

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 5, 2013, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: Mr. Christopher J. Dumler.

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

Agenda Item No. 1. The meeting was called to order at 9:02 a.m., by the Chair, Ms. Mallek.

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

NonAgenda.

Mr. Snow announced that he received an email the previous Sunday from Mr. Dumler, asking to meet with him. Mr. Snow said he met with Mr. Dumler the following Monday afternoon, at which time Mr. Dumler gave him a letter to read. Mr. Snow then read the following a statement from Mr. Dumler:

"Dear Madame Clerk:

I hereby resign the office of Supervisor, Scottsville District, for the County of Albemarle.

Signed, Christopher J. Dumler"

Mr. Snow said, "I'd just like to read an additional thought," and he proceeded by reading the follow-up statement. "I want to thank Mr. Dumler for making the decision to step down. It is my prayer and hope that we as a community will forgive and move forward. To those most affected, and others that have been sexually abused, we offer you our support. Thank you."

Mr. Rooker mentioned that he also had some brief comments, stating that there has been a lot said about this already. He thanked Mr. Dumler for taking this action, stating that it is in the best interest of the County as well as in Chris' best interest personally because it allows him to move on and start building a new life. He added that he hopes Chris will be very successful in the new life that he builds. Mr. Rooker said he felt it was important that Mr. Dumler stayed in his position while his petition case was running, because that case was a "first impression" case in Virginia and it was important that a decision be rendered, not just for Mr. Dumler – but for public officials statewide so they have some guidance as to what the circumstances are under which a public official can be removed from office for neglect of duty. Mr. Rooker stated that the resignation is a good thing to have happen now because it provides finality to the legal issues and the protests that have been going on, as well as allowing this Board to start anew and move forward.

Ms. Mallek said that the process existed and ran the way it should, and that's what they should be relying on.

Mr. Boyd asked if the anti-Dumler signs could be taken down in an effort to move forward with the healing process.

Mr. Foley stated, in light of the resignation, that he had spoken with Board members about the process for moving forward, and said the County would need to file a petition with the Circuit Court within 15 days of this meeting – requesting the Court to set a special election for November 2013. He said that the Board would also need to make an appointment within 45 days of the date of the resignation to fill the unexpired term until the special election is held.

Mr. Foley noted that, in order to meet that appointment so the Board can fill the vacancy instead of the Court, he has laid out a process by which they will fill the vacancy. He explained that, from June 6-20, there would be advertisement for the vacancy with applications due on June 20th, and the Board would need to authorize that advertisement at today's meeting. From June 21 to July 2, he said there would be an opportunity for both the Board and the public to review those applications. Mr. Foley said that, at the Board's regular July 3 meeting, all candidates would make comments before the public on their interest to fill the Board seat and answer any questions that Board members may have. He stated that, at that same meeting, the Board would be permitted to go into closed session and discuss the candidates, and determine whether to make a decision that day or at its July 10 meeting. Mr. Foley said that, after that appointment, the individual could take their seat and take over right at that point to fill the term temporarily until the special election is held on November 5. He stated that, once the special election is certified, the new Supervisor would take over on November 6 or 13 – and that person would fill the unexpired term until December 2015.

Mr. Foley said that there was a question as to whether the Board would want to make the appointment on July 3 or 10, but that was the only outstanding issue.

Ms. Mallek stated that her question was whether to refine the pool of applicants if there are a lot of applications, and have only the narrowed pool of applicants come to the Board meeting.

Mr. Foley said the Board would have to decide whether to have a special meeting to review the applications, or just have all candidates come forward and give them five minutes to speak.

Mr. Rooker stated that he couldn't envision having many applications, and suggested that they just follow the procedure outlined by Mr. Foley, particularly given the compressed timeline.

Mr. Snow commented that the Board is really just looking for a placeholder, not someone who would take over in the fall, and he wasn't sure how legally binding that request would be.

Mr. Davis said that couldn't be legally binding, but it could be a consideration for the Board take into account.

Mr. Foley said they could certainly ask that question of candidates as they come forward.

Mr. Rooker agreed with Mr. Snow's concern that this person should not view this as a podium for future candidacy, but simply be someone who would come in and serve for a short period of time while the election process runs its course.

Ms. Mallek emphasized that the most important thing is to give the choice back to the voters of the Scottsville District.

Mr. Boyd said he had no problem with the approach and timeframe, but wanted to ensure that the process is as transparent as possible. He stated that he wanted the Scottsville District citizens to have an opportunity to come and listen to the candidates when they present, in addition to allowing time to have citizens provide feedback to the Board by email or phone.

Ms. Mallek said that something written would be better.

Mr. Foley stated that the official decision would be scheduled for July 10, which will allow the Board time to receive input from constituents.

Motion was then offered by Mr. Rooker, to adopt the process for filling the Scottsville District vacancy on the Board: within 15 days of today, County to file petition with Circuit Court asking Court to set special election for November 5, 2013; to authorize advertisement of vacancy from June 6 through June 20th; candidates to make public comments on interest to fill Board seat and respond to questions from Board members on July 3rd; Board to go into closed meeting to discuss the candidates; and Board to make appointment on July 10th. Mr. Thomas **seconded** the motion.

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

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Thomas mentioned that the Hollymead situation is under control, and would not need to be added to the agenda.

Mr. Foley noted the following changes to the final agenda:

- Item 8.1, Resolution: Airport Runway Construction Project was moved to Item 17a on the regular agenda.
- Item 17, Justice Reinvestment Initiative Program, was moved up on the agenda to Item 11a.
- Item 15, SP-2012-00032. Bellair CSA Barn, was moved to consent agenda for deferral to July 3, 2013.

Ms. Mallek added to the end of the agenda for discussion a request to study how neighboring communities allow paid fire staff to volunteer in their locality.

Motion was offered by Mr. Rooker, **seconded** by Ms. Mallek, to adopt the final agenda. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

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

Mr. Rooker mentioned a transportation meeting that he and Mr. Thomas attended with InSync traffic management system, and distributed additional information to those Board members who had not previously seen it.

Ms. Mallek recognized the Albemarle County students who excelled in the Global Finals of Destination ImagiNation competition in Knoxville, TN. She said that, of the 52 teams that competed at the regional level, 18 advanced to the state level and 5 qualified for globals; all Albemarle County teams finished in the top 30 – with Murray finishing 6 out of 78 in the theatrical challenge, Burley/Walton combined team finished 10th place overall out of 72 teams in the structural challenge, Albemarle High finished 15th place overall and 3rd place in the instant challenge out of 60 teams in technical challenge. She said that Murray also finished 15th overall out of 70 teams in the science challenge, and Woodbrook finished 27th overall out of 50 teams in the community service challenge. She said this is an indication of the great breadth of experience that our students have, and many, many thanks as well to the parents who were coaching these teams.

Agenda Item No. 6. Recognitions:

Item No. 6a. Introduction of Jim Northrup, Superintendent, Shenandoah National Park.

Ms. Mallek introduced Jim Northrup, the Superintendent for Shenandoah National Park.

Mr. Northrup addressed the Board and said he was very honored to be in the County and to serve as the new superintendent of the park. He recognized Karen Beck-Herzog, who serves as the park's management assistant and explained that she handles many external and public affairs.

Mr. Northrup reported that over 14,000 acres of the park fall within the County, and the park views its relationship with Albemarle as extremely important. He said that he was there to introduce himself and to assure the Board that he is committed to maintaining and improving the relationships they have with the surrounding counties and the gateway communities to Shenandoah National Park.

Mr. Northrup stated that he thinks national parks are very special places for environmental, recreational, economic and social reasons – and they add to the quality of life they enjoy as Americans. Mr. Northrup stated that Shenandoah National Park attracts over 1.3 million visitors each year and results in almost \$74 million in visitor spending annually in local communities, supporting over 1,000 jobs. He said that national parks are just a part of the fabric of the larger surrounding community, and he feels it's important that they work closely together.

Mr. Northrup reported that park staff are getting ready for the busy summer and fall season, and said that sequestration had impacted them through the fiscal year. He said they had to make some tough decisions as a result of these funding cuts, so they opened their campgrounds and visitors center later this year – with no spring ranger-interpretive programs offered to the public. In light of those cuts, Mr. Northrup noted that the park would be fully operational for the summer season.

Mr. Northrup said that there is a new concessions contract in the park. He explained that, for many years, all of the lodging, restaurant and wayside facilities were operated by Aramark Corporation and, while they did an outstanding job, they have been operating on one-year extensions of their contract so there wasn't a strong incentive for them to take good care of the buildings. Mr. Northrup stated that they have a new contract with Delaware North Corporation, an experienced concessioner in national parks as well as all over the world, with a strong requirement in the contract to improve the quality of the buildings and the dining experience in the park. He said that one of the resource management issues they're concerned about in Shenandoah is the rapidly spreading "chronic wasting disease," which impacts white-tailed deer populations. Mr. Northrup said the disease started in the west and has moved rapidly to the east, and is now only about 22 miles away from the park's northern boundary in Front Royal. He stated that they have developed an assessment and detection program for chronic wasting disease and recently held a series of public meetings to garner input from the public on how to manage the disease should it arrive in the park. Mr. Northrup noted that they are mandated by Congress to "protect wildlife populations unimpaired for the enjoyment of future generations," and many people come to Shenandoah National Park to enjoy seeing a healthy deer population.

Mr. Northrup reported that there are several other major planning issues underway in the park, including the inadequate parking situation at Old Rag and at White Oak Canyon in Madison County, a "rock outcrop management plan" designed to protect rare plant communities that occur in high elevations in Shenandoah, and a power line crossing issue with Dominion Power in the south district of the park.

Mr. Northrup reported that they are very excited about the "Celebrate Shenandoah" group that emerged from the park's 75th anniversary celebration, and every county surrounding the park felt that those relationships with the park were so valuable they didn't want it to end. Mr. Northrup announced that June 15 would be "Shenandoah Neighbors Day," whereby the entrance fee for all residents of counties bordering the park will be waived.

Ms. Mallek thanked him for attending, and for taking care of the 14,000 acres that lie within the Whitehall District.

Mr. Snow said that this is the first he had heard of “chronic wasting disease,” and asked Mr. Northrup to give him more information. Mr. Northrup explained that this disease is a neurological disorder that occurs in the deer family and impacts whitetail deer, moose, elk, mule deer, etc., and is very similar to mad cow disease. He said that the disease leads to a slow, miserable death for the animals, and the state of Virginia is also monitoring the spread of the disease very closely. Mr. Northrup stated that the disease spreads more rapidly in areas where the white-tailed deer population is “unnaturally dense,” and the deer really love edge environments where there is a transition between forested areas and open, grassy areas. He said that there are several areas in Shenandoah National Park that have unnaturally dense deer populations, such as the open areas of Big Meadows around Skyland – with the whole length of the Skyline Drive having an “edge environment.” He said that if the disease spreads into the park at the northern end, there is potential that the Skyline Drive could serve as a fuse for the disease and could spread more rapidly to the south.

Mr. Boyd asked if there was any danger to humans from the disease, and Mr. Northrup said that there was not.

Ms. Mallek mentioned that the BSE can be passed through the spinal cord, so people do need to be careful about what they eat. She said that when she was a child her father was a veterinarian and there was an outbreak of this disease, and that’s why Virginia bans keeping deer confined. Mr. Northrup confirmed that the disease started on deer farms out west.

Mr. Rooker thanked him for the report, and mentioned about fracking in the national forest. He asked whether there had been an impact statement on how this might affect national forest areas. Mr. Northrup responded that there has been no proposal to do any fracking activity within the boundaries of Shenandoah National Park, so they are not studying it and have not done an impact statement. He said that they would pay close attention if it turns out to happen within the George Washington National Forest, as it is in the park’s view shed.

Item No. 6b. Department of Social Services Family Support Program.

Ms. Kathy Ralston, Director of Social Services, addressed the Board, thanking them for recognizing the Family Support Program and introducing Debbie Chlebnikow, the supervisor of the program and the original family support worker at Greer Elementary School in the early 1990s.

Ms. Ralston stated that she wanted to share with the Board an article on the economic burden of child maltreatment in the U.S. and the implications for prevention programs. She said that the article reported on a very large study, focusing on 2008-2010, and revealed that the average lifetime cost per victim of nonfatal maltreatment of children was about \$210,000 – with \$32,000 in health-related costs, \$10,000 in adult medical costs, \$144,000 in productivity losses, \$8,000 in child welfare, \$7,000 in criminal justice, and \$8,000 in special education costs. She stated that the average cost per death of child maltreatment was over \$1 million, and new cases cost an estimated \$124 billion total. She added that, compared to other healthcare issues, it is significant; child maltreatment is costly to our economy and to our country. Ms. Ralston said that it has great implications for the importance of prevention programs to try to prevent child maltreatment.

Ms. Ralston reported that, with the Family Support Program, almost 100% of the children remain in their homes; 96-97% are not involved in Child Protective Services, and that’s been steady throughout the history of the program. She stated that Albemarle County really is on the cutting edge of preventing maltreatment, and we are impacting the economy, and the vitality of the economy in this community. She stated that the program is not at full scale and is not in every school, but is easily replicable around the state – having been recognized by JLARC and others.

Ms. Mallek asked if she had information on which schools would be the best candidates for the program if it were to expand, and encouraged her to bring that information forth long before budget time.

Ms. Ralston responded that staff would look at the Child Protective Services investigations at the schools, free and reduced lunch data, etc. She added that every principal that does not have the program in their school has asked why they can’t have one, because they hear from their colleagues what the staff do in the schools to help bridge the gap for the families and help intervene with families that the teachers don’t have time to do. The schools still support these programs despite the cuts they have to make and she said that speaks volumes about what they think of the program.

Item No. 6c. Business Appreciation Week 2013.

Ms. Mallek read the following recognition and presented to Ms. Susan Stimart, Economic Development Facilitator:

Business Appreciation Week 2013

WHEREAS, Governor Robert F. McDonnell has recognized June 3– 7, 2013 as ***Business Appreciation Week*** in the ***Commonwealth of Virginia***, where an attractive and prosperous business environment has been fostered since 1607; and

WHEREAS, economic vitality is a stated goal of Albemarle County’s Strategic Plan and an important component of our Comprehensive Plan; and

WHEREAS, *businesses succeed in providing economic opportunities while supporting the County's goals and values of resource protection and an attractive, vibrant, and livable community; and*

WHEREAS, *Albemarle County businesses strengthen our County by promoting job creation, innovative technologies, and employ a diverse workforce to preserve the economic well-being of all our citizens; and*

WHEREAS, *Albemarle County applauds the success of the Virginia Workforce Center – Charlottesville that provides valuable resources to both job seekers and employers to help our local workforce enhance their skills for the needs of today's work environments by offering grant resources toward training programs and certifications; and connecting employers to important work-force related tax incentives, grant resources and local talent; and*

WHEREAS, *Albemarle County is very pleased to recognize local businesses and workforce development partners during Business Appreciation Week 2013 for which the theme is "**Advancing Workforce Excellence**,"*

NOW, THEREFORE, BE IT RESOLVED that, we, the Albemarle County Board of Supervisors, do hereby recognize

June 3 – 7, 2013
As
BUSINESS APPRECIATION WEEK

in the County of Albemarle, and express our appreciation to our local, regional and state business partners for their valuable contribution to our community.

Signed and sealed this 5th day of June, 2013.

Ms. Stimart said that, under the oversight of the Piedmont Workforce Network, the Virginia Workforce Center-Charlottesville opened in 2007. It was the first comprehensive workforce center to open in the Commonwealth offering employment services to both job seekers and employers, from eleven different agencies co-located at the workforce center. Over the last six years, several successes of the Workforce Center are noteworthy: 1) On average, the Workforce Center has over 1,800 visitors per month; 2) on recent customer satisfaction surveys, 99% of job seekers rated their overall experience with the Workforce Center as good or excellent; 3) the Workforce Center served as the primary hiring support to many of the retailers located at the Shops at Stonefield including Trader Joe's and Burton's Grill; 4) in 2011, the Central Virginia Partnership for Economic Development and the Small Business Development Center moved to the Workforce Center thereby strengthening the connection between economic development and workforce development in this region; 5) in 2012, the Workforce Investment Act programs of the Piedmont Workforce Network met or exceeded all of their performance measures for the first time; and 6) in 2013, the Workforce Center received certification under the Virginia Workforce Council's new certification process. The Workforce Center was only 1 of 5 other centers in the state to receive the certification this year.

Ms. Stimart then introduced Ms. Barbara Kessler, PWN Co-Chair, and Ms. Elizabeth Bouldin-Clopton, Workforce Center Manager and Goodwill Industries employee. Also in attendance at the meeting today are leadership members of Goodwill Industries, Ms. Linda Matthews and Mr. Clay Stein.

Ms. Kessler stated that the network serves as the region's workforce investment board, which consists of 10 counties plus the City of Charlottesville, and the network council is comprised of elected officials from each jurisdiction – currently chaired by Steve Nixon, Culpeper County Supervisor, and vice-chaired by Ann Mallek. She reported that, underneath the council, there is a board that represents government, education and private sector, and is co-chaired by herself and Rudy Beverly. Ms. Kessler stated that they also work with target industries in the area to ensure that the job-training programs they fund and the direction they provide job-seekers are meeting the needs of target industry employers. She added that their goal is to work together as partners to seamlessly deliver services to job seekers and employers, and stated that she appreciates the recognition.

Ms. Bouldin-Clopton addressed the Board, stating that the workforce center is "a neat place to be" and "a strong presence in the community," with 11 agencies collocated in the facility. She recognized the agencies that are part of the business services team: the Virginia Employment Commission, the Department for Aging and Rehabilitative Services, Piedmont Virginia Community College, the Thomas Jefferson Adult and Career Education program, the Central Virginia Partnership for Economic Development, the Central Virginia Small Business Development Center, and the Workforce Investment Act – Goodwill.

Ms. Stimart then introduced Wimberley Photography equipment manufacturer President, Mr. Clay Wimberley, and his Customer Service Manager, Mr. Chuck Pistole, a key hire from the Workforce Center. She stated that Wimberley is a new manufacturing employer in our community, opening just six months ago on Broadway. They were able to find key talent and open on time due to the efforts of the Workforce Center.

Mr. Clay Wemberley addressed the Board, stating that he had attended University of Virginia Engineering School and it was good to be back in the area. He stated that it was nice to see how much time and effort the Virginia Workforce Center put into helping them find employees, stating that his

company was able to find many of their employees through the center – including their customer service supervisor, which was one of the most critical positions to fill.

Ms. Stimart said that Ms. Kelly Louk, Executive Director, and Ms. Danielle Flippin, Community Relations, from Heritage Inn are joining us this morning in recognition of their partnership with a specific agency of the Workforce Center. In a separate recognition event, the Department of Aging and Rehabilitative Services (DARS) honored six employers throughout the state for hiring people with disabilities. Heritage Inn of Charlottesville was among six that were recognized statewide for their commitment to this special talent pool.

Ms. Flippin thanked the Board for inviting them to the meeting and thanked the workforce center for all they do for the community as well as the Virginia DARS. She also thanked the Department for Rehabilitative Services for honoring them with a “Champion Award” for 2013 and said that, since February, they have hired five people with disabilities who have been a wonderful attribute to their team.

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

Mr. Jonathan Boersma addressed the Board, stating that his home is adjacent to the Charlottesville Regional Airport and has sustained damage as a result of the repeated, discretionary blasting that the airport is conducting in the rock quarry near his home. He stated that there is a resolution about this on the agenda, but he is troubled that no one alerted homeowners who have sustained damage about it. Mr. Boersma said that he has been told that the blasting company will not process his claim until the blasting is completed because they expect to receive more claims from additional homeowners. He stated that he is left not knowing when the blasting will stop or when his claim will be addressed, and he is bringing this to the Board's attention because the County is a partner in the airport and the body responsible for appointing half of the members of the Airport Authority.

Mr. Boersma said these actions are essentially being undertaken in the Board's name. He stated that Mr. Rooker had visited the neighborhood during some of the blasting and asked him to imagine the effect of a blast more than seven and one-half times stronger than what he experienced. Mr. Boersma said, only after the worst of the blasting did the airport agree to undertake any of the assessments of the damage that has been caused. He said he and his neighbors need the Board's help because they are living under a black cloud that will not go away. He requested that the entire Board take action directing its appointees on the Airport Authority – Tom Foley and Bill Kehoe – to permanently close the blasting pit once the current project is completed.

Mr. Daniel Bowman addressed the Board, stating that he has lived in Albemarle County for seven years and was before them to recognize the second anniversary of infamous, ignoble actions made by the Board on June 8, 2011 near midnight. Mr. Bowman said that those actions were taken after hundreds of citizens had left the room thinking that the meeting would soon be adjourned. At that point, he said, the majority of the Board voted to throw out the Board's operating guidelines – which had been agreed to unanimously not long before that meeting. Mr. Bowman stated that a motion was then offered – taking advantage of the late hour and the ill health of one of the Board members – on his behalf, and then passed to revive the proposed Western Bypass for Route 29 North. He said that in the two years since, the Board along with the MPO and VDOT has received thousands of critical comments of that proposal, and no transportation planner, organization, or representative of VDOT or the MPO – or the Board – has offered a single substantive rebuttal of any of those criticisms. Mr. Bowman stated that everything they've learned over the past two years reminds them that the proposed bypass will not reduce congestion, will not improve levels of service, will reduce rather than improve safety, will have adverse environmental and economic impacts – and will improve travel time be mere seconds, if at all. He said that the strongest argument offered for the proposed bypass is that the idea has been around for a long time, and finally doing something – anything – is better than doing nothing. Mr. Bowman stated that wasting \$1/2 billion or more of taxpayers' money is much worse than doing nothing. He said two years ago the Board definitely changed the County's position on the proposed bypass and suggested the Board do it again today.

Mr. Preston Gentry addressed the Board, stating that the Board would be reconsidering its decision about letting career firefighters volunteer in the County's fire stations and encouraging them to look at how other localities do it. He said it would greatly improve the relationship if we were able to have career people come back to our station and volunteer and would greatly improve the relationship between career [staff] and volunteers. He said it would certainly bring a higher training aspect to our volunteer companies if career people were allowed to volunteer [and] it would save the taxpayers some money so that we don't have to come and ask for more career people if our volunteers are not able to be there. He also asked the Board not to go behind closed doors and make this decision.

Mr. Tom Loach addressed the Board, stating that he is representing the Crozet Community Advisory Council and expressed support for the proposition that would allow paid staff to volunteer in fire stations. Mr. Loach said that the community doesn't understand why other counties in the area can have paid staff volunteer, but not Albemarle; they also don't understand why there can be members of the County fire department from Augusta, Waynesboro and Charlottesville without a problem. He stated that all of the volunteer fire stations depend on redundancy of firefighters, which means there needs to be enough firefighters to staff multiple pieces of equipment leaving the firehouse for a variety of calls. Mr. Loach said that any threat to this redundancy is also a threat to citizens' lives, safety and property. He

stated that he doesn't know how many firefighters/paid staff will come back, if they'll come back, but it will stop the bleeding.

Mr. Timothy Cersley addressed the Board, stating that he is Fire Chief of Scottsville Fire Department as well as a paid fire captain for the City of Charlottesville. He said that the fire stations are asking them to reconsider their decision to not allow members of ACFR staff to volunteer in the County, adding that they need the help and his station, in particular, has lost three personnel to ACFR staffing positions. Mr. Cersley said that two of them are captains and one is a senior firefighter, and the Board is aware of the requirements for training and how long it takes to get an individual trained – and when they get to that level of training and move to the next step, they've depleted the station's ability to offer services currently given to the community where they serve. He pointed out that this is detrimental to the volunteer fire service. He stated that there are numerous localities that have paid staff who also serve as volunteers, and asked the Board to look at those policies which would allow members to serve their own communities.

Dr. Charles Battig addressed the Board, stating that he has been requesting an answer from the School Board and the Board of Supervisors as to how the schools determined that Wi-Fi installations were safe for K-12 children. He said that when he mentioned a FOIA request, he received highlights from the school health advisory board's 2012-13 activities. Dr. Battig stated that the schools' answer in defense of their safety has been: "The strength of RF fields is greatest at its source, diminishes quickly with distance." Dr. Battig said that, while this may be true, it's not relevant to his concerns because Wi-Fi antennas are designed to blanket classrooms with maximum uniform radiation to overcome the inverse square law – everything falls off at a distance. He emphasized that the health advisory board has also countered the safety issues regarding absorption with irrelevant half-truths, and Wi-Fi MHz levels are around 2400 – the same frequency that a microwave oven has. Dr. Battig also noted that the biological effects are frequency and subject age dependent, which has not been factored in the schools' position. He said that the World Health Organization's report dated May 2011 classifies radio frequency electromagnetic fields as a possible carcinogenic agent to humans, but that is not what the School Board is quoting. He also said that, in that same report, the WHO chairman said, "The evidence, while still accumulating, is strong enough to support a conclusion and a 2B classification. The conclusion means there could be some risk and, therefore, we need to keep a close watch on the link between cell phones and cancer risks." Dr. Battig stated that the Food and Drug Administration, under the law, does not review the safety of radiation-emitting consumer products such as cell phones and similar wireless devices before they can be sold. He presented a letter from the EPA, which points out standards dating back to 1996 – which do not apply to the issue of prolonged exposure, to children, etc.

Dr. Battig said it is his hope that this rises to the level of interest and concern for our overrun deer population with wasting disease, because this is affecting our children.

Ms. Nancy Carpenter addressed the Board, stating that she is very concerned that there has only been "minimal movement" to resolve the noncompliance issues that exist between HUD, the County housing authority, and the PHA. She said that the County continues to fund seven of nine project-based vouchers, as time is getting short, and asked if the plan is to throw people out of their homes. Ms. Carpenter also mentioned the "center of risk reduction," which is a method to use a justice reinvestment initiative to control correctional system costs, and said that it seemed to her that the savings would be put into administrative costs rather than toward reinvesting in communities that have higher incarceration rates. She stated that the Offender Aid & Restoration (OAR) office is the appropriate agency to do this type of program, not a for-profit company like GE's subsidiary BI Incorporated. Ms. Carpenter said that she had recently attended a presentation on the Hydraulic Mills area, which is one of the areas affected by the proposed Western Bypass and is part of the rich history that still impacts the community today.

Mr. John Martin addressed the Board, stating that he sent some emails out over the weekend about the need to plan for the County's solid waste future and strongly believes that solid waste management is a core governmental function. Mr. Martin said that every time the subject comes up on planning for future solid waste needs, he would ask that the Board first think about the water supply and the marvelous plan this community came up with for water supply. He stated that this community can do it; this community can be a leader in the entire nation – not only in water supply, but also in solid waste. He stated that the County should just put its minds together, put our resources together and do it.

Mr. Gary Grant addressed the Board, stating that he is before them on behalf of the library board in an official capacity and presenting a resolution of appreciation to the Albemarle County Board of Supervisors for their recognition of the need for improved library facilities to meet the heavy demand for public library services. He stated that the Board took the bold step of approving funding for a new Crozet/Western Albemarle Library during a time of economic uncertainty, as well as championing a new Northside Library by acquiring the Phillips Building on West Rio Road which will meet the library needs of people in that area in addition to saving county taxpayers money over time. Mr. Grant said that the recognition is dated May 20, 2013 and signed by Deborah Willenborgh, president of the library board of trustees.

The Board thanked him for the resolution.

Ms. Helen Cauthen addressed the Board, stating that she has enjoyed her first year as President of the Central Virginia Partnership for Economic Development (CVPED) and, in her role as Executive Director of the Piedmont Workforce Network, presented the new CVPED brochure. Ms. Cauthen stated that Mr. Foley serves on the CVPED Board and Executive Committee, and they also partner closely with Lee Catlin and Susan Stimart. She said that they changed their name from TJPED because the eight participating jurisdictions felt that the name was strictly Charlottesville and Albemarle and might not be fully leveraging our assets as a region. Ms. Cauthen said that Martin Bradley, the Director of the Virginia Economic Development Partnership, indicated that they needed a louder voice and a bigger footprint in the marketplace, and this name helps them accomplish that. She also stated that Secretary Chang noted that the name had changed but the word 'partnership' stayed the same.

Mr. Steve Peters addressed the Board, stating that it was a pleasant surprise to learn that Mr. Dumler had stepped down, but only wished that Mr. Dumler had not put his victims which included women, constituents, the Board of Supervisors and the entire Scottsville District through this and that he had, instead, put them first after he was convicted of this sexual battery charge. He said it should not be forgotten how these ladies will, for the remainder of their lives, be dealing with these issues. He said he does not wish Mr. Dumler any ill will and is hopeful he can get his life together and appreciated him allowing the County to get on with the business of the County.

Ms. Stacy Norris addressed the Board, stating that she finds herself in an almost constant state of frustration over so many of the dogs they encounter, most of which are in legal situations, and the situations they have to leave them in after her group helps them. She emphasized that the animal welfare codes are "vague" and "highly interpretive," not just to animal control officers but also to judges. Ms. Norris stated that she knows who is causing neglect to the dogs in the community and believes she knows how to stop them, as people don't like to be in trouble with the law. She said we try to educate people in how to better treat their animals, but often we fall very short because, in the end, whether they care or not or what's moral – they certainly care what's legal. She said that the Board has the power to further amend certain parts of the local animal welfare ordinances and make them more specific, which can only better the lives of the animals, make it much simpler for the animal control officers as well as the judges, and make it less costly for taxpayers. She said she struggles to understand what's stopping the Board from doing so. She added that she would soon have the statistics from the last season of the House Project, and would email each of the Board a copy.

Mr. Rooker asked Ms. Norris if she had one or two model ordinances adopted by other jurisdictions that she felt would be better than Albemarle's ordinance.

Ms. Norris responded that she did, and Sharon Ackerman had shared some of them with the Board several years ago. She stated that there were some very simple changes to words in the ordinance that would help dramatically, and the animal control officers would agree such as changing "adequate water supply" to "constant water supply." Ms. Norris said that determining there is dehydration requires a swab and a test, but requiring that there be water available all the time is very easy to monitor.

Mr. Corky Shackelford addressed the Board, stating that he is before them as a volunteer with Virginia Cooperative Extension Service and thanked them for authorizing the extension service's funding for this year. He stated that Virginia Cooperative Extension is their local connection to Virginia's land grant colleges – Virginia Tech and Virginia State University – and provides research-based information and programming for the benefit of citizens' lives and businesses. Mr. Shackelford said that their local office involves four agents and four staff members who oversee more than 300 active volunteers working in the community, and local support for extension is matched by state and federal funds with the result that each dollar supplied by Albemarle County returns \$3.32 in total support. He said that, if the time of the volunteers is taken into account, each local dollar has a return of \$4.16. Mr. Shackelford said that a common misconception is that cooperative extension exists only for agricultural support and, while that was its original purpose, the emphasis today is much broader – encompassing a great many programs for urban as well as rural citizens. He stated that some of the local programs include pesticide applicator certification classes, consumer horticulture help desks, farmer's markets, and 4-H activities in and out of schools. Mr. Shackelford said that there are more than 300 volunteers, including not only local volunteers but an advocacy group to get state and federal funding. He thanked the Board for their support and said he hoped it would continue.

Ms. Mallek stated that she had participated in the water well testing program and encouraged people to take advantage of the program, noting that, for \$40, they can get about \$200 worth of water testing done.

Mr. Shackelford said that has been a very popular and successful program.

Agenda Item No. 8. Consent Agenda. **Motion** was offered by Mr. Boyd, **seconded** by Mr. Rooker, to approve Item 8.2 through 8.7a, to move Item 8.1 to the regular agenda, to pull Item 8.4 for discussion in the afternoon, and to accept Items 8.8 through 8.11 for information. (**Note:** Discussions on individual items are included with that agenda item.) Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Item No. 8.1. Resolution: Airport Runway Construction Project. **Moved to the regular agenda.**

Item No. 8.2. Public Recreational Facilities Authority Fiscal Services Memorandum of Agreement.

The executive summary states that the Albemarle County Public Recreational Facilities Authority (PRFA) was created by the Board of Supervisors in 1990 for the purpose of being a holder of conservation easements in Albemarle County. The PRFA co-holds many of these easements, such as the ACE easements, with the County. Though its members are appointed by the Board of Supervisors, the PRFA is an independent political subdivision.

Until recently, the PRFA received no funds, and therefore did not need to maintain any accounts or track any funds. However, beginning in late 2011, both the PRFA and the County began to receive state funds from the Virginia Land Conservation Fund's Transfer Fee Stewardship Fund. The PRFA received \$3,222.63 of these state funds in late 2011, and \$53,935.13 of these state funds in late 2012. Because the PRFA had not previously received funds and lacked its own account, the County's Department of Community Development, which works most frequently with conservation easements, received and held these funds separately, awaiting the creation of a PRFA account.

At the request of the PRFA, Community Development has hired a part-time employee to monitor the PRFA's conservation easements, which is the purpose of the state grants. Before the PRFA can reimburse Community Development for these services (or make any other expenditure), its funds must be properly accounted for.

County staff, in conjunction with the PRFA, has prepared a proposed Memorandum of Agreement for the County to provide fiscal services to the PRFA for Board approval. In exchange for an administrative fee of one percent (1%) of the PRFA's monthly funds received, the County would act as the fiscal agent for the PRFA, creating and maintaining separate account(s) for the PRFA. Upon receipt of income designated for the PRFA, the Board would appropriate those funds to the PRFA. Thereafter, the PRFA would have sole discretion over the expenditure of its designated funds. The County would simply act as the PRFA's fiscal agent. Either party may terminate the agreement with 30 days written notice, in which case any fund balance would be transferred to the PRFA for its own management.

Under the proposed Agreement, the County would collect an administrative fee of one percent (1%) of the PRFA's monthly funds received, offsetting any fiscal impact to the County.

Staff recommends that the Board authorize the County Executive to execute the proposed Memorandum of Agreement, approved as to form and content by the County Attorney, for the provision of fiscal services to the Albemarle County PRFA.

(Discussion: Mr. Boyd said that he didn't have a problem with this item, but wondered if the County still had a need for that particular group as they were set up by the Board about 20 years ago.

Ms. Mallek responded that they are the only group the County has that supervises all of the easements given during development projects – the conservation tracts for the clusters and related matters.

Mr. Davis explained that Albemarle was in the forefront of establishing this approach to holding conservation easements at a time when rural preservation tracts were done as part of the zoning ordinance and the County was looking for an entity to hold those. He said that state law authorized public recreational facilities authorities to hold those easements, and the concept for the County was to have them as a co-holder so the preservation tracts in the future would have an entity independent from the Board that would prevent a future Board from simply changing the zoning ordinance and allowing those easements to be released in some fashion. Mr. Davis noted that the County has a legal right to hold easements also as a co-holder, and other entities may hold them as well. He added that PRFA holds many easements today, and the County would need to determine how the easements would be handled going forward if this entity no longer existed.

Mr. Rooker said that if they eliminated the entity, they would have to create a committee to basically do what the authority is doing today and believed that is a job that needs to be done.

Mr. Boyd said that it is fine to revisit these things after a number of years, and said that there had been a conflict of interest between the Board and this entity several years ago.

Mr. Rooker stated that he didn't mind looking at it either, but there would need to be some type of committee doing the job that this entity is currently doing, regardless.

Mr. Boyd responded that there was a staff person in Community Development that reviews these, but he wasn't sure how it worked.

Mr. Rooker asked if there was a significant cost associated with using PRFA.

Ms. Mallek said that it was funded with state money.

Mr. Davis explained that it is staffed, but that staff would have to continue to exist anyway to deal with easements. He said he wasn't sure, beyond the process of the committee itself, that there was any significant extra cost to what the County would otherwise have to do.

Ms. Mallek commented that she didn't see a need to go investigating this, because it works very well and, without it, the County would be turning its back on a strong easement process that's been very successful for many years.

Mr. Thomas asked if the fees include advertising. Ms. Mallek responded that this is a voluntary easement donation program, so there is no issue of notification.

Mr. Davis explained that there are two different programs – the ACE program, which is funded and has some associated costs, and the Public Recreational Facilities Authority, which is a co-holder of ACE easements but also holds other easements that aren't ACE-related.

Mr. Rooker said that, if he were donating an easement on his property, he would like to have an independent body participating in holding that easement because the County can change the zoning on property but having an independent agency holding an easement gives people a little more confidence in the process of granting an easement.

Mr. Boyd stated that he was convinced this was a good structure.

By the above-recorded vote, the Board authorized the County Executive to execute the following proposed Memorandum of Agreement, approved as to form and content by the County Attorney, for the provision of fiscal services to the Albemarle County PRFA:

**ALBEMARLE COUNTY PUBLIC RECREATIONAL FACILITIES AUTHORITY
(PRFA) FISCAL SERVICES MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is entered into this 16th day of May 2013, by and between the County of Albemarle, a political subdivision of the Commonwealth of Virginia (the "County") and the Albemarle County Public Recreational Facilities Authority, a political subdivision of the Commonwealth of Virginia (the "PRFA").

WITNESSETH:

Whereas, the PRFA has requested, and the County has agreed, to provide fiscal services to the PRFA beginning June 1, 2013.

Wherefore, the parties have agreed on the following services and compensation:

1. The PRFA will provide all start-up information (including this Agreement, W -9 tax form and the funds to be deposited) by May 15, 2013.
2. The County will receive, account, segregate, maintain and disburse funds for the PRFA.
3. The County shall provide said fiscal services for the PRFA for an administrative fee of one percent (1 %) of the PRFA's monthly funds received.
4. Any funds designated for the PRFA shall be received by the County and shall be appropriated annually (or as requested by the PRFA) by the Albemarle County Board of Supervisors for the purposes of the PRFA. The accounting of the funds shall be separately kept in a segregated fund designated for the PRFA. After said appropriation, the expenditure of said funds shall be at the sole discretion of the PRFA, subject to applicable law, and the limiting conditions of any contract, gift, or grant. If the Board of Supervisors should fail or refuse to appropriate any PRFA-designated funds to the PRFA, this agreement shall be subject to termination, with all such funds returned to the PRFA, pursuant to the terms of Section 10 herein.
5. An agent for the County shall deduct said administrative fee from the PRFA's account within 30 days of the end of any month in which the PRFA has received funds.
6. Funds being held in the County's PRFA account will accrue interest based on the County's monthly allocation process.
7. Funds will be disbursed only for PRFA-approved expenditures and only after approval by an authorized PRFA Member.
8. All PRFA Fiscal Activity, processed through County Records, will be subject to the County's Annual Audit.
9. This agreement may be amended with the mutual consent of the parties.
10. This agreement may be terminated by either party upon 30 days' written notice, in which event any remaining funds shall be turned over to the PRF A for its own management.
11. This agreement shall be effective when it has been signed by both parties.

In witness whereof, the parties hereto have executed this Memorandum of Agreement, effective as of the day and year set forth above.

COUNTY OF ALBEMARLE

By: _____
Thomas C. Foley, County Executive

Date: _____

ALBEMARLE COUNTY PUBLIC
RECREATIONAL FACILITIES AUTHORITY

By: _____
Charlotte D. Buttrick, Chair

Date: _____

Item No. 8.3. FY 2013 Budget Amendment and Appropriations.

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

The total increase to the FY 13 budget due to the appropriations itemized below is \$827,914.65. 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 eight (8) appropriations as follows:

- One (1) appropriation (#2013091) totaling \$193.03 for state revenue for the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals spay and neuter efforts and to adjust the budgeted amounts for the County's share of the services for the Juvenile and Domestic Relations District Court and the Magistrate;
- One (1) appropriation (#2013092) to distribute \$9,295.00 from the training pool to various departments. This appropriation will not increase the budget;
- One (1) appropriation (#2013093) totaling \$95,811.17 for various school division programs;
- One (1) appropriation (#2013094) totaling \$5,568.75 to support Community Development's conservation easement monitoring services;
- One (1) appropriation (#2013095) totaling \$76,341.70 from the Commission on Children and Families to the County of Albemarle and City of Charlottesville;
- One (1) appropriation (#2013096) totaling \$350,000.00 for Department of Social Services expenditures that will be entirely reimbursed by state and federal revenues;
- One (1) appropriation (#2013097) totaling \$300,000.00 for tax overpayment refunds; and
- One (1) appropriation (#2013098) totaling \$1,779,558.00 for a transfer from the FY12 School Fund balance to the FY13 Capital Improvement Program Funds. This appropriation will not increase the budget.

Staff recommends approval of appropriations #2013091, #2013092, #2013093, #2013094, #2013095, #2013096, #2013097, and #2013098 to provide funds for various local government projects and programs as described in Attachment A.

<u>Appropriation #2013091</u>		<u>\$193.03</u>
Source:	State Revenue	\$ 193.03

This request is to:

- appropriate \$193.03 in state revenue to support the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals' (SPCA) spay and neuter efforts. This revenue is dedicated for this purpose and is provided in addition to the County's formula contribution to the SPCA.
- to adjust the budgeted amounts for the County's share of the services for the Juvenile and Domestic Relations District Court and for the Magistrate based on actual charges. This appropriation will increase the Juvenile and Domestic Relations District Court contribution by \$76.00 and decrease the Magistrate contribution by \$76.00. The total combined cost for these services remains the same.

<u>Appropriation #2013092</u>		<u>\$0.00</u>
This re-appropriation will not increase the County Budget.		
Source:	Training Pool	\$ 9,295.00

This request is to re-appropriate \$9,295.00 from the Training Pool funding to various departments for training opportunities and to return \$13,000.00 to the Training Pool for training funding that was requested but not used. The Board approved funding for training in the amount of \$83,807.00 in the FY 12/13 budget in support of its strategic objective to expand opportunities for training and professional development. After this appropriation, \$35,255.00 will remain in the training pool. This re-appropriation will not increase the total County budget.

<u>Appropriation #2013093</u>		<u>\$95,811.17</u>
Source:	School Fund Balance	\$ 43,498.36
	Self-Sustaining Fund Balance	\$ 52,312.81

In light of School Board Goals 3 and 4, Albemarle County Public Schools has increased its efforts to support teachers pursuing National Board Certification over the past two years. Effective July 1, 2008, \$7,268.00 was transferred from Human Resources to Professional Development to cover the costs associated with the National Board Certification process, including a \$1,000.00 stipend for teachers who have achieved certification. With the increase in participation, the estimated cost to support teachers who have received or are pursuing National Board Certification is \$68,245.00 for FY 12/13. The School Division requests an appropriation of \$43,498.36 from the School Fund Fund Balance that will be combined with funds previously appropriated through the budget process to pay stipends, certification and re-certification fees associated with National Board Certification.

Advanced Placement (AP) Science materials were reviewed during the 2011-12 school year and received by the School Board on July 12, 2012. The materials were placed on public display on July 13, 2012 and approved by the School Board on August 23, 2012. This re-appropriation is requested to purchase the materials reviewed during FY 11/12 but approved during FY 12/13. The total cost of purchasing the materials is \$59,816.79. A re-appropriation of \$52,312.81 will be combined with funds previously appropriated through the budget process to purchase the School Board approved materials for all AP science students in related courses.

Appropriation #2013094		<u>\$5,568.75</u>
Source:	State Revenue	\$ 3,595.68
	General Gov't Capital Fund fund Bal	\$ 1,973.07

As authorized by the Public Recreational Facilities Authority (PRFA) at its May 9, 2013 meeting, this request appropriates \$3,595.68 of Department of Conservation and Recreation (DCR) revenue received in FY 13 and \$1,973.07 of DCR revenue received in FY 12, which is now included in the General Government CIP fund balance, for a total appropriation of \$5,568.75 to support Community Development for its conservation easement monitoring services during FY 13.

Appropriation #2013095		<u>\$76,341.70</u>
Source:	CCF Fund Balance	\$ 76,341.70

This request is to appropriate \$76,341.70 from the Commission on Children and Families (CCF) fund balance to the County of Albemarle and the City of Charlottesville. At its December 12, 2012 meeting, the Board of Supervisors approved a resolution to dissolve the CCF and to return any unexpended funds contributed by the City to the City. Because the County and City equally funded the CCF, the remaining \$76,341.70 fund balance of the CCF accounts is to be split equally. The County's share of this balance (\$38,170.85) will be placed in the Reserve for Contingencies.

Appropriation #2013096		<u>\$350,000.00</u>
Source:	State Revenue	\$ 175,000.00
	Federal Revenue	\$ 175,000.00

This request is to appropriate \$350,000.00 for foster care and adoption expenditures that will be fully reimbursed by state and federal revenues. These expenditures are primarily due to increases in the number of court ordered foster care cases, which have doubled since FY 11/12, and the number of children living in residential or group homes, which is more expensive than living with a family.

Appropriation #2013097		<u>\$300,000.00</u>
Source:	General Fund Balance	\$ 300,000.00

This request is to appropriate \$300,000.00 from General Fund balance for tax overpayment refunds based on anticipated expenditures in FY 12/13. The annual budget includes an amount each year to pay refunds owed by the County.

Appropriation #2013098		<u>\$0.00</u>
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This appropriation will not increase the County Budget.

Source:	School Fund fund Balance	\$ 1,779,558.00
	School Capital Fund fund balance	-\$1,000,000.00
	Gen. Gov't Capital Fund fund balance	-\$ 779,558.00

This request is to appropriate \$1,779,558.00 of FY 11/12 School Fund fund balance in excess of the 2% limit established in the Board's Financial Management Policies to the County's Capital Improvement Program. The Board of Supervisor's approved policy reads as follows:

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

The funds requested to be transferred to CIP have been adjusted to account for the return of the 10% carry-forward funds in accordance with a long-standing fiscal practice by both the School Board and Board of Supervisors as outlined in the [1993 Board Resolution](#). Other adjustments include the appropriation of carry-over building rental funds and the School Division's requested use of Fund Balance included above in Appropriation Request #2013093.

The calculation used for the transfer of School Fund fund balance to the Capital Program computation is included below:

June 30, 2012 audited School Operating Fund fund balance	7,931,949
Less FY 12/13 appropriated use of fund balance	2,790,771
Less National Board Certification Request (Approved by School Board on 11/29/12 and Requested for BOS Approp. on June 5, 2013)	43,498
Less Building Rental Carryover (Appropriation approved by the BOS on April 3, 2013)	85,365
Less Adjustment for 10% Carryover (Appropriation approved by the BOS on April 3, 2013)	207,759
Non-appropriated School Operating Fund fund balance	4,804,556
FY 12/13 Adopted School Operating Fund Budget	151,249,906
2% Threshold	3,024,998
Non-appropriated fund balance less 2% threshold	1,779,558
Transfer to CIP (100% of amount above 2%)	1,779,558

\$1,000,000 of these revenues will be budgeted for the School Division pay-as-you-go projects that would otherwise be required to be funded by CIP Fund fund balance monies and the balance of \$779,558.00 will be applied the General Government pay-as-you-go projects. This will reduce the use of the Capital Program Fund fund balance for pay-as-you-go projects.

Funds remaining in the 2% School Reserve Fund will be available for School Division purposes subject to appropriation by the Board of Supervisors.

(Discussion: Mr. Boyd stated that there is a reference pertaining to a 10% carry forward as has been enforced through a 1993 Board resolution. He asked what that 10% is, and whether it was at the building level.

Mr. Foley responded that the 10% is at the building level, and it's something that has been referenced at lots of meetings, with the schools holding back some of that funding at the building level to reinvest their savings. He said, each year, the Board has appropriated that back, and it's usually a couple hundred thousand dollars. He noted that staff had referenced back and found the resolution from 1993 establishing that policy.

By the above-recorded vote, the Board approved appropriations #2013091, #2013092, #2013093, #2013094, #2013095, #2013096, #2013097, and #2013098 to provide funds for various local government projects and programs as set out below:

**COUNTY OF ALBEMARLE
 APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2013091	3-1000-22000-322000-220106-9999	193.03	SPCA-STERIZATION FUND
2013091	4-1000-21050-421050-700004-1002	76.00	JUVENILE COURT
2013091	4-1000-21030-421030-700003-1002	-76.00	MAGISTRATES OFFICE
2013091	4-1000-39001-439000-565510-1003	193.03	SPCA-STERILIZATION FUND
2013092	4-1000-32012-432010-550100-1003	3,680.00	TRAVEL/TRAINING/EDUCATION
2013092	4-1000-11010-411010-550100-1001	1,600.00	TRAVEL/TRAINING/EDUCATION
2013092	4-1000-12031-412030-601108-1001	1,465.00	TRAINING SUPPLIES
2013092	4-1000-12141-412140-550100-1001	2,550.00	TRAVEL/TRAINING/EDUCATION
2013092	4-1000-53011-453010-550100-1005	-13,000.00	TRAVEL/TRAINING/EDUCATION
2013092	4-1000-99900-499000-999984-9999	3,705.00	TRAINING POOL
2013094	4-1000-81021-481020-130000-1008	5,568.75	P/T Wages
2013094	3-1000-24000-324000-240049-1007	3,595.68	DCR Revenue
2013094	3-1000-51000-351000-512031-9999	1,973.07	TRS. FR.-G/F CIP
2013094	4-9010-93010-493010-930009-9999	1,973.07	TRS TO GENERAL FUND
2013094	3-9010-51000-351000-510100-9999	1,973.07	Use of Fund Balance
2013095	3-1000-19000-319000-190510-1005	38,170.85	RECOVERED COSTS-FINAL---CCF
2013095	4-1000-99900-499000-999990-9999	38,170.85	CONTIN-BUDGET ADJUSTMENTS
2013095	3-4400-51000-351000-510100-9999	76,341.70	APPROPRIATION-FUND BAL
2013095	4-4400-54101-454101-970020-1005	38,170.85	CTY CHARLOTTESVILLE - RESOLUTION
2013095	4-4400-54101-454101-970010-1005	38,170.85	CNTY - ALBEMARLE - RESOLUTION
2013096	3-1000-24000-324000-240114-1005	175,000.00	SERVICES-SOCIAL SERVICE
2013096	3-1000-33000-333000-330022-1005	175,000.00	SERVICES-SOCIAL SERVICES
2013096	4-1000-53013-453010-570600-1005	185,000.00	AID TO D.C. - FOSTER CARE
2013096	4-1000-53013-453010-570610-1005	165,000.00	ADOPTION SUBSIDY
2013097	3-1000-51000-351000-510100-9999	300,000.00	App from GF FB
2013097	4-1000-92010-492010-580301-9999	300,000.00	Refunds
2013098	3-9010-51000-351000-512001-9999	779,558.00	TRS FR SCHF SUP&EXP SAVINGS

2013098	3-9010-51000-351000-510100-9999	-779,558.00	Use of Fund Balance-GG CIP Fund
2013093	3-2000-62000-351000-510100-6599	43,498.36	Use of Fund Balance
2013093	4-2000-62117-461311-580500-6502	43,498.36	Staff Development
2013093	3-3909-63909-351000-510100-6599	52,312.81	Use of Fund Balance
2013093	4-3909-63909-461101-602000-6599	52,312.81	Textbooks
2013098	3-2000-62000-351000-510100-6599	1,779,558.00	Use of Fund Balance
2013098	4-2000-62101-493010-930004-6599	1,000,000.00	TRS to SCH CIP Fund
2013098	4-2000-62101-493010-930010-6599	779,558.00	TRS to GG CIP Fund
2013098	3-9000-69000-351000-512001-6599	1,000,000.00	TRS FR SCHF SUP&EXP SAVINGS
2013098	3-9000-69000-351000-510100-6599	-1,000,000.00	Use of Fund Balance-SCH CIP Fund
TOTAL		5,295,233.14	

Item No. 8.4. FY 13/14 Resolution of Appropriations.

The executive summary states that the County's FY 13/14 Operating and Capital Budgets were adopted by the Board of Supervisors on April 3, 2013, for a total projected amount of \$322,450,923. On April 25, 2013, the School Board officially adopted the School Fund and the School Self-Sustaining Fund budgets. The attached Annual Resolution of Appropriations for the fiscal year ending on June 30, 2014 provides the authority from the Board of Supervisors for the County to spend those funds, effective July 1, 2013.

This comprehensive resolution appropriates the total County budget, including both general government and school operating and capital funds, School Self-Sustaining and initial Special Revenue Fund appropriations in a single resolution.

Staff recommends approval of the Annual Resolution of Appropriations for FY 13/14 (Attachment A) that allocates a total of \$322,454,521 to various General Government and School Division operating, capital improvement, and debt service accounts for expenditure in FY 13/14.

The FY 13/14 total budget recommended for appropriation is \$3,598 more than the budget formally adopted by the Board on April 3, 2013 due to changes in the School Fund and School Self-Sustaining Funds. The appropriated budget reflects the School Fund and School Self-Sustaining Funds that were approved by the School Board at its April 25, 2013 meeting.

In addition, in accordance with the County's new multi-year Capital budgeting policy, this resolution includes \$31,706,335 in funding to carry forward incomplete capital projects. A summary of these projects is included in Attachment B and is summarized below:

On May 1, 2013, the Board directed staff to include in the June 2013 FY 13/14 Appropriation Resolution:

- An appropriation that will carry forward funding for the currently funded capital project budgets in FY 12/13 that are recommended to carry forward into FY 13/14 in an amount not to exceed a total of \$15,000,000;
- An appropriation for those CIP projects that have not incurred expenditures or encumbrances in FY 12/13 but are recommended to carry forward into FY 13/14. The total amount of these CIP projects is estimated at \$7,907,303;
- An appropriation that will carry forward the balance of funding for the Northside Library project, estimated to be \$8,799,032. This project has been added to the list of multi-year projects presented to the Board on May 1 and included in Attachment B.

This appropriation totals \$354,160,856 and is made up of the following major funds:

General Fund	\$228,495,767
School Fund	155,300,641
School Self-Sustaining	17,211,232
Special Revenue	18,362,121
Capital Projects	20,981,730
Debt Service	16,798,983
SUBTOTAL	\$457,150,474
<u>Less Inter-fund Transfers</u>	<u>(\$134,695,953)</u>
TOTAL (new appropriations)	\$322,454,521
<u>Carry Forward Capital Projects</u>	<u>\$31,706,335</u>
GRAND TOTAL	\$354,160,856

In accordance with the Capital Budget, staff also recommends approval of the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

This would allow the County to use up to \$41,017,684 in bond proceeds to reimburse the capital budget for expenditures as indicated in Attachment C, Exhibit A.

(Discussion: Mr. Boyd stated that he wanted to pull out Item 8.4A, as he was unaware at the time the Board made the vote on its budget, there was an allocation to the Virginia Organizing Project (VOP) for \$4,000. He said further information has come to his attention that this is more of a political organization than a nonprofit.

Ms. Mallek said that this is an obesity project in which the VOP would actually be the “legs” to carry out the information brought forth by the health project and obesity team.

Mr. Boyd stated that there are other entities working on obesity issues, including the schools.

Ms. Mallek said the Board would have to vote on that matter then.

Mr. Rooker suggested pulling that particular appropriation out and having someone from staff come back at the end of the day to explain in more detail what VOP’s participation in this is, because his understanding is that this is a subsidiary of VOP intended to carry out projects of this nature.

Mr. Boyd said that he has heard this explanation already.

Mr. Rooker said that he would still like staff to present this to the full Board.

Mr. Foley said staff would come back in the afternoon and provide what they could.

Mr. Davis stated that Ms. Allshouse had already prepared the budget pages for approval, so they would simply remove the item and put the money in a contingency fund – so it could later be appropriated if the Board decided to use it for VOP.

Mr. Rooker suggested delaying the entire appropriation and just coming back at the end of the meeting to approve it.

Item No. 8.5. FY 13/14 Historic Preservation Funding.

The executive summary states that the FY 13/14 Adopted Budget includes \$13,000 identified for historic preservation purposes. At its March 11, 2013 budget work session and April 3, 2013 meeting, the Board requested additional information on potential uses for this funding from the Albemarle Charlottesville Historical Society and Community Development Department. As a follow-up to that discussion, and after meeting and discussing the matter with the Historic Preservation Committee, staff is now providing a recommendation for the Board’s consideration regarding direction on the specific use of this funding.

The Albemarle Charlottesville Historical Society requested \$13,000 for the following programs:

- Civil War Sesquicentennial – Battle of Rio Hill Commemoration (\$8,000): This program will commemorate the 150th anniversary of the battle of Rio Hill, the only Civil War battle within this community, in March 2014. The Virginia Sesquicentennial History Mobile will be part of the program, along with another state developed exhibit and new local exhibit.
- Community Educational Exhibitions (\$5,000): These exhibits will expand a mobile exhibit program, which began in 2012 as part of the City of Charlottesville’s Celebrate250 program, to include themes based in Albemarle County. These exhibits will aim to introduce the community and visitors to the rich and diverse history of the area and become a reusable resource for area schools.

Alternatively, funding could be provided to support historical preservation efforts through the Historic Preservation Committee. At its April 2013 meeting, the Historic Preservation Committee supported the use of this funding as proposed by the Historical Society, with a request that any unused funds be allowed to fund an intern to help with updating the County’s GIS information on Registered Historic Resources.

The FY 13/14 Adopted Budget includes \$13,000 for Historic Preservation purposes.

Staff recommends that the Board authorize the expenditure of \$13,000 as proposed by the Albemarle Charlottesville Historical Society with the condition that any unused funds be returned to the County to be used by Community Development for assistance with updating the County’s GIS information on Registered Historic Resources. Based on the Board’s direction, staff will prepare an appropriation for approval at a future Board meeting.

By the above-recorded vote, the Board authorized the expenditure of \$13,000 as proposed by the Albemarle Charlottesville Historical Society with the condition that any unused funds be returned to the County to be used by Community Development for assistance with updating the County’s GIS information on Registered Historic Resources. Based on the Board’s direction, staff will prepare an appropriation for approval at a future Board meeting.

Item No. 8.6. Capital Improvement Program Process.

The executive summary states that the Capital Improvement Program (CIP) process is a two-year planning cycle which begins with a detailed review of ten-year needs and the development of the five-year capital plan in the first year and a streamlined review of amendments to the existing CIP in the second year. For either year of the two-year planning cycle, preparation of the CIP is an interactive process that takes approximately six to eight months.

In support of Goal #2 ("Provide community facilities that meet existing and future needs"), one of the subteams working on this goal focused on improvements to the evaluation practices and procedures used to assess the community's facility needs. During last year's cycle, representatives of the subteam attended meetings of the Technical Review Committee (TRC) and the Oversight Committee (OC) to observe and evaluate the CIP review and approval process and consider recommendations for improvements.

During this year's CIP work sessions, staff reviewed the proposed recommendations with the board, which are summarized below. The purpose of this agenda item is to seek board approval of process changes, modifications to the Technical Review and Oversight Committee charters, and implementation of a Financial Review Committee to assist OFD and OMB in developing a balanced five-year CIP.

During the FY 14 CIP development process, several recommendations were forwarded to the Board from the TRC and the OC to revise the CIP development process.

- Revise the Two-Year Cycle: The recommended revision maintains a two-year planning cycle but allows new project requests for the five-year CIP during both cycles; the ten-year Capital Needs Assessment (CNA) would continue to be updated every other year in the second-year. This revision supports the previous change in tax assessments from once every two years to the current practice of annual assessments and ensures the County is able to take advantage of current capital opportunities if revenues become available.
- Incorporate a Financial Review Committee into the process: Develop a Financial Review Committee (FRC) Charter and identify its responsibilities: The FRC will include representatives from the Finance Department and the Committee will review the Capital revenue and debt assumptions (current and projected requests) to assure that they are accurate and have been well researched and documented. The FRC's review will provide the base scenario for the TRC's ranked projects and together provide a recommended scenario. The FRC will review OC's scenarios and final recommendation to assure that the recommended five-year CIP is aligned with approved financial policies. The FRC will meet at least 3 times throughout the cycle: review base assumptions in September, review TRC recommendations in October, and review OC recommendations in November. The membership of the FRC is the TRC Facilitator, an OMB representative, a Finance Department representative and a School Division representative.
- Revise the TRC Charter and the Committee's responsibilities: The revision will change the primary deliverable of the TRC from a balanced five-year CIP to be a ranked summary of projects. Forwarding a balanced five-year CIP will be a joint effort of the TRC and FRC; the process of balancing will primarily be FRC's responsibility while TRC will provide project opportunities for various financial scenarios.
- Revise the OC Charter to establish the Director of OFD as the co-facilitator for the OC.

There is no budget impact for this action item.

Staff recommends the Board approve the revised charters for the TRC (Attachment A) and the OC (Attachment B), and approve the FRC Charter (Attachment C) to implement the following changes to the CIP Process:

- Maintain a two-year CIP to the Board planning cycle that allows new requests each year of the cycle and amends the CNA (years 6-10) every other year in the second year of the planning cycle;
- Revise the TRC Charter to reflect the primary deliverable of TRC will be a ranked summary of projects and, in consultation with the FRC, forwarding a balanced five-year CIP to the Board;
- Revise the OC Charter to establish the Director of OFD as the co-facilitator for the OC; and
- Implement the FRC Recommendation.

(Discussion: Mr. Boyd asked about Item 8.6 and the Financial Review Committee being added to the oversight process, noting that the Board receives a financial review currently with a five and ten-year outlook and is trying to figure out what this new group is going to do other than add a layer to it.

Ms. Mallek said that it's more of a subcommittee to divide up the responsibility of preparing the information to come to the CIP committee so that it involves both the project needs and financial aspects. She said she did not consider it to be an extra layer, but was going to put expertise to its best use.

Mr. Foley explained that it's really just formalizing what's already happening now, with the only new aspect being the addition of the schools to this review as part of the joint CIP being developed.

Mr. Boyd commented that they need to be aware of the human costs and personnel costs involved with anything they add to the process.

Mr. Foley agreed, adding that those folks are sitting at the table together anyway.

Mr. Rooker said that, with the Financial Review Committee, it's a question on the timing of when they provide their input and, as a member of that committee, he supports getting that information earlier in the process. He mentioned that not having this committee structure has actually added work, because the CIP Committee will go further in their analysis and not have the appropriate input – only to find out that they don't have the financial analysis needed on the front end.

By the above-recorded vote, the Board approved the following revised charters for the TRC and the OC, and approved the FRC Charter to implement the following changes to the CIP Process:

- **Maintain a two-year CIP to the Board planning cycle that allows new requests each year of the cycle and amends the CNA (years 6-10) every other year in the second year of the planning cycle;**
- **Revise the TRC Charter to reflect the primary deliverable of TRC will be a ranked summary of projects and, in consultation with the FRC, forwarding a balanced five-year CIP to the Board;**
- **Revise the OC Charter to establish the Director of OFD as the co-facilitator for the OC; and**
- **Implement the FRC Recommendation.**

Capital Program Technical Review Committee Charter

Charge: The Capital Improvement Program (Capital Program) is the planning guide for County expenditures for major capital facilities and equipment and includes a five-year approved Capital Improvement Plan (CIP) balanced to revenues and a Capital Needs Assessment (CNA) to identify long-term capital needs beyond the five-year CIP. The Capital Program Technical Review Committee will assist the County in the Capital Program process by assuring that the technical aspects and costs of each of the requested projects have been well researched and documented. The team will also review, evaluate and document the need for each project and make recommendations for priority funding based on the established capital project evaluation criteria. The Capital Program Technical Review Committee will report their recommendations to the County Executive's Office and the Capital Program Oversight Committee.

Member Responsibilities:

- Review all project requests for clarity, accuracy and appropriate timing;
- Meet with project submitters to clarify requests and propose revisions, if needed;
- Rank requested projects based on established evaluation criteria;
- Review available revenues and debt service requirements for project requests based on approved County financial policies;
- Prioritize projects based on their ranking and available revenues;
- Together with the Financial Review Committee, develop a recommended CIP scenario (s) for the five-year CIP and the five-year CNA based on revenue projections approved by the Financial Review Committee;
- Forward the joint recommendation to the Capital Program Oversight Committee for their review.

Committee Composition: The Capital Program Technical Review Committee is recommended to be composed of the following members:

Director of Office of Facilities Development (Facilitator)
Director of General Services
Director of Building Services
Director of Planning or Chief of Planning
Executive Director, Fiscal Services
Chief of Police or Chief of Fire Rescue¹
Senior Project Manager
Budget Analyst

¹Public Safety Representative alternates.

The Office of Facilities Development's Director will serve as the facilitator to ensure that the Committee's work is documented and effectively communicated.

Time Frame:

The CIP Technical Team will meet as needed during the month of October.

Capital Program Oversight Committee Charter

Charge: The Capital Improvement Program (Capital Program) is the planning guide for County expenditures for major capital facilities and equipment and includes a five-year approved Capital

Improvement Plan (CIP) balanced to revenues and a Capital Needs Assessment (CNA) to identify long-term capital needs beyond the five-year CIP. The Capital Program Oversight Committee will assist the County in the Capital Program process by reviewing and evaluating the recommended Capital Improvement Program brought forward by the Capital Program Technical Review Committee. The Committee will assure that the proposed Capital projects are aligned with County policies, established priorities, guiding principles and long term vision, as defined in the County's Strategic Plan. The Committee will also assure that the recommended five-year CIP is aligned with approved financial policies and that the County's financial stability is maintained through the prudent use of its revenues. The Capital Program Oversight Committee will report its recommendations directly to the County Executive.

Member Responsibilities:

- Review the recommended Capital Improvement Program presented by the Capital Program Technical Review Committee;
- Ensure that the proposed project ranking is properly and consistently applied;
- Propose modifications/improvements to the project ranking system;
- Ensure that all Capital projects carry out the County's long-range goals and objectives;
- Ensure that the recommended five-year CIP addresses County needs through the proper timing, prioritization and balance of local government and school division projects;
- Ensure that County revenues are used wisely to address the County's capital needs and that the recommended CIP conforms to approved financial policies, including the use of on-going revenues and borrowed funds;
- Propose revisions or adjustments to the five-year CIP proposed by the Capital Program Technical Review Committee, if needed;
- Recommend a five-year CIP with any documented revisions to the County Executive.

Team Composition:

Two members of the Albemarle County Board of Supervisors
Two members of the Albemarle County School Board
One Planning Commission representative
One community/business representative

Staff Support:

Assistant County Executives
Assistant Superintendents of Schools
Director of Facilities Development
Director of Management and Budget
Director of Finance

The Director of Facilities Development and the Director of Management and Budget will serve as co-facilitators to ensure that the Committee's work is documented and effectively communicated.

Time Frame:

The Capital Program Oversight Committee will meet during the month of November.

Capital Program Financial Review Committee Charter

Charge: The Capital Improvement Program (Capital Program) is the planning guide for County expenditures for major capital facilities and equipment and includes a five-year approved Capital Improvement Plan (CIP) balanced to revenues and a Capital Needs Assessment (CNA) to identify long-term capital needs beyond the five-year CIP. The Financial Review Committee (FRC) will assist the County in the Capital Program process by reviewing the Capital revenue and debt assumptions (current and project requests) to assure that they are accurate and have been well researched and documented. The FRC's will review provide the base scenario for Technical Review Committee's ranked projects and together provide a recommended scenario. The FRC will review Oversight Committee's scenarios and final recommendation to assure that the recommended five-year CIP is aligned with approved financial policies. The Capital Program Financial Review Committee will report their recommendations to the appropriate Committee, Board, or Staff.

Member Responsibilities:

- Review all current revenues for accuracy and appropriate timing including the use of on-going revenues and borrowed funds based on approved County financial policies;
- Review all project requests to clarify and/or identify revenues or offsets including the use borrowed funds, for accuracy, and for appropriate timing based on approved County financial policies;
- Review current debt service schedule for accuracy and appropriate timing based on approved County financial policies;
- Ensure scenario(s) developed for the five-year CIP are aligned with approved financial policies and that the County's financial stability is maintained through the prudent use of its revenues
- Ensure scenario(s) developed for the five-year CNA are aligned with approved financial policies and that the County's financial stability is maintained through the prudent use of its revenues

- Together with the Technical Review Committee, develop a recommended CIP scenario (s) for the five-year CIP and the five-year CNA based on revenue projections approved by the Financial Review Committee;
- Forward recommendations to the requesting Committee, Board, or staff.

Committee Composition: The Capital Program Financial Review Committee is recommended to be composed of the following members:

OMB representative
Finance Department representative
School Division representative
TRC Facilitator

The OMB Representative will serve as the facilitator to ensure that the Committee's work is documented and effectively communicated.

Time Frame:

The Capital Program Financial Review Committee will meet a minimum of three times during the cycle: base assumptions review, Technical Review Committee Scenario(s), and the Oversight Committee Scenario(s).

Item No. 8.7. Rivanna Solid Waste Authority (RSWA) Support Agreements.

The executive summary states that over the last year, the County has considered alternatives to continuing solid waste services with the Rivanna Solid Waste Authority (RSWA). The County did not provide notice to RSWA by January 1, 2013 to extend the current funding agreements for services at the Ivy Materials Utilization Center (MUC) and the McIntire Road Recycling Center to FY14 so that the County could pursue other options. In doing so, County staff recognized that the County would need temporary agreements with RSWA for RSWA to continue providing services for the period of July 1, 2013 (the expiration date of the current agreements) until the County begins to manage those services, which is anticipated to be on or before January 1, 2014. The attached amendments to the current agreements (Attachments A and B) are provided to serve this purpose.

The Amendment No. 1 to Ivy Material Utilization Center Programs Agreement (Attachment A) continues the same funding arrangement for RSWA services at the MUC from July 2013 through December 2013. With the exception of the effective dates, the terms and conditions of this agreement are the same as the current agreement.

The Amendment No. 1 to Local Government Support Agreement for Recycling Programs (Attachment B) continues the same funding arrangement for RSWA services at the McIntire Road Recycling Center from July 2013 through December 2013. With the exception of the effective dates, the terms and conditions of this agreement are the same as the current agreement. It is noted that this agreement will also include the City as a participant, while the MUC agreement does not.

Finally, the County is currently soliciting proposals for services to begin on or before January 1, 2014, and staff anticipates a selected proposal will be brought to the Board in July 2013. If the Board agrees to accept the proposal, these agreements would be allowed to expire in December 2013. If the Board determines RSWA continues to provide the best option for County services, staff would then work with RSWA to amend these agreements to continue services past December 2013.

Based on historical payments to RSWA under the agreements, it is anticipated that between \$150,000 and \$200,000 will be expended between July and December of 2013. \$300,000 of funding was included in the FY14 Budget.

Authorize the County Executive to sign the two attached agreements with RSWA on behalf of the County, subject to approval as to content and form by the County Attorney.

By the above-recorded vote, the Board authorized the County Executive to sign the two following agreements with RSWA on behalf of the County, subject to approval as to content and form by the County Attorney:

**AMENDMENT NO. 1 TO
IVY MATERIAL UTILIZATION CENTER PROGRAMS AGREEMENT
BETWEEN
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 1** to the **Ivy Material Utilization Center Programs Agreement** (this "Amendment") is made this 7th day of June, 2013 by and between the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually a "Party", and together referred to as the "Parties").

- WHEREAS, the County and the Authority entered into a certain Ivy Material Utilization Center Programs Agreement dated August 23, 2011 (the "Agreement"), providing for the County's financial support for, and the Authority's operation of, the Ivy MUC; and
- WHEREAS, the Agreement provided that such financial support and operations continue through the Authority's fiscal year ending June 30, 2012, with the County retaining an exclusive option to extend the Agreement for two successive one-year periods by giving prior written notice to the Authority; and
- WHEREAS, the County exercised its first option to extend the term of the Agreement through June 30, 2013, but elected not to exercise its second option to extend the term through June 30, 2014;
- WHEREAS, the County desires to extend the Agreement for six months through December 31, 2013; and
- WHEREAS, in accordance with the County's request, the Authority declined to exercise an exclusive five-year option available to the Authority, effective July 1, 2013 through June 30, 2018 under a Disposal Agreement between the Authority and Waste Management, and is pursuing a new disposal agreement for solid waste received at the Ivy MUC for a shorter term ending December 31, 2013; and
- WHEREAS the termination of the existing Disposal Agreement will result in less solid waste tonnage being brought to the Ivy MUC by Waste Management and less revenue for the Authority, requiring the Authority to reduce the hours of operation of the Ivy MUC to achieve a corresponding reduction in operating expenses.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Quarterly Payments," is amended by inserting the following sentences at the end of such section:

For the fiscal year beginning July 1, 2013, the County agrees to make payments to the Authority on the first day of July and October, each payment equal to one-quarter of the Authority's proposed annual budget for that fiscal year. Within thirty (30) days of completion of the audited financial statements for the fiscal year ending June 30, 2014, the County shall make a subsequent payment to, or receive a refund from, the Authority based upon the difference between the budgeted and actual revenues and expenses as provided in Section 5 below.

2. **Amendment to Section 5.** Section 5 of the Agreement, entitled "Increase or Decrease in the Ivy Material Utilization Center Deficit," is amended by inserting the following sentence at the end of such section:

For the fiscal year beginning July 1, 2013, the Authority shall adopt an annual budget that shall include a December 31, 2013 expense target equal to one-half of the annual budget amount for all cost centers that affect the total Ivy MUC expenses. Upon completion of the audited financial statements of the Authority for the fiscal year ending June 30, 2014, the accounting of increases or decreases in actual Ivy MUC expenses (including allocations to Ivy Transfer Station and Ivy Operations from Administration) and reductions or increases in revenues, shall be based upon the full accrual accounting of those expenses and revenues as of December 31, 2013.

3. **Amendment to Section 6.** Section 6 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

6. **Term of Agreement**

This Agreement shall be effective upon execution and the County's financial participation requirements shall be retroactive to July 1, 2011 and shall continue through December 31, 2013.

4. **New Section 15.** A new Section 15 is inserted into the Agreement as follows:

15. **Labor Force.**

The obligation of the Authority to provide the services at the Ivy MUC required of it hereunder is contingent upon the Authority's ability to retain an adequate labor force to provide such services.

5. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

COUNTY OF ALBEMARLE:

Thomas C. Foley
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr.
Executive Director

Date

**AMENDMENT NO. 1 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 1** to the **Local Government Support Agreement for Recycling Programs** (this "Amendment") is made this 5th day of June, 2013 by and among the **City of Charlottesville, Virginia** (the "City"), the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually a "Party", and together referred to as the "Parties").

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the "Agreement") providing the terms of the City's and County's shared financial support and Authority's operation of the Recycling Services; and

WHEREAS, the Agreement provided that such financial support and operations continue through the Authority's fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014; and

WHEREAS, the County desires to extend the term of the Agreement for six months through December 31, 2013, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 2.** Section 2 of the Agreement, entitled "Quarterly Payments," is amended by inserting the following sentences at the end of such section:

For the fiscal year beginning July 1, 2013, the City and the County each agree to make payments to the Authority on the first day of July and October, each payment equal to one-quarter of the Authority's proposed annual budget for that fiscal year for recycling programs. Within thirty (30) days of completion of the audited financial statements for the fiscal year ending June 30, 2014, the City and the County shall each make a subsequent payment to, or receive a refund from, the Authority based upon the difference between the budgeted and actual revenues and expenses as provided in Section 3 below.

2. **Amendment to Section 3.** Section 3 of the Agreement, entitled "Increase or Decrease in the Recycling Operations Deficit," is amended by inserting the following sentence at the end of such section:

For the fiscal year beginning July 1, 2013, the Authority shall adopt an annual budget that shall include a December 31, 2013 expense target equal to one-half of the annual budget amount for all cost centers that affect the total Recycling Services expenses. Upon completion of the audited financial statements of the Authority for the fiscal year ending June 30, 2014, the accounting of increases or decreases in actual Recycling Services expenses (including Administrative Services expenses as defined in Section 1 of the Recycling Agreement) and reductions or increases in revenues, shall be based upon the full accrual accounting of those expenses and revenues as of December 31, 2013.

3. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through December 31, 2013.

4. **New Section 13.** A new Section 13 is inserted in the Agreement, as follows:

13. **Labor Force.**

The obligations of the Authority to provide the Recycling Services required of it hereunder is contingent upon the Authority's ability to retain an adequate labor force to provide such services.

5. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

CITY OF CHARLOTTESVILLE:

Maurice Jones
City Manager

Date

COUNTY OF ALBEMARLE:

Thomas C. Foley
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr.
Executive Director

Date

Item No. 8.7a. SP-2012-00032. Bellair CSA Barn (Sign # 90). **Deferred to July 3, 2013.**

Item No. 8.8. Quarter 3 FY 13 Financial Report and Revised Financial Projections Report, ***was received for information.***

The executive summary states that the attached Quarterly Financial Report (Attachment A) provides information about the County's FY 13 General Fund and School Division's financial activity as of March 31, 2013. The Revised Financial Projections Report (Attachments B through D) includes projected General Fund revenues and expenditures for FY 13. The School division component of the report is being presented as part of the General Fund Quarterly Financial Report and Revised Financial Projections Report for the first time.

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through March 31, 2013, the end of the third quarter of FY 13. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR.

The columns in the QFR show FY 13 Adopted Budget revenues and expenditures, Revised Budget revenues and expenditures, as well as YTD actual revenues and expenditures. Each of these YTD figures subsequently is expressed as a percentage of the amount in the relevant line item of the FY 13 Revised Budget.

Additionally, the QFR includes corresponding data for FY 12 so that the current fiscal year's financial data can be compared easily to that of the previous fiscal year. An important feature of this report is that data is provided for a point in time (March 31, 2013) and is compared to data from the same point in time for the prior fiscal year (March 31, 2012). Anomalies and similarities between fiscal years become readily apparent using this comparison method.

The Revised Financial Projection Report (RFPR) provides a streamlined summary of forecasted revenues and expenditures. The columns of the table in the RFPR show FY 13 Adopted revenues and expenditures, Appropriated revenues and expenditures, and Revised revenue and expenditure projections. The last two columns of the table reveal the variances between revised projected revenues/expenditures and the corresponding Appropriated revenues/expenditures. These variances are expressed in dollar terms in the second-to-last column and are shown in percentage terms in the last column.

Highlights of the attached reports include:

Revenues – YTD Actual

YTD total revenues in the third quarter of FY 13 totaled \$117,062,666, compared to \$117,964,103 in the third quarter of FY 12. In percentage terms, FY 13 YTD Actual revenues, as a percentage of FY 13 Revised Budget revenues, stood at 50.76% compared to 54.08% in FY 12. This result appears at first glance to indicate a downward trend for revenues, but this difference is accounted for primarily by the timing of the receipt and posting of revenues.

Individual revenue streams performed fairly consistently through the first quarter of FY 13 compared with the same quarter of FY 12. There were just five significant year-to-year variances in revenues. These items include:

- Local Revenues: Other Local Taxes;
- Local Revenues: Miscellaneous;
- Intergovernmental Revenues: Contributions from Other Entities;
- Intergovernmental Revenues: Revenue from the Commonwealth; and
- Intergovernmental Revenues: Revenue from Federal Government.

The variance in Miscellaneous local revenues reflects a one-time payment to the County of \$250,000. Variances in the other four revenue streams reflect the timing of when the County received these revenues. For additional information about revenue variances, please see the analysis page of the QFR.

Expenditures – YTD Actual

YTD total expenditures in the third quarter of FY 13 totaled \$179,390,867, compared to \$161,191,000 in the third quarter of FY 12. This significant variance is due to a combination of variances in individual lines; fourteen expenditure items had significant variances from the previous year. These items were:

- Administration: Human Resources;
- Administration: Information Technology;
- Public Safety: Fire/Rescue;
- Public Safety: Volunteer Fire;
- Public Safety: Regional Jail;
- Public Safety: Contributions;
- Public Works: Facilities Development;
- Human Development: Social Services;
- Human Development: Contributions to Agencies and Tax Relief
- Education: Transfer to Schools CIP;
- Education: Transfer to Schools Debt;
- Parks, Recreation, and Culture: Libraries;
- Community Development: Contributions; and
- Transfers, Contingencies, and Refunds: Transfer Accounts.

In six of the above cases, the year-to-year variance simply reflects the timing of when the County made the expenditure. In the eight other cases, some other factor(s) account(s) for much or most of the variance:

- Administration: Human Resources => Payment of administrative fee, ACP – Schools;
- Administration: Information Technology => Increase in staff and a rise in equipment expenditures;
- Public Safety: Fire/Rescue => Reclassification of salaries;
- Public Safety: Regional Jail => Change in Albemarle County's share of costs;
- Public Safety: Contributions => Increase in contribution to SPCA shelter;
- Public Works: Facilities Development => Placement of Facilities Development budget into a separate fund;
- Human Development: Contributions to Agencies and Tax Relief => Increase in funding to agencies; and
- Community Development: Contributions => Increase in expenditures for CTS bus contract and AHIP.

For additional information about expenditure variances, please see the analysis page in the QFR.

Year-end Projections

The Revised Financial Projections Report indicates that, by June 30, 2013, estimated revenues are projected to be roughly \$1.647 million above the appropriated amount, whereas expenditures are projected to be approximately \$0.949 million below appropriated budget. Through the third quarter, departmental expenditures were at approximately 75% of budget and on pace to be fully expended. OMB closely monitors expenditures and expects potential departmental savings associated with vacancies and operational efficiencies as the year progresses. The net result for the third quarter is that, including net transfers, forecasted revenues is anticipated to exceed forecasted expenditures by \$2.596 million by the end of the fiscal year.

Administrative Transfers

In addition to the attached reports, the Board has directed staff to provide a quarterly update of any FY 13 budget transfers administratively approved by the County Executive, as authorized by the Board on August 1, 2012. During the third quarter of FY 13, the County Executive approved no administrative transfers.

Schools Division Quarterly Financial Report

The Schools Division Quarterly Financial Report (SDQFR) reflects year-to-date (YTD) data through March 31, 2013, the end of the third quarter of FY 13.

Revenue and expenditure data contained in the Quarterly Financial Report (QFR) reflects the state of the County's budget-to-actual FY 13 General Fund financial performance as of March 31, 2013. Year-end projections are subject to change based on the result of actual collections and expenditures through June 30, 2013. The Schools Division Quarterly Financial Report (SDQFR)

reflects the state of the Schools Division's budget-to-actual FY financial performance as of March 31, 2013.

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

Item No. 8.9. June 2013 VDOT Charlottesville Residency Monthly Report for Albemarle County, **was received for information.**

Special issues:

- Public Hearing for SSYP scheduled for June 12.

Item No. 8.10. Copy of letter dated May 14, 2013 to Mr. Ross Stevens, Stevens and Company, from Ms. Sarah D. Baldwin, Senior Planner, re: **LOD-2012-00010 – OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Tax Map 54, Parcels 20B, 74B, 74G and 53; Tax Map 54B, Parcels 1A and 3 (Nakasian Trust) – White Hall Magisterial District, was received for information.**

Item No. 8.11. Copy of letter dated May 14, 2013 to Ms. Suzanne F. Thomas, Lenhart Obenshain, from Ms. Sarah D. Baldwin, Senior Planner, re: **LOD-2013-00007 – OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Tax Map 84, Parcel 70B (Hoffman, White & Co.) – Samuel Miller Magisterial District, was received for information.**

Agenda Item No. 9. Virginia Tourism Development Financing Program.

The following executive summary was forwarded to Board members:

The State has established a financing program (the Virginia Tourism Development Financing Program, hereinafter, the "Program") for qualified Virginia tourism development projects. The Program enables localities to provide economic and regulatory incentives for tourism development projects that are identified as critical to local economic development and are developed in partnership with developers, localities, financial institutions, the Virginia Tourism Corporation and the Virginia Resources Authority. The economic incentives under the Program allow approved tourism projects to receive a portion of the State and Local tax revenue generated from the project site, as well as a matching contribution from the developer to provide gap financing for up to 20% of the project's total cost. The key to the program is that it applies new tax revenues generated from the project site to provide the gap financing. Because only new revenues are used, it does not erode the locality's existing tax revenues.

This program was introduced to the Board of Supervisors at its April 3 meeting by County staff and representatives from the Virginia Tourism Corporation and the Virginia Resources Authority. During that discussion, the Board directed staff to provide additional information, including specific critical tourism infrastructure deficiencies that might be appropriate for consideration for this program.

The following highlights are provided as background for the current discussion. In order for a project to be eligible for the gap financing incentive program, a locality must, by ordinance:

1. Establish a tourism zone

Virginia Code § 58.1-3851 enables localities to establish, by ordinance, one or more tourism zones. Projects in tourism zones are eligible for economic and regulatory incentives, such as reductions in fees and pledges of gross receipt taxes, for up to 20 years. The locality determines which incentives will be available to a project. A tourism zone can be established solely for the purpose of providing regulatory incentives or solely for the purpose of providing access to the Virginia Tourism Development Financing Program if desired. Once an initial tourism zone is established by the Board, the County maintains the right and flexibility to adjust the boundaries in any way it chooses – simply by amending the local ordinance – and it does not require the State's approval. Additions to a Tourism Zone do not have to be contiguous to an existing zone, and there is no limitation on the Tourism Zone's acreage or percentage of total acreage.

2. Adopt a tourism development plan

Localities interested in pursuing the financing must submit a Tourism Development Plan, which will be reviewed and certified by the Virginia Tourism Corporation (VTC). The purpose of the plan is to (1) identify the deficiency the proposed project will fill; (2) provide accurate representations of a locality's current tourism products, assets, infrastructure, marketing efforts and visitor profiles; and (3) show the return on investment the proposed project will have to the local tourism economy. Upon approval of the Tourism Development Plan by VTC, the locality must adopt the plan by ordinance. VTC advises localities throughout the approval process.

3. Authorize a proposed project to qualify for gap financing.

Once the plan is adopted, the locality must adopt an ordinance authorizing a tourism project. While many types of tourism related projects may be considered for this Program, localities have the absolute ability to set clear criteria for projects they will consider, and any project that is proposed for this Program must be identified as critical to meet a specific deficiency in the Tourism Development Plan in

order to be eligible for the Program. A clear understanding and proof of how a proposed tourism project will meet an identified deficiency must be included in the Tourism Development Plan.

Identification of Priority Tourism Deficiencies

During the April 3 Board discussion on this topic, Board members asked what type of tourism deficiencies might reasonably be considered for this Program, correctly noting that many areas of the County's tourism industry would not seem to be appropriate priorities. Staff has analyzed the County's tourism assets and infrastructure to identify priority tourism infrastructure deficiencies based on the County's tourism marketing goals and objectives. One deficiency that became immediately obvious from the analysis is the lack of sufficient tourism lodging options in the western Albemarle area.

The attached map (Attachment A) illustrates the tourism assets in western Albemarle County, including Monticello Artisan trail sites, wineries and breweries, County parks, the Shenandoah National Park, the Skyline Drive/Blue Ridge Parkway, orchards, and other agritourism attractions. The map also shows the location of existing hotels that accommodate 30 guests or more in the County and the City of Charlottesville. The analysis also found:

- Crozet is a destination with evolving urban amenities that are attractive to visitors, including restaurants and a developing downtown, along with supporting activities in Old Trail.
- In addition to being a destination in its own right, Crozet is strategically located between Charlottesville and popular destinations along Route 151 in Nelson County.
- Crozet is a gateway to many of the County's most popular and attractive tourism assets, and the County is focusing attention on promoting Crozet as a visitor and tourism hub.
- The winery and brewery industries are generating significant interest in overnight stays for larger groups, and at least 11 such establishments are located within a 12 mile radius of downtown Crozet.
- There are no public lodging establishments in western Albemarle County other than a limited number of bed and breakfast establishments within a 10-15 mile radius of Crozet. However, none are located downtown within walking distance of amenities and none can accommodate more than 12 guests at a time, making them insufficient for groups of any size.
- The growing population in Crozet creates associated lodging needs for family and other visits.
- The growing professional community in Crozet creates associated lodging needs and opportunities to support training and educational programs, professional gatherings, and other business-related activities.

All of these factors underscore the tourism lodging deficiency in western Albemarle County as one area of opportunity for participation in the Virginia Tourism Development Financing Program. If a tourism zone is established to encompass the Crozet development area, the Program could be used to incentivize the development of a hotel in Crozet based on job and investment levels determined by the County.

Financial Implications

A qualifying tourism project is entitled to 1% of State sales taxes generated on the project site, matched by an equal amount from future local sales tax revenues or an equivalent amount of other local tax revenues and an equal amount from the developer, to be applied to the payment of principal and interest on the qualified gap financing of up to 20% of the projects' total cost. The example of a hotel project provided by the Virginia Resources Authority at the April 3 Board meeting demonstrated that the County's revenue generated by the project site (real estate tax, food and beverage tax, business personal property tax, and transient occupancy tax) would significantly exceed the County's 1% contribution. Any potential project to be considered for the Program will be evaluated very carefully to identify the full tax revenue potential, as well as its ability to meet specified capital investment and job creation level targets.

In order for any future projects to be considered for the Virginia Tourism Development Financing Program, a Tourism Development Plan must be filed with the Virginia Tourism Corporation at the cost of \$500. Any matching contribution to a future project would be offset by tax revenue generated by the business.

Staff recommends that the Board direct staff to begin working on a tourism development financing program for the Crozet development area, and to bring the results of that work to the Board for review and consideration at another work session.

Ms. Lee Catlin addressed the Board, reporting that the state had fairly recently established a financing program for qualified Virginia Tourism Development projects which enables localities to provide economic and regulatory incentives for tourism development projects that are identified as being critical to local economic development. She stated that the program creates an economic incentive for tourism developments that the County would identify as critical to its local economic development. She explained that approved tourism projects receive a portion of state and local tax revenue generated from the project site, as well as a matching contribution from the developer, to provide gap financing for up to 20% of the project's total costs – so the new tax revenues generated from the project provides the gap financing. Ms. Catlin said that, because only new tax revenues are used, it doesn't erode the County's existing tax revenue base.

Ms. Catlin noted that the program was introduced to the Board at its April 3 meeting, and there were representatives from the Virginia Tourism Corporation as well as the Virginia Resources Authority

who provided some background on the program. During that discussion, she said, the Board asked staff to come back with some additional information – specifically, details about what “critical tourism infrastructure deficiency” might mean for Albemarle County so the Board could continue its consideration of the program.

Ms. Catlin said that, in order for a project to be eligible for the gap financing, a locality must, by ordinance, establish a tourism zone. She explained that projects within those tourism zones can be eligible for economic and regulatory incentives or a tourism zone can exist solely for the purpose of allowing projects to qualify for the financing program. Once an initial tourism zone is established by the Board, she said, the County maintains the right and flexibility to adjust the boundaries in any way it chooses by amending the local ordinance; additions do not have to be contiguous; and there is no limitation as to the size of a tourism zone. She stated that a locality would then consider proposed projects to qualify for the financing and, if a project is to be considered for the financing program, there must be two other steps: the locality must, by ordinance, adopt a tourism development plan that is specific to the proposed project that identifies the deficiencies the project will fill, and it must provide an accurate representation of the locality’s current tourism products, assets, infrastructure, etc., and show the return on investment that the proposed project will have to the local tourism economy. Ms. Catlin said that, once the plan was adopted, the locality would adopt, by ordinance, the tourism project it has in mind. She noted that, while many types of tourism-related projects could be considered for this program, localities have the ability to set clear criteria for the projects that it will consider. Ms. Catlin said that any project proposed for the program must be identified as “critical to meet a specific deficiency,” so it cannot be a project that just comes out of the blue and doesn’t fit into pre-established priorities to reach tourism goals.

Ms. Catlin stated that, after input from the Board’s last meeting, staff proceeded with an analysis of the County’s tourism assets and determined that one obvious deficiency was the lack of lodging options in western Albemarle County. She presented a map of western Albemarle tourism assets, noting the location of what staff would consider to be the main tourism assets in that part of the County. Ms. Catlin noted that the western part of the County contains many “keynote” tourism assets of the County, and the map shows the Monticello Artisan Trail sites in that area, the wineries and breweries, County parks, Shenandoah National Park, the Skyline Drive, the Blue Ridge Parkway, orchards, and other assets clustered in that part of the County. She also pointed out the existing lodging options that have 30 rooms or more.

Ms. Catlin said that Crozet is a destination with “evolving amenities” that are very attractive to visitors in addition to being very strategically located between Charlottesville and popular destinations along Route 151 in Nelson County. She stated that Crozet is a gateway to many of the County’s most popular and attractive tourism assets, and winery and brewery industries are generating significant interest in overnight stays for larger groups – with at least 11 such establishments located within a 12-mile radius of downtown Crozet. Ms. Catlin noted that there are no public lodging establishments in western Albemarle County other than a limited number of bed and breakfast establishments within a 10-15 mile radius of Crozet. She said none of those B&Bs accommodate more than 12 guests at a time and none are located downtown within walking distance of any other of those amenities. She stated that, in talking to people in the community, a growing population in Crozet creates associated lodging needs for family and other visits. Ms. Catlin said that a growing professional community there also creates associated lodging needs and opportunities to support training and educational programs, professional gatherings, and other business-related activities.

Ms. Catlin stated that the first “deficiency” that comes to mind is the lack of lodging in the western Albemarle area, and a tourism zone – if it were established to encompass the Crozet development area – could be used to incentivize the development of a hotel in Crozet, based on job and investment levels established by the Board.

Ms. Catlin reviewed some of the financial implications of a tourism program, noting that a project accepted into the program would be entitled to 1% of the state sales tax – which is matched by an equal amount from the future local tax revenues that the County would realize once the project is up and running, and also an equal amount from the developer. She said that this money would be applied to the payment of principle and interest on the qualified gap financing of up to 20% of the project’s total cost.

Mr. Rooker said he would like to understand what percent of the total sales tax revenue would be taken by the program.

Ms. Catlin said she would review that information momentarily, noting that the revenue generated by a project is expected to surpass the County’s 1% contribution. She emphasized that no project would automatically qualify under this program, therefore, the Board would have the opportunity to ensure that any project considered would be evaluated for its full tax revenue potential and its ability to meet certain established targets – in the same way the Governor’s Opportunity Fund and other incentive programs work.

Ms. Catlin stated that if the Board is interested in moving ahead with the next steps on the proposal, staff would prepare a tourism zone ordinance for the Board’s consideration. She said staff would recommend that the tourism zone would not have incentives or regulatory relief embedded in the zone but would be established only to allow the possibility of a critical project the Board would deem as filling an identified deficiency, a pathway to the state financing program. She emphasized that establishing the zone itself would not create any opportunity or incentive for a business, but would provide the developer with the possibility to move ahead and discuss whether their project might qualify for the state project.

Mr. Snow asked if, up to that point, there would be any cost to the County. Ms. Catlin responded that there is no cost at that point. She explained that, if a project comes forward that the Board deems to be appropriate, the County would file a tourism development plan with a \$500 fee associated with that filing. She said that establishing a zone would be step one, and projects that address deficiencies could come forward to the Board for its consideration as part of the financing program. Ms. Catlin said that if a project came forward to the Board and it felt that project met all of the relevant criteria, and the Board felt it was something appropriate to be considered, a tourism development plan would be created and would need to be approved by the state.

Ms. Mallek asked if the state had a template to use so the County isn't starting from scratch, with the applicant also bringing in resources to assist in getting the plan done. Ms. Catlin confirmed that this was the case.

Ms. Susan Stimart addressed the Board and mentioned that this is basically an approach to accelerate revenues for the County and meet an unmet need. She said that, with this particular circumstance, staff looked at a hotel project cost of \$5 million, and this would address only up to 20% of a total project construction cost. Ms. Stimart stated that it can address less than 20%, but the state statute only allows that maximum. She said that with the hotel example, staff used a level of 18% - so the \$5 million would be broken down into \$750,000 to address the gap repayment. Ms. Stimart confirmed that the \$750k is the amount the developer would have to go to market to borrow, but the repayment streams come from this special program with a cost share between the state at 1%, the locality at 1%, and the developer at 1%.

Ms. Catlin clarified that it's 1% of the state's tax that must be matched with local revenue.

Ms. Stimart explained that the repayment process begins when the hotel starts to generate revenue. At that point, she said the 20% begins to get paid back – and 1% of the \$3 million annual projected hotel revenue would be generated for state sales tax (\$30,000), the County's portion would be 1% (\$30,000), and the developer must match 1% (\$30,000). "So, \$90,000 becomes available in that first year to pay down that debt that of \$750,000" for example.

Ms. Stimart presented a full profile of what the project would bring to the County under this pathway of acceleration. She said that the total local sales under this project case study would have been \$3 million in the first year, with the County getting \$30,000; there would also be real estate tax accrued on the project at \$38,100 based on the \$5 million construction assumption; there would also be food and beverage tax revenue totaling about \$20,000, with business personal property tax on items put into the hotel of \$10,000; and the Transient Occupancy tax would bring in revenue from \$2.5 million in hotel stays. She said that the \$30,000 revenue amount would have to be returned, producing a net annual tax base of \$193,000. She said we are giving up some for that duration that's needed to retire the 20% debt.

Mr. Rooker said that number is basically giving up the sales tax. Ms. Stimart agreed and stated it would be for the period to retire the debt which would be 12 years at a 6% interest rate. She said, after that 12 years, the \$750,000 is retired by the 3 sources (the state, the developer, the County) at which time the full revenue is returned to the three parties.

Mr. Snow stated that if a developer was going to build this anyway, they shouldn't be eligible for it – but if this is the deciding factor, it could mean increased revenues for the County.

Mr. Rooker said that every business could be viewed as "free revenue" for the County, and said there are all kinds of tax boondoggles that are sold to communities based on presentations like this. He stated that, at the end of the day, they really just end up cutting the local tax base and you end up giving some businesses benefits that you do not give other businesses. Mr. Rooker said that the presumption is that none of the people who would stay in this new hotel would have stayed somewhere else in the area if it hadn't been built, "which is probably a fallacy." He emphasized that his real concern is identifying a tourism zone, and, in fact, all of Route 29 could be considered one.

Ms. Mallek said that the Board would decide what area it wanted to do.

Ms. Catlin stated that staff's recommendation would be to do the Crozet development area.

Mr. Rooker said that if this only pertained to a hotel in Crozet, he would support it, but going down this road means that this could be turned into anything politically that the Board decides it wants to create in the future. He said his concern is not this example; this example is a no-brainer because there aren't any hotels in Crozet. You are not putting a competitor in that gets benefits that all the other businesses in that area do not get. If it were limited to those kinds of specific circumstances, he would probably be fine with it."

Mr. Rooker added that he has a philosophical problem with a lot of these things, because every business can sell itself as being a net positive and, therefore, they should get some special benefits that their competitors do not get.

Mr. Snow agreed that was a good point.

Mr. Foley stated that this is a timely discussion because, in the Strategic Plan and Economic Vitality Action Plan, they have addressed the possibility of incentive programs. He said that one thing that's different about a broad incentive program is that you do not dedicate some of the new revenues it brings in back toward it – you just say that the jobs are going to create new revenues. He said this

actually goes a step closer to make sure that there are revenues being generated to help pay back, as opposed to just saying it is good to create incentives because the County gets more sales tax and more jobs. He pointed out that it is much tighter than what would typically be considered at the other end of the spectrum, which is important. Mr. Foley said that, while this allows the Board to move forward with the ordinance, everything moving forward will be an individual decision that has to be justified by deficiencies.

Mr. Rooker said that he understood that, but it becomes very easy for someone to come in and say let's create a zone over here because somebody wants to do x, y and z. He added that a lot of these things get done for developers that would have come in with projects anyway, and now they are going to corral a benefit to come in and do what they're going to do. Mr. Foley responded that that's always the central issue with incentives – are you offering something you didn't need to because they're going to come anyway.

Mr. Rooker commented that the County is having hotels built all over the place.

Ms. Catlin said that Crozet has a little bit of a different profile in terms of how easy it is for developers to get financing for hotels there, unlike Route 29 North. She said we would see a hotel in Crozet as facing a different challenge in terms of financing than other hotels in the area.

Mr. Boyd said that he would like to know the human costs of implementing this, as it would obviously require time through legal, planning, etc., as well as lost opportunity by staff while they are creating this program. He said that the other concern he has is that this sounds like the County is providing 100% financing for someone who wants to put in a hotel. He asked, what happens if you end up with a Landmark Hotel?

Ms. Catlin responded that they would have to have 80% of the financing documented in hand before they can even be considered for the program, and would have to obtain the other 20% of the financing – along with the 1% of that 3% pool to pay back principle and interest. She added that the County is not putting up money or guaranteeing loans.

Mr. Rooker asked what documentation the bank would get to make them comfortable advancing the \$750,000 that, in most cases, would be equity. Mr. Davis replied that he wasn't sure what that would look like, and the only thing they would have under this program would be a potential revenue stream dedicated to debt service. He said there is no guarantee that that revenue stream is going to occur, so a bank would still be acknowledging that risk and he is unsure how that would work.

Mr. Rooker commented that the County's component goes directly from the County to the bank because the operator's never going to see it.

Ms. Catlin said that the Economic Development Authority is the mechanism by which the 3% is collated and then spent out.

Mr. Foley said, what you do have from the finance perspective is dedicated tax revenue to help retire that debt, whereas in some other projects the level of risk doesn't have a revenue stream which is one of the things that helps with the 20%. Conceptually, he said a bank would see that this is revenue that is guaranteed to come in, which wouldn't, otherwise, exist.

Mr. Boyd asked if there was already zoning in place in Crozet for a hotel with more than 30 rooms. Ms. Stimart responded that there was at Old Trail and also in downtown.

Mr. Boyd commented that, if there was a demand for it, wouldn't somebody have stepped up and done it already.

Ms. Mallek said that people have tried, but there is a little bit of an inability to close the financing over the last several years and this is a gap.

Mr. Boyd asked if this had actually been done elsewhere in the state. Ms. Mallek responded that the VRA representative provided examples of other projects in the state, and each community had a different focus, not just hotels.

Ms. Catlin explained that there are a number of communities that have tourism zones that have incentives embedded in the zones, and she is aware of one project that has gone through the state financing piece, and that was in Fredericksburg for a hotel.

Mr. Boyd said that he would like to know what the bank's requirements were for that loan, as the banks are currently requiring heavy equity investment.

Ms. Mallek commented that this would not change that at all because they would still need to have the equity portion out of that 80%.

Mr. Rooker asked about the 5th Street project in downtown Richmond, which did not work out very well. Mr. Davis said that was a Community Development Authority project that basically failed.

Mr. Rooker noted that tax revenues are going back into the project, which is similar to this, but just with a different legal entity approach. He said, obviously, it doesn't assure success for a project just because \$30,000 a year of public money is coming back into the project.

Mr. Foley said that this was the second meeting to discuss this, and staff is trying to see if this is something the Board is comfortable doing rather than just moving to the next step. He stated that there's really no point in going through the ordinance development and the subsequent steps if the Board is really uncomfortable with the concept of having the revenue generated from a project going back to pay the debt on the project for that period of financing.

Mr. Boyd stated that he was uncomfortable with it and felt it was an overreach of government.

Ms. Mallek said that the Board was taking absolute tax revenue of \$250,000 from General Government and putting it into the Economic Development Fund on the potential the Board will give it to a business that will hire people. She emphasized that that's one example that doesn't have any directed income to go with it.

Mr. Rooker asked if a hotel in Crozet would qualify for that funding. Mr. Foley and Ms. Catlin responded that it wouldn't under the current guidelines.

Mr. Foley noted that, in talking about incentives broadly, the Board does have an incentive program with the Economic Development Fund and the difference here is that they would be dedicating the revenue over the 20 years of what's generated from the project. He mentioned that \$30,000 dedicated over 12 years would not be a one-time grant, and there is tight criteria on the \$250,000 fund.

Mr. Rooker agreed, stating that the fund is used on a case-by-case basis. Ms. Catlin responded that, with a tourism zone in place, this would still be done on a case-by-case basis. She stated that part of the idea of this is making up some revenue if you can make a project happen with the financing even three or four years earlier than it would have without it.

Mr. Foley said that staff would need some direction from the Board as to whether or not to proceed.

Mr. Snow asked what this would mean in terms of additional staff time to development the ordinance.

Ms. Mallek said that the state has already developed a template and has help available, so this is not a start from scratch process.

Mr. Snow said that to him it seems like a tool to have available should the need arise, but they don't necessarily have to exercise it, however, his concern is having a lot of staff time taken up for a tool that wouldn't be used.

Mr. Boyd asked how long it would take to get an ordinance developed. Mr. Foley responded that it would probably take two or three months.

Ms. Mallek said that wouldn't be full-time work just on this ordinance.

Mr. Rooker noted that it would also have to go through the public process, and asked if staff could create an ordinance that was extremely limited. Mr. Davis responded that those limitations would probably be in the Board's plan, not in the ordinance. He said that the ordinance would essentially just be a framework for how the program would work.

Ms. Catlin said that the ordinance could establish job levels, capital investment, etc., and could even be as specific as lodging establishments.

Ms. Mallek stated that one of the 11 wineries in the Whitehall District has 80 weddings booked for 2013, and there are a lot of people who come from far away – so the numbers are strong for the people who would like to stay out there instead of driving all the way into town and up Route 29. She added that this is just one project that is being proposed and she doesn't think it will go downhill just because this is being investigated.

Mr. Boyd said that his problem is that, if there is so much demand out there and that many functions going on, somebody would have stepped up and built a hotel out there before now.

Ms. Mallek stated that not much has happened for four years, and banks have not been eager to lend.

Mr. Rooker said there are several hotels being built in the County right now, and he sees support for a successful example but establishing this program is a much broader thing than just this one project.

Ms. Mallek said that this doesn't preclude other projects in other areas and she thought it was a good idea to go forward.

Mr. Foley commented that every individual project would have to stand on its own merits and its own return on investment.

Ms. Mallek said that to say they want to be helping business and then not take a small step to allow other people to do a whole lot of work on the County's behalf is sad.

Mr. Boyd said that he foresees this taking a tremendous amount of legal staff's time just to work through the paperwork if one of these deals comes along, it won't just be a rubber stamp.

Mr. Foley responded that if the Board feels that the return on that particular project doesn't outweigh the cost of staff, the Board has the ability to say it doesn't make sense to do it.

Mr. Boyd said that another concern that he has is designating tourism districts wherever there may be a need to have a specific amenity like a hotel and if the Board does not, how is it going to say it did not pick them but picked Crozet.

Mr. Foley stated that a determination would have to first be made on whether there was a deficiency in that area or not.

Ms. Catlin said that establishing the tourism development plan makes you go through the work of identifying exactly why that meets a deficiency and not just that it is a nice thing to do to help somebody out. She added that the program was developed by the state to build a community's tourism infrastructure, so it's really about strategically thinking on what they are missing out on that really hurts the community's infrastructure approach. Ms. Catlin said that the County's tourism industry is losing opportunity because there isn't sufficient lodging in Crozet.

Mr. Rooker commented that one can sell the idea in a number of different ways, and there are areas that haven't developed at all, such as Rivanna Village, so there would certainly be an argument there for a designation.

Mr. Foley said that staff brought forth this item for consideration based on the Board's request for an example, and the next step would be to develop a draft ordinance.

Mr. Rooker asked if this were limited to the Crozet example, would it be worthwhile to the County.

Mr. Foley said that the question is whether the Board has identified other deficiencies in the County. He added that staff has not identified deficiencies for tourism purposes except the areas shown on the map.

Mr. Boyd said that his problem is spending a lot of time investigating this, while there are regulatory and zoning issues that are causing businesses not to be built right now, such as a hotel for Hollymead Town Center that could not be done because of transportation issues.

Mr. Foley stated that everything identified in the Economic Vitality Action Plan has either been completed or is being completed and this item is one of them.

Mr. Boyd responded that he does not think the regulatory issues have all been addressed, and he would rather have the focus on that issue.

Mr. Foley said that they could focus on that during the Comp Plan review, which is scheduled to come before the Board in August.

Ms. Mallek stated that Community Development staff has been doing that work all along, and the business facilitation staff has a different parallel track that they've been working on simultaneously. She said that it appears to her that only certain businesses seem to deserve the friendly attitude, and even though the money for the tourism zone effort would be brought in from the outside Mr. Boyd is saying he does not want to do it. She added that she is bewildered.

Mr. Boyd said the County can regulate people heavily and not allow them to expand and do their business, or the Board can contribute money to them and he is not in favor of that.

Mr. Rooker asked if Mr. Boyd had some specific examples of how regulation was quashing business, other than just general statements. Mr. Boyd responded Code of development in large development projects.

Mr. Rooker commented that the developers develop their own Code of Development. Mr. Boyd responded that the County forces them to do it.

Mr. Rooker said that the surrounding people to that project either support it or do not based on what they think is going to go in there. He added that everything the Board approves has an impact on somebody else.

Mr. Snow emphasized that the Code of Development and other regulatory matters will be part of the Comp Plan review. The Board should make a decision on this particular item now.

Ms. Mallek asked if she had support to go to the next step on this to develop the ordinance. Mr. Thomas responded that he feels it is a good tool to have in their armory, and he would not want to just ditch it. Ms. Mallek agreed and stated that ditching it is a huge mistake.

Mr. Rooker said that he would support it with the caveat that it be an extremely limited plan as to the kinds of businesses it would apply to, and a narrowly defined set of circumstances under which such a plan could be put in place. He said he would not want the County to go down the road of being open to

every new person coming in with an idea thinking they're entitled to basically not pay any sales tax for the next 12 or 20 years or whatever to the County.

Mr. Foley confirmed that there would be limited criteria for qualification, and that would come before the Board.

Mr. Snow said that he would support it in order to have the option, adding that he would rather have the tool in place and never use it, then find that it was needed and not have it available.

Mr. Thomas asked if it could be used in other parts of the County, or just Crozet, and asked what it would take to make it more available. Mr. Foley said that currently it's just Crozet.

Ms. Mallek said Ms. Catlin had pointed out that, if some other compelling deficiency were found and the ordinance could be changed, it would be completely within the local decision.

Mr. Snow asked what the problem would be in designating another area, such as Scottsville. Ms. Catlin responded that the deficiency study which staff did focused on the County, not the Town of Scottsville and, in looking at significant tourism items such as lodging, what staff found is what they brought to the Board. She emphasized that this didn't negate any future possibility of something else that might come forward, at which time the Board would have an opportunity to amend the tourism zone.

Mr. Foley added that staff's proposal is limited, at this point, to the deficiency in Crozet and the Board could direct some more things in the future.

Ms. Mallek then offered a **motion** to proceed to the next step and develop the ordinance for the tourism zone. Mr. Thomas **seconded** the motion.

Mr. Rooker noted that this moves the ordinance forward, but asked when the Board would see the plan.

Ms. Catlin explained that the plan is actually project-specific, so they would establish the tourism zone by ordinance and then, if a project came forward, a plan would be developed around that project – which the Board would have to review and decide whether or not to adopt. She added that, with the performance agreement, there is quite a lot of oversight that happens once a project comes forward for consideration.

Mr. Rooker asked if that oversight would be free? Ms. Mallek responded that it's paid for by the applicant, as they are doing most of the legwork.

Ms. Catlin said that the applicant does a fair amount, and the Virginia Tourism Corporation also assists.

Mr. Rooker stated that he's willing to look at an ordinance, but if it's not "tight enough" he won't support it. He said if it appears to him that it's open to virtually any kind of business and expansion to any area, he probably will not support it.

Mr. Thomas agreed.

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

AYES: Mr. Thomas, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: Mr. Boyd.

Agenda Item No. 10. Division Chief of Volunteer Services.

The following executive summary was forwarded to Board members:

On April 20, 2011, the Board amended County Code Chapter 6, Fire Protection, to establish a coordinated and integrated fire and rescue system composed of volunteer fire companies and rescue squads and the Albemarle County Department of Fire Rescue. The ordinance specifically defined processes to facilitate collaboration, communication, and participation for the purpose of managing and establishing policies for the coordinated fire and rescue system.

Since the ordinance was adopted in 2011, staff and the volunteers have realized that additional staff support is needed to meet the system's expectations in terms of the level of communications and collaboration. The system requires a position within fire rescue that can provide more frequent and convenient communications, work to establish a greater level of integration between the volunteer stations and the system's strategic plan, and promote and focus on volunteer recruitment and retention.

During the FY14 budget process, the Board approved funding for a Division Chief of Volunteer Services position for Fire Rescue to address the needs described above. The Board requested that staff work in collaboration with the Fire and EMS (FEMS) Board to develop the position's scope and essential functions.

The fire rescue system recently completed a strategic planning process which identified the following system goals:

- 1) Improve relations among system partners (e.g., career and volunteer, station to station, county, etc)
- 2) Establish and implement consistent and accurate data collection and analysis systems to drive performance
- 3) Establish and begin to implement common standards across the system
- 4) Ensure methods are in place for community risk reduction
- 5) Improve methods to recruit, develop and retain both volunteer and career staff

In order to accomplish the system's strategic goals, including the goal to unify and integrate the fire rescue system, enhancing ways to gain full participation and input from the volunteer fire and rescue leadership is needed. The Division Chief of Volunteer Services will play a key role in working with the volunteer leadership to solicit feedback and engage in conversation to help prepare policies and procedures for consideration by the Fire Rescue Chief and FEMS Board.

Staff believes that the Division Chief of Volunteer Services position requires a person with a combination of executive and operational skills and a full appreciation of the challenges faced by volunteers. Specifically, the position requires someone who thoroughly understands the operations of a combination volunteer/career system, including the delivery of fire and emergency medical services, local government practices and policies, and the system's goal of balancing the need for local autonomy and identity with the need to provide seamless, cost effective, high-quality services.

Staff developed a draft job description which included the scope and essential functions and presented the draft to the FEMS Board on three separate occasions for feedback and input. In summary, the FEMS Board expressed the following concerns and suggestions:

FEMS Board Concerns	Staff's Response
A "chief" position may not be widely accepted by the volunteers.	The title "chief" mainly refers to the how the position is placed in the ACFR organizational structure and the pay grade assigned based on the expectations and complexity of the job. Staff stressed that the implementation of the Division Chief of Volunteer Services position does not change any currently defined authority and responsibilities between ACFR and the volunteer departments and that it will be important to have volunteer participation during the interview process to select a person with the right fit.
It may not be necessary to have a uniformed position.	Explained that it is vital to have a person in the role that is qualified as a provider of fire and emergency medical services who can maintain a high level of proficiency in the delivery of fire and emergency medical services and who understands the challenges of volunteers within a combination system. It is highly unlikely that staff will recruit a person for this position with the required knowledge, skills, and abilities if it is a civilian position.
The essential duties section may be too broad and complex.	Reduced, categorized, and simplified the essential functions area.
More focus should be placed on volunteer recruitment and retention.	Changed the essential job functions to emphasis the role and responsibilities for volunteer recruitment and retention.
The position may become too involved in responding to emergency calls.	Clarified that the main responsibility of the position as written in the description is to provide more frequent and convenient level of communications (including engaging volunteers during training events and emergency scenes), help establish a greater level of integration between the volunteer stations and the system's strategic plan, and promote volunteer recruitment and retention on a more consistent basis. The position, however, would be available to be utilized to provide direct services during major events and disasters, as all uniformed positions are expected to.

Staff modified the position's scope and essential functions based on FEMS Board input and clarified roles and responsibilities in other cases. The attached Position Description highlights the scope and essential functions as envisioned. The description incorporates many modifications made after receiving input from the volunteer community on several occasions.

The FY14 budget was approved to fund the salary and benefits for the position at \$92,606.

It is recommended that the Board endorse the addition of the Chief of Volunteer Services position as presented with the expectation that it will enhance the performance of the overall combination system through improved coordination, communication and collaboration between and among the various volunteer departments and the career staff.

Chief Dan Eggleston addressed the Board, stating that he would present background on the Division Chief of Volunteer Services position and its evolution, and would ask for the Board's endorsement of the job description for the position. Chief Eggleston reported that, in April 2011, the County established a coordinated and integrated fire and rescue system through an ordinance process to help manage the system going forward. He stated that the system is extremely collaborative, and that was done with great purpose to create many opportunities for input and involvement between the chief and the volunteer leaders in the system. Chief Eggleston noted that the ordinance set the bar very high in terms of communications, collaboration, and time commitment to fully vet through the processes any policies that fire and rescue may bring forward to help evolve the system. He said that they have tackled the fleet plan and LODA policies, both of which took almost a year due to the level of communications, debate and compromise.

Chief Eggleston stated that they found through the process that when they go out and meet one-on-one with stations, there is a better outcome with volunteers, but they have been unable to sustain that level of support, however, he has found that it is very useful in the end, because we have a much more involved group and in turn, that is good for the system. He added that a lot of those discussions came up during the Board's budget discussions the previous year, and they reached the conclusion that they needed support in terms of a Division Chief of Volunteer Services which the Board approved in their FY14 budget. Chief Eggleston noted that the discussion has focused on improving communications and collaboration, as well as meeting with volunteers at a time that's convenient for them. He said that even more important to him and the system as a whole would be establishing a structure that allows fire and rescue to focus on their new three-year strategic plan and its five inherent goals.

Chief Eggleston reported that in establishing this job description, staff felt that there were a number of important key attributes. He explained that they agreed the person should be a practitioner, someone who is very experienced in both the operational and executive level roles in fire and rescue, someone who understands a volunteer station and perhaps has run one, while also having experience in a combination system. Chief Eggleston said that this person should also understand the government process and how the two factions interact. He stated that ACFR developed a draft job description and ran it by Human Resources to ensure they were comfortable with the approach, and then engaged with the FEMS Board on three separate occasions – two meetings and a work session for personnel to weigh in on the job description. Chief Eggleston noted that the "before and after" versions of the job description, when put side by side, have dramatically changed.

Chief Eggleston said that, in areas where there were questions about roles and responsibilities, they have clarified those as much as possible in the job description, but much of the discussion revolved around what this person would be doing. Chief Eggleston said that the division chief would help with the communications and collaborative process, but it's also important that they work toward the goals within the strategic plan. He explained that the position is really broader than just the recruitment and retention initiatives that are very important to the volunteer service, but other things as well. Chief Eggleston reported that they developed five goals through a collaborative process of staff and volunteers that are very important to the health of the system, and goal one is "improved relationships" with goal five being "continue to recruit and retain both volunteer and career staff."

Mr. Thomas commented that he likes goal one as much as any of them.

Ms. Mallek said that goals one and five are certainly the most important, however, she said she is concerned if they are in order of importance.

Chief Eggleston explained that the goals are not in order of priority, but they did want to have goal one at the top.

Mr. Snow said that this looks really good, and thanked Chief Eggleston for his work.

Mr. Rooker stated that he is fully supportive of it.

Ms. Mallek said that some of the roles in the job description are currently being handled by Wendy Roberman and John Oprandy. She asked, with this two-page list of tasks, how is the person able to then meet with the volunteer agencies at nighttime? She said she believes we are asking an awful lot if the priority is to develop those face-to-face things in the firehouses...how does this happen when he or she is also taking on other jobs that other people are now doing?

Chief Eggleston responded that Chief Oprandy and Ms. Roberman lead their one big item, the budget process, both operating and capital, and they would still continue that. He said that the new division chief would work to better understand those budgetary needs at the local station level, so this person would play that role but wouldn't put together the budget. Chief Eggleston gave an example of the fleet plan needs, and emphasized that this new division chief would make sure that those needs would be assessed and work to better understand the need.

Ms. Mallek stated that she is seeking some assurance that collaboration means more than a top-down information-sharing and that collaboration to her means compromise. She added that it doesn't mean this is the way it's going to be because you get to make the choice. She added that she is really concerned about that, and said that she wants to make sure this person really does have the true ability to advocate.

Chief Eggleston responded that the ordinance certainly supports two-way communication and compromise for the good of the system, and this person would play a key role in understanding those

differences. He said that they are often challenged to disseminate information out to the line-level firefighters and EMTs, including what benefits are available to volunteers.

Mr. Foley said this is a resource to help do a better job in that area.

Chief Eggleston stated that there is a lot of pressure put on volunteer chiefs in terms of responsibility, and this position would help relieve some of that and also help address the time commitment for the chiefs. He said that one example of the role the new division chief would have is explaining the LODA policy, which is a new initiative, and making sure everyone gets educated.

Mr. Rooker agreed that goals one and five are the most important, and said that he shares Ms. Mallek's concern that this person not get bogged down with administrative tasks. He said that goal two – "establish and implement consistent and accurate data collection analysis of systems to drive performance" – seems to be a task for Ms. Roberman and Chief Oprandy, as they will be freed up somewhat by the new hire. Mr. Rooker stated that the Board contemplated hiring the person based on them spending 90% of their time doing outreach-type tasks.

Mr. Snow suggested moving goal five up to goal two.

Chief Eggleston said that they certainly could, but he wouldn't want to do that without reengaging the FEMS Board and the strategic planning team.

Ms. Mallek said that it's the job description which is the most important, rather than the list, and the FEMS Board probably agreed with all five goals being equally important. She stated that she wanted to make sure the job description isn't lost in the shuffle, and that the new chief isn't diverted too much on other tasks.

Chief Eggleston clarified that the five goals pertain to the entire system, not just this position.

Mr. Foley said that the Board wouldn't have to approve the specific job description, just the establishment of the position as recommended.

Mr. Rooker then offered **motion** to endorse the addition of the Chief of Volunteer Services position as presented with the expectation that it will enhance the performance of the overall combination system through improved coordination, communication and collaboration between and among the various volunteer departments and the career staff. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

Agenda Item No. 11. **Presentation:** Community Health Improvement Plan, Lillian Peake.

Mr. Foley announced that Dr. Lillian Peake, Thomas Jefferson Health District, had offered to comment on the obesity program that's related to the Virginia Organizing Project (VOP) in order to help the Board understand those relationships.

Dr. Peake addressed the Board, stating that she was in attendance to discuss Map 2 Health, a community health assessment completed recently that focused on Charlottesville, Albemarle and all of Planning District 10. She explained that they began this initiative in 2011-12, forming community health assessment councils in each of the localities – with Charlottesville and Albemarle combined – seeking participation from local governments, schools, colleges, community agencies, healthcare organizations, and nonprofits. Dr. Peake said that they also formed a leadership council that included organizations that could impact health, such as UVA, Martha Jefferson, Region Ten, etc. She stated that they went through a year and a half process of reviewing a lot of data and establishing a priority process to come up with health priorities for the health district.

Dr. Peake reported that, through that process, they came up with data-driven community health priorities, and said that she would share one of those with the Board today, one which affects everyone in the health district. She said the goal is to decrease the percentage of persons in the Thomas Jefferson Health District who are overweight or obese by promoting school and corporate wellness programs, and by engaging residents in a Move to Health campaign. Dr. Peake said that, when they put together their community health priorities, they looked to existing coalitions to see who was already working on the issue and how more attention could be brought to the issue to help move it forward. She mentioned that their first initiative on mental health led to the establishment of the Community Health and Wellness Coalition, which has been a really successful coalition that has now brought in more funding and improved collaboration. Dr. Peake stated that the Childhood Obesity Task Force, which was started by the health department in 1996, had recently gone through transition to look at obesity for people of all ages, and thus changed their name to the "Community Action on Obesity." She said that the Health Department has asked them to be the lead coalition and partnered with them to help come up with the goals.

Dr. Peake presented data and background on the reason obesity arose as one of the top community priorities to be addressed. She reported that in 1985, the Centers for Disease Control and Prevention began to collect data on the percent of obese adults in each state, and the states that were collecting data showed that less than 10% of adults were obese. Five years later, she reported, most of the states were collecting data and most were showing 10-14% of adults being obese. In 1995, she said,

that data showed that 15-19% of adults were obese. In the year 2000, she stated, a new category was added to show that more than 20% of adults are obese, and about half of the states are in that "fat" category. Dr. Peake stated that in 2005, two additional categories were added – 25-29% of adults, and greater than or equal to 30% of adults being obese. She said that in the south, all of the states except Florida have more than 25% of adults as being obese. Ms. Peake noted that in 2010, more than half of the country has at least 25% of adults being obese.

Dr. Peake said that our sedentary lifestyles and eating habits are really starting to catch up with us and take a toll.

Dr. Peake reported that in 2009, the percentage of adults in Albemarle County who are obese is 27.1%. She also said that when asked, "Outside of your normal work day, do you have any physical activity," 19% of adults in Albemarle County said "no." Dr. Peake added that they have not incorporated exercise into their life at all.

Mr. Boyd asked how the statistics are gathered. Dr. Peake explained that it was done by sampling, and most of the behavioral risk factor data came from the CDC through a long-standing survey that's been done for many years throughout the country – the "Behavioral Risk Factor Surveillance Survey." She noted that it's a phone survey, and the CDC contracts with states to administer the survey at that level. Dr. Peake said that the surveyors ask participants "how much do you weigh, and how tall are you," so these are actually conservative estimates because people tend to underestimate their weight and over-estimate their height. She stated that this information is taken and body mass index is calculated, and they are only calling a certain percentage of people in the health district.

Dr. Peake reported that, from that same survey, the incidence of diabetes has increased from 3.9% to 8.7% over the ten-year period 2000-2010. She said that, with the community health assessment, they also contracted with the UVA Center for Survey Research to participate in a collective surveying instrument. She said that the survey included a question about which public health concern is most important for Albemarle County to give more attention to, and the #1 response was "weight and obesity" – with 36% of respondents saying that this was the most important health issue. Dr. Peake noted that the entire report is available at www.tjhd.org, and the Board has also been given a hard copy.

Dr. Peake said that, given the broad nature of the impacts of obesity, the health department wanted to work with the Community Action on Obesity to begin to change the culture. She stated that they came up with an initiative similar to what many other cities and counties have done across the country, similar to Oklahoma City's "Million Pounds Lost" campaign. Dr. Peake said that the health department helped the Community Action group create a district-wide campaign to get people to move more. She stated that Coach Brian O'Connor of the UVA baseball team is chairing the committee, and they also went to the design marathon to come up with a logo – along with the campaign "Move to Health" to be launched in September. Dr. Peake said that they are hoping to encourage "challenges," such as Albemarle versus another county or the City, or perhaps inter-departmentally, to encourage more participation and movement. She stated that they would be doing some more outreach this summer and are working on an engaging kick-off event, adding that she is encouraging people to form and/or lead walks.

Ms. Mallek asked how the Virginia Organizing Project would be involved. Dr. Peake responded that she can't speak on their behalf, but she could provide some history. She said that the health department started the Community Obesity Task Force in 1996 and, as with other initiatives; they try to engage a lot of community partners. Dr. Peake stated that the health department has been paying one of its nutritionists to staff that group, but as the group grew, along with the obesity epidemic, they started looking for funding to do other projects. She said that they have pursued and received many grants, but in order to apply for those they need to come from a nonprofit organization, which would be restricted under the health department. Dr. Peake stated that the Community Action on Obesity Task Force has looked for fiscal agents for its collaborative group without forming a new organization that is a separate 501(c)3. She clarified that the Virginia Organizing Project has it set up so that it is a collaboration of existing groups that can use them as a fiscal agent, and that's why the obesity project went to them. She said the Virginia Organizing Project is not part of the CAO, it has nothing to do with the CAO, they only act as the fiscal agent.

Mr. Boyd said that he didn't see Virginia Organizing Project on this list of partners. Dr. Peake emphasized that the Virginia Organizing Project does not participate at all; they are not part of it. They're not on the CAO Board, they don't come to the meetings. They literally are just the fiscal agent. She reiterated that the point of this group is to meet together to work on the issues that aren't being solved independently.

Ms. Mallek noted that the Virginia Organizing Project was created by the state as a vehicle for this very purpose, to allow small groups to have someone serving as a fiscal agent.

Mr. Rooker clarified that the \$4,000 is a pass-through to the CAO.

Mr. Boyd said he didn't think it's the message, it's the messenger, adding that this is a political organization; it's demonstrated as a political organization.

Mr. Rooker clarified that VOP is a 501(c)3, which is different than a political organization.

Mr. Foley mentioned that the County's strategic plan does talk about public health and safety, and there is an objective that talks about collaboration and working with community partners.

Mr. Rooker asked if the CAO looked at other potential fiscal agents. Dr. Peake responded that she wasn't part of CAO, but her understanding is that there weren't that many fiscal agents.

Agenda Item No. 11a. **Presentation:** Justice Reinvestment Initiative Program.

Mr. Martin Kumer addressed the Board, stating that he is a deputy superintendent at the Albemarle Charlottesville Regional Jail (ACRJ). He said that the Jail had brought to the ACRJ Authority Board last May a project which would bring a day reporting center to the City of Charlottesville, which would be used as a diversion program for inmates currently incarcerated or those who will be incarcerated. Mr. Kumer explained that, two years ago, the Jail came together with other jurisdictions and other members of the criminal justice community to discuss best ways to implement strategies in this area to reduce costs, reduce recidivism, and reduce crime, all while reducing reliance on the jails. He said, at that time, they were facing overcrowding and possible expansion. He said, after two years of data analysis comparing other programs, and in consultation with the federal government, the Jail Authority applied for a grant and was one of seven sites in the United States selected. Mr. Kumer stated that one of the things they liked about the local application was the collaborative effort from local government, the courts, police and sheriff's departments, social services agencies, OAR, Region Ten, all with a common goal.

Mr. Kumar said that with that selection came the possibility of a grant, and if the Jail was to choose a program that would reduce reliance on the jail, reduce crime, and reduce recidivism without additional cost, the Jail would help fund the first year. Mr. Kumer said that the funding thereafter would come from the associated cost savings, and the program they decided on was a day reporting center or a "center of risk reduction." He stated that the way it would work would be to have nonviolent offenders showing a risk for recidivism, determined by a widely-accepted assessment tool, to go through the program in lieu of incarceration. Mr. Kumer noted that the assessment identifies what makes these individuals continue to commit crimes, and there are eight typical recidivism causal factors including substance abuse, peer group, unemployment, and lack of education. He said that the day reporting program would be designed to specifically address each individual's criminogenic needs using evidence-based programs.

Mr. Kumer stated that if they can get approximately 10-15% of offenders into this program, the Jail can save about \$250,000 per year, and the program would cost about \$240,000 per year to implement. He said that this isn't a cost-savings measure; it works to reduce reliance on the Jail and the possibility of future jail expansion. Mr. Kumer said that the program would also focus on reducing recidivism and reduce crime in the area. He noted that, in years three, four and five, if the program is successful, they would come back to the localities to request direct funding of the program.

Ms. Mallek said that it sounds a lot like the drug court for those particular inmates, and there is a much higher responsibility level to keep individuals on the program, adding that it seems to be wildly successful compared to the alternatives.

Mr. Rooker asked how the decision would be made to use OAR to implement the program versus using private vendors. Mr. Kumer explained that they had originally wanted to go with Offender Aid and Restoration, which has very similar goals and clientele, but OAR is not set up to do this with their current manpower, and when considering the cost to run it, the Jail Authority decided to bid it out in order to get the most cost-effective model. He confirmed that there would be private companies who would set up shop and run it here.

Mr. Rooker said that he would prefer to keep it local, if the cost can be kept close.

Ms. Mallek added that it depends on whether the deliverables are the same, and they already know what OAR can deliver.

Mr. Kumer agreed that OAR is well-known and has a proven track record with the jail, the courts, and the offenders. He said it would have made a much smoother transition to just immediately go with Offender Aid and Restoration, however, he cautioned that if the program is not successful, OAR would be put out there and would have to address shutting down the program, whereas a private company would be on the hook.

Mr. Rooker asked if they are the same companies that privately operate jails, such as Corrections Corp of America. Mr. Kumer said they may be arms of those companies, but there are some that just specifically operate day reporting centers throughout the country.

Ms. Mallek asked if they were required by procurement to take the cheapest cost, or if they can choose based on other factors. Mr. Kumer responded that if they can justify a higher cost, they can use a different vendor. He said that they were just now putting out an RFI, and the Jail's committees would decide how to proceed. Mr. Kumer noted that they have a full committee that is comprised of the Chiefs of Police from the City and the County, representatives from the Public Defender's Office, OAR, etc.

Mr. Boyd commented that he doesn't want to try to micromanage the jail system.

Ms. Mallek said that she would rather be informed now and not find out that some company from Kansas, for example, has been hired.

Mr. Boyd noted that there is a County representative on the Jail Board.

Mr. Foley confirmed that there was a representative committee.

Mr. Rooker said that the Jail Board would be following this process. Mr. Kumer responded that they would make a recommendation to the Jail Board, which would make the final decision.

Mr. Snow said that, based on the information presented, the program sounds great, and he thanked Mr. Kumer for his presentation.

Mr. Boyd said that, after year three, the level of costs would be the same and wouldn't be reduced.

Mr. Kumer responded that they hope, in the long run, to achieve an actual cost savings if crime decreases as a result of the day reporting program, which is the intent.

Mr. Foley said keeping the jail population at a manageable level is a huge issue in terms of future expansion costs, etc.

Agenda Item No. 12. Closed Meeting.

At 12:14 p.m., **motion** was offered by Mr. Boyd, **seconded** by Ms. Mallek, 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; under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters regarding a lease of County property; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the negotiation of a regional public safety agreement

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

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Agenda Item No. 13. Certify Closed Meeting.

At 1:32 p.m., the Board reconvened into open meeting. Mr. Boyd **moved** that the Board certify by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Agenda Item No. 14. Boards and Commissions: Vacancies/Appointments.

Mr. Snow then offered **motion** to make the following appointments/reappointments:

- **appoint** Mr. Ronald Spears to the Community Policy & Management Team with said term to expire July 1, 2016.
- **reappoint** Ms. Kirsten Miles, Mr. John Donohue, and Mr. Michael Peoples to the Jefferson Area Disability Services Board with said terms to expire June 30, 2016.
- **reappoint** Mr. Tom Weaver, Mr. Dennis Dutterer, Mr. George Emmitt, Ms. Diane Caton, Mr. Ronald Cottrell, Mr. Lynwood Bell and Mr. John Chavan to the Pantops Community Advisory Council with said terms to expire June 30, 2016.
- **appoint** Mr. A. Bruce Dotson to the Piedmont Virginia Community College Board with said term to expire June 30, 2017.
- **reappoint** Ms. Nancy Gansneder to the Region Ten Community Services Board with said term to expire June 30, 2016.
- **reappoint** Mr. Rod Gentry to the Workforce Investment Board with said term to expire June 30, 2016.
- **appoint** Ms. Janet Turner-Giles to the Workforce Investment Board with said term to expire June 30, 2014

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

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Agenda Item No. 15. **Public Hearing: SP-2012-00032. Bellair CSA Barn (Sign # 90).**
PROPOSAL: Special events in and around existing barn. ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

~~SECTION: 10.2.2.50, which allows for Special events (reference 5.1.43). COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 4 – Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots). – ENTRANCE CORRIDOR: No. LOCATION: 5363 Bellair Farm. TAX MAP/PARCEL: 11300-00-00-01000. MAGISTERIAL DISTRICT: Scottsville. (Moved to consent agenda for deferral to July 3, 2013)~~

Agenda Item No. 16. **Public Hearing: SP-2013-00003. Verizon Wireless/Simeon/Orrock Property - Tier III Personal Wireless Service Facility (Sign # 6).**

PROPOSAL: Request for installation of a 97' tall monopole structure and associated ground equipment on 15.61 acres. No dwellings proposed.

ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots), and Entrance Corridor (EC) Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

SECTION: Chapter 18 Section 10.2.2.48 of the Albemarle County Code, which allows for Tier III personal wireless service facilities (reference 5.1.40).

COMPREHENSIVE PLAN: Rural Areas in Rural Area 4 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/ acre in development lots).

ENTRANCE CORRIDOR: Yes.

LOCATION: 1240 Thomas Jefferson Parkway (Route 53).

TAX MAP/PARCEL: 092000000005A0.

MAGISTERIAL DISTRICT: Scottsville.

(Advertised in the Daily Progress on May 20 and May 27, 2013.)

Mr. Brent Nelson, Planner, addressed the Board, stating that Verizon is proposing to install a 97-foot tall Tier III personal wireless service treetop facility along with associated ground equipment at 2140 Thomas Jefferson Parkway, and the top of the proposed monopole will be 10 feet above the 83-foot tall reference tree identified as a 30-inch caliper oak. He said that the proposed facility is to be located on a 15.61-acre parcel on the northeast side of Route 53, just southeast of Monticello and the Kenwood Library. Mr. Nelson said that the facility is to be situated approximately 820 feet northeast of Route 53 in a wooded section of the parcel, and the general character of the parcel is rural consisting of heavily wooded areas and a single-family home. Because the proposed facility is located in an avoidance area, the Southern Albemarle Historic District, a special use permit is required. He stated that the property is adjacent to three open space easement properties and within the vicinity of other easement properties held by the Virginia Outdoors Foundation, and noted the location of those on a map.

Mr. Nelson said that the site plan drawing shows the location of the facility on the parcel, the existing access drive used to reach it, and the existing cell towers to the left and right. Mr. Nelson stated that the proposed 97-foot tall monopole is located approximately 75 feet from the nearest parcel line, and the applicant has submitted a fall zone easement on the adjacent property to the southwest which is Tax Map 92, Parcel 5 which shares the same ownership as the subject parcel under review. He noted that the deed of easement and plat have been reviewed and approved by the County Attorney. Mr. Nelson presented another site plan drawing showing the location of the proposed monopole, the reference tree, the entrance drive, and the gate and fence enclosure along with a photo of the heavily wooded condition of the lease area and a drawing of the proposed additions.

Mr. Nelson reported that a balloon test was conducted on February 27, 2013, and repeated again on March 8, 2013 due to adverse wind conditions. He said that the balloon was floated at the approximate height of the proposed facility, and staff traveled the nearby roads and visited the historic properties of Monticello, Kenwood, and Ash Lawn to determine the visual impact. Mr. Nelson presented a photo taken from Mulberry Road at Monticello, located along the southern edge of the mountaintop and noted the minimal visibility of the balloon due to the significant wooded backdrop from this vantage point. He said that a representative from Monticello attended the balloon test and has verbally indicated that all issues and concerns have been adequately addressed. Mr. Nelson also presented a photo taken from the lawn in front of the Kenwood Estate on the opposite side of Route 53, noting the location of the balloon above the treetop level, which is skylit. He said that staff believes the 1,400-foot distance from which it is viewed sufficiently mitigates its visual impact.

Ms. Mallek asked if the view would be drastically changed if the woods were removed by a subsequent property owner, and asked what the requirements were on the lot on the west side of the tower in terms of maintaining the trees.

Mr. David Benish, Chief of Planning, responded that the lot was the next property between Kenwood and the highlighted parcel, and those were both under the same ownership. He said that for the buffer area, there is no requirement other than the applicant's commitment.

Ms. Mallek commented that if the woods were gone, the tower would be out there all exposed.

Mr. Benish said that a portion of that property is under the same ownership.

Ms. Mallek stated that if nothing is put in writing, there will be nothing to require that the woods are protected, as they learned with the Bellair tower.

Mr. Nelson presented a photo taken from the parking lot of the Jefferson Vineyards at Simeon, and noted the location of the balloon located above treetop level which is clearly skylit. He said that staff

believes the 2,800-foot difference from which it is viewed sufficiently mitigates its visual impact. Mr. Nelson presented a photo taken from the field next to the Ash Lawn parking lot, noting the location of the balloon visible at treetop level. He said that staff believes that the visual impact from this vantage point is negligible.

Mr. Nelson reported that staff identified factors favorable to this proposal: the proposed monopole is located so that only the top section of the pole containing the antennas is expected to be visible, and as a result it is not expected to have any negative visual impact to adjacent properties, roadways, entrance corridors, historic districts, or conservation easements. He said that the ARB staff has advised that there would be "minimal visibility" from Route 53, an Entrance Corridor, and nearby historic properties. Mr. Nelson said that the stewardship specialist for the Virginia Outdoors Foundation, easement holder for the adjacent conservation easements, has reviewed the proposal and has identified no issues with regard to it. He added that staff did not identify any factors that would prevent them from recommending approval.

Mr. Nelson reported that staff and the Planning Commission recommend approval of the facility at 10 feet above the tallest tree with the conditions as presented: that the plan be in general accord with the conceptual plan provided.

Ms. Mallek asked about adding something to prevent removal of the tree buffer. Mr. Benish responded that the Board could add a condition if they choose to do so.

Mr. Rooker agreed that without that protection, the tower would be much more visible, but the question is how to word the condition and define the buffer area.

Mr. Davis clarified that a Tier III already incorporates the buffer and tree preservation requirements found in Tier I and Tier II, so under the ordinance the applicant cannot remove any trees within 100 feet of the tower, and the tree conservation plan can specify other trees within 200 feet that can't be removed by the applicant. He added that what the ordinance doesn't address is a restriction on adjacent property owners from removing trees on their property that is closer than those distances, and there is no way to put that restriction on this applicant unless they seek some legal document to ensure the adjacent property owner can't remove the trees.

Ms. Mallek said that it is common ownership, so the person who wants to put the tower in has in their best interest to make it so that it will comply with what the County is expecting if they want to have it. So it seems like it is their obligation.

Mr. Davis replied that that is something the Board would have to address with the applicant to find out if that is something they can do.

Mr. Davis said that the other question is whether that expanse of trees is necessary to mitigate the visibility of the tower, and whether the location of the tower itself with the 100 feet of trees the ordinance protects would already be a sufficient barrier from a visibility standpoint. He noted that from the picture it appears to be and said that it may be overkill to address that in this application.

Mr. Benish said that in this particular case only about 25 feet of the 100 feet is on the other property, and staff did discuss it with the applicant's representative Lori Schweller, so she may be prepared to address it. He stated that staff's opinion is that the 25 feet of clearing wouldn't be as significant to the total setting of the site from where those critical features are when compared to other locations.

Ms. Mallek said that she was curious about why staff concluded that opinion.

Mr. Benish explained that the amount of clearing, the 25 feet, should it take place would not be as significant to the total setting of the site from where the critical features are. He said that perhaps giving another setting, if there was more area that would be potentially subject to it, then it would be a more significant issue.

The Chair then opened the public hearing.

Ms. Lori Schweller of the law firm LeClair Ryan addressed the Board, stating that she was representing Verizon Wireless in this application. She reported that they are requesting a special use permit for Tier III personal wireless facility on the Oreck property, and there is a monopole already present on the site to the west of this site and another on the same parcel about 65 feet to the east. Ms. Schweller clarified that there would be three together on Oreck property, and pointed out the location of neighboring conservation easement property. She noted that they had invited that property owner to both of their balloon tests, but he did not attend nor did he provide any comments on this application. Ms. Schweller said that their obligation under the ordinance is that the applicant may not remove trees under the tree conservation portion of the ordinance within the lease area or within 100 feet of the lease area, except as identified in their tree conservation plan. She mentioned that there is nothing in their application that would address property on other property owners that were not in the conservation easement.

Ms. Mallek clarified that she is concerned about the view from Kenwood, because the photograph shows the difference in topography.

Ms. Schweller responded that it is certainly not flat.

Mr. Snow said that with the three towers, when you take into account the 100-foot buffer around each property that has a tower, everything is covered.

Ms. Schweller replied that the other two towers were approved before the current ordinance, and she doesn't know what the requirements were at that time. She stated that when you are at Kenwood and are looking toward the site, you're basically seeing the side of a large hill, so what really matters in terms of buffering visibility of the monopole are the trees around it.

Ms. Mallek said that their canopy would actually provide the cover for the bottom of the monopole.

Ms. Schweller added that they would have buffer for all of the area within the lease area, and the area 100 feet around it would not be cleared except for those that have been identified to be removed for the tower.

Mr. Rooker asked if the 100-foot limitation on clearing extends out of the lease area onto the owner's property. Mr. Benish clarified that it is limited to a 100-foot buffer that's around the monopole location.

Mr. Rooker said that the Board has already discovered that if it's on someone else's property, it doesn't apply.

Mr. Davis stated that the applicant is the property owner.

Mr. Rooker asked if it is done without regard to the parcel divisions. Is it limited by parcels or does it extend to a 100 foot radius around everything the property owner owns. Mr. Davis responded that the County has never rendered an opinion on that, but his off the cuff opinion would be that it is limited to the parcels that are the subject of the application.

Ms. Mallek emphasized that what the Board learned from the Bellair example is not to rely on a buffer that's out of your control, and at least 25% of the buffer of this application falls into this category.

Mr. Rooker asked if the pole is on the highest elevation point of the property. Ms. Schweller replied that it is at the top of the property.

Mr. Nelson clarified that it is not at the very highest point on the property but it is up high on the property.

Ms. Schweller explained that it is on a ridge so that it serves both sides of the mountain.

Mr. Snow asked if collocating on one of the existing towers was an option. Ms. Schweller responded that the existing towers are very short and stated that the AT&T tower was approved 12 years ago and the other approved 10 years ago and the trees have grown up around them. She said that when the AT&T tower was approved, there were no trees within 25 feet so there was no reference tree and it was approved to 80 feet. Ms. Schweller said that there is a reference tree for the Ntelos tower, but because of the tree growth there wouldn't be a way to put antennas on either tower and get service.

Ms. Schweller presented a photo simulation, but said it was hard to see.

Mr. Thomas asked what is the distance the photo was taken. Ms. Schweller said they were about a mile away.

Mr. Rooker said that at that distance and view, it is not a problem, it's whether the applicant actually has the buffer they think they have, when considering the view from Monticello's property, etc.

Ms. Schweller stated that they had done several balloon tests, including one done last November when environmental consultants were looking at the site, and Monticello had requested that the test be done when the leaves were off of the trees. She said that they did the test in February and March, and they got a good sense of the visibility, with Natasha Sienitsky of Monticello being fine with it from all the locations at Monticello.

She said that the applicant's environmental consultant traveled with them to all of the other historic locations, and it was most visible at Kenwood and Jefferson Vineyards, but when looking at the existing monopoles, it would have a similar impact. Ms. Schweller said that this site meets all of the requirements of Tier II applications, except for the fact that it's in an avoidance area because of the Southern Albemarle Historic District.

Mr. Rooker said that the Monticello property seems to be the most visually impacted, and they have spent some time looking at it; the ARB has also looked at it from Route 53 and has found that it was not that visible.

Mr. Snow added that Monticello signed off on it.

Mr. Rooker stated that in the future when there is a situation with an owner having multiple parcels, the County should require that they include in their application any parcels within the tree preservation area so there isn't an assumption made that they're obligated to protect it when it's not included in the application.

Mr. Davis said that this is an issue that will be considered when the Board looks at the amendments to the wireless facility criteria, and under a special use permit they could impose more stringent conditions than what the ordinance normally requires to offset visual impacts. He stated that he thinks staff needs to get a handle on the circumstances where those conditions are appropriate.

Mr. Rooker said that he is not hugely concerned with this particular application, because the most impacted property owner has looked at it and seems to be fine with it. He said that in the future if an owner owns the property that is within the 100-foot radius then the Board ought to ensure that the property is subject to the buffer.

Mr. Snow commented that it is all part of the easement.

Mr. Davis said that it's possible to make that a condition that guaranteeing it would be a requirement, but staff would need to focus in on that issue in the future.

Mr. Snow said that the challenge here is that there are already two existing towers, so it would be hard to include it all in the same easement.

Mr. Rooker said that the County could require an owner to include whatever parcels are within 100 feet of the radius area in the application, and it would be binding as long as the special use permit is in place.

Mr. Benish clarified that what is shown is the fall zone for the tower, which is 97 feet, so the circle shown on the map is essentially the 100-foot buffer. He said that in this particular case it is a fairly small area, so staff didn't focus in on it, but they are very cognizant of the issue and are looking at it on a case by case basis.

Ms. Mallek said that they are learning as they go, and just don't want to fall into the same trap twice.

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

Mr. Snow then offered **motion** to approve SP-2013-00003 subject to the condition as recommended by staff. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

(The condition of approval is set out below:)

1. Development and use shall be in general accord with the conceptual plan titled "Simeon (Orrock Property) 1240 Thomas Jefferson Parkway, Charlottesville, VA 22902" prepared by Justin Y. Yoon latest revision date 4/2/13 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - a. Height
 - b. Mounting type
 - c. Antenna type
 - d. Number of antenna
 - e. Distance above reference tree
 - f. Color
 - g. Location of ground equipment and monopole

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

Agenda Item No. 17. Justice Reinvestment Initiative Program. **Moved to Item 11a.**

Agenda Item No. 17a. Resolution: Airport Runway Construction Project.

Ms. Mallek read the following resolution:

**RESOLUTION REGARDING THE CHARLOTTESVILLE-ALBEMARLE
REGIONAL AIRPORT RUNWAY EXTENSION PROJECT**

WHEREAS, the Charlottesville-Albemarle Airport Authority ("Authority") is in the process of completing the Charlottesville-Albemarle Airport ("Airport") runway extension project to expand services to the community and bring areas of the Airport into Federal Aviation Administration ("FAA") compliance and to maintain eligibility for FAA grants; and

WHEREAS, some residents living near the Airport have expressed concern that on-site blasting for rock materials to complete the project has damaged their properties; and

WHEREAS, the Board of Supervisors wishes to express its concern regarding the impact of the project on property of residents living near the Airport.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby supports the following:

- continued direct outreach to residents living near the Airport and the completion of all home assessments that are initiated;
- continued monitoring and notification to residents that goes beyond minimum requirements;
- the Authority's previous action to hire a separate geo-technical professional to assess any long-term effects of repeated blasting;
- close coordination with all State and Federal agencies in assessing and addressing the impacts of the project;
- the full investigation of all known claims attributed to the blasting and a fair resolution and settlement of such claims to compensate property owners for any damages prior to the closure of the contract for the project; and
- an avoidance or reduction in future blasting at the Airport consistent with FAA requirements and State and Federal law and the establishment of a good neighbor policy that includes neighborhood involvement on the front end of any future projects involving blasting.

Mr. Snow said that he agreed with the first five items, but has problems with the sixth. He said that he thinks the Board ought to go ahead and bite the bullet and put in the resolution that the borrow pit be closed at the conclusion of this project.

Ms. Mallek agreed, and said that the difficulty in doing that is the FAA requirements.

Mr. Foley said that he and Mr. Davis had both looked at the resolution, and the airport contacted the FAA about that kind of a restriction on any future funding for projects, and the FAA basically confirmed that without any opportunity to do onsite blasting, if it was the least expensive option, the airport probably wouldn't qualify for some federal grants to do other projects on the airport. He stated that the reason staff worded it the way they have is to express the Board's intent to avoid it and reduce it as much as possible, but if the resolution preempts the airport from receiving federal grants the Board has basically limited the airport in anything they can do in the future.

Mr. Snow said that to him that statement was meaningless, because all the airport will have to do is say "we tried to avoid it but we can't, so we'll have to go ahead and blast." He stated that he thought the Board should take a stand on it and "let the chips fall where they may."

Mr. Foley responded that that is a pretty significant decision, and under that condition the airport would not have been able to do the project at all or extend the runway. He said that the airport did go through the process of looking at the cost of offsite versus onsite material, and the FAA basically put the requirement on the airport that they do the less expensive option. Mr. Foley stated that he wanted to make sure the Board is fully aware of that because there are future projects out there.

Mr. Thomas said that it's not a quarry, so the airport could reopen the borrow pit.

Ms. Mallek said that that's the fear that people have. She said that the airport is running out of land around them, so in all likelihood there wouldn't be any more massive projects around them.

Mr. Foley said that this was a very intense project because it was so huge, and what the Board is doing is giving the County Executive direction on what needs to be pursued when the airport has these projects. He stated that the Board would be held accountable for making sure he or she has done everything they can to avoid or reduce the blasting, as there are three votes on the Authority.

Mr. Rooker pointed out that the airport gets no money from the County, and the only way the airport gets money is through federal grants.

Mr. Foley noted that any money the airport doesn't use must go back to the federal government, including both capital and operations with the exception of parking fees.

Ms. Mallek said that there is a certain category of ticket money that is used for things that are in planning because a lot of it has been done with the small airport sheds and garages that have not required FAA money.

Mr. Foley responded that it is very limited.

Mr. Rooker said that he felt a lot more comfortable dictating when it's a County project, but this isn't one. He said that if in the future the airport has a project for which they get a grant the County would be dictating whether or not they get that grant.

Ms. Mallek said that there were many options for the runway extension, including trucking in material, but the blasting pit was determined to be the least expensive. She said that the point the neighbors have made, which is accurate, is that they are subsidizing the difference in cost.

Mr. Snow asked "how many airports are sitting on top of a rock pile?" He said that they pay a little bit more.

Mr. Davis explained that the FAA had clarified in a letter provided to Mr. Foley that if the offsite rock increased the cost of the project, then the FAA airport improvement funds would only pay the necessary and reasonable costs of the project. He said that if onsite material was available, the FAA funds couldn't be used to get material offsite which becomes an important consideration, as the only funding available for the project is federal money.

Ms. Mallek suggested that if the rock wasn't legally available because the community has not allowed access to it, then the FAA couldn't have it.

Mr. Davis said that that's not really the case.

Mr. Foley said that if the airport has a project that the community supports getting done, if the onsite material option is eliminated, the question becomes whether 280,000 truck trips on the road is a better option. One way or another if you do it, you've got some impact one place or another. He added that it didn't diminish the concerns of the neighbors around the airport, but it is a tough issue if the airport is going to continue to thrive. Mr. Foley reiterated that there is no future project that he is aware of that is of the magnitude of what the airport has just had to do.

Mr. Rooker commented that there's also the question of the number of blasts, and suggested changing the language to state "exercising all reasonable efforts to avoid future blasting."

Mr. Snow said that one of his concerns from his conversations with homeowners was that somewhere it was surmised that if the airport could sell stone for another project in the area, they would do so.

Mr. Davis said that the airport could not do that.

Mr. Foley said that it is against federal regulations.

Mr. Boyd stated that he appreciates the neighbors' concerns, and this resolution addresses many of those. He said that the airport is too valuable an asset, which no local tax dollars are used for, and it would tie the airport's hands to eliminate blasting.

Mr. Foley said that Mr. Rooker's language to put more emphasis on the fact that "every measure possible to avoid this should be pursued," and it certainly is a strong statement from the Board.

Mr. Rooker said it could say "exercising all reasonable efforts to avoid future blasting".

Mr. Foley asked Mr. Rooker if he could repeat the language.

Mr. Rooker repeated "exercising all reasonable efforts to avoid future blasting at the airport."

Mr. Boyd asked if they could add something to the effect of saying "in consultation with this Board before moving ahead in any other projects."

Mr. Rooker said that it could be worded to say "to avoid any future blasting consistent with regulations etc, unless approved by this Board."

Mr. Boyd stated that he did not know how binding that would be on anyone besides the County Executive.

Mr. Rooker said that none of it would be binding to anyone besides the County Executive.

Ms. Mallek commented that it would be to at least get the information back to the Board. Because if they had been told in October that there would be 100 blasts, there would have been a different interest level than to have it trickle out through the neighbors in February. She said that it was a different scale than anyone was anticipating at this point.

Mr. Rooker said that it could be worded to say "not approve any future blasting at the airport unless approved in advance by the Board of Supervisors."

Mr. Snow said that he could support that.

Mr. Rooker said that it would totally control Mr. Foley's vote.

Mr. Foley reiterated that it's just one vote.

Mr. Davis stated that it's a little misleading because the Board of Supervisors doesn't have to approve the blasting now, nor would it after the resolution was adopted.

Mr. Rooker said that the Authority does. He said that the point being is that all the Board is doing is controlling their one vote.

Mr. Foley suggested that the meaning is, "the Board will not support any future blasting without it coming back to them for vote."

Mr. Davis read the language as, "No future blasting at the airport without Board of Supervisors' prior approval," but emphasized that it only controls one vote.

Mr. Thomas said it's important that the public knows it is only one vote.

Ms. Mallek then offered **motion** to adopt the proposed resolution regarding the Charlottesville-Albemarle Regional Airport Runway Extension Project. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

Mr. Thomas commented that he is worried about the public's interpretation of what they just did, as they will think the County is controlling it.

Ms. Mallek responded that Supervisors are going to have to explain it very well.

Mr. Rooker said that he hoped the media would get the word out accurately that the County has just one vote.

(The adopted resolution is set out below:)

**RESOLUTION REGARDING THE CHARLOTTESVILLE-ALBEMARLE
REGIONAL AIRPORT RUNWAY EXTENSION PROJECT**

WHEREAS, the Charlottesville-Albemarle Airport Authority ("Authority") is in the process of completing the Charlottesville-Albemarle Airport ("Airport") runway extension project to expand services to the community and bring areas of the Airport into Federal Aviation Administration ("FAA") compliance and to maintain eligibility for FAA grants; and

WHEREAS, some residents living near the Airport have expressed concern that on-site blasting for rock materials to complete the project has damaged their properties; and

WHEREAS, the Board of Supervisors wishes to express its concern regarding the impact of the project on property of residents living near the Airport.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby directs its appointee to the Authority to support the following:

- continued direct outreach to residents living near the Airport and the completion of all home assessments that are initiated;
- continued monitoring and notification to residents that goes beyond minimum requirements;
- the Authority's previous action to hire a separate geo-technical professional to assess any long-term effects of repeated blasting;
- close coordination with all State and Federal agencies in assessing and addressing the impacts of the project;
- the full investigation of all known claims attributed to the blasting and a fair resolution and settlement of such claims to compensate property owners for any damages prior to the closure of the contract for the project; and
- no future blasting at the Airport without Board of Supervisors prior approval.

(Note: At this time the Board went back to its discussion on Consent Agenda Item 8.4.)

Mr. Boyd stated that he is still in favor of pulling the \$4,000 in funding from the Virginia Organizing Project, as it is an organization that spends the majority of its time on political action. He said that he does not think it is an appropriate place for the Board to be allocating taxpayer dollars.

Mr. Thomas said that he agrees with Mr. Boyd.

Ms. Mallek clarified that it is the 501(c)3 part of VOP, not the 501(c)4 part.

Mr. Rooker pointed out that the money is going to the community obesity project, which searched around to find a fiscal agent to handle the administrative part of project so they could get grants.

Mr. Boyd said that it was presented as a project to be operational by the Virginia Organizing Fund. He stated that they are the ones who applied for the money and that he is not buying that it is just a funneled-through source of money from other people.

Mr. Foley clarified that there is a 3% fee for the administrative part of this to the VOP, so the whole \$4,000 doesn't go right to the project. He said that since the Board discussed it earlier, the Health Department has come back and said that they could administer the project without the problems they had originally assumed were there.

Mr. Boyd asked Mr. Foley if he is saying that the Board could remove Virginia Organizing from the process and give the money directly to the Health Department.

Mr. Foley replied that it could work.

Mr. Boyd said that he would be ok with it.

Mr. Rooker agreed and explained that what he did not want to do, if they were in the middle of a grant process, is disturb the ability to get the project together for a very worthwhile attack on the biggest problem of the Community and Nationwide.

Mr. Boyd said that his problem is with Virginia Organizing Project not what the money is being spent on.

Mr. Foley clarified that there would be no extra administrative fee if the Health Department handles it.

Ms. Mallek commented that the Health Department would have to hire someone to do it because it is not their normal operation.

Mr. Rooker **moved** to approve the appropriation and make the donation directly to the Health Department.

Mr. Davis responded that it would need to be done later and included as part of the agreement the County has with the Health Department.

Mr. Foley said that the alternative is to leave it as a separate donation to the Health Department.

Mr. Boyd suggested that the Board pull the item off and then re-appropriate it to the Health Department.

Mr. Rooker then restated his **motion** to designate the \$4,000 as a contingency, with the understanding they would work with the Health Department to make sure the money gets into the program, and approve the rest of the appropriations as presented.

Mr. Snow said that the Health Department has sixty other agencies that could help administer it.

Ms. Mallek commented that the other agencies don't have grant management skill.

Mr. Davis said that other organizations have made their appropriations already to VOP, so it appears that the Health Department would have to coordinate the donation to them with that effort.

Mr. Foley said that the Health Department could handle it.

Ms. Allshouse said that the County could increase their funding to the Health Department for \$4,000 and eliminate the VOP line item for that amount, and the other option would be moving it to their contingency line and then allocating it.

Mr. Boyd said that he did not have a problem with the first option to reallocate it to the Health Department.

Mr. Foley stated that staff would do any follow-ups to the Health Department agreement that is necessary. He said that this is an appropriation that does not have to be issued until it is resolved.

Mr. Davis said that it follows the appropriation so it is not a problem.

Ms. Allshouse stated that it stays in the same category of funding.

Dr. Peake assured the Board that the Health Department would handle it through their fiscal office, and said it would not go back to Virginia Organizing. She said the Health Department would pay for things directly out of their budget for the campaign.

Mr. Foley suggested that the Board move the money from Virginia Organizing up to the Health Department.

Mr. Boyd then **moved** to appropriate \$4,000 to the health department and eliminate that appropriation from VOP. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

Motion was then offered by Mr. Boyd, **seconded** by Mr. Snow, to adopt the Annual Resolution of Appropriations for FY 13/14 that allocates a total of \$322,454,521 to various General Government and School Division operating, capital improvement, and debt service accounts for expenditure in FY 13/14. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.
NAYS: None.

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2014; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT (Fund 1000)

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2014:

Paragraph One: GENERAL MANAGEMENT AND SUPPORT

Board of Supervisors	\$599,994
County Executive	\$1,189,801
Human Resources	\$655,864
County Attorney	\$1,016,955
Finance Department	\$4,658,755
Management and Budget	\$342,516
Information Technology	\$2,516,804
Voter Registration/ Elections	<u>\$565,954</u>
	\$11,546,643

Paragraph Two: JUDICIAL

Circuit Court	\$99,312
General District Court	\$37,285
Magistrate	\$4,350
Juvenile Court	\$113,381
Clerk of the Circuit Court	\$780,096
Sheriff's Office	\$2,196,868
Commonwealth's Attorney	<u>\$1,042,113</u>
	\$4,273,405

Paragraph Three: PUBLIC SAFETY

Police Department	\$15,151,349
Fire/Rescue Department	\$9,554,146
Volunteer Fire/Rescue	\$2,020,342
TJEMS	\$19,257
Fire/Rescue Tax Credit	\$62,000
City Fire Contract	\$150,000
Inspections and Building Codes	\$1,108,821
Forest Fire Extinction	\$23,929
Emergency Communications Center	\$2,191,183
Albemarle Charlottesville Regional Jail	\$3,415,945
Community Attention Home	\$60,149
Juvenile Detention Center	\$841,223
Foothills Child Advocacy Center	\$30,385
Offender Aid and Restoration	\$159,229
SPCA Shelter Contribution	\$532,249
VJCCA	<u>\$52,231</u>
	\$35,372,438

Paragraph Four: GENERAL SERVICES / PUBLIC WORKS

Facilities Development Department	\$193,425
General Services	\$3,537,624
Rivanna Solid Waste Authority	<u>\$300,000</u>

\$4,031,049

Paragraph Five: HUMAN SERVICES

Department of Social Services	\$10,987,870
Bright Stars Transfer	\$661,025
Comprehensive Services Act Transfer	\$2,350,000
Tax Relief for Elderly/Disabled	\$975,000
Health Department	\$568,471
Region Ten	\$658,856
ABRT	\$15,356
AIDS/HIV Services Group	\$3,600
Boys & Girls Club	\$20,000
Charlottesville Free Clinic	\$116,390
Children, Youth & Family Services	\$74,490
Computers 4 Kids	\$13,379
JABA	\$301,780
Jefferson Area CHIP	\$301,500
Jefferson Area United Transit Network	\$1,151,711
Housing Collaboration Contingency	\$15,000
Legal Aid Justice Center	\$38,700
Madison House	\$9,900
Piedmont CASA	\$9,270
Piedmont Virginia Community College	\$24,962
Piedmont Workforce Network	\$13,805
SARA	\$20,000
Shelter for Help in Emergency	\$85,514
United Way	<u>\$117,100</u>
	\$18,533,679

Paragraph Six: PARKS, RECREATION AND CULTURE

Department of Parks & Recreation	\$2,443,740
Jefferson-Madison Regional Library - Regional	\$891,088
Jefferson-Madison Regional Library - Charlottesville-Albemarle	\$1,923,998
Jefferson-Madison Regional Library - Crozet Library	\$291,444
Jefferson-Madison Regional Library - Scottsville Library	\$144,726
Jefferson-Madison Regional Library - Extension Services	\$197,675
African American Festival	\$2,700
Ashlawn Highland Festival	\$3,800
Historic Preservation Contingency	\$13,000
Literacy Volunteers	\$25,287
Municipal Band	\$8,000
Piedmont Council of the Arts	\$5,000
Visitor's Bureau	<u>\$666,195</u>
	\$6,616,653

Paragraph Seven: COMMUNITY DEVELOPMENT

Department of Community Development	\$4,027,609
Housing Office	\$482,674
VPI Extension Service	\$181,901
Soil & Water Conservation	\$115,646
AHIP	\$400,000
Charlottesville Area Transit	\$815,567
CVSBCC	\$10,000
MACAA	\$107,440
Piedmont Housing Alliance	\$34,500
Planning District Commission	\$124,024
Streamwatch	<u>\$10,380</u>
	\$6,309,741

Paragraph Eight: REVENUE SHARING AGREEMENT

Revenue Sharing Agreement	\$16,931,333
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Paragraph Nine: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:

Refunds and Abatements	\$163,500
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Paragraph Ten: OTHER USES OF FUNDS

Transfer to School Fund - Recurring	\$103,332,028
Transfer to School Division Debt Service	\$12,428,551
Transfer to School Division Capital Projects	\$1,152,877
Transfer to General Government Debt Service	\$3,953,334
Transfer to General Government Capital Projects	\$1,467,298
Transfer to Vehicle Replacement Fund	\$214,348
Economic Development Fund	\$250,000
Grants Leveraging Fund	\$100,000
Innovation Fund	\$166,500

Intern Fund	\$166,500
Fuel Contingency	\$100,000
Training Pool	\$50,000
Reserve for Contingencies	\$243,578
Salary Reserve - Reclassifications	\$80,000
Salary Reserve - Merit	\$290,000
VERIP Program	\$722,312
	<u>\$2,168,890</u>

Total GENERAL FUND appropriations for the fiscal year ending June 30, 2014: \$228,495,767

To be provided as follows:

Revenue from Local Sources	\$197,200,516
Revenue from the Commonwealth	\$23,163,795
Revenue from the Federal Government	\$4,243,141
Transfers	\$2,500,963
Use of Fund Balance	\$1,387,352

Total GENERAL FUND resources available for fiscal year ending June 30, 2014: \$228,495,767

SECTION II: REGULAR SCHOOL FUND (Fund 2000)

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2014:

Paragraph One: REGULAR SCHOOL FUND

Instruction	\$118,092,839
Administration, Attendance, and Health	\$6,891,421
Pupil Transportation	\$9,383,265
Operation and Maintenance	\$14,650,799
School Food Services and Other Non-Instructional Services	\$0
Facilities	\$152,500
Debt Service and Fund Transfers	\$3,404,355
Technology	\$2,725,462
Contingency/Reserve	\$0

Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2014: \$155,300,641

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$ 103,332,028
Revenue from Other Local Sources	\$2,052,531
Revenue from the Commonwealth	\$43,389,921
Revenue from the Federal Government	\$2,863,218
Transfers	\$875,000
Use of Fund Balance	\$2,787,943

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2014: \$155,300,641

SECTION III: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2014:

Paragraph One: OTHER SCHOOL FUNDS

Instruction	\$6,906,545
Administration, Attendance, and Health	\$693,748
Pupil Transportation	\$918,437
Operation and Maintenance	\$121,886
School Food Services and Other Non-Instructional Services	\$6,695,616
Facilities	\$0
Debt Service and Fund Transfers	\$875,000
Technology	\$1,000,000
Contingency/Reserve	\$0

Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2014: \$17,211,232

To be provided as follows:

Revenue from Local Sources	\$8,355,413
Revenue from the Commonwealth	\$496,028
Revenue from the Federal Government	\$6,396,481
Transfers	\$1,608,615
Use of Fund Balance	\$354,695

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2014: \$17,211,232

SECTION IV: OTHER SPECIAL REVENUE FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2014:

Paragraph One: OTHER SPECIAL REVENUE FUNDS

Comprehensive Services Act Program Expenditures (Fund 1551)	\$8,621,312
Bright Stars Program (Fund 1553)	\$1,169,520
Darden Towe Memorial Park (Fund 4200)	\$285,411
MJ Health Grant (Fund 1563)	\$5,000
Courthouse Maintenance Fund (Fund 9150)	\$44,156
Tourism Enhancement (Fund 1810)	\$1,627,180
Criminal Justice Grant Programs (Fund 1520)	\$751,590
Victim-Witness Program (Fund 1225)	\$117,921
Metropolitan Planning Organization Funding (Fund 1208)	\$10,000
Housing Assistance Fund (Fund 1227)	\$3,095,000
Vehicle Replacement (Fund 9200)	\$1,012,048
FEMA-Safer Grant (Fund 1595)	\$551,764
Facilities Development (Fund 1925)	\$956,642
Economic Development Authority (Fund 6850)	\$40,000
Old Crozet School Operations (Fund 8610)	\$74,577

Total OTHER SPECIAL REVENUE FUND appropriations for fiscal year ending June 30, 2014: \$18,362,121

To be provided as follows:

Revenue from Local Sources	\$1,881,124
Revenue from the Commonwealth	\$5,880,201
Revenue from the Federal Government	\$3,718,144
Transfers	\$6,555,825
Use of Fund Balance	\$326,827

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2014: \$18,362,121

SECTION V - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND (Fund 9010)

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2014:

Paragraph One: ADMINISTRATION

Tax/Rev System Replacement	<u>\$50,000</u>
	\$50,000

Paragraph Two: COURTS

Clerk of the Circuit Court System Upgrade	\$35,000
Court Square Maintenance/Replacement	\$198,511
J&DR Court Maintenance/Replacement	\$28,000
J&DR Phone System Replacement	\$20,400
Old Jail Facility Maintenance	\$18,540
Sheriff's Office Maintenance/Replacement Projects	<u>\$20,000</u>
	\$320,451

Paragraph Three: PUBLIC SAFETY

Fire/Rescue Apparatus Replacement	\$3,574,000
Ivy Station 14	\$6,000
Seminole Trail VFD Renovation/Addition	\$45,000
Firearms Range Facility	\$481,874
County 800 Mhz Radio Replacements	\$609,768
Police Mobile Data Computers	\$144,450
Police Patrol Video Cameras	<u>\$130,620</u>
	\$4,991,712

Paragraph Four: PUBLIC WORKS

City/County Co-Owned Maintenance/Replacement	\$40,470
County Facilities Maintenance/Replacement	\$656,449
Ivy Landfill Remediation	\$523,000
Moore's Creek Septage Receiving	\$109,441
Old Crozet School Maintenance	\$73,469
Storage Facility Lease-General Government	<u>\$63,000</u>
	\$1,465,829

Paragraph Five: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Crozet Streetscape Phase II	\$81,900
Master Plan Implementation	\$31,200
Sidewalk Construction Program	\$112,800

Transportation Projects	\$5,625
Transportation Projects and Revenue Sharing	<u>\$1,045,000</u>
	\$1,276,525

Paragraph Six: HEALTH AND WELFARE

DSS Document Management System	\$80,000
Health Department Maintenance/Replacement	<u>\$14,197</u>
	\$94,197

Paragraph Seven: PARKS, RECREATION & CULTURE

Parks - Maintenance/Replacement	<u>\$464,710</u>
	\$464,710

Paragraph Eight: LIBRARIES

City/County Branch Library Repair/Maintenance	\$242,927
Crozet Library	<u>\$14,400</u>
	\$257,327

Paragraph Nine: TECHNOLOGY AND GIS

County Server/Infrastructure Upgrade	\$421,200
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Paragraph Ten: OTHER USE OF FUNDS

Future General Government Project Management Services	\$45,351
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Paragraph Eleven: CARRY FORWARD OF FY 12/13 APPROPRIATIONS

All unspent and unencumbered appropriations allocated for General Government capital projects included in Attachment B are re-appropriated for completion of the projects. Upon completion of a capital project, the County Executive is authorized to close out the project and transfer any unencumbered unexpended residual funds to the Capital Improvement Fund fund balance.

Recommended Carry Forward	\$22,888,280
Recommended Carry Forward (no FY13 Expenditures)	<u>\$7,004,750</u>
	\$29,893,030

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2014: \$39,280,332

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$1,467,298
Revenue from Local Sources (Other Transfers)	\$93,156
Revenue from Other Local Sources	\$722,358
Revenue from the Commonwealth	\$500,000
Bond Proceeds	\$4,109,823
Use of Fund Balance	\$2,494,667
Use of Fund Balance for Carry Forward of FY 12/13 Appropriations	<u>\$29,893,030</u>

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2014: \$39,280,332

SECTION VI: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND (Fund 9000)

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2014:

Paragraph One: EDUCATION (SCHOOL DIVISION)

Administrative Technology	\$183,000
Agnor Hurt Elementary Addition/Renovation	\$383,601
Contemporary Learning Spaces	\$277,000
Instructional Technology	\$575,000
Murray High School Phases 1-2 Addition/Renovation	\$567,390
School Bus Replacement	\$1,541,244
School Maintenance/Replacement	\$5,665,294
State Technology Grant	\$786,000
Storage Facility Lease	\$150,000
Telecommunications Network Upgrade	\$900,000
Future School Project Management Services	<u>\$133,562</u>
	\$11,162,091

Paragraph Two: CARRY FORWARD OF FY 12/13 APPROPRIATIONS

All unspent and unencumbered appropriations allocated for School Division capital projects included in Attachment B are re-appropriated for completion of the projects. Upon completion of a capital project, the County Executive is authorized to close out the project and transfer any unencumbered unexpended

residual funds to the Capital Improvement Fund fund balance.

Recommended Carry Forward \$355,864

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2014: \$11,517,955

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$1,152,877
Revenue from Other Local Sources	\$14,982
Revenue from the Commonwealth	\$1,086,000
Bond Proceeds	\$7,014,536
Use of Fund Balance	\$1,893,696
Use of Fund Balance for Carry Forward of FY 12/13	\$355,864
Appropriations	

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2014: \$11,517,955

SECTION VII: STORMWATER CAPITAL IMPROVEMENTS FUND (Fund 9100)

That the following sums of money be and the same hereby are appropriated from the STORM WATER CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2014:

Paragraph One: STORMWATER PROJECTS

Stormwater TMDL Maintenance Study	\$125,000
Stormwater Transfer	\$266,445
WAHS Stormwater Improvements	\$13,200
Water Resources Projects	\$12,600
Future Stormwater Project Management Services	<u>\$15,092</u>
	\$432,337

Paragraph Two: CARRY FORWARD OF FY 12/13 APPROPRIATIONS

All unspent and unencumbered appropriations allocated for Stormwater capital projects included in Attachment B are re-appropriated for completion of the projects. Upon completion of a capital project, the County Executive is authorized to close out the project and transfer any unencumbered unexpended residual funds to the Capital Improvement Fund fund balance.

Recommended Carry Forward	\$554,888
Recommended Carry Forward (no FY13 Expenditures)	<u>\$902,553</u>
	\$1,457,441

Total STORM WATER CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2014: \$1,889,778

To be provided as follows:

Use of Fund Balance	\$432,337
Use of Fund Balance for Carry Forward of FY 12/13	\$1,457,441
Appropriations	

Total STORM WATER CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2014: \$1,889,778

SECTION VIII: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2014:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND (Fund 9900)

Debt Service - School Division	\$12,704,060
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Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2014: \$12,704,060

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$12,428,551
Revenue from Other Local Sources	<u>\$275,509</u>

Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2014: \$12,704,060

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND (Fund 9910)

Debt Service - General Government	\$4,094,923
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Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2014: \$4,094,923

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$3,953,334
Revenue from Other Local Sources	<u>\$141,589</u>

Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2014: \$4,094,923

GRAND TOTAL - DEBT SERVICE FUNDS \$16,798,983

**TOTAL APPROPRIATIONS MENTIONED IN
 SECTIONS I - VIII OF THIS RESOLUTION
 FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$228,495,767
Section II	School Fund	\$155,300,641
Section III	Other School Funds	\$17,211,232
Section IV	Other Special Revenue Funds	\$18,362,121
Section V	General Government Capital Improvements Fund	\$39,280,332
Section VI	School Division Capital Improvements Fund	\$11,517,955
Section VII	Storm Water Capital Improvements Fund	\$1,889,778
Section VIII	Debt Service	<u>\$16,798,983</u>
		\$488,856,809

Less Inter-Fund Transfers (\$134,695,953)

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS \$354,160,856

SECTION IX: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2014:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center	<u>\$5,313,437</u>
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Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2014: \$5,313,437

To be provided as follows:

Albemarle County	\$2,191,183
City of Charlottesville	\$1,567,491
University of Virginia	\$673,355
Revenue from Other Local Sources	\$306,446
Revenue from the Commonwealth	\$560,825
Revenue from the Federal Government	<u>\$14,137</u>

Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2014: \$5,313,437

BE IT FURTHER RESOLVED THAT the County Executive is hereby authorized to administratively approve budget transfers of unencumbered funds of up to \$50,000.00 per fund in the fiscal year from one classification, department, or project to another within the same general governmental fund.

BE IT FURTHER RESOLVED THAT the Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, the appropriations made to these funds for the period covered by this appropriation resolution.

SECTION VII

All of the monies appropriated as shown by the contained items in Sections I through IX are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance (Betty Burrell) and Clerk to the Board of Supervisors (Ella W. Jordan) are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Seven

This resolution shall become effective on July first, two thousand and thirteen.

Motion was then offered by Mr. Boyd, **seconded** by Mr. Snow, to adopt the Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: None.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$41,017,684.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each

case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

Exhibit A

**CAPITAL IMPROVEMENT PROGRAM
 BONDED PROJECTS
 FY 2013/14**

Schools	Amount
Agnor Hurt Elementary Addition/Renovation	\$383,601
Contemporary Learning Spaces	\$277,001
Murray High School Phases 1-2 Addition/Renovation	\$567,390
School Maintenance Projects	\$5,111,544
Telecommunications Network Upgrade	<u>\$675,000</u>
Schools Subtotal	\$7,014,536

General Fund	Amount
County 800 MHz Radio Replacements	\$609,768
County Server Infrastructure Upgrade	\$379,080
Fire Rescue Apparatus Replacement	3,075,975
Seminole Trail VFD Renovation/Addition	<u>\$45,000</u>
General Fund Subtotal	\$4,109,823

TOTAL DEBT ISSUE – FY 2013/14 PROJECTS **\$11,124,359**

PREVIOUSLY APPROPRIATED PROJECTS TO BE BONDED

Schools	Amount
<u>1. School Maintenance Projects</u>	<u>\$3,776,873</u>
Schools Subtotal	\$3,776,873

General Fund	Amount
1. County Server Infrastructure Upgrade	\$405,000
2. Crozet Library*	\$7,856,301
3. ECC Emergency Telephone System	\$556,760
4. Fire Rescue Apparatus Replacement	\$390,000
5. Firearms Range	\$522,765
6. Fire Rescue Lifepacks	\$362,682
7. Ivy Fire Station (Apparatus & Equipment)	\$752,625
8. Seminole Trail VFD Renovation/Addition	\$3,449,946
<u>9. 705 Rio Road West</u>	<u>\$11,820,373</u>
General Fund Subtotal	\$26,116,452

TOTAL DEBT ISSUE – ALL PROJECTS **\$41,017,684**

*Project previously anticipated to be funded or partially funded with cash.

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

In terms of paid Fire and Rescue staff volunteering, Ms. Mallek mentioned that the Fire and Rescue ordinance had been on the table for a review and report about a year ago and had not yet come to the Board.

Mr. Foley stated that staff would schedule it for a future agenda.

Ms. Mallek said that she would support investigating having paid Fire and Rescue staff volunteer at other stations, as surrounding communities do.

Mr. Snow agreed and stated that he would like to find a way to support the volunteer firefighters and give them additional help.

Mr. Rooker said that the Board has been over this before, and he wouldn't mind revisiting the decision not to allow this to see if the analysis was wrong. He emphasized that attorneys who handle FLSA cases are advertising on TV because it's a big area, and they get double damages plus attorneys fees. Mr. Rooker said that he wouldn't mind having the Legal Department look at it again, and he has already spoken with Mr. Davis about it.

Ms. Mallek commented that all of the adjacent localities are doing it.

Mr. Rooker responded that the adjacent localities are not all doing it, but some are doing it because they are small departments and don't have many people that would fall into that category or they are locations that have almost no paid people to start with. He said that Albemarle is not in that category. He suggested that if the County does go down that road, the Board should set up "a huge contingency fund" to pay the liability. Mr. Rooker said that if the Board is suggesting just simply ignoring the legality of the situation, then they should set up a fund for future liability.

Mr. Snow asked what the legal risk would be in having seven or eight or 10 people in this situation.

Mr. Rooker responded that the FLSA will take the total number of hours per year multiplied by 1.5 what they make per hour, doubled, plus their attorney's fees. He said that sometimes the law is an ass. He said that the laws were setup because there were cases where employers were forcing their employees to volunteer, and it doesn't matter that that's not the circumstance here. The law is what the law is.

Mr. Snow said that if you are going from a station with paid staff over to a station that is strictly volunteer staff – that there is no paid staff there – individuals have rights if they want to go to another station and volunteer hours and suggested that volunteers sign a waiver.

Mr. Rooker said that when they go to a fire, no one is asking whether they are a volunteer or a paid person. The person is doing the same work he would be doing in putting out that fire whether he's an employee or a volunteer.

Ms. Mallek said that everyone knows when they are working and when they are not, so that's simple. She said that someone had raised the question of "what if you are in volunteer system and you get called back to your paid station". She stated that the second you get called back to your paid station you would go on the clock.

Mr. Rooker responded that it may sound easy, but under the law it's a losing hand. He said that localities fought this law for a long time and have not been able to reverse it. He stated that they fought it for a reason because they were getting hit with liability for those very kinds of things. Mr. Rooker added that if there is any way it can be done, he would like to see it done but he doesn't want to see the Board acting like the law doesn't exist just because Supervisors don't agree with it or don't think it's rational. Mr. Rooker said that the law is out there and it is fairly clear on circumstances like this. He stated that suits get brought all the time, and they're often brought by people who would have told you two years before they brought the suit they would never sue you.

Mr. Thomas said that he would like to support Ms. Mallek's proposal and wouldn't mind investigating it further, but once NLRB gets involved, they set the rules. The County does not.

Mr. Snow commented that as a business person dealing with overtime and comp time, he understands those limitations.

Mr. Rooker said that the waivers won't do any good either, because having someone sign a waiver for overtime almost works against you because it shows you had a conscious knowledge that you were probably going to be violating something [and] you were trying to get them to waive their rights. He emphasized that he just doesn't want Supervisors to put blinders on, and if they're going to take the risk, they should quantify it and set up a contingency fund.

Mr. Snow responded that maybe that's what the Board should do.

Mr. Boyd said that there is plenty of case law having to do with volunteer fire people having being forced into overtime, and it's not a new issue. He stated that it comes up every couple of years, and each year the Board has decided that it's not a matter of being illegal – you certainly can take the risk if you want to, and it's a matter of whether or not this Board wants to take the risk. He suggested getting some actual figures and setting up some reserves for it. He said that you are not going to find a fire service with volunteer/paid that is as large as Albemarle that is taking that risk. Mr. Boyd said that he doesn't mind getting some more information on this because he would like to see it happen, but it's a matter of how much risk Supervisors want to take on for the citizens of the County.

Mr. Rooker mentioned that the attorney's fees in these cases are often larger than the damages, adding that he hopes staff's research finds something that proves him wrong.

Mr. Foley said that the Board did not need to take a motion on this because it is a research project for staff to bring back with all of the facts. He stated that he doesn't think there has been as full of a review in writing that the public can look at that will show the pros and cons in the risks and so forth.

Mr. Rooker commented that he hopes there is something in the investigation that proves him wrong.

Mr. Snow said that he would like to see information on the difference between all-volunteer stations and paid stations.

Ms. Mallek said that if it's a matter of the terminology in the ordinance being an obstacle, it could be changed in the preamble to say they're now working as a collaborative group of independent agencies instead of saying it's a "system."

Mr. Foley responded that that would have pretty significant other implications. He said that staff would just take all the comments and come back with updated information for the Board. Mr. Foley said that they would look into other agencies that are doing it to see what kind of risk they are taking and how they are mitigating it.

Agenda Item No. 19. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 20. Adjourn.

At 2:48 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman

Approved by Board
Date: 08/07/2013
Initials: EWJ