A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 2, 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 1:03 p.m., by the Chair, Ms. Palmer.

Ms. Palmer also introduced staff present and the presiding security officer, Officer Ronald Vanderveer.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Motion was offered by Ms. Palmer to adopt the final agenda. Ms. Mallek **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.

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

Mr. Randolph announced that Scottsville is the first locality in Virginia to be designated a "Bee City," completing efforts on August 17 by Scottsville Supply Company and the Scottsville Center for Arts and Nature to accomplish this certification. He stated that Bee City USA is a national nonprofit organization that fosters dialog in urban areas to raise awareness of the role of pollinators in sustaining three quarters of the world's plant species and determining what can be done to provide bees with a healthy habitat.

Mr. Randolph said he has been contacted by a North Carolina based forestry organization that is interested in determining if Albemarle County would like to join in a resolution calling for the banning of incentives for industrial-scale production and burning of wood pellets for electricity. Mr. Randolph said he would circulate the request to Board members to gauge their interest in participating.

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Ms. Mallek reminded people to be aware of the Virginia Department of Forestry and local fire department burn regulations, as there is a severe drought. Ms. Mallek noted that it is important to be extra careful with combustibles flying out of cars, such as cigarettes, as well as burning leaves, and referenced a brochure created by the Albemarle County Fire Department that explains the regulations.

Ms. Mallek announced the dedication of the Blue Ridge Heritage Project Memorial Chimney to take place on Saturday, November 5 at 1 p.m. at Byrom Forest Park preserve. She said she anticipates the attendance of Rosie Keaton, who was a baby when she was displaced by the Blue Ridge Parkway and is now in her nineties, as well as descendants of those displaced. She said the event will include music and cider, and will provide an opportunity for learning.

Ms. Mallek announced her attendance at a meeting of the State Workforce Board in Lynchburg. She said the Workforce Innovation and Opportunity Act Committee is in charge of One-Stop Centers and the Board has been reviewing federal rules to make sure they are in compliance with federal law. She said a major challenge has been to get state partners to play in the same sandbox, and she hopes they can make progress with the new set of ordinances.

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Mr. Dill announced the County has re-signed an agreement with Charlottesville regarding Darden Towe Park and they are reviewing a new strategic plan. He invited suggestions for uses of the park and said that pickle ball courts will be added.

Ms. Mallek asked Mr. Kamptner, for confirmation that changes to the strategic plan of the park will come before the Board so they can advise their committee representatives on how to vote. Mr. Kamptner confirmed this.

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Ms. Palmer invited the public to attend the Apple Harvest Festival at the Albemarle Cider Works on November 5 from 10 a.m. to 5 p.m., sponsored by the Cove Garden Ruritans. She said it is a wonderful event and she neglected to announce last weekend's Apple Butter Festival sponsored by the Batesville Ruritans, noting that the apple butter sold out early.

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Mr. Randolph announced the success of the Harry Potter event in Scottsville, with attendance estimated at 6,000 to 10,000. He said it was a wonderful day, and commended participating businesses for putting on an increasingly successful event.

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Agenda Item No. 6. Proclamations and Recognitions:

Item No. 6a. Susan Worrell, CPFO Recognition.

Ms. Betty Burrell, Director of Finance, addressed the Board. She recognized Ms. Susan Worrell for achieving recognition as a Certified Public Finance Officer, awarded by the Government Finance Officers Association (GFOA). She said the association is made up of finance officers in the United States and Canada and that only 664 individuals have achieved this certification. She stated that GFOA Director, Jeffrey Esse, described the achievement as outstanding in the career of any public finance officer, and further stated that the motivation, time, and discipline required to complete the program are indicative of dedication to the profession and to public service. Ms. Burrell listed the core area examinations required to earn certification: government accounting, auditing and financial reporting; cash management and investments; debt management; operating and capital budgeting; pensions and benefits; risk management; and procurement. She said that to maintain the designations, one must complete 30 hours of continuing education each year.

Ms. Burrell said that Ms. Worrell has been with the Finance Department since June 2013, and was promoted from a clerical position to that of Senior Accountant and now Chief Payroll Accountant. She said Ms. Worrell consistently demonstrates the values of one organization committed to excellence and described her as professional, competent, and willing to step up to the plate to do what needs to be done. She said that as a result of Ms. Worrell's knowledge gained from the certification process, she is able to assist in preparing the CAFR, even though this lies outside the purview of a payroll manager position. She said that Ms. Worrell had worked in bank management, financial analysis, and domestic and international accounting prior to coming to work for the County, and she is proud to have her on their team. She thanked the Board for the opportunity to recognize Ms. Worrell.

Mr. Foley presented a recognition plaque to Ms. Worrell for her achievement on behalf of County staff and the Board of Supervisors.

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

Mr. George Worthington, resident of the Rivanna District, addressed the Board. He introduced himself as the coordinator of Memory Care at Jefferson Area Board of Aging (JABA) and said he is thrilled to share information about a program that JABA is collaborating on with the University of Virginia Memory and Aging Care Clinic. He said the clinic provides assessment and treatment for those suffering from conditions, such as Alzheimer's disease, and cited a Centers for Disease Control (CDC) estimate that 1,550 residents of Albemarle County live with dementia, which he said could be an underestimate, as some do not seek treatment. He noted that this number represents six times the number of available memory beds available in the area and commented that the community is fortunate to have great treatment and diagnostic options in the area, with JABA and UVA dedicated to further improving dementia care. He said a year ago, JABA and UVA were awarded a grant by the Administration for Community Living, a federal agency addressing dementia. Mr. Worthington commented that the grant is administered by the Virginia Department of Aging and Rehabilitative Services and is a great way to expand services without utilizing local funding. He said the care coordination program is enrolling those with a recent diagnosis of mild cognitive impairment or dementia, and these individuals and their primary care partners are assigned a care coordinator to work with them in areas such as health care system navigation and diagnosis education, as well as connecting them with available community resources. He said the care coordination program aims to help individuals maintain independence, reduce hospitalizations, and keep loved ones at home and out of long-term care facilities. Mr. Worthington stated that care coordinators would work with individuals for the life of the grant period ending in August 2018. He said that about one-third of current participants and caregivers are residents of Albemarle, and said that JABA looks forward to assisting additional County residents who are struggling with this terrible disease.

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Mr. James Donahue, President of Canterbury Hills Neighborhood Association, addressed the Board. He thanked the Board for allowing him to address them about a serious condition that exists in their subdivision involving property located at 2514 Smithfield Road. He stated the neighborhood association is voluntary with an elected Board of Directors, constitution, and by-laws. He read Article I of its Constitution, which contains the following objectives: foster the maintenance of the area as an attractive and pleasant place to live; encourage activities that encourage community spirit and the residential quality of the area; and represent membership before various governing bodies to conserve and enhance the area as an attractive, safe, and enjoyable place to live. He said the house in question has been vacant for approximately 10 years, and over the past few years the Board has received numerous complaints from its members about the deplorable conditions of the property, including lack of maintenance and upkeep. Mr. Donahue stated that the association has contacted the owners who have not been willing to repair or maintain the house. He stated that the grass is being mowed only because the owners were notified by the County that this was required. He said the Board believes the house qualifies as blighted property as described by Virginia Code 36-49.1.1, recently adopted by the County as an ordinance. He said that Association Secretary, Robert Garland, presented two letters to the Director of Albemarle County Building Inspections, Mr. Jay Schlothauer, and on October 30 to the Board of Supervisors, describing the Association's concern about the property. Mr. Donahue said the County has put the owners, Mr. and Mrs. Sherwin H. Terry, on notice to develop a plan to correct the situation within 30 days, though a plan has not been submitted. He presented the Board with photographs of the property and noted a fallen roof that occurred eight years ago and a hole in the roof, as well as reports from neighboring residents that buzzards are seen coming and going from it. Mr. Donahue speculated that mold and mildew were present in the house. He stated that the Canterbury Hills Neighborhood Association requests that the County declare the property as blighted and schedule a public hearing, and said if the property cannot be restored to a safe and habitable condition, they request the owners be required to demolish and remove the building or that the County do the same.

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Reverend Liz Emery, Co-Pastor of New Beginnings Christian Community and a resident of the Scottsville District, addressed the Board. She stated she is speaking on behalf of IMPACT, which represents 27 congregations that address social justice in the community. She said over a thousand members meet each year to vote on an issue, last year voting for a women's treatment center for Region Ten, and she urged the Board to include this in the budget. She cited County budget appropriations for the Mohr Center, a men's recovery center. Rev. Emery stated that women go without treatment and one of her community's members was suicidal last year, overdosed on crack, and was released from the UVA Emergency Room as there was not a single bed available in the state, which placed herself and her family in jeopardy. She urged the Board to allocate $75,000 for the Region Ten women's treatment center, stating that the agency has already raised funds to build the center but requires program funds to administer it, adding that the Planning District Commission has approved it.

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Mr. Bill Schrader, White Hall District, addressed the Board. He referenced his prior appearance before the Board on July 6 to express his opinion that the City of Charlottesville had breached the revenue sharing agreement with the County and said the Board asked him to do some research on it. He asked the Board for advice as to where things stand and what will take place. Mr. Schrader stated that Albemarle has given Charlottesville over $281 million since 1983 with $23 million taxed to Albemarle residents for the pilot program, stating that the money they would give Charlottesville over the next two years would completely pay for a new court system.

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Ms. Palmer said she would like to recognize some very special guests in the audience. She stated that Albemarle County Service Authority Executive Director, Mr. Gary O'Connell, participates in the ICMA Leaders at the Core of Better Communities organization. She said they have professionals in educational associations for appointed local government administrators throughout the world, and stated that Mr. O'Connell is hosting two female environmental specialists from Thailand and Burma, who are observing how we do things in the United States, and thanked them for coming to the community.

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Agenda Item No. 8. Consent Agenda.

(Discussion: Referring to Item No. 8.3, Mr. Foley said the recommendation refers to a public hearing, and that is not accurate. This item is not for public hearing.

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Referring to Item No 8.4, Ms. Mallek said she has some questions that she hopes can be addressed at the end of today's meeting. With regard to Attachment A, she would like to know of an example of an action the County would pay for what is not included in state liability coverage. She referenced the section regarding alternate discharge systems and the requirement that they be inspected for compliance, stating that the General Assembly refused to give them the ability to determine the locations of these systems. She asked how they can inspect them for compliance if they cannot determine where these alternate, onsite systems are, and said she would like clarification.

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Referring to Item No. 8.11, Mr. Randolph thanked staff for resolving connectivity items on the site and thanked Marriott for being forthcoming and working with the County on resolving issues identified by the Board.

Ms. McKeel commented that the resolution is written very well.

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In response to Ms. Mallek and Item No. 8.4, Mr. Andy Herrick, Senior Assistant County Attorney, responded that this is the Health Department local agreement that is entered into on an annual basis. The County has entered into this agreement in the past and the difference this year is in the amounts and services provided. He explained that the agreement provides for the State Attorney General's office to defend the Health Department employees in the event of a lawsuit involving something that is state mandated, and it would be the responsibility of the local government Attorney's Office to defend employees in the case of local ordinance enforcement. He added that when state employees are enforcing a local service, it is the local government's attorney who provides legal defense, citing the smoking ordinance as an example.

Ms. Mallek acknowledged her understanding of Mr. Herrick's explanation and asked about the County smoking ordinance that the state is supposed to enforce. Mr. Herrick clarified that there is a County smoking ordinance for restaurants.

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Ms. Mallek asked that her assigned minutes be pulled from the agenda.)

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Motion was then offered by Ms. McKeel to approve Items 8.2 through 8.11 on the consent agenda. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 8.1. Approval of Minutes: May 4, 2016.

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

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Item No. 8.2. FY 2016 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 16 budget due to the appropriations itemized below is $245,276.02. 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 two (2) appropriations as follows:

- One (1) Appropriation (#2016094) to appropriate $134,859.37 to reconcile project management services from project to project; this appropriation will not increase the total County budget; and
- One (1) Appropriation (#2016095) to appropriate $245,276.02 to reconcile School Division capital projects.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016094 and #2016095 for local government and school division projects and programs as described in Attachment A.

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Appropriation #2016094 **$0.00**

This appropriation with not increase the total County budget.

Source:	General Gov't CIP Fund fund Balance	$(33,239.91)
	Regional Firearms Range CIP Fund fund Balance	$ 22,188.73
	General Fund Fund fund balance	$ 11,051.18

This request is to reconcile the Facilities and Environmental Services Project Management Division (PMD)'s FY 16 appropriated sources of revenues with the expenses incurred in FY 16. This appropriation will not increase the County budget.

The initial appropriated budget represents an initial estimate based on a projection of project management support and activities. PMD provides project management support for School, Stormwater, and General Government capital projects and for General Government projects that fall outside of the Capital budget such as the Belvedere and Lewis and Clark projects or other administrative, non-designated CIP activities. An internal service fund was established for PMD in FY 13 to collect fees for OFD's (now, FES's) staff work. PMD charges an hourly-based project management (PM) fee for its services to individual projects. In order to properly account for the FY 16 charges per activity and fund, this appropriation request is to:

A. In the General Government CIP Fund, appropriate $73,841.39 of currently appropriated project management services funds from project to project within the General Government CIP Fund and reduce the appropriated use of General Government CIP Fund fund balance by $107,081.30 for a total reduction of $33,239.91 for project management services in FY 16;
B. In the Regional Firearms Training Center CIP fund, appropriate $22,188.73 in the use of Regional Firearms Training Center CIP Fund fund balance for Project Management Services in FY16;

C. In the General Fund, appropriate $11,051.18 in the use of General Fund fund balance for project management services in FY16;

D. In the School Division CIP Fund, appropriate $22,930.89 of currently appropriated project management services funds from project to project within the School Division CIP Fund for project management services in FY 16; and

E. In the Water Resources CIP Fund, appropriate $4,847.18 of currently appropriated project management services funds from project to project for project management services in FY 16.

Appropriation #2016095 $245,276.02

Source: School CIP Fund fund balance $245,276.02

This request is to appropriate $219.07 for the Red Hill Elementary School Modernizations capital project and appropriate $245,056.95 for the School CIP Maintenance/Replacement Program to reconcile the School Division capital projects to support startup expenses that occurred in FY 16. Expenditures were incurred in FY 16 because it was necessary for construction work to start in mid-June (after school ended) to ensure that the work was completed before the start of school in late August. Although no bills were paid in FY 17 for these projects and FY 17 funds were appropriated for these project costs, bookkeeping requirements require that the funding be shown as a FY 16 expense.

In a separate November 2, 2016 Appropriation request #2017042, included in the FY 17 Appropriations Executive Summary, there is a request to reduce the FY 17 project budget for the expenditures incurred in FY 16. The difference between the FY 16 and FY 17 appropriation amounts is due to the capital retainage requirement.

By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2016094 and #2016095 for local government and school division projects and programs:

RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

1) That Appropriations #2016094 and #2016095 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, 2016.

COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016094	4-1000-43100-443100-312366-1004	11051.18	SA2016094 PM Services Reconciliation
2016094	3-1000-51000-351000-510100-9999	11051.18	SA2016094 PM Services Reconciliation
2016094	4-9000-69980-466730-312366-6599	-17751.87	SA2016094 PM Services Reconciliation
2016094	4-9000-69985-464600-312366-6599	4068.12	SA2016094 PM Services Reconciliation
2016094	4-9000-69985-466730-312366-6107	10415.9	SA2016094 PM Services Reconciliation
2016094	4-9000-69985-466730-312366-6252	5776.11	SA2016094 PM Services Reconciliation
2016094	4-9000-69985-466730-312366-6302	2670.76	SA2016094 PM Services Reconciliation
2016094	4-9000-69985-466730-312366-6599	-5179.02	SA2016094 PM Services Reconciliation
2016094	4-9010-21005-421005-312366-2180	7087.03	SA2016094 PM Services Reconciliation
2016094	4-9010-21009-421005-312366-2180	-7087.03	SA2016094 PM Services Reconciliation
2016094	4-9010-32018-432010-312366-3140	-8654.04	SA2016094 PM Services Reconciliation
2016094	4-9010-32021-432010-312366-3140	6229.95	SA2016094 PM Services Reconciliation
2016094	4-9010-32022-432020-312366-3140	2424.09	SA2016094 PM Services Reconciliation
2016094	4-9010-41350-441200-312366-9999	-70127.18	SA2016094 PM Services Reconciliation
2016094	4-9010-43100-443200-312366-9999	43043.46	SA2016094 PM Services Reconciliation
2016094	4-9010-71018-471010-312366-7100	-12509.05	SA2016094 PM Services Reconciliation
2016094	4-9010-71020-471020-312366-7100	12509.05	SA2016094 PM Services Reconciliation
2016094	4-9010-73030-473010-312366-9999	2547.81	SA2016094 PM Services Reconciliation
2016094	4-9010-91046-443100-312366-9999	-8704	SA2016094 PM Services Reconciliation
2016094	3-9010-51000-351000-510100-9999	-33239.91	SA2016094 PM Services Reconciliation
2016094	4-9050-31029-431010-312366-3110	22188.73	SA2016094 PM Services Reconciliation
2016094	3-9050-51000-351000-510100-9999	22188.73	SA2016094 PM Services Reconciliation
2016094	4-9100-41038-482040-312366-9999	4532.74	SA2016094 PM Services Reconciliation
2016094	4-9100-82040-482040-312366-9999	-4847.18	SA2016094 PM Services Reconciliation
2016094	4-9100-82066-482040-312366-9999	314.44	SA2016094 PM Services Reconciliation
2016095	4-9000-69985-466730-800605-6107	219.07	SA2016095 FY 16 Reconcile Red Hill E S Mod
2016095	4-9000-69980-464600-800949-6599	245056.95	SA2016095 FY 16 Reconcile Sch Maint/Repl Program
2016095	3-9000-69000-351000-510100-6599	245276.02	SA2016095 FY 16 Reconcile
TOTAL		**490,552.04**	

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Item No. 8.3. 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 $355,513.35. 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 four (4) appropriations as follows:

- One (1) Appropriation (#2017033) to appropriate $77,273.62 to the Emergency Communications Center;
- One (1) Appropriation (#2017040) to re-appropriate $308,794.83 for various General Fund and Fire Rescue Services Fund projects;
- One (1) Appropriation (#2017041) to appropriate $314,347.69 to the School Division; and
- One (1) Appropriation (#2017042) to appropriate $(344,902.79) for School Division capital projects.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2017033, #2017040, #2017041, and #2017042 for local government and school division projects and programs as described in Attachment A.

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Appropriation #2017033 $ 77,273.62

Source:	ECC Fund Balance	$ 77,273.62

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate $77,273.62 from the ECC's fund balance for the following purposes:

- $42,273.62 for the purchase of pictometry software that will be used by the City, County and University; and
- $35,000.00 for building upgrades including flooring replacement, retrofitting two employee offices, new employee mailboxes, and constructing a reception area.

Appropriation #2017040 $ 308,794.83

Source:	State Revenue	$ 3,095.68
	General Fund fund balance	$ 191,199.15
	Fire Rescue Services Fund fund balance	$ 114,500.00

The following requests are to re-appropriate funding from the FY16 General Fund fund balance, Fire Rescue Services Fund Balance, and State funding to FY 17 for the following requests that are planned to be one-time expenditures. The proposed use of the General Fund fund balance for the following items will not reduce the County's 10% unassigned fund balance reserve, however, it does reduce the amount of FY16 expenditure General Fund savings that would be available for other uses in the future.

General Fund
County Attorney

- Requests the appropriation of $2,650.00 to purchase a secure cover for a storage cage in the Northside Library for the purpose of storing closed Legal files that are required to be maintained in a confidential manner.

Clerk of the Circuit Court

- Requests the appropriation of $39,970.83 to digitize old records and address storage/space problems, work on solutions to issues with the land record management system, replace old furniture and equipment, and increase funding for overtime based on new office hours.

Department of Social Services (DSS) (note: these requests are supported by $3,095.68 in state funding)

- Requests the re-appropriation of $6,825.00 for replacement of décor, furniture and toys within the DSS Visitation Room for families.
- Requests the re-appropriation of $2,849.00 so that a DSS employee can attend LEAD training.

Parks and Recreation

- Requests the re-appropriation of $125,000.00 to complete a Community Recreation Needs Assessment. This assessment, which was last done in 2004, will be performed by a consultant with a citizen involvement component and will help establish priorities for the future development of facilities, programs, and services. This assessment will also provide a comprehensive review of existing fees and recommendations for appropriate fee schedules for services provided.

- Requests the re-appropriation of $17,000.00 for trail maintenance equipment.

Fire Rescue Services Fund
The following items will be funded by re-appropriating fund balance from FY16 to FY17 from this fund and not from the General Fund:

- Requests the re-appropriation of $50,000.00 for an updated assessment and analysis of the Fire and Emergency Medical Services (EMS) public safety training facility needs, including partnership possibilities;
- Requests the re-appropriation of $24,500.00 for office renovation equipment and furniture;
- Requests the re-appropriation of $15,000.00 for a leadership development program;
- Requests the re-appropriation of $15,000.00 for Prevention public education materials and advertising; and
- Requests the re-appropriation of $10,000.00 for training equipment.

Appropriation #2017041 $314,347.69

Source:	Donations	$ 70,448.00
	State Revenue	$ 10,000.00
	Federal Revenue	$ 218,504.59
	Community Public Charter School Fund fund balance	$ 15,395.10
	School Board Reserve*	$ 16,800.00

*The School Board Reserve component of this appropriation will not increase the total County Budget.

This request is to appropriate three School Division appropriation requests approved by the School Board on September 8, 2016:

The first request is to appropriate $218,504.59 in Federal Title I School Improvement Grant funding to Yancey Elementary School to continue the required implementation of the priority school reform model.

The second request is to appropriate $95,843.10 in funding for the Community Public Charter School. This amount includes: $70,448.00 in donations, $10,000.00 from the Virginia Department of Education, and $15,395.10 in fund balance. The mission of the Community Public Charter School is to provide an alternative and innovative learning environment, using the arts, to help children in grades six through eight learn in ways that match their learning styles.

The third request is to appropriate $16,800.00 from the School Board Reserve to Albemarle County's Community Relations Division of the County Executive's Department budget to support the a General Obligation Bond Referendum Public Awareness and Education Plan. This will include advance voter awareness/educational materials and polling location materials. This appropriates the School Division share of funding, and will not increase the total County Budget. The local government share was appropriated on September 14, 2016.

Appropriation #2017042 $(344,902.79)

Source: School CIP Fund fund balance $(344,902.79)

As the counterpart of Appropriation #2016-090, this request is to reduce the FY 17 appropriated budget $219.07 for the Red Hill Elementary School Modernizations capital project and reduce the School CIP Maintenance/ Replacement Program by $344,683.72 to properly account for startup related expenditures that occurred in FY 16. These projects were approved and included in the Adopted FY 17 Capital Budget, however, the projects experienced expenditures in FY 16, as it was necessary for School construction work to start in mid-June to ensure that work would be completed before the start of school in late August. Although no bills were paid in FY 16 for these projects and FY 17 funds were appropriated for these project costs, accounting requirements require that the funding be shown as a FY 16 expense.

This appropriation is contingent upon the Board's approval of Appropriation #2016-095, which is included in the FY 16 Appropriations Executive Summary, also scheduled on the Board's October 5, 2016 Consent Agenda.

By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2017033, #2017040, #2017041, and #2017042 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 #2017033, #2017040, #2017041, and #2017042 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
2017033	3-4100-51000-351000-510100-9999	77273.62	SA2017033 ECC FB: Building Upgrades & Pictometry Software
2017033	4-4100-31040-435600-331800-1003	35000.00	SA2017033 ECC Building Upgrades
2017033	4-4100-31040-435600-312210-1003	42273.62	SA2017033 Pictometry Software
2017040	3-1000-51000-351000-510100-9999	191199.15	SA2017040 App FB - GF Re-appropriations
2017040	3-1000-33000-333000-330020-1005	3095.68	SA2017040 Reapp State Rev
2017040	4-1000-71011-471010-392000-1007	125000	SA2017040 Comm Rec Needs Assessment and Rev Analysis
2017040	4-1000-71012-471010-800100-1007	17000	SA2017040 Compact Excavator
2017040	4-1000-21060-421060-120000-1002	14000	SA2017040 Clerk of Circuit Court request
2017040	4-1000-21060-421060-800201-1002	15000	SA2017040 Clerk of Circuit Court request
2017040	4-1000-21060-421060-800700-1002	5485.41	SA2017040 Clerk of Circuit Court request
2017040	4-1000-21060-421060-800101-1002	5485.42	SA2017040 Clerk of Circuit Court request
2017040	4-1000-12040-412040-600100-1001	2650	SA2017040 Storage Cage Secure Cover
2017040	4-1000-53010-453010-800200-1005	6825	SA2017040 DSS visitation room
2017040	4-1000-53010-453010-550100-1005	2849	SA2017040 DSS LEAD Training
2017040	3-1805-51000-351000-510100-9999	114500	SA2017040 App FB - FR Re-appropriations
2017040	4-1805-32013-432010-360000-1003	15000	SA2017040 Re-app: Prevention advertising
2017040	4-1805-32011-432010-800200-1003	24500	SA2017040 Re-app: Equip related to office renovations
2017040	4-1805-32012-432010-800200-1003	10000	SA2017040 Re-app: Training Equipment
2017040	4-1805-32012-432010-390000-1003	50000	SA2017040 Re-app: Training facility study
2017040	4-1805-32012-432010-550100-1003	15000	SA2017040 Re-app: Leadership Training
2017041	4-3172-63172-461101-550100-6113	921	SA2017041 Travel/Training/Education
2017041	3-3380-63380-318100-181080-6599	70448	SA2017041 Community Public Charter School Donations
2017041	3-3380-63380-324000-240806-6599	10000	SA2017041 Community Public Charter School State Support Grant
2017041	3-3380-63380-351000-510100-6599	15395.1	SA2017041 Community Public Charter School Fund Balance
2017041	4-3380-63380-461101-112300-6280	32000.00	SA2017041 Counselor
2017041	4-3380-63380-461101-132100-6280	41456.71	SA2017041 PT Wages Teacher
2017041	4-3380-63380-461101-152100-6280	1000.00	SA2017041 Sub Wages Teacher
2017041	4-3380-63380-461101-210000-6280	5695.94	SA2017041 FICA
2017041	4-3380-63380-461101-312700-6280	5850.00	SA2017041 Prof. Ser. Consultants
2017041	4-3380-63380-461101-601300-6280	8240.45	SA2017041 Ed/Rec Supplies
2017041	4-3380-63380-461101-800200-6280	1000.00	SA2017041 Furniture & Fixtures
2017041	4-3380-63380-461101-800700-6280	600.00	SA2017041 Technology Equipment
2017041	4-2000-62410-460100-999981-6501	-16800.00	SA2017041 School Board Reserve
2017041	4-2000-62410-460100-930000-6501	16800.00	SA2017041 Fund Transfers
2017041	3-1000-51000-351000-512000-9999	16800.00	SA2017041 Tr from Schools - Bond Ref Public Ed
2017041	4-1000-12013-412010-600121-1001	16800.00	SA2017041 School Share Bond Ref Public Ed
2017042	4-9000-69985-466730-800605-6107	-219.07	SA2017042 FY 16 Reconcile Red Hill E S Mod
2017042	4-9000-69980-464600-800949-6599	-344683.72	SA2017042 FY 16 Reconcile Sch Maint/Repl Program
2017042	3-9000-69000-351000-510100-6599	-344902.79	SA2017042 FY 16 Reconcile
TOTAL		**308,538.52**	

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Item No. 8.4. Fiscal Year 2017 County of Albemarle and State Health Department Local Government Agreement.

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

The Thomas Jefferson Health District (TJHD), in cooperation with the Virginia Department of Health, is the primary provider of public health services and programs for Albemarle County and surrounding localities. TJHD offers specific health programs targeted at preventing and controlling infectious diseases as well as initiatives aimed at improving the health of low income women, children and infants. In addition, the Health District provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the State, County and other neighboring jurisdictions. Non-local funding for these TJHD programs is provided by the Commonwealth of Virginia, grants and income from local fees charged to individual clients. The localities served by TJHD provide matching local funds for the allocations made by the State and allocate resources for Local-Only Programs such as food safety. The Virginia Department of Health requires that local governments enter into agreements stipulating the scope of health services to be provided by the TJHD to citizens in their respective jurisdictions. The FY17 agreement (Attachment A) has been reviewed and approved as to form by the County Attorney's Office. Attachment B is an attachment to the Agreement, and sets forth services to be provided by the TJHD.

Pursuant to the funding formula set by the Joint Legislative Audit and Review Commission and based on the State's FY17 contribution of $840,417 to the TJHD, the County's required match for Cooperative State and Local Matched Programs in FY17 was appropriated as $692,311. The Health Department had a FY16 year-end savings of which $4,697 will offset the County's required contribution for Cooperative State and Local Matched Programs, reducing the required County FY17 contribution for those Programs to $687,614.

Based on the vital nature of the services provided by the TJHD, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the FY 17 County of Albemarle and State Health Department Local Government Agreement (Attachment A) and to authorize the County Executive to execute that Agreement.

By the above-recorded vote, the Board adopted the following resolution to approve the FY 17 County of Albemarle and State Health Department Local Government Agreement and authorized the County Executive to execute that Agreement:

**RESOLUTION TO APPROVE THE FY17 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

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

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 17 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute it on behalf of the County in a form approved by the County Attorney.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Albemarle County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the ***Code of Virginia*** (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed $840,417 from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Albemarle County** will provide by appropriation and in equal quarterly payments a sum of $687,614 local matching funds and $0 one-hundred percent local funds for a total of $687,614 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Albemarle County** Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2016. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

   A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.

   B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Albemarle County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.

D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.

2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

____________________________	____________________________
Marissa J. Levine, MD MPH, FAAFP	Local authorizing officer signature
State Health Commissioner	
Virginia Department of Health	____________________________
	Authorizing officer printed name
	____________________________
	Authorizing officer title
____________________________	____________________________
Date	Date

Approved as to form by the Office of the Attorney General on August 29, 2011.

Attachments: Local Government Agreement, Attachment A(1.) **(on file in Clerk's office)**
Local Government Agreement, Attachment A(2.) **(on file in Clerk's office)**

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Item No. 8.5. Millwood Land Trust – ACE Conservation Easement Request.

The Executive Summary forwarded to the Board states that on August 26, 2003, the Millwood Land Trust entered into an ACE open-space easement on Tax Map Parcels 06500-00-00-084A0 and 06500-00-00-08600 (108.9 acres). The easement is co-held by the County and the Public Recreation Facilities Authority (the "PRFA").

The deed anticipated the future transfer of a portion of the property to the adjacent Zion Hill Baptist Church (the "Church") for expansion of the church's cemetery. Section 2(A)(1) of the deed provides (in part): "The Property shall not be otherwise further divided or subdivided except for the sole purpose of conveying a portion of the Property abutting Zion Hill Baptist Church to the church for cemetery purposes."

However, though the above section clearly permits subdivision of a cemetery lot, the deed does not expressly permit use of the land as a cemetery. Therefore, any cemetery use of land under this easement would need to be approved in writing by the co-holders under section 2(C)(7) of the deed, which exempts certain uses from the deed's general prohibition on commercial uses. It permits:

> "7. Uses or activities not expressly excepted herein, but which are determined by each Grantee in writing not to be a commercial or industrial use, and to be consistent with this Easement. In making this determination, the Grantees may consider, among other things, whether the scope of a use or activity excepted herein has evolved over time as a result of changes in the law or customary practices."

Because the easement is co-held by the County and the PRFA, the Board and the PRFA need to approve this use before it may commence.

The purposes of this conservation easement are laid out in this recital: "WHEREAS, the Grantee's acquisition of this easement furthers the purposes of the ACE Program in that the acquisition, among other things, assures that Albemarle County's resources are protected and efficiently used, establishes and preserves open space, preserves the rural character of Albemarle County, and furthers the goals of the Albemarle County Comprehensive Plan to protect Albemarle County's natural, scenic and historic resources, promotes the continuation of a viable agricultural and forestal industry and resource base, and protects Albemarle County's surface water and ground water supplies."

Expansion of the adjacent cemetery onto this site, which was anticipated in the subdivision restrictions of this deed, would require conversion of wooded land to open land cover. Because tree clearing for agriculture and forestry is permitted under the deed, this conversion is generally consistent with the easement. Use of a small portion (two acres) of the land as a cemetery for a rural church would be generally consistent with the rural character of Albemarle County.

The Community Development Department has received a subdivision plat that would transfer two acres of the Millwood Land Trust property to the adjacent church for use as a cemetery. On September 8, 2016, the PRFA made a finding that the cemetery use of the proposed two-acre lot by the Church would not be an industrial or commercial use, and that that use would be permitted under section (2)(C)(7) of the deed of easement, provided that no structures other than grave markers were constructed on the lot.

The owner and/or applicant must also still obtain a special use permit before commencing cemetery use in the Rural Areas (RA) zoning district. A current determination that cemetery use is permitted under the ACE open space easement is a separate and distinct determination from the special use permit requirement of the zoning ordinance. Before cemetery use commences, the Board can expect to receive a separate application for a special use permit.

There is no budget impact.

Staff recommends that the Board find (a) that the proposed cemetery use of the proposed two-acre lot by the Church would not be an industrial or commercial use, and (b) that that use would be permitted under section (2)(C)(7) of the ACE deed of easement, provided that no structures other than grave markers were constructed on the lot.

By the above-recorded vote, the Board found that the proposed cemetery use of the proposed two-acre lot by the Church would not be an industrial or commercial use, and that that use would be permitted under section (2)(C)(7) of the ACE deed of easement, provided that no structures other than grave markers were constructed on the lot.

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Item No. 8.6. FY 18 VDOT Revenue Sharing Program Participation.

The Executive Summary forwarded to the Board states that VDOT has announced the FY 18 Revenue Sharing Program with an application cycle that opened on August 1, 2016 and closed on September 1, 2016. At the Boards direction, Albemarle County staff have submitted applications for funding on four projects under this program. A requirement of this submittal is that Albemarle County adopt a Resolution supporting the application. This Resolution is due December 1, 2016. The Board has allocated $1.72 million in the CIP for FY17 and FY18 to support the Transportation Revenue Sharing Program. The projects proposed for Revenue Sharing applications in this cycle were presented to the Board at its October 5 Board meeting at which time a vote was held to approve the recommended projects for the program.

County and VDOT staff have reviewed the current Revenue Sharing Program opportunities, requirements, and guidelines, along with the County's priority lists of transportation projects and the State transportation priorities for the region. On October 5, 2016 staff presented a list of proposed projects for the Board's consideration for submission for funding under the Revenue Sharing program. Following this presentation and resulting discussion and continued work to refine the projects, staff submitted the following applications for funding:

- Preliminary Engineering for the Lewis & Clark Drive Extension from the existing stub out of Lewis & Clark Dr. to the existing stub out of Innovation Drive; and, for the Meeting Street Extension from the existing stub out of Meeting St to Airport Road - These projects are important transportation improvements to complete the Berkmar Drive Extended project and will also provide an important and strategic economic development benefit by improving access to developable industrial lands. Additionally, these projects are listed in the Board-approved Transportation Priority List for Secondary Roads. A Smart Scale application was submitted for the construction of these projects; however, if the applications are awarded, funds would not be available until FY21 and design would not begin until that time. This Revenue Sharing application would accelerate the development of these improvements and increase the scoring potential of the projects under the Smart Scale process. The total estimated cost of Preliminary Engineering for these two segments of roadway is $1,740,000 of which the state would cover 50% of the cost under the Revenue Sharing Program. The total cost to the County is estimated at $872,000.
- Preliminary Engineering for the bicycle and pedestrian facilities along Avon Street Extended from Fifth Street Station Parkway to the existing/currently programmed facilities near Mill Creek Drive. If awarded, these funds would evaluate, design, and engineer improvements that would include either sidewalk and on-street bike facilities, multi-use path, or other appropriate bike/ped facility on Avon Street Extended from the I-64 Bridge to Mill Creek Drive where it would tie in to the existing multi-use path and sidewalk project currently in design. This project will also evaluate and design the connection across I-64

either as a new bridge or as modification of the existing bridge to tie in to the improvements constructed with the Fifth Street Station development. This project was identified as a priority in the CIP Sidewalk Construction Program Project List and would provide an important missing link in the bicycle and pedestrian network between previously constructed projects. The estimated total cost of the Preliminary Engineering for this project is $550,000 of which the state would cover 50% of the cost under the Revenue Sharing Program. The total cost to the County is estimated at $275,000.

- Preliminary engineering and construction funding for a pedestrian crosswalk at State Farm Boulevard across US 250 East to provide an improvement in pedestrian safety. The Board approved Transportation Priority List for Pedestrian, Bike, and Enhancement Projects identified this section of US 250 East as the highest priority for pedestrian crossings. This project is seen as the first step in improving pedestrian access throughout this critical development area. The estimated total cost of the Preliminary Engineering and construction for this project is $100,000 of which the state would cover 50% of the cost under the Revenue Sharing Program. The total cost to the County is estimated at $50,000.

Participation in the VDOT Revenue Sharing Program leverages matching funds from VDOT to advance important transportation projects. The County has appropriated $1.72 million for this program and the funds are available for local match for the FY18 Revenue Sharing request. The total cost of all three projects is $2.39 million of which the County is responsible for 50% or $1.195 million.

Staff recommends that the Board adopt the attached Resolution approving the County’s participation in the Revenue Sharing Program for FY18, and agreeing to match the funding request of $1,195,000 with $1,195,000 of the County funds designated for the Transportation Revenue Sharing Program in the FY17 CIP.

By the above-recorded vote, the Board adopted the following resolution approving the County’s participation in the Revenue Sharing Program for FY18, and agreeing to match the funding request of $1,195,000 with $1,195,000 of the County funds designated for the Transportation Revenue Sharing Program in the FY17 CIP:

**RESOLUTION TO PARTICIPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2018**

WHEREAS, the County of Albemarle desires to submit four (4) applications for allocations of funds totaling up to $1,195,000 through the Virginia Department of Transportation Fiscal Year 2018 Revenue Sharing Program; and

WHEREAS, the County is willing to commit $1,195,000 in local funds in order to compete for a Revenue Sharing Program award; and

WHEREAS, these funds are requested to implement the following four (4) projects:

- Preliminary Engineering for the Lewis & Clark Drive Extension from the existing stub out of Lewis & Clark Drive to the existing stub out of Innovation Drive;
- Preliminary Engineering for the Meeting Street Extension from the existing stub out of Meeting Street to Airport Road;
- Preliminary Engineering for the bicycle and pedestrian facilities along Avon Street Extended from the Fifth Street Station Parkway to the existing/currently programmed facilities near Mill Creek Drive; and
- Preliminary Engineering and Construction funding for a pedestrian crosswalk at State Farm Boulevard across US 250 East.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby commits to provide up to $1,195,000 of local funds in its application for up to $1,195,000 of revenue sharing funds from the FY 2018 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County’s application.

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Item No. 8.7. Resolution to accept road(s) in Houndstooth Subdivision into the State Secondary System of Highways. *(Jack Jouett Magisterial District)*

By the above-recorded vote, the Board adopted the following resolution to accept road(s) in Houndstooth Subdivision into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of November, 2016, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Houndstooth Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Houndstooth Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form AM-4.3 is:

1) **Houndstooth Court (State Route 843)** from Free Union Road (State Route 601) to .144 miles east to cul-de-sac/end of State maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4578, pages 411-416, for a length of 0.14 miles.

   Total Mileage – 0.14

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Item No. 8.8. Resolution to accept road(s) in Foothills Crossing Subdivision into the State Secondary System of Highways. *(White Hall Magisterial District)*

By the above-recorded vote, the Board adopted the following resolution to accept road(s) in Foothills Crossing Subdivision into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of November, 2016, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Foothills Crossing Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Foothills Crossing Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form AM-4.3 is:

1) **Park Ridge Drive (State Route 1250)** from Cardinal Crest Court (State Route 1715) to .27 miles west to end of State maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4319, pages 403-410, for a length of 0.27 miles.

2) **Park Ridge Drive (State Route 1250)** extended from Raven Stone Road (State Route 1328) to .11 miles west to Cardinal Crest Court (State Route 1715), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3794, pages 4-14, for a length of 0.11 miles.

3) **Cardinal Crest Drive (State Route 1715)** from Park Ridge Drive (State Route 1250) to .04 miles south to end of cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3854, pages 716-724, for a length of 0.04 miles.

Total Mileage – 0.42

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Item No. 8.9. Resolution to accept road(s) in Country Green Cottage Subdivision into the State Secondary System of Highways. *(Samuel Miller Magisterial District)*

By the above-recorded vote, the Board adopted the following Resolution to accept road(s) in Country Green Cottage Subdivision into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of November, 2016, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Country Green Cottages Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Country Green Cottages Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

*****

The road(s) described on Additions Form AM-4.3 is:

1) **Cottage Green Lane (State Route 878)** from Country Green Road (State Route 875) to .04 miles south to Cottage Green Way (State Route 879), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3539, pages 381-388, for a length of 0.04 miles.

2) **Cottage Green Way (State Route 879)** from Country Green Lane (State Route 878) to .06 miles west to end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3539, pages 381-388, for a length of 0.06 miles.

3) **Cottage Green Way (State Route 879)** from Country Green Lane (State Route 878) to .02 miles east to end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3539, pages 381-388, for a length of 0.02 miles.

Total Mileage – 0.12

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Item No. 8.10. Resolution to accept road(s) in the Stonewater Subdivision into the State Secondary System of Highways. *(Rio Magisterial District)*

By the above-recorded vote, the Board adopted the following Resolution to accept road(s) into the Stonewater Subdivision into the State Secondary System of Highways.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of November, 2016, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Stonewater Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Stonewater Subdivision,** as described on the attached Additions Form AM-4.3 dated **November 2, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form AM-4.3 is:

1) **Penfield Lane (State Route 1289)** from Penfield Place (State Route 1290) to .07 miles west to end of cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4364, pages 25-41, for a length of 0.14 miles.

2) **Penfield Lane (State Route 1289)** from Rio Road (State Route 631) to .13 miles west to Penfield Place (State Route 1290), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4364, pages 25-41, for a length of 0.26 miles.

3) **Penfield Place (State Route 1290)** from Penfield Lane (State Route 1289) to .02 miles northt to end of cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4364, pages 41-45, for a length of 0.04 miles.

Total Mileage – 0.44

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Item No. 8.11. SP-2016-00015. Springhill/Towneplace Suites (Signs 59 & 60) and SP-2016-00016. Springhill/Towneplace Suites Parking Structure (Signs 59 & 60). ***(Deferred from October 12, 2016)***

In a memorandum dated October 24, 2016, it states that at its meeting on October 12, 2016, the Board directed staff to work with the applicants to further explore possible points of interparcel connection. Specifically, the Board asked staff to recommend possibilities for pedestrian interconnection between the site of the proposed hotel and parking structure and the designated Community Center shown in the Comprehensive Plan (see Attachment A). The Board also asked that a condition be imposed to ensure that stormwater management facilities shown on the concept plan would be required during site plan review.

Following the meeting, staff and the applicants studied five different locations on the boundary of the parcel and off-site to determine the best options for interconnectivity (see Attachment B). Areas 1-3 were studied previously, but were examined further, whereas Areas 4 and 5 were evaluated for the first time. To fully assess each of the five locations, staff worked internally with transportation, inspections, engineering, police, and Architectural Review Board (ARB) staff.

Each location yielded its own set of potential risks and benefits, however, both staff and the applicants agree the two most viable options for the Board's consideration lie within Area 1 and Area 2. Exhibits for pedestrian improvements in these areas are found in Attachment C and Attachment D. The connection in Area 1 would provide a five-foot-wide stairwell between the proposed hotel and the rear of the existing Fairfield Inn site. The connection in Area 2 would construct a five-foot-wide sidewalk along Branchlands Boulevard, which would link a five-foot-wide sidewalk from the entrance to the subject parcel to the entrance of the parking lot for the adjacent shopping area.

Area 1 provides the most direct access to the neighboring parcel that adjoins the grocery store via a stairway. The neighboring parcel contains a hotel that is part of the same hotel group as Springhill/Towneplace Suites. Providing the stairway would allow for pedestrians to walk from the Springhill/Towneplace Suites to the nearby grocery store through the neighboring parcel. If a restaurant such as a coffee shop is provided between the Springhill/Towneplace Suites and Route 29, the stairwell could enable patrons of the adjoining hotel to more readily access the restaurant. However, the stairwell would be difficult for mobility impaired persons to use. In addition, the owner has indicated concerns for liability should patrons accidentally sustain a fall in the stairwell.

Area 2 provides less direct access to the grocery store, but would help complete a sidewalk system so that patrons could use public sidewalks to access the grocery store. It could be used by mobility impaired individuals as well as non-mobility impaired persons. Liability issues would be transferred from a private owner to the public. The downside is that it creates an approximately one-third mile walk, which might be far enough to cause a patron to drive and is beyond the 0.25 mile goal in the Comprehensive Plan for walkability between uses in a Community Center.

The applicant has looked at these two options and cannot decide which option to offer at this time. To help advance the approval process, though, the applicant will accept a condition that would require either option (see Condition #5 on Attachment G). This action would allow the project to move forward in the approval process while also ensuring pedestrian connectivity is provided. It is important to note that this condition would be satisfied in the case that another party completes the sidewalk along Branchlands Boulevard, but it would then require an extension of the interparcel connection easement labeled on the concept plan as “Future Interparcel Connection” (see Attachment E). This extension would preserve the opportunity for more connectivity in the future as the area continues to redevelop.

Regarding stormwater management, staff has added a condition that requires that all stormwater treatment shall comply with the County’s water protection ordinances (see Condition #4 on Attachment G).

Staff recommends that the Board adopt the Resolution approving the special exception to waive the stepback requirements (Attachment F) and the Resolution approving the special use permits (Attachment G), subject to the conditions attached thereto.

By the above-recorded vote, the Board adopted the following Resolution approving the special exception to waive the stepback requirements, and adopted the following Resolution approving the special use permits, subject to the conditions attached thereto:

RESOLUTION TO APPROVE SPECIAL EXCEPTION
SP 2016-15 SPRINGHILL/TOWNEPLACE SUITES

WHEREAS, SSQ LLC (the “Owner”) is the record owner of Tax Map Parcel Number 061Z0-03-00-00200 and the buildings located thereon (collectively, the “Property”); and

WHEREAS, the Owner filed a request for a special exception in conjunction with SP 2016-00015, Springhill/Towneplace Suites, to waive the 15 foot stepback requirement for floors above 40 feet or the third story, whichever is less, under County Code § 18-4.20(a).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.20(a)(4) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to waive the 15 foot stepback requirement of County Code § 18-4.20(a) for the construction of the proposed hotel.

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RESOLUTION TO APPROVE
SP 2016-15 SPRINGHILL/TOWNEPLACE SUITES AND
SP 2016-16 SPRINGHILL/TOWNEPLACE SUITES PARKING STRUCTURE

WHEREAS, SSQ LLC (the “Owner”) is the record owner of Tax Map and Parcel Number 061Z0-03-00-00200 and the buildings located thereon (collectively, the “Property”); and

WHEREAS, the Owner submitted applications for Special Use Permits to permit the construction of a hotel and a parking structure, and the applications are identified, respectively, as Special Use Permit 2016-00015 Springhill/Towneplace Suites (“SP 2016-15”) and Special Use Permit 2016-00016 Springhill/Towneplace Suites Parking Structure (“SP 2016-16”); and

WHEREAS, on August 23, 2016, after duly noticed public hearings, the Albemarle County Planning Commission recommended approval of SP 2016-15 and SP 2016-16 with conditions; and

WHEREAS, on October 12, 2016, the Albemarle County Board of Supervisors held duly noticed public hearings on SP 2016-15 and SP 2016-16 and considered three proposed conditions, and deferred action to November 2, 2016; and

WHEREAS, on November 2, 2016, the Board considered the matter for action.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-15 and SP 2016-16 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 §§ 18-22.2.2(7), 18-22.2.2(9), and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-15 and SP 2016-16, subject to the conditions attached hereto.

*** * * * ***

SP 2016-15 Springhill/Towneplace Suites
and SP 2016-16 Springhill/Towneplace Suites Parking Structure
Special Use Permit Conditions

1. Development and use of the site shall be in general accord with the concept plan entitled “Concept Plan for Springhill/Towneplace Suites” prepared by Dominion Engineering, dated 08/18/2016, last

revised on 09/29/2016, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the proposed hotel, associated parking areas (including the parking structure) and interparcel connection. Minor modifications, as approved by the Zoning Administrator, to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. No parking shall be permitted between the U.S. Route 29 right-of-way and the primary structure located on the Future Development Parcel, as identified on the Concept Plan.

3. The landscape plan shall be subject to approval by the Architectural Review Board.

4. All stormwater treatment shall comply with the County's water protection ordinance.

5. Prior to final site plan approval, the owner of Tax Map Parcel 061Z0-03-00-00200 shall either show on the final site plan the improvements on Attachment C or equivalent improvements as determined by the Director of Planning and the Zoning Administrator, or construct the improvements shown on Attachment D of the Memorandum to the Board of Supervisors dated October 24, 2016, as determined by the Director of Planning and the Zoning Administrator.

   Further, if the owner or another party constructs the improvements shown in Attachment D prior to final site plan approval, then the "Future Interparcel Access Easement" shown on the Concept Plan shall be extended across the width of the subject parcel from Tax Map Parcel 061W0-02-0C-00100 to Tax Map Parcel 061Z0-03-00-011C0 on the final site plan to provide future opportunities for interconnection.

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Item No. 8.12. CCP201600001 Region Ten Women's Treatment Center, ***was received for information***.

The Executive Summary forwarded to the Board states that due to Region Ten's status as a state agency, the proposed Women's Treatment Facility qualifies as a public use subject to a Compliance with the Comprehensive Plan Review (or "2232 Review"). A 2232 Review considers whether the general location, character and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission and the Commission's findings are forwarded to the Board of Supervisors for their information. No additional action is required of the Board.

On September 27, 2016, the Planning Commission held a public hearing and found the location, character and extent of the proposed Region Ten Women's Treatment Facility to be in substantial accord with the County's Comprehensive Plan. The staff report and draft minutes from the meeting are attached (Attachments A & B).

The staff report for the September 27, 2016 Commission public hearing (Attachment A) outlines staff's analysis for the 2232 review.

No action is required of the Board.

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Item No. 8.13. County Grant Application/ Award Report, ***was received for information.***

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

The attached Grants Report provides a brief description of one grant award received during the time period of September 17, 2016 through October 14, 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. BUDGET IMPACT: The budget impact is noted in the summary of each grant.

GRANT REPORT ACTIVITY – September 17, 2016 through October 14, 2016

No applications were made during this time.

Awards were received for the following grants:

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Department of Justice	Justice Assistance Grant, Community Policing	Federal	$14,659.00	$0	None	Police	This grant will be used to provide support for Community Policing overtime activities provided by the Albemarle County Police Department such as bike patrols, participation in community events, etc.

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.

						Potential Financial Impact - Includes Five Year Plan salary assumptions				
Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY17 Grant Amount*	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.

					Potential Financial Impact				
Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	FY18	FY19	FY20	FY21	FY22
2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately $140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	$ 236,700.00	$191,800.00	$ 147,090.00	TBD	TBD
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	$ -	$ -

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Item No. 8.14. Capital Projects Status Report – 3rd Quarter CY 2016, ***was received for information.***

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Item No. 8.15. Environmental Management Quarterly Report – 1st Quarter FY 17, ***was received for information.***

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Item No. 8.16. Board-to-Board, October 2016, **A monthly report from the Albemarle County School Board to the County Board of Supervisors**, ***was received for information.***

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Item No. 8.17. Copy of letter dated September 8, 2016, from Mr. Francis H. MacCall, Principal Planner, to Mr. Ches Goodall, ***re: LOD-2016-00014 OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel IDs 05700-00-00-043C0, 05700-00-00-04400, 05700-00-00-044A0, 05700-00-00-04500, 05700-00-00-04600, and 05700-00-046A1 (Property of BUCK'S ELBOW FARM CORP) – Samuel Miller Magisterial District, was received for information.***

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Item No. 8.18. Copy of letter dated October 11, 2016, from Mr. Francis H. MacCall, Principal Planner, to Mr. Robert Shaw, ***re: LOD-2016-00016 OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 0200-00-00-00600 (Property of ROBERT A & RACHEL M SHAW) – Rivanna Magisterial District, was received for information.***

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NonAgenda. Ms. Palmer said she would like to address the comments made earlier by Mr. Bill Schrader and asked Mr. Kamptner for counsel.

Mr. Kamptner stated that the Board was briefed on the legal status and issues in a closed meeting, and this was protected by attorney-client privilege. He said he would be following up with the Board in December and January and would have additional information, stating that his office has evaluated it carefully, but have one last issue to consider.

Agenda Item No. 9. TJPDC Regional Legislative Program – 2017.

In a memorandum dated October 24, 2016, from Mr. David Blount, Legislative Liaison, Thomas Jefferson Planning District Commission, he states that attached is the draft 2017 TJPD Legislative Program for your review and consideration. As I discussed when I spoke to you at your September meeting, I will be presenting the program and seeking approval of it at your November 2 meeting. This year, the draft program lists three top legislative priorities, along with several other priority positions. They are contained in the draft program as follows:

1) State Budget and Funding Obligations
2) Public Education Funding
3) Local Revenue Authority
4) Land Use and Growth Management
5) Transportation Funding and Devolution
6) Water Quality

The “Legislative Positions and Policy Statements” section contains recommendations, requests and positions in other areas of interest and concern to the region or to our individual localities.

A summary of the top priority positions will be produced and distributed later for you to use in communicating with your legislators.

Mr. Blount addressed the Board, stating that they have the 2017 Regional Legislative Program before them. Mr. Blount stated that over the coming weeks, he would be meeting with the other legislative bodies within the district to discuss and obtain approval of the program. He highlighted the three top priorities, with the first being state budget and funding obligations, stating that they would urge the state to preserve funding to localities despite budget shortfalls and to not shift costs to localities for underfunded state mandated programs. Mr. Blount stated that the second priority, which was the top priority last year, is education funding, and explained that their aim is to maintain state funding for K-12 programs that were funded last year. He said the third priority is their local revenue authority position supporting equal taxing authority for counties to bring them in line with what cities already have. Mr. Blount noted that the state is facing a $1.2-billion revenue shortfall for FYs 17 and 18, and this figure is growing as the Medicaid forecast is short by about another $300 million. He added that state agencies have been asked to come up with savings plans, which must be submitted by next week.

Mr. Blount discussed transient lodging and the AirBnB bill, and said a study group was established over the summer to review issues such as land use, public safety, taxing, and licensing. He said the land use priority and general government section of the policy, along with the position that speaks to maintaining local authority in these areas, may not be areas where the study group can reach consensus, and there is already competing legislation addressing this issue. Mr. Blount stated that another issue that carried over from last year pertains to wireless infrastructure. He said a study group has been reviewing this issue and may not be able to reach consensus, and it is likely to be an issue for this year’s legislative session. Mr. Blount added that while the Board is encouraging the expansion of wireless service to unserved and underserved areas, the wireless industry is primarily pushing to expand capacity in suburban areas, although local government representatives, some legislators, and other stakeholders are pushing for rural broadband.

Mr. Blount said that under the Land Use and Growth Management priority, he hopes he captured the wishes of the Board about concerns and limits on the proffer legislation of this past year. He said that under Legislative Positions and Policy Statements–Economic and Workforce Development, there is a new regional position supporting the local initiative that calls for the creation of local economic revitalization zones. He said that under Health and Human Services, there is a position in support of the judicial and administrative findings in cases of alleged child abuse, which the Board has supported. Mr. Blount stated there are a number of locality specific proposals under the Legislative Positions and Policy Statements. He noted that the Legislative Forum is scheduled to be held at the County Office Building on Tuesday, November 29, 2016 at 5:30 p.m. to discuss the proffer legislation, and he hopes Board members will attend. He invited questions and comments from the Board.

Ms. Mallek asked if he has heard from Charlottesville about speed cameras. Mr. Blount responded that this was discussed with their two legislators at a meeting a couple of weeks ago, and it does not appear they will be moving forward with enabling legislation.

Ms. Mallek asked if this was due to a lack of response from Councilors. Mr. Blount responded that there was not a majority of City Council members who were poised to move forward at this time.

Mr. Dill asked about legislation that deals with internet-based businesses and if it would affect

Albemarle County. Mr. Blount said this pertains to the transient lodging, AirBnB position.

Mr. Dill asked if the County receives sales tax revenue from internet sales. Mr. Blount responded that he believes legislation was passed several years ago to specifically deal with Amazon, as they have a nexus in Virginia. He said that as for other businesses, this would be a federal issue. He cited the Marketplace Fairness Act legislation that was introduced several years ago that would allow tax to be collected in the state of the purchaser rather than the state where a business is located, noting that there has not been action taken with this legislation.

Mr. Dill asked if the County receives a portion of the tax collected from internet sales from local residents who voluntarily report internet purchases on their tax returns. Mr. Blount replied that he would have to get back to him to address these questions.

Mr. Sheffield said it is his understanding that Chesterfield receives sales tax revenue from the facility located there, and Albemarle does not receive tax revenue when a resident purchases a product online. He said there are two Amazon distribution centers in Virginia, and Albemarle does not receive any tax revenue from them.

Mr. Foley said he would get back to the Board with more information.

Ms. Palmer stated the Board has been told that if an online sale is made in Albemarle, the County receives one penny. She used Crutchfield as an example since they have online sales, and said her understanding is that the collection of tax is based on where the seller is located, not the buyer.

Mr. Kamptner said the business must have a physical presence in the state for sales tax to be imposed, according to Virginia law.

Ms. Palmer said it is her understanding that at the County level, a County collects one penny if there is a physical presence in the County.

Mr. Foley stated he would follow up with clarification of these questions.

Ms. Mallek, addressing the issue of tax on transient lodging, said they need to be watchful of what the study committee does.

Ms. Palmer said that Mr. Bill Fritz sits on the wireless study committee and could provide the Board with regular updates after each meeting. She asked how they could get a staff member on the proffer study committee as well as other committees.

Mr. Blount explained that various local government representatives are appointed to study committees and said the Board could recommend a representative to be appointed to a study committee.

Ms. Palmer said it would be helpful to know when study committees are being formed so they can suggest a representative to serve in instances when it involves a matter of importance to the County.

Mr. Foley said VACO and VML typically reach out to those on their legislative committees.

Mr. Blount clarified that VACO and VML operate on several levels as there is a team of local government liaisons that are communicating and collaborating, as well as local government attorneys that are involved in crafting legislation.

Ms. Mallek then **moved** to approve the TJPDC Legislative Program. Ms. McKeel **seconded** the motion.

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

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

Thomas Jefferson Planning District
2017 LEGISLATIVE PROGRAM
DRAFT

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

October 2016

Andrea Wilkinson, Chairman
Chip Boyles, Executive Director
David Blount, Legislative Liaison

TOP LEGISLATIVE PRIORITIES

State Budget and Funding Obligations

PRIORITY: The Planning District localities urge the governor and legislature to preserve state aid to localities when addressing the current state budget gap, and to not impose mandates on or shift costs for state programs to localities in order to balance the budget.

The State's FY17/18 spending plan faces a projected $1.2 billion shortfall, the fallout from which can impact local governments, where budgets remain challenged by slowly-recovering local revenues and state funding, as well as meeting state and local requirements and priorities. Inflation and population growth has been outpacing increases in state and local revenues; still, State income tax revenues have increased much faster than local real estate taxes since the Great Recession. While State general fund appropriations have jumped by about $4 billion since FY09, state assistance to local government priorities has increased just about $400 million. State aid to localities makes up about 42% of the state general fund budget in FY17.

Accordingly, we take the following positions:

→The State should strive to mitigate the impact to localities when closing the FY17/FY18 state budget gap. The State should not reduce funding for locally-provided, state-mandated services in order to compensate for the budget shortfall.

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

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

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

Public Education Funding

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

The State will spend about $5.9 billion on public education in FY17. Localities appreciate the additional $900 million in state funding that is targeted for K-12 in the current biennium, and urge the governor and the legislature to preserve this investment moving forward through the latest state budget challenges. However, in the past decade, overall state funding has increased just five percent, and while the state-funded per pupil amount has jumped back above the FY09 level, state dollars do not reflect the true costs of K-12 education. Localities need an adequately defined SOQ that closes the gap between what school divisions are actually providing and what the state currently funds in the SOQ. Local governments consistently do their part to close the gap; in FY15, Virginia localities spent over $7.1 billion for school division operations, which is double the state-required effort.

Reductions in state public education dollars since the Great Recession have been accomplished through policy changes that are decreasing the state's funding obligations moving forward. For example, changes to the Virginia Retirement System increased local costs and did nothing to reduce the unfunded teacher pension liability. Education expenditures are expected to continue increasing, as greater numbers of at-risk students (now close to 40% of students), rising State and local VRS contribution rates, and forthcoming changes to high school graduation standards will drive additional spending in the coming years.

Local Revenue Authority

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

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

Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority (such as those noted above). The State should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy. Further, it should not alter or eliminate the BPOL and Machinery and Tools taxes, or divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. The State also should support the appropriate collection of transient occupancy taxes from online transactions.

OTHER PRIORITY ITEMS

Land Use and Growth Management

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

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

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

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

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

Transportation Funding and Devolution

PRIORITY: The Planning District localities urge the State to continue to enhance funding for local and regional transportation needs. We oppose legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

We urge the State to remain focused on providing revenues for expanding and maintaining all modes of our transportation infrastructure that are necessary to meet Virginia's well-documented highway and transit challenges and to keep pace with growing public needs and expectations. As the State continues to implement the prioritization process established by HB 2 (2014), now known as "Smart Scale," and the distribution formula for highway construction projects established by HB 1887 (2015), there should be adequate funding, and local authority to generate transportation dollars, for important local and regional projects. We also support having the Department of Rail and Public Transportation pursue a "Smart Scale-type" prioritization for rail and transit projects.

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

Other positions:

We support additional authority to establish mechanisms for funding transit in our region.
We support highway maintenance dollars being preserved for cities that convert highway lanes to bicycle-only lanes.
We support VDOT utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.
We support continued funding of the state's revenue sharing program with localities.
Finally, while we opposed closing of VDOT's Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property if available.

Water Quality

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

As local governments are greatly impacted by federal and state initiatives to reduce pollutants into state waters, it is imperative that aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels occurs. This investment must take the form of authority, funding and other resources to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent. Dollars should be targeted to stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices.

Specifically concerning stormwater management, we support adequate funding and training to enable the State and local governments to meet ongoing costs associated with local stormwater programs that became effective in 2014. We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current "opt-out" provisions, or financial burdens on local governments. We support an exemption from stormwater planning requirements for sidewalk, path or trail construction within a public greenway, and oppose further amendments to the regulation of stormwater which would require a locality to waive stormwater charges.

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

LEGISLATIVE POSITIONS and POLICY STATEMENTS

Children's Services Act

The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the State and local government. Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

CSA Administration:

We appreciate action by the 2016 General Assembly to increase state dollars by $1 million for local CSA administrative costs, the first increase since the 1990s. We urge the State to maintain and increase this funding, as localities pay the overwhelming majority of costs to administer this shared program at the local level.

Pool Expenditures:

- The State should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need.
- The State should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.
- Categories of populations mandated for services should not be expanded unless the State pays all the costs.

Efficiency:

- The State should be proactive in making residential facilities and service providers available, especially in rural areas.
- In a further effort to help contain costs and provide some relief to local governments, we recommend that the State establish contracts with CSA providers to provide for a uniform contract management process in order to improve vendor accountability and to control costs.

Economic and Workforce Development

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

Economic Development:

- We support implementation of the *GO Virginia* initiative to grow and diversify the private sector in each region, with ongoing state financial incentives, technical support and other incentives to support collaboration by business, governments, educational institutions and communities that spur economic development, job creation and career readiness.
- We support legislation that dedicates income and sales tax revenues generated by corporations and limited liability companies within an economic development project to such locality in cases where the locality has expended local funds for such project and state grant funds or incentives were not involved.
- We support enabling authority to allow counties to create local economic revitalization zones, authority which currently exists for cities.

Broadband:

We encourage and support continuing state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology, particularly in underserved areas. We believe such efforts should include:

→Development of a statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans;
→Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences; and
→Maintaining local land use, permitting, fee and other local authorities.

Planning District Commissions:
- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional programs and projects, and support funds for the Regional Competitiveness Act to initiate and sustain such efforts.

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

Education

The Planning District's member localities believe that the state should be a reliable funding partner with localities, recognizing the operational, personnel, and capital resources necessary for a high-quality public education system.

School Division Finances:
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to VRS in order to facilitate such sharing.
- The State should not eliminate or decrease funding for benefits for school employees.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

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

Environmental Quality

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

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

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

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

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

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

Program Administration:

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

General Government

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

Internet-based Businesses and Services:

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

Local Government Operations:

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

State-Supported Positions:

- Localities should have maximum flexibility in providing compensation increases for state-supported local (and other) employees, as local governments provide such offices with significant local dollars and additional personnel beyond those funded by the State.
- We support removing from the appropriation act, confusing language requiring governing authorities, as a condition of receiving supplemental state funding for salaries, to certify that certain state-supported employees received a prescribed pay increase.

Elections:

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

Freedom of Information Act:

- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure, and 3) provisions concerning creation of customized records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

Quality of Life Issues:

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

Health and Human Services

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

Funding:

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

Social Services:

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.

- We believe the current funding and program responsibility for TANF employment services should remain within the social services realm.
- We support changes to the Code to provide that a judicial finding be controlling of administrative findings in alleged child abuse and neglect cases.

Prevention:

We support continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs. This would include the Virginia Preschool Initiative and the Child Health Partnership and Healthy Families program, as well as Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Childcare:

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

Housing

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

Affordable Housing:

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

Homelessness:

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

Historic Structures:

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

Public Safety

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

Funding:

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

Jails:

- The State should restore per diem payments to localities 1) for housing state-responsible prisoners to $14 per day, and 2) for housing local responsible offenders to $8 per day. If a state-responsible prisoner remains in local jail longer than one year, then the State should compensate the jail for the actual cost of incarceration.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.
- We support legislation requiring the use of closed circuit television for preliminary hearings and related minor procedures.

Offender Programs and Services:

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

Body Cameras:

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

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Agenda Item No. 10. Spot Blight Ordinance for 2514 Smithfield Road.

The Executive Summary presented to the Board states that the Board has expressed growing concern over the condition of certain properties in aging urban areas of the County. On April 6, 2016, the Board directed staff to begin addressing problem properties using the County's spot blight abatement authority under Code of Virginia § 36-49.1:1. County staff has identified the property at 2514 Smithfield Road (Tax Map Parcel 060D0-00-0F-00700) as a "blighted property," and has initiated the required steps to abate the identified blight. Specifically, as the County Executive's designee, the County Building Official made a preliminary determination that the property was blighted, and sent notice to the property owners specifying the reasons why the property was blighted (Attachment A). Because the property owners failed to respond within 30 days with a written spot blight abatement plan acceptable to the County Executive, County staff is now requesting that the Board adopt an ordinance declaring the property as blighted (Attachment B). Under Virginia Code § 36-49.1:1(D), no spot blight abatement plan prepared by the County may be effective until an ordinance declaring the property as blighted has been adopted by the Board.

The attached photographs (Attachment C) show the blighted conditions at 2514 Smithfield Road that led to the Building Official's preliminary determination of blight. The County's Facilities and Environmental Services Department has since prepared a spot blight abatement plan with at least two options (Attachment D), which can be considered at a public hearing.

Any abatement costs (as outlined in Attachment D) must be appropriated by the Board. If the ordinance is adopted, the County will have a lien on all property repaired or acquired under an approved spot blight abatement plan to recover the cost of improvements to bring the blighted property into compliance with applicable building codes.

Staff recommends that the Board schedule and advertise a public hearing in January 2017 to consider an ordinance declaring 2514 Smithfield Road as blighted, enabling work to proceed under an approved spot blight abatement plan.

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Mr. Jay Schlothauer, Albemarle County Building Official, addressed the Board. He reminded the Board that in April Board members agreed to use a section of the state code to enhance efforts to address ill maintained properties, which they have done, and this is the first case to which staff has applied this. He said that after their meeting, he sent a letter to the property owners informing them that the County has a new tool to address ill maintained properties and gave them some time for a response. Mr. Schlothauer noted that they acknowledged their receipt of the letter. He said he and inspectors went to the property and took photos, determining that it meets the definitions of a blighted property as defined by the Spot Blight Ordinance. He stated that he sent a second letter to the property owner that emphasized health, safety and welfare concerns of the residents. He said he cited the fallen tree resting on the roof, as well as the hole in the roof, and required them to respond within 30 days with a spot blight abatement plan. He said they did not receive a response so they went to the property a second time to make sure nothing had happened, and brought along a contractor to assist with estimating costs in the event the County were to take action. He said the next step would be for the Board to take action and pass the spot blight ordinance so that it pertains to this specific address and said they would have to advertise and have a public hearing, which he would like to have scheduled for January.

Ms. McKeel asked for clarification that inspectors have not had access inside the house but only from the street, and asked if they would be able to enter the house once the Board acts on the ordinance. She asked for clarification that the spot blight ordinance that deals with blighted properties requires consideration on a case by case basis. Mr. Schlothauer confirmed this and said that neighbors have allowed staff access up to the property lines, and he believes they would have authority to enter the house once the Board acts. He deferred to Andy Herrick for a definitive answer on authority to enter the house, and confirmed that the ordinance requires consideration on a case-by-case basis. Mr. Schlothauer said they recently observed that the issues they cited have been repaired, although he qualified this as they have not been inside the house. He said the tree has been cut back and is not resting on the house, and new roof shingles have been added to cover the hole; however, they still want to enter the house to make sure these repairs are adequate.

Ms. McKeel said she has personally observed the property and they also have photos of vultures entering the attic, so she suspects there is a nest in the house.

Ms. Palmer asked how the recent repairs would affect the ability for them to declare the property a spot blight house. Mr. Schlothauer said the repairs address part of the issue, but there may be other elements of blight that affect the health, safety and welfare of the occupants that they are not able to see.

Mr. Kamptner stated that prior to the ordinance coming before the Board in January, there would be confirmation that blight conditions still remain on the property. He said the steps taken by Mr. Schlothauer thus far are part of a preliminary determination.

Ms. McKeel commented that the property owner has not been cooperative and has not produced a plan of action or contacted staff.

Ms. Mallek asked for confirmation that costs to the County concerning this issue can be passed on to the property owner. She said she hopes the owner would take action once they realize they would have to reimburse the County for expenses incurred to repair the house. Mr. Schlothauer said he thinks they can recoup these costs, although he would defer to Andy Herrick. He said once the Board acts today, he plans to write another letter to the property owner.

Ms. McKeel recognized that there are several residents from the neighborhood where the house is located in attendance who support Board action.

Ms. McKeel **moved** to schedule a public hearing for January 4, 2017 to consider an ordinance declaring 2514 Smithfield Road as blighted, enabling work to proceed under an approved spot blight abatement plan. Ms. Mallek **seconded** the motion.

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

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

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

The Executive Summary presented to the Board states that since the Economic Development Authority (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).

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.

A memorandum of understanding (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 clean draft MOU is included as Attachment A and its provisions are discussed in the commentary embedded in the draft included as Attachment B. The current draft reflects the input of a team composed of members of the Board and the EDA, as well as staff. The team met on September 28 and October 20.

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 Section 1 of the MOU.

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.

Mr. Kamptner reported that the Memorandum of Understanding (MOU) lays out general principles as to how the Board and the EDA would interact with one another, with the aim of ensuring the EDA pursues the County's policies and principles on economic development. He stated that the initial draft of the MOU was presented at the September 7 meeting of the Board of Supervisors, and a work group consisting of two members of the EDA and two members of the Board was formed, having since met twice, with County staff also in attendance. He said the revised MOU reflects the outcome of the most recent meeting that was held October 20. Mr. Kamptner stated that staff was seeking direction from the Board as to whether further revisions should be made, and whether to forward the MOU to the EDA for its consideration. He said language has been added to the MOU acknowledging that successful economic development is intrinsically tied to the sound planning policies and principles in the County's Comprehensive Plan. He said the MOU consists of eight sections, the first stating that the EDA would implement economic development strategies of the Comprehensive Plan. He said that when an economic development strategic plan is considered and adopted by the Board, it would be integrated into the MOU. He reviewed some revisions, including references to the rural area to clarify that rural areas are those deemed so in the Comprehensive Plan. He said that staff connected Section 1K to Section 4 in the MOU and added amended Subsection L to delete the specific percentages that were in the original version.

Mr. Kamptner stated that Section 2 explains what the County would do through the Board of Supervisors and has been amended to add “or this MOU” to the statement that the Board would “reasonably and timely consider all EDA matters required to be considered by the Board by federal or state law.” He said that Section 3 has been slightly reorganized to state that the County and EDA work cooperatively, and the former Section 3C, which dealt with interpretation of some provisions of the MOU, has been moved to a separate section that deals with just interpretation and implementation. Mr. Kamptner said that Section 4 states what the EDA would do only with the Board’s prior consent; promote and advocate establishing businesses on land designated as rural areas in the Comprehensive Plan, attain Board consent when acquiring land in the rural area, and establish or expand a business if the use is not allowed by-right or by special use permit in the rural area zoning district. He said the work group recommended changing the word “approval” to “consent” and said that a particular project may have additional steps where Board approval is required, so they wanted to distinguish this initial step from later approvals.

Mr. Kamptner stated that staff felt that changes made to Section 4A eliminated the need for Section 4B, so the section overall is simplified with a paragraph added at the end to further address the issue of lands designated as rural area, as this has been an issue of concern to members of the public. He stated that it clarifies the primary role of the EDA is to promote economic development that is consistent with the land use policies in the rural area chapter of the plan. Mr. Kamptner noted that one deals with the term “expansion” as used in Section 4, and the work group recommended this term to mean any change that increases the building footprint. He said that Section 6 provides rules for amending the MOU, and Section 7 is the new termination provision that allows the parties to terminate it by mutual agreement, or the County may do so with sixty days prior notice. Mr. Kamptner said that Section 8 is new, in response to comments made by members of the public who assert that the Board is abrogating its powers through the MOU. He emphasized that the Board is not abrogating nor delegating its powers, stating that the EDA is a separate entity from the Board and exercises powers that the Board cannot exercise, which is why localities create economic development authorities. He concluded his remarks and invited questions.

Mr. Randolph thanked Mr. Kamptner for his work and persistence in crafting the MOU.

Ms. McKeel expressed her appreciation for his work.

Ms. Palmer expressed her appreciation and said she likes this version better than previous versions. She said she has made two requests to Mr. Kamptner; adding “assists in” to Section 4 and defining “footprint” in Section 4B more broadly, potentially using the term “development footprint” or removing the phrase “by special use permit in the rural area zoning district.” Ms. Palmer cited a hypothetical example of a business expanding its number of employees and constructing a parking lot in a rural area, which could be approved by the EDA without Board approval.

Ms. Mallek said that regarding Section 4A, where Ms. Palmer suggests they put “assists,” she interpreted it to mean requiring the EDA come to the Board for approval of anything, and she would rather not do this. In regard to 4B, Ms. Mallek said she requested the special use permit be included because there are well-established, long-time rural area businesses that might need to modernize, and she would not want them to not be able to stay in business because they are unable to make small changes to their operation. She added that residents in the rural areas count on nearby local tradesman rather than having to truck everything into the growth area.

Mr. Randolph said there was discussion about 4A and the use of appropriate verbs to empower the EDA to undertake conversations with landowners about potential utilization of their land, and they agreed to step away from the word “assist” because this would prohibit them from undertaking a conversation as it could be deemed to be a form of assistance. He agreed with Ms. Mallek regarding the insertion of “assist” in paragraph A and said they do not want to put EDA officials in jeopardy from having discussions, which the language would do. Mr. Randolph said there are a slew of safeguards to protect the Board’s interests and said Ms. Palmer has a good point regarding the use of the word “footprint,” with a need to better define it to strengthen the document. He suggested putting this in the definition section.

Ms. Palmer asked if there was a problem with the development footprint.

Ms. Mallek said it restricts the ability to make any change without an extensive process.

Mr. Kamptner said the work group settled on the term “building footprint,” which refers to expanding exterior walls and increasing building size.

Ms. Palmer reminded Mr. Kamptner that he told her a new building would increase the building footprint. She said that an adjacent piece of property purchased for a parking lot is approved magisterially because it is allowed under current rules. Mr. Kamptner responded that it does not fall within this definition because a parking lot is not classified as a building.

Ms. Mallek said she understands that Ms. Palmer is attempting to describe all of the paved area and she does not want to go there.

Ms. Palmer said she is referring to an adjacent piece of property, not the property the owner is currently on.

Ms. McKeel said she agrees with Mr. Randolph and Ms. Mallek and is comfortable with Attachment A as brought forth from the committee, without any changes.

Ms. Palmer suggested they better define “footprint.”

Mr. Kamptner suggested the word “expansion” be changed to “expanded.” He said he interpreted the definition of “expanded” to mean any change that increases the building footprint of an existing building or would add a new building.

Mr. Dill asked what the effect would be if a business did not increase building size but did increase the use of land, citing the example of a lumber business using more land.

Mr. Kamptner explained this would be a rural area activity, and increasing the area where lumber is stored outdoors would not trigger this provision. He stated that adding an additional story to a building would not change the footprint. Mr. Kamptner suggested a tweak to Section 5C to further clarify the definition of “expanded.” He said any use that is nonconforming to existing zoning would have built-in restrictions under the zoning ordinance anyway. He emphasized that the ability for a business to expand is severely limited, particularly with nonconforming structures.

Ms. Mallek **moved** to direct staff to forward the MOU, with the addition of the definition in 5C, to the EDA for its consideration before it is returned to the Board for approval. The motion was **seconded** by Mr. Randolph.

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

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

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Agenda Item No. 12. Community Development Workload and Staffing.

The Executive Summary presented to the Board states that the Community Development Department (CDD) is currently facing distinct challenges presented from significant increases in development activity and constrained staffing resources. Attachment A provides a quantitative evaluation of development activity and staff resources. The data presents a clear picture of a increasing workload and a significant elevation in turnover in the department. The current condition of staffing capacity is impacting both development review and staff’s ability to address CDD work program priorities creating a need for additional staff resources.

Staffing/Funding: CDD is currently funded with 66.5 full time equivalent employees (FTEs) compared to 85.0 FTEs in 2007 (22% less). Attachment A illustrates the effectiveness of the staffing efficiencies the department has put in place since 2010 that have improved operational effectiveness. Going forward, additional gains would require consideration of modifications to ordinance requirements or more significant fee levels above those of comparable communities.

Workload: Attachment A illustrates the increased workload CDD is experiencing. CDD workload is largely a function of the number of applications submitted. This data supports the assertion that the number of applications per planner is currently at or near record levels. While not illustrated in the graphs, the administrative support for permit processing is following a similar trend with a need for additional support.

Turnover: Attachment A illustrates a trending increase in turnover. FY16 was a significant year for turnover. Prior to this, CDD was experiencing manageable turnover as equilibrium had been established in FY11. Noting that there have been no significant changes in supervision or advancement opportunities since FY11, CDD’s focus has turned to workload and a need for additional review planners and permit intake staff appears to be the most serious concern.

Proposed Remedy: Based on the data provided in Attachment A, CDD has determined the need for two additional planner positions and additional permit intake support to restore balance between workload and resources. More specifically, staff contends that the most cost effective action is to hire one or both of the new planner positions at the entry level and shifting work among the more experienced staff to allow new planners to focus on simpler tasks. In this way, the new planners can more quickly become effective staff resources and more experienced staff can better focus on those activities that require a greater degree of knowledge and experience. Additionally, staff recommends additional temporary permit intake support with a re-evaluation of the need for permanent staff capacity within the next six to twelve months.

Alternatives Considered: Staff has already utilized overtime and has also considered the use of contract services to supplement current staff capacity. Both of these strategies are more expensive than hiring professional staff and neither effectively address the longer term implications represented by the projected upward trend in department activity and associated workload. CDD staff were reduced significantly in the recent past in response to a sharp decline in activity/workload. Staff is confident that any similar change in activity levels can be addressed effectively with a similar use of attrition and/or re-assignment.

CDD has also considered reducing current programs and service levels. While attention to process improvements and streamlining as a means of improving service has previously and will continue to be evaluated going forward, staff does not propose program and/or service level reductions as austerity measures in this instance.

Assuming a January 1 start date for these additional resources, the impact on the FY17 budget is estimated to be approximately $106,000. This assumption is based on half-year funding for one Planner position, one Senior Planner position and temporary permit intake support. This expense is off-set by a revised revenue projection for CDD-related fees in an additional amount of $296,000 for FY17.

It is recommended that funding for these positions, if approved, come from Reserve for Contingencies and the General Fund Balance as follows: Reserve for Contingencies - $78,000 for on-going half-year costs for 2 planner positions. GF Fund Balance - $28,000 for half-year costs for temporary permit intake support and onetime start-up costs for 2 planner positions.

Costs for FY18 and beyond will be considered as part of the 2-Year Fiscal Plan and annual budget.

Staff recommends the Board authorize two (2) additional planner positions and funding for temporary assistance with permit processing effective January 1, 2017. Assuming the Board approves this request, an associated appropriation request will be presented to the Board for consideration and action at an upcoming meeting.

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Mr. Mark Graham, Director of Community Development, addressed the Board. He stated that he would discuss additional staffing requests related to changes in development activity that are impacting the work load and staff's ability to meet the County's expectations and keep up with deadlines and quality. He said that while the workload has increased, there has not been an increase in the number of review planners or intake support in five years, stating that the increase in staff turnover may partially be related to the increased work load. Mr. Graham displayed a slide with a pie chart depicting the percentage of time a planner typically spends working in different areas: ministerial tasks such as site plans and submissions make up the largest portion; legislative tasks such as rezonings, special use permits and Architectural Review Board duties make up the second largest portion; work programs, administrative tasks and other were the remaining categories of approximately equal time devoted. He stated that as the number of applications increases, the capacity to devote time to other tasks diminishes. Mr. Graham's next slide showed a chart depicting revenues from applications for each year between 2011 and 2017, with a substantial increase from FY14 to FY15 and levels remaining higher since then. He said that while a small part of the revenue increase can be attributed to a fee increase, the majority is from an increase in the number of applications. Mr. Graham's next chart showed the number of full-time employees in Community Development, with a significant reduction from FY08 to FY10 as a result of a decreased workload, from 85 full-time employees to 58 full-time employees. He stated that over the past five years, the number of applications reviewed per planner has increased approximately 25%, and the workload for review of subdivisions has doubled. He stated that for zoning changes and special use permits, the applications per planner have increased by 50% in the past five years. Mr. Graham's next chart depicted annual employee turnover within Community Development, with a marked increase to 18.5% in 2016, which he attributes in part to burnout.

Ms. McKeel referenced a recent County human resources report that cited problems with retention and recruitment, and said the Board will have a discussion about this issue in January. She said she was informed that the high turnover was not due to retirements.

Ms. Palmer asked how many employees the percentages represent. Mr. Graham responded that he did not have an exact figure, but said it is a lot of people and the figure he presented did not include retirements. He stated there are seven employees representing 10% of the staff who are eligible for full retirement.

Mr. Graham next presented a list of options to address the increasing workload and lack of resources. He said that overtime is an option, although it is expensive over the long term and leads to employee burnout. He noted that another option is to contract for services, which is easy to implement but expensive, and there are quality control concerns with this option. Mr. Graham said the option staff is promoting is to add employees. He said if they are not able to utilize the previously mentioned options, then the last option is to reduce expectations by reducing ordinance requirements or providing a lower level of customer service to citizens. He requested funding for two planners and for a temporary intake person beginning January 1, 2017, noting that increased fee revenue could offset the additional staff hiring.

Mr. Sheffield asked how many of the 60 positions he expects to see turnover in, and pointed out that younger workers tend to not stay for a long time in a position. Mr. Graham responded that it depends in part on how senior hire is, as those with more experience tend to stay longer, and those hired right out of school often leave within three years. He commented that millennials have a true passion for public service and are some of the best workers.

Ms. McKeel asked about form-based design and how this can help with bureaucratic reviews. Mr. Graham said form-based codes can be very complicated to administer, and the advantage is when areas are upzoned to match the Comprehensive Plan as it eliminates the legislative aspect. He noted that they are very good, but have pros and cons and are not a panacea.

Mr. Randolph said it is obvious that all hands have been on deck in the CDD for some time and he is sympathetic to the arguments made. He stated that before he would vote for additional hires, he recommends formation of an informal committee comprised of John Zug, Betty Burrell, a couple of Board members and Planning Commissioners to look at the things he has suggested, such as self-certification benefits and costs. He suggested they also review fee levels and ways to operate as efficiently as possible and report back to the Board, and cautioned that it may be too early to assume the recent spike in applications represents a long-term trend.

Mr. Foley stated that in addition to changes in the workload they anticipate additional pressure from the strategic plan that is on the horizon, and said this is a first step to recognize workload changes and to better position for the plan implementation and upcoming retirements.

Ms. Palmer said that with the retirement situation, it is not unreasonable to move forward with hiring.

Ms. Mallek expressed her disagreement with Mr. Randolph on several items, stating that staff has been continuously working on process improvements since 2004 and are beyond the point of beginning to look at ways to improve as it is a continual process. Ms. Mallek said she is not in favor of lowering standards of customer service or the time devoted to planning and does not want to postpone hiring. She stated that she is concerned about the temporary intake person and described the position as being incredibly important, emphasizing the importance of having a skilled person in the position and expressing concern about having a temp serve in this position.

Mr. Doug Walker, Deputy County Executive, addressed the Board. He said it is rare for staff to request additional resources in the middle of a budget year, and said they would do the best they could with the resources they have. Mr. Walker stated that in prior meetings, they identified resources needed to implement the Board’s strategic objectives. He said that staff would offer recommendations at the next meeting and would separate the need for additional staff from the need for resources to implement the strategic objectives as a project.

Mr. Sheffield asked Mr. Graham to confirm that the request for additional staffing is to meet growing demand, though it does not address some of the requests they have identified in their strategic discussions, such as small area/small corridor planning. Mr. Graham responded that this is a salient point, and what staff is focusing on today is an ongoing, immediate need for staff to address the basic workload, as well as staffing necessary to implement the strategic plan.

Mr. Sheffield said he would love to know how much time is being spent on rezonings and asked other Board members to consent to a request that this information be presented.

Mr. Graham noted that they do not have time sheets, though they are in the process of implementing a time keeping system.

Mr. Foley told Mr. Sheffield that they could come up with something that would address his request.

Ms. Mallek **moved** to authorize two (2) additional planner positions and funding for temporary assistance with permit processing effective January 1, 2017. Ms. McKeel **seconded** the motion.

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

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

Recess. The Board recessed at 3:05 p.m., and reconvened at 3:19 p.m.

Agenda Item No. 13. **Presentation:** Virginia Telecommunication Planning Initiative Telecommunication Plan.

The Executive Summary presented to the Board states that staff, as a result of Board direction and priorities, continues to evaluate strategies to expand access to high speed internet service (Broadband) in Albemarle County. A Broadband Task Force, which includes staff and two Board members, continues to meet regularly to guide the day to day efforts of this important initiative while maintaining regular communications with the full Board. More recent efforts have been focused on the development of a telecommunications plan designed to evaluate existing conditions and infrastructure and provide a series of options for how broadband might be expanded in the region. This particular effort was made possible through a grant from The Virginia Telecommunication Planning Initiative (VATPI) which awarded Albemarle County $75,000 for the purpose of creating a telecommunication plan (the Plan). A management team was formed and engaged a consulting firm, Design Nine, to create the Plan.

The Plan includes seven strategic considerations: 1. Establish Goals 2. Form public/private partnerships 3.Treat Broadband as a Utility 4. Improve Awareness/Understanding of Broadband Challenges 5. Identify Broadband Leadership 6. Amend the personal wireless service facility regulations, referred to in the Plan as the “Tower Ordinance” to Help Improve Wireless 7. Improve Access to Tower Space. Each of the strategic considerations is discussed in more detail in the attached Executive Summary of the Plan.

On February 4, 2015, the Board adopted a Resolution to commit the use of up to $30,000 to supplement grant funds to develop a telecommunications plan, and that amount was appropriated to the Information Technology Department to support the grant for Broadband projects. $11,250 of this appropriated amount is being used as the required local “match” for the VATPI Fund. Staff will ask the Board to reappropriate any unused balance of this $30,000 to the Grant Opportunity fund upon the completion of the project. In addition, on March 2, 2016, the Board appropriated the $75,000 grant award (Appropriation #2016066). This project is proceeding on budget.

Staff is not making any recommendations at this time. Staff will request feedback on the strategic considerations included in the Plan and seek further direction from the Board.

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Mr. Mike Culp, Director of Information Technology, addressed the Board. He stated that he will present an overview of the County’s first edition of a community-wide telecommunications plan. He stated that members of the Board and others worked with the Broadband Management Team to develop the plan. Mr. Culp said he would review seven strategic considerations of the Virginia Telecommunication Planning Initiative (VAPTI) to advancing broadband communications, and he does not expect the Board to make a decision today. He said that Andrew Cohill, President of Design Nine, the firm hired to create the plan, is present to address questions. He thanked the Virginia Department of Housing and Community Development (VDHC) for awarding $75K to develop a telecommunications plan. He said Supervisors Palmer and Randolph were key members on the Broadband Management Team, as well as Deputy County Executive, Bill Letteri, County Attorney, Greg Kamptner, and Supervisor, Norman Dill, all of whom provided insight and direction. He recognized Billie Campbell of the TJPDC for her contribution as well as all members of the team, and described their vision to provide broadband at an affordable price to all County businesses and residents. Mr. Culp stated that improved broadband affordability and accessibility would bring qualitative and quantitative improvement to Albemarle in public safety, education, telemedicine and telehealth, and increased opportunities for job creation, business attraction, and business retention. He emphasized that public action is needed to remove barriers, provide incentives, and enable competition for adequate and reliable high-speed broadband service to be available throughout the County.

Mr. Culp listed the seven strategic considerations for broadband as follows: establish goals, form public/private partnerships; treat broadband as a utility; improve awareness/understanding of broadband challenges; identify broadband leadership, update the tower ordinance to help improve wireless, and improve access to tower space.

Mr. Culp presented slides detailing the seven goals:

1) Establish Goals: The FCC recently redefined broadband to be 25 megabits download speed and 3 megabits upload speed (25/3). In most rural areas of the County, the existing DSL services are unable to deliver even the older FCC broadband definition of 10 Megabits down, 1 Megabit up (10/1). The near term goal is affordable access to a minimum of 10/1 service with a long-term goal of 25/3. These goals would guide the County’s initiatives to improve service. In the development areas, 25/3 is a reasonable near-term goal with a long-term goal of widespread Gigabit fiber availability.
2) Form Public/Private Partnerships: Create incentives for existing and new private sector providers to expand service availability and affordability, which would improve competition and pricing. VAPTI is one example of a grant opportunity, including a partnership component. Partnerships can take many forms other than a legally binding P3.

Mr. Culp said that Baylor Fooks of Ting Networks is present to address questions. Mr. Culp provided an example of a public/private partnership with the Virginia Department of Housing and Community Development holding broadband funding and implementation input sessions in September, and said this would be the first time that public funds would be available. He said that funding this year is up to $1 million throughout the Commonwealth, and they plan to submit applications for projects across the County, with a requirement to submit an application is being to partner with an existing internet provider. He stated they anticipate having a letter of agreement with one or more service providers.

3) Treat Broadband as a Utility: Telecommunications is critical for business, education, training, personal, social connections, data access, shopping, entertainment, and safety. He said broadband can be as important as electricity and roadways.
4) Improve Awareness/Understanding of Broadband Challenges: Create learning opportunities for leaders, residents and businesses to acquire a better understanding of the importance of improved broadband throughout Albemarle. Involve Piedmont Virginia Community College as a valuable resource to increase awareness of broadband. He said that Albemarle excels in communicating the challenges involved in deploying broadband and raising awareness of its benefits to all citizens.
5) Identify Broadband Leadership: Create an Albemarle Broadband Authority, or join a regional broadband authority in collaboration with adjacent counties. The authority would provide leadership to coordinate numerous public and private entities that are making broadband investments and deployment decisions. The authority would improve the

ability to apply for and obtain grant funding and simplify regional efforts. TJPDC would be an instrumental partner and the Board of Supervisors would have to approve the strategy.

Mr. Culp said that Andrew Cohill of Design Nine is present to address questions.

6) Update the Tower Ordinance to Help Improve Wireless: Mountainous terrain and heavy tree cover make it difficult for rural area properties to have adequate Line of Sight (LOS) to towers where fixed point wireless services could be made available. Allowing rural residents to erect 80' wood utility poles by-right would make broadband more widely available.

He said that presently, by right, a resident may erect a pole to receive a wireless signal as an accessory use to service a single parcel. He said current rules require a pole to be set back to a distance equal to or greater than its height which is an example of where the Board can act to lessen the standards. He said if a facility is transmitting for multiple users, it is considered to be a Personal Wireless Service Facility. He said the Board may wish to direct staff and the Planning Commission to work on amendments to process and design requirements for any or all of the tiers. He said if the Board provides direction to work on amendments, the Community Development Department work program would have to be amended to reflect this new initiative. He said the General Assembly is likely to consider an amendment this year that may impact localities' ability to review wireless facilities. He said that Bill Fritz could address questions related to the approval process for businesses or residents, as well as the General Assembly's work on wireless.

7) Improve Access to Tower Space: Strategically located towers with affordable access made available to wireless internet service providers would make significant improvements in broadband availability and cost, reducing the challenges of the mountainous terrain in the County.

He said the Board may wish to determine the feasibility of using public property for new tower sites.

Mr. Culp stated he is proud to present the first telecommunications plan, which is available online and in printed form in the Information Technology office. He stated that any changes to policies, ordinances or the Comprehensive Plan would follow the County standard processes and would involve the Planning Commission. He said the Broadband Management Team representatives at today's meeting can answer questions and define next steps.

Ms. Palmer asked them to go over the recommendations. Mr. Culp said they issued an RFI a couple of weeks ago, with responses due by November 3, to encourage internet service providers to apply for VAPTI funds. He said they would have to determine the best way to partner with interested providers, two of which have shown interest but have not yet responded. He said a letter of agreement would have to be signed with the partner providers to apply for VAPTI funds, and they are anxiously awaiting final guidelines from VAPTI as to how to submit a grant request.

Ms. Palmer asked if the RFI would identify one pocket of homes for service and then evaluate a proposal once the guidelines are determined, and then make a request to the Board for matching funds. Mr. Culp responded there is the potential they would ask for matching funds, though in most cases VDHC is only requiring the internet service provider to contribute a match. He said they understand the applications would be graded according to the amount of money the provider is contributing to the process. He said it is likely they would need approval from the Board to submit an application, such as a resolution or a letter, to VDHC in support of an application. He said it is their understanding that the VAPTI applications permit multiple service providers submitting applications for multiple areas.

Ms. Palmer surmised that it would be important to have information as soon as possible so a decision can be made.

Ms. Mallek said it should be analyzed by project and not with a blanket approval to apply for grants. She said the potential of using public property is an interesting possibility, and cited a mountain slope in her district as a potential location for a tower, as the mountain behind it would make it invisible.

Mr. Dill asked if the Board would have to be involved with each individual RFI. Mr. Culp said this may be the case, as a provider might submit multiple applications for projects in different areas, and it would be the Board's decision as to whether to approve each one or make a partnership decision.

Ms. Mallek stated she was hoping there would be more detail in the report so they would have something concrete to talk about. She expressed her concern that there would be attempts to weaken the wireless ordinances.

Ms. Palmer said they obviously want more information about the VAPTI option.

Mr. Dill asked for the turnaround time. Ms. Mallek said that once poles go up they never come down, and the Board needs to be involved and should discuss whether they want to do things on their own or join a regional authority.

Mr. Culp said there are several things worth considering regarding the treatment of broadband as a utility, such as putting together an ongoing CIP item to fund broadband in the rural areas. He stated that a referendum could be held for approval of a bond issue, although it appears there is no longer interest in this type of funding for broadband at the local level and they continue to treat broadband as a utility at the federal and state government level.

Mr. Randolph stated that the role of the committee and the grant is to formulate a series of potential steps, to provide an outline or blueprint of how broadband could be more effectively accessible and affordable in the County. He said it is not the role of the report to say which of those means is most appropriate, as this is to be decided by the Board. He said the devil is in the details when they consider cell towers in rural and historic areas. Mr. Randolph stated that he thinks the goal for today is to get Board reaction towards the vision, and what they have clearly tried to outline is that settling for the status quo was not going to be an acceptable approach. He said the report details that the status quo is not viable to prevent the County from falling further behind in terms of internet accessibility in the rural area, and said the point about providing broadband as a utility is critical. Mr. Randolph noted that Bill Fritz has discussed the pros and cons of this as it affects the rural-urban balance.

Ms. McKeel expressed her agreement with Mr. Randolph's comments.

Ms. Mallek asked where improving delivery of hardwire is in the presentation. She said CenturyLink has taken Connect America funds and this is a bona fide way to have weather-independent service in the countryside, and has been proven in the neighborhoods where it has already been achieved. She asked how they can increase the pressure to make sure the company is doing what it is supposed to.

Ms. Palmer said Ms. Mallek makes a good point and things are shifting as they have CenturyLink putting in new money, along with new technology. She reminded them that at the previous meeting, they decided to focus on service in the urban ring, and there is a company providing improved service to the City. She said the question as to whether they would move into the rural areas is asked in the context of a shifting landscape. Ms. Palmer recalled that Bill Fritz informed the Board of potential legislation on wireless towers, and asked other members if they would find value in an update from him.

Mr. Dill suggested that Mr. Bill Fritz tell the Board what he thinks are the most important issues.

Mr. Bill Fritz, Chief of Special Projects, stated it has been an interesting couple of months with the subcommittee and work group on which he sits, noting that the wireless industry is seeking to make Virginia attractive for 5G deployment. He said initially they were discussing everything, but there has been increased focus on small-cell technology, which would increase capacity for existing served areas but would do little to expand service. He said there are still discussions about exempting or reducing review standards for expanded coverage sites, and he may know more after the November 9 meeting.

Mr. Dill asked what his sense is of the strategy they should use. Mr. Fritz responded that the cell phone industry is making most of its efforts to improve capacity in existing service areas, and they are not seeking to provide that much additional coverage. He said the wireless internet service providers are primarily looking to go into rural areas where there is little competition.

Mr. Randolph commented that the report indicates there is not a single solution that works for the entire County, and that topography determines the type of modality or broadband that is most cost effective. He described it as a complicated mosaic as to who would provide service in which locations.

Ms. Palmer posed the question of what a broadband authority could add to address all of these different possibilities and whether it makes them more able to do things, and she wonders if there will be a downside to having an authority.

Mr. Cohill said an authority could take on several roles, one of which would be to identify the best solutions for various areas of the County, and they could also assist with fundraising and grants strategies. He said an authority could also have a role in coordinating with County departments, such as Planning and Zoning, and coordinate tower sharing. He said a downside could be the requirement to have people serve on the board of the authority and identifying them, with funding of the authority being an additional consideration. Mr. Cohill added that a question to consider is where responsibility for broadband would reside if an authority were not established.

Mr. Randolph said there is strong regional interest among contiguous counties to establish broadband authorities, as this could bring efficiencies and greater effectiveness.

Ms. McKeel commented that from what she heard from the one meeting she attended where establishment of an authority was discussed, it seems very appealing, and the County needs to figure something out and not keep kicking the can down the road.

Mr. Foley said they probably need to obtain more information as to how an authority would work and what the expense would be.

Ms. McKeel said the Board has not had a really good discussion about public-private partnerships, and she has heard from members of the community that they fail, although she has also heard of cases where they have been very successful.

Mr. Foley indicated they would study this subject, both for the new court project as well as for broadband, and he would provide information at the December meeting when they discuss the courts project.

Ms. Palmer stated she is very leery about Albemarle County having an authority by itself and prefers they look at a regional authority as an option, considering the shifting environment.

Mr. Dill expressed concern about the limited time they would have to make a decision regarding the VAPTI.

Mr. Culp said they may know the guidelines later this week, and there is the potential the applications would be due by November 30. He said they can submit as a locality and do not have to have an authority established, although they would have to have a letter of agreement with every service authority with which they submit an application.

Ms. Palmer asked Mr. Chip Boyles, Executive Director, of the Thomas Jefferson Planning District Commission to address the Board as to progress regarding broadband.

Mr. Boyles said they have had three meetings with members of the proposed region that includes Buckingham and Orange Counties, and even regions that have established an authority have expressed interest in joining a larger, umbrella authority. He identified additional types of funding for which they could apply, such as the USDA, as they have a mechanism for funding to rural areas. He pointed out that they have rules about the types of entities that can apply for funding, and a local government that is not part of an authority is not eligible to apply. Mr. Boyles commented that while they are continuing to move forward, they would need direction from the Board about whether they should pursue the option of joining a regional authority.

Ms. Mallek stated she finds this very appealing, as they can benefit from the experience of others which can help them catch up. She asked Mr. Boyles if he has a map that identifies where the underserved areas are so they can see if there are areas where they can link up with an adjacent County. Mr. Boyles said they have identified some pockets along the County border.

Mr. Culp attempted to clarify Ms. Mallek’s remarks about a map, adding that they can identify census blocks in two counties and submit a regional application.

Mr. Foley summarized that the takeaway from tonight’s meeting is to obtain more information about advantages and costs of establishing a regional authority.

Mr. Randolph commented that other counties would look for evidence that Albemarle has made a firm commitment to the establishment of an authority.

Mr. Randolph **moved** to formally accept the plan presented by the VAPTI Committee and to authorize staff to look into the establishment of a Broadband Regional Authority as soon as practical. The motion was **seconded** by Ms. McKeel.

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

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

Ms. Palmer invited Mr. Baylor Fooks of Ting Networks to provide an update to the Board as to if and when they plan to expand service to Albemarle County.

Mr. Baylor Fooks addressed the Board and stated that the directive from their CEO is to finish Charlottesville, and they are 60% complete. He said they have moved into the County and have four projects underway, with additional projects in the planning stages. He said they provide fiber and offer a gigabyte of data for $89 as well as a five megabyte product for $19.

Ms. Palmer asked how many homes in a neighborhood typically connect. Mr. Fooks responded that this is proprietary information, but they have had great success and are very happy with Charlottesville. He stated that Charlottesville is the only area of the country where they do not have a partnership, and it is fairly unique that they do not have an agreement with the locality.

Ms. Mallek asked if Ting has asked for an agreement, as they would not know there is a need for one if they are not asked. Mr. Fooks responded that they have not.

Mr. Randolph asked if it would be appealing to Ting, as an internet service authority for the County, to establish a regional broadband authority and potentially be willing to establish a partnership with Ting. He asked if it creates a favorable business environment that would alert the CEO that the County is a locality in which they would want to invest time and effort to try to secure a market. Mr. Fooks responded that the CEO has a video on YouTube that explains how they select towns in which to operate, with the number one criteria being that they have to want the company there. He stated that the establishment of an authority is a first step.

Mr. Sheffield asked how he works with neighborhoods that have homeowners associations that have selected one provider to serve the neighborhood and there is not a choice for residents to deviate from the selected provider. Mr. Fooks said he is aware of two neighborhoods in Albemarle where this is the case, and his company does not try to be exclusive. He said those types of deals were popular before the housing crash, and the providers were getting the developers to pay for a lot of the infrastructure to make the properties more attractive, but this business model no longer exists.

Mr. Sheffield said he assumes that in these situations, the communities have to wait until the contract expires. He said that when forming an authority, they have to be mindful of situations like this where neighborhoods or businesses may need assistance in learning how to navigate, or buy back the infrastructure so that it is a fair playing field.

Ms. Mallek said that a benefit to fiber optic is that those who are electromagnetic sensitive do not have to have wireless. She said there are people with illnesses moving to the County from the City to escape wireless who need to be considered, and fiber is safer.

Agenda Item No. 14. **Presentation:** Health and Welfare of the Volunteer Fire and EMS System.

The Executive Summary presented to the Board states that Albemarle County Code § 6-107 sets forth certain specific responsibilities of the Fire and Emergency Medical Services (FEMS) Board. One responsibility of the FEMS Board is to "…report at least annually to the board of supervisors regarding the health and welfare of the volunteer system." Accordingly, the FEMS Board established a committee to direct the activities of County staff in the preparation of the 2016 Report on the Health and Welfare of the Volunteer Fire and EMS System (Attachment A). This is the third such report on the volunteer system since the adoption of the ordinance creating the FEMS Board and establishing its responsibilities.

The 2016 report reviews the outcomes of the themes and goals established in the 2014 and 2015 reports - All volunteerism is local, and A focus on pathways respectively. As in years past the report was created with the assistance of a committee established by the FEMS Board. This committee helped ensure a volunteer focus was maintained during the development of the report. This year's report opens with a general letter of introduction. Like previous reports, this report examines membership and resources for each station. Additionally the report contains a statement "A Growing Divide" which conveys concerns of the FEMS Board regarding the availability of affordable housing stock and employment opportunities conducive to volunteering in the fire and rescue system. The report also includes the Recruitment and Retention Strategic Plan, which was created by the Recruitment and Retention Committee and adopted by the FEMS Board in December of 2015. Finally, although not specifically referenced in the report, it should be recognized that the recently awarded $401,000 federal grant for recruitment of volunteers will help implement the outlined strategic plan.

This report has no budget impact.

This executive summary is for information only and no action is required at this time.

Mr. Tom LaBelle, Division Chief of Volunteer Services, addressed the Board. He stated that he is joined by Mr. Kostas Alibertis, Chair of the FEMS Board. Mr. LaBelle referenced the third annual report that has been distributed to Supervisors and said it focuses on retention and deals with specific numbers at stations, longevity of the volunteer program, and access to housing. He said the Recruitment and Retention Committee and the FEMS Board have created a strategic plan for recruitment, and the report shows an outline of this plan, noting that they received a SAFER grant for recruitment and retention.

Ms. Palmer asked if he would elaborate on the challenges of recruiting volunteers and the different methods they use to attract them. Mr. Alibertis responded that there is a mismatch between the income of a volunteer and the cost of a home in the area, making it difficult for volunteers to live and volunteer in their own communities. He stated that approximately 25% of volunteers in Crozet, where he is from, live outside the County. Mr. Alibertis said the demographics of those who volunteer for EMS and those who volunteer for fire are different, and they look for creative ways to attract them. He expanded on the importance of having volunteers who live close to the station so they can more quickly respond to calls. He pointed out that volunteers must meet ongoing training standards which is another challenge.

Ms. Palmer said the Chief spoke to her earlier this evening about how they are targeting stay-at-home parents and looking at day care options, which she thinks is interesting. She asked him what the challenges are and if the Board can do anything to assist this effort. Mr. Alibertis responded that volunteers take turns watching each other's children, which is a creative solution. For EMS, he said they look for those who already work in the healthcare field. He said that budgetary support of recruitment initiatives is a way the Board can support them.

Ms. Palmer asked how he reaches out to stay-at-home parents in Crozet. Mr. Alibertis said they have community events to get families in the door so the station can explain what fire/rescue is all about.

Ms. Mallek asked if the committee has looked at access to health insurance as a retention tool. Mr. LaBelle said they distributed a system-wide questionnaire over the summer and asked volunteers what incentives appeal to them, with the most popular being health insurance, service recognition awards, and tuition assistance. He stated that over half of them selected service awards, and as a result ACFR has had informative conversations with other departments that offer these. Mr. LaBelle said they want to learn as much as they can before reporting to the Board.

Ms. Mallek stated that some counties offer retirement stipends based on years of volunteer service, and asked if this is what he is referencing when considering service awards. Mr. LaBelle replied in the affirmative. He said they do not use the word "retirement," as it has certain tax implications.

Ms. McKeel commented that they offer longevity awards to teachers who have reached the top of the pay scale, although they receive them immediately and not at retirement.

Ms. Palmer asked Mr. LaBelle for more specifics about longevity awards. Mr. LaBelle explained that there are defined contribution and defined benefit awards calculated according to a formula based on years of service, and payments are typically taken at retirement age.

Ms. Mallek asked for his opinion about childcare for volunteers. Mr. LaBelle said that every community is different, and there are a lot of different approaches to recruitment. He said that although they provide overarching support, they allow each station to choose its own methods to attract recruits. Mr. LaBelle stated that they are looking into events involving UVA women's sports events, as well as efforts towards underrepresented communities.

Mr. Randolph said he noticed the minimum age for volunteers varies from station to station from ages 15-18 and asked Mr. LaBelle if he believes they should have a standard age across the County and whether this would facilitate recruitment. Mr. LaBelle responded that they allow the individual stations to determine the minimum age and said they have been considering the idea of establishing an explorer program for young people.

Mr. Alibertis said there are legal constraints, such as the requirement that one be at least 16 years of age to begin an EMT course in Virginia. He said OSHA does not permit junior volunteers to be given primary responsibility, which makes it hard to make it exciting since junior members cannot do everything that other members can.

Ms. Mallek asked if having in-house EMT training draws people in. Mr. Alibertis responded that it does.

Ms. McKeel thanked them for a great report and said she learned a lot.

Ms. Palmer said she participated in EMS training at her high school and they brought them to the station. She described it as a tremendous learning experience and said they were able to recruit a lot of students.

Agenda Item No. 15. Closed Meeting.

At 4:43 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 to discuss and consider the resignation of the Director of Economic Development; 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 court facilities. Ms. Mallek **seconded** the motion

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

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

Agenda Item No. 16. Certify Closed Meeting.

At 6:02 p.m., the Board reconvened into open meeting and Mr. Dill **moved** to certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. McKeel.

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

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

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

Ms. McKeel **moved** the following reappointments:

- **reappoint** Mr. Will Jones to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Management Board with said term to expire June 30, 2018;
- **reappoint** Mr. Martin Silverman to the Jefferson Area Board for Aging (JABA) with said term to expire October 20, 2018

The motion was **seconded** by Ms. Mallek.

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

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

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

Ms. Vicki Bravo, resident of Charlottesville and representative of IMPACT, addressed the Board. She pointed out several people in the audience who belong to IMPACT. She said she would share a story from Suzanne Smith, one of the IMPACT network members who is not able to attend tonight's meeting, but who asked that Ms. Bravo share her views regarding a residential treatment center for women. She said that Ms. Smith is part of the recovery community in Charlottesville and has been in recovery for 11 years, and acknowledges Charlottesville for supporting her over the years. She said she has had the opportunity to guide others through the recovery process and one of those she helped was a woman with an abusive husband who was also addicted to alcohol and drugs. She said the woman had a son under the age of four who was always torn between her and her husband, and with the help of the SHE shelter was able to flee for safety and move to a one-bedroom apartment, but turned to alcohol and drugs to cope. She said that she and her sister were able to get her into a Region Ten program that serves those with addiction and mental health issues, though this was not enough and the problem grew worse. She said they then attempted to get her treatment at UVA with the hope of full detox and better management of anti-depressants, and to get connected with a long-term recovery program. She said they argued with a psychiatrist in the UVA emergency room to get her admitted to the psychiatric floor and it took two days for her to be admitted. She said the best program they could offer was a short-term one near Richmond where she would be away from her son, family, and recovery support network; upon discharge from the program, she was sent home with another patient, became involved with the patient's friends, and her sister received a phone call the next day informing her that she had died of an overdose. Ms. Bravo emphasized that we need a recovery center in Charlottesville.

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Agenda Item No. 18a. Resolution Directing County Staff to Explore and Pursue Opportunities Related to the Relocation of County Court Facilities or County Administration Office.

Ms. McKeel stated that the Board held a special meeting last Monday to discuss the courts. She then read the following resolution regarding future direction of the courts after which the Board may take a vote.

RESOLUTION DIRECTING COUNTY STAFF TO EXPLORE AND PURSUE OPPORTUNITIES RELATED TO THE RELOCATION OF COUNTY COURT FACILITIES OR COUNTY ADMINISTRATION OFFICES

WHEREAS, the Court facilities expansion project represents a major investment of County taxpayer funds reflecting the County's largest capital project outlay for at least the last 40 years and into the foreseeable future; and

WHEREAS, the Board of Supervisors respects the fundamental role the Court system plays in our community and believes that fair and equal administration of justice can be achieved in expansion options that move the Court facilities to either the County Office Building on McIntire Road or to a site in the urban area of the County; and

WHEREAS, significant savings in project costs and debt service are achievable in options that move the Court facilities or the County administration offices, or both, into the County as compared to keeping all of those facilities and offices at their current downtown Charlottesville locations, and these savings create the opportunity for economic development investment; and

WHEREAS, the County has identified urban development and revitalization as its highest strategic priorities in the recently endorsed FY 17 – 19 Strategic Plan and the Board acknowledges that expanding the County's commercial and industrial tax base is essential to relieve the County's dependence on residential real estate taxes and promote the County's long term fiscal health; and

WHEREAS, the Board considers its role as careful and thoughtful steward of public funds as among its highest responsibilities to the County's residents; and

WHEREAS, courthouses and their immediate surroundings have served as community centers and commercial hubs in Virginia localities for centuries; and

WHEREAS, the Court facilities expansion project provides an opportunity for the County to consider relocating the Court facilities or the County administration offices, or both, into the County, and new enhanced Court facilities will further improve the administration of justice and best serve the needs of all County residents; and

WHEREAS, the relocated Court facilities or County administration offices, or both, will facilitate establishing a new community center and commercial hub that fully benefits the residents of the County in the most cost efficient manner.

NOW, THEREFORE, IT IS RESOLVED that the Board of Supervisors directs County staff to fully explore and pursue partnership possibilities that deliver the most cost efficient economic benefit to County residents while preserving accessible Court facilities by relocating either Court facilities or County administration offices to an urban area in the County; and

IT IS FURTHER RESOLVED that these possibilities should be explored and vetted by County staff prior to the County engaging in additional negotiations with the City about the Court facilities remaining in their downtown Charlottesville location so that the Board has fully developed options to make an informed decision about the future direction of the Court facilities expansion project.

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Ms. McKeel then **moved** to adopt the proposed resolution. Ms. Mallek **seconded** the motion.

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

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

Ms. Palmer stated that a public hearing was held on October 24, 2016, to obtain comment from the public. She said the meeting was attended by many stakeholders, including those from the legal community, and one of the Supervisors requested that the court community come up with examples of inefficiencies about which they had expressed concern. Ms. Palmer said she expects them to come back with these examples, and today received a letter from them that she would read for the public record:

"Dear Albemarle County Board of Supervisors, Chair Liz Palmer, Supervisors Dill, Mallek, McKeel, Sheffield, Randolph, and County Executive Foley:

It is our understanding that the Albemarle County Board of Supervisors continues with plans to dismantle historic Court Square in Charlottesville, Virginia. We write in strong, united opposition to any effort to sever our multi-jurisdictional criminal justice system from this historic location.

The colocation of the Albemarle and Charlottesville General District Courts, Circuit Courts, Juvenile and Domestic Relations Courts, Commonwealth's Attorneys, Sheriffs and Clerks, Public Defenders, Legal Aid and local law offices in and around Court Square clearly serves the interests of justice. It promotes logistical, administrative, and judiciary efficiency while providing a measure of clarity to the public about where citizens should report to court. It promotes public safety and court security by ensuring the courts are located closest to the Albemarle and Charlottesville sheriff's office. Preserving Court Square also produces cross-efficiencies for joint sentences and hearings facilitates the vital work of the Office of Offender Aid and Restoration and promotes judicial efficiency and indigent access to our court systems by ensuring close proximity to all County and City courts and city and County Commonwealth Attorneys' offices.

As Albemarle Circuit Court Judge, Cheryl Higgins, recently stated to the Board: 'I strive to hear cases in an efficient, timely, manner, and what makes this possible is proximity to the City and County Courts, including the Juvenile and Domestic Relations Court. Moreover, Commonwealth Attorneys, Judges, and Clerks of the Court are distinct, constitutional officers that must exercise authority free and independent of executive influence. Collocating the Commonwealth Attorney offices, Courts or Clerks of Courts within a County Executive facility would blur these distinctions and may infringe on the separation of powers which fair and impartial administration of justice depends. Finally, from a historic preservation standpoint, removing Albemarle County Courts from Court Square would dismember one of the longest functioning and arguably most aesthetically inspired judicial facilities in the Commonwealth and the country. This would be both preventable and unnecessary.'

At a recent Board meeting, an Albemarle County Supervisor observed that justice should not depend on the physical location of a building, but the physical location of a building does affect the quality of justice to which our citizens are entitled. Justice is best promoted by judicial efficiency, timeliness, public convenience and court safety. Severing Albemarle and Charlottesville courts would undermine these objectives. We are also aware of suggestions that dispersing Albemarle courts might produce economic activity in other parts of the County. While we are not equipped to assess this claim, we are united in the view that justice must never be sacrificed to economic development. Our opposition to relocation is informed by public convenience, administrative and judicial efficiency, court security, and our common commitment to the fair, timely, and impartial administration of justice.

Finally, we wish to express concern towards the process by which the proposal is being considered. Given the impact of a Court relocation project on our community's criminal justice system, additional public hearings and engagement are essential. The Board's decision to schedule one public hearing and fast track approval of the Courts' relocation plan is inconsistent with the spirit of community and transparency which must inform a decision of this import and consequence. We appreciate the Board's strong commitment to the quality of justice in our community. Your support is essential and appreciated.

We also look forward to the opportunity to meet with you to discuss our strong opposition to any effort to dissolve Court Square. We hope that you would be responsible to virtually unanimous opposition to this proposal and preserve an historic Court complex that has and continues to provide our citizens justice they deserve."

Signed by Robert Tracci, Albemarle County Commonwealth Attorney; John Zug, Albemarle County Circuit Court; Chip Harding, Albemarle County Sherriff; Llezelle Duggar, Charlottesville Clerk of Court; Elizabeth Murtaugh, Charlottesville-Albemarle Public Defender; Pat Smith, Offender Aid and Restoration; James Brown, Charlottesville Sherriff; and Stephen Meeks, President of Charlottesville-Albemarle Historic Society.

Agenda Item No. 19. **Public Hearing: Buck Island River Trail Park Easement.**
To consider conveying an amended conservation easement to The Nature Conservancy on the proposed Buck Island River Trail Park (Tax Map Parcels 10500-00-00-02300, 10500-00-00-023A0, 10500-00-00-023B0 (part), 10500-00-00-023C0 (part), 10500-00-00-023D0, 10500-00-00-04500, and 10500-00-00-04800 (part)), located east of State Route 53 and south of Buck Island Creek as part of the County's acquisition of the proposed Buck Island Creek Trail Park.
(Scottsville Magisterial District)
(Advertised in the Daily Progress on October 24, 2016.)

The Executive Summary presented to the Board states that this request is to consider accepting the donation of a 122-acre tract donated by the Prana Land LLC for the purpose of creating a County park for the benefit of the general public. Buck Island Creek (See Attachment A) is located on the west side of State Route 53 and shares common boundaries with the Rivanna River. Access to the property would be directly from Thomas Jefferson Highway US Route 53. The Virginia Department of Transportation has determined that the existing entrance and necessary site distance are in compliance with Commercial Entrance Standards.

In 1975, the Rivanna River was recognized as one of Virginia's important scenic rivers, and recently, both the City and County, as well as a wide range of community stakeholders, have shown a growing interest in the river as a natural, cultural and recreational resource. Access to the river is currently limited and poorly developed. The proposed Buck Island Creek Park would be designed and developed as a unique finish to Albemarle County's section of the emerging Rivanna River Blueway with an 11 mile trip from Darden Towe Park and a shorter 5 mile trip from the soon to be improved public boat landing at Milton. The property is in a Conservation Easement with The Nature Conservancy (See Attachment B) and the Conservancy agreed to amend the Conservation Easement to allow for the necessary infrastructure and site furnishings such as restroom facilities outside of the stream buffer, roadways using pervious surfacing materials, multi-use nature/history trails, vehicular and pedestrian access to the Rivanna River for the launching and retrieval of non-motorized boats, and a variety of other recreation opportunities.

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

There is no immediate budget impact related to the acceptance of this land gift or the conveyance of the amended conservation easement. Future budget impacts will be addressed and discussed through the CIP process.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment D) approving the County's acquisition of the 122-acre property and the conveyance of the amended easement to the Nature Conservancy, and authorizing the County Executive to sign all documents on behalf of the County necessary for this conveyance once they have been approved as to form and substance by the County Attorney.

Mr. Bob Crickenberger, Director of Parks and Recreation, addressed the Board. He stated that the Buck Island property is a mix of open space and young forest with gentle slopes, and one of the unique characteristics of this property is that it shares common boundaries with the Rivanna River. He said that access to the property would be directly off Route 53, and VDOT has inspected the property and determined that the existing entrance and necessary sight distance are in compliance with commercial interest standards. He said that with the breaching of the Woolen Mills Dam in 2007, activity on the Rivanna had increased dramatically. Mr. Crickenberger said both the City, County and a wide range of stakeholders have shown interest in the Rivanna as a natural, cultural and recreational resource. He said that boat access is limited, and the Buck Island Creek Park would be designed and developed as an enhancement to the County's strategic blueway and greenway initiatives and would provide, if the Board chooses to accept this property, an 11-mile trip from Darden-Towe Park and a shorter trip on the river to the soon-to-be-approved boat launch at Milton Creek. He said the entire property is within a conservation easement, and the Nature Conservancy has amended that easement to allow for the necessary infrastructure which includes restroom facilities outside the stream buffer, roadways using pervious material, five miles of family-oriented multi-use trails, vehicular and pedestrian access to the river for launching of non-motorized boats, as well as shoreline fishing, which is an unmet and sometimes forgotten need. Mr. Crickenberger stated that Buck Island Creek is identified as a future park in the Comprehensive Plan, described in the implementation strategies and prior to undergoing construction, there would be a public process under which residents of the area would be notified to encourage their engagement and foster an understanding of the mission and intent. He invited questions.

Mr. Randolph congratulated Mr. Crickenberger and his staff for finalizing the project, and asked for a projection of the annual operational maintenance costs to the County of the park. He cited trash collection as an example of a potential expense. Mr. Crickenberger responded that they are projecting a development cost of over $300K and operational costs of $60,000-$80,000. He said the reason the figure is high is because they are estimating need for additional staff, adding that the costs would be higher during seasons of peak use and lower in the off season.

Ms. Palmer asked if the additional staff person would be enough to also handle Hedgerow. Mr. Crickenberger replied that this is the plan, although it could change. He said they would try to find an interested neighbor to help.

Mr. Foley noted that the project would go through the CIP process, and this is just an estimate. Mr. Crickenberger replied that it is currently in the CIP program, but is unfunded.

The Chair opened the public hearing.

The property owner addressed the Board. He said it is an honor to do this and he grew up on the James River and spent all of his time as a kid playing around the river and canoeing, He said he is no longer a County resident, but when he would visit he would go to Sugar Hollow, which he described as a special place that changes one's perspective on life. He said he is honored that the County deems the property to be worthy of taking in.

As no one else requested to speak, Ms. Palmer closed the public hearing.

Mr. Randolph **moved** to adopt the proposed resolution approving the County's acquisition of the 122-acre property and the conveyance of the amended easement to the Nature Conservancy, and authorized the County Executive to sign all documents on behalf of the County necessary for this conveyance once they have been approved as to form and substance by the County Attorney. Ms. McKeel **seconded** the motion.

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

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

**RESOLUTION APPROVING THE ACCEPTANCE
OF PROPERTY TO BE USED AS A PUBLIC PARK AND
THE GRANTING OF AN AMENDED CONSERVATION EASEMENT
TO THE NATURE CONSERVANCY**

WHEREAS, Prana Land LLC owns certain parcels identified as Tax Map Parcels 10500-00-00-02300, 10500-00-00-023A0, 10500-00-00-023B0, 10500-00-00-023C0, 10500-00-00-023D0, 10500-00-00-04500, and 10500-00-00-04800; and

WHEREAS, Prana Land LLC, Hummingbird Holdings, LLC, and Wilson W. Cropp, II LLC now desires to donate a designated portion of its parcels to the County for the purpose of creating a County park for the benefit of the public; and previously granted to The Nature Conservancy a conservation easement on those certain parcels, and Prana Land

WHEREAS, the County and The Nature Conservancy have agreed to amend the conservation easement to facilitate the location of certain park and recreational facilities.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the County's acquisition of the designated portion of the above referenced property, consisting of approximately 122 acres, for use as a County park, and the conveyance of an amended conservation easement to The Nature Conservancy to facilitate the location of certain park and recreational facilities, and authorizes the County Executive to sign all documents necessary to for this conveyance once they have been approved as to substance and form by the County Attorney.

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Parcel ID Numbers 10500-00-00-02300, 10500-00-00-023A0, 10500-00-00-023B0 (pt), 10500-00-00-023C0 (pt), 10500-00-00-023D0, 10500-00-00-04500, and 10500-00-00-04800 (pt)

This deed is exempt from taxation under *Virginia Code* §§ 58.1-811(A)(3) and 58.1-811(C)(4) and from Clerk's fees under *Virginia Code* § 17.1-266.

THIS DEED OF GIFT, made and entered into this 18 day of July, 2016, by and between **PRANA LAND LLC**, a Virginia limited liability company (successor by merger to **HUMMINGBIRD HOLDINGS, LLC**, a Virginia limited liability company), party of the first part, hereinafter referred to as "Grantor," and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter referred to as "Grantee," whose address is 401 McIntire Road, Charlottesville, Virginia 22902-4596.

WITNESSETH

That for and in consideration of the charitable purposes and mutual benefits existing between the parties, and no other consideration, Grantor does hereby grant and convey with **GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE** unto the Grantee, the following described real estate, (the "Property") to wit:

PARCEL A:

All that certain tract or parcel of land more fully described as Parcel A, containing a total of 108.852 acres, more or less, according to a plat of survey made by Roudabush & Gloeckner, Engineers, Surveyors and Land Planners, entitled "Plat Showing Survey of Property of Garland Estates", recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 550, pages 513 through 516;
LESS AND EXCEPT THEREFROM 0.496 acre conveyed to the Commonwealth of Virginia in Deed Book 2769, page 154 for improvements to State Route 53.

BEING a portion of the same property conveyed to the Grantor herein, Hummingbird Holdings, LLC, and Wilson W. Cropp, II by deed of Buck Island, LLC, dated July 11, 2004 and recorded in said Clerk's Office in Deed Book 2795, pages 495-500. The Grantor herein subsequently acquired the respective interests of Hummingbird Holdings, LLC by merger and of Wilson W. Cropp, II by deed dated June 9, 2016 and recorded in said Clerk's Office immediately prior hereto.

BEING in all respects the combined area of Albemarle County Parcels 10500-00-00-02300, 10500-00-00-023A0, and 10500-00-00-023D0, and those portions of Albemarle County Parcels 10500-00-00-023B0, 10500-00-00-023C0, and 10500-00-00-04800 situated east of Virginia State Route 53.

PARCEL 105-45:

All that certain tract or parcel of land in the Rivanna Magisterial District of Albemarle County, Virginia, near the confluence of Buck Island Creek and the Rivanna River, containing 13.3 acres, more or less, and more particularly described as Lot 7, Lowland, on a plat of J. R. Ferguson, Deputy S.A.C., of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 142, page 85. Said property is the same as that conveyed to the Grantor herein, Hummingbird Holdings, LLC, and Wilson W. Cropp, II by the terms of a deed of Edward Allen Scharer and Tracy Smith Scharer, husband and wife, bearing date August 9, 2004, of record in said Clerk's Office in Deed Book 2829, page 130. The Grantor herein subsequently acquired the respective interests of Hummingbird Holdings, LLC by merger and of Wilson W. Cropp, II by deed dated June 9, 2016 and recorded in said Clerk's Office immediately prior hereto.

BEING in all respects the same property as Albemarle County Parcel 10500-00-00-0450.

The real estate herein is conveyed subject to the easements, conditions, restrictions and reservations of record. The parties agree to execute any additional documents to effect/ensure that this deed accomplishes the intent of the parties to transfer the tracts as described herein.

Authority to accept conveyance. The County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the conveyance of this Property pursuant to *Virginia Code* § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.

WITNESS the following signatures and seals.

*****

This instrument was prepared by:
George W. Barlow, III
Division Attorney
The Nature Conservancy
490 Westfield Road
Charlottesville, Virginia 22901

Tax Map Parcel: Map 105, Parcel __

THIS AMENDMENT TO CONSERVATION EASEMENT, exempt from recordation tax pursuant to Virginia Code Section 58.1-809, is made as of the ___ day of April, 2014 by and among THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation (the "Conservancy"), index as a grantor and a grantee, and the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County"), index as a grantor and a grantee, as follows:

RECITALS:

A. By Deed of Gift of Conservation Easement dated December 23, 2005 and of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 3130, Page 537, and re-recorded in Deed Book 3154, Page 545 and in Deed Book 3433, Page 613, Prana Land LLC, a Virginia limited liability company, Hummingbird Holdings, LLC, a Virginia limited liability company, and Wilson W. Cropp, II ("Original Grantors") granted to the Conservancy a conservation easement (the "Conservation Easement") on those certain tracts or parcels of land containing in the aggregate 705.578 acres, more or less, located in the Scottsville and Rivanna Magisterial Districts of Albemarle County, Virginia, more particularly described therein (the "Protected Property").

B. The Original Grantors desire to donate to the County a portion of the Protected Property containing one hundred twenty-two (122) acres, more or less, and identified in the Conservation Easement as Section B, for the purpose of creating a County park for the benefit of the public.

C. The County has requested that the Conservation Easement be amended to facilitate the location of certain park and recreational facilities upon Section B.

D. The Conservancy, after careful consideration of the conservation values of the Protected Property, has determined that the location of park and recreational facilities requested by the County will have no adverse impact on the Protected Property's conservation values, as described in the Conservation Easement.

E. Accordingly, the parties have agreed to amend the Conservation Easement with respect to Section B simultaneously with the conveyance of Section B to the County.

NOW THEREFORE, WITNESSETH:

That for and in consideration of the premises and of the mutual agreements contained herein, the parties agree and declare as follows:

1. Paragraph 2.2.4(a) of the Conservation Easement is hereby deleted and replaced with the following:

> (a) Parking Areas – The parking areas and any necessary access road(s) shall be constructed using gravel, pervious pavers or other pervious surfacing materials, except that the entrance to Section B from the public road may be paved if required by the Virginia Department of Transportation.
>
> (i) If public access is not allowed on Section B of the Property, only one parking area is permitted. This parking area shall be located in the Existing Fields located immediately adjacent to State Route 53, as described and depicted graphically in maps contained within the Baseline Report. This parking area shall be constructed no larger than necessary to accommodate six (6) cars.
>
> (ii) If Section B of the Property in whole or in part is transferred to a government or nonprofit entity for the purposes of creating a nature park open to public visitation or public visitation is otherwise permitted, one (1) parking area is permitted (the "Parking Area"). The Parking Area shall not be located within the Stream Buffer Area. The Parking Area shall be constructed no larger than needed to accommodate forty (40) cars and four (4) trailered vehicles.

2. Paragraph 2.2.4(d) of the Conservation Easement is hereby deleted and replaced with the following:

> (d) Restroom facilities located outside of the Stream Buffer Area, and roads, paths, steps, or other minor improvements necessary to accommodate vehicular and pedestrian access to the Rivanna River for the launching and retrieval of non-motorized boats. A boat ramp designed to accommodate the launch of motorized boats from trailers is not permitted.

3. Paragraph 14 of the Conservation Easement is hereby amended to add the following after the last sentence thereof:

> Notwithstanding the foregoing, in the event that Section B is transferred to any local, state or federal government entity (the "government"), the terms of this Paragraph 14 shall not be enforceable against or binding upon the government and the government shall not under any circumstances be required to hold harmless, defend or indemnify any party.

4. The remainder of the Conservation Easement shall remain in full force and effect, and the terms thereof, as amended herein, shall remain binding upon the Protected Property. Capitalized terms not defined herein shall have the meanings given them in the Conservation Easement.

IN WITNESS WHEREOF, the parties have caused this Amendment to Conservation Easement to be executed by their duly authorized representatives.

THE NATURE CONSERVANCY,
a District of Columbia nonprofit corporation

By: ____________________________
Bill Kittrell
Director of Conservation

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF ______________________, to-wit:

This instrument was acknowledged in my jurisdiction aforesaid this ____ day of __________, 2014 by Bill Kittrell who is Director of Conservation, of The Nature Conservancy, a District of Columbia nonprofit corporation, on behalf of the corporation.

My commission expires: ________________________.

Registration No. ___________ ________________________________
Notary Public

COUNTY OF ALBEMARLE, VIRGINIA,
a political subdivision of
the Commonwealth of Virginia

By:______________________________

Its: ______________________________

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF ______________________, to-wit:

This instrument was acknowledged in my jurisdiction aforesaid this ____ day of __________, 2014 by ________________________________ who is ______________________ of the County of Albemarle, Virginia, a political subdivision of the Commonwealth of Virginia.

My commission expires: ________________________.

Registration No. ___________ ________________________________
Notary Public

____

Agenda Item No. 20. **Public Hearing: SP-2016-00007. Chapman Grove Baptist Church.**
MAGISTERIAL DISTRICT: Rivanna.
TAX MAP/PARCEL: 06200000006700, 06200000006800.
LOCATION: 2064 Stony Point Road PROPOSAL: Request to expand existing church by 1900 sq. ft.; request is associated with SDP201600021.
PETITION: Amend special use permit SP200000061 to expand existing church under Section 10.2.2.35 of zoning ordinance. No dwelling units proposed.
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).
ENTRANCE CORRIDOR: Yes.
SCENIC BYWAYS: Yes.
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots in Rural Areas 2 of the Comprehensive Plan.
(Advertised in the Daily Progress on October 17 and October 24, 2016.)

The Executive Summary presented to the Board states that at its meeting on August 9, 2016, the Planning Commission voted 5:0:2 (Riley, Dodson absent) to recommend approval of SP201600007 with conditions.

There have been no changes to the concept plan since the Planning Commission meeting. If SP201600007 is approved, then the applicant will continue to pursue approval of a phased site plan amendment currently under review (SDP201600021 – Chapman Grove Baptist Church – Major).

Staff does want to clarify a minor discrepancy between the square footage shown on the concept plan and the square footage included in the legal advertisement. The concept plan shows an expansion of 1,614 square feet, whereas the legal advertisement specifies a larger square footage of 1,900 square feet. The additional square footage was intentionally advertised to provide flexibility to both the applicant and the Board during the review process. The Board may approve a smaller expansion than the 1,900 square feet that was advertised, but a special use permit cannot be granted for a request that goes beyond the scope of what was advertised in the legal notice.

In this case, the first condition of approval requires “general accord” with the concept plan. As a result, any square footage beyond the 1,614 square feet shown on the plan would require an analysis by the Zoning Administrator to confirm compliance with the conditions of approval. For example, if some amount of additional square footage was required to comply with the Zoning Ordinance, then the Zoning Administrator could determine that the site overall was still in compliance with the “general accord” standard. This determination would permit the applicant to seek building permits for the additional square footage without coming back to the Board of Supervisors for another amendment to their special use permit.

Staff recommends that the Board adopt the attached Resolution to approve SP201600007 with the conditions attached thereto.

_____

Mr. J. T. Newberry, Senior County Planner, addressed the Board, stating that this request is for an expansion of approximately 1,600 square feet of the existing church and parking area. He stated this would amend existing special use permit conditions from SP 2000-061. Mr. Newberry displayed an area map showing the church’s location, which is just past the Key West subdivision on Route 20 North, past the intersection with Rocky Hollow Road on the left hand side. He showed an amended concept plan and a slide that showed the two phases of expansion, with Phase 1 expanding the sanctuary and Phase 2 reconfiguring the kitchen and bathrooms and providing a gathering area. He displayed several photographs of the outside of the property, as well as of inside the building. Mr. Newberry stated that staff found the plan to be consistent with the Comprehensive Plan, with no anticipated significant impacts. He said the existing conditions from SP 2000-061 referenced day care use, and the assembly area would not increase without an amendment to the permit. He said the recommended condition is that it be in general accord with the concept plan. Mr. Newberry said the day care use has expanded to include private school uses to be prohibited with a seating capacity limit of 127, which was generated from the parking, and no building permit would be issued without approval from the Department of Health.

Ms. Mallek asked if there was discussion about the preschool element and if there is an easier way to allow that to happen in the future if they allow it to evolve without requiring the approval process all over again. Mr. Newberry responded that he thinks this is something that should be considered.

Mr. Randolph asked if the septic tank in the field capacity has been determined to handle the additional capacity on site. Mr. Newberry said a Tier 3 ground water assessment was required, and it showed the septic system would have to be revised for Phase 2, although it is sufficient for Phase 1.

Mr. Dill commented that he was out at the site, and Reverend Jackson and the congregation were welcoming, adding that it appears to be a wonderful place and the Board should approve the permit.

Addressing Ms. Mallek’s comments, Mr. Kamptner said day care and private school use are separate use classifications and the application would have to be revised and re-advertised.

Ms. Palmer opened the public hearing.

Mr. Steve von Storch addressed the Board, stating that he is the architect working with the church. He stated that the church is thriving, nearly doubling its capacity, and the septic field would have to be expanded in Phase 2 because of expanded kitchen and toilet facilities. He stated that the issue of a potential day care has not come up.

Ms. Palmer asked if the septic field is big enough for the expansion. Mr. von Storch responded that it is for Phase 1 but not Phase 2, and said the increase in the number of fixtures created the requirement to add capacity.

Mr. Dill asked about the timeframe for Phase 2. Mr. von Storch responded that this has not been determined.

Mr. Kevin Cox, resident of Charlottesville and Chapman Grove congregant, addressed the Board, stating that he supports the church’s application and wishes to comment on a few things. Mr. Cox said that churches provide valuable emotional, spiritual, and physical support for many people; provide food for the needy; and try to follow the teachings of Jesus Christ and support their neighbors. He stated that Chapman Grove, as a 116-year-old African-American congregation, provided support for their people when racist oppression was mandated by law.

As no one else requested to speak Ms. Palmer closed the public hearing.

Mr. Dill **moved** to adopt the proposed resolution to approve SP-2016-00007, with the conditions as presented. Ms. Mallek **seconded** the motion.

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

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

(The adopted resolution and conditions are set out below:)

RESOLUTION TO APPROVE
SP 2016-00007 CHAPMAN GROVE BAPTIST CHURCH

WHEREAS, Chapman Grove Baptist Church (the “Owner”), is the record owner of Tax Map Parcels

06200-00-00-06700 and 06200-00-00-06800 (the “Property”); and

WHEREAS, the Owner filed an application for a special use permit to expand the existing church building by adding 1,614 square feet and to expand the associated parking on the south side of the church by adding nine spaces, and the application is identified as Special Use Permit 2016-00007 Chapman Grove Baptist Church (“SP 2016-07”); and

WHEREAS, the proposed use is allowed on the Property by special use permit under Albemarle County Code § 18-10.2.2.35; and

WHEREAS, on August 9, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-07 with staff-recommended conditions; and

WHEREAS, on November 2, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-07.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2016-07 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 §§ 18-10.2.2.35 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-07, subject to the conditions attached hereto.

*** * * * ***

SP-2016-00007 Chapman Grove Baptist Church Conditions

1. Development and use of the site shall be in general accord with the concept plan “Church Addition in Two Phases Amending SDP2000-129” last revised on 6/20/2016, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the existing church facility and proposed additions, which additions shall not exceed 1,900 square feet. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Day care and private school uses shall be prohibited unless approved through an amendment to this permit.

3. The area of assembly shall be limited to a maximum 127-seat sanctuary.

4. No building permit shall be approved without approval from the Virginia Department of Health.

Agenda Item No. 21. **Public Hearing: SP-2016-00001. Kapp Driveway Stream Crossing (Signs 75 & 77).**
MAGISTERIAL DISTRICT: Samuel Miller.
TAX MAP/PARCEL: 098000000004C0 LOCATION: Sutherland Road (Route 697), approximately 1.5 miles west of its intersection with Monacan Trail Road (US 29).
PROPOSAL: Grading in the floodplain for two culvert stream crossings for road access.
PETITION: Grading activities in the Flood Hazard overlay zoning district under Section 30.3.11 of zoning ordinance; No dwellings proposed.
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); FH Flood Hazard – Overlay to provide safety and protection from flooding.
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
(Advertised in the Daily Progress on October 17 and October 24, 2016.)

The Executive Summary presented to the Board states that at its meeting on August 23, 2016, the Planning Commission voted 2:4 (Dotson absent) to approve (with conditions) only one of the two requested stream crossings (the “Proposed Tributary Crossing”) for the Kapp property near North Garden; the motion failed. The Commission then voted 3:3 to approve both proposed crossings with conditions—that motion also failed.

Attachments A, B, and C contain the action letter, staff report, and minutes from the August 23rd Planning Commission meeting.

Staff recommended approval of the request with conditions because, with the recommended conditions, the proposed crossings would provide only limited access to land for rural residential development. Also, the conditions would require erosion-control measures and new plantings that would mitigate the impacts of the construction of the proposed crossings.

Those Planning Commissioners opposed to the proposal were concerned about additional development in the Rural Areas and about new impacts to the streams in addition to impacts of the existing crossing.

Since the Planning Commission meeting, Ms. Mallek has raised a question about how many stream crossings would be permitted on the subject property under the Water Protection Ordinance.

There are no existing crossings on the subject property. The landowners' dwellings, which are located on a different, adjacent parcel, are accessed by an existing floodplain crossing that is not located on their own property.

Under the Water Protection Ordinance, County Code § 17-604(C)(7) presumes that one stream crossing meeting the performance standards in County Code § 17-604(c) is adequate to serve the owner's lot or lots existing on May 7, 2008 (the date the regulation was adopted) and all lots created therefrom on and after that date. This has been interpreted to mean that one crossing on that owner's property is permitted. Therefore, the existing crossing that provides access to the applicants' property, which is not located on the owner's property, does not count as their one permitted crossing, and one new crossing may be permitted on the owner's property.

County Code § 17-604(D) also permits the establishment of more than one stream crossing on a property. Such a request would be made to the progam administrator of the Water Protection Ordinance (the County Engineer). However, as the second requested crossing in this case also requires Board approval of a special use permit, staff would interpret a Board action to approve two crossings on this site as direction to permit the second crossing under County Code § 17-604(D). If the Board does not approve a second crossing under this permit request, the second crossing would also not be approved under the Water Protection Ordinance.

The Planning Commission did not make a recommendation on this project. Staff continues to recommend that the Board adopt the attached Resolution (Attachment A) to approve SP201600001 with the conditions attached thereto.

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Mr. Scott Clark, Senior Planner, addressed the Board, stating that the special use permit request is for two culvert stream crossings for road access on the 207-acre property. He said the property is near the crossroads of North Garden, just west of Route 29, presenting a map of the area, which is largely wooded with a portion being protected land with an agricultural-forestal designation. Mr. Clark stated that one crossing is on the North Fork Harbor River and one is on its tributary, and the tributary crossing location would provide new access to the existing dwellings on the applicant's adjacent property. He said they currently have to use a portion of Sunderland Road that is private and has a crossing, which is not on their property and runs adjacent to a winery, presenting some traffic conflicts. Mr. Clark noted that the new crossing would help to avoid this conflict and provide a new access. He stated the second crossing is to the North Fork itself, which would provide access to a 120-acre section of the property that currently does not have access. He reported that the applicant has determined there would not be a flood impact to adjacent properties, and any increase in flood level would be contained within the property. He said if the crossings are allowed without any use restrictions, they could open up development, which would change the character of that portion of the rural area. He said they are recommending conditions to limit this.

Mr. Clark stated that the principal safety concern with floodplain and fill permits is flood impact on adjacent property, though this property does not have this concern. He said that Fire and Rescue requests a weight capacity of 46,000 lbs., so their equipment can cross safely. Mr. Clark stated that a final criteria is consistency with the Comprehensive Plan, and they initially had a concern that development of 120 acres across the floodplain could potentially open up a large area of the floodplain to development, which is contrary to Comprehensive Plan goals, but the applicant has said they only want to use one site on that side of the creek. He said they recommend conditions to limit the width of crossings, which would limit the number of potential subdivisions, and no more than one dwelling could be accessed by the second crossing. He said the floodplain fill would not impact adjacent properties, and impacts to the stream buffer would be offset by mitigation plantings as the applicant has shown in the conceptual plan. He said an unfavorable factor is that it would permit access to more development in the rural area; however, they have suggested conditions that limit more development in rural areas and would limit both subdivision and house development on the southern portion of the property. Mr. Clark stated that the Planning Commission considered this item on August 3 and voted to approve the tributary crossing to provide access to the owner's existing dwellings. He noted that they did not approve the second crossing as the motion failed, and also proposed approval of both crossings with conditions, but this motion also failed. Mr. Clark stated that staff's recommendation is for approval of both crossings with the conditions shown on a slide displayed for the Board.

Ms. Mallek asked if 10,000 feet was an important threshold for disturbance, and if there are additional requirements if this number is exceeded. She asked if the Department of Environmental Quality must approve cases that exceed 10,000 square feet. Mr. Clark responded that 10,000 is a threshold, and in this case it does not matter if 10,000 is exceeded as they are recommending an erosion and sediment control plan, and a land disturbance permit be obtained under the fifth condition.

Mr. Graham said there is a stream crossing permit that goes with it, which used to be called a nationwide permit, and that is an established permit.

Ms. Palmer stated she read the minutes of the Planning Commission carefully and noted that the Whitehall Commissioner did not approve either option, as he was concerned with the water protection. She asked for comment on the Planning Commission discussion.

Mr. Clark said the discussion involved the question of why any additional crossings would be permitted for the purpose of development and road access in the rural areas, as it seemed to contradict the Comprehensive Plan. He stated that they attempted to compromise, and rather than permit any amount of development these crossings would allow, they would restrict their capacity.

Ms. Palmer commented that she does not think that putting a road in this location would stop future building beyond that point. Mr. Clark said in the case of the downstream crossing, if it were approved with the conditions requested, applicants would have to come back and amend the special use permit and start the process over. He noted that if the Board did not approve the downstream crossing, the applicants could apply again, and it takes as much effort to amend the permit as to apply for a new one.

Ms. Mallek said that in the staff report it seems to equate agriculture, forestry, and residential as equal uses in the rural area. She emphasized that the residential is supposed to be an accessory to the agricultural-forestry and not something that is equal.

The Chair then asked the applicant for comments.

Ms. Lori Schweller, Attorney with LeClair Ryan, addressed the Board as a representative of the Kapps family. She introduced Mr. Jason Kapp, who owns the property and Mr. Justin Shimp, the project engineer, who would provide background about the application and the property. Ms. Schweller stated that the Kapps own six tax-mapped parcels and bought Mill Mountain Farm about 10 years ago, and Chalk Mountain Farm last year, of which 900 acres is in forest and 100 acres is in hay.

Mr. Jason Kapp addressed the Board, stating that he and his wife moved here 10 years ago and purchased 700 acres, and a vineyard and winery popped up along his driveway along with a parking lot. He stated that the road is too narrow to accommodate two-way traffic, and he has to back up a long way when a vehicle is approaching from the opposite direction. He said their original intent was to purchase a section of the property along the driveway for better road access, but they ended up purchasing the entire property. Mr. Kapp stated that they do not have an intention to develop the property, but want to have the second stream crossing as it is not possible to access it without a significant amount of road building and environmental destruction than would be entailed with crossing the stream.

Ms. Schweller displayed a slide that showed the property and the areas of intended construction. She stated that there would be no flood level changes to neighboring properties, the bridges would not touch the stream, and the mitigation would add 1.5 acres of plantings. She said the only unfavorable factor is that there could be potential development, though they believe the conditions imposed would prevent this due to the width of the travel lanes and only one dwelling would be permitted on the other side of the second crossing. Ms. Schweller stated that the first crossing would provide access to the existing dwelling while avoiding traffic on this very narrow road, and would service open fields, protect the stream, and have access to the forests. She displayed a slide showing the mitigation plans for the crossings, which include 250 trees and shrubs for each mitigation area. Ms. Schweller said the current buffer is very narrow, and a much more robust buffer would be installed. She said the second crossing already allows for agricultural vehicles to cross, but does not permit building on the other side of it, and an added benefit is prevention of degradation caused by agricultural equipment crossing the second stream. She stated that the applicant does not see any negative impacts from the two streams, and it would provide some benefits.

Ms. Palmer asked Mr. Kapps why he has not sought a conservation easement if his plan is to not develop the land, in order to allay concerns about increased development and voting against the Comprehensive Plan. Mr. Kapps responded that they are strongly considering this for the future, but he would first like to live with the land for a while to see how it works before he places restrictions on it. He said the neighborhood is peaceful and harmonious, and he wants to maintain the rural character as much as he can. He said the property has nine development rights and he would like to give up those rights in order to cross the stream, which he sees as a win for everyone, including the County and the neighborhood. Mr. Kapps stated that if they cannot do this, they might sell the property and someone else could come in with the right to put in a subdivision. He said he would strongly consider putting in a conservation easement, but cannot do it because the land is supposed to be contiguous to a public road.

Mr. Kamptner stated that he has not heard of a requirement that it touch a public road. Mr. Kapps responded that perhaps it has to have a public benefit.

Ms. Mallek said that giving up development rights is the public benefit.

Ms. Palmer agreed that giving up development rights is a public benefit.

Ms. Mallek asked Mr. Kamptner if there is an easy way besides an easement for the owner to divest himself of eight divisions. Mr. Kamptner said that other than an easement or restrictive conditions attached to a special use permit, which can be amended, this puts those development rights permanently to rest.

Ms. Palmer opened up the public hearing and invited comment.

Mr. Warner Hamms, neighbor of Mr. Kapps, addressed the Board and said he would give a brief history of the Kapps property. He said in the early 1980s, the property was stripped of trees, and now the property is beautiful and well maintained. Mr. Hamms stated that Mr. Kapps is an incredible neighbor and has planted trees, and he has no doubt that whatever Mr. Kapps proposes would be done the correct way. He said he shares a driveway with Mr. Kapps and it is wide enough to allow for passage of only one vehicle.

Ms. Palmer closed the public hearing.

Ms. Palmer said the Kapps property is within her district and she drove to the property to look at it, stating that it is beautiful and evident that the owner takes good care of the land. She stated that Mr. Kapps' request is very reasonable, and her concern is about the second crossing opening it up for development even though he says it would be one house. Ms. Palmer said there is no way to know what the future is, whether he would always own the property, or whether his children would live there. She stated that she cannot vote for the second stream crossing and encourages him to look into a conservation easement and then come back to the Board. Ms. Palmer said she would feel more comfortable knowing the land would not be developed in the future.

Ms. Mallek said the ability to obtain waivers whenever one wants to would create the idea of buying properties for future development, and then requesting a waiver since another property owner obtained one. She said that over the past 5 to 10 years, they have strayed from the original intent of the ordinance to prevent stream crossings from being made, and suggested they take some time to consider the easement option and come back to the Board.

Mr. Sheffield said he has no issue with the applicant's request.

Ms. McKeel said she does not have an issue with it and would approve both crossings.

Mr. Randolph said if there were different landowners upstream, he would look at the application very differently, but there is one landowner and he is comfortable with the stream crossings under the circumstances that it is a special permit limited in its purpose and effect. He said he is aware of the 5,000 feet that would be compromised with the installation of a road, but thinks this is a win-win situation.

Mr. Dill said he does not think it is too much to ask that they obtain an easement, as he feels it is a critical place to preserve.

Ms. Palmer said it appears it would be a tie vote and asked the applicant if he would like to defer.

Mr. Randolph suggested they ask the applicant if he would be open to a condition imposed by the Board that the property be put under conservation easement to create a greater degree of comfort. He asked Mr. Kamptner if they can legally do this. Mr. Kamptner responded that this creates some uncertainty, and a study process takes place to determine if land qualifies, as well as a process of accepting the easement and finding a qualified body to accept.

Ms. Schweller said she believes they have the option of approving one crossing and strongly suggests they consider the second, as obtaining an easement would take a while and there is no detriment to approving the second crossing since the applicant already has all the development rights and only one parcel. She stated the parcels have many development rights, and if they were to be sold there is no way to predict what could be done with the property. Ms. Schweller added they are only asking for one crossing for one space for one home, which they may or may not build, and it would not have an effect on how they can develop the property.

Ms. Palmer said there is no immediate plan to build the home, and she suggests they come back in the future when they are ready to build.

Ms. Schweller emphasized that it would be overreaching for the Board to place a condition of a conservation easement on private property before considering a special use permit that has a single crossing on one parcel.

Mr. Shimp addressed Mr. Dill's concern about the bridge becoming a public road and said it cannot be built large enough to accommodate a public road without tearing out everything that had been done. He stated that the restriction on crossing is a way to encourage use for only one house on the 120 acres.

Mr. Sheffield asked if they would have to apply for another special use permit to remove the crossing. Mr. Kamptner replied they would have to amend the special use permit to construct a larger road.

Ms. Palmer commented that her problem with this is the construction of a road in a rural, delicate area when the Comprehensive Plan calls for not building in these areas. She said she understands the need to build a road to get to the property owner's house since the winery came and brought traffic that blocks access.

Ms. Schweller pointed out that the road has to be built to cross to the other parcel, and the house is on a different parcel, with the second crossing only crossing on this parcel.

Ms. Palmer said she can make a motion for one crossing.

Mr. Kamptner advised the Board that they have the option to approve one crossing and not the other, and additional conditions could be explored to address Board member concerns.

Mr. Dill asked for further explanation of the bridge crossing plans, and asked Ms. Palmer if she thought approving the first crossing was reasonable. Ms. Palmer replied that she did and said the applicant has a home there already and needs a driveway. She said that putting in another road to further development of a property is another issue, and it is a delicate wetland area that a road can impact.

Mr. Shimp and Ms. Schweller pointed out details of the plan on the slide.

Ms. Schweller said the road would be constructed if the first crossing is approved, as it is needed to get to the first crossing.

Mr. Shimp emphasized that they are not opening up land to development that is otherwise inaccessible, and they can get to the other side from the Kapp's current property, but have to go over the hill and through the woods.

Ms. Schweller stated that the condition allowing only one home pertains to the second stream crossing and would not be put in place if only one stream crossing is approved. She said there would still be a condition for the width of the road, but it would be irrelevant if the second crossing were not approved. She added that there is more conservation value to the County than there is now if there is the other condition, as the Kapps could sell the property and this condition would not exist.

Mr. Dill confirmed his understanding and indicated he would support the special use permit.

Ms. Mallek asked if they could add a ninth condition that would state that the second driveway is for one dwelling. Mr. Kamptner responded that the third condition states that no more than one dwelling shall be accessed via the crossing labeled "proposed second crossing location." He said if the concern is about further development, they may want to consider expanding this so it is not tied to just this particular stream crossing, as there is another way to access that.

Ms. Palmer agreed that this would be good.

Ms. McKeel **moved** to adopt the proposed resolution to approve SP-2016-0001 with conditions as recommended by staff. Mr. Randolph **seconded** the motion.

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

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

Ms. Mallek then **moved** to reconsider the motion. Ms. McKeel **seconded** the motion.

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

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

Mr. Kamptner read the following language to amend Condition #3 of SP-2016-0001 in accordance with wishes expressed by Ms. Palmer and Ms. Mallek: "No more than one (1) dwelling shall be located on the portion of Tax Map Parcel 98-4C south of the North Fork of the Hardware River."

Ms. Schweller stated that the applicant would be happy with that language.

Ms. McKeel **moved** that the Board adopt the proposed resolution to approve SP-2016-0001 with the eight conditions attached and the amendment to condition #3. Mr. Dill **seconded** the motion.

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

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

RESOLUTION TO APPROVE
SP 2016-01 KAPP DRIVEWAY

WHEREAS, Constance Kapp is the record owner (the "Owner") of Tax Map Parcels 09800-00-00-004C0 ("TMP 98-4C") and 09800-00-00-01400 ("TMP 98-14"); and

WHEREAS, the Owner filed an application for a special use permit to permit floodplain fill and the construction of culverts for two floodplain crossings of the South Branch of the North Fork Hardware River on TMP 98-4C in order to provide access to three existing dwellings on TMP 98-14 and to a currently undeveloped portion of TMP 98-4C, and the application is identified as Special Use Permit 2016-00001 Kapp Driveway (SP 2016-01"); and

WHEREAS, on August 23, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2016-01 based on a failed motion to approve; and

WHEREAS, on November 2, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-01.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-01 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 § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-01, subject to the conditions attached hereto.

* * * * * *

SP-2016-00001 Kapp Driveway Conditions

1. The stream crossing locations shall be in general accord with the locations shown on sheet 3 of 4 of the plan titled "Kapp Driveway SP," prepared by Shimp Engineering P.C., and dated 5/25/16.
2. The travelway on each stream crossing shall be at least ten feet in width but shall not exceed twelve feet in width.
3. No more than one (1) dwelling shall be located on the portion of TMP 98-4C south of the North Fork of the Hardware River.
4. Prior to construction of either stream crossing, the applicant shall provide signed and sealed documentation from a licensed engineer establishing that each stream crossing is designed to support a minimum weight of 64,000 pounds for fire-apparatus access.
5. The applicant shall obtain a Program Authority approval for an erosion and sediment control plan, and obtain a land disturbance permit according to the Water Protection Ordinance requirements, prior to the start of construction of either stream crossing, regardless of whether the project exceeds the minimum disturbance limits.
6. The applicant shall obtain a Program Authority approval of a mitigation plan prior to the start of construction of either stream crossing, and provide mitigation according to Water Protection Ordinance requirements.
7. Prior to permitting of a land disturbance in the floodplain, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR, or CLOMA), and prior to use of the permitted stream crossings the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA.
8. The applicant shall obtain all necessary federal and state agency approvals prior to the start of construction of either stream crossing (including but not limited to the Army Corps of Engineers and the Department of Environmental Quality).

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

Ms. Mallek provided an update on the resolution brought up during the previous Board meeting regarding burning of pallets. She reported that she had consulted with the Department of Forestry and learned there are not sites in Albemarle County where harvesting is being done for pallets. Ms. Mallek said the presence of a palletizing plant in Lunenburg County has created a market for and raised the value of slash, which is generated from a hardwood cut or thinning, or a pine harvest, and this provides a better return to the landowner. She said the Department of Forestry has seen better management of the forest because of this and has said they did not think it would be productive to engage in the resolution. Ms. Mallek noted that she has not acted on the resolution.

Ms. Palmer reported that she recently attended a meeting with the Department of Environmental Quality and the Health Department and the owners of two gas station properties with leaking underground storage tanks contaminating the ground underneath. She said DEQ has provided carbon filters for surrounding homes and the gas stations, which are still operating. She stated that this problem occurred about 15 years ago in Red Hill, and in 2008 the ACSA put in a water system for 11 homes to remediate a gas station that had leaked. She said she learned that the problem was identified when a family that had built a house and drilled a well after obtaining a permit from the Health Department discovered petroleum in their well. Ms. Palmer commented that it was interesting that the well permit was granted while the DEQ was remediating the site, and the two departments did not communicate with each other. She said the two departments were supposed to be coordinating efforts, but again in 2012 in Cismont, a similar situation occurred when wells were drilled without knowledge of leaking underground storage tanks. Ms. Palmer stated that as a result, they made a change to an ordinance to correct this, and she wanted to ask Mark Graham for information about this.

Mr. Kamptner explained that in 2005, they created a set of regulations to deal with the Red Hill situation that required groundwater testing in contaminated areas. He stated that if contaminants were found that exceeded standards, a building permit would not be issued.

Ms. Palmer said that at the meeting, Health Department representatives informed her that coordination was still not happening, and there seemed to be a disconnect regarding information passed among the individuals involved. She stated that when she left the meeting, the DEQ and Health Department officials were discussing this matter to prevent it from happening. She said she learned that some sites have been under remediation for 10 years.

Mr. Kamptner said the way the ordinance was set up was to go to the DEQ website to identify if a building permit application is within an active contamination area, and the DEQ updates the information periodically.

Mr. Dill asked how large an area is affected by a leaking tank. Ms. Palmer said it depends on the geology and size of the spill. She said that for some spills, they let bacteria break down the contamination over time while other spills they pump out the contaminants.

Ms. Mallek pointed out that if the contamination is sitting on rock, it cannot percolate downward and moves sideways, and noted that the spill in Greenwood has reached 200 feet underground. She asked Mr. Kamptner to confirm that the ordinance requires that a well be drilled and tested by the Board of Health before a building permit would be issued.

Mr. Kamptner confirmed this and said that when they come to Community Development seeking a building permit, they are supposed to bring the groundwater test results. He said the four chemicals they test for are benzene, toluene, ethyl benzene, and xylene.

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

Mr. Foley reminded Board members that next week staff would present the two-year balanced fiscal plan, and staff would recommend some changes to get the budget into balance. He stated that there would be work sessions beginning next week, along with a joint meeting with the School Board. He said the annual plan would be presented in February.

Ms. Mallek suggested that the County encourage members of the community to provide feedback during the budget work sessions.

Agenda Item No. 24. Adjourn to November 9, 2016, 3:00 p.m., Lane Auditorium.

At 7:47 p.m., Ms. Mallek **moved** to adjourn the meeting until November 9, 2016 at 3:00 p.m. in Lane Auditorium. Ms. McKeel **seconded** the motion.

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

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

____
Chairman

Approved by Board
Date 04/05/2017
Initials CKB