

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 2, 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, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 9:00 p.m., by the Chair, Ms. Mallek.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Boyd said that he would like to add an item at the end of the meeting pertaining to how the Board handles proclamations.

With the additional item, the Board accepted the final agenda.

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

Mr. Snow said that the Crozet Library ribbon-cutting was a great event, and stated that it is a beautiful building that will be a great facility for the community.

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Mr. Thomas said that Belvedere is progressing with the repair of roads in that area, with curbs being redone and improvements to width so that the fire company can access the properties adequately.

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Mr. Rooker said that the TJPDC will be seeking a new executive director. Mr. David Blount has been serving on a temporary basis but does not want to continue in that role. Mr. Blount wants to continue his role as legislative liaison for the TJPDC. He asked Board members to contact either him or Ms. Mallek if they want to have input in the process.

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Mr. Boyd reported that the Rivanna Water and Sewer Authority is in the process of rethinking what to do about dredging the South Fork Rivanna Reservoir. The City of Charlottesville has indicated that it may be interested in shifting the money, since the one qualified bidder backed out and decided not to bid, to perhaps odor control at the waste treatment plant.

Ms. Mallek said that her understanding was that the other applicant for the dredging, who got his information together within a week after the deadline, came to the last RWSA meeting.

Mr. Boyd stated that the response to that was that if it was decided to move forward again with dredging, he would be able to bid when the process reopened.

Mr. Rooker said that one aspect of the original proposal for dredging was that it did not require a large land area to store waste, so it might be more consistent with the cost they have to allocate to it and the fact there has been a problem locating a site for storage.

Mr. Boyd stated that the qualified bidder, Orion, looked at that as an option and decided it was not a viable way to proceed, which is why they backed out. He said that it will come up again at the RWSA's October meeting, and asked Board members to provide any input before then.

Mr. Rooker said that the South Fork Stewardship Committee, comprised of both City and County residents, recommended that there be some ongoing maintenance dredging – regardless of other facets of the water supply plan – and suggested that the RWSA Board pull that study out and look at the recommendations, which were the result of almost a year and a half of meetings by a very knowledgeable group of people.

Mr. Boyd agreed, and said that the question has been whether the expenditure would be for recreational purposes or water supply purposes.

Ms. Mallek commented that this is an arbitrary argument being brought up for convenience, and for 20 years she has been promoting a siltation bases or forebay at Rhea's Ford because it would stop further siltation and keep the reservoir at its current capacity.

Mr. Boyd mentioned that the City owns the reservoir, as they have made clear in previous discussions.

Ms. Mallek said that the City owns the land underneath the water. Mr. Rooker said that the RWSA leases the reservoir.

Mr. Rooker said that there are contractual rights that allow dredging, and the only way they can stop it is at the RWSA level. He stated that a lot has already been spent on odor control and asked how much more could be gained for \$3.5 million – as Mr. Frederick has been quoted as saying that complete odor control would cost about \$33 to \$35 million.

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Mr. Craddock reported that there was an artisan festival held in Scottsville the previous weekend that was very successful, and encouraged Board members to visit Hatton Ferry as they have replanted the area and made many improvements to the site.

He also reported that they held a “Grace meeting” for gang reduction the previous week, chaired by Colonel Sellers, and on September 30 there was a big announcement about the initiative.

Ms. Mallek asked if the Garden Club did most of the planting at Hatton Ferry. Mr. Craddock responded that the Garden Club did do a lot of that work. The County Parks and Rec Department added some manpower. The Ferry Master also tries to keep up with the grounds maintenance. He said that currently the ferry can only get about 90% across due to low river depth.

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Ms. Mallek said that on October 8, the Earlysville Area Residents League will hold its fall general meeting, which will include a candidates’ night for the Rio District. She stated that the event will be held at the Earlysville Volunteer Fire Company.

Ms. Mallek stated that over the summer, she had been attending the on-farm activities working group, a state-appointed group of stakeholders trying to figure out if there are any answers to the issues raised in House Bill 1430 the previous year. She stated that there have been three different approaches that will be established in a report, and her role has been to emphasize that each county is different and local governments are in the best position to make decisions related to those uses.

She also reported that for the third land use revalidation round, there were about 100 landowners who needed to be contacted for renewals – greatly reduced from past years. Ms. Mallek recognized Mr. Bob Willingham and the Finance Department staff for preparing the lists used to remind people.

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Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Bill Schrader addressed the Board, stating that the Crozet community has been buzzing with activities related to the new library and recognizing County staff for their work on the project. Mr. Schrader reported that the total circulation for September 2012 for the old library was 11,234; the new library has been open less than a month, and the circulation was 17,933 – with about 12,000 checkout at the counter and almost 6,000 as self-checkout. He reported that there were approximately 5,000 visitors coming into the library in September 2012, and 12,784 in September 2013. Mr. Schrader said that their fundraising is not yet complete and they have another year to go, but to date they have raised \$1,023,552.

Ms. Mallek thanked Mr. Schrader for all he’s done, and recognized the Friends of the Library committee.

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Dr. Charles Battig, a County resident, said that the Director of Planning, Wayne Cilimberg, had said in September that the 1998 Sustainability Accords are “aspirational,” and set a foundation for their decisions. Dr. Battig said that the County had previously signed off on and invested in a HUD grant for the “Charlottesville Region Sustainability Implementation Plan,” which is described as building on the region’s 1998 Sustainability Accords. He stated that information presented at the International United Nations meeting held in Stockholm the previous week indicated that there was a hundred billion tons of CO2 put into the atmosphere, but temperatures have been flat for 16 years – and there is 60% more icecap than there was a year ago. Dr. Battig also said that the TJPDC has prepared a model for the Comp Plan that includes “an ordinance toolkit.”

Mr. Rooker encouraged Board members to visit the websites of the ten largest corporations in the U.S., as they each have entire sections pertaining to sustainability.

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Mr. Richard Martin addressed the Board, stating that firefighters have come to the Board before about why paid staff can’t serve as volunteers – many of whom trained in the County’s stations. Mr. Martin said that other localities have former staff volunteer, and make it work in different ways – and a number of Charlottesville staff are members of the County companies. He asked the Board to take another look at the situation so the County can keep good people.

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Mr. John Savage, on behalf of the Crozet Community Advisory Council, read a resolution passed at their meeting the previous week, encouraging the Board to establish a “tourism zone” as the first step in getting a hotel in the western part of the County (full copy of resolution on file in Clerk’s office).

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Mr. Tom Loach, a resident of Crozet and member of the Crozet Volunteer Fire Company, said that about 50% of the fire companies surveyed do allow their paid staff to volunteer in volunteer companies. The report does not list any legal objections why it should not occur. He stated that there was no input from the volunteer chiefs in the report included in the report, and due to recruitment challenges the new station in Ivy ended up with fewer volunteers than needed to run the station. Mr. Loach said that to accept the status quo would be just one more blow to the volunteer service in the County, and not changing the current policy would send a message to the volunteers that their service is not valued, their dedication is not important, and their departments are expendable. He stated that his recommendation to the Board is to have the County implement a program where career staff can volunteer based on certain criteria.

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Ms. Meg Holden, Chair of the Crozet Community Advisory Council, stated her support for making Crozet a "tourism zone" as part of intelligent growth in the area. Ms. Holden said that a hotel is the one thing they need in the area to compliment agribusiness and other activities, and to provide jobs and build the local economy.

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Mr. Chuck Boldt addressed the Board, stating that his claim to the Board of Zoning Appeals was not heard because only the applicant has a right to appeal – which means that only one party affected has recourse. Mr. Boldt said that he emailed documents to the Board that indicate that its approval of the special use permit for New Hope Church was not based on a truthful representation of the information about the project. Specifically, the church withheld information from the board that might have resulted in additional conditions or delays for the approval. He stated that the pattern of withholding information to obtain approvals has not stopped, and he is struggling to understand why the Board is reluctant to address the issues before the project proceeds further. Mr. Boldt said that the authority to proceed further comes from this body, and there should be clarity of expectation. He stated that the applicant feels the grading permit should be issued, but common sense would suggest that waiting until deed restriction issues are resolved would be a more prudent approach. Mr. Boldt said that he had asked the Board to have Community Development defer the issue until GE and New Hope have revised or affirmed the deed restriction. He stated that integrity is stated as a core value of the County, and if the Board does nothing in this matter, it will send a message that integrity is not valued.

Ms. Mallek said that she would add a discussion on this to the end of the day in order to solicit feedback from the County Attorney about the deed restriction.

Mr. Foley said that staff is planning to discuss it with the Board in closed meeting.

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Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Mr. Snow, to pull Item 7.1, to approve Items 7.2 through 7.11, and to accept Item 7.12 as information. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 7.1. Approval of Minutes: July 3, 2013.

Ms. Mallek asked that the minutes of July 3, 2013, be pulled and carried forward to the next meeting.

**By the above-recorded vote, the referenced minutes were carried forward to the next Board meeting.**

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Item No. 7.2. Proclamation recognizing October 2013 as *Disability Employment Awareness Month*.

**By the above-recorded vote, the Board approved the following proclamation:**

**Disability Employment Awareness Month**

**WHEREAS,** every year since 1945 the President of the United States has proclaimed a National Observance in October to promote the employment of individuals with disabilities; and

**WHEREAS,** this tradition continues in October 2013 with "**Because We Are EQUAL to the Task**" as the theme for this year's **National Disability Employment Awareness Month**; and

**WHEREAS,** nearly one in five Americans have some type of disability, making people with disabilities the nation's largest minority; and

**WHEREAS,** our community needs to harness the potential of all of its citizens so that our economy can continue to grow and our labor force can meet the challenges on the horizon; and

- WHEREAS,** work is fundamental to identity, providing the opportunity to lead a more independent, self-directed life for all people; and
- WHEREAS,** we recognize that disability is a natural part of the human experience and affirm that disability in no way should limit a person's ability to make choices, pursue meaningful careers, or participate fully in all aspects of life; and
- WHEREAS,** all of us have benefited from the achievements and contributions of people with disabilities; and
- WHEREAS,** attitudinal barriers can hinder people with disabilities from realizing their full potential; and
- WHEREAS,** education and public awareness are the most powerful tools for increasing sensitivity and achieving full integration and inclusion of people with disabilities into all aspects of life;
- NOW, THEREFORE,** the Board of Supervisors hereby proclaims **October 2013** as **DISABILITY EMPLOYMENT AWARENESS MONTH** in the **COUNTY OF ALBEMARLE**, and calls this observance to the attention of all our citizens.

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Item No. 7.3. Resolution recognizing Oct. 5, 2013 as Local AIDS Walk.

**By the above-recorded vote, the Board approved the following proclamation:**

**LOCAL AIDS WALK  
OCTOBER 5, 2013**

- WHEREAS,** someone in the U.S. becomes infected with HIV every 9 1/2 minutes; and
- WHEREAS,** one in 380 Virginians is living with HIV/AIDS; and
- WHEREAS,** roughly 4,300 people in Virginia are HIV positive and unaware of their status; and
- WHEREAS,** the State Health Department estimates that 480 people in the Thomas Jefferson Health District are HIV positive, and 7 percent of those individuals live in Albemarle County, and
- WHEREAS,** reducing the incidence of HIV/AIDS and increasing access to high quality health care is part of the National HIV/AIDS Strategy, and
- WHEREAS,** the County of Albemarle is a community that values human rights, and respects the dignity of each person; and the Charlottesville area AIDS Walk is dedicated to raising awareness and increasing resources to battle the disease
- NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors recognizes Oct. 5, 2013, in conjunction with the AIDS/HIV Services Group and its Charlottesville Area AIDS Walk, as a day to honor those living with HIV/AIDS and to reaffirm its commitment to battling the epidemic.

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Item No. 7.4. Proclamation recognizing October 2013 as *Domestic Violence Awareness Month*.

**By the above-recorded vote, the Board approved the following proclamation:**

**PROCLAMATION**

- WHEREAS,** violence against women, children, and men continues to become more prevalent as a social problem in our society; and
- WHEREAS,** the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and
- WHEREAS,** the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and
- WHEREAS,** in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and
- WHEREAS,** it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and
- WHEREAS,** no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency has led the way in the Albemarle County in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 34<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, that I, Ann H. Mallek, Chair of the Albemarle County Board of Supervisors, do hereby proclaim the month of **October 2013** as **DOMESTIC VIOLENCE AWARENESS MONTH**, and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

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Item No. 7.5. SDP-2013-025. Cascadia Final Site Plan Variations.

The executive summary states that Cascadia was rezoned to Neighborhood Model District, with an associated application plan and Code of Development (COD), in August 2006 (ZMA2002-004). The proposed development will require two variations (#5 and #6) from the approved Application Plan and Code of Development (COD). There have been four previously approved variations. These variations are necessary before the final site plan can be approved by staff. The applicant is requesting the following two variations from the following two section requirements of the approved code of development:

1. Garage doors shall (face) towards, where possible, the alley, side yard, or to the side street. When a ~~single~~ single family dwelling's garage is facing a street it shall be recessed from the face of the building wall by three (3) feet.
2. The build-to line shall be a specific number and shall be measured from the front property line. Prior to site plan or subdivision approval, the Developer shall establish a specific build-to line for each Building Block. The build-to line shall be within the Front Build-to Line Range established in Table D. At least 50% of a structure's façade shall be built within eighteen (18) inches of either side of the build-to line within that Building Block. The "Structure's Façade" is defined as the main part of the structure exclusive of the types of structures listed in Footnote number 2 below. A "Building Block" is defined herein as a group of similar Unit Types located on the same side of a public or private road and situated between the intersection of two travelways or alleys.

**VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT**

The variation requests have been reviewed for Zoning and Planning aspects of the regulations. Variations are considered by the Board of Supervisors as a Special Exception under Chapter 18 Sections 33.5 and 33.9. Staff is recommending approval of these variation requests.

**VARIATION #5- To Vary Garage Placement:**

The applicant submitted the following justification (Attachment A): "In order to address this COD requirement, we are hereby requesting a variation to allow the builder to use the front porch to qualify as the "building wall" to determine the distance that the garage is recessed. Included with this request, please find architectural elevations for three unit types that provide at least 5 feet between the face of porch and the garage wall. This variation is being requested since the builder's standard housing products do not include a footprint where the garage is recessed from the actual face of the building wall. Unfortunately, it is not possible for the builder to create a new footprint for this project, so approval of the variation is necessary. Approval of this variation would not lessen the vision of the COD, since the full porches will serve to provide visual relief as the garages will not protrude past the perceived fronts of the houses." Staff analysis of the variation request under Section 33.9 is guided by the factors in Section 8.5.5.3(c) as provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**  
Allowing the porch to be considered the building wall is consistent with the goals and objectives of the comprehensive plan by relegating the parking to a higher standard than that which was required for the Code of Development. The units will have a garage that will be recessed at a minimum of five (5) feet from the face of the porch.
- 2) **The variation does not increase the approved development density or intensity of development.**  
Density is not increased.
- 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 development is unaffected.
- 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 rezoning application while also addressing the developers desire to have certain unit types and builder.

**VARIATION #5 RECOMMENDATION:**

**Staff recommends approval of the variation request #5 with the following conditions:**

1. **The garage door will be recessed a minimum of five (5) feet from the face of the porch for 'Mist Haven L' and 'Stanhope' unit types as shown in the elevation exhibit dated 8/2/13.**
2. **The garage door will be recessed a minimum of eight (8) feet from the face of the porch for 'Naples D' and 'Naples N' unit types as shown in the elevation exhibit dated 8/2/13.**

**VARIATION #6- Vary the Build- To Line:**

The applicant submitted the following justification (Attachment A): "To help address this COD requirement, we have provided a "Building Block Plan" indicating blocks and build-to lines which will be made part of the final plan documents. However, in order to implement this plan, we are hereby requesting the following variations from the COD:

1. All lots that have frontage on roads with a curved centerline shall be allowed to vary from the 18 inch range described by Note #1 on Page 16 of the COD.
2. The front yard of the following corner lots shall be established based on the following:
  - a. Lot 78 – Front Yard Setback on Boulder Hill Lane is 10 feet.
  - b. Lot 68 – Front Yard Setback on Boulder Hill Lane is 15 feet.
  - c. Lot 89 – Front Yard Setback on Future Roadway is 10 feet.
  - d. Lot 91 – Front Yard Setback on Future Roadway is 10 feet.
  - e. Lot 52 – Front Yard Setback on Glissade Lane is 10 feet.
3. Lot 103 shall have a 5' yard along its frontage with Delphi Lane."

Staff analysis of the variation request under Section 33.9 is guided by the factors in Section 8.5.5.3(c) as provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**  
The variation is consistent with the goals and objectives of the comprehensive plan by identifying what the build-to line will be and allowing for flexibility based on the engineering on the site.
- 2) **The variation does not increase the approved development density or intensity of development.**  
Density is not increased.
- 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 development is unaffected.
- 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.**  
The variation is in general accord with the approved rezoning application by the creation of a 'Building Block Plan' that identifies what the build-to lines will be in certain areas.

**VARIATION #6 RECOMMENDATION:**

**Staff recommends approval of the variation request #6 with the following condition:**

1. **Build to lines will match those shown on the Building Block Plan in the exhibit for Blocks 4-7 only dated 4/20/13.**
2. **Only lots 33, 46-49, 65-72, 79-85 shall be allowed to vary from the 18 inch range per note #1 on Page 16 of the Code of Development.**

Staff recommends approval of variations #5 and #6 with the conditions and recommendations listed in this report.

**By the above-recorded vote, the Board approved Variations #5 and #6 with the following conditions:**

**VARIATION #5- To Vary Garage Placement:**

3. The garage door will be recessed a minimum of five (5) feet from the face of the porch for 'Mist Haven L' and 'Stanhope' unit types as shown in the elevation exhibit dated 8/2/13.
4. The garage door will be recessed a minimum of eight (8) feet from the face of the porch for 'Naples D' and 'Naples N' unit types as shown in the elevation exhibit dated 8/2/13.

**VARIATION #6- Vary the Build- To Line:**

3. Build to lines will match those shown on the Building Block Plan in the exhibit for Blocks 4-7 only dated 4/20/13.

4. Only lots 33, 46-49, 65-72, 79-85 shall be allowed to vary from the eighteen (18) inch range per note #1 on Page 16 of the Code of Development.

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Item No. 7.6. Community Advisory Council Appointment Procedures.

The executive summary states that as part of the implementation of master planning for the development areas, the Board approved the formation of Community Advisory Councils to continue community dialogue and citizen engagement once community development plans are adopted. Currently there are active Councils in the Crozet, Pantops, Places29 and Village of Rivanna master plan areas, and staff is recommending the appointment of a fifth Council for the southern and western neighborhoods in the next several months. Currently, appointments to the Councils are made as vacancies occur according to the Board's established advertising and selection process. Because of the large number of Councils, and fairly regular turnover that occurs on all of the Councils, there is a continuous process of advertising, application, appointment and orientation that is time-consuming and disruptive to the Councils' ability to perform their missions. Staff believes that an annual selection process would streamline the appointment and orientation process and would provide more stability and continuity to the Councils' operations.

Each Community Advisory Council has between 13 and 15 active members who are appointed to two-year staggered terms ending in January, March, or June, depending on the Council. Pursuant to their charters, the Councils meet monthly with the exception of the Village of Rivanna, which meets quarterly unless more frequent meetings are needed. When new members are appointed to a Council, they need to be oriented to their particular master plan and educated on basic land use policies by staff before they can participate meaningfully in the work of the Council. In addition, the Council needs to absorb the new members and to re-form as a group, as well as review past decisions and operating procedures with the new members so that new members understand the important issues and how they are to function. When Councils have to go through this process two or three times a year when new members come on, they end up repeating a lot of material and losing efficiency and momentum in responding to important issues. They are also challenged to achieve cohesiveness and a group identity when members are changing on a regular basis.

There are staff impacts to consider as well. Currently community development and community relations staff is required to do multiple orientations and education sessions for individual new appointees throughout the year, and it is often challenging to get the new members oriented before they actually start attending Council meetings. This orientation process would be much more efficient and meaningful if it could be conducted once annually for the entire group of new members with sufficient time dedicated to complex and critical land use topics. In addition, the Board Clerk's office is in a continuous state of tracking rosters, advertising for vacancies, managing applications and issuing letters of appointment under the current system. An annual process would ease that workload and make the process much simpler and easy to manage.

Staff recognizes that it is important to keep Council membership at a robust level, and would not want to see the Councils' functions negatively impacted by a lack of adequate membership. Under an annual appointment process, there should be an understanding that if a Council has more than three vacancies and is still more than three months from the annual appointment cycle, those vacancies should be filled immediately.

There would be a savings in staff time for the Board Clerk and Community Development and Community Engagement staff if the Board revises its Community Advisory Council appointment procedures to fill vacancies on an annual appointment schedule.

Staff recommends that the Board approve staff's proposal to appoint members to the County's Community Advisory Councils when vacancies occur on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.

**By the above-recorded vote, the Board approved staff's proposal to appoint members to the County's Community Advisory Councils when vacancies occur on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.**

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Item No. 7.7. Memorandum of Understanding Between the County of Albemarle and the Economic Development Authority of Albemarle County, Virginia.

The executive summary states that on May 2, 2012, the Board adopted a resolution authorizing the issuance of refinancing bonds by the Economic Development Authority of the City of Norfolk for bonds previously issued for Sentara Healthcare (Martha Jefferson Hospital) that included a fee sharing agreement for administrative fees among the City of Norfolk, Albemarle County and Prince William County. The agreement provides for an annual payment of an administrative fee to Albemarle County.

Because Albemarle County's Economic Development Authority (EDA) had not received such a fee in the past, its Rules and Procedures did not address the process for receiving administrative fees. On July 11, 2012, the Board adopted a resolution to approve amendments to the EDA's Rules and Procedures that required an applicant to pay an annual administrative fee, provided for a budgetary process to govern the expenditure of funds received by the EDA, and established a tiered system for its

application fees. Given all of these changes, the EDA desires to acquire fiscal services and has requested that the County provide those fiscal services.

The attached proposed Memorandum of Understanding (Attachment A) delineates the fiscal services to be provided by the County, fees to cover the costs of those services and processes for disbursing and appropriating EDA funds. As provided for in the EDA's Rules and Procedures, any EDA Funds received by the County will be subject to appropriation by the Board to the EDA. EDA funds will be disbursed upon request by the EDA for economic development initiatives that support Albemarle County. However, no funds will be disbursed for any economic development initiative unless there is agreement between the EDA and the Board for the initiative for which disbursement is requested. At a joint work session in November, 2012, the Board and the EDA expressed their desire to support several budget initiatives, including paying the County's memberships for the Central Virginia Partnership for Economic Development and for the Chamber of Commerce and providing financial support to the Piedmont Council of the Arts Cultural Plan and the local Tech Tour. These initiatives can be funded by the EDA once the attached MOU is approved and an appropriation is approved by the Board. Additional initiatives will be presented to the Board for approval this winter following EDA discussion and consideration.

The attached proposed Memorandum of Understanding has been signed by the EDA and has been approved as to form and substance by the County Attorney's Office.

In FY 14, with EDA's budget at \$87,000.00, the County's 1% fiscal services fee would be \$870.00. Staff cannot predict what EDA's future budgets will be. In addition, the MOU allows the County to be reimbursed by the EDA for having the EDA's financial activity included in the County's annual audit. The fiscal services would be provided by existing County staff in the Board Clerk's office and the Finance Department.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the attached Memorandum of Understanding (Attachment A) and to authorize the County Executive to sign the Memorandum of Understanding on behalf of the County.

**By the above-recorded vote, the Board adopted the following Resolution to approve the Memorandum of Understanding and authorized the County Executive to sign the Memorandum of Understanding on behalf of the County.**

**RESOLUTION TO APPROVE  
A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF ALBEMARLE  
AND THE ECONOMIC DEVELOPMENT AUTHORITY  
OF ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into a Memorandum of Understanding with the Economic Development Authority of Albemarle County, Virginia ("EDA") for the County to provide fiscal services to the EDA.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Memorandum of Understanding between the County of Albemarle and the Economic Development Authority of Albemarle County, Virginia, in a form approved by the County Attorney.

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**MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA AND  
THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**

**THIS MEMORANDUM OF UNDERSTANDING** is entered into this \_\_\_\_ day of September, 2013, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County," and the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "EDA."

**W I T N E S S:**

**WHEREAS**, the EDA desires to acquire fiscal services beginning September 1, 2013; and

**WHEREAS**, the County is willing to provide those fiscal services.

**NOW THEREFORE**, in consideration of the mutual premises stated in this Agreement, the Owner and the County agree as follows:

1. **Term.** The term of this Memorandum of Understanding (hereinafter, the "MOU") shall be for an initial period beginning on September 1, 2013 and ending on June 30, 2014, and shall automatically renew for an additional one (1) year term on the July 1 each year thereafter. Either the County or the EDA may terminate this MOU at any time for any reason whatsoever by giving at least thirty (30) days' written notice to the other party of its intent to terminate. If the EDA terminates this MOU, the EDA's obligation to pay the fee for fiscal services provided by the County under Section 3 and the EDA's obligation to reimburse the County for its costs for having the EDA's fiscal activity audited under Section 7 shall continue for the entire fiscal year in which the MOU is terminated.



2. **Fiscal services provided by the County.** As fiscal agent for the EDA, the County will receive, account, segregate, maintain and disburse all: (a) revenues of the EDA, including but not limited to any or all fees, including administrative fees described in Section 4.3 of the EDA's Rules and Procedures, rates, rentals and receipts collected by, payable to or otherwise derived by the EDA from, and all other moneys and income of whatsoever kind or character collected by, payable to or otherwise derived by the EDA in connection with the ownership, leasing or sale of EDA facilities or in connection with any loans made by the EDA; and (b) all other money, grants, contributions and other financial assistance received from a federal, state or local public entity or agency (hereinafter, the revenues referred to in subsection (a) and the types of financial assistance delineated in subsection (b) are collectively referred to as the "EDA Funds").

3. **Fee for fiscal services provided by the County.** The EDA shall pay the County a fee for the fiscal services provided by the County. The fee shall be one percent (1%) of the EDA Funds received each fiscal year; provided that any money, grants, contributions and other financial assistance received by the EDA under Section 2(b) shall be subject to the fee for fiscal services only if both the EDA and the County authorize them to be subject to the fee, and further provided that any money received by the EDA from the County where the EDA and the County have entered into a "pass through" agreement shall not be subject to the fee for fiscal services. The fee shall be deducted annually from the EDA Funds account.

4. **Interest on EDA Funds in the County's EDA Funds account.** The EDA Funds being held in the County's EDA Funds account shall accrue interest based on the County's monthly interest allocation procedure.

5. **Appropriation of EDA Funds.** Any EDA Funds received by the County shall be subject to appropriation by the Albemarle County Board of Supervisors to the EDA.

6. **Disbursement of EDA Funds.** As provided in Section 4.3(c) of the EDA's Rules and Procedures, EDA Funds will be disbursed to the EDA for expenditure upon request by the EDA for economic development initiatives that support Albemarle County. No funds shall be disbursed for any economic development initiative unless there is an agreement between the EDA and the Albemarle County Board of Supervisors for the initiative for which disbursement is requested.

7. **Audit of EDA financial activity; reimbursement for audit.** All EDA financial activity will be included in the County's annual audit, beginning with the annual audit for the fiscal year ending June 30, 2013 and for which the County's costs will be incurred in the following fiscal year. The EDA shall reimburse the County for its costs for having the EDA's fiscal activity audited as part of the County's annual audit provided that the amount of the reimbursement shall not exceed one thousand five hundred dollars (\$1,500.00).

8. **Miscellaneous.** This MOU is subject to the following:

A. **Amendment of this MOU.** This MOU may be amended, in writing, upon the mutual agreement of the parties.

B. **Notice.** Any written notice required by this MOU shall be provided to the following officers at the following addresses:

EDA  
Chairman  
Economic Development Authority  
of Albemarle County  
Fourth Floor  
401 McIntire Road  
Charlottesville, VA 22902

County  
County Executive  
County of Albemarle  
401 McIntire Road  
Charlottesville, VA 22902

C. **Litigation.** To the extent that this MOU is determined to be a contract subject to the requirements of the second clause of Virginia Code § 15.2-4905(3), attorney's fees shall not be recoverable by the prevailing party if this MOU is subject to litigation.

**IN WITNESS WHEREOF**, the parties hereto have executed this Performance Agreement as of the date first written above.

**COUNTY OF ALBEMARLE, VIRGINIA**

\_\_\_\_\_  
Thomas C. Foley, County Executive  
Date: \_\_\_\_\_

**ECONOMIC DEVELOPMENT AUTHORITY OF  
THE COUNTY OF ALBEMARLE, VIRGINIA**

\_\_\_\_\_  
John C. Lowry, Chairman  
Date: \_\_\_\_\_

Item No. 7.8. Amendments to Economic Development Authority (EDA) Rules and Procedures.

The executive summary states that the Economic Development Authority of Albemarle County ("EDA") now receives an annual administrative fee of \$1,000.00 per \$1,000,000 of bonds issued. The fee

is paid upon issuance of the bonds and each year thereafter. Section 4.3 of the EDA's Rules and Procedures provides that the fee will be paid on the anniversary date of the bonds' issuance.

On September 10, 2013, the EDA approved a Memorandum of Understanding ("MOU") between the County and the EDA for the County to provide fiscal services to the EDA. The MOU is being presented to the Board for approval under a separate executive summary on the October 2, 2013 agenda. In developing the MOU, staff determined that, as more bonds are issued by the EDA in the future, it may be desirable to amend the EDA's Rules and Procedures to facilitate the administration of those fees.

The attached proposed Amendment to the to the EDA's Rules and Procedures (Attachment A), which was approved by the EDA on September 10, 2013, shows the proposed amendments in a Track Changes format. The proposed Amendment requires that all annual administrative fees be paid at the end of the fiscal year (June 30) instead of on the anniversary of each bond closing. This proposed change will simplify and streamline financial processing of the fees. The proposed MOU is consistent with this proposed change. The proposed amendments to the other EDA Rules and Procedures will provide that the County will not be required to pay an application fee if the County is an applicant to the EDA, and that bonds issued for the benefit of the County will not be subject to the annual administrative fee. These proposed amendments are consistent with other County fee provisions when the County is an applicant.

There is no budget impact related to the Amended EDA Rules and Procedures.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the Amended EDA Rules and Procedures (Attachment A).

**By the above-recorded vote, the Board adopted the following Resolution to approve the Amended EDA Rules and Procedures:**

**RESOLUTION TO APPROVE AMENDMENTS TO  
THE ECONOMIC DEVELOPMENT AUTHORITY OF  
ALBEMARLE COUNTY, VIRGINIA RULES AND PROCEDURES**

**WHEREAS**, the Economic Development Authority of Albemarle County, Virginia (EDA) has proposed amendments to its Rules and Procedures; and

**WHEREAS**, the Board finds such amendments are appropriate to support the economic vitality initiatives of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the following amendments to the EDA's Rules and Procedures:

1. Amending subsection 4.2 regarding application fees, as follows:

4.2 Application Fee. The Authority charges an Application fee of Five Hundred Dollars (\$500.00), payable to the County of Albemarle. The Application fee shall be paid to the Authority's administrative agent, the County of Albemarle, prior to consideration of the inducement resolution to be adopted on behalf of the Applicant. Application fees, upon acceptance by the Authority, are non-refundable. No interest shall be paid on Application fees. The County of Albemarle shall not be required to pay the application fee if it is the Applicant.

2. Amending subsection 4.3(a) regarding annual administrative fees as follows:

4.3(a) Administrative Fees. If the Authority issues bonds for the benefit of the Applicant, the financing documents shall include a requirement that the Applicant pay the Authority an annual administrative fee of \$1,000.00 per \$1,000,000.00 of bonds issued, or the prorated portion thereof, upon the issuance of bonds and annually thereafter on June 30 each year thereafter until the bonds are paid in full. The annual administrative fee shall only be applicable to the first \$40,000,000.00 of bonds issued. Except in the case of a refunding, the filing fee shall be applied as a credit against the first annual fee at closing. Bonds issued for the benefit of the County of Albemarle shall not be subject to the annual administrative fee. This section shall expire on June 30, 2015.

\*\*\*\*\*

**ECONOMIC DEVELOPMENT AUTHORITY OF  
ALBEMARLE COUNTY, VIRGINIA**

**RULES AND PROCEDURES**

**ARTICLE I**

**PURPOSE AND SCOPE**

**Section 1.1 Purpose.** These Rules shall govern the submission of Applications to the Authority, application and administrative fees, consideration of matters to be brought to the attention of the Authority

relating to the authorization, issuance and sale of its Bonds, the adoption of Financing Documents, reports to be submitted to the Authority, and such other matters as are contained herein.

**Section 1.2** **Scope.** These Rules supplement the Act. In the event of any conflict between the Act and these Rules, the provisions of the Act shall prevail.

## ARTICLE II

### DEFINITIONS

**Section 2.1** **Definitions.** As used in these Rules and Procedures, the following terms shall have the meaning as set forth herein, unless the context clearly requires otherwise:

"Act" shall mean the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended.

"Applicant" shall mean any individual, person, firm, corporation, partnership or other entity applying for industrial development revenue bond financing, or for whose benefit the Authority has issued its Bonds, or who requests the Authority to take any action.

"Application" shall mean the Authority's application for industrial development revenue bond financing as in effect from time to time.

"Authority" shall mean the Economic Development Authority of the County of Albemarle, Virginia, a political subdivision of the Commonwealth of Virginia.

"Bonds" shall mean any notes, bonds and other obligations authorized to be issued by the Authority pursuant to the Act.

"Code" shall mean the Code of Virginia of 1950, as amended.

"Financing Documents" shall mean any resolutions, instruments, documents, papers, elections, certificates or financing statements required to be adopted or authorized, executed and delivered by the Authority in connection with the authorization, issuance and sale of its Bonds.

"IRC" shall mean the Internal Revenue Code of 1954, as amended.

"Project" shall mean any land, improvements, machinery, equipment or property financed by the issuance and sale of the Authority's Bonds.

"Rules" shall mean these Rules and Procedures of the Authority, as may be in effect from time to time.

## ARTICLE III

### GENERAL

**Section 3.1** **Copies to be Provided Applicants.** A copy of these Rules and Procedures shall be furnished by the Authority's administrative agent, the County of Albemarle, by the Clerk of the Board of Supervisors, to each prospective Applicant.

**Section 3.2** **Compliance with Rules and Procedures.** Each Applicant shall comply with these Rules and Procedures in the submission of its Application or any Financing Documents to the Authority and in requesting that the Authority take any action, including the adoption of Financing Documents. Failure to comply with these Rules and Procedures shall constitute sufficient reason for the Authority to refuse to consider any Application, Financing Documents, or any other matter to be brought before the Authority by or on behalf of any Applicant.

**Section 3.3** **Amendments.** These Rules and Procedures may be changed from time to time by the Authority by the vote of a majority of its Directors present at any meeting of the Authority, provided notice of such change shall have been given to each Director before such meeting. These Rules and Procedures may, notwithstanding the foregoing, be amended without prior notice upon the affirmative vote of all Directors of the Authority.

**Section 3.4** **Preparation and Distribution of Agenda and Minutes.**

(a) A preliminary agenda for the Authority's regular meeting shall be prepared and distributed by the Authority's Secretary to Authority members and the Authority's attorney before the Authority's regularly scheduled meeting date. In the case of special meetings of the Authority, the agenda shall be included in the call issued for such meeting. When action is to be taken with reference to a Project or the issuance of Bonds, the agenda shall contain a description of the type, nature and location of the Project, the name of the Applicant and the nature of the action to be taken by the Authority. The agenda for regular meetings of the Authority shall state that it is a preliminary agenda subject to change at or before the Authority's meeting.

(b) Preliminary drafts of the minutes of the Authority's meeting shall, as soon as practicable following the meeting, be mailed or delivered to each officer and Director of the Authority and the Authority's counsel.

Each preliminary copy of the minutes so distributed shall be marked to indicate that it is a preliminary draft subject to additions or corrections at the Authority's next meeting. The date of approval of the Authority's minutes shall appear at the foot of the last page of the minutes which shall, when approved, be signed by the Assistant Secretary-Treasurer of the Authority.

## ARTICLE IV

### APPLICATION PROCEDURES, FEES AND REQUIREMENTS

**Section 4.1 Applications.** Each Applicant shall submit nine (9) fully and accurately completed Applications to the Clerk of the Board of Supervisors of Albemarle County at least ten (10) days before the Authority's meeting at which the Application is to be considered. Each Application shall include all requested exhibits. In the event all requested exhibits are not available or not to be made part of the public record, a statement of explanation will be attached to the Application.

**Section 4.2 Application Fee.** The Authority charges an Application fee of Five Hundred Dollars (\$500.00), payable to the County of Albemarle. The Application fee shall be paid to the Authority's administrative agent, the County of Albemarle, prior to consideration of the inducement resolution to be adopted on behalf of the Applicant. Application fees, upon acceptance by the Authority, are non-refundable. No interest shall be paid on Application fees. The County of Albemarle shall not be required to pay the application fee if it is the Applicant.

**Section 4.3 Administrative Fees.**

(a) If the Authority issues bonds for the benefit of the Applicant, the financing documents shall include a requirement that the Applicant pay the Authority an annual administrative fee of \$1,000.00 per \$1,000,000.00 of bonds issued, or the prorated portion thereof, upon the issuance of bonds and annually thereafter on June 30 each year thereafter until the bonds are paid in full. The annual administrative fee shall only be applicable to the first \$40,000,000.00 of bonds issued. Except in the case of a refunding, the filing fee shall be applied as a credit against the first annual fee at closing. Bonds issued for the benefit of the County of Albemarle shall not be subject to the annual administrative fee. This section shall expire on June 30, 2015.

(b) The Authority requires reimbursement of its costs and expenses incurred in connection with the issuance and sale of its Bonds and by virtue of its Bonds being outstanding. (See Section 5.2).

(c) Expenditures of Funds. The EDA will expend funds that it receives only to support economic development initiatives that benefit Albemarle County as determined by agreement between the Authority and the Board of Supervisors of Albemarle County. All such initiatives shall be developed in consultation with the County Executive, or its designee. The Albemarle County staff will provide support in the administration of the expenditure of such funds by the Authority.

**Section 4.4 Transcripts of Proceedings.** Each Applicant receiving Bond financing through the Authority shall furnish to the Authority upon the sale and delivery of the Bonds, two (2) complete transcripts of the Financing Documents relating to such Bonds. Bond transcripts shall be hardback bound in library standard quality binders at the cost and expense of the Applicant.

**Section 4.5 Bond Validation Proceedings.** The Authority may require that before issuance, its Bonds be validated by the Circuit Court of the County of Albemarle, Virginia, pursuant to the requirements of Article 6, Chapter 26, Title 15.2 of the Code. The costs, expenses and fees incurred in connection with any bond validation proceeding required by the Authority, including attorneys' fees, shall be paid by the Applicant.

**Section 4.6 Additional Information Required of Applicants.**

(a) The Authority may adopt an inducement resolution conditioned upon the subsequent furnishing of certain information satisfactory to the Authority. All required information shall be promptly furnished to the Authority and failure of any Applicant to furnish such information shall constitute a ground for rescission of any inducement resolution adopted pursuant to such conditions.

(b) The Authority may, at its option, require the furnishing of appraisals, evaluations or reports respecting the Project or any portion thereof. The Authority may retain advisors and consultants to advise it regarding any Project or other action which it is requested to undertake by any Applicant. All costs, fees and expenses of such appraisals, reports, consultants and advisors incurred by the Authority after prior notification to the Applicant shall be paid by the Applicant.

(c) Since the Authority usually acts based upon information furnished to it solely by the Applicant, the Authority reserves the right to require at any time the furnishing of additional information concerning the Applicant, its financial statements, and any other information deemed relevant by the Authority. In instances where the Applicant has undergone changes in form or management or where the security to be given for payment of the Bonds has changed, the Applicant shall report such changes promptly to the Authority.

## ARTICLE V

### PROVISIONS TO BE INCORPORATED INTO RESOLUTIONS AND FINANCING DOCUMENTS

**Section 5.1 Inducement Resolutions.** Each inducement resolution adopted by the Authority shall provide that it shall continue in full force and effect for a period of two (2) years unless specifically extended by the Authority or the Bonds contemplated by the resolution are issued.

**Section 5.2 Payment of Authority Expenses.** The Financing Documents adopted by the Authority for the benefit of any Applicant shall provide that the Applicant agrees to pay all costs, fees, and expenses incurred by the Authority (including attorneys' fees) in connection with:

- (a) the authorization, issuance and sale of the Authority's Bonds;
- (b) the ownership, occupation, operation or use of the Project being financed, whether owned by the Authority or the Applicant;
- (c) prepayment or redemption of the Authority's Bonds;
- (d) administrative costs and expenses of the Authority, including the fees of attorneys, accountants, engineers, appraisers, or consultants, paid or incurred by the Authority by reason of the Bonds being outstanding or pursuant to requirements of the Financing Documents; and
- (e) such other fees and expenses of the Authority, not directly related to the Project being financed for the Applicant, but attributable to the Authority's financing of industrial or commercial Projects, including without limitation, a share of costs of the Authority's annual audit as required by Title 15.2 of the Code of Virginia, determined as follows:

(1) All costs and fees relating to any annual audit and directly attributable to a particular Applicant or Project, shall be charged to such Applicant; and

(2) Any costs and fees of such audit not directly attributable to any Applicant or Project shall be allocated among all Applicants having Bonds outstanding, pro rata, as the amount of Bonds originally issued for such Applicant bears to the total face amount of Bonds issued by the Authority of which any portion of any issue remains outstanding and unpaid.

**Section 5.3 Indemnification of the Authority.** Each Applicant shall agree to indemnify and save harmless the Authority and its officers, directors, employees and agents (hereinafter the "Indemnitees") from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses (hereinafter referred to as "Damages"), including without limitation:

(a) all amounts paid in settlement of any litigation commenced or threatened against the Indemnitees, if such settlement is effected with the written consent of the Applicant;

(b) all expenses reasonably incurred in the investigation of, preparation for or defense of any litigation, proceeding or investigation of any nature whatsoever, commenced or threatened against the Applicant, the Project or the Indemnitees;

(c) any judgments, penalties, fines, damages, assessments, indemnities or contributions; and

(d) the reasonable fees of attorneys, auditors, and consultants; provided that the Damages arise out of:

(i) failure by the Applicant, or its officers, employees, or agents, to comply with the terms of the Financing Documents and any agreements, covenants, obligations, or prohibitions set forth therein;

(ii) any action, suit, claim or demand contesting or affecting the title of the Project;

(iii) any breach of any representation or warranty set forth in the Financing Documents or any certificate delivered pursuant thereto, and any claim that any representation or warranty of the Applicant contains or contained any untrue or misleading statement of fact or omits or omitted to state any material facts necessary to make the statements made therein not misleading in light of the circumstances under which they were made;

(iv) any action, suit, claim, proceeding or investigation of a judicial, legislative, administrative or regulatory nature arising from or in connection with the construction, acquisition, ownership, operation, occupation or use of the Project; or

(v) any suit, action, administrative proceeding, enforcement action, or governmental or private action of any kind whatsoever commenced against the Applicant, the Project or the Indemnitees which might adversely affect the validity or enforceability of the Bonds, the Financing Documents, or the performance by the Applicant or any Indemnitee of any of their respective obligations thereunder.

**Section 5.4 Bond Counsel Opinion Required.** Before issuing and delivering any of its Bonds, the Authority shall receive an unqualified approving opinion of recognized bond counsel, licensed to practice law in Virginia and approved by the Authority, stating, among other things, that the Bonds have been duly authorized, executed, issued and delivered, that the interest thereon is exempt from Federal income taxation under IRC § 103 (or other applicable provision of law) and taxation by the Commonwealth of Virginia, and that the Bonds are exempt from registration requirements under applicable State and Federal securities laws.

**Section 5.5 Covenants to Preserve Tax Exempt Status of Bonds.** All Financing Documents presented for approval by the Authority shall contain appropriate covenants of the Applicant designed to insure compliance with the requirements of IRC § 103 to preserve the tax exempt status of interest on the Bonds, including without limitation, "arbitrage" requirements, capital expenditure limitations and reporting requirements.

**Section 5.6 Payments in Lieu of Taxes.** In event title to the Project is held by any person or entity not subject to real or personal property taxes, the Applicant and any user of the Project, unless specifically exempted by the Authority, shall enter into an agreement to pay all taxes, levies, assessments, charges or other impositions which may be levied by any taxing authority on the Project as if such Applicant or user held title to the Project or any portion thereof.

## ARTICLE VI

### REPORTS

**Section 6.1 Interim Reports by Applicants.** Each Applicant shall file with the Authority a written report describing the status of its proposed financing no later than the last day of the second month after the adoption of an inducement resolution for the Applicant and every three (3) months thereafter until the adoption of any Financing Documents by the Authority. Such written report shall include the proposed purchaser of the Bonds, the proposed terms of the Bonds, the status of Financing Documents, and the current status of the Project. Each Applicant shall promptly notify the Authority of any significant or material changes to any information previously furnished by the Applicant to the Authority.

**Section 6.2 Annual Reports of Applicants.** Each Applicant, after the issuance and sale of the Authority's Bonds for the benefit of such Applicant, shall annually report to the Authority no later than June 30 the status of the Project, which shall include the outstanding and unpaid balance of Bonds issued for the Project, whether any event of default has occurred under the Financing Documents, and other information relating to the financing of the Project and benefits to the County of Albemarle.

**Section 6.3 Reports by Authority Chairman, Directors, etc.** At each regular meeting of the Authority, the Chairman, each Director, the Secretary-Treasurer and the Authority's counsel shall report any action taken on behalf of the Authority since the last regular meeting, including as may be applicable, receipt of reports required under Section 4.6. No later than September 1 of each year, the Chairman of the Authority may also report to the Authority on the status, as of the end of the Authority's fiscal year, of each active and outstanding inducement resolution of the Authority and the status of each issue of the Authority's Bonds.

## ARTICLE VII

### ENFORCEMENT

**Section 7.1 Enforcement of Provisions.** The Authority may refuse to consider or adopt any inducement resolutions, Financing Documents or any other matters presented for its consideration if the Applicant has failed to comply with the requirements of these Rules.

**Section 7.2 Repeal of Actions Previously Taken.** The Authority may rescind or repeal any inducement resolution previously adopted by it or any other action taken by the Authority because of failure of the Applicant to comply with the provisions of these Rules or because of substantial changes in the management, ownership, Project plan or financial circumstances of the Applicant; provided, however, no inducement resolution or action taken by the Authority shall be repealed or rescinded unless prior written notice of such proposed action shall have been mailed to the Applicant at least three (3) weeks before the date upon which such action is proposed to be taken. Notwithstanding the foregoing, no such action shall be taken by the Authority which will impair or adversely affect the interests of the holders of the Authority's Bonds.

## ARTICLE VIII

### STATEMENTS OF POLICY

**Section 8.1 Construction, Operation and Effect of Rules.** These Rules are intended as guidelines to promote and insure the orderly and consistent consideration of Applications, Financing Documents, and other matters brought before the Authority. For good cause, application of these Rules may be modified and waived upon a case-by-case basis upon the consent of the Authority. Any action taken by the Authority not in conformity with these Rules shall, nevertheless, be fully effective as if taken in compliance with these Rules. It is, however, the policy of the Authority that each Applicant comply fully and completely with these Rules, and failure to comply with these Rules may constitute grounds for refusal by the Authority to take any action requested.

**Section 8.2 Approval of Inducement Resolution Not to Constitute an Endorsement of Applicant.** The purpose of the Authority, as set forth in the Act, is to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth of Virginia. Pursuant to the Act, the Authority's powers shall be exercised for the benefit of the inhabitants of Virginia through the promotion of their safety, health, welfare, convenience or prosperity. Accordingly, the Authority's decision to adopt an inducement resolution or take other action will be based largely upon these factors. Further, the Act prohibits the Authority from operating any enterprise or Project. Since the Authority is a conduit for providing tax-exempt financing to promote the commerce and industry of the Commonwealth of Virginia and the County of Albemarle, and given the express prohibition against

operating enterprises or Projects, the Authority believes it is improper for it to inquire into matters relating to the business judgment of the management of any Applicant not relevant to the foregoing factors. The Authority may, however, examine the business decisions and other aspects of management of the Applicant should it deem such matters relevant to the authorization, issuance and sale of its Bonds.

In view of the foregoing limitations, the adoption of an inducement resolution or any other action taken by the Authority is not to be used by any Applicant in any manner whatsoever as an endorsement or approval of the Applicant, its policies or its management.

**Section 8.3 Security for Payment of Bonds.** The Authority will require a showing that any issue of its Bonds is fully and adequately secured. If the Bonds are secured by a lien upon or security interest in the Project financed with the proceeds of such Bonds, the Authority may require an appraisal of the Project showing that it is valued in an amount sufficient to pay the outstanding principal amount of the Bonds issued to finance such Project.

**Section 8.4 Compliance with Rules.** These Rules were adopted by the Authority to assist in the orderly and expeditious conduct of its business. As stated in Section 3.2 of these Rules, the Authority has reserved the right to require that any Applicant strictly conform to the requirements of the Rules. Among other things, the Rules require that each Applicant inform the Authority of any new developments or material changes in information which has been submitted to the Authority, either orally or in writing. Matters concerning the structure of the financing, the prospective purchasers of the Bonds, and the security for payment of the Bonds are items of particular interest to the Authority; however, the Authority expects to be kept informed of all material changes to information submitted to it.

By submitting an Application to the Authority, the Applicant agrees to abide by these Rules. Thus, the burden is placed upon the Applicant to review and to comply with these Rules. The principal sanction which may be applied by the Authority against any Applicant for failure to comply with the Rules would be a refusal to take any action requested by the Applicant. Such a refusal might result in embarrassment to or considerable financial expense on the part of the Applicant. To avoid such embarrassment or expense, the Authority urges each Applicant to keep the Authority fully informed of any new developments or material changes to information previously submitted to the Authority, including in particular, changes in the contemplated financing structure or the proposed security for the Bonds. As noted above, the burden is upon the Applicant to convey this information to the Authority in a timely manner. What constitutes "timely" depends upon the circumstances of each case; however, each Applicant is urged to provide all such information before considerable time and expense is incurred upon matters which may prove unacceptable to the Authority. Any such communications should be made directly to the Authority's officers, directors, and counsel.

#### **Notes to Application**

1. Applicants are referred to the Authority's Rules and Procedures for provisions governing the submission of the application to the Authority.

2. Applications and all exhibits should be submitted to:

**Clerk of the Board of Supervisors of Albemarle County,  
4th Floor, County Office Building, 401 McIntire Road,  
Charlottesville, Virginia 22902-4596,**

at least ten (10) days before the meeting at which the application is to be considered.

3. A \$500.00 application fee for issues less than \$25.0 million or a \$1,000.00 application fee for issues \$25.0 million or greater, made payable to the County of Albemarle, should be submitted to the Authority's administrative agency, the County of Albemarle, with the application or at the time the application is considered.

4. Questions concerning the qualification of a project or certain expenses of economic development revenue bond financing or other legal questions relating to the issuance of bonds should be directed to the Authority's counsel or to recognized bond counsel.

Readopted: 09-02-2009; Readopted 07-11-2012; Readopted 10-02-2013

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Item No. 7.9. FY 13 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 13 budget due to the appropriation itemized below is \$868,901.77. 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 five (5) appropriations as follows:

- One (1) appropriation (#2013106) to appropriate funding to reconcile the various sources of revenue of the Office of Facilities Development Internal Service fund. This appropriation will not increase the total budget because already appropriated funding will be re-allocated between various funds.
- One (1) appropriation (#2013107) to appropriate \$97,279.05 for various school division programs;
- One (1) appropriation (#2013109) to appropriate \$596,724.44 to reconcile the Capital Program;
- One (1) appropriation (#2013110) to appropriate \$40,134.00 to the School 2011 EDA principal from the General Government 2011 EDA principal. This appropriation will not increase the total budget because already appropriated funding will be re-allocated; and
- One (1) appropriation (#2013111) to appropriate \$174,898.28 to reconcile various Special Revenue Funds.

Staff recommends approval of appropriations #2013106, #2013107, #2013109, #2013110 and #2013111 to distribute funds received from grants to the proper expenditure accounts for various school division and general government projects and programs as described in Attachment A.

\*\*\*\*\*

**Appropriation #2013106** **\$0.00**

This appropriation will not increase the County Budget

Source:	General Gov't Capital Program Fund fund Bal	\$ -19,263.31
	General Fund fund Balance	\$ 19,263.31

The Office of Facilities Development provides project management support for School and Local Government's capital projects. In FY 13 the Office of Facilities Development began operating as an internal service fund and charges hourly-based project management (PM) fees for their work on individual projects. Initial project management budgets are estimated based on the number of projects and the time anticipated to complete the projects. The Office of Facilities Development also provides services for General Government projects that fall outside of the Capital budget.

This appropriation request is to reconcile the budget to reflect the actual expenses incurred by various Capital Program projects in FY 13, including expenses that were incurred by the General Fund-supported operations.

This request is to:

- appropriate \$19,263.31 of the General Fund fund balance to accurately account for the operational expenses incurred by the Office of Facilities Development for project management services in FY 13 and to equally reduce the use of the General Government Capital Program Fund;
- re-allocate \$89,426.59 for project management services within the General Government Capital Program fund, appropriate \$11,925.85 from the General Government Capital Program for project management services to the School Capital Program for project management services and to re-allocate \$133,036.41 designated for project management services within the School Capital Program fund; and
- re-allocate \$ 4,290.05 for project management services within the Stormwater Capital Program fund.

**Appropriation #2013107** **\$97,279.05**

Source:	Local Revenue	\$ 83,227.05
	State Revenue	\$ 14,052.00

These requests are to appropriate School Division funding approved by the School Board on August 8, 2013:

- This request is to appropriate \$14,052.00 in State revenue for the School Division's Algebra Readiness Program. This program provides mathematics intervention services to middle school students who are at risk of failing. Expenditures have exceeded appropriations for FY 13 due to an unbudgeted increase in funding from the State. This request is to appropriate funding to cover these increases and to balance the fund.
- This request is to also appropriate \$83,227.05 to the School Division's Club Yancey Program. Club Yancey collected \$21,037.00 in tuition fees, \$16,160.05 from fundraisers and donations, \$45,000.00 from the Charlottesville Area Community Foundation, and \$1,030.00 from field trip fees for a total of \$83,227.05 during FY 13. These funds were used to cover operating expenses and field trip expenses for the Club Yancey program during FY 13.

**Appropriation #2013109** **\$596,724.44**

Source:	General Gov't Capital Fund fund Bal	\$ 1,500,000.00
	School Capital Loan Proceeds	\$ -903,275.56

This request is to reconcile the budget with actual expenses incurred by various Capital Program projects in FY 13 and to ensure funds maintain positive balances pending the County's receipt of loan proceeds.

- This request is to appropriate \$99.44 from the Fire Department Contingency to the Pantops Emergency Medical Services Project for the ambulance stationed at Martha Jefferson Hospital to cover higher than anticipated equipment costs. This request will not increase the County Budget.



- This request is to appropriate a temporary transfer of \$1,500,000.00 from the General Government Capital Fund fund balance to the School Capital Fund fund balance. Loan proceed issuances are scheduled every other year to achieve savings for the cost of issuances. This request will maintain positive balances in the separate Capital funds pending receipt of loan proceeds in the fall of 2013 (FY 14).

This appropriation will also provide funding to support start up expenses for those approved FY 14 School Capital projects that occurred in FY 13. These School Capital projects experienced expenditures in FY 13 because it was necessary for construction work to start in mid-June (after school ends) to ensure that the work was completed before the start of school in late August. Although no bills were paid in FY 13 for these projects and FY 14 funds were appropriated for these project costs, bookkeeping requirements require that the funding be shown as a FY 13 expense. This appropriation will decrease the use of School Capital Fund loan proceeds by \$903,275.56, increase the FY 13 School Capital Maintenance Program budget by \$451,413.00, increase the FY 13 Murray High School project budget by \$92,424.44, and increase the FY 13 Contemporary Learning Project budget by \$52,887.05. The total net budget increase is \$596,724.44. For the FY 15 - FY 19 CIP, staff will propose options which will employ best practices to accommodate the timing of these types of tightly scheduled School CIP projects.

In a separate October 2, 2013 appropriation request (#2014043) included in the FY 14 Budget Amendment and Appropriations Executive Summary, there is a request to equally reduce the FY 14 project budgets and to return the \$1,500,000.00 from the School Capital Fund fund balance to the General Government Capital Fund fund balance.

**Appropriation #2013110** **\$0.00**  
 This appropriation will not increase the County Budget  
 Source: General Fund fund Balance

The General Government and School Division each has its own Debt Service Fund that provides funding for the principal and interest expenses associated with debt issuances for capital projects. Expenses include principal and interest for the 2011 EDA debt issuance which included both school projects and general government projects. The principal and interest is amortized proportionally between the funds for the 2011 EDA and budgeted accordingly. For FY 13, while total budget is correct, the amount of funding budgeted to each fund requires redistribution. This appropriation reconciles the budget to the actual expenses per fund.

This request is to appropriate \$40,134.00 for the School Debt Service portion of the 2011 EDA Principal and reduce the General Government Debt Service portion of the 2011 EDA Principal by the equivalent amount to reconcile the overall 2011 EDA Principal and Interest payments for FY 13. This has a net zero impact to the total budget.

This request will amend the General Fund Transfer to the Debt Service Fund by appropriating \$40,134.00 for the School Debt Service portion of the 2011 EDA Principal and will reduce the General Government Debt Service portion of the 2011 EDA Principal by the equivalent amount.

**Appropriation #2013111** **\$ 174,898.28**  
 Source: Local Revenue – Recovered Costs \$ 40,644.11  
 Special Revenue Fund fund balance \$ 134,254.17

This request is to appropriate funding associated with the following Special Revenue Funds:

- This request is appropriate \$134,254.17 for Housing Choice Voucher (HCV) Program expenditures beyond the currently appropriated budget for this fund. These funds are disbursed to landlords participating in the HCV as rental and utility subsidies for applicable voucher holders. This funding is provided from this fund's fund balance.
- This request is to appropriate \$40,017.11 for costs associated with the Project Director position of the Foothills Child Advocacy Center in FY 13. All salary and benefits associated with this position are reimbursed to the County by the Foothills Child Advocacy Center.
- This request is to appropriate \$627.00 in recovered costs for the Criminal Justice Program administered by Offender Aid and Restoration, based on actual revenues and expenditures.

**By the above-recorded vote, the Board approved appropriations #2013106, #2013107, #2013109, #2013110 and #2013111 to distribute funds received from grants to the proper expenditure accounts for various school division and general government projects and programs as described above.**

COUNTY OF ALBEMARLE			
APPROPRIATION SUMMARY			
APP#	ACCOUNT	AMOUNT	DESCRIPTION
2013106	4-1000-43100-443100-312366-1004	19,263.30	General Fund OFD PM Services
2013106	3-1000-51000-351000-510100-9999	19,263.30	General Fund Fund Balance
2013106	4-9000-69050-464600-312366-6599	-133,036.41	Unassigned PM Services
2013106	4-9000-69980-466730-312366-6599	137,548.86	Capital School Maintenance Program
2013106	4-9000-69985-466730-312366-6104	7,413.40	Greer Elementary Renovations Phase II
2013106	3-9000-69000-351000-512031-6599	11,925.85	Transfer from GG Capital Fund 9010
2013106	4-9010-93010-493010-930004-9999	11,925.85	Transfer to Sch Capital fund 9000

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2013106	4-9010-21005-421005-312366-2180	17,218.60	Courts Projects
2013106	4-9010-31029-431010-312366-3110	17,257.23	Firearms Range
2013106	4-9010-32021-432010-312366-3140	9,595.65	Ivy Fire Station
2013106	4-9010-41023-441200-312366-9999	7,566.48	Crozet Streetscape Phase II
2013106	4-9010-43100-443200-312366-9999	28,810.06	COB McIntire Brick Repointing
2013106	4-9010-94160-494070-312366-7140	8,978.57	Crozet Library
2013106	4-9010-73025-473010-312366-7141	-3,877.59	County Library Facilities Repair/Maintenance
2013106	4-9010-73025-473010-312366-7140	-439.03	City/County Library Facilities Repair/Maintenance
2013106	4-9010-81110-481020-312366-9999	-29,328.71	Master Plans
2013106	4-9010-91046-443100-312366-9999	-40,812.80	Unassigned PM Services
2013106	4-9010-41020-441200-312366-9999	-25,363.30	Transportation Projects / Meadowcreek Parkway Landscaping
2013106	4-9010-41350-441200-312366-9999	-15,220.20	Sidewalk Projects
2013106	4-9010-71020-471020-312366-7100	-5,574.11	Parks Maintenance Program
2013106	3-9010-51000-351000-510100-9999	-19,263.30	GG Capital Fund Balance
2013106	4-9100-82062-482040-312366-9999	4,290.05	Crozet Stormwater project
2013106	4-9100-82040-482040-312366-9999	-1,331.22	Water Resources Support
2013106	4-9100-82046-482040-312366-9999	-2,217.72	Stormwater TMDL Study
2013106	4-9100-82067-482040-312366-9999	-741.11	Church Road Basin
2013107	3-3152-63152-324000-240405-6599	14,052.00	Revenue-Algebra Readiness
2013107	4-3152-63152-463333-132100-6599	13,053.41	PT Wages - Teacher
2013107	4-3152-63152-463333-210000-6599	998.59	FICA
2013107	3-3157-63157-318000-181254-6599	61,160.05	Revenue-Club Yancey
2013107	3-3157-63157-318000-181284-6599	21,037.00	Club Yancey Tuition
2013107	3-3157-63157-319000-190215-6599	1,030.00	Club Yancey Field Trips
2013107	4-3157-63157-460213-111400-6113	31,254.64	Salaries - Other Mgmt.
2013107	4-3157-63157-460213-210000-6113	4,031.43	FICA
2013107	4-3157-63157-460213-221000-6113	5,684.52	VRS
2013107	4-3157-63157-460213-231000-6113	8,854.30	Health Insurance
2013107	4-3157-63157-460213-241000-6113	529.68	VRS Group Life
2013107	4-3157-63157-460213-242000-6113	140.16	Group Life - PT
2013107	4-3157-63157-460213-119400-6113	31,069.85	Salaries - EDEP Teachers
2013107	4-3157-63157-460213-137100-6113	401.45	PT Wages - Bus Drivers
2013107	4-3157-63157-460213-232000-6113	210.72	Dental Insurance
2013107	4-3157-63157-460213-420100-6113	573.10	Field Trip
2013107	4-3157-63157-460213-600220-6113	477.20	Student Snacks/Meals
2013109	4-9010-32010-432010-999999-3140	-99.44	Fire Department Contingency
2013109	4-9010-32018-432010-601315-3140	99.44	Pantops Fire Station
2013109	3-9010-51000-351000-510100-9999	1,500,000.00	Use of fund balance
2013109	4-9010-93010-493010-930004-9999	1,500,000.00	Trf to SCH Captial Fund
2013109	3-9000-69000-351000-512090-6599	1,500,000.00	Trf from GG Capital Fund
2013109	3-9000-69000-341000-410500-6599	-903,275.56	Loan Proceeds
2013109	4-9000-69980-464600-312350-6522	971.41	FYCorrection-School CIP Maint
2013109	4-9000-69980-466740-301210-6301	74,227.96	FYCorrection-School CIP Maint
2013109	4-9000-69985-466730-312350-6303	2,480.00	FYCorrection-Murray
2013109	4-9000-69980-464600-301210-6109	16,980.63	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-301210-6253	8,990.77	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-301210-6522	27,229.78	FYCorrection-School CIP Maint
2013109	4-9000-69985-466730-800901-6303	67,278.56	FYCorrection-Murray
2013109	4-9000-69980-466760-301210-6113	127,775.00	FYCorrection-School CIP Maint
2013109	4-9000-69980-466730-301210-6302	142,350.33	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800949-6252	3,022.12	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800949-6112	6,044.24	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800614-6252	4,684.28	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800614-6301	906.64	FYCorrection-School CIP Maint
2013109	4-9000-69985-466730-800901-6301	17,226.07	FYCorrection-Contemporary Learning
2013109	4-9000-69985-466730-800901-6112	23,723.62	FYCorrection-Contemporary Learning
2013109	4-9000-69985-466730-800901-6252	11,937.36	FYCorrection-Contemporary Learning
2013109	4-9000-69985-466730-800901-6115	22,665.88	FYCorrection-Murray
2013109	4-9000-69980-464600-301210-6105	12,692.89	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-301210-6106	14,506.16	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800614-6112	1,964.38	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800614-6115	3,324.33	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800614-6105	4,835.39	FYCorrection-School CIP Maint
2013109	4-9000-69980-464600-800614-6106	906.64	FYCorrection-School CIP Maint
2013110	4-9910-95000-495000-910078-9999	-40,134.00	GG EDA 2011 Principal
2013110	3-9910-51000-351000-512004-9999	-40,134.00	TRF fr GF
2013110	4-9900-95000-495000-910078-9999	40,134.00	SCH EDA 2011 Principal
2013110	3-9900-51000-351000-512004-9999	40,134.00	TRF fr GF
2013110	4-1000-93010-493010-930011-9999	-40,134.00	GF TRF to GG Debt
2013110	4-1000-93010-493010-930003-9999	40,134.00	GF TRF to SCH Debt
2013111	3-1227-51000-351000-510100-9999	134,254.17	App Fund Balance
2013111	4-1227-81920-481030-579001-1008	134,254.17	HOUSING ASSIST. PAYMENTS
2013111	3-1569-19000-319000-190248-1005	40,017.11	Recovered Costs - Foothills
2013111	4-1569-53157-453010-110000-1005	30,387.38	Salaries
2013111	4-1569-53157-453010-210000-1005	2,314.07	FICA
2013111	4-1569-53157-453010-221000-1005	3,430.07	VRS
2013111	4-1569-53157-453010-231000-1005	3,422.48	Health Insurance
2013111	4-1569-53157-453010-232000-1005	133.02	Dental Insurance
2013111	4-1569-53157-453010-241000-1005	291.77	VRS Group Life
2013111	4-1569-53157-453010-270000-1005	38.32	Workers Compensation
2013111	3-1520-19000-319000-199900-9999	627.00	Other Recovered Costs
2013111	4-1520-29406-421090-580300-1003	627.00	Refunds

Item No. 7.10. Rivanna Solid Waste Authority (RSWA) Service Agreements.

The executive summary states that over the last year, the County has considered alternatives to continuing solid waste services with the Rivanna Solid Waste Authority (RSWA). Solid waste services currently provided by RSWA require County financial support and that support is established by two agreements, the Ivy Material Utilization Center Programs Agreement and the Local Government Support Agreement for Recycling Programs. The County did not provide notice to RSWA by January 1, 2013 to extend the current funding agreements for services at the Ivy Materials Utilization Center (MUC) and the McIntire Road Recycling Center through FY14 so that the County could pursue other options. In doing so, County staff recognized that the County would need temporary agreements with RSWA for RSWA to continue providing services for the period of July 1, 2013 (the expiration date of the current agreements) until the County begins to manage those services. The agreements were extended in June 2013 to continue services through December 2013. In July 2013, the Board determined the County should establish three convenience centers and continue support of the McIntire Recycling Center for an undetermined period. Recognizing that none of the convenience centers would be established by December 2013, the Board requested that RSWA amend the agreements to continue services through June 2014. The attached amendments to the current agreements (Attachment A) are provided to serve this purpose.

The Amendment No. 2 to Ivy Material Utilization Center Programs Agreement and Amendment No. 2 to Local Government Support Agreement for Recycling Programs are provided as Attachment A. Both agreements continue the current funding arrangement for RSWA services through June 2014. With the exception of the effective dates, the terms and conditions of this agreement are the same as the current agreement. The agreement for Recycling Programs includes the City as a participant, while the MUC agreement does not.

Finally, the County is currently working to put at least one convenience center in place on or before July 1, 2014, based on direction provided by the Board at its July 10, 2013 meeting. Based on that direction, the MUC agreement would be allowed to expire in June 2014 while it is anticipated the recycling agreement will continue through FY15. The terms of the recycling agreement require that the County and City notify RSWA prior to May 2014 if that agreement is to be extended into FY15.

Based on historical payments to RSWA under the agreements and financial reports for the current fiscal year, it is anticipated that the cost required to be paid by the County will be between \$300,000 and \$500,000 for the time period between July 2013 and June 2014. Three hundred thousand dollars (\$300,000) of funding was included in the FY14 Budget. If the support payments exceed \$300,000, it will be necessary to make an additional appropriation to continue services through June 2014. This could potentially be done by a one-time shift of funds from the Ivy Remediation line item in the CIP.

Staff recommends that the Board authorize the County Executive to sign the two attached agreement amendments with RSWA on behalf of the County, subject to approval as to content and form by the County Attorney.

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

**AMENDMENT NO. 2 TO  
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS  
AMONG  
THE CITY OF CHARLOTTESVILLE  
THE COUNTY OF ALBEMARLE  
AND  
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 2** to the **Local Government Support Agreement for Recycling Programs** (this "Amendment") is made this \_\_\_ day of \_\_\_\_\_, 2013 by and among the **City of Charlottesville, Virginia** (the "City"), the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually a "Party", and together referred to as the "Parties").

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

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

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013 (the Original Agreement, as amended by Amendment No. 1, hereinafter, the "Agreement"); and

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2014, and the City is agreeable to an extension for such period.

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

1. **Amendment to Section 2.** Section 2 of the Agreement, entitled "Quarterly Payments," is amended by deleting the last sentence of such Section added under Amendment No. 1.

2. **Amendment to Section 3.** Section 3 of the Agreement, entitled "Increase or Decrease in the Recycling Operations Deficit," is amended by deleting the last sentence of such Section added under Amendment No. 1.

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

6. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2014.

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

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

CITY OF CHARLOTTESVILLE:

\_\_\_\_\_  
Maurice Jones  
City Manager

\_\_\_\_\_  
Date

COUNTY OF ALBEMARLE:

\_\_\_\_\_  
Thomas C. Foley  
County Executive

\_\_\_\_\_  
Date

RIVANNA SOLID WASTE AUTHORITY:

\_\_\_\_\_  
Thomas L. Frederick, Jr.  
Executive Director

\_\_\_\_\_  
Date

\*\*\*\*\*

**AMENDMENT NO. 2 TO  
IVY MATERIAL UTILIZATION CENTER PROGRAMS AGREEMENT  
BETWEEN  
THE COUNTY OF ALBEMARLE  
AND  
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 2** to the **Ivy Material Utilization Center Programs Agreement** (this "Amendment") is made this \_\_\_ day of \_\_\_\_\_, 2013 by and between the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority", individually a "Party", and together referred to as the "Parties").

WHEREAS, the County and the Authority entered into a certain Ivy Material Utilization Center Programs Agreement dated August 23, 2011 (the "Original Agreement"), providing for the County's financial support for, and the Authority's operation of, the Ivy MUC; and

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

WHEREAS, the County exercised its first option to extend the term of the Original Agreement through June 30, 2013, but elected not to exercise its second option to extend the term through June 30, 2014 and instead requested an extension of the term of the Original Agreement through December 31, 2013; and

WHEREAS, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 7, 2013 extending the term of the Original Agreement through December 31, 2013 (the Original Agreement, as amended by Amendment No. 1, hereinafter, the "Agreement"); and

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2014.

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

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Quarterly Payments," is amended by deleting the last sentence of such Section added under Amendment No. 1.

2. **Amendment to Section 5.** Section 5 of the Agreement, entitled "Increase or Decrease in the Ivy Material Utilization Center Deficit," is amended by deleting the last sentence of such Section added under Amendment No. 1.

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

6. **Term of Agreement**

This Agreement shall be effective upon execution and the County's financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2014.

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

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

COUNTY OF ALBEMARLE:

\_\_\_\_\_  
Thomas C. Foley  
County Executive

\_\_\_\_\_  
Date

RIVANNA SOLID WASTE AUTHORITY:

\_\_\_\_\_  
Thomas L. Frederick, Jr.  
Executive Director

\_\_\_\_\_  
Date

Item No. 7.11. Lewis & Clark Exploratory Center Loan Extension.

The executive summary states that the Lewis & Clark Exploratory Center ("LCEC") leases property jointly owned by the County of Albemarle and the City of Charlottesville located at Darden Towe Park for the purpose of establishing the Lewis & Clark Exploratory Center. The LCEC was awarded grants totaling \$800,000.00 from the Transportation Enhancement Fund Program ("VDOT Enhancement Program") administered by the Virginia Department of Transportation ("VDOT") to provide funding (to be combined with other funds to be raised by the LCEC) for the construction of an educational building, an access road and parking area, and a connecting trail network at Darden Towe Park. The LCEC's application for the VDOT Enhancement Program required the County to be responsible for accepting the grant from VDOT. The County was required to enter into a Project Agreement between VDOT and the County to ensure VDOT's requirements for funding eligibility were met. The County then entered into a separate Pass-Through Agreement with LCEC that, in turn, passed along all of the County's responsibilities under the VDOT Enhancement Program to the LCEC, including holding the County harmless from any liabilities created by the County's acceptance of the VDOT Enhancement Program grants.

The LCEC advised the County that its fund-raising efforts had fallen short of the goal and by letter dated March 19, 2013, requested that the County and City provide funding assistance in the form of a short-term loan to ensure the project is completed and all requirements related to the enhancement grant are met. The total shortfall was estimated at \$260,000. In order to assist the LCEC and ensure that the grant requirements are met, the Board, at its April 3, 2013 meeting, approved an appropriation of \$130,000 to the Economic Development Authority (EDA) for the purpose of the EDA providing a short-term loan to the LCEC. The appropriation was subject to the following conditions: (1) an agreement between the County and the EDA regarding the EDA's reimbursement of the funds to the County when the LCEC repays the loan; (2) a note or some other instrument acceptable to the County Attorney by which the LCEC would agree to repay the loan to the EDA within 6 months; and (3) the City of Charlottesville contributing or committing to contribute the other \$130,000 required to make up the \$260,000 shortfall.

The EDA loan agreement and note were executed on April 17, 2013, and funds were forwarded to LCEC by check dated April 18, 2013. Pursuant to the loan and note terms and conditions, the \$130,000 loan is due and payable to the EDA on October 17, 2013; provided that, upon receipt of a written request

from the LCEC before October 17, 2013, the EDA, at its sole discretion, and with the approval of the Board of Supervisors, may extend the due date. In a letter to the EDA dated August 27, 2013 (attached), the LCEC advised the County that they will be unable to raise all of the funds (\$130,000) by the repayment deadline and have requested a six-month extension.

Staff is sympathetic to this extension request, however, it would recommend an examination and reconsideration of the terms and conditions of the loan if any additional extensions are requested.

There is no impact to the budget as the funds have been previously appropriated. Upon repayment, the \$130,000 would be returned to the Capital Reserve.

Staff recommends that the Board approve LCEC's requested extension of six months and request that the EDA extend the date by which the loan is due and payable subject to the same terms and conditions. Future extension requests are not recommended under current note terms and conditions.

**By the above-recorded vote, the Board approved LCEC's requested extension of six months and requested that the EDA extend the date by which the loan is due and payable subject to the same terms and conditions.**

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Item No. 7.12. Board-to-Board, October, 2013 *Monthly Communications Report from School Board*, School Board Chairman, ***was received for information.***

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Agenda Item No. 8. Recognitions:

Item No. 8a. GFOA *Certificate of Achievement for Excellence in Financial Reporting* for FY12.

Ms. Leslie Beauregard, Director of Budget and Performance Management for the City of Charlottesville, said she was present on behalf of the Virginia Government Finance Officers Association to present Albemarle County with a certificate of achievement for excellence in financial reporting for its 2012 Comprehensive Financial Report (CAFR). The GFOA's mission is to develop leaders with financial expertise through education, fellowship and professional development to foster excellence in government. The GFOA appreciates the opportunity to be present and recognize the County's achievement.

GFOA established the certificate of achievement for excellence in financial reporting in 1945 in order to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that demonstrate a constructive spirit of full disclosure to clearly communicate its financial story and to recognize individual governments that succeed in achieving that goal. She stated that the certificate is the highest form of recognition in the area of governmental accounting and financial reporting, and represents a significant accomplishment by a government and its management. Ms. Beauregard noted that this is the 18<sup>th</sup> consecutive year the County has received the award, which demonstrates the continued priority it places on financial management. She then congratulated Ms. Betty Burrell, Director of Finance, and the Finance staff.

Ms. Burrell accepted the certificate of recognition, and thanked Finance Department staff as well as Minor and Associates, and Robinson, Farmer, Cox and Associates for their work on the CAFR. She stated that beginning in FY 2012, the Finance Department assumed more responsibility for preparing the financial report and financial statements in-house. This was not an easy feat. Ms. Tammy Critzer played an integral role in producing the CAFR and she did it exceedingly well. Ms. Ann Murray and many other Finance employees were involved in this project.

Ms. Burrell said that Mr. Ed Koonce will be retiring from the County effective March 2014. She said that the County owes a debt of gratitude to Mr. Koonce for his competence, commitment and loyalty to the County. Mr. Koonce is the main reason the County received this award in FY 2012 and previous years – as he takes personal pride in this project and is highly respected in his field.

Mr. Foley added his thanks and congratulations to staff for this achievement.

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Item No. 8b. Kelly Okken, Albemarle's Purchasing Agent, awarded the Virginia Association of Governmental Purchasing (VAGP) Manager of the Year Award.

Mr. Ed Koonce said that at the 2013 National Institute of Governmental Purchasing Forum held in Orlando, FL, in August 2013, Albemarle's Purchasing Agent, Kelly Oaken, was one of three finalists for "National Purchasing Manager of the Year," with candidates for this recognition selected by nominations from this large international organization's charter affiliates and individuals. Mr. Koonce said that Ms. Oaken became the Virginia Association of Governmental Purchasing's nominee after her win of the VAGP Professional Manager of the Year award in March 2013.

Mr. Al Alias, a former Purchasing Agent for the City of Charlottesville and a well-recognized leader at the state and national levels of the NIGP, addressed the Board and presented the award to Ms. Oaken. He said that he hired Ms. Oaken in 2000 and it was immediately obvious that she had potential far beyond the position she was hired for, as she sought out more complex projects and additional work. Mr. Alias said that the office was much more eager and enthusiastic with Ms. Oaken on board, and she exhibited strong organizational and communication skills as well as interpersonal skills. Ms. Oaken took advantage

of changes to learn, earning her first certification in 2004, and now having three certifications. He stated that her professionalism and presentation are a great representation for Albemarle County.

Ms. Kelly Oaken addressed the Board and thanked Ms. Burrell, Mr. Koonce and Mr. Alias for their recognition and help with her career.

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Item No. 8c. Lauren Eddy, National Certified Election and Voter Registration Administrator.

Mr. Jake Washburn, County Registrar, addressed the Board and recognized Deputy Registrar Lauren Eddy for completing the course of study necessary to obtain the degree of Certified Elections and Registration Administrators (CERA), conducted by the National Election Center through its professional education program staffed by Auburn University faculty. Mr. Washburn said that the program is designed to professionalize the management of voter registration and election administration, and to promote and preserve public trust in the democratic process.

Board members and attendees congratulated Ms. Eddy.

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Item 8d. Other Recognitions.

The Chairman then read and presented proclamations from the consent agenda (Items 7.2, 7.3 and 7.4)

Ms. Kaitlyn Wernsing, a community health worker at ASG, accepted the Local AIDS Walk recognition.

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Mr. John Michael Donohue, Chair, Jefferson Area Disability Services Board, accepted the Disability Employment Awareness Month recognition. Mr. Donohue said that nationwide the unemployment rate for persons with disabilities is twice the national average. Approximately 14% of the national workforce comprise of persons with disabilities. In the County and surrounding jurisdictions, approximately 21,000 people with disabilities are unemployed. On behalf of the Disability Services Board, he thanked the Board for recognizing October in this way.

Mr. Snow thanked Mr. Donohue for all of the work of the organization.

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Agenda Item No. 9. Albemarle County Debt Financing – 2013.

The following executive summary was forwarded to Board members:

“On April 3, 2013, the Board adopted the County’s FY 14 Operating and Capital Improvement Program (CIP) budgets. The FY14 CIP budget, after amendments, included bond revenue of \$11.1 million as a source of funding. The Board adopted the County’s FY 13-17 CIP, after amendments, which identified bond revenue of \$26.1 million as a source of funding in FY13. The County funded FY 13 projects with cash, anticipating a FY 14 bond issuance. This Executive Summary presents to the Board for its consideration a financing option for the County to finance FY 14 capital projects and to reimburse the County for cash it expended for FY 13 projects.

On September 10, 2013, the County’s Financial Advisors, Davenport and Company, presented a proposed plan of lease financing to the Economic Development Authority of Albemarle County, Virginia (EDA), which is enabled to assist the County in financing local government facilities and equipment.

Under the proposed strategy, the County would issue debt via a Public Sale using the EDA as the financing conduit in an amount not to exceed \$40 million (Project costs, cost of issuance, and a reserve equal to up to one year’s debt service, if required). Based on the County’s excellent credit rating, it is expected that the debt would be issued with credit ratings near AAA levels (in the AA category). The EDA Bonds will be secured by the lease structure described in Attachment A. To support the marketability of the Bonds, the County Executive, in consultation with the Financial Advisor, may determine to include additional security for the bonds by offering one or more of the following County-owned properties as collateral security for the proposed Ground Lease and the Financing Lease: (a) the new Crozet Library, (b) the new Northside Library, and (c) the 5<sup>th</sup> Street Office Building. The County, subject to appropriation, will make lease payments to the EDA to enable it to make debt service payments associated with this debt issuance.

The County’s bond counsel, Hunton and Williams, has prepared a summary of the County’s proposal to finance the FY13 and FY14 CIP financed projects (Attachment A). All financial documents referenced in Attachment B are available for Board and public review in the Board Clerk’s Office.

While interest rates today have risen from historic lows, they are still at very favorable levels. The County anticipated and budgeted for the additional debt service payments in its five-year financial plan. This financing continues adherence to the County’s financial policies regarding debt limits, debt capacity, debt affordability, and debt repayment standards.

Staff recommends that the Board adopt the attached Resolution Approving a Plan to Finance Certain Public Facilities Projects Through the Issuance of Revenue Bonds by the Economic Development

Authority of the County of Albemarle (Attachment B) and authorize the Chairman of the Board and the County Executive to execute all necessary financing documents after approval as to substance and form by the County Attorney.”

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Ms. Betty Burrell introduced Mr. Courtney Rogers from the County's Financial Advisors, Davenport and Company.

Mr. Rogers addressed the Board, stating that the resolution before them today is for the County's FY14 CIP needs and reimbursement for some FY13 projects, including the Crozet Library, the Rio Library and storage facility, and the Seminole Trail Fire and Rescue as the largest of the projects. He said that some of the projects have a seven-year life, some have 10, and some have 20. Mr. Rogers stated that the bonds will be issued as lease-revenue bonds through the Economic Development Authority, and they have issued them as 24-month bonds. The last bond issue was November, 2011. He stated that the plan is to go to New York to discuss the County's issuer credit rating, which he anticipates will stay at the AAA level. Mr. Rogers said that when they issue lease-revenue bonds, they are typically AA because of the nature of those appropriations.

He stated that it has been an interesting year for interest rates, with some significant increases over the year and investors pulling their money out of the municipal bond market for the last 20 weeks. Mr. Rogers said that much of the County's \$35 to \$40 million in municipal bond issuances is based on large bond funds from primary investors, and those bonds have had to be sold in order to pay for the selloffs. He stated that this supply and demand issue has driven the rates higher than normal during the summer months, and refinancing of existing bonds no longer make sense. Mr. Rogers said that over the last 30 days rates have been coming back down, and the timing seems to be working to the County's advantage because of the lack of supply of bonds. They are looking for closing slated for mid-November. He stated that the rates are about 20 basis points – or about 1/5 of 1% higher than they were two years ago.

Mr. Rooker asked what interest rates and maturity dates they would be looking at for the bonds. Mr. Rogers responded that they would be issuing an absolute final maturity of 20 years, and there are some projects that would be amortized over seven or 10 years, such as equipment. He said that they will be looking at rates between 4 to 5%, with planning numbers being in the 4 to 5.5% range when they were compiled a few years ago.

Mr. Snow **moved** to adopt the proposed resolution approving a Plan to Finance Certain Public Facilities Projects Through the Issuance of Revenue Bonds by the Economic Development Authority of the County of Albemarle and authorized the Chairman of the Board and the County Executive to execute all necessary financing documents after approval as to substance and form by the County Attorney. Mr. Rooker **seconded** the motion.

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

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

**RESOLUTION APPROVING A PLAN TO FINANCE CERTAIN PUBLIC FACILITIES  
PROJECTS THROUGH THE ISSUANCE OF REVENUE BONDS BY THE ECONOMIC  
DEVELOPMENT AUTHORITY OF THE COUNTY OF ALBEMARLE**

**WHEREAS**, the Industrial Development Authority of Albemarle County, Virginia (now the Economic Development Authority of Albemarle County, Virginia) (the “Authority”), pursuant to the Industrial Development and Revenue Bond Act (the “Act”) under which it is created, is authorized to exercise all the powers set forth in the Act, which include, among other things, the power to make loans to, among others, a county in furtherance of the Act, to finance or refinance and lease facilities for use by, among others, a county, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source, as security for the payment of principal of and interest on any such obligations; and

**WHEREAS**, the Board of Supervisors of Albemarle County, Virginia (the “County”) desires to reimburse or finance, in conjunction with the Authority, costs described in the County's Capital Improvement Plans for Fiscal Years 2013 and 2014 (collectively, the “CIP Project”); and

**WHEREAS**, the County desires to request the Authority to issue its Public Facility Revenue Bonds (Albemarle County Project), Series 2013 (the “Bonds”), and use the proceeds to (a) reimburse or finance costs of the CIP Project and (b) pay the related costs of issuing the Bonds; and

**WHEREAS**, the Bonds will be secured in part by payments appropriated from time to time by the Board of Supervisors and payable to the Authority in accordance with the terms of the Financing Agreement (as defined herein); and

**WHEREAS**, to improve the marketing of the Bonds at attractive interest rates, Davenport & Company LLC, the County's financial advisor (the “Financial Advisor”), has recommended that the County consider providing additional security for the Bonds by undertaking a lease/lease-back financing arrangement with the Authority of certain County property (the “Property”); and



**WHEREAS**, there have been circulated prior to this meeting drafts of the following documents (collectively, the "Documents"), proposed in connection with the issuance and sale of the Bonds:

- (a) Third Supplemental Agreement of Trust, supplementing the Agreement of Trust dated as of March 1, 2003, as previously supplemented (collectively, the "Trust Agreement"), all between the Authority and U.S. Bank National Association, as successor trustee (the "Trustee"), pursuant to which the Bonds are to be issued;
- (b) Second Supplemental Financing Agreement (the "Supplemental Financing Agreement"), supplementing a Financing Agreement dated as of March 1, 2003, as previously supplemented (collectively, the "Financing Agreement"), all between the Authority and the County, pursuant to which the Authority will loan the proceeds of the Bonds to the County and the County will undertake, subject to appropriation, to make payments to the Authority in amounts sufficient to pay the principal of and premium, if any, and interest on the Bonds and certain other related costs;
- (c) Preliminary Official Statement of the Authority relating to the public offering of the Bonds (the "Preliminary Official Statement");
- (d) Notice of Sale (attached as Appendix H to the Preliminary Official Statement) (the "Notice of Sale") (applicable only if the Bonds are sold through a competitive sale);
- (e) Continuing Disclosure Agreement (attached as Appendix F to the Preliminary Official Statement), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds;
- (f) Deed and Agreement of Ground Lease (the "Ground Lease"), between the Authority and the County, conveying to the Authority a leasehold interest in certain County real property as hereinafter described (the "Property");
- (g) Deed and Agreement of Financing Lease, between the Authority and the County (the "Financing Lease"), conveying to the County a subleasehold interest in the Property; and
- (h) Assignment Agreement (the "Assignment Agreement"), between the Authority and the Trustee, assigning to the Trustee certain rights of the Authority under the Ground Lease and the Financing Lease.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:**

1. The following plan for financing the CIP Project is hereby approved. The Authority will issue the Bonds in an aggregate principal amount not to exceed \$40,000,000. The Authority will use the proceeds of the Bonds to reimburse or finance costs of the CIP Project and pay the costs of issuing the Bonds. Pursuant to the Financing Agreement, the County will undertake to make certain Basic Payments and Additional Payments (each as defined in the Financing Agreement) to the Authority in amounts sufficient to amortize the Bonds, to pay the fees or expenses of the Authority and the Trustee and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bonds will be limited to Basic Payments and Additional Payments received from the County. The Bonds will be secured in part by an assignment of the Basic Payments and certain Additional Payments due under the Financing Agreement, all for the benefit of the holders of the Bonds. The undertaking by the County to make Basic Payments and Additional Payments will be subject to the appropriation by the Board of Supervisors from time to time of sufficient amounts for such purposes. As additional security for the Bonds, the County will grant to the Authority a leasehold interest in the Property pursuant to the terms of the Ground Lease. The Authority will sublease the Property to the County pursuant to the terms of the Financing Lease. The County Executive is authorized to determine, in consultation with the Financial Advisor as to what would improve the marketing of the Bonds at attractive interest rates, which one or more of the following County-owned properties shall constitute the "Property" for purposes of the Ground Lease and the Financing Lease: (a) the 5<sup>th</sup> Street Office Building, (b) the Crozet Library, and (c) the Rio Property Library and County storage facility. Payments due under the Financing Lease will be credited in an amount and time to the extent the County makes all Basic Payments and Additional Payments due under the Financing Agreement with respect to the Bonds. The plan of financing the CIP Project shall contain such additional requirements and provisions as may be approved by the County Executive and the Chairman or Vice Chairman of the Authority.

2. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make appropriations in future fiscal years in amounts sufficient to make all payments due under the Financing Agreement, which payments, as applicable, shall be credited toward the payment of amounts due under the Financing Lease, and hereby recommends that future Board of Supervisors do likewise during the term of the Financing Agreement and, if applicable, the Financing Lease. The Board of Supervisors hereby confirms that the CIP Project is essential to the efficient operation of the County and the Board of Supervisors anticipates that the CIP Project will continue to be essential to the operation of the County during the term of the Financing Agreement and the Financing Lease.

3. The Chairman of the Board of Supervisors and the County Executive, either of whom may act, are hereby authorized and directed to execute the Documents to which the County is a signatory, which shall be in substantially the forms circulated prior to this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by

the officer signing such Documents, the execution and delivery thereof to constitute conclusive evidence of the officer's approval of any such completions, omissions, insertions and changes. The County Attorney is hereby authorized to cause the Ground Lease, the Financing Lease, the Assignment Agreement and other documents as are necessary to be recorded in the Clerk's Office of the Circuit Court of Albemarle County.

4. In making completions to the Supplemental Financing Agreement and the Financing Lease, the County Executive, in collaboration with Financial Advisor and the Authority, shall provide for Annual Payments (under the Financing Agreement) and Basic Payments (under the Financing Lease) in amounts equivalent to the payments on the Bonds, which shall be sold to the purchaser thereof on terms as shall be satisfactory to the County Executive; provided that the Annual Payments/Basic Payments shall be equivalent to the Bonds (a) maturing in installments or subject to mandatory sinking fund redemption ending not later than December 31, 2033; (b) having a true or "Canadian" interest cost not exceeding 5.0% (taking into account any original issue discount or premium); (c) being subject to optional redemption, if at all, at a premium not to exceed 102% of their principal amount; and (d) being sold to the purchaser thereof at a price not less than 98% of the aggregate principal amount thereof (without taking into account any original issue discount or premium). The County Executive is also authorized to approve a lesser principal amount for the Bonds, a maturity schedule (including serial maturities and term maturities for the Bonds) and the redemptions provisions of the Bonds, all as the County Executive shall determine to be in the best interest of the County.

5. The Board of Supervisors approves the following terms of the sale of the Bonds:

(a) The Bonds shall be sold through a competitive sale or a negotiated sale, as the County Executive, in collaboration with the Financial Advisor and the Authority, determines to be in the best interests of the County.

(b) If the County Executive determines that the Bonds shall be sold by competitive sale, the County Executive is authorized to receive bids for such Bonds and award such Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 4. Following a competitive sale, the County Executive shall file a certificate with the Authority and the Board of Supervisors setting forth the final terms of the Bonds. The actions of the County Executive in selling the Bonds by competitive sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board of Supervisors.

(c) If the Bonds are sold by competitive bid, the County Executive, in collaboration with the Financial Advisor, is authorized and directed to take all proper steps to advertise the Bonds for sale substantially in accordance with the form of Notice of Sale, which is hereby approved; provided that the County Executive, in collaboration with the Financial Advisor, may make such changes in the Notice of Sale not inconsistent with this Resolution as he may consider to be in the best interest of the County.

(d) If the County Executive determines that the Bonds shall be sold by negotiated sale, the County Executive is authorized, in collaboration with the Financial Advisor and the Authority, to choose an investment bank(s) or firm(s) to serve as underwriter for the Bonds and to execute and deliver to the underwriter(s) a bond purchase agreement (the "Bond Purchase Agreement") in a form to be approved by the County Executive in consultation with the County Attorney and the County's bond counsel. The execution thereof by the County Executive shall constitute conclusive evidence of his approval of the Bond Purchase Agreement. Following a negotiated sale, the County Executive shall file a copy of the Bond Purchase Agreement with the records of the Board. The actions of the County Executive in selling the Bonds by negotiated sale to the underwriter(s) shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board of Supervisors.

6. The Preliminary Official Statement in the form circulated prior to this meeting is approved with respect to the information contained therein (excluding information pertaining to the Authority). The County authorizes distribution of the Preliminary Official Statement to prospective purchasers of the Bonds in a form deemed to be "near final," within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Executive. Such distribution shall constitute conclusive evidence that the County has deemed the Preliminary Official Statement to be final as of its date within the meaning of the Rule, with respect to the information therein pertaining to the County. The County Executive is authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement that are necessary to reflect the terms of the sale of the Bonds, determined as set forth in paragraph 4, and the details thereof and that are appropriate to complete it as an official statement in final form (the "Official Statement") and distribution thereof to the purchaser of the Bonds shall constitute conclusive evidence that the County has deemed the Official Statement final as of its date within the meaning of the Rule.

7. The County covenants that it shall not take or omit to take any action the taking or omission of which shall cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations thereunder, or otherwise cause interest on the Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States of America any part of the earnings derived from the investment of the gross proceeds of the Bonds. The County shall pay from its legally available general funds any amount required to be rebated to the United States of America pursuant to the Code.

8. All costs and expenses in connection with the financing of the CIP Project and the issuance of the Bonds, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel

for the Authority, and the Financial Advisor for the sale of the Bonds shall be paid from the proceeds of the Bonds or other legally available funds of the County. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

9. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

10. All other acts of the County Executive and other officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby approved and ratified.

11. This Resolution shall take effect immediately.

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Agenda Item No. 10. Virginia Tourism Development Financing Program - Tourism Zone Ordinance **(continued from September 4, 2013).**

The following executive summary was forwarded to Board members:

“The State has established a financing program (the Virginia Tourism Development Financing Program, hereinafter, the “Program”) for qualifying Virginia tourism development projects (hereinafter, “Project”). The Program enables localities to provide economic and regulatory incentives for Projects that are identified as critical to local economic development and are developed in partnership with developers, localities, financial institutions, the Virginia Tourism Corporation and the Virginia Resources Authority.

The Program was introduced to the Board at its April 3, 2013 meeting by County staff and representatives from the Virginia Tourism Corporation and the Virginia Resources Authority. The Board directed staff to provide additional information, including specific critical tourism infrastructure deficiencies in the County that might be appropriate for consideration. At a subsequent presentation to the Board on June 5, 2013, staff recommended that the Board consider an ordinance to establish a tourism zone in the Crozet Development Area, noting the significant deficiency of lodging in western Albemarle County. Without the prominent highway visibility and higher density that exists in other development areas, a smaller scale boutique hotel project could benefit from this program by strengthening its position for lender financing.

The Program can only be used for projects located in designated tourism zones, which must be established by ordinance. A public hearing on the proposed ordinance to establish a tourism zone in the Crozet Development Area, which would establish the tourism zone’s boundaries and identify the tourism zone’s purpose, was held on September 4, 2013. During the discussion, Board members raised several questions, which staff will address below.

On September 4, 2013, Board members raised the following questions:

**What is the duration of the financing incentive?**

Sales tax entitlement will continue as long as there is outstanding debt, which will be determined by the structure of the debt financing package. Both the state comptroller and the County have the ability through the terms of the project’s performance agreement to ensure that the debt structuring arrangement is not abusive in the length of time that is being proposed to retire the debt. Tax incentives cannot be provided for longer than twenty years.

**In the case of a hotel that includes a restaurant, is there a way to segregate the state’s 1% sales tax so that project gap financing was only coming from hotel rooms and not from restaurant revenues?** Staff understands this question to reflect the Board’s concern that the Program might inadvertently subsidize a restaurant in a hotel, which otherwise should be competing with restaurants in the general vicinity. According to information from staff at Virginia Resources Authority, it is possible to segregate the sales tax streams depending on how the “authorized tourism project” is identified in the performance agreement and implementing ordinances and how the project is defined with the Department of Taxation. The hotel could be listed as one business with the Department of Taxation and the restaurant could be listed as a separate business with two distinct Employer Identification Numbers (EINs), so that revenues can be segregated by enterprise. Although it is easy to separate hotel from restaurant Virginia sales tax revenue that is paid to the state (to be returned to pay off the gap financing) by the use of assigned EINs, it will not be easy to separate the larger financing support to the restaurant operations. An onsite restaurant may not exist because the hotel may not exist without the gap financing. It is important to note that a significant number of hotel restaurants are intended to serve as an auxiliary activity to support the lodging function, like an onsite gift store, as opposed to a distinct destination like a freestanding restaurant.

**Can the program support fully funded projects?** This program is intended to provide gap financing, so a fully funded project would not be considered eligible by the Virginia Tourism Corporation, which oversees the program. There must be a gap between the cost of the project and the debt capital (loan) or equity capital, or a combination thereof, for the project. There are reasons that a project may be challenged to receive full traditional financing that do not reflect a lack of viability of the project itself. For example, while a small boutique hotel in the Crozet area may be of a size and scale to fit the community’s needs and succeed in that market, it may not

produce the same profit margin and investment desirability as a large national chain hotel with significantly more rooms. The program is intended to finance solid, desirable projects where there is a shortfall in project funding.

Other risk management considerations:

1. Any loan would be between the developer and the lender only. The lender would be underwriting the loan based on certain tax entitlement assumptions. The Board could explicitly state in the performance agreement that the County does not guarantee, in any way, the amount of sales or other tax revenue generated by the project.
2. The Program will be developed to ensure, and any performance agreement with a developer will expressly provide, that there will be no risk to the County and no obligation to pay the loan under a "gap financing" Program.

**How would multiple applications be considered?** The Board has the ability to set a threshold to quantify the lodging deficiency that needs to be addressed, i.e. number of rooms. The Board could then consider individual projects based on how well they address the target lodging deficiency and the expected return on investment (ROI) both in financial terms and in supporting the tourism infrastructure in Western Albemarle County. The Board could choose to support one or more projects depending on whether they provide the desired number of rooms either individually or in combination and whether they generate a favorable ROI for the County. Elements of the ROI analysis could include job creation, capital investment, tax revenues, and the business' ability to leverage existing resources/assets.

**Program Highlights:**

- Establishing a tourism zone does not itself convey any incentives, either financial or regulatory, to any project. The tourism zone is a tool that provides for the possibility of gap financing for a project deemed appropriate and desirable by the Board.
- The Board has complete discretion over which, if any projects, would be considered under the Program, and over the terms of the performance agreement that would govern the project(s).
- The tourism zone is focused on accelerating or making possible projects that address an identified tourism deficiency, benefit the County's tourism infrastructure, and provide a positive ROI.
- The funding in this program is derived from expected future tax revenues that a project will generate, rather than existing tax revenue, and the County can choose which revenue source it will use to match the state funds.
- The sole identified tourism deficiency at this point is lodging in the Crozet development area, so only projects that address that deficiency, support the County's larger tourism strategy and grow the existing cluster of tourism assets in Western Albemarle County would be considered for the gap financing program.

In order for any future projects to be considered for the Virginia Tourism Development Financing Program, a Tourism Development Plan must be filed with the Virginia Tourism Corporation at a cost of \$500.00 to the County. Some staff time would be required from economic development staff and the County Attorney's Office to assist with several elements of the program, similar to what was required for the Governors Opportunity Fund/Economic Opportunity Fund grants to MicroAire. Any matching contribution to a future Project would be offset by tax revenue generated by the Project.

Staff recommends that the Board adopt the attached proposed Tourism Zone ordinance (Attachment A), which includes the tourism zone map."

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, said that this item has been before the Board several times before and is a new concept needing close and careful vetting. Ms. Catlin said that there has been a significant deficiency in lodging recognized in the western part of the County, and they have discussed the fact that without the prominent highway visibility and density that exists in other development areas, a smaller scale boutique-style hotel could benefit from the program by strengthening its position for lender financing. She stated staff had come to the Board's last meeting with a proposed ordinance for establishing a tourism zone in the Crozet Development Area. The Board had mentioned several issues for which it wanted more information.

Ms. Catlin said there was a question about the duration of the financing incentive, and the sales tax entitlement will continue as long as there is outstanding debt – which is determined by the structure of the debt financing package. She stated that both the State Comptroller's office and the Board have the ability through the terms of the project's performance agreement to ensure that the debt structuring arrangement is appropriate and acceptable to them and not abusive in its term of length, and tax incentives cannot be provided for longer than 20 years.

Ms. Catlin said there was a question about a hotel that might include a restaurant and segregating the sales tax so the gap financing is only coming from the hotel and not the restaurant revenues. The Virginia Resources Authority has confirmed that it is possible to segregate the tax streams coming from the hotel and restaurant. She said that it would depend on how the tourism project is defined in the performance agreement; the hotel could be listed as one business with the Department of Taxation with the restaurant as a separate business with a different tax number. Ms. Catlin stated that it would be really difficult, however, to separate the larger financing support that a restaurant in a hotel would receive.

Ms. Mallek said that would just be factored into their rent, which is put in their operational cost.

Mr. Boyd asked if sales tax also include meals tax in terms of tax rebates. Mr. Davis clarified that the meals tax is a separate tax, and the state program speaks in terms of "sales tax" and not "meals tax."

Ms. Catlin said that another question that arose was whether the program can support fully funded projects, but it is established to provide gap financing so a fully funded project would not be considered eligible by the Virginia Tourism Corporation – which has stated specifically that there must be a gap between the cost of a project and the debt capital or equity capital, or a combination thereof that is in hand for the project. She said that there are reasons why a project may be challenged to receive the full traditional financing that does not reflect a lack of viability of the project itself. For example, a small scale hotel in Crozet might be the right size and scale to fit into that community and succeed in the market, it may not produce the same kind of profit margin and investment desirability as a large national chain hotel with more rooms – so that developer may have a harder time financing even though the project may be very viable. Ms. Catlin said that the program is intended to finance solid, desirable projects where there is a shortfall in project funding.

Mr. Boyd asked if there was a debt-equity ratio that would be considered unacceptable. Ms. Catlin responded that she is not sure if there are parameters for that; the person has to come forward with the 80% solid.

Mr. Boyd asked if a project would be eligible for the program if it had 40% equity and 60% debt. Ms. Catlin clarified that you must have a combination of 80% of equity and debt capital.

Mr. Rooker said there is not a required percentage between debt and equity. The project has to have a package that shows it can get 80% from sources other than this program. He has not seen anything regarding limitation of the percentage breakdown between debt and equity in the 80% component.

Ms. Catlin stated that any loan that encapsulates the 20% would be between the developer and lender only, and the Board could state explicitly in the performance agreement that it does not guarantee in any way the amount of sales tax coming back. She said that the performance agreement with the developer will expressly provide that there is no risk to the County and no obligation to pay the loan under the gap financing program.

Ms. Catlin said that the last question the Board raised was how multiple applications might be considered. The Board has the ability to quantify the lodging deficiency that needs to be addressed – such as a certain number of hotel rooms to meet the deficiency. She said that the Board could then consider individual projects as they came forward based on how well they address the identified deficiency and the expected return on investment – both in financial terms and in supporting the tourism infrastructure in western Albemarle County. Ms. Catlin clarified that the Board could choose to support one or a combination of projects that would get it to a desired number of rooms that would be held to the standard of generating a favorable return on investment for the County. She said that in analyzing ROI, staff would consider job creation, capital investment, tax revenues, and the business's ability to leverage existing tourism resources and assets in the area.

Ms. Catlin reiterated that establishing the tourism zone does not in itself convey any incentives – either financial or regulatory – to any project. It is a tool that provides for the possibility of gap financing for a project the Board deems appropriate and desirable. She also mentioned that there has been significant serious interest with one applicant regarding this financing possibility, so this is not just a theoretical exercise anymore. Ms. Catlin stated that the Board has complete discretion over which, if any, projects would be considered under the program, and over the terms of the performance agreement that will govern the project.

Ms. Catlin said that this is not an arbitrary or random zone. It is focused on accelerating and making possible projects that address identified tourism deficiencies, benefit infrastructure, and provide a positive ROI, so the County is reaping benefits from the program. She stated that funding in the program is expected from future tax revenues that a project will generate, rather than existing tax revenue, and the County can choose which revenue source it will use to match the state funds. She stated that the sole identified tourism deficiency at this point is lodging in the Crozet development area, so only projects that address that deficiency, support a larger tourism strategy, and grow the existing cluster of tourism assets in western Albemarle County would be considered for this gap financing program.

Mr. Thomas asked for clarification on Old Trail, and whether it was stipulated to have a hotel but not a restaurant. Ms. Mallek said there are several restaurants in Old Trail. Ms. Catlin stated that it has the capability for both a hotel and restaurant at this point.

Mr. Boyd asked why a similar situation would not be recognized in the Village of Rivanna, given the lack of hotel accommodations in that part of the County. Ms. Catlin replied that there is nothing to say that if this zone was established the staff would not look at other areas – this is simply what met their highest and most definable area of need, given the tourism assets in Crozet. She said that there's nothing to say that once this got up and running, if there were other areas to be considered, that they could not be looked at as well.

Mr. Boyd asked if staff would propose that the Board establish some sort of policy as to how to go about evaluating and qualifying projects. He said that if the Board does move forward with this, he feels it should establish firm guidelines because there will be multiple cases. Ms. Mallek said that she hopes that

would be the case, and if the Board decides to establish the zone, there will be more details coming from the state in terms of setting this up.

Ms. Catlin confirmed that there will be a tourism plan and a performance agreement for each unique project, which lay out specifically what that project will provide. The Board could certainly have some overarching guiding principles as far as what it could consider coming in.

Mr. Rooker said that to him it seems the Board needs to come to the conclusion that there is a critical need that will not be satisfied by the marketplace without this kind of assistance. The Board has identified Crozet as being in a unique circumstance – given the number of wineries, the number of events, and the distance of that area to existing hotels. He stated that the Board has to receive that kind of information in order to make a judgment about a project, as not every area is going to be in the same situation.

Mr. Rooker said that he asked many questions about this program, and expressed concern about the County giving away tax revenues for things that would happen anyway – but he is convinced that it is unlikely something will come forward to satisfy what has been identified as a critical need in this particular area, and there is a potential project now that might come forward if the board proceeds with the tourism zone. He stated that the ordinance does not seem to limit itself to the critical need the Board defined or the limitations of the zone.

Ms. Catlin stated that the ordinance provides the language that says “qualifying tourism development projects identified as critical and which address specific critical tourism infrastructure deficiencies under criteria to be established by the Board.” She said that staff has already identified that in previous sessions as lodging in western Albemarle, so the language in the ordinance refers to the work the Board has already done. If another deficiency is identified in the future, this would allow the possibility for that without having to change the ordinance.

Mr. Rooker said that there is no formal action to identify the critical needs, and he suggested adopting some language to recognize the critical need for lodging in the western Albemarle or Crozet area.

Mr. Snow stated that the Board could do that quite simply, with an additional statement.

Mr. Davis said that the statute envisions the ordinance as just an umbrella, with the defining criteria to be formally established in the plan adopted by ordinance in the next step of the process.

Ms. Mallek clarified that it would be the plan that the applicant would put together and bring back to the Board for adoption at the second step.

Mr. Rooker said that the general critical need is not something an applicant identifies – the Board does, and then makes this available pursuant to that. He stated that at some point for future projects, the critical need no longer exists.

Mr. Davis explained that this would be a decision of the Board at the time of the plan being proposed. The statute refers to deficiencies under criteria “to be established by the Board in conjunction with other requirements of §58.138-51.1.” He said that section lays out the three-step process as to how a financing project is approved. Once the Board establishes the umbrella ordinance that allows projects to be considered, the specific criteria the Board would want to approve would be defined and clarified in the second step – which is approval of the plan.

Mr. Greg Kamptner, Deputy County Attorney, said that the third step would be an ordinance that authorizes a specific project, and that ordinance will identify the specific deficiency being addressed.

Mr. Snow stated that each project stands alone. The Board has the ability to decide each one independently of one another. He supports the language the way it is written.

Mr. Foley said that through the rest of the process, the Board will accomplish what Mr. Rooker has mentioned – and the Code stipulates how that must happen.

Mr. Boyd asked if there has been any further estimate as to how much time and effort will be needed from staff in order to get involved in one of these plans. Mr. Foley said that the return on investment for just this one project will easily offset staff's time involved in establishing something that would not have otherwise existed.

Mr. Boyd stated that he agrees with that as a generic statement, but this is something the Board needs to consider as part of the decision-making process in the future. For example, if it is going to take hours of legal time or Community Development time, it is a cost to the County.

Mr. Foley said that the premise here is that these are projects that would not occur if the County did not otherwise provide this program and make this investment. He added that he thinks the return on each project will far outweigh the staff time put into it – particularly after they get through this first round to establish the ordinance allowing this to occur in the future.

Mr. Rooker agreed with Mr. Boyd that staff time must be considered as a cost component of any project undertaken, and said there is no return on investment unless they are convinced that without County participation, the project could not go forward.

Mr. Boyd said that he is not convinced of that, but will support the ordinance.

Mr. Craddock commented that a number of hotels in the western area have closed over the last five years, including the Greenwood Motel, the Tidbit Hotel, etc., and if there was a great need someone would have stepped in before now – but maybe it was the gap financing. The area has changed so much over the last five years this probably will be a good idea.

Mr. Rooker noted that those properties were not necessarily the types of properties that would attract the type of clientele that this program envisions.

Mr. Craddock agreed that these were “Route 66” types of lodging.

Ms. Mallek said that everything has evolved so much in the last decade.

Ms. Mallek **then moved** to adopt the proposed Tourism Zone Ordinance and Tourism Zone Map as presented. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

### ORDINANCE NO. 13-A(2)

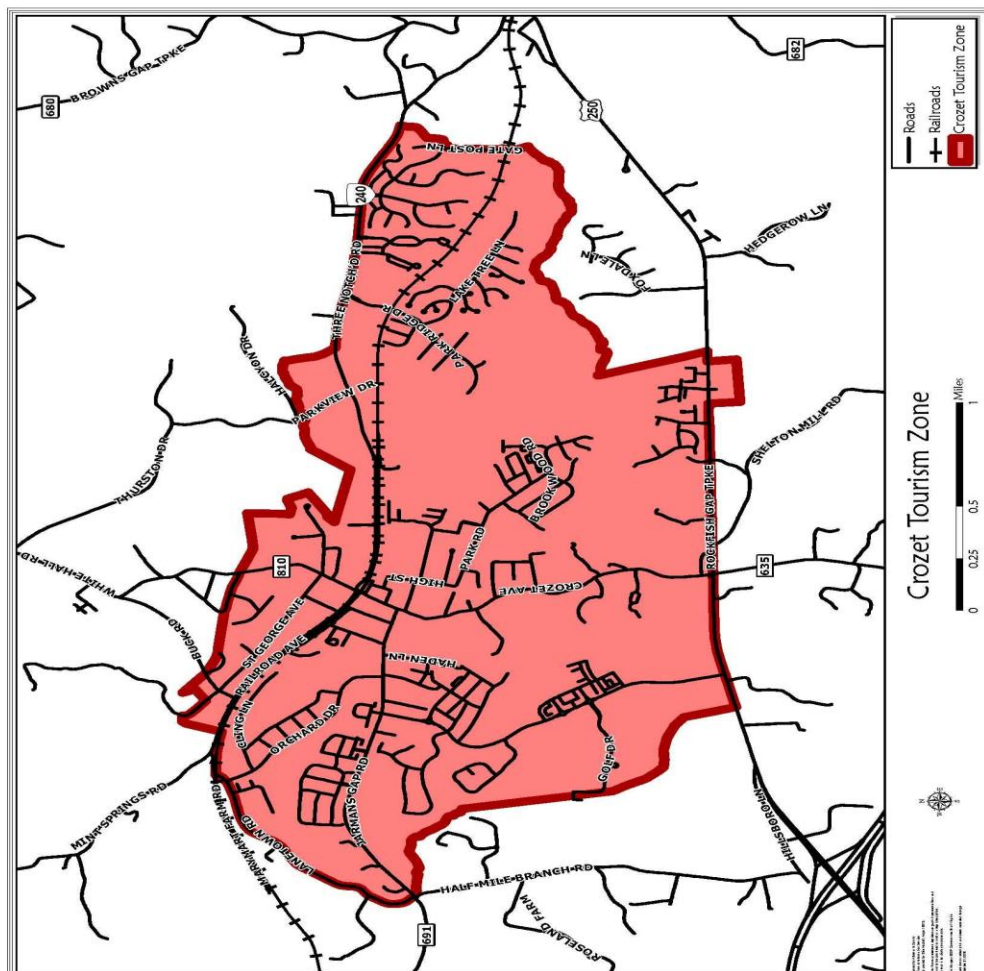
#### AN ORDINANCE TO ESTABLISH A TOURISM ZONE PURSUANT TO VIRGINIA CODE § 58.1-3851 COTERMINOUS WITH THE BOUNDARIES OF THE CROZET DEVELOPMENT AREA

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that, pursuant to the authority contained in Virginia Code § 58.1-3851, a tourism zone is hereby established on those lands within the boundaries of the tourism zone shown on the map attached as Exhibit A, which is incorporated herein as a part of this ordinance, and which boundaries are coterminous with the boundaries of the Crozet Development Area as depicted in the Crozet Master Plan; and

BE IT FURTHER ORDAINED that the tourism zone established by this ordinance shall be named the “Crozet Tourism Zone”; and

BE IT FURTHER ORDAINED that the purpose of the tourism zone will be to provide a gap financing mechanism authorized by Virginia Code § 58.1-3851.1 for those qualifying tourism development projects identified as critical and which address specific critical tourism infrastructure deficiencies under criteria to be established by the Board of Supervisors in conjunction with satisfying all other requirements of Virginia Code § 58.1-3851.1.

**This ordinance shall be effective immediately.**





Agenda Item No. 11. Extending High Speed Internet Service to Rural Areas.

The following executive summary was forwarded to Board members:

“The Board directed staff to research grant funding and other strategies to advance the availability of High Speed Internet to underserved areas of the County. Some rural areas of the County currently have no options to access High Speed internet other than Satellite Service. Staff is analyzing how High Speed (3mbps+) connections can be provided to these rural communities. Specifically, staff is working with the School Division, Thomas Jefferson Planning District Commission, and the University of Virginia in efforts to establish a working relationship between the County and one or more Telecommunication Providers to promote an interest by them to provide High Speed Internet to the underserved areas of the County.

Staff researched the two available grant funding mechanisms and determined that one requires that an existing Telecommunication Provider be the applicant and the other requires that the County set up a Service Authority in order to apply for the funds. Staff plans to focus on the first funding mechanism and establish a working relationship with one or more Telecommunication Providers.

The Virginia Broadband Map: <http://gismaps.vita.virginia.gov/broadband/> provides an overview of broadband availability throughout the Commonwealth. The map indicates a lack of service availability in many areas of the County. Staff suggests a multi-step process to develop a plan to serve those areas:

1. Invite Telecommunication Providers to the County to discuss the broadband map at a roundtable. Staff will ask for plans, ideas and known funding sources to help facilitate additional service installation. The goal of the roundtable will be to identify the barriers to providing services in select rural areas. One of the outcomes may be the development and deployment of a coordinated survey of underserved areas to determine existing service quality, interest in a higher level of service, and an acceptable rate (dollars per month) customers might be willing to pay.
2. Telecommunication Providers interested in providing service will then develop ideas and suggest ways staff can assist in the High Speed Internet installation efforts. One of the mechanisms may be a joint application for grant funds.
3. The results of the roundtable and Telecommunication Providers' responses will be summarized and provided to the Board for further discussion.

The only direct budget impact of moving forward as proposed will be the utilization of staff time.

Staff recommends that the Board direct staff to proceed with the proposed roundtable and report back to the Board with a summary of the information obtained from the Telecommunication Providers.

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Mr. Bill Letteri, Assistant County Executive, said that before beginning with this presentation, he wanted to echo Mr. Foley's comments regarding the Finance Department. He has had the privilege of working with Finance Department staff over the last few years and wants to reinforce that the County is very fortunate to have such a committed and dedicated staff. He added that the Finance staff not only takes care of local government, but also schools, which is quite an effort.

Mr. Letteri reported that the subject of expanding high-speed broadband has been discussed by this Board on a number of occasions, as well as around the state and nation. Access to high-speed internet is becoming an increasingly important aspect related to quality of life and even necessity. He stated that counties like Albemarle are challenged because there is such a large geographic area to cover and varying densities that make it challenging economically to extend services in some of those areas, and it is difficult to provide uniform services for all of those citizens.

Ms. Mallek commented that the mountain terrain is also a big factor.

Mr. Letteri said that at this meeting, staff would clarify what is meant by extending broadband services, discuss the various forms and technologies for providing internet service, review the current state of service, and outline suggestions as to how the County might engage partnerships with some of the providers and leverage grant opportunities. He stated that this is just informational, and no action is expected.

Mr. Mike Culp, Director of Information Technology, said that the County was involved with GigU, a statement issued through UVA that gigabit internet is a goal for most communities. The County also applied for Google fiber, which was awarded to Kansas City and rolled out to Toledo, Ohio, and other areas. He said that Google was getting very involved in the progressive deployment of fiber networks throughout the United States, and there is still an opportunity for Google to come in and make that type of capital expenditure here. Mr. Culp stated that the County is trying to incentivize but not pressure some of the providers to step up to the plate a little more, with the goal of extending reliable high-speed internet to underserved areas of the County.

He reported that fiber is the fastest and most expensive medium to implement. Comcast is the main provider of coaxial cable in Albemarle and they use a television cable with a digital service for internet available through that, with high-speed capability. Mr. Culp said that the most prevalent medium is digital subscriber line, which is an internet service provided through the copper lines for telephone



service. He stated that there are pros and cons with this service, but it is very reliable and is available throughout many portions of the County.

Mr. Culp said that with wireless technology, there is 4G long-term evolution, which is the latest environment for providers – Verizon, AT&T, and Sprint – and the highest speed available through a data plan. He said that the challenge for providers is not only the amount of towers in the County but the capital expense of replacing the equipment, and the question of whether someone would just put in more towers to provide a broader umbrella of coverage over the area.

Mr. Snow asked if 4G LTE is able to cover a large area. Mr. Culp responded that the radios are more powerful, but the County still has a problem with foliage and terrain, and that challenge has more to do with bandwidth as it is easier for longer wave bands to make it through buildings, etc. He said that it does not expand the service as much; it just makes it faster.

Mr. Culp stated that the final high-speed option is satellite internet, with companies such as Hughes Net, but this is an expensive solution with those customers paying more than they would with services like Century Link.

He then presented a map showing the current broadband availability in the County, and pointed out that it is much more prevalent in the Valley than it is here – especially when looking at the southern parts of Albemarle. Mr. Culp said that the most prevalent medium here is DSL, but there are still numerous gaps.

Mr. Thomas asked if the Valley had more coverage because of its terrain difference. Mr. Culp responded that it could be due to a number of factors, including the fact that it is Ntelos' headquarters – which has meant that lots of fiber has been deployed in the City of Waynesboro itself, more antennas, and more density.

Mr. Rooker said that the map he showed did not show wireless, and said you cannot just count the wired service. Mr. Culp responded that he could add another screen-cast that would show the wireless 4G and 4G LTE service, but it wouldn't really add much to the current spectrum of coverage – and if anything, would be duplicative.

Ms. Mallek asked about the origin of the data on the map and if it had come from the state. Mr. Culp said that it is self-reported through the telecommunication providers, and they should come in and talk to the County a bit more to clarify what they provide.

Ms. Mallek commented that the providers are probably not going to reveal that. Mr. Culp said that there is a little bit of a question about the application of layers in terms of what adding service in an area really means, as there may be coverage at one house but not the next, but it still shows up that the area "has coverage."

Ms. Mallek said that's contributing to the premature statistic of "85% coverage" that disqualifies the County for grants, because they have the wrong kind of information. Mr. Culp agreed, stating that the map shows there's coverage but does not show that it is not 100% saturation needed to serve all residents.

He said that there is also an overlay for population, fueling one of the big questions and one of the anticipated outcomes of the meetings with telecommunications providers: determining whether there are enough potential clients in an area to take on capital expenditures for more equipment. Mr. Culp commented that to him it is about economic vitality and whether this is going to be a progressive county that provides services for everyone at an affordable rate – and when compared to the Valley, Albemarle is not keeping up.

Mr. Snow said that it is not only about economic development, but about safety. When police officers go out into the County there are still areas in which they cannot get communication signals. He stated that if you asked the schools about coverage in the southern part of the County, they will say that the focus is concentrated on the urban ring – which is where coverage is anyway.

Mr. Culp stated that the police have an umbrella, as they also have the 700 MHz radios with which to communicate. Ms. Mallek said that there are still gaps in that coverage.

Mr. Foley said that staff could come back with some specifics to quantify that, as it sounds a lot worse than it is, and there are some dead spots that won't be resolved without putting a tower in. He said that Mr. Tom Hansen, the ECC Director, has been working on some new strategies and will be implementing some things to improve coverage. Staff can share those with the Board as well.

Mr. Craddock asked if the broadband has to face into the County. The 800 MHz system has to face toward the City because of the greenback telescopes and their range. Mr. Culp said that he will address that question momentarily, and said that he will discuss multiple strategies including partnerships. He explained that the "Connect America" grant is the primary way to achieve federal funds, but the applicant must be a telecommunications provider. He said that the "Community Connect" grant program requires that a community set up a broadband authority, and from a legal perspective there is a lot of work that goes into it – so the County is not actively pursuing it at this point. Mr. Culp said that the third option is the Virginia Department of Housing and Community Development telecommunications planning grant, which is \$25,000 to focus on retail and business opportunities – and it requires a local match. He said that of those three, staff is focused on Connect America as an option. Staff has established some

partnerships in order to proceed. Mr. Culp stated that staff has worked with the TJPDC and the Planning Commission, which are helping to look at grants to consider a potential regional setup.

Mr. Culp stated that staff has been working with UVA for two years now also, and they are invited to the telecommunications provider roundtable to discuss how it benefits a research university like UVA – and since they are active members of the GigU consortium, it will provide more emphasis on this region as being similar to the Research Triangle in its ability to offer fiber to most of the community. He said that the County has recently been in contact with the Center for Innovative Technology – Broadband, and they are willing to come in and help discuss how to do a survey of the area to find out the basis of need and whether people would invest in future providers. Mr. Culp stated that Google fiber created “fiberhoods” where people had to buy into the service before it was provided in order to demonstrate community interest and needed density to inform future capital investment.

Mr. Culp said that the telecommunications roundtable is set up for October 23, 2013 and telecommunications providers will come in to view the broadband map and describe any barriers to progress, ending with a request for ideas. This information will then be presented back to the Board with some recommended ideas.

Mr. Rooker said he is supportive of this approach. He then asked about the cost difference between Hughes Net service and something like Comcast. Mr. Culp responded that Hughes Net is \$51.99 per month, with a higher speed DSL from Century Link available for about \$19.99 per month. He said that the upload time on satellite is significantly greater, and a person would need a really powerful piece of equipment on your house to communicate back up.

Mr. Foley said that this raises the larger question of the targets for level of service provided, and the solutions depend on what the Board is trying to achieve.

Mr. Rooker said that it seems to him that mostly what the Board is talking about is wireless service, not wired service.

Ms. Mallek said she would not make that judgment at all.

Mr. Culp said that he would like to see a similar dynamic to Kansas City, where someone like Google comes in and puts a big investment to put fiber into all homes.

Mr. Rooker said that would be the ideal scenario, but given the lack of density here, he doubted seriously that someone would come in for a long time and offer to do the entire county. He asked if it was realistic to be talking to Comcast if they have already made a decision about how far out in the County to serve.

Ms. Mallek said they have already done Earlysville and Free Union. She said that she likes the term “fiberhood,” as the group approach has been the way they have achieved the most success. She suggested having someone from the SCC at the roundtable, because they are the agency that governs this service and might have an impact.

Mr. Boyd said that he appreciates the approach and being the facilitator for the discussion, but he would be opposed to spending taxpayer dollars to get internet service to an area – unless it is deemed to be a right as a citizen to have it, in the same way that roads and water and sewer are provided. People choose to move to the rural areas of the County and if it is not criteria when they bought their house, why should the Board make it a criteria to provide the service. He understands that Mr. Snow wants to provide parts of his district with high speed internet service, but it has to be a free enterprise system, which the County can facilitate.

Mr. Rooker said that is a good approach.

Mr. Foley stated that this would be the most helpful input from the Board, to answer the question of whether and at what point the public sector is willing to put some tax dollars in to supplement it to help turn the equation around. He said that at this point, staff is looking to facilitate private sector solutions through creative thinking.

Ms. Mallek commented that the wired service would be preferable, because what Century Link and other companies are providing to telephone clients is inexpensive and more useful in all weather. She stated that the wireless alternative in Greenwood costs \$130 a month and it knocks out every time there is a storm, factors that have made her hesitant to invest too much in just that technology.

Mr. Snow asked if there might be money in state tourism or economic development funds for this, because it is an issue for people who are trying to operate home-based businesses. Mr. Foley said that there is the \$25,000 planning grant available, but it must meet certain hard criteria in terms of promoting economic development – and at this point they are not looking at a community that has come forward and said they need help with internet service because it is hurting business.

Mr. Snow said that he has received several emails that have basically said that.

Mr. Rooker said that the Board needs to ask the question of whether it is looking to stimulate business in the rural areas, or recognizing that rural areas have some limitations on services provided. He stated that this would not meet the criteria the Board has established for use of the economic development money.

Ms. Mallek said that beyond the economic development aspects of this, there is the problem of schools assigning work to students who may not have internet service.

Mr. Foley stated that the schools have a specific project underway designed to address that challenge, but there are several phases and costs involved with each.

Mr. Snow said that there are many entities doing their own thing, and it is important that they come together in a roundtable to get everybody pulling in the same direction.

Mr. Foley said that what staff proposes today is to take another step forward with that. The School Division did come before the Board to talk about its project and get an idea as whether or not the Board might invest in upgrading the lines the schools were putting in the ground so it could provide more service. He stated that the impression the schools got from the Board was that there was uncertainty and a lot of questions about the project, but that can be looked at as part of this. Mr. Foley noted that this is happening all over the country, and it's been the private sector's initiative up to now – with some localities jumping in to do some supplementing.

Mr. Rooker pointed out that the schools were very careful to talk about not being in competition with private carriers by limiting access to their system, which is an entirely different thing than what is being talked about today.

Mr. Foley said this is a significant issue for the Board.

Mr. Snow said that the County is essentially incentivizing the individual companies to either be a part of this, or the County could find a way to do it without them.

Mr. Foley said that the question is what the incentive is, and "Connect America" is a big pot of money at the federal level to encourage the private sector to extend services that they would not otherwise be able to extend because the return isn't big enough, so the grants exist to buy down the infrastructure. He stated that the private sector has not jumped on board with this because they cannot make the equation work, which is why there is still lots of money available in the fund.

Ms. Mallek said that in discussions with Verizon, they said that if the County would give them \$200,000 they would put wire down – but they wouldn't do it unless they were paid to do it.

Mr. Foley said that the question is whether there is a profit motive, which is what business is all about, or whether they are holding back because they don't want to take a risk. He stated that staff is proposing to do what they can in terms of the private sector doing this, facilitating some discussion, and coming back to the Board in the future. Mr. Foley said if there's a sentiment among the Board that they want to assign some dollars to incentivize some things, they can decide that, but staff needs to flesh the process out first and look at the partnerships including what the schools are doing. He added that one of the reasons the area is so beautiful is because of the mountains, but it is also one of the biggest obstacles to getting coverage all over the rural areas.

Mr. Snow thanked staff for their work on this, and Mr. Culp for his presentation.

Ms. Mallek thanked staff as well, and asked how they would go about getting the map corrected.

Mr. Culp said it is a state asset. The Center for Innovative Technology is responsible for updating the map. He said that the County would have to initiate the survey or pay them to do it, and it could be accomplished with the planning grant money – but it requires a local match. Mr. Culp suggested having the neighborhoods of a certain area come in similarly to how they have before, or create an "at-home business consortium" to have them petition providers.

Ms. Mallek asked staff to bring back information on the match cost to do the survey.

Mr. Snow asked how the at-home consortium would be pulled together. Mr. Culp said that the County has a list of everyone who runs a business from home, and they could work on that after the telecommunications provider roundtable.

Mr. Foley said that staff can explore this more and report back to the Board on it.

Mr. Rooker stated that the survey information is really important in establishing how many citizens are affected which drives the importance of it on the County's list of priorities – as there is a big difference between 5,000 people and 25,000 people, and some of them may not even want high-speed internet.

Mr. Foley said that the important point here is that there are some criteria that the County may want to consider using regarding how far they go with this, how many people are being served, and at what cost. He said that the land use policies talk about providing high-level service to dense areas, so the question remains as to what they provide outside of that.

Mr. Boyd said that the roundtables with the industry should help inform this a lot, because if Comcast says they are not interested in the grants, etc., the County will know what not to expect.

Mr. Rooker said that Mr. Snow's point is valid about the right hand knowing what the left hand is doing, so it is important to have the schools at the table.

Mr. Boyd said he is interested in those details from the schools also, and hopes to see them in their CIP request.

Mr. Foley said staff has received some good feedback. Since the Board has endorsed the next step, it will help provide some additional information and moving forward with the next question.

Mr. Rooker stated that if the schools are moving forward with a high-speed internet project outside of the school buildings, it might be a good idea to consider including a private carrier through an RFP process that would make a certain amount of service available free for students with an ID – and sell the service to other people.

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Agenda Item No. 12. Closed Meeting.

At 11:18 a.m., **motion** was offered by Mr. Craddock, that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the fair labor standards act; under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to a private deed restriction; and under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the validity of a previously approved special use permit

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

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

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Agenda Item No. 13. Certify Closed Meeting.

At 1:38 p.m., 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. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

Mr. Snow **moved** to appoint Mr. Jeff Werner to the Fiscal Impact Advisory Committee, with said term to expire July 8, 2015. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 15. **Public Hearing:** FY 14 Budget Amendment and Appropriations.  
(Advertised in *The Daily Progress* on September 22, 2013.)

The following executive summary was forwarded to Board members:

“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 cumulative total of the FY 2014 appropriations itemized below is \$6,300,580.55. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2014 Budget Amendment totals \$6,300,580.55. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

General Fund	\$ 940,065.40
Special Revenue Funds	\$ 1,120,241.56
School Fund	\$ 171,667.52
ECC	\$ 1,559,974.99

Capital Improvements Funds \$ 2,508,631.08

**TOTAL ESTIMATED EXPENDITURES – All Funds \$ 6,300,580.55**

**ESTIMATED REVENUES**

Local Revenue \$ 101,734.98  
State Revenue \$ 287,000.00  
Federal Revenue \$ 522,855.75  
Loan Proceeds \$ 949,826.84  
General Fund Balance \$ 649,016.37  
Other Fund Balances \$ 3,790,146.61

**TOTAL ESTIMATED REVENUES – All Funds \$ 6,300,580.55**

The budget amendment is comprised of thirty-two (32) separate appropriations as follows, eighteen (18) of which have already been approved by the Board as indicated below:

Approved August 7, 2013:

- 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 did 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, the 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).

Approved August 14, 2013:

- One (1) appropriation (#2014025) totaling \$15,219.88 for an Emergency Communications Center grant.

Approved September 4, 2013:

- One (1) appropriation (#2014024) to appropriate \$8,524.45 for rental income and expenses related to the Old Crozet Elementary School;
- One (1) appropriation (#2014026) to allocate \$248,529.00 from the Compensation Plan Reserve to various departments. This appropriation did not increase the budget;
- One (1) appropriation (#2014027) to allocate \$17,879.00 for training and professional development for various departments. This appropriation did not increase the total budget because the funding will be allocated from the Training Pool funding;
- One (1) appropriation (#2014028) to appropriate \$20,533.00 to the Department of Voter Registration and Elections;
- One (1) appropriation (#2014029) to appropriate \$40,000.00 to the Department of Social Services for the state-funded Strengthening Families program; and
- One (1) appropriation (#2014030) to appropriate \$4,353.00 to the Office of Housing for an additional three months of funding for Virginia Supportive Housing.

The fourteen (14) appropriations requested for Board approval on October 2, 2013 are as follows:

- One (1) appropriation (#2014031) totaling \$432,212.86 to re-appropriate various internal service funds, grants, donations, and seized asset accounts;
- One (1) appropriation (#2014032) totaling \$459,179.51 to re-appropriate funding for various General Fund projects;
- One (1) appropriation (#2014033) totaling \$558.33 to appropriate donations to the Parks and Recreation Department;

- One (1) appropriation (#2014034) to re-appropriate \$2,951,749.77 for various General Government Capital Program projects;
- One (1) appropriation (#2014035) to re-appropriate \$14,166.47 for various Stormwater Capital Program projects;
- One (1) appropriation (#2014036) to re-appropriate \$ 56,551.28 for various School Capital Program projects;
- One (1) appropriation (#2014038) totaling \$265,500.00 for Emergency Communications Center appropriations;
- One (1) appropriation (#2014039) totaling \$9,000.00 to appropriate state revenue to the Police Department for temporary wages;
- One (1) appropriation (#2014040) totaling \$15,000.00 for a Department of Motor Vehicles Grant;
- One (1) appropriation (#2014041) to re-allocate \$97,500.00 for the project management services of the Northside Library and Storage Facility. This appropriation will not increase the total budget because the funding will be allocated from other Capital projects' project management services;
- One (1) appropriation (#2014042) to appropriate \$81,338.00 of funding from the Intern/Fellowship Fund to the Office of Management and Budget. This appropriation will not increase the budget;
- One (1) appropriation (#2014043) which will decrease funding by \$596,724.44, which will reconcile funding in the Capital Program actually expended in FY 13;
- One (1) appropriation (#2014044) to re-appropriate \$171,667.52 for outstanding school division purchase orders (POs); and
- One (1) appropriation (#2014046) to allocate \$9,345.00 from the Reserve for Contingencies to the Board of Supervisors for court ordered legal expenses. This appropriation will not increase the budget.

After the public hearing, staff recommends approval of the FY 2014 Budget Amendment in the amount of \$6,300,580.55 and approval of appropriations #2014031, #2014032, #2014033, #2014034, #2014035, #2014036, #2014038, #2014039, #2014040, #2014041, #2014042, #2014043, #2014044 and #2014046 to provide funds for various local government projects and programs as described in Attachment A.”

Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board, stating that Virginia code requires the County to hold a public hearing before amending the budget if the total amount of the funds appropriated exceeds 1% of the expenditures in the current adopted budget. She said the appropriations for FY14 budget included in the amendment before the Board today total \$6.3 million, and includes the appropriations already approved by the Board in August and September. Ms. Allshouse said the 14 requests for consideration are included in Attachment A of her report, and the majority of them intend to move funding forward to the new fiscal year for projects and activities that were not completed at the end of FY13. She stated that the total dollar amount for the October amendment is much less than this time last year due to the change to multi-year CIP budgeting. She added that this new approach helps streamline budget processes so CIP funding for active projects can move forward across the fiscal year more efficiently. Ms. Allshouse said three appropriations in this amendment adjust timing of funding for several of the CIP projects due to some changes in project schedules, and the request also includes appropriations of grants, donations, and other recommended budget adjustments. She said staff recommends that the Board approve the budget amendment and the appropriation requests in Attachment A.

The Chair opened the public hearing and invited comment. None was offered, and the public hearing was closed.

Mr. Rooker **moved** to approve the FY 2014 Budget Amendment in the amount of \$6,300,580.55 and **APPROVED** appropriations #2014031, #2014032, #2014033, #2014034, #2014035, #2014036, #2014038, #2014039, #2014040, #2014041, #2014042, #2014043, #2014044 and #2014046 to provide funds for various local government projects and programs. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2014031	3-8408-51000-351000-510100-9999	2,525.53	Donations - Approp FB
2014031	3-8408-18110-318000-181117-9999	350.00	Donations
2014031	4-8408-93010-493010-930009-9999	2,875.53	Transfer to GF
2014031	3-1000-51000-351000-512020-9999	2,875.53	Transfer from Fund 8408
2014031	4-1000-21070-421070-301230-1002	2,875.53	Reserve Programs
2014031	3-8407-51000-351000-510100-9999	1,084.24	App Fund Balance
2014031	4-8407-79000-479000-568755-9999	1,084.24	Natural Heritage Committee
2014031	3-1234-51000-351000-510100-9999	49,711.32	Fund Balance
2014031	4-1234-22010-422010-320000-1002	19,711.32	Temp. Help
2014031	4-1234-22010-422010-550100-1002	7,000.00	Travel/Training
2014031	4-1234-22010-422010-600100-1002	3,000.00	Office Supplies
2014031	4-1234-22010-422010-800200-1002	,000.00	Furniture
2014031	4-1234-22010-422010-800700-1002	15,000.00	Technology Equipment
2014031	3-1235-51000-351000-510100-9999	235.83	Fund Balance

2014031	4-1235-39000-439000-580905-1003	235.83	State Drug Seizures
2014031	3-1236-51000-351000-510100-9999	63,751.96	Fund Balance
2014031	4-1236-39000-439000-580905-1003	63,751.96	State Drug Seizures
2014031	3-1238-51000-351000-510100-9999	5,993.68	Fund Balance
2014031	4-1238-31013-431010-800100-1003	5,993.68	Machinery & Equipment
2014031	3-9011-51000-351000-510100-9999	26,225.00	Belvedere Bond Default Project
2014031	4-9011-91000-491000-940080-9999	26,225.00	Belvedere Bond Default Project
2014031	3-1000-51000-351000-510100-9999	\$32,044.47	App fund balance
2014031	4-1000-71002-471000-700007-1007	\$32,044.47	Transfer to Towe
2014031	3-4200-16000-316000-160502-9999	\$14,029.53	City share
2014031	3-4200-16000-316000-160503-9999	\$32,044.47	County share
2014031	4-4200-71002-471010-800501-1007	\$36,074.00	replacement vehicle
2014031	4-4200-71002-471010-800502-1007	\$10,000.00	replacement vehicle equipment
2014031	3-9200-51000-351000-510100-9999	119,471.86	App Fund Balance
2014031	4-9200-32013-412560-800500-9999	\$25,653.86	Fire Rescue
2014031	4-9200-71012-412560-800500-9999	\$78,818.00	Parks
2014031	4-9200-91085-412560-999988-9999	\$15,000.00	Emergency Replacement Contingency
2014031	3-1576-51000-351000-510100-9999	267.89	Appropriation Fund Balance
2014031	4-1576-31092-432010-800100-1003	267.89	Smoke Detector Grant
2014031	3-1598-33000-332000-330042-1003	\$107,565.00	FEMA Grant
2014031	3-1598-51000-351000-510100-9999	\$8,956.55	App fund balance
2014031	4-1598-32015-432010-110000-1003	\$40,273.00	FEMA AFG Training grant - Salaries
2014031	4-1598-32015-432010-120000-1003	\$15,000.00	FEMA AFG Training grant - Overtime
2014031	4-1598-32015-432010-210000-1003	\$4,228.38	FEMA AFG Training grant - FICA
2014031	4-1598-32015-432010-221000-1003	\$5,634.00	FEMA AFG Training grant - VRS
2014031	4-1598-32015-432010-231000-1003	7,217.00	FEMA AFG Training grant - Health Ins.
2014031	4-1598-32015-432010-232000-1003	285.00	FEMA AFG Training grant - Dental Ins.
2014031	4-1598-32015-432010-241000-1003	\$479.00	FEMA AFG Training grant - VRS Group Life
2014031	4-1598-32015-432010-250200-1003	\$0.00	FEMA AFG Training grant - Line of Duty
2014031	4-1598-32015-432010-301210-1003	\$43,405.17	FEMA AFG Training grant - Contract SVs.
2014032	3-1000-51000-351000-510100-9999	441,080.34	Use of Fund Balance
2014032	3-1000-33000-333000-330020-1005	18,099.17	DSS Revenue
2014032	4-1000-12031-412030-282000-1001	1,045.00	EDUC.-TUITION ASSISTANCE
2014032	4-1000-12141-412140-800710-1001	34,000.00	Data Processing Software
2014032	4-1000-12141-412140-125000-1001	4,400.00	Overtime
2014032	4-1000-12141-412140-210000-1001	600.00	FICA
2014032	4-1000-12141-412140-301210-1001	5,000.00	Contract Services - Temporary Services
2014032	4-1000-12200-412200-312701-1001	11,420.22	IT - KPI Data processing consultants
2014032	4-1000-12210-412200-999999-1001	28,470.00	IT - AA
2014032	4-1000-13020-413020-332104-1001	3,532.00	MAINT. CONT. - DP EQUIP.
2014032	4-1000-13020-413020-800700-1001	1,000.00	ADP Equipment
2014032	4-1000-21070-421070-301235-1002	6,453.21	Fingerprinting
2014032	4-1000-21070-421070-800100-1002	900.00	LiveScan scanner
2014032	4-1000-22010-422010-800200-1002	4,685.00	Furniture/Fixtures - Comm Atty
2014032	4-1000-31013-431010-601011-1003	25,647.30	Police PO's - Ammunition
2014032	4-1000-31013-431010-690010-1003	74,274.90	Traffic Safety Programs
2014032	4-1000-31013-431010-800125-1003	6,114.00	Police PO's - Firearms and equipment
2014032	4-1000-32012-432010-360000-1003	14,574.13	FR - Volunteer adv/marketing funding
2014032	4-1000-32012-432010-800100-1003	6,893.00	FR - Machinery & Equipment
2014032	4-1000-32013-432010-600000-1003	1,601.29	FR - Bullet-proof vests and Fire Marshall badges
2014032	4-1000-32013-432010-580015-1003	275.00	FR - Donations - Prevention Div. for public education
2014032	4-1000-32013-432010-800502-1003	20,000.00	FR - Motor Vehicle Extra Equipment
2014032	4-1000-32015-432010-310000-1003	8,750.00	FR - Professional Services - OMD
2014032	4-1000-32015-432010-360000-1003	2,500.00	FR - Ivy Advertising
2014032	4-1000-32015-432010-520300-1003	2,423.77	FR - Telecommunications
2014032	4-1000-32015-432010-561415-1003	512.12	FR - Carseat Program Donations
2014032	4-1000-32015-432010-580015-1003	5,635.00	FR - Donations to Fire/Rescue
2014032	4-1000-32015-432010-600000-1003	1,472.15	FR - Materials and Supplies
2014032	4-1000-32015-432010-601100-1003	14,343.27	FR - Uniforms and Apparel
2014032	4-1000-32015-432010-601400-1003	4,296.59	FR - Other Operating Supplies - Ambulance
2014032	4-1000-32020-432020-392000-1003	52,464.47	Vol FR - Vol Incent Program
2014032	4-1000-53011-453010-312210-1005	7,837.50	DSS - contract services
2014032	4-1000-53011-453010-600100-1005	846.25	DSS - office supplies
2014032	4-1000-53011-453010-800200-1005	9,000.00	DSS - furniture and fixtures
2014032	4-1000-53011-453010-800700-1005	1,600.00	DSS - technology equipment
2014032	4-1000-53012-453010-110000-1005	5,155.80	Temporary Employees - Salaries - Benefits Emergency Workers
2014032	4-1000-53012-453010-210000-1005	386.69	Temporary Employees - FICA - Benefits Emergency Workers
2014032	4-1000-53013-453010-110000-1005	41,661.34	Temporary Employees - Salaries - Services Emergency Workers
2014032	4-1000-53013-453010-210000-1005	3,124.60	Temporary Employees - FICA - Services Emergency Workers
2014032	4-1000-71012-471010-800502-1007	10,000.00	Parks and Rec - vehicle equipment
2014032	4-1000-81021-481020-550100-1008	1,029.91	travel/training/education - CDD
2014032	4-1000-99900-499000-999984-9999	35,255.00	Training Pool
2014033	3-1000-51000-351000-512008-9999	558.33	Trs. From Contribution Fund
2014033	4-1000-71012-471010-600700-1007	558.33	
2014033	3-8405-51000-351000-510100-9999	558.33	App Fund Balance
2014033	4-8405-93010-493010-930009-9999	558.33	Trs to General Fund
2014034	4-9010-32010-432010-950362-3140	5,825.68	Reapp-Apparatus Replacement Program-SYSTEM AMBULANCE
2014034	4-9010-73025-473010-800949-7146	61,187.65	Reapp-City-County Branch Library Repair/Maintenance
2014034	4-9010-12200-412200-800700-1160	69,771.36	Reapp-County Server Infrastructure Upgrade
2014034	4-9010-71020-471020-950202-7100	24,705.00	Reapp-Crozet Greenways
2014034	4-9010-94160-494070-312350-7140	81,173.23	Reapp-Crozet Library
2014034	4-9010-94160-494070-312370-7140	9,229.08	Reapp-Crozet Library
2014034	4-9010-94160-494070-800120-7140	35,286.69	Reapp-Crozet Library

2014034	4-9010-94160-494070-800200-7140	15,607.57	Reapp-Crozet Library
2014034	4-9010-94160-494070-800605-7140	483,424.93	Reapp-Crozet Library
2014034	4-9010-94160-494070-800700-7140	74,644.91	Reapp-Crozet Library
2014034	4-9010-94160-494070-999999-7140	145,150.43	Reapp-Crozet Library
2014034	4-9010-41023-441200-312350-9999	11,462.85	Reapp-Crozet Streetscape Phase II
2014034	4-9010-41023-441200-312370-9999	5,731.43	Reapp-Crozet Streetscape Phase II
2014034	4-9010-41023-441200-800605-9999	225,831.60	Reapp-Crozet Streetscape Phase II
2014034	4-9010-41023-441200-800670-9999	269,759.19	Reapp-Crozet Streetscape Phase II
2014034	4-9010-41023-441200-999999-9999	43,749.90	Reapp-Crozet Streetscape Phase II
2014034	4-9010-31029-431010-800605-3110	12,702.00	Reapp-Firearms Range
2014034	4-9010-41350-441200-950519-9999	17,524.66	Reapp-Fontaine Avenue
2014034	4-9010-81010-481020-950147-1240	49,363.50	Reapp-GIS Project
2014034	4-9010-41350-441200-950522-9999	34,499.24	Reapp-Hollymead-Powell Creek Drive
2014034	4-9010-32021-432010-312350-3140	1,588.28	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-331601-3140	3,570.46	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-601104-3140	3,290.31	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-800120-3140	8,993.31	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-800200-3140	27,702.56	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-800605-3140	301,542.49	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-800700-3140	1,243.38	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-800741-3140	30,948.38	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-800742-3140	65,537.45	Reapp-Ivy Fire Station
2014034	4-9010-32021-432010-999999-3140	121,760.42	Reapp-Ivy Fire Station
2014034	4-9010-12200-412200-800714-1160	46,303.36	Reapp-Microsoft Upgrade
2014034	4-9010-71020-471020-800949-7100	108,437.89	Reapp-Parks Maintenance
2014034	4-9010-72030-471010-800949-7100	16,350.00	Reapp-Parks Maintenance-Tourism
2014034	4-9010-31010-431010-800714-3110	3,402.37	Reapp-Police Technology Upgrade
2014034	4-9010-43100-443200-800666-2114	9,500.00	Reapp-Public Works Facility Maintenance-Jessup House
2014034	4-9010-41000-481020-950110-1240	31,501.08	Reapp-Records Management
2014034	4-9010-81110-481020-950565-1240	50,000.00	Reapp-Rivanna Master Plan
2014034	4-9010-32022-432020-312350-3140	6,183.41	Reapp-Seminole Trail VFD Renov/Add
2014034	4-9010-32022-432020-312370-3140	677.77	Reapp-Seminole Trail VFD Renov/Add
2014034	4-9010-32022-432020-800200-3140	4,841.23	Reapp-Seminole Trail VFD Renov/Add
2014034	4-9010-32022-432020-800605-3140	290,837.06	Reapp-Seminole Trail VFD Renov/Add
2014034	4-9010-32022-432020-800742-3140	2,832.89	Reapp-Seminole Trail VFD Renov/Add
2014034	4-9010-32022-432020-999999-3140	26,425.75	Reapp-Seminole Trail VFD Renov/Add
2014034	4-9010-41350-441200-950510-9999	25,695.00	Reapp-South Pantops
2014034	4-9010-41020-441200-950136-9999	9,390.16	Reapp-Transportation Improvement - Local
2014034	4-9010-32020-432020-810099-3140	20,489.76	Reapp-VFD Contingency
2014034	4-9010-41350-441200-950514-9999	56,074.10	Reapp-Crozet Ave North Sidewalk
2014034	3-9010-51000-351000-510100-9999	2,951,749.77	Reapp-Use of fund balance
2014035	3-9100-51000-351000-510100-9999	14,166.47	Reapp-Fund Balance
2014035	4-9100-82066-482040-800975-9999	9,235.00	Reapp-WAHS Stormwater Improvement
2014035	4-9100-82062-482040-312353-9999	681.47	Reapp-Downtown Crozet Wetlands Project
2014035	4-9100-82062-482040-800605-9999	4,250.00	Reapp-Downtown Crozet Wetlands Project
2014036	3-9002-69999-466600-950245-6599	10,000.00	Reappropriation-WAHS Turf Field
2014036	4-9002-69999-466600-510100-6599	10,000.00	Reappropriation-WAHS Turf Field
2014036	3-9000-69000-341000-410500-6599	46,551.28	Reapp-Loan Proceeds
2014036	4-9000-69985-466730-800605-6522	15,807.98	Reapp-VMF Lifts
2014036	4-9000-69985-466730-800200-6104	30,743.30	Reapp-Greer E S Renov/Add Phase II
2014038	4-4100-31040-435600-800728-1003	250,000.00	ECC Network Upgrade Project Phase II
2014038	4-4100-31040-435600-800700-1003	2,500.00	800 MHz Cache Radio's
2014038	3-4100-51000-351000-510100-9999	252,500.00	Use of fund balance
2014038	3-4100-24000-324000-240549-9999	3,500.00	VDEM
2014038	3-4100-24000-324000-240548-9999	7,500.00	LEMPG
2014038	3-4100-24000-324000-240552-9999	2,000.00	E-911 Board
2014038	4-4100-31040-435600-550100-1003	2,000.00	
2014038	4-4100-31045-435600-800700-1003	3,500.00	
2014038	4-4100-31045-435600-130000-1003	2,500.00	
2014038	4-4100-31045-435600-120000-1003	5,000.00	
2014039	3-1000-24000-324000-240900-1001	9,000.00	Miscellaneous State Revenue
2014039	4-1000-31013-431010-320000-1003	8,360.00	Temporary Help Services
2014039	4-1000-31013-431010-210000-1003	640.00	FICA
2014040	3-1601-33000-333000-330011-1002	15,000.00	Federal DMV Revenue
2014040	3-1601-51000-351000-512004-9999	7,500.00	Transfer from General Fund
2014040	4-1601-21070-421070-120000-1002	15,000.00	Overtime
2014040	4-1601-21070-421070-210000-1002	1,147.00	FICA
2014040	4-1601-21070-421070-600800-1002	3,353.00	Vehicle Fuel
2014040	4-1601-21070-421070-600900-1002	2,000.00	Vehicle Maintenance & Repairs
2014040	4-1601-21070-421070-601000-1002	1,000.00	Police Supplies
2014040	4-1000-21070-421070-210000-1002	(1,147.00)	FICA
2014040	4-1000-21070-421070-600800-1002	(3,353.00)	Vehicle Fuel
2014040	4-1000-21070-421070-600900-1002	(2,000.00)	Vehicle Maintenance & Repairs
2014040	4-1000-21070-421070-601000-1002	(1,000.00)	Police Supplies
2014040	4-1000-21070-421070-930200-1002	7,500.00	Transfer to Grant Projects
2014041	3-9010-51000-351000-510100-9999	32,075.00	PM Serv Use of GG Capital fund balance
2014041	4-9010-73030-473010-312366-9999	97,500.00	PM Serv- Rio Property Library/Storage
2014041	4-9010-91046-443100-312366-9999	(25,000.00)	PM Serv - Unassigned Local Government projects
2014041	4-9010-41020-441200-312366-9999	(9,375.00)	PM Serv - Transportation PM Serv
2014041	4-9010-71020-471020-312366-7100	(2,250.00)	PM Serv - Parks Maint Projects
2014041	4-9010-81110-481020-312366-9999	(16,200.00)	PM Serv - Master Plan
2014041	4-9010-41350-441200-312366-9999	(12,600.00)	PM Serv - Sidewalks
2014041	3-1000-51000-351000-510100-9999	(9,000.00)	Use of GF fund balance
2014041	4-1000-43100-443100-312366-1004	(9,000.00)	PM Serv - General Government
2014041	3-9000-69000-351000-510100-6599	(23,075.00)	PM Serv Use of SCH Capital fund balance
2014041	4-9000-69050-464600-312366-9999	(23,075.00)	PM Serv - Unassigned School projects
2014042	4-1000-12150-412150-110000-1001	51,680.00	salary
2014042	4-1000-12151-412151-210000-1001	3,954.00	FICA



2014042	4-1000-12152-412152-221000-1001	7,230.00	VRS
2014042	4-1000-12153-412153-231000-1001	15,331.00	health
2014042	4-1000-12154-412154-232000-1001	428.00	dental
2014042	4-1000-12155-412155-241000-1001	615.00	group life
2014042	4-1000-12156-412156-520300-1001	500.00	Telecommunications
2014042	4-1000-12157-412157-550100-1001	600.00	Travel/Training
2014042	4-1000-12158-412158-550104-1001	200.00	Mileage
2014042	4-1000-12159-412159-580100-1001	100.00	Dues/Memberships
2014042	4-1000-12160-412160-600100-1001	200.00	Office Supplies
2014042	4-1000-12161-412161-800700-1001	500.00	one-time telecommunications
2014042	4-1000-99900-499000-999976-9999	-81,338.00	Intern/Fellowship Fund
2014043	3-9010-51000-351000-510100-9999	-1,500,000.00	Use of fund balance
2014043	3-9010-51000-351000-512033-9999	1,500,000.00	Trf fr SCH Capital Fund
2014043	3-9000-69000-341000-410500-6599	903,275.56	Loan Proceeds
2014043	4-9000-69999-493010-930010-6599	1,500,000.00	Trf to GG Capital Fund
2014043	4-9000-69980-464600-312350-6522	-971.41	FYCorrection-School CIP Maint
2014043	4-9000-69980-466740-301210-6301	-74,227.96	FYCorrection-School CIP Maint
2014043	4-9000-69985-466730-312350-6303	-2,480.00	FYCorrection-Murray
2014043	4-9000-69980-464600-301210-6109	-16,980.63	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-301210-6253	-8,990.77	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-301210-6522	-27,229.78	FYCorrection-School CIP Maint
2014043	4-9000-69985-466730-800901-6303	-67,278.56	FYCorrection-Murray
2014043	4-9000-69980-466760-301210-6113	-127,775.00	FYCorrection-School CIP Maint
2014043	4-9000-69980-466730-301210-6302	-142,350.33	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800949-6252	-3,022.12	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800949-6112	-6,044.24	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800614-6252	-4,684.28	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800614-6301	-906.64	FYCorrection-School CIP Maint
2014043	4-9000-69985-466730-800901-6301	-17,226.07	FYCorrection-Contemporary Learning
2014043	4-9000-69985-466730-800901-6112	-23,723.62	FYCorrection-Contemporary Learning
2014043	4-9000-69985-466730-800901-6252	-11,937.36	FYCorrection-Contemporary Learning
2014043	4-9000-69985-466730-800901-6115	-22,665.88	FYCorrection-Murray
2014043	4-9000-69980-464600-301210-6105	-12,692.89	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-301210-6106	-14,506.16	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800614-6112	-1,964.38	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800614-6115	-3,324.33	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800614-6105	-4,835.39	FYCorrection-School CIP Maint
2014043	4-9000-69980-464600-800614-6106	-906.64	FYCorrection-School CIP Maint
2014044	4-2000-62558-461311-800200-6101	1,111.55	Design 2015
2014044	4-2000-62558-461311-800200-6103	11,075.37	Design 2015
2014044	4-2000-62558-461311-800200-6105	17,335.57	Design 2015
2014044	4-2000-62558-461311-800200-6304	12,901.61	Design 2015
2014044	4-2000-62558-461311-800201-6116	11,075.37	Design 2015
2014044	4-2000-62558-461311-800201-6252	12,901.61	Design 2015
2014044	4-2000-62558-461311-800201-6301	12,901.61	Design 2015
2014044	4-2000-62558-461311-800201-6303	11,075.37	Design 2015
2014044	4-2000-62558-461311-800200-6254	1,826.24	Design 2015
2014044	4-2000-62558-461311-301210-6105	\$13,243.87	Design 2015
2014044	4-2000-62558-461311-301210-6106	\$13,243.87	Design 2015
2014044	4-2000-62558-461311-301210-6112	\$13,243.87	Design 2015
2014044	4-2000-62558-461311-301210-6115	\$13,243.87	Design 2015
2014044	4-2000-62558-461311-301210-6252	\$13,243.87	Design 2015
2014044	4-2000-62558-461311-301210-6301	\$13,243.87	Design 2015
2014044	3-2000-51000-351000-510100-9999	\$171,667.52	Design 2015
2014046	4-1000-11010-411010-300201-1001	9,345.00	legal services
2014046	4-1000-99900-499000-999990-9999	-9,345.00	reserve for contingencies

Agenda Item No. 16. Career Firefighters Serving as Volunteers Within the Same Jurisdiction.

The following executive summary was forwarded to Board members:

“The Fair Labor Standards Act (FLSA) is a federal labor law of general and nationwide application, including overtime, minimum wages and child labor protections and the Equal Pay Act. The FLSA generally does not permit an individual to perform hours of volunteer service for his or her employer when such hours involve the same type of services that the individual is employed to perform. Specifically, the Department of Labor's position is that a career firefighter working for a fire department cannot volunteer without compensation for the “same department.” The “same department” can include a volunteer department if it is determined for FLSA purposes to be the same employer as the locality that employs the career firefighter.

Unless exempt, employees covered by the FLSA volunteering for the same employer must receive overtime pay for normally scheduled hours worked at a rate not less than one and one-half their regular rate of pay. Albemarle County career firefighters who volunteer their time at a volunteer department within the County, if deemed to be the same employer, would be required to be paid for overtime. Therefore, it has been the County's policy not to allow career firefighters to volunteer their time as a firefighter with any of the volunteer fire or rescue departments serving Albemarle County.

The Board, staff, and volunteers have learned that some Virginia localities are allowing their career firefighters (i.e., employees of the jurisdiction) to willingly volunteer their time without compensation to volunteer departments within the same jurisdiction in which they work. Based on this information, the Board directed staff to survey other peer and like-sized localities within Virginia to ask two specific questions:

1. Do you allow career firefighters to volunteer with other volunteer departments within the same jurisdiction?
2. If you allow career firefighters to volunteer within the same jurisdiction, what policies are in place to govern the process?

Staff surveyed 18 Virginia localities, including Albemarle's peer localities (listed below in bold with asterisk), localities surrounding Albemarle County that employ career firefighters, and other jurisdictions that use a combination of volunteer and career personnel for fire and rescue services. The results are as follows:

1. Do you allow career firefighters to volunteer with other volunteer departments within the same jurisdiction?

County	Yes	No
1. Chesterfield County		X
2. Fairfax County		X
<b>3. Hanover County*</b>		X
4. Henrico County		X
5. Manassas City		X
6. Prince William County		X
<b>7. Roanoke County*</b>		X
<b>8. Spotsylvania County*</b>		X
<b>9. Stafford County*</b>		X
10. Virginia Beach City FD		X
11. Augusta County	X	
12. Campbell County	X	
13. Loudoun County	X	
14. Louisa County	X	
15. Orange County	X	
16. James City County	X <sup>(1)</sup>	
17. Rockingham County	X <sup>(1)</sup>	
18. Charlottesville		X <sup>(2)</sup>

**\* Albemarle County's peer localities**

(1) Employees are paid overtime for time worked when they respond to calls.

(2) Employees who are volunteer firefighters outside of the City that respond to the City for station transfers are paid overtime for time worked.

Of the localities surveyed, 11 of 18 did not allow their career firefighters to volunteer within the same jurisdiction, including all of Albemarle County's peer localities.

2. If you allow career firefighters to volunteer within the same jurisdiction, what policies are in place to govern the process?

Of the 7 localities that allow their career firefighters to volunteer, two of them (James City County and Rockingham County) pay their employees overtime for time worked when they respond to calls as a volunteer but do not pay employees for stand-by or administrative time worked as a volunteer. James City County and Rockingham County do not have policies that govern the pay-for-volunteering process.

The remaining 5 localities that allow their career staff to volunteer (Augusta County, Campbell County, Loudoun County, Louisa County, and Orange County) allow career staff to volunteer with certain conditions.

Augusta County

- Allows Fire and Rescue employees to freely and without coercion volunteer their services to non-profit fire rescue departments in Augusta County. Complete policy included in attachment A.
- Any Fire and Rescue employee that sustains an injury while on volunteer status will not be covered under the County's Worker's Compensation program.
- Fire and Rescue employees that volunteer their time are not permitted to hold line or administrative officer positions above the rank of Lieutenant or Secretary/Treasurer. They may not serve on any disciplinary and/or policy making boards or on a Board of Directors of a non-profit fire rescue operation in the County. Fire and Rescue employees may serve as a training officer or infectious control officer.
- Employees wishing to volunteer their services must sign a "waiver" provided by the Department of Fire Rescue.
- Volunteering is permitted at any non-profit fire rescue cooperation within the County where the career employee is not normally assigned.
- Employees responding to calls during off-hours as a volunteer are expected to report on time to their normally scheduled shift.

Campbell County

- Allows Department of Public Safety employees to maintain an active operational membership with a volunteer rescue squad and/or fire department in Campbell County. (Attachment A)
- Employee may not serve as an executive level officer of the volunteer rescue squad and may not serve as a representative of the Campbell County EMS advisory committee,

Campbell County Rescue Commission and/or as a representative to the Campbell County Joint Fire/EMS Workgroup.

- Employee may not serve as the Fire Chief, Assistant Chief and/or Deputy Chief of the volunteer fire department and may not serve as a representative on the Campbell County Fire Commission and/or as a representative to the Campbell County Joint Fire/EMS Workgroup.
- Employee may not accept and/or receive any financial compensation if a volunteer rescue squad or fire department provides such.

#### Louisa County

- Louisa County Fire and EMS has a policy that governs part-time employment and volunteer services. (Attachment A)
- Allows Fire and EMS employees to volunteer their time with a Louisa County volunteer Fire or EMS agency.
- Requires the Fire and EMS Chief's approval before the employee is allowed to participate with a Volunteer Fire or EMS agency.
- Requires the employee to track their time as an off duty employee/volunteer.

#### Loudoun County

- Loudoun County Human Resources and Fire-Rescue have policies that govern volunteer services. (Attachment A)
- Employees of the Department of Fire-Rescue Services may volunteer to perform fire protection and emergency medical services activities for volunteer fire and rescue companies located in Loudoun County, except that such volunteer services may not be performed for the volunteer company to which the employee is regularly assigned.
- Employees must file an "Intent to Participate as a Fire/Rescue Volunteer" form which is filed in their personnel file.
- An employee may not serve as a volunteer administrative or operational officer, on the Board of Directors, or as a volunteer company representative on the Loudoun County Fire and Rescue Commission, the Loudoun County Fire or EMS Councils, or any of their standing subcommittees.
- Employees will not be permitted to volunteer for the company affiliated with the worksite to which he/she is regularly assigned.

#### Orange County

- Orange County Fire & EMS has a policy that governs volunteer services. (Attachment A)
- Employees must have the approval of the Director in order to serve as a volunteer.
- Employees are required to maintain a two (2) hour window of separation between any volunteer work time and County paid work time.
- Responding to calls as a volunteer within an eight (8) hour time period prior to scheduled County work time is not permitted.
- An employee may not serve as a volunteer Chief Officer (to include the Chief & Assistant Chief).
- All Fire & EMS employees who volunteer within the County are limited to being an officer in only one (1) fire & rescue agency, either volunteer or career. In the event a County Fire & EMS employee is promoted to an officer's position within the Fire & EMS Department, the employee will be expected to resign any officer position held in any volunteer fire & rescue agency.
- Volunteer hours logged with any volunteer Fire & Rescue Company will not be considered "hours worked" for the purpose of determining overtime or calculating leave time for County Fire & EMS.
- Employees will not be routinely assigned to the same station for which they volunteer.

#### Common Themes

There are several commonalities among the 5 localities that allow their career staff to volunteer:

- Fire rescue administration and/or human resources are notified when an employee volunteers their time.
- Employees are not allowed to hold volunteer officer or administrative positions.
- Employees that volunteer are not normally assigned as an employee to the same station in which they volunteer.

The budget impact cannot be determined at this time.

Staff recommends that the Board make no policy change in this matter because County Policy is consistent with the County's peer jurisdictions operating similar combination departments utilizing volunteer and career personnel for fire and rescue services.

Chief Dan Eggleston addressed the Board, stating that the executive summary before the Board shows the results of a survey of Virginia localities regarding how they handle career firefighters volunteering for volunteer departments.

Chief Eggleston said, in broad terms, the Fair Labor Standards Act (FLSA) is a federal law which establishes minimum wage, overtime pay eligibility, child labor standards, and equal pay act. He said the law applies to the private sector as well as to federal, state and local governments. With respect to volunteering, he said the FLSA, in general, does not permit an individual to volunteer their time to perform

the same type services for the same employer without compensation. With respect to career firefighters, he said they are not allowed to volunteer their time without compensation for the same department – and, in this case, the “same department” can apply to a fire rescue service delivery system where the volunteer department may be legally separate from but is related to the locality that employs the career firefighter.

Chief Eggleston stated that, with respect to Albemarle County’s policy regarding the FLSA for all non-exempt employees, those employees that perform the same type of service are paid overtime for any time worked above the normally scheduled hours – including non-exempt career firefighters. Chief Eggleston said, because of the interpretation of the FLSA, the County’s policy stipulates that career firefighters are not allowed to volunteer their time without compensation to any volunteer department within the same system, mainly because they believe it’s the same type of work for the same system.

Chief Eggleston said, when they’ve had this conversation in the past, it’s been understood that other Virginia localities have policies which differ from the County’s policies. Chief Eggleston said several meetings ago, the Board directed staff to survey those localities and come back with some results as to whether they allow career firefighters to volunteer with the same volunteer departments within the same jurisdiction and, if they do, what policies are in place to govern the process. He reported that staff surveyed 18 localities within the Commonwealth, including four peer localities – Hanover, Roanoke, Spotsylvania, and Stafford. Chief Eggleston said they also felt it was prudent to survey the localities surrounding Albemarle – Augusta, Louisa, Orange, Rockingham, and Charlottesville. He stated that they also surveyed additional localities that use a combination of career and volunteer personnel to perform fire and rescue services within their jurisdiction.

Regarding the survey question as to whether those localities allow career firefighters to volunteer with other volunteer departments in the same jurisdiction, Chief Eggleston said none of the peer localities allow their career staff to volunteer. In terms of surrounding localities, Chief Eggleston said the City of Charlottesville has that same policy – and if they have an employee who volunteers in the County and that person is called back with their volunteer department to fill in for a City station, that employee is paid for time worked. In addition to other localities, Chief Eggleston said Chesterfield and Henrico do not allow career firefighters to volunteer within the same jurisdiction. He said Campbell, Rockingham and James City allow career staff to volunteer with certain conditions. He explained that, if that person is engaged in emergency operations or responding to a call, that person goes on the clock and is paid overtime which is a little different than most.

Chief Eggleston said Augusta, Louisa, Campbell, Orange and Loudoun allow their career staff to volunteer but have policies to help govern that process. He said that, in general, their fire rescue administration and/or human resources are notified when an employee volunteers their time and those employees are not allowed to hold volunteer officer or administrative positions within the volunteer ranks. Chief Eggleston said employees who volunteer are not normally assigned to the same station in order to eliminate any potential conflict. He noted that there are some additional details associated with each locality’s policies, but what staff was looking for were common themes used to help govern the process.

Chief Eggleston said it is staff’s recommendation that there be no change in current policy because, based on their research, it aligns with peer localities and the majority of localities surveyed.

Ms. Mallek asked how the human resources notification process would work. Chief Eggleston said it’s a notification that an individual has the intent to volunteer, but there is no timekeeping effort associated with it.

Ms. Mallek stated that she hopes to get support to find out a little more about the possibility of having career staff volunteer.

The Chair invited public comment.

Mr. Gary Dillon addressed the Board, stating that he is a volunteer with the Crozet Volunteer Fire Department. Mr. Dillon expressed support for allowing Albemarle County career firefighters to volunteer at other County stations. He stated that the Crozet Volunteer Fire Department has been a part of the community for over 100 years and, in that time, the department has mentored and trained countless firefighters who have gone on to become career firefighters – many of whom would like to serve the community in which they reside but are prohibited under current policy. Mr. Dillon said that, in his brief time with the department, he has enjoyed the relationships he’s forged with both career and volunteer members of the County stations and the very competent leadership of Albemarle County Fire & Rescue. He stated that he hopes the Board will see the value of allowing career personnel to serve on their own personal time as volunteers within their respective communities in a department that is not a County department – such as Crozet Volunteer Fire Department, which is its own corporation and not a County fire department.

Chief Preston Gentry of Crozet Volunteer Fire Department addressed the Board, stating that they are asking the Board to reconsider the current policy, as this is a tool that they could use if they had career people who wanted to volunteer. Chief Gentry said there are no career people at Crozet, and that department is not County-owned as of yet. He stated that, if there is a major fire and callback is initiated, a career person should be paid – but if a callback is not initiated, an individual should be able to do what they want on their own time off, especially at stations which do not have career people. Chief Gentry said he was “a little disturbed” at who did the study, but that’s who the County chose to do the study. He stated that counties all around them are making it work and Albemarle County should at least try to make it work.

Chief Timmy Cersley addressed the Board as Chief of Scottsville Fire and Captain for the City of Charlottesville. Chief Cersley said the volunteers have asked for this for years, and they would like the Board to reconsider the policy. He stated that currently, if a volunteer applies and gets hired at the County, they're gone and to lose a member who is trained is detrimental to the volunteer system – especially when it takes a year to get them trained to be on the trucks. Chief Cersley stated that they have some concerns with the survey, as it was done by ACFR staff and was “union,” which is against the volunteers. He said there were no volunteer chiefs asked to be a part of the survey, or on the committee, or in the information-finding process. Chief Cersley stated that the use of career firefighters as volunteers can be done and is being done in other localities, and because ACFR says it is the “model career/volunteer system,” they should be able to be different.

Mr. Boyd asked if Chief Cersley felt there was something in the survey that wasn't factual. Chief Cersley said he wasn't saying that; he said he would have liked to have had volunteers involved in the process.

Ms. Mallek said they would also like to know if other counties should be surveyed.

Mr. Foley asked if there was a question about the survey data from the Board's perspective. Ms. Mallek said she didn't know if not including certain counties had been a concern.

Mr. Rooker said several people in leadership positions have expressed concern about the unbiased nature of the survey itself, and the County should provide an opportunity for them to provide any input they would like to add before a final decision is made. He stated that, based on the information he has seen thus far, staff's recommendation seems sound to him when considering legal advice and the nature of FLSA claims that have taken place in the past. He said, in looking at the peer jurisdictions, there hasn't been any clear guideline that the legal advice received is not correct – however, the County would be exposed significantly if they proceed with the policy being requested.

Mr. Rooker said, if there is additional information that should be provided though, it should come forward. He stated that the easiest thing to do would be to say “yes” to this request, but the problem is there doesn't seem to be a good legal way forward in doing this based on the information presented. Mr. Rooker said he was open to having the information presented to be further considered and commented on by the volunteer chiefs if they want time to provide input into the survey. He said he wants to make certain that everyone feels this issue has been looked at fairly, and that all the pertinent information has been considered. Mr. Rooker said he would be in favor of not making a final decision on this at the meeting to allow time for the volunteers to review the survey information and provide additional input.

Mr. Snow agreed with that approach, but said they should also go back and look at how other localities are making this work, and identify what guidelines and procedures could be put in place to accommodate those paid staff who want to volunteer.

Ms. Mallek said doing that at the FEMS Board, where all the chiefs and staff are set up to work together, would be a good way to develop that going forward.

Mr. Craddock said the chief at East Rivanna is in favor of this, and he would like to get the opinions of other volunteer chiefs in an effort to gather more information as they proceed.

Mr. Thomas stated he would also like to see more volunteer involvement in the process.

Mr. Rooker said he is looking to have a period of time for them to provide feedback on the survey information, because there were several statements that the survey was not fairly done. He said that is something which needs to be fleshed out and, if there's additional information the Board should have in front of it, they should receive it. Mr. Rooker said the volunteer chiefs who have spoken should provide additional information necessary or helpful for the Board to consider in making this decision.

Mr. Snow agreed, but said he wanted to have it brought back with the option of going forward with the policy change – to look at it from the volunteers' standpoint, and see how the County might be able to make this work.

Ms. Mallek clarified that this meant getting feedback from staff on the kinds of procedures needed to implement this.

Mr. Boyd said he didn't want to go that far until the volunteers bring back information on the validity of the survey. He said he considered the survey to be factual, and didn't look at it as opinion, because it just shows what the other units are doing – which is what the Board had asked for.

Mr. Foley said the facts show it's being done in different ways in different localities; it is information that was gathered from the County Attorney and ACFR; however, if volunteer chiefs think there are some inaccuracies with it or information is missing, that can certainly be brought forward. He said it's important to make the distinction between factual information and an opinion on it, and starting a new process when they have already expressed their opinion that they disagree with the policy and would like it changed.

Chief Gentry said that the problem the volunteer chiefs have is that they would like to know why the counties that have said “no” made that decision, and how the counties that have said “yes” have made it work. He stated that they just want to know how each locality came to the decision that they did and why.

Mr. Boyd stated that the County just got through a case with the Fair Labor Standards Act having to do with bus drivers that cost Albemarle County \$500,000 in fees and fines. He said everyone is in favor of doing this, but it's the risk factor that is the sole concern – and the question is whether they want to put the County at risk for potential multi-million dollar settlements.

Chief Gentry said firefighters risk their lives every day, and life is a risk. He said he doesn't have any problem with the information, other than the lack of it – and the volunteers want to know why and how the decisions were reached.

Mr. Boyd said that the underlying question is whether the Board wants to assume the risk.

Mr. Rooker stated that 7 out of 18 localities surveyed are doing this, and staff analyzed how those fire systems operate, with some having more risk than others. He said everyone here would love to do this, but there are attorneys advertising on TV every day to take these kinds of cases. Mr. Rooker said no one goes into this with the intention of suing, but later things change – a new boss comes in, etc. – and a person decides to bring an action. He stated that the damages in these cases are three times the hourly rate plus attorneys' fees and, just because a neighboring locality has assumed a risk doesn't mean that Albemarle County should.

Chief Gentry said the volunteers would just like to know why the localities have made the decisions they have.

Mr. Rooker said, in looking at the list of jurisdictions, most of them have decided not to do it, and most of the comparable localities – by far – have decided not to do it because of this risk. He stated that, with the bus driver situation, there were people going along with that situation thinking things were fine, but they weren't fine and the County ended up paying \$500,000 in back wages because the policies in place were problematic. Mr. Rooker said everyone would love to do this, and the more volunteers they have the better it is for the entire County; the question is how much risk is undertaken by going into it, and the County Attorney has weighed in on this.

Chief Gentry stated that he just didn't want the door to shut on this yet, and feels there is more information that is available.

Mr. Rooker said he is in favor of receiving additional, factual information, but he doesn't want to run ahead and talk about how to implement it before the Board determines whether it makes sense to go forward with it in the first place.

Mr. Craddock agreed, but said that he also agreed with Mr. Snow that they should look at how they can do it, not just how they can't do it.

Mr. Foley clarified that staff would do that after the next discussion, if the Board decides to proceed with changing the policy.

Mr. Craddock asked how long it would take the volunteers to get that information. Chief Gentry said it would take no longer than 60 days, because sometimes it's challenging to get information from localities.

Mr. Foley asked about the process and expectations from the Board to ensure it gets the information needed to make a decision going forward. Mr. Boyd said Chief Eggleston should work with the volunteer chiefs on this, because he has a lot of the contacts with the other localities.

Chief Gentry said they would work collaboratively to get the necessary information.

Chief Eggleston stated that he would like to know exactly what information the Board is looking for, and said that he did exactly what they had asked him to do – he surveyed the localities with the two questions as agreed upon, and he stands behind his methodology and refutes any integrity issues. He stated that the information is purely factual, and asked for clear direction as to what additional information the Board is seeking.

Mr. Rooker said he would like Chief Eggleston to meet with the chiefs and go through what he's done in terms of gathering information, and see if they have any additional information they think should be done in providing factual information on this – and then get it back to the Board. He stated that it's basically going through with the chiefs how this was done, in terms of gathering factual information and see if they have any additional information. Mr. Rooker said what Chief Eggleston has done is excellent work, but it doesn't hurt to have everybody looking at it so they can all agree that every angle has been looked at.

Ms. Mallek said more background on how some jurisdictions found they could do it would be helpful.

Chief Eggleston said he would do whatever the Board requests, but that approach could be problematic if they get into the legality as to why other localities don't allow career staff to volunteer.

Mr. Rooker said the County Attorney may need to make a call to his peers in other localities to find out why they made the decisions they did. He stated that it doesn't hurt to see how everyone else is looking at this and how they view the legal risk, and why they've decided to proceed with a policy that makes sense from an operational standpoint – or why not.

Mr. Snow said he accepts the information presented on face value, and the only information he would like to see is how to make it work.

Mr. Rooker said, at the end of the day, the Board is still going to have to decide whether the County can legally do this or not.

Ms. Mallek said they were told it's not illegal – they just have to decide how much risk they want to take, and work out good procedures in the event of a new policy.

Mr. Foley said his understanding is that the Board would like Chief Eggleston to sit down with a group of volunteer chiefs – along with the County Attorney – and explore further why localities have decided what they have, and bring a record back that will be information that both volunteer chiefs and Chief Eggleston agree is the information to be put forward. Mr. Foley clarified that the decision about how to make it work is a decision that will come after the Board gets the information back and if they give direction that a majority of the Board would like to go down that road. He said it will be important for the group to remain small enough to be viable, but representative of the volunteer chiefs so that they don't come forward later and say they weren't involved. Mr. Foley said he wants to get the County Attorney's opinion on this as well, adding that the attorney for Loudoun County recommended against it – but their Board decided to do it anyway.

Chief Gentry agreed that the process would be acceptable to him.

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Agenda Item No. 17. FY15 VDOT Revenue Sharing Program Participation.

The following executive summary was forwarded to Board members:

“VDOT has established November 1, 2013 as the deadline for receipt of applications/proposals for the FY15 Revenue Sharing Program. VDOT has set this deadline for its FY15 Program in order to determine the level of state funds needed to maximize local participation in this program. Please see the attached August 2, 2013 letter from VDOT for further explanation of this year's application process (Attachment A). For FY15, it is anticipated that the Revenue Sharing Program will potentially match, dollar-for-dollar, up to \$10.0 million, a locality's contribution toward funding transportation projects. At this time, VDOT does not know what the final allocation for the FY15 program will be.

In the summer of 2013, VDOT awarded the County \$1.1 million in FY 14 Revenue Sharing Program funds. This allocation, along with the County's match, will be used for enhanced signal synchronization on US 29 north (City limits to Hollymead) and the construction of four sidewalk projects identified in the County's CIP. Those sidewalks projects are: Rio Road east (from Stonehenge to Pen Park Road and Pen Park Road); Old Lynchburg Road Asphalt Walkway Upgrade (from Region10 Offices to Fifth Street), Avon Street in two locations near Mill Creek and Arden Drive; and US 250 west in Crozet (in the Cloverlawn and Blue Ridge Shopping Center area).

County and VDOT staff have met to review the FY15 Revenue Sharing Program requirements and guidelines, the County's priority lists of transportation projects and State priorities for project funding. As a result of these discussions, staff has determined that the majority of the County's higher priority road projects are not at a stage where they can be strong candidates for the FY15 program due to the total cost of the projects and the length of time needed to secure funding and to design the project (i.e. Berkmar Drive extension, Proffit Road improvements).

Due to the importance of providing for pedestrian safety and multi-modal transportation facilities in the urban area, and the limited amount of funding available in the CIP for new construction projects, staff recommends that Revenue Sharing Program funds continue to be used for the Construction of sidewalks identified in the Capital Improvements Program (Attachment B). The following project is the recommended project for funding in FY15:

- Ivy Road (from the City Limits to UVA Police Offices/US 29-250 Bypass) (\$1,600,000) – This project would provide for sidewalk, bike lanes, street trees/landscape and drainage improvements in a highly developed area of commercial and residential development. The project would extend bike lanes or paved shoulders to the intersection of Canterbury Road (Bellair), just west of the Bypass.

This is the highest priority project on the sidewalk construction list that has not been funded for construction. These improvements have long been identified in the County's Comprehensive Plan. The area consists of commercial and office uses, and residential developments including University Heights Apartments and the Poplar Glen townhouse development. The County has also received frequent requests for improved bike facilities along Ivy Road.

Participation in the VDOT Revenue Sharing Program leverages matching funds from VDOT to advance important transportation projects. The County has appropriated \$879,440 for the local match for the FY15 Revenue Sharing request.

Staff recommends that the Board adopt the attached resolution approving the County's participation in the Revenue Sharing Program for FY15, and requesting \$800,000 in Revenue Sharing Program funds for sidewalks, bike lanes and related improvements to Ivy Road.

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Mr. David Benish, Chief of Planning, addressed the Board, stating that revenue sharing is an annual program from VDOT that provides matching funds for construction, reconstruction, or improvement and maintenance transportation projects and requires a dollar-for-dollar match from the locality. He said the application this year is due November 1 for the FY15 round, and the program is intended to fund immediately needed projects or to supplement funding on existing projects – those projects most eligible for the funding are ones which need to be constructed within a four-year window. Mr. Benish stated that, over the past two years, the County has used revenue-sharing funding for sidewalk improvement projects, noting that the County has eight sidewalk projects as well as the US 29 North traffic light synchronization project for a total of nine projects. He said the signal project is administered by VDOT, but the remaining eight are administered by the Office of Facilities Development.

Mr. Benish stated that, in looking at potential projects for this year, the majority of road projects are of a size and magnitude that are not highly qualifying projects at this time, such as Berkmar Drive Extended, Proffitt Road, Sunset Avenue, and road paving projects entered into the six-year plan this year. He explained that this is due to their cost or that the amount of planning would exceed the four-year window, or having insufficient matching funds available. Mr. Benish said the unpaved road projects have not been fully scoped enough to know what the exact cost and timeframe are.

Mr. Benish said staff is recommending that the funds be used for sidewalk and pedestrian improvements, projects which meet the Comp Plan goal for providing multi-modal transportation systems, improve the quality of the built environment in the development area, provide safety improvements for pedestrians, and augment the limited funding in the CIP to construct sidewalks. He stated that they recommend the Ivy Road project for this year, which would provide sidewalks, bike lanes, street trees and potentially street lights, and drainage improvements from the City limits to the bypass. Mr. Benish said this project would also extend the bike lanes across the bridge on the bypass to the first intersection at Bell-Air Market. He stated that staff has had contact with the University's Office of the Architect, which has expressed support for the project and a willingness to further discuss participation – but hasn't indicated what that level of involvement and support would be, which would be the next step.

Ms. Mallek said she doesn't know if the County should commit to this project without support from the University, as she has stated in previous meetings.

Mr. Benish stated that UVA is supportive of the project and has expressed an interest in providing some financial support, but they have yet to make a firm commitment to it. He noted that the University had made a request to the City and County several years ago to initiate funding for this improvement but, at that time, the County had other priorities which took precedence.

Mr. Boyd asked Mr. Benish to clarify the location of the City line.

Mr. Benish said the City line is where Old Ivy Road and Ivy Road intersect, and the project would provide sidewalks and bike lanes to the area where the UVA police department is located, with the bike lanes continuing further to the intersection – where crosswalks are also being considered, along with some tie-in to the railroad underpass.

Mr. Craddock asked when Kluge Children's Rehab Center would be relocating. Mr. Benish said they have already vacated the facility, and he wasn't sure what the future intent for that building is.

Mr. Rooker asked if there would be sidewalks on both sides of the road. Mr. Benish said there would be sidewalks on one side only because of the railroad tracks, and what's not included is enhanced landscaping along the railroad tracks, which was part of the original design. He said that may be some of the additional work UVA is involved with, along with extending the bike lanes down Rt. 250 by putting in paved shoulders, at a minimum, to improve safety.

Ms. Mallek asked if staff was firm in their support of a crosswalk by the St. Anne's-Bellfield exit, because it is a dangerous place to walk given the slip lane going west under the underpass. Mr. Benish said that's why the description discussed the Old Ivy Road intersection to ensure that, when a crosswalk gets installed, it will tie into improvements at the corner of Old Ivy Road. He stated that there is an impediment with the railroad underpass, and staff has had some preliminary discussions with VDOT to get a sidewalk under the railroad crossing. He said there are some issues with design and safety but, hopefully, we can get VDOT to do a crosswalk which would be part of this project.

Mr. Rooker asked for clarification as to whether there would just be a bike lane on the bridge. Mr. Benish said there would just be a bike lane, and they have described it as either paved shoulder or bike lane because it may not be able to meet full bike lanes on either side. He stated that, in preliminary discussions with VDOT, there seems to be sufficient room to do ample shoulder paving which would make it safer for bikes and pedestrians.

Mr. Snow asked if the revenue-sharing money could be used for connecting bike paths and trails, or is it strictly for roads and sidewalks. Mr. Benish responded that the focus of the improvements as outlined would be within the right of way, so it would be the sidewalks along Route 250. He said he wasn't positive if they could use any additional funds out of the VDOT right of way, as it would be on private property.

Mr. Snow said there are some connector trails they are trying to pull together.

Mr. Benish said the County could augment with County money, or the University could augment those enhancements with their dollars but, in terms of what VDOT can do, the match is for projects that



are eligible for sidewalk improvements – which tend to be within the right of way or related to the actual road improvement. He said short connections from the right of way to the frontage of the building might be eligible, but it would depend on the details.

Mr. Benish mentioned that the US 250 West improvements at Clover Lawn and Blue Ridge Shopping Center alluded to connecting trails which connect to Licking Hole Creek, and those improvements are along the Eastern Avenue alignment where there is a dedication for a future public road. He said that, if there are enhancements on only private property that are not related to a public road system, there are other sources at the state that are a better fit for just trail improvements.

Ms. Mallek asked if the Cory Farm to Clover Lawn stretch of sidewalks included street lights. Mr. Benish said there would be street lights to light the crossing, as opposed to pedestrian lights on the sidewalk.

Mr. Rooker asked how the cost was determined, and whether staff was fairly certain they could get the project done within the cost estimate. Mr. Benish said the estimate was based on some consultant work done previously, which has been reviewed and updated by the Office of Facilities Development. He pointed out that staff is discovering, with locally administered projects, there are a lot of administrative costs required by VDOT for local projects. Mr. Benish said one example would be VDOT requiring an inspector to be onsite for the entire construction period of the project, a cost which the County incurs.

Mr. Rooker asked if it might be wise for the Board to increase revenue-sharing funds to \$2 million so the County is not in the mode of having the project come back to the County to make up a balance not covered. Mr. Snow said the Board could still shift the money to another project.

Mr. Benish said it would be too late to shift funds for a revenue-sharing project in that fiscal year, but they could use unused set-aside money for next year's request. He stated that the funds must be expended within four years and, as they go through the increments of project development, they have to use the draw-down within two years.

Ms. Mallek asked what the timetable would be for this project. Mr. Benish confirmed that it was July 1, 2014, and the next step would be engaging the University should the Board agree that this is the project they want to move forward with. He said landscaping includes the typical street trees done with sidewalks, but not any other enhanced landscaping.

Mr. Boyd asked where the additional \$200,000 would come from if the Board bumped this fund up to \$2 million. Mr. Benish said there is \$879,000 already budgeted, so the additional amount would need to be identified. He stated that the award doesn't occur until summer, but they have made a request in this year's CIP for future revenue-sharing funding.

Mr. Rooker suggested the Board make sure they don't get too far along in a project and then find out there is no match available if the project becomes more expensive.

Ms. Mallek asked if the design work on a crosswalk at Radford by Clover Lawn is scheduled in the next year because that would not be part of the street light project between Cory Farm and Clover Lawn.

Mr. DeNunzio said that would be completed separate from this process – stating that VDOT is looking at a striping project.

Ms. Mallek said the Board had also talked about having a landing spot in the middle and a safe play area for pedestrians.

Mr. Benish said what Ms. Mallek referenced would be part of the revenue sharing project. Mr. DeNunzio said it would require a raised median, isolation of the right turn lane, and whatever else VDOT can do to help with that process.

Mr. Benish said that particular project was awarded last year, adding that OFD has hired a consultant to begin the design of the eight projects, four from FY 13 which are already in the design phase and nearing completion. Staff is just starting to work on the FY 14 projects.

Mr. Benish stated that the program does allow the Board to come back and ask for an augmentation in funding for subsequent years if shortfalls occur, so that option is also available.

Mr. Rooker said, if the project were underway, they might not be in a position to do that. He stated that this a good project, as it is a densely populated area with a lot of students living in the vicinity – many of whom are bicyclists or pedestrians – and he would support moving forward.

Mr. Snow asked if a motion was needed to move forward. Mr. Benish said it would be helpful, and there is a resolution which has been attached.

Mr. Davis stated that there's a resolution in Attachment D and, if the Board would like to increase the revenue-sharing match to \$1 million from the current \$800,000, the resolution would need to be amended to say "\$1 million of local contribution."

Mr. Rooker **moved** to adopt the proposed resolution approving the County's participation in the Revenue Sharing Program for FY15, and requesting \$1 million in Revenue Sharing Program funds for

sidewalks, bike lanes and related improvements to Ivy Road. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2015**

**WHEREAS**, the County of Albemarle desires to submit an application for up to \$1,000,000 of revenue sharing funds through the Virginia Department of Transportation Fiscal Year 2014 Revenue Sharing Program; and

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

**WHEREAS**, these funds are requested to implement the County's Sidewalk Construction Program by funding the installation of new sidewalk, bike lanes and related landscape and drainage improvements on Ivy Road (US Route 250) from the Charlottesville City limits to the US29/250 Bypass.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide up to \$1,000,000 of local funds in its application for up to \$1,000,000 of revenue sharing funds from the FY 2015 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

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Agenda Item No. 18. VDOT Monthly Report, Joel DeNunzio.

Mr. Joel DeNunzio addressed the Board and introduced the new Culpeper District Administrator, John Lynch, who had worked in Northern Virginia for VDOT for about 10 years. Mr. DeNunzio said VDOT would be looking into the shared use path off of the existing right of way, as mentioned in the revenue-sharing discussion, and his understanding is that, if it's on a public right of way and is donated, the County could use revenue-sharing funds for those types of projects but he would get clarification on that pretty quick.

Mr. DeNunzio said, a few weeks ago, VDOT was asked to provide an update on the brush-spraying program. He said a notice was sent out to the County on July 26th for the opt-out program which was scheduled to start on August 26th. Mr. DeNunzio reported that, for the corridors scheduled to be sprayed, VDOT received a total of 73 calls to opt out of the program and, of those calls, 20 of them were on routes that they were planning on spraying, and 53 of them were not on routes they would be spraying. He stated that, of the 20 calls received on the routes, six of those were locations they would have sprayed had they not gotten the calls, and the other 14 were residential lawns and places they would not have normally sprayed anyway. He said he has not received any feedback that there were problems with the program this year, and VDOT representatives were riding with the sprayers to make sure it was properly administered. Mr. DeNunzio said the entire spraying project was completed as of September 17th, and he doesn't anticipate any complaints at this point.

Mr. Rooker asked if this was the Round Up spraying program. Mr. DeNunzio said this was just the brush spraying program, adding that the Round Up spraying is for noxious weeds, and that program would be changed in the future with more sensitivity given to areas that landowners maintain. He stated that VDOT implemented the inmate workforce program last week, and they will be doing a lot of work like this to clean up the urban corridors. Mr. DeNunzio said VDOT purchased a street sweeper and would be sweeping the bicycle corridors first – coming down Airport Road and down Route 29. He stated that, if the Board has requests for additional bike corridors, they should let him know.

Mr. Rooker said he wants to make sure Hydraulic Road is on the list. Mr. DeNunzio stated that Hydraulic Road is already in the plan.

Mr. Rooker said Georgetown Road should be done even though it doesn't have an official bike lane, because a lot of the Hydraulic bike traffic turns onto that road and uses it.

Mr. DeNunzio said a road doesn't have to have a bike lane, and the list VDOT has includes anything on their bicycle corridor list.

Mr. DeNunzio reported that VDOT completed the cleaning on Route 649 (Proffitt Road) and got the debris off the bridge, and were also able to replace a culvert near there that was failing. In about two weeks, VDOT will be shutting down Rt. 649 again closer to the railroad bridge, as there is another culvert failing by the church. Mr. DeNunzio said the road would be shut down for only one day starting after the morning rush hour, and would probably only affect the afternoon peak hour. He stated that they are going to close the road at Polo Grounds Road and would let residents know that they would still be able to get through.

Mr. DeNunzio said, at the end of the preliminary engineering activities list, they've added the Route 29 adaptive signal system – and while they don't have dates set yet, he did want to update the Board on the project. He stated that, over the past month, the traffic signalization staff have been going through every signal and have identified all the traffic control boxes that need updating and what needs to

be done in each box. He said VDOT is identifying all of the video detection and loop detection systems that need upgrading, and are working on the sole source contract to get that together in Richmond. Mr. DeNunzio stated that their plan was to meet with the County and City in October to provide a finalized schedule.

Mr. Rooker asked if VDOT could push on getting the sole source contract in place because that would help the project stay on track. Mr. DeNunzio said the sole source contract would be dealt with in Richmond through the same people who did the pilot program, with Mike Clements as the point of contact there, but Susan Gardner in Staunton would manage the program.

Mr. Rooker stated that he thought a sole source contract was already in place, but it had expired and VDOT had to do a new contract, which put the project back about 60 days.

Mr. DeNunzio said everything has been finalized other than the decision as to whether to go with the fiber lines or the radios and hopefully, when they meet in October, he will have an idea as to when the system will be operational. He stated that the Pantops project took about six months from start to finish, and this is a much larger system – the largest one they've done in the state. Mr. DeNunzio said he didn't want to make any commitments at this point, and there seems to be a lot of confusion as to what VDOT's process is and what the contractor – Rhythm Engineering – has said they can do.

Mr. Rooker asked if VDOT would do the installation, or if that would require a separate contract with an outside company. Mr. DeNunzio said VDOT has a contractor that does the installation, and they have one in place but are trying to determine if they can use him or need to get another one.

Mr. Rooker asked that the decision be made soon, so that another contract delay doesn't put this project back another 60 days. Mr. DeNunzio stated that it was being worked on along with the sole source contract situation.

Mr. Rooker said it would be good to have all of those pieces in place at the same time. Mr. DeNunzio said, based on VDOT's traffic operations division, they need to be ready to draw up the general services contract and have that ready to be signed.

Mr. Rooker said it would be helpful for VDOT to have a list of the pieces that need to be done when they meet in October with the City and the County.

Mr. Foley said it would be nice to see a milestone checklist.

Mr. DeNunzio said there would be a schedule including milestones, and an estimate of when future milestones would be reached.

Mr. Foley said the Board had asked about the Best Buy ramp project, and asked Mr. DeNunzio if he could provide a schedule for that project as well. Mr. Foley said he has seen drafts of it before, but it has been evolving and there may have been changes.

Mr. Thomas said he had seen a date of 2015.

Mr. DeNunzio said the advertising date VDOT has listed now is November 2014, and VDOT's next milestone will be right of way acquisition.

Ms. Mallek said the last information she had was that residents were going to decide if they wanted a sound wall or not.

Mr. DeNunzio stated that VDOT had a field inspection last month in the Culpeper District office and there was a lot of discussion about sound walls there, and they don't know yet whether sound walls would be included.

Mr. Rooker said adding sound walls increased the project cost estimate significantly, and there was a lot of discussion as to whether or not people even wanted them – but it would be helpful to find that out, as the entire project could be held up by that one component.

Mr. Craddock asked if the Route 53/Route 729 improvements were still on schedule. Mr. DeNunzio said there were some design issues with the left turn lane there, but he would check with Brent Sprinkle on the status of that project.

Mr. DeNunzio reported that the Route 708 Dry Bridge Road detours are in place and the road was closed that week, with the project lasting about a year.

Mr. Snow said residents greatly appreciate the paving on Gilliam's Ridge Road.

Mr. DeNunzio said that project should help cut down on the dust and would help with the detour.

Mr. DeNunzio stated that he has included an update on maintenance activities, and had much more detailed information if the Board was interested – including all of the route information as to where maintenance projects are to occur such as mowing, grading, dust control application, debris removal, etc.

Ms. Mallek said she would forward an email to Mr. DeNunzio which she received recently from a constituent in Bluffton regarding gravel in the ditches there. She said this citizen felt that Gilliam's Ridge looked better because the heavier stone tended to stay in place better.

Mr. DeNunzio said that the same contractor did both roads.

Mr. Craddock asked about the re-marking of the Route 20/Route 250 pavement, and asked what the timeframe was for that.

Mr. DeNunzio said crews are tracing the lines for that currently and, over the next few weeks, would be making the changes there.

Mr. Boyd asked if there was a list of the Culpeper District projects currently underway with associated costs on their website. Mr. DeNunzio said there was, and he would send a link out to Board members.

Mr. Snow asked if VDOT had been able to determine if Polo Grounds Road could accommodate two left turn lanes. Mr. DeNunzio explained that the plans from when the bridge project was done show that two lanes could be constructed there, and he doesn't see why there couldn't be dual left turn lanes – but he hasn't gotten confirmation from traffic engineers yet. He confirmed that there would be two lanes total, with the right lane having all three movements: right, through and left. Mr. DeNunzio said VDOT already has the right of way, and they have about 100 feet for stacking.

Mr. Rooker said the traffic study done at that location indicated that 75-80% or more of the traffic coming out of there would be turning left.

Mr. Boyd asked if there was money for that. Ms. Mallek said that it would just require repainting, because there are already two signals hanging there.

Mr. DeNunzio said it would probably require a third light there, as there is a requirement for two lights for the main approach. He said the reason for that is, if the red light on one goes out, people don't run it, as there would be a backup. Mr. DeNunzio said the cost estimate given to the Board at the public hearing was \$150,000, which is the planning cost estimate to add a right-turn lane and, looking at the plan, right of way and grading, he thinks it may be less. He stated that he doesn't have any engineering drawings to confirm that, as this information has come from the applicant and would need to be verified.

Mr. Boyd said the applicant hasn't agreed to pay for that.

Mr. Rooker said the applicant was offering \$25,000 toward the cost.

Mr. DeNunzio said VDOT has no money allocated to the project at this point.

Mr. Snow commented that the federal highway department was giving the state \$57 million.

Mr. John Lynch said the bonus federal obligations yielded \$4.5 million for the Culpeper District, primarily for paving and bridge maintenance projects throughout the district – and it has already been allocated for projects.

Mr. DeNunzio noted that VDOT would be paving Rt. 631 (5<sup>th</sup> Street) up to the City limits and north of the City, in addition to the bus stop pavement on 5<sup>th</sup> Street.

Ms. Mallek thanked VDOT for their work in Crozet.

Mr. Snow said Mr. DeNunzio was doing a great job.

Mr. Rooker said Mr. DeNunzio was a great person to work with, and was extremely responsive to the Board's requests.

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Agenda Item No. 19. JAUNT Annual Report, Donna Shaunesey.

Ms. Donna Shaunesey addressed the Board, thanking them for their financial support and stating that the Board's appointees to the JAUNT Board – Ray East, Cliff Buys, Juan Wade, and Fran Hooper – are extraordinary and are experts in their diverse fields.

Ms. Shaunesey presented JAUNT's ridership chart noting that, for the first time in eight years, they saw a small downturn in transportation, due to a variety of factors such as Fluvanna's service being cut in half last year and Louisa's service being cut as well. She said JAUNT was providing a route from Charlottesville to Wintergreen, with riders being almost exclusively clients of the International Rescue Committee (IRC), however, one of those riders recently bought a van and is now driving everyone to work. She stated that JAUNT fills in when he goes on vacation, and is very proud that he was able to do that.

Ms. Shaunesey presented information on public ridership – the services that either the County helps pay for or that people pay a fare for and, while Charlottesville and Albemarle numbers took a bit of a downturn, Nelson and Buckingham ridership has increased. She said there are people in Buckingham who work in Charlottesville, and JAUNT is contemplating starting a third route from there, a route which also benefits Albemarle because the bus comes up Route 20 and makes stops along the way.

Ms. Mallek asked what the schedule was for that route.

Ms. Shaunesey said it is commuter transportation with most of the riders going to work at UVA Hospital, and JAUNT is also considering offering an express route.

Ms. Shaunesey reported that JAUNT brought in about \$5.7 million in revenue for FY13, with local funding being the backbone of what they do, and none of the other pieces can be brought to bear unless that local funding is the foundation. Ms. Shaunesey said the income is pretty similar to prior years and is changing just slightly over the years.

Mr. Boyd asked if there are any routes that pay for themselves. Ms. Shaunesey said there are not, and the routes are supplemented. She said the Buckingham route has come the closest to breaking even, because there is a 28-passenger bus that is full of people paying \$3.50 each way. She stated that she isn't aware of a single transit route in the U.S. that pays for itself, and there are massive federal regulations that deal with things like drug testing and other oversight measures. Ms. Shaunesey said JAUNT has a decent operations to administration ratio, and use most of the money for operations with some set aside for vehicle replacement, which is needed for each van about every five years.

Ms. Shaunesey reported that Albemarle provides the highest percentage of local match, as it has more ridership than any other county, and the bulk of JAUNT service is mandated ADA service such as para-transit service within a fixed route system. Ms. Shaunesey said para-transit is the most expensive service they provide, partly because there is a limited pot of federal money to help support it, so there isn't the benefit as you get in the rural areas. She stated that the JABA share has been shrinking, but she expects that to change in the future. Ms. Shaunesey said, for Albemarle, the local money is the base and is the biggest percentage, drawing down both state and federal money as well as charging a fare.

Ms. Shaunesey said JAUNT has had a GIS person on staff this year, and he has been able to put together maps showing how widespread the JAUNT usage is across the County. She mentioned that there are stringent federal requirements for the ADA service and, even if someone calls at the last minute, JAUNT is obliged to fit that in – which means they must have a fairly sizable dispatch crew. Ms. Shaunesey said JAUNT was expecting to see a major downturn in the rural service this year because they raised the fare \$1, but it only declined 1%; some fares went from \$3 to \$4 – or \$8 roundtrip from Crozet to Charlottesville.

Ms. Mallek pointed out that many of those riders use it for work. Ms. Shaunesey noted that riders also use it for things such as dialysis, which aren't optional.

Ms. Shaunesey stated that some of the routes are pure demand-response, and some of them are part of a schedule of fixed routes, which is more cost effective for JAUNT as they can combine ridership. Ms. Shaunesey reported that human service agency transportation increased 68% in the past year, in part because of increased youth programs such as the Boys & Girls Club and shuttles to PVCC with any money left over from that being used as local match for vehicles. She stated that JAUNT started as a coordinated human service agency bus system, so they're glad that continues to be a viable proposition. Ms. Shaunesey stated that JAUNT works closely with JABA, which has provided local match for smaller grants used to meet some of their needs. She said JAUNT offers shopping trips for seniors, taking them out for local food options such as grocery stores and occasional field trips, and they also operate the shuttle at Woods Edge because many seniors there cannot get up the hill to the CAT bus stop. She said JAUNT added an extra Crozet route because ridership demand was exceeding what they had available, and also the Mountainside residents couldn't afford the fare increase for the regular route.

Ms. Shaunesey reported that JAUNT has replaced vehicles and reduced overtime, and have had fewer complaints as well as reduced employee injuries. She said they exceeded their goal by 33% of having no more than one preventable accident every 100,000 miles. Ms. Shaunesey stated that the JAUNT Friends organization continues to raise money for ticket scholarships for people who can't afford to use JAUNT, but this is done on an ad-hoc basis as there is no paid staff devoted to the effort.

Ms. Shaunesey said the General Assembly passed the transportation bill in the last session, and there is money for public transit including JAUNT. She stated that JAUNT would increase their services at no cost to the County, and it's a sustainable long-range funding stream as long as JAUNT's performance indicators are met. Ms. Shaunesey said JAUNT hopes to respond to a request from the County to help shuttle employees home from the Boar's Head Inn and Farmington Country Club. She also stated that Head Start stopped providing transportation altogether this year, which is a huge barrier for people who want to access the program, and JAUNT is going to put together transportation for this program along with their Boys & Girls Club transit. Ms. Shaunesey said she would welcome other ideas about transit needs in the County.

Mr. Rooker asked for clarification as to the fare structure. Ms. Shaunesey explained that, in the urban area where JAUNT is running ADA service, they can't charge more than \$1.50 if a rider is certified as having a disability – but if you don't have a disability, it's been \$15. She said many children who don't have a disability can't ride the bus on their own, so JAUNT will pick them up and take them to the Boys & Girls Club who, in turn, pays JAUNT for the service. Ms. Shaunesey stated that they would be sitting down together and brainstorming the best way to get the most kids transported in the most efficient way – and they know it's an issue all over the County, for both the Club and for Head Start.

Ms. Shaunesey presented a photo of JAUNT personnel at a safety training and awards event, adding that they have recently gotten new bright blue uniforms.

Ms. Mallek congratulated her for JAUNT's new pervious paved parking lot on Keystone.

Agenda Item No. 20. **Work Session:** Stormwater Regulations – Work Session #4 (Municipal Separate Storm Sewer System [MS4] Program and Total Maximum Daily Loads [TMDLs].

The following executive summary was forwarded to Board members:

“At work sessions on July 3, 2013 and August 7, 2013, the Board was presented with a variety of information in preparation for decisions it would need to make regarding future program levels and funding. A September 4, 2013 work session deviated from this discussion series to address a particular, time-critical element of the overall stormwater management program – modifying the County’s regulatory processes and Water Protection Ordinance to be consistent with new requirements of the Virginia Stormwater Management Program (VSMP).

Staff is again deviating from the original discussion to present specific information related to other new State mandates – those related to the County’s Municipal Separate Storm Sewer System (MS4) permit and Total Maximum Daily Load (TMDL) requirements. Staff intends to resume discussions related to future program levels and funding in early 2014.

Albemarle County is authorized to discharge stormwater from its urban areas into State waters by way of a permit issued by the Department of Environmental Quality (DEQ) under Virginia’s implementation of a federal program called the National Pollutant Discharge Elimination System (NPDES). The NPDES program was originally intended to regulate point sources of pollution but was later broadened to include quasi-point sources, including the outfalls of storm sewer systems. Although the County does not own and maintain an extensive, connected network of storm pipes like those found in most cities, the County is nonetheless considered the operator of a *municipal separate storm sewer system*, or an MS4.

MS4s are defined as systems operated by public bodies lying within urbanized areas as identified by the latest census. Albemarle County is one of many MS4s in the Charlottesville urbanized area; others include the City of Charlottesville, the University of Virginia, Piedmont Virginia Community College, and the Virginia Department of Transportation. Only the portion of a public body lying within the urbanized area is regulated; for Albemarle this generally corresponds to the designated development areas.

Albemarle County is one of 90 *small* MS4 operators in Virginia; small MS4s are all covered under the same “general” permit. There are 11 large and medium MS4 operators in Virginia covered under “individual” permits. General permits were first issued in 2003 and have five-year durations. The County’s current permit became effective on July 1, 2013 and expires on June 30, 2018.

MS4 permits convey a responsibility to the operator to reduce the discharge of pollutants from regulated areas into State waters to the “maximum extent practicable” (MEP); this contrasts with numeric effluent limits often imposed on traditional end-of-pipe point sources. The MEP standard is presumed to be met if the operator implements an iterative program consistent with the permit conditions.

**MS4 Permit Requirements**

The MS4 permit requires the County to develop, implement, and enforce a variety of specific programs. There is some overlap between these requirements and other County programs – both those that predate MS4 permitting and those developed more recently. The responsibility to implement these programs is shared by various departments and staff.

Basic permit requirements consist of six minimum control measures (MCMs) as summarized in the following table:

MCM	Permit Requirement	General Description	Primary Dept.*	Program Overlap
1	public education and outreach	increasing public knowledge about steps than can be taken to reduce stormwater pollution	GS†	-
2	public involvement and participation	public noticing and receipt of comments; County participation in local activities	GS†	-
3	illicit discharge detection and elimination	mapping storm sewer system and outfalls; screening outfalls for non-stormwater discharges	GS & FR†	Fire Rescue; Health Dept; Zoning
4	construction site stormwater runoff control	regulating land disturbing activities – including new development – through plan review and inspections	CD	VSMP (E&S regulations)
5	post-construction stormwater management	requiring the construction and long-term maintenance of permanent stormwater management facilities for development	CD & GS	VSMP (stormwater management regulations)
6	pollution prevention / good housekeeping	proper handling, storage, and disposal of materials and nutrient management on County properties	GS & PR	Environmental Management System

\* GS = General Services; CD = Community Development; FR = Fire & Rescue; PR = Parks and Recreation

† County receives implementation assistance from Thomas Jefferson Soil and Water Conservation District (TJSWCD)

The County must develop and submit comprehensive 5-year Program Plans describing a combination of specific best management practices (BMPs) that will be implemented to fulfill the permit

requirements. Annually, the County must report on its progress for each BMP, evaluate the effectiveness of the programs, alter programs as necessary, and submit various records and data. The latest 5-year Program Plan and past annual reports are available at the County's website ([www.albemarle.org/water](http://www.albemarle.org/water)).

In 2012, the County hired a consultant to perform an extensive assessment of the County's MS4 program. The assessment was commissioned to satisfy a requirement of the permit and to better prepare the County for a possible future audit by the Environmental Protection Agency, which, in the cases of some other MS4 operators, has led to financial penalties. The assessment concluded that the program was generally robust but could be improved by having written inter-departmental and inter-organizational agreements, developing various written standard operating procedures, and improving information management systems.

Due to the considerable increase in program requirements under the latest permit, operators were not required to submit a complete 5-year Program Plan at the start of the current cycle. Instead, the permit includes a multi-year schedule (Attachment 1) by which permittees must update existing program elements or develop new ones.

### **TMDLs – Chesapeake Bay and Local Waters**

By far, the most significant change in the new MS4 permit is the requirement to meet pollutant reductions assigned to the County through a State or regional TMDL process. Although the *rule* is not new, this is the first 5-year permit cycle in which the rule is actually applicable to the County.

As background, the final stage of a TMDL planning process is the development of a Watershed Implementation Plan (WIP). WIPs generally include an identification of the primary sources of the pollutants contributing to the impairment of the water body; these may be agricultural practices, wastewater treatment plants, or, an MS4 such as Albemarle County. For each identified source, the WIP includes an estimation of the existing load, such as pounds per year of sediment, and an allocation of a load *reduction* necessary to restore the impaired water.

At this point, only two impaired waters have culminated in allocations of pollutant reductions to Albemarle County's MS4; the Rivanna River and the Chesapeake Bay. Both of these TMDLs require that the County take measures to reduce sediment loads in streams; the Chesapeake Bay TMDL also requires reductions in phosphorus and nitrogen discharges. As more impaired waters are moved forward through the TMDL process and result in load reduction allocations to the County, the County will have to incorporate additional measures to address them through its program.

The County's initial priority in meeting this TMDL permit requirement is to develop long-term action plans which, when implemented, will reduce pollutant discharges to the levels allocated by the TMDLs. The Chesapeake Bay TMDL action plan must be submitted to DEQ by October 2015 and the Rivanna River TMDL action plan by October 2016. With assistance from staff of the Thomas Jefferson Soil and Water Conservation District, the County is in the early stages of developing the action plans.

Action plan development will require the precise quantification of existing loads, the allocated reductions, and the presumed effects of various BMPs, such as projects and activities. BMP effectiveness and cost data will be used to produce the least-cost and most-practical mix of BMPs which will meet the requirements. The action plans could possibly include a combination of the following:

- increased public education and outreach
- an incentive program for private BMPs
- enhancements to existing public and private stormwater management facilities
- new stormwater management facilities to serve already-developed areas
- stream and ecological restoration
- non-capital measures, such as nutrient management and street-sweeping

Without yet knowing the specifics of the action plans, staff has estimated that during the next five years the County will require one additional FTE (FY15) in the role of water resources field inspector and two additional FTEs (FY15 and FY18) in the role of water resources planner, engineer, or scientist. These additional positions equate to an estimated annual cost increase of \$147,000 in FY15 and an additional \$82,000 in FY18.

In addition, staff estimates that the cost of implementing an assortment of BMPs to meet the MS4 permit requirements would be approximately \$800,000 to \$1,000,000 per year. Unlike the positions proposed by Community Development to address the VSMP mandate, the staffing and capital needs described above cannot be funded, in whole or in part, by permit fees. Therefore, the costs would be supported through either the general fund or from a dedicated funding source, if one is created.

This information is provided to assist the Board in understanding the general background and resource implications of the new MS4 permit requirements, including those related to TMDLs.”

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Mr. Greg Harper, Water Resources Manager, addressed the Board, stating that he, Mark Graham and Glenn Brooks have been reporting to the Board over the last several months about water resources and new mandates for the future – including levels of service, funding, etc. Mr. Harper said he would address the two mandates programs administered through the General Services Department: the MS4 program and the TMDLs. He stated that he would provide a broader overview of those two programs for information only, and the funding discussion would happen in the spring. Mr. Harper said he would

discuss the federal basis for these mandates and elaborate on the six minimum control measures of the MS4 program, which is the root of that program. He said it also includes the TMDLs, as they are part of the MS4 program, and he would speak briefly about what sort of resources would be needed in the future in order to administer these programs.

Mr. Harper reported that the local mandates are derived from the Clean Water Act and federal legislation of 1972, which resulted in two different types of approaches to protecting water resources: effluent standards, and ambient water quality standards. He explained that effluent standards pertained to pollution that basically comes out of a pipe from a wastewater treatment plant or factory, and limits the amount of pollution that can come from these operations. Mr. Harper said ambient water standards provide a limit on how polluted a water body can be – not how polluted the water from a pipe is. He stated that effluent standards primarily regulate point sources, but there are a lot of non-point sources as well such as farms, runoff, etc.

Mr. Harper said what came out of those different approaches at the federal level is called the National Pollutant Discharge Elimination System (NPDES) for effluent standards, and the TMDLs. He said the NPDES program ran strong for many years, so a lot of point sources were heavily regulated – but it didn't clean up all the polluted waters, so the EPA got sued by a conglomerate of environmental organizations to say that this single program was not working and that they needed to revive the TMDL program. Mr. Harper said, even though the TMDL program has been on the books since the 1970s, this is the reason it's only recently kicked in. He said, at the federal level, the NPDES was delegated down to states and, at DEQ in Virginia, it's administered as the VPDES – also called the VSMP, the Virginia Stormwater Management Program. He said this program includes all of the permits the Board has been hearing about including the MS4 permit, and said that TMDL is known at every level as a TMDL.

Mr. Harper said the permit gives the County permission to discharge pollutants into the local streams, which are also state waters, and it specifically states that the discharges are from the separate storm sewer system and is applicable only to the urbanized portions of the County – the development areas. He stated that there's a huge difference between the City's MS4 and the County's MS4, although they are regulated the same, and it's a lot more challenging to manage stormwater through a system they don't control adding that much of the urbanized area consists of stormwater systems which are owned by VDOT or are privately owned. Mr. Harper highlighted what lies on County property, noting that this is a challenging element to the permit which is something that staff is having to grapple with in terms of implementation. He said UVA also has an MS4 permit and owns quite a bit of land in the City and the County. He said PVCC and VDOT also have MS4 permits.

Mr. Harper stated that the permit has particular requirements of six minimum control measures (MCMs) that consist of public education, public involvement, illicit discharge detection and elimination, erosion and sediment control, stormwater management for new development, and pollution prevention. He noted that TMDLs make up the other major component of the program and said that the Chesapeake Bay TMDL is the only truly new element to the whole permit, as all of these other things have been done for several years. Mr. Harper said the new permit the County is under, which started July 1, involves enhancements across the board, so they have to ramp up everything staff is doing. He stated that implementation of the program requires collaboration not only with the various departments that implement the different elements of the program, but also with the other MS4s in the area, the Virginia Municipal Stormwater Association, as well as the DEQ in order to address federal mandates.

Mr. Harper said that, while there are no planners in their department, there is a lot of planning involved in figuring out what they will be doing over the next five years and implementing that over time. He stated that they have to constantly evaluate the effectiveness of the programs per the permits and, if they decide something's not working well, they have to re-work it through adaptive management. Mr. Harper said they must keep track of many different elements and report those annually, and reminded the Board that there are multiple departments and staff throughout the County that implement different elements of the program; the four major people are Glenn Brooks, Mark Graham, Andy Lowe, and himself. Mr. Harper mentioned that the permits are for five years, with the first one issued in 2003, and the second cycle issued in 2008; the new permit cycle started July 1, 2013. He said typically they would submit a five-year program plan as the program started and then, over the next five years, they would implement it, update and revise it, and report on it – but this year is different because of the new requirements.

Mr. Harper reported on the six MCMs, with public education done collaboratively with the other MS4 operators in the area as a regional stormwater education partnership with posters, movie theatre ads, signs, etc. with specific areas of focus such as "pet waste." He said another part is public involvement, which primarily means that they give the public access to plans, annual reports, etc., and have systems in place to consider their comments. He said it also requires that they participate in an event every year, and the permit rules can be very prescriptive.

Mr. Harper said illicit discharge detection and elimination currently consists of staff responding to calls from people about specific discharge incidents, and all of those things must be investigated and reported to the DEQ at the end of the year.

Ms. Mallek asked if county staff had serious legal authority for someone who empties their truck down a storm drain.

Mr. Harper said they have never exercised it, but if people deny or refuse or keep doing it, there is legal authority. He added that usually, when offenders are approached, they are embarrassed and quickly change their behavior.



Mr. Harper reported that the program also involves having staff go out in dry weather to look in pipe outfalls into creeks to see if there are any suspicious flows and, if they see anything suspicious, they will go upstream to try to figure out where it's coming from. He said they have to inspect a certain number of outfalls every year to meet permit requirements, and sometimes the complaints will reveal something as simple as a basement sump pump – which is perfectly legal.

Mr. Harper said ENS is a minimum control measure which requires developers to provide stormwater management on new developments as well as inspections of all stormwater facilities. He noted that there are about 860 of them currently, and this number is growing by about 60 every year. He said staff is already under-resourced to inspect those on a regular basis, but they are doing the best they can. Mr. Harper said the last measure is basically good housekeeping: storing materials in a proper way, preventing discharges in the storm drains on properties, etc.

Mr. Harper reported that, with the TMDLs, the County lies within the Chesapeake Bay watershed and there is a huge federal and state effort to develop a plan to clean up the waters flowing into the bay so it can meet the water quality standards. He said, because the County lies within the watershed, the County is obligated through the MS4 permit to decrease pollutants reaching local streams. Mr. Harper stated that, based on some preliminary calculations, there are three major pollutants involved in the TMDL – and the Bay is impaired because of too much nitrogen, too much phosphorous, and too much sediment. He presented statistics on the amount of each of those pollutant discharges that the County must reduce going into local streams over the next 15 years, with nitrogen reduction targeted at 4,000 pounds per year. Mr. Harper explained that the County must do this by 2025.

Mr. Snow asked how that could be measured. Mr. Harper explained that they can't measure it because it's coming from many different places, but there's a presumption that a certain practice will result in a reduction of the pollutant discharges. He said, hypothetically, building a bio-filter on the parking lot would result in approximately 200 pounds of nitrogen per year that would have gone directly into Schenk's Branch, so they add all of those measures up. Mr. Harper noted that the MS4 permit is related to the urban areas and, if it's cheaper to do some kind of program in the rural area, they can do that – but all of the reductions are based on the amount of pollution coming from the urban area. He said they are primarily an urban program at the County, and staff relies on the Soil & Water Conservation District to implement a lot of the rural programs, a partnership that is likely to grow in the future in order to exercise as much economic leverage as possible. Mr. Harper stated that, for all of the pollution currently discharged from urban areas, the County would need to reduce nitrogen by 7%, phosphorous by 10%, and sediment by 14%.

Mr. Thomas asked how the sediment could be reduced. Ms. Mallek said the forebay she has mentioned for the river would be one measure.

Mr. Harper stated that most stormwater management practices would help, such as street-sweeping by VDOT and, if the County wanted to pay someone to have that done, it would certainly result in a reduction of sediment getting into gutters. He said keeping better vegetation on open spaces would also help.

Mr. Rooker asked if the baseline would change over time or remain constant. Mr. Harper said DEQ would be constantly revising their model through information gathered from natural stream monitoring, and they may decide to shift that baseline depending on how numbers shift. He stated that there's an assumption there would be more development locally, and new development would be built to old stormwater management standards. He said there's a presumption that DEQ will not even hold the line on keeping pollutant loads the same, so the County would have to step in and make up for the under-utilization of stormwater management by developers – and anything not grandfathered would be subject to new rules kicking in within a few years. Mr. Harper clarified that these would be the state's new rules implemented by the County through the VSMP program.

Mr. Mark Graham, Director of Community Development, said, under the regulations adopted, it grandfathered a lot of projects to 2019, and the General Assembly extended the approvals to 2017 on most of the site plans of subdivisions that have not gone forward. He said, if you consider the 2025 timeline, that would bring the 15-year window down to 6 years for actual stormwater management under the new standards – which means the majority of projects probably won't be included.

Mr. Rooker asked what defines whether or not a project is grandfathered. Mr. Graham explained that a site plan submission or an approved rezoning with an actual plan would be grandfathered, as long as they start the approved part of development prior to 2019.

Mr. Rooker noted that the County would have to make up for the increase in the baseline resulting from those projects.

Mr. Graham said, theoretically, that is the case and, as the DEQ gets more data, they will adjust the baseline.

Mr. Harper said they are easing the County into the pollution reduction requirements so that, during the first permit cycle, the total will only need to be reduced 5% – but it ramps up significantly by 2023. He also stated that the County recently did several major capital projects, including Woodbrook Lagoons, the COB bio-filter, and the wetlands system in Crozet that serves the library and downtown area, and all of those projects combined seem to meet the first permit cycle requirement of 5% of the total goal. Mr. Harper said they did those projects voluntarily with some grant funding and, since they were done after 2009, those count toward the total goal.

Mr. Harper reported that there are a few local TMDLs in addition to the Chesapeake Bay TMDL, and these address what is impairing local water bodies and how much of the pollutant it can take and still be healthy, along with a plan to get it back to being healthy. He said the process must go through several iterations and eventually be approved by the State Water Control Board and, once it's approved, the County is liable for any allocations of the local TMDLs to the MS4. Mr. Harper indicated it had happened in the Rivanna River with benthic organisms and with bacteria, and they must be considered when working on the larger TMDL action plans – and staff hopes there will be a lot of overlap.

Mr. Harper presented some of the elements that would be part of the action plans required to be developed to address the pollutant load reduction requirements, including identifying legal authority gaps, establishing a system of quantifying the level of necessary reduction, developing calculations to measure the benefits of different projects, considering best management practices that would meet the 100% pollution reduction requirements for all the TMDLs combined, and identifying costs and funding for these measures. He said, within the next two years, they must submit written plans to DEQ spelling all this out as a road map for getting to those reductions.

Mr. Rooker asked for clarification of the “legal authority gaps.” Mr. Harper explained that they must look at the ordinances to ensure they have the legal authority to implement these measures.

Mr. Graham said a good example would be regulating fertilizer, as the County couldn't just go out and start regulating how much could be used on lawns.

Mr. Harper stated that he would talk about the types of projects and practices they could do, and said that even enhancing public education would help contribute to pollution reductions. He said the County could offer incentive programs for people on private property to do things such as using rain barrels or changing the way they fertilize their lawns. He stated that they could enhance existing facilities or build new stormwater facilities such as the one in Crozet; they could do stream restoration or other types of ecological restoration; and they could implement programs like nutrient management and street-sweeping, as well as using nutrient trading.

Mr. Harper said this would be a complicated process, and they essentially need to develop what will work best at the least cost. He presented a schedule of the program over the next five years, stating that, in the first year, they would have to provide updates to DEQ on all of the different elements of the program: public education, illicit discharge, inspection procedures, nutrient management, and training. Mr. Harper said the action plans for the TMDLs would be due in two years, along with stormwater management enforcement mechanisms and some better “housekeeping” practices. He stated that, if any new TMDLs are approved by the State Water Control Board, there must be action plans done for those in three years.

Mr. Harper concluded his presentation by stating that staff foresees some resource needs in the future, with additional staff requested throughout the process – including an inspector, an additional engineer/planner for FY15, and another planner for FY18.

Mr. Rooker said the staff report indicates that “the cost of implementing an assortment of BMPs to meet the MS4 permit requirements would be approximately \$800,000 to \$1 million per year,” in addition to staff, but there is no timeframe given. He asked if that would be a capital cost expenditure, and when it would kick in.

Mr. Harper said staff submitted that through the CIP process beginning in 2016, and that theoretically would continue through the next 15 years. He said it's possible that a softer and less expensive approach might be determined to be more effective, but the \$1 million assumes that the County would continue doing projects like the Crozet wetlands, Woodbrook Lagoons, etc.

Mr. Foley said the next step in the process is to pull all of these work sessions together and look at the total impact – operational and capital – across all departments. He stated that the figures presented in the timeline don't include all the personnel suggested in the past, and staff would bring this together and present it to the Board again with phasing, a total cost estimate and potential funding sources. Mr. Foley said some of the numbers are already covered with current staff, and they would break that out. He added that the Board would also need to establish target levels of service and whether they want to go beyond just the mandates, adding that one big question is how the public might be involved in the process of making that decision.

Mr. Rooker asked if staff would be looking for grants to assist in the process. Mr. Harper said the DEQ announced recently that they would be putting out a grant totaling \$72 million statewide, designed specifically to help localities meet TMDLs, and staff believes that grant money will continue to be available.

Ms. Mallek suggested approaching the General Assembly about getting credit for the County's efforts prior to 2009.

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Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Boyd said that he would like the Board to develop a policy of some type for handling proclamations and resolutions, as it's been sort of open-ended up to now. He suggested the Board do only recognitions, not proclamations, and should avoid anything related to advocacy (unless brought forward by a Board member), anything accusing the public of something, and anything supporting a

particular position or legislation. Mr. Boyd said the Board should establish a policy which would outline the criteria for resolutions to be endorsed and read by the Board.

Ms. Mallek asked how the Alzheimer's proclamation would be classified. Mr. Boyd said he would consider that a recognition of Alzheimer's awareness week.

Mr. Rooker asked how that would differ from Gay Pride Day. Mr. Boyd said that the two items they had the controversy over were accusatory – accusing society of not living up to something.

Mr. Rooker said he re-wrote it so that it would just be a recognition of the day. He said, when it is thought about in the abstract, it would be good to have a policy – but they are not overwhelmed with these things, perhaps one or two a month.

Mr. Boyd said it wasn't an issue of time; it was a matter of asking the Board to endorse something or support a particular position, such as what they were asked to do with the National Organization for Women item.

Mr. Rooker said that didn't advocate a position on any specific thing.

Mr. Boyd said he felt that it did.

Mr. Rooker said Mr. Boyd brought forth a resolution requesting Board support of the Constitutional amendment regarding eminent domain, and they unanimously endorsed it. He said that is as political as it gets.

Mr. Boyd said the eminent domain item was brought forth by a Board member, and he doesn't have any problem with Board members bringing things forward; he is talking about things sent directly to the Clerk from the public.

Mr. Rooker said that, if people get a Board person to sponsor something, they would end up in the same place.

Ms. Mallek said, at Ms. Jordan's suggestion, those items could be put on the Consent Agenda and, if Board members have any concerns, they can pull those items off and discuss them.

Mr. Craddock said a constituent had emailed the Board about making December "Taxpayer Recognition Month," and some localities just do a generic statement recognizing awareness months and such – and if someone from the public wants to read a statement about it, they can do that without the Board taking a position one way or another. He suggested staff look at what other localities do, and said that the Board could just acknowledge a certain "day," and then an organization can get up and make a statement. Mr. Craddock said, at that point, the Board is not endorsing it, they're just saying that that's the day.

Mr. Boyd said that's a good idea.

Mr. Thomas and Mr. Rooker agreed.

Ms. Mallek said Nancy Carpenter had viewed this as a place for the public to come before the Board and share their ideas.

Mr. Boyd said that's what the three minutes at the beginning of the meeting are for.

Mr. Rooker said there is some value to organizations and groups in having a proclamation adopted by the Board, and having a certificate handed to them along with a ceremonial aspect. He said many of them appreciate getting a recognition for their particular item.

Mr. Boyd said that the Alzheimer's item wasn't taking any kind of position.

Mr. Rooker said the vast majority of the proclamations are not controversial.

Mr. Snow said David Toscano had presented him with a recognition for Snow's Garden Center being in business for 100 years, and he appreciated it.

Mr. Boyd said there's nothing controversial about a proclamation for "Disability Employment Awareness Month," or announcing that October 5 is the "Local Aids Walk." He said it's only the controversial ones he is concerned about.

Mr. Rooker said sometimes it's in the eye of the beholder.

Ms. Mallek distributed a proposal to the Board for "World Habitat Day" on October 7, and they can use that as a planning tool going forward.

Mr. Foley asked if the Board was making a decision to keep things the way they are now.

Mr. Craddock said he had suggested staff look at how other localities are dealing with it.

Mr. Boyd said it would be good information to have.

Mr. Rooker said staff will spend more time looking at how to deal with this than the Board will over the next year dealing with proclamations, except when there is one or two that come in that are somewhat controversial.

Mr. Boyd said he foresees the Board being faced with even more controversial ones in the future. He said he trusts Ms. Jordan's judgment on what will be put on the agenda, and he didn't want to change the policy if it meant putting it on the Consent Agenda.

Mr. Rooker said any Board member can decide in advance that something should be brought up for discussion or pulled out because of a disagreement.

Mr. Foley stated that they can make a clear distinction between recognitions, such as an event in Scottsville, versus proclamations and resolutions which are more like taking a position. He said staff would continue dealing with things the way they have been and monitor it and, if it gets out of hand, staff can do some research and consider a different approach.

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Agenda Item No. 22. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley reported that there had been a lot of discussion regarding the impact of the federal government shutdown, and staff has been monitoring it closely along with participating in conference calls such as one held with the White House. He said, currently, County services are not expected to be affected unless the shutdown extends beyond 30 days. Mr. Foley said staff was monitoring this closely and, if anything changed, they would have to come up with some new strategies – for things such as the Food Stamp program. He stated that he had come up with a chart of deadlines for programs like that, and if this went beyond October 31, staff would need to do some additional analysis as to how to proceed.

Mr. Snow asked if the federal government would make up for lost ground, in the event it goes beyond the 30-day timeframe or even 60 days. Mr. Foley said they wouldn't know the answer to that without more direction, and that's a decision of Congress.

Mr. Boyd said, historically, they have covered that, but that may not be the case this time.

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Mr. Foley reported that there was a VACo conference coming up, and there is a process of establishing voting credentials. He said he was assuming he could tell VACo that the Chair would vote, with the backup being the Vice-Chair.

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Mr. Foley announced upcoming events and meetings.

Mr. Rooker asked if they were going to take public comment on the Northside Library and solid waste plan meetings. Mr. Foley said they were taking comment on solid waste, but the other items were work session items.

Ms. Mallek stated that she thought people would have an opportunity to provide input on the Comp Plan during the work session discussions, similar to what the Planning Commission has done.

Mr. Foley said staff's interpretation of the Board's direction was that they wanted to get a review of the Comp Plan done before accepting public input, then would decide on a process.

Ms. Mallek said they had agreed not to have a public hearing, but she didn't realize it would eliminate all opportunities for input at this stage.

Mr. Foley said they didn't have public comment during the last round, but staff can accommodate that on their agenda. He stated that the Board had said they wanted to get a review of it first and identify issues prior to accepting comment. Mr. Foley said the Board's regular meeting would start at 6:00 p.m., after the work session and, on the following day, they would hold a joint meeting with the School Board at 4:00 p.m. He said, prior to that, the Board would meet with staff to go over their annual review of two departments in a modified zero-based budget review in preparation for the upcoming budget process, and would cover Housing and Fire/Rescue. Mr. Foley also reviewed the Board's November meeting schedule, noting that they would have a regular day meeting on November 6, November 13 would include a 2:30 five-year financial plan review and solid waste discussion and their 6:00 p.m. regular meeting; November 14 would involve another work session on the five-year financial plan focusing on the School Division.

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Agenda Item No. 23. Adjourn to 1:00 p.m., October 9, 2013.

At 4:39 p.m., Ms. Mallek **moved** that the Board adjourn to 1:00 p.m. on October 9, 2013. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Chairman

Approved by Board
Date: 08/13/2014
Initials: EWJ