

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 5, 2014, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

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. Call to Order. The meeting was called to order at 9:04 a.m., by the Chair, Ms. Dittmar.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek stated that she had some committee reports, including an update from the MPO and the Historic Preservation Committee, but she would share those at the end.

Ms. McKeel **moved** to adopt the final agenda as presented. Mr. Sheffield **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.
NAYS: None.

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

Ms. Mallek stated that the Charlottesville-Albemarle MPO is holding a public outreach event later this afternoon from 5:00 to 7:00 p.m. at the Water Street Center to gather input regarding the 2040 long-range plan, and said that the meeting would focus on the fiscally constrained project list.

Ms. Mallek said that she would like to have a report from staff on volunteer firefighter incentives, such as participation in the County's health insurance program.

Mr. Foley said that staff would typically run that through the FEMS Board first prior to bringing it to the Board of Supervisors. He added that there is a report on the health and welfare of the system coming to the Board at its next meeting.

Ms. Mallek said that she would like to explore the possibility of bringing commercial property in a mixed-use development into the proffer equation, as that is where the main revenue sources are and could be used to offset residential impacts.

Mr. Boyd said that his understanding was that the Board was already doing that, as proffers are considered part of Neighborhood Model uses.

Ms. Mallek stated that there is currently no credit given for commercial development, and she would like to consider doing that to perhaps jumpstart some of the projects that are just sitting because of the cost.

Mr. Foley said that there is a process for reviewing the proffer policy, and that may be the best time to discuss credits that might be given.

Ms. Mallek stated that the last item she wanted to mention was related to border towns and utility taxes. A constituent, who lives on Afton Mountain, mentioned to her that Century Link has been allocating its fees to Nelson County instead of Albemarle. She said that she thinks the County is losing revenue from these situations.

Mr. Foley said that the Finance Department would look into this issue further.

Ms. Dittmar stated that she has several items, but would address them during the "From the Board" section of the agenda.

Agenda Item No. 6. Recognitions:

Item No. 6a. Ann Mallek – Past Chair.

Ms. Dittmar recognized Ms. Mallek as outgoing Chair. Ms. Mallek has served as Supervisor representing the White Hall District since 2008 and served as Chair since 2010. Ms. Mallek serves all the citizens of the County and has taught her a lot about engaging people in conversation and allowing people to share their thoughts, ideas, concerns and dreams. On behalf of the Board and citizens, Ms. Dittmar presented Ms. Mallek with a plaque recognizing her service as Chair from January 2009 to December 2013.

Item No. 6b. Proclamation recognizing The Senior Center.

Mr. Sheffield read and presented the following proclamation to Senior Center Board President, Bob Tucker, and Senior Center Executive Director, Peter Thompson.

PROCLAMATION

WHEREAS, seniors are an integral aspect of our community, providing wisdom and lifelong experience that people of all ages can benefit from; and

WHEREAS, Senior Center, Inc. has created opportunities for seniors to remain healthy, independent, and engaged in Albemarle County since 1960; and

WHEREAS, Senior Center, Inc. through a wide variety of programs in lifelong learning, fitness, arts, recreation, travel, and volunteer service has effectively promoted independence and cost-effectively supported community health; and

WHEREAS, Senior Center, Inc. has facilitated the dignity and self-esteem of seniors, thus tapping their experience, knowledge, skills, and abilities and enabling them to continue to contribute to our community; and

WHEREAS, The National Institute of Senior Centers (NISC) is the accrediting body for 15,000 senior centers nationwide.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors congratulates Senior Center, Inc. for achieving National Accreditation for the third time (one of just seven such centers in the country), as awarded by NISC in June 2013; and

FURTHER RESOLVED, that the Board of Supervisors calls upon all citizens to recognize the positive impact that Senior Center, Inc. makes in our community by enhancing the well-being of seniors and all our community.

Mr. Tucker thanked the Board for the recognition. The Senior Center is very proud of its accreditation. He invited the Board and community to a breakfast celebration on February 14th in celebration of its accreditation. Mr. Thompson also thanked the Board for its recognition. He added that the community is facing a doubling of its aging population between 2000 and 2025. Mr. Thompson said that the aging population is impacted by all the issues discussed by the Board at its meetings. The Senior Center is very proud to serve the community and appreciates the County's support for the past 54 years.

Note: At 9:18 a.m., the Board recessed its meeting to address some technical difficulties. The meeting reconvened at 9:21 a.m.

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

Ms. Kathy Welch, a resident of the Rio District, said that she is present to speak about the Charlottesville Area Transit (CAT) system. She is very pleased that the Board is interested in becoming more engaged in what is happening with the public transit system. Ms. Welch said that the community needs to get away from the notion that there are "County routes," and needs to recognize they are dealing with a system of interdependent routes. She stated that Route 5 has been traditionally designated as a County route, but many of the riders are going to Barracks Road to transfer to Route 7, which will take them anywhere else they want to go in the system. Ms. Welch said that Route 7 is the heart of the system and has the most hours of service and the most frequent service, as well as having the most peak time buses at five, and is the longest route in terms of miles traveled – with 40% of ridership traveling on it. She thanked past and present Supervisors for their efforts on Route 7, stating that without them it is possible that Saturday service and CATEC stops would have been discontinued.

Dr. Charles Battig, a County resident, stated that the EPA comes up frequently in discussions. He commented that he would rather have a "safe air" standard than one for "clean air." Dr. Battig stated that the manmade carbon dioxide contribution to climate change is so tiny, it remains "unidentifiable" compared to natural sources, and said it is a "fact," not his personal opinion. He said that "carbon pollution" is a political propaganda term without scientific meaning, with the lowest organic life forms producing about two pounds of carbon dioxide each day. Dr. Battig stated that while CO2 has increased

by 9% over 17 years, global temperatures have not budged. He said that members of groups such as the Sierra Club have offsite meetings with the EPA, and they exchange emails with top EPA officials – with a lot of EPA employees being former environmental advocates. Dr. Battig stated that Mr. John Beale posed as an EPA employee but was found out after not showing up for work for a year or two, and he testified under oath that the EPA is actually “hoping to change the DNA of the capitalist system.” He added that there is no evidence to support the EPA’s claim that fine airborne particulate matter measuring 2.5 micrograms or less is killing thousands of Americans every year. He also stated that studies have shown no correlation between ozone and parts per million and health problems. He added that average ground-level ozone (O₃) and fine particulate matter (PM_{2.5}) measurements were not correlated with the 19,327 patient admissions for asthma at the University of California-Davis Medical Center. In terms of the TJPDC Livability project, four dirty days in five years; less than 0.25% of County residents participated in the study and the number one thing they wanted was a decrease in regulations and to protect private property rights.

Mr. Bill Schrader, Chair of the Crozet Library Fundraising Committee, reported that everything in the library has been paid for. The citizens, foundations and local support have been dramatic. They are continuing to fundraising because they are now looking for money for books which will continue through October 2014. Mr. Schrader said that their original estimates for library usage were well understated, and from September, 2013 through January, 2014, attendance at the old library was 24,800; with the new library for the same time period at 58,891. He stated that circulation has increased from approximately 12,000 per month in the old library to 22,600 in the new library – and there have been 1,255 new library cards issued since the facility opened. Mr. Schrader said that the Crozet Library is the #1 self-checkout library in the system, and internet usage is up over 104%. He stated that both meeting rooms are used every day, and in December there were 51 bookings for the two rooms. He added that there are two more groups that want to form book clubs, but they do not have the available space. The Crozet Communication Association and the Crozet Community Advisory Council would like to their meetings to the new library conference rooms, but they cannot because they normally meet on Thursday nights, and the library is not open on Thursday nights. He asked the Board to support the budget request for an additional opening late on Thursday nights. Mr. Schrader said that the librarians at the Crozet Library and Western Albemarle High School worked together for the tests at the school in January, and over 85 students came into the library for Thursday nights for flex tests.

Mr. Boyd asked if there is a way to track individual library users to see how many are repeat visitors. Mr. Schrader said that the systems only tracks a door count, and he would have to work with the library to see if there is a way to track individual visits.

Mr. Sheffield said that the library card usage would show that. Mr. Schrader confirmed that it would, adding that they also know by their addresses who uses the library. He added that the library is being used across-the-County, not just for Western Albemarle, because it is so modern.

Mr. Scott Leake, of Congressman Robert Hurt’s office, addressed the Board, stating that Mr. Ron White would be reporting on a resolution to the Crossings situation. He thanked the Board for entrusting the Congressman’s office to help facilitate the process.

Ms. Mallek asked Mr. Leake also to extend her concern to Rep. Hurt over the WIAA, which is before Congress in this session, as residents need to be retrained when they lose their jobs.

Ms. Diana Foster, speaking on behalf of the Rivanna Trails Foundation, asked the Board to vote to hold a public hearing on the Route 29 Western Bypass. Ms. Foster stated that the RTF is concerned specifically about the design of the southern interchange of the proposed bypass. In 1998 the RTF received permission from UVA to build a public trail on its land; in 1999, the RTF built and sign-marked the trail. She said that by 2000, the RTF had built a public trail from Barracks Road to Old Ivy Road, and in 2002 the Rivanna Trail was designated a National Recreation Trail; in 2004, it was designated a Virginia Birding and Wildlife Trail. Ms. Foster said that from 1992 to the present, the RTF has built more than 30 miles of public trails – two-thirds of them in Albemarle County – and of the original 20-mile Rivanna Trail encircling the City, approximately nine miles lie in the County, on paths delineated on the County’s greenways master plan. To date, the RTF has been the primary maintainer of these County trails, and the Rivanna Trail Loop and additional RTF trails, in the County, are public recreational resources for both City and County residents. Ms. Foster said that in 2011, the RTF learned that the Rivanna Trail from Barracks Road to Old Ivy Road had not been considered in current planning for the bypass, and the RTF requested that the Rivanna Trail be placed on maps and considered in future designs. In 2013, she said, the Federal Highway Administration deemed the portion of the Rivanna Trail on UVA property to be a Section 4-F resource due to its significant public recreational use. Ms. Foster stated that VDOT has offered to UVA and the RTF mitigation proposals, but to date they have lacked enough information for the RTF to agree to them. The RTF remain concerned that the southern interchange of the bypass, depending on the design chosen, will negatively impact or destroy up to a mile of the Rivanna Trail and may negatively impact the headwater tributaries of Meadow Creek. She said that the RTF feels that the community deserves more information from VDOT before the road project is allowed to move forward.

Mr. Boyd asked if the RTF had spoken to VDOT about the issue, because the Board does not have anything to do with the design of the bypass other than public input. Ms. Foster said the RTF is just asking for more public input, and is asking the Board – because the matter is an agenda item – to vote to have the public hearing.

Mr. John Halliday, Director of the Jefferson-Madison Regional Library and a resident of the Rio District, said that the Library has participated in the nationwide "Big Read" for the past seven years, funded by the Friends of the Library. The objective of the program is to get everyone in the community read the same book at the same time. Mr. Halliday announced that this year's book is *True Grit* by Charles Portis, and stated that the book is better than either movie.

Ms. Nancy Carpenter, a resident of the Scottsville District, invited new Board members to take a tour of The Crossings to view the facility and meet some of residents.

Ms. Carpenter said that some good things have happened with public transit in the last year, but there are a lot of tweaks that still need to be made and she is hopeful there will be some enabling legislation to allow the City and County to establish a regional transit authority to address larger system questions.

Mr. Sheffield asked Ms. Carpenter if she has been communicating with CAT about her observations and concerns. Ms. Carpenter said that she has not been active recently in connecting with CAT, but has been making notes on what she hears and sees related to transit.

Mr. Sheffield said that the City has encouraged CAT to launch an advisory council, and suggested that was something she might want to look into.

Mr. Rex Linville, on behalf of the Piedmont Environmental Council, stated that they are a private nonprofit organization covering Albemarle County northward to Loudoun County focusing on a variety of issues including land conservation, planning, agricultural sustainability and wildlife habitat improvements. Mr. Linville stated that in 2013, there were 2,800 acres of new land permanently protected with private voluntary conservation easements, bringing the total to 90,000 acres of private land voluntarily protected – or 19% of the County's total acreage. He noted that the protected land includes about 390 miles of river and stream frontage, 33,000 acres of prime farmland, 1,200 acres of wetland, 60,000 acres of forest, 23,000 acres adjacent to scenic byways, and 38,000 acres in historic districts. Mr. Linville said that these resources are what make Albemarle County a great place to live and provide a productive rural economy. In the PEC's recent study of the nine environmental benefits of protective land in the Commonwealth, they found that these protected properties are contributing about \$21.8 billion to the state's economy. He stated that this success could not have been possible without incentives for landowners to protect their land, and the Virginia Land Preservation Tax Program has provided those for several years.

Mr. Linville said that the book *For the Love of the Land*, provided to Board members, has also been distributed to members of the General Assembly to help them see some of the value and benefit of that program, as it highlights one conservation success story from each of the 100 legislative districts in the state. He stated that the other program that has helped in the County is the Acquisition of Conservation Easement Program, and said that he hopes the Board will continue to fund it going forward.

Ms. Palmer asked how other counties in the Piedmont compare to Albemarle in terms of the percentage of acreage in conservation easement. Mr. Linville said that Albemarle has the second-highest number of protected acres in the state, second to Fauquier County, which has approximately 95,000 total protected acres. He stated that a few other counties have a range of 15-20% of total land protected, but Albemarle is one of the most protected in the Commonwealth.

Ms. Mallek noted that the Board just received notice from the state that more than \$120,000 would be coming to the County for ACE from the Farmland Conservation Fund. Mr. Linville said that PEC has been advocating for additional money at the state level to be available for matching dollars for local purchase of development rights programs.

Ms. Lena Seville, on behalf of the Transit Riders Association of Charlottesville, said that at its last meeting they discussed commuter routes out into the County. She asked the Board to consider a feasibility study to look at those routes out toward Crozet and Scottsville. Ms. Seville said that the recent residents' survey of Albemarle County showed very positive response, but transportation was the one area that showed a public perception that more could be done. She stated that with limited stops, they could have slightly higher density around those locations and still preserve the rural areas.

Ms. Sandy Payne, a resident of the City, said that she is a transit rider who is dependent on that system. Ms. Payne said that City representatives have turned her away so she decided to come before the Board. She stated that Route 10 used to have a service at night where the bus went from Food Lion to Wilton Farms and then back downtown, with a half-hour trip total – but when the routes were changed, a rider must ride an entire hour to get from Food Lion to Wilton. Ms. Payne said that the riders on the buses talk and agree that there are ways that the system could be more efficient and more helpful to riders. She added that the Transit Riders Association started because the riders wanted to have a voice.

Mr. Tim Tolson addressed the Board, stating that he is a Crozet resident and a Board member of the Jefferson-Madison Regional Library Friends. Mr. Tolson said that patron visits to the library increased by approximately 174% when comparing November 2012 to November 2013, and over 100 students participated in the "exam cram" study event they held at the library. He stated that JMRL is urging the Board to fully fund the library's budget request, as those funds are needed to increase the hours the library

is open in order to meet the demand that is already there. Mr. Tolson said that the budget will also need to meet the increased operations at Northside when that new library opens at the end of the year.

In terms of the streetscape in Crozet, Mr. Tolson said that he thought that the Tabor Street proposal for closing the street during construction was going to be on the agenda, and while closing that road is a good idea it is important that the detour have a solid string of cones across the lumber yard so people do not start using the Square as a cut-through to get around any backup on Library Avenue.

Ms. Palmer said that she visited the Crozet Library one afternoon in the middle of the week and it was completely mobbed – with users of all ages, from little kids to elderly people.

Agenda Item No. 8. Consent Agenda. Ms. Mallek **moved** to approve Items 8.1 through 8.4, and to accept the remaining items for information. Ms. McKeel **seconded** the motion. (**Note:** Discussions on individual items are included with the agenda item.)

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

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

Item No. 8.1. Approval of Minutes: August 14(N) and November 14(A), 2013.

Mr. Boyd had read his portion of the minutes of August 14, 2013(N), pages 1-13, and found them to be in order.

Ms. Mallek had read his portion of the minutes of August 14, 2013(N), pages 14- end, and found them to be in order.

Ms. Dittmar had read the minutes of November 14(A), 2013, and found them to be in order.

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

Item No. 8.2. Employee Pay Process Review.

The executive summary states that the County implemented its Human Resource/Payroll (HRP) module of the Access Albemarle (AA) Project in April, 2012. In spite of our best planning efforts to align the software with our processes, the actual implementation of the Access Albemarle software system has revealed instances of process misalignment, or in some cases, opportunities to modify our current processes to achieve greater accuracy and to further leverage the use of these very sophisticated tools.

The County's history of the number of employee overpayments and underpayments could be deemed relatively minor in the context of the number of employees who are paid each month and the complexity of the compensation transactions processed. However, these errors have had a real impact on employees and have resulted in additional cost to the County. Several overpayment or underpayment mistakes have occurred over the last five years which may have been avoided with improved systems.

The purpose of this Executive Summary is to provide information to the Board to support staff's request for an appropriation to fund a consultant to review the County's pay process system.

The County has a complex pay process system that serves Local Government and School employees, including many complicated schedules and data inputs. There have been a number of problems with our employee pay processes that have become more apparent since the County started using the new HRP system. The lack of an automated time and attendance system and the reliance upon a decentralized, paper-based system of tracking employees' time and attendance is problematic.

Staff believes - given that we are now operating the new software - that we should immediately undertake a comprehensive review of the pay process system to identify necessary process improvements. Because of the complexity of handling pay processes for both local government and the schools and the critical importance of accurately handling employee pay, staff proposes that a consultant be engaged to identify pay process weaknesses and to make recommendations for improvements to the County's pay processes. Based on discussions with firms with expertise in the area of process improvements with governmental experience, the estimated cost of the desired services is approximately \$60,000.

A supplemental appropriation of \$60,000 is necessary to fund a consultant to undertake the review of the pay process system in this fiscal year. The funds are proposed to be appropriated from the Reserve for Contingencies Fund.

Staff recommends that the Board approve Appropriation #2014079 on the February 5, 2014 FY14 Appropriation Request to fund the proposed review of the County's pay process systems.

(**Discussion:** Ms. McKeel stated that this process shows \$60,000 going to a consultant for review of Access Albemarle, and she would like more information on what the consultant will be looking at.

Mr. Foley said that staff will share the scope of services on what they will be requesting, as it will be going out to bid and will be in the RFP.

Ms. McKeel asked if the groups are still meeting for Access Albemarle. Mr. Foley explained that a number of groups meet on a regular basis, and they have moved from a project implementation to an operations mode. There is a process owners group with Mr. Boyd as the representative from the Board and Mr. Koleszar representing the School Board – which just held its last meeting. He said that they just announced that the project is completed, and a full report on the result of the implementation and benefits will be coming to the Board in the near future.

Ms. Mallek and Ms. McKeel asked for more information about the consultant. Mr. Foley stated that it is an outside consultant to look objectively at the County's pay systems in order to identify gaps, as the current system is a complicated one whereby school teachers are paid very differently from police officers, etc. He said that since there is one Finance Department that does all of the different pay systems, staff feels that someone should come in from the outside to examine the system to ensure errors are not made in the future regarding payment of staff.

Mr. Boyd said that the previous Board discussed this item.

Ms. McKeel said that the new Board members were not a part of that discussion, and she wants to get more information about exactly what the \$60,000 is for. She stated that if the previous Board discussed this issue, she is satisfied as long as she understands the consultant's charge and the process better.)

By the above-recorded vote, the Board approved Appropriation #2014079 on the Appropriation Request (under Item #17) to fund the proposed review of the County's pay process systems.

Item No. 8.3. Resolution of Reaffirmation of Support for the Journey Through Hallowed Ground Partnership.

(Discussion: Mr. Boyd said that he wants to make sure support of this resolution does not have funding attached to it, as that organization had recently changed its philosophy to seek funding from localities.

Mr. Foley explained that staff also looked at that item closely and would have included it as an action item if they had been requesting funding. The request was kept on the Consent Agenda because it did not have a financial component.

Mr. Boyd reiterated that he wants to make sure this is not an indication that the Board supports funding a budget request. When this was originally set up, it was clearly with the understanding that localities would not be asked for funding.

Mr. Foley added that Journey Through Hallowed Ground has put in a request for funding, which the Board will be considering during the budget process.)

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

**RESOLUTION OF REAFFIRMATION OF SUPPORT for the
JOURNEY THROUGH HALLOWED GROUND PARTNERSHIP**

WHEREAS, the Journey Through Hallowed Ground Partnership (JTHG) is a non-profit organization dedicated to raising national and international awareness of the unparalleled history in the region from Gettysburg, Pennsylvania to Albemarle County, Virginia; and

WHEREAS, the JTHG has built a strong network of 350 local, regional, and national partnering organizations to develop a common vision to brand and enhance the scenic, historic, recreational, cultural, and natural resources of the region; and

WHEREAS, the JTHG has collaboratively created a National Heritage Area as designated by the United States Congress and signed into law by President Bush in 2008; and

WHEREAS, the JTHG has successfully completed a Corridor Management Plan for the 180 mile long corridor generally following the Old Carolina Road and worked to have it designated as only the 99th road in the country to be recognized as a National Scenic Byway in 2009; and

WHEREAS, the JTHG has created heritage tourism programs that provide economic development opportunities for each Partnering jurisdiction within The National Heritage Area to support our businesses and the quality of life for all citizens; and

WHEREAS, the JTHG has developed award winning educational programs, including the Of the Student, By the Student, For the Student service learning project, to connect students and teachers with our shared heritage; and

WHEREAS, the JTHG developed the “Living Legacy” project that commemorates the individual and combined sacrifices of the Civil War fallen by planting one tree for each of the 620,000 soldiers who died, as it beautifies the communities of Partnering jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors reaffirms its commitment to the Journey Through Hallowed Ground Partnership and pledges its continued support for this collaborative Partnership.

Item No. 8.4. SDP-201-300058. Rolkin Road Retail Center – Special Exception.

The executive summary states that the Rolkin Road Retail Center is located in the southeast corner of the intersection of Rolkin and Abbey Roads, approximately 275’ south of the intersection of Rolkin Road and Route 250. This site is an outparcel of the larger commercial development, Pantops Shopping Center, which was rezoned to PD-MC (Planned Development Mixed Commercial) under ZMA199800020. The initial site plan includes a 10,510 square foot retail building with associated parking and travelway, and requires this special exception to develop as proposed. The applicant is requesting a special exception to disturb a small area of man-made critical slopes.

1. CRITICAL SLOPES WAIVER

The proposed development will require the disturbance of critical slopes. A special exception to allow critical slopes disturbance is necessary before the final site plan can be approved by staff. The applicant has submitted a request and justification for the waiver, and this request has been reviewed for both the Engineering and Planning aspects of the critical slopes regulations. Section 4.2.1(a) of the Zoning Ordinance requires that the building site, and thus any improvements and earth-disturbing activity, be free from critical slopes. Section 4.2.5(b) allows this restriction to be waived when the slopes were created through development pursuant to an approved Site Plan.

The critical slopes in the area of this request appear to be man-made and created pursuant to the road plans for adjacent roads. Though no site plan for this particular parcel has been previously submitted, site plans for the adjacent parcels show no critical slopes on this parcel prior to 2001. Critical slopes have been created since that time, likely with the construction of Hickman Road. Staff is recommending approval of the special exception. This recommendation for approval is based on staff’s assessment which finds that the proposed disturbance substantially meets the requirements listed in Section 4.2.5(b):

Review of the request by Engineering staff:

Description of critical slope area and proposed disturbance:

This is an infill lot for the Pantops Shopping Center. The adjacent site plans around the project show no critical slopes prior to 2001. Critical slopes have since been constructed, possibly with the construction of Hickman Road.

Areas	Acres	
Total site	1.67 acres approximately	
Critical slopes	0.25	15% of site
Critical slopes disturbed	0.25	100% of critical slopes

Exemptions to critical slopes waivers for driveways, roads and utilities without reasonable alternative locations:

This disturbance is not exempt.

Compliance with Zoning Ordinance Section 18-4.2:

“movement of soil and rock”

Proper slope construction, control of drainage, and vegetative stabilization will prevent any movement of soil.

“excessive stormwater runoff”

Stormwater runoff will be reduced in this area, as the slopes will be eliminated.

“siltation”

Inspection and bonding by the County will ensure siltation control during construction. Proper stabilization and maintenance will ensure long term stability.

“loss of aesthetic resource”

This area is visible from the roads and houses in the neighborhood. Some of the slopes were created with the roads.

“septic effluent”

This neighborhood is serviced by public sewer.

Based on the review above, there are no engineering concerns which prohibit the disturbance of the critical slopes as shown.

Review of the request by Planning staff:

Each of the following four factors delineated in Zoning Ordinance Section 18-4.2.5(b) are satisfied:

1. The property is not identified in the open space plan as one having any protected resources and a field inspection has confirmed that there are no significant or critical features on the property identified for protection in the open space plan;
2. There is no reasonable alternative that would eliminate or reduce the disturbance of critical slopes;

3. The developer submitted and obtained approval from the program authority of an erosion and sediment control plan; and
4. The developer submitted and obtained approval from the County Engineer of a plan that describes how the movement of soil and rock, stormwater runoff, siltation of natural and man-made bodies of water, the loss of aesthetic resources identified in the open space element of the comprehensive plan and, in the event of the failure of a treatment works and subsurface drainfield, a greater travel distance of septic effluent, will be mitigated through design, construction techniques, re-vegetation, stormwater management and other best management practices.

Based on the County Engineer's comments, staff finds that this request meets the criteria noted above. These slopes are not identified on the Open Space Plan and are man-made. There are no concerns that would cause staff to object to the approval of the proposed critical slope disturbance request.

Staff recommends approval of the special exception to allow the critical slopes to be disturbed, as required.

By the above-recorded vote, the Board approved the special exception to allow the critical slopes to be disturbed, as required.

Item No. 8.5. FY 2014 Second Quarter Proffer Report, ***was received for information.***

The executive summary states that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers. The Board received the last quarterly proffer report on November 6, 2013, which included information on cash proffer revenue and expenditures and non-cash proffers for July through September, 2013. This report includes all proffer activity (both cash and non-cash) for the second quarter of FY 2014 (October-December). The next quarterly report will be on the Board's May 7, 2014 agenda.

Proffer Activity for Fiscal Year 2014 Second Quarter (October-December)

- A. New Proffered Revenue:** Several rezoning requests were approved this quarter that provided new cash proffers, including Riverside Village, Out of Bounds, and The Lofts at Meadow Creek. An amendment to Avon Park II was approved that increased the anticipated cash proffer revenue from that development. In addition, the cash option for affordable housing has been elected for Grayrock West and Estes Park, which will increase the amount of cash proffers for those developments. Together, these changes result in an increase in Total Proffered Revenue of \$1,131,771.99, as follows:

DEVELOPMENT	AMOUNT	PURPOSE
Grayrock West	\$41,745.25	Affordable Housing/CIP
Estes Park	\$218,812.75	Affordable Housing
Riverside	\$265,981.00	Park Master Plan/CIP
Out of Bounds	\$528,700.84	CIP
The Lofts at Meadow Creek	\$61,000.00	Sidewalk/CIP
Avon Park II (amended)	\$15,532.05	CIP
TOTAL	\$1,131,771.89	

Although not proffer funds, the County received \$6,000 for affordable housing programs from a special use permit condition for Kenridge (SP 2012-13).

- B. Total Proffered Revenue:** Total proffered revenue is \$46,136,985.90. This reflects 2013 annual adjustments to anticipated proffer revenue (not received yet obligated) from proffers in which annual adjustments were proffered and the increase in new proffered revenue described above.

- C. 2nd Quarter Cash Revenue:** The County received a total of \$218,489.81 from existing cash proffers during this quarter from the following developments:

DEVELOPMENT	TOTAL	INTENDED PURPOSE
Willow Glen	\$27,827.42	CIP
Haden Place	\$3,200.00	CIP-Crozet
Livengood	\$61,384.02	CIP
Livengood	\$7,995.00	Affordable Housing
Belvedere	\$750.00	Affordable Housing

Old Trail	\$8,000.00	Crozet Parks/Schools
Liberty Hall	\$25,600.00	CIP-Crozet
Leake	\$19,397.35	CIP
Leake	\$2,952.00	Affordable Housing
Grayrock West	\$61,384.02	CIP
TOTAL	\$218,489.81	

D. 1st Quarter Expenditures and Appropriations: There were no appropriations this quarter.

Current Available Funds: As of December 31, 2013, the available proffered cash on-hand is \$4,039,501.12 (including interest earnings on proffer revenue received). Some of these funds were proffered for specific projects while others may be used for general projects within the CIP. Of the available proffered cash on-hand, \$1,972,324.22 (including interest earned), is currently appropriated (Attachment A). The net cash balance is \$2,067,176.90. Attachment B provides information on how the net cash balance may be used for future CIP projects.

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

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

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

Item No. 8.6. FY 14 General Fund Q2 Report; Revised FY 14 Revenue Projections Report; and Quarterly Economic Indicators Report, **was received for information.**

The executive summary states that the attached Quarterly Financial Report (Attachment A) provides information regarding the County's FY 14 General Fund performance as of December 31, 2013. The Revised Financial Projections Report (Attachments B through D) includes projected General Fund revenues and expenditures for FY 14. The Quarterly Economic Indicator Report provides an overview of recent general economic conditions in the County.

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through December 31, 2013, the end of the second quarter of FY 14. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR.

The columns in the QFR show FY 14 Adopted Budget revenues and expenditures, Revised Budget revenues and expenditures, as well as YTD actual revenues and expenditures. Each of these YTD figures subsequently is expressed as a percentage of the amount in the relevant line item of the FY 14 Revised Budget.

Additionally, the QFR includes corresponding data from FY 13 so that the current fiscal year's financial data can be compared easily to that of the previous fiscal year. An important feature of this report is that data is provided for a point in time (December 31, 2013) and is compared to data from the same point in time for the prior fiscal year (December 31, 2012). Anomalies and similarities between fiscal years become readily apparent using this comparison method.

The Revised Financial Projection Report (RFPR) provides a streamlined summary of forecasted revenues and expenditures. The columns of the table in the RFPR show FY 14 Adopted revenues and expenditures, Appropriated revenues and expenditures, and Revised revenue and expenditure projections. The last two columns of the table reveal the variances between revised projected revenues/expenditures and the corresponding Appropriated revenues/expenditures. These variances are expressed in dollar terms in the second-to-last column and are shown in percentage terms in the last column.

The Quarterly Economic Indicators Report (QEIR) shows data about the state of the County's economy. This information formerly was presented to the Board as part of Staff's quarterly Economic Vitality Action Plan (EVAP) update. Staff presented the close-out EVAP update on September 4, 2013, at which time the Board indicated interest in continuing to see the County's QEIR in conjunction with the County's QFR and RFPR. The QEIR contains data taken from the most recently available quarter and compares this data with data from the same quarter of previous calendar years.

Highlights of the attached reports include:

Revenues – YTD Actual

YTD total revenues in the second quarter of FY 14 totaled \$99,789,998 compared to \$99,040,015 in the second quarter of FY 13. In percentage terms, FY 14 YTD Actual revenues, as a percentage of FY 14 Revised Budget revenues, stood at 43.48% compared to 42.77% in FY 13. This result represents an essentially neutral trend for revenues.

Revenue streams performed fairly consistently through the second quarter of FY 14 compared with the same quarter of FY 13. There were just four significant year-to-year variances in revenues. These three streams included Local Revenues: Charges for Services; Local Revenue: Miscellaneous; Intergovernmental: Contributions from Other Entities; and Intergovernmental: Revenue from Federal Government. The variance in Charges for Services is the result, primarily, of an increase in EMS billing. Miscellaneous revenue reflects a one-time payment to the County of \$250,000 that was made to the County in FY 13. The variance in Contributions from Other Entities, as well as the variance in Revenue from the Federal Government, reflects the timing of when these transfers or payments were made in both fiscal years. For additional information about revenue variances, see the analysis page in the QFR.

Expenditures – YTD Actual

YTD total expenditures in the second quarter of FY 14 totaled \$79,180,886 compared to \$105,896,857 in the second quarter of FY 13. This significant variance is due principally to the fact that, in the first half of FY 14, there was a \$25,883,007 transfer to the Schools Division whereas the corresponding amount in the first half of FY 13 was \$50,053,149. Four other expenditure items had significant variances from the previous year. These items included Public Safety: Volunteer Fire; Human Development: Social Services; Education: Transfer to School CIP; and Transfers, Contingencies, and Refunds: Transfer Accounts.

The variance in Volunteer Fire resulted largely from an increase in the leasing costs associated with buildings. The variance in Social Services expenditures reflects the timing of transfers to the CSA and Bright Stars funds. The Transfer to Schools CIP variance resulted primarily from the timing of the transfer, while the variance in the Transfer Accounts resulted from the timing of transfers to the General Fund CIP and the General Fund Debt Service, as well as a budgeted zero amount (and, therefore, zero transfer in FY 14) to Storm Drainage. For additional information about expenditure variances, please see the analysis page in the QFR.

Year-end Projections

The Revised Financial Projections Report indicates that, by June 30, 2014, estimated revenues will exceed appropriated revenues by roughly \$1.433 million, whereas expenditures are projected to be approximately \$0.651 million below the appropriated budget. This difference between appropriated expenditures and projected expenditures is due primarily to savings associated with salary lapse and insurance. Excess revenues and expenditures savings are projected to result in a net of \$2.084 million additional fund balance by the end of FY 14. Please note that this projected \$2.084 million in additional fund balance equals only 0.91% of the projected \$228.864 million FY 14 expenditures and transfers; this small percentage “buffer” reflects an extremely tight budgetary environment.

Quarterly Economic Indicators

Albemarle County’s economy appears to be growing at a moderate pace. The unemployment rate continues to decline from recession highs, but is still above the estimated “natural” rate of unemployment. The total number of jobs in the County is at the highest Q2 level in the six years examined in this report, although it should be pointed out that Albemarle’s population is larger now than in 2008; the *number of jobs per 1,000 residents* might not have recovered to previous levels. General economic activity, as evidenced by sales, food & beverage, and TOT revenues, appears to be picking up, and likely will continue to grow at a healthy clip as new commercial space opens in the County. The residential real estate market continues to recover from the “Great Recession” and its aftermath. The non-residential real estate market, meanwhile, has seen substantial growth in new development in the past several years, although this growth has come in clusters, rather than coming evenly over time

In addition to the attached reports, the Board has directed staff to provide a quarterly update of any FY 14 budget transfers administratively approved by the County Executive as authorized by the Board on August 1, 2012.

During this quarter, the County Executive approved no administrative transfers.

Revenue and expenditure data contained in the QFR reflects the state of the County’s budget-to-actual FY 14 financial performance as of December 31, 2013. Year end projections contained in the RFR are subject to change, based on the result of actual collections and expenditures through June 30, 2014. Data shown in the QEIR reflect economic variables that impact the County’s current and future revenues and expenditures.

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

(Discussion: Mr. Boyd stated that there is quite a bit of variance in the quarterly comparisons to the previous year, and it would be helpful if staff would note fund balance transfers and provide examples. Mr. Foley said that staff can see if they could enhance the explanations for those items.

Ms. McKeel said her understanding is that this quarterly financial report is not reflective of final closed-out accounts. Mr. Foley said that this is a report on the current activity in the fiscal year according to the budget that has been adopted, and what Ms. McKeel is referring to is more comprehensive and can be discussed during the budget process. He suggested following up with Ms. McKeel on closed accounts, and if there is something staff can bring forward in the future they will do that.

Ms. McKeel said that when she was on the School Board, she used to get quarterly reports on accounts that had been closed and there would not be any more activities on them. She wants to clarify what is in this information. Mr. Foley said that is not part of the quarterly financial report. Mr. Foley said he will follow-up with Ms. McKeel.

Ms. McKeel agreed, and stated that she had asked Mr. Foley to provide fund balance information to the Board prior to budget cycle.)

Item No. 8.7. Records Retention of Potential Historic Documents, ***was received for information.***

The executive summary states that the retention and destruction of public records are primarily governed by State law and guidelines established by the Library of Virginia. During FY12, the County embarked on a formal "Records Management" initiative led by an internal team, the focus of which is to produce a comprehensive program and operating procedures for retaining various kinds of public records. Recently, the Records Management Team hired a consultant to help assess the County's needs and to conduct a record and document inventory as a first step in the process. The work of the Records Management Team and the consultant is expected to be ongoing over the next couple of years.

A recent event involving the destruction of certain documents highlighted the need for the County to consider State records retention and destruction requirements against the County's need for policies related to potentially historic records. In this context, "historical" records or documents might include documents that are or should be maintained by the County or maintained by others because they are deemed historically significant by others (e.g., Historical Society or the Historic Preservation Committee) or are considered useful for historical research.

Following the destruction of the documents referred to above, the County Executive's Office formed a "Historical Documents Team" (comprised of County staff and representatives of the Albemarle Charlottesville Historical Society and the County's Historic Preservation Committee) to evaluate the County's practices related to potentially historic records and documents. This Team was charged to make specific recommendations to the Records Management Team as to policies, standards, and procedures to include in our Records Management Program.

The Historical Documents Team has regularly met since July and is developing proposed revisions to the County's policies, standards, and procedures in the Records Management Manual. It is anticipated that the Team will conclude its efforts at the end of February and will provide recommendations based on its review and assessment of the data collected during the County-wide record and document inventory and its review of the Records Management Manual. Those recommendations will be reviewed for consistency with State law and to ensure that historically important documents are properly managed and preserved, and provide a heightened awareness and specific guidance related to historical records, documents, and artifacts.

There is no budget impact related to this item.

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

Item No. 8.8. County Grant Application Report, ***was received for information.***

The executive summary states that pursuant to the County's Grants Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

In the FY14 Budget, the Board approved a part-time position of a Grants Analyst to provide assistance to departments' grant efforts and to monitor and improve processes for coordinating applications and awards. On January 6, 2014, Kristy Shifflett joined the Office of Management and Budget to fill this position and will be assuming the responsibilities, including providing these Board reports.

The attached Grants Report provides a brief description of two grant applications submitted and one award received for the time period of October 15, 2013 to January 15, 2014.

All grant funds and matching funds are subject to appropriation by the Board prior to the expenditure of any funds awarded to the County.

The budget impact is noted in the summary of each grant.

This report is for information only.

GRANT REPORT ACTIVITY from October 15, 2013 through January 17, 2014
Applications were made for the following grants:

Granting Entity	Grant	Amount Requested	Match Required	Dept.	Purpose
VA Department of Forestry	VA Trees for Clean Water State	\$1,214	None	General Services	To plant trees that restore and improve the waters of the Chesapeake Bay for the benefit of current and future citizens of the Commonwealth and to achieve long-term improvements in water quality through long-lived tree cover and increased public involvement.
VA Department of Health Office of Emergency Medical Services	VPHIB Hardware Initiative Grant State	\$201,500	None	Fire/Rescue	Purchase mobile data computers for licensed EMS units (ambulances and fire apparatus used as medic units).

Awards were received for the following grants:

Granting Entity	Grant	Amount Requested	Match Required	Dept.	Purpose
VA Office of the Attorney General	Asset Forfeiture Transfer Program Federal	\$971,167	None	Police	Funding for a regional firearms training center. Board received update on January 8, 2014 and authorized staff to proceed with an RFP for A&E services.

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

Item No. 8.10. Performance Bonds for Development, **was received for information.**

The executive summary states that over the last year, individual Board members have requested information regarding the County's program for performance bonds associated with development projects. This executive summary provides an overview of the program.

As required by the Subdivision, Water Protection, and Zoning Ordinances, Community Development manages performance bonds that ensure that necessary improvements with development projects can be completed by the County if the developer fails to do so. State law does not mandate that localities use performance bonds, nor does the State require localities to complete the improvements if the developer fails to do so. State law enables localities to require that required improvements be bonded in order to ensure that public health, safety and welfare can be protected as a result of development activities. The most common of these performance bonds are associated with subdivisions and water protection. Subdivision bonds are used to ensure that purchasers of the lots will have the improvements required by the County's Subdivision Ordinance. These improvements include roads and sidewalks, water and sewer, storm sewers or culverts, and required amenities such as trails or recreational facilities. Water protection bonds primarily ensure that erosion and sediment control measures and stormwater management facilities and non-structured best management practices will be properly installed, operated, and maintained. Somewhat different than the subdivision bond, these performance bonds are intended to protect others from impacts associated with development, such as limiting the amount of sediment that can flow downstream as a result of construction. The Zoning Ordinance contains provisions to ensure improvements are installed, including site improvements required in conjunction with a site plan not completed at the time of a certificate of occupancy, and conditions of zoning, such as proffers, special use permit conditions, and variances approved by the Board of Zoning Appeals.

Community Development typically manages around 400 bonds with a total value in the range of \$50 Million to \$70 Million (379 bonds valued at \$63.8 Million as of January 22nd). The number and value of the bonds held by the County continuously fluctuates as new projects are bonded and bonds are released for projects with completed improvements. In recent years, approximately 80-100 new bonds have been accepted, with a slightly larger number of bonds released. The number of bonds released has been larger in recent years because of a renewed effort to encourage developers to complete projects and improving market conditions. Projects often have multiple bonds. For example, a new subdivision will typically have a subdivision bond for the improvements and a water protection bond for the erosion and sediment control and stormwater management, but it also may have a proffer bond.

The focus for this discussion is the Subdivision and Water Protection Ordinance bonds, as those constitute about 80% of the performance bonds held by the County and 90% of the value of those bonds. There are five phases of the bond program that will be discussed: 1) bond acceptance, 2) inspections and bond reduction, 3) bond renewal, 4) bond release, and 4) bond demand.

Bond Acceptance

At the time a plan or plat is tentatively approved, the property owner (developer) is informed when there is a need to bond the project based on the ordinance requirements. The developer then notifies the County of its interest in moving forward and the type of bond they wish to use. Generally, there are three types of bonds the County accepts: 1) Cash or Certified Check, 2) a Letter of Credit, or 3) a Surety from a Virginia approved institution. Based on the type of bond being pursued, staff will then develop a bond agreement. The bond agreement has two major components: 1) The terms and conditions of the bond agreement, which specifies the responsibilities and rights for both the County and property owner under the bond, and 2) the bond amount, which reflects the anticipated cost of the improvements. Community Development staff first calculates the bond amount based on the improvements shown on the approved

plan and drafts the agreement based on the type of bond being used. Once the developer signs the agreement, it is then reviewed and approved by the County Attorney to ensure the County's interest in the agreement is protected. Finally, Community Development staff, usually the County Engineer or Zoning Administrator, signs the agreement on behalf of the County. It is noted the Subdivision Ordinance assumes the developer will complete the improvements prior to recording the subdivision plat, but allows the developer to post a subdivision bond in lieu of first completing the improvements.

Inspection and Bond Reduction

Prior to 2008, Community Development had 2 full time staff to inspect work and manage bonds. In 2008, those positions were eliminated and inspection of public roads was transferred to VDOT. However, shortly after this time, VDOT also stopped regular inspection of subdivision improvements, and the program evolved to one that relies on certification and documentation provided when a bond reduction or release is requested. Bond reductions ("partial release") are a requirement under State law as construction of bonded improvements progresses. When the developer requests a bond reduction, the County has 30 days to respond by either approving the reduction request or disallowing the request and noting the deficiencies. If the County does not respond within 30 days after a request, the request is considered approved and the bond reduction must be made. Community Development prioritizes these requests to ensure a response within 30 days, but this is proving increasingly challenging as workload increases and restricts other work initiatives.

Bond Renewal

The bond agreements include a schedule for completion of improvements and an expiration date based on when the improvements are to be completed pursuant to this schedule. Given market conditions over the last five years, few subdivisions have completed the improvements within this time. When the expiration date approaches, a decision must be made to extend the agreement (renewal) or to make a demand on the bond by declaring the developer to be in default of the bond agreement and the County complete the improvements. In making this evaluation, staff determines whether an extension would be in the interest of assuring public health, safety and welfare, while recognizing a bond demand can reduce property values and create hardships for current property owners. Additionally, as part of its consideration as to whether to allow a bond to be renewed, staff evaluates how construction costs may have changed since the bond's origination, and it is common for bond amounts to increase with a bond renewal. The consideration of bond renewals and increased bond amounts frequently puts staff in a contentious position with developers.

Bond Release

When bonded improvements are completed and a developer requests that the bond be released, State law requires that the County respond to the request within 30 days. For most subdivisions, this is managed by noting when VDOT has accepted the streets for State maintenance and the Albemarle County Service Authority (ACSA) has indicated the water and sewer system are accepted. Remaining improvements are inspected and it is determined whether they are complete or deficiencies are noted. Staff has been diligently working to reduce the number of outstanding bonds, but there remain a significant number of old projects with bonds that cannot be released because the improvements have not been completed, primarily because of few lot sales. Currently, there are still more than 25 subdivision bonds that are 10 years or older and 7 water protection bonds that are 10 years or older. Following release, Virginia's records retention requirements requires that the bond files are to be held for five years and then destroyed. Community Development performs an annual purge of records to assure compliance with this requirement.

Bond Demand

On rare occasions, either through a developer's failure to comply with the conditions of the bond agreement or through an inability by the developer to obtain a bond renewal, the County places a demand for the bond by declaring the developer to be in default of the bond agreement. This is often termed "called" and used similar to when people speak of a loan being called. If the bond is a cash bond or a letter of credit, the County seldom has much difficulty in obtaining the bond funds. However, if a surety bond has been used with the bond agreement, it can be a difficult and time consuming process for the County to obtain the funds. This is largely because the agreement provides the surety the opportunity to complete the improvements themselves in lieu of providing the funds to the County, and the surety often sees little advantage in quickly responding. To illustrate, there are currently two projects where the surety has decided to complete the improvements, and in both cases more than a year passed from the date the County made its demand until the surety began work on the projects.

This report is for information and no changes to current funding are requested.

No action is requested. After reviewing this report, if the Board is interested in clarifications or discussions related to the County's performance bond program, staff can schedule a work session to provide in-depth explanations.

Agenda Item No. 9. Consideration of a Public Hearing on the Route 29 Western Bypass, *Lee Catlin, Assistant to the County Executive for Community and Business Partnerships.*

The following executive summary was forwarded to Board members:

“The Board requested an action item be added to the February 5, 2014 agenda regarding establishing a February date for a public hearing on the Route 29 Western Bypass. The Board requested that staff provide a summary of all public engagement opportunities regarding the Bypass since the Board’s June 8, 2011 vote to change the County position of being in opposition to the construction of the Western Bypass to the position that “The Board of Supervisors does not oppose a Bypass.”

Attachment A outlines the opportunities for public discussion and input regarding the Route 29 Western Bypass since June 8, 2011. The venues for these public opportunities include meetings of the Virginia Department of Transportation (VDOT), the Charlottesville Albemarle Metropolitan Planning Organization (MPO), and the Albemarle County Board of Supervisors, as well as several task force and town hall meetings.

There is no budget impact related to this item.

This summary is provided for information only.”

Ms. Lee Catlin said that she would provide some background prior to the Board’s discussion and decision on this item. She explained that the previous month, the Board requested that an action item be added to this agenda regarding establishing a public hearing for the Route 29 Western Bypass. As part of that discussion, the Board requested that staff provide them with a summary of all the public engagement opportunities regarding the bypass since the Board’s June 8, 2011 vote. Ms. Catlin said that this could have meant a wide variety of things, so to narrow the scope staff interpreted that to mean formal public input opportunities provided by VDOT, the MPO, the Board – transportation-related agencies. She stated that staff also considered Board agenda items or special meetings that focused on the bypass, and the final item was Board-member initiated activities that involved members of the public that focused on discussion of the bypass, such as town hall and task force meetings. Ms. Catlin said that since staff compiled the list and published on the web, it has been made known that there was one additional opportunity in front of the Commonwealth Transportation Board on July 20, 2011 in Richmond when public input on the bypass was accepted.

Ms. Dittmar asked Mr. Boyd if that information clarified what he wanted to bring forward.

Mr. Boyd said that he just wanted it to be clear that having a public hearing was not offering the public an opportunity they had never had before, because the Board has had continuous input on the bypass. He stated that he is not opposed to public input in general, but there can be “overkill”. This particular item is not in the County’s hands but is with the Federal Highway Administration, VDOT and the state. Mr. Boyd added that at the public hearing held right after the decision was made, there were 102 speakers on the bypass.

Ms. Mallek said that only 19 of those were in favor of the change in policy that allowed it to move forward. Mr. Boyd stated that he counted 34.

Ms. Mallek said that the problem is that it was held after the fact. Mr. Boyd said that this new public hearing would be after the fact also.

Ms. Dittmar stated that the Board should open the discussion about this. She added that she is learning that there can never be enough public input because all the ways in which they try to reach out are imperfect, and they are still trying to discover ways to understand better what Albemarle County citizens want.

Mr. Sheffield said that he is in favor of holding the public hearing because this is a new Board, with four new members since the last time the Board took action. It is his wish to have the Board reaffirm or redefine its position on the bypass as well as the priority of improvements on the US 29 corridor. He would like to hear from the public so that the Board can respond with some type of position.

Mr. Boyd stated that there was no funding for those other projects until the Board agreed to do the Western Bypass. He asked Mr. Sheffield if he is sure that funding will not go away if the Board turns down the bypass.

Mr. Sheffield said that that’s not the direction he is heading. He simply wants to have the Board define where it stands now given that there are four new Supervisors. He stated that he realizes it will take some time, but that is their responsibility.

Ms. Dittmar stated that it would be helpful for the Board not to debate the benefits of staying the course with the bypass or changing it, but rather focus on whether it would like to offer the opportunity for a public hearing on this.

Mr. Sheffield said that at the end of the public hearing, there will be questions the Board will need to answer – such as whether those other projects will be tied to the bypass.

Mr. Boyd asked if Mr. Davis could clarify what the protocol would be for returning the money allocated toward the bypass thus far. He asked how many other issues this Board is prepared to revisit just because they were decided by a previous Board.

Ms. Mallek said the issues are those where the community is seriously divided where the Board should draw the line and have a public hearing. She supports a public hearing on the bypass.

Mr. Foley said that staff would like to have clarification as to what the Board's questions are, but might not be prepared to answer them on the spot at this meeting.

Ms. Dittmar asked Board members to be thinking about that. Ms. Mallek suggested that the Board come back to those other questions at the end of the meeting.

Ms. Palmer said that the important question now is to decide whether the Board would have a public hearing, and she is very much in favor of it.

Ms. McKeel stated that she is also in favor of it and was the one to request the public hearing. She said that she has a whole new group of people in the Jack Jouett District who have had their homes targeted who have not had the opportunity yet to speak publicly.

Mr. Boyd said that the already voted for the public hearing, and now the time needs to be set.

Board members clarified that they had not formally voted to have the hearing.

Ms. McKeel then **moved** to set a public hearing on the Route 29 Western Bypass on February 19, 2014. Ms. Mallek **seconded** the motion.

Ms. McKeel said that the Board needs to establish a time.

Mr. Foley stated that typically they would hold the public hearing at 6:00 p.m.

Ms. Dittmar asked Ms. McKeel to restate her motion.

Ms. McKeel said that her motion is to **move** for the Board to hold a public hearing on February 19, 2014 on the topic of the Route 29 Western Bypass.

Mr. Boyd said that he will vote against this as he did last time, because he does not think there is anything this Board can do to impact the bypass process. He does not know what the Board can tell people who come to the hearing. There are a lot of questions people have that they do not have the answers to. He stated that he supported what the resident of Squirrel Ridge said to the Board in an email to "just settle it."

Ms. Mallek said that this is an important step to settle it.

Ms. McKeel stated that this is not the time for the Board to be debating the bypass itself, and said it needs to hear from the public and all the players. She said that the rest of her motion was to set the time, and while she would like to start it earlier to allow people to come straight from work and/or avoid driving at night, she wanted to make sure the public would not be confused.

Ms. Palmer said that the Board could move it earlier and just let the public know if they showed up later than the start time they could sign in and speak.

Mr. Sheffield stated that starting at earlier – at 4:00 p.m. – it would prevent them from possibly going into the 11:00 or 12:00 late hours, but he would agree to go along with whatever was decided.

Ms. McKeel said that it concerns her a bit to shift from the 6:00 p.m. practice, but she also sees some advantages.

Mr. Sheffield noted that the media will certainly help spread the word about the earlier start time, and starting it in the afternoon provides a balance for people that have day or evening commitments.

Mr. Foley said that the staff always leaves the sign-up sheet open for people who arrive later.

Mr. Boyd reminded Board members that they also have an online sign-up option now.

Ms. McKeel **restated** her motion to hold a public hearing on the Route 29 Western Bypass on February 19, 2014, beginning at 4:00 p.m. Ms. Mallek **again seconded** the motion.

Ms. Mallek said that she wants to ensure that there was a time for people to speak in the evening, and as long as that is a given she will support it, even if it means the Board takes a break.

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

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer and Mr. Sheffield.

NAYS: Mr. Boyd.

(Note: At 10:18 p.m. the Board recessed and then reconvened at 10:28 p.m.)

Agenda Item No. 10. Project Based Vouchers: The Crossings at 4th and Preston, *Ron White, Chief of Housing.*

The following executive summary was forwarded to Board members:

“Staff has provided frequent updates to the Board on the status of the approval of nine project-based vouchers (PBVs) for The Crossings at 4th and Preston, most recently on December 4, 2013. In that update, staff provided a copy of the U.S. Department of Housing and Urban Development’s (HUD) letter approving the Environmental Review which noted HUD’s continuing review for the Subsidy Layering Analysis and regulatory waiver requests. Staff also recommended that the Board approve an appropriation of \$719 to fully fund rental assistance to six tenants for the month of December which was approved. On January 8, 2014, the Board approved funding for the month of January 2014 in the amount of \$3,279.

The Crossings at 4th and Preston, developed by the nonprofit Virginia Supportive Housing contains sixty (60) efficiency apartments with thirty (30) of those designated for homeless persons. The County conditionally committed to provide nine (9) Housing Choice Vouchers for the development. In March 2012, HUD notified the County that the actions taken by the County to commit vouchers were not in compliance with a number of program regulations, and vouchers would not be approved until the issues were addressed. A timeline of activities previously provided to the Board is attached (Attachment A). As noted above, HUD approved the Environmental Review on November 4, 2013 (Attachment B). On December 30, 2013, the Office of Housing received the December 20, 2013 approval of the Subsidy Layering Review (Attachment C).

Staff have worked closely with Congressman’s Hurt’s office over the last several months in an effort to better facilitate productive communication between HUD HQ, HUD Field Office (Richmond), Virginia Supportive Housing and the County. Further, both Senator Warner’s office and Senator Kaine’s office have been included in communication and have been attentive to the County’s request for assistance and support.

Staff remains optimistic that the approval of the regulatory waivers is forthcoming although HUD has not provided a timeframe for its decision. In an email from HUD on January 16, 2014 (Attachment D), Robert Davenport confirmed that HUD’s Richmond Field Office held a conference call with HUD Headquarters indicating that the review was continuing. Staff response to that email dated the same day at 5:46 PM requested a more definitive response prior to February 5, 2014. On January 17, 2014, Catherine Lamberg, Interim Director of Public Housing in the Richmond Field Office, responded that the Field Office felt confident that an update could be provided prior to February 5, 2014. Later that day, Bryan Wood with Congressman Hurt’s Office, noted that HUD Headquarters indicated that the transition in leadership at the Richmond Field Office was making getting information from Richmond more difficult.

In expectation of a HUD decision on the funding but without a definite timeframe for them doing so, staff thinks the County should commit only to providing up to two additional months of assistance for the current six residents at this time. Based on previous Board discussions, staff believe that VSH should not expect any local funding beyond March while recognizing that the Board does retain full discretion should further consideration of this matter be desired.

Please note that one of the six residents has recently received disability and will start paying a portion of his rent in March. The total local funding needed to cover the next two months of assistance is \$6,106.

This action will require an appropriation of \$6,106 from Reserve for Contingencies.

Staff recommends that the Board approve the requested appropriation, which is included in the appropriations that are included with and contingent on a FY15 Budget Amendment scheduled for public hearing on February 5, 2014.”

Mr. White said that the Housing Office received a letter the previous day from the Assistant Secretary of Public and Indian Housing at HUD. This is the only person authorized to grant waiver requests. Mr. White said that upon reading the letter, which was confusing, he did not think they had been granted the waivers – but after some clarification it has been established that the waivers have been granted. He then presented the following letter:

“This is in response to the HUD Richmond Office of Public Housing’s request dated July 12, 2013, on behalf of your Department for approval of waivers of project-based voucher (PBV) regulations for The Crossings. Prior to and since the date of the requested waivers there have been numerous discussions between your Office and HUD regarding whether the requested waivers are approvable given the violations and other issues that required resolution, all of which have led to a significant delay in responding to your request.

The Crossings consists of 60 efficiency apartments and is located in the City of Charlottesville. The project represents a regional collaboration between the City of Charlottesville and Albemarle County. The Albemarle County Office of Housing (ACOH) has committed 9 PBVs to the project and the Charlottesville Redevelopment and Housing Authority (CRHA) has committed a total of 21 PBVs. The

sponsor of the project is Virginia Supportive Housing (VSH). The project will provide housing for very-low income homeless persons living and/or working in Albemarle County. Both public and private funding sources have been committed to the project including HOME funds and various loans and grants.

The ACOH has requested regulatory waivers related to PBV proposal selection requirements, environmental review requirements, and timing of the execution of the Agreement to Enter into a Housing Assistance Program (AHAP) contract relative to the subsidy layering review. Waivers are relief from strict regulatory compliance upon a finding of good cause, subject to statutory limitations and waiver procedures pursuant to 24 CFR§5.110. Regulatory waivers are not intended to correct regulatory violations after the fact, but rather to provide prospective relief from regulatory compliance, upon a showing of good cause, prior to PHA or owner action that would create a regulatory violation. Many waiver requests received by HUD's Office of Public and Indian Housing (PIH) are properly submitted in a timely fashion relative to the PBV process. Unfortunately, many recent requests for regulatory waivers have been submitted subsequent to the occurrence of a regulatory violation, as is the case for waiver requests submitted by your Department and the CRHA for the Crossings PBV development. In consultation with the Office of General Counsel we have determined that waivers that have been requested for violations that have already occurred should no longer be approved. PHAs have an obligation to understand the regulations governing the PBV program prior to undertaking a PBV development. Waivers of regulatory provisions are intended to cover prospective actions that a PHA may then undertake without violating program requirements because those requirements have been waived in advance for good cause. Waivers will not be used to provide retroactive regulatory relief for violations that have already happened.

As a result of that determination, if a PHA has submitted a waiver request seeking relief from a regulation that the PHA has already violated, HUD will not approve the waiver request. Instead, the violation will remain outstanding, and the matter will be considered as an enforcement issue. HUD will inform the PHA, in writing, of the applicable regulatory violations, and inform the PHA of what enforcement action (if any) will be taken and the basis for HUD's determination. In making the discretionary decision with respect to enforcement, HUD will consider the full range of enforcement actions available under the Consolidated Annual Contributions Contract, PBV Agreement to Enter into a Housing Assistance Payment Contract, PBV Housing Assistance Payments Contract and the PBV regulations. HUD may also choose to take no enforcement action at all.

The specific regulatory violations your Department has committed in connection with The Crossings are:

24 CFR §983.51(b), the ACOH did not select the project in accordance with the selection requirements and relied on a previous Low-Income Housing Tax Credit competition where PBV assistance was included and considered in the LIHTC application;
24 CFR §983.58(d)(1)(i), the ACOH committed funds by entering into the AHAP for PBV assistance prior to the Responsible Entity performing an environmental review;
24 CFR §983.55(b), the ACOH entered into the AHAP prior to approval of the subsidy layering review; and
24 CFR §983.153(a), the ACOH was prohibited from entering into the AHAP until the subsidy layering review was completed.

With respect to the environmental review for this site, the previously cited PBV regulatory language is unambiguous in terms of prohibiting a PHA from entering into an AHAP for PBV assistance prior to the Responsible Entity completing an environmental review. Moreover, in violating this regulation, your Department also violated section 26 of the United Housing Act of 1937 (1937 Act), 42 U.S.C. 1437x, which provides, in part: "The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects or activities, the PHA has submitted to the Secretary a request for such release accompanied by a certification of the State or unit of general local government...." Given your Department's statutory violation, HUD cannot simply choose to not enforce the regulatory requirements with respect to environmental reviews conducted by a Responsible Entity (which are governed by the requirements in 24 C.F.R. part 58) and allow the project to proceed. The only alternative available to HUD, in order to allow this project to proceed, is to remedy your Department's violation by conducting the environmental review for this project consistent with the requirements in 24 C.F.R. part 50 (section 26 of the 1937 Act does not govern such reviews). HUD has conducted an environmental review of this site and has, consistent with 24 C.F.R. part 60, formally notified your Department in writing of environmental approval of the site.

Because the assistance ACOH plans to attach to The Crossings is part of a larger collaborative effort between CRHA and ACOH to serve the vulnerable homeless community, and because the above stated waiver requests were submitted prior to HUD's decision to no longer provide waivers for violations that have already occurred, the Department has decided to forego taking any enforcement action against your Department for the above stated violations including an enforcement action that would require termination of the AHAP contract."

Mr. White stated that he has received a confirmation e-mail from Congressman Hurt's and Senator Warner's offices. There was a concerted effort from the County's Congressional staff (Congressman Hurt, Senator Warner and Senator Kaine) that helped move this process along, and he publicly thanked their offices for their work. Mr. White said that it will take a little while to open up the waiting list and intake potential new clients to fill the vacant units, and his goal is to have everything completed by March 1, so The Crossings would have nine residents supported with federally funded housing choice vouchers. Mr. White said that the request before the Board is to approve an appropriation that would cover expenses for the month of February and March in the event the paperwork is not all in

place. Any funds left over would stay in the fund balance and be transferred back at the end of the fiscal year. Mr. White thanked everyone for their assistance in moving this process forward.

Ms. Mallek asked for clarification that the nine vouchers the Board originally designated for The Crossings have now been validated at the federal level and would be usable when qualified people are identified.

Mr. White clarified that the vouchers have not been validated on their merits, which he would have liked, but HUD has said it will not take any enforcement action against the County if it moves forward with them.

Mr. Davis said that what the letter states is that HUD found that it did not have the authority to grant waivers for after-the-fact violations, but did have the discretion not to take enforcement actions under these circumstances. HUD's ultimate decision was that it would not terminate the Housing Assistance Grant, and the money will be funded to the County as if no violations had occurred.

Ms. Palmer asked how long the grant was for. Mr. White explained that it is annual funding the County gets from the federal government for the rental assistance program.

Mr. White stated that he will be back before the Board in March because the Housing Office has been asked to take over a small voucher program that Piedmont Housing Alliance is currently operating. His recommendation is that the vouchers be added to the Housing Office's portfolio moving forward.

Mr. Boyd asked how it could be established that The Crossings candidates are County residents and eligible for vouchers, since they are homeless. Mr. White said that the County can set a preference that they be County residents, but cannot set it as a requirement. If there is not anyone fitting the category they would have to provide the assistance to the next person on the waiting list – even if they are not from the County. He added that it is difficult with the homeless population. The County does have to work within the current budget; there are no new funds. He stated that the Housing Office has not issued any new vouchers since March 2012 and have let their reserve get to the point that they can cover the vouchers.

Mr. Boyd stated that this is part of a pool of money that the County uses for a lot of different things, and the question has always been whether it can allocate some of the money to The Crossings.

Ms. Dittmar said that the assistance they had to break through to HUD for the final decision from Congressman Hurt's office, Senator Warner's office, and Senator Kaine's office should be recognized in a letter of appreciation to those offices for their assistance in making this happen.

Board members agreed, and said that Ms. Dittmar should sign it.

Mr. White said that he will prepare the information and get it to Ms. Jordan.

Ms. Dittmar thanked Mr. White for his work also.

Agenda Item No. 11. Video streaming Board of Supervisors Meetings, *Lee Catlin*.

The following executive summary was forwarded to Board members:

"Board members inquired about the possibility of video streaming Board meetings to increase the transparency of the Board's activities and to allow individuals who are unable to attend the meetings the opportunity to view the meetings online. After learning that staff conducted research on this topic within the past several years, Board members requested a copy of that research for further discussion.

Video streaming Board meetings was last presented to the Board on November 2, 2011 (Attachment A). As the Board directed, staff has not conducted additional research on this topic except to update the status of video streaming among benchmark communities (Attachment B). While this material provides an understanding of what it would take to implement such a program, specific costs and program options may have changed since this report was completed.

The budget impact of this item would depend on the option that the Board is interested in pursuing, as set forth in Attachment A. There would be startup and ongoing operating budget impacts, and the staffing impact would depend on the level of service desired by the Board.

Staff recommends that the Board consider the information provided and give staff further guidance regarding video streaming Board meetings. If the Board is interested in pursuing video streaming, staff recommends that the Board direct staff to proceed with researching the most effective and cost-efficient video-on-demand system and include the project as a new initiative for consideration in the upcoming budget process."

Ms. Catlin said, at its last meeting, the Board indicated some interest in possibly video streaming its meetings, and asked staff to bring forth the information that had been gathered in this regard several years earlier. She said staff did not conduct any additional research other than updating the status of video streaming among benchmark communities. Ms. Catlin stated that the report includes podcasting numbers as they existed to that point and, at that time, the podcast trend continues to trend upward.

Ms. Catlin said peer locality research shows that the localities provide “video on demand,” which allows for watching the live meetings but also offers an archiving system so that the meetings could be viewed later. Ms. Catlin stated that 7 of the 10 localities staff reviewed at the time had cable-broadcast capabilities prior to this, which is important to note because when there were cable franchises and communities were able to take advantage of those, it meant that they often had the infrastructure – the equipment, the staffing, the expertise – that made switching to video streaming fairly easy for them, which is different than a locality looking to get into it new. She said there was a range of costs and approaches, with the higher-end services allowing connection of agenda items to the video – and Albemarle already does that with its audio podcasts. Ms. Catlin stated that the systems range down to those that have video available, with manual search capabilities.

Ms. Catlin referenced the cost and requirements for video, stating that quality of broadcast is very important – and they could do it very cheaply with one camera, but all of the localities emphasized the importance of broadcast quality. She said, in Lane Auditorium, they would need several cameras to capture the meeting in order to cut between cameras. Ms. Catlin stated that reliability and consistency is another important factor and, if the Board starts this, it will have to do it all the time and will have to do it well all the time. She said there would be a staffing resource impact to this, as volunteers cannot be fully relied upon to cover every meeting. Ms. Catlin said there would need to be staff to set up the equipment, man it while it’s running, and post-production work prior to the video being available to the public.

Ms. Dittmar asked what kind of post-production work would be necessary. Ms. Catlin stated that it can range from introductions and exits to subheads and, at the very least, it needs to be packaged and put into an appropriate file format for the website.

Ms. Catlin said this item was presented to the Board several years ago, and the decision was made at that time to initiate live audio streaming in lieu of video capabilities. Ms. Catlin stated that staff used a free service supported by ads for the first several months, and got good response from people who were interested in the audio streaming. In May 2013, she said they switched over to an ad-free paid system with U-Stream, as the ads could be disruptive. She said, under the current service, they pay for 100 user hours per month and if it goes beyond that they pay a small premium; they have only exceeded the limit once during this period. Ms. Catlin stated that there has been some difficulty with the audio stream, but that was resolved with some technical upgrades for the new broadcast software. She noted that the quality varies depending on the user’s browser version, so they have noted on the County’s webpage which browser should be used to get the highest quality version.

Ms. Catlin stated that, if the Board is interested in pursuing video streaming, staff would need to go back and assess what is available now and identify the best system to bring forward.

Ms. Palmer asked how much the County is currently paying for the audio streaming. Ms. Catlin said the cost is \$100 per month and, in the last few weeks, staff has completed the upgrade to meet the technology of the U-Stream system.

Ms. Mallek stated that the County has Comcast in the area, and asked Mr. Davis if the County has the ability to receive services from them.

Mr. Davis said, in the 1970s, the County granted a one-sentence license to a Comcast predecessor to operate in Albemarle County, and that issue has been revisited several times over the years – and there was never a decision by the County to require a more formal agreement with the cable company, so there is no franchise agreement currently with Comcast or any other company. He explained that the law has changed in several respects over the years and, at one time, the County could collect a franchise fee – which could then be passed on to the customers– but that has now been preempted by law and the fee would be paid directly to the state, not the County. Mr. Davis said the County’s position has been that, because they had little control over cable television under federal law, there would be no great benefit for the County to have a franchise. He stated that one of the benefits of having a franchise was to have cable companies do local broadcasts, and a number of localities actually had those companies televise their meetings or provide equipment to do so – such as Spotsylvania County, with the costs passed on to citizens in their cable bills. Mr. Davis said Albemarle County has never chosen to go that way and, at this point, there is no financial benefit for Comcast, therefore, they would most likely pass those costs on to customers.

Ms. Mallek asked if there was sufficient enabling legislation to make those arrangements if they so choose. Mr. Davis said they couldn’t be forced to do so but could agree to do so, and he wasn’t sure what their position would be on negotiating something new with Albemarle. He stated that currently they have no franchise agreement other than the pre-existing one-sentence letter stating that they may operate within the County.

Ms. Dittmar said she was fascinated by the number of people listening to podcasts, and asked if she could see the data from July 2011 to the present to see if there may be a correlation with happenings in the County which may have driven interest. She stated that it seems odd to mix ads with public information, but wondered if an opportunity exists for sponsorships. Ms. Dittmar asked if only Comcast subscribers would be able to view the video if they were to go with that option.

Mr. Davis said they would have to be cable subscribers. Ms. Catlin clarified that Comcast could generate the content, but it would need to be video streamed out as well as broadcast so there would still need to be that capability.

Mr. Boyd stated that this is the third time they have been through this discussion and asked that they consider carefully the benefit of getting video as opposed to just the podcast part of it. He said he would also like to know how many individual users there are, because people may sign on at several different times to tune into the same meeting. Mr. Boyd said, in the past, he has voted against it because of the labor-intensive nature of video streaming.

Ms. Palmer said she had brought this item forward because of transparency issues and requests from people during her campaign, adding that she has had a lot of difficulty hearing the audio podcasts. She stated that it was also difficult trying to find people to run for public office, and they have an obligation to try to find new ways to engage the public. Ms. Palmer also mentioned that City Council broadcasts their meetings, and a lot of people tune in to those as well as showing up at the end of the meetings in person. She mentioned that she had a conversation with Brian Wheeler of Charlottesville Tomorrow, who told her that he had secured a grant at one point to expand service but there was a decision not to move forward. Ms. Palmer said Mr. Wheeler indicated that the grant was now gone, but he had mentioned reaching out to Channel 29 or Channel 19 – so perhaps they could get some kind of partnership going. She stated that although budgets are tight, she thinks this is worth looking into.

Mr. Sheffield said, if Channel 29 or Charlottesville Tomorrow or Newsplex were to come forward with an idea like that, he would entertain it but he is not keen on investing staff resources to do this.

Ms. Palmer asked if he would be willing to have staff reach out to those media outlets. Mr. Sheffield said he didn't know what kind of options are available but he would consider it, and emphasized that he would prefer finding a partner over putting more burden on staff.

Ms. Dittmar asked if CATEC students had courses on videoing, and asked if that could be explored. Ms. Mallek said CATEC has a studio.

Ms. Dittmar said it would be interesting to see how that might work out in terms of things like sharing equipment, and asked if Board members with budget concerns would be willing to look into the cost.

Mr. Sheffield stated that there would likely be a wide spectrum of costs, and he would prefer to explore partnerships at this point – such as using students from CATEC.

Ms. Catlin said staff has done that research in the past, and the challenges would be the consistency and quality piece. She stated that CATEC would love to do this, but if they don't have a student for eight hours a day for a Wednesday Board meeting, staff would have to be able to produce a quality broadcast. Ms. Catlin said, with different students coming in all the time, there would likely be variance in quality.

Ms. McKeel stated that she was formerly on the CATEC Board and, as of their last Board meeting, that studio was going away.

Ms. Palmer said, as long as the good-quality podcasts were available, they could explore the other options without losing anything.

Ms. Dittmar asked if the video system could be used for other public meetings as well. Ms. Catlin said staff would want to get a system that was portable and not locked into being just in the Board's meeting room. Mr. Foley stated that it would require a lot more effort to ensure it is done well.

Mr. Boyd said switching to video isn't going to solve the problems of audio clarity, shuffling of papers, etc.

Ms. Palmer stated that people with a lot more expertise than her have said that the equipment could solve some of those problems and help people see who is speaking.

Ms. Mallek asked if staff had come up with a personnel estimate in their last research on this topic. Ms. Catlin responded that they had not, because the spectrum of services was so broad and each option would require different time and skills. She said there may be a better audio solution than what's available now, adding that the County went with U-Stream as a first step because it required minimal investment.

Ms. Dittmar asked how Board members would like to proceed. Ms. Palmer said she would like to have staff contact some of the media partners to see if there were opportunities to work with them.

Ms. Dittmar clarified that staff would explore partnerships, particularly those who would allay concern about expense, staff time and proficiency.

Mr. Foley said staff's strongest recommendation at this point would be that, if they venture down this path, they do it well – and that it's reliable in quality because, once they embark on this, it needs to be done consistently well. He stated that there is also the question of level of service, and whether the Board wanted it to be for Board meetings only, or for other meetings and events too.

Mr. Boyd expressed concern that the meeting calendars are very busy, and it may be a huge expense if this is extended out to every meeting.

Mr. Sheffield reiterated his preference for partnerships, and Ms. McKeel stated that she agrees with exploring the public/private partnerships.

Ms. McKeel said she would only expand it to the two elected bodies – the Board and the School Board – and she is very interested in making the live audio streaming quality very good. She said it would be great to upgrade the current system to a higher quality for a small amount of money.

Ms. Catlin stated that staff could also involve the Board as far as how using the microphone affects audio quality, and could bring those suggestions back soon.

Ms. Dittmar clarified that the Board would like staff to explore the video streaming option, with the parameter of working with partners to defray costs and bring expertise, and asked if there was a timeframe in mind.

Ms. Palmer said the Board could leave the timeframe up to staff.

Mr. Boyd said he would like the quality issue added to the discussion.

Mr. Foley stated that the other piece would be the scope of the live video streaming, as Ms. McKeel had suggested limiting it to the two elected bodies.

Ms. Mallek said she would like to include roundtable type meetings where the Board is discussing major policy issues to the list.

Ms. Palmer said the more they add to the list, the more it kills it.

Ms. Mallek stated that they didn't know yet what that would entail.

Ms. Dittmar said the first determination would be how much it would cost to do the Board of Supervisors meetings and, once that is established, they could then consider the marginal cost of adding meetings.

Ms. McKeel reiterated that she would like to come back to the improvements for what they are doing now at a marginal cost – the audio podcasts.

Mr. Foley said staff would bring that back anyway, and would have time to do this in time for the budget work sessions.

Agenda Item No. 12. Water Quality Mandates Community Engagement Plan, *Lee Catlin*.

The following executive summary was forwarded to Board members:

“On January 8, 2014, the Board directed staff to develop a process to inform the public and to seek input on preferences for funding mandated enhancements to two separate water resource protection programs. The attached proposal (Attachment A) outlines processes for obtaining community feedback on mandates related to both programs, including: (1) meeting additional responsibilities due to changes to the Virginia Stormwater Management Program (VSMP), and (2) complying with new requirements under the County's Municipal Separate Storm Sewer System (MS4) permit.

The attached draft plan (Attachment A) follows the outline of the County's administrative guidelines for community engagement and reflects direction provided by the Board to this point, with the understanding that the Board will want to thoroughly discuss and provide its guidance as to any desired revisions or restructuring of the engagement process. As suggested by the guidelines, the plan identifies critical issues, level of public engagement, public engagement goals, stakeholders, roles and responsibilities, participation activities, and feedback loop. The plan represents a visible commitment by the County to a predictable and transparent process for engaging the community on critical water quality issues and incorporates all elements that would be required of any proposal going through a County approval process. A specific calendar of activities and events will be established following the Board's action on the plan.

Highlights of the plan include:

- **Separation of the engagement process into two components –**
While there is some overlap between the two programs described above in that they both deal with water resources, they are, in reality, two separate issues in terms of scope and impact. The VSMP program includes a proposal to increase development fees to pay for the cost of specific County services related to active land development projects, so a targeted outreach that is focused and short-term in nature is appropriate. The MS4 program is much broader in nature and encompasses the need to implement strategies to minimize adverse water resources impacts from all County citizens and property owners, so a longer term, more inclusive community process to determine a permanent dedicated funding source is appropriate.
- **Reliance on an interim funding mechanism until community preferences can be established –**
The Board adopted a Five Year Plan in December 2013 that included anticipated revenues and additional staffing resources for the County's MS4 program, which will have a funding impact in the upcoming FY 14-15 budget. The mandated obligations and funding impact will need to be

addressed before there is an opportunity for a full community engagement process and the Board's selection of the best option among the general fund, service district, or a stormwater utility. Using the general fund as an interim funding solution is the least complicated mechanism to allow the County to fund its mandates, while community and Board preference for a more permanent dedicated funding solution is determined.

- **Appointment of a short term stakeholder advisory committee –**
Because the complicated nature of the new requirements of the MS4 program creates the need for sustained community engagement throughout an ongoing education and recommendation development process, staff recommends that the Board of Supervisors establish a short-term stakeholders advisory committee. An advisory committee, which would not be a permanent, ongoing group, but rather would fulfill its responsibility and be disbanded following the development of a recommendation to the Board, would help ensure broad-based and informed input into the decision making process. In combination with the advisory committee, the plan recommends education and outreach opportunities to the general public, as well as more targeted stakeholder groups. The advisory committee approach proved very successful as an efficient way to obtain critical community feedback at important milestones during the new Crozet Library design process and has been employed by nearby jurisdictions to reach decisions on funding issues for similar programs, including Charlottesville and Harrisonburg. Please see Attachment B for more information.
- **Consideration of consultant assistance -**
The dedication of necessary time and the level of knowledge and expertise required to facilitate discussions of the advisory committee on the complex technical and financing issues related to the MS4 program particularly is beyond County staff's current capacity. Staff recommends engaging a technical consultant, as has been the approach of other peer communities. Please see Attachment B for more information.

Much of the work required to implement the Community Engagement Plan, as proposed, can be accomplished using existing County staff. If the Board supports the recommendation to engage a consultant having technical and financing expertise to facilitate public discussions related to the MS4 program, staff will develop a detailed scope of services, along with an estimated cost for those services to bring back to the Board for further consideration.

Staff recommends that the Board provide guidance as to any desired changes in the engagement plan and direct staff to implement the final plan. Staff also recommends that the Board direct staff to proceed with developing both a scope of services and estimated costs for a technical consultant to support work related to the MS4 program and a charge and appointment process for an advisory committee and return to the Board for consideration at the earliest date possible.”

Ms. Catlin addressed the Board and referenced the draft plan staff had provided to the Board regarding how to engage the community in the water resource protection mandates for the County. She stated that staff feels this plan follows the outline of the administrative guidelines for community engagement and reflects the direction provided by the Board to this point, and this proposal anticipates further input from them. Ms. Catlin said the administrative guidelines take them through a process by which they identify and discuss various issues of importance in community engagement, with this particular plan identifying critical issues, the appropriate level of public engagement, public engagement goals, stakeholders, roles and responsibilities, participation activities, and a feedback loop. She stated that they really want these types of plans to represent the County's visible commitment to ensuring a predictable and transparent process which will help people understand and see how they fit in and where they will be involved as the process moves forward. Ms. Catlin said, once staff gets the Board's guidance on how to proceed, a very specific calendar of activities and events will be established.

Ms. Catlin stated that, while there is an umbrella type of plan which groups together water resource protection mandates, staff sees it as two different programs – which overlap because they both deal with water resources but are very separate issues in terms of scope and impact. Ms. Catlin said the VSMP relates to a proposal to increase development fees to pay for the cost of specific County services related to active land development projects, so a very targeted outreach that's focused and short-term in nature is appropriate for that program. She said the MS4 program is much broader in nature and will impact all County citizens and property owners, so a longer term and more inclusive community process to determine that permanent dedicated funding source is called for with that program.

Ms. Catlin stated that the plan mentions relying on an interim funding mechanism until community preferences can be established, and the Board's five-year plan adopted in December 2013 includes anticipated revenues and additional staffing resources to manage the MS4 program – which will have an impact in the upcoming budget. She noted that the mandate's obligations and impacts need to be addressed before there is an opportunity for the full engagement process, to select the best option among general fund, service district, or stormwater utility. Ms. Catlin said using the general fund as an interim funding solution is the least complicated mechanism to allow them to fund the obligation while still providing time for the community and the Board to develop its preference for a more permanent funding solution.

Ms. Catlin stated that the MS4 program is complex and will require ongoing education, discussion and a real commitment to a long-term process. She said, given that, staff feels a short-term stakeholder advisory committee to work throughout the process and bring forward a recommendation is an important step toward the success of this effort. Ms. Catlin stated that, as many communities have discovered, the

necessary time, level of knowledge and expertise required to get the conversation through is beyond the capacity that staff currently has – so staff would recommend looking into a technical consultant, as other communities have done.

Mr. Boyd asked for clarification that these consultants not be facilitators, but understand the technical aspects of water resources. Ms. Catlin confirmed that would be the case.

Ms. Catlin then reviewed the components for each of the programs, stating that VSMP is a more targeted short-term outreach effort, focused on active land development proposals. Ms. Catlin said staff would propose that this approach provide opportunities for affected stakeholders to understand all the new requirements and provide feedback on the proposed fee structure. She stated that stakeholder input would come back to the Board in time for the upcoming budget discussions as the fee structure would be part of that. Ms. Catlin said the MS4 permit is more broad ranging and would need to be longer term and more inclusive in nature, as what they are looking for is a recommendation to be brought to the Board to determine the permanent funding solution among the options that have been discussed. She stated that the plan before the Board covers critical issues, public participation goals, stakeholders, and roles and responsibilities. She said staff would be looking to the Board to appoint a stakeholder advisory committee to do the ongoing work as discussed, but also to help advise the County and ensure there were ample opportunities for the general public and other targeted stakeholder groups such as rural landowners and the faith community. Ms. Catlin noted that the goal is to have recommendations shared with the Board in time to make a permanent funding decision as part of its 2016 five-year plan discussion, and staff feels that it would take about 18 months total for the process.

Ms. Catlin said staff recommends that the Board immediately begin outreach related to the VSMP, including the roundtables, so staff can get feedback together for the Board in time for the budget process. For the MS4 permit process next steps, she said staff envisions developing a scope of services for a consultant to be brought back to the Board for their discussion and approval, as well as a charge and appointment process for the stakeholder advisory committee. She stated that the County used a committee similar to this for the Crozet Library design process, and it ended up being very helpful at certain milestones along the way but did not preclude the opportunity for everyone in the community to weigh in on the project.

Ms. Mallek stated that the stakeholder advisory committee could start the discussion and carry it forward, but she is leery of paying a consultant to simply do a “cut and paste” from another community. She said she worries about a repeat of the Downtown Crozet Zone project, for which staff had to completely rewrite everything after the County had paid a consultant \$30,000.

Mr. Boyd asked if the VSMP was due in July of this year or if the legislature extended the deadline.

Ms. Mallek said the year of postponement did not carry forward in the bill, and the legislation ended up saying that certain non-MS4 communities didn't have to set up their own program.

Mr. Boyd stated that he feels staff has laid out a very good plan for engaging the community, and has the same reservations about using consultants – but if they use them properly and make sure that the scope of work is done well, a consultant's expertise can help bring consensus to the plan.

Ms. McKeel agreed, stating that the key will be having the right representatives at the table and the consultant should be someone with stormwater management experience as well as someone who has familiarity with Chesapeake Bay regulations. She added that there are probably very knowledgeable consultants who have worked with other communities in this process.

Ms. Mallek said perhaps there's a role for the Planning District Commission to be involved with the meeting facilitation, as they've done that successfully in the past.

Board members briefly discussed Planning Commission involvement in the process, and Ms. Mallek suggested that there be a Commission member as a liaison in the stakeholder group from the very beginning. Board members supported that idea.

Ms. Catlin said staff would bring back to the Board a proposal for an appointment process and composition of the committee, and the Board would have an opportunity to review that and provide input.

Ms. Dittmar suggested the Town of Scottsville also be mentioned as a line item in the second group, as they were in the first group. She asked if staff needed direction to proceed with hiring a consultant. Ms. Catlin clarified that staff would bring back to the Board a draft scope of services, a draft charge and an appointment process for the advisory committee.

Ms. Dittmar asked about the timeframe for that part. Mr. Foley said it would be April at the latest, and the charge of the committee is very important – so staff wants to make sure they are thoughtful about that.

Ms. Catlin stated that the VSMP process would start as soon as the Board approves this.

Ms. Palmer then **moved** to approve the proposed engagement plan, to direct staff to implement the final plan, to direct staff to proceed with developing both a scope of services and estimated costs for a technical consultant to support work related to the MS4 program and a charge

and appointment process for an advisory committee and return to the Board for consideration at the earliest date possible. Ms. McKeel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

Ms. Dittmar asked how benchmark counties were chosen. Mr. Foley explained that the County has a set of criteria that's been used in the past and is maintained by the Office of Management and Budget, pertaining to population, budget size, and other factors. He said they have benchmarks as well as best practices, so Chesterfield and Henrico might be used for best practices while other more similar communities are used for benchmarks because they compare in population, size of budget, numbers of staff, etc.

Ms. Catlin said the set of benchmark counties do fluctuate, and sometimes adjacent counties are used for certain issues, where college communities might be used for others.

Agenda Item No. 13. Community Development Work Program, *Mark Graham, Director of Community Development.*

The following executive summary was forwarded to Board members:

"Each year, the Community Development Department provides the Board and public with a summary of major projects, progress on initiatives and achievements, as well as an overview of workload measures and a synopsis of proposed projects to be undertaken by the Department over the following 12 to 18 months. The purpose of this agenda item is to review the Community Development Department's activities of the past year and request the Board's direction on priorities for 2014. On February 6, 2013, the Board approved the priorities for the 2013 work program. A copy of the 2013 work program is provided as Attachment A.

2013 Development Activity

Staff typically provides a five year history of the department workload as part of this report. This year, staff has extended this history to six years, as this allows the new Board members to compare current workloads to 2008, which was the last year before the recession. The departmental workload measures provided as Attachment B illustrate the degree to which development activity has increased over the time period relative to staffing resources available. It is notable that during this period of increased activity, the Community Development Department has continued to improve in reaching established goals with key performance measures while maintaining staffing levels. This trend suggests several important contributing factors including staff's focus on providing excellent customer service, an overall attention to process improvements and efficiency, and extensive relevant work experience among staff members. Clearly, the County's ability to recruit and retain highly qualified staff has been critical to the department's productivity success. Nevertheless, it must be noted that as development activity continues its upward trend, the corresponding increased workload will continue to limit staff time available for work program priorities going forward.

2013 Work Program

The 2013 Community Development work program was established in February 2013 with the following priorities:

1. Comprehensive Plan Update – The Planning Commission completed its work in August 2013 and a draft was presented to the Board in September 2013.
2. Stormwater Management – State mandated program changes were endorsed by the Board in January 2014. Staff anticipates adoption of these changes in the second quarter of 2014, with implementation on July 1, 2014.
3. Economic Vitality Action Plan –
 - a. Industrial Uses Phase 3 – The Zoning Text Amendment was approved by the Board in April 2013.
 - b. Industrial Uses Phase 4 – Potential land use changes will be based on the updated Comprehensive Plan,
 - c. Ministerial Process Changes – The Subdivision Text Amendment was approved by the Board in December 2013.
 - d. Legislative Process Changes – The Zoning Text Amendment was adopted by the Board in 2012 and became effective April 1, 2013.
4. Steep Slopes – The Planning Commission held a public hearing on the Zoning and Subdivision Text Amendments on January 28, 2014 and anticipates the Board will hold a public hearing in March 2014.
5. Wireless Policy and Ordinance Changes – The study has been completed. Phase 1 of the changes was adopted by the Board in May 2013. Phase 2 has been delayed and is being proposed as part of the 2014 work program with some modifications.
6. Inoperable Motor Vehicles – The Zoning Text Amendment and Amendment to Chapter 9 of the County Code were approved by the Board in November 2013.
7. Noise Regulations – The Zoning Text Amendment and Amendment to Chapter 7 of the County Code were adopted by the Board in September 2013.

8. Rural Areas Churches / Rural Area Uses – The priority and schedule for this Zoning Text Amendment has been deferred for consideration as part of the Comprehensive Plan implementation.
9. Zoning Ordinance Recodification – This was a major task which was recommended for 2013. It has been deferred due to limited staff availability.
10. Architectural Review Board (ARB) Design Guidelines Update – This was deferred due to limited staff availability.
11. Natural Heritage Committee Modeling – The Committee requested modeling; however, there is limited staff and funding available.
12. Neighborhood Model Amendments – The implementation of Neighborhood Model into the Zoning Ordinance has been deferred due to limited staff availability.

Three additional ordinance amendments were considered by the Board:

1. Dam Break Inundation Zones – State-mandated Zoning and Subdivision Text Amendments establishing procedures and standards for proposed development dam break inundation zones were adopted by the Board in December 2013.
2. Family Day Homes – A Zoning Text Amendment to have County regulations more closely match State licensing for family day homes, while simplifying application processes, was adopted by the Board in September 2013.
3. Downtown Crozet District – A Zoning Text Amendment to expand residential development opportunities in downtown Crozet was adopted by the Board in December 2013.

2014 Work Program

Community Development's work program for policy-related matters is typically driven by two factors. First, staff resources are allocated to code enforcement and other mandated requirements. Once the resource needs of those core functions are met, work program priorities are staffed and addressed based on remaining resources. Second, the amount of public participation affects resource demands and capacity to undertake projects and initiatives. Public participation is essential for quality products and public trust, but it is also time consuming and resource intensive. Staff attempts to designate the amount of public participation based on the nature of the initiative, with a more extensive process used for potentially controversial decisions.

Staff's recommended 2014 Work Program is provided as Attachment C. In drafting the proposed work program, staff has prioritized initiatives based on: 1) mandates, 2) existing County policy, 3) ongoing efforts, and 4) Board direction on new initiatives. Staff's prioritization reflects previous Board input and ongoing priorities that it had previously established and is more fully described below:

1. Comprehensive Plan Update – Staff anticipates the Board will act on the update by July 2014. Recognizing the large number of strategies in the Comprehensive Plan and anticipating that the Board will be interested in immediately starting work on implementing some of the strategies, staff has set a placeholder for half of the anticipated resources for these strategies in the second half of 2014. This is in addition to staff resources that will be required in the first half of 2014 as part of the Board's consideration. Previous year priorities for Economic Vitality and Rural Area uses are anticipated to be prioritized with the other strategies.
2. Stormwater Management – Staff anticipates the updated Water Protection Ordinance will be presented to the Board to consider for adoption in April or May. Additional staff work for public engagement in advance of this is included. Implementation will require significant engineering management time as new staff are hired and trained.
3. Steep Slopes – This is a carryover from 2013. Staff anticipates these text amendments will be presented to the Board to consider for adoption in March 2014.
4. Wireless Policy and Ordinance Changes – Part 2 is a carryover from 2013. Staff is recommending dividing the remaining work into two parts (2A and 2B) and deferring proceeding with Part 2B until a pending FCC rulemaking regarding the deployment of wireless facilities is completed. Staff recommends moving forward with Part 2A for certain issues not expected to be affected by the FCC action. Part 2B, for the remaining issues, would then proceed when the FCC's regulatory changes are known.
5. Flood Hazard Overlay District – Mandated update to the County's regulations in order for property to be able to continue to be covered under the National Flood Insurance Program.
6. Cash Proffer Policy – The Cash Proffer Policy is part of the Comprehensive Plan. In fall 2013, the Board indicated its preference for separating this issue from the rest of the Comprehensive Plan update and accelerating its review as a separate priority. If the Board wishes to consider the cash proffer policy as a separate priority, staff anticipates it will not be completed before the Board acts on the Comprehensive Plan update and may require diverting resources from other efforts. As a separate process, the Board would adopt a resolution of intent to amend the Comprehensive Plan and refer the matter to the Commission. Regardless, a public input process (through the Commission and/or roundtables) is considered important to the results of the process and will necessarily require additional time to finalize the policy. Alternatively, if the Board prefers to keep the cash proffer policy consideration as part of the Comprehensive Plan update, staff recommends that we focus resources in the near term on initiating and completing three relatively minor text amendments making relatively small and simple process improvements that could be enacted by the Board prior to July 1st. These process improvements are related to drive-thru windows, parking garages, and outdoor display regulations. It should be noted that these uses have a well established set of conditions

which can be codified, and the uses would still be subject to review by the ARB along Entrance Corridors, assuring design issues can be considered by the ARB.

Resource Limited Initiatives – The following are proposed initiatives to be added to the work program as time is available.

1. Zoning Ordinance Recodification
2. ARB Design Guidelines Update
3. Natural Heritage Committee Modeling
4. Neighborhood Model Amendments
5. Building and Subdivision Fees – Biennial review of fees was established by policy with prior fee changes and a review of these fees is overdue under that policy. A separate review of the Cash Proffer Policy will delay this review.

The work program is intended to rely on available staff resources. With the exception of additional public hearing costs, no budget impact is anticipated. This analysis does not consider any “soft” costs (e.g., public confidence in County processes).

Staff recommends that the Board review the proposed 2014 Work Program (Attachment C) and concur with its prioritization or identify desired changes. Staff also requests the Board indicate whether there is interest in a separate priority for the Cash Proffer Policy at this time or prefer to consider this as part of the Comprehensive Plan update.”

Mr. Mark Graham addressed the Board, stating that Community Development has a lot of initiatives going on and checks in periodically to ensure they are in line with Board priorities. He noted that this is the department’s 10th anniversary, as it was formed through the merger of Zoning & Building, Planning & Community Development, and Engineering & Public Works. Mr. Graham said he would review progress with their current program then review availability with the next year’s program, go through performance from the previous year, then set the priorities for the work program, and establish the staff-recommended work program.

Mr. Graham stated that the current work program has levels of progress – works in progress, works completed, and delayed/deferred projects due to lack of resources; and mandated items are noted with underlining in the document. Mr. Graham said they’ve had two mandates in addition to the VSMP mandate, including updating the dam break inundation zone, and flood hazard overlay changes. He stated that the major item is the Comprehensive Plan, which the Board would hold a public hearing on the following month. Mr. Graham noted some final changes with the Neighborhood Model that have never been adopted into ordinance, and the Zoning Ordinance recodification is essentially cleaning up the ordinance. He stated that the Natural Heritage Committee has had some modeling efforts they’ve wanted to achieve for a long time but haven’t had the resources for, and there’s also an interest in revisiting ARB guidelines to establish specific corridor guidelines rather than just general guidelines.

Mr. Graham presented a slide showing mandated items – those things that are in ordinances or are requirements that must be performed – and some of the GIS and planning items they do are not actually mandated. He said the work program is what’s done with the available remaining resources once all mandates are met. Mr. Graham reported that staffing has been level for the last three years, and they are anticipating changes in the coming year because of the workload and the VSMP mandates. He stated that approximately 80% of the department’s budget increase reflects adjustments to pay for staff, and their workload has increased when considering it as applications per FTE. Mr. Graham said the number of applications per building inspector has increased significantly, and those responsibilities are the most time intensive – with inspectors needing to go out to a site 10-12 times per new residence. He stated that the department has recommended adding an inspector beginning in the upcoming year due to that workload increase, and WPO applications are also higher than they were in 2008 when the boom occurred. He noted that staff was still meeting key performance indicators, but are now becoming stretched as far as capacity.

Mr. Graham reported that there are four measures reflected in the Zoning workload, with zoning violations taking the most time and home occupation permits used as a measure of activity for small businesses. He said the home occupation permits have been dropping over the last several years while zoning permits and sign clearances are increasing, and this is interpreted as an indication that the local economy is returning to normal. Mr. Graham stated that the sign permits are a very good indicator of new businesses, and that activity is starting to pick up although is nowhere near what it was during the boom. He said zoning clearances must be granted for every new use in a space, and that has increased to above the 2008 level. Mr. Graham stated that, when converting that to zoning violations per inspector, there has been a 30% increase over the last six years. He reported that, with subdivisions and site plans, staff was extremely stretched in 2007 and the beginning of 2008, and they are currently up to about 80-85% of the previous workload – which is about what they can adequately handle with existing staff. He noted that rezonings and special use permits are up to about 90% of what they were in the 2008 period. Mr. Graham said that the number of ARB applications per planner is actually higher than 2008 by about 25%, but there have been some process improvements made over the last six years to make it easier to handle the workload.

Mr. Graham summarized his report by stating that they are seeing an upward trend in development activities and think that most segments of the market have recovered from the recession, but there are still some lagging ones and there is very limited capacity for new initiatives. He stated that, while they are meeting performance indicators, there is concern about how close they are to the edge – which is measured by a drop in quality as review times increase. Mr. Graham said staff turnover

continues to be a concern for the department and, in the last six months, they have lost three employees to better opportunities. He stated that 2014 priorities include legal mandates such as County ordinance enforcement, conservation easement monitoring, the Comp Plan update, implementation of the new VSMP and TMDL program, and the flood hazard overlay update. Mr. Graham said the second category of priorities is County initiatives – those things the Board is interested in moving forward – and that includes the strategic plan and what's coming out of the Comp Plan strategies.

Mr. Graham stated that everything else falls under the category of "other" priorities, including ordinance amendments, which are currently underway per their policy, critical slopes and wireless policies, and development fees. Mr. Graham noted that the previous Board had set out a program for a biennial review of fees, but that's been delayed a number of years primarily because most of the fee adjustment was going to be based on salary increases and there were years where there were no salary increases or minimal increases which did not make it worthwhile but are trying to get that program underway. He stated that one of the questions that's arisen was whether the Board was interested in going forward with an initiative on the cash proffer policy or consider it along with the other Comp Plan efforts and, if there isn't an interest in doing that now, staff has identified some small amendments to the Zoning Ordinance that they would like to move forward with in order to yield some effective process improvements which wouldn't generate a lot of concerns.

Mr. Graham reviewed staff's 2014 work program recommendations, stating that they are recommending completion of the Comprehensive Plan review, adoption of the water protection ordinance with the VSMP, continue work on the MS4 and TMDL programs, completion of the flood hazard overlay, and continuation with conservation easement inspections. He stated that County initiatives would include continuation of work with citizen advisory committees and other Board or inter-jurisdictional committees, and staff has tried to leave a large placeholder for Comp Plan implementation – as the Board will likely identify strategies the Board wants staff to pursue first. Mr. Graham said the Board will also consider the strategic plan later in the year to ensure the department is positioned for that. He stated that there are a few other ordinance amendments and programs to address – the steep slopes amendment, which should be before the Board in the next month; wireless facilities, which will be split into two parts because of some proposed federal rulemaking that's underway; review of the fee structure as per the policy set by the previous Board; and moving forward with a proffer policy or considering it along with the rest of the Comp Plan update.

Mr. Boyd said he hadn't seen anything in the work plan on solid waste, and asked if that was included somewhere else. Mr. Foley stated that it's not a Community Development function, but Mr. Graham has worked on it in addition to his usual responsibilities. He said they would address the solid waste management later in the meeting, as it is coming forth as a major priority.

Mr. Boyd said he was also interested in the cash proffer policy in general, as the Fiscal Impact Committee had been instrumental in putting that together originally and he didn't understand why that committee couldn't be utilized again to bring a presentation back to the Board. Mr. Graham clarified that there were two parts to the cash proffer policy when it was established: one part was establishing the cost per unit, which is what the Fiscal Impact Advisory Council focused on; and the cost and recovery the County was interested in having, which the Board did themselves.

Mr. Davis pointed out that the Fiscal Impact Committee didn't deal with the policy issue, just the amount.

Mr. Boyd said he felt that is what the Board wanted to review – the amount.

Ms. Mallek said she felt the Board also wanted to talk about some policy changes.

Mr. Foley stated that the previous Board emphasized the need to pull this apart and do a separate process to look at the proffer policy, and staff wanted to check in with the Board to see if keeping it on a separate track is still the direction the Board would want to go in.

Mr. Wayne Cilimberg, Director of Planning, noted that the Planning Commission has made a recommendation regarding the policy and it's fairly minor in terms of change, with the Commission not getting into several areas the Board discussed last year which were more significant. He said, if the Board decided not to address it separately, which would start with the Planning Commission doing an overall review, then staff would be talking to the Board about what the Commission has recommended in terms of the Comp Plan review.

Mr. Boyd said the policy is driven by the cost, and the last time they went through this process the Fiscal Impact Committee developed proffer dollar amounts and the Board picked up the policy based on that information.

Mr. Foley asked Mr. Cilimberg to clarify the process they would follow if they were to move forward with an amendment to the proffer policy.

Mr. Cilimberg explained that there was an interest in reviewing the policy in total beyond what the Board is getting as a recommendation from the Planning Commission, and the best approach would be a resolution of intent for a Comp Plan amendment – which Commission staff would work on, possibly with a group of public interests participating in that effort, then bring it back to the Board as a separate consideration apart from the Board's review of the Comp Plan as it's currently scheduled.

Mr. Sheffield noted that the work plan chart shows that it would come back to the Board in the third quarter.

Mr. Graham said that would be his best guess, and it would depend on the process as far as the Planning Commission reviews and public engagement process.

Ms. Dittmar said the sooner Board members could have this, the better because it's confusing as a Board member to try to make decisions while the policy is in flux and these discussions are going along parallel to that. She asked if they could use the Fiscal Impact Committee to generate good ideas for a process that would come through the Planning Commission.

Mr. Boyd said that there are very strict restrictions as to what can be included in a proffer policy in terms of dollar amounts, and what he's hearing complaints about are those levels – which are perceived as being out of step with the current economy.

Mr. Foley emphasized that the issue Ms. Mallek had raised earlier in the meeting was a policy issue and would not be about the numbers, but whether credits are issued because of the type of development. He added that, while there are also concerns over the proffer amounts, there have also been concerns about the policy itself – and as staff has indicated, the typical way to review it would be by going through a Comp Plan amendment process.

Ms. Mallek suggested having a parallel track in which the Fiscal Impact Committee does an update on the dollar amounts, and a separate track for policy changes already identified along with new issues that have arisen.

Mr. Foley said, if the Board wants to move this forward as quickly as possible, staff can leave this meeting with that direction and come back to them with a timeline and a process to accelerate it – which might consider a parallel track with the Fiscal Impact Committee to look at the dollar amounts.

Ms. Mallek said that would be her preference.

Ms. Dittmar and other Board members agreed with that approach.

Mr. Graham asked if there were other questions or concerns on the work plan.

Ms. Palmer asked where the department was in terms of solving the staff problem, noting that Mr. Graham had mentioned losing three staff people in the last year. She asked if the report reflects how many people they have hired and/or plan to hire for next year. Mr. Graham said the plan reflects the number of people they have budgeted currently, and the second part was a historical look that underscores the fact that the department can meet all of its key performance indicators, while having a limited amount of resources to address the work program. He stated that there is always a question with the Board as to how many initiatives they want staff to undertake, and the department does not have spare capacity currently to take on a lot of new initiatives. Mr. Graham said, if they agree to move forward with the proffer policy, for example, there may not be resources available to address initiatives that come out of the Comp Plan review. He stated that, while they can start the proffer process soon, it will likely not be finished before the Comp Plan review begins.

Ms. Dittmar said the Board would look at the Comp Plan process on the following Wednesday, but stated that she felt a sense of urgency because it would save the Board from having to figure it out every time something came before them.

Ms. Mallek commented that while it wasn't on the top of the list, there was mention of noise regulations in the work program, and she felt there was still a lot of work to do in both the rural areas and the urban areas. She stated that there were also two pieces of state legislation that she is appalled by – the farm brewery act, and the new on-farm commercial operations bill –both would take concentrated effort. Ms. Mallek said animal welfare issues are still a real problem in the County, and the standards here are very low with a lot of concern from the public. She stated that the fees were also on her list, as well as the documented critical resources in the GIS – which would help the Board in many other ways as they consider applications.

Ms. Dittmar stated that she was amazed at the amount of work which Community Development does and the variety of things that they do for the County, and felt that their presentation was excellent. She said she heard many positive things about the department while campaigning, including from the business community and, during the budget process, the Board would address the resources needed to continue meeting target objectives along with tackling some of the new initiatives.

Mr. Graham thanked her for the positive feedback, and agreed to convey it to the rest of Community Development staff.

Mr. Foley said it would be helpful for the Board to endorse this as the work program for the year ahead, with the clarification that they'd like to prioritize the proffer policy and bring it back for review.

Ms. Mallek **moved** to endorse the Community Development Work Program as presented, and requested that the Cash Proffer Policy be prioritized and brought back for Board review.

Ms. McKeel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.
NAYS: None.

Ms. Mallek mentioned the possibility of going to a ticketing process for illegal signs in the right of way, and Mr. Graham said staff has been working on that initiative but wasn't ready to bring it before the Board yet.

Ms. Mallek also said that in the "yellow book," the Augusta County Community Development Department had been compared to Albemarle's and deemed much smaller, but she has learned that that's because Augusta has five separate departments while Albemarle's is combined into one.

Mr. Foley said the revenue-sharing payment is considered a Community Development cost, so the difference is even larger.

Agenda Item No. 14. Closed Meeting.

At 12:04 p.m., Mr. Sheffield **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; 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 effect of easements on a specific County property; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the negotiation of a regional public safety agreement.

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

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.
NAYS: None.

Agenda Item No. 15. Certify Closed Meeting.

At 1:59 p.m., the Board reconvened into open meeting and Mr. Sheffield **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.
NAYS: None.

Agenda Item No. 16. Boards and Commissions: Vacancies/Appointments.

Ms. McKeel offered **motion** to make the following appointments:

- **appoint** Ms. Jennifer Sulzberger, as the Samuel Miller District representative to the Albemarle County Service Authority with said term to end December 31, 2017.
- **appoint** Mr. David van Roijen to the Fiscal Advisory Committee with said term to expire July 8, 2015.
- **appoint** Mr. Michael Shareck, Ms. Diane Berlin and Ms. Robin Hester, to the Pantops Community Advisory Council with said terms to expire June 30, 2016.
- **appoint** Mr. Peter Borches, Mr. David Bashline and Ms. Helene Kaminer to the Places 29 Community Advisory Council with said terms to expire January 31, 2016.
- **appoint** Ms. Jane Fogleman to the Places 29 Community Advisory Council to fill an unexpired term with said term to expire January 31, 2015

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

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.
NAYS: None.

Agenda Item No. 17. **Public Hearing:** FY2014 Budget Amendment and Appropriations, *Lori Allshouse, Director of the Office of Management and Budget.*

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 \$3,915,287.87. 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 \$3,915,287.87. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

General Fund	\$ 891,459.33
Special Revenue Funds	\$ 98,191.00
School Fund	\$ 50,000.00
School Special Revenue Funds	\$ 908,673.87
ECC	\$ 8,470.77
Capital Improvements Funds	\$ 120,365.38
Debt Service Funds	\$ 1,838,127.52

TOTAL ESTIMATED EXPENDITURES – All Funds \$ 3,915,287.87

ESTIMATED REVENUES

Local Revenue	\$ 149,386.35
State Revenue	\$ 251,194.00
Federal Revenue	\$ 115,612.00
VPSA Refund	\$ 496,448.58
General Fund Balance	\$ 781,711.00
Other Fund Balances	\$ 2,120,935.94

TOTAL ESTIMATED REVENUES – All Funds \$ 3,915,287.87

The budget amendment is comprised of thirty-one (31) separate appropriations as follows, twenty-two (22) of which have already been approved by the Board as indicated below:

Approved October 9, 2013

- One (1) appropriation (#2014047) to appropriate \$48,396.00 for grants awarded to the Police Department;
- One (1) appropriation (#2014048) to appropriate \$7,225.00 for the Criminal Justice Program grant administered by Offender Aid and Restoration (OAR); and
- One (1) appropriation (#2014049) to appropriate \$30,000.00 for a Virginia Department of Agriculture and Consumer Services Grant.

Approved November 6, 2013

- One (1) appropriation (#2014050) to appropriate \$5,928.71 for various school division programs;
- One (1) appropriation (#2014051) to appropriate \$50,000.00 for the Ivy Fire Station Maintenance Account as required by the terms of the sublease;
- One (1) appropriation (#2014052) to appropriate \$953.33 in donations to the Police Department;
- One (1) appropriation (#2014053) to appropriate \$10,000.00 for the White Gables bond default; and
- One (1) appropriation (#2014054) to appropriate \$106,251.22 for the Community Public Charter School.

Approved November 13, 2013

- One (1) appropriation (#2014055) to appropriate \$70,365.38 for the Crozet Streetscape project.

Approved December 4, 2013

- One (1) appropriation (#2014056) to appropriate \$1,838,127.52 to fund the initial debt service payment for the Fall 2013 borrowing;
- One (1) appropriation (#2014058) to allocate \$60,000.00 from the Commonwealth's Attorney fees fund to the General Fund. This appropriation will not increase the total County budget;
- One (1) appropriation (#2014059) to appropriate \$461,318.55 for various school division programs;
- One (1) appropriation (#2014060) for \$(29,859.43) to revise the appropriation approved on August 7, 2013 for the Emergency Communications Center;
- One (1) appropriation (#2014061) to appropriate \$718.00 from the Reserve for Contingencies to the Office of Housing for an additional month of funding for Virginia Supportive Housing. This appropriation will not increase the total County budget;
- One (1) appropriation (#2014062) to appropriate \$25,000.00 from the Church Road Basin Stormwater Improvements project to the Western Albemarle Stormwater Improvements project. This appropriation will not increase the total County budget; and
- One (1) appropriation (#2013063) to appropriate \$6,091.23 from the Reserve for Contingencies to the Community Development Department for unanticipated insurance expenditures. This appropriation will not increase the total County budget.

Approved January 8, 2014

- One (1) appropriation (#2014064) to allocate \$15,825.00 for training and professional development for various departments. This appropriation will not increase the total budget because the funding will be allocated from the Training Pool funding;
- One (1) appropriation (#2014065) to appropriate \$16,765.00 for the State Criminal Alien Assistance Program;
- One (1) appropriation (#2014066) to appropriate \$8,300.00 from the Reserve for Contingencies to the Office of Housing for an upgrade of the Office of Housings' Housing Choice Voucher management software. This appropriation will not increase the total County budget.
- One (1) appropriation (#2014067) to appropriate \$3,279.00 from the Reserve for Contingencies to the Office of Housing for an additional month of funding for Virginia Supportive Housing. This appropriation will not increase the total County budget;
- One (1) appropriation (#2014068) to appropriate \$34,600.00 for the Offender Aid and Restoration Drug Court officer;
- One (1) appropriation (#2014070) to appropriate \$38,330.20 for various Emergency Communication Center (ECC) projects approved by the ECC Management Board.

The ten (10) appropriations requested for Board approval on February 5, 2014 are as follows:

- One (1) appropriation (#2014069) to appropriate \$15,000.00 from the Housing Collaborative Contingency to fund the Thomas Jefferson Area Coalition for the Homeless (TJACH). This appropriation will not increase the total County budget;
- One (1) appropriation (#2014071) to appropriate \$9,995.00 from the Reserve for Contingencies to the Clerk of the Circuit Court to fund a position to manage restitution. This appropriation will not increase the total County budget;
- One (1) appropriation (#2014072) to appropriate \$335,175.39 for various school division programs;
- One (1) appropriation (#2014073) to appropriate \$137,750.00 from DEQ's Stormwater Local Assistance Fund grant for the Church Road Basin Retrofit capital project. This appropriation will not increase the total County budget;
- One (1) appropriation (#2014074) to appropriate \$841,711.00 for the final payment of the City Fire Contract that expired on June 30, 2013;
- One (1) appropriation (#2014075) to appropriate \$496,448.58 for the Virginia Public School Authority (VPSA) Refunding. This appropriation will not increase the total County budget;
- One (1) appropriation (#2014076) to appropriate \$6,106.00 from the Reserve for Contingencies to the Office of Housing for an additional two months of funding for Virginia Supportive Housing. This appropriation will not increase the total County budget;
- One (1) appropriation (#2014077) to appropriate \$50,000.00 for revenue associated with School Division contributions;
- One (1) appropriation (#2014078) to appropriate \$22,500.00 for the Downtown Crozet Stormwater Wetlands Project. This appropriation will not increase the total County budget; and
- One (1) appropriation (#2014079) to appropriate \$60,000.00 from the Reserve for Contingencies to the Department of Finance for a pay process consultant. This appropriation will not increase the total County budget.

The County's FY 14 Adopted Budget included \$243,578 in the Reserves for Contingencies. If this Feb 5, 2014 Budget Amendment and associated appropriations are approved by the Board of Supervisors, the balance remaining in the County's Reserves for Contingencies would be \$139,744.

After the public hearing, staff recommends approval of the FY 2014 Budget Amendment in the amount of \$3,915,287.87 and approval of #2014069, #2014071, #2014072, #2014073, #2014074, #2014075, #2014076, #2014077, #2014078, and #2014079 to provide funds for various local government projects and programs as described in Attachment A."

Appropriation #2014069 **\$0.00**

This appropriation will not increase the County Budget.

Source: Housing Collaborative Contingency \$ 15,000.00

This request is to appropriate \$15,000.00 from the Housing Collaborative Contingency to the Thomas Jefferson Area Coalition for the Homeless (TJACH). The FY14 Adopted Budget included \$15,000.00 as a contingency for intake and case management services for the homeless. Prior to releasing these funds, the Agency Budget Review Team recommended requiring a coordinated implementation plan for local homeless programs.

The City of Charlottesville issued a Request for Proposals (RFP) in collaboration with the County of Albemarle on July 28, 2013. The purpose of the RFP was to establish a contract through competitive negotiation with an organization that would take the lead in fostering collaboration of homelessness service provision and planning in the community, as required by Federal and State agencies and to leverage local government support. Through collaboration and coordination of current services and service providers, the City and County will be better able to identify potential deficiencies and/or areas of weakness that may require further assistance. Accordingly, the RFP focused strictly on selecting an organization based on that organization's ability to collaborate with community agencies to coordinate the provision of services to the homeless. TJACH was the sole respondent to the RFP and the Proposal Analysis Group has recommended full funding of \$80,000 for that proposal, with the City monitoring the activities under the RFP. The City will be contributing \$65,000 for this purpose; this appropriation is for \$15,000 for the County's share.

Appropriation #2014071

\$0.00

This appropriation will not increase the County Budget.

Source: Reserve for Contingencies \$ 9,995.00

This request is to appropriate \$9,995.00 from the Reserve for Contingencies to the Clerk of the Circuit Court to fund a position to manage restitution. The Probation Office is no longer handling restitution and this function will be assumed by the Clerk's Office in March 2014. This position will be responsible for collecting restitution from offenders and disbursing it to victims. As of October 2013, there were 129 offenders owing \$2.4 million in restitution payments to 255 victims. This request will fund a half-time position which, together with existing part-time funding in the Clerk's budget, can support a full time position.

Appropriation #2014072

\$335,175.39

Source: Local Non-Tax Revenue \$ 59,390.00
State Revenue \$ 25,000.00
School Bus Replacement Fund \$ 250,785.39

This request is to appropriate the following School Division requests approved by the School Board on December 12, 2013:

- Funding for the Club Yancey Program: The Club Yancey Program has collected \$5,920.00 in tuition fees, \$2,020.00 from fundraisers, \$34,400.00 in donations, and \$1,800.00 in grants from QuickStart Tennis for a total of \$44,140.00. These funds will be used to cover the operating expenses for the program. The QuickStart grant funds will be used to cover the cost of a tennis instructor and to support the Teamwork Girls Club.
- Virginia Department of Education Supplemental Grant: Murray High School has been awarded a Supplemental Grant in the amount of \$25,000.00 from the Virginia Department of Education. Of this amount, \$20,000.00 will be used to award mini-grants to students. Students will be able to apply for the mini-grants, up to \$250.00, to support their research project. The remaining \$5,000.00 will be used to expand professional opportunities for teachers, including leadership training in performance-based assessments and grant writing workshops.
- Miscellaneous Grants and Donations: Albemarle County Public Schools received several local grants and donations totaling \$15,250.00. These funds will be used for a variety of programs in the School Division.

Re-appropriation of School Bus Replacement Fund fund balance: the School Bus Replacement Fund was established by the School Division to provide consistent funding for bus replacement. School Bus funding was no longer included in the School Division budget and the costs were moved to the Capital Improvement Fund beginning in FY 14. The School Division's School Bus Replacement fund has an unexpended fund balance in the amount of \$250,785.39. This request is to re-appropriate available funds for use in FY 14. Of this amount, \$174,348.00 will be used for the purchase of two buses. The remaining \$76,437.39 will be used by the School Division for the purchase of replacement vehicles included in the small fleet of sedans and minivans that are used for transporting students.

Appropriation #2014073

\$0.00

This appropriation will not increase the County Budget.

Source: State \$ 137,750.00

This request is to appropriate \$137,750.00 in State grant revenue for the Church Road Basin Retrofit project. The grant funding is through the Department of Environmental Quality's (DEQ's) Stormwater Local Assistance Fund, a new funding program for stormwater pollution reduction efforts related to Total Maximum Daily Loads (TMDLs). The Church Road Basin Retrofit project consists of various enhancements to an existing regional stormwater management facility designed to improve its ability to remove pollutants (nitrogen, phosphorus and sediment) from stormwater runoff. This will help the County meet required pollutant reductions mandated for the Chesapeake Bay watershed and local streams. The project is being designed by Kimley-Horn and is expected to be out to bid in late January 2014. This appropriation will not increase the budget by reducing the use of Stormwater Fund fund balance.

Appropriation #2014074

\$841,711.00

Source: General Fund fund balance \$ 841,711.00

This request is to appropriate \$841,711.00 from the General Fund fund balance to be combined with a \$150,000.00 FY 14 budgeted amount to pay the \$991,710.69 final payment of the City Fire Contract which expired on June 30, 2013. This amount is based on the services provided by the City for the County, pursuant to the terms of the Contract that recently expired.

Under the Contract in effect since May 2000, the City provided supportive fire coverage in the County. The price of the agreement was based on the cost of a City's engine company, adjusted annually for inflation.

Beginning in November 2010, during the five-year financial planning process, the County began making plans to open the Ivy Fire Station and to reduce the dependence on the City for supportive fire coverage. This change resulted in the re-negotiation of the terms of the City Fire Contract which took longer than initially anticipated. While the City and County negotiated the updated terms, the City's fire support services continued at a high rate through the end of FY 13.

The Finance Department received an invoice from the City in December 2013 for the City's services that were provided to the County for the time period of July 1, 2012 through June 30, 2013. This cost associated with the expired Fire Contract is higher than anticipated; however, the County anticipated that the final payment would be a one-time cost and, as such, would be appropriately provided for with one-time funding. The City's services will continue to be required in FY 14; however, pursuant to the terms of the proposed new contract, they are anticipated to be provided at a significantly lower rate than those provided on behalf of the County in FY 13. Since the City's FY 14 expenditures will be invoiced to the County in FY 15, the estimated cost for the City's services provided during FY 14 will be included in the recommended FY 15 Budget.

Appropriation #2014075 **\$0.00**
 This appropriation will not increase the County Budget.

Source:	VPSA Refunding	\$ 496,448.58
	Gen. Govt. CIP Fund Bal.	(\$ 248,224.29)
	Sch. CIP Fund Bal.	(\$ 248,224.29)

This request is to appropriate revenue associated with the School Division Debt Service fund and to re-allocate the resulting available General Fund transfer balance to the Capital Program funds:

- **Virginia Public School Authority (VPSA) Refunding:** This request is to appropriate \$496,448.58 in Debt Service Savings related to a bond rebate of multiple VPSA issues and to decrease the General Fund transfer to the School Debt Service fund by the equivalent amount of \$496,448.58. This results in no increase for the School Debt Service fund, leaving \$496,448.58 to be re-allocated to other debt and capital funds. The debt series include: VPSA 1994, VPSA 1995, VPSA 1996, VPSA 1997, VPSA 1998, VPSA 1998 PREP, VPSA 1999, VPSA 2000, VPSA 2001, VPSA 2004, and VPSA 2005.
- **General Fund Transfer Reallocation to Capital Funds:**
 - This request decreases the use of School CIP Fund balance in the amount of \$248,224.29 by increasing the General Fund transfer by \$248,224.29.
 - This decreases the use of General Government CIP Fund balance in the amount of \$248,224.29 by increasing the General Fund transfer by \$248,224.29.

Appropriation #2014076 **\$0.00**
 This appropriation will not increase the County Budget.

Source:	Reserve for Contingencies	\$ 6,106.00
---------	---------------------------	-------------

This request is to appropriate \$6,106.00 from the Reserve for Contingencies to the Office of Housing to provide an additional contribution to Virginia Supportive Housing for rental subsidies at The Crossings for six homeless persons that would otherwise be funded through the federally-funded Housing Choice Voucher (HCV) Program. Earlier this fiscal year, the Board approved appropriations on September 4, 2013 to provide a three-month extension (September through November 2013), December 4, 2013 to provide funding for the month of December 2013 and January 8, 2014 to provide funding for the month of January 2014. This funding will provide sufficient funding for the months of February and March 2014. Once final approvals are received from HUD and HCV vouchers are issued, local funding will be discontinued.

Appropriation #2014077 **\$50,000.00**
 Source: Local Revenue (Donations) \$ 50,000.00

On July 11, 2012, the Board approved streamlining the appropriation process for anticipated FY 13 School Fund revenue for grants, donations, and School Division Activity Funds. For FY 14, the School Division included an initial appropriation of \$180,647.00 in anticipated donations. The School Division has exceeded this amount of donations and anticipates there will be a number of donations throughout the remainder of the school year. This request is to appropriate an additional \$50,000.00 in donation funding. Funds will not be expended until the revenues are actually received.

Appropriation #2014078 **\$0.00**
 This appropriation will not increase the County Budget.

Source:	Gen. Govt. CIP Fund Bal.	(\$ 19,500.00)
	Stormwater CIP Fund Bal.	\$ 19,500.00

This request is to appropriate \$19,500.00 in funding that had previously been appropriated to the Crozet Library and \$3,000.00 from funding currently appropriated for unassigned capital Project Management (PM) fees for a total of \$22,500.00 to the Downtown Crozet Stormwater Wetlands Project. The funds that were previously appropriated to the Crozet Library are available to be reallocated as the project is complete. This appropriation is required to transfer funding from one project included in the General Government CIP Fund to a project which is included in the CIP's Stormwater Fund. The budget for the Downtown Crozet Stormwater Wetlands Project requires additional funding due to an unforeseen requirement by the Virginia Department of Environmental Quality (DEQ) that wetlands soils be amended with organic matter. After the approval of this re-allocation, the project will be completed and a final payment will be made to the contractor.

Appropriation #2014079

\$0.00

This appropriation will not increase the County Budget.

Source: Reserve for Contingencies \$ 60,000.00

This request is to appropriate \$60,000.00 from the Reserve for Contingencies to the Finance Department to hire a pay process consultant. The consultant will conduct a study of the County's current pay processes and make recommendations for improvements, with the ultimate goal of reaching a higher degree of accuracy in employee pay processing. Additional details are provided in a separate executive summary included in today's agenda packet.

Ms. Allshouse addressed the Board, stating that Virginia Code requires the County to hold a public hearing before amending its budget if the total amount of the funds appropriated exceeds 1% of the expenditures in the currently adopted budget. She stated that the appropriations for the FY14 budget included in this amendment total \$3.9 million, and this total includes the 14 appropriations approved by the Board between October 9, 2013 and January 10, 2014, and also includes 10 appropriation requests for consideration as included in attachment A. Ms. Allshouse said staff recommends approval of the budget amendment and the appropriation requests after the public hearing.

Ms. Mallek asked why the County appropriates donated funds to the schools before they are donated. Ms. Allshouse said the process has been streamlined to appropriate a block of donations or a dollar amount for the block of donations they assume will come in, rather than appropriate every small donation. She stated that the money isn't spent until it is actually received, but the appropriation authority is put in place.

Mr. Foley compared it to having a budgeted amount and, as funds come in, there's only authorization to use that donation up to a certain amount.

The Chair opened the public hearing. No one came forward to speak, so the Chair closed the public hearing and placed the matter before the Board.

Ms. Mallek **moved** to approve the FY 2014 Budget Amendment in the amount of \$3,915,287.87 and to approve appropriations #2014069, #2014071, #2014072, #2014073, #2014074, #2014075, #2014076, #2014077, #2014078, and #2014079 to provide funds for various local government projects and programs. Ms. Palmer **seconded** the motion.

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

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.
 NAYS: None.

COUNTY OF ALBEMARLE			
APPROPRIATION SUMMARY			
APP#	ACCOUNT	AMOUNT	DESCRIPTION
2014069	4-1000-59000-459000-566302-1005	-\$15,000.00	Housing Collaboration Contingency
2014069	4-1000-59000-459000-566603-1005	15,000.00	TJACH
2014071	4-1000-21060-421060-110000-1002	6,340.00	Clerk Restitution Position
2014071	4-1000-21060-421060-210000-1002	485.00	Clerk Restitution Position
2014071	4-1000-21060-421060-221000-1002	1,850.00	Clerk Restitution Position
2014071	4-1000-21060-421060-231000-1002	1,205.00	Clerk Restitution Position
2014071	4-1000-21060-421060-232000-1002	40.00	Clerk Restitution Position
2014071	4-1000-21060-421060-241000-1002	75.00	Clerk Restitution Position
2014071	4-1000--9995-499000-999990-9999	(9,995.00)	Clerk Restitution Position
2014072	3-3157-63157-318000-181254-6599	38,220.00	Dec. 12 SB meeting
2014072	3-3157-63157-318000-181284-6599	5,920.00	Dec. 12 SB meeting
2014072	4-3157-63157-460000-111400-6113	24,800.00	Dec. 12 SB meeting
2014072	4-3157-63157-460213-119400-6113	9,000.00	Dec. 12 SB meeting
2014072	4-3157-63157-460213-210000-6113	2,615.00	Dec. 12 SB meeting
2014072	4-3157-63157-460000-221000-6113	3,000.00	Dec. 12 SB meeting
2014072	4-3157-63157-460213-231000-6113	4,200.00	Dec. 12 SB meeting
2014072	4-3157-63157-460213-232000-6113	225.00	Dec. 12 SB meeting
2014072	4-3157-300-460000-241000-6113	300.00	Dec. 12 SB meeting
2014072	3-3104-6250-318000-189900-6599	6,250.00	Dec. 12 SB meeting
2014072	3-3104-9000-318000-181258-6599	9,000.00	Dec. 12 SB meeting
2014072	3-3104-25000-324000-240400-6599	25,000.00	Dec. 12 SB meeting
2014072	4-3104-750-460700-601300-6304	750.00	Dec. 12 SB meeting
2014072	4-3104-7000-461311-580500-6530	7,000.00	Dec. 12 SB meeting
2014072	4-3104-2000-461311-601300-6530	2,000.00	Dec. 12 SB meeting
2014072	4-3104-63104-460700-160300-6107	370.00	Dec. 12 SB meeting
2014072	4-3104-63104-460700-210000-6107	30.00	Dec. 12 SB meeting
2014072	4-3104-63104-460700-601300-6107	100.00	Dec. 12 SB meeting
2014072	4-3104-63104-460700-580500-6303	5,000.00	Dec. 12 SB meeting
2014072	4-3104-63104-460700-601300-6303	20,000.00	Dec. 12 SB meeting
2014072	4-3104-63104-460700-311000-6530	5,000.00	Dec. 12 SB meeting

2014072	3-3905-63905-351000-510100-6599	250,785.39	Dec. 12 SB meeting
2014072	4-3905-63905-462320-800501-6599	76,437.39	Dec. 12 SB meeting
2014072	4-3905-63905-493010-930004-6599	174,348.00	Dec. 12 SB meeting
2014072	3-9000-69000-351000-512000-6599	174,348.00	Dec. 12 SB meeting
2014072	4-9000-63905-462320-800506-6599	174,348.00	Dec. 12 SB meeting
2014073	3-9100-24000-324000-240768-1008	137,750.00	DEQ Revenue
2014073	3-9100-51000-351000-510100-9999	(137,750.00)	Use of Capital Stormwater Fund Bal
2014074	3-1000-51000-351000-510100-9999	841,711.00	App from GF FB
2014074	4-1000-32050-432050-560600-1003	841,711.00	City Fire contract
2014075	3-9900-41000-341000-410101-9999	496,448.58	Bond Rebate
2014075	3-9900-51000-351000-512004-9999	-496,448.58	TRS. FR. GENERAL FUND
2014075	4-1000-93010-493010-930003-9999	-496,448.58	Trans-School Debt Service
2014075	4-1000-93010-493010-930010-9999	248,224.29	Trans-Gen Government CIP
2014075	3-9010-51000-351000-512004-9999	248,224.29	TRS. FR. GENERAL FUND
2014075	3-9010-51000-351000-510100-9999	-248,224.29	Gen. Govt. CIP Fund Bal.
2014075	4-1000-93010-493010-930004-9999	248,224.29	Trans-School CIP
2014075	3-9000-69000-351000-512004-6599	248,224.29	TRS. FR. GENERAL FUND
2014075	3-9000-69000-351000-510100-6599	-248,224.29	Sch CIP Fund Bal.
2014076	4-1000-81030-481030-568815-1008	6,106.00	VIRGINIA SUPPORTIVE HOUSING
2014076	4-1000-99900-499000-999990-9999	-6,106.00	reserve for contingencies
2014077	3-2000-62000-318100-181109-6599	50,000.00	Donations
2014077	4-2000-62101-461101-601300-6599	50,000.00	Reserve - Donations & Activity Funds
2014078	4-9010-94160-494070-800700-7140	-19,500.00	Crozet Library
2014078	4-9010-93010-493010-930202-9999	19,500.00	Transfer to Fund 9100
2014078	3-9100-51000-351000-512031-9999	19,500.00	Transfer from Fund 9010
2014078	4-9100-82062-482040-800605-9999	19,500.00	Downtown Crozet Wetlands Project
2014078	4-9100-91046-482040-312366-9999	-3,000.00	Unassigned, future PM Services
2014078	4-9100-82062-482040-312366-9999	3,000.00	Downtown Crozet Wetlands Project
2014079	4-1000-12141-412140-310000-1001	60,000.00	Rev/Tax consultant
2014079	4-1000-99900-499000-999990-9999	-60,000.00	Rev/Tax consultant
TOTAL		2,841,468.78	

Agenda Item No. 18. Department of Social Services Advisory Board Annual Report, *Janet Morrow, Chair.*

Ms. Janet Morrow addressed the Board stating that the culture of the department is to “instill hope, share respect, bring opportunities, and recognize self-determination.” Ms. Morrow said each year the department has a theme with this year’s theme being “partnering for success,” and she recognized Heather Taylor and Sarah Fisher for their work on the annual report. She stated that DSS has an extensive list of partners and, this year, the department provided services to over 15,000 people in Albemarle County. Ms. Morrow said key performance indicators are included in the report to show how well DSS is meeting their goals and, while they are still not meeting the target for Medicaid renewals, it is above where they were the previous year; adding that 99% of SNAP applications are now processed within the month they are presented. She stated that foster care children are not being seen as often as the department would like to see them, and Child Protective Services referrals also don’t get the required number of visits.

Ms. Mallek said a 50% achievement, out of a 90% goal, is concerning to her and asked if there was any background on that.

Ms. Morrow stated that their workload measures, which were put in place by the state to establish a level for manageable number of cases, exceed the recommended number. She said the casework load has also increased, with foster care services for the year ending June 30, 2013 going from 107 to 136; CPS referrals have increased substantially as well; SNAP applications are significantly higher, as are requests for energy assistance. Ms. Morrow stated that the Medicaid referrals have also increased, and DSS has people within UVA hospital partnering to get the applications qualified before the person is released from the hospital. She said the average number of Medicaid customers per month is also higher, and those numbers will continue to increase if 400,000 more state residents are included in Medicaid.

Mr. Boyd asked if there was additional money coming from the federal government to cover additional staff to handle these caseloads. Ms. Mallek said if Medicaid expansion happens the money would come with it.

Ms. Morrow stated that there’s also the situation of a person being reviewed for Medicaid and not qualify, so there is still the caseload of processing that person’s information.

Mr. Boyd said those increased caseloads would likely require DSS to put on additional staff, and he didn’t know if the federal money would cover that or not.

Ms. Kathy Ralston, Director of Social Services, stated that they have not yet heard from the state as to how much money would be coming forward for administrative processing of the cases, but they are working on that adding that there is a budget amendment in process to help with expansion of the FAMIS cases from the contract that the state eliminated. She stated that they not only have the potential

expansion of Medicaid, but also have the FAMIS cases for children that are being transferred from the state down to the local level.

Ms. Morrow said Adult Protective Services cases were 20-25% higher during the year. She stated that there has always been a requirement of local government to coordinate and manage shelters in times of emergency, which came to the forefront with the derecho storm the previous summer. She stated that DSS partnered with police and fire and housed 75 people in two local schools, which is becoming a significant and growing demand on the County. Ms. Morrow said, regarding CPS cases, the first-time visits were 7% less than the target but not quite as bad as 50% – and having a social worker contact the child or family is exceeding the capabilities.

Ms. Ralston stated that they are not meeting the monthly contact objectives for ongoing CPS cases, and it is purely a workload issue at this point. She said there is a new policy coming from the state that will increase the number of contacts they are required to have, so this could actually get worse.

Ms. Morrow stated that there is \$93 million brought to the County for services through DSS, and \$8.4 million is local funds. She said imminent concerns are the Budget Control Act and new automation systems that will require additional staff time to learn and transition.

Ms. Palmer said there had been a discussion regarding the Social Services Advisory Board taking on more of an advocacy role in Richmond, and asked Ms. Morrow if she had discussed this matter with the DSS Board yet.

Ms. Morrow explained that their board has been very willing to meet and advocate for the needs they see, and had met with U.S. Representative Robert Hurt in an effort to increase his level of understanding as to where the block grant money is used in the County. She said she personally would like to do more of that, as other board members do, and whether they do that as a board or individuals remains to be seen. Ms. Morrow stated that the impact is on a very local level and they are willing to carry that message further, but they have not done so to this point.

Ms. Palmer said Ms. Kristin Szakos of City Council had endorsed the idea of having their board collaborate with the County's DSS board.

Ms. Morrow stated that they had held one joint meeting, and it was very positive.

Ms. McKeel said, when the new Supervisors were at VACO, several localities had talked about combining local social services boards, and she didn't know if that had been pursued.

Ms. Morrow reiterated that the group had met recently – about eight months earlier – and said that it was a wonderful meeting, but the City is governed differently and it turns out that they are already collaborating in a number of ways, and no one could think of additional ways to partner. She said she would explore further the possibility of joint advocacy between the two DSS departments and boards.

Agenda Item No. 19. Virginia Pre-School Initiative "Bright Stars" Annual Report, *John Freeman, Department of Social Services.*

Mr. John Freeman said he is an Assistant Director of the Department of Social Services. He stated that the Bright Stars Program Coordinator position is currently vacant so he is covering those duties. Mr. Freeman stated that there has been recent attention nationwide on the importance of preschool education in preparing children to succeed in school and in workforce development, and Kindergarten has been touted as "the new first grade," so preschool has become even more important particularly in preparing at-risk children. He said the benefits of preschool opportunities for at-risk children have long been recognized in Albemarle County, and the Bright Stars program has been in operation for 18 years. Mr. Freeman stated that behind the delivery of that program are a strong and dedicated teaching staff and group of family workers, whose efforts produce very positive results which are reflected in the report.

Mr. Freeman said the report reflects on the activities and outcomes of the 10 classrooms at eight elementary schools that work with the Bright Stars model and, in most instances, the data includes all of the children served in those classrooms regardless of the funding stream that places them there – the Virginia Preschool Initiative and some children placed through Title I and early childhood special education. He reported that there continues to be a high level of participation well beyond the number of slots allotted to them in the preschool initiative, but also of importance is the significant number of children being served as alumni, and Bright Stars coordinators continue to work with those families beyond that year. Mr. Freeman said 80% of participating children are qualified for free and reduced lunch, and other children qualify through other risk factors for the program – with parent education measures indicating that most of the families have no education beyond the high school level.

Mr. Freeman stated that the report shows an increasing number of students with limited English proficiency that are being served in the program, which has an impact on literacy achievement beyond just reading. He said, in documenting outcomes of the past year, the Pre-K PALS testing shows that 74% of children were at the literacy benchmark scores at the end of their Bright Stars year, and 82% of kindergarten children who were in the program the previous year were meeting their benchmarks. Mr. Freeman presented information on the way children arrive at the Bright Stars year and how they depart, noting the Pre-K PALS scores in the fall versus the spring, with noticeable achievement over the year to prepare them for Kindergarten. He said, at the end of the year, 65% have passed at least seven of nine

numeracy subtests, and a high percentage of the Bright Stars children continue to do very well with grade-level expectations through their elementary years. He said the gains with respect to non-academic categories – personal and social development – are also keys to success, whereby children are learning self-control, interaction with others, and social problem solving. Mr. Freeman noted that parent satisfaction with the program is high, with many parents recognizing their children's gains by participating in the program.

Mr. Freeman said data and personal experience support that there is a strong return on investment for this program, and he thanked the Board for their ongoing support and interest.

Ms. Dittmar thanked him for the presentation.

Ms. Mallek stated that she would like to have Bright Stars graduates come to a Board meeting, as she recalled a very positive visit to one of their meetings from older graduates of the program.

Ms. Palmer asked what measures were taken to follow the kids after they graduate from the Bright Stars program. Mr. Freeman said Bright Stars has the classroom experiential piece and also provides a family support worker – a Bright Stars Family Coordinator – to work with the child in the classroom setting as appropriate, as well as outside with the family to help them engage with the school and to look at any family issues that might impact the child's ability to perform at school. He said the coordinator continues to relate to that family, as long as the child is in the elementary school and as long as the family maintains an interest in working with the program, which is voluntary, however, many families choose to continue in the program.

Ms. Palmer asked if this program was different from Head Start. Mr. Freeman responded that it was, because Head Start provides a family component but only in the year of the Head Start program.

Agenda Item No. 20. Quarterly Capital Report, *Trevor Henry, Director of Office of Facilities Development.*

Mr. Trevor Henry addressed the Board, stating that he would provide a quick status update on the County's capital projects and noting that they started the quarterly report process one year ago. Mr. Henry said the report is financially through the fourth quarter ending December 31, with the data lagging by about a month, and there are other capital program items such as apparatus and technology which are handled by individual departments which have that spending authority. Mr. Henry introduced staff representatives from his department, the Office of Facilities Development (OFD).

Mr. Henry reported that project tracking is done through SharePoint software as a repository of information, and it holds the project data, drawings, requests for information, and other project particulars. He said the project budget and schedule are also tracked through this system, which is accessible to the project team, engineers, architects, contractors and other relevant personnel outside of County government. Mr. Henry stated that they utilize a fairly complex workbook in which they build their budgets and do reporting, with a manual process monthly for actuals that are fed into the workbook. He said, within the workbook itself, they break out soft costs for design, construction, furniture, fixtures and equipment, and create a baseline for each project based on CIP approval. Mr. Henry stated that, once a project goes through the process and is approved by the Board, that document provides the basis for the baseline. He said the project manager then spends the rest of their time managing the project and updating the estimate at completion, which includes what has been spent (the actuals), what is encumbered (in purchase orders), what work has been contracted, and the forecast for unencumbered but expected work in the future. Mr. Henry stated that they do a comparison of the estimate at completion to the baseline to monitor the health of the project.

Mr. Boyd said one thing he doesn't see in the information is the original proposed budget for a project, and he would like to find a way to track the costs. He mentioned that the Seminole Trail project started out as \$1.2 million, and now it's grown to almost \$4 million.

Mr. Henry stated that there were multiple submissions on Seminole Trail and multiple studies done, and the scope of that project at one point was \$10 million and combined CARS and the Seminole Trail Volunteer Fire Department. He said what came through and was approved in the CIP is what's reflected here, and there was a request in 2012 that reflected a smaller amount – but that never made it into an approved, appropriated budget. Mr. Henry stated that, when staff executes a project, it's based on an authorization and approval from the Board, and there may be iterations ahead of that during the conceptual and study phase.

Mr. Boyd said when a project is presented to the Board, there is usually a budget figure associated with it, and the Board approves it based on what's provided to them at that point. He stated that there is a conceptual dollar amount but, in the case of Seminole and Northside, those amounts have grown.

Ms. Mallek said her recollection of Seminole was that it was brought before the Board by the fire company's board, who estimated the cost at around \$1.6 million – but when County staff got involved with the project, they found other things that should have been done in addition. She noted that the \$3.8 million presented in Mr. Henry's report is the figure the Board actually voted on.

Mr. Foley said what is in this report is always what the Board has authorized through a public meeting, but sometimes the projects evolve and the scope changes for various reasons.

Mr. Boyd stated that he's not criticizing it; he would just like to have some kind of tracking for a project from the conceptual phase to the approval phase.

Mr. Foley said it's possible for staff to include at the bottom of every project report the history prior to the CIP adoption, and there would be multiple executive summaries where changes have been reviewed and approved.

Ms. Mallek stated that there is always a tradeoff of whether to spend a lot of design money first on a project to see how it will work or spend a small amount of design money and move forward, which could mean more changes later into the project.

Mr. Henry clarified that what Mr. Boyd is looking for is some kind of explanation and tracking in the record as to how they got from the initial plan to the final approved version.

Mr. Foley agreed that staff could come up with a way to do that, and Mr. Henry said it would be included in the next quarterly report.

Mr. Henry said staff usually reports at key milestones, and the baseline schedule for Seminole Trail shows completion of the task at the end of April with the actual being the end of August. He explained that the County opened their bids in early May, and they came in about \$400,000 above their appropriated budget so they had to take a "project time out" and, through the VE process, were able to get it down to a reasonable number.

Mr. Henry presented an artist's rendering of the Crozet Library and a picture taken of the building after it was built, stating that the building is getting great use. He stated that the only change from their last report is that a new tenant – Crozet Running – is now occupying the lower level, and a second space has been up-fitted to a base level that is awaiting the next step. Mr. Henry also reported that utility relocation for the Crozet streetscape project was complete, with all poles and lines down. He stated that a contractor has been secured to do the Crozet Avenue crossing, with is a 270-day schedule for that project and a target completion date for some time in October or early November. Mr. Henry said there was a road closure request on the Board's agenda for the following week, stating that the work would proceed at the stormwater crossing to the south, moving northward and west to Tabor Avenue for sidewalk improvements; they would then continue to the east side and loop back to work the west side of the project.

Mr. Henry stated that, in working with a contractor, they were looking at the Tabor Avenue piece and requested in early December that the County consider a detour in order to cut down the timeframe from six weeks to three weeks. Mr. Henry said they worked with VDOT on the plan, and the original route of the detour would have been High Street to Ellison, out to Oak Street and through the square – but business owners at the square were not supportive of that plan, and there were concerns about turning radius at Crozet Avenue. He stated that VDOT didn't think they had easement to Oak Street in order to use it, but they determined that they do have the easement for use and notified staff that they have approved the route with certain requirements: the closure will only be from 8:00 a.m. to 4:30 p.m. during weekdays, no holidays; signage would need to be properly marked to identify the route; some road improvements would need to happen in order to allow the detour; and the duration of the detour would be 15 days, once the work commences. Mr. Henry said feedback he has received from community members thus far on the proposed route has been very positive.

Ms. Mallek said she had received a comment from a community member that the detour area should be carefully marked so people don't automatically peel off to the square going north and jam up things.

Mr. Henry said that would fall under the VDOT requirement of appropriately marking it, and staff would ensure that happen.

Mr. Henry reported that the Crozet North project is two parts: a Safe Routes to School funded component, which runs from Crozet Avenue on the west side up to St. George Avenue; and a revenue-sharing piece from Ballard to that intersection. He stated that they had originally developed the project under one funding source but, after receiving the grant, it's being dually funded. Mr. Henry said, in the future, he would split the project out because it's on two different tracks, with the Safe Routes to School piece bid in the fall – with bids coming in well above budget and exceeded the VDOT threshold to adjust the scope. He stated that Jack Kelsey has been managing the project and has worked with both the low-bid contractor and VDOT and ACSA to look at how to de-scope some of the items that caused it to go over budget. Mr. Henry said they're hoping to re-bid the project by the end of the calendar quarter to move forward. He said the revenue-sharing piece is Crozet North from Ballard Drive to Crozet Elementary, and the County just got approval from VDOT to proceed with easement acquisition. Mr. Henry stated that the project is about 90% designed, and they need to get easements in place along with any final design changes related to easements. He noted that, from a VDOT-funded perspective, this project and State Farm Boulevard is one project item, so they are managed concurrently and are proceeding with easement acquisition – with bidding and construction slated for spring.

Mr. Henry reported that the Seminole Trail addition is moving quickly, with steel onsite for the construction and project completion scheduled for late August or early September.

Mr. Boyd asked why there were tents on the site. Mr. Henry explained that they were there to keep the apparatus out of the weather as much as possible.

Mr. Henry reported that Northside Library is currently out to bid and has two components: the lower-level storage, which will allow County school storage to move into the new facility by mid-May; and the second phase scheduled to allow the actual library moved in by the beginning of October. Mr. Henry said staff would know more within a few days once bids are opened.

Mr. Foley noted that there are significant lease amounts that the County must meet its timeframes on, so this bid will be very important.

Ms. Palmer asked if the reason for the library's appearance is the reuse of the old building. Mr. Henry said it is the restoration and repurposing of a building that was formerly a supply company.

Ms. Palmer asked if the Jefferson-Madison Regional Library (JMRL) Board approves the architectural design.

Mr. Henry stated that the process established a design committee which included library staff, a librarian, County staff, and several citizens from the Places 29 Advisory Council. He said three or four public meetings with the community were held and then the final design was presented to the Board last fall.

Mr. Foley asked if the Architectural Review Board (ARB) and Planning Commission reviewed it as well. Mr. Henry confirmed that they both reviewed it.

Ms. Mallek stated that the main driver for the design is what goes on inside the space, and that creates the need for the windows and spaces to be where they are.

Mr. Henry reported that there was a bond project for Belvedere which is the largest bond project the County has ever been involved in and, when Wells Fargo bought out Wachovia in late 2008 or early 2009, they said they wouldn't renew the bonds for Belvedere. He stated that the County called the bonds at a value of \$3.6 million, and the project was shelved temporarily to give the developer and bank time to work things out to finish the work – but that didn't happen, and the County essentially became the "developer of last resort." Mr. Henry said the project was divided into two phases, with the first being the completion of Belvedere Boulevard for a one-mile stretch to the intersection of the Fairview Swim Club, and the second phase being the remaining section of work to the north.

Mr. Henry stated that the first phase of work had started and, as the paving and finishing was occurring, VDOT noticed that some of the substructure was not to standard which basically stopped work for 6-8 months while there was testing and analysis. Mr. Henry said this cost almost a year on the project and exceeded the amount of the original bond. He stated that, while that piece was being worked on, staff came up with a plan that allowed them to finish the work from the intersection of Fairview north, with all the sidewalks, signage, roads, and conversion of stormwater to bio-filters – which could get completed under the existing bond amount and turned over to VDOT. He said the work was nearly complete and staff anticipates final work to be completed within the next month, so the road can be entered into the VDOT system this spring. Mr. Henry stated the bonds were across seven or eight items, and there may be enough bond money left to finish the first phase of work.

Mr. Henry reported that the Lewis & Clark Exploratory Center is located on County property at Darden Towe Park. He explained that the County has a pass-through grant agreement with VDOT so there is involvement in oversight for use of those funds, as well as supporting the Lewis & Clark team. He stated that the project has had some funding issues, but is now down to \$30,000-\$40,000 worth of work remaining in order to get the building to occupancy status. Mr. Henry said he and Mr. Kelsey met recently with the Lewis & Clark Board, and learned that they were pushing the contractor to get final inspections done as soon as possible. He stated that the Board should expect a letter from the Lewis & Clark Board in the February or March timeframe with a report on the loan which was made to them a year ago and outlining what they are proposing going forward.

Ms. Mallek said the Exploratory Board did raise the money to get the water hookups done.

Mr. Henry stated that the remaining work involves final testing as well as getting the punch-list items resolved, and they are hoping to open the building by the end of March.

Mr. Henry reported that the RFP for the architect/engineer for the police firearms training facility is out, with proposals due on Thursday. He added that there is a committee in place to review those and a selection process to be completed by the end of March with an update to the Board at its first meeting in April.

Mr. Henry said there were several stormwater management projects underway in the County, including the Church Road Basin off Hillsdale Drive adjacent to the Church of the Incarnation, which entails an upgrade to the current facility. He said the project is close to completion of design and should be bid and under construction by summer with completion by the fall. Mr. Henry stated that there is no stormwater management at many of the schools, including Western Albemarle High School, and that particular project is jointly funded between the schools and the County's stormwater fund and will provide a biofilter that will collect water off of the driving range – which is the parking area behind the school – and also to mitigate erosion around the bridge there. He stated that the Four Seasons dredging project is another big initiative as the sludge there has been greater than anticipated.

Ms. Mallek asked how the Four Seasons dredging project ended up being the County's responsibility. Mr. Davis said it was one of several regional stormwater detention facilities in the urban area identified in the early 1990s.

Ms. Palmer asked if there was a homeowners association there, and whether they own the stormwater facilities. Mr. Wayne Cilimberg, Director of Planning, explained that when he started with the County, there was a plan for stormwater facilities which was pretty far along, and they were being built through the capital program.

Mr. Boyd said it's always been a regional stormwater retention basin, like the Woodbrook lagoon, and has been in place for a long time.

Mr. Cilimberg said it was instigated by one of the storms which created a major flooding problem in Berkley, and some of the houses there were taken off of their foundations. Those problems were to be addressed by these facilities as well as the passage of water under Route 29 through the Branchlands area, which was addressed with the Rt. 29 widening project.

Mr. Henry said he would follow up on this item for the Board.

Mr. Henry reported that there are a series of sidewalk projects, including Fontaine Avenue and Hollymead and Powell Creek Drive, and they are nearly designed at this point with that work being done in-house. He said they would contract a spec book with one of their engineers, and it should go out to bid by the end of the quarter with plan construction in the second quarter of the calendar year. He stated that Hydraulic Road and Barracks Road are revenue-sharing projects under design, and the FY15 revenue-sharing request submitted includes funding to cover some of the construction costs.

Regarding other miscellaneous projects, Mr. Henry said Mint Springs was being de-watered slightly in order to repair the existing dock and bridge structures; the Finance Department is also undergoing a small renovation to revise the teller windows that will accommodate the tax and revenue system being installed; and there is some minor HVAC replacement work being done at the courts and the County Building at McIntire over the next year. He stated that school projects included design finalization for Agnor Hurt, with OFD getting involved in the bid and construction; and the remainder of school projects are in the design phase with work planned for summer.

Ms. Mallek stated that the Harris Teeter sidewalk, light and crosswalk are in the construction budget for the current year, but she did not see it on the project list.

Mr. Jack Kelsey, Transportation Engineer, explained that the project was in the FY14 revenue-sharing budget, and staff was in the process now of doing field reconnaissance so they can detail out the scope, estimates and time schedules – with consultants on board later this year to begin the design.

Ms. McKeel said the neighborhood associations along the Barracks Road area had requested a sidewalk, and asked if there would be improvements around the bus stop with some better ways to connect access to the bus stop.

Mr. Kelsey stated that there is a CTS stop on the south side of that section of Barracks Road and, from Georgetown Road, the plan is for a new crosswalk and a sidewalk dropping down from there to the next street. He said they had asked for a mid-block crossing which was reviewed by VDOT's traffic engineers; however, VDOT would not support it at that location. Mr. Kelsey emphasized that the County was still relying on the internal streets being used as assured pedestrian/vehicle space as currently being used.

Ms. Mallek asked if there was sufficient right of way available to improve the bus stop and install a shelter there.

Mr. Kelsey responded that the right of way was pretty tight on that side.

Mr. Henry concluded his presentation.

Ms. Dittmar thanked him and the OFD team.

Agenda Item No. 21. Discussion: Fire and Rescue Service Delivery System, *Dan Eggleston, Chief, Fire and Rescue.*

Mr. Dan Eggleston addressed the Board, stating that Fire/Rescue staff have been working for a number of years to improve their system in order to better serve citizens and, over the last 12 years, they have added three new County stations, three 24/7 staffed engines, five staffed ambulances, and have invested over \$20 million in apparatus replacement as well as training a large number of volunteer and career personnel. He said the Board's investment in the system, in addition to the proposed fire services agreement with the City, enhances their services to the community in terms of better fire and medical responses. Mr. Eggleston stated that he was before the Board on this day to review those investments made to the system and to provide an overview of the proposed fire services agreement.

Mr. Eggleston explained that, in 1991 with the Comp Plan update, staff identified that, in order to support the Board's land use policy, they needed to construct fire rescue stations in the County to provide urban level of services in the development areas. He stated that, in 1994, a comprehensive study of the

fire rescue system was performed and, along with reaffirming the needs for County fire stations, identified a number of other critical needs in order for the County to support the system. Mr. Eggleston said the additional stations were again reaffirmed in 2007 during a regional fire and rescue study conducted by the Matrix Consulting Group. He stated that, in 1998, the stations were budgeted for in the County's CIP and, as they approached 2000, there was only one fire station – Seminole Trail Volunteer Fire Department – located in the contiguous development area surrounding the City; and Neighborhoods One and Two were adequately covered but the other development areas, along with the densely populated area of Ivy, were underserved.

In 2000, Mr. Eggleston said the County did not have the resources to address the fire and rescue needs, and the best option at the time was to contract with the City to provide coverage, mainly in those development areas. Mr. Eggleston said the City fire services agreement allowed for up to two engine companies to respond to the County in predefined areas and, during the first year of the contract, the City responded to about 2,400 calls for service at a cost of roughly \$650,000 annually; in the last year of the agreement, the City responded to approximately 1,800 calls for service at a cost of just over \$990,000. He said about 900 of those calls were EMS first response, and 350 were "good intent calls" in which no emergency was found. When the agreement was first negotiated back in 2000, he said the Board at the time did not intend it to be a long-term strategy but to allow time for the County to construct stations and further develop its fire rescue system, and then transition to an automatic aid agreement.

Mr. Eggleston said, in 2002, the County opened the first station – the Monticello Fire Station – to provide services to the southern development areas and surrounding rural areas; in 2008, the County opened the Hollymead Station to provide service to the northern development area along Route 29 and to back up the rural areas east and west of that area. About the same time, he said the planning work done by staff and volunteer chiefs began to produce some very positive results. Mr. Eggleston said, unlike many communities, they increased volunteers through marketing and recruitment efforts; they developed a more formal volunteer fire academy and greatly expanded EMS training courses; they increased operational funding for volunteer stations and invested heavily in apparatus replacement – replacing apparatus and enhancing the overall fleet. He stated that they added additional career staff to the Earlysville, Stony Point and Seminole Trail stations and, as requested, added staffing to the Charlottesville-Albemarle Rescue Squad, the Scottsville Volunteer Rescue Squad, and East Rivanna Volunteer Fire Department. Mr. Eggleston said they were well on their way to developing their system when the economic downturn caused them to eliminate the CIP, which in turn deferred the Ivy and Pantops stations indefinitely. He said, around that time, the Board decided to extend the agreement with the City under the current terms and conditions.

Mr. Eggleston stated that, in 2010, the Board and staff became aware of the City's plan to relocate their Ivy Road Station in the County to Fontaine Avenue in the City and, at that time, the Board was very concerned about the increase in response times in the County once that station was relocated. Given the critical need to provide protection to the developed areas in Ivy, he said the Board directed staff to prepare to end the fire services agreement and redirect the related funding to construct and staff the Ivy station. He said staff began developing plans for the Ivy station and explored other options to transition from the City contract to a no-cost automatic aid agreement, and part of that transition plan involved opening the Ivy station in July 2013 – about the same time the City relocated to Fontaine so there would be no gaps in coverage. Mr. Eggleston said the Ivy station covers a large portion of an area previously covered by the City, and provides needed services to that densely populated area of Ivy. He said, in 2012 and 2013, the County invested heavily in additional EMS resources, placing one 24-hour and two daytime ambulances in service that are all cross-trained with firefighter medics. He stated that they also added an ambulance to the Earlysville Station which is staffed by the current daytime crew, and this unit will hopefully be staffed soon on nights and weekends by volunteers.

Mr. Eggleston reported that, with the Ivy station in place along with EMS resources, there were still some fringe areas remaining which needed to be addressed under a new agreement. He stated that their goal at the beginning of negotiations with the City was to develop a no-cost automatic aid agreement, an agreement based on the concept of equally sharing resources so that no one jurisdiction is unfairly burdened. However, he said, as they began the discussions and engagement with the City, they realized that the County was not yet in a position to provide services to the City in a way that balanced out the workload – so they agreed to a funding amount which fairly compensates the City for the amount of work requested. Mr. Eggleston stated that, in terms of how they manage their responses in general, they map out numerous incident variables encountered to streamline the dispatch process and program those responses into the computer-aided dispatch (CAD) system. He said calls are dispatched based on this protocol, and the on-duty battalion chief as well as volunteer chiefs monitor the responses and will often make changes based on resources in place and any other conditions that may come in after the call is made.

Mr. Eggleston stated that the new agreement with the City is based on two types of responses: automatic aid in which the City is automatically programmed to respond to priority one calls as first due or second due along with County stations. He provided several examples of how this was implemented since the agreement has been in place, noting a trailer fire in Southwood Mobile Home Park which was a priority one call – and City and County units were automatically dispatched to the scene along with other supporting units for water. Mr. Eggleston said the second example was a chimney fire for smoke in the house on Overlook Drive, which was also a priority one call, and City and County units were simultaneously dispatched to the scene. He stated that another example was a motor vehicle crash on East Rio Road that involved an entrapment, and priority one protocols called for two engines based on the severity of the call, and a City and County engine were simultaneously dispatched to the call. Mr. Eggleston said, in another incident, there was a call for the smell of smoke at the Martha Jefferson

Hospital, which was a priority one call because of the type and occupancy of this building – and this was a multi-station response with City and County units simultaneously dispatched.

Mr. Eggleston stated that not all calls are priority one calls and, under certain conditions, they may send a County unit to lower priority calls even though a City station may be closer. Mr. Eggleston said the lower-priority call types have all been vetted through the Fire EMS (FEMS) Board, and include call types such as water leaks, downed trees, lockouts, and other service-like calls. He said if additional information is received which leads them to believe a call needs more resources, they have the opportunity to add units as necessary.

Ms. Dittmar asked if priority one calls were those involving citizen safety. Mr. Eggleston said that's exactly what they were.

Mr. Eggleston explained that the second type of service required from the City is "mutual aid," and this includes areas beyond the urban ring surrounding the City. In this case, he said the City would respond upon request by County units. Mr. Eggleston stated that, in this situation, the County's first and second due units can get to these areas much faster, and rural areas do not have hydrants so they dispatch units that are set up for rural water supply operations. He said, while the City may not be called in these mutual aid arrangements, they do play an important role by backfilling the urban areas of the County when the urban stations respond out to the rural areas.

Mr. Eggleston said it was this arrangement which received much attention after the recent Carriage Trail Place fire, and he stated that he was "very concerned with the misperceptions" that have been perpetuated by the recent reporting on the incident. He emphasized that ACFR did not withhold any critical life safety resources from this tragic event, and to imply that the outcome would have been any different had they varied their initial response is incorrect. Mr. Eggleston said the first two units on the scene at that location were Monticello and East Rivanna, and they have the fastest response times to that location of any station – City or County. He stated that the dispatch protocol is based on response time modeling, and the actual records of previous responses to that area. Mr. Eggleston said the Monticello engine arrived first on the scene – in 10 minutes, 39 seconds – which is below the response time goal in the rural area of 13 minutes. He stated that the highly trained crew engaged immediately in rescue operations, knocking the fire down in one bedroom and removing one occupant just before the roof collapsed. Just six minutes after this engine arrived, he stated there were 18 firefighters and a chief officer on scene all focused on mitigating the situation. Mr. Eggleston said they consistently review and modify the response system to improve efficiency and effectiveness, and they have already started the review process on the Carriage Trail Place fire, and will engage with stakeholders to review and modify policy where necessary.

Mr. Eggleston stated that, in summary, the County's fire rescue system has developed significantly over the last 12 years and has added stations, staffed units and career staff, replaced and expanded their fleet and invested heavily in volunteer funding and volunteer support in general. He stated that they are seeing a lot of good return on investments, and these have provided the community with a more enhanced level of service compared to just a few years ago. He added that further investment in the system will eventually allow them to transition to a full automatic aid arrangement with the City and will allow them to further enhance service to both City and County residents.

Ms. Mallek commented that it was great to hear the history of the system all encapsulated in one place.

Mr. Eggleston said it's important to note that the strategy was set in 2000, and they are now toward the end of its implementation.

Mr. Foley stated that the major piece which remains is a fire station at Pantops, and they are currently working in partnership with Martha Jefferson Hospital to run an ambulance out of the hospital's basement area, and completion of a station is funded in the next five years.

Mr. Eggleston said Pantops is one of the most densely populated areas in the County, and has the highest density of people over age 65.

Ms. Mallek asked him to explain emergency protocols and why people wait before they call 911, which can cause more damage in a fire.

Mr. Eggleston stated that this winter has been very cold and, across the U.S., there have been upward trends in fires related to heating devices. He said fire departments are trying to get the message out that when you purchase an auxiliary heating device, it is UL rated and that flammable and combustible materials should be kept away from it. Mr. Eggleston stated that, when you install or modify heating systems, make sure that you use a qualified contractor and get the required permits. He said another important measure is ensuring you have a fire alarm or smoke alarm system in your home that works, and if you have any doubt, you can call the fire department and have someone install it free of charge. Mr. Eggleston stated that a gold standard in fire protection is having sprinkler systems installed.

Ms. Mallek said she has read that people should have both kinds of smoke alarms.

Mr. Eggleston stated that there is debate in the industry over ionization or photo-electric, and ACFR promotes dual-sensor type alarms.

Ms. McKeel said fire and rescue responded to a chimney fire recently experienced in her home, with two City units responding and one following up from the County. She said one issue she has heard from residents is that the new Ivy station in the County and the Fontaine station in the City are operating independently, and they don't understand why there are both.

Mr. Eggleston stated that, when the City looked at their responses, they determined they needed coverage in the University area and have wanted for some time to relocate their station. When the time was right and the land became available, he said they started moving in that direction. Mr. Eggleston said the County took a step back and realized that they needed coverage in Ivy and the western urban area of the County, and evaluated whether it made sense to have both stations. He said he met with Chief Charles Werner of the City Fire Department, and the data showed that they did need both stations – with the City covering the University area, and the Ivy station covering that area west of the City which is urbanized but also provides protection for Ivy, which is the most densely populated rural area in the County.

Ms. McKeel said she also wanted to be clear that no one is waiting for anyone to make a specific phone call if there is an emergency. Mr. Eggleston explained that Computer Aid Dispatch (CAD) has protocols programmed in, and all variables are considered in that system. He stated that the only time a request must be made for the City to come out is with the mutual aid areas, and those mutual aid areas in the County are those in which the County stations are closer and can get to the areas faster than the City. Mr. Eggleston stated that otherwise, the calls are automatic through CAD.

Ms. Dittmar said the one call that they are waiting for is the 911 call, and the point should be made to the public that they should call ASAP rather than trying to handle things on their own. She also stated that the recent Keswick fire was in her neighborhood, and many brave volunteers with East Rivanna were devastated by the loss of life. Ms. Dittmar extended her gratitude for their efforts, and said that the community has rallied around the family.

Mr. Eggleston stated that the department is in the planning phase of coming out to the community and working to emphasize fire prevention techniques, and what people can do to make their home and community a much safer place.

Ms. Mallek asked if they were trying to recruit more EMS volunteers in addition to firefighters, as they were in Earlysville. Mr. Eggleston said the volunteers at Earlysville see that ambulance as an opportunity to enhance service in their community, and they have worked in partnership with ACFR to step up and hopefully soon staff the ambulance on nights and weekends.

Mr. Foley stated that it's a great time to thank fire and rescue personnel, as they have had a really tough month with fatalities and multiple fire incidents.

Mr. Eggleston said they have a great group of people – both career and volunteer – who work very hard to protect the community.

Ms. Mallek commented that the firehouse is the "town hall" for residents who live in the country, and having good communication among stations for emergency response is vital.

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

Ms. Mallek reported that she and Mr. Sheffield attended their first MPO meeting several weeks earlier to talk about upcoming items, one of them being the long-range plan. She said there would be a public input meeting on that later that evening, with many additional occasions to discuss it during the spring including a March and April public hearing. Ms. Mallek stated that the goal is to incorporate comments into more of a final draft, with the timeline of having something submitted to the Federal Highway Administration in May.

Mr. Boyd reported that he had attended the Rivanna Water and Sewer Authority and Solid Waste Authority meeting, and they have extended the contract until July 1, 2015 adding that the Board also approved a \$40,000 expenditure, so there would be a cost to Rivanna for some equipment repairs. He emphasized that what's important to note is that there are a few million dollars in needed repairs to that facility if it is to be kept open.

Ms. Mallek asked if there had been an ecological committee assigned to the Free Bridge congestion project. Mr. Boyd said that group recently held their second quarterly meeting but he was not able to do the walk-around up the Old Mills Trail due to a scheduling conflict, and the conclusion that came from the roundtable discussions they've had is that it's difficult to look at it from an environmental and ecological standpoint first because it is a high-density urban area. He stated that they have agreed to study everything, including the south side of Route 250 and the possibility of a bridge there with an extension of Pantops Boulevard. Mr. Boyd commented that they had discussed this possibility years ago, but the City wasn't interested in it at the time and now it's at least on the table.

Ms. Mallek said a citizen mentioned to her that it's residents of the City that are trying to get to work on Pantops who would benefit the most.

Mr. Boyd said one of the group's conclusions has been that this is really about a second crossing of the Rivanna River, which was part of the Eastern Connector study discussion, and the group agrees that they need more data about City residents using this route to get to and from work.

Ms. Mallek stated that the other side of the grant project was another way to look at a project before it gets to the NEPA or federal environmental stage, and this was the element that proved to be a barrier for the Advance Mills Bridge. She said knowing what information is needed before beginning a process will be much better.

Mr. Boyd said it's testing a federal model which tries to look at that to begin with, and he's not sure it will work well with this project because of its urban setting.

Mr. Sheffield reported that he and Mr. Boyd had attended the Places 29 Advisory Council meeting, and the group is trying to get a handle on what direction they want to go in as far as involvement. He said he and Mr. Boyd told them that the Comp Plan was under review and encouraged them to provide input on how it meshes with Places 29, as well as getting involved with project and site plan reviews in the Rt. 29 area which are coming before the Planning Commission.

Ms. McKeel said she had recently joined the JABA Board of Directors as an at-large member, and asked where things stand with the adaptive transportation or "In Sync" project – as the City Council passed the final piece at their last meeting. Mr. David Benish stated that Mr. Graham or Mr. Kelsey would have the most current information.

Mr. Foley asked if she would like an update at a Board meeting, and suggested that he add it to their March agenda. Ms. McKeel said it would be great for people to know the status.

Mr. Sheffield stated that at least two constituents have contacted him with concerns that the County project wasn't moving forward as quickly as the City side and, while they're both moving forward at the same rate, the City is getting a little more publicity.

Mr. Foley said staff could provide a quick update at the Board meeting the following week and Board members supported that idea.

Mr. Boyd asked if they were planning to have a public hearing on the item. Ms. Mallek said that item is already in the revenue-sharing list of projects.

Mr. Foley said, based on previous Board direction, that there is no plan for a public hearing.

Mr. Boyd stated that he had received some feedback that the system would not be very effective, with some of that coming from VDOT – adding that they shouldn't expect to get the same results as Pantops because the cross traffic on Route 29 is significantly more.

Mr. Foley said the Board could discuss it at its next meeting and then decide how to proceed.

Ms. McKeel stated that other elected boards and councils establish a code of ethics which everyone signs off on, and asked if there was any interest from the Board in having that kind of thing.

Ms. Palmer said she had no objection to it.

Mr. Sheffield stated that he thought Board members were bound by a broader state code of ethics.

Ms. McKeel said some individual committees and bodies have their own codes of ethics, and a local person named Leslie Harvey Wilcox wrote these for other entities.

Ms. Dittmar asked if that would be something the Board could talk about at its upcoming retreat.

Mr. Foley said they could talk about it at its strategic planning retreat, and staff would be coming to the Board in March with a discussion on that retreat and what they'd like to see on the agenda as well as reviewing what they've done in the past.

Ms. Mallek said the Historic Preservation Committee is working on their presentation to bring to the Board, as many committees do on an annual basis as a Board-appointed committee, and they are preparing an update regarding document preservation and suggestions on how to take care of materials.

Mr. Foley said it was being done in concert with a process that staff is involved with too.

Ms. Mallek stated that the Earlysville Area Residents League received notice of the PACC meeting to be held the following day, and asked which Board members were planning to attend.

Mr. Sheffield said either he would attend, or Mr. Bruce Dotson, his Planning Commission appointee, would attend.

Ms. McKeel said Mr. Mac Lafferty would attend on her behalf.

Ms. Palmer reported that she had been attending staff meetings regarding expanding internet service more broadly in the rural areas, which is an extremely complicated issue, and said that staff is moving forward quite well.

Mr. Foley said staff would be providing a report every other month on that project, at least as an informational item on the Board's consent agenda.

Ms. Dittmar stated that the Village of Rivanna Citizens Advisory Committee would meet for the first time this year on February 6, however, she would not be able to attend due to a conflict but would be meeting with their chair, Dennis Odino, along with Lee Catlin and Elaine Echols of County staff to go over the roles of citizen advisory committees. She reported that there is an ad-hoc group of homeowners association leaders who are starting to meet along the Avon Street Extended corridor, as a result of coming together on the issue of the convenience center. She thanked Glenn Brooks and Greg Kamptner for their work on an issue related to a homeowners association and bond company, as they looked out for the interests of that group and the citizens there. Ms. Dittmar reported that she represented the County at the Better World Betty Business Challenge event at the Darden Business School, with 71 businesses challenged to find new ways to save energy, recycle, and do positive things for the environment. She asked Mr. Foley what the best time would be to share questions regarding budget items, such as historical tax rates and how they compare to other localities.

Mr. Foley said some of that information is already in the budget book, but encouraged the Board to submit questions to staff at any time.

Ms. Dittmar stated that she had recently received some great advice from Ms. Mallek which brought her back to a conversation she'd had with Senator Bob Graham, who talked about the importance of civic engagement as a tool for citizen concerns. She also said she would like to put a procedure in place to respond to the General Assembly as an official Board during the legislature's non-session times.

Ms. McKeel said Mr. Rooker had indicated to her that the Board had already addressed that protocol and had a policy in place.

Mr. Davis stated that staff has taken the position that if it's in the Board's legislative package, staff will send responses – and, in the past, there have been times when the Chair or individual Board members have responded. He said, in order for the Board to take a position, it would have to be at a public meeting, and it would be difficult to establish a Board position because they would have to call a special meeting.

Ms. Mallek said it was still very powerful for individual Board members to send emails with similar talking points to legislators.

Ms. McKeel explained that what Ms. Dittmar may be referring to was an item which they had been asked to vote on quickly.

Ms. Dittmar said that particular issue wasn't in the Board's legislative platform, and she just wants to make sure Board members can be nimble.

Mr. Foley said what the Board may be seeking is a policy by which, for legislative sessions, they don't have to suspend the rules and there's an opportunity to vote if there's consensus.

Mr. Davis said, in the past, the Board has done this by consensus and, after reviewing the rules, he thought the proper method was to have a suspension of the rules. He stated that, for legislative matters, the Board could add something to the rules and procedures which states that General Assembly matters could be acted on by consensus of the Board.

Ms. Mallek asked how Board members would determine consensus. Mr. Davis said it would have to be done at a meeting, and would be allowed to be added to an agenda for action.

Mr. Foley stated that he and Mr. Davis could draft something for the Board's review.

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

Mr. Foley reported that the Rivanna Solid Waste Authority (RSWA) approved the extension of the contracts to June 30, 2015, and that's both the solid waste services at the Materials Utilization Center at Ivy – with a status quo level of service, and the recycling agreement for McIntire. He said both of those were approved and would be on the Board's March 5 meeting agenda, adding that staff is working with Tom Frederick, who would be providing an overview of the services provided. Mr. Foley said the agreement would continue to have language about six months notice for an extension, and they would prefer a nine-month notice because of employee challenges so, by the end of December 2014 at the latest, RSWA would want to know if the County wants to extend until June 30, 2016. He stated that they are in the position now of determining the direction for a long-range solid waste study and the critical question is who's in the study with them – such as the City, which would change the options. Mr. Foley said he would be talking with the Chair about how the Board might want that to come back before them, as well as reaching out to individual Board members for their thoughts.

Ms. Palmer said she and Ms. Dittmar had been brought into the discussion when convenience centers were proposed in their districts, and the plan to do three centers while relying on mixed-waste processing through private haulers has raised concern that this plan would not really accomplish their goals for recycling. She stated that they have found the Central Virginia Solid Waste Management Authority is getting a 57% recycling rate, and locally they are reporting 38% - including some metal recycling of large items such as cars. Ms. Palmer said citizens would like the County to take a deeper look at this, and the strategic plan done by the RSWA in 2007 would be a good starting place even though it was never approved by their board. She stated that they could consider some public outreach, either through a consultant or in-house, and the consultant that did the 2000 report has public relations staff that do outreach. Ms. Palmer said, since the Board is getting ready to review the Comp Plan, looking at the solid waste portion would be a good place to start.

Ms. McKeel said the University has a wonderful recycling program with a very high recyclables rate, and it would be helpful to have their expertise in this discussion.

Ms. Palmer said the City was also doing a much better job with their recycling goals, and the County would probably have to offer something to the City to get them in the loop. She stated that there should be discussion of whether solid waste recycling is really a core government service, and what the goals are in terms of reduce, reuse, recycle.

Ms. Dittmar stated that the RSWA meeting the previous day began with a presentation from John Martin, who paralleled the opportunity here with the 50-year water plan. She said she asked how much of the information was outdated, and learned that a lot of the input is there so they would just need to modernize the data and revisit the partners.

Mr. Boyd said if they model the system after the 50-year water supply plan, it took them 10 years to get that done. He also asked what the plan would be to upgrade the system that's in place now, as it is aging greatly. Mr. Boyd mentioned that there are also some legal issues with private sector trash hauling, and suggested digging up some of the staff reports that have been done over the years on the solid waste issue. He said, at the RSWA meeting, it was evident that some of the City Councilors were not even sure they wanted to continue participating in McIntire since they have curbside, single stream recycling.

Ms. Palmer said she and Ms. Dittmar had met with the consultant who had done the 2007 report at the RSWA meeting, and he had some very good ideas on how to deal with McIntire. She stated that, depending on how they wanted to proceed, if they could get regional involvement from the City and UVA, they could get a project which would eventually pay for itself – although it would require significant investment up front. Ms. Palmer said there were many ups and downs with the water supply plan but, in the long run, it was worth it.

Ms. Mallek stated that there are parallel tracks they need to deal with, because they continue to extend the agreement with Rivanna – which just perpetuates the outdated model. She said she would hope they have several different tracks to investigate, and citizens in the district she represents have talked about the fact that the authority doesn't do what it's charged with doing. Ms. Mallek said they should address what they do with Ivy, and perhaps negotiate with the City for use of a small transfer station there. She stated that she doesn't ever envision not needing a place to take brush and debris, including small contractor debris, and perhaps Ivy would have a contractor that would operate the site as a small transfer station along with separate convenience centers at different sites throughout the County, possibly even using private businesses for recycling as Whole Foods has done on a small scale. Ms. Mallek agreed that they could work on a long-range plan, but not if it meant stopping everything related to the plans for July 2015 as that extension can't continue forever.

Mr. Foley said staff would try to outline an approach based on interviews held with Board members individually. He stated that they've done a lot of work on this in the past, and would probably bring this back to the Board in a work session setting. Mr. Foley said the worst thing they can do is bring a consultant in and start paying them before defining a clear scope of work first. He said public process with this decision was also a big question, and it could impact how long the process would take.

Ms. Mallek said there is energy on the Board and energy in the community now to take a step forward, and recalled John Martin's statement that the County needs to "stop telling the community what they're going to give them and ask them what they want."

Mr. Foley reported that, regarding the business personal property tax issue, staff issued a draft communication to the business community about what's expected under the law in terms of what must be reported, and talked to Mr. Boyd and Ms. Dittmar about the issue since they both have private business backgrounds. Mr. Foley said input from other Board members would also be welcome, and staff's next step would be to craft a more formal communications piece.

Mr. Foley said the Board would have a Comp Plan hearing and discussion of the economic development program at their meeting the following week and, in the month of March, they have the Yancey School reuse, an update on the courts project, and an update on the red light camera enforcement program.

Mr. Foley stated the budget process was on the horizon, and provided a brief overview of the process. He said, on February 21, he would present the County Executive's proposed budget in a more informal work session setting, and followed by a public hearing on February 24. He stated that the day before February 21st, the County conducts a press briefing on the budget which they can't release or write stories on until after the Board hears the budget. He said there is also a stakeholders' review of the

budget after staff meets with the Board on Feb. 21. Mr. Foley said this is the County Executive's proposed budget, and the idea is to put something out that the Board and stakeholders and citizens can react to. He stated that, following the public hearing on February 24, there would be two employee meetings, and then work sessions start right away – with a second public hearing on the Board's proposed budget which may have a different tax rate and different expenditures. Mr. Foley said this is typically how they've approached the public input for the budget, but several Board members have mentioned town hall meetings as well. He stated that he would send an email out to Board members to solicit feedback and to hear what is appropriate for their district, as well as other things they feel should formally be done by the Board as a whole.

Ms. Mallek said the Board should discuss proposed changes in a group.

Ms. McKeel said Board members could do different things in their district, but it would be dependent on costs and other factors.

Mr. Foley said there shouldn't be cost impacts for town hall meetings, and staff would make materials available.

Ms. McKeel said she has an interest in pursuing a tele-town hall meeting, with citizens having a certain call time at which time they can speak with Board members. She stated that people don't have to leave their homes or be somewhere at a specific time, and those have been very well received with good participation in the past.

Mr. Boyd said it would work best with one Supervisor, not all six.

Ms. McKeel said it can be framed however a supervisor wants, with participation determined for each, and there's no limit beyond practicality.

Mr. Foley said, given where they already are in the process, staff could explore that process for future use.

Ms. Dittmar agreed, adding that it could be part of the research currently being done for video coverage of Board meetings.

Mr. Foley asked if there were any questions related to the bypass that the Board felt staff should research so, if they are in a position to make a decision, they will be well informed.

Ms. Mallek suggested they have the meeting and take public comment, rather than having a staff report in the beginning – because that's not what people are coming for.

Ms. Dittmar asked if there were questions people wanted to have answered.

Mr. Foley said the purpose of the meeting would be to hear from the public, and the next regular meeting on the bypass is March 5, so the question is whether there's information the Board would like to have at that time.

Mr. Boyd stated that his only question would be clarification of legislation and the Attorney General's opinion regarding the repayment of funds if the Board were to back out of the bypass. He mentioned Steve Newman's legislation and Bob McDonnell's opinion when he served as Attorney General.

Ms. Mallek said, when Butch Davies was a Commonwealth Transportation Board member, he had requested and received a letter from FHWA which contradicted much of what had been stated by others.

Mr. Boyd said he would like to see that letter as well.

Mr. Foley stated that he understands the question as being what the potential is for losing money in the District if they change the progression of the project through some decision of the Board or the MPO.

Ms. Mallek and Mr. Boyd agreed that it's an essential question they need to get facts about.

Mr. Foley said that there is law, and staff can bring that forward.

Agenda Item No. 24. Adjourn to February 12, 2014, 4:00 p.m.

At 4:31 p.m., Mr. Boyd **moved** to adjourn until 4:00 p.m., on February 12, 2014. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Mr. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd.

NAYS: None.

Chairman

Approved by Board
Date: 07/02/2014
Initials: EWJ