

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 7, 2016, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m., by the Chair, Ms. Palmer.

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

Agenda Item No. 4. Appointment of Clerk.

Ms. McKeel **moved** to adopt the following resolution to appoint Ms. Claudette K. Borgersen as the newly hired Clerk:

**RESOLUTION APPOINTING THE
CLERK FOR THE BOARD OF SUPERVISORS**

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia, that Claudette K. Borgersen is hereby appointed the Clerk for the Albemarle County Board of Supervisors effective September 7, 2016 pursuant to Virginia Code § 15.2-1538, and that she shall have all those powers and duties of a Clerk for the Board of Supervisors as provided by law.

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

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

Ms. Palmer stated that Ms. Borgersen would be a wonderful addition to the Board office and stressed the importance of the Clerk for the Board, inviting those who would like to learn more about her background to review the press release issued today.

Introductions. Ms. Palmer then introduced Officer Thomas as officer of the day and thanked him for joining the Board. She also introduced County Attorney Greg Kamptner, County Executive Tom Foley, and Senior Deputy Clerk Travis Morris.

Agenda Item No. 5. Adoption of Final Agenda.

Ms. Palmer asked if anyone had additions to the agenda.

As there were no requests to add to the agenda, Ms. McKeel **moved** to adopt the final agenda. Ms. Mallek **seconded** the motion.

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

Agenda Item No. 6. Brief Announcements by Board Members.

Mr. Sheffield asked to add one item after the consent agenda. He mentioned a storm water pipe on Commonwealth Circle that has fractured and created a sinkhole, and said he would like to have the Board give clear direction to staff about obtaining an estimate and gathering information about having the County taking responsibility for the repair. He said the sinkhole is growing and residents continue to bring this to his attention.

Ms. Palmer suggested the Board discuss this issue at the end of the meeting, and Mr. Sheffield agreed.

Mr. Dill stated that the City of Charlottesville has applied for a grant for technical assistance on solar energy and other energy saving items, and believes the application would be stronger if the County joined with Charlottesville. He said it would not affect the budget and he would like to get the sense of the

Board.

Ms. Mallek reported that the 2016 Virginia Pesticide Disposal Program is organized by the Cooperative Extension Department at VDACS, and on October 11 from 9 a.m.–1 p.m. at the Ivy MUC they will have a collection for disposal of urban yard and farming chemicals. She stated that she hopes people will be able to take advantage of this, and she has left brochures on the table, as well as posting it online. Next, Ms. Mallek mentioned that the first two weeks in October will be American Craft Week in Virginia, noting that there is a burgeoning craft industry in Albemarle and Nelson Counties and commenting that there are now 15 artisan trails in Virginia. She suggested that people visit these craft locations and bring friends, adding that she has distributed a brochure to members of the Board.

Ms. McKeel brought to the attention of the Board that they now have brochures available for the bond referendum. She stated that she thinks it would be a good idea to have brochures available at Board meetings, and asked Ms. Lee Catlin to come to the podium to discuss this.

Ms. Lee Catlin, Assistant County Executive, stated that a brochure will be mailed to all registered voters in the County next month and will have them available in the community engagement area of the conference room. She stated that they are developing a plan to have them available at libraries and will also have a poster available for schools and libraries, as well as having an FAQ available online.

Ms. Mallek noted that September 19, 2016 will be a kick off community engagement meeting in Earlysville about the bond issue.

Ms. Palmer stated that September 30 and October 1 would be household hazardous waste collection days, and October 8 will be set aside for furniture and mattresses; September 15 will be for appliances and refrigerators; and September 22 will be for tires. She noted that information is available on the Rivanna Solid Waste Authority website. Ms. Palmer reported that the first phase of the reservoir water quality and management assessment of five reservoirs has been completed, stating that the Rivanna Water and Sewer Authority hired consultants and the assessment document is available on the RWSA website under “Reservoir Study.” Ms. Palmer mentioned that she also has documents available to the public that she has provided to Board members, and she will make them available in their office.

Mr. Kamptner said the Board should amend the final agenda adopted earlier in the meeting to include Mr. Dill's comments during the brief announcements.

Ms. Mallek then **moved** to adopt the amended agenda. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

Agenda Item No. 7. Proclamations and Recognitions.

There were none.

Agenda Item No. 8. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. McKeel stated that three people have asked to address the Board and will have three minutes each.

Mr. David Blount, Legislative Liaison, Thomas Jefferson Planning District Commission, thanked the Board and staff for allowing him the opportunity to discuss legislative priorities and initiatives with them this summer and he looks forward to meeting with legislators in late September. He said he would like to discuss the regional legislative program and the legislative survey, of which they have received a 40% response rate from elected and administrative officials. Mr. Blount said there is a lot of support for the way the program was developed, its content and length, but there was some feedback on ways to improve. He said that one suggestion was to address issues as they are needed, rather than to stick with a regular schedule, while another is to focus more on what is still pending rather than what has happened. He stated that he would be mindful of these suggestions as they head into the next legislative session. He said he is in the process of drafting the regional legislative program, which he will present to the Board for review in early October and will then return in November to discuss and obtain Board approval of the legislative program. He said that education funding will be a priority in FY 2018 as they expect reductions in state funding.

Ms. Palmer asked Mr. Blount about a comment he made about the state increasing funding per pupil to levels of eight years ago and whether this took inflation into account. Mr. Blount replied that it is dollar for dollar and not inflation adjusted.

Mr. Rex Linville introduced himself as a resident of the southern neighborhood in Redfields and Co-Chair of the 5th and Avon Street Community Advisory Committee. He said the committee is concerned with the process that allowed two large mounds of material to be located along the Avon Street Extended entrance corridor at the 5th Street Station project. He said these two new and permanent land forms in the growth area did not receive any input from the Architectural Review Board, Planning Commission, Board of Supervisors or the community at large. Mr. Linville stated the mounds were authorized under Albemarle County Zoning Code Section 5.1.28 that allows for waste storage within all zoning districts, and the mounds are composed mostly of reclaimed landfill material that are a permanent and visible typographic feature with the 5th and Avon community. He said the committee recommends amendment of the zoning code to ensure they are temporary in nature and limited in scope and scale in the future. He said that if permanent waste storage or other land changes are made within the growth area, they should be subject to a community input/public review process, particularly when they are located in an entrance corridor.

Ms. Helen Cauthen, President of Central Virginia Partnership for Economic Development, addressed the Board and thanked them for their support of the partnership's role as the lead organization in the region. She said they expect to be recommended by the state work group for the "Go Virginia" initiative, which should allow \$30 million for competitive projects where multiple jurisdictions (11 in the region) work together on economic development projects. She stated that they are very excited and feel comfortable in working with all the localities within the region. She said the work group for Go Virginia has met once and plans to meet again with an October 15 deadline to make a recommendation, although they may not make this deadline. Ms. Cauthen noted that there are still questions as to how board members will be appointed, and she will have more information after the first of the year. She added that they will work closely with the Thomas Jefferson District Planning Commission and the Rappahannock/Rapidan Planning Commission.

Mr. Ron White, Chief of Housing, addressed the Board. He said that he will provide an update on the housing rehabilitation grant they applied for and reported the Governor announced the grant awards on Friday. He announced that the County will receive \$855,000, the amount applied for, for rehabilitation of about 30 houses in Alberene.

Ms. Palmer closed the Matters from the Public portion of the meeting.

Ms. Palmer asked Mr. Kamptner to comment on Mr. Linville's suggestions regarding amending the Zoning Ordinance. Mr. Kamptner responded that he was not aware of this activity. He explained that normally, fill and waste has to be completed within one year and can be extended by the program authority at the request of the developer for various reasons. He added that he will follow up with Community Development to get more information.

Ms. Mallek said she wants citizens to be aware that the Department of Motor Vehicles is no longer sending applications for registration renewal by mail, and people are discovering by surprise that their license has expired when a police officer stops them and issues a ticket. She said that people should be aware of when the registration expires, and said the DMV is sending emails but many people do not have email.

Agenda Item No. 9. Consent Agenda.

(Discussion: Ms. Mallek asked that the Board pull Item 9.5 for discussion at the end of the meeting. She said community members of Crozet have asked about the different tiers of cost for the apartments at The Vue and have been told that this will help provide low and moderate income housing. Ms. Mallek noted that the Board is expected to issue an affidavit within the text of the resolution they would adopt that it does create low and moderate income housing. However, she said, until they have information as to how many units will be available at different price points, they will not be able to make the affidavit.

Ms. Palmer said they would make this Agenda Item 24b.

Mr. Randolph asked that the Board pull Item 9.8, County grant application award, for discussion about how the criteria was established for the selected E-Car.

Ms. Palmer said they can put this item under the grant reports discussion.

Mr. Dill **moved** to approve Items 9.2 through 9.7, to pull Item 9.5 for discussion as Item 24b, and to pull information Item 9.8 for discussion. Ms. Mallek **seconded** the motion.

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

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

Item No. 9.1. Approval of Minutes: May 4, 2016.

By the above-recorded vote, the minutes of May 4, 2016 were pulled and carried forward to the next meeting.

Item No. 9.2. FY 2017 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 17 budget due to the appropriations itemized below is \$1,763,603.52.

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 ten (10) appropriations as follows:

- One (1) Appropriation (#2017009) to appropriate \$207,906.75 for the National Fish and Wildlife Foundation grant supporting the Large-Scale BMP Retrofits on Private Lands capital project. \$159,000.00 of this request does not increase the total County budget and results in a net increase to the budget of \$48,906.75;
- One (1) Appropriation (#2017020) to re-appropriate \$45,952.51 in state revenue and \$1,231.29 in matching funds to complete the DHCD Virginia Telecommunication Planning Initiative;
- One (1) Appropriation (#2017021) to appropriate \$44,291.00 in grant federal revenue from the Department of Criminal Justice Services for the Victim Witness program;
- One (1) Appropriation (#2017023) to appropriate \$10,343.00 for the completion of a Virginia Department of Emergency Management grant to develop an emergency response plan to a crude oil spill;
- One (1) Appropriation (#2017024) to appropriate \$122,467.00 in federal and state revenue to the Department of Social Services for a Senior Eligibility Worker and a Department of Social Services (DSS) Specialist;
- One (1) Appropriation (#2017025) to appropriate \$23,712.00 to the Office of Economic Development from the Vehicle Replacement Fund. This appropriation does not increase the County Budget.
- One (1) Appropriation (#2017026) to re-appropriate \$49,000.00 for the Emergency Communication Center;
- One (1) Appropriation (#2017027) to appropriate \$51,443.76 to the Department of Voter Registration and Elections to support the 2016 Presidential Election;
- One (1) Appropriation (#2017028) to reduce the appropriation for ECC projects continuing from FY 16 to FY 17 by (\$240,445.79); and
- One (1) Appropriation (#2017029) to appropriate \$1,630,414.00 from the General Fund and the School Fund to the Healthcare Plan Fund.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2017009, #2017020, #2017021, #2017023, #2017024, #2017025, #2017026, #2017027, #2017028 and #201729 for local government and school division projects and programs as described in Attachment A.

Appropriation #2017009		\$ 48,906.75
Source:	Federal Revenue	\$ 24,453.38
	Water Resources Fund fund Balance	\$ 24,453.38
	Water Resources TMDL Capital Project*	\$159,000.00

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

This request is to re-appropriate the National Fish and Wildlife Foundation grant support operating and capital costs related to the Large-Scale BMP Retrofits on Private Lands capital project and includes:

- Re-appropriates \$24,453.38 in federal revenue from a National Fish and Wildlife Foundation grant and to appropriate 24,453.38 in Water Resources Fund fund balance for the required match to support operating costs for the completion of a study supporting a capital project, Large-Scale BMP Retrofits on Private Lands, to make improvements to private storm water facilities.
- Appropriates \$159,000.00 from the Water Resources Total Maximum Daily Load (TMDL) improvements capital project to the Large-Scale BMP Retrofits on Private Lands capital project for the County's required match of the National Fish and Wildlife Foundation

grant. The associated federal grant revenue has already been appropriated in the Multi-Year Resolution to appropriate FY 17 On-going Funding of Multi-Year Capital Projects approved by the Board of Supervisors June 1, 2016. This portion of the appropriation does not increase the total County budget.

<u>Appropriation #2017020</u>		<u>\$47,183.80</u>
Source:	State Revenue	\$ 45,952.51
	General Fund	\$ 1,231.29

This request is to re-appropriate \$45,952.51 from the Virginia Department of Housing and Community Development Telecommunication (DHCD) Planning Initiative funding awarded to the County and the \$1,231.29 county match funding to complete the project. This grant continuation will complete a telecommunication plan to identify and develop elements necessary to develop a successful community broadband network.

<u>Appropriation #2017021</u>		<u>\$44,291.00</u>
Source:	Federal Revenue	\$ 98,769.00
	State Revenue	\$ -54,478.00

This request is to increase the amount of Federal funding provided for the County's on-going Victim Witness Services Grant program and to de-appropriate previously appropriated State Funding for the program so that the total amount correctly reflects the sources of funding provided to this grant program by the State and Federal Government. These two adjustments result in a net increase of \$44,291 for the program.

The Victim Witness Program provides comprehensive information and directs services to crime victims and witnesses in accordance with the Crime Victim and Witness Rights Act and other associated laws. The current grant funds a Victim Witness Assistant Coordinator position and a Victim/Witness Program Assistant position. This increase in Federal Funding will support the full costs for an additional part-time Victim Witness Advocate to assist the Spanish speaking victim/witness population.

<u>Appropriation #2017023</u>		<u>\$10,343.00</u>
Source:	State Revenue	\$ 10,000.00
	General Fund	\$ 343.00

This request is to re-appropriate \$10,343.00 to complete the program supported by the Virginia Department of Emergency Management grant that was awarded in FY 16 to the Fire Rescue Department. The grant funding supports the development of an emergency response plan in the case of a crude oil spill in our community.

<u>Appropriation #2017024</u>		<u>\$122,467.00</u>
Source:	Federal Revenue	\$ 84,262.00
	State Revenue	\$ 35,205.00

This request is to appropriate \$122,467.00 in State and Federal revenue to the Department of Social Services (DSS) for a Senior Eligibility Worker and a Specialist as approved by the Board of Supervisors at the August 3, 2016 meeting. Adding these two new positions will require no additional funding by the County. The additional Senior Eligibility position will focus on Medicaid, specifically Long-Term Care, will help to alleviate the high workload, as well as improve DSS's performance measures. The additional DSS Specialist would provide vital support to Eligibility Workers and is viewed as being more cost-effective than hiring a second Eligibility Worker at a higher pay grade. The funding for these positions will be reimbursed by the State and Federal governments and will be provided to the County on an on-going basis. Staff will use additional unrestricted, unobligated ongoing Federal money from the Central Services Cost Allocation Plan to cover any additional one-time costs associated with these positions.

<u>Appropriation #2017025</u>		<u>\$0.00</u>
This appropriation does not increase the total County budget.		

Source:	Vehicle Replacement Fund	\$ 23,712.00
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This request is to appropriate \$23,712.00 to support the purchase of a vehicle for the Office of Economic Development from currently appropriated funds in the Vehicle Replacement Fund. This appropriation does not increase the total County budget, as a vehicle previously planned for replacement in the County in FY 17 will be deferred. There is currently \$5,000 included in the Economic Development Office's budget for auto allowance expenses. Since the new vehicle will not likely to be received by the County for approximately 3 months after it is ordered, this \$5,000 in funding is recommended to remain in the Economic Development Office's budget at this time to support any travel-related expenses that may occur prior to when the vehicle is obtained. After the new vehicle is obtained, any unused portion of the Economic Development Office's auto allowance funds is recommended to be returned to the Vehicle Replacement Fund, reducing the amount required from the Vehicle Replacement Fund by up to \$5,000.

<u>Appropriation #2017026</u>		<u>\$49,000.00</u>
Source:	ECC Fund fund balance	\$ 49,000.00

The Emergency Communications Center (ECC) requests that the County, acting as fiscal agent for the ECC, reappropriate a total of \$49,000.00 from the ECC Fund fund balance as follows:

- \$20,000.00 to replace aging HVAC equipment;
- \$15,000.00 to paint the interior of the Emergency Communications Center;
- \$8,000.00 for two ECC administrative employees to attend the Senior Executive Institute's LEAD Program; and
- \$6,000.00 for the replacement of handheld unit batteries for the 800 MHz regional radio cache, which is maintained by the ECC.

Appropriation #2017027		\$51,443.76
Source:	General Fund fund Balance	\$ 51,443.76

This request is to re-appropriate \$51,443.76 in funding that was available at the end of FY 16 in the Department of Voter Registration and Elections budget to its FY 17 budget to support an anticipated record high number of Election Day voters and absentee voters and for the upcoming November 8, 2016 presidential election. In anticipation of the 2016 presidential general election, an increase of \$21,300 had already been included in the Department of Voter Registration and Election's FY 17 Budget, however, at this time, the Registrar anticipates additional funding will be required. Through the first seven months of 2015, the Department of Voter Registration and Elections processed 6,156 voter registration entries. By comparison, they processed 15,097 voter registration entries through the first seven months of 2016, an increase of 145%. This request includes additional funding for additional staffing leading up to and on Election Day, additional voting booths, additional laptops to expedite voter check-in, and various equipment and supplies to accommodate the large expected voter turnout.

Appropriation #2017028		(\$240,445.79)
Source:	Local	(\$ 240,445.79)

On July 6, 2016, the Emergency Communication Center (ECC) requested that the County, acting as fiscal agent for the ECC, re-appropriate ECC funding for various projects that continued from FY 16 to FY 17. This request is to reconcile the following ECC project budgets that were previously approved by the Board per Appropriation #2017011 to correctly reflect the amount of revenue funding that will be received in FY 17 based on year-end accounting reconciliation. These adjustments between fiscal years result in a decrease to the County's FY 17 Total Budget by \$240,445.79.

- Reduction of \$16,882.44 in various local and state revenues that were previously anticipated to be recovered from the project partners for the ECC 800 MHz Regional Communications System Replacement Project in FY 17. This supports the replacement and upgrade of the infrastructure for the regional 800 MHZ Public Safety Radio System. The project partner shares are: City of Charlottesville – 25.2%, County of Albemarle – 51.1%, University of Virginia – 15.9%, Charlottesville/Albemarle Airport – 2.4%, RWSA – 2.4%, ACSA – 2.0%, and ACRJ – 1.0%.
- Reduction of \$85,337.98 in various local and state revenues that were previously anticipated to be recovered from the project partners for the Regional Computer Aided Dispatch (CAD)/Technology Project in FY 17. This supports the replacement of multiple outdated computer systems for all public safety agencies within the City, County and University. The project partner shares are: City of Charlottesville – 39.77%, County of Albemarle – 47.10%, and University of Virginia – 13.13%.
- Reduction of \$138,225.37 in various local and state revenues that were previously anticipated to be recovered from the project partners for the 911 Emergency Telephone System in FY 17. This supports the replacement of the telephone system at the ECC and the back-up facility at ACOB 5th Street which is near completion with the system being in use since February 2016. The project partner shares are: City of Charlottesville – 40.58%, County of Albemarle – 42.67%, and University of Virginia – 16.75%.

Appropriation #2017029		\$1,630,414.00
Source:	General Fund fund Balance	\$ 430,414.00
	School Healthcare Reserve Account	\$ 1,200,000.00

This request is to appropriate \$1,630,413 from the General Fund and the School Healthcare Reserve Account to the Health Care Plan Fund. This appropriation, along with funding provided by the other participating entities, the Albemarle County Regional Jail, Blue Ridge Juvenile Detention Center, Emergency Communications Center (ECC), Albemarle Service Authority and CATEC will support the restoration of the Health Care Plan Fund's reserve to a more sustainable level.

Finance staff has carefully monitored the Health Care Plan Fund's expenditures and revenues, and as of August 2016, has projected that the Health Care Plan Fund would require entities participating in the plan to provide the full \$2 Million infusion towards the County's reserve goal by September 30, 2016

In December 2015, the School Board approved the School Administration's recommendation to set aside \$1.2 Million of its General Fund-School Reserve Fund fund balance. This was the estimated school share at that time which turned out to be \$157,000 less than the final calculated amount. In January 2016, all participating entities were informed of what their share would be of an aggregate \$2 Million infusion based on their total of the number of people covered (employees, spouses, and dependents) per entity, with the understanding that, based on claims' experience over the plan year, the final infusion amount required for the Plan may be less than \$2M. On April 5, 2016, the Board of Supervisors approved having all participating entities in the County's Health Care Fund set aside funding for a possible infusion into the Health Care Plan Fund to ensure the County achieves an approximate 18% reserve in 2016 as an

essential step towards meeting the County's goal of maintaining a 25% Health Care Plan reserve in Plan Year 2017 and beyond.

In June 2016, The Board of Supervisors approved the School Board's request to appropriate \$1.2 Million into a specific health care reserve account to segregate this amount of funding from the School Division's general reserve. School Administration has informed County staff that the School Division's remaining share of \$157,000 will be provided by the School Division in calendar year 2016 assuming sufficient funding is available from the final FY 2016 year end fund balance.

The Albemarle County Regional Jail and the Blue Ridge Juvenile Detention Center governing boards have already elected to infuse their shares of the reserve directly into the Plan fund in full. The Finance Department has also invoiced Albemarle Service Authority and CATEC for their respective full shares of the infusion amount. As a regional entity, the Emergency Communications Center (ECC) will also provide their share of the infusion.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2017009, #2017020, #2017021, #2017023, #2017024, #2017025, #2017026, #2017027, #2017028 and #201729 for local government and school division projects and programs:

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2017009, #2017020, #2017021, #2017023, #2017024, #2017025, #2017026, #2017027, #2017028, and #2017029 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2017009	3-1000-33000-333000-330034-1004	24453.37	SA2017009 Reappropriate Federal Rev_ NFWF Grant Project in General Fund
2017009	3-1000-51000-351000-512050-9999	24453.38	SA2017009 Grant County Match from WR
2017009	3-1650-51000-351000-510100-9999	24453.38	SA2017009 WR Dedicated Rev FB for Grant Project
2017009	4-1650-93010-493010-930009-9999	24453.38	SA2017009 WR Dedicated Rev FB for Grant Proj to Gen Fund
2017009	4-1000-43205-482040-301210-1004	48906.75	SA2017009 Grant Project in General Fund
2017009	4-9100-82046-482040-800605-9999	-159000	SA2017009 Capital
2017009	4-9100-82046-482040-800975-9999	159000	SA2017009 Capital TMDL
2017020	3-1213-12200-412200-562500-1001	1231.29	SA2017020 County Match
2017020	3-1213-24000-324000-240500-9999	45952.51	SA2017020 State Revenue
2017020	4-1213-12200-412200-392000-9999	45952.51	SA2017020 contract services
2017020	4-1213-12200-412200-562500-1001	1231.29	SA2017020 TJ Planning District
2017021	3-1225-24000-324000-240500-9999	-54478	SA2017021 State Revenue
2017021	3-1225-33000-333000-330001-9999	98769	SA2017021 Federal Revenue
2017021	4-1225-31012-431010-110000-1003	12392	SA2017021 SALARIES-REGULAR
2017021	4-1225-31012-431010-210000-1003	2010	SA2017021 FICA
2017021	4-1225-31012-431010-221000-1003	3276.26	SA2017021 VRS
2017021	4-1225-31012-431010-231000-1003	5790	SA2017021 Health Insurance
2017021	4-1225-31012-431010-232000-1003	145	SA2017021 Dental Insurance
2017021	4-1225-31012-431010-241000-1003	334.74	SA2017021 VRS Group Life Ins
2017021	4-1225-31012-431010-270000-1003	29	SA2017021 Worker
2017021	4-1225-31012-431010-350000-1003	560	SA2017021 PRINT & BIND-EXTERNAL
2017021	4-1225-31012-431010-550100-1003	3190	SA2017021 TRAVEL/TRAINING/EDUCATION
2017021	4-1225-31012-431010-550600-1003	1569	SA2017021 TRAVEL-SUBSISTENCE
2017021	4-1225-31012-431010-580000-1003	5175	SA2017021 MISCELLANEOUS EXPENSES
2017021	4-1225-31012-431010-580100-1003	500	SA2017021 DUES & MEMBERSHIPS
2017021	4-1225-31012-431010-800200-1003	7120.00	SA2017021 FURNITURE & FIXTURES
2017021	4-1225-31012-431010-800700-1003	2200.00	SA2017021 TECHNOLOGY EQUIPMENT
2017023	3-1575-24000-324000-240548-1003	10000.00	SA2017023 State Revenue
2017023	3-1575-51000-315000-510100-9999	343.04	SA2017023 Fund Balance
2017023	4-1575-32015-432010-312000-1003	10343.04	SA2017023 Contract Services
2017024	3-1000-33000-333000-330028-9999	52057.00	SA2017024 Federal Cost Allocation
2017024	3-1000-33000-333000-330020-1005	35205.00	SA2017024 Federal
2017024	3-1000-24000-324000-240110-1005	35205.00	SA2017024 State
2017024	4-1000-53010-453010-110000-1005	77167.00	SA2017024 Salary
2017024	4-1000-53010-453010-210000-1005	5904.00	SA2017024 FICA
2017024	4-1000-53010-453010-221000-1005	9654.00	SA2017024 VRS
2017024	4-1000-53010-453010-241000-1005	1018.00	SA2017024 Group Life
2017024	4-1000-53010-453010-231000-1005	17967.00	SA2017024 Health
2017024	4-1000-53010-453010-232000-1005	494.00	SA2017024 Dental

2017024	4-1000-53010-453010-270000-1005	77.00	SA2017024 Workers Comp
2017024	4-1000-53010-453010-332104-1005	656.00	SA2017024 Maint. Cont-DP Equipment
2017024	4-1000-53010-453010-520100-1005	640.00	SA2017024 Postal Services
2017024	4-1000-53010-453010-520300-1005	1010.00	SA2017024 Telecommunications
2017024	4-1000-53010-453010-550100-1005	1060.00	SA2017024 Travel/Training/Education
2017024	4-1000-53010-453010-550104-1005	530.00	SA2017024 Mileage
2017024	4-1000-53010-453010-600100-1005	1130.00	SA2017024 Office Supplies
2017024	4-1000-53010-453010-601200-1005	270.00	SA2017024 Books & Subscriptions
2017024	4-1000-53010-453010-601700-1005	380.00	SA2017024 Copy Supplies
2017024	4-1000-53010-453010-800200-1005	3160.00	SA2017024 Furniture
2017024	4-1000-53010-453010-800700-1005	1350	SA2017024 ADP Equipment
2017025	4-1000-81050-481050-281050-1008	-2620	SA2017025 OED Vehicle Purchase
2017025	4-1000-81050-481050-530900-1008	201	SA2017025 OED Vehicle Purchase
2017025	4-1000-81050-481050-600800-1008	845	SA2017025 OED Vehicle Purchase
2017025	4-1000-81050-481050-600900-1008	264	SA2017025 OED Vehicle Purchase
2017025	4-1000-81050-481050-800200-1008	23712	SA2017025 OED Vehicle Purchase
2017025	4-1000-81050-481050-800501-1008	1310	SA2017025 OED Vehicle Purchase
2017025	3-1000-51000-351000-510109-9999	23712	SA2017025 OED Vehicle Purchase
2017025	4-9200-43001-412560-800500-9999	-23712	SA2017025 OED Vehicle Purchase
2017025	4-9200-93010-493010-930009-9999	23712	SA2017025 OED Vehicle Purchase
2017026	4-4100-31040-435600-800700-1003	6000	SA2017026 ECC Reapp: 800 MHz Cache Radio Batteries
2017026	4-4100-31040-435600-550100-1003	8000	SA2017026 ECC Reapp: ECC Employee Leadership Training
2017026	4-4100-31040-435600-331800-1003	35000	SA2017026 ECC Reapp: HVAC/Painting
2017026	3-4100-51000-351000-510100-9999	49000	SA2017026 ECC Reapp
2017027	4-1000-13020-413020-130000-1001	6562	SA2017027 PT Wages for Presidential Election
2017027	4-1000-13020-413020-210000-1001	502.00	SA2017027 PT Wages for Presidential Election
2017027	4-1000-13020-413020-312510-1001	5125.00	SA2017027 Election officials for Presidential Election
2017027	4-1000-13020-413020-390000-1001	2500.00	SA2017027 hasps, bolts, padlocks
2017027	4-1000-13020-413020-800100-1001	13400.00	SA2017027 security carts, voting booths, hand trucks
2017027	4-1000-13020-413020-800700-1001	23354.76	SA2017027 laptops, rebuilt frequency converter
2017027	3-1000-51000-351000-510100-9999	51443.76	SA2017027 Registrar - Pres. Election Support
2017028	3-4105-19000-319000-160502-9999	-56091.85	SA2017028 ECC 911 Emergency Telephone System - City
2017028	3-4105-19000-319000-160503-9999	-58980.77	SA2017028 ECC 911 Emergency Telephone System - County
2017028	3-4105-19000-319000-160512-9999	-23152.75	SA2017028 ECC 911 Emergency Telephone System - UVA
2017028	4-4105-31059-435600-800715-1003	-138225.37	SA2017028 ECC 911 Emergency Telephone System
2017028	3-4117-19000-319000-160502-9999	-33938.92	SA2017028 ECC Regional CAD/Tech - City
2017028	3-4117-19000-319000-160503-9999	-40194.18	SA2017028 ECC Regional CAD/Tech - County
2017028	3-4117-19000-319000-160512-9999	-11204.88	SA2017028 ECC Regional CAD/Tech - UVA
2017028	4-4117-31061-435600-310000-1003	-25922.00	SA2017028 ECC Regional CAD/Tech Project
2017028	4-4117-31061-435600-312700-1003	-13903.74	SA2017028 ECC Regional CAD/Tech Project
2017028	4-4117-31061-435600-312710-1003	-18600.00	SA2017028 ECC Regional CAD/Tech Project
2017028	4-4117-31061-435600-332100-1003	-25400.00	SA2017028 ECC Regional CAD/Tech Project
2017028	4-4117-31061-435600-550100-1003	-1512.24	SA2017028 ECC Regional CAD/Tech Project
2017028	3-4110-19000-319000-160502-9999	-4254.38	SA2017028 ECC Regional 800 MHz - City
2017028	3-4110-19000-319000-160503-9999	-8626.93	SA2017028 ECC Regional 800 MHz - County
2017028	3-4110-19000-319000-160512-9999	-2684.31	SA2017028 ECC Regional 800 MHz - UVA
2017028	3-4110-19000-319000-160534-9999	-405.18	SA2017028 ECC Regional 800 MHz - Airport
2017028	3-4110-19000-319000-160627-9999	-405.18	SA2017028 ECC Regional 800 MHz - RWSA
2017028	3-4110-19000-319000-160633-9999	-337.65	SA2017028 ECC Regional 800 MHz - ACSA
2017028	3-4110-19000-319000-181314-9999	-168.81	SA2017028 ECC Regional 800 MHz - ACRJ
2017028	4-4110-31058-435600-950185-1003	-16882.44	SA2017028 ECC Regional 800 MHz Project
2017029	3-1000-51000-351000-510100-9999	430414.00	SA2017029 App. GF Fund Balance
2017029	4-1000-88000-488000-560020-9999	430414.00	SA2017029 LG Contribution - Health Reserve
2017029	3-3912-63912-351000-510109-6599	1200000.00	SA2017029 Transfer in - Health Reserve Fund
2017029	4-3912-88000-488000-560020-9999	1200000.00	SA2017029
TOTAL		3,623,537.88	

Item No. 9.3. Request to increase Police Department's petty cash to \$2,500.

The Executive Summary forwarded to the Board states that Virginia Code Section 15-2-1229 provides that the County may adopt a resolution to establish petty cash funds not exceeding \$5,000 to be used to transact daily County business.

The Board of Supervisors last established petty cash funds by a Resolution adopted on June 4, 2014. The Police Department has requested an increase in its petty cash fund from \$1,000 to \$2,500. The Department of Social Services has requested the elimination of its \$200 petty cash fund. The Police

Department uses petty cash funds as a proactive measure in gaining critical information necessary to help solve crimes that have or may be occurring within the County. The Police Department has found the current dollar amount is inadequate to meet current needs. Social Services staff now uses P-cards for purchases previously reimbursed from petty cash funds, therefore Social Services no longer needs petty cash.

There is no budgetary impact.

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

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

RESOLUTION

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

WHEREAS, the Board of Supervisors adopted a Resolution on June 4, 2014 establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend the June 4, 2014 Resolution by increasing the petty cash fund for the Police Department and eliminating the petty cash fund for Social Services.

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

Finance Department	\$4,350.00
Community Development	100.00
Police Department	2,500.00
Fire and Rescue	150.00
Commonwealth's Attorney	300.00
Parks & Recreation	100.00
Total	\$7,500.00

Item No. 9.4. Proposed Fiscal Agent Agreement for Health District Building.

The Executive Summary forwarded to the Board states that the County and the City of Charlottesville jointly own the Thomas Jefferson Health Department Building on Rose Hill Drive. For some time, the County has served as the fiscal agent, while the City has managed the maintenance and capital projects for the Building. However, the localities' general practice has been that whichever locality actually manages the projects of a jointly owned building, should also serve as fiscal agent. That arrangement is more efficient than having two parties coordinate their efforts. The proposed Memorandum of Understanding (MOU) (Attachment A) would transfer fiscal agent responsibilities to the City, to correspond with the City's continuing capital project responsibilities for the Health Department Building.

The attached MOU outlines the responsibilities of the City serving as fiscal agent. Those responsibilities would include the power to enter into contracts, subcontracts, and other agreements, to receive, expend, and distribute rents, fees and funds, to develop and evaluate procedures for financial and property management, and to hire, organize, and train the staff needed to manage the joint property. Under the proposed agreement, the County would pay a 2% administrative fee to the City for providing these services, which is a common practice for joint arrangements between the City and County.

The FY17 adopted budget appropriation already includes a section that takes this new arrangement into account and will allow the County to transfer any fund balances to the City and the State to begin sending rental payments to the City.

Staff recommends that the Board (a) approve the provision of the proposed fiscal agent services by the City of Charlottesville and (b) authorize the County Executive to sign the MOU for such services in a form approved by the County Attorney.

By the above-recorded vote, the Board approved the provision of the proposed fiscal agent services by the City of Charlottesville and authorized the County Executive to sign the MOU for such services in a form approved by the County Attorney:

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
CITY OF CHARLOTTESVILLE AND COUNTY OF ALBEMARLE
FOR
ADMINISTRATIVE / FISCAL AGENT SERVICES**

This Agreement is entered into by and between the City of Charlottesville, Virginia ("CITY") and the County of Albemarle, Virginia ("COUNTY") (together, "Property Owners"), to designate the CITY to act and serve as the Administrative/ Fiscal Agent on behalf of the Property Owners, in matters pertaining to the operation and management of certain real estate jointly owned by the parties.

The real estate that is the subject of this MOU is the property commonly referred to as the Local Health Department Offices, located at 1138 Rose Hill Drive, Charlottesville, Virginia, 22903, consisting of land and improvements identified on City Tax Map 44 as Parcel 302 ("Joint Property").

A. DESIGNATION OF ADMINISTRATIVE / FISCAL AGENT

1. The Property Owners hereby designate CITY as their Administrative/ Fiscal Agent, and delegate to CITY the power and responsibility to enter into contracts, subcontracts, and other agreements, to receive, expend, and distribute rents, fees and funds, to develop and evaluate procedures for financial and property management, and to hire, organize, and train the staff needed to manage the Joint Property.
2. CITY will be compensated for necessary and reasonable administrative costs for performing the duties of Administrative/ Fiscal Agent, in the amount of two percent (2%) of the COUNTY's share of adjusted gross rent received for the Joint Property. ("Adjusted Gross Rent" means gross rents, less any property management fee paid to the City for the Joint Property).

B. ADMINISTRATIVE / FISCAL AGENT'S ADMINISTRATIVE REQUIREMENTS

CITY's administrative responsibilities are general property management and maintenance of the Joint Property, including but not necessarily limited to the following:

1. CITY, through its City Manager and employees authorized by the City Manager, shall serve as the "person lawfully in charge" of the Joint Property, for purposes of Va. Code § 18.2-119.
2. CITY, through its employees, shall serve as property manager for the Joint Property, and shall have authority to perform, contract for and execute or cause to be executed any repairs, maintenance, and other necessary services for the Joint Property, in accordance with an annual budget jointly approved by the Property Owners.
3. CITY and COUNTY shall each retain their individual rights and interests in and to the Lease of the Joint Property to the Health Department.

C. ADMINISTRATIVE / FISCAL AGENT'S REPORTING REQUIREMENT

CITY shall make annual financial reports to the COUNTY each fiscal year regarding the gross rents/ income and costs/ expenses of the Joint Property. These reports shall be made and delivered no later than October 31 to the Albemarle County Executive, at 401 McIntire Road, Charlottesville, Virginia 22902, or to such other recipient and/or address as the COUNTY may specify in writing.

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D. OTHER PROVISIONS

1. This Agreement is effective when signed and dated by the duly authorized representatives of the CITY and COUNTY, and performance by each of the parties hereto shall continue from year to year until it is modified or terminated.
2. If either party desires to terminate this Agreement, such party shall give 90 days' advance written notice shall be given to the other.

**OWNER:
COUNTY OF ALBEMARLE**

**OWNER AND ADMINISTRATIVE/FISCAL AGENT:
CITY OF CHARLOTTESVILLE**

By: Thomas C. Foley
Signature

Thomas C. Foley
Typed Name

County Executive
Title

10/3/16
Date

By: Maurice Jones
Signature

Maurice Jones
Typed Name

City Manager
Title

9-19-16
Date

Item No. 9.5. Resolution to Support use of VHDA Financing for The Vue in Crozet. (White Hall Magisterial District)

The Executive Summary forwarded to the Board states that the Vue is a proposed 126-unit garden-style apartment community to be built on Blue Ridge Avenue in Crozet. The property consists of two existing parcels (TMPs 05600-00-00-006A0 and 0560000-00-11500). The proposal is a by-right development with an initial site plan approved by the County on April 22, 2016 and the development is not located in a revitalization area as defined by Virginia Code § 36-55.30:2 (A).

Vue Realty Partners LLC (the LLC) has obtained a commitment for the Virginia Housing Development Authority's (VHDA) mixed-income financing for the Workforce 20/80 program. This program requires that 20% of the units to be reserved for households earning not more than 80% of the area median income. Albemarle County's HUD median income for 2016 is \$77,800. To obtain this financing, Virginia Code § 36-55.30:2(B) requires that the governing body adopt a resolution indicating that the Board has determined that including market-rate units in the development would enhance the LLC's ability to provide affordable units and that "private enterprise and investment are not reasonably expected, without assistance, to produce ... decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the area of the project" and that such a development would create a desirable mix of residents in the area. Attachment A is a letter from Mr. William Park, representing the LLC, supporting these two determinations. Staff agrees with the statements in Mr. Park's letter.

As a by-right development, the Vue would not be subject to the County's Affordable Housing Policy which has a goal of at least 15% of new affordable housing units created through rezoning and special use permits being produced. In addition, the 20% requirement for the mixed-income financing program exceeds expectations set forth in the County's policy.

There is no budget impact associated with actions related to this executive summary.

Staff recommends that the Board adopt the attached resolution (Attachment B) making the determinations requested by the Vue Realty Partners LLC regarding the proposed project known as The Vue.

Note: This item was pulled for discussion at end of meeting.

Item No. 9.6. Approval of Resolution of Support for Virginia Initiative for Growth & Opportunity (GO Virginia).

The Executive Summary forwarded to the Board states that the Central Virginia Partnership for Economic Development serves as the regional economic development organization for all of Planning District 10 (Charlottesville and the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson) and most of the counties in Planning District 9 (Culpeper, Madison and Orange). Since the GO Virginia initiative was first introduced in 2015, the CVPED Board has taken an active role in creating awareness and informing Partnership members about the new State program that was formally approved and funded by the General Assembly during the 2016 session.

The Virginia Initiative for Growth and Opportunity in each region (GO Virginia) was initiated by the Virginia Business Higher Education Council (VBHEC) and the Council on Virginia's Future to foster private-sector growth and job creation through State incentives for regional collaboration by business, education, and government. Recognizing the harsh effect of deep federal budget cuts on a Virginia economy that is overly dependent on public sector jobs, business leaders formed the GO Virginia campaign to work for regional cooperation on private-sector growth, job creation, and career readiness. Bipartisan and business-led, the coalition favors State incentives to encourage effective collaboration among business, education, and government in each region, providing a framework for implementation of the private sector-focused strategies of leading business organizations and political leaders in both parties.

On February 19, 2016, the Partnership Board unanimously approved a resolution of support for GO Virginia (attached) and followed that by adopting the recommendation of the regional GO Virginia Planning Team, which also included the Executive Director of the Thomas Jefferson Planning District Commission, at its annual meeting on June 24th. The Planning Team recommended that the CVPED Board serve as the lead organization for GO Virginia, assuming that Planning Districts 9 and 10 are combined into one GO Virginia region.

Since the State's GO Virginia Board appointments were just announced on August 15, 2016, localities and regional organizations are still waiting for the State to provide guidelines on the appointment process for the regional GO Virginia Boards ("Regional Councils"); however, it is the intent of the CVPED Board and Planning regional GO Virginia Boards ("Regional Councils"); however, it is the intent of the CVPED Board and Planning District 9 and 10 leadership for the CVPED to serve as the regional administrator. The Thomas Jefferson Planning District Commission and the Rappahannock-Rapidan Regional Commission will provide regional planning coordination with the Regional Council, with each also having a seat on the Regional Council. The remaining seats on the Council will be determined once the guidelines on the appointment process are released later this year - tentatively October/November.

The Central Virginia Partnership Board is requesting the County's support in designating it as the lead organization for GO Virginia in Planning Districts 9 and 10. As a regional economic development organization serving Albemarle County and other localities in the area, the Partnership's main focus - fostering collaboration to promote economic growth and job creation in the region - aligns exactly with the GO Virginia initiative. The Partnership has led a successful collaboration of public, private, and educational stakeholders for two decades and is uniquely positioned to foster the regional cooperation required to successfully execute GO Virginia.

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution of Support (Attachment C).

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

**RESOLUTION OF SUPPORT
VIRGINIA INITIATIVE
FOR GROWTH & OPPORTUNITY
GO VIRGINIA**

WHEREAS, the Virginia Initiative for Growth and Opportunity (GO Virginia) was initiated to encourage collaboration on private-sector growth and job creation by business, education, and government in each region; and

WHEREAS, the GO Virginia coalition's work is guided by three main points: (1) Virginia urgently needs strong private-sector growth; (2) Growth in Virginia's diverse regions requires collaboration; and (3) State government must be a catalyst and partner; and

WHEREAS, GO Virginia supports a voluntary, incentive-based approach as the best way to encourage regional cooperation on private-sector growth; and

WHEREAS, the General Assembly has approved \$35.95 million for GO! Grants, enacted legislation effective on July 1, 2016 and directed that guidelines be developed to implement the legislation by October 15, 2016; and

WHEREAS, as a regional economic development organization, the Central Virginia Partnership for Economic Development's main focus – fostering collaboration to promote economic growth and job creation in the region – aligns exactly with the GO Virginia initiative; and

WHEREAS, the Partnership has led a successful collaboration of public, private and educational stakeholders for two decades and is uniquely positioned to foster the regional cooperation required to successfully execute GO Virginia; and

WHEREAS, the Albemarle County Board of Supervisors agrees that the success and sustainability of Virginia's economic future depends on strong private-sector growth and supports state policies that encourage business, education, and local government to work together to create jobs and achieve shared economic development goals; and

WHEREAS, it is anticipated that Planning Districts 9 and 10 will be combined to serve as a single region for the GO Virginia program and both Planning District Commission Directors have agreed to be integrally involved in supporting the Partnership in this endeavor.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors supports the GO Virginia initiative to strengthen Virginia's economy in each region and, in the event that Planning Districts 9 and 10 are combined to serve as one of the defined regions for implementation of GO Virginia, supports the Central Virginia Partnership for Economic Development as the lead organization for GO Virginia in our region.

Item No. 9.7. Old Trail Western Park. (*White Hall Magisterial District*)

The Executive Summary forwarded to the Board states that as part of the approved rezoning of the Old Trail development (ZMA-2004-024), the developer was required to construct and maintain certain improvements on and across a future County park. Specifically, stormwater management and greenway trail improvements were shown and approved in specific park locations. However, the developer conveyed the Old Trail Western Park property to the County in November 2010 before having completed the required improvements, and without reserving for itself the legal right to re-enter the property to complete and maintain the required improvements. In recent months, March Mountain Properties, LLC and East Village, LLC, two current Developers of the surrounding Old Trail development, have approached County staff seeking this legal access to the County-owned park property.

Staff has been working with representatives of the two Developers on agreements that would (a) grant the Developers permission to deliver surplus fill material for the County's use, (b) convey easements to the Developers to allow the construction and maintenance of required stormwater management and greenway trail improvements, and (c) convey needed sanitary sewer easements to the Albemarle County Service Authority (ACSA).

Permission to Deliver Fill Material: In developing their respective properties, the Developers will generate excess fill material, which they have offered to deliver to the County. The County could use this fill material to develop playing fields at Old Trail Park or elsewhere, at a cost savings to the County. The Developers have also offered plantings and other landscaping on the park property in satisfaction of their own mitigation requirements. The Developers have requested temporary permission to enter the County property for these purposes. Because the County would have the ability to revoke this permission at any time, it can be granted administratively (Attachment A), without requiring a public hearing, because no interest in real property is conveyed.

Stormwater and Greenway Trail Easements: The Developers have agreed both to construct and

maintain these permanent improvements on the County's park property (Attachment B). These permanent improvements would require permanent easements (Attachment C), which in turn would require a public hearing under Virginia Code § 15.2-1800.

Sanitary Sewer Easements: The specific location of the proposed sanitary sewer easements (Attachment D) is set forth on the attached Plat (Attachment E). The sewer lines would be buried within the easements and would not interfere with the use of the property as a public park. Again, Virginia Code § 15.2-1800 requires that the Board also hold a public hearing prior to this proposed conveyance of an interest in County-owned real property.

Two of the proposed agreements would result in cost savings to the County. The County's receipt of surplus fill material would relieve the County of having to purchase fill material to develop playing fields. The agreement of the Developers to construct and maintain stormwater management and greenway trail improvements likewise would relieve the County of expenses it might otherwise incur. The proposed ACSA sanitary sewer easement would have no fiscal impact.

Staff recommends that the Board advertise for future public hearing the proposed conveyance of these Old Trail Western Park easements.

By the above-recorded vote, the Board set the public hearing for October 12, 2016

Item No. 9.8. County Grant Application/Award Report.

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

The attached Grants Report provides a brief description of one grant application and one award received during the time period of July 16, 2016 through August 19, 2016.

This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

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

GRANT REPORT ACTIVITY – July 16, 2016 through August 19, 2016

Applications were made for the following grants:

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Department of Energy (DOE)	Scale Demonstration of the use of chargers for fleet operations	Federal	In-Kind, electric vehicle charger	County's commitment to purchase a Nissan Leaf	Departmental	Facilities & Environmental Services	The County supports the Commonwealth Center for Advanced Logistics Systems (CCALS) application to the DOE to deploy electric vehicles and advanced bidirectional direct-current (DC) fast chargers throughout the community. If awarded, the County will receive the fast charger to support the Nissan Leaf electric vehicle. A vehicle replacement has already been planned in the current fiscal year. We are proposing the purchase of the Nissan Leaf as the replacement vehicle in support of this effort if the grant is approved.

Awards were received for the following grants:

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Department of Criminal Justice Services	Victim Witness Assistance Grant Program	Federal and State	\$131,692	\$38,092	Departmental	Police	These grant funds will be used to continue to fund two Victim Witness Program employees and one new part-time Victim Witness Advocate within the Police Department.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

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

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY17 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
						FY18	FY19	FY20	FY21	FY22
FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes overtime/equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired and associated costs to be absorbed in the department.	1	Grants Leveraging Fund	6/30/2020	\$104,925.00	\$ 69,754.50	\$ 104,631.75	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00
FY16 Byrne/Justice Assistance Grant (JAG) Crime Analysis	This grant provides funding for the current Crime Analyst position. The grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Police Department	6/30/2018	\$16,939.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00
*does not include local match funds						\$139,067.50	\$ 173,944.75	\$ 208,822.00	\$ 208,822.00	\$ 208,822.00

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

The replacement of such equipment will be considered as part of the County's capital equipment replacement program.					Potential Financial Impact				
Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	FY18	FY19	FY20	FY21	FY22
	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	\$ 236,700.00	\$191,800.00	\$ 147,090.00	TBD	TBD
2006 Assistance to Firefighters									
Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is expiring.	0	Fire Rescue Fund	6/30/2009	\$ 40,356.00	\$ 53,345.00	\$ 54,934.00	TBD	TBD
					\$ 277,056.00	\$245,145.00	\$ 202,024.00	\$ -	\$ -

This item was pulled for discussion with Agenda Item No. 15 on the regular agenda.

Item No. 9.9. Copy of letter dated July 25, 2016, from Mr. Ronald L. Higgins, Chief of Zoning /Deputy Zoning Administrator, to Ms. Elaine Taylor, **re: LOD-2016-00011 – OFFICIAL DETERMINATION OF PARCELS OF RECORD – Parcel ID 10300-00-00-025A0 & 025A1 (Property of Mary A. Newton) – Scottsville Magisterial District, was received for information, was received for information.**

Item No. 9.10. Copy of letter dated July 25, 2016, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Ms. Michelle Christian, **re: LOD-2016-00012 – OFFICIAL DETERMINATION OF PARCEL(S) OF RECORD – Parcel ID 06500-00-00-112A0 (Property of Robert Lee Gardner) – Rivanna Magisterial District, was received for information.**

Agenda Item No. 10. FY 18 Operating and Capital Budget Calendar and Recommendation regarding ABRT Agency Funding Process.

The Executive Summary presented to the Board states that the process of developing the County's Operating Budget for Fiscal Year 18 (FY18) and the Capital Improvements Program (CIP) for FY18-22 is underway. On an annual basis staff provides a proposed budget calendar and highlights any other staff recommendations regarding process modifications.

This Executive Summary includes two attachments for the Board's review and consideration. Attachment A includes the proposed FY 18 budget development calendar and Attachment B includes staff's recommendation related to the Legal Aid Justice Center and the ABRT Agency Funding Process.

Attachment A provides a preliminary budget calendar for the FY 18 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. During this year's session, the General Assembly changed the required date that a locality has to set the tax rate from April 15 to May 15. This change is reflected in this calendar and streamlines the process. Staff will continue to provide the public with as much notice as possible for planned community engagement opportunities, public hearings and work sessions associated with the development of the upcoming budgets.

There are several dates that are driven by Virginia Code requirements which are reflected in the attached calendar:

- Localities with a first-half tax year collection in June must adopt the tax rate on or before May 15.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
- There must be at least seven days between the public hearing and the adoption of the budget.
- Localities must provide at least 30 days' notice of the tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's tax levies. Prior to 2009, the requirement was seven days' notice.

In addition to these Virginia Code requirements, the School Board and School Division staff has requested that a public hearing be scheduled so that it does not coincide with Spring Break.

The preliminary budget calendar for the FY 18 budget process meets the Virginia Code requirements and the School Board's request. Additionally, this calendar assumes that the reassessment would result in an increase of one percent or more in the total real property tax levied in Calendar Year (CY) 17 compared to CY 16, and incorporates the necessary 30 days' notice into the schedule. Due to the change in the state requirements, this calendar includes one combined public hearing on the Board's Proposed Budget and the CY 17 tax rate in April, the practice followed prior to 2009.

Attachment B provides the County staff's recommendation that the Legal Aid Justice Center continue to apply for funding through the ABRT Agency Funding Process.

Staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A and concurs with staffs' recommendation that Legal Aid Justice Center's continued participation in the ABRT Agency funding process as outlined in Attachment B.

Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board and stated that she encourages them to adopt the proposed FY 2018 budget which has been established to meet legal timelines, and to set dates for public hearings, Board meetings and work sessions. She showed a slide presentation listing various legal notice requirements, including a 30-day notice for a tax rate public hearing if reassessment results in 2%+ increase, seven-day notice for budget public hearing advertisements, and seven days between public hearing and adoption of the budget. Ms. Allshouse stated that a new provision this year is that the tax rate must be adopted by May 15, though it is important to adopt the rate prior to April 15 to meet requirements associated with sending tax bills to property owners. She noted that the calendar includes a combined public hearing day for the Board's proposed budget and the FY17 tax rate in April. She mentioned other considerations, including the Board's meeting schedule, public engagement opportunities, the timing of work sessions, and the timing of the school division's spring break.

Ms. Allshouse displayed highlights of the calendar, stating that September to December would be work sessions on a two-year balanced fiscal plan; on February 17, the County Executive will present the recommended budget; February–March will be work sessions and will include a February 21 public hearing; on March 7, the Board sets the tax rate for advertising and approves the proposed budget; from March–April there will be work sessions, as well as a public hearing on April 11; on April 18, the Board sets the tax rate and adopts the FY18 budget.

Mr. Randolph said that he used to sit on the committee and there is a great deal of information to digest, even for someone with experience, and this year there would be some new members. He suggested they have an orientation meeting prior to November 21 and provide Capital Improvement Plan packets to the new members before the meeting so they can have time to digest the information, adding that this would lead to more productive budget meetings.

Ms. Mallek agreed with Mr. Randolph and said that many recommendations come before the Board as a surprise, and she encourages people to attend the committee meetings.

Ms. McKeel said that when she was on the CIP Oversight Committee, they sometimes had three meetings, and asked Ms. Allshouse to allow for three meetings in a year when it could be beneficial. Ms. McKeel asked Ms. Allshouse to confirm that the current calendar would not preclude additional meetings, if needed, and said that having an orientation meeting is a wonderful idea. Ms. Allshouse responded that the calendar would not preclude additional meetings.

Ms. Palmer suggested that Board members who are not on the budget committee may want to

hold back in committee discussions so the meeting does not end up becoming like a County Board meeting.

Ms. Allshouse continued with her presentation. She said that staff has reviewed how the Legal Aid Justice Center (LAJC) is funded and would make a recommendation to the Board today. She said the LAJC requested that their future funding request be reviewed outside of the Agency Budget Review Team (ABRT) process, and this year LAJC received \$70,630 from Charlottesville and \$38,750 from Albemarle. She next described the funding process for nonprofits and explained that the County's review team was put in place in 1983 and began including the City in 1991, with citizens added in 1993. Ms. Allshouse stated that the City currently provides coordination of process on behalf of the County and City. She described the process as being "robust" and said it includes a detailed scoring matrix and site visits, with focus on alignment with strategic plans and outcomes. She said that applicants are offered application workshops and one-on-one assistance.

Ms. Allshouse reported that nonprofit organizations in the area include Piedmont Court Appointed Special Advocate (CASA) program, housing programs, OAR pre-trial services, the Charlottesville Free Clinic, Literacy Volunteers and more. She said that cultural and festival organizations were removed from the process in 2015, though it continues with the City. She said that City and County staff recommend that LAJC's funding requests remain in the ABRT process, as they have been included since the 1980's. She said the ABRT includes community members in the process as well as provides opportunities for agencies to improve applications, and 20 other Virginia localities review legal aid services applications through their nonprofit request processes. She stated that removing this agency from the process could result in others also requesting removal, and to ensure consistency across review teams, Charlottesville Assistant City Manager, Mike Murphy, would review all program applications as part of the ABRT. She stated that if LAJC's application receives a solid rating in FY18, their funding position would be reset at that level in the future. She said the Executive Director of LAJC is in the audience, as well as Gretchen Ellis who manages the program.

Ms. Mallek thanked Ms. Allshouse for presenting a history of the program. She said the fact that they have been using the current review process for many years does not mean they should not consider making a change if it is needed. She said it is important to realize that the justice system is different than social services and if they do not provide support for financially at-risk citizens in the justice system, they are not doing their job. She said that a suggestion has been made to make LAJC a contract service with an email sent to Board members with the specific wording; however, she does not think this would be appropriate and mentioned that it could be a bad fit, citing an example of some cultural agencies that, after several years, were brought out of this process because they did not fit.

Ms. McKeel said that members of the Board did receive the email regarding the contractual question, and they can have Ms. Allshouse respond to their question about this.

Mr. Dill asked for clarification regarding last year's budget approval process and one particular program that was declined and why it was declined. Ms. Allshouse replied that each program is reviewed on its own merits, and Legal Aid had a question about consistency across the different teams of community and staff members that review programs, which is why they are now having Mr. Murphy review all programs.

Mr. Dill asked if it is common to have each program submitted by an agency reviewed separately. Ms. Gretchen Ellis, Charlottesville Human Services Planner, replied that about half the organizations that submit applications to the agency review team have multiple programs, and each program is rated on its own merits.

Ms. McKeel asked for the amount for one program of LAJC that was refused. Ms. Ellis replied that last year there were two programs recommended for defunding, with one being rated as poor and the other rated as fair. She explained the policy is that if a program is rated as fair for two consecutive years it is recommended for defunding, and she believes the total was a little over \$30,000 for both programs.

Ms. Mary Bauer, Executive Director of LAJC, confirmed that last year two of their programs were recommended for defunding and she found the rationale to be confusing. She stated that their locations in other parts of Virginia are not subject to such a review process anywhere else, and she described the review process as "putting a square peg in a round hole," noting that the questions asked and outcomes measured are not really the things they do. Ms. Bauer said that LAJC suggested a different approach so they would not have to fight for funding every year. She emphasized that they are transparent about the number of people they represent and the kinds of cases they take, and they are not opposed to an evaluative process. She said they are viewed as one of the top legal services organizations in the country, and the idea that one of their programs could be rated as poor is totally disconnected from the work they do.

Ms. Palmer thanked Ms. Bauer for her comments and addressing the Board.

Mr. Dill stated the Board can override the ABRT and that the Board makes the final decision.

Ms. Palmer stated that she does not think anyone would question the good that Legal Aid does.

Ms. Mallek said that every year Legal Aid spends several days preparing the application for evaluation, and the Board spends hours discussing the application because they refuse to consider a different way to go about the process, so she hopes that staff can review other options for Legal Aid to

submit its budget request.

Ms. Mallek then **moved** to adopt the 2017 budget calendar. Ms. McKeel **seconded** the motion.

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

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

NAYS: None.

ADOPTED FY 18 BUDGET DEVELOPMENT CALENDAR

September 2016

Wednesday 14 BOS/School Board Joint Work Session – Discussion Items to include: Funding Formula, Budget Development Guidelines, Program and Service Inventory Overview, Major Budget Drivers
BOS Work Session – Strategic Plan Priorities
Thursday 29 BOS Work Session – Priority Driven Budgeting

October 2016

Tuesday 11 BOS Work Session – Priority Driven Budgeting
Wednesday 12 BOS/School Board Joint Work Session – Compensation and Benefits

November 2016

Wednesday 9 Board Work Session
– Two Year Balanced Fiscal Plan in context of Five Year Financial Plan
– Preliminary FY 18 – FY 22 CIP Overview (Amendment Year)
TBD BOS Work Session – Two Year Balanced Fiscal Plan in context of Five Year Financial Plan
Monday 21 CIP Oversight Committee Meeting #1
Tuesday 29 CIP Oversight Committee Meeting #2

December 2016

Wednesday 7 BOS Work Session – Two Year Balanced Fiscal Plan in context of Five Year Financial Plan with Public Comment on 2 Year Balanced Fiscal Plan
Wednesday 14 BOS Work Session – Approve Balanced Two Year Fiscal Plan / Guidance for Annual Budget

February 2017

Friday 17 (Noon) County Executive's Presentation to Board - Recommended Budget
Tuesday 21 Public Hearing on County Executive's Recommended Budget
Thursday 23 BOS Budget Work Session #1
Monday 27 BOS Budget Work Session #2

March 2017

Wednesday 1 Regular BOS meeting
Thursday 2 BOS Budget Work Session #3
Tuesday 7 BOS Budget Work Session #4 - Finalize Tax Rate for Advertisement/Approval of Board's Proposed Budget
Wednesday 8 Regular BOS meeting
Tuesday 28 BOS Work Session #5 (If Needed)
Thursday 30 BOS Work Session #6 (If Needed)

April 2017

Mon.-Fri. 3-7 Spring Break
Wednesday 5 Regular BOS meeting
Tuesday 11 Public Hearing on the CY 17 tax rate and Board's Proposed Budget
Wednesday 12 Regular BOS meeting
Thursday 13 Holiday
Tuesday 18 BOS sets tax rate and adopts budget

* Public Engagement Opportunities will occur throughout Budget Development Process

**To meet operational requirements, BOS must set the CY 17 tax rate by April 18

With regard to the Legal Aid Justice Center, Mr. Sheffield said he would abstain from this vote as he works for an agency that must go through the same budget approval process, citing a conflict of interest.

Ms. Mallek **moved** to direct staff to provide options on alternative funding for Legal Aid Justice Center. This was **seconded** by Mr. Dill.

Roll was called and the motion **failed** by the following recorded vote:

AYES: Mr. Dill and Ms. Mallek.

NAYS: Ms. McKeel, Ms. Palmer and Mr. Randolph.

ABSTAIN: Mr. Sheffield.

Motion was then offered by Mr. Randolph, to concur with staff's recommendation that the Legal Aid Justice Center continue participation in the ABRT Agency funding process. Ms. McKeel **seconded** the motion.

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

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

NAYS: Mr. Dill and Ms. Mallek.

ABSTAIN: Mr. Sheffield.

Agenda Item No. 11. Memorandum of Understanding between the County and Economic Development Authority.

The Executive Summary presented to the Board states that under the Industrial Development and Revenue Bond Act (Virginia Code §15.2-4900 et seq.), an EDA is authorized to acquire, own, lease, and dispose of properties, to acquire, build, lease, or sell buildings and industrial parks, to provide financing for infrastructure such as roads and water and sewer lines, to provide financing for governmental facilities and a range of non-profit and other qualifying private facilities, and to make loans and grants and to provide other incentives to promote economic development. Since the EDA was created by the Board on May 12, 1976, its primary role has been to serve as a conduit issuer of bonds. More recently, it also has served as a conduit for providing grants to businesses (Route 29 Solutions, and those under the Board's Economic Opportunity Fund in conjunction with State programs) and a loan to a non-profit organization (Lewis & Clark Exploratory Center).

The role of the EDA to date has been limited, a fact also reflected in the County's current EDA regulations and the EDA's own operating documents, which require prior Board approval of most, if not all, key EDA activities. However, the EDA is an independent political subdivision of the Commonwealth of Virginia and the County Code and the EDA's operating documents need to correctly reflect that status. A proposed ordinance to address this issue will be coming to the Board for its consideration in October which, if adopted, will also allow the EDA's operating documents to be revised accordingly. Nonetheless, in order for economic development in Albemarle County to be successful, the EDA and the County need to ensure that they are pursuing the same economic development goals and objectives. The memorandum of understanding (MOU) for the Board's consideration is one of the tools available to achieve that purpose.

Over the past several years, the Board has taken steps to promote economic development. Most recently, on April 1, 2015, the Director of Economic Development joined the County in the newly established Economic Development Office to "lead the County's efforts to foster and encourage best practices in economic development activities that provide for quality job creation and sustainable employment opportunities, increased business tax base, and an improved quality of life for all citizens." County February 19, 2015 Press Release.

On June 10, 2015, the Board adopted a new Comprehensive Plan, which includes a chapter on Economic Development. The stated goal for economic development in the County is: "Albemarle's economy will be diverse, strong, and sustainable, and retain and benefit County citizens, existing businesses, and new local ventures." Comprehensive Plan, page 6.1. The Economic Development Office, with assistance from other County staff, is currently developing a draft Economic Development Strategic Plan. By establishing the Economic Development Office, adding an Economic Development chapter to the Comprehensive Plan, and developing an Economic Development Strategic Plan, the Board has recognized the need to plan for and to facilitate economic development.

The EDA can play a vital role in enabling the County in achieving its economic development goals and objectives. In particular, the EDA can serve as a primary tool to implement the Board's revitalization priorities in the County's urban ring. An MOU between the County and the EDA is one of the tools available to ensure that the activities of the EDA remain aligned with the policies, goals, and objectives of the Board of Supervisors. A draft MOU is included as Attachment A and its provisions will be discussed at the September 7, 2016 Board meeting. The majority of the content of the MOU is based on the Economic Development and Development Areas chapters, as well as the Economic Development Implementation Priorities, of the County's Comprehensive Plan. Cross-references to the sources in the Comprehensive Plan are included in the MOU. The County Attorney's July 6, 2016 memorandum about the authority of the EDA, and its legal relationship to the County, is included as Attachment B.

There is no budget impact.

Staff recommends that the Board provide direction on any changes to the MOU and direct staff to forward the MOU to the EDA for its consideration before it is returned to the Board for approval.

DRAFT MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is dated September ____, 2016 and is entered into by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), and the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "EDA").

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

The County and the EDA agree that the County's goal for economic development – to create and maintain a diverse, strong, and sustainable economy, and to retain and benefit the County's citizens, existing businesses, and new local ventures – is also the goal of the EDA. The County and the EDA also agree that promoting and assisting in the retention or expansion of existing businesses is a higher priority than attracting new businesses, and that the actions of the County and the EDA described below should be guided by that prioritization:

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

- A. Promote new employment activities particularly those target industries identified in the 2012 Target Industry Study in the Development Areas. (ED Strategy 1a)
- B. Promote agriculture, forestry, and agribusiness enterprises in the Rural Area that help support the Rural Area goals for a strong agricultural and forestal economy. (ED Strategy 1b)
- C. Promote and assist business retention and expansion within the Development Areas. (ED Strategy 2b)
- D. Use the 2012 Target Industry Study to guide its actions pertaining to business retention and expansion and new business. (ED Strategy 3a)
- E. Assist existing businesses where agriculture is a main component. (ED Strategy 3g)
- F. Assist existing agricultural businesses. (ED Strategy 3h*)
- G. Promote and assist in the establishment and expansion of businesses within the Development Areas on appropriately zoned lands. (ED Strategy 4b)
- H. Promote and assist in the redevelopment of underutilized commercially- and industrially-zoned lands within the Development Areas. (ED Strategy 4c)
- I. Promote and assist, on its own or in conjunction with other organizations or public bodies, small, locally owned, local agricultural businesses, minority-owned businesses, and micro-enterprises in their start-up and early operation efforts. (ED Strategy 6d)
- J. Create appropriate incentives that address the needs of the target industries and emerging businesses. (ED Strategy 6e)
- K. Promote and assist in relocating nonconforming businesses from the Rural Area to the Development Areas.

2. The EDA will not, without the prior approval of the County's Board of Supervisors:

- A. Promote and assist in establishing or expanding businesses within the Rural Area that are inconsistent with the land use policies of the Rural Area.
- B. Promote and assist in establishing or expanding businesses within the Rural Area on any parcel that is not within the Rural Areas zoning district.
- C. Acquire by any means possible, or assist any business in acquiring, land within the Area for business establishment or expansion if the proposed use is not allowed by right or by special use permit in the Rural Areas zoning district.

3. The County, through its Board of Supervisors, will:

- A. Reasonably and timely consider all matters of the EDA which federal or state law requires action by the Board, including any proposed bond issuance by the EDA.
- B. Continue the Economic Opportunity Fund, subject to appropriation.

4. The County and the EDA will:

- A. Work cooperatively and in close coordination to achieve the County's goal for economic development.
- B. Consider amending this Memorandum of Understanding if and when the County's Board of Supervisors adopts an Economic Development Strategic Plan.

C. Interpret the terms used in this Memorandum of Understanding including, but not limited to, "Development Areas," "Rural Area," and "Target Industry," as they are defined or described in the County's Comprehensive Plan or Zoning Ordinance, as applicable in the context in which they are used.

Mr. Kamptner addressed the Board and presented a slideshow that first focused on the history of the Economic Development Authority (EDA). Mr. Kamptner reported that the EDA was established in 1976, and from 1976-1992 its regulations were amended several times to expand the types and number of facilities it could finance. He said that in 1994, the EDA's regulations were amended to eliminate the specific types and number of facilities that could be financed, and the regulations adopted in 1994 are the regulations in effect today, codified in County Code Section 2-600. He said the EDA, under state law, is a separate political subdivision and a separate and distinct legal entity from the County. He noted that the authority is independent of the locality in its operations, its incurring of debt, and its ownership of property, and next demonstrated how the EDA manifests its independence. Mr. Kamptner said that any limitations on an EDA imposed by a local governing body under the Industrial Development and Revenue Bond Act are confined to those limitations in Virginia Code 15.2-4903(A), pertaining to the type and number of facilities that may be financed. He noted that a local governing body may not expressly require that an EDA comply with the locality's economic development goals, according to the Virginia Attorney General. He next listed the general powers of an EDA: to acquire, own, lease and dispose of properties; to acquire, build, lease, or sell buildings and industrial parks; to provide financing for governmental facilities and a range of nonprofit and other qualifying private facilities; to make loans and grants; and to provide other incentives to promote economic development.

Mr. Kamptner highlighted the purpose of today's discussion and said that in October an ordinance amendment would be up for consideration by the Board that would amend the County regulations pertaining to the EDA, adding that the MOU would be one of the tools used to ensure that the EDA's goals and objectives for economic development would be consistent with those of the Board. He said the County's stated Comprehensive Plan goal for economic development is as follows: "Albemarle's economy will be diverse, strong and sustainable, and retain and benefit County citizens, existing businesses and new local ventures." He said that staff seeks direction on revisions to the draft MOU to take to the EDA for its consideration, and suggested having two Board members meet with two EDA directors to resolve any differences before the final MOU is approved by each body. He said that Mr. Gentry, Chair of the EDA, spoke with him this morning and expressed his concern that the MOU is too restrictive for the EDA to carry out its mission.

Ms. Palmer asked him to clarify in what way it was found to be restrictive. Mr. Kamptner responded that having preliminary discussions with prospects may not fall within one of the stated goals in Section 1 of the MOU.

Ms. McKeel asked for clarification from Mr. Kamptner as to what is expected of the Board, noting that they have an MOU and a staff report before them which is listed as an action item, but she understands from his comments that this is a draft that would go back to the EDA for further discussion. Mr. Kamptner responded that the action is to direct staff to send the version with the Board's proposed revisions to the EDA, and for the EDA to report back to the Board for final consideration. He confirmed that the MOU could be revised, and one potential consideration suggested at a prior meeting by Mr. Randolph is to have the amount of time devoted by the EDA to various functions specified by the Board.

Mr. Foley said he thinks Mr. Randolph's suggestion of specifying percentages of time to devote to various tasks is a good one and that it would be easy to incorporate in the MOU.

Ms. Palmer said that what they are basically being asked to do is change the ordinance and replace it with the MOU. She said the MOU should be part of the public hearing, and October 4 may not be the best time for the public hearing as there may not be sufficient time for discussion. She suggested that they wait until December when the economic development plan would be completed and take care of both at the same meeting.

Mr. Kamptner clarified that the MOU is not supplanting the ordinance. He said the recommended changes to the ordinance are to bring the County Code in full alignment with state law. He said the MOU could be considered as a philosophical document, and the Board would retain authority to designate how the EDA spent funds and retained substantial control.

Ms. Mallek expressed her view that they should review the MOU today.

Ms. Palmer agreed with Ms. Mallek, but said they should make sure the MOU is complete and understood by all before they hold a public hearing, and feels it would be better to wait until the December meeting when they could review everything at once.

Ms. McKeel asked what the ramifications would be for the EDA and its ongoing work if they were to put this off a month. Ms. Faith McClintic, Director of Economic Development, replied that it is important to have the MOU as soon as possible, as they are currently not in a position to act and respond to a land or building owner about a property and do not have the authority without public input. She said she has had many inquiries from area property owners about their land being used for a purpose other than residential development, and they want assurance that the County and EDA would be enabled to act rather than having to revisit the issue in a public process. She also mentioned that there is some lack of trust by members of the EDA towards the Board of Supervisors.

Ms. Palmer said there is no lack of trust on the part of the Board and the issue has to do with the long term.

Mr. Randolph said it is not a matter of trust but there is some ambiguity, and he identified Point 1 of Attachment A, Page 1 regarding the Economic Opportunity Fund as an example. He said that he has questions as to how it would function, sources of revenue and how it would be managed. He said he would also like to know how an economic development strategic plan would require the MOU to be revised, and since a revision to the MOU would impact the strategic plan and vice versa, he thinks they should wait until they have both and review them at the same time. Mr. Randolph said that he also has a question regarding potentially having an EDA bond issue while at the same time doing general budget bonding, how interest rates would be set, and how residents could potentially vote down bonding for a new school while approving bonding for the EDA.

Ms. Mallek asked that the Economic Opportunity Fund be addressed now, as it has been in the budget for at least nine years. Mr. Foley replied that the County's opportunity fund is under the Board's authority, and the EDA would not have authority over the use of these funds, although the Board could consider whether to grant the EDA some flexibility in using these funds. He said that general obligation bonds are only available to the Board of Supervisors and are not available to EDA; therefore, the EDA does not have AAA ratings.

Mr. Kamptner stated that the EDA issues revenue bonds, and according to statute the locality has no obligation or liability to make payments on these bonds. He said that traditionally the Board has funded the Economic Opportunity Fund at \$50K, and this fund provides matching grants under the Commonwealth Opportunity Fund. In response to Mr. Randolph's question about the implications for the economic development strategic plan to potentially require the MOU to be revised, he said he expects it would have to be revised.

Mr. Foley offered to meet with two members of the Board of Supervisors and two members of the EDA, along with Ms. McClintic, to work out issues with the MOU.

Ms. Palmer asked about MOU Section 2C and suggested they remove the special use permit requirement and consider adding "acquiring by any means possible or assist any business or venture." Mr. Kamptner addressed Section 2C and said it addresses a situation with non-rural area zoned land located within the rural area as stipulated in the Comprehensive Plan.

Mr. Sheffield asked Mr. Kamptner if he could provide examples of other localities that have delegated or worked out this situation with their EDAs. He said if he could provide examples, it could put them at ease that they are not relinquishing their legal authority. Mr. Foley replied that he and Mr. Kamptner would research this further.

Ms. Palmer asked if the ordinance could be written in a way to make it clear regarding the number and types of facilities. Mr. Kamptner said the limitations they can put in the ordinance are in regard to type and number of facilities.

Ms. McKeel asked Mr. Kamptner if, after hearing the questions and comments of Board members today, he could go back to the EDA with this draft and work on the concerns they have, then get back to the Board. She commented that she understands that Ms. McClintic is anxious to move forward and does not want this to drag on too long. Mr. Foley said that he, Mr. Kamptner, and Ms. McClintic need to work with the Board and the EDA on some issues and language and figure out some things. He emphasized that the Board is not giving up any authority, but the current ordinance does place restrictions that they really cannot impose under state law.

Ms. Palmer said she understands the need to amend the ordinance, but her concern is that the MOU can be amended by a future Board.

Mr. Randolph offered another suggestion regarding the reading of the MOU. He suggested that the MOU would read more clearly if the three "woulds" appeared consecutively and then the "would nots," so Section 2 would become Section 4.

Mr. Kamptner clarified the proposed changes: Section 2 would become Section 4. Section 2C would be revised with the addition in the first line: "business or venture." He said that staff would clarify the entire section so it is clear that they are addressing zoning that is inconsistent with the rural area Comprehensive Plan designation when there is non-rural area district land in the rural area of the County. Finally, he said, they can add a Section 5 to deal with the situation when there is a new economic strategic plan that would allow either party to terminate an MOU to replace it with a new MOU.

Ms. Mallek asked how they would move forward with these changes. Mr. Kamptner said that today he is asking the Board to direct that revisions be made, which would be sent to the EDA for discussion.

Mr. Foley asked for two Board members to volunteer to meet with him and the EDA. Ms. Palmer, Mr. Randolph and Mr. Dill volunteered.

Mr. Dill addressed Ms. McClintic's comments earlier about lack of trust among members of the EDA towards the Board. He said there is so much going on with economic development and they are

searching for the right mechanisms by which to do good economic development, but they do not yet have a definition of what “good economic development” is. He asked if it means increasing tax revenue and creating better jobs, for instance.

Ms. McClintic said she wishes to offer two points of clarification. She said that one of the first things defined in the Economic Development Strategic Plan Work Plan is the work areas in their programs and tool kit that were not set up completely to enable them to go forward. Ms. McClintic stated that the EDA has not been enabled to act as most EDA's are able to act; secondly, she would be glad to sit down with individual Board members to address questions and concerns so that they can make informed decisions. She stated that she wants them to fully understand the provisions so they can explain and defend decisions to constituents.

Agenda Item No. 12. **Work Session:** Water Resources Funding.

The Executive Summary presented to the Board states that on October 7, 2015, the Board was presented with recommendations of the Water Resources Funding Advisory Committee (“Committee”); these recommendations are detailed in the Committee's final report (Attachment A). As part of its work, the Committee defined a model 10-year Program Plan to serve as the basis for estimating program costs and analyzing rate structures under various funding scenarios. The Program Plan includes the implementation of three major new programs: 1) addressing mandated stream and bay cleanup requirements (known as TMDLs), 2) proactively repairing and maintaining public drainage infrastructure, and 3) voluntarily addressing stream impairments and other ecological issues throughout the County.

The three new programs comprised the majority of the costs of the proposed Program Plan. To support these programs, the Committee recommended - by a narrow majority - that the County implement a County-wide stormwater utility with fees based primarily on impervious area but also including generous rate adjustments for low-density properties and for private investments in stormwater management. At that point, the Committee's work was completed and it was discharged.

Subsequent to the Committee recommendations, the Virginia Department of Environmental Quality (DEQ) confirmed that the County has already made considerable progress towards meeting long-term pollution reduction requirements mandated as part of the Chesapeake Bay TMDL. Consequently, the estimated future annual cost of TMDL implementation was reduced from \$2.5M to \$0.5M. Attachment B depicts the revised costs over the 10-year planning period of major categories of the Committee's proposed Program Plan (with updated TMDL costs) compared to anticipated revenues from existing, dedicated revenue sources - 0.7-cents of the real property tax rate earmarked for the program and various permit fees.

At a May 11, 2016 work session, the Board was briefed on the Committee's recommendations and program cost revisions and requested that the Committee members reconvene to reconsider their recommendations in light of the lower TMDL cost estimates.

The purpose of this work session is for the Board to receive updated Committee recommendations and comments and to provide direction on its preferences regarding program level and funding method. The desired outcome is for the Board to provide direction regarding 1) its support for the Committee's proposed 10-year Program Plan; and 2) the establishment of a stormwater utility.

On July 12, 2016, the Committee reconvened for a special meeting and was presented with information regarding the County's TMDL progress and updated cost estimates to fulfill the TMDL mandates. Despite a reduction in anticipated program costs, the sentiments of the Committee did not change. A narrow majority of the members (7 of 12) still support a stormwater utility, citing the following reasons: fairness, stability of funding to better enable long-term planning, the need to catch up with mounting challenges due to past underfunding, and flexibility. The five dissenting members support the continuation of funding through the General Fund, citing a lower administrative burden, the efficiencies brought by having to compete against other County priorities, and concern for small tax-exempt organizations and disadvantaged citizens. Regardless of the source of funding, the Committee broadly supports a more comprehensive program as represented by the proposed 10-year Program Plan.

The implementation of a stormwater utility would require additional steps that would take approximately 12 to 18 months to complete. This work would advance the efforts begun by the Committee and culminate in a proposed ordinance and specific utility rate formula the Board would then be asked to adopt following public hearings. These endeavors would require the services of an engineering consultant.

The Facilities and Environmental Services Department FY 17 budget includes approximately \$100,000 to support the required consulting services. Additional funding may be required in FY 18 to finalize all necessary work efforts. If the Board authorizes establishment of a stormwater utility, staff anticipates that the program would be self-sustaining in subsequent years.

Staff recommends that the Board affirm the level of service represented by the 10-Year Program Plan recommended by the Committee with the understanding that the Program Plan may be revised in the future to incorporate new information and to respond to new mandates. Staff also recommends that the Board provide direction regarding its support for the formation of a stormwater utility and the other activities needed in its formation, including procurement of a funding consultant.

Mr. Bill Letteri, Deputy County Executive, addressed the Board and turned the presentation over to Greg Harper, Chief of Environmental Services.

Mr. Greg Harper addressed the Board and said he would focus on how to best fund the County's water resources. He acknowledged Delegate David Bulova, who was in the audience and would participate in the discussion. Mr. Harper said the aim of his presentation is to obtain Board direction on affirming support of the recommended 10-year program plan and for the formation of a storm water utility. He next displayed a timeline of the process: they received initial Board of Supervisor direction in early 2014; an advisory committee was formed later that year and they contracted with Amec Foster Wheeler. Mr. Harper next reviewed the advisory committee's recommendations for a 10-year program plan and its four elements: 1) current programs – mostly operating costs, 2) limited capital costs, TMDL – capital projects and programs to meet mandated pollutant discharge reductions in urban areas, 3) gray infrastructure – proactively maintain public drainage infrastructure (pipes, manholes, channels), and 4) green infrastructure – voluntarily addressing stream impairments throughout the County.

He stated the second recommendation is to establish a storm water utility with a single, countywide rate with no rural/urban distinction. Mr. Harper said the committee has suggested the establishment of a billing unit consisting of 500 square feet of impervious surface as opposed to a fixed rate for all single family residences, as they believe it is important that the fee be related to a property's contribution to storm water runoff, with credit for onsite storm water management and rate adjustment for low density of imperviousness or beneficial land cover conditions. He said the committee supports financial incentives for private investments in onsite storm water management and runoff control as well as technical assistance for implementing practices.

Mr. Harper stated the Department of Environmental Quality (DEQ) approved the Chesapeake Bay TMDL in December 2015 with an estimated cost of compliance of \$500K, revised downward from the original estimate of \$2.5 million. He next showed a slide of the estimated budget each year for 10 years and said that as a result of the downward revision in estimated costs, the committee reconvened on July 12. He stated there were no changes in the sentiments of the members, with a narrow majority still supporting the formation of a storm water utility, feeling that it is a more equitable way to distribute program costs to citizens and would allow the County to better plan for the long term. He next showed a graphic that compared funding mechanisms of a general fund, service district, and storm water utility, with favorable and unfavorable factors for each.

He next reviewed the necessary steps to establish a utility, stating that step 1 would involve preparation and would include engaging with an engineering consultant; refining various cost estimates (inventory of gray infrastructure such as pipes, manholes, channels); clarifying gray and green investments and the cost to implement and maintain a storm water utility; refining GIS data; conducting community outreach; developing a specific rate formula based on concepts provided by the committee; and writing a draft ordinance amendment. He stated that step 2 involves Board work sessions in early 2018 to adopt the ordinance and rate structure, and step 3 would be implementation in FY19 to include developing a master account file and setting up a billing system.

Ms. Palmer asked if the MS4 permit requires mapping of the existing gray infrastructure. Mr. Harper responded that they are required to map outfalls of the infrastructure where pipes discharge into streams, but not all the infrastructure; however, they plan to go beyond what is required. He said they would also map public easements associated with developments and said it would take 12-18 months to map infrastructure. Mr. Harper said they can update cost estimates as they complete the infrastructure mapping.

Board members noted that there are many easements throughout the County.

Mr. Letteri interjected that the process they would go through would involve research and findings that staff would present to the Board for discussion, from which they would develop models, and this would occur during the 12-18 month period, but they will not wait until the end to present to the Board.

Ms. Palmer said that what the Board is being asked to do at this point is affirm the level of service represented by the 10-year program plan recommended by the committee, and this does not include money for the gray infrastructure.

Several Board members had questions and comments about the 10-year budget estimate that was displayed in a slide, including portions covered by the general fund.

Mr. Randolph said that in the Scottsville District among the business community, the potential for leveling a utility fee was a hot topic for discussion, and the consensus among those he has spoken with is that it would not be particularly effective in altering the behavior of agriculturists who do not follow best practices. He said it is clear that they are not just looking at green costs (pollution control, siltation, best practices), but also gray costs of existing infrastructure that has not been maintained, particularly in the urban ring of the County. He said it is inescapable that they would have to impose an additional fee to cover costs and said the question is regarding the type of fee and the assets it would be based on. He said his next question is about a green fee that would cover siltation and loading and whether it should be designed to be policy neutral or predicated on pollution reduction behaviors. He stated that he thinks the green portion of the utility fee should be one under which they attempt to affect behavior, and he contemplated whether the current utility fee is effective in contributing to reductions in siltation and nutrient loading. He stated they have an opportunity with this fee to educate the community as to why it is

necessary, and emphasized that it is not being used to develop another revenue source for the County but to deal with real costs. He said there is a perception in the rural areas that they do not need to contribute to the urban ring, and a perception among people in the urban ring that they should not have to be concerned about bad agricultural practices in the rural area. Mr. Harper responded that these specifics would need to be addressed in the next phase of defining the rate structure, but they should not be what the Board decides on today.

Ms. Mallek stated that the goal is to reduce environmental impact and not raise revenue, and this is why the establishment of a utility is important.

Ms. McKeel said she supports having a utility but urges caution as there could be issues of perceived fairness. She pointed out some areas in the urban ring where one side of the road is urbanized and the other side is rural, noting that residents might not wish to be treated differently.

Ms. Mallek **moved** to affirm the level of service represented by the 10-Year Program Plan recommended by the Committee with the understanding that the Program Plan may be revised in the future to incorporate new information and to respond to new mandates.. The motion was **seconded** by Ms. McKeel.

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

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

Mr. Kamptner suggested a second motion to provide direction regarding the formation of a storm water utility.

Mr. Dill said the key question is whether the establishment of separate rates would affect people's behavior if they would only save a few dollars. He said he suspects it would not change the behavior of many people based upon the irrational behavior he sees on a daily basis, such as people leaving windows open with air conditioning on and leaving their cars running in the parking lot of the supermarket to keep the air conditioning on. He added that he wonders if it is worth spending money on the GIS survey. Mr. Harper responded that the main reason for establishing separate rates is to have an equitable distribution of the costs of dealing with storm water runoff. He said that even if it does not affect behavior, it would be fairer.

Ms. Palmer asked Mr. Harper to address the costs of GIS mapping of runoff on individual properties. Mr. Harper said he does not think that much GIS work would need to be done if they would eliminate driveways from consideration, as they currently have pretty good data. He estimates \$100K of additional costs for the consultant to finish, and said they have spent \$60K on consultant fees so far; and from speaking with representatives in other localities, they estimate ongoing costs of \$50K per year for GIS mapping.

Mr. Dill said he would prefer to have staff in the field enforcing the rules and catching violators instead of establishing a bureaucracy that tries to encourage people to save rainwater in a barrel, as he is contemplating whether the utility would be the best use of resources.

Ms. Mallek said it looks like there will not be a bureaucracy. She expressed her support for having a measurable way to achieve the fee by basing it on property characteristics, and said it is important to the committee and would contribute significantly to broad support for the program.

Ms. Palmer informed Mr. Dill that earlier she had the same concern as he does, but in the interest of transparency and being able to explain to members of the community how they are paying for the gray infrastructure, it is important to be able to demonstrate how fees are calculated.

Ms. Mallek **moved** to support staffs recommendation for the formation of a stormwater utility and the other activities needed in its formation, including procurement of a funding consultant. The motion was **seconded** by Ms. McKeel.

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

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

Ms. Palmer then recognized Delegate David Bulova of the 37th District who is also the consultant and thanked him for his service.

Recess. The Board recessed at 3:30 pm and reconvened at 3:41 pm.

Agenda Item No. 13. **Work Session:** Agricultural-Forestal Districts Ordinance Amendments.

The Executive Summary presented to the Board states that Agricultural-Forestal Districts are voluntary conservation districts that, among other restrictions, prevent most small-lot (under 21 acre) subdivisions. In recent years, many proposed additions to the Districts have been parcels that have no

small-lot development rights. A development right allows a parcel to be divided to create a lot of less than 21 acres. These parcels are not affected by the Districts' subdivision restrictions, so adding them to a District results in little or no conservation gain.

However, landowners can use their District membership to qualify for the open-space category of use-value taxation. This means that landowners who are not making a significant conservation impact can receive a tax benefit that is meant to support conservation.

This tax benefit available for parcels that cannot otherwise be subdivided can be reduced if the County stops accepting parcels without development rights into a District.

On April 18, 2016, the Agricultural-Forestal Districts Advisory Committee voted 5:3 to endorse a policy of not accepting parcels without development rights into a District.

The members of the Committee who voted in favor of the new policy to not accept parcels without development rights into a District generally found that adding those parcels to a District resulted in little or no conservation benefit. The Committee members who voted against the new policy were concerned that it would limit the number of parcels that were able to join the Districts and could prevent some gaps in the Districts from "filling in."

The new policy would, in fact, limit opportunities for some landowners to join the Districts. This could mean that Districts that currently have gaps might not be able to fill those gaps. However, many existing Districts have gaps or non-contiguous areas and have consistently been found to be viable during past District reviews. Also, filling in the gaps in Districts with parcels without small-lot development rights would give an impression of greater protection on County maps, but would not significantly protect those parcels.

Disqualifying some parcels from District membership might seem to reduce their land-conservation options. However, in the case of 21-acre lots with no further development potential, the opportunity for conservation by joining a District has already been lost, and adding them to a District does not prevent any development. Larger parcels with potential only for 21-acre lots would not be effectively protected by inclusion in a District, and would be more effectively protected by a conservation easement. Those small parcels with potential for subdivision and development would remain eligible to join a District.

The proposed regulations attached would revise two sections of Chapter 3 (Agricultural-Forestal Districts) of the Albemarle County Code. The proposed amendments would provide an additional criterion for analyzing proposals for new Districts or additions to existing Districts by expressing the Board's policy to only accept parcels with development rights into a District. BUDGET IMPACT: The budgetary impact of these proposed amendments is difficult to predict with any certainty. Generally speaking, the amendments could limit revenue reductions by reducing the number of parcels that qualify for use-value taxation. RECOMMENDATION: Staff recommends that the Board provide direction to staff as to whether to return with a proposed ordinance as currently drafted or otherwise amended by the Board, and if it does so, to schedule the ordinance for public hearing on October 12, 2016.

Mr. Scott Clark, Planning Director, addressed the Board. He said they would discuss possible changes to the County Code regarding the agricultural/forestal districts. He said these districts are part of a voluntary conservation program in which landowners in rural areas of the County can join, and there are 940 parcels in the program covering 72,000+ acres protected. Mr. Clark said the districts prevent most small lots and subdivisions under 21 acres. He said the issue is that many recent district additions have had no small lot development rights and do not give up subdivision potential, so there is no conservation impact. He noted that once in a district, these parcels can qualify for use-value taxation. Thus, landowners who are not making a significant conservation impact can receive a tax benefit that is meant to support conservation, and the effects are loss of revenue, subsidizing of rural development, and the issue of fairness.

Mr. Clark said his proposed solution is to have a new acceptance standard whereby they only add to the districts parcels with small-lot development rights. He said that on April 18, 2016 the Agricultural/Forestal Districts Advisory Committee voted 5-3 to endorse a policy of not accepting parcels without development rights into a district. Mr. Clark noted that proposed ordinance changes would establish a new standard, and presented a slide with the proposed changes to the County Code.

He stated that staff recommends the Board provide direction to staff as to whether to return with a proposed ordinance as currently drafted or otherwise amended by the Board, and if they do, to schedule the ordinance for a public hearing on October 12, 2016. He invited questions.

Ms. Palmer said the purpose is really good. She said she wonders why agricultural/forestal districts were developed in the first place and whether removing these properties is the best way to address this issue. She said she recently received a letter from a constituent who said she did not believe the Attorney General would agree with the basis for the exclusion, as these districts were created for the purpose of creating large areas of prime agricultural land that owners would agree to have open to major development of agricultural processes. She said the constituent emphasized that conservation should be the goal and he is suggesting that soils should be the standard for what is included, not whether they have a development right. She asked Mr. Kamptner whether he believes the Attorney General would agree with the basis for the exclusion.

Mr. Kamptner responded that he thinks the approach staff is recommending is consistent with the state enabling authority, as the ordinance adds an additional criteria and state law allows the Planning Commission, the Board, and the Advisory Committee to consider any other matter which may be relevant. He said that development rights are a function of the rural areas zoning district regulations. He said the purpose for establishing these districts is to conserve, protect and encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. Regarding open space land, he said it is the policy to conserve and protect lands as valuable natural and ecological resources which provide essential open spaces for clean airsheds, water protection and wildlife habitat, as well as for aesthetic purposes. He said if the Board proceeds with the amendments, they are making a value judgment that these small lots do not provide benefits to achieve the goals of the act.

Ms. Palmer asked if they have done research as to how other counties have approached this issue.

Ms. Mallek said she is only aware of Fauquier County.

Mr. Kamptner said that Albemarle's system of development rights is unique in Virginia, and asked Mr. Clark if he has done research as to how other localities have acted.

Mr. Clark said he is not aware of another County that has two-tiered rural zoning with small and large lots, as they have in Albemarle.

Ms. Mallek said she has been a longtime supporter of the land use program and reviewed its original intent and the ideas behind it, and gave a brief history of its establishment and how she and her neighbors were enthusiastic about it. However, she said, unlike most other counties, Albemarle did not require revalidation of land use until 2009. Ms. Mallek said that prior to serving on the Board, she had brought up this issue at Farm Bureau meetings although they were not supportive of having revalidation. She explained that she had been hearing from farmers about property owners who were taking advantage of the program and not doing it right and when revalidation began, those who did not qualify for land use were not supposed to get it. She noted that there was a discussion at the time they adopted revalidation that the qualification for land use had to be a separate issue. Ms. Mallek said there was a check box on the revalidation application for property owners to verify that their properties qualified to be classified as agricultural/forestal, without having to prove this by demonstrating the number of livestock or hay. She said the checkbox became a way to access the ag/forest designation and tax benefits, and the committee was informed that they had to accept these property owners regardless of the fact they were not using their land for agricultural purposes. She encouraged other Board members to support the amendments.

Ms. McKeel stated the need for the amendments makes sense to her but Ms. Palmer's questions about making sure they are on firm legal ground are valid, and Mr. Kamptner has now addressed these concerns to her satisfaction.

Mr. Kamptner reaffirmed that they are on solid legal ground and said that staff had also considered increasing the minimum acreage to qualify under land use for open space. He said that localities have the authority to raise the required minimum acreage and Albemarle's current requirement is for 20 acres, but staff has concluded this would not be the best way to deal with this issue.

Ms. Palmer asked if it is possible for them to look at landowner practices and soil types in the future for land use exclusion and if best management practices are considered. Mr. Kamptner replied that this is part of the current review.

Mr. Clark explained that they look more at soil and other uses on a site rather than current management practices, as these can change. He continued that the amendments are not replacing any considerations but are adding one more factor, and they would continue looking at soils and the character of the land in the area.

Ms. Mallek said when they created a 21-acre zoning threshold, they never conceived that a property owner would have a 21-acre front yard, and the amendments are a way to make sure that they would do it right.

Mr. Dill asked if there is the potential for existing property owners to be removed from the designation when they come up for renewal. Ms. Mallek replied that she hopes so.

Mr. Kamptner said they would have to look into this, as the renewal concerns districts and not individual parcels, and the amendments for consideration also pertain to districts.

Ms. Palmer said that what they are considering today is just to provide direction to staff to return to the Board with a proposed ordinance as currently drafted, which is scheduled for a public hearing on October 12.

Ms. Mallek **moved** to direct staff to proceed to public hearing on October 12, 2016 with the proposed amendments to the County Code. The motion was **seconded** by Ms. McKeel.

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

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

Agenda Item No. 14. **Presentation:** Board-to-Board, August 2016, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Ms. Kate Acuff, School Board Chair, addressed the Board. She said that County schools opened August 23 and that school facilities were ready ahead of time, with a projected K-12 enrollment increase of 47 students, 55 fewer than expected. She said that for purposes of state aid, the official number would be based upon September 30 enrollment numbers, and past experience has shown that the number usually increases; with pre-K included, the enrollment number is 13,698. Ms. Acuff stated that Greer had the largest increase in students with 64 additional students, 28 above projections; Brownville, Merriweather-Lewis and Crozet are above projections with 2,213 total, 19 more than last year; Sutherland, Cale and Agnor-Hurt are more than 30 students below projections; Henley Middle School has added 35 students and Burley Middle School has added 34; Albemarle High School is the most crowded school and has added 18 students with a total of 1,933 which is 114 over capacity; Western Albemarle High School has increased enrollment and is 25 above projections. Ms. Acuff said the numbers take time to settle, which is why the state waits until September 30 to determine enrollment, and it is difficult to project enrollment at the individual school level.

Ms. Acuff said that the previous night, the school division had held a second community forum at Woodbrook Elementary School, with updated plans presented for expanding and modernizing Woodbrook, which was constructed in 1966. She said that about 100 parents, teachers and neighbors attended, including Supervisors McKeel and Sheffield and herself, and Mr. Jonno Alcaro of the School Board. She reported that highlights of the Woodbrook Elementary expansion/modernization include extending the first floor, which eliminates the need for a second floor; adding eight classrooms, as four are needed now and four additional would be needed in the future to accommodate expected growth. She stated that the plan also modifies the traffic pattern, adds art space, creates a new gymnasium, expands the cafeteria and updates core structures.

Ms. Acuff stated that while most attendees were enthusiastic about the updated plans, there was some concern about the traffic pattern, potential exacerbation of existing drainage/runoff problems, and after-hours use of the new gym by County Parks and Recreation. She said they have allayed the concern about after-hours use by Parks and Recreation, but would have to look at the other concerns that were raised. Ms. Acuff said they plan to hold another community meeting at an unspecified date as the plans are further developed. She mentioned a letter she received from a parent whose house abuts the school property and who has attended both meetings, and the man expressed his delight at the revised design and the addressing of community concerns. She said that while the Board's primary responsibility is looking out for the students, they are also attentive to the concerns of neighborhood residents.

Ms. Acuff applauded the efforts of the County and the schools for their work in preparing for a referendum on November 8 that would address urban ring elementary school challenges. She said they have several presentations and community forums planned in September and October, and she and staff have participated in interviews with the media. Ms. Acuff noted that they plan to put up posters at the schools and other public areas and to have materials translated into Spanish.

Ms. Acuff thanked the Board for approving funds for a study to address capacity at the high schools. She then discussed the growing use of trailers at some schools that are over capacity and how some students are having to be bussed across town, as their neighborhood schools do not have room for additional trailers. She said the additional commuting time is taking away from instructional time for these students. She reminded the Board that two years ago they had approved additional funding for an additional pre-K class at Cale Elementary School, but they were not able to accommodate this without adding another trailer. She said that in 2007, they had 56 trailers across the County, and this number had been reduced to 36 two years ago, but the number is now 40, which she said is going in the wrong direction. Ms. Acuff emphasized that trailers are not conducive to a good learning environment, as the time spent by students moving from school building to trailers reduces the amount of instructional time and also isolates them from the rest of the school community. She said the trailers impose costs of preparation and leasing, and in some cases require a security guard to protect the back door.

Ms. Acuff reported that *Newsweek* magazine ranked Western Albemarle High School as one of four high schools in Virginia to receive a ranking in the top 1.5% in the country. She said that *Niche*, a national assessment organization, had recently ranked Western Albemarle, Albemarle and Monticello High Schools as being in the top 5% of the smartest high schools. She thanked the Board and invited questions.

Ms. Mallek asked if there has been progress at the School Board level in dealing with a shortage of after-school care, particularly in the western part of the County.

Ms. Acuff replied that she does not know enough about this issue to answer, but she would be glad to research this issue and get back to the Board.

Mr. Randolph asked if the decline in projected enrollment at Woodbrook Elementary indicates a need for authorization of a new elementary school in the north end within the next four years.

Ms. Acuff said she may not have explained the projection clearly, and said the projection of where

the students come from has been refined and they have not scaled back the projection of the number of students that would be added in the future. She explained that they have looked at the option of adding a school at the Brookhill site in the northern end of the County, but determined this would not address the overcapacity issues within the urban ring or at Woodbrook. Further, she said, this area will not be developed for several years, and if they were to build a school prior to its full development, they would have to redistrict some schools and then redistrict them again once the development was built out over the years.

Ms. Acuff commented that Greer Elementary is one of the more transient schools in terms of residents moving in and out, which may be related to their being of lower income. She said this creates challenges with respect to Standards of Learning tests, as many students are only in the school for a portion of the school year, yet their test scores have an impact on the school and teacher performance assessments. She said that in a meeting with legislators in November, they plan to address the issue of a transient population impacting test scores and school ratings.

Ms. Mallek asked for clarification as to the number of new classrooms that would be added to Woodbrook Elementary. She also asked if they would have enough space for school buses. Ms. Acuff responded that they would add 40,000 square feet, which is the amount originally planned, but the plan would be revised from two floors to one floor. She said they expect two to four additional buses in the morning and afternoon and have moved the parent drop-off area to the front of the school.

Ms. McKeel stated that she is becoming concerned that they are moving away from the Neighborhood Model of walkable schools, as they are having to bus students to other districts when a school reaches capacity. She said she would like to have a discussion about this at some point.

Agenda Item No. 15. **Presentation:** FY 2016 Annual Grant Report.

The Executive Summary presented to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides monthly reports to the Board on the County's application for and use of grants. Beginning in FY 15, staff has also provided an overview highlighting the County's annual grant obtainment efforts.

The presentation will provide highlights of the new grants that were received in FY 16, including a financial summary. This year, the presentation will also include an overview of a FY17 Grant Management Plan.

The County's grant obtainment efforts provide additional resources to achieve County priorities.

This presentation is for information only.

Ms. Kristy Shifflett, Grants and Budget Analyst, addressed the Board and said she will address three areas, including a comparison of 2015 and 2016 grant programs, the FY16 grant program, and the FY17 grant management plan. She said that for FY 2016 they have received \$3.2 million in grant revenue compared to just under \$2.7 million in FY 2015. She said the match received consisted primarily of Bright Stars, ACE and storm water grants.

Mr. Sheffield said they should attempt to capture what the agency money generates in grant revenue.

Ms. Shifflett continued that of the total received in FY16, 57% were federal and 43% were state grants. She next showed a slide with a pie chart indicating grant program by category, with the distribution as follows: support to agencies 34%, community development 28%, human services 18%, public safety 13%, and environmental 7%. She gave examples of support to agency grants, including OAR, the Albemarle County Sheriff's Office, and the Clerk of the Circuit Court (to restore historical record books). She next provided examples of Community Development grants, including green infrastructure technical assistance, small area plan consulting services, acquisition of conservation easements, the Oak Hill subdivision water and sewer project, a southern Albemarle needs analysis for rehabilitation, and telecommunications/broadband planning. Ms. Shifflett said that human services included grants for Bright Stars extension and family support summer kits; public safety examples include a crude oil pre-incident response plan, fire services grant for a training vehicle, and problem-oriented policing; environmental grants included an innovative nutrient and sediment reduction grant. She showed a slide listing the names of those involved in the grant process as well as grant partners, which are the organizations that received grants.

Ms. Shifflett next focused on the FY 2017 grant program, of which she said there are three goals: to strengthen infrastructure by adopting an updated grant policy and accompanying procedures, providing training on grant management, and strengthening understanding of financial tracking and compliance; to plan ahead and be strategic by working within departments to develop a County view as one organization, considering whether a project would benefit the priorities of more than one department, and looking ahead two years; and to establish partnerships by partnering with businesses and nonprofits, collaborating among departments, and considering a regional approach. She concluded her remarks and invited questions.

Ms. Mallek asked if Ms. Shifflett has developed a tool kit that could be shared that would provide

guidance on things like timetables. Ms. Shifflett responded that they have implemented a process for organizations to come to them and bring things forward.

Mr. Foley recognized Ms. Shifflett and her office for working on obtaining more administrative money from grants to pay for staff.

Mr. Trevor Henry, Director of Facilities and Environmental Services, addressed the Board. He offered to answer questions regarding potential purchase of a Nissan Leaf car if they are awarded a grant from the Department of Energy.

Mr. Randolph asked how the grant came to specify one particular make/model of car and how the process took place. Mr. Henry stated the County was contacted by the Commonwealth Center for Advanced Logistic Systems in August 2016 about participating in an application for a Nissan Leaf electric vehicle and two-direction fast charger for to and from the electric grid. He said the make and model was already specified, as it is the one vehicle that has a software upgrade allowing for two directional use. He said the County is already planning to replace its Toyota Prius next year as part of the fleet vehicle replacement program and if they were to be awarded this grant it could be replaced at almost no cost. He said the charger can also be used for other vehicles, and the bi-directional charger's function of returning electricity to the grid is a potential revenue source and should reduce total ownership cost of the vehicle.

Mr. Dill expressed his skepticism of the charger's ability to return electricity to the grid, noting that his understanding of a bi-directional charger is that they are slow and fast charging. Mr. Henry said he does not claim to be an expert on this matter, but bi-directional chargers do have the ability to return electricity to the grid. He said that if they were to receive the grant, there would be a cost to the County of \$4,000–\$5,000 above the cost of replacing the Prius.

Agenda Item No. 16. **Presentation:** Dominion Power Solar Projects.

Ms. Katherine Bond, Dominion Virginia Power Senior Policy Analyst, thanked the Board for the opportunity to speak and offered to answer the question posed by Mr. Dill about bi-directional use chargers. She said they can serve as a grid-balancing device and said there are some areas where the electricity can be sold to a regional transmission organization.

Ms. Bond reported that one megawatt of solar power requires 6-8 acres of flat open space and as a unit of measure, a megawatt can power 250 average size homes. She said that solar power generates electricity about 25% of the time across the length of a year, and a project typically takes 12-18 months to become fully operational, taking into account the permitting and construction processes. She said that solar power tends to peak around 2 p.m., which does not match the time of day when demand is greatest, which is the biggest challenge. Ms. Bond said that current technology only allows for minimal storage capacity although improvements are being worked on, and stated that as recently as 2013, Dominion did not have any solar in Virginia or North Carolina, but they expect to have 200 megawatts online by the end of next year, enough to power 50,000 homes. She named some important partnerships with corporations and governmental organizations such as Microsoft, Phillip Morris USA, Prologis, Capital One, U.S. Department of the Navy, Commonwealth of Virginia, Solar for Schools, University of Virginia, Old Dominion University. She said they have small solar installations of 1 kilowatt at four Virginia schools, which provide minimal electrical capacity but serve as a tool to educate children about energy education, and can be used in the math and science curriculum as students gather data and do comparative analysis with other schools.

Ms. Bond provided examples of larger solar installations beginning with Prologis in Sterling, where they have an 800 KW of solar panels installed on rooftops; at Capital One just outside of Richmond, they have ground solar panels that provide 500 KW of power; within the next 4-6 weeks they plan to install panels on the roofs of Ruffner Hall and the bookstore at University of Virginia, which combined would generate electricity to power 100 homes. She stated that Dominion is leasing the rooftop and the power generated goes back to the grid, not directly to UVA. She said that all of these projects use fixed-tilt solar panels. Ms. Bond reported that they are working on a project in Isle of Wight County that uses tracking solar panels that follow the sun's movement and are able to generate more energy; and in Accomack County, under a partnership with Amazon Corp., they are constructing an 80 megawatt facility covering over 600 acres. She added that there are many opportunities for third parties to participate in the solar space, and net metering supports private solar for those who want to install panels on their own roofs. She added that with this program only 9% subscribed, there is much room for growth.

Mr. Dill asked if it is possible to utilize the land that lies beneath a solar panel. Ms. Bond said they do trim the undergrowth beneath the panels so that it does not interfere with them, but it would be difficult to harvest crops from this land.

Ms. McKeel asked what type of reception they have had from communities that have large fields of panels and whether there have been objections. Ms. Bond replied that the reception has been mixed, with some communities being very enthusiastic; however, there is also some reluctance to give up fertile farmland for panels and a perception of the panels to be unattractive, so some communities have turned them down.

Ms. Palmer asked if they looked at communities that would like to do all rooftop panels, on the commercial side. Ms. Bond replied that they did and said that on the private side there is opportunity for businesses to collaborate to have solar installed. She said this tends to be done with building renovations,

as retrofitting buildings for solar is difficult because the panels are heavy.

Ms. Palmer asked Ms. Bond if she has a goal established by her company to establish a certain amount of solar or alternative power and what that goal is. Ms. Bond confirmed this and said the company-wide goal is to have 400+ megawatts of solar operational in Virginia by 2020, though this is not an obligation but rather a benefit in terms of clean energy, and as costs have come down it is making more business sense.

Mr. Dill asked if there is something specific that the Board of Supervisors could do to support solar energy. Ms. Bond replied affirmatively and said she would be glad to talk with them about installing panels on County office buildings.

Mr. Dill asked if the County zoning in rural areas prevents development of solar energy. Ms. Bond indicated that the next speaker could answer this question.

Ms. Mallek asked if there was technology available to allow for separation of power in a home so they do not have to shut down when linemen are working. Ms. Bond responded that the protectors are not just for the safety of the lineman, but are also to protect against power surges in the home.

Mark Graham, Director of Community Development, said that prior to discussing the Route 29 project, he would respond to the question posed by Ms. Mallek regarding solar power. He explained that if it is for a commercial use, then it has to go through the zoning or special use permit process; if it is an accessory use, then that is fairly routine, and the County has done 29 permits in 2016 for people putting up photovoltaic collectors on their houses.

Agenda Item No. 17. **Presentation:** Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.

Mr. Graham reported that much has happened since his last presentation in July, stating that the Rio Road grade-separated intersection has opened and they are doing the final finishing touch up work, with final completion by December.

Mr. Sheffield asked if they have discussed taking responsibility for vegetation maintenance along the Rio Road intersection. Mr. Graham responded that he has spoken with VDOT representatives and they will take responsibility beginning in FY 2018, but they are trying to figure out what it means to be responsible and are looking at partnerships with local businesses to maintain this until VDOT assumes responsibility.

Mr. Foley said it has been identified in the broader discussion of the strategic plan.

Mr. Graham reported that they have completed the Route 29 lane shift in order to widen the west side, which should be completed by November/December. He said they will then work on the east side, and the project is on schedule to be completed by late summer 2017. He said that Berkmar is going well and he hopes the bridge decks can be poured before winter, adding that the road can be open by next summer. He stated that Hillsdale is under construction and they are finishing up the utility relocation and are starting the building demolition and grading activities.

Ms. Mallek asked about the photograph displayed that shows bridge pylons and if the road at the upper portion that angles left goes to the landing on Rio Mills. Mr. Graham responded that it shows Berkmar Extended.

Agenda Item No. 18. Closed Meeting.

At 5:08 p.m., Mr. Dill **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1), to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and under subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for, and the possible relocation of, court facilities. Ms. Mallek **seconded** the motion.

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

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

Agenda Item No. 19. Certify Closed Meeting.

At 6:07 p.m., the Board reconvened into open meeting and Mr. Dill **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. McKeel **seconded** the motion.

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

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

Agenda Item No. 20a. Boards and Commissions: Vacancies and Appointments.

Ms. McKeel **moved** to approve the following appointments/reappoints:

- **appoint** Ms. Rush Otis to the 5th & Avon Community Advisory Committee with said term to expire September 30, 2018.
- **appoint** Mr. Dade Van Der Werf to the Architectural Review Board with said term to expire November 14, 2020.
- **reappoint** Mr. Ross Stevens to the Historic Preservation Advisory Committee with said term to expire June 4, 2019.
- **appoint** Mr. Richard Hiss and Ms. Lauri Wilson to the Pantops Community Advisory Committee with said terms to expire June 30, 2018.
- **Appoint** Ms. Marta Keane to the Places 29 (HYDRAULIC) Community Advisory Committee to fill an unexpired term ending August 5, 2017.

Ms. Mallek **seconded** the motion.

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

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

Agenda Item No. 21. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. McKeel stated that four people have signed up to speak and each will have three minutes to address the Board.

Ms. Mariella Santa Maria addressed the Board and expressed her support for the building of a tower behind Albemarle High School to provide internet access to students that do not have access in their homes, adding that these students are often a day behind in completing assignments.

Mr. Noe Gaitan addressed the Board and expressed support for home internet availability to all students. He said now that homework is assigned online, many of the students without access are not able to complete the assignments.

Mr. Michael Marshall said he will talk about The Vue, a by-right project. He said he has followed development in Crozet for 20 years and this is the single most grotesque development to be put forward in Crozet. He said the developers have ruthlessly and cynically exploited a loophole in the rules that allows constrained land to be counted against the density on buildable land, and said there are 6-8 acres of buildable land on this property. He said that Mr. Park, the developer of The Vue, has done a boundary line adjustment with Southern Development, which owns the property to the north of this property. He noted that this transferred about 20 acres, which is in the floodplain and attached to West Glen, and to The Vue, changing the scope of The Vue from a project of 60 units to one of 126 units. He said this is a very large development that will destroy a historic street in downtown, and said that next week West Glen will come before the Board to request a special use permit to cross the stream to get to their parcel. He said that within the context of the Master Plan, the West Glen project should be about 30 units, but Southern Development is planning for 74 and transferring the rest to The Vue, because constrained land can be counted in the density. Mr. Marshall said The Vue would be R18 density even though the Master Plan calls for R6, and West Glen would effectively be R10 even though the Master Plan calls for R6. He told the Board that if they do not fix this problem with the ordinance, they will see other areas of the County exploited in this way.

Mr. Daniel Shea, a resident of Crozet, commented about The Vue project and said he lives 1.5 blocks from the property. He said that he echoes Mr. Marshall's sentiments and feels the plan would ruin the neighborhood and have a negative impact on Crozet in general, as well as being a public safety concern. He said that he has attended the community development meetings and there was no mention of affordable housing, and that this is an opportunity for the developer to game the system and exploit financing through the County. He said that once the historic home on the site is torn down for the apartment complex it cannot be rebuilt, and this action will discourage responsible development. He said the neighborhood consists of older homes that are already affordable and part of what is great about Crozet, and this project will ruin what is there. He said there are several other locations in Crozet where apartment buildings can be built.

Ms. Palmer closed this portion of the meeting to public comments.

Ms. Palmer and Ms. Mallek asked Mr. Kamptner for clarification about the zoning regulations mentioned by Mr. Marshall in his address to the Board.

Mr. Kamptner stated the residential districts base density on gross density, which is the number of dwelling units divided by gross acreage, and this calculation does not remove the flood plain and other undevelopable areas. He said they have been using this formula for at least 30 years, and it would be a matter of amending the zoning ordinance to base density on net density instead of gross density.

Ms. Palmer and Ms. Mallek expressed interest in having the Board look into this issue.

Mr. Randolph said this is an issue that the Board would be well served to discuss and re-examine.

Ms. McKeel asked for clarification from Mr. Kamptner that The Vue project does follow current zoning rules. Mr. Kamptner confirmed that it does.

Mr. Foley reminded her that this zoning issue is something that had been identified in the Comprehensive Plan as an issue to review.

Agenda Item No. 22. **Presentation:** Pantops Station 16 Update.

The Executive Summary presented to the Board states that at its August 5, 2015 meeting, the Board of Supervisors approved the inclusion of the Pantops Public Safety Station in the FY16 Capital Improvement Plan and directed that the station initially be for Rescue only and maintain the existing daytime ambulance service. The Board also directed staff to devise an engagement plan to solicit input from Fire Rescue volunteers and community partners. At its meeting on November 4, 2015, the Board approved the public engagement plan that formed two work groups, the Stakeholder Work Group and the Coordinating Work Group. The Stakeholder Work Group was to be comprised of a group of community representatives selected to “align mission and objectives and to help identify broad goals, framework and strategies for partnerships to maximize the positive impact of the new station.” Specifically the Stakeholders Work Group was charged with developing strategies/recommendations in the following three areas: establishing productive partnerships that will maximize the positive impact of the station; effective volunteer recruitment and retention strategies; and best ways to communicate with and engage the general Pantops community (Attachment A). The Coordinating Work Group was to be comprised of a group of Fire & EMS (FEMS) Board members and staff and was charged with guiding the staffing and operations strategy for the new station.

Over the course of the past 13 months, significant progress has been made across three areas of activity - the capital project, the Stakeholder Work Group, and the Coordinating Work Group. Members of the work groups scheduled this presentation to the Board in order to provide a formal update on their activities and to solicit Board input on draft recommendations before moving forward with the development of a work plan for implementation. Staff also wanted to take the opportunity to provide a formal update on the status of the capital project as the design phase comes to a close.

Format of the discussion will be as follows:

- Staff will present the current status of the capital project at the Board meeting.
- Members of the Stakeholder Work Group will present its interim recommendations (Attachment B), which focus on near-term ways to support volunteer recruitment and retention strategies and long-term ways to establish productive partnerships to support the station, with a goal of carving out roles for a cross-section of the Pantops community.
- The Coordinating Work Group will present its interim recommendations (Attachment C), which focus on how the station and recruitment should function within the context of the Fire Rescue system.

Costs associated with the capital project are already included in the adopted FY16 Capital Improvement Plan. Costs associated with any specific recommendation from a Work Group would be developed as part of the budget process following direction from the Board regarding its interest in funding these functions, activities, programs and services and would need to be determined based on specific proposals.

The capital update is presented to the Board for information. The interim reports from the two Work Groups are presented for discussion; the Work Groups are interested in any input and feedback from the Board and the community as a whole as it concludes its work and prepares to submit a Final Report to the Board at a later time.

Mr. Dan Eggleston, Chief of Fire and Rescue, addressed the Board. He said the aim of his presentation is to obtain Board endorsement of the interim recommendations of the two work groups: Stakeholder Work Group and Coordinating Work Group. He first provided a review of previous decisions and direction to staff by the Board: in August 2015, the Board approved the Pantops Public Safety Station and directed staff to focus on EMS to maintain existing service on Pantops and to transfer the crew and ambulance once the new station is complete; they further directed staff to develop a community

engagement plan to solicit input from community members as well as fire/rescue staff and volunteers; in November 2015, they approved the public engagement plan developed by staff that creates the two work groups. Chief Eggleston noted that the Stakeholder Group focuses on establishing partnerships, volunteer recruitment and retention opportunities and maintaining an effective community engagement strategy. The Coordinating Group is made up of volunteer chiefs that focus on technical aspects such as staffing and operational strategy.

Mr. Blake Abplanalp, Chief of Project Management, a workgroup representative, addressed the Board. Mr. Abplanalp stated they are in the final month of the design process and next week would receive 90% complete plan drawings. He presented a timeline of the project: the bid document phase would be complete by 10/20/16; bid opening date is 11/10/16; notice to proceed with construction is 11/30/16; construction phase will be complete by 12/1/17; and project closeout will be complete by 12/31/17. He presented a drawing of the proposed station and said that Fire and Rescue has been helpful in keeping costs down, as they have made suggestions regarding some types of equipment that would not be necessary.

Ms. Mallek asked for clarification that the up-fit for fire is not included in the current design. Mr. Abplanalp confirmed that it is not.

Mr. Dill asked how many parking spaces would be available. Mr. Abplanalp responded that there would be 12 standard and 1 handicapped space.

Mr. Gary Selmeczi, CEO of Westminster Canterbury of the Blue Ridge and member of the Stakeholder Work Group, addressed the Board. He thanked the Board for including the work group and for having a public engagement plan, thanked Supervisors Dill and Randolph for participating in their meetings, and thanked staff. Mr. Selmeczi said he would begin by addressing volunteer recruitment and retention strategies, and gave examples of potential in-kind support that includes career support/counseling, job shadowing and mentorship, the volunteer incentive program, and paid volunteer time.

Mr. Selmeczi provided examples of potential initiatives to establish productive partnerships, such as community para-medicine, the Pantops community risk assessment, shared training opportunities, and collaborative grant writing. He introduced Diane Berlin, representing the Pantops Advisory Committee, to address the Board.

Ms. Diane Berlin of the Pantops Advisory Committee addressed the Board and said she would talk about what they can do in the community to help with this effort. She said the task force believes the greatest contribution the advisory committee can make is to come together to support volunteer recruitment and retention. She said they would partner with area employers and homeowners associations to circulate recruitment materials. She noted that they would hold community events at local businesses, and said that several local businesses have offered the use of their facilities for fire/rescue training meetings. She provided a list of ways they can raise funds, such as in-kind donations, sponsorship and civic crowd funding.

Mr. Ray Michelor, representing Sentara Martha Jefferson Hospital, addressed the Board on behalf of the work group. He said that to adequately meet the stated goals for response times, they urge the Board to consider 24/7 fire and rescue as soon as possible. Mr. Michelor stated that they firmly support volunteer involvement and that the resources in the community are sufficient to support a strong volunteer force. He said that he supports the role and responsibility the community has in supporting the station financially and through resources beyond the basic operation necessary to run the station. He provided some statistical information: the Pantops area has 7% average annual growth rate compared with 2% countywide; senior citizens represent 28.5% of population compared to 25% countywide; Pantops is the location of the 3rd and 4th largest employers in the County; and the area has high-volume roadways such as I-64, US-250 and US-20. Currently, he said, service expectations are not being met as average fire/rescue response times are 7 minutes vs. 5 minutes as stipulated in the Comprehensive Plan.

Mr. Tom LaBelle, Division Chief for Volunteer Services, would address the Board and present the Coordinating Work Group interim report. He said the purpose of the work group is to provide professional expertise and guidance during the development of the station's staffing and operations strategy. Mr. LaBelle stated that members of the committee are Chief Mike Reid of Stony Point, Chief Danny Tawney of Seminole Trail, and Chief Calvin Butler of East Rivanna, as these are the stations that most often provide response to the Pantops area. He said there are three recommendations they have come up with: a need for 25 individuals to fill the first seat of volunteers; creating attractive volunteer opportunities by allowing for both fire and EMS with a focus on the rescue squad, as many volunteers enjoy working in both EMS and fire capacities; and working with legacy stations, such as Stony Point and East Rivanna, to avoid competition among stations in recruitment, fundraising and community activities.

Chief Eggleston restated his aim for tonight is to have the Board endorse the interim recommendations of the Stakeholder and Coordinating work groups. He said he is not seeking a motion but just approval that they are headed in the right direction.

Mr. Dill stated that Ron Cottrell, the head of Sentara/Martha Jefferson Hospital, has been incredibly helpful but is moving on to other important community work and will be replaced by Lori Wilson, who is present tonight, and he thinks she will be a great addition to the Pantops community group.

Ms. Palmer stated that she is encouraged to hear the community is vested in finding volunteers

and would not take away from other volunteer stations.

Ms. Mallek said the station is a community builder and she agrees with Ms. Palmer. She said the report is fine but does not address the recruitment of volunteers, and she believes that face-to-face interaction is the best method of recruitment. She supports the building and believes that it would draw people to volunteer if the right environment is created, and she hopes local businesses will encourage their employees to volunteer.

Mr. Randolph thanked all the presenters.

Agenda Item No. 23. **Public Hearing: SP-2016-00004. Albemarle High School Communications Facility – Tier III PWSF.**

MAGISTERIAL DISTRICT: Jack Jouett.

TAX MAP/PARCEL: 06000-00-00-078A0

LOCATION: 2775 Hydraulic Road, Charlottesville, VA 22901.

PROPOSED: Installation of a one hundred and twenty five (125) foot tall steel monopole tower with 3 antenna arrays. Two special exceptions are requested: the 1st to allow the color of the monopole to remain grey galvanized steel, and the 2nd to allow mounting equipment a standoff distance greater than 18" from the monopole. Associated with the proposal is ground equipment which will be located within a 3,610 square feet fenced compound area, access road and parking area.

PETITION: 10.2.2.48 Special Use Permit, which allows for Tier III personal wireless facilities in the RA Zoning District (reference Section 5.1.40).

ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); Entrance Corridor: Yes. Airport Impact Area Overlay District – overlay to minimize adverse impacts to both the airport and the surrounding land.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).

(Advertised in the Daily Progress on August 22 and August 29, 2016.)

The Executive Summary presented to the Board states that at its meeting on August 9, 2016, the Planning Commission voted 3:2:2 (More, Keller nay) (Dotson, Riley absent) to recommend approval of the special exceptions to section 5.1.40(b)(2)(c) (antenna projection) and section 5.1.40(b)(11) (color) and to SP201600004 with modified conditions as outlined in the presentation and provided below:

1. The development of the site, and any modifications to the arrays, shall be in general accord with the plan titled "Milestone Communications Site Name: Albemarle High School, New 3,610 SF fenced compound and new 125'- 0" monopole." prepared by Andrew M. Miller, and dated 7/25/16 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, including but not limited to all concealment elements, concealment technique, and concealment elements of the eligible support structure. as shown and described on the Conceptual Plan and mentioned below:
 - a. Color (*monopole - matt galvanized steel*) (*antennas non-reflective gray*) (*remote radio heads – white*) (*ground equipment – dark brown*)
 - b. Location of ground equipment
 - c. 200 foot tree preservation area
 - d. Height (105 foot tall)

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

The Planning Commission's August 9, 2016 staff report and action letter are attached (Attachments A and B). The County Attorney has prepared the attached Resolutions (Attachments C and D) reflecting the recommendation of the Planning Commission.

Staff recommendation is unchanged from the staff report. Staff recommends denial of SP201600004 and the SE to Section 5.1.40(b)(2)(c) (antenna projection) based on the analysis provided herein. *Staff has no objections to the approval of the SE to section 5.1.40(b)(11) (color).*

If the Board of Supervisors approves these applications, staff recommends that the Board adopt the resolutions included as Attachments C and D.

Mr. Chris Perez, Senior Planner, addressed the Board. He said that at the August public hearing, the Commission recommended approval of both special exceptions with modified conditions, as outlined in the presentation. He presented a diagram of the proposed 123-foot steel tower with antennas and ground equipment and a fenced-in compound with a small gravel parking area for use by the schools, with access through an existing access road. Mr. Perez said there would be three arrays, with one being dedicated for use by the School Board, one for AT&T, and the third has not yet been assigned. He stated the first special exception allows an increase in the permitted mountain distance from 18 inches maximum

permitted by the ordinance to 5 feet 7 inches from the monopole, 4 feet 1 inch further than what the ordinance permits. Mr. Perez said the second special exception allows for a galvanized steel color instead of the java brown color permitted by the ordinance, and this color would blend in better with the sky. He showed an aerial view of the property, which includes Albemarle High School, Jack Jouett, and Greer, and is located less than one mile from Charlottesville. He noted that the properties to the north, east, and south are highly developed, with the property to the west being undeveloped and in line with the rural character of the area. He said the tower site is behind the high school next to the baseball field and 1,000 feet from Hydraulic Road. He said they carried out a study with a balloon to determine tower visibility from various points in the neighborhood, and he showed photographs of the balloon taken from several areas of the neighborhood.

Mr. Perez provided a summary and recommendations including factors that are favorable and unfavorable to the construction of the tower. He said there were no favorable factors but several unfavorable factors: the location, height, and design of the monopole and the method of antenna attachment do not minimize visibility and defeat concealment techniques/elements established and relied upon by the County in siting PWSF's as provided for in section 5.1.40(b) of the zoning ordinance and PWSF Policy/Comprehensive Plan; the proposal fails to meet section 5.1.40(b)(6) of the ordinance because the facility does not meet the flush mount provisions of the ordinance; and the ARB does not support the request for the special exceptions because of the visibility of the monopole from the entrance corridor. He noted that under FCC regulations, if approved, the monopole would be permitted to increase in height by 20 feet and install an antenna extending up to 20 feet from the monopole.

Mr. Perez next provided a list of conditions that staff recommends if the Board approves the proposal: the development of the site, and any modifications to the arrays, shall be in general accord with the plan titled "Milestone Communications Site Name: Albemarle High School, New 3,610 SF fenced compound and new 125-0 monopole," prepared by Andrew M. Miller and dated 7/25/16 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator; to be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, including, but not limited to, all concealment elements, concealment technique and concealment elements of the eligible support structure, as shown and described on the Conceptual Plan and mentioned below: color (monopole – matt galvanized steel) (antennas non-reflective gray) (remote radio heads – white) (ground equipment – dark brown), location of ground equipment, and a 200-foot tree preservation area. He stated that minor modifications to the plan, which do not conflict with the elements above, may be made to ensure compliance with the zoning ordinance, and the tower height shall not exceed 105 feet above ground level.

Mr. Perez then invited questions from the Board.

Ms. Mallek asked if the FCC regulation allowing for up to a 20-foot increase in height and 20-foot antenna extension from the monopole is permanent, or if it is subject to change. She also asked if they have a photo simulation of what the tower would look like with the maximum allowable increases. Mr. Perez replied that it is based upon the original approval/construction and is one time and cannot be added to; however, there is no limit to the number of arrays. He said they do not have pictures of what it would look like with the maximum allowable increase.

Ms. Palmer then opened the public hearing and asked the applicant to come forward.

Ms. Lori Schweller, attorney with LeClair Ryan, representing Milestone Communications, the applicant for the cell tower, addressed the Board. She said they are requesting a Tier III personal wireless service facility, which requires a special use permit, and began a slide presentation. Ms. Schweller stated that the tower would benefit many students and residents of the area and would serve 3,159 students among the three schools. She stated that the schools include many disadvantaged students who receive free or reduced lunch, and the Wi-Fi internet access that would be available in the schools and to area homes would serve a public benefit. Ms. Schweller said it would also provide improved AT&T coverage for subscribers in the area, including school employees, as well as improving communications for fire, police and rescue. She reviewed financial benefits from the project to County schools, including free wireless to the schools, a \$20K one-time payment for the monopole, a \$5K payment for each carrier that collocates, and 40% of gross rentals going to Albemarle schools. She stated that the estimated income to the schools is \$400K over a 10-year period, assuming three wireless providers. She next showed an aerial map of the area, contrasting existing coverage with the improved coverage if the tower was constructed. She showed diagrams of the site and the tower, and photos from the balloon tests that were similar to the ones shown earlier by Mr. Perez. She reviewed a list of reasons to support construction of the tower: it would not be a substantial detriment to adjacent lots and would expand and improve wireless service for schools, neighborhood students and the general population; it would not change the character of the district as the tower is not visible from most residential locations; and it would be in harmony with the uses permitted by right in the district and with public health, safety and general welfare. She concluded her remarks by quoting the Comprehensive Plan regarding broadband: "Develop a broadband policy to reflect County's desire to have internet service speeds appropriate for educational, business, and residential purposes in all parts of the County.... Access to the internet is recognized by the County as a factor that can contribute to the quality of educational opportunities for County residents. Availability of access to the internet can be a factor in attracting, retaining and growing businesses and can improve resident's quality of life."

Mr. Dill asked about the FCC regulation that allows up to 20 feet in height/width expansion, and how large the tower could possibly be. Ms. Schweller responded that this is not something they are asking for; however, under the Spectrum Act, a future proposed provider could enlarge the

tower/antennas by up to 20 feet. She added that the proposed size of the tower is based upon what the schools need.

Mr. Kamptner confirmed this, noting that upon lease renewal the School Board can choose to place limitations on dimensions.

Ms. Palmer asked if the Board of Supervisors has authority over the size of the tower. Mr. Kamptner replied that only the School Board would have authority as they own the property.

Ms. Palmer opened the public hearing for other comments.

Mr. Robert Humphris of the Jack Jouett District introduced himself to the Board. He said that students and residents near the cell tower would be subject to RF field radiation. He said his daughter recently died as a result of several genetic mutations and wonders if his own work as a radio technician and exposure to radiation, as well as his wife's exposure to X-Ray machines in her occupation as a nurse, contributed to his daughter's genetic disorders. He stated that there are no long-term studies of exposure to low levels of RF radiation, and having students exposed to radiation for up to 13 years of their lives could lead to birth defects in their future children to be born. He said the Telecommunications Act of 1996 blocks any discussion of health effects from cell towers and was enacted in a time when cell towers were only in use for a fraction of the time, whereas today they are in use 24 hours, and he believes the act should be challenged in court.

Ms. Kate Barrett of the Rivanna District, representing Albemarle High School PTSO, introduced herself to the Board. She expressed her support for the tower as she feels that lack of internet access hinders education instruction. She indicated that current Wi-Fi coverage in the high school building is sporadic and, as many students do not have internet access at home, they rely on access at the school. She noted that she has seen some students completing homework assignments in the school parking lot.

Mr. Charles Stoke of the Jack Jouett District introduced himself to the Board. He said his property is adjacent to the school and he has concerns about the tower. He stated that he proposes another location for the tower that would have less impact on residential areas and is also concerned about the size of the antenna array. Mr. Stoke said the FCC regulation allows it to be extended up to 20 feet beyond what is originally approved. He said the balloon test does not show a true picture of the view of the tower, as the antenna is much larger than the balloon.

Ms. Barbara Cruickshank of the White Hall District addressed the Board and said the World Health Organization has classified RF radiation as possibly being carcinogenic to humans. She referred to the BioInitiative Report, an international report which is released every five years, which indicates that chronic exposure to low levels of RF radiation cause biologic effects on human DNA as well as immune and neurologic systems, and result in illness. She stated the U.S. National Toxicology Project released a report earlier this year that shows exposure to RF radiation increases the risk to humans of contracting two types of cancer. She said that American Cancer Society Chief Medical Officer Dr. Brawley responded to this report by saying that this marks a paradigm shift in the understanding of radiation and cancer. She also said that the WHO, on their website, encourages research of the health effects near cell towers be a high priority. She stated there are safer ways to accomplish the County's coverage goals.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board and said he is shocked at the height and visibility of the tower, and reminded the Board that Albemarle had won a landmark court decision to regulate the visibility of communications towers and has been a national model for requiring treetop monopoles and flush-mounted antennas. He emphasized that this tower is the antithesis of that intent.

Mr. John Cruickshank, a resident of City of Charlottesville addressed the Board, stating that he has been a teacher and principal in the local schools and his three children attended County schools. He said that he is opposed to the tower as he believes it would not provide educational benefits and would pose a health risk. He stated they should not take any chances with the health of children who would be exposed for four years to radiation from the tower. He said he is also opposed to leasing school property to a private business. Mr. Cruickshank commented that this compound on school grounds would be ugly, and having a construction zone on the property poses a safety risk. He added that the main benefit of the project is the income from the tower, but that it is not worth it.

Mr. Dean Tistadt, Chief Operating Officer for Albemarle Public Schools, addressed the Board and said they look at three criteria when considering an application: whether there would be a benefit to the school system and community; whether it can be located on a school campus without impacting negatively on campus activities; and whether it is financially advantageous to the school system. He said that he views the tower as meeting all three criteria, as it would benefit students and is also supported by public safety officials. Mr. Tistadt said it would be placed on a portion of the school property that they do not plan to utilize, and they have negotiated a favorable financial agreement with the upfront fees and monthly lease payments. He said he would support having a provision in the lease agreement that would prohibit a carrier from expanding the size of the array.

Ms. Palmer asked if it is legal to have a provision in the agreement that limits expansion of the arrays. Mr. Kamptner said they can put language in the agreement that limits the size of the antennas or antenna arrays.

Mr. Vince Scheivert, Chief Information Officer of Albemarle County Public Schools, stated that

they are in the process of building out broadband capability for all students. He said they are currently broadcasting from the top of Albemarle High School, and the proposed tower would be 50 feet higher than their current capability, extending the range for 2,000 more students both around the school and extending to nearby schools. He also emphasized the support of public safety officials and noted this would improve their capabilities. Mr. Scheivert emphasized that 23% of the students do not have internet at home, and this means that nearly 700 students are not able to complete homework assignments at home.

Ms. Palmer asked Mr. Scheivert if he would have any technical objection to a contractual provision that would limit size expansion of the arrays. She also asked about his opinion as to increasing the number of arrays to generate additional income. Mr. Scheivert responded that he does not see a reason to expand the size and does not think the tower could support additional weight. He added he thinks that three arrays is the most the monopole can support.

Ms. McKeel asked Mr. Scheivert to address the size of the existing light poles. Mr. Scheivert stated the light poles are 16 feet wide, while the arrays are 12 feet wide. He said the array to be used by the school and emergency services is the top one.

Mr. Tistadt stated that the pole is being constructed for a capacity of five arrays.

Ms. Palmer offered Ms. Schweller the opportunity for rebuttal.

Ms. Schweller, addressing comments made during the public hearing about the balloons used in testing being small, said that they are 4-5 feet in diameter and are raised to the height of the facility, and the engineers superimpose an image of the tower. She said this is carefully done, and stated that the photos depict the true size of the tower and arrays, which were done at 125 feet.

Ms. McKeel asked Ms. Schweller to address the color of the pole. Ms. Schweller said the County zoning ordinance requires the color brown for personal wireless facilities unless a special exception is requested. She said the applicant wishes to use galvanized steel because it is not a treetop facility in which brown blends in with the trees; galvanized steel blends in with the sky.

Ms. Palmer closed the public hearing.

Ms. Mallek thanked the presenters. She stated that if they approve this proposal, they would not be able to deny future proposals anywhere, adding that if the tower were on private property, she does not think it would have been approved by the Planning Commission. She said that while she understands the benefits provided to the schools, it would eviscerate the County's wireless policy, and she is not willing to support this.

Ms. Palmer asked Mr. Kamptner if approval of the project would be precedent setting. Mr. Kamptner said that special use permits are dependent upon the particular facts and conditions of the location where they are being considered, and this would not prevent the Board from denying a Tier III facility in the future. He added that the Board should be consistent in its Comp Plan policies.

Ms. Palmer stated that the facility is ugly, and asked Mr. Kamptner if they are dealing with a special situation since it is on school property. Mr. Kamptner responded that there are many factors taken into consideration regarding construction of towers, and each proposal is considered on its own merits.

Ms. Mallek reiterated her opposition to the proposed tower and pointed out several existing towers in the County that were constructed many years ago, before they had established a policy on towers. She mentioned how these existing towers are tall and unsightly and do not blend in with the environment. Ms. Mallek also described the scenic view of the mountains from the high school property and how that should be respected.

Ms. McKeel said the tower location is in her district, and she has had conversations with and received emails from constituents within the neighborhood, with most of them supporting the tower. She stated the Charlottesville Business Innovation Council wrote a letter to the Board asking them to approve the tower based on workforce development and economic development. Ms. McKeel said the Chamber of Commerce has also written the Board requesting approval for similar reasons. She also received a letter from the Albemarle High School school resource officer indicating that coverage at the high school is virtually nonexistent, and the police department supports this proposal. She said she understands the visibility issue and does not favor putting towers all over the County, but the benefit of this tower leads her to be in favor of this special use permit.

Ms. Mallek said the application is based on the wireless ordinance, and they are not making an economic development or work force training decision but a wireless location decision, so they should focus on the real elements presented and not change the concept of what they are using for their decision.

Ms. McKeel rebutted by saying that workforce development is in the Comp Plan, and the plan addresses this specific issue so this is within their boundaries.

Mr. Randolph said this issue has been important to him for five years, as he was a Planning Commissioner and now a Supervisor. He said he disagrees with Ms. Mallek about having to back staff up,

and while it is important to consider their recommendations, the Board's role is to weigh two sides of an equation. He said the benefits are primarily for education and public safety and not for commercial use, and gave examples of previous technological features that some objected to in the past for aesthetic reasons, such as telephone poles, fire hydrants, and traffic lights. Mr. Randolph said that research is being done to develop satellite communications that may eliminate the need for cell towers within the next five years. He said the tower is only visible to a limited number of homes and his opinion is that the visibility is acceptable, and pointed out that the site already has a cell tower, albeit a shorter tower. Mr. Randolph stated that not a single person from Georgetown Green, the closest residential complex to the site, is in opposition to the tower. He added that he supports approval.

Ms. McKeel **moved** to adopt Resolution SP 2016-04 Albemarle High School (Jack Jouett) Tier III PWSF. The motion was **seconded** by Mr. Randolph.

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

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

Ms. McKeel **moved** to adopt the proposed Resolution to approve the special exceptions to SP 2016-00004. The motion was **seconded** by Mr. Randolph.

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

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

(The adopted resolutions are set out below:)

**RESOLUTION TO APPROVE
SP 2016-04 ALBEMARLE HIGH SCHOOL (JACK JOUETT) TIER III PWSF**

WHEREAS, the County of Albemarle School Board is the owner of Tax Map and Parcel Number 06000-00-00-078A0 (the "Property"); and

WHEREAS, Milestone Communications filed an application for a special use permit to install a 125 foot tall steel monopole, three arrays of platform-mounted antennas, associated ground-equipment in a 3,610 sf fenced compound, and a small gravel parking area, and the application is identified as Special Use Permit 2016-04 Albemarle High School (Jack Jouett) Tier III PWSF ("SP 2016-04"); and

WHEREAS, on August 9, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-04 with conditions; and

WHEREAS, on September 7, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-04.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-04 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(48) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-04, subject to the conditions attached hereto.

* * * *

SP-2016-00004 ALBEMARLE HIGH SCHOOL (Jack Jouett) Tier III PWSF Conditions

1. The development of the site, and any modifications to the arrays, shall be in general accord with the plan titled "*Milestone Communications Site Name: Albemarle High School, New 3,610 SF fenced compound and new 125'- 0" monopole.*" prepared by Andrew M. Miller, and dated 7/25/16 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, including but not limited to all concealment elements, concealment technique, and concealment elements of the eligible support structure, as shown and described on the Conceptual Plan and mentioned below:
 - a. Color (*monopole - matt galvanized steel*) (*antennas non-reflective gray*) (*remote radio heads – white*) (*ground equipment – dark brown*);
 - b. Location of ground equipment;
 - c. 200 foot tree preservation area.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The tower height shall not exceed 105 feet above ground level.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR SP 2016-04 ALBEMARLE HIGH SCHOOL (JACK JOUETT) TIER III PWSF**

WHEREAS, the County of Albemarle School Board is the owner of Tax Map and Parcel Number 06000-00-00-078A0 (the "Property"); and

WHEREAS, Milestone Communications (the "Applicant") filed an application for a special use permit to install a 125 foot tall steel monopole, three arrays of platform-mounted antennas, associated ground-equipment in a 3,610 square foot fenced compound, and a small gravel parking area, and the application is identified as Special Use Permit 2016-04 Albemarle High School (Jack Jouett) Tier III PWSF ("SP 2016-04"); and

WHEREAS, Albemarle County Code § 18-5.1.40(b)(2)(c) requires that antennas be mounted so that in no case may the farthest point of the back of the antenna be more than 18 inches from the facility, which may be modified by special exception; and

WHEREAS, Albemarle County Code § 18-5.1.40(b)(11) requires that each monopole be a dark brown natural or painted wood color that blends into the surrounding trees, and that the antennas be a color that closely matches that of the monopole; and

WHEREAS, the Applicant filed a request for special exceptions in conjunction with SP 2016-04 to modify the requirements of County Code § 18-5.1.40(b)(2)(c) and County Code § 18-5.1.40(b)(11).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary and staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(b)(2)(c), 18-5.1.40(b)(11), and 18-33.9, and the information provided at the Planning Commission and Board of Supervisors' meetings, the Albemarle County Board of Supervisors hereby approves the special exceptions to authorize the modification of County Code § 18-5.1.40(b)(2)(c) and County Code § 18-5.1.40(b)(11) as set forth above, subject to the conditions attached hereto.

* * * * *

SP 2016-04 Albemarle High School (Jack Jouett) Tier III PWSF Special Exception Conditions

1. No antenna shall project more than four feet six inches (4'6") from the center pole to the back of the antenna and no more than five feet seven inches (5'7") from the center pole to the face of the antenna.
2. The monopole shall remain matt galvanized steel, the antennas shall be painted non-reflective gray to match the color of the monopole, and the remote radio heads mounted behind the antennas shall be painted white.

Agenda Item No. 24. **Public Hearing: ZMA-2015-00008. Adelaide.**

MAGISTERIAL DISTRICT: White Hall.

TAX MAP/PARCEL: 056000000108A0; 056000000026A2.

LOCATION: 5444 Brownsville Road and Rockfish Turnpike (Route 250).

PROPOSAL: Request to rezone parcels from R1-Residential to R6-Residential for a maximum of 80 residential units.

PETITION: Rezone 19.975 acres from R1-Residential zoning district which allows residential uses at a density of 1 unit per acre to R6-Residential zoning district which allows residential uses at a density of 6 units per acre.

OVERLAY DISTRICT: EC- Entrance Corridor; Scenic By-Way; Managed and Preserved Steep Slopes.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Greenspace; Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in the Crozet Masterplan.

(Advertised in the Daily Progress on August 22 and August 29, 2016.)

The Executive Summary presented to the Board states that subsequent to a work session on the interpretation of the Crozet Master Plan followed by a revision to the proposal, a public hearing was held on May 10th, 2016. At its meeting the Planning Commission voted 5:2 (More and Lafferty voted nay) to recommend approval of ZMA201500008 with the condition that the revisions stated in Attachment H of the staff report be addressed prior the Board of Supervisors meeting.

The applicant has addressed all the modifications requested by the Planning Commission located in Attachment H of the PC staff report to staff's satisfaction.

With regard to the impact of the development, the applicant is proffering to provide the following amounts for market rate dwelling units in excess of the twenty-three (23) residential units that could be built by-right: \$4,918.00 for each single family detached, and \$3,845.00 for each single family attached unit which are consistent with the FY16 numbers. The Planning Commission recommended approval of these amounts at that time.

Since that time, the Board of Supervisors repealed the cash proffer policy on June 8th, 2016. This application was submitted approximately six months prior to the repeal and has been reviewed under the old policy using the most recent FIAC generated amounts which was based upon the FY16 CIP.

The Board of Supervisors agreed to review the proposal and impacts under the prior cash proffer policy with an updated analysis based on the FY17 CIP. This decision by the Board occurred after the Planning Commission's public hearing for this request.

Development of revised cash proffer amounts based on the FY17 CIP is underway, but has not been completed as of the writing of this report. Revised cash proffer amounts should be available by the end of August. The applicant has provided information regarding the impacts of this development, and staff's analysis of this information is set forth in Attachment G.

Staff will be providing the FY17 numbers as soon as they are available to the applicant and will present them at the BOS meeting.

The Planning Commission's action letter, staff report and minutes from the May 10th, 2016 meeting are attached (Attachments D, E, and F), as well as the proffered plan and proffers dated August 8, 2016 (Attachments H and I).

If the Board wishes to approve ZMA201500008, the County Attorney has prepared the attached Ordinance (Attachment J).

Ms. Megan Yaniglos, Principal Planner, addressed the Board. She said the proposal consists of two parcels located to the north of US 250 West and adjacent to Cory Farm subdivision, and there are three residences on the property. She showed a zoning map of the area and the parcels. She said the applicant proposes to rezone the properties from R1 to R6. Ms. Yaniglos stated that their original submittal was for 93 attached units, but they have revised the plan after receiving feedback from the Planning Commission and the community that includes 80 units: 40 single-family detached units located in the outer portion and 40 single-family attached located in the inner portion. She displayed the proffered plan with street networks, a pocket park, and open space. She said the Planning Commission staff has found the proposed development consistent with the land use designations in the Crozet Master Plan, with the density proposed being within the recommended range, and noted that the Planning Commission recommended approval by a vote of 5-2.

Ms. Yaniglos listed the updated proposed cash proffer amounts: single-family detached – \$5,679; single-family attached – \$4,384, which are 14% more than originally offered. She said that Mark Graham had compared the FY16 and FY17 CIP to arrive at the increase in the proffer amount, but his calculation was an estimate, and the Finance Department should have accurate numbers by the end of this week.

Mr. Sheffield questioned the legality of increasing the proffers above what had been approved by the Planning Commission. Mr. Kamptner responded that the applicant amended the proffers prior to the public hearing and satisfies legal requirements.

The Chair opened the public hearing.

Mr. Kyle Redinger, the applicant, addressed the Board. He said that he set out to build homes under the Master Plan and has followed the advice of the Planning Commission, staff, and the community to determine the final plans for Adelaide. He said that it is a model community built around its environment, complies with the Crozet Master Plan, and has been recommended by staff and the Planning Commission. He said it would also provide affordable housing, which has not been available in Crozet due to recent by-right development. He described how housing in Albemarle County is becoming increasingly unaffordable and how many County and City employees cannot afford to live in these communities. He said that 70% of demand is for housing under \$450K. He said the County has spent considerable amounts in Crozet on libraries, streetscapes, and a roundabout, all to encourage growth, and additional housing would add to the tax base to pay for these improvements. He said the Crozet growth area is only about 40% of planned growth and it is projected that Crozet would only grow to 60% of its target capacity. Mr. Redinger said if they do not grow to targeted capacity within designated growth areas, they would have invested in areas that do not realize their potential.

Mr. Redinger stated that the parks and trails system relies on rezoning for proffered trails and open park space, and stated that Adelaide would address all of these concerns. He said it would provide diverse housing stock from \$300-\$500K, proffer 12 affordable units in compliance with the County's affordable housing policy, provide a net positive economic contribution to the community through increased tax revenues, help maximize the growth area where growth should occur in order to preserve the rural areas, and proffers trails and land. He stated they have also reduced the density, increased setback, and put best-in-class screening in front of the project. Mr. Redinger said the project preserves many of the existing trees and they would also plant new trees. He gave examples of three other residential developments that were higher density than Adelaide and approved by the Board under the Neighborhood Model. He explained several changes made to the original proposal, and said that VDOT has determined there would be no significant impact to traffic on Route 250. Mr. Redinger said the school division has determined that it can absorb the estimated 30 students from the development, and utilities do not see any problem with the development. He stated that the Architectural Review Board has no objections to rezoning, and stated that downtown Crozet would require additional residents to succeed. Mr. Redinger added that there has been historical support recognizing Adelaide as a high-density location.

Ms. Mallek asked if there are existing trails to the north of the property, or if he is proposing new trails. Mr. Redinger said there is not a trail, but he has seen plans for trails and there is an existing nature

trail on the property.

Ms. McKeel invited those who wish to address the Board regarding the Adelaide project to do so.

Mr. Tom Loach, resident of Crozet, introduced himself. He said the community has two objections to the project: the first concerns health and safety, and he noted statistics showing increases in traffic accidents as well as pedestrian deaths in the area within the past five years. He said they spoke with the police chief, who expressed his concern about the continued growth in the area contributing to increased traffic on Route 250. Mr. Loach said the second objection concerns compliance with the Comprehensive Plan and the Neighborhood Model, in particular, that density is supposed to be reduced at locations further from the center of Crozet.

Ms. Kirsie Ide, resident of White Hall District, addressed the Board and said that she and other residents are not anti-development, but are pro the right development. She said the developer should reduce the density, stating that the schools are at capacity and in the Master Plan there are no plans to build additional schools. She added that she believes the developer has underestimated the number of children that would reside in the development.

Mr. Ron Pantuck, White Hall resident, addressed the Board. He said he travels Route 250 every day as a substitute teacher at the high school, and is familiar with the traffic congestion at the intersection of Miller School Road, Route 240 and Route 250, as well as leading out of the Old Trail development. He said that with this additional development, Old Trail, and other nearby developments, the traffic will get worse. He said he believes the Adelaide development would result in additional high school students, many of whom would drive to school, adding to the congestion and potentially requiring revised school bus schedules and leading drivers to run lights in frustration at the congestion. He stated that they are not opposed to development, but are in favor of the right kind of development, and Adelaide is too dense.

Mr. Tim O'Laughlin, White Hall resident, addressed the Board. He said that prior to moving to the area five years ago, he conducted extensive research including reviewing the Comprehensive Plan and Crozet Master Plan, as well as proffers for the communities he was considering. He said he chose to live in Cory Farm because of the Neighborhood Model, expecting the area to consist of single-family homes, and that this project is too dense. He stated that he is concerned about increased traffic at the entrance, which is a dangerous intersection, and the additional pressure on schools, which are at capacity. He said that residents he has spoken with are all opposed to the project, and the only people he is aware of who support the project are the developer and the Planning Commission. He concluded his remarks by saying that they know the area would be developed and they are not opposed to this, but they want reasonable development.

Ms. Lil Huffman, White Hall resident, addressed the Board. She said that she and her spouse retired to Cory Farm 17 years ago and knew there would be more development, but did not dream of feeling unsafe when exiting the development on to Route 250. Ms. Huffman stated that it is nearly impossible to make a left turn onto 250 in the morning and evening hours, and said it recently took her 20 minutes to get to downtown from Cory Farm as a result of traffic congestion. She said she finds herself having to arrange her appointment times to avoid dangerous traffic, adding that new development would escalate traffic safety issues and negatively affect property values. She asked the Board to seriously consider community concerns before approving the Adelaide development.

Ms. Robin Preve, resident of Cory Farm, addressed the Board. She expressed concern with traffic at the intersection of Route 240 and Route 250 as she often sees fender-bender accidents there. She said she understands the noble cause of affordable housing, but this is not the place for it as it is too close to the intersection, and she wonders why they have zoning at all if they are just going to rezone.

Mr. Mike Kunkel of the Crozet Community Advisory Committee (CCAC) addressed the Board and referenced two recent resolutions they have sent to the Board regarding Adelaide that expressed concerns with traffic and the density of the project, as the council feels that density of 3 units per acre is appropriate instead of the proposed 5.5 units per acre.

Mr. Steve Walsworth of the White Hall District addressed the Board and said he understands development issues as he grew up in California in the 1950's and 1960's and his father and grandfather were involved in real estate. Mr. Walsworth stated that he has seen cities that did not follow their Master Plans suffer the consequences for decades and decades, and said the County should follow the Master Plan as they would have to suffer the consequences of traffic congestion for many years to come.

Mr. Kwan Liu, resident of Crozet, addressed the Board. He said he has attended almost every meeting of the CCAC and that they are screaming against the development. Mr. Liu stated that they should stay with the comprehensive and Master Plans and stop allowing people to find loopholes. He asked the Board to not open a Pandora's Box, and to deny the rezoning.

Mr. Michael Salerno, resident of Cory Farm, addressed the Board. He said a study indicates that the project would increase traffic at the intersection by 8.9%. He said that he recently took a video of the traffic and would be glad to share it with the Board. He said the number of units of affordable housing is the minimum allowable, and the average price would be higher than prices at Cory Farm. Mr. Salerno stated he disagrees with the developer's estimate that the development would attract senior citizens and believes he has underestimated the number of school-aged children. He described interactions between Mr. Redinger, the developer, and the CCAC as antagonistic, and said that each time they expressed concern with the density, his new plans would reduce density by a minimal amount.

Mr. Bill Wuensch introduced himself as transportation engineer with a local firm that is the engineer of record for the Adelaide development traffic impact study. He said they estimate 49 out-trips and 12 in-trips in the morning from the property, with 48 in-trips and 26 out-trips in the evening, assuming 80 units, which comes to about one car every two minutes. Mr. Wuensch stated that they estimate it would take 10 seconds to turn into the development from the road and 30 seconds to exit, on average. He described the congestion as minimal, and said that both left and right turn lanes would be added to meet VDOT criteria for safe access. In conclusion, he said there would be safe access and minimal impact to area congestion.

Mr. Sheffield asked Mr. Wuensch if VDOT has a sense of the natural break of traffic going to Route 250 and to I-64. Mr. Wuensch replied that in the morning the traffic is about even in each direction, while in the evening it is about 60% west bound and 40% east bound.

Mr. Erich Bacher, resident of Crozet, addressed the Board and said he and his wife are concerned with overpopulation of the local schools, and that they moved to Crozet specifically because of the quality schools. He said the density of the Adelaide project would add to the already congested traffic and pose a safety risk.

Ms. Marcia Joseph, resident of Albemarle County, addressed the Board. She stated that she previously served on the Planning Commission for six years and complimented the developer for being very responsive. She provided a history of zoning for the Adelaide property within the Crozet Master Plan and how in 2010 Adelaide was designated for 3-6 units per acre. She listed positives in favor of development: it is within the development area, has access to public water and sewer, and building in the development areas helps protect the watershed.

Mr. William Jones, an 8th grade student at Henley School, introduced himself. He said he lives 2-3 minutes from the school but the bus ride takes 45 minutes. He said two pedestrians have been killed in recent years on that stretch of Route 250, including a family friend and the uncle of one of his teachers.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board. He stated that they are not opposed to rezoning the parcels in line with the range of densities in the land use plan. Mr. Butler said it is their position that the design should maximize the protection of Route 250 and reduce impacts to sensitive environmental features. He stated that they appreciate some tweaks the applicant has made in response to recommendations they offered at the Planning Commission meeting; however, their main recommendation is still to increase the buffer area around Route 250. He said that as currently proposed, the buffer area resembles a dumbbell with a 75-foot buffer on each side and a thinner, 40-foot-wide stretch in the middle, which is located along the portion of frontage where density would be highest and where houses would be located the closest to Route 250. He said they think a 100-foot buffer would be ideal, but at least a 75-foot buffer along the entire frontage would be a valuable improvement. He said they also suggest reducing the 10-foot-wide trail along Route 250 to 5 feet to allow less disturbance to the buffer area. He expressed appreciation to Mr. Redinger for contacting him and touring the site with him, and said there are some positive aspects to the design, but an additional buffer area along Route 250 is necessary to offset some of the negative impacts of the proposal.

Ms. Chastity Morgan, resident of Afton, introduced herself. She said her great aunt is the owner of the property and that her great grandparents owned Cory Farm, and she grew up on the farm prior to it being developed. She said that increased property taxes are forcing them to sell the land, and she requests that they rezone the property for Adelaide.

Mr. Mike Marshall, resident of Crozet, addressed the Board. He said that a fundamental principle of the Master Plan is pyramidal density, and that density not being achieved because of by-right projects that are a result of developers choosing to make a by-right development. He stated there are still many dense development projects planned for the center of town, and the fringe of the growth area where Adelaide lies is more appropriate for the lower end of density. Mr. Marshall emphasized that he believes a density of three units per acre makes sense there.

Mr. Steve Vial, a 10-year resident of Cory Farm, addressed the Board. He stated that he is disappointed with the developer and staff for not providing photos of the area roads and layout that would depict the traffic. He referenced two recent fatalities, including that of his daughter who was a high school student.

Mr. Jeff Werner, Piedmont Environmental Council, addressed the Board. He said they do not have enough information about future planned developments to make appropriate decisions and requests that staff provide information about what has been built and what is in the pipeline.

Mr. Redinger thanked everyone for their comments and said that he has not heard anything new today that he has not heard before. He thanked the CCAC for their guidance. He said it is expensive to do development within the growth area with new design guidelines and requirements, such as proffers, storm water, setbacks, etc. He said a development with a layout like Cory Farm would not be feasible anymore. Mr. Redinger stated that he has been responsive to feedback and has maintained dialogue with those involved in the process. He said that no matter where a development is in Crozet, it would impact traffic on Route 250, as this is the main artery. He also pointed out that several years ago, it had been suggested that Route 250 be widened, but the Board chose not to do so, and it may be time to reconsider that decision. He also suggested that schools consider changing bus schedules to take traffic patterns into consideration. Mr. Redinger said the CCAC has been against his project from the beginning, and he

has attended several meetings. He emphasized that they have not been supportive of a single project, opposing The Vue, a gas station, and the trail crossing. He said he is excited about downtown Crozet and supports CCAC's implementation of the Master Plan, and believes they need to get behind smart growth. He stated that he supports affordable housing and there is demand for it, and this would be achieved with rezoning. Mr. Redigner said that, according to the school division, they have the capacity to deal with the modest enrollment increase of 30 students resulting from the development, and said there is a plan to expand Crozet Elementary School. He emphasized that there is a need for denser development, as not everyone can afford expensive homes. He invited those with concerns to contact him.

Ms. Palmer closed the public hearing and opened discussion for the Board.

Ms. Mallek expressed her understanding of the objections of many members of the community to the Adelaide project in terms of its density, and said that density should be reduced at the fringes of the growth area away from downtown Crozet. Further, she said that traffic is already very congested in the area and it would be difficult to exit the property, expressing her skepticism with the traffic study as she believes it underestimates the impact. Ms. Mallek expressed support for keeping the scenic designation of Route 250 and focusing denser developments downtown near parks and businesses. She said it is important to maintain the consistency and character of the neighborhood. Ms. Mallek said she told the developer several months ago that people would support the project if it were 3 units per acre and she cannot support the proposed 5.5 units per acre.

Mr. Dill asked for clarification from staff, as they have indicated that it fits within the Master Plan, but many have spoken about it not fitting within the plan. Mr. Dill stated that he would like to know what aspects of the development do and do not fit within the plan. Ms. Yaniglos responded that they anticipated having different interpretations of the Master Plan, and for this reason they took it to the Planning Commission for guidance about density and the fringe areas. She emphasized that the question to consider is whether these parcels should be considered to be on the lower density range portion. She noted that a revised Master Plan called for low density of 2 units per acre; however, it was not updated, and the parcels remained within the Neighborhood Density of 3-6 units per acre. Ms. Yaniglos said that staff and the Planning Commission agreed that this area does not fall within the fringe area.

Ms. Palmer said she had conversations with a couple of Planning Commissioners about this issue and her district representative told her that she had to vote for it to be in compliance with the Master Plan, but the Commissioner said had she been redoing the Master Plan, she would not have allowed for this density.

Mr. Sheffield stated that there is a long, exhaustive process in coming up with the Master Plan, but then they deviate from the decisions. He said that land use plans are not matching up with their zoning expectations, which is creating dysfunction in the planning process, setting poor expectations of what is to come, and making it difficult for the Board to properly allocate budget resources. He said he supports Crozet changing its Master Plan and rezoning to reflect what they want it to be, rather than have the Board spend so much time debating rezoning requests and less time on considerations of the quality of the product.

Ms. Mallek said the plan has a range of 3-6 units per acre and was supposed to be updated last year. She said she thinks it was not changed because the Board spent so much time on reviewing a proposal to turn Yancey Mills to commercial.

Mr. Sheffield said they should not focus on ranges because entities would always select the maximum of the range within the land use plan and the plan is not as clear as it should be. He said proactive rezoning would not be easy, and people would fight each development that is proposed.

Mr. Randolph said the first question for this application is, "Where is Albemarle County going" and the second question is, "Who is deciding"? He said there is conflict between the community and the Master Plan vs. the County Board, Commission and planning staff, which have different perspectives, and they need to talk about how to get them in sync. He said he loves the project's goal to provide affordable housing and loves the way the project has been revised. Mr. Randolph stated that the location for this project is wrong as there is too much road congestion, and there are no connecting sidewalks to the center. He said the developable acreage should be subtracted by the buffer acreage, which he believes should be 100 feet, not 75 feet, and the project is too dense for the site. He estimated that as a result of this project, school enrollment at Brownsville Elementary would exceed capacity and increase to near capacity at Western Albemarle. He said he likes the Neighborhood Model, but Harris Teeter supermarket is not within walking distance, and he does not believe the development conforms to a Neighborhood Model design. Additionally, he said it does not fit with Cory Farm, and stated he cannot support the project with the current proposed density level and 75-foot buffer.

Mr. Dill said that school capacity and road congestion are not the responsibilities of the developer, and if they follow this logic then nobody would be able to build anything in Crozet. He said there have to be other alternatives to dealing with congestion other than widening Route 250; otherwise, they would be saying that nothing can grow in Crozet. He stated that they planned for a doubling of the population. He said he prefers open common areas on a property instead of having each house an equal distance from every other one. He said the developer has agreed to do everything asked of him, and yet they are still opposing the plan.

Ms. Mallek indicated that soon a plan by the community would be brought forward that interconnects neighborhoods to downtown, and she would not oppose it if the density were at the bottom

of the range.

Ms. McKeel said the school division and VDOT have both said this development would not be a problem.

Ms. Elaine Echols stated she would like to provide some additional information. She said the Crozet Master Plan reflects a range of 3-6 units, and it becomes a judgment call for the Board as to what they decide at any point. She said the Planning Commission gave direction to the applicant as to what would be acceptable, and he has complied. She said the density was based on only the developable area, the applicant's proposal is within range for only the developable area, and it is the net density, not the gross density, and that steep slopes and the floodplain were not included. She said there have been some recommended road improvements at that intersection which David Benish can discuss.

Mr. David Benish, Chief of Planning, addressed the Board and said they have a sidewalk project leading from Cory Farm to Clover Lawn planned that includes a traffic circle concept at the Harris Teeter entrance. He said the sidewalk is funded but the traffic circle is not funded, and they would request Smart Scale funding from the state. He said if the sidewalk project is approved, they would consider amending it to include a connection to Adelaide. He said the reason the sidewalk is 10 feet wide is because the Comp Plan calls for a multimodal trail for pedestrians and bicycles, although it could be reduced in size to expand the buffer area.

Mr. Sheffield asked for confirmation that when planning the sidewalk project they used the land use map. Mr. Benish confirmed this. He said that when they look at densities, they consider the high and low end of the range and use an average to make a prediction.

Mr. Sheffield said they are talking about spending millions of dollars for pedestrian connections to a few shops, while those who live in urban density areas, such as Rio Road, cannot even walk to parks because they do not have the right infrastructure. He said in this case, there is a community that has expressed the desire not to have density, but they would invest in infrastructure that supports the density, while other communities are begging for it. Mr. Benish replied that the project was recommended by the Board.

Ms. Palmer said she drives along Route 250 frequently and has received numerous emails from constituents about accidents and requests for traffic lights at various intersections. She said she thinks the project is beautiful, is not worried about the schools, but is worried about safety on that road. Ms. Palmer said it was poor planning to place shopping centers along Route 250, and she cannot support a development with this level of density in this location. She expressed agreement with Mr. Sheffield's remarks that they should not be having these discussions. She said her constituents would be angry with her if she were to support this density level.

Mr. Redinger requested a deferral from the Board.

Ms. Palmer said she would accept a deferral to allow the developer to amend the proposal to make it less dense.

Mr. Kamptner said that if the plan is changed, the proffers would likely change and they would require a public hearing, and they can have an indefinite deferral and schedule a public hearing once the applicant is ready. He stated that if the changes are significant, the Board can send the plans to the Planning Commission for a new recommendation.

Ms. Palmer **moved** to defer ZMA-2015-00008 at the request of the applicant indefinitely. The motion was **seconded** by Mr. Randolph.

Roll was called and the motion **failed** by the following recorded vote:

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

NAYS: Mr. Sheffield, Mr. Dill and Ms. Mallek.

Ms. Palmer then **moved** to reconsider the motion. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: Ms. Mallek.

Ms. Palmer **moved** to defer ZMA-2015-00008 indefinitely. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: Ms. Mallek.

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

Consent Agenda Item #9.5:

It was the general consensus of the Board to **defer** this item to September 14, 2016.

Mr. Dill stated the City is applying to the Department of Energy for consulting to do solar projects, and there would be no cost to the County, so he suggests the Board add the County to the application to make it stronger.

Hearing consensus, Mr. Dill then **moved** to authorize the Chair to send the City of Charlottesville a letter expressing interest in joining their solar energy grant application to the Department of Energy. The motion was **seconded** by Mr. Sheffield.

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

Mr. Sheffield mentioned an issue with an easement at Commonwealth Circle, and said that Mr. Foley would bring staff materials to next week's meeting. He asked the Board for consensus indicating that this is something they wish to address; after a brief discussion among members, they decided to allow for a brief presentation at next week's meeting.

Ms. Mallek said she has received an invitation to attend the Local Government Policy Council meeting at the same time as their scheduled legislative luncheon, and asked Board Members whether they think she should attend and forego the legislative luncheon, as other Board members could provide their opinions at next week's meeting.

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

Mr. Foley said he would first clarify some aspects of the calendar for the coming months. He said the County Executive's Report scheduled for September 14, 2016, will start at 3:00 p.m. and the joint meeting with the School Board will begin at 3:30 p.m.; on Monday, September 12, 2016, there will be a closed session from 2:00 to 4:00 p.m. He also pointed out a sequence of three meetings on the calendar from September - November where the strategic objectives will be discussed in an effort to arrive at a balanced plan.

Mr. Foley stated that he will provide an update on the legislative process efforts. He reported that on August 19, 2016, he gave a presentation at the VACO Legislative Day in Richmond and discussed two of the County's top priorities, including local economic revitalization zones, and the County's position on land use and growth management related to proffer bills. He said they have submitted both of these initiatives to VACO for inclusion in their legislative program. Mr. Foley said that on August 24, 2016, he and David Blount met with Delegate Landes and discussed their top three priorities, including the two he just mentioned as well as equal taxing authority for urban counties. Regarding the economic revitalization zones, he said that Delegate Landes has agreed to work on drafting a bill, although he has not made a commitment to drafting legislation for the other two issues: proffers and urban counties equal taxing authority.

Mr. Foley said he would now discuss his approach for the upcoming September 29, 2016, meeting with legislators, and communications recently received from York County about their efforts to establish a meals tax for counties without requiring a referendum and without a 4% cap. He said that York would like to have Albemarle's support for a cap of 8% and to not require a referendum, which has the endorsement of VACO. He would like the Board's opinion regarding whether to direct all their efforts to one or to support what they originally put out for urban counties. He said they could do both, but they might be better served if they work with other localities to support the meals tax changes. He stated that the York County proposal is consistent with what they have supported over the years for equal taxing authority, and VACO supports it as well as all counties.

Mr. Randolph stated that he supports whatever is most possible, and it appears that York County has already sent out an icebreaker, with VACO support, and he would support getting this accomplished this year to increase their taxing authority rather than trying for the absolute optimal goal. He said if they come up with their own proposal, it could mute the effectiveness of York County.

Ms. Palmer asked Mr. Foley if he has heard from any of the 20 other counties regarding the meals tax. Mr. Foley replied that last year he had received favorable responses from officials of other counties, but the proposal had not been taken up by their boards. He said if the Board would endorse this, he would write a letter to other counties requesting that their boards support Albemarle's position on taxing authority for urban counties.

Ms. Palmer stated she is in favor of moving ahead with the York County proposal, but would also

like to discuss a meals tax for urban counties only at the legislative luncheon, as she does not believe the meals tax proposal for all counties would be approved by the legislature.

Mr. Foley said they still hold the position of equal taxing authority for urban counties and can discuss both proposals with the legislators, but in terms of outreach they should go one way or the other or support both.

Mr. Dill said he thinks they should go with the York County proposal.

Ms. Mallek stated it would be advantageous to reach out to the High Growth Coalition and see what is happening there, as they need to reach out in the right circles so as to not miss an opportunity.

Mr. Foley said he can communicate with the High Growth Coalition about this proposal and that the Board supports a meals tax.

Ms. Palmer expressed her agreement.

Mr. Foley said they currently have a 4% meals tax that generates about \$7.4 million, and an 8% tax could double this revenue; Charlottesville has a 6% meals tax.

Ms. McKeel emphasized that it is important to work with the schools in putting forward their legislative package, and that they should not lose track of this.

Mr. Foley said they would coordinate with the schools.

Agenda Item No. 27. Adjourn to September 12, 2016, 2:00 p.m., Room 241.

At 10:32 p.m., Mr. Sheffield **moved** to adjourn the meeting until September 12, 2016 at 2:00 p.m. The motion was **seconded** by Ms. Mallek.

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

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

Chairman

Approved by Board
Date 09/06/2017
Initials CKB