewalks and crosswalks.

Mr. Foley explained that the original CIP under consideration actually funded those programs each year over a five-year period, and the proposed budget – in order to shift some of that money to operating – is only funding those programs partially in the first year; they are unfunded in years two through five of the five-year financial plan. He stated that part of that was designed in order for there to be some public discussion of the programs and where they ranked against some other core needs. Mr. Foley said that it is important to point out that the reduction is fairly significant, as it keeps the programs going for one more year at a reduced level, but does not fund them beyond that without some decisions as to how their future will be funded.

Ms. Mallek read the protocol for public speakers.

Ms. Palmer stated that each speaker will have two minutes to make their comments, and said that she will alternate between the in-person and online sign-up sheets.

Ms. Dittmar then opened the public hearing.

Ms. Marta Keane addressed the Board, stating that she is a resident of the Rivanna District and is speaking as the CEO of the Jefferson Area Board for Aging (JABA). Ms. Keane thanked the Board for their past support and encouraged them to support this year's budget. She stated that she also wants to recognize that the money they had supported Mountainside with for 10 years is totally out of the budget, and she appreciates the Board's understanding of the growing needs of the area's changing demographic – with the projection of 25% of County residents to be 65 or older within the next 10 years. Ms. Keane said that the money they do provide JABA offers about 25% of the support to run their programs, so they leverage that with revenue from other sources to provide services such as information and resources, community centers and senior meals, health services, home-delivered meals, volunteer services such as Friends in Schools Helping (FISH), and the adult day healthcare center.

Ms. Jane Brennan of the White Hall District addressed the Board, stating that she has been teaching for 29 years – 24 of them at Red Hill Elementary – and has seen a lot of changes during that time. She said that Red Hill is a rural community school, but it is a hub and has been for a century. Ms. Brennan stated that the school is warm and inviting, and about the only family-friendly place to gather other than Cove Creek, in the Red Hill District, and it serves as a community hub. She said that the teachers and staff all work tirelessly to educate the students there and have to wear many hats, and one space often serves many uses. Ms. Brennan said that they are constantly looking at square footage to increase space, and while this is necessary, it is also an inefficient use of valuable time. She stated that Albemarle schools are on the cutting edge of learning, and she is aware that the School Board knows that Red Hill needs many improvements – but they also need the funds to start the process. Ms. Brennan said that the current plan will just begin to address the needs of Red Hill, but it would also begin the process of bringing some parity to the schools in the County. She stated that while some schools are receiving the learning spaces of tomorrow, Red Hill is still waiting to be a learning space of today – a learning space equal to that of other elementary schools in the County.

Ms. Debbie Rondeau addressed the Board, stating that she is speaking as the library teacher and longtime educator at Red Hill Elementary. She said that she taught at Red Hill back in the 1980s, and not much has changed – the teachers are still hardworking and dedicated, the school is still small and rural, the students are still taught using best practices instructional techniques – yet the needs of students have increased, while the physical space has not. Ms. Rondeau said that her library media space is very busy all day long, and she has many students coming in at recess and lunchtime to find a new book or ask for

more. She stated that she has tried to make the space work for a variety of functions for both students and their parents, as well as North Garden residents during the summer for reading nights. Ms. Rondeau said that there is no room to add to the book collection, some of the shelving give splinters and some is not accessible, rain has come in and ruined materials, the space is old and small, and the windows cannot be completely shaded when she needs to use the projector or promethean. She stated that she would like to have defined areas and materials for makers and other technological advances, but there is no room, and she reconfigures the space for guest speakers and authors.

Ms. Nikita Wiehl addressed the Board, stating that she has been enjoying some of the luxuries at the County Building – such as well-lit hallways and warm water in the bathroom – and stated that this is her first year teaching at Red Hill, having recently moved back from Northern Virginia, where she taught for three years. She said that Red Hill is truly a community school and is one of the only gathering places for community members, and stated that the bright heart of the community is not represented by the shabby conditions of their facilities. Ms. Wiehl stated that children have to go outside to travel to classes, no matter what the weather, which poses both comfort and safety issues. She said that to keep classrooms warm, some teachers have resorted to putting newspapers under doors, and students have to keep their coats on all day. Ms. Wiehl said that most cabinetry is broken, built-in classroom shelves are food for termites, paint is chipping and peeling, the hallways are dark, the sink water is cold, and the gym is only half-size. She stated that numerous studies support the link between increased student achievement and ideal classroom conditions, and while most of the other County schools are moving into the future with renovations and additions, Red Hill would like to become a school of today. Ms. Wiehl asked the Board to honor the school's rural heritage by funding their improvements.

Mr. Art Stow addressed the Board, stating that he is principal at Red Hill, a resident of Albemarle County, and the parent of three children who were educated at County schools. Mr. Stow said that upon his request to the ACPS Building Services Department, he received a CIP summary that provides a timeline of all the school's projects since 2003. He stated that of the 11 projects, eight were maintenance projects such as roof and HVAC replacements, two projects added new cubbies and storage in classrooms, and some new furniture and shelves for the media center. Mr. Stow said that considering these eight classrooms and media center were built in 1992, it is certainly time for such improvements, but the funds did not go far enough to extend to the part of the building that was built in 1972. He stated that the 11<sup>th</sup> CIP project scheduled is floor replacements in several schools that have a gym or rec room. Mr. Stow said that over the years, there have been many proposals for expansions, additions and renovations for Red Hill, starting back as far as 1995, but with each startup, the time has not worked in favor of his school. He stated that for a school that has served children of Albemarle County since before 1905, it is time to address long-awaited needs – to allow the media center to meet state standards and offer what most other County schools do; to replace long-worn cabinetry and storage areas; get hot water to all bathrooms; and to let them plan out of the box classroom designs that foster the good work of their teachers. Mr. Stow asked the Board to stick with the school and support it, to allow them to continue the work to transform the old school into a 21<sup>st</sup> century learning environment.

Ms. Mary Bauer, Executive Director of the Legal Aid Justice Center, addressed the Board and requested that they restore the \$11,000 or 25% cut to the funding for the center over the previous year. Ms. Bauer said for that money there is a great return, with quality services for residents of Albemarle County, and last year the center returned more than \$440,000 in direct economic benefit to the low-income residents of the County – not including the indirect benefits. She stated that the Center has represented more than 80 low-income residents in preserving their housing in eviction cases, and represented more than 80 low-income children staying in school and getting the services they need. Ms. Bauer said that the center assisted more than 400 Albemarle County residents in obtaining health insurance benefits under the Affordable Care Act – and are widely recognized as one of the finest legal aid programs in the nation. She stated that what makes this community special is the belief in the value and dignity of every human being, and that means making sure that when the stakes are really high, it is not just the side of the case with money who has a lawyer.

Mr. Mario Salas addressed the Board, stating that he is a resident of the Scottsville District and is an attorney with Just Children, at the Legal Aid Justice Center. Mr. Salas stated that he has lived in the area for about 15 years, and attended UVA for both undergraduate and law school, and in between worked at the Virginia Institute of Autism as an instructor for adolescents with autism, many of whom were Albemarle County residents. Mr. Salas said that he now represents adolescents who receive special education from local schools, and many of his clients are Albemarle students. He stated that on goal he had in every case is to ensure that clients have better relationships with the school than they did before he came into the picture, and he always strives to draw on his experience with special education to educate parents about their rights and the limits of the law, collaborating with schools to support their children, and non-school services they can access to take some of the burden off of schools and other agencies. Mr. Salas said in working for these students, his goal is also to ensure that everyone on the educational team is thinking ahead past high school and doing what is necessary to facilitate employment and independent living after school. He stated that one mother, whose son is a rising senior at Monticello High School, he has helped is present to share her experience with the center. Mr. Salas said that she had come to him because she had concerns about her son's publicly funded education at a local private school and believed that he could be successful at Monticello, but like many parents did not know if that was possible or how to approach the school to ask for it. He said that he had met with her and her son many times, and learned that he is a wonderful young man, and that Monticello was the right place for him. Mr. Salas stated that the young man is thriving at the school and back on track with his goal to attend college, which is something that had been uncertain a few months earlier.

Ms. Lisa Farrell addressed the Board, stating that without the Legal Aid Justice Center she would not have known how to help her son get where he needed to be – and without the center, many parents would not have the knowledge they need to help their child in learning and education. Ms. Farrell stated that her son was frustrated and aggravated in the private school setting he was placed in, and today he is flourishing at Monticello and getting good grades. She emphasized that it would be an injustice to take the funding away from these children.

Mr. Robert Hogue of the Samuel Miller District addressed the Board, stating that anyone who wants a higher tax rate should ask themselves if they are willing to pay their share of the federal deficit. Mr. Hogue said that the U.S. is fast becoming a third world nation, County government is not efficient, and not all residents want all of the amenities. He asked the Board not to fund the school system because it is not efficient, like running school buses on private roads. Mr. Hogue stated that school sports, the arts and after-school programs should be fully paid for by the parents – a good economic lesson for school kids: if you want to play, you have to pay. He said that the public also has very little interest for some school sports. Mr. Hogue stated that at \$12,000 a year to educate a child, it costs \$156,000 for K-12 education, and for three children, close to half a million dollars. He said that parents are receiving the most benefits from tax dollars, and most are not paying their fair share. Mr. Hogue said that those over 55 who never had children, they deserve tax relief, as having children is a choice. He stated that parks should only be funded through user fees, and they need to be fair to citizens that do not use the parks. Mr. Hogue said that you can become physically fit without going to a park. He stated that tax relief for the elderly, after their death the County should be reimbursed for the sale of their home, which is the same principle used by the Social Security for a homeowner in a nursing home when they cannot pay. Mr. Hogue said that this is probably a state issue, but his neighbors would like to see people who ride bicycles on public roads have to buy a license for their bikes, because asphalt costs money. He stated that amnesty days at the landfill – except for hazardous waste – should be ended, and too many are piling tires and appliances, and it is not stopping illegal dumping, in addition to the revenue lost. Mr. Hogue said that they will be paying more taxes this year because assessments have gone up, and asked the Board not to raise the tax rate.

Ms. Charlotte Hogue of the Samuel Miller District addressed the Board, stating that she is very disappointed in the Board. Ms. Hogue said that the Board cannot continue to give in to the School Board's constant demands for more money, and asked if the new expensive gym at Henley is really necessary. She stated that programs such as the arts, sports, and extracurricular activities should be funded by parents in the form of fees, and when parents say they are willing to pay more, she wonders how many of them actually do – as very little money ends up being sent to the County. Ms. Hogue said that people need to take responsibility for themselves, not demand and expect others to foot the bill, but they are not doing this and it is setting a bad example for the younger generation. She stated that little savings will add up to big ones, such as lowering the thermostats by one degree in all County buildings and schools, cut down on lavish building designs, hiring consultants, and calling for study after study. Ms. Hogue suggested that the County stay out of the YMCA business and let private industry handle it, which will mean less public money spent and more business taxes for the County. She asked how many sidewalks, streetscapes and walking trails they really need, and how many citizens use them. Ms. Hogue said that people move here for the rural atmosphere, but then the County agrees to their demands for urbanization. She stated that many in the County do not want all of this and cannot afford to pay for it – older people with fixed incomes and those with part-time or low-paying jobs, who have adjusted because they have had to. Ms. Hogue emphasized that the Board implement no more tax increases.

Ms. Nina Kaplan of the Rivanna District addressed the Board, stating that she is before them to request increased funding for Albemarle County Public Schools. Ms. Kaplan said that continuous budget cutting and enrollment growth over the years have left the schools struggling to maintain a quality education for all of their students. She stated that the schools can no longer pay the competitive wages needed to retain and recruit excellent teachers, and support for teacher professional development – which is vital for teachers to maintain and improve their teaching skills – have been cut. Ms. Kaplan said that she has noticed decreased staffing and increased class sizes at her children's schools, and for example, there is no longer a full-time gifted teacher or a full-time guidance counselor at their school. She stated that she noticed the effect of these changes on her children's education in many small ways, and she is concerned that additional cuts will seriously degrade educational opportunities at public schools. Ms. Kaplan said that public school education should not be second rate, and families should not need to send their children to private schools to get a quality education. She encouraged them to look forward and invest in their children's future, stating that this small increase in property taxes will greatly benefit the economic future of the County and its residents. Ms. Kaplan asked if they would rather tell their constituents that they held the line on taxes, or helped to create one of the state's finest school systems. She urged the Board to fully support and even increase the budget, and asked those who support her position to stand. Ms. Kaplan said that she and other parents would have attended the next hearing also, but it is during spring break.

Ms. Dittmar noted that the County scheduled a second public hearing because of the spring break schedule.

Ms. Robyn Bolling, principal of Greer Elementary School, addressed the Board and thanked them for the work that they do. Ms. Bolling stated that several months earlier she had served on a panel with Police Chief Steve Sellers, DSS Director Kathy Ralston, and Fire & Rescue Chief Dan Eggleston, and each was asked to share with the Board their respective reality as they respond to growth in the County. Ms. Bolling said that while their services varied, they were interdependent on one another as they serve the growing and changing population. She stated that while their educational work at Greer is a huge priority, they realize that students need to be available for that learning every day, and their parents need

to be able to meet basic family needs. Ms. Bolling stated that an increased number of families in crisis and/or need demands their attention and coordination with different agencies within Albemarle. So far this week she and her staff have collaborated services for families within a multitude of agencies, including Foster Care Services, Family Prevention, the Police Department, the Homeless Liaison, Child Protective Services, and Region Ten Mental Health Services. Ms. Bolling said that this kind of collaboration is a regular part of their work as a school and her work as a principal, and this partnership helps them determine and address the root causes of the families in need, so that students will be able to attend school regularly and engage meaningfully in their own education. She stated that last year she stood before them and reported that 70% of her school's population was comprised of economically disadvantaged; this year that number is almost 80%. She said that last year she reported 100 new students, whereas this year the number of new students is 120 – and the number of students arriving surpasses the number of students leaving. Ms. Bolling said that their enrollment trends includes a majority of free and reduced lunch-qualified students, and those with limited English-speaking skills.

Ms. Roxanne White addressed the Board, stating that she is before them to thank them for putting the Bright Stars expansion on their list and to request them to fund it. Ms. White stated that the program is one of the most successful early intervention programs the County has, and said that they had made a commitment 19 years ago to provide this program for four-year-olds. She said that they have honored that by increasing up to the current 10 classrooms, but there has not been a new classroom added since 2009 – despite the fact there is an estimated 120 children who go unserved each year. Over five years, she said, that equates to one elementary school full of at-risk children who never had the opportunity to prepare themselves for kindergarten. Ms. White said that they will be known simply as “the school's achievement gap,” which is the gap that just does not go away. She stated that she understands the County's fiscal challenges over the past few years, but this year seems to be different and the financial picture seems to be improving – with renewed commitment to other programs and a new penny on the tax rate for fire and rescue, and increases for police. Ms. White said that she is not questioning those commitments, but is asking for a similar commitment in the Bright Stars program to make a dent in the waiting list. She noted that federal and state government are funding 40% or \$150,000 for these two classrooms, and if the Board will not fund both she would like them to at least fund one, as these four-year-olds will not get this opportunity again.

Mr. Patrick Barnett addressed the Board, stating that he is a parent of two children at Red Hill Elementary School in the Samuel Miller District. He thanked them for their service, and asked them to fully support the schools and plan for a capital improvement program that allows for a strategic plan and a genuine commitment to establish parity in the schools, and to do that simultaneously with growth. Mr. Barnett said that for too many years, the School Board has been asked to prioritize growth over improvements, and in too many elementary schools the improvements have been neglected so long that it has affected educational quality. He stated that as a County with a “growth corridor,” they should plan for simultaneous funding of schools and be able to commit to a strategic plan in the future. Mr. Barnett said that school teachers and administration at Red Hill do remarkable work, especially given the paltry resources and facilities there. He stated that the School Board and County made the commitment to keep the southern schools several years ago, and they should be funded accordingly. Mr. Barnett asked them to fund the full 2.5 cents this year, and additional funding in future years.

Ms. Erika Herz of the Jack Jouett District addressed the Board and thanked Mr. Foley for bringing up the notion of creating a citizen committee related to how they develop and spend the budget, as it is a great tool for long-term planning. Ms. Herz stated that she is before them as a tired PTO officer and has served as a PTO leader at Greer for the past six years. She said that each year, they are faced with raising \$10,000 or more for Greer, which is a lot of work, and she is before them to ask for full funding of the budget. Ms. Herz said that without the additional money, it will mean that students will not go on field trips, teachers will spend out of pocket for art supplies, and books will not be purchased.

Ms. Jerry McCormick-Ray of the White Hall District addressed the Board and stated her support of the natural resources manager and the ACE program items, stating that these will help protect the budget by helping to avoid irresponsible planning and management of natural resources. Ms. McCormick-Ray said that natural resources are under threat worldwide, and having a manager to watch out and help inform the public as to the value of these resources is a way to enhance and protect them.

Mr. Carleton Ray of the White Hall District addressed the Board, stating that growth costs money, and the County's strategic plan states that they must honor their role as stewards of the public trust by managing their natural, human and financial resources respectfully and responsibly – which suggests at least a full-time natural resources person, for the purpose of natural heritage, biodiversity, water resources, and environmental education. Mr. Ray said that too often in this County, the environment is taken for granted while development is given overwhelming financial aid – but these two things are inextricably related and require equal attention. He stated that a person to enlarge environmental awareness and affairs is the minimum, and to do less is irresponsible.

Ms. Eva Johnson of the Rio District addressed the Board to speak about the Legal Aid Justice Center, and reported that about a month ago Rio Hill Apartments wanted her and other residents to move for a difference of \$15 – and she went to Legal Aid, which helped her and 30 other resident families stay in their homes. Ms. Johnson said that she also went to Legal Aid for help with a situation in the schools with her daughter, who was able to get the special help she needed and is now doing better in school.

Ms. Andrea Heapes of Barboursville addressed the Board and asked that they fully fund the budget as proposed by the School Board. She asked them to imagine a situation where a hospital is on a restricted budget, with a doctor who has not had professional development for six years and is trying to

treat a patient who need modern care. Ms. Heapes stated that the Board has approved budgets for years that does not provide adequate funds for teachers' professional development, and ask children to sit in classrooms full of amazing teachers who for years have not had the opportunity to sharpen their skills. She said that on top of this, the teachers have not had raises for years, and asked how that situation will translate to a doctor that has not had a raise for years – as they will likely say, "If my bosses do not care, then why should I?" Ms. Heapes stated that the schools need updated equipment and world language programs, and they need to ensure that children receive an education that provides for a healthy economic base for the long-term support of the County. She asked that they fully fund the budget as proposed by the School Board and approve the 2.5-cent tax increase.

Mr. Tom Olivier of the Samuel Miller District addressed the Board, stating that much of the growth in this year's budget is due to County population growth – as more people means demands for more schools, more teachers, more fire and rescue capabilities, more police, and so forth. Mr. Olivier stated that as long as population grows at rates similar to or greater than the current rate of growth, they can expect budget squeezes every spring. He said that to avoid turning tax hikes into an annual rite of spring in Albemarle County, he urged them to make decisions aimed at containing the rate of growth. Mr. Olivier noted that the wrap-up of the Comp Plan and implementation of the new economic development program will provide them with opportunities for such decisions. He also stated that it is vital to fund protection of natural resources, and the ACE program helps to protect essential open space ecosystems and extinguished development rights; the Natural Heritage Committee protects native plant and animal communities, which are key elements of the County's ecosystems. Mr. Oliver said that staffing for water resource protection will help to avoid future costly water quality restoration programs, and the public understands natural resources both as things that sustain us and as amenities that contribute greatly to the quality of life. He encouraged the Board to support the ACE program and provide funding for the full-time natural resources position in Community Development.

Mr. James Asher of the White Hall District, principal of Burley Middle School, addressed the Board and thanked them for the work they do on behalf of the County – especially the difficult decisions associated with determining who gets a slice of the pie in a very complicated budget. Mr. Asher said that he had recently attended a town hall meeting with Ms. Mallek, at which she shared information about the needs of the police department, fire and rescue, social services and more – and he appreciates the complexities of what they face. He stated that in looking at future budgets, he can only believe that the greatest proactive and responsible measure they can take to counter needs and future costs is with an educated public, which is the best step they can take to ensure a strong, vibrant, thriving community. Mr. Asher said that the Board also needs to let teachers know that they support their work, by adding to the School Board request to fund a full raise for them. He reiterated that the most important thing they can do of all the things on that list is to give teachers a full year's raise.

Mr. Mark Waldamore addressed the Board, stating that his daughter had been a client with the Legal Aid Justice Center, after battling the school system and being told by a guidance counselor that she has reached her potential and will never be at grade level. Mr. Waldamore said that the center should have full funding, as they serve the community rights.

Ms. Charlotte Kaplan addressed the Board, stating that they should give more money to the schools, because they do not have a full time guidance counselor or a gifted teacher. We should give at least one more penny to County schools, as there are so many people it will add up. She said that they should not decrease the tax, and at her school they have a lot of special activities.

Ms. Nancy Carpenter addressed the Board, stating that she is a resident of the Scottsville District and commenting that the CARES program operated and administered through MACAA is an ongoing program that provides financial assistance for people who are in crisis. Ms. Carpenter stated that CARES has decided not to ask for any money from Albemarle County, which means there is \$19,000 that will not be allotted to that program. She said that she has seen the benefit that CARES provides, helping people on low and fixed incomes with energy assistance and other emergency needs. Ms. Carpenter said that homelessness does not always happen overnight; it can be a combination of events that can start you down a path that might cause you to lose your home. She stated that she would like to support what the ABRT team said and hold that money back and instruct staff to find another service provider organization that deals with people in crisis that can administer the County portion of that fund. Ms. Carpenter said that she will also take the same message to City Council.

Mr. Preston Gentry, Chief of the Crozet Fire Department, addressed the Board and stated that he understands the one-cent tax rate addition, given the rapidly changing fire technology and the associated expense. Mr. Gentry said that his concern with the new tax rate is that they are a fully volunteer fire department, and when the public hears that taxes are going up by one cent, fire stations' fund drives will decrease. He stated that he wants to emphasize that Crozet is truly volunteer and will continue to do private fundraising, but he understands the need for the tax increase.

There being no further public comment, the Chair closed the public hearing and the matter was placed before the Board.

There were no other Board comments.

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Agenda Item. No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek asked if they are going to revisit the discussion they had earlier with Mark Graham regarding development process changes.

Ms. Dittmar explained that one of the things that came out of their last meeting was that as their annual conversation with the Planning Commission this year, they wanted to have the group that recommended process changes that were implemented to come back and reflect on how the process is going now – and she wants to know if there is anything else they should address as part of that.

Ms. Mallek stated that she just wants to make sure that people have read up on what has been done already, before starting over again, and many of those items have already been instituted.

Ms. Dittmar asked for clarification as to when that process had taken place. Ms. Mallek responded that the committee started in 2005 and completed their work in 2007.

Mr. Foley said there were also some efforts prior to that, and said that it would be a good idea to do an executive summary in preparation for that joint meeting, with some of the background including a report on the things that have happened and changed.

Ms. Mallek asked if the joint Commission meeting would be with the Chairs meeting, or something else. Ms. Dittmar responded that it is both bodies.

Ms. McKeel stated that she would love to have the opportunity to sit down with the Planning Commission and talk about the big picture Comp Plan items, but not necessarily the details, and perhaps that discussion could dovetail with the conversation about the process changes. She said that this will not be an intent to tell them what to do, but will serve to inform them and open up a dialogue.

Mr. Foley asked if the joint discussion will also include a focus on implementation issues. Ms. McKeel responded that it possibly can, and said that she is not sure if the Board and Commission had done that before with the Comp Plan.

Mr. Boyd said they have held joint meetings before, but not specifically on this.

Mr. Foley stated that this is the first time a comprehensive update has been done, and it is a unique time and appropriate time to have that conversation.

Ms. McKeel said that they can have the discussion about process, and also a discussion regarding the Comp Plan revisions and changes.

Ms. Mallek stated that what she hears often from the Planning Commissioner in the White Hall District is the question about concurrent infrastructure with projects, and the Commission is very strong on that and made some recommendations in the past seven years because it would really exacerbate a bad situation. She said that she does not know whether they have the ability to solve a lot of the problems, but it is still important to talk about them.

Ms. Dittmar suggested that it will probably be sometime in the summer for a joint meeting to work, and noted that the strategic planning retreat will not be in the summer.

Ms. McKeel stated that she does not envision that there will be a lot of staff preparation needs for this, but it will be helpful to have a two-way conversation with the Commission regarding the direction that the Board has discussed.

Ms. Dittmar added that it will also be an opportunity to look at the process.

Mr. Boyd stated that he is very concerned about the issue regarding small churches in the rural areas and additions to them, and suggested that it can be addressed as part of their Comp Plan amendments to get it out of the way.

Ms. Mallek asked if it even requires a change in the Comp Plan. Mr. Davis responded that he does not think it is dependent on the Comp Plan.

Mr. Boyd said that Mr. Graham had suggested it be discussed as part of the Comp Plan. Mr. Davis said that the work plan will likely be the place for it.

Mr. Foley stated that the work plan is coming before them in May.

Mr. Sheffield asked Mr. Boyd if addressing the issue will help the situation in his district. Mr. Boyd responded that the one he had mentioned earlier has already passed and they decided not to proceed. In the case of a particular chapel, they would not be getting through it without Marcia Joseph trying to help them through the process, and it took someone with that level of knowledge to get through the red tape just to build a storage shed.

Mr. Davis commented that it is a bit more complicated than it seems.

Mr. Foley suggested that they can address this when Mr. Graham comes back with the Community Development work program in May, and the Board has decided to wait to adopt how that will move forward because of the Comp Plan process and some of the implementation issues that will come out of it – so he will need to come back again to set some priorities. He indicated that staff will work out that schedule.

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Ms. Mallek said that she has heard about a big donation to CATEC and wondered if anyone knew if that was given specifically only to financial aid for students.

Ms. McKeel stated that it was for the adult program for students who are getting certifications, so it came through the evening program for students who are getting certificates as part of specific career paths. She said that her understanding is that the funding came through the foundation that works with the evening programs and the employers, to help with tuition and costs – and it is outside of the high school system.

Mr. Boyd noted that it aligns with what the Governor had been talking about earlier that day regarding the certification process in education.

Ms. McKeel noted that it is an anonymous donation and a wonderful boost for the program, but it is outside of the initiatives the Board has been discussing.

Ms. Mallek said that the one-stop workforce center is anticipating a \$140,000 gap to operations, just to supply the same services they have been. She stated that the reason the certification programs do not get any state reimbursement is because the community college reimbursement is based only on credit hours – and PVCC cannot offer classes where they cannot make it work financially. Ms. Mallek said that PVCC President Frank Friedman stated that it is very important for people to come to the meeting at the college the following week to reach out to state representatives.

Ms. McKeel stated that moving CATEC to the PVCC campus will allow it to feed into that program and assist in that way also.

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Ms. McKeel thanked staff for helping with her town hall meeting the previous evening, and noted that they had developed a document about “mandate facts” – and said that it will be great to have staff put their mandates on the back of the sheet. Ms. McKeel noted that she had gotten the idea from Fairfax County, which prepares a similar fact sheet.

Mr. Foley said that staff will work with the schools to prepare that, and added that Fairfax has their fact sheet available online.

Ms. McKeel stated that she has also showed people at her town hall meeting the “unfunded capital requests,” as sent to Board members by Mr. Sheffield.

Mr. Sheffield noted that staff helped prepare it.

Mr. Foley said that staff had put that together as part of some budget response information and had sent it, but they will resend it as a standalone document.

Ms. McKeel stated that it will also be good to have this put on the website so that people understand how much of capital is not being funded, and said that it might also be helpful to have some tracking as to the status of items the County has been funding because of lost or decreased state funding, per the letters they have begun sending to legislators.

Mr. Foley said that it might be helpful to have that on the mandates document, but staff will think through it and come up with some ideas.

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Ms. Palmer stated that in the vein of things not being funded, she read a goal from the County’s strategic plan to dedicate a minimum of 3% of the annual general fund revenues allocated to the County’s operating budget to the CIP each year. She said that this year, they are doing 0%, last year they did 0.7%, and all through the recession there were numbers at 1% or below. Ms. Palmer said that she would like to understand that 3% goal and its history, because if they are not meeting it, it might be a valuable tool to help people understand the impact of that. Ms. Palmer added that Mr. Barnett’s point about parity among schools is very strong.

Ms. Mallek said that she is particularly upset about the comment about the kids at that school not having hot water to wash their hands.

Ms. McKeel said that she had information on New Market’s tax credit eligibility, and what it shows is areas of the Commonwealth that are considered distressed and eligible for tax credits – and it looks as though Scottsville will be eligible.

Ms. Palmer said that it encompasses all of southern Albemarle.

Mr. Foley stated that staff will look at it to see exactly what it covers.

Ms. Mallek said that it is another example of how difficult it is for Albemarle, which has a reputation of being so affluent, but has 25% of residents living in poverty.

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Ms. Dittmar stated that Board members should reserve September 25 on their calendars for their strategic planning retreat.

She also noted that there are openings on the County's citizens advisory committees, and stated that there are several ideas for the April 29 homeowners meeting – having someone talk about standing water, and letting them know about openings on the County's citizens advisory committees.

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Agenda Item. No. 23. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley stated that Ms. Mallek had raised a question through email about a legislative approach between now and the next General Assembly session regarding equal taxing authority, and that had been identified in the follow-up report and would move into the project report. He said that Mr. Davis has done some research on which localities have a density that will allow them to fall in that bracket, and David Blount has responded to Ms. Mallek about the work he is starting to do on this. Mr. Foley said that there will be several prongs to this effort, and staff will start tracking this in the project report and provide a status update to the Board. He stated that staff will coordinate with Mr. Blount to bring all of these pieces together, particularly as it relates to how to be sure they get localities together in a coalition that can push legislators to address this. Mr. Foley said that the approach with the region is to get some rural localities that do not have much density and then Albemarle with a lot of density, it is a more challenging group – but in getting the Hanovers and Staffords and Albemarles together, there is a lot more opportunity and it makes more sense to legislators because it can be tied to urban services.

Mr. Foley reported that the bill that passed on business personal property will allow some business properties to be aggregated, and to set a different tax rate on that group of property – so there is a process ahead that Mr. Davis has already done research on. Mr. Foley emphasized that timing is an issue here because Albemarle is in the process of establishing calendar year tax rates, and so the billing that goes out in June will be before they can even change the local ordinance, as it does not become effective until July. He said that the timing is such that by January, when businesses start submitting their paperwork for their properties, it will apply to the next June and December, in 2016.

Mr. Davis stated that the legislation is not effective until July 1, and the personal property that is at issue has already been reported for calendar year 2015. He explained that the enabling legislation allowed, at the Board's discretion, to establish a new class of personal property – which is a class of miscellaneous and incidental tangible personal property employed in a trade or business, with an original cost of less than \$250. He said that the separate classification allows it to be treated differently than other personal property, by allowing for an aggregate estimate of total cost of property rather than an itemized report. Mr. Davis stated that if this were established for the County, that would be reported separately by those businesses. He said that it also allows for a different tax rate if the Board chose, although it does not require it. Mr. Davis said that to establish this class, staff will bring an ordinance to them after July 1 that will set forth a classification of property – and then the Board can decide whether they want to establish the class, and whether it wants to allow for this type of reporting. He said that next year during the budget process, they will have another decision point at which they can set a separate tax rate for that class of property, and said that it can be the same as the general business personal property tax rate, or it can be lower.

Mr. Boyd said that he would like some clarification as to what constitutes “personal property,” because he has heard concerns from constituents as to use of their property – such as a car for a part-time pizza delivery driver, or a personal desk that is used in an office. He stated that if he had bought a piece of art for himself and then put it into his office, he is unsure as to whether that will be personal property or not. Mr. Boyd said that the Finance Department has told constituents that they will have to claim it as personal property.

Mr. Davis stated that the department can offer some guidelines, but the basic premise is that if you are using it in your business, it can be treated as business personal property tax.

Mr. Boyd asked where that line will be drawn.

Mr. Davis said that the guidelines established are intended to help people make those determinations.

Ms. Mallek asked if there is a bulletproof set of guidelines that can be handed to someone in writing, because without that they are in a predicament with issues regarding tax issues and requests constituents make of the department. She noted that there may be items that do not fit cleanly in the guidelines, so Ms. Burrell should handle those rather than having different people at the counter giving different information.

Mr. Foley stated that this process will happen for the next cycle, and this will be added to their discussions on business personal property guidelines that will take place over the summer, and emphasized that it is difficult to come up with a list that includes every single item.

Mr. Boyd said that it will suffice just to know what the people in the Finance Department are telling people when they call in.

Mr. Sheffield stated that his constituents have said that Finance has told them anything touching their business will need to be counted.

Mr. Boyd said that his are being told the same thing.

Mr. Foley stated that staff will bring back detail on this and make it part of the discussion, but that reporting will not happen again until the first of 2016.

Ms. Dittmar said that they have the enabling legislation to make this happen, and however they want to require reporting.

Ms. Mallek stated that she appreciates the extra effort staff is making to ensure the County is complying with new legislation such as this.

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Agenda Item. No. 24. Adjourn to April 7, 2015, 5:00 p.m., Room 241.

At 8:16 p.m., Ms. Mallek **moved** to adjourn the Board meeting to April 7, 2015 at 5:00 p.m. Mr. Sheffield **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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Chairman

Approved by Board
Date: 10/14/2015
Initials: EWJ