

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 14, 2013, 3:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from August 7, 2013.

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 Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 3:04 p.m., by the Chair, Ms. Mallek.

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Agenda Item No. 2. **Work Session:** Firearms Training Facility.

Mr. Doug Walker, Assistant County Executive, said that the Board has held a number of conversations and work sessions on the firearms training facility and the public safety training facility. He said that most recently, staff brought back an update on the work staff was doing in terms of evaluating candidate sites – using a set of criteria it felt was meaningful in the context of making recommendations to the Board. Mr. Walker stated that the discussion today will include the possibility of engaging potential project partners, represented by agency heads present at the meeting, and soliciting some specific citizen participation with staff as part of the overall evaluation. He said that staff will address the estimated costs for the range, including some identified impacts – as well as the assumptions driving those costs. Mr. Walker stated that staff will also discuss the model that the Board has already approved regarding citizen participation, recognizing that the process will ultimately be followed once the Board is comfortable with the site. The discussion will include next steps to move the project forward, and staff will be making a specific site recommendation at this meeting.

Mr. Walker explained that they have involved two committees at the staff level – the first of which includes project partners such as the police departments of Albemarle County, the City of Charlottesville, and UVA, as well as City government and UVA. He said that there have been a number of meetings held with representatives of those agencies to help define the partnerships and consider specific site options, including property owned by UVA. Mr. Walker mentioned that the group has reached consensus on the site recommendation, but there has been discussion of land lease arrangements with UVA that foreshadows the recommendation. He stated that there has been some development of conceptual models regarding governance, the operating structure, and cost arrangements – focusing primarily on some existing inter-agency governance arrangements, such as the regional jail, the juvenile detention center, and the ECC.

Mr. Walker reported that the second committee has included police department staff and three County citizens, who have participated in an active way by talking through assumptions staff is making and the evaluation criteria used to differentiate between the quality of sites being considered. He said that this resulted in a conversation about the public safety training facility as a whole and the site needs in order to accommodate the entire facility – and all of the components – compared to the need for a police firearms training facility specifically. Mr. Walker stated that the consensus was it was not inconsistent with the needs of public safety – and in some cases even preferable – to consider addressing specific needs such as the firearms training separately. He said that this process has also enabled staff to discuss other components of the larger public safety training facility, and there is an opportunity to expand the existing burn building site – which is in a good location that is severely constrained because of property line issues with the regional jail. However, he stated, the property's neighbor is the Juvenile Detention Commission, and they both have needs that could be addressed through a partnership addressing public safety needs.

Mr. Trevor Henry, Director of the Office of Facilities Development, noted that the internal committee with citizen involvement helped to prioritize and focus the needs of the police force, and in the discussion and review process they helped emphasize the opportunity for partnership. Mr. Henry reported that the recommendation to the Board is to use the UVA Milton site – the former airport currently owned by UVA, which is the site of the current open firearms range used by UVA police for qualification and training. He stated that it is located in the southeast quadrant of the County, about 7.5 miles from the County Office Building. Mr. Henry said that the site itself is 172 acres, of which the majority is in the floodplain bordering the Rivanna – with approximately 35 buildable acres. He stated that there's an existing firearms range there, a hanger that UVA currently uses for its Engineering Department and would continue to use, and a golf course across the river.

Mr. Henry presented a conceptual "test fit" site plan overlaid onto a map of the site, noting that it was done to provide a first look as to whether it would work, and what the order of magnitude cost would be. He said that staff followed this same process with the other candidate sites, and this was found to be the easiest and least expensive to build on. Mr. Henry stated that some of the attributes identified by staff and the committees are: consensus on location, property owned by UVA; replace current outdoor range with enclosed range; convenience of access for all primary users 24/7 (ACPD, CPD, UPD); joint training opportunities within partnership, including scenario based training; site limited to firearms training facility; and limited scope of site work required.

In terms of site/location impacts, Mr. Henry reported that traffic has been identified as a concern needing to be addressed. Several studies have been done, including a recent two-week assessment that showed about 5,000 cars on Milton Road. He said that based on anticipated usage of approximately 560

visits per week for the range, the anticipated increase in traffic is between .6-1%, or a negligible increase. Mr. Henry said that with the cars being police cruisers, there might be more visibility, but the actual number of cars will not be significant. He added that the study also showed that the average speed of the vehicles using that road as being high, so perhaps a police presence might help. He stated that they have done some sound analysis, and if they construct the facility with a cement roof there will be minimal sound at the property line, with the noise estimated to be at or below ambient sound at all times. Mr. Henry noted that more analysis will need to be done once they get into the design aspect.

Mr. Walker mentioned that noise is a variable that will also impact cost considerations, affecting what materials will need to be used and how the construction takes place in order to address sound levels.

Mr. Foley commented that County staff is holding themselves to its own standards, and what is located on that site now has louder noise than what is even proposed with an open-air range.

Mr. Rooker pointed out that the volume of shooting will be greater.

Mr. Henry stated that the range location is believed to be in the Monticello view shed, and will need to be evaluated as part of the design process. He said that the existing outdoor range will need to be remediated, and UVA's estimate for that is \$25,000-\$50,000, which has been included in the budget.

Mr. Thomas asked if staff will contact Monticello about the view shed issues. Mr. Henry responded that it will be part of their process. Staff will have to evaluate whether the future building can be seen and what type of shielding might be required. He said that there is a fairly good amount of tree coverage there, but visibility will be one of the first things considered moving forward.

Mr. Henry reported that the new range is intended to be a 20-lane range, separated internally in the building with 12 lanes on one side and 8 lanes on the other – with the 12 lanes used primarily for qualification purposes and the 8 lanes used for scenario-based training. He said that the lanes will be 50 yards long with 4 feet per lane, for a total of 215 feet long by 105 feet wide. Mr. Henry stated that the building is a little over two-thirds of a football field in length and one-third of a field in width. It will, also, include a classroom component of training prior to the shooting training. He said that the facility will also include small office space, restrooms for men and women, and storage for the firing range equipment.

He stated that the cost of the new facility is estimated at \$4 to \$5 million, and as the project enters its design phase it may be modified.

Ms. Mallek asked if the cost included all of the lead traps, air handlers, etc. Mr. Henry confirmed that it did, noting that that's a significant component of the overall cost.

Mr. Henry reported that there will be a formal public participation plan, which Ms. Catlin briefed the Board on several meetings ago. Staff will follow the County's guidelines for establishing a systematic approach for meaningful community engagement. Staff will now work to bring a site-specific plan back, assuming that is the direction of the Board. He noted that there is more to be done, but they are off to a good start.

Mr. Walker reported that the key is getting direction from the Board to pursue Milton as the preferred location for the firearms training facility. Staff is not offering alternative sites at this time because they feel it is a good site for its intended purpose – and has support from the law enforcement community. He said staff will look to the Board for at least some direction as to whether it is comfortable moving forward with this option, before staff spends any more time and money pursuing it. Mr. Walker said that the other work necessary is to work on the agreements, including an operating agreement as to how the facility will function on a day to day basis – which will be decided by the chiefs of police as to how decisions will be made on the operations. He stated that the governance agreement is more of an MOU regarding the participating jurisdictions and how they will jointly participate in the overall structure, noting that the ECC governing board includes representation from the three jurisdictions which provide policy guidance, along with significant input from fire and law enforcement chiefs on the day to day aspects of how the ECC serves the interest of public safety in the field. Mr. Walker added that the funding model will need to be fleshed out in terms of what is mutually acceptable, and to ensure equitable cost disbursement among all participants – including capital costs and ongoing operational costs for the facility.

Mr. Rooker said that there are a number of other funding agreements in place, which are usually based somewhat on population, but in this case the use of the facility will be driven by the number of officers using it – so that seems to make sense.

Mr. Walker stated that the officers as a numerator is a logical model to start with, then breaking down the capital costs using a similar funding arrangement. He said that as relative comparison of officers among jurisdictions changes over time, the use of the facility changes correspondingly and thus should be split accordingly. Mr. Walker mentioned the regional jail model of a "prisoner per-bed" ratio.

Mr. Boyd asked if they know what the ongoing operating costs will be. Mr. Walker responded that he is not aware of what they are as of yet. Mr. Henry said it is still a work in progress.

Mr. Snow asked what the cost of the original outdoor range was. Mr. Henry responded that the initial budget on that was \$1.2 million, and it rose to \$1.6 million when the rifle range was added, along with wetlands mitigation – but that did not include all of the sound mitigation measures such as a rear berm and additional baffling.

Mr. Rooker commented that adding those things would have pushed the cost upwards of \$2 million.

Ms. Mallek said that would not have included the lead trap, which is an important measure.

Mr. Rooker stated that this is a superior location from all three jurisdictions' standpoints in terms of accessibility. One of the considerations expressed by the Police Department is the time it takes to get someplace to train. He said that this location is convenient for all three jurisdictions and is already owned by one of them, with a firing range already in place. Mr. Rooker added that there is also some benefit to Glenmore by having all of the firing moved inside and the noise potentially attenuated.

Ms. Mallek said that the fact it brings in more partners than they would have had before is also a huge advantage.

Mr. Boyd asked how this site will accommodate rifle training. Mr. Henry responded that the site will not support rifle training, so that will still need to be done out of the County.

Mr. Rooker asked how much rifle training is required as opposed to hand gun training. Colonel Steve Sellers, Police Chief, stated that it is something they can talk to the Rivanna Rifle Club about since the volume will be much less. They have been going to Harrisonburg for rifle training. He said that the ratio of rifle training to regular firearms training is about three-quarter handgun, one-quarter rifle.

Mr. Foley said that it's important to point out that they have moved from a conceptually ideal place to a reasonable place. Colonel Sellers responded that they cannot find a better location, as it is in the center of the County and meets all needs while allowing officers to get back to their respective jurisdictions. He said that he is willing to negotiate rifle training with Rivanna, but they have a good temporary arrangement in Harrisonburg, if necessary. Colonel Sellers stated that they have less officers at a time when they do that, so it won't be a huge impact.

Ms. Mallek asked if it would be possible to outfit rifles with silencers and still use them outside at Milton. Colonel Sellers responded that it is not an option because the site does not support it.

Mr. Craddock asked if all of the rifle training must be strictly outside. Colonel Sellers responded that they can do some rifle training indoors, such as patrol rifle training. He said that shotgun training can also be done indoors.

Mr. Craddock asked if this precludes flying radio-controlled planes or UVA using the hangar for its Engineering people. Colonel Sellers responded "no"; it should not affect any existing operations.

Mr. Craddock asked if the range would be strictly for police, or if it could be used for a class for general citizens. Colonel Sellers said that they should start out with local law enforcement partners, and then if they decide to provide one or two days a year for community access, they will need to come together as jurisdictions and discuss it before they go down that road.

Mr. Craddock stated that he would like to encourage them to build something that is worthy of the Milton area – something Jeffersonian – because although it cannot be seen from Route 729, it will be seen from across the river.

Mr. Boyd asked if staff was looking for a vote to move forward with the next steps. Mr. Foley said that staff is looking for the Board's acquiescence to pursue Milton to the fullest extent and begin the process of engaging with the public. He said that the critical path is to ensure that the partners are all committed to a funding formula that is based on an objective method. He stated that once they feel comfortable with the approach and the funding, then they can move forward with public inclusion. Mr. Foley said that there still needs to be discussions at the City Manager's office to ensure everyone is committed to the funding that it takes to move this forward. He added that a significant grant application has been filed along with discussion of community fundraising efforts.

Ms. Mallek asked if the proposed size will have enough space to comfortably accommodate future departmental growth. Mr. Walker said law enforcement has indicated that the 20 lane range is sufficient for the foreseeable future.

Mr. Walker reported that the next steps include development of a land lease arrangement with UVA. The County Attorney's office has indicated that the process will not be simple or quick. He said that they would also like to develop a more specific public engagement plan for this use in this location. Staff plans to come back to the Board in October with an update on progress to date. Mr. Walker said that there is a very short timeframe with respect to the current lease with Rivanna Rifle Club, so they want to keep the project moving forward efficiently.

Ms. Mallek then **moved** to direct staff to pursue the Milton site as the preferred location for the firearms training facility. Mr. Snow **seconded** the motion.

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

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

NAYS: None.

Ms. Mallek thanked everyone for their hard work.

Mr. Foley expressed thanks to the citizens who have gotten involved, as it helped to change the County's perspective on the proposed range.

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Agenda Item No. 3. **Work Session:** CPA-2013-01 Comprehensive Plan Update/Amendment.

The following executive summary was forwarded to Board members:

"The Comprehensive Plan Amendment as recommended by the Planning Commission (Attachment 1) is presented to the Board with a summary of changes from the current Comprehensive Plan (Attachment 2).

On July 26, 2011, the Planning Commission began the Comprehensive Plan Amendment process with a general review of the County's Vision, Goals, and Objectives. Since that time, the Commission has conducted approximately 40 meetings with opportunity for public input at each meeting. On July 30, 2013, the Commission recommended approval of CPA-2013-00001, the attached draft Comprehensive Plan with the summary of changes. The Commission has not finished its review of the Master Plan for the Southern and Western Neighborhoods, the Implementation Chapter, and the Summary, but recommended that the draft plan be forwarded to the Board with the understanding that the Commission anticipates completing its review of these chapters in August and forwarding them to the Board in September. At that time, the Commission's work of the CPA will be done.

At the Board work session on August 14, 2013, staff will provide a presentation on the draft plan (Attachment 1) and a summary of changes that have been recommended (Attachment 2). Staff will also offer two possible approaches to reviewing the draft plan for the Board's consideration. The draft plan is being edited for typographical and grammatical errors and consistency of voice.

Staff noted a process for review of the plan was not established in prior Board discussions about the Comprehensive Plan update, though preferences have been expressed by individual Board members. The following outlines two general approaches for review of the plan that the Board may wish to use to frame its discussion around preferences for consideration of the Plan:

1. **Public Hearing followed by a review of raised concerns.**  
Staff would consider this a good approach if the Board believes the draft plan adequately addresses its policy concerns. Typically, Comprehensive Plan Amendments have required more Board attention than suggested by this process, but there have been times when the Board believed the recommended plan was ready for consideration. For example, the Crozet Master Plan was recommended for approval by the Planning Commission on July 27, 2010 and adopted by the Board on October 13, 2010, a period of slightly more than two months. If this approach is desired by the Board, staff would provide a September work session to review the plan, followed by a public hearing in October or November, with a Board action to occur as early as November or December. This is the only process staff identified that could result in completion in 2013.
2. **Detailed review of chapters and/or policy issues raised by Board members, followed by a public hearing.**  
This approach would provide the Board the opportunity to delve into the plan details and identify possible changes prior to holding a public hearing. This approach is more typical of Comprehensive Plan Amendments and can require extensive time before the Board. For example, the Places 29 Master Plan was recommended for approval by the Planning Commission on October 27, 2009, first considered by the Board on January 13, 2010, and adopted by the Board on February 2, 2011, a period of slightly more than fifteen months. Recognizing the draft plan includes 13 chapters and covers a wide range of potential issues, staff believes this type of detailed review would require at least six work sessions prior to a public hearing and the entire process could take approximately one year. If this approach is preferred, staff requests the Board indicate if a chapter by chapter review is preferred or provide a list of policy issues where detailed considerations are desired. Staff will then develop this into a proposed review schedule for the Board to consider in September.

As noted above, the Planning Commission anticipates a recommendation on the Implementation Chapter in August. This will include recommendations for future capital improvements and operations.

No action on the CPA is being requested at this time. The purpose of the work session is to present the draft to the Board and solicit input on a process to be used for review and consideration.

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Mr. Wayne Cilimberg, Director of Planning, addressed the Board, stating that also present is Ms. Elaine Echols has been project manager through all the efforts to update the Plan. He said that the discussion at this meeting will center around getting direction on the review the Board would like to undertake. Staff will provide an overview of what the Planning Commission has done up to this point.

Mr. Cilimberg reported that there have been several Comp Plans over the years, dating to the early 1970s, the last of which was dated in 1996. In 1996, the Land Use Plan was updated; the update did not include the full Comp Plan. Other components of the plan have been adopted since 1996 – but that

was the last major initiative to review the Plan and make big decisions regarding land use. Mr. Cilimberg mentioned that the Development Areas Initiatives (DISC) process followed resulting in the Neighborhood Model, then a Rural Areas plan, followed by a Natural Resources and Cultural Assets Plan.

He explained that staff's update of the current Comp Plan began in spring of 2011, with the focus being a truly Comprehensive Plan – to get back to one document with standard format, reduce the bulk of the plan, update information and data that is important to the guidance provided by the Plan, and focus on topic areas that needed particular attention more substantively as part of the review.

Mr. Cilimberg presented the Comprehensive Plan, which is a series of documents that include the Master Plans and some supporting documents. Staff hopes to consolidate all of this into one manageable, readable Plan for the County. He said that the Planning Commission, as stipulated by State Code, has been working with the update to deliver the Board a recommendation for the Comp Plan. Mr. Cilimberg stated that it is a primary charge for Commissions to do this work, and between their own work sessions along with those under the Livability Project and meetings with the community, resulted in 62 different meetings over the last two years – and in each of those meetings there were opportunities for public comment. He explained that the result of what they have been working on is the draft the Board has received – the draft Comprehensive Plan document dated July 23, 2013 – with some suggested changes to particular points and the history of their recommendations.

Ms. Elaine Echols, Principal Planner, said that the additional changes that the Planning Commission made are reflected in Attachment 2 of the Board's executive summary. The Commission went through the Plan and told staff what else needed to be changed. She said that the changes were fairly minor, and they wanted to send the bulk of the Plan onto the Board. Ms. Echols explained that the summary suggests that these are changes from the existing Comp Plan to the proposed Plan – but these are the changes from the July 23 version that the Commission last saw, which they wanted to send onto the Board for review. She said that on August 27 the Planning Commission will be looking at the southern and western neighborhoods master plan, including the Area B recommendations, as well as the implementation chapter and a summary of the Plan. Ms. Echols presented a slide denoting the last true Comp Plan, and a summary of the proposed Plan that includes goals, objectives and strategies. She also said that there were typographical errors, map updates, and Planning Commission changes that staff will be making – but the document is expensive to reproduce and they wanted to solicit Board feedback first.

Ms. Echols stated that the Planning Commission has reduced the bulk and attempted to streamline the document. To make information current staff has included new population projections and additional land use analyses. She said that they also updated the Community Facilities Plan, with new standards included. The land use maps for the master planned areas are somewhat different – so staff has used the Crozet Master Plan and the Places 29 Master Plan to get at the designations to be used. Ms. Echols said that none of the master plans change throughout the document, and the only ones that will change are the southern and western plans. She stated that the Area B studies are about five separate documents, but they are very dated so staff has worked with the City and UVA to update those recommendations – some of which had already been done. Ms. Echols clarified that they incorporated those outlying documents into the text and the maps of the plans, and most of this manifests itself in the southern and western neighborhoods but there are also rural area properties in Area B.

Ms. Echols reported that the Planning Commission also assessed the development area boundaries and studied the expansion area requests before putting together its recommendations. She said that the Commission also looked at the ways chickens, goats, bees and community gardens might be appropriate in the development areas. She said that the bulk of time spent was on ways to improve the local economy, specifically as it relates to tourism in the rural areas, the interstate interchanges, land for economic development, and employment uses related to agriculture. Ms. Echols stated that the Commission also tried to take Board directives and incorporate them into the Plan, such as the Whittington development, and are recommending new chapters for economic development and housing. She noted that those are presently just policies – but they are very big and are important to the Comp Plan, so the Commission has incorporated them into the Plan recommendations. Ms. Echols said that the Commission also went into some clarification on expectations for natural resource conservation in the rural areas, and did an update on the Neighborhood Model for the development areas.

Ms. Echols stated that one of the things to note is the change in format, which may also explain the reduction in volume of the plan. She presented two pages from the current Comp Plan, noting that there are different ways to provide for goals, objectives and strategies – and where information for history goes. Ms. Echols emphasized that staff has tried to create uniformity so that there's balance among different chapters, with the same order within each. She said that the Commission took the vision from the strategic plan the Board set for the County and made that the starting point for everything, as well as making sure that each chapter within the Plan had a relationship to the vision. Ms. Echols said there is a summary of the overall recommendations made in the Plan based on the July 23 document, which is when the Planning Commission reviewed it.

Ms. Echols said that several Board members have asked about redline versions of the Plan, but staff resisted so that they could get through the Commission's review. She presented a redline version and pointed out that it is very difficult to read, adding that it will not be easy for the Board to figure out what was in the old plan versus the new plan. Ms. Echols added that the things coming out of that would be repetition and redundancy, and staff has tried to say things in fewer words while retaining the same meaning. She stated that the only things of substance that the Commission is recommending will be pointed out by staff, but they have attempted not to change the substance of most of the Plan. Ms. Echols said that staff is proposing to put together a comparison that shows the goals, objectives and strategies – what's in the Plan currently and what's in the proposed Plan.

Ms. Echols reported that the methods for review include alternative method #1, whereby staff would recommend a public hearing on what they have right now along with a review of specific topics the Board would want to pull out of the plan, and that would allow for potential adoption in 2013. She said that it would have to rely on the work of the Planning Commission with a public hearing up front and the Board telling staff what needs to be changed, and staff would finalize the document and get it to them for action. The other method provides for a much more detailed review by the Board either on chapters, topics or policy issues. The Board would hold its public hearing after this review, but it could take as much time as a year, possibly less. Ms. Echols mentioned that the Commission had a meeting almost every Tuesday night for the last six months to perform a detailed review. She said that staff has put a lot in front of the Board, but right now needs to know how it wants to look at this document.

Ms. Mallek said that she would rather not have a public hearing on something the Board is going to change. It seems the Board should make some effort on the front end so it is a meaningful public hearing.

Mr. Snow agreed, stating that he prefers alternative #2 whereby the Board has a chance to go through it thoroughly first.

Mr. Boyd also agreed, stating that he appreciates the Planning Commission's hard work, but feel that as elected officials they need to take a close look at it before they approve it.

Mr. Rooker agreed, noting that a review has not been done on this scale since 1996. It seems to him that the Board needs to know what is in the Plan and go through it chapter by chapter.

Mr. Craddock and Mr. Thomas also agreed.

Ms. Echols asked if the board wanted to review the Plan chapter by chapter or topic by topic.

Mr. Boyd responded that chapter by chapter would be preferable to him.

Mr. Cilimberg said that staff could follow a similar process to the Planning Commission's format after they had its public hearing and got input, which was a chapter by chapter review. He stated that they wouldn't want to begin until the Commission does its final work on August 27, so the Board could begin as early as the fall.

Mr. Rooker asked when the Board would be starting budget meetings. Mr. Foley responded that the first five-year financial plan meeting is in November, with another in December.

Mr. Rooker said that he would like to have at least one meeting on this before the budget meetings start.

Ms. Mallek said they could do at least one meeting a month.

Mr. Boyd stated that he would like to be methodical in how the Board goes through it, and it will take as long as it takes.

Mr. Thomas asked what level of specificity the Comp Plan will cover, and his question is about how it will affect property rights. Mr. Rooker explained that the Board will have to look at it chapter by chapter, with some having no impact on property rights and others having more.

Mr. Foley commented that staff will look at meeting dates and bring back proposed dates for work sessions.

Ms. Mallek asked to have a list of which chapters will be reviewed in which order, so the Board members can read them in the same order as to how they will be discussed. Mr. Cilimberg said that staff worked hard to keep things in order so the process will have a smooth flow. He added that staff will proceed and start incorporating the changes reflected in the two-page attachment presented – along with the August 27 decisions of the Commission.

Ms. Echols added that the summary page explains why staff laid the Plan out the way they did.

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Agenda Item No. 4. Status Update on Project Based Vouchers: The Crossings at 4<sup>th</sup> and Preston.

The following executive summary was forwarded to Board members:

On July 3, 2013, staff provided the Board with an update on the status of the U.S. Department of Housing and Urban Development's (HUD's) review and approval for the issuance of project-based vouchers (PBVs) for The Crossings. The County committed nine PBVs to The Crossings in March 2010. Although staff believed all regulatory requirements had been satisfied based on previous guidance received from HUD, the County was informed in March 2012 of a number of deficiencies in the process used to commit the vouchers. The specific deficiencies and actions taken by staff are outlined in the July 3, 2013 Executive Summary. A timeline of events was also included as an attachment. In April 2013, the County submitted a revised request for certain regulatory waivers to HUD after receiving comments from HUD in March 2012 on the initial submittal in September 2012.

There has been significant correspondence with HUD since July 3, 2013. Although HUD has not committed to a timeframe for the approval to issue PBVs, the County received a letter on July 19, 2013 dated July 12, 2013, indicating that HUD had completed its review of requested waivers, prepared a recommendation, and forwarded the waiver request to Headquarters (Washington). The letter also stated that no regulatory waivers would be approved until all issues with statutory requirements were resolved. The two outstanding statutory requirements are the Environmental Review (ER) and Subsidy Layering Review (SLR). A revised ER, prepared by the City of Charlottesville, was sent to HUD on May 1, 2013. The City received a request from HUD on July 8, 2013 for additional information, specifically a timeline for the ER. This information was sent to HUD by the City on July 24, 2013.

The County sent materials to HUD for the SLR on July 10 and on July 16, 2013. HUD requested additional information, some of which was needed from the City and the owners. On July 17, 2013, the County responded to the request providing the information available at that time. On July 24, 2013, the requested information prepared by the owner was sent.

The County was surprised to receive yet another letter from HUD dated July 19, 2013, identifying 54 items which HUD indicated were missing or not adequately addressed in the Administrative Plan. The County initially revised and approved its Plan in June 2012 and submitted it to HUD for comment. In July 2012, HUD provided comments which were addressed in a second revision, approved by the Board, and submitted to HUD in September 2012. An additional request by HUD for revisions (10 months after the County had addressed all issues identified by HUD in July 2012) came within ten days after staff was contacted by Representative Robert Hurt's office seeking information on The Crossings and the lack of resolution from HUD. It must be noted that most of the items identified in HUD's July 19, 2013, letter are requirements for which the County has no discretion. HUD's guidance on preparing Administrative Plans states that including items for which there is no discretion is not advised. Staff responded to this latest request in a July 24, 2013 letter challenging those items which are non-discretionary, identifying some items not related to the Administrative Plan, and requesting that HUD consider a revised Plan with some additions and clarifications on those requirements for which the County has choices. Staff also contacted Rep. Hurt's office to advise them of this new request.

The Board committed to provide local general funds to support rents for nine units in The Crossings for up to twelve months. This commitment ends August 31, 2013. The FY13 appropriation was \$53,640 for ten months and \$10,728 is appropriated in FY14. To date, \$51,970 has been expended to cover rents through August 31, 2013. The balance from both appropriations would provide an additional 3 months of rents at the current level.

As of July 1, 2013, only six of the original nine tenants remain.

Staff recommends that the Board approve an extension of the current agreement with Virginia Supportive Housing, the owners of The Crossings, for up to an additional three (3) months using funds appropriated for FY14 and the balance of funds from FY13. If the Board approves this extension, FY13 funds will be included in a request for reappropriation in September.

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Mr. Ron White, Director of Housing, said that there has been frequent correspondence to and from HUD, including one received earlier that day. He said that on June 19, 2013, after their meeting with Deputy Secretary Maurice Jones of HUD, the communication level increased, and the Housing Office complied with every request soon after receiving it. Mr. White stated that the Richmond HUD Office has finally informed the local office that they were being responsive to the requests, but the "bad news" is that the environmental review is holding things up. He explained that the review was conducted by the Thomas Jefferson Planning District Commission for the City of Charlottesville for the Crossings project and was certified by HUD in late 2011. Mr. White said that the issue HUD found was that the Housing Office had signed the agreement with the Crossings in April 2011, but was not supposed to sign it until the environmental review was certified. He said that he requested a regulatory waiver for that, which can be granted by HUD, but the HUD Public Housing Office is having a problem accepting what the HUD Community Planning and Development Office did in the environmental review and certification. Mr. White stated that the Housing Office has tried to learn what the specific issues are so they can work with the City to get them address, but there has been no response on specific issues. He said that the City did receive a request from HUD for a timeline of all events associated with the environmental review.

Mr. Rooker asked if HUD is questioning the substance of the environmental review, or just the fact that the agreement was signed in advance of that. Mr. White responded that they do not know. The fact that the agreement was signed in advance is separate because it is been addressed through the waiver process – but the Public Housing Office apparently needs to certify the environmental review, although another office in HUD has certified it. He said that they do not know whether it's technical issues such as parts of the review that were not done in accordance with regulations.

Mr. Rooker said that the August 14 letter says, "In summary, HQ is not able to address requests for regulatory waivers or review the SLR until all statutory compliance items have been determined," and asked what that would entail. Mr. White responded that environmental and subsidy land reviews are statutory requirements, but HUD already informed the Housing Office that it would take two months to approve. He said that he submitted parts of that in early July, with additional information in mid July, and the City provided information on August 1. Mr. White stated that he believes the Richmond field office has everything it needs for the subsidy land review to be sent to D.C., and the D.C. office is the one that is questioning the environmental review – and the Richmond field office certified the original one.

Ms. Mallek asked if HUD Secretary Maurice Jones would be the one to sort out which of the offices would be involved. Mr. White said that it wouldn't be in his hands, as everything has shifted to the

public housing arena. Last week, he learned that HUD was looking at its legal counsel to give them advice on the environmental review, and it may entail sending HUD staff to Charlottesville to re-conduct the review. Mr. White commented that he is not sure how that will be done now that the building is built, but that is for them to figure out.

Mr. Foley said that this is still a mystery, but the County has been as responsive as it can be. He said that they really need to find out what is holding up the environmental review.

Mr. Snow asked if it would be beneficial for a group of Board members to go to D.C. and meet with Congressman Hurt. Mr. White responded that he has had three conversations with Congressman Hurt's D.C. office, and in their second phone call – made after receiving HUD's June 19 letter – the Congressman's assistant was very disturbed at the situation. Mr. White said that the staffer suggested setting up a meeting with Board members, HUD staff, and Congressman Hurt. Mr. White said that he responded that the Board would need to decide that, but the meeting should include both field office and headquarters staff.

Mr. Snow said that he would like to go ahead and do that.

Mr. Foley said that staff could work to coordinate that meeting. Mr. Snow reiterated that he would like to be a part of that meeting. Ms. Mallek said she would also like to be a part of the meeting.

Mr. Foley then suggested bringing a resident along. Ms. Mallek stated that she would hate to put a resident through that, but perhaps they could bring Nancy Carpenter.

Mr. White said that it's been frustrating because during the 18-month period of this process, there have been three or four notices that have come out from HUD enforcing housing agencies to work toward housing the homeless. He stated that they are trying to do this locally, but are meeting obstacles and opposition.

Mr. Walker said that the timeline is compelling, and the pace of responsiveness has picked up significantly on both sides.

Mr. White stated that on September 4 he will have a consent agenda item for the Board's action on a completely rewritten administrative plan chapter for the project-based vouchers.

Mr. Walker also pointed out that there is an action item in the Board's executive summary today.

Mr. Boyd asked for an explanation about the item. Mr. White explained that there are three people who are not at the Crossings now who were assisted in the beginning, and the intent was to help the original nine and not refill those three slots – so that left some money available. He said that the money appropriated over the last fiscal year had a balance left, and if the Board agrees to re-appropriate the funds, it will cover the Housing Office for three additional months with the six individuals. Mr. White said that he would like the Board to extend the agreement for three months and use the money that has already been appropriated.

Ms. Mallek said that she is in favor of extending the balance, as there's a good chance the vouchers will work out.

Mr. Boyd said he does not have a problem with using money already allocated and not adding anything to it, but the principle that concerns him is the fact that HUD is continuously left off the hook. Ms. Mallek responded that they will be punishing the wrong people if the Board does not fund it.

Mr. White said he hopes the pressure will come in a meeting with HUD, with the Board and all appropriate HUD staff.

Mr. Foley said that staff will prepare some talking points that address what effort has been put into this up to now.

Mr. Rooker stated that what is annoying is that HUD has never been clear about what it is procedurally that needs to be done in order to satisfy the requirements, which seem at times to be multiplying. He said that it is one of the worst cases of "process over substance" that he has ever seen.

Mr. Rooker then **moved** to extend the agreement with Virginia Supportive Housing for up to three months additional, using appropriated money from the previous fiscal year. Ms. Mallek **seconded** the motion.

Mr. Boyd said that the County will be in a better position by stating to HUD that the County is not going to continue the funding beyond the three months.

Mr. White said that he does not want to convey to HUD that it will be funded locally beyond that point, and the only way to extend the agreement for the short term is through appropriation.

The Board expressed consensus that they would support an appropriation.

Mr. White said there is no reason that staff cannot be directed at HUD to review the waiver request and have a response ready as soon as the environmental review is complete. He stated that he

does not see a reason why they need to do one thing before they do another, although the letter seems to indicate that those are the steps HUD is taking.

Mr. Foley said that in Chesapeake, HUD allowed them to move forward before the SLR was complete.

Mr. White said that in Chesapeake, HUD approved the waivers contingent upon the environmental review and the substantive land review being approved. He said that he hopes they will do the same for Albemarle. He added that, in 25 years, this is the worst case of **bureaucracy** that he has run into in dealing with HUD. Generally, from the field office staff on up through their financial management centers and headquarters, they would work with you if there was a rationale for an interpretation made of the regulations.

Mr. Rooker then **withdrew** his motion, and Ms. Mallek **withdrew** her second.

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**NonAgenda. From the County Executive: Report on Matters not Listed on the Agenda.**

Mr. Foley said that at its last meeting, the Board received a request for a letter of support for wireless extension into the rural areas from an agency that is proposing to the FCC a whole new way that they give out grants – which would require a local match to buy down infrastructure costs. He said that the group is proposing a new way for the grant program to be proposed and administered, and they want a letter of support from localities. Mr. Foley stated that they have 30 days to submit a letter, and staff suggests that this be brought back to the Board in September for further consideration.

Ms. Mallek said it sounds to her like the private group is just trying to get more public money so that the private industry doesn't have to spend as much, and she does not like that approach.

Mr. Foley said that the Board will have to consider this when they discuss it, and it is the challenge for the rural areas. He said that supporting the approach does not mean the County will necessarily submit for any project. It will depend on the circumstances.

Mr. Snow commented that providing internet for people who run home-based rural businesses will benefit from this.

Mr. Foley said that the Board's only consideration in September is whether it wants staff to submit a letter of support for another approach. After that, the Board will need to decide in the future whether it wants to see a matching grant based on specific project areas.

Mr. Rooker said that Pat Groot, the Grants Administrator, at TJPDC, has been working on a collaborative effort that would involve multiple localities – Nelson, Fluvanna, etc. It seems to him that the County should explore that first before asking the FCC to change the rules of the game.

Mr. Foley said that the proposal to the FCC is being submitted, and there will be 30 days for information to be submitted to support the grant proposal.

Mr. Rooker said that he didn't see it as a big deal, because whether or not Albemarle supports it is not going to make a difference at the FCC level.

Ms. Mallek stated that if it becomes a requirement, she doesn't want to support it – she wants to work against it. She also said that the state service maps developed for wireless are full of errors, and those are what are used to determine percentage of coverage, which has disqualified the County in the past. She stated that it is important to get that cleared up first.

Mr. Rooker said that the companies provide the service maps, and the federal and state governments make their maps based upon that.

Mr. Thomas said that the bottom half of Dunlora is complaining because they have no coverage, but there has been a tower proposed for that district. Mr. Boyd said that was the Sinclair property, and it is proposed to come back to the Board.

Mr. Rooker stated that it was approved and went to the Virginia Supreme Court, which is the whole basis on which the Board must handle waivers at its level now.

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Agenda Item No. 5. Recess.

At 4:41 p.m., with no further business at this time, the Board recessed until its regular night meeting.

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Chairman

Approved by Board
Date: 12/04/2013
Initials: EWJ