

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 7, 2013, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Clerk, Ella W. Jordan.

Agenda Item No. 1. The meeting was called to order at 9:05 p.m., by the Chair, Ms. Mallek. Ms. Mallek welcomed Mr. Craddock to his first meeting as a member of the Board of Supervisors.

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

Agenda Item No. 4. Adoption of Final Agenda.

With no additions or changes coming from Board members, the final agenda was accepted, as presented.

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

Mr. Snow stated that he asked Mr. Michael Culp, Director of Information Technology, to come to the meeting today, and the Board could discuss the matter again at the end of the meeting.

Mr. Culp said that he and Mr. Snow met with Vince Scheivert, Schools Chief Information Officer, the preceding day. Mr. Culp reported that he received an email regarding the Gigabit Communities Race to the Top Program. In December 2011 the County signed up to be a part of Gig.U consortium. He explained that GIG.U works in university communities to help them become wired with high-speed broadband. Mr. Culp said that the call is asking for Board support as explained in the following letter requesting a change to the FCC:

“Communities across America understand that our residents and businesses need access to affordable ultra-high speed broadband service to drive economic development, social interaction, and civic engagement. While a limited number of communities already are benefiting from infrastructure that can deliver ‘unlimited broadband,’ the vast majority, particularly outside the major urban areas, are challenged with bridging the gap between the high cost of constructing these networks and assured revenues to justify the build. As a result, we are going without critical infrastructure that can help transform the lives of our citizens, the activities of our businesses and the future of our economies. For that reason that we support the concept of a Gigabit Communities Race to the Top Program, which was proposed to the FCC in a petition filed in July by the Fiber-to-the-Home Council Americas (Council). The establishment of such a competitive, seed capital program by the Commission will facilitate the development of a critical mass of communities with ‘gigabit’ networks, which in turn will accelerate their deployment across the country.

With the National Broadband Plan, the FCC charted a course to bring ultra-high speed broadband service to all communities. The time is ripe to take another step towards this objective by establishing a Gigabit Communities Race to the Top Program. We call on the Commission to act promptly on the Council’s petition.”

Mr. Culp explained that Gig.U wants to make it easier for communities to petition the FCC and thus make it easier for broadband providers to put infrastructure in for fiber to reach homes and businesses. Mr. Culp said that if the Board approves this letter, the FCC will also receive a letter from Gig.U indicating to adjust the way the funds are provided to communities. He stated that it would be in the form of a grant, and the County would have to match it.

Mr. Boyd asked what impact this might have on the School budget, whereby they are trying to do the same thing with fiber optic between schools. Mr. Culp replied that this is entirely different. The fiber optic network being installed in schools is a County asset that belongs to all taxpayers. He said there is a possibility the County could lease back part of the conduit, but that would need to be explored with the schools.

Mr. Foley mentioned that this letter was just received, and staff needs look at it.

Mr. Snow commented that the letter was received yesterday afternoon. Mr. Culp forwarded him a copy of it and he asked him (Mr. Culp) to explain its’ meaning to the Board. Mr. Foley added that the letter could be added to the end of the meeting for further discussion.

Mr. Rooker reported that there was an article in *The Daily Progress* on Tuesday, August 6, 2013, entitled “Avionix says Recession Postponed Site Cleanup.” He said that this article relates to the PCE that contaminated the Avionix site, which dates back at least 12 or 13 years. The contamination has impacted

wells at Walnut Hills Subdivision. Mr. Rooker stated that some of the homes there have been fitted with carbon filters, but he wonders how a filter can stop PCE as it evaporates quickly.

Ms. Mallek said that PCE also vaporizes.

Mr. Rooker commented that they are fortunate to have two solvent companies on the hook for the cleanup, but it is concerning to consider companies that might use these chemicals and they are not reasonably regulated, and not be around to deal with the after-effects. It may take an additional 15-20 years more to cleanup this site. He mentioned an ongoing cleanup at Greenwood that is estimated to cost approximately \$50 million and go another 20 years at taxpayer expense, all for a company that came in and employed 10-12 people.

Ms. Mallek said that she has been exploring the Avionix issue and has spoken with some employees who worked there in the 1960s and 1970s, and the "hotspot" of cancer they have had from that site. She stated that it took two years for the local DEQ to get an answer back from the federal level, which is an eternity for people who live near the site. Ms. Mallek said that the County was also told by the same company in Richmond that everything was fine, but they now know that that's not the case.

Mr. Thomas asked if the land across the road has been tested. Ms. Mallek responded that there have been no test wells there, which is a concern because two of the chemicals are "sinkers," which means they go down instead of staying on the surface. This has been talked about since 2007. She said that the investigators are currently surveying there.

Mr. Rooker noted that the DEQ is substantially underfunded and has been down a few employees, so their manpower does not get to sites as quickly. He said that they are turning over investigations of the sites to landowners more often now, which can be problematic. Just because DEQ did a report on something does not mean the situation is being resolved.

Mr. Thomas commented that DEQ was very efficient with the bio-solids being put down locally.

Ms. Mallek responded that until two years ago, they only had five inspectors for the entire state, but now there are 20 so it is a huge improvement – along with the new regulations that were signed by the Governor in July.

Ms. Mallek said that there has been press coverage on the VDOT opportunity to opt out of having property sprayed with Krenite chemical for brush control. She did relay a number of questions to VDOT and received an answer late yesterday, which she will forward to Board members. She stated that VDOT has responded that everything is fine, but the chemical documents that go along with the Krenite say that it is not approved for anything related to residential. Ms. Mallek said there is no safety information, so she does not understand how VDOT can make the leap to say the chemical is safe. She reiterated that people need to pay attention and do their own research.

Mr. Thomas said that his understanding from VDOT is that they were shifting the responsibility to the contractor.

Ms. Mallek stated that is problematic to her because the workers last year did not know what they were carrying. Also, they were seen spraying the Moorman's River even though they claimed that they did not. She added that if people want to opt out of the spraying, the phone number is on the website and in *The Daily Progress*.

Mr. Foley asked if the County should perhaps work on this information and put it on the County's website, as people may be hearing this and wondering what they are being subjected to.

Ms. Mallek agreed.

Mr. Snow agreed, adding that information on the MSDS sheets should also be available.

Mr. Foley said that the County could also provide a link to the MSD info.

Ms. Mallek commented that everyone has to make their own decision, and at least this would provide a choice.

Agenda Item No. 6. Recognitions:

Ms. Mallek introduced Mr. Grant Risinger with the Department of Defense.

Mr. Risinger addressed the Board, stating that he is a volunteer with the Employer Support of the Guard and Reserve (ESGR). He explained that ESGR is a DOD agency established to gain and maintain employer support for the Guard and Reserve. He said that the Albemarle County Police Department is a wonderful example of how this has worked. There are seven police department members in the National Guard, which they volunteer to do.

Mr. Risinger then asked Police Chief, Colonel Sellers, to come forward, to receive the following recognition: "The Employer Support of the Guard and Reserve presents this Above and Beyond Award to the Albemarle County Police Department, Charlottesville, Virginia. This Award is presented on behalf of

the men and women of the National Guard and Reserve Forces for outstanding service and continuing support to the national defense.”

Colonel Sellers thanked Mr. Risinger for the recognition. He added that he was accepting the award on behalf of the commanders and supervisors, and their leadership, by providing the seven officers the support they need when they go off to defend their country, and when they come home to give them the time and the opportunity to reintegrate back into civilian society. He added that it is a proud honor to accept the award.

Ms. Mallek thanked Chief Sellers for the National Night Out event held the previous evening, stating that it was a wonderful occasion that was well received by citizens.

Mr. Snow said that it was very well organized.

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

Mr. Peter Kleeman, a Charlottesville resident, said that he was present to represent County resident Laura Dollard, an organic farmer living on Route 795, south of the Hardware River. Mr. Kleeman said that he has come before the Board previously to advocate for preservation of the character of southern Albemarle County and the unpaved road network. He stated that on July 9, 2013 a vehicle overturned on the section of gravel road that fronts Ms. Dollard's property. Mr. Kleeman said that first responders' immediate reaction was that the incident was caused because this is a gravel road, and if it were paved it would be much safer. He stated that his contention is that the road could be much safer if it were just maintained to a slightly different standard than currently maintained by VDOT. He encouraged the Board to maintain the rural character of the County. The existence of rural roads is a major contributing factor to the historic and natural environment of the County. He hopes that the Board not be swayed to pave gravel roads because of overreaction to incidents.

Mr. Charles Battig, a County resident, presented a PowerPoint presentation entitled "A Most Remarkable Coincidence". He stated that the public outreach effort for the Comp Plan was a sham orchestrated in lockstep with the Delphi technique of only considering comments and observations that support the pre-approved plan. All others will be written on a pad of paper and discarded later. The illusion of public buy-in is all that is needed. The organizers can later point to the fact that they held a public meeting, a certain number of residents attended, public comment was taken, and the community approved the plan. However, rather than promote economic development, industry and multi-family construction in surrounding regions where workers can afford to live, the Plan exacerbates the problem of high housing costs by effectively leaving these surrounding regions "no-build" zones, thus eliminating any incentive for development, industry, job growth and continued housing construction in these areas.

He said that property owners will lose their freedom to develop their property in personally or economically beneficial ways merely because they fall outside of a preferred development zone. To the family that wants to build a house on its property, or the small business owner that wishes to develop his property in a small town outside of the PDA, this loss is very real. It is nothing less than the ability to pursue his American dream.

In terms of the Urban Development Model, Mr. Battig said that the draft Plan imposes a draconian requirement that all non-agricultural development be crammed into the existing urban footprint. The Plan is advisory. The draft Plan is not a final document and any changes to the document must trigger another comment and review period.

Mr. Battig said that the concept of sustainable development is not new. It has been used in one form or another as a subterfuge for the deprivation of individual liberty. In 1977 a Constitution was drafted that contained the requirement that "property owned or used by citizens shall not be employed to the detriment of the interests of society". It also mandated that "in the interests of the present and future generations" necessary steps are taken to protect rational use of land and the preservation of air and water. That document is the 1977 Constitution of the Union of Soviet Socialist Republics.

Mr. Battig said all of this information came from an attorney in Sacramento to the Metropolitan Transportation Commission Association of Bay Area Governments. It is the Comp Plan here on super steroids considering the size and scope of the project.

Mr. Joe Draego addressed the Board, stating that he is present to stand in support against the Comp Plan. He said that the residents have been made guests in their own country. Regardless of the right to vote, citizens are still disenfranchised. He also stated that 90% of the soy and 60% of the corn grown in Albemarle is genetically modified and has glycol-phosphate spray in it. Last year the U.S. lost 31% of its honeybee colonies. There are 100 different crops that require pollination and they are killing off commercial colonies and wild pollinators. He asked if that sounds sustainable to this Board. This is not being addressed in the County's five year Comp Plan. He asked how the Comp Plan addresses the issue of sustainability.

Mr. Draego said he thinks the Board is going to approve the Plan without even talking about real problems that affect people in the real world and the environment. This draft Comp Plan is a shameful sham. He asked that the Board continue the discussion on the Comp Plan before it is approved.

Mr. Draego said he had planned to submit to this Board his findings on the traffic cameras, but he learned from Mr. Thomas that they would be receiving data from staff. He said that he has official data from the Police Department and 911 staff that clearly show that the accident level increases with the use of camera. He asked why the Board has kicked him to the curve and said his information is not valid.

Agenda Item No. 8. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Mr. Snow, to approve Item 8.1 (as read) through 8.6, with the exception of Item 8.2 (to be discussed later in the meeting) and to accept the remaining items for information. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: March 11, March 13N, April 10(A), May 1, May 8, June 5 and June 12, 2013.

Mr. Boyd had not read the minutes of March 11, 2013 and asked that they be pulled and carried to the next meeting.

Ms. Mallek had not read the minutes of March 13N, April 10(A) and June 12, 2013, and asked that they be pulled and carried to the next meeting.

Mr. Thomas had read the minutes of May 1, 2013, pages 1-40 (end at Item #12), and found them to be in order.

Mr. Boyd had read the minutes of May 1, 2013, pages 40 (beginning with Item -12), and found them to be in order.

Mr. Rooker had read the minutes of May 8, 2013, and found them to be in order.

Mr. Snow had read the minutes of June 6, 2013, and found them to be in order.

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

Item No. 8.2. FY 15 Arts and Cultural Agency Budget Process.

The executive summary states that as part of the County's annual budget process, community non-profit agencies may apply for funding. On July 6, 2011, the Board endorsed in principle several recommendations from the Commission on Children and Families Steering Committee regarding the Agency Budget Review Team (ABRT) process, including that 1) non-contractual funding for non-profit programs should be consolidated into one process with review by the ABRT or a subcommittee; and 2) Arts and Cultural Programs and Festivals should be included in the ABRT process, and reviewed by a subcommittee with relevant expertise.

This process was utilized for arts and cultural agencies during the FY 13 and FY 14 budget processes, with the County's expectation that funding for festivals would be provided through the County's contribution to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB).

During the FY 14 budget work sessions, several Board members expressed concerns regarding the current budget review process for arts and cultural agencies. This item is before the Board today for its consideration of a revision of this process for FY 15.

The County/City ABRT process began in the early 1980s for human service non-profit agencies and has evolved over time. Because the ABRT and its evaluation method was originally developed primarily for human services-related agencies, reviewing arts and cultural agencies using a similar process through ARRT is challenging. In a similar way, there are questions regarding the review of arts and cultural agencies by the CACVB. The mission of the CACVB is "to enhance the economic prosperity of City and County by promoting, selling and marketing the City of Charlottesville and County of Albemarle, as a destination, in pursuit of the meetings and tourism markets." While the support and expertise of the CACVB is valuable in evaluating arts and cultural agency funding requests, the organization's mission is primarily marketing-related. Because of its marketing focus, when the CACVB determines its funding levels for agencies, its decisions are primarily marketing-driven and may not fully consider broader County goals or criteria that may be appropriate arts and cultural agencies.

Because of these limitations in the current process, staff proposes that the review of arts and cultural agency requests for FY 15 be completed by County staff (primarily OMB staff) in consultation with individuals in the community with relevant expertise and knowledge of the arts and culture and that the Board consider funding requests from those agencies from the County's General Fund. This review would also be done in consultation with City staff to assure community collaboration and coordination. These changes would allow for a process that still leverages the available expertise in this area and ensures funding recommendations are aligned with the County's mission and goals. It is anticipated that the CACVB will still review applications submitted to the CACVB for marketing-related funding, but that some agencies may also request funding from the County for operating costs that are not marketing-related.

While an exact figure of cultural agency funding cannot be determined in advance of the budget process, for some perspective, the total FY 14 requests for arts and cultural agencies was \$95,109 and the FY 14 Adopted Budget included \$32,500 in funding, a difference of \$62,609. In FY 14, the CACVB awarded \$55,000 to support arts and cultural agencies' marketing efforts, which includes support on behalf of both the County and the City. Further discussion of assumptions regarding long-term agency funding will be discussed this fall as part of the County's Five-Year Financial Planning process.

Staff recommends that the review of arts and cultural agency requests to the County for FY 15 be completed by County staff in consultation with individuals or organizations in the community with relevant expertise, and in coordination with the City, and that the Board consider funding those agencies from the County's General Fund.

(Discussion: Mr. Rooker asked that this item be pulled and discussed at the end of the meeting. He would like to make sure that what the CACVB contributes to agencies will not be diminished.

Mr. Boyd said he would also like to discuss this item.)

Item No. 8.3. Proposed Revision to Personnel Policy §P-40, Course Reimbursement-Classified Employees.

The executive summary states that Human Resources and the County Attorney's Office work together to periodically review and update personnel policies. Staff is proposing to amend Personnel Policy §P-40 regarding course reimbursement to classified employees to provide clarification and to omit the reference to a fixed dollar amount. The course reimbursement amount was increased from \$300 to \$1,000 per employee per fiscal year in the FY14 Approved Budget.

The proposed Course Reimbursement-Classified Employees policy (Attachment A) revisions include the following:

- A re-organization of the policy for clarity;
- Added provisions regarding reimbursement procedures, consideration of financial assistance outside of the County, a payback agreement requirement, and a process for policy exceptions; and
- Added procedure for establishing maximum authorized reimbursement amount.

The total amount designated for tuition reimbursement has been increased from \$6,500 to \$10,000 for FY14.

Staff recommends adoption of the attached policy.

By the above-recorded vote, the Board adopted the following resolution:

RESOLUTION

WHEREAS, the County of Albemarle Personnel Policy has been adopted by the Board of Supervisors;
and

WHEREAS, the Board desires to clarify and amend the course reimbursement process.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-40, Course Reimbursement-Classified Employees, of the County of Albemarle Personnel Policy, as follows:

Section P-40 COURSE REIMBURSEMENT – CLASSIFIED EMPLOYEES

A. Purpose

The County encourages its employees to participate in job-related staff development, including taking job-related courses or pursuing a job-related degree.

B. Qualification Criteria

When coursework is taken, the following criteria shall apply to course reimbursement:

1. The employee must be a regular, non-probationary employee;
2. The content of the course is not something that would be covered under the County's staff development program;
3. The course is relevant to the employee's current position in the County and will improve skill in this position, or the course is required as part of a degree program that is relevant to the employee's current position in the County;
4. The course is approved in advance by the department head and the training manager in Human Resources;

5. The course is taken outside of paid work hours on a voluntary basis;
6. The employee must successfully complete the course. "Successful completion" is defined as receipt of a grade of "C" or better, or in a situation where no grade is given, a "pass" designation or other certification is required; and
7. Reimbursement will only be applied toward the cost of tuition.

This policy does not apply to courses leading to certification or licensure which are a condition of continuing employment or where a stipend will be paid to the employee upon successful completion.

C. Reimbursement Procedure

Requests for course reimbursement must be made to the training manager in Human Resources prior to the start of the course. Depending on the funds available, a maximum reimbursement per employee will be designated each fiscal year by the training manager in Human Resources. Upon providing proof of successful completion and course payment to the Human Resources Department, reimbursement for pre-approved courses will be made up to the maximum authorized reimbursement amount.

D. Financial Assistance Outside of the County

Eligible employees who receive assistance from outside sources (i.e. scholarships, grants, GI Bill, fellowships, and other stipends) are eligible for tuition reimbursement only for the amount up to the cost of the tuition which exceeds the amount of outside assistance received, up to the maximum reimbursement established each year.

E. Payback Agreement

As a condition of tuition reimbursement, the employee must agree that if he or she voluntarily leaves County employment, the employee will repay the County the full amount of any tuition reimbursements received during the twelve month period preceding the employee's resignation date.

F. Human Resources Exception

The Human Resources Director or designee is authorized to recommend exceptions to the conditions and limitations of course reimbursement when such exceptions support the continuous growth and development of employees who have demonstrated exceptional performance. If the Human Resources Director or designee recommends an exception to the policy, it shall be forwarded to the County Executive or designee for final approval.

Amended: August 7, 1996; July 1, 1999; August 7, 2013

Item No. 8.4. Assignment of Lease for Charlottesville-Albemarle Rescue Squad Rescue 8 Station.

The executive summary states that during the FY14 Budget process, the Board approved funding for a 10,500 sq. ft. addition to Seminole Trail Volunteer Fire Department (STVFD) station consisting of a 2-bay addition, an expansion of living quarters and full renovation of the existing facility to support the highest call volume station in the County. During the construction phase of the project, the Office of Facility Development (OFD) staff planned to relocate the volunteer/career staff and apparatus to temporary on-site housing.

The STVFD leadership suggested that the Charlottesville-Albemarle Rescue Squad (CARS) Rescue 8 Station located at 3055 Berkmar Drive (Parcel 061M0-00-12-001G0) could be used by STVFD as temporary housing during the construction phase of their building project. That property is owned by the County and leased to CARS pursuant to a 1979 lease agreement. The lease permits CARS to assign its rights to the property to STVFD upon written consent by the County.

STVFD has negotiated an Assignment of Lease with CARS that would transfer all of CARS rights to the leased property to STVFD in exchange for a payment equal to the fair market value of the improvements to the site. Staff and STVFD believe that the CARS Rescue 8 station on 3055 Berkmar Drive would be a suitable location to temporarily house volunteer/career staff and a portion of apparatus during the construction phase of the STVFD station. The County Assessor evaluated the building's condition/site improvements and determined that the fair market value of the improvements is \$240,000. Because the STVFD would be occupying and maintaining the building during construction of their main station, staff is recommending that the County grant STVFD the \$240,000 required as consideration for the proposed Assignment of Lease. It is anticipated that upon completion of the construction of STVFD's station, the building will be available for appropriate County use.

The County Attorney's Office developed the attached proposed Assignment of Lease (Attachment A) which has been signed by authorized representatives of CARS and STVFD. The significant provisions of the Assignment of Lease include:

1. The effective date of the assignment is September 1, 2013;
2. The fair market value consideration for the assignment is \$240,000;
3. CARS assigns all of its right, title and interest as the tenant of the lease to the STVFD;

4. STVFD assumes all of the liabilities and obligations of the tenant under the original lease and accepts the property in "as is" condition and assumes full responsibility for the property and improvements; and
5. Provides that the leased premises may also be used for volunteer firefighting purposes, in addition to the purposes set forth in the original lease.

The cost of the Assignment of Lease to the County is \$240,000. An appropriation request (Appropriation #2014-014) for \$240,000 is included in the FY14 Appropriation Request, which is a separate consent agenda item on the Board's August 7, 2013 agenda, which will grant STVFD the \$240,000 required for the Assignment of Lease.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the proposed Assignment of Lease for 3055 Berkmar Drive (Parcel 061M0-00-12-001G0) and to authorize the County Executive to sign the Assignment of Lease and any associated documents, after approval of both form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the following Resolution to approve the proposed Assignment of Lease for 3055 Berkmar Drive (Parcel 061M0-00-12-001G0) and authorized the County Executive to sign the Assignment of Lease and any associated documents, after approval of both form and substance by the County Attorney:

**RESOLUTION APPROVING THE ASSIGNMENT OF LEASE
FROM CHARLOTTESVILLE-ALBEMARLE RESCUE SQUAD, INC.
TO SEMINOLE TRAIL VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the County owns property located at 3055 Berkmar Drive, known as Tax Map Parcel 061M0-00-12-001G0, which it leases to the Charlottesville-Albemarle Rescue Squad (CARS) for its Rescue 8 Station pursuant to a 1979 lease agreement; and

WHEREAS, CARS wishes to assign its lease to the Seminole Trail Volunteer Fire Department (STVFD); and

WHEREAS, the Board finds that the assignment promotes the health, safety, and welfare of the County.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Assignment of Lease from CARS to STVFD and authorizes the County Executive to sign, in a form approved by the County Attorney, the Assignment of Lease and any associated documents.

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

Parcel ID Number: 061M0-00-12-001F0

THIS ASSIGNMENT OF LEASE, made and entered into this 1st day of July, 2013 but to be effective as of September 1, 2013 (the "Effective Date"), by and between CHARLOTTESVILLE-ALBEMARLE RESCUE SQUAD, INC., Grantor, hereinafter referred to as "Assignor," whose address is 828 McIntire Road, Charlottesville, VA 22902, and SEMINOLE TRAIL VOLUNTEER FIRE DEPARTMENT, Grantee, hereinafter referred to as "Assignee," whose address is 3055 Berkmar Drive, Charlottesville, VA 22901.

WITNESSETH:

THAT for and in consideration of Two-Hundred Forty Thousand Dollars (\$240,000.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, as of the Effective Date, Charlottesville-Albemarle Rescue Squad, Inc. hereby assigns all of its right, title and interest in that certain Lease dated the 10th day of August, 1979, recorded in the Albemarle County Circuit Court Clerk's Office at Deed Book 680, page 578 (the "Lease"), by and between County of Albemarle, Virginia, hereinafter referred to as "Landlord," and Charlottesville-Albemarle Rescue Squad, Inc., hereinafter also referred to as "Tenant," to Seminole Trail Volunteer Fire Department.

As a condition to the Assignment, the Assignee, as of the Effective Date, unconditionally and irrevocably assumes all of the liabilities and obligations of the Tenant under the Lease, to the same extent as if the Assignee were the original Tenant under the Lease and Assignee agrees to indemnify and hold Assignor harmless from any and all liabilities and obligations under the Lease. In addition, as of the Effective Date, this Assignment terminates and absolutely extinguishes any and all of the Tenant/Assignor's rights, responsibilities, and obligations under the Lease. By executing this Assignment, the Tenant/Assignor hereby waives, as of the Effective Date, any and all claims whatsoever to the property and improvements that are the subjects of the Lease. The Tenant/Assignor, by its signature hereto, so acknowledges such termination and absolute extinguishment. By executing this Assignment, the Assignee, as of the Effective Date, accepts the property and improvements that are subjects of the Lease in "AS IS" condition, assumes full responsibility for the property and improvements that are the subjects of the Lease and indemnifies and holds Assignor harmless from any and all liabilities and obligations arising from the property and improvements.

Furthermore, notwithstanding any terms of the Lease to the contrary, the Landlord and Assignee mutually agree that, as of the Effective Date, the Leased Premises may also be used for volunteer firefighting purposes, in addition to the purposes set forth in the aforesaid Lease.

Witness the following signatures and seals:

**ASSIGNOR
CHARLOTTESVILLE-ALBEMARLE
RESCUE SQUAD, INC.**

By: _____
Michael D. Berg, President

ACCEPTANCE OF ASSIGNMENT

The undersigned Assignee, having read the Lease, hereby consents to the foregoing Assignment, and does hereby unconditionally and irrevocably assume all of the liabilities and obligations of the Tenant under the Lease to the same extent as if the undersigned Assignee were the original Tenant under said Lease and Assignee agrees to indemnify and hold Assignor harmless from any and all liabilities and obligations under the Lease.

Witness my hand and seal this _____ day of _____, 2013.

**ASSIGNEE
SEMINOLE TRAIL VOLUNTEER FIRE
DEPARTMENT**

By: _____
L.F. Wood, President

CONSENT TO ASSIGNMENT

The Landlord, County of Albemarle, Virginia, executes this consent for the sole purpose of consenting to the above Assignment as provided in the Lease dated the 10th day of August, 1979.

Witness my hand and seal this _____ day of _____, 2013.

**LANDLORD
COUNTY OF ALBEMARLE, VIRGINIA**

By: _____
Thomas C. Foley, County Executive

Item No. 8.5. FY 2014 Budget Amendment and Appropriations.

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

The total increase to the FY 14 budget due to the appropriations itemized below is \$2,433,088.92. 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 eleven (11) appropriations as follows:

- One (1) appropriation (#2014001) to allocate \$13,000.00 in funding from the Historic Preservation Contingency to the Historical Society pursuant to the Board of Supervisors' action on June 5, 2013. This appropriation will not increase the budget;
- One (1) appropriation (#2014014) totaling \$240,000.00 for the acquisition by Seminole Trail Volunteer Fire Department of the lease rights for a building necessary for Fire and Rescue operations;
- One (1) appropriation (#2014015) totaling \$50,000.00 to re-appropriate funding for a General Government Capital Program project;
- One (1) appropriation (#2014016) totaling \$113,286.53 to re-appropriate funding for various special revenue projects;
- One (1) appropriation (#2014017) totaling \$15,436.00 to continue to provide a part-time officer working under the supervision of the Sheriff's Office for the Offender Aid and Restoration's Drug Court program;
- One (1) appropriation (#2014018) totaling \$23,888.00 to amend the Capital Apparatus Replacement program;
- One (1) appropriation (#2014019) totaling \$138,105.56 for the County's RSWA Service Contribution;
- One (1) appropriation (#2014020) totaling \$1,279,255.11 to re-appropriate funding for Emergency Communications Center projects;

- One (1) appropriation (#2014021) totaling \$468,637.00 to appropriate grants awarded to the Police Department, Department of Social Services and Offender Aid Restoration;
- One (1) appropriation (#2014022) totaling \$21,900.00 for various items in the County Attorney's Office; and
- One (1) appropriation (#2014023) totaling \$82,580.72 in grant funding related to a Strategic Prevention Framework – State Incentive Grant grant from the U.S. Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention through Virginia Commonwealth University (VCU).

Staff recommends approval of appropriations #2014001, #2014014, #2014015, #2014016, #2014017, #2014018, #2014019, #2014020, #2014021, #2014022 and #2014023 to provide funds for various local government projects and programs as described in Attachment A.

Appropriation #2014001 **\$0.00**

This appropriation will not increase the County Budget.

Source: Historic Preservation Contingency \$ 13,000.00

At the June 5, 2013 Board meeting, the Board authorized that \$13,000.00 be provided to 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. This funding is provided from the \$13,000.00 Historic Preservation Contingency included in the FY14 Adopted Budget and will provide 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 that took place within this community, in March 2014. The Virginia Sesquicentennial History Mobile will be part of the program, along with another state-developed exhibit and a new local exhibit.
- Community Educational Exhibits (\$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 will become a reusable resource for area schools.

Appropriation #2014014 **\$240,000.00**

Source: Gen. Gov't. Capital Fund fund bal \$ 240,000.00

This appropriation request is to appropriate \$240,000.00 in General Government Capital Fund fund balance to support the acquisition of the lease rights by Seminole Trail Volunteer Fire Department (STVFD) for a building for the temporary relocation of STVFD volunteers, daytime career staff, and related apparatus for approximately 12 months during the construction of the STVFD Renovation/Addition project and for future use as a rescue squad facility.

Appropriation #2014015 **\$50,000.00**

Source: Gen. Gov't. Capital Fund fund bal \$ 50,000.00

This request is to re-appropriate FY 13 funds to the following General Government Capital Program project:

- **Cory Farm Greenway Connector project:** This request is to re-appropriate \$50,000.00 in various proffer revenue to support the Cory Farm Greenway Connector project. The project is currently underway and is anticipated to be complete by the fall of 2013. This project supports a bike/pedestrian trail connecting various Crozet neighborhoods to Crozet Park, downtown Crozet and Route 250 retail and businesses. The scope includes an easement acquisition, trail and bridge design/development, a pedestrian bridge, benches, a Kiosk and signage.

Appropriation #2014016 **\$113,286.53**

Source: Federal Revenue \$ 104,148.98
 Grant Fund fund balance \$ 9,137.55

The following requests are for the re-appropriation of FY 13 funds to the following projects:

- **Sheriff Grant (#SC-2013-53384-5099-20.600):** This request is to re-appropriate the remaining \$6,829.46 balance of a Department of Motor Vehicles Grant awarded to the Sheriff's Office. This grant assists with funding overtime for speed enforcement efforts.
- **Sheriff Grant (#K8-2013-53392-5107-20.601):** This request is to re-appropriate the remaining \$5,897.53 balance of a Department of Motor Vehicles Grant awarded to the Sheriff's Office. This grant assists with funding overtime for DUI checkpoints and speed enforcement.
- **Police Grant (#13-C2149AD11):** This request is to re-appropriate the remaining \$23,300.00 balance of a Department of Criminal Justice grant awarded to the Police Department. This grant will provide funding for equipment, primarily cameras, to use in monitoring and surveillance of suspects and potential criminal activity.

- **Police Grant (#13-A2581AC13):** This request is to re-appropriate the remaining \$8,774.62 balance of a Department of Criminal Justice Services Internet Crimes Against Children (ICAC) Fund grant awarded to the Police Department. This grant will provide funding for staff overtime and equipment associated with developing and processing ICAC cases.
- **Police Grant (#2012-DJ-BX-0571):** This request is to re-appropriate the remaining \$10,201.50 balance of a U.S. Department of Justice grant awarded to the Police Department. The purpose of this grant is to assist in funding overtime hours of current officers in support of reducing crime and improving public safety through additional community policing.
- **Police Grant (#SC-2013-53353-5068-20.600-Highway Safety Grant):** This request is to re-appropriate the remaining \$18,288.42 balance of a Virginia Department of Motor Vehicles grant awarded to the Police Department. The purpose of this grant is to assist with the payment for traffic safety equipment and overtime activities.
- **Police Grant (#13-A2720JB10):** This request is to re-appropriate the remaining \$39,995.00 balance of a Department of Criminal Justice Services grant awarded to the Police Department. The purpose of this grant is to develop a comprehensive community gang assessment process that results in a comprehensive, collaborative, and actionable strategic plan for the local Gang Reduction through Active Community Engagement Coalition. The goal of the project is organize the community toward gang prevention, intervention, and suppression. This funding provides for consulting services to develop the assessment and to work with the Coalition to develop a knowledge-based understanding of the situation towards an actionable strategic plan.

Appropriation #2014017		\$15,436.00
Source:	Federal Revenue	\$ 15,436.00

This request is to appropriate \$15,436.00 in federal grant funds for a part-time auxiliary deputy officer to work under the direction of the Albemarle County Sheriff's Office to assist with the administration and monitoring of Offender Aid and Restoration's (OAR's) Drug Court cases. Data from other Virginia communities with similar arrangements indicates that the ongoing presence of an officer for program participants yields positive outcomes. Expenses such as part-time wages and vehicle fuel, maintenance and repair costs will be funded through federal grant revenues received from OAR. The Board of Supervisors previously approved an appropriation for this program in FY 12 and FY 13. This request is to continue this program in FY 14 through December 2013.

Appropriation #2014018		\$23,888.00
Source:	Gen. Gov't. Capital Fund fund bal	\$ 23,888.00

This request is to amend the Capital Apparatus Replacement program as follows:

- This request is to appropriate \$23,888.00 in revenue received from Scottsville Volunteer Rescue Squad to support an upgrade of the chassis on the Scottsville Ambulance 706 being purchased by Albemarle County. The revenue was received by the County in FY 13, and is currently included in the General Government Capital Fund fund balance. The ambulance is currently under construction and is expected to be delivered in December 2013.
- This request is to appropriate \$75,600 originally allocated to purchase an incident command vehicle (Command 20) for the East Rivanna Volunteer Fire Company (ERVFC) to replace a brush truck (Brush 64) for the Stony Point Volunteer Fire Company (SPVFC). Brush 64 was originally scheduled for replacement in FY 17, but the apparatus exceeds its gross vehicle weight rating (GVWR) and is not safe for operation on the road. ERVFC's Command 20 vehicle is in good condition and its replacement can be delayed for two years. Brush 64's scheduled replacement will be updated in the fleet plan in accordance with existing policy (20 year replacement). A brush truck replacement (unit and equipment) was estimated to cost \$199,500, however SPVFC will work within the \$75,600 budget by repurposing equipment and other components of its existing brush truck. This results in an estimated \$123,900 savings for the County.
- This request is to appropriate \$199,500 originally allocated to purchase a brush truck (Brush 46) for the Earlysville Volunteer Fire Company (EVFC) to replace EVFC's second fire engine (Engine 45). Engine 45 was recommended to be replaced by the Apparatus Evaluation Team (AET), a cross functional staff/volunteer team tasked with annually evaluating fire and EMS units schedule to be replaced in the CIP. Engine 45 was originally scheduled for replacement in FY 17, but no longer meets the County's minimum specifications for pump or water capacity. EVFC has requested, and Fire Rescue staff agrees, that the funds originally allocated to replace Brush 46 be used instead to buy a used replacement engine ahead of schedule that will better suit EVFC's needs. EVFC will then sell Engine 45 (solely owned by the EVFC) and use the proceeds to buy a new brush truck chassis to complete the replacement of Brush 46 (body and pump was replaced last year using EVFC's funds). The replacement date of the used Engine 45 will be evaluated once the used replacement engine is identified, but will not be replaced prior to FY 20 in accordance with the fleet plan.

Appropriation #2014019		\$138,105.56
Source:	General Fund fund bal	\$ 138,105.56

This request is to appropriate a total of \$138,105.56 for the FY 14 Rivanna Solid Waste Authority (RSWA) Service Contribution for the County's local support of the Ivy Material Utilization Center and the McIntire Recycling Center, which are managed by the RSWA. \$105,092.75 will be re-appropriated from the FY 13 remaining balance of the RSWA Service Contribution and \$33,012.81 is for a one-time increase. The total FY 14 payment is \$438,105.56, which includes \$378,031.00 for Ivy and \$60,074.56 for the Recycling Center).

Appropriation #2014020		\$ 1,279,255.11
Source:	ECC Fund fund balances	\$ 1,279,255.11

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

- Re-appropriate \$614,866.43 to complete the 800 MHZ Scottsville Augmentation Project. The project is scheduled for completion this fall and will provide better coverage for radio system users in the Town of Scottsville. The ECC has been in contract negotiations with the tower owner for the past several months and has just recently agreed on a finalized contract.
- Re-appropriate \$527,387.46 for the Mobile Data project. This project is a carryover from previous years, with this amount being the remaining 40% of the project the ECC has been withholding while it worked on completing the project. The ECC needs to move re-appropriate funding into FY 13/14 because it now has negotiated a final resolution with the vendor. The three jurisdictions have negotiated an amendment to the original contract to close the project out and make final payment to the vendor.
- Re-appropriate \$91,894.22 to complete the development of a Request for Proposal (RFP) for the purchase of a fully integrated Computer Aided Dispatch (CAD) System. The current CAD system is over 12 years old and in need of replacement. The RFP will be complete and ready for release by August 25.
- Re-appropriate \$25,107.00 to complete the replacement of microwave batteries at tower sites. The batteries are several years old and have been recommended for replacement by the manufacturer. The batteries were ordered in May and had an 8 week delivery with project installation/completion scheduled for July 24 and 26.
- Re-appropriate \$20,000.00 to complete bi-directional antenna (BDA) equipment replacement. The ECC is responsible for 26 BDA units that are within government buildings throughout the City, County and University. These units provide in-building radio coverage for the public safety providers when they are within these buildings. This funding will replace 8 units not working properly and beyond repair during an annual inspection. This project was carried over to FY 14 while the ECC renegotiated the maintenance contract on the equipment.

Appropriation #2014021		\$ 468,637.00
Source:	Local Revenue (Contribution from YMCA)	\$ 3,750.00
	Local Revenue (OAR Recovered Costs)	\$ 81.00
	Local Revenue (Contribution from Central Virginia Regional Jail)	\$ 75,000.00
	State Revenue	\$ 225,000.00
	Federal Revenue	\$ 164,806.00
	Grants Leveraging Fund*	\$ 8,664.00

*The Grants Leveraging Fund component of this appropriation will not increase the County Budget.

This request is to appropriate the following grants:

- **Police Grant (#14-A2284AD12):** The Department of Criminal Justice has awarded the Albemarle County Police Department a grant in the amount of \$64,601.00 with a local match of \$7,179.00 for a total grant award of \$71,780.00. The local match funds are being provided by the County's Grant Leveraging Fund. This grant will provide funding for an experienced Crime Analyst position, as well as a computer and some training. The Police Department needs professional crime analysis services to support its operations, investigations, administration, planning, budgeting and public education services.
- **Police Grant (#14-D2149AD12):** The Department of Criminal Justice has awarded the Albemarle County Police Department a grant in the amount of \$28,227.00 with a local match of \$1,485.00 for a total grant award of \$29,712.00. The local match funds are being provided by the County's Grant Leveraging Fund. This grant will provide funding for equipment and training for evidence discovery and collection to improve criminal case development and effective prosecution.
- **Social Services Grant (#14-D2141AD12):** The Department of Criminal Justice Services awarded the Albemarle County Department of Social Services along with Piedmont Family YMCA, Albemarle County Public Schools and the Broadus Memorial Baptist Church, a grant in the amount of \$75,000.00. The local match of \$3,750 is provided from a contribution from the YMCA. This grant will operate an after-school program for students at Stony Point Elementary School.
- **Offender Aid and Restoration (OAR) Grant (#14-A3008BY10):** The Department of Criminal Justice Services awarded OAR with the County acting as fiscal agent a grant in the amount of \$809.00. This total includes a local match of \$81.00 that is being provided from OAR's client fees. The purpose of this grant is to provide one-time funding for equipment to assist with ongoing staff training.
- **OAR Grant (#14-B2636OT14):** Department of Criminal Justice Services awarded OAR with the County acting as fiscal agent a grant in the amount of \$300,000.00. This total includes a local match of \$75,000.00 that is being provided from the Central Virginia Regional Jail located in the Town of Orange. Through this grant, OAR will continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail.

Appropriation #2014022		\$ 21,900.00
Source:	General Fund fund balance	\$ 21,900.00

This request is to appropriate \$21,900.00 for the County Attorney's Office from the General Fund fund balance. It is anticipated that the General Fund fund balance monies for this appropriation will be replenished by anticipated unused funds in the County Attorney's Office's FY 13 budget.

- **Temporary Staffing:** This request is to appropriate \$15,000.00 to hire an hourly attorney to cover Department of Social Services cases during the 12-week planned absence of a current staff attorney.
- **Moving Expenses:** This request is to appropriate \$5,000.00 to pay for up to \$5,000 of moving expenses authorized for the Senior Assistant County Attorney hired in June of 2013.
- **Virginia Code Supplement:** This request is to re-appropriate \$1,900.00 to fund the 2013 Virginia Code supplements, which were not timely received and not paid for in FY 13, and are now an unbudgeted FY14 expense.

Appropriation #2014023		\$ 82,580.72
Source:	Federal Revenue	\$ 82,580.72

This request is for the following:

- The appropriation of Strategic Prevention Framework – State Incentive Grant (SPF-SIG) grant funds from the U.S. Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention through Virginia Commonwealth University (VCU) for the time period of July 1, 2013 through June 30, 2014. The purpose of the grant funding is to reduce the number of motor vehicle crashes involving alcohol-impaired drivers between the ages of 15 and 24.

The County of Albemarle, in its previous capacity as fiscal agent for the Commission on Children and Families (CCF) received the first SPF-SIG Project grant for the time period of February 1, 2012 through January 31, 2013 in the fall of 2011. CCF was dissolved in December 2012, so the second SPF-SIG Project Grant was awarded directly to the County for the time period of February 1, 2013 through January 31, 2014 with an estimated total grant award of \$145,150. The amount provided by VCU to be appropriated for use by the County for the time period of July 1, 2013 through January 31, 2014 is \$82,580.72.

By the above-recorded vote, the Board approved appropriations #2014001, #2014014, #2014015, #2014016, #2014017, #2014018, #2014019, #2014020, #2014021, #2014022 and #2014023 to provide funds for various local government projects and programs.

COUNTY OF ALBEMARLE			
APPROPRIATION SUMMARY			
APP#	ACCOUNT	AMOUNT	DESCRIPTION
2014001	4-1000-79000-479000-999985-1007	-13,000.00	Historic Preservation Contingency
2014001	4-1000-79000-479000-567735-1007	13,000.00	Alb Char Historical Society
2014014	3-9010-51000-351000-510100-9999	240,000.00	Use of Fund Balance
2014014	4-9010-93010-493010-930009-9999	240,000.00	Trs to G/F-STVFD
2014014	3-1000-51000-351000-512076-9999	240,000.00	Trs FR CIP-STVFD
2014014	4-1000-32020-432020-540200-1003	240,000.00	STVFD Contribution for Lease Acquisition
2014015	4-9010-71018-473010-312350-9999	10,000.00	ENGINEERING/PLANNING (A & E)
2014015	4-9010-71018-473010-800605-9999	30,000.00	CONSTRUCTION
2014015	4-9010-71018-473010-800750-9999	10,000.00	PURCHASE OF PROPERTY
2014015	3-9010-51000-351000-512065-9999	6,432.22	TRS FR LIBERTY HALL
2014015	3-9010-51000-351000-512059-9999	13,029.61	TRS FR WESTHALL (1.2)
2014015	3-9010-51000-351000-512056-9999	30,538.17	TRS FR WICKHAM POND
2014015	3-8544-51000-351000-510100-9999	6,432.22	Liberty Hall Proffer Fund Balance
2014015	4-8544-93010-493010-930010-9999	6,432.22	Trs. To GG CIP
2014015	3-8542-51000-351000-510100-9999	13,029.61	Westhall 1.2 Proffer Fund Balance
2014015	4-8542-93010-493010-930010-9999	13,029.61	Trs. To GG CIP
2014015	3-8540-51000-351000-510100-9999	30,538.17	Wickham Pond Proffer Fund Balance
2014015	4-8540-93010-493010-930010-9999	30,538.17	Trs. To GG CIP
2014016	3-1501-33000-333000-330011-1002	5,233.00	Federal DMV Grants
2014016	3-1501-51000-351000-510100-9999	1,596.46	Fund Balance
2014016	4-1501-21070-421070-120000-1002	1,709.00	Overtime
2014016	4-1501-21070-421070-210000-1002	133.04	FICA
2014016	4-1501-21070-421070-600800-1002	4,987.42	Vehicle Fuel
2014016	3-1502-33000-333000-330011-1002	4,720.00	Federal DMV Grants
2014016	3-1502-51000-351000-510100-9999	1,177.53	Fund Balance
2014016	4-1502-21070-421070-120000-1002	2,811.00	Overtime
2014016	4-1502-21070-421070-210000-1002	215.93	FICA
2014016	4-1502-21070-421070-600800-1002	2,870.60	Vehicle Fuel
2014016	3-1544-33000-333000-330412-1003	22,135.00	DCJS Byrne JAG Categorical Aid Fed Byrne JAG
2014016	3-1544-51000-351000-510100-9999	1,165.00	Fund Balance
2014016	4-1544-31013-431010-800100-1003	23,300.00	Machinery and Equipment
2014016	3-1593-33000-333000-330011-1003	8,774.62	DCJS
2014016	4-1593-31013-431010-120000-1003	5,398.88	Overtime wages
2014016	4-1593-31013-431010-210000-1003	496.48	FICA
2014016	4-1593-31013-431010-800100-1003	2,879.26	Machinery and Equipment
2014016	3-1594-33000-333000-300001-1003	10,201.50	Grant Revenue - Federal
2014016	4-1594-31013-431010-120000-1003	9,476.72	Overtime Wages
2014016	4-1594-31013-431010-210000-1003	724.78	FICA

2014016	3-1596-33000-333000-330011-1003	17,089.86	Grant Revenue - DMV Federal
2014016	3-1596-51000-351000-510100-9999	1,198.56	Fund Balance
2014016	4-1596-31013-431010-120000-1003	15,669.86	Overtime
2014016	4-1596-31013-431010-210000-1003	1,198.56	FICA
2014016	4-1596-31013-431010-800100-1003	1,420.00	Machinery & Equipment
2014016	3-1597-33000-333000-330412-1003	35,995.00	DCJS Byrne JAG Categorical Aid Fed Byrne JAG
2014016	3-1597-51000-351000-510100-9999	4,000.00	Fund Balance
2014016	4-1597-31013-431010-312105-1003	39,995.00	Consulting Services
2014017	3-1000-33000-333000-330240-1002	15,436.00	OAR-DOJ-DRUG COURT PROG
2014017	4-1000-21078-421070-130000-1002	11,106.00	Part time wages
2014017	4-1000-21078-421070-210000-1002	738.00	FICA
2014017	4-1000-21078-421070-580000-1002	1,028.00	Misc
2014017	4-1000-21078-421070-600800-1002	1,364.00	Vehicle & Equip Fuel
2014017	4-1000-21078-421070-600900-1002	1,200.00	Vehicle & Equip Repairs
2014018	3-9010-51000-351000-510100-9999	23,888.00	Gen Govt Capital Fund Balance
2014018	4-9010-32030-432030-815703-3140	23,888.00	SCOTTSVILLE-AMB 706
2014018	4-9010-32020-432020-810206-3140	-75,600.00	East Rivanna Command 20
2014018	4-9010-32020-432020-810604-3140	75,600.00	Stony Point Brush 64
2014018	4-9010-32020-432020-810405-3140	-199,500.00	Earlsville Brush 46
2014018	4-9010-32020-432020-810407-3140	199,500.00	Earlsville Engine 45
2014019	3-1000-51000-351000-510100-9999	138,105.56	General Fund fund Balance
2014019	4-1000-42040-442040-999851-1004	138,105.56	IVY MUC (RSWA Contribution)
2014020	3-4100-51000-351000-510100-9999	45,107.00	App Fund Balance
2014020	4-4100-31040-435600-331800-1003	20,000.00	HVAC Equipment Replacement
2014020	4-4100-31040-435600-800700-1003	25,107.00	BDA Equipment Replacement and Microwave battery replacement at Tower sites
2014020	3-4110-51000-351000-510100-9999	614,866.43	App Fund Balance
2014020	4-4110-31060-435600-312105-1003	36.43	Consultant Services
2014020	4-4110-31060-435600-800305-1003	234,800.00	Radio System Equipment
2014020	4-4110-31060-435600-300204-1003	800.00	FCC Licenses
2014020	4-4110-31060-435600-800150-1003	332,300.00	Labor and Installation
2014020	4-4110-31060-435600-999999-1003	46,930.00	Contingency
2014020	3-4115-51000-351000-510100-9999	527,387.46	App fund balance
2014020	4-4115-31065-435600-800316-1003	527,387.46	Mobile Data Project
2014020	3-4117-51000-351000-510100-9999	91,894.22	App fund balance
2014020	4-4117-31061-435600-312700-1003	73,554.82	
2014020	4-4117-31061-435600-999999-1003	18,339.40	
2014021	4-1000-99900-499000-999974-9999	-8,664.00	Grants Leveraging Fund
2014021	4-1000-93010-493010-930227-9999	8,664.00	Transfer to Fund #1506 and 1507
2014021	3-1507-33000-333000-330412-1003	28,227.00	Grant Revenue - Federal
2014021	3-1507-51000-351000-512004-9999	1,485.00	Transfer from General Fund-Grant Leveraging Fund
2014021	4-1507-31013-431010-800100-1003	28,168.00	Machinery & Equipment
2014021	4-1507-31013-431010-550100-1003	1,544.00	Training expenses
2014021	3-1506-33000-333000-330412-1003	64,601.00	Grant Revenue - Federal
2014021	3-1506-51000-351000-512004-9999	7,179.00	Transfer from General Fund-Grant Leveraging Fund
2014021	4-1506-31013-431010-110000-1003	49,366.00	Salary
2014021	4-1506-31013-431010-210000-1003	3,777.00	FICA
2014021	4-1506-31013-431010-221000-1003	6,906.00	VRS
2014021	4-1506-31013-431010-231000-1003	7,217.00	Health Insurance
2014021	4-1506-31013-431010-232000-1003	285.00	Dental Insurance
2014021	4-1506-31013-431010-241000-1003	587.00	VRS Life Insurance
2014021	4-1506-31013-431010-270000-1003	153.00	Worker's Compensation
2014021	4-1506-31013-431010-800701-1003	1,700.00	Data Processing Equipment
2014021	4-1506-31013-431010-550100-1003	1,789.00	Training expenses
2014021	3-1520-33000-333000-330409-1003	728.00	Small Equipment Grant
2014021	3-1520-19000-319000-190216-1003	75,000.00	190216-CENTRAL VA. REGIONAL JAIL
2014021	3-1520-19000-319000-199900-9999	81.00	recovered costs
2014021	3-1520-24000-324000-240440-9999	225,000.00	240440-DCJS-COMMUNITY CORRECTION
2014021	4-1520-29406-421090-566120-1003	300,809.00	OFFENDER AID RESTORA
2014021	3-1585-33000-333000-330037-1005	71,250.00	Revenue - Department of Criminal Justice
2014021	3-1585-18110-318110-181325-1005	3,750.00	Revenue - Piedmont YMCA
2014021	4-1585-53162-453010-312210-1005	61,845.00	Contract Services
2014021	4-1585-53162-453010-550000-1005	620.00	Travel
2014021	4-1585-53162-453010-580000-1005	6,535.00	Miscellaneous Expenses
2014021	4-1585-53162-453010-601300-1005	6,000.00	Supplies
2014022	4-1000-12040-412040-312100-1001	15,000.00	Professional Legal Svcs
2014022	4-1000-12040-412040-281100-1001	5,000.00	Moving Expenses
2014022	4-1000-12040-412040-601200-1001	1,900.00	Virginia Code Supplements
2014022	3-1000-51000-351000-510100-9999	21,900.00	Use of Fund Balance
2014023	3-1591-33000-333000-330001-1005	82,580.72	GRANT REVENUE-FEDERAL
2014023	4-1591-53163-454101-110000-1005	56,067.44	Salaries
2014023	4-1591-53163-454101-210000-1005	4,289.16	FICA
2014023	4-1591-53163-454101-310000-1005	5,000.00	Professional Services
2014023	4-1591-53163-454101-350000-1005	2,511.88	Print & Bind-External
2014023	4-1591-53163-454101-360000-1005	7,511.90	Advertising
2014023	4-1591-53163-454101-520100-1005	100.00	Postal Services

2014023	4-1591-53163-454101-520300-1005	317.88	Telecommunications
2014023	4-1591-53163-454101-550000-1005	3,115.97	Travel
2014023	4-1591-53163-454101-600100-1005	3,666.49	Office Supplies
TOTAL		5,4,635,058.40	

Item No. 8.6. Special Exception - Variation from Leake PRD Application Plan (ZMA-2006-00016) and Variation from Glenmore PRD Application Plan (ZMA-1999-00016).

The executive summary states that ZMA-2006-0016 (Leake) was rezoned to PRD-Planned Residential Development, with an associated application plan and proffers, on November 14, 2007. The Leake PRD is being developed as new section of the Glenmore development. The original Glenmore PRD was approved on December 5, 1999 (ZMA199900019) and last amended on March 28, 2000 (ZMA199900016). The applicant is proposing a change the lot layout shown on the application plan for one section of the Leake PRD and use a small area of land located in the original Glenmore PRD as part of one of the reconfigured lots.

VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT

The variation request has been reviewed for Zoning and Planning aspects of the regulations. Section 8.5.5.3(a) authorizes the Director of Planning to grant variations from the approved application plat and/ or code of development. However, due to a recent State Supreme Court decision, these variations must now be approved by the Board of Supervisors as a Special Exception under Chapter 18 Section 33.9. **Staff is recommending approval of this variation request.**

VARIATION:

The applicant is requesting the following variations from the approved rezoning application plans:

- Request to change the approved lot layout in one section of the Leake PRD (ZMA200600013) to allow a fifth lot to be platted where four lots are shown on the application plan. In order to create this fifth lot, a small area (a net of approximately .27 acre) of open space designated in the Glenmore PRD application plan (ZMA1999-16) is being added to this proposed parcel to provide for access to Farringdon Road. The applicant is not requesting approval of an additional lot, only the reconfiguration of the lot layout in one section of the development. There is no change to the total number of lots permitted under the Leake rezoning.

Staff analysis of the variation request is provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**
 The proposed change is consistent with the goals and objectives of the Comprehensive Plan.
- 2) **The variation does not increase the approved development density or intensity of development.**
 Density is not increased in the Leake PRD. There is no change to the total number of lots permitted under the Leake rezoning. The Glenmore PRD density is essentially unaffected for the small area of removed open space. Required open space area is still met and exceeded.
- 3) **The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**
 The timing and phasing of the Leake and Glenmore developments are unaffected by this proposal.
- 4) **The variation does not require a special use permit.**
 A special use permit is not required.
- 5) **The variation is in general accord with the purpose and intent of the approved rezoning application.**
 This variation is in general accord with the approved Leake and Glenmore rezonings. There is no significant change to the lot layout as approved in the Leake PRD application plan. The very small area of open space removed from the Glenmore Application Plan (.27 acre) is located adjacent to a stormwater management facility and Farringdon Road and consists of areas previously graded to construction of the road. The area to be removed is not considered a significant or critical piece of open space area. The Glenmore Homeowners Association Board has been informed of the proposal to modify the open space area and has expressed no opposition to the proposal.

VARIATION #1 RECOMMENDATION:

Staff recommends approval of the variation request to allow the lot layout as shown on the plat entitled “TMP 94-74, Lots 24-27 &29, Section K2B Glenmore” by Commonwealth Land Surveying, LLC, revised July 15, 2013.

By the above-recorded vote, the Board approved the variation request to allow the lot layout as shown on the plat entitled "TMP 94-74, Lots 24-27 &29, Section K2B Glenmore" by Commonwealth Land Surveying, LLC, revised July 15, 2013.

Item No. 8.7. FY 2013 4th Quarter Cash and Non-Cash Proffer Report, **was received for information.**

The executive summary states that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers. The Board received the last quarterly proffer report on May 1, 2013, which included information on cash proffer revenue and expenditures and non-cash proffers for January through March, 2013. This report includes all proffer activity (both cash and non-cash) for the fourth quarter of FY 2013 (April-June). The next quarterly report will be on the Board's November 6, 2013 agenda.

Proffers Activity for Fiscal Year 2013 Fourth Quarter (April-June)

- A. New Proffered Revenue:** There were no rezoning requests approved this quarter that provided new cash proffers.
- B. Total Proffered Revenue:** Total proffered revenue is \$45,087,713.91. This reflects 2013 annual adjustments to anticipated proffer revenue (not received yet obligated) from proffers in which annual adjustments were proffered.
- C. 4th Quarter Cash Revenue:** The County received a total of \$831,031.92 from existing cash proffers during this quarter from the following developments:

Development	Amount	Intended Purpose
Albemarle Place (Stonefield)	\$216,000.00	CIP
Avinity	\$320,135.59	CIP-Neighborhoods 4 &5
Avinity	\$99,000.00	Affordable Housing
Belvedere	\$1,000.00	Affordable Housing
Leake (Glenmore)	\$37,510.90	CIP
Leake (Glenmore)	\$5,904.00	Affordable Housing
Llvengood (Glenmore)	\$59,962.62	CIP
Livengood (Glenmore)	\$7,389.62	Affordable Housing
Old Trail	\$21,000.00	Crozet Schools/Parks
Wickham Pond II	\$9,000.00	CIP-Crozet
Willow Glen	\$54,129.19	CIP
TOTAL	\$831,031.92	

Although not proffer funds, the County received \$18,000 for affordable housing programs from a special use permit condition for Kenridge (SP 2004-52 /last amended with SP 2012-13). Net available revenue from this fund is \$94,458.35.

- D. 4th Quarter Expenditures and Appropriations:** At the Board's May 1, 2013 meeting, a total of \$550,000 in proffer funds (as set forth below) were appropriated as part of the FY 14 Appropriation Resolution for the FY 14 Adopted Budget. This activity will not be reported until the 1st Quarter of FY14.

Development	Total Amount	Purpose
Albemarle Place (Stonefield)	\$500,000.00	Phillips Building-Northside library/County Storage Space
Liberty Hall	\$6,432.22	Crozet/Cory Farm Greenway connector
Westhall (Proffer #1.2)	\$13,029.61	Crozet/Cory Farm Greenway connector
Wickham Pond	\$30,538.17	Crozet/Cory Farm Greenway connector
TOTAL	\$550,000.00	

There have been no expenditures of proffer revenue this quarter.

Current Available Funds: As of June 30, 2013, the available proffered cash on-hand is \$3,999,322.73 (including interest earnings on proffer revenue received). Some of these funds were proffered for specific projects while others may be used for general projects within the CIP.

Of the available proffered cash on-hand, \$1,678,212.93, including interest earned, is currently appropriated (See Attachment A for details). The net cash balance is \$2,321,109.80. Attachment B provides information on how the net cash balance may be used.

Cash proffers are a valuable source of revenue to address impacts from development and they support the funding of important County projects which would otherwise be funded through general tax revenue. Using cash proffer funding for current or planned FY13–FY17 CIP projects builds capacity in the CIP by freeing up funding for other projects. In addition, non-cash proffers provide improvements that might otherwise need to be funded by general tax revenue.

Community Development Department and Office of Management and Budget staff monitor proffer funds on an on-going basis to ensure that associated projects not currently in the CIP move forward and to ensure that funding is appropriated to projects before any proffer deadlines.

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

Item No. 8.8. August 2013 VDOT Charlottesville Residency Monthly Report for Albemarle County, **was received for information.**

The following special issue was highlighted in the report:

- Route 637, Dick Woods Road, was washed out in the heavy rain that occurred on July 11th and re-opened on July 15th. Paving, striping and guardrail repairs will begin the week of July 22nd.

Agenda Item No. 9. Historical Society Appropriation (consent agenda #8.5), Steven Meeks.

Mr. Foley indicated that this item is part of the Board's appropriations, with descriptive information in the Consent Agenda.

Mr. Stephen Meeks said he was present to respond to any questions Board members may have about this requested appropriation. He thanked the Board for its support of the Historical Society. The Rio Hill event is a project envisioned four to five years ago when the City and County both appointed co-chairs to a local sesquicentennial committee. He said that this is the first of two possible events they are hoping to do, and he and Kurt Burkhardt are the co-chairs, with support from the Visitors Center also.

Mr. Meeks explained that there is an existing exhibit at the Rio Hill Shopping Center that the Historical Society maintains. The exhibit was installed in the mid-80s, but it needs updating. He said that the other portion of this funding request deals with exhibits that are patterned after what they started with "Celebrate 250." The exhibits will be able to travel from location to location, wherever they can find a place to put them.

Agenda Item No. 10. Annual Update on FY13-17 Strategic Plan, Louise Wyatt.

Ms. Louise Wyatt, Organizational Development Manager, said that they began implementation of the Strategic Plan July 1, 2012. She presented a six-month progress report in January 2013.

Ms. Wyatt reported that they have focused in the first year on having staff work on seven cross-departmental teams for each of the goals. They put together detailed action plans for the first few years based on direction received from the Board, and then began implementing the first year priority items. Board members have received a report (copy on file) detailing progress on the priority items. She said that the "select performance indicators" in the report are really just a snapshot; there are a lot more details available on the goals. She added that much work has been accomplished over the last year. Ms. Wyatt said that County EMS service opened in Pantops last October, and the Ivy Fire Station opened in July – both of which support the Strategic Plan goal related health and safety. She stated that in June, 2013, the Board approved updates to the CIP process. Staff was able to include some items in the FY14 budget such as a position to support efforts with the Safe Schools Healthy Families grant which supports the goal of educational opportunities for everyone. Ms. Wyatt said the budget also put aside adequate funding to meet the core training needs of all employees, which supports the goal of having a valued and responsive workforce that can provide excellent customer service.

Ms. Wyatt reported that there is a team starting a benchmark study for emergency response times, to include police and fire/rescue along with both adult and child protective services, in order to get more data around that goal. She said that they are also reinvigorating the County's community engagement process for capital projects, as one of the goals in the Strategic Plan is to promote citizen ownership. Ms. Wyatt mentioned that there are several work sessions underway with the Board to adjust the Water Resources Program, which is a big part of the goal associated with protecting natural and scenic resources. She noted that the Board's Strategic Planning Retreat is scheduled for August 21, 2013 at which time staff will ask for direction on priority items in the three to five-year timeframe.

Ms. Mallek asked if someone could speak about the response time issue.

Mr. Foley stated that there is key staff assigned to each goal. These staff do not necessarily run all the meetings but ensure the work is going on, oversee it and provide resources, as needed.

Mr. Doug Walker, Assistant County Executive, said that Ms. Kathy Ralston, Director of Social Services, has initiated that effort. The results of the benchmark study are not yet available.

Ms. Mallek said she would like to make sure that people from the provider agencies are going to be involved. Mr. Walker said that the intent is to integrate the response interest of many agencies including the Health Department, Social Services, the Police Department, and the Fire Department, so that there is a broader focus on response times as a key performance indicator for the County as a whole.

Ms. Mallek said that she wants to make sure they do not go down the path of "continual improvement" with fire response times, as there is no way for a responder to get from point A to point B any faster. She said that creating response times in the rural areas that are similar to urban areas is not going to happen, so she wants to ensure that this new group does not come back with that recommendation.

Mr. Foley said that the Comp Plan defines those response times and can only be changed by the Board, and the Community Facilities Plan establishes those benchmarks. He stated that it is still 13 minutes in the rural areas on average and five minutes in the urban areas. The Board will need to discuss those when it gets to the Communities Facilities Plan.

Mr. Walker pointed out that the group is also focusing on child and adult protective services, and other aspects of emergency response, in addition to primary police and fire response.

Mr. Rooker asked for more information on the 10th Annual Tech Tour, which exposes over 400 local middle and high school students to tech companies. Ms. Wyatt said that initiative was developed through the economic development task force.

Mr. Foley said that Ms. Susan Stimart has been working directly on that project, and staff could bring it back at the end of the day.

Board members agreed.

Agenda Item No. 11. Capital Projects Quarterly Report, Trevor Henry.

Mr. Trevor Henry, Director of the Office of Facilities Development, said that he will be providing an update on the projects being managed by the Office of Facilities Development. The report is for the second quarter 2013. He also wants to continue to ensure that both form and information provided informs the Board at the level of details expected.

Mr. Henry reported that the Ivy Fire Station is completed for occupancy and has had operations since July 1, but there is a piece of uncompleted project related to site work that is dependent on UVA's subcontractor – Parham Construction. There are some easement issues related to the adjacent Koren church. The County is able to do some phasing that enabled it to complete the County's portion. He said that the project is expected to be fully completed by the end of the month. They are running a water line that will provide hydrant service at the station instead of at Route 250. Mr. Henry stated that the only other outlier is working with VDOT on an emergency signal control.

Mr. Snow asked if there is an official opening planned for the station. Mr. Foley responded that a grand opening is tentatively planned for October.

Mr. Craddock asked if it would be during Fire Week. Mr. Foley replied that he is not sure, but it would be good to coordinate with that event.

Ms. Mallek asked if the lighting from the medical building next door is helping enough with access when they need to exit the property. Mr. Henry responded that he thought that was the case, and without the synchronization they are pausing a bit longer at the intersection – and part of the operating agreement is for the County to keep that road clear too.

Mr. Boyd asked him if the project was brought in under budget or over budget. Mr. Henry responded that it was under budget.

Mr. Boyd and Mr. Rooker said they recalled the original budget projected at \$1 million, but now it is \$2.2 million. Mr. Henry responded that they are coming in under budget by about \$193,000, which is about 10% of the budget.

Mr. Boyd asked if the amount takes into account the 10% contingency fund which means it is coming in over budget but within the contingency fund. Mr. Foley stated that the contingency is part of the budget. Mr. Henry explained that the original baseline budget was \$1.65 million, but the bidding climate was better so the estimated hard cost completion was \$1.55 million.

Mr. Rooker noted that the budget is developed during the CIP plan and then refined as a project moves along, adding that the Seminole Trail station expansion was originally estimated at \$1.2 million and ended up being over \$3 million. He said there is often a big difference between the numbers put in the CIP to vote the project in versus the number they end up with.

Mr. Boyd said he does not think the County is doing a very good job with estimating conceptual costs, and it bothers him that they are going to put the Northside Library in at perhaps double the estimate.

Ms. Mallek said the Board got the fire station budgets back in great detail and approved the projects individually with the real numbers.

Mr. Snow commented that Mr. Boyd's point is valid that one amount is approved, and then it comes back at a higher number.

Mr. Henry clarified that what is in the baseline budget is what has been approved in the CIP. If there is a condition that indicates the budget will be exceeded, staff comes back before the Board to get approval. He said that in every case, staff gets approval from the Board on the budget.

Mr. Rooker said that the point being made is that when conceptually looking at these projects there seems to be a big difference between the initial budget discussion to get a project included and the refined budget the Board ends up getting later.

Mr. Foley said that from a broad perspective, sometimes a community group will come forward with an idea for County support, and upon further evaluation staff will see things that were overlooked and then put it on a Board agenda for action. He added that staff is sensitive to the fact that the Seminole Trail Fire Station project is very different at \$3.8 million.

Mr. Rooker said that he understands that Mr. Henry was not involved with the Seminole Trail project when it was initially proposed. The project was kind of a last minute addition to the CIP during the Board's budget session. He thinks that part of the reason the project got into the CIP was because the cost (\$1.2 million) sounded reasonable.

Ms. Mallek commented that she thinks the reason the project got in was because it is essential to do the project.

Mr. Rooker said the project may have been needed, but he does not know that it would have gotten the same reception if they had come in and said it is a \$4.0 million project.

Mr. Foley suggested that in the future, if the Board gets a project that is more than twice what was originally thought, the Board could direct it back to the Oversight Committee to consider in context with other projects. If the Board recalls, the County received some end-of-the-year funds that were more than anticipated, and the Board specifically said since this was a special project, it was willing to put some of the funds into the increased cost.

Mr. Boyd said that he agrees with what Mr. Rooker is saying, and said he would like to track these beginning with the conceptual cost and going through the CIP approval. Mr. Henry responded that it would be easy to do that, and staff could basically add a column to the process that says "CIP Approval."

Mr. Boyd said another example is the Northside Library project. The project was presented as an \$8.0 million project. If the costs spiral up toward to \$16.0 million by the time the architectural work begins, he would like to have the conceptual amount that was approved.

Mr. Rooker said that the idea is that projects like the Seminole Trail Fire Station should perhaps go back to the Oversight Committee because of the stark difference in the original number discussed and the amount it came in at.

Mr. Foley suggested that staff take this input and determine the trigger for when it goes back to the Committee, such as 50% more than the conceptual budget. He said that it is a very legitimate question to say that when it was approved in the CIP and the staff put the estimate together, "How off were we?"

Ms. Mallek said that in the past there's been discussion of how much to invest in the pre-design phase before they decide whether to proceed or not. The reason the process has been done the way it is now is so they can determine whether it's a good thing prior to spending money on design.

Mr. Snow said that to him it is like buying a car, where you look at a base price and then add amenities that drive the cost up.

Mr. Foley cited the example of the firing range, where it started out as an outdoor range but based upon the Board's review it was changed to an enclosed range. He said that the Brownsville Elementary School came in under budget but staff came back to the Board with some new ideas to enhance the learning experience. Mr. Foley said that when a community group comes forward and says something like "\$1.2 million on the fire station," staff immediately knows there is not enough information to use that number. He noted that sometimes having a consultant evaluate a project adds cost, but it can be an important part of the process.

Ms. Mallek mentioned that one of the cost drivers in the Seminole project was the fact they would have to keep working out of that station while the construction is going on.

Mr. Rooker suggested that staff bring back information to the Board as a recommendation for a change in process.

Mr. Foley added that value engineering is a part of the normal ongoing process.

Mr. Henry reported that they have also completed some park road resurfacing work done in April and May, and there was also some masonry repair work done at Walton Middle School over the summer.

He stated that projects underway include the Crozet Library, which has made great progress over the past few weeks. They are nearing substantial completion and occupancy. The stormwater connections are the only delay at this point. Staff has finally worked through the Century Link line relocation; the cable has been deactivated, and the contractor is scheduled to be there today with about a weeks worth of work to finish. Mr. Henry said they are looking for a soft opening to take place after Labor Day and a grand opening to be held on September 28, 2013.

Mr. Boyd asked how the Friends of the Crozet Library were doing in terms of their fundraising. Mr. Henry responded that he hasn't received an update recently, but they were well ahead of their benchmarks to have books and equipment by the fall.

Ms. Mallek confirmed that they have raised \$870,000 thus far, with many other grants pending.

Mr. Henry said that the fundraising has well exceeded the \$500,000 benchmark.

Mr. Mallek added that all the furnishings have been paid for.

Mr. Foley stated that the partnership with the County has been a real success.

Mr. Henry reported that they have hit a significant milestone with the Crozet Streetscape Enhancement Project in downtown Crozet. The County was able to issue its right-of-way certification being complete to VDOT on July 29, 2013. He said they have worked with 29 property owners and 45 easements and dedications, all of which have been donated. Mr. Henry recognized Mr. Jack Kelsey and Mr. Andy Herrick for their perseverance, and the property owners for their willingness to work through the process. He said that staff anticipates getting approval from VDOT to go to bid by mid-August.

Mr. Henry stated that there is work underway for the utility relocation. Dominion Power is in the process of energizing the new power lines. Century Link and Comcast are also wrapping up their work. Completion for all of this work is slated for within a month and lines anticipated coming off of Crozet Avenue. He noted that construction will begin this fall. He said that he will work with the County Executive's office to set up a town hall meeting in September after a contractor is on board. There will be close coordination between OFD, the contractor and the County Executive's office in managing and scheduling the work.

Mr. Henry reported that the Crozet North sidewalk project has two parts – a "Safe Routes to School" component running from Crozet Elementary School to Ballard Drive, and a revenue-sharing piece that runs from St. George to Old Crozet School. He said that the Safe Routes to School piece should go to bid over the next week or so, with work slated to begin and complete this fall. Mr. Henry said the Crozet North project and the State Farm Boulevard/South Pantops Drive sidewalk project are both tied to revenue sharing and must be bid jointly, but the work on State Farm Boulevard won't begin until next spring, possibly early March.

He said that they opened bidding for Seminole Trail Volunteer Fire Department addition/renovation in late May. There were about 10 bidders, and the lowest one – Kenbridge – came in at about \$400,000 above the appropriated budget. Mr. Henry stated that staff spent two months working with the low bidder, project designers, Seminole Trail staff, and Chief Dan Eggleston's office to look at the design and determine why the bids came in as high as they did and what areas could be condensed. He said that in their analysis, they found the integration piece and the effort to maintain operations during construction to be driving factors in the cost increase. Mr. Henry said they have successfully completed those negotiations and are anticipating final contract signing over the next week. He stated that they were able to reduce the budget through negotiations, and rather than finishing the third floor for the fire department, they will leave it as a rough-in with volunteers completing that work. Mr. Henry said they had added a little bit of a bump out for a weight room, but they decided to relocate it and find it in existing space.

Mr. Boyd asked if value engineering was part of that process. Mr. Henry responded that they had already value engineered it between the design development phase and the construction phase, but what they lacked early on was a general contractor to evaluate the project and find things staff didn't see. He said that they found that reducing the specs once Kenbridge came on board on things like glass quality saved tens of thousands.

Mr. Boyd commented that he has already heard from constituents that the Ivy Station is another "Taj Mahal," much like Hollymead was.

Ms. Mallek pointed out that Hollymead was value-engineered.

Mr. Rooker commented that the exterior features of that building were required to be met according to the architectural standards of the Research Park, since the station lies within that property.

Mr. Boyd stated that his point is that people want the fire stations to be more utilitarian than plush. He wants to make sure they are not putting in the highest line of paneling, etc. Mr. Henry responded that both of these projects are far from that category of finish.

Mr. Henry reported that the County is in the final contract signing process for the Northside Library and storage facility with HBM Architects of Cleveland, which was one of two finalists. He said they bring extensive experience in libraries and relevant experience with repurposing of buildings. Their portfolio includes several conversions of a grocery store, an old police station, etc., those types of buildings into nice looking, modern functional libraries. It was a hard decision between the two finalists, but staff felt that because of that role and experience, HBM would be the right choice. They met yesterday with the design team and people representing the storage component along with Community Development staff. He stated that there is a great schedule urgency with the project, as there is an annual lease on storage that runs June 1 through May 31. The renewal notification is the end of December and if the storage could be relocated by May 2014 it would save about \$200,000 in operating costs. The current Northside library agreement runs through 2014. Mr. Henry noted that this is an extremely aggressive schedule for this type of project, and they are putting together a schedule to try to meet those dates – but it will require complete cooperation. He said that the library staff responded very positively to the plan, whereby the library will be shut down for off hours and provide access to meeting space and other parts of the facility. Mr. Henry stated that they would have their first public meeting on August 22, with a series of rapid public meetings to solicit input, and plans would be shared with the Planning Commission and Board in early Fall.

Mr. Foley emphasized that the timing could save \$375,000 and staff will need the Board's support in moving this along.

Mr. Thomas asked if there is an alternative plan if the schedule isn't met, as these timelines are extremely tight. Mr. Henry responded that they wanted to get the architect on board first, and while it is possible they need to hit all the marks.

Mr. Foley said that staff feels they have a good process that involves input from the appropriate people, but the schedule just needs to stay tight in order to move it along.

Mr. Rooker commented that the Places 29 Advisory Council has seen the project several times, and this would be a good next step for them as representatives from the public.

Mr. Foley said staff is planning to have a representative from that group in the process.

Ms. Mallek said that she would like other members of the public to be included also, as was the case with the Crozet Community Advisory Council with the Crozet Library.

Mr. Henry stated that they are following a public outreach process now where they bring in representation, including a teen-level group to get feedback from them. He said that they are designing to a level of a LEED finish, which may mean building it to that standard but not necessarily certifying it until they have a handle on costs. Mr. Henry said that they are incorporating good LEED design principles, and he has asked the architect to assess what the incremental cost would be – with preliminary estimates at up to 2-3%.

Mr. Rooker asked if staff has considered solar, given the flat roof that gets a lot of sun exposure. As a part of LEED certification, there are a lot of credits for solar panel roofs.

Ms. Mallek mentioned that Dominion has a program in which they buy back what isn't being used from solar generation. Mr. Henry said staff can take a look at it.

Mr. Boyd said that he would not let the public process slow this down – given the \$250,000 savings. He asked if the \$11.8 million figure was what the Board had approved. Mr. Henry responded that it has not changed. Mr. Rooker clarified that it was \$8 million for the building and \$3 million for the land.

Mr. Henry stated that the base line budget is the same amount appropriated by the Board. He confirmed that the figure for staff oversight and planning is also included in the project number.

Ms. Mallek noted that staff time was not counted years ago.

In terms of the Belvedere Phase 1 project, Mr. Henry reported that they have begun work to complete the bonded site work from the Free State Road Bridge to the north extending to the Village Green, and anticipate completion in late October. He said they have communicated with residents there on a weekly basis, and are working with multiple contractors on the job. Mr. Henry stated that there should be residual bond money left with each line item. When that quantity is known, they will request the bank to allow it to be used for the road deficiencies which should enable them to finish the main Belvedere Boulevard from the intersection to Rio Road. He noted that through the work of Mr. Thomas and Mr. Kelsey, VDOT has gotten its Materials Division involved, and what was estimated at around \$1 million to complete the first mile is now between \$300,000 and \$500,000. It is much better but they still do not have budget in that particular bond line item to complete the work.

Ms. Mallek asked if there was any recovery from the contractor who did the substandard work to begin with. Mr. Henry responded not at this point. He added that the developer contracted with a general contractor who then contracted with a paving contractor. He said that he is not aware of any legal actions taken in that chain, but the County's only relationship is with the developer.

Mr. Davis confirmed that the only remedy under the development bond is to go after the developer, who could in turn bring the contractor into the equation.

Mr. Rooker asked if the developer could assign any of the claim. Mr. Davis said the developer has not done that. He added that the Board can discuss that, but he does not think that is the way the County wants to go.

Ms. Mallek suggested including this topic as part of the closed meeting discussion.

Mr. Rooker said he is trying to think creatively of ways to get the money to finish everything that was supposed to be done as part of the project.

Mr. Henry stated that staff's current projection of contracted costs from the residuals on the seven bonds could cover what is needed, but the banker would need to cooperate with the developer to reallocate that funding because it was broken into pieces. Mr. Henry said the challenge of this project is that the County had to bid and manage it within each of those delineated scopes of work.

Mr. Rooker asked if there is an option to take bonding on the entire set of improvements without breaking it into pieces. Mr. Davis responded "no": There are a number of separate improvements, i.e., subdivision bond, erosion and sediment control bond, and they are all done as separate approvals.

Mr. Foley said that in September, Mr. Mark Graham will be talking to the Board about the County's bonding program, including some ideas for the future.

Mr. Snow said that Mr. Peter Thompson of The Senior Center told him they feel it's very important to have on-street parking there, and asked if that was going to happen. Mr. Henry responded that it is part of their site plan request with Community Development, but he is not sure about the decision.

Mr. David Benish, Chief of Planning, said that Mr. Kelsey has been working on that, but there is the issue of what was required as part of the site plan and subdivision plat approvals and the fire and rescue requirements being overlaid on that. He said that in developing the plans for the improvements under development now, there is a parking plan that addresses both the requirements for the subdivision and site plan approvals as well as the fire and rescue approvals. Mr. Benish said that Mr. Kelsey has worked on the parking request to allow additional parking in some location. He thinks that the developer has optimized the number parking spaces that the County can provide to meet both fire and rescue and subdivision requirements.

Mr. Thomas stated the question pertained to Belvedere Boulevard, where The Senior Center would go in, as that section is wider. Mr. Benish responded that The Senior Center has requested a variation to allow parallel parking there, and that has been approved, although it won't be prescribed exclusively for The Senior Center – so anybody can use it. It essentially serves as overflow parking for the activities at The Senior Center.

Mr. Kelsey said that the section of Belvedere Boulevard is wider because there are bike lanes on both sides of the roadway.

Mr. Benish pointed out that when Belvedere was approved, the linear park concept for John Warner Parkway was supposed to be established in that cross-section, so when parallel parking was approved the bike lanes had to be in and the multi-use path also must be retained. He said they also asked for a mid-block crossing for the parking on the opposite side of The Senior Center, which will consist of non-lighted crosswalks.

Mr. Boyd asked where SOCA was with their planning, because once that is completed there will be a huge amount of parking on game days. Mr. Benish responded that he does not know where their plans stand, but staff has met with them for some minor site plan adjustments to the indoor facility that is within Belvedere property. He said they are gearing up to develop the indoor facility, but there have only been questions about adjusting the site plan.

Mr. Boyd asked if staff is taking that into consideration as it deals with parking. Mr. Benish said that the parking issue was raised by the community, and it is one of the reasons they are trying to allow for as much parking as possible given fire and rescue requirements – which have actually reduced the amount of parking.

Mr. Boyd commented that when the Board approved the soccer project, it relied a lot on on-street parking. Mr. Benish concurred and added that there is actually less on-street parking than there was before.

Mr. Rooker said that he assumes soccer would require on-site parking. Mr. Benish confirmed that there is on-site parking spaces, but their plan also relies on offsite parking to address their needs. He said that one of the advantages of the parallel parking is that it provides for some replacement capacity within the development, although it is somewhat far away.

Ms. Mallek said that the right of way is still maintained all the way to the river from the old Free State Road connection, so if there were a pedestrian/bicycle bridge hung from the railroad there would be a link. Mr. Benish replied that with the original rezoning there was a proffer to reserve right of way for a future connection, which could also be used for that trail.

Mr. Thomas thanked Mr. Graham, Mr. Kelsey, Mr. Henry and Mr. Benish for their hard work, as they have been spending a lot of time on this project – which has been an uphill battle.

Ms. Mallek commented that she is very excited about the accountability piece, because it should not happen again.

Mr. Foley said that the OFD staff has been doing a fantastic job, and value engineering is a part of what they do now as part of the Capital Program. He stated that most localities do not handle both local government and school projects, so credit should be given to all staff in that division.

Mr. Henry reported on the Lewis & Clark Exploratory Center, presenting a picture of the green roof on the building, which is covered with plants that look like grass. He said that the building is nearly substantially complete and the mechanical system needs to be tested, along with a permit that needs to be acquired. There is some additional site work grading needed along with paving and sealing. The site contractor is scheduled to back on site to complete the work next week. Mr. Henry said there is about one week of work left on the site. The final piece of funding is still being pursued for the ACSA permit. They were unsuccessful in getting a reduction in the fee or payment plan to pay for the fee overtime.

Mr. Rooker clarified that this is not a County project; it was done by a separate nonprofit.

Mr. Henry said he is reporting on it because of the County's involvement with the property and the pass-through grant, and his office is supporting the Lewis & Clark staff in an advisory capacity to help manage the project.

He stated that the Murray High School project is one of the bigger capital projects, and included relocation of the Resource Center from Murray out to the trailers to the Enterprise School. Mr. Henry said it is a very complex project that includes a lot of scope and asbestos removal. When County staff got involved it did not feel it could get done between the end of school and the start of the next year so they presented a plan to Building Services. He stated that Building Services was able to allocate money from the previous year for asbestos removal and demolition, which allowed the project to start and keep it online for completion before the new school year.

Mr. Henry reported that there were some minor sidewalk projects on line for this fall. Staff plans to come back to the Board in a work session the following week to discuss the police firing range. The last phase of the County Office Building brick repointing project will be completed in the next week or so. He presented a list of school maintenance projects that involve County staff, and with the exception of Albemarle High School roof work over the gym and some locker rooms, school projects are complete with facilities ready to open.

Mr. Henry commented that stormwater management projects are continuing. Upcoming projects include the Church Road Basin repair work with the design process underway. He explained that Church Road is located off of Hillsdale Drive, near the Church of the Incarnation.

Mr. Henry said that in terms of process improvements, staff is reporting any change orders exceeding 25% aggregate or \$50,000 – and through the calendar year there have been five change orders that have met that threshold.

Mr. Rooker commented that the Board approved using revenue sharing monies for the InSync Adaptive Traffic Management System. They applied for \$720,000 for the project. He said that he does not know where that number came from, and the number coming from VDOT is \$1.034 million – which means the County is short by about \$300,000. Mr. Rooker stated that they have a hard number on the InSync part of the project contracted for installation, and the company has scoped the project with VDOT. He noted that they can deliver the equipment in about 30 days, but the County needs to find the money to make up the difference. Mr. Rooker mentioned the many advantages of this project that were previously discussed, adding that the project would go from Airport Road down to Hydraulic Road and incorporate all of the side signals.

Mr. Boyd said that anecdotally, people have said that traffic on Pantops has not improved, and it is still difficult to get through the area during rush area. Before he votes to approve more money he would like to have more information from VDOT that it will actually work. There have been some issues mentioned that the system may not work in the Route 29 corridor because of the way the software is written.

Mr. Rooker stated that InSync has installed this in localities with as many as 70 lights, and the transportation people who work for the communities say it has been effective in reducing accidents at intersections, and reducing travel time and wait time at lights. He emphasized that the system is basically ready to go, and \$360,000 of this is being paid by VDOT. Mr. Rooker said he would like to get authorization for staff to find the other \$300,000 and become directly involved in working with VDOT on this. He stated that he does not want to hold the project up when it is already approved for revenue sharing this year, and stressed that this is a "drop in the bucket" for the transportation improvement that is afforded by these systems. Mr. Rooker said that Mr. Joel DeNunzio reported to him that the system at Pantops went out for two or three days because one of the cameras was being blocked by a tree, and when that happens it reverts back to the prior system. He stated that when that happened, VDOT received calls as to what was wrong. The time savings with the system during rush hour is about 50%.

Ms. Mallek said that she has noticed a dramatic difference heading east at Pantops.

Mr. Boyd asked if the synchronization on Route 29 would be such that you can make it through the whole corridor without having to stop at a traffic light. Mr. Rooker responded that they are saying you can anticipate between a 20% to 70% improvement in traffic flow and reduction of wait time. He said that what they are talking about is miniscule in the scope of transportation projects. This project would have more impact than adding a lane – which would cost millions.

Mr. Boyd asked if there are ongoing maintenance fees associated with the project. Mr. Rooker replied that the upgrade is no more than the current system on Route 29.

Mr. Rooker then **moved** to authorize up to \$300,000 to work with VDOT to move forward with the InSync Adaptive Traffic Management System. Mr. Snow **seconded** the motion.

Mr. Thomas asked if Charlottesville had also been given an increase. Mr. Rooker responded that there installation cost increased by about \$200,000.

Ms. Mallek asked who was in charge with getting in touch with Fiber Light about the cable that is laid there. Mr. Rooker responded that VDOT may contract out the installation to a company called DSS which has done many of these installations already.

Ms. Mallek noted that VDOT did not like this idea in the beginning, and wanted to be sure there wasn't any push-back from them. Mr. Rooker commented that Mr. Mike Clements and Mr. DeNunzio

have been very enthusiastic about the project, so there is not lack of cooperation on their part. He added that the \$720,000 was a VDOT estimate.

Mr. Boyd said that Mr. DeNunzio has not been enthusiastic about this in the past. Mr. Rooker responded that he has spoken with him frequently over the last few months, and upon viewing the success at Pantops he was supportive of the Route 29 project.

Mr. Craddock said that the Pantops issue was related to the system being down, along with problems at the new Shadwell Store. He thinks that it is a great improvement if they have cameras to monitor the traffic flow and adjust the lights.

Mr. Rooker explained that VDOT went out on a number of occasions to measure the time from end to end, before and after the system, and reported over a 60% improvement in traffic movement and a reduction in travel time for that area. He also mentioned that Mr. Clements reported that in one locality in the state they removed the system because anecdotally people did not think it was working, but upon measuring it there was a 20% improvement in travel time. Mr. Rooker said that nationwide, these systems are going in all over the place, including six or eight being installed elsewhere in Virginia.

Mr. Craddock commented that when Virginia National Bank was approved it was supposed to get restriped for the right turn onto Route 20, but that has never happened.

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

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

NAYS: None.

Mr. Foley stated that staff would bring back any actions the Board needs to finalize this request.

Mr. Rooker encouraged staff to work with VDOT on this. Mr. Foley said he understands the intent of the action and the need to keep the project on schedule.

(Note: At 10:55 a.m., the Board recessed and then reconvened at 11:04 a.m.)

Agenda Item No. 12. Yancey Elementary Work Group Interim Report, Tim Lewis.

Mr. Tim Lewis, Co-Chair, said that the workgroup was established as a 12-member citizen and agency workgroup to seek and identify additional uses for the B.F. Yancey Elementary School. Mr. Lewis presented an overview of the group's charge – to identify service needs, develop recommendations, identify other interested agencies, conduct research on best practice models, and research areas of funding support. He said that the effort has garnered a lot of support from the local community, but some concern because people want to see the school kept open.

Mr. Lewis reported that the workgroup's main activity thus far has been identifying needs, and they have been doing that by involving the local community. He said that a survey conducted drew over 200 responses and revealed a wide range of needs perceived by the local community across southern Albemarle. Mr. Lewis stated that they also approached about 20 agencies to assess their perceived needs, and they all felt there was great need in southern Albemarle – as it is a rural area with high unemployment, mental health issues, an aging elderly population, childcare issues, employment training needs, etc. He said that the agencies want to be involved there, but it needs to be balanced and financed, which is the group's next step.

Mr. Lewis said the group will be looking at further community involvement through an open forum at the school. They have also set up a finance subcommittee to evaluate how money will be raised and how the project will be financially viable. He stated that the final committee report of the workgroup is due in December. He thanked the committee members as well as the Board for their support. Mr. Lewis said that there is tremendous renovation work going on at the school, which is a real sign of the commitment to the school. There is also the idea of a possible extension built on the school to add facilities for an interagency center. He noted that it is vital to be able to purchase the two adjacent properties in order to expand the septic system around the school, because without that system the project cannot go forward.

Ms. Mallek asked whether there are alternatives to septic expansion that the committee or some appropriate body should look at. Mr. Davis responded that the issue has been raised, and Mr. Joe Letteri, of the School Division, has done some preliminary study.

Mr. Snow said that there are increased maintenance costs, and alternatives are especially valuable if a property is land-locked with limited space.

Ms. Mallek said there are perk problems and other barriers to expansion, otherwise they would have done it a long time ago.

Mr. Rooker stated that the Living Machine systems were originally designed for larger facilities, and they were proposing to put a miniaturized system on individual lots at Clifton in Shadwell. He said that the comparison should be made to the cost of acquiring the adjacent land, and it would probably be much cheaper up front to put one of those systems in – although maintenance costs may be more over the long term.

Mr. Foley said that before any of this goes forward, staff would need to look at alternatives and do a cost comparison.

Mr. Craddock commented that it is important to consider this for Yancey because every 20 years or so there is discussion of closing the school, which is a valuable resource for the community. The committee has done a good job. Mr. Craddock said he has received a lot of communication in a short couple of weeks about Yancey. He has had discussions with the Scottsville Town Administrator and the Mayor. There are a lot of good things coming down to southern Albemarle, which hopefully will also include a Boys and Girls Club. Everything that can be done at Yancey helps solidify the position because there is a great group of people who want to help, and now there are organizing and moving forward.

Ms. Frances Feggans said that she also serves on the committee. This is a citizen committee. The local population is very keen on keeping Yancey as an educational and community center. The population hopes that the Board does not forget it is a much needed school and continues its strong support. She said that the survey showed there was a wide range of needs in the area. The committee has worked extremely hard to keep the community involved, to assess needs and contact local agencies. If Yancey is going in this direction, the purchase of land on both sides would help provide space to achieve their dreams.

Mr. Snow asked Mr. Lewis what resources they had to help fund the agencies coming to this area. Mr. Lewis responded that the agencies have very little resources, and they would have to raise those funds themselves or the committee would have to find ways to raise it. He said that if the center provides a range of services to meet needs, they should approach it as an inter-agency facility applying for grants as a joint group rather than individually, but that is an issue that would have to be addressed.

Ms. Mallek said that the committee report states as a next step, "request assistance of Community Development staff to find grants," but they do not have that ability right now. She suggested that the committee contact Ms. Pat Groot at the Thomas Jefferson Planning District Commission. The Commission has an entity set up for seeking grants.

Agenda Item No. 13. Closed Meeting.

Ms. Mallek asked Mr. Davis if he included in the closed meeting the Belvedere discussion. Mr. Davis responded that he was not prepared for that discussion today, and suggested that it take place next month.

At 11:17 a.m., Mr. Craddock **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments; and under Subsection (3) to discuss a proposed lease of a portion of the new Crozet Library property because a public discussion would adversely affect the bargaining position or negotiation strategy of the County. Mr. Snow **seconded** the motion.

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

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

Agenda Item No. 14. Certify Closed Meeting.

At 12:40 p.m., the Board reconvened into open meeting, and Mr. Craddock **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion.

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

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

Agenda Item No. 15. Boards and Commissions: Vacancies/Appointments.

Mr. Snow **moved** to make the following appointments/reappointments:

- **reappoint** Rob Farrell and Richard Keeling to the Acquisitions of Conservation Easements (ACE), with said terms to expire August 1, 2015;
- **reappoint** Donald Byers as the Joint City/County appointee to the Jail Authority, with said term to expire on June 30, 2016;
- **reappoint** James Sofka to the Route 250 West Task Force with said term to expire September 5, 2016; and
- **appoint** Petie Craddock as Board representatives to the Police Department Citizens Advisory Committee and the Historic Preservation Committee.

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

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

Note: Since the Board was ahead of schedule, it took up the following agenda items at this time:

Agenda Item No. 17. Board-to-Board, *Monthly Communications Report from School Board*, School Board Chairman.

Mr. Steve Koleszar addressed the Board, stating that the draft strategic plan presented at their joint meeting with the School Board was approved by that body and is now official. He said that the Schools have had a very successful summer school program, which was designed as more of an enrichment program than a remedial one. Mr. Koleszar reported that the Schools held summer school graduation the previous week and there was only one student, which really shows that the schools approach education one student at a time.

Mr. Koleszar stated that the School Board would like to get a strong and vigorous elementary foreign language program in the schools, and they have tried to implement it cheaply using just recordings in the past – with miserable results. He said that the goal would be for 5th graders to be fluent in conversational language as they leave that grade, adding that the early years are critical in learning a second language. Mr. Koleszar noted that students who have implemented these programs have seen improved performance in math among their students, and it would become part of the existing curriculum.

Mr. Rooker commented that he was not sure how it would be worked into existing curriculum as far as available time. Mr. Koleszar responded that he feels there is enough time in the school day, and they still need to work out the details as to how to fit it in.

Mr. Rooker asked if there are any preliminary estimates on costs. Mr. Koleszar responded that he would rather have that come out during budget discussions, but it would probably be in excess of \$1 million. He emphasized that it would not be cheap, but it would really enhance the quality of education for children.

Mr. Koleszar reported that building services is currently wrapping up summer maintenance projects in time to open, and the School Board would receive an update on those at their meeting the following day. He said that he met with the new teacher academy, and the level of enthusiasm there was very high.

Mr. Snow asked what the projections were for enrollment in the coming school year. Mr. Koleszar responded that they are predicting about 200 new students, but it won't be known for sure until school begins.

Mr. Rooker mentioned that he had read an article about schools in South Korea, where students perform extremely high on standardized tests when compared to Americans. He said that the country pays its teachers very well, and about 90% of the students in South Korean schools go an average of four hours per day after school. Mr. Rooker stated that those teachers are like sports stars, and the students are in class about 12 hours per day.

Mr. Koleszar pointed out that another top performing country is Finland, and those students are in the classroom less than their American counterparts. He encouraged Supervisors to come visit classrooms and give feedback to the School Board.

Consent Agenda – Item 8.2.

Mr. Rooker asked whether this process would actually end up imposing costs on the general fund that are currently being borne by the tourism bureau.

Ms. Mallek stated that the reason the issue was raised is because the tourism bureau didn't fund those items last year, and it does not fit into their category very well.

Mr. Rooker said that the CACVB ended up cutting funding for several agencies that the Board didn't feel should be cut, and his question is whether they were still going to get contribution from the tourism bureau towards the agency budget needs.

Ms. Lori Allshouse, Director of the Office of Management and Budget, responded that the CACVB is funded by the County and supports agency requests that pertain to marketing, and some of the confusion has been whether certain requests sent over from the Agency Budget Review Team (ABRT) were "marketing" or "operations." Ms. Allshouse said that CACVB has used marketing as their criterion, but the Board had funded operations in the past, so that became confusing.

Mr. Rooker said that the Board has never discussed having the CACVB differentiate marketing from operations.

Mr. Foley explained that the position the CACVB takes is that their charge is narrowly defined to marketing/tourism; and at the time they worked through the budget issues; they took on things and funded them beyond that scope. In the second year, he explained that the CACVB determined that it was not appropriate to use tourism money going to them for marketing, for general operating costs.

Mr. Rooker commented that perhaps the CACVB should fund the ACE Program. He also said that what he does not like about the arrangement is the fact that CACVB built up a giant reserve that had not been spent, and then came out with a plan as to how they would spend that money. Mr. Rooker stated that part of their presentation included an assumption that there would be a huge increase in tourism dollars, and he questioned their multiplier effect at the time – which was something like 17:1 over dollars spent. He said that CACVB agreed to fund some agency requests that come to the County so as not to lose their own allocation, and now that they have had their marketing budget approved they are saying that they don't really want to fund the agencies at the level they were funded in prior years.

Mr. Rooker emphasized that he does not want to see the Board simply align the tourism bureau to come up with ways to spend money so they can avoid sending it back to the County.

Mr. Foley said that CACVB staff has a charge that is very focused on marketing, and they make the case that things that are not marketing related should come back to the general fund for consideration. He stated that the bigger picture is that revenue coming in may outstrip the CACVB's needs, and there is an agreement in place that established the CACVB's board that states they will get a fixed percent of the hotel occupancy tax. He said that Lee Catlin and Chris Engel are in the process of working with Kurt Burkhardt to evaluate the CACVB's needs over the next five years – looking at revenues as well – and have those needs be fully justified to continue the operation in terms of marketing. Mr. Foley stated that if that is not the case, the County would approach the City about adjusting the percentage downward, so that more money could be kept by the localities for funding things like ACE.

Mr. Foley said that the best way to evaluate funding of cultural agencies is for OMB to pull in some community reps and develop criteria for arts and culture, and then do an evaluation that comes to the Board for consideration under the general fund. He stated that the Board could then delineate as to what should be supported because it is important to the community, although it might not be a specific marketing/tourism item. Mr. Foley noted that this may be a better process, but not without some criteria and input from the community as to what criteria should be used.

Mr. Rooker said that he does not disagree, but from a money standpoint it became a justification to allow the CACVB to keep more funds within the organization, and now that they have done their marketing plan they seem to be selective about what they are funding. He stated that perhaps the better approach is ensuring that the CACVB budget is funding what the County thinks should be funded, as a participant of the board. Mr. Rooker expressed concern that if you tell an organization they have \$1 million, they'll do a budget for that amount; and if you tell them it's \$800,000 they will do a budget for that amount.

Mr. Foley responded that he and the City Manager have directed staff to do a very objective review of their plan, and Mr. Burkhardt would put forth the things he'd like to do over time. He said that there is a huge amount of money in their budget now that's going to support the new effort, and that needs to be scrutinized carefully. He said that it would be coming before the Board within the next month or two, because any amendment to the agreement must be approved by the end of the year.

Mr. Boyd asked if staff would bring the plan back to the Board.

Ms. Mallek commented that staff would be bringing back the basis of the whole agreement for discussion.

Mr. Foley agreed and said that behind it would be a real financial analysis of CACVB's real needs versus revenue that staff projects, because new hotels will be coming in and if they are successful that may outstrip their marketing needs and more money could come in for ACE or some other tourism.

Ms. Mallek noted that the CACVB have said repeatedly that they have plenty with their current numbers to fund initiatives for the next five years.

Mr. Snow agreed with Mr. Rooker that this should be pursued, and agreed with staff's approach.

Ms. Mallek said that one consideration would be having a County department that handles this, if they are going to be doing the work anyway.

Mr. Foley responded that he thinks it will be a good discussion to look at the agreement and the CACVB's charge. He said that having a County department would be a dramatic step, but understands putting it on the table for discussion.

Mr. Rooker said that County would lose the coordination with the City under that scenario, and they would lose the sharing of marketing expenses – as well as the co-branding. He emphasized that he supports a joint marketing effort for area tourism, and his concern is that the CACVB's budget is reasonably lean with a good plan to spend it, with any excess coming back to the localities.

Mr. Foley said that the City and County agrees on the principal that Mr. Rooker stated and that is why the evaluation is being done. He said that if the Board is comfortable with what has otherwise been

proposed on cultural agencies then approval would be great and staff would come back in September or October to talk about the bigger picture.

Mr. Boyd stated that he has a thought on this, which is why he wanted the item pulled. He said that he does not have an issue with the cultural agencies as much as some of the nonprofits the County is supporting with taxpayer dollars, and he wants to look at this broadly in the future. He stated that he would be inclined to cut back on using taxpayer dollars to fund nonprofit organizations and shift those dollars into funding more police, which is truly a function this government. Mr. Boyd said that he does not think that giving to nonprofits is a function of our government; it is something that the community should do. Mr. Boyd emphasized that it cannot be done all at once, it has to be done overtime.

Ms. Mallek responded that it depends on what the County is funding, because if a nonprofit can take \$1,000 contribution from the County and turn it into \$10,000 worth of value for citizens then it's a good investment.

Mr. Boyd said that it makes sense for government to fund arts and culture, as that can actually help the tax base. He explained that he thinks it may not be appropriate to take taxpayer dollars and fund nonprofit organizations like United Way and JABA.

Mr. Rooker said that when he first came on the Board he viewed it that way, but if those agencies are performing functions that are considered public-good functions, that alleviates the burden on government. He mentioned that JABA helps seniors in a capacity that is often covered by government localities, especially those seniors who are low income. Mr. Rooker stated that the County makes a modest contribution to that agency to perform a function that otherwise might become a public function. He emphasized that the County is essentially leveraging public dollars.

Mr. Boyd said that the whole "attack on poverty" that started during the Johnson administration has led government to a place they don't want to be where people are relying on government. He stated that those nonprofits are doing things that aren't necessarily picked up by government.

Mr. Foley stated that this is a common issue that should really be discussed during the five-year financial planning process, so staff would take this issue – funding to agencies and nonprofits – and get all that information in front of the Board. He said that would be a way to work through these issues.

Mr. Boyd agreed, stating that he was going to mention it during strategic planning but it was on the table.

Ms. Mallek said that she's happy to have the conversation during the five-year plan, but this is not a third world country nor a country where people are sent out to the mountain to die. She emphasized that many of these people worked hard and paid their dues, and now they may need some help – and as a younger working person she feels that it is her obligation to help folks who get old and need some help.

Mr. Rooker then **moved** to approve Item 8.2 as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

NonAgenda.

Mr. Foley mentioned a letter that Mr. Snow had distributed. Mr. Snow stated that he had received an email related to potential partnership opportunities.

Ms. Mallek asked what the implications and complications would be of signing up with this organization.

Mr. Snow explained that there are not any obligations until the process is further down the line. He said that there are some matching funds and when it gets to that point the Board can talk about where they may come from.

Mr. Foley said that it sounds very positive, but staff has not had time to review it and understand what the match would be, along with some general information.

Ms. Mallek stated that if this is going to align them with private operators, staff should proceed cautiously, as it has cost the schools a fortune over the last 10 years.

Mr. Snow said that the Board would also need more information about Arrowhead Farms' donation of land.

Mr. Foley responded that staff is doing some research now on what's on the land now, and the potential for Parks & Rec to use the land, and would be bringing it back to them in closed session in September.

Mr. Rooker asked what the size of the parcel is. Mr. Davis responded that it is 410 acres.

Mr. Rooker mentioned that Supervisors had discussed the \$200 million left in the fund for rural broadband, and said that TJPDC has hired Pat Groot to obtain grants. He said that Ms. Pat Groot has expressed an interest in helping the County with it and had some immediate ideas about the grant. Mr. Rooker suggested that staff contact her to find out more. He added that all localities will benefit from her work so if there's money there they should go after it.

Mr. Snow agreed.

Mr. Foley said that staff would connect with Ms. Groot to see how viable the option is.

Mr. Rooker said that the \$200 million would be used for communities around the country, so if Albemarle has a method of tapping into that they need to look into it. He stated that previous criteria had been to look at the County as a whole as to who had access, which didn't help the pockets of the community that don't. Mr. Rooker suggested that perhaps the application could be segmented to cover only areas of the County that might qualify.

Ms. Mallek noted that Ms. Groot has the ability to package it as a region instead of just the County, which is well-received from the grantor's point of view. She also said that the state's assessments of broadband connection are extremely flawed, so the County needs to figure out a way to make this information more accurate.

Mr. Rooker commented that Nelson County and other neighboring localities are interested in this, so perhaps packaging it as a regional grant would give it a better chance of success.

Mr. Thomas mentioned that Nelson has the most challenging terrain, along with southern Albemarle County.

Mr. Craddock mentioned that there are cell towers that have not been built yet, and the lack of service impacts police and fire communications in the southern area.

Mr. Foley said staff would pursue it further with TJPDC, and agreed that packaging this as a regional approach might be more successful.

Ms. Mallek mentioned that there were questions about the tech tour. She explained that every October, IT businesses and science labs invite students to come and see what they do. Ms. Mallek stated that the students visit by bus and have good reactions and interactions with the different businesses. She noted that Susan Stimart, Economic Development Facilitator has been very instrumental in getting the tech tour started.

Ms. Mallek mentioned that if there will be applications coming to the Board for golf courses, it would be helpful for them to have performance standards that reflect best practices being used – especially for those to be located in rural areas.

Mr. Thomas asked how Glenmore built their golf course without any specs from the County.

Mr. Foley asked Ms. Mallek if she is asking for priority to evaluating standards for golf courses through ordinances.

Ms. Mallek responded that there needs to be some performance standards that can be met, and documented so others can be held to the same standards and be measured.

Mr. Boyd commented that he did not see it as a pressing issue right now.

Mr. Rooker said that it requires a special use permit, so the Board can impose conditions – which puts them in a better position than it would with a rezoning. He stated that the best approach might be to gather information on the types of conditions that other communities have implemented, those that address environmental and other concerns.

Ms. Mallek said that the Board could set up a standard set of conditions then.

Mr. Rooker stated that he did not think the Board would need to change the ordinance, as they can impose whatever conditions are appropriate.

Ms. Mallek said the critical issues are chemical and water use.

Mr. Thomas emphasized that golf courses are regulated closely, and have to be.

Mr. Rooker said that if the Board gets an application, they can impose whatever conditions are appropriate, and the advantage is that the conditions can be tailored depending on where the golf course is and what the potential impacts might be. He stated that if there is an application, staff can evaluate it and determine what the best practices are in terms of environmental protection, water use, etc., and it should not take a huge amount of staff time to do that.

Mr. Foley stated that the County has a special use permit process that gives the Board the ultimate flexibility with conditions, and staff would do research in anticipation of an application coming in. He agreed that it shouldn't take much time to do that.

Ms. Mallek expressed concern, noting that the Greenbrier River is in bad condition currently because of the golf course there, and she hopes the County will learn from those mistakes.

Agenda Item No. 16. **PROJECT: SP-2013-00010. Regents School of Charlottesville (RSC) (Signs #81&82).**

PROPOSAL: Amendment to Special Use Permit (SP2012-12) for School of Special Instruction to increase the number persons (students and teachers) permitted at the site from the current 69 allowed under the existing Special Use Permit to increase by 27 persons for a total of 96 persons permitted onsite. Utilize existing structure, no additional buildings proposed.

ZONING CATEGORY/GENERAL USAGE: CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre). **SECTION:** Chapter 18 Section 23.2.2(6) of the Albemarle County Code, which allows for School of Special Instruction.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - Rural Areas – 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: 3045 Ivy Road Charlottesville VA.

TAX MAP/PARCEL: 05900-00-00-023G1.

MAGISTERIAL DISTRICT: Samuel Miller.

(Advertised in the Daily Progress on July 22 and July 29, 2013.)

Mr. Chris Perez addressed the Board, stating that this is a public hearing for the Regent School of Charlottesville, which was initially heard by the Planning Commission on July 16, at which time they voted to recommend approval. He stated that the applicant is requesting the number of persons onsite from 69 persons to 96 persons, or 27 additional people. Mr. Perez said there would be no new buildings proposed, as they would use only existing structures. He reported that the site is located off of Ivy Road, Tax Map 2953-G1, which is currently zoned CO with surrounding properties zoned C1 and RA.

Mr. Perez reported that the site is located on the Christian Aid Mission Complex, which is comprised of four buildings on an associated 12-acre parcel, and the administrative building currently being used by Regent is a two-story building with a basement. He said that some of the site conditions favorable to the request are use of an existing building that is currently under-utilized, adequate parking onsite and no new parking planned. He stated that VDOT reviewed the project for adequate entrance and had no issues with the existing entrance. He explained that the Health Department was the only agency that provided a limiting factor for the proposal. Mr. Perez said that the applicant had initially requested a total of 120 persons and after staffs review of the existing septic fields it was revised to 96 persons. He stated that the Health Department signed off on the proposal with the limit of 96 persons given the current system.

Mr. Perez presented a concept plan for the complex, and said that changes include the applicant's utilization of areas P-6 and P-7, and a small wooden fence in the rear of the property.

Ms. Mallek noted that the fence had already been built.

Mr. Perez reported that staff recommends approval of the SP and found no negative aspects, and the existing conditions from SP2012-0012 are modified with #1 adding P-6 and P-7 for the parking areas mentioned, and #2 modified to reflect wording so that the teachers are not "enrolled."

Mr. Snow commented that he has visited the site and supports the application.

At this time, the Chair opened the public hearing.

Mr. Jared Christophel addressed the Board, stating that he is on the board of the Regent School of Charlottesville. He reported that the school started in 2010 with 7 students then grew to 20 students in 2011 and 50 students in 2012, and at that time they got an SP to move out of the basement of Jefferson Park Baptist into the vacant Christian Aid Mission building. Mr. Christophel said that the school have 80 enrolled for the coming year.

Mr. Thomas asked if there was still a stage that went up and down in the building, as it used to be a playhouse. Mr. Christophel said that it was in a different building than the administrative building.

Board members expressed support for the project, and congratulated Mr. Christophel on the success of the school.

The Chair closed the public hearing.

Mr. Snow **moved** to approve SP2013-00010 with the conditions as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The conditions of approval are set out below:)

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, P6, and P7. Any additional buildings or other site changes beyond those shown on the approved site plan for SDP1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit.
2. The maximum number of students and school personnel shall not exceed ninety-six (96).
3. All students shall be over the age of two and one-half (2 ½) years old.
4. Hours of operation for the school shall be between 7:45 a.m. to 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.
5. No food preparation is permitted onsite without an amendment to this Special Use Permit.

Agenda Item No. 18. School Health Advisory Briefing on Wi-Fi, Matt Haas.

Mr. Matt Haas, Assistant Superintendent for Organizational and Human Resources Leadership, addressed the Board, stating that he is assistant superintendent of schools and also liaison to the Albemarle County Health Advisory Board. He explained that the Advisory Board is a volunteer group of health professionals who convene four times per year to discuss student health and advise the School Board as requested. Mr. Haas explained that he would be discussing radio frequency (RF) exposure.

Mr. Haas reported that Albemarle County Schools use wireless local area network (LAN) from computers, which use high-frequency radio signals to transmit distances of a few hundred feet. Mr. Haas stated that LAN is used in all school and support buildings for instructional and administrative operations. He said that nationwide, 62% of school systems use WiFi, with that number growing.

Mr. Haas stated that a citizen has expressed concern about the safety of the WiFi, and staff has gone back to look at credible research regarding its impact on health. He said that it has been asked "on what basis the Albemarle County School Board determined that WiFi is not harmful to students,"; the School Board has not made that determination – they instead have relied on exposure limits by expert and government agencies as the determinants of safety regarding WiFi use. Mr. Haas stated that current available recommendations and reports from reputable scientific and regulatory agencies indicate that weak RF from wireless technologies is not harmful, and localities must rely on this along with evidence that the radiation posed by the use of wireless technologies in the schools is below that limit.

Mr. Haas presented a slide with the FCC recommendations for maximum limits and the World Health Organization's 100% limit, with WiFi producing very low levels of radio frequency. He noted that baby monitors and car radios both emit RF. He stated that organizations and agencies that contend wireless technologies do not pose a threat to humans and support WiFi use include the World Health Organization, the Health Protection Agency of the UK, National Institutes of Health, the FCC, the FDA, Virginia Department of Health, International Associates of Electrical and Electronics Engineering.

Mr. Haas said that a letter from Steven Harrison, Director of the Division of Radiological Health with the Virginia Department of Health, states that they have evaluated several studies and the possible effects of non-ionizing radiation, and it has been their observation that "insufficient evidence exists to draw a correlation between the use of those devices and adverse health effects." He stated that the division remains neutral as to their use and feels there is not sufficient evidence at this time to warrant removing the wireless routers, nor prohibiting the use of smart phones in public buildings due to radiation concerns.

Mr. Haas said that there have been other statements from other groups, including Professor Wilson at UVA, who states that "the whole area is rife with controversy over what the acceptable levels of exposure are, and the standards around the world differ dramatically...the best we can do is adhere to published limits for the U.S., which are the results of the best minds in engineering and biology."

Mr. Haas presented input from Kenneth Foster, one of the experts they tried to find who worked in fields that were pertinent to the issue. He said that Mr. Foster is a professor of bioengineering and a specialist in radiation and health, and his opinion has been that "given the low level of exposure to people from RF fields and the wireless networks in comparison to that from other sources...they're ubiquitous in modern environment, and any health concerns about wireless networks would at this point seem to be moot."

He said that Dr. Baer at UVA has also indicated that "though comparisons to exposure from a typical cellular phone are difficult to make, it is clear that WiFi radiation exposure is far below that encountered in ordinary cell phone usage, as these devices radiate higher power and are in close proximity to the body. Mr. Haas said that the professor notes "there is a history of more than 15 years of living with these devices in our homes, workplaces, coffee shops and malls without any substantiated evidence of their health impact."

Mr. Haas emphasized that the overwhelming evidence is that it is not harmful, and unless there is new credible evidence to show harmful causal effects based on reports from recognized regulatory agencies, the Albemarle County Schools will continue to use WiFi. He said that the issue would continue to be studied, and the Schools would continue to be governed by the regulatory agencies and follow their guidelines. Mr. Haas pointed out that any device in the schools that emits RF is governed by the FCC and must be approved by them before it can be sold, and manufacturers that tamper with devices or change what they do after they're approved are subject to harsh sanctions – including pulling all of the devices out and incurring stiff penalties from the government.

He said that the Schools is well aware of the safety standards and uses lower levels of RF than the maximum permissible level, adding that they would continue to put student health and safety first. Mr. Haas stated that there are no guarantees for student safety, and he has two children in County schools currently. He said that he certainly would not put anybody else at risk to something he would not have his own students benefit from or use at school.

Mr. Rooker mentioned a letter from Charles Brown at UVA, stating that WiFi emits a .1 watt from the antenna, which is 1,000 times smaller than the standard for continuous exposure to microwave radiation established by the IEEE, the leading professional organization in the field. He said that since its pulsed, it's even less than that, probably somewhere around 1/10,000 of that level. Mr. Rooker stated that it's been helpful to have Dr. Battig provide information at the Board meetings, and said that he has also done some research himself. He said that if you're sitting in a school getting AM signals, you're receiving RF signals that are a whole lot more powerful than the WiFi signal in the school, even if the radio is turned off.

Mr. Rooker mentioned that another report was released recently on the connection between brain cancer and excessive cell phone use, and if there is a safety concern in society it should be for cell phones – which have a much stronger signal and are held right against the head – versus random RF waves that are much diminished in power by the time they reach the body.

Ms. Mallek said that she is glad this is still being studied, because any effects may not be known for 30 years or more, and Dr. Brown's comment that "insufficient evidence exists" can be read differently, and that doesn't mean it's safe – it just means we don't know. She said that they just have to use the information they have.

Mr. Rooker responded that the RF signals from other devices, such as radio, are much more pervasive and of much greater magnitude from other sources that the RF signal from WiFi is miniscule in the overall dump of RF signals that exists in the world today.

Mr. Boyd said that there are also articles that indicate the RF is harmful, and some places are removing it from schools. He asked Mr. Haas how he was distinguishing between those articles and the ones he presented. Mr. Haas responded that the last article he read was from a professor at Penn State, who said there are thousands of pieces of information out there, and the overwhelming body of them says it's not harmful. He said that there are articles supporting the other side, but someone who is at the top of his game in a relevant field makes that assessment, while he or she might acknowledge that there are reports out there to the contrary.

Mr. Snow asked if the School Health Advisory Board had found any credible articles from any university stating that there might be a problem. Mr. Vince Scheivert, Chief Information Officer, responded that they did not, and the Portland, Oregon case was dismissed due to lack of scientific evidence. He emphasized that the Advisory Board looked at the IEEE, as they are the body that determines the limits as to how things operate from an electrical standpoint in homes. Mr. Scheivert said that this is the same group that interprets how electro-magnetism works within airwaves, and one of the people who signed the letter for Albemarle is a fellow with the IEEE. He stated that the FCC also does ongoing monitoring as to the health and safety requirements, and determine how much of the wireless spectrum can be utilize – which breaks off into "ionizing" and "non-ionizing," the latter being non-harmful. Mr. Scheivert reiterated that wireless signals are non-ionizing.

Mr. Rooker commented that if you look at the strength of signals put out by various things in society; and if you really want to protect health and believe that RF signals are likely health hazardous. Radio and T.V., should be eliminated because they are out there all of the time and are at magnitudes far times greater than WiFi in schools.

Mr. Scheivert mentioned that the two factors that come into play are focus and power, so the closer you are to a device and the more power it emits correlate to its level of danger.

Agenda Item No. 19. **Work Session:** Water Resources Program Development (2nd work session).

The following executive summary was forwarded to Board members:

At a July 3, 2013 work session, in the first of multiple planned work sessions leading up to options for future program levels and funding, the Board was presented with information about a variety of current conditions – characterized as "*where are we now?*". The discussion included a review of County goals and policies pertaining to water resources protection, a summary of currently implemented programs and involved staff, an appraisal of County-wide stream conditions and causes of impairments, and an introduction to several new state mandates requiring additional resources.

This second work session will focus on considering the question "*where do we want to be?*".

As described in the previous work session, it is likely that the majority of streams throughout the County – if sufficiently assessed – would be deemed impaired by the Virginia Department of Environmental Quality (DEQ). Attachment A depicts the streams throughout the County that are currently listed as impaired by DEQ and the general sources of pollutants causing each impairment. The primary sources are wildlife (causing bacterial impairments) and non-point pollution – such as urban and agricultural runoff (causing benthic, or aquatic life, impairments).

The extent of impaired waters within Albemarle County is comparable to that of surrounding areas. In general, more highly urbanized areas – such as the Tidewater, Richmond, and Roanoke areas – have a greater number of impairments. Attachment B is a map indicating the degree of impairment for sub-watersheds throughout Virginia; watersheds having no impaired stream segments are colored green and – on the other end of the spectrum – watersheds having 10 or more impaired stream segments are colored orange.

Federal and State initiatives to address these impairments have come to the forefront as a result of the Chesapeake Bay Program. All impaired waters are supposed to be addressed through the Total Maximum Daily Load (TMDL) program. While the Chesapeake Bay TMDL process is relatively far along, the process for most impaired waters has not yet begun.

The County is required – through its recently-issued MS4 permit – to develop plans to address only those impaired waters for which a TMDL process has been completed and pollutant load reductions allocated to the County. This is the case for the Chesapeake Bay and only a few of the many impaired waters in the County. The County would need to implement programs to a degree far beyond what is required by state mandates to address *all* impaired local waters; doing this would generally follow guidance contained within the existing and proposed versions of the Comprehensive Plan.

The Water Resources section of the Comprehensive Plan articulates a commitment to protecting water resources to not only meet current and future *human needs* but to also support *biological communities*. Explicit in the text is the recognition that local waters serve many purposes and are influenced by almost all human activities, that natural water systems transcend political and ownership boundaries, and that all citizens have a responsibility to minimize their impact on water resources and contribute towards cleaner streams. The section entitled *Public Uses and Ecological Values* calls for protecting County waters for all reasonable public uses and ecological functions, possibly through the use of a TMDL-like approach. Emphasis is placed on protecting waters before they become further degraded and establishing priorities for restoration. All goals, objectives, and strategies in the Water Resources section of the existing Comprehensive Plan are summarized in Attachment C.

If the range of possible future program implementation is represented as a continuum as illustrated below, the lower end of the continuum could be bound by a program to meet State mandates, include the continuation of some existing programs and the upper end could be bound by a program to facilitate all goals in the Comprehensive Plan.



Staff has attempted to quantify this range of efforts in terms of anticipated future stream health and costs. The conclusions are based on the relatively simple assumptions and calculations of experienced staff. A detailed technical analysis would certainly yield more refined conclusions, but would require data, time, and funding that does not currently exist. In addition, the significant resources necessary to provide a high degree of certainty would take away from actually implementing programs

Given this caveat, staff has attempted to correlate program levels and funding to likely outcomes. A minimal program approach would continue existing programs and address existing and new mandates requiring funding of approximately \$2.5 Million per year but would likely not prevent an anticipated increase over time in the number of impaired streams throughout the County. On the other end, an intense effort that fully addresses the Comprehensive Plan's objectives and strategies could result in addressing or preventing the impairments for half the County streams. This more extensive program level would require funding of approximately \$5 Million per year. Staff also notes there is little confidence in the County's ability to restore all streams. For intensely developed areas, the experience of many urban localities has shown while some improvement is possible, full restoration is not. In this regard, the County's land use policy of well-defined Development Areas has done more for resource protection than anything else.

The Board's preferences for stream health goals and associated levels of program implementation will be explored during the work session.

This work session is intended to focus on a desired commitment to stream health. Future work sessions will include further discussion on program levels and associated costs. An iterative approach to balancing program levels and funding is anticipated before final direction is provided.

This report is provided for information and to encourage Board feedback and discussion, but no specific action is requested at this time. Staff will seek the Board's input to serve as a starting point for future work sessions regarding the development and funding of programs to support identified water protection goals.

Mr. Greg Harper addressed the Board, stating that he and Mark Graham would present to them on the water resources program.

Mr. Graham stated that this is a general discussion of where the County wants to be in the future, including mandates, County policies and goals, etc. He said that under the mandates, it will more than double the cost of the existing program – and staff will have a discussion with the Board in the future as to how to address the funding issue. Mr. Graham said that the resources for mandates would be invested primarily in the urban area, and the Municipal Storm System (MS4) is directed only in that area, along with the Virginia Stormwater Management Program. He stated that there is a low likelihood of restoring urban streams to the Virginia water quality standards – “fishable, swimmable” – and for a good return on investment, they should focus primarily on rural areas as there is a higher likelihood of restoring streams to the standard. Mr. Graham said that data shows that the stream impairment in the rural areas is a minimal impairment, so it is possible with a little effort to get them back into compliance.

Mr. Graham said that staff is just starting the discussion on an enhanced program that goes beyond the mandated, and they would be looking for public participation and partnership. He stated that the first thing they would do before considering additional programs is go out and engage the community – farmers, businesses, and environmental communities – focusing on what will work for Albemarle as a county.

Mr. Harper reiterated that incremental enhancements through any program focused more on rural area streams that are not quite as impaired would be a better return on investment because they aren't at a level where they can't be returned to a more natural state. He said that Supervisors could view just meeting mandates as one end of the spectrum and achieving County goals that are in the Comp Plan and strategic plan as the other end. He added that the County could end up with a program that's anywhere on that continuum.

Mr. Harper reported that at the Board's July 3 meeting, staff spoke to the Board about current conditions, stream conditions, and other issues – and this meeting is essentially the second work session. He said that the Board had discussed some of the County's goals and policies, including current programs, the number of staff and different departments involved. Mr. Harper stated that the Board also touched on stream health and some of the cause for impairments, as well as new mandates.

Mr. Harper presented a map showing 2010 DEQ-listed impaired streams. He noted that pollutants were driving those impairments and pointed out the benthic and bacterial impairments. He said that the bug counts show that aquatic life is not full and there are impacts to the more sensitive bugs.

Mr. Snow asked if the wildlife was a source of impairment.

Mr. Harper highlighted the primary sources of impairment. He reported that DEQ has identified wildlife as first on the list – but it is not the primary source of bacterial pollutants in the streams.

Mr. Snow asked what the primary cause of impairment was. Mr. Harper responded that the primary cause is pastures or livestock, and because there is no foliage in fields to absorb rainwater like a forest would; and if rain is intense enough it carries everything from the pasture into the stream.

Mr. Harper stated that he looked at the land use within the watershed and within stream buffers, and it is not even as heavily forested as most of the rest of the County. He said that what is supposed to be “riparian buffer” to protect streams from surface runoff is actually open space. He emphasized that if the County could go in and incentivize property owners to re-vegetate buffers, they could probably resolve the bacteria problem.

Mr. Thomas asked if the farmers could still utilize the land for cattle and grazing if they put trees along the riverbank. Ms. Mallek responded that they could fence them out.

Mr. Harper said that farmers could fence them out of the stream, and cattle would probably impact the buffer too – but it would be a lot better than having no vegetation in the buffer, so it could be a happy medium.

Mr. Graham stated that the Chesapeake Bay watershed implementation plan has called for fencing of stream buffers, but it has not been decided how it will be accomplished. He said that DEQ have recognized the importance of maintaining the buffer as a filter between the land use and the stream, and for agriculture they were looking for 35 feet.

Ms. Mallek said that it was recommended at 35 feet for Albemarle, with 15 feet in Fluvanna and other places.

Mr. Snow asked if all the streams shown on the map provided had been tested. Mr. Harper responded that they have all been tested enough for DEQ to make a determination, and they change slightly every two years. He noted that there are other streams on the map that have not been tested fully enough for DEQ to be comfortable with any determination.

Mr. Rooker asked if there was an inexpensive, fast-growing plant that serves as a good buffer along streams – because the costs he has seen for some of the buffers have been pretty expensive. Mr. Harper responded that if you fence it off and just let nature take its course, you will have a pretty thick buffer within 10 years. He said that you could also control the non-native plants from taking over, and it would be very cheap to do because it is the equivalent of not doing something.

Mr. Snow asked what “nonpoint” meant in the report. Mr. Harper responded that it means DEQ has not determined a specific source coming from a specific place; it means its runoff – either agricultural,

rural, or a combination. He said that DEQ knows that it is coming from nonpoint source runoff, which is clearer than completely unknown.

Mr. Rooker said that farms would typically be “nonpoint,” and something like a factory or treatment plant would be “point” source pollution.

Mr. Snow said that he did not see any other septic-polluted streams on the map.

Mr. Graham pointed out that identifying bacterial in the septic would be similar, and would mean that the source of the bacterial contamination has been discerned.

Mr. Harper mentioned that it could mean that just a few septic systems were identified, as there might just be one monitoring station on a given stream. He emphasized that there is a lot of data that DEQ has collected over the years, and lots of reports available, so to distill it down to just a few slides means a loss of precision.

Mr. Snow asked what “atmospheric” pollutants would be. Mr. Harper responded that it would be things like acid rain, nitrogen deposition in rainfall, and anything else up in the atmosphere. He said that atmospheric deposition can be the source of nitrogen as well as other pH problems.

Mr. Snow commented that it is not something the County can really control and Mr. Harper agreed.

Mr. Craddock asked about the stream leading down to Horseshoe Bend in Scottsville.

Mr. Harper responded that it is not colored in because the GIS from DEQ did not have that short section of stream identified as impaired, and there probably is not a whole lot of difference in that section versus the rest. He noted that it is most likely bacterial impairment driven by nonpoint sources, specifically pastures and possibly urban runoff. Mr. Harper presented photos illustrating how easily runoff can get into a stream during intense rains, washing everything from the pasture off and into the water.

Mr. Harper clarified that of the 100 or so monitoring sites around the state, they are distributed among the rural areas as well as the urban. He said that the question of comparison was raised, and Albemarle is essentially like the rest of the state in terms of impairment. Mr. Harper reported that for the Rivanna watershed, the correlated land use and land cover to stream health, as the more intense your land use is the more impaired streams will be. He said that based on the land use in the watershed, DEQ monitoring has predicted what the stream health would be – and their conclusion is that approximately 70% of the streams in the Rivanna watershed would be impaired if they collected enough information to make that determination. Mr. Harper said that DEQ also made assumptions about how land use would intensify over the next 20 years, and without any mitigating measures they predict that another 10% of the streams in the County will become impaired.

Ms. Mallek commented that this is why the watershed approach to the TMDL issue is so important, because whatever happens upstream affects what happens downstream.

Mr. Snow said that the County is already acting differently and things are starting to improve, but it seems that the report is saying that the impairment will continue to get worse. Mr. Graham responded that the models predict there will be a continued degradation, and the streams would go from about 70% of streams having some level of impairment to about 80% over 20 years, if no additional actions are taken.

Mr. Harper said that it is a simple correlation between land use intensity or imperviousness, and the more imperviousness within the watershed, the greater the chance of impairment. He stated that this is based on the assumption that land development will automatically result in impairments, but it doesn't take into account any measures implemented to reverse the trend.

Ms. Mallek commented that the people have already seen in the region how easily some success can be achieved just by taking some modest steps. She noted the bank improvements to the stream just east of Hayden Lane when the work was done on Jarman's Gap. Ms. Mallek emphasized that little by little and step by step, people can make small improvements that make a big difference.

Mr. Harper said that streams in the rural area are not very impaired and are just beyond the threshold, so they will be easier to return to a natural and healthy state.

Mr. Graham mentioned that the Chesapeake Bay TMDL is driving a lot of the improvements, and within the Rivanna River Basin there are impairments being addressed regionally – responding through the MS4 permit and the Virginia stormwater program. He said that the Rivanna River also has a benthic TMDL.

Mr. Graham said that in the Comprehensive Plan staff takes a strong position as a County that they want to preserve and manage resources in order to protect the environment, and in the strategic plan there is a strategy to work with key stakeholders to protect the health of local waterways and other critical natural resources. He stated that at the minimum the County would have to address the mandates – an expensive proposition within itself, under the Virginia stormwater management regulations that stipulate an action must be taken by December. Mr. Graham said that in the five-year work plan there would be additional things coming forward as far as what funding is required to address the MS4 requirements.

Mr. Graham presented a slide that had been shared in the July presentation. He stated that the new mandate under the Virginia stormwater management program would ratchet up the programs the County has already been doing such as erosion and sediment control. He said that there is a significant increase under the MS4 permitting expected in things such as urban retrofits and other measures related to stormwater management.

He noted the Stream Watch data provided for the County, which showed a spectrum going forward under just the mandates in the urban areas representing 5% to full and complete implementation for everything in the Comp Plan – where degradation might actually be reversed, not just stopped.

Mr. Rooker stated that there is a point of diminishing return, and the question is at what point the cost outweighs the benefits.

Mr. Graham agreed and added that some of the measures would require public participation and a willingness to participate – so the question is how far the County can realistically expect them to go, and what they can afford to do individually.

Mr. Snow said that the sooner you get started there is more of a chance that it will work naturally rather than trying to spend a lot of money on the back end.

Ms. Mallek said that prevention is always cheaper than repair.

Mr. Graham said that fencing costs money and funding must come from somewhere to protect the stream buffers – so the question is how this can work for everybody.

Mr. Rooker asked if there will be state money available for farms. Mr. Graham responded that that's a good question and the Chesapeake Bay Watershed Implementation Plan calls for almost all of the stream buffers – so it is an assumed program, but no indication of where the money is coming from.

Ms. Mallek said that there is 400% more money this year than last.

Mr. Rooker and Mr. Graham commented that it is still a miniscule amount.

Mr. Rooker said that it concerns him that the TMDL “before and after” approach essentially penalizes localities for what they have done up to this point.

Mr. Graham said that DEQ sent 2006 as a baseline year, so everything a locality has done prior to that is not given any credit.

Mr. Rooker stated that what is even worse is those are the easy things in most cases, so the people who have not done those can implement them and meet the requirements – whereby those who already have are now going to have to do the difficult, expensive things.

Ms. Mallek said that she was glad it went back to 2006, because a lot has been done in Albemarle that they will get credit for.

Mr. Harper confirmed that the starting point is actually 2009, but most everything Albemarle has done was after that anyway.

Mr. Graham emphasized that the Board would need to discuss any enhanced additional programs going forward. He noted that even implementation of the basic mandates would mean a significant increase. He said that it would keep staff's hands quite full over the next few years even just trying to get to the mandates.

Mr. Boyd asked what format the mandates would take. Mr. Harper responded that the mandates are prescribed through the MS4 permit and are pretty clear, essentially measured in units of pounds of different pollutants per year – with a requirement to reduce the amount of nitrogen, phosphorous and sediment discharged in streams by certain pounds every year. He said that there is a presumption that a certain project or program will result in a certain amount of pollutants being reduced, such as the Crozet stormwater wetlands project, so that can be credited with eliminating pollutant discharge. Mr. Harper said that all of the projects would be added up for the time period to meet goals, and the DEQ would be scrutinizing the annual reports that localities submit.

Mr. Rooker said that there are standard acceptable methods for making the determination as to how much has been removed in the way of pollutants. He stated that it will be interesting to see whether everything required of communities will actually have the impact projected by the time you get to the Chesapeake Bay.

Mr. Graham stated that the watershed implementation act calls for DEQ to re-review it every two years, so if they make a determination along the way that it is not enough, they will ratchet up the requirements again and ask even more of everyone.

Mr. Rooker said that the problem is most of the areas of concern are densely developed and continue to grow in population, which drives most of the predictability of stream health.

Mr. Graham stated that the best thing the County has done in terms of water resource protection has been to keep a focused approach to the development area along with protection of the rural area. He noted that this has done more than all of the urban BMPs the County has put in place.

Ms. Mallek said that she still endorses the baby-step approach, with staff needing to plan as to how to address the urban items.

Mr. Harper stated that staff is currently working on an action plan to meet the Chesapeake Bay TMDL requirements, and that will look like a recipe of different programs and projects – with the most cost-effective things done first. He added that the staff of the Soil and Water Conservation District is under contract to help the County with this whole process.

Mr. Graham said staff is trying not to get too far ahead of themselves and ensure that the community is engaged and involved before laying out strategies.

Mr. Foley asked how the efforts underway for the Rivanna River Basin are being coordinated. Mr. Harper responded that it would be a state responsibility to look at that, because under the MS4 permit there are very specific goals that kind of draw a line around the urban areas – so what Greene County is doing doesn't play into that equation. He added that it is important that they work with Charlottesville, UVA and surrounding counties to make sure they're on the same page and are taking the best approach and are sharing information.

Mr. Foley asked how a stream project would be effective if Albemarle is doing it and Greene County is not. Mr. Graham said that it could certainly influence a project's chance for success, but Albemarle is fortunate in that most of the water flowing through it originates within the County versus some other place. He noted that by and large, the County controls its own destiny.

Mr. Rooker stated that in terms of meeting mandates, there is a presumed credit for doing certain kinds of projects, and that would be there regardless of measured results.

Mr. Graham confirmed that this would be the case with mandates. He said that the goals for the County are higher than that.

Ms. Mallek said that if staff solves the water issues for citizens then they will have done more than what the state required the County to do, as well as benefitting future generations.

Mr. Graham stated that staff does not want to lose track of the bigger County goal focused on protection and preservation of natural resources.

Mr. Harper noted that in September, Mr. Graham and Glenn Brooks will be discussing the BMP updates, with the Board needing to take action in December.

Mr. Graham clarified that they would need to submit a plan to the state by December 15 as far as a draft ordinance and a resource plan for its implementation. He said that it would be discussed again in September, and the ordinance would need to be adopted by April 1 and fully implemented by July 1, 2014.

Mr. Foley said that in December as part of their consideration of the five-year financial plan, the Board would work specifically on funding decisions as to how this would carry forward. He mentioned that the cost for inspectors in order to meet the stormwater management regulations were actually underestimated, so they would need to be increased in the five-year plan.

Mr. Graham said that the Board will need to address how much will be funded through a new stormwater utility, the general fund, or fees.

Mr. Doug Walker, Assistant County Executive, said that the County is utilizing the services of a fellow from the Batten Institute, who is doing some research on funding issues related to stormwater utilities in particular, and part of his research would involve focus group activities.

Ms. Mallek asked if the focus group would be going on this summer. Mr. Walker responded that he did not know the exact schedule but the focus group format has been created and individuals have been identified and there has been a run-through of the activity.

Mr. Harper mentioned that the first focus group is scheduled for the following Monday afternoon.

Mr. Boyd asked if this was a class project or a student intern project. Mr. Walker explained that the Batten Institute requires that students provide 400 hours of service between their first and second years, and they offered the County a student for a project – so this one seemed to be a good fit both in terms of County need and student qualifications.

Mr. Snow asked if farmers were involved in the focus group. Mr. Harper responded that 10 people have accepted, and it is supposedly a broad spectrum representing environmental groups, businesses, and agricultural interests. He offered to share the list with them.

Board members said that they would like to see it.

Mr. Harper said that the graduate student is working to assist the County on how they can incentivize property owners to do best management practices on their property, so the focus group will

solicit local feedback on people's perception about stormwater issues, their willingness to participate given cost assumptions, and incentives. He said that it is a somewhat cerebral exercise, but hopefully it will gather useful data to reflect local willingness to participate in some of the programs that will likely be considered for the future.

Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Rooker mentioned that Mr. David Blount is Acting Director of the Thomas Jefferson Planning District Commission. The organization has expressed an interest in having him be the full-time director. He said that Mr. Blount has done a very good job thus far, especially with the staff there.

Ms. Mallek said that Mr. Blount would need to figure out what support he needs for the operations while he was in Richmond at the legislature.

Mr. Rooker stated that Mr. Steve Williams was really a planner, so he spent time directly with projects on the planning side. He said that the organization needs a manager now, not a planner, so Mr. Blount may have time to do that along with his legislative work.

Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 22. Adjourn to August 14, 2013, 3:00 p.m.

At 3:09 p.m., Ms. Mallek **moved** to adjourn the meeting to August 14, 2013 at 3:00 p.m. in Lane Auditorium. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Chairman

Approved by Board
Date: 12/11/2013
Initials: EWJ